

JUSTICE AT 24 FRAMES PER SECOND:
LAW AND SPECTACLE IN THE REVENGE FILM

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By

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Abstract

Revenge-themed films often depict the practice of justice-making through violent means. Two general aesthetic techniques are engaged that allow violent action to be recognized as attempting to properly compensate for past offenses. First, poetic justice is achieved through ironic reversals that repeat inflicted harms back against the wrongdoer. Formal techniques of repeating specific shots, sounds, cuts, and camera actions create aesthetic connections that intuitively and synoptically express necessary proportion in punishing violence. Second, justice requires it be publicly recognized and revenge cinema makes this by creating literally, impliedly, and intertextually ostentatious spaces for witnessing and recognizing justice-making. Formal analysis therefore reveals the spectacular qualities of vengeance cinema and, in turn, reveals the place and function of spectacle in law and courtroom practices as well. Thus, revenge-themed films exist in a *courtroom of attractions* that resists law's coolly rational façade and reveals its spectacular foundation.

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This thesis was originally intended to include various film stills. For a range of reasons, these images have not been included in this final version. Accordingly, I would like to recognize the Film Studies Association of Canada and their efforts promote the fair use of cinematic material for scholarship.

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INTRODUCTION

Dr. Evil: “*I’m going to place him in an easily escapable situation involving an overly elaborate and exotic death.*”

Scott Evil: “*Why don’t you just shoot him now? I mean I’ll go get a gun. We’ll shoot him together? It’ll be fun. Bang! Dead. Done.*”

Dr. Evil: “*ONE MORE PEEP OUT OF YOU AND YOU ARE GROUNDED, MISTER, AND I AM NOT JOKING!*”

— *Austin Powers: International Man of Mystery* (Jay Roach, 1997)

Since Louis Lumière filmed a gardener discipline a mischievous, young boy in *Arroseur arrosé* (1895), the cinema has continued to show the desire for justice and the spectacle of punishment to be an ever popular subject. Vengeance-themes cross film genres and even modes, whether it is undertaken by frustrated secretaries in *9 to 5* (Colin Higgins, 1980), at the end of a six-shooter in *The Bravados* (Henry King, 1958), or on the frozen artic of *Atanarjuat the Fast Runner* (Zacharias Kunuk, 2001). Revenge has similarly crossed industrial and national boundaries to create avengers as varied as kung fu experts in *Shaolin Master Killer* (Chia-Liang Liu, 1978), Jack Hill’s blaxploitation heroines *Foxy Brown* (1974) and *Coffy* (1973), the poisonous seductress of *Female Demon Ohyaku* (Yoshiro Ishikawa, 1968), and even a comic book rocker returned from the dead in Alex Proyas’ *The Crow* (1994). In fact, the variety and sheer number of films with revenge content is remarkable.¹ This should not be surprising as vengeance themes abound in

¹ A search of the Internet Movie Database (www.imdb.com) of the keyword “Revenge” identifies no less than 3,606 titles. Reviewing some of these titles leads me to believe that this list is by no means exhaustive and that a truly complete list would notably be still larger. <http://www.imdb.com/keyword/revenge/> (accessed April 10, 2008).

other media. Examples of revenge-themed literature appear similarly limitless – including contemporary works such as *Death Wish*, *Death Sentence*, and other books by Brian Garfield and extending back to Hienrich von Kleist's *Michael Kohlhaas*, Shakespeare's tragedies, the Icelandic Sagas, Biblical stories, and still earlier works. Revenge narratives are so pervasive that they have established their own conventions and, thus, become fodder for parody, as demonstrated in the exchange between Dr. Evil (Mike Myers) and Scott Evil (Seth Green) reproduced above. Dr. Evil resignedly observes shortly after the cited exchange, "Scott, you just don't get it, do you?" And while we appreciate Scott's straightforward approach to villainy informed, no doubt, by numerous James Bond films, we nevertheless understand his father's view. The triumphant meaning derived from Dr. Evil's violent actions is found not merely in the results of those acts, but also by the form and presentation of the violence itself.

David Bordwell observes in classical narrative cinema "an extrinsic norm, the need to resolve the plot in a way that yields 'poetic justice,' provides a structural constant, inserted with more or less motivation into its proper slot, the epilogue."² Bordwell fails to explain what is meant by 'poetic justice,' appearing to assume that the expression coined by Thomas Rymer in *The Tragedies of the Last Age Considered* (1678) is now self-explanatory and that its conventions of ironic reversal are intuitively recognizable. In the following pages, poetic justice will have central importance, particularly within the context of the contemporary and frequently violent revenge films

² David Bordwell, *Narration in the Fiction Film* (Madison: The University of Wisconsin Press, 1985), 159.

reviewed herein.³ I maintain that cinema's poetic justice requires that harms be accounted for through a process that involves specifically aesthetic components related to notions of creativity, repetition, proportion, and spectacle. In the context of films containing brutal avengers attempting to account for their losses, formal techniques associated with poetic justice create contextualizing cues that identify violent acts as belonging to legal thinkers and not maniacal individuals "gone postal." Further, this emphasis on the style of punishing acts exists because the manner of the actions themselves is a measure of the poetic justice sought. Ultimately, an understanding of some basic socio-legal principles associated with accounting for harm and punishment provide insight into the formal techniques that comprise the vocabulary of justice-making in film narratives. In turn, the spectacle of poetic justice, as a popularly imagined system of justice-making, provides access to the normally hidden nature of courtroom practices.

Most apparently, this analysis locates itself within a small but growing body of law and film scholarship. Generally, film and law are both recognized as discourses on "imagined communities" where, "[a]s socio-cultural formations, both law and film create meaning through storytelling, performance and ritualistic patterning, envisioning and constructing human subjects and social groups, individuals and worlds."⁴ The emphasis placed on both law and film as regimes prizing narrative is common to law and film academics. In *Law in Film: Resonance and Representation*, David Black makes this position central to his analysis:

³ Having noted earlier that revenge-themes cross genre, mode, and national or industrial contexts, I will nonetheless refer to "revenge" or "vengeance films" as a convenient shorthand to refer to films utilizing a syntactic arrangement of various filmic elements to convey poetic justice.

⁴ Orit Kamir, "Why 'Law-and-Film' and What Does it Actually Mean? A Perspective," *Continuum: Journal of Media & Cultural Studies* 19 (June 2005): 257.

Narrative springs up everywhere. But only a few social or institutional spaces exist *for the purpose* of allowing people to assemble and to tell, hear, and (dis)believe a series of ritually constructed, conventionally verisimilar narratives. The courtroom is one such place; the movie theatre is another; and their superimposition – that is, the filling of one by a representation of another – has a privileged status among configurations of fictional subject matter and medium.⁵

The connection provided by narrative to law and film is likewise observed outside of law and film scholarship. W. Lance Bennett and Martha S. Feldman have inquired how untrained witnesses and jurors are able to make sense of courtroom practices and identify the reconstruction of evidence into stories as the central mechanism of the legal process. While reviewing how story elements are presented by witnesses and received and used by jurors in a process remarkably similar to Bordwell’s practice of “hypothesis testing”, Bennett and Feldman note succinctly that “story operations must correspond to the implicit criteria for doing justice.”⁶ More importantly, they suggest that “[t]he use of stories to reconstruct the evidence in cases casts doubt on the common belief about justice as a mechanical and objective process.”⁷ Bennett and Feldman suggest in this statement that *how* stories are told is as important, if not potentially more important, than *what* facts these stories contain.

Unfortunately, Black and other law and film scholars rarely stray long into those aspects intrinsic and distinguishing to the cinematic medium. Black himself notes that “many of these essays [on law and film] uncritically assume that a verbal summary of a film can successfully stand in for the film” and that, “[o]n the whole, plot description

⁵ David A. Black, *Law in Film: Resonance and Representation* (Urbana & Chicago: University of Illinois Press, 1999), 58.

⁶ W. Lance Bennett and Martha S. Feldman, *Reconstructing Reality in the Courtroom: Justice and Judgment in American Culture* (New Brunswick: Rutgers University Press, 1981), 64.

⁷ Bennett and Feldman, *Reconstructing Reality*, ix.

reigns, and there is relatively little attention to those aspects of the material and the experience of film that are *not* available by the mechanism of verbal paraphrase of the plot.”⁸ Yet despite his objections to treating film equivalently to literature, Black emphatically (and ironically) rejects Bordwell’s assertion that film is synoptic. In describing cinema as synoptic, Bordwell asserts that the experience and understanding of films is directly related to the actual experience of observing them in those particular moments, that the audio-visual elements of cinema function as a convivial and inseparable whole, and that film requires no translation from audio-visual experience into verbal terms for its cognition.⁹ Rather, Black maintains that cinema, like law and other narrative mediums, is “logomorphic” because its ostensible essence is found in its linguistic potential to be thought of and recounted verbally. Yet if film is logomorphic, why is verbal summary not a sufficient substitute for the actual film? In this analysis, I maintain that film is not only synoptic, but so are law and justice. By focusing specifically on the formal attributes of poetic justice in violently spectacular revenge cinema, I approach film’s legal content in terms specific to its medium. By doing so, justice-making, both within the cinema and in the law generally, is revealed to involve ostentatiously stylistic measures and expectations intuitively and experientially recognized.

Revenge cinema may appear to be a strange place to commence a specifically formal analysis of film’s relationship with law. After all, revenge involves harmed parties assuming responsibility for achieving their own redress. Still, putting aside the source of

⁸ Black, *Law in Film*, 132.

⁹ Bordwell, *Narration in the Fiction Film*, 30.

the justice sought, vengeance nonetheless engages the same concerns about how justice is served without obscuring those stakes behind the formalities, procedures, and rituals of the courtroom context. Revenge still requires that avengers identify and measure their wrongs, determine the form of their compensations, and self-achieve their satisfactions. Justice, for my purposes, may be simply defined as the proper and satisfactory accounting of harm. Accordingly, legal scholar Richard Posner observes that “revenge is thus a system of social control ... rather than a sign of the absence of social control”.¹⁰ And while conventional legal processes limit remedy to monetary compensation and various restrictions to personal liberty, acts of vengeance find innumerable forms, often encoded in specifically aesthetic terms connected to and balanced with the originating harm. John Denvir notes, “just as no one would claim that the street map told the whole story, neither should we think that worthwhile insights on law are all contained in law libraries.”¹¹ It is the assertion that revenge films are extralegal, by their self-achievement, their emotionalism, their violence, or their emphasis on spectacle or punishment, which is specifically resisted. Vengeance, like courtroom procedure, is preoccupied with finding a suitable form of justice and many of the measures taken in doing so are legal in nature, regardless of whether that is wished to be admitted or not. As Posner succinctly states, “no general theory of law could be complete without attention to revenge”.¹²

¹⁰ Richard Posner, *Law and Literature* (Cambridge: Harvard University Press, 1998), 52. This analysis need not be concerned itself with specifically cultural problems of what constitutes a “harm.” It should be sufficient to acknowledge that harms exist conceptually for which accounting, redress, or punishment are considered necessary. The films considered here do not involve circumstances where the legitimacy of the offense itself is questionable.

¹¹ John Denvir, “Introduction,” *Legal Reelism: Movies as Legal Texts*, ed. John Denvir (Urbana & Chicago: University of Illinois Press: 1996), xii.

¹² Posner, *Law and Literature*, 49.

This analysis necessarily also exists in a small and troubled body of scholarship on film and violence. David Slocum, in his “Acknowledgments” to his anthology on film violence, *Violence and American Cinema*, notes that the volume originated following his “innocent letter” to the editors of the Routledge/AFI Readers series lamenting a lack of resources on cinema violence.¹³ Reviewing the scholarship on the topic, Slocum complains that violence is generally treated as a secondary topic in film studies without thoughtful interrogation of violence’s functions and contexts, its meanings or values, or the history or situation of its viewing. In short, violence is observed by Slocum “to be employed as a lazy signifier, conspicuous but typically unexamined.”¹⁴ Slocum’s words mirror my own disappointments with studies in violence on film. Stephen Prince’s *Screening Violence*, often noted as a primary text on the subject, purportedly “provides an even-handed examination of the history, merits, and effects of cinematic ‘ultraviolence.’”¹⁵ Yet while he admires Sam Peckinpah’s aesthetic use of slow motion and montage editing for didactic purposes, Prince ultimately argues in the same text that the cinematic treatment of such content “is an insufficient means for probing the meaning and consequences of violence”, as aestheticizing violent content robs it of human meaning.¹⁶ Preoccupations with the morality of violent depictions and the presumed detrimental effects of viewing such content are rarely overcome in the volume, as John

¹³ J. David Slocum, “Acknowledgements,” *Violence and American Cinema*, ed. J. David Slocum (New York: Routledge, 2001), vii.

¹⁴ J. David Slocum, “Introduction,” *Violence and American Cinema*, 2.

¹⁵ Taken from the book jacket. *Screening Violence*, ed. Stephen Prince (New Brunswick: Rutgers University Press, 2000).

¹⁶ Stephen Prince, “The Aesthetic of Slow-Motion in the Films of Sam Peckinpah”, *Screening Violence*, 200.

Bailey pleads for filmmakers to act “responsibly” in making violent films¹⁷ and Devin McKinney debates the merits of “strong” and “weak” violence.¹⁸ *Screening Violence* is only one example of the problematic work on this topic and other volumes share the troubles observed by myself and noted by Slocum. Such approaches offer little in unpacking the vast and varied body of films that contain violent depictions. This analysis seeks to offer an alternative approach to reading explicit violence – one that criticizes modern legal practices and popular conceptions of justice through violence’s spectacle.

In recent years, violent content has experienced resurgence in the cinema with films such as Tony Scott’s *Man on Fire* (2004), James Wan’s *Death Sentence* (2007), and the various “torture porn” films that dominate contemporary horror cinema.¹⁹ It is, in particular, contemporary films centered on violent reprisal that I will examine. Principle attention will be paid to four films – Quentin Tarantino’s *Kill Bill: Vol. 1* (2003) and *Kill Bill: Vol. 2* (2004), Chan-wook Park’s *Lady Vengeance* (2005), and Christopher Nolan’s *The Prestige* (2006). These films originate from different industrial and national contexts and vary in the style and degree of the violent content each represents. The variation between the films selected is intentional. The various manners of depicting poetic justice cannot be exhaustively reviewed, just as the manners of conceptualizing harm or finding equivalence in punishment are limited only to the imagination of the avenger. The four

¹⁷ John Bailey, “Bang Bang Bang Bang, Ad Nauseum,” *Screening Violence*, 79-85.

¹⁸ Devin McKinney, “Violence: The Strong and the Weak,” *Screening Violence*, 99-109.

¹⁹ The term, coined by David Edelstein and sometimes referred to as “gorno”, refers to a subgenre of splatter films depicting nudity, mutilation, and sadism while demonstrating high production values and wide releases. “Torture porn” has proven a popular and commercially successful genre, including Eli Roth’s *Hostel* (2005), Greg McLean’s *Wolf Creek* (2005), and the *Saw* franchise. David Edelstein, “Now Playing at Your Local Multiplex: Torture Porn”, *New York Magazine*, February 6, 2006. <http://nymag.com/movies/features/15622/> (accessed April 10, 2008).

films cited are used as examples of how the socio-legal principles behind poetic justice may be depicted while continuing to acknowledge that these and other films may reproduce these techniques, alter them, or find whole new ways to evoke justice aesthetically.²⁰

Chapters 1 and 2 address two primary elements of poetic justice in vengeance cinema. Chapter 1 considers how revenge films portray acts of violence as being connected to, and proportionate with, the harms suffered. In short, this section seeks to determine how revenge films cinematically depict violent punishments that befit their originating crimes. Typical law and film analyses would tend to focus at the level of dialogue and plot and this section will initially address how avengers and their victims speak of the reprisals at issue and how the punishing acts refer to or even emulate the suffered harms. Key to these considerations is the rearrangement of time that brings past harms into the punishing present. Cinema's mastery of temporal relationships in audio-visual terms is remarkable and this section will conclude with observing how specific shots, set-ups, and sounds echo past harms to connect new violence with old and evoke senses of suitability and proportionality through formal construction.

Having addressed the operation of time in Chapter 1, the second chapter examines the treatment of space in films of revenge. This chapter proceeds on the assumption that justice-making, including methods of self-help, involve systems that operate publicly and seek popular acknowledgement. Accordingly, the treatment of revenge will be approached as one of public spectacle that is observed and judged. While the four films

²⁰ In this spirit, examples from films other than the four cited will also be referred to as convenient for demonstrating the breadth and variety contained throughout revenge cinema.

primarily considered are used somewhat interchangeably in the preceding chapter, they will be used fairly discretely in this section. The theatrical nature of revenge will be noted as explicitly presented within the diegesis of *The Prestige*, while being formally alluded to extradiegetically in *Lady Vengeance*. Alternatively, the spectacular nature of justice-making in *Kill Bill Vol. 1* and *Vol. 2* is addressed through intertextual references to other revenge films. Considerations of transtextual references and *The Prestige*'s depiction of courtroom space will also be noted, leading to an inquiry of how the cinema itself creates a public space for justice-making and -acknowledging.

Of central importance to both of these chapters is William Ian Miller's work on talionic cultures – honour cultures subscribing to the law of the talion or similar “eye for an eye” justice systems.²¹ A legal historian and law professor, Miller emphasizes, most notably to this analysis, that successfully perceived revenge-takers and justice-makers are ones who conceive of their harms and find balanced and proportionate punishments in creative and aesthetically pleasing manners. For him, revenge-taking, when considered popularly as admirable, is an endeavour in style. Accordingly, Miller's concerns over proportion and spectacle in revenge will be reconsidered in cinema's audio-visual manipulations of time and space. Brian DePalma's comments on manipulations of framing and *mise-en-scene* in *Carrie* (1976) will act as a primary inspiration for cinematic manipulations of space while Lord Hewart C.J.'s statement of the principle of open justice, that is the need for public recognition in justice-making, will serve as a useful interpretative and connective tool that compliments the operation of vengeance

²¹ William Ian Miller, *Eye for an Eye* (New York: Cambridge University Press, 2006).

described by Miller. The importance of pattern recognition and formal construction in film analysis and legal theories of punishment will also inform Chapters 1 and 2.

Films that problematize the spectacle of poetic justice will be considered in Chapter 3. *The Brave One* (Neil Jordan, 2007) engages the vengeance aesthetic set out in the previous chapters intermittently. The film positions self-made justice as a competing legal alternative to state-monopolized power. By the inconsistent use of this aesthetic, *The Brave One* intentionally ensures on even a formal level that this tension is observed. Steven Soderbergh's *Ocean's Thirteen* (2007) will be treated as an example of a film that cites vengeance as its story's motivation but fails to engage the reviewed aesthetic. I contend that this avoidance maintains *Ocean's Thirteen's* position as a caper film uncomplicated by the syntactic and stylistic conventions of revenge cinema. Finally, Takashi Miike's *Ichi the Killer* (2001) portrays a violent world of Japanese gangsters and criminals desiring to avenge various harms. While the film does engage some conventions of poetic justice, it subverts that style through the extremes of its violence and by the sadomasochistic, damaged, and unconventional mental conditions of some of its characters. In doing so, *Ichi the Killer* posits an inversion of legal authority that reveals by its opposition the similarities between the punishments of revenge and trials. Observations on the meaning of masochism, in law by Christopher Stanley and in film by Steven Shaviro will be drawn upon to elaborate on this inversion.

The implications of poetic justice on how justice-making is popularly represented in vengeance cinema are the focus of Chapter 4. This section maintains that characterizations of revenge films as nonlegal or extralegal represent repressions in

conventional perceptions of law that serve to maintain legal authority and distinguish it from its objects. Vengeance-themed cinema places specific emphasis on aspects of conventional legal processes usually repressed, including the presence of victims, the enforcement of punishment, and the reliance on violence. This chapter draws upon the work of Tom Gunning by analogy.²² As the *cinema of attractions* resists the hegemony of narrative in early cinema, poetic justice similarly resists the hegemony of legal rationalism. In its place, a *courtroom of attractions* exists where the spectacular nature of poetic justice recognizes the synoptic claim of its violent acts to justness in emotional, aesthetic, instinctual, and perhaps even irrational terms.

Scholars who specifically acknowledge the necessary and integral place of violence in the law will have particular importance in this section. Robert Cover in “Violence and the Word,” as well as other legal scholars, argues that violence is inherent in the law.²³ Jacques Derrida’s “Force of the Law: The ‘Mystical Foundation of Authority’” resists separating the victim-turned-avenger from the law, but instead maintains they reveal in their justice-making actions the very nature of the law itself.²⁴ Moreover, Derrida’s explanation of the meaning and derivation of justice in the law provides an important reconsideration of David Black’s concept of law as a written, verbal enterprise and provides support to law as a spectacular and synoptic enterprise of the imaginative mind. Richard Sherwin’s use of Jean Baudrillard’s concepts of

²² Tom Gunning, “The Cinema of Attractions: Early Film, Its Spectator and the Avant-Garde,” *Early Cinema: Space Frame Narrative*, ed. Thomas Elsaesser with Adam Barker (London: BFI Publishing, 1990). Tom Gunning, “An Aesthetic of Astonishment,” *Art & Text* 34 (Spring 1989).

²³ Robert M. Cover, “Violence and the Word,” *Yale Law Journal* 95 (July, 1986).

²⁴ Jacques Derrida, “Force of Law: The ‘Mystical Foundation of Authority,’” trans. Mary Quaintance, *Cardozo Law Review* 11 (1989-1990).

hyperreality will also be reconsidered as overstated given the spectacular nature of law and the longstanding role of image-derived meaning in legal processes.²⁵ With this in mind, even more problematic examples of vengeance-themed cinema will be considered, such as Christopher Nolan's *Memento* (2001), Gaspar Noë's *Irreversible* (2002), and Alejandro González Iñárratu's *21 Grams* (2003). The complex narrative structures of these films challenge the linearity of conventional legal rationalism and their unconventional narratives actually reveal a treatment of legal concerns contrary to the subversive, hyperlegal images feared by Sherwin. These films may even suggest that the image and function of law promoted by Sherwin may embody a nostalgic and unreasonable standard that revenge-themed films likewise resist. This chapter considers the spectacle of violent revenge cinema not as a potentially opposing threat to the law, but rather as a repressed, but nonetheless intrinsic, aspect of the law with its own valid measures and claims to justice.

In the end, this analysis seeks to fill a void. Violent content should be considered as more than sobering or inciting depictions of spectacular brutality if analyses are to account for the diversity of such images in the cinema. Scholarship on law and film must fully engage in the unique elements of cinema if the field is to separate itself from other law and culture discourses and provide new insights into how legal meaning is constructed. Revenge films, particularly those incorporating ostentatiously violent imagery, remove the legal process from its often heavily theorized, ritualized, and rationalized practices and provides concrete experiences of law's objects and ideals. By

²⁵ Richard K. Sherwin, *When Law Goes Pop: The Vanishing Line between Law and Popular Culture* (Chicago: The University of Chicago Press, 2000).

situating legal principles within a moral and emotional context often denied in legal education and theory, the law can be revealed as a living, working entity, no longer remote from our daily lives and charged with new understandings and tensions. This analysis therefore concludes with some initial thoughts on the implications of its conclusions on the strictly legal depictions of courtroom justice also popular in the cinema. An important and popular legal maxim states, “Justice must not only be done; it must also be seen to be done.”²⁶ The next four chapters will consider how the cinema’s poetic justice reveals aesthetically that justice-making and justice-recognizing are inseparable from one another and reveals the significance of that relationship to understanding the operation and nature of the law generally.

²⁶ *R. v. Sussex Justices, Ex parte McCarthy* [1924] 1 KB 256, [1923] All ER 233.

1 REPETITION AND PROPORTION

“Hello. My name is Inigo Montoya. You killed my father. Prepare to die.”

— *The Princess Bride* (Rob Reiner: 1987)

The declaration of vengeance by Inigo Montoya (Mandy Patinkin), *The Princess Bride*'s Spanish fencing master, is as succinct a statement on retributive justice as seemingly can be made. It identifies the wrong (the death of his father) and its reciprocal and compensatory punishment (the death of the murderer – Count Rugen (Christopher Guest)). His words are the stuff of the *lex talionis*: an eye for an eye, a tooth for a tooth, a life for a life. Montoya's line has become part of popular culture, adding it to the various idioms within English parlance of balancing offences with similar harms. We speak of “getting even,” “getting back” and “settling the score.” We threaten to “give someone a taste of their own medicine,” rejoice in “the shoe being on the other foot” and state with self-evident assurance that “what's good for the goose is good for the gander.” The popularity of retribution as a means for achieving balance and making justice crosses languages and cultures. Romanians speak of “paying back with the same coin.” The French promise, “Je te réserve un chien de ma chienne” or, roughly translated, “I'll give you a dog from my bitch.” And, of course, all are familiar with the old Klingon proverb – “Revenge is a dish best served cold.”²⁷ In legal contexts, such principles cite proportionality and fairness to consider the same relationship between the wrong and its penalty. Legal scholar Joel Feinberg describes the retributive principle of punishment in

²⁷ As referenced by Khan Noonien Singh in *Star Trek II: The Wrath of Khan* (Nicholas Meyer, 2002).

simple and familiar terms, “The punishment must *fit* the crime; its degree must be *proportionate* to the seriousness or moral gravity of the offense.”²⁸ None of these expressions, legal or otherwise, are provided at this stage as evidence of the actual utility of inflicting harms to compensate for injuries or effect other punishing goals, such as deterrence. Instead, they are to recognize how broadly held is the *belief* in achieving justice through retribution. Ultimately, revenge can be a means of finding justice because the inflicted damage is *felt* to compensate. It is the *sense* of satisfaction that is acknowledged in these words more than their *fact*.

Montoya’s declaration reveals revenge’s requirement of a basic legal recognition by the victim of the nature of their wrong and the conceptualization of a suitably reciprocal harm against their victimizer. For Montoya, the assessment is straightforward and a life can be equivalently taken for another. In other situations, the offense is not as easily quantified or made equivalent and the avenger must further interrogate the significance of the harm and/or its connection to the inflicted violence. William Ian Miller characterizes his study of talionic cultures as one of understanding “how imaginative and smart people were about measuring and meting, valuing, and getting even.”²⁹ This measuring and meting first occurs as a mental exercise. Miller describes truly effective avengers as creative and dynamic thinkers:

For them [avengers under the law of the talion], revenge was not just an ethic but an aesthetic, the aesthetic of proportion and balance. People were well aware that there was a poetics and poetry of revenge, which was partly the reason it was the subject of the stories they most often liked to tell. A man who went postal and

²⁸ Joel Feinberg, “The Classic Debate,” *Philosophy of Law*, eds. Joel Feinberg and Hyman Gross (Belmont, CA: Wadsworth Publishing Company, 1991), 647.

