Angles

New Perspectives on the Anglophone World

4 | 2017

Unstable States, Mutable Conditions

Criminal Courts in England and the United States: A comparative approach to fictional representations as portrayed by two classic examples of courtroom films: *Witness for the Prosecution* (1957) and *Anatomy of a Murder* (1959)

Anne-Laure Dubrac

Electronic version

URL: <https://journals.openedition.org/angles/1588>

DOI: 10.4000/angles.1588

ISSN: 2274-2042

Publisher

Société des Anglicistes de l'Enseignement Supérieur

Electronic reference

Anne-Laure Dubrac, "Criminal Courts in England and the United States: A comparative approach to fictional representations as portrayed by two classic examples of courtroom films: *Witness for the Prosecution* (1957) and *Anatomy of a Murder* (1959)", *Angles* [Online], 4 | 2017, Online since 01 April 2017, connection on 06 June 2022. URL: <http://journals.openedition.org/angles/1588> ; DOI: <https://doi.org/10.4000/angles.1588>

This text was automatically generated on 6 June 2022.

Angles est mise à disposition selon les termes de la Licence Creative Commons Attribution 4.0 International.

Criminal Courts in England and the United States: A comparative approach to fictional representations as portrayed by two classic examples of courtroom films: *Witness for the Prosecution* (1957) and *Anatomy of a Murder* (1959)

Anne-Laure Dubrac

- ¹ In the introduction to their book *The Handbook of English for Specific Purposes* (2013), Paltridge and Starfield stress the necessity of providing ESP (English for Special Purposes) learners with diverse documents which include different topics, modes of expression and perspectives. For example, they point out the advantages of visual documents and indicate that such documents should be one of the foci of ESP research, since images can “illustrate abstract concepts, [...] facilitate the integration of new knowledge with existing knowledge, enhance information retention, mediate thinking processes, and improve problem solving” (Paltridge and Starfield 2013: 20). Based on these findings, we hypothesized that using cinematic fiction in the language classroom could help law students to both further their knowledge of legal English and to better understand the culture-specific aspects of their field. Though articles and textbooks presenting and comparing the differences in the application of the common law in various countries are numerous, we decided — following Paltridge and Starfield’s theory — that cinema, because of its visual nature, could complement the study of the law by illustrating specific rules and practices. For example, *12 Angry Men* (1957) by Sidney Lumet gives the spectators the opportunity to enter a courtroom and put themselves in a juror’s shoes. Then, as jurors, they are asked to decide on the guilt of a teenager who has been accused of murdering his father. Similarly, *Witness for the*

Prosecution (1957) by Billy Wilder and *Anatomy of a Murder* (1959) by Otto Preminger introduce students to the concepts and practices of the legal profession.

- 2 Associating law and fiction is nothing new; indeed, literature has long been perceived as a way to make legal concepts easier to understand. For instance, in common law countries (and more and more in European courts), legal briefs are larded with references to Shakespeare, Dickens, and Stevenson¹. Similarly, scholarly works on law and fiction date back to the beginning of the 19th century (Wigmore 1908; Cardozo 1931). However, very little has been written about the links between law and cinema, as suggested by Machura and Robson (2001: 1). Not surprisingly there is no consensus about what to look at in law and films, nor in what form these studies are best conducted. There is then a variety of approaches to the issue of how film looks at law.
- 3 If courtroom films can help students understand the language and culture of a specific professional community, they also tend to distort or exaggerate reality, given that they are works of fiction and entertainment. For example, Isani (2010 a) shows that in courtroom movies lawyers are often depicted as greedy, corrupt, and immoral. As a result, we may question the potential relevance of popular legal fiction for students. How faithful is cinema to the reality of a trial? Is it judicious to make use of such a medium when students, still unfamiliar with the professional field they are studying, may be unduly influenced by such inaccurate representations? Would it be more relevant to use real-life footage, e.g. excerpts from Court TV or documentaries?
- 4 The objective of this article is to determine whether cinematic fiction constitutes a satisfactory pedagogic tool when teaching the language and culture of legal English. In order to assess this hypothesis, we singled out two courtroom dramas for analysis: *Witness for the Prosecution* and *Anatomy of a Murder*. That both films are over fifty years old was no accident; we chose films that most students would be less familiar with and would not normally be drawn to. We did so thinking that such films would be far enough from contemporary reference² that learners could fully direct their attention to legal considerations.
- 5 Both films follow a lawyer, somewhat isolated from the larger legal community, who accepts to defend a penniless man charged with first-degree murder. However similar the plots, the two fictions offer radically different representations of the law and of law professionals since both are set in markedly separate cultural contexts. *Anatomy of a Murder* takes place in the United States, in a small, working-class town on the Upper Peninsula of Michigan, whereas *Witness for the Prosecution* is set in London, between the Old Bailey courthouse and the Inns of Court where the main protagonist, the aristocrat barrister Sir Wilfrid (Charles Laughton), works and lives. Therefore, our objective was threefold: analyse the relevance of the specialised content of these movies, explore the benefits of using cinema in conjunction with traditional teaching tools, such as law textbooks and legal cases and help students deepen their understanding of both explicit and implicit legal rules.

