Based on a True Story: Law and Legal Films in Canada

KAITLIN HENLEY[*] & STEVEN KOHM[**]

ABSTRACT

Media and culture offer popular encounters with law, crime, and punishment. Nicole Rafter refers to this nexus as popular criminology: sites where popular culture intersects with academic discourses about crime and justice.[1] To date, most popular criminological research has focused on Hollywood images of law, crime, and punishment. This study broadens our understanding of popular criminology by analyzing representations of law and the criminal courts in Canadian films.

We present findings from a qualitative study of Canadian films about law and the criminal courts using popular criminology as a guiding conceptual framework. We analyzed 20 films, made in and about Canada between 1933-2003. These films were examined alongside the broader social, legal, and political-economic contexts in which they were produced and encountered by audiences. We argue that films are important cultural sites that both reflect contemporaneous ways of thinking about law and crime, while also highlighting the need for reform. Our findings further reveal that government regulation and financing of cultural production have fostered a preference for non-fiction films through most of the study

[*] Kaitlin Henley, BA(Hons.) is an MA student in the School of Criminology, Simon Fraser University.

[**] Steven Kohm, Ph.D (Simon Fraser) is a Professor in the Department of Criminal Justice at the University of Winnipeg.

[1] Nicole Rafter, "Crime, Film and Criminology: Recent Sex-Crime Movies" (2007) 11:3 Theoretical Criminology 403 [Rafter 2007].

period, lending veracity to the cinematic depiction of the Canadian legal process. Landmark legal cases and well-known miscarriages of justice are common subjects. Our analysis suggests that most Canadian criminal law films are distinct from the Hollywood genre formula, reflecting and sometimes contesting popular myths about the justice system in this unique national context.

Keywords: *criminal law; film; Canada; legal reform; constitutional law; legal history; popular criminology*

I. INTRODUCTION

Popular media about crime and justice, such as film, "draw from and… shape social thought about crime and its players."[2] By crafting compelling narratives about good and evil, crime films convey "ideological messages" and shape "the myths that a society lives by."[3] Moreover, this ideological effect of crime films plays out through the depiction of race, class, and gender, powerfully influencing "what can be said and what modes of expression can be used."[4] Films are therefore important cultural sites for analyzing societal myths about crime and justice, as well as the expression of forms of power. To date, most criminological and socio-legal research has focused on Hollywood images of crime, law and punishment.[5] While a few works have examined aspects of crime, policing, and incarceration in Canadian feature-length films,[6] there has been no comprehensive study of

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2 Nicole Rafter, *Shots in the Mirror: Crime Films and Society*, 2nd ed (Oxford: Oxford University Press, 2006) at 8 [Rafter 2006].

3 *Ibid* at 9.

4 *Ibid* at 9.

5 Even Canadian legal and criminological scholars have favoured analyses of Hollywood film over homegrown fare. See e.g. Suzanne Bouclin, *Women, Film and Law: Cinematic Representations of Female Incarceration* (UBC Press, 2021); and Jon Frauley, *Criminology, Deviance, and the Silver Screen: The Fictional Reality and the Criminological Imagination*, 1st ed (New York: Palgrave Macmillan, 2010).

6 See e.g. Steven Kohm, Sonia Bookman & Pauline Greenhill, *Screening Justice: Crime Films, Culture and Society* (Halifax: Fernwood, 2017); and Steven Kohm et al,

the evolution of Canadian criminal law and courtroom films to date.[7] This study therefore broadens our understanding of popular criminology by analyzing representations of law and the criminal courts in Canadian films, a hitherto neglected topic among scholars of crime, media and popular culture.[8]

We present findings from a qualitative study of Canadian legal films over the past century using Nicole Rafter's popular criminology as a guiding conceptual framework. Our findings reveal that government policy and economic constraints fostered a preference for non-fiction films in Canada over much of the study period. Landmark legal cases and well-known historical miscarriages of justice are common subjects. Our findings suggest that most Canadian law films were distinct from the Hollywood genre formula, reflecting and sometimes contesting popular myths about the justice system in this national context. However, recent shifts in government cultural policy have changed the way Canadian films engage with legal issues by fostering a preference for films that imitate the generic codes of Hollywood. While most Canadian films released over the past century have been based on a true story, this appears to be shifting since the 1990s. This shift will likely impact popular images of law made in and about Canada. To explore this issue, we first situate our study within the broader literature on Hollywood courtroom films, before considering the unique elements of Canadian cinema that have been fostered by creative practice and government policy in this nation.

"Introduction: Representing In/Justice in Canadian Film" (2022) 52:1 American Review of Canadian Studies 1 [Kohm et al 2022].

7 The representation of mediation on Canadian Television, however, has been the subject of recent scholarly work. See Jennifer L. Schulz, "Settlement and Mediation in Canadian Legal Television" (2011) Journal of Arbitration and Mediation 79.

8 While we utilize a popular criminological framework in our analysis of Canadian crime films, scholars working broadly in cultural legal studies have also contributed useful analytic frameworks to understand the mutually constitutive nature of law and culture. See e.g. Jennifer Schulz, "What is Cultural Legal Studies" (2021) 44:2 Manitoba Law Journal 143. See also Austin Sarat & Thomas R Kearns, eds., *Law in the Domains of Culture* (Ann Arbor: The University of Michigan Press, 1998) online: <doi.org/10.3998/mpub.15805> [perma.cc/ZKY2-XUJM].

II. A POPULAR CRIMINOLOGY OF HOLLYWOOD LAW AND COURTROOM FILMS

Rafter's seminal work on crime films and society provides the most comprehensive analysis of legal films to date, covering the full range of Hollywood law and courtroom films from the end of the silent era to the early 2000s.[9] Rafter analyzed law films alongside the broader social and legal contexts in which they were produced and encountered by audiences, arguing that Hollywood films are important cultural sites that both reflect current ways of thinking about law and crime, while also becoming "cultural touchstones, commonplace referents, and even rallying points for reforms," shaping how we think about legal issues.[10]

Rafter shows how law films have evolved over the decades, from courtroom dramas featuring heroic white male lawyer protagonists "who solved the mystery and settled other dilemmas in the course of a trial," to films that either "embed a short trial scene into a longer adventure story" or merely contain "legal subtexts."[11] The evolving nature of the genre has led to debate among film and legal scholars as to what ought to be included as a law film and how broadly to define the limits of the category.[12] Nevertheless, while defining criminal law films has become a contested subject, the present study uses Rafter's flexible approach, defining Canadian criminal law films as those that contain pivotal trial scenes as well as "movies that discuss criminal law but cannot be squeezed into the courtroom category."[13]

Until the 1980s, traditional Hollywood courtroom dramas explored the tension between natural law or justice and man-made, fallible law.[14] These films

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9 Rafter 2006, *supra* note 2. See also Nicole Rafter "American Criminal Trial Films: An Overview of Their Development, 1930-2000" (2001) 28:1 J.L.& Soc. 9 [Rafter 2001].

10 Rafter 2006, *supra* note 2 at 137.

11 *Ibid* at 135.

12 See e.g. Anthony Chase, *Movies on Trial: The Legal System on the Silver Screen* (New York: The New Press, 2002). See also Steve Greenfield, Guy Osborn & Peter Robson, *Film and the Law* (London: Cavendish, 2001).

13 Rafter 2006, *supra* note 2 at 153.

14 *Ibid* at 136.

typically included injustice figures – characters responsible for the disjuncture between these two types of law – and justice figures – usually lawyers, who try to "move man-made law ever closer to the ideal."[15] Traditional courtroom films build toward trial scenes where a narrative conclusion is reached, and the question of justice is settled. Moreover, some of the most acclaimed Hollywood courtroom dramas from the mid-twentieth century drew on real cases, providing a heightened sense of realism. However, by the 1980s, courtroom dramas declined in popularity, leading to a period of genre depletion.[16]

Classic Hollywood courtroom films revolve around one major theme: "the difficulty of achieving justice."[17] In prototypical Hollywood courtroom dramas, justice is represented as "elusive, ambiguous and often more demanding than it first appears."[18] Hollywood courtroom films have dramatized serious miscarriages of justice, including wrongful convictions, as well as the complexities of assigning legal blame, particularly in the context of diminished culpability, such as the insanity defence.[19] Ideologically, Rafter argues that Hollywood courtroom films "reach a wide range of conclusions about legal processes, from adulation to contempt."[20] However, she also claims that until the 1980s, most traditional courtroom films "show the impediments [to justice] being overcome," lending ideological support to the status quo of American justice.[21] However, since that time, Rafter concedes that Hollywood law films have moved away from the simple generic conventions and ideological commitments of the courtroom drama and toward a more complex and often pessimistic view of the American legal system.

Rafter described four distinct periods in the evolution of the Hollywood law film that reflected shifts in filmmaking as well as contemporaneous societal developments: 1) an early period of experimentation from the 1930s to the mid-1950s, including a cycle of "law-noir" films that reflected the

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15 *Ibid* at 136.

16 *Ibid* at 148.

17 *Ibid* at 138.

18 *Ibid* at 138.

19 *Ibid* at 139.

20 *Ibid* at 140.

21 *Ibid* at 142.

bleakness of the Great Depression and the Second World War.[22] 2) A heroic era spanning the mid-1950s to early 1960s that reflected postwar prosperity, political conservatism, and cultural conformity, projecting reverence for the law while depicting lawyers as cultural heroes.[23] 3) A period of depletion of the genre in the 1970s and 1980s, characterized by the decline of the courtroom genre, pessimism about the law, and in some films, backlash toward the increased involvement of women in the legal arena.[24] 4) A period from the 1990s to the present characterized by legal films beyond the courtroom or what Rafter calls law films without lawyers.[25] Films across all eras explore legal dilemmas, including the tension between crime control and due process, the complexities of criminal responsibility, and the dangers of vigilantism. Additionally, Rafter identifies a subset of recent films that attempt to participate directly in legal reform, referring to these as law-making films: films that have an "overtly political purpose."[26]

Rafter's seminal work on crime films and American society, including a comprehensive analysis of Hollywood courtroom and legal films, provides a key starting point for the current study. Many of the major themes and ideological commitments found in Hollywood films about the law also circulate within Canadian cinema. Indeed, filmmaking worldwide has inevitably been shaped by the hegemonic genre conventions established by Hollywood over the past century. However, Canadian films, especially those focused on crime and justice, are also significantly shaped by distinct cultural sensibilities, as well as economic and regulatory constraints that are specific to this nation. We turn to these important factors in the next section.

