

The People's Law versus Judge Judy Justice: Two Models of Law in American Reality-Based Courtroom TV

Steven A. Kohm

This essay examines the popular American daytime courtroom programs *Judge Judy* and *People's Court* and comparatively analyzes two distinct models of law and justice developed in these shows. Using the techniques of qualitative media analysis, I argue that *Judge Judy* represents a shift in the way popular culture imagines the role of law in the lives of ordinary people. This shift accords with neoliberal notions of governance and individual self-responsibility for protection against risk. Conversely, *People's Court* represents an older, liberal-legal model of law that emphasizes individual rights, public participation in the court process, and due process. By demonstrating the supersession of *Judge Judy* justice over that of *People's Court*, I argue that this shift in the way law is imagined in American popular culture signals wider shifts in American and indeed international attitudes toward the law in our everyday lives.

I've heard it all before: "I didn't know . . ." "I didn't think . . ." "I didn't mean to . . ." That's dumb talk.

(Judge Judith Sheindlin, *Beauty Fades, Dumb Is Forever*;
emphasis in original)

The law is for any conflict where human beings need another sensitive human being to hear the facts and mete out fairness . . . Law is fairness in action.

(Judge Joseph Wapner, *A View From the Bench*)

I'm not a litigant, but I play one on TV. For the ordinary Americans who play the role of litigant on daytime television any distinction between the *real* law and the *popular* law dispensed by TV judges is of little practical consequence. The litigants of reality TV look to the television courtroom for legal solutions to their personal troubles. To suggest that this process is experienced as

Please direct correspondence to Steven A. Kohm, Criminal Justice Studies, University of Winnipeg, 515 Portage Avenue, Winnipeg, MB R3B 2E9, Canada; e-mail: s.kohm@uwinnipeg.ca.

Law & Society Review, Volume 40, Number 3 (2006)

© 2006 by The Law and Society Association. All rights reserved.

somehow less real than the actual American legal system is to overlook the significance of reality television in constructing popular legal culture. For viewers of programs such as *Judge Judy* and *People's Court*, these shows provide a window into the civil legal process and a vantage point from which to judge the legal troubles of others and the solutions proposed by the TV judges. As a *cultural* legal text, reality courtroom television hits far more close to home for millions of viewers than the legal doctrine contained in most *official* legal texts. So while other sociolegal scholars have noted that commonsense understandings of the law can be shaped by a multitude of everyday encounters in a variety of settings (Macaulay 1987; Yngvesson 1989; Merry 1990; Greenhouse et al. 1994; Ewick & Silbey 1998), I argue here that the popular cultural representation of law in reality courtroom TV provides a very powerful example of the way law permeates everyday life.

It is without doubt that American television programming focusing on the law forms a significant part of the cultural legal landscape for many Americans. However, for international audiences too, the influence of American popular cultural representations of law and justice is undeniable. According to Machura and Ulbrich (2001), the power of American film and television to shape attitudes extends well into continental Europe. This influence has led ordinary Germans to be surprised when they encounter the inquisitorial legal process and has changed the actual practice of German lawyers, who are now expected by clients to put on "more of a show" (Machura & Ulbrich 2001:117). Similarly, Sharp (2002) notes that Australian law students are inundated with American images of law drawn from television programs and film exported to that nation. The result of this can be unrealistic expectations about the nature of future careers in law and a more simplistic outlook on legal ethics. These international examples show that the potential reach of American courtroom TV extends well beyond North America¹.

While dramatic films and television series focusing on the law have been the subject of a number of scholarly studies (Leonard 1988; Rafter 2000; Lenz 2003), few sociolegal scholars have explored the cultural significance of daytime reality-based small claims court programs (however see Porsdam [1994] for a notable

¹ Canadian audiences are also inundated with American television. Canadian cable subscribers have access to the four major American networks and their programming. American television programs such as *CSI*, *Cold Case*, and *Law & Order* are also shown on Canadian television networks, ensuring near-total domination of Canadian prime-time television. According to the latest prime-time Nielsen Media Canada ratings (accessed 12 Nov. 2005 at <http://www.nielsenmedia.ca>), all of the top 10 rated programs shown on Canadian networks during the week of October 24 to October 30, 2005, were American productions. Moreover, six of these top 10 shows were law- or criminal justice-related.

exception). Furthermore, while a number of critical scholars have turned their analytic attention to daytime tabloid television talk shows such as *The Oprah Winfrey Show* (White 1992; Priest 1995; Ouellette & Anderson 1997; Shattuc 1997; Tolson 2001), the literature is nearly silent on daytime television programs that focus on civil legal disputes. Despite this dearth of scholarly analysis, the topic of daytime courtroom TV is significant to analyze for at least three interrelated reasons. First, the American criminal justice system has long been a subject of dramatic tension in film, television and literary works. However, large numbers of Americans will experience law in the context of civil disputes rather than criminal ones. For this reason, reality-based television programs that deal with small claims disputes such as car accidents, damaged property, and unpaid bills may be of more personal relevance to audiences than programs dealing with the most serious criminal offenses, such as the ubiquitous premeditated murders featured regularly on prime-time dramatic series such as *Law & Order* and *CSI*.² Thus, the prosaic nature of legal problems presented in reality-based courtroom TV sets this category of popular culture clearly apart from others dealing with the American legal system.

The focus on civil law in programs such as *Judge Judy* and *People's Court* parallels a shift in the television industry toward depicting a type of "reality" that might be better referred to as a form of unscripted drama (Murray 2004). Despite the fact that reality TV is anything but realistic (Friedman 2002), this popular category of television has grown in recent years to dominate the industry in both prime-time and daytime slots. The daytime courtroom variant of reality television focuses on the most mundane of disputes that have befallen ordinary people—that is, nonactors. Like other reality programs, daytime TV courtroom programs are presented by the television industry as reality and offer audiences a chance to be a fly on the wall of an apparently "real" civil trial. Furthermore, because reality-based courtroom programs are marketed and potentially received by audiences as reality, their legal and moral messages are all the more potent.³ Therefore, exploring the implications of legal discourse presented in a form of television that is delivered to audiences as reality forms a second major impetus for the present study.

² At the time of writing there were three versions of both programs: *Law & Order*, *Law & Order: Criminal Intent*, *Law & Order: Special Victims Unit*, *CSI*, *CSI Miami*, and *CSI New York*.

³ According to Oliver and Armstrong's 1998 study of reality policing programming, television programs that are perceived as real, such as the news or the Fox series *Cops*, cultivate greater fear of crime in audiences than fictional television programming. It is therefore conceivable that the presentation of daytime courtroom programs as real will have a greater impact on TV audiences than obviously fictional programs such as *Law & Order*.

The final reason it is important to grapple analytically with the reality court TV phenomenon is related to the presumed audience to which the programs are marketed. Daytime television has traditionally been directed toward housebound female audiences, and the recent crop of daytime reality judging programs clearly follows this trend (Ouellette 2004). The preponderance of female judges—and to a lesser extent African American male judges—at the center of the reality-based courtroom genre is strong evidence of a presumed female and indeed racialized audience.⁴ Even though white male judges are ubiquitous in the American legal system, it seems hardly coincidental that the television industry has ensured that such judges are practically nonexistent in the daytime TV small claims courtroom. At the time of writing, only one daytime reality-based courtroom program had a white male judge—the now-cancelled program *Texas Justice*. *Judge Judy*, *People's Court*, *Divorce Court*, and *Judge Hatchett* have all featured female judges, while *Judge Mathis* and *Judge Joe Brown* have featured African American male judges. The strategy of using judges drawn from racial minority groups seems to be an effective tool in attracting minority viewers. A recent Nielsen Media analysis of African American audiences in 2004 shows that the audience of *Judge Mathis* is 51% African American—the highest proportion of African American viewers of any daytime reality courtroom program (Steadman 2005:35). Not since the days of Judge Joseph Wapner of the original *People's Court* of the early 1980s has a white male judge on a reality courtroom program enjoyed the mass popularity of the female and African American daytime judges of today.

As a consequence of their orientation toward female and marginalized viewers, these programs speak not so much to the American population as a whole but to a segment of the population that has traditionally been denied a powerful role in civic and legal affairs. However, messages contained in these programs about the role of the law in the lives of women and other marginalized groups are becoming less and less about participation and democracy. Instead, we are witnessing an evolution in the

⁴ While a full-scale analysis of race is not a focus of the present study, others (Banks 2003; Karno 2004) have noted that the TV small claims court genre provides an illusion of empowerment for racialized groups. A key way that this is accomplished is through the use of judges drawn from ethnic and racial minority groups. For example, Judge Marilyn Milian of *People's Court* proudly acknowledges her Latino roots, while Judge Greg Mathis—an African American TV judge—plays up his ascent from “ghetto to gavel.” In this way, “by the gesture of including the figures of African American [and other minority] judges as purveyors of justice, television seems to occlude the problematic ways in which African Americans [and other minorities] have been represented throughout television history” (Karno 2004:266).

way daytime reality courtroom television addresses its presumed audience: an evolution that places little emphasis on formal legal intervention by the state and instead stresses personal responsibility in the management of one's own disputes and legal affairs. In what follows, I pick up from and extend the analysis of Ouellette (2004), who argues that programs such as *Judge Judy* represent a neoliberal address to marginal women in particular.

Just as popular daytime TV game shows such as *The Price is Right* contain powerful messages about mass consumption of consumer products and daytime talk shows such as *Dr. Phil* and *Oprah* contain potent messages about mental health and professional therapy, I argue that daytime courtroom programs have much to say about law and its role in resolving everyday disputes. However, because the brand of law showcased in these programs is civil law, disputes frequently center on relationships, household finances, and children. Thus while the focus of daytime reality courtroom programs is ostensibly the law, it is predominantly that law which regulates the private sphere. So while women and other marginal groups have traditionally been circumscribed within the private realm by a number of social forces, this public-private split is reproduced and reinforced through the scheduling of network time around the presumed viewing habits of marginalized audiences. In this way, public, criminal law is reserved for the lucrative prime-time slots while private, civil law is relegated to the margins of daytime television.

