

Part III

THE RULE *of* LAW *in* LITERATURE AND MOVIES

Concepts of law, justice, and the rules of fair play influence more than our legal system. They are central to our understanding of who we are and how we make sense of the world. Not surprisingly, these concepts often appear in the movies we watch and the books we read.

Books and movies can take the abstract concept of the rule of law and make it concrete, examining how the rule of law succeeds, is threatened, or fails in different circumstances. There are many works of literature and movies that explore themes of law and justice. We have chosen a few examples here that offer opportunities to discuss aspects of the rule of law at different age levels.

Both *Alice's Adventures in Wonderland* and *Holes* are appropriate for late elementary-school audiences (Grades 4–6) and up. *Holes* and *Harry Potter: Order of the Phoenix* can be used with middle-school audiences (Grades 6–8) and up, while *Harry Potter* and *High Noon* are appropriate for either high school or adult audiences (although the *Harry Potter* series was written for juvenile audiences, it also has a wide adult readership). The descriptions of *Holes* and *Harry Potter* below correspond to the novels. Both have been adapted into movies, and you may also wish to screen selected scenes for your Dialogue participants.

Participants should have a basic understanding of what the rule of law means, especially older students and adults who are discussing *Holes*, *Harry Potter*, or *High Noon*. Either work through Part I of the Dialogue or share and briefly discuss the World Justice Project's working definition of the rule of law (also in Part I). The questions for younger audiences on *Alice's Adventures in Wonderland* are designed to help introduce them to basic concepts of fair play and the rule of law.

The Rule of Law in Wonderland

References to the law are a recurring motif in Lewis Carroll's *Alice's Adventures in Wonderland* (New York: The Modern Library, 2002). In Chapter III, the Mouse shares his "long tale" of a lawsuit with Fury; the Queen of Hearts arbitrarily—and ineffectively—orders the summary execution of all who offend her; and the book closes in Chapters XI and XII with the trial of the Knave for stealing tarts.

As with everything in Wonderland, nothing is quite right about the law. Much of the fun in *Alice's Adventures* is the book's creation of a nonsensical world, loosely tethered to our sense of the way things should be. By figuring out what is wrong with the law in Wonderland, Dialogue participants can gain a sense of how the law should function in the "real world."

WHAT IS DUE PROCESS?

Students' understanding of what is going on in the trial passages of the books discussed below will be helped by a basic knowledge of due process. Due process means that every person is entitled to certain safeguards that help ensure that a trial is fair and impartial. Some basic due process rights include the right to be assisted by a lawyer, the right to a neutral decision maker (jury or judge), the right to know the charges against you, the right to question witnesses against you, and the right to present testimony in your favor. Discuss the concept of due process with students and ask them to consider how these due process rights (and any others you might want to discuss) help ensure a fair trial.

Mouse's "Long Tale" of the Law

In Chapter III of *Alice's Adventures*, Mouse offers the "long and sad tale" of his history. This tale takes the form of a poem, printed in most editions of the book as a long and curving mouse's tail. It tells of Mouse's encounter with Fury, who suggests that they both "go to law" for a trial for something to do: "Fury said to a mouse, That he met in the house, 'Let us both go to law: I will prosecute you.'" When Mouse notes that a trial would be a waste of time without judge or jury, Fury responds: "I'll be judge, I'll be jury . . . I'll try the whole cause, and condemn you to death." Mouse's tale ends when he notices that Alice has become distracted by a knot in his tail.

The Queen's Croquet Game

In Chapters VIII and IX, Alice, having successfully made her way into the Queen of Hearts' croquet ground, plays a game of croquet with the Queen and her courtiers. It is a novel game of croquet, with hedgehogs serving as balls, live flamingos as mallets, and the Queen's soldiers, made to "double themselves up and stand on their hands and feet," as arches.

The Queen of Hearts is easily angered, and just as easily condemns those who offend her with a scream of "Off with their heads!" The game quickly disintegrates into chaos:

The players all played at once without waiting for turns,
quarrelling all the while, and fighting for the hedgehogs; and
in a very short time the Queen was in a furious passion, and
went stamping about, and shouting "Off with his head!" or
"Off with her head!" about once in a minute.

