REVIEW ARTICLE

The Cinematics of Jurisprudence

SCENES OF *LAW'S MOVING IMAGE*

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Abstract. *Finding the themes for an image-based jurisprudence within* Law's Moving Image, *a collection of interdisciplinary academic pieces on law and cinema, this review article attempts, using a Deleuzian art, to map the assemblages of law and cinema to a zone of shared conceptuality.* Law's Moving Image *addresses three elements of cinematics—framing, shot, and montage—and posits them as indistinguishable from the respective elements of a juristic image—censorship, sovereignty, and logic. We can understand why scholars are ceasing to ask just what the effect of law is on cinema, or vice versa, and beginning to focus on the indistinction that defines each as a conceptual practice.*

Leslie Moran, Emma Sandon, Elena Loizidou, and Ian Christie, eds., *Law's Moving Image*. London: Cavendish Publishing, 2004. xvii+255 pp.

It is not until the beginning of the final chapter of *Law's Moving Image*, a book comprising sixteen major works on law and film, that we find a question capable of mapping out or encapsulating the precise dimensions of its theoretical project. "What is a medium?" Celia Lury offers this as a rhetorical introduction to a study that highlights the pluralistic nature of regimes of signs that make possible various movements (commercial and aesthetic) in law and in film.[1] But we find that we have already asked ourselves the same question a number of times and in a number of different contexts throughout the preceding chapters of the book that deal with many facets of the intersection of film and law, and hence its inclusion here in the final chapter is less introductory than a cue to reflect upon what, if anything, has allowed law and film to be

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inscribed or projected here in such a manner. What is a medium? Editors Moran, Sandon, Loizidou, and Christie suggest, in the introduction to *Law's Moving Image*, that the collection takes as its object of inquiry an interface between two media: on the one hand the aesthetic, cultural, popular medium of film, and on the other the formal, positive, institutional medium of law.[2] And this remains accurate to the extent that the essays each work through either the distinction or indistinction between these two domains, in some cases affirming the formality or institutionality of law against the popular or colloquial nature of cinema, while in other cases highlighting their transductions and points of contiguity, through instances where law appears on film or film comes before the law.

However, the question, what is a medium? seems to have already taken up or implicated the entire study in a different project altogether; one in which the concepts elaborated remain specific yet indifferent to the topic of their elaboration: law or film—it hardly matters, since everything appears as already a consideration and a description of both at the same time. What is a medium? seems to give rise to a series of further questions that are each as much cinematic as they are jurisprudential. For example, what constitutes, allows, or prescribes the passage from thought to action, from idea to perception, or from feeling to affection? One always requires a medium for this. But scholars in either discipline will be aware that the media of both cinema and law are constructed, in their own specific ways, through a process of image-assemblage. If there is a logic of law or, on the other hand, a logic of cinema, for example, in both cases this logic is a space constructed within the formation and arrangement of images ("spectacle") through which affectivity, subjectivity, and perceptivity are distributed. Consider the common crime film in which the perception of true guilt will be inseparable from 1) the particular affection drawn from the immediate image which reveals something (music plus close-up/face), and 2) the surrounding images or montage in which is constructed the mental or emotional space of a possible judgment.[3] What *Law's Moving Image* should show is that there is an entire morality, an entire metaphysics of judgment internal to film, just as (we will find) in parallel there is a cinematics of law internal to jurisprudence. Framing, shot, montage, censorship, Constitution, jurisdiction—each of these themes appear throughout the book as fundamentally questions of image and assemblage with respect to which law and film may be assessed theoretically. A medium then, we might say, will be sufficient to actualize certain relations or reflections between images (mental,

aesthetic, biological, political, etc.) as the possibility of cinema as well as the possibility of legality; but it is also through the medium that one undoes or decomposes these relations. In this sense, I would suggest that the book not only asks the question (What is a medium?) but also is assumed, taken up, or drawn along by it in order to redistribute the specific instances of law and film as they are (re)presented around a zone of indistinction, a proximity between law and film that the book must necessarily address.

Moran, Sandon, Loizidou, and Christie introduce the primary categories or themes of *Law's Moving Image* that situate law and film within a question of medium: "[1] cinema as jurisprudence, [2] the representation of law in cinema, and [3] the regulation of film."[4] These three distinct genres re-appear as the three substantive sections under which the essays are collected: part 1, A Fantastic Jurisprudence; part 2, Aesthetics and Visual Technologies; and part 3, Regulation: Histories, Cultures, Legalities.

The particular significance of this structure or of the distribution of works into these three main categories may not be entirely obvious, but it is better understood when one considers more generally the modes of interdisciplinary study particular to such fields as law and literature or law and film that attempt to bring an aesthetic or cultural sphere into contact with the presumably institutional sphere of law. Study in these areas tends to maintain the distinction or distance between law and culture, if only for the specific purpose of analyzing the effect or affinity of one upon or to the other. Thus, on the one hand, literature (or cinema in our case) can be the site for a cultural theorization of law—and it is easy to situate Christie,[5] McNamee,[6] MacNeil,[7] Loizidou,[8] and Botting and Wilson[9] in this category—while on the other hand, law maintains a formal power of authorization or regulation over literature (or cinema)—hence, in contrast, the studies by Grieveson,[10] Prasad,[11] Slocum,[12] Grantham,[13] and Macmillan.[14] In short, the two poles of law-and-film studies are characterized by an interaction between forms of representation: law as imagined in film and film as institutionalized through law; one being the object of the other's account of the world. Yet, from another perspective entirely, in both genres of analysis—those in which film is taken as a *medium* of law and those in which law is taken as a *medium* of film—one necessarily acknowledges and approaches a zone of indiscernibility between the two.

We may notice therefore, that the works that comprise the middle section of *Law's Moving Image* are not easily integrated or classified, both in relation to each other and in relation to the book as a whole. From essays on realism and

documentary in trial films by Moran[15] and Douglas,[16] to Young's analysis of judgment and HIV through the aesthetic of *Blue*,[17] there seems be a thin thread of cohesion. Of course, it is not unusual to find in a book a section or volume of "miscellaneous" pieces, but these are more traditionally found at the end, as an appendix or addendum. What saves part 2 from being "miscellaneous," and hence what gives it a more privileged position as a central section, is the fact that it ties together in one way or another the studies of part 1 to those of part 3. Not only do they make these two sections converge upon a particular "gray" zone—a zone of proximity between law and film that makes possible any analysis of their relation—they also make them diverge into two distinct genres or categories: film as jurisprudence and the jurisprudence of film regulation. However one conceives of the relation between law and film—that is, whether film can be seen as a theorization of law or whether law essentially prescribes the objects and subjects of film—one necessarily presupposes an externality or interstice where law and film have become indistinguishable or interchangeable, one folding into and out of the other; not so much that the law will have become immanent or implicit to film or vice versa, but that it will have become possible to acknowledge an element which occupies both series at once and makes them resonate (the point at which framing coincides with censorship in Prasad or Seymour for example, or casting with citizenship in Loizidou).[18]

