Respect My Authority!
*South Park’s* Expression of Legal Ideology and Contribution to Legal Culture

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**Abstract**

This Article recognizes that television programs outside of the law genre can engage in legal discourse: to wit, *South Park*. *South Park* has been called one of the most profane programs on television as well as one of the most ideological. Indeed, through sophisticated, no-holds-barred satire, *South Park* contemplates a number of American culture’s most complex and contentious legal issues. This Article systematically analyzes the legal ideologies conveyed by *South Park*, combining an interpretive ethnographic analysis with quantitative content analyses. Ultimately, these examinations reveal that *South Park* communicates a libertarian ideology of law. In doing so, however, it does not so much tell us what to think, as it provides us with a framework for how we think. In this manner, *South Park* informs how we think through legislation, perceive the law’s authority...

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(or as Cartman would say, “authoritay”), and understand its role in our culture.

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Television is among the most powerful forces in American society. It provides a window into worlds with which we otherwise have no contact, focuses us on issues, and communicates society’s norms, rules, and ideologies. Studies even show that television can influence and alter society’s perceptions and beliefs.

Television has similarly emerged as a force in shaping our legal culture. While television’s legal lore reflects society’s beliefs about law, it also contributes to and reconstitutes those beliefs; indeed, research has found that some law-oriented television programs cultivate opinions about the legal system and establish frames for understanding law. As these become integrated into our legal consciousness, they cause law and pop culture to converge.

Although scholars have broadened their concept of legal culture to include the representation of the law in popular culture, much of the empirical research on television effects remains within the fields

1. See, e.g., Melvin L. DeFleur & Sandra J. Ball-Rokeach, Theories of Mass Communication 264-65 (5th ed. 1989) (“[The press] was successful in bringing people to regard some issues as more important than others.”).


3. See Timothy O. Lenz, Changing Images of Law in Film & Television Crime Stories 12-13 (2003); Podlas, Law & Order, supra note 2, at 3-4, 43.

4. See infra text accompanying notes 58-87.


of cognitive psychology and media studies. As a result, legal scholars and practitioners have been slow to apply these insights to the law. This does not mean that doing so is unimportant. To the contrary, if we hope to enhance our understanding of contemporary legal culture, it is critical to investigate what messages television conveys, how these translate to public perceptions of law and legal authority, and, ultimately, how they reconstitute themselves in contemporary legal culture. This Article endeavors to do so.

While some television programs do not fall into the traditional law genre, they nonetheless address legal issues or communicate an ideology of law. To the extent that these programs are “off the radar,” analyzing their substance and impact is particularly important. The animated comedy South Park is such an example.

South Park is a robust cultural force that has been called one of the most profane programs ever on television as well as one of the most ideological. As it satirizes political issues and criticizes the hypocrisies of American culture, it also engages in socio-legal discourse. Plots often involve legal regulation, be it in the form of a bill recognizing gay marriage or a ban on smoking, but rather than exploiting these as easy punch lines, South Park uses them to explore broader ideological issues concerning the purpose of law, its authority to regulate moral issues, and its impact on individual liberties. Accordingly, this Article considers the legal ideology communicated by South Park and how it contributes to contemporary legal culture.

This Article first explores the symbiotic relationship between legal culture and television in Parts I and II. With this foundation, it looks to empirical research from a variety of social-science disciplines regarding the ways in which television’s presentation of legal and

11. Neglecting common culture’s depictions of law both distorts the context of law and eliminates a significant portion of its character. See Lawrence M. Friedman, Law, Lawyers, and Popular Culture, 98 YALE L.J. 1579, 1587-88 (1989); see also HALTON & MCCANN, supra note 6, at 10 (noting that even the legal realist approaches separate law and legal culture into separate spheres).
political issues impacts viewer attitudes about those issues. In particular, these sections focus on how entertainment television, either intentionally or unintentionally, advocates the ideologies that become reconstituted as popular legal culture.

Next, Part III of this Article subjects *South Park* to empirical analysis. Combining quantitative and qualitative approaches, it systematically analyzes *South Park*’s portrayals of the law and legal regulation and the ideologies expressed in relation to both. Ultimately, this reveals that *South Park* consistently expresses a libertarian ideology of law. As detailed in Part IV, the program exalts freedom of choice and self-determination, indicts paternalist legislation, and assails any governmental regulation of or intrusion into one’s private affairs.

## I. THE POPULAR CULTURE OF LAW

Although often thought of in terms of its formal characteristics—courts, “law on the books,” and appellate decisions—law is also a cultural entity. It includes our commonsense notions of justice, perceptions of what is lawful, expectations of how the legal system works, and the stories that encapsulate and express these understandings. Together, these constitute our “popular legal culture.”

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21. See Richard K. Sherwin, *Nemos and Cinema*, 48 UCLA L. REV. 1519, 1539 (2001) (“Law is not just on the books, or in the gap between books and practice. It is in people’s heads in the form of scripted expectations, popular story forms, and recurrent images.”). This underscores that law, as a social institution, includes the totality of perceptions that people have about it. See Cover, Nemos, supra note 19, at 4; see also Robert M. Cover, *The Folktales of Justice: Tales of Jurisdiction*, 14 CAP. U. L. REV. 179, 181-82 (1985) (arguing that law is more than a set of rules).

22. See Cover, Nemos, supra note 19, at 4-5; cf. TOM R. TYLER, WHY PEOPLE OBEY THE LAW 20-21 (1990) (noting that traditional theories may not alone explain why people do or do not comply with the law).

Stories\textsuperscript{24} are critical in creating and maintaining this legal culture;\textsuperscript{25} indeed, “[n]o set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.”\textsuperscript{26} These stories reflect society’s beliefs about law\textsuperscript{27} and are “written” consistent with that knowledge.\textsuperscript{28} At the same time, however, they show us how the legal system operates and define the contours of law,\textsuperscript{29} thereby contributing to and mediating our understandings. As these contributory and constitutive narratives of law are reflected back onto each other, they become reconstituted in pop culture.\textsuperscript{30}

A. Television and Law

As visual media have proliferated,\textsuperscript{31} the power of television in society has increased.\textsuperscript{32} Almost every American owns a television set,\textsuperscript{33} and, except for working and sleeping, spends more time watching it than doing anything else.\textsuperscript{34} By transforming storytelling

\textsuperscript{24} This Article uses the term “story” and “narrative” interchangeably.

\textsuperscript{25} Lay legal culture is based on the ideas, attitudes, values, and beliefs held by the public while internal legal culture, on the other hand, is based on the perceptions and expectations held by lawyers, judges, and other officials. \textit{Lawrence M. Friedman, Law and Society: An Introduction} 76 (1977).

\textsuperscript{26} See, e.g., Podlas, \textit{Law & Order}, supra note 2, at 2 (referring to television as “American culture’s most pervasive medium”).

\textsuperscript{27} Cf. \textit{Asimow v. Mader}, \textit{supra} note 15, at 4.


\textsuperscript{32} Cf. Cary W. Horvath, \textit{Measuring Television Addiction}, 48 J. BROADCASTING & ELECTRONIC MEDIA 378, 380 (2004) (citing the statements of participants in a television study for the proposition that television viewing “caused less interaction with friends and family, less time spent doing more productive or healthier things, and less critical thought”); L.J. Shrum, \textit{Effects of Television Portrayals of Crime and Violence on Viewers’
into a mass-accessed centralized system, television has become both our primary conduit and main library of cultural information. As a result, it is no longer an industry; it is a cultural institution.

Television provides a variety of information and stories. The cumulative effect is that these stories and their ideologies show us how things work, define which issues are important, and identify a “cultural logic” that helps us make sense of the world. For instance, entertainment television is a significant source of socio-political

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35. MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH 44 (Jennings Bryant & Dolf Zillmann eds., 2d ed. 1994) [hereinafter MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH] (describing television as a centralized system of storytelling that transcends barriers such as literacy).

36. Stories are told by a variety of narrators, through a variety of media. See Neil M. Aperstein, The Uses of Television Commercials in Reporting Everyday Events and Issues, 23 J. POPULAR CULTURE 127, 127 (1989), for a history of the ways in which members of society exchanged information, news, and stories.

37. See Podlas, Law & Order, supra note 2, at 9-10; see also Kimberlianne Podlas, The Tales Television Tells: Understanding the Nomos Through Television, 13 TEX. WESLEYAN L. REV. 31, 39 (2006) [hereinafter Podlas, Tales Television Tells] (positing that television is the most important storyteller); Nancy Signorielli, Aging on Television: Messages Relating to Gender, Race, and Occupation in Prime Time, 48 J. BROADCASTING & ELECTRONIC MEDIA 279, 279 (2004) (“Television is a primary storyteller, telling most of the stories to most of the people, most of the time.”); Yan Bing Zhang & Jake Harwood, Television Viewing and Perceptions of Traditional Chinese Values Among Chinese College Students, 46 J. BROADCASTING & ELECTRONIC MEDIA 245, 245 (2002) (“Television is not simply an entertainment medium . . . [as] it has the ability to communicate the norms, rules, and values of a society.”).

38. See, e.g., Justin Lewis, Mass Communication Studies, in TELEVISION STUDIES 4 (Toby Miller ed., 2001) (noting the “cultural primacy” of television and referring to television as “the most ubiquitous cultural industry”).

39. Stories on television come in many different forms. See Sonia Livingstone, Mediated Knowledge: Recognition of the Familiar, Discovery of the New, in TELEVISION AND COMMON KNOWLEDGE 97 (Jostein Gripsrud ed., 1999). An advertisement portraying impotency’s negative impact on a relationship (and how Viagra can help), a newscast reporting that wildfires have left hundreds of people homeless, and a reality series describing the perils of crab-fishing are all stories. Aaron McKain, Not Necessarily Not the News: Gatekeeping, Remediation, and The Daily Show, 28 J. AM. CULTURE 415, 419 (2005). They incorporate narrativization, dramatization, disturbance, and resolution, and even identify “winners and losers” or “good guys and bad guys.” Id.

40. An ideology is system of beliefs. GRAEME TURNER, FILM AS SOCIAL PRACTICE 155 (3d ed. 1999); see HALTOM & MCCANN, supra note 6, at 21.


42. Inasmuch as different ideologies cause individuals to see and understand the world in certain ways, they also cause individuals to not see the world in certain ways. See HALTOM & MCCANN, supra note 6, at 21.
information among young adults and people who do not watch network news. Topical comedies, such as The Daily Show and Saturday Night Live, inform them about law and politics, thereby shaping their opinions about these issues. Indeed, a Saturday Night Live skit satirizing a vice-presidential candidate or an episode of an animated comedy ridiculing police officers has become as politically relevant as the nightly news, if not more so.

For almost as long as television has existed, it has aired law-oriented programming. Today’s offerings differ only in the diversity of the programs broadcast. Whereas television previously entertained us with defense attorneys who never lost and no-nonsense “just the facts, ma’am” cops, it now brings us gavel-to-gavel coverage of real


44. See, e.g., Arrington & Goodier, supra note 43, at 26 (“Entertainment television may allow information sources to reach audiences that do not receive any information via the news media.”).