III. LAW FILMS IN CANADA

Mary Jane Miller developed the concept of "inflection" to analyze how Canadian television law dramas adapt the Hollywood genre formula to

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22 *Ibid* at 143. See also Norman Rosenberg, "Law Noir" in John Denvir, ed, *Legal Reelism: Movies as Legal Texts* (Urbana: University of Illinois Press, 1996) 280.

23 Rafter 2006, *supra* note 2 at 145.

24 *Ibid* at 148.

25 *Ibid* at 152.

26 *Ibid* at 158.

better reflect Canadian cultural sensibilities.[27] For Miller, the American law genre presents "social ills [as] largely personal in origin" while often ignoring "political and social dimensions."[28] In contrast, she argues that Canadian writers have "inflected" the Hollywood formula, resulting in

> a point of view that is mildly liberal, occasionally a little left-wing, and thoroughly middle class… Canadian lawyers regularly lose their cases… their clients are often marginalized… Bad guys are not always punished and sometimes it is difficult to tell who "the bad guy" is. Finally, Canadian programmes often emphasize the viewer's responsibility to change existing practice or insist on new laws.[29]

Miller claims that Canadian legal dramas typically eschew the Hollywood "whodunit" formula, and "in keeping with [Canada's] obsession with news and analytic documentary… ask 'how' and 'why'—not 'who'".[30] As such, Canadian productions focus on factual accuracy and historical detail rather than action and violence, which Miller claims "faithfully mirror[s] [Canada's] quite different society."[31]

The political-economic context of Canadian film production is yet another facet of this quite different society. Cultural historians have noted that Canada's film production has long been constrained by the country's proximity to the massive American market, dominated by powerful Hollywood studios and their vertically integrated distribution networks that treated Canada as part of the American domestic audience.[32] This meant that Canadian films faced barriers to distribution at home in Canada, as well as stiff competition from American imports. As a result, Canadian films

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27 Mary Jane Miller, "Mirrors In the Robing Room: Reflections of Lawyers and the Law In Canadian Television Drama" (1995) 10:2 Can J L & Soc 55.

28 *Ibid* at 57.

29 *Ibid* at 57.

30 *Ibid* at 58.

31 *Ibid* at 60.

32 Steven Kohm & Kaitlin Henley, "Consuming Punishment in Canada: Law, Crime and Justice in Canadian Prison Cinema" (2023) 12 Annual Review of Interdisciplinary Justice Research 80; See also Peter Morris, *Embattled Shadows: A History of Canadian Cinema, 1895-1939* (Montreal: McGill-Queen's University Press, 1978); George Melnyk, *One Hundred Years of Canadian Cinema* (Toronto: University of Toronto Press, 2004); and Christopher Gittings, *Canadian National Cinema: Ideology, Difference and Representation* (New York: Routledge, 2002).

are generally not viable without financial support from the government.[33] However, Canadian government support has historically prioritized non-fiction documentary films that were better aligned with government social and economic objectives, rather than fictional films for entertainment purposes.[34] The establishment of the National Film Board (NFB) in 1939 ensured that "informational film was prioritized over fictional, narrative film in the formative years of cinema in Canada."[35] A modest level of fictional film production was later supported by the Canadian Film Development Corporation (CFDC), established in 1967.[36]

During the next decade (1975-1982), the government sought to stimulate the Canadian film industry by providing generous tax incentives that allowed film producers to write off up to one hundred percent of the capital cost of productions taking place in Canada. This period, later known as the Tax Shelter Era, facilitated a series of productions that used Canada as a low-cost substitute for the United States, leading Toronto and Vancouver to become known as "Hollywood North."[37] More recently, the post-2000 funding landscape in Canada has shifted once again, with implications for the kinds of films being made in Canada. Gruben has suggested that Canada's funders are now prioritizing Hollywood-style genre films that have strong potential for international distribution.[38] This shift has led to an uptick in crime films that mimic the generic codes of Hollywood, rather than drawing on the distinct cultural sensibilities of the Canadian national context.[39]

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33 An early and notable exception was *Back to God's Country* (1919) "Canada's most financially successful film", produced by Ernest Shipman. See Morris, *supra* note 32 at 110.

34 Indeed, the early years of the National Film Board were largely occupied by wartime propaganda films in support of Canada's involvement in the Second World War. See William Goetz, "The Canadian Wartime Documentary: 'Canada Carries On' and 'the World in Action'" (1977) 16:2 Cinema Journal 59 at 62.

35 Kohm and Henley, *supra* note 32 at 85.

36 The CFDC was later renamed Telefilm Canada in 1984. See *ibid* at 86.

37 *Ibid* at 86. See also Melnyk, *supra* note 32.

38 Patrica Gruben, "Mounties and Metaphysics in Canadian Film and Television" in Jeannette Sloniowski & Marilyn Rose eds, *Detecting Canada: Essays on Canadian Crime Fiction, Television, and Film* (Waterloo, ON: Wilfrid Laurier University Press, 2014) 275.

39 *Ibid.*

We draw on Rafter's ideological approach and Miller's concept of inflection to analyze law films made over the past century in Canada within the political-economic constraints of the country's shifting cultural policy. Yet we concede that, because Hollywood films are so dominant and widely understood, filmmakers must inevitably work from these basic generic formulas to craft films that are 'inflected' to Canadian cultural sensibilities while also working within the mandates of government funding agencies, which have tended to support informational, non-fiction works up until the most recent time period.

IV. Data Collection

Our approach to data collection consisted of two phases. First, we adopted Rafter's flexible approach to defining legal films to develop an initial long list of Canadian films that centrally depict criminal law and the legal system in Canada. We consulted published Canadian film guides, such as *Gerald Pratley's Feature Film Guide*,[40] utilized online databases,[41] reviewed secondary literature in Canadian film history, and consulted industry contacts working in Canadian film and television production. These efforts yielded 31 films of potential interest, released between 1933-2003.

The second phase of our data collection process involved locating online and physical copies of the prospective films in order to assess their suitability for the study. While some films initially appeared to be relevant based on the information available in published databases or secondary literature, upon viewing each title, we excluded several films made in Canada but expressly set elsewhere (e.g., so-called Hollywood North films), and we also excluded films that were not primarily about Canadian criminal law and the criminal courts. Additionally, some films of potential interest were excluded from analysis because we simply could not locate a copy in any format.

Finally, our search was conducted in English and may have missed some relevant French-language films. However, we did include Quebec films that

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40 Gerald Pratley, *A Century of Canadian Cinema: Gerald Pratley's Feature Film Guide, 1900 to the Present* (Toronto: Lynx Images, 2004).

41 See The Great Canadian Guide to the Movies, "Pulp & Dagger" online: <pulpanddagger.com/movies> [perma.cc/ZX9U-VCLG]; and IMDb, "Internet Movie Database" online: <imdb.com> [perma.cc/5DP2-3BAL].

were available with English subtitles or dubbed dialogue. At the end of this process, we ended up with a total of 20 films that were analyzed (see Table 1).

Table 1: Canadian Law and Legal Films, 1933-2019	
Title	**Year**
Eskimo	1933
Country Magistrate	1953
The Legendary Judge	1958
Joseph Howe: The Tribune of Nova Scotia	1961
The Sloane Affair	1972
Recommendation for Mercy	1975
I Miss You, Hugs and Kisses	1978
Cordelia	1979
Democracy on Trial	1984
Justice Denied	1989
Conspiracy of Silence	1991
Life with Billy	1992
Trial at Fortitude Bay	1994
At the End of the Day	1998
In Her Defence	1999
A Question of Privilege	1999
Hard Time: The David Milgaard Story	1999
Verdict in Blood	2002
Torso: The Evelyn Dick Story	2002
Cowboys and Indians: JJ Harper Story	2003

V. METHOD OF ANALYSIS

We utilized a qualitative, thematic, and grounded approach to our film analysis. After reviewing the films to determine suitability, each film was categorized and sorted according to sub-genre and coded based on prominent and recurrent concepts, narratives, and themes derived from a close reading of the dialogue and cinematographic elements of the films. Additionally, we were attentive to the representation of gender, racialized identity, and youth in these films, as these are prominent intersections of interest in criminological inquiry. We situated films alongside concurrent theoretical, political, cinematic and legal developments consistent with the conceptual and methodological approach of popular criminology.[42] Following Wilson and O'Sullivan's analysis of British prison films, we utilized "periodization," which consisted of organizing films by "chronological periods" in order to "facilitate discussion of the films themselves and to suggest their relationship to changing penal [and legal] realities."[43] Additionally, periodization facilitates popular criminological analysis whereby cinematic eras are juxtaposed alongside social, theoretical and professional developments in criminal law.[44] Lastly, we gauged what Marianna Valverde calls the social effects of representations[45] through analysis of the critical reception of Canadian legal films in news and other forms of popular media, and in legal contexts by analyzing contemporaneous news media reports, online reviews, and other secondary literatures related to the films and their impact on legal consciousness in Canada.

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42 On popular criminology, see Rafter 2007, *supra* note 1; Nicole Rafter & Michelle Brown, *Criminology Goes to the Movies: Crime Theory and Popular Culture* (New York: NYU Press, 2011); Steven Kohm, "Popular Criminology" in Nicole Rafter & Michelle Brown, eds, *Oxford Research Encyclopedia of Crime, Media, and Popular Culture* (Oxford: Oxford University Press, 2018) online: <doi.org/10.1093/acrefore/9780190264079.013.158> [perma.cc/UAA5-3C7A].

43 David Wilson & Sean O'Sullivan, *Images of Incarceration: Representations of Prison in Film and Television Drama* (Winchester, U.K.: Waterside Press, 2004) at 34.

44 Kohm, *supra* note 42.

45 Marianna Valverde, *Law and Order: Images, Meanings, Myths* (New Brunswick, NJ: Rutgers University Press, 2006).

VI. FINDINGS

As our title implies, the vast majority of the Canadian legal films we analyzed (15 out of 20, or 75%) were anchored in real events. Films frequently took the form of docudramas and documentaries or were sometimes more generally positioned as 'based on true events.' Additionally, our findings illuminated distinct thematic patterns within the content of the films over several broad time periods. This prompted us to categorize them into the following five distinct legal eras: 1) In the 1930s, a single film was set against a colonial backdrop and explored the establishment of a Western justice system and the clash between British/Canadian forms of justice and Indigenous perspectives. 2) The 1950s to early 1970s reflected an optimistic view of justice, in which Canadian law was portrayed as transparent, effective, and essential for the proper functioning of society. 3) The later 1970s initiated an era of legal critique, with films openly questioning the efficacy of the law. 4) By the mid-1980s, films had firmly focused on legal reform, with many highlighting Indigenous and gender-based injustices and disparities in the law's application, concerns that persist in contemporary depictions of Canadian law in popular culture. 5) Lastly, the late 1990s to early 2000s were characterized by a cinematic shift toward Hollywood-style genre films that revolved around murder/mystery plots and heroic justice figures seeking or restoring justice. Our findings are presented below using this framework of periodization to highlight the distinct themes of each of the five eras and how the films reflected and helped shape popular conceptions of the law and criminal courts in Canada.

