

## FUNNY OR NO LAUGHING MATTER?: HOW TELEVISION VIEWERS INTERPRET SATIRES OF LEGAL THEMES

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### INTRODUCTION

Research demonstrates that television plays a part in both cultivating public opinion about the law and constructing legal culture.<sup>1</sup> As scholars contemplate the contours of this influence, they have begun to look beyond traditional law dramas and factual programming to other genres. One genre that has recently attracted attention is comedy.<sup>2</sup>

As television satires have risen in popularity, scholars in a

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1. See, e.g., Kimberlianne Podlas, "The CSI Effect": Exposing the Media Myth, 16 *FORDHAM INTELL. PROP. MEDIA & ENT. L.J.* 429, 443-44 (2006) [hereinafter Podlas, *CSI Effect*]; Kimberlianne Podlas, *Please Adjust Your Signal: How Television's Syndicated Courtrooms Bias Our Juror Citizenry*, 39 *AM. BUS. L.J.* 1, 15-21 (2001) [hereinafter Podlas, *Syndicated Bias*]; Richard K. Sherwin, *Nomos and Cinema*, 48 *UCLA L. REV.* 1519, 1539 (2001).

2. Laura E. Little, *Regulating Funny: Humor and the Law*, 94 *CORNELL L. REV.* 1235, 1236-37 (2009); Kimberlianne Podlas, *Homerus Lex: Investigating American Legal Culture Through the Lens of "The Simpsons,"* 17 *SETON HALL J. SPORTS & ENT. L.* 93, 95-96 (2008) (arguing that television's humorous portrayals of the law deserve study and contribute to the public's respect for the law); Marc Galanter, *Changing Legal Consciousness in America: The View from the Joke Corpus*, 23 *CARDOZO L. REV.* 2223, 2237-38 (2002); Patricia Ewick & Susan S. Silbey, *No Laughing Matter: Humor and Contradictions in Stories of Law*, 50 *DEPAUL L. REV.* 559, 560 (2000); see also WILLIAM HALTOM & MICHAEL MCCANN, *DISTORTING THE LAW: POLITICS, MEDIA, AND THE LITIGATION CRISIS* 19, 24-25 (William M. O'Barr & John M. Conley eds., 2004) (arguing that comedians and folk humor contribute to social constructions of the law).

variety of fields have begun considering whether these shows impact audience perceptions of and cynicism toward our political and legal institutions. In fact, these shows are particularly salient to young adults. Although few in that audience watch the evening news, many of them tune into *The Daily Show with Jon Stewart* (“*The Daily Show*”), *Saturday Night Live*, or *The Simpsons*.<sup>3</sup> Echoing this interest in humor, legal scholars and practitioners have been debating the propriety and use of humor in appellate opinions<sup>4</sup> and by trial lawyers,<sup>5</sup> as well as the contribution of lawyer jokes to the public’s perception of the profession.<sup>6</sup> They question whether such comedic inflection enhances the public’s comprehension of legal issues or undermines respect for the law.

Consequently, the impact and efficacy of television satires have been the subject of considerable debate. Although both television and humor possess potential to impact audiences, their impact depends on a number of factors and is not always self-evident.<sup>7</sup> On the one hand, humor can increase audience attention, receptiveness, and positive response to a message; on the other hand, satire’s style of saying one thing but meaning another can confound the underlying message or backfire. Additionally, different audiences sometimes comprehend television depictions in different ways or perceive content differently depending on the comic frame used. Furthermore, since law is outside of the average viewer’s expertise, embedding legal themes in a television program raises additional issues. Although individuals versed in the law can translate legal narratives and recognize their degree

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3. Jody C. Baumgartner & Jonathan S. Morris, *One “Nation,” Under Stephen?: The Effects of The Colbert Report on American Youth*, 52 J. BROADCASTING & ELECTRONIC MEDIA 622, 624 (2008).

4. Marshall Rudolph, Note, *Judicial Humor: A Laughing Matter?*, 41 HASTINGS L.J. 175, 175–79 (1989).

5. Whitney Meers, Note, *The Funny Thing About Mediation: A Rationale for the Use of Humor in Mediation*, 10 CARDOZO J. CONFLICT RESOL. 657, 660 (2009) (positing that the use of humor in the law is an emerging field that deserves more attention); Galanter, *supra* note 2, at 2223; Marc Galanter, *Farther Along*, 33 LAW & SOC’Y REV. 1113, 1119 (1999).

6. Galanter, *supra* note 5, at 1119; Galanter, *supra* note 2, at 2223; Kimberlianne Podlas, *Respect My Authority!:* South Park’s *Expression of Legal Ideology and Contribution to Legal Culture*, 11 VAND. J. ENT. & TECH. L. 491, 497 (2009); see generally MARC GALANTER, *LOWERING THE BAR: LAWYER JOKES AND LEGAL CULTURE* 6 (2005).

7. Podlas, *supra* note 6, at 511–13.

of authenticity, general viewers cannot be expected to do so in the same way or with the same level of interest. Therefore, communicating a legal issue through satire might increase a viewer's attention or make the viewer more receptive to a legal message, thereby aiding his or her understanding. Alternatively, satire could cause a viewer to misinterpret the underlying message. For example, humor's exaggeration of reality, in pursuit of a punch line, might reinforce incorrect, negative stereotypes about the justice system, while joking about a legal issue might diminish the audience's perception of its importance.

Guided by recent research on television satire and extending legal scholarship that explores the impact of television on legal culture, this Article contemplates television's use of satire to communicate legal themes. To provide the foundation for this inquiry, this Article outlines research on television effects, the use of satire in political and legal discourse, and cognitive processing of humorous messages (propounded by the Elaboration Likelihood Model). This Article then extrapolates studies regarding the ways and circumstances under which television satire, such as *The Colbert Report* and *The Daily Show*, improves or impedes viewers' understandings of political and legal issues. In doing so, it asserts that understanding the relationship between television satire and the public's perception of legal issues demands that scholarship go beyond theorizing what a program conveys or positing its influence. Rather, it also requires building a base of empirical evidence regarding how viewers actually understand these programs and their component legal themes, and whether humor enhances, impedes, or mediates comprehension of that content.

To that end, this Article includes an empirical study of how viewers understand legal issues presented in television satire. The study investigated viewer interpretations of law-related episodes from the popular animated satire *Family Guy*. The results suggest that, while young adults identify and extract information about legal issues from this program, television satire poses cognitive risks. Specifically, if a humorous message is unclear, or if the episode presents information on both sides of an issue, viewers might misinterpret the message. In fact, rather than aiding a viewer's comprehension, it might hinder it, reinforcing preexisting personal opinions or, unwittingly, endorsing that

which it seeks to subject to scrutiny.

## I. THE PUBLIC'S PERCEPTION OF THE LAW

In a democratic society such as the United States,<sup>8</sup> law's power rests on more than institutional coercion and threat of sanction.<sup>9</sup> It also rests on the public's<sup>10</sup> respect for the law and its belief in the law's legitimacy.<sup>11</sup> When people regard an authority such as the law to be legitimate,<sup>12</sup> they are willing to validate its decisions and abide by its rules.<sup>13</sup> Thus, they voluntarily comply with its directives and in doing so both consent to and contribute to its authority.<sup>14</sup> By contrast, when people do not respect a putative authority, its power dissipates.<sup>15</sup> Consequently, cultivating respect for the law and its institutions promotes justice.<sup>16</sup> This requires that

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8. Inasmuch as it expresses democratic ideals and choices, law is the vehicle by which democracy operates. Karen M. Gebbia-Pinetti, *Statutory Interpretation, Democratic Legitimacy, and Legal-System Values*, 21 SETON HALL LEGIS. J. 233, 265 (1997).

9. *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 865 (1992) (explaining that the law cannot coerce obedience or purchase respect for the institution); Tom R. Tyler, *Legitimacy and Criminal Justice: The Benefits of Self-Regulation*, 7 OHIO ST. J. CRIM. L. 307, 313 (2009) (explaining that successful institutions use more than brute force to execute their will).

10. See Richard K. Sherwin, *Picturing Justice: Images of Law & Lawyers in the Visual Media*, 30 U.S.F. L. REV. 891, 898 (1996) (noting that the public contributes to the law's power); Gebbia-Pinetti, *supra* note 8, at 240–41; Victoria S. Salzmann & Philip T. Dunwoody, *Prime-Time Lies: Do Portrayals of Lawyers Influence How People Think About the Legal Profession?*, 58 SMU L. REV. 411, 414 (2005) (explaining that the law has only as much power as society gives it).

11. *Casey*, 505 U.S. at 865; Richard H. Fallon, Jr., *Legitimacy and the Constitution*, 118 HARV. L. REV. 1787, 1848–52 (2005) (arguing that the power of the legal system rests on its legitimacy).

12. An authority possesses “legitimacy” when people voluntarily feel obligated to obey it. TOM R. TYLER, *WHY PEOPLE OBEY THE LAW* 26 (1990). For a discussion of the nuances of “legitimacy,” see Fallon, *supra* note 11, at 1789–92.

13. See Tyler, *supra* note 9, at 313; Fallon, *supra* note 11, at 1792–73 (noting that the public's acceptance of the authority of the Constitution underlies its legal legitimacy); *Casey*, 505 U.S. at 865 (positing that the public's acceptance of the Court as fit to determine what the law means and what it demands underlies the Court's power and legitimacy).

14. See Gebbia-Pinetti, *supra* note 8, at 236 (discussing the democratic legitimacy of courts); Fallon, *supra* note 11, at 1796–97 (discussing public acquiescence to the law); Tyler, *supra* note 9, at 313; Sherwin, *supra* note 10, at 898.

15. Tyler, *supra* note 9, at 307, 312–13.

16. See Judith S. Kaye, Chief Judge, State of N.Y., *Rethinking Traditional Approaches*, Address at the American Bar Association Symposium: Public Perception and Understanding of the Justice System (Feb. 1999), in 62 ALB. L. REV. 1491, 1493

citizens have some basic understanding of the law and the legal system.<sup>17</sup> Without this foundation, citizens can neither appreciate the role of these institutions<sup>18</sup> nor believe that their results are just.<sup>19</sup>

Citizens obtain their knowledge in many ways. While some learn about the law firsthand as jurors or litigants,<sup>20</sup> others learn about it from secondary sources such as television.<sup>21</sup> In fact, research reveals that most of what people know—or think they know—about the law comes from television.<sup>22</sup> It is, therefore, important to ascertain not only what television communicates about the law, but also how the public interprets it and integrates it into its perceptions of the law.<sup>23</sup>

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(1999); see generally William G. Young, *A Lament for What Was Once and yet Can Be*, 32 B.C. INT'L & COMP. L. REV. 305, 310 (2009).

17. Podlas, *Syndicated Bias*, *supra* note 1, at 15–21.

18. See Lindsay H. Hoffman & Tiffany L. Thomson, *The Effect of Television Viewing on Adolescents' Civic Participation: Political Efficacy as a Mediating Mechanism*, 53 J. BROADCASTING & ELECTRONIC MEDIA 3, 3 (2009); John Brigham, *Representing Lawyers: From Courtrooms to Boardrooms and TV Studios*, 53 SYRACUSE L. REV. 1165, 1169 (2003) (noting that people must have a sense of what to expect from the law); Bruce M. Selya, *The Confidence Game: Public Perceptions of the Judiciary*, 30 NEW ENG. L. REV. 909, 913 (1996).

19. Gebbia-Pinetti, *supra* note 8, at 252; cf. Flood v. Kuhn, 407 U.S. 258, 293 n.4 (1972) (Marshall, J., dissenting) (concluding that a decision contrary to the public's sense of justice diminishes respect for the courts and the law). Law is not confined to statutes, appellate decisions, or even reality but includes what society believes the law to be. Kimberlianne Podlas, *The Tales Television Tells: Understanding the Nomos Through Television*, 13 TEX. WESLEYAN L. REV. 31, 33 (2006). Therefore, to some degree, law is essentially our understanding of it. See RICHARD K. SHERWIN, WHEN LAW GOES POP: THE VANISHING LINE BETWEEN LAW AND POPULAR CULTURE 5 (2000); Salzmann & Dunwoody, *supra* note 10, at 415.

20. Kimberlianne Podlas, *Broadcast Litigiousness: Syndi-Court's Construction of Legal Consciousness*, 23 CARDOZO ARTS & ENT. L.J. 465, 485–86 (2005).

21. See Kimberlianne Podlas, "I'm a Politician, but I Don't Play One on TV": Applying the "Equal Time" Rule (Equally) to Actors-Turned-Candidates, 20 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 165, 171–74 (2009) (explaining that television is the primary means by which Americans learn about the legal system); David Ray Papke, *The Impact of Popular Culture on American Perceptions of the Courts*, 82 IND. L.J. 1225, 1225–31 (2007); Elliot E. Slotnick, *Television News and the Supreme Court: A Case Study*, 77 JUDICATURE 21, 22 (1993) (concluding that a majority of the public obtains its information about law from television).

22. See Podlas, *CSI Effect*, *supra* note 1, at 443–44; Connie L. McNeely, *Perceptions of the Criminal Justice System: Television Imagery and Public Knowledge in the United States*, 3 J. CRIM. JUST. & POPULAR CULTURE 1 (1995) (noting that the public's knowledge of the criminal justice system derives from television viewing).

23. See Papke, *supra* note 21, at 1233–34; TIMOTHY O. LENZ, CHANGING IMAGES OF LAW IN FILM & TELEVISION CRIME STORIES 12–13 (2003) (discussing visual mass media's impact on the public's attitudes and behaviors); Austin Sarat, *Exploring the*

### A. Television's Impact

Television's impact on American society is tremendous.<sup>24</sup> As our most pervasive medium,<sup>25</sup> television is our primary encyclopedia of factual<sup>26</sup> and ideological information;<sup>27</sup> as our common storyteller, it is our cultural mediator of information, telling us what that information means and what is important.<sup>28</sup> As a result, television helps cultivate public opinion<sup>29</sup> and guides the way that people think about issues.<sup>30</sup>

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*Hidden Domains of Civil Justice: "Naming, Blaming, and Claiming" in Popular Culture*, 50 DEPAUL L. REV. 425, 450 (2000).

