

# WOMEN LAWYERS IN CELLULOID, REWRAPPED

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This essay is an expansion of the talk I gave at Vermont Law School on April 4, 1998 as a panelist at the symposium *Women Making Waves: A Celebration of Twenty-Five Years of Women at Vermont Law School*. In this essay, I revisit the topic of the depiction of women lawyers in film that I explored in an earlier law review article.<sup>1</sup> Using the framework of that piece, I analyze seven newer movies with female attorney characters and discover some changes.

## I. THE MOTHERLODE

My article analyzing the cinematic portrayal of women lawyers appeared in 1994. I found that although forty years of film had produced fewer than ten film female attorney characters until the late 1970's,<sup>2</sup> over twenty-five movies<sup>3</sup> featured such roles during the 1980's and early 1990's.

Some of this newfound interest in women lawyers was due to a realistic response to their entering the legal profession in revolutionary numbers.<sup>4</sup> But

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1. See Carole Shapiro, *Women Lawyers in Celluloid: Why Hollywood Skirts the Truth*, 25 U. TOL. L. REV. 955 (1994).

2. "The three most well known early women lawyer movies I have located of this genre are, interestingly, all from the late 1940's. One involves a practicing lawyer, see *ADAM'S RIB* (MGM Pictures 1950). In the other two, *TELL IT TO THE JUDGE* (Columbia Pictures 1949) (starring Rosalind Russell and Robert Cummings) and *THE BACHELOR AND THE BOBBYSOXER* (RKO Pictures 1947) (starring Myrna Loy and Cary Grant), respectively, the woman lawyer is a judicial nominee, and a judge." *Id.* at 962 n.33.

3. "Two others, unlike the above are not easily found or much cited, in part because they are unavailable on video. *CAREER WOMAN* (TCF 1936) (with Claire Trevor); *THE LADY OBJECTS* (Columbia 1938). I owe my own awareness of these two earliest films to Professor Rennard Strickland of the University of Oklahoma Law School, a scholar in the area of film, *inter alia*, and his presentation on film lawyers at the Association of American Law Schools conference, January 1994, in Orlando, Florida." *Id.*

"These films depict women lawyer characters in their work role, as either a main or supporting character: *PHILADELPHIA* (Tristar Pictures 1993); *GUILTY AS SIN* (Hollywood Pictures 1993); *A FEW GOOD MEN* (Columbia Pictures 1992); *OTHER PEOPLE'S MONEY* (Warner Brothers 1991); *LOVE CRIMES* (Millimeter Films 1991); *DEFENSELESS* (New Visions Pictures 1990); *CLASS ACTION* (Interscope 1991); *WILD ORCHID* (Vision 1990); *PRESUMED INNOCENT* (Mirage 1990); *MUSIC BOX* (Carolco 1989); *THE ACCUSED* (Paramount Pictures 1988); *PHYSICAL EVIDENCE* (Columbia 1988); *THE BIG EASY* (Kings Road 1987); *SUSPECT* (Tristar Pictures 1987); *LEGAL EAGLES* (Universal Pictures 1986); *JAGGED EDGE* (Columbia Pictures 1985); *THE CRADLE WILL FALL* (1983); *SECOND THOUGHTS* (EMI 1983); *FIRST MONDAY IN OCTOBER* (Paramount Pictures 1981); *AND JUSTICE FOR ALL* (Columbia Pictures 1979); *THE SEDUCTION OF JOE TYNAN* (Universal Pictures 1979)." *Id.* at 952 n.34.

"Three other movies include women characters identified as lawyers but not depicted in their professional role within the film. See *THREE MEN AND A BABY* (Paramount Pictures 1987); *THE BIG CHILL* (Columbia Pictures 1983); *THE VERDICT* (Fox Pictures 1982)." *Id.*

4. See *infra* note 16.

Hollywood co-opted the new subject so that even when a plot focused on a female lawyer's legal problem, its real interest was her personal life. Consequently, all of these characters entered their movies unmarried because the real question was whether they had a love interest by the time they left the screen. The lawyer's big legal victory, therefore, was no guarantee of movie happiness. A female attorney was only a winner if she had a male partner with whom to celebrate.