Despite the Queen's orders, no one ever seems to be executed.

Who Stole the Tarts?

Alice's adventures in Wonderland end in Chapters XI and XII with the trial of the Knave of Hearts, who is accused of stealing tarts. The accusation flows from the familiar nursery rhyme, recited in court by the White Rabbit:

The Queen of Hearts, she made some tarts,
All on a summer day:
The Knave of Hearts, he stole those tarts,
And took them quite away!

The King of Hearts serves as judge (Alice recognizes him as judge "because of his great wig"), with the Queen at his side. Twelve creatures from Wonderland serve as the jurors.

The Knave's trial is highly irregular. The King calls upon the jurors to consider their verdict before they have heard any evidence; the Mad Hatter is called as a witness and commanded to testify, lest he be executed on the spot; the King tells the jury what he thinks is important evidence; and an unsigned letter, not in the Knave's handwriting, is taken as proof of the Knave's guilt (the King tells the jury that the Knave "must have imitated someone else's hand," and that the lack of a signature proves that the Knave "must have meant some mischief, or else [he]d have signed [his] name like an honest man"). The trial ends with the Queen of Hearts ordering the jury to give their sentence first, then the verdict. Neither sentence nor verdict is delivered, however, as Alice's adventures abruptly end when she wakes with her head on her sister's lap.

STAGE A TRIAL

The trial of the Knave in *Alice's Adventures in Wonderland*, the trial of Stanley Yelnats in *Holes*, and the trial of Harry Potter in *Harry Potter and the Order of the Phoenix* all could easily be staged as mock trials in a classroom. For ideas on staging a mock trial, see *Putting on Mock Trials*, available at www.ababooks.org (Product Code No. 2350206).

QUESTIONS for DISCUSSION: *Alice's Adventures*

Review the scenes described in Chapters Three, Eight, Nine, Eleven, and Twelve (you might also choose to focus on just one or two of these scenes, especially for young participants). Use the following to guide discussion:

1. Read the Mouse's tale of his lawsuit with Fury with the students. The Mouse makes reference to a prosecutor, judge, and jury in his tale.
 - Discuss with students the role that these figures play in a typical trial (a prosecutor decides whether to try someone for a crime, a judge determines what law should apply and makes sure that the parties play by the rules, and a jury decides whether the facts presented at trial violate the law as defined by the judge).
 - Why would it be unfair for one person to play all three of these roles? Why would it be especially unfair for a party to a lawsuit to play any of these roles?
2. How would you describe the Queen's behavior during the game of croquet? Does her behavior make the other players pay better attention to the rules of the game? Why does no one seem to listen to the Queen? What might make the players pay better attention to her and to the rules of their croquet game?
3. Look closely at Chapter Twelve ("Alice's Evidence"). Focus especially on Alice's testimony and the discussion of the unsigned letter that is introduced as evidence against the Knave. Is the Knave given a fair trial in this scene? If not, what is wrong with the trial? What would have to change to give the Knave a fair trial?

Holes and the Rule of Law

In *Holes* (New York: Yearling, 1998), the rule of law does little to protect Stanley Yelnats when he is accused of stealing the shoes of famous baseball player Clyde “Sweet Feet” Livingston. Found guilty of a crime he swears he did not commit, Stanley is sent to Camp Green Lake, a juvenile detention facility where boys spend their days digging holes five feet wide by five feet deep to improve their character. Green Lake, once the largest lake in Texas, is now nothing more than a dried out lakebed. The camp is run by the Warden, who uses a combination of terror and rewards to keep the boys digging their holes.

Two Injustices

Stanley’s Trial

Walking home from school one day, Stanley Yelnats is hit on the head by a pair of sneakers as he walks out from under a freeway overpass (Chapter 6). Stanley’s father, an inventor, is working on a way to recycle old sneakers and Stanley takes the free sneakers that have fallen from the sky as “some kind of a sign.” He breaks into a run to get home more quickly and is picked up by a patrol car. The policeman makes a call on his radio and learns that the sneakers had been stolen from a display at a homeless shelter, where they were going to be auctioned off at a charity event to help the homeless. Stanley is arrested. Stanley has a hearing before a judge, but his parents can’t afford a lawyer. “You don’t need a lawyer,” Stanley’s mother advises. “Just tell the truth.”

