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Watch & Learn: Illegal Behavior and Obedience to Legal Norms Through the Eyes of Israeli and American Popular Culture

Itay Ravid

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“Watch & Learn”: Illegal Behavior and Obedience to Legal Norms Through the Eyes of Israeli and American Popular Culture

Itay Ravid*

ABSTRACT

What do popular media tell us about the way we perceive the rule of law in our society? What conceptions of legal norms and obedience to these norms control popular mass media? How do these conceptions shape and reflect the legal culture of a given society? This paper aims to explore empirically these questions, through the analysis of American TV shows and Israeli TV shows that became popular in Israel. To achieve this goal a dual empirical strategy was adopted—content analysis of popular TV shows, and an Internet survey among Israeli respondents. This approach addresses a methodological and substantive gap in existing literature on law and popular culture since it integrates the two elements of law and popular culture that are usually treated separately—the messages conveyed in the popular artifact and the way the audience actually perceives those messages.

The content analysis seemed to reveal a disregard towards legal rules when doing so served an important interest for the characters, as well as undermining the competence of law enforcement agencies. Furthermore, the research revealed differences between Israeli and American shows, suggesting that the legal cultures of these societies may well differ. This portrayal was supported by the survey results. Moreover, the survey suggested a correlation between viewing habits and the acceptance of illegality, contributing to the evolving literature on the cultivating effects of mass media. The comparative

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approach of this study suggests important insights about Israeli legal culture and legal cultures in general, and raises disturbing questions about the popular notion of normative order in modern western societies in the era of globalization.

What can the apparent public contempt for legal rules tell us about the rule of law in modern democracies? Do these data provide new ways for thinking about law enforcement in an age of extreme individualism? This study sheds light on these contemporary issues. Furthermore, the study provides preliminary empirical support for the social role of popular media and its relevance in the study of cultures.

Abstract.....	38
Introduction.....	40
I. Theoretical Framework.....	43
A. Legal Culture & Popular Legal Culture	43
B. Popular Culture and the Law – Mutual Influences	45
1. General.....	45
2. Basic Framework – Law and Media	46
3. How Mass Media Shape Attitudes Towards Law	47
4. How Mass Media Reflect Attitudes Towards Law.....	50
C. The Current Research – Law and Television.....	52
D. The Study of Law and Popular Culture in Israel.....	54
II. Methodology	56
A. Content Analysis – “What is Out There”.....	57
1. Preliminary Decisions: Popularity and Genre	57
2. Understanding the Population – General Background	57
3. Defining the Population.....	59
4. The Coding Process	60
B. Internet Panel Survey – Viewers’ Perceptions	62
1. General.....	62
2. Purposes, Structure and Limitations	63
III. Findings.....	64
A. Content Analysis.....	64
1. The Universe: Brief Descriptions of the Analyzed Shows	64
2. First Layer of Analysis: the Existence of Illegal Behavior.....	65
3. Second and Third Layers of Analysis – Leading Narratives Regarding Law in the Population	66
4. Interim Summary – The Portrayal of the Legal World Within The Research Population	74
5. Cultural Differences.....	75
(A) Providing a rationale for the illegal behavior and the decision-making process.....	75
(B) The representation of the police	77
(C) Radical social criticism:	78

6. The Severity of the Illegal Acts – Did it Make a Difference? ...	78
B. Internet Panel Survey	79
1. Viewers' Perceptions of Leading Characters' Disobedience in TV Shows	79
2. Viewers' Self-perception of Disobedience	82
IV. Connecting the Dots: Some Thoughts about The Israeli Popular Legal Culture	84
A. The Portrayal of Law Shapes Attitudes of Israeli Society	85
B. The Portrayal of Law Reflects Attitudes in Israeli Society	86
C. Current Findings and Previous Research on Israeli Legal Disobedience	87
1. Public Trust in the Police	88
2. Legal Disobedience	88
3. Public Mistrust in the Police Affecting Disobedience	89
V. Conclusions	90
Appendix A: Final List of Shows	91
Appendix B: Questionnaire of Internet Panel Survey (Originally in Hebrew)	92
Bibliography	93

INTRODUCTION

"Jack Bauer1 saved Los Angeles. . . He saved hundreds of thousands of lives. . . are you going to convict Jack Bauer? Say that criminal law is against him? You have the right to a jury trial? Is any jury going to convict Jack Bauer? I don't think so. . ."

Justice Antonin Scalia

It may be hard to find a more explicit example of the penetration of popular media (films, TV shows, newspapers etc.) into our legal discourse than that offered by Justice Scalia's quote, delivered at a judicial conference on torture held in Ottawa.² This media penetration, immense and comprehensive, has become so common in our daily lives that only few stop to contemplate its power in influencing the ways we perceive the law, think of the law, and act accordingly in real life. Public debate, such as the one on Kathryn Bigelow's film "Zero Dark Thirty," portraying the hunt for Osama Bin Laden³ and the official C.I.A responses to the brutal torture techniques depicted,⁴ emphasizes

1. The protagonist of the extremely popular TV show "24."

2. Desmond Manderson, *Trust Us Justice: 24, Popular Culture and the Law*, IMAGINING LEGALITY 22 (Austin Sarat, ed., 2011).

3. Scott Shane, *Portrayal of C.I.A. Torture in Bin Laden Film Reopens a Debate*, THE NEW YORK TIMES December 13, 2012. Available at <http://www.nytimes.com/2012/12/13/us/zero-dark-thirty-torture-scenes-reopen-debate.html?ref=scottshane>.

4. Scott Shane, *Acting C.I.A. Chief Critical of Film 'Zero Dark Thirty'*, THE NEW-YORK

the connections—and, in the current case, collision—between written legal norms and their portrayal in popular culture. Unfortunately, this important public debate is rare and popular media consumers generally tend to view the representations of legal phenomena in popular media with somewhat blurry eyes—accepting and denying it simultaneously, without giving appropriate thought to its influence in defining and reflecting our socio-legal structure.⁵

This research aims to take a closer look at one aspect of this important cultural phenomenon and explore empirically the leading socio-legal narratives presented in the popular televised texts with respect to legal norms, their role in shaping and affecting personal choices, the value of legal obedience and the emphasis on law enforcement in modern lives. These issues are so omnipresent in the daily lives of modern societies—and in their popular culture—that they have a huge potential to both shape and reflect the legal cultures of these societies. This potential stresses the importance of carefully studying the narratives dominating the portrayal of legal norms, obedience and law enforcement in popular culture. Moreover, these issues are so embedded in the cultural discourse of modern societies (and popular culture serves as dominant channel for unfolding this discourse) that the wider narratives controlling this discourse in popular culture seem to be overlooked. Viewers are usually focusing on particular stories (true or fictional) rather than their hidden agendas. This is not trivial; especially given the ways in which popular culture is consumed in the era of globalization, when specific industries, and their legal cultures, control the global discourse.

The setting of this study, studying both American and Israeli TV shows that gained popularity in Israel, provides a valuable opportunity to get a closer look at these narratives. Moreover, it opens up the gate for engaging with the never-ending comparativists' discussion on cultural convergence between modern western societies and the extent to which unique cultural fingerprints can still be found in different countries. The results of the study, showing general public contempt for legal rules in both American and Israeli shows, raise important and disturbing questions on the rule of law in each of these societies, but also in modern western democracies in general. This provides us with new viewpoints for thinking about law enforcement in an age of extreme individualism.

The novel design of the study and its systematic approach provide an especially intriguing setting for these contemporary issues. One of the main challenges faced by law and popular culture scholars is the disparity between the messages conveyed in popular culture and the ways they are perceived by the viewers. Attempts to bridge this gap are still few and far between, with

TIMES December 13, 2012, *available at* http://www.nytimes.com/2012/12/23/us/politics/acting-cia-director-michael-j-morell-criticizes-zero-dark-thirty.html?ref=scottshane&_r=0

5. For an in-depth analysis of the relationship between law, reality and popular culture, see RICHARD K. SHERWIN, WHEN LAW GOES POP – THE VANISHING LINE BETWEEN LAW AND POPULAR CULTURE 6-8, 37-39 (2000).

most of the work in this field focusing either on the popular artifact (TV shows) and the messages conveyed therein the former or the audience and the way it actually perceives those messages. This study aims to tackle the challenge, by adopting a dual empirical strategy—content analysis of American and Israeli TV shows that gained popularity in Israel in 2011-2012 and a survey among the general Israeli population aiming to assess, inter alia, how these narratives are perceived by the viewers. This dual strategy, which takes a more comprehensive look at the depiction of law in Israeli popular culture, has the unique potential to delineate Israeli society's "popular legal culture," thus laying another brick in the complex structure of Israeli "legal culture." Yet, it is not only the Israeli legal culture that this study explores; this study also advances the discourse on *global* popular legal culture (if one exists), the values integrated into it, and how these values shape and reflect the modern legal order.

The study is comprised of five main chapters. *Chapter A* establishes the theoretical framework for the current research. This chapter situates the study of popular culture in the wider socio-legal narrative and emphasizes the contribution of media studies to understanding legal cultures. Later, this section focuses on the unique elements of TV studies and traces the development of this growing field of research. Chapter A also provides an overview of the current research, in terms of both methodology and substance, identifying some gaps in the existing literature and how this study attempts to tackle some of those gaps.

Chapter B is comprised of two sections devoted to an overview of the dual research approach adopted in this study— first, content analysis of popular TV shows in Israel and second, a survey among the general Israeli population. This Chapter supplements Chapter A by explaining how this research strategy aims to tackle some of the current gaps in the research in the field of law and popular culture. Moreover, Chapter B provides a closer look at the characteristics of the chosen research populations—specific TV shows and the general Israeli population—while providing insight into the obstacles and limitations associated with these populations and the choice of methodology.

Chapter C presents the analysis of the research findings and is comprised of two parts: the first is primarily a qualitative content analysis of the leading narratives identified in the TV shows regarding the law and obedience to legal norms. It also seeks to explore whether one can point at different representations of these narratives in Israeli and American shows. The second is a quantitative analysis of the survey results focusing on three layers: the viewer's perception of the legal behavior of leading characters in TV shows, watching habits, and personal perceptions of legal disobedience. This section will concentrate principally on the relations between the results of the survey and the content analysis, and their contribution to mass media studies.

Chapter D connects the theoretical dots presented in Chapter A with the findings of both the content analysis and the survey presented in Chapter C, and

how juxtaposing them contributes to the understanding of Israeli popular legal culture. This chapter also sheds light on the possible relationships between this study's findings and other studies regarding obedience (or rather disobedience) to legal norms in Israel and in the US, and discusses the differences between these cultures and their reflection in popular culture. These implied links contribute to formulating intriguing questions regarding the relations between the law, mass media and the society in which both these institutions function.

Chapter E summarizes the conclusions of the study with regard to the importance of studying popular culture as a tool for understanding popular legal cultures, within both the domestic and the global context.

I. THEORETICAL FRAMEWORK

A. Legal Culture & Popular Legal Culture

There are few modern cultural phenomena more pervasive, both in their capacity and ability to influence societies, than mass media.⁶ Mass media continually change attitudes, shaping conceptions and manipulating our discourse. My research focuses on the interrelation between the media and the law and ways in which mass media shape and transform our legal life. In the relevant literature, *inter alia*, among law and society scholars, this process was located in the discourse revolving around the "legal culture," which highlighted the importance of popular media in shaping and reflecting the "*popular* legal culture."⁷

There is a constant struggle among scholars to refine and define this elusive concept of *legal culture*, originally formulated by Lawrence M. Friedman in 1969.⁸ In its basic structure, "legal culture" entails the "ideas, attitudes, values, and opinions about law held by people in a society,"⁹ and its origins stem from the socio-legal perception of the legal world as an institution embedded in larger frameworks of social structure and culture.¹⁰

According to socio-legal theories of law, the term "legal culture" may be important in understanding how the law operates in a given society,¹¹ without which a complete picture of that society's legal world could not be achieved. In other words, in order to understand how law actually functions in a given society, addressing its formal law and institutions may be insufficient, and a

6. Austin Sarat, *What Popular Culture Does For, and To, Law: An Introduction*, in IMAGINING LEGALITY 1-2 (Austin Sarat, ed., 2011).

7. Lawrence M. Friedman, *Law, Lawyers, and Popular Culture*, 98 YALE LAW JOURNAL 1579 (1989).

8. Lawrence M. Friedman, *Legal Culture and Social Development*, 4 L. & S. REV. 29 (1969).

9. FRIEDMAN, *supra* note 7.

10. Günter Bierbrauer, *Toward an Understanding of Legal Culture: Variations in Individualism and Collectivism between Kurds, Lebanese, and Germans*, 28 L. & S. REV. 243 (1994).

11. FRIEDMAN, *supra* note 7, at 1579-1580.

broader look at the values, ideas and conceptions of the individuals in that society is essential.

Due to its importance, this concept of legal culture has been commonly used in the field of socio-legal studies and yet, despite the years of massive intellectual efforts invested in defining the features of this somewhat vague and elusive concept, a consensus has not been found.¹² This work will follow Friedman's conception of legal culture because it can serve as a building block in constructing a pivotal element in it—the concept of *popular legal culture*. Understanding the legal system as a social and cultural creation on the one hand, and the meaningful cultural force of mass media in shaping social ideas and conceptions on the other hand, reinforces the importance of mass media in the process of defining the legal culture of a given society.¹³

From a larger theoretical perspective, we should frame the debate regarding the differences between formal legal norms and the way they are represented in popular media, as an example to the long debated clash between the “law in the books” and the “law in action.”¹⁴ When referring to the “law in action,” scholars usually call for a comprehensive look at legal cultures, *inter alia*, to the psychological, sociological, and ideological patterns of cultures as means of explaining their legal system. This portrayal in the popular media can indicate the actual implementation of formal-legal norms in real life.¹⁵

In discussing “popular legal culture,” two different meanings of the term can be considered. The first is a general definition referring to knowledge, behaviors, beliefs and attitudes about the law held by ordinary individuals in a particular society or subgroup of that society (as opposed to intellectuals of high culture).¹⁶ The second—a narrower definition—refers to cultural artifacts, such as books, songs, movies, plays and TV shows about the law, lawyers or the legal system.¹⁷ Unsurprisingly, scholars have offered other definitions of popular culture. For example, Naomi Mezey & Mark C. Niles suggest differentiating between “mass culture” and “popular culture;” that is, whereas mass culture refers to products intended for the masses, popular culture refers to what consumers *do* with the mass culture.¹⁸

12. See for example BIERBRAUER, *supra* note 10, at 243; Erhard Blankenburg, *Civil Litigation Rates as Indicators for Legal Culture*, in *COMPARING LEGAL CULTURES* 41 (David Nelken, ed. 1997).

13. STEVE GREENFIELD, GUY OSBORN & PETER ROBSON, *FILM AND THE LAW: THE CINEMA OF JUSTICE* 16-20 (2010).

14. See for example Stewart Macaulay, *Introduction Symposium: Popular Legal Culture*, 98 *YALE LAW JOURNAL* 1547 (1989).

15. MICHAEL ASIMOW & SHANNON MADER, *LAW AND POPULAR CULTURE* 8 (2d ed. 2013).

16. *Id.* at 4.

17. FRIEDMAN, *supra* note 7, at 1580.

18. Naomi Mezey & Mark C. Niles, *Screening the Law: Ideology and Law in American Popular Culture*, 28 *COLUM. J.L. & ARTS* 91, 97-101 (2005). Whether this sort of differentiation is of a necessity or not exceeds the limits of my work, and for its purposes I will refer to the term “popular legal culture” in both of its abovementioned terms.

These meanings correspond to one another. The narrower term—which is the subject of my research—affects the broader term; i.e., the image of law as portrayed in the popular mass media influences the way ordinary people think of the law¹⁹ as a process often referred to as the *meaning-making process*. Obviously, mass media may not be the only source for forming society's knowledge and beliefs regarding the legal system, but as will be discussed further, it may be a significant one. In addition, when considering the influences of mass media on the way viewers see the law, both active and passive consumption is relevant. Viewers may either accept the messages or reject them, but either way popular culture still serves as a tool in constructing their personal views regarding the law.

B. Popular Culture and the Law – Mutual Influences

“For as long as there has been law (and there has always been law), and for as long as there has been popular culture (and there has always been popular culture), there has been a relationship between them.”