The women lawyer characters were neither complex nor inspiring. Most did not combine relationship, child(ren) and career. Most were not fighters for social justice. Most were not models of principle and outspokenness like any of the outstanding female attorneys we see either on the public stage or in our own lives. Instead, the films gave us lawyers who were smart enough but were "less-than" women. They couldn't cook;<sup>5</sup> couldn't dance;<sup>6</sup> were bad at sex;<sup>7</sup> had no social life or friends;<sup>8</sup> or were workaholics.<sup>9</sup>

Often, the lawyer's physical appearance reflected her manly and excessive dedication to her career, as she dressed in a severe suit, with pinned-back coif and glasses. If a man rescued her from the self-inflicted wound of her career, he feminized her so that she literally and figuratively let down her hair.<sup>10</sup> Her unwomanly devotion to her work and to herself, rather than to the real female business of getting or keeping a mate, was often also suggested as the cause of her being single or divorced.

Forget what you may have heard about changes in dating norms; these movies sent a traditional cautionary note about proper female behavior in getting a man. So, to be unduly—particularly sexually—aggressive doomed the woman lawyer to a life sentence without a mate. In the ultimate warning, a *femme fatale* was murdered by her married lover's wife for her predatory behavior.<sup>11</sup> Moreover, the lucky female character who departed her movie with a man did so only because he pursued her, usually despite initial rebuffs.<sup>12</sup> In yet another situation, the man knew better than the woman what she really wanted. He sensed her "no" really meant "yes" and the films always proved him correct.<sup>13</sup>

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5. See JAGGED EDGE, *supra* note 3 (featuring Glenn Close as a defense lawyer).

6. See THE BIG EASY, *supra* note 3 (featuring Ellen Barkin as a corruption-busting prosecutor).

7. See LOVE CRIMES, *supra* note 3 (featuring Sean Young as a sex-crime prosecutor).

8. See A FEW GOOD MEN, *supra* note 3 (featuring Demi Moore as a Navy defense lawyer).

9. See SUSPECT, *supra* note 3 (featuring Cher as a Washington, D.C. public defender).

10. See PHYSICAL EVIDENCE, *supra* note 3 (featuring Teresa Russell as a *soigné* public defender).

11. Bonnie Bedelia, playing the cuckolded wife of straight arrow Chicago prosecutor Harrison Ford, murders her prosecutor-rival, Greta Scacchi, for leading her husband astray into a passionate affair. See PRESUMED INNOCENT, *supra* note 3.

12. Like Penelope Ann Miller as the anti-takeover lawyer. Her opponent, Danny DeVito, persuades her to marry him after she loses her case to him. See OTHER PEOPLE'S MONEY, *supra* note 3.

13. See e.g., JAGGED EDGE, *supra* note 3; SUSPECT, *supra* note 3.

In my original article, I connected the portrayal of these female lawyers as “less-than” women, despite their professional talent and success, to what journalist Susan Faludi called the backlash against feminism of the 1980’s.<sup>14</sup> These screen portraits were part of the male counterattack, reflected in the media, in popular culture, and in politics against women’s gains of the previous decade.

I argued that it was because the female lawyer symbolized women’s advances, including her moving into formerly male roles, that she needed vanquishing, even if only on screen. These movies functioned as gender morality plays as women viewers saw the danger of straying too far beyond female traditional paths; the men were reassured that these “new” women, like the old model, were nothing without the male required for their happiness.

The woman attorney so often had to be taught a lesson on screen because she was a highly charged symbol on the bloody ground of the war between the sexes. In our uniquely legalistic society, women’s entrance into the male bastion of law represented an infiltration of enemy territory. Our becoming lawyers in large numbers signified our refusal to remain at home or to remain quiet. Instead, it meant claiming a place on the public stage and getting power, or at least getting closer to it.

Moreover, when we became attorneys, we showed that we had both the natural aptitude as well as the skills to do what had previously been considered a male job. This accomplishment started to debunk myths about women as emotional creatures, incapable of thought or logic. No less important, the tools of the trade gave us the capacity for voice in public debate.

