ADAPTING THE JUICE: PERFORMANCES OF LEGAL AUTHORITY THROUGH REPRESENTATIONS OF THE O.J. SIMPSON TRIAL

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ADAPTING THE JUICE: PERFORMANCES OF LEGAL AUTHORITY THROUGH REPRESENTATIONS OF THE O.J. SIMPSON TRIAL

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ABSTRACT

This thesis explores how legal authority is performed through film. While existing theories on adaptation, historical filmmaking, and genre are helpful in considering representations of court cases in film, this project considers how legality is unique in language and performance and how these unique qualities create a powerful force behind courtroom adaptations. To illustrate this force, I will explore contemporary adaptations of the O.J. Simpson trials: Ryan Murphy’s American Crime Story: The People v. O.J. Simpson, Jay Z’s The Story of O.J., and O.J.: Made in America. In Chapter One I will use adaptation theory to understand the process by which a court case is transformed into film. Chapter Two interrogates how legal performance interacts with the works' respective genres: music video, documentary, and docudrama.
The research and writing of this thesis is
dedicated to everyone who helped along the way.

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Many thanks,
Aubry Ellison
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INTRODUCTION

*American Crime Story: The People vs. O.J. Simpson* depicts lawyers in crisis.

“Oh my God, we’re going to look like morons,” Marcia Clark laments when she finds out Simpson has taken off on his famous high speed freeway chase. After she says these words the shot cuts to outside the District Attorney’s office, placing the viewer just outside the office walls peering in between partially opened blinds. This shot is one of the signature shots in the series. It places the audience as a outsider to the law, but not without giving them a window to peer through. This window often depicts the law outside of its authoritarian performance and introduces the viewer to new, often subversive, legal performances. I love how *American Crime Story* constantly places me, the viewer, as a bystander in legal space. I am aware that I don’t belong with Marcia Clark and Gil Garcetti in the District Attorney’s office, but I’m there anyway, witnessing the biggest embarrassments and most private meetings.

As I watch performances of the law on TV, what am I really looking at? In the scene described above, Sarah Paulson is playing Marcia Clark wearing a 90’s cut suit in a replicated district attorney’s office. Yet, as someone with very little interaction with the law, this replication of the Simpson trial is one of my most intimate experiences with the law. It is in my home and Clark’s annoyed remark about looking like a moron is unlike official statements I would normally hear from the district attorney’s office. While the law is an ever-present force that dictates the structure of a society, the average member of society spends very little time in a courtroom, one of the leading areas for legal
performance. Instead, viewers most often experience court cases through the lens of the camera. Much of the public’s perception of the law comes from the media they watch. For a show like *American Crime Story*, the viewer not only uses the show to understand the law, but also to understand a historical case, the O.J. Simpson Trial. These representations of court cases create new narratives selecting, amplifying, concretizing, actualizing, criticizing, exploring, analogizing, popularizing and reculturalizing the case. These depictions harness the legal power of the original case and are not only part of an important legal discourse, but a uniquely powerful genre. The power behind these works comes as they perform legal authority.

The academic field of law and film studies has often examined how legal authority is represented and subverted in film, but I am interested in how legal authority interacts with form and genre. Understanding how form and genre interact with legal narrative is central to understanding legal performance of authority in film because it is through the qualities of a specific form and genre that legal authority is performed. That is to say, the form and genre of a work influence the construction of legal performance and thus studying this interaction exposes legal authority as a construction. My interest in form aligns with the work of adaptation theorists. Adaptation studies is focused on the movement from one form or genre to another. In so doing, the field reveals the value of the replica. For adaptations of court cases, it exposes the value of legal authority performed outside the courtroom. By studying performances of law through adaptation theory the viewer deconstructs the original performance to understand how these performances are re-performed. Thus, studying court case adaptations is a subversive act
because it exposes the law as malleable, and thus changeable. As an adaptation takes an original court case and reconstructs it, it can remove its authority and place it elsewhere.

Creating replicas and identifying the authority they possess makes the original court case unoriginal and unauthoritative. In my thesis, I claim that adaptations can create a misexecution of the law by removing the public as a willing participant. As the public values adaptations that question familiar narratives of the law and give the replica authority over the original court case, adaptations become a move toward justice. This move can be made by displaying scenes where lawyers or police officers look “like morons,” but in general, offering that window into a legal setting creates accessible narratives for views. Viewers can reason with the complex issues of a case and as the shows create arguments, viewers potentially emerge with a new understanding of the case and a new relationship with the law.

To illustrate how adaptation and genre theory interact with legal performance and the ultimate power of this interaction, I will explore contemporary adaptations of the Orenthal James “O.J.” Simpson trials: *American Crime Story: O.J. vs. the People*, *O.J.: Made in America*, and *The Story of O.J.*. With these works as examples, I will demonstrate how legal performance fuses with cinematic language to create a hybrid language that performs legal authority through the cinema. Examples of this hybrid language are visible in all three works, but it also interacts differently with each of their respective genres. The purpose is not to identify a specific genre model for legal adaptations, but to argue first, that legal adaptations have unique possibilities for how they interact with the law, and second, that interrogating genre is an important way of
understanding representations of the law in film. At the same time, genre is in not the only reason I selected the three works. The Simpson trial has recently re-emerged in national consciousness and part of this project is to consider what his return to fame says about America's relationship with the law.

America’s obsession with the Simpson case began on June 12, 1994 when O.J. Simpson’s ex-wife Nicole Brown and her guest Ronald Goldman were found dead outside of Brown’s condo in Brentwood. Los Angeles Police Department, L.A.P.D., detectives drove to Simpson’s house to inform him of his wife’s death, but instead found Nicole Brown’s blood on Simpson’s car, a white Ford Bronco. After jumping the fence and searching Simpson’s yard, detective Mark Fuhrman found a black leather glove which matched the glove found at Brown’s condo. Five days later, the L.A.P.D. arrested Simpson for the murder of Nicole Brown after a highly televised police chase. From that iconic chase on, the nation was hooked on the eleven-month trial that exemplified many important themes: race, fame, gender. Even as the cameras streamed live footage to viewers across the country, the case was understood one shot on television screens across America (Schuetz).

After the jury acquitted Simpson, his case launched various television shows, documentaries, and late night specials, but interest eventually dwindled. In the last couple of years, however, depictions of the Simpson case have reemerged in popularity. This essay will look at three representations: American Crime Story: The People vs. O.J. Simpson, a docudrama television series; O.J. Made in America, a multipart made for TV documentary; and The Story of O.J., an animated music video.
American Crime Story: The People vs. O.J. Simpson originally aired on FX in February 2016. The show spans ten hour-long episodes and contains one big name star after another including, John Travolta, David Schwimmer, Sarah Paulson, Cuba Gooding Jr. and Selma Blair. Aside from the opening footage of Rodney King, the show only covers the eleven months of the trial. Its form as a docudrama allows the show to go deep into the imagined personal lives of the characters and construct arguments about the case’s key players.

O.J. Made in America is an award winning eight-hour documentary released on ESPN. It revisits Simpson’s entire life from his childhood to his current prison sentence. Director Ezra Edelman uses the eight hours to conduct new interviews with the lawyers, jurors, and friends of O.J. Simpson. It is as much about his comprehensive life as it is a reflection on how contemporary viewers understand the case. Jeff Jensen in Entertainment Weekly states, “O.J.: Made In America is so rich — and certainly why it’s so long — because it’s not just about Simpson and it’s not just straight biography. As Edelman methodically deconstructs Simpson, he also tells the story of the city that made him, Los Angeles, and one part in particular, the African-American community.” Through this depiction of Simpson’s life, the show allows viewers an intimate view of the case and the law, but also an intimate experience with race in Los Angeles and America. Law and racism in America are inseparably tied, and Edelman’s documentary depicts the law’s racialized authority influencing Simpson’s life long before he is accused of murder.

Finally, in July of 2017, rap star Jay Z released a music video for his song The
Story of O.J. on his most recent album 4:44, a record that went platinum in less than a week. The video is a black and white cartoon representation of various racist images from American history with O.J. Simpson only making a brief appearance. Even though Simpson’s presence in the film is short, the title captures all of the national racism as part of the fallen football star’s story. Over twenty years after the original court case, it is surprising that three large platforms, ESPN, FX, and Roc Nation, would take on these Simpson centric stories within the same short amount of time. While it has long been an iconic case, it appeals to a contemporary audience struggling with the same themes of the original case: race, fame, gender. The popularity of these works, their contemporary relevance, and the original case’s iconic status makes these works a generative platform for exploring the unique properties of legal adaptations.

This thesis is not the first to interrogate genre in law and film. It is, however, the first to interrogate these categories through adaptation theory as a way of identifying how legal performance interacts with genre. My first chapter will explore the process by which a court case is transformed into film and how the adapted film interacts with the original case. Adaptation theorist Linda Hutcheon’s states, “To be first is not to be originary or authoritative” (iv). Adaptation theory provides not only a model for understanding the process of adaptation, but it offers a vocabulary and justification for the value of a replica. By engaging with adaptation theorist such as Hutcheon, I will unpack what the replica’s relationship is to the original when the original is the authoritative power of the law. Furthermore, I will interrogate film as a language, as commonly done in adaptation theory, and compare that language to law’s legal
performance. Through this comparison, I will identify how legal adaptations use a hybrid language that creates authority for the adaptation rather than simply displaying the original case’s legal authority.

My second chapter interrogates how this linguistic fusion interacts with the works' respective genres: music video, documentary, and docudrama. Most law and film critics must define a genre as a way of setting parameters for their various projects. Even with this emphasis on genre and genre creating in the field of law and film, the field rarely engages with pre-existing notions of genre that film theorists have long ago established. Most often, law and film theorists use genre titles as a label or a category rather than an analytical tool. In my second chapter, I will argue that documentary, docudrama, and music videos can all interact with law differently as legal performances engage with these forms. As I look at each genre, I “acknowledge that genres are too multifaceted and broad to be understood in their totality” and don’t wish to create three distinct genre categories, but instead offer specific examples from each film that demonstrate how preexisting genre theories help unpack legal adaptation’s performance of authority (Mitchell 177).

This thesis, in a broad sense, is an argument that understanding genre and engaging with film theory is a crucial and underused analytical tool for understanding the law and film; however, it is also a specific argument about legal adaptations. All depictions of the law have the potential to locate the struggle for justice, challenge the legal process, create and confront stereotypes, and undermine the law’s authority; yet, legal adaptations take an official state-sanctioned narrative and manipulate it. Through
adaptation and genre theory, this thesis will explore how that act is subversive that
questions whether the justice system is impartial and moral. The process of manipulating
legal narratives in film locates the struggle for justice and shows that the justice is made
through performance and can thus be re-performed and adapted in an effort to move
closer to an equitable justice (Sherwin 5).
CHAPTER ONE

What it is Worth: How Legal Adaptations Create Value Through Legal Performance

_American Crime Story_ and _O.J. Made in America_ are works that mirror each other. _American Crime Story_ completed its season just a couple months before _O.J. Made in America_ was released. They are both similar in length and are part of connected genres: documentary and docudrama. Immediate responses to both works revolved around accuracy; headlines such as, “O.J vs. the People is a Hit, But is it Accurate” showed up on major media sites (Johnson). This conversation about accuracy is tied to a belief that the original is authoritative. This idea is built into the law’s performance through precedence. Still, just because there is a relationship between the first and the second does not mean that the first has inherently more value. Or, with the Simpson case, it’s hard to tell what the first is. Simpson is considered by many as someone who got away with murder. His cultural narrative is already in opposition to the state’s original narrative. How the viewer interprets the original case tends to be influenced by their racial background: black viewers celebrating the acknowledgment that the L.A.P.D and white viewers mourning how he got away with murder. The viewer’s original experience to the case will influence how they approach the adaptation, but the adaptation also changes the viewer’s understanding of the original case. Adaptation theory helps make sense of the second’s value. Jay Z’s, Edelman's, and Murphy’s Simpson adaptations demonstrate that their value is not in presenting the case as commonly understood, but
instead they often disrupt the law’s past performance of authority and give authority to new perspectives.

