Metadata of the chapter that will be visualized online

Series Title		
Chapter Title	Hollywood's Hero-Lawyer: A Liminal Character and Champion of Equal Liberty	
Chapter SubTitle		
Copyright Year	2013	
Copyright Holder	Springer Science + Business Media Dordrecht.	

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Abstract	Hollywood's hero-lawyer movies are a distinct group of American feature films. Typically, they each depict a lawyer who unwittingly finds himself at the heart of a moral drama involving a client and/or a community in distress, gross injustice, the rule of law and powerful, obstructive forces that must be overcome. Alone with nothing at his side but his professional legal skills, courage, and integrity (and sometimes a good friend and a good woman), the lawyer reluctantly comes to the rescue, often at great personal sacrifice. In the process, he must balance individuality and social commitment, and loyalty to friends, to the law, to the spirit of the law, to the legal community, to justice, and to himself. This chapter argues that Hollywood's hero-lawyer is the symbolic "champion of equal liberty" as well as a liminal character on the frontier edge of society. This chapter claims that the hero-lawyer's frontier-based liminality is inseparable from the moral-legal principle of equal liberty that he personifies. This chapter considers the ways in which Hollywood's hero-lawyer's liminality is linked with the character's role as champion of equal liberty. This chapter follows the nuances of the hero-lawyer's liminality and moral heroism in 15 films, focusing on the classic cinematic formulations of these points and tracing their variations in contemporary film. Presenting the classic Hollywood hero-lawyer films, this chapter demonstrates how contemporary cinematic hero-lawyers (such as Michael Clayton, from 2007) are modeled on their classic predecessors. Yet, in contradistinction to their mythological forerunners, they seem to encounter growing difficulty when coming to the rescue out of the liminal space on the outskirts of society. Contemporary hero-lawyer films present a world in which personal identity is acquired through membership in and identification with a professional elite group such as a corporation or a big law firm. The social world, according to these films, is no longer made up of individuals and their relationships with society but of closed elite groups that supply their members with their social needs. In return, these elite groups exact their members' absolute adherence and loyalty. Further, despite their liminal personas, the new hero-lawyers often lack a frontier. They are trapped on the edge of an "inside" with no recourse to an "outside," a Sartrean no-exit hell, if you like. This predicament undercuts the classic construction of the "liminaly situated champion of equal liberty," questioning both the significance of equal liberty and the meaning of liminality.

Chapter 33
Hollywood's Hero-Lawyer: A Liminal Character and Champion of Equal Liberty

Orit Kamir

Abstract Hollywood's hero-lawyer movies are a distinct group of American feature films. Typically, they each depict a lawyer who unwittingly finds himself at the heart of a moral drama involving a client and/or a community in distress, gross injustice, the rule of law and powerful, obstructive forces that must be overcome. Alone with nothing at his side but his professional legal skills, courage, and integrity (and sometimes a good friend and a good woman), the lawyer reluctantly comes to the rescue, often at great personal sacrifice. In the process, he must balance individuality and social commitment, and loyalty to friends, to the law, to the spirit of the law, to the legal community, to justice, and to himself. This chapter argues that Hollywood's hero-lawyer is the symbolic "champion of equal liberty" as well as a liminal character on the frontier edge of society. This chapter claims that the hero-lawyer's frontier-based liminality is inseparable from the moral-legal principle of equal liberty that he personifies. This chapter considers the ways in which Hollywood's hero-lawyer's liminality is linked with the character's role as champion of equal liberty. This chapter follows the nuances of the hero-lawyer's liminality and moral heroism in 15 films, focusing on the classic cinematic formulations of these points and tracing their variations in contemporary film. Presenting the classic Hollywood hero-lawyer films, this chapter demonstrates how contemporary cinematic hero-lawyers (such as Michael Clayton, from 2007) are modeled on their classic predecessors. Yet, in contradistinction to their mythological forerunners, they seem to encounter growing difficulty when coming to the rescue out of the liminal space on the outskirts of society. Contemporary hero-lawyer films present a world in which personal identity

*I am grateful to Talia Trainin for language editing this chapter. This chapter is dedicated to my father, Amior Kamir.

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A. Wagner and R.K. Sherwin (eds.), *Law, Culture and Visual Studies*,
DOI 10.1007/978-90-481-9322-6_33,

is acquired through membership in and identification with a professional elite group such as a corporation or a big law firm. The social world, according to these films, is no longer made up of individuals and their relationships with society but of closed elite groups that supply their members with their social needs. In return, these elite groups exact their members' absolute adherence and loyalty. Further, despite their liminal personas, the new hero-lawyers often lack a frontier. They are trapped on the edge of an "inside" with no recourse to an "outside," a Sartrean no-exit hell, if you like. This predicament undercuts the classic construction of the "liminaly situated champion of equal liberty," questioning both the significance of equal liberty and the meaning of liminality.

33.1 Part I: Introduction

33.1.1 Layout of the Argument

Law-and-film scholarship has always been enamored with Hollywood's celluloid hero-lawyer. Professors of law, as well as scholars of cinema, have bestowed ample attention on this iconic character.[1] This chapter does not veer from this honorable tradition. It contributes to the genre by highlighting two attributes that I believe to be fundamental to the venerated fictional character and by suggesting an association between them. Simply put, this chapter argues that Hollywood's hero-lawyer is the symbolic "champion of equal liberty" as well as a liminal character on the frontier edge of society. This chapter claims that the hero-lawyer's frontier-based liminality is inseparable from the moral-legal principle of equal liberty that he personifies.[2] This chapter considers the ways in which Hollywood's hero-lawyer's liminality is linked with the character's role as champion of equal liberty. This chapter follows

[1] Speaking of "Hollywood's hero-lawyer," I do not refer to any and every image of a lawyer that appears on the screen in a Hollywood film. As in previous articles and chapters (see Kamir 2005, 2006a, b, 2009a, b), I specifically apply the term to the lawyer that stands up to overwhelming power and at significant personal risk, against all odds, does his best to defend the equal liberty of the weak and downtrodden. In other words, as I explain shortly, the term refers to the cinematic successor of the "hero cowboy" of the "classical plot western," the subgenre that "revolves around a lone gunfighter hero who saves the town, or the farmers, from the gamblers, or the ranchers" (Wright 1975, 15). Many cinematic lawyers and most of those featuring in television series do not belong in this category. As I argue elsewhere (Kamir 2005), these lawyers can be regarded as successors of the hero of the "professional plot western," the subgenre that portrays "a group of heroes who are professional fighters taking jobs for money" (Wright 1975, 15).

[2] Due to length considerations, this chapter focuses solely on these two thematic elements of the hero-lawyer film and will be followed by a future project focusing on cinematic motifs.

the nuances of the hero-lawyer's liminality and moral heroism in 15 films, focusing on the classic cinematic formulations of these points and tracing their variations in contemporary film.[3]

The moral principle I have titled "equal liberty" is the notion that every individual has an equal right to civil liberties and social recognition of his life choices. Equal liberty is arguably the spirit of the American constitution and the core of the value system cherished by many law films. As Edward J. Eberle states in his comparative analysis of the American Constitution, "Americans believe in individual liberty more than any other value. For Americans, this means freedom to do what you choose" (Eberle 2002, 6). But Americans are similarly devoted to the concept of equality and value it above anything other than liberty. The result is a deep commitment to an egalitarian concept of individual liberty which can best be titled "equal liberty." Equal liberty refers to everyone's identical right to personal freedom. It refers above all else to every individual's civil liberties, that is, freedom from state restriction, but takes on a wider range of meaning. The American commitment to equal liberty is the spirit of the American constitution, both as interpreted by the legal system and as popularly understood. It is the moral core of the American value system: the popular meaning of "justice," "right," and "good." In this sense, it is at the heart of the American vision or "natural law." This American worldview becomes most evident when the American constitution is compared to other constitutions that cherish human dignity—the notion of personality—above all else (Eberle 2002). This chapter argues that Hollywood's hero-lawyer personifies the moral principle of equal liberty.

The symbolic personification of equal liberty casts the hero-lawyer as "champion" or "priest" of the American "civil religion" of legalism and constitutionalism. To rightly embody the core of the American value system, he must resist, transcend, and transform prevailing social norms and do so at great personal cost. Further, I suggest that in addition to this central attribute, Hollywood's hero-lawyer is also typically fashioned as a liminal character, positioned on the outskirts of the community he serves. He is both close to and distant from the individuals and families he attempts to rescue, both like them, and uniquely different. There are different types of liminality. Liminality can be related to a character's ethnicity, gender, age, economic status, or situation in life. That of the hero-lawyer is usually associated with some kind of "frontier." I further suggest that his liminality is inherently linked with the hero-lawyer's personification of the equal-liberty principle.