²⁹ Miller, *Eye for an Eye*, 7.

took excessive revenge was understood to be acting not only without right but also without taste.³⁰

His position is epitomized in Laura Blumenfeld's characterization of the Bedouin prisoner who invented a song recounting his wife's infidelity during his incarceration:

This kind of revenge is very calculated, an imaginative, psychological art. It has to be staged and manipulated. It is why revenge can take a lifetime. To stab an unfaithful wife in a spasm of rage offers no lesson. To bring the woman around to Anez's [her husband's] own psychological state, to shame them – that was satisfaction.³¹

The Bedouin elevates his vengeance to that of poetic justice by his imaginative consideration of the wrong committed by his wife and his creative selection of a suitable response. To be unfaithful to an already wandering spouse is barely a punishment at all. The Bedouin cleverly looks beyond the simple physical act and recognizes his humiliation of being betrayed by a loved one, of having a vow made to him broken, and of being popularly seen as a cuckold. His solution is to trade that *emotional* blow for another – a song that spreads like a rumour and disgraces as it travels.

Justice through revenge becomes an exercise in style involving not merely the insightful identification of rough equivalences, but the tasteful selection between various potential equivalences for one that provides the indeterminable frisson of irony intrinsic to the poetic. This connection between justice as an ethical endeavour and justice as an aesthetic enterprise is not so unusual. Richard Shusterman maintains that ethics and aesthetics are fundamentally the same entity, being both external to the viewer, both employing a transcendental perspective for understanding, and each being concerned

³⁰ Miller, *Eye for an Eye*, 24.

³¹ Laura Blumenfeld, *Revenge: A Story of Hope* (New York: Washington Square Press, 2002), 206.

with some ideal, such as happiness or pleasure.³² In his words, “The idea here, to adumbrate its more salient aspects in a phrase, is that aesthetic considerations are or should be crucial and ultimately perhaps paramount in determining how we choose to lead or shape our lives and how we assess what a good life is.”³³ There are aesthetic concerns in our ethical dilemmas. Consequently, for justice to be achieved, that process for producing it must necessarily address our expectations of style.

It is essential to recognize that revenge’s rough equivalences connect punishments to offenses by temporal manipulation. The past violation is made present by repeating itself in the punishment and thereby drawing through this palimpsest a natural parallel between the avenger’s violence and the past indiscretion. Montoya repeats his introduction and vow to Count Rugen throughout their duel, seeking to connect a present death with a past death. The Bedouin’s song repeats his public shame but redirects it at his unfaithful wife. Replicating these harms contextualizes their new violence (be it murderous sword-strikes or slanderous lyrics) as specific punishments to older offenses. Speaking about how dead genres are revisited in the *Kill Bill* films, Maximilian Le Cain describes “the nature of revenge” as being where “one moment of the past is played and replayed obsessively to the point of excluding present reality – the absolute domination of a past that not only won’t go away but is not allowed to go away.”³⁴ While Le Cain may overstate the dominance of such harms to the point of being insurmountable, his observation of the past enacted in the present is vital to appreciating the operation of

³² Richard Shusterman, *Pragmatist Aesthetics: Living Beauty, Rethinking Art* (Oxford: Rowman & Littlefield Publishers, Inc., 2000), 236.

³³ Shusterman, *Pragmatist Aesthetics*, 237.

³⁴ Maximilian Le Cain, “Tarantino and the Vengeful Ghosts of Cinema,” *Senses of Cinema* (June 2004). <http://www.sensesofcinema.com/contents/04/32/tarantino.html> (accessed December 14, 2007).

vengeance as a justice-making system. He notes that *Kill Bill*'s crossing of recognizable film genres has particular relevance to its revenge narrative and these observations will be more fully considered in the following chapter, however his general concern with filmic elements provides an impetus to consider how the medium of cinema may be particularly situated to manipulate temporal relations and influence the presentation and operation of revenge.³⁵ This collapse of genre in *Kill Bill* brings to mind theories on traumatic narratives and the collapse of temporality and causation there as well that will be touched upon later. Robert Stam observes how filmmakers' purposes and critiques can be connected to systematic restructurings of time, observing in Jean-Luc Godard's *Tout Va Bien* (1972) that "patterning takes place on a temporal level through the calculated, repetition of certain images and sounds."³⁶ The degree to which film is able to rearrange time through sound and image makes it distinctive and this capacity should consequently influence the depiction of poetic justice on screen given its temporality. These descriptions of how cinema is positioned to interrogate the nature of poetic justice will be dealt with in this chapter, however attention will initially be paid to approaches more typical to law and film studies – how cinematic protagonists typically voice concerns over achieving self-made justice and how ironic reversals of fortune occur within the plots of revenge cinema.

³⁵ When referring to both *Kill Bill Vol. 1* and *Kill Bill Vol. 2*, I will hereinafter simply refer to *Kill Bill* and identify specific volumes as necessary.

³⁶ Robert Stam, *Reflexivity in Film and Literature: From Don Quixote to Jean-Luc Godard* (New York: Columbia University Press, 1992), 219.

Talking the Talk

To distinguish between avengers mindfully measuring their justice and the enraged victims of the Samson syndrome destroying everything and everyone around them, typical law and film analyses would naturally turn to the protagonists themselves, examining their language for how they rationalize their ventures and how they resolve the problems and concerns of their vengeful conduct. Revenge films are certainly not without extended sections of dialogue discussing the reasons for and pleasures derived from revenge. Of the films discussed herein, none may engage verbally in the discourse of revenge more than *Kill Bill*.

Kill Bill is the story of the Bride (Uma Thurman), an assassin seeking revenge on her former colleagues after they destroy her attempt to escape the killer's life. Her old crew, the Deadly Viper Assassination Squad, guns down and kills her fiancé and entire wedding party under the authority of her former mentor and lover, Bill (David Carradine). The Bride survives Bill's execution style gunshot to her head and awakens four years later from a coma, horrified to discover that the baby she carried within her is now gone. Betrayed, alone, and apparently childless, the Bride proceeds to hunt down and kill Bill and the four other Deadly Vipers.

After first opening with a bloody and battered Bride being shot at point blank range by Bill, *Kill Bill Vol. 1* then presents "Chapter 1: 2", the Bride's visit to the home of former Deadly Viper, Vernita Green (Vivica A. Fox). After an extensive fight between the Bride and Green, the arrival of Green's daughter Nikki (Ambrosia Kelley) home from

school, and a conversation between the two women over coffee, the scene ends with the Bride killing Green by throwing a knife into her chest. Overall, the scene plays tight and contained. It declares the film as a violent spectacle and their discussion exposes revenge and its issues of measurement and balance as central considerations of *Kill Bill*. Green acknowledges the wrong she has committed against the Bride, “I know we fucked you over. I fucked you over bad. I wish to God I hadn’t, but I did. You have every right to want to get even.” Green’s discussion of equivalence proves laughable to the Bride, “Get even? Even Steven? I would have to kill you, go to Nikki’s room, kill her, then wait for your husband, the good doctor Bell, to come home and kill him. That would be even, Vernita. That’d be about square.” The exchange reveals deliberate calculations involved in the Bride’s quest for vengeance. In fact, she reveals the place of mercy in her vengeance as the Bride finds satisfaction in Vernita’s single death for the murder of the wedding party, for the believed death of her unborn child, and for the attempted murder on her own person. As brutal and single-minded as the Bride is, her violence is not random, purposeless, or unconsidered and *Kill Bill Vol. 1* carefully establishes these premises early.

Kill Bill Vol. 2 similarly reiterates these preoccupations in its opening scenes. The film opens with an abbreviated version of the Bride lying battered on the chapel floor, listening to Bill’s monologue, and then being shot in the head. The film then cuts to the Bride speaking in direct address to the audience while driving a convertible against a rear-projection roadscape. She reviews the film’s premise and acknowledges the previous volume:

Looked dead, didn't I? Well, I wasn't. But it wasn't from lack of trying, I can tell you. Actually, Bill's last bullet put me in a coma. A coma I was to lie in for four years. When I woke up, I went on what the movie advertisements refer to as a 'roaring rampage of revenge.' I roared and I rampaged and I got bloody satisfaction. I've killed a hell of a lot of people to get to this point, but I have only one more. The last one. The one I'm driving to right now. The only one left. And when I arrive at my destination, I am going to kill Bill.

Like the first volume, *Kill Bill Vol. 2* immediately places at its forefront the suffered harm and declares the punishment intended. Like Montoya and the Bedouin prisoner, the Bride has considered her harm and decided upon her compensation, locating that redress, in her case, in the spectacle of violence. This legal thinking is restated shortly thereafter. After depicting the "Massacre at Two Pines," where the Bride and her wedding party were slaughtered, the film shifts to its ostensibly present timeline when Bill meets with his brother and former Deadly Viper, Budd (Michael Madsen). When offered assistance to defend himself against the Bride, Budd engages the language of debt and repayment, "I don't dodge guilt. I don't Jew outta payin' my comeuppance." He further adds, "That woman deserves her revenge and we deserve to die. But then again, so does she. So I guess we'll just have to see, won't we?" Through the language of entitlement and desert, of offense and punishment, both volumes of *Kill Bill* initially situate their characters as determined but attentive, even philosophical, thinkers, ensuring their violence is suitably contextualized.

Kill Bill is by no means unique in the thoughtfulness of its violent characters. Chan-Wook Park's *Lady Vengeance* concerns a woman who assists her lover, Baek (Min-sik Choi), in kidnapping a child and holding him for ransom, ultimately giving up her own infant daughter to Baek when she assumes responsibility for his murdering the

kidnapped child. While in prison, the woman, Geum-ja (Yeong-ae Lee), develops a network of criminal associates who later assist her in taking revenge against her former lover. When she discovers that other children have been held for ransom and then murdered by Baek, Geum-ja includes their families in her vengeance quest. While planning and carrying out her revenge, she is reunited with her daughter Jenny (Yeayoung Kwon). Geum-ja is eventually forced to explain her actions to Jenny and describes the concept of proportionality to explain the need to atone for past sins – “Big atonement for big sins. Small atonement for small sins.” In this rare moment where Geum-ja elaborates on the nature of her enterprise, she reveals explicitly that the violence she enacts has likewise been measured against the wrongs she and others have suffered.

The Prestige also contains numerous moments when characters voice their concerns over revenge’s problems of measuring and meting. The film concerns two rival magicians, Robert Angier (Hugh Jackman) and Alfred Borden (Christian Bale), and Angier’s frustrated desires for revenge against Borden for the accidental drowning of Angier’s wife (Piper Perabo). Angier attacks Borden physically and professionally until a kind of mutual destruction is achieved. While attempting to achieve his vengeance, Angier voices his struggles to produce satisfying equivalences. He lists his harms to Olivia (Scarlett Johansson), his new on-stage assistant, when he discovers she is leaving him, “He’s taken everything from me. My wife, my career, now you.” After Angier shoots off some of the fingers on Borden’s left hand, he rails against thinking of the action as a suitable equivalence. “My wife for a couple of his fingers?” he asks. When he is reminded that his actions will not restore his wife, Angier snarls, “I don’t care about

my wife. I care about his secret.” The comment on its surface suggests that Angier has lost sight of his harm and has thus compromised his quest for vengeance; however further examination reveals that Angier may be speaking more explicitly about his equivalence. Angier’s ultimate goal is to take from Borden what he himself lost – that which is most important to him. Angier identifies that it is not Borden’s spouse but his status as an illusionist that is valued most and makes it his goal to determine the secret of his signature trick – “The Transported Man.” Angier asks Borden repeatedly what knot he tied around the hands of Angier’s wife when she drowned performing an onstage illusion and is always told by Borden that he does not know. Unable to find closure in one secret, Angier is determined to find closure by discovering another. He is often presented as a figure near breakdown but he nonetheless remains preoccupied with balance and proportion in his desired punishment. In doing so, *The Prestige* also maintains its position of a revenge film concerned with legal thinking and justice-making.

Through these three brief examples, I have attempted to describe how traditional law and film analyses might first approach the venture of thinking of revenge cinema as a legal process. Similar expressions are contained in other revenge films, each encouraging their violence to be contextualized as belonging to purposeful avengers attentive to the risks of overstepping their entitlements. Unfortunately, an analysis relying on the self-description of revenge-takers is problematic to law and film’s study of vengeance movies as there is nothing essentially cinematic about it. Verbalizations of justice-making through revenge might be as easily situated in literature, on stage, or in radio plays. For

law and film scholarship to be an area of academic study in and of itself, it must move beyond such an approach and deal with the specifically cinematic nature of legality.

Walking the Walk

Verbalizations recall harms and, in their own manner, create temporal manipulations by reviving the past in present discussion, but lack the ironic reversals that typify poetic justice.³⁷ Instead, it is the reappearance of harming action in the enacted punishment that produces the aesthetically satisfying symmetry associated with poetic justice. Examples of such occurrences abound in the cinema of revenge.

A particularly good example of the enactment of poetic justice may be observed in *Kill Bill Vol. 2* and the Bride's use of the Five Point Palm Exploding Heart Technique. During "Chapter 8 – The Cruel Tutelage of Pai Mei", Bill regales the Bride with a tale of Pai Mei (Gordon Liu), the high priest of the White Lotus Clan. The story closes with Pai Mei's utilization of a blow that causes the victim's heart to explode after taking five steps. The skill is described as a secret taught to no one. Following the scene, Bill leaves the Bride with Pai Mei to learn kung fu under his pitiless guidance. During "Last Chapter – Face to Face" and nearing the film's conclusion, Bill and the Bride finally come to blows and the Bride kills Bill by striking him in the chest with Pai Mei's Five Point Palm Exploding Heart Technique. Before Bill staggers to his death, the Bride admits to

³⁷ Dialogue is not necessarily unable to make temporal shifts and can create or punctuate ironic circumstances. Christopher Nolan's *Batman Begins* (2005) regularly uses recurring dialogue such as "Why do we fall?", "Didn't you get the memo?" and "It's what you do that defines you" to create repetitions, closures and punctuate reversals that occur often in the film.

keeping her knowledge of the technique from him and leaves Bill's home, happy to be reunited with the daughter she believed to be dead.

At its most basic, the Five Point Palm Exploding Heart Technique is a means for killing Bill. In doing so, a parallel is naturally drawn between his death and the massacre he ordered and the murder he personally attempted on the Bride. Yet Bill's death could have been achieved in any number of manners. The selection of this specific series of blows provides added meaning to his death by drawing connections, inferences, and ironic associations that approvingly describe poetic justice. For instance, by Pai Mei's entrusting the technique to only the Bride and by her use of it against Bill who was likewise trained by Pai Mei, the Bride rejects Bill as her mentor and superior. In kung fu parlance, the ironic reversal of the "student becoming the master" is achieved. Given how extremely ornate the Five Point Palm Heart Technique is, the blow appeals to the Orientalist aspect of kung fu cinema and perhaps even harkens to a more ancient, exotic, and gratifying mode of justice-making that precedes formal legal procedures and favours self-achievement. In this regard, it also connects to other supernatural, even mythic, moments in the film, such as the Bride's battle with the Crazy 88 or her escape from the grave of Paula Schultz, where justice-making is elevated to a transcendental, idealized pursuit. At the same time, the blow is a rejection of Bill and the assassin's life that was previously denied to the Bride by him. The knowledge given to her as a professional killer is inverted and becomes an instrument for freeing herself from that lifestyle. The attack on the Bride and her wedding party was also an emotional blow, as it came at the hands of her lover and father-figure and as it resulted in the apparent loss of her daughter.

Her metaphorical broken heart is inflicted literally upon Bill through the Five Point Palm Exploding Heart Technique. These and other ironic reversals load Bill's death with meaning, contextualize the Bride's actions as punishing specific harms, and find proportion in a creative manner that allows it to achieve the status of poetic justice.

The use of the Five Point Palm Exploding Heart Technique is only one example of the poetic justice achieved in *Kill Bill*. Budd is killed by being repeatedly bitten on the face by a black mamba, the same snake the Bride used for her codename, employed by Elle (Daryl Hannah). In doing so, Elle gets revenge against Budd on the Bride's behalf for the dishonourable death he condemned the Bride to when he ambushed her and buried her alive. Ironic reversal also appears in *Lady Vengeance*, as Baek's being tied to a chair and tortured by the families of the children he kidnapped recalls his own ransom tapes depicting his victims bound and terrified. Similar reproductions of harms occur throughout *The Prestige*. Most obviously, Angier discovers a way to repeatedly drown himself in a manner very similar to that experienced by his wife. By framing Borden for his false drowning, Angier has Borden imprisoned and killed for a murder verisimilar to the one for which he is blamed.

The ironic reversal, as noted earlier by Bordwell, typifies much of classical filmic narrative technique. Many examples can be called up to support Bordwell's position of poetic justice as an element of classical narrative closure. Paul Verhoeven's World War II-set *Black Book* (2006) concludes with Rachel Stein (Carice van Houten), a Jewish singer, suffocating the man responsible for her family's death by shutting him into an airtight coffin and turning the lid's screws by using a family heirloom, a locket

containing pictures of her family murdered at his direction. Park's *Oldboy* (2003) ends with its protagonist, Oh Dae-su (Min-sik Choi) cutting out his own tongue as penance for spreading false rumours. *Revenge of the Nerds* (Jeff Kanew, 1984) has the geeky Lambda Lambda Lambdas replace the abusive Alpha Beta fraternity as head of the campus student body by winning the Homecoming Carnival. Yet like the previous section on revenge dialogue, these examples of poetic justice's prominence as a component of many film narratives appears limited in application to law and film scholarship. Recognizing their presence in cinema narratives provides no new interrogations into the nature of justice-making generally, as similar examples of poetic justice may be found in other media. Further interrogation into film's ability to depict justice-making is required if new knowledge is to be developed about the relationship between the law and the cinema.

Compensating on Celluloid

If poetic justice is integral to much of classical cinema narrative and requires ironic reversals and rough equivalences, then it is only sensible to consider how harms and punishments are actually depicted on film. If revenge, by bringing past harms into present punishments, requires temporal manipulation and cinema, through its use of *mise-en-scene* and editing, is capable of influencing or controlling the presentation of time, then cinematic vengeance should find plastic expression in the medium itself. Cinema is not unique in its manipulations of time – comic books are capable of recounting past events aesthetically through recurring images and dialogue and theatre may similarly rely

on iconic images or sounds in its *mise-en-scene*. Still, the sheer variety of potential equivalences evoked in cinema through cinematography, *mise-en-scene*, movement, and sound coupled with the alacrity and immediacy offered by editing images and sounds together distinguishes cinema from other mediums capable of similar techniques. Rarely, however, is the treatment of law in film subjected to formal analysis. As stated earlier, film scholars such as Stam and Bordwell have emphasized the importance of pattern recognition in filmic analysis and the presence of reversals and equivalences on the level of the shot proves to be a frequent technique for developing a sense of justice made in revenge cinema.

Deviating briefly from the films central to this analysis, *Carrie* provides a particularly explicit example of the reproduction of harms in punishment through angle, blocking, and *mise-en-scene*. Near the film's conclusion, Carrie White (Sissy Spacek), a teenager with newly awakened telekinetic powers, murders her physically, mentally, and spiritually abusive mother (Piper Laurie) by stabbing her with various kitchen utensils animated by her mind. Carrie impales her mother in exactly the same positions as the St. Sebastian icon present in the closet she was frequently locked in with by her mother. Brian De Palma, in a rare case of a filmmaker specifically admitting to utilizing repetition as a component of poetic justice, acknowledges the aesthetic significance of the punishment's presentation – "So that was an idea that Carrie got from the abuse she got from her mother and ultimately wreaked vengeance upon her in precisely the same manner of the very stunning image that she had been forced to be closeted with all these

years.”³⁸ This ironic reversal does not merely play out narratively, but is evoked synoptically by also repeating the same blocking, camera angle, and position between the icon and the murdered mother. Each figure is shot slightly below eye-level and both stand in the frame’s centre. Mother and icon face slightly to frame right with their arms similarly outstretched and their heads each resting on their right shoulders. Carrie’s violence is identified in this brief and startling moment as specifically punishing her mother’s religiously dogmatic oppression by the repetition of an image of harm presented earlier in the film. The assault is identified as a calculated act of revenge and as an attempt to find proportionate justice by the aesthetics and patterning utilized in the shot itself. Carrie’s vengeance functions as a palimpsest, recovering the past offense with present violence. Justice then becomes a concept that is recognized synoptically, experienced aesthetically, and appreciated by the irony of this representation.

Returning to the films this paper focuses upon, similar techniques may be identified. As mentioned earlier, *Lady Vengeance* parallels Baek’s torment and murder of the children he has kidnapped against his own torture and death at the hands of their families. The film evidences these connections on the level of the shot as well, such as in the mirroring images of bound figures. Baek’s repeated tortures occur while he is tied to a chair in a manner that recalls the various children depicted in his ransom videos. These rhyming shots and scenes demonstrate a desired proportionality in Baek’s punishment by not simply ensuring a death for a death, but seeking to account for and reverse the pain, terror, and helplessness suffered by his victims. With sadistic irony, a monster is

³⁸ Brian De Palma interview in *Visualizing Carrie*. 2001. Directed by Laurent Bouzereau. *Carrie*, special ed. DVD. Santa Monica, CA: MGM Home Entertainment.

transformed through sound and image into one of the fearful children witnessed earlier. Violent spectacle reveals the same physical qualities in close-up that were likewise revealed in the children earlier. Baek is tied and gagged like his hostages, his eyes are desperate and his face is moist like the sweating and crying kids in his ransom tapes. Sounds of the offences are similarly repeated in Baek's muffled words and panicked breathing. One parent-turned-avenger observes, "This isn't going to bring our son back, is it, honey?" The parents attack nevertheless and compensation is found not by restoring the lost child but by balancing the harms suffered. One man cannot return five dead children, but mirroring images such as these ensure that the terrible acts of one man are seen to be accounted for in Miller's "aesthetic of proportion and balance" and Geum-ja's violent machinations are perceived as recognizably just.

The Prestige contains numerous examples of similar matching images connecting punishments to their respective harms. Returning to the example of Angier's drowning as revenge against Borden, the circumstances of Angier's wife's death are not only reproduced in the punishment but are depicted in a consistent manner. Both Angier and his wife are suspended in the centre of the water-filled stage tanks, each struggling, shouting, and pounding to be free. They are tightly framed, the play of light and water making each character appear gradually more waxen and lifeless. Their cries and their blows against the tanks' walls reverberate with distant hollowness and cracks in the glass spider web before them revealing the invisible barrier that separates them between breath and death. These images, shot at eye-level or slightly below, often literally mirror one another, as his wife's leftward gaze is returned by Angier's rightward facing. By

depicting Angier's panic in shots that match those of his drowning wife, his revenge is elevated beyond that of reproducing the form of his harm to loading the punishment with the emotional trauma too easily glossed over when measuring that loss.

The Prestige includes many such recurring images that connect acts intended to punish with prior offenses. Consider Angier shooting Borden following his wife's funeral. Attending Borden's bullet-catch illusion in disguise, Angier shoots Borden when he fails to identify the knot that prevented his wife from escaping the tank. The shooting is later repeated after Angier frames Borden for his apparent death and Borden is killed. There, Borden's twin, Fallon (Christian Bale) shoots Angier in a manner that formally recalls the prior shooting. Both are depicted from approximately the waist up, standing in the right half of the frame, and looking slightly left of the camera's position. Each is costumed similarly by wearing an ascot, a white shirt, and a brown vest. The gunshot originates from left of the camera's position and strikes both at the lower left portion of their abdomens – hitting Angier in the torso and Borden in his left hand positioned low and in front of his body. The injury to Borden's hand is shown in medium-close-up, the red of his blood standing out against the white of his hands. Borden later revenges this injury during Angier's vanishing birdcage illusion, damaging the hands of Angier's lay-participant. The volunteer's injury is depicted in a similar fashion. Such mirroring images occur frequently in *The Prestige* and while it is beyond the scope of this analysis to exhaustively elaborate on this technique, the film makes ample use of matching imagery and sound to create natural sensations of parity and proportionality essential to just and appropriate punishments.

The *Kill Bill* films also occasionally engage in this process of matching images between harms and their revenges. Consider as an example the conclusion of the duel between the Bride and Elle. During their fight, Elle reveals that while being trained by Pai Mei, he snatched out her right eye after she called him a “miserable, old fool.” A brief flashback reveals Elle immediately following Pai Mei’s punishment. Elle then divulges she poisoned and killed the Bride’s “master.” The Bride, in response, plucks out Elle’s left eye and leaves her blind and thrashing in Budd’s mobile home. Although the Bride intended on harming Elle, that is killing her, the act of taking her eye reveals the punishment as compensation for the harm to Pai Mei as well. Elle’s punishment is arguably the worst inflicted by the Bride, as she is robbed the honourable death of a warrior in battle and left blinded and flailing on a washroom floor. This connection between her past offences to Pai Mei is enforced by the matching presentation of the actions. In each eye snatching, Elle stands in medium shot and in the frame’s centre – her head bent back, her left hand raised, and blood flowing down her face from the empty eye socket. Moreover, both Pai Mei and the Bride are positioned to the left of the frame, blocked to share the position of the avenger. These uniform shots of punishment create stylistic equivalences at the compositional level that intuitively describe acts of purposeful revenge and balanced proportion.

This technique of presenting rough equivalences in audio-visual terms abounds in *Kill Bill*. And while this style is not always utilized to specifically match punishments with harms, the repetition of specific sounds or images associated with the originating offense prevents that wrong from ever becoming too remote from the present action. Both

volumes commence with the Bride, bloodied and beaten, in black and white close-up on the chapel floor. Her wounds are fresh and she audibly pants, struggling through her pain and panic to breathe. By opening each volume with this image, the Bride is immediately contextualized as a figure with a damaged past and due her compensation. The shot is evoked later in *Vol. 1* when law enforcement attends the chapel after the attack. The Bride, now appearing dead, is shown in colour – her blood dried, her face bruised, her eyes swollen shut. Still, she is shown in close-up, her head on the floor and positioned on the left side of the frame, similar to the earlier shot. In doing so, the Bride is not only located in the chapel but is presented in a manner that specifically recalls the pain, the terror, and mercilessness of her supposed execution.

The scene involving law enforcement also presents the recurring image of feet striding on wood floorboards. This image is associated with the rightward tracking close-up of Bill's shoes striding up the chapel's aisle to shoot the Bride in the head. His black boots swing across the frame, each step loudly threatening. This image of the originating harm is repeated in both volumes. Law enforcement follows the same path up the chapel aisle to survey the bloodbath. The sheriff's black boots resemble Bill's and the camera follows these steps in the same manner. *Vol. 2* also recalls Bill's responsibility in the "Massacre" during his initial discussion with the Bride on the chapel's porch before the shooting. The conversation is cautious, but also nostalgic and quietly emotional. The slaughter to follow could be forgotten in these moments, but are recalled in similar shots of Bill's feet stepping towards the Bride on the porch's wooden stage. These steps are also repeated in the similarly shot steps of the Bride toward Bill. Together, these images,

sounds and movements refer present action back to the past offense. They prevent *Kill Bill* from being thought to stray too far from its central vengeance narrative and reinforce the justness of the Bride's endeavour by creating a world of connected balances and equivalences.