Figure 1: Poster for Anatomy of a Murder

Source: <https://www.imdb.com/title/tt0052561/mediaviewer/rm2319413760>. All rights reserved.

1. Cinematic Fiction: A relevant tool to explain and compare legal notions

- 6 When French second-year students from UPEC (University Paris-Est Créteil) are introduced to the common law system prevalent in other countries, one of the first notions they tackle is the adversary (or adversarial) procedure. Explaining this procedure can be difficult given its seemingly abstract nature, and students are often eager to see how the procedure works in actual practice.
- 7 As opposed to the inquisitorial procedure with which French students are more familiar, the adversary procedure relies on a regulated confrontation between the parties. Verdicts depend on the ability of the most effective adversary (either the prosecution or the defence) to convince the jury of his or her argument. The court is not supposed to interfere in the proceedings. Instead, the judge must remain an impartial and unbiased referee. As a result, the lawyers are the main protagonists of the adversary system and the outcome of the trial hinges on their actions.
- 8 Both movies dramatize this legal procedure shared by common law countries and explain its main characteristics. First, the two films emphasize the crucial role of lawyers in the common law system. They show that it is up to them to bring up all the evidence and information that the court needs to adjudicate. For example, in *Anatomy of a Murder*, the attorney Paul Biegler (James Stewart) needs to do research to construct his legal defence for Frederick Manion (Ben Gazzara), an army lieutenant accused of killing his wife's alleged rapist. In order to develop his argument, Biegler himself must

visit the crime scenes, interview family members and potential witnesses, and collect evidence. While Biegler tries to pry information from reticent and potentially threatening sources, his partner, an ageing, drunken lawyer named Parnell McCarthy (Arthur O'Connell), goes all the way to Canada to obtain information about a mysterious woman attached to the case.

- 9 In *Witness for the Prosecution*, viewers are introduced to the two types of lawyers existing in England: solicitors and barristers. The division of the legal profession into two branches can therefore be explained and debated in class. Viewers are also shown the questions a barrister might ask prospective clients before accepting to take their case. Sir Wilfrid's unorthodox method of doing this, questioning potential clients in the sharp glare of his monocle's reflected light, is shown in great detail. In both films, the viewers follow the lawyers in their search for technical and factual evidence. As the students see each case develop, they also increase their understanding of what it means to be a lawyer in the common law world.
- 10 The two movies also explain the rules and vocabulary of the adversary system. They highlight, for example, that lawyers have to abide by "the law of evidence", a complex set of rules, "which determine[s] what evidence may be given by witnesses and what questions they may be asked in examination and cross-examination" (Zweigert & Kötz 2011: 274-5). A specific element of the law of evidence is the "hearsay rule", which states that evidence cannot be presented to the court unless its witness is there to present it. The law of evidence is illustrated when the prosecuting attorney in *Anatomy of a Murder*, makes clear that it is considered unfair to rely on the evidence provided by a witness who is absent and therefore cannot be cross-examined. Furthermore, legal expressions such as "to take the stand", "to examine a witness", to "cross-examine", "no redirect" or "rebuttal" are ubiquitous in both movies, not only allowing the viewers to grasp their meaning, but also making clear how stressful and intimidating being a witness in this legal system can be, since witnesses are often asked very intrusive questions over and over. This near-harassment of witnesses may also trigger questions in the students' minds and help them reflect on the best strategies to get at the truth. They may want to discuss and compare the differences in the conceptions of how truth is to be established in common law and civil law countries. Is the civil law system, where the truth is unveiled through an investigation led by a powerful judge, more effective than the Anglo-Saxon one, where the "emergence" of the truth is supposed to result from the confrontation of the two sides?
- 11 Both films examine the deep connection between legal rules and the people who abide by them. Early in *Anatomy of a Murder*, we see Biegler and his partner pondering which United States Supreme Court Report they might spend the night reading. Then, we see them in the law library, seeking to bolster the argument that Manion was seized by an "irresistible impulse", with relevant legal precedents, which could exculpate their client. Intense work leads them to an old forgotten Michigan Supreme Court decision.