Desmond Manderson²⁰

1. General

The study of law and popular culture is a relatively new field of study, which can be dated to the beginning of the 80's, when the field focused on literature, film and television.²¹ In the last twenty years, extensive literature has emerged in the field with a focus primarily on the study of “Law and Film.”²² Surprisingly, however, the field of “Law and Television”—the main focus of this study—has been overlooked for many years, which is ironic because TV reaches the vast majority of the population and, as a result, is accorded enormous influence in the popular culture.²³ For example, in 2010, the average U.S. household consumed about thirty-four hours of television per week or about five hours per day.²⁴ Indeed, throughout the world, cultural phenomena are constructed, discussed and communicated through television, penetrating our lives both in the public and in the private domains. In other words, TV is no longer “just” an industry—it is a cultural institution.²⁵ It is the modern

19. JASON MITTELL, TELEVISION AND AMERICAN CULTURE 54 (2010).

20. MANDERSON, *supra* note 2, at 22.

21. PETER ROBSON & JESSICA SILBEY, LAW AND JUSTICE ON THE SMALL SCREEN 2 (2012).

22. For example, since 1996 more than 16 monographs have been written in the field, and over a dozen edited collections or special journal editions have been published. ROBSON & SILBEY, *supra* note 21, at 2.

23. BARBARA VILLEZ, TELEVISION AND THE LEGAL SYSTEM, Editor's Preface (2009).

24. ASIMOW, *supra* note 15, at 5; Tim Surette, “How Much Television Do You Watch Per Week? Jan. 3, 2011, available at <http://www.tv.com/news/how-much-television-do-you-watch-per-week-24833/>

25. TELEVISION STUDIES 2-6 (Toby Miller ed., 2010).

“campfire” of society, the place in which ideas are discussed, debated and culturally shaped. The second important aspect of TV is its democratic distribution, providing a variety of genres, seven days a week, twenty-four hours a day, in the viewer’s own home. These two elements may very well explain the attention (finally) given in recent years to this growing field of research, which continues to evolve.

2. Basic Framework – Law and Media

The widely accepted framework for studying the relationship between law and mass media considers popular mass media products to have a dual nature, succinctly described by *Steven D. Stark* as “both a mirror and a lamp.”²⁶

First, the media serve as a lamp; they **shape** ideas and perceptions of specific issues, especially those in which its consumers lack personal knowledge.²⁷ The legal field is one of those fields, since significant portions of society lack a legal education, and, hence, consumer comprehension is strongly dependent on popular reflections of legal norms and conceptions.²⁸ For some, it may well be the only source of knowledge regarding legal issues, which stresses its extreme importance. For the purposes of this role, the exposure a specific product receives (i.e., its popularity) is an important factor, since it indicates the scope of influence the messages convey may have on shaping the popular legal culture.²⁹ Therefore, the element of popularity was chosen as a leading objective parameter in the current research design.

However, it should be stated that the accuracy of such representations is a separate issue; one can hardly ignore the inherent distortions between legal representation in the popular media and their “right” legal equivalent. As a result, this paper will assume, for the understanding of popular legal culture, that the element of accuracy is secondary.³⁰

Second, the media serves as a mirror: it **reflects** a deep inner understanding of the society in which it functions,³¹ and its values, ethics, fields of interest and social needs.³² By fulfilling this role, media can serve as a

26. See Steven D. Stark, *Perry Mason Meets Sonny Crockett: The History of Lawyers and the police as television heroes*, 42 U. MIAMI L. REV 229 (1987). FRIEDMAN, *supra* note 7, at pp. 1589-1590, 1593-1594 supports and discusses this conceptual framework.

27. See M. Asimow, S. Greenfield, G. Jorge, S. Machura, G. Osborn, P. Robson, C. Sharp & R. Sockloskie, *Perceptions of Lawyers – a Transnational Study of Student Views on the Image of Law and Lawyers*, 12 INTERNATIONAL JOURNAL OF THE LEGAL PROFESSION 407 (2005).

28. Kimberlianne Podlas, *the CSI Effect, Exposing the Media Myth* 16 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 429, 443-444 (2006).

29. To support the relevance of popularity in studying the relationship between law and popular culture, see, for example, the data regarding the ratings of the TV show “24” and its accessibility through other formats; MANDERSON, *supra* note 2, at 27.

30. MEZEY, *supra* note 18, at 95.

31. ASIMOW, *supra* note 15, at 7.

32. Elihu Katz, Jay G. Blumler & Michael Gurevitch, *Uses and Gratification Research*, 37(4) THE PUBLIC OPINION QUARTERLY 509, 509-514 (1973). See also: Rebecca Johnson, *Law and the Leaky Woman: The Saloon, the Liquor License, and Narratives of Containment*, 19(2)

secret—perhaps unconscious—window to the soul of society. Moreover, media fulfills social needs, thereby maintaining society's stability.³³

An extensive theoretical literature from a variety of disciplines—mass communication, media theory and psychology—aims at explaining and supporting both of these roles. Part of the literature explains these roles while referring to “mass media” as a united body of products,³⁴ while the rest—especially the literature discussing the role of shaping society—uses tight connections to the unique characteristics of each medium, be it film³⁵, literature³⁶ or television. The current project will focus as much as possible on the specific characteristics of TV and the way it fulfills its dual roles. However, it should be emphasized that there are strict academic ties between law and film scholarship and law and TV scholarship, and in much of the literature one can find a tendency to use these sub-disciplines as if they were one and the same. Although there are historical and substantial explanations that may support this connection, one should not ignore the differences that exist among the mediums.³⁷ Throughout this review, I have done my best to differentiate between the disciplines whenever the academic background was sufficient.

3. *How Mass Media Shape Attitudes Towards Law*

The literature in the field regarding the impact of television seems to accept two basic conceptions.³⁸ First, under certain circumstances, television can impact audiences. Second, TV seldom affects audiences directly, but rather in a number of long-term subtle ways.³⁹ There are few leading paradigms that explain the impact of TV on viewers, such as cultivation theory, heuristic processing,⁴⁰ framing,⁴¹ socialization,⁴² and agenda setting.⁴³ This study

JOURNAL OF MEDIA AND CULTURAL STUDIES 181(2005).

33. Charles R. Wright, *Functional Analysis and Mass Communication*, 24(4) PUBLIC OPINION QUARTERLY 605 (1960).

34. See *id.* & KATZ, *supra* note 32.

35. GREENFIELD, *supra* note 13, at 13-27.

36. Suzanne Keen, *A theory of Narrative Empathy*, PROJECT MUSE: SCHOLARLY JOURNALS ONLINE:

http://ashouston.ad.uky.edu/archive/as17/as17.as.uky.edu/academics/departments_programs/English/English/Faculty/Faculty/LisaZunshine/Documents/Theory%20of%20Narrative%20Empathy.pdf.

37. MEZEY, *supra* note 18, at 166-176.

38. Kimberlianne Podlas, *Testing Television: Studying and Understanding the Impact of Television Depictions of Law and Justice*, in ROBSON & SILBEY, *supra* note 21, at 88-89.

39. Michael Morgan & James Shanahan, *The State of Cultivation*, 54 JOURNAL OF BROADCASTING & ELECTRONIC MEDIA 337 (2010).

40. This paradigm explains the cognitive process by which *cultivation* operates. Heuristic Processing is a cognitive procedure that assists individuals in processing information quickly and making judgments based on cognitive shortcuts; i.e., relying on information that is the “easiest to recall, most recently acquired or seemingly common.” That is, the more often one comes into contact with a vision or example, the easier that example may be recalled; subsequently, it will become a strong heuristic device. Television serves as an important and meaningful heuristic device for interpreting the legal system as a *whole*. See PODLAS, *supra* note 38, at 90; LJ Shrum, *Effects of Television Portrayals of Crime and Violence on Viewers' Perceptions of Reality: A*

focuses on *cultivation theory*, which is considered to be the most accepted (or popular) theory on this matter. According to the cultivation theory, heavy and long-term exposure to TV images cultivates real-life attitudes and conceptions of its viewers. The process is long and cumulative, not an immediate one,⁴⁴ or as Kimberlianne Podlas puts it: “cultivation does not hypothesize that a viewer who sees a programme celebrating vigilante justice will mimic that behavior by running out and shooting criminals.” However, it assumes that viewers may perceive the representation seen on TV screen as a common representation in the real world; if viewers regularly see violence on TV, they may assume that society is violent, and if they see judges acting impatiently towards witnesses, they may assume that judges are actually acting impatiently toward witnesses.⁴⁵

Studies in the field have found some support for the theory. Michael Morgan’s work, which found correlations between the inaccurate representation of crime and law enforcement on TV, and equally inaccurate conceptions audiences had about crime and law enforcement in real life, is one empirical evidence for the effects of cultivation.⁴⁶ Today, exposure to specific genres is also being studied as a source of cultivation.⁴⁷

Other than the general paradigms that are used to explain the sociological or psychological processes through which TV affects its viewers, one should take the specific “language” of TV into account,⁴⁸ which represents an important element in the meaning-making process. The language of visual signals, signs and symbols engages the audience emotionally in the process of viewing, while simultaneously providing a textual interpretation of the

Psychological Process Perspective, 22 LEGAL STUDIES FORUM 511-513 (1998); NEAL FEIGENSON & CHRISTINA SPIESEL, LAW ON DISPLAY 148-150 (2010).

41. Studies have proven that if TV frames an issue in a specific way, viewers tend to adopt this framing as their own thinking on that matter. TV creates a world of associations for the viewers through which they make judgments in the real world. The framing can be enhanced using editing, lighting, color, and camera angles. See Mira Sotirovic, *How Individuals Explain Social Problems: The Influences of Media Use* 53 J. COMM. 132 (2003); PODLAS, *supra* note 38, at 92.

42. Socialization represents the process by which individuals learn the values, expectations and behaviors of society. According to social learning theories, most human behavior is learned through the observation of others. The images on TV, regardless of their accuracy, may contribute to this process. The more viewers see a concrete behavior on the screen, the more they will believe it to be normal or socially accepted. ALBERT BANDURA, SOCIAL LEARNING THEORY 22 (1977). PODLAS, *supra* note 38, at 93; Cf. Dan M Kahan, *Social Influence, Social Meaning, and Deterrence*, 83 VIRG. L. REV. 349, 358-359 (1997).

43. This more subtle influence is strongly connected to the cultural and technological pervasiveness of TV. It is closely related to the subjects on which viewers focus, and less on the content of those subjects. In other words, when TV devotes a substantial amount of attention to a concrete subject, the audience will assume that it is important. PODLAS, *supra* note 38, at 94.

44. MORGAN, *supra* note 39, at 339.

45. PODLAS, *supra* note 38, at 89.

46. MORGAN, *supra* note 39, at 339-343.

47. James W Potter, *Cultivation Research: A Conceptual Critique*, 19 HUMAN COMMUNICATION RESEARCH, 564 (1993).

48. As well as other visual media.

televised text.⁴⁹ To borrow Ruth Buchanan & Rebecca Johnson's framework of law and film analysis,⁵⁰ this combined process leads to the conclusion that when trying to understand TV's affective power, it should be regarded not only as a *text* to be interpreted, but also as an *event*, in which the audience goes through an emotional process. That effect is a creation of both image and sound, facilitated by visual techniques.⁵¹

These techniques are usually analyzed in three leading dimensions: image,⁵² time,⁵³ and sound.⁵⁴ All of these techniques can help identify the ways in which the visual text helps produce and maintain the structure of a viewer's feelings.⁵⁵

The above-mentioned elements aim to explain the complicated process through which viewers make meaning of what they view on TV. It is common to look at this process as being a mixture of *narrative and story telling* (which calls for textual analysis) with *technological oriented* techniques, comprising the full process through which audiences interpret the televised text. This integrated conception of the viewing process is well presented in theories that explain the process of identifying with media characters. According to these theories, the identification process is achieved via both the technical features and the narrative construction.⁵⁶

The basic structures of these theories are acknowledged among scholars.

49. Birgitta Höijer, *Studying Viewers' Reception of Television Programmes: Theoretical and Methodological Considerations*, 5 EUROPEAN JOURNAL OF COMMUNICATION, 29, 32-33 (1990).

50. In a recent article, Rebecca Johnson connects the cinematic visual language and the televised one, stressing that "while TV programmes are not always cinematic 'in the same way' as traditional film, attention to the cinematic side of television can nonetheless be helpful in exploring the ways that TV's stories participate in the production and maintenance of structures of feelings, in both the story world and the world beyond the living room doors." See REBECCA JOHNSON, *Television, Pleasure and the Empire of Force: Interrogating Law and Affect in Deadwood*, in ROBSON & SILBEY, *supra* note 21, at 38. This is especially relevant for my research, in which my research population is drama shows – probably the premier genre on the small screen adopting cinematic techniques. See JOHNSON, at 38.

51. Ruth Buchanan & Rebecca Johnson, *Strange Encounters: Exploring Law and Film in the Affective Register*, 46 STUDIES IN LAW, POLITICS AND SOCIETY 33, 38-39 (2009).

52. What is put into the *scene*; e.g., costumes, actors, make up, lighting, and cinematography (camera lenses and movements, how the shot is filmed, construction of on-screen space and so on); DAVID BORDWELL & KRISTIN THOMPSON, *FILM ART: AN INTRODUCTION* 112-218 (8th ed. 2008).

53. The elements of editing receive the main attention, to locate and dislocate viewers from the events on the screen, shape their sense of relationship between events, characters and ideas. Editing also plays an important role in the process of creating a sense of realism in the visual text. ASIMOW, *supra* note 15, at 16-21.

54. The sound is considered a wave, a vibration that goes through the viewer's body and affects it profoundly

55. For some examples of the visual portrayal of justice in films and its part in the meaning-making process, see Jessica Silbey, *Pattern of Courtroom Justice*, 28 JOURNAL OF LAW AND SOCIETY 97 (2001). See also BUCHANAN & JOHNSON, *supra* note 51, at 43.

56. Jonathan Cohen, *Defining Identification: A Theoretical Look at the Identification of Audiences with Media Characters*, 4(3) MASS COMMUNICATION & SOCIETY 245 (2001).

Nevertheless, it is clear that one cannot posit one “correct” way of interpreting the televised text—neither its narrative⁵⁷ nor its visual elements.⁵⁸ Most scholars emphasize that the meaning-making process is intimately rooted in each viewer’s class, race, gender and political views, other texts consumed by her in the past and the time and place in which the process occurs.⁵⁹ This understanding, as will be further elaborated, highlights the importance of developing empirical research that investigates both sides of the equation—analyzing the text on the one hand, while aspiring to understand how viewers actually perceive it. By adopting a dual research strategy, comprising of both content analysis and a survey of a representative sample of the Israeli population, this research aims to further develop this evolving research approach.

4. *How Mass Media Reflect Attitudes Towards Law*

It is generally accepted among scholars that works of popular culture “illuminate what real people actually do and believe,”⁶⁰ and that these works can serve as a map that reflects the leading ideologies of societies, such as social norms,⁶¹ stereotypes, gender roles, family and social life⁶² (or at least what producers believe these ideologies to be). “If television is obsessed with crime and the law,” says Stark, “it is because Americans are obsessed with them as well.”⁶³ There is some logic to this notion, but common sense may not suffice to explain it. However, the conceptions regarding the role popular media may play in *reflecting* society’s attitudes towards the legal world can also be explained by mass communication theories, which belong to what is known among scholars as the tradition of “limited influences.” According to these theories, the exposure to media products is a selective choice, motivated by personal characteristics. Two leading theories support this conception: The “Functionalist” (Charles R. Wright) theory,⁶⁴ and the “Uses and Gratification” theory (Elihu Katz).⁶⁵

The “Functionalist” theory perceives society as a huge organ with diverse needs, where the social institutions emerging within it (e.g., banks, schools, and media) have social roles that are intended to fulfill these needs. The fulfillment of a specific need allows this huge organ to maintain its stability. According to the theory, each role affects society both positively and negatively in four levels of social analysis: the society as a whole, the individual, sub-groups, and the culture.