Kill Bill is by no means the only film to engage in broader practices of formal symmetry to develop an expectation of justness in violent content. Consider the bracketing images of cakes in *Lady Vengeance*. At the film's opening, Geum-ja is released from prison and commences her vengeance quest. A preacher (Byeong-ok Kim) and his group await her release outside the prison and she is offered a white tofu cake. The cake is shown in close-up on a white plate, square and detailed with an exterior ridge and a small dome at its centre. The preacher states, "It's traditional to eat tofu on release so that you'll live white and never sin again." Prisoners consuming such cakes accept a new innocence, but Geum-ja refuses the cake by tipping the plate over and responding, "Why don't you go screw yourself?" Geum-ja's works in a bakery during her process of obtaining revenge and cakes consequently abound throughout the film. Once abducting Baek, torturing him, and ultimately killing him, she bakes a cake designed and decorated as the original tofu cake. The later cake is, however, decidedly different. As noted by Richard Pena, the concluding cake, with its associated values of rebirth and reclaimed innocence, distinguishes itself by being made by Geum-ja's own hands.³⁹ Personal authorship is an essential component of revenge and these repeated images in *Lady*

³⁹ Richard Pena. 2006. Commentaries. *Lady Vengeance*, DVD. Directed by Chan-wook Park. Montréal, Québec: Alliance Atlantis Vivafilm Inc.

Vengeance, as well as those other films reviewed herein, often reinforce these principles synoptically.

Much as David Bordwell maintains the presence of ironic reversals to be a regular structuring device of narrative cinema, mirroring images of harms and punishments can often be observed as devices frequently employed by revenge-themed films generally.⁴⁰ Before revealing the connection between two desperate ronin seeking an appropriate venue to commit ritual suicide, Masaki Kobayashi's *Harakiri* (1962) uses various repeating set-ups and shots to anticipate the elder samurai's relationship with the young one and the harm he seeks to redress. Consider also the images of rape and revenge in *The Virgin Spring*. Töre's (Max von Sydow) killing of one of the men responsible for the rape and murder of his daughter, Karin (Brigitta Pettersson), is depicted in similar close-up to one presented during the original assault. Close framings at ground-level place an aggressor on top of a victim, but power dynamics are reversed as Karin, the victim pinned down, is reconstituted in her avenging father on top of one of her attackers.

Similar matching shots occur in Ernst Lubitsch's musical, *The Love Parade* (1929). There, Count Alfred Renard (Maurice Chevalier) discusses Queen Louise's (Jeanette MacDonald) punishment over taking him for granted in shots that recall an earlier scene where the Queen discusses the punishment of him that results in the two being married. The window seat of the earlier scene is replaced with a sofa in the latter. Matching set-ups of longer two-shots with the punisher sitting and the victim standing commence each exchange and are followed by repeating *plan américain* shots of the two

⁴⁰ Bordwell, *Narration in the Fiction Film*, 159.

characters sitting with the punisher retaining the left side of the frame while the punished individual sits next to them on the right. In each case, filmic symmetries are produced in a similar manner to those described in *Kill Bill*, *The Prestige*, and *Lady Vengeance* and convey aesthetic proportions that support the justice-making contained in these and similar films.

Legal concepts of proportion and connection in punishment are demonstrated in the aforementioned examples through cinema's extensive ability to manipulate time on the formal level. By reproducing punishing force over audio-visual representations of past offenses, violent content is contextualized in these palimpsests as engaged in accounting for harms, as being concerned with justice-making, and describing its authors as legal thinkers avengers. *Mise-en-scene*, blocking, cinematography, sound, and editing all evidence these legal concerns synoptically, allowing justice to be sensed and appreciated merely by looking and listening. In this chapter, I have maintained that justice-making is a process that can be perceived through cinematic spectatorship of sound and image, yet a complimentary principle stands alongside – that justice-making is something that not only can be perceived, but *must be* perceived. The necessity of justice's public imperative is equally important and its appreciation rests not in cinema's aesthetic manipulation of time, but in its ostentatious use of space.

2 DISPLAY AND PUBLICITY

*“You better bury Ned right! You better not cut up nor otherwise harm no whores!
Or I’ll come back and kill every one of you sons of bitches.”*

— *Unforgiven* (Clint Eastwood, 1992)

It has been a long and widely accepted legal principle that “[it] is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.”⁴¹ Considered as a principle of natural justice, this axiom hinges on two central premises. First, it expresses a preoccupation with form for its own sake. It maintains that the appearance of justice is as important as its substance. Justice is something that must demonstrate its own existence to be just. The second premise takes this desire for justice’s transparency further by requiring that this display be witnessed. This principle as set down by Lord Hewart does not require, after all, that justice *can be seen* but that it *is seen*. Thus, justice must not simply be viewable, but must actually be viewed, especially by those outside of the dispute. The principle expects that members of society uninvolved with a particular conflict observe and appreciate the mechanism of law itself as a credible justice-making apparatus.⁴² The public nature of the law requires those external to the dispute observe its justness to maintain popular confidence in the

⁴¹ *Sussex Justices*, 259. Lord Hewart’s statement in the case, sometimes referred to as the principle of open justice, has been accepted as authority across the world in many jurisdictions that follow the English adversarial tradition, such as Canada, New Zealand, Australia, and the United States, and amongst a variety of case law involving diverse legal topics.

⁴² J. J. Spigelman C.J. 1999. “Seen to be Done.” Keynote Address to the 31st Australian Legal Convention, Canberra, Australia, October 7. Downloaded from <http://thewislangcase.com/files/folders/documents/entry24.aspx>, 9-14 (accessed March 31, 2008). Spigelman C.J.’s keynote address astutely enumerates a series of characteristics, rules, obligations, and their purposes contained within this principle that emphasize the importance of publicity in the relationship between the court system and the society it operates within.

legal system and provide regular public comment and criticism on its activities to ensure judicial accountability and restraint. In short, legal processes claim their justness through a public enterprise that confirms the legitimacy of its systems and, therefore, its results by the spectacle of its making. To restate this model, the law can only be just when it is effectively designed to be seen.

Although this principle is generally cited with reference to formalized and ritualized legal processes such as trials, there seems to be no reason to resist applying it equally to the justice-making process of revenge. Miller cites the desire for poetic justice as one connected to the avenger's relationship with those outside the dispute:

There is an urge to poeticize justice, to make sure it is the stuff of good stories; the moral point, we believe, is enhanced when it elicits a triumphant smile, a small frisson at its perfection, as it surprises both the victim *and the audience* alike in its perfection, as it surprises both its victim *and the audience* alike in its aptness, at how perfectly it settles all outstanding accounts, banishing the hobgoblins of incommensurability.⁴³

Miller is even more explicit on the public nature of revenge:

Revenge was seldom, if ever, a two-party affair; it was invariably played before an audience, and much of the satisfaction one took in one's own revenge was 'caught,' like a disease, or like laughter, from the response you observed in others to your actions. If they liked your performance, then you most likely would like it too; if they did not, it would be like ashes in your mouth.⁴⁴

An eye for an eye seeks to share pain and ensure it is understood by the offender; however Miller emphasizes the need for vengeance to be seen and acknowledged as such by those outside of the dispute to offer some validation. This position is not unique. Joel Feinberg cites reprobation, the expression of popular condemnation and disapproval, as a

⁴³ Miller, *Eye for an Eye*, 63. Emphasis added.

⁴⁴ Miller, *Eye for an Eye*, 151.

central and essential component that distinguishes punishment from general hard treatment.⁴⁵ Punishment therefore carries within it “symbolic significance” that hinges on its communicability between action and audience. Foucault reiterates this point in describing past ritualized practices of enforcing the law’s authority on the body of the criminal – “And from the point of view of the law that imposes it, public torture and execution must be spectacular, it must be seen by all almost as its triumph.”⁴⁶

There is a risk, however, of mistaking the need for publicity in justice as a requirement for complete approval by the witnessing culture at large. Richard Shusterman notes this distinction in describing the difference between approval and appreciation of our personal positions of principle. “As with aesthetic interpretation and evaluation, we want our friends and associates to understand our ethical perspectives and choices and see them as reasonable; but no longer is it so crucial that they accept them as universally right and valid for all.”⁴⁷ Miller also provides room in the above quotes for those instances, rare as they may be, where actual approval does not accord with the avenger’s personal satisfaction. Without popular approval, vengeance may be, but is not necessarily, disappointing. Miller describes this relationship between publicity and justice-making as one of proscription, “The avenger is constrained in his revenge by his need to keep his legitimacy intact, to operate within limits that still make him, if not the good guy, at least not a villain.”⁴⁸ Shusterman and Miller’s clarifications are essential to understanding the importance of publicity to justice and the connection between its

⁴⁵ Joel Feinberg, “The Expressive Function of Punishment,” in *Philosophy of Law*, eds. Joel Feinberg and Hyman Gross (Belmont, CA: Wadsworth Publishing Company, 1991), 636.

⁴⁶ Michel Foucault, *Discipline & Punish: The Birth of the Prison* (New York: Vintage Books, 1995), 34.

⁴⁷ Shusterman, *Pragmatist Aesthetics*, 245.

⁴⁸ Miller, *Eye for an Eye*, 157.

justness and its spectacle. It is satisfactory to understand and appreciate both aesthetic and ethical ideas without necessarily having to fully endorse them. A community may nevertheless perpetuate itself where these values are recognized and acknowledged and not rejected outright. Justice, as both an ethical and aesthetic concept, has the possibility of being recognized while not according with the style or content we might each individually have chosen. The Bedouin's song of infidelity might not be how we, as individuals, may have dealt with that specific betrayal nor may it be what we consider the most efficient means of accounting for that harm, but we can still recognize the poetic justice achieved by him.

The recognition of poetic justice's ironic accountings of harm demonstrates the merger of the ethical with the aesthetic. The closer the avenger comes to reproducing the original harm, the greater the aesthetic effort, the stronger the ironic value of the action, and the more clearly the punishment demonstrates its suitability and proportionality. Moreover, the punishment's claim to justice is further contingent on the degree of its publicity. Just punishment is something that is orchestrated and performed for view and acknowledgment of those external to the dispute. The punishment is therefore better able to claim being just where it makes itself spectacular, both in terms of simply appearing proportionate and connected to the originating offense as well as actually garnering the attention of those who would recognize the suitability of the avenger's actions. The cinema, as venue for looking and listening, seems a prime location for addressing justice's spectacular requirements. In attempting to describe the performed and popular

nature of punishment, legal scholar Jean Hampton relies on the conventions of the Western to demonstrate her point:

Even people who seem to be seeking revenge on wrongdoers behave in ways which show that they want to make a moral point not only to the wrongdoer, but to anyone else who will listen. The hero seeking revenge in a Western movie, for example, never simply shoots the bad guy in the back when he finds him – he always confronts the bad guy first (usually in the presence of other people) and tells him *why* he is about to die. Indeed, the movie would be unsatisfying if he didn't make that communication. And surely, the hero's desire to explain his actions is linked with his desire to convey to the bad guy and to others in society that the bad guy had 'done him wrong'.⁴⁹

When Hampton refers to “anyone else who will listen” and “the presence of other people,” she likely refers to those other figures within the Western’s diegesis and the need therein to communicate justice-making is certainly fulfilled in doing so, yet her comments are equally applicable to the filmic spectator as well. The film exists foremost as an object for viewing by an audience and the way the revenge film constructs itself to declare the spectacular nature of its justice-making to the film spectator is of central importance in considering the presence of a cinematic justice-making style. This chapter addresses how vengeance-themed films construct spectacular spaces to see justice being done. After first considering how avengers turn themselves into spectacular entities for creating justice, *The Prestige*, *Lady Vengeance*, and *Kill Bill* will be examined individually to consider how spaces for seeing justice made are respectively presented, inferred, and reflexively engaged. In doing so, this chapter will conclude by suggesting that these spaces for seeing justice are created in these films to confirm and make explicit

⁴⁹ Jean Hampton, “The Moral Education Theory of Punishment,” in *Philosophy of Law*, eds. Joel Feinberg and Hyman Gross (Belmont, CA: Wadsworth Publishing Company, 1991), 711-712.

the cinema's nature as a spectacular forum for popularly observing and considering the process of making justice.

Wearing Your Harm on Your Sleeve

The need to demonstrate the justice being produced is a requirement of the avenger themselves to devise and present. In some cases, it is the cinematic avenger themselves who are reconstituted to reflect their pursuit of vengeance and desire for justice. Deviating briefly again from the films upon which this paper focuses, Christopher Nolan's *Batman Begins* (2005) provides an excellent example of the transformation of an avenger to a spectacular embodiment of their vengeance quest. Multimillionaire Bruce Wayne (Christian Bale) suffers from two childhood traumas. First, as a child, he fell into an abandoned well and was caught in a swarm of fleeing bats. Second, he observes as a boy his parents being gunned down in a Gotham City alley by a mugger. The two traumas are bound into one another, as the Wayne family entered the alley having left an opera whose bat-costumed performers frightened young Bruce. When Bruce Wayne commits himself to avenging his parents' deaths against the criminal element that dominates Gotham City, he costumes himself in image of a bat. In doing so, Wayne creates an ironic reversal characteristic of poetic justice. The image of the Batman inspires a terror comparable to young Bruce Wayne's fear of bats and, in turn, the panic of a young Bruce Wayne witnessing his parents' murder. The costume therefore evokes a fear in Gotham's criminals comparable to that of the traumatized child. This poetic

justice is achieved through the spectacle of the costume and the creation of a declarative space surrounding Bruce Wayne that dramatically announces the justice-making process of his vigilante campaign.

Costumes figure prominently as well in Nolan's *The Prestige*. Most of Angier's and Borden's vengeances on one another occur on the stage during the other's performance of an illusion. Interestingly, the disguises they assume are not so much designed to deceive one another than they are merely to provide sufficient cover to gain proximity to each other, ruin their trick and, if possible, provide some injury. Costumes and false facial hair are utilized, but when both men are close enough they reveal their true identities by their voice, their look, or their disfigurements, as in the case of Borden's missing fingers or Angier's injured left leg. Deceiving an illusionist is itself a small revenge, but revealing that ruse is necessary to satisfy justice's need for publicity. These disclosures come as revelations to both magician and film spectator and their spectacle is contingent on the costumes' only partial ability to convey an illusion both men value as performers.

Lady Vengeance similarly combines costume and injury to transform Geum-ja from a woman wronged to an avenger who announces both her presence and her justice pursuit by her very appearance. Guem-ja is depicted during her release from prison and in the flashbacks to her time incarcerated as a normal, attractive woman. However, once released and committed to her quest for vengeance, her appearance changes significantly. Most prominent to her Lady Vengeance persona is the blood red eye shadow she wears, often to the comment of other characters in the film. Like the harm itself, the eye shadow

stands out, a reminder of the figurative blood on her hands that must be accounted for. Accordingly, its presence during her violence associates it with her harms and it is only removed once her revenge is achieved. But the eye shadow is only one of many changes in appearance Geum-ja displays and that we and the film's characters observe as elements of her "magnificent plan." Some characteristics, such as her pale make-up, black trench coat, high heel boots, and ornate gun, reveal Geum-ja as an avenging death-bringer – dangerous, severe, and foreboding. Style is, in fact, an expressed preoccupation of Geum-ja. When asked about the "fanciness" of her antiquated and elaborately adorned handgun, Geum-ja responds, "It has to be pretty. Everything should be pretty." The gun, like her plan, must be visually desirable to encourage its witnessing. Yet while she often strikes the pose of a confident and proficient avenger, Geum-ja at the same time evidences her past harms in her present physicality. Her split lip and bandaged pinkie, as Richard Pena observes, demonstrate bodily the past offences committed upon her mentally, psychically, and emotionally.⁵⁰ Through both costume and injury, Geum-ja is adorned as a figure of vengeance and justice for both other characters and filmic spectators to witness and acknowledge.

The presence of a guise worn by an avenger is common in cinema. An "inexpressive persona" is identified by Lee Clark Mitchell as a central component of

⁵⁰ Pena, *Lady Vengeance* DVD commentary. It is also interesting to note the significance of Geum-ja's reattached pinkie often appearing prominently in many scenes. Miller notes that the pinkie is the most expensive finger after the thumb in bodily injury cases as it provides grip strength for which other fingers are never able to compensate. The significance of the pinkie in this regard has long been recognized – its removal historically being the penalty for stealing in some cultures. Miller, *Eye for an Eye*, 124.

Western heroes who value action over words.⁵¹ Their silence becomes the most dramatic aspect of their character and the conspicuous absence of their voice serves only to more greatly emphasize their appearance, be it their body language, costume, or physical injuries. Mitchell's observation could be extended to a number of cinematic avengers outside of the Western genre who still demonstrate this characteristic stoicism – Wilson (Terence Stamp), the titular Englishman in *The Limey* (Steven Soderbergh, 1999); Walker (Lee Marvin) in John Boorman's *Point Blank* (1967); Matsu the Scorpion (Meiko Kaji) of *Female Prisoner #701: Scorpion* (Shunya Ito, 1972). Leonard's (Guy Pearce) tattoos, clues to tracking down his wife's killer, declare physically his goal of finding justice in Nolan's *Memento* (2000). Richard Sherwin makes the same observation in his analysis of Martin Scorsese's *Cape Fear* (1991) – “He [Max Cady (Robert De Niro)] wears his biblical mission in his flesh: tattooed, stained indelibly, mixed with his blood.”⁵² It is telling that Stephen Frears' *Dangerous Liaisons* (1988) opens with its avenger, the Marquise Isabelle de Merteuil (Glenn Close), dressing and putting on make-up and concludes with her crying as she firmly wipes her heavy make-up from her face with a handkerchief, her revenge plot over and its success leaving her a social outcast. Stevie Simkin characterizes the eponymous cyborg (Peter Weller) of *Robocop* (Paul Verhoeven, 1987) as demonstrating in his body the tension between man and machine and, in turn, personal revenge and impersonal justice.⁵³ These and countless other cinematic avengers transform themselves into identifiable avengers through a variety of

⁵¹ Lee Clark Mitchell, “Violence in the Film Western” in *Violence and American Cinema*, ed. J. David Slocum (New York & London: Routledge, 2001), 179.

⁵² Richard K. Sherwin, “Cape Fear,” 1033.

⁵³ Stevie Simkin, *Early Modern Tragedy and the Cinema of Violence* (New York: Palgrave MacMillan, 2006), 63.

different means. In doing so, each creates about them a spectacularly ostentatious space that encourages attention and, in each their particular way, demonstrate the justice-making process in which they are engaged.

Staging Justice

Turning from the avengers' physical appearance to the environments they occupy, spaces in revenge cinema often address directly justice's need for public spectacle to encourage popular witnessing. Nolan's *The Prestige* is exemplary in this regard, as the vast majority of the vengeance taken in the film literally occur on the stage and before an audience. It is worth enumerating the harms and reprisals that structure the film and their locations:

- The originating harm occurs when, during an illusion performed in front of an audience, Angier's wife drowns apparently due to a knot she was unable to escape from and that was tied by Borden;
- Borden performs a bullet-catch illusion before a small audience and is shot onstage, losing two fingers, by Angier who poses as the lay-participant firing the gun;
- Angier, as "The Great Danton," performs a disappearing bird and cage trick onstage only to have a female audience member injure her hands when Borden, disguised as another audience member, unexpectedly sets off the collapsible cage;
- Angier steals Borden's illusion, "The Transported Man," and finds theatrical success by improving upon the trick's presentation, calling it "The New Transported Man;"
- Borden, in his stage persona of "The Professor," sabotages "The New Transported Man," stringing up Angier's double onstage, injuring Angier's leg, and inviting the audience to view his new version of the illusion;

- Borden achieves popular success by performing his original illusion made even more spectacular with the assistance of a large electrical device crackling and flashing on the stage;
- Angier upstages Borden with his new illusion, “The Real Transported Man,” a seemingly impossible illusion made possible through the creation of a duplicate Angier and utilizing a larger, more visually impressive electrical device;
- Posing as an audience member viewing Angier’s stage apparatus, Borden is framed by Angier for his apparent drowning;
- Borden stands trial and is executed by hanging on a scaffold, while Angier becomes guardian of Borden’s daughter;
- Angier is shot and killed backstage by Borden’s twin and partner, Fallon.

The Prestige is notable for how it situates the majority of its retributive actions in the context of the stage. With the exception of the final example, all of the revenges in the film are presented specifically in public contexts. They are not private spaces, where the dispute is contained between the offender and the harmed. The vengeance that are taken and the justices that are sought are situated in environments that exist specifically for public view. Under the proscenium arch, they are spectacles to be viewed and, in trying to make the same illusion their own, the revenges refer back to the rivalry of two specific individuals. Borden goes so far as to address the audience while in his “Professor” persona, ridiculing the Great Danton and encouraging audience members to come and view his version of the illusion, comfortable that they will judge the two tricks and prefer his version. In this regard, the magician’s stage is an eminently suitable space to locate the ironic reversal of public spectacle. Just as the offending harm often exists as an unfair exertion of power that elevates the offender and reduces its victim, the stage literally elevates the illusionist above others and identifies him as the master of that world. And

just as poetic justice requires some artful reversal to balance the unevenness created by the transgression, Borden and Angier intervene in each other's illusions to overturn that relationship of power and reduce the stage-master once again to powerless victim or, worse, another mystified audience member. In each instance, these revenges are orchestrated for an audience's reception and *The Prestige* maintains the presence of the theatre audience to acknowledge their recognition, be it through the laughter of the bullet-catch crowd, the screams during the cage collapse, the applause and accolades of the Professor's hijacking, or the gasps to Angier's "The Real Transported Man." In each case, the public nature of Angier and Borden's pursuit for justice is literally described within *The Prestige*'s diegesis. Justice as spectacle is actually placed on a stage to be viewed and considered and the reactions of actual audiences witnessing those justice-making acts are explicitly conveyed.

It is Angier's ultimate revenge on Borden to remove him from the magician's stage and place him at the centre of other spectacular spaces – the courtroom and the gallows. In these environments, Borden remains the central figure of the spectacle but is far from its master. In the courtroom, Borden is again elevated, with judge and the witness, above the lawyers, clerks, and courtroom spectators at floor level and he is situated as the focus of this elaborate legal ritual. Ironically, however, Borden is stripped of his power and knowledge in this environment, costumed in drab prison wear and bewildered at being unable to defend himself against a crime he knows he did not commit. Rendered powerless, Borden is consequently imprisoned and ultimately hanged. His restraints for his hanging recall the restraint of Angier's wife. Further, the gallows

Borden stands on is yet another elevated stage for which he is the central performer. Officials observe and carry out his execution and Fallon is revealed as another spectator to yet another ostentatious justice-making display. Angier orchestrates Borden's demise by transferring his vengeance from one stage, the theatre, to another, the courts. In doing so, *The Prestige* confirms the spectacular nature of justice-making and its equal application to both objective legal contexts and scenarios of self-achieving vengeance.

The concluding revenge of *The Prestige* does not occur on the theatrical stage, but below and behind it. There, Fallon and Borden's double lives as one another are revealed to Angier. Fallon derides Angier's unwillingness to make the sacrifices necessary to be a great magician and shoots him in the stomach. Angier responds with shock, more at the verbal attack than the physical one, and his eyes canvass the glass tanks that line either side of them. Fallon resists acknowledging his surroundings but eventually his intense gaze moves off the dying Angier to the dark forms suspended in the many tanks. The shot tracks leftward, revealing the interior of one of the tanks and an Angier duplicate staring toward the scene of Fallon's revenge with unblinking dead eyes. The implication, given the shot and Angier's plan as described to that point, is that each tank contains a drowned duplicate of Angier bearing grim witness. Thus, Angier has gone so far as to construct an audience for these final revenges. Angier outdoes his rival by finding a way to sacrifice his very life again and again, creating a gallery that reveals to Fallon his sacrifices to besting his enemy and being the superior illusionist. Their presence is poetically tragic, as these dead figures display Angier's dedication to his profession and his vengeance while

at the same time they observe Angier's final, permanent death at the hands of his rival who has ostensibly returned from the grave as well.

Ultimately, the vengeful acts in *The Prestige* are dominantly focused upon the credibility, acumen, and reputations of Borden and Angier as magicians. These are qualities for which each surely has an internal sense, but they are more broadly characteristics that require popular confirmation. Their esteem as illusionists, like the process of justice-making itself, is something that requires observation and appreciation to be garnered. Therefore, *The Prestige* draws a natural parallel between the theatrical nature of stage performers and spectacular requirement to justice-making in the courtroom. By embedding the desire for justice between two rival magicians, the film is able to fulfill justice's demand for publicity within its diegesis. Yet theatrical performances and literal stages appear infrequently in vengeance cinema. Instead, many films are left to infer the theatrical nature of their revenge spaces.

Making Justice-Stages

The didactic moralizing announced by *Unforgiven*'s avenger cited in this chapter's epigraph appears infrequently in *Lady Vengeance*. The literal stages and audiences as contained in *The Prestige* are similarly sporadic in *Lady Vengeance*. Instead, contexts of theatricality that reveal Geum-ja's actions as justice-making behaviours and encourage their observation and evaluation are implied cinematically.

Lady Vengeance specifically presents scenes that appear staged. The film opens with a preacher and his troupe, each member costumed as a Santa Claus, preparing for a performance to welcome Geum-ja back into free society. A long shot of the scene reveals the preacher and his Santas standing in front of a large landscape mural the filmmakers identify as a “back drop” where some grand, spectacular event would be expected.⁵⁴ Other literal performances are also depicted, such as Geum-ja’s reconstruction to the media of the first kidnapped boy’s suffocation or the reenactment of a pimp’s strangling as imagined by Geum-ja’s cellmate, Kim Yang-hee (Yeong-ju Seo). These small performances thereby repeatedly emphasize the larger, grander performance of Geum-ja’s justice-making and its placement as a display to be observed.

Staging without literal performance or reenactment within the diegesis of *Lady Vengeance* occurs more frequently however. Geum-ja often places herself in positions to be observed as if by an audience, such as when she cuts off her pinkie in atonement to the parents of the boy she and Baek held for ransom or when she reads her prepared address before Jenny’s adoptive parents. In the latter example, Geum-ja nearly approaches the position of direct address to the filmic audience by facing the camera position between the two Australians. In fact, the fourth wall is often broken in *Lady Vengeance*, as characters are frequently blocked to look and speak directly at the film audience, thereby enhancing the film’s staged sensibility and encouraging their association as figures to be observed and considered. In their DVD commentary, the filmmakers note a variety of

⁵⁴ I specifically use the term “filmmakers” to acknowledge the joint efforts of the director, cinematographer, and art director as reviewed in their DVD commentary. Director, Cinematographer, and Art Director’s Commentary, *Lady Vengeance* DVD.

theatrical-looking scenes, such as Geum-ja's presentation of her evidence of Baek's guilt from the slightly elevated teacher's stage located in the abandoned classroom. Perhaps the most explicitly theatrical scene occurs during the baker's recitation of the story of his own injury. The baker stands in explicitly direct address, the spectatorial aspect of the scene emphasized by an actual spotlight that frames him to the exclusion of other content contained in the shot. Reception of such addresses is also conspicuously evoked as well in *Lady Vengeance*, as characters are repeatedly positioned in lateral rows across the frame as if they were a row of spectators themselves in an audience. These moments of spectators in direct address are evoked in scenes such as when the ransom videos are first watched in Baek's apartment by Geum-ja and her accomplices or when the parents of Baek's victims await their turns to torture him. Still other techniques for evoking *Lady Vengeance's* justice-making performance beyond the blocking of characters are demonstrated.