24. See Victoria S. Salzmann, *Honey, You're No June Cleaver: The Power of "Dropping Pop" to Persuade*, 62 ME. L. REV. 241, 243 (2010); Podlas, *supra* note 21, at 171; Podlas, *supra* note 6, at 496–98; Lisa Colletta, *Political Satire and Postmodern Irony in the Age of Stephen Colbert and Jon Stewart*, 42 J. POPULAR CULTURE 856, 866 (2009); George Gerbner et al., *Growing up with Television: Cultivation Processes*, in MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH 43, 44 (Jennings Bryant & Dolf Zillmann eds., 2d ed. 2002).

25. Kimberlianne Podlas, *Guilty on All Accounts: Law & Order's Impact on Public Perception of Law and Order*, 18 SETON HALL J. SPORTS & ENT. L. 1, 2 (2008); Cary W. Horvath, *Measuring Television Addiction*, 48 J. BROADCASTING & ELECTRONIC MEDIA 378, 380 (2004); L.J. Shrum, *Effects of Television Portrayals of Crime and Violence on Viewers' Perceptions of Reality: A Psychological Process Perspective*, 22 LEGAL STUD. F. 257, 267 (1998).

26. See Podlas, *supra* note 25, at 9–14 (describing television's impact on public's perception of and knowledge about law); Yan Bing Zhang & Jake Harwood, *Television Viewing and Perceptions of Traditional Chinese Values Among Chinese College Students*, 46 J. BROADCASTING & ELECTRONIC MEDIA 245, 245 (2002); Sonia Livingstone, *Mediated Knowledge: Recognition of the Familiar, Discovery of the New*, in TELEVISION AND COMMON KNOWLEDGE 91, 97 (Jostein Gripsrud ed., 1999) (concluding that television is a primary source of cultural information).

27. See Podlas, *supra* note 25, at 3–4, 43; Podlas, *supra* note 6, at 501–02; Podlas, *supra* note 19, at 39; LENZ, *supra* note 23, at 12–13.

28. See Nancy Signorielli, *Aging on Television: Messages Relating to Gender, Race, and Occupation in Prime Time*, 48 J. BROADCASTING & ELECTRONIC MEDIA 279, 279–80 (2004) (asserting that television tells most people most of the stories most of the time); George Gerbner et al., *supra* note 24, at 44; Sherwin, *supra* note 10, at 892; R. Lance Holbert et al., *Political Implications of Prime-Time Drama and Sitcom Use: Genres of Representation and Opinions Concerning Women's Rights*, 53 J. COMM. 45, 57 (2003) (noting that television focuses society on issues); Donald D. Diefenbach & Mark D. West, *Violent Crime and Poisson Regression: A Measure and a Method for Cultivation Analysis*, 45 J. BROADCASTING & ELECTRONIC MEDIA 432, 432 (2001); Rebecca M. Chory-Assad & Ron Tamborini, *Television Doctors: An Analysis of Physicians in Fictional and Non-Fictional Television Programs*, 45 J. BROADCASTING & ELECTRONIC MEDIA 499, 500 (2001); W. James Potter & Ik Chin Chang, *Television Exposure Measures and the Cultivation Hypothesis*, 34 J. BROADCASTING & ELECTRONIC MEDIA 313, 328–31 (1990).

29. For example, studies show that when television devotes a great deal of attention to an issue, viewers will judge that issue as important. MELVIN L. DEFLEUR & SANDRA J. BALL-ROKEACH, THEORIES OF MASS COMMUNICATION 264–65 (5th ed.

In this regard, television's impact is seldom immediate and direct<sup>31</sup> but rather is cumulative and subtle. Most theories explaining the relationship between television and viewer beliefs rest on cultivation theory.<sup>32</sup> According to cultivation theory, heavy, long-term exposure to television's imagery creates in viewers, attitudes and perceptions of reality that are consistent with this imagery.<sup>33</sup> "[C]ultivation is a subtle, cumulative influence," not a direct, immediate one.<sup>34</sup> In other words, cultivation theory does not hypothesize that a viewer who sees a television episode celebrating vigilante justice will mimic that behavior by running out and killing criminals. Rather, it supposes that a viewer who constantly sees a representation on television will presume that this representation is common in the real world.<sup>35</sup> For example, if an individual constantly watches television and sees a great deal of violence depicted,<sup>36</sup> the viewer will presume that

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1989); see also R. Lance Holbert et al., *Environmental Concern, Patterns of Television Viewing, and Pro-Environmental Behaviors: Integrating Models of Media Consumption and Effects*, 47 J. BROADCASTING & ELECTRONIC MEDIA 177, 179–80 (2003) (citing studies that news media's attention to an issue influences whether the public believes the issue is salient).

30. See Linus Abraham, *Effectiveness of Cartoons as a Uniquely Visual Medium for Orienting Social Issues*, 11 JOURNALISM COMM. MONOGRAPHS 117, 120 (2009); Julia R. Fox et al., *No Joke: A Comparison of Substance in The Daily Show with Jon Stewart and Broadcast Network Television Coverage of the 2004 Presidential Election Campaign*, 51 J. BROADCASTING & ELECTRONIC MEDIA 213, 214 (2007); Mira Sotirovic, *How Individuals Explain Social Problems: The Influences of Media Use*, 53 J. COMM. 122, 132 (2003); Yariv Tsfati, *Does Audience Skepticism of the Media Matter in Agenda Setting?*, 47 J. BROADCASTING & ELECTRONIC MEDIA 157, 158–59 (2003).

31. DEFLEUR & BALL-ROKEACH, *supra* note 29, at 163–66.

32. See Kimberlianne Podlas, *The "CSI Effect" and Other Forensic Fictions*, 27 LOY. L.A. ENT. L. REV. 87, 98–101 (2007); Steven Eggermont, *Television Viewing, Perceived Similarity, and Adolescents' Expectations of a Romantic Partner*, 48 J. BROADCASTING & ELECTRONIC MEDIA 244, 248 (2004); Gerbner et al., *supra* note 24, at 43–67.

33. See Robert K. Goidel et al., *The Impact of Television Viewing on Perceptions of Juvenile Crime*, 50 J. BROADCASTING & ELECTRONIC MEDIA 119, 124 (2006); Michael Morgan & James Shanahan, *The State of Cultivation*, 54 J. BROADCASTING & ELECTRONIC MEDIA 337, 339 (2010); Hyung-Jin Woo & Joseph R. Dominick, *Acculturation, Cultivation, and Daytime TV Talk Shows*, 80 JOURNALISM & MASS COMM. Q. 109, 110 (2003); see generally Jonathan Cohen & Gabriel Weimann, *Cultivation Revisited: Some Genres Have Some Effects on Some Viewers*, 13 COMM. REP. 99 (2000).

34. Kimberlianne Podlas, *Impact of Television on Cross-Examination and Juror "Truth"*, 14 WIDENER L. REV. 479, 497 (2009).

35. See *id.*

36. The first cultivation studies considered the connection between heavy television viewing and beliefs about violence and crime. Numerous content analyses of network television demonstrated and continue to demonstrate that the number of violent acts

society is violent.<sup>37</sup> Likewise, if an individual regularly sees reality courtroom judges yell at litigants, the viewer will assume that judges typically yell at litigants.<sup>38</sup>

In part, this is because television increases the cognitive accessibility of certain information—namely, the information broadcasted. When people make judgments, they use cognitive shortcuts, such as relying on the information that is easiest to recall, most recently acquired, or seemingly common.<sup>39</sup> The more often one is exposed to an example, the easier that example is to recall.<sup>40</sup> Thus, the more one watches television, the more one will come into contact with and reference television's examples.<sup>41</sup> Indeed, in assessing issues, the public places more emphasis on the information that television news programs broadcast most frequently.<sup>42</sup>

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and crimes on television greatly exceeded that in the real world. Chris Segrin & Robin L. Nabi, *Does Television Viewing Cultivate Unrealistic Expectations About Marriage?*, 52 J. COMM. 247, 249 (2002). Thus, cultivation theory posited that heavy viewers would have exaggerated beliefs about the amount of violence in society. Potter & Chang, *supra* note 28, at 314–15. Consistent with this hypothesis, research found that heavy television viewers both overestimated the incidence of serious crime in society and harbored numerous inaccurate beliefs about crime and law enforcement. Morgan & Shanahan, *supra* note 33, at 339.

37. Morgan & Shanahan, *supra* note 33, at 339. Ultimately, these perceptions can mature into attitudes about legal policies. For instance, a viewer who is fearful or believes society is unsafe might be more willing to favor punitive sanctions for criminals. David Morley, *Finding Out About the World from Television News: Some Difficulties*, in TELEVISION AND COMMON KNOWLEDGE, *supra* note 26, at 136–46; see generally R. Lance Holbert et al., *Fear, Authority, and Justice: Crime-Related TV Viewing and Endorsements of Capital Punishment and Gun Ownership*, 81 JOURNALISM & MASS COMM. Q. 343 (2004) (discussing capital punishment and handgun ownership).

38. Podlas, *supra* note 20, at 487–93; Podlas, *supra* note 19, at 49–54.

39. Sara Sun Beale, *The News Media's Influence on Criminal Justice Policy: How Market-Driven News Promotes Punitiveness*, 48 WM. & MARY L. REV. 397, 444 (2006). Additionally, because of the nature of television, its examples are relatively simple and concrete, making them easy to recall. Sandra Braman, *The Ideal V. the Real in Media Localism: Regulatory Implications*, 12 COMM. L. & POL'Y 231, 251–52 (2007). Not only does this potentiate them as heuristics, but it also makes heavy viewers more likely to rely on them when making judgments. L.J. Shrum, *Magnitude of Effects of Television Viewing on Social Perceptions Vary as a Function of Data Collection Method*, 31 ADVANCES CONSUMER RES. 511, 511–13 (2004).

40. Furthermore, the easier something is to recall the more common we will think it is, which self-validates the heuristic. Beale, *supra* note 39, at 441–46.

41. L.J. Shrum, *Media Consumption and Perceptions of Social Reality: Effects and Underlying Processes*, in MEDIA EFFECTS, *supra* note 24, at 69, 78–79; Shrum, *supra* note 39, at 511–13.

42. See Maxwell McCombs & Amy Reynolds, *News Influence on Our Pictures of the World*, in MEDIA EFFECTS, *supra* note 24, at 1, 14. Moreover, upon recalling

Similarly, television plays a role in heuristic processing.<sup>43</sup> Heuristics are informational vignettes that serve as mental rules of thumb.<sup>44</sup> Essentially, our minds accumulate sets of scenarios, along with their meanings and outcomes, and distill them into decision-making rules<sup>45</sup>—such as, experts can be trusted or only guilty people run from the police.<sup>46</sup> Television's stories provide such scenarios and meanings that we integrate cognitively as heuristics.<sup>47</sup>

Just as television's images can cultivate perceptions, the frameworks it uses to present information can impact the way that people understand a message.<sup>48</sup> Studies have shown that, when television consistently frames an issue in a particular way, audiences tend to adopt that frame in thinking about the issue.<sup>49</sup> For example, if television frames product liability suits in terms of greedy plaintiffs with frivolous claims rather than businesses profiting at the expense of consumer safety, then viewers will consider tort litigation and tort reform in terms of undeserving plaintiffs and victimized businesses.<sup>50</sup> Similarly, if television evaluates political candidates in terms of experience versus change, then viewers will assess candidates with regard to their experience or ability to foment change.<sup>51</sup> Although the frame

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information, people typically do not differentiate fictional from nonfictional sources. Richard K. Sherwin, *A Manifesto for Visual Legal Realism*, 40 LOY. L.A. L. REV. 719, 729 (2007). Ironically, because people generally are less motivated to process fictional (as opposed to factual) information systematically, facts can seem more "factual" the more fictionalized they become. *Id.*

43. Shrum, *supra* note 25, at 257.

44. Samuel S. Wineburg, *Historical Problem Solving: A Study of the Cognitive Processes Used in the Evaluation of Documentary and Pictorial Evidence*, 83 J. EDUC. PSYCHOL. 73, 77 (1991).

45. Podlas, *supra* note 34, at 498.

46. By distilling knowledge into an orderly and predictable set of scenarios, heuristics help people process information quickly and draw inferences about events. Sherwin, *supra* note 10, at 892, 897.

47. Shrum, *supra* note 25, at 257.

48. See Neal R. Feigenson, *The Rhetoric of Torts: How Advocates Help Jurors Think About Causation, Reasonableness, and Responsibility*, 47 HASTINGS L.J. 61, 87–89 (1995); McCombs & Reynolds, *supra* note 42, at 10–11.

49. See Kathryn Stanchi, *Persuasion: An Annotated Bibliography*, 6 J. ASS'N LEGAL WRITING DIRECTORS 75, 82 (2009); Sotirovic, *supra* note 30, at 132 (explaining that television leads people to adopt frameworks in thinking about issues).

50. See HALTOM & MCCANN, *supra* note 2, at 19, 24–25; Feigenson, *supra* note 48, at 87–89; McCombs & Reynolds, *supra* note 42, at 10–11; Sotirovic, *supra* note 30, at 132.