A. *The Colonial era (1930s)*

There was a dearth of Canadian legal films prior to the 1950s. However, one film, *Eskimo* (1933), filmed in Alaska but set in Canada,[46] centred on

[46] We concede that this film did not strictly meet the criteria for inclusion as a Canadian film, given that it was filmed in the United States and was backed by a major Hollywood studio. However, we argue that this film presented audiences in Canada and abroad with a coherent legal narrative about Canada and the clash between colonial systems of law and traditional Indigenous forms of social regulation. For this reason, we treat *Eskimo* as a film primarily about law and legal systems in Canada and thus we consider it a Canadian law film.

the clash between British/Canadian colonial law and Indigenous justice, highlighting the cultural and legal conflicts stemming from settler colonialism. Although scripted fiction, *Eskimo* was marketed and presented to audiences as entirely true, and the film adopted a pseudo-documentary style.[47] Directed by W.S. Van Dyke and produced by MGM, the film was based on the novels *Der Eskimo* and *Die Dlucht ins weisse Land* by Peter Freuchen, a Danish explorer and author who also played a supporting role in the film. *Eskimo* is significant not only for its unique portrayal of Indigenous perspectives within a legal and colonial framework, but also for its attempt to depict Inuit life realistically. Featuring a cast that included Indigenous actors and extras, the film was shot partly on location in the Arctic, depicted real hunting scenes, and was the first film to feature dialogue in an Inuit language.[48]

The story focuses on Inuit hunter Mala (played by Ray Wise), who becomes entangled with colonial authorities after defending his family according to Indigenous customs. The inciting incident takes place when white traders arrive by ship, introducing whisky and sexually exploiting some of the local Indigenous women. After his wife Aba (portrayed by Lulu Wong Wing) was exploited and accidentally killed by the traders, Mala murders the responsible white man as retribution. Years later, after Mala has undergone spiritual atonement for his crime and taken on a new identity as Kripik according to Inuit custom, the Royal Canadian Mounted Police (RCMP) establish a post nearby and declare their mission to bring Canadian/British law to the area. They learn about Mala's crime after asking local white residents to report any outstanding breaches of the law.

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47 Steven Kohm & Taylor Richtik, "Representing Justice in Indigenous Canadian Crime Films" (2018) 7 Annual Review of Interdisciplinary Justice Research 68. The opening title card claimed that *Eskimo* was an accurate ethnographic record of an expedition to the high Artic: "The Expedition to the Arctic began in April 1932…In November of 1933, the record was completed…"

48 The opening title card claimed that "… Excepting the characters of the Canadian Police, there are no actors in this record… [the] entire story [is] told by primitive Eskimos in Native tongue, in Native custom…". This was not, in fact, true. The main Indigenous characters were portrayed by actors of diverse ethnic backgrounds. Mala (a.k.a. Kripik) was portrayed by Ray Wise, the son of a Russian Jewish immigrant and Iñupiaq mother. Lotus Long, who was of Japanese and Native Hawaiian descent, portrayed Mala's second wife Iva. See Angela Aleiss, *Making the White Man's Indian: Native Americans and Hollywood Movies* (Westport, CT: Praeger, 2005).

Despite acknowledging a preexisting Indigenous moral code, RCMP Sargent Hunt (portrayed by Joseph Sauers) declares: "They are subjects of the crown. They must abide by the laws of the crown." With partner Constable Balk (portrayed by Edgar Dearing) the two Mounties set out to arrest Mala but are caught in a blizzard. Mala, now known as Kripik, finds the two men disoriented in the storm and brings them to safety. Upon discovering that Kripik is Mala, the two police officers arrest him but wrestle with the injustice of sending Mala for punishment in the British/Canadian colonial justice system, where he is likely to be hanged for his crime. In the end, the officers allow Mala to escape, tacitly acknowledging the injustice of imposing Western law in settler colonial contexts. While not a traditional courtroom film, *Eskimo* fits Rafter's category of a "law film without lawyers."[49] Ideologically, the film contributes to a romantic conception of Indigenous peoples, who find themselves out of place in a modern colonial legal context, doomed to extinction and relegated to an imagined past.[50]

Eskimo received critical acclaim for its cinematography and won the very first Oscar for Best Film Editing.[51] Despite receiving critical acclaim, the film did not perform well at the box office, and as a result, MGM changed the title of the film to *Eskimo Wife-Traders* in an attempt to attract more viewers.[52] The more salacious title capitalized on a fascination with Inuit sexual practices, including so-called "wife sharing," which Western audiences likely found "exotic" and "peculiar."[53] More recently, the film has been criticized by scholars for depicting Indigenous peoples as "childlike," "simple," and as a romanticized version of "noble savages."[54] However, opinions among film critics were more divided; some praised the film for its authentic portrayal of Inuit life, while others criticized it for being excessively melodramatic. Mordaunt Hall stated in his 1933 *New York Times*

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49 Rafter 2006, *supra* note 2 at 152.

50 Gittings, *supra* note 32.

51 Academy of Motion Picture Arts and Sciences, "The Official Academy Awards Database" online: <awardsdatabase.oscars.org> [perma.cc/MT8Y-HH9X]

52 Aleiss, *supra* note 48 at 43.

53 Kohm & Richtik, *supra* note 47 at 75.

54 Peter Geller, "Into the Glorious Dawn: From Arctic Home Movie to Missionary Cinema" in Heather Norris Nicholson, ed, *Screening Culture: Constructing Image and Identity* (Lanham, MD: Lexington Books, 2003) 103 at 104-105.

review: "it is a remarkable film, one that often awakens wonder as to how the camera men were able to photograph some of the scenes and record the impressive sounds. The acting of the Eskimos, or their ability to do what was asked of them by the director, is really extraordinary."[55] Although less enthusiastic, a more recent review in *Cinema Sojourns* credited the film for highlighting the tensions between Indigenous and colonial justice systems, stating: "Though it occasionally veers off into melodramatic excess, Eskimo is an often powerful indictment of white civilization and its destructive impact on indigenous culture."[56]

B. *Legal Optimism (1950s to early 1970s)*

Paralleling Rafter's heroic Hollywood postwar period, Canadian legal films in the 1950s to early 1970s reflected a similar mood of optimism and reverence for the law, highlighting the effectiveness of the legal system and its ability to deliver justice even in the face of prejudice and social divisions. Films emphasized transparency, fairness, and the successful resolution of legal issues. As semi-documentaries[57] or docudramas, the films were part of the NFB's broader social engineering mission to promote "citizen training and national unity" through critical engagement with important social issues.[58] For example, the NFB *Perspective* series aired on Canadian TV in the mid-1950s, blending "documentary and fiction to tell Canadian stories from a Canadian perspective."[59] The first two films of this era, *Country Magistrate* (1953) and *The Legendary Judge* (1958), are NFB productions that

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55 Mordaunt Hall, "Drama of Frozen North", *The New York Times* (15 November 1933), online: <www.nytimes.com/1933/11/15/archives/drama-of-frozen-north.html> [perma.cc/LV23-JZQT].

56 Jeff Stafford, "Eskimo (1933) – Inuit culture on film" (2016) at para 10, online (blog): <cinemasojourns.com/2016/08/25/eskimo-1933-inuit-culture-on-film> [perma.cc/5Z7X-PRUQ].

57 See e.g. Zoe Druick, "'Non-Theatrical with Dreams of Theatrical' Paradoxes of a Canadian Semi-Documentary Film Noir" (2003) 12:2 Canadian Journal of Film Studies 46.

58 Susan Boyd, "A Canadian Perspective on Documentary Film: Drug Addict" in Caroline Joan Picart, Michael Hviid Jacobsen & Cecil Greek, eds, *Framing Law and Crime: An Interdisciplinary Anthology* (Madison, New Jersey: Fairleigh Dickinson University Press, 2016) 81 at 86.

59 National Film Board of Canada, "Perspective" (1955), online (video): <www.nfb.ca/collection/perspective-television-series>.

blended documentary and fiction to explore the establishment of law and legal systems on the frontiers of Canada. Like *Eskimo* (1933), they depict, in part, Indigenous legal conflicts. However, these films diverge from *Eskimo* by portraying the legal system as effective and fair in its treatment of Indigenous peoples, offering a more optimistic view of the law's capacity to justly address Indigenous issues.

Country Magistrate provides an in-depth look into the life of Roderick Haig-Brown, a fisherman, writer, and magistrate in rural British Columbia.[60] The film showcases Haig-Brown's responsibilities as a country magistrate and his interactions with a variety of criminal cases that come under his jurisdiction. Presented from Haig-Brown's perspective, he serves as both the protagonist and film narrator, offering personal insights into his duties and the justice system. For example, reflecting on the increasing size of his caseload, the magistrate opines: "Monday morning may bring up a dozen cases instead of just 2 or 3. Yet the machinery of the law must be simple and unpretentious. Size does not affect rights grown out of 2000 years of civilization."

In one case, the magistrate demonstrates a commitment to fairness and empathy by denying a request to prosecute an Indigenous woman for trespassing on a reserve, emphasizing that she was born on the land and thus has a legitimate connection to it, despite the fact that she had lost her official status by marrying off the reserve. This refusal to entertain the complaint reflects a deeper commitment to justice and humanity, as well as an acknowledgment of Indigenous struggles within the colonial legal framework. However, the injustice is resolved by the magistrate's application of empathy and commonsense, rather than through the formal legal process.

The film also counters concerns about potential favouritism and class-based inequality in the legal system, as seen in the case of a young offender named Bill, who initially expects leniency due to his father's influence. When asked by friends if he thinks he'll be able to get off easy, Bill responds: "Sure. What do you expect? My old man is a big shot, and the magistrate is a friend of his. I'll get probation. I had it before and there's nothing to it". However, Haig-Brown remains impartial and sentences Bill to six months in jail, showcasing the magistrate's commitment to the application of

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[60] National Film Board of Canada, "Country Magistrate" (1953), online (video): <www.nfb.ca/film/country_magistrate>.

equality in the law. The film ends with a poignant observation about the role of the magistrate in bringing humanity to an otherwise impersonal and impenetrable legal system. He narrates:

> Being a magistrate is tough work. A country magistrate deals with real people and real issues between them. You can do something to help the ordinary man struggle in the complexities of law and something to put humanity into the robot nature of the state. In doing so, he is forced to test and re-test his own integrity, constantly learning how frail a creature he is, constantly seeking the perfect balance of the protection of innocence and punishment of guilt.