Theatrical spaces are also implied by the film's *mise-en-scene*. Having already noted in passing some examples of literal and figurative stages contained in *Lady Vengeance*, the repeating occurrence of unobstructed, flat spaces that characters centre themselves within and the presence therein of curtains also create environments for action that specifically demand they be consciously observed like the theatrical stages of *The Prestige*. Domestic scenes where Geum-ja places herself on display often conspicuously include the presence of window curtains in the *mise-en-scene*. Further, the scene where the ransom videos are first watched contains a framed picture of curtains above the

viewers, again evoking a theatrical stage.⁵⁵ The location where Geum-ja first considers killing Baek also evokes a staged sensibility with its floorboards, large open space, and curtained background. It is telling that once Geum-ja realizes that other children have been kidnapped and murdered, she then tears down the curtain backdrop and allows daylight to flood into the space. At the same time she decides to delay her revenge and honour the claims of vengeance that the families of these other children would have, Geum-ja also compromises the stage-like quality of the space. Once the room no longer functions as a place for justice-making, those aspects of it that encourage its viewing are destroyed by her.

Ultimately, Geum-ja constructs a performance space specifically designed for her vengeance and that of the mourning families. In a classroom of an abandoned school, Baek is bound to a chair. The space declares itself as one of violent reprisal and is expressly demarcated by the translucent sheet he sits at the centre of and that will be later used to collect his blood. Baek is lit at each corner by a fluorescent lamp resting on a chair so no detail of the vengeance inflicted upon him may go unrevealed. Baek, in this small performance space for violent revenge, appropriately becomes both victim and star of Geum-ja's fearsome theatre. Accordingly, *Lady Vengeance* brings its theatrical evocations to a climax on this thin plastic stage and encourages the filmic spectator to watch its play, fulfilling Miller's vision of revenge as a process for justice-making inherently spectatorial in nature.

⁵⁵ In their DVD commentary, the filmmakers specifically note selecting this picture for the scene, mentioning in passing that its presence suggested for them activities unseen behind it. With this in mind, the filmmakers seem to imply a theatrical space that includes a world backstage or behind the scenes. Director, Cinematographer, and Art Director's Commentary, *Lady Vengeance* DVD.

While literal stages such as those in *The Prestige*, the prom stage in *Carrie*, or the seppuku mat in *Harikiri* seem relatively infrequent in revenge cinema, evocations of empty, theatrical spaces that allow for an unencumbered performance by avenger and offender seem far more frequent. Park's *Oldboy* concludes with competing avengers facing off on a catwalk-like space reminiscent of a fashion show. David Von Ancken's *Seraphim Falls* (2006) concludes with its two protagonists alone on alkali flats, a barren and empty performance space for them to play out their vengeance drama to its conclusion. *Point Blank* concludes with another flat, empty space, a concrete courtyard suitable for a helicopter to land in, complete with spotlights for that revenge quest to stage its conclusion. In these and other cases, vengeance cinema brings its narratives to a close in spaces that strip away ancillary content and encourage attention to the balances and compensations that are pursued therein. In each their own manner, these revenge films construct spaces that encourage acknowledging their performed nature and their demand for witnessing and evaluation. So widespread are vengeance-themes in the cinema that the general settings of these films potentially becomes indexical for justice-making processes, making intertextual analyses of revenge films necessary to further appreciate the public spectacle of cinematic justice-making.

Screening Justice-Making

Tarantino's *Kill Bill* does contain spectacular costumes, personas, and stages. The Bride often conveys the harm against her with visible physical injuries similar to those of

the magicians in *The Prestige* or Geum-ja in *Lady Vengeance*. And her battle with the Crazy 88s takes place on the dance floor of the House of Blue Leaves. Yet what stands out in *Kill Bill* are not the literal or figurative costumes and stages contained in the film, but rather the intertextual references made to film genres that regularly employ vengeance-themes in their conventional narratives. Maximillian LeCain argues that the function of genre is central to understanding how *Kill Bill* operates. Without necessarily agreeing with his conclusions, LeCain's observations about the structure of the film is often insightful, describing the Bride as "a Jane-of-all-genres" who proceeds through "the chambara (Sonny Chiba), the yakuza movie (Lucy Liu), the Kung Fu film (Gordon Liu), the Western (Michael Madsen), [and] the Blaxploitation picture (Vivica A. Fox)."⁵⁶ He elaborates, "With every major character representing a genre, the Bride's almost invariably violent encounter with each antagonist is Tarantino's way of invoking and even explaining those genres and thus creating a stylistic plurality".⁵⁷ For LeCain, each of the Bride's adversaries "are conscious symbols of their genre and carry with them the weight of its history," yet he fails to note, likely assuming it to be self-evident, that the genres he refers to heavily rely on revenge to propel their narratives. Without going so far as to suggest that these generic invocations *explain* these genres, LeCain is correct in stating that, by invoking these revenge genres in *Kill Bill*, their respective histories summon their particular justice-making styles. In doing so, it must be acknowledged that the filmic spectator is called upon to engage their generic knowledge of the cinema and rely upon their expectations of particular conventions of revenge plots. Consequently,

⁵⁶ LeCain, "Tarantino and the Vengeful Ghosts of Cinema".

⁵⁷ LeCain, "Tarantino and the Vengeful Ghosts of Cinema".

intertextual references in *Kill Bill* create explicitly spectacular spaces where the viewer is not merely demanded to evaluate the justice being produced, but expected to engage a specific standard or style appropriate to the genre invoked.

This is not to say that a viewer of *Kill Bill* is required to have an understanding of the specific films referenced. Greater familiarity with the films or genres cited will likely make the public nature of the justice-making produced easier to approach, however even rough understandings or mere awareness of specific genres may be sufficient to produce this reflexive awareness and spectatorial recognition. A viewer may not know the conventions of a Kung Fu film, let alone actually have seen one, but the tropes of training for a purpose or the desire to avenge the murder of one's master may still be popularly recognizable. It is far beyond the scope of this section to exhaustively review the multitude of cinematic references contained in *Kill Bill*. Instead, examples will be cited to elaborate on the processes by which *Kill Bill*, and potentially other revenge films, creates ostentatious spaces for looking through previous vengeance contexts already seen or known in the cinema.

The physical terrain of *Kill Bill* often contains intertextual referents to past revenge films. Costume sometimes figures as a characteristic evoking the spectacular in *Kill Bill*. Most obviously, the Bride's yellow and black track suit worn at the end of *Vol. 1* emulates that worn by Billy Lo (Bruce Lee) in Robert Clouse's *Game of Death* (1978). *Game of Death* is a martial arts revenge film involving a movie star who fakes his own death after an attempt on his life and then seeks vengeance on the criminal syndicate that attempted to murder him. By wearing the track suit, the Bride recalls another vengeance-

taker, doubles her spectacular aspect by both engaging in justice-making and by emulating another of cinema's avenger. The House of Blue Leaves itself appears to be an elaboration of a restaurant in Chang-hwa Jeong's *The Five Fingers of Death* (1972). That film involves a martial student participating in a tournament and then avenging the murder of his former master. The restaurant appears when the student first clashes with members from a rival school. With its open-stepped staircase, elevated walkway, square paper screens, and rectangular-designed guardrails, the House of Blue Leaves bears a strong resemblance to the restaurant in *The Five Fingers of Death* and encourages it and the action within it to be seen, re-seen, and scrutinized as related to the process of justice-making.

Similar observations can be made between the Bride and O-Ren Ishii's (Lucy Liu) battle in the House of Leaves' snow covered garden and an early scene in *Lady Snowblood* (Toshiya Fujita, 1973). Another revenge-themed film, *Lady Snowblood* follows a young woman, Yuki (Meiko Kaji), on her quest to avenge the death of her family by four criminals. The scene in *Kill Bill* again ostentatiously contextualizes itself as concerned with the process of finding justice through revenge by establishing a scene reminiscent of another, earlier revenge tale. With her kimono, her hair worn up, and her sword hidden in a short cane like Yuki's sword concealed in her umbrella, O-Ren poses like the protagonist of *Lady Snowblood*. Even the garden's snow resembles that near the opening of *Lady Snowblood*, seeming more like white sand than actual snow. Its artificial presence is obviously intended in the scene, as the snow appearing in the later scene where the Bride dumps another of Bill's protégés, Sophie (Julie Dreyfus), at a hospital is

obviously real. Again, the film makes spectacular a scene of justice-making through a cinematic referent that involves its own revenge processes and stylistic expectations of justice.

Kill Bill further demonstrates the public nature of its justice-making by utilizing iconic shot compositions of other revenge films. A recurring demonstration of this is the very low-angle shot of the Deadly Vipers looking down on the Bride at the “Massacre at Two Pines.” The shot refers to a similar composition in *Lady Snowblood* where four different offenders look down at Yuki’s dying father. This view is often repeated throughout the film, sometimes with all four Vipers in frame and alone at other times. These single images frequently occur when the Bride meets one of the Vipers alone, yet the composition is consistent and continues its double referral to the “Massacre at Two Pines” and to *Lady Snowblood*. Similar compositions assist in identifying Sophie, another of Bill’s protégés, as an offending party as well and in achieving the ironic reversal of poetic justice when the Bride looks down at Sophie lying in her trunk. In this regard, *Kill Bill* expands the cinematic expression of justice-making’s public nature by evoking it through cinematography rather than *mise-en-scene*.

Kill Bill’s most elaborate and spectacular piece of cinematography also evokes intertextual references of justice-making. The split screen sequence of *Kill Bill Vol. 1* recalls the work Brian DePalma and, more precisely, the revenge story of the bullied, humiliated, and telekinetic young girl in *Carrie*. Note even the inclusion of a black bar to separate the images in the split screens of both films. *Carrie* is similarly evoked by the Bride’s hand outstretched from the grave of Paula Schultz, as it recalls the hand of Carrie

reaching out from beyond the grave at that film's conclusion.⁵⁸ Visual puns in *Kill Bill* may further elaborate on these techniques, as B. Ruby Rich cites Budd's spitting on the Bride before burying her alive as a referent to the most famous rape-revenge film of all – *I Spit on Your Grave* (Meir Zarchi, 1978).⁵⁹ These visual techniques, particularly suitable to the cinema, create spectacular spaces for seeing and re-seeing the process of compensating harms and claiming justness.

Audio practices in *Kill Bill* are also of central importance to establishing a justice-making process that calls attention to itself and demands its consideration. The most striking of these techniques repeatedly occurs when the Bride is first reunited with a Viper. These scenes recall moments from *The Five Fingers of Death* where the protagonist is wronged or meets an individual who harmed him. There, a siren-like wail occurs and, when he utilizes his "Iron Fist" technique, his hands glow red. The Bride undergoes a similar experience in *Kill Bill*. In these moments, the shot flushes red and the same siren like wail occurs. Through this intertextual, audio reference, the scene again declares itself as having a generic context with expectations for justice-making and visual referents that encourage further attention. Soundtrack and scoring practices in *Kill Bill* also refer to other revenge genres, as the film includes songs from *Lady Snowblood* and *Female Prisoner #701: Scorpion* and Ennio Morricone music that carries associations with Westerns and Spaghetti Westerns. Even sound effects, punch and sword clash noises

⁵⁸ The circulation and trading on the references contained in such images may be bolstered by DePalma's comment that this image was itself taken from John Boorman's *Deliverance* (1972). Bouzereau, *Visualizing Carrie*.

⁵⁹ B. Ruby Rich, "Day of the Woman," *Sight & Sound* (June 2004).
<http://www.bfi.org.uk/sightandsound/feature/25/> (accessed February 4, 2008).

taken from earlier Kung Fu films, assist in contextualizing the generic spaces depicted in *Kill Bill* as related to redressing harms.

Various intertextual references in *Kill Bill*, upon which this analysis has only touched lightly, demonstrate how the need for justice to be seen and heard can be evoked through both the body of filmic content and the techniques and practices particular to the cinema. Just as the stage makes explicit the need to look and recognize the spectacle of justice making, these intertextual references similarly rely on the ability of the film viewer to recognize filmic or generic contexts of justice-making that require a double-take. These contexts make explicit our seeing because they have already been seen before. This reflexive quality likely need not be limited to the intertextual when referring to the cinema. The marketing of a film may paratextually create similar expectations and awarenesses in film viewers entering the multiplex.⁶⁰ The placement of a film in a specific genre may have architextual expectations that encourage spectator attention. Revenge stories may have hypertextual components. *Kill Bill*, *Lady Vengeance*, *Oldboy*, *Point Blank*, *Female Prisoner #701: Scorpion*, *Batman Begins*, and *Star Trek II: The Wrath of Khan* might all be thought of as hypertexts of Alexandre Dumas' hypotext, *The Count of Monte Cristo*, or Homer's *The Odyssey*. If justice requires it be seen and such variety exists to draw attention to the spectacular nature of that witnessing, then *Kill Bill* ultimately suggests through its travels in vengeance films and genres that the cinema or the process of its viewing may be intrinsically linked to the practice of justice-making

⁶⁰ Stam, *Reflexivity in Film and Literature*, 23-25.

and that the techniques employed in films such as *The Prestige*, *Lady Vengeance*, and *Kill Bill* serve to reiterate and make explicit the publicity achieved in cinematic justice.

Cinema's Legal Spectacle

Theories about the commonalities shared between the legal system and the cinematic experience have originated from both sides of law and film studies. Orit Kamir has described the visions presented by the legal system and by the cinema as not passively accepted, in her view, but vetted by their viewers. The courts are natural and expected venues for this process, however Kamir maintains that cinema regularly engages its audience in similar practices. She maintains:

Judgment is often an activity not merely portrayed but actively performed by films, together with their (constructed and/or actual) viewers; it is often a function of film's constitution of a community-of-viewers and its engagement in social constitution of primary values, institutions and concepts.⁶¹

Film's commitment of specific social goals or concerns in their narratives should be no surprise, yet Kamir does not develop what makes the filmic audience a "community-of-viewers" engaged in practices comparable to the legal process. Unpacking the legal nature of both filmic spectators and the cinematic spectacle is essential to making film an inherently legal forum for justice-making.

⁶¹ Kamir, "Honor and Dignity in the film *Unforgiven*: Implications for Sociolegal Theory," cited in different version as "Law, Society and Film: *Unforgiven*'s Call to Substitute Honor with Dignity." (40 *Law and Society Review*, 2006) 19.
http://sitemaker.umich.edu/Orit_Kamir/files/Law_Society_And_Film_Unforgivens_Call_To_Substitute_Honor_With_Dignity.pdf (accessed February 4, 2008).

Carol Clover's analysis of trial films maintains that cinema audiences resemble and function as courtroom juries. In Clover's experience, courtroom spaces presented in the cinema leave the jury box largely undeveloped and/or unrepresented – "The reason that juries are largely unseen in trial movies and the jury system largely uncontested within the regime of cinema is surely that we understand the jury to constitute a kind of necessary blank space in the text, one reserved for us."⁶² Clover cites the primacy of juries in the popular consciousness in specifically American terms. She cites Alexis de Tocqueville, who maintains that "so fundamental is the jury in the American imaginary that it turns up in and structures even the sheerest forms of play."⁶³ Further, Clover agrees with his observation, declaring "we are a nation of jurors, and we have created an entertainment system that has us see just about everything that matters – from corporate greed to child custody – from precisely that vantage and in those structural terms."⁶⁴ Being an American is to be a juror in Clover's view and to question, evaluate, and decide upon virtually any topic or issue. The cinema is such a space with its conflicts and dénouements and, aware of this, filmic narratives and formal techniques have developed to encourage American film spectators to relate to movies in this legally critical fashion.

Clover's observations are problematic in the sense that they so heavily connect the position of being a juror with American culture. The analysis of a justice-making style herein has emphasized commonalities in form and intention across world cinema. One explanation for Clover's position and the appearance of the justice-making style in

⁶² Carol J. Clover, "God Bless Juries!", *Refiguring American Film Genres: History and Theory*, ed. Nick Browne (Berkeley and Los Angeles: University of California Press, 1998), 265.

⁶³ Clover, "God Bless Juries!", 256.

⁶⁴ Clover, "God Bless Juries!", 272-273

revenge-themed films across national cinemas may be that the dominance or primacy of Hollywood cinema, particularly in trial and/or revenge films, has influenced and even conditioned cinemagoers to adopt this American juristic ethos. Still, it must be recalled that Lord Hewart's principle of open justice originates from a British court and has been adopted as a legal principle in many jurisdictions across the globe, none of which rely as heavily on the jury system as the United States. Further, the vast majority of cultures analyzed by Miller pre-date the formation of the USA and still make popular observation of vengeance central to their justice-making practices. Therefore, an alternative position may be proposed that states that Clover's argument applies beyond American culture *per se*, as many jurisdictions do not rely on juries to the American extent but nonetheless still utilize that process and continue to call upon their citizens to sometimes fulfill that role as jurors. Moreover, Lord Hewart's requirement for open justice and Miller's observations necessarily demand that those outside of a particular legal dispute persist in carrying out functions akin to jurors as described by Clover.

Bennett and Feldman's analysis of how legal cases are made comprehensible by non-legally trained laypeople functioning as jurors is instructive at this point. They argue that a desired verdict is most often achieved where evidence is presented in manner that best conforms to an overall story-form. Through their research and experimentation, Bennett and Feldman maintain that factual components to specific crimes or skills in advocacy, such as witness sequencing, diversionary tactics, or body language, are not productively considered alone – "Effectiveness is more a function of whether these and other resources can be employed selectively at critical junctures in the development of

the overall story about a crime.”⁶⁵ Their analysis describes a jury positioned to receive a courtroom story very similar to the story listeners of their experiments and, in my estimation, especially similar to a film audience. They state:

Neither the juror nor our story audience could question the storytellers directly or ask for clarification of their accounts. They had to be content to judge the stories as they were presented. Unexplained details, gaps in the stories, confusing linkages, and competing definitions for the same structural elements simply remain for the audience to puzzle over. Trial cases and our simple stories are also similar in the fact that the audience members understand that the accounts must be regarded either as true or as probably false, and, in the end, they must commit themselves to either believing or not believing them. These similarities suggest that jurors, like the story audience, must evaluate trial cases according to structural considerations, and that they will pay attention to the same story features for the same reasons.⁶⁶

Bennett and Feldman’s jurors and story audiences are distinguishable from film audiences in that they will actually be called upon to make judgments with real and significant consequences about the stories they observe, but they are importantly alike in that those judgments are generated principally through narratives that demonstrate and justify their own positions chiefly through a sense of coherency. Moreover, the similarities in how narratives are consumed in trials and cinemas may reveal that making decisions about those narratives is inevitable. We as spectators are unable to not consider the decisions made, the approaches taken, the satisfactions felt, or the justices claimed. The cinema, as a venue that prizes narrative and often involves wronged figures seeking resolution, therefore becomes a potential venue for justice-making.

By engaging in these ostentatious practices, revenge-themed films make explicit their spectatorial nature in a manner complimentary to Lord Hewart’s principle of open

⁶⁵ Bennett and Feldman, *Reconstructing Reality in the Courtroom*, 150.

⁶⁶ Bennett and Feldman, *Reconstructing Reality in the Courtroom*, 113.

justice. In theory, justice may be achieved by the court's analysis and its verdict, but without the display and publicity of that practice that justice may not simply be meaningless but may actually be damaging where the appearance of its derivation is untoward. Cinematic justice may potentially operate in a similar manner. Ostentatious spectacles designed specifically for looking elaborate on a pre-existing capacity in the cinema that may not be sufficient alone to describe justice. By engaging in these theatrical and intertextual displays, revenge-themed films ensure that the justice-made is "manifestly and undoubtedly seen," satisfying the higher standard established by Lord Hewart. This description recalls Samuel Weber's observation that the principle interest of the Peking Opera "is not to present a meaningful action through a coherent plot, but rather to use both action and plot to foreground the significance of the performance."⁶⁷ This is not to say that meaningful actions and coherent plots are not of primary concern to vengeance-themed cinema, but to recognize the necessary relationship between the significance of the ostentatious performance itself to convey meaning and bring narrative coherence to the violent spectacles therein. If justice requires attentive observation, then cinematic justice must draw attention to its construction and presentation of its staged, enacted, and intertextual performances.

⁶⁷ Samuel Weber, *Theatricality as Medium* (New York: Fordham University Press, 2004), 25.

A Traumatic Aside

It may be worthwhile at this point to acknowledge the potential significance of trauma theory to this analysis. The experiences of the avengers reviewed herein certainly resemble the traumatic – surviving mortal wounds; losing relatives and loved ones; witnessing tortured children; experiencing public humiliations; being crippled or incarcerated. This analysis is largely structural and legal in its focus and not psychoanalytic. The fictional catharses and more problematic depictions contained in some revenge-themed films are touched upon later, but the inclusion of these concepts is only introductory and attends more to the insight provided on the nature of the trial process proper. They are less concerned about the psychological conditions of cinematic avengers or actual trauma victims. Nevertheless, vengeance cinema undoubtedly employs narrative conventions relevant to traumatic experience.

Cathy Caruth identifies trauma as “an overwhelming experience of sudden or catastrophic events in which the response to the event occurs in the often delayed, uncontrolled repetitive appearance of hallucinations and other intrusive phenomena.”⁶⁸ For Caruth, the first step in the traumatic condition is a departure from the originally harming event such that a return or repetition can later occur. Departures are central to the films reviewed, from the Bride’s coma, to Geum-ja’s imprisonment, to Angier’s pursuit of Nikola Tesla. By separating themselves from their harming context, these avengers are then compelled to return to their harm in an effort to obtain justice. The

⁶⁸ Cathy Caruth, *Unclaimed Experience: Trauma, Narrative, and History* (Baltimore, Maryland: The John Hopkins University Press, 1996), 11.

revenge quest thus represents the trauma victim's repetition compulsion that struggles to first understand the past harm and then integrate into their personal experience such that it need not be relived again and again. Caruth elaborates on this compulsion:

The return of the traumatic experience ... is not the signal of the direct experience but, rather, of the attempt to overcome the fact that it was *not* direct, to attempt to master what was never fully grasped in the first place. Not having truly known the threat of death in the past, the survivor is forced, continually, to confront it over and over again. For consciousness then, the act of survival, as the experience of trauma, is the repeated confrontation with the necessity and possibility of grasping the threat to one's own life. It is because the mind cannot confront the possibility of its death directly that survival becomes for the human being, paradoxically, an endless testimony to the impossibility of living.⁶⁹

The complications of this premise in the relationship between vengeance-themed films, poetic justice, and the cathartic power of legal process will be elaborated on in a later chapter as stated, but it can be initially appreciated that revenge cinema such as *Kill Bill*, *Lady Vengeance*, and others proceed on the basis that vengeful actions have the capacity of producing both psychologically integrative powers and therefore satisfying narrative closure.

The style of cinematic vengeance described herein bears noticeable, if unintended, resemblance to Caruth's notion of "double-telling" – the oscillation of a repeated experience (that is, narrative) between the unbearable nature of the offense inflicted and the confounding experience of surviving it.⁷⁰ The manipulations of time that produce mirroring images of the harm and the punishment strongly resemble the relived experiences of repetition compulsion central to trauma theory. Moreover, the presentation of ostentatious spaces for seeing the justice produced recalls Caruth's position that the

⁶⁹ Caruth, *Unclaimed Experience*, 62.

⁷⁰ Caruth, *Unclaimed Experience*, 7.

understanding of traumatic experience necessarily requires it be spoken, that it be shared with another.⁷¹ It is noteworthy that Caruth places special emphasis on the Japanese man's slap of the French woman in Alain Resnais' *Hiroshima mon amour* (1959) as both a moment of access to traumatic past and for exchange between individuals. This slap, a "shock of sight," creates a necessary separation between the retelling of the past and the reality of existing in the present while at the same time creates a display of violence and sound that calls the attention of others around them and expands the connection between them.⁷² This description significantly recalls Lord Hewart's demand for publicity and reveals a psychoanalytic function to the need for display. Moreover, it is remarkable that Caruth characterizes the presentation of violence as capable of initiating critical insight. The use of violence as encouraging something other than passivity and mindless excitation will be significantly relevant in later portions of this analysis.

The previous chapter reviewed techniques of repetition and proportion and it was argued that these practices synoptically supported those justice-making efforts presented in a given revenge film's narrative. Yet justice requires not merely the production of rough equivalences and their demonstration, but that it is actually observed and that its reasonability is appraised by those outside of the dispute. Ultimately, the centrality of narrative in the legal process, the reliance placed on narrative by lay-participants (jurors) in the courtroom to arrive at legal decisions, and the similarities in position between those lay-participants and film audiences all suggest that the demands of publicity for justice may be similarly fulfilled in the forum of the movie theatre and by the community of the

⁷¹ Caruth, *Unclaimed Experience*, 37.

⁷² Caruth, *Unclaimed Experience*, 42, 45.

film audience as it is within the courts. Going to the movies can therefore be a spectatorial event in the legal sense. Techniques that construct ostentatious spaces for looking and contextualizing, as those described in *The Prestige*, *Lady Vengeance*, and *Kill Bill*, reflexively reiterate and make explicit juristic processes that are intrinsic to viewing films, particularly those that contain claims to justice such as vengeance cinema. The style of justice-making in revenge films rely on effectively supporting the justice claims of their narratives – by describing proportion in the manipulations of time through the repetition of sound and imagery and by the construction of spectacular spaces that make explicit the viewer’s position as observer and evaluator. The sensorial aspects of these practices already reviewed will later be significant in reconceptualizing the meaning of narrative in the legal sense. Yet before addressing these issues, the following chapter will review revenge-themed films that do not utilize, are inconsistent with, or problematize these justice-making techniques. In doing so, the significance of vengeance cinema’s formal construction to the process of justice-making will be elaborated upon further.

3 EXCEPTIONS AND CLARIFICATIONS

“I’m the bad guy? How’d that happen? I did everything they told me.”

—— *Falling Down* (Joel Shumacher: 1993)

The preceding chapters might be taken to suggest that the process of achieving justice is relatively formulaic and simple. The harm is identified, conceived of and measured, the most aesthetically appealing and proportionate of many potential punishments is selected and then performed, and a kind of catharsis is thereby achieved, removing the injury from the mind of the avenger and allowing them to move on with life as usual. While the legal significance of revenge cinema will be explored more fully in the following chapter, it is worthwhile to acknowledge at this point that the legal process is about providing conclusions to disputes – rulings or decisions that disputing parties must abide by. And surely those decisions may more likely be accepted, or even offer some degree of resolution or catharsis, where they can be recognized as just. Revenge, as a justice-making process already reviewed, makes similar claims to resolving disputes in its own fashion, such that offenders and victims can be restored to some sense of evenness disrupted by the originating harm.