From this general theoretical perspective, it should perhaps come as no surprise that part 2 of *Law's Moving Image* begins with a critique of realism. Leslie Moran takes the varying cinematic representations of the trials of Oscar Wilde as a means for examining a parallelism or consonance between the medium of life and the medium of film, which would constitute, in effect, the "success" of realism.[19] To have one forget that the representation is staged or artificial and not real would be the object of the realist genre: the good film "appears to confirm a reality" while the bad film "exposes the distance between the motion picture camera in particular, cinema in general, and reality."[20] But Moran also points in a different direction, toward which cinema as a form of consciousness cannot be judged on the authenticity of its representation. Instead, cinema—defined solely by the assemblage of images it produces—is itself a form of perception not mediated by what it represents. The "success" or authenticity of the image, in this case, is not so much a function of matching perceptions (the film's with another deemed realistic, for example) that confirm one another, but how one mode of perception is made to resonate in the other, both operating under separate and distinct laws. This is why the question of realism in

Law's Moving Image expresses well the tension, not just between "life as it is" and "life in the film," or between reality-perception and film-perception, but also between the dimensions of fiction and fact or between myth and matter within which the cinematic force of law is constituted and repeated. It is enough to consider that neither cinema nor law are involved in simply creating stories or myths in the world, but effectively make the entire world seem like a story; to make life and myth converge. The concept of authenticity should be rethought in this regard, for one does not approach realism in film without also approaching the unavoidable cliché in reality: "It is not we who make cinema; it is the world which looks to us like a bad film."[21]

Thus Adolf Eichmann appears as smiling in the credits of Eyal Sivan's *The Specialist: Portrait of a Modern Criminal* (1994), according to Laurence Douglas; an image that, when accompanied by the "jaunty" Tom Waits song *Russian March*, gives the impression that the Nazi war criminal has fooled everyone associated with the court, or alternatively, perhaps, that the cinema has already fooled or tricked the viewer into believing something unwarranted about the accused.[22] In fact, on the contrary, the cinematographic image is not so much illusory or aimed to fool, as that it functions to primarily restore belief in the world to which all the fools belong. The question will be the same in the court: not how to discern the true from the false representation (legal interpretation), but simply how to extract enough faith from images so that it will be possible to feel the truth of one's conviction? How to make thought and judgment immanent to the image; this is the matter for both cinema and the judiciary. Hence, Douglas approaches the question of realism in the trial-film from a completely different angle to Moran: not in terms of the "authenticity" of the film which would confirm the realness of the event as an accord between faculties, but in terms of thought and belief, where the historical event becomes conscious of itself through the affect of images.

This is also the approach taken by Alison Young when, in her analysis, she looks to cinema for the possibility of a compassionate judgment.[23] For Young, cinema and law contain and express different modes of perception at the site of an essentially ethical encounter. But whereas the texts of law analyzed in Young's chapter are presented as having visualized the event or reality of HIV in order to be absolved of homosexuality, the very disappearance of the visual image in Derek Jarman's *Blue* (1993) grants one the capacity to hear (and hence to judge) anew; that is, by extending the sonorous image across the dimensions of the visual screen. Young shows that the rarefied blue screen in

Blue, "the liminal moment between appearance and disappearance"[24]—which in cinema is usually the interstice or blink or leap between two images (the end of one and the beginning of another)—is what gives us the compassionate possibility of nonetheless affirming or believing in a world in which bodies are vanishing or have vanished. The film is thus nothing but an anticipation of a new image to come out of or into the blue and hence a new mode of thought not motivated by phobia; an interval or pause for thought.

Part 2 of *Law's Moving Image* gives an analysis of cinematic thought in its confrontation with jurisprudence, a relation that could be summarized as a question of realism, or: what is the factor between the real and imaginary, myth and matter, fiction and fact that provides the possibility of writing on law and film without, as David Seymour puts it, "each medium retreat[ing] to its own corner relatively unscathed"?[25] Angus MacDonald gives an engaging account of the competing (or collaborating) blocks/duels/binomials which make up Fritz Lang's *M* (1931): criminal underworld and police, abstract knowledge and concrete knowledge of the city, sight and sound, each of which narrow down upon a unique or anomalous element in both a series defined as cinematic and a series defined as legal or jurisprudential.[26] But while MacDonald borrows his analytical schema from Deleuze's *Cinema 1: The Movement Image* (a schema which MacDonald claims only to "modify"),[27] he necessarily betrays it when he insists that "the film is not realist but representational."[28] He denies thereby the capacity for *thought* per se in cinema—that is, for cinema to think anything other than what "I think" and thus what anyone can recognize in their own thought in accordance with common sense.[29] Because film can never fully capture the reality of law, MacDonald finds any realist understanding of *M* less helpful than an allegorical interpretation. Realism in film, however, is not defined by the image's resemblance to some reality, but by the type of image it produces (for Deleuze, the action-image as the relation between milieux and modes of behavior)[30] and the difference it introduces to thought. Cinema cannot allegorize anything outside of the cinematic image itself and this image occupies law to its fullest extent.

What is it that makes *Law's Moving Image* a book on law and film specifically and not just an instance of the wider project defined by the term "law and literature"? Is the cinematic text just another example of the literary text, or does it give rise to separate concepts altogether, which would define a new encounter with the discipline of law? At a certain level we should look to points in this book at which questions of law or jurisprudence have also become

questions in cinema. Question of law: how to institute life?; question of cinema: how to give movement to image? The study of law and film operates between or across these two questions that are defined in their own part—and, however one views it, perhaps either by an aesthetic or mechanical jurisdiction. Moreover, the distinction between literature and law will not fit this dynamic; it is a completely different paradigm: no longer a relation of writing and the social or moral order, but rather the relation of image and corporeality, or thought and action. Thus, while it will be noticeable that "film" and "literature" are somewhat interchangeable in many of the essays of *Law's Moving Image*, from the perspective of interdisciplinary legal scholarship at least, it is within the diagram of a new problematic that law will be found in the book to accede to a cinematic assemblage of images or cinema to a legal assemblage.