This final observation by the magistrate encapsulates the ethos of the era and the view that the law is fair and necessary to the proper functioning of society, particularly because the men[61] who administer the law embody all that we imagine is great about democracy and Canadian society. Just as Hollywood courtroom films of the postwar period positioned judges and lawyers as great cultural heroes, *Country Magistrate* offers a portrait of a legal professional deemed worthy of our respect and admiration.

A second short NFB film from the 1950s, *The Legendary Judge,* profiles Judge Matthew Bailie Begbie, a controversial figure from England who was tasked with bringing law and order to the gold-mining camps of British Columbia more than 150 years ago. Amid fears of American incursions into British colonial territory in what is now western Canada, Judge Begbie countered American notions of frontier justice with an application of the British rule of law. Known as the "hanging judge," the film paints Begbie as a figure dedicated to justice, illustrating that the law, though sometimes harsh, is a necessary force for maintaining order.[62]

The film begins with a voice-of-god narrator emphasizing the delayed arrival of law in British Columbia but highlights the transformative impact of Begbie's presence. In one scene, a man in a saloon jokes about needing to "do a bit of shooting" in response to the arrival of the judge, only to be interrupted by Begbie, who warns, "If you're thinking of doing some shooting around here, there is likely to be some hanging too." While the film could be viewed as a 'western' in its style and subject matter, it is significantly inflected with distinct Canadian values, particularly around the use of firearms. In one scene, the judge lectures an American on the role of guns in Canadian/British society: "In those countries over which the British

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61 Women were not yet depicted in film as legal professionals.

62 National Film Board of Canada, "The Legendary Judge" (1958), online (video): <www.nfb.ca/film/the_legendary_judge>.

flag flies there is no necessity for using or carrying such offensive weapons." In another scene, the judge is approached by an individual who attempts to bribe him on behalf of a friend awaiting trial, but the judge remains committed to a fair and just trial. This leads to a final scene in which an all-white jury conspires to find their friend not guilty of murdering an Indigenous man, but the Judge intervenes and orders the jury to re-evaluate their verdict, stating: "there seems to be some sort of delusion… that laws of this country are not applicable when murder is done to members of the Indian race…" The jury, recognizing the gravity of the Judge's words, ultimately returns a guilty verdict, leading to the defendant's swift sentencing. *The Legendary Judge* affirms that the legal system is not only fair and impartial but also serves as a constructive force for the betterment of society.

Another film espousing legal optimism was *Joseph Howe: The Tribune of Nova Scotia* (NFB, 1961), which dramatizes the real-life story of Nova Scotian journalist and politician Joseph Howe, who stood trial for seditious libel in the mid-19th century.[63] The film explored Howe's efforts to defend himself in court against powerful magistrates who sought to silence his critique of their corruption. The narrative unfolds as Howe publishes an article exposing the magistrates of Halifax for failing to pay their taxes while exploiting the system for their gain. This act of defiance places Howe in the crosshairs of the ruling elite, leading to his prosecution. Howe meets with a lawyer who advises him, "the way they framed that indictment, you don't stand a chance. They're rascals, embezzlers, incompetent, but they're a body of the Crown, and the Crown can do no wrong." Howe's case becomes a symbol of the common people's struggle against corruption, as he passionately argues before the jury, representing not only his own defence but also the broader fight for justice and accountability in early Canadian colonial society. The narrator captures the essence of the moment, noting, "The jury chosen was a fair cross-section of the citizenry of Halifax." The climax of the film comes when the jury, swayed by Howe's defence, deliberates for only ten minutes before delivering a not-guilty verdict, contrary to the judge's instruction to convict. The entire courthouse erupts in cheers, marking a victory for Howe and a landmark moment in the evolution of free press in Canada. Through the story of Joseph Howe, the

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63 National Film Board of Canada, "Joseph Howe: The Tribune of Nova Scotia" (1961), online (video): <www.nfb.ca/film/joseph_howe_tribune_nova_scotia>.

film demonstrates that the law, despite challenges like internal corruption, can function as intended because it is ultimately an instrument of democracy. It underscores the idea that the legal system, particularly the jury, fulfilled its purpose by delivering justice, even when pressured by a corrupt trial judge to return a guilty verdict.

Toward the end of the era, a dramatic feature film, *The Sloane Affair* (NFB, 1972), depicted the prosecution of tax fraud, using an educational format to demonstrate the idea of deterrence and to "highlight the work of the [Department of Revenue's] Special Investigations unit, in an effort to depict these officers as highly skilled, dedicated and fair-minded public servants doing a necessary job."[64] The film depicts the investigation of Sloane Construction CEO Allan Sloane, a wealthy Toronto businessman whose fraudulent activities come under scrutiny by the Department of National Revenue. Viewers witness the meticulous efforts of the investigators as they execute a search warrant on Sloane's home and offices, uncovering boxes of paperwork that suggest a pattern of financial deception. These scenes demonstrated the certainty, celerity, and severity of Canadian justice. The courtroom scenes are particularly impactful, highlighting how Sloane's attempts to strike a deal with the Crown are rebuffed, reinforcing the idea that justice must always be served, regardless of status or wealth. The film was "fictional in presentation but based on incidents from actual case files."[65] In keeping with the optimistic ethos of the era, the film portrayed the legal system as necessary for maintaining social order and demonstrated that even the wealthy are not above the law.

The NFB sought CBC's agreement to broadcast the film. Despite initial delays, the Revenue Department approved the broadcast, recognizing its potential to raise public awareness and deter lawbreakers. CBC aired *The Sloane Affair* on February 14, 1973, just ahead of tax season, receiving mostly positive reviews: "Most reviewers were quite impressed that a film for the Revenue department could be so fascinating, and that such a strong cast had been assembled. There were, of course, some reviewers who objected to

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64 Albert Ohayon, "The Sloane Affair: Tax Fraud Drama with a Twist" (7 September 2012), at para 2, online (blog): <blog.nfb.ca/blog/2012/09/07/sloane-affair-tax-fraud-drama-with-a-twist> [perma.cc/QJ8F-VZDB].

65 National Film Board of Canada, "The Sloane Affair" (1972), online (video): <www.nfb.ca/film/sloane_affair>.

taxpayers' money being used to finance a 'propaganda' film."[66] Despite some mixed reactions, the film's message seemed to resonate with viewers. One writer remarked, "One thing the film does do is show that if the department finds you're messing about with your tax returns, it will go to any inconvenience to get proof of the misdemeanor."[67] A French version of the film was released the following year (*L'Affaire Sloane*), and it went on to win four awards at the Canadian Film Awards, including Best Television Dramatic Film and Best Direction.[68] While the film does not entirely reject the generic conventions of Hollywood police procedurals and courtroom dramas,[69] *The Sloane Affair* was inflected to better encapsulate Canadian sensibilities in its realism and focus on a less glamourous form of white-collar crime. The film also eschews the characteristic violence and action of American fare: "There are no gunfights or car chases in it, but *The Sloane Affair* is as entertaining as any police or courtroom drama."[70]

C. *Legal Critique (Mid-Late 1970s)*

The mid-1970s marked a thematic shift in Canadian law and courtroom films. Beginning in 1975, films began to explore the flaws and challenges of the Canadian justice system, highlighting themes of uncertainty and injustice within the legal process. However, films released during this period prompted reflection on the complexities of the justice system without entirely rejecting the law's fundamental ability to deliver justice. In particular, issues such as wrongful conviction and capital punishment were given critical attention for the first time. The beginning of the era saw the release of two feature-length dramas: *Recommendation for Mercy* (1975) and *I Miss You, Hugs and Kisses* (1978), both directed by Murray Markowitz.[71]

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66 Ohayon, *supra* note 64 at para 6.

67 Sheila McCook, "Sloane Affair: Trials of a Taxman", *The Ottawa Citizen* (14 February 1973) 41.

68 Ohayon, *supra* note 64 at para 8.

69 McCook, *supra* note 67 at 41, stated: "The Sloane Affair is in some senses, an old fashioned courtroom drama."

70 Ohayon, *supra* note 64 at para 9.

71 These two films were recently re-released together in a two-disc Blu-ray set in 2022 by Severin Films, a company that specializes in horror and cult films. While these two legal dramas are clearly not in the horror genre, *I Miss you, Hugs and Kisses* contained some

Markowitz's direction unites the films through their shared exploration of uncertainty and systemic flaws within the justice system. Their common focus on the complexities and deficiencies of legal processes highlights their complementary nature, providing a cohesive viewing experience that deepens the critique of justice and its pitfalls.

Recommendation for Mercy is a feature-length, theatrically released drama based on the well-known Stephen Truscott case, a 14-year-old boy wrongly convicted in 1959 of sexual assault and murder. The film scrutinizes the legal system's failings in this case, particularly in the context of capital punishment debates that were prominent in Canada at the time. The last person sentenced to death in Canada was in 1976, just one year after the release of this film.[72] The film begins with a coming-of-age narrative involving a group of young teenage boys, exploring their relationships and interactions. As the story progresses, it shifts dramatically to a serious rape and murder case, with 14-year-old John Robinson emerging as the prime suspect in the assault and killing of 13-year-old Fran Bailey.[73] The film reveals serious flaws throughout both the investigation process and the quest for legal justice. For instance, tunnel vision by police and an early presumption of guilt are depicted in scenes where John is fingerprinted and photographed despite the lack of evidence and formal charges. In another scene, John is examined by a doctor who reports fresh bruises and injuries, hinting at a recent struggle, further complicating the investigation.

John is also interrogated by investigators, revealing the pitfalls of false confessions and the undue influence of aggressive investigative techniques. In the film, even the detectives debate the weight of evidence. One investigator grapples with the complexities of the case:

> What do we got? Tire tracks that match his? Match half the bikes in town. Footprints? All the kids run around in the bush around there… The only solid evidence we have comes from a baby that could have been catching a ladybug in the ground when he went past… Pull myself back from this and what do I see… A 14-year-old kid, track athlete, never got in any trouble in his life.

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graphic depictions of violence that earned it a place on Britain's list of 'video nasties' and was subject to censorship in that country.

72 Paul Gendreau & Wayne Renke, "Capital Punishment in Canada" (last modified 6 November 2020), online: <www.thecanadianencyclopedia.ca/en/article/capital-punishment> [perma.cc/96QQ-HTRP].