47. See Kim & Vishak, supra note 43, at 338-39.


49. See, e.g., Anthony Chase, Toward a Legal Theory of Popular Culture, 1986 Wis. L. REV. 527, 548 (1986); Naomi Mezey & Mark C. Niles, Screening the Law: Ideology and Law in American Popular Culture, 29 COLUM. J. L. & ARTS 91, 93 (2005) [hereinafter Chase, Toward a Legal Theory]; see also Podlas, CSI Effect, supra note 5, at 443-44 (citing empirical evidence for the proposition that people use television as their primary source for stories about law).

trials, daytime judge programs,\textsuperscript{51} and an infinite number of lawyers confronting an infinite number of moral issues while seeking “justice.” For many people, this is their only (or most direct) experience with the law.\textsuperscript{52} Therefore, most of what they know about it comes from television.\textsuperscript{53} These stories, whether factual or fictional, accurate or inaccurate,\textsuperscript{54} converge with formal law\textsuperscript{55} to inform popular legal culture.\textsuperscript{56}

\textbf{B. The Impact of Television}

Although television seldom impacts viewers in an immediate, direct way,\textsuperscript{57} studies show that it has a unique ability to impact beliefs and respect for law.\textsuperscript{58} Among the ways that television does so is through “agenda-setting.”\textsuperscript{59}

Research demonstrates that when television devotes a great deal of attention to an issue, viewers will come to adjudge that issue salient;\textsuperscript{60} indeed, quantitative analyses have found that the amount of airtime devoted to a political or legal issue is the key factor in whether the public designates that issue as important.\textsuperscript{61} For example,

\begin{itemize}
\item \textsuperscript{51} See Podlas, \textit{Please Adjust, supra} note 7, at 21 (arguing that courtrooms on reality television provide information about the operations of courts that viewers integrate into their beliefs); Kimberlianne Podlas, \textit{As Seen on TV: The Normative Influence of Syndicated Court on Contemporary Litigiousness}, 11 \textit{Villanova Sports & Ent. L. J.} 1, 28 (2004) (noting that reality courtrooms contribute to opinions about and the likelihood of engaging in litigation and self-representation).
\item \textsuperscript{52} See, e.g., Podlas, \textit{CSI Effect, supra} note 5, at 443-44.
\item \textsuperscript{54} Many people take the truth of these stories for granted or accept the relevancy of their premises. \textit{HALTON \& McCANN, supra} note 6, at 13.
\item \textsuperscript{55} Cf. Sarat, \textit{Hidden Domains, supra} note 30, at 450-52.
\item \textsuperscript{56} See Asimow, \textit{Bad Lawyers in the Movies, supra} note 30, at 552; Podlas, \textit{CSI Effect, supra} note 5, at 430-31; see also \textit{HALTON \& McCANN, supra} note 6, at 11 (explaining how legal narratives reshape cultural and political understandings of law).
\item \textsuperscript{57} Cf. \textit{DEFLEUR \& BALL-ROKEACH, supra} note 1, at 163-66. In other words, watching a television program about robbing a bank will not cause a viewer to run out and rob a bank.
\item \textsuperscript{58} See Podlas, \textit{Law \& Order, supra} note 2, at 11-14; see also Podlas, \textit{Tales Television Tells, supra} note 37, at 38-39 (arguing that television can exercise a significant amount of power over opinions about law).
\item \textsuperscript{59} \textit{DEFLEUR \& BALL-ROKEACH, supra} note 1, at 264-65.
\item \textsuperscript{60} \textit{See MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH, supra} note 35, at 1; see also R. Lance Holbert et al., \textit{Environmental Concern, Patterns of Television Viewing, and Pro-Environmental Behaviors: Integrating Models of Media Consumption and Effects}, 47 \textit{J. Broadcasting \& Electronic Media} 177, 179-80 (2003) (citing studies that found that “news attention to pollution influenced public salience about the issue”).
\item \textsuperscript{61} See, e.g., \textit{MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH, supra} note 35, at 2-3; Dennis T. Lowry et al., \textit{Setting the Public Fear Agenda: A Longitudinal Analysis of
statistics show that violent crime declined from the late 1970s\textsuperscript{62} through the 1990s.\textsuperscript{63} Network news coverage of crime, however, increased during this period.\textsuperscript{64} Echoing this coverage that suggested crime was a major societal concern, the public’s concern about crime increased.\textsuperscript{65} This was also true with regard to the alleged lawsuit crisis. Although there was (and remains) no demonstrated increase in the number of lawsuits filed, plaintiffs’ verdicts, or damage awards, news and entertainment media began telling stories in the 1990s about frivolous lawsuits and undeserving plaintiffs playing the “litigation lottery.”\textsuperscript{66} Soon this media saturation elevated the non-existent litigation explosion to the top of the public agenda.\textsuperscript{67} In the cases of public perception of both crime rates and lawsuits, the agenda of the media became the agenda of the public. Also in both instances, these stories were integrated into common discourse,\textsuperscript{68} cultivating public sentiment that favored legal actions congruent with their themes.\textsuperscript{69}

Television also influences the way that people think through issues.\textsuperscript{70} When television frames a political or regulatory issue\textsuperscript{71} in a particular way, viewers apply that framework\textsuperscript{72} or logic\textsuperscript{73} in forming

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62. Lowry, supra note 61, at 61.
64. See Lowry, supra note 61, at 72.
65. In March 1992, 5 percent of the public deemed crime the country’s most important problem, but by August 1994, 52 percent of the public thought it so. Id. at 61.
66. See generally Marc S. Galanter, \textit{Reading the Landscape of Disputes: What We Know and Don’t Know (and Think We Know) About Our Allegedly Contentious and Litigious Society}, 31 UCLA L. REV. 4 (1983) (discrediting claims of a litigation crisis); Michael J. Saks, \textit{Do We Really Know Anything About the Behavior of the Tort Litigation System—and Why Not?}, 140 U. PENN. L. REV. 1147, 1207 (1998) (statistically demonstrating that claims of a litigation explosion were overblown).
67. See generally Galanter, supra note 66.
69. See HALTOM & MCCANN, supra note 6, at 22-23; LENZ, supra note 3, at 11-12 (noting that public opinion is capable of influencing legal policy).
70. This influence operates across cultures and political systems. MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH, supra note 35, at 10-12.
71. These issues include political reform, politicians, and economic regulations. See id. at 10-12.
impressions about the issue.\textsuperscript{74} For example, if television evaluates political figures in terms of experience versus change, the public will assess them in terms of experience versus change.\textsuperscript{75} If excessive alcohol use is depicted as the disease of alcoholism, rather than as an irresponsible action, viewers adopt that framework in thinking about alcohol use.\textsuperscript{76} When lawsuits are framed in terms of greedy plaintiffs with frivolous claims rather than as businesses single-mindedly pursuing profit at the risk of consumers, individuals will consider litigation in terms of undeserving plaintiffs.\textsuperscript{77} These frameworks for understanding even find their way into the jury room. When jurors assess trial evidence, they assess it against patterns and stories about similar events.\textsuperscript{78} Trial evidence that fits the known script or follows its logic is deemed more believable.\textsuperscript{79}

Additionally, entertainment television “facilitate[s] fairly stable and chronically accessible attitudes, such as stereotypical or ideology-based judgments.”\textsuperscript{80} An ideology is a system of belief\textsuperscript{81} or a cultural framework of sorts.\textsuperscript{82} By encouraging us to look at the world in a certain way, ideologies facilitate “certain types of interpretive constructions over others.”\textsuperscript{83} Because television’s legal lore is steeped in ideology, it also delineates the relevant ideological terrain. It can, therefore, encourage viewers to adopt certain ideologies of law and philosophies of legal intervention while discouraging others.\textsuperscript{84}

For example, some law stories affirm liberal ideologies of law, while others

\textsuperscript{73} Cf. HALTOM & MCCANN, supra note 6, at 19.

\textsuperscript{74} See MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH, supra note 35, at 10-12; Sotirovic, supra note 72, at 132; cf. Feigenson, supra note 7, at 87-89.

\textsuperscript{75} See Romer, supra note 63, at 89 (“[N]ational television news can frame the evaluation of political figures and define political agendas for the public.”).

\textsuperscript{76} Cf. Sotirovic, supra note 72, at 132. The media can therefore provide support for conservative policies that are directed toward changing the individual as opposed to changing the system or some other factor. Id. at 133.

\textsuperscript{77} See HALTOM & MCCANN, supra note 6, at 20, 24-25.


\textsuperscript{79} See Nancy Pennington & Reid Hastie, Evidence Evaluation in Complex Decision Making, 51 J. PERSONALITY & SOC. PSYCHOL. 242, 242 (1986); FINKEL, supra note 16, at 65 (jurors assess testimony according to the stories that circulate within their society).

\textsuperscript{80} Kim & Vishak, supra note 43, at 357.

\textsuperscript{81} TURNER, supra note 40, at 155; see HALTOM & MCCANN, supra note 6, at 21.

\textsuperscript{82} See HALTOM & MCCANN, supra note 6, at 21; cf. Feigenson, supra note 7, at 88-89 (explaining how people use the knowledge structures that they encounter as models in decision-making).

\textsuperscript{83} HALTOM & MCCANN, supra note 6, at 22.

\textsuperscript{84} This ability to cultivate beliefs and impressions is particularly true with entertainment media. See Kim & Vishak, supra note 43, at 340.
denigrate them or celebrate alternative theories such as crime-control models of justice. With enough consistent exposure, repetitive patterns of content can cultivate opinions that correspond to the images and ideologies of that content.

For instance, a recent study discovered that individuals who watch a significant amount of Law & Order evaluate the behaviors of real prosecutors and defense attorneys according to the crime-control ideology advocated by that program. It also appears that the underlying morals of television’s stories can impact the way people think about the purpose of the legal system and even the value of particular legal reforms. This underscores the importance of

85. See, e.g., Lenz, supra note 3, at 109-13 (using the film Dirty Harry as an example of a situation where the media depicts constitutional rights as technicalities that help only criminals and are an impediment to justice); id. at 116-18 (explaining how films criticize both political liberalism and legal liberalism, which is the legal expression of that political viewpoint); see also Podlas, Law & Order, supra note 2, 31-43 (detailing content of Law & Order and its crime-control ideology).


88. See, e.g., Rebecca M. Chory-Assad & Ron Tamborini, Television Doctors: An Analysis of Physicians in Fictional and Non-Fictional Television Programs, 45 J. BROADCASTING & ELECTRONIC MEDIA 499, 500 (2001) (“Though television does not appear to be accurately reflecting the health care environment, it is playing a more prominent role in providing health information and shaping perceptions about health care.”); Donald D. Diefenbach & Mark D. West, Violent Crime and Poisson Regression: A Measure and a Method for Cultivation Analysis, 45 J. BROADCASTING & ELECTRONIC MEDIA 432, 432 (2001) (noting the positive correlation between statistically heightened depictions and beliefs in the phenomenon); W. James Potter & Ik Chin Chang, Television Exposure Measures and the Cultivation Hypothesis, 34 J. BROADCASTING & ELECTRONIC MEDIA 313 (1990) (“[T]he more people are exposed to the mass media, especially television, the more they will come to believe that the real world reflects media content.”).


91. See HALTOM & MCCANN, supra note 6, at 22-23; see also Robert Goidel et al., The Impact of Television Viewing on Perceptions of Juvenile Crime, 50 J. BROADCASTING &
understanding what ideologies television programs communicate and their potential for informing legal culture.

II. WHY ARE WE GOIN’ DOWN TO SOUTH PARK?

*South Park* is an ideal case study for analyzing how television can engage in ideological discourse that might inform our legal consciousness and legal culture. Scholars acknowledge that *South Park*’s combination of socio-political commentary and pop cultural salience renders it a “legitimate object of [academic] study.” Moreover, though not a law program per se, *South Park* features a host of legal issues including anti-smoking ordinances, gay marriage, business regulation, and the right to die, and situates them within the context of daily life. Not only does this make law as a concept more accessible and relevant, but also it enables the program to address a broad range of philosophical issues.

A. South Park

Taking one step back for the aesthetics of animation, but one giant leap forward for social satire, *South Park* premiered in August 1997. This half-hour comedy created by Trey Parker and Matt Stone put Comedy Central on the map and quickly became the...
highest-rated series in cable history. Now in its twelfth season, South Park remains one of the network’s most valuable franchises; its merchandising revenues approximate $130 million and its hard-to-reach demographic of eighteen-to-thirty-four-year-old men makes it attractive to advertisers. Furthermore, though many comedies decline with age, South Park has become only bolder and more acerbic.

1. Programmatic Structure

Using “artfully artless” stop-motion animation, South Park follows the lives of four foul-mouthed elementary school boys living in the titular Colorado mountain town. The foursome is comprised of Stan Marsh, the voice of sanity who sometimes concludes episodes with “I learned something today...”; Kyle Broflovski, the smartest of the bunch and constant target of Cartman’s anti-Semitism; the poor, parka-muffled Kenny McCormick who, until

102. South Park is a multi-million dollar merchandising industry that includes toys, clothing, and videos. Brian L. Ott, “Oh My God They Digitized Kenny!”: Travels in the South Park Cybercommunity V4.0, in PRIME TIME ANIMATION: TELEVISION ANIMATION AND AMERICAN CULTURE 220, 221 (Carol A. Stabile & Mark Harrison eds., 2003).
103. JOHNSON-WOODS, supra note 94, at 11.
104. See Chuck Ross, South Park, ADVERTISING AGE, June 26, 1998, at 32; Zeidner, supra note 93, at 2:37. Although its ratings have declined, South Park continues to garner six times the average number of Comedy Central viewers. Suzanne Ault, South Park Stays Put, BROADCASTING & CABLE, May 8, 2000, at 76. It opened its tenth season in 2006 with 3.5 million viewers. Andrew Wallenstein, Return of South Park Kills, Leads Cable Shows in Demo, HOLLYWOOD REP. Mar. 24-Mar. 26, 2006, at 5.
106. See The Must List, ENT. WKLY., Apr. 10, 2009, at 6 (describing South Park as remaining one of television’s “most biting cultural satire[s]”).
107. Marin, supra note 94, at 56.
109. When the series began, the boys were eight years old and in the third grade, but they are now nine and in the fourth grade. South Park: Fourth Grade (Season Four) (Comedy Central television broadcast Nov. 8, 2000).
110. See Klinghoffer, supra note 108, at 48.
Season 6, died in each episode; and “big-boned,” amoral Eric Cartman.