57. ASIMOW, *supra* note 15, at 17.

58. BUCHANAN & JOHNSON, *supra* note 51, at 42.

59. ASIMOW, *supra* note 15, at 18, COHEN, *supra* note 56, at 258-259.

60. ASIMOW, *supra* note 15, at 7.

61. FRIEDMAN, *supra* note 7, at 1589-1590.

62. JOHNSON, *supra* note 32.

63. STARK, *supra* note 26, at 233.

64. WRIGHT, *supra* note 33.

65. KATZ, *supra* note 32.

Mass media comprise institutions that participate in the process of fulfilling society's needs, and have a specific set of social roles, among which is the role of *transferring norms among generations*. According to Wright, this role has a positive impact on society—maintaining social stability, and a negative one—supporting conformity. Media also have a positive and negative impact on culture—the positive one being the ability to maintain a cultural consensus and the negative one being how media inhibits social growth.⁶⁶ Therefore, mass media play a social role in transmitting social values among generations. This idea may support the understanding that media act as mirrors—representing the leading values of a given society⁶⁷ (or at least those values favored by its elders).

The “Uses and Gratification” theory takes a step further in the process of understanding why the media reflect our values as a society. This theory shares a basic notion with the functionalist theory—both assume that individuals expose themselves to mass media to fulfill a certain need. In the case of the functionalist theory the need is general, and in the case of the uses and gratifications theory the need is individual. The basic model of this theory is as follows:

Social needs (defined e.g., by age, education) or **psychological needs** (character, interest)



Shape specific needs



There are expectations for the mass media to fulfill these needs



Consumption will be influenced by such expectations. If the needs are fulfilled—more viewing can be expected. If they are not fulfilled—less viewing can be expected.

According to this theory, viewers “watch what they want to watch” based on their unique characteristics and needs. Due to the economic reliance of mass media products on viewers and the hope of a continuous viewing process, mass media are expected to provide the audience with its preferred watching material, in the hope of fulfilling its needs. As expressed by Wright, the

66. WRIGHT, *supra* note 33, at 610-616. Whether maintaining a cultural consequence is actually positive is worth considering.

67. STARK, *supra* note 26, at 233.

conservation of social norms is one of those needs, and mass media are there to fulfill it.⁶⁸

This theoretical framework supports and explains the widely accepted concept of mass media as a mirror for society's leading ideologies and norms and explains tendencies in a specific society, as will later be utilized in reference to both Israeli and American societies.

C. The Current Research – Law and Television

The importance of studying television as a meaningful source for understanding popular legal culture has been verified. To understand the scholarly work done in the field, two prisms should direct the discussion: *the substance* of the research and the *methodology* used.

With respect to the **substance**, based on the early works in the field regarding American TV products (Friedman,⁶⁹ Stewart Macaulay⁷⁰), and throughout the last two decades, extensive research in the field has focused on the imagery of “classic” legal representatives, i.e., lawyers, judges, juries and the way they interact in pursuing justice.⁷¹ Not surprisingly, most of the writing has been devoted to representations in “legal” American TV shows.⁷² Another large proportion of writing in the field has focused on the “super-hero” genre—especially “classic” super-heroes (e.g., Superman), whose heroism is closely connected to isolation from legal norms. According to such literature, the power of these heroes stemmed, *inter alia*, from their alienation from the basic structure of society, including its legal norms.⁷³

This discussion was partially developed in relation to other “flesh and blood” heroes—brave detectives and police officers saving society from its villains.⁷⁴ These law enforcement agents have also received meaningful attention from scholars in the field, primarily with regard to questions of violence, authority and the place of the state in the intersection between them.⁷⁵

68. WRIGHT, *supra* note 33.

69. FRIEDMAN, *supra* note 7.

70. Stewart Macaulay, *Images of Law in Everyday Life: The Lessons of School, Entertainment and Spectator Sports* 21 L & S RE. 185 (1987).

71. See, e.g., ASIMOW, *supra* note 15; FRIEDMAN, *supra* note 7; Richard K. Sherwin, *Picturing Justice: Images of Law and Lawyers in the Visual Media*, 30 U. SAN FRANCISCO L. REVIEW 891 (1996); PAUL BERGMAN & MICHAEL ASIMOW, REEL JUSTICE: THE COURTROOM GOES TO THE MOVIES (2006); VILLEZ, *supra* note 23, at 10-40, Peter Robson and Jessica Silbey, *Introduction*, in ROBSON & SILBEY, *supra* note 21, at 5-6; PRIME TIME LAW (Robert M. Jarvis & Paul R. Joseph eds., 1998).

72. With some exceptions, such as Villez's work, which deals comparatively with the American legal TV and some French representations of the issue. See also ROBSON & SILBEY, *supra* note 21, at 2.

73. See, e.g., Robert M. Peaslee, Superheroes, “Moral Economy,” and the “Iron Cage”: Morality, Alienation, and the Super-Individual, p. 37-50, in WENDY HASLEM, ANGELA NDAILIANIS & CHRIS MACKIE, EDS. SUPER/HEROES: FROM HERCULES TO SUPERMAN (2007).

74. STARK, *supra* note 26.

75. See, e.g., Naomi Mezey, *Law's Visual Afterlife: Violence, Popular Culture, and translation Theory*, in SARAT, *supra* note 2, at 65.

The issues of law enforcement, heroism and detachment from legal frameworks received significant attention in the American “Wild West” myths, seen through cowboys, sheriffs and lone rangers, and their constant interplay with the legal world.⁷⁶ Another substantial portion of the research in the field has focused on “legal issues,” for instance, family or tort law. Besides, as explained by Cassandra Sharp, and primarily since the beginning of the millennium, another field of television study has evolved, focusing on the social analysis of media representation of different groups in society, defined, *inter alia* by their gender, race or sexual preference.⁷⁷

Although the fields that have occupied researchers of law and television are relatively disparate, and some have touched upon issues of legality and morality, it seems that a *general* analysis of the representation of legal norms, their role in shaping and affecting personal choice and the value of legal disobedience to those norms through a wide lens (not necessarily the backdrop of classic legal portrayals) has yet to be analyzed. The current study aspires to contribute to filling this gap in the hope of portraying a more comprehensive vision of the legal world in modern popular culture and by explaining the way legal norms interact with society and shape its boundaries.

In terms of **methodology**, the majority of the work done in this field of research over the past ten to fifteen years has focused on individual television programs,⁷⁸ illuminating certain social aspects represented and public perceptions that may be derived from such representations.⁷⁹ Based on these conceptions, the leading methodologies in the work done in the field have primarily focused on textual critique and content analysis, usually conducted in a *qualitative non-systematic* fashion, exploring portrayals of legal players, legal themes or textual analysis of those.⁸⁰ The principal objectives of this scholarship were to focus either on the text itself or the perceived impact of various representations on public perceptions.

Recently, as Sharp points out, some studies have taken a more sophisticated approach in viewing the cultural products of TV as a general form of cultural meaning.⁸¹ The research in the field has usually focused on the

76. MANDERSON, *supra* note 2, at 34. JOHNSON, *supra* note 50.

77. Cassandra Sharp, *Let's See How Far We've Come: The Role of Empirical Methodology in Exploring Television Audiences*, in ROBSON & SILBEY, *supra* note 21, at 114.

78. Stark's work is more of an historical article, describing the developments in representing lawyers and police officers. See STARK, *supra* note 26. Timothy Lenz's work, *Changing Images of Law in Film & Television Crime Stories* (2003) is a similar work, as well as that of VILLEZ, *supra* note 23.

79. Lieve Gies, *The Media and Public Understanding of the Law*, in READINGS IN LAW AND POPULAR CULTURE 65 (Steve Greenfield & Guy Osborn eds., 2006).

80. SHARP, *supra* note 76, at 114.

81. *Id.* Lenz's work is an example of this type of work, analyzing the changes in criminal justice from liberal to conservative through images of law and crime stories in popular legal fiction. See LENZ, *supra* note 78. The same can be said about E Rapping's work *Law and Justice as Seen on TV* (2003), analyzing how the “shifts in television's dominant ideology about law and justice . . . and the way these shifts have coincided with broader trends in legal and political policy

analysis of either one or two non-randomly chosen TV shows or a group of subject matter TV shows, aiming to describe a wide cultural phenomenon based on these specific shows.⁸² Furthermore, as mentioned earlier, most of the research in the field was based on preliminary categorization of traditional “legal” shows as the universe of analysis (e.g., shows whose core themes are legal issues, such as police, lawyers, judges or trials shows), ignoring other popular non-legal shows.

The current research pursues a different approach in both respects. First, the research aspires to adopt a more systematic approach from the primary stage of defining the population and through the actual process of analysis. Second, by using external parameters, such as popularity, for the formation of the population, the research aims to analyze not only traditional legal drama shows, but rather study a more general view of the ideology of law, as depicted in TV shows.

Moreover, most of the study done in the field lacks the empirical analysis of the *other* side of the equation—not only an analysis of what is broadcast and its content, but also how it is *actually* perceived by viewers.⁸³ Apparently, audience research has been done, but it seems that it usually does not focus on the *content* of mass media products (the first side of the equation), but rather on the audiences and how they interpret and use popular images.⁸⁴ Therefore, and as Sharp contends, an empirical study focusing on *both sides of the equation* is as rare as it is important for understanding TV broadcasting and the way it actually interacts with viewers.⁸⁵

Using the above-mentioned complimentary methodologies, both a content analysis of the most popular shows and a survey describing interpretations of these shows among viewers in Israeli society, this research hopes to suggest a methodological approach that will assist in overcoming the prevalent dichotomy mentioned above.

D. The Study of Law and Popular Culture in Israel

In Israel, the research in the field of law and popular culture is far less developed than it is in many other countries such as the US and England. It is not that film or television studies generally do not exist, but their relation to legal themes is either weak or non-existent. This conclusion is not surprising

and history.”

82. Austin Sarat, *Introduction*, in SARAT, *supra* note 2, at 19 n. 41.

83. For a different, and relatively rare approach, see ASIMOW et al., *supra* note 27.

84. GIES, *supra* note 79.

85. One example of such research is Kimberlianne Podlas’s research assessing the actual influence of what became known as the “CSI effect.” See PODLAS, *supra* note 28. The research consisted of two stages. The first stage consists of systematic content analysis of the first seasons of the show, aiming to analyze the forensic content. The second stage of the research contained a survey of law students, aiming to assess the influences of the shows on viewers’ legal judgments. In her article, Cassandra Sharp references Podlas’s attempt, while stressing the importance of adopting ethnographic approaches, which are rarely used in the field. See SHARP, *supra* note 77.

when one considers the limited resources of the Israeli TV industry. The financially limited Israeli TV industry seems to direct its main efforts toward the production of news and other semi-news-talk-shows, some relatively low-budget comedies and reality shows. Drama shows dealing directly with lawyers, judges, attorneys or the legal process are rarely found.⁸⁶ The same is true for police or crime dramas. In fact, quality drama shows in general are rare. Even if a drama show is produced, its chances of surviving more than one season are slim. The issue of continuous shows (e.g. a series lasting more than one season) is of a particular importance, as the element of continuity is one of the basic features of TV's power in reaching its audiences because it strengthens the processes of identification.⁸⁷ When an individual is getting used to the weekly appearance of a loved character in his living room, year after year after year, the process of identification is self-explanatory.

All of these elements controlling the Israeli TV industry may explain the meaningful place given to American TV shows in the Israeli popular culture. These shows are widespread, popular and are a focus in the social discourse. Therefore, due to the meaningful place accorded to the American culture in the Israeli discourse, one should not be surprised if the first name given by Israelis when asked to recall their favorite lawyer on TV is either Alicia Florrick, Ally McBeal or Leland McKenzie (depending on the Israeli's age/generation).

The limited Israeli literature in the field of law and popular culture may also point to the important cultural role American films and TV shows play in Israeli legal culture.⁸⁸ When one aims to identify the (limited) Israeli scholarship in the field of law and popular culture, she may discover that a substantial portion of the Israeli writing analyzes other American TV shows or films,⁸⁹ or a mixture of both Israeli and American products.⁹⁰

In any event, it seems safe to say that general Israeli writing in the field of law and popular culture is a rare commodity. Moreover, if one can find academic work in the field, it would most likely relate to the world of films and

86. The same is true of the Israeli film industry, which lacks legal themed movies; see SHULAMIT ALMOG, *LAW AND FILM* 23-37 (2012). (In Hebrew).

87. MEZEY, *supra* note 18, at 175; HORACE NEWCOMB, *TV: THE MOST POPULAR ART* 245 (1974).

88. For some thoughts regarding the Americanization of the popular legal culture see: Carol J. Clover, *Law and Popular Culture*, in *LAW IN THE DOMAINS OF CULTURE*, 97, 97-98 (Austin Sarat & Thomas R. Kearns ed., 1998). See also VILLEZ, *supra* note 23. For an analysis of American TV shows viewed by Israeli audiences, see Tamar Liebes & Elihu Katz, *Patterns of Involvement in Television Fiction: A comparative Analysis*, 1 *EUROPEAN JOURNAL OF COMMUNICATION* 151 (1986).

89. Asaf Porat, *Law in the Film: A picture of a Lawyer*, 16 *LAW & ARMY* 691 (2003); Shai Biderman, *The Reasonable, the Different and What Lies Between Them: Law and Popular Culture in "Seinfeld"*, 13 *HAMISHPAT* (2002). (Both in Hebrew).

90. Shulamit Almog, *It's the Story of Prostitution – Law Meets Film*, 15(2) *HAMISHPAT* 508 (2011); ALMOG, *supra* note 86; see also ORIT KAMIR, *FRAMED – WOMEN IN LAW AND FILM* (2006): Kamir focuses on films from the US, Japan, UK, Spain & the Netherlands. There are no Israeli films analyzed in the book.

less to the analysis of TV shows. In the world of television studies in Israel, most scholars focus on representations of various groups in the Israeli society, either “ethnic” Israeli groups (secular East & West European-oriented Jews (“Ashkenazim”), secular African and Arabian Peninsula-oriented Jews (“Sefaradim”), religious Orthodox non-national Jews, religious national Jews, immigrants (especially Russian), Arab-Israeli citizens, or other underprivileged groups (women, gay and lesbian, Palestinians and illegal immigrants).⁹¹

Empirical research on the leading narratives of “popular *legal* culture” as presented on TV screens in Israel seems to be absent. Therefore, research in this field may assist in slowly filling up the gap.

II. METHODOLOGY

As mentioned, the research in the field of law and popular culture is comprised of two main building blocks. On the one hand, one building block serves a descriptive function of how law and legal actors are portrayed in popular media. Usually, the analysis is of a particular pre-chosen product (film or TV show) or a group of pre-chosen products, chosen (usually in advance) to support a certain idea or hypothesis. On the other hand, there is research that does not center on the content of popular culture, but rather on audiences and the way they interpret and use popular images. What seems to be lacking in research on law and popular culture is work aimed at connecting the two parts mentioned above, especially regarding audiences of law-related media. As described, in the last few years a small number of studies aimed to achieve this goal, and the current research hopes to contribute to this developing body of scholarly work.

Therefore, the research comprises two complementary methodologies: First, a systematic content analysis of both American and Israeli TV shows that gained popularity in Israel between 2011-2012; second, and as a complimentary methodology, an opt-in Internet panel survey of 503 respondents from the general population in Israel—between the ages of eighteen and sixty-five (both Jewish and Arab). These two parts will be compared and will facilitate drawing a more comprehensive picture of the Israeli popular legal culture.

91. See, e.g., a fascinating research study using a combined methodology of content analysis, case studies and focus groups of Israeli primetime broadcasting that analyzed the representation of groups. It was held in 2004 and was the first of its kind and scope. Nechama Laor et al., *The Present and the Absent: Cultural Diversity in Commercial TV Channels in Israel*, THE ISRAELI SECOND AUTHORITY FOR TELEVISION AND RADIO (2004) (In Hebrew), <http://www.rashut2.org.il/editor/uploadfiles/final%20134.pdf>.

See also the Ministry of Education online articles in the field of television studies, reflecting the same tendency (In Hebrew), <http://www.amalnet.k12.il/Commun/RightMenu/Communication/TikshoretHevra/MaamarimTV/>. See also 6 MEDIA FRAMES - THE ISRAELI JOURNAL OF COMMUNICATION (2011) (In Hebrew), <http://isracom.org.il/?cmd=media2.45>.