Film theorist Robert Stam addresses the value of new perspectives in *Beyond Fidelity: The Dialogics of Adaptation*. His work argues that an adaptation's value does not come from its accuracy, but what it does to the original story. Stam argues that viewers should read adaptations as “transformations” and “transmutations” rather than a translation (66). Ultimately, he argues that there will always be difference in adaptations, but these differences are not betrayals of fidelity but a “complex series of operations” (74). His work provides a model for finding value in difference. For legal adaptations, understanding the transformation of legal performance into film helps identify the differences and their function. The more a legal adaptation can convincingly convey an argument that is different than the original case, the deeper it changes public opinion and subverts public trust of the law. For a story like Simpson’s, so filled will tales of gender, race, and class identity, the shows become a space where discriminated identities can be addressed and transformed. These adaptations provide counter narratives to a long American history of legal performance by white male lawyers in defense of white male identity.

Adaptation theorists have approached film adaptations with many questions that can widen our understanding of legal authority and identity. These questions originated as theorists compared literature to film, but law and film scholars should apply these same questions to legal performances in film. For example, George Bluestone in his 1952 book *Novels to Film* and Brian McFarlane’s work *Novel into Film* engage with the
following questions: What is an original? What is the value of fidelity? What are the limits and strengths of film and literature? What is authorship? How does the viewer oscillate between original and adapted material? What makes replicas desirable? Tackling these questions in relation to a court case, rather than a novel, gives these questions new meaning. For instance, to question authorship for a court case interrogates the law's authority to create cultural narratives. The ability to challenge the law as an authoritative author of identity is especially valuable for marginalized groups who the law has misrepresent and violently harmed. All three of the Simpson representations place the law in a larger context of racial history in L.A. and in America. In this setting, the performance of violent racialized authority is constantly before the viewer. Through these depictions, the law is not the author of justice and peace, but violence and discrimination. This violent legal authority is subverted as the shows manipulate legal narrative, challenging the law’s authorial power.

Connected to this question is, how does the viewer oscillate between the original and the adapted material? This question considers how the viewer’s beliefs about the original case are changed as they engage with its depiction in film. This question gets to the center of the viewer’s relationship with the law. If the replica, for example, suggests that the original verdict left out a critical piece of evidence, the viewer must decide if they trust the state-sanctioned narrative or the new narrative. For the Simpson adaptations, the shows transform the spectator's understating of the case as American Crime Story and O.J. Made in America often support the verdict by emphasizing the racism of the L.A.P.D.. They cater to a white spectator who may not
understand the racial complexities of the acquittal. The shows expand the idea of what is flippantly termed “the race card” and legitimize the surrounding narrative about racial injustice in the case. They claim that racism was not a distraction from the facts of the case, but that the deep racism described by the defense team is ordinary, not aberrational. Neither film argues for Simpson innocence but the both illuminate how racial politics in American impacted Simpson's life and influence how the spectator views race in their understanding of the case.

A major benefit to adapting is allowing for a new frame. Legal performance as a form is founded by Euro-American males and its very structure is embedded with this identity. Through adaptation the entire context of a story can be changed. Adaptation theorists Linda Hutcheon points this out in A Theory of Adaptation,

An adaptation is an announced and extensive transposition of a particular work or works. This ‘transcoding’ can involve a shift of media (a poem to a film) or genre (an epic to a novel), or a change of frame and therefore context: telling the same story from a different point of view, for instance, can create a manifestly different interpretation. Transposition can also mean a shift in ontology from the real to the fictional, from a historical account or biography to a fictionalized drama. (7)

As Hutcheon unpacks the process of storytelling, she points out the role genre and media play in changing perspective. It is this transcoding process that I find fascinating. The way that the depictions in film can explode the complexities of the court case into narratives that empower voices through legal performance, but also call attention to its
own transcoding process. The transcoding process is where the performance of legal authority is transferred from the courtroom into film. Laying that process bare is the articulation of legal authority as a construction. I will start laying that process bare by showing how legal language and legal performance fuse together to create a new hybrid language capable of creating uniquely powerful and disruptive cultural narratives.

Mixed Language

When Hutcheon mentions transcoding, she is referring to a move from one language code to another. Legal adaptations are unique because the transcoding process does not leave courtroom language behind, but it fuses with the language of cinema creating a hybrid language. This hybrid language can form because of the similarities between the two languages. When filmmakers use this hybrid language they are acknowledging that the law is made up of codes and these codes are not fixed.

Cinematic language and legal performance are able to fuse together because they both created out of iconic imagery and dialogue. In Christian Metz’s work, Film Language, he applies semiotics to the cinema and concludes that while film is not a langue or language system like Latin, French, or English, it is nevertheless a language made up of shots. Film language cannot be a language system because it is iconic and thus highly motivate. Many adaptation theorists take Metz’s work on film language and focus primarily on the iconic nature of film, but adaptation theorist Thomas Leitch criticizes this claiming, “Movies cannot...legitimately be contrasted with literary texts on the grounds of their visual signifying system, because their actual signifying system
combining images and sounds and excluding information that might be processed by the other three senses, is a great deal more subtle and complex than visual iconicity” (154). Leitch’s critique of adaptation points out that cinematic language is not purely iconic, but through sound, verbal language is also prevalent in film.

Because cinematic language and legal language both use the iconic and linguistic to construct meaning, cinematic language does not only display legal performance, it can perform legal authority. In *Legal Performance Good and Bad*, legal performance theorist Julie Stone Peters discusses two ways the law performs its authority. First, legal authority is performed through iconic imagery. In her essay, she retells the biblical story of Moses receiving the ten commandments emphasizing the visual performance of power through flames and earthquakes. The iconic imagery of fire and the written word from the tablets combine iconic and textual language to construct legal authority. Similarly, this authority is performed today through iconic imagery such as robes, seals, and founding documents. These legal symbols all harken back to the law’s founding authority. Second, individual lawyers in the courtroom create authority for their narrative through opening statements, testimony, questioning, and evidence. Peters concludes, “Trials are the re-enactment of a conflict, whose essential narrative form is dialogue” (180). This combination of iconic and narrative dialogue is the most common cinematic combination as well.

The O.J. Simpson case is filled with moments where the iconic and verbal combine. One of the most notable moments is when Simpson tried on a pair of the gloves identical to the ones found at Nicole Brown’s condo and O.J. Simpson’s residence on
Rockingham. When Simpson is asked by defense attorney Chris Darden to try on a replica of the gloves, Simpson struggled with the gloves, failed to fit them on his hands, and then held them up as proof of innocence. Johnny Cochran, defense attorney, used this moment as evidence that Simpson was framed by the L.A.P.D.. In his closing arguments, Cochran referenced the gloves and brought in additional props as he suggested, “Maybe I can demonstrate this graphically, let me show you.” As he spoke he places a cap on his head and asked the jury if they still recognize him. He then pointed to Simpson, commented on the size of his head and asked the jury how Simpson could have possibly disguised himself with a cap and some gloves. The gesture of pointing is similar to the camera move of zooming in on an object in the room. Both lead the audience to a specific moment. Cochran also brought in a costume, the cap, and cites past props when he used the now famous phrase, “if it doesn’t fit, you must acquit." This scene is easily transcoded into film because it can use those very same props, borrow dialogue, and reconstruct courtroom visuals ((RAW) O.J. Simpson defense: “If it doesn’t fit, you must acquit.”).

As Cochran delivered his closing statements, he spoke to a judge dressed in a symbolically authoritative robe with the California and American flag in the background and a legal seal hanging behind his head. In this moment, two performances are occurring simultaneously: the performance of evidence and the performance of the legal system. When a court case is adapted into a film, it must replicate both of these performances as well. This is done both by reconstructing the courtroom in costume and staging, but it is also done as the film uses legal linguistic tools in combination with filmioliuinguistic tools
to create the adaptation’s authority. That is to say, the film does not merely capture legal performance, but the language of the film engages in a legal performance.

If we take that original question about the strengths and limits of film and literature and compare the strengths and limits of film and law then we see that we are not comparing the language of the law directly to cinematic language, but rather comparing it to this hybrid language found in legal adaptations: cinematic legal language. This language can borrow the strength of law, its performed authority, but not without limits. It may, with great success, sway public opinion as it warrants its arguments in legal performance, but it cannot perform as the law does with the ability to condemn someone to prison. Yet, this does not make the law’s performance more powerful than the cinema’s. Cinematic legal language is not bound to the highly formal registers and genres of the law and can thus create a more accessible narrative for the public. Samantha Hargitt writes about legal language and notes, "The most notable characteristics of this ‘language’ are precision, density, neutrality, formality, and common use of archaisms, including Latin and other foreign words and phrases" (428). Although there are moments during the trial where lawyers and judges are free to use various forms of legal persuasion, for the most part, the language of the law is tied to highly formal language with the judge not only offering the final verdict, but often policing who and what is allowed to speak and be spoken in the courtroom. Thus, only certain dialogue is allowed on the official record of the case. Once the case is adapted, moments that are off the official case transcript can be presented. Consequently, cinematic legal language can give voice to alienated members of society and present gaps in legal narratives.
Off the Record

_American Crime Story: The People vs. O.J._ goes far beyond the official records of the court case. In many ways, it is a story about the lawyers and their personal lives surrounding the case, as much as it is about the courtroom, and more than it is about Simpson or the murder. For example, the show spends more time showing the Kardashian children’s reaction to the murder trial than it does Simpson’s kids. By focusing on the lawyers, the show explores how identity influences one’s relationship to the law and its exclusionary nature.