Still, one cannot ignore that harms are harmful and to a degree that an avenger cannot cast the infraction aside but must actively pursue the offender until some effective reprisal is inflicted. Revenge, therefore, is often not simply a clinical process of measurement and action. While this analysis is focused on the formal and structural techniques of cinematic justice-making and not on the psychology of the pursuit, it is

important to recognize that the avenger may exist within a context of emotion and hurt that may enhance or distort that justice-making process. That emotion may be as simple as what Charles Barton refers to as “resentment” – the “morally motivated desire for *equity* and *justice* retributively conceived as *reciprocity*” and “the belief that some kind of unfairness or injustice has befallen one.”⁷³ In other contexts, anger, frustration, or outrage may provide the emotional impetus for vengeance-taking but may also subvert the ability of the process for justice-making. Joel Shumacher’s *Falling Down* (1993) provides a demonstrable example. William Foster (Michael Douglas), unemployed and frustrated, takes vengeance on the everyday injustices he is victimized by – convenience store price-gouging, traffic-delaying construction, poor service and low quality hamburgers at fast food restaurants. As a social vigilante comparable to the titular hero of *Batman Begins*, Foster becomes a kind of anti-Batman. While the Batman returns the violence of Gotham City’s criminal element (muggers, stick-up artists, murderers, and so forth) with similar force, even allowing some to die, Foster acts without any reasonable sense of proportion. He destroys a convenience store with a baseball bat until the price for a can of soda is rolled back and fires a bazooka at a construction site holding up traffic. He smugly watches an elderly man have a heart attack after a golf ball is struck at Foster for trespassing across a golf course. Foster’s hostility and bitterness is demonstrated as being so great that his claim to justness is obviously unsupportable,

⁷³ Charles K. Barton, *Getting Even: Revenge as a Form of Justice* (Chicago and LaSalle, IL: Open Court Publishing Company, 1999), 10, 27, emphasis included.

being what Miller refers to as “a man who went postal” and who acted “not only without right but also without taste”.⁷⁴

Just as such claims of justice-making may not actually be borne out in the substance and style of the avenger’s actions, so too may films engage in discourses of vengeance that do not fully employ the style discussed herein. Revenge motives may be cited in filmic narratives without desiring to fully address the legality of justice-making. This chapter will focus on three potential examples. Neil Jordan’s *The Brave One* provides a useful example of a film that is not fully committed aesthetically to revenge as a justice-making process. Instead, revenge is presented as a method in conflict with the existing legal system, namely the police service. Revenge styles are accordingly utilized as is necessary in *The Brave One* to achieve tension between these processes. Specifically, techniques of proportion and publicity are increasingly evoked in circumstances when revenge is to be sympathized with as a valid measure for finding justice and avoided where it is suggested that the police service has a more reliable claim than the avenger to achieving justice. *Ocean’s Thirteen* offers an instance of a film that cites revenge as its primary motive but avoids revenge aesthetics generally as a calculated effort to ensure that it does not stray out of its generic and franchised positioning as a caper movie. To engage in vengeance styles would be to remove the film from its genre and place it in conflict with the context established by the previous films in its series. *Ichi the Killer* also engages the discourse of revenge and, at times, even exhibits formal techniques associated with revenge’s justice-making. On closer examination, however,

⁷⁴ Miller, *Eye for an Eye*, 24.

Miike's film engages these techniques at its margins and instead posits a form of social relationship that starkly conflicts with legal practice and law's authority. As a result, *Ichi the Killer* provides an intriguing example of a film that initially defines itself as preoccupied with compensating and finding justice only to gradually subvert that claim and reveal itself as being antithetical to legal ordering and resolution. None of these films *fails* to engage a revenge-style fully, but rather each is selective about the degree it engages this aesthetic and in doing so reveals these films to be about other things.

The Brave One: Selective Justness

Neil Jordan's *The Brave One* (2007) depicts the revenge tale of Erica Baine (Jodie Foster), a public radio personality who is violently attacked in a New York park by three men. Erica's dog is taken, her fiancé David (Naveen Andrews) is killed, and she is severely beaten into a three week coma. Regaining consciousness and returning to her apartment, Erica is seriously disturbed by the event and feels compelled to take some action. Consequently, she purchases a gun illegally and commences a nighttime, vigilante campaign, seeking out dangerous situations and killing lawbreakers. At the same time, she befriends Detective Mercer (Terrence Howard) who is investigating her murders and eventually discovers her identity as the vigilante. The film concludes with Erica locating her attackers and ultimately executing them in a manner that ensures, thanks to the assistance of Mercer, she will not be detected as the responsible party.

Central to *The Brave One* is the tension between Erica, a “woman with a grudge” who has taken her harm, her city, and the law in her own hands, and Mercer, a detective who “follows the law” and rests comfortably within his assigned authority and responsibility. Erica is impelled to enact her personalized justice against wrongdoers and law-breakers. Although she always remains somewhat uncomfortable about her vengeance, she does gradually become more at ease with her actions. Mercer, on the other hand, remains largely untouched by the vigilante’s claim to justice-making until his attraction and kinship to Erica and his realization that she is the pursued vigilante complicates his understanding of his justice-making authority. When Mercer sees the video clip depicting the assault on Erica and her fiancé, he ultimately assists Erica in killing the last of her three assailants, allowing Erica to use his police-issued gun to supposedly produce a credible cover-up that identifies him as the shooter. *The Brave One* generates its tension between potential justice-making authorities in part by invoking revenge-styles only at specific sections in the film. Bennett and Feldman state that the effectiveness of stylistic choices in legal argument, that is testimony, as well as witness ordering, word choice, or body language, “is more a function of whether these and other resources can be employed selectively at critical junctures in the development of the overall story about a crime.”⁷⁵ Manipulations of time and space in a revenge-style are invoked in *The Brave One* where Erica and her claim to justice appear intended to seem effective and credible. These techniques are notably absent where the authority of

⁷⁵ Bennett and Feldman, *Reconstructing Reality in the Courtroom*, 150.

traditional legal processes, such as the police as an impartial and objective law-enforcement service, requires acknowledgement.

Revenge spaces operate more ambivalently in *The Brave One* than its treatment of time. Erica undergoes a noticeable change throughout the film from cheery New York yuppie to hardened avenger. Prior to her attack, she is dressed in unequivocally feminine attire – light, colourful skirts and blouses. Following the assault, her attire becomes decidedly masculine – jeans, hoodies, leather jackets. Her appearance becomes decidedly darker as she increasingly appears wearing sunglasses, dark to black clothing, and pulling her hood over her head after attacks as if to identify her as a Reaper having brought death. Her demeanour also shifts, becoming increasingly stoic. Erica progressively becomes the inexpressive hero discussed in the previous chapter. The teenager providing a description of Erica remarks as this being her most distinctive characteristic, describing her as, “Shut off. On lockdown. Kind of scary.” This shift to an avenger mentality is further identified through the cinematography of *The Brave One*. Following her vigilante actions, Erica leaves the scenes and the level camera view becomes dislodged. Camera angles become canted and free-floating in these instances. They recall the same camera movements used to express her fear of leaving her apartment following her attack, but also express a sense of dislocation or unanchoredness in Erica’s behaviour and justice-making. When she actually seeks revenge against her three attackers at the film’s conclusion, this same dislodged camera technique is evoked as she enters their neighbourhood.

Ambivalences in the spaces of Erica's vigilante campaign are most explicitly evoked during her killings on a subway car. Subsequent to her shooting a disgruntled husband and thief in self-defense while in a convenience store, Erica is threatened and intimidated by a pair of young black men while riding the subway. All the other riders leave the car, yet Erica stays on and allows the pair of men to approach her. One of the pair brandishes a knife to her and Erica shoots both without hesitation. Following this scene, Erica continues to seek out dangerous situations and execute those she identifies as law-breakers. Her actions generally and the subway scene specifically recall another ambivalent vengeance figure – Paul Kersey (Charles Bronson) in *Death Wish* (Michael Winner, 1974). Kersey is perhaps a more difficult character than Erica to reconcile his violence to his justice claim. Following the murder of his wife and the assault of his daughter, Kersey embarks on a campaign of violence against the purse-snatchers, thugs, and street-level law-breakers, never returning back specifically to the crimes committed against his family or the actual criminals that perpetrated them. In one scene, Kersey shoots two muggers on a subway car without any warning and casually leaves the scene. This subway scene presages New York City's Bernard Goetz controversy. Goetz, dubbed the "Subway Vigilante," shot four unarmed men on a Manhattan subway train in 1984.⁷⁶ Goetz became a symbol of frustration over the increased street crime in the city and the false rumours spread by the media that the men who sought money from Goetz possessed sharpened screwdrivers. The incident and the justness of Goetz's actions proved strongly divisive, with Goetz being lauded as a popular hero and condemned a violent racist.

⁷⁶ Jonathan Markovitz, "Bernard Goetz and the Politics of Fear," *Violence and the Body: Race, Gender, and the State*, ed. Arturo J. Aldama (Bloomington: Indiana University Press, 2003), 209.

Goetz's history before the courts is no less contradictory, being convicted only of Criminal Possession of a Weapon in the Third Degree yet losing a civil trial against one of his victims and made responsible for an award of \$43,000,000.00. By invoking the subway shooting, *The Brave One* summons these real and fictional subway shooters as comparable figures to Erica, yet both Goetz and Kersey have conflicted or tenuous claims as justice-makers. Accordingly, Erica's actions lose ground as being punishing or compensatory and her violence, particularly in the subway car, likewise comes loose of the context of her originating harm and courts the presentation of senseless violence.

The Brave One also displays manipulations of time characteristic of revenge-themed films; however, unlike its ambivalent use of space, the film uses time to create proximity and connection between the wrong and the avenger's violent acts in specific contexts, thereby controlling the justness and legitimacy of Erica's process for justice-making. Immediately following the attack on Erica and David, crosscutting between past and present is utilized to elaborate on the harm and trauma inflicted. Shots of lovemaking are cut against emergency room personnel's attention to the bodies of the couple. Similarly, scenes of the pair dancing, of them making love, and of David playing guitar are cut against Erica's return home, describing the nature of the harm and the significance of David's absence in her life. These initial movements between times are quickly reduced and cease altogether in *The Brave One*. Erica engages in various violent actions, killing the convenience store criminal, the men on the subway, the man holding captive in his car a beaten and disoriented girl, and the drug dealer Murrow, with little to no audio-visual reference to the attack on her and her fiancé. Without the contextualizing influence

of these manipulations of time, *The Brave One* creates room for Mercer's claim over exclusive legal authority to gain credibility. Erica's violent actions become increasingly remote from her originating harm cinematically. As such, they risk becoming unconnected to her specific trauma and unconsidered in terms of their proportion and intensity. Mercer, with his impartial distance from the crimes he is responsible over, is allowed the opportunity to express the legal thinking that Erica seems increasingly distanced from.

As *The Brave One* nears its conclusion however, Erica's past harm is brought back into her present condition. The first instance of this occurs when the wedding invitations she and David selected at the start of the film are delivered to her apartment. The void left by David's death is embodied in the tragic appearance of the wedding invitations and is reinforced by Erica's vision of David playing guitar once again in her bedroom. Ghosts, be they imagined or actual, are a frequent manipulation of time that bring past losses and harms into present concern – from the ghost of Hamlet's father to the deceased children reappearing in Park's *Sympathy for Mr. Vengeance* (2002) and *Lady Vengeance*. References to the original attack quickly represent themselves back into Erica's life thereafter. Mercer returns Erica's ring stolen during the attack and she attends a line-up of suspects where she intentionally fails to identify one of the assailants. Instead, she canvasses pawn shops in Spanish Harlem and gets the name of the man's girlfriend who later provides Erica with not just the attacker's address, but the digital video of the assault on her and David. Erica then tracks down her assailants and kills them in a sequence where the *mise-en-scene* resembles the park attack to much greater

degree than Erica's other vigilante assaults. The tenement alleys and basement of the concluding sequence more greatly reflects the original nighttime park attack underneath the stone bridge. The stone and dim lighting contrast greatly with the evenly lit fluorescent light of the convenience store and subway car. Moreover, these claustrophobic spaces distinguish themselves from the urban wasteland of the driver's attack or the open-air, top-level of the parkade where Murrow is killed. Even Erica's preoccupation with the return of her dog recalls the originating harm, as the loss of the dog and David's refusal to provide the three men with a "reward" results in the attack. Consequently, this final revenge synoptically reorients *The Brave One* and Erica's vengeance quest back to the originating harm and reclaims a more authoritative assertion to justice-making.

What is potentially most interesting about these concluding manipulations of time that bring the park attack once more into the present and result in Erica pursuing her vengeance is the manner *The Brave One* prizes the moving visual image. Much of the film emphasizes the importance of sound. Erica works as on-air talent at an NPR-style radio station and is openly resistant to the idea of working on television, identifying herself as a "voice." She records the sounds of New York City and is frequently depicted listening to her recordings, including those of her vigilante excursions. Her memory also recalls the sounds of the park attack, yet it is seeing the video clip that most strongly strikes at her, causing her collapse and committing Erica to revenging her actual harm at whatever cost. More importantly, it is only after seeing the attack video that Mercer aligns himself with Erica and the personalization of the justice she pursues. Seeing the

attack's brutality reveals to Mercer the inadequacy of his justice-making process to account for the depth of the harm inflicted on the victim he has come to know so well and care so much about. His authority becomes a means not for preventing personal interest in punishment but of ensuring it. The importance of observing as a synoptic event in the courtroom will be of crucial importance in the following chapter. I will return to *The Brave One* as demonstrating the court process' emphasis on seeing the act of recounting so as to observe the quality, and presumably the veracity, of the speaker and the tale itself. Ultimately, seeing engages aspects of understanding that the courtroom relies heavily upon in order to compensate for not observing the originating event.

Through its use of revenge aesthetics, *The Brave One* reveals itself as a film preoccupied with the tensions between an objective, dispassionate legal system and the personal desires for vengeance and punishment that nonetheless persist in that system's subjects. The film demonstrates that the degree to which mirroring images, flashbacks, or referential content is used to contextualize violent content in turn influences the degree that those actions may appear just in the circumstance. Moreover, by its ambivalent uses, revenge style describes a process for justice-making while not necessitating that its use reveals an avenger that is uncontroversial in their endeavour. *The Brave One* demonstrates that the use of these techniques offer audio-visual opportunities to create tension *between* justice-processes and provide coherent *criticism* on the production of justice, even when self-achieved. Accordingly, it contrasts with the revenge practices in *The Prestige*, *Lady Vengeance*, and *Kill Bill* that exist largely untouched or uncomplicated by the authority of the police and the courts over justice-making.

Ocean's Thirteen: Avoiding a Generic Heist

Ocean's Thirteen, the third film in Steven Soderbergh's recent franchise, reunites Danny Ocean's (George Clooney) crew of criminals for a revenge job against hotel and casino tycoon, Willie Bank (Al Pacino). Aspiring casino magnate and member of the *Ocean's Thirteen* gang, Reuben Tishkoff (Elliott Gould) is double-crossed by Bank and forced to sign away his half of the casino and hotel they are building. Reuben is left broke and catatonic, the victim of a cardiac event. When Bank refuses Danny's offer to make good on Reuben, the crew vows to take revenge on Bank by ruining the casino on its opening night. A vast heist is effected that ensures Bank's hotel will not win his coveted Royal Review Board Five Diamond Award, that sufficient funds will be lost on the opening night to guarantee he will lose control of the casino to the other members of its Board, and that his diamond necklaces commemorating his past hotel successes are stolen.

Ocean's Thirteen is a clever variation on the caper film – the “lighter, more ingenious and less believable version of heist movies”.⁷⁷ With revenge as their motivation, Danny's crew is satisfied to orchestrate a plan to have Bank's casino and hotel ruined without necessarily profiting themselves. Their goal is clear. An ironic reversal of fortune is desired and Bank is made to lose control of his casino to his Board

⁷⁷ Howard Hughes, *Crime Wave: The Filmgoer's Guide to Great Crime Movies*, (New York: I. B. Tarris, 2006) xviii. I will prefer the term “caper film” over “heist film” or “big caper film” to describe *Ocean's Thirteen*, as it conveys the film's location within the heist film genre and its preoccupation with planning a criminal endeavour while at the same time distinguishing it by its comedic tone and approach.

just as he took full control from his partner Reuben. The *Ocean's* gang successfully manages the heist by *not* literally profiting from the casino's losses. Rather, they simply ensure that the house loses, allowing the spoils to be enjoyed by the unrelated casino patrons in attendance on opening night. Stuart Kaminsky identifies vengeance as a regular element of the heist film generally:

Revenge against the establishment is a frequent motive for the leader's actions. The capable individual has been discarded by the institution because he does not fit into the modern mechanism or is simply too old. His gathering of the gang and the execution of the crime affirm to him his own ability and the collective ability of men to beat the system which disdains them.⁷⁸

Reuben, gaudily coded both as Jewish and '70s Vegas in the *Ocean's* series, clearly stands outside the modern, corporate Las Vegas establishment and, even masquerading in the dress of the institution, is disavowed by Bank once his utility is exhausted. The affront is interpreted by the *Ocean's Thirteen* crew so personally that ruining Bank obviates the interest in profiting from the heist they engineer. In fact, so personally felt is the harm that tasks normally not undertaken by the gang are nonetheless pursued. Saul (Carl Reiner), the crew's elder statesman warns, "This is why revenge jobs don't work, Danny. You put yourself in a position you know you should walk away from but you can't. This is how guys die or go to jail." When Danny acknowledges the accuracy of Saul's observation and asks whether any of the group wish to step out of the mission, Saul responds, "Did I say I was walkin' away? Let's gut the son of a bitch."

A degree of poetic justice is achieved by the conclusion of the film. When Danny approaches Bank on the steps of the casino near the conclusion of the film to reveal the

⁷⁸ Stuart M. Kaminsky, *American Film Genres: Approaches to a Critical Theory of Popular Film*, (Chicago: Pflaum Publishing, 1974) 82.

full extent of the vengeance taken, Bank stands virtually motionless and looks downward as if his mind were somewhere else. His demeanor recalls the catatonia of Reuben, however he quickly snaps out of his fugue to seethe at and threaten Danny. Only the recognition of the helicopter flying away with his commemorative diamond necklaces stops Bank once again. The final image of Bank is of him in close-up, shot down upon from a high angle, stunned once again into silence. Yet while his frozen appearance recalls Reuben and affords some sense of proportion achieved, the construction of these shots does not accord with any typical representation of Reuben sitting-up in bed staring forward blankly. Moreover, the scene of Reuben's heart attack immediately following Bank's betrayal goes unreferenced. Interestingly, it is one of the film's most self-consciously constructed shots, with Reuben collapsing on camera left as a small figure dwarfed by the bare, partially constructed casino. The scene would potentially evoke a performance space but for the forklift in the foreground filling what would otherwise be empty stage. In fact, the near-catatonic Reuben is regularly depicted thereafter in long shot, contrasting with the close framings of Bank during his final sequence in the film. Despite the discussions of vengeance between the members of Danny's crew and the degree of poetic justice constructed within *Ocean's Thirteen's* narrative, the film seems to almost purposefully avoid mirroring techniques of repetition and proportion reviewed earlier.

Ocean's Thirteen is a film that nonetheless regularly foregrounds the importance of performance and theatricality. Dry-runs and demonstrations in preparation of the caper are often depicted, such as Livingston's (Eddie Jemison) demonstration of the automated

shuffling machine and the rules of Blackjack. Costumes and outrageous personas litter *Ocean's Thirteen*, from Rusty's (Brad Pitt) earnestly concerned seismologist to the inflated ego of Basher's (Don Cheadle) stuntman, Fender Roads, from Frank's (Bernie Mac) smooth-talking domino dealer to Saul's over-pleased hotel reviewer, Kensington Chub. The displays contained in *Ocean's Thirteen* differ significantly however from those previously discussed in *The Prestige*, *Lady Vengeance*, or the *Kill Bill* films. No where is this difference more clearly elaborated upon than through Linus (Matt Damon) and his defense of the Brody.

While in the persona of assistant Lenny Pepperidge, Linus wears a hugely prominent false nose referred to in thief-parlance as a "Brody." He is prematurely defensive of the prosthetic, continually defending its use in anticipation of criticism from other members of the crew and from his nearly legendary con-man father (Bob Einstein). He promotes the nose on the phone with his father, "It's not a prop for prop's sake. No. The Brody can work!" Later, after completing his portion of the heist, Linus continues to defend the Brody's use to his father, "The nose played! It worked! In a way, it was perversely dignified!" The Brody demonstrates Linus' insecurities over his youth, inexperience, and position as the newest member of Danny's group that typify the character throughout the *Ocean's* franchise. The nose is defended as an integral part of his con rather than as a needless affectation that reveals him to be an amateur and risks compromising their plan. The Brody is feared as a display that declares Linus' intentions the same way that Geum-ja's red eye shadow, the Bride's *Game of Death*-inspired racing outfit, or Angier's false moustache and beard make them conspicuous. As exaggerated

and ridiculous the personas assumed in *Ocean's Thirteen* are, they are not presented as declarative expressions of their vengeful intentions. Recall that the disguises in *The Prestige* are means to gain proximity, that they do not prevent the user's identity from being revealed when standing close to their victim, and, most importantly, that they are not intended to conceal, as the avenging magicians intentionally place themselves in positions where their disguises become ineffective. The only partial effectiveness of these outfits is themselves a form of revenge by flaunting their temporary deceit to another creator of illusions. The Brody is controversial within *Ocean's Thirteen* because its inclusion risks ostentatiously revealing that Linus and the rest of the group have collectively put *their* noses where they do not belong – in the business of Bank's new hotel and casino.

These costumes, accents, and prosthetics are disguising mechanisms of specifically generic significance. *Ocean's Thirteen* locates itself generally as a "heist film", defined by Jonathan Rayner as "the sub-genre of crime films that concentrates on the planning, execution and repercussions of robberies or 'capers'".⁷⁹ Detailed burglaries and robberies become "generic set pieces" of the heist film.⁸⁰ The preparation and execution of these crimes are so central to the genre that heist films are considered by Fran Mason to present the "fetishization of planning".⁸¹ Thus, performance, both as practice and in practice, is central to the heist genre but not in a diegetically declarative sense. A false armoured car guard cannot be recognized as such within the filmic world

⁷⁹ Jonathan Rayner, "Masculinity, morality and action: Michael Mann and the heist movie," *Criminal visions: media representations of crime and justice*, ed. Paul Mason (Portland, Ore.: Willan, 2003) 75.

⁸⁰ Rayner, "Masculinity, morality and action", 79.

⁸¹ Fran Mason, *American Gangster Cinema: From Little Caesar to Pulp Fiction*, (New York: Palgrave MacMillan, 2002) 100.

or the heist will be compromised. This is a significant deviation from the spectacular and ostentatious quality cited in the previous chapter. For revenge to be seen, it must be explicitly enacted for reception by those witnessing it, yet this goal runs counter to the diegetic necessities of the heist film. Even the broadly comic and exaggerated performances of Danny's crew are unremarked upon within *Ocean's Thirteen's* story. Howard Hughes observes that "[h]eist movies later evolved into caper movies, where the jokey unbelievability of the action excused moral outrage at the thieves' plan succeeding."⁸² Accordingly, these unbelievable characters presented to Bank and the employees of his casino are not recognizable in the diegesis as such given the comedic nature of *Ocean's Thirteen* and the caper film.

Revenge is clearly the motivation that propels *Ocean's Thirteen*. Its avengers plainly identify themselves as aesthetically minded. Bash objects to Terry Benedict's (Andy Garcia) lack of style in suggesting they use the same technique the crew used to rob his casino. Bash chastises him, "Besides, you don't run the same gag twice. You run the next gag." Similarly, Linus complains at François Toulour's (Vincent Cassel) use of a gun to inelegantly rob them, asking incredulously, "A gun?" At times however, *Ocean's Thirteen* avoids utilizing techniques to describe the process of justice-making through revenge. Mirroring images that denote the connection of punishments to the originating harm and their proportion to that harm are largely absent. Bank is never shot in a fashion that recalls the harm he inflicted on Reuben or on the other partners he betrayed, as they are never depicted onscreen. In other instances, rehearsals, performances, costumes, and

⁸² Hughes, *Crime Wave*, 45.

other ostentatiously theatrical techniques are represented and reveal both similarities in revenge-style to the conventions of the heist and caper film and their contrary purposes. These contradictory uses may explain why *Ocean's Thirteen* does not resemble *The Prestige*, *Lady Vengeance*, *Kill Bill Vol. 1* and *Vol. 2*, and the many other films invoked in the preceding chapters. The lineage of *Ocean's Thirteen*, both as a remake of Lewis Milestone's *Ocean's Eleven* (1960) and as a sequel to Steven Soderbergh's *Ocean's Eleven* (2001) and *Ocean's Twelve* (2004), squarely places the film within the caper genre and thereby relies on the conventions expected by spectators. By engaging fully in revenge-styles reviewed in the previous chapters, *Ocean's Thirteen* would risk complicating its generic context or, at worst, subverting its generic coherency by reorienting its semantic and syntactic elements. Such hazards seem particularly undesirable when an estimated budget of \$85 million and a successful film franchise are in place.⁸³ In short, *Ocean's Thirteen* invokes the discourse of revenge but rests comfortably in caper film aesthetics, despite any superficially converging resemblance.

Ichi the Killer: Law's Masochistic Inversion

Revenge is also cited as a motivation in Takashi Miike's *Ichi the Killer*. When yakuza boss Anjo disappears, the loyal members of his gang, led by the sadomasochistic Kakihara (Tadanobu Asano), search for him and seek vengeance on those who may have harmed him. Their aggressively violent approach is quickly directed toward finding

⁸³ "Ocean's Thirteen (2007) – Box Office / business," <http://www.imdb.com/title/tt0496806/business> (accessed March 6, 2008.)

Anjo's assassin, Ichi (Nao Omori), and his controller, Jijii (Shinya Tsukamoto). Ichi is a sexually-repressed and violently psychotic young man who becomes enraged when aroused or made otherwise anxious. Ichi gruesomely kills his victims with a pair of bladed shoes, leaving blood and gore soaked crime scenes that shame the killing floor of an abattoir. Ichi eventually kills all of Anjo's gang, including Kakihara, an ex-cop-turned-bodyguard Kaneko (Hiroyuki Tanaka), and even Kaneko's school-age son, Takeshi (Hiroshi Terajima). The gang's revenge is unsuccessful as the demise of boss Anjo is never fully revealed to Kakihara and the gang and as those ultimately responsible, Ichi the killer and Jijii the mastermind, survive the gangsters' pursuit.