73 Although expressly based on the Stephen Truscott case, names and locations were fictionalized in the film.

Despite the weak evidence, John is charged with Fran's murder and a trial is set. As the trial progresses, John's distrust in the justice system becomes clear when he confides in his lawyer: "It's all money and power. We've got Mr. Bailey, he has money, he can afford all those people and all those experts. My Dad can't. That's why I'm here. You can't get me out of here because you haven't got enough power!" The film concludes with John's grim fate, transitioning from the courtroom to his last meal and impending execution. The closing narration provides a real-life epilogue, recounting the true events of the Truscott case and the eventual commutation of his death sentence to life imprisonment after significant public outcry.

Released in the United States under the title *Teenage Psycho Killer*, the film was made cheaply, but it "garnered almost three quarters of a million dollars at the box office. At the time, that would have made the film one of the most successful English Canadian releases ever."[74] Reviewers had varied interpretations of the film's central themes and reactions to the content. Shortly after its release, a *Globe and Mail* reviewer dismissed it as "an effort at turning a sensational crime into a movie."[75] Another panned it for having "the sensibility of the tabloid press, which also titillates our baser instincts while pretending to perform a public service."[76] However, more recent critical appraisals have been more positive, such as Jason Anderson's comments in the *Toronto Star*, describing it as "a sobering 1975 drama."[77] Some were particularly struck by the way it challenged the legality of the investigation, with one contemporary writer observing, "The shoddy police and forensic investigation seals the boy's fate. Child witnesses also sabotage John's hope of being found innocent."[78] This critique highlighted the film's exploration of systemic flaws in the justice process. Others, however,

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74 Steve Gravestock, "Recommendation for Mercy" (last accessed 15 June 2025) online: <cfe.tiff.net/canadianfilmencyclopedia/content/films/17010> [perma.cc/J86R-Y3K9].

75 Robert Martin, "Canadian films go to Cannes market", *The Globe and Mail* (23 May 1978) 15.

76 Martin Knelman, "Stephen Truscott Case Fictionalized into Film Myth", *The Globe and Mail* (13 September 1975) 23.

77 Jason Anderson, "Chilly Antarctica and warm holiday classics: This month, theatres show everything from Holiday Inn to Bill Murray's Scrooged", *Toronto Star* (12 December 2014) E2.

78 Boyhood Movies, *Recommendation for Mercy 1975,* (28 September 2021), online: <boyhoodmovies.org/recommendation-for-mercy-1975> [perma.cc/CPS4-U4RJ].

perceived the film as a commentary on the treatment of young offenders within the Canadian legal system. One blogger noted, "Recommendation for Mercy does not ask us to forgive the boy [for] his alleged crimes; rather, it is a plea for a reassessment of the treatment afforded [to] Canadian juvenile offenders."[79] Despite its low-budget origins, the film's success marked it as a significant contribution to Canadian cinema in an era of growing legal critique.

I Miss You, Hugs and Kisses takes the form of a murder-mystery film that delves into the complexities of the legal system through a high-profile murder trial. Set in Toronto, Ontario, and featuring iconic Canadian landmarks such as the CN Tower,[80] the film is based on the real-life Peter Demeter case. Peter Demeter, a Canadian real estate developer, was convicted in 1974 for orchestrating the murder of his wife. The case was notably one of the longest and most contentious trials in Canadian history. The film opens with Magdalene Kruschen (played by German actress Elke Sommer)[81] being brutally murdered in her home. The violent act sets off a courtroom drama where her husband, Charles Kruschen (portrayed by Donald Pilon), a wealthy businessman, is accused of orchestrating the murder. The narrative unfolds primarily in the courtroom, focusing on testimony and flashbacks that piece together the events leading to Magdalene's death.

The film highlights systemic flaws in the legal process, tracing issues from police misconduct and corruption through to the courtroom. Chief Parker (played by Cec Linder), the lead investigator, is shown engaging in questionable practices, such as using pliers to remove evidence from Magdalene's body, which the defence argues could compromise the integrity of forensic evidence. Chief Parker is also shown conducting illegal

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79 Vladimir A, "Recommendation for Mercy / Teenage Psycho Killer 1975", (22 September 2018), online (blog): <rarefilmfinder.blogspot.com/2018/09/recommendation-for-mercy-teenage-psycho.html> [perma.cc/NQ9U-ALBR].

80 Martin, *supra* note 75 at 15, wryly noted that "Murray Markowitz… manages to work the CN Tower into so many shots that I began to wonder if he was using it as a phallic symbol."

81 Like Markowitz's previous film, real names and identifiers are changed in order to fictionalize the story.

surveillance and coercing witnesses, with his actions later exposed by Charles' lawyer as both unethical and illegal.

The courtroom itself is portrayed in a traditional fashion, but the drama unfolds through the testimonies and the defence's strategy. The defence counsel dominates the narrative, casting doubt on the prosecution's case by emphasizing inconsistencies and potential biases. For example, the defence brings into question the involvement of John McGregor, an escaped psychiatric patient who was responsible for other murders and might be connected to Magdalene's death.

Another critical aspect of the film is its exploration of class privilege. Despite Charles's wealth and status, he expresses feelings of being treated unfairly due to his affluence, asking, "Was I pre-judged because of my wealth?" This inversion of the usual narrative, where class influences leniency in the legal system, adds depth to the film's critique, suggesting that wealth can also be a disadvantage in the pursuit of justice. The film concludes with the jury's guilty verdict, but it leaves the audience with lingering doubts about Charles's actual guilt. The final scenes, which depict a series of potential suspects committing the murder, emphasize the ambiguity of the case and the elusiveness of truth itself. This deliberate uncertainty aligns with the film's overarching critique of the criminal justice system, where the truth remains unknown and the verdict fails to provide closure, ultimately leaving viewers uneasy and questioning the very nature of justice.

The film was initially released in Canada by Astral Films, but it wasn't until its subsequent release in the United Kingdom that it gained significant notoriety. After its VHS distribution by Intercity Video, it was labelled a "Video Nasty," a designation reserved for films deemed particularly obscene and graphic.[82] This classification stemmed from its explicit and disturbing scenes of violence, which contributed to its cult classic status. Despite the film's notoriety from being listed among the "Video Nasties," many reviewers argued that it was unfairly categorized. Their critiques centred on the belief that the film did not meet the criteria for exploitation or gore that typically defined the "Video Nasties" list. One viewer noted, "its reputation hasn't been so hot thanks to all the Video Nasty baggage; after all, this

[82] Mondo Digital, "I Miss You, Hugs and Kisses" (24 November 2022), online: <mondo-digital.com/missyou.html> [perma.cc/Y7YK-UAFC].

basically boils down to a courtroom potboiler with some mild nudity and several hypothetical cranium crackings thrown in."[83]

The final film analyzed from the Legal Critique era, *Cordelia* (1979), directed by Jean Beaudin and based on a true story, covers similar terrain to Markowitz's films. This NFB Canadian French-language film dramatizes the 1890s murder trial of Cordelia Viau and Samuel Parslow in Quebec.[84] Through its portrayal of the trial, the film examines the complex relationship between Quebec's legal system and the Catholic Church, offering a critical analysis of corruption, power dynamics, and the influence of societal morals on justice. By highlighting these issues, *Cordelia* not only emphasizes the inherent uncertainties within the administration of justice but also challenges ideas surrounding capital punishment, a recurring theme in this era.

Cordelia is a young woman accused of murdering her husband alongside her alleged lover, Sam. Cordelia faces significant backlash from the townspeople, who judge her harshly for allegedly entertaining men in her home while her husband is away. Despite the lack of concrete evidence, detectives coerce a confession from Cordelia by offering false promises to save her life. This coerced confession becomes a central point of contention in the trial, as both Cordelia and Sam have alibis for the night of the murder, and no evidence links them to the crime.

The public hostility towards Cordelia further influences the legal proceedings, highlighting a justice system swayed by prejudice and the power of the Church. The trial is fraught with legal and ethical issues, including language barriers that disrupt proceedings, and a conspiracy between the judge and the mayor to keep the trial in a district where they are "in complete control." The Church and the legal system work hand-in-hand, using the townspeople's low regard for Cordelia as justification for her prosecution. A second trial mirrors the first, with an all-male jury delivering the same guilty verdict. The defence's objections to the injustices are dismissed, revealing the difficulty of seeking fairness in a biased system. The film concludes with Cordelia's execution, which is treated more as a public spectacle than a legal act, underscoring the systemic flaws. The uncertainty surrounding Cordelia's guilt leaves the audience questioning

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83 *Ibid.*

84 "Cordelia Viau and Sam Parslow hanged by Radclive", *The Sun* (11 March 1899) 2.

the integrity of the justice system, echoing themes of corruption and injustice found in other films from this era, like *I Miss You, Hugs and Kisses* and *Recommendation for Mercy*.

The film's exploration of injustice sparked controversy, particularly with Chief Justice Jules Deschenes of the Quebec Superior Court, who criticized it for "bending facts" and "besmirching the justice system."[85] Deschenes argued that there was no concrete evidence to exonerate the real Cordelia Viau, asserting that the film presented "a false representation of the facts" and had "harmed justice in a manner which cannot be easily repaired."[86] Despite this backlash, the film was celebrated by others, especially for its visual presentation. In his 1980 review, Mark Leslie praised the cinematography, citing the use of pastel colours and soft, expressive lighting, which not only enhanced the storytelling but also deepened the emotional impact of the scenes.[87] Leslie further highlighted the film's lasting effect on Quebec's collective memory, noting its dual critique of the legal system and Quebec society. He remarked, "Cordelia is a film of social criticism, and in particular, criticism of Quebec society at the turn of the century. The overwhelming power of the Catholic Church parallels that of the legal system and is just as oppressive."[88] This perspective aligns with the filmmaker's broader goal, reflective of the Legal Critique era, to encourage audiences to view the justice system through a critical lens, challenging them to question the integrity and fairness of both the legal and societal structures in place.

D. *Legal Reform Era (Mid 1980s – present)*

By the 1980s, recognition of the Canadian justice system's shortcomings had grown, accompanied by heightened concern over gender, racial, and other systemic inequities. Overall, there was momentum toward legal reform, increased advocacy for marginalized groups, and calls for greater accountability within the legal system. Notably, the *Canadian Charter of Rights and Freedoms* (1982) came into force early in the decade, significantly altering the legal landscape. Soon, its protections were tested

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85 "Films 'err seriously' judge says", *The Globe and Mail* (6 October 1980) 17.

86 *Ibid.*

87 Mark Leslie, "Jean Beaudin's Cordelia", *Cinema Canada* (April 1980) 37.

88 *Ibid* at 37.

in various landmark Supreme Court cases – some of which became fodder for law films over the next two decades. Gendered legal issues were featured in two truth-based films of the era: *Life with Billy* (1992),[89] which focused on domestic violence and the legal system, and *Democracy on Trial* (1984), which chronicled the legal battle to decriminalize abortion.