Paul Biegler: People versus Durfee, 66, Michigan, 486, year 1886. The right and wrong test, though condemned as being unscientific is adhered to by most states but... the fact that one accused of committing a crime may have been able to comprehend the nature and consequences of this act and to know it was wrong; nevertheless, if he was forced to its execution by an impulse, by an impulse which he was powerless to control, he will be excused from punishment. The Michigan Supreme Court did accept irresistible impulse. This is precedent.

- 12 As Biegler reads the precedent to his partner, we, the spectators, realize how precise and complex precedents can be (Zweigert & Kötz 2011). We also understand that lawyers in the common law system have an inductive way of thinking, which is to say, they thoroughly analyse the particular facts of the case in question, compare it to similar cases, and try to draw out general rules and principles.
- 13 In *Witness for the Prosecution*, Sir Wilfrid also searches for pertinent precedents to show that it is possible to introduce new evidence at the end of a hearing. He comes up with three different precedents (one of which the judge knows very well, as he was involved in the case) to ensure that his request will be granted.
- Sir Wilfrid*: I ask that the case for the defence be reopened, and that a witness be recalled.
- Lawyer for the prosecution*: I most strenuously object to the case being reopened at this final stage.
- Sir Wilfrid*: Evidence of a startling nature has come into my possession.
- Lawyer for the prosecution*: The course my learned friend proposes is quite unprecedented.
- Sir Wilfrid*: I have anticipated this objection and can meet it with ample precedent. There is the King vs. Stillman, reported in the criminal appeal reports of 1926 at page 463. Also, the King vs. Porter in volume one of the King's Bench Division reports, and lastly there is the case of the King vs. Sullivan in which this issue was raised, which I'm sure Your Lordship will remember, since you appeared for the prosecution.
- 14 These various film scenes, once again, may arouse questions among students, such as: does the common lawyer really reason from instances to principles, as the protagonists in the two movies do? In other words, does he really have an inductive method of problem-solving? If this is the case, what does it suggest about the way law professionals see legal rules in common law countries? Do they perceive them differently in a unitary country like England and a federal one like the US? Furthermore, these two films can be used as a springboard to study seemingly ordinary legal words such as 'law' or 'precedent' and compare their meanings according to the context in which they are used. In addition to learning the specific meaning of legal words, as already mentioned, the depiction and analysis of different legal systems should enable students to take some distance from their own legal system, thereby helping them better comprehend its general aims. Indeed, as Michel Foucault (1981) noted in *Truth and Juridical Forms*, justice, far from being an isolated and self-contained sphere of society, is, in fact, at the very heart of it. Justice shows the way in which humans, according to their different cultural habits, create distinctions between truth and falsehood and decide what is right and wrong. Justice, according to Foucault, is not only a tool to adjudicate disputes among the members of society, but actually gives us a glimpse of the fundamental nature of society.
- 15 The analysis of these two courtroom dramas could also pave the way for the study of political or philosophical works, such as Alexis de Tocqueville's *Democracy in America* (1835-40). In his text, de Tocqueville argues that in the US the law is conceived as a flexible tool and asserts that this perspective is derived from religion, given Protestantism's strong individualism and emphasis on a direct bond between God and individuals. As a result, any abstract rule detached from the immediate concerns of citizens is viewed as likely to be ineffective, if not potentially dangerous. Broadly speaking, it could be argued that *Anatomy of a Murder* shows this pragmatic relationship between legal rules and their application in the United States.

- 16 Cinema can thus be a way to make legal notions and processes easier to understand. As discussed below, this medium — when it provides a holistic and ethnographic depiction of a profession — can also help students learn about the culture of the professional community they may seek to join.