The sheer number, race, and status of the members of Simpson’s defense team perform masculine authority as well as class and status. This is in contrast to the prosecution led by Marcia Clark, who is constantly ridiculed for her appearance and “unlikable” qualities which are motivated by an aversion to female performances of authority, and Chris Darden who is read by the public as the token black lawyer of the prosecution. The misogamy of the court case is already well documented and explored, but the show offers scenes from Clark and Darden’s imagined personal life that directly contrast how they are undercut in the courtroom and media. In the episode “Conspiracy Theories,” Clark and Darden take a last minute trip up to San Francisco to celebrate the birthday party of one of Darden’s friends. As they are all shooting pool, Darden and Clark are marked by more formal wear than their companions: Darden is in a professional looking light blue button up, and Clark in a long-sleeved black dress. Their clothing elevates their status and is the first of many markers in the scene that turn the bar into a legal space.
As they celebrate, Darden gives his friend Byron a sweatshirt with the Los Angeles District Attorney’s office symbol printed on the front. Marcia Clark jokes when Byron says he will never wear the sweatshirt, “Why not, it might get you out of a traffic ticket?” This glib remark implies that despite the seal’s displacement, it still retains its authoritative power. Thus, the room, with lawyers and the seal present, become a kind of courtroom. In this courtroom Clark is likable and Darden is confident as they interact with Darden’s friends. There are no “Robert Shapiro's” whose normative white male identity diminish their authority. Instead, Clark and Darden occupy a space of authority denied to them in the courtroom. Still, authority is subverted even more as the bar where they are celebrating Byron's birthday becomes the legal bar; yet, instead of separating the spectator from the official proceedings of the court, the bar in this scene brings the spectators, Darden’s friends, and legal performers, Clark and Darden, in a space of equal authority.

Byron takes advantage of this legal authority and acts as the defense, presenting his case against the L.A.P.D.. Byron offers, “Well, I think that cracker cop planted that glove. And they all did what they had to do to prove that O.J. did it.” As Byron speaks, the scene cuts to a shot of Mark Fuhrman, performed by Steven Pasquale, planting a bloody glove at Bundy. In response, a drunk and overconfident Marsha Clark reenacts the crime timeline using shot glasses and lays out the impossibility of the crime scene. As she sarcastically describes everything that the police officers would have to accomplish to frame Simpson, the scene cuts again to a reenactment of the police officers planting the evidence at Rockingham and Bundy. The reenactments feel like flashbacks and are
the first of their kind in the show. While lots of characters offer theories on what happened that night, the show never depicts Simpson at the murder scene, and all other shots in the series are linear. There is power in this break for reenactment and power in placing the Los Angeles police department at the crime scene. These shots make the viewer an eyewitness to the L.A.P.D. as criminal. Additionally, although Clark’s narrative voice is sarcastic, the film is re-performing the violence of the night, a marker a legal authority (180 Peters). The scene performs authority both through iconic props and the narrative testimony and the authority is shared by the lawyers and Byron equally. The scene creates a point of contrast for the rest of the trial where Clark is demoralized by the media and the defense team. The faux courtroom is a vision of a courtroom void of domineering gender and race politics. This scene comes right before one of the most humiliation moments for Clark and Darden, the glove scene.

The glove scene is colored by an off the record imagined meeting which instead of taking a club and turning it into a courtroom, turns the courtroom into a boys club. The shot sequence begins in the recreated Los Angeles courtroom orienting the viewer back into a more legitimate legal space than the bar. Darden begins to present the gloves as evidence but his performance is paused when Judge Ito calls for a break. During the break, Robert Shapiro wanders around the courtroom and casually tries on the gloves. Of the members of Simpson’s defense team, Shapiro is most associated with an elite Los Angeles class system. He is a wealthy white lawyer who accumulated his wealth by representing Hollywood’s elite. His ability to walk up to the gloves and try them on without question shows ownership over the legal space. When they don’t fit, Shapiro
leads Simpson’s lawyers to find an empty room and discuss strategy. The conversation is in a small room just outside of the courtroom and is shot with medium shots from the middle of the room. The shot sequence makes the room appear cramped with lawyers standing in a huddle, and an occasional hint of the back of a shoulder places the spectator, an eavesdropper, just outside the huddle. The formation is exclusive and reminiscent of a sports huddle. This connection to sports is only hyper emphasized by Simpson’s line “put me in coach.” Sports, an arena for male dominate performance, is similar to the masculine team of lawyers about to dismantle the confidence Darden and Clark displayed in the bar scene.

When the show cuts back to the courtroom, the glove scene proceeds much like the original, but the glimpse into the secret meeting alters the spectator's experience. Both scenes show how legal authority is as much associated with symbols and outward performances as it is with identity construction. The two scenes construct an argument that the Simpson case is as much about identity politics as it is about actual evidence.

**Remaking Evidence**

As demonstrated in *American Crime Story*, cinematic language is more open than the law, and thus it can use elements outside of the courtroom as it adapts. Similarly, it takes courtroom specific language as away of warranting its project. This is significant because it makes the new narrative feel provable to the audience and grounded in the real.
Both *American Crime Story* and *O.J. Made In America* connect the O.J. Simpson trial to the Rodney King beating. The Rodney King footage is famous for being among the first widely televised police beatings. On March 3rd, 1991, King was driving home when the police attempted to pull him over for speeding. King tried to outrun the police which led to a high-speed chase. When he finally pulled over, officers Stacey Koon, Laurence Powell, Timothy Wind, Theodore Briseno, and Rolando Solano ordered King and his two passengers to get out of the car and lay on the ground. King complied, but as the officers arrested King things turned violent. At that point a bystander, George Holliday, began recording the incident. Koon, Powell, Briseno, and Wind were charged with excessive force, but eventually acquitted. This footage was understood very differently by the jury and the public. Comparing how the footage was presented in court, the media, and contemporary adaptations demonstrates how cinematic language can be used to resist, widen, or alter the law’s judgments (Seven Minutes in Los Angeles - A Special Report.; Videotaped Beating by Officers Puts Full Glare on Brutality Issue).

Legal theorist John Fiske uses the Rodney King footage to explain how cinematic language can persuade even eyewitnesses on what really happened. For example, during the Rodney King trial Officer Briseno changed his testimony after viewing Holliday’s footage. Fiske recounts the events like so:

In the first trial, Officer Briseno testified that he tried to restrain his fellow officers because he considered their beating to be excessive. In the second trial, which claimed civil rights violations, Briseno refused to give this testimony
and agreed with his colleagues that the force was reasonable. The reason for his change? Briseno’s first testimony was based only on his own experience of the event; however, by the time he gave his second testimony he had seen the computer-enhanced video and experienced its reality. Therefore, in the second trial, the plaintiff included a videotape of Briseno’s original testimony as evidence of his real experience! (919)

The manipulated footage that caused Briseno to doubt his own lived experience was cut to exaggerate King’s movements. The defense slowed down Rodney King’s reaction to the police abuse and cut it from the officer’s most violent attacks. For Briseno, the footage carried more weight than his own experience, yet the defense had manipulated the experience. Briseno’s two testimonies illustrate how legal authority and cinematic authority merge to change a narrative. Bersino was there that night and witnessed every kick; however, when the clip seemingly countered his claim, his claim changed. The way the footage was cut made Briseno’s second experience, the cinematic experience, far different from the first one and more influential.

The Holliday footage can be considered a legal adaptation in its original form and each manipulation, a further adaptation. The adaptation of the Rodney King beatings as shown in the courtroom is different then the full footage seen by the American public. Given the uncut tape, the public came to a far different conclusion than the jury who acquitted the officers. The acquittal sparked the Los Angeles Riots which lasted six days and resulted in more than sixty deaths and about a billion dollars worth of property damage. It was not just an angry marginalized public who rejected the courtroom’s
ruling, but then Los Angeles Mayor Bradley stated, “Today the system failed us” and “The jury's verdict will never blind us to what we saw on that videotape. The men who beat Rodney King do not deserve to wear the uniform of the L.A.P.D.” (Mydans 7).

Here, the video is used by the major as adequate evidence to condemn the official verdict as a failure. This is not unlike similar trials today where footage of police violence leads to an acquittal, but sparks outrage outside the courtroom,

Found footage rarely convinces a jury that a police officer is guilty. The Simpson case is a rare example where a black man was let off because of the violent racism of the L.A.P.D. It’s hard to reconcile how footage can so convincingly persuade the public, yet time and again officers are acquitted. One explanation is the legal system performs authority so convincingly that jury members struggle to separate the individual from the larger legal performance. Other explanations are the way the footage is cut and explained in court, like in King’s case. Whatever the explanation for the why footage is discarded and mistrusted in the courtroom, members of the community, often the people experiencing police brutality, use the footage as a way of rejecting the law. Linguistic theorist J. L. Austin explains legal language as a performative where “the procedure must be executed by all participants completely” (36). When the law performs it is not only performing for an individual case but on behalf of the community it represents. When public opinion opposes the legal narrative, there is a misexecution of justice. While the officers on trial many not go to jail, the members of Los Angeles’s South Central neighborhoods rejected this ruling and lawness ensued. Ultimately, an adaptation may not directly change the “guilty” or “not guilty” relationship between the convicted and the
jury, but it can change the minds of the community and cause them to reject the law’s authority.

While both found footage of Rodney King and the fictionalized scenes in *American Crime Story* can be subversive, found footage is historically associated with a myth-like power of capturing the real. In the digital age where editing is easy and frequent, this power can be explained away by skeptics. Still, the footage retains what film theorist Edgar Morin explains in “For a New Cinema-Verite.” the potential to express objectivity. He explains, “I got the impression that a new cinema verity was possible. I am referring to the so-called documentary film and not to fictional film. Of course, it is through fictional films that the cinema has attained and continues to attain its most profound truths […] But there is one truth which cannot be captured by fictional films and that is the authenticity of life as it is lived” (461). Cinematic footage, at times, is viewed less as a language and more like a capturing the real. Filmmakers can use found footage to evoke a more formal register and authenticity.

*American Crime Story* evokes this higher register of found footage to introduce the docudrama. In contrast to the Rodney King footage presented to Briseno during the trial, this footage is cut in an endless vision of beating. The footage starts with a black and white version that slowly zooms in and then jump cuts to a colored version. This montage sequence continues to alternate between different black and white and colored versions. Each cut is marked with a different date stamp or timestamp and each cut looks like it comes from a different source. Over the montage of footage, there is a voice-over narrating the violence of the attack stating, “It’s probably the worst case of police
misconduct this city has ever seen.” The iconic and verbal languages are blended here to give multiple pieces of evidence that testify against the police. Similar to a court case, the shot sequence uses multiple witnesses to build credibility and evidence. At the same time, the multiple witnesses is an illusion created by cutting and coloring footage. All the footage originates from the same and only footage of the beating by Holliday. Nonetheless, the show builds credibility by making it appear that there are multiple witnesses to the incident. It builds a case in direct opposition to the original acquittal.

The shot sequence continues with scenes of police violence against protesters and rioting. The montage synthesizes the entire Rodney King trial and riot into a final judgment when a black screen with white lettering saying, “three years later” completes the shot sequence. This graphic serves to reiterate the racial tension as black and white are shown in contrast. It also serves as a judgment to connect the Rodney King riots directly to the O.J. Simpson trials. The sequence not only uses cinematic language, the iconic and the verbal, to pass a new verdict on the Rodney King acquittal, but it also establishes the authority of the film to provide a different verdict than the original trial. The argument made in this shot sequence aligns with the protesters in South Central Los Angeles, but the scene is catered for an audience that does not live in South Central. The scenes seem catered to a predominantly white audience who still needs to be convinced that the O.J. Simpson trials are all about race.