However, to talk about *Ichi the Killer* simply in terms of its story is to misrepresent it. The film is loaded with exceptionally graphic violence, usually of a sexual and sadomasochistic variety, exaggerated to an often cartoon-like degree. Rob David and Dave Wood state "*Ichi the Killer* is an atrocity exhibition" – "splattering the screen with all manner of bodily fluids and stirring an uncomfortable frisson of sexual violence into a body-strewn onslaught of the eponymous killer."⁸⁴ Questioning rival gangster Suzuki (Susumu Terajima), Kakihara suspends the man in mid-air by a series of hooks inserted through his flesh and then pours boiling oil across his back. Twin detectives slice the nipples off a prostitute using a boxcutter. When punched, Kakihara swallows his attacker's entire fist and scrapes the flesh from the hand as it is withdrawn. A gangster beats a hooker into a bruised, swollen mess and is then sliced in half by Ichi's boot, his organs noisily falling out of his body as he splits apart. Various scenes depict

⁸⁴ Rob David and Dave Wood, "Pain Threshold: The Cinema of Takashi Miike," *Fear Without Frontiers: The Cinema of Takashi Miike*, ed. Steven Jay Schneider (Godalming, UK: FAB Press, 2003) 290, 285.

characters slipping and falling into the intestines, blood and miscellaneous bodily contents that are left of Ichi's victims. The extent of the film's violence resists description by mere words. The significance of film as a medium of images and sound will be addressed more explicitly in the following chapter, but the irreducibility of cinema's spectacular content may be no more apparent than in attempting to address the visceral and darkly comic onslaught that is Miike's *Ichi the Killer*.

The desire for revenge is most specifically located in *Ichi the Killer* through the figure of Anjo's bodyguard, Kaneko – the gang member most earnest about avenging Anjo's apparent murder. While speaking to a young man who will later be revealed to Kaneko as Ichi, the bodyguard recounts his relationship with Anjo and the debt he owes to him, "You remind me of myself a long time ago. The guy who picked me up when I was down has been murdered. He took me in when I drifted without no where [sic] to go. I must find his killers and avenge him." The sequence between Ichi and Kaneko involve a series of flashbacks that connect Kaneko's present actions with Anjo's past kindness. Kaneko saves Ichi from a beating blocked and shot so as to be comparable to a beating he was saved from by Anjo's gang. The attack on Ichi is crosscut against Kaneko's past assault – both are depicted on their backs, an alley wall near their head and located at screen left, both being kicked by an assailant. Each attack is brought to a halt and Kaneko and Anjo's gangster both leave the scene by moving deeper into the alley, turning leftwards around a corner. Kaneko later takes Ichi to the noodle house Anjo's gang brought him to. Kaneko sits in the same seat he previously sat in, allowing the scene to move between flashbacks seamlessly. He is revealed to have been a former police officer

who was fired after losing his gun. Anjo intervened in Kaneko's life, taking him on as a bodyguard. Through the repeating and connecting timelines presented within the diner, Kaneko's debt to Anjo is revealed, his intervention to help Ichi is explained, and a proportion between Kaneko being helped by Anjo in his time of need, Kaneko's opportunity to do the same for Ichi, and Kaneko's desire to repay his debt by avenging Anjo in return are all portrayed in this repeating imagery. Yet with Ichi being Anjo's killer, an irony is created in these temporal relations that confound rather than produce poetic justice.

The aesthetic of proportion and connection is not the only synoptic technique of a revenge style cited by the film. Spaces for seeing justice-making are often evoked in *Ichi the Killer*. The film's grotesqueries often rely on depicting their being witnessed. Kakihara cuts off the end of his tongue as compensation for the injury done to Suzuki and performs it as an event to be seen by his yakuza superiors. He kneels before them, tying a garish lime green scarf around his neck, and slices through his tongue while facing forward in near direct address. Reaction shots of the shocked gangsters are shown here and in other scenes, confirming, as if it were necessary, the gruesomeness of the events enacted before them and us as audience members. The spectacular presentation of *Ichi the Killer's* violent display often takes comic turns, such as Kano's imprisonment within a television for questioning by Kakihara. The final rooftop battle between Ichi, Kakihara, Kaneko and Takeshi again evokes a blank, stage-like space bounded there by chain link fencing but, in a manner uncharacteristic to the film, open and decidedly public, as skyscrapers and their numerous windows for looking down on the battle are

conspicuously present. Revenge and justice, however, are not produced in the roof top confrontation. Despite the kinship between Ichi and Kaneko, Kaneko shoots Ichi and is consequently killed by him under the stress of the moment. Takeshi assaults Ichi, who lies on the roof crying, only to be decapitated. More important than Kaneko and Takeshi's vengeful actions to considering *Ichi the Killer* as revenge cinema and a legal film, however, is Kakihara's disappointment with Ichi as an opponent on the rooftop.

While Kaneko is the character most sincere in his efforts to avenge the loss of boss Anjo and despite the revenge aesthetics most often surrounding him, he is a quiet and somber figure whose story and motivations are largely overshadowed by the flamboyantly violent behaviour and appearance of Kakihara. With his blonde hair, gaudy clothes, and scarred face, Kakihara immediately distinguishes himself from the other, dark-suited gangsters and *Ichi the Killer* largely revolves around his violently over-the-top efforts to track down boss Anjo or his killer. It is suggested early in the film however that the real motivation for finding Anjo or his killer is that Anjo is desired by the masochistic Kakihara for the pain he was able to inflict on him. Confirmations are provided later in the film. When Karen (Paulyn Sun), another member of the yakuza underworld, states she wants to be Kakihara's "girl," he has her punch him repeatedly while he is held by chains hung from a basement ceiling. Despite his directions to her, Kakihara leaves disappointed, stating, "The boss was a lot better at this." Conversely, when faced with the opportunity to do battle with Ichi, Kakihara excitedly announces, "You're really scary!" Ichi's desire to fight is quickly reduced when faced by kindly Kaneko and Ichi curls into the fetal position sobbing after killing the bodyguard.

Kakihara attempts to recapture Ichi's desire to fight and restore his fearsomeness but to no avail. He is disappointed not at being unable to do battle with Anjo's murderer, but at being unable to be frightened and possibly even physically injured by the man who overcame his sadistic boss. Kakihara does not take revenge on Ichi despite his helpless position, but engages in self-mutilation (or possibly even suicide) by sticking his needle-like weapons into his ears. His quest for a masochistic experience comparable to that given by boss Anjo is not one of justice-making but of a different nature altogether, making *Ichi the Killer* a film that engages a revenge discourse that ultimately gives way to something decidedly non-legal.

It is necessary here to acknowledge that violence is an inherent and necessary element of the law. As Jacques Derrida notes, "force is essentially implied in the very concept of *justice as law*" and that "there is no law without enforceability."⁸⁵ Without the power to ensure the law is observed, it is reduced to the status of a request, a suggestion, or merely a wish. Law must rely on violent authority and the enforceable threat to deprive its subjects of property, freedoms, and, in some instances, physical integrity and life. Accordingly, Robert Cover states that "[l]egal interpretation takes place in a field of pain and death."⁸⁶ Meaning is given to the law through legal interpretation and that process is ultimately one of deciding where, when, and how law's violence will be inflicted on its subjects. In its fashion, this analysis has suggested that the work of cinematic avengers is primarily of deciding how to express their justice-making through their violent practices and are therefore akin to courts and tribunals and thus legal in nature. Kaneko's desire for

⁸⁵ Jacques Derrida, "Force of Law," 925.

⁸⁶ Robert M. Cover, "Violence and the Word," July, 1986 95 *Yale Law Journal*, 1601.

such vengeance in *Ichi the Killer* is complicated when he realizes that the young man he reached out to, much as Anjo reached out to him, is in fact also Anjo's murderer. This conflict ultimately results in Kaneko being killed by Ichi and his desire for justice being confounded. Kakihara's violence is altogether different from Kaneko's as it is a means to be *victimized* by violence for masochistic pleasure.

Christopher Stanley describes masochistic practices as the inversion of legal authority – “The Law which forbids the satisfaction of desire under threat of subsequent punishment is converted into a Law which demands the punishment first and then orders that the satisfaction of the desire should follow the punishment.”⁸⁷ Law under this regime loses its authority because its enforcing power encourages its being contravened. Masochism becomes legal subversion “where the violence of its [law's] pain is disavowed, [and] becomes an order of desire in which the violence of its pain becomes the guarantor of pleasure.”⁸⁸ Thus, masochism inverts punishing violence from painful enforcement of law's authority to a source of enjoyment. Kakihara's efforts are therefore antithetical to law and are the extreme expression of *Ichi the Killer*'s disordering of traditional power. The film is violently excessive in its depictions to a degree that challenges cause-and-effect ordering and narrative enclosure. The violent and gory spectacles of *Ichi the Killer* are so exaggerated and, at the same time, overdetermined and random that they seem to risk fracturing its narrative thread. Part of the film's appeal is this approach to some spectacular oblivion. Steven Shaviro states “[t]he masochism of

⁸⁷ Christopher Stanley, *Urban Excess and the Law: Capital, Culture and Desire*, (London: Cavendish Publishing Limited, 1996) 188.

⁸⁸ Stanley, *Urban Excess*, 171.

the cinematic body is rather a passion of disequilibrium and disappropriation.”⁸⁹ He elaborates that horror films “focus obsessively upon the physical reactions of bodies on screen, the better to assault and agitate the bodies of the audience. This is precisely why porn and horror films epitomize ‘bad taste.’ They do not bring me gratified fulfillment or satisfaction, but insidiously exacerbate and exasperate my least socially acceptable desires.”⁹⁰ Shaviro suggests that part of the appeal of the cinema is its ability to bring spectators masochistically close to the sense of lost control and obliteration from being swallowed or engulfed by the filmic experience. Few films place both feet as comfortably in the genres of horror and porn, direct their attentions on our physicalities, and rely upon our antisocial tendencies as *Ichi the Killer*.

Interestingly, Shaviro speaks of these desires while invoking the concept of revenge. He addresses the movies of George Romero and the image of zombies punishing humans for their social failings:

As I witness this cannibal ferment, I enjoy the reactive gratification of *ressentiment* and revenge, the unavowable delights of exterminating the powerful Others who have abused me. But such intense pleasures are deeply equivocal, ironically compromised from the outset, participatory in a way that implicates my own interiority. For one thing, I can scarcely distinguish the agonies of the victims from the never-satisfied cravings of the avengers, the continuing disquiet of the already dead. What is more, the nervous, exacerbated thrills of destruction, the jolts and spasms that run through my body at the sight of all this gore, threaten to tear me apart as well. I enjoy this sordid spectacle only at the price of being mimetically engulfed by it, uncontrollably, excitedly swept away. I find myself giving in to an insidious, hidden, deeply shameful passion for abject self-disintegration.⁹¹

⁸⁹ Steven Shaviro, *The Cinematic Body* (Minneapolis: University of Minnesota Press, 1993), 60.

⁹⁰ Shaviro, *The Cinematic Body*, 101.

⁹¹ Shaviro, *The Cinematic Body*, 103.

Shaviro voices one of the regularly cited fears of revenge – of giving into its emotion and violence and losing one’s self in its destructive freedom. Surely part of the appeal to revenge-themed films is in approaching violent activities that bring us close to this obliteration, yet many of the other films examined herein reveal what distinguishes revenge films concerned with justice-making from *Ichi the Killer*: the recognition of a limit on violence to produce just results.

Kill Bill’s battle at the House of Blue Leaves can be contrasted to the violence depicted in *Ichi the Killer*. Pain is pleurably received by Kakihara and so his pursuit of boss Anjo’s murderer originates from his desire to experience an even greater masochistic experience onto himself. The spectatorial experience of the audience’s witnessing this violence exists as stated by Shaviro and surely exists as well in *Kill Bill*. Yet the violence inflicted on the Bride provides a kind of contractual relationship with the spectator. The Bride is an avenger expected to return the harms inflicted against her back on to her attackers. Consequently, the greater her pain and duress, the more we can revel in its spectacle knowing that the returning violence will be equally excessive and will later be virtuously inflicted for our further satisfaction. Within this description is conveyed the central importance of measurement in legal thinking and punishment. The violence of the Bride is not simply one for pleasure like that of Kakihara, but is purposeful and therefore requires restraint. The gory excess of the slaughter at the House of Blue Leaves is interrupted by warnings and statements by the Bride of its being unnecessary. After killing the Crazy 88s attending the club with O-Ren Ishii, the Bride warns O-Ren’s bodyguard Gogo (Chiaki Kuriyama) against engaging her, “Gogo, I know

you feel you must protect your mistress, but I beg you – walk away.” The Bride kills Gogo and all of the Crazy 88s in self-defense, save for one very young gangster. She cuts down the boy’s sword, puts him over her knee, and spansks him with flat side of her katana’s blade. She admonishes him, “This is what you get for fucking around with yakuza. Now go home to your mother.”

From the untamed and excessive violence of this melee, the Bride enters a snow covered garden to get her intended vengeance – the killing of O-Ren Ishii. The formal and largely respectful duel contrasts all the greater for the loud, brutal, and bloody onslaught that preceded it. The silence of the garden, but for the rhythmic sound of the bamboo water fountain, provides a moment of deceleration. The violence of the restaurant is unnecessary in the sense that occurs only because those bodyguards stand in the way of the Bride’s revenge against O-Ren and can thus be unmeasured and excessive as long as those figures stand in opposition to the Bride. The violence against O-Ren is meaningful and the decreased pace, even serenity, of the scene emphasizes its significance. It affords an opportunity to consider the measurement of the Bride’s punishing violence in physical, emotional, and aesthetic terms.⁹² The films already discussed present similar moments of avengers being conscious of the need for restraint rather than indulgence. The family members in *Lady Vengeance* remind each other that the violence they inflict on Baek must still leave him sufficiently intact for subsequent

⁹² The decelerated scene in the garden contrasts from the acceleration of the restaurant battle and further elaborates on Rikke Schubart’s description of the action film as relying on techniques of acceleration that strip violent content of their significance by obscuring the place of history, pain, and consequence in that violence. The garden duel in *Vol. 1* conveys meaning in its violence by halting and even reversing the acceleration identified by Schubart. Rikke Schubart, “Passion and Acceleration: Generic Change in the Action Film,” *Violence and American Cinema*, ed. J. David Slocum (New York & London: Routledge, 2001), 199.

families yet to take their turns. Rusty and Danny congratulate the rest of the *Ocean's* crew at their inventiveness in their proposed injuring and killing Bank, but restrain them in accordance with the practices for dispute resolution of old-school Vegas. When Bank refuses to “make good,” the revenge taken against him is not the unfocused violence desired by the crew but an elaborate plan to take from Bank what he has taken Reuben – his success and reputation. Recall that punishment requires measurement and that an “eye for an eye” provides both an upper and lower limit to be observed. Hyman Gross reiterates the inherent proportion of such violence to claim justice – “Punishment to fit the crime is therefore best viewed as a *prima facie* sentence and a ceiling for punishment.”⁹³

Shaviro argues that “[m]aster narratives of social progress and myths of inherent evil or of spiritual redemption are no longer available to inure us to the excruciating passion of the subjugated body,” yet films such as *The Prestige*, *Lady Vengeance*, *Kill Bill Vol.1* and *Vol.2*, and even *The Brave One* and *Ocean's Thirteen* portray stories of revenge-takers who struggle and usually succeed in finding the point where the justness of their violence remains intact while still courting the violent occlusion of their selfhood.⁹⁴ The appeal of identity-loss through cinematic excess, embodied in Kakehara, is no doubt a risk contemplated in many revenge-films and relied upon to continue the popularity of the theme, but these films ultimately reinforce the authority of law's repressive violence rather than giving into and finding pleasure in its excess. Situating

⁹³ Hyman Gross, “Culpability and Desert,” *Philosophy of Law*, eds. Joel Feinberg and Hyman Gross (Belmont, California: Wadsworth Publishing Company, 1991), 674.

⁹⁴ Shaviro, *The Cinematic Body*, 129.

proportionate violence in shared spaces for seeing, these films seek to confirm what Shaviro destabilizes, that “[n]o one is supposed to forget the law on which social life is based. Repression is the inevitable price of being social: we must forget instinct and remember only the Law.”⁹⁵ By making pleasurable, not proportionate, violence the central focus of its narrative and its most captivating character, *Ichi the Killer* distinguishes itself from the revenge films otherwise considered and reveals itself to be a film opposed to law and legal ordering.

Just as I have not invented the mirrored image or theatricality in the cinema, revenge style cannot lay any claim of exclusivity to those techniques. The previous chapters simply convey a use or purpose behind these techniques that is legal in nature. Their meaning and effectiveness are dependent, in part, on the degree and manner in which they are employed. *The Prestige*, *Lady Vengeance*, and *Kill Bill Vol.1* and *Vol.2* have been cited as instances of films that engage these techniques differently, but remain squarely within the four corners of revenge-themed cinema. In this chapter, I have sought to elaborate on the possibility that this revenge style must sometimes coexist with other concerns. Sometimes, as in *The Brave One* and *Ichi the Killer* respectively, the aesthetics of revenge operate to create tensions between other processes for dispute resolution or other forms of social organization. As more specifically elaborated on in *Ocean's Thirteen*, other styles and conventions lay claim to techniques that appear similar to those of revenge cinema and care must therefore be taken to determine the nature and function of a film's form. Still other vengeance-themed films negotiate coexistences. Jean-

⁹⁵ Stanley, *Urban Excess*, 182.

Francois Pouliot's dark comedy, *The Little Book of Revenge* (2006), relies on tensions between the main character's focus on proportionate punishment through a generally anonymous heist of his boss's jewelry store and his partner's desire to publicize his responsibility for the theft to the same man. By making the victim of the heist aware of it before its execution, *The Italian Job* (F. Gary Gray, 2003) is more easily able to utilize the practices of ironic reversals and ostentatious displays of vengeance cinema than *Ocean's Thirteen*. In these and other films, revenge aesthetics evoke the legal principles already reviewed and raise concerns about the justness of the actions being taken. More than illustrating these legal principles, revenge cinema provides information about the nature and function of the law, about the expectations and standards of the law popularly held. In the chapter to follow, I will explain how vengeance films reveal aspects of the social and procedural repressions of the law and the absences and avoidances of law and film scholarship. At the heart of this analysis is an acknowledgement that problems in relating law and film originate not in the strained efforts to connect an audio-visual medium to a discourse of language and words, but in a deeper misunderstanding of law's spectacular and imaginative life.

4 SPECTACLE AND LAW

“These trials, the whole world, it’s ... it’s all show business.”

— *Chicago* (Rob Marshall: 2002)

The analysis thus far has examined the legal nature of revenge-themed cinema by considering how specific requirements for justice are described and embodied, in whole or in part, in the films discussed. This analysis has sought to distinguish itself from much of law and film scholarship by approaching these legal concepts through formal analysis. In other words, I have made an effort to engage these issues in terms particular to the cinema as an audio-visual medium. In this chapter, I seek to reverse the analytical direction typical of many law and film writings and ask what insights into the law can be obtained through this interrogation of cinema’s plastics. Too rarely are the implications of filmic representations considered relevant to legal principles and theory. Instead, the cinema is treated simply as a popular demonstration of the law, to be invoked and examined as novel cases for illustration. By recognizing the legal nature of vengeance films and its presence in the styles and techniques of the cinema, theoretical challenges to the nature of law and the operation of its methods are revealed.

The position of the previous chapters has been that legal understandings and meanings are achieved in synoptic terms that speak to emotional, intuitive, and aesthetic standards. This chapter will commence with the position that vengeance-themed films exist within a series of resistances opposed to conventional thinking about the law, both generally and in specific relation to film. I draw on Tom Gunning’s notion of the *cinema*

of attractions to posit that these resistances operate in an analogous manner. Some potential areas for resistance are interrogated, focusing on the lack of time and space provided in formalized, objective legal processes and in law and film scholarship to spectacular violence and punishment. The general conception of the law and the courtroom as forums that rely primarily on words, either verbal or written, will also be identified as a premise resisted by revenge cinema. I maintain that law, like the cinema, is a synoptic venue that prizes style, intuition, and, most importantly, imagination. This chapter concludes with some thoughts on the problem of the postmodern image identified by Richard Sherwin as destabilizing to the law and the process of making justice. I suggest that this problem is overstated as a consequence of the misconception of law's nature as a process relying precisely upon words.

The Courtroom of Attractions

In an early, formative period following the invention of the cinema, narrative films depicting stories co-existed with filmed spectacles as varied as microscopic organisms, shoe-fittings, and even the electrocution of an elephant.⁹⁶ These filmed spectacles, called “the cinema of attractions,” are maintained by Tom Gunning to reveal relationships between cinema and the viewer that are, at once, different from, yet not

⁹⁶ Gunning locates this period approximately between the cinema's “novelty period” (potentially limited to a short as the time before 1900) and “the dominance of longer narrative films, around 1906-07.” Tom Gunning, “Attractions: How They Came into the World,” *The Cinema of Attractions Reloaded*, ed. Wanda Strauven ed. (Amsterdam: Amsterdam University Press, 2006) 36.

necessarily contrary to, narrative cinema.⁹⁷ Whether considered in opposition to narrative or incorporated as an evolutionary stage in the development of filmic narrative, the cinema of attractions relies on sensational effects of shock and surprise to inspire and hold viewer attention. By inviting the viewer's curiosity through a series of visual thrills, these filmed spectacles use increasingly intense aesthetic forces to break through the "stimulus shield" built up by the viewer to cope with the over-stimulation presented by the modern world and to evoke moments of engagement and sensation.⁹⁸ Accordingly, the notion of the cinema of attractions provides resistance to the hegemony of narrative film and the desire for emplotment. With its emphasis on visual display and sensorial affect, Gunning maintains these cinematic spectacles threaten to burst the self-enclosed worlds of the viewer and the coherently arranged and motivated narratives depicted in other films.

Revenge-themed films, such as *The Prestige*, *Lady Vengeance*, and *Kill Bill Vol.1* and *Vol.2*, evoke an analogous relationship between the justice-making depicted therein and the justice perceived as produced within the courthouse. Cinematic vengeance may be thought as existing within a *courtroom of attractions* – a courtroom not in the literal sense of formal legal ritual but a figurative one where justice is self-achieved in the highly spectacular terms of proportion and display. As the cinema of attractions resists the hegemony of filmic narrative, the courtroom of attractions resists the hegemony of legal rationalism, objectivity, diplomacy, and narrative. Instead, the courtroom of

⁹⁷ Tom Gunning, "The Cinema of Attractions: Early Film, Its Spectator and the Avant-Garde," *Early Cinema: Space Frame Narrative*, ed. Thomas Elsaesser with Adam Barker (London: BFI Publishing, 1990) 58.

⁹⁸ Tom Gunning, "An Aesthetic of Astonishment: Early Film and the (In)credulous Spectator," *Art & Text* no. 34 (Spring 1989) 37, 42.

attractions seeks out different, possibly even lost relationships with the law – ones that respond to our emotional, aesthetic, and instinctual requirements for justice-making. Vengeance cinema breaks through the stimulus shield erected by law's image as a logical, even mechanical system, by its stylized and often visceral content. The spectacular nature of justice-making is made its focus and it positions itself in tension with courtroom law that represses that aspect of itself. Thus, an appreciation of film theory and historiography provides insight into the repressive power of law's façade and the contradictions that exists between law's pretense and its practice. Just as filmic spectacle resists its unproblematic integration into and subservience to cinema narrative, the law cannot expunge its violence and theatricality, its aesthetics and emotions, nor disavow the limits to the certainty or inviolability of its decisions. Unpacking these resistances in the courtroom of attractions requires first understanding the tension between law's violence and the constructed façade of law as an unspectacular, non-violent process.

Restoring Violent Spectacle

Vengeance cinema appears opposed to law by locating the process of justice-making in personal terms – focusing on victims who inflict violence and punishment in stylistically and ostentatiously spectacular contexts. Baek's binding and tormenting, Angier's drowning, and Elle's blinding all seek to compensate for real offences in manners that recapture not just physical harms, but also emotional traumas and aesthetic

imbalances. These compensations are not merely expressed through the cause and effect nature of story and plot. Mirroring images and sounds and theatrical spaces fulfill legal and social expectations of justice-making through synoptic understanding. They recall a point in time when the law comfortably relied upon the spectacle of its enforcement to perpetuate itself. Michel Foucault notes that, prior to a period of massive revision and restructuring to the European and American justice system commencing around 1750 and concluding sometime near 1850, legal authority was inflicted and preserved on the body of the criminal through the spectacle of public torture and atrocity. Often occurring on the scaffold's stage, punishment was typified by its physical variety – flogging, branding, mutilation, torture, banishment, penal servitude, and death in its many forms, including hanging, dismemberment, burning, decapitation, and a multitude of various combinations.⁹⁹ These punishments often included “symbolic tortures,” such as piercing the tongues of liars and forcing a criminal to carry the instrument of their crime, thereby providing “the synthesis of the reality of the deeds and the truth of the investigation, of the documents of the case and the statements of the criminal, of the crime and the punishment.”¹⁰⁰

While the brutality of the scaffold gradually undermined legal authority by constructing and presenting criminals as victims themselves, legal reformists of the time resisted penal imprisonment for being unable to circulate publicly, recode offences, and specifically correspond with crimes. Justice's aesthetic requirements and need for publicity demanded that “each punishment should be a fable” enunciated in “hundreds of

⁹⁹ Foucault, *Discipline & Punish*, 32.

¹⁰⁰ Foucault, *Discipline & Punish*, 45.

tiny theatres of punishment. Each crime [having] its law; each criminal his punishment.”¹⁰¹ As reviewed, poetic justice in the cinema relies on such connections to produce satisfying irony – recall how *Oldboy* presents the “symbolic torture” of the protagonist piercing his tongue for spreading lies. The desire for a harm to be synthesized in its punishment may be best observed in the primitive gun Geum-ja utilizes in *Lady Vengeance*. As an instrument of violence, the weapon has limited value. It is overly loud, exceptionally powerful, and must be used at very close range. The gun’s true value, however, is found in its ability to amalgamate the prison experience Geum-ja suffered through. But for her prison stay, she would not have obtained the gun’s plans nor would she have known individuals to manufacture and adorn it. The spectacle of the gun and its use speaks an ostentatious truth to Geum-ja and to others for the crime inflicted by Baek against her that would otherwise be lost in simple penal incarceration.

The aesthetic and often violent world of the courtroom of attractions does not create tension between an older method of law and punishment recast in the cinema and a non-violent legal system embodied in the ritualized processes of the courthouse. It is rather a tension between the natures of the violence contained within vengeance and courtroom produced justice. The lack of *spectacular* violence within and originating from the courtroom functions to repress violence’s perception in the law generally. While unfortunately collapsing “justice” into an interchangeable term for “courts,” Laura Blumenfeld succinctly conveys the conventional distinction between the two systems:

The courts took over, monopolized revenge, sanitized it, moralized it and turned it into ritual. Revenge is subjective; justice is objective. Revenge is personal; justice

¹⁰¹ Foucault, *Discipline & Punish*, 113.

is procedural. Due process harnesses the impulse toward revenge and strips it of hostility. It tames vengeance through the tedium of documents, testimony and cross-examination.¹⁰²

The courtroom is thereby contrasted with revenge as a justice-making process by its dispassionate logic. Courthouse justice is one rationally derived and almost mechanically applied. It is a forum purposively thought to lack both time and space for the emotion, aesthetics, and potential violence of a victim interested in the justice of revenge. This schism is further maintained in much of the literature on law and film. For example, Ross Levi, prior to examining cinema's treatment of various courtroom roles, attempts to define "legal cinema" by generic standards. Legal cinema, for him, refers to films about the "legal system" – "the process from which a criminal is charged with a crime, or the party to a civil action seeks representation, up through the verdict, perhaps including sentencing in the criminal context."¹⁰³ This definition excludes those events that Levi defines as part of the broader "justice system" and includes events both before the trial, such as the originating harm or the activities of law-enforcement, and after, such as the incarceration or the period of punishment. With its lack of a formal courtroom and its focus on punishment, Levi necessarily excludes the courtroom of attractions from his view of "legal cinema." Through this definition, he seeks to distinguish between the *administration* of law and the narrower *application* of law and remarks that line of demarcation "is more blurred than we might desire."¹⁰⁴ Although probably not intended, Levi's remark lamenting the artificiality of his construction directs us to question the

¹⁰² Blumenfeld, *Revenge*, 59.