51. Michael X. Delli Carpini, *Mediating Democratic Engagement: The Impact of*

does not tell the viewer what conclusion to draw (i.e., which candidate to vote for or what policy to favor), it provides a lens through which a viewer can examine a given issue. In doing so, it facilitates some interpretive constructions over others, which, in turn, leads to particular conclusions.<sup>52</sup> As a result, television's frames can affect viewer judgments.<sup>53</sup>

### *B. Television's Impact on the Law*

Television's impact on legal culture is equally significant. Consistent with scholarship on television in general, research suggests that television programming can influence the public's opinion about the justice system<sup>54</sup> and its perception of legal issues.<sup>55</sup> Moreover, because most people lack the personal experience necessary to contextualize television's representations, a program's trustworthiness is enhanced, allowing the media's message to take on a life of its own.<sup>56</sup>

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*Communications on Citizens' Involvement in Political and Civic Life*, in HANDBOOK OF POLITICAL COMMUNICATION RESEARCH 395, 417–21 (Lynda Lee Kaid ed. 2004) (noting that television can shape the political issues viewers think about).

52. Young Mie Kim & John Vishak, *Just Laugh! You Don't Need to Remember: The Effects of Entertainment Media on Political Information Acquisition and Information Processing in Political Judgment*, 58 J. COMM. 338, 338–42 (2008). For example, we may debate the merits of tax breaks for businesses or whether they trickle down and lead to jobs, but we debate that issue from a theoretical groundwork of capitalism. The frame chosen depends on the agenda of the media organization. Kimberly A. Blessing & Joseph J. Marren, *Bullshit and Political Spin: Is the Medium the Massage?*, in THE DAILY SHOW AND PHILOSOPHY 133, 139 (Jason Holt ed., 2007). The frame, however, might be inaccurate, obscure issues, or privilege certain interests. Kimberlianne Podlas, *The Moral of the Story . . . Musical Artists Must Protect Their Own Rights in Digital Music*, 10 WAKE FOREST INTELL. PROP. L.J. 265, 266–68 (2010).

53. See, e.g., Podlas, *supra* note 6, at 499–502; LaVonda N. Reed-Huff, *Offensive Political Speech from the 1970s to 2008: A Broadcaster's Moral Choice*, 8 MD. L.J. RACE, RELIGION, GENDER & CLASS 241, 244 (2008); Holbert et al., *supra* note 28, at 57; Podlas, *supra* note 25, at 1.

54. See Sherwin, *supra* note 42, at 724; Podlas, *CSI Effect*, *supra* note 1, at 443–44; Podlas, *supra* note 25, at 11–14; Podlas, *supra* note 19, at 39; see also Steve Vanderheiden, *America (the Book): Textbook Parody and Democratic Theory*, in THE DAILY SHOW AND PHILOSOPHY, *supra* note 52, at 205, 205–15 (discussing how television's stories help the public respect and understand law); Symposium, *American Bar Association Report on Perceptions of the U.S. Justice System*, 62 ALB. L. REV. 1307, 1315 (1999) (concluding that television “can and does impact some people's knowledge” of the law and legal system).

55. See Steven Keslowitz, Note, *The Simpsons, 24, and the Law: How Homer Simpson and Jack Bauer Influence Congressional Lawmaking and Judicial Reasoning*, 29 CARDOZO L. REV. 2787, 2789 (2008); Podlas, *supra* note 25, at 9–14, 43 (describing television's impact on the public's perception and knowledge of the law).

56. See HALTOM & MCCANN, *supra* note 2, at 11; Podlas, *CSI Effect*, *supra* note 1,

Indeed, law is not only the rules proper, but also what society understands those rules to be.<sup>57</sup>

In some instances, the prevalence of certain stories—whether factual or fictional—cultivates opinions about the trustees of the legal system.<sup>58</sup> For example, empirical evidence has shown that the way television portrays judges can influence the way that the public expects judges to behave.<sup>59</sup> Similarly, whether television portrays fictional attorneys as ethical or unethical in their actions appears to contribute to the public's belief about whether attorneys are ethical, as well as whether particular behaviors are ethical.<sup>60</sup> Furthermore, the particular stories highlighted on television can influence the public's perception of what legal issues are in need of reform.<sup>61</sup>

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at 445 (concluding that television depictions attain enhanced authority); Salzmann & Dunwoody, *supra* note 10, at 418–19. This is a function of media dependence. Podlas, *CSI Effect*, *supra* note 1, at 445 n.111. According to media dependency theory, media control information resources. *Id.* When people lack direct information or experience, they look to media to supply that information, hence, are dependent on media to fill informational voids. *See* Abraham, *supra* note 30, at 120; Fox et al., *supra* note 30, at 213–14.

57. Podlas, *supra* note 19, at 33.

58. *See id.* at 39; Podlas, *supra* note 25, at 11–14; JONATHAN GRAY, TELEVISION ENTERTAINMENT 145–46 (2008) (presuming that fictional dramas impact public's understanding of the law and its processes); Podlas, *Syndicated Bias*, *supra* note 1, at 21 (explaining that reality courtrooms provide information about the operations of courts that viewers integrate into their beliefs); Kimberlianne Podlas, *As Seen on TV: The Normative Influence of Syndi-Court on Contemporary Litigiousness*, 11 VILL. SPORTS & ENT. L.J. 1, 28 (2004) (concluding that reality courtrooms contribute to opinions about the appropriateness of litigation).

59. Podlas, *Syndicated Bias*, *supra* note 1, at 5–6. A set of studies surveyed approximately 600 respondents—including jury eligible adults and prospective jurors—regarding their viewing habits and attitudes about judges and litigation. *See* Podlas, *supra* note 20, at 487–93; Podlas, *supra* note 19, at 49–54. The studies found that, consistent with the reality courtroom portrayal of judges as vocal, active interrogators who make moral pronouncements, heavy viewers of the genre expected real judges to be vocal, active, and opinionated. *See* Podlas, *supra* note 20, at 494–98. Non-heavy viewers, however, did not share this opinion. *See id.* at 483–87. Moreover, it appeared that viewers so much expected this behavior that they tended to interpret a judge's silence as implying a negative assessment, rather than as neutrality. Podlas, *supra* note 19, at 58.

60. *See* Podlas, *supra* note 25, at 6–7; Carrie Menkel-Meadow, *Can They Do That? Legal Ethics in Popular Culture: Of Characters and Acts*, 48 UCLA L. REV. 1305, 1325–26 (2001) (discussing law students opinions about lawyer ethics); *see also* Michael Pfau et al., *Television Viewing and Public Perceptions of Attorneys*, 21 HUM. COMM. RES. 307 (1995).

61. *See* Feigenson, *supra* note 48, 88–91; HALTOM & MCCANN, *supra* note 2, at 29 (explaining that legal lore communicated, through mass media, shapes the agenda of

In other instances, the slant of television's depiction can influence both a viewer's judgments regarding the extent of the law's authority and his or her support of specific legal policies.<sup>62</sup> For instance, television news has been shown to over-emphasize crime statistics.<sup>63</sup> Empirical research suggests that increased exposure to this coverage increases viewer support of punitive penal policies.<sup>64</sup> Similarly, news

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what the public thinks is important); *see also* Vanderheiden, *supra* note 54, at 213 (positing that television provides the information on which the public will base its decisions on democratic reform). One study suggested that the prevalence and type of stories broadcast on daytime reality courtrooms influenced the way that some viewers evaluated the appropriateness of litigation and their ability to represent themselves *pro se*. *See* Podlas, *supra* note 58, at 28–29 (noting that reality courtrooms contribute to opinions about and the likelihood of engaging in litigation and self-representation).

62. *See* HALTOM & MCCANN, *supra* note 2, at 11, 29; Podlas, *Syndicated Bias*, *supra* note 1, at 15–21; Podlas, *supra* note 52, at 269 (media's portrayal of music piracy and "necessary" legal reforms impacts the public's opinion regarding the issue and how law should respond); Feigenson, *supra* note 48, at 88–91. One scholar suggests that the way television and film depicted stalking largely influenced California's anti-stalking legislation. *See* Orit Kamir, *Why 'Law-and-Film' and What Does It Actually Mean?: A Perspective*, 19 J. MEDIA & CULTURAL STUD. 255, 271 (2005).

63. *See* Travis L. Dixon & Daniel Linz, *Overrepresentation and Underrepresentation of African Americans and Latinos as Lawbreakers on Television News*, J. COMM., June 2000, at 131, 131; Franklin D. Gilliam, Jr. et al., *Crime in Black and White: The Violent, Scary World of Local News*, HARV. INT'L J. PRESS/POL., June 1996, at 6, 10–12 (finding blacks, though not Latinos, overrepresented as lawbreakers in coverage of violent and nonviolent crimes); JEREMY H. LIPSCHULTZ & MICHAEL L. HILT, *CRIME AND LOCAL TELEVISION NEWS: DRAMATIC, BREAKING, AND LIVE FROM THE SCENE* 10–13 (2002) (discussing statistics on crime news coverage). Two scholars, Gilliam and Iyengar, assert that this creates a "crime script" or heuristic in which criminals are African-American or Latino. *See* Franklin D. Gilliam, Jr. & Shanto Iyengar, *Prime Suspects: The Influence of Local Television News on the Viewing Public*, 44 AM. J. POL. SCI. 560, 562 (2000). Another study showed that white viewers who saw a newscast featuring a white murder suspect, nonetheless, were increasingly likely over time to misidentify the suspect as black. *See* Mary Beth Oliver, *Caucasian Viewers' Memory of Black and White Criminal Suspects in the News*, J. COMM., Sept. 1999, at 46, 54–57; *see also* Mary Beth Oliver et al., *The Face of Crime: Viewers' Memory of Race-Related Facial Features of Individuals Pictured in the News*, 54 J. COMM. 88, 89–91 (2004).

64. *See* Beale, *supra* note 39, at 405, 420. The trend toward longer and more severe criminal sentences for violent crimes began in the 1980s. *See* MICHAEL H. TONRY, U.S. DEPT OF JUSTICE, *SENTENCING REFORM IMPACTS* 25 (1987); U.S. SENTENCING COMM'N, *SPECIAL REPORT TO CONGRESS: MANDATORY MINIMUM PENALTIES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM* 7–10 (1991); Beale, *supra* note 39, at 405. Although debates continue over the underlying relationship, some scholars opine that the media frame makes viewers more likely to believe that violent crime results from individual choices rather than societal causes. *See, e.g.*, Beale, *supra* note 39, at 402. Thus, the best response to violent crime is to increase punitive policies. Other scholars suggest that television's portrayals of violent crime increases viewers' fear, which in turn contributes to punitive attitudes. *Id.*

programs and crime dramas disproportionately highlight crime control ideologies.<sup>65</sup> Consistent with this, viewing these shows is associated with pro-prosecution opinions and reliance on pro-prosecution frames when considering legal policy.<sup>66</sup> In fact, television's stereotypic stories about crime and law enforcement sometimes impact the way that juries assess evidence, determine causality, and assign blame.<sup>67</sup>

Importantly, while television contributes to the public's understanding of the law, it also reflects what its creators think the public believes about the law. Hence, the relationship between television, public understanding, and legal culture is not unidirectional but symbiotic and convergent.<sup>68</sup> Although many of the legal themes on television appear in lawyer programs and crime dramas, they permeate a variety of genres, including comedies. Consequently, it is important to acknowledge that comedy's depiction of legal issues might play a part in the public's perception of the law.<sup>69</sup>

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65. See ELAYNE RAPPING, *LAW AND JUSTICE AS SEEN ON TV* 4, 10 (2003) (discussing television's celebration of prosecutors).

66. See Margaret Bull Kovera, *The Effects of General Pretrial Publicity on Juror Decisions: An Examination of Moderators and Mediating Mechanisms*, 26 *LAW & HUM. BEHAV.* 43, 62–65 (2002) (noting that individuals exposed to pretrial publicity regarding a defendant tend to render more punitive judgments); see generally Jason Low & Kevin Durkin, *Children's Conceptualization of Law Enforcement on Television and in Real Life*, 6 *LEGAL & CRIM. PSYCHOL.* 197 (2001) (discussing perceptions of law enforcement).

67. See Podlas, *supra* note 34, at 496; Jessica M. Silbey, *What We Do when We Do Law and Popular Culture*, 27 *LAW & SOC. INQUIRY* 139, 143, 153 (2002) (reviewing SHERWIN, *supra* note 19); Nancy Pennington & Reid Hastie, *Explaining the Evidence: Tests of the Story Model for Juror Decision Making*, 62 *J. PERSONALITY & SOC. PSYCH.* 189, 192 (1992); see generally Nancy Pennington & Reid Hastie, *Evidence Evaluation in Complex Decision Making*, 51 *J. PERSONALITY & SOC. PSYCHOL.* 242 (1986); see also Daniel G. Linz & Steven Penrod, *Increasing Attorney Persuasiveness in the Courtroom*, 8 *LAW & PSYCHOL. REV.* 1, 2–3 (1984).

68. See HALTOM & MCCANN, *supra* note 2, at 11–13 (noting that mass-manufactured legal knowledge constitutes and reconstitutes itself as our popular legal culture); Podlas, *supra* note 6, at 500–02 (discussing how television shapes popular legal culture). Inasmuch as the law conforms to current social norms and attitudes, it is simply what we believe it should be. See SHERWIN, *supra* note 19, at 5; Salzmann & Dunwoody, *supra* note 10, at 415.

