



*WOMEN
ON TRIAL
IN FILM*



*Framing
Female
Lawyers*

CYNTHIA LUCIA

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*To my mother,
Minna Kliebenstein,
for her strength,
generosity,
and love*

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INTRODUCTION

In the 1949 film *Adam's Rib*, often classified as a screwball comedy, assistant district attorney Adam Bonner (Spencer Tracy), surprisingly finds his wife opposing him in the courtroom. Defending a woman accused of assaulting her unfaithful husband, attorney Amanda Bonner (Katharine Hepburn) attempts to reread and reshape the law to reflect progressive values, part of the postwar discourse surrounding the "New Woman."¹ Although he considers himself to hold these same values, Adam regards his wife's actions as an assault upon law and, by extension, a challenge to himself. Defensive and significantly weakened in the face of Amanda's courtroom strategies, Adam lectures his wife in no uncertain terms: "Contempt for the law, that's what you've got. It's a disease, a spreading disease. . . . The law is the law. . . . You start with one law, then pretty soon it's all laws, pretty soon it's everything; then it's me."

Simply by virtue of her status as a politically progressive career woman in post-World War II America, Amanda poses a threat that filters beyond the public arena and into the private sphere, a dichotomy strongly inscribed in American legal discourse and ideology since the Constitution and only lately challenged. Taking center stage against her husband in the space traditionally designated as *his*, Amanda's actions threaten Adam's potency both in the courtroom and in the bedroom, it seems, resulting in the temporary breakup of their marriage. Amanda destabilizes her designated space within the private sphere of the home directly as a result of her successful performance in the public theater of the courtroom.

Yet the danger Amanda poses ultimately *is* contained. Although she challenges the jury and the film audience to question basic assumptions about justice and gender—asking the jury to imagine the accused woman as a *man* defending *his* home and the *husband* as an unfaithful wife whose actions threaten family stability—she nevertheless argues in terms of traditional family ideology: "An unwritten law stands back of a man who fights to defend his home. Apply this same law to this maltreated wife and neglected woman—we ask you no more—equality." After winning in the courtroom, however,

- 2 Amanda comes to understand and regret her miscalculation in terms of her *own* marriage. During a meeting with their accountant to divide their taxable receipts, she and Adam eventually do reconcile, the family thus reconstituted under the power of property and tax law.

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Adam even manages to nullify Amanda's powerful courtroom argument in a comic scene during their separation, when he jealously interrupts what he believes to be a romantic liaison between Amanda and one of their neighbors. Bursting into the apartment, (licorice) gun in hand, Adam tricks Amanda into reacting. "You have no right," she shouts, thus admitting the ethical fallacy upon which her rational courtroom argument had been constructed. Amanda's sense of accomplishment in her courtroom victory is tempered further by a nagging discomfort and guilt arising from her husband's courtroom defeat. She has since learned only to *joke* about opposing him in an election for county court judgeship.

The threat has been contained, but with something of a difference. *Adam's Rib* simultaneously reflects anxieties about the post-World War II New Woman but also mediates an uneasy acceptance of this new state of affairs. The film spectator is encouraged to agree with Adam when he pronounces his wife a threat to the law and by extension to their marriage, yet the viewer also is allowed to recognize, if only for a moment, the validity of Amanda's courtroom argument. In contemporary films representing female lawyers, the case has become somewhat more complicated.

Although films involving female lawyers appeared in American film as early as the 1920s, more than twenty appeared once again in the decade from the mid-1980s through the mid-1990s, the period that is the focus of this study.² Beginning with two early 1980s comedies—*Seems Like Old Times* (1980) and *First Monday in October* (1981)—the female lawyer film has taken on relatively consistent codes of theme, structure, and representation, particularly following the 1985 release of *Jagged Edge*. In many respects, *Jagged Edge* establishes the tone for a majority of female lawyer films to follow, both in its representation of the female lawyer and in its hybrid status, merging, in this case, the courtroom drama with the psychological thriller and aspects of the maternal melodrama.

Produced in rapid succession, female lawyer films are simple in narrative form, encouraging critics, on first viewing, to regard them as Hollywood fluff or formula, in much the way B-movies and women's

films of the past were dismissed as inferior productions or “weepies” by their contemporary critics. Beneath the simple form of the female lawyer film, however, lie two revealing oppositional tendencies. One is the popularly held idealized vision of law—that the law is a stable, immutable force beyond the reach of transitory political and cultural influences. This notion becomes complicated by a second factor—the political and cultural context registering a troubled or uneasy acceptance of women in law. Together, these two conditions create some difficulty in resolving the “problem” of women in law.

As we consider the body of 1980s and 1990s female lawyer films, two intertwining questions arise: why does the 1980s become the decade giving rise to so many female lawyer films, and why is law the chosen profession for a clear majority of Hollywood’s female protagonists of the period?³ In partial answer to both questions, it is important to note another oppositional tendency in films featuring female lawyers. While these films powerfully mediate what many film critics and historians have identified as an “antifeminism” pervasive in Hollywood films of the period, they also register a “crisis of masculinity” many see at the core of this antifeminism. Film historian Robert Sklar rightfully points out that “the nature of masculinity is to be in crisis,” going on to observe, however, that “in the 1980s traditional notions of maleness appeared to be under particularly severe challenge in the United States” (Sklar 1994, 345). In the female lawyer film this crisis reaches beyond anxieties concerning simple “maleness” as a performative expression of gender identity to a more deeply rooted cultural *crisis of patriarchy*—one that spills over from the 1980s and into the 1990s.

Films focusing on female lawyers provide unusually fertile ground for exploring a patriarchy in crisis, for with law at the core of contention, patriarchy itself is called to question. Yet, in keeping with the ideological limitations often dubbed as “Hollywood liberalism,” in which films appearing to mount an ideological critique often end up supporting the very systems they call into question, the figure of the female lawyer often is positioned to deflect the very analysis of patriarchal power her existence would seem to prompt. In foregrounding the status of the female lawyer, these films displace overt interrogation of patriarchal power and its uses, by placing the female lawyer on trial, interrogating *her* role as woman and as lawyer.

Ostensibly feminist in their very positioning of a female lawyer

4 as protagonist, films of the 1980s and 1990s paradoxically reveal her failure in “measuring up” to the liberalism the films themselves superficially adopt. The liberal, feminist political façade of the female lawyer film often crumbles to expose deeply conservative, antifeminist underpinnings, the films thus becoming symptomatic of the very crisis they wish to submerge—but not without revealing subtle and telling contradictions.

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Hollywood Trends and the Female Lawyer Film

While the overall number of films featuring female protagonists in the 1970s and 1980s represents a small fraction of the total number of films produced in Hollywood during that period, the second half of the 1970s saw a number of films addressing women's issues, among them: *Alice Doesn't Live Here Anymore* (1974), *An Unmarried Woman* (1977), *Julia* (1977), *The Turning Point* (1977), *Coming Home* (1978), *Girlfriends* (1978), and *Norma Rae* (1979). Growing out of laissez-faire attitudes toward both industrial takeovers and enforcement of the Paramount ruling,⁴ as well as a new emphasis on “synergy,”⁵ demands for increased production and greater variety arose in Hollywood of the 1980s (Sklar 1994, 339–341). So, too, was there a carryover from the interest of the mid-1970s in strong female protagonists—at that time a response to the general visibility and consciousness-raising efforts of the women's movement. Yet, while a film like *An Unmarried Woman* met with moderate box office success, it also revealed the limitations of Hollywood feminism, which, as film scholars Michael Ryan and Douglas Kellner explain, “expunges all radicalism from feminism and repackages it as a ‘new woman’ or ‘corporate’ feminism which equated liberation from patriarchy with enlistment in its ranks” (Ryan and Kellner 1988, 144), a pattern at the core of many female lawyer films to follow.

At the same time as the industry felt a need to create “interesting” roles for women in the mid-1970s, it also cracked open its door, though ever so slightly, to women directors. These filmmakers (including Elaine May, Joan Micklin Silver, and Barbara Loden), however, often were assigned “women's projects,” which they considered both limiting and expressive of a male-dominated industry that held onto stereotypical notions about the interests and capacities of female di-

rectors (Hillier 1994, 124). Moreover, with the notable exceptions of Sherry Lansing and Dawn Steel, two powerful producers in the 1980s and early 1990s, neither of whom were strongly committed to feminist projects,⁶ women in the industry generally held middle-management positions without the power to “green light” proposed projects and with few rising to positions of genuine power (Hillier 1994, 122). At the same time, however, the industry recognized the box office potential of an unusual group of talented and powerful female stars of the period, some of whom were overtly political, others of whom were perceived as “strong women” helping to shape the roles they played. Among these women were actors who eventually would take on roles as female lawyers: Jill Clayburgh, Glenn Close, Debra Winger, Ellen Barkin, Cher, Jessica Lange, Barbara Hershey, Susan Sarandon, and Michele Pfeiffer—as well as those who have yet to play female lawyers: Meryl Streep, Sigourney Weaver, and Geena Davis.

Given the pressure for variety, for quick turnover of product, and for stronger female roles, yet the reluctance to allow female directors, producers, and actors the autonomy to develop their own projects, Hollywood began repackaging successful genres of the past with the new twist of a female lead. The 1980s and 1990s saw the production of the female sci-fi action film, with the *Alien* and *Terminator* series, among others; the reappearance of westerns, now featuring female leads in *The Ballad of Little Jo* (1993), *Bad Girls* (1994), and *Buffalo Girls* (1995); the appearance of the female “buddy” film, with *Thelma and Louise* (1991), or the female-male buddy film, with *The Pelican Brief* (1993), *Speed* (1994), and *Fair Game* (1994). Female cops appeared on the scene with *Blue Steel* (1990), and female FBI agents with *Black Widow* (1987) and *The Silence of the Lambs* (1991).

The numbers of female lawyer films that were produced, in part, grew out of this recycling trend and from the synergistic influence of television shows featuring female lawyers as central characters.⁷ It is important to note, however, that many female lawyer films are genre hybrids involving more than simple replacement of a male lead with a female lead. *The Pelican Brief*, for instance, combines elements of the thriller and buddy film with the female lawyer film (technically, the female lead is a law student), just as *Adam’s Rib* had earlier combined elements of the screwball comedy and courtroom drama. In the 1980s the classic male lawyer formula, often incorporating elements of the courtroom drama, supplied serious female actors with substan-

6 tial roles. On the surface, then, the female lawyer film answered a feminist call for women in professional, nontraditional roles. And while the films did not command box office earnings as high as those of 1990s male lawyer films to follow or of dual-focus films involving both male and female lawyers, films of the 1980s and 1990s featuring female lawyers as protagonists earned solid box office receipts, with a few exceptions.⁸

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But in Hollywood's attempt to create interesting roles for women, whether in recycled genre films or nongenre projects, "interesting" has been defined in the context of a male-dominated industry and, in the mid-1980s, was further defined within a context of New Right "backlash" attitudes toward the women's movement of the 1970s and early 1980s, leading film scholar Robin Wood to observe that "the precariousness of what was achieved in the 70s can be gauged from the ease with which it had been overthrown in the 80s" (Wood 1986, 206).

A brief look at three modestly successful films of the decade illustrates the antifeminist stance growing out of these conditions. *Ordinary People* (1980), *Fatal Attraction* (1987), and *Broadcast News* (1987), like many other films of the period—in their respective focus on family, female sexuality, and independent professional women—display a thin veneer of liberalism that barely covers reactionary underpinnings. Each one reflects a concern central to the female lawyer films of the decade: *Ordinary People* examines the woman as mother; *Fatal Attraction* links aggressive, pathological sexuality with career autonomy; and *Broadcast News* pits the female protagonist's professional competence and accomplishments against her desire for personal fulfillment. Very much like male-centered 1980s films devoted to the "restoration of the father," as Wood describes this tendency in the *Star Wars* and *Indiana Jones* series (Wood 1986, 174), and as Susan Jeffords describes it in the *Back to the Future* series (Jeffords 1994, 67–69), the female-centered films of the 1980s undermine their female characters in order to restore the father to his "rightful" place—be it within the context of family or within the symbolic context of phallogentric institutions where patriarchal authority must be stabilized. Heralding the coming of the Reagan era, a film like *Kramer vs. Kramer* (1979), for instance, suggests, as Ryan and Kellner observe, that "a man can both mother and work successfully. The question it poses implicitly is 'Why can't a woman do the

same?" (Ryan and Kellner 1988, 159). Several female lawyer films 7
pose nearly the same question.

Beyond their frequent failure as mothers, career women in 1980s *Introduction*
films are represented as professionally inadequate, either blurring the lines of ethical and legal conduct when carrying out their work, or adhering too rigidly or obsessively to ethical principles, as does Jane (Holly Hunter), who, in *Broadcast News*, is forced to choose between a professional defense of ethical journalistic practice, on the one hand, or personal happiness on the other—with no sense that as a female professional she can hope to attain both. As Elayne Rapping points out, films like *Broadcast News*, by focusing ostensibly on journalistic or other public issues, “submerge reactionary attitudes toward women in narratives that hang on the resolution of some other matter entirely, one posed as more weighty than mere matters of wedding and bedding” (Rapping 1989, 6). Among the other films that Rapping places in this category are *The Good Mother* (1988) and *Running on Empty* (1988), which assume a woman’s right to “any number of good and important things” but then “proceed to undermine their heroines’ rights to equality, dignity, justice, meaningful work, and sexual fulfillment, anyway, and to imply, yet again, that marriage and family are women’s best hopes.” Rapping suggests that this more subtle approach, one taken up by many female lawyer films of the period, is “more demeaning and dangerous than the more blatant anti-feminism of the day” (Rapping 1989, 6).

A more overt antifeminism expresses itself in *Ordinary People* and *Fatal Attraction*. A cold, unloving mother is shown to be at least partially responsible for her son’s suicidal tendencies in *Ordinary People*, and her expulsion from the family makes possible a hopeful ending in which the warm and loving father can nurture his son back to health and stability, illustrating Wood’s observation that “the mother becomes superfluous to Oedipal/patriarchal concerns, a mere burdensome redundancy” (Wood 1986, 173). And *Fatal Attraction*’s independent professional woman takes on qualities of a horror film monster—refusing to die, even after suffering repeated stabbings. It is the “good mother” (Anne Archer), a full-time suburban housewife, who finally has the power to eliminate this sexually transgressive woman threatening to destabilize the middle-class family. In its cautionary tone and absence of irony, the final moments of this film support its Reagan-era ideology: although the father transgresses in his

8 brief affair, his “rightful” role as head of household is restored and his own brutality in expelling this “other woman” in support of family is legitimized. Like *Fatal Attraction*, a number of female lawyer films
Framing imply, at their core, that women threaten the patriarchal order, and
Female for that they must be punished.
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New Right Demands on Real and Reel Female Lawyers

The consistent production of so many female lawyer films, beginning in the mid-1980s when the Reagan New Right had firmly established itself, suggests something more, then, than a Hollywood need to satisfy demands for “progressive” representations of women in powerful, professional roles. It seems no coincidence that the bulk of these films either were produced or were in the works during the Reagan-Bush administrations, which established an agenda of containment around feminist issues, devoting verbal support to women’s rights while undermining women through legislative activity and attitudes touting “family values.” If anything, this group of films, like others of the period, reflects the New Right approach to women’s and minority issues—a superficial proclaiming of support, sometimes even displaying rare individual success stories to exhibit a forward-thinking position on such issues, meanwhile a forging of policies to undermine genuine empowerment of such groups.

In her book *Women Lawyers: Rewriting the Rules*, political scientist and lawyer Mona Harrington frames the highly charged issue of women in law in the 1980s and 1990s within the debate around multiculturalism and conservative resistance to multicultural demands, citing the 1992 Republican National Convention as the moment “when speakers . . . openly declared a cultural war on groups seeking social change—feminists, homosexuals, single parents, working mothers, and obstreperous racial minorities” (Harrington 1994, 5). Similar tensions inform the majority of female lawyer films, yet these films carefully conceal, or perhaps remain unconscious of, their own underlying reactionary attitudes. As if the organizers of the 1996 Republican National Convention had seen a few too many female lawyer films, all energies were poured into constructing a façade of acceptance, most notably in choosing a woman, Representative Susan Molanari of New York, as keynote speaker. While her presence painted

the Republican Party as inclusive and supportive of women's issues, her message served only to reinforce the New Right agenda, with repeated references to home, family, and her central role as mother. Invoking the values held by three generations of her own family, she concluded with an image of rocking her daughter to sleep and wondering "what her life is going to be like" (Molanari 1996, A18). In this case, the very public conservative politician consistently represented herself as inhabiting the private sphere of the home almost exclusively, conforming to the ideal of the "New Traditional Woman," a concept arising from the pro-family movement of the 1970s.⁹

In their similar need to adopt a superficially liberal or accepting stance, female lawyer films mediate deeply rooted contradictions within the politics of patriarchy and its response to feminism—contradictions evident not only within a Republican "New Right," as represented by Reagan and Bush, but also within the politics of Democratic presidents Carter and, later, Clinton, as well as some branches of feminism itself.¹⁰ Like Amanda Bonner in *Adam's Rib* and former congresswoman Susan Molanari, the female lawyer, in both contemporary film and culture, occupies a rather conflicted position. O. J. Simpson prosecutor Marcia Clark, who was forced to undergo a transformation to make her more juror- and media-friendly, is one notable real-life example. The "packaging" of Marcia Clark by jury consultants included their advice that she speak about "domestic themes" to the press—"themes like grocery shopping and children . . . crucial tools in the makeover and motherization of Marcia Clark," which one consultant felt necessary, "since both male and female jurors are put off by tough female lawyers." Another consultant said of Clark, "She took to heart what the research has shown: that she's coming across as too hard, too cold" (Margolick 1994, A10). During the 1992 presidential campaign, another female lawyer, Hillary Rodham Clinton, came under severe attack as a woman for whom professional ambitions appeared to eclipse household concerns, forcing her, like Clark, to construct a more domestic image in the media, extending to her taking on the surname of her husband. The female lawyer may have the power to operate within the legal arena, yet her success, it seems, is contingent upon her declaiming a stronger desire for fulfillment in the private sphere of home and family.

A brief look at the political climate surrounding debates on the Equal Rights Amendment (ERA), from its 1972 passage in Congress

10 through its ultimate failure to achieve ratification in 1982—and its relationship to similar debates involving women's rights in the immediate post–World War II era, to be treated in the section that follows—sheds light on the cultural contradictions resulting in such paradoxical representations. While the ERA passed by an overwhelming majority in the 1972 Congress and won ratification in thirty-two states within a year, the amendment was three states short of adoption when its ratification deadline passed in June 1982. Largely as a result of efforts by the New Right and the religious right, the amendment was defeated. Rebecca Klatch examines the attitudes of both groups, who felt confirmed in their belief that American society was sinking into chaos and moral decay as a result of the 1960s civil rights and antiwar movements, the sexual revolution, and the drug cult (Klatch 1995, 259–260). The New Right believed that at the core of this social rebellion and political dissent was an attack on its most sacred institution—the family. Central also to the disintegration of the family, from the perspective of the New Right, were the increasing numbers of women—especially wives and mothers—working outside the home, giving rise to “a new emphasis on self” and the “ushering in of the Me Decade of the 1970s” (Klatch 1995, 261). Such perceptions, according to Klatch, supplied ammunition for New Right attacks on women who wanted guarantees the ERA provided, for these guarantees were seen as simply one more expression of self before others, tearing away at the social fabric of American life.¹¹ From a speech that hauntingly echoes Spencer Tracy's lines in *Adam's Rib*, Klatch quotes a local pro-family activist who proclaimed, “The libbers want to abolish the family. . . . But the family is the basis of everything. It is the foundation of our society; if that crumbles, everything else goes” (Klatch 1995, 262). New Right anti-ERA activists Phyllis Schlafly and Paul Weyrich organized their opposition through an attack upon gay rights and upon diverse definitions of family, arguing that such “perverse” thinking “has resulted in people trying to pass off as legitimate families, illegitimate lifestyles” (Klatch 1995, 263).

Intertwined with the conservative defense of the traditional family was a strongly inscribed public/private division, except when a redefining of the private sphere was seen to undermine the conservative agenda. The New Right further attacked feminists and the ERA on the basis that they were seen to devalue and challenge the

right of women who wished to remain at home to care for their children. Fueled by opposition to the 1973 *Roe v. Wade* ruling, the New Right painted a picture of ERA supporters and feminists as women who would stop at nothing less than “infanticide” in attempting to achieve self-actualization (Klatch 1995, 265–270). The New Right found even firmer ground for opposing the ERA by claiming that the ERA translated into Big Government.

These New Right arguments prevailed in the battle to defeat the ERA, and such arguments, circulating in the early 1980s and beyond, inform female lawyer narratives, in spite of the ostensibly liberal political position adopted by many of the films. Exploring similar limitations of liberalism with regard to feminist issues, political scientist Zillah Eisenstein interprets President Carter’s 1979 firing of Bella Abzug as co-chair of the National Advisory Committee on Women, for instance, as his attempt “to demobilize the radical faction of the liberal feminist movement” (Eisenstein 1984, 24). Eisenstein further suggests that “Abzug’s dismissal was an effort by Carter to legitimize further the narrow legalistic interpretation of the ERA, rather than the broader view that connects women’s rights to questions of the economy, abortion, and homosexuality” (Eisenstein 1984, 25).¹²

Writing during Reagan’s presidency and referencing his appointment of Sandra Day O’Connor as the first woman justice of the Supreme Court, Eisenstein further analyzes the failure of the ERA as symptomatic of a political atmosphere that attempts to both profit from and undermine feminist issues, pointing out that while Carter passively supported the ERA, Reagan claimed to oppose the amendment but to support equal rights: “Reagan argues that the amendment would be harmful to women because it will treat men and women as though they were the same (equal?). On the other hand, the appointment of O’Connor was supposed to prove that a woman is free to be anything she wants to be. All women need is freedom of choice—not equality” (Eisenstein 1984, 131–132). Eisenstein’s reading suggests an atmosphere ripe for the emergence of the female lawyer film and, in many ways, illustrates the underlying political thrust of such films. Reagan envisioned using O’Connor, a female judge, to advance his conservative agenda and strengthen the patriarchal status quo, yet, in so doing, *appeared* to support women’s rights. Further ironies emerge in light of the discrimination that O’Connor herself experienced as a young lawyer who found that major firms were willing to hire her

12 only as a legal secretary, despite her outstanding record at Stanford Law School (Rhode 1989, 55).

Framing In 1981, the very year of O'Connor's nomination to the Court,
Female *First Monday in October* appeared, a film centered upon the first
Lawyers female nominee to the Supreme Court. *First Monday in October* displays its narrative premise as liberal and forward-thinking, yet gradually reveals its own underlying conservatism. Not unlike O'Connor, the film's Supreme Court justice may be the first woman to serve on the Court, but as a conservative she seems dedicated to protecting the patriarchal foundations of that institution.

"Placing" the Female Lawyer: Perceptions of Law and Difference

If law is "a paradigm of maleness," as feminist legal theorist Janet Rifkin argues (Rifkin 1993, 412), then the female lawyer film is a site where cultural attitudes about women, patriarchy, and the power of law converge. The female lawyer film, moreover, strongly registers the anxieties arising when law, patriarchy, and the Lacanian word of the father collide with demands of the feminist agenda.¹³ While these anxieties both feed upon and strengthen each other, they inadvertently pose questions about the validity of both the idealized notion of law generally held in our culture and the assumption that women in law act as a destabilizing force.

When Adam Bonner bluntly proclaims that "the law is the law" in *Adam's Rib*, he gives voice to this idealized assumption: namely, that law and the legal process, as guided by the U.S. Constitution, are more or less infallible, with a system of checks and balances ensuring that truth will prevail and justice will be served. As law professor and civil rights attorney David Kairys points out, law is popularly thought of and represented as "separate from—and 'above' politics, economics, culture, and the values or preferences of judges" (Kairys 1990, 1). This idealized model was long ago exposed as false by the school of jurisprudence known as legal realism and later by the Critical Legal Studies (CLS) movement,¹⁴ yet the debate remains generally limited to legal theory courses and law journals. If such commentary does enter mainstream discourse, as Kairys observes, it tends to occur only in terms of perceived "aberrant" instances of the court's having failed to align law with justice, thus ultimately reinforcing idealized

assumptions about the law (Kairys 1990, 2). Such perceptions of law's legitimacy become crucial to the system's self-perpetuation. 13

Implicit within the idealized assumption is the notion that law needs little or no changing, that those alterations brought about by marginalized groups do, by definition, destabilize the system, and that those groups unused to wielding the power of the law inevitably will abuse and misuse that power, as Adam Bonner's lecture to his wife implies. Such groups ultimately will corrupt the finely tuned legal process that has been and continues to be "perfected" by lawmakers and guardians of the process—historically, white heterosexual males who have sculpted a system to best serve their needs and to maintain their fundamental power within the culture: "You start with one law then pretty soon it's all laws, pretty soon it's everything; then it's me." Like *Adam's Rib*, the contemporary female lawyer film generally accepts and promotes these assumptions, which necessarily work hand in hand to undermine the position of the female lawyer. Yet, in their (unconscious) attempts to do so, the films sometimes get caught up in complex cultural codes and contradictions, leading to uneasy resolutions in which the idealized sheen of the law may, in fact, be tarnished. Introduction

Extending from the fundamental public/private dichotomy built into the law are networks of gendered binaries or dualities—man/woman, reason/emotion, culture/nature, objectivity/subjectivity—that are so naturalized they come to structure law itself, thus supporting, reinforcing, and perpetuating the male paradigm that constitutes law, as Eisenstein has pointed out (Eisenstein 1988, 43). Rooted deeply in the patriarchal structure of Western religions, the sense of a natural order involving gender roles finds historical substantiation in U.S. Supreme Court decisions mobilizing notions of difference to support the public/private binary, thus ensuring that the public arena be reserved primarily for men.

The Court's 1873 decision in *Bradwell v. Illinois*, for instance, supports the State of Illinois' refusal to admit Myra Bradwell to the Illinois Bar. In his opinion, Justice Joseph Bradley expresses an especially strong need to designate the proper place for this woman, stating that "civil law as well as nature itself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is or should be woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female

14 sex evidently unfits it for many of the occupations of civil life" (Taub and Schneider 1990, 163). Bradley's words seem chosen not only to render an opinion but also to instruct and castigate Bradwell herself—a mother of four, founder of the weekly *Chicago Legal News*, and an outspoken activist both in the suffrage movement and in the fight to remove "women's legal disabilities" in state legislation, as law professors Nadine Taub and Elizabeth M. Schneider point out (Taub and Schneider 1990, 161). A year later, Belva Lockwood was rejected by a number of law schools to which she applied "on the stated ground that women lacked the 'mentality' for legal study or would 'distract the attention of young men,'" according to feminist legal scholar Deborah Rhode (Rhode 1989, 21). Lockwood further encountered rejection by the Virginia Bar Association, after finally having gained admission to the National Law School, where she successfully completed her studies. The Virginia Supreme Court determined that "she was not a 'person' within the meaning of the state bar licensing statute" (Rhode 1989, 21). A similar reliance on difference was mobilized to support numerous disadvantages based on gender in the nineteenth and early twentieth centuries (Rhode 1989, 24)—a condition all too apparent when tracing the historical trajectory of women in law.

Only five women were practicing law in the United States in 1870, growing to barely more than a thousand at the turn of the century, with only twenty states allowing women to practice (Rhode 1989, 23). By 1930 approximately 3,385 women held law degrees in the United States, at that time only 2 percent of the national bar, while women accounted for over 23 percent of the total workforce (Sheffield 1993, 74). As one of the preeminent law schools in the nation, Harvard, until 1950, "remained inviolate" (Rhode 1989, 23). Women comprised less than 4 percent of the legal profession in the 1950s and 1960s, yet by 1975 women accounted for 25 percent of law students in the United States (Harrington 1994, 15). By the mid-1980s women comprised over a third of law students (Sheffield 1993, 95), a figure rising to nearly 50 percent by 1990 (Harrington 1994, 15), and in 2001, exceeding 50 percent (Carter 2002, 31). Indicative of popular attitudes in that same year, however, attorney Betty Ann Waters received significant media attention as a high school dropout, who, motivated by the murder conviction of her brother, not only pursued a law degree but also a teaching degree first so that she could finance

her law school education and support her three children as a divorced parent. Upon discovering new DNA evidence and winning her brother's release, Waters was praised by the press in sentimentalized stories emphasizing her persistence in the name of family loyalty and love rather than in terms of her professional aptitude as a lawyer. Not surprisingly, her story is the subject of a movie under production, slated to star Naomi Watts.

Such perceptions and statistics are usefully traced through earlier popular discourse, beginning with post-World War II attitudes concerning the "new," independent career woman, which sparked both anxiety and altered outlooks. Rooted in many of the same traditional beliefs mobilized to prevent women from entering law at the turn of the century, postwar propaganda cautioned women contemplating careers that broken marriages and the juvenile delinquency of neglected children could result. Many working women of the period were strongly encouraged to retreat to the security and normalcy of the clean, sunlit kitchen, though as Elaine Tyler May points out, the numbers of women working actually expanded, "providing a potential alternative to early marriage and child rearing" (May 1988, 155). At the same time, "the continuing anxiety surrounding women's changing sexual and economic roles helps explain the unprecedented rush into family life and the baby boom of the postwar era" (May 1989, 167). This anxiety surrounding working women was, in part, connected to Cold War ideology, "since an essential ingredient in winning the cold war was presumably the rearing of strong and able offspring" (May 1989, 157). Film noir mediated this ideology with messages of caution that conveyed a mixture of fear and anxiety with regard to "treacherous" independent women. Such women were a particular source of tension, according to May, since it was thought that "outside the home, they would yield a dangerous, destructive force" (May 1989, 165).

In the 1980s and 1990s, despite some harrowing film portraits of independent career women gone berserk, *Fatal Attraction*-style, professional and working women did not retreat to the kitchen in great numbers, yet were pressured nevertheless to uphold "family values"—to live heterosexual, child-centered lives upon returning home from a day at the office. And the mainstream media, particularly women's magazines, instilled more than a small share of anxiety should women fail to achieve such a balance. Echoing 1940s

16 wartime government pamphlets and women's magazines—in which the woman working for the war effort was told that “in her new independence she must not lose her humanness as a woman” (May 1989, 68)—1980s women's magazines constructed and valorized the “superwoman,” cheering women on for achieving workplace ambitions while admonishing that business success should not hamper their roles as supermoms and wives. As in the 1940s, magazines of the 1980s instilled a sense of guilt rooted in inadequacy, now with an intensified emphasis on the body. The implicit message delivered was that career success for women could largely (or perhaps only) be attained through a woman's appearing and feeling both feminine and attractive. In her popular 1991 book, *The Beauty Myth: How Images of Beauty Are Used against Women*, Naomi Wolf argues that such discourse became a means of containing female empowerment, a condition especially evident in the case of high-profile female lawyers, for whom image and representation become sites of struggle where these tensions play themselves out.

Framing
Female
Lawyers

The result of Marcia Clark's “remaking,” as earlier noted, not only included her scripted comments to the press, designed to “motherize” Clark and erase any trace of gender-role ambiguity, but also involved her “performance” of femininity. Adopting the gestures and behaviors defined by our culture as unambiguously feminine and “girlish,” Clark became less overtly threatening to the phallogocentric institutions of law and the media—and, by extension, to the public, it would seem. Rather than appearing “grim, humorless, even angry . . . she smiled often, and incandescently. She laughed, even giggled, repeatedly. She rolled her eyes, cocked her head and shrugged her shoulders” (Margolick 1994, A10). The male journalist writing this article for the *New York Times* certainly notices the minute details of female gender performance, but in his failure to recognize, let alone analyze, the source of public anxiety shaping the “Remaking of the Simpson Prosecutor,” he tacitly implies that Clark was, thankfully, now on track.

Leslie Abramson, attorney in the Erik Menendez case, was described in the mid-1990s as a “ferocious fist-pounder” (Foote and Hancock 1996, 66). Conversely, she was also frequently cast along stereotypical gender lines as ferociously protective and maternal in relationship to her youthful client, accused, along with his brother, of murdering his parents. While her “packaging” received less sus-

tained media attention than did Clark's, one article appearing in *Time* reported public speculation that she had undergone a face lift, only to reveal that a subtle change in hairstyle had prompted the erroneous conclusion. The new hairstyle was suggested by television camera people who encouraged her to make the change during her stint as O. J. analyst on ABC, though she admitted preferring her hair "its usual, old way." Accompanying a blurb on Abramson's "littlest makeover," as the title announces, are "before" and "after" photos, inviting the reader to scrutinize Abramson entirely in terms of her physical attractiveness (*Time* 1995, 76).

Those female lawyer films in which the women never quite do get "on track," as Clark and Abramson did in real life, mobilize their own mechanisms of containment, usually in the form of misogyny, either subtle or overt. Often when the female lawyer fails to become sufficiently "motherized" or "feminized"—that is, when she fails to submerge the potential threat she poses to the legal system and to the men who are most identified with that system—she suffers violence or the threat of violence, most notably in *Jagged Edge* (1985), *Suspect* (1987), *Physical Evidence* (1988), *Defenseless* (1991), *The Pelican Brief* (1993), *Guilty as Sin* (1993), and *The Client* (1994). The professional and personal inadequacies of the female lawyer in film seem to both mediate historical and cultural anxieties and perhaps further elicit such anxieties, as the Marcia Clark "transformation" most notably confirms.

Beyond confronting media images that subtly communicate anxieties of inadequacy, working women from the 1980s forward have confronted the frustration of a firmly fixed glass ceiling, keeping many of them from attaining positions of genuine power within corporations and government organizations or from attaining partnerships in high-powered law firms. The statistics are numerous, but several examples concerning women in law tell the story. *Barrister Magazine* reported in 1991 that "women lawyers are far less likely to be promoted, get paid less, and express more dissatisfaction with their jobs than men," with a study of young lawyers showing that 45 percent of the men make partner, while only 18 percent of the women do (Rutledge 1991, 31). A 1995 study conducted by a panel of the American Bar Association indicated a further decline in opportunities for female lawyers, with promotion and salary rates lagging far behind those of their male counterparts, prompting one female at-

18 torney to remark that the statistics suggest “not a glass ceiling at the end, but a process that begins right off the bat” (Bernstein 1996, A9).

Framing And in 2001 the problem was perceived as “the second glass ceiling,”
Female with more women moving into law firm partnerships but not into
Lawyers positions of leadership (Carter 2002, 31). Rhode, as quoted by Carter, sees this as the “no-problem problem,” in which the appearance of gender equity perpetuates inequity, given “a lack of consensus that there are serious problems” (Carter 2002, 31).

A 1991–1992 study of career and salary advancement of New York metropolitan-area lawyers reveals how the legal establishment used inaccurate perceptions of women with children to justify gender bias in earnings. The study shows that male lawyers with children—perceived as more stable than men without children—were rewarded with increased earnings, whereas female lawyers with children were perceived as less stable and therefore penalized by a decrease in earnings, an ironically revealing circumstance in light of the efforts to motherize Marcia Clark. Actual allocation of work effort by men and women with children was found to be equal (Dixon and Seron 1992, 28). A 1995 American Bar Association study notes that “in the private sector . . . very few lawyers—1 to 4 percent—dare to take advantage of the ‘family friendly’ policies adopted by most law firms in the last decade. Those who do are tarred as not seriously committed to the law,” leading many female lawyers to feel “less willing to make extreme personal sacrifices to adapt to a work culture defined by white men” (Bernstein 1996, A9). Beyond such overt discrimination, many female lawyers experienced and continue to experience more subtle forms of exclusion “from male networks [which] reinforce the belief that women are less effective as ‘rain makers,’ lawyers who can bring in business,” a perception extending back to law schools in which “women are effectively silenced by male law students who heckle them as ‘femi-Nazis’ and overwhelmingly male faculty who ignore them” (Bernstein 1996, A9). Such conditions led feminist legal theorist Cynthia Fuchs Epstein, writing in the early 1990s, to conclude that “few women escape the contradictory pressures and expectations within the profession and outside it. These pressures and contradictions—the products of ambivalence on the part of male gatekeepers and other men and women who do not believe that women belong in the law—create ambivalence in the minds of women” (Epstein 1993, 265).

In an attempt to contain the “problem” of a potentially powerful woman mediating relationships through law and quite possibly modifying or changing the law, many female lawyer films of the 1980s and 1990s create their own mediating filter between the female lawyer and the full exercise of power within the law. Continually reminding us that patriarchy and law are inseparable, almost all female lawyer films feature patriarchal figures who possess the potency—the genuine power—to initiate the female lawyer into the structure of the law, to deny her access, or to regulate her behavior as she performs within or outside of the courtroom. These men, the films suggest, rightfully “own” the power of language and the law.

Intentionally or not, the female lawyer film has tapped into cultural anxieties concerning the continued survival and strengthening of the patriarchal network and the phallocentric institutions it supports. Typically, the films entrap the female lawyer between the word of a “good” and a “bad” father figure, both of whom compete to influence her. One measure of the female lawyer’s growing consciousness and relative proficiency, both as a lawyer and as a human being, lies in her ability to identify and align herself with the good father—generally associated with the same liberal politics the films ostensibly adopt—thus overcoming her initial failure to recognize the bad father, often associated with reactionary politics and corrupt legal practice. Yet the simplistic polarities of “good” and “bad,” as marked by the male patriarchs within the films, line up too neatly behind the equally simplistic categories of liberal and conservative.

The very presence of bad father figures within the legal institution, it would seem, exhibits a certain crisis in patriarchy, thus problematizing the apparent stability of law’s patriarchal foundation. Yet the instructive powers of the good father work to reify the female lawyer within a more “stable” patriarchy by enlisting her support. If we agree with Rifkin—who defines patriarchy as “any kind of group organization in which males hold dominant power and determine what part females shall and shall not play” (Rifkin 1993, 412)—and with feminist legal theorist Diane Polan—who adds that this organization or system “is characterized by relationships of domination and submission, superiority and inferiority, power and power-

20 lessness, based on sex" (Polan 1993, 425n)—then we can say that on an overtly narrative level the female lawyer film accepts law as patriarchal and the female lawyer as an inferior subject within that system, while simultaneously using the bad father as a means of questioning, or appearing to question, the apparent smoothness and coherence of the system. Moreover, the contradictory ideological polarities that tend to entrap the female lawyer also problematize patriarchy by sometimes unconsciously exposing its overdetermined narrative expression.

Framing
Female
Lawyers

In male lawyer films like *The Verdict*, to be discussed in Chapters 1 and 5, the presence of a male lawyer as protagonist hegemonically stitches the tears in the patriarchal fabric, since this protagonist is unproblematically aligned with justice, even as he exposes the problematics of law. The female lawyer as protagonist, however, is a destabilizing presence who frequently is shown to subvert justice through her excess—either of emotion or of rationality, in the former case subverting both law and justice, while in the latter case upholding law at the expense of justice in the law/justice binary so often inscribed within the films. At best, tears in the patriarchal fabric are merely patched over in the female lawyer film—whether at the level of narrative closure or in terms of thematic representations of law and the legal process. Such tentative patching creates varying degrees of narrative instability, with overdetermined efforts at closure actually exposing potential weaknesses in the coherent and uncomplicated image of patriarchy the films may wish to convey.

Just as Adam Bonner lectures his wife on the law in *Adam's Rib*, scenes in which men instruct women in the law further inscribe a vague sense of patriarchy in crisis, while simultaneously attempting to "paper the cracks" of that crisis, as Wood aptly expresses it, through registering a general distrust of women as lawyers (see Wood 1986, 162–188). Clearly, a multilayered paradox is at work here. By implying limited knowledge on the part of the female lawyer, such scenes attempt to recuperate the power of patriarchy through the power of the law, both of which have been challenged by her presence. In addition to scenes of literal instruction delivered by male colleagues or superiors, repeated images in which the female lawyer confronts stacks of legal documents or leather-bound legal volumes likewise evoke the patriarchal authority under which the female lawyer operates. The classic design and frequent long-shot framing of

imposing law libraries or cavernous courtrooms inscribe the law's immovable permanence. Coupled with camera movements along a vertical axis, the *mise-en-scène* further conveys a sense of phallic dominance and timeless tradition, uncritically supporting the hegemonic power of law, particularly in relationship to the female lawyer, who often stands dwarfed within the space of those legal institutions she so tentatively occupies. Such visual patterns reflect Rifkin's observation that "law, in relation to women, is seen as a measured and rational set of beliefs which at the same time asserts a mythological vision which is believed by many to present an accurate statement of the world" (Rifkin 1993, 413).

Confirming phallogentric dominance, when resolved, while simultaneously expressing an underlying sense of patriarchal crisis, the crimes typical of most female lawyer films center on the two bastions of patriarchy—the family and the legal system itself. When capable of resolving these crimes, the female lawyer restores power to the temporarily impaired patriarchy; when incapable of resolving them, she poses a threat that, in one way or another, must be neutralized. In this sense the female lawyer film enacts a subtle misogyny in its need to contain female potency, a misogyny reinforced by the conventional narrative structure of mainstream cinema, which, as feminist film scholar Kaja Silverman points out, often "is organized around a demonstration of the female character's castrated condition, a demonstration and interrogation which have as their ultimate aim the recovery of a sense of potency and wholeness for both the male character and the male viewer" (Silverman 1986, 229). In the case of the female lawyer film, a sense of recovery for the patriarchal legal system becomes a central if not fully realized aim as well.

One could argue that in adopting conventional narrative form, which places individual agency above collective agency or action, the female lawyer film further reifies its singular/"symbolic" female litigator within the dual patriarchal systems of law and of narrative, defining "success" for the female lawyer in terms of her "right" to gain access to both these systems as lawyer and as protagonist. The absence of women's collective agency within either system results from the structuring of narrative action around this individual female figure, who is surrounded and influenced by powerful men, while other female characters—typically cast as secretaries, legal assistants, or distraught clients—are relegated to the margins, revolving as satel-

22 lites around the female lawyer, herself often displaced as a satellite within the larger system of the law. Although other female characters can complicate the female lawyer's status, the lack of anything approaching a female collective serves to strengthen inscriptions of patriarchal power. In addition, this trope of "the only woman in the firm" uses the marker of "exclusivity" to reinforce the legal, professional, and narrative status quo.

Framing
Female
Lawyers

In the female lawyer film this notion of the singular woman who has gained access to the narrative and legal systems—where women traditionally have played peripheral roles—further reinforces a condition that pits gender against class and race, reflecting a similar condition in rights litigation, which involves "'claims staked within a given order of things' or 'demands for access for oneself and for 'no admittance' to others'" (Schneider 1991, 323–324), as Elizabeth Schneider, quoting Rosalind Petchesky, points out. Posed as the real threat to white male authority, the white female lawyer in film, then, subsumes issues of race, class, and ethnicity, papering over a multiplicity of cracks in the system by posing gender as the singular "problem."¹⁵ Female lawyer films, moreover, present us with a woman who has had access to material comforts, education, and technology, thus casting the challenge to patriarchy in bourgeois terms, a challenge which itself is often coded or submerged. Such exclusivity and reductionism—both operating in the law and as reflected in representations of law in the female lawyer film—mask the fact that "because the law operates in support of *both* patriarchy and capitalism, people stand in different relationships to the legal system by virtue of their sex and class positions" (Polan 1993, 420). While films about the legal process frequently pose the law versus justice binary in terms of the client's marginal economic status, that narrative strategy further masks the issue of access denied marginal groups to positions of power *within* the legal system itself.

In attempting to retrieve a more stabilized position for phallogentric power within the law, the films train their focus not on such complex issues as class but on the female lawyer and her transgressions, primarily in her having abandoned the private for the public sphere, where she finds personal pain, in exchange for dubious fulfillment. Represented as professionally inadequate and personally unfulfilled—frequently unhappy, unmarried, and without children—the female lawyer is further seen as a potentially destabilizing

force. While some female lawyers neurotically suppress their sexuality, others aggressively act upon their desires when they enter into romantic/sexual relationships with their clients, thus further compromising their effective practice of law. Interrogating the lawyer as woman first, the films suggest that, with lives so dangerously out of balance, female lawyers are interlopers who do not truly belong within the legal arena.

The problem of the female lawyer is very much like the problem of film noir women, whose ambitions and sexuality, neither molded nor restrained by marriage or children, pose a threat, "encouraging the spectator to take up a defensive position and to wish for the resolution of the [sexual] ambiguity, to put an end to the feelings of anxiety," as Pam Cook points out in her analysis of *Mildred Pierce* (Cook 1978, 78). Merging tendencies in film noir with those of the post-World War II melodrama, the more contemporary female lawyer films further register anxiety concerning maternal roles. Only four female lawyers have children, in all cases products of a troubled or broken home, with the young sons in *Jagged Edge*, *Music Box* (1990), and *I Am Sam* (2001) openly resenting their mothers' work and divided attention. Here the female lawyers' dedication to work is marked as obsessive, though that same dedication is often represented as ennobling in the classic male lawyer film, mediating in reverse, it would seem, the falsely held impressions of female and male lawyers with children expressed in the study previously cited.

In conflating representations of the film noir female with what Jackie Byars calls "the Woman Alone" of 1950s melodrama, a number of female lawyer films reinstate a stable order only when the lawyer discovers the love of a good man who neutralizes her ambitions. Tracing shifting social conditions and attitudes that helped shape representations of the Woman Alone, Byars observes that she "suffers, but does it with dignity" (Byars 1991, 76) in the 1930s and 1940s, often sacrificing her own happiness for that of her children or for higher moral values. In the 1950s, however, when many more married women were working outside the home, but when popular discourse promoted the traditional matrimonial arrangement of woman-at-home/man-at-work as the cultural ideal, the Woman Alone became "a love-starved pariah," observes Byars, quoting Marjorie Rosen (Byars 1991, 76). Her motives for working outside the home "became associated less with necessity than with moral inadequacy" (Byars 1991, 89), a

24 pattern, though somewhat modified, that nevertheless finds expression in the more recent female lawyer film.

Framing At various points throughout this study, the melodrama and film
Female noir—two powerfully resonant film groups of the postwar era that
Lawyers register the tensions of women living in patriarchy—will serve as lenses through which to view the 1980s and 1990s female lawyer film. In addition, structural conventions of the American film musical, unlikely though it may seem, will provide a useful means of understanding the narrative structure of a number of female lawyer films that invite comparison of the female lawyer to a male character, against whom she is measured and by whom she is sometimes displaced as protagonist.

Studying the Female Lawyer Film: Genre, Spectatorship, and the Law

By their very presence, women in law throw into relief the condition of women in patriarchal culture, whether in terms of female gender performance or female agency, as both are inflected and regulated by the law and conventional narrative form. The female lawyer's (in)ability to "author" versions of truth when constructing legalistic courtroom narratives inscribes her complicated position as a *woman* in law, while simultaneously exposing the sometimes precarious yet historically tenacious position of patriarchal dominance in law and in cinema. Founded on the male as author of the story and as owner of the look, both institutions rely upon male-constructed narratives and the interrogatory male gaze to serve and to perpetuate existing power structures within those institutions.

In tracing these patterns, Chapter 1 will examine at length two disparate but nevertheless informative precursors to the main body of more recent female lawyer films: George Cukor's 1949 screwball comedy *Adam's Rib* and Sidney Lumet's 1982 courtroom drama *The Verdict*, a male lawyer film that, in fascinating ways, anticipates many tropes of the female lawyer film to follow.

The implications of patriarchy and phallocentrism as defined, in part, through Jacques Lacan and understood in the context of American culture and law are issues that Chapters 2 and 3 will explore through the study of four female lawyer films of the 1990s: *Music Box* (1989), *Class Action* (1991), *The Client* (1994), and

Chapters 4 through 6 will explore the ways in which the “laws” of patriarchy and of phallogentric power converge with the “laws” of film genre, through a study of female lawyer films that “cross-pollinate” with various other genres, among them, the psychological thriller: *Jagged Edge* (1985) and *Guilty as Sin* (1993); the investigative romance: *The Big Easy* (1987), *Suspect* (1987), and *Physical Evidence* (1988); the action romance: *The Pelican Brief* (1993), *Fair Game* (1994), and *Conspiracy Theory* (1997); and the romantic comedy: *Legal Eagles* (1986), *Curly Sue* (1991), and *Other People’s Money* (1991). Female lawyer films of the 1980s and 1990s will further be considered in light of the courtroom drama, through a brief look at female lawyer films of the 1920s and 1930s and at the male lawyer film in both its classic and contemporary incarnations. Not only do conventions of the classic male lawyer film inflect female lawyer narratives, but more significantly, traces of the female lawyer film are sketched upon the canvas of contemporary male lawyer films, fracturing slightly the unified, coherent representation of the law and of unmitigated male agency within the law, as particularly evident in *Presumed Innocent* (1990), *A Few Good Men* (1992), *The Firm* (1993), *The Rainmaker* (1997), and *The Devil’s Advocate* (1998).

Genre theory and legal theory converge to uncover the patriarchal unconscious at work in both female and male lawyer films, at the same time allowing for a contemplation of the pleasures inherent in both film genre and in law. Just as our pleasure in genre, to a large degree, resides in an interplay of willing engagement with a set of relatively predictable “rules” or conventions and resistance to the limitations of these conventions, so too our pleasure in law arises from a similar interplay of engagement and resistance. Such issues will inform a discussion of spectatorship and feminist address, concerns interwoven throughout this book but explored most directly in Chapter 7 through the study of three films: *The Accused* (1989), *Love Crimes* (1992), and *Female Perversions* (1997), the latter two directed by women. All three films directly engage with feminist concerns and issues of spectatorship.

It is within this area of spectatorship that my own intense personal interest lies. In 1991, when writing a review of *Class Action*, I was struck by my contradictory responses to the film. Initially I

26 was pleased to encounter an intelligent female protagonist onscreen, surrounded, it seemed, by male colleagues aware of and comfortable with her knowledge and her status as she competently argued a point of law or confidently traversed the corridors of power. Surely this and other images of professional, independent female lawyers I remembered somewhat fuzzily from films of the 1980s presented an affirming experience. Yet, as the story of *Class Action* unfolded and I began composing the review in my mind, the film's confused politics began to perplex me. While presenting itself as politically liberal, not the least in its positioning of a female lead as an independent professional woman, the film ultimately turned against its protagonist, exposing her failure in measuring up to its own liberal politics. Through that failure the film revealed her inadequacies—both as a woman and as a lawyer.

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Tangled in this net of contradictions, I found only the most precarious of grounding as I searched for a narrative space that would allow me to align myself with this ostensibly powerful woman. Prompted by a conversation with a colleague, I began to revisit those earlier films of the 1980s, which, on second viewing, presented much the same nagging difficulty. Something beyond the frequently cited Hollywood antifeminism was operating in these films, and that something, I have come to believe, has much to do with the discourse on law and “ownership” of the law that many of these films seek to offer. Exploring the films in terms of antifeminist tendencies, I became slowly conscious of a crisis in patriarchy that they were inadvertently expressing. It is within this very contradiction that the “viewing space” I was seeking seemed to reside.

It is my hope that as the following chapters uncover such contradictions, a fruitful dialogue will emerge as feminist legal theory and feminist film theory, Critical Legal Theory and film genre theory, “speak” to each other—a dialogue richly revealing of the cultural, political, and institutional landscape in which they exist and a dialogue charged with the power to carve out additional productive “viewing spaces” within the terrain of the films we will study.

CHAPTER 1

Though separated by more than three decades, *Adam's Rib* and *The Verdict* can be viewed usefully as precursors to the contemporary female lawyer film. Both films announce, either overtly or subtextually, the problems arising when women operate in the sphere designated traditionally as male. And both films raise questions about empowering women within the legal arena—either as lawyers or as litigants—mediating those questions that circulated in more general terms around postwar discourse on the New Woman and later around debates concerning ratification of the ERA.

In framing its debate, *Adam's Rib*—a narrative of dual focus on a husband-wife team of attorneys—overtly addresses gender difference in the context of the public/private binary from which notions of difference spring, while it submerges the more covert issue of class as a factor shaping perceptions of difference. *The Verdict*—a film focused on a male lawyer with a supporting female lawyer role—overtly debates the schism between law and justice, while covertly reinforcing the idealized perception of law's ultimate legitimacy in delivering justice. In both films, as in the more contemporary female lawyer films to follow, a point of narrative instability arises when the text must, in effect, “turn against” the female lawyer, often its own protagonist, in order to position her as a threatening or ineffective figure, if only to neutralize the threat she poses in the end. The narrative point at which this reversal occurs is often obscured by layers of subtle contradiction, as are the exact motives driving such a textual transition—elements traced in this chapter.

Adam's Rib and the Discourse on Difference

Released in 1949 in the midst of the classic film noir era and on the cusp of 1950s melodrama, *Adam's Rib* reveals how the text, to some degree, turns against Amanda, implicitly and explicitly drawing upon

28 both popular and legalistic discourse on difference. In order to examine this process, we need first to consider the factors prompting Adam to pronounce his wife a threat, as he proclaims her "contempt for the law." Up until this point in the narrative, Adam Bonner, as prosecutor, has appeared relatively comfortable when sharing the courtroom with his wife Amanda, a defense attorney representing a woman who assaulted her unfaithful husband. And in openly debating cultural ambivalence concerning the liberated post-World War II "New Woman," the film diffuses anxieties more insidiously inscribed when submerged or held in abeyance, as often happens in film noir and fifties melodrama, as well as in female lawyer films of later decades.¹ With its overt topic of debate centered upon the role of women in law and as subject to law, *Adam's Rib* announces or seems to announce its politics in direct, unambiguous terms. In so doing, the film attempts to present a rational case to its audience, almost adopting the structure of argumentation we associate with the courtroom itself. Through its lighthearted tone, combined with substantive content and a mildly self-reflexive stance, the film invites its viewers to play the role of jurors deliberating the issues at hand.

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The opening title sketches of a courtroom made to look like a theater—a kind of Punch-and-Judy puppet stage—not only introduce the film as a comedy but also redouble our awareness of our own status as audience/arbiter of the performance/proceedings to follow. Title cards of a similar design appear repeatedly throughout the film, inscribed with the words "That Evening," as if to delineate the public stage of the courtroom from the private theater of the home, the space where the film's main argument increasingly takes shape, as Adam and Amanda, at first lightheartedly but with building venom and conviction, thrash out their perceptions of each day's courtroom proceedings. Yet the comic tone renders the film's rather complex arguments less threatening than is often the case in film noir. This neutralizing effect is reinforced further by the curious opening sequence in which Doris Attinger (Judy Holliday) stalks a man we later learn to be her husband, Warren (Tom Ewell). Bursting into a room as he embraces his mistress (Jean Hagen), Doris shoots frantically without bothering to take aim. This scene echoes many sequences found in film noir of the same period: a displaced character (usually male) commits a seemingly random act of violence. In its hyperbolic performance and its visual style, however, this sequence strongly departs

from noiresque motifs, the action unfolding over the lunch hour and at the end of a workday on crowded New York City streets, with high key lighting throughout.

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On the most basic narrative level, like the jury, we are asked to judge the guilt or innocence of Doris Attinger, accused of attempting to murder her husband. On a thematic level, however, we are asked to consider how guilt and innocence are to be defined in the context of a gendered legal system (our having, in fact, witnessed Doris's actions in the first place). Amanda claims that "there's lots of things a man can do, and in society's eyes it's all hunky-dory"; whereas, when a woman "does the same thing . . . she's an outcast"; moreover, "this deplorable situation [has] seep[ed] into our courts of law where women are supposed to be equal." Adam claims that if the law is bad, "the thing to do is change it, not to bust it wide open." In presenting its viewers with these overarching arguments, the film goes on to pose the several legalistic and cultural concerns that follow. It raises the question of difference in terms that are almost as thorny as such questions have become in actual legal decisions and in the subsequent theoretical debates, pondering the issue of whether equality before the law is best achieved through equal treatment or through treatment that takes difference, disadvantage, or both into account. Adam argues that "mostly, I think females get advantages," with Amanda countering that "we don't want advantages. And we don't want prejudices." Finally, *Adam's Rib* raises one of the persistent issues in postwar America: whether women can occupy the public sphere of profession and career while maintaining stability and happiness within the private sphere of the home.

The very crime at the center of the story—a woman's attempt to murder her unfaithful husband—provides the nucleus around which these issues revolve. Amanda cites the "unwritten law" that allows a man to take violent action in order to keep his home intact, while acknowledging that a woman taking similar action is not protected by the same unwritten law. In her historical overview of legal issues involving gender, Deborah Rhode cites such inequality before the law in actual instances, occurring as recently as 1969, in which "several jurisdictions recognized a complete defense to murder or manslaughter for men but not women who stumbled on their spouses having sexual intercourse with someone else" (Rhode 1989, 47). According to Adam, in the argument constructed by the film, "crime should be

30 punished, not condoned," to which Amanda adds, "if a woman commits it," with Adam countering, "if anyone commits it." Notions about femininity, masculinity, and difference, with law as mediating force, unfold in all their complexity.

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On the basis that the concept of difference supports the patriarchal structure, Zillah Eisenstein argues against it, saying that patriarchy is, in effect, "the politics of transforming biological sex to politicized gender, which prioritizes the man while making the woman different (unequal), less than, or 'other'" (Eisenstein 1984, 90). Rhode proposes that "although discourses of difference must sometimes have a place, they should begin, not end, analysis. . . . women are always already the same and different: the same in their humanity, different in their anatomy. Whichever category we privilege in our legal discourse, the other will always be waiting to disrupt it" (Rhode 1989, 82). In keeping with many other feminist legal theorists, Rhode concludes that "to pronounce women either as the same or different allows men to remain the standard of analysis" (Rhode 1989, 82). (Perhaps the very title, *Adam's Rib*, provides a clear enough indication as to how this film frames its canvas of debate.) "Reliance on 'real difference,'" Rhode points out, "has deflected attention from the process by which differences have been attributed and from groups that are underrepresented in that process. Such an approach has done more to reflect sex-based inequalities than to challenge them" (Rhode 1989, 3). Rhode thus believes that the law must transcend sameness-difference dichotomies in order to provide more than equal treatment but "woman's treatment as an equal." A means of transcending the sameness-difference framework, according to Rhode, is to consider issues of disadvantage, concerned "not with difference but with its consequences" (Rhode 1989, 82–83).

In *Adam's Rib* the institution of marriage fuels the difference debate, as it often does in melodrama, at a moment in American culture when family and woman's role in family were a subject of considerable concern. On the one hand, the Bonner marriage anticipates the mid-1980s ideal of yuppiedom: both professionals with careers in the law and unencumbered by children, Adam and Amanda live comfortably in their New York apartment and are about to make the final payment on their Connecticut farmhouse; they cook together, joke and argue issues of law together, call each other "Pinkie," and give each other back rubs, surprise gifts, and plenty of advice. Their pro-

found and playful intimacy extends even into the courtroom where, at opposite ends of the table, they purposely drop pencils in order to flirt while simultaneously retrieving them. Both Adam and Amanda, it seems, have been liberated into a marriage of complete equality, though actual legal decisions of the same period suggest that, should Adam and Amanda ever enter divorce court, their notions of equality would be subject to serious revision. All in all, however, the film represents Adam's modern marriage to a New Woman in very appealing terms to viewers of the day.

In counterpoint to the Bonners stand the Attingers, neither one a professional: she cares for the home and their three children, while he works at an apparently low-level white-collar job, after which he visits with his mistress. Beyond his "battin' [her] around" for eleven months, Doris and Warren don't seem to communicate much. She explains that she "got mad" after he had failed to come home for the fourth night in a row and shot him "like a dream—like I was watching myself but couldn't help it." When asked why Doris had shot him, Warren says, with his mistress standing at his hospital bedside, "She's crazy, plain crazy." Clearly, this somewhat more conventional matrimonial arrangement is presented as unenlightened and sorely lacking in contrast with the more economically comfortable and harmonious Bonner marriage.