At Stanley’s hearing, baseball star Clyde “Sweet Feet” Livingston testifies that the sneakers were his, and that he had donated them to the homeless shelter. He testifies that “he couldn’t imagine what kind of horrible person would steal from homeless children.” Stanley takes his mother’s advice and tells the truth, but no one believes that they fell from the sky. The judge, calling Stanley’s crime “despicable,” offers a choice of time served at Camp Green Lake or in jail.

The Murder of Sam

Holes also tells the story of how Green Lake came to be a dried out lakebed (Chapters 23, 25, and 26). More than one hundred years ago, the lake was full of water, with peach trees lining its shore. Miss Katherine Barlow was the town’s school teacher. Katherine strikes up a friendship with Sam, the onion man, a black farmer who lives across the lake and comes into town with his donkey, Mary Lou, to sell his onions. Katherine hires Sam to do some repair projects around the school, and their friendship deepens. Katherine and Sam eventually kiss, and are seen by a townswoman who tells the townspeople what she saw.

A mob descends on the school and begins tearing it down. Katherine runs to the sheriff for help. He refuses, stating that the kiss between Katherine and Sam violated a law against interracial relationships, and that he is getting ready for a hanging. Sam and Katherine try to flee across the lake in a boat, but are pursued by townspeople who shoot and kill Sam. Katherine is taken back to town, where she sees the donkey, Mary Lou, also shot dead on the shore. Three days after Sam’s shooting, Katherine shoots the sheriff in his office. She applies a fresh coat of lipstick and gives the dead sheriff a kiss. For the next twenty years, she terrorizes the West as the outlaw Kissin’ Kate Barlow. From the date of Sam’s murder, not a drop of rain falls in Green Lake, and the lake eventually disappears.

QUESTIONS for DISCUSSION: *Holes*

Stanley’s trial is described in Chapter 6 and the story of Sam and Katherine Barlow is told in Chapters 23, 25, and 26. Participants should, however, have read and be familiar with the whole novel. Use the following to guide your discussion.

1. Stanley has his day in court and is given the opportunity to tell his story to the judge, but he is still wrongfully convicted of a crime. Do you think that Stanley was given a fair trial? Why or why not? What does a fair trial include? What do you think of Stanley’s mother’s advice that Stanley does not need a lawyer if he just tells the truth?
2. When Katherine Barlow seeks help from the sheriff, he responds with indifference and inaction, stating that Katherine and Sam have themselves violated the law. Should a law enforcement officer have the right to decide whether the law is enforced? What is required from a law enforcement officer to uphold the rule of law? If the sheriff had acted differently, how might the outcome of Sam and Katherine’s story have changed?
3. Review Chapter 47. How does the arrival of the lawyer, Ms. Morengo, and the Texas Attorney General at Camp Green Lake change the fate of Stanley and his friend, Zero? Do you think access to lawyers is a necessary part of maintaining the rule of law? If so, what should be done when someone accused of a crime is unable to afford a lawyer?
4. Stanley is given a hearing and is able to tell his story, but an unjust result still occurs. Does this mean that there has been a breakdown in the rule of law? Is there a difference between law and justice? Is there anything that can be done to lessen the harm that results when the rule of law fails to secure justice?

The Rule of Law in the Wizarding World: HARRY POTTER AND THE ORDER OF THE PHOENIX

In her *Harry Potter* series, author J. K. Rowling creates an alternate “wizarding” world that roughly parallels the world of Muggles (humans without magical powers). Wizard adults have professional lives, wizard children attend school, wizard needs are supplied by wizard shops, and wizard finances are handled at the Gringotts Wizarding Bank. The wizarding world also has its own government, centered in the Ministry of Magic, which promulgates laws and regulations and tries and punishes wizards who violate the law.