Unlike the traditional lady who was seen but not heard, the woman lawyer symbolized and embodied the ability to shape events through the force of her thoughts and the eloquence of her words. No longer in film theory terms merely the subject of the male gaze, this female professional embodied the woman as active player rather than as passive object.<sup>15</sup> Being a lawyer gave her access to two things—money and power—that male society worships.

Given the symbolism of this new female role, it is no wonder that for a period in the 1980’s and early 1990’s women lawyers became a lightning rod for two decades worth of gender role changes. The response to these women,

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14. See SUSAN FALUDI, *BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN* (1991). For a discussion of her work, see Shapiro, *supra* note 1, at 959 n.20, 987 n.100.

15. Feminist film theorists, notably Laura Mulvey, have discussed the significance of looking as it relates to maintaining the gender status quo in film. Mulvey, in a seminal article, “discusses at length the split in the pleasure of ‘looking’ in film-viewing between the active/male source of the gaze and the passive/female recipient of that look. . . . [T]he ‘determining male gaze projects his phantasy on to the female figure which is styled accordingly . . . .’” See Shapiro, *supra* note 1, at 974 n.73.

culminating in Hillary Rodham Clinton as First Lawyer, was largely polarized along gender lines, or at least along their response to the women's movement. In my original piece, I wrote that the reality of women lawyers in the flesh revealed the lie in their one-dimensional screen portrait. Indeed, two of the most prominent women and controversial women of the day, Ms. Clinton and Anita Hill, were lawyers.

## II. DAUGHTERS

In preparing for the Vermont Law School talk that was the progenitor of this article, I was struck by how the woman lawyer role no longer carries the same weight, or the same baggage, as it did even a few years earlier in this decade. That, in one sense, reflects women's continuing consolidation of their success as they now constitute over forty percent of the total law school enrollment.<sup>16</sup>

Putting aside questions of glass ceilings, becoming a lawyer is something that women increasingly do. Unlike those of earlier decades, women becoming lawyers today do not buck the same cultural or numerical norms to enter the profession. In the meantime, this continuing trend has been reinforced by the rightward shift of the political center and the reduced visibility of activist politics, including feminism.

This cultural shift has also had the effect of removing the symbolic weight that the woman lawyer carried on her shoulders even as recently as my 1995 article on the subject.<sup>17</sup> It is not that she is no longer invading formerly all-male legal precincts nor that her analytical and public speaking skills are not still considered traditionally male, nor that the power, despite women's advances, does not still primarily reside with white males. But there is no doubt that increasingly blurred gender role lines<sup>18</sup> are hallmarks of the day, and women in this culture are increasingly accepted in all kinds of formerly

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16. Figures from 1994-1995 show that women now constitute approximately 44% of the total law school population. See AMERICAN BAR ASS'N, UNFINISHED BUSINESS: OVERCOMING THE SISYPHUS FACTOR 7 (1995). This figure is the culmination of dramatic changes in the number of women joining the legal profession in recent years. In my earlier article, I wrote:

[w]omen until relatively recently were not exactly welcomed at law schools. For example, they were barred from attending law school at Harvard until 1950 and at Washington & Lee until 1972. But even where women were allowed to enroll, for many decades they formed only a small percentage of [the] total law school population. In 1960, only four percent . . . was female. In 1976, that number had risen to 26%; in 1986, to 40% and in 1991-92, to 43%.

Shapiro, *supra* note 1, at 962 n.35.

17. See Shapiro, *supra* note 1.

18. See Katha Pollitt, *Subject to Debate: Dead Again?*, 267 THE NATION 10 (1998).

male roles. Because law is just one of them, the woman lawyer need not shoulder the heavy burden of chief gender line-crosser.