The film, then, stakes its initial claim concerning women in culture and in law on the overlapping issues of difference and the public/private binary, as both have been used traditionally to define gender roles. Woman, particularly the New Woman, comes out on top at this point in the film. As in so much of American culture and its legal system, however, the film refuses the issue of social class as a possible factor inflecting the gender/law debate, choosing instead the simpler and more generalized definitions of gender difference and equality. While the film allows us to see that a clear division in social class and education separates the Bonners from the Attingers, it only implies but never analyzes the part this distinction may play in their respective levels of comfort, self-realization, and marital bliss. And as many feminist legal theorists have pointed out, this more simplistic gender binary leads to more subtle and serious forms of discrimination before the law. What results, on some level, then, is a film that appears to support greater gender equality before the law, at home, and in the workplace, while ignoring the conditions that may make such equal-

32 ity impossible to achieve in a majority of cases. Jackie Byars points out that much of the melodrama of the same period more openly examines “conflicts that result from unequal divisions of labor—both by class and by gender, both within the family and outside of it, in the larger socioeconomic sphere” (Byars 1991, 100). Yet at times, according to Byars, an artificiality surrounds the working-class characters and their setting (Byars 1991, 122). A similar artificiality marks the Attingers in *Adam’s Rib*—from the stylized performances of Judy Holliday and Tom Ewell to attitudes that, while conventional, seem hyperbolically limited and uninformed. By contrast, Adam and Amanda are coded as “normal” against the “other” (lower-class) couple, further oversimplifying the difference debate.

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But, of course, *Adam’s Rib* is a comedy, and as part of the screwball tradition as it evolved in the post-Depression era, this very issue of class difference is evident but subsumed by narrative focus on the professional couple and the amusing situations that arise when love, career, and their respective responsibilities collide. Small tensions creep into the relationship when Adam notices that the hat with which he surprised Amanda the previous evening sits primly atop Doris Attinger’s head on her first day in court. (Was this hat a simple expression of affection for Amanda or a subtle bribe to drop the case he was assigned to prosecute? It seems Amanda may see it as the latter.)² Perhaps, the film implies, it is her very role as woman that renders Amanda so adept at the “performance” aspect of courtroom strategy, a highly problematic strategy for Adam, who reprimands Amanda for “having the wrong kind of fun in that courtroom,” for turning “a court of law into a Punch and Judy show,” and for “shaking the law by the tail.”

Echoing the somewhat simplistic call to unity of the early suffrage movement and, in some ways, anticipating the women’s liberation movement to follow, Amanda calls numerous career women to the witness stand, explaining to the judge that “not only one woman is on trial here but all women.” In questioning a circus strongwoman, Amanda takes performance one step too far for Adam when she encourages the woman to lift Adam into the air, before judge and jury, in order to prove that women are equal to or surpass men, even in physical strength. This demonstration of female superiority, however, is conducted by a woman relegated to the role of sideshow freak. It is this moment of performance that prompts Adam to lecture his wife

on respect for the law and, by extension, as he sees it, respect for the institution of marriage. "What is marriage?" Adam asks. "It's a contract; it's the law. Are you going to outsmart that the way you've outsmarted all other laws? . . . Just what blow you've struck for women's rights . . . I'm sure I don't know, but you've certainly fouled us up beyond all recognition." Packing his bags, he proclaims: "I'm old-fashioned. I like two sexes. All of a sudden I don't like being married to what is known as a New Woman. I want a wife, not a competitor." In linking his argument concerning Amanda's courtroom performance with her role as his wife, Adam strongly implies that her position as a New Woman has unsexed her, transforming her into his competitor for power in the public sphere.

The Law

Is the Law

Here Adam articulates the anxieties that lie more insidiously beneath the surface of many more recent female lawyer films. While we witness the moment of Adam's walking out on Amanda, by the time the 1980s female lawyer arrives on the scene, men have long since exited the lives of these competitors or have failed to gain entry in the first place. The films thus define the private lives of their protagonists as empty and lacking. It is as though Adam's exit line, delivered while slamming the door—"You want to be a big he-woman? Then go ahead and be it but not with me"—has resounded over the course of four decades to inform representations of Amanda's less lighthearted cinematic successors. Winning in the public arena of the courtroom, as Amanda has now discovered, brings on serious losses in the private sphere of the home and family.

Because *Adam's Rib* is a comedy, however, Amanda will not share the fate of unrelenting professional and personal anxiety experienced by her more contemporary counterparts. Appropriately enough, it is the contractual aspect of marriage that prompts reconciliation when Adam bursts into tears as he and Amanda discuss with their accountant the final mortgage payment on their country home. To comfort him, Amanda suggests that they leave immediately for the farm, where, that night, Adam reveals that, "like a woman," he was able to "turn on the old juice" in order to get his way. He then provides a demonstration, to which Amanda responds, "What I said is true. It shows that there's no difference between the sexes. Men. Women. The same." But then she adds, "Well, maybe there is a difference. A little difference." This observation, of course, brings us right back to the sameness in humanity/difference in anatomy issue, to paraphrase

34 Rhode, which has resulted in such a complicated morass of contradictory and discriminatory legal rulings. Signaling the end of the film's public performance, while preparing for a private performance of his own, Adam closes the canopy curtain on their bed and proclaims, "Vive la difference, which means hooray for that little difference," thus reasserting a view consistent with conventional legalistic doctrine. Now that Amanda merely jokes about running against Adam in a local election, she has relinquished her position as Adam's competitor, enabling him, once again, to recognize the "two sexes" in their relationship, thereby fueling his sexual desire. In a reversal of her (and the film's) initial argument, Amanda acknowledges the existence of the very difference she has battled against in the courtroom and in so doing reinforces a phallogentric structure of power, which depends entirely upon that "little difference" for its very existence.

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*From Adam's Rib to The Verdict: Legitimacy,
Reification, and Representations of the Female Lawyer*

Much as *Adam's Rib* uses proto-feminist or feminist arguments to debate yet ultimately to reassert a phallogentric norm, the dismantling of the ERA and the radical feminist movement in the 1980s created a cultural and legalistic climate enabling the Supreme Court "to use feminist formulations to justify the status quo," as Nadine Taub and Elizabeth M. Schneider argue. Eroding support for the feminist movement during the 1980s led to conservative groups separating "immediate claims for parity, such as equal pay, from more fundamental demands relating to the necessary conditions for real equality, such as the Equal Rights Amendment and reproductive control" (Taub and Schneider 1990, 171).

In their analysis of *Michael M. v. Sonoma County*, a 1981 Supreme Court case in which seventeen-year-old Michael M. challenged statutory rape laws that denied him equal protection by punishing males for having sex with females under eighteen but not punishing females accordingly, Taub and Schneider conclude that, while the Court cited the risk of pregnancy exclusive to women in their decision to uphold the law, "the Court's focus on the physical fact of reproductive capacity serves to obscure the social bases of its decision," which, as they see it, is "the assumption that men are always responsible for

initiating sexual intercourse and females must always be protected against their aggression" (Taub and Schneider 1990, 170). Although on first reading, the Court's decision would appear to be informed by Rhode's disadvantage/equality formula, Rhode by contrast points out that "the Court confused nature and nurture" (Rhode 1989, 102), explaining that sexual activity for female adolescents is risky primarily in the context of "a particular set of social understandings about contraception, abortion, promiscuity, sexual aggression, and parental responsibility" (Rhode 1989, 102). The *Michael M.* decision, as a result, "took as biologically 'inescapable' what is, and should be, subject to cultural redefinition" (Rhode 1989, 102). Taub and Schneider further explain that the Court's approach rewards "the most conservative tendencies" (Taub and Schneider 1990, 171). Acknowledging that the Court has moved "to a more subtle view of limited differences," Taub and Schneider nevertheless conclude that "this new view is more dangerous precisely because it appears so reasonable" (Taub and Schneider 1990, 171). This subtly uneven legal and political/cultural terrain upon which the 1980s female lawyer films emerge reflects the generally uneasy relationship between the law, with its powerful gatekeepers, and those increasingly vocal marginalized groups demanding responses from the legal system that are more just or more adequate to their needs.

Robert Gordon provides a useful analysis of this relationship in his critique of various instrumental theories of law (theories that attempt to explain the way law operates in relationship to society), pointing out, in admittedly broad strokes, that in the liberal version of instrumental theory, "law is a response to social 'demands' . . . frequently those of specific interest groups that want some advantage from the state." Yet that liberal system fails to explain "why masses of people passively suffer atrocious treatment . . . without effectively organizing to fight it." Gordon cites European neo-Marxists who "speak of law as a means of 'legitimizing' class society: in order to be bearable to those who suffer most from it, law must be perceived to be approximately just, so the ruling class cannot win all the time." Gordon goes on to explain that "this need for legitimacy is what makes it possible for other classes to use the system against itself, to try to entrap it and force it to make good on its utopian promises." Outlining the trajectory of Critical Legal Studies and citing the work of other critical legal theorists as well, Gordon further states that

36 such utopian promises may “become rallying points for organization, so that the state and law become not merely instruments of class domination but ‘arenas of class struggle’” (Gordon 1990, 416–417).

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In posing the important question of how, then, law functions to maintain, support, and legitimate the existing power structure, Gordon calls upon Gramsci's notion of hegemony, concluding that “the most effective kind of domination takes place when both the dominant and dominated classes believe that the existing order, with perhaps some marginal changes, is satisfactory, or at least represents the most that anyone could expect, because things pretty much have to be the way they are” (Gordon 1990, 418). These “clusters of belief,” as Gordon calls them, are “deeply held assumptions about politics, economics, hierarchy, work, leisure, and the nature of reality, which are so profoundly paralysis-inducing because they make it so hard for people (including the ruling class themselves) even to *imagine* that life could be different and better” (Gordon 1990, 418).

The point is further crystallized in Gordon's discussion of how the reifying tendencies within culture and politics play a part in constructing and supporting such contradictory relationships. As Gordon explains, “It is a way people have of manufacturing necessity: they build structures, then act as if (and genuinely come to believe that) the structures they have built are determined by history, human nature, economic law” (Gordon 1990, 420). This observation goes a long way in explaining the contradictory position that women lawyers occupy and are willing to occupy in relation to the law, and further explains the similarly contradictory systems of representation within female lawyer narratives. These issues are central to a consideration of just how patriarchy and the phallogentric power structure operate or seem to operate within law and how the female lawyer is positioned vis-à-vis this power structure.

Nearly contemporaneous with the female lawyer film, *The Verdict*, with its primary focus on a male lawyer, does provide insight into the issues cited by Gordon, as played out around notions of equality and difference, thus bringing together many of the concerns of this study. Moreover, *The Verdict* becomes a surprisingly useful prototype for examining the main body of female lawyer films to follow.

A 1982 Sidney Lumet film, adapted for the screen by David Mamet from a Barry Reed novel, *The Verdict* focuses on Frank Galvin (Paul Newman), a male lawyer attempting to get his life and career back on

track after a long bout with disillusionment and alcoholism. Set in Boston, the film examines law in the city that has produced many of America's preeminent lawyers and that stands as the very symbol of our culture's self-perpetuating patriarchal traditions. Boston's colonial brownstones and cobblestone side streets, as well as the imposing architecture of academic and legal buildings featured in the film, suggest the nascent idealism associated with the conception of our legal system.³ And while the film hints at the reifying tendencies of the law and questions the ethics of legal practice, it does so from a liberal position, as Gordon defines it, always reminding us of the ideals upon which the system was founded and which *should* be in place at all times.

These are the very ideals Frank Galvin comes to represent as the film unfolds, struggling as he does to practice law ethically and honestly in the face of seemingly insurmountable odds. In the depths of depression and late middle age, Frank represents the lost promise of legal training and legal institutions. A former graduate of Boston University Law School, second in his class, Frank had been an honest, hard-working young lawyer motivated by high ideals, we are told, until he was wrongfully charged with jury tampering. Forced to abandon his naïve idealism, Frank took the rap for a powerful senior partner in his firm in order to avert his own disbarment. In the process, however, he lost his wife (daughter of the firm's founder), his home, his money, his reputation, and his faith in the law. Having arrived at a state of knowledge concerning the realities of law, Frank was, in effect, expelled from his Edenic world and has since metamorphosed into the ambulance-chaser we encounter as the film opens, bribing undertakers to allow him into their funeral parlors, where he slips his business card to bereaved relatives of accident victims while muttering his condolences. In short, Frank has become a casualty of the corrupt, unethical legal system that falls far short of its self-proclaimed ideals of equality, truth, and justice.

As the narrative opens, we doubt seriously Frank's ability to function with even minimal competence or coherence in a medical malpractice case that his friend and legal mentor Mick (Jack Warden) has miraculously thrown his way. "This is the case . . . this is the case," Frank chants repeatedly midway through the film, after he has been sobered up to the moral and ethical injustice suffered by the young woman who lies comatose in a Boston Catholic hospital, having been

38 improperly anesthetized during childbirth. And it is *the* case—the last hope, it would seem, for Frank to reestablish his reputation and career, his faith in himself, and, above all, his belief in the ability of the law to render some form of justice. Thus, the film establishes its liberal political position in relationship to the legal establishment: it will mount a critique of the law for falling short of its ideal potential, but always with an underlying faith in this potential, in much the way David Kairys believes our mainstream culture tends to frame its critiques of the legal system. In so doing, *The Verdict* gathers all of the patriarchal forces it can muster against Frank in this last best case: the institutions of law, medicine, and the Roman Catholic Church.

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Enter the Eve-like Laura Fischer (Charlotte Rampling), a lawyer *granted* her very tenuous place within the law by her employer Ed Concannon (James Mason), the powerful, corrupt corporate attorney opposing Frank and referred to as the “prince of fucking darkness” by Frank’s good father figure, Mick. Mick and Concannon function respectively as the good and bad father figures so common within female lawyer films to follow. In order to gather information ensuring Frank’s courtroom defeat, Laura must gain the trust of the down-and-out shadow figure of a lawyer Frank has become. Lecturing Laura about the price a woman must pay to buy a place within the patriarchal system, Concannon explains, “We’re paid to win the case. You finished your marriage. You wanted to come back to practice the law. You wanted to come back into the world.” Patriarchy is, indeed, “the world,” as defined by this film, as well as later female lawyer films. In accepting her bargain with Concannon, the duplicitous Laura simultaneously gains entry and is cast out of this dubious paradise, a paradoxical position that many of her cinematic successors will occupy. Through its own questionable logic, *The Verdict* sees Laura’s reentry into the world of the law as harmful and destabilizing, while it sees Frank’s attempt to reestablish himself as righteous and ennobling.

In *The Verdict* the Catholic Church acts in complicity with the medical and legal establishments to deny justice to the comatose woman in the form of monetary compensation through a suit initiated by her sister and brother-in-law.⁴ In effect, these patriarchal institutions are in league with the devil, as personified by Concannon and his powerful firm of yuppy, preppy, smugly self-possessed young rainmakers, whose primary goal, it appears, is to keep the struggling working class and the oppressed in continued positions

of submission and powerlessness, very much illustrating the Gramscian notion of hegemony. In his speech welcoming Laura back into “the world”—delivered as he slips a check into her purse while mixing her a drink—Concannon voices the very contradictions present in the legal system, which, following Gordon’s reading of European neo-Marxists, shows how law legitimates class society in its own paradoxical way by not always allowing the ruling class to win (Gordon 1990, 417). Concannon points out that Laura’s role in ensuring Frank’s defeat, and by extension the defeat of the victim’s family (working-class characters of Irish descent), represents a victory not only for her and for his firm but also for the poor and the working class: “That’s what pays for this office. It pays for the pro bono work that we do for the poor; it pays for the type of law that you want to practice.”

As in Gordon’s analysis, Concannon’s comments assert the notion that the legal system is designed to perpetuate the class structure, which in turn perpetuates the legal system. In an earlier scene with Laura that oddly parallels this later scene, Frank questions the ethics of the system, as he struggles to speak coherently of his calling into the legal profession: “The weak. The weak have got to have somebody to fight for them. . . . That’s what the court is. The court doesn’t exist to give them justice; the courts exist to give them a *chance* at justice.” After hearing these words, one is tempted to ask why Frank would continue to participate in the process, knowing the deck is so clearly stacked. Why does so much depend upon his reentering a system that, he acknowledges, is designed to parcel out justice in the smallest quantities to “the weak” in order to sustain the position of the strong? Clearly, it is here where the film’s liberal political position begins to reveal its limitations, bound as it is by an idealized vision of the law. The film suggests that such a vision is clouded only by the few power-brokering individuals, represented by lawyers like Concannon and judges like Hoyle (Milo O’Shea), who rules, whenever possible, in favor of Concannon and the powerful institutions he represents. The *validity* of the law’s ideal potential, however, is never seriously questioned,⁵ thus reinforcing those “clusters of belief” informing popular attitudes about how social, legal, and cultural institutions function, as Gordon defines them.

Her motives only vaguely defined, Laura parallels Frank’s desire of wishing only to win, although it is never entirely clear what she will

40 win—the money paid by Concannon? a legitimate job within his law firm?—which makes her all the more inscrutable, abstract, and threatening. Whereas Frank's desire to win is a desire to redeem his own self-respect and his respect for the law, her desire seems entirely centered upon the most cynical forms of self-advancement. Through her very abstraction, then, Laura becomes a powerful metonymic representation of female threat, both to men and to the law. Baiting Frank with her sexuality, Laura resembles the castrating femme fatale of film noir. When Frank appears in her hotel room convinced that he'll lose, she retorts: "You want me to tell you it's your fault. O.K., it probably is. So what are you going to do about it? . . . I can't invest in failure, Frank, anymore." Unaware, at this point in the narrative, that she is employed by Concannon to double-cross Frank, we are not entirely certain how to understand these lines, nor are we certain, in retrospect, after having learned the truth about Laura. Is this a cool statement of self-involvement, revealing past failures and present ambitions? If so, does it also function as something of a confession or a warning to Frank? Or is this a moment of genuine concern, despite her duplicitous mission, in which Laura expresses what pop psychologists used to call "tough love," in an attempt to force Frank out of his self-defeating behavior?

Laura is a character on the margins, a transitory shadow figure who seems to have no home—she lives in a hotel room throughout the whole of the narrative, claiming to be in search of an apartment and a job but failing to secure either one, it would seem. Even though she is covertly working for Concannon, she has no rooted place within his firm. She primarily inhabits public spaces, and when positioned in the private space of Frank's apartment or office, her tentative movements imply a lack of ease, an acknowledgement that she cannot comfortably participate in domestic life or in Frank's dedicated effort to search out the "rightness" of the law. Photographed in long shot and often occupying the deep space of the frame, Laura's sphinxlike presence defines her as menacing and truly unknowable (fig. 1.1). In another common framing device emphasizing her power in relationship to Frank, Laura occupies the foreground of the frame, a dark looming presence, shot from behind to emphasize her inscrutability, while Frank, a small figure in the deep space, often framed by doorways or hallways, figuratively stands entrapped (fig. 1.2). The film

FIGURE 1.1. Like the film noir *femme fatale*, Laura (Charlotte Rampling) lurks in the shadows as she deceives Frank (Paul Newman). From *The Verdict*, © 20th Century Fox, 1982.



FIGURE 1.2. Frank (Paul Newman) appears entrapped as Laura's inscrutable presence dominates the frame. From *The Verdict*, © 20th Century Fox, 1982.



misleads its audience about Laura in much the way she misleads Frank. As in much of film noir, the narrative structure forces a retrospective reading of her character, but unlike such retrospective readings of the typical noir female, *The Verdict* never fully reveals her motives or desires.

On Frank's last desperate mission to locate an eyewitness in New York, a nurse on duty when Debra Ann Kay was improperly anesthetized,⁶ we never learn whether Laura has arranged to meet him in order to confess the truth, acknowledging feelings of loyalty and love, or to double-cross him one last time. The anxiety arising from the film's ambiguous treatment of Laura and her motives results in the viewer's assuming a defensive position in relationship to this female lawyer, with little that is stable or clear, in keeping with Pam Cook's observation concerning the film noir female (Cook 1978, 78). And that anxiety is given vicarious expression through Frank, who having finally learned the truth about her betrayal, physically punches Laura, knocking her to the floor before she can utter one word. The film's misogyny toward this ambitious and deceptive woman is further expressed in the final scene, in which Laura appears drunk and desperate, lying on her hotel room bed, phone in hand, repeatedly calling Frank, who struggles but remains resolute in his decision not to be tempted again. Phyllis Deutsch in her *Jump Cut* review of the film wryly observes of Laura's fate that "when women aren't tempting and betraying men, they are absolutely helpless. Laura is not going to pull herself together and punch Galvin back. In fact, semi-comatose on the bed, she recalls Debra Ann Kay, the negligence victim who will spend the rest of her life curled up in a fetal position" (Deutsch 1983, 11). Laura also

42 recalls the drunken, defeated lawyer Frank had been in the opening scenes of the film, but with none of his nobility of spirit and without the hope of redemption.

Framing

Female

Lawyers

In many respects, *The Verdict* is an interesting prototype of later female lawyer films in that the central women in those movies curiously reflect the weaknesses of Frank as well as those of Laura. Like Frank and Laura, female lawyers in later films seem incapable of removing themselves from the system that both enslaves and empowers them, falling prey to the reifying tendencies of the institution. Some female lawyers, such as those in *Jagged Edge*, *Music Box*, *Class Action*, and *Defenseless*, exercise poor judgment, as Frank does, or are easily deceived by duplicitous men, playing variations on the role of Laura. These female lawyers, along with the female district attorney in *Love Crimes*, share Frank's emotional weakness (signaled by his heavy drinking and often signaled by their loneliness and emotional isolation) and, to a degree, share his self-loathing and self-defeating impulses. But the real difference is that Frank endangers only himself, his sometimes exasperated, disappointed clients notwithstanding; the female lawyers of later films often endanger the very foundation of the law. While the later female lawyers don't share Laura's duplicity, their ambitions and inadequacies, like Laura's, combine to disrupt the very process of justice, as evident in *Jagged Edge*, *Suspect*, *Music Box*, *Class Action*, and *Love Crimes*. And, like Laura, these disruptive female lawyers often are punished for their flawed nature, becoming objects of the films' misogynist tendencies.

Like Concannon, the bad father to Laura, and Mick, the good father to Frank, male superiors in the female lawyer film assume the roles of good and bad fathers, as earlier noted. In the positioning of these figures who influence, instruct, and initiate the woman lawyer, the films adopt a sort of perverse politics of difference, an ostensibly feminist stance, enabling them simultaneously to reestablish the power of patriarchy, not unlike the Supreme Court decision in the case of *Michael M.* Repeatedly asserting the female lawyer's difference, the later films most certainly establish their protagonists as "unequal" and "other." This position finds its most obvious expression in *A Few Good Men* (1992), a male lawyer film of dual focus, which uses male dominance within the military and legal systems, together, to discount the female lawyer, whose feminine difference inspires recurrent ridicule and contempt until she effaces her own



*FIGURE 1.3. As a self-effacing, silent woman, Jo Galloway (Demi Moore) serves the patriarchal institutions of law and the military, becoming, in effect, one of the “few good men.” From **A Few Good Men**, © Columbia Pictures, 1992.*

44 knowledge, power, and identity. The film's promotional ad, displaying a photograph of the key players, along with the film's title, is curiously revealing (fig. 1.3). Tom Cruise, Jack Nicholson, and Demi Moore, all in military uniform, are lined up and photographed in close-up, with side lighting. Moore, with hair hidden tightly beneath her military cap, looks like a man—one of the “few good men” the title proclaims. Although upon seeing the film, we find that Nicholson is anything but a “good” man, the ad and the film together imply that, in order to earn a position within the military court of law, the female lawyer must submerge her identity as a woman, becoming a “good man,” or, more accurately, an absent, silent woman.

Framing
Female
Lawyers

Like so many female lawyer films, *A Few Good Men* implies that simply by virtue of being male, one can think like a lawyer, which, as Kairys explains, “often seems to involve abandonment of progressive values and the hope of social action” (Kairys 1990, 4). Perhaps, then, part of Frank Galvin's initial problem in *The Verdict* is that he is not thinking sufficiently like a man, a possibility reinforced by the implied role reversal, when Laura has become the drunken, defeated lawyer in the end. The equation of “thinking like a lawyer” with “thinking like a man” is more explicitly expressed in *The Accused* (1988), when the male district attorney threatens to fire his assistant D.A. (Kelly McGillis) if she attempts to prosecute a long-shot case. “What happens if you lose? You'll look like an incompetent. If you win, you'll look like a vengeful bitch,” he points out, articulating the no-win position of a female working within the patriarchal legal structure. Along with similar scenes in various other female lawyer films, this moment in *The Accused* echoes that pivotal scene in *Adam's Rib* in which Adam feels compelled to lecture his wife on the repercussions of her courtroom performance.

Glass Ceilings and Glass Walls

With characters arguing, interpreting, or manipulating law in order to maintain the traditional base of phallogocentric power or to challenge that power in response to those people on the margins—whether women, as in *Adam's Rib*, or “the weak,” as Frank refers to his working-class clients in *The Verdict*—both films are alike in initially adopting a liberal position only to abandon that position, limited

though it may be, in the end. Both present us with female lawyers whose ambitions and proclivity for performance (read as courtroom antics in *Adam's Rib* and as deception in *The Verdict*) act to destabilize the very notion of justice.

The Law

Is the Law

Laura's actions in *The Verdict* threaten to destroy Frank and distort the mechanisms of justice, thus marking her as a danger to the very liberalism that, the film suggests, might best serve her as a woman. In *Adam's Rib* Amanda's actions have freed a woman who attempted to harm another human being. In the scene of comic reversal near the film's end, when Adam pulls a licorice gun on Amanda as she playfully embraces their neighbor, he tricks and frightens her into admitting that "no one has the right" to harm another person. He is given the final legalistic word when he smugly observes, "I'll never forget that no matter what you think you think, you think the same as I think. That I have no right, that no one has a right to break the law." Thus chastised, both Amanda and the audience are forced to re-evaluate the acquittal of Doris Attinger, or "the hysterical Hannah," as Adam disparagingly refers to her.

Although decades separate these two films, many of the issues they treat involving justice and gender have remained relatively constant, inflected only subtly by shifting cultural and political conditions. What has emerged over that time, however, is a cinematic representation of the female lawyer that has become increasingly troubled and troubling. In interesting, complex patterns, this representation recalls the film noir femme fatale, who transgresses into public spaces traditionally denied her, and further recalls the woman in melodrama, who stands at the window of her home, not yet contending with a glass ceiling but with a glass wall that separates her from a world she can gaze out upon only from a distance. We will move on to explore these tendencies in the context of patriarchy—and patriarchal crisis—as it infuses both culture and the law.

CHAPTER 2

Father Knows Best: Divided between love for her father and knowledge that he took part in Nazi war crimes some forty years earlier, Ann Talbot (Jessica Lange), the female lawyer in *Music Box* (1989), silently addresses an envelope to the same federal prosecutor she defeated in defense of her father. Into this envelope she places newly discovered photographs proving her father's guilt. These photographic images, alone, finally convince Ann. Despite compelling trial testimony of numerous Hungarian American witnesses, speaking graphically of atrocities "Mishka" committed in Budapest, and despite an Arrow Cross identification card picturing her father in uniform,¹ Ann refuses to believe in his guilt. She successfully argues against her father's extradition to Hungary, where he would face a war crimes trial. Ann questions the authenticity of the identification card and the motives of witnesses who may be linked to the Hungarian Communist Party and may wish to stop her father's persistent anti-communist activities. She thus convinces the judge (and herself) that the government's evidence is insufficient to prove that her father, Michael Lazlo, is the same Mishka who committed these brutalities. Her father simply could not be that person, according to Ann, the daughter/lawyer. While the narrative appears to center on an interrogation of Ann's father (Armin Mueller-Stahl), it is within this conflict between daughter and lawyer, between private and public spheres, that *Music Box* constructs its parallel interrogation of Ann. Split or divided in relationship to law and family, the female lawyer's subjectivity is the subject of *Music Box*, as it is of so many other female lawyer films.

As Ann seals the envelope with photographs that capture her father torturing his victims, narrative ambivalence toward her is most apparent. Simultaneously applauding and castigating her, the film flirts on the very brink of questioning whether his past should matter now. When director Costa-Gavras, as quoted by reviewer Herbert Luft, says, "I don't think it is necessary to hunt down old men to

punish them. It seems meaningless to do that now. They should have been punished years ago" (Luft 1990, 234), he, perhaps unwittingly, reveals the subtle contradiction in which Ann gets caught. Is it at all possible to look at the gentle, loving father of so many years and recognize the Nazi criminal who brutalized, raped, and murdered his victims? On the other hand, the film casts Ann in a somewhat reactionary light. Only by accident does she discover the photos, forcing her to acknowledge the truth. The film's overtly articulated anti-fascist, liberal political position seems blind to its own contradictions involving Ann.

Father
Knows
Best

It is through these contradictions that the politics of *Music Box* turn subtly against the female lawyer. While the film, in part, suggests that Ann is acting correctly, it also betrays its director's sense that Ann's action is, in a certain sense, meaningless. Implying that Ann's enactment of justice is excessive and her emotional investment in her father's innocence even more excessive, the film exposes both her failure of emotion and her failure of rational vision. Ann's inability to find a comfortable balance between emotional ties in the private sphere and professional obligations in the public sphere is common to many female lawyers in film, tacitly, though not unproblematically, supporting the patriarchal foundations of the legal system. Ann becomes entrapped by the ideological polarities and binaries so common to female lawyer films and to law itself—public/private, reason/emotion, law/justice—denying her a position from which to exercise unmitigated narrative agency. Whether through family, law, the state, or the film's conventional narrative imperatives, Ann's agency in *Music Box* is regulated or subsumed by the phallogocentric institutions she serves.

The very nature of patriarchy and phallogocentrism, as they operate in social institutions and as mutually ratifying systems both in law and in conventional film narrative will be central among the concerns of this and the following chapter. Such assertions, however, assume totalizing proportions that themselves must be explored and unraveled. How does patriarchy support law and how is patriarchy supported by law? To what degree does the female lawyer film construct the subjectivity of its female protagonist as law constructs its female subjects? In an attempt to answer these questions, we will explore the degree to which female lawyers in film function simply to reassert the patriarchal/phallogocentric foundations of the narra-

48 tive and legal systems, or provide points of visual, structural, or thematic resistance that productively destabilize this foundation from a feminist theoretical perspective. If they exist, do these points of resistance ultimately bind subjectivity further within a hegemonic system, or does such resistance tear at the fabric of that system? Placing and problematizing the female lawyer film in the context of patriarchy, as defined by feminist legal and feminist film theories, will help illuminate the political surface and the ideological undercurrents, exposing the patriarchal unconscious at work in *Music Box* and *Class Action* (1991). Both films register the overt presence of patriarchy or phallocentrism in narrative terms through the female lawyer's functioning within the dual contexts of the law and family, most specifically, through her relationship with her biological father. Along with Costa-Gavras's earlier *Hanna K* (1983), which the chapter briefly touches upon, *Music Box* poses questions concerning patriarchy within the context of state power, insofar as the state has power to define its subjects and determine their identity.

Framing
Female
Lawyers

Both *Music Box* and *Class Action* were produced, not in the mid-1980s, when the female lawyer film first began appearing with regularity, but in the late 1980s and early 1990s, when the Reagan/Bush New Right was losing its popularity and finally its hold on power with the 1992 election of Bill Clinton to the presidency. I break with chronology in this and the following chapter in order to heighten the sense of interplay between attitudes, policies, or ideological grounds labeled as either "conservative" or "liberal." While the films attempt a liberal self-presentation and sometimes reinforce strict ideological boundaries between the liberal and the conservative, what results, more often than not, is a sense of conservative/reactionary politics masquerading in the garb of liberalism, with implications aimed often at discrediting the female lawyer.

Masking Patriarchy: Law, Hegemony, and the State

Like a network of roots, patriarchy functions underground, only occasionally surfacing within the operation of established, powerful, phallocentric institutions, as roots sometimes surface near the trunks of particularly sturdy old trees. As a means through which phallocentrism expresses itself, this patriarchal network supports a variety of

cultural, political, and social institutions and, most importantly, both nourishes and is nourished by the law. While phallocentrism is visible “above ground,” patriarchy often operates invisibly beneath the surface, with its roots growing laterally as they grow deeper, at times becoming entangled and choking certain parts of the varied systems they form, though generally to the benefit and continued survival of the network as a whole. As expressed through law, phallocentrism ratifies patriarchy through defining, measuring, representing, and positioning “others” within various institutions vis-à-vis the “normative” white heterosexual male. The language of law becomes the language of phallocentrism. Whereas phallocentrism enlists language as an expression of power, patriarchy does this but so much more.

In his rereading of Freud through linguistics, Jacques Lacan suggests that conceptual thinking is dependent upon the child’s moving out of that stage he calls the Imaginary and into the Symbolic stage. The Imaginary is the stage at which difference does not yet structure experience, a stage at which the child imagines existing as one with the mother. Lacan theorizes the “mirror stage” as that moment of transition from this ideal, pleasurable sense of wholeness and plenitude when the child perceives itself as all-powerful—a fiction, of course, because it remains immobile—and into the “divided” state of the Symbolic where difference does structure experience. Though the child’s “salutary” mirror image becomes the basis for its ability to form future identifications, it is a “fantasy” because “the very image which places the child divides its identity into two” (Rose 1985, 30). For Lacan, “that moment only has meaning in relation to the presence and the look of the mother who guarantees its reality for the child. The mother . . . grants an image *to* the child, which her presence instantly deflects,” as Jacqueline Rose points out in her discussion of Lacan. The mother’s holding the child before the mirror, for Lacan, becomes a process of both “containing” and “referring,” which “fractures the unity it seems to offer” (Rose 1985, 30), hence Laura Mulvey’s penetrating observation that woman is “the bearer of meaning, not the maker of meaning” (Mulvey 1985, 804), a role that, Mulvey claims, is played out repeatedly in conventional narrative cinema.

With the arrival of the “third term”—the father or the law of the father—the child is introduced to difference and thus gains the ability to acquire language and knowledge. The “name of the father,”

50 according to Lacan, therefore establishes perception of sexual difference, consequently establishing law and the conceptual framework necessary to the construction of law. In the Symbolic, the child perceives and accepts the "law of the father," the structure created by rules, within which he is allowed to operate. I use the term "he" deliberately, for to some extent, Lacan, like Freud, sees the experience of the male child as privileged in relationship to his recognition of difference from the mother. What sexual difference comes to mean in society, then, is the very means by which the phallus (that which the mother lacks) is granted power—and Lacan draws a strong distinction between the penis as male organ and the phallus as signifier of cultural power. According to Lacan, the phallus obtains cultural power only when veiled, when *male subjectivity is hidden*, conferring a *false objectivity* upon the phallus. Lacan problematizes the Freudian notion of castration anxiety in the Oedipal phase and beyond through this notion of the phallus as a *signifier* (a "suggestion" of potency, power, language, and law), which can operate only when veiled, "as in itself the sign of latency" (Lacan 1985, 82). As Mary Ann Doane points out, the cultural power of the phallus is linked with the notion of truth, which "in the Lacanian text, insofar as it concerns a question of veiling, is usurped for the phallus" (Doane 1991, 65).

As outlined here, in admittedly broad terms, Lacan's notion of cultural power as derived from the veiled phallus finds expression within the idealized understanding of law our culture historically has accepted. Just as feminist film theory has questioned both Lacan and Freud in their conception of subjectivity, and more often than not, their denial of female subjectivity, critical legal theory and feminist legal theory have questioned the idealized, almost mythic vision of law upheld and perpetuated by the legal establishment. The perceived attributes of the legal process veil the political, economic, and cultural influences within the law, conferring upon it a false objectivity (Kairys 1990, 1), much as the phallus becomes a signifier of power only when veiled, when acting as signifier only.

The legal foundation upon which woman's inferiority or "castrated condition" is established has its roots in family ideology and the public/private binary that both grows out of and perpetuates that ideology. Presented in the guise of "rational" thinking based upon "natural," biological factors of difference, the legal system

masks the degree to which these notions are, indeed, culturally constructed, as Diane Polan points out. The legal system is thus served through a hegemony sometimes occurring “in the context of legal decisions that appear to actually *improve* women’s lives” (Polan 1993, 423). Legal theorists illustrate the paradoxical position of women who must depend upon a patriarchal system to obtain their “rights”—which are conditional at best in the context of law and legal reform. While rights litigation, relative to birth control and abortion, for example, does benefit women, it does so only to the larger benefit of law’s patriarchal foundations, “legitimizing the notion that there are naturally [rather than socially constructed] separate private and public spheres of human existence” (Polan 1993, 423). Complicating the issue of privacy doctrine in terms of *Roe v. Wade*, Zillah Eisenstein explains that by masking the political nature of relations within the private sphere, “privacy doctrine does not argue for abortion on the basis of a woman’s right to reproductive control, or her right to equality, or her right to freedom of sexual expression. Nor does it challenge the patriarchal/phallocentric dimension of privacy” (Eisenstein 1988, 187). Analyzing specific articles of the *Roe v. Wade* decision, legal theorist Mary Poovey suggests that the decision places the privacy of the pregnant woman as contingent upon the state rather than as absolute. She argues instead for a nonindividualist defense of abortion that “would place abortion in the context of contraception, not murder . . . alongside other services that recognize social needs.” Such an approach would also take into account intersections of gender, race, and social class and would work against “subsuming all women into the homogenous category ‘woman,’ juxtaposing this falsely homogenized category to the generic ‘man,’ and—perhaps most importantly—marginalizing or erasing other kinds of difference” (Poovey 1992, 253). Law has the power to adopt this approach or not, and in not doing so, defines and restricts the position of women and minorities within cultural institutions, further defining and restricting definitions of sexuality, marriage, and the family as well as parental and reproductive rights and responsibilities. Moreover, legal reforms meant to alter the position of women often further reify women within the system, given that such efforts deny “the ideological power of law to mask social reality and block social change . . . never reach[ing] the question of collective organization” (Rifkin 1993, 413–414).

52 If law is an "instrument of patriarchy," as Eisenstein argues, so too is the female lawyer as represented in film. Although the woman in law does present a challenge to "the most intimate foundations of the state," to borrow Eisenstein's apt phrase (Eisenstein 1984, 99), this woman also serves to erase her own agency, since in the context of patriarchy and a phallogentric institution "the only way . . . feminine difference can gain legal status . . . is, ironically, to obliterate itself" (Cornell 1992, 292), as law professor Drucilla Cornell points out and as many feminist film theorists likewise suggest of women as represented vis-à-vis the "laws" of conventional film narrative. Feminist legal theorist Catharine MacKinnon further expresses the paradoxical position of women and of feminism within the patriarchal law and state, suggesting that "feminism has been caught between giving more power to the state in each attempt to claim it for women and leaving unchecked power in the society to men" (MacKinnon 1993, 432), a paradox registered in the visual patterns and narrative structure of the female lawyer film.

The complex interplay between the "challenge" posed by the female lawyer and the "obliteration" of the female lawyer's status/subjectivity finds particular resonance in *Music Box* and in *Class Action*, as well as in those films discussed in Chapter 3. Moreover, the patriarch/female lawyer relationship as represented in *Music Box* and *Class Action*, in particular, tends to play out tensions implicit within the idealized notion of law. The female lawyer (a figure who clearly has moved into the realm of the Symbolic) by her presence, alone, has lifted the veil from the phallus (itself defined as the intersection of language and the law) and has weakened the mythic notions of an idealized legal process that somehow stands above politics and cultural influences.

Negotiating and Negating Identity: Music Box and Hanna K.

In scrutinizing the power of the state to confer identity and construct its citizens as subjects, *Music Box* registers a crisis in patriarchy through older patriarchal figures as well as through the young son of the female lawyer. The good father/bad father motif common to many female lawyer films is here layered with irony, both when Ann enlists the aid of her former father-in-law, attorney Harry Talbot

(Donald Moffat), to maneuver the dismissal of charges against her father, and again when we recognize that, as a loving father of many years, Lazlo/Mishka truly is both good and bad father in the distinctly private and public spheres in which he has operated. Through Lazlo's repeatedly cloaking himself in family ideology as a means of proffering his innocence, both to his daughter and to federal authorities ("I worked hard. I raised my kids to be good children)," the film inscribes a critique of that ideology fundamental to our legal system and to New Right "family values" rhetoric, which dominated the 1980s and early 1990s political scene and which Democratic politicians began to embrace as well. To Ann's son and his grandson Mikey (Lukas Haas), Lazlo explains, "It's not me they're talking about. . . . We're a family." And as Ann's brother Karchy (Michael Rooker) delivers a witness list to Ann in order to aid in their father's defense, he entreats her: "He ain't no fuckin' case; he's Pop." In court Ann plays the daughter/lawyer, holding her father's hand, as Karchy, in the deep space of the frame, looks on (fig. 2.1), an image explicitly interlacing the private and public as domains of debate. During the hearing when Ann addresses the judge and various witnesses, repeatedly referring to Lazlo as "my father," family loyalty and identity mingle in all their complexity. By asking Ann to defend him in the first place, Lazlo further cloaks himself in family, as federal prosecutor Jack Burke (Frederic Forrest) points out when he says to Ann, "You know you're his perfect alibi." The concept of the private, as it invades and disrupts the public sphere through Ann's role as daughter/lawyer, is represented by the film in a manner that replicates the traditional legal conception of the private, as Poovey explains, saying that law, "in postulating a realm of the 'private' and an autonomous model of the individual . . . ignores the extent to which social relations permeate the home" (Poovey 1992, 240). For MacKinnon this conception of the private is "hermetic" or "inaccessible to, unaccountable to, and unconstructed by anything beyond itself" (MacKinnon 1993, 433).

Ann is identified first in terms of family and the private sphere, which is presented as a kind of contingency upon which her role as lawyer is determined and defined, often with the effect of revealing her limitations. When first reading the charges with her father, Ann asserts, as many people would, "It's not *you*," an assertion that grows less rational in the face of mounting evidence. The repeated, multiple images of Mishka as Arrow Cross soldier make obvious the



FIGURE 2.1. *The public and private spheres merge when Ann (Jessica Lange) acts as both daughter and lawyer, reassuring her father/client (Armin Mueller-Stahl) as her brother (Michael Rooker) looks on. From **Music Box**, © Tri-Star Pictures, 1989.*

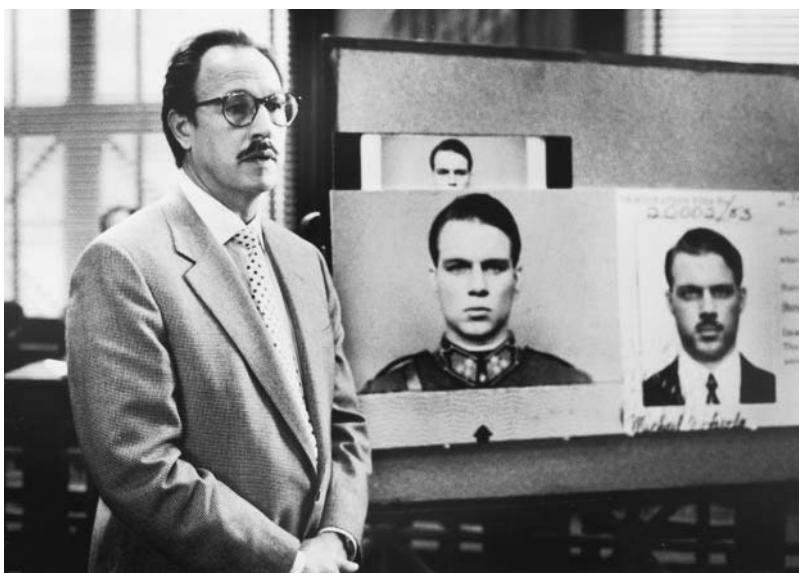


FIGURE 2.2. *Federal prosecutor Jack Burke (Frederic Forrest) represents the state in asserting Mishka's identity, while multiple images reveal the greater complexities at play. From **Music Box**, © Tri-Star Pictures, 1989.*

complexities of identity as laid out by the film (fig. 2.2). When Ann's assistant uncovers evidence that Lazlo may have been blackmailed by Tibor Zoldan, also a former Arrow Cross soldier, Ann protests: "He's not a *monster*. I'm his daughter. I know him better than anyone." As Ann makes this proclamation, we cannot help recalling the earlier words of a male associate in her firm who asks, "What do we know about our parents?"² In its representation of Ann at this point, the film duplicates the law's essentialist view of gender by valorizing the reason of man as contrasted with the passion of woman.

55

Father

Knows

Best

Family takes on yet another narrative and discursive form when Ann moves to the law offices of Talbot, a wealthy and powerful attorney who lives on Chicago's exclusive North Shore, a location often contrasted with Ann's blue-collar neighborhood and background. The cold grays, blues, and whites dominating the design of Talbot's offices and home contrast with the warm earth tones defining Ann's home and her former law firm. Ann claims she is moving to protect her firm from negative publicity, implying that Talbot has both the money and the power to "manage" such publicity. His enormous home signals Talbot's insular world of privilege, illustrating Eisenstein's observation that "the sexual class of men *is* the governing or ruling class. And yet the ruling class is identified not in terms of its patriarchal aspects but rather as bourgeois." In her assertion that "the law both structures these relations and reflects them" (Eisenstein 1984, 98), Eisenstein acknowledges a further veiling of phallic power. Droll cynicism and fascist leanings characterize Talbot as truly a bad father, untouched by history or moral imperative, as evident when he refers to the Holocaust as "the world's sacred cow," and in his offhanded baiting of Ann, "By the way, Mishka didn't do it, did he?" If Mishka has been a bad father in the public sphere of the historical past, Talbot is represented as such in both public and private spheres of the present operating as an extension of the past.

While Lazlo's working-class background and apparently sincere love for his family humanize him in the narrative dimension of the present, Talbot's patrician manner and amorality dehumanize him, clearly forming both political and ideological critique. Having served in the OSS (a precursor of the CIA) during the postwar period, Talbot recruited former Nazis to work for the U.S. government as intelligence agents against the Soviet Union, thus representing the most reactionary aspects of American Cold War ideology. In response to Ann's ask-

56 ing about rumors that he “sipped bourbon with Klaus Barbie,” Talbot replies that the Nazis he worked with were good, “salt-of-the-earth types,” adding, with no shortage of irony, “like your old man.” Talbot both represents patriarchy and the film’s critique of patriarchy. And it is through Talbot that Ann gathers pivotal information with which to defend her father. While Talbot embodies a critique of bourgeois patriarchy through the threat he poses to justice, Ann, as mediator of his power and knowledge, embodies an even greater threat to justice and the legal process, her narrative agency thus working to erase her as a subject or legitimate agent.

Framing
Female
Lawyers

During the hearing, Ann appears truly moved by the suffering that witnesses say they endured at the hands of Mishka. As she cross-examines these witnesses, however, challenging either their memories or their current political affiliations—her tactics appear unsympathetic and trivial in focus, thus potentially dangerous in their ability to undermine justice. As audience, we stand in for the absent jury, increasingly aware of Mishka’s probable guilt and of Ann’s short-sighted inability to recognize it. While moved by history in experiential terms, Ann, like Talbot, seems to step pragmatically outside of history in her cross-examination, concentrating on fragmentary details, grounded primarily in the present.

Following the powerful testimony of a woman repeatedly raped and violently abused by Mishka when she was only sixteen years old, Ann cannot bring herself to cross-examine, finally recognizing, it would seem, the moral impropriety of subjecting this witness to her earlier tactics. Yet Ann’s silence also suggests her disempowered status in relationship to history and to truth. She continues to believe in her father’s innocence, failing to recognize one key piece of evidence—Mishka’s habit of doing push-ups and declaring that “a healthy body makes a healthy spirit”—a detail recalled in the woman’s testimony. Although the film-audience-as-jury very likely does recognize the words linking Lazlo and Mishka, Ann fails—or will not allow herself—to recognize this intimation of his guilt. We become jurors aware of her father’s true identity, but we also become jurors aware of Ann’s professional and personal limitations. At this moment the film has succeeded in placing Ann on trial, as happens so often in the female lawyer film.

Throughout the film, mirrors and other reflective surfaces serve as a motif representing Ann’s uneasy acceptance of her own identity.

Before agreeing to take on her father's case, Ann sits on the stairs outside her son's bedroom, facing a mirror. As she listens to her father gently answer his grandson's questions concerning the charges against him, Ann parts her bathrobe, pondering a reflection of her legs in the mirror. After a few moments, she closes the robe with an air of tired resignation. To what aspect of her identity has she become resigned? Her role as attorney? As mother? As daughter? As an unmarried woman whose age places her on the brink of losing the sexual attractiveness so central to gender construction in our culture? The film remains ambiguous in answering these questions, constructing Ann's identity out of an acknowledged interdependence of all these roles, but refusing to analyze the subsequent implications. To Ann this interdependence clearly is troubling. Read in retrospect after the rape victim's testimony, this scene resonates powerfully, as well, with an element of self-deception, since this is the moment when her father tells Mikey that "a healthy body makes a healthy spirit," as they do push-ups together.

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Father

Knows

Best

The questions concerning Ann's identity reflect Doane's observations concerning the role of mirror images in the 1944 maternal melodrama *Since You Went Away*, in which a particularly complex shot suggests "maternal subjectivity is annihilated . . . bracket[ing] the woman's mirror image between the memories of the absent male" (Doane 1987a, 79). The voices of son and grandfather filter into the hallway as Ann contemplates her image as a woman alone, inscribing the absence of her son's father, from whom she is divorced. This absence calls into question her role as single mother and her role as daughter, for whom both son and father have come to replace the absent husband/lover, again echoing patterns in the 1940s maternal melodrama, which, as Doane points out, "trace the outline of an inevitable mistiming or disphasure which is constitutive of feminine sexuality in a patriarchal culture" (Doane 1987a, 92). The film further casts Ann in the mold of some female characters in 1950s melodrama, recalling Jackie Byars's observation that in those films the "Working Woman" is conflated with the "Woman Alone," whose motives for working outside the home signal "moral inadequacy" (Byars 1991, 89). Her awareness of her own sexual/emotional isolation seems central as Ann ponders her reflection. In several shots we see only Ann's body reflected (figs. 2.3, 2.4, and 2.5), further recalling the mirror in maternal melodrama, in which the reflection "seems



FIGURES 2.3, 2.4, AND 2.5. *Pondering her image with weary resignation, Ann (Jessica Lange) confronts her fractured sense of self—as mother, daughter, lawyer, and woman. From **Music Box**, © Tri-Star Pictures, 1989.*

to confirm her nonidentity” (Doane 1987a, 90). This moment also raises the very kinds of identity questions raised by feminist theorist Denise Riley concerning what it means to be a woman: “The individual’s indeterminacy (when am I a woman?), the historical indeterminacy (what do ‘women’ mean and when?), and the political indeterminacy (what can ‘women’ do?)” (Riley 1992, 121).

In her analysis of a mirror image in Peter Wollen and Laura Mulvey’s 1980 film *Amy!*, E. Ann Kaplan shows how the filmmakers expose the problematics of identity construction for women in a patriarchal culture. Kaplan’s observation that “patriarchy forces woman to become a split subject, alienated from herself” (Kaplan 1983, 167) seems applicable to the problem of fixing her own identity that Ann experiences. Ann’s indeterminate identity seems a product of her place as daughter

and as lawyer, as well as potential lover in a patriarchal context where “by making herself into the desired object,” following Kaplan’s comments about *Amy!*, she risks separating “herself from herself” (Kaplan 1983, 167). This perhaps provides one way of understanding the parting and closing of the robe—as Ann’s recognition of what it means and what it costs, psychologically and intellectually, to be cast as desired object. During this scene her father further invokes family ideology when telling his grandson that Ann will defend him (though she has not yet agreed to do so) because “we’re a family. You got trouble, I help. I got trouble, you help,” thus fusing the private/public dichotomy onto the image of Ann, who is silent, while language from the boy (unconsciously) and his grandfather (quite consciously) is used to obscure truth.

As Ann sits in silence, her father’s words affirm the false identity

he has constructed through family ideology, ultimately heightening her own indeterminacy of identity. In the context of her father's language and its evocation of a strong determinacy of (false) identity, yet another reading of this scene might suggest that Ann's air of tired resignation is a form of silent protest in the face of her own indeterminacy as woman existing in the dual patriarchal contexts of law and of family. Such a reading is fully realized in the film's final silent images as Ann sends off the photographs and later walks off with her son, presumably to explain the truth, thus countering the grandfather's false account of himself. In her discussion of Marguerite Duras's *Nathalie Granger*, Kaplan observes that "the connection between mirror shots and language as a problem for women in male culture" is foregrounded and can be read as the "validation of non-verbal communication reinforce[ing] the politics of the film, which advocates silence as a strategy for resistance to patriarchy" (Kaplan 1983, 100, 99). While *Music Box* does not adopt an overtly feminist position, as does *Nathalie Granger* (in fact, sometimes quite the contrary), this mirror sequence (with obvious Lacanian resonance) does present the woman lawyer's fractured identity as a site where the patriarchal family and language converge to deceive and ultimately disempower her in the contexts both of family and of law.

When Ann first reads the government's evidence against her father, the image of her face is reflected in an office windowpane against the snowy night sky (fig. 2.6). She must now confront her identity not only as a lawyer—her father's defender—but, more importantly, as the daughter of a man who allegedly performed acts that can only be called despicable. To what extent does she, as his daughter, share in this identity? As both his daughter and his defense attorney, to what degree is she complicitous? Does her defense of her father and her denial of his true identity as war criminal become a denial of her historical/cultural and personal complicity and, by extension, of her own subjectivity? These reflected images of Ann as silent yet linked with language—written or spoken—that constructs, either truthfully or falsely, her father's identity somehow place Ann on the edges of the Lacanian Symbolic, which, the film suggests, she cannot fully inhabit.

Such moments within the film stand out in relief against a potentially complex discourse on the issue of state power that the film fails to develop fully. Ann challenges federal prosecutor Burke about



FIGURE 2.6. *Reflective surfaces capture Ann's uncertain subjectivity as she first reads documents detailing the crimes of "Mishka."* From **Music Box**, © Tri-Star Pictures, 1989.

the ease with which the state constructs her father's identity as war criminal on the basis of circumstantial and possibly falsified evidence, much of it now more than forty years old. The state uses its power to manufacture a false identity, she initially claims, ultimately to be proven wrong. She might have argued that in conferring identity the state ratifies and institutionalizes the public/private division, further authorizing its own power to construct the identities of its subjects—not only of women but also of powerless, working-class immigrants like her father. One of several contradictions within the liberal

framework of the film lies in its insistence that Ann come to terms with the state's version of her father's identity.

Ann's figurative journey in arriving at a recognition of the state as correct results from her literal journey to Budapest, her father's homeland and a country that forms part of her own heritage and identity. The court travels there to hear testimony from a terminally ill witness who confirms Mishka's identity but whose reliability Ann quickly undermines on the basis of documents anonymously delivered to her hotel room, presumably by former fascist collaborators who themselves risk exposure should Mishka face extradition and a subsequent war crimes trial. Determined to deny the state's version of her father's identity, Ann never questions the nature or source of this evidence, which she uses skillfully to win a dismissal of charges. The film again suggests that Ann's emotional involvement overrides rational judgment, leading her to embrace a false (formerly fascist) state as patriarch and deny the true (liberal democratic) state, much as she embraces her (false) father.

After winning the dismissal of charges, however, Ann, at the urging of her assistant, visits the sister of the now deceased Tibor Zoldan, to whom Mishka had regularly written checks, a possible blackmail payoff, Ann's assistant implies. Tibor's sister hands Ann a Chicago pawnshop ticket, one of the few remaining effects of her brother, asking that Ann retrieve this last personal possession, which turns out to be a music box. Exiting the woman's apartment, Ann sees a photograph of Zoldan and recognizes the facial scar so many witnesses

described when recounting the horrors of Mishka and the other soldiers with him. Visibly shaken and emotionally numb, Ann retrieves the music box, in which she discovers hidden wartime photographs Zoldan presumably did use to blackmail her father, thus unambiguously confirming his identity as the brutal Mishka. No longer able to deny the truth, Ann confronts her father in a powerful scene, alternately embracing and attacking him. Through Mishka's response, the film exposes the injustices of a deviant (fascist) patriarchy while self-reflexively exposing the patterns that melodrama sometimes uses to pathologize women as emotionally excessive or imbalanced in their "misreadings" of reality. "What happened to you?" Mishka asks. "What did the communists do to you? . . . You're like a stranger. . . . Nobody is going to believe you. They're going to say you're crazy. . . . Something happened to your mind, Annie."

Father
Knows
Best

This scene is set in the elegant home of Talbot, the second deviant patriarch, who has called a press conference in celebration of the dismissal of charges. The film signals a crisis in patriarchy by exposing the public and private power these two corrupt figures are able to mobilize. As Ann stands inside a glass door watching her son ride his pony—a gift from Talbot—with her father directing him, we hear Talbot address the press, saying, "Let's worry about the grandsons, not the grandfathers," again invoking the ideology of family to cloak the deepest forms of corruption. Performed without dialogue, the scenes that follow play out an ironic reversal of Talbot's actions and his words, as Ann, now at home, places the incriminating photographs and the negatives into an envelope addressed to Burke. In the next shot, presumably several days later, Ann, at her doorstep, picks up a newspaper, with its headline announcing her father's identity, illustrated by the same photos. Empowered by the truth, Ann now indirectly enlists the press, earlier summoned by Talbot in the service of a falsehood. From inside her home, Ann ushers Mikey out the back door where the two take a seat as she presumably explains the truth.

Ann ultimately intervenes, in silence, from the private space of her home—the boundaries of that space strongly defined by reflections and refractions of light on glass windows and doors. Her language-centered activity in the public arena subverts justice, whereas her silent activity in the private sphere advances justice, but not without a certain inscription of excess, as earlier noted. Read as resistance to patriarchy, her silence could imply a newfound determinacy of

62 identity, for in sending off the photos, Ann has opted for the side of determinacy insofar as her father's identity is concerned. In that sense, Ann's "retreat" to the private sphere, from which she acts in service to the state, may be seen as a reinscription of the patriarchal order of law, taking on a Lacanian circularity in that "the subject can only operate within language by constantly repeating that moment of fundamental irreducible division" (Rose 1985, 31). As Ann walks off in silence with her son, the scene further creates a kind of Lacanian tableau, in which the mother "grants an image to the child, which her presence instantly deflects" (Rose 1985, 30). Read in this context, Ann's action repeats the subject-obliterating operation that women are destined to play in the Lacanian understanding of phallocentrism—and also in a patriarchal legal system.

Framing
Female
Lawyers

In her discussion of phallocentrism, and the "necessary" disavowal of woman's castrated condition, Doane points out that "the woman's relation to the phallus is that of 'being' rather than 'having'" (Doane 1991, 64). As applied to Ann at this moment, Doane's observation echoes the observations of Polan, MacKinnon, Rifkin, and other feminist legal theorists considering the role of women in the patriarchal system of law, in that women become or enact the law, truth, justice, rather than having the power of law. The woman lawyer is an *instrument* of law, yet she does not *possess* the true power of the law. Ann further bolsters the patriarchal order through her son. Linked with Ann's role as mother, these final images of legal intervention from her home seem to reinforce Kaplan's observations of motherhood in the Oedipal context, following Dorothy Dinnerstein and Melanie Klein, who suggest that "to all intents and purposes, the mother *qua herself* is, in patriarchy, relegated to silence, absence, and marginality" (Kaplan 1983, 172).

This series of images brings to mind Doane's commentary on melodrama as well, in which she states that "the desire of melodrama to recover an originary language which is not structured through difference is manifested in the genre's strategy of deflecting signifying material onto other, nonlinguistic registers of the sign—gesture, looks, music, *mise-en-scène*" (Doane 1987a, 84–85). The fact that the only evidence Ann finally accepts of her father's guilt is in the form of hidden images appearing one by one from a secret compartment in the music box—each musical phrase punctuated with a new photograph sliding into view—suggests that, for Ann, truth

indeed resides within the nonlinguistic register. This moment, with its absence of language, perhaps suggests a failure of phallocentrism or perhaps a failure of woman as agent in the world of language and the Symbolic.

