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Leaning In on Television

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*The destiny of the world is determined less by the battles that are lost and won than by the stories it loves and believes in.*¹

I. INTRODUCTION

The idea that humans learn from the process of telling and consuming stories is not new. The late Joseph Campbell, professor of mythology and expert on the effect of story on the human consciousness,² posited that all religions rely on narrative, and that the telling of story, particularly the story of the hero's journey, allows humanity to approach even the most rudimentary understanding of itself.³ Years after Campbell's death, Robert McKee wrote that "[t]he art of story is the dominant cultural force in the world, and the art of film is the dominant medium of this grand enterprise."⁴ The experience of story, wrote McKee, allows us to "illuminate[] our daily reality . . . to enjoy, to learn."⁵

From Saturday morning cartoons to Sunday morning news magazines, to the original content streaming on Netflix, Americans encounter story constantly,⁶ to such an extent that interacting with stories has become a basic part of what it means to participate in modern life. Television and film tell us stories about ourselves. For those of us in the legal profession, we need only stream the latest episode of *The Good Wife* to be reminded of all the ways that media tells us about the profession and ourselves.

But what does this constant consumption of story mean to those in the legal profession? Our work, for the most part, is prosy stuff. Most legal jobs involve mundane tasks—synthesizing and applying the law, crafting concise and logical arguments, instructing law students how to do the same. Yet, if you look at any show with legal themes, you will find tense, gripping scenes that depict the law as a source of constant dramatic conflict and a well of metaphor.

Any reasonable viewer understands that the primary objective of story is narrative drive, character development, and tension. Television and film do not seek to portray the legal profession accurately, but to dramatize the experiences of people in the profession in a way that feels true for the purposes of the story's arc and emotional content. Nonetheless, those in the legal field cannot help but ask what we are learning about ourselves when we see the profession depicted. For women in the profession, that question may be especially important, as they are increasingly featured on

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1. HAROLD C. GODDARD, *THE MEANING OF SHAKESPEARE* 594 (1951).
 2. See generally JOSEPH CAMPBELL WITH BILL MOYERS, *THE POWER OF MYTH* (Betty Sue Flowers ed., Anchor Books 1991) (1988) (demonstrating Campbell's expertise on mythology and its connection to contemporary human situations).
 3. See generally JOSEPH CAMPBELL, *THE HERO WITH A THOUSAND FACES* (New World Library rev. 3d ed. 2008) (1949) (discussing Campbell's theories on comparative mythology).
 4. ROBERT MCKEE, *STORY: SUBSTANCE, STRUCTURE, STYLE, AND THE PRINCIPLES OF SCREENWRITING* 15 (1997).
 5. *Id.* at 5.
 6. *Id.* at 11.

television and in film, and the stories that media tells about women lawyers have the potential to shape the way women in the profession see themselves.

One possible response to these ideas might be that story, though not entirely irrelevant to the practice of law,⁷ is for the most part unrelated to the profession. A somewhat more sophisticated response might be that story is useful to lawyers as people, but not necessarily as professionals, because the job of story is to provide a universally needed form of Aristotelian catharsis,⁸ without which the whole of humanity would be enslaved by the tensions, difficulties, and emotions that naturally arise in the course of everyday life.⁹ Still, in that analysis, story has little to do with the ways we engage with our jobs, our clients, and the profession as a whole.

Yet media is more than merely a tool to entertain; it is also a powerful tool for learning, and social cognition theory tells us that we are learning from all the media we encounter, whether we like it or not.¹⁰ Social cognition, a process we engage in nearly every day, is a method by which humans learn about the dynamics of behavior, environment, and identity through observing others.¹¹ This observational learning can help us acquire skills, for example, the ideas and tips we take away when we watch cooking shows on television. However, media can also teach us about

7. For example, lawyers, particularly those who work in litigation, often develop a story—or a theory—of a case that may be used to frame legal and factual arguments. See Binny Miller, *Teaching Case Theory*, 9 CLINICAL L. REV. 293, 295 (2002).

8. See Allan H. Gilbert, *The Aristotelian Catharsis*, 35 PHIL. REV. 301, 301–14 (1926). Though Aristotle does not expressly define “catharsis” in the text of *Poetics*, the term seems to mean a kind of release of emotion, a purging of deep feeling, that tragedy provides. *Id.* The University of Hawaii provides a wonderful guide to the text of *Poetics* that addresses the term’s lack of a precise definition. John David Zuern, Reading Guides: *Aristotle: Poetics*, CRITICALINK, <http://www.english.hawaii.edu/criticalink/aristotle/index.html> (last visited Feb. 5, 2017).

One of the most difficult concepts introduced in the *Poetics* is catharsis, a word which has come into everyday language even though scholars are still debating its actual meaning in Aristotle’s text. Catharsis is most often defined as the “purging” of the emotions of pity and fear that occurs when we watch a tragedy. What is actually involved in this purging is not clear. It is not as simple as getting an object lesson in how to behave; the tragic event does not “teach us a lesson” as do certain public-information campaigns on drunk driving or drug abuse.

Id.

9. *Poetics* stands for the notion that story, at least tragedy, provides an experience of catharsis and emotional release. See Gilbert, *supra* note 8, at 301.

10. See, e.g., Deborah A. Macey et al., *Introduction to HOW TELEVISION SHAPES OUR WORLDVIEW* 1, 2 (Deborah A. Macey et al. eds., 2014).

Since its entrance into our homes, television has been the predominant means of information distribution, and cultural storytelling; it is a medium through which the public accesses information about most everything. However, those programs that CBS and media scholars deem as [] “quality” are not the only ones that teach us about world affairs and other cultures. Those series with seemingly little redeeming value also teach us a vast amount of information and expectations about history, politics, and social values of our own and others’ cultures.

Id.

11. See GORDON B. MOSKOWITZ, SOCIAL COGNITION: UNDERSTANDING SELF AND OTHERS 3 (2005).

appropriate and inappropriate behaviors and may effect identity formation.¹² A significant body of research suggests that when we consume narrative through media we are also learning conscious and unconscious lessons that may color the ways in which we think about the world.¹³

What are we learning when we absorb stories about lawyers through television and movies? Specifically, are we helping or hurting ourselves, and are we conscious of the possible effects?

For women in the legal profession and women entering law school, the question is especially salient. As the debate about women's roles rages in society, it is worth examining the way women see themselves on television, and it is also worth asking whether they are subtly, slowly priming themselves to hold certain beliefs.¹⁴ Any woman who has ever been struck by a strong, emotional response to a friend's career choice—the choice to ascend or stagnate, to rise to partnership, or to stop working to stay home with her children—may have wondered where these powerful emotional responses come from. The answer is probably complex.¹⁵

What do we make of women who, having chosen career over family, feel regret, wondering about what they might have missed? Or women who, staying home with their children, wonder how they might have felt if they too had climbed the professional ranks? What about those who try to walk the line in between, balancing family and career? Is it possible to do so effectively?

If the mommy wars and the Internet debates are any indication, there has never been a time when women have had more choices and yet were more hostile to one another and themselves.¹⁶ How should women in the legal profession choose? What parameters should guide their choices? Most importantly, how should they reconcile their beliefs about career, gender, family, and identity with the emotional repercussions of the decisions that they make?

This article asks whether women have learned to hold certain beliefs through film and television's depiction of women in the legal profession and addresses the possibility that media is part of what drives women's ideas about themselves and their professional roles. Part II addresses the literature on learning and media exposure, and also describes two processes through which people absorb ideas and lessons through the media they consume. The article then explores how viewers of legal stories are

12. See Albert Bandura, *Social Cognitive Theory of Personality*, in *HANDBOOK OF PERSONALITY: THEORY AND RESEARCH* 154, 170–71, 173, 187 (Lawrence A. Pervin & Oliver P. John eds., 2d ed. 1999).

13. See Jessica Taylor Piotrowski, *Participatory Cues and Program Familiarity Predict Young Children's Learning from Educational Television*, 17 *MEDIA PSYCHOL.* 311, 315 (2014).

14. The publication of Sheryl Sandberg's *Lean In*, and the ongoing "mommy wars" are excellent examples of this. See generally *SHERYL SANDBERG WITH NELL SCOVELL, LEAN IN: WOMEN, WORK, AND THE WILL TO LEAD* (2013); *MOMMY WARS: STAY-AT-HOME AND CAREER MOMS FACE OFF ON THEIR CHOICES, THEIR LIVES, THEIR FAMILIES* (Leslie Morgan Steiner ed., 2007).

15. We are each primed by our upbringings and experiences. For Gen X, Gen Y, and Millennial women who have come of age in the generations following the late waves of feminism, their choices have been expansive, and the emotional fallout of their decisions has been pronounced.

16. See sources cited *supra* note 14.

influenced—and indeed learn—through the process of viewing. Part III focuses on two specific representations of women in the media, Julia Braverman in *Parenthood* and Alicia Florrick in *The Good Wife*, and how those representations of women lawyers do and do not create positive lessons. Finally, Part IV addresses the way the larger conversation in the culture is shaping perceptions of women in the profession.