The rule of law emerges as an important theme of the fifth installment in the series, *Harry Potter and the Order of the Phoenix* (New York: Scholastic Press, 2003). Early in the novel, Harry makes unauthorized use of magic by performing the Patronus Charm to chase away dementors who have descended on the suburban Muggle community of Little Whinging, where Harry spends summers with his Aunt Petunia, Uncle Vernon, and cousin Dudley. Harry uses the charm in defense of himself and Dudley, whose lives are threatened by the dementors. Within minutes of summoning his Patronus, Harry is served with notices from the Improper Use of Magic Office ordering him to appear at a disciplinary hearing at the Ministry of Magic.

The rule of law theme continues through the novel, as the students and faculty at the Hogwarts School of Witchcraft and Wizardry struggle under the tyrannical rule of Dolores Umbridge. Initially appointed as teacher of Defense Against the Dark Arts, Professor Umbridge is soon given the title of High Inquisitor and serves as the Ministry of Magic’s representative at the school. As the High Inquisitor, she single-handedly issues educational decrees that gradually limit student and faculty privileges at Hogwarts. She also audits the courses of other faculty to review their teaching and determine their continued employment at the school. Professor Umbridge assumes full powers when she is named Head of Hogwarts to replace Professor Dumbledore, who confesses to plotting against the Minister of Magic, Cornelius Fudge, and leaves the school.

The Trial of Harry Potter

Threatened by the rumored return of the Dark Lord, Voldemort, the Ministry of Magic begins to take desperate measures to suppress

any discussion of Voldemort. A key target of the Ministry’s efforts is Harry Potter. At the end of his fourth year at Hogwarts (*Harry Potter and the Goblet of Fire*), Harry witnessed Lord Voldemort ordering the murder of Harry’s schoolmate, Cedric Diggory. Harry’s unauthorized use of the Patronus Charm to save himself and his cousin gives the Ministry an opportunity to remove him from Hogwarts and isolate him from the wizarding community.

Harry’s unauthorized use of magic occurs in Chapter One (“Dudley Demented”) of *Harry Potter and the Order of the Phoenix*. The details of Harry’s disciplinary hearing at the Ministry of Magic are laid out in Chapter Two (“A Peck of Owls”) and Chapters Seven and Eight (“The Ministry of Magic” and “The Hearing”). Two of the “peck of owls” who appear in Chapter Two bear messages from the Improper Use of Magic Office. The first message announces that Harry has been summarily expelled from Hogwarts and will have his wand destroyed by Ministry of Magic officials. The second message announces a revised decision, allowing Harry to retain his wand until a disciplinary hearing at the Ministry, at which his continued enrollment at Hogwarts will also be decided.

On the day of his hearing, Harry arrives with Mr. Weasley at the Ministry of Magic only to learn that the Ministry has at the last moment changed the time and venue of his hearing (Chapter Seven). He is whisked down to Courtroom Ten, which he recognizes as the courtroom where he had seen serious criminals tried while visiting a memory in Dumbledore’s Pensieve. He is made to enter the hearing alone, but Dumbledore appears behind him as a witness on his behalf (Chapter Eight). Dumbledore also serves as Harry’s advocate, reminding the tribunal that the Wizengamot Charter of Rights gives the accused the right to present witnesses on his behalf. He also calls the tribunal’s attention to clause seven of the Decree for the Reasonable Restriction of Underage Sorcery, which provides that “magic may be used before Muggles in exceptional circumstances, . . . includ[ing] situations that threaten the life of the wizard or witch himself, or witches, wizards, or Muggles present at the time.” Harry secures a majority of votes in his favor from the tribunal, and is cleared of the charges against him.

QUESTIONS for DISCUSSION: *Harry Potter*

Review Chapters One, Two, Seven, and Eight. Use the following to guide discussion.

1. Why does Harry summon his Patronus in Chapter One? Could he have done anything else to drive away the dementors?
2. What takes place in Chapter Two between the first message from the Improper Use of Magic Office and the second message? What does Dumbledore disclose at the trial about the changes in the Ministry’s messages?
3. Why do you think the Ministry suddenly changes the time and venue of Harry’s hearing?
4. What is the significance of the procedures and rules that Dumbledore brings to the tribunal’s attention? What sort of rights seem available to wizards in a regular Ministry hearing? Why are these rights important to secure a fair trial?
5. Based on the evidence of Harry’s hearing, how stable is the rule of law in the wizarding world? What threatens or undermines the rule of law?
6. Identify and discuss other passages in the book that reflect on the strength or weakness of the rule of law in the wizarding world (e.g., the Ministry’s relationship with the media, the powers given to Professor Umbridge at Hogwarts, the application of the law to other magical creatures, etc.).

