

# Explaining the Absence of the Media in Stories of Law and Legal Consciousness

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*The role of the mass media as a resource for making sense of law has seldom been directly examined. Instead, it is simply assumed that the media have a strong impact on people's perceptions of the law. However, I argue that the media may be unimportant to groups and individuals whose first-hand legal experiences are predominantly negative and confrontational. This is the most important finding to arise from the small case study I discuss in this article. In the lives of the individuals I interviewed, law tends to be strongly present, resulting in the perception that it is predominantly a burden. As a result, media representations of law are often overshadowed by personal experience, which helps to explain why research participants made very few explicit references to the media.*

## Introduction

The media undoubtedly provide us with many of the symbolic ingredients that are relevant to the way in which we make sense of the world. The extent to which this observation also applies to our knowledge and experiences of law will be at the centre of this article. Law is something which can at times be very distant from the everyday, while in other ways it is embedded in everyday experiences, its presence hidden in routines and activities which hardly seem to contain any legal dimension. Hence, Ewick and Silbey argue that, 'the law is experienced as both strange and familiar; an episodic event and a constant feature of our lives; deadly serious and a source of humor and entertainment; irrelevant to our daily lives and centrally implicated in the way those lives are organized and lived'.<sup>1</sup> It seems that the media cannot but play a significant role in maintaining this paradox of distance and familiarity. After all, the news media are replete with reports of courts proceedings, law-and-order news and legal trivia, while film and other genres also allow audiences to catch a glimpse of rules and procedures which are unknown to many people. However, the argument I develop here is that the importance of the media in making law meaningful to individuals largely depends on the quality and quantity of people's non-media-

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dependent legal experiences.<sup>2</sup> There is a real danger of exaggerating the role of the media and popular culture in determining our familiarity with the law when these direct experiences are insufficiently taken on board.

Discussing popular culture inevitably entails raking up the question of how detrimental the influence of the media, as important carriers of popular culture, is.<sup>3</sup> Research on media representations of law overlaps with the issue of crime and the media, a field in which it is difficult to ignore pessimistic voices emphasising the way in which the media are able to 'corrupt the masses'. In his foreword to the edited collection *Popular Culture, Crime, and Justice*, Surette states, 'Like candy to cavities, a diet heavy on popular culture will rot one's perceptions of reality'.<sup>4</sup> He is clearly not the only one to hold this view. Take, for example, the following impressive list of harmful media effects:

So television dulls perception, flattens consciousness, manipulates desire, breeds decadency, fosters escapism, insulates the senses, rebarbarizes, infantilizes, is a narcotic or a plug-in drug, mediates experience, colonizes, pollutes, encourages commodity fetishism, leads to psychic privatization, makes us narcissistic, passive, and superficial, and also increases aggression.<sup>5</sup>

Such a 'tap on the knee' model,<sup>6</sup> in which audiences are seen as the impressionable victims of the media, is at odds with the findings of a small case study which I discuss here. The aim of the study was to examine the way in which marginalised groups make sense of their experiences of law.<sup>7</sup> It has been established that the legal experiences of these groups have distinct characteristics.<sup>8</sup> They often perceive law to be a kind of burden and an unwelcome interference with their everyday lives. As MacKinnon suggests, to marginalised groups, law is 'a foreign country with an unintelligible tongue, alien mores, secret traps, uncontrollable and unresponsive dynamics, obscure but rigid dogmas, barbaric and draconian rituals, and consequences as scary as they are incomprehensible',<sup>9</sup> but the presence of law is also one which can be extremely intrusive and claustrophobic. The extent to which the media are relevant to marginalised groups as a resource for making sense of their direct experiences of the law was the main question underpinning my research. The most important and surprising finding to come to the fore in my analysis concerns the relatively small role which the media played in the stories of law and legal consciousness participants related to me. By contrast, personal and hearsay experiences dominated their accounts. From a methodological viewpoint, I experienced certain difficulties in finding a suitable frame for analysing these findings, precisely because the tap on the knee model has a strong presence in the field of law and popular culture.

The account I offer details, in the first instance, my search for a perspective which would be non-behaviourist and non-media-centred. My starting point is that people are not passively affected by the media, but are actively involved in the process of constructing reality. Moreover, I will argue that the media are not the only source on which people draw when making sense of their legal experiences. Third, I want to challenge the assumption that law is only marginally present in the lives of ordinary citizens, an argument which in many ways underpins the tap on the knee model, in the sense that people's views of law are believed to be easily influenced by the media due to a lack of relevant first-hand experience.<sup>10</sup> Finally, my argument is that in studying the role of the media, we need to pay closer attention to qualitative differences between various types of first-hand legal experiences which may be accounted for through factors like race, class and gender.<sup>11</sup>

This article has two main sections. In the first section, I examine how media studies and socio-legal analysis have approached the role of the media in people's understanding of reality. In media studies, the most important development has been to move away from the tap on the knee model in favour of the notion of the active audience which, in turn, has given way to a less media-focused approach in which the media are seen as only one of many sources relevant to the construction of social meaning. From a socio-legal perspective, I elaborate on the research tradition of 'law in everyday life' which places law at the centre of everyday experience and examines the ideological implications of the law's ubiquitous presence. In the second section, I discuss the findings of my case study and explain why the media were largely absent in the stories I collected, highlighting the particular importance of social identity in accounting for this absence.

### **Establishing the Media's Influence: The View from Media Studies and Socio-Legal Analysis**

#### *What Audience Research Teaches Us*

In assessing the place of the mass media in people's understanding of legal processes, it is useful to distinguish between three possible approaches which may be taken when explaining how audiences relate to media texts. These approaches are underpinned by different research traditions in media studies, each of which is characterised by specific assumptions and distinct methodologies.

From a historical perspective, the tap on the knee or behaviourist approach to media effects is the oldest tradition which has shaped the idea, prevalent at times not only in media studies but also in other disciplines, for

example in criminology, that the media are able to exert an influence on their audiences which these find somehow both irresistible and inescapable. The notion of choice or free will, that is the possibility that audiences have some discretion as to the role which media products play in structuring their worldviews and thoughts, does not enter the equation in classic media effects research. As Stuart Hall puts it: 'Though we know the television programme is not a behavioural input, like a tap on the knee cap, it seems to have been almost impossible for traditional researchers to conceptualize the communicative process without lapsing into one or other variant of low-flying behaviourism'.<sup>12</sup>

This preference for the 'stimulus/response' or 'hypodermic syringe' model in explaining the relationship between media products and audiences can be attributed to early media research at the beginning of the twentieth century which was predominantly rooted in psychology and social psychology, disciplines which preferred to focus on determinants of individual behaviour through the prism of methodologies derived from the natural sciences.<sup>13</sup> Moreover, the political climate of that age also provided support for a strong media effects hypothesis. The period between the First and the Second World War was the age of propaganda, when governments discovered the media's potential as a weapon of persuasion which could be used to manipulate public opinion. The Frankfurt School, for example, which was influential in European and North American media research, explained the descent of German society into fascism through the influence of the media functioning as a potent agent of mass propaganda. In unravelling the media's extraordinary powers, much emphasis was placed upon the atomisation of industrial societies, which meant that their fabric had disintegrated to such an extent that the individual's only meaningful social relationship was with the mass media, eliminating intermediary levels of interaction which would otherwise be provided by interpersonal relations.<sup>14</sup>

Although the hypodermic syringe model was challenged and refined after the Second World War, it was not until the late 1970s that audience research witnessed the kind of methodological and epistemological shift which was necessary to dethrone behaviourism and to break the spell which the question of media effects had had on generations of researchers.<sup>15</sup> Even today, the tap on the knee metaphor is unmistakably present in contemporary efforts to locate and explain the importance of the media.

Research into law and popular culture is by no means an exception. Despite there being an extensive body of research that examines the relationship between crime and the media, little is known about the way in which we use the media in making sense of issues of law and justice in general. However, it is almost automatically taken for granted that the media are extremely important in shaping people's understanding of the

law.<sup>16</sup> As is the case with behaviourist media research, there is often a failure in socio-legal analysis to make a clear distinction between the content of a media text and audiences' reading of that text.<sup>17</sup> Audiences' responses are all too often inferred from the text, creating the impression that the media indeed act as a hypodermic syringe injecting people with distorted representations of the law. When Sherwin, determined to establish the (negative) impact which popular culture has on lawyers' conduct in the courtroom, asks the question, 'What stories, what recurring images and metaphors, what stock scripts and popular stereotypes help us through the day? And where do they come from?', he does not hesitate for a moment: 'For most people, the source is not difficult to ascertain. It is the visual mass media: film, video, television, and to an increasing degree computerized images ... In a sense, we "see" reality the way we have been trained to watch film and TV'.<sup>18</sup>

The hypodermic syringe is clearly implied here: the media train us in seeing things in a specific way and they have 'conditioned' us, eliminating other factors which may influence our perception mechanisms. There is an atomist dimension underpinning Sherwin's confident assertions which is similar to behaviourism: he argues that the effect of the media is pervasive suggesting that they have almost become the only possible source of human experience today, thereby conveniently ignoring other sources of influence in our lives, such as the vital interpersonal contact most of us have with friends or relatives in everyday conversations.

Another indication that there is a strong parallel between socio-legal analysis and behaviourist media research is the emphasis on negative influence. The media often stand accused of inculcating people with a flawed and distorted version of the law.<sup>19</sup> It seems difficult for legal scholars to envisage the possibility that the media may actually make a positive contribution to people's understanding of the law, for example by acting as a source of legal knowledge, by stimulating public debate on issues of justice and by making specific struggles visible. In short, the media's 'pro-social effects' are routinely ignored in socio-legal analysis.<sup>20</sup> The preoccupation is with negative effects, not with potential benefits which may be derived from media exposure.<sup>21</sup> Research which is specifically concerned with the mass media and perceptions of law, especially crime, seems unable to detach itself from behaviourism.<sup>22</sup> Important debates, for example on pornography, continue to be premised upon the assumption of a decisive and predominantly negative influence of the media on behaviour and attitudes, despite the fact that some authors now believe that consuming pornography has no impact on sex crimes,<sup>23</sup> prompting Sparks to remark that 'much of the work that exists on screen violence [is] very unconvincing'.<sup>24</sup>

In the light of this enduring preoccupation with negative media effects, one might be forgiven for thinking that the behaviourist model is still the undisputed and only possible way of conceptualising the relationship between the media and their audiences. This, however, flies in the face of evidence suggesting that other areas of audience research have evolved enormously since the early days of studies of media effects. The work of the Centre for Contemporary Cultural Studies at Birmingham University (UK) in the late 1970s and early 1980s provided the breakthrough which proved to be decisive in transforming audience analysis. The question to be asked was no longer ‘what do the media do to people?’, but ‘what do people do with the media?’. As Curran points out, this change in emphasis was in itself not a novelty: as early as the 1930s more ‘liberal’ voices in media research emphasised the idea that ‘audiences [were] not empty vessels waiting to be filled’.<sup>25</sup> Moreover, the notion of the active audience can be traced back to a much earlier tradition, which is known as ‘uses and gratifications’ because of its focus on the uses which audiences make of the media for the purpose of ‘gratifying’ or fulfilling specific needs, for example, the need for information, companionship and entertainment.<sup>26</sup>