The age of the characters does not designate this as a show for children. Rather, their youth is a narrative device enabling the boys to see through hypocrisy and political correctness and say whatever they want. Plots are grounded in the experiences common to nine-year olds (video games, school, farting), but integrate political and social issues as well. In fact, South Park’s “response time” to current issues is legendary: they wrote the Emmy-winning “Best Friends Forever” episode the Thursday before it aired, and broadcast it twelve hours before Terri Schiavo died. Four days after Janet Reno and a SWAT team took custody of Elian Gonzales to return him to his father in Cuba, South Park’s “Quintuplets 2000” episode featured Janet Reno and a SWAT team taking custody of four Romanian girls to return them to their father in Romania. The November 15, 2000 season

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111. He returned at the conclusion of “Red Sleigh Down” and has been relatively safe since. South Park: Red Sleigh Down (Comedy Central television broadcast Dec. 11, 2002), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm.


I assumed that [Stan and Kyle] would tell you [Scott] that I had trained Denkins's pony to bite off your wiener . . . I also knew that you wouldn't go yourself, for fear of having your wiener bitten off. You would most likely send your parents. And, I'm afraid that when Mr. Denkins spotted them on his property, he shot and killed both your parents . . . . I came just in time . . . to steal the bodies. After a night with the hacksaw, I was all ready to put on my Chili Con Carnival, so that I could tell you personally about your parents' demise! And of course, feed you your chili. Do you like it? Do you like it, Scott? I call it, 'Mr. & Mrs. Tenorman Chili.'

Id.


opener\textsuperscript{116} involved an election controversy regarding South Park Elementary's kindergarten election.\textsuperscript{117} This was one week after the Bush-Gore election and the day after Florida Secretary of State Katherine Harris certified Florida's results.\textsuperscript{118}

Nonetheless, whatever the topic, the boys contend with outraged adults who impose their moral code on others and look for easy answers to complicated questions, while ignoring the real problems.\textsuperscript{119} For example, in one episode, Kyle, Stan, Kenny, and Cartman accidentally burned down the school. When Mr. Makey caught them smoking, they threw a cigarette into the dumpster, which ignited the school. Their parents, however, did not care that they had burned down the school, but were incensed that the boys were smoking.\textsuperscript{120} In another episode involving a contentious free speech issue, the town decided to bury their heads in the sand—literally—to avoid addressing it.\textsuperscript{121} Similarly, townsfolk proposed “solving” the problem of the growing homeless population by giving them makeovers so that at least homeless people would be “pleasant to look at.”\textsuperscript{122}

Although an animated comedy, \textit{South Park} defies traditional genre categorization.\textsuperscript{123} In fact, Parker and Stone call themselves “deconstructionists” who despise the formulaic nature of sitcoms.\textsuperscript{124} Accordingly, the program commonly violates the norms of television by concluding some episodes without resolution or allowing the bad guy

\begin{itemize}
  \item \textsuperscript{116} \textit{South Park: Trapper Keeper} (Comedy Central television broadcast Nov. 15, 2000), \textit{transcript available at} http://www.spscriptorium.com/ScriptGuideIndex.htm \textit{[hereinafter South Park: Trapper Keeper]}.
  \item \textsuperscript{117} Among the problems in tallying the votes and declaring a winner was that one student, Flora, was undecided. \textit{Id}.
  \item \textsuperscript{118} The “Passion of the Jew” episode, which skewered Mel Gibson as a sadomasochist, was released on DVD August 31, 2004, the same day as Gibson’s \textit{The Passion of the Christ}. See IMDb, \textit{The Passion of the Christ}, \textit{http://www.imdb.com/title/tt0335345/}.
  \item \textsuperscript{119} Cf. Katherine Richardson Bruna, \textit{Addicted to Democracy: South Park and the Salutary Effects of Agitation (Reflections of a Ranting and Raving South Park Junkie)}, 47 J. ADOLESCENT & ADULT LITERACY 692, 693-95 (2004).
  \item \textsuperscript{120} Ironically, the school’s insipid anti-smoking dance group inspired the boys to smoke. \textit{See South Park: Butt Out, supra} note 14. The group ended its show telling the school children that if they do not smoke, they will grow up to be “just like us.” \textit{Id}.
  \item \textsuperscript{121} \textit{South Park: Cartoon Wars} (Comedy Central television broadcast Apr. 5, 2006), \textit{transcript available at} \textit{http://www.spscriptorium.com/ScriptGuideIndex.htm} \textit{[hereinafter South Park: Cartoon Wars]}.
  \item \textsuperscript{122} \textit{South Park: Night of the Living Homeless} (Comedy Central television broadcast Apr. 18, 2004), \textit{transcript available at} \textit{http://www.spscriptorium.com/ScriptGuideIndex.htm}. The town’s ultimate solution was to send the homeless to California. \textit{Id}.
  \item \textsuperscript{123} \textit{See Brett Mills, TELEVISIONSitcom} 28 (2005).
  \item \textsuperscript{124} Zeidner, \textit{supra} note 93, at 2:37.
\end{itemize}
to win.\textsuperscript{125} A win-one-for-the-Gipper episode ended with the hockey team losing and the sick boy dying,\textsuperscript{126} and for the first five seasons, Kenny died in each episode, only to reappear the next week without explanation.\textsuperscript{127} \textit{South Park} even preempted the resolution to their season-ending cliffhanger with a completely unrelated episode\textsuperscript{128} and did a mock clip show containing entirely new content.\textsuperscript{129} It also parodies the superficial way that sitcoms presume to tackle important issues. For example, Stan managed to bring democracy to Cuba by writing a letter to Castro\textsuperscript{130} and Cartman convinced the Senate to pass stem-cell legislation by leading the senators in song, namely, “In the Heat of the Moment.”\textsuperscript{131}

2. Critical Acclaim

Not only has \textit{South Park} attained pop-culture cachet, but it also has achieved significant critical acclaim. It is renowned as one of television’s most urbane, relevant comedies, and has received several awards, including three Emmys (its most recent in 2008),\textsuperscript{132} an American Film Institute “Television Program of the Year” award,\textsuperscript{133}

\begin{itemize}
\item \textsuperscript{125} Typically, sitcom episodes are self-contained, cycling through the disruption of domestic harmony or a threat of change and restoration that leads to a happy ending. MILLS, supra note 123, at 26-27.
\item \textsuperscript{126} \textit{South Park: Stanley’s Cup} (Comedy Central television broadcast Nov. 15, 2006), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm.
\item \textsuperscript{128} \textit{See South Park: Terrance and Phillip in Not Without My Anus} (Comedy Central television broadcast Apr. 1, 1998), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm. In this episode, the characters of South Park also found their regular television programming preempted by the television movie \textit{Not Without My Anus}... \textit{See id.}
\item \textsuperscript{129} \textit{See South Park: City On The Edge of Forever} (Comedy Central television broadcast June 17, 1998), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm.
\item \textsuperscript{133} JOHNSON-WOODS, supra note 94, at 23. The show received this award in 2004. \textit{Id.}
\end{itemize}
and a Peabody. These honors recognize that *South Park* is not just some poorly drawn cartoon with kids swearing, but a type of subversive pop art brimming with insightful criticism.

Nevertheless, for all of its fans, *South Park* has its detractors. Its critics find the program racist and insulting, and its humor scatological and lowbrow. Focus on the Family, an Evangelical Christian ministry, called the show “deplorable”; the Parents Television Council condemned it as a “curdled, malodorous black hole of Comedy Central vomit”; and the founder of Action for Children’s Television denounced it as “dangerous to . . . democracy.” The Christian Family Network even prepared a *South Park* Education/Action Guide to help adults “protect our youth from vile trash like *South Park.*”

**B. The Satiric Sensibility of South Park**

To accuse *South Park* of being nothing more than a compendium of lowbrow fart jokes, profanities, and politically incorrect insults is to misunderstand the nature of its humor. Certainly, and without apology, *South Park* is all of these things: plots involve people crapping out of their mouths, a Virgin Mary statue

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136. See JOHNSON-WOODS, supra note 94, at xiv.

137. Mark Honig, former Executive Director of the Parents Television Council, describes *South Park* as “relying on cheap sexual humor, crude language, and violence in order to get laughs.” Megan Burke, *South Park; Entertainment or Irresponsible Programming?*, N.Y. AMSTERDAM NEWS, May 21, 1998, at 22.


140. The Catholic League has also objected to specific episodes such as “Bloody Mary” and one depicting a Jesus-Satan boxing match. JOHNSON-WOODS, supra note 94, at 83; see also Lisa de Moraes, *Comedy Central Again Steals ‘South Park’ Thunder*, WASH. POST, Apr. 14, 2006, at C.01 (“Like little whores, they’ll sit there and grab the bucks. They’ll sit there and they’ll whine and they’ll take their shot at Jesus . . . .”) (quoting William Donohue of the Catholic League).

141. Fagin, supra note 139, at 40.


bleeding from its rectum, a boy eating chili made of his dead parents, and “cripple fights.” South Park, however, is also far more than a random collection of provocative scenes.

South Park is not a show for简单的tons, but an intelligent satire written for an educated adult audience. Satire is a sophisticated form of humor that criticizes the ideologies and conventions of the cultural status quo in order to erode their authority. It “is particularly relevant to political debate because it tears down facades, deflates stuffed shirts, and unmasks hypocrisy.” This reduces the dogma of conventionality to something understandable and, ultimately, something assailable.

Satire does so by invoking society’s conventions or frames of reference and mocking them. This distortion of the familiar relies on caricatures and extremes, so it is usually most severe when at its most incisive. One method used is parodic inversion, which replaces

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145. See South Park: Scott Tenorman Must Die, supra note 112.


147. See Ouroussoff, supra note 135, at 4 (describing South Park’s “foul-mouthed, cynical children” as “genuine social critics”).

148. Peter Goodrich has argued that “all effective humor is satirical.” Peter Goodrich, Three Theses on the Unbearable Lightness of Legal Critique, 17 CARDozo STUD. L. & Lit. 293, 294 (2005).


150. See Palmeri, supra note 149, at 1; Turner, Planet Simpson, supra note 149, at 57, 238.


152. See, e.g., Turner, Planet Simpson, supra note 149, at 57 (“The whole point of satire is to broadcast in blazing hundred-foot-high neon the gap between What Is and What Should Be.”); cf. id. at 57-58 (integrating Hendra’s and Rubin’s discussions of satire and American humor).

153. See id. at 238; see also Palmeri, supra note 149, at 1 (explaining that satire and parody are appositives that reference conventionalities and cultural proprieties against authoritative discourses).

154. Satire can also be employed to reinforce authority. See Palmeri, supra note 149, at 7-8. However, it usually does not do so as it is instead a process of decentering. See id. at 1.

155. Cf. id. at 4.
“the officially accepted orthodoxy” with its “antagonistic inverted opposite.”\textsuperscript{156} The juxtaposition between the parodic image and the known original functions as a critique.

Thus, “[i]n the tradition of social satire, \textit{South Park} transgresses the boundaries of the acceptable order to comment on . . . society.”\textsuperscript{157} In other words, \textit{South Park} is not offensive for the sake of being offensive;\textsuperscript{158} it is offensive because it uses a type of humor that, in order to make people think, has to be offensive.\textsuperscript{159} Its irreverence and vulgarity are satiric devices for social criticism.\textsuperscript{160} In fact, the program’s humorous sensibility has been called part Jonathan Swift and part Lenny Bruce.\textsuperscript{161}

Nevertheless, as with all good satire, \textit{South Park} has a genuine moral center. Episodes are funny parables replete with moral content.\textsuperscript{162} And though the program exudes the self-awareness and pop culture references\textsuperscript{163} emblematic of boomer humor,\textsuperscript{164} its jokes flow from the narrative. They are not simply inserted in a postmodernist way as is evident in some adult cartoons.\textsuperscript{165}

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\begin{itemize}
\item \textsuperscript{157} Marian Quigley, \textit{The Politics of Animation: South Park}, 124/125 METRO 48 (2000) [hereinafter Quigley, \textit{The Politics of Animation}].
\item \textsuperscript{158} Mills, however, suggests that because \textit{South Park} is offensive to older audiences, it appeals to younger audiences. MILLS, supra note 123, at 11.
\item \textsuperscript{159} See JOHNSON-WOODS, supra note 94 at xii, xiv. Since much sitcom humor juxtaposes the deviant aspects of society, offensive representations are found more often in sitcoms than in other forms of television. MILLS, supra note 123, at 7. This is part and parcel of a sitcom’s transgressive nature. \textit{Id.}
\item \textsuperscript{160} See JOHNSON-WOODS, supra note 94, at xii.
\item \textsuperscript{162} See Barry S. Fugin, \textit{Goin Down To South Park}, 32 REASON 38, 40 (May 2000); see also Katz, supra note 161, at 35 (describing the various moral dilemmas that the boys face).
\item \textsuperscript{163} See JOHNSON-WOODS, supra note 94, at 96.
\item \textsuperscript{164} Cynicism, hypertextuality, parody, and satire are the hallmarks of “boomer humor”—in other words, humor enjoyed by baby boomers, gen-Xers, and gen-Yers. See id.; cf. Marin, supra note 94, at 56 (noting that almost 60 percent of \textit{South Park}’s viewers are between the ages of eighteen and thirty-four).
\item \textsuperscript{165} By contrast, \textit{South Park}, in “Cartoon Wars,” criticized \textit{Family Guy}’s humor as a brainless, compilation of interchangeable jokes unrelated to the plot. \textit{South Park: Cartoon Wars}, supra note 121. In that episode, Cartman attempted to get a \textit{Family Guy} episode
\end{itemize}
\end{footnotesize}
1. Missing the Joke

Much of South Park’s humor requires of viewers some level of intellectual engagement and familiarity with its targets. As a result, viewers unfamiliar with popular culture or unwilling to come to terms with hypocrisy may fail to grasp South Park’s context and therefore fail to comprehend its humor. Some individuals may not see the joke because they are its target, while others may simply dismiss South Park’s messages because the program is comedic.