After discussing its unique focus on civil justice and its presumed female audience, and with its disputes and solutions presented to viewers as real, I now set about untangling the broad legal narratives encapsulated within daytime reality-based courtroom television. In order to best illustrate the current state of affairs in this unique category of programming, I highlight a cultural shift in attitudes toward law and the state that is reflected in these shows. In order to excavate this ideological shift, this article considers the way law is presented in the reality-based courtroom programs *Judge Judy* and *People's Court*. I argue that the two programs present radically different models of law and justice to viewers of daytime television. Underlying these two models are divergent ideologies that accord judges and ordinary people very different positions within their implicit conceptions of civil law. In addition, both models project very different ideas about the efficacy of law in a world that is conceived as often being morally corrupt and where the institutions of family and community are being increasingly undermined by a growing tendency for individuals to assert their rights in the legal realm.

A Word About Methodology

The present article discusses findings from a larger study of popular legal culture in reality television carried out between 2001 and 2004. More than 200 hours of daytime reality-based courtroom television were theoretically sampled during this period and analyzed using techniques drawn from qualitative media analysis (Altheide 1996). From this inductive analysis, two distinct models of law emerged from the programs *Judge Judy* and *People's Court*. These two models of law construct disputes and disputants primarily in either neoliberal legal terms—"the re-assertion of market disciplines" in social and legal relations (Garland 2001:98)—or what I refer to as liberal-legal terms—the primacy of atomistic, individual legal rights and due process. These models were further elaborated through a detailed and fine-grained qualitative analysis of the legal discourse of both shows, as well as the structure of each program in order to examine the way their discursive, visual, aural, and narrative features combine into coherent messages about the law. Limitations of space do not permit a full exploration of all the structural elements the two programs comprise. However, I present examples from each that demonstrate how the two programs play out in ways that argue powerfully about the nature of law and, more specifically, the role of the judge and citizen in relation to that law.

Daytime Audiences and Reality-Based Court TV

In what follows, I outline two divergent models of law and justice articulated through two American reality-based courtroom television programs. While it may be a relatively short leap of logic to suggest that these two television programs are viewed by significantly different audiences, the commercialized nature of Nielsen Media audience data precludes me from undertaking a systematic analysis of daytime courtroom TV audience characteristics. Nevertheless, I would stress from the outset that the specific demographic makeup of the two audiences is in fact less important than the overall share of the total daytime audience that each program commands. In the television industry, it is well known that daytime audiences are roughly 75% female, with many viewers older than age 50 (Benson 2005). There is little reason to think that *Judge Judy* or *People's Court* differs radically from this demographic pattern. However, I argue in the following pages that the *supersession* of one model of law over the other—in this case the neoliberal model of law promulgated by *Judge Judy* over the older liberal-legal model typified by the *People's Court*—is symptomatic of wider pref-

erences in North American society for this orientation toward law and justice. Thus it is of little importance to the analysis if the audiences of both programs are basically composed of the same types of viewers. What is important to note is the steady decline in the popularity of *People's Court* and the corresponding rise to the top of the daytime television ratings of *Judge Judy*.

It is in this light that we can make sense of the Nielsen Media ratings for syndicated television during the week of October 17, 2005, to October 23, 2005, where *Judge Judy* remained the only daytime television courtroom program to appear among the top 10 syndicated programs with a rating of 4.6, or an estimated 6,310,000 viewers in the United States (<http://www.nielsenmedia.com>, accessed 6 Nov. 2005). According to Benson (2005), *Judge Judy* is by far the most popular of the seven daytime courtroom programs, accounting for nearly half of the estimated \$1 billion in annual revenue for this program type. Nevertheless, there may well be important distinctions between the audiences of the two programs. One potential difference may be seen in the racial makeup of the audiences that the two courtroom programs attract. According to a recent Nielsen Media public report on African American television audiences (Steadman 2005), African American males ages 18 and older make up a much larger share of the audience of *People's Court* (34%) than of *Judge Judy* (20%). More generally, figures for *Judge Judy* suggest that only about 25% of its overall audience is African American, while other courtroom programs such as *Judge Mathis* and *Divorce Court* attract a significantly higher proportion of African American viewers (51% and 46%, respectively). The popularity of *Judge Judy* among the total U.S. audience rates 4.6 in the Nielsen scheme. This is double that of *Judge Mathis*, which only rates 2.3. However, among African American audiences both *Judge Mathis* and *Judge Judy* rate very highly at 9.8. Thus, while *Judge Judy* is popular among African American viewers, other courtroom programs are also equally popular with this demographic but not very popular among the general population (the majority of whom are white).

While any conclusions drawn from these few available Nielsen figures must be naturally tentative, it certainly appears that *People's Court* and many of the other courtroom programs draw a greater share of their fan base from African American viewers than from white viewers. At the same time, a larger proportion of the fan base of *Judge Judy* is white. When this is taken in concert with my assertion below that the two programs diverge in their political orientations along a liberal-conservative continuum, with *Judge Judy* much further to the right, it is easy to speculate that viewers of *Judge Judy* are less likely to be drawn from that segment of the American population that has been traditionally marginalized and

shut out of the political process. So while my analysis does not hinge on the fact that viewers of the two programs are different in their characteristics, there is certainly some evidence to suggest that this may well be the case. However, the central argument here rests on the fact that there are simply many more viewers of *Judge Judy* than there are of *People's Court*, and this fact is important because it demonstrates a clear preference on the part of Americans for this brand of justice.

Toward Two Models of Law

Within *People's Court* and *Judge Judy*, two distinct models of law are clearly articulated for daytime viewers. Three dimensions of comparison are used to highlight the two models of law as they are presented on the programs: (1) source of judicial authority, (2) style of judgment, and (3) general outlook on the law. Examples drawing on the discourse of the judges and other key actors in the two shows are presented to highlight these elements.

Judicial Authority

People's Court is the benchmark legal reality program that has set the standard for all others that have followed in its wake since premiering on the ABC television network in 1981 (Porsdam 1994). Although the program has been struggling in the Nielsen ratings in recent years—often languishing at the bottom of the reality-based TV courtroom pack (see <http://www.nielsenmedia.com>, accessed 6 Nov. 2005)—the influence of *People's Court* on the reality TV phenomenon and on popular understandings of law and civil justice in the United States has been undeniable. In fact, *People's Court* is internationally recognized as *the* reality-based daytime courtroom television program and a symbol of the American court system (Porsdam 1994). Around the world, the name *Judge Wapner* evokes nearly instant recognition while the classic bongo-infused theme music of the program elicits a similar reaction, calling all those within earshot to their feet to watch and listen as the litigants enter the courtroom.

Besides being a pop culture phenomenon, *People's Court* presents viewers with a distinct perspective on the nature and limits of judicial authority. The form of legal authority implicit in the program is derived from a deep-seated reverence for the abstract institution of the law more characteristic of the 1970s, when the program was first conceptualized by its producers (Porsdam 1994). The law in *People's Court* plays a far more central role than it does in many of the other programs that claim to present real civil court trials. Law is a symbolic resource for the program, legitimating not

only the decisionmaking of the judge, but also the very authority the judge relies on for authenticity. In short, the *People's Court* is a popular cultural embodiment of Weber's (1968) ideal typical form of power, rational legal authority. In heeding the legal or sometimes moral advice of the *People's Court*, viewers consent to the exercise of power because it is prescribed by law. As such, when we obey the ruling of a judge, we "do not owe this obedience to him as an individual, but to the impersonal [legal] order" (Weber 1968:218).

A notable feature of *People's Court* that flows from this rational-legal model of judicial authority is the fact that a number of judges have presided over the years. The series began with the most famous of the bunch, Judge Joseph A. Wapner, retired from the California Superior Court. Following Judge Wapner was former Mayor of New York City Edward Koch; then Judge Judy's husband, former New York State Supreme Court Judge Jerry Sheindlin; and now Judge Marilyn Milian, a former Florida prosecutor and Miami circuit court judge who at one time worked under Janet Reno. Because of the succession of judges on *People's Court*, the program focuses less on the personality of each individual judge and more on the abstract institution of the law. More than this, the court, as the name *People's Court* implies, is situated within the realm of "the people," rather than within the total grasp of legal professionals. The opening sequence of *People's Court* reinforces the rational-legal nature of judicial authority on the program by placing the law firmly in the hands of the citizens:

There's a new judge in town—the honorable Marilyn Milian. She'll be hearing real cases, presented by real litigants who have agreed to have their disputes settled here in *our* forum: The *People's Court* (emphasis added).

The effect of this discursive centering of the do-it-yourself justice of "the people" is to highlight not only the reality of the proceedings and the dispute resolution function of the program, but by referring to "our forum," the narrator advocates a more participatory process. Judges may come and go, but the court remains "our" collective property.

It may seem strange in the age of legal superstars and attorney "dream teams" to discursively background the role of the judge and foreground the ordinary participants in the legal process. However, this notion of the judge as merely one player in a collective and community-owned legal process has been a key part of the ideology informing *People's Court* since its earliest days. Indeed, the myth of the participatory American legal process is a key pillar underlying American democracy—perhaps as treasured to American citizens as the right to free speech. Judge Wapner forcefully

articulated this participatory legal vision in his best-selling 1987 book *A View From the Bench*. On the nature of the law and the role of the judge, he noted:

The law is the creature of the people, its servant for the purpose of putting order and peace and justice into their lives. The law is, or should be, a neighbor itself, and a judge is no more than a particularly active part of the law (Wapner 1987:248).