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Father

Knows

Best

In his review of *Music Box*, Philip Strick aptly points out the ambiguous status of the woman in the final few scenes, observing that with "one grandfather manipulating the press while the other firmly controls the boy on his pony as they ride in obedient circles, the perpetual helplessness of the merely female seems beyond remedy." Strick goes on to make a modifying point when he suggests that "a case could be made that while the grandfathers represent the ruthless standards of the past . . . there is still a chance for the future to be shaped by the mother" (Strick 1990, 136). Yet, as in many female lawyer films, when Ann acts independently, asserting her agency by sending off the photos proving her father's guilt, the narrative, in some sense, also denies her agency because she acts in service to the state, perhaps underscoring Strick's sense of "the perpetual helplessness of the merely female." Only in accepting the state as the "true" patriarch—as the source of truth—is Ann able to reclaim a subject position, though paradoxically so, and to reclaim her identity as an attorney working in the cause of truth. Yet, once again, her identity as lawyer seems subsumed by her identity as mother and as daughter in these final scenes. Ann's role as lawyer comes further into question at this moment when motives based largely on the personal override professionalism in terms of lawyer-client privilege. Although Ann may be acting morally, she must break with professional ethics in doing so. Here, a law/justice division operates in conjunction with the public/private division, but with such a sense of ambivalence that the narrative ends up interrogating Ann on both sides of each binary. Moreover, the sense of "meaninglessness" and excess with which Ann's final act is arguably imbued, and to some degree confirmed by Costa-Gavras, does imply, if not the helplessness then the inconsequentiality of the "merely female."

While the "merely female" elicits perhaps a mixture of pity, sympathy, and distrust, the film tends to play that paradigm against the paradigm of the "merely old," particularly true in light of Costa-Gavras's comment concerning the unnecessary punishment of old men (Luft 1990, 234). Just as Ann's status as "merely female" is defined by her state of lack in the phallocentric context of culture

64 and of law, so too is Mishka's status as "merely old" centered upon his lost potency, eliciting a similar ambivalence. The sympathetic "good" old man, both father and grandfather, who is defined entirely in terms of the private sphere, is juxtaposed with the sadistic "bad" young man, who is associated entirely with the public sphere through witness testimony and photographic evidence. The film thus enlists a phallocratic discourse, in which the grandfather, the child, and the mother inhabit the private sphere—Ann linked with her father through a shared lack of true cultural power in the present. And, as earlier noted, both characters are linked through the interplay of determinacy and indeterminacy of identity. Because both exist in a state of lack, the state has power to confer or deny subjectivity and identity, though with radically different manifestations and results in each case.

Framing
Female
Lawyers

If, as Lacan sees it, "the phallus can only take up its place by indicating the precariousness of any identity assumed by the subject on the basis of its token" (Rose 1985, 40), then both female lawyer and her formerly Nazi-aligned father perhaps share in an overdetermined desire for the phallus as it stands for cultural power, resulting in the precariousness of identity to which the narrative has consigned them. As Mishka and Ann dance together to Hungarian music in the opening shots of the film, the identities of father and daughter merge as codependent, a condition inscribed partly through the Hungarian national heritage they share as first- and second-generation Americans. Just as Mishka invokes family as a means of concealing identity, he also invokes American nationalism, with such lines as "This is my country. I been here thirty-seven years, and now they want to take my citizenship away" and "That's not me. I'm a good American." Family ideology, nationalism, and American working-class values converge when he says, "I don't hurt nobody. I work at the steel mill. I raise my kids. . . . My boy was an American soldier. He fought in Vietnam. . . . She American lawyer." When Ann tells her father of documents describing the brutality of the "other" Mishka, she says, "It made me ashamed to be Hungarian," to which he replies, "That's why I came to America. You're American. We are American." The film, to some extent, problematizes the liberal democratic state as true patriarch in relationship to nationalistic claims invoked to obfuscate identity, as well as in relationship to the immediate post-World War II American

government's recruitment of former Nazis. Ultimately, however, it does attempt to "paper over" this complication through the (uneasy) alignment of justice and state.

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Father

Knows

Best

As they dance, Ann gazes at her father as though gazing into the mirror at the moment of Lacanian splitting, a sense of division informing the various mirror images of Ann throughout the narrative to follow. Through these verbal and visual evocations of identity, the potency of both father and daughter is simultaneously confirmed and denied. Ann's affection takes on the tone of wifely intimacy, therefore conferring upon her father a potency founded only upon misrecognition. The film elaborates upon this misrecognition in a scene set in the cemetery where Ann's mother is buried. Her father tells Ann that he brought her there when a boy first kissed her because "words came easier" in a place closer to the absent mother, as he struggled to raise his daughter on his own. And it is here where he constructs the "truth" about the charges against him. He also reminds Ann that her mother was Ann's age when she died. A mutual misrecognition is shown to persist, further linking father and daughter in an indeterminate state.

In her reading of Lacan, Rose states that "the phallus stands for that moment when prohibition must function, in the sense of whom may be assigned to whom in the triangle made up of mother, father and child, but at the same moment it signals to the subject that 'having' only functions at the price of a loss and 'being' as an effect of division" (Rose 1985, 40). In *Music Box* the slippage of identity—as proclaimed by the individual, as defined by family and nationalistic ideologies, and as conferred upon the individual by law and state—seems ultimately unresolved when it comes to Ann, whose precarious subjectivity hinges upon these intersecting elements, resulting in a fractured, sometimes incoherent subjectivity. Within the film's liberal framework a difficulty exists in resolving not only the slippage of identity, but also in resolving a Foucauldian vision of state power as it stands in a "conditioning-conditioned" relationship to other social/cultural networks, especially that of the family (Foucault 1984, 64). The final tableau-like moments of the film further inscribe this narrative ambivalence, while simultaneously attempting to resolve the problematics of state power and the power of woman in relation to the state.

Hanna K. Set in Israel, *Hanna K.* uses the Israeli-Palestinian contestation over homeland and the role it plays in identity construction as a backdrop, but merely a backdrop, for an interrogation of Jewish American lawyer Hanna Kaufman (Jill Clayburgh), who is practicing law in Israel and is called upon to defend a Palestinian accused of terrorist actions. Just as Ann's identity in *Music Box* is bound up with her role as daughter and mother and with her father's true or false identity as it exists in the larger context of history, so the identity of the female lawyer in *Hanna K.* is inextricably bound with issues of sexuality, maternity, and family, as all are inflected by politics and history. While the democratic American state is defined, in part, by contrast to the fascist Hungarian state of World War II in *Music Box*, the American state in *Hanna K.* forms a structuring absence against which the reactionary Israeli state is contrasted. This attempt to define and delineate the state—particularly in its negative, prohibitive approach to power—converges upon and seems mediated through the representation of the female lawyer whose sexual independence is debated vis-à-vis the Israeli state.

The film both criticizes patriarchy and supports it, as in *Music Box*, using Hanna as the locus of both positions. Like many female lawyer films, *Hanna K.* adopts a liberal political position, asserting the Palestinians' right to the land and to a nationality that once was theirs. Hanna supports this position in her defense of Selim Bakri (Mohamed Bakri), a Palestinian who claims his innocence when twice accused of terrorism. Unlike *Music Box*, which ultimately reveals the state's power to determine the truth about Mishka, *Hanna K.* never reveals whether Selim's claim to innocence and identity is true or false, thus simultaneously problematizing the issue of power as exercised by the Israeli state and the representation of the female lawyer who may or may not be defending a terrorist.

Selim, like Mishka in *Music Box* (though, at the same time, very different, for Selim *may* be innocent), is ultimately drained of the potency to construct his own identity, while the Israeli state can and does intercede to confer identity in the very process of denying it. According to the state, Selim is a "terrorist." The prosecutor asserts that "the defendant is not a citizen of this country; he is not a citizen of any country. We don't know who he is, really," to which Hanna responds, "Maybe he doesn't exist at all." This "shadow figure," as

seen and defined by the law, exists within the narrative as a symbolic critique of absolutist patriarchal claims and the reactionary politics supporting those claims. The film foregrounds the power of the state to rename and to reauthor history, thereby authorizing or denying the identity of the individual or a national group. In this case, the law of the father stands in service to the land of the father.

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Father
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Best

Through its critique, the film represents an abusive and destabilizing exercise of phallogentric power; yet it also looks somewhat critically upon Hanna as a destabilizing force. As in *Music Box*, the female lawyer is linked with her client through their shared impotence. While Ann's defense of her father is influenced by emotion, Hanna is shown to be a lawyer for whom sexual distractions interfere with professional competence.

Just as men control the legal system, determining Selim's fate and his identity, so too do men attempt to compete for control over Hanna's personal life. The men vying for Hanna's affection are her husband Victor (Jean Yanne), who lives in Paris and from whom she is separated; her lover Joshua (Gabriel Byrne), who is the father of her infant son as well as the Israeli prosecutor and her courtroom opponent; her client Selim, who eventually lives with her, caring for her infant; and finally her infant himself, who implicitly demands her attention and care. The film's aim of exposing a rigidly patriarchal legal structure in which Hanna's agency is highly restricted gets subsumed by an exposure of Hanna's complicated personal choices, which are represented as impulsive, careless, and self-serving.

Hanna's sexuality is presented as an uncontainable force, as when the long-suffering Victor, on one of several visits to Hanna in Israel, immediately assumes that her defense of Selim is based on sexual attraction. Like a protective father and a jealous lover, he asks, "Are you sure you won't get involved?" The film, to some extent, views Hanna's active sexuality as 1950s melodrama viewed the working woman/Woman Alone, whose independence and separation from family is conflated with promiscuity (Byars 1991, 101). Victor's response to Hanna's news that she is pregnant with Joshua's child reinforces this notion when he responds matter-of-factly with "Already?" While the film, on one hand, elicits some degree of sympathy for this independent woman, it has trouble, on the other hand, embracing the full ramifications of independence for women, thereby complicating the viewer's relationship with her.

Unhappy in her pregnancy, Hanna contemplates abortion and complains to Joshua of pregnancy that “it’s a mess; you get fat; you lose your waistline.” *Hanna K.* critically conflates Joshua’s desire for fatherhood with his desire for phallic authority over Hanna, as both woman and lawyer—made clear when he says, not entirely facetiously, that he’ll “put the law” on Hanna if she obtains an abortion, illegal in Israel. Yet the film also conflates Hanna’s desire for independence with narcissism and egotism, echoing New Right arguments against abortion rights and the ERA. While Hanna’s sexual liberation, expressing instability rather than independence, is seen in part as a reaction to an excessively rigid patriarchal and phallogocentric culture, it is also seen, paradoxically, as a failure on the part of that culture to adequately define, determine, and delimit her identity.

Costa-Gavras’s having chosen Jill Clayburgh to play Hanna further complicates the issue, since Clayburgh became the icon of the newly liberated woman after her performance in *An Unmarried Woman*, which earned her an Academy Award nomination. Clayburgh’s role in that film as a bourgeois housewife who learns to live independently after a divorce becomes an intertext afflicting her role in *Hanna K.* with a decided superficiality, leading one critic to call the film “An Unmarried Woman in Israel,” as Richard Porton and Ella Shohat point out in their review of the film (Porton and Shohat 1984–1985, 52).

While *Hanna K.* strongly implies the need for a counterweight to the conservative, controlling patriarchy, it does not hold much hope for Hanna’s agency in mounting such an intervention. As with *Music Box*, to a lesser degree, the contradictory and confused politics of *Hanna K.* cannot support a coherent subject position for its female protagonist.

*Be(com)ing the Father and Exposing the Sham:
Female Potency in **Class Action***

Just as in *Music Box*, issues of identity and subjectivity come into play in *Class Action*, a film in which the female lawyer opposes her father in the courtroom. Appearing in 1991, a year after *Music Box*, *Class Action* likewise reveals the disempowered condition of the “merely female” lawyer but not before first presenting her as a threatening, castrating figure, thus aligning her to some degree with such women

in film noir. In a class-action law suit, the female corporate attorney, Maggie Ward (Mary Elizabeth Mastrantonio), opposes her father, Jed Ward (Gene Hackman), who represents victims and their families seriously injured or killed in car accidents involving a defective model. The father-daughter dynamic strongly inscribes issues of patriarchy and family ideology, as it does in *Music Box*, but from a different angle. Jed, here, becomes the mediator for his daughter's agency in personal, professional, and ethical terms. Rooted in a highly charged Oedipal drama, the father-daughter relationship in this film is filled with contention.

Father
Knows
Best

The dichotomy between daughter and lawyer stands in parallel relationship to the dichotomy between father and lawyer, complicating the role of patriarchy and phallocentrism as factors mediating the female lawyer's agency, which, as in *Music Box*, hinges on her ability to recognize and to follow the good father—in this case her biological father, who is aligned with the same liberal politics the film itself adopts. Associated with New Right conservatism, Fred Quinn, the bad father figure, is controlling partner of the high-powered corporate firm for which Maggie works as an associate. Quinn's conservative political position collapses into a metaphorical association with fascist ideology, as happens more literally with Harry Talbot in *Music Box*. The presence of actor Donald Moffat, who plays both Talbot and Quinn—very similar characters—lends a certain intertextual resonance with *Music Box*. While lining up a bit too simplistically behind good and bad fathers, the film's political polarities further mediate Maggie's agency and power. Before aligning herself with the "proper" patriarch, Maggie threatens to subvert justice. Only when she embraces the film's liberalism does Maggie achieve a coherent subjectivity in service to her good father, the film's true agent of justice. Just as Ann's subjectivity is affirmed at the very moment it is denied, Maggie's subjectivity likewise operates in paradoxical terms.

The father-daughter relationship, as framed by the film's political polarities, becomes a source of the various ideological binaries so common to the female lawyer film—public/private, reason/emotion, law/justice—which further define the female lawyer's empowerment, or lack thereof, as both legal and narrative agent. In *Class Action* Maggie initially is associated with law, but her practice is untempered by the humane form of justice Jed pursues, obtainable through the courts of law, the film proposes, but only after waging difficult

70 battles. As good patriarch, Jed ultimately guides Maggie to abandon her overly rigid understanding of law in order to embrace justice-through-law, metaphorically represented as she embraces her father as the film closes. Unlike *Music Box*, which opens with a dance between father and daughter and ends with Ann's turning from her father's arms, *Class Action*, in an early scene, shows Maggie's refusal to dance with her father at a celebration of her parents' wedding anniversary. In the final shots of the film, Maggie embraces and dances with her father, after having come to "his side" of the law/justice binary and having allowed him to mediate her agency within the law.

Framing
Female
Lawyers

Maggie and Jed face off in the case of Argo Motors, a manufacturer that marketed its 1985 Meridian, fully aware of a defect causing the car to burst into flames if hit from behind with the left turn signal functioning. After consulting its risk-management expert, Argo suppressed a report by its now retired researcher, Dr. Pavel (Jan Rubes), who discovered this defect. Initially unaware of the Pavel report, Maggie takes on the case only to discover that Michael Grazier (Colin Friels), her immediate superior and lover, advised Argo to "bury" the Pavel report in 1985, concerned that bringing it to his firm's attention would cost him this lucrative client and a partnership in the firm. Maggie also comes to realize that Michael assigned her to the case believing that her personal loyalty would prompt her to cover for his past mistake. "Reaganomics" is critically addressed in this film, which argues that corporate deregulation policies encourage and sanction corporate irresponsibility. An activist lawyer in the 1960s and 1970s, Jed has built his career on consumerist, anticorporate cases like this one.

The film sets up a number of oppositions right from the start: Maggie as female lawyer within a field dominated by men; Maggie as lover of her unethical boss, Michael, versus Maggie as daughter of her ethical father, Jed; Maggie as representative of the Reagan New Right against Jed as representative of 1960s activist liberalism. *Class Action* reflects the patterns common to so many female lawyer films: in adopting a liberal political position, it reveals the shortcomings of the politically unenlightened female lawyer. The narrative repeatedly, if temporarily, turns against her, while in the process exposing its own conservative underpinnings in support of patriarchal mastery of the law. Also trapped within this contradiction are the film's viewers. From the beginning, we are invited to accept Jed's liberal ideology

and emotional expressiveness as the yardstick against which to measure Maggie, who is shown to be coldly professional. Critical legal theorist Mark Tushnet, in his essay on the film, argues that Maggie's practice of law in Quinn's firm requires that "she must show that she lacks what convention says women have, sympathy for victims and concern for family" (Tushnet 1996, 255). More significantly, Maggie must pretend to show what she lacks, phallic power and dominance. Addressing the conflation of penis/phallus in a patriarchal culture, Drucilla Cornell argues that for Lacan, "male superiority is a 'sham,' meaning that it is not mandated by a person's 'sex,' but instead rests on the fantasy identification that having the penis is having the phallus," a fantasy, which for Cornell, "lies at the very base of patriarchal culture and justifies gender hierarchy" (Cornell 1992, 285). As Maggie attempts to demonstrate *her* dominance, her own "sham" is exposed, in reverse of Lacan, and her castrated condition interrogated.

Father
Knows
Best

Maggie's "sham" is further exposed as excessive when the film proposes that her untempered rationality and careerist ambitions arise from unresolved conflicts with her father. Like Ann in *Music Box*, Maggie has a blind spot that threatens to subvert justice. Unlike Ann, however, whose blind spot is rooted in trust and love, Maggie's blind spot is rooted in distrust and resentment, resulting in a complex mother/father/daughter triad. The daughter wishes *to be* her father—to articulate and represent the "law of the father," particularly in relationship *to* her father—wishing, therefore, *to have* the phallus. The difficulty of being a woman who desires phallic power is articulated by Nick (Lawrence Fishburne), an attorney in Jed's law firm, whose words carry more than a slight Lacanian resonance when he says to Maggie, "Your biggest aspiration is to be his mirror image—exactly the opposite of what he is. And the problem is, you don't know what he is. That makes being you impossible." Here Nick defines Maggie's indeterminacy of identity as daughter, as woman, and as lawyer.

The film establishes Maggie as Jed's "mirror image" through patterns of parallel editing that structure the first third of the narrative. Crosscutting between adjoining courtrooms where Jed and Maggie argue separate cases, the opening credit sequence juxtaposes Maggie's cool assertion that "appeals . . . based on emotion have no place in a court of law" with Jed's passionate plea in defense of a chemical company worker who slammed his truck into the plant manager's

72 office, an act of protest, Jed claims, against the corporation's environmental crimes. "This is not a court of law," Jed counters, seemingly in response to Maggie's words, musing that "we, like so many Alices have plunged through . . . into Wonderland" and asking in reference to his defendant, "Do we honor him? Do we give him a parade? No. *He* is put on trial. Welcome to the Mad Hatter's tea party." In the law/justice binary that the film establishes, Jed clearly comes down on the side of justice. While father and daughter share similar rhetorical strategies, they defend opposite positions, almost appearing to argue in response to each other. In one courtroom Maggie asserts, "Yes, the plaintiff is a man of modest means. Yes, Zeidex is a very successful corporation, but the law, not charity, must dictate our course here today," while Jed rambles, "Yes, yes he rammed through the wall, and yes he did shut that hellish factory down for the day. And, yes, he is responsible for damages in the amount of four hundred and twenty-seven thousand dollars. How high a price is that to pay if he saved one life?" As Maggie argues her motion with self-assured formality in a nearly empty courtroom, Jed plays to a packed house with laid-back informal ease, at one point eliciting waves of laughter that filter into Maggie's courtroom and interrupt proceedings. After Jed wins a discovery motion opposite Maggie in the Argo Motors case, he tells her to "lighten up" when she questions his "sideshow antics." (As in *Adam's Rib*, we are invited to align ourselves with the male voice of "reason." When Adam accuses Amanda of "sideshow" tactics, we must agree; when Maggie accuses Jed of the same, we are positioned to recognize her excessive rigidity.)

Mise-en-scène combines with parallel editing to function as a barometer of Jed's politically correct position, against which the film asks us to evaluate Maggie. Vaulted glass and steel, always tending upward, and the sense of characters dwarfed by their surroundings lend visual credence to Jed's remark that Maggie is employed by a fascist law firm. Contrasting dramatically are the warm, dark tones of Jed's homey offices decorated with Native American art—visual codes of opposition that closely echo those of *Music Box*. Parallel scenes in which lawyers from each firm discuss the Argo case further underscore the film's ideological oppositions. Maggie and a male associate compete for the case, which Maggie sees as the "partnership express," in contrast with Jed's relaxed, democratic give-and-take

discussion with Nick, expressing concern for “the people”—their safety and their rights. Early in the film Maggie articulates her alignment with New Right corporate ideology when Michael briefs her on the case. He lies to her, saying that the design of the Meridian was “totally clean,” to which Maggie quips, “The new American way—find the guy who busted his hump to build it, then rob him blind.” In contrast, Jed views the Argo case as an opportunity to “go with your gut . . . the passion. You got all these fascist Reagan judges, they hear you’re after a corporation and they throw your ass right out of court.”

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*Father
Knows
Best*

Driven by her unresolved conflicts and anger with her father, whose position as rule-maker she wishes to usurp, Maggie’s confused motives in pursuing a law career are made explicit when her mother, Estelle (Joanna Merlin), asks Maggie to drop the Argo case. Maggie cannot separate the private from the public, the personal from the professional, as her response, spoken without intentional irony, reveals: “This is the first time I have him in a place where he doesn’t make the rules. In front of a judge in a courtroom. Someplace I can beat him.” On the one hand, Maggie is determined to “beat” her father, seeking vengeance for his earlier activist involvements that kept him away from home and led to his marital infidelities. On the other hand, Maggie also wishes to take her mother’s place in fighting her father, as a hurt and jealous wife or lover might do, resulting in a struggle in which family ideology inflects politics, in which boundaries between public and private fall under contention. Although Estelle confirms her love for Jed in spite of his past infidelities, Maggie will not be satisfied: “I saw how much he hurt you. Somebody has to fight him. You didn’t.” In the process of supporting her mother, irrespective of her mother’s claims, Maggie simultaneously rejects what she perceives as her mother’s castrated condition, her ineffectuality in confronting Jed.

Maggie is mobilized not only by a desire to “remove the veil” from the phallus, insofar as she recognizes her father as law, but she also wishes to usurp phallic power and law for herself. She is caught in the very contradiction of identity Nick articulates. Paradoxically, she wants to be the mother and the father—to be more phallic than her mother and less abusively phallic than her father, as she perceives him—wishing, in effect, to rewrite the Lacanian father and mother.

74 Emotionally attached to her mother and feeling betrayed by her father, Maggie resists the Lacanian moment of splitting, “the subject’s lack-in-being” (Rose 1985, 40), embodying the contradictory interplay of loss and strength attained through individuation that occurs at the moment when the phallus—the law of the father—intervenes. This contradictory state places Maggie on the margins of the Symbolic and infuses her agency as lawyer with a sense of deficiency. Like Ann in *Music Box*, Maggie is stereotypically guided by emotion; however, Maggie’s emotion is cloaked in rigid rationality, marking her as all the more misguided and destabilizing.

Framing
Female
Lawyers

The film further exposes Maggie’s ambitions as untempered and potentially destructive through the unexpected death of her mother, who collapses on the courthouse stairs immediately following the first contentious pre-trial hearing between father and daughter. The placement of reaction shots registering Estelle’s exasperated responses as father and daughter do battle functions to implicate Maggie in her mother’s death. Although we are told that Estelle’s death is caused by an embolism, narrative structuring forces us to conclude that Maggie’s refusal to drop the case has exacerbated her mother’s condition. Because Jed’s entire career has centered upon such cases, the film neatly absolves him of responsibility. Estelle tells Maggie that she could never ask Jed to drop the case; he would never do it. Not only by virtue of age but also by virtue of masculine authority are Jed’s professional choices granted precedence over those of Maggie. Driven by the desire to “help people,” Jed’s motives (though not entirely pure) do, by contrast, expose Maggie’s self-interest. Although Nick reassures Maggie that she is not responsible for her mother’s death, we must give credence to Maggie’s feelings of guilt. We recognize, too, that Estelle as mother, the merely female, could not survive this war for phallic dominance waged by father and daughter, which her daughter is bound to lose.

While the film does generally venerate Jed’s role in Movement politics and as champion litigator of the masses, it allows us to recognize his tendency toward paternalism and self-promotion. *Class Action*, in its most interesting and complex moments, opens its narrative to interrogate the moral and ethical contradictions underlying Jed’s apparently altruistic liberalism. In an argument between father and daughter after Estelle’s death, Maggie challenges Jed’s activism, which, she believes, led to his infidelities. In her attack upon

Jed—"You're a user, Dad. You used Tagalini [a corporate whistleblower]. You used all those women, and you used Mom."—Maggie conflates the public and private spheres. Mirroring the operation of law itself, Jed has managed to draw a firm boundary between his actions in each sphere, yet *we* are able to see a spilling over that Jed refuses to acknowledge. Even here, however, the film's liberalism cannot fully support Maggie, who strains to bridge the public/private dichotomy by suggesting that Jed should have limited his activities in the public (male) sphere in order to attend to his responsibilities in the private (female) sphere. Because Jed's public works have resulted in far-reaching reforms and because Maggie's mother has been shown to love and support her husband, in spite of his infidelities, Maggie's (feminist) position is shown to be excessive and motivated by her own insecurities.

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Father

Knows

Best

The narrative thus swiftly closes off interrogation of Jed in favor of interrogating Maggie in its need to reestablish patriarchal dominance and efface its own uneasy politics. While we merely *hear* about Jed's contradictory motives in past personal and professional involvements, we *witness* Maggie's confused motivation and questionable ethics in the Argo case. This interrogation of Maggie becomes especially evident when the film uses the voice and perspective of her father to suggest that, by virtue of being a woman in a nontraditional role, Maggie has stemmed the flow of natural compassion, morally and ethically crippling her with untempered professional ambition. At one point early on, when Maggie announces that she's taking on the case, Jed asks Estelle, "Does she care that people—babies—are being killed?" Jed, the liberal, literal patriarch implies a failure not only of Maggie's compassion but also of her "natural" maternal feelings. He orders her to drop the case, since, as he sees it, Quinn is using her as a "parlor trick"—"They think I'll look across the courtroom and see my daughter and go all soft inside," Jed says—in much the way prosecutor Burke sees Ann as her father's "alibi" in *Music Box*. And to a large extent, the film does support the notion that, as a woman, Maggie *is* merely a parlor trick in a game involving men as the serious players.

Among Jed's clients is Steven Kellen (Robert David Hall), a man now paralyzed, who witnessed the burning death of his wife and child when his Meridian burst into flames. When Quinn orders Maggie to dispatch with Kellen—"I want him eliminated as an effec-

76 tive witness. Are you prepared to do this?"—his words resonate with fascist overtones. We witness just how effectively Maggie eliminates Kellen during a pre-trial deposition. An emotionally fragile man, Kellen breaks down as Maggie, with a clinical demeanor, displays photographs of the fatal accident, complete with draped corpses. His masculinity shattered, he cries out, "Are you fucking human? Do you even care, Miss Ward, about anybody?" The film forces us to ask these same questions of Maggie, who is represented not so much as a threatening legal professional but as a threatening female, made evident through frequent reaction shots of Jed and Nick, aligning us with their dismay and disbelief in apprehending the perverse potency of a castrating female. Whereas the sexuality of the film noir female becomes the threatening force, here, as in many female lawyer films, it is Maggie's ruthless ambition, centered not only on performing with Quinn's approval, but also on attempting to usurp the law of her father through emasculating his client.

Framing
Female
Lawyers

Positioned in the deep space of the frame, Quinn watches Maggie as the camera slowly tracks along the long conference table from various starting points in a series of shots edited to create a vague sense of discontinuity. In its tracking movement, combined with haunting musical chords on the soundtrack, the camera assumes the role of a detached but increasingly cautious observer, thus inviting viewers (as jurors) to interrogate Maggie's threatening potency as she interrogates the impotent victim. Several shots are composed with both "fathers" watching Maggie perform, conveying the sense that she *is*, in effect, a parlor trick, but a different sort of trick from what Jed had initially imagined (fig. 2.7). On the one hand, she performs to please Quinn; on the other hand, she sends timid sidelong glances in Jed's direction, like a child who knowingly misbehaves in her father's presence. Clearly, then, while the film stands in judgment of Maggie's castrating potency, it also reduces her to the status of impotent child, supporting the notion that men truly are the powerful figures. As the deposition ends with Jed and Nick abruptly calling a halt to the proceedings, a final exchange takes place between Jed and Quinn, with Maggie on the margins. When Jed asks Quinn, "What's the going rate for a man's dignity?" he clearly confirms Maggie's role as trick or puppet, as does Quinn when he, rather than Maggie, responds. Following her performance, Maggie drinks alone at a bar, signaling her own difficulty in coming to terms with her castrating potential. This

is the first of several narrative transitions leading to Maggie's gradual acceptance of the "proper" patriarch, her (good) father, who is able to reconcile justice with law.

Like many of her predecessors in the films released before *Class Action*, such as *Jagged Edge*, *Suspect*, *Music Box*, and *The Big Easy*, Maggie is caught within a web of deception constructed by the male characters surrounding her. Maggie is being used not only by Quinn but also by her lover Michael, several other male associates, and later Jed, though this time in the name of justice. Upon learning of Michael's intention to bury Dr. Pavel's damaging report in an avalanche of documents, which is within the "letter of the law," as Quinn confirms, Maggie discovers that the report has been deleted from the evidence catalogue altogether and that the original and photocopy have been stolen from her locked desk. Maggie now understands the extent to which she has been deceived, particularly by Michael. While Maggie has assumed a position akin to that of the film noir femme fatale earlier in the narrative, she now assumes a position similar to that of the film noir male, whose identity is fractured when caught in complicated webs of deception, ultimately exposing *his* castrated condition with respect to corrupt institutional authority. Although *Class Action* refuses to recuperate the power of corporate authority, it does recuperate the power of the legal process in its ability to expose such corruption and enact justice. Part of this justice, however, includes the assigning of good and bad fathers, as well as daughter/lawyer, to their proper positions in relationship to each other—both within the law and the family.

Even in death, Estelle, as Maggie's mother, mediates between daughter and father and thus between daughter and law, further paving the way for a resolution to the Lacanian confusion. When Maggie approaches Quinn, revealing her discovery of the deleted evidence, he promises her a partnership if she performs in court as effectively as she has during the deposition. She then visits the day care center where her mother had worked as both activist and artist, in a scene that parallels Ann's visit to her mother's grave in *Music Box*, in



FIGURE 2.7. Maggie (Mary Elizabeth Mastrantonio) deposes her father's client as the two patriarchs, Jed (Gene Hackman) and Quinn (Donald Moffat) look on in judgment of her "performance." From *Class Action*, © 20th Century Fox, 1991.

78 function if not in content. Gazing at her mother's schoolyard mural of giant, bright sunflowers, Maggie cries, seemingly recognizing the "truth," in a kind of metaphorical reenactment of the Lacanian mirror stage. The mother has, in a sense, granted "an image to the child" (Rose 1985, 30) in her own absence. When Jed later enters Maggie's apartment, he explains that he has let himself in using "your mother's key." In what appears to be a reconciliation scene, Maggie confesses having used her anger toward Jed throughout her life to excuse her own failings and inadequacies. Never allowing us to see the resolution of this meeting, however, the film abruptly cuts to Maggie as she enters Michael's office the next morning, confessing her foolishness in having placed emotion above reason: "Somebody once told me that an emotional lawyer is a bad lawyer. I've been a pretty bad lawyer lately." With this, she apologizes to Michael for having questioned his actions with regard to the Pavel report.

Framing
Female
Lawyers

The film's hermeneutics, at this point, place the viewer outside any coherent understanding of Maggie's actions or her motivations. Is she telling the truth to Michael or to Jed? Is she telling each one partial truths? Whose side is she on in the case of the "buried" evidence, and on which side of the law/justice binary will she operate? Will Maggie place professional ambition above ethics in the courtroom, having been promised the partnership she so clearly craves? The film raises these questions just before the climactic courtroom sequence, effectively placing Maggie very much on trial in the minds of viewers. Though we eventually come to learn that she is now working secretly for Jed, we nevertheless are forced to recognize that Maggie continues to deceive—this time her corporate client, Quinn, and Michael, whom she sets up to perjure himself in the guise of protecting him.

Early in the trial, as Quinn's apparent instrument, Maggie again performs as a castrating female, potentially dangerous to men and the laws they create—an impression the film's earlier ellipsis exploits by withholding crucial information concerning her loyalties and motives. Quinn orders Maggie to "neutralize" and "dispense" with Dr. Pavel, the kindly but eccentric retired researcher, whom Maggie effectively emasculates on the stand, reducing him to enfeebled confusion through tactics far more dehumanizing than those of Ann in *Music Box*. With shots composed so that the jury often is visible, we watch as one elderly male juror, positioned on the far right of



FIGURE 2.8. Viewers are further invited to evaluate Maggie's harsh questioning of Dr. Pavel through the response of an elderly male juror on the far right of the frame. As he stares directly at Maggie and later lowers his head in empathy with Dr. Pavel, the juror serves as internal audience, mediating viewer response. From *Class Action*, © 20th Century Fox, 1991.

the frame, lowers his head in embarrassment and sympathy with Dr. Pavel when Maggie attacks his credibility (fig. 2.8). This shot, along with several others in which we see Jed's reaction from a distance, once again defines Maggie as a threatening figure. Because we do not know with any certainty that Maggie is working for Jed, such reaction shots, which have no logical basis in the narrative, function, in effect, to stack the deck in the viewer's mind against Maggie. In selectively withholding information, the film continues to keep us guessing about Maggie's motives, further impugning her stability and exploiting our anxieties at her expense.

Class Action constructs a potent, castrating female while, at the same time, acknowledging her lack of genuine power within the law, a condition best illustrated in Quinn's response to Maggie's aggressive courtroom tactics: "The jury accepts this kind of thing much better from a woman." On later discovering that Maggie has shared the firm's suppressed evidence with her father, Quinn calls for Maggie's disbarment in a meeting with Jed and the trial judge, a meeting that excludes Maggie herself. The film thus divests Maggie of lan-

80 guage and the power of self-assertion, making clear, once again, that men wield the real power. This moment in *Class Action* brings to mind Byars's observation about the structure of 1950s family melodrama when she points out that "even though the story is primarily concerned with the feminine arena of ideological reproduction . . . its telling is nevertheless structured around a dominant male, and he is the primary agent in the process of ideological integration" (Byars 1991, 93), a role adopted by Jed as he negotiates to restore order.

Framing
Female
Lawyers

Upon our learning the truth about Maggie's loyalties and upon Jed's winning a substantial settlement through Maggie's legally unethical assistance, the film positions Maggie as daughter first and as lawyer only relative to her role as daughter, much as *Music Box* does. Whereas Ann enacts justice in silence, Maggie remains completely absent when Jed negotiates a just settlement in the Argo case, and, although this negotiation takes place off screen, our awareness of Maggie's absence divests her of true narrative agency in the minds of viewers. As the film closes, Maggie appears at the same restaurant where Estelle and Jed held their anniversary party early in the film, with Jed and his associates now celebrating their legal victory. In this courtroom drama with a negotiated settlement rather than a verdict, a verdict is nevertheless delivered, but this verdict is a judgment upon Maggie. As she approaches Jed's table, Nick gives Maggie his blessing, "You did good, counselor." Very much the balanced voice of reason and conscience throughout the film, Nick validates Maggie's newfound ability to place law at the service of justice. And the legal establishment has also delivered its verdict on Maggie, we are told, ruling that her actions in sharing suppressed evidence with Jed were not only legal but ethical, thereby also reinforcing an idealized image of law, if even in forced, rather implausible terms.

As Simply Red is heard performing "If You Don't Know Me By Now," father and daughter embrace and dance together—a dance Maggie refused earlier when Estelle was alive and when Maggie was unable to embrace the law of the father, either as daughter or as lawyer. No longer attempting to *become* the father—to usurp the phallus or the position of the wounded mother in seeking redress—Maggie has accepted, in effect, the breaking of "the imaginary dyad."

Perhaps because the presence of a "good" biological father infuses both law and family with a sense of stability, bridging the public/private division rather convincingly in the context of patriarchal cul-

ture, closure in *Class Action* seems less overdetermined or fractured than in many other female lawyer films, although the Oedipal implications, while verbally resolved, have been so powerfully experienced that the final dance remains perhaps too easy a resolution after years of tension. We are left to assume that, while the female lawyer will continue to practice law, she will do so having now embraced rather than rejected the guidance of her father and having embraced rather than rejected his and the narrative's idealized notion of justice in the context of a liberal ideological framework. The cracks in that framework, insofar as the female lawyer is concerned, have been neatly patched.

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Father

Knows

Best

CHAPTER 3

Female Lawyers While the terms of interrogation in *Music*
and the Maternal: *Box* and *Class Action* are most strongly fo-
 cused around the female lawyer as daughter,
 The Client (1994) and *Defenseless* (1991) in-
The Client and scribe patriarchy through the actual or im-
 plied absence of father or family, an absence
Defenseless that complicates notions of the maternal, par-
 ticularly in relationship to the female lawyer.

As in *Music Box* and several films to be discussed in later chapters, mothering in *The Client* is centered on a male child, since something more significant seems at stake when a young son is involved. The female lawyer in *The Client* is defined almost entirely in terms of her failed role as a mother and her maternal protection of her young client, who functions as a surrogate son. The female lawyer in *Defenseless* is defined by her failure to secure home and family in the first place, resulting in an unhappy affair with her married client. *Defenseless*, like *Music Box*, complicates notions of patriarchy through a pathologizing of fathers, yet often displaces the implications of this pathology, projecting it instead onto several maternal figures, including the female lawyer.

As evident in *Music Box*, albeit in highly ambiguous terms, motherhood tends to neutralize female empowerment, an unconscious expression perhaps of "the patriarchal need to position women so that the threat they offer is mitigated" (Kaplan 1983, 201), which, according to E. Ann Kaplan, results in the suppression of the mother, with an emphasis upon her lack. Kaplan, in her writing on the maternal in film, suggests that "the unconscious of patriarchy, including the fear of the pre-Oedipal plenitude with the mother," often finds expression in Hollywood films, where the issue of pleasure remains at the core of the most insidious repressive strategies, as far as women are concerned, "for patriarchal structures have been designed to make us forget the mutual, pleasurable bonding that we all, male and female, enjoyed with our mothers" (Kaplan 1983, 205). When Hollywood films conflate the roles of woman, lawyer, and mother, two some-

times contradictory impulses emerge: an intensification of repression and the anxiety-producing sense that the mother-child bond can potentially "return to dominance, or . . . stand in place of the Law of the Father" (Kaplan 1983, 205), as the final images of *Music Box* might possibly suggest. The female lawyer is often positioned at the very point where these two impulses converge.

*Female
Lawyers and
the Maternal*

*The Veiled Phallus and Feminine Dereliction:
Motherhood and Law in **The Client***

In *The Client* repression ultimately claims dominance, but through narrative strategies so overdetermined that a forced sense of closure results. After supporting her husband through medical school and caring for their two children, Reggie Love (Susan Sarandon) is now divorced and childless. Having been plagued by insomnia and depression as a result of difficult child-support proceedings, Reggie became addicted to medication her husband had prescribed, leading him to prevail in a child custody battle. With the loss of her children, Reggie sank further into drug addiction and alcoholism before sobering up and working her way through law school, motivated, it would seem, by a recognition of her disempowered status before the law as woman and as mother. All of this constitutes backstory, which we learn as the narrative unfolds. Whereas the split between daughter and lawyer becomes the site of interrogation in *Music Box* and *Class Action*, the split between mother and lawyer becomes the primary site of interrogation in *The Client*.

Reggie takes on the case of a young boy, who, along with his brother, is witness to the suicide of a Mafia lawyer named "Romey" (Walter Oliewicz), whom the boys encounter while playing in the woods near Memphis. Eleven-year-old Mark Sway (Brad Renfro) twice removes a rubber hose from the exhaust pipe of Romey's idling car before Romey discovers him and locks Mark inside the car to die with him. Drugged and drunk, Romey reveals the location where his New Orleans Mafia client has buried the body of a senator, crucial information in a case spearheaded by the ambitious federal prosecutor Roy Foltrigg (Tommy Lee Jones). Mark escapes the car, but not before leaving his fingerprints on Romey's gun, having made an unsuccessful grab for it. Romey chases after Mark and, failing to catch

84 him, shoots himself in the head with that same gun. Suffering post-traumatic stress in response to this incident, Mark's younger brother, Ricky (David Speck), falls into a coma and is rushed to a hospital where he remains comatose. At the scene of the suicide, Mark lies to police, saying that he and Romey never spoke, a lie so transparent that the police arrange for Foltrigg to question Mark. Realizing that his life and his family's safety could be in jeopardy if he divulges the crucial information Foltrigg desires, Mark navigates his way to a lawyer, randomly entering law offices and choosing his attorney on the basis of impressions conveyed within seconds. When he opens the door to Reggie's office, he finds her barefoot, atop a window sill struggling to open a stuck window. With clear disdain for the "merely female," Mark asks to see her boss, then begrudgingly hires her with his only dollar, as her no-nonsense manner slowly wins him over. On the basis of plot alone, the film is formulaic, built upon cinematic clichés and stereotypes. What makes the film interesting, however, is the degree to which these formulaic elements reveal the patriarchal unconscious at work, while simultaneously straining the fabric of that unconscious tendency.

Framing
Female
Lawyers

Mark's initial rejection of the "merely female" has its Lacanian grounding in the film's narrative—a kind of boy's thriller/adventure story—revolving around a series of instances in which the boy "tries on" the phallus, testing the proper fit of those accoutrements of male dominance that he will eventually grow to wear. Unlike the typical bildungsroman, in which a journey into maturity is undertaken by the young protagonist who obtains crucial knowledge about himself—his power and his limitations—and about the social order he must reject or into which he must grow, *The Client* is so decidedly masculinist in its narrative trajectory that the boy's recognition of his own limitations is displaced, or dispersed, upon the adult female characters, primarily the boy's biological mother (Mary-Louise Parker) and Reggie, his lawyer. The boy's maturing masculine position is secured largely through Foltrigg, who imposes the "law of the father" to which both Mark and Reggie must submit.

As male, Mark is given narrative access to knowledge and power denied his poor, uneducated mother. As a means of silencing her expressions of anxiety, the doctors prescribe Valium, while insisting that, regardless of her financial dependence on a minimum-wage job, she must be present in the hospital at all times; when Ricky awak-

ens, his mother must be the first image he sees (a mirroring of the Lacanian mirror phase, it would seem, in which the mother must confer identity—act as “bearer of meaning”—at the very moment this boy is brought back into consciousness). Mark reassures his mother, saying, “I’ll think of something to get us out of this,” a line that places his masculine superiority and rationality, even as a boy, in juxtaposition with her feminine inferiority and emotionalism. As in many other female lawyer films, issues of economics and class are subsumed by issues of gender. Mark “got rid of” his alcoholic, abusive “ex-father,” he tells Reggie, by explaining everything to the family court judge. The role of the mother as maker of meaning is thus swept aside, whether in her articulating the truth in court or in providing for and protecting her children. The father’s absence and the mother’s incapacity as agent of stability plunges the family into poverty, with escape resting entirely upon Mark’s potential resourcefulness as masculine agent. Although Mark is critical of the law and lawyers, whom he holds responsible for the family’s having suffered his father’s abuse in the first place, he mobilizes the law to end that abuse when he speaks and assumes his place as active agent within the process.

Reggie’s agency within the law has been less successful, it would seem. Having entered the legal profession in response to her disempowered status during child custody proceedings, she remains without power to the extent that law school training and two years of legal practice have done little to alter her status as a mother legally separated from her children. She must opt for surrogate motherhood of Mark.

In acting as Mark’s lawyer, Reggie is susceptible to the same emotional attachments that hamper rational legal practice, as we have seen in *Music Box* and *Class Action*. Secondary characters question Reggie’s motives for taking Mark on as a (nonpaying) client: Mark’s mother initially rejects Reggie’s assistance by shouting, “Mark’s already got a mother”; Reggie’s mother cautions her daughter by saying, “He’s your client, Regina, he’s not your child”; and the judge in the case, an older male mentor, counsels her by asking, “Whatever became of that *objectivity* we used to fight about over at Memphis State? After all, he *is* just a client, isn’t he?” The film most clearly suggests that Mark is not “just a client,” in a scene immediately following the cautionary line spoken by Reggie’s mother, as,

86 when searching through boxes for old law school notebooks, Reggie stumbles upon her son's baseball mitt and her infant daughter's tiny shoe. The metonymic power of these objects strongly inscribes what Framing Reggie has lost, unambiguously confirming Mark's status as surrogate son and Reggie's motives as conflicted.
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Although dependent upon Reggie, Mark also recognizes her disempowered status. The film implies that Mark's "rightful" masculine empowerment is contingent upon his recognition and rejection of the female's castrated condition. Talking to the comatose Ricky, Mark whispers, "I got us a lawyer . . . even though she *is* a woman," and when Foltrigg places him in protective custody, Mark expresses disdain at having been assigned to a female detention center. "I want to be with men," he screams, articulating, albeit in humorous context, the film's uncritical thematic investment in a male/female duality, with all of the stereotypical binaries growing out of it.

As a result of adopting such binaries, the film casts Reggie's subjectivity in even more precarious terms than Ann's subjectivity is cast in *Music Box*. Whereas *Music Box* acknowledges that "apparent smoothness and totality [of subjectivity] is a myth" (Rose 1985, 30), as Lacan points out, *The Client* constructs its own myth of an uncomplicated male subjectivity that remains such precisely because it relegates women to the margins, where they exist primarily to confer subjectivity upon the male. This myth again brings to mind Kaplan's observation of the mother in patriarchy as silent, absent, or marginalized (Kaplan 1983, 172).

Reggie Love becomes the object of desire for that which has been lost—the phallus or the phallic mother, in Lacanian terms—an object that simultaneously inscribes plenitude and the anxiety of castration. Mark's mother cannot function as a sign of lost plenitude in the same way that the smarter, more worldly Reggie can, yet such plenitude, while longed for, is also threatening. As federal prosecutor, Roy Foltrigg represents the law of the father and the authoritative patriarchal state that both Reggie and Mark initially resist. Although Foltrigg's desire for self-advancement at first overrides his concern for Mark's protection, it is exclusively with Roy that Mark's protection rests, since it is he alone who has full access to the power of law. The Oedipal drama enacted within the film works ultimately to neutralize the agency of the female lawyer, who embodies *several* figures of that drama in relationship to Mark.

Upon discovering Reggie's past history of alcohol and drug abuse, Mark identifies her with his own alcoholic father whom he has rejected, "firing" her in a scene that plays simultaneously like an argument between a belligerent child and his mother and a quarrel between two lovers. Storming out of the house, Mark eventually returns upon discovering one of the mobsters stalking him. The reconciliation scene also plays in multiple ways: as a scene between mother and son, as a scene between woman and lover, and—only at moments—as a scene between lawyer and client. Recounting the battle with his alcoholic father, Mark says, "That's when my father became my ex-father, and now I got you" (as in "Now I'm stuck with someone like you"). After Reggie questions Mark about Romey's suicide, discovering that he has lied to her as well as to Foltrigg, Mark challenges *her* to answer *his* questions. Uncertain about trusting her assertion that she has been sober for several years, he questions her past drug and alcohol abuse and her role as a mother to the children she has lost. As he begins to believe her, Mark reaches out to share her cigarette as a postcoital lover might do. The collapsing of Reggie's maternal, professional, and potentially romantic roles signals further destabilization of her agency when the eleven-year-old Mark, at times, appears to guide *her* along the complicated pathways of a criminal investigation and its corresponding legal action, asserting *his* entitlement to the law simply by virtue of being male.

Reggie negotiates a deal with Roy to reunite Mark with his family under the federal witness protection program in exchange for the information Roy is seeking. Mark returns to his biological mother, whom he must also guide and care for, but only after embracing Reggie and asserting his love for this incredibly self-effacing female lawyer. Reggie thus assumes three identities in relationship to Mark: the rejected but reformed father with whom the boy happily can now identify; the surrogate mother whose lack he disdains yet overrides by calling upon his own masculine power, thereby constructing his maturing identity as male; and the potential love object, further securing his newfound masculine identity and potency. At the same time, however, the child ultimately becomes a kind of father to the woman, enabling her fruitfully to practice law, but not without neutralizing her narrative agency in the process.

Reggie represents both being and lack, in much the way that our culture's symbolic vision of Justice—personified in the figure of a

88 blindfolded woman—embodies both the being and the lack of phal-
locentric power in the context of law, both the truth and the decep-
tion, both the object and the pretense, simultaneously implying the
underlying instability *and* power of the phallus.¹ While Justice is
blindfolded to difference, presumably in order to symbolize the neu-
trality and objectivity fundamental to an idealized conception of law,
she does, simultaneously *embody* difference. The female lawyer in
film becomes a point where similar contradictions meet. As evident
in *Music Box* and *The Client*, and even more dramatically in *Class*
Action and *Defenseless*, as we shall see, the female lawyer in film is
not simply blindfolded; she is blind. It is up to the male character(s)
to recognize and *enact* justice.

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Catharine MacKinnon argues that the very notion of “blind,” ob-
jective neutrality ostensibly defined as justice, is a concept that, in
fact, supports phallocentric dominance, pointing out that “the state
will appear most relentless in imposing the male point of view when
it comes closest to achieving its highest formal criterion of distanced
aperspectivity. When it is most ruthlessly neutral, it will be most
male; when it is most sex blind, it will be most blind to the sex stan-
dard being applied. When it most closely conforms to precedent, to
‘facts,’ to legislative intent, it will most closely enforce socially male
norms and most thoroughly preclude questioning their content as
having a point of view at all. Abstract rights will authorize the male
experience of the world” (MacKinnon 1993, 435).

MacKinnon’s concept of “point of view” and “perspective” rela-
tive to law are, of course, also among the primary structuring devices
of cinema, acting to position the female character in relationship to
the male character, the spectator in relationship to the characters and
the action.

Linked with the perceptions of neutrality, truth, and, implicitly,
justice is the cultural primacy of the veiled phallus, as we have seen.
The notion of the veiled phallus as a *signifier* of potency and of law
works its way into the illusion of “smoothness and totality” of sub-
jectivity, for those whose agency is guaranteed through and by the
law—primarily white heterosexual males.

It becomes interesting to consider the notion of the veiled phallus,
as reduplicated through the idealized veiling of the legal process, in
light of feminist film theory. Judith Butler, for instance, discusses
the veiled or masked state of the woman who desires masculinity,

"as an effort to renounce the 'having' of the Phallus in order to avert retribution by those from whom it must have been procured through castration" (Butler 1990, 51). Mary Ann Doane examines a number of cinematic images in which the female character is costumed in a veil or mask, in order to illustrate that, following Lacanian theory, the woman, in *concealing* her lack *becomes* the phallus, while at the same moment demonstrating that she lacks the phallus. The contradictory impulses at play during the moment when the law of the father intervenes—the sense of loss and separation from the mother, combined with the sense of strength attained through individuation—are also at play within these images of veiled women. Such images simultaneously confer depth and surface to the image of woman, who represents both the phallus (signifying truth, knowledge, and power as well as male desire) and lack of the phallus signifying deception and pretense, thus resulting in disavowal or lack of desire or both). While Doane's assertion that truth ultimately resides within the phallogocentric discourse is correct insofar as the female lawyer is concerned (Doane 1991, 65), by her presence, as noted, the female lawyer has lifted the veil from the phallus. Thus, patriarchy, residing within and nourishing the legal system, has been thrown into a state of crisis.

The presence of the "bad father," who in *Class Action* and *The Verdict* transgresses the principles of ethics and the law in order to win at any price, registers this crisis. In *Suspect* the trial judge in a murder case is himself the murderous patriarch, and in *High Crimes* (2002) the military court is shown to be corruptible, though in defending her husband, the female lawyer is treacherously fallible as well in her emotional willingness to believe in him, much as Ann in *Music Box* clings to belief in her father. Irish director Jim Sheridan's *In the Name of the Father* (1993) indicts the entire British justice system, in which male dominance exists on all levels. Although the primary focus of the film is on the men falsely accused of participating in an IRA bombing, this Hollywood-financed art film, closely following Hollywood aesthetics, positions the female lawyer (Emma Thompson) as key player in a legal system clearly corrupted by political interests.² As the very title of this film, with its Lacanian resonance, indicates, the basic contradiction of the female lawyer film is expressed when woman lawyers defeat these patriarchal figures but only by means of the very system they govern and uphold.

Music Box, *Hanna K.*, *The Client*, and *Defenseless* further illustrate an ensuing patriarchal crisis and various professional and personal crises as a result of the absent or impaired father/family. As we shall see in Chapter 5, *Curly Sue* and *Legal Eagles* imply that a resolution of these crises is possible only through reconstituting the traditional nuclear family, through which the female lawyer will find much greater happiness and fulfillment than her professional life could ever hope to offer. In *The Client* and, to a lesser degree, in *I Am Sam*, the female lawyers, having failed as mothers, seem *exiled* from the more fulfilling private sphere of home and family. Reggie, in particular, seems thrown into the public sphere of the law out of bleak necessity and, once there, attempts to recreate the private sphere through her relationship with Mark as client/surrogate son.

While the sociological condition of the single-parent household, as represented in *Hanna K.*, *Music Box*, and *The Client*, has the potential for posing the emergence of "new psychic patterns," only *Music Box*, in admittedly ambiguous terms, opens the real potential for such patterns since, as Kaplan observes, "the child cannot position the [single] mother as object to the Law and the Father, since in single-parent households, *her* desire sets things in motion" (Kaplan 1983, 204). In *The Client* Reggie, as surrogate mother/lawyer, may resist Mark's attempts to position her "as object to the Law," yet the conflation of Reggie's roles in relationship to Mark places her agency at the disposal of his desire as he grows into his "proper" position as agent within the law or as potential father who represents the law.

Further complicating this position insofar as women in law are concerned is Drucilla Cornell's notion of feminine dereliction. While Lacan warns against the conflation of penis/phallus, he "emphasizes the power of gender structures to give significance to the reality that women do not have a penis," which, as Cornell points out, gave rise to Lacan's pronouncement that "woman does not exist," which, "within Lacan's own framework, means that the libidinal relationship to the Phallic Mother cannot be represented precisely because it has been repressed into the unconscious" (Cornell 1992, 286). Despite Lacan's assertion that such conflation results in a "sham" of male superiority, Cornell argues that this conflation is central to patriarchal culture, having traditionally justified a hierarchical structure with women deemed doubly lacking and relegated to a state of dereliction.

The Client most overtly articulates this attitude through its characterization of Mark. As a young boy, Mark is able, without consequence, to verbalize such an understanding of women, thus allowing the film to play it both ways. While Mark's disdain for the merely female comes off as mildly humorous in light of his age, it is also shown as seriously necessary for his eventual growth into the phallocentric order of culture. Thus, the audience is given latitude to laugh at or reject this notion of feminine dereliction while simultaneously accepting it as essential to the construction of male subjectivity. Hence, the paradoxical position of woman in film, assigned "a special place in cinematic representation while denying her access to that system" (Doane 1991, 19), as Doane expresses it, a condition redoubled within representations of female lawyers in film—both in relationship to law and to cinematic representation. This notion of feminine dereliction becomes highly coded and further complicated in *Defenseless*, which pathologizes its "bad" father figures as a means, ultimately, of exposing the dereliction of several maternal figures, including the female lawyer.

*Feminine Dereliction and the "Return of the Repressed":
Phallic Power in **Defenseless***

In *Defenseless* T. K. Katwuller (Barbara Hershey) defends her client and married lover, Steven Seldes (J. T. Walsh), accused of producing porn movies starring underage teenage girls. As owner of the building in which these films are made, Steven claims he is simply a landlord, never having been aware of his tenant's business. "I have a teenage daughter, for Christ's sake," Steven protests to T. K. Meanwhile, Mr. Bodeck (George P. Wilbur), the father of one young porn star named Cindy (Christine Elise), refuses to believe Steven's defense and becomes obsessed with seeking revenge against everyone involved in exploiting his daughter. As *Defenseless* opens, Bodeck violently attacks porn producer Jack Hammer, prompting Mrs. Bodeck (Sheree North) to visit T. K.'s office, warning of her husband's pathological anger.

T. K. believes and trusts Steven, both in the context of the lawsuit and of their affair when he claims to be married "in name only." Even though her romantic involvement with Steven contradicts "a

92 few rules" she has established for herself—"never get involved with a client; never get involved with a married man"—T. K. continues the affair. By chance one day she runs into her old college roommate, Ellie (Mary Beth Hurt), only to discover that Ellie is married to the very same Steven Seldes she is sleeping with and representing. After an uncomfortable family dinner with Ellie, Steven, and their teenage daughter Janna, T. K. resolves to end her affair. Upon visiting Steven's office the next evening to inform him of her decision and to return a sweater she borrowed from Ellie, T. K. argues with Steven, an argument that escalates when she discovers porn stills linking him with his tenant, Blue Screen Productions. As T. K.'s head accidentally hits Steven's nose, causing him to bleed profusely, he grabs her neck, and she reaches for a letter opener, stabbing him several times in the arm. Angry at Steven and herself, T. K. throws Ellie's sweater into a dumpster outside Steven's office building as she exits hastily, only to find she must return to retrieve her keys and purse from Steven's office, where she discovers him dead in the men's room. Although she phones the police, T. K. responds with lies and partial truths when questioned by Detective Beutel (Sam Shepard). On the evidence of the discarded sweater, Ellie is arrested for her husband's murder and calls upon T. K. to defend her. The audience is privileged with information withheld from T. K.—we see the same bloody letter opener T. K. dropped in the office after her struggle with Steven, now hidden beneath the seat of her car. This information both incriminates her in the minds of viewers, yet also opens the possibility of a "set-up" with T. K. as the victim. In partial reaction to her own guilt concerning her affair and violent confrontation with Steven, T. K. refuses to believe Ellie's confession of murder. With her mother arrested, Janna (Kellie Overbey) confides in T. K., playing a videotape of her father's molesting her in an ongoing incestuous relationship. In spite of Ellie's protest, T. K. presents the tape in court, confident that Janna's possible murder of her father will be forgiven in light of the sexual abuse she has suffered. T. K. thus wins Ellie's acquittal, though Ellie refuses to forgive T. K. for having publicly exposed the tape. Upon Ellie's release from jail, Beutel receives an anonymous phone call concerning the murder weapon hidden in T. K.'s car. On this new evidence, Beutel arrests T. K., but later choreographs a confrontation between T. K. and Ellie, entrapping Ellie, who again confesses to the crime, this time revealing her true motives.

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The narrative hermeneutics at first position us to imagine that T. K. could have killed Steven, a doubt soon dispelled by an autopsy report revealing that Steven was stabbed eighteen times. Having witnessed T. K.'s struggle with Steven, we can absolve her of murder, but we cannot absolve her of evasive and deceptive responses to the police. As in *Class Action*, the film places us in a "defensive" position relative to this female lawyer, much as Pam Cook says we are placed in a defensive position relative to the film noir female (Cook 1978, 78). T. K.'s motives for defending Ellie likewise remain ethically questionable, since T. K. herself is a material witness withholding crucial facts. And in the end we recognize that T. K. is responsible for freeing a murderer who cannot be retried. The female lawyer's poor judgment, duplicity, and instability clearly place her on trial in the viewer's mind and in the mind of Beutel, who silently observes her and methodically pieces together the facts, finally and exclusively arriving at the truth. Beutel represents the stability of patriarchal law whose job it is to remove the veil of deception with which the female lawyer, in her perpetual state of dereliction, has cloaked herself. He must force her to recognize her castrated condition with respect to both law and truth. Although the film manages to pose a critique of patriarchal repression, it symptomatically adopts the very same strategies of repression, using the female lawyer as locus for these contradictory impulses and revealing its own patriarchal unconscious.