69. See Podlas, *supra* note 2, at 132–33 (discussing the importance of understating humor's depiction of legal themes); Rudolph, *supra* note 4, at 179 (noting that the value or impropriety of using humor in law is determined by its effect on the way that people hearing it understand it); Meers, *supra* note 5, at 660 (opining that humor in law is a field that deserves more attention). Although other television depictions of the law have been found to impact viewers, under specific circumstances and in specific ways, that does not mean that a television satire—or the genre of television satires—will, let

### C. *Taking Television Comedy Seriously*

Until recently, scholars paid little attention to the persuasive ability or cognitive reception of television comedy.<sup>70</sup> Rather, a majority of the research on television's effects focused on programs reflecting actual events, such as traditional news programming. Because these programs are fact-based, they are considered "serious."<sup>71</sup> Moreover, because their content is concrete, their messages are relatively easy to decode and their impact is easier to quantify and study.<sup>72</sup> By contrast, comedy's overt goal is to entertain audiences rather than to inform them.<sup>73</sup> Therefore, scholars might not take its communicative motives and content seriously.<sup>74</sup> Additionally, often comedy's words are not intended to be taken literally,<sup>75</sup> so its true message must be teased out and interpreted, thereby complicating its study.<sup>76</sup> Thus, the lack of scholarship

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alone in the way we might expect. See Podlas, *supra* note 34, at 495, 505–06.

70. See, e.g., Evan A. Lieberman et al., *The Language of Laughter: A Quantitative/Qualitative Fusion Examining Television Narrative and Humor*, 53 J. BROADCASTING & ELECTRONIC MEDIA 497, 499 (2009). Although the subject of humor has captivated scholars for centuries, its study has enjoyed a recent resurgence. See Little, *supra* note 2, at 1239–40. See, e.g., Podlas, *Syndicated Bias, supra* note 1, at 1 (research on daytime judge shows); R. Lance Holbert et al., *Primacy Effects of The Daily Show and National TV News Viewing: Young Viewers, Political Gratifications, and Internal Political Self-Efficacy*, 51 J. BROADCASTING & ELECTRONIC MEDIA 20, 20–21 (2007). In fact, political communication theory has tended to treat entertainment and news media content as immiscible. See *id.* at 22.

71. See Ewick & Silbey, *supra* note 2, at 560 (discussing the "academic sin" of failing to recognize importance of humor); GRAY, *supra* note 58, at 119–20 (noting the presumption that reality-based television, as opposed to forms that primarily entertain, is informative and most influential means of educating viewers).

72. See Podlas, *supra* note 34, at 195 (noting that television programming steeped in realism provides viewers with "an accepted reference point of truth").

73. Hal Kanter, *Comedy, in* TV AND SCREEN WRITING 45, 47 (Lola Goelet Yoakem ed., 1958) (recognizing that television comedies seek to entertain).

74. See Kimberlianne Podlas, *The Funny Thing About Lawyers on The Simpsons, in* LAWYERS IN YOUR LIVING ROOM!: LAW ON TELEVISION 363, 364 (Michael Asimow ed., 2009); Podlas, *supra* note 6, at 511; Abraham, *supra* note 30, at 120; Stephanie Koziski Olson, *Standup Comedy, in* HUMOR IN AMERICA: A RESEARCH GUIDE TO GENRES AND TOPICS 109, 128 (Lawrence E. Mintz ed., 1988).

75. For example, irony and sarcasm say one thing but mean the opposite. Judith Barad, *Stewart and Socrates: Speaking Truth to Power, in* THE DAILY SHOW AND PHILOSOPHY, *supra* note 52, at 69, 77.

76. Abraham, *supra* note 30, at 121. Furthermore, because animated comedy does not neatly fit into a defined genre (of either comedy or animation), scholars of either genre may overlook it or believe those in another discipline properly address it. Simone Knox, *Reading the Ungraspable Double-Codedness of The Simpsons*, 34 J. POPULAR FILM & TELEVISION 73, 80 (2007).

on television humor does not necessarily indicate that it lacks depth or insight, but that studying its insights is difficult.<sup>77</sup> Though this scholarly neglect is understandable, it underemphasizes television comedy's role and significance in shaping public perception.

#### *D. Humor's Potential: Nothing to Be Laughed At*

Notwithstanding the lack of scholarship on it, humor possesses unique communicative abilities.<sup>78</sup> Since humor is not overtly confrontational, it can more easily broach incendiary topics and thorny issues,<sup>79</sup> thereby enabling discussion.<sup>80</sup> For instance, reality is sometimes harsh, so it can be difficult to confront. Yet, packaging a criticism as a joke, or delivering it with a smile can lessen its blow.<sup>81</sup> Humor can also reduce counterargument and insulate speakers from reprisal.<sup>82</sup>

With regard to television, enveloping a message in humor can increase a viewer's receptiveness to it.<sup>83</sup> A message's effect on a viewer depends on his or her exposure to it. If a viewer does not pay attention to a program or changes the channel, it reduces, if not eliminates, his or her exposure. By contrast, if a viewer is entertained by a program, such as by a television comedy, the viewer will be engaged, if only briefly. This increases his or her exposure, thereby increasing the

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77. Abraham, *supra* note 30, at 121; *see generally* Lieberman, *supra* note 70 (arguing that television comedy is culturally and economically important).

78. *Cf.* GRAY, *supra* note 58, at 117–18 (noting that television humor has ability to communicate and deal with serious issues). Indeed, not only are humor and serious commentary (truth) compatible, but also they sometimes enhance one another. Barad, *supra* note 75, at 79.

79. *See* Abraham, *supra* note 30, at 120; Paul Paolucci & Margaret Richardson, *Dramaturgy, Humor, and Criticism: How Goffman Reveals Seinfeld's Critique of American Culture*, 19 HUMOR 27, 29, 31–32 (2006); Meers, *supra* note 5, at 657 (explaining that humor can help relieve tension and provide perspective).

80. *See* GRAY, *supra* note 58, at 148–49; Meers, *supra* note 5, at 657.

81. *See* Meers, *supra* note 5, at 657 (discussing how humor can reduce discomfort associated with a topic). In the words of Matt Groening, creator of *The Simpsons*: “[Y]ou can get away with all sorts of unusual ideas if you present them with a smile on your face.” Douglas Rushkoff, *Bart Simpson: Prince of Irreverence*, in LEAVING SPRINGFIELD: THE SIMPSONS AND THE POSSIBILITY OF OPPOSITIONAL CULTURE 292, 295 (John Alberti ed., 2004).

82. *See* Abraham, *supra* note 30, at 120; Paolucci & Richardson, *supra* note 79, at 31–32.

83. Baumgartner & Morris, *supra* note 3, at 624.

likelihood that the viewer will hear the message.<sup>84</sup> Conversely, if a viewer is negatively predisposed toward a topic, then he or she might erect psychological defenses in order to avoid it.<sup>85</sup> By contrast, a viewer's laughter lowers his or her guard<sup>86</sup> and the positive emotional tenor of humor can help a message get through.<sup>87</sup> Moreover, from a simple programming perspective, television comedies attract viewers who do not watch traditional political or informational programming.<sup>88</sup> Consequently, those viewers will be exposed to a message that they otherwise would not have come into contact with.<sup>89</sup>

### *E. Television Satire*

Satire exemplifies the use of humor to serious ends.<sup>90</sup> Satire is a sophisticated form of humor that scrutinizes society or some aspect of it.<sup>91</sup> Typically, it purports to speak for the common citizen<sup>92</sup> and probes the ideologies and values<sup>93</sup> of prevailing (or self-anointed) cultural authorities.<sup>94</sup>

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84. See Barad, *supra* note 75, at 70; Colletta, *supra* note 24, at 857 (noting that television comedy seeks to entertain viewers so that they continue watching the program).

85. Baumgartner & Morris, *supra* note 3, at 624.

86. See John J. Capowski, *Evidence and the One-Liner: A Beginning Evidence Professor's Exploration of the Use of Humor in the Law School Classroom*, 35 ARIZ. ST. L.J. 877, 880 (2003); Paolucci & Richardson, *supra* note 79, at 31–32.

87. See Baumgartner & Morris, *supra* note 3, at 624–25.

88. See Podlas, *supra* note 6, at 497–98; GRAY, *supra* note 58, at 142–43 (noting that young viewers who shy away from political programs may tune into entertainment television); Barad, *supra* note 75, at 79.

89. See generally Michael Baum, *Soft News and Political Knowledge: Evidence of Absence or Absence of Evidence?*, 20 POL. COMM. 173 (2003).

90. See GRAY, *supra* note 58, at 117–18 (2008) (noting that television comedy can discuss serious subjects); Rachael Sotos, *The Fake News as the Fifth Estate*, in THE DAILY SHOW AND PHILOSOPHY, *supra* note 52, at 28, 30 (noting that historically, satire has been a popular and important tool of communication); Chris Smith & Ben Voth, *The Role of Humor in Political Argument: How "Strategy" and "Lockboxes" Changed a Political Campaign*, 39 ARGUMENTATION & ADVOC. 110, 110–11 (2002) (positing that television comedy is a tool for understanding the democratic process); Vanderheiden, *supra* note 54, at 205 (explaining that satire and parody can be used as means of critiquing society and politics).

91. JONATHAN BIGNELL, AN INTRODUCTION TO TELEVISION STUDIES 49 (2004).

92. See GRAY, *supra* note 58, at 148.

93. Barad, *supra* note 75, at 73.

94. See GRAY, *supra* note 58, at 147–48; Little, *supra* note 2, at 1243–44; CHRIS TURNER, PLANET SIMPSON: HOW A CARTOON MASTERPIECE DEFINED A GENERATION 238–39 (2004); FRANK PALMERI, SATIRE IN NARRATIVE 1, 6 (1990); Vanderheiden, *supra*

Satire does not attack these directly but rather invokes their conventions and ideologies<sup>95</sup> and then magnifies<sup>96</sup> or inverts them to comic effect.<sup>97</sup> This strategy allows satire both to reduce dogma into something understandable—hence, something assailable<sup>98</sup>—and expose their foundational absurdities and hypocrisies.<sup>99</sup> Ideally, once exposed, people will see the flaws in these belief systems and either correct them<sup>100</sup> or reject the legitimacy claimed by the authorities that advance them.<sup>101</sup>

As television satires have become more popular,<sup>102</sup> scholars have begun investigating the ways in which they affect public opinion and understandings about democratic institutions such as the law. Because they are of the television medium

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note 54, at 205. Although satire challenges the official orthodoxy and may proffer an alternative point of view, see GRAY, *supra* note 58, at 150–51, satire is a form of commentary, not a political ideology. Hence, it reacts against or interrogates the existing orthodoxy, whatever that may be. See Sotos, *supra* note 90, at 31.

95. See PALMERI, *supra* note 94, at 1, 6 (explaining that satire and parody reference conventionalities and cultural proprieties against authoritative discourses). Parody also mocks (and uses) the rules, conventions, and forms of other art forms. See GRAY, *supra* note 58, at 118; Vanderheiden, *supra* note 54, at 205. Shows such as *South Park*, *The Simpsons*, *Family Guy*, and *Saturday Night Live* employ both parody and satire. GRAY, *supra* note 58, at 118.

96. See Colletta, *supra* note 24, at 860.

97. See GRAY, *supra* note 58, at 148; Andrew Sneddon, *Bullshitting Bullshitters and the Bullshit They Say*, in *THE DAILY SHOW AND PHILOSOPHY*, *supra* note 52, at 146, 146–47. Irony and parody also employ appositive references. See Hugo Dobson, *Mister Sparkle Meets the Yakuza: Depictions of Japan in The Simpsons*, 39 *J. POPULAR CULTURE* 44, 59–60 (2006) (explaining that ironic humor puts forward positions in order to undercut them); Ryan Claycomb, *Staging Psychic Excess: Parodic Narrative and Transgressive Performance*, 37 *J. NARRATIVE THEORY* 104, 105 (2007) (noting that parody spoofs a culturally-established image, thereby signifying through its difference from the original).

98. See TURNER, *supra* note 94, at 57; PALMERI, *supra* note 94, at 2. “Satire is particularly relevant to political debate because it tears down facades, deflates stuffed shirts, and unmasks hypocrisy.” *Falwell v. Flynt*, 805 F.2d 484, 487 (4th Cir. 1986) (Wilkinson, J., dissenting), *rev’d sub nom. Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988).

99. See Colletta, *supra* note 24, at 860; Peter Goodrich, *Lex Laetans: Three Theses on the Unbearable Lightness of Legal Critique*, 17 *LAW & LITERATURE* 293, 294, 304 (2005).

100. See Colletta, *supra* note 24, at 859–60. The “Age of Reason” championed art as a mirror that could reflect society, including its faults. *Id.* at 859–60. Hence, satire’s distorted reflection could magnify the faults and follies of society’s institutions, and, by exposing them, encourage people to correct them. See *id.* at 860.

101. See TURNER, *supra* note 89, at 238.

102. During the same time period, the popularity of print editorial cartoons declined. Abraham, *supra* note 30, at 119.

and in humorous form, television satires would seem to possess the benefits of both or, at the very least, amount to more than the sum of these parts. Yet, combining humor with television might diminish the effect of either; humor might weaken television's impact<sup>103</sup> and television might obscure humor's intent or aggravate the risks associated with its interpretation.<sup>104</sup> Although the notion that television satires impact viewers is intuitively appealing, empirical studies regarding how well they do so, and with what effect, have produced varying results.<sup>105</sup>

### 1. Favoring Television Satire

Many scholars contend that television satires possess the same, if not greater, potential to impact audiences compared to other television genres.<sup>106</sup> In fact, they argue that satires that address contemporary issues or use animated characters like Lisa Simpson are as important as shows with Tom Brokaw or Peter Jennings.<sup>107</sup>

Indeed, some evidence suggests that the way television satires present and denigrate or endorse issues affects

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103. See Holbert et al., *supra* note 70, at 22, 26–27 (opining that entertainment television discussing public affairs might have different effect on viewers than traditional news); Baum, *supra* note 89, at 173.

104. See Sylvia Whitman, *In a Class by Themselves*, ALCALDE, July–Aug. 1989, at 10, 12 (“[M]ost jokes flop because of comprehension or delivery problems or because they offend someone.”).

105. See Baumgartner & Morris, *supra* note 3, at 622; Little, *supra* note 2, at 1252–54 (noting that studies on the persuasive value of humor are equivocal, but humor's impact on society is widely praised).