A. Content Analysis – “What is Out There”

The first, and primary, data collection methodology is the qualitative content analysis of TV shows. This analysis is aimed at identifying the leading narratives conveyed in the shows regarding obedience to legal norms and the social role they play in the popular legal culture.

1. Preliminary Decisions: Popularity and Genre

As opposed to most of the previous work done in the field of law and popular culture, I decided to analyze the shows not according to their subject matter (e.g., only traditional legal or law enforcement focused TV shows), but rather based on an external objective criterion—their *popularity*. Thus, I have analyzed the most popular TV shows in Israel’s cable and satellite channels in 2011-2012 (hereinafter referred to as *subscribers’ channels*). This was done first since the leading narratives conveyed in popular media can shape society’s conceptions of law, thus the narratives conveyed in popular shows are those to which the biggest portions of society are exposed. Second, since mass media also reflects society’s dominant ideology, values and ideas regarding law, the most popular shows can point to the widest common ground of those in society.

This project focuses on only one genre—*dramas*, excluding comedies, reality shows, and soap operas. This decision is due to the unique characteristics of each genre, and the difficulties of addressing such diverse characteristics within the limited timeframe of my research. Dramas were chosen due to their rich variety and their textual and visual complexity, which allows for sophisticated ways of conveying messages.

2. Understanding the Population – General Background

To better understand how the research population was selected, some general background regarding the Israeli TV industry is necessary. The structure of the small Israeli TV broadcasting system comprises three leading branches:⁹² the public channel (Channel 1), the open commercial channels (Channels 2 and 10), and the subscribers’ channels (led by two companies: Satellite (“Yes”) and cable (“Hot”).⁹³ Rating information is publicly available only for Channels 1, 2 and 10. Interestingly, watching the open channels in Israel without being connected to one of the subscribers’ channels is almost impossible, and this subsequently leads to a relatively substantial portion of viewers purchasing their services.⁹⁴ During the timeframe of this study 75.5%

92. *Official Report, Israeli Council for Cable and Satellite Broadcasting for the Year 2011* (Dec. 2012), available at http://www.moc.gov.il/sip_storage/FILES/5/3095.pdf (in Hebrew).

93. In recent years, few commercial channels dedicated to specific groups or subjects were created, such as a dedicated channel in Russian, a music channel, a channel for Jewish traditions, etc. All of these channels can be viewed via the subscriber’s platform.

94. Recently, the Ministry of Communication has created a new platform for watching a narrow “basic package” of channels. Still, so it seems, the majority stay connected to the cable and satellite channels.

of the Israeli households that own a TV (1,471,000 households) were connected to cable and satellite channels; 893,000 were connected to “Hot” and 578,000 to “Yes.”⁹⁵

When it comes to the content of the shows broadcast in Israeli TV, size implies its influence as well. Unsurprisingly, the Israeli TV industry is relatively small, especially with respect to productions of Israeli dramas. A quick overview of the shows broadcast on the commercial channels (Channels 2 and 10), points to the conclusion that the limited resources of the Israeli TV industry are mostly channeled towards the production of reality shows, daily low-budget soap operas and a minor production of comedies. The current study focuses on a different genre.

It should be mentioned that among those few Israeli dramas that were produced, even fewer gained popularity. Moreover, due to the limited (mostly financial) resources of the Israeli TV industry, an extremely small number of drama shows produced in Israel lasted for several seasons, and even fewer were produced continuously (for instance, sometimes a few years may pass between the first season of a show and its second season). These elements of continuous relationships between shows and audiences, as previously discussed, are important in the meaning-making process of TV and in the cultivation processes through which viewers absorb the messages conveyed.

In contrast, American TV shows that are broadcast in Israel do not suffer from the defects mentioned. First, they are usually characterized by a steady renewal rate and a continuous sequence. Second, American TV dramas,⁹⁶ as opposed to most Israeli drama shows, are extremely well known in the Israeli popular cultural discourse. In recent years, these shows were only broadcast in the platform of the subscribers’ channels. Therefore, the universe of the current research is comprised of shows from these channels.

The channels are required by law to develop shows with original content as well. Therefore, focusing on this platform allowed the analysis of both American and Israeli TV shows. As mentioned, the subscribers’ channels are not required by law to provide rating information, and it is not publicly available. However, these companies do use internal mechanisms for measuring ratings, and, therefore, it is possible to locate this information if needed. To my request, I received the relevant information for *ten* of the most watched TV shows in the years 2011-2012 (both Israeli and American) in each of the channels (excluding reality shows, comedies and soap operas), organized

95. Press Release, Israeli Bureau of Statistics, Family day- Families and Household in Israel, Feb. 6, 2013, http://www.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=201311027; Bezeq, Fourth Quarter and Full Year 2012 Report (Mar. 13, 2013), *available at* <http://ir.bezeq.co.il/phoenix.zhtml?c=159870&p=irol-financialreports>; Hot, Financial Statement of Q3 - English (Nov. 11, 2012), *available at* <http://www.hot.net.il/heb/about/investors/finance/2012> (Isr.), *English translation available at* <http://www.hot.net.il/heb/English/FinancialHot/Reports2012/>.

96. Among which are family dramas, police dramas and other crime related shows.

by a numeric list in descending order.⁹⁷

3. *Defining the Population*

Based on all of the above considerations, the research question and the data received, the final universe is based on 4 categories:

1. *Popularity*—only the most popular shows in both categories—Israeli and American—were chosen. Obviously, the Israeli options were much more limited.
2. Due to the importance of *continuity* in the viewer's meaning-making process and cultivation and identification processes, only shows that had at least two seasons have been chosen. These criteria delimited the few Israeli shows that formed the list.
3. In order to minimize the influence of other variables in the processes of meaning-making, cultivation and identification—only shows that are broadcast *once a week* were chosen, as opposed to shows broadcast in greater frequencies (daily show, twice weekly, etc.).
4. To achieve the purpose of identifying the leading narratives in dramas as such, I have chosen to analyze *all* dramas that encompassed these characteristics, regardless of their direct relationship to “legal” matters.

Based on the data received from the companies, 21 shows that fulfilled these criteria were included in the final list,⁹⁸ which were divided into *two* leading categories:

- A. **Criminal/legal shows** (police, crime, law enforcement and lawyers) versus **non-criminal/legal shows** (family drama, hospital, political). The writing in the field of law and popular culture inspired the creation of these categories.⁹⁹ The rest of the shows comprised the second category.
- B. **Israeli** versus **American** shows, i.e., shows that were produced in Israel and are spoken in Hebrew as opposed to USA produced and English spoken TV shows.

The following table can sum up the final numeric list of shows in each category:

97. It should be mentioned that actual rating percentages could not be delivered due the policies of these companies.

98. The final list of shows appears in Appendix A.

99. See, e.g., JARVIS, *supra* note 71; Tanya Lovell Banks, *Dark Justice: Women Legal Actors on Basic Cable*; Sara Ramshaw, 'McNulty' on the Small Screen: *Improvised Legality and the Irish-American Cop in HBO's The Wire*, both in ROBSON & SILBEY, *supra* note 21, at 135, 361 (2012); VILLEZ, *supra* note 23. See also Chapter I(C), *supra*.

TABLE 1: 10 MOST POPULAR TV SHOWS 2011-2012 BY SUB-CATEGORIES
(NUMBERS)

Country	Category	Criminal/legal	Non-Criminal/legal
USA		9	9
Israel		1	2

Total number: 21

4. The Coding Process

The coding process that was constructed is a *three-layered* process, which demands a long viewing procedure. Therefore, I have chosen to analyze one show in each of the categories mentioned – the most watched show in that category; two Israeli shows (“*The Arbitrator*” and “*The Prime Minister’s Children*” (PMC)) and two American series (“*Desperate Housewives*” (DH) and “*Homeland*”). To tackle generalizability issues, I have created the above-mentioned sub-categories, in the hopes of forming somewhat representative sub-categories of shows, so that the most-watched show in each separate category suggests the remainder of the shows in that category.

The survey included **three** layers of analysis—the **first**, a broad analysis of the presence of illegal behavioral patterns of the leading characters in these shows. For this layer I examined the existence of the phenomena in the universe, by counting the number of illegal acts performed by leading characters throughout a complete season of the shows, and assessing the ratio between the presence of illegal acts and the number of episodes per season.¹⁰⁰ The latest season broadcast for each of the shows has been watched.

For the **second** layer of analysis the shows were systematically sampled so that the first, middle and final episode of each show was analyzed.¹⁰¹ This is the core content analysis, which looks at specific incidents of illegal behavior performed by the leading characters in the relevant shows, and the ways by which the televised script explains the illegality. To draw conclusions regarding the dominant narratives, the analysis focused on specific factors, constituting

100. I have counted the *acts* rather than the number of characters participating in them; hence if a few characters were participating in one illegal act, it was counted as one incident. I have referred to “illegality” broadly: from murder, theft, robbery, hit-and-run accidents, through insurance fraud, perjury, marijuana use, and to check forgery, breach of contract, torts, parking in forbidden areas and violating other abiding norms, such as standardized protocols in sensitive working places. The purpose was to refer to *illegality* in its “popular” form, as one step in analyzing the popular legal culture as described in earlier sections.

101. If no illegal acts were presented in one of these episodes I analyzed an episode before or after that.

coding scheme A.¹⁰²

Generally speaking, the coding questions are aimed at analyzing the way legal norms are portrayed in the shows as well as their social role and importance in the overall development of the plot and the characters. The coding scheme focused, *inter alia*, on issues such as legal norms and the competing values with which they coincide, the portrayal of the law as a problem-solving mechanism, the choice of using the law under certain circumstances, the cost of obedience and disobedience, the alternative to disobedience, and the portrayal of law enforcement agencies (especially the police) as the agents of the legal venue.¹⁰³

The **third layer** of analysis studied the ways in which the televised script transmits its messages to the audience. This process is particularly important, partially due to the viewers' unawareness of the ways in which they react to visual images, as opposed to hearing the words alone. For these purposes, another coding scheme was created, which was based on studies of how audiences identified with media characters¹⁰⁴ and the visual elements used in the process of achieving such identification (coding scheme B). The identification process can be evaluated through both the written text and the visual images. The analysis focused on one scene in each episode in which leading characters performed an illegal act.

Coding scheme B consisted of two parts: **thematic elements** and **visual elements**. At the visual level, the coding scheme was inspired by the three leading dimensions in Bordwell and Thompson's work as elaborated earlier: image, time and sound.¹⁰⁵

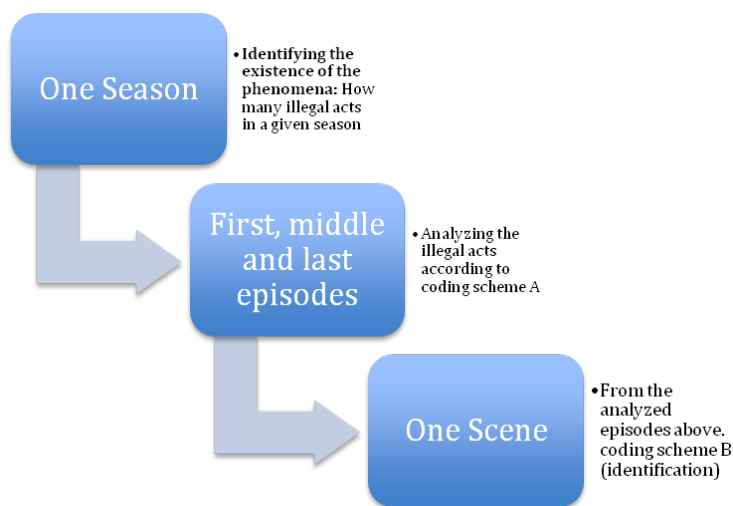
102. The process, therefore, involved strategies of both close and open coding.

103. In some cases in which a plot related to an illegal act continued into episodes other than the one analyzed, I included the results as part of the coding. Due to the first stage of watching (complete seasons) I identified the relevant elements even if they were not part of the episode in which the analyzed illegal act occurred.

104. COHEN, *supra* note 56.

105. BORDWELL & THOMPSON, *supra* note 52.

This diagram summarizes the three levels of analysis:



This research strategy facilitated constructing a more holistic picture of the unique televised text. This comprised both elements of story telling and visualization, which created a new text, whose narratives the research intended to identify. This strategy shed some light not only on the leading narratives regarding law and obedience to legal norms, but also on the techniques used in the process of mass media consumption and ways in which its messages are transmitted to the audience.

B. Internet Panel Survey – Viewers' Perceptions

1. General

The current research aims to take a step further by offering preliminary answers to the question of how viewers *actually* perceive the way law is portrayed in the shows. To accomplish that objective, an opt-in Internet panel survey was conducted in Israel, with the assistance of an Israeli company that specializes in conducting this kind of survey.

Researchers in the field have been struggling in recent years to verify the reliability of non-probability opt-in Internet panels, primarily due to their inherent coverage error and self-selection bias.¹⁰⁶ Bearing that in mind, I chose to use an opt-in Internet panel rather than, for instance, telephone polls, for three main reasons. First, standard demographic weighting, as used in the current survey, may assist in correcting the bias. Second, current research in the

106. Reg Baker et al., *Research Synthesis: AAPOR Report on Online Panels*, Pub. Op. Q., Winter 2010, at 711, available at <http://poq.oxfordjournals.org/content/early/2010/10/19/poq.nfq048.full.pdf?ijkey=0w3WetMtGItMuXs&keytype=ref>.

field points to the equivalent reliability of those panels to telephone polls.¹⁰⁷ Third, the costs of the Internet panel were much lower. This procedure allowed me to reach a greater number of respondents in a private survey.¹⁰⁸

The survey approached 503 respondents, from both the Arab and Jewish populations in Israel between the ages of eighteen and sixty-five. The sample was completed via a layer sampling process, based on data provided by the Israeli Central Bureau of Statistics (CBS), an official governmental entity. The Jewish population is representative of their ratio in the general population. However, with respect to the Arab population, the company running the survey could not confirm whether their proportion in the panel is representative of their actual ratio in the population. The Arab survey respondents comprised fifteen percent of the total population, whereas their proportion in Israeli society is around twenty percent.¹⁰⁹

2. Purposes, Structure and Limitations

The survey was comprised of a total of five questions, with two main goals: *First*, to shed some light on viewers' perceptions of the way leading characters in TV shows interact with the law. *Second*, to point at connections between watching habits, viewer's self-perceptions and the way they shape conceptions regarding obedience to legal norms among viewers.¹¹⁰

The first two questions were directed at all of the respondents, while the third question was set to recognize the respondents who watched TV shows and the scope of their watching.¹¹¹ In the third question the respondents were asked to mark the shows they watch and the frequency with which they watch them, on a Likert scale, from one to five ("never" to "frequently"). "Frequently" was defined in the questionnaire as at least half a season. The fourth and fifth questions were directed only to those watching any of the shows, and basically duplicated the questions asked in the first part of the questionnaire with slight changes, while referring to perceptions of TV characters rather than self-perceptions

The survey was designed to allow the comparison between the narratives derived from the first part of the research (content analysis) with the actual

107. Stephen Ansolabehere & Brian F. Schaffner, *Re-Examining the Validity of Different Survey Modes for Measuring Public Opinion in the U.S.: Findings From a 2010 Multi-Mode Comparison* (unpublished manuscript), available at http://projects.iq.harvard.edu/cces/files/ansolabehere_schaffner_mode.pdf.

108. Rather than in comprising an omnibus survey.

109. *Statistical Abstract of Israel 2012*, Central Bureau of Statistics, http://www.cbs.gov.il/shnaton63/st02_19.pdf, English translation available at http://www.cbs.gov.il/reader/shnaton/shnatone_new.htm?CYear=2012&Vol=63&CSubject=30.

110. Appendix B lists the survey questions, which were originally presented in Hebrew.

111. The third question contained 12 TV shows. 4 of which are analyzed as part of the content analysis process. The remaining 8 shows are part of the 21 shows that comprised the initial research population. They represent the most popular American and Israeli shows, ranked from second through fifth in each category.

ways in which viewers perceive the shows. It should be emphasized, however, that the survey did not cover the complete set of narratives that were derived from the coding scheme. Still, at least for some of these narratives, the survey suggested the ways in which they are actually perceived by the audience.