[AU4]

[3] These include the four classics—*Anatomy of a Murder* (1959), *Inherit the Wind* (1960), *The Man Who Shot Liberty Valance* (1962), and *To Kill a Mockingbird* (1962)—…*and Justice for All* (1979) and *The Verdict* (1982), which are discussed in Part IV, and the 1990s films, introduced in Part V: *Class Action* (1990), *A Few Good Men* (1992), *Philadelphia* (1993), *The Firm* (1993), *The Client* (1994), *Time to Kill* (1996), *Devil's Advocate* (1997), and *Civil Action* (1998). *Michael Clayton* (2007) is briefly presented in the conclusion to this section. I believe these to be the most outstanding, significant, and influential among Hollywood's hero-lawyer films. Personal preferences undoubtedly interfered with the selection and choice of films, and I apologize to readers whose favorite hero-lawyer was left out. I hope to expand this discussion in the future and perhaps include additional hero-lawyer films.

Such a fashioning of the cinematic character dominates the classic hero-lawyer films—*Anatomy of a Murder* (1959), *Inherit the Wind* (1960), *The Man Who Shot Liberty Valance* (1962), and *To Kill a Mockingbird* (1962). These classics have become the models for the hero-lawyer films produced ever since. Yet, "the liminaly situated champion of civil religion" had its forerunner. Cinematic context reveals that the classic hero-lawyer films merely refurbished Hollywood's vastly popular gunfighter/ sheriff/ deputy hero of the western genre.[4] For convenience, I will refer to him as the "hero cowboy." That mythological character, who rode the American screen and popular imagination for half a century, dwelled on the border between society and wilderness. At the same time, he embodied the "natural law" of manly honor, fairness, and integrity as the popular predecessor of the more legalistic "spirit of the constitution," the hero-lawyer. The classic hero-lawyer is thus a variation on the archetypical "hero cowboy."[5]

Contemporary cinematic hero-lawyers are modeled on their classic predecessors. Yet, in contradistinction to their mythological forerunners, they seem to encounter growing difficulty when coming to the rescue out of the liminal space on the outskirts of society. Contemporary hero-lawyer films present a world in which personal identity is acquired through membership in and identification with a professional elite group such as a corporation or a big law firm. The social world, according to these films, is no longer made up of individuals and their relationships with society but of closed elite groups that supply their members with their social needs. In return, these elite groups exact their members' absolute adherence and loyalty. Further, despite their liminal personas, the new hero-lawyers often lack a frontier. They are trapped on the edge of an "inside" with no recourse to an "outside," a Sartrean no-exit hell, if you like. This predicament undercuts the classic construction of the "liminaly situated champion of equal liberty," questioning both the significance of equal liberty and the meaning of liminality.

Further, the latest of these films, *Michael Clayton* (2007), presents a world in which status, identity, and even social existence itself depend upon one's credit card, cellular phone, frequent flyer miles, and Facebook address, a world nauseously reminiscent of *The Matrix* (1999). Life "on the borderline" becomes all but impossible in the World Wide Web this hero-lawyer film suggests that we now inhabit. Here not just equality but liberty too seems to be inconceivable. Such contemporary portrayal of the human condition is hard to reconcile with the one represented by the classic hero-lawyer's individualistic position on the edge of social order, championing equal liberty. Thus, social reality as depicted in contemporary hero-lawyer films gives rise to fundamental doubts regarding the prospect and life span of the

[4] More accurately, as will be explained, the hero of the "classical plot" western, as defined by Wright (1975).

[5] My argument complements F. M. Nevins' (1996). Nevins suggests that westerns were the predecessors of law films, that is, that westerns feature legal themes. I argue that hero-lawyer films are descendants of westerns, that is, that they emulate the western preoccupation with frontier and liminality as inherent to justice and morality.

hero-lawyer and his personification of the spirit of the constitution. It may be no coincidence that far fewer significant hero-lawyer films were produced in the first decade of the twenty-first century than in the last decade of the twentieth.

Following the introductory section that unfolds, the second part briefly presents the "hero cowboy" of the western genre, emphasizing his role as "champion/ priest of natural law" as well as his liminal status. Part Three examines in some detail the classic hero-lawyer films, *Anatomy of a Murder*, *The Man Who Shot Liberty Valance*, *To Kill a Mockingbird,* and *Inherit the Wind*. The discussion in this section highlights the analogies between the western genre's "hero cowboy" and the hero-lawyer while also stressing the distinction between natural law and equal liberty. The fourth part presents two films that constitute a "transitional phase" between the classic hero-lawyer films and the contemporary ones. These films introduce new themes that became central to their successors. Part Five briefly follows the hero-lawyer into the 1990s and the twenty-first century, questioning the possibility of liminality in Hollywood's portrayal of contemporary America and reflecting on its possible implications.

33.2 Part II The "Hero Cowboy" of the Western Genre: Liminality and Natural Law

33.2.1 Tall in the Saddle

Decades after his disappearance from the screen, the mythological "cowboy hero" of the western genre is still vivid in our collective memory. Westerns "became less prominent in movies and television beginning in the 1970s, but the image of the cowboy, [AU7] the model of individualism, still permeates our consciousness" (Wright 2001, 9). We still revere the laconic man who emerges from nowhere and never thinks twice before rising to the all-demanding challenge that leaves everyone else dumbfounded—the man who rides through the open, monumental landscape, unbound by relationships, commitments, promises, or fears, devoid of family, property, past, or future, as free and silent as the horse he rides. Yet when the homesteaders or the townspeople are at their wits' end, he appears to face the strong, evil ranchers or gamblers, fights [AU8] the ultimate battle, and saves the day—only to ride back into the wilderness, the open, endless frontier, silent and tall in his lonely saddle, never looking back.

33.2.2 Shane: Plot Summary

In his structuralist study of the western genre, Will Wright defines the western plot sketched above as "classical" and states that it is "the prototype of all Westerns, the one people think of when they say 'All Westerns are alike.' It is the story of the

lone stranger who rides into a troubled town and cleans it up, winning the respect of the townsfolk and the love of the schoolmarm" (Wright 1975, 32). *Shane* (1953), Wright declares, "is the classic of the classic Westerns" (34). It features the lone gunman, Shane (Alan Ladd), who rides out of the mountains into a newly settled valley. Taken with Starrett (Van Heflin), Marion (Jean Arthur), and their little Joey (Brandon de Wilde), he agrees to stay as their hired hand, and together the two men manage to uproot a tree stump that Starrett had struggled with for 2 years.

The homesteaders in the valley are threatened by the Riker brothers, ranchers who want to seize all the land to themselves and their ever-growing herds. They bully the settlers and burn down their farms to drive them off the land. Starrett, the unofficial leader of the community, feels that he must confront the Rikers. When they send to invite him to a meeting, he decides to go and plans to confront and kill them. If he fails, the other homesteaders will leave, the community will wither away, and he will not feel man enough to face his wife and son. Shane learns that Starrett is about to walk into a trap. He also understands that Starrett is offering to sacrifice himself, knowing that Marion and Joey will be safer—and perhaps happier—with Shane, rather than Starrett, as the man of the house. To prevent Starrett's altruistic suicide, Shane fights him, knocks him down, hides his gun, and rides into town in his place. In the final showdown, he proves his professional superiority by killing the Riker brothers as well as the professional hired gun they had commissioned. Then he advises Joey to grow to be strong and honest and rides into the mountains never looking back, as Joey cries and begs him not to leave.

33.2.3 Shane: Champion of Honor and Natural Law

In their fairness, generosity, hospitality, loyalty, sense of obligation, and altruism, both Starrett and Shane rank as upstanding men of honor and both uphold the norms of natural law. But only Shane is the champion of these values; he alone can uphold them by fighting and defeating the Rikers. Starrett is strong and noble—but unable to protect the community and its value system from the brutal, bullying enemies. He is not a trained warrior and is not likely to overpower the Rikers or even to survive the encounter with them. Additionally, his death would be detrimental to his family and to the whole community. Shane, on the other hand, can confront them because he is an excellent professional gunfighter and because he is unattached. Neither a family man nor a pillar of the community, he is dispensable. Having nothing to lose, he can afford to be fearless. Shane is free of the ties that hold Starrett back.

Starrett's determination to confront the Rikers can be regarded as an attempt on his part to claim the status of the film's champion of honor and natural law. This move challenges Shane to prevent Starrett's heroic attempt and to fill the role that he, Shane, was reluctant to assume. Had Shane stayed and allowed Starrett to sacrifice himself, he would have taken another man's home—his land, property, and family. He would have accepted more than he deserves, received more than he

had given. As a man of honor, Shane must decline such an offer and stop Starrett. Phrased differently, the acceptance of Starrett's offer would contradict the norms of fairness, masculinity, and natural law that Shane cherishes. To secure the natural order of things, he must prevent Starrett from confronting the Rikers. He must, therefore, undertake the battle himself and then leave Starrett's home. He must be the liminal champion of honor and natural law. Marion confirms this by explaining to little Joey that Shane does what he has to do.