2. A Humorous Trojan Horse

Because humor is commonly thought of in terms of its entertainment value, it is often disregarded as a means to discuss serious matters. Rather, we tend to associate important issues with sober, literal forms of communication. The serious tone indicates serious subject matter. By contrast, and as implicit in the reproach “this is no laughing matter,” the lilt of comedy seems anathema to the serious. Consequently, because a humorous method of communication is inappposite to serious methods, the content is also presumed inappposite.
Such a belief, however, confuses the form of the communication with its substance. Humor is a specialized form of communication\textsuperscript{173} that can be used in different ways. It can be cute, such as a kitten eating spaghetti, or mean-spirited, such as laughing when someone falls\textsuperscript{174}—but it can also speak critically, calling attention to incongruities and hypocrisies in the world.\textsuperscript{175} In fact, philosophers, comedians, and political cartoonists\textsuperscript{176} have long used humor to critique society.\textsuperscript{177}

Furthermore, humor is not a less effective means of communication. If anything, humor imubes information with communicative abilities that serious commentary lacks.\textsuperscript{178} Statements intoned seriously tend to communicate literally. While this approach provides certainty or transparency,\textsuperscript{179} it can also inspire defensiveness.\textsuperscript{180} By contrast, humor lowers emotional (and intellectual) defenses, thereby avoiding resistance harbored by listeners.\textsuperscript{181} “Comic relief”\textsuperscript{182} can reduce the anxiety associated with discordant topics and provide a safe harbor in which to react to them.\textsuperscript{183} In one episode, South Park Elementary School’s own nurse Gollum, a.k.a. Conjoined Fetus Lady, explained that joking is akin to

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\item 177. See Lewis, supra note 173, at 155-62 (documenting the use of satire and humor to advance political discourse); see also VIRGINIUS DABNEY, THE JEFFERSON SCANDALS: A REBUTTAL 15 (1981) (asserting that Thomas Jefferson’s enemies portrayed him in cartoons as the keeper of a slave harem who auctioned off his mixed-race children).
\item 178. See Koziski Olson, supra note 169, at 109; cf. Jonah Goldberg, Homer Never Nods: The Importance of The Simpsons, 52 NAT’L REV., May 1, 2000, at 36 (explaining how effective The Simpsons has been at using humor to convey thoughtful political commentary).
\item 179. See Wickberg, supra note 171, at 170.
\item 180. Cf. Mills, supra note 123, at 12 (noting that, unlike serious commentary, humor permits the listener latitude to avoid a defensive response).
\item 181. Cf. Lewis, supra note 173, at 17.
\item 182. Comic relief delivered in a highly charged atmosphere provides a pressure valve to participants. Koziski Olson, supra note 169, at 111.
\item 183. See Terjesen, supra note 174, at 129. But see Lewis, supra note 173, at 7 (“Not all humor reduces anxiety . . . .”). Wickberg suggests that, to the extent that tension is created when the speaker is in the realm of the serious, tension is released in the realm of the humorous. See Wickberg, supra note 171, at 173.
\end{itemize}
discussion and “a way for [people] to come to terms with what they
don’t understand.”

Indeed, jokes are a socially acceptable way to express thoughts
that would otherwise be inappropriate or to say things that might
otherwise be off-limits. Concluding a harsh observation with “only
kidding” somehow makes it more palatable. Moreover, humor is
covet: because a joke is subject to interpretation, it can disguise a
comedian’s true meaning. Depending on the context, the same
comment can be funny or mean, insightful or inappropriate. As a
result, it can be difficult to see where humor ends and ridicule begins.
This provides a joke with a degree of insulation. Consequently, and
somewhat ironically, humor enables one to make serious points that
could not be made in a serious tone.

3. Humor and Television Comedy

Inasmuch as a television program’s comedic content and
narrative form are grounded in its “cultural milieu,” they too
comment on society, reflecting its ideologies, prejudices, misconceptions, and stereotypes. Hence, a sitcom’s jokes tell us

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184. South Park: Conjoined Fetus Lady (Comedy Central television broadcast June 3, 1998), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm. She has conjoined twin mylexia, where her twin, a stillborn fetus, is attached to her head. See id. Matt Stone has explained that he and Parker use humor to work out serious issues. See Aurthur, supra note 114, at B8.

185. MILLS, supra note 123, at 14.

186. See WICKBERG, supra note 171, at 170 (“[The humorous mode] allows the social actor to say and mean things that cannot be said in the serious mode”).

187. See WICKBERG, supra note 171, at 170-71; cf. Lawrence E. Mintz, Broadcast Humor, in HUMOR IN AMERICA: A RESEARCH GUIDE TO GENRES AND TOPICS 91, 91 (Lawrence E. Mintz ed., 1988) (“[T]he prevalence of comedy on television may serve as a kind of disguise, hiding the vast power of the medium under a motley of the constantly stated disclaimer, ‘just kidding folks.’”).

188. WICKBERG, supra note 171, at 170-71; Koziski Olson, supra note 169, at 129.


192. MILLS, supra note 123, at 9.

what society deems acceptable to laugh about\textsuperscript{194} and what parts of society deserve to be laughed at.\textsuperscript{195}

Of course, because they are not serious on their face, comedies may not be taken seriously.\textsuperscript{196} Indeed, sitcoms have received little academic attention as compared to television’s other genres.\textsuperscript{197} Nevertheless, when subject matter is expressed through humor, it can connect with audiences in ways that dramatic and news programs do not.\textsuperscript{198} Whereas a viewer might switch channels from the heavy-handed presentation of dramatic programs,\textsuperscript{199} she might watch a comedy just for enjoyment—and be entertained before she realizes that the program contains a message.\textsuperscript{200} Though news and public affairs programs once held a monopoly on navigating viewers through contentious issues, that has come to an end. Especially among younger viewers, topical comedies such as The Daily Show and Saturday Night Live are an important form of socio-political communication.\textsuperscript{201}

4. A Humorous Cartoon Trojan Horse

Further aiding South Park’s satiric mission is its animated character. Much like humor has been demeaned as a method of serious commentary, animation has been derided as a children’s medium.\textsuperscript{202} Nonetheless, just as humor can mask content, so can

\textsuperscript{194} Cf. Terjesen, supra note 174, at 130 (noting that humor “is very useful in conveying social norms”); MILLS, supra note 123, at 10-11. A joke can reinforce the prevailing perspective or ridicule deviations from the cultural code. Cf. PALMERI, supra note 149, at 6-7.

\textsuperscript{195} Podlas, The Funny Thing, supra note 170, at 364-65; MILLS, supra note 123, at 8-9. Depending on the culture and the time period, some jokes are funny whereas others are not. Id. at 105. For instance, though AIDS jokes were popular in the 1980s, they disappeared in the 1990s. This coincided with AIDS becoming a cognizable threat to all of society and, as a result, becoming no laughing matter. Chris Lamb, The Popularity of O.J. Simpsons Jokes: The More We Know, the More We Laugh, 28 J. POPULAR CULTURE 223, 226 (1994). In “Jared Has Aides,” South Park acknowledged that some tragedies—such as AIDS—are too recent to be funny. The episode, however, declared that such tragedies can be joked about approximately twenty-two years after they occur.

\textsuperscript{196} MILLS, supra note 123, at 2-3.

\textsuperscript{197} Id.

\textsuperscript{198} For example, some educational theorists claim that grafting humor onto a message increases student retention of substance by 30 percent. WICKBERG, supra note 171, at 209 (quoting Leon Ormond).

\textsuperscript{199} Terjesen, supra note 174, at 129.

\textsuperscript{200} Cf. WICKBERG, supra note 171, at 170.

\textsuperscript{201} Cf. Kim & Vishak, supra note 43, at 354-55.

\textsuperscript{202} Moreover, adult animation is the child of two similarly degraded genres, i.e., humor and animation. MILLS, supra note 123, at 49.
animation. Parker believes that it is “definitely easier to take the truth in animated form,” making animation a “safer way to push the envelope of acceptable television fare.” Furthermore, as a practical matter, an animated program can go anywhere and depict anything to advance the narrative. Characters need not age, can be medically transformed (such as a Jewish man into a dolphin hybrid, i.e., a “Jewphin”), or be made of excrement (Mr. Hanky the Christmas Poo).

Although animation is now adult territory, historically it has been deemed a children’s medium. This designation stigmatized “cartoons” as mere “filler” that should not address “adult” subject matter. In 1990 The Simpsons wholly modernized prime-time animation, changing perceptions about its content, audience, and

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203. See, e.g., Douglas R. Bruce, Notes Toward a Rhetoric of Animation: The Road Runner as Cultural Critique, 15 CRITICAL STUD. MASS COMM. 229, 243-44 (2001) (arguing that Road Runner cartoons contain messages that are separate and distinct from their seemingly violent content). This renders South Park a cartoon Trojan Horse, containing a hidden message. Cf. id.


205. KEVIN S. Sandler, SYNERGY NIRVANA: BRAND EQUITY, TELEVISION ANIMATION, AND CARTOON NETWORK, IN PRIME TIME ANIMATION: TELEVISION ANIMATION AND AMERICAN CULTURE 89, 90 (Carol A. Stabile & Mark Harrison eds., 2003).


207. See, e.g., South Park: Mr. Garrison’s Fancy New Vagina (Comedy Central television broadcast Mar. 9, 2005), transcript available at http://www.spscriptorum.com/ScriptGuideIndex.htm [hereinafter South Park: Mr. Garrison’s Fancy New Vagina].

208. See Allen Larson, Re-Drawing The Bottom Line, in PRIME TIME ANIMATION: TELEVISION ANIMATION AND AMERICAN CULTURE 55, 58-59 (Carol A. Stabile & Mark Harrison eds., 2003); Quigley, The Politics of Animation, supra note 157, at 48. Animation began as a subset of film. P. Denslow Quigley, What Is Animation and Who Needs to Know, ANIMATION, April, 1991, at 31. However, the reorganization of the film industry forced it to relocate to television. See Jason Mittell, The Great Saturday Morning Exile, in PRIME TIME ANIMATION: TELEVISION ANIMATION AND AMERICAN CULTURE 33, 38 (Carol A. Stabile & Mark Harrison eds., 2003). This shift in medium led to the reinvention of animated films as “cartoons.” See id. at 40 (noting that “most televised animation was recycled or adapted from film sources”).


210. See Mittell, supra note 208, at 40. In 1960, The Flintstones sought to broaden their audience by introducing animation to prime time, but the cartoon was cancelled in 1966. See id. at 72. Prime-time, adult-oriented animation remained in exile for the next two decades, until it was re-envisioned and resurrected by The Simpsons in 1990. See JOHN ALBERTI, Introduction, in LEAVING SPRINGFIELD; THE SIMPSONS AND THE POSSIBILITY OF OPPORTONATIONAL CULTURE xi-xii (John Alberti ed., 2004).