II. YOU ARE WHAT YOU WATCH: A THEORY OF MEDIA EFFECTS

*The love of learning, the sequestered nooks,
And all the sweet serenity of books*¹⁷

Humans are always learning. Our brains are wired to encounter our environment, synthesize, and make sense of it. While most people may think of learning as a process that happens deliberately, only when we are ensconced in the classroom or sequestered with a book, a broad body of research suggests that even while we are doing what some might consider mindless engaging—watching movies or television—our brains are still learning, busy trying to make sense out of all that we encounter in the world.¹⁸

To explain the way we learn from consuming media, researchers have taken varied approaches. The *Encyclopedia of Television* distinguishes media theory research that attempts to link up media and theories of human learning from other types of mass communication research. It notes that research about media's effects on psychology, cognition, behavior, and thought is not concerned with the classical fields of media study—fields focused on aspects of film such as “style, artistic quality, aesthetic categories, high versus low culture, or specific, selective ‘readings’ or interpretations of media messages.”¹⁹ Because its focus is not on the composition of the media, but rather the media's effects, researchers working in this area typically examine the aggregate effects of media exposure, including the narratives, images, representations, and attendant messages to which specific groups of people are exposed.²⁰ Researchers look for ideas that are repeated and likely to be absorbed by individuals.²¹ The idea behind this sort of research is to be able to look at the

17. HENRY WADSWORTH LONGFELLOW, *Morituri Salutamus*, in *POEMS AND OTHER WRITINGS* 620, 626 (J. D. McClatchy ed., 2000).

18. See GODWIN C. CHU & WILBUR SCHRAMM, *LEARNING FROM TELEVISION* (Info. Age Publ'g rev. ed. 2004) (1967); SHALOM M. FISCH, *CHILDREN'S LEARNING FROM EDUCATIONAL TELEVISION* (Routledge reprint. 2008) (2004); JOELLEN FISHERKELLER, *GROWING UP WITH TELEVISION* (2002); HOW TELEVISION SHAPES OUR WORLDVIEW, *supra* note 10; *LEARNING FROM TELEVISION* (Michael J. A. Howe ed., 1983); *SOCIAL LEARNING FROM BROADCAST TELEVISION* (Karen Swan et al. eds., 1998); CHRISTOPHER H. WHITTLE, *ON LEARNING SCIENCE AND PSEUDOSCIENCE FROM PRIME-TIME TELEVISION PROGRAMMING* (2003); see also DORIS A. GRABER, *PROCESSING POLITICS: LEARNING FROM TELEVISION IN THE INTERNET AGE* 24 (2001) (sharing a finding that people “are prone to . . . absorb some information unintentionally”).

19. Michael Morgan, *Audience Research: Cultivation Analysis*, in 1 *ENCYCLOPEDIA OF TELEVISION* 160, 160 (Horace Newcomb ed., 2d ed. 2004).

20. *Id.*

21. See *id.* at 161.

programming that people are watching and then tie specific beliefs or ideas to repeated media messaging.²² Thus, researchers are able to trace the large-scale consequences of regular media consumption, and in so doing, illuminate how media reinforces or creates ideas in the mind of the public.²³

This description of the process by which scholars apply the lens of schema or other learning theories to understanding the way viewers experience media is spot-on. While analyses of such things as dialog, visual context, and dramatic and directorial choices can provide a deeper understanding of what a given piece of media intends to communicate, the analysis in this article takes a broader view, asking not what each work means, but how, given that meaning, viewers might internalize, process, and come to a new or modified understanding about the nature of their worlds as a result of engaging in the viewing experience.

A. Cultivation

1. An Overview

It is difficult to engage in a thoughtful analysis of the processes by which viewers learn from television without first acknowledging cultivation theory, which provided the foundational research into whether and to what degree viewers' ideas might be influenced by television.²⁴ George Gerbner was one of the first to argue that television could act as a teaching tool.²⁵ Seeking to better understand media's effects, Gerbner hypothesized in his early work that heavy exposure to the world of television will shape a viewer's concept of reality,²⁶ creating or cultivating attitudes that are more consistent with what the media portrays, rather than with reality.²⁷ In short, Gerbner

22. *Id.*

23. *Id.* at 161–62.

24. Cultivation theory is the idea that people's worldviews—especially their perceptions of how safe or violent the world is—are shaped in relation to the amount and type of television they watch. *Id.* at 160; see also George Gerbner & Larry Gross, *Living with Television: The Violence Profile*, J. COMM., Spring 1976, at 173, 178–79. George Gerbner, the progenitor of the theory, suggested that television is a ubiquitous medium, which creates cultural notions and which promotes biased ideas in the minds of heavy viewers who, even though they know television is fictionalized and sensationalized, cannot help “learning” about the world as they watch television. *Id.*

25. See Morgan, *supra* note 19, at 160.

26. See George Gerbner et al., *Growing Up with Television: Cultivation Processes*, in MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH 43, 52 (Jennings Bryant & Dolf Zillmann eds., 2d ed. 2002) (explaining that much support was found for the proposition that “heavy exposure to the world of television cultivates exaggerated perceptions of the number of people involved in violence in any given week”); Gerbner & Gross, *supra* note 24, at 191, 193 (“But we do have evidence to suggest that television viewing cultivates a general sense of danger and mistrust. . . . [T]elevision . . . exposure may be as important as demographic and other experiential factors in explaining why people view the world as they do.”).

27. See Gerbner et al., *supra* note 26, at 52 (noting that “[t]he ‘facts’ of the television world are evidently learned quite well, whether or not viewers profess a belief in what they see on television or claim to be able to distinguish between factual and fictional presentations”).

found that when people consume media, that media becomes a kind of rubric for understanding the world around them such that media acts as a socializing agent.²⁸

Growing Up with Television: Cultivation Processes was one of Gerbner's most notable studies.²⁹ Gerbner worked with Michael Morgan of the University of Massachusetts, Larry Gross of the University of Pennsylvania, Nancy Signorielli of the University of Delaware, and James Shanahan of Cornell University. The group began work in 1967 and followed the content of prime-time and weekend programming, studying the effects of living in a television-dominated culture.³⁰

The group compared the universal use and influence of television to a form of religion, inasmuch as television is ubiquitous, the main storytelling medium of the masses, and for many, a daily practice.³¹ Like the religious rituals of the European Middle Ages, television is a rite that elites and average people share, and it creates cultural touchstones that are common across categories of people.³² "As with religion, the social function of television lies in the continual repetition of stories . . . that serve to define the world and legitimize a particular social order."³³

Of course, people's preferences for various types of programming diverge, to some degree, along class and socio-economic lines. Because networks are cognizant of these groupings, different social groups may be exposed to different messages owing to the variation in programming.³⁴ However, *Growing Up with Television* finds that television shows that are targeted to different segments of the population ultimately look quite similar.³⁵ Although setting, tone, and some details may vary, the underlying messages about what we value and uphold as a social system are often strikingly similar.³⁶ Thus, it would seem that regardless of which programs they watch, television viewers are absorbing "surprisingly similar and complementary visions of life and society."³⁷

Television seems to be telling its viewers the same things, albeit in different guises. While individual interpretations, consumption patterns, and intellectual reactions to television programming may differ, society as a whole is influenced in noticeable and

28. See Gerbner & Gross, *supra* note 24, at 175.

29. See Gerbner et al., *supra* note 26.

30. *Id.* at 43.

31. *Id.* at 44.

32. *Id.*

33. *Id.*

34. See PETER K. PRINGLE & MICHAEL F. STARR, ELECTRONIC MEDIA MANAGEMENT 103 (5th ed. 2006) (discussing differences in television viewing patterns for different demographics); ROBERT H. WICKS, UNDERSTANDING AUDIENCES: LEARNING TO USE THE MEDIA CONSTRUCTIVELY 37 (2001) (discussing income and education as two categories used by media outlets to segment audiences); Amelia Arsenault & Manuel Castells, *Switching Power: Rupert Murdoch and the Global Business of Media Politics: A Sociological Analysis*, 23 INT'L SOC. 488, 506 (2008) (discussing the marketing preferences of ABC, NBC, CBS, and Fox).

35. Gerbner et al., *supra* note 26, at 44.

36. *Id.*

37. *Id.*

measurable directions, which remain constant or greatly similar across socio-economic lines.³⁸ “What is most likely to cultivate stable and common conceptions of reality is . . . the overall pattern of programming to which total communities are regularly exposed over long periods of time.”³⁹ Furthermore, the ideas promulgated in these forms of media affect viewers’ conceptions of many broad categories, including “gender, minority and age-role stereotypes, health, science, the family, educational achievement and aspirations, politics, religion, [and] the environment.”⁴⁰

The theory that what we watch creates our worldview is commonly referred to as “cultivation theory” or “cultivation analysis.”⁴¹ While this theory is well supported by Gerbner and his colleagues’ work, not everyone agrees that television and film have cultivating effects on viewers.⁴² In an effort to rebut cultivation theory, some academics have suggested that there are two types of media consumers, one “active” and the other “passive,” who experience, and therefore internalize, media differently from one another.⁴³ The active versus passive audience theory suggests that passive audiences take what they see on television wholesale and absorb the culturally normative types, values, and stereotypes projected without questioning what they are seeing on their television screens.⁴⁴ The theory argues that these kinds of viewers fail to challenge the media’s source, story, content, and other influencing factors, and are thus disproportionately influenced by what they see.⁴⁵ Conversely, active audiences question, analyze, and evaluate both the media and its message.⁴⁶

Although the “active” versus “passive” distinction is not incorrect according to Gerbner, *Growing Up with Television* suggests that the key to a cultivation study lies elsewhere.⁴⁷ It is possible to have both passive and active viewers and to still reveal a broad, general trend of media influence. Thus the two theories may coexist without necessarily challenging one another directly:

38. *Id.* One exception might be found among professionals who work such long hours that they are altogether unable to consume media such as film and television—many of my doctor and lawyer friends fall into this category, as do many academics. Another such category of persons who might be exempt from the cognitive effects of television and film would be those who choose not to consume television or film because of some personal bias, religious belief, or other factor that might drive a personal choice to disengage from media.