Three principal cinematic concepts (borrowed from Deleuze) recur in *Law's Moving Image*: 1) framing, 2) shot, and 3) montage.[31] These are concepts peculiar to cinema and the extent to which they are incorporated into the various analyses in *Law's Moving Image*—which in a superficial sense at least appear to take film in social and cultural rather than in technical terms—is thus not immediately recognizable. To a more explicit extent, however, each one of these three elements (framing, shot, and montage) are defined in legal terms as much as in cinematic terms.[32]

Framing—which can be described as limitation or as the composition of images in a closed-system—necessarily appears alongside issues of censorship, which also function to create material boundaries within the medium of film and society. Framing and censorship define the "on-screen" and the "out-of-field," or the said and the unsayable, the visual and the invisible. It should go without saying that this logic is as much internal as it is external to cinema. Lee Grieveson, for example, shows that regulatory or censorial discourse in American society—framing the exclusion of certain images upon moral or sociological grounds—shaped the way classical Hollywood cinema would be conceived and functionally deployed as a medium in its formative and transitional stages.[33] Every on-screen image is the product of a framing or a censorship in which an out-of-field is necessarily implicated.[34] But Deleuze notes that the object of censorship, the "out-of-field," already has two aspects: in one aspect it designates that which exists elsewhere than in the image but which could be potentially manifested in another image (hence, particular scenes cut from a film either by a censorship board or the director himself), and in another aspect that which "cannot even be said to exist, but rather to 'insist' or

'subsist,' a more radical Elsewhere, outside homogeneous space and time."[35] A closed space is never completely closed: on the one hand it connects itself with spaces elsewhere in larger and larger closed sets on to infinity, and on the other hand it is reintegrated with respect to an Open or an Outside which can no longer be regarded as space as such but as a connector of space and movement.

Prasad writes, concerning the colonial implications of film censorship in India, "The gaze of the film spectator comes to haunt the conservative desire for closed community spaces."[36] It is a space where censorship functions not only to close or frame the cinematic screen, but also to enclose and culturally frame a "people" against a foreignness that, through the phenomena of film, threatens it from a number of directions. To frame or to censor is to make something visible and at the same time to connect this visibility to that which cannot and must not be seen. It will be a recurrent theme in *Law's Moving Image*, and one moreover not restricted to those chapters explicitly devoted to film censorship, the most notable of these being the chapters by Seymour and Young. In Seymour's analysis of M. Night Shyamalan's *The Sixth Sense* (1999), the successive framing of images in a particular scene (video cassette framed by wooden box, the close-up framing of the grieving father's face in an arm-chair, the framing of the TV screen by itself, and finally the "book-endings of static that frame the images caught by the camera"),[37] combine to construct a scene in which the "abject" or alien element (the voice from beyond the grave) that has become uncannily visible or heard must be presented in a strictly closed set, while at the same time this closing-in upon the revelatory image renders another space (that of the accused mother) silent or unseen.[38] The corollary is exemplified in the chapter by Young, where the image frames its victim in a space from which it is unable to respond: "the image of the gay man conjured in each judgment freezes and frames the victims."[39] The censored element is here no longer a relative "elsewhere" which could be given in another image, but an absolute Elsewhere, a politics or a "becoming" epitomized by filmmaker Derek Jarman's plea to be "delivered from image."[40]

Framing or censorship then, can be defined by all the powers that come to bear upon the determination of the screen or set as a closed system (hence Jarman's attempt to have done with censorship gives rise only to an open blue screen and the voices which call from elsewhere). But we can discern here the essential jurisprudential issue with respect to framing, because the question of limitation can also be conceived as a question of "right." What is one's right?

Either the framing of certain bodies within an image defines in advance their particular rights, which they must not exceed (in other words, right is duty), or, alternatively, the frame itself extends as far as the power of the existing bodies extends. In Young, the homosexual man has a right only to fulfill or complete an image, the frame defining the limits of his legal personality, while in Seymour framing establishes and goes as far as the power of the abject element which will construct a space of ethicality. In one case, right will be defined by an essence or duty (whence the political expression "fighting for one's rights") while in the other it will be defined by power, or everything that a body can do (in which case the fight or the political itself is already an expression of right). This is the first proposition of a cinematic jurisprudence: right = framing.

Of course, we have still yet to consider movement in the image. Celia Lury studies movement in terms of the mediation of objects (paraphernalia) in a field intersected by laws of copyright and trademark. She divides this movement into two processes: translation and transposition. Translation, for Lury, presupposes a unity with regard to a concept or object that then undergoes movement by passing through all the media of its actualization (from "book to a film to video to television and so on").[41] Transposition, on the other hand, begins not with unity but with multiplicity: "The movement of the object enabled by transposition is . . . characterized by multiplicity, and an associative discontinuity of events. And while the movement transposition affords may be constrained by territorial boundaries, its reach or extension is not so much a matter of the overcoming of distance from an origin, but rather of the multiplication of origins."[42] Hence, transposition is a movement constituted by division (the division of a scene into two or three primary shots or the division of a film into its component parts: story, screenplay, marketing, etc.). Through the example of Danny Boyle's film, *Trainspotting* (1995)—whose multiple origins and transformations, both commercial and artistic, are re-integrated into a "product"—Lury traces two movements which proceed upon continuity and discontinuity, respectively: translation and transposition.

We can see in this Deleuze's second cinematic concept: "shot" or "cutting." Whereas framing only determined the limits of the image as a closed set, "shot" is the determination of the movement between the parts of that set. "*Cutting is the determination of the shot, and the shot, the determination of the movement which is established in the closed system*, between elements or parts of the set."[43] As such—and Lury shows this well in distinguishing transposition

from translation—cutting also has two aspects which can be designated with respect to movement by the terms "relative" and "absolute": the shot in cinema establishes on the one hand a distribution of parts in the set (or between sets) whose positions are relatively modified (transposition), and on the other hand it expresses a change in the whole as an open system (translation). Eugene McNamee also reveals these two elements of shot operating within English constitutional law. He begins with a somewhat conventional description:

> It remains the case that no law has any greater formal weight than another and none has a superior formal quality that can protect it from being superseded. In effect, the Constitution is continually remade as more law is passed. At the same time there is no notion that the Constitution is incomplete; rather the basic idea is that the Constitution is always complete but always open to change.[44]

McNamee presents two juridico-ontological propositions: all laws are equal with respect to their participation in Law or the Constitution, and Law or Constitution (as open and complete) is said of all laws equally. There is a juridical movement here of two inseparable dimensions: a movement in which the relative modification or amendment with respect to the laws (as parts) expresses a change in the state or Constitution itself (as whole), which necessarily endures and encompasses such change. Englishness endures while the laws of the state are continuously replaced and redistributed, continually bridging the interval between two static images (sovereignty and general will, for example), or "filling up the holes which appear."[45] "[The] condition of permanent plenitude," writes McNamee in an inspired moment, ". . . is also a condition of permanent breach."[46]

Cutting or shot, then, can be described in this context by two opposable, although not contradictory, processes. First, it is the dividing up of the plane into constituents whose power can only be expressed as parts in a set (or as definitive laws in a legal system) and between which movement is attributed. Second, it is the continual re-integration of these parts with respect to a whole or unwritten Constitution irreducible to any component part although necessary to each and every one. In fact, the Constitution itself cannot be divided up or added to without changing qualitatively (it is not a "sum" since it has no parts); this is perhaps why judges commonly refer to it, in its unwritten form, as a "fabric" or "skeleton."[47] McNamee goes on to assess the way Kenneth Branagh's film *Henry V* stitches together ideas of sovereignty, constitutional-

ism, and nationhood in an idea of Britishness imagined in terms of a commitment to the "just war." But what perhaps goes further in this chapter is not so much its links to Tony Blair and the war in Iraq (where contemporary politics meet national mythology or spirit), but the bringing together of two consciousnesses, cinematic and legislative, within the concept of shot. Shot nevertheless relates to sovereignty in a specific way; it not only determines movement with respect to parts in a set, it is also a field or plane: the distance between camera and object—a film-consciousness.