Democracy on Trial recounts the legal and political battles of Dr. Henry Morgentaler, a Jewish Holocaust survivor and underground abortion provider in Montreal during the 1970s.[90] Taking the form of a semi-documentary and docudrama, the film weaves together documentary footage and dramatized reenactments to present a compelling narrative of Morgentaler's struggle to secure the legal right for women to access safe abortions in Canada. The film highlights the public debate over abortion, the political pressures exerted by the RCMP, and the significant legal precedents set by Morgentaler's trials.

The film opens with the police raid on Morgentaler's clinic in 1970, an event that ignited one of the most controversial legal battles in Canadian history. Although several charges were filed against Morgentaler after the raid, the case did not reach trial until 1973, three years later. Throughout this period, Morgentaler garnered significant public support and continued performing abortions. Between 1973 and 1976, Morgentaler was charged with 13 violations for defying abortion law and was tried three times. Although he was acquitted by a jury each time, he spent ten months in prison. His repeated confrontations with the legal system, including the notable instance where a jury's acquittal was overturned by a higher court, highlighted the deep-seated flaws within the Canadian justice system.

The film also emphasizes the societal impact of Morgentaler's fight, including legislative changes that prohibited higher courts from overturning jury acquittals and the de facto decriminalization of abortion in Quebec. Through its portrayal of Morgentaler's struggles, *Democracy on Trial* critiques the Canadian justice system's resistance to change and the slow adaptation of laws to reflect evolving societal values. The film also highlights the deep connection between women's reproductive rights and

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89 *Life with Billy* was based on the true story of Jane Hurschman who was found not guilty of murdering her abusive husband in a pivotal case that changed Canadian law relative to battered women who kill their spouses.

90 National Film Board of Canada, "Democracy on Trial" (1984), online (video): <www.nfb.ca/film/democracy_on_trial/>.

the law, as demonstrated by a Montreal police officer who observed, "There are so many pros and cons, if men could get pregnant, I'm sure the law would be changed a long time ago." This statement, along with Morgentaler's legal battles, incisively questions whether a system can exist where laws may need to be broken for a greater good, as his lawyer asked, "Can a system not exist where you can at times not break the law? For example, should you, as an ambulance driver, in a grave emergency, respect the 25m/h speed limit and not drive 100 m/h if the circumstances are required? You may have to account for it, you may be tried for speeding, just as Dr. Morgentaler was tried for doing illegal abortions." The film's relevance extends to contemporary debates, such as the overturning of *Roe v. Wade* in the United States, reinforcing the film's enduring significance in discussions on legal reform, civil rights, and gender equality.

The film blends newsreel footage and interviews with dramatized scenes that realistically depict the major events of the case. Dr. Morgentaler and his lawyer, Claude-Armand Sheppard, appear as themselves in these reenactments. Reflective of Miller's conception of Canadian legal films, the filmmakers prioritized factual accuracy by integrating direct quotes from official records and court transcripts into the script and conducted interviews with key individuals, such as police officers and witnesses, to ensure the authenticity of the portrayal.[91] The film received a mainly positive response by critics: "The national response to the film, like the reaction to his appointment to the Order of Canada, was intense and heartfelt."[92] The film was initially produced as a pilot for CBC in a series of films dealing with landmark court battles. However, CBC saw the film as too controversial and subsequently withdrew its support and cancelled the series.[93] Due to the controversy, The National Film Board of Canada published an essay in 1984 to detail the film's intent: "The film does not debate the abortion issue nor take a stand on the validity of the law; it neither condones nor condemns Dr. Morgentaler's method of contesting

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91 *Ibid.*

92 Gary Evans, "Opinion: A glimpse into what motivated Henry Morgentaler", *Montreal Gazette* (last modified 01 January 2014), online: <montrealgazette.com/opinion/opinion-a-glimpse-into-what-motivated-henry-morgentaler> [perma.cc/Q9XE-VE9L].

93 Gail Henley, "The Courage & the Glory: The Toronto Retrospective" *Cinema Canada* (November 1984) 6.

the law. Instead, it provides the viewer with a clear understanding of the legal ramifications of the Morgentaler Affair as well as a brief personal history of this physician who risked his career and his freedom for a question of principle."[94]

At the End of the Day (1998) was another film from the reform era that scrutinized the justice system by highlighting its flaws and exploring complex ethical dilemmas. The film dramatizes the real-life story of Sue Rodriguez, a Canadian woman diagnosed with ALS who sought the right to end her life through physician-assisted suicide. The film dramatized Rodriguez's journey as she became the face of the right-to-die movement in Canada, garnering national attention and support. Her case eventually reached the Supreme Court of Canada, where she lost by a narrow margin in a split decision. Following these legal setbacks, Rodriguez ultimately took her own life with the help of an anonymous physician.

The film focused on Rodriguez's legal battle, highlighting how the system often fails to accommodate personal autonomy and human dignity. In one pivotal courtroom scene, a member of Canadian Parliament argued against Sue's petition, stating that "there has never been a right to commit suicide," emphasizing concerns about "a society without sanctions and safeguards" where "murder can easily masquerade as suicide." Like *Democracy on Trial* (1984), this film demonstrated broader societal resistance to legal change. The film also underscored the emotional toll of the legal process on Rodriguez, as she is repeatedly questioned and scrutinized by the courts and the media. After her application to change the law was denied, the judge reasoned that "it is not the law restricting Sue's freedom of choice, but instead that it is her illness preventing her," a statement that encapsulates the legal system's rigid and sometimes unsympathetic approach. This is in stark contrast to the more optimistic legal films of the 1950s, such as *Country Magistrate*, which depicted law as humane and empathetic to the complex human condition. By documenting a landmark case that questioned the limits of personal autonomy and the state's role in life-and-death decisions, *At the End of the Day* contributed to the ongoing conversation about legal reform and the protection of individual rights in Canada.

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94 National Film Board of Canada, "Democracy on Trial: The Morgentaler Affair" (1984), online (pdf): <www3.onf.ca/sg/100149.pdf> [perma.cc/G22N-QPZM].

Significantly, a cycle of feature-length legal dramas in the Reform Era documented the mistreatment of Indigenous peoples in the legal system, offering a far less flattering depiction of the Canadian justice system than films of the 1950s. For example, *Justice Denied* (1989), *Conspiracy of Silence* (1991), *Trial at Fortitude Bay* (1994), *Hard Time: The David Milgaard Story* (1999) and *Cowboys and Indians* (2003) criticized the Canadian legal system for inequalities in the application of justice, while condemning widespread racism in society more generally. These films suggested that the challenges for the Canadian legal system are rooted in deep societal divisions, and significant legal reforms are needed to ensure fairness and justice in the post-Charter era.

Justice Denied is a NFB docudrama set in Sydney, Nova Scotia, in 1971, which recounts the harrowing story of Donald Marshall Jr., an Indigenous man wrongfully convicted of murder.[95] The film begins with a violent confrontation outside a movie theatre, where Marshall and his friend Sandy become entangled with two visiting men, Jimmy and Roy. Following a knife attack by Roy on Sandy, the situation escalates, leading to Sandy's hospitalization and eventual death. Despite Marshall's insistence on his innocence and the lack of concrete evidence against him, the police, influenced by racial prejudices and systemic bias, coerce a witness, Chant, into falsely implicating Marshall. As the investigation unfolds, the film portrays the police's misconduct, including dubious practices, tunnel vision, and disregard for alternative testimonies. For instance, a detective questions Marshall with skepticism, accusing him of lying and manipulating his memory, despite there being no substantive evidence against him. The police also ignore witness statements that contradict their narrative and use coercion to fabricate a false confession. This systemic corruption and failure to protect Marshall's rights lead to his wrongful conviction and subsequent 11-year imprisonment. After years of legal battles and new evidence surfacing, including confessions from the real perpetrator, Roy, and acknowledgment of police misconduct, Marshall is finally exonerated. The film concludes with a stark reminder of the flaws in the justice system, including inadequate compensation and the continued influence of those who were complicit in the wrongful conviction.

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[95] National Film Board of Canada, "Justice Denied" (1989), online (video): <collection.nfb.ca/film/justice_denied>.

Conspiracy of Silence is a Canadian television film produced by the Canadian Broadcasting Corporation (CBC) and filmed in Sturgeon Falls, Ontario. It is based on the true story of Helen Betty Osborne, an Indigenous woman from Norway House First Nation who was brutally murdered in 1971 in The Pas, Manitoba, with the case remaining unsolved for 20 years. The film's narrative is divided into two parts, beginning with the brutal abduction and murder of Osborne by a group of young white men. As the investigation unfolds, the film reveals the pervasive racism and prejudice within the RCMP and local community, which complicate and delay justice. The officers' dismissive attitudes and racially charged comments highlight the systemic failures that hinder the investigation. Despite evidence and witness testimonies pointing to the perpetrators, the community's silence and complicity contribute to the stagnation of the case.

In the second part of the film, the narrative shifts to years later, when RCMP Constable Steve Frishbilski reopens the case. His investigation uncovers deep-seated racism and corruption, illustrating the resistance within the RCMP and the community's reluctance to confront the past. While Frishbilski's efforts lead to the identification and arrest of the suspects, only one is found guilty, suggesting that only partial justice was achieved through the legal process. The film ends on a note of unresolved tension, questioning whether true justice was served and underscoring the ongoing impact of racial biases within the legal system.

Conspiracy of Silence aired on the CBC television network in 1991 and attracted an audience of two million viewers across Canada within its first two days.[96] The film effectively spotlighted racial biases within the legal system, a point quickly noted by audiences. As one *Variety* reviewer observed, "Production shrewdly situates the viewer as both judge and jury as the conspiracy is unraveled 16 years later by a curious cop seeking justice. It's gripping entertainment with a subtle antisexist, antiracist message."[97] Another reviewer stated, "Like Justice Denied, the drama about the wrongfully convicted Donald Marshall, *Conspiracy of Silence* details the police (RCMP) investigation of Osborne's death, and the viewer is quickly

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96 Suzan Ayscough, "Conspiracy of Silence" in Howard Prouty, ed, *Variety Television Review 1991-92* (New York: Garland Publishing Inc, 1991).