I do not mean to suggest that women lawyers hold the reins in the legal profession any more than they do in other societal institutions that in the last decades have seen an increased women's presence. For example, there are still disparities in pay between male and female lawyers at almost all levels;<sup>19</sup> higher-level legal jobs are disproportionately male-populated;<sup>20</sup> female judges still occupy only a small fraction of seats on the bench;<sup>21</sup> and the powerful and remunerative law firms are still largely run by white male partners.<sup>22</sup> Most pervasive of all is the legal profession's failure, particularly in the big firms, to substantively change its values and practices to facilitate women (or men) as both lawyers and parents. Indeed, this was the topic of the other speakers on my *Women Making Waves* panel.<sup>23</sup>

### III. THE THIRD GENERATION OF WOMAN LAWYER MOVIES

Since women lawyers have shed some of their symbolic baggage, the recent movies do not need to punish their characters quite so unrelentingly or unvaryingly for their gender crimes. Because they no longer are "exceptional," they do not need to be punished for being manly women, on whose bodies a lesson must be taught. Moreover, it is getting harder and harder to credibly make out the case that the woman lawyer is a *sui generis* female when her entry into the profession has become almost mainstream.

In some ways, the profile of the woman lawyer in film has become slightly more varied and, therefore, more true to life, although the range is still quite narrow. After all, we are still dealing with the Hollywood movie—except for the independently-made *Female Perversions*<sup>24</sup>—with all of its male-centered conventions. But within the limitations of this genre (we can call it progress, I guess), the woman lawyer need not be the totally miserable creature, waiting—whether she knows it or not—to be rescued by a man, whose life in the meantime fills the moviegoer with loathing and/or pity.

In some movies, she is still the quintessential bitch, but in others she is more appealing. In the meantime, her chances of being married, even if she

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19. See, e.g., AMERICAN BAR ASS'N, *supra* note 16, at 9; Wynn Huang, *Gender Differences in the Earnings of Lawyers*, 30 COLUM. J.L. & SOC. PROBS. 267, 267 (1997).

20. See AMERICAN BAR ASS'N, *supra* note 16, at 14 (discussing this gender discrepancy in supervisory jobs in the public sector).

21. See *id.* at 14, 16.

22. See *id.* at 10-13.

23. These other speakers included Martha Fineman, Mona Harrington, and Rob Saute.

24. FEMALE PERVERSIONS (October Films 1996).

is a pill, have increased (e.g. *Disclosure*<sup>25</sup> and *Soul Food*<sup>26</sup>). Moreover, she can also be single without being a total pariah or a celibate and, in a definite advance, she may even have friends. She can be attractive, and who more so than two recent film women lawyers, former Miss America Vanessa Williams<sup>27</sup> and supermodel Cindy Crawford?<sup>28</sup> She may be hip like Sandra Bullock in *A Time to Kill*,<sup>29</sup> or in the film where gender and race finally intersect, she may even be African-American like Vanessa Williams.<sup>30</sup>

There is one role, though, that women lawyers still do not play on the screen: that is as mother. Cindy Crawford's character in *Fair Game* is a departure from the second wave merely because she seems to like children.<sup>31</sup> But the fact is that the new crop of cinematic female attorneys remains almost as childless as their predecessors. Of course, that is a striking observation since women, despite professional advances, are still primarily defined in their role and in their potential as mothers.<sup>32</sup> Moreover, for many, the conflict between these roles is central to their lives.<sup>33</sup> The legal profession's failure to resolve this tension also reflects the extent to which women's entry in large numbers has not changed its basic values.

That the legal profession maintains its values in the face of a female influx reflects the continuing concentration of male power at its top. Correspondingly, although the recent female cinematic portraits may be more varied, all but one of these films is made through a male lens.<sup>34</sup> That is, as with its predecessors, the focus is generally on the male protagonist and the woman lawyer is there to help him or to make a negative point that furthers the movie's values.

One of the few movies with a woman lawyer as a central character is the independently-made and produced *Female Perversions*.<sup>35</sup> Interestingly, its female protagonist is not so different from some of her earlier legal sisters. She is single, driven, highly successful and emotionally isolated. However,

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25. *DISCLOSURE* (Warner Brothers 1994).

26. *SOUL FOOD* (Twentieth Century Fox 1997).

27. *See id.*

28. *See FAIR GAME* (Warner Brothers 1995).

29. *A TIME TO KILL* (Warner Brothers 1996).

30. *See SOUL FOOD*, *supra* note 26.

31. *See FAIR GAME*, *supra* note 28.

32. *See, e.g.,* Rebecca Korzec, *Working on the "Mommy-Track:" Motherhood and Women Lawyers*, 8 HASTINGS WOMEN'S L.J. 117, 121 (1997).