Figure 2: Poster for *Witness for the Prosecution*

Source: <https://www.imdb.com/title/tt0051201/mediaviewer/rm1156627968>

2. Cinema: A means to facilitate students' understanding of the way that law is culture-bound

- 17 Prior (2013: 519) views ESP “as a counter to the dominant vision of general language competence” since it considers language “as a mosaic of registers and genres, organized around specific domains of social practice — disciplines, professions, workplaces, recreation, home, and community/public life”. However, Prior laments the fact that holistic, situated studies of sociocultural activities remain peripheral. For him, ESP research needs to pay more attention to the embodied practices of professionals, and must demonstrate the importance of gestures, proxemics and artefacts in face-to-face professional communication. To illustrate his stance, he posits that one cannot understand archeological practice without taking into account “the moving hand” of the archeologist, “the dirt which the hand is articulating”, “the accompanying talk” to his colleagues or the position of his body (Goodwin cited in Prior 2013: 527). In other words, our social and professional identities are inscribed in our bodies and, therefore, ESP teaching should reflect that.
- 18 Cinema, because of its multimodal or multisemiotic nature, that is, given that it interrelates visual, auditory, written, oral, proxemic and gestural signs, gives students

an embodied vision of a professional activity. For example, *Witness for the Prosecution* shows the etiquette that law professionals have to comply with in England. The very first images of the movie insist on the numerous rituals of an English courtroom. The judge, who is officially a representative of the Crown, enters the courtroom very solemnly after being announced and bows to the lawyers, who return the gesture. A long tracking shot gives the viewers a detailed picture of the courtroom, which is composed of two levels. The camera slowly moves from a long shot to a close-up, focusing on the sword of justice and the royal coat of arms, the latter being there to remind spectators that law courts in England are part of the Royal Court. The sovereign is at the head of the English legal system, as indicated by a court official: “the Queen’s justices of oyer and terminer”.

- 19 As for the barristers themselves, they have to abide by numerous written and unwritten rules that French law students are usually unaware of. Barristers are required to wear 18th century-style, horse-hair wigs and black gowns during court proceedings. Wigs are supposed to confer dignity and to prevent lawyers from becoming too personally involved in their cases. The wig is thus a crucial professional prop which distinguishes law professionals from the lay public. This is exemplified in *Witness for the Prosecution* by Sir Wilfrid’s attachment to his wig and the attention with which he cares for it. Other traditions have to do with terms of professional address. As Wilder’s film shows, barristers often refer to fellow colleagues and to solicitors as “my learned friend” or some variation thereof. The movie also indicates the intimate bonds that exist between barristers and judges. Sir Wilfrid, as an example, knows the judge very well, as the judge himself was once a barrister. This would not have been uncommon at the time; until 1990, judges were chosen from among the most successful and well-regarded barristers³. Sir Wilfrid and the judge may well have lived and worked closely in one of the Inns of Court (Lincoln’s Inn, Gray’s Inn, Inner Temple and Middle Temple) when they were students.
- 20 As a result, the film reminds viewers that one needs to understand and respect cultural and professional norms and that those norms vary depending on the sociocultural context. Indeed, while in England lawyers have to comply with complex rules of etiquette, in the US relationships between law professionals are more informal. Contrary to English barristers, American lawyers are not visually recognizable by a codified court attire. They are only asked to wear “business suits” in court, as highlighted in *Anatomy of a Murder*, where Dancer, the prosecutor, looks like a self-assured businessman with his glossy ensemble. As a result, courtrooms in the US lack the aura of solemnity of the English Bar. Instead, “the professional ‘nakedness’ of the American lawyer” is on display (Isani 2010 b: 195). The comparison of the two films shows that each culture has its own standards for legal attire.
- 21 Thus, courtroom films give information about the multiple layers of professional cultural rules that govern the practice of the law. In light of this, cinema provides language learners not only with the linguistic skills needed to function professionally but also with the requisite social codes necessary to command the attention of their interlocutors. As Pierre Bourdieu noted (1992: 55):
[While anyone might have the competence] to produce sentences that are likely to be understood” [not anyone has the authority] to produce sentences that are likely to be listened to, likely to be recognized as acceptable in all the situations in which there is occasion to speak. Here again, social acceptability is not reducible to mere grammaticality.