III. FINDINGS

A. Content Analysis

1. The Universe: Brief Descriptions of the Analyzed Shows

As described in Methodology, this research analyzed the four *most popular* TV shows for the years 2011-2012 on the Israeli subscribers' channels that fulfilled the criteria mentioned earlier. Each of these shows represented one of the categories: criminal-legal/non-criminal-legal; American/Israeli, as shown in the following table:

TABLE 2: THE MOST POPULAR TV SHOWS 2011-2012 BY SUB-CATEGORIES

Country Category	American	Israeli
Criminal-Legal	Homeland	The Arbitrator
Non Criminal-Legal	Desperate Housewives (DH)	Prime Minister's Children (PMC)

Before discussing the findings, to understand them better, here is a short synopsis of the analyzed shows:¹¹²

(A) *Homeland* (2011, “Showtime” network): This highly praised TV show, winner of six Golden Globe awards and six Emmy awards, tells the story of Nicholas Brody (Damian Lewis), a Marine Sergeant who returned home eight years after going missing in Iraq. After Brody returns, Carrie Mathison (Claire Danes), a CIA officer, suspects he might be plotting an attack on America. It is important to acknowledge that the show is based on an Israeli TV show (“Prisoners of War”), although it has been substantially modified. The show was broadcast for four seasons and was renewed for a fifth.

(B) *Desperate Housewives* (2004-2012, “ABC” network): While *Homeland* seems to be the new popular “kid on the block,” when *Desperate Housewives* burst onto the small screen in 2004, it received substantial attention from viewers and critics alike. During the years in which it was aired, it won the Emmy, Golden Globe and Screen Actors

112. Information on the American shows was found at www.imdb.com. This site provided some information on the Israeli shows as well, although this information was supplemented by Israeli websites.

Guild (SAG) awards. The show tells the story of the lives of female friends in one suburban fictional neighborhood (“Wisteria Lane”) in the fictional American town of “Fairview,” in the fictional “Eagle State.” The four main leading characters of the shows are Susan (Teri Hatcher), Lynette (Felicity Huffman), Bree (Marcia Cross) and Gabrielle (Eva Longoria). In 2012, after eight seasons, the show reached its epic end.

(C) *The Arbitrator* (Ha-Borer) (2007, “HOT”): It is rare to find an Israeli drama that managed to survive for multiple seasons; *The Arbitrator* exemplifies this. It tells the story of Nadav Feldman (Yehuda Levi), a social worker from a good neighborhood in northern Tel-Aviv, who discovers that he is adopted. While searching for his biological father, he is dragged into the life of Baruch Asulin (Moshe Ivgy), the head of an organized crime network in Israel, and his family. The show won the Israeli Academy of Television and Film award. The show is called *The Arbitrator* since Asulin serves as an arbitrator for the alternative dispute resolution mechanism of the Israeli crime families.

(D) *Prime Minister’s Children* (Yalday Rosh Ha-Memshala) (2011, “HOT”): This show tells the story of the first year of the Israeli Prime Minister Shaul Agmon (Rami Hoyberger) and his family: his wife Yehudit (Michaela Eshet), his daughter Libi (Alona Tal) and his teenage son, Golan (Li Biran). It was partially written by the granddaughter of the former Israeli Prime Minister Yizhak Rabin, who was murdered in 1995.

2. First Layer of Analysis: the Existence of Illegal Behavior

For the first part of my analysis, all of the episodes in the final season (as of 2012) of each of the above-mentioned shows were watched; *Desperate Housewives* S08 (a total of twenty-three episodes), *Homeland* S02 (a total of twelve episodes), *The Arbitrator* S03 (a total of twelve episodes), *Prime Minister’s Children* S02 (a total of twelve episodes). In summary, I have watched fifty-nine episodes for the purposes of this study. The length of each episode was between thirty-seven and fifty-five minutes. For the first layer of the analysis, the number of illegal incidents that occurred in these shows was surveyed.

There were two main purposes for the first level of analysis: *first*, to understand to what degree issues of legal norms, legal obedience and law enforcement exist in the shows; *second*, to identify what specific incidents will be coded at the second and third layer.

Prior to the analysis, I had two hypotheses. First, in the criminal-legal shows I would find frequent references to illegal acts. Second, in the non-criminal-legal shows I would find significantly fewer references to illegal behavior. The analysis did not fully confirm these hypotheses. In the criminal-legal shows, I identified forty-two illegal incidents in S03 of *The Arbitrator* and

thirty-seven illegal incidents in S02 of *Homeland*, an average of 3.5 and three incidents per episode, respectively. In the non-criminal-legal shows, I identified twelve illegal incidents in S02 of *Prime Minister's Children*, an average of one incident per episode. But in S08 of *Desperate Housewives*, the most non-legal, non-criminal show within the population, surprisingly sixty-one incidents of illegality emerged, reaching an average of 2.65 per episode.

TABLE 3: ILLEGAL INCIDENTS IN FULL SEASON

Category	Criminal-legal		Non Criminal-legal	
Show	Homeland	The Arbitrator	Desperate Housewives	Prime Minister's C
Total number of illegal incidents in season	37	42	61	12
Average number of illegal incidents per episode	3	3.5	2.65	1

These results may once again highlight the strong connections between law and popular culture. Although this finding may not be new, it seems to emphasize the scope of representation the legal world receives in dramas, regardless of their leading theme; this includes not only lawyers, police and law enforcement agencies, but also other dramatic-themed shows, indicating the pervasiveness of law and illegality on the small screen. In turn, the results reinforce the relevance of this research and its potential contribution to understanding not just popular legal culture in Israel, but also to understanding popular legal culture in general.

3. Second and Third Layers of Analysis – Leading Narratives Regarding Law in the Population

The main research purpose was to identify the leading narratives with respect to the rule of law and obedience to legal norms in popular TV shows. Through the coding process I identified four leading themes that controlled the discourse in those shows:

- A. Reward v. punishment – illegality will set you free
- B. “The law will yield!” – law and competing interests
- C. Police and the citizens – are you with me or against me?
- D. Law is not the solution – immediacy, problems solving and the portrayal of law

I will refer to each of these thematic elements separately.

A. Reward v. punishment – illegality will set you free

“The world is full with regular people, doing nasty things”

Mike to Suzan, DH S08E10

I will start at the conclusion: *no* show, from either genre or from either country, depicted *a criminal conviction* or other *punishment* (coded as “long-run punishment”) as its *final* outcome for the season. Punishment, for the purposes of the televised text, can either be “classic” legal punishment controlled by the criminal law, or a more general punishment, such as disease, social alienation, separation from a partner, etc. In other words, none of the characters acting illegally suffered from the hammer of the criminal law or from any hammer at all at the end of the season.

However, that is not to say that the presence of punishment was always absent from the televised text in *all* of the incidents. In some cases (five of twelve), a “soft punishment” distinguished from a “hard punishment” (such as long-time imprisonment) was identified. Soft punishment included arresting the wrongdoer immediately after the illegal act (*Arbitrator* S03E01), causing him immediate illness (*DH* S03E14) or setting off a political crisis (*PMC* S02E12).¹¹³ In cases of soft punishment, the text was apparently able to present a more complicated message with regard to legal obedience. Still, when seeking to evaluate the controlling theme, the final result matters, and ultimately these characters were not punished for their wrongdoings. Moreover, in nine of the twelve incidents, the wrongdoers were actually rewarded for their deeds, such as receiving appreciation from friends (*DHS08E01*, E22), from colleagues (*Homeland* S02E05) or simple financial relief (*Arbitrator* S03E07).

For instance, consider *Homeland* S02E05, in which one of the leading officers interrogating Brody, accused of cooperating with Islamist terrorists, stabs Brody’s hand with a knife. The officer, whose action is certainly an instance of illegal torture, is forcibly taken out of the room and replaced by the “good cop,” Carrie. No harm comes to the officer, not even a modest reprimand from his supervisors. Moreover, outside of the interrogation room, Saul¹¹⁴ asks him: “What you did with the knife, losing your temper, it was all theatre, wasn’t it?” The officer replies with a smile, “Any good cop needs a bad cop, no?” The event is never mentioned in future episodes.

And what about long-term punishment? There is none. The officer is

113. The “soft” and “hard” punishments were coded as “immediate punishment” and “long-term punishment” respectively.

114. Another leading character in the show, played by Mandy Patinkin

injured during the season, but he survives. Moreover, in the final two episodes he is portrayed as a moral entity, refusing to assassinate Brody although he was ordered to do so by higher authorities in the CIA hierarchy. Therefore, the illegal act seems to fade away; the officer is not punished for it, and the season ends with him being tagged as a character of high moral standards.

The same principle is observed in *The Arbitrator* S03E01. After Nadav stabs Yigal in an act of vengeance, he is “immediately punished” and is chased by the police, shot in the leg and arrested. Later, he escapes. At that point, he goes through all stages of suffering as a fugitive. Later on in the season, he is even rearrested for a short period of time. However, it does not take much for Nadav to be released, open a new business, gain his soon-to-be wife’s trust, get married and be regarded by his father as an important figure in the family structure. Once again, no punishment is evident in the long run; the wrongdoer is instead rewarded.

B. “The law will yield!” – law and competing interests

Ben: . . . Because you are not that guy anymore

Mike: That’s right

Ben: A bad cop tried to rape your girlfriend and you fought him to protect her. Tell me why you wouldn’t want to be that guy anymore?

Mike: It was a long time ago. I was a kid, and I have learned that life is much more complicated than I thought.

Ben: No, no. Life is brutally simple. Life is getting what you want and protecting who you love, and everything else is weakness.”

DH, S08E02

Another interesting conclusion derived from the analysis concerns the ways in which the stories are dramatized by stressing a legal dilemma. Based on the analysis, it appears that each show sanctifies one or more values or interests and emphasizes their importance by contrasting them with the law. In other words, the legal norms seem to compete with the predominant values or interests conveyed in the shows. In all cases, these competing interests trump the law.

Such competing interests include family and friendship (*DH, Arbitrator*), national security (*Homeland*), political survival or personal values, such as the freedom of choice or even pure fun (*PMC*). These all serve as tools for justifying the illegal act by providing the wrongdoer with either a moral or a practical explanation for what he or she did. In most cases, the competing interests are clearly presented in the text, sometimes by using a contrasting character.¹¹⁵ The text explains choosing these competing interests over complying with the law as a rational and reasonable decision.

115. Coded: “is there a legal path offered.”

For instance, Nadav in explaining his wrong act: “Any normal human being would have done what I’m doing. I’m trying to catch the one who hurt my wife” (*Arbitrator* S03E03). Another example: consider the dialogue between Susan and Bree (*DH* S08E01); Susan: “We are going to get caught. People always get caught. We are not criminals. We drive carpool”. Bree: “That’s enough. This is a very bad man. He attacked our friend and her husband protected her, and now we are going to protect them”.

In most shows, the visual elements are used to turn the viewers into active participants, facilitating the process of identification with the wrongdoer. The televised script wants the audience to support the character’s interest, by making the audience empathize with the character. For instance, in *Homeland* S02E01, the viewers join Brody throughout the process of breaking into CIA department head’s safe to provide Abu-Nazir (a Bin-Laden-inspired terrorist) a list of secret potential targets.

First, there is a medium-shot of Brody, followed by the camera slowly zooming in on a close-up of his face, while he considers whether to commit the illegal act or not. Through this technique the viewers get the sense of participating in Brody’s unspoken inner battle in making this decision. From the moment he decides to commit the illegal act, an intensive use of editing and music turn the scene into a semi-thriller, in which the viewers are completely trapped in their identification process with Brody. The reason why he is committing the illegal act (assisting terrorism) no longer seems relevant; we just do not want him to get caught. During the scene in which Brody struggles to explain to Abu-Nazir’s partner why he will not assist in “killing innocent people” (“I am not a terrorist!”), the viewers wished that he would refuse to perform the task. While committing the illegal act, they just hope for his success.¹¹⁶

The following chart sums up the illegal acts analyzed and the values or interests that motivate the acts, as explained by the televised text.

116. For more examples of the visual elements participating in supporting the interest competing with law, see later on *DH* S08E01, *The Arbitrator* S03E01.

TABLE 4: COMPETING INTERESTS AND ILLEGAL ACTS – ALL THE SHOWS

Series and episode	Illegal act	Interest
DH S08E01	Burying a body	Friendship
DH S08E14	Insurance fraud	Pride and family
DH S08E22	Contempt of court	Friendship
Arbitrator S03E01	Stabbing	Family
Arbitrator S03E07	Drug delivery	Family and fear for oneself
Arbitrator S03E12	Murder of a cop	Family and fear for oneself
Homeland S02E01	Stealing classified information	Justice or Revenge
Homeland S02E05	Knife use during investigation	National Security
Homeland S02E08	Not reporting hit and run accident	National security
PMC S02E01	PM smokes marijuana	Fun
PMC S02E07	Not reporting hit and run accident	Avoiding political backlash
PM S02E11-12	Supporting euthanasia ¹¹⁷	Friendship and freedom of conscience

C. Police and the citizens – are you with me or against me?

“We are not the cops, we have to be better”

Baruch Asulin, the head of the crime family (*The Arbitrator* S03E06)

Another leading theme identified through the coding process concerns the role that police and other law enforcement agencies play in the shows. In all of the shows, the police are involved (*DH*, *Arbitrator*) or at least mentioned (*Homeland*, *PMC*) as a source of authority, as those who are supposed to be responsible for enforcing the legal norms among disobedient citizens. Surprisingly, in *all of the shows* they *fail to do so*, either because of their own personal choices or due to their limited abilities. Moreover, at least in the *Arbitrator*, *DH* and *PMC*, the police are not portrayed flatteringly, and the reason for this negative depiction ranges from incompetence on the one hand and corruption on the other.

Moreover, in those three shows law enforcement as such seems not to be the leading incentive for police work. In *DH* two main policemen are involved, at different stages, in the investigation of the disappearance of Gabi's stepfather.¹¹⁸ The first cop (Chuck) is Bree's ex-boyfriend, who treats the

117. Illegal in Israel

118. Who was killed by Carlos and was buried by the four leading characters.

investigation as a vendetta against Bree, who broke up with him. “I protect the people that I care about. I don’t care about you now. You made a very big mistake,” he tells her, while acting violently.

And if that message was not clear enough, in the closing scene of the episode, a voice-over is heard, followed by a close-up of the hands of a man holding a ring: “And then there are those who refuse to accept those important lessons.” The camera spins around the hands of the man, opens up to a medium shot and then to a long shot of the miserable, abandoned Chuck; the audience then hears the voiceover again: “They simply wait for the chance to teach a lesson of their own.” After the voice-over, Chuck’s friend enters the room with a picture of a John Doe, whose disappearance requires an investigation. This John Doe is well known to the viewers—it is Gabi’s dead stepfather. From that moment onwards, it is clear that the truth-finding purpose will be of secondary importance (S08E04, see later also S08E07).

The second cop gets into the picture a few episodes later, after Chuck is killed in a mysterious car accident. His purpose for investigating the case is once again a sense of revenge for the humiliation Chuck suffered after Bree abandoned him (S08E16). The revenge voyage leads the detective to create fake evidence to connect Bree to the crime (S08E19).

The portrayal of the police in *The Arbitrator* goes along the same lines, in an accelerated format. In S03E01 a few police officers are introduced to the viewers. The first is the head of the department, a corrupt officer being paid by the arbitrator, who acts according to the arbitrator’s wishes. The second, a new detective at the department, is portrayed almost as a psychopath; he does not hesitate to shoot unarmed Nadav, and arrests his mother for no real reason in hopes of pressuring him. Once again, as was apparent in S03E03, revenge is the leading reason for the police work. “Our power as police is limited” explains the head of the department in the last episode of the third season. He goes on to explain, “They are killing each other, let them do the work for us, and we’ll get extra hours and money” (S03E12), showing how there is a total loss of control and how there is no hope for law enforcement agencies to enforce legal obedience. In general, it can be said that *The Arbitrator* creates a disturbing dynamic between the police and the criminals by eliminating the boundaries between the two. The above-mentioned portrayal in *DH*, although subtler, points in the same direction.