While legal and personal disputes may be discursively structured by the testimony of the litigants and the probing questions of the judge, they are also the end product of a number of other legal “neighbors” on *People's Court*. Litigants not only have to answer to the judge, but they are also called upon to answer to “the people” through other regular characters on the program, such as court reporter Curt Chaplin, who interviews the participants on their way out of the courtroom, and attorney commentator Harvey Levin, who provides off-color puns after commercial interruptions, interviews spectators in Times Square, and provides legal analysis and commentary at the conclusion of each case. Moreover, ordinary people are asked to pass judgment on the litigants themselves indirectly through Levin as he interviews the “man and woman on the street” following commercial breaks. The plurality and diversity of voices that are expressed on the *People's Court* places it apart from *Judge Judy*, as I explore below.

While the judge's verdict on *People's Court* is legally final, the ethical or moral dimensions of the case are often not judged solely inside the courtroom. Instead, a litany of professionals and lay-people are called upon to weigh in and pass judgment. For example, in a case where the plaintiff was legally in the right and successful in his lawsuit, he was nevertheless judged *morally* wrong by court reporter Chaplin, when he retorted to the plaintiff on his way out of court: “I just want to ask you a question. How do you have the nerve to come out here and fight this case?” (UPN, March 27, 2001). Similarly, spectators interviewed in Times Square also explore the ethical and moral dimensions of the conflict. Spectators do not hesitate to weigh in on any aspect of a case—whether it is the determination of guilt, possible punishment, or the potential causes of a litigant's behavior—and make their judgments before a jury of home viewers of daytime television. As one Times Square onlooker declared after an emotionally charged family dispute, “The father shouldn't have to pay. The grandfather's being vindictive and he needs some therapy” (UPN, May 3, 2002). The incorporation of these multiple “lay” and professional judgments conveys an image of the legal system that is porous, sometimes contested, and perhaps open to all citizens. In the end, however, this vision of “the people's law” can be at times confusing

and contradictory to the point where it may not be clear that justice can ever be found through law.

Enter Judy. Since the late 1990s, Judge Judith Sheindlin has reigned supreme in the ratings game of daytime television. As noted previously, *Judge Judy* is currently the highest-rated daytime reality-based courtroom program (and second only to *The Oprah Winfrey Show* in the daytime talk show category), and the most recent Nielsen numbers place *Judge Judy* in the top 10 syndicated programs overall (http://www.nielsenmedia.com/ratings/syndicated_programs.html, accessed 6 Nov. 2005). Along with her popular television series, Sheindlin has authored a number of best-selling self-help books with such illuminating titles as *Don't Pee on My Leg and Tell Me It's Raining* (1996), *Keep It Simple Stupid: You're Smarter Than You Look* (2000a), *Beauty Fades, Dumb Is Forever* (1999), and her recent foray into children's literature, *Win or Lose by How You Choose* (2000b). To say that Judge Sheindlin is merely an advocate of right-of-center ideology is, I believe, a considerable understatement. More to the point, Judy could be considered an unabashed ideologue of traditional family values, personal responsibility, and judicial reform. And, according to Judge Sheindlin's official Web site, her reality-based courtroom program is an ideal platform to carry these views to a larger audience: "For 24 years, I tried to change the way families deal with problems on a very small scale, one case at a time. Now I can use the skills I have developed and take my message to more people everyday" (<http://www.judge-judy.com/Bios/allaboutjudy.asp>, accessed 6 Nov. 2005).

Given the brisk sales of her books and the high ratings that Judge Sheindlin's program enjoys, it is clear that Judge Sheindlin's message is being received by a sizeable audience. Furthermore, unlike *People's Court*, where reverence for the symbolic institution of the law and participatory democracy are in the foreground, *Judge Judy* presents viewers with a distinctly *anti*-democratic vision of law. Notably absent are any references to "our forum" or "we the people." Instead, the official doctrine of the law recedes into the background and the opinions, hunches, and intuition of Judge Judy are pushed to the fore. There are no supporting judicial actors on the program to provide complementary or contrasting viewpoints on the disputes. There is no legal analysis after each case, and spectators are not asked for a reaction. Instead, this model of law places Judge Judy at the very center of lawmaking, moralizing judgments, and the delivery of justice. In this television "reality," there are no other legal neighbors and there is no other law than the law of Judge Judy.

The opening segment of each broadcast discursively shifts focus away from the individual cases to Judge Judy herself as the personification of justice and law. As a narrator tells us,

You are about to enter the courtroom of Judge Judith Sheindlin.
The people are real. The cases are real. The rulings are final.
This is *her* courtroom. This is Judge Judy.

Thus, the court is not considered communal property in this vision of law. Instead of “our forum,” this is Judge Sheindlin’s courtroom. As if to reaffirm this aural narrative, the title sequence of each broadcast features a computer-rendered animated sequence that shows a generic, neoclassically styled courthouse surrounded by swirling images of Judge Sheindlin in action. At the end of the sequence, the animated courthouse is literally swallowed up within the word *Judy*, becoming merely the center of the letter *d*. This symbolic visual act, which is repeated in exactly the same way at the top of every program, drives home the point that the court is built from Judy and, simultaneously, that the court is contained within Judge Judy. Judge Judy and the law, therefore, are inseparable.

Judge Judy presents us with a vision of the judge as a great, charismatic lawgiver who appeals to extralegal and perhaps supernatural sources (e.g., intuition) as a foundation for judgment. We are led to believe that Judge Sheindlin herself, billed as “the ultimate truth machine” (<http://www.judgejudy.com>, accessed 6 Nov. 2005), embodies the power of justice and is not merely a passive conduit for the general principles of the official doctrine of the law. In fact, scant evidence is presented on the program that would suggest that Judge Judy is in any way restrained by the limits of the law. The excerpt below, from a case I term “Slandorous Ex-Lover,” highlights Judge Judy’s self-declared ability to divine the truth through what we must assume is a supernatural ability—what she has described elsewhere as her “built-in truth detector” (Sheindlin 2000:xii). Though presented in humorous terms, this speech from Judge Sheindlin to the defendant confirmed to all that Judge Judy’s decisionmaking was not a result of careful application of neutral legal principles in conjunction with a consideration of the evidence. Instead, we must assume that Judge Judy acts exclusively based on a sort of sixth sense that springs from within. Thus there is no legal procedure in place apart from Judge Judy’s own determination of who is truthful and who is not:

Judge Judy: I want you to be very careful about your answer to me sir, and I want you to believe me that some people are tall—I am not. Some people have flowing hair—I do not. Some people are very statuesque—I am not. I was blessed with a crystal ball—made up for my lack of height! (CBS, May 6, 2002).

What separates *Judge Judy* from *People’s Court* is its insistence on viewing Judge Judy as the sole location where law and justice reside. Much like Weber’s conception of charismatic authority (1968),

which is derived from the personal characteristics of a dynamic leader, we are told that Judge Judy exhibits qualities that make her uniquely suited to dispense justice. If we revere Judge Judy, it is because she evidences a unique ability to solve problems where others are incapable, like a modern-day Solomon. This is markedly different from the rational-legal authority embodied in *People's Court*, which is derived from a reverence for the *position* of judge. Thus if a judge is to be obeyed and respected it is because he or she has been elevated to that position by the formal rules and laws of the land, which are a reflection of democracy. However well-qualified, a judge is merely an instrument for the official doctrine that makes up the legal system, and not the embodiment of that very system. The charismatic judge, on the other hand, is the very incarnation of law. As such, a charismatic judge such as Judge Judy does not need to justify her decisions with reference to universal legal principles. It is enough to simply say, "Because I said so."

The Anatomy of a TV Judgment

According to legal anthropologists Conley and O'Barr (1990), American small claims court judges can be generally grouped by their style of judgment. That is to say, judges will approach the task of adjudicating disputes in several ideal typical ways. Among the types identified by Conley and O'Barr in their ethnography of American small claims courts are (1) the strict adherent to the law, (2) the law maker, and (3) the authoritative decision maker. Because these approaches to judgment are "ideal types," we must recognize that in reality a single judge may embody traits from more than one orientation. Nevertheless, it is still useful to subject the judging styles of Judges Marilyn Milian and Judith Sheindlin to analysis based on these ideal types.

According to Conley and O'Barr, the strict adherent to the law "views the law as a set of inflexible neutral principles. The judge's role is to ascertain what principles are relevant to a given situation and then apply them straightforwardly" (1990:85). Thus a judge who approaches the law in this manner will be reluctant to exercise discretion in his or her decisionmaking. Instead, what may happen is that he or she becomes "an unwitting conduit" (1990:85) for these so-called neutral principles of the law in situations that do not neatly fit the textbook scenarios that they are familiar with. In such situations, the judge may qualify a decision by saying, "I have no choice but to find in favor of the plaintiff" or some equivalent that demonstrates to the litigants a lack of choice in the matter. The law is the law, and the strict adherent does not feel empowered to challenge this fact. Ideologically, such a stance reinforces the myth that "the legal process is dispassionate and value neutral, relatively

immune from manipulation by either astute litigants or strong judges” (Conley & O’Barr 1990:86). A judge with this orientation sees his or her role as merely part of a larger process and not central to this process. Moreover, a strict adherent judging style is congruent with rational-legal judicial authority.