The Rodney King footage presented in these scenes can convincingly overturn previously held beliefs because it is more than simply documentary footage; it is evidence from the trial. The show, thus, uses two forms of authority when presenting this
footage: the authority of the camera and the authority of the law. By claiming something as evidence, it is legally certified as an object associated with that night’s events. *O.J. Made In America* uses the form of documentary and relies heavily on original footage and evidence. Just as in *O.J. vs. The People*, it uses the Rodney King footage to connect the two cases and make an argument about the L.A.P.D.’s violence. In part two of the series, the episode places the Rodney King in contrast to Simpson’s history of violence against Nicole Brown. Midway through the episode, it recounts events from January 1st, 1989 when Nicole Brown called the L.A.P.D. to protect her from Simpson. The episode plays Brown’s screams from the 911 call and interviews the officer while zooming in on pictures of battered Nicole Brown. The arresting officer recalls Brown claiming, “He’s going to kill me.” The same photo taken that night is shown several times within five minutes of the episode and reappears later in the episode after the Rodney King footage. The pictures of Brown are shown from different angles and zoomed in on specific parts of her face or zoomed out to show the writing from the police officer, marking it as official evidence. The episode continuously displays evidence of the violence for the viewer in the form of Brown’s pictures and the King footage. Both attest that the L.A.P.D. was involved in allowing these violent acts to occur.

The episode does not shy away from Simpson’s history of violence towards Brown, both emotional and physical, but these are facts of a more important argument about the L.A.P.D.: it highlights its incompetence and violence. As the episode concludes, former L.A.P.D. officer Ron Shipp, a friend of Simpson who later testifies against him during the murder trial, states, “O.J. Simpson that night, definitely got preferential treatment. Had that been anyone else, you or me, we’d have gone to jail.”
The you or me refers to Ron Shipp as a middle class black man whose violence against a white women is historically something that would be punished to an extreme degree. That statement is juxtaposed a couple scenes later with the police dispatch recording of the high-speed chase of Rodney King. The scene sequences both start with official voiceovers from the police and then leading to original footage of violence.

The scenes show how the L.A.P.D. treats two black men in Los Angeles from different socioeconomic neighborhoods: O.J. Simpson living in Brentwood and Rodney King driving through Watts. Simpson was allowed to violently attack Brown because of his status as an athlete and as a resident of an influential Los Angeles neighborhood. It also shows a more in-depth history of the two arguments presented during the actual trials: the prosecution claiming that Simpson has a history of violence against Brown and the defense arguing that the racist L.A.P.D. framed Simpson. But here the two arguments combine to address Simpson who is both violent and privileged, but also the product of a violent and privileged group whose actions are ignored by the law. Rodney King is who Simpson might have been without his access to white privilege through fame. The show uses evidence to show that the law does not protect against violence, but creates class centered violence.

*Legal Documents: Words as Evidence*

It is not just objects or footage that carry legal authority but words used in a
legal context can become evidence. Film seems removed from the written word, but *O.J.: Made in America* visually performs words as evidence. J.L. Austin, when describing performatives uses the following example from law,

> It is worthy of note that as I am told, in the American law of evidence, a report of what someone else said is admitted as evidence if what he said is an utterance of our performative kind: because this is regarded as a report not so much of something he *said*, as which it would be hear-say and not admissible as evidence, but rather as something he did, an action of his. (13)

Here, the law is highly performative. Words given in a legal setting or events in the form of a report by an officer are understood as performances rather than utterances. When words become legal evidences they are no longer a description of what happened, but a performance which pronounces an official account of actions.

Additionally, voice-overs from official legal reports are different than traditional documentary commentary. They are not opinions, but official narratives of past acts. In *O.J. Made in America*, footage of Mark Fuhrman's lawsuit against the L.A.P.D. pension board is presented and the shots zoom in on phrases such as “worked in Watts,” “considerable emotional stress and tension,” “violent on the job,” and “niggers.” The camera zooms in on these phrases to validate what the interviewee is saying. His words are no longer opinions about Fuhrman but facts as they match up with individual phrases from this written report. The show even recreates a room full of legal records stored in boxes. The recreation of the room where official documents are kept is a display
of the documentary’s authority. By providing access to these official documents it performs the legitimacy of the law.

The shots about Fuhrman’s record are a very literal performance of written evidence. For a show like *American Crime Story* that uses the trial name, *The People vs. O.J. Simpson*, it merely references the official documents and ties its performance to the performative statements of the court transcript and police reports. Thus, if performed convincingly, adaptations of court cases are not hearsay but records of what actually happened. They re-perform evidence in such a way that makes their arguments evidence based. This is significant for a case like Simpson’s that is originally all about the misuse and distrust of evidence. The defense’s case rests on constantly proving that the prosecution's evidence was mis-documented. Interestingly, the shows do not dwell on that fact, but instead focus on replicas of evidence that warrant the show’s arguments.

Trusting visual evidence work’s to the filmmaker’s advantage because a cinematic depiction relies on trusting visual representations. Thus, instead of interrogating visual evidence as a way of undercutting the law, the shows re-performs visual evidence as evidence against the law. The evidence from the Rodney King trial in comparison to Simpson’s criminal record display how the law is not impartial, but deeply invested in targeting marginalized populations. This is the worth of the second. It is no longer invested in the question of guilt or innocence of the party standing trial, but it is invested in the total equity of the legal system.
Mug Shots: How the Close-Up Performs the Law

The power of the court case to re-perform justice in order to seek after justice is not only made possible by mimicking the performance of law, but cinematic shots are understood differently in a legal context. The courtroom already deploys the cinematic to perform authority and the shots it favors carry meaning in adaptations. For example, a high angle long shot becomes reminiscent of security footage or a handheld shot, like the Rodney King footage, is found footage or evidence. Another example is the close-up. This shot is powerful when imposed on any subject, but in a legal context it becomes an incriminating shot, the mug-shot.

One of the many projects of O.J.: Made In America is to implicate the entire system as responsible for O.J. Simpson’s criminality. This is done by manipulating footage with jump-shots and close-ups. The close-up is a powerful statement in cinematic language because it often departs from what the human eye would experience. A close-up of a person’s face recreates intimacy as the spectator is rarely as close to a person’s face as they are when presented with a close-up. When this close-up shot is used in a courtroom adaptation, it still can retain all that meaning and takes on the meaning of the mug-shot. Iranian filmmaker Abbas Kiarostami in his film Close Up uses the close-up to mimic the mug shot and explore how art is able to depict humanity in contrast to the law’s depiction of criminality. Theorist Cristina Vatulescu views this emphasis on the close-up as a manipulation of the mug-shot.

When law approaches the subject to make its own images doesn’t it create precisely a close-up, or rather two close-ups one frontal and one in profile, which
together forms the mug shot? If Kiarostami’s commentary on his film trenchantly distinguishes between the law’s and the cinema’s approaches to their subjects, the actual film encourages more careful reflection of the relationship between its own render of the subject and the prototypical image of the criminal—the mug shot (188).

The shot is simultaneously incriminating and intimate— it causes the viewer to reevaluate common notions of criminality. *O.J. Made in America* gravitates toward this shot as it explores and manipulates the law’s power to record criminality.

In *O.J.: Made in America*, the documentary takes footage from the courtroom and continuously zooms in. In part three of the series, the show finally uses footage from the murder trial. The footage slowly zooms into a close-up of Simpson’s face with a voiceover of prosecutor Marcia Clark explaining Simpson’s appearance, “He looked like a man who had committed murder.” The scene cuts to a present-day Marcia Clark speaking in a mid-shot and cuts back and forth multiple times. With each cut, it returns to a close-up shot of Simpson’s head, often jump-cutting even closer. The combination of the jump-cut and the close-up make it more like a mugshot as it feels disconnected from the flow of the other shots. At the same time, it’s not a still shot, but a moving image where the spectator can see a distressed Simpson close his eyes and wince. Simpson looks “like a man who had committed murder” in that he is a black male framed in an incriminating shot. He fits the stereotype. But, other than that, the close-up shot reveals a tired and sad man, not a violent killer. The intimacy of the shot itself demands that Simpson is viewed as more than a stereotype. This shot sequence is less about Simpson’s
personal guilt, and more about what criminality looks like in America: a black man in a mug-shot. But through cinema and the close-up, the shot is alive and intimate. The black body is not dehumanized in this shot but humanity is displayed in contrast to criminality.

The shot presents the mug-shot fused with the close-up to create a tension where both criminality and humanity are presented simultaneously. Mary Ann Doane in her essay “The Close Up: Scale and Detail in Cinema” states,

The close-up has inspired fascination, love, horror, empathy, pain, unease. It has been seen as the vehicle of the star, the privileged receptacle of affect, of passion, the guarantee of the cinema's status as a universal language, one of, if not the most recognizable units of cinematic discourse...For Walter Benjamin, the close-up was one of the significant entrance points to the optical unconscious, making visible what in daily life went unseen. (91)

Thus the use of the close-up in legal adaptations can combine the incriminating connotations of the mug-shot while also inspiring many feelings in opposition: love, empathy, and fame. The combination can either intensify already held beliefs about criminality or subvert these beliefs by offering new emotional complexity to the image of the criminal. The power of displaying legal performance in film is precisely this nuance and complexity.

The close-up also, as Doane notes, brings forth the invisible. In the context of the legal adaptation, it displays what the law may have missed. This incriminating and exploratory shot is not reserved for Simpson. When footage of Mark Fuhrman, the lead detective on the Simpson case with a record of excessive violence against the black
community, is sworn in the shot slowly zooms closer and closer to Fuhrman’s face until he is framed in a mug-shot. After the footage of Mark Fuhrman’s testimony, the shot sequence continues to go between close-ups of Mark Fuhrman, Robert Shapiro, Marcia Clark, and Simpson. Even Gil Garcetti, Los Angeles’ district attorney and highest member of the Los Angeles legal hierarchy, is present with a slow zoom ending in a close-up of his face followed by close-up cuts of interviews he gave during the Simpson trial. The show is obsessed with close-ups in the way that it is obsessed with overthrowing the caricatured view of each of the subjects. The close-ups in *O.J. Made in America* are frequent and disruptive, incriminating members of the legal system and creating new intimate relations with lawyers and criminals. At the same time, these shots draw attention to themselves as they disrupt continuity which reminds the viewer that criminality and legal authority are being constructed. It simultaneously micmicks the law, and reminds that viewer that it is not the law. This is a compilation of images that should be read afresh and anew.

By placing lawyers and police officers in a mug like shots and having them justify their actions over the course of a seven-hour series, the show puts the justice system on trial alongside Simpson. Nevertheless, with each criminalizing point the closeup acknowledges their humanity and personhood.

**Only in Reference**

*O.J. Made in America* uses the language of the cinema to manipulate found
footage and warrant its arguments with the court case’s original players, lawyers and friends of Simpson. Of the three depictions, *O.J. Made in America* seems more faithful to the original case than *American Crime Story* or *The Story of O.J.* As mentioned earlier, this sense of faithfulness may create a particular type of authoritative capital for some viewers, but the value of a replica can also lie in its extreme difference. Dudley Andrew explains the relationship between the original text and cinematic adaptation in linguistic terms. The original “bears a transcendent relation to any and all films that adapt it, for it is itself an artistic sign with given shape and value, if not a finished meaning. A new artistic sign will then feature this original as a signified, whereas those inspired by or derived from an earlier text stand in a relation of referring to the original” (Andrew 373). Andrew claims that during the adaptation process the original text is the signified and the film becomes the sign. The signified original is transcendent over the new artistic sign providing a wealth of meaning even when the original is only referenced.