Let me clarify that "natural law" in this chapter does not refer to any specific jurisprudential school of thought or philosophical treatise. I use the term loosely to refer to the popular set of notions of fairness, personal integrity, decency, adherence to reciprocity, and respect for others. In this sense, natural law is akin to significant parts of what was popularly known as "the honor code" of "true men." The honor code underlies the world of the western genre, whose heroes are usually "men of honor." I have analyzed this value system as well as its connection to natural law in detail in other law-and-film articles.[6]

33.2.4 *Shane: A Liminal, Open Frontier Character*

Shane features a community of hardworking men and women trying to settle the west and build a civilized society. Having emerged from the wilderness, title character Shane, the unfettered outsider, attempts to take on a minor role in the life of the community as a hired laborer. He buys work clothes, shuns fighting and drinking, and dances (with Marion) at the farmers' picnic. But he sleeps in Starrett's barn, his head on his saddle, while Marion warns Joey not to grow too fond of him, because one day he will move on and be gone. Shane is literally on the threshold of society. His liminality is inseparable from his deep, inherent connection to the wilderness. It is a feature of his "cowboy hero's" fundamental persona as a man of the open frontier. In Will Wright's words, "[t]he frontier defines the cowboy" (Wright 2001, 7).

Further still, Shane's heroic battle to save the community from the evil ranchers seals his liminality, barring him from entering the community and plucking the fruit of his triumph. I suggest that this aspect of Shane's liminality is "Moses-like." Moses led the Hebrews out of Egypt and through the desert for 40 years. He dedicated his life to bringing them into the Promised Land. But he could not enter that land. A man of the desert, he died on Mt. Nevo, literally on the threshold of the land. There he stood, seeing it but unable to enter. He did not belong in the phase of settlement and statehood. His liminality meant that he was doomed not to be part of the world that he dedicated his life to make possible.

Interestingly, both his unlimited freedom and his professional warring, the qualities that make Shane suitable to play the role of champion of honor and natural law,

[6] See Kamir (2000, 2005, 2006a).

are inherently associated, in the world of the western, with his liminal status, with his inherent attachment to the open frontier. For in the world of the western, unbridled freedom precludes playing a central role in communal life. A man who does not own land, work it, or raise a family is not a pillar of the community and is hence dispensable. Similarly, in this world, professional fighting is not performed by members of the community. Farmers, shopkeepers, or even most cowboys or sheriffs are not professional gunmen, but wilderness "cowboy heroes" are. The frontier man "has a special skill at violence, and this is also a wilderness skill. Violence is necessary in the dangerous wilderness where law and government are absent" (Wright 2001, 38). Outstanding, professional fighters are outsiders, wanderers. They arrive on the scene when hired to perform a violent job and ride out upon completion. They do not belong in the community. *The qualities that make Shane the champion of honor and natural law are, thus, also the features of his frontier-based liminality.*[7] [AU9]

33.3 Part III: Hollywood's Classical Hero-Lawyer

33.3.1 The Man Who Shot Liberty Valance: Plot

Shane's most obvious successor among the classical hero-lawyers is the protagonist of *The Man Who Shot Liberty Valance*. *Liberty Valance* lends itself so well to the analogy because in addition to being a hero-lawyer film, it is also a western. It features a young lawyer, James Stewart's Ranse Stoddard, who, in the opening scene, is making his way west by stage coach. Riding through the wilderness, the stage coach is held up by the notorious gunman Liberty Valance (Lee Marvin). Ranse attempts to protect a female fellow passenger and is whipped by Liberty to unconsciousness. Arriving in Shinbone, Ranse receives compassionate nursing from Hallie (Vera Miles), who works in her parents' restaurant. At the restaurant, Ranse encounters John Wayne's Tom Doniphon. Ranse is chivalrous, proud, courageous, honest, and loyal. But Tom is the western's uncontested "hero cowboy." Strong, fearless, independent, and decent, he is a "true man." The best shot in the territory, he is the charismatic, unofficial representative of natural law, and Shinbone obeys him out of fear and respect. Tom is in the process of building a house, and Hallie is the girl he plans to marry.

Ranse works at the restaurant, where he and Hallie form a romantic attachment. He writes for the local newspaper, organizes a school for the town's children and

[7] Will Wright suggests that the close affinity to wilderness is the source of the "hero cowboy's" dedication to equality and freedom, as well as the source of his expertise in violence and commitment to honor (Wright 2001, 46). Wright's "wilderness" is the "outside" liminality that I associate with the character's inner one. In other words, his inherent connection with the "outside"/"wilderness," that is, his innate liminality is what makes the "hero cowboy's" champion of natural law.

illiterate adults (including black ones), and dreams of starting his law practice. He teaches townspeople the merits of democracy, citizenship, and equality and encourages them to vote for statehood. But the big land and cattle barons oppose statehood, preferring to keep the territory lawless and their own power intact. They hire Liberty and his gang of thugs to intimidate the townspeople into voting against statehood. At a town meeting, Ranse and his friend, the newspaper editor, are elected to be the delegates who will represent Shinbone in the vote on statehood. Liberty fails to get elected, and in a violent act of vandalism, he and his gang burn down the local newspaper and nearly kill its editor. This leads to the ultimate, unavoidable showdown between Ranse and Liberty. Liberty challenges Ranse, who feels compelled to confront him. Fearing for his life, Hallie sends for Tom, who appears at the last moment and unnoticed, and shoots Liberty from a nearby alley.

Ranse is credited with winning the duel and is titled "the man who shot Liberty Valance." He is elected to represent the territory in the discussion of statehood at Washington D.C. and marries Hallie. Later he is elected governor of the new state and finally serves as a Washington D.C. state senator. Having lost Hallie, Tom burns down the house he was building and leads the lonely life of a drunkard. When he dies, years later, Ranse and Hallie come from Washington to pay their respects. They hardly recognize the altered town. In a newspaper interview, Ranse confesses that he did not kill Liberty Valance, but the newspaper editor declines to publish his confession, preferring the legend to historical facts. Ranse and Hallie return to Washington, leaving Shinbone behind.

33.3.2 Tom: Champion of Honor and Natural Law

Unlike Shane, Ranse does not leave Shinbone alone: He allows Tom to sacrifice himself for his sake and then takes away Tom's girl in return. Ranse accepts from Tom the chivalrous gift that Shane refused to accept from Starrett. There can be little doubt: Ranse, the hero of this hero-lawyer film, is not its most honorable man. This causes great frustration to the western lover, marking *Liberty Valance* as a transitional film that shifts from following western conventions to establishing new ones—those of the classic hero-lawyer movie. It is a film that discards its ultimate John Wayne man of honor and transfers his girl and glory to the emerging hero-lawyer. In so doing, *Liberty Valance* defines a new criterion for cinematic heroism. The new hero is not the man of honor and natural law but the champion of law and equal liberty.

33.3.3 Ranse: Priest of Equal Liberty

Tom Doniphon clearly epitomizes honor and natural law. But *Liberty Valance* favors the rhetoric of equal liberty. In a telling, self-conscious move, the film names its villain "Liberty." Liberty represents a complete, selfish commitment to personal

liberty that is devoid of any respect for equality. A ruthless outlaw and a hired gun in the service of the land and cattle barons, Liberty is much like *Shane*'s Riker brothers and their professional gunfighter. Like them, he stands for brute, uncurbed freedom that comes at the expense of other community members. Tom Doniphon offers to impede Liberty through the traditional western ethics of honor and natural law. He does everything that Shane did a decade earlier. But *Liberty Valance* prefers the ideals represented by Ranse and opts to declare *him* "the man who shot Liberty Valance"—the man whose egalitarian worldview defeats the threat of unrestricted liberty. In this film, the man who represents commitment to literacy, democracy, free speech, and the rule of law is the hero because he constitutes the alternative to Liberty's reign of terror. Tom could eradicate Liberty Valance but not lay the foundations of a stable alternative. It is the hero-lawyer's vision that liberates Shinbone's community by introducing the spirit of the American Constitution. *Liberty Valance* votes for him.