People’s Court and the judgment of Judge Milian reflect the values of the strict adherent. Judge Milian frequently falls back on the law in a way that is markedly different from Judge Judy. For example, in a case where the plaintiffs were suing over medical bills incurred as a result of dog bites allegedly inflicted by the defendant’s dog, Judge Milian read aloud from the text of a law regulating dogs in the litigants’ home state (UPN, April 30, 2002). In another case from the same broadcast, Judge Milian referred explicitly to the Unfair Labor Act, which she identified as a federal statute governing labor practices in the United States. While these actions might not seem all that unusual in the so-called real-world courtroom, in the courtroom of the reality TV judge they are quite remarkable. By specifically referencing particular laws, statutes, acts, and so on, Judge Milian clearly conveys an image of the judge as merely an instrument of official legal doctrine who is unable—or unwilling—to apply the law in creative ways. Sometimes these constraints can have the effect of producing judicial decisions that are morally unjust, at least from the judge’s point of view. As Judge Milian summed things up in a case concerning a grandfather suing his former son-in-law over funeral expenses paid for his granddaughter, “Listen, morally I’m with you a hundred percent, but I’ve got to do things as the law requires” (UPN, May 3, 2002). Such is the plight of the strict adherent to the law. For viewers and litigants who take all of this in, however, the message is that the judge may not be as powerful a figure as is the monolithic institution of “the law.” In other words, the judge is at all times subordinate to the law, and not the reverse. This is the powerful ideological message conveyed by the judging style of the *People’s Court*.

Vigilante Justice

A classic example of Judge Milian’s tendency toward strictly adhering to the law is drawn from a case recorded for analysis on March 27, 2001, that I have entitled “Vigilante Justice.” The dispute involved the vigilante-style assault of an alleged crack dealer by frustrated residents in an inner-city neighborhood. The defendants in this case—Malachi and Mathew Smith—claimed that they reacted violently toward the plaintiff—Charles Randolph—after learning that he had helped their younger brother obtain crack cocaine. Even though Judge Milian clearly empathized with the motivations of the alleged assailants in this case, she did not feel

legally empowered to deny the alleged drug pusher damages as a result of the assault and vandalism to his car. In this way, we find clear evidence of Judge Milian's tendency to see the law as a set of inflexible general prescriptions to be applied rigidly in specific cases. To reiterate Judge Milian's succinct phrasing in her judgment:

Judge Milian: "You know, here's where my problem lies . . . and I'm going to say this and then I'm going to take a short recess . . . [long thoughtful pause] My hands are tied by the law, and I'm going to go over all this testimony and see where my conscience can lead me, alright, but my hands are always tied by the law. And uh, you know, part of the problem is that it's not necessarily okay for you to take the law into your own hands . . . now would I be proud of you were you my son? Probably" (UPN, March 27, 2001).

This was one of the most graphic instances of Judge Milian adopting the approach of the strict adherent to the law. The image of the judge's hands being physically bound by restrictive legal doctrine is a powerful one, and as evocative as the oft-invoked image of "blind" Lady Justice. However, while the metaphor of blind justice is meant to convey the idea of a legal system that applies fairly to all, the image of the hamstrung judge conveys a vision of justice denied, foiled, and frustrated by the sometimes unreasonable regulations imposed on the powerless judge by official legal doctrine. Such a view of the law and judging calls to mind the analytical categories of Ewick and Silbey (1998). Judge Milian's insistence on following the letter of the law even where it may produce substantive injustice sends the litigants in this case the message that they are squarely before the law and that the law is both powerful and impenetrable (Ewick & Silbey 1998:45).

This case example also clearly illustrates the way law is conceptualized by *People's Court* as a sometimes negative and restrictive force rather than a positive implement of justice. *People's Court* draws upon a negative view of law, perhaps having its roots in the decidedly negative outlook on law and legal procedure that emerged in the late 1960s and 1970s in the wake of U.S. Supreme Court rulings such as *Escobedo v. Illinois* (1962) and *Miranda v. Arizona* (1966), which affirmed the rights of the accused and curtailed the powers of police and prosecutors. Commentators such as Rafter (2000) argue that this negative view of law has been clearly reflected in American popular culture since the 1970s. Likewise, in the *People's Court*, law and judging are depicted as being often impotent in the face of massive injustices. While the legal process depicted in *People's Court* may be open to all "the people," we nevertheless must acknowledge that the process is flawed because the

law can bind the hands of Lady Justice just as easily as it can empower her to act out of fairness and equality. This is the double-edged character of the law embodied in the ideology of *People's Court*.

While it is tempting to read Judge Milian's decision in the above case as simply presenting the American legal system as unjust and unduly focused on the rights of the guilty over the innocent, it instead presents viewers with a paradox about the nature of the American legal process. Thus just as the former *People's Court* Judge Wapner (1987) recognizes the imperfections in the American legal system, he also forcefully argues that we ought not draw the conclusion that there is something wrong with justice. Instead, we should accept it, warts and all:

A citizen might get the impression that judges, sitting on the bench, ordering people around, deciding cases, must surely be beyond the need to compromise. Fortunately, that is not so. Even a judge must behave strictly in accordance with the law. He is as restrained by the law as anyone else . . . To my way of thinking, that is an acceptable price. But make no mistake, it is a price. The system metes out justice, but no one should consider it perfect. Not yet, and probably ever (Wapner 1987:78).

In her decision in the Vigilante Justice case, Judge Milan clarified the price that we must pay for the liberal-legal American model of law. Sometimes the innocent suffer while the guilty are able to capitalize on their misdeeds. However, viewers are also reminded that the law must still be treated with respect, even as it utterly fails to produce justice. In the present case, we see strong evidence of both Judge Milian's strict adherence to the law and an almost mystifying faith that the power of the law may someday be brought to bear upon even the most dramatic failures of the American civil court system:

Judge Milian: I am sickened that I am in this position, Malachi and Mathew, because what am I going to have to do, my friends? You can't take the law into your own hands, you can't do that, alright? I know that there was a certain amount of satisfaction that you must of [*sic*] gotten, and there ain't [*sic*] a person within the sound of my voice that doesn't know and feel good about the satisfaction that you got, by doing that. But where did it leave us? It led us to a criminal case for you [Malachi], which is causing more suffering for her [mother Smith], a criminal case for you [Mathew], which is causing more suffering for her [mother Smith], the civil case that brings you to my courtroom, and what? And what for him [Randolf]? Cash in his pocket. That's what it ended up doing for him. You can't take the law into your own hands, you would have been better off co-operating with the police and doing the controlled buy. Then, the guy who would have

spent the time in prison wouldn't have been the two of you, it would have been him, right where he belongs. But unfortunately, my friends, my hands are tied by the law [Milian clasps both wrists together as if bound] and you cannot take the law into your own hands. And therefore I find myself in the disgusting position of having to award him [Randolf] his damages on the repair of the car, that's one thousand, two hundred and nine dollars Malachi. Mathew, as to you, I hope it felt good, I hope it felt good because you're going to end up having to pay him now for the medical bills—nine hundred and twenty dollars. And you know it's ironic, because usually what I find is that the people with the most chutzpah are the ones who, you know, have the least deserving position. I'm surprised that you're [Randolf] not also suing for pain and suffering—after all the pain and suffering you caused this family.

Mother Smith: I should be the one.

Mathew Smith: Can't we sue for like emotional distress or something?

Judge Milian: Knock your socks off, file a lawsuit! (UPN, March 27, 2001)

Judge Milian's speech to the defendants in this case—and really to all those tempted to take the law into their own hands—presents a very simple message about the law. Obey the law, and you will be rewarded. Take the law into your own hands, and you will be punished and the guilty will be set free. Despite her own feelings about the injustice of the situation, Judge Milian did not deny the plaintiff his claim because she felt her hands were tied by the law. Put another way, judges ought to merely apply law; they should never ignore it nor get creative in its application. Judge Milian's decision in this case reaffirmed Judge Wapner's notion of imperfect justice. However, lest we think that this ruling was a signal to the audience to forget about law entirely, the last portion of Judge Milian's judgment clearly argued that law must remain central to a just and civil society—even society in the urban ghetto, where ordinary citizens may feel morally empowered to take the law into their own hands against drug dealers. Judge Milian provided a direct address to those tempted to eschew the law in favor of quick satisfaction in the form of lawless violent retribution. The consequences were clearly laid out in her decision.

Although Judge Milian seemed to be assailing the law for its inability to produce justice in this dispute, and even though she seemed to partially condone the vigilante actions of the Smith brothers, her final words to Mathew Smith once again recentered law. Law may have failed to produce justice in the present case, but we should not take this to mean that law per se did not have a potentially constructive place for the defendants in this case, or others in future disputes. In the end, it should have been clear to

audiences that the law was still potentially powerful, but its efficacy had been undermined by the rash actions of the Smith brothers. Instead, if cooler and more logical heads had prevailed, Judge Milian argued, justice would have been served. In fact, law could be potentially redeployed by the Smith family to punish Randolph for causing them pain and suffering—or emotional distress, in the words of Mathew Smith. So at the end of the day, viewers of *People's Court* walked away with an ambiguous view of law's potential to produce justice. Significantly, the judge did not condone the vigilante actions of the Smith brothers. Thus, the program provided continued support for the justice system and law and order, while simultaneously assailing law as sometimes an obstacle to true justice.

While Judge Milian's judging style often conforms to the characteristics of the strict adherent, Judge Sheindlin exhibits aspects of Conley and O'Barr's (1990) law maker and authoritative decision maker styles. According to Conley and O'Barr, the law maker style of judging "views the law not as a constraint, but as a resource" (1990:87). The law maker feels compelled toward some broader notion of justice or fairness, even if the law itself does not allow for such a decision. Unlike strict adherents, who preface their decisions by alerting the litigants that they are often forced to rule in a particular way because of legal constraints, law makers are unlikely to qualify their decisions. Furthermore, law makers may even fabricate "legal-sounding principles" that resonate with their own sense of justice (1990:87). Like the strict adherent, a lawmaking approach to judging has ideological implications. The lawmaking judge presents a conception of the law as "malleable raw material to be employed in the pursuit of objectives defined without reference to legal rules" (Conley & O'Barr 1990:89). However, through the use of legal-sounding jargon, this creative use of the law is masked so as to suggest that it is instead a straightforward application of rational legal principles. In other words, litigants are not told that this is an unusual judgment or a creative solution to their case. Instead, they are left to believe that this is simply the way the law is.