¹⁰³ Ross D. Levi, *The Celluloid Courtroom: A History of Legal Cinema* (Westport, Connecticut: Praeger Publishers, 2005), xviii.

¹⁰⁴ Levi, *The Celluloid Courtroom*, xix.

accuracy of the courtroom's presented identity as a coolly objective and rational system insulated from the parties and procedures that surround it.

The question of law's authority and its inseparable relationship with violence has been addressed by various legal scholars. American judge and legal philosopher Jerome Frank maintains "litigation in our country [the United States of America] is still a fight" and that "for the most part, a law suit remains a sort of sublimated, regulated brawl, a private battle conducted in the courthouse."¹⁰⁵ The trial is a highly standardized clash between opponents, not entirely unlike the duels the Bride engages in. The difference is that the courts intervene between the duelists and claim jurisdiction to enforce its conclusions – "Force, exercised by officials, force put back of official decisions, takes the place of private violence. If today you look behind the bench, you will find the sheriff, the police-man, indeed the army. Significantly, we symbolize court-house justice by the sword as well as the scales."¹⁰⁶ These observations reiterate Robert Cover's description cited in the previous chapter that the determinations in the courtroom on legal issues are ones that occur "in a field of pain and death."¹⁰⁷ The court process will never be isolated from law-enforcement or the penal system as Levi may wish, as judges elicit "agentic behavior" where, "using the concept of punishment, she [the judge] also acts -- through others -- to restrain, hurt, render helpless, even kill the prisoner."¹⁰⁸ Cover's intent to reveal the true stakes of legal activities and the responsibility that comes with exerting that power is comparable to Robin West's distinction between literary *interpretation* and legal

¹⁰⁵ Jerome Frank, *Courts on Trial: Myth and Reality in American Justice*, (Princeton, New Jersey: Princeton University Press, 1949) 7.

¹⁰⁶ Frank, *Courts on Trial*, 7.

¹⁰⁷ Cover, "Violence and the Word," 1601.

¹⁰⁸ Cover, "Violence and the Word," 1615, 1609.

adjudication. West, responding to the implications of subjective interpretation in literature appropriated by critical legal scholars, maintains that legal adjudication is different from the interpretation of literature because it “is the creation of law backed by force” and is therefore “an act of power”.¹⁰⁹ The recognition of law as being fundamentally violent is West’s first step in demonstrating the risks inherent to critical legal studies and the gravity of the decisions made within the courtroom.

Each of the aforementioned legal theorists speaks of getting behind the law’s diplomatic façade to the *unspectacular* violence that continues to support it. Jacques Derrida, as also observed in the previous chapter, identifies the power of enforcement as a key and necessary component of the law. He posits that legal authority, at least in the Western tradition, is normally established through some originating violence. By portraying a peaceful, legal order, Derrida maintains that “parliaments live in forgetfulness of the violence from which they are borne.”¹¹⁰ With this in mind, Derrida argues that “[a]t its most fundamental level, European law tends to prohibit individual violence and to condemn it not because it poses a threat to this or that law but because it threatens the juridical order itself.”¹¹¹ Violence thus perpetuates the legal order by imposing its observance, yet the visibility of each act of enforcement recalls that legal order’s own potentially tenuous claim to authority. Accordingly, Foucault’s statement that “justice [the legal/penal process] no longer takes public responsibility for the

¹⁰⁹ Robin L. West, “Adjudication is not Interpretation: Some Reservations About the Law-as-Literature Movement,” Fall 1986 *54 Tennessee Law Review* 205. For the balance of this paper, I will prefer the term adjudication over interpretation when referring to the practice of law, as it implies the authority of force absent from artistic interpretation.

¹¹⁰ Derrida, “Force of Law,” 1017.

¹¹¹ Derrida, “Force of Law,” 985.

violence that is bound up with its practice” is recognized as an activity to preserve legal authority.

With the need to have laws obeyed and consequently maintain a social order, the association of violence with the law must be repressed. Christopher Stanley observes:

The violence which is inside the Law is portrayed by Law as being outside of the Law. Elaborate rituals and procedures (‘due process’) demonstrate the care with which Law now traffics in violence. The procedures and purposes of Law are emphasized while its instrumentalities and wounding effects are kept in the background. While the violence outside the Law is unnecessary, irrational, indiscriminate, gruesome and useless, the finesse of Law’s violence is described as rational, purposive and controlled through values, norms and procedures external to violence itself.¹¹²

Stanley’s description sounds like an incisive elaboration on Blumenfeld’s contrast between revenge and the courts and Richard Sherwin’s statement that “this knowledge [of law’s violence] must be repressed. Law’s violence must be sanitized, neutralized, denied.”¹¹³ The strength of these descriptions is that the violence inherent to the law is recognized as not simply repressed or civilized, but is no longer even recognizable as violent in any truly meaningful way. The harms inflicted by the legal system on the property, the freedoms, the bodily integrity and even the lives of their subjects are treated as so impersonally, so dispassionately, so *unspectacularly* inflicted that they are antithetical to any characteristic definition of violence.

Law’s monopolization of force, as already described, consequently produces the fictive separation between the court’s determinations and its inflicted punishments that the courtroom of attractions make its central premise. Some scholars fear that the

¹¹² Stanley, *Urban Excess*, 183.

¹¹³ Sherwin, “Cape Fear,” 1045.

suppression of violence in the trial process is, in turn, inflicted at the expense of the originally harmed party. C. G. Schoenfeld refers back to the law of the talion, which states that “the proper punishment for evil thoughts or acts is to turn them back upon the actual or potential wrongdoer. Though this retaliatory attitude is often outgrown consciously, it is likely to be retained on an unconscious level.”¹¹⁴ Putting aside whether Schoenfeld understates or devalues retributory sentiments in victims, he acknowledges that these desires likely continue to live on regardless of however “civilized” we dress our systems for dispute resolution. He fears, however, that a failure to speak directly to such desires or instincts risks compromising the courtroom’s authority to wield its power and violence on behalf of victims. Such sentiments are echoed by Charles Barton, who quotes Robert Solomon:

To the dangers of vengeance unlimited it must be countered that if punishment no longer satisfies vengeance, if it ignores not only the rights but the emotional needs of the victims of crime, then punishment no longer serves its primary purpose, even if it were to succeed in rehabilitating the criminal and deterring other crime (which it evidently, in general, does not). The restriction of vengeance by law is entirely understandable, but, again, the wholesale denial of vengeance as a legitimate motive may be a psychological disaster.¹¹⁵

Barton maintains that the disavowal of vengeance and its associated violence has resulted in the suppression of the victim as a participating party in the legal process, doing damage to the harmed, the accused, and the wrongdoers who all have stakes therein. The effect of law’s hegemony, both by its constructed pretense and by its consequential exclusions of participation effected in the trial process, is to increasingly discredit the

¹¹⁴ C. G. Schoenfeld, “In Defense of Retribution in the Law,” *The Psychoanalytic Quarterly* 35: 1966, 116.

¹¹⁵ Barton, *Getting Even*, 6.

courthouse as a credible forum for producing the justice desired by those who engage that venue:

In industrialized Western societies, the quest for justice has become confined almost exclusively to the domain of highly impersonal legal systems to the point where it is held in low esteem. If anything, Western industrialized societies are characterized by norms prohibiting revenge and by corresponding injunctions to forget, forgive, or turn the other cheek, or simply to let the law take its course.¹¹⁶

Yet, while Barton struggles against the influence of legal processes to afford time and space for victims in the courthouse, the courtroom of attractions persists in theatres and multiplexes and its popularity endures despite the frequent refusals of their characters to abide by Western norms to “forget, forgive, or turn the other cheek, or simply to let the law take its course.”

Ultimately, avengers are not revealed as antithetical to the law, for as Derrida states, “it is not someone who has committed this or that crime for which one feels a secret admiration; it is someone who, in defying the law, lays bare the violence of the legal system, the juridical order itself.”¹¹⁷ The spectacular presence of violence, punishment, and victims in revenge films are only contrary to the façade law presents, not the methods or mechanics it employs practically. Vengeance-themed cinema and the courtroom of attractions oppose the law’s own construction as a wise and measured process without need to sully itself with the aggression that purportedly blinds avengers. The revelation that justice continues to require the imposition of force is produced by once again employing the spectacular violence once characteristic of the law. Perhaps more important, the courtroom of attraction’s reintroduction of spectacle into justice-

¹¹⁶ Barton, *Getting Even*, 2.

¹¹⁷ Derrida, “Force of Law,” 987.

making provides an opportunity to reconsider whether spectacular aspects of the law and the courthouse persist in forms beyond punishing violence.

The Fallacy of the Word

By suggesting that the courtroom of attractions occupies a position of spectacular resistance to the conventional notion of the law as a nonviolent process, predictable dichotomies between law and film are otherwise destabilized. It seems all too evident to contrast law and film as differing mediums of images and words. The cinema, by its ability to capture spectacular movement too easily contrasts with the appearance of law's written certitude, set out in vast texts of case law, statutes, by-laws, treaties, codes, constitutions, declarations, and still others. With its specific jargon and Latin-phrased principles, the law appears to be about a language specific to itself. This appearance may possibly be further bolstered by a larger, older body of law and literature scholarship that law and film has chiefly been derived from. This dichotomy of image and word is rarely commented upon explicitly and the need to theoretically reconcile these two forums is infrequently taken on directly and fully examined. An important exception to this conjectural lacuna is David Black's *Law in Film: Resonance and Representation*, often treated as the field's primary text. Black takes on the dilemma of resolving the apparent opposition between the cinema and the courtroom, but ultimately connects the two in a manner that occludes both forums' characteristic nature.

For Black, the law is essentially about words, yet he locates this quality not in law's texts but in its processes. The law, as he addresses it, refers to the courtroom and embodies itself not in the words of legislation or case law, but in language of legal argument and witness testimony. Black observes the importance of language in the courthouse to revive the lost event so it may be examined and dealt with – “The greatest liability of legal process ... is the irretrievability of actual events; and the response is a cultivation of faith in the adequacy of language as surrogate for the past.”¹¹⁸ The capacity of words and language, written or verbal, to create narratives that have the capacity to preserve the essence of an event or series thereof is central to Black's linkage between law and film. This essential component of narrative is its *logomorphic* nature – “The idea is that narrative, in whatever medium, at some point along the way resolves itself into language or is safeguarded (ie., represented or remembered) in a form that either is language or can be made into language.”¹¹⁹ By maintaining that all narratives are preserved and must pass through some verbal form in its recounting, Black claims to distinguish himself from narrative theorists such as David Bordwell and Seymour Chatman. Bordwell's assertion that film is synoptic and does not require translation in verbal terms for understanding is specifically rejected.¹²⁰ Black criticizes Bordwell as providing no actual proof that comprehension of cinematic narratives does not require verbal translation and, in doing so, appears to liberate himself from similar obligations. Film and the courtroom are identified as forums for the construction of narrative and

¹¹⁸ Black, *Law in Film*, 49-50.

¹¹⁹ Black, *Law in Film*, 31.

¹²⁰ Bordwell, *Narration in the Fiction Film*, 30.

Black is prepared to accept that comprehension is dependant on language as, in his assessment, the mental reproductions of narrative by individuals are all essentially verbal and that the cultures they exist within are saturated with language in any event.¹²¹ *Law in Film* proceeds to parse out the theoretical implications of this construct within the courtroom, both literal and cinematic.

What immediately stands out from this model are the aspects of cinema (and of other artistic media) that are left out and the prominence held by these qualities in the courtroom of attractions. Black is unabashed about the omissions he makes in prizing verbal narrative within the court and the multiplex. The emotional, sensorial experience of the cinema is knowingly excluded, as Black maintains that the pleasure of the cinema may go beyond narrative to “the phenomenon of *spectacle*, meaning those aspects of the film that do not admit convincing verbal renarration but nonetheless do provide the very pleasure (or displeasure) that separates the film from a verbal renarration.”¹²² Spectacle is identified to include music, settings, violence, sex, the appeal of specific actors, and other such qualities, but Black clarifies that what he calls “‘spectacle’ is distinct from narrative, not in the sense that it is not part of the film, but in the sense that it is not part of the narrative that the film tells and that we, as viewers of the film, often have occasion to tell again.” Dividing filmic spectacle from verbal narrative in this manner, Black is prepared to suggest a partition that struggles to maintain clarity. He maintains that ballet is a narrative medium and is therefore logomorphic, but that non-

¹²¹ Black, *Law in Film*, 27.

¹²² Black, *Law in Film*, 40.

verbal aspects, such as a dancer's grace, are not strictly narrative.¹²³ Yet surely the two are more intrinsically tied than Black allows. The spectacle of the dancer's physiology and locomotion must be central in conveying narrative and providing colour, tone, motivation, or emotional significance within the characters and stories they depict. Does Black's construct suggest that the narrative of a ballet could remain intact regardless of whether it is performed by Karen Kain or by me?

While the omissions Black enforces in artistic media are surely damaging to their particular relationships with narrative, the real injury of this approach is to the essential nature of courtroom procedure and the adjudication of the law. By emphasizing the courtroom's logomorphic qualities, repressed aspects of the law previously reviewed are acknowledged to again be separated off:

We can describe, tell, or narrate, for example, the sequence of events culminating in someone's being tortured to death in the electric chair. However, the suffering and death themselves are not, per se, narrative – not at all, not even to the extent that a judicial opinion might be said to 'be,' or even be like, a work of literary interpretation. In other words, if law is a regime that is heavily saturated with narrative and can be at least provocatively explored as a web of narrative acts and interpretations, nonetheless there lies something outside of narrative: the power of the law, which, as things stand, arises as a consequence of narrative.¹²⁴

Black's own words purposefully act to maintain the unspectacular nature of the law and repress the attention of its own violence. In fact, Black incorporates the dissociative process of law's preserving façade into his very model by describing non-narrative elements, such as law's power and violence, as something that does not even exist alongside legal narrative, but is a consequence separate from and consequential to legal

¹²³ Black, *Law in Film*, 27.

¹²⁴ Black, *Law in Film*, 38.

adjudication. Such a construction serves to suppress those spectacular aspects of the courtroom which have far more significance than otherwise afforded.

If the legal process was one where logomorphic practices were employed to renarrate past events through testimonial words and legal argument, then the trial process itself would be a largely unnecessary enterprise. Were trials about words primarily, then they would proceed much like appeals – written packages would be provided for judicial review that included legal argument, affidavits, statements, and transcripts of witnesses and experts, relevant case law, legislation, and other legal texts, and other supporting materials. At best, counsel would appear briefly to answer questions based directly on the submitted materials. This is not the case however and, while the courts may potentially rely on logomorphic principles to have past events renarrated for their purposes, the process of adjudication relies on the synoptic spectacle of that renarration to determine the credibility and weight of the information provided. The trial is not a forum for simply retelling a story, but a process of determining what information will be accepted as part of the legal narrative the trial constructs. *Viva voce* evidence, that is testimony ostentatiously spoken from the witness stand, before the accused, and subjected to cross-examination, is prized in the courtroom. Written, submitted evidence is disfavoured for lacking the spectacular qualities that triers-of-fact rely upon to determine their worth. The belief that truth is best discovered in the courtroom not by *telling with words* but by the *spectacle of telling* recalls the trope of lawyers in the cinema challenging and goading witnesses into revealing themselves, epitomized by the retort, “You can’t handle the truth!” in *A Few Good Men* (Rob Reiner, 1992) and mocked through the character of

Mustafa (Will Ferrell) in *Austin Powers: The Spy Who Shagged Me* (Jay Roach, 1999) who cannot conceal the truth after being asked the same question three times.

This emphasis on *manner* has important and central functions in the law that should not be surprising – punitive damages are awarded not to compensate for the damages suffered but to acknowledge the offense associated with the flagrant or high-handed manner of the harming conduct; sentencing decisions are based in part on assessments of the remorse or lack thereof conveyed, in part, by tone of voice and physicality of the convicted; polygraph results have conflicting usages in the courtroom, in part, for their assumption of the trier-of-facts' role to assess the veracity of the testimony provided to them.

These courtroom excesses of the logomorph are of great importance in achieving and identifying the justice made in the courtroom of attractions. They are not secondary, but integral to the very process of justice-making for both cinematic avengers and non-filmic courts. Black is mistaken in citing Bennett and Feldman's research into the primary function of narrative and its deployment in the courtroom as somehow supporting his position that *understanding* of trial information is somehow one that prizes language. The ostentatious quality of the courtroom is explicitly acknowledged in Bennett and Feldman's description of trials as "little more than *highly stylized dramatizations* of reality."¹²⁵ Moreover, they state, "It is also important to consider the possibility that the style of the storyteller affects the story credibility."¹²⁶ The effectiveness of courtroom accounts (witness stories) increase with the level of detail

¹²⁵ Bennett and Feldman, *Reconstructing Reality*, 93. Emphasis mine.

¹²⁶ Bennett and Feldman, *Reconstructing Reality*, 87.

provided and their ability to resist gaps in continuity or causality in their accounts, yet Bennett and Feldman specifically acknowledge the importance of the teller to convey that information in a performance comprehensible to the recipients. “Aesthetic connections” are identified by the authors as a means of arranging and contextualizing the symbolic world of language that the witness renarrates within, while still transcending literal meaning or understanding:

Some symbolic relationships seem somehow more acceptable, familiar, pleasing, or satisfying than others. These relationships may become targets for emotional release or personal identification. Other definitions may elicit connections that seem strange, awkward, unfamiliar, or even repulsive. We may invest negative feelings in these understandings. Both of these kinds of connections fall within the realm of aesthetics: relationships among symbols based on emotionally arousing ascriptive characteristics.¹²⁷

These techniques, like the grace of the ballet dancer, invest narrative with meaning but escape the narrow and constraining reduction of the logomorph. Their effect is nonetheless perceived and operates within the courthouse’s construction of legal narrative by the vital role it affords to the spectacular presentation of witness accounts.

This centrality of spectacular demonstration within the courtroom explains the privileged position of the visual image in the courtroom of attractions. In *Lady Vengeance* and *The Brave One*, a law enforcement official supports and participates in each protagonist’s vengeance quest after witnessing recorded evidence of the harm. These detectives are faced with video footage, hostage tapes and a digital snuff video respectively, that convey the emotional and visceral aspects of the offences otherwise lost in crime scenes, witness statements, and police reports. This transition, displayed

¹²⁷ Bennett and Feldman, *Reconstructing Reality*, 59-60.

synoptically and spectacularly in the courtroom of attractions, from emotionless text to sensorial experience mirrors the distinction between the appeal process as a written event and the trial as a series of ostentatious performances. Contrary to Black's assessment, "the suffering and death" presented therein are significantly narrative and the physical and emotional shocks presented are not merely events in "a web of narrative acts" but synoptically perceived experiences whose offensiveness and repugnance root, contextualize, and provide meaning to the force inflicted thereafter as punishment. Accordingly, revenge cinema and the courtroom of attractions convey spectacular resistances to the façade of the law as an unspectacular, logomorphic process.

The Imaginary Life of the Law

A reconception of the trial from logomorphic to demonstratively and theatrically engaging does not destabilize the abiding distinction between law as a series of legal texts, and therefore about words, and film as a medium of spectacular and synoptic imagery. However, the creativity of the revenge-taker in finding equivalences to their injuries, whether it be the Bedouin's song, the elaborate heist of The Bank Hotel and Casino by the *Ocean's* crew, or the synthesis achieved in an antiquated gun, a Hattori Hanzo sword, or a magician's water tank, reveal the importance of mental and aesthetic acuity in achieving justice. As stated earlier, the process of compensating harms is first a mental one that requires the wrong be identified, conceived, measured, and an equivalent punishment selected. Accordingly, the courtroom of attractions represents this

imaginative process carried out as synoptic spectacle. Beyond recalling law's spectacular violence and the ostentatious nature of the trial conflict, the courtroom of attractions resists the façade of the legal process as constructing narratives from reliable, declaratory, strict rules and embraces the inventive and aesthetic efforts that make it function.

I have already suggested that the trial system relies on the display and enactment of evidence and argument as part of a process of critical engagement by the judge and/or jury and it is within this moment of engagement that the life of the law is revealed. Jacques Derrida distinguishes between law and justice by two kinds of thinking. Laws or rules provide parameters and, as such, can be mechanical in their measurement and application. Merely applying a rule simply demands considering the law's language, its constituent components, and imposing its shape on a circumstance or set of facts. This rule and its application can provide no claim of justice in Derrida's view however, as justice requires more than the mechanical operation of the law – "In short, for a decision to be just and responsible, it must, in its proper moment if there is one, be both regulated and without regulation: it must conserve the law and also destroy it or suspend it enough to have it reinvent it in each case, rejustify it, at least reinvent it in the reaffirmation and the new and free configuration of its principle."¹²⁸ For law to be just, it cannot solely be a formulaic application. Instead, a creative process must be employed where the law is known but forgotten within the facts of its case and then sought to imagined and derived therefrom.

¹²⁸ Derrida, "Force of Law," 961.

The concept may be elusive and so I will attempt to describe it in the context of a personal anecdote. My father recounts how he and his two brothers were raised strictly Catholic by my grandmother, which resulted in them being prohibited by the Church from eating meat on Friday. Always pleased to reveal the ironies and contradictions of the Catholic Church, my father smugly recounts my devout grandmother telling them that the Church had determined that powdered Lipton's Chicken Noodle Soup could be eaten on Fridays. The soup had been examined, by what can only be assumed to be the Catholic Church Food Laboratories, and it was determined that the small flakes that presumably passed for chicken did not constitute "meat" for the purposes of the Friday rule. The prohibition appears clear on its face and its mechanical application must automatically bar *chicken* noodle soup from being consumed. Yet, the reinvention of the rule in a just manner raises questions obscured by simple application. Are the flakes in the soup *actually* meat? Is being *meat-flavoured* the same thing as being *meat*? Are *drinking* and *eating* the same thing? Does a *de minimus* defense apply to the Friday rule such that small enough amounts of meat are not in contravention? Thinking within the law and thinking justly about the meaning and operation of the law within a specific fact scenario is a radical distinction Derrida seeks to convey. What distinguishes the two approaches, I maintain, is the intervention of creative, conceptual, and imaginative thinking. The chicken soup questions require sensorial imaginings of taste and texture, aesthetic and instinctual assessments of measure and quality, and spiritual or religious sensitivities to the significance of the prohibition. They are simply not justly answerable when resolved into the strict language-centred approach of the logomorph. Law is text, like film, that

requires the intervention of an adjudicator to provide meaning, similar to Weber's observation that "a transformative involvement of the reader is required in order for the text 'itself' to function – just as an 'audience' is required for a representation to be 'theatrical.'"¹²⁹ Weber's comments recall how revenge-themed films rely on ostentatious display to audiences, both within and without of the filmic world, in order to qualify as producing justice and create a courtroom of attractions. In the moments of imaginative power, the unreliability of law's word is revealed and the authority of the creative process with all its inspirations to invest law with meaning is exposed as law's greatest claim.

Accordingly, the law lives and has meaning in these imaginative moments that contain far more than is reducible to verbal content. Accordingly, Black's model proves to ultimately be unsuitable by its mistaken attempt to make film accord with law, when in fact it is the fullness of filmic experience that elaborates on the courtroom spectacle and, perhaps more importantly, on the transitory moments of justice when the law is given dynamic life. Recall West's opposition to treating law as "the interpretation of a pre-existing legal text guided by reason" but instead as "the creation of law backed by force".¹³⁰ Cover is more explicit on the place of imagination, "Law is the projection of an imagined future upon reality."¹³¹ Orit Kamir makes a similar observation connecting law and film, observing "[e]ach is a dominant social discourse constituting 'imagined communities.'"¹³² Law and film are each capable of being recognized as forums for expressing created visions for social organization. That view is simply shared in film's

¹²⁹ Weber, *Theatricality as Medium*, ix.

¹³⁰ West, "Adjudication is not Interpretation," 205.

¹³¹ Cover, "Violence and the Word," 1604.

¹³² Kamir, "Law, Society and Film," 2.

case, while it is actually enforced in the legal context. Nevertheless, the process by which that idea is developed bears much stronger resemblance than theorized in law and film scholarship thus far. This convergence resembles Richard Shusterman's position, invoked earlier herein, that ethical and aesthetic concerns are fundamentally one and the same.¹³³ Yet, bound by rituals and procedures of the legal process, these principles have remained hidden from view. The courtroom of attractions removes the process of justice-making from such contexts and consequently situates itself in a position of resistance to law's façade as a strictly and easily applicable series of regulations. Once law is approached in terms characteristic to film, the synoptic, aesthetic, and imaginative qualities that root and perpetuate the law become identifiable and the spectacular connections between law and the cinematic medium become appreciable.

Tempering Hyperlegality

Much of the preceding sections bring to mind the legal theories and concerns of Richard Sherwin, particularly those expressed in his book *When Law Goes Pop: The Vanishing Line between Law and Popular Culture*. Sherwin identifies lawyers as “professional persuaders” who are trained to know the most effective means to impart their position.¹³⁴ Like Black, like Bennett and Feldman, and like myself, Sherwin identifies stories or “fictions” to be the medium through which advocacy operates. The forms, styles, and their relative influences of these fictions are all acknowledged by him

¹³³ Shusterman, *Pragmatist Aesthetics*, 236.

¹³⁴ Sherwin, *When Law Goes Pop*, 205.

to change over time. As both an impetus for and consequence of that shift, the techniques of recipients in understanding and deriving meaning from those expressions alter as well. Unlike Black, Sherwin recognizes the significance of style, aesthetics, and emotion in shaping legal decisions. In fact, it is this acknowledgement that is the primary concern of *When Law Goes Pop* and ultimately what distinguishes this analysis from Sherwin's approach.