39. Gerbner et al., *supra* note 26, at 45.

40. *Id.* at 46.

41. See Gerbner & Gross, *supra* note 24, at 174–75, 182.

42. See JAMES SHANAHAN & MICHAEL MORGAN, TELEVISION AND ITS VIEWERS: CULTIVATION THEORY AND RESEARCH 59–60 (1999); W. James Potter, *Cultivation Theory and Research*, JOURNALISM MONOGRAPHS, Oct. 1994, at 1, 1–2.

43. See Tannis M. MacBeth, *Introduction to TUNING IN TO YOUNG VIEWERS: SOCIAL SCIENCE PERSPECTIVES ON TELEVISION* 1, 9–15 (Tannis M. MacBeth ed., 1996).

44. *Id.* at 14–15.

45. *Id.* at 13–15.

46. *Id.* at 12–15.

47. See Gerbner et al., *supra* note 26, at 48–49.

People are born into a symbolic environment with television as its mainstream; viewing both shapes and is a stable part of lifestyles and outlooks. Many of those with certain social and psychological characteristics, dispositions, and worldviews, as well as those who have fewer alternatives, use television as their major vehicle of cultural participation. . . .

The point is that cultivation is not conceived as a unidirectional but rather more like a gravitational process. . . . Each group may strain in a different direction, but all groups are affected by the same central current.⁴⁸

2. *Three Studies*

To demonstrate that television influences the way viewers think about the world beyond the silver screen, Gerbner's researchers adopted a three-pronged approach.⁴⁹ The first prong, "institutional process analysis," addresses the way media is formed, organized, and regulated.⁵⁰ The second prong, "message system analysis," assesses features and trends in certain genres of television over a week of programming.⁵¹ The third prong, "cultivation analysis," examines answers given by respondents to "questions about social reality among those with varying amounts of exposure to the world of television."⁵² The researchers expressed some surprise upon finding that the study yielded results that were not only statistically significant, but startling to even a lay reader. The study revealed differentials varying from five to fifteen per cent among television watchers at varying intensity levels, meaning that for people who watch television, the programs they view can affect their perception of reality five to fifteen per cent of the time.⁵³

Two other studies that explore how perceptions are shaped by television watching are of television's (1) dearth and status of the people over the age of sixty-five, and (2) frequency of depicting violent crime. In the first case, researchers report:

Although those over 65 constitute a rapidly growing segment of the U.S. population, heavy [television] viewers were more likely to feel that the elderly are a "vanishing breed"—that "compared to 20 years ago," there are fewer of them, that they are in worse health, and that they don't live as long—all contrary to fact.⁵⁴

48. *Id.* at 49.

49. *Id.* at 46.

50. *Id.*

51. *Id.*

52. *Id.* at 46–47.

53. *Id.* at 50. Although their work has been criticized because the value differentials never exceed the twenty per cent level, the researchers remind us that "[i]t takes but a few degrees shift in the average temperature to have an ice age or global warming [and the] 2000 U.S. presidential elections showed the havoc that could be wreaked by a miniscule percentage of votes." *Id.*

54. *Id.* at 51–52 (citation omitted).

“The ‘facts’ of the television world are evidently learned quite well, whether or not viewers profess a belief in what they see on television or claim to be able to distinguish between factual and fictional presentations.”⁵⁵ As a result, it appears that television watching may be producing, in our age of increasing political polarity, a public that is unrealistic and uneducated about the relative age of its population.

A study assessing the effect of television watching on viewers’ beliefs about violent crime is perhaps even more telling. “[D]ecades of message system analyses show that half or more of television characters are involved each week in some kind of violent action.”⁵⁶ In reality, however, the statistical data reported by the FBI suggest that each year less than one per cent of all people in the United States are victims of criminal violence.⁵⁷ Of course, the FBI data focus on reported crimes, whereas television portrayals regularly include criminals who are either never apprehended or whose crimes go unpunished for extended periods.⁵⁸ Yet the data suggest that those who watch television are more likely to believe cities to be more dangerous, less inviting, and more anxiety-producing than those who watch little or no television.⁵⁹

Violence is inherently interesting; it provides conflict, dramatic questions, and a clear hero, villain, and victim. Violent situations are enticing to viewers; thus, it is no wonder that violent scenes and storylines are frequently depicted on television. Yet violence in television media affects viewers in remarkable ways. As a general matter, the authors of the study “found considerable support for the proposition that heavy exposure to the world of television cultivates exaggerated perceptions of the number of people involved in violence in any given week, as well as numerous other inaccurate beliefs about crime and law enforcement.”⁶⁰

According to the Gerbner researchers, these heavy viewers are less likely to feel safe on a public sidewalk or street, and are more likely to feel the need to protect themselves from what they perceive to be the “mean world.”⁶¹ Given the frequency with which violence and crime are portrayed on television, this effect may not be surprising, but for those who experience increased suspicion of others and increased anxiety in their everyday lives, the effects may not be particularly desirable.⁶² Heavy television viewers, especially those who watch crime or law-driven shows, take on a

55. *Id.* at 52.

56. *Id.*

57. *Id.*

58. *See, e.g., Cold Case: Shattered* (CBS television broadcast May 2, 2010).

59. *See* Gerbner et al., *supra* note 26, at 52. Some researchers refer to this effect as “the mean world syndrome.” *See, e.g., THE MEAN WORLD SYNDROME: MEDIA VIOLENCE & THE CULTIVATION OF FEAR* (Media Education Foundation 2010) (transcript on file with the *New York Law School Law Review*).

60. Gerbner et al., *supra* note 26, at 52 (citation omitted).

61. *Id.*

62. Some evidence suggests that people—particularly young men—who are exposed to violent film, television, and video game media are more likely to act out violently against their peers or their families. *See* Scott Stossel, *The Man Who Counts the Killings*, *ATLANTIC*, May 1997, at 86, 87–88. This article intends neither to condemn nor condone that notion or those findings, but rather to explore the

worldview in which “greater protection is needed, most people ‘cannot be trusted,’ and most people are ‘just looking out for themselves.’”⁶³

B. Schema

The cultivation research demonstrates that viewers of television, and likely movies, are affected by their consumption of media in important ways, and that the changes produced by those effects are statistically significant and measurable.⁶⁴ Evidently, television does teach us. If we are watching, we are absorbing, and if we are absorbing, we are learning.

But why and how do these mechanisms operate? What is the cognitive process through which we learn the lessons offered by television? One of the interesting aspects of the cultivation effect is that it seems to operate despite viewers having information—reported crime rate statistics and practical knowledge about the aging population—that would seem to naturally thwart or at least skew television’s implicit lessons. And yet, people who watch scripted television experience cultivation—their beliefs are shaped by what they watch, even when they know that what they are watching is not real.

How is it that people are able to comprehend the idea of fiction, or even sensationalism, and still fall prey to cultivation and its accompanying worldview distortions? Gerbner and his colleagues suggest that a huge amount of what the average person believes to be her knowledge base is actually made up of ideas and concepts learned through repeated exposure to story, image, and construct.⁶⁵ The average person may not be able to distinguish easily between the true facts and the fictionalized facts, especially when she has experienced these fictionalized facts

interesting relationship between the consumption of media and the shaping of perceptions. Whether and in what way those perceptions are shaped is a topic for another discussion.

63. Gerbner et al., *supra* note 26, at 52 (citation omitted).

64. See *Violence in the Media—Psychologists Study TV and Video Game Violence for Potential Harmful Effects*, AM. PSYCHOL. ASS’N (Nov. 2013), <http://www.apa.org/research/action/protect.aspx>. This summary of the American Psychological Association’s published research on the topic indicates that watching television may actually make people, including children, less empathic to the plight of others. *Id.* Movie watching, however, produced spikes in empathy similar to those traditionally associated with reading. See, e.g., *News & Events: Hollywood Films Increase Medical Students’ Empathy Toward Patients; Greater Empathy Linked to Better Patient Health*, JEFFERSON (Nov. 20, 2013), <http://www.jefferson.edu/university/news/2013/11/20/hollywood-films-increase-medical-students-empathy-toward-patien.html>. These distinctions may be due, in part, to the structure of the dramatic arc used in film, which is similar to that used in literature and represents a complete change in the state of the character. Television, on the other hand, because of its episodic structure, may not encourage the development of empathy because it presents characters in a more static and unchanging form. For shows like *Parenthood*, in which a unifying dramatic arc runs across all the seasons, this may be somewhat less true. Compare a show with a long dramatic arc to a truly episodic-style show, *Law & Order*, or one of the many *Crime Scene Investigation (CSI)* franchises in which each show has a single, self-contained primary arc and the personalities, emotional truths, and circumstances of the characters do not change significantly.