In his discussion of the horror film, Robin Wood defines the centrality of repression to patriarchal capitalism and, following psychoanalytic theory as inflected by Marxism, divides repression into two categories. "Basic repression" is "universal, necessary, and inescapable," making possible the individual's development of thought and memory processes through strategies of deferred gratification and self-control. "Surplus repression" is culture-specific, "the process whereby people are conditioned from earliest infancy to take on predetermined roles within that culture" (Wood 1986, 70-71). In Western capitalist cultures, surplus repression establishes ideological norms into which we are expected to grow and to which we are expected to conform, shaping us into "monogamous heterosexual bourgeois patriarchal capitalists . . . that is, *if it works*. If it doesn't, the result is either a neurotic or a revolutionary." Wood connects Freud's insight that "the burden of repression was becoming all but insupportable" in Western culture, with Marx's theory of alienated labor, concluding that "the

94 most immediately obvious characteristics of life in our culture are frustration, dissatisfaction, anxiety, greed, possessiveness, jealousy, neuroticism: no more than what psychoanalytic theory shows to be the logical product of patriarchal capitalism" (Wood 1986, 71). Following other theorists, Wood points out that patriarchal capitalism represses bisexuality, female sexuality and creativity, the sexuality of children, and "sexual energy itself, together with its possible successful sublimation into non-sexual creativity," concluding that the "ideal inhabitant" of Western culture is "as close as possible to an automaton in whom both sexual and intellectual energy has been reduced to a minimum. Otherwise, the ideal is a contradiction in terms and a logical impossibility—hence the necessary frustration, anxiety and neuroticism of our culture" (Wood 1986, 72). Moreover, Wood argues that challenges to the system "become possible (become in a literal sense thinkable) only in the circumstances of the system's imminent disintegration" (Wood 1986, 71), an argument that grows from and reinforces theories of hegemonic practices within culture and within the law that shapes it.

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In *Defenseless* Steven Seldes and Mr. Bodeck are defined as "bad," pathological fathers. Steven, a successful businessman, hides his sexual exploitation of minors, and particularly of his daughter, beneath the veneer of upper-middle-class privilege, family ideology and material acquisition. Mr. Bodeck, a poor, working-class man is marked as such by the stereotypical trailer home in which he lives and by his history of domestic violence. The film's conflation of crime with poverty is symptomatic of many Hollywood films, which pathologize poverty and elide or displace issues of class altogether. As Wood points out, the concept of "the other" is inseparable from repression, and among the various "others" that surplus repression creates in patriarchal capitalist culture are "the proletariat—insofar as it still has any autonomous existence and has escaped its colonization by bourgeois ideology" (Wood 1986, 73–74).

Although both men are equally pathological, *Defenseless* uses social class to delineate degrees of pathology, displacing the bourgeois repression at the core of Steven's pathology onto its representation of Mr. Bodeck as the proletariat "other." Framing techniques contribute to this effect. Steven is generally photographed in medium or long shots, allowing the context of his well-appointed home or high-tech office to define his "acceptable," if somewhat remote, bourgeois

status. Mr. Bodeck, by contrast, is decontextualized and thus dehumanized, photographed often in extreme close-up with the ring of keys worn on his belt filling the frame. Very much like a horror-film monster, Bodeck is metonymically reduced to this image of the belt and keys, which comes to signify impending violence, an effect heightened by the threatening jangle as he moves slowly toward his victims. This image/sound pattern repeatedly initiates sequences structured by suspense and violence, most notably in the film's opening sequence and later when Bodeck physically attacks T. K. Misogyny directed toward the female lawyer is contained within this figure of "the other," safely distancing the bourgeois viewer from his or her own misogynist or masochistic impulses. While Steven's actions in relationship to his own daughter are far more reprehensible than those of Mr. Bodeck, this working-class character who wishes merely (albeit pathologically) to protect his daughter appears far more monstrous. The film further invites us to speculate about the forms of abuse Bodeck's wife and daughter may have suffered at his hands when we discover that he has beaten his wife upon learning of her conversation with T. K. and when we hear his daughter ask for T. K.'s help in returning to the porn producers, who were "real nice . . . I never been treated so good before."

Ellie and Mrs. Bodeck are defined as castrated, ineffectual mothers, both of whom, in different ways, represent a return of the repressed vis-à-vis contemporary American culture, particularly as that culture has been shaped by feminism's second wave. As part of the hegemonic process, capitalist patriarchy needs to repress the signs of its own repressive tendencies, and both Ellie Seldes and Mrs. Bodeck return as unwelcome signs of cultural repression in its earlier forms. Mrs. Bodeck, as a return of the repressed woman, is represented as poor and uneducated and therefore without the means of escaping from her oppressive domestic situation. Although she warns T. K. against her husband, she is seen as powerless in preventing him from carrying out his violent, pathological mission, and, through her passivity, the film inscribes Mrs. Bodeck's failure as a mother. Mrs. Bodeck's repressed state is represented more as a product of economics than as a product of patriarchal culture. The film thus effectively uses social class to displace the idea of patriarchal repression of women and, through the process of "othering," manages to elide the responsibility that patriarchal capitalism bears for the economic status of

96 the Bodecks. Mrs. Bodeck's excessive reliance on religion as a means of resolving her problems elicits muffled, dismissive snickers among courtroom spectators when she testifies, in many ways deflecting the viewer's serious consideration of her repressed condition.

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Whereas Steven's pathological behavior is somewhat cloaked by his privileged bourgeois status, his wife Ellie becomes the very embodiment of that pathology, as shown through her willing embrace of outmoded bourgeois values. She is represented, consequently, as a woman responsible for her own repression. Although Ellie and T. K. are contemporaries, Ellie appears much older in her prim mode of dress, her sculpted hairstyle, and her conventional values, appearing more ensconced than imprisoned in her "hermetically sealed" suburban house, as T. K. refers to it—marveling that the white rugs and furniture remain absolutely spotless. A married, college-educated woman with no career, Ellie focuses her sexual and creative energies on shopping, preparing dinner, and maintaining her meticulously decorated home. The duality formed by Ellie and Mrs. Bodeck, on the one hand, and Steven and Mr. Bodeck, on the other, brings to mind Wood's apt observation that "the bourgeois obsession with cleanliness, which psychoanalysis shows to be an outward symptom closely associated with sexual repression, and bourgeois sexual repression itself, find their inverse reflections in the myths of working-class squalor and sexuality" (Wood 1986, 74).

Ellie embodies the sexual, intellectual, and creative repression of women central to patriarchal capitalism, and in the 1991 context of the film's release, that outward sign of repression cannot be tolerated—it must be submerged or destroyed in order for patriarchal hegemony to succeed. Her Southern accent and background further identify Ellie as a throwback to an earlier era, presenting her as a kind of contemporary (albeit less sympathetic) Blanche DuBois, who sees herself as a passive victim without independent agency. Ellie, moreover, seems grounded in the *economic* past in which men were the breadwinners and women the consumers of material goods purchased with their husband's money. In this vision, the man was locked into the family wage system, and the cultural repression that imprisoned him within that system fully extended to repression of *his* sexual and creative energies, as Barbara Ehrenreich points out (Ehrenreich 1983, 2–13). When Ellie admits to T. K. that money is her only pas-

sion—that there is nothing else to care about—the film begins traveling the contradictory road constructed by New Right ideology, on the one hand, and New Right economics, on the other: while New Right conservative values advocate the traditional household in which the woman cares for children and home, New Right economic policy depends on consumers with disposable income, often requiring a two-paycheck household. Ellie thus represents the return of the repressed in the dual contexts of social and economic realities. She is the “parasite,” as Ehrenreich says the culture sometimes viewed female consumers of the family wage paycheck earned by husbands (Ehrenreich 1983, 7–8). Although Ellie’s conception of herself truly shows her to be a product of surplus repression, capitalist patriarchy has much invested in denying such signs of its own repression. The system demands that such figures haunting the cultural landscape be further suppressed in order to maintain dominance and fully reify its other female members into the system.

As representative of repressed forms of repression, Ellie has embraced the outmoded notion that her identity is bound to that of her husband. Her conception of herself as passive victim, as hateful even to her daughter, is nowhere more apparent than when she acknowledges having done nothing to stop the incestuous relationship between Steven and Janna, causing Janna “to flaunt it.” “She replaced me,” Ellie says to T. K., adding, “You know the worst part? I let her do it. I should have ended it, but I had nowhere to go. Steven is all I had.” Here the film further displaces Steven’s pathological behavior, now onto Ellie, who embodies the masochistic embrace of repressive attitudes engendered by a patriarchal culture that prefers to deny responsibility for creating them.

It falls to the female lawyer in *Defenseless* to restore patriarchal power by articulating the film’s rejection of this repressed figure. T. K.’s subjective agency is, in part, constructed around her rejection of Ellie and, in the process, around her letting patriarchy off the hook. By displacing its anxieties concerning the woman in law onto Ellie, the film normalizes not so much the idea of an independent powerful woman within phallogocentric institutions—because, as earlier noted, T. K. is shown to be a destabilizing force within the law—but rather the notion that the patriarchal system is not to be held responsible for whatever anxieties, frustrations, or repression such women ex-

98 perience. Women themselves must bear full responsibility, the film argues, and it is up to the independent woman to expose the confused motives of this "other woman." In fact, the film implies that it is in the *best interest* of the independent professional woman to destroy this "other" who represents prefeminist attitudes. In the final confrontation orchestrated by Beutel, T. K. appears in Ellie's immaculate kitchen as she is preparing dinner, and the film's argument is made explicit. Furthering the work of patriarchy, T. K. maligns Ellie for having embraced the repressive strictures of an outmoded culture and accuses her of using patriarchal repression—Steven and her own sense of dependency upon him—as excuses to refuse responsibility for her own life. ("There's no one left to blame, just you.") Even as she asserts her own agency in contrast to Ellie's statement of nonagency, however, T. K. "performs" under the thoughtful and watchful eye of Beutel, upon whose agency T. K.'s (illusory) agency is entirely contingent. As T. K. violently slaps Ellie, it is as though she is attacking a repressed form of her own repression that she refuses or is afraid to acknowledge.

T. K. also furthers the work of patriarchy in earlier scenes when she functions as a kind of surrogate mother to Cindy Bodeck, who asks T. K. to intervene with the porn producer on her behalf, and, in a more sustained way, to Janna, who, in spite of initial hostility, eventually asks for T. K.'s assistance. And it is through T. K.'s intervention (misguided though it may be in freeing Ellie) that Janna's psychological scars are exposed and presumably will be treated, if not healed. Both situations work to identify Mrs. Bodeck and Ellie as repressed figures whose repression cannot be tolerated by their own daughters. The daughters recognize and resent their mothers' feminine dereliction, underscoring Cornell's observation that, "given the definition of Woman as castrated Other, the little girl cannot positively represent her relationship to the mother and, thus, to her own 'sex'" (Cornell 1992, 285). The daughters view their mothers as incapable of helping or protecting them and as responsible for allowing their own oppression to continue, turning for help, if somewhat begrudgingly, to the female lawyer. Demonstrating that same resentment in relationship to her own sex, as evident in her final encounter with Ellie, T. K. embodies patriarchy's denial of female oppression. Through this narrative slippage, the daughters will become "safely"

integrated into the patriarchal culture, just as T. K. has been. The film refuses to acknowledge this integration as itself oppressive and repressive, however, focusing instead upon the pathological condition of the “other women”—the castrated mothers who are figures of an *outmoded* form of repression—as if such repression no longer existed.

The film further constructs T. K.’s subjectivity as a safety valve for the patriarchal structure of culture and of law. As an independent woman, she is shown to be anxiety-ridden, unhappy, and frustrated, a condition for which she continually blames herself. The “surplus repression” operating in T. K.’s life is never traced to its patriarchal origin, as it is (falsely, according to the film’s narrative logic) in the case of Ellie. After returning to her apartment after her awkward dinner at Steven’s home, T. K. recriminates herself, asking, “Why do I do this?” “When will I ever learn?” The film both channels and locates the source of cultural anxieties concerning the independent woman within that woman herself, whose emotional and irrational difference defines her state of dereliction. Holding herself exclusively responsible for her own troubled status as female professional, T. K. asserts a form of masochistic agency, an illusory or false form of agency, eliding all sense that larger forces of cultural oppression may exist in her life. Her actions as female professional drain her of true agency until Beutel “grants” her a renewed if limited agency under his guidance and control.

After her climactic confrontation with Ellie, T. K. sits in her car, about to drive home. Beutel offers her a cigarette when she finds she has run out, a motif repeated several times throughout the film, again implying his power to grant her (merely the illusion of) control or mastery. The film depends on an old cinematic cliché when T. K.’s car fails to start. As the camera remains fixed on Beutel, whose eyes follow her exiting the car and disappearing into the offscreen space, we hear another car door open, only to find T. K. now sitting in the passenger’s seat of Beutel’s car. She has learned to place herself under his control rather than to strike out on her own as an agent within or against the law, to which he alone has full access. It is Beutel’s mediating gaze that repositions and reimagines the female lawyer once she is hidden from our view. His male agency, like Jed’s in *Class Action*, fully and finally asserts itself, displacing the female lawyer in her

100 status as protagonist. The state of feminine dereliction, as Cornell defines it, is thus inscribed through a stereotypically expressed view of T. K.'s feminine difference, casting her also as the castrated other, despite her denial of that condition, a denial she enacts in attempting to repress cultural signs of that condition as embodied by Ellie and Mrs. Bodeck. The ideological slippage often occurring at key points in the film's narrative argument results in a forced, uneasy sense of closure, which suggests the eventual romantic coupling of T. K. and Beutel, as the final image of the two in Beutel's car implies. While the film must reveal T. K.'s castrated condition, its reliance upon narrative clichés to bring about the resolution itself conveys its own (unsuccessful) attempt to suppress the repression it illustrates.

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The Law of the Father Contested

Defenseless, in its very incoherence, creates a narrative that unconsciously allegorizes the structure of patriarchy as a kind of underground network masking its presence within law and the culture. Inscribing patriarchy in law as it intersects with the ideology of family, *Music Box*, *Class Action*, *The Client*, and *Defenseless* all work to complicate the negotiation and renegotiation, or the negation, of power relationships involving the female lawyer within the converging contexts of law, family, and cinematic narrative structure. While narrative hermeneutics and structuring devices, in effect, place the female lawyer on trial within both the public and private networks of patriarchal power, patriarchy is, nevertheless, layered with contradictions within these films—whether through “good” or “bad” father figures, through marginalized figures with whom the female lawyer is linked in a shared impotence, or through competing and sometimes hyperbolic representations of state power.

The problematizing of patriarchy and phallocentrism, while often not the intentional aim of most female lawyer films, occurs perforce through the presence of the female lawyer as protagonist. Aggressively seeking to do so or not, the female lawyer does unveil the phallus. This unveiling results in a destabilizing effect that further shapes power relationships and issues of narrative agency, and it likewise results in sometimes overdetermined efforts to “reposition” the veil and reassert phallic dominance, as evident in *Defenseless*. While

these efforts more or less cohere on the narrative surface of things, 101
a sense of deeper incoherence often results. These efforts to make
the narrative safe for patriarchy, particularly through displacing or
bracketing the female protagonist's agency, often meet with underly-
ing complications, as an exploration of genre and spectatorship will
illustrate in the chapters that follow.

*Female
Lawyers and
the Maternal*

CHAPTER 4

A Question of Genre: In *Jagged Edge* Glenn Close plays corporate attorney Teddy Barnes—her character's name perhaps modeling the many androgynous names of female lawyers to follow (among them, T. K. in *Defenseless*, Grey in *Curly Sue*, Dana in *Love Crimes*, Jo in *A Few Good Men*, Darby in *The Pelican Brief*, and Reggie in *The Client*). Although preceded by the comedies *Seems Like Old Times* (1980) and *First Monday in October* (1981), as well as the 1983 drama *Hanna K.* (an American-French coproduction), *Jagged Edge* marks the first of the main body of female lawyer films that began appearing with regularity from the mid-1980s on. *Jagged Edge* also represents the first female lawyer drama of the period produced by a major studio (Columbia) for wide release and is one of the few female lawyer films to rank among the top twenty-five box office successes in its release year (Case 1996, 1063).¹ Justin Wyatt rates the film's director, Richard Marquand, as the top marketable director of 1986 (Wyatt 1994, Table 4), presumably, in part, on the basis of this film's success and that of his earlier work, *Return of the Jedi*, the highest-grossing film of 1983. Screenwriter Joe Eszterhas went on to write *Fatal Attraction*, a huge box office success in 1987, and *Music Box* in 1990, which he also produced. Unsurprisingly, *Jagged Edge* and *Fatal Attraction* share not only Glenn Close as the female lead but also an overt misogyny in their narrative treatment of the characters Close plays.

Given the comic emphasis of *Seems Like Old Times* and *First Monday in October*, as well as the limited art house release of *Hanna K.*, it is within reason to argue that the "pedigree" production choices and financial success of *Jagged Edge* may have been one factor stimulating the production of numerous female lawyer films in the years to follow, for which *Jagged Edge* has served, to some degree, as a prototype. Without giving undue weight to these factors and thus falling into the limitations of the "originary instance" line of thinking, it is nevertheless useful to keep these factors in mind

as we consider larger patterns shared by this film and many of the female lawyer films to follow. 103

As we take a look at these often predictable patterns in *Jagged Edge* and in various other genre hybrids involving female lawyers in the chapters to follow, we will consider the intriguing parallel roles that the rules of film genre and the rule of law have come to play within our culture. A Question of Genre

The "Law" of Genre

When Thomas Schatz suggests that the "fundamental impulse" of genre films "is to continually *renegotiate* the tenets of American ideology," he might just as easily be referring to the function of law and the legal system within our culture. Echoing the writings of critical legal theorists on the hegemonic processes of law, Schatz points out that "what is so fascinating and confounding about Hollywood genre films is their capacity to 'play it both ways,' to both criticize and reinforce the values, beliefs, and ideals of our culture within the same narrative context" (Schatz 1981, 35). As we have seen, law's hegemony likewise rests upon its ensuring the survival of established power structures while concurrently appearing to question both those structures and the status quo they uphold. Allowing that those with power lose from time to time, the law does play it both ways in order to legitimate itself, thus precluding the effective organization to overthrow the system (Gordon 1990, 416–418).

Like the idealized model of law, which limits readings of the legal system's functioning, film genre is, as Rick Altman points out, a "rhetorical ploy destined to enforce a single pre-determined reading or at least to increase the probability that certain other interpretations will remain unexplored." When he writes that film genres exercise a repressive power, that they are "*ideological constructs masquerading as neutral categories*," Altman further brings to mind the commentary of legal theorists. Like the idealized view of law's neutrality that masks its patriarchal underpinnings, the apparent neutrality of genre masks "the discursive activity of the producing industry," therefore never giving the impression "of limiting the audience's freedom" (Altman 1987, 5). Law, similarly, conveys the impression of guaranteeing freedom and granting "rights" to disempowered groups

104 while, in effect, bolstering the patriarchal power structure, further maintaining the marginal status of those groups, as so many legal theorists have pointed out.

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As with the tacit contract between the legal system and its subjects, the contract between the film industry and its audience establishes a series of expectations, some of which may function as variation or surprise, but always within a relatively fixed framework. According to Schatz, this contract is based on an interplay of “static” familiar elements that function “to continually reexamine some basic cultural conflict” and “dynamic” elements, such as shifting cultural attitudes and industry economics, as well as intertextual influences that work to modify given genres over time (Schatz 1981, 16). A similar interplay is central to the operation of law.

Founded on common law or case law—which exerts a similar influence upon legal rulings as generic formula does upon both the production and reception of genre films—the Anglo American legal system operates upon established precedent. In practice and when tested, the historical body of legal decisions in earlier relevant cases shapes and influences the interpretation of constitutional and statutory law. This foundation results in a process not unlike that of traditional genre construction or genre criticism, which is rooted in past practice, in history. In legal rulings, reference always turns back to the phallic point of origin, in a sense, as when *Brown v. Board of Education*, *Roe v. Wade*, or *Bowers v. Hardwick* become the originary instances, much as *Stagecoach*, *Stella Dallas*, and *Top Hat* are cited as “classic” instances of the western, the maternal melodrama, and the musical, respectively. Narratives of interpretation and judgment grow from the original case or classic genre instance—granted the status of legal precedent or cinematic model—against which more recent cases are measured or generic transformations are understood.

From the originary legal case or genre film, in the institutional or industrial context, emerges the obligation to ensure fidelity balanced with variation. This obligation grows out of what David A. Black calls the “master purpose” of each institution. The master purpose of the legal institution is “to keep existing power structures in place and postpone the final stages of social chaos,” while the master purpose of the film industry is to make money (Black 1999, 48). Black further points out that to accomplish its master purpose, each institution must conceal that purpose from public view. The legal

institution submerges its master purpose beneath its “ostensible function” of administering justice, just as the film industry hides its master purpose behind its ostensible function of delivering entertainment (Black 1999, 48).² Fidelity in both law and film genre, therefore, guarantees that dominant ideological tenets will remain in place, enabling the self-perpetuation of each system. Variation or revisionist tendencies further carry out the master purpose through controlled “renegotiations” in response to changing cultural conditions, thus reifying citizens or viewers while simultaneously reinforcing the ostensible function of both systems.

Beyond the more obvious self-reflexive elements of the courtroom drama that have been widely cited—the metaphorical relationships connecting camera with witness, jury with film audience, judge with film critic, and so on—Black points out that the primary reflexive relationship between mainstream cinema and the courtroom centers on the construction of narrative. This activity is central to both cinema and legal processes and is the activity upon which the ostensible function and master purpose of each system hinges. The American commercial cinema produces narrative films, films that tell stories. The legal process, likewise, centers on story construction and story-telling. “Legal investigators piece together stories. Witnesses tell stories; legal advocates tell and retell stories. Judges and juries evaluate stories on criteria of plausibility and narrative coherence,” leading Black to conclude that “films about law are stories about the process of story-telling, or *narratives about narrative*” (Black 1999, 55).

All films about legal process, then, are “automatically reflexive,” according to Black, but some films explore legal-narratological themes in greater depth than others do. To describe such films, Black applies the term “elective reflexivity,” which he defines as “the reflexivity of films which dwell in the courtroom; whose plots actually hinge upon legal issues; that put acts of legal storytelling at the center of dramatic crisis” (Black 1999, 70). Courtroom films, therefore, provide rich potential for examining legal and filmic storytelling processes and, by extension, for exploring the ideological underpinnings of both law and cinema.

The lawyer’s agency as film protagonist rests, in part, on her or his authorial agency. Within the courtroom, the lawyer must create and structure a master narrative composed of competing or corroborating versions of stories told by the defendant and witnesses. Outside the

106 courtroom when constructing a case, the lawyer likewise must create plausible narratives based on the processes of interrogation, detection, and evidence-gathering, thus establishing motive and building logical chains of cause and effect. And it is the very nature of the female lawyer's being female, as represented in essentialist terms, that often is offered as the primary cause for her limited ability to author such narratives effectively.

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Agency, Authorship, and the Dual-Focus Narrative

As we have seen in the case of *Defenseless*, the status of the female lawyer as protagonist is regulated by structuring devices that place the male detective in a controlling position until he supplants the female as mediator of the spectatorial gaze. Moreover, *Class Action* begins with parallel sequences establishing dual focus on both Maggie and Jed, while the young boy in *The Client* initiates actions in a narrative trajectory that eventually will encompass the female lawyer. On the other hand, films like *Music Box* and *Hanna K.* focus on the female lawyer as singular protagonist and place her in opposition to state power, something more abstract, diffused, and decidedly patriarchal. Both films question, yet ultimately ratify, the patriarchal power of the state, often through the actions of the female lawyer and at the expense of her subjective agency.

Challenging the linear structure that David Bordwell identifies as central to classical film narrative, Altman, in his study of the American film musical, uses the term "dual-focus narrative" to define an overall structure organized around parallelism, requiring that the viewer "be sensitive not so much to chronology and progression . . . but to simultaneity and comparison" (Altman 1987, 19). Two centers of power, the female and the male, represent differing social classes and sets of values that find resolution, ultimately, through romantic pairing as the film closes. Dual-focus narratives within the female lawyer film likewise elicit attention to simultaneity and comparison, although the points of narrative focus are not always clearly divided between female lawyer and a singular male point of focus. Rather, the female lawyer is set in parallel relationship with multiple male or male-identified figures: good and bad father figures who "own" the law and can serve as protagonists or antagonists; sons or surro-

gate sons who potentially claim the law for themselves; lovers or potential lovers who maneuver adeptly within the law, edging the female lawyer into the narrative margins; and the legal institution itself, which can serve as both protagonist and antagonist, but which the female lawyer must serve, thus to a large degree obliterating her own agency.

Despite this splintering of the “male” points of focus in varied directions, even within a single female lawyer narrative, the effect ultimately remains one of duality, for the female is positioned in a parallel relationship *with patriarchy*. Yet the narrative structuring curiously forces a relationship not only of the female lawyer *side by side* with patriarchy, but also of the female lawyer *within* patriarchy. Binaries or dualities position the female lawyer with respect to patriarchy and phallogentric institutions, giving way to “weighted” narratives aimed at attempted interrogation or containment of female agency. “What rights does she or should she have?” the films seem to ask, much as the law poses similar questions with regard to those marginalized groups seeking empowerment.

For the most part, dual-focus female lawyer narratives fall into one of two categories: narratives of *literal duality*, such as *Defenseless*, *Class Action*, and *The Client*, in which the female lawyer ultimately is supplanted or neutralized in her role as protagonist by a male character; and narratives of *apparently singular focus*, such as *Music Box* and *Hanna K.*, in which the female lawyer’s power is modified, bracketed, or subsumed by an abstract patriarchal order, be it the state or the family. Interestingly, the precursors of the female lawyer film discussed in Chapter 1 line up fairly neatly within these categories as well. *Adam’s Rib* is a narrative of literal dual focus, with parallel attention to Amanda and Adam. Here, duality of focus invites comparison between the public and private spheres, both of which Amanda and Adam occupy, to increasingly contentious effect. Yet even in this narrative of parallelism, the balance does shift, resulting in an interrogation of the female lawyer’s power and practices, as bracketed through the male character’s vision, understanding, and definition of law. As a male lawyer film, *The Verdict* provides an important point of comparison and contrast. Like the female lawyer films of apparently singular focus, the male protagonist in this film is placed in parallel relationship with “the law.” But unlike the female lawyer who tends to be subsumed by the law in narratives of similar struc-

108 ture, Frank Galvin, as a male protagonist, subsumes the bad law, the bad father, and the bad female to assert his own agency as the stable and singular point of focus; as the film closes, he reasserts himself as the definitive protagonist who prevails as the good lawyer working in the potentially ideal institution of the law. Laura, the female lawyer, attempts but fails to attenuate Frank's power. As we have seen, later female lawyer films like *Defenseless* tend to reverse this condition, with male characters emerging, often from the narrative margins, to mediate the female lawyer's power. The expulsion or marginalization of the female lawyer, both in narrative and thematic terms, expresses itself overtly or covertly with permutations and variations that mask, reassert, or unwittingly destabilize patriarchal power—often doing all three simultaneously.

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The position of the female lawyer as authorial agent automatically places her in parallel or conflictual relationship with the tripartite systems of patriarchal or phallogentric power represented. The first of these systems is that of language, out of which narratives are constructed. The second system, that of narrative itself, is one in which the female lawyer's role is multivalent. She operates as potential author of the legalistic narrative(s) constructed within the overarching filmic narrative in which she is positioned as potential subject, object, or both. Rarely does she function as central narrative agent or author of legalistic narrative, however, without the mediating presence of a more powerful male. The female lawyer also acts as potential agent in the third system of law itself, which, like language, is associated with the father in a Lacanian context, exerting both rules and ideological power that extend reflexively to generic restrictions governing her agency and establishing parameters for spectatorial response.

*Authoring the Legal Narrative:
Female Lawyer Hybrids and Dual-Focus Structure*

What happens when the female lawyer is positioned as author, subject, and object within the narrative regimes and generic permutations at work in the female lawyer film? To answer this question, we need to consider what happens when reflexivity, dual-focus structure, and generic imperatives converge in the dual contexts of film genre and

legal theories. To claim genre status for the female lawyer film is an empty exercise, in part because the films cross multiple genre lines. It is useful, however, to enlist key aspects of genre theory in order to illuminate an understanding of how a number of female lawyer films work to “renegotiate” aesthetic and ideological boundaries, both in the context of American culture and the American film industry.

In exploring questions of genre, it is important to state that the female lawyer film is rarely just a female lawyer film—such films may be highly inflected with elements of the maternal melodrama, as we have seen, or may fall into one or a combination of several film groups. The family melodrama inflects *Class Action* and *Music Box*, for instance, whereas elements of the family melodrama and psychological thriller converge in *Defenseless*; and *The Client* merges the maternal melodrama with the investigative/action/romance genres. The majority of female lawyer films are also courtroom dramas, though to varying degrees of centrality or importance.³

Although the subheading below and those in the following chapter imply categorical assertions, I wish to use them more as general organizing strategies, acknowledging from the outset that any given film may combine elements of the courtroom drama with those of several subheadings. While I have included no subheading for melodrama, I will continue to explore its pervasive influence, as in earlier chapters.

The Psychological Thriller and the Female Lawyer Film

Three female lawyer films—*Jagged Edge* (1985), *Love Crimes* (1992), and *Guilty as Sin* (1993)—draw upon elements of the psychological thriller. Because *Jagged Edge* holds a special place in the corpus of female lawyer films, this chapter will examine it at length, along with *Guilty as Sin*. *Love Crimes*, while mentioned here, is a focal point of spectatorship discussions in Chapter 6.

Jagged Edge is a narrative of apparently singular focus, in which Teddy Barnes (Glenn Close) is placed in parallel relationship with not a particular male character but multiple male characters who embody the forces of law and patriarchy, thus directing viewer attention to simultaneity and inviting comparison. Unlike dual-focus narratives

110 that end in heterosexual coupling, the female lawyer–psychological thriller hybrid attains closure when the woman lawyer’s power has been contained, usually through violent, misogynistic means. She is physically and psychologically assaulted, destroying her potency, not only as a force within the law, but also as a functioning human being. Altman’s observation that some musicals disguise or displace parallelism (Altman 1987, 29) through complex variations on the coupling motif also applies to female lawyer films of apparently singular focus. In these films a similar form of displacement often takes place, only here acting to reinforce *difference* between the female lawyer and various male characters who ultimately perform more competently in the legal arena. Such displacement consequently underscores the basic incongruity of a female lawyer as agent in the patriarchal structure of the law.

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Teddy resigned her job as a prosecutor under district attorney Thomas Krasny (Peter Coyote) upon discovering that Krasny withheld evidence crucial to overturning the conviction of a man named Henry Stiles. Having since retreated to the “clean” world of corporate law, Teddy is reluctantly lured back into criminal law in defense of a wealthy newspaper editor accused of brutally slaying his wife. When he learns that Teddy will now become his courtroom opponent, Krasny taunts her with news that Stiles has recently committed suicide in prison, thus forcing her to confront the consequences of her own silence in the case. For Teddy, the defense of Jack Forrester (Jeff Bridges) represents an opportunity not only to earn a promised partnership in her firm but also to defeat Krasny and redeem herself from complicity in his ethical misconduct. Like those of so many female lawyers to follow, Teddy’s conflicted motives hamper her professional judgment and performance. Blinded by her hatred for Krasny and later by her romantic involvement with her client, Teddy is shown as a potentially destabilizing threat to the system of justice, a condition which, by now, must sound all too familiar.

Teddy is placed in parallel relationship with prosecutor Krasny, who has the power to suppress evidence, as he did in the Stiles case, and thereby to author a potentially false legal narrative. She is further placed in parallel relationship with her client Forrester, who, as a member-through-marriage of the wealthy ruling class, holds the power not only to author his own version of events in response to Teddy’s questions but also to author versions of cultural or political

"truth" in his role as a newspaper editor. (In an attempt to discredit Krasny and thwart his potential political ambitions, for instance, Forrester earlier authored a series of newspaper articles critical of Krasny's conduct as D.A.) The narrative further positions Teddy in parallel relationship with Sam (Robert Loggia), her crusty private investigator, who worked in the D.A.'s office on the Stiles case. In his fatherly and protective manner, Sam gently prods Teddy to reconsider her motives for taking on Forrester's defense ("Forget Stiles, forget him") and to reconsider her attachment to and belief in Forrester: "I've been watching this guy for months now. Do you want to know what I think? What I really think? He killed her." Sam has insight, and it is against his more balanced outlook that we measure Teddy's excess. Teddy and Sam *could* be driven by similar motives, but they are not; they *could* share belief in Forrester's innocence, but they do not. Sam continually cautions Teddy to maintain objectivity in her view of Forrester, while Teddy repeatedly professes her control and her deeper knowledge of this man. When Sam points out that Forrester may be seducing Teddy for his own legal advantage, she responds dismissively, "I know that, Sam." Discussing a lie-detector test Forrester will undergo at Teddy's request, Sam asks, "What if he passes? . . . How are you going to know if he's lying to you?" Again Teddy's "I'll know" exudes a smug assurance. And when Teddy yet again asserts Forrester's innocence, Sam teases her with "That your head talkin' or another part of your anatomy?"⁴ These moments reinforce Teddy's difference: she displays (feminine) emotional excess that hampers her ability to think rationally and objectively; Sam displays objective (masculine) distance and rationality. While Teddy continually *claims* knowledge, Sam *demonstrates* knowledge when his theories about Forrester prove to be true. Ironically, Teddy's "I'll know" is exactly the line convincing us that she cannot know and will not allow herself to know the truth about Forrester.

In a Lacanian sense, then, Teddy as woman fails to assert not only the *law* of the father but also the *word* of the father—to reconstruct, through language, a narrative version of events that will result in correct or proper functioning of the law. Teddy does construct a narrative, but it is one misshapen by her own inability to confront the truth, thus causing justice to miscarry. When we learn that Teddy originally entered the legal profession as a prosecutor because her father was a police officer, the film hints at a condition more fully

112 explored in *Class Action*—of the daughter's wishing to become the father.

Framing The hermeneutics of *Jagged Edge*, in keeping with the conventions of the psychological thriller, initially place the viewer in an ambivalent position with regard to Forrester's innocence. Forrester has a motive: upon the death of his wife, the wealthy heiress, he inherits her money and control of her publishing interests. At the time of her death, the prosecution contends, Page Forrester was contemplating divorce in response to her husband's infidelities. Forrester, of course, denies this. The speed with which the bereaved husband becomes romantically involved with his female attorney is another factor tipping the scales against our belief in Forrester's innocence and simultaneously against our confidence in Teddy's personal and professional judgment, just as Sam's fatherly prodding tips the balance even further. Despite her tenacious interrogation of Forrester concerning his romantic involvements, Teddy never questions his sudden involvement with her.

Like so many female lawyers in films to follow, Teddy's sexuality is her point of vulnerability. During their first business meeting at his home, Forrester takes charge, nudging Teddy away from their work and allowing her a glimpse of his privileged lifestyle: as he exercises one of his horses, reaction shots register Teddy's growing emotional attraction rather than her rational assessment of his character.

The film further invites viewer ambivalence as Forrester retraces his steps on the night when he claims to have discovered the bodies of his murdered wife and their maid. As he walks Teddy through the beach house where the murders took place, Forrester also retraces the steps of the murderer, steps that viewers earlier followed through subjective camera techniques in the film's opening sequence, set on the night of the murder. Repeating the same nondiegetic musical theme, similar subjective camera techniques, and the identical sound of (the killer's) breathing, the film sends signals of Forrester's guilt to the viewer. As Forrester enters the bedroom where he claims to have discovered his wife violently slashed, he cries as if reliving a horrifying and painful moment. Bridges conveys just enough self-awareness to imply that Forrester is, in fact, performing for Teddy, his captive audience. This moment manages to distance the viewer further, posing serious questions, not only about Forrester's innocence but more

strongly about Teddy's absence of skepticism. Reaction shots register Teddy's sympathy with Forrester's horror and pain, inviting us paradoxically to question rather than to share in her emotions.

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Shortly after they've walked through the house, Teddy proclaims her belief in her client's innocence. By positioning Teddy as internal audience to Forrester's "performance," this film achieves an effect simultaneously similar to and very much opposite of its effect in the musical. Internal audiences in musicals become points of identification for the external (movie-theater) audience, thus limiting freedom of interpretive choices. Inscribing Teddy as internal audience, on the one hand, similarly limits the viewer's freedom; yet those limitations paradoxically result in our growing detachment from Teddy's perspective, in effect placing *her* on trial in the viewer's mind. On the other hand, the appeal of the thriller often rests upon spectator oscillation—is Forrester or is he not the killer? While visual and sound cues point to his guilt, our own prior knowledge of such thriller conventions allows just enough room for the acknowledgment that Teddy may be correct, perhaps encouraging us to resist a potential narrative snare that makes resolution too easy and too obvious. This moment, therefore, may pose a possibility of rebellion for the spectator, particularly the female spectator, for, if Teddy is correct, her growing trust would work against the grain of convention, thus establishing her as deeply perceptive and professionally competent.

As Forrester and Teddy later stroll on the beach, she questions him about his past romantic involvements, and during one evening meeting, they discuss his case over wine and Chinese takeout. These cozy signs of intimacy are, on the one hand, banal enough in the context of a thriller to place the viewer in a defensive position with regard to Teddy, who seems eager to comply with Forrester's all-too-obvious agenda. In the context of a romance, however, they have a seductive appeal that extends to the viewer. The merging of differing generic codes, therefore, provides further space for viewer oscillation. Ultimately, of course, Teddy is mistaken, though perhaps these moments of spectator oscillation confer upon her a limited degree of narrative agency and, upon the spectator, a momentary possibility for rebellion against the confines of a singular set of generic imperatives. The confluence of psychological thriller and courtroom drama, moreover, while finally working to interrogate Teddy and neutralize

114 her potency, does inscribe a crisis in patriarchy through the often overdetermined need to disempower the female protagonist—and perhaps the female viewer.

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A more specific crisis in masculinity finds unambiguous expression through the nature and details of the crime, presented in the film's opening sequence. Though we later learn that the crime has not involved rape or sexual contact, we are told that the victim's sexual organs have been violently mutilated by the assailant's jagged-edged knife. With Page Forrester's blood, the murderer has smeared the word "BITCH" on the wall above her bed.⁵ The excess of sexually directed violence here registers a masculinity in crisis when we consider the position of Jack Forrester, a man whose phallic power in the world depends largely upon his wife. This masculine crisis is reinforced through repetition, when, in the film's climax, Forrester breaks into Teddy's home on the night after his acquittal, knowing that she has solid proof of his guilt. In exactly the same attire and manner, he approaches this other potentially powerful woman, who, even more actively, has secured for him a continued pretense of power through legal action. Although Forrester does not succeed in killing Teddy, the narrative does attempt to recuperate patriarchy, effectively tempering her power: first, in positioning her as a threat to the institution of law and justice, through her having won Forrester's acquittal; second, in reducing her to a numbed, silent woman upon discovering her own mistake. After she fires the gunshots that kill Forrester, Teddy seems all but catatonic until Sam appears and enfolds her in his fatherly embrace. Teddy effectively has been rendered silent and impotent. Again, however, the moment is not without a kernel of empowerment—Teddy has, at least, acted, having destroyed the killer she had earlier set free.

The courtroom drama–thriller hybrid moreover registers a crisis in patriarchy through the character of Krasny, a man who asserts phallic dominance through law, whether to serve or miscarry justice. Linked with Forrester in their shared need to assert such dominance, Krasny betrays a twisted admiration when he admits that the murder of a wife for her money "is the oldest crime in the world. . . . You make it look like some fucking Charlie Manson did it. If I was going to kill my wife, that's the way I'd do it." Through Krasny, the film simultaneously posits a critique and a recuperation of phallic power.

When Teddy expresses how her former admiration of him has been betrayed by his ethical misconduct in the Stiles case, Krasny crudely conflates phallic cultural power with sexual dominance, "It never got me anywhere with you, did it?"

While the film unmasks such overdetermined expressions of male dominance, it also recuperates phallic power, most notably in regard to anonymous notes Teddy receives, typed on a 1942 Corona, with every *t* raised slightly above the line. One such note is central to Teddy's winning Forrester's acquittal, leading her to a woman named Julia Jensen, who has survived an attack strikingly similar to that in the Forrester case. Having reported the crime to Krasny's office, Jensen is told that the attack upon her was unrelated, and in an attempt to strengthen his case against Forrester, Krasny suppresses the Jensen police file. Without questioning the source of the note sent to her (much as Ann in *Music Box* fails to question the source of documents delivered to her Hungarian hotel room), Teddy uses the information to win Forrester's acquittal. Teddy constructs a version of events implicating Bobby Slade (Marshall Colt) in the murder of Page Forrester, with whom he was having an affair. A less polished version of Forrester—a man of limited financial means and social standing attempting to gain both through women—Slade was Jensen's tennis instructor before his dismissal from a Santa Cruz club for selling sexual favors.

While Teddy's authorship of this legalistic narrative implicating Slade appears clever and logical, it remains for Krasny to assert his superior ability to author a plausible counter-version of events. The film implies that, as a man working within the patriarchal system of the law, Krasny, despite his misconduct, naturally sees and knows what Teddy cannot. When Teddy and Krasny meet in the judge's chambers, Krasny unwittingly admits to having concealed the Jensen police report, but he also displays his superior insight by suggesting that Forrester perpetrated the attack on Jensen months earlier as a means of implicating Slade, whom he knew to be his wife's lover. Krasny concludes, "He picked that woman very carefully. He is not a psychopath. He is an ice man. A monster." With all his serious flaws, Krasny thinks with a clarity that Teddy lacks. While he is a corrupting force within the legal institution, Krasny is also necessary to the continued survival of that institution, the film implies—a circum-

116 stance taken at face value without serious analysis. Only after winning his acquittal does Teddy learn definitively of Forrester's guilt.

Framing As she reaches for fresh bed linens in Forrester's closet after spending the night with him in celebration, she discovers the typewriter
Female used in composing the anonymous notes. Like Ann's discovery of
Lawyers the photos in the music box, Teddy discovers truth only by accident. Like the gruff prosecutor in *Music Box*, Krasny ultimately knows the truth that Teddy (and Ann) can recognize in only the most unambiguous of terms.

Jagged Edge plays it both ways, functioning as Schatz says Hollywood film genre typically does. On the one hand, the film critically exposes an excessive need for masculine dominance through its representation of Forrester, Slade, and Krasny; yet it also reasserts the status quo. The "natural" order of things, the film suggests, is that men remain superior in their ability to think like lawyers, to uncover and know truth, as Krasny demonstrates here and as Sam does earlier. These men exercise something akin to the proverbial "feminine intuition" in formulating their conclusions—a quality devalued when associated with women and, if not valorized, then at least validated when associated with men.

Prompted not by a rational weighing of evidence but by emotional pain arising from sexual deception, Teddy begins to doubt her client during the trial only when evidence surfaces that he has lied to her about past sexual involvements. Further calling her professional judgment into question is a sequence in which Teddy visits the paternalistic judge to request that he drop her from the case now that she can no longer believe unequivocally in Forrester's innocence. The judge, speaking in hypothetical terms, insists that if an attorney cannot abide by the oath taken to defend guilty and innocent clients alike, "then he had no business taking that oath in the first place." Accordingly chastened, Teddy now appears in court, resolved to fulfill her professional duty with complete detachment. Functioning purely as a lawyer, she replies curtly when Forrester questions her continued defense if she believes him guilty: "It happens all the time. That's how the legal system works." Playing it both ways once again, the film's ideological framework represents the corruption of the legal process through the character of Krasny, yet does so within the context of potentially high ideals. Within this overriding context, then, Teddy's explicit statement of cynicism concerning the legal system further

calls into question her professionalism. Although she is honoring the "oath," emotional excess forms the core of her response rather than a genuine belief in either the oath or the system—something that could be read as progressive, yet in the context of this narrative is driven by emotion rather than rational thought.

Family becomes a longed-for state receding from Teddy's grasp at this moment of professional crisis, as it does in *The Client* and, more recently, *Erin Brokovich* (2000). That night, alone in her office, Teddy calls home and speaks with her daughter, at the very moment when she opens the anonymous note with information about Jensen—information to which Teddy clings, perhaps in response to the isolation she now experiences, having lost intimate touch with her children and having lost belief in the man with whom she has become involved both professionally and romantically.

On another night, Teddy works on her bed, books strewn around her—an obligatory image in almost every female lawyer film. (Why, we must ask, do men not work in bed? Has the female lawyer, as a result of her career and ambitions, been forced to exchange a bed with a lover for a bed full of books, folders, and papers?) Her daughter, Jenny (Christina Hutter), enters with questions about boys. "Do you ever think about boys? . . . Like with Dad," Jenny inquires of her mother, going on to explain how much she misses her father. The narrative implies, as in *Music Box*, that the female lawyer's career has resulted in less than happy circumstances for her children. Her young son, David (Brandon Call), scolds her for neglecting to help with his homework, to which Teddy replies, "I've got a trial tomorrow," followed by his angry retort: "I've got a *test* tomorrow." The morning after David sees his mother kissing her client, Teddy receives a call from her ex-husband, Matthew (Guy Boyd), saying David phoned him from school, very upset, but also reassuring his ex-wife that he'll talk to David and "explain things."

The melodramatic elements in *Jagged Edge*, as interwoven with those of the psychological thriller, while exposing Teddy's castrated condition with respect to the law, serve to feminize several male characters, further inscribing an undercurrent of masculine crisis. Like a few of the female lawyers to follow her, Teddy is divorced from a man who is kind, supportive, and loving. Teddy and Matthew have such a warm relationship that viewers are led to wonder why the two have separated in the first place, a question implicit in *Music Box* as well.

118 The film's withholding of reasons for the divorce simultaneously inscribes a failure of masculinity on Matthew's part and an accusation aimed at Teddy's careerist ambitions.

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In the midst of an era featuring hard-bodied males in film, Matthew Barnes is a gentle, supportive, maternal male. As Yvonne Tasker points out in her discussion of the working mother in *Mrs. Doubtfire*, contemporary images of working women "articulate both the sense of woman's 'masculinized' role in business and a critique of that role, enacted in the film through the reproachful, nurturing father" (Tasker 1998, 36). *Jagged Edge* implies that Matthew has been expelled from his position as family patriarch and relegated to a marginal, feminized status in the lives of the people he loves most—Teddy and his two children. In his discussion of the melodrama and the musical, Stephen Neale observes that both genres tend to feminize the male not only because "they involve the eroticisation of the male body," but also, quoting Barthes, because "in every man who speaks of the absence of the other, the feminine declares itself: he who waits and suffers is miraculously feminised" (Neale 1980, 60). Matthew Barnes is cast as a man who waits and suffers in love, though he does so very much on the narrative periphery. In his amazingly selfless support of Teddy, Matthew, for example, takes the children on the weekend of her courtroom victory, freeing her up to celebrate with her client (and, as it turns out, to become his potential murder victim). While the film appears to expose and criticize phallocentric assertions of power masking socioeconomic and ethical/moral weakness in the case of Forrester, Slade, and Krasny, the film also reveals its reactionary undercurrents in suggesting a failure in phallic dominance on the part of Matthew.

Central to this narrative construct is Forrester, who consciously "performs" the role of one who waits and suffers. On the morning after he and Teddy have made love for the first time, the stereotypical shot of the woman in bed, luxuriating in her sexual fulfillment, is here reversed, with Forrester in that position, as Teddy's offscreen voice filters in from an adjoining room where she speaks on the telephone. She returns to sit at Forrester's side, claiming she is too busy to stay for breakfast and instructing him on his courtroom performance to follow: "I want you to sit close to me in court tomorrow. Carry my things. Might as well take advantage of the fact that a woman's defending you." (We come to realize the full extent to

which he is taking advantage of this situation.) The feminization of Forrester, also signaled by the many reaction shots in which he is the object of Teddy's gaze, becomes a form of feminization he fully participates in constructing: first, as a man married to a wealthy and powerful woman; second, as a man presenting himself as object of the female attorney's scrutiny in an attempt to seduce her. Bobby Slade, as tennis-club gigolo, likewise participates in constructing his own feminization.

Both forms of feminization, particularly that form in which the male exerts self-conscious control, signal a crisis in masculinity. Just as Forrester's masculinity is thrown into crisis as a result of his wife's socioeconomic power, and later as a result of Teddy's ostensible legal power, so too is the masculinity of Slade. Although Forrester and Slade control their performances, these performances stand in acknowledgment that women have the power, thus reversing the conventional cinematic formula of male subject and female object of the gaze. On the other hand, the film shows how easily the female lawyer is taken in and compromised by such a performance, yet again playing it both ways. Discussing the crucial role men play in genres like the melodrama and the musical (a far more central role than women play, say, in genres like the western or the war film), Neale points out that women are consistently defined in terms of their relationships to men (Neale 1980, 59), an observation equally applicable to representations of the female lawyer situated in parallel relationship with various representations of patriarchy and phallocentrism that ultimately contextualize and compromise her narrative status.

Similar strategies operate in *Guilty as Sin*, another female lawyer-thriller hybrid, in which duality gives way to doubling. Unlike many other female lawyer films, *Guilty as Sin* begins by displaying the female lawyer's extraordinary talent as a litigator. We learn that Jennifer Haines (Rebecca De Mornay) grew up in a poor family and that her mother would take her to trials rather than to movies for entertainment. At the age of fourteen, unable to contain herself, she interrupted one proceeding by yelling "objection" at a clearly appropriate moment, so impressing the trial judge that, ten years later, he hired her to clerk for him. Having begun her career as a paralegal working for the firm in which she is now a star litigator, she was supported in her legal studies by the controlling partner who eventually brought her into the firm.

The narrative itself opens with a black screen as we hear the word “sustained,” accompanied by the pounding of a gavel. Just as Jennifer apparently prevailed in her adolescent objection, she now also prevails in her case as a lawyer, having proven that the FBI illegally tapped the phone of a Mafia boss she is defending. Her talent as a litigator is evident, especially to one man who observes her performance in the crowded courtroom, with repeated reaction shots establishing him as internal audience whose admiration we share but not without misgivings, in light of the questionable status of her Mafia client and the unknown status and identity of this observer. We later learn that this man is David Greenhill (Don Johnson), wanted for killing his wife by throwing her from a window.

Like Forrester and Slade in *Jagged Edge*, Greenhill is a gigolo who, unlike the other two, is not afraid to admit it: “I’ve lived off women all my life. It’s all I’m good at. It’s my talent—getting women to do what I want them to do.” This admission to Jennifer implies that his talent will extend to manipulating his female lawyer, an assumption the narrative partially supports. Greenhill’s dark humor—both a source of charm and terror—is established in his initial exchange with Jennifer. When Greenhill barges into her office unannounced, Jennifer asks in annoyance, “Didn’t anybody ever say ‘no’ to you before?” He calmly replies, “My wife said ‘no’ just before I threw her out the window.”

Greenhill claims he is innocent, despite the fact that he stands to inherit substantial money from his wife’s estate, and Jennifer believes him just long enough to agree to defend him. She soon recognizes, however, that he is a full-blown psychopath who may have murdered a number of wealthy women. She also learns that Greenhill has been observing *her* for months, surreptitiously and meticulously, and that her courtroom expertise has been one factor motivating Greenhill’s crime in the first place: he is certain that in hiring Jennifer he will secure an acquittal. Long before the murder, he has stalked Jennifer—traveling wherever she did, staying in the same hotels, and once sending her an anonymous gift—all to implicate her as both his mistress and an accomplice in the murder of his wife. Propelled by greed and his twisted obsession with Jennifer, Greenhill has made certain that she never can reveal the truths she will learn in acting as his attorney. Just as he seems to know everything about Jennifer far in advance of their first meeting, she, too, displays a tacit understand-

ing of Greenhill. As in many psychological thrillers, she has met her darker double, someone who matches her in ambition, acquisitive desires, and obsession with winning.

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Both the script and Johnson's performance as Greenhill reference several Hitchcock psychopaths. We hear the echo of Norman Bates when he tells Jennifer that he was "an only child, my mother's whole world" and that, his present womanizing notwithstanding, he never dated women until after his mother's death—and then only older women. Like Uncle Charlie in *Shadow of a Doubt*, Greenhill is drawn to wealthy women whom he murders in order to obtain their money *before* walking down the aisle, his most recent conquest the only exception. With words echoing Uncle Charlie's, albeit now inflected with profanity, he proclaims, "Am I some kind of fuckin' lowlife because I take money when it's offered to me? Women do that everyday of their fucking, pathetic little lives and nobody says a god-damn thing." In the second half of this same monologue, Greenhill's words capture the same disturbing mixture of misogyny and masochism defining the psychopath Bob Rusk, *Frenzy's* sadistic rapist and serial killer: "You want to talk about women as sex objects? What about men? What about me? They use me and they fucking drop me whenever they please." And in his amused attraction to murder, his role as doppelgänger, and his performance style, Johnson as Greenhill very much recalls Robert Walker's Bruno Anthony in *Strangers on a Train*—right down to the inflection of mock respect when calling Jennifer "Miss Haines," a direct reference to Walker's Bruno, who often mockingly addresses Guy Haines as "Mr. Haines." Johnson's words and his line reading when warning Jennifer, "I'm a very remarkable fellow," echo those of Walker cautioning Guy, "I'm a very clever fellow." Greenhill's ubiquitous presence in Jennifer's life, as well as their psychic bond, seems strongly influenced by the scenario of *Strangers on a Train*, based on the Patricia Highsmith novel.

Like Guy Haines, Jennifer Haines inadvertently becomes an accomplice to murder—not only through the mere appearance of complicity orchestrated by Greenhill (much as that orchestrated by Bruno) but also in her courtroom defense of Greenhill. Forced to continue defending Greenhill by the judge who denies her request for removal from the case (a situation that parallels Teddy's in *Jagged Edge*), Jennifer's actions become criminal as she plants false evidence in Greenhill's apartment to ensure his conviction. The deeper psy-

122 chological bond between the two is heightened when we discover that she has instinctively planted pieces of evidence matching the actual items used by Greenhill in committing the crime, something that he never revealed and that we learn only through a flashback focalized through his perspective. Greenhill, moreover, instinctively understands that Jennifer has, in fact, planted the evidence, so similar to those articles he carefully disposed of. These two characters truly *know* each other, a knowledge given ironic articulation by Greenhill. "You can tell about clients the way I can tell about women. Like that!" he says as he snaps his fingers.

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The Hitchcock intertext functions to problematize simple notions of innocence and guilt, thereby further complicating the position of the female lawyer who, by the film's end, has committed not only the criminal act of planting evidence but also the act of killing her client, in much the same way young Charlie in *Shadow of a Doubt* kills her Uncle Charlie, apparently in self-defense. In *Guilty as Sin*, however, Jennifer's action is motivated not to save her own life but to destroy Greenhill, to "bring him down," a desire she earlier articulates. When Greenhill attempts to throw Jennifer from a balcony in her boyfriend's high-tech, high-rise office building, she uses all of her strength, not to save herself but to gain a foothold enabling her to pull Greenhill over the balcony rail with her. Locked in a chilling embrace, Jennifer and Greenhill plummet through the air, with Jennifer surviving only because Greenhill hits the marble floor first, breaking her fall. Jennifer speaks the closing lines of the narrative to her boyfriend as she is wheeled into an ambulance: "I beat him, Phil. I beat him. Tough way to win a case." These words recall an earlier scene in which Jennifer celebrates a courtroom victory by disrobing in Phil's office and, just before performing oral sex, asking, "Is there anything better than winning?"

Jennifer's careerist ambition is placed in dual focus with Greenhill's careerist approach to murder, using sex to gain access to his wealthy victims. Her status as female professional parallels his status as gigolo—in a sense they both behave as prostitutes. Even more serious, her status as professional is pathologized in relationship to his status as serial killer. When Greenhill says to Jennifer, "There's a certain breed of woman who always seek out men like me. They think their money puts them in control, and for a while I go along with it," he might just as well be speaking about Jennifer and her

false sense of control as a woman in law. Greenhill, of course, knows his control is real, and the film's narrative trajectory supports his position. If Jennifer has any real power, it manifests itself in an act of self-destruction, as she willingly and literally "takes him down," having admitted that she will risk disbarment, and now death, in order to destroy him. Having established Jennifer's background as a girl growing up in a poor family, the film suggests that she has used the law to gain wealth and power, much as Greenhill uses the wealthy women he seduces. (In fact, when her boyfriend Phil suggests that they marry and go off on a honeymoon, Jennifer resists, concerned that her firm will miss out on her billable hours.)

In her study of films featuring women investigators, Yvonne Tasker points out that "questions of desire and sexuality are foregrounded in those narratives which enact a process of investigation defined by a lack of distance between hunter and hunted" (Tasker 1998, 105), an observation that similarly applies to those female lawyer films inflected with elements of the thriller. The female lawyers in *Jagged Edge*, *Guilty as Sin*, and *Love Crimes* are transformed from legal agents with some semblance of power to disempowered victims hunted by the men whom they initially are hunting down (*Love Crimes*) or defending (*Jagged Edge*, *Guilty as Sin*). Tasker further points out that central to the genre is the "dissolution of identity of the investigating officer" (Tasker 1998, 106), a condition that we see not only in the female lawyer-psychological thriller hybrid but in those films inflected by the family melodrama.

Such a disintegrating identity is also experienced by the film noir male, a character with whom the contemporary female lawyer shares some common traits. Like the weakened film noir male whose identity has been fractured and whose masculine power has been thrown into crisis, Jennifer Haines confronts what Janey Place describes in relationship to the noir male as "a *doppelganger*, a dark ghost, *alter ego* or distorted side of man's personality which will emerge . . . to destroy him" (Place 1978, 41). Whereas in film noir this alter ego is often an independent sexualized femme fatale, in contemporary thrillers involving independent female protagonists this figure generally is a morally reprehensible or psychopathic male. This alter ego throws into relief the darker side of the woman's professional ambitions and brings her sexuality under interrogation, usually to reveal an underdeveloped femininity. In her discussion of female FBI

124 agents in *Black Widow* and *The Silence of the Lambs*, Tasker points out that both are “defined by a professional ambition as well as a personal involvement in the case. Identification and the understanding that it brings, produces identity in a double sense then, since it is through the capture of the killer that these women will get something of the transformation they desire [through] ‘advancement’” (Tasker 1998, 107).

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The desire for advancement is most pronounced in the case of Jennifer Haines, though certainly the promise of a partnership in her firm plays no small part in Teddy's taking on the Forrester case in *Jagged Edge*. In *Love Crimes* the female prosecutor's pursuit of a male perpetrator is motivated as much by her own sexual repression and desire to know this potentially dangerous man as it is by her desire to stop him. Once again, professional ambition, personal involvement, and sexual desire merge as the female lawyer, to some degree, changes places with the victims of these men. Jennifer's ambition initially blinds her, despite the warnings of her protective, grandfatherly investigator, Moe (Jack Warden), a character who parallels Sam in *Jagged Edge*. Rising to the challenge of a case unlike any other in her career, she declares, “He is a classic target. The media is going to have a field day with him,” only later to recognize her mistake—but not before Greenhill violently murders Moe.

Produced by Martin Ransohoff, who also produced *Jagged Edge* as well as *Physical Evidence*, *Guilty as Sin* adopts the basic story of *Jagged Edge* and leavens it with a hint of self-reflexive irony, primarily through its over-the-top characterization and portrayal of Greenhill. (“You know what the problem is with committing perfect murders?” Greenhill asks Jennifer rhetorically. “You can't tell anyone about them. . . . It was more the planning and the covering up that were very rewarding.”) Creating the impression in the mind of Jennifer's boyfriend that he and Jennifer are having an affair, Greenhill phones her, saying, “If you love me, you'll do a better job defending me,” directly articulating a motive about which Teddy can only speculate in *Jagged Edge*. Greenhill further exploits every opportunity to announce his status as gigolo, as when a woman he encounters at a bar asks about his work and he responds, “I don't. Women take care of me.” When she offers to buy him a drink, he quips, “I've already got a drink, but you can pay for it.” Further playing up his gigolo status

as that of passive object of the female gaze, Greenhill rises from his chair in court to model when one witness describes him as a man who always dresses well. He controls his "performance" as object, much as Forrester and Slade do in *Jagged Edge*.