Engaging a view of postmodernism promoted by theorists such as Jean Baudrillard, Sherwin maintains “[l]aw in our time has entered the age of images” and, as a result, the processes by which legal stories are told, arguments are constructed, and meanings are found have come under new and dangerous pressures.¹³⁵ Legal rationalism, sometimes described by Sherwin as “linearity” or “causality,” refers to scrutinizing thought and objective analysis and is contrasted with “associative reasoning,” the shorthand common sense built out of conditioned experience and inspiring emotional and uncritical responses. The spread of image-based media in the courtroom, through its strategic use by lawyers, and outside the courthouse, by media depictions of legal proceedings for primarily entertainment purposes, is cited to have inflated the use of associative reasoning and had a deleterious effect on the legitimacy of law and legal systems. Sherwin cites a rule of thumb and a corollary – “Whatever the visual mass media touch bears the mark of reality/fiction confusion” and “once you enter the realm of

¹³⁵ Sherwin, *When Law Goes Pop*, ix. Sherwin might better be described as being concerned with icons rather than images, despite his preference for the latter term. Non-visual practices in associative reasoning and encapsulated meaning, such as popularly circulated plot structures, sound bites, and even jokes, are interchangeably cited in *When Law Goes Pop* with actual visual media (images) as contributing to the hollowing and discrediting of law and legal authority.

appearances it may be difficult to control how the image spins.”¹³⁶ Visual media provide encapsulated meanings, often inspiring automatic, emotional responses that occlude deeper conflicts and significances. The courtroom result is a kind of hyperlegality, where media influence and iconographic associations undermine the ability of consciousness to perceive the necessary authority of legal reality (that is its various stakes and principles, including the “rule of law” and legal rights).¹³⁷ Intended or not, legal meaning is increasingly thinned in this condition, the true fears and desires of a dispute fail to be confronted and resolved, and the monstrous return of those repressed issues, like Max Cady’s vengeful return in Scorsese’s *Cape Fear*, will necessarily occur.

Sherwin acknowledges that “disparate forms of lay and expert knowledge” contribute to creating legal meaning, but maintains that these meanings are flattened and these forms of knowledge are distorted “as they yield to the compelling visual logic of film and TV images and the market forces that fuel their production.”¹³⁸ The suggestion that this vision of postmodernism causes uncritical acceptance of meaning laden imagery in and around the trial is central to *When Law Goes Pop*, but Sherwin offers little proof that this effect is *actually* demonstrated in the decisions of judges or jurors who view legal imagery and are responsible for producing justice. It is implied that notorious cases

¹³⁶ Sherwin, *When Law Goes Pop*, 141.

¹³⁷ “Hyperlegality” is not a term utilized by Sherwin, however he does employ the “hyper-” prefix in *When Law Goes Pop* and his openly acknowledged debt to work of theorists such as Jean Baudrillard make the term’s employment herein appropriate. It should not be surprising that “hyperlegality” is employed by other legal theorists with inconsistent meanings as varied as the mere proliferation of laws and/or litigation to the Baudrillardian propagation of simulated legal experiences and thinking as described above. Considerations of the latter may be located as follows. Steve Redhead, *Unpopular cultures: The birth of law and popular cultures* (New York: Manchester University Press, 1995), 7, 80-81, 111. Thomas C. Shevory, *Notorious H.I.V.: The Media Spectacle of Nushaun Williams* (Minneapolis: University of Minnesota Press, 2004), 109. Peter Robson, “Law and Film Studies: Autonomy and Theory” in *Law and Popular Culture: Current Legal Issues 2004, Volume 7*, ed. Michael Freeman (New York: Oxford University Press, 2005), 41.

¹³⁸ Sherwin, *When Law Goes Pop*, 5, 4.

and others identified are found *wrongly*, that is they miss the central issue of the case or fail to produce a reasonable result, and that presentation of legal fictions, particularly in the form of images, has obscured these stakes and prevented critical thought. Yet Sherwin only identifies theorists positing on the effect of televisual imagery and lawyers explaining the reasons for using such media. Rarely are the accounts or rationales of judges and jurors identified.¹³⁹ Sherwin's fear is that the legal process will be victim to the strategy employed by defense attorney Billy Flynn (Richard Gere) in *Chicago*, who advocates giving the jury the old "razzle dazzle" – a spectacular and emotional drama. Flynn asks with self-assured satisfaction, "Who can hear the truth over the roar?" But Sherwin's vision of the courts becoming the hyperbolized spectacle of *Chicago* requires first a demonstration that judges and juries *are* uncritical in the courtroom, before attempting to show that the presence of cameras in the courtroom, of media reporting, and of increased use of audio-visual techniques is the deleterious cause. With its oaths, its obligations, and its architecture, what is to say that these spectacular qualities of the trial do not impose the importance of the venue and demonstrate a relationship substantially more significant than that with a TV screen? Might these qualities of the courtroom make participants *more* critical about their relationship with the forms of meaning presented in the courtroom?

¹³⁹ A major exception occurs in Chapter 6 – "The Jurisprudence of Appearances: *Law as Commodity*," where Sherwin reviews two major decisions in US courts on the presence of cameras in the courtroom and media coverage of trials. This analysis emphasizes the malleability of photographic images in one decision to suit the purposes of another. As such, it does not suggest that the photographic image prevents agency in thought, but rather becomes an instrument to be utilized by other critical thinkers in potentially proper and improper manners just as words or phrases might also be employed or misinterpreted.

Sherwin's analysis of law's hyperlegal problem appears rooted in a sense of nostalgia. This is not a desire for the return of Enlightenment-styled rationalism and the feelings of control and certitude afforded by the scientific method that he maintains has long held sway over legal thinking and is no longer tenable given postmodern thought.¹⁴⁰ Rather, it is for a time when the uncertainties and emotions of spectacular imagery were subordinated to the word, or even absent from the legal process altogether. Sherwin frames this shift in meaning-making as one of the image's intrusion – "It is not the end of modern (print-based, explanatory, linear-causal, proof-driven) storytelling style. But that style's monopoly on truth and law and justice is over."¹⁴¹ The trial process, as already discussed, has not fundamentally changed at its most basic levels – advocates advocate, judges judge, witnesses recount, and the various spectacular aspects embedded in those practices remain not merely present but continue to be desired and relied upon.

Sherwin frequently maintains that the various manners of deriving legal meaning need not be necessarily damaging, as "testing out diverse notions of truth does not cause us to descend into nihilism and despair," yet this reduction of law to a medium of magically persuasive words invaded by unwieldy and uncritical images again omits the spectacular nature represented in the courtroom of attractions and always present in legal processes. His call for an "affirmative postmodernism" that responsibly uses image-derived notions of truth and meaning to appeal to transcendental legal ideals reveals itself to be a process of negotiation that the courtroom of attractions depicts as always having been relevant to the creation of justice. Rational/factual concerns of punishment coexist

¹⁴⁰ Sherwin, *When Law Goes Pop*, 237-239.

¹⁴¹ Sherwin, *When Law Goes Pop*, 38.

with the emotional and aesthetic needs of avengers in order to achieve justice. Trial procedures directly employ spectacular descriptions in hopes that the *image* of the witness will provide context and insight into their *words*. Sherwin emphasizes Baudrillardian postmodern fears and the creation of hyperlegality by failing to elaborate on the spectacular nature of law and the demand to negotiate its content in order to create justice that predates the arrival of so-called hyperreality. A false dichotomy is nonetheless preserved where “irrational fears and prejudices override judicial prudence and constraint.”¹⁴² But why must emotion overcome rationality? Why does fear not overcome other, equally valuable emotions – resentment, empathy, or compassion?

In this regard, Sherwin sounds similar to David Sokolow’s law students after viewing Akira Kurosawa’s *Rashomon* (1950). With its contrary testimonies and lack of factual certitude, Sokolow intended on using *Rashomon* to demonstrate to his students the problems associated with building a case. Law school tends to assume facts are undisputed in order to teach issues of law, but the activity of lawyering regularly demands reconciling differing accounts of disputes and having the factual evidence of one side preferred over another. Yet without providing warning or direction to his students, Sokolow was shocked by their response. Some were completely unable to speak about the film while others were harshly and aggressively opposed to the message they assumed Sokolow advocated through *Rashomon* – that truth was indeterminable, that lawyering was consequently an exercise simply of unprincipled persuasion, and that law necessarily lacked any transcendental meaning or ethical foundation. After further

¹⁴² Sherwin, *When Law Goes Pop*, 240.

inquiry, Sokolow recognized that legal education was often about evading situations where legal rules did not operate in black and white fashions. For example, Sokolow discovered that contract law instructors regularly avoided direct engagement with principles of unconscionability, as it undermined the principle that the law will not look behind a bad deal and suggested that some agreements are subjectively determined to be so bad as to make contract principles inapplicable. Such cases acknowledged law's "irrational" side repressed by what Julius Getman refers to as the "professional voice" – "a manner of communication that removes law professors from the concerns of ordinary people and suggests that lawyers ought to analyze even the most complex emotional situations by applying a host of abstract rules."¹⁴³ The effect of this approach is to inhibit "both cultural and emotional diversity" in the law and instruct "that emotional or empathic responses are inappropriate and get in the way of good lawyering."¹⁴⁴

Sherwin's distress about the image, like that of Sokolow's students, is not that images are relied upon in ever more decontextualized circumstances and that meanings are increasingly removed from them. Rather, as stated by Shaviro, "What these theorists fear is not the emptiness of the image, but its weird fullness; not its impotence so much as its power. Images have an excessive capacity to seduce and mislead, to affect the spectator unwarrantedly."¹⁴⁵ The tenor of Sherwin's analysis is similar to Black's in that each seeks to disavow the excess of the courtroom that cannot be easily contained in narrative or logical thought. They demonstrate Shaviro's position that "[p]ostmodern

¹⁴³ David Simon Sokolow, "From Kurosawa to (Duncan) Kennedy: The Lessons of *Rashomon* for Current Legal Education," September 1991/October 1991, 1991 *Wisconsin Law Review* 986, 971.

¹⁴⁴ Sokolow, "From Kurosawa to (Duncan) Kennedy," 971, 973.

¹⁴⁵ Shaviro, *The Cinematic Body*, 17.

culture is more traditional, more Cartesian, than it is willing to admit; it is still frantically concerned to deny materiality, to keep thought separate from the exigencies of the flesh.”¹⁴⁶ Yet, the law and the trial process depend on these excesses to function justly. As legal theorist Michael Moore notes, “Some emotions generate moral insights our legal system could not hardly do without, such as the insight that it is outrageously unfair to punish an innocent person.”¹⁴⁷ Reactions of anger, indignancy, or sympathy in certain circumstances are not irrational, but entirely reasonable – “Emotions are rational when they are intelligibly proportionate in their intensity to their objects, when they are not inherently conflicted, and instantiate over time an intelligible character.”¹⁴⁸ Such emotions act as cues for our rational, analytical processes. In the courtroom, they may direct beliefs or suspicions consequent to observing witness testimony and are relied upon in making assessments of credibility. As already described, emotional, visceral, and aesthetic responses are central in revenge cinema to assessments of proportion in punishing violence.

Discussions of the hyperlegal image and the variety of legal meanings that exist beyond the purely rational bring to mind a small number of vengeance-themed films not yet discussed – the decontextualized, non-linear narratives of films such as *Irréversible*, *Memento*, and *21 Grams*. Each film destabilizes the largely linear approaches of the other examples of the courtroom of attractions already discussed. *Irréversible* inverts its narrative, presenting scenes in reverse order. Accordingly, the punishing actions of

¹⁴⁶ Shavero, *The Cinematic Body*, 127.

¹⁴⁷ Michael Moore, “The Moral Worth of Retribution,” *Philosophy of Law*, 691.

¹⁴⁸ Moore, “The Moral Worth of Retribution,” 691.

Marcus (Vincent Cassel) and Pierre (Albert Dupontel) are depicted first, the rape and assault against Alex (Monica Bellucci) following thereafter, and the film concludes with the events that act as prologue to the originating harm. *Memento* alternates between scenes of a linear prologue describing the background of Leonard's vengeance quest and an inverted narrative depicting that revenge, the streams eventually meeting at the film's conclusion. All sense of linearity is broken by *21 Grams* as scenes from various points in the story's timeline are presented without any sense of patterned order except that scenes with important content to narrative comprehension are withheld until later portions of the film, such as Paul's (Sean Penn) failure to kill Jack (Benicio Del Toro) as demanded by Cristina (Naomi Watts), Paul's suicide attempt while Cristina and Jack struggle, and Cristina's pregnancy. Each of these films decontextualize the image, rearranging scenes and sequences to deny the ascription of easy, coherent narrative significance. In this regard, they might be viewed as extreme examples of the postmodern/hyperreal problem of the image with which Sherwin is preoccupied.

Sherwin characterizes the hyperlegal as promoting false catharses, "hyper-catharsis," that exists only superficially and contrasts with the real catharsis of actively engaging and resolving important and fundamental social issues.¹⁴⁹ Each of these films specifically denies the comfortable and purposeful violence of other revenge-themed films and their cathartic endings. The vengeance depicted in each picture is unsuccessful and self-defeating. Pierre's brutal attack, caving in the face of his victim by repeatedly striking him with the flat bottom of a fire extinguisher, is later revealed in *Irréversible* to

¹⁴⁹ Sherwin, *When Law Goes Pop*, 168.

have been inflicted on the wrong individual. In *Memento*, Leonard's murder of Teddy is revealed to be one of many murders he has likely committed with the belief that he is avenging the rape and murder of his wife. The killings are all the more disturbing because Leonard's inability to make new memories has not only been exploited by others, but by himself as well through writing false notes, removing pages and information from his police file, and potentially even disavowing his own responsibility for his wife's death by externalizing it into the arguably fictional story of Sammy. By the conclusion of *21 Grams*, Paul is presumably dying by his body's rejection of the heart transplanted into him and from the self-inflicted gunshot to his chest and Cristina is consumed with hatred for Jack, abusing drugs while pregnant, while ex-con Jack, in self-imposed exile from his family and having rejected his Christian faith, again finds himself in the hands of law enforcement.

In their own ways, each film conveys very conservative messages about the ability of harmed individuals to produce their own justice. Pain and trauma overwhelm their abilities to act mindfully, to properly identify the wrongdoer, and to enact their violence in proportionately, stylistically, and socially effective manners. These avengers, more than any reviewed herein, require objective, ritualized legal processes to constrain their physical and emotional engagement with justice-making, if not fully assume responsibility for it. *Irréversible*, *Memento*, and *21 Grams* embody their traumas through fractured narratives. Physical and emotional pain created in each of the originating harms exists as violence upon the linearity of their narratives. The decontextualized image becomes a means of expressing the avenger's trauma in these films. Their resistance to

legality is both in terms of their ability to achieve justice through vengeance but also to the possibility to achieve the “real” catharsis. The promise of resolution and catharsis is surely an aspect of the law that provides it authority. Given the dichotomy between the law’s claim as a process for dispute resolution and *Irréversible*, *Memento*, and *21 Grams*’ critiques on the ease of resolving trauma through justice-minded, legally-minded punishments, the position posited by these postmodernist films is likely more accurate. Punishment of victimizers may be required or even felt to be compelled, but that does not make the result necessarily synonymous with “real” catharsis. Miller repeatedly maintains that justice does not provide lasting serenity, but “bought time; it was unlikely to be a permanent solution as long as there was scarcity and people were moved to compete for honor and status and other scarce resources.”¹⁵⁰ The questionable promise of catharsis is similarly voiced by Thomas Schatz while discussing the Western, “If there is anything escapist about these narratives, it is their repeated assertion that these conflicts can be solved, that seemingly timeless cultural oppositions can be resolved favourably for the larger community.”¹⁵¹ Such concerns continue to persist in law’s subjects and Sherwin’s expectation of trial produced catharsis may simply not be realistic and therefore encourages his identification of contemporary legal failings. Verdicts are pronounced, but there seems to be little guarantee that those decisions ever made *psychological* catharsis their objective. If they did, then the need for law’s enforcement through violence would likely prove unnecessary.

¹⁵⁰ Miller, *Eye for an Eye*, 16.

¹⁵¹ Thomas Schatz, *Hollywood Genres: Formulas, Filmmaking, and the Studio System* (Philadelphia: Temple University Press, 1981)

The compromised nature of catharsis through achieving justice is one addressed within some of the films already reviewed. In *The Brave One*, great emphasis is placed in Erica's voice-over narration on the trauma she has experienced and the "stranger" who now occupies her body with her. Cross-cut images of Erica and David being attended to by emergency room personnel after their attack and the pair making love describes the emotional and spiritual components of their loss beyond the simple physicality of the attack. The sequence also elaborates on the division within Erica that increasingly develops over the film. The scenes of love-making, shot in warm tones and sensuously depicted identify the content, passionate woman who now, in large part, exists only in the past. The fluorescently lit hospital predicts the blue-green iridescence of the convenience store and the subway car and the avenger that now lives with Erica in the present. This "stranger," this "woman with a grudge," gradually consumes Erica. Her voice-over narration divided from her body conveys the separation between Erica, the woman who once was, and the avenger, who lives within her and seeks out the visceral reality of harm and revenge. Her violence ends with the killing of her original attackers, but the film nonetheless concludes with her statement that the stranger is "all you are now."

A similar discordance between justice and catharsis is presented in the conclusion of *Lady Vengeance*. While Guem-ja takes her revenge on Baek and assists the families of his victims in doing the same, she does not fully achieve the rejuvenation she desires. She is visited by the ghost of the child in whose kidnapping she was involved and, upon attempting to speak to him, is gagged in the same manner as Baek. Guem-ja has ensured Baek has accounted for his harm, but her trauma and her guilt for her offense are not

necessarily absolved as a consequence. Accordingly, the film concludes with Geum-ja ravenously consuming the tofu-styled cake, desiring the purity it symbolizes. Even *Kill Bill* alludes to the potentially unreasonable expectation for “real” catharsis through justice-making, as *Vol.2* concludes with the scene of the Bride lying on a motel bathroom clutching a teddy bear. Within the bathroom, the Bride is revealed to be laughing, although it also sounds like crying and the tears in her eyes question whether they are fully from the joy of being reunited with her daughter. I suggest that in such moments, the image of the law that underlies Sherwin’s approach, appropriately rational, without need for spectacular aesthetics, and perfectly cathartic, is no less a fiction than the denial of law’s violence or its supposedly logomorphic nature. Hyperreality may be a risk to legal process’ capacity to create justice, but it is difficult to tell how Sherwin’s analysis would be constructed if it fully acknowledged the excessive and ostentatious requirements of the courtroom of attraction, of the trial system, and of justice-making.

Once the spectacular qualities of the trial process, of the courtroom of attractions, and of justice-making are all acknowledged, it is difficult to determine into which of Sherwin’s streams of legal imagery revenge cinema should be placed. Are they nostalgic films depicting achievable punishment and closure despite their emphasis on aesthetics and emotion? Are they mythical re-imaginings of legal ideals and transcendental goals that successfully synthesize the differing forms of legal communication despite their apparently extralegal nature? Are they the worst examples of the hyperlegal, promoting alternative forms of dispute resolution and falsely satisfying bloodlust?

The law and the courthouse are forums for producing meaning whose methods are more excessive than law and film scholarship has acknowledged. It is an emotional, instinctual, and spectacularly and theatrically ostentatious arena. Law ultimately proves itself to be like film by its irreducibility. It is a forum of engagement that demands more than the mechanical clockwork of language, narrative, or simple legal thinking and application. It contains real aesthetic and emotive choices in compliment with rational analysis to not merely ensure that laws are followed, but that the just spirit behind those laws is preserved. West is correct that law is adjudicative and not interpretive. The significance of its authority and the enforceability of its violence demands precisely that its aggrandizing images must be interrogated. The law is not so inviolable that it must be insulated from question or that the relationship between law and film should commence with an understanding of law to which film must gain access. Looking for the cinematic in law and locating the courtroom of attractions proves to ultimately be an effort that is more consistent with law's actual practice and more insightful of law's creations and application than the façade law promotes.

CONCLUSION

“I’m burned to death by a mob of animals. I’m legally dead and they’re legally murderers. That I’m alive’s not their fault. But I know ’em. I know alotta ’em and they’ll hang for it. According to the law that says if you kill somebody, you gotta be killed yourself. But I’ll give ’em the chance they didn’t give me. They’ll get a legal trial in a legal courtroom. They’ll have a legal judge and a legal defence. They’ll get a legal sentence and a legal death.”

– *Fury* (Fritz Lang: 1936)

Thinking justly about the relationship between law and film first requires forgetting the rules and principles produced for understanding it. It demands reconsidering these ideas within the materials available. In the first three chapters, I have approached this material fairly conventionally – seeking to recognize the illustration of traditional legal principles in cinema. This analysis distinguished itself, however, from much of past law and film scholarship by first approaching the process of accounting for harms and justice-making in the *prima facie* non-legal context of revenge-themed films. By being concerned with justice-making, films dealing with vengeance are shown to adhere to the same principles of proportion and publicity relevant to the courts. I have further distinguished this approach by specifically addressing these issues through formal and structural analysis. I have emphasized how justice-making principles are reinvented in cinema’s manipulations of time and space and are expressed in characteristic techniques of the cinema, such as *mise-en-scene*, cinematography, and editing. Cinema thus reveals itself to express the law in synoptic terms that rely upon aesthetic, emotional, instinctual, and even irrational standards. With this in mind and aware of Tom Gunning’s theories on the relationship between narrative and spectacle in early cinema, revenge-themed films are identified to

express the true nature of the law that runs contrary to much of its constructed façade. Rather than a coolly objective and mechanical system based solely on reason, law and the court process is exposed as a forum that relies on these same spectacular standards to administer justice as done by vengeance-themed films. Further, I have suggested that legal texts are only instructive and justly applied with the force of law when creatively engaged by the imagination. Law therefore takes form and lives in the conceptual spaces of the mind, influenced not merely by the language of its text but also by its ostentatiously sensorial excesses.

In considering where these observations may further lead, it seems then natural to bring these observations back to the cinematic courtroom. Reconsidering the trial film, the legal process appears conspicuously preoccupied in Derrida's contrast between merely applying the law and justly reimagining it. The movie theatre is full of unwinnable cases and imaginative individuals insistent on testing the meanings and applications of the law. In *12 Angry Men* (Sidney Lumet, 1957), Juror #8 (Henry Fonda) resists the pressures of eleven other jurors to find an accused murderer guilty in an open and shut case. Fred Gailey (John Payne), in George Seaton's *Miracle on 34th Street* (1947), seeks to prove before the court that the kindly man calling himself Kris Kringle (Edmund Gwenn) is in fact actually Santa Claus. Despite these two films being radically different in tone, each involves demands by their central legal characters that law's justice-making process and its subjects take the time and effort to open their minds and critically interrogate the meanings and implications of their straightforward and presumably uncontroversial applications of the law.

What is more striking is that these efforts and awakenings are often initiated through ostentatiously spectacular actions. The importance of imagination in *Miracle on 34th Street* is central to the film, as Kris makes it his mission to inspire some sense of transcendence in Doris (Maureen O'Hara) and her daughter Susan (Natalie Wood). He explains the idea of the imagination as a space in political and legal terms, "To me, the imagination is a place all by itself. A separate country. Now you've heard of the French nation, the British nation. Well, this is the imagination." The delivery of the letters to Santa Claus into the courtroom of *Miracle on 34th Street* proves to be the film's defining moment, both cinematically and legally, and Judge Henry X. Harper (Gene Lockhart) is unable to resist spectacular authority. With not one person to inspire but eleven, *12 Angry Men* is resplendent with ostentatious demonstrations, from the production of the illegally purchased, duplicate murder weapon, to the reconstruction of the father's walk to the door, to the explanation of how to wield a switchknife. Juror #8 repeatedly backs argument with physical engagement and shocking surprise. In doing so, both films break through the stimulus shield of rational, cerebral argument and transform the law into an imaginative and sensorial experience. These spectacular shocks are all the more notable for occurring in explicitly legal contexts, demonstrating Eisenstein's original intention for the application of attractions – "These shocks were intended to undermine the absorption of the spectator into the narrative and to keep the spectator thinking objectively about what they were watching being performed on the stage."¹⁵² Contrary to Sherwin's

¹⁵² Matt Bailey, "Gaspar Noé," *Senses of Cinema* (July 2003).
<http://www.sensesofcinema.com/content/directors/03/noe.html> (accessed April 3, 2008).

approach and similar to the violence described by Caruth, ostentatious courtroom displays provide access to critical thought rather than its denial.

A more recent example, and personal favourite, is *My Cousin Vinny* (Jonathan Lynn, 1992). There, defence attorney Vincent Gambini (Joe Pesci) engages in similarly theatrical practices in order to have witnesses, representatives of the prosecution, jurors, and a stern judge reconsider their understandings of his cousin's murder case. Vinny questions a witness by presenting photographs, strings a measuring tape across the courtroom while testing the eyesight of another witness, and stages a mock reversal of his case's fortunes while examining his fiancé/motor vehicle expert. As Vinny improves as a justly-minded lawyer, so too does his dress gradually conform with the image of counsel, as a cloth suit eventually replaces the leather jacket, gold chain, and black sweater he originally appears in. Moreover, ironic reversals and repetitions characteristic of poetic justice are revealed, as Vinny, who is conspicuously New York Italian and out of place in the American South, successfully defends his similarly situated clients. *My Cousin Vinny*, like the revenge films already discussed, produces mirroring images that support and underscore the justice achieved within the courthouse.

The spectacular nature of courtroom justice may further provide access to those reflexive instances where the courtroom is transformed into the movie theatre. *Fury* relies on film to establish the presence of the defendants and could be considered an uncritical use of the medium, particularly given the unlikely views and shots depicted on the newsreel footage, yet the film describes more. Beyond its easy narrative function, the cinema provides another ostentatious moment that elaborates on the spectacular and

excessive aspects of justice-making. The newsreel images create astonishment and even revulsion in the accused townspeople who, until then, were able to stonewall the legal process and disavow the creatures they became while in the lynch mob that nearly killed Joe Wilson (Spencer Tracy). The film in *Fury*'s courtroom breaks through the stimulus shield of the town's false alibis and conveys directly the horror within themselves and law's just claim against them.

This ostentatious confrontation is perhaps no more chilling than in the film and TV movie focused upon the Nuremberg trials – *Judgment at Nuremberg* (Stanley Kramer, 1961) and *Nuremberg* (Yves Simoneau, 2000). Footage of concentration camp atrocities are presented with repellent and distressing effect. In *Nuremberg*, Justice Robert Jackson (Alec Baldwin) remarks after witnessing the Allied footage, “Those films ... You know, I've read any number of affidavits, reports, statistics, but I didn't really understand until I saw those films.” Like in *Fury*, the footage affords an opportunity for reconsideration by those involved in the trial process, including the accused, of their legal thinking, as even they cannot deny the horror of the filmic image.

These are only initial forays into the avenues available for re-examining the trial film aware of its spectacularly excessive content and the imaginative experience of thinking justly. Further exploration will not be without challenges. It is easy to understand why law's image resists such realities. The law should be reliable, predictable, and certain given the authority it claims and the power it wields. And so it is important to recognize that this approach does seek to undermine the value or operation of the law. The law's nature has not changed with this analysis. It has always relied upon

the emotional, aesthetic, and instinctual standards to operate justly and not necessarily in conflict with its rationalism. This is not to reject law's rationalism or lionize its excesses, but to recognize the convivial nature of all of law's component characteristics and, in doing so, better understand and respond to its challenges. Understanding the law requires more than explaining it by filmic illustration. It necessitates finding the insights into the law particular to the cinema that may otherwise be inaccessible. Only by appreciating how it is spectacular and theatrical can law and legal processes ensure it is not reduced to play and entertainment.

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