This tendency is also reinforced by the way the shows portray how an ordinary citizen chooses to approach the police (or not approaching it).¹¹⁹ In general, it is apparent that the individuals residing on Wisteria Lane (*DH*) prefer to resolve serious problems without the police. For example, when Mike finally approaches the police to assist him with the loan shark who is threatening his life, the police harass him (S08E16). Moreover, they fail to provide him with the patrol vehicle that they promised him for protection, and

119. Coded as: “are the police informed of the illegal act by a citizen.”

the loan shark murders him. Orson, Bree's ex-husband, who knows about the illegal act of burying the body, uses his knowledge to win Bree back again. He only approaches the police as a tool in pursuing his revenge after Bree dumps him (S08E15). S08E09 devotes the opening scene to the activities of police in the neighborhood: they work on complaints about a broken flowerpots or loud music after hours, controlling these tiny neighborly incidents that can barely be considered to be illegal. These insignificant incidents highlight the problem: the lack of police work in solving more serious crimes, such as burying a body, a crime no one has reported to the police.

The only reference to a police force in *PMC* follows this model. Golan's girlfriend approaches the police to report the hit-and-run accident in which she and Golan were involved, and the police ignore her request due to the fact the victim was an Arab (S02E10). Once again, police work appears to have nothing to do with justice or law enforcement; rather, the work is controlled by other irrelevant interests—such as the origins of the victim—that actually do not require the police to solve the illegal act.

The same is the case for *The Arbitrator*. In S03E07, an innocent woman, whose ex-husband owes money to the Arbitrator's son (Avi), is forced to take part in an international drug deal by delivering drugs in the pillows that she is selling. The option of approaching the police to avoid the illegal act and asking for protection is not even mentioned in the script. "Ok, Ok, I'll do whatever you want, but I can't go to prison,"¹²⁰ she says. "Ok," says Avi, "I need to put in the pillows you send abroad white material that looks like your polymers." Ruth, understanding his objective, accepts the request with a sigh.

Homeland is less obsessed with the portrayal of the police, perhaps because it is consumed by CIA operations. Like the other shows, however, the police are mentioned as possible addressees for citizens' complaints (regardless of the actual potential success of approaching them). In *Homeland*, the police serve as the natural place to report the hit-and-run incident. Brody and his daughter approach the police, but at the last moment, Carrie, the representative of another law enforcement agency, asks them not to because of national security reasons. Once again, the police—and the law—are secondary to the leading interest.

However, in some sense, the portrayal of the CIA in *Homeland* bears similarities to the way the police is described in *DH*, *PMC* & *The Arbitrator*. For instance, the story line of the secret assassinations unit, which is asked by the head of the CIA department to kill Brody in order to clear the head's name, emphasizes the personal interests controlling the discretion of the organization. Another example is the unnecessary investigation formed by the head of the department, aimed to discipline Sol for no reason (S02E11). Nevertheless, the image of the agency is a more balanced one (when compared to the police),

120. Responding to Avi's first offer that she will serve time in prison as a favor rather than Avi's "soldier."

accentuating the more classic representation of “good” and “bad” characters that is so prevalent in the popular culture.¹²¹

In summary, in most of these shows, the police¹²² are detached from the enforcement of legal norms. Other interests besides law enforcement or criminal justice (e.g., revenge or personal benefit) characterize the work of the police. Moreover, in the shows watched (at least *the Arbitrator*, *DH*, *PMC*) the police (partially (*DH*) or fully) lose their authoritative strength as the “human representatives” of the law, and with that their deterrent power. This depiction reflects a somewhat chaotic world, in which control of legal obedience transfers from the state authority to the hands of individuals.

D. Law is not the solution – immediacy, problem solving and the portrayal of law

Sol: Our backup plan was to regroup here.

Carrie: I was told it is about an attack on America. Forgive me, I thought it would be better meet her sooner rather than later.

Sol: The entire purpose of the protocol was keeping your judgment out of it.”

***Homeland*, S02E02**

Another leading narrative in some of the shows concerned the representation of the legal solution as an obstacle to solving the problem, as defined by the wrongdoer. In eight of the twelve analyzed episodes, the law interfered with achieving the “right” solution, being framed by the interests mentioned earlier.¹²³ For instance, reporting the murder and claiming self-defense to the police is a ridiculed solution to protecting the family (*DH*, S08E01), as is confessing to the court, which would put friends at risk (*DH*, S08E22). The same principles follow in *the Arbitrator*, when killing a police officer is portrayed as the only immediate option to defend yourself and to remain a member of the family (*Arbitrator*, S03E12). This is analogous to the situation in *Homeland*, where kidnapping a senator and torturing him without reporting it to the vice president, is portrayed as being the only solution to the immediate threat “against America” (*Homeland*, S02E05).

Even in those instances when at first the illegal act fails to provide a viable solution, such a solution is eventually provided and can be attributed to the illegal act. For instance, in *DH* S08E14, Ben’s insurance fraud (burning his own construction site) does not at first provide him with the money he needs, but it does create the path for him to get it from an unexpected source (his soon-to-be wife). Two variables control the analysis in this section: first, the interest protected by the illegal act and second, the complexity or inability of

121. STARK, *supra* note 26.

122. And, in some way, the CIA.

123. See Table 4, at page 70.

the law to provide a solution to protect that interest, either due to time constraints or merits.

The story of *Homeland* S02E04-05 illustrates an example of this theme. The special team that was created to monitor Brody decides to take him in for interrogation, without informing the Vice President (recall that Brody is a senator). The rationale for performing the illegal act is explained by the immediacy of the situation. Carrie suspects that Brody has found out, through her actions, that he was being followed, which leads to a fear that he will inform Abu-Nazir (the terrorist he works with) and jeopardize the operation. Therefore, the CIA breaks into his hotel room and arrests him. I'm a United States Congressman!" explains Brody in the interrogation room. "You are a disgrace to your country Sergeant Brody," explains his interrogator by adding: "You're a traitor and a terrorist, and it is about time you paid the price." These statements frame and explain the illegal actions being carried out. Brody is deprived of sleep, and, as mentioned earlier, is stabbed in the hand by the investigator. All of this is explained by necessity—an attack on America is about to occur, and immediate actions are required, regardless of their legality. Following the legal path, i.e., reporting to the Vice President (who sees Brody as his successor after the election) is not considered "a must."

4. Interim Summary – The Portrayal of the Legal World Within The Research Population

Through the coding process, four leading themes were identified in the TV shows, as elaborated in the previous section. Looking at the themes from a bird's eye view enables the reader to draw a more coherent picture of what is considered our legal world in the eyes of the popular culture. This is a world that is characterized by *flexible boundaries*:

A world in which the law is not a "must" but rather an option, and a personal one.

- A world in which other interests may supersede legal norms.
- A world in which the decision of whether to use the law as a problem-solving mechanism drifts from the control of law enforcement agencies into the hands of the individuals.
- A world in which the police, as law enforcement agents, fail to fulfill their authoritative capacity.
- A world in which disobedience toward legal norms may leave you untouched, unharmed and unpunished.

But this description may not be completely accurate. Although these findings can be recognized as general *common* themes for the shows, the shows still were not completely identical in the portrayal of these narratives. Besides those shared general themes, the research also detected some differences in the *inner* structure of the themes and therefore looked for variables that might explain such differences. The main, and leading difference, is related to the

cultural origins of the shows—Israel or the USA. We should start by pointing at the differences. At a later stage we will try to explain their origins.

5. Cultural Differences

(A) Providing a rationale for the illegal behavior and the decision-making process

The basic themes of law being defeated by other values and law as a non-problem-solving mechanism seem to be repetitive narratives in all of the shows analyzed, both American and Israeli. However, one may find differences in the ways that the American and the Israeli scripts provide viewers with explanations behind one's choice to engage in an illegal acts.

In general, the Israeli shows put less effort into *explaining* the illegal acts than the American shows. As a result, the inner moral struggle of the characters with the illegality is much less present in the Israeli shows. For instance, in three incidents in the Israeli shows (*PMC* S02E01, E11-12, and somewhat in E03 & E07), explanations for the illegal acts are either absent, vague or given retroactively. On the contrary, in the American shows, in all six episodes, thorough explanations are given with regard to the illegal acts, primarily through a sort of moral duel between the legal and the illegal path.¹²⁴ Moreover, there are differences in the ways by which the *process* of reaching the decision to perform an illegal act is addressed, being much less apparent in the Israeli shows.¹²⁵

A comparison between the same illegal acts as portrayed in *Homeland* as opposed to *PMC* may deepen the differences I wish to illustrate. In both *Homeland* and *PMC*, the teenage sons of the Vice President (*Homeland*) and the Prime Minister (*PMC*) are involved in a hit-and-run accident. Both of them decide **not** to tell their fathers, and in both cases the friends (Brody's daughter and Golan's girlfriend) who took the ride decide to share the information with others—in *Homeland* the parents and in *PMC* the police. As mentioned earlier, in neither case were the kids punished.

The difference lies in the *moral process* that the characters go through. In *Homeland*, various characters fear reporting the accident to the police. Brody, his wife and his daughter support disclosure, while the Vice President and his wife do not. Brody decides to go to the police, despite the political scandal it will cause, but Carrie stops him from doing so by playing the “national security” card. That is enough for the law to yield to a competing interest. The process by which the moral values are being debated is long and thorough, providing clear explanations of the interests that stand in the way of adhering to the law, while stressing who supports which solution and why. “We’ll clean it

124. Coded as: “does the text support explanations for the illegal act” and “is there a legal path offered besides the illegal path.”

125. And sometimes is completely absent.

up,” says the Vice President to Brody. “It isn’t right, but there is nothing that can be done. We are candidates for election and a fuck up of two teenagers won’t stand in our way.” Brody goes to the police despite the political element, but is stopped by Carrie who explains to him how it may harm the operation. The winning interests are clear and well explained (S02E07-E08).

When it comes to *PMC* things are much more simple (and disturbing). The Prime Minister’s son does not tell anyone about the accident. He never really explains why the accident occurred, and prefers to believe nothing has happened. In the case of *PMC*, one can only assume the reason for the PM’s son’s preference not to inform his parents of the event. The son’s girlfriend plays the role of the narrator, confronting him with his untold reason to keep the incident quiet (his official reply is denial, saying nothing happened, even with the mobile-phone camera providing clear evidence to the contrary). Moreover, even when the girlfriend approaches the police, she is notified that they are not planning to do anything about it since the victim was an Arab pedestrian.

The same inner structure can be identified in other shows as well. For instance, in the opening scene of *DH* S08E01, all the friends bury the body of Gabi’s stepfather, who came back to sexually harass her and was killed by Carlos, her husband. The scene of burial is a long one, built as a visual duel between Bree and Gabi, who support burying the body, as opposed to Susan and Lynette who offer to approach the police. The dialogue is long and consists of the competing interests—protecting Gabi and Carlos as opposed to adhering to the law. The process of identification is slowly molding the viewer’s point of view towards those who support the illegal act: Bree receives the longest exposure time (twenty-two seconds and her longest monologue lasts seven seconds). Susan receives eighteen seconds, but her longest monologue only reaches two to three seconds. Lynette is not facing the audience during most of the scene (she receives only five seconds of camera time), whereas Gabi’s miserable face is well presented (receiving fourteen seconds). At the end, the camera moves towards Gabi and Bree, calling for Susan and Lynette to join them, as they do.

In all of the Israeli episodes watched, the closest one to providing a detailed explanation of the illegal act was the Arbitrator S03E01 when Nadav decided to stab Yigal. The Israeli script takes some steps to provide a stronger explanation for the illegal act: Yigal beating Nadav’s wife and killing his unborn child. The process of identification, using visual conventions, also plays a role in the process, with the camera following Nadav in a medium, shot towards his victim, allowing the viewers to “become Nadav.” At the moment when he stabs the victim, the camera avoids the close up, separating the viewers from the illegal event. From that moment on, a set of close-ups pointing at Nadav’s shocked reaction to his deed control the scene. “I’m not running away. I’m not a criminal!” yells Nadav at Avi, his half brother, while Avi mocks him: “You are not a criminal? You just made a chicken skewer out

of Yigal. As if you are not a criminal. . .”

Still, although this scene is a more detailed one, it is not as well explained as the American scenes, and the only explanation given for Nadav’s acts is revenge. Were there other possible solutions? Was Nadav struggling with an alternative? Was it necessary for him to act the way he acted at that moment? Answers are not directly given, and the moral debate so well presented in the American script is once again omitted.

Sometimes, the long process of explaining the illegal act is completely absent from the Israeli shows—for instance *PMC* S02E01, in which the PM smokes marijuana with his family and friends. No explanation is given during the act. We simply watch as the PM quietly approaches the surveillance cameras and shuts them down. “Why did you do it?” His doctor later asks in a very short scene taken at the hospital. “Just for fun” he answers, not needing to provide any further explanation. In E10 of *PMC* the use of marijuana is again present, when the PM’s political advisor openly receives his supply from his dealer at the café in which a meeting is held. “It is hard to get good stuff these days,” he says, not explaining or apologizing for the act. The same situation occurs in the *Arbitrator* S03E07, when Ruth delivers illegal drugs. Viewers may attribute Ruth’s willingness to deliver the drugs to her financial debts, but no real debate takes place about whether this is the only possible solution for her situation or if there might be alternatives to the illegal path.

It should be mentioned, however, that these last examples may also point to an alternative explanation for the differences in the portrayal of the illegal acts—not cultural differences, but rather differences in the severity of the illegal acts (for instance, burying a body as opposed to smoking marijuana). I will refer to this option later on.¹²⁶

To summarize this point, it can be concluded that performing an illegal act when other interests seem to support it is a leading narrative in all of the shows watched. Still, one may point to some differences between the ways in which the balancing of these interests and illegal acts are portrayed in those shows, based on their cultural origin. While the American shows seem to invest a significant amount of textual and visual strength in explaining the interests as the basis of the illegal act and the moral debate regarding the decision to commit the illegal act, the Israeli shows provide a much thinner explanation.

(B) *The representation of the police*

As mentioned, in all of the shows, the police were basically described as a non- functioning authority, either due to their own incompetence (*Arbitrator*, *PMC*, *DH*) or because other authorities preclude them from carrying out their duty (*Homeland*). The first three shows also negatively portray police officers as being led by other interests that are not based on law enforcement (revenge,

126. In general, the analysis indicated marginal significance of the severity of the acts on the representation of the illegal acts.

financial benefits). Still, while the American shows do not completely abandon the idea of police work (see for example *DH* S08E06), the Israeli shows take this narrative to its bitter end. In *The Arbitrator* it is hard to distinguish between the police and the criminals, and they seem to follow the same patterns of behavior. Moreover, the idea of approaching the police never seems to be an option; In *The Arbitrator* S03E01 Nadav does not even consider approaching the police in order to receive justice against those who attacked his wife. At S03E07 Ruth does not consider heading to the police when she is forced to deliver the drugs; and neither does Itzik at S03E12, who shoots a cop without any alternative solution being offered. The American script, though unsupportive of the police, does not completely neglect the idea of approaching them, for instance, in minor cases (*DH*, S08E09) or when national security permits (*Homeland*, S02E08).

(C) *Radical social criticism:*

“These are the rules of the game Nadav. This is the state of Israel. It was created by the sword, and it lives by the sword. What you don’t break here, you can’t trust it.”

Baruch Asulin, *The Arbitrator* S02E09

Both the *Arbitrator* and *PMC* are embedded with generalizations regarding the state of Israel and the future of Israeli society. Statements describing the decline of Israeli society (for example; *Arbitrator* S03E06, *PMC* S02E12), patterns of despair and indifference (*PMC* S02E12) and incompetence of the legal system (*Arbitrator* S03E04, *PMC* S02E10) are spread throughout the episodes. They all emphasize a sense of despair, mixed with indifference, regarding the future of Israeli society. When combined with the lack of thorough explanations of the illegal acts and the portrayal of the police, the viewer may receive a complex picture of chaos and social instability.

Although the American shows provide some problematic views of the law and the legal agents, I could not detect the same patterns. The only discussion that touched upon similar elements can be found in *DH* E02—Ben’s talk with Mike (quoted earlier, see page 73). Still, that conversation provides a solution: one can trust himself and his family and things will be fine. The theme of dragging down the “American nation” as a whole is not present in the script. *Homeland* does not go as far as the Israeli shows do in this respect. It emphasizes the fear of terrorism, but reassures its audience that someone is taking care of the situation. It may not be the law, but it suffices.