Let me reiterate Cheney Ryan's take on this point. Ryan maintains that

> At the deepest level, what opposes Valance's law, the rule of "anything goes," is what might be termed the natural law of honorable violence – the law that the film identifies with the beliefs and actions of Tom Doniphon. This is the law of the *fair fight*, the law that says: don't hurt women, don't shoot people in the back, don't gang up on people and so on. […] I have said that Liberty Valance plays the savage in this film. He actually plays the *ignoble* savage to Doniphon's *noble* savage. (But both, significantly, end up drunk and dead). Where does this leave Stoddard and "civilization"? (Ryan 1996, 37)

What Ryan plays down is the fact that Ranse brings to Shinbone a new, enabling discourse. Yes, Tom is honorable and loveable. But his natural law includes the tenet "out here we fight our own fights." This conservative principle upholds the rule of the mighty; they are the ones who can best fight their own fights and win them. Ranse teaches that every person's liberty is as valuable as everyone else's. This means that if an individual is unable to protect his equal right to liberty, the community must do so for him. It must constitute civil liberties and enforce them for everyone's equal benefit. In *Liberty Valance*, this is the only coherent way to overcome Liberty Valance. This stance casts the film more in the hero-lawyer genre than in the western.

Of all the hero-lawyers, Ranse may be the keenest "priest" of the legal culture. Other hero-lawyers practice it; Ranse teaches it, fights for it, represents it, and preaches it.

33.3.4 Ranse: A Liminal Character

Reading *Liberty Valance* against the western *High Noon* (1952), Cheney Ryan stresses the similarity between Ranse and Kane, *High Noon*'s sheriff hero: "Both Kane and Ranse, for example, are figures of detachment, indeed isolation. They are 'in' but not 'of' the communities they inhabit. […] Though the film twice depicts [Ranse] arriving in Shinbone […], he never really arrives…" (Ryan 1996, 28).

In other words, Ranse is always on the threshold of Shinbone; he is a liminal character. As Ryan rightly points out, even as Ranse becomes teacher, reporter, representative, and Hallie's husband, he is never an insider. In the film's opening scene, he arrives in Shinbone, and in the closing scene he leaves it. Just like Shane. Interestingly, as he represents the town in the capital of the territory and then the state at Washington D.C., Ranse remains liminal in a Moses-like manner: he leads his people to the Promised Land but always remains outside it. Furthermore, in *Liberty Valance*, Tom Doniphon is liminal in an analogous fashion. He too leads his community to a new future, and he too is doomed to remain outside of it. The two men, the hero-cowboy and the hero-lawyer, share in this Moses-like liminality.

33.3.5 Ranse: Both Liminal and Priest of the Constitution

Like Shane, Tom is both liminal and the champion of honor. Ranse's liminality, on the other hand, is not intertwined with honor but with his legalistic commitment to equal liberty.

Complete devotion to equality requires some detachment both from oneself and from one's peers. Deep engagement with oneself or with others is likely to yield favoritism. It is hard to be deeply passionate about your life or strongly invested in the lives of others, yet treat these lives exactly as you would treat everyone else's. It is hard to love your daughter and not believe that she is smarter, better, and deserving of more attention, patience, understanding, and support than anyone else's daughter. It is hard to limit her liberty (to succeed, to spend, to compete) just as you would limit anyone else's. Ryan points out that Ranse "hardly knows anyone, and those whom he does remember he treats like strangers" (Ryan 1996, 28). This detachment is crucial for his full commitment to their equality. Ranse represents the spirit of the legal frame of mind. Legal equal liberty requires what is often referred to as neutrality. Such neutrality necessitates emotional disinterestedness. It necessitates emotional freedom that comes from being, existentially, at a distance, on the threshold. It is no coincidence that Ranse, like most western heroes and hero-lawyers, has no progeny. His type of liminality precludes it.

33.3.6 Inherit the Wind: Defending Equal Liberty from the State

Like Shane and Ranse, Spencer Tracy's Henry Drummond arrives in Hillsboro at the beginning of the movie and leaves it at its end. Like Shane and Ranse, he arrives and leaves alone,[8] and throughout his stay, as he fights the film's villains in an attempt to save the community, we learn nothing of his past or of his family. His liminal

[8] Historically inaccurate, this depiction is a dramatic devise. See Moran (2002, 29).

position vis-à-vis the film's community complements his declared status as high priest of civil liberties at large and freedom of speech in particular. Drummond, the fictionalized image of Clarence Darrow, is renowned worldwide for his commitment to civil rights. He has traveled a very long way (by bus) to fight for the constitutional right of Bertram Cates (Dick York) to teach the theory of evolution and thus practice his freedom of speech. Drummond comes to town in order to fight the religious fundamentalists who managed to limit evolutionists' freedom of speech.

Cates, a teacher at the local school and engaged to be married to the daughter of the town's charismatic, fundamentalist reverend Brown, is deeply rooted in his community.[9] He is strong, decent, and committed to his ideals, including Darwinism and the equal freedom of speech. But he cannot successfully fight the community, which attempts to curtail his liberty. He cannot undertake his own battle both because he is not a "professional fighter" and cannot conduct his own legal defense and because he is too involved with the community to fight it effectively. It is Reverend Brown, his father-in-law-to-be, who leads the fundamentalists in their crusade against him. Drummond is both a professional legal warrior and an outsider to the community. He is the man for the job. Accordingly, the film portrays him as fighting the duel, winning the argument, and bringing about his opponents' death in the course of the trial.[10]

Drummond's characterization as "the liminal high priest of equal liberty" is highlighted by the film's contrasting treatment of Fredric March's Matthew Harrison Brady, the fictionalized image of William Jennings Bryan. Brady, who conducts the case for the prosecution, is portrayed as both the high priest of fundamentalist religion and an existential "insider." Brady fervently stands for equality devoid of freedom. According to his firm belief, everyone must study the Bible, and no one should study evolution, regardless of their beliefs or desires. Brady arrives in Hillsboro with his wife and is paraded into town by a crowd of devotees and admirers who sing "what's good enough for Brady is good enough for me." He eats his meals with his followers and participates in their church meeting. Rachel, Cates' fiancé and the reverend's daughter, comes to confide in him and ask for his advice and help. Never having set foot in Hillsboro before, he is completely immersed in its community.

Drummond is poised not just in opposition to Brady but also between Brady and Gene Kelly's Hornbeck, the fictionalized character of reporter H.L. Mencken. If Brady stands for equality with very limited freedom, Hornbeck, representing the press, stands for complete and unlimited freedom of speech. There seems to be no other value in his worldview. If Brady is completely immersed in Hillsboro's community, Hornbeck is the ultimate loner, devoid of compassion, warmth, or

[9] This Starrett-like cinematic depiction is purely fictional. The real John Scopes was not native to Dayton, Tennessee, was not engaged to be married there, and was not deeply rooted in the community (Moran 2002, 25; Garber 2000, 140).

[10] In fact, Clarence Darrow lost the case and appealed the decision. Jennings died several weeks after the trial.

human connections. He does not care enough about people to worry about their equality. Elitist social Darwinism may sit well with his biting cynicism. Against these two extremes, Drummond is portrayed as the commonsensical, middle-of-the-road, reasonable American, who is naturally committed to freedom as well as to equality. Like Brady, he believes in an egalitarian community, and like Hornbeck, he is committed to liberty. Leaving the courtroom, he holds both the Bible and Darwin with equal respect.

Inherit the Wind contains an important feature that is absent from *Liberty Valance*. In his battle for equal liberty, the hero-lawyer fights against the state that tries to curtail some people's liberty. He does so in the context of criminal law.

In a liberal context, constitutional protection of every person's liberty is meant, above all else, to prevent the state from restricting some people's liberty. Equal liberty aims to provide all persons with similar protection from the state's potential attempts to limit their freedom. *Liberty Valance* is situated in a prestate era and associates the fight for equal liberty with the struggle for statehood. In *Inherit the Wind*, it is the state that prosecutes Bertram Cates and the state that deprives him of the freedom of speech that it awards his antievolutionist opponents. State power is abused by a fundamentalist majority to curtail some people's civil liberties. State apparatus is used to censure some types of speech and to prosecute certain individuals for their speech. Championing the spirit of the constitution, *Inherit the Wind*'s hero-lawyer is a criminal lawyer defending the hapless defendant from the state.

33.3.7 Anatomy of a Murder and to Kill a Mockingbird

Anatomy of a Murder, produced a year prior to *Inherit the Wind*, and *To Kill a Mockingbird*, produced 2 years later, both present a similar situation. In each of these classic hero-lawyer films, the hero-lawyer is a criminal lawyer fighting for the civil rights of an unpopular defendant.[11] In *Mockingbird*, Gregory Peck's legendary Atticus Finch fights to exonerate a black man falsely accused of raping a white woman. Like the religious fundamentalists in *Inherit the Wind*, who abuse the law to discriminate against an evolutionist and deprive him of his civil liberty of speech, here southern bigots abuse the law to discriminate against a black man and deprive him of his civil liberties. The film's community, dominated by racist elements, locks Tom Robinson up and attempts to deprive him of the equal protection of the law. Atticus Finch takes on the ungrateful task of providing the black defendant with adequate legal representation in an attempt to restore his freedom. Despite his painful failure to save Tom's life, the film presents Atticus as having succeeded to confront state power and bigotry.[12]

[11] For detailed analyses of these films, see Kamir (2005, 2009a).