The music video “The Story of O.J.,” directed by Mark Romanek and Jay Z, illustrates the linguistic force of using an original text as signified and reference. Because of the title all of the scenes, including those of cotton fields, reference the O.J. Simpson trials. The main character of the music video is not signifying Simpson as he walks over the Brooklyn Bridge; the scenes of Nina Simone and Jaybo are almost jarringly disconnected from Simpson’s life. Nonetheless, the reference to Simpson in the title creates a transcendent force over the video which causes all the images to become references to Simpson. About one minute into the video, the cartoon of Simpson running
down the field signifies Simpson directly. During that clip, Simpson says the phrase, “I’m not black, I’m O.J.” This phrase comes from a 2002 HBO documentary titled *O.J. Simpson: A Study of Black and White*. In this statement, sociological professor Harry Edwards used the phrase to explain Simpson’s behavior and the phrase has recently found itself in an all three adaptations. Often, adaptations are discussed in terms of fidelity where signification is preferred over reference. Yet, this music video highlights the power of reference and performs fidelity as Michael Klein and Gillian Parker suggest: “fidelity to the main thrust of the narrative” (qt in McFarlane 11). For the Jay Z music video, the thrust or theme of the music video is a long history of racism in America. By referencing Simpson as a victim of this large racist system it imposes that theme back onto the Simpson case. Reference is powerful because it allows the filmmaker to explore related ideas outside of the original case. All adaptations can reference or be true to the main thrust, but court cases are so reliant on specific details relevant to one particular moment that opening it up to a theme or main thrust is a radical change. Adaptations of novels are already considered in terms of theme, but court cases are understood through evidence and verdict. By changing the focus to theme rather than facts, the adaptation provides a new way of understanding the crime and the law.

**Final Judgments and Re-judgements**

Lawrence Friedman, a legal sociologist, has suggested that it is not the law itself but representations of it that affect behavior. The combination of cinematic language and legal language in adaptations can make unique moves that one language is
not able to do alone. When these moves effectively run counter to the official legal narrative of the court case, a legal performative is mis-executed because the community rejects the legal performance.

While cinematic language can pass new judgments, it is not compelled to do so. For example, in the final episode of *American Crime Story*, "The Verdict," the show ends with an emotional scene separated from the case’s fundamental question: did he do it? The scene extends beyond the courtroom verdict and ends with a freed O.J. Simpson standing in his backyard staring defeatedly at a statue of his former football star self with voiceover commentary from his football career. The final scene is disconnected from the events of June 12, 1994 in that it does not acknowledge the deaths, but instead acknowledges Simpson as a fallen hero. As Simpson stares into the eyes of his statue, he is haunted and pained by his former glory. As a spectator, I feel sympathy for Simpson in this final moment. Seeing Simpson longing after the hero he once was makes me long for that as well. The legal adaptation’s question is far more complex than a final verdict. It pushes at questions of what is means to be a criminal and how we as society react to criminality. This scene creates the effect Simpson’s new criminal association had on those who revered him as a hero. Even as a white spectator with no affinity for football, the show evokes a sense of loss. The question of Simpson’s person actions aside, the final scene provides an experience of loss as a result of black criminality.

That final shot is an emotional response, but a larger chunk of that final episode presents a judicial opinion. The judicial opinion is an expository document which “typically delve[s] into one or more points of law” (Tiersma 139). The purpose of the
judicial opinion is for the judge to resolve a legal dispute. Judicial opinions are a legal genre most commonly found at the supreme court level where the judge is not judging simply the case but making a ruling that passes judgment on the law. These opinions are interesting because they have been known to employ literary devices such as poetry or puns. However, the most common and accepted literary device used is metaphor. The endings to series can be read as a judicial opinion which uses the bible as a metaphor for misplaced justice.

In *American Crime Story*’s “The Verdict,” the final fifteen minutes portray the displacement of justice by lawyer Robert Kardashian. O.J. Simpson’s first act outside of prison is to meet Robert Kardashian, thank him, and return his bible. As the unsettling music plays in the background, Simpson states, “The first day I was in here you gave me your bible. I know how much it means to you, so I’m going to give it back to you.” The scene mimics a restoration of a moral system as the bible, symbolizing ultimate truth and morality, is handed to a prominent lawyer in the case. The restoration is undercut by a medium shot focused on Kardashian’s face covered in anguish and confusion: this heightens the viewer's sense of moral chaos rather than offering restoration. A few scenes later, Robert Kardashian returns to Simpson’s house and leaves the bible on Simpson’s counter. The bible is in many ways the foundation of the law itself, and for this case directly connected to Simpson’s charges for murder through the command, “thou shalt not kill.” However, the bible is discarded as if the morality and justice have been displaced or abandoned.
Understanding this scene as a judicial opinion sheds light on that question, “what is the value of a replica?” In a supreme court judgment, the second judgment no longer simply looks at the particular court case, but it also looks at the law in total. The second judgment can overturn the first ruling and condemn the law. As that bible is left on a table in Simpson's house by Kardashian, who in the show so earnestly believes that Simpson did not kill Brown, he abandons his belief in Simpson and in justice. The law is at times viewed with the same reverence that Kardashian viewed his bible. That it provides ultimate moral guidance. Adaptations of the law suggest that the law is a constructed power not an ultimate power. I like the idea of the bible being displaced rather than abandoned at the end of the show because displacement suggests that the law can be fixed. The adaptation is, after all, about displacing the law’s power into film and giving the spectator the opportunity to rejudge, and hopefully restore justice.

Understanding how legal language and cinematic language are woven together shows that these depictions of the law are not simply revealing legal anxieties or stereotypes, but passing judgments on people and society. As adaptations widen authoritative space and expose abuses of power, hopefully these replicas of the law will change how law is performed in future cases.
CHAPTER TWO
Time Can Do So Much: Representations of Time as Authority in Law and Genre

Legal adaptations are powerful when they engage with the language of adaptation theory which helps locate legal authority in the replica. Furthermore, the legal adaptation, like any genre, is connected to many other genres whose trends overlap and influence one another. Genre creation is a powerful tool, but it is not always a neat or easy placement. One of the strengths of legal adaptation as a label is that it is broad. As demonstrated in the previous chapter, it allows found footage of the Rodney King Riots, multi-episode TV shows, and music videos to all fall under the same category where similar questions and trends can be explored. This chapter, however, will engage with other already established genres and consider how legal performance and language interact with these genres’s categories. Each genre category offers their own ways of locating the performance of legal authority in the films.

Legal adaptations are a sub-genre of historical filmmaking. Historical filmmaking is a slippery genre that creates a sense of truthfulness through evidence of the past. The genre comes with scrutiny as many scholars are divided on how accurately history can be portrayed in film. Robert Rosenstone, a historical film theorist who promotes the study of historical filmmaking, explains the conversation like so,

Astonishing claims are made for and against motion pictures. Partisans would have you believe that only film, with its world of moving images, can hope to approximate the complexity of historical experience. Opponents see history on
film as a travesty that inevitably must fictionalize, romanticize, and oversimplify
the past. Even academics who study the media hardly take the possibility of doing
history on film seriously. Looking through the world on the screen, they treat the
historical film not as a way of thinking about the past but as a reflection of the
values of the period in which it was made (172).

Thus, there are those that embrace historical films as a tool with the potential to display
the past while others criticize or see its value not in representing the past, but the
present. As explained in the previous chapter, historical legal filmmaking is well suited
for film because of the similarities between legal language and filmic language as well
as films ability to create an experiential encounter with the past. At the heart of this
issue is history itself. How do we tell stories of the past? Through what lens are these
stories told? How do we claim accuracy over stories from the past? These are not the
questions this chapter will directly address, although they are important to keep in mind
whenever history is considered. For this project, it is sufficient to note that narrating the
past, regardless of form, is always problematic and one of many stories. This presents a
dilemma: how do historical films gain authority to talk about the past? For historical
filmmaking, the authority of the film lies in how well it convincingly it can represent
the past.

Legal performance shares this high expectation by viewers to legitimize its
arguments in the past. Here I am not talking about reenactments of the law, but the law as
a performance. A successful legal performance, such as a legal trial, relies on aesthetics
that evoke authority and justice. Similar to historical filmmaking, the law performs its
authority through the performance of the past. To reference Peters once again, “Trials are
the reenactment of conflict (an agon), whose essential narrative form is dialogue. They
exploit iconic props as crucial clues to the unfolding of the narrative, and often rely on
space, staging, costume, and spectacle in an attempt to bring back to life the dramatic
event they are attempting to recount” (180-181). The legal process is similar to historical
filmmaking in that it reenacts the past and argues that it should be understood from a
particular viewpoint. The case is won by the lawyer who most convincing creates a
believable past. In this same essay, Peters explains that the law as a larger cultural
concept also relies on the performance of the past. She explains, “Law is the ultimate
institution of twice-behaved behavior: its performances represent and replay social
conflict and violence, turning history into a dramatic narrative, fictionalizing social
trauma, transforming it into the system of social representations, exchanges, surrogacies
that make up the law” (185). Consequently, performing the past is not only the goal of an
individual case, but the law as a system is responsible for creating larger historically
grounded narratives that support its authority.

Not every court case becomes a larger cultural narrative, but the O.J Simpson
trial certainly has. Lynda Edwards in her essay “Once Upon a Time in Law: Myth,
Metaphor, and Authority” focuses on cultural myths surrounding law. “These myths are
simultaneously true and false, world-shaping, yet also incomplete. The choice of which
stories we tell about the law matters greatly. Why? Because we seldom question familiar
narratives and these myths practically run in our veins” (884). Simpson’s case is
definitely a narrative that runs through our veins. A historical film on a well known case
will either feed the myth already created by the trial or challenge it. The recent adaptations of the O.J. Simpson trials challenge these myths by manipulating the past.

For both the law and historical filmmaking, the past is the center. It is the source of their authority. Yet in both, the present is never wholly absent. In *Law, Fact, and Narrative Coherence*, Bernard Jackson points out that a witness's testimony does not refer to the past but is a present rhetorical construction meant to convince the listener of what happened in the past. This is similar to historical film critics commentary as laid out by Rosenstone earlier. While it lays claim to the past, it is always a construction in the present. Additionally, the law makes performative statements which impact the present such as sentencing the prosecuted, and the filmmaker can never entirely eradicate the present from their film or their argument. Finally, the audience will always bring their knowledge of the present to both of these spaces. They are being performed, after all, for a particular contemporary audience. Both law and film always speak to the present and the future, never to the past. Still, the authority of both law and historical filmmaking lies in the past. The present is subservient to the past. For the law, performing the past “is law’s tool, assisting law in its work of subjecting us to its authoritarian commands” (Peters 190). However, just as the law uses the past as a tool, questioning the validity of the past or using the past to warrant a new argument can break down the law’s authoritarian power.