Purloined Wedding Veil

The case I have entitled "Purloined Wedding Veil" (CBS, May 10, 2002) illustrates Judge Judy's creative lawmaking approach to justice. In this case, Gina Johnson was suing a casual acquaintance, Chrystal Blocker-Thomas, for the cost of a wedding veil she claimed was destroyed by the defendant. The plaintiff argued that she had only loaned her wedding veil to the defendant and expected it to be returned after the wedding. Judge Judy did not believe the defendant's story that the veil was a gift from the

plaintiff. Furthermore, Judge Judy was visibly outraged that the defendant had altered the veil and had only reluctantly returned it to the plaintiff in a garbage bag with some other waste left over from the wedding. Clearly, Judge Judy's sense of justice and fairness necessitated some form of punishment or compensation far beyond what the law might allow in this case.

The opportunity for patented "Judge Judy justice" came from an odd turn of events in the case. The garbage bag in which the veil had been returned to the plaintiff also contained by mistake the defendant's wedding bouquet. In a creative attempt to punish the defendant justly for a transgression that could not properly be addressed through simple monetary redress alone, Judge Judy adopted an "eye for an eye" philosophy in rendering her decision, indirectly instructing the plaintiff to keep the defendant's wedding bouquet in a retributive attempt to inflict equal harm for the wrong done:

Johnson: Your honor, that is her, that is her bouquet that she returned and did not know it was in the bag, and that's the only way I could get her to return my calls—that she wanted her bouquet back.

Judge Judy: Really? Why did you want your bouquet back? No, no, no, just answer my, don't think about it, just tell me why did you want your bouquet back?

Blocker-Thomas: Because it was my bouquet . . .

Judge Judy: Oh! So it's your bouquet?

Blocker-Thomas: "Right."

Judge Judy: And you want it back? Sue for it! Sue for it! (CBS, May 10, 2002)

Judge Sheindlin's decisionmaking clearly took a creative turn to exact extralegal justice in the face of what Judge Judy believed to be a terrible injustice that could not be remedied through a simple monetary award. Judge Judy made it clear much earlier in the testimony that the plaintiff was going to be getting her money back for the value of the veil, but as an object of great sentimental value to the plaintiff, money would not be enough to produce real justice. In this way, Judge Judy incorporated a lawmaking approach that delivered a far more creative form of justice than the law might otherwise allow. Indirectly counseling the plaintiff to keep the defendant's bouquet—an object of sentimental value perhaps equal to the damaged wedding veil—as a form of punishment would naturally be viewed by many as an innovative and Solomon-like form of punishment for the defendant. However, it is clear that there is no legal basis for such an informal sentence. Moreover, in compelling the defendant to sue for the return of her bouquet, Judge Judy essentially used the very process of civil justice as a form of extralegal punishment. In this case, we see strong evidence

for Feeley's (1979) notion of the legal process itself as punishment above and beyond what is meted out in any sentence. Furthermore, this case brings life to Ewick and Silbey's (1998) notion of engagement "with the law." The legal process is viewed and "played" almost as if it were "a game, a bounded arena in which preexisting rules can be deployed and new rules invented to serve the widest range of interests" (1998:48). As a judge, Judge Sheindlin is of course highly adept at this game and in the "Purloined Wedding Veil" plays it in such a way as to ensure substantive justice.

The creative use of the law is but one part of "Judge Judy justice." In addition to her lawmaking style, Judge Sheindlin also exhibited the traits of the authoritative decision maker. According to Conley and O'Barr (1990), the authoritative approach is characterized by both a desire to follow the law and the judge's willingness to take personal responsibility for the decision that is rendered. However,

in communicating their judgments to the litigants, they give no indication that there is any source of legal authority beyond their personal opinions. In addition, such judges often express critical opinions about the in- and out-of-court behavior of the parties, making their approach frequently authoritarian as well as authoritative (1990:96).

Thus litigants who experience the law through the authoritative decision maker are likely to conclude that the legal system is a powerful, arbitrary, and threatening institution (1990:101).

Premarital Vacation

Judge Sheindlin's authoritative approach to judgment can be illustrated by her decision in the case of the "Premarital Vacation" (CBS, May 29, 2002). In this case, a female student (Sarah Rosales) sued her ex-boyfriend (Sean McKean) for his share of a monthlong Mexican vacation the couple had taken together. After Judge Sheindlin questioned both parties about the nature of the agreement that they had with respect to the money that was spent on their trip, Judge Judy signaled the start of her judgment by announcing that she in fact believed the defendant owed the plaintiff money:

Judge Judy: He owes you money.

Rosales: Yeah (CBS, May 29, 2002).

No particular reason was given by Judge Sheindlin for her determination in this case. One can safely assume that the truth was divined by her crystal ball or intuition. While the determination of the guilt of the defendant seemed to herald the beginning of Judge Judy's judgment, she immediately began providing moral commentary on the actions and personal choices of the plaintiff in this

case. Even though Judge Judy had essentially determined that the plaintiff was in the legal right in this situation, she was less than supportive morally toward the woman's plight:

Judge Judy: However, you don't escape without a tongue-lashing. If you're being stupid, don't expect me to be sympathetic. You don't give a boyfriend a credit card—ever, no way, nothing! You don't give anybody a credit card, especially somebody that you are not related to by blood or marriage or committed to by virtue of an engagement—even then it's dumb and stupid—so you don't get any awards for brains (CBS, May 29, 2002).

The fact that the litigants were not married or at the very least engaged seemed to be at the heart of Judge Judy's objections. Judge Judy offered blood relations or marriage as the preconditions for a man and woman taking a monthlong vacation together. This was advice that went well beyond the present dispute and could presumably be carried forward into future relationships by the plaintiff or anyone within earshot—such as the home audience. Moreover, this advice was congruent with Judge Sheindlin's traditional values, expressed in one of her best-selling books, *Keep It Simple Stupid: You're Smarter Than You Look* (2000a). In this prescriptive guide to proper relationships aimed directly at women—subtitled *Uncomplicating Relationships in Complicated Times*—Judge Judy laments the state of the modern family and seems to yearn for simpler, old-fashioned values. According to Judge Sheindlin,

Life used to be so simple. You got married when you were twenty, stayed married for fifty years, and raised children who got married when they were twenty and gave you grandchildren. Mother's Day and Father's Day didn't look like the revolving door at Macy's. Everyone had the same religion and lived in the same neighborhood. It's not so simple anymore (Sheindlin 2000a:viii).

Drawing from her years of experience and purported expertise as a family court judge, Judge Sheindlin forcefully argues that problems are the making of individuals, and personal responsibility and action are the only prescriptions for healthier social relations. Furthermore, by situating the responsibility for the failings of American society within the poor choices of individuals, Judge Sheindlin not so tacitly argues for a privatized model of citizenship where the individual is solely responsible for the minimization of risk and personal victimization. In her first best-selling book *Don't Pee on My Leg and Tell Me It's Raining* (1996), Judge Sheindlin vehemently makes this point: "By shifting the emphasis from individual responsibility to government responsibility, we have infantilized [*sic*] an entire population" (1996:6). Her answer? "Self-discipline, individual accountability and responsible conduct is the answer. It has always been the answer, but America got lost. It is time to get back

on course” (1996:233). The effect of this sustained attack on governmental social regulation is to situate the blame for a host of social problems—and the solution to those problems—within the individual. This ideology saturates the judgments of Judge Judy. More to the point, the actual monetary judgment is seemingly offered as a mere afterthought to the moral commentary that so frequently forms the bulk of Judge Judy’s address to the litigants. Furthermore, because of the mediated power encapsulated in her role as a television judge, Judge Sheindlin’s judgments are simultaneously humiliating and without grounds for appeal (Asimow 1999). For litigants in Judge Judy’s court, there is no question that her judgments are authoritarian as well as authoritative.

What is notable about the judgment in the “Premarital Vacation” case is that Judge Judy did not offer any explanation for her ruling. In fact, in the exchange below, Judge Judy openly admitted that she had no way to determine the exact amount of money that the defendant owed. However, Judy did eventually make a decision in this regard by simply accepting the amount of money that the plaintiff claimed was lost and then offered more commentary on the personal worth of the litigants, this time directed toward the defendant.

Rosales: I understand that but I have loaned him money before and he’s paid me back so I had no reason not to trust him.

Judge Judy: But I don’t know how much he owes you.

Rosales: It’s \$3,305 dollars . . .

McKean: [interrupting] I don’t owe her anything

Rosales: . . . and two cents.

Judge Judy: Oh yes you do, oh yes you do. I guarantee you, as good as you think you were on this trip, you weren’t. Judgment for the plaintiff in the amount of \$3,300 dollars. That’s all (CBS, May 29, 2002).

That the decision came almost as an afterthought and that moralizing “advice” tended to dominate in the anatomy of Judge Judy’s decision should come as no surprise to anyone who has watched the program. The judgment was merely a platform for Judge Judy to express her own ideological viewpoints about good relationships and appropriate interpersonal behavior. In this case, the advice centered on the proper conditions around which a man and woman should be together in an intimate situation such as a monthlong tropical vacation. Being married or being brother and sister appear to be the only appropriate conditions under which the opposite sexes should share a credit card—and perhaps, by extension, a hotel room in Mexico. The commentary directed to the male defendant was less clearly prescriptive in that it did not set

out a proper course for future behavior as much as it simply berated the man for having too high an opinion of himself.