[12] Many writers admire the character and the film, hailing them both as classics at its best. See Asimow (1996), Osborn (1996), and Strickland (1997). For an incisive criticism of both character and film, see Banks (2006).

Similarly, *Anatomy of a Murder* features James Stewart's Paul Biegler defending a man who practiced what the film presents as his traditional, honor-based right to kill the man who had tried to rape his wife. *Anatomy* construes the husband's "unwritten right" as a fundamental liberty that must be protected from the power-hungry state and from the prosecution's legalistic attempt to curb it.[13] The prosecution is portrayed as a sleek, powerful, threatening Goliath, challenging the film's righteous David-like hero-lawyer.

Paul Biegler and Atticus Finch are not liminal characters in a Shane-like fashion: they do not ride into town at the beginning of the film and into the wilderness at its end. In fact, they are both deeply rooted in their small-town communities. Biegler was at one time elected district attorney, and Atticus brings up his children in the little southern town that seems to be his lifelong home. Nevertheless, his status as reclusive widower who raises his children alone sets Atticus apart from the rest of the community. Despite the courtesy he displays, he does not mix much with his neighbors. His willingness to represent Tom Robinson and the interest he takes in Tom's black family marginalize him even further. In fact, Atticus' antiracist legal activity endows him with a Moses-like liminality. He fights for a future that he does not live to see.

Similarly, despite his respectable status, Paul Biegler is a slightly eccentric loner with no family ties, living on the fringe of his small-town community in Michigan's Upper Peninsula. Having lost his position as the district attorney, Biegler has withdrawn and resorted to frequent, long, secluded fishing trips and piano jazz playing, neglecting his private legal practice (Kamir 2005). As his good friend, Parnell (Arthur O'Connell), an older lawyer-turned-drunk warns him, he is on the road to complete seclusion. Interestingly, unlike Atticus, at the end of the film, Biegler is less marginal than before and more likely to go back to his private practice and to spend less time sidetracking. His heroic legal performance has not marginalized him.

In conclusion, both these classic hero-lawyers are loners on the outskirts of their small, frontier-like, marginal towns. Neither is married or otherwise emotionally attached. Each has suffered a great loss (Atticus lost his wife and Biegler—his career), and they are both "outsiders within" at the edge of their communities. Atticus Finch's professional activity as a hero-lawyer estranges him further from his community. Paul Biegler's marginality is associated with the loss of a central position in the legal world and with his deep friendship with an older, failed lawyer. Yet at the end of the film, he is less marginal than he was before he fought his heroic battle. All these elements were embraced by subsequent hero-lawyer films to become the genre's building blocks.

All four classical hero-lawyers are enthusiastic champions of equal liberty. Additionally, they are all liminal characters in frontier-like communities, in the Wild West (*Liberty Valance*), in the Deep South (*Inherit* and *Mockingbird*), or in

[13] For a full analysis of the film of Biegler as a hero-lawyer and of the film's complex treatment of honor rights, see Kamir (2005).

the uppermost North (*Anatomy*). They are also "frontier men" professionally: Ranse struggles to bring the law to Shinbone, to create the rule of law, and to establish a state. The law is his professional frontier. The other three classical hero-lawyers fight for unpopular defendants' civil liberties. Their professional frontier is the legal realm of civil rights.

33.4 Part IV Transitional Phase: Old and New Elements in …*And Justice for All* and *The Verdict*

The classic hero-lawyer movies were produced between 1959 and 1962. The next big wave of hero-lawyer films took place in the 1990s. Two hero-lawyer films that were released around 1980 can be regarded as marking a "transitional phase" in the history of hero-lawyer films. Both these films, …*And Justice for All* (1979) and *The Verdict* (1982),[14] feature many of the classic hero-lawyer characteristics, bringing them up-to-date.

…*And Justice for All* stars Al Pacino as Arthur Kirkland, a small criminal lawyer fighting not merely the state prosecution but also a depraved, sadistic judge and a vengeful ethics committee that conspire to blackmail and silence Arthur. In his heroic—yet unsuccessful—attempt to save his downtrodden clients from unjust and inhumane imprisonment, this hero-lawyer encounters a deeply corrupt and uncaring system. The legal world that he faces is a nine-headed monster, and his struggle with this Hydra is not merely against all odds but plainly hopeless. At the end of the film, he betrays a client, the depraved judge, who blackmailed Arthur to represent him in a rape charge. Arthur announces his own client's guilt in court, demanding that he be convicted. Arousing a scandal, Arthur is thrown out of the courthouse and left on the imposing building's outer steps. He is likely to lose his license and never enter a courthouse again.

Like three of the four classic hero-lawyers, Arthur Kirkland resorts to criminal defense to fight the state. The state is represented by both prosecutors and judges, who threaten and unjustly curtail the liberty of Arthur's clients, the weakest social elements in the food chain. Further, Arthur challenges the unlimited liberty of a sadistic judge to abuse his judicial power while himself breaking the law and tampering with evidence. In fact, Arthur commits professional suicide by exerting himself to ensure that the judge's liberty to continue raping is indeed denied. Arthur is clearly the priest of equal liberty for all, at a very high personal cost.

[AU10]

At first, Arthur seems less liminal and certainly is far less laconic than the classic hero-lawyers. True, he is a small-time, divorced, criminal lawyer, estranged from both his children and his parents. Yet he practices law in the metropolis of Baltimore rather than in a small frontier town and is surrounded by colleagues, friends, his

[14] In some respects, *Jagged Edge*, made in 1985, can also be considered to belong to this category, though I hesitate to define its protagonist a "hero-lawyer."

grandfather, and even admirers who cheer as he exposes the sadistic judge. Arthur's lover is a member of the ethics committee and supplies him with inside information. Yet what gradually marginalizes Arthur is his devotion to his hero-lawyer role, his insistent refusal to play along with the corrupt system. Like Atticus Finch's, Arthur's commitment to the civil liberties of his indigent clients hampers his professional advancement and alienates him from the legal system. His refusal to "make a deal" with the prosecution and to silently adhere to the whims of the sadistic judge estranges him from the legal community. His ultimate insistence on curtailing the judge's unlimited liberty exacts from Arthur a far greater price than that paid by Atticus. Whereas Atticus is marginalized by his community, Arthur, playing the hero-lawyer role, loses his license and is finally consigned to the literally liminal place on the threshold of the courthouse.

Three years later, Paul Newman starred in *The Verdict* as Frank Galvin, a once promising young lawyer who takes the rap for a senior lawyer in his law firm, loses his job as well as his wife, and deteriorates into a drunkard ambulance chaser. Frank's loyal friend and mentor offers him a last chance in the form of a big tort malpractice case that would involve confronting a doctor and his supporting peers, the hospital, the church that owns the hospital, and their big law firm. The client is a young woman who was given the wrong anesthetic and has been comatose ever since. The hospital and its doctors, the church, the law firm, and a hostile judge all conspire to undermine Frank's case, but with the help of his good friend, he overcomes all the hurdles and convinces the jury to compensate his client for the life that was taken away from her.

Frank is clearly a marginal character on the very fringe of both the legal world and society at large. Handing his card to bereaved widows at funeral homes, he seems to have reached the rock bottom of ambulance chasing. Not surprisingly, at the opening of the film, Frank is hardly a hero of any kind. It is only in the course of preparing his case and sobering up that he gradually evolves and grows into a true warrior for his client's right to equal acknowledgment as a worthy human being. He fights to limit the enormous liberties usurped by the doctors, the church, and the lawyers and to free his client at least from the economic hardship imposed on her and on her family. For Frank, the legal battle that constitutes him as a hero-lawyer is also an act of redemption and salvation. His professional hero-lawyer's pursuit of equal liberty awakens him to a new existence, true to his deeper, most gallant nature.

This "redemption motif" recurred in many hero-lawyer films ever since. Most hero-lawyers do not start out as Atticus Finch characters; they grow into the hero-lawyer role through a professional conduct that also entails personal redemption and salvation.

Unlike his predecessors, Frank Galvin does not practice criminal law and does not fight to restrict the all-powerful state and its legal institutions. Frank is a tort lawyer, and the powerful systems he tries to contend are private social organizations: a hospital and its medical guild of doctors, a church, and a big law firm.