6. *The Severity of the Illegal Acts – Did it Make a Difference?*

As mentioned earlier, one of the cultural differences identified was that Israeli shows provided little justification for the illegal acts compared to the American ones. One alternative explanation for such differences concerns the

severity of the illegal act, i.e., in cases in which a “light” illegal act is involved, less moral debate and explanation will be provided. For instance, the example mentioned earlier regarding the difference between *DH*’s burial of the body scene and the *PMC*’s marijuana smoking scene, may be explained by the severity of the act rather than cultural differences.

After analyzing the complete list of illegal acts as identified in the second and third layer of coding, it seems that the severity of the illegal act plays only a marginal role in the way the illegal act is portrayed. For instance, all of the American shows feature a detailed explanation and a moral debate between the wrongdoer and another character (6 out of 6), be it the illegal act of burying a body, not reporting a hit-and-run accident, or refusing to testify in court or insurance fraud. In the Israeli shows, on the contrary, even much more serious illegal acts are rarely explained or morally debated (killing a cop, delivering drugs in an international drug trafficking circle or a hit-and-run car accident). The same is true for the less severe illegal acts in the Israeli shows, such as smoking marijuana (although the PM is the one smoking it) or supporting a friend going to Switzerland for euthanasia. In the last incident, for example, when local Swiss cameras catch the PM, the script supports only a retrospective explanation. As explained earlier, even on the rare occasion in *The Arbitrator*, where some emphasis is given to the moral justification behind the event, many questions are left unanswered. In other words, it seems that both in the American and Israeli shows the severity of the illegal acts does not significantly affect the way in which these acts are portrayed. Therefore, if differences exist, they may be attributed to the cultural origin of the show. Later, I will further discuss such cultural differences, aiming to provide a deeper look into their origins. Since some of the survey’s findings are necessary for discussing these cultural differences, I first review the results of the survey.

B. Internet Panel Survey

1. Viewers’ Perceptions of Leading Characters’ Disobedience in TV Shows

The findings listed above discuss the leading narratives that were identified in the shows, aiming to capture what messages are transmitted to the viewers. By conducting an internet panel survey, the second stage of the research aims to connect the findings with the other side of the equation—how these shows and their narratives are *actually* perceived by Israeli viewers. The respondents were first asked to indicate the shows they watch from a list of the 12 most popular shows and to grade the frequency of their viewing. Only those who watched at least one show were selected for the second stage of the survey.¹²⁷ At the second stage, the respondents were asked to state their opinion about the two phrases revolving around the leading characters in those shows

127. 452 respondents, i.e., eighty-nine percent of the total population, were identified as viewers.

and their attitudes toward the law.

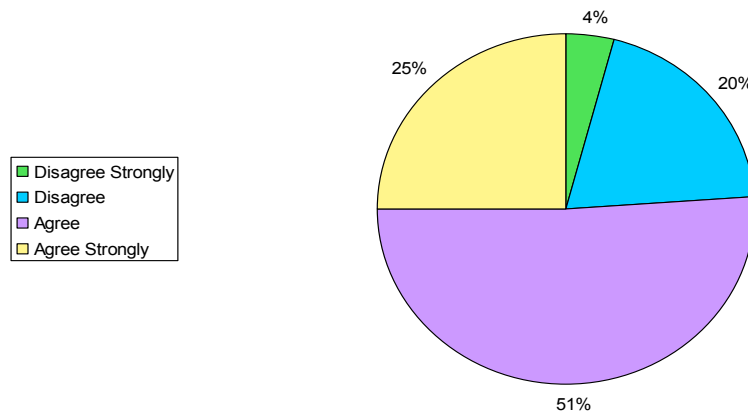
The answers were scaled: (1-4) “Strongly agree,” “Agree,” “Disagree,” “Disagree strongly.”

- The first phrase was: “In cases in which an immediate solution is necessary, the leading characters in the shows I have watched would sometimes prefer solving things “out of frame” to waiting for the solution offered by the law.”
- The second phrase was: “There are circumstances in which the leading characters in the shows I have watched do not obey the law if they think it is unjust.”

Both questions were aimed at partially representing some of the general themes that were derived from the coding process, i.e., indicating a legal world with vague boundaries in which *personal* decisions (based on morality, competing interests, urgency and other personal variables) may overcome obedience to legal norms.

The results of the survey were quite conclusive in this respect. Among television viewers, at all levels of viewing (2-5) (N=452), seventy-six percent agreed or agreed strongly that the leading characters in TV shows were willing to break the law under certain circumstances¹²⁸ Only twenty-four percent disagreed or disagreed strongly with that conclusio

FIGURE 1: VIEWERS’ PERCEPTION OF CHARACTERS’ LEGAL DISOBEDIENCE



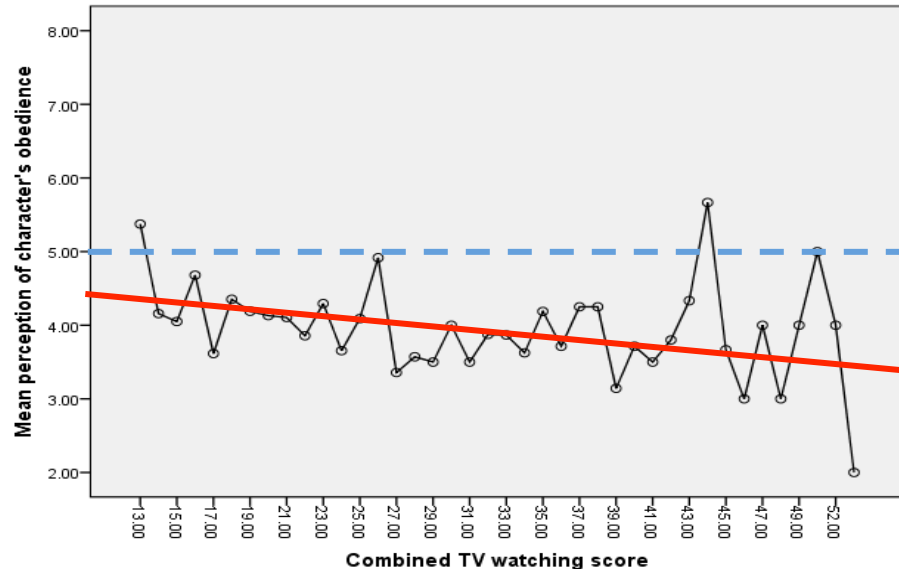
These results highlight strong connections between the findings derived from the qualitative content analysis, and the way the Israeli public perceives the depiction of legal disobedience in the popular culture. The flexibility of

128. 95% CI = 72% to 80%.

legal norms and the willingness to disobey the law when personal characteristics or choices demand it, therefore, seem to be a leading convention of the popular legal culture, at least when the personal morality of the TV character contradicts the law or when the law fails as an efficient problem-solving mechanism in situations that demand an immediate solution.

Moreover, the influence of heavy viewing on the deployment of the messages conveyed by TV became obvious from the results, indicating that watching habits are negatively correlated with the perceptions of which characters tend to commit illegal acts when personal considerations call for it. In other words, heavy watching, i.e., the more one is exposed to TV shows, is associated with a decrease in the mean perceptions of character's disobedience, i.e., associated with perceiving the characters in the shows as disobedient (see Figure 2):¹²⁹

FIGURE 2: WATCHING HABITS AND PERCEPTIONS OF TV CHARACTERS



The blue reference line corresponds to a neutral perception of character's obedience (value=5), meaning all the results under it represent disobedience. In general, one can see that the majority of the respondents identified the disobedience of the leading characters in the show.

These results highlight two important issues. First, they connect the image of legal disobedience among leading characters in TV shows as perceived by the viewers with the findings of the content analysis chapter. Second, they

129. Spearman correlation = -0.156, $p < 0.001$. The left column represents the sum of answers given to questions 4-5. The lower the number, the more disobedient the character is perceived to be. The bottom column is the sum of watching habits on a 1-5 scale for each show (5*12 shows = max of 60). The data represent the mean perceptions and the combined watching score. The lines merely indicate tendencies, and do not represent actual data.

emphasize the association between the scale of watching and the reception of the message; increase in the exposure to the content provided by TV, is associated with perceiving the leading characters as being disobedient. Moreover, it should be recalled that the results of the survey refer not only to the four shows analyzed as part of the content analysis,¹³⁰ but also to a larger list of shows.¹³¹ Therefore, the correlation found between the watching score for all 12 shows and the perception of characters' illegal behavior may indicate a general common theme in those shows. This general perception of illegality, shared by most viewers, strengthens the generalizability of the qualitative analysis.

2. Viewers' Self-perception of Disobedience

As mentioned, the first part of the survey was distributed to all respondents regardless of their watching habits (N=503), and was also intended to get an overview of the way viewers perceive themselves in relation to disobedience to legal norms. The questions in this section were closely related to the questions asked in the other part of the survey with some modifications, and respondents were asked to reply to phrases on the same one to four scale. The first statement was the following: **"Sometimes, it is not necessary to obey the law when it is unjust."** The second phrase was: **"Sometimes, in urgent matters, it is better to solve problems immediately rather than waiting for their legal resolution, even if the fast solution does not comply with the law."**

31.2% of the respondents revealed a *personal* tendency to disobey the law when they considered the law to be unjust, i.e., where their own personal morals did not concur with the legal path. In fact, 35.7% revealed a *personal* tendency to disobey the law when the law could not provide a necessary immediate solution.

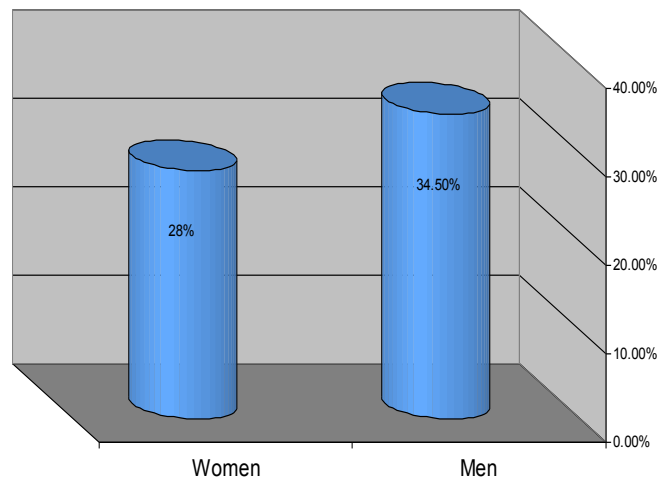
Another interesting finding is that tendencies regarding personal disobedience to legal norms among men and women were not significantly different;¹³² for instance, twenty-eight percent of the women "agreed" or "agreed strongly" with the need to disobey the law in the circumstances mentioned in the first question, and 34.5% of the men answered likewise:

130. The most watched shows in the above-mentioned subcategories: criminal-legal/non-criminal-legal/Israeli/American. Three Israeli shows in total matched the definitions of the population. See *supra* note 110.

131. In other words, the twelve most popular shows in subscribers' channels in Israel, rated from 1-5 in each of the subcategories mentioned earlier. As mentioned above, the purpose of the subdivision into categories was to create somewhat representative groups of shows, so that analyzing only one show in each category might allow some generalization regarding the remainder. The results of the survey provide some reassurance with regard to the possible common themes in all of the shows.

132. $P=0.11$ for gender differences.

FIGURE 3: PERSONAL DISOBEDIENCE VALUES BY GENDER



Gender was not the only factor in which no statistically significant differences among respondents were identified. In fact, according to the results, *apart from age*, most of the demographic differences among the respondents (e.g., religion,¹³³ religious affiliation,¹³⁴ social status, and education) had no statistically significant correlations with the answers given by respondents, either regarding their personal views or the way they perceived the TV characters. On the other hand, two variables revealed statistically significant correlations with the respondent's self-perception: first, the respondents' perception of the character's disobedience; second, the age of the respondents.

With respect to the first variable, the results pointed to a statistically significant positive correlation¹³⁵ between respondents' self-perception and the way they perceived TV characters. The more intuitive interpretation of the data is the one presented in Figure 4: the higher the respondents ranked themselves on the scale of obedience, the higher they ranked the characters in TV shows, which suggests that they project their own views onto the TV characters.¹³⁶ But perhaps the connection between the variables is the opposite? Maybe the higher the respondents ranked the TV characters' disobedience, the higher they have ranked themselves? That suggests that the viewer's own views are influenced by what they have seen on TV. Unfortunately, this survey cannot provide a definitive answer to this possibility.

133. It should be mentioned, however, that the survey indicated a trend towards self-disobedience in the Arab sub-group when compared to the Jewish sub-group, although it did not reach statistical significance.

134. For instance Orthodox Jews (Charedim) compared to other Jewish respondents.

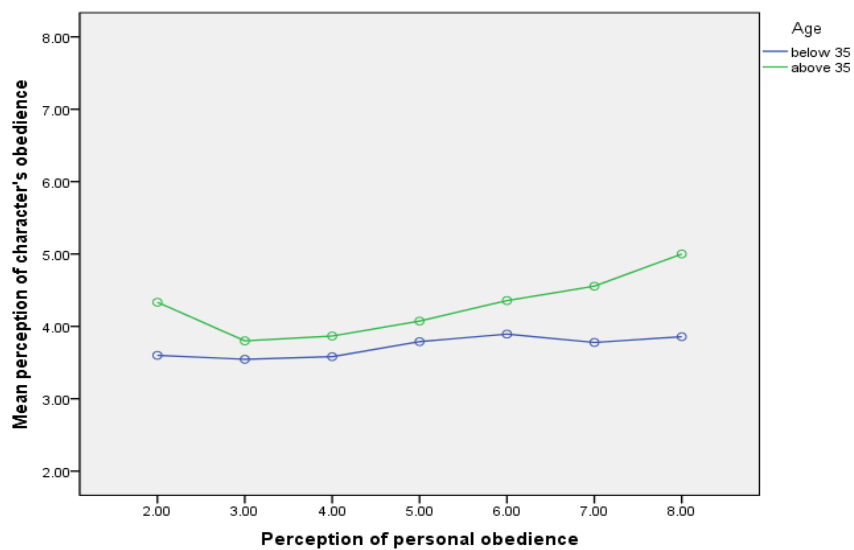
135. Spearman score: 0.133, $p=0.005$.

136. The data represent the mean perception. The lines are merely indicative of tendencies, and do not represent an actual data.

This tendency was also influenced by age, with older respondents being more prone to hold a higher self-perception of themselves, and consequently of the TV characters.¹³⁷ Generally, those over thirty-five years of age had a greater tendency to perceive themselves as being obedient.

These findings open the gate for future questions regarding the influence of the media on viewers' self-perception, which could help discover the actual causal relationship here—does the viewer's self perception define the way she consume the media, or do the media affect the way they see themselves?

FIGURE 4: SELF-PERCEPTIONS AND PERCEPTIONS OF CHARACTERS BY AGE



IV. CONNECTING THE DOTS: SOME THOUGHTS ABOUT THE ISRAELI POPULAR LEGAL CULTURE

The main purpose of this research was to shed some light on the leading narratives regarding obedience to legal norms and law enforcement in the most popular drama shows in Israeli in the years 2011-2012. The findings portray a somewhat unstable legal world: a legal world with vague boundaries of right and wrong, in which obedience to legal norms becomes a matter of personal choice rather than a social requirement. Moreover, the findings point to a world in which disobedience to legal norms is well rooted among all members of society, while simultaneously stressing the incompetence of law enforcement agencies (mainly the police) in deterring civil society from choosing the illegal path.

137. The Spearman correlation between age and personal perceptions is 0.176, between age and the character's perception is 0.201. $p < 0.0005$.

Interestingly, this portrayal of the legal world was present both in the American and the Israeli shows. Still, the congruence between the American and the Israeli shows was not perfect, and in three elements, some differences were detected. First, whereas the American shows were characterized by a moral debate revolving around the illegal acts, aiming to provide an explanation for the character's choice to follow an illegal path, the same debate in the Israeli shows was either partially or totally absent. Second, the portrayal of the police as non-relevant law enforcement agents was much more extreme in the Israeli shows, which overtly depicted the incompetence of the police. In contrast, in the American shows, despite the criticism of the police, a basic acknowledgment of their role as a legitimate law enforcement agency was preserved. Third, a tendency towards radical social criticism, portraying a fatal picture of the future of Israeli society, was overtly present in the Israeli shows, while in the American shows, on the contrary, the criticism, if present, was much less profound or fatalistic.