Although men who take advantage of women may be verbally assaulted by Judge Judy, she reserves her most biting criticism for marginal women appearing on her program. The commentary offered by Judge Sheindlin on the decisionmaking of female litigants contributes to the program's normative address to its presumed female audience. Men who abuse women may be deemed "lowlifes" or without conscience, but to Judge Judy they are not usually called "stupid." Female victims of abuse, however, are deemed by Judge Sheindlin to be stupid. According to Karno, "the invocation of foolishness and stupidity" (2004:273) is a key element of Judge Judy's lectures to women and part of the work of advancing the neoliberal project of responsabilized citizenship. Judge Judy's self-help tracts emphasize choice—not circumstance—as the underlying cause of any bad situation that a woman could find herself in. Even in the case of abusive relationships, Judge Judy forcefully argues that all women need is to pull themselves up—and out—by their bootstraps:

Women are massive deniers. They're the only known species who can be covered with bruises and still think, "But he really loves me." If your husband, your boyfriend, your boss, your coworker, or your friend is abusing you, you're a victim. But you're also a dope. It's time for an eye-opener (Sheindlin 1999:12).

This excerpt underscores Judge Judy's penchant for labeling women who find themselves in poor relationships or unfortunate circumstances as simply stupid. Calling a woman in an abusive relationship "stupid" or a "dope" for not getting out is far from being helpful, but aids in the reconstruction of domestic abuse as a personal (private) problem and not a legal (public) one. In this way, Judge Judy's model of law continues the tradition of circumscribing the problems of women and children within the private realm, far from the constructive potential of legal intervention.

In an episode dealing with allegations of domestic violence (CBS, May 21, 2002), Judge Judy framed the dispute as lack of intelligence on the part of the female victim for failing to get out from a relationship marred by a history of violence:

Judy: ... quite frankly I don't understand why a young woman like you—who had four years experience with his bad temper and saw that he was continuing that bad temper—when you moved in some place else would continue to tolerate that kind of behavior, unless you enjoyed the fighting and making up. I'm not so sure. But you've gotta smarten up! (CBS, May 21, 2002)

Judge Sheindlin's insistence that any problem—no matter how systemic or rampant in society—is merely the fault of those who are caught up within it is a very powerful way of advancing a neoliberal agenda of cuts to social programs and the dismantling of the final vestiges of the welfare state. For many viewers, the powerful discourse framing human behavior contained in Judge Sheindlin's neoliberal address takes on the status of common sense. As one participant on the *Judge Judy* discussion board at TVTalkshows.com puts it:

Yes, if you have never read Judge Judy's books, you should. I have checked them out at our local library and have bought a couple at Sam's. She is so smart about getting the obvious across to some very stupid people!! (ledhead), <http://TVTalkshows.com>, April 27, 2002)

Judge Judy's moral "advice" to litigants also serves a symbolic purpose for home viewers, demonstrating all that can go wrong with personal relations. Audience members are thus encouraged to change their behavior in order to prevent a similar disaster from occurring in their own lives. Rather than regarding Judge Judy's diatribes as nothing more than slamming the barn door after the horse has already bolted, we should instead recognize that they serve as lessons to wider audiences—particularly female audience members who have made poor choices when it comes to personal relationships. Furthermore, the tongue-lashings may also help cement the idea that personal change and responsibility are key to happier social relations.

Taken in concert, Judge Sheindlin's lawmaking and authoritative judgment tendencies fit hand in glove with her appeal to charismatic sources of authority and judicial legitimacy. Judge Sheindlin proffers a vision of law that is far removed from the liberal-legal and sometimes negative portrayal of law found on *People's Court*. The institution of "the law" figures in *Judge Judy* primarily as a backcloth for the moralizing and so-called common-sense wisdom of the figure of Judge Sheindlin herself. The robe, the gavel, the bailiff, and the courtroom setting all provide an air of legality to the proceedings, but what we are witnessing is something clearly other than the law as it is typically understood in the liberal-legal tradition. To viewers, the quasi-legal model in *Judge Judy* may hold a great deal more appeal than the often-flawed law of Judges Milian or Wapner. Law works because Judge Sheindlin is able to effectively employ it as a tactic, a lever, or a background for her moral judgment of those who have done wrong. In the end, Judge Judy's judgments serve less as reasoned solutions to the interpersonal problems of the litigants and more as cautionary tales for those who take the proceedings in from home. Law may be used

creatively and authoritatively to punish on *Judge Judy*, but it is clearly not a tool that can be used constructively to order or repair human relationships. The power to prevent harm resides only in the personal choices of the individual. In this way, *Judge Judy* presents a cogent argument for a privatized and neoliberal form of justice that is at odds with the model of law implied in *People's Court*.

The Jurisprudence of Reality-Based Courtroom Television

Everything that has been discussed so far points toward two very different conceptions or models of law on *Judge Judy* and *People's Court*. The precise contours of these divergent models of law may be further elaborated by examining just what both programs have to say about the nature of law and its relationship to society. In other words, it is necessary to analyze both programs' implicit outlook on the law.

Judge Wapner's autobiographical account of his judicial career provides a rich window into the liberal-legal ideology underlying the jurisprudence of *People's Court*. For Judge Wapner, justice is something that is sacred, to be treated with reverence, and above all, to be meted out fairly according to the rules of formal legal procedure and due process. More than this, however, the law is to be applied with *compassion* and not used as a hammer to punish or drive home a moral message about proper modes of behavior. According to Judge Wapner, "The law on the books is about resolving pain and conflict in the abstract. Judges make it happen in the flesh. If they cannot feel for the people in front of them, they should be in another job" (1987:20). Unlike Judge Sheindlin's model of justice, *People's Court* was born out of a liberal-legal tradition of postwar America and holds the procedural protections offered in American law in the highest regard. Unlike Judge Sheindlin, who frequently eschews legal procedure in favor of common sense, *People's Court* views the erosion of such rights with alarm. According to Judge Wapner, the biggest threats to justice in fact emanate from "those in very high places in the society, who also apparently see basic protections of the Bill of Rights as an unnecessary inconvenience in the fight against crime" (1987:223). Judge Wapner sums up his liberal-legal outlook as follows:

We are a free people largely because we have a great many legal rights surrounding each and every man and woman in the society. If we start picking away at those rights because we fear muggers and robbers, we will be endangering our society a great deal more than any number of robbers and muggers could. No

self-respecting people ever lost their freedom because of street crime, as horrible as that crime is. Nations lose their freedom when they lose the protection of the law (Wapner 1987: 224).

It is not difficult to see how this rhetoric of judgment as compassion and the reverence for legal procedural protection have laid the foundation for a liberal, pluralist ideological course for *People's Court* that remains largely intact on the program today. Though Judge Milian may at times take a more animated approach to judgment, there is still a keen concern for the law and for reaching fair, compassionate solutions to disputes.

Debts Among Former Friends

Further evidence of *People's Court's* unique outlook on the functioning of the legal system can be found in the fact that solutions to disputes often lie beyond the formal purview of the law. Dispute resolution is sometimes sought outside of the courtroom in a form of mediation or reconciliation handled by court reporter Chaplin. This compassionate and indeed extralegal version of justice seeks to patch up the broken relationships that lie at the heart of many civil legal disputes on *People's Court*. In "Debts Among Former Friends" (UPN, January 29, 2001), plaintiff Love Priestly sued her former friends and roommates Tracy and Patrick Wilburn for unpaid debts. In this case, we can see Judge Wapner's notion of law as compassion typified in the attempt by Chaplin to restore the damaged relationship that was not addressed by law inside the courtroom. The monetary dispute reached an impasse in the courtroom when neither side could produce documents or contracts to support the claims. Outside the courtroom, however, wider notions of restoration and reconciliation replaced the narrow and technical requirements of the law necessitated by Judge Milian's strict adherent style of judgment:

Chaplin: What a crazy fight this is, it seems ridiculous.

Tracy Wilburn: It is.

Chaplin: I mean you two . . . How long were you friends?

Tracy Wilburn: Three years. I don't know . . . I was . . . I was a little upset about it though.

Chaplin: How about you? Isn't this . . .

Priestly: Yeah I still feel they owe me the money. Um, as far as the babysitting—I babysat their kids too.

Chaplin: I know, but the testimony's over, it's time to reconcile, if that's going to happen. Is that going to happen? (UPN, January 29, 2001)

At this point, Chaplin directed the microphone toward the plaintiff and she began to choke up, clearly on the verge of tears and unable

to get the words out. As if to break the tension, Patrick Wilburn— invisible to home viewers and out of range of Chaplin's microphone—said something at this point that brought a slight smile to Priestly's face and nervous laughter to all the litigants.

Chaplin: You have a deep voice. [laughter] I asked you and he answered. Is it going to happen?

Priestly: Um, I would like it to, they're my best friends in the whole world. So . . .

Chaplin: Well there they are . . . [indicating the defendants] There she is . . . [indicating the plaintiff]

Tracy Wilburn: I know, but I don't want to do it right now . . .

Chaplin: No? Alright. Okay, head back that way . . . still a little upset. Alright, it's understandable. Well good luck, I hope it works out. Back to Harvey now (UPN, January 29, 2001).

This tearful episode in the hallway could be read as a tacit indictment of the legal system and its (in)ability to function as a dispute resolution mechanism. Inside the courtroom, the best the judge could do was to explain the evidentiary requirements of the law in cases of monetary disputes. With no legal grounds for the settlement of their dispute inside the court, the litigants might simply have gone home upset and disappointed if their case had been heard on *Judge Judy*. However, *People's Court* provided a space to open up a dialogue between the parties, clearly a dialogue that was welcomed by the plaintiff in this case. Thus while exposing the court as a place that can be inappropriate and inhospitable to the resolution of interpersonal disputes such as this, the hallway segment simultaneously asserted the possibility that true reconciliation may lay just outside the doors of the formal legal system.