More incisively in this film than in *Jagged Edge*, the overt inscription of Greenhill as passive object serves primarily to illustrate just how truly objectified the female lawyer is, once her illusion of power has been stripped away and she becomes his potential victim. In her discussion of *American Gigolo*, pointing out the film's "insistent invocation and refusal of gay sexuality" (Tasker 1998, 134), given the tradition of the gay hustler, Tasker prompts a more nuanced reading of the feminized male gigolo and of the female lawyer. The feminization of the male gigolo in female lawyer films is likewise both an invocation of gay sexuality and its refusal. Through the psychopathology of the gigolo in *Guilty as Sin*, gay sexuality is implicitly pathologized. Moreover, the film's refusal of gay sexuality, in conjunction with narrative strategies placing the female lawyer in dual or double relationship with the gigolo, further inscribes a crisis of masculinity, implying that female empowerment reduces men to the status of passive objects, a condition that may contribute to active psychopathic behavior.

The films inscribe female power, then, as a threat to heterosexuality itself, the very foundation of patriarchal dominance. Female power threatens the sexual status quo and is seen implicitly as a causal factor in the feminization of men, read as the potential homosexuality of men—something so charged that narrative strategies work to refuse or submerge it. Moreover, powerful women are the victims of these men and must doubly be punished: for emasculating the men and for upsetting the psychosexual balance and status quo, resulting in a kind of sexual chaos. While the men in these films at times appear to be passive objects, structuring devices ultimately place them in aggressively active roles, thereby reasserting male activity/female passivity—both through overdetermined closure designed to punish or contain female power and through the female lawyer's shifting relationship to these men as the narrative unfolds.

The final image of the nearly catatonic Teddy in *Jagged Edge* is directly paralleled by an image of the female district attorney near the close of *Love Crimes*, both women reduced to silent, terrified figures.



FIGURE 4.1. Long-shot framing positions attorney Jennifer Haines (Rebecca De Mornay) as object when she “performs” in court, with multiple male spectators gazing on. From *Guilty as Sin*, © Hollywood Pictures, 1993.

The final image of Jennifer in *Guilty as Sin* places her on a stretcher, restrained by a neck brace, with bloodied face, nose, and mouth. Only her eyes are mobile as she speaks those few words proclaiming victory. Paired with the image, her words are imbued with more than a little irony, suggesting a twisted psyche not unlike that of Greenhill himself.

Throughout the film, especially when Jennifer is shown in the courtroom, she is framed in long shot, emphasizing *her* status as object of the look. Nowhere is this made more obvious than in the opening sequence in which, by contrast to the male prosecutor, Jennifer “poses,” leaning on the defense table

as if presenting herself to the court’s and the camera’s gaze (fig. 4.1). Clearly, her power as lawyer is tempered by the somewhat reflexive visual frame in which she is presented.

Power reversal becomes even more pronounced in *Guilty as Sin* in a somewhat refractive scene set in the empty courtroom after Greenhill’s trial has ended with the jury’s inability to reach a verdict. Feeling victorious, Greenhill sits in the witness box, goading Jennifer to question him about the skill with which he pulled off the murder. Jennifer is entrapped, her unethical efforts to get him convicted having failed. Although Greenhill sits in the witness chair and Jennifer does the questioning in this moment of mocking parody, *he* clearly is the one in charge, revealing the web in which he has enmeshed her as an apparent accomplice. When she says to Greenhill, “You wrote this entire scenario—we just played our parts,” Jennifer articulates her lack of authorial agency, not only in the context of constructing plausible courtroom narratives but also as protagonist within the film narrative, whose agency is abated as events unfold. A structure “bracketing” female authority in both *Jagged Edge* and *Guilty as Sin*, then, results in narratives that simultaneously present a crisis of masculinity and a reassertion of masculine power, though a highly uneasy reassertion given the psychopathology of the male figures. This psychopathology, however, reflects back upon the female lawyer whose talents at litigation are tempered

by personal limitations causing justice to miscarry in the extreme. 127

Further implications of this crisis will emerge in the study of additional female lawyer hybrids, as genre theory helps to illuminate the positioning of the female lawyer.

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CHAPTER 5

Female Power and Masculine Crisis:
Investigation, Action, and Romance

Dennis Quaid plays the male lead in both *The Big Easy* and *Suspect*, opposite female lawyers played by Ellen Barkin (an assistant district attorney) and Cher (a public defender), respectively. In *The Big Easy* Quaid is Remy McSwain, a New Orleans police lieutenant who offhandedly accepts the little “perks” that go along with being a cop, including weekly kickback payments from the “widows and orphans fund,” amassed from shakedowns of bar and restaurant owners persuaded to invest in “extra protection.” Laid-back and informal, Remy sees himself as one of the “good guys,” in opposition to the view held by Anne Osborne (Barkin), assigned to a task force investigating police corruption. On first meeting, their conflicting class and educational backgrounds become obvious when Anne observes Remy interrogating a mob boss as though having a friendly chat. “I can’t believe you were so obsequious with that man,” the uptight Anne complains, as Remy reaches for a dictionary, with comfortably ironic laughter. He may not use words like “obsequious,” but he has much deeper insight into the workings of crime than Anne does. When she challenges him with “You read minds?” he confidently replies, “No, I read people.” Male intuition is, once again, valorized.

In *Suspect* Quaid plays the equally seductive Eddie Sanger, a Washington lobbyist summoned to jury duty. Despite his certainty that he can “get out of it,” Eddie ends up a juror on a case in which Kathleen Riley (Cher) is the public defender. The mutual attraction between Eddie and Kathleen remains just that, although the closing moments of the film imply a romantic union to follow. While Eddie and Kathleen appear similar in class and educational background, Eddie has become a cynical opportunist trying to make fast money and influence a vote, though he does lobby for liberal causes that the film appears to support. Kathleen lives more directly in accordance with her liberal political ideals, defending the poor and disenfranchised. While these two characters display superficial differences,

they adhere to similar underlying values and beliefs, as do Remy and Anne as well as the pair in *Physical Evidence*. 129

Unlike the psychological thriller–female lawyer hybrid with its complex and sometimes diffused layers of duality and parallelism, the investigation/romance, the action/romance, and the romantic comedy hybrids of the female lawyer film conform more closely to literal duality of focus, particularly in the actual or implied heterosexual coupling that forms narrative closure. *The Big Easy*, *Suspect*, and *Physical Evidence* merge investigation and romance, aligning female and male centers of power, despite differing backgrounds and sets of attitudes, and the romantic comedies *Curly Sue*, *Legal Eagles*, and *Other People's Money*, predictably, do much the same. Rick Altman describes these two centers of power as they exist in the musical, with the female as “rich, cultured, beautiful, easily offended” and the male as “poor, practical, energetic, tenacious” (Altman 1987, 19). While not quite so rigidly codified, the defining characteristics of the centers of power in the investigation/romance hybrid of the female lawyer film do reflect Altman’s further observation that such dualities invite audience recognition of the male and female in question as a well-matched pair despite their differences. What these dualities mean to the female lawyer’s empowerment both in terms of law and film narrative is something this chapter will explore, in the context of parallel functions of genre and of law and the self-reflexive implications that arise when women author, or fail to properly author, courtroom narratives.

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Investigation, Romance, and the Female Lawyer Film:
The Big Easy, Suspect, and Physical Evidence

Scattered across several film groups, the heading above registers my own difficulty in “fixing” genre during a period when hybridization so characterizes production. Inflected with any one or a combination of the tendencies identified (as well as the courtroom drama), the female lawyer in films of this category (*The Big Easy*, 1987; *Suspect*, 1987; and *Physical Evidence*, 1988) constructs or authors narrative versions of events through the process of detecting evidence and investigating probable leads. In several but not all of the films, the female lawyer further represents or articulates narrative versions of

130 events within the courtroom through the typical procedural methods—opening statements, summations, questioning of witnesses, verbalizing objections, and arguing positions during sidebar conferences. Appearing within two years of each other, all three films focus intensely upon the processes of detection, with *Suspect* centering on courtroom procedure. All of the films involve crimes of corruption that implicate various branches of the justice system (the police and the legal system), with corruption reaching the highest levels of the court and federal government in *Suspect*.

Framing
Female
Lawyers

Within this group of films, the female lawyer is placed in parallel relationship with a singular male character with whom she eventually teams up and who eventually comes to displace her as agent of detection and author of legal narrative. In *Suspect* and *Physical Evidence*, most overtly, the male protagonist, despite his lack of legal training, seems naturally adept at thinking like a lawyer—at constructing plausible chains of cause and effect that result in the unveiling of truth. In both the legal and narrative regimes, the male protagonist's capacity is far superior to that of the female lawyer. In all three films the sexually repressed female lawyer also has her desires awakened by the male protagonist, either through overt sexual seduction, as in *The Big Easy*, or anticipated sexual/romantic union, as in *Suspect* and *Physical Evidence*.

Duality of focus in *The Big Easy* foregrounds the casual ease with which Remy McSwain accepts and enjoys his perks as a police detective ("This is New Orleans, darlin'. People have a way of showin' their appreciation.") against the backdrop of prosecutor Anne Osborne's disapproval ("How far does all this go? . . . What's it cost to beat a murder rap these days?"). Yet the effect in the first half of the film, where character types are firmly established, is to position Remy's working-class practicality and vitality as superior to Anne's more circumspect, bookish approach to the law. (She repeatedly refers to the "Mafia," and he continually corrects her: "We call them wise guys.") Further emphasizing their differing positions, the film reveals that Remy has always lived in New Orleans and comes from a long line of policemen, whereas Anne isn't "from around here." Although we aren't told exactly where she is from, her limited knowledge of New Orleans culture and absence of a Southern drawl imply that she is probably a Northerner "invading" this closed, comfortable world where things are done "a certain way."

Duality is further heightened by Remy's self-possessed ease in contrast with Anne's self-conscious lack of ease, evident not only when she snaps, "Don't you dare be amused at me," upon his teasing about her ambition to "change things," but also when they dance and later sleep together, with Anne appearing stiff, unpracticed, and in need of Remy's gentle but assertive guidance, a trope common to several female lawyer films. Professionally, Anne is *forced* to assert control, thus inscribing her weakness. The morning after Remy has persuaded her to join him for dinner—ostensibly to discuss the Angelo case, which we later learn is not a Mafia gang war at all but, unbeknownst to Remy, a cover for police involvement in drug trafficking—Anne phones him, determined to reestablish the parameters of their relationship. As she methodically ticks off each item on a checklist of discussion points in front of her ("the Angelo case, professionalism, last night, conflict of interest"), we see her nevertheless losing her battle for self-assertion. Remy adopts an amused attitude toward Anne, which the viewer is invited to share, as gentle humor and a building attraction between the two dominate the first half of the film. A narrative shift occurs, however, when Anne discovers evidence implicating Remy and his cronies in serious corruption. Remy, later aligned with Anne and accordingly feminized, becomes the target of a hit orchestrated by corrupt members of the police force.

One significant point of departure in *The Big Easy*, in contrast to other female lawyer films, is this reversal, which, when read retrospectively, places the male and female axes of power in balance. Anne and Remy, very much in the tradition of screwball comedy, are equal talkers. Director Jim McBride claims to have modeled *The Big Easy* on Howard Hawks's 1940 film, *His Girl Friday* (Edelstein 1987, 58). What arises from this intertext is a sexuality that expresses itself not only through the usual visual devices, such as costuming and the gaze, but through the equal verbal strength of the protagonists—their banter marking Anne's growing insight as the narrative progresses. While Remy is instrumental to Anne's sexual awakening, Anne's sexuality is neither punished nor does it interfere with her competent practice of the law, as so often happens in other female lawyer films. *She* is the voice of reason, whereas Remy represents a more impulsive sexuality that in some ways stands for *his* separation from the law. Anne increasingly holds her own with Remy, and though she claims to be unpracticed at sex, *The Big Easy* manages

to assert the centrality of sex and its vocabulary, in distinction from the more conventional tendency toward romance. While the sexual charge in the film's first half is powerful, the second half trains its focus on the characters (particularly Remy) and their growth rather than on reconstitution of the temporarily estranged couple. While the film ends with Remy's carrying Anne, in bridal gown, over the threshold, we have not been positioned to await the first kiss with marriage and children to follow, as is often the case.

Framing
Female
Lawyers

Suspect does not incorporate the screwball elements present in *The Big Easy*, opting instead for more concentrated emphasis on courtroom drama and suspense. Defending a homeless deaf man accused of murdering a young typist employed by the federal court system, attorney Kathleen Riley is faced with a very difficult case. Overworked, emotionally drained, and exhausted, Kathleen confesses her doubts and discontents in a monologue delivered to a male colleague: "I don't know what I'm doing anymore. I don't have a life. . . . I'd like to have a child, but I don't even have a boyfriend, so how can I have a child? I spend all my time with murderers and rapists. And what's really crazy is, I like them. I don't think I can do it anymore." As we have seen, these words might easily be read as a female lawyer manifesto of disaffection and, with slight variations, could have been written for any number of female lawyers in film. The choices both Kathleen and Eddie have made in life take a toll. Eddie is also unhappy—disappointed with himself and the professional compromises he has made, very much like Remy in the second half of *The Big Easy*.

The dual-focused narrative of *Physical Evidence* falls closely in line with the other two films. Burt Reynolds plays Joe Paris, a Boston cop who is personally ethical but professionally misunderstood. Having thrown his partner through a plate-glass window to keep him from shooting an unarmed suspect, he is suspended from the department. His quick temper and history of violent assault, on and off duty, implicate him in the murder of Jake Farley, a nightclub owner and high-level drug dealer. Despite his claims of innocence, police discover evidence in his apartment linking him to the crime, and Joe can provide no alibi, having drunk himself into a stupor on the night of the murder.

Public defender Jenny Hudson (Theresa Russell) is positioned in parallel relationship with Joe. Jenny is a designer-clad female lawyer

whose yuppie appearance defines her as clearly out of place in the public defender's office. She is rich, educated, attractive, officious, and inexperienced. Joe is unemployed, practical, disheveled, informal, and a seasoned investigator and law enforcer. During their first meeting in his prison cell, Joe concludes from her Rolex watch, expensive wardrobe, and rigid manner that Jenny's work as a public defender "sounds dangerously like a hobby." With no shortage of sarcasm, he requests an attorney "who works for a living." A scene whose purpose should revolve around the lawyer's interrogation of her client is recast as a scene in which the client interrogates his female lawyer—her appearance, her motives, and her qualifications. Because our judgment as viewers of the film is shaped largely by visual cues, we tend to adopt Joe's attitude toward Jenny, our initial doubts about Joe having all but vanished in the aura of laid-back confidence and playful, sexy charisma associated with the Burt Reynolds star persona—even if he is brusque, hung over, and poorly groomed. Through Joe's mediation as interrogator, we learn that Jenny "got a late start as a lawyer" after she "blew five years in the Peace Corps." We also learn that the watch is a gift from her fiancé. While these details invite a slight reevaluation of her character, we continue to share Joe's uncertainty.

Returning home to her comfortable Boston brownstone and her boyfriend Kyle (Ted McGinley), who works as an investment broker—the quintessential Reaganite career for ambitious yuppies—we begin to understand that Jenny's apparent acquisitive streak is, in fact, a response to Kyle's desires. "I don't want you working too hard, baby," he says, offering her a cell phone and a dip in the hot tub. Jenny gradually rejects Kyle's values and moves closer to those of Joe as the narrative progresses—a trajectory signaled by costuming. The severe bladelike pins (instruments of castration?) she wears on her suit lapels become gradually smaller before disappearing altogether as she dresses more casually in sweaters and slacks, with her hair long and free-flowing rather than sculpted in a French twist.

As he and Jenny argue, Kyle articulates submerged cultural anxieties about professional women while simultaneously revealing his own weakness, in relationship to both Jenny and more traditional images of quietly confident masculinity, as represented by Joe. Kyle accuses Jenny of becoming "mannish" as a result of immersing herself in her work and further accuses her of ingratitude when she ques-

tions the ethics of his work. "You can't take the competition, can you?" he quips. "Because I'm successful and you're not, you resent me." Kyle ultimately functions to ratify the more traditional markers of masculinity embodied by Joe, while simultaneously inscribing anxieties about the independence of the female lawyer. Kyle is not "man enough" to handle Jenny's independence, the film implies, whereas Joe most certainly is. Joe's more conventional performance of masculinity wins the day in its ability to neutralize the threat female independence potentially poses. In articulating historically grounded—though now somewhat repressed—attitudes concerning autonomous professional women, Kyle also embodies a vague threat (as Ellie does more distinctly in *Defenseless*), heightened by his persona as a softened, feminized male whose girlfriend cannot "perform" her femininity convincingly enough to confirm his masculinity. The film is awash with contradiction.

Although practical and assertive in their narrative agency to the extent that they eclipse the investigative efforts of the female lawyers, Eddie in *Suspect* and Remy in *The Big Easy* do, at moments, take on the role of feminized males as well. Like Forrester and Slade in *Jagged Edge*, Eddie, as lobbyist, is something of a gigolo, exchanging sexual favors for a female senator's vote—a well-practiced strategy, the film implies. Although Quaid appears bare-chested in both films, presenting himself as an object of desire, the female lawyers are not granted the look that mobilizes or mediates viewer desire, but instead respond to *Quaid's* assertive expressions of desire, though in *The Big Easy*, as noted, sexuality does take on its own vocabulary. When Eddie removes his shirt in *Suspect*, allowing Kathleen to bandage a knife wound he has received in attempting to protect her, the absence of shots inscribing her visual perspective suggest her repression rather than her expression of desire. At the end of this scene he kisses her, enacting *his* desire.

In both films male desire is potent, for it places the ethics and career of the female lawyer in peril, particularly in *Suspect*, where even greeting a juror is grounds for disbarment, as Kathleen repeatedly is warned. In fact, having observed Kathleen and Eddie in suspiciously close public proximity, the trial judge summons her to his chambers, declaring her courtroom performance "weak" and her conduct "unprofessional." In a sense, then, the female lawyer in this and the other two films remains triply objectified: first, through the structuring of

shots, denying the agency of *her* gaze; second, through the structuring of scenes, bracketing her sexual desire in response or reaction to the more potently active male desire; and, finally, through the structuring of plot, further bracketing her desire in terms of law—she must violate legal ethics and threaten her career if she is to pursue her desire, and in pursuing her desire she potentially endangers her client and the very tenets of the legal system.

In all three films parallel structure encourages readings of simultaneity and comparison. In *Physical Evidence* shots of the hung-over, disheveled Joe are juxtaposed with shots of the efficient, well-groomed Jenny. *Suspect* introduces Kathleen for an extended period as she drives to work and is assaulted by a gang of inner-city kids who smash her windshield and grab her heirloom necklace. By the time she arrives at the courthouse for arraignments, she appears frazzled, defeated, and depressed, a condition only heightened when the judge assigns her the Anderson case, despite her request for a long-overdue vacation. Juxtaposed with Kathleen is the slick, energetic, self-assured Eddie seductively lobbying a female senator.

Just as Joe takes control of the interrogation in *Physical Evidence*, Eddie exerts a subtle control over Kathleen when they meet for the first time as she questions him during *voir dire*. Attempting to impugn the accuracy of eyewitness testimony, she asks Eddie to turn his back and recall her hair color, a narrative contrivance designed to place Kathleen as the object of Eddie's interrogatory gaze. The effect, as in *Physical Evidence*, is to place the female lawyer under the scrutiny of a man who will gradually assert his superior narrative agency. A similar effect results in *The Big Easy* when Remy first catches sight of Anne sitting in his office and comments on her "nice neck," the film thus mediating our first glimpse of Anne through Remy's point of view. Built into the structure of all three films, simultaneity and comparison has the effect of attenuating the female lawyer's agency, though only initially so in *The Big Easy*. While the women in all three films exert an influence on the men, forcing each one to rethink his values and choices, narrative structure nevertheless subsumes female agency within the overarching theme of male redemption, as achieved through the codes of the investigative narrative.

In *Suspect* Eddie visits the crime scene, gathers evidence, and constructs unlikely connections that nevertheless unveil the truth. At first, he must force Kathleen to accept his assistance, but soon

enough she becomes dependent upon his help, as courtroom scenes make abundantly clear. Frequent reaction shots of Eddie in the jury box position him as internal audience mediating viewer responses to Kathleen's performance. Moreover, he sends her subtle signals and initially phones her anonymously during trial recess—all in an attempt to tutor her in the questions she *should* pose and the facts she *should* link as she structures *her* narrative version of events within the courtroom. Though driven by different motives, Eddie's anonymous calls function much as Forrester's anonymous notes do in *Jagged Edge*. Eddie, in effect, becomes Kathleen's ghostwriter, authoring her courtroom narrative and asserting an agency she can only play at enacting. And it is through this activity that Eddie begins to reexamine his own smug cynicism.

In *Physical Evidence* Joe follows leads and questions suspects, in effect playing the aggressive narrative agent. While Jenny's courtroom strategies prove clever, once Joe and Jenny align themselves romantically, the film abandons courtroom settings for investigative and suspense sequences set outside of the courtroom, allowing Joe his more expansive agency. We never do return to the courtroom, nor do we hear the dismissal of charges, which we presume will result. Jenny is thus effectively displaced by Joe, whose dominance reigns in the world of action. And, though Remy in *The Big Easy* comes to understand that Anne is correct about corruption in the New Orleans police department, it is only when he wholeheartedly assists her that her investigation moves productively forward. In a clever reversal, Anne echoes Spencer Tracy in *Adam's Rib* when she lectures Remy, saying, "You're a cop. . . . You're supposed to uphold the law, but instead you bend it and twist it and sell it." Moved by Anne's insight, Remy tearfully confesses. What is at stake is not Anne's successful professional performance but Remy's moral redemption.

Although tinged by corruption, all three male protagonists in *The Big Easy*, *Suspect*, and *Physical Evidence* are ultimately redeemed and redeemable—primarily through their growing affection for the female lawyers whom they have dedicated themselves to assisting (though sometimes with their own best interest at heart). And in all three films the female lawyers do indeed fulfill their "larger callings" as sources of moral redemption for the male characters. This well-worn feminine role places the lawyer's agency and desire at the service of the male on whose reformation something of deeper signifi-

cance seems to rest. The female lawyer is further compromised by narrative circumstances that place her in ethically questionable relationships with these men, while conversely implying that in adhering too closely to legal procedure, she may fail to uncover truth and administer justice. Eddie has Remy's practical, tenacious approach to criminal investigation, while Kathleen shares Anne's law-by-the-book rigidity. "I would do anything for my client, but I'm not going to break the law," proclaims Kathleen when Eddie covertly corners her with evidence that will strengthen her case.

Yet both *The Big Easy* and *Suspect* strongly register a crisis in patriarchy when powerful male figures are implicated in corrupt legal practice. Presiding over Kathleen's defense of accused murderer Carl Wayne Anderson (Liam Neeson) in *Suspect*, Judge Helms (John Mahoney) is revealed to be the true murderer of court typist Elizabeth Quinn—his motive grounded in Quinn's threat to expose his judicial misconduct in cases also involving a Supreme Court justice and several high-ranking attorneys. Presenting these charges during a climactic courtroom scene, Kathleen refuses to be silenced by Helms, who has continually manipulated and muted her presentation of the case. Jack Kellon (Ned Beatty), a police officer and father figure to Remy in *The Big Easy*, plays a central role in police corruption. In both films the bad patriarchs are brought to justice through the efforts of the female lawyer, as she acts under the guidance of the male protagonist. The female lawyer restores the law and patriarchy to its proper functioning, while effectively bracketing or obliterating her own agency within that system.

Both *Suspect* and *Physical Evidence* further imply a patriarchy in crisis through critical inscriptions of Reagan-era politics. A murderous patriarch like Judge Helms, identified as a staunch Republican, is about to be appointed to a position of even greater power. The liberal political framework of *Suspect*—though limited—places the wealthy, privileged Helms in opposition to Kathleen, who works for little money defending the indigent, and to Eddie, who feels increasingly uneasy with his own ethically questionable lobbying practices. The film's liberal framework is further marked by its inscription of the Vietnam War as a trauma from which the defendant will never fully recover. During Anderson's trial testimony, we learn that the war is indirectly responsible for his lost hearing and voice, his lost wife and home, his lost self-respect and masculine power. Forced to

kill without a clear reason, Anderson suffered serious psychological damage and was further exposed to meningitis in a veterans hospital, compounding his difficulties. Anderson's voice can be heard only through the voices of his white female attorney and an African American court employee who literally speaks for him in the courtroom as she reads aloud the testimony he enters into a computer. A white heterosexual male, Anderson's masculinity has been shattered by Vietnam, marginalizing him even further than the white or the African American women who represent him and give him voice. While Anderson has been vindicated in the murder trial, the film provides no sense that his life will return to normalcy but rather implies that he will continue living on the margins.

Suspect goes on to indict Reagan-era politics with particular focus on welfare cutbacks, when Kathleen delivers her opening address to the jury: "Carl Wayne Anderson is not a decent hardworking citizen. . . . He is not a shining example of the American Dream. Carl Anderson is the American nightmare. He is one of the nameless, faceless derelicts that wander aimlessly through the streets of our country everyday by the thousands. . . . We look at them with a mixture of pity and contempt and fear." Unlike the *Rambo* series that recasts Vietnam—fulfilling lost wishes for an American victory—*Suspect*, to its credit, poses a crisis without reductively attempting to resolve it. The film's politics concerning the female lawyer, however, are somewhat less enlightened.

Like Carl Wayne Anderson, Joe Paris in *Physical Evidence* served in Vietnam in the Special Forces, which, the film implies, is a possible cause for his somewhat unstable character. In an attempt to play it both ways, however, the film has prosecutor James Nicks (Ned Beatty) present Joe's exemplary war record as evidence proving he has been trained in strangulation, the crime he is accused of committing. When the judge inquires about Nicks's military record and we learn that he has never served, we are invited to participate in a rather reactionary rejection of this character who never "fought for his country." The film further papers over the potential crisis it poses—having re-inserted the Vietnam killer into domestic life—through its casting of Nicks as cowardly and excessive in his tactics to force a plea-bargain. The film thus dismisses a potentially serious narrative rupture in favor of taking a somewhat reactionary stance, which gathers resonance through its representations of masculinity and femininity. In

Jenny's rejection of Kyle in favor of Joe, the film again plays it both ways, posing a critique of Reagan's economic policies that helped to create people like Kyle while validating Joe's more traditional masculinity and, by extension, his Vietnam experience—a revisionist tendency central to the Reagan agenda of renewed nationalism.

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*Female Power
and Masculine
Crisis*

Action, Romance, and the Female Lawyer Film:

Fair Game, The Pelican Brief, and Conspiracy Theory

With the exception of *The Client*, the films of this group—*The Pelican Brief* (1993), *The Client* (1994), *Fair Game* (1995), *Conspiracy Theory* (1997)—like those of the previous group, implicate patriarchal institutions in corrupt practices, extending to the highest levels of the federal government in *The Pelican Brief*. All produced in the 1990s, these films include few tropes of the courtroom drama, with a single courtroom hearing in *The Client* and no courtroom sequences in *The Pelican Brief*, *Fair Game*, or *Conspiracy Theory*.

Of the four films, *The Pelican Brief* and *Fair Game* express a hyperbolic need to wage physical warfare against the female lawyer (or female law student, in *The Pelican Brief*). Teams of assassins rig explosives, organize ambushes, and fire countless volleys in attempting to destroy these women. The woman lawyer in *Fair Game* is targeted merely for demanding that her female divorce client receive an equal share of the assets that her husband is attempting to hide. One such asset is a cargo boat, which turns out to be occupied by a branch of the former Soviet KGB. Attempting to tamper with the intercontinental telephone cable, this gang intends to steal billions of dollars through direct money transfers from international banks. The hyperbolic firepower directed at attorney Catherine McQuean (Cindy Crawford) ensures she will have no alternative but to seek protection in the arms of police detective Max Kirkpatrick (William Baldwin). The visual attention given to Crawford's supermodel figure, coupled with the fact that she is relentlessly positioned as reactive, always on the run, elides any slight agency she may attempt to exert.

Fair Game places this ultrafeminine supermodel in dualistic relationship with the only other female character of importance—the Russian gang leader (Jenette Goldstein), who is coded as lesbian through her butch attire, severe manner, and almost superhuman

140 physical strength. The stereotypes could not be more obvious: the “good object” is young, pretty, feminine, heterosexual, and willing to take orders from the man protecting her; the “bad object” is middle-aged, unattractive, masculine, coded as lesbian, and continually barking orders at the men under her command. The fact that the “bad woman” looks something like an older, hardened version of the “good girl” is significant. As the film opens and Catherine meets with the male lawyer representing her client’s husband, he teasingly cautions her: “You’re very unattractive when you’re threatening.” The character played by Jenette Goldstein becomes a literalized expression of just how unattractive a threatening woman can be. It is this woman, rather than the many men on her team, who refuses to die even after Max has pumped dozens of bullets into her. She rises to attack Max, hand to hand, savagely punching and kicking, until he regains his strength and does the same to her, finally stabbing her repeatedly in the abdomen (womb?), asserting his phallic dominance over this phallic woman. By contrast, Catherine’s one act of violence, beyond those required to defend herself, is to slap a Hispanic woman who repeatedly screams at and spansks her little daughter, the film thus allaying any viewer anxiety about the presence of Catherine’s maternal impulses. Yet she must punish a transgressive “other” mother in the process of expressing her own “natural” maternal impulses. Her lovemaking scene with Max on a high-speed train further defines her as unambiguously heterosexual.

Relentlessly on the run, Catherine and Max learn they can trust no one, including the man posing as an FBI agent who offers to protect them. In *Conspiracy Theory*, likewise, an impostor claiming to be with the CIA pursues Alice Sutton (Julia Roberts), an assistant U.S. Attorney. The initial suggestion of deeply rooted corruption within American law enforcement institutions loosely connects *Fair Game* and *Conspiracy Theory* with film noir, heightened by visual stylistics that occasionally create a neo-noir effect, particularly in *Conspiracy Theory*, which frequently references *Taxi Driver*’s noir-influenced cinematography.

The overtly reactionary *Fair Game* more strongly falls in line with the resurgence of 1980s Cold War films, however. The Russians pose as FBI agents equipped with highly advanced technology that enables them to track Max and Catherine through the antitheft device in Max’s car and within minutes of Catherine’s using her credit card.

The film, then, taps into several layers of American anxiety: those concerning female independence and sexuality and those concerning material acquisition during a period when Americans found their purchasing power gradually increasing, with the economy just beginning to emerge from its slump during the Bush administration. With memories of the 1987 stock-market crash and precarious economic times still fresh in viewer's minds, however, the credit card is cast as a time bomb ticking away in one's pocket. The anxiety connected with women's economic power is tempered by the attractive, objectified female body, placed in contrast with the seemingly unrestrained economic and sexual threat posed by the gangsters and their phallic female leader. Although Catherine is a lawyer with potential phallic power, the film seems to assure its viewers that she ultimately remains an object to be gazed upon and possessed by men.

The Pelican Brief also casts female law student Darby Shaw (Julia Roberts) as a victim on the run—drawing, perhaps, as *Conspiracy Theory* also does, upon Roberts's performance in *Sleeping with the Enemy* (1990). Darby has acquired knowledge that implicates powerful government officials, including the president of the United States, in murderous corruption. Under the guidance, first of her law professor Thomas Calahan (Sam Shepard), with whom she is having an affair, and, later, an investigative reporter, Gray Grantham (Denzel Washington), with whom she shares mutual affection and strong admiration, Darby often appears as a child in need of a fatherly protector. Frequently costumed in oversized sweaters, sleeves pulled over her hands, Roberts presents a diminutive, if trendy, image.

As in *Fair Game*, *The Pelican Brief* allows its protagonist no safe haven. Hit men, again, use her credit card to track Darby. And throughout much of the narrative, the question remains open as to whether the FBI can be trusted to help her. In the end, however, Darby is enfolded in the care of the now recuperated FBI as a plane stands ready to shuttle her to the safety of an undisclosed location, an image echoing the final shots of *The Client*, also based on a John Grisham novel. Likewise, in *Conspiracy Theory* an agent representing a secret, unnamed branch of the U.S. intelligence community rescues Alice and the eccentric taxi driver Jerry (Mel Gibson) from the clutches of villainous impostors. Here recognition of the true patriarchal state, much as in *Music Box*, promises a return to stability. When an impostor agent temporarily wins Alice over to his side, he does so by

142 invoking her professional acumen: "Come on, you're a lawyer. You think like one," confident that in asking her to think like a lawyer, he will lead her to the wrong conclusions.

Framing

Female

Lawyers

All three women survive attempts to annihilate them, yet their agency has been tempered and displaced by that of their male cohorts or by government organizations. Although Alice is led to believe that Jerry has been murdered, it is merely a trick orchestrated by the unnamed *true* federal agency in order to protect her from further harm—a trick that neatly restores Jerry to the voyeuristic position he occupies as *Conspiracy Theory* opens. What initially appears to be a threatening gesture on the part of an apparently paranoid, delusional taxi driver—Jerry is shown obsessively spying on Alice as she goes about her daily routine—is now elevated to a form of state-sanctioned surveillance. As the film closes, Jerry sits in the federal agent's car, watching from afar as Alice, in an almost pre-Oedipal state of unity with her lost father, rides the horses that he bequeathed her but that she has avoided since his death during her adolescence.

Whereas in *Fair Game* the inevitable heterosexual coupling firmly enfolds the female within the status quo, *The Pelican Brief* sidesteps an explicit romance for the biracial couple, which could be seen to disturb the status quo, in favor of sequestering the female lawyer far from the media frenzy that has resulted from the publication of her controversial brief.¹ As in *Conspiracy Theory*, patriarchal agencies in *The Pelican Brief* have assumed responsibility for the female lawyer, effectively relegating her to a position of (self-imposed) isolation and silence. Surrounded by colorful flowers in what looks like a tropical setting, Darby watches *Frontline* on television as Grantham is interviewed, her dangerous knowledge and power now neutralized and contained. She appears contented in her silent anonymity as Grantham speaks *for her*.

Romantic Comedy and the Female Lawyer Film:

Curly Sue, Legal Eagles, and Other People's Money

When romantic comedy inflects female lawyer narratives, the dual-focus pattern associated with the musical is more predictably evident than in the other female lawyer hybrids. As in the musical, the female lawyer–romantic comedy hybrid "seems to suggest that the natural

state of the adult human being is in the arms of an adult human being of the opposite sex" (Altman 1987, 32). While this state is obviously common to other genres, particularly the screwball comedy, in the musical it becomes formalized through dance. Of the three female lawyer romantic comedies of the 1980s and 1990s—*Legal Eagles* (1986), *Curly Sue* (1991), and *Other People's Money* (1991)—*Curly Sue* is by far the most formulaic in terms of the dualities Altman outlines, as well as in its inscription of class differences central to the screwball comedy, which, as Schatz points out, plays "both ends against the middle to celebrate the contradictions within our culture while seeming to do away with them" (Schatz 1981, 159).

At stake in the female lawyer-romantic comedy hybrid is the same thing at stake in both the musical and the screwball comedy, along with a little something extra. As in the musical and screwball comedy, this female lawyer hybrid ratifies heterosexual coupling and the nuclear family as key to the woman lawyer's happiness, stability, and economic comfort. The something extra at stake in this hybrid involves the status of not the couple but the female lawyer: her emotional life is initially shown to be sterile and lacking in contrast with that of her male counterpart, implying that her choices in life have made for a generally unhappy, isolated existence, one that she readily exchanges for the comfort, security, and emotional balance of a family.

Tapping into these patterns, *Curly Sue* transforms the wealthy, cold, highly formal female lawyer as she and a homeless-but-decent man and his child meet in the middle. The newly constituted couple end up in the suburbs driving their daughter to school in their SUV, wearing straight-from-the-catalogue L. L. Bean attire. The film thus implies that the widening gap between rich and poor in the early 1990s, as well as the havoc wreaked on the poor by New Right supply-side ("trickle down") economics, can somehow be resolved through an easy acceptance of middle-class values, with all of the material trappings that accompany those values. The film, moreover, suggests that middle-class family values will alter the emotionally sterile lives of wealthy, fast-track career women who will discover that a greater sense of meaning and purpose resides in home and family. The film completely elides the process whereby the homeless man achieves middle-class status, however. Though he "marries up" in his union with the female lawyer, she has abandoned her law career in favor

144 of family; it isn't quite clear how this newly constituted family will maintain their well-appointed suburban lifestyle.

Framing Unlike "the breakneck pace" (Schatz 1981, 151) characterizing
Female many screwball comedies, the female lawyer-romantic comedy hy-
Lawyers brid is less frenetic, with parallel structure functioning to establish simultaneity and comparison. In *Curly Sue* the dualities seep into almost every layer of the narrative fabric. She is a professional; he is unemployed. She is rich; he is poor. She is blonde; he is dark-haired. She lives in an elegant, spacious apartment; he lives on the street and in shelters. She dines in pricey restaurants; he dines in greasy spoons, provided someone else can pay. She stands for law; he circumvents law, playing harmless cons in order to survive. She is childless and unemotional; he is a father who nurtures his child. Yet these two characters have more in common than is initially apparent—they both desire companionship and love, something the female lawyer grows to recognize and appreciate through her deepening attachment to his child.

Even in comparison with the haphazard existence of a homeless man caring for a young girl, the female lawyer's life of cold self-sufficiency is presented as highly suspect and in need of correction, a situation echoed in *I Am Sam*. As in other instances, duality of focus manages to bracket sequences involving the female lawyer, placing her circumstances under more serious scrutiny than those of the man with whom she is placed in parallel relationship. Bill Dancer (James Belushi) is smart, streetwise, yet always concerned that little Sue (Alisan Porter) brush her teeth regularly and that she understand the difference between good laws and bad laws. (They profess never to break the "good laws" that prohibit serious stealing and cheating; yet they will swipe a pastry from an upscale restaurant.) Grey Ellison (Kelly Lynch), by contrast, seems incapable of tempering her practice of law with human emotion.² In characterizations that reverse the stereotypical gender binary, Grey is professional, rational, unemotional—all negative traits when attached to a woman, as are the stereotypically *female* traits negative when displayed by a woman lawyer. While Bill is also rational, his rationality is tempered by playfulness and emotional warmth. Grey is excessive; Bill is balanced.

As the film opens, Grey, with businesslike demeanor, addresses Mrs. Arnold, a middle-aged divorce client. Grey's language and flat, rushed delivery succinctly characterize her as rigid and remote when

she admits, "I'm not married so I don't know what it's like to face the conclusion of a decades-old relationship, and I don't have children so I can't say how the final disposition of the offspring would impact me emotionally. But I can say this much, you have it within your means to grind your husband into the ground. . . . If you want sympathy, you won't get it here. . . . I'm not an emotional person."

As if this were not enough, the film makes certain we fully understand Grey's flawed professionalism when her fatherly boss threatens to remove her from the case unless she "lighten up," echoing Jed's entreaty to his daughter in *Class Action*. In the age of the carefully crafted prenuptial agreement, female demands for financial equity in divorce ignite more than a mild level of male anxiety, as we have seen in *Fair Game*. When Grey wonders whom her boss is protecting, he curtly replies: "The law firm, the wife, kids—things you wouldn't know anything about, Grey. I feel sorry for you."

It is only after Grey has taken Bill and Sue into her apartment and into her life—as a result of having accidentally hit Bill with her car—that she is able to relax and expose her humanity. Sue awakens Grey's maternal desires through her little-girl cuteness and charm, which, while saccharine at times, establish a second dual relationship between Grey and Sue. It is Grey who learns the importance of deeply caring for another human being through Sue's commitment to Bill—both as a little girl who depends upon his care and as a girl whose nurturing impulses prompt her to look after him. Despite the warnings of her snobbish, uptight (feminized) boyfriend, Walker (John Getz),³ Grey allows Bill and Sue to remain with her. In a musical montage sequence, she indulges in a shopping spree, enlisting the aid of her African American secretary, whom she has treated most dismissively up until this point. Deliberating, choosing, and purchasing expensive new clothing for Bill and Sue, Grey attempts to integrate them into her world.

Of course, their dinner at an expensive restaurant (the same one from which Sue had earlier lifted a pastry) is forced and unpleasant. Confined by their new clothing, uncomfortable in the stilted atmosphere, and offended by Walker's haughty insults, Bill and Sue exit, humiliated. It is not until Grey pursues them and allows them to take her out on *their* terms that values merge and class differences dissolve. Bill and Sue teach Grey how to crash a wedding reception for a free meal; yet the film fails to acknowledge that, without the

146 expensive attire purchased by Grey, the threesome would hardly have gained entrance through the banquet-room door. They later sneak into a 3-D movie, and, in a scene with echoes of *Sullivan's Travels*, all three laugh and enjoy themselves, entertained and engrossed. Although a self-reflexive moment, the film never draws a clear parallel between the transformative effect of the movie they watch and its own transformative power to bring to fruition a fairy-tale fantasy—having recast the once socially undesirable man and his daughter into attractive, “acceptable” citizens and having recast the emotionally distant female lawyer into a warm and flexible human being. Clearly the latter transformation is the more important, since the film implies a certain inauthenticity in Grey’s attempt to change the already authentic Sue and Bill. The film further fails to acknowledge its own consumerist values at the core of the middle-class suburban resolution it offers.

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Though this female lawyer never enters a courtroom, she does have her own legal battle to wage when the child welfare agency, tipped off by the jealous Walker, takes Sue into custody and has Bill arrested. Although he has cared for Sue since her infancy, when her mother died, Bill, it turns out, is neither Sue’s biological father nor her legal guardian. Significantly, it is Grey-as-desiring-mother rather than Grey-as-accomplished-attorney who is placed in legal opposition with the agency, which seems incapable of taking human factors into account, much as Grey earlier approached her practice of law. Grey is now positioned to argue for the mediating power of emotion in applications of the law. After Grey eventually wins custody of Sue, with plans to adopt her, the film poses a new anxiety: Sue is convinced that Bill will leave now that he has found her a proper mother. Heightening a sense of impending dread and loss through its structure of suspense in presenting this concern, the film reiterates the value of family as the place where true happiness resides, a value reaffirmed through Bill’s continued presence and further reinforced when Grey ends her partnership with the firm. Grey and Bill typify the blissful, child-centered couple in the final image. Now content to be a mother, Grey appears emotionally anchored and no longer plagued by professional ambitions—an image that holds powerful cultural appeal.

While the social-class dualities in *Legal Eagles* are not so pronounced as those in *Curly Sue*—both male and female protagonists

are attorneys—the film shares with *Curly Sue* the inscription of the nuclear family as a site of genuine fulfillment. The desire for family in *Legal Eagles* is also stimulated by a child, in this case the adolescent daughter of a divorced male lawyer. Interwoven with the romantic comedy of *Legal Eagles* is an investigative narrative; yet investigative concerns heighten rather than diminish the film's generally lighthearted tone. Parallel editing strongly invites simultaneity and comparison as a means of defining the characters of assistant district attorney Tom Logan (Robert Redford) and defense attorney Laura Kelly (Debra Winger). In one amusing parallel sequence, we are invited to regard each character in relationship to the other but, once again, with a bracketing effect that duplicates the operation of law within our culture: the male is defined as the "normative" character against whom the female is measured.

Both Tom and Laura suffer from insomnia, resulting, the film suggests, from large doses of sexual frustration. Each one deals differently with the problem, however. While Tom sings and tap-dances to scenes from *Singin' in the Rain* on late-night TV, Laura, watching the same movie, slaves over an ironing board, viciously attacking her clothes with the iron. He is lighthearted and cheerful; she is beleaguered and angry. He exercises more strenuously as the sequence progresses, with ski poles as props for his routine; she begins eating obsessively—ice cream with a bottle of wine to wash it down. The more he dances and prances about, the more she appears passively inert—reading in bed while continuing to consume all manner of oddly combined food and drink. Her frustrations find internalized, masochistic expression; his find externalized, more or less healthy expression. Her insomnia is coded as mildly neurotic and unappealing; his, as "cute" and endearing. While Laura does not exhibit the cold, businesslike demeanor of Grey Ellison, her life seems empty nevertheless. We see no evidence of a meaningful relationship, and, like Grey, she is childless. Tom, on the other hand, has a warm, close relationship with his daughter, of whom he shares joint custody with his ex-wife.

As in *Curly Sue*, anxieties gather around the potential absence of the father, and in *Legal Eagles* this anxiety comprises a second duality around which the narrative is structured. The film opens with a birthday party in progress, set in a New York City artist's loft in 1968. The party is for a young child named Chelsea, who is held in her

148 father's arms among the adult guests. As a gift, the father signs over one of his paintings to Chelsea. Later in the evening two art dealers
Framing argue with her father about that painting and set fire to the loft, a fire
Female in which her father is killed but from which Chelsea and the painting
Lawyers are rescued by Victor Taft (Terence Stamp), one of the art-dealer arsonists who goes on to raise Chelsea. (We are told nothing about Chelsea's mother, who is inexplicably absent.)

Later, in the present time of the narrative, we learn from a TV news report that a woman named Chelsea Deardon (Daryl Hannah) has been arrested for stealing a painting from an art gallery owned by Taft. In a case that Tom is assigned to prosecute, Laura defends Chelsea, now in her twenties, who states simply that she has reclaimed the same painting once given to her by her father. We learn that Taft not only has acted as Chelsea's guardian but now also has become her lover—a relationship Chelsea claims to have entered into for the purpose of retrieving her stolen painting. The absence of Chelsea's true father sets an incestuous inferno into motion and, the film implies, has contributed to her instability. Chelsea is characterized as a tentative, distrustful, highly sexualized woman, with Hannah's performance frequently evoking a caged or frightened animal—not fully rational, not fully human.

Juxtaposed with the 1968 loft fire is a scene set in the narrative present in Tom's kitchen. As Tom cooks breakfast for his daughter, Jennifer (Jenne Dundas), the oven catches fire—a harmless fire played for humor, controlled and contained by the *present* father who asserts, "When you stay with me, we're a family. We eat in," implying that this may not be the case when she stays with her mother. Jennifer, although much younger than the adult Chelsea, seems far more balanced and mature. A strong presence in his daughter's life, Tom, the film implies, is responsible for creating a stable environment, unlike the one in which Chelsea has been raised.

Eventually Tom and Laura work not as courtroom adversaries on the Deardon case but as co-defense attorneys, prompted by a series of incidents forcing Tom to resign his position in the district attorney's office. As lawyers, these two also are placed in parallel relationship. Early on, we see them as courtroom opponents in a case involving a mob-related theft, a scene rendered comic as Laura bends the law in defense of her client, claiming that the dozens of kitchen appliances and electronic devices on display in the courtroom were birth-

day gifts to the defendant from his family members. In response to her argument, Tom brings rational (masculine) balance back into the proceedings: "I must congratulate Miss Kelly on a defense that's been so entertaining and imaginative. . . . But we're not in a theater here, we're in a court of law, and in a court of law, we have to deal with the facts." The film supports Tom's self-presentation in court as authentic in contrast to the more theatrical female lawyer.

As in *Adam's Rib* and *Suspect*, the female lawyer is a performer; her male opponent (or instructor) is the true professional. She is constructing a story; he is uncovering the truth. The male lawyer is far more skilled, it appears, at mobilizing law's ostensible function of delivering justice in order to keep hidden its master purpose of maintaining existing power structures. The female lawyer's performance exposes the master purpose—the truth that we wish not to see—and for that she must be castigated.

When Chelsea's case finally goes to trial, Tom becomes the active agent in the courtroom. During opening statements, Tom, not Laura, delivers remarks about the presumption of innocence. As spokesman for an idealized vision of the law, Tom is the legitimate author of courtroom narrative, while Laura serves as internal audience, looking on passively with admiration as her "mentor" does his work. In her discussion of the film, Mona Harrington cites a moment in which Laura tells Tom how often she has observed him in the courtroom and has practiced his "looks" in response to incredulous testimony. "When she tells him this he says, 'You don't develop looks. You just look.' Nevertheless, the point is that the looks belong to him. He owns them. To enter his world, she has to learn them" (Harrington 1994, 161). In short, he *is* a lawyer; she *plays* at being a lawyer.

The dual-focus narrative of *Other People's Money* centers on the shifting economy of the Reagan-Bush era, when a loosely regulated Wall Street stages takeovers, prompting liquidations and downsizings that leave workers unemployed and factories idle. The film pits the workers against Wall Street, with the female lawyer called in from New York to help save her family business from the clutches of majority stockholder Lawrence Garfield (Danny DeVito). Garfield engineers a hostile takeover of New England Wire and Cable, hoping to liquidate the business for higher shareholder profits. When Gregory Peck as board chairman Andrew Jorgenson addresses shareholders, referring to Garfield as "Larry the Liquidator, the entrepreneur of

150 post-industrial America playing God with other people's money. . . .

He leaves nothing, he builds nothing," the film calls forth Peck's many past performances as the ethical, morally correct protagonist.

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Structured around Garfield's perspective, however, the film implies that just as Peck, the actor, is aging and outmoded—rarely cast in films of the period—so, too, his role as paternalistic hands-on businessman may be outmoded in the supply-side economy of the 1980s and early 1990s. Framing the narrative at beginning and end are Garfield's direct-address monologues, in which, gaze fixed on the camera, he repeatedly intones: "I love money." DeVito's film persona and past roles resonate with qualities very much in opposition to those of Peck, and although the film initially appears to present a dialectical relationship between the Peck and DeVito positions, it ultimately comes down on the side of New Right economic strategies and uses female lawyer Kate Sullivan (Penelope Ann Miller) to legitimize this position. While attempting to save New England Wire and Cable from Garfield's hostile takeover, this smart, young, no-nonsense woman becomes the object of Garfield's affection. Begrudgingly, she grows to admire his winner-take-all attitude, and despite the obvious age difference, Kate is attracted to Lawrence, though she also recognizes that *his desire gives her* the upper hand as they negotiate both the business of law and of romance.

Although Garfield succeeds in his takeover, Kate strikes a compromise allowing workers to buy back the company, modernize the plant, and begin producing automobile air bags, "something every car will have." The female lawyer, while nominally supporting outmoded paternalistic American values, paves the way for the new breed of capitalist patriarch to assume his "rightful" position. Although she loses the factory, she salvages "Larry the Liquidator's" conscience—something that begins to trouble him upon his recognizing that in winning the deal, he stands to lose all chances of getting the girl. Kate's compromise earns him the money he covets—guilt-free—and restores his masculine power in the romance he desires.

The female lawyer positions herself as a bargaining chip, trading on her sexual desirability—the only real power she appears to possess. Larry is the character in control, and while she can negotiate a deal to save the workers, that deal can succeed only with his approval. The extent to which this very smart and savvy female lawyer is rendered powerless, at the very moment when the narrative

appears to proclaim her power, casts her unambiguously as passive object, although *she* is left thinking otherwise. The film thus unwittingly replicates the hegemonic processes of law that succeed by creating illusory perceptions of empowerment.

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*Female Power
and Masculine
Crisis*

Genre Hybrids, Patriarchal Crisis, and Modes of Address

Among the female lawyer hybrids discussed in this and the previous chapter, the romantic comedies seem most unproblematically able to resolve the crisis of patriarchy they pose, achieving this resolution through provocation of anxieties concerning the absence of the father and through an awakening of maternal desires on the part of the female lawyer. In *Other People's Money*, Garfield's marriage proposal is presented in terms of procreative desire when he proclaims, "I want to have babies with you," a line that brings Kate to tears.

Strongly inscribed within many of the female lawyer films, too, is the sense of a shifting economy. Mediating the cultural anxieties arising in part from economic and domestic policies of the day—homelessness (*Suspect*, *Curly Sue*), unemployment (*Other People's Money*, *Curly Sue*), and class differences (*Jagged Edge*, *Guilty as Sin*, *Physical Evidence*, *Curly Sue*, *Other People's Money*)—the films register a sense of masculine crisis both grounded in and masked by overdetermined representations of phallic dominance. Corrupt or disintegrating patriarchal institutions, especially the institution of law itself, more seriously register a *patriarchy in crisis* both overtly (*Suspect*, *The Pelican Brief*, *The Big Easy*) and implicitly through the presence of the female lawyer who, by virtue of her very status as woman, threatens to expose law's master purpose of maintaining existing power structures, thus unveiling its phallic dominance—an unveiling that threatens to destabilize the system. Within this potential instability, then, lies possible empowerment for the female protagonist and perhaps, by extension, for the female viewer.

Discussing one possible effect of genre hybridization, Judith Mayne suggests that the conventions of the genres involved "could be said to acknowledge and retreat from their own limitations insofar as representations of women are concerned" (Mayne 1993, 95). In the context of various female lawyer hybrids and the possible intertextual influences they may exert, acknowledgment and retreat do operate—both

152 in representations of the lawyers and in representations of the law. In the very process of acknowledgment and retreat, generic limitations, paradoxically, may often be reinscribed. Images of the female lawyer are not unlike those of Sandra Dee's Gidget, which, as Mayne points out, "offer *simultaneously* the embodiment of stereotypical femininity and releases from it" (Mayne 1993, 126). In the case of the female lawyer, I would refigure the terms to argue that such images offer simultaneously the embodiment of the intellectually and sexually empowered woman *and* the stereotypical pathologies attendant to such female empowerment in our culture. Although the women in these films ultimately pay for their power, degrees of textual incoherence expose these pathologies and the regulating patriarchal mechanism behind them, providing some grounding—as uneven as it may be—for the female viewer, who perhaps oscillates between cautious ambivalence and genuine pleasure in the female lawyer's momentary empowerment.

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In an attempt to sort out this ambivalence in searching for female viewing positions, it is useful to examine the extent to which such momentary pleasure may be rooted in the very dynamic of hybridization itself. In certain hybridized forms, according to Mayne, it becomes "impossible to say with certainty that the address of the film is directed toward the woman defined unambiguously [by apparatus theory] as the object of the male gaze." As an example Mayne cites Angela McRobbie's study of teenage girls viewing *Flashdance* and *Fame*, pointing out that these two hybrids of the musical and the woman's film involve conventions that "rub against each other rather than function compatibly." Quoting McRobbie, Mayne notes that "in both films, there is sometimes a peculiar juxtaposition of old and new elements; the films 'place together images and moments of overwhelming conformity with those which seem to indicate a break with Hollywood's usual treatment of women'" (Mayne 1993, 95).

To varying degrees among female lawyer hybrids, classical film conventions also "could be said to acknowledge and retreat from their own limitations insofar as representations of women are concerned" (Mayne 1993, 95), suggesting that genre hybridization itself enacts forms of negotiation vis-à-vis the spectator and the dominant ideology. Such a "defining" of textual power relations, in its positioning and repositioning of the viewer, replicates the very processes operating within both genre and the law.

Following Mayne, a brief look toward Cultural Studies and the New Historicism reveals useful avenues of study in attempting to locate female viewing positions. In the context of Cultural Studies, Stuart Hall delineates three decoding strategies readers or viewers tend to adopt in relationship to cultural texts: the dominant reading, which is "one fully of a piece with the ideology of the text"; the oppositional reading, which is "totally opposed to the ideology in question" and therefore refuses to acknowledge the possibility of interpellation; and the negotiated reading, which suggests a "more ambivalent" stance (Mayne 1993, 92). Hall explains of the negotiated reading that it "accords the privileged position to the dominant definitions of events while reserving the right to make a more negotiated application to 'local conditions,' to its own more *corporate* positions" (Hall 1993, 102). As a result, says Hall, the negotiated reading is "shot through with contradictions, though these are only on certain occasions brought to full visibility" (Hall 1993, 102), not unlike the contradictions that emerge in readings of the female lawyer film. And, as we have seen in the case of "law spectatorship," negotiated readings of particular legal rulings (narratives) can sometimes involve a critique of the system, yet often within the parameters of its ideal potential.

The New Historicism does acknowledge and account for this tendency, yet in terms that differ somewhat from those of the negotiated reading as Cultural Studies defines it. Historiographer Catherine Gallagher, as cited by Mayne, states that "under certain historical circumstances, the display of ideological contradictions is completely consonant with the maintenance of oppressive social relations" (Mayne 1993, 100), an observation that reflects much of what legal theorists suggest about law's hegemonic processes. New historicists, concerned with the ways in which cultural texts both influence and are influenced by historical reality, have questioned the overly reductive, dualistic opposition between "containment" and "subversion" sometimes evident within the work of those film theorists who place Hollywood production in dualistic opposition to its various alternatives, or who place narrative film in opposition to nonnarrative or antinarrative cinema (Mayne 1993, 98–99). In relationship to spectatorship studies, the New Historicism theorizes a process whereby readers or viewers "shape mass culture to their own needs" (Mayne 1993, 98), thus moving away from the notion of negotiation and to-

154 ward a recognition of simultaneity—in some regard parallel to the very structure of many genre hybrids. Such an approach admits a kind of oscillation between dominant and oppositional readings, with constant readjustments taking place. This oscillation, however, does not necessarily contradict the Cultural Studies notion of the viewer's or reader's activity in negotiating but rather suggests an overarching set of parameters that places ideological limitations upon that process, as, in fact, Hall also acknowledges. Citing new historicist Stephen Greenblatt's observation that capitalism has generated "regimes in which the drive toward differentiation and the drive toward monological organization operate simultaneously," Mayne argues that an understanding of films as potentially radical on the basis of departures from capitalist ideology, particularly in their positioning of spectators, relies on "a reading of the nature of discourse and power in our culture as more dualistic than it is" (Mayne 1993, 99). Schatz echoes this notion from a different perspective, observing that "in its animation and resolution of basic cultural conflicts, the genre film celebrates our collective sensibilities, providing an array of ideological strategies for negotiating social conflicts" (Schatz 1981, 29).

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Exploring such strategies of negotiation and expressions of illusory or actual empowerment on the part of *both male and female lawyers* in film will shed further light upon the complicated intersections of gender, genre, and the law.

CHAPTER 6

The pull of the private sphere and the heterosexual imperative mobilized to contain the female lawyer's agency in films of the 1980s and beyond harkens back to earlier films featuring female lawyers produced in the 1920s and 1930s. The private sphere has also become an increasingly powerful source of anxiety in male lawyer narratives of the 1990s, perhaps, in part, a response to the female lawyer films of the preceding decade. While both groups of films are worthy of their own comprehensive studies, a brief glimpse at these groups here will help further define the influences shaping the female lawyer narratives of the 1980s and 1990s and will illuminate patterns of influence within the interlocking contexts of genre, gender, and law.

Genre, Gender, and Law:

The Female Lawyer

Narrative and Its

Influence

Demands of Career vs. Desires of the Heart: The Early Female Lawyer Film

As early as the 1920s and 1930s, films appeared in which "the cult of domesticity for women lawyers became part of the 'success' formula," as Ric Sheffield points out in a comprehensive essay on representations of female lawyers in film and television. As in more contemporary films, female lawyer films of the 1930s—whether comedies or dramas—place career success at odds with domestic bliss, implying that professional women "risk the coarsening of their 'female sensibilities'" (Sheffield 1993, 76).¹ The underlying anxieties about such "coarsening" find expression in *The Waning Sex*, a 1926 prototype with Norma Shearer as the female lawyer. In his discussion of lesbian-coded film images, David Lugowski points out the contradictory impulses operating in this film with regard to the female lawyer, who "'needed' to dress as masculine while in the courtroom, despite the 'danger' this presents in configuring her as readable as lesbian." Lugowski goes on to explain that the female lawyer "therefore

156 needed to appear 'feminine' outside of work while arguing her case in the 'court' of heterosexual romance" (Lugowski 1998, 749).

Framing Sheffield finds parallel tensions in 1930s casting of actors to play
Female female lawyers and in studio publicity emphasizing the femininity
Lawyers and physical beauty of the women cast. Examining industry promotional materials, as well as film reviews of the period, Sheffield finds that the notion of the "attractive female attorney" was of strategic importance. In the case of *Disbarred* (1939), Paramount embarked on a campaign to present its star, Gail Patrick, as the model of both ideal femininity and professionalism. Yet, much like her cinematic successors, her character is caught between the demands of her career and the desires of her heart. In an inverse example of the product spin-off, Paramount marketed *Disbarred* film stills and posters to women's clothing and fur stores in order to stimulate both ticket and clothing sales. Sheffield points out that the promotional material even included fashion tips for the professional woman, who "must distinguish herself from other women in traditional female roles, while at the same time make herself attractive to her most importance audience—prospective male suitors" (Sheffield 1993, 88).