During the Simpson trial, defense attorney Johnny Cochran engaged in the law’s performance of a larger historical past to gain authority in his closing arguments.
The prosecution used their closing statements to re-perform the events of the night of the trial. Cochran, however, used larger cultural symbols to make his argument about something wider reaching than O.J. Simpson. He evokes Abraham Lincoln who “said that jury service is the highest act of citizenship,” and Frederick Douglass who “said shortly after the slaves were free, quote, ‘In a composite nation like ours, as before the law there should be no rich, no poor, no high, no low, no white, no black, but common country, common citizenship, equal rights and a common destiny.’ This marvelous statement was made more than 100 years ago. It’s an ideal worth striving for and one that we still strive for” (CNN Transcripts: O.J. Simpson Trial 157). Through these statements, Cochran ties his argument to past historical titans. He even goes on to evoke the constitution. Sherwin reads these moments, “In short, it is up to the jury, by their judgment, to set justice straight- not just here, in this particular case, but in the nation at large. The state’s abuses- their reliance upon racist police officers like Mark Furhman and their offering of tainted evidence in court- can only be checked by juror’s heroic action” (46). As Sherwin points out, Cochran had made this case into a narrative about the law itself, not just the L.A.P.D., but the law as understood through founding historical figures. He makes the case about the law in its totality. In short, he used law’s model of performing authority of the past to put the law under scrutiny.

Equally as significant, he pushes this authority on the jurors to change future history. Cochran describes the verdict of the Simpson trial not as a definitive performative act, but as a “move toward justice.” “You are empowered to do justice.” he tells the jurors, “You are empowered to ensure this great system of ours works” (CNN
What Cochran models in his closing statements, is one way to subvert the
dominance of the law by following its own model for gaining authority through the past.
All three Simpson adaptations engage with the past differently to create authority and at
times question the past as authoritative. As a genre, historical films are uniquely qualified
to question the authority of the past, because they “play a role in the way we see,
remember, think about and understand the past” (Rosenstone 197). If a historical film
can create authority while not completely beholden to the past, the authority of the past is
shaken. To combine this with a display of legal performance, it can potentially undercut
the law’s authority as founded in the past or hold the law’s authority more accountable in
the present.

Performing the Past and Invoking a New Future: The Story of O.J.

The music video for Jay Z’s recent song, “The Story of O.J.” (dir. Mark
Romanek), follows a similar pattern as Cochran’s closing arguments, evoking the past as
a way of harnessing legal authority. The music video puts Simpson up front in the title,
but hardly references him in the conglomeration of images in the cartoon. The black and
white cartoon makes the video appear far older than the 1995 trial, and the sampling of
Nina Simone’s “Four Women” (1966) deeply connect the video to black history, but not
specifically O.J. Simpson the person. The images are intertwined with racist images from
cotton fields, lynchings, confederate flags, and cross burnings. Simpson’s only
appearance is as a football player running the field and stating, “I’m not black I’m O.J.” The rest of the song continues with Jay Z’s chorus “Still Nigga” and Nina Simone’s sampling from “Four Women” “My skin is black” serve as a counter to that statement. As noted in chapter one, Jay Z’s music video engages with the trial only in reference. At first it may seem that the music video, reliant on music rather than dialogue, is too far removed from the law’s language system, but this section will show how the music video embraces its own unique genre qualities, pulls from other genres, and still performs legal authority by engaging with the past.

*The Story of O.J.* follows traditional genre forms — namely, it takes the song lyrics and melody as the video’s guide, and the visuals take a secondary role. For most of the video, the song acts as the script. For instance, when Jay Z raps the lines “Light nigga, dark nigga, faux nigga, real nigga,” different images of stereotyped black faces appear on the screen to the beat of Jay Z’s lyrics. Also, true to genre form, Jay Z appears as the lead in the music video so he can perform the song as he acts out the visual narrative surrounding the song. Thus, there is a genre precedence to make Jay Z the star of the music video, rather than Simpson, as the title suggests. On the other hand, the reference to Simpson in the title and the way Jay Z constructs his narrative within the film set Jay Z and Simpson up as parallels to one another. This parallel is created in the three establishing shots. Typically a piece has one establishing shot that orients the viewer in time and place, but this video intervenes in three spaces throughout the video, and these three spaces are established at the start of the film: a shot of the music video’s title “The Story Of O.J.” against cotton fields, a cartoon representation of Jay Z in
Warner Brothers’ Looney Toon symbol, and a map of New York City. These three shots represent three spaces significant to both the story of O.J. and the story of Jay Z: history, entertainment, and urban geography. As a result, Jay Z can perform his song in the music video while also representing Simpson.

New York and Los Angeles are the ultimate and iconic cities of the east and west coast whose individual histories of racial division and racial opportunity can act as a synecdoche for the black experience with the American Dream. Both cities are socially liberal and offer rhetorical illusions of equality and opportunity, but have highly segregated populations and histories of police brutality target towards black populations. Danny Bake Will explains the reputation of Los Angeles in O.J. Made in America, “The image of Los Angeles was milk and honey. There’s no prejudice in Los Angeles. Everybody’s free to do what they will. You know, palm trees and sunshine. It’s just the ultimate place.” Both Jay Z and Simpson's personal stories are wrapped up in the geography of their city. Jay Z grew up in the projects of Brooklyn and references the gentrification of the city in his line,"I could have bought a place in Dumbo before it was Dumbo for like $2 million. That same building today is worth $25 million. And guess how I'm feelin'? Dumbo." The line calls out the gentrification of the city as Dumbo has become one of the trendiest neighborhoods in Brooklyn. As these areas increase in value, historically black neighborhoods are displaced and replaced with wealthy white upper middle-class populations. The line comments on socioeconomic and racial division and demonstrates how owning space and property in these privileged neighborhoods is a demonstration of status.
Simpson also grew up in housing projects in his hometown of San Francisco, but once his football career took off, eventually settled in one of the wealthiest neighborhoods in Los Angeles, Brentwood. The establishing map, reference to Simpson, and line about Dumbo work together to create a narrative about how valuable space is reserved in America only for the most successful people of color while the rest are segregated to the poorest neighborhoods. Both Jay Z and Simpson are free to move around in their respective cities due to their success in entertainment, but the music video continually loops back to the first establishing shot of the cotton fields making the argument that despite success Simpson and Jay Z are still tied into racial stereotypes and a history founded in slavery.

Jaybo, Jay Z’s trademarked and animated version of himself, encompasses the racial stereotypes that contributes to this racial division. Jaybo is a reference to Sambo, a character in the 1899 children's book *The Story of Little Black Sambo*. The Picture book was marketed as “the happy choice of incidents in the ingenious way little Sambo of India came to overcome apparently impossible difficulties” (Mikkelsen 260). Despite Sambo’s home in India, the pictures and characterization resemble African American stereotypes, and Sambo is a “name used on several continents, long before Bannerman wrote her story, to describe African, not Indian, males” (Mikkelsen 260). The books perpetuate racial stereotypes in America while also hiding them in a different country. The stories depict a displaced American Dream where the main character can overcome obstacles, but not in America and only while trapped in this stereotype. By embedding himself in Sambo, Jay Z can perform his song not just as himself, but as a representation
of all stereotyped African American men. The music video is an adaptation and inversion of the original book that place the stereotypes Sambo and his mother, the typical mammy, in America to acknowledge them as stereotypes and demonstrate their effects on all black people, even ones as famous and powerful as Jay Z and Simpson. The story criticizes the American Dream by displaying the impossibility of breaking out of these stereotypes.

The final scenes emphasize the impossibility of achieving the American Dream with two endings. First, Klansmen hang Jaybo and the curtain closes on a performance of a shapely black female stripper. The death of Jaybo enunciates the history of violent deaths of black men but is also the death of the racial caricature. The racial caricature both is and is not Jay Z, and for the racial stereotypes to die, he must also die. Moreover, the performer is no longer a hyper-sexualized black female body but is also not visible. These characters only exist as their stereotypes. Still, the music video continues to a futuristic and dream-like sequence where Jaybo returns as the flying elephant Dumbo and rains money down on “the neighborhood” then shoots off in a rocket away from the three spaces first presented. Like Sambo, Jaybo eventually does outwit his obstacles but also faces his own death. The end highlights what the song has been suggesting throughout the video, the impossibility for Jay Z and O. J. to make it in America.

The music video is many works adapted into one: the Bannerman’s book, the Simpson’s trial, Jay Z’s life, Simone’s song, and Jay Z’s rap. The music video has no legal symbology or reference to O. J. Simpson as an accused killer. However, due to the trial’s status as cultural myth, any story of O. J. Simpson is in conversation with this legal myth. The music video entirely replaces the legal aspect of Simpson’s life with larger
systematic stories of racism and pop culture references. It turns the personal story of O.J. into a cultural story. The show ultimately ignores the most well-known aspect of his life and encompasses it all in his desire to separate from blackness and the impossibility of this statement. Richard K. Sherman points out that the law can be described as a reaction to a story. “The crime and motive, the personal injury and the negligent act that allegedly caused it, the broken promise and the lost profits that resulted- none of this exists, as a matter of law, until it has been proven. Which is to say, until the decision maker, where judge or jury, believes it to be so. That is what the testimony of witnesses, the admission of physical evidence, and the persuasiveness of trial lawyers are for: to get the story out” (Sherwin 41). O.J. Simpson’s case has been sentenced by judge and jury, but the broken promises of money and success in Jay Z rap can also be considered a crime, personal injury, or negligent act. In this way, the case is recast with Simpson as one of many victims. The courtroom’s authority is taken away completely as its signs and symbols are stripped out of this retelling and judgment is offered based on a totally new set of historical evidence. Like Cochran’s closing statements, Jay Z uses symbols from the distant past, rather than performing the evidence from the trial.

The closing shot of Jay Z’s music video creates a future call to justice similar to Cochran’s rhetoric. Jaybo is shown taking off on a rocket ship and leaving the world behind. The music video re-familiarizes the story of O.J. and creates new worlds as it places Simpson in a new futuristic context where Jaybo is free from the oppressive spaces introduced at the start of the film. The sequence leaves a violent past and moves into a potential future.
**Personal Judgements: O.J. Made in America**

Jay Z’s narrative is distinctly lawless in genre and in content, while *O.J. Made in America* is hyper-connected to the law in genre and form. The series opens with an establishing shot in Lovelock, TX which eventually leads to footage of Simpson’s parole hearing in Lovelock. The clip ends with the question, “I do see that in 1994 you were arrested at the age of 46?” The footage of Simpson in Lovelock comes from an armed robbery where he was convicted and sentenced to thirty-three years in prison. Simpson’s parole hearing frames the entire series encompassing his biography in the law.