- 22 Bourdieu's point is especially relevant to language learners who need to become aware of the appropriateness of certain non-verbal cues if they seek professional integration. To use Bourdieu's terms, students should be able to master the "bodily or corporeal hexis" of the judicial world, that is, they should know the implicit rules of engagement that incline legal professionals to act and react in certain ways in specific contexts. Furthermore, as Belcher (2013: 536) pointed out, providing learners with the tools they need to join a community should also help them take some distance from these codified practices and perceive their shortcomings. She asserts that "we are not really faced [...] with an either/or choice — to promote either acculturation or critique — for learners can be provided with what they need to join a community and also supported in thinking critically".
- 23 Legal films depict the complicated ways of professional linguistic practice and show students how they should behave in professionally-specific settings. While they seem to meet the demands of ESP researchers, it is nevertheless very important to question those films' accuracy.

3. Cinema's Fidelity to the Reality of Legal Practice

- 24 Preminger's and Wilder's works are above all entertainments, and as a result present the courtroom as an arena for drama and suspense. There are many twists and turns, and spectators are constantly taken aback once denied the payoffs they were baited to expect. For instance, in *Witness for the Prosecution*, when Leonard Vole first meets Sir Wilfrid, he presents his wife as a loving, supportive, and devoted woman who will testify that he arrived home the evening of the murder long before the crime occurred. However, when Mrs. Vole (Marlene Dietrich) appears, she is extremely hostile to Vole and even suggests with her attitude that he is a liar and a murderer. In the same way, Vole, who at first seems to be a gullible man, soon reveals himself to be a selfish and evil liar who manipulates women to achieve his goals. At the end of the movie, we realize that Vole did, in fact, kill Mrs. French to get her money and flee with his new love Diana, an attractive woman who is much younger than his wife. When Mrs. Vole becomes aware that her husband is cheating on her, she grabs a knife and kills him inside the courtroom. When this happens, it becomes clear that many hints dropped throughout the movie were purposely misleading and that the spectators were continuously manipulated by the film's director.
- 25 It goes without saying that most real-life trials are not so action-packed. Reversals of situations, if they do occur, are smaller in number and less spectacular in scale than in the movies. Cinema's need for heightened drama colours depictions of professional decorum as well. The lawyers in *Anatomy of a Murder* keep jousting with each other at every opportunity, with Biegler banging his fist on the prosecution's table to show his indignation and throwing a witness' criminal records on the same table in one of his many outbursts. Dancer, for his part, tries repeatedly to make a fool of his opponent, at one point moving around the courtroom to prevent Biegler from seeing his client's wife on the witness stand. Both play up commonly-held stereotypes. Biegler presents himself as "a humble country lawyer", while Dancer acts the role of the eloquent but aggressive prosecutor, both putting on an act to convince the jury (and, of course, to entertain the viewers). As a result, the judge often has to intervene to stop confrontations from going too far. It would therefore be interesting to compare the

lawyers from *Anatomy of a Murder* to those depicted in a documentary — e.g. Johnnie Cochran in *American Justice: Why O.J. Simpson Won* (1995) or Jim Hardin in *The Staircase* (2004). Do real-life lawyers go to extreme lengths to find evidence outside the courtroom, like the characters in Preminger's film? How do they interact with each other and before the judge? Do most American lawyers share Beigler's unconcerned approach to financial gains, knowing that studying law in the US is extremely expensive (especially compared to France)⁴? In other words, how deep is the gap between filmic representations of the courtroom and the reality of everyday legal practice?

- 26 An over-emphasis on drama is not the only pitfall of courtroom films. According to Machura and Robson (2001), cinema depicts a warped image of law and lawyers for three other reasons. First, there is the question of form. Because most law films are Hollywood productions, they tend to deal exclusively with the US legal system. This conveys a very narrow sliver of the myriad legal approaches that exist, and offers the false impression that US procedures are more prevalent than in actual fact. This "paucity of material other than American" is thus likely to influence the conception of viewers, among whom figure many law students. Then, there is the matter of content. Most legal films focus on criminal cases and procedures, "even though there is far more civil than criminal litigation in the real world" (2001: 118). Finally, cinema tends to exaggerate the role of juries which only make decisions in a very small number of cases.
- 27 Courtroom films give a distorted vision of legal practice in the common law world. However, this drawback can also be perceived as an asset since it can arouse the students' critical faculties; learners may be prompted to identify and discuss the degree to which the representation of legal practice in films is accurate (Belcher 2013: 536). Furthermore, working on films made over fifty years ago may help with this task, since students are less likely to key into the cultural cues and signifiers found in current legal fiction⁵, and can thus more readily interpret the works as standalone texts.