However, whereas the uses and gratification tradition from the late 1950s onwards was unable to sever its link with psychology and lab experiments, the Birmingham School can be credited for promoting a radically different methodology, which disposed of the idea that media audiences could be treated as lab specimens to be isolated from their everyday social context.<sup>27</sup> It became clear that an experimental setting was inadequate in exploring the relationship between the media and their audiences because it overlooked the vital link with everyday life. The living room, not the psychologist’s lab, became the focus of attention as a result of the intervention by the Birmingham School. Audiences’ relationship to television, a medium heavily embedded in domesticity, could not be studied in isolation: domestic rituals, family relations and even the interior design of people’s living room were treated as relevant factors in explaining audiences’ interpretation and use of television.<sup>28</sup> The preferred methodology for uncovering the importance of the domestic in media use was ethnography. ‘Clinical empiricism’ was out, field research became the preferred method.<sup>29</sup>

From a conceptual point of view, the change in focus from effects to meaning, or from behaviourism to semiotics, was as important as the change in setting from laboratory to the living room. This paradigmatic shift is largely attributed to Stuart Hall’s model of encoding and decoding signalling a new dawn in qualitative audience research which has become known as ‘reception analysis’.<sup>30</sup> What was at issue was more than just the debate on whether media audiences either passively or actively engaged

with media texts. The emphasis in Hall's paper was on the possibility of audience resistance in the process of making sense of the media. The audience was not only active, it was also potentially involved in a subversive pattern of unseating the hegemonic subtext of media products.

Hall's model is very simple, but as Alasuutari observes, it is this very simplicity which makes it one of the key references in contemporary reception analysis.<sup>31</sup> The basis of this model is that encoding (the way in which media professionals shape a text) and decoding (the way in which encoded messages are subsequently interpreted and understood by audiences) are seen as two separate moments in the production of meaning which do not necessarily coincide. A media text is a half-finished semiotic product which reveals little about the way in which audiences actually interpret it. The semiotic process is only complete when a reader deciphers a text and assigns meaning to it. A text at the point of its transmission is meaningless and indeterminate; it is only at the point of reception that everything falls into place and meaning is specified. Audiences might partly ignore the meanings embedded in encoded texts by producing an 'oppositional' reading, which means that the ideological underpinnings of a text are read 'against the grain'. Although the model also includes the possibility of a dominant-hegemonic reading in which the decoder faithfully reproduces the encoded message, its significance lies in the fact that it envisages a scenario in which media influence is not inescapable, but actively resisted by the audience. This has inspired an entire generation of researchers in media and cultural studies to examine the significance of class,<sup>32</sup> gender<sup>33</sup> and ethnicity<sup>34</sup> – to name just a few factors – in subverting dominant meanings embedded in media texts.

The emphasis on audience activity in reception analysis rendered it hugely problematic to judge the reactions of an audience by the media texts it consumed. To cite an example used by Hall,<sup>35</sup> the media generate images of violence but these images are not violent in themselves.<sup>36</sup> They are representations to be decoded by audiences whose interventions are crucial in making these images meaningful. The pessimism underpinning traditional research into media effects thus disappeared: a particular media text, when looked at in isolation, may not be the most refined cultural artefact, but thanks to the creativity of its readers, it may acquire a level of sophistication one could not envisage on the basis of the text alone. The liberating potential of reception analysis was most strongly felt in relation to media texts which are typically consumed by women, for example, soaps,<sup>37</sup> women's magazines<sup>38</sup> and romance novels.<sup>39</sup> The traditional feminist stance was strongly reminiscent of classic research into media effects: early feminist analyses portrayed women as victims of patriarchal media whose inescapable influence served to reinforce gender stereotypes and to

reconcile women with their subordination.<sup>40</sup> However, in the 1980s, there was a remarkable turning point: the stigma attached to women's media, it seemed, had been lifted thanks to the new insights into audience research offered by reception analysis. Even feminist academics confessed to liking soaps and women's magazines.<sup>41</sup> Pleasure was an amorphous but widely used term in describing women's experiences of media texts, emphasising the non-judgemental philosophy underpinning reception analysis. Women's media were not something to be despised or dismissed. Reading *Cosmopolitan* or watching *Eastenders* was taken seriously by a new wave of feminist researchers who sought to identify ways in which female audiences subverted the patriarchal subtext of media products.<sup>42</sup>

However, the celebratory and optimistic undertone of reception analysis became a target for fierce criticism in the 1990s.<sup>43</sup> The politics of some strands of reception analysis was openly questioned. Some detected an anti-public service media agenda: the traditional justification for public service television is its mission to deliver high quality programmes. Placing too much emphasis on audience resistance could pull the rug from under the feet of those in favour of a quality-conscious public service media landscape. Hence, it was argued that reception analysis played an ideological role in justifying the neo-liberal project of deregulation and commercialisation of the media because, after all, audiences would concoct their own meanings and interpretations irrespective of the intrinsic qualities of the original media products beamed into their living rooms.<sup>44</sup> What argument, for example, would be left to challenge the corporate dominance of a few media giants and press magnates, if the prevailing belief is that the decision on the value and meaning of cultural products ultimately lies with the audience? To be criticised for supporting a populist version of neo-liberalism is undoubtedly an ironic fate for a research tradition firmly rooted in the kind of neo-Marxist analysis which clearly underpinned Hall's seminal encoding/decoding model.

However, the criticism of reception studies goes much wider than an interrogation of their political credentials. From a conceptual viewpoint, the main limitation of the encoding/decoding model is that it is still too media-centred, in the sense that a strong emphasis is placed upon the way in which the media structure people's understanding of reality. Audiences respond to media texts, either to resist or to accommodate their dominant meanings, but the encoding/decoding model tells us little about the way in which people's constructions of reality encompass a wider catalogue of experiences in which the media are sometimes of little or no importance. Reception analysis, like research into media effects, is fairly narrowly focused on the interrelations between media and audiences, despite its incorporation of everyday life as a central category in explaining this relationship. What is



less obvious from such a media-centred analysis is that people in making sense of the world rely on a potentially unlimited range of experiences and narratives, only a limited proportion of which may be located in the media. The potential blind spot in reception analysis is that it may still end up giving the media too much preponderance and ignore other influential sources of knowledge.

In correcting this media bias, it worth considering a third perspective on the role which the media play in audiences' lives. The emergence of a constructionist model in studies of media use and public opinion offers the possibility of placing the media in a much broader framework by exploring their place in a wide range of everyday experiences.<sup>45</sup> In this approach, media discourse is treated as one of many cultural resources on which people draw when constructing meaning. The underlying concept is that when people engage with the media, they bring to the equation a certain amount of cultural, social and psychological baggage which exists independently of any media influence. Motivation, for example, is a crucial, yet often ignored factor which determines whether or not individuals are willing to consider specific media texts. As Schröder points out: 'If people are not somehow motivated to read a media text they encounter, the reception process is arrested right there'.<sup>46</sup> The consumption of media products is therefore not an unquestionable given: there are many different factors which influence whether or not individuals indeed have an encounter with a media text and what they eventually make of such an encounter. The starting point of constructionist audience research is not a specific media text or media genre; instead the focus is on interpretive communities which act as a mixed and varied pool of knowledge, values and ideas.<sup>47</sup> In constructionist analyses of media culture, it is the socio-cultural background of people, and not the media products they consume, which is seen as a more reliable predictor of how they construct social meaning.

It is not surprising that such insights are most likely to come to the fore in research in which the media are not a primary concern. Thus, for example, Gamson and Modigliani's first and most important question was to establish how people understand the issue of nuclear power, a process in which media discourse is only one of several ingredients to make up the 'cultural toolkits' of individuals.<sup>48</sup> Hence, they argue that, 'however dependent the audience may be on media discourse, they actively use it to construct meaning and are not a passive object on which the media work their magic'. In a larger study of the way in which people make sense of politics, Gamson treats the media as one of several 'frames' which are used to construct political meaning.<sup>49</sup> His conclusion is that even in relation to issues for which the media seem to be the only available frame of reference (for example, environmental issues in relation to which there might be a lack of first-hand experience), people will

still draw on other resources to supplement media discourse.<sup>50</sup> Gamson emphasises that this does not rule out the possibility that the media may have powerful effects: it only serves to emphasise that media influence is dependent on other socio-cultural factors.

The constructionist approach, unlike classic effects research and reception studies, is a clear invitation to understand the media as one of many frames which people use to make sense of the world. Such an approach has clear potential when it comes to studying the way in which people make sense of the law. Constructionism could provide an antidote for blunt and generalising statements about media influence. Can we indeed assume that, 'for much of what we think we know, it is a good bet that it comes in the form of popular culture'?<sup>51</sup> Can we maintain that '[m]any people learn about law from exposure to television and other media of popular culture, not from direct experience in the legal system'?<sup>52</sup> It seems more plausible that the media interact with notions of law which are subtly woven into the fabric of everyday life, in the form of minute and almost invisible encounters: paying bills on time, driving on the right side of the street, observing rules and regulations when using public amenities, refraining from undesirable behaviour when in the company of other people, and so on.

In relation to discussions of media and crime, the constructionist perspective has already proved fruitful. For example, Sasson situates the media among a wider pool of resources (both cultural and experiential) which people use when asked to discuss crime-related problems.<sup>53</sup> Hence, he argues: 'Attributing popular constructions of crime to media influence exclusively is particularly problematic'.<sup>54</sup> He does not dispute the relevance of media-oriented frames in his discussions with research participants, but he highlights that the media alone are insufficient for understanding how people construct crime as a social problem. People consciously weave direct experience and cultural images of crime together in such a way that they are able to generate a persuasive account of their take on crime. Most individuals are sufficiently 'media-savvy' to be aware that newspapers and television cannot always be regarded as the most reliable or authoritative sources of knowledge. People are capable of detecting the media's deceptions and distortions, which means that they are not prepared to put all their eggs in the media's basket. In keeping themselves informed of the world around them they also rely on other sources, including direct or personal experience.