211. MILLIS, supra note 123, at 3.
production—specifically that it was too expensive\textsuperscript{212} to animate a show to a quality suitable for prime-time television.\textsuperscript{213} The Simpsons’ success encouraged networks to take chances on other animated series,\textsuperscript{214} such as King of the Hill, Family Guy, and South Park.\textsuperscript{215} More importantly, The Simpsons realized the synergy of using humor and animation as a platform for social satire.\textsuperscript{216} Ironically, animation’s historical marginalization made it an ideal refuge: since cartoons were not known for possessing deep meanings,\textsuperscript{217} anything resembling a message tended to be dismissed.\textsuperscript{218} This opened the door for writers to delve into contemporary social, legal, and political issues.\textsuperscript{219} Few programs ran through that door like South Park.\textsuperscript{220}

III. EMPIRICAL INVESTIGATION OF SOUTH PARK’S IDEOLOGIES

A. Ethnographic Assessment

Ascertaining the legal ideology communicated by the television program South Park begins with the legal ideology of the town of

\footnotesize{\textsuperscript{212} Measured in terms of raw production, cost per episode is no bargain. Cf. Larson, supra note 208, at 55, 56-57. Whereas a live-action sitcom typically costs between $500,000 and $700,000 per episode, an animated program averages between $600,000 and $800,000 an episode. Id. (noting that animation is not a thrifty alternative to live action). Despite higher upfront costs, however, the potential financial return of an animated sitcom is greater because these programs are easier to syndicate, do not become dated in the same way as a live-action program, can run longer in syndication, enjoy greater cultural transportability, are easier to dub into foreign languages, and sell well overseas. James Sterngold, The Simpsons and Their Progeny Colonize Television in a Golden Era for Animation, N.Y. Times, Mar. 16, 1998, at D8; see also Larson, supra note 208, at 57-58 (detailing the economics involved with animated programming).


214. Id. at 12.


217. The Simpsons once made this point when Homer assured Marge, “[C]artoons don’t have any deep meaning. They’re just stupid drawings that give you a cheap laugh.” The Simpsons: Mr. Lisa Goes to Washington (Fox Television broadcast Sept. 26, 1991), transcript available at http://www.snpp.com/episodes/8F01.html.

218. See Bruce, supra note 203, at 230 (noting how cartoons are often “dismissed by the ‘adult’ world as a ‘children’s medium’”).


South Park. This is much like investigating any other culture. The primary method used to investigate a culture’s legal system is ethnography.\textsuperscript{221} Interpretive ethnography is a form of fieldwork involving a detailed factual inquiry and collection of data: the researcher observes the society and systematically records concrete legal phenomena or social expressions (and symbolic aspects) of law.\textsuperscript{222} Therefore, when studying law, ethnography focuses on the circumstances under which laws are enacted, how they impact different groups, how they are enforced, whether individuals follow and the respect law, and when citizens seek the intervention of the law.\textsuperscript{223} Once this information is compiled, it is assessed for emergent themes.

Accordingly, investigating legal ideology in South Park began with ethnographic analysis. Conveniently, South Park’s catalogue of episodes\textsuperscript{224} constitute a complete record of that society. Hence, each episode was reviewed for expressions and operations of law and each such instance was recorded.

To provide the most complete picture possible, the empirical analysis includes both quantitative and qualitative aspects. Once the ethnographic data was compiled, a quantitative content analysis coded this entire catalogue of data according to ideologically salient issues and ideological tenets.\textsuperscript{225}

Next, these issues and themes were qualitatively valuated. An ideology is expressed as a constellation of philosophical beliefs, opinions, and issues of salience that constitute the given ideology.\textsuperscript{226} Therefore, tallying the number of times a television program broaches an issue can indicate its topical agenda, but it cannot alone reveal the program’s ideological position. For example, abortion laws are a central issue to both pro-choice and pro-life advocates, and this topic would likely be statistically popular at a meeting of either group. This popularity, however, would not designate an ideological position.

\begin{footnotesize}
\begin{enumerate}
  \item \textsuperscript{221} ROBERT L. KIDDER, CONNECTING LAW AND SOCIETY: AN INTRODUCTION TO RESEARCH AND THEORY 15-31 (1983); Bill Maurer, Introduction To “Ethnographic Emergences,” 107 AM. ANTHROPOLOGIST 1, 2 (2005). It was initially used by anthropologists. KIDDER, supra note 221, at 15-17.
  \item \textsuperscript{222} Timothy Zick, Cross Burning, Cockfighting, and Symbolic Meaning: Toward a First Amendment Ethnography, 45 WM. & MARY L. REV. 2261, 2265-66 (2004).
  \item \textsuperscript{223} See Kimberlianne Podlas, Homerus Lex: Investigating American Legal Culture Through the Lens of The Simpsons, 17 SETON HALL J. SPORTS & ENT. L. 93, 110-111 (2007).
  \item \textsuperscript{225} The content analysis and coding followed the general model described in Analyzing Media Messages. DANIEL RIFFE ET AL., ANALYZING MEDIA MESSAGES: USING QUANTITATIVE CONTENT ANALYSIS IN RESEARCH (1998).
  \item \textsuperscript{226} See HALTOM & MCCANN, supra note 6, at 20-22.
\end{enumerate}
\end{footnotesize}
Accordingly, the portrayal of the issues and or ideological tenets (and characters associated with them) in *South Park* were evaluated as positive or negative. Valuation of jokes considers who is laughing, who are they laughing at, and why.\textsuperscript{227} Valuation of characters considers whether the people associated with issues are portrayed as rational and intelligent or as evil, stupid, or self-righteous jerks. Finally, the sum total of this data, including its emergent themes, were assessed against certain socio-legal ideologies.

**B. Identifying Ideologies in South Park**

1. Criticizing Liberal and Conservative Ideologies

When it debuted, *South Park*’s irreverence and profanity were thought to espouse a liberal agenda.\textsuperscript{228} As episodes progressed and began to mock liberals and their causes,\textsuperscript{229} however, conservatives began to embrace *South Park* as a covert assault on liberal ideologies, encoded with conservative values.\textsuperscript{230} Because *South Park* has been celebrated and criticized as both “liberal” and “conservative,” assessment here began with these ideologies. These ideologies, as expressed in character portrayals, is reflected in the chart on the following page:

\textsuperscript{227} Hence, laughing at a parody of mean-spirited people reinforces the idea that people should not be like them. Terjesen, *supra* note 174, at 132; see also Lenz, *supra* note 3, at 17 (explaining how media theorists and cultural studies disciplines “read” to interpret legal stories).

\textsuperscript{228} Johnson-Woods, *supra* note 94, at 203.


\textsuperscript{230} See generally Brian C. Anderson, *South Park Conservatives: The Revolt Against Liberal Media Bias* 75-78, 80-88 (2005).
The analysis reveals that while *South Park* episodes often include characters who are clearly drawn as either liberal/Democrat or conservative/Republican, most portrayals of both types of characters are negative. The proportion of positive portrayals of either type of character is negligible. It therefore appears that *South Park* does not favor either position, but rather portrays negatively anyone, liberal or conservative, who attempts to impose his or her beliefs on others. For example, a debate about proposed legislation in one episode features a “pissed-off white-trash redneck conservative” pitted against “an aging hippie liberal douche.”

Furthermore, *South Park*’s lampoon of the Bush-Gore election debacle avoids taking a stance on the legal challenges or the winner, but instead attacks Rosie O’Donnell. She is not denounced for her position on the issues, but because she inserts herself into the situation and self-righteously tells people what to do. As Mr. Garrison says, “People like you preach tolerance and open-mindedness all the time, but when it comes to Middle America, you think we’re all evil and stupid country yokels who need your political enlightenment . . . .”

Indeed, *South Park* portrays liberals as hypocrites who believe that “lying is okay . . . when you know what’s good for people more than they do.” These negative traits are nowhere more apparent.

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231. In a few instances, the character portrayal was neither negative nor positive.
232. See *South Park: Goobacks* (Comedy Central television broadcast Apr. 28, 2004), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm [hereinafter *South Park: Goobacks*].
234. Id.
235. Id.
than in anti-smoking fanatic Rob Reiner. While Reiner rants that tobacco is harmful and lobbies for legislation outlawing smoking in the name of “good health,” he gorges on unhealthy food until he is so fat that he has to butter himself to get through doorways. 237 In fact, Cartman idolizes him because he “goes around imposing his will on people.” 238 Moreover, Reiner is wholly dishonest and evil, willing to do anything to further his agenda: he kills tobacco factory workers and plans to murder Cartman to convince citizens that smoking kills. 239 Other examples include the docent at the Museum of Tolerance who hysterically screams at a man who lights a cigarette 240 and an Earth Day activist who chases the boys with a meat cleaver because they would not participate in the Earth Day Brainwashing Festival. 241

*South Park* is no less critical of conservatives and Republicans. It calls them ignorant, 242 racist, dim-witted 243 hicks, 244 and religious zealots. 245 These characters give guns and beer to eight-year-olds, 246 suggest immigration problems can be solved by laws allowing them to shoot anyone who crosses the border, 247 and act like “dick[s] to it comes to children and drugs, lies are okay. . . . [And] the ends justify the means.” *South Park: My Future Self N’ Me* (Comedy Central television broadcast Dec. 4, 2002), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm [hereinafter *South Park, My Future Self N’ Me*].


238. Id.

239. Id.


241. *See South Park: Terrence and Philip: Behind The Blow* (Comedy Central television broadcast July 18, 2001), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm. The activists also declared that “nothing matters more than saving the planet from Republicans” and led the festival crowd in a chant that “Republicans are ruining the earth.” Id.


245. *See, e.g., South Park: Big Gay Al’s Big Gay Boat Ride*, supra note 243 (including the refrain “Christians and Republicans and Nazis, oh, my!”).


everyone who doesn't think like [them]."248 Republicans even help Satan do his bidding. For instance, when Satan is about to battle God and needs human reinforcements, his minion states, “I'll do what I always do: use the Republicans”—and then, like an evil Cyrano, the minion whispers into the ear of George Bush, who repeats the script word-for-word (even repeating the evil laughter).249

IV. IDENTIFYING A LIBERTARIAN IDEOLOGY

South Park's lack of either a consistently positive liberal/Democratic or conservative/Republican ideology does not indicate an absence of ideology. When the ideologically bound issues and their valuation are assessed against libertarianism, it is evident that South Park reflects libertarian ideology. This also explains the seemingly incongruous portrayals of issues as sometimes liberal and other times conservative. Libertarianism is concerned with the same issues as liberal and conservative ideologies. Liberals, conservatives, and libertarians all believe in “liberty,” but in different ways.250 Yet whereas the liberal and conservative positions on issues tend to fall at opposite ends of the spectrum, libertarian legal theory leans left when it comes to civil liberties and personal freedoms, but shifts right with regard to economic regulation251 and welfare issues.252 For instance, both conservatives and libertarians favor limited regulation of business and economics, but conservatives support legislation on behalf of “public morality" whereas libertarians do not.253 Both liberals and libertarians oppose morally based legislation, but for different reasons.254 The various positions on key issues or philosophies are shown in the chart on the following page.

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254. Id. Libertarians do not support such legislation because they reject any laws based on a moral viewpoint. See Lloyd, infra note 259, at 248-49. Liberals tend to reject
Perspective regarding lawmaking and legislative intervention into:

<table>
<thead>
<tr>
<th></th>
<th>Liberal/Democratic</th>
<th>Conservative/Republican</th>
<th>Libertarian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moral issues, “Family values,” public morality</td>
<td>Does not favor</td>
<td>Favors</td>
<td>Does not favor</td>
</tr>
<tr>
<td>Privacy/lifestyle</td>
<td>Does not favor</td>
<td>Favors</td>
<td>Does not favor</td>
</tr>
<tr>
<td>Economic issues and business regulation</td>
<td>Favors</td>
<td>Does not favor</td>
<td>Does not favor</td>
</tr>
<tr>
<td>Positive rights &amp; welfare rights</td>
<td>Favors</td>
<td>Does not favor</td>
<td>Does not favor</td>
</tr>
<tr>
<td>Paternalist legislation (smoking, drugs, guns/ weapons)</td>
<td>Favors (on some issues)</td>
<td>Favors (on some issues)</td>
<td>Does not favor</td>
</tr>
</tbody>
</table>

A. Overview of Libertarianism

Libertarianism has long been an important philosophy of law and government, but recently it has enjoyed a resurgence in popularity.\(^{256}\) Fundamentally, it is a philosophy of individual freedom grounded in three human rights: the right to life, the right to liberty, and the right to property.\(^{257}\) According to libertarian theory, these rights are natural—in other words, individuals are imbued with them as a function result of being a human.\(^{258}\) Consequently, because these

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\(^{255}\) Hanley, supra note 14, at 53-54.

\(^{256}\) Cf. RICHARD HUDELSON, MODERN POLITICAL PHILOSOPHY 101 (1999). Libertarianism’s importance increased in the close of the twentieth century, and influenced both the policies of Ronald Reagan and the political transformation of the former Soviet republic. Id. Today, libertarianism may appeal to the American “individualistic ethos that so dominates our popular and political culture.” OWEN M. FISS, THE IRONY OF FREE SPEECH 3 (1996).