Conclusion

- 28 While Preminger's and Wilder's films are not entirely faithful to the reality of a trial, they can nevertheless be considered as useful pedagogical tools for several reasons. First, they enable students to listen to legal vocabulary in context. Legal films also allow learners to understand and compare the socio-professional norms (e.g. dress code, way of addressing colleagues, and theatrics) of the judicial world in various common law countries. Moreover, it enables them to understand that if cinema tends to enhance the dramatic elements of an ordinary trial, it is because justice does have an inherently theatrical nature. It can be seen as a proper way to find solutions through obliquity, that is, through diverted means. No legal verdict can bring back the victim of a murder; no prison sentence can retroactively prevent a rape. Justice is to a large extent symbolic, in the sense that an equivalent to, never a replacement for, the loss has to be found.
- 29 Finally, courtroom films offer further advantages that, though not explored here, could be studied more thoroughly in another paper. One is tied to the very nature of cinema, which offers us the opportunity to experience someone else's vantage point while still consciously remaining ourselves. A film forces its viewers to see things from its

characters' point of view, and so develops viewers' deep empathetic perspectives. In requiring this perspectival change from students, cinema may help them become better law professionals, since lawyers and judges must constantly change their point of view in order to make fair decisions. Then, this tool could also provide a useful counterbalance to the fact that reading and writing skills are usually favoured to oral ones in law courses (Belcher 2006 ; 2013), especially if the study of cinema is associated to an oral task such as putting themselves in somebody else's shoes (e.g a law professional, a victim, the accused). Courtroom films illustrate persuasive legal argumentation and debate, which could encourage students to develop their own rhetorical abilities.

BIBLIOGRAPHY

- Asimow, Michael. "Embodiment of evil : law firms in the movies", *UCLA Law Review* 48/6 (1996): 1340-1392.
- Belcher, Diane. "English for specific purposes : Teaching to perceived and imagined futures in worlds of work, study, and everyday life". *TESOL Quarterly* 40 (2006): 133-156. DOI: 10.2307/40264514
- Belcher, Diane. "The future of ESP research : Resources for Access and Choice". In *The Handbook of English for Specific Purposes*. Eds. Brian Paltridge and Sue Starfield. Boston: Wiley-Blackwell, 2013. 535-552.
- Bourdieu, Pierre. *Language and Symbolic Power*. Cambridge: Polity P. 1992.
- Cardozo, Benjamin N. *Law and Literature and Other Essays and Addresses*. New York: Harcourt, Brace & Co Inc. 1931.
- Foucault, Michel. "Truth and juridical forms". In *Power: The Essential Works of Michel Foucault 1954-1984*. Vol. 3. Ed. James D. Faubion. Trans. Hurley Robert and others. New York: New Press, (1981) 2000.
- Garapon, Antoine, and Ioannis Papadopoulos. *Juger en Amérique et en France*. Paris: Odile Jacob. 2003.
- Isani, Shaeda. "Dynamique spectaculaire de la fiction à substrat professionnel et didactique des langues de spécialité." *Asp, la revue du Geras*. 58 (2010a): 105-123. DOI: 10.4000/asp.1843
- Isani, Shaeda. "Bench & Bar in Popular Legal Fiction: a comparative approach to fictional representations and public perceptions." *GRAAT On-line issue* (2010b): 182-200. <http://www.graat.fr/j-isani.pdf>
- Machura, Stefan, and Peter Robson. "Law and Film: Introduction." *Journal of Law and Society*, 28.1 (2001): 1-8. DOI: 10.1111/1467-6478.00174
- Machura, Stefan, and Stefan Ulbrich. "Law in Film: Globalizing the Hollywood Courtroom Drama." *Journal of Law and Society* 28.1 (2001): 117-132. DOI: 10.1111/1467-6478.00182

Paltridge, Brian, and Sue Starfield (eds.) *The Handbook of English for Specific Purposes*. Boston: Wiley-Blackwell, 2013.

Prior, Paul. 2013. "Multimodality and ESP research." In *The Handbook of English for Specific Purposes*. Eds. Brian Paltridge and Sue Starfield. Boston: Wiley-Blackwell, 2013. 519-535.