This preference for extralegal and negotiated settlements to disputes is built into the underlying legal ideology of *People's Court*. As Judge Wapner puts it, the placing of disputes before a trusted third party outside of the formal court process is the answer to many disputes:

A settlement is almost always preferable to a trial, and that is the most basic of legal truths . . . I have always believed, for as long as I have been a judge, that if litigants could put their problems simply and clearly before a person they trusted and ask that person for a judgment, they could save most of the rigmarole of the formal, drawn-out process (Wapner 1987:162).

Clearly, this is just what *People's Court*—then and now—aims to do: provide ordinary people with a chance to work out their problems under the watchful gaze of the judge and other legal actors on the program.

In sum, the general outlook on the law proffered on *People's Court* is fraught with contradictions. On the one hand, *People's Court* takes a distinctly negative view of the power of the law to resolve disputes. Often the technical requirements of the law place limits on the ability of the judge to deliver a just settlement. On the other hand, the American legal system is held up as a flawed, but nonetheless sacred institution. The very legal protections that hamstringing the judge in certain cases are ultimately there to protect the ordinary citizen from the potential abuses of the state. Thus, *People's Court* stops short of suggesting that the American legal system is broken beyond repair. Instead, its flaws are viewed as the natural price we must pay for the rule of law in a democracy.

Another contradiction bound up within *People's Court* is its tendency to decenter the legal system as the inevitable location of dispute resolution. As the case of "Debts Among Former Friends" illustrated, true reconciliation and resolution may at times only be found outside the formal legal process. By providing a space to consider alternative ways of remaking broken relationships, *People's Court* offers the public mixed messages about the necessity or role of courts in our everyday legal problems. But perhaps this is not so different from the "real" American judicial system. The contradictions and disjunctions between law and justice that play out regularly on *People's Court* may be just about as "real" as reality-based courtroom television can get.

The general outlook on law found within *Judge Judy* is far less ambiguous or contradictory than on *People's Court*. Law is also decentered, but in such a way that does not necessarily alert the viewers to the fact that Judge Judy is playing hard and fast with its rules. On *Judge Judy*, audiences are encouraged to turn away from the abstract idea of "the law" and instead pay homage to the judge herself. However, it is clear that it is not the *position* of judge that we are encouraged to revere, but the actual *person* of Judge Judy, that human "moral compass" who is uniquely able to sort through our personal troubles and dispense her own brand of "uncommon" sense. If we are to suggest that *Judge Judy* takes a negative view of the law, this is not to say that she sees it as an obstacle to justice. Instead, the program's general outlook on the law promotes a view of what law *ought* to be. In Judge Sheindlin's vision, the law ought to be swift, straightforward, and unmerciful in its treatment of legal or ethical transgressors. There is no place for technicalities or other procedural barriers that would stand in the way of justice on *Judge Judy*. On her program, we see law the way it might operate if left in the hands of the private sector. In this way, we might argue that *Judge Judy* is a form of popular cultural legal idealism in contrast to the popular legal realism of *People's Court*.

Discussion

Having laid out the general contours of the two models of law articulated on *People's Court* and *Judge Judy*, we are left with the final task of grappling with the apparent shift in public preference for the neoliberal model of law found on *Judge Judy* over the older, liberal-legal model of law on *People's Court*. Building on the work of Rose (1996), media scholar Ouellette (2004) has argued that Judge Sheindlin's books and television program constitute a direct, neoliberal address to women, urging that certain modes of personal conduct be adopted over others. Above all, personal responsibility is the key theme emphasized in this address. Ouellette argues that *Judge Judy* constitutes a "neoliberal technology of everyday citizenship" that provides normative commentary for lower-class women in particular (2004:232). While the female litigants who are berated on the program for failing to think before they act may appear to be the primary aim of this "apparatus" of governance-at-a-distance, it is the home audience that is the ultimate target of Judge Sheindlin's message (Ouellette 2004:247). There is little doubt, as Rose (1996) argues, that the mass media—particularly television—forms a key technology that "can translate the goals of the political, social and economic authorities into the choices and commitments of individuals" (1996:58). In the case of *Judge Judy*, it is clear that Judge Sheindlin's message of legal self-responsibility and the personal assumption of risks that flow from civil and criminal disputes fits well with wider social and political currents in Britain and North America since the 1980s (Garland 2001). While *People's Court* may be seen as the ultimate popular cultural representation of the liberal-legal tradition of the American postwar epoch, *Judge Judy* represents a break from this tradition and instead may be seen as forming a "technology of governance at a distance," described by analysts such as Rose (1996) and Ouellette (2004).

While I concur with Ouellette's general observations about *Judge Judy*'s potential to aid in the construction of a normative model of citizenship within the neoliberal political currents of late modernity, I also want to emphasize the way popular legal culture is remade within this new neoliberal legal order. Whereas the core of Ouellette's argument is that the program deemphasizes the role of government institutions such as law in the regulation of social affairs, I would also argue that *Judge Judy* still relies to a considerable extent on the *symbolic* power of the law in her neoliberal address to women. While appeals to common sense and experience may be used at times to rationalize her decisionmaking, Judge Sheindlin's ultimate cultural power in the context of her program is derived from the law. Thus, *Judge Judy* uses the law as a symbolic

tactic to demonstrate how certain litigants are undeserving victims and therefore not entitled to the protection of the state.

The case of “The Slandorous Ex-Lover” illustrates the way law is upheld as a resource exclusively for the use of those deserving litigants who do not violate the bounds of good citizenship (CBS, May 6, 2002). Plaintiff Sary Anderson sued her ex-boyfriend Bruce Devino Jr., claiming that the defendant had circulated posters containing a superimposed image of her face on the body of a hermaphrodite along with some disparaging comments. After the defendant attempted to employ his perceived constitutional right to freedom of speech as a defense, Judge Sheindlin sternly rebuked Devino in terms that belittled his knowledge of the law and focused on Judge Judy’s assessment of the man’s personal character:

Judge Judy: Okay, did you go to law school Mr. Devino?

Devino: No I didn’t.

Judge Judy: Well, you don’t warrant my giving you a short course in First Amendment because I believe that you are an insignificant, low-life piece of crap (CBS, May 6, 2002).

While there may have been many good legal reasons to deny Devino’s defense strategy in the context of the dispute at hand, the general impression that audiences were left with was that this man’s entitlement to use the law had been effectively negated because Judge Judy had deemed him unworthy of the law’s protection. The overall message, in contrast to that of the older, liberal-legal *People’s Court*, is that the law is not equally available for use by all. In keeping with the neoliberal principles that underpin economic and social affairs in the early twenty-first century, the law is viewed here as a commodity available only to those who accept and personify the tenets of a responsabilized society—above all, those who employ common sense to protect themselves from victimization and risk. Those without the social or economic capital to employ the law effectively in their own interests or to prevent their victimization before it happens—the bulk of litigants appearing on reality-based courtroom television—are shut out of this brave new legal order. Just as neoliberal economic policies have shut out all but the so-called deserving poor, so too does the popular cultural neoliberal legal order attempt to shut out all but the “deserving” legal subject. The American legal system’s inextricable link to democracy is thus symbolically severed by the day-to-day actions of *Judge Judy*.

The original *People’s Court* warned audience members at the end of each program: “Don’t take the law into your own hands.” Instead, viewers were implored to take their problems to court. The clear ideological message was that disputes are best handled by professionals attached to the legal system. Even if disputes may

ultimately be settled in the corridors and backrooms of the legal system rather than the courtroom, ordinary people still require the guidance of legal professionals to sort out their problems. Furthermore, it seemed that there was no dispute that was off-limits in *People's Court*, and that no litigant ought to feel unworthy of the opportunity to have his or her side of the story heard by the judge. In contrast, the ideological message of *Judge Judy* is precisely the opposite: take responsibility for yourself and your problems, and don't expect help from the court if you fail to take precautions before you act. In essence, the neoliberal model of law espoused by Judge Sheindlin places the responsibility for legal protection conceptually and temporally outside the purview of government and the legal system for those litigants deemed not to be responsible citizens. By urging marginalized litigants and by extension audiences to think before you act and to take responsibility for your own legal problems, Judge Sheindlin sends a message that the legal system is out of bounds for many civil legal problems, particularly those of the often marginalized viewers of daytime television. Put another way, *Judge Judy* is saying in not so many words, "take the law into your own hands," or at the very least, don't expect the courts to solve your problems.

I have argued throughout my analysis that the two courtroom programs represent very different models of law and perhaps signal a shift in ideology around law, citizenship, and social control. Putnam (2000) has argued that a key cultural shift that has taken place in the United States since the 1970s is the rapid movement away from community reliance toward greater individualism. In Putnam's view, one symptom of this larger cultural process is the recent rapid growth of the legal profession and a greater reliance on formal legal contracts in place of informal social arrangements (2000:147). A natural outgrowth of this increasing reliance on law over informal arrangements was the rise of the *People's Court* in the early 1980s. However, the shift from the legal ideology of the *People's Court* to that of *Judge Judy* is better explained by political and cultural developments that became most pronounced through the 1990s. Rafter (2000) describes this shift in public attitudes toward the law—reflected in the law and courtroom films of the 1990s—as a growing "mistrust [in] the criminal justice system's ability to accomplish its mission [and] the assumption that the system is broken beyond repair" (2000:107). The precise contours of this shift in attitudes toward law and criminal justice have been aptly described by Garland (2001) in political and cultural terms that emphasize "security, orderliness and control . . . the management of risk and the taming of chance" (2001:194). The permissive and individualistic culture of rights born in the late 1960s and accelerating through the 1970s has now given way to a culture in the field of law

and criminal justice that is increasingly characterized by greater control in every area of life, with the notable exception of the economy (Garland 2001:195). Singled out for control in this new culture are precisely those individuals who turn to the TV small claims court for protection and assistance—teen mothers, the poor, the racially marginal, and single parents (2001:195). Where *People's Court* once emphasized the democratic potential of the legal system and its availability to all, *Judge Judy* now emphasizes this new culture of increased control—with particular emphasis placed on the need for more self-control and less intervention and regulation by the state. Along with the organs of the criminal justice process described by Garland (2001), the TV small claims court—best typified by *Judge Judy*—reflects this turn to more punitive measures and rhetoric directed at those who least fit the values and norms of an increasingly anxious middle class.