65. See Gerbner & Gross, *supra* note 24, at 178–79.

through the seemingly realistic high-production-value television media.⁶⁶ These images, however manufactured, feel real to her, and so the line between truth and fiction begins to blur and continues to be blurry in her mind.⁶⁷ Thus, television teaches us what is true and what is false, how to think about the world around us, and whether to be kind or cruel, brave or fearful, optimistic or defeatist.⁶⁸ “The repetitive ‘lessons’ we learn from television, beginning with infancy, are likely to become the basis for a broader worldview, making television a significant source of general values, ideologies, and perspectives as well as specific assumptions, beliefs, and images.”⁶⁹

According to L. J. Shrum, one of the major criticisms of media effects research “is that it for the most part has lacked any focus on explanatory mechanisms. That is, media effects research has been primarily concerned with relations between input variables . . . and output variables . . . with little consideration of the cognitive processes that might mediate these relations.”⁷⁰ Media effects research has thoroughly examined whether watching media produces an effect.⁷¹ The research has less thoroughly explored, however, the question of how and by what processes media influences its consumers. This critique suggests that research of this nature is only verifiable when it can be grounded in cognitive, behavioral, social, or psychological theories.⁷²

Schema and social cognition theory provide two possible frameworks that explain how the cultivation effect works. Schema theory explains human learning by suggesting that all knowledge is organized into categories.⁷³ We develop schemata over time, refining the categories as we encounter new information.⁷⁴ For example, an individual may have a schema or category for thinking about dogs. When that person first encountered a dog, she was perhaps young and did not know much about canines. In her initial understanding, attributes of dogs such as furriness, friendliness or unfriendliness, and size were probably much less expansive than they are now. If the first dog the individual encountered were an unfriendly Yorkie, she would believe dogs to be furry, unfriendly, and small. However, if she then encountered a friendly

66. *Id.*

67. *Id.* at 178.

68. Gerbner et al., *supra* note 26, at 52.

69. *Id.*

70. L. J. Shrum, *Media Consumption and Perceptions of Social Reality: Effects and Underlying Processes*, in *MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH*, *supra* note 26, at 69, 69–70 (citation omitted).

71. See *MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH*, *supra* note 26; SHANAHAN & MORGAN, *supra* note 42; TUNING IN TO YOUNG VIEWERS: SOCIAL SCIENCE PERSPECTIVES ON TELEVISION, *supra* note 43; Michael Morgan & James Shanahan, *Two Decades of Cultivation Research: An Appraisal and Meta-Analysis*, in *COMMUNICATION YEARBOOK 20*, at 1 (Brant R. Burleson ed., Routledge 2012) (1997); Potter, *supra* note 42, at 1.

72. See Shrum, *supra* note 70.

73. See David E. Rumelhart, *Schemata: The Building Blocks of Cognition*, in *THEORETICAL ISSUES IN READING COMPREHENSION: PERSPECTIVES FROM COGNITIVE PSYCHOLOGY, LINGUISTICS, ARTIFICIAL INTELLIGENCE, AND EDUCATION 33* (Rand J. Spiro et al. eds., 1980).

74. *Id.*

Labrador, she would refine her schema accordingly, adding large, friendly, and so on to her schema for dog. The human brain creates these categories for all concepts, and one of the hallmarks of expert thinkers is the ability to chunk information using schema.⁷⁵ For example, a veterinarian who works with dogs would likely be something of a dog expert and would have more complex and nuanced schema for thinking about dogs than a lay person might.

Popularly traced back to theories of Gestalt cognition⁷⁶ in the early twentieth century, schema theory is the innovation of the psychologist Frederic Bartlett⁷⁷ who is famous for, among other things, his studies in which his students were told a Native American folk tale before being asked to retell the story multiple times.⁷⁸ Bartlett observed that, as the students told the story again and again, they began to morph its characters and qualities, imbuing the folk tale with many of the familiar characteristics of a European fairy tale, including morals, which the folk tale had not included in its initial telling.⁷⁹ Bartlett theorized that the students were shifting an unfamiliar item in order to make it fit into some preexisting intellectual and cognitive structure, or schema.⁸⁰

Professor Jerry Kang of the UCLA School of Law has examined schema theory to better understand how broadcast news should be regulated based on its cultivation potential and its messages about race and culture.⁸¹ In *Trojan Horses of Race*, Kang defines schema as a “cognitive structure that represents knowledge about a concept or type of stimulus, including its attributes and the relations among those attributes.”⁸²

75. See RAND J. SPIRO, *SCHEMA THEORY AND READING COMPREHENSION: NEW DIRECTIONS* 25 (1980).

76. See Stephanie Sabar, *What's a Gestalt?*, 17 *GESTALT REV.* 6, 7 (2013) (defining a Gestalt as a “form, shape; configuration, structure; arrangement, organization; figure”). Gestalt psychology was developed in the late twentieth century, and taught that an object was more than the sum of its parts; that an “extra quality,” “not inherent in any of [its] parts,” emerges “[o]nly when the parts are brought together,” constituting a new element or quality, or a “Gestalt.” *Id.* at 8. Gestalt psychology “focused on *how* individuals *subjectively* experienced and organized their perceptions.” *Id.*

77. William F. Brewer, *Bartlett, Frederic Charles*, in *THE MIT ENCYCLOPEDIA OF THE COGNITIVE SCIENCES* 66 (Robert A. Wilson & Frank C. Keil eds., 1999).

Frederic C. Bartlett (1886–1969) was Britain’s most outstanding psychologist between the World Wars. He was a cognitive psychologist long before the cognitive revolution of the 1960s. His three major contributions to current cognitive science are a methodological argument for the study of “ecologically valid” experimental tasks, a reconstructive approach to human memory, and the theoretical construct of the “schema” to represent generic knowledge.

Id.

78. Henry L. Roediger, *Bartlett, Frederic Charles*, in 1 *ENCYCLOPEDIA OF COGNITIVE SCIENCE* 319, 320 (L. Nadel ed., 2003).

79. See *id.*; see also CYRIL CHERN, *THE COMMERCIAL MEDIATOR’S HANDBOOK* 235 (2015).

80. See Roediger, *supra* note 78.

81. Jerry Kang, *Trojan Horses of Race*, 118 *HARV. L. REV.* 1489 (2005).

82. *Id.* at 1498 (quoting SUSAN T. FISKE & SHELLEY E. TAYLOR, *SOCIAL COGNITION* 98 (2d ed. 1991)).

Kang suggests that these cognitive structures function as rules and definitions for particular ideas, objects, or classes of ideas or objects.⁸³ The schemata form the framework that defines a particular thing, as well as the rules that may be used flexibly to test whether a new item or idea maps onto the existing schema.⁸⁴ Schematic thought is thus a process of automatic recall by which people observe their environment and organize the information they encounter into mental categories or files.⁸⁵

The basic idea behind schema theory is simple: We build new concepts when we encounter novel objects or experiences.⁸⁶ We can then use these new categories to understand related objects or experiences, ones that are more like the newly formed category than like a previously existing one.⁸⁷ One aspect of schema theory that may help explain the cultivation effect is that subjects triggered for certain schema experience a change in perception that may wear off some time after exposure to the stimulus.⁸⁸ Thus, a frequent television viewer may not be “cultivating” a total worldview through her television experience, but rather building and reinforcing, or triggering and retriggering certain schema. It may be recency, and not frequency, that accounts at least partially for respondents’ impressions.

Before dealing with some concrete studies in the area, an example may be useful: *Sex and the City* was a widely viewed, multiple award-winning HBO show that now runs in syndication. The main characters are four career women. These women have beautiful Manhattan apartments and wear designer clothes. All of the women are intelligent, beautiful, and successful.⁸⁹ Their only real problem, the source of almost all the conflict in the show, is that they are single and would rather not be. Frequently, the show uses supporting characters whose lives and concerns contrast with those of the main characters. Often these supporting characters are mothers and wives, who are depicted as vapid, small-minded, and dumpy, as compared to the heroines.

What is the schema implication of *Sex and the City*? Cultivation theory suggests that, for heavy viewers, the show may contribute to a changing social attitude about the roles of women. If we are to believe everything the show tells us, then we are

83. *Id.*

84. *Id.* “For instance, when we see something that has four legs, a horizontal plane, and a back, we immediately classify that object into the category ‘chair.’ We then understand how to use the object, for example, by sitting on it.” *Id.* at 1498–99.

85. *Id.*

86. Robert Axelrod, *Schema Theory: An Information Processing Model of Perception and Cognition*, 67 AM. POL. SCI. REV. 1248, 1248–49 (1973).

87. *Id.*

88. See Susan T. Fiske, *Stereotyping, Prejudice, and Discrimination*, in 2 THE HANDBOOK OF SOCIAL PSYCHOLOGY 357, 360 (Daniel T. Gilbert et al. eds., 4th ed. 1998). Fiske explains that individuals may learn stereotypes, or schemas, at a very young age, long before developing a personal belief system. *Id.* Although the activation of a stereotype or schema may occur more automatically than an individual’s contradictory personal belief, “after the initial automatic activation of stereotypic ideas, [some individuals] can control their subsequent responses, making them fall in line with the unprejudiced standards they hold for themselves.” *Id.*

89. Albeit based on subjective and highly westernized standards of intelligence and beauty.

entering an age when a career woman who is single, lives alone, and spends most of her money on clothes and cocktails is a heroine, a role model. The cultivation effect here may produce two-fold results: first, the show may increase the acceptance of women who have chosen careers over families; and second, the show may encourage women to make that very choice, or at least believe such a choice is the preferred one during and immediately after watching the show.

The schema-based explanation of *Sex and the City* does not necessarily contradict the cultivation ideas and conclusions. Instead, it posits a more immediate, interlocking effect. For example, a *Sex and the City* viewer will have a schema for single, successful, sexy career women. Each time that viewer watches the show she reinforces that idea in her own mind. A viewer who, shortly after watching the show, feels less inclined to value her husband, or more inclined to buy new clothing is exhibiting the effects of triggering schema.