Like so many female lawyer films of the 1980s and beyond, those of the 1930s imply that what the female lawyer really needs is the assistance of a man who will "rescue the woman lawyer (and her client) from certain failure" (Sheffield 1993, 77). The two women cast as female lawyers in *The Law in Her Hands* (1936)—one attractive and feminine, the other severe and masculine—further illustrate the underlying message, as Lugowski points out. The attractive woman finds true happiness after having herself disbarred to assume a "more fitting role" as a lawyer's wife; the woman coded as lesbian functions "to stigmatize a woman's choice of profession in a time of economic crisis" (Lugowski 1998, 751). Sheffield further underscores the celebration/containment strategy at work in the 1930s, explaining that, while studios felt audiences might find a highly glamorous female lawyer lacking in credibility, the industry, at the same time, presented physical attractiveness as a marker of career success for women. Ultimately, "American cinema served up a special admonition, an indictment of attractive women who entered the professions by accusing them of resorting to playing on their looks to achieve success" (Sheffield 1993, 89). Heterosexual coupling quells the lawyer's profes-

sional ambitions and results in her true happiness in many of these early films, as it does in so many later female lawyer narratives. 157

Beginning in the mid-1930s, with the inception of the Production Code, films about law and lawyers, in part, reflect an institutional kinship forged between Hollywood and the legal system. In response to the 1937 *Portia on Trial*, in which a strong female lawyer takes on cases involving women's rights—using dramatic tactics when her clients perform on the witness stand—the Los Angeles Bar Association filed a complaint expressing concerns about “this radical female lawyer and her potentially corrupting influence upon other women” (Sheffield 1993, 80–81). While the Motion Picture Producers and Distributors Association (MPPDA) ultimately allowed the film to remain in its original form, it did, however, feel compelled to respond to the Bar Association complaint “within a mere six days” (Sheffield 1993, 81).

Whereas some of the dozen or so films produced in the 1940s involving female lawyers overtly address and sometimes challenge the place of women within and as subject to the law,² others follow the 1930s formula, placing the public and private worlds of the female lawyer in conflict, a strategy simultaneously adopted and challenged by *Adam's Rib* (1949), as we have seen. By the mid-1950s, with its strong emphasis on traditional family roles, few dramatic representations of female lawyers appeared, with comedy the chosen strategy of containment. Sheffield argues that television influenced this trend toward comedy, with the production of *Willy* in the 1954–1955 season, featuring television's first female lawyer (June Havoc) and “the first situation comedy about professional women” (Sheffield 1993, 93). With female lawyers comprising less than 4 percent of the bar in the 1950s, the few filmic representations “continued to suggest that female legal competence was an absurdity by inserting comedic elements into story lines along with emphasizing societal resistance to women pursuing legal careers” (Sheffield 1993, 94).³ Over the next thirty years, while the numbers of women in the legal profession had been gradually increasing, television expressed a much greater interest in female lawyers than did the film industry, with six television sit-coms featuring female lawyers and no notable film featuring a female judge or lawyer (Sheffield 1993, 94–97).⁴ The shift occurring in the 1980s, as we have seen, is rooted in a complex intersection

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158 of changing film industry priorities and the industry's mediation of New Right ideology, with its contradictory demands upon women.

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Lawyers *The Contemporary Male Lawyer Film: Something More Serious at Stake*

While female lawyers are largely absent from films of the 1950s and 1960s, male lawyers appear in their most stabilized form. In pre-Production Code films of the 1930s, and to some degree extending into the 1940s, male lawyers, like their more contemporary female counterparts, often flirt with unethical desires, thus posing a danger to the law. In these films, however, *the male protagonist's redemption matters*—it carries the weight of the narrative, as it does more recently in *The Verdict* and in dual-focus female lawyer narratives like *The Big Easy*, *Suspect*, and *Physical Evidence*. In *The Mouthpiece* (1932), for instance, prosecutor Vincent Dey (Warren William) is disillusioned after sending an innocent man to the electric chair. Now acting as a defense attorney for wealthy mobsters he knows to be guilty, Dey spirals downward into cynicism and crass self-involvement. He finds redemption through his unrequited love for a “good woman,” although this redemption arrives just before he is gunned down. As a pre-Code film, *The Mouthpiece* reflects a somewhat more cynical view of the law and the lawyer than evident in films to follow.

Gregory Peck plays a married lawyer in *The Paradine Case* (1947), struggling with his attraction to a female client accused of murdering her husband. While it may be tempting to draw a direct line from these troubled male lawyers of the 1930s and 1940s to female lawyers in later films, clear differences do exist. The male lawyer stands to lose something as a result of his ethical misconduct—whether self-respect, respect of the community, family, or a secure professional position. The female lawyer of the 1980s and 1990s has precious little to lose—much has been lost (or never fully attained in the first place).

During the “classic” period of the male lawyer film in the 1950s and 1960s, the revelation of truth serves to affirm the male lawyer's rightful position as author of courtroom narrative—always constructed in good faith and to the best of his ability. The unveiling of truth serves to reaffirm his dual roles as primary agent of the law and

of the film narrative, much in contrast to the positioning of female lawyers, as we have seen. Even if their protagonists bend the law in the process of protecting or defending their clients (as Gregory Peck does in the 1962 adaptation of *To Kill a Mockingbird*, for instance), the films nevertheless proclaim the male lawyer's legally questionable act as morally and ethically sound. And although the courtroom narratives authored by these male lawyers may sometimes spin out of their control, resulting in confusion or incorrect conclusions—as in *Knock on Any Door* (1949), *Witness for the Prosecution* (1957), and *Anatomy of a Murder* (1959)—we are never led to seriously question the competence or position of the male lawyer as rightful “author” of such narratives. When the male lawyer places misguided faith in a deceptive client, he is shown as noble in his desire to believe, not as naïve or professionally deficient. Even when the male lawyer is wrong, he is ultimately proven right; even when the law is wrong, it ultimately can be corrected under the power of the male lawyer, who masters the language of the father, thus embodying the father's law.

In its need to protect “the law of the father,” the film industry itself created Production Code regulations “prohibiting the ‘ridicule’ of law,” a prohibition amended in 1954 in a “Special Regulation on Crime in Motion Pictures” to read: “The courts of the land should not be presented as unjust . . . the court system of the country must not suffer as a result of this presentation” (Sheffield 1993, 81n). Both this regulation and the Los Angeles Bar Association's response to *Portia on Trial* demonstrate an understanding on the part of both institutions that film can create images powerful enough to support or weaken public perceptions of the institutional power of law.

Although relatively few male lawyer films were produced during the mid-1980s, when the female lawyer film began to reappear with regularity, male lawyer films or dual-focus narratives appeared again with greater frequency in the 1990s, revealing, by comparison, a great deal about anxieties informing the female lawyer film. As we have seen, almost all female lawyer films ultimately become dual-focus narratives, creating relationships of simultaneity and comparison through which we are invited to assess the female lawyer's personal and professional competence or lack of it. In the male lawyer film the protagonist is able to bear the weight of the narrative far more comfortably than can his female counterpart—both in terms of con-

160 ventional Hollywood structure and in terms of his relationship to the law.

Framing While many female lawyer films of the 1980s and 1990s frequently
Female open as a crime is committed, creating an atmosphere of chaos and
Lawyers instability, many contemporary male lawyer films open with images of imposing courthouses, courtrooms, and frescos on courtroom walls—the very symbols of law's order and stability. These images of legal authority are often accompanied by a voiceover prologue or sound bridge in which the male protagonist speaks—as in *Presumed Innocent* (1990), *The Firm* (1993), *Primal Fear* (1996), *The Rainmaker* (1997), and *A Civil Action* (1998)—thus firmly inscribing his centrality, authority, and agency in both narrative and legalistic terms. Although the male lawyer may express disillusionment with the legal process, it is a disillusionment grounded in high ideals. Thus, while exploring a relationship between male protagonists and the law that is more troubled than that in male lawyer films of the 1950s and 1960s, male lawyer films of the 1990s nevertheless establish their protagonist as a voice of reasoned reflection and authority, the very qualities that will restore perceptions of law to its idealized state.

Mediating both the family-values rhetoric of the 1980s and the influence of 1980s female lawyer narratives, contemporary male lawyer films strongly inscribe the centrality of family, emphasizing the power of the *male* to restore family stability. In both *The Firm* and *The Devil's Advocate* (1998), for instance, male lawyers stand to lose their loving young wives as a result of shady professional entanglements, extending to affairs with independent, sexually aggressive women who draw the male lawyer further into webs of corruption and deceit. In *Presumed Innocent* (1990), the male prosecutor, Rusty Sabich (Harrison Ford), has already lost his wife, though he may not initially realize it. In this film the corrupting figure is a divorced female prosecutor, Carolyn Polhemus (Greta Scacchi), whose professional ambition has prompted her to seduce Rusty, a star prosecutor whom she thinks will serve as a useful stepping-stone in her career. When Rusty shows little interest in his own political advancement, she drops him instantly, but not before he develops a deep obsession with her. In this narrative we see the female lawyer entirely through flashbacks framed within Rusty's perspective; she is the temptress who has brought Rusty down. Although Rusty's motives are some-

times ambiguous, his perspective so firmly dominates the narrative that Carolyn's careerist ambitions and sexual promiscuity ultimately place *her* on trial for her own murder, and, in a sense, she is found guilty.

We later learn that, while she seems to have forgiven her husband's infidelity, Barbara Sabich (Bonnie Bedelia) is Carolyn's killer, having planted evidence to implicate her husband—going so far as to inject Carolyn with her husband's semen. Barbara is an insecure, self-loathing woman, resentful of lost professional opportunities as a result of her consuming commitments as wife and mother. Not unlike the repressed Ellie in *Defenseless*, Barbara harbors deep resentment and jealousy. Rusty, in closing voiceover, speaks of punishment, having been arrested for Carolyn's murder and later released for lack of sufficient evidence: he will be forever punished, having reached out for Carolyn knowingly, consciously, and he will also be punished knowing that the woman he lives and sleeps with has committed the murder, a murder he will not prosecute because, as he expresses it, "I cannot take his mother from my son." Though he speaks of his own punishment, Rusty retains the power and the authority *to speak*, unlike a number of the female lawyers in film. In the process of acknowledging his own guilt, Rusty implicitly acknowledges that the true fault lies in feminine excess—both that of his jealous wife and that of the ambitious female prosecutor. Accepting feminine dereliction as a given, his words further invoke the burden of paternalistic responsibility that men must bear. It is indeed difficult to imagine similar voiceover lines spoken by a female lawyer, no less than to imagine a female lawyer positioned as narrator of her own story.

A Few Good Men (1992) places the male lawyer, Lieutenant Daniel Kaffee (Tom Cruise), in a dualistic relationship with a female lawyer, Lieutenant Colonel Joanne Galloway (Demi Moore), as both are co-defense attorneys in the court martial of two young Marines accused of murdering another Marine in their platoon.

The film fetishizes both the military and the masculine—ostensibly the subjects of its interrogation—opening with a precision rifle drill, a montage of extreme close-ups displaying polished shoes, rifle butts, belted waistlines, and the stern faces of an all-male corps. Into this highly choreographed display of masculine assurance and discipline wanders Jo, a disruptive feminine presence. Jo's difference is

162 registered through costume and sound—her white uniform contrasting with the array of formal blues as her mumbling voice clashes with the precise incantation of the drill.

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The structure of the film, organized primarily around Kaffee's perspective, contributes to this consistent positioning of Jo as a disruptive or annoying presence. His relaxed irreverence toward military formalities and discipline implies confident (though at times overconfident) empowerment, whereas Jo's exercise of military rank and procedural guidelines conveys weakness and rigidity. Unlike the skilled display of military discipline exercised by the men of the rifle corps, Jo's invocation of military procedure appears strained and incongruous. Although Jo's theories in the case prove to be correct, Kaffee remains dismissive. During a break from their work, he says, vaguely and with condescension, "Go do whatever it is you do when you aren't doing this," implying that she, like so many other female lawyers in film, has no life outside of her work. Effacing her own greater expertise in law, Jo attempts to win Kaffee's approval, particularly in the courtroom, where she has learned to stem her knowledge and silence her responses. On one occasion, Jo "strenuously objects" to the judge's ruling, in response to which Kaffee attacks her, pointing out how strategically damaging it is when she attempts to speak, to assert authorial agency in the courtroom. This is the single and only time Jo utters an official word during the proceedings. Kaffee, as male, the film asserts, is the rightful agent—whether in constructing plausible courtroom narratives or in fulfilling the role of unmitigated protagonist. It is Jo's role to sit in silent deference, not unlike Laura's role in *Legal Eagles*. *A Few Good Men* enacts, on an explicit story level, what many female lawyer films enact implicitly on a structural level; the female protagonist quietly is pushed to the narrative periphery by a (superior) male figure.

When Jo first suggests placing the powerful Colonel Nathan Jessup (Jack Nicholson) on the stand, Kaffee can respond only by calling her "galactically stupid." Because his perspective so strongly mediates narrative events, the audience is invited to share in his assessment—even though we sense Jo's superior knowledge. His later apology is not an expression of respect or acknowledgment of her professional expertise but merely an expression of concern for having hurt her feelings. Even though Jo is right, she continues to appear wrong; even though Kaffee is wrong, he always appears right.

Like so many female lawyers, Jo submerges her own professional expertise in order to win the approval of the male protagonist, both securing his power and serving as a redemptive force. Through his defeat of Jessup, the “bad father” indirectly responsible for ordering the accused men to attack their fellow Marine, Kaffee restores the power of the “good patriarchy,” as represented by his own deceased father, a renowned legal scholar and accomplished trial attorney. Kaffee has grown to recognize his true responsibility as a lawyer, making him a worthy son of his father, who represents the idealized model of the law.

In *The Firm* and *The Devil's Advocate*, the talented young male lawyers, Mitch McDeere (Tom Cruise) and Kevin Lomax (Keanu Reeves), respectively, are lured unknowingly into corrupt firms, seduced by the promise of wealth, privilege, and empowerment through the law. The childless wives of the two lawyers recognize early on that something is amiss, yet these female characters never serve to bracket the narrative perspective of the male lawyer or to displace his agency, as perceptive male characters so often do in female lawyer films. In fact, Abby McDeere (Jeanne Tripplehorn) and Mary Ann Lomax (Charlize Theron) disappear for long segments of the narratives, when they more or less have disappeared from the consciousness and consciences of their husbands.

Not unlike the corporate firm in *The Verdict*, the firms in both films advance the “devil’s work”—more literally so in *The Devil's Advocate*—and this work, as the films suggest, places unbridled vanity, greed, and an obsession with winning above all else. Within the private world of the lawyers, childless marriages and infidelity further expose these men to the seductive powers of evil, establishing an eerie cautionary tone. The male lawyer must be made to realize just what he risks when he crosses the ethical line into an excess of professional ambition, greed, or sexual desire. In each instance, the male stands on the abyss, a potential victim of his own desires; yet, by his very nature as male, his fundamental goodness and nobility of spirit enable him to right his wrongs—both professional and personal. In correcting his mistakes, he reasserts his position as solid center of the heterosexual union and as agent-for-justice within the law—very much in contrast to the position of female lawyers, whose mistakes often lie beyond simple redemption and who suffer narrative displacement in the process of restoring order and justice to the law.

Women in contemporary male lawyer films generally play two roles, both typical of many other generic formulas, but most consistently of film noir: the sexually aggressive woman who threatens to impair the male protagonist, as well as the law he practices, and the nurturing, maternal woman who provides moral stability while also depending upon the male lawyer's emotional support. Although on first glance these roles may appear to parallel the roles of good and bad father figures in female lawyer narratives, on closer examination they differ significantly. The bad father, confident of his own agency, is never exclusively focused on corrupting the female lawyer, whose "corruptibility" is given much less narrative weight than is *her* corrupting influence upon the law. The good fathers, with their own narrative agency, rarely if ever express an emotional dependence on the female lawyer. Wives and lovers of the male lawyer frequently disintegrate emotionally and psychologically when their men neglect them, the stability they represent thus rendered as contingent upon the overarching presence and guidance of their men. Often the women are left adrift because they long for the children they now may never conceive. The anxiety surrounding the notion of a prospective (but absent) family implies that something tragic will ensue should the male turn from his rightful patriarchal and procreative roles.

As in female lawyer films of the 1980s and 1990s, fathers and father figures frequently play a role in the contemporary male lawyer film. The absent father becomes a source of anxiety in several male lawyer films, with a narrative strand often hinging on the male lawyer's restoration of the patriarchy to its rightful place through his refusal to repeat the mistakes of his own bad or absent father. The Oedipal demands placed on the male-lawyer-as-son at the close of *The Devil's Advocate*, *The Firm*, and *The Rainmaker* are clear—the male lawyer must supplant the bad father and now become a good father, creating his *own* family in order to correct past mistakes of a flawed patriarchy. The son must take over and reform the place of the father, a narrative imperative that extends directly to the practice of law. Through the various bad-father figures, the films do imply a crisis in patriarchy. Yet, with equal or greater strength, they represent salvation as embodied by the young male lawyer who has the power and goodness to reverse this crisis, thus saving patriarchy for the institutions of law and the family.

In doing the right thing, the male lawyer frequently risks disbarment, posed as the ultimate sacrifice—both in terms of his narrative desire and of thematic and ideological undercurrents in which the salvation or “rebirth” of patriarchy itself is at stake. His disbarment is a form of castration denying him his “rightful” phallic power, whereas consequences seemingly far less tragic are at stake for the female lawyer who risks disbarment. The mythical resonance of the male lawyer film thus elevates its protagonist to the heroic, something nowhere evident in the female lawyer film, in which narrative expectations for its female protagonists are greatly diminished by comparison.

At the same time, however, several films, including *Presumed Innocent*, *A Civil Action*, and *The Rainmaker*, create a sense of ambivalence about the future of both law and the family. In *The Rainmaker*, for instance, attorney Rudy Baylor (Matt Damon) in closing voiceover explains that he will abandon his practice of law, his ideals having now been shattered. Yet the film entirely elides the ethical complications of *his* actions in having murdered the abusive husband of the woman he loves and in having allowed her to take the rap in order to safeguard his reputation and career. It is difficult, indeed, to imagine similar behavior on the part of a female lawyer going unpunished.

While contemporary male lawyer films admit to less idealized assumptions about the law than those often presented in classic male lawyer films of the 1950s and 1960s, the presence of the male lawyer himself is seen to restore the ideal potential of the law. Even in *The Rainmaker* we sense that the young, talented lawyer certainly will return to battle corruption within a system that, for him, retains a glimmer of ideal light. These male lawyers may ride into the sunset, but they are not riding into uncivilized territory; they are returning to their homes in order to assert their agency in a different sphere, re-establishing their patriarchal entitlement to both family and to law. Having defeated the law of the bad father, they will now establish themselves as the new generation of good, virile fathers.

Clearly, a contemporary male lawyer in film can no longer assume a role quite like that of his 1950s and 1960s counterparts. Nor can the legal institution itself be represented in unambiguously ideal terms, although, in the end, an ideal vision is more or less restored. While

166 many of the same cultural factors influencing and finding expression in the female lawyer film have also influenced this shift in the male lawyer film, the question of genre remains central. Narrative attention to the private sphere is evident in the male lawyer film of the 1990s to a much greater degree than in the majority of earlier male lawyer films, perhaps a response to 1980s and early 1990s female lawyer films having opened the private sphere as a site of serious contention. The contemporary male lawyer film acknowledges and thematizes the pull of both spheres and the difficulty of reconciling the sometimes conflicting demands exerted by those spheres.

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The intensity and nature of these public/private tensions, however, position the male and female lawyers very differently. In many female lawyer films, the public/private dichotomy is represented as a *division*, and within the gap that forms, the female lawyer's character and agency are defined, questioned, and contained. In many male lawyer films the public/private dichotomy is cast less dramatically as a *tension*, which prompts the male lawyer's growing awareness of *his own agency*, even as that agency is threatened. He comes to understand the potential uses and abuses to which his agency may be subject, a recognition that ultimately functions to empower him. At the same time, however, the male lawyer's positioning vis-à-vis the law is inflected by complicated sets of Oedipal relationships that permeate law and family, a condition that has taken on additional complexity in response to and as influenced by the female lawyer film.

A somewhat destabilized protagonist in contemporary male lawyer films extends from this condition. The destabilized position of the female lawyer, however, is less easily resolved than it is in the case of her male counterpart. While an eventual reinstatement of the ideal model is largely achieved through the very presence of the male lawyer, the cynical view of law that he sometimes expresses remains as a bitter aftertaste. Clearly numerous cultural and ideological factors are at play, including the influence of the female lawyer film. Just as the female lawyer threatens the stability of law, so too does the contemporary male lawyer. Yet in the female lawyer film causal factors generally implicate the woman lawyer's status as female. In the contemporary male lawyer film causal factors—while more internalized than in the classic male lawyer film—find *resolution* through the lawyer's very maleness.

The question of genre is always larger than individual films, as Thomas Schatz suggests, and his discussion of genres of determinate and indeterminate space illuminates an understanding of the courtroom drama insofar as both the female and the male lawyer are concerned. Schatz distinguishes these two categories by explaining that the genre of determinate space is one involving "a symbolic arena of action," as in the western or the gangster film (Schatz 1981, 27). The frontier or urban settings, respectively, combine with character types and conflicts "indigenous to the environment, reflect[ing] the physical and ideological struggle for its control. These conflicts are animated and resolved either by an individual male hero or by a collective." Within genres of determinate space, "fundamental values are in a state of sustained conflict. . . . the contest itself and its necessary arena are 'determinate'—a specific social conflict is violently enacted within a familiar locale according to a prescribed system of rules and behavioral codes" (Schatz 1981, 26–27).

In contrast, the genre of indeterminate space involves "conflicts that are not indigenous to the locale but are the result of the conflict between the values, attitudes, and actions of its principal characters and the 'civilized' setting they inhabit." Schatz includes genres such as the musical, screwball comedy, and family melodrama within this group. He also points out, as Altman does in his discussion of the musical, that these genres have conflicts "animated by a 'doubled' hero—usually a romantic couple whose courtship is complicated and eventually ideologically resolved" (Schatz 1981, 26). Because the characters inhabit a "civilized" setting, according to Schatz, these genres incorporate an "ideologically stable milieu, which depends less upon a heavily coded place than on a highly conventionalized value system." In these settings "conflicts derive not from a struggle over control of the environment, but rather from the struggle of the principal characters to bring their own views in line with one another's or, more often, in line with that of the larger community" (Schatz 1981, 29).

The courtroom drama occupies a curious position in relationship to these observations in that it incorporates aspects of both genres: the ideologically contested setting and the ideologically stable setting.

168 While the courtroom is a determinate space insofar as it becomes the site of ideological struggle enacted "according to a prescribed system of rules and behavioral codes" (Schatz 1981, 27), it also reflects elements of indeterminate space in that the court of law is culturally recognized as a quintessentially civilized space and is taken as the very symbol of ideological stability, even in becoming the "theater" for ideological struggle—or the *appearance* of such struggle. The fact that it *is* a kind of theater, set apart from the space of everyday reality, further complicates the status of the courtroom within film, as David A. Black also observes (Black 1999, 2).

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As we have seen, various legal theorists continue to raise questions as to whether true ideological struggle can take place within the law or whether law functions merely to provide the appearance of such struggle. Paradoxically, the female lawyer has introduced both a greater degree of determinacy and a greater degree of indeterminacy to the space of the courtroom drama through the often *unspoken ideological struggle* between law's patriarchal foundations and demands of those marginal groups attempting to gain a foothold (in this case, white heterosexual women). Traditionally, determinate narratives involve the singular or collective male hero, as Schatz explains; the female lawyer, by virtue of her gender, introduces a certain ideological tension often registered on the purely visual level through framing and shot composition, drawing attention to her own disruptive presence in a sphere traditionally designated as male. The female lawyer film inscribes ideological struggle through *negotiations* involving the woman's agency vis-à-vis the power of law and the power of narrative conventions and structuring devices. Regulating the female protagonist's agency, both law and narrative convention frequently situate the woman lawyer within a dual-focus structure, thus collapsing the narrative of indeterminate space with the narrative of determinate space. While establishing elements of determinate space within the courtroom drama, the female lawyer film also establishes the "doubled hero" of the indeterminate genres, in which setting is stable and the struggle is played out in the arena of character values, attitudes, and actions. The male lawyer film of the 1930s through the 1960s, by contrast, falls more closely in line with the narrative of determinate space, while acknowledging the already established, or potentially present, ideological stability both of the law and of the male protagonist. The female lawyer film of the 1980s and 1990s,

however, introduces a greater degree of indeterminacy, while at the same time heightening the sense of ideological tension associated with determinate space. In many female lawyer films the *containment* of the female lawyer is what matters, for through this containment undercurrents of ideological struggle are likewise contained.

With this in mind, it is possible to argue that the female lawyer has moved the courtroom drama closer toward a genre of indeterminate space. Through the influence of the female lawyer film, the male lawyer film has been edged toward a space of greater indeterminacy, given that conflicts are played out less from a "heavily coded place" and increasingly through a highly conventionalized value system. Paradoxically, the opening images of many contemporary male lawyer films, inscribing the courtroom as a space of determinacy, perhaps function to recall a less ideologically complicated period when the *arena* of contention served to absorb, neutralize, or submerge the notion of an *institution* under contention.

Dual-focus narratives have become more common to the male lawyer film, resulting primarily, though not entirely, from increased narrative attention to the private sphere. While the effect has not been to bracket or modify the male lawyer's agency, as is generally the case with female agency in female lawyer narratives, the effect has nevertheless brought male agency itself into question while simultaneously asserting its restorative powers vis-à-vis the family and the law.

While contemporary male lawyer films place limitations on male desire, they do so in the context of unmitigated male agency. It is *his agency* that redeems the male lawyer, both within the context of the narrative and within the context of the law. Though these films appear to offer a critique of the law and appear to question its master purpose, the very presence of a male protagonist, who stands *for* law, rationality, and truth, simultaneously reinscribes law's ostensible function of delivering justice. His presence generates stability and the promise of law's redemption, whereas the presence of the female lawyer implies instability and crisis.

A narrative discomfort seeps in, rather self-reflexively, when women are positioned as authorial agents of legal narratives. As we have seen, female lawyers rarely function as singular, unbounded protagonists in narratives about law. This circumstance further reflects the relationship of elective reflexivity Black cites as central to films

170 about legal process, which by their nature make commentary upon the construction of narrative itself.

Framing In light of the narrative impulse shared by film and law, Schatz's
Female observation concerning the implicit promise of film genres—"their
Lawyers repeated assertion . . . that seemingly timeless cultural oppositions can be resolved favorably for the larger community" (Schatz 1981, 30)—has useful implications when applied to law and to films about law. As we consider issues of spectatorship in the female lawyer film, we will take up more precisely what this promise may imply.

In her discussion of Hollywood films with female protagonists acting as legal investigators—ranging from FBI agents and police officers to crime victims themselves—Yvonne Tasker describes a condition shared by many female lawyers in film. “Women, it seems, are involved in transgression even and to the extent that they are represented as lawmakers or enforcers,” a condition influenced, she argues, by “a working out of issues around women’s sexuality which, like women’s ambitions and their friendships, is a realm seemingly in need of almost constant policing” (Tasker 1998, 93). Attempting to mask or elide the conditions of such policing, female lawyer hybrids often place powerful women in positions of ostensible control in relationship to feminized men. This reversal of convention, as we have seen, manages to shine a spotlight on generic limitations while simultaneously paying homage to those very limitations. Moreover, even though the female lawyer’s sexuality is always an issue on the table, it never truly is *her* sexuality—it exists only as a means of questioning or complicating her status as a lawyer, the films thus exposing harm to the legal institution set in motion by her excess.

The Accused (1988), *Love Crimes* (1992), and *Female Perversions* (1997) are films that self-reflexively explore the power relations involved in both the law and “the look” of spectatorship and voyeurism—extending to the female lawyer’s sexuality in *Love Crimes* and *Female Perversions*, where female sexuality becomes a *subject*, not merely a *function*. Both films use the representational codes of earlier female lawyer films consciously and self-reflexively to expose the harm that comes to the *female protagonist*—her sexuality, intellect, and emotional and professional stability—as a result of the rigid and oppressive patriarchal legal institution she serves.

All three films become sites of ideological struggle with masculinist impositions: some overtly narrative and structural; some indus-

*Feminist Address and
Spectatorship in The
Accused, Love Crimes,
and Female Perversions*

172 trial, as we shall see most clearly in the case of *Love Crimes*; and
some arising from the fact that their production and “consumption”
take place within a phallocentric culture—bringing us back to the is-
sue of “policing” but in terms somewhat different from those Tasker
argues.

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Of the three films, two are directed by women. Generally regarded as a feminist filmmaker, Lizzie Borden directed *Love Crimes* and contributed to the script written by Alan Moyle and Laurie Frank, while *Female Perversions* is the first feature film of writer-director Susan Streitfeld. The only full-fledged Hollywood production of the group is Jonathan Kaplan's *The Accused*—a moderate box office success, winning an Academy Award for Jodie Foster as Best Actress. Whereas *Love Crimes* and *Female Perversions* are independent productions, they are “independent” in differing senses of the term, allowing for exploration of the new historicist admonition concerning an overly simplistic Hollywood/alternative production binary.¹

Love Crimes and *Female Perversions*, especially, put aside the question of female lawyers in film as indicative of positive feminist gain and instead move directly to the issue of female sexuality and its policing. Largely in acknowledgment of the generic elements and structure of the female lawyer film as laid out in earlier chapters, both films use the role of female lawyer as a kind of shorthand, bringing explicitly to the surface all of the issues involving female sexuality that lie just beneath the surface in those earlier films. *The Accused* can be seen as a transitional film in this regard, splitting the issue between two characters—the female lawyer, whose sexuality is completely elided and who is meant to represent a kind of stereotypical feminist gain, and her rape-victim client, whose sexuality is a defining element of her character.

Touching upon various models of spectatorship will help reveal the ways in which the content of all three films and the production circumstances of *Love Crimes* can provide reflexive grounding for thinking further about viewing spaces offered or denied.

The Accused: Rape, Spectatorship, and the Law

Examining areas of the law sometimes considered “gray areas,” *The Accused* raises questions about what constitutes rape and the degree

to which women, as shaped by a phallogentric culture, could be said to actively participate in their own rapes, a subject taken up even more explicitly by *Love Crimes*. Both films foreground issues of looking and being positioned as object of the look with a self-reflexive resonance insofar as issues of film spectatorship are concerned. Moreover, both films explore ways in which the law supports and is complicit with the look as an exercise of male power in a phallogentric culture.

Based on an actual incident that occurred in New Bedford, Massachusetts, in 1983,² *The Accused* is the story of a woman who is gang-raped by three men in the game room of a bar, aptly named "The Mill." As the rape takes place, the room is filled with other men who watch—many of them hooting, cheering, and encouraging the rapists as though attending a sporting event. Exposing a masculinist culture in which sports, sex, and violence merge, a boxing match plays on the barroom TV throughout the rape, and her assailants hold Sarah Tobias (Jodie Foster) down on a pinball machine during the attack—the Slam Dunk game illustrated with images of hypersexualized female bodies. Only one of the spectators intervenes, not by attempting to stop the rape but rather by calling police from a phone booth outside the bar as Sarah runs out into the street, having managed to free herself from her assailants.

The legal gray areas that *The Accused* explores involve several issues, the first of which is the much debated issue in courts of law concerning the behavior of the rape victim. While this should not be a gray area at all, it is treated as such by the legal system and, initially, by the female prosecutor in the film. On the night of the rape, Sarah is stoned and drunk, her attire and her behavior provocative. She enters the bar after a fight with her boyfriend and jokes with her friend Sally (Ann Hearn) about the "college guy" at the bar who is so good-looking she would like to "fuck his brains out" in front of her boyfriend. The college student, Bob Joiner (Steve Antin), turns out to be one of the rapists, and his fraternity brother, Kenneth Joyce (Bernie Coulson), is the witness who phones the police and whose testimony will become crucial to the legal proceedings that follow. Here the film exposes power relations that reside within "the look." Sarah looks at Bob and desires him but does not proceed to "fuck his brains out"; Bob Joiner and the other rapists who look at and desire Sarah feel entitled to do just that. The gender politics of the look

174 extend to the politics of desire, both of which are tacitly upheld by the legal system.

Framing In her review of *The Accused*, Pam Cook comments on the law's
Female complicity with the generally held assumption that "a woman who
Lawyers flirts, openly displaying her sexuality, invites rape even when she says no, as if by exhibiting active desire she automatically relinquishes control of her body—a widely held attitude supported by the legal system itself, which unaccountably puts the burden of proof on the victim" (Cook 1989, 35). While the state does and should bear the burden of proof on behalf of the victim, the rape victim herself is often burdened, not so much with proving a crime was committed as with proving *she* did not commit it in provoking the rapist. In so doing, she must prove herself to be as closely in line as possible with the accepted cultural stereotype of the morally unimpeachable "good object"—a woman who does not presume to define herself through active expressions of desire or of looking.

The second gray or "stacked" area in *The Accused* involves social class and emerges as a consequence of the assumption Cook describes. Assessing Sarah as an unreliable witness in light of a prior conviction for drug possession and her behavior on the night of the rape, assistant district attorney Kathryn Murphy (Kelly McGillis) plea-bargains the case to a reduced charge of "reckless endangerment" in the belief that she could easily lose the rape case in court. Bob Joiner's attorney leads an aggressive negotiation to remove sex from the charges in order to salvage the potentially bright future of his young college-educated client. Not only is Sarah devalued by the legal system in her status as woman but also in her status as working-class woman.

Having accepted the plea bargain without consulting Sarah, Kathryn is surprised to discover the resentment and betrayal Sarah feels at having been denied an opportunity to speak, to author her own narrative version of the events in a court of law. Only after Sarah takes matters into her own hands does Kathryn fully understand the consequences of the plea bargain. Enraged yet powerless, Sarah repeatedly slams her car into a pickup truck owned by one of the rape spectators upon his recognizing and publicly taunting her. Although Kathryn now realizes her mistake, she nevertheless continues to adopt the law's masculinist position in relationship to her client, as revealed by her inability to bridge the gap between her own "superior" posi-

tion as an educated, independent woman and Sarah's distinctly blue-collar status. Kathryn's attitude becomes most strikingly apparent when she aggressively questions Sarah about her background and her behavior on the night of the rape. While purporting to represent the hypothetical position of defense attorneys as they will interrogate Sarah, Kathryn appears, in part, to share their position, stating, "It's the defense's job to show that you're a rotten witness because you've got a rotten character," words that betray her own underlying perception of Sarah.³

Just as the film exposes the shared masculinist attitudes linking sports, violence, and sex, it likewise exposes the law as part of that same cultural fabric. In a scene that also reflects the contradictory position of the female prosecutor, Kathryn joins her two male colleagues at a hockey match, where they discuss Sarah's case. While the D.A., Paul Rudolph (Carmen Argenziano), and the other assistant D.A. (Allan Lysell) yell and cheer the players on, not unlike the barroom spectators during Sarah's rape, Kathryn cringes at the violence of the game, in which she displays no evident pleasure. In some respects, the contradictory impulses motivating Kathryn's attendance at the game could arguably parallel those leading women to practice law: it is a means of "becoming" the patriarchy but without sufficient power to exist freely or comfortably as a *woman* within that context. In order to "play the game," she must attend the game. Kathryn is present at the hockey match because it is expected and because, in that context, she will be heard by her colleagues. There she discusses how to win rape convictions for Sarah's assailants. As they discuss Sarah's case, Kathryn's own obsession with winning exposes a contradictory sense of the woman in law. Marking her as excessive—even in the mind of Rudolph—Kathryn's obsession aligns her not only with the hockey players, whose methods she finds repulsive, but also with a masculinist law in relationship to the rape victim. As they discuss Sarah's case, their language conflates sports, violence, and law: "Go for rape two"; "Put them away"; "You don't have a lock"; "I can't win." And the plea-bargain negotiation that immediately follows resembles a contest of wills, involving sleight-of-hand tactics aimed at "faking out" the defense so they will question *their* chances of winning. Kathryn plays the game very well. The film further extends its sports analogy when Sarah first hears of the plea

176 bargain on an evening newscast at the Dugout, where she works as a waitress dressed in a baseball uniform, the usual trousers replaced by a miniskirt.

Framing

Female

Lawyers

After coming to recognize her mistake in striking the plea bargain, Kathryn attempts to offer Sarah legal vindication but, in the process, opens up a third gray area of the law that self-reflexively encompasses issues of film spectatorship. Kathryn will now attempt to prosecute the *spectators* of the rape on charges of "criminal solicitation," arguing that these men—cheering, jeering, "getting the rape going and keeping it going"—acted "to entreat and induce" the criminal action. Rudolph threatens to fire Kathryn if she pursues the case, saying she'll appear either an incompetent if she loses or a "vengeful bitch" if she wins.

Beyond this articulation of the seemingly untenable position of a female prosecutor working on behalf of a woman betrayed by the law—as this prosecutor herself has practiced it—the film raises issues concerning authorized and unauthorized forms of spectatorship. On the one hand, cheering, clapping, and generally encouraging the rape is unauthorized, criminal behavior—though the predominantly male legal establishment seems reluctant to accept this form of watching as fully criminal. On the other hand, as Kathryn points out in her closing summation, referring to her star witness, Kenneth Joyce, "No matter how immoral it may be, it is not the crime of criminal solicitation to walk away from a rape; it is not the crime of criminal solicitation to silently watch a rape." The function of the rape spectators and of Kenneth Joyce, the spectator-witness, is, in part, to draw a distinction between what it means to act as a *spectator* and what it means to act as a *witness*. Joyce embodies both witness and spectator, and through him these two forms of looking converge, a point of convergence extending metaphorically to the film viewer. As a spectator-turned-witness who watches the crime yet fails to intervene directly, Joyce functions simultaneously to implicate and to validate the gaze of the film spectator. Through his call to the police and his testimony before a court of law, both the film and the law elevate Joyce from passive and voyeuristic to active and ethical. Referring to Sarah's rape and her version of the rape as told to the court, Kathryn rhetorically entreats the jury: "Now you tell me. Is that nothing?" In a certain sense, the film contradicts its own position as implied by Kathryn's question. While the film asserts

that the rape is “not nothing,” it simultaneously implies that Sarah’s version of the rape comes close to signifying nothing both in legalistic and cinematic terms. Joyce’s version of the rape, on the other hand, very definitely is *something*—it is the only evidence powerful enough to vindicate Sarah and validate her story.

The rape scene in *The Accused* is shown only in flashback very near the end of the film, though it initiates all of the film’s narrative events. The film opens as Sarah emerges from the Mill screaming, bruised and with clothing torn, running shoeless into the street and flagging down cars. We are riveted by the intensity of her actions, while confused about their meaning and motivation. As she runs frantically, our attention is drawn away from Sarah to another figure (figs. 7.1 through 7.5). Entreating the law for help and satisfying *our* need to assign meaning to Sarah’s action, this male character rapidly eclipses Sarah within the visual frame, as surely as his voice mutes Sarah’s screams. As he emerges from the phone booth, it is through his point of view that we see Sarah dodging cars on the busy, rain-soaked street, just before a truck slows down to pick her up. Her fear is presented in long shot as spectacle; his distress is presented in close-up as suffering.

Even though he remains a nameless figure on the narrative periphery through the first half of the film, at key moments reaction shots of Joyce appear, positioning him as an



FIGURES 7.1, 7.2, 7.3, 7.4, and 7.5. As Sarah Tobias (Jody Foster) escapes the rapists, her presence and her suffering are eclipsed by the close-up of an unnamed witness (Bernie Coulson), who phones police. From *The Accused*, © Paramount Pictures, 1988.

178 omniscient figure whose gaze holds the power to restore order. When

Framing

Female

Lawyers

Bob Joiner is arrested outside his fraternity house, we see Joyce watching from a distant upper window. After bail is posted, releasing Joiner from jail, a newscast reports the story, accompanied by a statement from Bob's attorney asserting that there was no rape. Juxtaposed with images of Sarah, dismayed, watching this newscast at the Dugout, are images of the same newscast playing in the fraternity house, where Bob bows to his cheering frat brothers as Joyce stands apart from the crowd. He and Bob exchange glances, with a lingering close-up revealing Joyce's discomfort. When news of the plea bargain is broadcast, the film *first* reveals Joyce's reaction, *followed* by Sarah's response to the same broadcast. An increasing duality of focus gradually pushes Sarah to the margins of her own story. The lingering shots of Joyce function to invite spectator identification with this nameless "everyman"/witness, in keeping with a narrative strategy Elizabeth Cowie describes, in her study of feminist film theory in the light of psychoanalysis, as "a transitive identification not merely because we can see the face clearly, but more importantly because in filling the screen it also obscures the space and time of the narrative" (Cowie 1997, 105). The first close-up of Joyce powerfully fills the screen as he watches Sarah's frightened actions. His later reactions, while often shot from a medium or greater distance, have the same effect in that, as cutaways, they obscure or interrupt the continuity of narrative space and time. As viewers begin to identify with this *anonymous* spectator-witness, the spectator-witness question extends to the very act of film spectatorship.

At a certain point in the narrative, as Kathryn begins to construct her case against the spectators of the rape, the film's hermeneutics shift away from the rape itself and onto the process of uncovering Joyce's identity. Without the knowledge attached to this male gaze and potentially articulated through the authority of this male voice, the case has very little chance of succeeding. He saw; he knows; he can speak and be heard in a court of law with much greater legitimacy than can the victim herself. When Kathryn eventually tracks down and approaches Joyce about testifying, Bob Joiner pressures him to lie. It becomes *Joyce's crisis of conscience* upon which the narrative now hinges. Will he find the courage to testify on Sarah's behalf, or will he retract his earlier statements under pressure from his friend? Carol Clover aptly points out that the purpose of the re-

peated close-ups of Joyce is “to remind us that amid all the conflicting accounts there *is* truth and *this* is where it resides” (Clover 1992, 150). In this respect, *The Accused* falls in line with so many other female lawyer films. At the same time as it attacks the gendered politics of the look and of desire—an attack extending fully to the legal system—the film also supports the power of the male voice and look as the *singular source* of truth and justice. Through his testimony, Joyce has power to restore the proper functioning of the legal system. His articulating what he has witnessed is granted potency, not only by the legal system but also by the film’s narrative system, as Clover points out when observing that the rape can be shown in flashback *only* when *he* testifies. Despite Sarah’s earlier testimony, which “remained her own version, his testimony becomes our version, *the* version,” leading Clover to conclude that “seldom has a set of male eyes been more privileged; without their witness, there would be no case—there would in fact, as the defense attorney notes, be no rape” (Clover 1992, 150).

While both male and female film spectators may feel uncomfortable—even ashamed—as the camera grants a voyeuristic power to look during the rape scene, this scene nevertheless positions Joyce as a device *to save spectatorship* for the viewer and, ultimately, for the cinema by transforming the look into an act of witnessing. Moreover, Joyce *saves the gaze* for the male spectator, specifically, through his power to look and to speak with authority in a court of law, ensuring that justice will prevail. While Sarah’s friend Sally is also a witness, we neither see nor hear her testify but later learn that her testimony has only damaged Sarah’s case, given her knowledge of Sarah’s words and behavior on the night of the rape. This female witness, who can only impede justice, silently slips into the narrative periphery just as certainly as the male witness emerges from that position.

But bearing witness to a crime, as Joyce does (and as we do through his testimony) does not make that crime any easier to watch, leading some reviewers to confuse the difficulty of watching with a radical critique of voyeuristic film spectatorship. David Denby argues that “though the scene truly is not enjoyable, we would be stupid to pretend it’s not *interesting*; we can understand how a man might just stand around and do nothing. We become voyeurs, but voyeurs of a special kind—the movie forces us to become conscious of our interest and to judge it” (Denby 1988, 70). Key to Denby’s observation is

180 the point that “we can understand” how Joyce may have behaved as he does. We are positioned to understand Joyce’s behavior not through the eyeline match capturing his visual perspective but rather through the reaction shot, allowing for transivist identification to occur.

Framing

Female

Lawyers

Although Joyce narrates the events of the rape from the witness stand, when flashbacks take us to the scene of the crime, focalization becomes highly fluid. Some point-of-view sequences are focalized through his perspective, while others are focalized through the perspectives of other characters—including each of the three rapists, one of the three cheering spectators on trial (the same one who will later publicly accost Sarah), Sally, and Sarah herself. Referring to this multiplicity of perspectives, Cindy Fuchs echoes Denby, arguing that “what would seem unwatchable—Sarah’s body laid out on the pin-ball machine—is stunning to watch, precisely because we see not only the body but the act of watching which accuses us” (Fuchs 1989, 27–28). Yet I would also argue that the film goes only so far in accusing us, given its method of positioning Joyce as mediator of events. As Cook aptly points out: “that both rapists and bystanders appear brutal and/or pathetic is undeniable, and it is possible that some of their guilt rubs off on the cinema spectators. But it is debatable whether the explicit portrayal of Sarah’s painful humiliation . . . is necessary to this process. . . . Moreover, to conflate the audience for the film with witnesses to a real crime, and to condemn them for the impulse which brought them to the cinema in the first place, smacks of wanting to have it too many ways” (Cook 1989, 36). And the film uses the character of Joyce as a device to validate or perhaps elide its own attempt to have it too many ways.

While focalization shifts quickly and frequently throughout the rape scene, and while the wildly tracking camera creates the effect of a chaotic swirl of events in which the victim gets caught, the overriding impression is of *Joyce*, rather than Sarah, finding himself enmeshed in a series of events spinning out of *his* control. The frequent close-ups of his face are privileged by higher key lighting, tighter framing, and longer duration than are the reaction shots of other characters—including those of Sarah herself—thus positioning Joyce as visual and ethical anchor for the film spectator. His sense of confusion mingled with interest, his sense of helplessness mingled with the awkward indignation of someone unsure of what is required of

him—all become emotional touchstones for the film spectator who is positioned to experience many of these same conflicting responses. All of the images are framed by Joyce's courtroom testimony, which itself is presented as an act of courage and self-assertion, especially in light of the pressure exerted by Joiner (aptly named) and the risk that Joyce will now lose his "fraternity" in the company of his brothers. But, of course, the film suggests that in testifying, he will move from the company of boys—those for whom spectatorship is sport and looking carries no responsibility—into the company of men as represented by the patriarchal order. Like Joyce and the film viewer, the legal system itself seems caught between wanting to maintain the gendered power relations of the look and needing to reexamine the underlying assumptions within those power relations.

By bringing justice to the victim, Joyce's silently watching and doing nothing to intervene (contrasted with Sally's watching, fleeing the bar for fear of her own safety, yet never calling the police) is both recuperated by the power of law and recuperates the power of law. By bringing closure to the narrative and situating the viewer dualistically as spectator and as witness, Joyce's silently watching the rape is likewise recuperated by the cinema and recuperates spectatorship for the cinema. Yet a slippage occurs at precisely this point, for the film fails to address the question of what exactly it is to which the film spectator bears witness. The effect of such viewer positioning—and of the oscillating, highly ambiguous pleasure or unpleasure it confers—depends upon and is answered in part by the process Cowie describes, citing Metz, involving the spectator's "oscillation between two knowledges. . . . 'I know these events have been rehearsed and recorded, but I will watch them as if they are happening here in front of me.'" This disavowal, as Cowie identifies it, "colludes with that other disavowal of the fictional narrative 'I know very well this is only a story, but all the same it is real'" (Cowie 1997, 101). The spectator, therefore, can both act and refuse to act as witness. A reversal of the collusion to which Cowie refers exists on several levels between the spectator and the law. Testimony itself is "only a story," yet the jury in the courtroom, like the film viewer of the courtroom drama, is asked to judge (or to verify) the *truth* of the story. And in so doing, the jury/viewer ratifies the legitimacy of the storytelling process in the context of the law.

The rapidly shifting focalization and freely tracking camera of the rape scene in *The Accused* allow for some viewer oscillation in that we certainly identify with or at least sympathize with Sarah's suffering. These visual and structural strategies, however—all bracketed by Joyce's version of events as told on the witness stand—have the effect of situating *him* as a kind of super-ego figure, which Cowie argues can occur only if "the spectator can take up the position of that figure in relation to its enunciation (but not its desire), as the *voice* of authority, but not the image of authority" (Cowie 1997, 107). Cowie goes on to state that "the filmic enunciation itself may undertake the function of the super-ego, presenting to the spectator a demand that it submit its (narrative) desire to the Law" (Cowie 1997, 108), a condition literalized in *The Accused*. While shifting focalization within the sequence works as Cowie suggests, it further confers a kind of omniscience upon Joyce, who somehow sees and hears from all perspectives, an omniscience that extends to the film viewer, who is not merely one of the rape spectators but, as film spectator, becomes much more. Not unlike the protagonists in contemporary male lawyer films, Joyce becomes a vote of confidence in the future of the patriarchy; he—rather than the female prosecutor, female witness, or rape victim—becomes necessary to the effective repression (in the form of reformation) of the old or "bad" patriarchy, which would have allowed less-than-adequate punishment for a rape such as this to stand.

Yet, while falling into this pattern, shared by many of the films discussed in previous chapters, *The Accused* does raise overt questions about the power of law and the gendered politics of looking and desiring. In *The Accused* a female lawyer defends a female client on an issue of sexuality, denaturalizing the earlier formula of the female lawyer's opposite-sex client. And as earlier noted, this film becomes a kind of transition to films like *Love Crimes* and *Female Perversions*, which address the female lawyer's sexuality as an overt subject rather than as a covert function that compromises the lawyer's professionalism. In *The Accused* the lawyer's sexuality is not a subject; rather, that subject is shifted onto the character of the defendant, whose sexuality is of central concern. While it may well be that the film plays into Catherine Gallagher's observation concerning certain moments when "the display of ideological contradictions is completely con-

sonant with the maintenance of oppressive social relations" (Mayne 1993, 100), *The Accused* undeniably raises serious questions about the look and the act of looking, if only to recuperate the gendered politics of that act in the end.

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Feminist
Address and
Spectatorship

Negotiating Spectatorship: Love Crimes as Text and Product

Love Crimes also explores the gendered politics of the look and of desire, raising the question of what, in fact, constitutes rape. Generally recognized as a feminist director, Lizzie Borden surprised some critics with *Love Crimes*, which seemed confused and contradictory in its feminist address. Borden's first three works, *Regrouping* (1976), *Born in Flames* (1983), and *Working Girls* (1987), were independent productions, each with a limited art house release. *Love Crimes*, unlike the earlier films, was marketed as a thriller and given mainstream release by Miramax, despite Borden's own sense of the work as an art film. Conflicting notions of spectatorship held by Borden and producers shaped a final product often rather incoherent in its address.

Love Crimes was beleaguered by more than the usual production controversies, often centering upon the very issues at the heart of my study—the representation of female sexuality, the positioning of the female vis-à-vis the legal institution, and, most contentious of all, questions concerning female and male spectatorship. As such, discussion of the film forms the centerpiece of this chapter, in an attempt to tease apart the implications of far-reaching conflicts between directorial intention and marketing strategies that significantly altered the final form of the film. Just as the female lawyer is compromised by the patriarchal law, so the female director of *Love Crimes* was compromised by a generally male-dominated industry that produces narrative films primarily with a male spectator in mind. Yet what results is a film hardly consistent with the limitations enforced by that system.

Throughout my discussion of the film, I will refer to an interview I conducted with Borden several months after the release of *Love Crimes*—sometimes for purposes of clarification but primarily to tease apart the gap between the director's intention and final product, particularly as it exists insofar as issues of spectatorship and female

184 sexuality are concerned.⁴ Most usefully, Borden's comments open up the complex and often contradictory ways in which female sexuality and fantasy can be understood.

Framing

Female

Lawyers

Just as *The Accused* is based on an actual gang-rape case, *Love Crimes* is loosely based on an actual incident in which a man named Oscar Kendall Jr. impersonated the photographer Richard Avedon, conning women into posing for his camera and eventually into sleeping with him. In *Love Crimes* the male character (Patrick Bergin), whose true name we never learn, poses as a well-known photographer named David Hanover. After first carefully observing and then selecting a victim, he approaches her and introduces himself. With the unspoken promises of validation held within his admiring gaze and that of his camera, he insinuates himself into the homes and beds of the women he photographs. When Atlanta assistant district attorney Dana Greenway (Sean Young) becomes aware of this repeated pattern and begins interviewing the women involved, she encounters a gray area of the law. Have these women been raped or merely misled? Had the perpetrator been the real David Hanover would the women feel equally violated in having had sex with him? Did the women give their consent? If given under false pretenses, is consent really consensual? Have crimes actually been committed?

In *Love Crimes* the women who pose for the man they believe to be David Hanover feel flattered. When Dana raises the question of consent, one of Hanover's victims replies, "I felt like I had no will, no consent to give." The film thus opens for debate the amorphous nature of consent in a culture so decidedly structured around the male gaze as a source of validation for women. The women in *Love Crimes* are seduced by a man who promises to turn them into the objects of his camera—he tells one woman he will use her photos in *Vogue*. As in *The Accused*, an illusion of power exists for women who present themselves to be looked at by men—as evident when Sarah first enters The Mill and when various women pose for Hanover. Just as the moment turns from one of self-assertion into one of victimization in *The Accused* when the true structure of gendered power relations are exposed, so too do the photo sessions turn as women pose for Hanover's camera. Shy or self-conscious at first, the women gain confidence as Hanover directs and compliments them. As he asks them to reveal more and more of their bodies—sometimes ripping away bed sheets they use to cover themselves or pull-

ing open their blouses—Hanover exerts the power manifested within the gaze. Some of the women react in fear, some in humiliation, others with a false sense of bravado, but all have been made vulnerable, and Hanover exploits that vulnerability. As he embraces, comforts, and reassures them, he strips away their power to consent, as his victim observes. The very cultural condition of women judged on their physical attributes alone (we need only look at beauty contests to understand the extent to which women will submit to “the gaze” in order to meet with approval) makes possible the stripping away of consent and self-assertion. And *Love Crimes*, like *The Accused*, shows how the law perpetuates this condition, in part by refusing to acknowledge it.

Both films also examine the expression of female desire in a phallocentric cultural context and as understood by the law, which further shapes and defines such expressions. What becomes clear as *Love Crimes* unfolds is that prosecutor Dana Greenway, like many female lawyers in film, is sexually repressed, a condition presented as both the cause and the symptom of her having chosen a law career in the first place. The Hanover case becomes her obsession, not only because her professional ambition is stimulated by this gray-area case through which she potentially can set legal precedent, but also because Hanover’s relationship with the various women begins to intrigue, attract, and confuse her, if subconsciously so. When she tells D.A. Stanton Gray (James Read), her married boss with whom she is having an affair, that her only concern is with bringing Hanover to justice, it becomes clear that more really is at stake.

As part of her investigation, Dana has collected numerous Polaroid images shot by Hanover as he seduces the women. Although Dana sees these images merely as pieces of evidence, her close friend, police lieutenant Maria Johnson (Arnetia Walker), understands that “there’s more going on here than a simple con. It’s some kind of mutual fantasy.” Studying the women’s faces, Maria recognizes that they are “enjoying the hell out of themselves,” an observation that makes Dana visibly uneasy. In a skillfully interwoven montage of interviews that Dana conducts with three separate victims, the film makes explicit the complications of desire as the women express a conflicted mixture of affirmation (“He picked *me*. Right away”), humiliation (“I started crying because I thought I looked fat and ugly”), and liberation (“Somehow he knew that I wanted to be—I don’t know—taken”).

Through this montage, Borden also establishes Dana's own sexual repression as she "stands in" for the patriarchy, implicitly blaming the female victims. "Why would you let him put you in that kind of a situation?" she asks, only to register strong discomfort when one woman inquires, "Haven't you ever had a secret fantasy?" Although Hanover has violated these women, he also has tapped into their desires. The validation of Hanover's look has "granted" the women approval and, with that, the "permission" to act upon desire, suggesting that, for many women in a phallogentric cultural context, the expression of sexual desire is contingent upon and regulated by male encouragement or approval—reduplicating the regulation of female agency within both narrative and the law. Significantly, Borden cast very average-looking women, ranging in age and body type—women with "real" bodies rather than the highly toned, computer-enhanced, or surgically altered bodies circulating in the media as representations of "woman," the singularly defined object of desire. In a culture where "real" female bodies are less valued, Hanover's victims, then, manifest the symptoms of that devaluation. And so too does Dana.

According to Dana, Hanover "knows exactly who to pick—women who won't fight back—secretaries, waitresses, clerks." Dana sees these women as vulnerable not only in their status as women but also as women working in traditional female occupations with little power and no room for self-expression or enhancement. Yet Dana is equally vulnerable in spite of having armored herself with an education and a career in law. Like Maggie in *Class Action*, Dana has entered the law because she wishes to control, to become the patriarchy—something, we come to learn, she also fears. As with other female lawyers in film, Dana's profession is shown as both a symptom and a cause of sexual repression and unhappiness, yet *Love Crimes* does not position Dana as a threat to the law or to justice, though it is her sexual vulnerability that ultimately prevents her from apprehending Hanover. The film instead attempts to expose the legal system itself, along with other phallogentric cultural systems that, through the rigid gender role constructions they perpetuate, "construct" women like Dana and Hanover's victims, as well as men like Hanover who exploit or victimize women.

In appearance, Dana is androgynous. Her short, slicked-down hair and severe business suits perhaps code her as lesbian but more gen-

erally as sexless. Exposing the rigidity of culturally defined gender roles, the film further criticizes a culture that tends to devalue the feminine, leading some women to submerge their femininity in order to operate effectively in male-dominated fields. Dana's boss cautions her that "it's not your job to write the law; it's your job to uphold it," words strongly reflecting the general position women have been forced to occupy within phallocentric institutions. Maria, on the other hand, has managed to carve out a healthier position for herself in relationship to the law. She recognizes the mutual fantasy operating between Hanover and his victims, defining her in opposition to Dana, who has suppressed the complexities of sexual desire.

Structured with Maria as a kind of frame narrator speaking in the narrative present as Atlanta authorities interrogate her about Dana's obsession with and possible improprieties in the Hanover case, the film establishes Maria as the character who understands Dana's vulnerability and repression and, moreover, as a character who recognizes the limitations of a phallocentric legal institution, insofar as women in the profession are concerned. Dana, on the other hand, enacts a rigid desire to erase the gray areas and enforce the law, though she ultimately holds little genuine power. One male detective says of Dana, "Either she's very irresponsible or she's out of her mind to put herself in such a dangerous situation," to which Maria retorts, "Now if Dana was a man, you guys would be lining up to give her medals." Shot in grainy film stock, this scene recalls B-movie interrogation sequences, evoking a flat, two-dimensional sense of patriarchal authority as enacted by these men. In their unnuanced performances, the actors further suggest a superficiality of knowledge or understanding, in contrast with Maria's deeper insight.

In her attempt to apprehend Hanover, Dana poses as a schoolteacher and tracks him from Atlanta to Savannah—an action clearly overstepping the bounds of her job as a prosecutor. As part of her disguise, Dana perms her hair and wears less severe, pastel-colored clothing, thus softening and feminizing her appearance. After Hanover and Dana finally meet in a bar, he discovers that *she* has lied about *her* identity, prompting him to hastily exit her hotel room just as he is about to photograph her. Dana secretly follows him to a rural cabin, where he discovers her and holds her captive. What becomes increasingly clear both to Hanover and the film viewer is that Dana

188 has almost willfully placed herself in this situation—an ironic turn on the question she earlier poses to Hanover's victim. Hanover understands this, telling her, "You're looking for something," with implications that Dana, at first, resists.