The documentary as a genre is the most law like of the three adaptations because documentary is valued for the same reasons the law is, its “truthfulness, accuracy, and trustworthiness.” The documentary is “reality-shaping,” like the law, because it claims to be grounded in truth (LaRocca 551). Certainly, there are a broad range of documentaries, but *O.J. Made in America* relies on formal documentary tendencies such as voice over, expert testimony, interviews, and evidentiary editing. Lastly, documentary and legal performance both use narrative as a tool but are primarily based in argument. Law and film theorist Kristen Fuhs compares documentary form and legal performance in the following ways,

The law, enacted through the trial (which is arguably the most identifiable performance of law in our culture), is more than just a set of rules and policies—it is an operational system of narratives, rhetoric and performances that shapes conventional meaning and social behavior. Likewise, documentary operates in a space of narrative and rhetorical engagements...sounds and images in
documentary stand as evidence of an argument rather than the elements of constructed plot. (783)

Fuhs’s work does what many film and law theorist fail to do, integrate how genre interacts with the law. She suggests that they are parallel in how they construct their arguments, and although she doesn’t mention it in her writing, I would add that they are parallel in structure as they warrant their arguments in the past. Fuhs concludes that legal documentaries “search for truth, but in the absence of real legal power, they look beyond surface-level questions of guilt or innocence to interrogate the institutional, social, and political factors that produce structural social divisions” (804). All of these adaptations, and certainly *O.J. Made in America* interrogate “institutional, social and political factors,” but *O.J. Made in America* is an extensive coverage of Simpson’s life—while it certainly condemns the system, it also condemns Simpson personally for his betrayal of the black community.

The show goes deep into his personal life, even beginning and ending with Simpson’s voice. The first three hours discuss everything from Simpson’s childhood, football career, golf habit, marriage, and friends before arriving at the murder in episode three. Where Jay Z’s video minimized O.J.’s existence in the past, *O.J.: Made in America* maximizes it. Biography allows a type of contextualization that is very different from what is presented in a courtroom which is concerned primarily with performing the moments leading to the murder. The show, through its sheer volume, suggests that the myth of the Simpson case is too short and hyper-focused on a particular moment in the past. Historical film theorist Robert Rosenstone states, “documentaries put individuals in
the forefront of the historical process. Which means that the solution of their personal problems tends to substitute itself for the solution of historical problems. More accurately, the personal becomes a way of avoiding the often difficult or insoluble social problems pointed out by the film” (57). The show puts Simpson at the forefront of the difficult social problems of race and fame that are so wrapped up in the court case, and although the documentary attempts to condemn societal ills, it also imposes these on Simpson. Edelman’s depiction of Simpson’s life is vast and nuanced, but Simpson whose speaks to the viewer from prison is depicted as guilty.

In part one of the series, it fluctuates between the personal and communal when discussing Simpson’s relationship with Los Angeles. The episode displays Simpson as a USC football star who just gained immense fame for his famous “run.” His place in Los Angeles is contrasted with the average African American experience in LA. As pointed out in the last section, Los Angeles was marketed as a refuge for African Americans that ultimately did not deliver. This film presents images of poor African American families with a voice over describing, “There is no group in America for whom California has meant more than it has to the negroes. In the two decades between 1940 and 1960, while the population of all other groups in Los Angeles went up by 100 percent, the negro population went up by 600 percent.” During the voiceover, the show exhibits footage of violence against black people living in the slums of Watts and contrasts this footage with Simpson on the mostly white campus of USC. The shots set Simpson up as an outsider in the black community who was able to find a haven within CA because of his athletic ability.
In the documentary, Joe Bell defends Simpson with the statement, “He was plucked out from the black community, out of black consciousness, and he’s submerged in an all-white university.” Bell’s grammar makes Simpson passive; he’s plucked out by some force rather than consciously deciding to attend USC to escape the black community. The grammar is similar to the documentary title where O.J. is passively made rather than making himself. The documentary has moments where it acknowledges forces that “seduced” Simpson, but the footage following Bell’s statements presents counter evidence. The documentary highlights what it labels “race athletes” who received just as much fame as Simpson, but used that fame to support the civil rights movement. The documentary uses montage to cut back and forth between these race athletes like Jimmy Brown, Muhammad Ali, and Bill Russell. In a particularly damning shot sequence footage, Simpson discusses his football career with Bob Hope and the footage is juxtaposed with scenes from Martin Luther King’s death. The shots are presented in such a way that makes it look like the interview happened the same night as King’s death; Simpson is depicted as celebrating his own career rather than mourning a community icon. In these scenes Edelman takes a highly emotional historical moment and implies through the shot sequence that Simpson was so ambivalent to his communities struggle that he didn’t stop his self promotion to mourn the loss of this civil rights icon. The scene is so charged with emotion that Simpson is not portrayed as a passive victim but a flippant narcissist.

The shots take difficult social issues and condemns Simpson for his apathy towards them. This first episode is not the narrative beginning of the series, but since
The documentary is more akin to argument than narrative, it is the thesis or, in legal language, opening statement. Beginning with the shots in Lovelock, the thesis of the project is that Simpson is guilty, not necessarily for the death of Nicole Brown, but for abandoning his community. The final episode confirms this as multiple members of the black community offer testimony against Simpson. Reverend Mark Whitlock states, “That guy he should have been the model citizen. Should have been in church every week. Should have been helping kids. Instead he did more to hurt African American young men and boys.” Also, a juror from the original case claims, “Back then, we took care of our own. Now, you’re on your own, Joe.” The juror is justifying why she originally acquitted Simpson, because he was part of the community. Now she cuts him off, saying he is on his own. The documentary uses religious authority through the reverend and legal authority through the juror to condemn Simpson’s personal actions against the black community. As mentioned before, the final scene is of the Lovelock prison where Simpson served his sentence for robbery. The final images are Simpson’s jail cell with his voice over pleading that people remember the man he once was. With that a picture of Simpson as a young USC student appears on the screen as the final image in the five part series. The final scene puts Simpson in jail at the moment the documentary claims he turned his back on his community. Simpson is condemned for actions from before the murder and the burglary.

These final scenes demonstrate how the genre itself can act as the law and invoke evidence from Simpson’s personal past to convict him of what are presented as his most egregious crimes. It also suggest that in Simpson’s case the law itself condemned him for personal reasons. In part five the series covers Simpson’s trial for
armed robbery in Las Vegas. The trial is cut into a shot reverse shot sequence starting with Simpson detailing a long apology about why he was in Las Vegas and how he simply came for a wedding and to reclaim his property. The reverse shot is a medium shot of the judge, unmoved by his emotional story, literally turning her nose up at the official testimony. After, multiple people, including Carl E. Douglas of the defense and Marcia Clark of the prosecution, read this 33 year sentence as a possible backlash against his formal acquittal. Douglas states, “That was, at most, a two year crime dripping wet. The judge in that case held the jury out until 11 o’clock on a Friday night, 13 years to the day of O.J. Simpson’s verdict on October 3rd. That, in my mind, was not a coincidence.” Clark takes a less firm stance arguing that the guns are what made the 33 year sentence possible, but concedes “Did the jury hammer him because of the murder trial? Wouldn’t surprise me.” Here, through the documentary, the law is testifying against itself claiming that it was motivated by a crime Simpson legally did not commit.

The adaptation uses the form of documentary to answer the question, why does Simpson deserve to be in prison at Lovelock? The documentary argues he was put there as revenge for getting away with murder in 1994, but also that he deserves this punishment for abandoning his community and refusing to be the hero they needed. It shows how legal documentary as a genre can perform a deeply personal past as a way of mimicking the law’s authority of performing the past, but also uncovers the law as a partial judge that uses person grievances to “hammer” certain subjects. In Simpson’s second trial, the show documents the law’s exaggerated performance of Simpson’s more recent criminal past as a way of punishing him for a more distant criminal past.
Separating From the Past and Giving Authority to the Present: The Story of O.J.

Jay Z’s music video adapts multiple genres to create an argument that we should kill off past histories and stereotypes to create a dramatically new future. This is in opposition to how legal performance works as it creates authority in the past. Jay Z depicts a past that is corrupt and systematically puts blacks in America at a disadvantage. *O.J. Made in America* performs Simpson’s vast personal past to condemn him for neglecting the black community, and finally *American Crime Story* performs the past as a way of discussing the present. This is significant both because it resists the past as the source of legal authority and is counter to the historical docudrama format which grounds its narrative authority in the past.

As previously discussed in chapter 1, *American Crime Story: The People vs. O.J. Simpson* opens with original media coverage of the Rodney King beating followed by footage from the L.A. riots. Referring to my previous argument, the inclusion of Rodney King at the beginning of the series is, in one instance, an explanation for the racial divide in L.A. following these riots; on the other hand, the footage is far too similar to the current American racial divide where police footage is common, and too frequently similar to the footage of Rodney King. Chris Darden, played by actor Sterling K. Brown, emphasizes this continuous racial problem in the final episode, “The Verdict.” He addresses these lines to Johnny Cochran after losing the trial, “This isn't some civil rights milestone. Police in this country will keep arresting us, keep beating us, keep killing us. You haven't changed anything for black people here. Unless, of course, you're a famous, rich one in Brentwood.” As Darden says these lines, the viewer lives in that future he
describes, where according to the NAACP, “African Americans are incarcerated at more than 5 times the rate of whites” (NAACP Fact Sheet). Thus, by nature of the show’s topic and relevance to contemporary social issues, the viewer is invited to think about the present conditions of the law. The series is a commentary on contemporary racial tensions.

Aside from the Rodney King footage, American Crime Story primarily relies on reenactment. It is considered a docudrama which is the fusion of two forms: documentary and melodrama. In his work Real Emotional Logic, Steven Lipkin identifies the genre’s capabilities. First, docudrama relies primarily on reenactment rather than found footage. This is similar to the court case where past events are re-performed through testimony and evidence. But, the reenactment of a docudrama is different because it re-familiarize a historical event by reenacting the drama in domestic spaces. Second, docudrama creates a moral argument out of historical events. A moral arc is a feature adopted from melodrama and incorporated into the docudrama hybrid genre. Again, this is not unlike the law’s narrative which takes moments of evidence and creates a moral narrative of innocence or guilt. In the docudrama, these moral arguments are often created through imagined domestic spaces. The directors themselves admit that their purpose for creating the series is not to offer a historical view of the Simpson case, but “something profound.” In an interview with The Hollywood Reporter Nina Jacobson stated, "There is plenty of true crime stuff available on TV, but [this is about] the degree to which certain pieces come to stand for much more." Thus, by genre and admitted by producer and critic, the purpose of the show is to create a broad moral story, not about America’s past, as Jay Z
did, or about the case, but about America’s present moral issues represented by the Simpson case.

Libby Hill, a television reporter for the Los Angeles Times, summarizes the series “as the photo negative of reality television. It takes the truth and dresses it as fiction and asks us to pretend that the world it portrays is not the world we still inhabit.” In her analysis, the truth is not the truth about the past, but the truth about the present reality for the viewer. It is not a chain reaction to a new understanding of the past but a conscious dressing up of contemporary truth as the past. In the quote, the show’s narrative authority is both being questioned as she refers to the recreation of historical events as a “fiction” but also the show is deemed as “true.” This uncertainty of how to categorize the show is due to its break from fidelity to the past. In her concluding sentence, she concedes, “‘American Crime Story’ set out to tell the story of the trial but, more important, to tell the story of America as it existed at that moment. It's a recognizable place. Little has changed, even as everything has changed.” The show is ultimately praised for depicting the state of America both now and then.