Conclusion

Leonard (1988) has asserted that reality-based courtroom TV programs were spawned by the need to see that justice could still be achieved in the present system despite many spectacular failures. As such, these programs could be seen as a backlash *against* the culture of legal rights born in the 1960s and 1970s. Similarly, Slipock (1998) has argued that these programs reflect the public's distrust of both lawyers and the legal system and offer ordinary citizens the chance for do-it-yourself justice while simultaneously allowing us to keep a watchful eye on the courts. In this way, the assumption on the part of both authors is that *all* reality-based courtroom TV programs take a negative view of law as an institution and offer an alternative to it. Whatever the merits of this perspective, I instead contend that *People's Court* was and is very much a program about affirming the power and legitimacy of the law and its democratic potential. In fact, this program argues for a very optimistic reading of the American legal system despite its inherent flaws. In this way, *People's Court* may be seen as aiding in the reproduction and legitimation of the myth of American democracy and the majesty of the law.

It is clear that there is much to learn about the evolution of popular legal cultures through the examination of popular cultural texts. Moreover, reality-based courtroom television is a particularly important set of texts because the programs claim to represent reality. Although neither program provides an unmediated window into the American civil legal system, they nevertheless present two very different models of law to viewers. While individual audience members are ultimately free to read the programs

in many different ways, I argue that their divergent claims to judicial authority, approaches to judgment, and general outlooks on the law hint at two very clear general ideological stances toward law and the legal system. Moreover, because *Judge Judy* has superseded the popularity of *People's Court* in recent years, I do not feel that it is a great leap to suggest that the model of law offered by Judge Sheindlin is a reflection of, and indeed perhaps an instrument of, wider shifts in politics, citizenship, and the role of the state in the legal affairs of the people.

At the end of the day, however, it must always be remembered that the law remains at the core of both programs as a powerful symbolic resource that is employed in pursuit of very different sociopolitical agendas. The ability of *Judge Judy* to reimagine the law in ways that disengage large segments of the American population from the imagined large protection of the American justice system is a cogent reminder of the potential of reality television to forge new popular legal cultures. At the same time, the *People's Court* remains as a potential discursive site of resistance to the new legal order typified by Judge Judy justice. In time, we may see the reemergence of the liberal-legal model of law in popular culture as a backlash against the neoliberal politics which currently characterize Western democracies. Whatever the case, we would be well advised to look to the popular legal cultures of daytime television as a unique prism through which wider sociopolitical and legal currents are refracted.

References

- Altheide, David (1996) *Qualitative Media Analysis*. Thousand Oaks, CA: Sage.
- Asimow, Michael (1999) "Justice With An Attitude: Judge Judy and the Daytime Television Bench," 38 *Judges J.* 1–15.
- Banks, Taunya L. (2003) "Will the Real Judge Stand-Up: Virtual Integration on TV Reality Court Shows," *Picturing Justice: The On-Line J. of Law & Popular Culture*, January, http://www.usfca.edu/pj/realjudge_banks.htm.
- Benson, Jim (2005) "Judy Judy Judy," 135 *Broadcasting & Cable* 12.
- Conley, John M., & William M. O'Barr (1990) *Rules Versus Relationships: The Ethnography of Legal Discourse*. Chicago: Univ. of Chicago Press.
- Ewick, Patricia, & Susan S. Silbey (1998) *The Common Place of Law: Stories from Everyday Life*. Chicago: Univ. of Chicago Press.
- Feeley, Malcolm M. (1979) *The Process Is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
- Friedman, James (2002) *Reality Squared: Televisual Discourse on the Real*. New Brunswick, NJ: Rutgers Univ. Press.
- Garland, David (2001) *The Culture of Control*. Chicago: Univ. of Chicago Press.
- Greenhouse, Carol J., et al. (1994) *Law and Community in Three American Towns*. Ithaca, NY: Cornell Univ. Press.

- Karno, Valerie (2004) "Remote Justice: Tuning in to Small Claims, Race, and the Reinvigoration of Civic Judgment," 30 *Punishment, Politics, and Culture: Studies in Law, Politics, and Society* 261–82.
- Lenz, Timothy O. (2003) *Changing Images of Law in Film and Television Crime Stories*. New York: Peter Lang.
- Leonard, David P. (1988) "Perry Mason to Kurt Waldheim: The Pursuit of Justice in Contemporary Film and Television," 12 *Legal Studies Forum* 377–88.
- Macaulay, Stewart (1987) "Images of Law in Everyday Life: The Lessons of School, Entertainment, and Spectator Sports," 21 *Law & Society Rev.* 185–218.
- Machura, Stefan, & Stefan Ulbrich (2001) "Law in Film: Globalizing the Hollywood Courtroom Drama," 28 *J. of Law & Society* 117–32.
- Merry, Sally E. (1990) *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans*. Chicago: Univ. of Chicago Press.
- Murray, Susan (2004) "I Think We Need a New Name for It': The Meeting of Documentary and Reality TV," in S. Murray & L. Ouellette, eds., *Reality TV: Remaking Television Culture*. New York: New York Univ. Press.
- Oliver, Mary B., & G. Blake Armstrong (1998) "The Color of Crime: Perceptions of Caucasians' and African Americans' Involvement in Crime," in G. Cavender & M. Fishman, eds., *Entertaining Crime*. New York: Aldine de Gruyter.
- Ouellette, Laurie (2004) "'Take Responsibility for Yourself': Judge Judy and the Neoliberal Citizen," in S. Murray & L. Ouellette, eds., *Reality TV: Remaking Television Culture*. New York: New York Univ. Press.
- Ouellette, Laurie, & Carolyn Anderson (1997) "Reading the Talk Show: The Politics of Talk Soup," in G. Edgerton et al., eds., *In the Eye of the Beholder: Critical Perspectives in Popular Film and Television*. Bowling Green, OH: Bowling Green State Univ. Popular Press.
- Porsdam, Helle (1994) "Law as Soap Opera and Game Show: The Case of *The People's Court*," *J. of Popular Culture*, 28: 1–15.
- Priest, Patricia J. (1995) *Public Intimacies: Talk Show Participants and Tell-All TV*. Cresskill, NJ: Hampton Press.
- Putnam, Robert D. (2000) *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon & Schuster.
- Rafter, Nicole (2000) *Shots in the Mirror: Crime Films and Society*. Oxford, UK: Oxford Univ. Press.
- Rose, Nikolas (1996) "Governing 'Advanced' Liberal Democracies," in A. Barry et al., eds., *Foucault and Political Reason: Liberalism, Neoliberalism, and Rationalities of Government*. Chicago: Univ. of Chicago Press.
- Sharp, Cassandra (2002) "Scarlet Letter or Chastity Belt? What Legal Dramas of the Twenty-First Century are 'Telling' Law Students About a Career in Law," *Legal Ethics*, 5: 90–102.
- Shattuc, Jane M. (1997) *The Talking Cure: TV Talk Shows and Women*. New York: Routledge.
- Sheindlin, Judy (1996) *Don't Pee on My Leg and Tell Me It's Raining*. New York: HarperCollins.
- (1999) *Beauty Fades, Dumb Is Forever*. New York: Cliff Street Books.
- (2000a) *Keep It Simple Stupid: You're Smarter Than You Look*. New York: HarperCollins.
- (2000b) *Win or Lose by How You Choose*. New York: HarperCollins.
- Slipock, Samantha (1998) "Judge Judy and the People's Court: The Phenomenon of the 'Real Court' Television Genre." Unpublished paper, copy on file with author.
- Steadman, Jana (2005) "TV Audience Special Study: African American Audience." <http://www.nielsenmedia.com> (accessed 6 Nov. 2005).

- Tolson, Andrew (2001) *Television Talk Shows: Discourse, Performance, Spectacle*. Mahwah, NJ: Lawrence Erlbaum.
- Wapner, Joseph A. (1987) *A View from the Bench*. New York: Simon and Schuster.
- Weber, Max (1968) *Economy and Society: An Outline of Interpretive Sociology*, Eds., G. Roth and C. Wittich. New York: Bedminster Press.
- White, Mimi (1992) *Tele-Advising: Therapeutic Discourse in American Television*. Chapel Hill: Univ. of North Carolina Press.
- Yngvesson, Barbara (1989) "Inventing Law in Local Settings: Rethinking Popular Legal Culture," 98 *Yale Law J.* 1689–1709.

Cases Cited

- Escobedo v. Illinois*, 378 U.S. 478 (1962).
- Miranda v. Arizona*, 384 U.S. 436 (1966).

Steven Kohm recently completed his Ph.D. at the School of Criminology at Simon Fraser University and is currently Assistant Professor of Criminal Justice Studies at the University of Winnipeg. His research interests include reality television and the representation of judges and judgment in popular culture.