There seems little reason to assume that the same observation would not also apply to media images of law: a lay audience is sufficiently discerning to realise that the average courtroom drama or detective series is not entirely representative of the actual operations of a court or a police station. When

adopting a constructionist approach, answering the question ‘where do most people get their legal knowledge from?’ is not as straightforward as saying: ‘the media, of course’. Socio-legal analysis is not a stranger to such an approach. It has the natural advantage of not being media-centred, thus making it all the more surprising for research specifically concerned with media representations of law not to have paid more attention to the potentially large repertoire of experience and knowledge which people activate in arriving at a specific interpretation of legal issues. As I argue in the next section, research on legal consciousness, which firmly situates law at the heart of everyday life, could provide a very useful connection between constructionist audience analysis and the question of where we should place the media in people’s understanding of the law.

### *Law’s Ubiquitous Presence in Everyday Life*

Building on the notion of the active audience which has come to the fore in reception studies and the constructionist approach I have outlined above, I want to examine the idea that law is not marginal to people’s experiences, but that it is in many ways embedded in their everyday lives. It seems worthwhile to give some consideration to the possibility that the media may offer only one of many occasions for encountering notions of law, justice and legality. The constructionist perspective highlights that there are important cultural resources outside the media on which people draw when for example discussing issues of crime and politics. This suggests that media audiences are less impressionable and passive than they are often given credit for in mechanistic models of media influence. What needs to be challenged is the idea that, generally speaking, people lack sufficient first-hand experience of law, making them instead entirely dependent on the media. While there are undoubtedly aspects of law which are completely absent from some people’s everyday lives, this does not necessarily mean that they have no direct legal experience at all.

The notion that law is constitutive, instead of external, to everyday life has, in recent years, emerged as a central theme in research on ‘law in everyday life’. Sarat and Kearns identify two main orientations in studies of law and society.<sup>55</sup> The instrumental perspective typically regards law as a set of distinct norms which somehow are situated outside society and which can be deployed as an external instrument for introducing important societal changes. Much of the research in this tradition is concerned with studying how effective law is in shaping or regulating social life. By contrast, the constitutive perspective focuses not on how law influences society from outside, but on ways in which law is active in processes of meaning and self-understanding. Instead of looking at how law ‘as an external, normative missile’ changes people’s behaviour and attitudes,<sup>56</sup> the constitutive

approach is interested in how notions of legality form part of the way in which people see themselves and interpret the world around them. In the words of Ewick and Silbey, law ‘has a commonplace materiality pervading the here and now of our social landscape’.<sup>57</sup> The constitutive view is that law permeates and is inextricably linked with everyday life, and social actors are seen as having internalised legal meaning, even if they may be unaware that this is the case.

The idea that the media can exert a strong influence on their audiences due to a lack of first-hand experience of law seems to fit into the instrumental perspective: here, law is seen as somehow apart from society, with the media playing an important role in generating a knowledge of aspects of law, and crime in particular, which are largely unknown in the sphere of everyday life. By contrast, the ethnographic tradition of law in everyday life, which clearly adopts a constitutive approach, seldom focuses on issues of legal knowledge. Thus, Sarat, in his study of the legal consciousness of welfare recipients, does not attempt to find out what the participants in his research know about welfare services and social laws. Instead, he is interested in what law means to them. His concern is with issues of consciousness and ideology, not with knowledge and attitudes.<sup>58</sup> Similarly, ethnographic studies of small-claims courts and local courts aim to uncover an ideological struggle, focusing on the way in which litigants challenge the hegemony of one particular legal ideology by appealing to alternative systems of meanings and beliefs.<sup>59</sup> The theme of struggle and resistance runs as a central thread through these studies. Hegemony and resistance are seen as two sides of the same coin: on the one hand, people, in particular those at the margins of society, accept dominant ideas of law and justice, while on the other hand, they also constantly seem to challenge these ideas through some form of resistance.

Legal consciousness is a concept that is often used to grasp this ambivalence of domination and resistance. According to Trubek, ‘Legal consciousness is that aspect of consciousness of any society which explains and helps justify its legal institutions’, while Sarat sees legal consciousness as synonymous with ideology.<sup>60</sup> In the case of the welfare recipients he interviewed, this consists of a mixture of ideas confirming and contesting dominant legal principles. In spite of repeated disappointments when appealing to the welfare system, those seeking assistance somehow manage to remain hopeful that one day they will be successful in obtaining effective redress for their never-ending housing and debt problems. Legal consciousness is much more than the reflection of individual experience. It is law as a myth and an ideology which keeps individuals’ hope alive. As Engel points out, ‘There is an individual aspect to consciousness ... but an individual’s consciousness is shaped by the structures and relationships of

which she or he is part',<sup>61</sup> something that is also reflected in Ewick and Silbey's definition of legal consciousness as neither a set of conscious attitudes nor an entirely 'epiphenomenal' by-product of structural conditions.<sup>62</sup> Instead, they see it as a cultural practice in which individuals activate a set of cultural codes and schemas when making sense of the world around them. Legality, in its structural sense 'consists of cultural schemas and resources that operate to define and pattern social life',<sup>63</sup> but at the same time, it is dependent on individual action for its reproduction and application. These various codes of legality are not exclusively legal. Instead, they comprise a wide and diverse set of rules and principles which are not limited to law alone. Some of the examples which Ewick and Silbey cite include notions of competition and fair play which emanate from a variety of social contexts.

In the constitutive perspective, law is seen as ubiquitous in everyday life. The schemas reproduced in legal consciousness can be found everywhere, even though law may also be hardly visible because it shares many of its interpretive codes with other areas of social activity. The question that is of particular interest here is: where do we situate the role of popular culture and the media in this 'commonplace' conception of law and legal consciousness? It seems obvious that the media play an active part in providing the interpretive schemes of legal consciousness, while also imposing limitations on the cultural resources that are made available to audiences, for example because of the way in which gatekeepers control media contents and information flows.<sup>64</sup> The problem with studies of legal consciousness – and this in marked contrast with research traditions which take the issue of media influence as their primary concern – is that the role of the media tends to be ignored, not because media input is seen as unimportant, but because it is treated as self-evident. It is striking that, for example, in the stories which Ewick and Silbey collected, the media seldom explicitly come to the fore. In fact, this seems to be the case for the majority of studies of legal consciousness and law in everyday life. In a review article, Hirsch highlighted this failure to examine the role of popular culture in shaping legal consciousness, and the same void continues to exist today.<sup>65</sup> The importance of the media and popular culture is almost taken as an unquestionable given which does not warrant further examination.

The challenge is to show a more critical awareness of the role which the media and popular culture might (or might not) play in furnishing and sustaining various codes of legality without slipping into a media-deterministic account in which legal consciousness would be explained entirely through the media. As Vine argues, it is a truism to say that the media are influential.<sup>66</sup> The issue is not whether they are important, but the extent to which they are important and the manner in which their influence is felt. We seem to know relatively little about the relationship between the

interpretive schemes routinely supplied and reproduced by the media, and other resources used by individuals to construct legal meaning. For example, how compatible are media and non-media sources of legal consciousness? In their research on violence, Schlesinger and his colleagues suggest that women who have themselves been victims of violence are able to criticise non-realistic media representations of violence by drawing a contrast with their own experiences.<sup>67</sup> Similarly, as I have already noted, Sasson's research indicates that experiential knowledge and popular wisdom operate alongside media schemes in constructions of crime.<sup>68</sup> These studies suggest that there is sometimes a clear difference, even conflict, between the various resources with which people construct reality.

Another very important reason why we cannot just take for granted that the media and popular culture are important as indirect sources of legal consciousness is that, in some cases, they might be less significant than we think. There are a number of explanations as to why the media might not be prominent or, even, may be completely absent in individual accounts of legal meaning. In some situations, non-media schemes might outweigh the media as a resource of legal consciousness because of an influential form of personal experiences of law, which might in turn be attributed to a specific social positioning on the class, race and gender axis. There might even be a methodological factor at work, in the sense that the role of the media only becomes visible when they are placed at the centre of a research project. If this were the case, it would indeed suggest that a media-centred focus tends to exaggerate the media's significance. These elements cannot be glossed over by simply assuming that the media must be providing people with important schemas for constructing legal meaning, but these should be addressed more explicitly. Examining how the media relate to other important resources used in constructing legal meaning was an important aim of the case study I present in the next section.

## **Case Study**

### *Method and Approach*

Two themes have emerged in my discussion so far. The first theme concerns the idea that audiences are actively involved in interpreting media texts and draw on a large repertoire of resources when making sense of the world around them. The second theme is that, contrary to the view that the media are able to influence strongly people's legal knowledge and attitudes towards law because many of us are believed to have a lack of relevant first-hand experience, it could be argued that law is ubiquitous in everyday life, partly, but not exclusively, thanks to the media. This makes the focus less

media-centred. However, a drawback, as I have emphasised, is that the media tend to fade into the background and their interaction with legal consciousness has seldom been examined.

These ideas form the wider background to the empirical research I carried out on an inner-city council estate in Birmingham (UK) which, in terms of its social profile, is an ethnically diverse but socially deprived area. My initial hypothesis was guided by the idea that due to unemployment and other social problems, residents would be more isolated and therefore more dependent on the media than people elsewhere, and hence would make more use of the cultural resources provided by the media. One of the issues I wanted to study was the extent to which residents would draw on media and popular culture in their discussions of law and justice. I adopted the constructionist approach I described above: my primary concern was actively to encourage participants in my research to tell stories and anecdotes with the aim of studying the kind of resources they invoked.

Through my choice of methodology, I wanted to reflect the strengths of the various research perspectives which I outlined in the first part of this article, while also trying to overcome their limitations. My method was informed by two specific assumptions which I wish to clarify briefly. First, it seemed important not to confound the issue of popular legal knowledge (that is, what do people know about the legal system?) with the legal meanings which research participants constructed. Proponents of the influential media hypothesis like to adduce evidence which suggests that people have an erroneous understanding of the law, which they then causally link with the distorted images disseminated by the media. Thus, for example, Macaulay produces a list of statistics which illustrate how ignorant the American public is as far as their knowledge of basic legal facts is concerned.<sup>69</sup> This seems a foregone conclusion: of course, the average lay person is not going to be as knowledgeable as a lawyer. The same undoubtedly applies to many specialist subjects: lawyers, for example, may be very good in their field, but their factual knowledge of heart bypass surgery is probably less impressive, and the sparse knowledge they have is likely to reveal some uncanny resemblance to the medical know-how provided by television shows like *ER* and *Casualty*. But what does all this prove? Is it relevant that people's factual understanding of the law is limited? Not, I think, when the concern is with their construction of legal meaning. The definition of legal consciousness, as I have already highlighted, is far more complex and profound than a set of attitudes or knowledge of the legal system. Studying legal consciousness is not about measuring people's basic legal knowledge, it involves generating a better understanding of the pathway which people follow in arriving at their specific positioning *vis-à-vis* dominant legal ideology.