106. See Baumgartner & Morris, *supra* note 3, at 622; Holbert et al., *supra* note 70, at 21–22; Little, *supra* note 2, at 1252–54; Podlas, *supra* note 21, at 172–73; Kim & Vishak, *supra* note 52, at 338–39; Editorial, *Digital South Park*, N.Y. TIMES, Aug. 28, 2007, at A20.

107. Cf. Bruce A. Williams & Michael X. Delli Carpini, *Heeeeeeeeeere's democracy!*, CHRON. HIGHER EDUC., Apr. 2002, at B14–B15; see also Podlas, *supra* note 21, at 172; Podlas, *supra* note 2, at 107; GRAY, *supra* note 58, at 149. Animated comedies use imagery in ways that news reporting cannot. See Jonathan Gray, *Television Teaching: Parody, The Simpsons, and Media Literacy Education*, 22 CRITICAL STUD. MEDIA COMM. 223, 234 (2005); Louis Klarevas, *Media Impact*, in MEDIA POWER, MEDIA POLITICS 265, 281–82 (Mark J. Rozell ed., 2003). For instance, by providing a visually palpable depiction, a cartoon can simplify complicated issues, thereby facilitating comprehension of those issues. Abraham, *supra* note 30, at 119. Moreover, animation's farcical and constructed nature frees the show from the constraints of time, money, and the burden of authenticity, thereby augmenting the possibilities of satire. Alison Crawford, “Oh Yeah!”: Family Guy as *Magical Realism?*, J. FILM & VIDEO, Summer 2009, at 52, 54.

audience opinions.<sup>108</sup> Specifically, research has shown that *The Daily Show* simplifies and helps explain political and legal issues, thereby enhancing viewers' perceived understanding of those issues.<sup>109</sup> Other authors believe that, by engaging viewers in the program, *The Daily Show* also increases the political engagement of its audience.<sup>110</sup>

Moreover, programs such as *The Simpsons*, *The Daily Show*, and *Saturday Night Live* are especially significant to young adults. Whereas many young adults ignore traditional political and news programming, they watch comedies.<sup>111</sup> In fact, data shows that *The Daily Show* is more popular with college students than the nightly news.<sup>112</sup> Therefore, these programs are not only a significant source of information about political and legal institutions<sup>113</sup> but also young viewers' first and primary source of such information.<sup>114</sup>

Although some scholarship supporting the influence of television satire rests on empirical work, much of it employs interpretive methods.<sup>115</sup> As a result, it does not test for an

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108. See Baumgartner & Morris, *supra* note 3, at 623–24; Abraham, *supra* note 30, at 119.

109. See Baumgartner & Morris, *supra* note 3, at 634; Jody Baumgartner & Jonathan S. Morris, *The Daily Show Effect: Candidate Evaluations, Efficacy, and American Youth*, 34 AM. POL. RES. 341, 353 (2006). In fact, one of the Emmy-winning writers of *The Daily Show*, Paul Mercurio, was an attorney before joining the show. Meers, *supra* note 5, at 665.

110. See GRAY, *supra* note 58, at 151, 153 (explaining that engaging the audience prompts considerable discussion among audience members); *id.* at 153 (noting that audience involvement increases viewer interest in political and social issues); see also Fox et al., *supra* note 30, at 222.

111. See GRAY, *supra* note 58, at 142; Barad, *supra* note 75, at 76; Podlas, *supra* note 2, at 107; see also Fox et al., *supra* note 30, at 222 (noting that statistics demonstrate young viewers are increasingly turning to comedic television sources of political information).

112. GRAY, *supra* note 58, at 76.

113. See Hoffman & Thomson, *supra* note 18, at 10; Podlas, *supra* note 6, at 497–98; Kim & Vishak, *supra* note 52, at 338–40; Michael X. Delli Carpini & Bruce A. Williams, *Let Us Infotain You: Politics in the New Media Environment*, in *MEDIATED POLITICS: COMMUNICATION IN THE FUTURE OF DEMOCRACY* 160, 161–63 (W. Lance Bennett & Robert M. Entman eds., 2001). Indeed, television plays an increasingly significant role in how young people understand and construct their world. Marian Quigley, *The Politics of Animation: South Park*, METRO, no. 124/125, 2000 at 48.

114. Since many young adults become familiar with these programs—and, as a result, are exposed to their messages—before they become familiar with traditional news sources, they may be more influenced by these messages than by subsequent, competing messages. See Holbert et al., *supra* note 70, at 21.

115. Neither is superior to the other; but, rather, appropriate to different inquiries and for different purposes.

effect or measure audience interpretations of program messages,<sup>116</sup> but rather extrapolates from existing research and theory to posit a likely impact. This does not render this method of academic inquiry inferior,<sup>117</sup> or its suppositions incorrect, but it does underscore that interpretive research cannot provide a substitute for concrete evidence of an effect, let alone a positive one.<sup>118</sup>

## 2. Disputing Television Satire

A number of scholars are skeptical about television comedy's type and degree of impact. Some dismiss what they regard as lowbrow humor,<sup>119</sup> presuming that it cannot possess deep meaning.<sup>120</sup> Some believe that, although comedy can attract audiences, it either conveys little information or impedes the communication of any message.<sup>121</sup>

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116. See, e.g., Barad, *supra* note 75, at 69; Steven Michels & Michael Ventimiglia, *Can The Daily Show Save Democracy?: Jon Stewart as the Gadfly of Gotham*, in *THE DAILY SHOW AND PHILOSOPHY*, *supra* note 52, at 81.

117. To the contrary, most of this research is more relevant and resonant than articles employing algorithms and statistical methods divorced from context and real-world consequences. For an outline of some recent scholarship on television comedy, see Mary M. Dalton & Laura R. Linder, *Introduction*, *J. FILM & VIDEO*, Summer 2009, at 3, 3–4.

118. Even when such studies abide by a model of scientific inquiry, they generally rest on an interpretive foundation. See, e.g., William L. Benoit & R. Lance Holbert, *Empirical Intersections in Communication Research: Replication, Multiple Quantitative Methods, and Bridging the Quantitative-Qualitative Divide*, 58 *J. COMM.* 615, 616–22 (2008). For example, they might collect data by analyzing a narrative or coding the frequency of content. *Id.* at 619–20 (describing the use of content analysis, message systems analysis, and cultivation analysis). A content analysis, however, may focus on the “wrong” content or code it according to the researcher’s own biases; an investigation of framing might find whatever frame it is looking for; narrative analysis may substitute the scholar’s interpretation of content for that of the audience. As a result, these methods are subject to the foibles of the researchers employing them, regardless of whether they employ statistics and graphs. See, e.g., *id.* at 616–22 (discussing interrelationships among and benefits and weaknesses of various research methodologies); Joshua Meyrowitz, *Power, Pleasure, Patterns: Intersecting Narratives of Media Influence*, 58 *J. COMM.* 641, 641, 655–56 (2008) (describing influences of researcher bias and preferred disciplinary approach on empirical results).

119. For example, the humor of *South Park* and *Family Guy*.

120. See Podlas, *supra* note 6, at 508; *It’s Stupidity, Stupid*, *ECONOMIST* (Sept. 3, 1998), <http://www.economist.com/node/163857>.

121. Barry A. Hollander, *Late-Night Learning: Do Entertainment Programs Increase Political Campaign Knowledge for Young Viewers?*, 49 *J. BROADCASTING & ELECTRONIC MEDIA* 402, 412 (2005); see also Gray, *supra* note 107, at 234 (noting that scholars need to investigate how successful television humor is in teaching viewers). Still other scholars contend that, regardless of humor, television’s impact is mediated by viewers’

Nevertheless, the majority of scholars dubious of television satires' promise do not dispute their ability to engage in meaningful commentary or impact audiences. Instead, they question whether satires' effects are necessarily "positive" or uniform among viewers.<sup>122</sup> Indeed, different people understand television texts in different ways and different types of news discourses elicit different types of attitudinal impacts.<sup>123</sup> Consequently, these scholars assert that the tone and snarky, self-referential irony that makes these programs popular can undermine political engagement<sup>124</sup> and breed cynicism about our legal and political institutions.<sup>125</sup> Additionally, the complexity that renders a satire brilliant might cause its message to backfire<sup>126</sup> or hinder viewer understanding.<sup>127</sup>

Various studies support this conclusion. For instance, an empirical study of *The Daily Show* content concluded that it—and similar late-night comedies—not only increased young viewers' internal self-efficacy about politics but also increased their cynicism in democratic institutions.<sup>128</sup> Another study produced evidence that some satires confuse viewers or unintentionally endorse their target of attack.<sup>129</sup> One example is *The Colbert Report*. *The Colbert Report* is styled

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selective exposure to programs they find congenial to their views, selective perception in accordance with their existing beliefs, and selective retention of material consistent with their own beliefs. DAVID L. PALETZ, *THE MEDIA IN AMERICAN POLITICS: CONTENTS AND CONSEQUENCES* 119 (2d ed. 2002).

122. In advocating this position, it may be that some scholarship asserting a positive effect of television satire conflates the question of whether television satire can measurably impact audiences with what such an impact might be.

123. Abraham, *supra* note 30, at 122. Moreover, these messages and content may be qualitatively different from those of traditional news. Holbert et al., *supra* note 70, at 22.

124. Colletta, *supra* note 24, at 859.

125. Hollander, *supra* note 121, at 412.

126. See Smith & Voth, *supra* note 90, at 110–11.

127. Colletta, *supra* note 24, at 859; see also Ewick & Silbey, *supra* note 2, at 559–60 (noting that humor can be impactful, but can be easily misinterpreted).

128. See Baumgartner & Morris, *supra* note 109, at 341; Vanderheiden, *supra* note 54, at 205 (referencing Baumgartner and Morris study). But see GRAY, *supra* note 58, at 153. Although Gray claims there is no empirical evidence demonstrating that these programs are associated with cynicism, his assertion was made before some research was published, and ignores other research. See generally GRAY, *supra* note 58. Of course, *The Daily Show*'s intent is to engage viewers. Jon Stewart defended the show stating that it "is a show grounded in passion, not cynicism." Marc Peyser, *Who's Next 2004: Red, White, & Funny*, NEWSWEEK, Dec. 29, 2003, at 71.

129. Baumgartner & Morris, *supra* note 3, at 634.

after and parodies right-wing news commentary programs, as exemplified by those hosted by Bill O'Reilly and Sean Hannity.<sup>130</sup> Stephen Colbert, as host and anchor, plays the character of a hyperideological disciple of the far Right.<sup>131</sup> Although the show invokes the ideologies and talking points of the far Right, it is criticizing them rather than endorsing them.<sup>132</sup>

The study found that, while *The Colbert Report* impacts viewers, its impact depends on how a given viewer interprets the humor.<sup>133</sup> For viewers who understand *The Colbert Report* as satire, Stephen Colbert elucidates issues.<sup>134</sup> Some viewers, however, have no point of reference for Stephen Colbert's politics or humor, so do not understand the show as satire. Instead, they take his comments literally, and believe that *The Colbert Report* supports the conservative policies it mocks.<sup>135</sup> For these viewers, *The Colbert Report* reinforces their preexisting conservative beliefs or impedes their comprehension of the issues raised.<sup>136</sup> Consequently, this satire can influence viewers, but not in the way the program necessarily intends. Rather, its impact correlates with the individual viewer's preexisting beliefs and interpretation of the humor.<sup>137</sup> "[I]f one agrees with [Stephen Colbert] politically, [the viewer] will get the satire, if one disagrees

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130. David Kyle Johnson, *Colbert, Truthiness, and Thinking from the Gut*, in STEPHEN COLBERT AND PHILOSOPHY: I AM PHILOSOPHY (AND SO CAN YOU!) 3, 3–4 (Aaron Allen Schiller ed., 2009) (noting that *The Colbert Report* is partially modeled on right-wing news commentators).

131. See Kevin S. Decker, *Stephen Colbert, Irony, and Speaking Truthiness to Power*, in THE DAILY SHOW AND PHILOSOPHY, *supra* note 52, at 240, 242–43.

132. Johnson, *supra* note 130, at 4.

133. Baumgartner & Morris, *supra* note 3, at 634. "[I]f one agrees with [Colbert] politically, she will get the satire, if one disagrees with him politically, she won't." Colletta, *supra* note 24, at 863. In other words, listeners might find Colbert's brashness and irreverence funny, but miss the point of his attack. See Colletta, *supra* note 24, at 863–64.

134. See Colletta, *supra* note 24, at 862–65.

135. See Baumgartner & Morris, *supra* note 3, at 634; see also Colletta, *supra* note 24, at 863–64.

136. Baumgartner & Morris, *supra* note 3, at 634.

137. See *id.*; Colletta, *supra* note 24, at 863–64. Furthermore, both sets of viewers may find the show funny, but they do so for different reasons. Some laugh because the satire mocks right-wing conservatives, whereas others laugh because Colbert mocks zealous, self-important, over-the-top news-talk personalities. See Sophia Stone, *Why Is Stephen So Funny?*, in STEPHEN COLBERT AND PHILOSOPHY, *supra* note 130, at 163, 163–79.

with him politically, [he or] she won't."<sup>138</sup>

As a result, debate continues regarding television satire's impact and its interpretation by viewers. One area of study that has attempted to illuminate these issues focuses on the cognitive processing of viewers.