Traditionally, the state is the power suspected of usurping too much liberty at the expense of some individuals'. But in *The Verdict*, the state is represented by a

spineless judge who is only eager to please the mighty respondents. The real power is in the hands of the big institutions, including their law firm. This reflects the film's worldview. In *The Verdict*, society is no longer made up of individuals, community, the state, and the law; it is ruled by powerful elite groups.[15] These groups are professional enclaves, each motivated by its members' collective best interests in terms of power, status, and wealth. In this movie, the hospital is such an elite group, as are church and law firm. They each offer their members identity, meaning, purpose, status, stability, and income. In return, each of them demands these/its members' complete loyalty. Each elite group places its members' collective interests above all else and exacts their full adherence to this principle. This, of course, comes at the expense of individuality, society, and community: the institutions/elite groups collaborate to supersede the liberal state, its democratic principles, and its philosophy of civil rights.

In this context, Frank's case can be seen as a battle lodged in the name of liberal democracy and its doctrine of equal liberty against oligarchy, the social structure of elitism. This is why Frank's threat to expose one elite group (the hospital) and hold it accountable for its wrongdoings prompts the collaboration of several ruling elite groups in a struggle to protect their collective hegemony. In this dramatic, ideological battle, the law firm takes center stage. In *The Verdict*'s brave new world, the law firm has become an elite group. Law firms have taken over the legal world, abusing their professional skill to serve their own interests, their clients' wishes, and oligarchy's whims.

This worldview deeply impacts the symbolic meaning of the hero-lawyer. In *The Verdict*, the hero-lawyer's role is to represent the individual, who was harmed by an elite group and demands acknowledgment as an equal and autonomous citizen of a liberal democracy. On behalf of his client, the hero-lawyer challenges a particular institution, as well as the rule of the elites. In the process, he challenges a big law firm, itself an elite group in the service of other elite groups and the new, rising oligarchy. This hero-lawyer is a democratic David fighting an elitist Goliath law firm. He plays a central role in the "cultural clash" between democracy and the new oligarchy that is rapidly superseding it. It is no coincidence that Frank's triumph is facilitated and declared by the jury, which stands for the community. The community takes the side of liberal democracy, while the law firm represents the respondent elite group and the new social order.

The Verdict's view of social reality, the legal world and the big law firms, and its reconceptualization of the hero-lawyer's role in this context have all become trademarks of many hero-lawyer films of the 1990s.

Let me ground this in reference to the western genre discussed earlier. *The Verdict*'s villains, the large, strong institutions, bring to mind the powerful ranchers and gamblers of the western genre. The western's portrayal of social reality in the Wild West seems to be mirrored by *The Verdict*'s portrayal of the early 1980s. It is as if the antistate forces of the prestate era had evolved into the big institutions of the "post state" condition of the Reagan age.

[15] I use this particular term following Wright (1975); see below.

In his analysis of the western genre, Will Wright shows that the "classical plot western" was replaced by what he calls "the professional plot western" (Wright 1975, 85–123, 164–184). In this subgenre that emerged in the 1950s and peaked in the 1970s, the place of the lone warrior who fights for the downtrodden and embodies honor and natural law was taken by the group of mercenaries who form an elite group and fight for the thrill of the fight, and, of course, for money. Society and its values not merely become irrelevant but are completely rejected: " [T]he group of elite, specialized men in the professional Western relate to ordinary society only professionally; their need for social identity is totally satisfied by membership in the group" (Wright 1975, 180). Wright explains:

> This group of strong men, formed as a fighting unit, comes to exist independently of and apart from society. Each man posses a special status because of his ability, and their shared status and skill become the basis for mutual respect and affection. Thus, the group of heroes supplies the acceptance and reinforcement for one another that the society provided for the lone hero of the classical plot. This change in the focus of respect and acceptance naturally corresponds to an important change in the qualities or values that are being respected and accepted. The social values of justice, order, and peaceful domesticity have been replaced by a clear commitment to strength, skill, enjoyment of the battle, and masculine companionship. (86)

Popular law firm television series, such as *L.A. Law* and *Ally McBeal*, mirror the professional plot westerns. In *The Verdict*, however, the hero-lawyer is not replaced by a professional law firm with its bunch of specialized legal warriors. On the contrary, Paul Newman's hero-lawyer becomes "the man who shot the law firm." In this film, the law firm is the nemesis; it is the Liberty Valance that serves the evil hospital, doctors, and church. Frank is the man who stands up to this professional elite group of lawyers, fights it against all odds, and prevails. His liminality and commitment to equal liberty qualify and empower him to do so. His victory is that of the classical plot western over the professional plot western of democracy and the American constitution over oligarchy. Interestingly, at the end of the film, Frank is less liminal than before. He is slightly reconciled with the community and with himself. There seems to be hope of his reentering society and perhaps even the legal world. [AU11]

Both protagonists of the "transitional hero-lawyer films" are champions of equal liberty. Neither is set in frontier towns in the Far West, South, or North. In fact, they are both big eastern city lawyers. In their personal and professional lifestyles, both lawyers are liminal characters; yet only Frank Galvin is situated in a new legal frontier. Arthur, attempting to use criminal defense to promote civil liberties, feels that he is facing a dead end. In 1979, Hollywood portrays, civil liberties were no longer perceived as the exciting new legal field of endless possibilities. In fact, the struggle for civil liberties seemed to have reached its limit. Arthur Kirkland is thus a pessimistic hero-lawyer. He is a liminal character with no frontier, that is, he is a threshold character with no "out." He is trapped on the edge of a corrupt and hopeless "inside," with no "wilderness" to empower him and no horizon to aspire to. Frank Galvin, on the other hand, the 1982 civil, tort lawyer, discovers a whole

new professional frontier—that of individual[s'] damage claims against corrupt, cynical, powerful institutions. This new professional frontier empowers him and fills him with hopeful purposefulness; it redeems his earlier tragic downfall.

33.5 Part V Hero-Lawyers of the 1990s and Beyond

The 1990s were the heyday of hero-lawyer films. Of the 15 hero-lawyer films that this chapter refers to, eight were released between 1990 and 1998. Of these, three continue in the tradition of the classic hero-lawyer films and …*And Justice for All*; four follow the revised, "tort law and redemption" model proposed by *The Verdict*; one combines the two models.

33.5.1 Criminal Hero-Lawyers of the 1990s

The three most notable movies that featured aspiring successors of Atticus Finch, Henry Drummond, Paul Biegler, and Arthur Kirkland are *A Few Good Men* (1992), *The Client* (1994), and *A Time to Kill* (1996).[16] Each of these films imbued its hero-lawyer with commitment to equal liberty as well as some form of liminality. The two Grisham-based films (*The Client* and *A Time to Kill*) mostly explore the rearrangement of familiar elements, while *A Few Good Men* uses them to convey an unusually optimistic worldview.

In *A Few Good Men*, Tom Cruise's lieutenant Daniel Kaffee is a young navy lawyer. He "has plea-bargained forty-four cases in a row and has yet to try one" (Bergman and Asimow 1996, 73). He ostensibly aspires to drift through his professional career with as little trouble or inconvenience as possible. Son of a renowned jurist, Daniel reluctantly strives to live up to the model set by his father. Kaffee is assigned the defense of two marines who killed a fellow marine in the course of executing "Code Red," that is, the brutalizing of a marine who "dishonored" the navy. They are charged with murder. In the course of preparing the case, Kaffee encounters Jack Nicholson's Colonel Nathan Jessep, a "bad father" character, who had instigated the Code Red in the name of navy honor but now evades responsibility. He protects his own liberty at the expense of the defendants'. Kaffee realizes that he was chosen to conduct the defense in hope that he would settle the case. He therefore decides not to settle and to go after Jessep despite the personal risk to

[16] *The Accused* (1988) is a good candidate for this subgroup. Since its (woman) hero-lawyer is a public prosecutor, rather than a criminal defender, it belongs to a subcategory of hero-lawyer films that requires a discussion that is beyond this chapter's scope. *The Music Box* (1989) is another worthy candidate, but the protagonist's "heroism" is not a professional, legal one. It is not surprising that Hollywood's women lawyers are harder to define as "hero-lawyer." For a systematic analysis, see Lucia (2005).

his career. In the courtroom showdown between Kaffee and Jessep, Kaffee evolves into a hero-lawyer, proving full commitment to the equal liberty of his clients. Kaffee matures into an honorable lawyer and human being, just like his father before him, and earns his clients' appreciation.

In the process, Kaffee sheds his liminal position as a junior lawyer on the threshold of the legal profession. His initial liminality is revealed to have been a chrysalis one due to his unresolved Oedipal issues. He was "on the fence," reluctant to jump into the water, in fear, and resentment of having to live up to his father's heritage. He suffered from "adolescent liminality," a passing phase on the road to hero-lawyerism. The process of becoming a hero-lawyer through litigation turns out to be a rite of passage for Kaffee, both professionally and personally. This unusual cinematic optimism echoes some classical plot westerns in which the gunfighter cleans up the town and then settles in it and becomes a pillar of the community (think, e.g., of *Destry Rides Again*, 1939[17]).