The relevance of the distinction between knowledge and legal consciousness can be illustrated through my own case study here. None of the participants had any particular legal expertise, but they expressed clear and often passionate expectations about law. The ideals they articulated are in many ways identical to the values that are central to legal doctrine; the demands for equality, respect, absence of bias or prejudice, judicious use of resources and openness put forward by participants resonate with the values underpinning many legal principles. This familiarity with inherent legal principles may stem from various resources, some of which circulate in society as a result of media representations of law. For example, courtroom dramas on television may not provide an accurate picture of legal procedure, but they often emphasise the importance of due process or justice being done,<sup>70</sup> an ideological component upon which the authority of law ultimately hinges.

A second principle I adopted was to avoid the media-centred perspective that I have criticised for potentially exaggerating the place of the media in the schemas used by people when making sense of law. I was particularly keen to find out more about the extent to which people would *spontaneously* refer to the media in their stories, be it implicitly or explicitly. This is reflected in the various stages of my research, which involved both general discussions and interviews specifically geared towards media texts. I spent a great deal of my time at the local Employment Resource Centre, which aims to offer a more informal and less coercive alternative to state-run job centres. The ERC is important to the local community as it is one of the very few remaining places where residents can meet.<sup>71</sup> Initially, I simply held informal conversations with people at the centre (both staff and clients) and, in an attempt to blend in and make myself useful, I agreed to organise a 'legal awareness course' intended to improve participants' awareness of law. In five weekly sessions, we discussed various aspects of law, such as family law, housing issues, consumer rights and criminal law. Even though participants' attendance differed from week to week, these sessions gave me the opportunity to form a better picture of the main concerns of residents in their relationship with the law. Following the legal awareness sessions, I conducted 18 interviews centred around 3 different media texts: newspaper coverage of the conviction of the disgraced ex-cabinet minister Jonathan Aitken for perjury; an excerpt from the British movie *Trainspotting* (1996); and an excerpt from the BBC police drama *Maisy Raine* (1999). The film and television series had been broadcast on British television shortly before the interviews, while the Aitken story had recently been in the news. The aim of these interviews was to focus more closely on the interaction between media discourse and the personal stories I had already recorded.



My intention not to survey people's knowledge of law and my wish not to restrict the scope of my inquiry to a potential media input alone explain why storytelling became a central tool for exploring the kind of resources participants considered important for making sense of law. I tried to encourage people to tell anecdotes that were initially loosely focused around law in general. Ewick and Silbey have analysed the benefits of adopting stories as a methodology, arguing that stories are a way of both reproducing and resisting dominant legal ideology, something which seems to resonate with Hall's notion of a 'negotiated reading' of media texts by audiences.<sup>72</sup> A central belief underpinning the 'narrative turn' in social sciences is that there is something empowering about storytelling which allows narrators to challenge relations of subordination embedded in everyday experience.<sup>73</sup> As Ewick and Silbey suggest in their analysis of the well-known story which 'Millie Simpson' told them about her experience of appearing before a criminal court, the act of telling a story is in itself an act of resistance, creating pleasure out of an unpleasant encounter with the law.<sup>74</sup> However, telling stories also has a very practical dimension. In the interviews I conducted, participants often used stories as part of a wider argument. They told stories for the purpose of persuasion or to make a specific point: to them, the key to constructing a convincing argument was to tell a story which was based on personal experience. For example, Barbara,<sup>75</sup> a woman of Afro-Caribbean origin in her late fifties, claimed that 'English' law meant nothing to her, a proposition she illustrated by telling of her youngest son's experiences of the English legal system when he was prosecuted for vehicle theft. A personal testimony was her way of clarifying her lack of confidence in the criminal justice system of her adopted country.

#### *General Observations: Images of Law in Participants' Stories*

Overall, storytellers drew on three different resources to corroborate their views on the legal system: direct personal experience, hearsay accounts based on experiences of people they knew, and media accounts. The narrative structure of these stories typically revolved around three main components: a situation or action (for example, driving a car), a number of agents (individuals and institutions), and a set of attributes to characterise these agents (for example, race, hierarchy and prestige). It was often the confrontation between the agents and their different attributes (for example, white police officers v. black suspects) which underpinned the central assertion made by storytellers (for example, the law is racist).

From the stories participants told, it was clear that they felt that they were at times unable to control the presence of law in their lives, an experience which seems to correspond with Sarat's description of law as a web-like enclosure and the perception of being up 'against the law', one of

three dimensions of legal consciousness which Ewick and Silbey identify.<sup>76</sup> For example, several participants complained about the opacity and obscurity of legal language. Barbara told a story of an elderly friend who for years had not received any income support because she was unable to understand the language of welfare bureaucracy. Similarly, Alice, a white woman in her late thirties, immediately referred to problems of language when asked about her experiences of law:

I used to work with mentally handicapped people, people with special needs. And, obviously, the information that needs to be put across ... there needs to be more normal words, normal English. Everything needs to be in a simple language ... I think it is a problem, also with having different languages, which isn't always acceptable. I would imagine ... that people don't get the service they need because of the language.

A lack of understanding of the specific type of language which law routinely deploys was held responsible by several participants for people's perceptions that they were trapped in the law's 'foreign country with an unintelligible tongue' which MacKinnon so elegantly describes.<sup>77</sup>

In general, people spoke of law through two main images: law as a 'dead letter' or unfulfilled promise, and law as nuisance or harassment. The image of law as unfulfilled promise was mainly brought to the fore in relation to public services and administration such as council housing and the Child Support Agency, an agency that has been widely criticised for its lack of efficiency.<sup>78</sup> Single mothers, in particular, felt frustrated about their frequent battles with public service providers over benefits and housing. They seemed extremely sceptical regarding what they saw as unacceptable discrepancies between what these public services promise on paper (for example, Charter of Rights) and their actual performances. The notion of law as a burden dominated several of these accounts: law was seen as one of several hurdles which had to be taken before any tangible result could be achieved, such as getting necessary repairs carried out in council housing. Participants acknowledged the authority of the legally prescribed manner of obtaining specific results, but they were unconvinced that these procedures were effective.

The second image of law as a continuous form of harassment emerged predominantly in relation to the activity of policing. The police were often perceived to be misdirecting their attention to trivial issues (for example, stopping and searching 'law-abiding citizens'), while failing to tackle serious crime. The strong association between law and policing accounts for the view that law is predominantly coercive. It struck me that very few interviewees spoke of the law in terms of facilitating their everyday lives: emphasis was

placed on the restrictive aspects of law and not on more positive elements, for example the law as a source of rights and entitlements.<sup>79</sup>

Both black and white participants complained about frequent police harassment. One participant of Afro-Caribbean origin even rejected the idea that race could account for discriminatory treatment. However, there definitely appeared to be an important gender difference. Many women talked about the frustration of male relatives, friends and partners of being subjected to the vexing stop-and-search procedure to which they themselves were seldom exposed.<sup>80</sup> Age, combined with gender and race, also seemed to be determining experiences of harassment, as David, a 17-year-old man of Afro-Caribbean origin told me: ‘When I was younger, police would just come by and wave and stuff like that at school. Nowadays, they just pass and look as if they suspect all sorts of things.’ From all the stories I heard, it was clear that black adolescent and adult men were seen as most at risk of police harassment, which confirms what other analyses of race and the inner city have already established.<sup>81</sup> For example, a recent report commissioned by the Home Office has highlighted that young black and Asian men feel targeted by stop-and-search procedures, especially when they are in a group or out on the streets late at night.<sup>82</sup>

#### *The Absence of the Media in Legal Anecdotes*

As for the extent to which the media figured in the stories I collected, it has to be emphasised that *explicit* references to the media (for example, ‘There was this story on the television last night’) were relatively rare. Instead, participants preferred mentioning either personal experience (including personally held beliefs, for example religious convictions)<sup>83</sup> or hearsay experiences of people they knew. The references that were made to the media were also more vague and oblique in comparison with personal testimonies. This is quite clearly demonstrated in the account given by Chris, a young man in his early twenties of Afro-Caribbean origin. He contrasted the experiences of perpetrators of crime with those of victims. In the first half of his account, Chris produced a relatively long story, while his second anecdote briefly referred to something which he had seen on television. The second anecdote clearly lacked the detail and depth of the first story which, although it was set up as a hypothetical scenario, appeared to refer to events in which someone close to Chris (or even possibly himself) had been involved:

Being honest, I’m not really that interested in law ... I just sort of like dismiss it ... It’s kind of like an unfair system. Okay, there is like client A and client B. Client A does something really bad, okay? I’m talking about aggravated burglary with the intent of causing grievous

bodily harm. Now, client B just does the GBH bit. Client A gets 18 months suspended sentence; client B on the other hand, gets two and a half years which he serves a year and a half of. That's what I mean. It's unfair. It's totally unfair. If client A had done the same as client B, then I'd understand it a little bit better than I do, but I just can't work out where it is at the moment. People that have been in minor trouble with the law and people that have been in major trouble with the law, you know, the one with the minor trouble gets off worse ... Some people say: 'Yes, it's because he's black or it's racial discrimination', but the two people I was talking about were black. It's not racial discrimination.

After concluding this story, he considered law from the perspective of being a victim of crime:

I'm not a 100% sure whether I'd report a burglary to the police. I think I would do actually, but obviously it depends on whether I lost something valuable. But, at the end of the day, you've seen it on television where they've gone: 'Oh, well, we can't do anything about it because we're too busy at the moment to sort out your burglary. Go home and clean up the place'. That sort of thing. Because of the media representation of the law, that puts people off.

He then reiterated this point telling the same anecdote using slightly different words, but without adding anything significantly new. It was clear to me that in terms of length, the amount of detail provided and the intensity of emotion with which it was told, Chris felt more closely involved and more passionate about the Client A and Client B story than he did about the second anecdote which, in comparison, seemed more of a throwaway comment. It is perhaps surprising that Chris in the second anecdote attributes his reluctance to go to the police to the media, in particular because other participants also shared his reservations, not on the basis of media representations of the effectiveness of policing, but on account of their own negative experiences of reporting a burglary to the police. Moreover, the culture of the estate, in particular among the Afro-Caribbean community, is to minimise all contact with the police, even when an individual becomes a victim of crime. For example, I was told that when a flat is burgled, it is common practice for the tenant or occupier, when he or she has some idea of the identity of the perpetrator, to talk to the immediate relatives of the suspect in the hope that this would exert sufficient pressure on the culprit and result in the return of the stolen goods. Conflict resolution without the involvement of the police or any other law enforcement agency was seen as extremely important, revealing an interesting example of legal pluralism.