#### *F. Getting the Joke: The Cognitive Processing of Humor*

The way a viewer cognitively processes a humorous message significantly contributes to how he or she will understand it and, thus, the overall effect of the message.<sup>139</sup> This is especially pertinent to satire. Although we often think of the mind as a recording device that absorbs information and files it away for later use, memory and the semantic processing of information are both more constrained and more complex.<sup>140</sup> The ability of humans to cognitively process media messages is limited.<sup>141</sup> When an individual comes into contact with a media message, he or she must encode it, store it, make sense of it, retrieve related information from semantic memory, and store the new information into long-term memory.<sup>142</sup> Unfortunately, humans have limited cognitive capacities to perform all of these tasks.<sup>143</sup> Therefore, when the mental resources required to encode and decipher a message exceed the mental resources allocated to encode and interpret it, there will be a cognitive overload.<sup>144</sup> This cognitive overload implicates whether the message will be

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138. Colletta, *supra* note 24, at 863.

139. See Rudolph, *supra* note 4, at 179 (explaining that humor's effect, not its intention, is what matters).

140. Anthony J. Greene, *Making Connections: The Essence of Memory Is Linking One Thought to Another*, SCI. AM., July–Aug. 2010, at 22.

141. See *id.* at 27–29.

142. Glenn Leshner et al., *When a Fear Appeal Isn't Just a Fear Appeal: The Effects of Graphic Anti-Tobacco Messages*, 54 J. BROADCASTING & ELECTRONIC MEDIA 485, 489–90 (2010); Annie Lang, *Using the Limited Capacity Model of Motivated Mediated Message Processing to Design Effective Cancer Communication Messages*, 56 J. COMM. S57, S58–S59 (Supp. 2006). This refers to Lang's Limited Capacity Model of Motivated Mediated Message Processing. See Lang, *supra*, at S59. This conceptualizes humans as information processors whose cognitive systems consist of a limited resource pool, the content of which is allocated simultaneously through three subprocesses: encoding, retrieval, and storage. *Id.*

143. Yoonhyeugn Choi et al., *Interplay of Threat Appeal and Presentation Form on Health Message Processing Outcomes*, 1 AM. J. MEDIA PSYCHOL. 131, 132 (2008).

144. Leshner et al., *supra* note 142, at 487.

understood correctly by a viewer.<sup>145</sup>

The Elaboration Likelihood Model (ELM) asserts that individuals use two different paths to evaluate the persuasiveness of new information, such as the message in a television program<sup>146</sup> According to ELM, communications are processed on either a central route, a peripheral route, or both.<sup>147</sup> Processing on the central route (sometimes called “systematic processing”) involves critical reasoning and thought.<sup>148</sup> When people process on the central route, they consciously pay attention to a message’s content, evaluate its merits, and integrate the information into a coherent opinion about the object of the message.<sup>149</sup> As a result, logic and the listener’s preexisting knowledge play a part in processing and constrain the persuasiveness of the message.<sup>150</sup> In short, because central route processing involves more thinking, the listener will evaluate the message more critically and possibly identifying its weaknesses rather than merely accepting it. This, however, requires more cognitive resources.

If people lack the ability or motivation to evaluate a message or are otherwise cognitively taxed, they tend to process on the peripheral route.<sup>151</sup> Processing on the peripheral route involves less cognitive work<sup>152</sup> but relies heavily on emotions, contextual factors, and noncontent cues.<sup>153</sup> Affective factors have a greater impact on processing, because the listener pays less attention to the substance of the message or does not think as hard about it.<sup>154</sup>

ELM is particularly apt with regard to how people

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145. *See id.* at 486, 489–92.

146. Lora M. Levett & Margaret Bull Kovera, *Psychological Mediators of the Effects of Opposing Expert Testimony on Juror Decisions*, 15 PSYCHOL. PUB. POL’Y & L. 124, 127 (2009).

147. *Id.*

148. *See id.* at 126.

149. *See id.*; Baumgartner & Morris, *supra* note 3, at 624–25.

150. *See* Baumgartner & Morris, *supra* note 3, at 624–25.

151. NEAL FEIGENSON & CHRISTINA SPIESEL, LAW ON DISPLAY: THE DIGITAL TRANSFORMATION OF LEGAL PERSUASION AND JUDGMENT 15 (2009); Levett & Bull Kovera, *supra* note 146, at 127.

152. Baumgartner & Morris, *supra* note 3, at 625.

153. In other words, it is driven more by emotion than by analysis.

154. Consequently, there is less intellectual focus on the substance of the message. Baumgartner & Morris, *supra* note 3, at 625. The message then becomes more persuasive, because the listener disputes it less. RICHARD C. WAITES, COURTROOM PSYCHOLOGY AND TRIAL ADVOCACY § 2.06 (2003).

understand messages communicated through humor.<sup>155</sup> Where humor is used, the listener might process the message along the peripheral route due to the emotion or happiness associated with humor<sup>156</sup> or because of the message's complexity (humor often requires interpretation or an understanding of its context).<sup>157</sup> Furthermore, where viewers are entertained, their ability to critically analyze a message tends to decline, because they are either cognitively overloaded or distracted from attending to the core message.<sup>158</sup> Either way, the humor short-circuits a more thoughtful, critical analysis of the message.<sup>159</sup> This makes it more likely that the listener will process on the peripheral route and misinterpret a message. For example, we have all laughed at a joke only to think about it, realize that it makes fun of us or is socially inappropriate, and then stopped laughing.

### G. *Misunderstanding Satire*

This potential for misunderstanding is particularly salient with television satire. Satire cannot be taken at face value; it says one thing but means another<sup>160</sup> and is constructed on the dogma and language of its target. Although this inverted approach enables satire to comment on taboo topics in incisive ways,<sup>161</sup> it also afflicts it with the burden of interpretation and, thus, the risk of misinterpretation. In order for a viewer to get the joke, he or she must understand the context,<sup>162</sup>

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155. Little, *supra* note 2, at 1241 (discussing the cognitive components involved in processing humor).

156. See *id.* at 1240–41 (explaining that humor derives from, and operates on, an emotional and intuitive level). When humor makes the listener feel good, it precludes high elaboration. *Id.* at 625; see also Fox et al., *supra* note 30, at 223 (asserting that television comedy may produce a positive emotional response in viewers). Different emotions have different impacts on cognitive processing. See Leshner et al., *supra* note 142, at 486–87. For a description of the impact of specific emotions, see *id.* at 487–93.

157. See Baumgartner & Morris, *supra* note 3, at 624–25.

158. FEIGENSON & SPIESEL, *supra* note 151, at 15.

159. Baumgartner & Morris, *supra* note 3, at 635. Thus, the true (implicit) message is less likely to be processed and, in the case of satire, more likely to be mistakenly understood as supportive. *Id.*

160. See *id.* at 625–26.

161. See Podlas, *supra* note 6, at 509–10; TURNER, *supra* note 94, at 57; PALMERI, *supra* note 94, at 2.

162. See Lieberman et al., *supra* note 70, at 498; Thomas Nys, *Darkies, Dwarves, and Benders: Political (In)Correctness in The Office (UK)*, in *THE OFFICE AND*

perceive the same incongruity the satire presumes,<sup>163</sup> and recognize the satiric inversion or intent.<sup>164</sup> Doing so demands substantial cognitive resources. If the viewer does not have a reference point for the satire<sup>165</sup> or if the endorsed alternative is ironically presented,<sup>166</sup> he or she might misinterpret the message or take the comment literally.<sup>167</sup>

This type of boomerang effect has been observed in relation to *All in the Family* which derisively mocked the racism and small mindedness of main character Archie Bunker and Dave Chappelle's *Chappelle's Show*.<sup>168</sup> The latter was a brilliant satire that confronted, and thus exposed, stereotypes about African-Americans.<sup>169</sup> Chappelle, however, came to believe that some viewers misunderstood his satire and believed that he was making fun of African-Americans.<sup>170</sup> Therefore, rather than diluting racial stereotypes, Dave

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PHILOSOPHY: SCENES FROM THE UNEXAMINED LIFE 177, 183 (J. Jeremy Wisniewski ed., 2008); Little, *supra* note 2, at 1236, 1241.

163. See Paolucci & Richardson, *supra* note 79, at 30–31; Meers, *supra* note 5, at 672 (asserting that humor operates through incongruity); Little, *supra* note 2, at 1239, 1245–46 (positing that humor commonly rests on incongruity).

164. See Little, *supra* note 2, at 1236, 1241 (explaining that humor's cognitive component requires construction of meaning, understanding of the meaning, and an appreciation of the humorous communication); see also Colletta, *supra* note 24, at 863 (concluding that the listener must get the joke or that it *is* a joke).

165. The context of a portrayal can influence viewer interpretations of television content. Keren Eyal & Dale Kunkel, *The Effects of Sex in Television Drama Shows on Emerging Adults' Sexual Attitudes and Moral Judgments*, 52 J. BROADCASTING & ELECTRONIC MEDIA 161, 163 (2008).

166. Baumgartner & Morris, *supra* note 3, at 626. Irony also says one thing, but means the opposite, and thus relies on the audience to understand the context and true meaning. See Barad, *supra* note 75, at 77–78.

167. See Colletta, *supra* note 24, at 860, 863; Baumgartner & Morris, *supra* note 3, at 626, 634; Baumgartner & Morris, *supra* note 109, at 341. Cf. Little, *supra* note 2, at 1253 (explaining that the listener must have same preexisting knowledge or the humor will fail).

168. See Baumgartner & Morris, *supra* note 3, at 626; Colletta, *supra* note 24, at 863 (noting that misunderstood satire can reinforce prejudices rather than challenge them).

169. See GRAY, *supra* note 58, at 114–15. Chappelle's first episode featured a blind, African American man who was a racist KKK leader, but, being blind, was unaware of his race. *Chappelle's Show* (Comedy Central television broadcast Jan. 22, 2003).

170. GRAY, *supra* note 58, at 114; Baumgartner & Morris, *supra* note 3, at 626. These viewers laughed, but for the wrong reasons. Colletta, *supra* note 24, at 864. By contrast, mean-spirited humor that is directed at someone one who is mean-spirited—rather than mean-spiritedly agreeing with him—reinforces the idea that the racist is wrong and no one should be like him. See Andrew Terjesen, *What Are You Laughing At (and Why)?: Exploring the Humor of Family Guy*, in FAMILY GUY AND PHILOSOPHY: A CURE FOR THE PETARDED 128, 131–34 (J. Jeremy Wisniewski ed., 2007).

Chappell's satire fed them.<sup>171</sup> This might explain why a satire like *The Daily Show*, where Jon Stewart's reactions and tone make the point of view obvious, aids viewer understanding, while *The Colbert Report* can confuse viewers or unintentionally endorse that which it scrutinizes.<sup>172</sup> Hence, satire might cut to the quick, connect with the audience, or increase the audience's receptiveness to a message, but it might also enhance the wrong message.

#### H. *Making the Law a Joke: Television Satires of the Law*

This research on both television effects and processing of humor raises questions about the potential value and risk of combining television, satire, and legal themes. Essentially, ELM avers that satire's complexity and inverted meaning taxes cognitive resources, thereby impeding a viewer from accurately analyzing its message. When legal depictions are involved, the cognitive overload is expected to be greater, thus exacerbating the risk of misunderstanding. This is because not only must the viewer understand that the satire is, in fact, satire, and accurately decode it, but also the viewer must identify the legal depiction, make sense of it, and assess its authenticity. Additionally, the television depiction might be inaccurate or purposely intended not to reflect reality. Thus, the legal theme adds a layer of potential misunderstanding on top of a foundation of potential misunderstanding.

#### I. *Investigating Viewer Interpretation*

It is therefore relevant to determine whether audiences

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171. See Baumgartner & Morris, *supra* note 3, at 626; Colletta, *supra* note 24, at 863 (asserting that misunderstood satire can reinforce prejudices rather than challenge them); Little, *supra* note 2, at 1289 (describing that the paradoxical nature of humor can deny or affirm its object); see also Matt Sienkiewicz & Nick Marx, *Beyond a Cutout World: Ethnic Humor and Discursive Integration in South Park*, J. FILM & VIDEO, Summer 2009, at 5 (explaining that the open-endedness with which offensive humor is presented on *South Park* can leave the positions of prejudiced characters unchallenged); Ethan Thompson, *I Am Not Down with That: King of the Hill and Sitcom Satire*, J. FILM & VIDEO, Summer 2009, at 39 (noting that viewers and critics can confuse the target of humor in *King of the Hill*, believing that the show is making fun of Hank rather than identifying with Hank).

172. See Baumgartner & Morris, *supra* note 3, at 634; Baumgartner & Morris, *supra* note 109, at 341; Colletta, *supra* note 24, at 863. It might also confirm the viewer's preexisting beliefs. See Colletta, *supra* note 24, at 860, 863; Baumgartner & Morris, *supra* note 3, at 634; Baumgartner & Morris, *supra* note 109, at 341.

identify legal themes embedded in television satires and, if so, how they understand them and what mediating role humor plays.<sup>173</sup> For instance: Does satire aid or impede viewer comprehension? Does it entice viewer interest, thereby increasing their engagement with the legal message, or does it distract viewers from the real message? Do the comedic exaggerations reinforce negative stereotypes about the legal system? And does joking about a legal issue diminish the perceived importance of the issue?<sup>174</sup> Adequate investigation of these questions, however, requires more than an academic's surmising what a program conveys or opining whether its impact is consistent with his or her preferred reading of the content. Programs that scholars or practitioners perceive as positive might not be, and programs that they ignore as inconsequential might be more meaningful than they realize.<sup>175</sup>

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173. See Podlas, *supra* note 2, at 132–33 (discussing the importance of understating humor's depiction of legal themes); Rudolph, *supra* note 4, at 179 (explaining that the value or impropriety of using humor in the law is determined by its effect or way that people hearing it understand it); Meers, *supra* note 5, at 660 (opining that humor in the law is a field that deserves more attention). That certain other television depictions of the law have been found to impact viewers, under specific circumstances and in specific ways, does not mean that a television satire—or the genre of television satires—will impact audiences, let alone in the way we might expect.