High Noon: *The American Western and the Rule of Law*

With their “lawmen” and “outlaws,” American movie Westerns can be a powerful dramatic device to explore the rule of law and related themes—the frontier and civilization, law and order, peace or violence, vigilante justice or due process of law, self-preservation and civic responsibility. These basic rule-of-law themes work well in classic Westerns because these films provide a mythical time and place, set on the frontier in an American past, where law’s rule is often weak, precarious, or unsettled. The risks are high and so are the stakes, both for the individual and the community.

Perhaps the best movie Western for considering the theme of the rule of law is *High Noon* (1952), starring Gary Cooper as Will Kane and Grace Kelly as his wife, Amy. *High Noon* is set in the small Western town of Hadleyville, circa 1880s. All of the action of the 85-minute movie takes place virtually in real time—just about two hours pass from beginning to end. Clocks show the approach to “high noon” and the movie’s climactic scene. The mood is suspenseful, enhanced by the playing of the theme song, the ballad “Do Not Forsake Me.” Kane’s wife, a pacifist Quaker, has persuaded him to resign as marshal and begin a new life with her, as shopkeepers in a new town. They are married in the opening scene. Then, shocking news breaks. Frank Miller, a convicted killer whose gang terrorized Hadleyville five years before, has just been inexplicably pardoned by the territorial authorities “up north.” Three members of his gang wait for him to arrive in town on the noon train. They are intent on seeking vengeance. Rather than leave town, Marshal Kane decides he must face Miller, knowing it is life or death. He seeks his wife’s understanding and the community’s support. He hopes they will not forsake him.

At the Church: The Community and the Rule of Law

Roughly halfway through the movie (Artisan DVD chapter 14), a pivotal scene (7-1/2 minutes) occurs when Kane interrupts Sunday morning service at the town church to inform parishioners of Miller’s imminent return. This prompts a vigorous discussion of their predicament. Town leader Jonas Henderson facilitates: “If there’s a difference of opinion, then let everyone have a say—but let’s do it like grown-up people.” Many voices are heard. One man asks if it’s true that “there’s personal trouble” between the marshal and Miller. Another avers: “It ain’t [Kane’s] trouble. It’s ours.” Another man confronts Kane, wondering why he hasn’t done anything about the “three killers walking the streets bold as brass....Why didn’t you put them in jail where they ought to be?” The marshal responds, “They haven’t done anything. There’s no law against them sitting on a bench at the depot.” Henderson gets the last word. He acknowledges the great debt the town owes Kane, enabling it to become “decent” rather than “just another wide open town.” Henderson concurs that Miller is “our problem, not his.” He concludes, however, that “shooting and killing in the streets,” no matter what the reason, will do the town no good. It would be best for all, even Kane himself, Henderson argues, if he leaves. His reasoning prevails. The parishioners guiltily hang their heads. Kane mutters “thanks” and departs, forsaken again.

QUESTIONS for DISCUSSION: *High Noon*

Screen the church scene. Use the following to guide discussion:

1. What do we learn about the people in the church from their discussion?
2. Do you think Miller is simply Marshal Kane’s personal problem or that of the town’s? Why does this matter?
3. What is the difference between a “decent” town and one that is “wide open”? Does the town being “decent” depend upon maintaining the rule of law? Why?
4. Why didn’t the marshal arrest Miller’s gang members? How might he have done so? What would the consequences have been? Would it have been consistent with the rule of law?
5. Why does Henderson argue that “shooting and killing” would be detrimental to the town, especially for its economic viability in the eyes of investors “up north”? Do you agree with his assessment?
6. Do you think Henderson really believes his “hunch” that “there won’t be any trouble” if only Kane leaves town before Miller arrives?
7. How important is the support of the community to sustaining the rule of law? Why? What does this say about the rule of law, its strengths, its limits, and its precariousness? Its dependence on human action and force of will?