The question of what law meant to him inspired Ben, a white man in his early fifties, to tell the following anecdotes, which are again largely rooted in personal experience:

For instance, I got pulled the other day because I've got a bald tyre. The reason why they picked me up was a) because I was driving slowly. I was driving down a road where I was about to park and then the back lights were dirty. Now, really, I mean you could have been hey, you know, why is it like ... as long as I can give them legitimate reasons? Then it gave them an open ... Yes, well, one of my tyres were bald. I am not a person who wishes to drive around because I am on a bald tyre. You know what I am saying? If I had noticed that it was as bad as it would, I would have got it changed. But then ... But obviously, they originally pulled me because of dirty back lights, and proceeded to do me for a battery that wasn't held in place. Well, you know: Thanks for showing it, mate. You know. I didn't realise. I only bought the vehicle a couple of weeks ago and I hadn't had the time to look round. I knew that a couple of the tyres were a bit iffy, but I didn't think they were as bad as that. You know. But it opened the door to other things and then I got questioned about whether I smoked marijuana and stuff like that and I am going: ... And he says: Do you smoke marijuana? I am going: No!! and I am thinking: Well why the hell is he asking?? Because I had a packet of Rizla on me dashboard because I am rolling me own cigarettes.

But then again: I do smoke marijuana. But what the hell is it to do with them? You know. At the end of the day, you see, I don't think that is a criminal offence. Personally. You know. I would never ever say to people: Hey, you've got to do this. I do it. I don't expect anybody else to do it. Do you know what I mean? I don't drive around with no tax, I don't drive around with no MOT, unless, it's maybe a couple of weeks over and I am waiting for money in the bank to pay for the bill.

So, basically, I don't break the law, but I get harassed. I get harassed, you know, because I live in this area ... If I was living in an area where I am used to be, I would never have been picked up. Not in your wildest dreams. Do you see what I am saying? ...

They're [the police] not doing the job they need to do. Because that morning, just that morning, I had me four windows smashed and it cost me 420 quid. You see. But there was nobody around then to sort of like grab the culprits who did that and I can understand that they haven't got the time. But when you weigh up the two you're going: ... Which of the two is the more grievous situation? And that's why I think there should be basically more police on the street

instead of driving around looking to pull someone at 2 o'clock in the morning.

This cluster of personal anecdotes is dominated by the theme of law as harassment. Again, the focus is on policing and the feeling of being singled out for reasons of class and locality: living in a less wealthy area is seen as a risk factor making residents more vulnerable to police interference. A related issue is the problem of wrong priorities: rather than dealing with serious crime, the focus in law enforcement is on pestering 'law-abiding' citizens, a category which in Ben's view includes users of soft drugs who should only be restricted in their liberty by a duty to respect other people's attitudes to drugs. Media sources were not explicitly relied upon by Ben, although he said that he thought media images were bound to influence audiences. Interestingly, he also mentioned that he struggled to pay for his television licence and had no access to a telephone at home, which suggests that there may be a simple reason for the lack of references to the media in participants' stories, namely exclusion from basic facilities through which media texts are accessed.<sup>84</sup>

I acknowledge that the fact that participants only obliquely referred to the media does not necessarily mean that the arguments and ideas which people developed in their accounts did not in some way originate in media discourse. Providing the ideological framework with which to make sense of legal experiences may be a very subtle operation. As the account by Chris suggests, participants did not always explicitly identify the sources to which they referred. They produced hybrid accounts involving fragments of personal, hearsay and media-based experiences. This makes it difficult to assess the precise role of the media in this seamless structure of ideas and experiences. I have also pointed out that participants in my research used stories as a strategy of persuasion. It might well be that they believed that, in comparison with media stories, personal or hearsay anecdotes were more persuasive, an aspect of storytelling to which Sasson refers to as 'the authority of first-hand experience'.<sup>85</sup> Speaking from personal experience may have been perceived as somehow more convincing and this might have enticed participants to leave out weaker sources, for example media stories. Ignoring media stories that conflict with personal experience may also have been a way of dealing with the 'cognitive dissonance' generated by tensions between firmly held personal opinions and incompatible media narratives.<sup>86</sup>

However, the social identity of the people I spoke with may provide the most important clue for explaining the relative absence of media discourse in their own stories. The social profile of the people I interviewed, their ethnicity, class and, to a certain extent, gender as well, accounts for the fact that their identities are marginal. This could mean, as Ewick and Silbey

indicate, that in terms of their legal consciousness, these individuals simply might not identify with culturally dominant resources, such as those provided by mainstream media.<sup>87</sup> For example, the stereotyping of black people in crime news and the attack on welfare-dependent single mothers in political discourses may well explain why the people in my research could not relate to culturally dominant constructions of law and legality.<sup>88</sup> The lack of media references in participants' stories in my case study may therefore amount to a radical kind of resistance, namely a complete or quasi-complete avoidance of media texts in personal stories of law. Gross comments that for minority groups, ignoring the mass media is the most difficult form of resistance because of the media's omnipresence in everyday life, notwithstanding the existence of media outlets for minorities.<sup>89</sup> He is right to a certain extent: it is hard to avoid the presence of media images and mainstream media usually outweigh what Fraser terms 'subaltern counterpublics', media of communication which provide minorities with positive self-images and which consciously challenge media representations which prevail in the dominant public sphere.<sup>90</sup> However, the omnipresence of the images promoted by mainstream media does not mean that when individuals are placed in the position of being able to tell their own stories they cannot mentally delete these images or at least sideline them to a significant degree. Although I have already suggested that the media do not necessarily have to be mentioned by name to inform people's understandings of law, a question that is worth considering is whether the omission of media sources in personal narratives of law reveals a deliberate strategy of resistance, one which is premised upon a triumph of personal experience over media representation, a kind of looking away in response to the fact of being overlooked or underrepresented in mainstream media.

Another link with social identity is the nature and frequency of personal experiences of law. Contrary to the presumed lack of first-hand experience of law which underpins the tap on the knee model, participants in their everyday lives frequently encountered (and confronted) agents representing law in one way or another, precisely because of their specific social identities. Police attention on the estate and poorly performing public services created many opportunities for experiencing law in a direct way. This confirms Silbey and Sarat's suggestion that some people hardly ever notice the presence of the law, while other, less privileged groups 'trip over it all the time'.<sup>91</sup> White people are less at risk of being stopped and searched in the street, and middle-class people are less likely to have to enter into complex negotiations with welfare agencies than working-class people.<sup>92</sup> Law is present in all our lives, but social identity is vital in explaining why living with the law's presence is plain sailing and unproblematic to some people, while being a frustrating and demoralising experience to others.

Ben's story above illustrates the perceived inequalities embedded in frequent encounters with the law, and other interviewees related similar experiences. Driving a car in particular was seen as a risk factor increasing the likelihood of being stopped and searched.<sup>93</sup> Patricia, a woman of Afro-Caribbean origin in her late twenties, told the story of a black male friend who was stopped by police officers whilst driving a van for a courier company. She was dismayed that he had to demonstrate that he had legitimate reasons for driving the vehicle to avert the suspicion of theft. Another black woman told a similar story about a relative who had decided to sell his flashy BMW because he had grown tired of being stopped by the police. Speaking from the perspective of a completely different range of experiences, Pete, a white man in his mid forties and a vociferous campaigner to improve housing conditions on the estate, told me that he had been arrested several times during demonstrations. He took pride in the fact that despite being a seasoned protester, he was still without a criminal record, something he put down to being able to cause disruption without committing serious offences, knowing his rights and relying on the services of a good solicitor when necessary.

Factors such as race, class and gender account for the fact that direct confrontations with the law in some cases overshadow the media as a cultural resource. This means that it is difficult to detect across-the-board media effects in individual constructions of legal meaning and expressions of legal consciousness. Irrespective of whether the aim is to blame the media for causing ill effects or to praise them for provoking vigorous responses of resistance, first-hand experience as an aspect of social identity has to be factored in when determining the role of the media in rendering law meaningful to individuals. Significantly, the importance of first-hand experience was also highlighted in the British Crime Survey conducted in 1992 which suggested that individuals who relied mostly on the media for their information about the police (64 per cent of the survey sample) felt more positive about policing compared to individuals who predominantly referred to their own experiences and those of others they knew (28 per cent of the survey sample).<sup>94</sup>

I have already emphasised that the media were not completely absent from people's accounts. A story which needs to be mentioned here concerns the case of the racist murder of the black teenager Stephen Lawrence, especially the failing of the police to bring his alleged (white) killers to justice and the subsequent public inquiry into the case.<sup>95</sup> Many participants regarded this story, which received intense media coverage at the time of my research, as a gripping symbol of police racism. The story seemed to resonate strongly with their own experiences of police harassment, giving public recognition to a problem which they often encountered as



individuals. The way in which the media endorsed the findings of the Lawrence Inquiry remains a fairly exceptional situation, but it was one that participants, especially those of Afro-Caribbean origin, considered to be of great symbolic importance. Another, but not unrelated theme, which sometimes underpinned people's media-based stories was the perceived failure of the criminal justice system to administer adequate sentences. For example, Jenny, a white woman in her early fifties, referred to a story she had just seen on television concerning a stalker who had harassed a woman for seven years without being caught. She mainly invoked this narrative to corroborate her view that 'the law is on the side of criminals and doesn't care about the innocent'.

### *Reception of Media Texts*

Having discussed the marginality of the media in stories which participants freely constructed in unfocused interviews, there remains the question of how they engaged with the media narratives on which I asked them to comment. In these media-focused interviews the theme was to a certain extent already set. This did not, however, prevent many participants from telling stories that went well beyond the mere level of the media narrative on which they were commenting.

The first text I asked interviewees to consider was an excerpt from the film *Trainspotting* in which one of the characters, who is unemployed, is faced with a stark dilemma: either he refuses to attend a compulsory job interview and risks losing his benefits, or he attends the interview with the risk of being offered a job he does not want. He attends the interview with the intention deliberately to spoil his chances, in which he succeeds in an impressive manner.

The second media text I asked participants to discuss was a scene from the BBC police series *Maisie Raine* which shows how Maisie, the female DI and main character in the series, deals with a deaf-mute girl with no identity who appears to be very distressed because of an alleged kidnapping. Maisie suspects that the girl is merely an attention seeker and she uses her own unorthodox methods to find the truth behind the story, provoking strong protest from a social worker and a colleague detective. It is the threat of a body search that makes the girl eventually speak.

Finally, I also asked some participants to comment on newspaper articles telling the story of the downfall of Jonathan Aitken, a former Conservative cabinet minister, who committed perjury in a libel case against the *Guardian* newspaper and the television company Granada Television.<sup>96</sup> Both media had made allegations that Aitken, while still in office, had let a business contact pay for his weekend stay at an exclusive Paris hotel, something that was seen as evidence of Aitken's links with arms dealers. In his libel action,

Aitken made his daughter sign a false statement regarding the whereabouts of the family during that specific weekend. In June 1999, Aitken was convicted and sent to prison for 18 months, an event which was at the centre of the newspaper articles I used in the interviews.