\(^{258}\) HUDELSON, supra note 256, at 102.
rights exist independent of a grant from the government, they cannot be infringed upon by the government. In fact, the function of government—and, by extension, law—is to protect these rights.

1. Property

Most modern libertarian theorists believe that the right to property is the basis of and supersedes all other rights. The right to property is easiest understood as the right to own. When one owns something (be it a tangible item, money, real property, or even her body), she has a right to do with it whatever she wants; she can use the property, sell it, or even waste it. Furthermore, the owner is the only one who has this right, and therefore possesses a corollary right to prevent others from interfering with her choices. As a result, the government can neither force the owner to use nor prevent her from using her property in a certain way.

2. Liberty

As evidenced by the name “libertarianism,” the right to liberty is central to libertarian theory. The concept of liberty acknowledges that we are all autonomous individuals entitled to live our lives as we choose. Inherent in this concept is the notion that we must respect...
the coequal right of others to live as they please. Consequently, neither private individuals nor the law can interfere with those choices, even if they endeavor toward a beneficial long-term impact. Libertarian theory presumes that individuals are both the “best judges and protectors of their own welfare.” Therefore, libertarians make no judgments about the wisdom of one’s choices. The consequences of an individual’s acts are relevant only insofar as they infringe on another’s rights.

Even liberty is regarded as a property right. One’s self—or body—is considered property, and each person owns the property of herself. As a property owner, an individual possesses over herself all of the same legal rights she would have over any other property. This is known as the principle of self-ownership. She may do, or have done, to her body anything she wishes. Therefore, provided an individual voluntary chooses to do so, she must even be permitted to harm herself. Conversely, nothing can be done to a self-owner without his consent. This theory of self-ownership includes a


271. See Daniel Attas, Freedom and Self-Ownership, 26 SOC. THEORY & PRAC. 1, 3 (2000).


274. See Mitchell, supra note 272, at 1260.


276. See HUDELSON, supra note 256, at 96-97; see also Lloyd, supra note 259, at 248 (“[A] person’s right to liberty is contingent upon his exercising his superior property right to sell himself into slavery.”).

277. See Lloyd, supra note 259, at 247.

278. Attas, supra note 271, at 3.

279. Id.; see HUDELSON, supra note 256, at 103 (“[E]very person is the owner of his own life . . . .”) (quoting John Hospers).


281. Lloyd, supra note 259, at 246, 247. Therefore, if she chooses to, an individual can sell herself into slavery, commit suicide, be a prostitute, engage in sadomasochistic sexual acts, and donate bodily organs. See Attas, supra note 271, at 4-5.

282. See, e.g., Attas, supra note 271, at 13 (“Consent is a constitutive expression of the right of self-ownership, of a power that a self-owner possesses.”).
fundamental right against bodily trespass\textsuperscript{283} via violence by others or the “coercive intervention” of government regulation.\textsuperscript{284}

3. Libertarianism Expressed as a Legal System

Libertarian ideology can be distilled to an ideology of law. Because government exercises its authority through law, ideology may be expressed directly as legal system.\textsuperscript{285} The libertarian tenets that acknowledge the rights to life, liberty, and property\textsuperscript{286} speak to the function of law and the authority of the legal system.\textsuperscript{287}

For the most part, libertarian theory takes a “less-is-more” approach to legal regulation.\textsuperscript{288} To ensure that individuals are free from government interference, law’s authority to regulate is circumscribed.\textsuperscript{289} Not every act or annoyance amounts to a legal injury,\textsuperscript{290} but actions are illegal (and governmental intervention is permitted) only insofar as they violate another person’s rights.\textsuperscript{291} Consistent with this ideology, legislation regarding anything from prices to speech\textsuperscript{292} to sexual practices, as well as legislation based on unanimity of opinion, paternalism, or morality, is prohibited under libertarian theory.\textsuperscript{293}

Additionally, under libertarian theory, law’s function is only to preserve rights,\textsuperscript{294} not to create or promote them via legislation;\textsuperscript{295}

\begin{itemize}
  \item \textsuperscript{283} \textit{Id.} at 4.
  \item \textsuperscript{284} \textit{See HUDELSON, supra} note 256, at 97.
  \item \textsuperscript{285} Vladik Nersesyants, \textit{Philosophy of Law: Libertarian Juristic Concept,} SOC. SCI. 118, 126-27 (2003); \textit{see Chase, Toward a Legal Theory, supra} note 49, at 541-47 (describing legal theories that perceive law as a form of ideology).
  \item \textsuperscript{286} Van Soest, \textit{supra} note 257, at 713.
  \item \textsuperscript{287} \textit{See id.} at 712-13 (1994) (considering the libertarian conception of justice).
  \item \textsuperscript{290} Adam Clanton, \textit{Enforcing Individual Rights in an Industrial World: Legal Rules and Economic Consequences,} 4 GEO. J.L. & PUB. POLY 165, 176 (2006); \textit{see also} Arkes, \textit{supra} note 288, at 64-65.
  \item \textsuperscript{291} John Stuart Mill explained that “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” \textit{JOHN STUART MILL, ON LIBERTY} 68 (Gertrude Himmelfarb ed., Penguin Books 1975) (1859).
  \item \textsuperscript{292} \textit{See DAVID BOAZ, LIBERTARIANISM: A PRIMER} 3 (1997).
  \item \textsuperscript{293} \textit{Cf.} Arkes, \textit{supra} note 288, at 65.
  \item \textsuperscript{294} \textit{See} Van Soest, \textit{supra} note 257, at 713. Indeed, law is “limited” to protecting these rights. \textit{Id.} (emphasis added).
  \item \textsuperscript{295} \textit{See} John Lawrence Hill, \textit{A Third Theory of Liberty: The Evolution of Our Conception of Freedom in American Constitutional Thought,} 29 HASTINGS CONST. L.Q. 115,
hence, a libertarian system of law honors negative rights, but rejects all positive rights.296 In very rudimentary terms, a negative right is a right to not be interfered with.297 The rights of life, liberty, and property are negative as they require nothing of individuals other than to not infringe on the same rights of others.298 By contrast, positive rights are given to individuals by the government and create entitlements, such as public assistance or medical care.299 Hence, a libertarian system of law must intervene to prevent interference with rights,300 but is otherwise constrained.301 This practice is exemplified by criminal law. Whereas Anglo-American jurisprudence justifies criminal law on behalf of society as a whole, libertarian theory does not.302 Instead, in a libertarian system, criminal law focuses on protecting the individual's rights and punishing violations of them.303 Only actions that violate rights can be criminalized, such as physical aggressions,304 like murder and rape,305 and property offenses, such as theft, destruction of property,306 and trespass.307 Under libertarian theory, law should not criminalize

182 (2002) ("[I]t is not the function of government to promote liberty, but only to preserve the liberty of individuals . . . .").

296. See HUDELSON, supra note 256, at 96-97. Libertarian thought influenced constitutional property-rights law before 1900, and to a lesser (but still noticeable) extent, has also done so more recently. Claeyes, supra note 280, at 215.

297. See HUDELSON, supra note 256, at 97.

298. Id.

299. Id. To be effectuated, positive rights require that something be taken from other individuals. Id. at 98. For instance, welfare funding typically comes from taxes, therefore coercing a taxpayer to pay. See id. at 97-98.

300. See Van Soest, supra note 257, at 713.

301. Hanley, supra note 12, at 54.

302. Under libertarian principles, law based on the “good of society” or on unanimity of opinion is therefore illegitimate. See Lloyd, supra note 259, at 248-49.

303. Such laws do not deprive one of anything, as we have no right to do wrong to another. Arkes, supra note 288, at 63. Even in the event that a right is infringed, punishment is appropriate only if compensation for the act is “an inadequate response.” Drane & Neal, supra note 275, at 413.


305. See Van Soest, supra note 257, at 713 (“Legislation that prohibits killing and physical violence is . . . supported.”).


consensual acts such as prostitution, drug use, or the possession of dangerous items.\textsuperscript{308}

A legal system organized according to these principles is small.\textsuperscript{309} It preferences the judiciary over legislation or executive branch intervention\textsuperscript{310} because courts respond to infringements of rights, whereas prospective or reactive legislation risks unnecessary interference with them.

**B. Finding Libertarianism Down in South Park**

As noted above, the ideologically bound issues and positions associated with libertarianism are regularly reflected in *South Park*.\textsuperscript{311} Moreover, as shown in the chart below, it portrays issues consistent with libertarian ideals positively, but portrays antithetical ideals negatively. This pattern is consistent with a libertarian ideology.


\textsuperscript{309} See Jonathan Wolff, *Libertarianism, Utility, and Economic Competition*, 92 VA. L. REV. 1605, 1605 (2006) ("Institutionally, [libertarianism] is associated with the idea of a minimal state . . . ."). *South Park*’s legal system is also small. *Cf. South Park: Sexual Harassment Panda* (Comedy Central television broadcast July 7, 1999), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm [hereinafter *South Park: Sexual Harassment Panda*]. For example, Kyle’s father, one of the few attorneys in town, once represented both sides in *Everyone v. Everyone*. Id.


\textsuperscript{311} See Chart below.
Overall, the qualitative and quantitative analyses demonstrate that *South Park* engages in a coherent and sustained ideological discourse advocating a libertarian theory of law. This trend is particularly apparent when programmatic content is organized according to the libertarian principles of law detailed above. *South Park* exemplifies libertarian ideologies in various ways. Sometimes it denigrates ideological approaches at odds with libertarianism by, for example, overtly criticizing morally based or paternalist laws and the people who advocate them. Other times, a story teaches an ideological lesson consistent with libertarianism, such as “it would have been better not to interfere” or “legislation usually makes the situation worse.” The program may value liberty

<table>
<thead>
<tr>
<th>Ideologically Bound Issues/ Tenets/ Values</th>
<th>Total 312</th>
<th>Consistent With/313 Supporting Libertarianism</th>
<th>Inconsistent With/ Opposing Libertarianism</th>
<th>Mixed; Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paternalist Regulation/Laws (smoking, drugs, drinking, dangerous items, dangerous activities)</td>
<td>13</td>
<td>10</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Morally Based Laws (stem cell research, media content, sexualities)</td>
<td>30</td>
<td>23</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Choice/Coercion (voting, medical decisions, self-determination)</td>
<td>38</td>
<td>32</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Business and Economic Regulation (Protectionist Business Regulation, Consumer Protection, Bailouts)</td>
<td>11</td>
<td>6</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

312. The tally reflects the number of issues across the series, not the number of episodes that feature these issues. An episode can mention more than one issue or none at all.

313. The chart reflects the final evaluative assessment of portrayal. Therefore, “Consistent/ Supporting” or “Inconsistent/ Not Supporting” refers to how the issue was portrayed in relation to Libertarian ideology.
and choice by depicting a variety of lifestyles and moralities coexisting without incident or negative comment. Still other times, it advocates a libertarian approach. Additionally, because a libertarian ideology of law is premised on negative rights, allowing people to do what they want, and limited legal regulation, libertarian values are often evidenced by “absence”: the absence of legal regulation where we expect it, the absence of objection where we often hear it, and the absence of interference where we otherwise might see it. Therefore, we would not expect to see instances where something goes wrong and it is remedied by legal regulation or intervention. Rather, we should see instances where eliminating law improves the situation, adding law worsens it, or where society functions successfully without any obvious legal presence. That is exactly what we see in South Park. These expressions and their legal ideological values are particularized below.

C. South Park’s Expression of Libertarian Legal Values

Gerald: [W]e live in a liberal, democratic society . . . [where] laws tell us what we can and can’t say in the workplace . . . [a]nd what we can and can’t do in the workplace.

Kyle: Isn’t that fascism?

Gerald: No, because we don’t call it fascism.\footnote{315}

Libertarian theory construes one’s right to liberty as a right to be let alone and to make choices, however ill-advised.\footnote{316} Any law that restricts a person from exercising his will is illegitimate, as are laws that force an action or are based on moral or paternalist grounds.\footnote{317}

1. Choice

South Park regularly affirms the right to live one’s life as one chooses, by highlighting choices, but not criticizing them. For instance, Kenny is willing to eat things (including a manatee spleen and vomit) and accept dares for a price.\footnote{318} The program does not disparage him or imply that he should be stopped; to the contrary, he

\footnote{314} Of course, a society that abides by libertarian philosophy would have less law to begin with, and thus less law to be limited. See note 309 and accompanying text.
\footnote{315} \textit{South Park: Sexual Harassment Panda}, supra note 309.
\footnote{316} See Attas, supra note 271, at 4-5
\footnote{317} Cf. HUDELSOON, supra note 256, at 96.
\footnote{318} See \textit{South Park: Fat Camp} (Comedy Central television broadcast Dec. 6, 2000), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm.}
becomes famous.\textsuperscript{319} \textit{South Park} is not endorsing the choices he makes, but rather his right to make them. The same is true of Cartman’s mom. Everyone in South Park knows that she is a “dirty slut” who performs all manner of sexual acts for money,\textsuperscript{320} but they treat her the same as everyone else. It is not that they are oblivious to her deeds or admire them; they just do not involve themselves in her life.