The Client's protagonist, Susan Sarandon's Reggie Love, is liminal in almost too many ways: She is a woman, a very small-time lawyer, a divorcee, a rehabilitated alcoholic, and a mother who has lost custody of her children. Protecting her client—an underage witness to a suicide—from both the ruthless mafia and the self-serving prosecutors, her growth into a hero-lawyer entails a process of redemption and salvation, a la Frank Galvin. *The Client* thus combines a variation on the criminal hero-lawyer plot with *The Verdict*'s personal salvation motif. Reggie wins her heroic legal battle, but the victory leaves her, Moses-like, at the threshold of the family she has saved. As her client boards a plane with his mother and brother, she stays behind, alone.

A Time to Kill, another Grisham-based hero-lawyer thriller, similarly reworks familiar motifs. It fuses a *Mockingbird*-like plot of racist persecution of a black man with an *Anatomy of a Murder*-like premise that the law and the legal system must allow a man to pursue his "unwritten rights." In this movie, a white attorney defends a black man who shot the two white men that had brutally raped his 10-year-old daughter. Matthew McConaughey's lawyer character, Jake Tyler Brigance, evolves from an uncommitted professional into an Atticus Finch in his insistence that the law must honor his black client's unwritten right to avenge his daughter's victimization, just as it would have honored a white man's right to do so in an analogous situation. Like Atticus, Brigance's commitment to his unpopular client ostracizes him from his racist community, and he is left in Mosaic isolation.

33.5.2 Civil Hero-Lawyers of the 1990s

Most prominent among the 1990s civil law hero-lawyer films are *Class Action* (1990), *Philadelphia* (1993), *The Firm* (1993), and *Civil Action* (1998). Each of these films' protagonists undergoes the transformation from a brash, self-serving

[17] In *Destry*, too, the title character struggles to come to terms with the legacy of his dead sheriff father.

attorney to a conscientious hero-lawyer, committed to civil liberties, fighting the big, powerful elite groups, and making a personal sacrifice. All these films focus on their protagonists' struggle with professional liminality, exploring it through variations on the Frank Galvin redemption theme and the Daniel Kaffee rite of passage motif. Most notably, in all four films, *The Verdict*'s evil "social institutions" have transpired as full-blown corporations: self-interested commercial entities, [AU12] solely concerned with their economic gain. In *Class Action,* the hero-lawyer's nemesis is an automobile manufacturing company; in *The Firm,* it is the mafia; and in *Civil Action*, it is a tannery—a subsidiary of a chemical company. Additionally, every one of these films features a large, successful law firm that is financially motivated, just like its clients. The law firm represents the corporate world and serves its interests. It is just as greedy, corrupt, and harmful as any other corporation. In fact, in these films, the law firm has become the hero-lawyer's archenemy.

Class Action's protagonist is a woman lawyer in a highly competitive, testosterone-flooded professional legal environment. At the end of the film, in an Arthur Kirkland gesture, she exposes and betrays her corporate law firm and its greedy, negligent automobile-manufacturer client. She loses her job but not her license and finds a professional home in her father's small, old-fashioned human rights' law firm. Her initial liminality, the film seems to indicate, was "adolescent," like Kaffee's, and, like him, she too resolves her Oedipal issues in the course of her professional rite of passage. Unlike Kaffee, however, in joining her father's law firm, she does not become an honorable insider but embraces the liminality of the father's professional role. Stepping out of "the game," she chooses the idealistic past over the corporate present. She will do "good law" but has no hope to effect a significant impact upon the corrupt environment.

The Firm's protagonist struggles to escape his identity as the guy raised by a single mother in a trailer park, whose big brother serves time for homicide. As his wife points out, his enormous endeavor to blend in the prominent law firm that hires him out of law school is a conscious effort to become a legitimate member of that "in-group," which he regards as a "mainstream family." Mitch McDeere's painful growth into a hero-lawyer is complemented by his relinquishing of this dream. Betraying and exposing the law firm that turns out to be fraudulent and murderous, he embraces the humble vision of life as a good lawyer in a small, unpretentious law firm. Performing his rite of passage, he is redeemed of the desperate desire to fit in and finds both his inner hero-lawyer as well as the type of liminal existence that suits him best.[18]

In *Philadelphia*, one of the protagonists is a black, lone, ambulance-chasing lawyer, while the other, his client, is a gay lawyer with HIV, shunned and discriminated against by his prestigious law firm. Both men outgrow their self- centeredness and rise to the ideological challenge they face together. Seeing, in a Mosaic liminality, the Promised Land he will never enter, the gay lawyer dies of AIDS. The black lawyer seems to remain as marginal at the end of the heroic battle as he was at its beginning. Having found his moral core, he embraces his liminality but goes nowhere.

[18] For a more detailed analysis, see Kamir (2009a).

Civil Action's protagonist starts out as a lawyer at the height of his success in every possible way (he is, among other things, the most popular bachelor in his community). The senior partner of his law firm is an expert at making quick, easy profit. Unexpectedly, he takes on a class action against a tannery that pollutes the drinking water, causing the deaths of many members of a small community. At the end of the film, having sacrificed and lost everything in zealous pursuit of justice and recognition for his clients, he is ruined, bankrupt, and alone. But redeemed of his egotistical professional *hubris*, he is proud and content in his liminal existence, at the outskirts of both the legal world and society. [AU13]

As this brief outline points out, in each of these films, being a hero-lawyer entails fighting an all-out battle against the corporate world and a strong, evil law firm. Waging this battle requires a deep, existential liminality and leads the protagonist to a professional one. Having found his or her true self, the newborn hero-lawyer rejects the fantasy of membership in an elite group law firm and embraces a liminal professional existence. Hero-lawyerism and liminality seem, more than ever, to be fused together.

Of the seven 1990s hero-lawyer films, five entrap their protagonists in a liminal condition devoid of an open frontier. They are pessimistic, hopeless hero-lawyer films. Only the two Tom Cruise films, *A Few Good Men* (portraying the *Bildung* of a young criminal defense hero-lawyer) and *The Firm* (featuring the growth of a young lawyer fighting the corporate world), supply their young lawyers with open frontiers. In *A Few Good Men*, the young lawyer discovers the path of honorable service as a marine attorney. *The Firm*'s young lawyer looks forward to a peaceful, quiet professional life and a fulfilling personal one. His horizon is not professional but rather emotional and familial. The criminal defense hero-lawyer's bright future lies in the navy; the corporate-world hero-lawyer's lies in the personal sphere, away from law and the public sphere. Of the seven 1990s films, only these two offer an optimistic vision.

33.5.3 The Devil's Advocate (1997) and Michael Clayton (2007)

The Devil's Advocate is unique in its combination of the criminal lawyer, the shadow of the lawyer father, and the big law firm nemesis, pushing all three elements to the limit. It further combines the hero-lawyer subgenre with the horror genre, opening up new, supernatural possibilities. Additionally, it offers two endings and thus two interpretations of legal heroism and liminality.

Kevin Lomax, Keanu Reeves' young lawyer character, is a criminal defense attorney who never lost a case. Representing a defendant accused of raping a minor, Kevin realizes that his client, Gettys, is guilty and finds himself facing the dilemma of how to proceed. Deciding to win at all costs and maintain his record, he destroys the victim's credibility and is recruited by John Milton's big New York firm. Milton (Al Pacino) turns out to be Satan and also Kevin's biological father. He designs to use the law to rule the world and to use Kevin to beget the Antichrist. Kevin is

tempted to win at all costs the big cases his father throws his way and loses his wife and his soul in the process. At the last moment, he decides to prevent his father's plans and commits suicide. Alternatively, Kevin decides to withdraw from Gettys' case at the risk of being disbarred. He saves his soul and his family but is tempted to be interviewed and made famous by a reporter who, the viewer knows, is John Milton, father/Satan.

The first plot line suggests a variation on the Daniel Kaffee personal and professional development theme. Confronting the "bad father" character, the young criminal lawyer realizes that his professional ambition has brought him too far, and the only course of redemption and salvation is death. Here, the human frailty of the excellent professional lawyer leads him to moral doom, as he cannot resist the temptation to join the big law firm. In the alternative plot, the excellent young lawyer resists the temptation, doing the right thing, but only to face a new temptation every day. Surrender is merely a matter of time. In the world of big law firms/mega temptation, hero-lawyerism is inhuman and impossible. In such a world, it is hard to speak of a meaningful "inside," "outside," or liminality. But there can be no doubt that the film offers its protagonist no frontier, no out, and no hope other than death.