One thing remains important to note: it is not any form of consciousness that would give rise to cinema. On the contrary, the relation between objects and the camera, the field of movement, is itself co-extensive with an asubjective consciousness. We cannot define shot then, in terms of an object and a subject, any more than we can define the laws (the institution of life, or life itself) by a state of sovereignty. There is no object or subject in cinema apart from the movement itself as an assemblage of images, and these, like orders and obedience, are borne of the shot or the jurisdiction (the field), rather than the reverse. This is why, for McNamee, constitutionalism—in the same way as cinematography—is defined by nothing but the break, the breach, the cut, or the interval, which only exists to be filled or re-stitched spatially and temporally; and this re-stitching as movement always occurs behind one's back—not in sovereignty (which is still too territorial a concept) but in poetry.[48] Shot is the passage from one sensation to another as becoming, it is the constitution of movement (or the Constitution itself) from cuts or divisions between images, or rather the immanent relation, the movement-image, external to the closed sets between which it arises. Law's moving image.

We have taken these two elements, framing and shot, no doubt in a particularly cursory manner. But, without attempting an exhaustive description, it has been enough to draw from *Law's Moving Image* just one or two jurisprudential ideas—right and constitution, for example—that traverse cinema and law. From the perspective of jurisprudence, what has been touched upon is not so much a particular connection or a general analogy (law is like cinema), but a singularity in which both are inextricably caught, the cinematics (or kinematics) of a jurisdiction, for instance, that has relied for its theorization largely upon one assertion: that the affects and motions internal to both cinema and law, the particular logic of law or of film, can be addressed and studied purely in terms of images and their assemblage.

The third and final element then, "montage," is precisely this: "composition"

or "the assemblage of movement-images."[49] It is montage that gives us not only a logic, but also a temporality, a duration, a narrative or *récit*. Significantly enough, Pierre Legendre has situated the concept of montage at the center of a logic of interdiction in which what becomes important from the perspective of legality is the institutional means for an emotional subjective attachment through the interplay of images. In this sense, for Legendre, both the state and political order are understood as themselves particular assortments of images that not only define a space of legal attachment or jurisdiction, but also a logical space of reason or Reference.[50] But we should perhaps acknowledge the properly cinematic production of montage in this setting—which is overshadowed in Legendre at the hands of viewing the image as symbol or metaphor—where the essential element is less that the imagery of State should resemble or be reflected in a judge or legal subject (the interpreter or the subject of interpretation), than in the fact that the automatic progression or succession of images by means of continuities or false continuities itself articulates a certain kind of rationality.[51]

It is in this sense that cinema "thinks" irrespective of any subjectivity; the images are assembled in such a way that thought will be immanent to itself in cinema. Thought, in other words, will not follow the progression of the image as if by some kind of figurativeness or logical parallelism[52] (the images in the mind being analytically related to the images on the screen), but the image itself will express a logic of a whole that can only be thought or will give rise to thought synthetically or automatically. "The form of montage is a restoration of the laws of the process of thought, which in turn restores moving reality in process of unrolling."[53] And if Legendre discovers the importance of imagery and montage to the institution of legality, it is not so much the rediscovery of the symbolic order, which would presuppose a given structure, but a confrontation between the real and the imaginary within a form of cinematics that makes of jurisprudence and all legal thought an intellectual automatism.[54]

In this regard, it will be enough to begin with a certain proposition: that narrativity or the possibility of producing a narrative, is subordinate to the composition of images: montage. "Narration is never an evident given of images, or the effect of a structure that underlies them; it is a consequence of the visible images themselves, of the perceptible images in themselves, as they are initially defined for themselves."[55] Montage, in other words, does not establish an analogy with a statement; nor is a particular statement an effect of montage. In fact, montage is itself the articulation—the (dis)-junction or the linkage upon

which narration depends. Hence Legendre's maxim of montage: "The body can only become sayable if it makes itself an image."[56] What this means for law and film studies is that, without reducing the narrative of film to legal discourse or vice versa, it should be possible to discover and classify different cinematic arrangements of images (dialectical, empirical, psychical, theological) as different forms of juridical reason or storytelling.

From *Law's Moving Image* we can perhaps witness this best in MacNeil's analysis of Rob Sitch's film *The Castle* (1999) alongside the *Mabo* decision[57]—that is, so long as we see in MacNeil's chapter not so much a comparison or analogy between plot and *ratio decidendi* (the underlying conservatism which serves as the point of similarity between the film and the case), but a particular methodology which analyses the aesthetic as well as the jurisprudential relations in terms of the convergence and articulation of images.[58] What MacNeil does is give us two political narratives, one expressed in *The Castle*, the other in relation to native title. But he shows us that both these narratives, however institutional or ideological, are products of the same montage: the same timing and composition of images. What will be the significance or rather the (ideo)*logical result*, of (the benevolent constitutional lawyer) "Hammil's improbably timely intervention" in *The Castle*?[59] Or, on the other hand, how will the images of white sovereignty and native title enter into composition in *Mabo* so that one co-exists in and through and in spite of the other? There is a hint from MacNeil that we have in both cases a dialectical synthesis of montage, where each idea or image "carr[ies] the seeds of its own destruction" through an internal contradiction.[60] Both the film and the decision are characterized by a "double movement" in which the irreconcilable opposition of proactivism and conservatism is made to pass through the nuance constitutive of a space of reason or justice (the logic of the Third[61] or the point upon which terra nullius-as-fiction and the concept of extinguishment converge). It is out of this then, that cinema and law will produce narrative as a synthetic consequence, but also instantiate a logic as a process of differentiation within the image.

Essentially two aspects have been described. Montage relates first to the totality of images, the consequence of which is the formation of a narrative, and second to the interval between images across which it articulates a certain logic. In the second case it is similar to a conjunction, a "therefore," a "nevertheless," an "if" and a "then," an "in addition," all of which, in legal parlance—although there are obviously various ways of saying the same thing, or may in some cases be simply implied—serve and enact very particular functions and are

subject to a strict construction or syntax. In the first case, by contrast, the "givenness" of these connections and relations is what constitutes a narrative that is expressed as a total idea or story.