In docudramas, arguments are typically warranted in the past, so creating authority by referencing the present is uncommon. Lipkin discusses that while the docudrama takes liberties in creating domestic spaces rather than relying on the more well documented moments of history, the authority of the performance still lies in the documents or the idea that these scenes are based on evidence from the past. He does acknowledge, however, that the present is marked by the performance of the past.
Markers of performance indicate to the spectator that they are viewing a performance. In other words, they remind the spectator that the performance is not “real.” In Steven Lipkin’s work on the docudrama, *Docudrama Performs the Past*, he points out that these, “markers such as star casting, feature film advertising, distribution, and exhibition remind us emphatically that docudrama performs what it recreates” (2). While acknowledging their existence, Lipkin does not acknowledge their potential power in the film’s argument. Instead, he argues that the power of docudrama comes as it “warrants its representation by performing a memory of the past” (2). For Lipkin, the unique power of the docudrama lies in what it does with the past, but he does not fully explore the possibilities for these markers of performance to propel the filmmaker’s narrative. Lipkin focuses primarily on the docudrama’s relationship to the past, but the performance of the past can combine with markers of performance to remind viewers of the present and warrant the docudrama's argument simultaneously in the past and present. These markers of the present encourage the viewer to think of the moral issues of the past in connection to the present.

Ryan Murphy, director of *American Crime Story*, uses markers of performance, such as casting and close-ups, to warrant his argument in the past and present. The show alters docudrama’s traditional recounting of a narrative past through the character Robert Kardashian as played by David Schwimmer. The casting of David Schwimmer, a highly recognizable actor from the mid-90’s early 2000’s sitcom *Friends*, already turns the narratively not yet famous Robert Kardashian into a very famous figure for the viewer.
On the other hand, David Schwimmer’s fame is associated around the same time-period as O.J. Simpson’s trial, but his aging is exaggerated with a slight weight gain and distinguished stripes of white hair to make him look more like Robert Kardashian. Through his presence, the viewer is brought back to the 90’s by nostalgia while simultaneously cognizant of the present as an aged Schwimmer returns to television. Robert Kardashian, as portrayed by David Schwimmer, is not the Robert Kardashian of the narrative past. This is not merely a star casting, but a conscious fusion of past and present to create a Robert Kardashian whose narrative role is warranted in the past and the present. As a lawyer, Kardashian becomes a synecdoche for the law itself. Thus, the show depicts law not beholden to the past for its authority.

The show consciously reminds viewers of the Kardashians’ contemporary fame. Episode three, “The Dream Team,” begins with Robert Kardashian taking his children to breakfast in the middle of the Simpson trial; the Kardashian children are played by unrecognizable actors and actresses, but the viewers understand their current lives of fame as reality TV stars. When they are seated, the shot cuts to a close-up of Robert Kardashian’s head, but the shot has reflections overlaying his face as if the shot was being taken from outside the window looking in on the Kardashians. He is made to appear the subject of paparazzi before he is famous in the historical timeline of the trial. In fact, the Kardashian household did not become the ever sought after subject of paparazzi until after Kardashian’s death. In the show, he is depicted as earnest and often naive. This earnestness, captured in a paparazzi-like shot, is one of many scenes in the series that simultaneously reminds viewers of the Kardashian’s current fame while asking
them to pretend that they are viewing the Kardashians of the past. At breakfast, Kardashian preaches, "We are Kardashians, and in this family, being a good person and a loyal friend is more important than being famous. Fame is fleeting, it's hollow. It means nothing at all without a virtuous heart." Lines like these may be the moments that prompted Libby Hill to call the show “truth dressed as fiction.” These lines only make sense for an audience who is thinking about the present Kardashian family rather than the not yet famous children. Thus, the show is creating an argument which relies on past and present knowledge.

The speech is not only ironic but absurd to a contemporary audience aware of the Kardashians’ fame. The story is about American legality now. “Little has changed, even as everything has changed.” The show, because it inserts the present into the past makes it seem as if little has changed. The Kardashians appear to the viewers as they always have, through a paparazzi shot. Yet, for the Kardashians, everything has changed. In their personal past, this was a time they could go out in public as a family and no one knew their name. Now, that would be impossible. In this scene, and in other scenes throughout the series, it denies the authority of the past and presents time as almost nonlinear. The present is not subservient to the past, but timelines can be ruptured and consolidated into one warrant that supports the show’s larger arguments. The larger arguments of the film center on law itself, its relationship to fame, its progress or lack thereof, and its ability to bring justice. By layering these realities of past and present the show presents the trial to contemporary audiences as unresolved and allows them to look at evidence from the present and their relationship to the past to reach conclusions not
about Simpson, but the legal system. The very act of manipulating authoritative time is a subversive act. In legal performance, the past is the site of its authority and it has the power to declare a narrative past as true or false when it creates the verdict. Thus, *American Crime Story*’s ability to engage the present as it claims to tell the past is an argument that the past does not have tyranny over the present and the law does not have final power or verdict.

As the show creates an argument against the ultimate authority of the law as warranted in the past, it creates verdicts of its own as compelled by the moral arc described Lipkin. Like Cochran’s and Jay Z’s recounting of the trial, it presents a new version of the trial by altering the authority of past and invites viewers to move toward justice. Lipkin explains the hybrid form of melodrama plus documentary allows for the use of melodramatic forms to deliver the docudrama’s ultimate moral judgments. It creates this moral judgment through depictions of domestic life “caught up in a straining, destructive world of social power” (Lipkin 5). Like the scene of the Kardashians at breakfast, these domestic scenes offer narrative space to shape a moral argument. Lipkin compares these domestic scenes with “actual” or documented scenes, “While the actuality the work recreates may show the exercise of right and wrong thrown into jeopardy, the treatment of actual people, incidents, and events in the docudrama ultimately allow a literal moral ‘re-familiarization’ a restoration of a moral system in the universe.” Typically, the combination of the actual and the domestic result in moral systems “recovered and restored” (Lipkin 5). In the case of *The People v. O.J. Simpson,*
the law should be the force that restores morality, but, as noted in chapter one with the
Bible's displacement, the show leaves the system in chaos.

**Genre in an Instance**

Jason Mittell said of studying genre, “Genre definitions are always partial and
contingent, emerging out of specific cultural relations, rather than abstract textual
ideals...The goal of studying media genres is not to make broad assertions about the genre
as a whole but to understand how genres work within specific instances and how they fit
into larger systems of cultural power” (22). The assertions made in this chapter about
how documentary, music video, and docudrama interact with the legal system are unique
to these particular examples and are primarily focused on examining how legal authority
is performed through time and how the genres manipulate that time. They all show what
Mittell calls for, an interaction with a larger system of power. I don’t think it is possible,
or wise to identify how all legal adaptations in music videos should look, but
understanding how a music video typically looks helps make sense of artistic decisions
and understand how the form provides opportunities for legal performance.
CONCLUSION

Master of None

In Aziz Ansari's Netflix series *Master of None* the episode “Thanksgiving” is the coming out story of Aziz’s friend Denise. The story is told through a series of Thanksgiving dinners beginning in 1995. As the first Thanksgiving dinner begins, the prayer is cut short with the following conversation about the Simpson case,

Joyce: Can we please talk about O.J.?

Ernestine: I don't know what we gonna talk about. He didn't do it.

Denise: What about all that blood? How you know, Grandma?

Ernestine: 'Cause I just know.

Catherine: Ooh, if Nicole was black, we wouldn't even be talking about this.

Ernestine: I know that's right.

Joyce: Honey, they are always trying to take down our black icons.

When I saw this episode, I had already selected the Simpson case as the subject of my thesis and thought, there he is again. When Jay Z’s *The Story of O.J.* and the accompanying music video were released I couldn’t believe it. O.J. suddenly was everywhere. As the shows became more popular and Simpson came up for parole, conversations like the one depicted in the "Thanksgiving" episode started happening all around me. Friends were casually discussing the "new" things they learned about the Simpson case as they watched the shows.

Throughout my project, I have struggled to control and contain Simpson: the
person, the myth, the court case, the phenomenon. There is so much to be said about Simpson, and my project offers a very small window into three contemporary depictions of him. This work cannot possibly tackle even the single five-part documentary let alone the iconic myth of the Simpson case and all its contemporary relevance.

My thesis focuses more on how to approach these cases in a new way rather than offering an exhaustive reading on why they have re-emerged in the national consciousness. However, I think it is precisely the fact that there is so much to uncover about Simpson and that he seems to suddenly be everywhere that law and film must engage with film theory to fully understand the shape the law is taking in these adaptations and similar projects which have been released and are in production. Jay Z recently released a trailer to a documentary he produced about Trayvon Martin and American Crime story has already scheduled a third season depicting the legal dramas surrounding Hurricane Katrina.

The “Thanksgiving” episode from Master of None helps make sense of why these shows are coming and will keep coming. After the first Thanksgiving with the Simpson discussion, the next vignette depicts Thanksgiving a few years later where Denise comes out to her friend Dev. When Dev asks Denise if she’s going to tell her mother, Denise says no and explains why coming out is harder for black people, “So everything’s a contest for us, and your kids are like trophies. Me being gay is like tarnishing her trophy.” When she talks about being a trophy it is reminiscent of Simpson’s Heisman trophy. Both trophies exemplify racial pressures in America as expressed by Jay Z's music video: the idea that black populations must fight against racial
stereotypes to win or earn their place. As the episode "Thanksgiving" continues, each episode reveals a different stage of Denise’s coming out process as well as alludes to another court case. At one Thanksgiving dinner, they discuss an Indian Grandpa, Sureshai Patel, a 57-year-old who went to visit his son in Alabama and was approached by two police officers who attempted to pat him down. When he refused they knocked him to the ground which partially paralyzed Patel. Over a different Thanksgiving dinner, Denis discusses Sandra Bland, a black woman found dead in her jail cell days after being arrested for a traffic violation. "Thanksgiving" illustrates that these court cases are about identity and about bodies. Denis understands her identity as black and gay partially through these conversations about court cases. Furthermore, the examples used illuminate how the law is always about physical bodies. In all of the cases discussed in Master of None, the law is connected to the destruction of black bodies. American Crime Story and O.J.: Made In America display this destruction through the Rodney King Footage. Darden’s words from American Crime Story are played out in Thanksgiving, “They will continue to kill us,” and Jaybo's death in The Story of O.J. depict that killing. The destruction of the body is connected to the cultural identity assigned to it by the law.

As reviews came out about American Crime Story and O.J. Made in America critics continually referred to a broken body, comparing watching the shows to looking at a “tenuously bound wound” explaining how “it touched every exposed nerve in the American body politic” (Holmes). I do not claim that studying legal adaptations can mend black bodies that have been harmed by state violence, or that it can heal the American body politic; however, I do take comfort in adaptation theorist Linda
Hutcheon’s statement, “To be first is not to be originary or authoritative” (iv). As American viewers find value in the replica and legal authority in the second, the law as a societal force becomes accessible to the public. It becomes less domineering and becomes a tool that can be used to build new worlds. As the law is subverted through film, its constructedness is laid bare and in films like the Simpson adaptations, it asks to be reconstructed into a more equitable system.


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Melina Matsoukas, Netflix, 2017.