The ideology of choice and non-interference is further evident with regard to sexual matters. Interestingly, the parents do not object to pornography, despite their periodic outcries to restrict other media. This reflects the libertarian belief against regulating pornography,\textsuperscript{321} and is depicted in an episode where Randy and Sharon, Stan’s parents, rent two DVDs: hard-core porn for themselves (\textit{Backdoor Sluts 9}) and \textit{The Lord of the Rings} for the boys.\textsuperscript{322} Unfortunately, Randy mixes up the DVDs, putting the porn in \textit{The Lord of the Rings} case, before lending it to Butters, one of the boys’ classmates. When other parents learn of the snafu, they are concerned about their children seeing the film, but do not demonize Randy and Sharon for enjoying it. In fact, the men openly discuss porn.\textsuperscript{323} Once the parents find the children (who have gone on a Rings-like quest to return the DVD to the video store), they calmly explain that all sorts of sexual practices—69, scat, double penetration, masturbation with objects, thousand island dressing—are fine, if that is what consenting adults choose to do. In fact, in another episode, Randy confesses that he and, Kyle’s father masturbated together in a hot tub.\textsuperscript{324} Though Randy fears that his friends will condemn him, they nonchalantly admit to having engaged in similar same-sex acts.\textsuperscript{325}

\begin{footnotes}
\item[319] See id.
\item[323] According to Mr. Stotch, Butters’ father, “\textit{Back Door Sluts 9} makes Crotch Capers 3 look like Naughty Nurses 2?” Id.
\item[325] Id. In another episode, Gerald (Kyle’s father) overreacted when learning that Mr. Garrison had had a sex-change operation and threatened to remove his sons from
\end{footnotes}
2. Morally Based Legislation

“Choice,” as envisioned by libertarian principles, honors dignity and self-determination regarding health care decisions,\(^{326}\) including abortion\(^ {327}\) and assisted suicide.\(^ {328}\) These areas are also immune from legislation enacted on the grounds of morality\(^ {329}\) or tradition.\(^ {330}\) Illustrating this, *South Park* condemn attempts to use the law to enforce values or moral beliefs.\(^ {331}\)

The self-determination and personal dignity inherent in one’s right to liberty\(^ {332}\) are depicted in “Best Friends Forever.”\(^ {333}\) In this parody of the Terri Schiavo legal battle,\(^ {334}\) Kenny falls into a coma, and a feeding tube is inserted. An attorney advises the boys that Kenny’s will states, “If I should ever be in a vegetative state and kept

South Park Elementary. Sheila (Kyle’s mother), however, chided Gerald that he was being closed-minded and should not judge people. *South Park: Mr. Garrison’s Fancy New Vagina*, supra note 207. Kyle, then, hoping to become a better basketball player, wanted a “negroplasty.” *Id.* Gerald, the town’s lawyer, visited Kyle’s surgeon to complain about performing such an operation on a child, but ended up having surgery himself to become part dolphin; hence, a Jewphin or, alternatively, a law-phin. *Id.*

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\(^{327}\) See Dorf, supra note 308, at 567.

\(^{328}\) See id. at 566-67.

\(^{329}\) See Scott Fruehwald, *The Emperor Has No Clothes: Postmodern Legal Thought and Cognitive Science*, 23 Ga. St. U. L. REV. 375, 423 (2006). Lawrence v. Texas suggests that legislation based on nothing but morals may be per se unconstitutional. See 539 U.S. 558, 599 (2003) (Scalia, J., dissenting) (“This effectively decrees the end of all morals legislation. If, as the Court asserts, the promotion of majoritarian sexual morality is not even a legitimate state interest, none of the above-mentioned [morality-based] laws can survive rational-basis review.”).

\(^{330}\) See Croft, supra note 253, at 644.


\(^{332}\) A libertarian legal system would permit assisted suicide and euthanasia because it respects an individual’s decisions about their self, and because it ensures human dignity. See Delkeskamp-Hayes, supra note 326, at 348.


Randy: “How’s it feel to be 102, paps?” Grandpa: “Shoot me.”

*Id.* As Stan struggles with the existential issue of euthanasia without any help from the adults, he acknowledges his grandfather’s right to die, but realizes that his grandfather’s right does not obligate Stan to commit the act. See id.

\(^{334}\) See *South Park: Best Friends Forever*, supra note 249.
alive on life-support, please . . . ,” but the final page is missing.\textsuperscript{335} The
will also, however, discloses that Kenny willed Cartman his Sony PSP, something that Cartman covets. Thus, Cartman asserts his legal
authority as Kenny’s “BFF” (Best Friend Forever) to remove the feeding tube so that Kenny will die and Cartman will get the PSP. Stan and Kyle, by contrast, want the feeding tube undisturbed so that Kenny does not die. As they protest outside the hospital, an angel\textsuperscript{336} interrupts, exposing the quandary:

Kyle and Stan: Don’t kill Kenny!

Crowd: [refrain] You Bastards!

Angel: No! No, they’re not killing, they’re letting him die!

Crowd Member: You bureaucrats have no right to play God and take that tube out!

Angel: No. [T]hey were playing God when they put the feeding tube IN!\textsuperscript{337}

Eventually, Stan and Kyle conclude that, despite their personal pain, it is wrong for them to interfere; Stan explains that Cartman was right for the wrong reasons, but they were wrong for the right reasons.\textsuperscript{338} Just then, the attorney provides Kenny’s complete health care directive: “If I should ever be in a vegetative state and kept alive on life support, please, for the love of God, don’t ever show me in that condition on national television.”\textsuperscript{339} Because everyone was so motivated by their own moral and personal agendas, they managed to do the one thing that Kenny did not want. Libertarian theory recognizes that there are instances in which an individual lacks the mental capacity to make a decision, such as when one is comatose or on life support.\textsuperscript{340} In such cases, decision-making that would

\begin{itemize}
  \item \textsuperscript{335} \textit{Id.}
  \item \textsuperscript{336} A similar war is being waged in the afterlife. \textit{See id.} Heaven wants Kenny to die, because he is the “Keanu Reeves” that can help them win the war against Hell. \textit{See id.} Hell, by contrast, wants Kenny to live so that he cannot assist Heaven. \textit{See id.} Accordingly, the angel hopes that Kenny will die. \textit{See id.}
  \item \textsuperscript{337} \textit{Id.}
  \item \textsuperscript{338} \textit{Id.}
  \item \textsuperscript{339} \textit{Id.}
  \item \textsuperscript{340} This also applies to someone who is severely mentally handicapped. Therefore, when Stan and Cartman wonder whether the handicapped go to hell and baptize Timmy just in case, there would have been no infringement on Timmy’s liberty. \textit{See Attas, supra note 271, at 13-14; South Park: Do the Handicapped Go to Hell (Comedy Central television broadcast July, 19, 2000), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm; South Park: Probably (Comedy Central television broadcast July 26, 2000), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm.}
\end{itemize}
otherwise be illegitimate is permissible.\textsuperscript{341} Nevertheless, even in these situations, an individual cannot be treated as a means\textsuperscript{342} or an ends to the goals of another, such as where operating or not on an individual might impact a likely inheritance.\textsuperscript{343} This is exactly what occurs in the noted episode: Cartman’s decisions about Kenny are motivated by his desire to inherit Kenny’s PSP, while the angels are motivated by their need for Kenny to be in heaven and help them defend against Satan’s attack.\textsuperscript{344} The best option in this impossible situation would have been for the law (and others) not to have interfered.

3. Legislating Acceptance

Though respect for choice and limited legal intervention tend to result in a socially progressive society—since no sexual, religious, or expressive practices are prohibited—a libertarian-based legal system neither engineers nor enforces such a society. Rather, this type of legal system (as well as South Park) distinguishes tolerating the choices of others from using law to force acceptance of them. As Mr. Garrison, a teacher at South Park Elementary, reminds the parents in one episode after their tolerance mutates into a ridiculous celebration of inappropriate behavior, “[J]ust because you have to tolerate something doesn’t mean you have to approve of it! If you had to like it, [the Museum of Tolerance would] be called the Museum of Acceptance!”\textsuperscript{345} That episode analogizes forcing acceptance of differences to forcing any fascist system of belief. Hence, the boys were sent to a Nazi-like training camp where they were forced to be tolerant.\textsuperscript{346}

This philosophy against legislating acceptance is articulated by Big Gay Al, an openly homosexual South Park resident. Though an excellent Scoutmaster, Big Gay Al is expelled from the Scouts because he is gay.\textsuperscript{347} He is replaced by a paramilitary-style man who takes pornographic photos of the boys, and is later discovered to be a child

\begin{itemize}
\item \textsuperscript{341} See Attas, supra note 271, at 13-14. However, it is never obligatory as one cannot oblige others to act. Id. at 14.
\item \textsuperscript{342} See Drane & Neal, supra note 275, at 413.
\item \textsuperscript{343} Attas, supra note 271, at 14.
\item \textsuperscript{344} See South Park: Best Friends Forever, supra note 249. Satan wants the feeding tube left in, so Kenny cannot die and go to heaven and help the angels fight. See id. The Republicans want the feeding tube left in, because Satan told them they wanted the feeding tube left in. See id.
\item \textsuperscript{345} South Park: The Death Camp of Tolerance, supra note 240.
\item \textsuperscript{346} Eventually, Garrison himself is sent to the camp for being intolerant of himself. See id.
\item \textsuperscript{347} See South Park: Cripple Fight, supra note 146.
\end{itemize}
molester. Consequently, the town realizes the unfairness of the Scouts’ anti-gay policy, and encourages Big Gay Al to sue. Just as the Colorado Supreme Court declares that the Scouts must admit Big Gay Al, he refuses. Congruent with libertarian ideology that law should not coerce choice, Al explains:

If I’m free to express myself, then the Scouts have to be free to express themselves, too . . . . No matter how wrong we think they might be, it isn’t right for us to force them to think our way. It’s up to us to persuade, and help them see the light, not extort them to . . . . [T]his [law] is the wrong way to do it. So, I am hereby dropping my case, and allowing the Scouts their right to not allow gays into their private club.\textsuperscript{348}

\textit{South Park} clearly disagrees with the Scouts’ choice, but accepts that it is \textit{their} choice to make. Likewise, libertarian legal ideology acknowledges a private right to discriminate and deems laws \textit{against} private discrimination illegitimate.\textsuperscript{349}

The problem of well-meaning, but nonetheless coercive, laws is further illustrated in “Douche and Turd,” an episode about voting.\textsuperscript{350} Libertarians object to compulsory voting (along with any other compulsory law) as coercive. The fundamental invalidity of compulsory voting is portrayed through two complementary stories that take compulsory voting to its logical extreme. People for the Ethical Treatment of Animals (PETA), in a misguided attempt to protect animals, forces South Park Elementary to relinquish their cow mascot.\textsuperscript{351} When the school holds elections for a new mascot, Stan refuses to vote since he must choose between a giant douche or a turd sandwich.\textsuperscript{352} This is not Stan’s opinion of his options, but the actual proposed mascots. Because Stan refuses to vote, county law banishes him from the town.\textsuperscript{353} Meanwhile, P. Diddy takes his “Vote or Die!”
campaign to literal extremes, killing whomever does not vote.\textsuperscript{354} The ridiculousness of both Stan’s banishment and Diddy’s executions demonstrate that while the motivation of a law may be directed at admirable ends (here, voting, which itself effects choice), the means to those ends should not be coercive.

4. Paternalism

Rob Reiner Character: Lying is okay if you know what’s good for people.\textsuperscript{355}

A legal system guided by libertarian theory recognizes that the concept of choice includes the right to make bad choices. Therefore, paternalist legislation, such as laws outlawing drug and tobacco use, is impermissible.\textsuperscript{356} Paternalist laws, whatever their target, are likewise condemned by \textit{South Park}, as exemplified by the episode “Butt Out.”

As anti-smoking legislation has proliferated,\textsuperscript{357} combating such legislation has risen to the top of the libertarian legal agenda.\textsuperscript{358} To libertarians, laws banning smoking and vice-taxing tobacco eliminate choice. Therefore, the brilliant title of this episode both describes the Rob Reiner character’s objective to extinguish every cigarette butt and iterates the libertarian philosophy that law should “butt out” of people’s lives.