In both cases, we are looking at a way of encountering and experiencing social cognition, or the basic mechanism that humans—and animals—use to make sense of social relationships and each other.⁹⁰ The origins of social cognition theory lie in personality impressions, assessing the mechanism by which humans evaluate and make sense of each other.⁹¹ For example, “[s]uppose you read a letter of reference describing someone as ‘intelligent, skillful, industrious, cold, determined, practical, and cautious.’ Would you be inclined to recommend hiring the person? Would you enjoy working together? How did you form these impressions so quickly?”⁹² You probably developed a picture of the described person quickly, and then tried to evaluate that picture against impressions formed in your workplace. You have schema for types of people and for your workplace. When you encountered the new person described above, you categorized that person by type, and then compared that type to the ideas you have about your workplace.

This is the basic process of schema theory, and the one people use to learn through social cognition. As we encounter others, we are engaging in exactly this process. The basic foundation of social cognition is the theory that we may sometimes experience other people as psychological units, as whole entities that follow and conform to certain ideas and attributes.⁹³

90. See SUSAN T. FISKE & SHELLEY E. TAYLOR, SOCIAL COGNITION: FROM BRAINS TO CULTURE 16 (Michael Carmichael ed., SAGE Publ'ns 2d ed. 2013) (2008).

91. *Id.* at 19.

92. *Id.* at 2.

93. *Id.* But the foundations of social cognition also support the algebraic model, which evaluates each characteristic or trait independently. *Id.* at 4. Modern schema theory looks more like the holistic approach, originally called the configural model, in which people evaluate traits in context and make sense of each trait in relation to the whole. *Id.* at 3. For example:

An intelligent con artist is sly; an intelligent child is clever; an intelligent grandmother is wise. In addition to meaning change, people use a variety of strategies to organize and unify the components of an impression; they not only change the meaning of ambiguous terms, but they also resolve apparently discrepant terms with considerable ingenuity.

Id.

Immanuel Kant argued that the mind understands the world by constructing its own subjective realities.⁹⁴ Similarly, social cognition suggests that the mind understands the world around it by observing and reconciling otherwise unrelated attributes, such as intelligence and age, to develop a single, cohesive picture.⁹⁵ Social cognitional mechanisms explain the processes of first impressions, and also account for some of the subliminal effects of social encounters.⁹⁶ Some of what we experience when we watch television can be explained by social cognition effects, and it is social cognition itself that lays the groundwork for our experiences of schema. Thus, the two ideas work in tandem, and both explain cultivation effects.

J. M. Mandler theorized that the world is known to us through schema.⁹⁷ We do not experience each piece of information as an unconnected individual item, but constantly connect items to each other and to larger structures as we seek to understand and categorize the world.⁹⁸ Schema theory is thus the primary method by which we employ and understand the pieces of information we take up via social cognition.⁹⁹ It is our sorting mechanism, our way of making sense of information, experiences, places, people, and things.

Schema influences the way we engage people, not just the way we think about and categorize objects.¹⁰⁰

When we encounter a person, we classify that person into numerous social categories, such as gender, (dis)ability, age, race, and role. . . .

. . . Through law and culture, society provides us . . . with a set of racial *categories* into which we map an individual human being . . . according to prevailing rules Once a person is assigned to a . . . category, . . . meanings associated with that category are triggered.¹⁰¹

94. *Id.* at 5.

95. *Id.* at 5–6. For more on social cognition theory and its influences, see Joshua M. Ackerman et al., *Evolutionary Perspectives on Social Cognition*, in *THE SAGE HANDBOOK OF SOCIAL COGNITION* 451 (Susan T. Fiske & C. Neil Macrae eds., 2012); S. E. Asch, *Forming Impressions of Personality*, 41 *J. ABNORMAL & SOC. PSYCHOL.* 258 (1946); and Matthew D. Lieberman, *Social Cognitive Neuroscience*, in *1 HANDBOOK OF SOCIAL PSYCHOLOGY* 143 (Susan T. Fiske et al. eds., 5th ed. 2010).

96. See FISKE & TAYLOR, *supra* note 90, at 15–18.

97. JEAN MATTER MANDLER, *STORIES, SCRIPTS, AND SCENES: ASPECTS OF SCHEMA THEORY*, at ix (Psychology Press 2014) (1984).

98. See *id.* at ix–xi; see also Asghar Iran-Nejad, *Associative and Nonassociative Schema Theories of Learning*, 27 *BULL. PSYCHONOMIC SOC'Y* 1, 1, 4 (1989); Asghar Iran-Nejad, *The Schema: A Long-Term Memory Structure or a Transient Structural Phenomena*, in *UNDERSTANDING READERS' UNDERSTANDING* 109, 109–11 (Robert J. Tierney et al. eds., 1987); Diane Lemonnier Schallert, *The Significance of Knowledge: A Synthesis of Research Related to Schema Theory*, in *READING EXPOSITORY MATERIAL* 13, 13–14 (Wayne Otto & Sandra White eds., 1982).

99. See MANDLER, *supra* note 97, at 1–2.

100. Kang, *supra* note 81, at 1499.

101. *Id.*

Schema theory is thus a mechanism of categorization by which the mind can connect a real thing, person, or experience, with a preexisting rubric.¹⁰² It may then assign characteristics it has previously seen associated with that thing, person, or experience, imbuing the immediate experience with information from past encounters, which act as teaching tools, creating schematic building blocks that grow on one another to make an individual's breadth of experience beneficial to her in allowing her to recall, rather than relearn, information.¹⁰³

Schema theory is associated with learning, and the Internet is full of websites that purport to help young or new teachers take full advantage of the instructional possibilities of schema theory.¹⁰⁴ But schema theory is also associated with "typing," or "stereotyping," which in some sense is the logical outgrowth of a system of cognitive categories in which experiences are understood as belonging to one schematic group or another, rather than as isolated, individual encounters.¹⁰⁵ This is particularly true when "racial schemas are 'chronically accessible' and can be triggered by the target's mere appearance, since we as observers are especially sensitive to visual and physical cues."¹⁰⁶ Thus, studies of schema and race show us that schema can lead to incorrect, type-based conclusions, and that particularly for complex categories of people and ideas, schema may not always provide useful or positive mental shortcuts.¹⁰⁷

A number of social psychologists have conducted experiments using race as a trigger for qualities like aggressiveness, understanding of criminal intention, and need to defend oneself.¹⁰⁸ These scientists have found that, like the repeated images of violence in the shows we watch, the repeated exposure to negative race-specific

102. See Axelrod, *supra* note 86, at 1248.

103. *Id.* at 1252.

104. Using Google or another similar search engine will easily yield the described results. One example is the "National Council for the Social Studies" website publication on Mac Duis, *Using Schema Theory to Teach American History*, 60 Soc. EDUC. 144 (1996), which can be found at <http://www.learner.org/workshops/socialstudies/pdf/session2/2.UsingSchemaTheory.pdf>.

105. Kang, *supra* note 81, at 1499–1503.

106. *Id.* at 1503 (citation omitted).

107. See *id.* at 1504.

108. *Id.* at 1503–21; *id.* at 1491 n.6 (recounting one such experiment described in Franklin D. Gilliam, Jr. & Shanto Iyengar, *Prime Suspects: The Influence of Local Television News on the Viewing Public*, 44 AM. J. POL. SCI. 560, 563–67 (2000)).

Participants answered a preliminary questionnaire, which solicited basic demographic, political affiliation, and media habits data, prior to watching the newscasts and completed a detailed questionnaire gauging crime-related and racial attitudes after the newscast. The crime-related attitudes that were measured were fear of crime, dispositional explanations for crime, and support for punitive criminal justice. Racial attitudes were measured on both "old fashioned" and "new" racism scales. The 2331 participants were residents of the Los Angeles metropolitan area. Reflecting the demographics of the area, 53% of the participants were White, 22% Black, 10% Asian, and 8% Latino. Fifty-two percent were women, 49% had graduated from college, 45% were Democrats, and 25% were Republicans.

Id. (citations omitted).

characters results in heightened aggression toward people in those racial categories, a higher likelihood of fear based on notions of criminal intention, and an increased willingness to use violence to defend oneself.¹⁰⁹ To effectively grasp the implicit racial schemata that govern these negative associations, one must look at the specific contexts in which these individuals are presented.

The basic assertion is itself not new; the news covers violence and crime so frequently that viewers develop an inaccurate sense of the violence in the world around them.¹¹⁰ What is interesting and important about the news in the context of schema theory is that viewers who are repeatedly exposed to images of particular racial minorities engaging in violent crimes would seem to be “learning” that people of color are responsible for the social ills of senseless violence and criminal activity.¹¹¹

Even more striking is the disproportionate degree of coverage given to news of this type.¹¹² This schematic “instruction” can then be laid over any person of color whom news viewers may encounter in the course of their daily business.¹¹³ Susan Fiske notes, “[p]eople are hardly equal opportunity perceivers.”¹¹⁴

If schemata are indeed cognitive categories built up in the psyche of an individual over time and based on repeated exposure to the same or similar type of stimulus, and if the cultivation effect has been the proven result of heavy exposure to television, which by anyone’s account includes a disproportionately heavy amount of violence and crime, perhaps schema theory illustrates the mechanism by which the cultivation effect is operationalized in the mind of an individual viewer.¹¹⁵

Following the newscast, the researchers asked three questions about participants’ support for certain criminal remedies: death penalty for murderers, three strikes legislation, and increased police presence on the streets. Participants’ responses were then scaled to an index between 0 and 1, with 1 being most punitive, to generate a punitive index. The mean punitive index of the Black-suspect condition group was 0.06 *higher* than that of the control group. This result was statistically significant at $p < 0.01$.