But it would be wrong to reduce cinematic relations to linguistic or juridical elements. The narratives and languages of censorship and regulation in the latter chapters of *Law's Moving Image*, for example, all of which would seem to presuppose that some kind of message or moralism applied to (and in) cinema, in fact on the contrary presuppose montage itself, or the assemblage of images which serve as an affective base for all language and all morality. The point is not that it would be necessary to factor in the reciprocal influence of cinema on moral discourse, as if the cinematic image itself contained given statements compatible or assimilable to the maxims and decrees and judgments of the law,[62] but to realize that the latter shares with cinema a nonlinguistic, pre-moral composition or "substance" of images articulated through montage. "Narration is grounded in the image itself, but it is not given."[63] It is enough to say, perhaps, that both law and cinema are semiotic practices before they are semantic or interpretative institutions, as Celia Lury suggests, so long as we understand signs to be "an ensemble or set of logical relations that are in a state of continual transformation."[64] The logic or rationality of law does not depend on a structure of interpretation in this regard, but is expressed as a jointing of one image and another, or in another way "how the sign is differentiated by the interval."[65] Lury provides an answer to her initial question, what is a medium? by contrasting the articulable object of movement in a set, to the inarticulable Open or the "expanding whole of relations that changes in time (a medium)."[66]

Is it possible to say that contemporary studies in law and film have not yet gone far enough in appropriating a discourse for themselves? In the introduction, the editors note an emerging orthodoxy in this area of scholarship characterized by a dominant methodology of narrative textual analysis exemplified by the emphasis on "court-room drama" in books such as *Film and the Law*.[67] Yet multi-disciplinarity—put forward by the editors as the principal departure of *Law's Moving Image* from such orthodoxy—does not automatically give us a new way to express the difference of film and law without also attempting to formulate a discourse appropriate to the specific medium or interface between media. In other words, if the body of scholarship dealing with the relationship between law and film is to have practical implications in either discipline, it must discover a new way to speak and theorize the image and its movement.

MacDonald's and Lury's pieces perhaps take the strongest steps in this direction, but it is not only through Deleuze that we will find the possibilities of going beyond or finding a new mode of expression. (It is also necessarily a pragmatic question and hence best taken up by filmmakers and lawyers themselves.) In fact, we have found throughout *Law's Moving Image* a number of tools and concepts necessary for approaching the zone of indistinguishability between law and film: framing, shot, and montage, for example. It should be evident from the collection of essays in *Law's Moving Image* that these concepts do not just denote relations on a movie screen, but also relations in law itself; in the cinematic institutionalization of life.

A book, therefore, that does not at once maintain that law is necessarily cinematic in its concept to the same extent that cinema is necessarily jurisprudential, fails to answer the question (no doubt posed by many an uninspired student), just what is the point of writing on law and film? The point, of course, is less anthropological or cultural than it is technical, political, and practical (in which we should read: philosophical or ontological). How to push the boundaries in film? Or, in the same movement perhaps, how to re-project or re-articulate the images of law? The most theoretical questions are not the most abstract; they are the ones that artists, technicians, or practitioners necessarily pose for themselves in confronting their medium and raising it to a new power. They cannot, moreover, be answered or approached by simply adopting a discourse *on* law and film, but by each medium giving rise to its own discourse through experimentation.

This article, in any case, has specified just three jurisprudential issues that have been drawn from the various chapters of *Law's Moving Image* and which, from a Deleuzean perspective, offer a starting point or basis for studies in law and film. The first of these issues was summarized by relating "framing" to the problem of right or censorship. The concept of framing or limitation posed two alternative conceptions of right: either the frame itself imposes limitations upon bodies which come to occupy the pre-given set, or else the bodies themselves can be defined only by their power which necessarily extends to the limits of their frame. This is not simply a distinction between positive and negative rights. Right is conceived jurisprudentially as either a maximization of duty (how do the objects fill the screen?) or else a maximization of power (how do the objects compose a plane?). Thus, if we say from one perspective that it is the law that necessarily limits or censors cinema, from the reciprocal perspective we must say that law is also co-extensive with the power inherent to the

cinematic image. Filmmaking therefore, does not just work within boundaries defined by law; it is also (in both physical and mental senses) the expression of law—the redefinition of law's immanent power in bodies and sets, or the power between bodies and between sets. Cinema, like law, will be defined by an assemblage of images, and this assemblage not only constitutes a mental or intellectual power (which will be actualized in a progression or succession defined by rational or irrational cuts/linkages: montage), but also a dynamic material power of bodies in which their desires and interactions (the institution of life) become the expression of a moving image: shot.

The second and third jurisprudential issues raised in this article (that shot relates to jurisdiction and montage to reason) have therefore concerned movement, and more specifically, where this movement can be thought or produced either within a duration or across an interval. The concepts of shot and montage serve to distinguish these two aspects of movement, occurring in one case between images, in the infinite convergence of two closed sets, and in the other case in relation to a radically "Open" whole which is properly expressed in terms of change or variation. Examples have been drawn from *Law's Moving Image* where the concepts of Constitution, sovereignty, legal narrativity, and legal logic could be framed primarily as a question of cinematics. What this should have shown is that movement in the image has as much to do with the constitution of a certain rationality, sensibility, or perceptibility as it does with the actual objects of perception and their integration in a state of affairs.

Where studies on law and film have perhaps not gone far enough, then, is to show that the form of consciousness which each practice gives rise to (cinematic or juridical), is also necessarily an actualization in movements or things; both of which can be called "images." Most have instead stopped short of this point to consider the extent to which cinematic images have entered into legal consciousness or the extent to which legal images or ideas have entered, structured, and influenced cinema.

If it has become possible, in some (particularly psychoanalytic) trends in jurisprudence, to consider juridical consciousness or subjectivity or the unconscious to be given in an institutional attachment to images, this would not principally be because juridicalism had finally deferred to an anthropological construction—a construction in which the cinematic image would simply be one among many possible influences upon legal "matters." Rather, it would be because consciousness and matter are identical in the (movement-)image of

cinema and law. "The thing and the perception of the thing are . . . one and the same image," Deleuze writes.[68] And jurisprudence or jurisdiction becomes essentially cinematic once we consider this identity as a plane of immanence. In cinema, jurisdiction or legal power is no longer the expression of sovereignty as giving the territory and its subjects the form of being ruled-over; nor is it the attachment of a subject to particular images, as part of a social or psychological structure; it is the field in which sovereign and subject (to the extent that one can still meaningfully speak of them) become images tied to their own movement, or where the movement-image prevents a legal "matter" and its correct "authority" from arriving upon each other by anything other than chance or necessity. There are not yet fixed points from which to define an object or subject of legality in film—even if we confine ourselves to the crime genre or courtroom dramas (these are useful only insofar as they represent something)—yet every image and every composition of images is already immanently participating in a field co-extensive with a mode of juridical subjectivity and a state of legal institutionality irrespective of representation.