A decade later, *Michael Clayton* situates the hero-lawyer in the dark setting of *film noir*.[19] Clayton, a big law firm's "fixer," is an inherently liminal character. Having discovered that it had consciously assisted a big corporate client in concealing its lethal business practice, Clayton betrays and exposes his law firm. His professionally suicidal act of heroism leads him to an Arthur Kirkland-like limbo, only more so. I suggest elsewhere that "in line with the logic of *film noir*, even when exposing a corrupt corporation and bringing it down, Clayton remains trapped as ever because in the 'asphalt jungle' of *film noir* one can run—but never break free. The turn to *film noir* thus signals, accommodates and enhances a bleak mode of cynical despair regarding lawyers, as well as the hope of civil rights and rule of law that they once stood for" (Kamir 2009a, 830). I further claim there that "in *film noir* style, *Michael Clayton* bars its protagonist from reentering his world, his community or the law, voiding his self-sacrificing act of meaningful heroism and of true social significance. The villains are overpowered, but the community is not saved. In *Michael Clayton*'s world, life, community and law are all aspects of the labyrinth. They can be neither empowering nor redeeming. There can be no inside or outside, victory or change, meaning or moral action (848)."

From a slightly different perspective, the film defines Michael Clayton as "a lawyer with a niche." According to the senior partner of Clayton's law firm, this is the most desirable situation a lawyer can aspire for. It renders him unique, highly specialized, and indispensable to his law firm. It provides him with some security in an uncertain world. In Wright's terms, it guarantees him a role in his professional elite group, where "each man possesses a special status because of his ability, and their shared status and skill become the basis for mutual respect and affection" (Wright 1975, 86). The catch is that in order to enjoy his status as "a lawyer with a

[19] For a full analysis, see Kamir (2009a).

niche," a lawyer must belong to the group in which there is such a niche. Clayton, his firm's fixer, knows all there is to know about every one of its lawyers: their skills, strengths, weaknesses, connections, and secrets. Granted the authority to do so, he can fix anything for them and for the firm. But outside this elite group, his highly specialized skill is worthless. For him, liminality is only possible as a member of the firm. Riding away in a New York cab at the end of the film renders Clayton devoid of any professional merit. He can no longer be effective in any way. He cannot even survive.

33.5.4 Discussion: The End of Liminality?

Classical hero-lawyers of the 1960s were mature men, at the height of their careers, who fought for equal liberty from the threshold of their frontier communities. Most often, they were portrayed as winning their battles while remaining liminal, or becoming even more so.[20] In the hero-cowboy tradition, their liminality was associated with open professional frontiers, usually the then promising horizon of civil rights. Despite their liminal state, they succeeded in being effective and influential. Their professional activism made a difference. Even if they did not live to see society change and become more respectful of equal liberty, their spectators knew that such a change would prevail and that these hero-lawyers had helped bring it about.[21]

The hero-lawyers of the transitional phase were men in their mid-careers. Arthur's heroic professional suicide leaves him outside the legal world. In his experience, there is no hope of social change, and he leaves the arena. His liminality is devoid of professional frontier and thus hopeless. Frank's hero-lawyerism, on the other hand, opens up the possibility of a professional future for him. His success at reaching the jury gives rise to hope that the community would use its judgment and power to set things right. Around 1980, when these two films were made, the future seems to have been unclear.

Whether they feature criminal defense lawyers or lawyers fighting corporations, most hero-lawyer movies of the 1990s offer their protagonists no professional frontiers and no hope for a future. On the linear axis, the hero-lawyers of the 1990s can be grouped into two clusters. In the first part of the decade, *Class Action* (1990), *A Few Good Men* (1992), *The Firm* (1993), and *Philadelphia* (1993) feature very young lawyers on the threshold of their careers. All four evolve into hero-lawyers, and all four win their heroic battles. One of the four (Daniel Kaffee) sheds his liminality and becomes a member of a community that is, on the whole, good enough. The film supplies him with an honorable professional future to look forward to, in the service of the navy. The other Tom Cruise young hero-lawyer

[20] Atticus Finch was portrayed as losing his case and Paul Biegler as becoming somewhat more integrated in his community.

[21] Atticus Finch and Henry Drummond.

abandons the hope to become a superstar corporate lawyer and embraces, instead, a dream of a meaningful personal life. The open frontier the film grants him is intimate rather than professional. The other two newborn hero-lawyers end up in a pessimistic, hopeless liminal state, and their battles seem to have no effect on society. The corporations and their law firms continue to rule. They continue to cut corners, to sell defective cars, to launder mafia money, to tamper with evidence, and to discriminate against homosexuals. The hero-lawyers' hard-won victories are but drops in the ocean. While hero-lawyers may win some battles, the corporate world wins the wars.

This message becomes far more evident in the second half of the 1990s. In *The Client* (1994), *A Time to Kill* (1996), *The Devil's Advocate* (1997), and *Civil Action* (1998), the protagonist lawyers are older, in their mid-careers. Their heroic deeds are not rites of passage but acts of redemption. They usually win their cases (in three out of four films) and always embrace liminality. But none of them has an open frontier; none of their victories has any hope of making a difference. The corporations (and in *A Time to Kill*—racism) may suffer anecdotal loses, but the system is immune. Heroic lawyerism seems to be touching, but futile.

The last of these films, *Civil Action*, makes the point most poignantly. It is also most explicit in its disillusionment with liminality as a viable, operative place. *Civil Action* shows that in our contemporary, corporate world, fighting a big, strong corporation requires the kind of funds that only corporations can raise. A liminal lawyer that attempts to take on such a battle is doomed to lose and go bankrupt. Liminal hero-lawyerism is thus a tool of the past. It is unsuitable to fight the corporate world. *Civil Action* is a docudrama; it is based on a true case and depicts the story of a real lawyer. This makes its message all the more chilling.

Following *Civil Action*, fewer hero-lawyer movies were made, and Hollywood seems to have started searching for new avenues. In 2000 *Erin Brockovich*, a docudrama, narrated the story of a hero-legal-clerk and an environmental activist. Five years later, *North Country*, another docudrama, presented the story of a blue-collar mine worker who initiated a sexual harassment class action against her workplace.[22]

The 2007 *Michael Clayton* revisited the hero-lawyer of the late 1990s. Encountering the lethal practices of U North, a giant corporation, the title character, a mid-career "fixer," takes on the role of "Shiva, the god of death." He succeeds in bringing professional "death" to two individuals, the corporation's CEO and the chair of its Board of Directors. Clayton manages to expose these individuals' personal responsibility and corruption. But not even god Shiva can curtail the liberty of U North, the giant corporation that had brought death and illness to many unsuspecting farmers. The corporation will pay a fine and continue to grow, pollute, and rule. No hero-lawyer can stop it.

Will Hollywood experiment in search of a new hero, who will deploy new tactics to fight the corporate world? Will the American film industry abandon

[22] For a detailed analysis, see Kamir (2009b).

its belief in common law and in lawyers' power to solve the nation's problems one at a time? Will it embrace the corporate world and create its new heroes from its entrails? Will it opt for governmental policies that can regulate the corporate world and ensure equal liberty? Will *Michael Clayton*'s characters continue to feature on our screens and commit professional suicide, like whales throwing themselves at the shore? Or will movies supply them with new frontiers, either professional or legal? In a densely populated universe, will the new frontier be internal, within the protagonist's psyche? In a world too crowded to have real physical, territorial frontiers, such as the Wild West, will the new frontier be a psychical horizon? Time will tell.

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Author Queries

Chapter No.: 33 0001725676

Queries	Details Required	Author's Response
AU1	Please check if edit to the sentence starting "They are trapped on…" is okay.	
AU2	Please check if all instances of "liminaly" should be changed to "liminally."	
AU3	Please confirm the identified section head levels are appropriate.	
AU4	Please check if edit to the sentence starting "He is both close…" is okay.	
AU5	The sentence from "Contemporary hero-lawyer..." is present in abstract section as well. Please confirm.	
AU6	Please check if edit to the sentence starting "They are trapped…" is okay.	
AU7	Please check if edit to the sentence starting "We still revere…" is okay.	
AU8	Please check if edit to the sentence starting "Yet when the homesteaders…" is okay.	
AU9	Please check if "work it" should be changed to "work."	
AU10	Please check if the term "tampering" in the sentence starting "Further, Arthur challenges…" is okay as edited.	
AU11	Please check if the term "Ally McBeal" is okay as edited.	
AU12	Please check if edit to the sentence starting "In *Class Action*…" is okay.	
AU13	Please check if edit to the sentence starting "The senior partner…" is okay.	
AU14	The heading "Bibliography" should be changed to "References". Please confirm.	