These findings may provide us with some preliminary thoughts regarding the portrayal of law in popular shows in Israel—but not only in Israel. It can also provide us with tools think of the popular images with regard to legal norms in the US and around the globe where American TV shows are broadly distributed.

But first things first—these findings may hint at Israeli popular legal culture, first in its *narrower* form, mentioned earlier, through the prism of popular cultural artifacts.¹³⁸ Second, when connecting the study's theoretical dots, these findings may assist us in explaining Israeli popular legal culture in its *broad*er sense, such as through knowledge, behavior, beliefs and attitudes about law held by ordinary individuals in society.¹³⁹ According to the theoretical framework of this research, these findings can serve as both “a mirror and a lamp” for Israeli society. First, they can hint at the narratives that *shape* attitudes and concepts of the law among the citizens in Israel. Second, they may *reflect* society's values and interests. I will refer to both of these elements separately.

A. The Portrayal of Law Shapes Attitudes of Israeli Society

The abovementioned portrayal of the legal world is a product of an in-depth analysis of the most popular TV shows. The first, and most intuitive, relevance of this fact is that Israeli viewers are heavily exposed to the messages conveyed in those shows. This exposure highlights those messages' significant potential for influencing and shaping attitudes towards law among Israeli viewers, hence their importance.

Based on mass communication theories, the leading and most relevant theory through which one can understand the potential influences of these

138. FRIEDMAN, *supra* note 7, at 1580.

139. *Id.*

messages is *cultivation theory*—thoroughly discussed earlier—which aims at exploring the contribution of viewing television to the audience’s conceptions of social reality.¹⁴⁰ The results of the survey in the current research, indicating clear correlations between heavy viewing and conceptions of disobedience among TV characters, may support the basic idea of a cultivation process, by stressing the connection between massive viewing and the acceptance of popular TV narratives.

The importance of the narratives identified in this study should also be examined through the cultivation framework. The portrayal of the unstable legal world identified in the popular shows—especially when supported by the survey results which indicated a sweeping majority who accepted this portrayal—does not necessarily mean that Israeli viewers will become outlaws and start burying bodies in their backyards. Nevertheless, it may influence the way that viewers perceive the legal world surrounding them. For example, the shows may teach viewers how “others” (who are not them) act in real life when it comes to obeying legal norms and what is the role of the institutional law enforcement mechanism (such as the police) in governing this behavior.

The conclusion seems unsettling. According to the analysis of the current research, the popular portrayal of the legal world may strengthen negative perceptions of the legal system among members of Israeli society. First, it may engender public mistrust of both individuals and institutions. Second, it may shift the weight from a conception of a law-abiding society into a non-law-abiding one. Third, it may construct a social reality in which an individual decides for him or herself whether to obey the law, as opposed to obedience based on social agreement. When adding the recurrent theme of social criticism, so strongly present in the Israeli show, the messages that may be cultivated through the viewing process join this generally disturbing portrayal.

Within the framework of this research, it is impossible to go further than raising the questions of how this portrayal *may* shape the perceptions of Israeli society; the actual effect of this portrayal should be left for future research. Looking at the findings of the research through the lens of mass media’s second role—reflecting society’s inner values, beliefs and conceptions—provides some more intriguing, although similarly unclear, insights into Israeli society.

B. The Portrayal of Law Reflects Attitudes in Israeli Society

As discussed, the portrayal of the law in popular media can also serve as a mirror, an inner window to the soul of society, reflecting its values, attitudes and conceptions regarding legal obedience and the role of legal norms in regulating the social order. Here, once again the element of popularity plays an important role. According to the “The Functionalist” theory, one of the roles of the media is transmitting norms and values between generations.¹⁴¹ Therefore,

140. MORGAN, *supra* note 39, at 339.

141. WRIGHT, *supra* note 33, at 610-616

the values controlling the discourse on TV are connected to the prevalent values of a given society. Assuming viewers play an active role in the viewing process—as assumed by both “The Functionalist” and “Uses and Gratifications” theories—¹⁴² the *popularity* of the shows can imply ways in which viewers interact with the content of those shows, and point to their acceptance of the shows’ content, *inter alia*, the values and perceptions depicted in the shows. This opens the gate for discussing the values controlling the discourse in Israeli society regarding obedience to legal norms and law enforcement.

In the current study these questions, relating to the values controlling the Israeli legal culture, were honed by the much more negative content in Israeli shows as compared to American shows. Does the lack of moral debate in the Israeli shows tell us something about Israeli society’s approach to illegal behavior? Does the radical portrayal of police incompetence and corruption in the Israeli shows reflect Israeli attitudes towards the police? In theory, the answer should be in the affirmative; the portrayal of law in popular culture reflects the way in which society perceives the law, so that the unbalanced legal world depicted in the shows analyzed points to a disturbing view of the values and beliefs in Israeli society regarding legal disobedience. Moreover, the portrayal of law on TV reflects a general dissatisfaction, not to say despair, about the institutional and social structure currently prevailing in Israeli society.

Obviously, in this complex field of media effects, along with the numerous confounding variables, direct connections between the portrayal of law in popular culture and the society in which this culture functions should be carefully considered. Still, one cannot ignore the fact that the depiction of law in popular culture is highly relevant to the study and understanding of a specific society. This understanding can be strengthened by comparing the findings of the current study with past studies of Israeli society’s attitudes toward legal obedience.

C. Current Findings and Previous Research on Israeli Legal Disobedience

The depiction of law in popular media should be compared to past studies concerning the attitudes of the Israeli public toward law and order, disobedience of legal norms and toward law enforcement agents.¹⁴³ These studies relate to the findings of the current research on three main levels—*first*, assessing the public trust of Israeli police; *second*, examining attitudes in the Israeli public regarding compliance with legal norms; and *third*, evaluating the

142. KATZ, *supra* note 32; WRIGHT, *supra* note 33.

143. Arye Rattner & Ami Pedahzur, *Not Bound by the Law: Legal Disobedience in Israeli Society*, 19 Behav. Sci. Law 265 (2001); Arye Rattner & Dana Yagil, *The Legal Culture: The Legal System in the Eyes of the Israeli Society, Longitudinal Study* (Shasha Center for strategic studies) (2009), in Hebrew, available at [http://public-policy.huji.ac.il/upload/shshaBook07.09.09complete\(1\).pdf](http://public-policy.huji.ac.il/upload/shshaBook07.09.09complete(1).pdf).

connection between the two.

The most comprehensive research done in this field, which focuses mainly on the first two levels, is Arye Rattner & Dana Yagil's longitudinal research, conducted annually between the years 2000-2009.¹⁴⁴ The research concentrates on the analysis of five different groups in Israeli society: Jews in the general population, Orthodox Jews (Charedim), Jewish religious settlers, new immigrants from the former USSR, and Arabs. Interestingly, some of the results of Rattner & Yagil's research point to similar tendencies in the themes identified in the TV shows.

1. *Public Trust in the Police*

Rattner & Yagil's research emphasizes the fact that Israeli police receive the *lowest* level of trust among all members of the Israeli population. For instance, among the general Jewish population, only thirty-eight percent agreed that Israeli police act fairly. For other groups, the numbers were even lower. Moreover, the research emphasized a steady *decline* in the Israeli evaluation of police fairness, across all groups (especially among the general Jewish group).¹⁴⁵

These results concur with the depiction of the police in popular culture—especially in the Israeli shows—and raise intriguing questions regarding the relation between this depiction and the attitudes of the Israeli public. Is this depiction a product of long cultivation processes, in which a steady portrayal of the police in popular culture has shaped the opinions of the Israeli public regarding this institution's conduct? Does the radical portrayal of the police in current Israeli shows reflect the same attitudes identified in the Rattner & Yagil research? These intriguing questions call for further investigation in future research.

2. *Legal Disobedience*

Similar interesting questions arise from a comparison of the previous research and the portrayal of legal disobedience identified in popular culture in the current research. This comparison can contribute to our discussion both from the *internal* Israeli perspective and from an *external* perspective, providing a comparative American angle to the findings of the current research.

At the *internal* level, we should refer to both Rattner & Yagil's research and to Rattner & Ami Pedhazur's previous work, which identified a low commitment to legal rules among all sectors of the Israeli population.¹⁴⁶ Although Rattner & Pedhazur pointed out differences in the conceptions of

144. Hereinafter: Rattner & Yagil. The research was not completed in 2006.

145. For instance, in the year 2007, only twenty-one percent of the general Jewish population agreed that Israeli police act fairly.

146. RATTNER & YAGIL, *supra* note 142, at 58. See also RATTNER & PEDHAZUR, *supra* note 142, at 280.

illegality among the various above-mentioned groups,¹⁴⁷ still it seems that a general low normative obligation was identified among all members of Israeli society. For instance, Rattner & Yagil discuss a survey conducted in 2007, which revealed that when laws are considered “unreasonable” or “unimportant,” the general Jewish population in Israel shows a tendency to obey those laws in only sixty-two percent and sixty-five percent of the cases, respectively. Other groups in Israeli society showed an even lower tendency to obey the law under such circumstances. These results bear a striking resemblance to the results of the survey in the current study, in which only 64.3% were willing to obey the law even if it is unjust, and only 69.8% revealed a personal tendency to obey the law when immediate solutions, not necessarily legal ones, are required.

Rattner & Yagil’s work also provides an *external* comparative perspective to the current findings, since the survey they conducted was inspired by similar surveys done in the U.S. by Tom Tyler.¹⁴⁸ While in Rattner & Yagil’s work only sixty-two percent and sixty-five percent of the Israeli population revealed a tendency to obey the law when the laws are “unreasonable” or “unimportant” (respectively), eighty-two percent of the American population revealed a tendency to obey laws in similar circumstances.¹⁴⁹ This comparison may assist in explaining the cultural differences identified in the current research between the American and Israeli shows, especially the lack of moral debate regarding the illegal incidents in Israeli shows.

3. *Public Mistrust in the Police Affecting Disobedience*

The results of the current research should be also viewed at a third and a wider level. Scholars aiming to understand reasons for legal obedience often point to the relationship between trust in the legal system and the likelihood that members of a society will comply with the law.¹⁵⁰ Israeli scholarship has also focused on this relationship.¹⁵¹ Interestingly, these elements—mistrust in legal authorities and a tendency to disobey the law—are also present in the legal world portrayed in the TV shows discussed in this paper. The general portrayal was of an unstable world, with vague boundaries, in which disobedience is common, while law enforcement is ineffective. This portrayal received a radical twist in the Israeli shows, which emphasized a lack of moral debate, an almost irrelevant police force and predominant social criticism. Based on our discussion so far, the overall depiction of the legal world in

147. Jews in the general population, Orthodox Jews (Charedim), Jewish religious settlers, new immigrants from the former USSR, and Arabs. As mentioned, no significant differences of that sort were identified in the survey conducted as part of the current research.

148. TOM R. TYLER, *WHY PEOPLE OBEY THE LAW* (1990).

149. *Id.*, at p. 45-46.

150. Arye Rattner, *Structural Models of Injustice and Illegalism in Israel*, 14 JOURNAL OF QUANTITATIVE CRIMINOLOGY 379, 395 (1998).

151. *Id.* at 392-395.

popular culture can not only support the suggested ties between mistrust in institutions and legal disobedience in a given society, but also strengthens the relationship between this popular portrayal and the actual perceptions of the Israeli public regarding illegality and obedience to legal norms.

V. CONCLUSIONS

Two main purposes served as the backdrop of this study. First, attempting to identify the leading narratives in the most popular TV shows in Israel in the years 2011-2012 regarding obedience to legal norms and law enforcement. The results were derived from analyzing both Israeli and American TV shows. Second, attempting to use the framework of mass media studies and the growing scholarship on law and popular culture, to assess the importance of these narratives in understanding Israeli popular legal culture and popular perceptions toward legal obedience that control the Israeli discourse.

The study suggested interrelationships between the depiction of law in Israeli popular TV shows and the ways in which this depiction may shape the attitudes and conceptions of law among Israelis. Moreover, the study suggested some possible connections between the depiction of law on TV and the actual values, attitudes and beliefs of Israeli society regarding the law. The connections were too strong to be ignored. First, the media depiction revealed in the study resonates with previous research indicating a relatively low public recognition of the obligation to obey the law in Israeli society, especially when compared to American society. Second, the findings of the research highlighted the extreme public mistrust of the police, a depiction that concurs with the findings of past research. These similarities and shared tendencies raise important questions regarding the connection between the portrayal of law in TV shows and the way the law is perceived by Israelis and how it affects their daily lives.

Nevertheless, it is not only the differences between the American and Israeli shows that are important, but it is also the similarities between those shows and the overall common depiction of the law found through their analysis that deserve attention. These shared cultural similarities found in TV shows of two western and democratic countries, raise intriguing questions for the study of global cultural forces. On the one hand, the study supports the popular notion of cultural convergence between modern western societies. On the other hand, it highlights the unique cultural fingerprints that can still be found in the globalized content. These questions are of special interest when we think of a *global* popular legal culture through the lens provided by this research. What can the instability of the legal order as discussed in this work tell us about the rule of law in modern democracies? Can this depiction provide us with new perspectives for thinking about modern states and law enforcement agencies in an age of extreme individualism? This study implies that the popular depiction of the law in TV is not accidental.

In summary, this study raises questions about the connection between the

portrayal of law in TV shows and the way(s) law is perceived by Israelis and affects their daily lives. It also raises questions regarding the meaning of this portrayal in the global context. As always, definitive answers are hard to reach—the question of causality remains a key element. Does mass media shape public perceptions? Does it merely reflect them? Or does it have no effect whatsoever? These questions will continue to echo in the room. I hope that this research suggests a preliminary set of issues that not only signify the importance of studying popular legal culture, but also create a platform for accommodating future research in this field.

APPENDIX A: FINAL LIST OF SHOWS

The list includes shows broadcast in the Israeli subscribers' channels in the years 2011-2012, which fulfill the four criteria mentioned on p. 22:

- Popularity
- Continuity
- Genre (Drama)
- Broadcasted weekly

Criminal/legal		Non-criminal/legal	
Israeli	American	Israeli	American
The Arbitrator	Homeland	Prime Minister's Children	Desperate Housewives
	24	Srugim	Grey's Anatomy
	CSI - NY		90210
	CSI - Miami		House M.D.
	The Mentalist		Lost
	Castle		Game of Thrones
	The Good Wife		Brothers and Sisters
	The Closer		Gossip Girl
	Boardwalk Empire		E.R.
Total: 21 shows			

APPENDIX B: QUESTIONNAIRE OF INTERNET PANEL SURVEY
(ORIGINALLY IN HEBREW)

This questionnaire revolves around two issues: perceptions regarding the law and regarding characters in TV shows you watch.

The questionnaire is anonymous, and you will not be individually identified.

1. Sometimes, it is not necessary to obey the law when it is unjust

1-Agree strongly, 2-Agree, 3-Disagree, 4-Strongly disagree

2. Sometimes, in urgent matters, it is better to solve problems immediately rather than waiting for their legal resolution, even if the fast solution does not comply with the law.

1-Agree strongly, 2-Agree, 3-Disagree, 4-Strongly disagree

3. Have you ever watched any of these shows:

Never (1)	2	3	4	Frequently (At least half a season) (5)
Grey's Anatomy				
24				
Desperate Housewives				
The Mentalist				
CSI				
Prime Minister's Children				
90210				
Homeland				
The Arbitrator				
House M.D				
Lost				
Castle				

If you watched one or more of these shows, state your opinion:

4. In cases in which an immediate solution is necessary, the leading characters in the shows I have watched would sometimes prefer solving things "out of frame" to waiting for the solution offered by the law

1-Agree strongly, 2-Agree, 3-Disagree, 4-Strongly disagree

5. There are circumstances in which the leading characters in the shows I have watched do not obey the law if they think it is unjust

1-Agree strongly, 2-Agree, 3-Disagree, 4-Strongly disagree

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