Id. at 1492 n.8 (citations omitted).

109. *Id.* at 1504–67.

110. See Gerbner & Gross, *supra* note 24, at 193–94; Kang, *supra* note 81, at 1550–64.

111. See Kang, *supra* note 81, at 1563–67.

112. See generally Gilliam & Iyengar, *supra* note 108.

113. See Max Weisbuch et al., *The Subtle Transmission of Race Bias via Televised Nonverbal Behavior*, 326 *SCI. MAG.* 1711, 1711–14 (2009) (“Americans are exposed, via television, to nonverbal race bias, and such exposure can influence perceivers’ race associations and self-reported racial attitudes.” *Id.* at 1714).

114. Fiske, *supra* note 88, at 369.

115. See Kang, *supra* note 81, at 1498–99. But some use terms other than schema to explain cognitive categories for linking parts to a whole or using a whole to infer characteristics and to link ideas or traits. Ziva Kunda, for example, prefers the word “concept” to describe “a mental representation of a category, that is, a class of objects that we believe belong together.” ZIVA KUNDA, *SOCIAL COGNITION: MAKING SENSE OF PEOPLE* 16 (1999). Kunda writes that “concepts” are “schemas” to social psychologists. *Id.* at 17; see also MARTHA AUGOSTINOS & IAIN WALKER, *SOCIAL COGNITION: AN INTEGRATED INTRODUCTION* 26 (1995) (“A schema is a mental structure of some referent which consists of knowledge and examples of that referent, and which selects and processes information pertinent to that referent.”); Charles Stangor & Mark Schaller, *Stereotypes as Individual and Collective Representations*, in *STEREOTYPES AND STEREOTYPING* 3, 7

Humans build mental schemata fairly quickly.¹¹⁶ Presumably, when a person consumes material, whether *Law & Order* episodes or a network's evening news, that person is initiating, reinforcing, expanding, and strengthening the schema or schemas to which she is exposed. That is to say, she is actually teaching herself how to perceive the world when she watches television.

But what about the active viewer? What about the viewer who knows the real crime statistics, who would rather have a family than a closet full of shoes, who understands racial bias and works to consciously account for its effects? The response of Gerbner and his colleagues seems to straddle the line between convincing and unsatisfactory; they suggest that the cultivation effect is meant to be seen as a general gravitational pull, rather than a uniform phenomenon in every mind.¹¹⁷ But gravity is a constant force of nature. Learning through television happens on a case-by-case basis, though when viewed in the aggregate its effect makes it seem like a kind of natural force.¹¹⁸

Through repeated consumption of the same material, Americans are conditioning themselves to subconsciously categorize their society and its members according to the instructive images communicated by television. Even viewers who consider the media sensationalistic are unable to access and deconstruct the schematic-type system that media has built into their cognitive function. The cultivation effect is the broad phenomenon, and schema theory is arguably the concrete basis through which the effect is realized.

III. LEARNING IN ON TELEVISION

A. *Parenthood*

*[M]y wife's job is actually to uphold the law. Do you understand? It's to make sure that people aren't treated unfairly.*¹¹⁹

In the television drama *Parenthood*, four siblings from a Berkeley family endure the trials and explore the joys of having families of their own. Each of the siblings fills a sort of archetypal function. The family's two brothers, Adam and Crosby, are foils in almost every way. Adam is a business executive, solid, reliable, and unoriginal.

(C. Neil Macrae et al. eds., 1996) ("Schemas are abstract knowledge structures that specify the defining features and relevant attributes of a given concept.")

116. See CATHY NUTBROWN, *THREADS OF THINKING: SCHEMAS AND YOUNG CHILDREN'S LEARNING* 3–15 (4th ed. 2011).

117. See Gerbner et al., *supra* note 26, at 48–49.

118. Schema theory is often seen as a subconscious process because an individual experiencing schema shifts does not consciously recognize building schema in the first place. See William F. Brewer & Glenn V. Nakamura, *The Nature and Functions of Schemas*, in 1 *HANDBOOK OF SOCIAL COGNITION* 119, 120–21 (Robert S. Wyer & Thomas K. Srull eds., 1984). Because the learning mechanism at work in building schema is subconscious, a viewer could conceivably build schema and question program content simultaneously, the first process happening subconsciously, and the second process consciously.

119. *Parenthood: Mr. Honesty* (NBC television broadcast Nov. 22, 2011).

His younger brother, Crosby, is a musician and recording technician who, when we meet him, lives on a boat.¹²⁰ As the show develops, the two men find common ground, and even work together to start a business, but much of the conflict between them arises out of their opposite natures. Adam seeks security, while Crosby, for several seasons, struggles with the idea of growing up and settling down.

The relationship between the family's two sisters is similar. The show presents Sarah, the older sister, as the wayward one. She never finished college and had children when she was young, with a man who could not support a family. They divorced and, as a result, she has worked a series of service jobs. The audience quickly learns that despite working as a bartender, Sarah aspires to loftier things, including completing her undergraduate degree and working as a playwright. But her dreams go largely unfulfilled because of the time and energy spent being a single mother. Meanwhile, her younger sister and archetypal foil, Julia, is a corporate lawyer at a large law firm. When we meet her, Julia has a young daughter and a stay-at-home husband, a former general contractor who has agreed to stay home so that Julia can continue to work toward becoming a partner.¹²¹

Early in the show's six seasons, Julia and her husband, Joel, decide they would like to have another child. The pair has a difficult time conceiving, which leads them to adopt a troubled nine-year-old boy.¹²² The change in their family is a challenge for both Joel and Julia, and Julia quits her job at the firm after letting a major project slide.¹²³ The message in Julia's story is clear: It is difficult, perhaps impossible, to balance family and work when things at home require extra attention.

When Joel goes back to work and Julia begins to stay home, their relationship frays. The change in Julia's employment causes her to experience both isolation and depression, and ultimately precipitates Joel's moving out.¹²⁴ Interestingly, this is a nontraditional narrative. Julia's status as a woman without a high earning job starts the chain of events that Joel cannot forgive. In many other contexts, we might have expected her status as a big firm lawyer to cause the breakup of her marriage, but Julia's life is most in equilibrium when she is a high earner and her husband is home alone with their daughter.

Of course, this is a television show. To recruit viewers, the writers must subject the characters on the show to both internal and external conflicts. The excruciating struggle of trying to keep together her marriage, the complexity involved in adopting an older child, and the decision to leave her job all provide Julia's otherwise sunny character with enough conflict to engage just about any viewer with a pulse. The source, not the fact, of this conflict is interesting for purposes of schema. Why would the writers choose such a complex and counter-intuitive plotline?

120. *Parenthood: Pilot* (NBC television broadcast Mar. 2, 2010).

121. *Id.*

122. *Parenthood: My Brother's Wedding* (NBC television broadcast Feb. 28, 2012).

123. *Parenthood: There's Something I Need to Tell You* (NBC television broadcast Oct. 9, 2012).

124. *Parenthood: You've Got Mold* (NBC television broadcast Jan. 23, 2014).

First, the inclusion of a stay-at-home husband in such a high-powered couple is itself an interesting choice. Why not hire a nanny or otherwise contract out day care? The choice to have one parent in an affluent couple stay at home, actively parenting their daughter, reflects the changing mores of society and the heightened expectations for engaged parenting that adults with children face today. However, Julia's departure from the workforce, specifically her choice to leave the large law firm for the more traditionally female role of stay-at-home mother causes her self-esteem and marriage to corrode.

What, if anything, do viewers learn about women, and about women lawyers, from watching Julia Braverman's journey? Using schema or basic social cognition theory, viewers must, at a minimum, build a certain understanding of Julia's character in their minds.

Because of social cognition's nature, the viewer almost certainly makes a first impression, seeing Julia as a smart, successful, high-earning, and attractive lawyer, mother, and wife. This list alone presents a set of complex and interesting tensions. Even before Sheryl Sandberg's *Lean In*, the debate about women's roles in the professional world and the home was heated and complex.¹²⁵ Julia Braverman presents a set of complicated specifics that the viewer must then understand as a schematic whole. She is, in short, a woman who, at the start of the show, seems to have everything: family and career, office, hearth, and home. Yet the shakeup in Julia's life comes not when her job infringes on her family, but rather when things are the other way around. It is her family life infringing on her job that causes the breakdown of her marriage. How is a modern viewer to respond?

One possible view is that Julia's status as a big firm lawyer, as a successful professional, is the essence of her identity. When she loses her career, she begins to lose the other important aspects of herself. Julia, in schema terms, is not all female and not all wife and mother: her identity as a lawyer is the defining term.

While an acceptable way to read the show's narrative, this view may be somewhat too narrow. A broader and more nuanced approach might suggest that viewers should see Julia's conflict as the classic clash between work and home. But it is difficult to avoid the above interpretation. When Julia is not working, she loses her self-respect along with her marriage. Once she goes back to work, Julia not only finds herself in a new relationship, she wins back the affections of her husband as well. This storyline suggests the underlying message is, for professional women, that "professional," just as much as "woman," defines the category's shape. How then does this play out for

125. See CAITLIN FLANAGAN, *TO HELL WITH ALL THAT: LOVING AND LOATHING OUR INNER HOUSEWIFE* (2006); Anne-Marie Slaughter, *Why Women Still Can't Have It All*, *ATLANTIC*, July/Aug. 2012, at 85.

women who agree more with Anne-Marie Slaughter¹²⁶ and Caitlin Flanagan,¹²⁷ two women who, to varying degrees, suggest that though they may want it, professional women simply cannot have it all?