97 *Ibid.*

struck by their incompetence and entrenched racism."[98] However, others were quick to critique how racial tensions were portrayed, with another reviewer noting, "There's no real attempt to understand the origin of racial tension, only to observe it and flip it on its back for a better view."[99] Mary Jane Miller claimed that the focus of *Conspiracy of Silence* was "misplaced," criticizing the film for focusing on bigoted small-town residents rather than placing Indigenous perspectives at the forefront.[100] Producer Bernard Zuckerman countered this sentiment, arguing instead that "a story with social implications, told strongly enough to move an audience, is relevant in itself; it doesn't have to hit people over the head with moral purpose."[101]

Nevertheless, the film shone a spotlight on systemic racism and corruption, particularly in the justice system's treatment of Indigenous peoples, and called attention to Canada's Missing and Murdered Indigenous Women and Girls (MMIWG) well before the movement had become established. By depicting community complicity and the challenges of achieving full justice, the film aligns with the Reform Era's cinematic trend of exposing and challenging deep-rooted flaws in societal and legal systems, particularly those affecting marginalized communities.

Trial at Fortitude Bay (1994) is a Canadian film set in the remote Inuit community of Fortitude Bay, Baffin Island, and Winnipeg. The film highlights the tension between the traditional Inuit justice system and the imposed Canadian legal framework. The plot revolves around Pauloosie, a 19-year-old Inuit man who was convicted of sexually assaulting an underage girl. The film follows Gina Antonelli, a defence attorney sent from the South to represent Pauloosie, as she navigates the complexities of the trial. Pauloosie confesses his guilt, and prosecuting attorney, Daniel Metz, is determined to punish Pauloosie under Canadian law. However, the local community, represented by an elder, advocates for a form of justice aligned with Inuit customs.

Throughout the trial, Gina encounters various cultural barriers and legal clashes. The courtroom setting is informal, taking place in a school

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98 John Haslett Cuff, "Review: Conspiracy of Silence", *The Globe and Mail* (30 November 1991) E1.

99 Tony Atherton, "Conspiracy of Silence", *The Ottawa Citizen* (1 December 1991) D1.

100 *Ibid.*

101 *Ibid.*

gymnasium with a prominent portrait of Queen Elizabeth. The film portrays the community's deep-rooted belief in their own justice system, which emphasizes reconciliation and harmony over punitive measures. Ultimately, the judge sentences Pauloosie to a combination of community service, counselling with the elders, and a reduced jail term to be served on weekends, reflecting a compromise between traditional Inuit and Canadian legal systems. The film concludes with Pauloosie's reconciliation with the community, suggesting that the traditional Inuit approach to justice might be more effective and humane than the imposed Southern methods.

Trial at Fortitude Bay garnered critical recognition with two Gemini Award nominations for Best Supporting Actor and Best Writing.[102] Some reviewers also reflected positively on the film, with one writer stating, "Fortitude Bay is valuable for making us think about the impact of Canadian courts on a mostly Indigenous community."[103] Greg Quill wrote in the *Toronto Star* that the film was "a brave and well-mounted effort that comes to terms with the rift between native cultural values and the accepted consensus that justice is British, impartial, and blind."[104] The film thus not only engaged critics but also sparked important discussions about the complexities of justice within Indigenous communities in Canada.

Hard Time: The David Milgaard Story (1999) was a dramatic film that aired on the CTV Television Network. It recounts the harrowing true story of David Milgaard, a Canadian man wrongfully convicted of the 1969 rape and murder of Gail Miller, and his relentless 22-year struggle for justice, which culminated in his release in 1992.[105] The film, shot in part at Stony Mountain Penitentiary and various locations across Winnipeg, captures the intense journey of Milgaard as he fights against a deeply flawed legal

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102 Playback, "Special Report: Gemini Nominees: Who's Nominated" (12 February 1996), online: <playbackonline.ca/1996/02/12/5034-19960212> [perma.cc/QJ8E-YEMX].

103 Peter Sero, "CBC movie delves into conflicting justice systems", *Windspeaker* 12:19 (1994) 15.

104 Greg Quill, "Crime & Punishment: Trial at Fortitude Bay Takes a Simple Tale and Layers it with Meaning", *Toronto Star* (03 December 1994) SW8.

105 Innocence Canada, "Exonerations: David Milgaard",, online: <www.innocencecanada.com/the-latest/exoneration/david-milgaard/> [perma.cc/X5UD-E666].

system.[106] The timing of the film's release was contentious, as Larry Fisher, the man later convicted of Miller's murder, was awaiting trial. This led to legal challenges that restricted the film's broadcast in Saskatchewan, underscoring the ongoing tension between media portrayals and the justice system.[107]

The narrative begins with Milgaard's arrest and interrogation by detectives Rainey and St. George, who base their assumption of guilt on stereotypes. For example, they imply Milgaard's lifestyle and drug use as reasons for the crime. The film vividly portrays the problematic investigation, including the illegal collection of DNA and coercive interrogation tactics. In court, the film illustrates how flawed witness testimonies and prejudiced jurors contributed to Milgaard's conviction. Key witnesses, many of whom were under the influence of drugs during their testimonies, provided inconsistent and unreliable statements. One witness, Mr. Wilson, testified that Milgaard had a knife but could not specify where it was located. Another friend's statement about Milgaard's actions was contradicted by evidence suggesting he was elsewhere at the time of the murder. The judge's seemingly unclear instructions to the jury further complicated the trial.

The film continues to follow the aftermath of Milgaard's conviction, depicting his struggle to prove his innocence, his failed attempt to escape from prison, and his eventual exoneration. Through flashbacks and emotionally charged scenes, the film reflects the impact of wrongful convictions, serving as a critique of the Canadian legal system and fitting squarely within the era of legal reform in Canadian cinema. The film culminates in a dramatic appeal to the Supreme Court of Canada, where Milgaard, surrounded by supporters, passionately asserts his innocence: "I've been saying it for 23 years, I'm an innocent man. I say it now… I'm innocent. They knew I was innocent. They've known all along I'm innocent… They thought nobody would care, but a lot of people cared because everyone cares about injustice."

The cycle of critical legal dramas continued into the early 2000s with *Cowboys*

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106 Pam Swedko, "On Set: The David Milgaard Story", *Playback* (21 September 1998), online: <playbackonline.ca/1998/09/21/23251-19980921/> [perma.cc/HEA6-3S5R].

107 Greg Quill, "Accused wants ban on Milgaard TV movie", *Toronto Star* (24 February 1999) 1.

and Indians: The J.J. Harper Story (2003), a film that dramatizes the tragic real-life events surrounding the 1988 police shooting of J.J. Harper, an Indigenous man killed by Winnipeg police constable Robert Cross. The incident sparked widespread outrage and led to the establishment of the landmark Aboriginal Justice Inquiry (AJI) in Manitoba. The film opens with a memory of a young J.J. Harper (played by Hollywood star Adam Beach) and his brother Harry (Eric Schweig) playing "cowboys and Indians" in the snow, setting the stage for a narrative that explores the harsh realities of racism and systemic injustice in Manitoba. Narrated by Harry, the story unfolds in downtown Winnipeg on a snowy night where Harper, unarmed and on his way home, is mistakenly approached by a police officer searching for suspects in a car theft. The encounter quickly escalates, leading to Harper's fatal shooting. The film follows the aftermath of the incident, including Harry's attempts to have Cross held accountable for the shooting, the police cover-up, the inquest, and the profound impact on Harper's family and the Indigenous community.

The film exposes significant corruption within the justice system, including the mishandling of the crime scene, the tampering with evidence, and the dismissal of key witnesses. The film also sheds light on the broader implications of these events, including the AJI, which was commissioned in response to Harper's death and the murder of Helen Betty Osborne. The inquiry examined the relationship between Indigenous peoples and the justice system in Manitoba, finding "widespread systemic racism throughout all aspects of the justice system."[108]

E. *Hollywood-inspired era (Late 1990s – early 2000s)*

At the turn of the millennium, a small but notable number of Canadian legal films emerged that adopted a Hollywood-inspired genre formula reminiscent of pre-war law noir films. This development reflected a shift in priorities for Canada's government film funding agencies, which encouraged projects with a greater potential for international distribution.[109] Several fictional legal thrillers and courtroom mysteries appeared in this era: *A Question of Privilege* (1999), *In Her Defence* (1999),

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[108] Steven Kohm "Bordering Justice: Place, Nation, and Boundary Making in Canadian Police Films" (2022) 52:1 American Review of Canadian Studies 64 at 77.

[109] Gruben, *supra* note 38.

Torso: The Evelyn Dick Story (2002), and *Verdict in Blood* (2002), all of which revolve around murder-mystery plots. Only *Torso* was based on a real Canadian legal case. With little or no social commentary, the films hark back to the golden age of Hollywood law films, in which a "heroic" figure fights for justice. For example, the heroic figure is the defence lawyer in *A Question of Privilege* and *Torso*, the Crown Prosecutor in *In Her Defence*, and the Reporter in *Verdict in Blood*. These genre films reveal less about Canadian social attitudes toward law and legal reform during this period and more about the economics of government-supported cultural production in Canada, which focused on gaining a larger international market share in the new digital era.

A Question of Privilege (1999) exemplifies this shift in Canadian cinema. Filmed in Edmonton, Alberta, the film uses a fictional plot to explore the complexities of legal ethics and privilege within the Canadian justice system. It opens with a statement that frames the narrative, emphasizing the responsibilities that come with the legal profession: "Becoming a lawyer is not a right, but a privilege, and with this privilege goes certain responsibilities." The story centres on the murder of Mary Wells, a young girl whose death entangles a group of affluent teenage boys, their politically connected father, and the legal professionals tasked with defending or prosecuting them. The film's intricate plot and moral dilemmas evoke classic pre-war Hollywood law noir, where the lines between right and wrong blur, and justice becomes elusive.

As prosecutor Carter Roberts builds his case against the boys, his wife, Andrea Roberts, a defence attorney, finds herself defending two of the accused. Andrea's investigation, which uncovers crucial evidence and challenges the legal system from within, highlights the Hollywood-inspired elements of the film. With plot twists involving cover-ups, betrayal, and a climactic revelation of the true murderer, the film aligns firmly with the thriller genre, diverging from the restrained realism traditionally associated with Canadian cinema. The film's title, *A Question of Privilege*, underscores the power dynamics at play, particularly as Tate Aldridge, the father of two of the boys, leverages his wealth and political connections to influence the justice system, offering a critique of the intersection between privilege and legal accountability.

In Her Defence (1999) is a similar legal thriller set and filmed in Saint John, New Brunswick. The story follows Andrew, a defence lawyer who

becomes romantically involved with Jane, a deaf artist trapped in an abusive marriage to a wealthy businessman named Noby. As Andrew navigates his complicated relationship with Jane, he becomes embroiled in a conspiracy that leads to murder, legal battles, and ultimately, his own downfall. The film's dramatic twists, including the revelation of a secret relationship between Jane and Crown prosecutor Debra, demonstrate how *In Her Defence* fits into the Hollywood-inspired era of Canadian cinema. The use of courtroom drama, complex character relationships, and a plot filled with deception and betrayal reflects the film's alignment with Hollywood-style genre film, where personal and professional lives collide, leading to shocking consequences.