174. See Little, *supra* note 2, at 1236–37; Ewick & Silbey, *supra* note 2, at 560; Galanter, *supra* note 2, at 2223; Leif Dahlberg, *Emotional Tropes in the Courtroom: On Representation of Affect and Emotion in Legal Court Proceedings*, 3 LAW & HUMAN. 175, 177–78 (2009) (noting that the study of impact of emotions on constructions of the law and legal decision-making had been scarce, but is becoming more popular); see generally Podlas, *supra* note 2 (arguing that television's humorous portrayals of law deserve study and contribute to public's respect for the law).

175. Cf. Peter Brooks, *The Law as Narrative and Rhetoric*, in LAW'S STORIES: NARRATIVE AND RHETORIC IN THE LAW 14, 14 (Peter Brooks & Paul Gewirtz eds., 1996) (discussing the importance of public's understanding of legal depiction); Podlas, *supra* note 19, at 33 (discussing the importance of audience's understanding of television's legal depiction). Because of their different backgrounds and reference points, legal scholars and practitioners understand television's legal representations differently than do lay people. See LAWRENCE M. FRIEDMAN, LAW AND SOCIETY: AN INTRODUCTION 76 (1977) (describing the difference between lay legal culture, the ideas, attitudes, values, and beliefs held by the public, and lawyer legal culture, the perceptions and expectations held by lawyers, judges, and other officials). For example, *The Simpsons* featured an iconic attorney character, Lionel Hutz. Podlas, *supra* note 74, at 363–64. Attorneys may identify Hutz as an over-the-top stereotype encompassing all of the characteristics that people hate about attorneys, but understand that he is the exception to the rule, the one bad apple in the bunch. See generally *id.* Others, however, may interpret the joke more literally, and see Hutz as an over-the-top stereotype exaggerating attorneys negative qualities. Thus, Hutz is mocking what attorneys are actually like. Hence, the former group interprets Hutz as unlike most

Thus, guided by research on television satire and extending scholarship exploring the impact of television on legal culture, the following study investigates viewer understandings of legal themes articulated in satires. To measure viewer understanding, the study uses episodes of the animated satire *Family Guy*. When *Family Guy* includes contemporary legal issues, its satiric, postmodern nature renders its humor and messages subject to misinterpretation.<sup>176</sup> Importantly, though *Family Guy* episodes are used to investigate viewer interpretations of legal themes, this study is not concerned with *Family Guy*'s legal ideology or impact on legal culture; rather it is concerned with audience interpretations of this type of comic frame. Nonetheless, *Family Guy* has emerged as one of television's premier satires.<sup>177</sup> Especially for younger adults, it is a cultural touchstone that has long been a part of their lives via prime time broadcasts, daily syndication, and evening cable.<sup>178</sup> Therefore, if *The Daily Show* and *Saturday Night Live* are worthy of academic attention, because they attract viewers who do not watch traditional news programming, then *Family Guy* merits study because it might attract viewers who watch no news programming at all.

### J. *Family Guy*

*Family Guy* premiered in January 1999, only to be cancelled twice.<sup>179</sup> Nevertheless, after record-setting DVD sales, the

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attorneys, whereas the latter group interprets him as exaggerated, but somewhat representative of attorneys.

176. For instance, Seth MacFarlane's DVD commentary to Season 1's "The Son Also Draws" relates that Canadians complained about the episode. It was unclear, however, whether they did not get the humor, or whether they got the humor, but and were complaining in mock indignation of people who do not understand the humor of *Family Guy*. See Seth MacFarlane, Creator, Audio Commentary to *Family Guy: The Son Also Draws* (Twentieth Century Fox television broadcast May 9, 1999).

177. It now anchors FOX's Sunday "animation domination" programming. James Poniewozik, *Family Guy Offers Hyper Animation*, in *Triplicate*, TIME, Oct. 26, 2009, at 61. More accurately, writer-producer-creator and voice-actor Seth MacFarlane owns Sunday night, creating three of the four shows in that block. *Id.*

178. Indeed, surveys of the college students in this study reveal that the majority of them are familiar with *Family Guy*, and report watching an average of 100 hours of the show over the last five years.

179. Poniewozik, *supra* note 177, at 61; Press Release, Familyguy, Watch *Family Guy* Season 8 Episode 150 Full Show (May 3, 2010), <http://www.prlog.org/10659002-watch-family-guy-season-8-episode-150-full-show.pdf>.

show was resurrected and has become better and smarter with age.<sup>180</sup> The 2009–2010 season was perhaps the series' most critically acclaimed year; it made history by being nominated for a 2009 Emmy for Outstanding Comedy Series and celebrated its 150<sup>th</sup> episode in May 2010.<sup>181</sup>

Like *The Simpsons* and *South Park*, *Family Guy* is often both deep and silly at the same time, occasioning insight into the human condition and the world at large.<sup>182</sup> It addresses issues such as the nature of reality, the power of media, the prudence of punitive penal policies, and the authority and legitimacy of law enforcement.<sup>183</sup>

It was, and to some extent still is, criticized as being more of a delivery system for unconnected jokes than a humorous, cohesive narrative.<sup>184</sup> Yet, the absurdist, non sequitur humor<sup>185</sup> that some identify as *Family Guy*'s primary flaw is what others praise as its best quality.<sup>186</sup> In fact, its "anything

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180. See Gary Levin, *'Family Guy' Un-Canceled, Thanks to DVD Sales Success*, USATODAY.COM (Mar. 24, 2004, 9:27 PM), [http://www.usatoday.com/life/television/news/2004-03-24-family-guy\\_x.htm](http://www.usatoday.com/life/television/news/2004-03-24-family-guy_x.htm).

181. See Press Release, Watch *Family Guy* Season 8 Episode 150 Full Show, *supra* note 179.

182. See J. Jeremy Wisniewski, *You Better Not Read This, Pal: An Introduction to Family Guy and Philosophy*, in *FAMILY GUY AND PHILOSOPHY*, *supra* note 170, at 1, 1–2.

183. See Shai Biderman & William J. Devlin, *The Simpsons Already Did It!: This Show Is a Freakin' Rip-Off!*, in *FAMILY GUY AND PHILOSOPHY*, *supra* note 170, at 149, 149–50. For example, the premier episode of *Family Guy* contains multiple references to the law and the legal system as plot points: Peter was fired for negligence, was arrested for welfare fraud, spent time in jail, was sentenced to two years imprisonment. See *Family Guy: Death Has a Shadow* (Twentieth Century Fox television broadcast Jan. 31, 1999).

184. See Crawford, *supra* note 107, at 63, 65 (criticized as blank parody); Poniewozik, *supra* note 177, at 61.

185. One of its signatures is cutting away from the story line to insert a non sequitur gag. Poniewozik, *supra* note 177, at 61. For example, in *Cartoon Wars: Part I*, *South Park* criticized *Family Guy*'s humor as a brainless, compilation of interchangeable jokes unrelated to the plot. See *South Park: Cartoon Wars: Part I* (Comedy Central television broadcast Apr. 5, 2006). Cartman explained: "I am nothing like *Family Guy*! When I make jokes, they are inherent to a story! Deep, situational and emotional jokes based on what is relevant and has a point! Not just one interchangeable joke after another!" *Id.* A FOX executive then explained that *Family Guy* is written by manatees who live in a tank and randomly choose "idea balls" that are randomly labeled with plot points and joke components. See *South Park: Cartoon Wars: Part II* (Comedy Central television broadcast Apr. 12, 2006).

186. See Jonah P.B. Goldwater, *The Logic of Expectation: Family Guy and the Non Sequitur*, in *FAMILY GUY AND PHILOSOPHY*, *supra* note 170, at 115; Poniewozik, *supra* note 177, at 61.

goes” attitude, pop cultural references,<sup>187</sup> intertextuality,<sup>188</sup> and sense of self-awareness<sup>189</sup> are emblematic of postmodern art.<sup>190</sup> *Family Guy* is not beholden to the formula of *The Simpsons* or the comedic narratology of *South Park*, but intentionally flouts the traditional rules of narrative structure<sup>191</sup> to allow for non sequiturs and pop culture riffs.<sup>192</sup> In doing so, *Family Guy* challenges the viewer or, at least makes him or her laugh.<sup>193</sup>

In other instances, *Family Guy* plays on the hasty generalizations that lead to incorrect and illogical conclusions.<sup>194</sup> Therefore, it is not that, in the traditional sense of non sequitur, *Family Guy* humor or logic does not follow but, rather, that some of *Family Guy*’s humor purposely defies and reverses the expectations of the audience.<sup>195</sup> Nevertheless, even its most seemingly random humor relies on the audience’s assumption of a particular progression.<sup>196</sup> Thus, *Family Guy* exudes a comedic logic, but that logic is to do what is unexpected.<sup>197</sup>

Similarly, *Family Guy*’s attack of virtually everything does not indicate philosophical inconsistency, but the belief that nothing is above attack.<sup>198</sup> When *Family Guy* is offensive, which is often, it is offensive in a way that forces viewers to confront their own actions or reveals that some beliefs they hold sacred might not deserve to be.<sup>199</sup> For example, some of the humor that is alleged to be mean-spirited and offensive is directed at showing how unenlightened or wrong the

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187. Colletta, *supra* note 24, at 866.

188. See Crawford, *supra* note 107, at 63, 66–67.

189. Colletta, *supra* note 24, at 866.

190. See Biderman & Devlin, *supra* note 183, at 155–57; Colletta, *supra* note 24, at 857.

191. See Biderman & Devlin, *supra* note 183, at 152–53.

192. See Crawford, *supra* note 107, at 58.

193. See Biderman & Devlin, *supra* note 183, at 153.

194. See Robert Arp, *Thinkin’ Is Freakin’ Sweet: Family Guy and Fallacies*, in *FAMILY GUY AND PHILOSOPHY*, *supra* note 170, at 139, 146–47.

195. See Goldwater, *supra* note 186, at 126.

196. *Id.* These are often reversals of character or reversals of role expectations, such as Supreme Court Justices competing in a beer-chugging contest. See *id.* at 120–23.

197. See *id.* at 118–21, 123. Hence, if *this* logic is followed, the joke does indeed follow.

198. Crawford, *supra* note 107, at 64–65 (quoting Seth MacFarlane’s opinion that no one is beyond attack).

199. Wisniewski, *supra* note 182, at 2.

character associated with it is.<sup>200</sup> Hence, when Peter Griffin, the show's main character, says something stupid,<sup>201</sup> the joke is not intended to endorse Peter's position, but rather to identify what stupid people think, thus, exposing and rejecting that position.<sup>202</sup> This is satire in its most basic form.

## II. THE STUDY

### A. *The Episodes*

The two-part study used two *Family Guy* episodes to measure viewer understanding and interpretation. One episode focused on free speech and free press issues.<sup>203</sup> It articulated clear or overt messages<sup>204</sup> about the legal issue—namely, that freedom of speech and press is important, that it is wrong to censor speech or the press, and that those who attempt to do so are bad.<sup>205</sup> It also included concrete, supportive dialogue articulated by the Brian character.<sup>206</sup> Throughout the series, Brian's communications are the most intellectualized of those expressed and tend to reflect the actual message of the show.<sup>207</sup> This episode was designated the Clear Message Episode.

A second episode focused on the legalization of

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200. See Terjesen, *supra* note 170, at 133–36.

201. *Family Guy* spent a great deal of time establishing how stupid Peter was—even documenting it in Petarded. *Id.*

202. See *id.*

203. See *Family Guy: Death Has a Shadow*, *supra* note 183.

204. Three coders, working independently, evaluated several *Family Guy* episodes for clarity of message, instances of overt articulation, instances of character articulation/degree of character support, message slant, and other indicia of message meaning.

205. See *Family Guy: Death Has a Shadow*, *supra* note 183.

206. See *id.*

207. Mark D. White, *Is Brian More of a Person than Peter?: Of Wills, Wantons, and Wives*, in *FAMILY GUY AND PHILOSOPHY*, *supra* note 170, at 163, 163–64; Robert Sharp, *The Ego Is a Housewife Named Lois*, in *FAMILY GUY AND PHILOSOPHY*, *supra* note 170, at 175, 178. On *Family Guy*, Brian is the person. White, *supra*, at 164–67. By contrast, Peter—and to perhaps a lesser extent Stewie—is a wanton. *Id.* According to pop culture philosopher Harry Frankfurt, the difference between persons and non-persons depends on the ability to reflect on and judge one's will or to have desires regarding one's desires. Sharp, *supra*, at 178–80, 184. All people have first-order, basic desires. *Id.* Second order desires implicate will and reflection, even regret and guilt. *Id.* Having a second order desire makes one a person. *Id.* Just wanting and blindly following wants without reflection, makes one a “wanton.” *Id.* Another author identifies Brian as the superego of the household and moral compass. *Id.*

marijuana.<sup>208</sup> It did not present a clear or singular message, but presented multiple and/or internally conflicting messages. Specifically, the program both deprecated and advanced the strong and weak points of pro-legalization and no-legalization positions.<sup>209</sup> Additionally, Brian did not signal the “correct” view, but changed his mind on the issue several times.<sup>210</sup> This episode was designated the Unclear Message Episode.

### *B. Participants*

A total of ninety-eight college students—as part of their coursework in a methodology course—participated in the study. Participants were divided into two groups. The first group was designated the Primed Group and was comprised of forty-four students who had previously completed coursework regarding the First Amendment and censorship of the media. Presumably, this group might differently understand or identify legal issues than would average viewers. The second group was designated the Control Group and was comprised of fifty-four students who had no such background, had not taken any law-oriented courses, and represented the average college-aged viewer.

### *C. Clear Message Episode*

#### 1. Clear Message Episode: Survey and Viewing

Students first filled out a short survey asking how often they watched *Family Guy*, what they believed its political bent to be,<sup>211</sup> and to identify their personal beliefs about free speech and censorship of the press.<sup>212</sup> For purposes of

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208. See *Family Guy: 420* (Twentieth Century Fox television broadcast Apr. 19, 2009).