In her controversial¹²⁸ 2012 cover story in *The Atlantic*, Slaughter wrote about her experience as a government official and her eventual decision to leave that line of work. “[J]uggling high-level government work with the needs of two teenage boys was not possible.”¹²⁹ She tells readers that she has not decided to leave professional work entirely, and indeed is very busy as a tenured Princeton professor.¹³⁰

She explains that the assumption that her commitment to her profession was simply not strong enough triggered “a blind fury” in her.¹³¹ Women, and the larger culture, seem to have engineered a new schema, the career woman who can do all and be all at all times. The failure to live up to these expansive and, for Slaughter, enraging social expectations, is what we see play out in Julia Braverman’s story. What society perceives as a failure to fulfill the requirements of a category may simply be the realities of life coming to bear.

We seem, then, to have embraced this new category of female perfection. To be truly feminine, it seems, a woman must be both beautiful and accomplished, both a brilliant professional and a wonderful mother. Through the character of Julia Braverman, we have learned about what happens to those who falter and fall, those who are unable to meet this high bar and perform at the highest level in multiple

126. Anne-Marie Slaughter is a contributing editor to the *Financial Times* and a Princeton University professor. She is perhaps best known for her outspoken views on feminist rhetoric. Her core view, which has made her famous in feminist circles, and which she explains in her TED talk and in other places, is that women should expect to make trade-offs to be able to balance career and family. Slaughter says that women cannot have everything all at once, but rather should expect to focus on their careers at certain points in their lives and on their families at others. She has many notable critics and has famously sparred with Hillary Clinton on the public stage. See Rachael Bade, *Anne-Marie Slaughter ‘Devastated’ by Clinton’s Take on Her ‘Have It All’ Article*, POLITICO (Nov. 30, 2015, 10:06 PM), <http://www.politico.com/story/2015/11/hillary-clinton-emails-slaughter-216285>; *Anne-Marie Slaughter Biography*, <http://scholar.princeton.edu/slaughter/home> (last visited Feb. 5, 2017); Anne-Marie Slaughter, *Can We All ‘Have It All’?*, TED (June 2013), https://www.ted.com/talks/anne_marie_slaughter_can_we_all_have_it_all [hereinafter Slaughter, *Can We All Have It All?*] (transcript on file with the *New York Law School Law Review*).

127. Caitlin Flanagan is an author and essayist whose work has appeared in *The Atlantic*. Her book *To Hell with All That: Loving and Loathing Our Inner Housewife* focuses largely on the lives of stay-at-home mothers and made her one of the key critical voices of American family life and the current phase of feminism. See FLANAGAN, *supra* note 125; *Caitlin Flanagan Biography*, ATLANTIC, <http://www.theatlantic.com/author/caitlin-flanagan> (last visited Feb. 5, 2017).

128. Justin Wm. Moyer, *‘Why Women Still Can’t Have It All’ Author ‘Devastated’ by Former Boss Hillary Clinton’s Reaction, E-mails Reveal*, WASH. POST (Dec. 1, 2015), <https://www.washingtonpost.com/news/morning-mix/wp/2015/12/01/why-women-still-cant-have-it-all-author-devastated-by-hillary-clintons-reaction-e-mails-reveal>.

129. Slaughter, *supra* note 125, at 86.

130. “I have not exactly left the ranks of full-time career women: I teach a full course load; write regular print and online columns on foreign policy; give 40 to 50 speeches a year; appear regularly on TV and radio; and am working on a new academic book.” *Id.*

131. *Id.*

arenas simultaneously. When Julia's career stalls, her family falls apart. Her husband becomes angry, cold, and distant, and Julia struggles in her role as a mother. Only when Julia recovers her professional identity does her personal life begin to come together again.

In a world where women struggle to meet the demands of high-powered work and motherhood, Julia's character seems to reflect new social mores. But Slaughter suggests that this worldview might be asking too much of contemporary women.¹³² Worse, it might be a fantasy—a fiction of impossible, if perfect, ideals.¹³³ According to Slaughter, feminists have possibly sold women a fiction, that while they can have a wonderful, challenging career and a thriving family, it might not be possible to have both at the same time.¹³⁴

In her TED talk, Slaughter emphasizes that family is just as valuable as work, and argues that a truly equal society is one in which there is a broader range of options available to both women and men.¹³⁵ Women should not, in her view, be valued only on male terms, but the society should be more open and flexible with respect to the way it thinks about roles in the workplace and the home.¹³⁶

To be fair, this view is closer to the one endorsed by the early episodes of *Parenthood*, in which Julia's husband stays home with their daughter while Julia works at the big firm. Even so, their life in the early episodes is not free from work-related tension. As the higher earning and "smart" spouse, Julia occasionally disparages Joel, creating marital conflict around issues of gender, social roles, and expectations.¹³⁷

Parenthood is an entertaining exploration of adulthood and the family experience. If, however, we are learning as we watch television, it is worth noticing the lessons the show seems to be teaching us, and also worth noting that the show's outlook is a reflection of the new culture of perfectionism. Julia's character portrays the dual roles women lawyers take on: wife/mother and lawyer/professional. Through Julia's experiences in these roles, the show tells women that the only whole life is one in which both work and family are essential, and that to prioritize family over work could result in disaster.

132. *See id.* at 86–87.

133. *Id.*

134. *Id.*

135. Slaughter, *Can We All Have It All?*, *supra* note 126.

136. *Id.*

137. Because the focus of this article is on the presentation of women lawyers on television, I avoid delving into the complex and layered nuances of Julia's attitudes about Joel's profession.

B. *The Good Wife*

*When I was starting out I got one great piece of advice:
“Men can be lazy. Women can’t.”*¹³⁸

A former CBS hit drama that was hailed in the media as “underhanded[ly] feminis[t],”¹³⁹ *The Good Wife* centers on Alicia Florrick, the wife of a Chicago State’s Attorney who has been accused of corruption.¹⁴⁰ The allegations against Peter Florrick include taking payoffs from would-be defendants who are then able to avoid prosecution and using that money to pay for the services of prostitutes.¹⁴¹ The first episode opens after Alicia’s husband has been sentenced and incarcerated.¹⁴² Newly alone with two teenage children to support, Alicia must find work after being a stay-at-home wife and mother for several years.

Early in the show, Alicia is under significant pressure, devastated by what her husband has done and embarrassed that her family has become a laughing stock. In the face of this emotional pain and public humiliation, Alicia must maintain her composure while recommencing her career as a junior associate at a large law firm.

The Alicia we first meet looks weak. She is the shrinking, humiliated, heartbroken wife of a powerful lawyer and politician, now caught up in scandal.¹⁴³ She wears her hair in a matronly style, dresses in unattractive and extremely conservative clothes, and generally seems to go out of her way to appear twice her age and unimportant, like a piece of furniture or a section of wallpaper, blending into the background of her husband’s world.¹⁴⁴ But we quickly learn that Alicia is fiery.

When she joins a law firm as a junior associate, picking up the career she abandoned to get married and have children more than a decade before, she is older and more mature than the other junior associates who have just finished law school.¹⁴⁵ She has had life experience, and she is able to draw on considerable emotional and intellectual reserves. Finally, she is a public figure of sorts, which both helps and hurts her professionally. It has steeled her against conflict, but as she continues her work at the law firm, embarrassing facts about her husband’s behavior continue to surface in the media. Alicia is forced to go out into the world to meet with co-counsel, opposing counsel, and clients, all of whom have seen her humiliated in the news.

138. *The Good Wife: Pilot* (CBS television broadcast Sept. 22, 2009).

139. Neil Drumming, *Lean Out: The Underhanded Feminism of “The Good Wife,”* SALON (May 18, 2014, 4:30 PM), http://www.salon.com/2014/05/18/lean_out_the_underhanded_feminism_of_the_good_wife.

140. *The Good Wife: Pilot*, *supra* note 138.

141. *Id.*

142. *Id.*

143. *Id.*

144. The characters on the show discuss the change in Alicia’s appearance. Once she begins work, she lets her hair down—in the most literal sense—and people begin to comment on how attractive she is, and how dowdy she appeared when she was on television during her husband’s scandal and the ensuing trial.

145. *The Good Wife: Pilot*, *supra* note 138.

A strange thing happens to Alicia almost as soon as she begins work. Despite her status at the firm—more akin to the status of a twenty-five-year old than to the forty-something-year-old wife of a formerly notable politician—Alicia begins to flourish. The first major shift the viewer notices is a change in Alicia's appearance. Her hair, which had been pulled back, comes down in a face-framing, attractive style that makes her look five years younger. In addition, Alicia's clothes become sleeker, more streamlined, better fitting, and sexier.

The messaging here is clear and powerful. Alicia's transformation from a dowdy, insecure, stay-at-home wife to a sleek, attractive working girl suggests that only in the arena of work and power can a woman claim her sexuality and express herself fully. The workplace, not extensive beauty rituals or complicated dermatological procedures, makes Alicia attractive.¹⁴⁶ This newfound sexiness is immediately noticed by her boss, a former college friend turned power-lawyer, whose attraction to Alicia forms one of the major conflicts in Season 1.