Perhaps some will say that this is all too abstract or impractical, or more to the point that we will have gone too far down a precipitous slope from which cinema and law will no longer be able to be restored to their proper fields or communities of interpretation, but also that we will have denied ourselves the space to make any possible assessment of the worth of different cinematic representations for understanding or practicing law. *Law's Moving Image* no doubt enacts one of the first steps down this precipice, at least by introducing the possibility that the encounter between law and film is dictated neither by the formalities of law nor by the specific forms of film genre, but in the cut between the two. The concepts that this book gives us are not concepts with which to judge film and law, nor to fortify their boundaries. Rather, they offer us a way to re-theorize cinema and also to reconstruct jurisprudence. To quote Deleuze once more, "A theory of cinema is not about cinema, but about the concepts that cinema gives rise to and which are themselves related to other concepts corresponding to other practices, the practice of concepts in general having no privilege over others, any more than one object has over others."[69]

We are no longer partaking in a project of establishing or legislating principles for the future of film, or, on the other hand, drawing from film certain moral precepts. The theory of law and film should not belong to the panels or institutions of interpretation (judges and critics never cease asking what else law or film represents), but to user groups—filmmakers and practitioners who

will discover in the concepts of cinema a new application in jurisprudence, or vice versa. It is pointless to accuse theory for having been too impractical, since it is itself nothing but a practice and is only ever produced when one confronts certain pragmatic limitations in thought or expression. And if it seems as though, in narrowing down law and cinema to their zone of indistinguishability, we necessarily forego all grounds for effectively deciding their relation, we should ask instead how this "decidability" subordinates the relation itself to pre-existing criteria, through which we will no longer be able to understand or apprehend what is legal about cinema or what is cinematic about jurisprudence.

1. Celia Lury, "A More Developed Sign: The Legal Mediation of Things," in *Law's Moving Image*, Leslie Moran, Emma Sandon, Elena Loizidou, and Ian Christie, eds., 209–23 (London: Cavendish Publishing, 2004), 209. Lury carries a Piercian/Deleuzian appreciation of signs through a set of objects in the culture industry, and specifically cinema, to assess the role of law in facilitating movement within and between media. Like many of the pieces which comprise *Law's Moving Image*, Lury's chapter is taken from a wider study; in this case based upon collaborative empirical research (with Deirdre Boden, Scott Lash, Vince Miller, Dan Shapiro, and Jeremy Valentine), yet its purpose is no less philosophical than socio-legal. Trademark law, for example, according to Lury's argument, does not just attach to objects in a pre-existent cultural, economic, or juridical milieu, but actively mediates development and movement of images in such a cultural field. By framing the analysis in terms of signs and media, Lury is capable of presenting intellectual property in general as a dynamic power rather than a traditionally territorial one.
2. Leslie Moran, Emma Sandon, Elena Loizidou, and Ian Christie, "Introduction," in *Law's Moving Image*, *supra* note 1, xi–xviii, at xi.
3. Hence Carol Clover's thesis, referred to by both Ian Christie ("Heavenly Justice," in *Law's Moving Image*, *supra* note 1, 3–16, at 3) and David M. Seymour ("Film and Law: In Search of a Critical Method," in *Law's Moving Image*, *supra* note 1, 107–19, at 116–17), that the cinema of the crime genre constructs the audience member as juror. See Carol Clover, "Judging Audiences: The Case of the Trial Movie," in *Reinventing Film Studies*, Christine Gledhill and Linda Williams, eds., 244–64 (London: Arnold, 2000).
4. Moran et al., *supra* note 2 at xiv.
5. Christie, *supra* note 3. Christie borrows the paradigm of "minor jurisprudence" from Peter Goodrich (for example, Peter Goodrich, *Law in the Courts of Love: Literature and Other Minor Jurisprudences* [London: Routledge, 1996]) to suggest the existence of alternative modes of adjudication associated in film with the supernatural. This "fantastic jurisprudence" is read through such films as Roy Boulting's *Thunder Rock* (1942), Victor Fleming's *A Guy Named Joe* (1944), and Michael Powell and Emeric Pressburger's *A Matter of Life and Death* (1946).
6. Eugene McNamee, "Once More Unto the Breach: Branagh's *Henry V*, Blair's War and the UK Constitution," in *Law's Moving Image*, *supra* note 1 at 17–29. See *infra* note 44.
7. William MacNeil, "'It's the Vibe': The Common Law Imaginary Down Under," in *Law's Moving Image*, *supra* note 1 at 31–44. See *infra* note 58.
8. Elena Loizidou, "Rebel Without a Cause?" in *Law's Moving Image*, *supra* note 1 at 45–59. Loizidou attempts to bring together a notion of political citizenship with the concept of permanent resistance to power, exemplified by the figure of the rebel. She sees in Nicholas Ray's *Rebel Without a Cause* (1955) a

tension between juvenile delinquency and the claim to political recognition of those caught in an unsatisfactory status quo.