Framing

Female

Lawyers

When Hanover locks Dana in a closet, she more forcefully recalls a traumatic scene from her childhood, represented throughout the film in a series of flashbacks, each time revealing additional details. We see Dana as a little girl surreptitiously watching her father's sexual encounters with a variety of prostitutes, in each flashback a different woman. The scenes are bathed in a cold blue light, the same tone used early in the film when Dana orchestrates a stakeout to catch police officers in the act of shaking down prostitutes—an operation in which Maria poses as a prostitute, placing herself in danger in order to help Dana secure the convictions.⁵ We also see this same lighting several times associated with David Hanover. In the flashbacks the young Dana is both frightened and fascinated by what she sees. When her father—who resembles Hanover—discovers her, he locks her in a closet. In the final flashback, intercut with the film's climax, Dana recalls her mother's returning home to discover her daughter in the closet. As she aims a gun at her approaching husband, the two struggle, the gun fires, and Dana watches as her mother is shot and dies. Issues of voyeurism, sexuality, and violence are linked for this young child, as they are linked for Hanover, whom we learn is becoming increasingly violent in his seductions, his latest victim beaten and unconscious in a Savannah hospital. In a certain sense, the flashback scenes function as a perversion of the primal fantasy, and as Borden points out, the question arises as to whether the prostitutes (or Hanover's victims) are experiencing pain or pleasure (Borden 1992b, 121).

From inside the closet in Hanover's cabin, the adult Dana attempts to call upon her legal authority, telling Hanover that she has spoken to the other women and will bring charges of criminal impersonation against him. Undaunted, Hanover challenges her authority and that of the system when it comes to matters of desire: "What happens between a woman and me is between a woman and me. It's not a crime. I'm a photographer. They help me out. I help them out. . . . They carry a lot of pain. I reach out for that pain and take it." Then he directly asks Dana, "Do you want me to help you to take away your pain?" She responds with unequivocal hostility, a verbal aggres-



FIGURE 7.6. Shot composition and performance capture the gray area between sexual pain and pleasure, between dominance and submission, as David Hanover (Patrick Bergin) removes the clothing of Assistant District Attorney Dana Greenway (Sean Young). In attempting to apprehend him, Dana is now subject to his control. From *Love Crimes*, © Miramax, 1992.

sion contrasted by the visual image of her cowering in a corner on the closet floor, appearing like the frightened child we see in flashback. While her anger is perhaps, in part, directed at Hanover's invoking the private sphere to cloak his abusive actions, as men traditionally have done when seeking legal protection against charges of domestic abuse, that concern is far overshadowed by the personal chord Hanover has struck.

At one point during Dana's several days of captivity, Hanover handcuffs her to a chair and cuts her clothing with a pair of scissors, a scene both extremely frightening and erotic, following the film's overall pattern of placing its female characters on the line between fear and eroticism, pain and pleasure (fig. 7.6). When Dana asks what he is doing, Hanover retorts, "What were you afraid I wouldn't do?" Placing a cigarette in Dana's hand and forcing her to burn him with it, Hanover again mockingly challenges her legal authority: "If you think I'm so bad, why don't you punish me? That's what prosecutors do, isn't it?" This scene presents a subtle interplay of dominance and submission. Through Hanover's questions concerning desire, punish-

ment, and the law—vis-à-vis a female prosecutor who supports a legal institution that traditionally has failed to recognize or has attempted to contain female desire—the film implies that Dana has chosen a career in law as a form of retreat; the law has become her cloister, her bulwark against the complexities and ambiguities of desire.

At a certain point during her captivity, however, Dana appears to give herself over to Hanover and to her own desires, while at the same time not fully acknowledging or comprehending those desires. A pivotal scene marking Dana's transition is set outdoors as she sits on the ground watching while Hanover cleans fish he has caught that day. When he tells her about a certain species with "genitals exactly like those of a woman," Dana erupts, shouting out a monologue, both self-revealing and expressive of deep discontent:

What do you want? You want me to feel something? You tell me what you want me to feel, and I'll feel it. You want me to perform for you? You want me to act free? And wild? Want me to dance naked? [She tears open her shirt.] You want me to be scared of you? Do you want me to freak out? [She reaches into the bowl of fish entrails, smearing them on her face.] Are you happy now? Am I fucked up enough for you? Oh, but maybe it's my soul you want. O.K. Let's start with my secrets. What do you want to know? I hate myself. I can't stand who I am. I don't like being touched. I hate the feeling of a man inside me. Did I fuck my boss? Yes. Did I like it? No. I didn't. Do I have orgasms? No, never!

Approaching the table where Hanover is sitting, she knocks bowls and dishes to the ground and then runs off after proclaiming him a "coward." Throughout the monologue, canted angles create a sense of disequilibrium. While this can be read as a sequence of self-definition, frequent reaction shots of Hanover strongly situate his response as a kind of anchor for the film viewer. This pathological man becomes a point of stability in a scene of feminine revelation that borders on what masculinist discourse would call "hysteria." Yet the film makes it possible for us to see that a phallogentric culture and its institutions are the source of this "hysteria," as Dana's words move beyond herself and resonate with a kind of cultural truth, especially when understood in the context of her interviews with Hanover's other victims. The earlier flashback sequences and the physical resemblance between Dana's father and David Hanover further establish this possibility, but perhaps also limit readings of

Dana's distress with causal connections to her past that are far too literal. In the sequence that follows, Dana assumes the role of child as Hanover begins to play the father.

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Following her monologue we imagine Dana may have run off, escaping Hanover's control, until we find her in Hanover's cabin, hiding, holding a kitchen knife, with which she attempts to attack him. He promptly picks her up, throws her over his knee, and spansks her, reducing her to tears, only to encircle her in his arms and comfort her. Dana is next seen sitting passively in a bathtub as Hanover washes her body and hair, as a father might bathe his child, gently asking, "So you don't like yourself very much. Don't you allow yourself any pleasures?" He begins to photograph her and asks her to stand. Intercut with images of her standing naked in the bathtub are images of a sexual fantasy in which she imagines herself with Hanover. The fantasy sequences are shot with a red lens filter, and in the fantasy Dana expresses active sexual desire—she plays both dominant and submissive roles. Following this bathtub/fantasy sequence, Hanover massages Dana's back as she lies on the porch outside his cabin. Although she now clearly seems ready to enact her sexual fantasy, it becomes, perhaps, too easy for Hanover. He stops touching her, saying, "It's not right." Abruptly brought back to her original mission, Dana walks inside the cabin and emerges with her gun, forcing Hanover into a car he has stolen and ordering him to handcuff himself to the door as she drives him to the police. Approaching a rural sheriff's office, closed for the night, she leaves Hanover in the car as she phones for help in a telephone booth. He, of course, manages to drive away.

During Dana's stay at the cabin, the film develops a dual-focus narrative, placing her in parallel relationship to Maria, who, concerned about Dana's safety, travels to Savannah. With the help of Savannah police detective Tully (Ron Orbach), Maria retraces Dana's movements, arriving at the cabin shortly after Dana has attempted to take Hanover into custody. There she discovers a Polaroid shot of Dana lying naked in the bathtub. When she finds Dana back at the Savannah hotel, Maria silently displays the photo, also displaying her overarching knowledge of Dana and what may have transpired. Dana returns to Atlanta, resuming her work as prosecutor after Hanover's escape, but she is profoundly shaken and altered as a result of their encounter. A new parallelism develops as Hanover likewise resumes his pattern of picking up women under false pretenses. In the midst

192 of an encounter with one woman, however, he finds he is unable to continue as he might have done before his experience with Dana. Perhaps, as Borden suggests, this is "meant to be a sign of his realization that he cannot go on like this. He is starting to see himself . . . [and] in a way, he knows he has to be stopped, just like any criminal knows" (Borden 1992a, 29).

Framing
Female
Lawyers

When Hanover picks up a newspaper, with its headline announcing, "Atlanta D.A. Claims Kidnapping," he phones Dana, denying that a kidnapping ever took place. "You followed me," he reminds her. Dana agrees to meet Hanover but not before first informing D.A. Stanton, who alerts the police. Sensing he is in danger, Hanover talks with Dana at a hotel bar but escapes before apprehended. Upon arrival of the police, Dana is left on the street surrounded by police cars, confused and uncertain about her position in relationship to Hanover and in relationship to the law. In an overhead shot she is shown slowly spinning in circles like a frightened and confused child. When Stanton orders her on extended leave of absence, Dana responds with her resignation. Hanover later breaks into Dana's apartment and approaches her as he might approach any of his other victims, using his camera as a weapon, shooting pictures of her in a dark room. The flashes of light as he aggressively photographs her are disorienting, loud, and rhythmic, almost like shots fired from an automatic weapon. While he is not harming Dana physically, Dana is now most jarringly thrown back into her childhood trauma, reliving the very moment of her mother's violent death. As Hanover grabs for Dana, saying he wants to help her, she hits him with a heavy glass vase. As he lies on the floor, his head bleeding, Dana also lies convulsively crying and powerless, recalling the final images of Teddy in *Jagged Edge*.

Though these images suggest a woman rendered powerless as a result of her attempt to wield the power of law, it is possible to understand Dana's journey as ultimately empowering, given the point of crisis she appears to have reached both personally and professionally. Like the female lawyer films discussed in previous chapters, *Love Crimes* is shot through with contradictions, yet these contradictions move more toward an indictment of the patriarchy than an indictment of the female lawyer.

On the subject of women in law, Borden speaks of actual female prosecutors she interviewed in preparation for shooting the film,

acknowledging the inroads they have made in prosecuting date rape and similar crimes against women, but only after years of "being called 'bitchy,'" which leads Borden to ask, "Why should women want to be in this profession?" (Borden 1992b, 8). Borden explains that she modeled Sean Young's costuming as prosecutor on the women she met, "because it is what the legal system encourages. It's as if in order to succeed, in order to be listened to, these women cannot dress in an overtly 'feminine' way because that would be too threatening. . . . that's part of the deformation that happens in the system. . . . In order to be accepted . . . they have had to desexualize themselves" (Borden 1992b, 8). Articulating a condition operating in any number of female lawyer films, Borden points out that the sexuality of the woman in law "becomes this raw, ragged, vulnerable, empty place that is subject to encroachments by whoever falls into the movie plot. . . . In some ways it's the woman being punished for thinking she could be in a powerful male position to begin with" (Borden 1992b, 8).

An even larger deformation may occur, however, as a result of conventional definitions of femininity circulating in our culture in the first place. Following Joan Rivière, it is possible to argue that expressions of false femininity on Dana's part could be understood as a form of masquerade, employed to establish her as less threatening to male potency, as when she takes on a more feminized appearance when attempting to apprehend Hanover. Dana's masculine or androgynous appearance as prosecutor could be read conversely, then, as her refusal to don a feminine masquerade. In her discussion of Rivière, Chris Straayer argues that one who refuses the performance of "defensive femininity" is one who "consciously manipulates social codes" (Straayer 1996, 147). Dana's androgynous or masculinized appearance can thus be read as an expression of self-assertion over established codes defining "the feminine" in opposition to "the masculine." Straayer argues that most women want to be men, "which is *not* to say they want a penis (that is a sexual matter) but that they want to share men's position in the social realm." Straayer goes on to suggest that "by this very desire, women *are* men, men disguised by men as their opposite and thus denied power. The 'fact' of this difference rests on nothing but the construction of femininity and masculinity" (Straayer 1996, 146). In this context, then, Dana's appearance might be understood as something more than a reflection of her deformation by the legal system; it might be understood, conversely,

194 as her resistance against the deforming power of a larger system of gender codes and the compromises attached to the "performance" of those codes.

Framing

Female

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As we return to the frame narrative at the end of *Love Crimes*, we learn that David Hanover will possibly press charges of entrapment against Dana, with one of the detectives pointing out, "There's such a thing as due process. Hanover says she invited him in. He says she wanted it." Of this scene Borden poses a question that can be asked of *The Accused* as well: "Who is worse? The man she works for . . . or David Hanover? At the end, it's implied that the male establishment secretly sides with Hanover, that they would believe him over her, that they tacitly encourage his behavior, his conning of women as a 'sport'" (Borden 1992b, 8). After Maria is asked whether she has "forgotten" anything and she replies in the negative, the film cuts to its final image—a shot of Dana gazing into her bathroom mirror as flames overtake her reflection. We discover that she is burning the photograph Hanover shot as she lay in the bathtub and recognize that Dana and Maria tacitly have colluded in subverting the very system responsible for defining gender roles and power relations oppressive to women and repressive to expressions of female desire. At the same time, however, Dana is burning the image of her own desire—an image frozen at the moment when she first rebelled against the deforming effects of the system, while embracing something equally or more deforming, as embodied by Hanover.

Significantly different from this final image was Borden's original idea for the ending, which producers rejected. The ending was intended to punish Hanover "outside of the legal system, since the legal system really couldn't touch him for gray-area crimes" (Borden 1992b, 9). According to Borden, Dana would appear in Hanover's cabin at night, handcuffing him to the bed, cutting off his clothing, as he had done to her, and penetrating him. "Not an evil penetration," Borden explains, but one that would convey the idea that "this is how it feels to be me. This is how it feels to be powerless . . . to be emotionally naked." Borden describes having wanted to train her camera at this moment on the actors' faces because "it's all about empathy—her forcing him to have empathy with her and his other victims." The rejection of this ending, Borden feels, was a result of discomfort on the part of producers with the act of anal penetration,

though she sees it as “a more satisfying ending, because he does have to be stopped” (Borden 1992b, 9). 195

There is a certain disjunctive incoherence to *Love Crimes*—both in scenes that were filmed and those that were never filmed. And in speaking of her intentions, Borden herself sometimes voices a contradictory sense of power relations as they exist between Dana and the law, between Dana and Hanover, and between Hanover and his victims. Inciting controversy and contention among both male and female executives within the film’s production and distribution companies, several sequences central to an understanding of Dana’s character and her conflicted relationship with Hanover were excluded from the R-rated version of the film released in American theaters. The material removed includes the campfire and spanking sequences; the moment when Dana stands, naked in the bathtub, along with the sexual fantasy sequence intercut with this image; and the back-massage sequence that follows. The bathtub/sexual fantasy sequence was restored to the European theatrical version of the film, and all sequences were restored to create an unrated video version of the film released by HBO. There exist, in effect then, three versions of the film. The sexual fantasy sequence was of particular concern to producers, who saw it as masochistic, a charge Borden counters, saying, “I don’t think that a woman having that fantasy [of being “taken”] is about her being inherently masochistic. It’s about some part of her wanting to not feel guilty, about someone else doing the work, of being able to say someone else made her do it.” In Borden’s view female sexual development is fraught with confusion, particularly in the context of a culture that so represses female expressions of desire. She sees Dana as having grown up with the idea that sex is somehow bad or wrong. In Borden’s view the most difficult part of sexual maturation for women is “that we can say ‘yes’ when we want to say ‘yes,’” going on to observe that “a lot of first sexual experiences are with a guy who pushes you beyond what you can articulate about your desire,” and pointing out that “it goes both ways between men and women” (Borden 1992b, 10). Borden says she represented Dana’s sexual fantasy involving Hanover in romanticized terms in order to suggest that “in some ways, she’s still not in tune with her own darkest fantasies” (Borden 1992a, 22).

In her discussion of psychoanalysis and film spectatorship, Cowie

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196 addresses the various feminist approaches to fantasy, particularly to sadomasochistic fantasy, in terms that curiously parallel the debate between Borden and her producers. Cowie explains that, in the context of feminism, fantasy "was never seen only in terms of male fantasy as a problem for women. . . . [but] was also addressed from early in the modern women's movement as a problem in relation to our own, politically recalcitrant, fantasies—whether as in secret pleasures in Mills & Boon-style romance fiction . . . or the desire when making love for domination or submission." Cowie points out that two feminist positions emerged in response to these "politically recalcitrant" fantasies: the moralistic position that reduces fantasy entirely to the level of its content, insisting that such content can be consciously altered and condemning its objectification of another person, and the second position that sees fantasy as an essential ingredient of human sexuality and indeed of human nature (Cowie 1997, 123–124). Citing feminist theorist Pat Califia's discussion of sadism and masochism in relationship to female agency, Cowie explains that Califia, while acknowledging that "society shapes sexuality," argues that sadomasochism is no more the result of "institutionalized injustice" than any other institutionalized sexual arrangement, whether heterosexual marriage or gay bathhouses. For Califia, "The system is unjust because it assigns privileges based on race, gender, and social class." Califia asserts that "during an S/M encounter the participants select a particular role because it best expresses their sexual needs," thus proclaiming, "Try doing that with your biological sex or your socio-economic status" (Cowie 1997, 125). Califia argues for fantasy as inextricably bound to sexuality, but her argument, according to Cowie, "is not a simple re-instatement of fantasy. Nor is it a declaration that fantasy is *unreal*, that the nature of our fantasies do [*sic*] not matter because they aren't real and we *know* it." Cowie goes on to complicate Califia's "insistence on free will and on choice—with its consequent problems of knowledge and intention" (Cowie 1997, 126–127) through a discussion of fantasy in the context of psychoanalysis.

In addressing the primal fantasy, Cowie's observations add resonance to a discussion of *Love Crimes*, in which flashbacks stress the centrality of Dana's childhood trauma in shaping her adult sexuality. Dana's watching her father's sexual encounters with various women

becomes a kind of distortion of the primal fantasy in which the parents are engaged in lovemaking. The primal fantasy is unconscious (as distinct from memories or conscious sexual fantasies—again, a distinction relevant to Dana's suppressed memory, which is coming slowly into her consciousness). While the primal fantasy works to help the child "'theorize' or explain the problem of origins," as Cowie explains, by representing "the origin of the subject," seduction and castration fantasies help the child explain the origin of sexuality and of sexual difference (Cowie 1997, 130). Moreover, "the concept of the 'primal scene' does not . . . imply a simple causality, nor a primacy of origin or original content. Rather it is to be understood as originary in the instituting of a *structure of fantasy*, a *scene* of fantasied origins: of the origin of the child in its parents' love-making" (Cowie 1997, 130; my emphasis). Dana's conscious sexual fantasy involving David Hanover is directly linked to the unconscious primal-scene fantasy, which, it would seem, becomes conflated with the gradually remembered images of the father's lovemaking with a variety of women.

Cowie explains the widely understood theory of the primal fantasy as "*the scene* of the wish to take the father's place and have the mother, or to usurp the mother's place and have the father" (Cowie 1997, 130; my emphasis). The remembered scene in *Love Crimes* concludes with the literal death of Dana's mother, strongly complicating Dana's relationship with the "structure of fantasy" as well as with the terms of exchange, since, on a more conscious level, she will usurp the place of her father's prostitutes (much as she approaches usurping the place of Hanover's victims), resulting not only in and from her difficulties involving fantasy and desire but also in and from her difficulties achieving a coherent sense of herself as subject. Dana's placing herself in danger during her pursuit of Hanover and taking on the potential role of her father's prostitute and Hanover's victim, promises simultaneously a return to *the scene* of her origin as subject (a position Hanover's victims approach when feeling suddenly liberated) and the obliteration of that very scene of origin (a position Hanover's victims experience when feeling they no longer have will or consent to give). The images of her father's sexual encounters in Dana's memory thus appear to converge with the unconscious primal scene, returning her not to her mother's womb or the Lacanian Imaginary—as point of undifferentiated origin—but rather forcing

198 her into her father's "closet" or the Lacanian Symbolic—as point of differentiated origin—where conscious memory and language intrude; where the *structure of fantasy* is repressed, closeted, rendered inaccessible to Dana (as it is to many of Hanover's victims) in the patriarchal context of a culture and law that regulates female desire far more stringently than it does male desire. As he spans and later bathes Dana in a fatherly mode, Hanover makes the *structure of fantasy* accessible again, if only for a moment, enabling Dana's sexual fantasy. As Cowie reminds us, "The primal fantasies are not so much an inherited pre-history, as a pre-structure, which is actualised and transmitted by the parents' fantasies" (Cowie 1997, 130), an observation that seems especially useful in thinking about this film.

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Because Cowie sees fantasy not as the *object* of desire but as the *setting* of desire ("Fantasy as a *mise en scène* of desire is more a setting out of lack, of what is absent, than a presentation of a having, a being present"), she goes on to argue that film and film spectatorship can be seen in terms of fantasy on a very basic level (Cowie 1997, 133). In her discussion of fantasy as represented in Cowie's work, Judith Mayne's observations go right to the heart of the questions posed by *Love Crimes* itself and the controversies surrounding its production: "the notion of fantasy gives psychoanalytic grounding not only to the possibility, but to the inevitability and necessity, of the cinema as a form of fantasy wherein the boundaries of biological sex or cultural gender, as well as sexual preference, are not fixed" (Mayne 1993, 88). This opens less rigid possibilities for understanding spectatorship than do earlier apparatus theories that "conflate literal gender and address" (Mayne 1993, 88). Discussing Freud's "A Child Is Being Beaten" (1919) as well as Jean Laplanche and Jean-Bertran Pontalis's "Fantasy and the Origins of Sexuality" (1964; 1986), two essays influential in psychoanalytic spectatorship theory, Mayne, following others, argues that Freud's essay, in particular, "has been read as offering a theory of multiple masculine and feminine positions, thereby lending itself to a definition of spectatorship as oscillation rather than 'identification' in a univocal sense" (Mayne 1993, 86).

Conflicting concepts of spectatorship—few of which take into account the possibility of oscillation—became central to the production controversies surrounding *Love Crimes*. While Borden herself seems to address an oscillating spectator capable of adopting multiple mas-

culine and feminine positions, the film's producers, both male and female, according to Borden, seem to have approached spectatorial address from the angle of unequivocal identification. What results is a film in which incoherence on the level of story becomes the marker of these conflicting and conscious attempts to address the spectator. In its final, unrated version, but especially in its R-rated American theatrical version, *Love Crimes* remains often disjunctive and incoherent at the level of plot in a manner that appears symptomatic of both its subject matter and production difficulties, rather than as a product of aesthetic or structural choices or accidents. I would like to suggest that the very disjunctive quality of the film becomes allegorical of its own production circumstances and that this allegorical relationship bears usefully upon issues of spectatorship.

Love Crimes was financed by two independent production companies: Miramax, for distribution in the United States and Canada, and Sovereign Pictures, for European distribution. Miramax chose to market the film for mainstream release, a decision which, in part, resulted in many of the production controversies that ensued. These controversies themselves reveal a great deal about perceived notions of spectatorship within a marketing context. Borden explains that the two companies "had different expectations and audiences, and we couldn't reach a consensus on the script before we began. From pre-production through postproduction, various scenes were under attack sometimes because they were considered embarrassing or perverse" (Borden 1992b, 7). The audience Borden was addressing in making the film—women over the age of thirty—stands in dramatic contrast with the test audience of nineteen- and twenty-year-old males, recruited by the National Research Group. According to Borden, these young men "started freaking out when the characters began to betray their expectations: the 'heroine' acting unheroically and the villain being sympathetic" (Borden 1992b, 7). Borden attributes much of the production and reception controversy to the fact that the film was about female sexuality. Challenging Mulvey's theory that the apparatus is "inherently male," Borden argues that "the apparatus is neutral, and one is taught—conditioned—to identify with certain characters. . . . In whatever I do, I want audiences to identify more with the women, even if there are male characters in the film." Acknowledging that we sometimes see through David Hanover's camera eye,

200 Borden explains that she wanted the audience “to identify with what the women [being photographed] were feeling about him—to make the audience uncomfortable” (Borden 1992b, 7).

Framing

Female

Lawyers

The impulse behind exposing the power relations potentially present in voyeurism and the gaze links *Love Crimes* to *The Accused*. An undercurrent of violence runs through the photo sessions involving Hanover and his victims, elevated by Borden’s tracking camera and disjunctive editing style, both of which suggest events reeling out of the women’s control. In keeping with Cowie’s observations about identification within the cinema, the closeup reaction shots focus primarily on the women. While we may see the women from Hanover’s visual perspective, we see *their reactions* to being looked at rather than his reactions to what he sees, thus more firmly establishing viewer identification with these women. Unlike the rape scene in *The Accused*, in which Kenneth Joyce becomes the stable male anchor and point of audience identification, the photo sessions in *Love Crimes* provide no such point of stability. The film’s anti-erotic quality—along with its disturbing eroticism—complicates issues of spectatorship in a more subtle manner than does *The Accused*, in which eroticism itself does not fully come into play. As interwoven with elements of dominance and submission, the ambiguities of eroticism in *Love Crimes* play upon cultural conditions that commodify the erotic through a naturalized sense of women as submissive and passive objects of the gaze, whose erotic pleasure has been more or less programmed to fit that pattern. The film attempts to expose this pattern through representing a dynamic that replicates it, while at the same time reversing it through reaction shots of the women and the absence of a stabilizing visual anchor within the photo-session scenes.

Issues of spectatorship involving identification and sympathy with the heroine became another crucial factor in the struggle between Borden and the production companies. Because Miramax, in particular, was aiming for a mainstream American audience, the executives wanted to follow closely the conventionally understood formula of spectator identification: viewers identify with the heroine because she is sympathetic; sympathy with the heroine increases as the villain becomes more villainous. This notion of sympathetic identification is one reason Borden was forced to cut the sexual-fantasy sequence in the American theatrical version of the film, given the

discomfort viewers might feel when Dana “goes along” with the villain.⁶ Borden also was forced to add the flashbacks involving Dana’s childhood experience, “making certain concessions to psychological cause and effect” (Borden 1992b, 8). Borden points out that the production companies saw the flashbacks as a way of making Dana more sympathetic by allowing audiences to understand her problem. Although Borden rightly resists such simplistic notions of sympathy and identification, levels of causation resting within the flashbacks may have more complicated resonance, moving beyond simple structures of identification as achieved through sympathetic characters, as we have seen. When Cowie points out that our emotional responses to characters are not simply based on the narrative information we receive about them “but involve our ego-ideals and our wish to come into the position from which we are loveable, are seen to be worthy, by ourselves and by others” (Cowie 1997, 112), she taps into the more complex processes of identification that *Love Crimes* sets in motion.

Complicating this process is the notion of projection—our desire to deny our own undesirable traits, attributing them instead to others. This is yet another form of identification, which, according to Cowie, when occurring in film, forces us to “consider whether the film is an unwitting vehicle for the subject’s projections, or whether it constructs a scenario where typical and universal projections are played out to which we relate *as if* they were our own” (Cowie 1997, 113). This “as if” relationship is best discussed, Cowie suggests, in the psychoanalytic context of transference. Given the complications of representing female sexuality and female desire in a repressive patriarchal culture, the processes Cowie describes become even further layered when applied to a character whose own impulses are as profoundly confused as Dana’s. The process and stages of Borden’s being forced to make Dana “marketable” in mainstream terms is quite revealing of how the industry understands spectatorship to work and also reflects back upon the representation of female lawyers in the more mainstream films discussed earlier. While the limitation of Cowie’s approach is in its purely psychoanalytic formula—not fully accounting for the cultural conditions that potentially result in dominant, negotiated, or oppositional readings—this approach, whether on an explicitly theoretical level or not, seems to have played a part in the process of “negotiation” between Borden and the production

202 companies. In terms of representing female sexuality, as through Dana's character, the process of transference certainly complicates notions of mainstream appeal.

Framing

Female

Lawyers

Cowie points out that narrative film "must . . . extend the 'as if' relation of analytic transference so that the spectator can find not only figures who will play out the position of her or his dreaded and desired parental figures, for example, but also figures who can represent the spectator, that is, who 'stand-in' for the identifying spectator" (Cowie 1997, 113). As we have seen in *The Accused*, that figure is Kenneth Joyce; in *Love Crimes*, if such a character does exist, it is, most likely, Maria. Because "identification is a structural position" (Cowie 1997, 114), it seems possible to imagine that, without the enforced deletion of controversial scenes, Dana could also be positioned to stand in for the spectator, though eliciting a far more complicated and unpredictable set of spectatorial responses, perhaps demonstrating the notion of multiple masculine and feminine positions.

Matters of spectatorship in *Love Crimes* became further complicated by the fact that Miramax chose a wide release pattern, opening the film in seven hundred theaters and marketing it as a thriller. Forced to tailor her film for mainstream theatrical release—and without final cut privileges—Borden removed the controversial scenes, which, as she sees it, resulted in "neither a successful art film nor a successful thriller" (Borden 1992b, 7). In fact, the film seems to fall somewhere uncomfortably between the conventional female lawyer-thriller hybrid, the erotic thriller, soft-core porn, and feminist treatise, with a bit of the revised buddy genre thrown into the mix during those scenes in which Maria and Detective Tully search for Dana in Savannah.

Contradictory marketing strategies and modes of address become further apparent upon examining the images used in print and video ads for *Love Crimes*. In the video ad Sean Young is shown in a sexy black camisole stretched out in a stereotypical pin-up pose, with Bergin in medium shot behind her. His right hand holds the wrist of her outstretched arm and his left hand touches her calf. The image on the video box of the unrated version of the film, likewise attempting to exploit the primarily male market for porn or soft-core videos, presents the same image with an illustration of Young handcuffed to a chair, her blouse half removed, in the upper right corner of the box. The ad clearly addresses a male viewer (fig. 7.7). Here

Young is undoubtedly presented as a fetish object. The earlier print ad for the R-rated American theatrical release of the film features the same image of Young in a camisole with Bergin touching her, but superimposes a close-up of Young's face above and behind this image. This ad does not include the image of Young handcuffed to the chair (fig. 7.8). While the video ad seems to address the male spectator, the print ad, while incorporating the fetish image of Young, seems inflected by elements found in cover illustrations of erotic romance novels directed toward women. The visual address of the print ad, then, seems directed to both male and female viewers, allowing for multiple masculine and feminine viewing positions even within its very basic form of address. The written text appearing on the print ad (only slightly modified on the video box) taps into fantasies of submission: "He's every woman's fantasy and every woman's nightmare. To trap him, a female District Attorney will have to make the ultimate sacrifice." The erotic tone of both the image and the copy, while potentially appealing to male viewers, also speaks to female spectators, especially through the close-up of Young's face, which inscribes the female district attorney as a source of overarching knowledge or power. Although the copy implies her submission, the superimposed close-up inscribes her dominance.

In the context of its troubled production history and the somewhat uneven film and video products resulting from that controversy, a question one might ask of *Love Crimes* is whether it is the most radical or the most reactionary of the female lawyer films discussed thus far. I have used Cowie and other theorists, as well as Borden's own commentary, to suggest the potentially radical core of intentionality behind this film, which, in its final form, easily might be considered rather reactionary insofar as the position of the female lawyer and her sexuality are concerned. The film seems to embody the containment/subversion dichotomy that the New Historicism warns us against reading in an overly reductive fashion. Despite Borden's subversive intention, it is important to note that she did participate in negotiations to "contain" the more subversive elements of the film. Because the reality of financing and producing a film is daunting, and the desire to see a project come to fruition may sometimes act to compromise vision, *Love Crimes* becomes a good case for arguing against overly reductive readings of either its subversive undercurrents or its reluctant strategies of containment. To assess this question further,

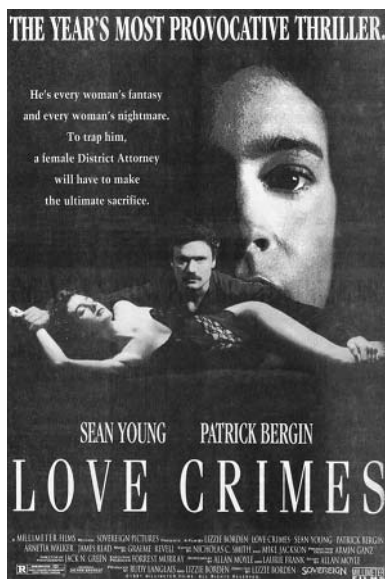
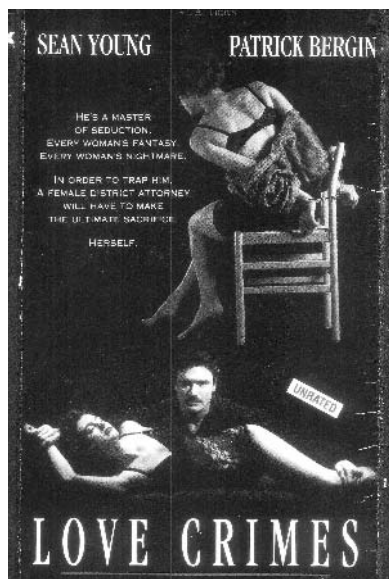


FIGURE 7.7. The unrated version of *Love Crimes* inscribes a male viewer in its video box illustration, with the female district attorney doubly presented as submissive fetish object. The addition of the word “herself” to the written caption makes explicit the notion that the female district attorney “will have” to “sacrifice,” with titillating sadomasochistic implications. From *Love Crimes*, © Miramax, 1992.

FIGURE 7.8. The print ad for the American theatrical release of *Love Crimes* inscribes a female viewer through the superimposed close-up of the female district attorney, implying her overarching knowledge, insight, and, perhaps, control of her own sexuality and her role as fetish object. The word “herself” does not appear in the copy, creating some degree of ambiguity concerning the nature of the “ultimate sacrifice.” A male viewer is simultaneously inscribed through the fetish image of Young’s body and the copy, letting viewers know that she “will **have** to make the ultimate sacrifice.” From *Love Crimes*, © Miramax, 1992.

however, and to consider how it extends to representations of the law, it may be useful to conclude by backtracking and considering *Love Crimes* in relationship to *The Accused*.

While a duality of focus structures both *The Accused* and *Love Crimes*, that duality functions somewhat differently in *The Accused* and very differently in *Love Crimes* from the way it functions in the female lawyer hybrids discussed earlier. The primary duality established in *The Accused* invites simultaneity and comparison between Kathryn and Sarah (though, as noted, additional dualities involve

Sarah and Kenneth Joyce). We see the contrasting lives that each of these characters leads. Sarah is forced to deal with the effects of the rape and with the difficulties of a life that is far less economically privileged and stable than Kathryn's. While the main impact of this duality is to reveal Kathryn's gradual recognition of Sarah's suffering, motivating her subsequent legal work on Sarah's behalf, the larger effect is to bracket the agency of both characters within the overarching patriarchal system. As Clover aptly points out, the system becomes "the hero of the piece," with focus "shifted from the victim to her lawyer, from questions of why men rape and how victims feel to questions of what constitutes evidence, from bedroom (or wherever) as the site of confrontation to courthouse" (Clover 1992, 147). Clover uses the closing image of *The Accused*—a high-angle long shot of the courthouse—to support her argument. The soundtrack further inscribes the legal system as hero of *The Accused*, with uplifting music swelling mightily as the guilty verdicts are read.

The duality of focus in *Love Crimes* creates a relationship of simultaneity and comparison between Dana and Hanover, exposing Dana's sexual repression and also suggesting the inevitability of their meeting, as articulated directly by Hanover when Dana appears at his cabin: "I'm glad you came here. Sooner or later destiny always kicks in." Dana and Hanover are psychically linked (though with somewhat different manifestations than Jennifer and Greenhill in *Guilty as Sin*). Both need control; both need to define the world of others, as Borden has pointed out—Dana through the law and Hanover through his camera. The duality here presents a narrative without a hero, in effect. We see two characters struggling with problems of sexuality rooted deeply in cultural definitions of gender performance. While Dana in *Love Crimes*, like Kathryn in *The Accused*, is standing in for the patriarchy through her career as prosecutor, the patriarchal law in *Love Crimes* is exposed as exploitative and repressive, with no such figure as Kenneth Joyce to redeem it.

Developing its duality of focus in another direction, *Love Crimes* juxtaposes the scenes of Hanover's aggressively photographing women with scenes in which Dana interviews his victims or in other ways investigates his crimes. Dana's sometimes adopting a traditional masculinist legal position links her with Hanover, suggesting a deformation on the part of both characters. By contrast, when Kathryn adopts a similar position in *The Accused*, that position is accepted

206 as a given that remains firmly in place, even after she recognizes her mistake in striking the plea bargain.

Framing By bracketing Hanover's agency within the perspective of the various women he has deceived, *Love Crimes* radically reverses the usual pattern in female lawyer films. We see Hanover, but we never hear *his* version of events; we do hear the women, however. As they tell their stories to Dana, the camera remains fixed on their faces. Although they speak of humiliation and confusion, they nevertheless are given voice and positioned as stable anchors within the visual frame. Although *The Accused* treats similar issues, it tends to see them in dichotomous terms rather than layered with complexities and contradictions. The women in *Love Crimes* also speak of desire. Their words open a complex portrait of power relationships between women and men and between female sexuality and the culture regulating it.

Female Perversions: Commodification, Sexuality, and the Look

As in *Love Crimes*, *Female Perversions* explores issues of female sexuality, eroticism, and the positioning of women within the patriarchal structures of the law and the culture. An independent production in which director Susan Streitfeld was given much greater control than was Borden, *Female Perversions* seems to have succeeded, to a greater degree, where *Love Crimes* sometimes failed, in attempting to capture an uncompromised view of the female protagonist's character and sexuality. In her \$1.5 million art film, financed by Godmother Productions, a company founded by her producer, Mindy Affrime, Streitfeld seems to have been freed from the constraints under which Lizzie Borden was forced to work in her \$6.5 million film. Streitfeld states that "though directing a movie is collaborative, you must 'listen to your own voice,'" which is why Affrime proved such a positive force, concerning herself primarily with raising money rather than with molding content (Streitfeld 1997, 56).

Like *Love Crimes*, *Female Perversions* presents us with a character who is very much shaped by patriarchal culture and who, as a result, struggles for control and self-possession. Eve Stephens (Tilda Swinton) is a highly successful public prosecutor and candidate for

a judgeship in the state Court of Appeals, to be appointed by the governor of California. Like Dana Greenway, Eve, aptly named, is obsessed with obtaining knowledge and control, yet as one of her lovers, Renee, a psychologist (Karen Sillas), tells her, ostensibly in jest: "You are a deeply impulsive and a terribly neurotic, extremely co-dependent woman who more than likely loves too much, or too little." As in the case of Dana, a childhood memory haunts Eve: her mother openly expresses sexual desire for her father, an acclaimed scholar, approaching him as he sits reading and taking notes; he violently rejects her, pushing her from his lap to the floor. After repeatedly playing out fragments of this memory, Eve ultimately confronts that part of the incident she has been suppressing all along—the fact that, as a young child secretly watching this incident, although she may have felt sympathy (or pity) for her mother, she ran to her father as her mother lay on the floor. Portions of this flashback interrupt the narrative throughout, as in *Love Crimes*, but we never see Eve within the flashback, and this final moment of alignment with her father is never shown. We learn about it as Eve describes the memory to her sister Maddy (Amy Madigan). The flashback, in withholding images of Eve as a child, is aimed less at eliciting sympathy or creating a direct causal link to Eve's present life (as in *Love Crimes*) and more at revealing the generalized power of "the father" to regulate female desire and consequently to constrain female agency.

As the inscribed "spectator" of this scene, Eve feels divided, but ultimately is drawn to the "true" agent whose masculine power and will prevails. "How much more self-enhancing it is to identify with the father," observes psychoanalyst Louise J. Kaplan in her book *Female Perversions: The Temptations of Emma Bovary*, upon which the film is based. Echoing Cornell's discussion of feminine dereliction, Kaplan further explains that "if the girl discovers that this same powerful and beloved mother is a denigrated household slave or worthless female or is regarded by the father as a nagging witch, she starts to repudiate the feminine aspects of her own self" (Kaplan 1991, 183). Eve's flashbacks, like those in *Love Crimes*, further bring to mind Tasker's observations about Hollywood women in the legal professions who tend to identify with their fathers, providing "very little space for the heroine as articulating an identity for herself, one that is beyond the terms of the masculine, mother or Other"

208 (Tasker 1998, 102). While *Female Perversions* and *Love Crimes* seem to adopt this Hollywood cliché, they do so from a consciously feminist position.

Framing

Female

Lawyers

Eve's sister Maddy most literally seems to have assumed her father's place—he is a highly acclaimed philosophy professor, recently retired; she is about to defend her dissertation in anthropology. In her work as a lawyer, it would seem, Eve wishes to take her father's place in a more Lacanian sense, as evident when she speaks with Renee about her preference for law, saying, "that's the problem with psychology—nothing's concrete. I prefer the law. Black and white. Obey the rules or suffer the consequences. Guilty or not guilty." On why she is interested in becoming a judge, Eve explains that "ever since I was a little girl . . . I wanted to be a judge because I wanted to be dressed in a long black robe. With nothing on underneath." Clearly, for Eve, the law is pleasurable in its absence of (feminine) ambiguity and in its promise of (sexual) empowerment. Perhaps Eve wishes to use the judge's robe as phallic dress to replace the strategic accoutrements of femininity that signify an absence of cultural power. Such feminine accoutrements, when employed by the powerful woman, as Rivière suggests, become her means of reassuring the male establishment that she poses no serious threat, that she means to steal nothing from that establishment. In reversal of Rivière, then, Eve's reference to the robe might also imply her unapologetic assertion of desire for masculine knowledge and power. In this same scene Eve goes on to make love aggressively and somewhat forcefully with Renee, assuming dominance without apology. Although Eve asserts her unequivocal ambition and desire in this scene with a woman, she has trouble expressing such unmodified dominance in scenes with powerful men, in which she often dons a reassuring feminine masquerade, albeit sometimes inflected with a dominatrix code.

In order to appreciate fully Eve's wavering between the two states of masculine assertion and womanly masquerade, it is useful to look more closely at Rivière, whom Kaplan also examines in her book. In her 1929 paper titled "Womanliness as Masquerade," Rivière describes one of her patients—a highly intellectual, professional woman who, after her lectures, felt compelled to seek the approbation of men attending, usually older father figures, which, as Kaplan suggests, was "the first order of business . . . to make sure that some fatherly type pay homage" (Kaplan 1991, 269). Beyond the need for

such approval, the lecturer would then go on to flirt with male members of her audience, “impersonating a seduction,” thus reassuring men by her “‘masculine’ intelligence they could be confident that no actual sexual performances would be expected” (Kaplan 1991, 270), while at the same time reassuring herself of her attractiveness to the men, whom she perceived as having genuine power. According to Rivière, her patient “performed” flirtatious, womanly behavior to cloak her phallic power in an attempt to maintain that power, lest it be discovered and “stolen back” by the male establishment, from which she imagined having stolen it in the first place.

Eve is held hostage by one powerful aspect of our culture that keeps women from attaining genuine power—the excessive and obsessive concern with image—which, in her case, involves buying the newest shade of lipstick and the sexiest lingerie, as well as reading women’s magazines to discover the latest fashions and learn how to conduct and contain her emotional life. In a telling scene Eve sits late into the evening at her office desk, answering a magazine “quiz” titled “What’s Your Fight Style?” On the page facing the quiz is an image of a woman posing in a fashionable black suit, with arms playfully open, yet with her figure confined by black horizontal bars, and copy that reads, “Forgive Me for Being Powerful,” a literalized representation of Rivière’s concept of womanly masquerade (fig. 7.9). Eve seems caught within the cultural contradictions typified by these two pages of the magazine. She embodies the aggressive, successful professional who at the same time is imprisoned, lacking in self-assurance and plagued by self-doubt.

As Eve scribbles her prospective new title, “Judge Eve Stephens,” on a legal pad, she imagines hearing a man’s mocking laughter. This man—the subject of her earlier courtroom prosecution—grabs her from behind, forcefully rubbing his hands over her body and holding her head in a viselike grip as he crosses out the title “Judge” and whispers, “No, no, no. Flabby ass and thighs. Stinking, rank, rubbery cunt and drooping tiny tits. Vulgar, lascivious, insatiable beast. Stu-

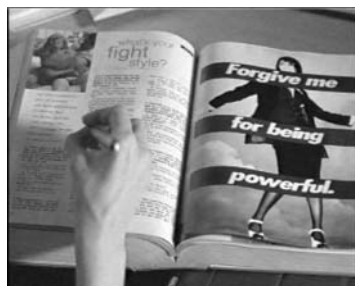


FIGURE 7.9. Women’s magazines convey contradictory messages, as evident when Eve slavishly fills out a self-help quiz aimed at “regulating” assertive female behavior. On the facing page, the “powerful” professional woman appears graphically imprisoned. From *Female Perversions*, © October Films, 1997.

210 pid and devious. Nothing about you is genuine, and everyone knows you're a fraud." Eve imagines pushing him away, at the very moment she realizes no one is there. She rips the paper with her scribbles and crumbles it, repeating, "I have nothing. I have nothing at all." The words of this imagined male figure are directed at Eve's body and sexuality, through which she imagines her value is measured ("Nothing about you is genuine"). This moment makes explicit the very common cultural syndrome of the self-loathing "superwoman," who has so internalized her state as object of the male gaze—even in the process of attempting to escape it—that she is unable to see herself clearly. This internalized male perspective, through which she confirms her insecurities and failings, becomes her primary measure of self-worth, reinforcing a deep-rooted sense of herself as an interloper whose privileges could be "stolen back" at any moment. Eve's great despair is in being relegated to the status of "woman," as represented by the memory of her mother's weakness. Straayer's notion concerning the desire of women to be men, in terms of cultural power, seems especially relevant to Eve. She both embraces the disguise imposed by men in her dependency on the beauty and fashion industries men have erected to disguise women "as their opposite" (Straayer 1996, 146) and resists it in her rejection of the feminine as represented by her mother.

The film seems to argue that the cosmetics and fashion industries, as well as the media, most notably women's magazines, create and perpetuate this syndrome of women as objects to be looked at *by other women* and, in so doing, not only invite female readers to see themselves as objects but also shape female readers in the mold of *masculine viewers*—though disempowered masculine viewers—when assessing these "other" female objects. Having thus internalized the masculine gaze, the female reader/viewer will see those "others" both as models to emulate and competitors to envy—objects to be evaluated; she will see herself as object, as well, enlisting her "masculine" pair of eyes to scrutinize and stand in judgment of her own appearance, ambitions, and desires. And, of course, she will always find herself (and others of her sex) lacking, having thus internalized the phallogentric "standard" and its attendant attitudes.

This *emulate/envy binary* offered women in relationship to other women is best illustrated when Eve meets the beautiful lawyer who



FIGURE 7.10. Multiple lines of “looks” intersect as Eve (Tilda Swinton) applies lipstick and Langley (Paula Porizkova) watches, establishing the emulate/envy binary in which women are often caught. From *Female Perversions*, © October Films, 1997.

will be hired to replace her should she be chosen for the judgeship. When Langley (Paula Porizkova) runs into Eve as Eve applies lipstick while waiting for the elevator, she notices that she and Eve are wearing the same shade (fig. 7.10). Asserting that this could not possibly be true, as she has just purchased hers—the latest fall shade—Eve is surprised to find that Langley does, in fact, own that same lipstick and, moreover, that she is “tired” of it. After Langley ditches her tube in a nearby ashtray, Eve is left with very little alternative but to do the same. As Langley first enters the frame, she observes Eve as Eve assesses herself in her compact mirror, creating multiple lines of “looks” and objects: Eve as object of her own look, Eve as object of Langley’s look, and both as objects of an “internalized” male gaze. The women are framed with the elevator door dividing them into “separate” spaces, almost as facing pages in a magazine. Before emulating Langley in throwing away her tube—an act rooted in envy—Eve “attacks” herself by smearing the lipstick on her white blouse, clearly an expression of self-loathing. As if to confirm and reassert her “value” through “genuine” masculine eyes and desire, Eve presents herself in her boyfriend’s office, inviting him to shave her pubic

212 hair, Langley's female gaze, with its internalized male standard, having so shaken and destabilized Eve's own internalized (masculine)

Framing "measure" of her desirability and power.

Female The film further illustrates female internalization of a phallogocentric standard when Eve arrives at a small-town police station, where her sister is being held for shoplifting. Angry that she cannot arrange for her sister's immediate release, Eve shouts her complaints into a telephone at the station. This time, Eve imagines that she is violently grabbed and reprimanded by the *female* clerk who works at the station: "Hysterical, loud-mouthed bitch. Ball-buster. Battle-ax. Strident. Unfeminine. Grotesque. Out of control. You, a judge? Never!" Using the language that men traditionally have employed to demean women, this clerk (as internalized by Eve) has so internalized the attitudes behind that language that she (Eve) can find nothing redeeming in Eve (herself). Eve imagines her punishment for aggressive, assertive, "unfeminine" behavior as exclusion from the world of powerful men ("You, a judge? Never!")—and also from the world of other women who are her competitors in aspiring to masculine positions of empowerment. Following this hallucination, Eve can only whisper, "I'm sorry. I'm sorry."

The singular courtroom sequence, appearing very early in *Female Perversions*, further represents the pervasive male gaze, persistent in its power to contain female agency. As she argues before a judge for strict sentencing of the defendant, Mr. Rock, who "channel[ed] toxic waste into a landfill," Eve proclaims that Mr. Rock "understands only one thing—dominance." As "a small, mean, dangerous criminal masquerading as a sophisticated person of means," Mr. Rock "deserves no mercy," "force is required." The "only appropriate course of action," according to Eve, "the only thing to which he will respond is the seizing of his assets." Beyond its mild sexual double entendre, Eve's language might just as easily be read as her own imagined judgment of herself as an "independent" woman with "stolen" phallic power—she will be punished and dominated, her assets seized in restitution for her masquerade in presuming to occupy this place where, truly, she does not belong.

Shot composition, editing, and sound achieve an interesting duality of perspective in this scene. In the eyes and minds of the judge and various other men in the courtroom, the effectiveness of Eve's argu-

ment has less to do with legal skill than with her physical (erotic) presence. As Eve speaks, the bailiff, most notably, removes his hearing aid, ensuring his fantasies full play around Eve's lips, elbows, and hips, undisturbed by her words. This scene foregrounds the bailiff's subjectivity, as sounds of tinkling glass and female voices whisper in fractured melodies on the soundtrack and accompany images of Eve's fragmented body and face, framed in extreme close-up, decontextualizing Eve and serving her up in parts. Erasing Eve from the frame, as lawyer and as person, the film thus hyperbolizes and satirizes a strategy at the core of female representation in classical narrative film. Seamlessly inscribing male subjectivity, conventional male-centered narratives often wed us to that perspective; in this scene *Female Perversions* so foregrounds that perspective as to divorce us unequivocally from it. In so doing, the film represents a self-reflexive narrative version of historicized spectatorship, perhaps in an attempt to empower and confer agency upon its female spectators, a subject to which we shall return.

The film announces its premise before the narrative begins, with a printed epigraph from Kaplan's book:

For a woman to explore and express the fullness of her sexuality, her emotional and intellectual capacities, would entail who knows what risks and who knows what truly revolutionary alteration of the social conditions that demean and constrain her.

Or she may go on trying to fit herself into the order of the world and thereby consign herself forever to the bondage of some stereotype of normal femininity—a perversion, if you will.

In her book Kaplan examines sexual perversion in men and women, as well as the history of psychological and psychoanalytic discourse on perversions, revealing changing definitions and cultural attitudes toward the subject. Through case studies of actual patients and an interesting case study, of sorts, focusing on Flaubert's Emma Bovary, Kaplan argues that female perversions result from and are manifested within the very behaviors our culture deems as feminine or as "required" for women to adopt, including some of the very behaviors to which Eve is addicted—revolving around obsession with body, image, and control—all of which involve a distortion of female desire and

214 sexual expression. As Kaplan points out, "perversions, insofar as they derive much of their emotional force from social gender stereotypes, are as much pathologies of gender role identity as they are pathologies of sexuality," going on to assert that "socially normalized gender stereotypes are the crucibles of perversion" (Kaplan 1991, 14).

Framing
Female
Lawyers

Just as independent women feel they must walk a tightrope between self-assertion and self-effacement to avoid being perceived as threatening to the male establishment, so too must women walk a sexual tightrope between giving themselves over to pleasure and containing pleasure or desire in an effort to properly "perform" the gender/sexual role to which they have been assigned. In a series of silent, stylized tableaux, the film literalizes the tightrope metaphor, as Eve is shown tentatively attempting to traverse it or being confined in bondage by it. Masked figures—both male and female—pull the rope tighter. As in the David Hanover photo sessions and the flashback sequences in *Love Crimes*, these tightrope sequences prompt the question of whether Eve is experiencing pain or pleasure as she acts or is acted upon.

Kaplan argues that all perversion is reactionary in that it enables subsistence, through accommodation, within a culture that defines gender and sex roles with such rigidity that perverse strategies become necessary, to greater or lesser degrees. The tightrope sequences connect with this notion in two possible ways. First, if read as nondiegetic inserts, the sequences can be understood as allegorical representations suggesting that the conditions motivating perversion merge with the enactment of perversion. Played out in a highly stylized sadomasochistic setting, in which character movement is almost balletic and makeup and costume create caryatidlike figures placed dramatically against a black background, the tightrope sequences bring to mind Cowie's notion of fantasy as the *setting* for desire rather than as the *object* of desire. Considering Kaplan's premise as it might dovetail with Cowie's contention, then, these sequences could be understood to imply that fantasized perversion as reactionary accommodation never can arise from true desire, elicit free expressions of desire, or become objects of desire but can function only as the *setting for displacement* of desire.

A second way of thinking about the tightrope sequences potentially reinforces this first reading, if we understand the sequences as repre-

senting Eve's subjective sexual fantasies/anxieties. The film opens with a tightrope sequence, directly followed by an image of Eve and her boyfriend John (Clancy Brown) in bed together. We see the tightrope sequence again, after Eve provocatively enters John's office with shaving cream and razor, and tightrope sequences are twice intercut during Eve's sexual encounter with Renee. At a climactic point later in the film, as Eve dreams, the tightrope sequence is interwoven with images of Eve's recurrent childhood memory of her father's rejecting her mother's sexual advances, thus collapsing woman and child, mother and Eve. In the context of the "real" sequences within which they appear, the tightrope sequences remain ambiguous in terms of whether Eve experiences pain or pleasure; yet more often than not, she appears anxious, frightened, and uncertain, struggling for control. In another sense, then, these images can be seen to represent both the condition and the manifestation of Eve's perversion in that they provide a setting for desire, yet also a setting for the displacement of desire, particularly in the context of Kaplan's argument that stereotypes of femininity "serve as screens or disguises for a woman's forbidden and frightening masculine wishes" (Kaplan 1991, 18).

While the film, at times, partakes in mischievous humor, as in the courtroom sequence, it seems nevertheless to adopt Kaplan's theory that true sexual pleasure cannot be attained in a culture built upon active male dominance and passive female submission. Although men and women may exchange roles of dominance and submission in both straight and gay sexual relationships, the general model remains intact. Here Kaplan is very much at odds with Califia, who sees the "play" and potential subversion in dominance and submission. While characters in the film take on varying roles in the dominance/submission model, that basic model ultimately appears to hold them in a form of bondage, underscoring missteps, doubts, and recriminations in living through and living out these roles, even with the erotic charge they may deliver.

Interspersed throughout the film, quotations from Kaplan's book appear within the frame in unlikely places—embroidered on a pillow ("Perversions are Never What They Seem to Be"), painted on a bus-stop bench ("In a perversion there is no freedom, only rigid conformity to a gender stereotype"), and scrolled across the bottom of a TV screen ("Perversion keeps despair, anxiety and depression at

216 bay"). The incongruously banal settings suggest the pervasive presence of perversion in our everyday lives, which the film represents in various ways.

Framing

Female

Lawyers

Through parallel editing, we see Eve shop for lipstick and lingerie as her sister Maddy shoplifts a scarf and a garter belt. Both actions are graduated expressions of the perverse strategy, as Kaplan defines it. Compulsive shopping and kleptomania are "accusation[s] against the social environment" (Kaplan 1991, 287) that has forged "the domestic imprisonment of women, who are trained from childhood to find the satisfaction of all their desires in material goods" (Kaplan 1991, 305). This "imprisonment" arises from the "commodity fetishism of modern industrial societies," which, according to Kaplan, expresses itself through "modern sales techniques . . . that lure women into their various commodity crimes." Kaplan explains that "merchandise is displayed and advertised so that visual temptations are put in a woman's way before she ever gets to the objects she originally thought she wanted to purchase" (Kaplan 1991, 304–305). While the boutique and department store may appear to be spaces designed by and for women, they ultimately become "fantasy spaces" that establish the *mise-en-scène* or setting for the displacement of female desire, as Anne Friedberg implies in her discussion of the *flâneuse*, the female *flâneur* "whose gendered gaze became a key element of consumer address" (Friedberg 1995, 61). Just as applicable to the contemporary department store are Friedberg's observations concerning the nineteenth-century department store—where the woman found that "new desires were created for her by advertising and consumer culture; desires elaborated in a system of selling and consumption that depended on the relation between looking and buying and on the indirect desire to possess and incorporate through the eye" (Friedberg 1995, 63). Both spaces invite visual consumption—a form of spectatorship, if you will, serving capitalist consumerism. Eve's shopping and Maddy's shoplifting are perverse strategies acted out in a repressive setting, ultimately to feed the fantasy of empowerment and therefore to displace desire.

Both Eve and Maddy are aggressive and determined in their enactment of their chosen perverse strategies. Eve emerges from a dressing room wearing only a sheer bodysuit a size too small, displaying herself as other customers shop; Maddy exits a store with the stolen

garter belt, which she promptly throws in a trash can on the street corner. The film further illustrates how fully women participate in perpetuating the perverse strategy in relationship to other women. The female clerk at a cosmetics store tells Eve that she could “use something” when Eve asks if a certain moisturizer “really works,” and another female clerk encourages Maddy to buy one of the “miracle bras” on display—“I haven’t met a girl yet who doesn’t enjoy cleavage. They create cleavage like a crevice after an earthquake. Men just fall into it.” While the humor of this moment is undeniable, the self-consciously stark, almost painterly set design and shot composition bring to mind the convergence of the boutique and the Foucauldian prison. Friedberg refers to the department store as “the panopticon of the sexual market,” following Benjamin, who spoke of the employment of female sales clerks in department stores as the merging of buyer and seller and as “seller and commodity in one” (Friedberg 1995, 62). Benjamin’s observation makes all the more apparent the emulate/envy binary offered women as “spectators” of other women, now in the context of capitalist/consumerist imperatives.

*Feminist
Address and
Spectatorship*

Such moments in *Female Perversions* force a spectatorial distance imbued with acknowledgment rather than judgment of the female protagonists within this particular culture, thus constructing a rather complex female viewing position. While the film does not engage in conventional strategies of spectatorial identification or transference as Cowie describes them, it does attempt to create a conscious and self-conscious female spectator through overt inscriptions of spectatorship within the narrative itself. In an attempt to empower or confer agency upon its female spectators, as noted in the courtroom scene, *Female Perversions* represents a self-reflexive narrative version of historicized spectatorship, as Mayne defines it. The film creates multiple subject positions, often associated with the more traditional woman’s film (Mayne 1993, 64–72), while self-reflexively foregrounding and commenting upon those positions. It achieves this multiplicity in several ways: its representation of the various cultural texts addressed to women, including some film hybrids, women’s magazines, and advertising; its foregrounding of the contradiction between woman as defined by patriarchal ideology and women as historical subjects, as well as its representation of women who have the power of the look yet recognize themselves as the

218 objects of the male look; and its representation of female characters who identify with contradiction itself.

Framing This commentary on female subjectivity and (generalized) female
Female spectatorship is most evident in a series of sequences set outside the
Lawyers small town of Fillmore, where Maddy lives and is arrested for shoplifting. In this rural desert setting, Maddy rents a room from Emma (Laila Robins), a dress designer with an adolescent daughter, Edwina (Dale Shuger), who goes by "Ed." Having retreated from the onset of puberty through her boyish manner, short hair, and loose-fitting T-shirt and shorts, Ed furtively washes the blood from her shorts when she gets her first period and ceremoniously buries her bloody napkins in a kind of makeshift cemetery, explaining to Eve, "I'm burying the baby. . . . Every month a baby tries to take hold, then it gets washed away." Within scenes set in Emma's home, Ed's perspective becomes pivotal as she watches and responds to the various models of femininity offered her. She is drawn to Maddy, intrigued by Eve, impatient with her mother, and amused by her Aunt Annunciata (Frances Fisher).