For an analysis of participants' reactions to these three different media narratives, the patterns of legal consciousness which Ewick and Silbey describe are useful instruments.<sup>97</sup> There are three different types of legal consciousness to be distinguished. A first way of experiencing the presence of law in everyday practices is what Ewick and Silbey define as 'before the law'. This emerges when people see law as something that is removed from ordinary social interaction, while also acknowledging the law's authority. Here, law has a role in daily life, but it never seems to form an integral part of the everyday because it remains an independent entity that has its place elsewhere. Law is typically seen as a parallel universe which overlaps very little with everyday life. The emphasis in the 'before the law' stance is on the distance which separates the law from people who feel somehow frustrated that legal remedies and procedures are beyond their reach, leaving them powerless. The second dimension of legal consciousness in the classification which Ewick and Silbey suggest is 'with the law', and refers to the belief that law is a kind of game which individuals might deploy in their daily activities. From this perspective, law operates as a useful resource and is something that is there to help people to look after their interests in their interactions with others. This suggests that individuals would feel, to a large extent, able to control the presence of law in their lives, even though Ewick and Silbey emphasise the importance of contingency in the perception of 'law as a game'.<sup>98</sup> Finally, there is what Ewick and Silbey call the 'against the law' dimension of legal consciousness, in which the emphasis is on people's resistance, often in the form of 'make-do' tactics and usually involving small gestures of subversion.<sup>99</sup> The main purpose of such a resistance is, as Ewick and Silbey point out, to 'forge moments of respite from the power of law'.<sup>100</sup>

In my case study, participants, to a certain extent, used a 'before the law' reading to make sense of the media texts I asked them to consider. This dimension of legal consciousness appeared to be particularly strong in relation to the Aitken story. Participants agreed that the sentence Aitken received was largely justified. They were pleased that in this instance at least there had been 'equality before the law', with Aitken getting the same punishment as 'ordinary' people in his position. There was, however, also a significant degree of cynicism in that participants believed that Aitken would not serve his sentence and would not have any problems with returning to his old life of power and influence. In relation to *Trainspotting*, 'before the law' came in the form of an acknowledgement that it was justified to force people

who were on benefits to attend job interviews and take compulsory training. Several participants pointed out that some people ‘needed a little push’ and they believed that welfare legislation had a role to play in this process of motivating people. On the other hand, they did not feel that it was right to make people apply for jobs which they clearly did not want. In their view, there had to be room for individual initiative and they believed that applicants would only be successful when they were genuinely interested in a job. Anne, who had had many of her applications turned down because of her mental health problems, pointed out that it was very much ‘an upside-down world’. The character in the film was forced to attend an interview against his will, while she said that she would love to be in a position of being invited to a job interview. The ‘before the law’ reading that came to the fore in participants’ responses entailed an acceptance that rules were necessary to avoid an exploitation of the welfare system, but there was also a strong criticism of these rules: what happened to the character in *Trainspotting* was seen by participants as indicative of the failure of welfare agencies to achieve the very aims for which they were created.

In their interpretation of the excerpt from *Maisie Raine*, participants predominantly showed an awareness of the separateness of the realm of law which Ewick and Silbey regard as typical of the ‘before the law’ dimension of legal consciousness. Everyone seemed to agree that the deaf-mute character was treated unkindly by the police in the scene I showed, but participants were also resigned to the idea that such a treatment was inevitable, because ‘that is how it is in that particular world’. Participants believed that in an environment such as a police station, normal rules of social interaction did not apply because it is a space where law imposes its own rules. For example, commenting on the tough attitude displayed by the character of Maisie, Alice and Michelle (both white women in their late thirties) pointed out that women in such a situation were not allowed to show their softer, more feminine side, because this would clash with the code of conduct in the male-dominated world of policing and could even deprive women further of career opportunities. However, Ben said that ‘it takes a particular animal to do the job [of police officer] and I don’t like that animal’. In other words, he suggested that there was a definite crossover between the world of policing and everyday social interaction, and that police officers were often people whom he ordinarily disliked.

The second aspect of legal consciousness, the ‘with the law’ dimension, was undoubtedly the weakest aspect to come to the fore in participants’ interpretations of the three media narratives. I have already indicated that, generally speaking, people regarded law as a nuisance and an unfulfilled promise. They did not seem to believe that law could be played as a ‘game’ in order to achieve their own goals. The ‘game’ metaphor, however, was

used by Chris and David (both unemployed at the time of the interviews) in their comments on *Trainspotting*. They pointed out that attending compulsory job interviews was a game that job seekers and welfare recipients had to play to survive in the system. They could identify with the tricks and ploys used by the character in *Trainspotting* and admitted that they themselves had resorted to telling the occasional 'white lie' to keep their benefits. They also stressed that it was not a matter of not wanting a job: in Chris's case, he resented having to attend interviews for jobs he felt were unsuitable, but he said that he would play the game until he could find the job he really wanted. David, on the other hand, was enjoying the training he received and he said that he simply wanted to finish his training programme before searching for a job. The kind of game highlighted by Chris and David was predominantly of a tactical nature, aiming at a subtle resistance which seems to fit the category of the 'against the law' dimension of legal consciousness. This is not to say that participants did not believe that law could be openly used in the pursuit of specific interests, but this belief had an unmistakably negative undertone. For example, participants identified Jonathan Aitken as someone who was able 'to bend the rules to the extreme' to serve his own interests, but such a use of law was also perceived to be the privilege of the powerful because only they are able to gain complete control over the game of law.

Finally, participants' opposition 'against the law' dominated the way in which they made sense of the media texts I presented to them. The act of commenting and telling stories based on these texts was predominantly a gesture of resistance. Reading the newspaper coverage of the Aitken story meant, for participants, deriving pleasure from Aitken's downfall and taking satisfaction from the fact that even people like Aitken were not always beyond the reach of the law. There was, however, also criticism of the way in which the media gave excessive and special attention to Aitken's plight, for example in reports speculating on how he might cope with prison life. Several participants argued that prison was harsh for everyone, and that it was wrong to assume that only white, upper-class individuals like Aitken would suffer. Moreover, as I have already indicated, participants believed that the sentence would not harm Aitken's future prospects and that this was only a small price to pay for such an influential individual.

In their readings of *Trainspotting*, participants criticised the quality and suitability of the jobs on offer, pointing out that these jobs were often so badly paid that it was better to stay on benefits. There was strong sympathy for the character in *Trainspotting*, mainly because, as I have pointed out, several participants acknowledged the need for resorting to tactics to deal with the pressure of life on benefits. Similarly, they objected to the threat of

a body search to which the deaf-mute character in *Maisie Raine* was exposed. Alice, Anne and Michelle said that these were underhand means which would primarily affect the dignity of the character in the excerpt by 'making her feel dirty'. On the other hand, as I have already indicated, participants also accepted that such undue pressures were an inevitable part of the intricacies of the law.

To summarise my findings, the narratives and anecdotes which participants developed on the basis of the media texts I selected reflected the entire spectrum of legal consciousness which Ewick and Silbey identify in their analysis. The 'before the law' and 'against the law' dimension appeared to be more important than the 'with the law' aspect of legal consciousness, a finding which ties in with my observation that research participants did not believe that law had a facilitating role in their everyday lives. The overall pattern of legal consciousness that characterised media-focused stories and general anecdotes related by participants is one of a marginal awareness of law. The social identity of participants was strongly reflected in their legal consciousness as they predominantly viewed law from the margins. By this I do not mean to suggest that these individuals described themselves as frequently transgressing the law. Quite the contrary seems true. The point I am making is that when participants were invited to discuss their experiences of law or to comment on media texts relating to an aspect of law, they preferred to produce an oppositional reading of legal rules. Participants did not want to be seen to be firmly endorsing a rule by identifying themselves with its dominant meaning; they preferred to highlight the tensions, inconsistencies and absurdities law sometimes generates by pointing to ways in which law conflicts with other important, and, in their view at least, equally legitimate aims and concerns. The 'upside-downness' of law was for participants like Anne, Ben and Chris a defining characteristic of their legal consciousness.

While participants were keen to explore the limits of the law in their stories, they also identified themselves as staying well within its boundaries. For example, Pete took pride in the fact that he did not have a criminal record despite sometimes getting dangerously close to getting one, tangible evidence of someone adopting a marginal position to law while being careful not to transgress its limits. Similarly, Ben described himself as law-abiding despite facing prejudice from those enforcing the law. If necessary, he stretched the boundaries of lawful behaviour so that he could still be included within the law's limits (not driving around without a valid MOT certificate unless there are financial problems). Chris and David negotiated the intricacies of the benefit system without believing that they committed fraud or a serious dishonesty. In short, despite having the feeling of being frequently subjected to elements pushing them outside the boundaries of

law (for example when stopped and searched), participants saw it as an achievement that they managed to stay within the limits of the law.

As far as the role of the media is concerned, the most important element to come out of this small-scale study is that media stories did not appear to be particularly significant to the way in which people made sense of their experiences of law. Even in the media-focused interviews, participants predominantly relied on their own experiences for their readings of the various texts, and I observed only a few traces of intertextuality (that is, making sense of a particular media narrative by referring to other media texts). My findings do not suggest that the structure of legal consciousness which I have described in this section could be, to a significant extent, attributed to the media either. I have explored several explanations for this relative absence of the media, ranging from the social identity of participants to practical considerations such as the perceived persuasiveness of personal experience and the idea that the various resources of legal consciousness form a seamless structure in which it is difficult to distinguish the elements to which people refer when discussing their legal experiences. In my conclusion, I want to elaborate further on the role of social identity in determining the importance of the mass media in stories of legal consciousness.

## **Conclusion**

How should we envisage the interplay between legal consciousness and media representations of law? I have argued that it is important to move away from a mechanistic model in which the media are seen as automatically having a strong effect on knowledge and behaviour. When used with moderation (that is, by avoiding the pitfalls of an overly celebratory perspective), the notion of the active audience could be useful in developing an alternative conception of the exchange between the media and people's perceptions of law. Equally important is the idea that law, to use Ewick and Silbey's image, has a commonplace presence in everyday life. This commonplace view on law provides a basis for challenging the notion that the media always constitute the main source of legal experience. Instead, as the constructionist approach suggests, the construction of reality – the process of making sense of the world around us, including law – is resourced by both personal and mediated experiences originating in media discourse and the accounts of other people in our environment.