Reiner arrives in South Park after successfully lobbying for laws that increase cigarette taxes and ban cigarette ads from movies.\textsuperscript{359} He now wants to ban smoking in bars and public places—and is willing to lie and kill to achieve his agenda. Reiner blames tobacco companies for seducing people into smoking, but refuses to acknowledge that smoking involves a personal choice. As discussed above, associating the unabashedly evil, hypocritical Reiner character with the issue denounces both anti-smoking laws as well as paternalist regulation in general. Furthermore, the libertarian

\textsuperscript{354} In several instances, the parents lie to the children, usually to get them to do something that is in their long-term interest, such as eschew drugs or quit a religious cult. See, e.g., \textit{South Park: My Future Self N’ Me}, supra note 236. Nonetheless, under libertarian theory, coercion of choice is wrong even when done for the long-term benefit of an individual. See Mitchell, supra note 272, at 1260.

\textsuperscript{355} \textit{South Park: Butt Out}, supra note 14 (mocking anti-smoking advocacy).

\textsuperscript{356} Cf. Mitchell, supra note 272, at 1260.

\textsuperscript{357} See, e.g., Iver Peterson, \textit{Princeton Considers Smoking Ban, but Taverns Vow to Fight}, \textit{N.Y. Times}, Mar. 23, 2000, at B5 (reporting on proposed laws to ban smoking in almost all public places).


\textsuperscript{359} \textit{South Park: Butt Out}, supra note 14.
approach is overtly articulated as reasonable. When the tour guide at the cigarette company blithely states that some people, though aware of the risks, “still choose to smoke and that’s their right,” Stan replies, “That sounds reasonable.”

5. Economic & Business Regulation

Cartman: Being a sellout is sweet because you make a lot of money, and when you have money, you don’t have to hang out with any poor-ass losers.


Libertarianism celebrates free market capitalism as a form of social and legal organization. Historically, Libertarians have supported freeing big business from government intervention so as not to restrain innovation (or profit). Consequently, legal regulation of business is prohibited, be it in the form of antitrust laws or industry bailouts.

This philosophy is heeded in South Park. Episodes directly assail any law that protects a business against a competitor, demonstrating the program’s opinion that protectionist economic laws are unjustified and harm the consumer. One episode, “The Entity,” involves laws that limit competition in the name of protecting a business—in this case, the airline industry. Disgusted by the inefficiency, incompetence, and declining service of the airlines, Mr. Garrison invents a new mode of transportation, the IT. His IT gets 300 miles per gallon and travels at 200 miles per hour, quickly becoming an inexpensive alternative to air travel. Fearing that the airline industry will collapse, and that downsizing its millions of employees will cause widespread economic problems, the government criminalizes the sale, manufacture, and riding of the IT. This leaves

364. Jones, supra note 289, at 422.
366. See Clanton, supra note 290, at 165.
the airline industry in good condition, but deprives consumers of an excellent product and a choice.\textsuperscript{368} The negative effect of protectionist legislation (and the inadequacy of these laws to account for the nuances and complexities of economic systems) is also the focus of “Underpants Gnomes.”\textsuperscript{369} When a Harbucks coffee shop opens in South Park, Mr. Tweek, the owner of the town’s only coffee shop, fears that it will put his shop out of business: after all, Mr. Tweek’s coffee tastes like “three-day-old moldy diarrhea,” but without any competition, he has never had an incentive to improve it.\textsuperscript{370} Thus, working behind the scenes, he proposes Proposition 10, which, among other things, would force Harbucks to leave town. Just as everybody is jumping on the anti-corporate bandwagon, the boys help the town (and thus viewers) see beyond Proposition 10’s immediate effect of protecting Mr. Tweek and consider the broader impact of the legislation.\textsuperscript{371} They explain that large corporations can be good because they produce goods at lower prices, and, if run well, produce better quality products; therefore, Proposition 10, which would ban competition from large, outside businesses, ultimately harms consumers. The soundness of their argument is accepted, Proposition 10 is withdrawn, and everyone is happy—even Mr. Tweek. He leaves his store to manage Harbucks, and people get good Harbucks coffee that “doesn’t have that bland raw sewage taste that Tweek’s coffee has.”\textsuperscript{372}

6. Criminal Responsibility

Cartman: Oh, no! I don’t believe it. She’s using the Mel Gibson defense.\textsuperscript{373}

With liberty comes the responsibility to bear the consequences of one’s mistakes.\textsuperscript{374} This aspect of libertarian philosophy has

\begin{itemize}
  \item Id.\textsuperscript{368}
  \item South Park: Gnomes, supra note 362.\textsuperscript{369}
  \item Id.\textsuperscript{370}
  \item South Park: Gnomes, supra note 362. This episode also underscores the complexity and nuance of business operations and profit. See id. For example, like the underpants gnomes that are invisible to everyone except Tweek, much of capitalism operates outside of obvious view. See id. Indeed, the townsfolk who reflexively condemn Harbucks and its exploitation of capitalist values are no more sophisticated than the underpants gnomes who blithely go about their work without understanding it: “Phase 1: collect underpants. Phase 2: . . . Phase 3: [p]rofit.”\textsuperscript{371}
  \item Id.\textsuperscript{372}
  \item Id.\textsuperscript{373}
  \item South Park: Miss Teacher Bangs a Boy (Comedy Central television broadcast Oct. 18, 2006), transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm [hereinafter South Park: Miss Teacher Bangs a Boy].\textsuperscript{374}
\end{itemize}
contributed to changes in the criminal justice system, such as punishments that emphasize personal responsibility for wrongdoing.

375 South Park regularly invokes this ideology of personal responsibility, such as in the “Bloody Mary” episode.376 After being caught drinking while driving, Randy attends an Alcoholics Anonymous meeting. He embraces its lexicon of “disease” and the underlying premise that an individual is not fully in control of himself and, therefore, must appeal to a higher power. This leads Randy to eschew responsibility for his drinking and anoint himself a victim of a disease. Stan, Randy’s son, disagrees: “[C]ancer is a disease. My dad needs to drink less.”377

Eventually, Randy makes a pilgrimage to a bleeding statue of Mary that people believe cures diseases. Once Randy is bled upon, he thinks he is miraculously cured, and stops drinking—but when the Pope declares that a “chick bleeding out [of] her vagina is no miracle,” Randy descends back into drinking.378 Stan, however, explains to his father that he can obviously stop drinking, provided he accepts responsibility and exercises self-discipline; after all, Randy had just done so. Consequently, by approaching the issue as one of accepting personal responsibility, rather than avoiding it through the ideology of “disease,” Randy learns to control his drinking.

The use of victimology to escape responsibility is reiterated in an episode where the kindergarten teacher has an affair with Ike, Kyle’s four-year-old brother.379 The teacher confesses to her deed, but interposes what Cartman calls the “Mel Gibson Defense”:

I know my actions were wrong, but I cannot be fully to blame. You see, I am an alcoholic . . . . I am a perfectly good person, but when I drink, the alcohol makes me say and do things I wouldn’t normally do.380

The teacher is immediately labeled a victim, cheered for her decision to enter rehab, and congratulated a day or two later when she declares, “All better!”381 Thankfully, Kyle sees that her “rehabilitation” is simply a way to avoid responsibility for her criminal acts. When she attempts to run away with Ike, Kyle is there to stop

374. See Mitchell, supra note 272, at 1260.
375. HUDELSON, supra note 256, at 101.
376. South Park: Bloody Mary, supra note 144.
377. Id.
378. Id.
379. South Park: Miss Teacher Bangs a Boy, supra note 373.
380. Id.
381. Id.
her, thus saving his brother, and watch as the teacher leaps to her death.\textsuperscript{382}

7. Protecting Rights from Harm by Others

Stan: I think old people should have rights, Grandpa. I just don’t wanna die.\textsuperscript{383}

\textit{South Park} reinforces that the libertarian philosophy of limited legal intervention is not tantamount to anarchy. Individuals can do what they wish, until their actions harm the rights of others. These boundaries are outlined in “Grey Dawn,”\textsuperscript{384} an episode that parallels an actual event where a senior citizen drove into and killed nine people at the Santa Monica Farmers’ Market.

South Park finds itself plagued by feeble-minded senior citizens causing fatal car accidents.\textsuperscript{385} After fourteen more deaths, three million dollars in damages, and the “Night of Horror” (caused by a mass of senior citizens driving home from a meeting about proposed legislation to suspend their driving privileges), a law is passed requiring anyone over seventy years of age to surrender their license. Many seniors, including dangerous drivers like Grandpa Marsh, Stan’s grandfather, refuse, saying this takes away their rights.\textsuperscript{386} Though sympathetic to his grandfather’s desire, Stan replies, “I think old people should have rights, Grandpa. I just don’t want to die.”

While the episode shows that the license law at issue is largely rational, as many seniors were unfit to drive, it also shows that the law is overbroad, as it takes away the licenses of safe, accident-free drivers, simply because they are old. Eventually,\textsuperscript{387} the town realizes

\textsuperscript{382} The boys and others also try to escape responsibility, only to see the situation worsen in the episode \textit{South Park: Two Days Before the Day After Tomorrow} (Comedy Central television broadcast Oct. 19, 2005), \textit{transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm}. There, Stan and Cartman destroy a dam and flood neighboring Beaverton, but the South Park residents spend all of their energy trying to find a person to blame rather than helping the flooded town or rebuilding the dam. \textit{Id.}. Neither President George W. Bush nor the federal government provide any help, and it was opined that George Bush hates beavers. \textit{See id.}

\textsuperscript{383} \textit{South Park: Grey Dawn} (Comedy Central television broadcast Nov. 5, 2003), \textit{transcript available at http://www.spscriptorium.com/ScriptGuideIndex.htm}.

\textsuperscript{384} \textit{Id.}

\textsuperscript{385} \textit{Id}. None of the senior citizen drivers are ever injured; it is only others who are hurt or killed. \textit{See id}. Hence, the plot depicts the libertarian situation where an individual exercising her right harms another. \textit{Id.}

\textsuperscript{386} “I’ll be God-damned if [the government] think[s it] can take my license away!” \textit{Id.}

\textsuperscript{387} This is after a failed military coup by AARP reinforcements—who, while old, are physically and mentally fit—and a rescue by the children who close down Country Kitchen Buffet, thus eliminating the seniors’ food source. \textit{See id.}
that it can both honor the rights of safe senior drivers and prevent physical harm to others by, for example, re-testing drivers (and allowing safe drivers, whatever their age, to keep their licenses) and relying on seniors to “know when to stop driving so [they] don’t put the responsibility on [their] families.”

*South Park* further demonstrates these limits to libertarian ideology when the North American Man/Boy Love Association comes to town. Libertarians do not support NAMBLA as an expression of sexual choice, but denounce it as a non-consensual sexual encounter. In other words, NAMBLA does not involve a situation where the law must stay out of the private lives of men, but one where the law must step in to protect children from being sexually assaulted (a violation of their rights). This is the message conveyed by *South Park*.

At the conclusion of the episode, law enforcement officers are taking the NAMBLA members into custody. The NAMBLA leader begins a monologue that, under other circumstances, would seem to espouse libertarian values:

> Our forefathers came to this country because . . . they believed in an idea. An idea called “freedom.” They wanted to live in a place where a group couldn’t be prosecuted for their beliefs. Where a person can live the way he chooses to live. You see us as being perverted because we’re different from you . . . [a]nd sometimes it’s easier to persecute than to understand.

Kyle interjects, zeroing in on the flaw in this man’s reasoning:

*Kyle:* Dude. You have sex with children.

*Stan:* Yeah. You know, we believe in equality for everybody, and tolerance, and all that gay stuff, but dude, fuck you.

*Kyle:* Seriously.

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388. *Id.* There is obvious disdain for the paternalism Randy shows toward his father: “We’re not treating you like children Dad. All right? Now I think you owe Mr. Police Officer an apology. Who needs to apologize, hm? Who’s a sorry-sorry?” *Id.* To this, Grandpa Marsh replies, “Kiss my sagging ass!” *Id.*


392. *Id.*
V. CONCLUSION

Be it through late night comedies or daytime judge shows, television plays a role in shaping our legal culture. As evidenced here, even “non-legal,” “non-serious” programs like South Park frame issues of legal regulation and advance ideologies of law. Indeed, South Park’s brilliant use of satire enables it to go straight to the heart of culture’s most contentious issues—gay marriage, the right to die, restrictions of freedom in the name of homeland security, and so on—and address them in a sophisticated, nuanced way. Moreover, it consistently approaches law and governmental regulation from a libertarian perspective, all the while engaging audiences in the process. Indeed, it is not so much that South Park tells us what to think of a given issue than it shapes how we think through issues. Consequently, though this ideology is expressed by potty-mounted children in a cartoon world, it provides a philosophical and intellectual foundation for how we think and talk about law. Ultimately, the presentation of this ideology can impact beliefs about the way the legal system should operate and shape attitudes about the purpose of law and its authority (or as Cartman would say, “authoritay”) to regulate our private lives.