9. Fred Botting and Scott Wilson, "Toy Law, Toy Joy, *Toy Story 2*," in *Law's Moving Image*, *supra* note 1 at 61–73. Botting and Wilson present the computer-animated films *Toy Story* and *Toy Story 2* (John Lasseter, dir., 1995 and 1999) as a fantastic inversion of the investment of desire characteristic of conventional laws of the family. In a world in which adult toy figures are objects of tyranny by children, Botting and Wilson point to the possibility of a familial investment of desire dictated by the law of play or joy; where survival is not reproductive but performative.
10. Lee Grieveson, "Not Harmless Entertainment: State Censorship and Cinema in the Transitional Era," in *Law's Moving Image*, *supra* note 1 at 145–59. See *infra* note 33.
11. M. Madhava Prasad, "The Natives Are Looking: Cinema and Censorship in Colonial India," in *Law's Moving Image*, *supra* note 1 at 161–72. See *infra* note 36.
12. J. David Slocum, "Rethinking Regulation: Violence and 1967 Hollywood," in *Law's Moving Image*, *supra* note 1 at 173–86. Slocum's chapter reviews the historical context of film violence, in particular the discourse surrounding the release of *Bonnie and Clyde* (Arthur Penn, dir., 1967), for addressing the question of regulation in film. Slocum argues for viewing regulation and censorship as productive of knowledge rather than suppressive of expression; therefore, it is necessary to consider the notion of film violence not just as it appears in the institutional discourses of traditional regulation, but also how it enters into artistic processes. Regulation is conceived by Slocum as an economic and cultural interaction in which film is produced.
13. Bill Grantham, "Cultural 'Patronage' Versus Cultural 'Defence': Alternatives to National Film Policies," in *Law's Moving Image*, *supra* note 1 at 187–92. Grantham addresses a tension in the regulation of American cinema in Europe, perceived as an issue of the preservation of cultural identity. The chapter canvasses the various sides to the problem posed by the institutional resistance to Hollywood cinema.
14. Fiona Macmillan, "How the Movie Moguls Learned to Stop Worrying and Love the New Technologies: Copyright and Film," in *Law's Moving Image*, *supra* note 1 at 193–208. Macmillan assesses how the global regime of copyright regulation, particular in the World Trade Organization trade-related aspects of intellectual property rights (TRIPs) Agreement, intersects with the reality of private power in the film industry. The chapter presents a critique of the commodification attached to the concept of copyright insofar as it fails to safeguard the cultural value of film against its commercial degradation.
15. Leslie Moran, "On Realism and the Law Film: The Case of Oscar Wilde," in *Law's Moving Image*, *supra* note 1 at 77–93. See infra note 19.
16. Lawrence Douglas, "Trial as Documentary: Images of Eichmann," in *Law's Moving Image*, *supra* note 1 at 95–105. See infra note 22.
17. Alison Young, "'Into the Blue': the Cinematic Possibility of Judgment with Compassion," in *Law's Moving Image*, *supra* note 1 at 133–42. See infra note 23.
18. Loizidou, *supra* note 8. Loizidou's interpretation of *Rebel Without a Cause* as a story of political citizenship, assumes or rides with the necessarily iconic status of James Dean in the role of protagonist Jim Stark. Especially because Loizidou claims to use this film partly on the basis of its popularity, casting seems to play an equally important part, as does narrative: would another actor have been as much of a rebel, and hence raised the stakes of political citizenship as effectively as Dean?
19. Moran, *supra* note 15. Moran's work takes the question of realistic portrayal in film to systematically address an equivalent question in law, in other words: by what aesthetic or affective techniques do images of law manage to authentically represent reality? The contrast Moran sets up throughout this chapter between the two films, which each portray the trial of Oscar Wilde (Gregory Ratoff's *Oscar Wilde* [1960] and Ken Hughes' *The Trials of Oscar Wilde* [1960]), is the basis for an analysis of the images and techniques that combine to construct an "air of truth."
20. *Id.*, at 90.
21. Gilles Deleuze, *Cinema 2: The Time-Image* (London: Athlone, 1989), 171. Alternatively, if law can be

said to be based around myth, this myth or story would not be made to resemble a reality, but through it reality itself would come to be able to be "told" as such.

22. Douglas, *supra* note 16 at 105. In Douglas's chapter, the juridicalism of the documentary genre in film—the way it stages a competition between narratives and images—is shown to reconstruct the trial of Adolf Eichmann as an event inseparable from a particular mode of thought or a possible judgment. The four documentary films of Eichmann's trial, analyzed by Douglas, therefore each take up and recreate a judicial or evidentiary position within the trial itself.
23. Young, *supra* note 17 . Young divides her chapter into two analyses. The first considers how the fantasies of homosexuality and HIV enter into the judicial imaginary through the cases of *Green v. R*, 148 ALR 659 (1997), and *Andrew and Kane*, NSWSC 647, 2 July 1999 (unreported), while the second takes Derek Jarman's film, *Blue* (1993), as a site of ethical reconsideration or remembrance; a space of articulation with regard to the devastation of AIDS and the tyranny of the image. These two readings are made to converge upon the possibility of a compassionate judgment, which through an aesthetics of voice and touch attends to the call of law's "others."
24. *Id.*, at 139.
25. Seymour, *supra* note 3 at 107. Seymour begins his chapter by putting forward this problem of incommensurability in law and film scholarship: how do law and film find a common measure such that their engagement has lasting implications? This is then taken as the principal paradigm in critical legal theory (Costas Douzinas and Ronny Warrington, *Justice Miscarried: Ethics, Aesthetics and the Law* [London: Harvester Wheatsheaf, 1994]), critical film theory (Barbara Creed, "Horror and the Monstrous Feminine—An Imaginary Abjection" 27(1) *Screen* 44–70 [1986]), and film itself (M. Night Shyamalan, *The Sixth Sense*, 1999). Seymour identifies two thresholds of critical studies in law and film: durability of the status quo and erasure. In either case, the ethical "appears" as an abject element or "other" who cannot be redeemed and is not reducible to the dominant medium. Seymour can be said to read *The Sixth Sense* as both critical and allegorical in relation to Douzinas and Warrington's *Justice Miscarried*.
26. Angus MacDonald, "Endless Streets, Pursued by Ghosts" in *Law's Moving Image*, *supra* note 1 at 121–32. MacDonald is concerned in this chapter (at least in part) with the very possibility of a dialogue of cinema and jurisprudence. The analysis of *M* provides MacDonald the means for having done with a realist appreciation of understanding law through film, where film can only say anything about law insofar as it approximates some kind of reality, toward an allegorical or representational aesthetic. But as the author notes, "What *M* does with law (and with film) is the issue" (131) rather than what they specifically represent. MacDonald tries to show that it is in the absence of an image of law, "the moments when law fails to appear" (132)—a police force becoming as unlawful as the criminal underworld—that law itself is conceived of cinematically.
27. *Id.*, at 132; see Gilles Deleuze, *Cinema 1: The Movement-Image* (Minneapolis: University of Minnesota Press, 1986).
28. MacDonald, *supra* note 26 at 129.
29. See especially Gilles Deleuze, *Difference and Repetition* (London: Athlone, 1994), 262–70. Representation, according to Deleuze's thesis, cannot approach difference in itself insofar as it necessarily subjects thought to four determinants: identity with regard to concepts, opposition with regard to the predicate, analogy with regard to judgment, and resemblance with regard to perception. In cinema, this means that as long as the image is viewed through a representational model, it will be impossible to get away from assessing or understanding the image in any other way than through ideas of authorship/direction, audience, criticism, etc.—in other words, what someone already "thinks about" film. On the contrary, cinema "thinks" because the concepts, predicates, judgments, and perceptions it makes possible are irreducible to representation; and if a discourse on law and film is possible, this is not primarily by general analogy but by an indistinguishability that enacts their distribution or divergence.
30. Deleuze, *supra* note 27 at 141. Deleuze also makes a notable distinction between realism and neo-realism. Whereas the traditional realist film presupposes the independence of its object, neo-realism, on the

other hand, is constructed around a zone of indiscernibility between the imaginary and the real. Deleuze, *supra* note 21 at 7.