These ideas could provide a wider framework for shedding light on the relationship between media and legal consciousness. As my case study indicates, however, there is a need for a more refined model in which social identity inevitably plays a significant role. My findings suggest that social

identity is important in two respects. First, it helps to determine the extent to which law manifests itself in everyday life. Despite its ubiquity, law is not salient in equal measures to the lives of everyone. I would draw a distinction between law as a peaceful shadow, following every move in social life without being too disruptive, and law as a nuisance, predominantly limiting choices and stifling social interaction. In the lives of marginalised groups, law rather assumes this second guise, making people complain that it is an inescapable web of rules in which they feel trapped. This has implications for the role of the media as a resource for making sense of law. Because of their unobtrusive and mediated nature, media discourses are part of the shadow-like appearance of law in everyday life which is only able to leave its mark when people's direct experiences of law are predominantly non-confrontational. By contrast, in the case of marginalised groups, media representations tend to lose their significance in the light of the strong and often negative dimension of either personal or hearsay experiences. When individuals in this situation are encouraged to give an account of their legal consciousness, their stories may contain few media references. However, I have also indicated that this lack of express references does not mean that the media are unimportant, because engaging with aspects of legal ideology that are disseminated and constructed through the media is a subtle process. Therefore, the principle that the more confrontational the presence of law is in someone's life, the less significant the media are as a source in stories of legal consciousness, has to be approached in a cautious manner leaving ample scope for other factors that determine the role of the media.

The second way in which social identity matters in establishing the relationship between media and legal consciousness is as follows. What people see or hear on television has to relate to their own experiences in order to be relevant as a resource for making sense of law. As Thompson points out, 'non-local knowledge is always appropriated by individuals in specific locales and the practical significance of this knowledge – what it means to individuals and how it is used by them – is always dependent on the interests of recipients and on the resources they bring to bear on the process of appropriation'.<sup>101</sup>

I have hinted at the possibility of a deliberate strategy of avoidance of media narratives in personal stories of law as a response to a feeling that one's experiences are ignored. The problem for marginalised groups is that there can be a striking lack of interface between their own experiences and media representations of law which they see as biased and unfair. Changing media representations and cultural stereotypes is becoming increasingly important in the struggle against cultural marginalisation.<sup>102</sup> For example, John Fiske uses the metaphor of a 'river of discourses' to characterise the multitude of topics and themes that dominate the media. He defines media

events as ‘sites of maximum visibility and maximum turbulence’ which give the required exposure to issues.<sup>103</sup> However, some issues are part of the powerful undercurrents in the media river of discourses which only occasionally come to the surface to form events. Race, as Fiske points out, is part of these undercurrents and represents a prominent aspect of the struggle to redirect the stream of topics in the media. The case of Stephen Lawrence, which figured so prominently in some of the stories I gathered, could be seen as an example of the undercurrent of racial discrimination which is often barely visible in the media and public life. However, this particular undercurrent succeeded in attracting media attention and becoming a media event because of the extraordinary efforts made by the Lawrence family. Although the extent of the coverage and the nature of media publicity given to the death of Stephen Lawrence remains exceptional, this case has demonstrated that the media have the potential to raise a positive awareness, by providing a much-needed political framework within which people can make sense of their personal experiences of the law.

## NOTES

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1. P. Ewick, and S.S. Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: University of Chicago Press, 1998), 16.
2. See, for example, S. Macaulay, ‘Popular Legal Culture: An Introduction’, *Yale Law Journal* 98/8 (1989), 1545–58 at 1547, ‘We should not expect to find a single coherent legal culture at a place or in a nation. We should not be surprised to discover that legal ideas differ as we consider class, gender, race, region, religion and the amount of direct experience people have with police officers, administrative agencies or courts’.
3. J. Hermes, ‘Cultural Citizenship and Popular Fiction’, in K.J. Brants, J. Hermes, and L. Van Zoonen (eds.), *The Media in Question: Popular Cultures and Public Interest* (London: Sage, 1998), 157–67; S. Livingstone, ‘On the Continuing Problem of Media Effects’, in J. Curran and M. Gurevitch (eds.), *Mass Media and Society*, 2nd edn. (London: Arnold, 1996), 305–24.
4. R. Surette, ‘Prologue: Some Unpopular Thoughts about Popular Culture’, in F.Y. Bailey and D.C. Hale (eds.), *Popular Culture, Crime, and Justice* (London: West/Wadsworth, 1997), x–xxiv at xv.
5. J.B. Twitchell, *Carnival Culture: The Trashing of Taste in America* (New York: Columbia University Press, 1992), 250.
6. This approach is also known as the ‘stimulus/response’ or ‘hypodermic syringe’ model, which suggests that the media act as a behavioural input provoking an unmediated and vigorous response from those who are exposed to their influence. See D. McQuail, *Mass Communication Theory* (London: Sage, 1994), 330–1.
7. By which I mean people who experience socio-economic deprivation, but also people who are affected by a cultural ‘misrecognition’ of their identities, for example, ethnic minorities and refugees. See N. Fraser, *Justice Interruptus: Critical Reflections on the ‘Postsocialist’ Condition* (London: Routledge, 1997).
8. See S.E. Merry, ‘Everyday Understandings of Law in Working-Class America’, *American*



- Ethnologist* 13 (1986), 253–70; A. Sarat, 'The Law is All Over: Power, Resistance and the Legal Consciousness of the Welfare Poor', *Yale Journal of Law and the Humanities* 2 (1990), 343–79; P. Ewick and S.S. Silbey 'Conformity, Contestation, and Resistance: An Account of Legal Consciousness', *New England Law Review* 26 (1992), 731–49.
9. C.A. MacKinnon, 'Reflections on Law in the Everyday Life of Women', in A. Sarat and T.R. Kearns (eds.), *Law in Everyday Life* (Ann Arbor, MI: University of Michigan Press, 1993), 109–22 at 109.
  10. A good example here is the 'cultivation hypothesis', according to which heavy television viewing is capable of replacing first-hand experience of reality, thus resulting in a psychological fear of crime which bears little relationship to the actual incidence of crime. See G. Gerbner, 'The Hidden Side of Television Viewing', in G. Gerbner, H. Mowlana and H.I. Schiller (eds.), *Invisible Crises: What Conglomerate Control of the Media Means for America and the World* (Oxford: Westview Press, 1996), 27–34; G. Gerbner, L. Gross, M. Morgan and N. Signorielli, 'The "Mainstreaming" of America: Violence Profile No.11', *Journal of Communication* 30 (1980), 10–29.
  11. See Macaulay (note 2).
  12. S. Hall, 'Encoding/Decoding', in S. Hall, D. Hobson, A. Lowe and P. Willis (eds.), *Culture, Media, Language* (London: Hutchinson, 1980), 128–38.
  13. D. Gauntlet, *Moving Experiences* (London: John Libbey, 1995), 9.
  14. D. Morley, *Television, Audiences and Cultural Studies* (London: Routledge, 1992), 45.
  15. McQuail (note 6), 331–2.
  16. See for example L.M. Friedman, *The Republic of Choice* (Cambridge, MA: Harvard University Press, 1990), 129, 'The ceaseless flow [of media images] puts ideas into people's heads. These are the basic stuff of legal culture, and legal culture is the architect and the mechanic of law'.
  17. See, for example, Macaulay (note 2), 1552. He warns that '[a]r[m]chair self-analysis of our own reaction is not enough'.
  18. R.K. Sherwin, *When Law goes Pop* (Chicago: University of Chicago Press, 2000), 21.
  19. Ibid. See also S. Macaulay, 'Images of Law in Everyday Life: The Lessons of School, Entertainment, and Spectator Sports', *Law & Society Review* 21/1 (1987), 185–218.
  20. Livingstone (note 3); P. Mason, 'Watching the Invisible: Television Portrayal of the British Prison 1980–1990', *International Journal of the Sociology of Law* 28 (2000), 33–44.
  21. I. Ang, *Living Room Wars: Rethinking Media Audiences for a Postmodern World* (London: Routledge, 1996).
  22. This seems to be the thrust of a recent study of school shootings in the US in which the media are seen as responsible for cultivating a public fear that is disproportionate to the actual incidence of school shootings. See R. Burns and C. Crawford, 'School Shootings, the Media, and Public Fear: Ingredients for a Moral Panic', *Crime, Law & Social Change* 32 (1999), 147–68. See also D. Kidd-Hewitt and R. Osborne, 'Preface', in D. Kidd-Hewitt and R. Osborne (eds.), *Crime and the Media: The Post-modern Spectacle* (London: Pluto, 1995), ix–x, 'the theoretical debate about the relationships between crime and the media remain locked in paradigms of effects and quantification'.
  23. D. Howitt, *Crime, the Media and the Law* (Chichester: John Wiley & Sons, 1998).
  24. R. Sparks, 'Masculinity and Heroism in the Hollywood "Blockbuster"', *British Journal of Criminology* 36 (1996), 348–60 at 350. Having said this, it has to be emphasised that there is some excellent audience research which examines a range of issues from a non-behaviourist perspective. For example, Schlesinger and his colleagues resolutely turned their backs on the behaviourist tradition by examining not how the media might cause women to fear violence, but by asking what women who have been physically abused think of media images of violence. The traditional perspective is, thus, completely reversed in this research. Instead of assuming that the media influence women's views on violence, the focus is on how personal experiences of domestic violence interact with women's readings of the media. See P. Schlesinger, R.E. Dobash, R.P. Dobash and C.K. Weaver, *Women Viewing Violence* (London: BFI, 1992).
  25. J. Curran, 'Rethinking Mass Communications', in J. Curran, D. Morley and V. Walkerdine (eds.), *Cultural Studies and Communications* (London: Arnold, 1996), 119–65.
  26. K.C. Schröder, 'The Best of Both Worlds? Media Audience Research between Rival Paradigms', in P. Alasuutari (ed.), *Rethinking the Media Audience* (London: Sage, 1999), 38–68.