Canadian film funding agencies' emphasis on international distribution and Hollywood genre conventions has led filmmakers to prioritize dramatic plot twists and sensational drama over a realistic exploration of Canadian legal issues and landmark cases. *In Her Defence* received largely negative reviews for its predictability and was frequently compared to other "sexy thrillers." One reviewer noted, "For those who have enjoyed various sexy thrillers over the years…what happens in *In Her Defence* during the second half isn't going to be a huge shock."[110] Another critic labelled it "brutally bad," highlighting a "half-baked lesbian twist that, despite feeling somewhat random, was less than surprising," and suggested that the direction felt "absent, as if the film were edited in ways unintended by veteran director Sidney J. Furie."[111] Rather than being inflected with Canadian cultural sensibilities with a focus on realism and social issues, *In Her Defence* was a pale imitation of classic Hollywood law noir.

Verdict in Blood (2002) was a Canadian crime drama produced by the CTV Television Network, with filming taking place in Toronto, Ontario. Directed by Stephen Williams, the film adapts Gail Bowen's popular Canadian novel of the same name. Joanne Kilbourn, a former police officer, now works as a crime reporter for a local television news show. Kilbourn becomes entangled in a high-profile murder investigation when the formidable Judge Marcia Blackwell is found dead in her home.

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110 The Movie Scene, "Hard to Defend", online: <www.themoviescene.co.uk/reviews/in-her-defense-1999/in-her-defense-1999.html> [perma.cc/Q3UZ-5E8V].

111 Cranky Lesbian, "In Her Defense: A Dreary Canadian Neo-Noir with a Joe Eszterhas Twist" (5 January 2022), online (blog): <crankylesbian.com/in-her-defense-1999-matlin/> [perma.cc/5ELU-396H].

In true Hollywood fashion, *Verdict in Blood* presents the justice system through a lens of high-stakes drama and intense personal conflict. The film opens with a courtroom scene where Judge Blackwell, known for her harsh sentencing, unexpectedly delivers a lenient sentence to a defendant who is pleading for mercy. This decision sparks outrage among the courtroom audience, with the victim's husband furiously confronting the judge before she is escorted away by security. This opening scene sets the tone for the film, showcasing its use of intense courtroom drama, a hallmark of classic Hollywood legal narratives, where the delivery of justice is often depicted as a battleground of emotions and power struggles.

The narrative intensifies after Judge Blackwell is found murdered, with Joanne Kilbourn, the former police officer turned television crime reporter, determined to uncover the truth behind the judge's death. As Kilbourn dives into the investigation, the film exemplifies the Hollywood style, with her character taking on the role of detective, navigating the complexities of the case and uncovering secrets that propel the story forward. For instance, the revelation that Judge Blackwell left her estate to Wade, a former convict she had once sentenced, adds a layer of intrigue and suspicion, perfectly fitting the Hollywood trope of casting Wade as a potential suspect in the murder.

In a key flashback scene following the trial, the victim's husband is seen discussing the outcome with his wife, frustrated by the judge's lenient sentence. His subsequent decision to drive to the judge's home and spy on her suggests he, too, might be a suspect in her murder. Further complicating the investigation, the film introduces additional suspects, including Judge Blackwell's banker, who is implicated due to suspicious financial dealings and a significant deposit into his account. Additionally, the character of Eli, a troubled youth with ties to the judge, emerges as a key figure in the investigation. His involvement in the case adds another layer of complexity and suspense, as he is initially suspected of theft and later revealed to have witnessed crucial events leading up to the murder.

As Kilbourn digs deeper into the judge's life, uncovering secrets about troubled youth, questionable finances, and family conflicts, the film showcases the complex storytelling and character focus typical of classic Hollywood legal thrillers. The use of dramatic flashbacks, including the striking black-and-white sequences that depict the crime, enhances this connection by reflecting the visual and thematic elements commonly found in Hollywood crime dramas. Through its blend of suspense, intricate plot

twists, and a focus on personal conflicts, *Verdict in Blood* exemplifies how Hollywood's influence has shaped Canadian legal narratives in this most recent time period.

Yet not all legal films in the Hollywood-inspired era were bereft of legal critique and realism. One such film was *Torso: The Evelyn Dick Story* (2002). The film offers a Canadian-made-for-television crime thriller filmed in Hamilton, Ontario, where the real-life events that inspired the story took place. *Torso* dramatizes a sensational 1946-1947 murder trial involving Evelyn Dick, whose husband, John Dick, was brutally murdered and dismembered, with only his torso being discovered. Evelyn is charged with the murder, and the film follows Evelyn's dramatic courtroom battles and subsequent legal twists, reflecting the Hollywood-era focus on sensational drama and intrigue.

However, while *Torso* adopts the sensational elements characteristic of Hollywood legal thrillers, such as dramatic courtroom scenes, unexpected plot twists, and scandalous details, it also offers some critique of the justice system through its dramatization of real events. The film highlights both the sensationalism of the case and the gendered bias that characterized the legal process. For instance, dramatic courtroom scenes include the Crown prosecutor's use of Evelyn's sexual history to infer guilt. The film also features a biased judge who overrules objections and pushes for a death sentence, despite the jury's recommendation for mercy, adding further critique to the overall fairness of the judicial process. Additionally, the portrayal of Evelyn's second lawyer, J.J. Robinette, as a heroic figure who eventually exposes systemic flaws and secures a more just outcome reinforces the film's commentary on the need for reform within the justice system. The film's depiction of Evelyn's unfair treatment and the subsequent legal battles, including her acquittal for her husband's murder and conviction for her infant son's death, underscores systemic issues and the dramatic nature of real-life legal conflicts. By intertwining a real-life case with Hollywood-style dramatization, the film critiques the justice system while engaging audiences with a compelling and controversial narrative.

Directed by Alex Chapple, *Torso: The Evelyn Dick Story* stands out as a unique entry in the Hollywood era of Canadian cinema. The film's fusion of Hollywood-style drama with a docudrama approach has captivated audiences with its compelling portrayal of the notorious case. As one viewer noted, "What is interesting about the way the storyline is portrayed… it also suggests that Evelyn was abused by her parents… leading her to cover for

them. This adds an intriguing layer to the story as we gradually uncover more about this gruesome true tale."[112] This highlights how the film successfully marries real events with Hollywood dramatization.

In contrast, some writers have focused on the film's critique of the Canadian criminal justice system. One review aptly captures this perspective, observing, "Doubt is definitely cast upon Evelyn's guilt, whether for the murder of her husband or child, as either instigator or perpetrator… if we are to believe the tale as told in the movie, she was probably innocent of the death she was convicted of: that of her baby son."[113] The review concludes, "What matters is not that justice gets served correctly, just that it gets served."[114] However, other reviewers have criticized the film's use of Hollywood elements, arguing that it falls into predictability. One review states, "A docudrama doesn't have to be factual to be interesting. Unfortunately, *Torso* plays all too predictably, with scenes of police interrogations and courtroom trials that feel recycled from countless other, better films."[115] The reviewer adds, "*Torso* aims to be nostalgic, sexy, and dangerous while offering a fresh take on an old tale of greed and homicide, but ends up being tiresomely predictable and bland."[116]

In conclusion, *Torso* embodies the elements of earlier reform-oriented Canadian films while also drawing on classic Hollywood genre film conventions. It intertwines dramatic storytelling with real-life events, drawing both praise for its innovative approach and criticism for its conventional elements.

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112 The Movie Scene, "Torso of Evidence", online: <www.themoviescene.co.uk/reviews/torso-2002/torso-2002.html> [perma.cc/2W27-JA7Q].

113 A Wasted Life, "Torso – The Evelyn Dick Story" (20 October 2018), online (blog): <bryininberlin.blogspot.com/2018/10/torso-evelyn-dick-story-canada-2002.html> [perma.cc/UZ54-TGWH].

114 *Ibid.*

115 Paul Mavis, "Torso (2002)" (28 December 28), online: <www.dvdtalk.com/reviews/39966/torso> [perma.cc/TE2Z-WNLL].

116 *Ibid.*

VII. DISCUSSION AND CONCLUSION

In this paper, we argued that legal films are important sites to analyze ideology or cultural "myths" about crime and justice in Canadian society. Our paper demonstrates that Canadian legal films are more likely to claim a connection to reality than their Hollywood counterparts, frequently taking the form of documentaries, semi-documentaries, or docudramas. This comports with Miller's contention that Canadian popular legal culture is less bound to established Hollywood film genres and is more so rooted in a cultural preference for news and information, and grounded in a left-liberal political ethos. Our analysis contributes to the literature on popular criminology by providing an empirical examination of a body of legal films beyond the familiar Hollywood fare that Rafter's seminal analysis has explored. However, a limitation of the present study is a lack of consistent data on audience or cultural reception of these films. Where possible, we included commentary from reviews published on mainstream news sites, as well as reviews and reactions from viewers found on various online outlets, including blogs, film review websites, and other internet forums. These mediated and online discussions about the films allowed us to roughly gauge the interplay between popular legal culture and ideology. However, further research is needed to investigate how audience members interpret and understand representations of the law and the legal system in film. Future research might extend this work through focus groups and empirical audience surveys to assess the impact of watching these films on general attitudes toward the law.

Nevertheless, the foregoing study provides the first comprehensive popular criminological analysis of Canadian law and legal films produced over the past century. Our analysis demonstrates a unique focus in Canadian law and courtroom films that is shaped by political-economic constraints, government cultural policy, and the hegemonic influence of Hollywood's images of crime, law, and justice. Like all Canadian films, law and courtroom films in this nation have struggled to find an audience in the shadow of Hollywood. For much of the century, the official response was to focus on truth-based films that played a clear educational role in shaping Canadian values and society. However, neoliberal-inspired shifts in the governance of Canadian culture have increasingly prioritized the exchange value of film and television, along with the goal of competing on a global cultural stage facilitated by online and streaming digital content.

Canadian films about the law have therefore shifted their focus from an assumed internal audience to an external and globalized one, resulting in a reduction of the elements that made Canadian legal films unique expressions of Canadian values. Perhaps the golden age of Canadian legal films has passed, just as the golden age of Hollywood courtroom dramas faded away by the early 1980s. For this reason, we believe our analysis makes a valuable contribution to the socio-legal and criminological literatures by providing a comprehensive account of the shifting eras of Canadian legal films, which can reveal much about ourselves and our general attitudes toward law, crime, and justice.