31. See Deleuze, *id.*, at 12–55.
32. Consider, for example the way framing coincides with censorship, shot with sovereignty or jurisdiction and montage with narrative or logic. In each case, there is a legal or jurisprudential basis for the construction of film and also a cinematic concept to define the modalities of legal power.
33. Grieveson, *supra* note 10. Grieveson's chapter addresses the role that film censorship played in actively defining American cinema as nonpolitical and entertainment-focused. The traditional idea of censorship being essentially limiting or retrospective must be done away with in Grieveson's analysis in order to come to terms with the scope or impact of juridical discourses of censorship as socially, culturally, and technologically productive.
34. Michel Foucault similarly conceived of the censored element in discourse as being inextricable to the uncensored element (that which is seen or heard: discourse itself), which is therefore made in its turn socially functional or morally acceptable. "Silence . . . is less the absolute limit of discourse, the other side from which it is separated by a strict boundary, than an element that functions alongside the things said, with them and in relation to them within over-all strategies." Michel Foucault, *The History of Sexuality: Volume 1, An Introduction* (London: Penguin, 1990), 27.
35. Deleuze, *supra* note 27 at 17.
36. Prasad, *supra* note 11 at 172. Prasad is concerned with the extent to which censorship was utilized in colonial India, not just for controlling cinematic images but also at the same time for controlling political or community images. An analysis of the Indian Cinematograph Committee report of 1928 gives Prasad a picture of the relations of power that were under threat of destabilization by the newly introduced medium of cinema. New racial and political identifications made possible through cinema express a national consciousness that transgresses a colonial order based upon the division of native communities and their leadership.
37. Seymour, *supra* note 3 at 117.
38. *Id.*, at 118.
39. Young, *supra* note 23 at 139.
40. *Id.*, at 142.
41. Lury, *supra* note 1 at 213.
42. *Id.*, at 214.
43. Deleuze, *supra* note 30 at 18 (emphasis in the original).
44. McNamee, *supra* note 6 at 17. McNamee's chapter is presented as a critique of the privileged place occupied by war or aggression in the continuing reinvestment of a British national or legal consciousness. This question, however, as it is taken up around a question of Constitutionalism and film (specifically through Kenneth Branagh's *Henry V*), also allows McNamee to elaborate a more underlying theory of the co-dependency of plenitude and breach in cinematic as well as national consciousness. National culture has a "fullness" to it only to the extent that it is also the condition of "crisis," or a gap that permanently and necessarily intervenes.
45. *Id.*, at 18.
46. *Id.*
47. Although Australia's Constitution (like the U.S. Constitution) is written and can itself be modified by referendum, the reference to a "skeleton of principle" by Brennan J in *Mabo v. Queensland [No 2]* 175 CLR 1 (1992), at 43, for example, attests to an inherited constitutional space in which laws themselves must be integrated or held together.
48. McNamee, *supra* note 6 at 18–19.
49. Deleuze, *supra* note 27 at 30.
50. Pierre Legendre, *Law and the Unconscious: A Legendre Reader*, Peter Goodrich, ed. (London: Macmillan, 1997).

51. Ian Christie will base his chapter around this premise: that in terms of legal adjudication, we can only speak of "a" logic or rationality, which essentially suppresses all other minor spiritual or fantastical modes. "[A]s Shale has observed, 'rational narrative adjudication seems by and large appropriate to us, but it is important to recognise that it is a specific form of legal adjudication rather than the only one'." Christie, *supra* note 5 at 16. There are as many rationalities of adjudication as there are possible combinations or assemblages of images.
52. We can also therefore say that the narrative of law does not as such run *in parallel* to the narrative of film, as David Black suggests, because this works only insofar as one ignores their encounter. David A. Black, *Law in Film* (Urbana: University of Illinois Press, 1999), 34. Rather, if narrative is the product of an arrangement of images, then legal and cinematic thought are both necessarily caught up in the one process.
53. Deleuze, *supra* note 21 at 211.
54. "If there is judgment, if one thing is better and another worse, it is because the images of the social montage come to serve as the positive and juridical supports of experience." Yifat Hachamovitch, "In Emulation of the Clouds," in *Politics, Postmodernity and Critical Legal Studies: The Legality of the Contingent*, Peter Goodrich, Costas Douzinas, and Yifat Hachamovitch, eds., 35–68 (London: Routledge, 1994), 36.
55. Deleuze, *supra* note 21 at 27.
56. Legendre, *supra* note 50 at 212.
57. The landmark case of *Mabo v. Queensland [No. 2]* 175 CLR 1 (1992) saw the High Court of Australia recognize for the first time the traditional rights and interests of indigenous Australians in relation to their land, subject, however, to conditions of extinguishment.
58. MacNeil, *supra* note 7. MacNeil's main concern in his chapter is to analyze not only the extent to which *The Castle*, as a story, allegorizes native title in terms of either the injustice or the paranoia of dispossession, but also how the ideology of the film expresses and fits within a national consciousness running alongside the juridical ideology of Australia's native title cases. In MacNeil's opinion, the film is stuck between a conservatism expressed by the notion that "every man's home is his castle" (territorialism) and a more radical critique of the (deterritorialized) capitalist conception of property implicated by the Australian Aborigines' claims for native title.
59. *Id.*, at 42. MacNeil recounts the closing scenes of the film, the imaging of a new alliance that has already delivered Kerrigan from the difficult situation posed by his court case, but will also consequently deliver him from the presumably insurmountable or oppressive situation of (working-class) life. Something has changed: an image of legal and economic alienation will pass into an image of bourgeois prosperity through the intermediary of an encounter with the Queens Counsel. For Deleuze, this is the "large form" of cinematic montage, from the general situation to the transformed situation via the action. Deleuze, *supra* note 27 at 142.
60. MacNeil, *supra* note 7 at 39. MacNeil makes a list of stylistic and political contradictions to describe the inconsistencies of both *The Castle* and *Mabo v. Queensland*: "activist or reactionary?" (33), "satirical or serious?" "contemptuous or sentimental?" "feel-good or ironic?" etc. (41).
61. Legendre, *supra* note 50 at 145–49.
62. This, in effect, would deny the cinematic image of its essential quality: movement.
63. Deleuze, *supra* note 21 at 29.
64. Lury, *supra* note 1 at 218. Lury takes this definition from the semiotician Charles Sanders Pierce.
65. *Id.*, at 219.
66. *Id.*
67. Moran et al., *supra* note 2 at xii–xiv. See Steve Greenfield, Guy Osborn, and Peter Robson, *Film and the Law* (London: Cavendish Publishing, 2001).
68. Deleuze, *supra* note 27 at 63. This is not to say that there is an inextricable correspondence between perception and object of perception, rather there is no object *of* perception, per se, precisely, insofar as perception is *in* objects, all of which react diffusely on every other object, on all their facets.
69. Deleuze, *supra* note 21 at 280.

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