In this location the film represents various female "types," their perverse strategies, and the subject positions they potentially adopt and create, playing these feminine differences through and against each other. While Maddy, as a compulsive shoplifter, displaces "aggression, lust, envy, vengeance, anxiety, depression, and agitated madness from personal relationships to material goods" (Kaplan 1991, 287), Eve enacts the womanly masquerade rather self-consciously, her actions centered on "posing," presenting herself and persistently testing out power relations. Annunciata, in her career as a stripper, appears to display a certain power in her exhibitionism, but that power is tempered by large doses of cynicism. Of this perverse strategy Kaplan points out that "ultimately the countless women who dress up in women's underwear, veils, or other semi-exposing female garments to pose in sexually explicit or sexually suggestive postures do so to reassure themselves that they will not be abandoned or annihilated. Their very existence is at stake" (Kaplan 1991, 257).

Emma, an avid reader of romance fiction, manufactures romanticized images of desire that place her at the mercy of men for a sense of self-definition and validation. As Kaplan describes it, the reader of romance fiction "attends as the virgin patiently peels away each of the many shells of phallic hardness until at last she arrives at the

soft custard of domestic desire at the center of the man's being—the caring, protective, loving, *husband*” (Kaplan 1991, 325–326). Emma will not allow Eve to use her telephone, for instance, fearful that her boyfriend Rick may try calling, and she agonizes over what she will wear on a weekend date, when she plans “to get him to tie the knot.” Having read Maddy’s dissertation about a matriarchal Mexican community, she tells Eve, “It’s wild—the women have all the power,” to which she quickly adds, “The awful thing is that they’re all so fat and unattractive. That happens in a matriarchy. So fat.”

And Ed, as the reluctant adolescent girl whose fear of adult femininity is manifested in delicate self-cutting, enacts a less serious form of self-mutilation, which, as Kaplan points out, is an expression of unease with a changing body through both “active and defiant gestures . . . most directly a means of avoiding passively suffered mutilation but also a method of forestalling final gender identity and denying that the illusions and hopes and dreams that made life endurable are lost forever—in this life at least” (Kaplan 1991, 364).

As the hypothetical, impressionable, young female spectator, Ed admires Maddy’s intelligent, straightforward manner and her independence from makeup and men. She takes up a defensive position when her mother bemoans the fact that Maddy (“poor thing”) has not had a boyfriend in over a year. Ed hangs out in Maddy’s room, reading her dissertation and working at her computer. Having surreptitiously followed Maddy into town, she watches from a distance as Maddy is arrested. Intrigued by Eve’s self-assertion, Ed positions a mirror in order to watch as Eve sits at the kitchen table and talks with her mother. When Ed’s aunt, Annunciata, arrives on the scene, bringing a gift of lace lingerie for Ed in celebration of her becoming a woman (getting “the curse”), Ed is amused. She feels strangely comfortable with this warm, hyperfeminized woman, so different from what she seems to be choosing for herself. As Ed photographs Annunciata, who models her skimpy, striptease costumes, she explains to Eve that Annunciata is “body doubling,” which, as Ed puts it, means that “ugly bodies become perfect by magic.” Annunciata instructs Ed on womanly behavior, saying, “It’s not something that comes naturally. You have to work at it . . . by studying other women.” Here the film explicitly articulates the condition of female spectatorship in a masculinist culture.

In one beautifully choreographed scene, the women interact and

enact multiple positions of female spectatorship, resulting in an interplay of attitudes and approaches to self-definition. Shot composition is richly layered, playing various planes of the image against each other, while always strongly foregrounding the reactions of Eve and Ed as they respond to the versions and perversions of femininity articulated. While Ed and Eve are most strongly inscribed as spectators, each woman becomes a spectator of the others. Emma arrives home unexpectedly, crushed that her date with Rick ended in a breakup rather than a marriage proposal. As she tearfully tells her story, close-ups of Ed reveal her annoyance and disappointment that her mother seems so weak and dependent. Through Ed's reactions, we sense that it is not the first time this sort of scene has played itself out. When Annunciata proclaims that Emma should be grateful now that she will have more time, Emma appears dumbfounded, asking, "For what?" Barely containing her hostility, Eve replies, "Your business." Expressing stereotypical dependence and self-deprecation, Emma sobs: "That will never mean anything. I miss him. I know he doesn't give as much as I do . . . but he's scared. I love him so much."

For the film viewer, Emma becomes linked with Eve's mother as we see her in the repeated flashbacks. Not only are Emma's expressions of desire entirely regulated by men, but her costuming also recalls that of Eve's mother. Her lacy white dress—overly girlish and virginal, perhaps expressing her romance-novel aspirations—recalls the lacy blue-gray robe worn by Eve's mother in the flashbacks. The fabric of the dress and the robe, as well as the lace curtains in Emma's home, creates a cloying atmosphere of self-imposed weakness and femininity, as Eve seems to perceive it. In a culture that so devalues the feminine, Eve has come to fear this version of femininity, much as T. K. does in her rejection of Ellie in *Defenseless*. As a woman shaped by an oppressive culture, Eve is not ready to acknowledge her mother's circumstance as one shaped by those same conditions. In a clever reversal the *women* serve as internal audience to Annunciata's performance as she demonstrates her latest striptease routine, narrating as she moves slowly and seductively: "You got to be everybody's dream. Everything to everybody." At this moment, Annunciata's torso, covered in black fishnet, fills the right half of the frame as she stands in front of Eve, whose discomfort is powerfully registered (fig. 7.11). For a split second Eve's childhood flashback is intercut, and Annunciata's dance melts smoothly into the movement

of Eve's mother as she lowers herself onto the father's lap.

As an adolescent, Ed is confronted with a culture that offers few truly positive alternatives for a girl growing into womanhood. When Annunciata says, "You got to erase yourself. You got to become—like—generic," reaction shots of Ed reveal her playing with a pair of scissors, cutting at the skin on her fingers and hands, metaphorically "erasing" herself perhaps. A second time we see Ed, she snips at the lace bridal veil on one of her mother's mannequins. As internal audience, Ed is the reluctant spectator, *uncomfortable* with the positions offered by her mother and her aunt. In fact, neither woman provides a coherent subject position at all, each having molded herself, with radically different results, to male desires. Just as Annunciata suggests, both she and Emma *are* generic, each reflexively representing a stereotypical female character present in any number of genre films from the western to the melodrama and the musical: the dependent, domestic woman whose only concern is supporting her man and the good-hearted, tough-edged, world-weary prostitute, whose transgressions are punished either by death or emotional isolation.

As Annunciata dances with Emma, who moves trancelike, moaning, "Rick, I'm yours," a tight close-up of Eve registers her suffocating sense of entrapment and, at this moment, a more extended portion of the childhood flashback is played out. Eve's mother seductively reaches for the father's pen, tracing a circle around her breast nipple and leaning toward him as he pushes her to the floor. She looks up humiliated, her lip bleeding. The link between her mother and Emma, whose behavior prompts this memory, is overpowering for Eve. As internalized audience or spectator within this scene, Eve adopts two positions simultaneously: a masculine subject position—dismissive, as male critics were of weepies or women's films—and a feminine subject position—deeply affected and disturbed by what she sees. She recognizes her own dependence and vulnerability played out in exaggerated terms. Eve is thus positioned as a spectator in much the same way Elaine Showalter argues women writers are positioned in



FIGURE 7.11. *Annunciata* (Frances Fisher) appears to suffocate Eve (Tilda Swinton) with her performance of hyperfemininity, forcing Eve to confront her own discomfort with her mother's weakened feminine state. From ***Female Perversions***, © October Films, 1997.

222 a masculinist culture, having been exposed primarily to the literary traditions and culture of men. Linda Williams suggests, following Showalter, that this positioning—as women who develop their own “culture” within the overarching male-dominated culture—results in a “double-voiced discourse” for women (Williams 1994, 433), an observation that parallels the internalized masculine position that many female spectators adopt with regard to other women and themselves.

Framing
Female
Lawyers

Like *Love Crimes*, *Female Perversions* shows women in the grip of their own objectification, commodification, and repressed sexual desire. In the context of cultural conditions that purport to grant them agency and power only to disguise their restraints, women both embody and act out the meaning of those restraints in the form of commonplace and not so commonplace behaviors. But while *Love Crimes* and *Female Perversions* represent female characters dependent upon the male gaze for validation, both films also represent points of resistance. In Dana's case, resistance results in a breakdown of sorts, yet one that will force her to reposition herself in relationship to the institutions that tacitly support and validate her subjugation. In Eve's case, resistance comes in the form of recognition.

When the governor interviews her for the judgeship she so desires, questioning her status as a single, childless woman (“Don't you feel isolated? Do you miss not having a family? . . . I suppose living alone just gives you more time to read, doesn't it?”), Eve can only stumble through a reply, later recriminating herself for not having pretended to be engaged. Later that evening Eve and Maddy watch a home movie from their childhood, a movie Maddy has played several times throughout *Female Perversions*. Shot on the very afternoon of the incident depicted in Eve's childhood flashback, the movie prompts Eve to remember what she has been repressing all along—that she ran to her father rather than comforting her rejected mother. That night as Eve dreams, images from the home movie converge with images from the flashback and images of the tightrope Eve feels consigned to walk. In the dream Ed appears and cuts the tightrope with a razor—the very razor she presumably uses when delicately cutting her skin—as Eve plunges into a cross-shaped swimming pool at her parents' home, a pool we recognize from the home movie. At that moment Eve awakens, crying and frightened, as Maddy soothes and

consoles her. Shortly after, Eve walks outside in the blue-gray light of dawn and secretly follows Ed through the desert landscape to the makeshift cemetery she has created. As Ed runs frightened, Eve pursues her and calms her, just as Maddy has earlier comforted Eve. Perhaps, metaphorically, Eve is now ready to console her own mother.

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Feminist

Address and

Spectatorship

These final images present us with a comfort in female unity, but to its credit, the film avoids suggesting that the differences separating these women, or the difficulties of women in the context of a phallogentric culture, can be easily resolved. If anything, these final scenes provide for a recognition of the "double-voiced discourse," thus potentially presenting points of resistance to the pervasive emulate/envy dichotomy offered women in relationship to other women within a culture of commodification.

Policing Female Sexuality, Policing the Patriarchy

Attempting to consciously take hold of Hollywood's tendency to police the sexuality of women in law, *Love Crimes* and *Female Perversions* in particular expose, question, and shift the terms of argument away from the necessity of policing female sexuality toward the necessity of interrogating and policing patriarchal institutions in their historical oppression and policing of women. The legal institution in *Love Crimes* and consumerist culture in *Female Perversions*—both supported by a patriarchal network—become objects of close scrutiny. And as part of this examination, the films interrogate the commodification of women sometimes perpetuated in the guise of liberation: the female is "empowered" to purchase, only to create herself as a commodity desirable enough to be "purchased." Yet from this dichotomy emerge tenuous points of resistance, sometimes in the form of perverse strategies as defined by Kaplan, which ultimately are not liberating at all but do signify rebellion against patriarchal constraints, or sometimes in the form of potentially self-destructive behavior, as in the case of Dana's pursuit of Hanover. Shaped by external cultural influences and consequently unpracticed in expressing or imagining what they actually want, women are shown as conflicted in their articulation of desire. In both films the legal institution is present as a backdrop, indirectly regulating

224 and delimiting desire. By contrast, the law is overtly present in *The Accused*, which to some degree unmasks the legal system's failure of vision in regard to women.

Framing

Female

Lawyers

On the surface of things, *Love Crimes* follows the crime film convention defined by Tasker on almost every point. Dana investigates Hanover; fluid acts of identification draw her to him through her unconscious desire to explore her own repressed sexuality. And certainly the legal establishment, including her lover Stanton, seems compelled to police her actions and interrogate her motives as events unfold. Through the very foregrounding of Dana's sexual repression and through the self-reflexive exploration of fluid identification strategies, however, *Love Crimes*, at the very least, *attempts* to represent a reversal of the formula Tasker describes. The film calls into question the cultural conditions shaping Dana's repression. This process of questioning results in narrative resolution through Dana's recognition that she cannot continue working under the policing gaze of the legal system and hope to achieve her own sense of balance, autonomy, and fulfillment—either professional or personal. *Love Crimes* exposes the internalized tightrope Dana feels consigned to walk within the patriarchal legal system, further exposing her absence of genuine power. The film finds no valid reason why Dana should remain as a handmaiden to the law.

Likewise, we see the deformation of Eve in *Female Perversions*, in which she also is forced to walk a tightrope as a female lawyer who is intelligent and ambitious but feels compelled to masquerade her desires and ambitions, fearful that she will be expelled from the patriarchal paradise that promises knowledge and power. In exposing the uneasy quality of Eve's masquerade, the film further exposes the cultural conditions that encourage the deforming masquerade in the first place. The perverse strategies enacted by various women in the film, moreover, serve as an argument for policing *not the women* but the cultural institutions that confine and oppress them. *The Accused*, on the other hand, while it begins to approach this reversal of the policed/policing relationship insofar as women in law and subject to law are concerned, does so through the generic devices common to films of earlier chapters, with the effect ultimately of ratifying the rightness of the law.

Significantly, Mayne's notion of acknowledgment and retreat from generic limitations in film representations of women seems self-

reflexively operative within all three films, which enter into their own negotiated readings of the preexisting body of contemporary female lawyer films. With the generic female lawyer as intertext, they move beyond the consideration of her professional status directly to a consideration of sexuality in the context of a phallogentric culture. *The Accused* operates as a transitional film, as noted, with the generic female lawyer divided into two figures: the “public” female prosecutor who is all business and intellect (in fact, we see her in her home in only two very brief scenes) and the “private” female rape victim who is all emotion and physicality, whose primary defining space is the constricting mobile home in which she lives.

Through inscriptions of spectatorship, each of the three films further shifts the terms of Tasker’s argument, representing multiple viewing positions and inviting film spectators to take up multiple positions, thus allegorizing—and at moments perhaps valorizing, though not unproblematically so—the fluidity of such identification strategies. The films illustrate the complications of female spectatorship, suggesting that it often involves identification with contradiction itself, as Mayne suggests, allowing for the recognition and appreciation of complications involved in feminist address within a phallogentric cultural context. Female spectatorship is not a simple matter within this context, and both *Love Crimes* and *Female Perversions* inscribe complex models of female spectatorship while creating equally complex viewing positions that challenge or rub against the grain of the conventional tendencies Tasker describes. *The Accused* likewise problematizes male spectatorship, though in a less fully realized manner, taking the initial steps toward approaching the more complex questions posed by *Love Crimes* and *Female Perversions*.

And herein resides the pleasure these films provide. By opening spectatorship up to a multiplicity of positions and by examining the complicated interplay of power and resistance, dominance and submission, on the levels of content, theme, and structure, the films, for the most part, avoid creating overly reductive containment/subversion strategies, enabling the viewer likewise to avoid such overly reductive dichotomies in relationship to female characters. While Dana in *Love Crimes* willfully abandons the practice of law, the film refuses utopian assumptions about what this independence will mean or whether it can be sustained in any meaningful way beyond the moments we are allowed to witness in the film. As Dana

226 sets fire to her photograph, she destroys the already frozen moment of her awakening desire, in part because the patriarchal law wishes to “capture” that moment in its interrogation of her. Significantly, *Framing Female Perversions* ends on a freeze frame of Ed’s face cradled in Eve’s hands. While these static moments in both films perhaps hint at feminist utopian promise, they remain layered with the very real problematics of women existing in a phallocentric culture. The films perhaps suggest that such moments can, at this point, exist only as moments—frozen and isolated.

CONCLUSION

Propelled into the new century, female lawyer narratives continue to appear, with *Erin Brokovich* (a legal assistant) in 2000; *Legally Blonde* and *I Am Sam* in 2001, *High Crimes* and *Two Weeks Notice* in 2002, *The Statement* and *Legally Blonde 2: Red, White & Blonde* in 2003, and, in 2004, *Laws of Attraction*. If the concentrated interrogation of the female lawyer has subsided to some degree within these films, perhaps that is because the notion of women in law is now a given, an irreversible trend in a country where women, in 2001, comprised more than 50 percent of law school students. What remains relatively constant, however, is the positioning of the female lawyer with respect to issues of sexuality, romance, and family.

Something of an exception, *The Statement*, much as *In the Name of the Father*, focuses primarily on the case at hand—a present-day investigation in France headed by the tenacious Judge Anne Marie Livi (Tilda Swinton) into the war crimes of a soldier ordered to shoot seven Jews under Nazi command during the Vichy regime. The psychology of the former soldier, Pierre Brossard (Michael Caine), now a man in his seventies, is very much the centerpiece of the film. Unlike *Music Box*, which, to some degree, asks whether the punishment of an old man should matter now, this film examines both past and present guilt as Brossard continues killing in an attempt to conceal his identity. Livi's determination in apprehending Brossard defines her as competent though not quite heroic—as we might imagine a male lawyer would be defined in similar circumstances.

As she confronts a complex network of deception among several highly placed French government and Catholic Church officials complicit in hiding and supporting Brossard, she is warned by an elderly government official, with whom she has close personal ties, that this case, in which "law and politics collide," is a "poisoned chalice." Livi is warned by this bad father figure, much as the film noir male is often warned about the unfathomable web of corruption entrap-

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ping him. While Livi relies on Colonel Roux (Jeremy Northam), a military liaison assisting in the investigation, he neither brackets nor displaces her agency, as often happens in female lawyer films. By and large, Livi is presented as an ambitious, aggressive, hard-working protagonist whose personal life does not become a site of interrogation. She makes mistakes but ultimately succeeds, risking her own solid standing within the French legal institution and government.

More in keeping with female lawyer films of the 1980s and 1990s, both *High Crimes* and *I Am Sam* position their female lawyers in the context of family and personal fulfillment. Very much in the mode of *Music Box* and the 1998 thriller *Return to Paradise*—in which a female lawyer comes to the defense of her brother—the thriller *High Crimes* involves female lawyer Claire Kubik (Ashley Judd), who is defending her husband, a former Marine, charged with the murder of innocent civilians in a clandestine mission in El Salvador.

As in *Music Box*, the female lawyer's loyalties in the private sphere diminish her objectivity in the public sphere as the issue of her husband's true identity becomes clear. The man she supposes to be her husband Tom turns out to be Ron Chapman (James Caviezel), a Marine deserter who is indeed guilty and quite skillful in manipulating Claire's desire to believe in him. As Claire slowly unpeels layers of deception by the military, she becomes a target of aggression. The film enacts a hyperbolic misogyny while simultaneously appearing to expose corruption and masculinist excess within the Marine Corps (very much in the mode of *Fair Game*, *The Pelican Brief*, *A Few Good Men*, and *Conspiracy Theory*). The labyrinthine plot in which Claire (and the viewer) is caught registers a deeply rooted crisis in the patriarchal institutions of law, the military, and the government.

Moral balance and insight are embodied by Charlie Grimes (Morgan Freeman), a retired Marine and recovered alcoholic who assists Claire and serves as the good father, steering her along a complicated network of conspiracy. As an African American male, he is cast in the role of the perceptive assistant who, in the end, presents an alternative to a monolithic white male patriarchy when he convinces Claire to join him in forming a new law practice. While this *is* an alternative, it nevertheless legitimizes the existing system in its ability to extend the "privilege."

I Am Sam, like so many female lawyer films inflected with elements of melodrama, focuses on the failed maternal qualities of law-

yer Rita Harrison (Michelle Pfeiffer), who helps her mentally retarded client, Sam Dawson (Sean Penn), to win legal custody of seven-year-old Lucy (Dakota Fanning), a child placed in Sam's care by her homeless mother. Not unlike the remote, rigid attorney in *Curly Sue*, Rita learns how to genuinely care for her own son only after observing the nurturing Sam as he showers Lucy with unconditional love. The female lawyer as cultural stereotype is telegraphed here, leading *New York Times* critic A. O. Scott to observe the "brittle efficiency" of Rita, who "in the first five minutes of screen time . . . hangs up on her son, blows off her therapist, reduces her assistant to tears and for good measure kicks over a bowl of jelly beans." Scott goes on to define her as "a ball of furious ambition, and needless to say, frustrated maternal instincts" (Scott 2001, E19). If this were a comedy, such broad strokes would serve a generic purpose and would perhaps temper the film's antifeminist position. In this context, however, the film quite seriously suggests that only after she becomes a selfless mother can Rita truly become an effective lawyer—and it is Sam who must show her the way.

The romantic comedy hybrid *Two Weeks Notice* plays on class differences, much as *Curly Sue* and *Other People's Money*. As in *Other People's Money*, the female lawyer—in this case, the politically liberal legal aid attorney Lucy Kelson (Sandra Bullock)—finds herself initially protesting the actions of wealthy real estate developer George Wade (Hugh Grant), until he hires her to work on *his* side, effectively attenuating her power with the promise of building a community center in the working-class neighborhood where she grew up.

As in the dual-focus musical, simultaneity and comparison encourage us to read George's acquisitive lifestyle against Lucy's larger ideals, to which she remains strongly committed, even as she races to answer George's persistent cell phone demands—acting more often as a fashion consultant than as an intelligent, accomplished professional. Lucy's ideals, however, have blinded her to her own emotions, with which she seems awkward and uneasy.

In the tradition of *Adam's Rib* and, more recently, *The Big Easy*, these characters could conceivably have exchanged clever verbal volleys on the differing ethical values, political beliefs, and socioeconomic backgrounds separating them. But in failing to thus enliven the playful romantic tensions, the film, while entertaining, all too

230 predictably and superficially tempers Lucy's autonomy with the happy ending of romance.

Framing *Laws of Attraction* likewise tempers the professional and personal
Female autonomy of its female lawyer in highly formulaic terms. Audrey
Lawyers Woods (Julianne Moore) and Daniel Rafferty (Pierce Brosnan) are opposing divorce attorneys—she, well groomed and obsessively well prepared, methodically lining up her multicolored highlighters in preparation for a pre-trial hearing; he, disheveled and asleep at the defense table, snoring loudly as she attempts to introduce herself. Beneath her meticulously professional demeanor, however, Audrey is a wreck. Upon first hearing that she will be facing an attorney unknown to her, she races into the ladies room, stuffs a snowball cupcake into her mouth, quickly regains her composure, and assures her client that everything is under control. The film thus broadly illustrates the very tenuous nature of Audrey's control.

Throughout their courtroom sparring in a series of cases, Daniel's attraction becomes increasingly apparent, while Audrey's resistance appears as tenuous as her control. Upon discovering that they have been married during a drunken evening—a marriage they have agreed to uphold in appearance only—he declares his love: "I don't believe in divorce. I'm not in the marriage to save my career. I don't care about my career; I care about you." Voiced by the male protagonist, these words are volleys aimed at feminist values, now shown to hinder the female lawyer who must be taught that her true desire is for love and marriage.

Audrey's youth-obsessed but good-natured mother (Frances Fisher) serves as mouthpiece for the film's position. Early on, she advises Audrey that she could "get a guy to ask her out" if she made a greater effort. It is also her mother who points out that "80 percent of the women who say they're too busy to have a relationship are lonely," a sentiment that, repeated at the beginning and the end, forms a post-feminist thematic frame around this generally insipid film, ending with Audrey's acquiescence.

Also comedies echoing postfeminist sentiments, both *Legally Blonde* and its sequel temper Elle Woods's (Reese Witherspoon) strength of will. As she rises from sorority-house undergraduate to Harvard Law School matriculant in the first film, her law school ambitions are initially motivated by a breakup with her blue-blooded boyfriend, Warner Huntington III (Matthew Davis), who bluntly pro-

claims that she is an unsuitable match for a man of his breeding and political aspirations. About to begin his studies in law at Harvard, he quips, "I need to marry a Jackie, not a Marilyn," referencing iconic women untouched by a feminism's second wave.

The film plays on Elle's "fish out of water" appearance as she dons hyperfeminine sorority-girl pastels, writing with her pink feather pen, amid other Harvard students clad in dark colors, working away on their laptops. In spite of snide insults from her classmates, Elle succeeds, winning on her own terms without conforming to the notions of muted or suppressed femininity surrounding her. Warner gets his comeuppance, and Elle is taken under the wing of the far more desirable lawyer Emmett Richmond (Luke Wilson), who proposes marriage. And as a student clerk, Elle wins a surprising courtroom victory, calling upon her feminine knowledge of hair care to entrap a deceptive witness.

In the context of comedy, the potential threat of female empowerment is abated. Though truly entertaining—in large part due to Reese Witherspoon's pitch-perfect performance—*Legally Blonde* curiously conveys the condition of a postfeminist era. Elle, like so many female lawyers in film, ultimately serves the interests of the system. While her hyperbolic "difference" is eventually tolerated—mainly by her female colleagues, who are most outspoken in their criticism of her hyperfeminine qualities—she is in no way positioned to seriously question or alter the system. In many respects, she serves the system by presenting a postfeminist counterweight to the other "less feminine" law students who snub her. They threaten Elle, who remains ever-forgiving, and *they*, by extension, are shown to threaten the system. Elle's unflagging good will and ditzzy demeanor define her as a threat to no one, although these other women see her as threatening their more "enlightened" approach to gender performance. The comic tone does much to dispel a critique of the system, which seems unable to accommodate varied expressions of femininity. Ultimately the film plays "versions" of femininity and female empowerment against each other, in many respects adopting a postfeminist stance—one that both masks and rationalizes the antifeminism expressed in female lawyer films of the 1980s and 1990s.

Interestingly, however, neither *Legally Blonde* nor the far less engaging *Legally Blonde 2* adopts the dual structure often resulting in displacement of the female lawyer's agency by a male protagonist.

232 In fact, the desire for romance, though initiating Elle's law school career, is soon supplanted by larger concerns involving Elle's negotiating the rigid boundaries of the system.

Framing

Female In *Legally Blonde 2* Emmet, Elle's husband-to-be, remains at home awaiting her return as she travels to the nation's capitol in order to wage a battle for animal rights. Cast in the role of a somewhat feminized male, Emmett remains on the periphery, appearing only to bolster Elle's flagging enthusiasm at moments of disappointment or defeat.

Lawyers

As in *Legally Blonde*, the sequel places Elle in conflict with other women—represented in dress or demeanor as “more serious.” Congresswomen Victoria Rudd (Sally Field) and Libby Hauser (Dana Ivey), as well as Rudd's congressional aide Grace Rossiter (Regina King), are, at various points and configurations, the phallic women who broker power and are positioned within the narrative to confirm—and to mediate—viewer anxieties. While these women frequent beauty parlors and don feminine accoutrements, they appear to do so sometimes begrudgingly, placing them at odds with Elle's “authentic” embrace of the “inauthenticity” of feminine performance. It is not until her hyperfeminized Delta Nu sorority sisters appear on the scene in a show of collective support that Elle is able to defeat Victoria Rudd. Even more overtly, then, the sequel seems to place various forms of femininity in competition, masking its own antifeminism when Elle wins the right to speak before Congress with the help of her female collective, which now includes Grace and Libby. It is the soft, sexy, ditzy demeanor that wins the day, and while this often becomes the focal point of the film's humor, it is this version of femininity that ultimately legitimizes the system in “granting” Elle a voice and allowing her to be heard.

As Elle chooses her attire for her first day on Capitol Hill, she rejects several suits as “too Nancy,” “too Hillary,” “too Monica.” She appears, finally, in a pink suit with matching pillbox that are clearly very “Jackie.” Once again, the relatively apolitical, elegant, and beautiful First Lady—presented as the prefeminist cultural ideal—becomes the model for a postfeminist female lawyer. Is this an articulation of liberation or a masquerade aimed at reassuring men—and other powerful women—that she poses no threat? Unlike *Female Perversions*, this film never attempts to explore the question. The film positions the “other” less feminine professional women as both

dismissive of and condescending to Elle, yet also as secretly fearful of Elle's potential power to steal back *their* power. And it is within the insecurity of these seemingly powerful women that the film rests its case.

The movie presents an interesting reversal of the conditions present in *Defenseless*, in which Ellie, the hypertraditional woman, represents a return of the repressed figure of female repression, which neither the liberated female lawyer nor the patriarchy can tolerate. Does Elle arise to seek Ellie's retribution?

In many respects Elle seems a throwback to the New Traditional Woman as advanced by the Reagan New Right—she dons the feminine masquerade while striking out on her own, never forgetting, however, that her man awaits her and that the law assists her—both in securing the man and in giving her (an economically privileged white woman) a voice. During a fitting of her wedding gown, Elle proclaims, “Don’t fight the fabric, change it,” an aptly phrased though never realized metaphor for her battle with the state.

As we have seen throughout this study, cultural imperatives aimed at protecting the patriarchy and its phallogocentric institutions give rise to a complex interplay of ideological continuity and rupture in female lawyer narratives and the culture that produces them. The anxieties underlying not only post–World War II desires for a return to “normalcy” but also the ruptures of 1960s and 1970s movement politics, as well as the attempted sealing over of such ruptures in 1980s New Right rhetoric and ideology, find a register in film genre, which, as Timothy Corrigan observes, “has always struggled valiantly to accommodate within its formulas the social and cultural contradictions of history as though they were a single story” (Corrigan 1991, 137).

Law likewise attempts to seal over rupture and appears to accommodate difference through the granting of “rights,” thus forming a “substitute connection” between law and its citizens, which, as legal theorist Elizabeth Schneider points out, “‘freezes and falsifies’ rich and complex social experience,” reifying citizens by creating “an illusory sense of community that disables any real connection” (Schneider 1991, 319). Underlying this paradoxical system that disables while creating a false sense of connection, however, is a vague anxiety arising from the very fragility of its illusory “totality,” forged

234 when untroubled citizens are given voice and speak as though articulating a single story.

Framing When a female lawyer occupies center stage in both law and conventional narrative film, these reifying tendencies are reinforced, yet
Female ever so slightly exposed, as we have seen, resulting in a narrative
Lawyers incoherence through which, to borrow Robin Wood's apt observation, "a crisis in ideological confidence" rises to the surface (Wood 1986, 50). The female lawyer film, often positioning its woman lawyer at a distance from genuine power within the law, frequently takes as its purpose the unveiling of the female lawyer's "substitute connection" to the system. This unveiling of her false connection to phallic power potentially reinforces the illusory connection to such power for an audience of "ordinary citizens," invited to scrutinize the female lawyer's inadequacies, particularly in those films casting the female lawyer as a threat to the system of justice.

Conversely, however, recognition of the female lawyer's substitute connection may also arouse viewer anxiety, for in it citizens, both male and female, may recognize the fallacy of their own connection to genuine empowerment in law and through law. The films' ultimate interrogation of the female lawyer, then, may serve to dispel or displace this anxiety, perhaps playing on Elizabeth Cowie's notion of transference as discussed in Chapter 7.

Like the film noir femme fatale, the Hollywood female lawyer of the mid-1980s seems rooted in a particular time and place, yet carries a cultural charge reverberating beyond a specific era or locale. While the female lawyer stereotype is symptomatic of the Reagan era, in which declarations supporting equality collapsed beneath policies undermining feminist gains, she nevertheless is expressive of a genuine female desire to see career women represented onscreen, elaborating upon such images more pervasively present in print advertising of the day.

What I hope this study has shown is that the female lawyer in film has become a kind of lens or "cultural code" through which to view a variety of ideological conditions. In the 1980s and 1990s the cinematic female lawyer became emblematic of a substitute connection that she was attempting to forge with law and genuine empowerment, a situation that exposed her as a danger to the stability of a territory designated as not her own. Both *Love Crimes* and *Female Perversions*, as we have seen, however, make use of the female law-

yer code as a kind of cinematic shorthand to expose the damaging impact upon women of patriarchy's tenacious hold on power within the law. 235

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But as both narrative and law attempt to contain female agency or devalue female authorship, cracks and fissures appear, revealing an underlying rupture in the smooth totality of patriarchy. In spite of narrative strategies designed to control or contain her, the female lawyer narrative has fractured—if ever so slightly—an illusory single story.

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NOTES

Introduction

1. Beginning in the 1920s, and most closely associated with the “flapper,” the New Woman was defined by her independence and her androgynous appearance, which, according to Judith Mayne, “represented a complex response to the new visibility of lesbians” involving both a mainstreaming of lesbian style and identity, as well as “a panic about lesbianism, and the attendant desire to protect heterosexuality” (Mayne 1994, 154–155). Reemerging in the post–World War II era, the notion of the New Woman gathered greater resonance in terms of women seeking autonomy and independence outside traditional roles defined by heterosexual matrimony—whether through career or sexuality. *Adam’s Rib* confines its discourse on the New Woman to its representation of Amanda—an intelligent, educated, professional woman with strongly articulated, progressive beliefs concerning women’s legal rights and nontraditional career ambitions. As a married woman, Amanda deflects underlying issues of lesbian sexual identity; yet as a woman with no children, she embraces a less than conventional matrimonial arrangement.

2. See the filmography for a complete listing of the films and their directors.

3. The number of female lawyers in film since 1980 has far exceeded female protagonists in other male-dominated professions, including medicine, journalism, and science. While female characters in these professions most certainly do appear in Hollywood films of the period, no discernible body of films has emerged comparable to that featuring female lawyers.

4. Enforcement of the Paramount ruling—which, in 1949, prohibited studio monopoly of film exhibition, thus forcing studios to divest themselves of the theaters they owned—became lax during the Reagan administration, resulting in renewed studio ownership of theaters and in pressure to produce more movies with an eye to profitable box office potential (Sklar 1994, 340–343).

5. While Sklar points out that some form of synergy always existed in the American film industry—with its ties to vaudeville, theatrical productions, radio, television, novels, and short stories—the 1980s saw an expanded and economically rewarding approach to this notion of combined and cooperative action through the marketing of its film products on cable television, video cassettes, and home computers, not to mention the creation of spin-off products like toys, clothing, and video games (Sklar 1994, 339–341).

6. Although Sherry Lansing produced the decidedly misogynist *Fatal Attraction* (1987), she also coproduced *The Accused* the following year, one of the few female lawyer films to take on an overtly feminist issue.

7. From the mid-1980s and beyond, television has been a major source for representations of female lawyers, both in fiction and nonfiction programming. While television's fictional representation of female lawyers is worthy of its own comprehensive study, I have chosen to train my focus on film in this book. The structure of many TV shows involving female lawyers results in far less intensive interrogation of the female protagonists than do films of the period. Often centered on a law firm, television narratives tend to interweave the stories of several lawyers—typically both male and female—within a given episode. While we learn about these characters over time, individual episodes tend to focus on the cases or legal issues at hand.

Unlike the more singular line of focus in television shows of earlier decades, as in *Perry Mason*, for instance, the contemporary law show is broken into short scenarios, shifting viewer attention with great fluidity and rapidity from character to character and case to case, with little sustained analysis of any one character at a time. While the female lawyer's inadequacies or accomplishments may sometimes be identified as stereotypically "female"—with issues from the private sphere at times compromising her public work—she functions as one of several focal points, without the sense that her defeats or triumphs weigh more heavily than those of other members of the firm. This splintering of focus, while it does create a sense of simultaneity, as we shall see in a number of female lawyer films, does not, as a rule, invite intensive comparison between the female protagonist and a male counterpart, as is often the case in those female lawyer films adopting a dual-focus structure.

Among the most notable shows adopting a "splintered" focus are *Hill Street Blues* (a police drama, running from 1981 to 1987, which included a female assistant public defender as a regular character); *L.A. Law* (a drama, running from 1986 to 1994, featuring four female lawyers in a nine-attorney firm); *Civil Wars* (a drama, airing from 1991 to 1993, featuring a female divorce lawyer with two male partners); and *Ally McBeal* (a somewhat surreal comedy, airing from 1997 to 2002, with the law firm and potentially complex legal issues serving merely as a backdrop to the personal concerns of both male and female lawyers; though Ally, played by Calista Flockhart, was the main character, her professional ambitions rarely became a subject of intense scrutiny). One show with focus trained rather intensively upon its female lawyer was *The Trials of Rosie O'Neill*, airing from 1990 to 1992. Each episode opened as Rosie (Sharon Gless) delivered a monologue while sitting in her therapist's office. Another exception is *Judging Amy*, which focuses closely on its eponymous female judge. A number of other shows worthy of study include the *Law and Order* series, *The Practice*, *Family Law*, *Philly*, *First Monday*, *The Court*, and *NYPD Blue*.

8. Among the top-grossing female lawyer films are *Jagged Edge* (1985, \$40,491,165); *Legal Eagles* (1986, \$49,851,591); *Curly Sue* (1991, \$33,146,572); *Class Action* (1991, \$23,940,341); *Other People's Money* (1991, \$25,624,503); *The Pelican Brief* (1993, \$100,650,595); and *The Client* (1994, \$90,841,791). Top-grossing films of approximately the same period featuring male lawyers as protagonists or constructing dual-focus narratives around a male and a female lawyer include *The Verdict* (1982, \$26,700,000); *Presumed Innocent* (1990, \$86,022,020); and *A Few Good Men* (1992, \$141,340,178).

The female lawyer films that failed most notably at the box office, in light of their production costs, include *Physical Evidence* (1988, earning \$3,507,050 on an estimated budget of \$15,000,000 to \$17,000,000); *Love Crimes* (1992, earning \$2,300,000 on an estimated budget of \$6,000,000); and *Fair Game* (1994, earning \$11,190,582 on an estimated budget of \$30,000,000).

The figures above, with the exception of *The Verdict* earnings, were obtained from Baseline, thanks to David Lugowski, to whom I am deeply indebted. The figures on *The Verdict* are approximate figures obtained from Christopher Case's *The Ultimate Movie Thesaurus* (Case 1996, 1062).

9. The concept of the "New Traditional Woman" constructs a tightrope for women by distinguishing between "mutable" conventions (i.e., women should be educated, now that technology has lightened the burden of housework) and unchanging traditional values (i.e., the husband, regardless of his earning power in relationship with that of his wife, should be the undisputed patriarch of the family) (Klatch 1995, 275). The notion that some women choose to walk this tightrope between convention and tradition provides valuable insight into representations of women in certain female lawyer films.

10. In a comprehensive study titled *Feminist Politics and Human Nature*, Alison M. Jaggar points out the overlapping and contradictory philosophical and political positions of four branches of feminism: liberal feminism, traditional Marxist feminism, radical feminism, and socialist feminism. Although additional branches of feminist thought exist, for the purposes of my study it is most useful to point out that the limitations of liberalism discussed in the introduction parallel many of the limitations Jaggar identifies within liberal feminism. While liberal feminism is responsible for many advances and improvements in the legal status of women in the last two decades or so, Jaggar points out that this branch of feminism is ultimately dependent upon the state and the legal system to enact and enforce those advances. This somewhat paradoxical situation is not unlike the paradoxical representation of female lawyers in film. Just as the liberalism of these films tends to collapse under its own weight, so, too, the liberal feminist dependence upon state and legal power ultimately reinforces those patriarchal structures while appearing to advance the cause of women.

11. Ironically, it is obsessive concern with the individual over the community that marks eras of conservatism in American politics and culture.

Arthur Levine points out that “an emphasis on ‘me’ is what differentiates periods of individual ascendancy from periods of community ascendancy. . . . Individual ascendancy is concerned principally with rights, community ascendancy with responsibilities” (quoted in McElvaine 1987, 4–5). While the ERA struggle was concerned with rights, it was concerned with the rights of a community of people and the larger responsibility of the culture to this community, as were the various other social action movements of the late 1960s through the mid-1970s. The New Right has always been adept at appropriating and misapplying language and trends of thinking, as evident in the case of “Me-decade” rhetoric.

12. Though not related to ratification of the ERA, President Clinton’s abrupt withdrawal of Lani Guinier, nominated in 1994 to head the Civil Rights Division of the Justice Department, was perhaps an attempt to placate conservatives (and many liberals) who perceived Guinier’s academic writings in support of proportional representation as threatening to a white male power base in government.

13. Chapter 2 will briefly outline Lacanian theory, teasing apart the notions of “patriarchy” and “phallocentrism” and discussing the relevance of these ideas to an understanding of women in the context of law.

14. The Critical Legal Studies movement (CLS) emerged in the 1970s, bringing to the examination of law’s operation within our culture the European perspectives of Foucault and Gramsci, among others, on issues involving language, meaning, power, and knowledge. According to Katharine T. Bartlett and Rosanne Kennedy, Critical Legal Studies “accept[s] the postmodern critique of rationalism in modern Western culture, reject[s] the law’s claim to neutrality, attack[s] the hierarchical structures of democratic society, and lament[s] the poverty of individualism” (Bartlett and Kennedy 1991, 9). Bartlett and Kennedy also explain that feminists affiliated with CLS explore the way male power is reinforced through binaries that oppose public and private, objective and subjective, form and substance. Feminists influenced by the CLS movement have also raised critical concerns about legal rights and rights litigation.

Because CLS initially began as a movement heavily dominated by white male legal scholars, some feminist legal theorists, while having been influenced by the critique it offered, also have felt the need to respond critically to CLS. Feminist legal theory has found strong influences in the work of Carol Gilligan on moral theory, Angela Harris on black feminist theory, and Catharine MacKinnon on Marxist political theory (Bartlett and Kennedy 1991, 8–9).

Critical Race Theory (CRT) has also aimed serious criticism at CLS in its failure to develop a coherent critique of racial power. At the 1986 CLS conference, this conflict openly found expression when a group of scholars ran a workshop “to uncover and discuss various dimensions of racial power as manifested within Critical Legal Studies,” according to the editors of a comprehensive reader in Critical Race Theory. The editors go on to point

out that “the pitched and heated exchange that erupted in response to our query, ‘what is it about the whiteness of CLS that discourages participation by people of color?’ revealed that CLS’s hip, cutting edge irreverence toward establishment practices could easily disintegrate” (Crenshaw et al. 1995, xxiii). A second point of conflict between CRT and CLS centers on the CLS position concerning rights discourse. While CRT scholars agree to an extent with the CLS view that legal “rights” become a means by which the law legitimates and ultimately maintains existing power relations within society, CRT also argues that “rights discourse held a social and transformative value in the context of racial subordination that transcended the narrower question of whether reliance on rights could alone bring about any determinate results” (Crenshaw et al. 1995, xxiii).

Admitting the limitations of CLS, I will nevertheless incorporate CLS theories that bear directly upon the body of films I study and the questions concerning power relationships those films raise or fail to raise.

15. American feminism itself has been accused of a similar oversimplification and essentialism in equating white bourgeois demands with feminist demands of poor women or women of color. In a well-formulated essay about the intersections of postmodernism, patriarchy, First World feminism, and Third World feminism, Rey Chow claims that, whereas First World feminists can assume a defiant tone supported by material comforts and technological access, “for the Third World feminist the question is never that of asserting power as woman alone, but of showing how the concern for women is inseparable from other types of cultural oppression and negotiation” (Chow 1992, 111). Chow’s argument has validity for First World feminism as well, in that rights litigation involving women’s issues often elides the influencing factors of poverty, race, and ethnicity.

Chapter 1: The Law Is the Law

1. In anticipation of the female lawyer film of the 1980s, the notion of the New Woman as presented in *Adam’s Rib* functions in keeping with Yvonne Tasker’s observation that “in her different historical guises . . . the New Woman signals a limited independence and at least the potential for a transgression of gender” (Tasker 1998, 36; see also Introduction, note 1).

2. Stanley Cavell discusses the hat worn by Mrs. Attinger in the context of Amanda’s drawing the private world of her own marriage into the public arena of the courtroom. He also goes on to make an interesting point about the hat as a device for establishing the Bonner/Attinger opposition, which is central to the film’s representation of marriage: “It is, one might say, her main exhibit on her side of the case, apart from Adam himself. It was a genuine present but also a real enough bribe, buying her silence toward his work of prosecution. She exhibits the hat, accordingly, as a rebuke to the bribe but also because she is proud of her husband’s way (as opposed,

242 for example, to Mr. Attinger's way) of expressing himself to her" (Cavell
1981, 200).

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3. Reviewers of *The Verdict* responded to the lifelessness of the Boston setting (see Sklar 1983), which further inscribes the notion of reification—that law is a force which seems to exist and operate by some larger power, beyond the full control of the people who are subject to it or those who operate within it.

4. True to the limitations of Hollywood liberalism, however, the film cannot bring itself, finally, to implicate the Roman Catholic Church in the legal and moral injustice that Concannon engineers, as Sklar aptly points out: "Three quick insert shots show us that the conspiracy, though it may even include the Bishop's legal advisor, stops short of the Bishop himself: he coldly tells the discomfited advisor that he is committed more firmly to 'the Truth' than to winning the case" (Sklar 1983, 48).

5. Reviewer Richard Combs succinctly observes: "The film proves its case, that justice can still triumph if people will only overcome their cynicism and apathy, with the kind of dramatic rhetoric—a *deus ex machina* secret witness who can win or lose the case for Galvin; the jury's verdict, which ignores the judge's ruling about inadmissible evidence and makes them just a wish-fulfillment extension of the audience (or vice-versa)—that doesn't add up to any kind of argument from social cases and existing institutions. Those institutions, according to Galvin's summation speech, are what make people cynical about real justice—to which the film proposes, like *Network*, that little people everywhere simply stand up and demand that right be done" (Combs 1983, 33–34).

6. An obstetrics nurse, Kaitlin Costello (Lindsay Crouse) stands in visual and ethical contrast to Laura. Surrounded by children on a playground at the hospital where she works, this nurse, with her classic Irish beauty, resembles the motherly woman in the film noir dichotomy of *femme fatale* versus nurturing female. She knows the truth and can ensure Frank's victory and the victory of justice. Fearful of the powerful institutions and their conspiracy to hide the truth, Costello has fled to New York, but integrity and a desire for justice overcome her fear, thus motivating her to testify.

Chapter 2: Father Knows Best

1. The Arrow Cross was a Hungarian fascist party collaborating with the Nazi SS during World War II (Crowdus 1990, 45).

2. Ann's female assistant and her male associate are both played by African American actors, implying in a somewhat essentialist liberal manner that the cultural background of these characters enables them to see beneath the white, middle-class façade of family loyalty and self-deception. In *Class Action* Nick, an African American associate in Jed's otherwise white

law firm, is similarly privileged with insight into white family relationships and serves as a kind of advisor to the female lawyer who stands in constant conflict with her father. It is further interesting to note that these characters play only satellite roles in the narratives and in the legal institution as represented by the narratives.

These African American characters, though more fully developed and not pushed as far into the margins as black servants in 1940s and 1950s melodrama, take on a narrative function that echoes those of black women, particularly in maternal melodramas. Mary Ann Doane points out that these characters have the power to “distinguish between those who will ultimately protect the family structure . . . and those who will threaten it,” primarily because they are represented as “the locus of otherness” and have access to “an instinctive and unspecifiable form of . . . knowledge” (Doane 1987a, 80). While it would be inaccurate to suggest that the marginal African American characters of the female lawyer film are quite so stereotypically represented, they take on the role of insightful advisors, rarely occupying positions of power and authority equal to that of the central white lawyers, either male or female.

Chapter 3: Female Lawyers and the Maternal

1. Astraea, the Greek goddess of justice, lived among humans, but in response to wars fought by men, she withdrew to reside in the constellations with Virgo (Smith 1958, 48). Astraea is often represented as holding a pair of scales and wearing a crown of stars, whereas her mother Themis, married to Zeus, who fathered Astraea, is represented on coins as holding a cornucopia and a pair of scales. In Homeric poems Themis personifies order, as established by law, custom, and equity. Homer describes her as reigning in assemblies of men and, upon the command of Zeus, convening the assembly of the gods (Smith 1958, 289). Significantly, she takes her orders from her husband, Zeus. Themis represents the concept of justice, although her name means “institution” (Feder 1964, 415). It would seem that the modern Western concept of justice draws upon both the mother Themis, who is associated with law and the institution of law, and the daughter Astraea, who withdraws above the fray of common men to look on with detachment. This Western conflation of law and abstract justice is central to the idealized vision of law informing both fictional and nonfictional representations, as many legal theorists have noted. The Western representation of Justice as a woman standing atop a pedestal—as a blindfolded fulcrum between the scales—further valorizes the abstraction of both the concept of justice itself and of woman. Such abstraction is central to feminist critiques of phallogentrism. (Much thanks to Cindy L. Phillips for her help in tracking down Astraea.)

2. *In the Name of the Father* is based on the actual arrest and trial of the Guildford Four, accused of being IRA terrorists who bombed two Guildford pubs in 1974. Thompson plays Gareth Peirce, the civil rights attorney who represented Gerry Conlon, one of the four, played in the film by Daniel Day-Lewis. Police brutality used to extract confessions from the Four, and harassment that involved the arrest of their family members, particularly Conlon's father, are represented in the film, thus forming a strong critique of the patriarchal legal system and state.

Chapter 4: A Question of Genre

1. Dual-focus narratives *Legal Eagles* (1986), *A Few Good Men* (1992), and *The Pelican Brief* (1993), ranked as numbers 13, 5, and 10, respectively, in their release years; in 1991 *Curly Sue*, *Class Action*, and *Other People's Money* ranked among the top fifty box office hits (Case 1996, 1063 and 1065).

2. Even the growing trend within the popular media of reporting box-office grosses has the effect not so much of unveiling the master purpose of the film industry but of validating the quality of the "product" in a kind of bandwagon advertising appeal. A high weekly gross at the box office ensures the status of "event film," as Justin Wyatt refers to such advertising strategies throughout his book *High Concept*, thus increasing the impression of the film's entertainment value in the minds of potential viewers. Through a recontextualization of box office figures, the movie industry uses evidence of the "master purpose" further to emphasize and reinforce the "ostensible function" in the minds of viewers.

3. Several exceptions are worth noting: in *Wild Orchid* the international law specialization of the female lawyer is a means of placing her in an exotic setting where she experiences a sexual awakening—she never sets foot in a courtroom; in *Fair Game* the female lawyer's role places her in an action-adventure narrative, again far from any courtroom; and in *The Pelican Brief* and *Conspiracy Theory* the female law student and female lawyer, respectively, never enter a courtroom but engage in or are connected with legal research that threatens to expose a corrupt justice system and government. In *Return to Paradise* the female lawyer occupies the role of spectator in a Malaysian courtroom, after attempting to negotiate unofficially to reduce her brother's death sentence. Several other films like *Physical Evidence* and *Female Perversions* include only brief courtroom sequences.

4. Of course, the male detective in film and television is often warned that he is "thinking with his dick." The question arises as to whether Sam's warning to Teddy masculinizes her or whether the clichéd warning to male protagonists, in effect, feminizes them. The warning does masculinize Teddy to the extent that she is seen as powerful and independent enough

to act upon her thoughts and desires. On the other hand, she is getting too close to remain rational, thus placing her squarely within the more feminizing implications of this warning.

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5. Several critics have pointed out the parallels between this image and an image from a Movie of the Week special aired on television shortly before the film's release. Titled *Fatal Vision*, this TV movie was based upon the true story of Green Beret captain Jeffrey MacDonald, convicted of murdering his wife. Smearing "PIG" on the wall, MacDonald made it appear as if the murder was committed by a Manson-like group of intruders. (See Reed 1985 and Pisano 1985.)

Chapter 5: Female Power and Masculine Crisis

1. Although the sidestepping here may be on the part of the filmmakers, it is also true that Denzel Washington refuses to be cast in explicit onscreen biracial romances. (Thanks to Paula Massood for pointing this out.)

2. Bill Dancer's name alone connotes playfulness as well as a connection with the screwball comedy and the musical, whereas *Grey* connotes the cold, dull, sterile character of this female lawyer who is caught between seemingly contradictory positions as woman and lawyer.

3. Walker's name draws upon a term that traditionally references gay men who escort wealthy matrons to social functions that their husbands cannot or do not wish to attend. In many respects the feminized Walker is a kind of walker for Grey. At one point, however, he leaves a message saying that if Grey will "need sex" that night, he will appear at her apartment. In this seemingly loveless arrangement, the film further presents Walker as a kind of unpaid gigolo, both flirting with and refusing gay sexuality.

Chapter 6: Genre, Gender, and Law

1. Despite the relatively low number of women in the legal profession during the 1930s, at least eight films with female lawyers as characters were released during that decade, with one featuring the first female judge. Among those films are *Scarlet Pages* (1930), *Ann Carver's Profession* (1933), *The Defense Rests* (1934), *Career Woman* (1936), *The Law in Her Hands* (1936), *Portia on Trial* (1937), *A Woman Is the Judge* (1939), and *Disbarred* (1939) (Sheffield 1993, 75–89).

2. In the 1940s nine studios released films featuring female lawyers, an indication that such films did reasonably well at the box office. Among films with female lawyers or female judges are *The Man Who Talked Too Much* (1941), *Dangerous Lady* (1941), *She Couldn't Say No* (1941), *Design for Scandal* (1942), *Good Morning, Judge* (1943), *The Truth about Murder*

246 (1946), *Suddenly It's Spring* (1947), *The Bachelor and the Bobby-Soxer* (1947),
Notes to pages 157–172 *The Walls of Jericho* (1948), *Smart Woman* (1948), *I, Jane Doe* (1948), *Eyes of Texas* (1948), *Courtin' Trouble* (1949), *Adam's Rib* (1949), and *Tell It to the Judge* (1949) (Sheffield 1993, 190).

3. Among the films with female lawyer roles during the 1950s are *Devil's Doorway* (1950), *Sierra* (1951), *The Groom Wore Spurs* (1951), *Just This Once* (1952), and *God Is My Partner* (1957) (Sheffield 1993, 193).

4. Television comedies featuring female lawyers cited by Sheffield are *The Jean Arthur Show* (1965–1966 season), *Adam's Rib* (1973–1974 season), *Park Place* (1980), *It Takes Two* (1982), *Night Court* (1984), *Sara* (1984), and *Foley Square* (1985) (Sheffield 1993, 94–95; see introduction, note 7, for further discussion of contemporary television's female lawyers).

Chapter 7: Feminist Address and Spectatorship in *The Accused, Love Crimes, and Female Perversions*

1. Since the 1980s, the term “independent,” as applied to film production, has come to mean something less than it may have earlier when independents operated or attempted to do so outside the influence of the major studios, in some cases establishing themselves as “mini-majors.” As Jim Hillier points out, the term “independent” has collapsed to mean something more like “appendage.” Many independent production companies are “dependent independents” (sometimes referred to as “neo-indies”) in that they depend upon major studios for distribution both in the domestic and foreign markets (Hillier 1994, 19–21).

Love Crimes was both produced and distributed by two independent companies—Miramax and Sovereign Pictures. Miramax, although it originally positioned itself as an alternative to the blockbuster mentality, was purchased by Disney in 1993, a year after the release of *Love Crimes*, “showing that independent voices can become quickly assimilated,” as Timothy Corrigan points out (Corrigan 1991, 61n16). Moreover, Miramax has developed a reputation for interference with the work of its directors, which was very true of *Love Crimes*.

Produced by the small independent company, Godmother Productions, *Female Perversions* was distributed by October Films, which was shortly afterward acquired by Universal. An example of how October's “independence” was subject to compromise centers upon the 1998 Todd Solondz film, *Happiness*. As signatory to the MPAA, Universal agreed not to release unrated films. Because films with NC-17 ratings are exhibited by a limited number of theaters and Blockbuster Video refuses to purchase NC-17 films, October dropped the film, which, in part, focuses on pedophilia. As a result, the film's production company, Good Machine, came to handle distribution.

2. The actual incident occurred in a bar called Big Dan's Tavern, where a woman was gang-raped by four men on a pool table as other men watched and cheered the rapists on. According to Helen Benedict in her study of journalistic reporting on the event, the victim was wearing "only a sock and a jacket" as she ran out of the bar and into the street, flagging down a truck that picked her up (Benedict 1992, 89). The four rapists were arrested, and two others were arrested on charges of "joint enterprise," a charge accusing them of encouraging the rape and doing nothing to stop it (Benedict 1992, 91). The trials of the rapists and the bystanders who cheered them on were held in tandem, unlike the situation in *The Accused*, in which the trial of the spectators follows a plea-bargain agreement between the prosecution and the rapists. No plea bargain occurred in the actual incident. Whereas the film features a female prosecutor, both actual trials were prosecuted by male attorneys. The four rapists were convicted, and the two charged with joint enterprise were acquitted (Benedict 1992, 130). In *The Accused* the spectators charged with "criminal solicitation" are convicted.

3. The female lawyer's "standing in" for the phallogentric law at various junctures throughout this film have special resonance when considered in light of the more recent Kobe Bryant rape case, in which defense attorney Pamela Mackey effectively placed the female accuser on trial, using her sexual history to impugn her reliability and "slipping" the name of the accuser five times into her pre-trial arguments, resulting in harsh media criticism that included a *Saturday Night Live* "Weekend Update" satiric parody of her actions.

4. I interviewed Lizzie Borden for *Cineaste* magazine in June 1992, several months after the release of *Love Crimes*. I refer to the contents of that interview in this chapter using two citations—the actual interview as published in *Cineaste* and the interview transcription, which includes dozens of pages not published in *Cineaste*.

5. Yvonne Tasker points out that the hooker became the stereotypical Hollywood role for black actresses in the 1980s. In a certain sense, Arnetia Walker's "playing" a hooker in this scene draws self-reflexive attention to that Hollywood stereotype. Borden explains that she added the character of Maria to the original script and fought for Walker to play the role (Borden 1992a, 51). Borden feels that Maria is a strong character who can "easily play with different parts of her psyche. If she can be the hooker, she does it, totally credibly because she can identify with what it would mean to be a hooker" (Borden 1992a, 11). On the other hand, not unlike the few African American characters in female lawyer films, Maria's primary role is, stereotypically, to protect the white female lawyer, and, as Borden admits, Maria is a kind of maternal figure to Dana (Borden 1992b, 9).

6. The sexual fantasy sequence was retained in the European theatrical version of *Love Crimes*. As a result of the lengthy negotiations involving Borden, Miramax, and Sovereign over various details of the script and film,

248 Borden concludes that American and European audiences are “totally different, with totally different expectations” (Borden 1992a, 54). She sees this difference as partly related to the prevailing cultural climate in the United States in the early 1990s, “which is about, ironically, having to decide ‘good’ and ‘bad.’ Perversity has no place in it. All of a sudden you have male executives who decide to become feminists and say, ‘You can’t have a woman engaging in this’” (Borden 1992a, 28).

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Female Lawyer Films of the 1980s and Beyond

Seems Like Old Times (1980), Jay Sandrich
First Monday in October (1981), Ronald Neame
Hanna K. (1983), Constantin Costa-Gavras
Jagged Edge (1985), Richard Marquand
Legal Eagles (1986), Ivan Reitman
The Big Easy (1987), Jim McBride
Suspect (1987), Peter Yates
Physical Evidence (1988), Michael Crichton
The Accused (1988), Jonathan Kaplan
Wild Orchid (1989), Zalman King
Music Box (1989), Constantin Costa-Gavras
Class Action (1991), Michael Apted
Defenseless (1991), Martin Campbell
Curly Sue (1991), John Hughes
Other People's Money (1991), Norman Jewison
Love Crimes (1992), Lizzie Borden
Guilty as Sin (1993), Sidney Lumet
The Pelican Brief (1993; female law student), Alan J. Pakula
In the Name of the Father (1993), Jim Sheridan
The Client (1994), Joel Schumacher
Fair Game (1994), Andrew Sipes
Conspiracy Theory (1997), Richard Donner
Female Perversions (1997), Susan Streitfeld
Return to Paradise (1998), Joseph Rubin
Erin Brokovich (2000; female legal assistant), Steven Soderbergh
Legally Blonde (2001; female law student), Robert Luketic
I Am Sam (2001), Jessie Nelson
High Crimes (2002), Carl Franklin
Two Weeks Notice (2002), Marc Lawrence
Legally Blonde 2: Red, White & Blonde (2003), Charles Herman Wurmfeld
The Statement (2003), Norman Jewison
Laws of Attraction (2004), Peter Howitt

<i>Framing</i>	<i>The Verdict</i> (1982), Sidney Lumet
<i>Female</i>	<i>Presumed Innocent</i> (1990), Alan J. Pakula
<i>Lawyers</i>	<i>Defending Your Life</i> (1991), Albert Brooks
	<i>A Few Good Men</i> (1992), Rob Reiner
	<i>Philadelphia</i> (1993), Jonathan Demme
	<i>Primal Fear</i> (1996), Gregory Hoblit
	<i>The Gingerbread Man</i> (1998), Robert Altman

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