209. See *id.*

210. See *id.*

211. The question asked:

In terms of its politics/ political views, *Family Guy* is:

a) Liberal/ Left-Leaning

b) Moderate or Neutral, and/or reflects both Liberal and Conservative views

c) Conservative/ Right-Leaning

212. The question asked:

Which group of statements best reflects your beliefs:

a) Censorship of the press is sometimes justified or legal

analysis, these categories were designated as a “Strong Free Speech/Press” Viewpoint, a “Moderate Speech/Press” Viewpoint, and “No Viewpoint,” respectively.

Next, students watched the Clear Message Episode of *Family Guy* and filled out a second survey. Among other things, the second survey asked: (1) Whether the episode’s message was either “Clear” or “Unclear/Mixed” and (2) What the episode’s message was, relating back to the scale on free speech and press censorship. Students then stapled and returned both surveys.

## 2. Clear Message Episode: Results

In most respects, the responses of the Primed Group and the Control Group were quite similar. Although a majority of students, 61% of the Primed Group and 67% of the Control Group, assessed *Family Guy*’s political bent as Liberal/Left-Leaning, 29.5% of the Primed Group and 24% of the Control Group assessed it as Moderate or Neutral, and 9% of the Primed Group and 9% of the Control Group, assessed it as Conservative/Right-Leaning. Thus, students did not express a uniform opinion about *Family Guy*’s political viewpoint but perceived it as representing a variety of viewpoints.<sup>213</sup>

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- Freedom of speech and press is not absolute
  - I am generally in favor of free speech and press, but censorship of press is sometimes justified (or legal)
  - b) Censorship of the press is never justified or legal
  - Freedom of speech and press is or should be absolute
  - I am strongly in favor of free speech and press
  - I am strongly opposed to censorship of the press
  - c) I have no opinion and/or I do not know.

For purposes of analysis, (a) was designated the “Strong Free Speech/Press” Viewpoint; (b) was designated the “Moderate Speech/Press” Viewpoint; and (c) was designated “No Viewpoint.”

213. Because an Institutional Review Board objected to asking students to identify their personal political leanings, such questions were eliminated from the survey.

	Primed Group	Control Group	Total Sample
	N = 44	N = 54	N = 98
Liberal/Left-Leaning	27 (61%)	36 (67%)	63 (64%)
Moderate or Neutral	13 (29.5%)	13 (24%)	26 (26.5%)
Conservative/Right-Leaning	4 (9%)	5 (9%)	9 (9%)

Table 1. Assessment of *Family Guy's* Politics/Political Viewpoint

With respect to the interpretation of the message, participants within each group, 95.5% of the Primed Group and 94.5% of the Control Group, interpreted the message of *Family Guy* identically, as expressing a “Strong Free Speech/Press” viewpoint. There was no statistically significant difference between the Primed and Control Groups, and both groups accurately assessed the message. This remained true when considered in terms of the relationship between each individual participant’s preexisting opinion about First Amendment issues and their interpretation of *Family Guy's* meaning: participants interpreted the episode as conveying a strong First Amendment position, regardless of their personal opinion about speech and press censorship. These results are shown in Table 2.

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	Primed Group	Control Group	Total Sample
	N = 44	N = 54	N = 98
Strong	42 (95.5%)	51 (94.5%)	93 (95%)
Moderate	1 (2%)	2 (3.5%)	3 (3%)
Uncertain/ Message Unclear or Conflicting	1 (2%)	3 (5.5%)	4 (4%)

Table 2. Assessment of *Family Guy's* Message in the Clear Message Episode

### 3. Opinions About Free Speech and Press Censorship

The primary difference between the Primed and Control groups pertained to the students' personal opinions regarding limitations on freedom of speech and press. Of students in the Primed Group, 73% reported having a "Strong Free Speech/Press" viewpoint, and 25% identified themselves as holding a "Moderate Free Speech/Press" viewpoint. Of the students in the Control Group, 83% reported having a "Strong Free Speech/Press" viewpoint, and 15% identified themselves as holding a "Moderate Free Speech/Press" viewpoint.

The Primed Group's higher proportion of "Moderate Free Speech/Press" identifications could be due to a number of factors. For instance, it might reflect the Primed Group's greater awareness of censorship instances, legal or otherwise. In other words, having studied the topic, these students might have been expressing their knowledge that, in some circumstances, it is legal to censor the press.

#### D. Unclear Message Episode

##### 1. Unclear Message Episode: Survey and Viewing

Approximately one month later, the protocol was

repeated.<sup>214</sup> This time, students filled out a survey and identified their personal beliefs about the legalization of marijuana as falling into one of three categories.<sup>215</sup> For purposes of analysis, these categories were designated as a “Pro-Legalization” viewpoint, a “No Legalization” viewpoint, and an “Uncertain/No Viewpoint.” Next, the students watched the Unclear Message Episode of *Family Guy*, dealing with the legalization of marijuana, and filled out the second part of the survey. Among other things, the survey asked: (1) Whether the episode’s message was “Clear” or “Unclear/Contradictory” and (2) What the episode’s message was, relating back to the scale on marijuana legalization. Students then stapled and returned both surveys.

## 2. Unclear Message Episode: Results

Student opinions about marijuana legalization varied both within and across the Primed Group and the Control Group. A majority of students favored legalization, others opposed it, and several others were uncertain/had no opinion. There was, however, no statistically significant difference between the opinions of the Primed Group and the Control Group. Rather, the variation of opinions was relatively equal within each group. Of the total number of participants, 46% identified themselves as having a “Pro-Legalization” viewpoint, 16% identified themselves as having a “No Legalization” viewpoint, and 38% identified themselves as being “Uncertain” or having “No Viewpoint.” These results are shown in Table 3.

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214. The questions on the pre-test asked about beliefs regarding the legalization of marijuana and penalties for illegal use.

215. Students were asked which “group of statements best reflect[ed their] beliefs”: (1) “I am generally in favor of legalizing marijuana,” (2) “I am not in favor of legalizing marijuana and/or believe the law should not be changed,” or (3) “I have no opinion, am uncertain, and/or do not know.” For purposes of analysis, (1) was designated the “Strong Free Speech/Press” Viewpoint; (2) was designated the “Moderate Speech/Press” Viewpoint; and (3) was designated “No Viewpoint.”

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	Primed Group	Control Group	Total Sample
	N = 44	N = 54	N = 98
Pro-Legalization	21 (48%)	24 (44.5%)	45 (46%)
No Legalization	8 (18%)	8 (15%)	16 (16%)
Uncertain/ No Viewpoint	15 (34%)	22 (41%)	37 (38%)

Table 3. Personal Opinions Regarding Marijuana Legalization

With regard to the interpretation of the Unclear Message Episode, there was no statistically significant difference between the two groups but the interpretations of individual participants in each group varied greatly. Of the total number of participants: 58% assessed the message as “Unclear/Mixed,” 25.5% assessed it as “Pro-Legalization,” and 16% as “No Legalization.” This divergence in opinion was found across both the Primed Group and Control Group relatively equally. These results are shown in Table 4.

	Primed Group	Control Group	Total Sample
	N = 44	N = 54	N = 98
Pro-Legalization	11 (25%)	14 (26%)	25 (25.5%)
No Legalization	7 (16%)	9 (16.5%)	16 (16%)
Unclear/Mixed	26 (59%)	31 (57.5%)	57 (58%)

Table 4. Assessment of *Family Guy*'s Message in the Unclear Message Episode

Although the majority of students (58%) “correctly” assessed the episode’s message as Unclear/Mixed, 42% of students assigned it a defined message. Furthermore, among those who assigned it a message, there appeared to be a trend. Of the students who identified *Family Guy* as having a clear, partisan meaning, 73% assigned a meaning consistent with their personal beliefs. This correlation was strongest for those having a “Pro-legalization” view; 88% who interpreted *Family Guy*’s message as “Pro-Legalization were themselves “Pro-Legalization”; 50% who assigned the episode a “No Legalization” message identified themselves as having a “No Legalization” viewpoint. These results are shown in Table 5 and Table 6.

	Assessed <i>Family Guy</i> as Pro-Legalization	Personal Opinion Pro-Legalization	Personal Opinion No-Legalization	Uncertain/ No Opinion
Primed Group	11	11		
Control Group	14	11	1	2

Table 5. Assessment of Unclear Message Episode as Pro-Legalization (N = 25)

	Assessed <i>Family Guy</i> as No-Legalization	Personal Opinion No-Legalization	Personal Opinion Pro-Legalization	Uncertain/ No Opinion
Primed Group	7	4		3
Control Group	9	4	2	3

Table 6. Assessment of Unclear Message Episode as No Legalization (N = 16)

### III. DISCUSSION

The results showed that if the law-oriented message of *Family Guy* was clear, students correctly identified it, regardless of whether it coincided with their personal beliefs about the issue featured. This indicates that, provided a satire's message is clear, the audience will both identify it—or “notice” it in the midst of a comedy—and interpret it correctly. Moreover, the humorous “inflection” does not seem to mask the legal issue or cause the audience to miss it. By contrast, it appears that if a law-oriented message is unclear or includes multiple points of view, a proportion of viewers will not understand the message or interpret it correctly.

This might reflect any number of things. Those who misinterpreted an unclear message as having a partisan meaning typically interpreted the meaning to coincide with their preexisting beliefs. Perhaps, when attempting to process an unclear or mixed message, viewers will reference their preexisting beliefs and knowledge structures. Being guided or perhaps constrained by this framework, they then “read” a message consistent with their existing beliefs. Perhaps other viewers, when confronted with a mixed message, choose the one they believe reflects the strongest point of view of those advanced. When watching an episode, a viewer with an existing opinion might focus on or better remember information consistent with her belief and/or dismiss information inconsistent with it. Thus, when asked to assess the episode's message, the viewer identifies what to them is the strongest point of view. Ironically, an episode's including more information or attempting to avoid bias by articulating more than one side of an issue can have the counterintuitive effect of producing cognitive overload, thereby leading the viewer to process on the peripheral route. Viewer interpretations might also be influenced by their television literacy in the genre. For example, courtroom dramas—including *Law & Order*—are structured to present multiple sides of a legal issue. Hence, because viewers are accustomed to these shows highlighting a single legal issue and contrasting points of view on that issue, viewers might be more adept at identifying those issues. This structure is far less common in comedy. Therefore, had the marijuana legalization messages appeared in a dramatic format, viewers might have perceived them differently than they did within

the comedic format. Thus, the satiric framing may have mediated their interpretations.

The import and generalizability of these results are limited by the sample group of students, the specific episodes used, and the survey categorizations chosen (e.g., combining “Mixed Message” and “Unclear Message” into a single category as opposed to using “Multiple Messages” and “Confusing Message” categories). More research using different types of viewers, experimental protocols, episodes, and legal themes is needed. With regard to the episodes used, the results might have been influenced by the particular legal issues featured or the reason the message was confusing. With regard to the former, viewers might have interpreted the marijuana-legalization message differently than they would a message about some other legal issue. With regard to the latter, an episode might be confusing—or deemed “mixed”—because it includes clearly articulated, but multiple, messages, a singular but poorly articulated message, or a message about a topic that, itself, is confusing. Viewers might respond to each source of confusion distinctively. Notwithstanding the limitations of the instant study, it, at least, provides a starting point for considering humor seriously.

### CONCLUSION

This study has both theoretical and practical implications. Most fundamentally, it contributes to the body of research demonstrating that television can inform people’s understandings of legal issues. More specifically, it supports the notion that viewers detect legal themes in television satires and can be impacted by them. Yet, this investigation also underscores the limits and perils of satire. The sharp wit of satire is a potent weapon, but its blade cuts both ways: satire can cut to the quick or help connect with audiences, but it can also enhance the wrong message, produce unintended consequences, or cause viewers to process peripherally and, thus, devote less attention and thought to the message conveyed. Indeed, the exact effect appears to depend on a combination of factors including the viewer’s awareness that the television program is, in fact, a satire and the viewer’s preexisting opinions about the issue mocked. The risk of misinterpreting a message is even greater with satiric

depictions of the law, since the law is a subject outside of the average viewer's expertise. Therefore, to the extent that legal issues themselves can be difficult to understand, combining them with satire's complexity makes them more so.

The implications of inflecting legal themes with humor extend beyond the television screen. Attorneys, judges, and appellate opinions might attempt to employ humor to explain the law, personalize issues for litigants, or develop a rapport with jurors and clients.<sup>216</sup> This study, however, cautions that while humor can be a powerful element, it is also an unstable one; not everyone will get the joke or take it the same way; not everyone will find it funny.

Finally, the study reminds us that television's potential is not unlimited but constrained by the backgrounds and existing beliefs of audience members as well as by the unique voice and style of any given television comedy. In our enthusiasm to acknowledge television's contribution to legal culture, scholars can sometimes go overboard in asserting the degree and circumstances of television's influence or fail to distinguish its likely potential from its demonstrated impact. Neither advances our understanding. Rather, as we continue to build our foundational knowledge,<sup>217</sup> it is important to be aware not only of the potential of television satire but also that its impact—when there is one—is unique, variable among audience members, and sometimes counterintuitive.

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216. See Rudolph, *supra* note 4, at 175–79; Meers, *supra* note 5, at 660; Galanter, *supra* note 5, at 1119.

217. Therefore, communication research is important and can help legal scholars and policy makers “avoid some of the more crass assumptions” that has misguided earlier debates about media effects, such as that they are direct and undifferentiated. Clay Calvert & Matthew D. Bunker, *Free Speech, Fleeting Expletives, and the Causation Quagmire: Was Justice Scalia Wrong in Fox Television Stations?*, 47 SAN DIEGO L. REV. 737, 757 (2010).