Tocqueville, Alexis de. 1835-1840. *De la Démocratie en Amérique, Œuvres complètes*. Paris: Gallimard. 1952.

Wigmore John H. "A list of legal novels", *Illinois Review* 2. 1907-1908.

Zweigert Konrad. & Köez Hein. *An Introduction to Comparative Law*. Oxford: Oxford U.P. 2011.

Courtroom films

Anatomy of a Murder. Otto Preminger. Feat. James Stewart, Lee Remick, Ben Gazzara et al. 160mn. 1959.

12 Angry Men. Sydney Lumet. Feat. Henry Fonda, Lee J. Cobb, Martin Balsam et al. 96mn. 1957.

Witness for the Prosecution. Billy Wilder. Feat. Tyrone Power, Marlene Dietrich, Charles Laughton et al. 116mn. 1957.

Legal documentaries

Murder on a Sunday Morning. Jean Xavier de Lestrade. Feat. Ann Fennell, Patrick McGuinness, James Williams et al. 111mn. 2001.

American Justice: Why O.J. Simpson Won. 60mn. Towers Productions. 1995.

The Staircase. Jean Xavier de Lestrade. Feat. Michael Peterson, David Rudolf, Caitlin Atwater et al. 8 episodes. 480mn. 2004.

NOTES

1. Regina v. Randall [2003] UKHL 69, 18/12/2003, §10: "Randall was cross-examined about alleged assaults on Elaine McGrath. It was suggested that he was a Jekyll and Hyde character who had a propensity to use violence".
2. With more recent legal films and television shows, learners might be familiar with the actors or have already seen certain episodes; with black and white films from nearly sixty years ago, most of them could come in 'fresh'.
3. The Courts and Legal Service Act (1990) reformed the eligibility for the appointment of English judges. However, today, judges are still mainly chosen from among eminent barristers.
4. It could be interesting to compare *Anatomy of a Murder* with *Murder on a Morning* (2001) by Jean-Xavier de Lestrade. In this documentary, public defender Patrick McGuinness explains that, even if they wished to, American lawyers cannot spend their careers defending the poor. Because the low salary of a public defender is insufficient to pay back costly student loans, most of the best legal practioners choose work in the private sector. Thus, the poor receive lower quality defence than those who with means to pay. This film would also enable students to understand that context (the fact that studying law is so expensive) influences the practice of lawyers.
5. For instance, the television show *Law & Order* famously dramatizes the most salient and well-known legal cases in the United States. That very purposeful blend of fact and fiction makes it much harder to stake a position of impartial analysis.

ABSTRACTS

The objective of this paper is to analyse and compare representations of the legal systems of England and the United States in two courtroom films: *Witness for the Prosecution* (1957) by Billy Wilder and *Anatomy of a Murder* (1959) by Otto Preminger. After a brief analysis of the links between law and fiction, the article presents an overview of how these films represent the professional environments that are central to their stories. It then explores differences and similarities between English and American law in theory and in practice. Since this article is addressed to French law students, it also makes occasional reference to the Civil Law system and to the inquisitorial procedure.

L'objectif de cet article est de comparer les représentations cinématographiques des systèmes de justice anglais et américains à travers l'étude de deux fictions cinématographiques à substrat professionnel (FASP): *Witness for the Prosecution* (1957) de Billy Wilder and *Anatomy of a Murder* (1959) d'Otto Preminger. Après une brève présentation des liens entre droit et fiction, l'article propose une analyse des environnements professionnels montrés dans ces œuvres et s'intéresse, d'un point de vue théorique et pratique, aux similarités et aux différences du droit anglais et américain. Dans la mesure où l'article s'adresse à des étudiants français, il fait également référence de façon répétée au droit civil et à la procédure inquisitoire.

INDEX

Keywords: English for Specific Purposes (ESP), law, cinema, fiction, adversary procedure, Common Law

Mots-clés: anglais à visée professionnelle, droit, cinéma, fiction, procédure accusatoire, Common law

AUTHOR

ANNE-LAURE DUBRAC

Anne-Laure Dubrac is Associate Professor at the University of Paris XII (UPEC) where she teaches general and legal English. Her research aims to analyze how cinema and theatre can stimulate the development of linguistic and cultural skills. Contact: annelauredubrac [at] hotmail.com.