27. I. Vine, 'The Dangerous Psycho-Logic of Media "Effects"', in M. Barker and J. Petley (eds.), *Effects: The Media/Violence Debate* (London: Routledge, 1997).
28. R. Silverstone, *Television and Everyday Life* (London: Routledge, 1994).
29. Morley (note 14), 174.
30. Hall (note 12).
31. P. Alasuutari, 'Introduction: Three Phases of Reception Studies', in Alasuutari (note 27), 1–21.
32. D. Morley, *The 'Nationwide' Audience: Structure and Decoding* (London: BFI, 1980).
33. J. Radway, *Reading the Romance* (Chapel Hill, NC: University of North Carolina Press, 1984).
34. T. Liebes and E. Katz, *The Export of Meaning: Cross-cultural Readings of Dallas*, 2nd edn. (Cambridge: Polity Press, 1993).
35. Hall (note 12), 131.
36. Gauntlet (note 13), 17.
37. For example, C. Geraghty, *Women and Soap Opera* (Oxford: Polity, 1991); M.E. Brown, *Soap Opera and Women's Talk* (London: Sage, 1994).
38. For example, J. Winship, *Inside Women's Magazines* (London: Pandora, 1987); J. Hermes, *Reading Women's Magazines* (Cambridge: Polity, 1995).
39. Radway (note 33).
40. I. Ang and J. Hermes, 'Gender and/in Media Consumption', in Curran and Gurevitch (note 3), 325–47.
41. L. Van Zoonen, *Feminist Media Studies* (London: Sage, 1994), 106.
42. *Ibid.*
43. Alasuutari (note 31), 10.
44. J. Corner, 'Reappraising Reception: Aims, Concepts and Methods', in Curran and Gurevitch (note 3), 280–304; D. Morley, 'Populism, Revisionism, and the "New" Audience Research', in Curran, Morley and Walkerdine (note 25), 279–93.
45. McQuail (note 6), 331.
46. K.C. Schröder, 'Making Sense of Audience Discourses', *European Journal of Cultural Studies* 3/2 (2000), 233–58 at 244.
47. Alasuutari (note 31), 6.
48. W.A. Gamson and A. Modigliani, 'Media Discourse and Public Opinion on Nuclear Power: A Constructionist Approach', *American Journal of Sociology* 95/1 (1989), 1–37 at 10.
49. W.A. Gamson, *Talking Politics* (Cambridge: Cambridge University Press, 1992).
50. *Ibid.*, 178.
51. L.M. Friedman, 'Law, Lawyers and Popular Culture', *Yale Law Journal* 98/8 (1989), 1579–1606 at 1593.
52. R.V. Ericson, P.M. Baranek and J.B.L. Chan, *Representing Order: Crime, Law, and Justice in the News Media* (Milton Keynes: Open University Press, 1991), 17.
53. T. Sasson, *Crime Talk: How Citizens Construct a Social Problem* (New York: Aldine de Gruyter, 1995).
54. *Ibid.*, 162–3.
55. A. Sarat and T. Kearns, 'Beyond the Great Divide: Forms of Legal Scholarship and Everyday Life', in Sarat and Kearns (note 9), 21–61; B.G. Garth and A. Sarat, 'Studying How Law Matters: An Introduction', in B.G. Garth and A. Sarat (eds.), *How Does Law Matter?* (Evanston, IL: Northwestern University Press, 1998), 1–14.
56. Sarat and Kearns (note 55), 29.
57. Ewick and Silbey (note 1), 16.
58. Sarat (note 8).
59. Merry (note 8). See also B. Yngvesson, 'Inventing Law in Local Settings: Rethinking Popular Legal Culture', *Yale Law Journal* 98/8 (1989), 1689–1708.
60. D.M. Trubek, 'Where the Action Is: Critical Legal Studies and Empiricism', *Stanford Law Review* 36 (1984) 575–622 at 592; Sarat (note 8).
61. D. Engel, 'How Does Law Matter in the Constitution of Legal Consciousness?', in Garth and Sarat (note 55), 109–44 at 112.
62. Ewick and Silbey (note 1), 36.
63. *Ibid.*, 43.
64. P. Golding and G. Murdock 'Culture, Communications, and Political Economy', in Curran and Gurevitch (note 3), 11–30.

65. S.F. Hirsch, 'Subjects in Spite of Themselves: Legal Consciousness among Working-Class New Englanders', *Law and Social Inquiry* 17/4 (1992) 839–57 at 854.
66. Vine (note 27), 125.
67. Schlesinger *et al.* (note 24).
68. Sasson (note 53).
69. Macaulay (note 2), 187. See also Friedman (note 51), 1593.
70. S. Greenfield and G. Osborn, 'Where Cultures Collide: The Characterization of Law and Lawyers in Film', *International Journal of the Sociology of Law* 23 (1995), 107–30.
71. At the time of my research, the estate was very run-down and many shops in the local precinct had been boarded up. Currently, however, the entire area is undergoing a major regeneration programme.
72. P. Ewick and S.S. Silbey, 'Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative', *Law and Society Review* 29/2 (1995), 197–226; Hall (note 12).
73. K. Plummer, *Telling Sexual Stories: Power, Change and Social Worlds* (London: Routledge, 1995); K. Standing, 'Writing the Voices of the Less Powerful: Research on Lone Mothers', in J. Ribbens and R. Rosalind (eds.), *Feminist Dilemmas in Qualitative Research: Public Knowledge and Private Lives* (London: Sage, 1998), 186–202.
74. Ewick and Silbey (note 1).
75. The names of interviewees have been changed.
76. Sarat (note 8); Ewick and Silbey (note 1). See my discussion below.
77. MacKinnon (note 9).
78. J. Wallbank, 'The Campaign for Change of the Child Support Act 1991: Reconstituting the "Absent" Father', *Social and Legal Studies* 6/2 (1997), 191–216; N. Mostyn, 'The Green Paper on Child Support – Children First: A New Approach to Child Support', *Family Law* (1999), 95–101.
79. One exception was Anne, a white woman in her late twenties with mental health problems. She said the legal system in general had been helpful in 'keeping her out of trouble', as she put it. One example she gave was that one day when she had been too disoriented to find her way home, the police were very friendly to her and had escorted her back. However, she also pointed out that several people in her environment had been treated with less respect by the police.
80. One interviewee recalled how she and a group of female friends had walked back home from a party late at night. They were stopped by police officers who asked them: 'Do you know it's three o'clock in the morning? Shouldn't you be at home right now?' She felt particularly upset by this because for her it meant that as a black woman, she was restricted in her freedom to go out at night. She dismissed the suggestion that the police were mainly concerned about her safety as a woman, insisting that she had felt very safe as she was accompanied by several friends. She argued that her experience of 'being in the wrong place at the wrong time' had mainly to do with race.
81. F. Anthias, 'Institutional Racism, Power and Accountability', *Sociological Research Online* 4 (1999). Available at <http://www.socresonline.org.uk/socresonline/4/lawrence/anthias.html>, last visited 5 Feb. 2003. See also J. Fiske, 'Surveilling the City: Whiteness, the Black Man and Democratic Totalitarianism', *Theory, Culture and Society* 15/2 (1998), 67–88; P. Gilroy, *There Ain't No Black in the Union Jack* (London: Routledge, 1987).
82. V. Stone and N. Pettigrew, *The Views of the Public on Stops and Searches* (London: Home Office, Home Office Research, Development and Statistics Directorate, 2000).
83. Two participants referred to God as the ultimate arbiter of right and wrong. They believed that His wisdom and sense of justice was infinitely superior to human judgment.
84. Peter Golding has explored the gap between information rich and information poor in relation to new communication technology, arguing that many people in Britain are excluded from participating in the digital revolution because they do not have access to a telephone connection at home. See P. Golding, 'World Wide Wedge: Division and Contradiction in the Global Information Structure', *Monthly Review* 48/3 (1996) 70–85; P. Golding and G. Murdoch, 'Digital Divides: Communication Policy and its Contradictions', *New Economy* 8/2 (2001), 110–15.
85. Sasson (note 53), 163.
86. L. Festinger, *A Theory of Cognitive Dissonance* (Stanford, CA: Stanford University Press, 1957). Festinger's theory is that individuals tend to avoid information that contradicts their existing views and knowledge. Cognitive dissonance is the psychological discomfort

- associated with such contradictions, leading people to avoid information that clashes with their established opinions.
87. Ewick and Silbey (note 1), 220.
  88. Bradley notes in his research findings that women of Afro-Caribbean origin often criticise mainstream British media for offering distorted representations of black people and that they prefer to read the alternative black press. See R. Bradley, *Public Expectations and Perceptions of Policing* (London: Home Office Research, Development and Statistics Directorate, 1998).
  89. L. Gross, 'Out of the Mainstream: Sexual Minorities and Mass Media', in G. Dines and J.M. Humez (eds.), *Gender, Race and Class in Media* (London: Sage, 1995), 61–69 at 67.
  90. Fraser (note 7).
  91. S. Silbey and A. Sarat, 'Critical Traditions in Law and Society Research', *Law and Society Review* 21/1 (1987), 165–74 at 171.
  92. A. Clancy, R. Aust and C. Kershaw, *Crime, Policing and Justice: The Experience of Ethnic Minorities Findings from the 2000 British Crime Survey* (London: Home Office Research, Development and Statistics Directorate, 2001).
  93. A risk that was confirmed in the British Crime Survey of 2000. *Ibid.*
  94. W.G. Skogan, *Contacts between Police and Public: Findings from the 1992 British Crime Survey* (London: HMSO, 1994). More recently, the prevalence of personal, predominantly negative, experiences of policing, especially among young Asian and black men was reconfirmed in two studies commissioned by the Home Office. Stone and Pettigrew (note 82); Clancy, Aust and Kershaw (note 92).
  95. The campaign to bring the killers of Stephen Lawrence to justice enjoyed huge support from all mainstream media. The tabloid newspaper, the *Daily Mail*, in particular, took the extraordinary step of publicly naming the five suspects in the case. As Yuval-Davis points out, public support for the case partly reflected a genuine shift in awareness on matters of race and multiculturalism. However, the middle-class background of the Lawrence family, in her view, also made the media particularly sensible to their plight. Other less 'deserving' groups may not be so fortunate and their quest for visibility often has to do without the support of media and public opinion. See N. Yuval-Davis, 'Institutional Racism, Cultural Diversity and Citizenship: Some Reflections on Reading The Stephen Lawrence Inquiry Report', *Sociological Research Online* 4 (1999), available at <http://www.socresonline.org.uk/socresonline/4/lawrence/yuval-davis.html>, last visited 5 Feb. 2003; Anthias (note 81); L. Bridges, 'The Lawrence Inquiry: Incompetence, Corruption, and Institutional Racism', *Journal of Law and Society* 26/3 (1999), 298–322.
  96. The articles I used came from the *Daily Mail* and the *Mirror* newspapers. The following articles were considered: 'A blown kiss and he walks into oblivion', *Daily Mail*, 9 June 1999; 'Golden boy reduced to prison number', *Mirror*, 9 June 1999; 'In Bad Company', *Mirror*, 9 June 1999; 'Liar Aitken pays for his arrogance', *Mirror*, 9 June 1999; 'My father is a good man', *Daily Mail*, 9 June 1999; 'Off to Jail', *Mirror*, 9 June 1999; 'The Convict: 18 months at Her Majesty's Pleasure for ex-privy Counsellor who advised the Queen', *Daily Mail*, 9 June 1999; 'Violence, Insults and Fear', *Daily Mail*, 9 June 1999; 'Why Daddy, Why', *Mirror*, 9 June 1999.
  97. Ewick and Silbey (note 1).
  98. *Ibid.*, 135.
  99. M. de Certeau, *The Practice of Everyday Life* (Berkeley, CA: University of California Press, 1984).
  100. Ewick and Silbey (note 1), 48.
  101. J.B. Thompson, *The Media and Modernity: A Social Theory of the Media* (Cambridge: Polity, 1995), 207.
  102. N. Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age', *New Left Review* 212 (1995), 68–93.
  103. J. Fiske, *Media Matters: Everyday Culture and Political Change* (Minneapolis, MN: University of Minnesota Press, 1984). 7.