In an almost allegorical story arc, the central conflict of the show quickly becomes whether Alicia will stay married to her philandering, high-powered, and traditionally male husband, or whether she will leave him for her more progressive and open-minded boss. Again, the inferences here are powerful. The show suggests that, in going to work and reclaiming her identity as an intelligent, capable professional, Alicia becomes attractive to the others in her sphere.

The cultivation implications of Alicia Florrick's story are different from those associated with Julia Braverman's, but they suggest a similar set of problems for the two characters. Where Julia is unable to have a complete identity as a woman unless she is working, Alicia has no identity, and is a victim until she reclaims her place in the workforce. This narrative tracks the steps and plateaus that Slaughter suggests are characteristic of women's careers.¹⁴⁷ She suggests that women's careers are a series of steps up, with some long plateaus in between, when women are busy having children, caring for them, and playing more traditional roles in their families.¹⁴⁸ Whether and to what degree this may be true of women's careers is a debatable question but beyond the scope of this article. What is more central to this discussion is how Alicia Florrick's career mirrors Slaughter's ideas about the progression of women's lives.

In addition, *The Good Wife* sends the message that marriage—especially marriage to the kind of powerful, corrupt man to whom Alicia Florrick is married—interferes with women's ability to excel professionally. A woman who chooses to support her husband's career instead of embracing her own is likely to become a victim of male

146. In an interview, the show's costume designer talked about how Alicia's confidence grows with her career and allows her to change the way she dresses. Dana Oliver, *'The Good Wife' Costume Designer Daniel Lawson on Why He Hates Dressing Strong Women as Men*, HUFFINGTON POST (Sept. 28, 2013), http://www.huffingtonpost.com/2013/09/27/the-good-wife-daniel-lawson-costume-designer_n_3997592.html.

147. Slaughter states that women can do it all—have families, raise their own children, and have high-powered careers—but they cannot do it all at the same time. Slaughter, *supra* note 125; *see supra* note 126 and accompanying text.

148. *See* Slaughter, *supra* note 125, at 86–87; Slaughter, *Can We All Have It All?*, *supra* note 126.

power and politics. While this is a clear feminist message—women are just as capable as men and should not have to give up their careers because of biology or the politics of gender—the message is nonetheless problematic when presented through Alicia’s story. In Alicia’s case, her options are binary. When she is a stay-at-home mother, she is a victim. When she kicks her husband out and takes a job at a law firm, she becomes a powerful, sexual person who is in charge of her own destiny.

Alicia’s narrative, like Julia’s, equates wholeness and empowerment with having a place in the workforce, but her narrative presents the two choices—love and work—as mutually exclusive. This is not the reality most women with jobs and families face.¹⁴⁹ Economic realities, more than cultural narratives, may be driving their choices, and many women are pushed out of the workforce by what they see as economic necessity.¹⁵⁰ Men are still paid more per-dollar than women, and a man and a woman on the same professional track are not likely to have the same earning potential as a result.¹⁵¹ In today’s economy, it is not uncommon for the lower-earning spouse to give up a career to care for the children.¹⁵² Although society has come a long way, we have yet to entirely eliminate institutional gender disparity; women still give up their professional positions more often than men.¹⁵³ In other words, economic reality may push some women out of the workforce, and to suggest that this shifting into the realm of the home amounts to allowing oneself to become a victim is perhaps unfair and damaging to the women who find themselves making these sorts of choices.¹⁵⁴

C. *Leaning In*

The main thesis of Sheryl Sandberg’s book *Lean In* is that the feminist revolution has stalled. She chronicles the challenges women face in shaping a coherent identity, drawing on all aspects of their lives. She writes:

149. Gail Collins, Opinion, *What Happened to Working Women?*, N.Y. TIMES (Oct. 16, 2015), <http://www.nytimes.com/2015/10/17/opinion/what-happened-to-working-women.html>.

150. *Id.*; see also Jessica Grose, *Moms Leave the Workforce Because They’re Rational Actors, Not Maternal Softies*, SLATE (July 29, 2014, 11:34 AM), http://www.slate.com/blogs/xx_factor/2014/07/29/study_on_why_mothers_leave_the_workforce_it_s_a_rational_choice_not_a_maternal.html; Paulette Light, *Why 43% of Women with Children Leave Their Jobs, and How to Get Them Back*, ATLANTIC (Apr. 19, 2013), <http://www.theatlantic.com/sexes/archive/2013/04/why-43-of-women-with-children-leave-their-jobs-and-how-to-get-them-back/275134>.

151. According to the Institute for Women’s Policy Research, “[i]n 2015, female full-time workers made only 80 cents for every dollar earned by men, a gender wage gap of 20 percent.” *Pay Equity & Discrimination*, INST. FOR WOMEN’S POL’Y RES., <http://www.iwpr.org/initiatives/pay-equity-and-discrimination> (last visited Feb. 5, 2017). In addition, typically “female” jobs, jobs mostly done by women, pay less than jobs mostly done by men. *Id.*

152. See Collins, *supra* note 149.

153. See HEIDI HARTMANN ET AL., HOW EQUAL PAY FOR WORKING WOMEN WOULD REDUCE POVERTY AND GROW THE AMERICAN ECONOMY 2 tbl.1, 4 fig.1 (2014); Grose, *supra* note 150.

154. Judith Shulevitz, Opinion, *How to Fix Feminism*, N.Y. TIMES (June 10, 2016), <http://www.nytimes.com/2016/06/12/opinion/sunday/how-to-fix-feminism.html>.

People often pretend that professional decisions are not affected by their personal lives. They are afraid to talk about their home situations at work as if one should never interfere with the other, when of course they can and do. I know many women who won't discuss their children at work out of fear that their priorities will be questioned. I hope this won't always be the case.¹⁵⁵

This conflict between work and family is one of the core identity conflicts we see in *Parenthood* and *The Good Wife*. While it is refreshing to encounter real societal problems on television, that we are watching women's stories means we need to be especially vigilant about the messages the stories are sending.

This article is not meant to resolve the complex debates about women and their roles in the workplace and the home, nor is it meant to endorse any one view on the world. Sheryl Sandberg's thesis, that things have stopped improving for women and in some ways are shifting back to a less progressive, less female-friendly culture, is not the thesis of this paper, but it does help illuminate why thinking about the stories we consume can be so important.¹⁵⁶

It is precisely because busy women do not have time to fight the battles the next wave of the feminist revolution may require that we should pay close attention to the women we see "leaning in" on television. When women characters take on jobs and families, their lives are scripted. They may or may not be up all night with a crying child; they may or may not be earning less than their male counterparts who do the same work; they may or may not have marital relationships that trouble them. They may or may not work in places where interpersonal dynamics are strained and unhealthy, and they may or may not be able to achieve justice when they are in bad situations. But whatever they do, and whatever happens to them, the writers have decided their actions and situations for them, in a controlled setting and far ahead of the time in which we see their trials acted out on our screens. Fiction is a high-conflict medium, but it is only a representation of life's struggles. Stories are controlled in a way that real life is not. Real life is complicated and messy, and we should be thoughtful about the way we translate messages from fiction into our real lives.

Controversy around women's roles in society is nothing new. No amount of talking can add hours to the day or make the difficult decisions for them, but perhaps the act of engaging in the conversation is itself a victory. To discuss choices about identity, work, and professionalism is to be able to engage in a kind of shaping of the self. Identity is about the freedom to shape one's self-definition, which modern feminism has made possible. Perhaps it does not matter what women choose, only that they are deliberate and thoughtful when they choose it.

But choosing requires the ability to recognize what we are learning from the world around us, not only from women we know personally, but also those we encounter on-screen. We are inviting these women into our homes, and we should recognize that when we watch them—when we become emotionally invested in their

155. SANDBERG WITH SCOVELL, *supra* note 14, at 90.

156. She writes, "I am fully aware that most women are not focused on changing social norms for the next generation but simply trying to get through each day." *Id.* at 169.

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stories—we are learning how to think about women and their places in the domestic and professional world.

Each of us should be thinking about the messages we encounter—and about how those messages shape our choices and determine our identities, which in turn control our lives' course.

IV. CONCLUSION

If identity and the right to self-definition is the goal, then every message, every medium, every image, and every scripted conversation is a part of the larger narrative and framework that tells women what sorts of choices are available now and what sorts might be on the horizon. The act of consuming media is an act of learning, and when women consume media that defines their roles, women are internalizing the possibilities for themselves. We should all be thoughtful and careful about what we watch and what we share with our friends, colleagues, and students, and we should make sure to take an active role in questioning and examining the messages we are receiving from the media.

That is not to say that we should stop watching television. That is too simplistic a solution, and, for most people, not a realistic plan. Instead, we should watch with a critical eye. We should always be active viewers, examining the cultivation effects we are experiencing and interrogating our schematic notions. Ultimately, we should strive to separate truth from fiction, the trajectories of our lives from the already set-in-stone stories we absorb. In taking a more active view of what we watch and consume, we will be better equipped to check our notions of what it means to conform to society's rules and norms against what we truly desire for ourselves. Because if there is any optimism in the feminist debate we see playing out on the public stage today, it is the hope that women—and men—will find a way to define their life goals and choices not according to what friends, family, or characters on television suggest, but according to deeply held personal rubrics, to make choices and to live a life that follows a set of guidelines imposed by the self on the outside world, and not the other way around.

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