33. My fellow *Making Waves* panelists Mona Harrington, Martha Fineman, and Robert Saute all spoke eloquently from different angles about this issue. *See also* Jacquelyn H. Slotkin, *You Really Have Come a Long Way: An Analysis and Comparison of Role Conflict Experienced by Women Attorneys Today and by Educated Women Twenty Years Ago*, WOMEN'S RTS. L. REP. 17, 18 (1996).

34. The only exception is *FEMALE PERVERSIONS*, *supra* note 24.

35. *See id.*

what makes this movie unique and ambitious is the female lens it uses to explore the reasons for the lawyer's conflicts. Not only does the film examine the individual contours of female difficulties, it also partially locates the source of the personal/professional conflict outside the lawyer—the pressures of society. In making the connection, this film sets a milestone for others that follow.

### A. *Disclosure*<sup>36</sup>

*Disclosure* is the ultimate sexual harassment backlash movie. But it also has a record-breaking three women lawyers, and, in a novel twist, they are not the film's main targets. Instead, these three are on screen solely to engage in some political mud-wrestling with the film's real villain, Meredith Johnson (played by Demi Moore). She is the symbol for the ills caused by women's "disenfranchisement of th[e] guys who are used to having power all to themselves."<sup>37</sup> In various ways, the three lawyers, none of them a threat to men or to their power, do the work that rights the wrongs that feminism hath wrought.<sup>38</sup>

*Disclosure*'s primary peeve is women turning gender roles topsy-turvy to create a cock-eyed world where they hold the power and male merit has no place. It portrays white men as the helpless victims of these ruthless, lying, and, most importantly, scary creatures. Sexual harassment laws are the symptom of female power, which is the larger sickness. That problem has been responsible for the sufferings of now impotent white men, like *Disclosure*'s Tom Sanders, played by Michael Douglas.<sup>39</sup>

The movie locates the real problem not in the discriminatory wrongs that male employers have pervasively and perpetually inflicted on women workers—the wrongs that the sexual harassment laws were designed to remedy. Instead, the movie says that the real danger, as other works show about rape laws, is the license sexual harassment laws give women to falsely accuse men, thereby perpetuating injustice. In this nightmarish world, men have no chance against the unfair advantage of women, who use sexual harassment laws as the tools for their ultimate revenge. They become the means to simultaneously destroy a man's job, his reputation, and his family.

While the woman lawyer often plays the scoundrel, Demi Moore's Meredith Johnson has the honor in this film as an ambitious computer

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36. See *DISCLOSURE*, *supra* note 25.

37. Caryn James, *Tales from the Corner Office*, N.Y. TIMES, Dec. 11, 1994, § 2, at 1.

38. See *DISCLOSURE*, *supra* note 25.

39. Michael Douglas seems to have developed a specialty in this type of character. See, e.g., *FALLING DOWN* (Warner Brothers 1993); *FATAL ATTRACTION* (Twentieth Century Fox 1987).

company executive.<sup>40</sup> Dan Garvin, a smitten CEO, has promoted her into a high-level position beyond her capabilities, allegedly to break the glass ceiling.<sup>41</sup> But this move denies Tom Sanders, her boyfriend of years earlier, the position that he and most others understandably expected to be his.<sup>42</sup> She ultimately accuses him of sexual harassment after he has accepted her initial sexual advances, but rejected further ones.<sup>43</sup> When he beats those charges, she nearly succeeds in getting him fired on grounds of incompetence.<sup>44</sup> In the end, however, she is forced out and replaced by, of all people, a woman lawyer.<sup>45</sup>

The male-distorting lens of *Disclosure* plays on male anxieties about female power—sexual, legal, and otherwise—in the age of changing gender roles. For men, women have become like Amazons: “they’re stronger, they’re smarter, and they don’t fight fair. It’s the next step in human evolution. It’s like the Amazons. Keep a few [men] around for sperm and kill off the rest.”<sup>46</sup> Meredith is the classic example of a man’s bad dream: the oversexed and ambitious former girlfriend who becomes the nice guy’s boss; a seductress who attempts to further her own career by destroying his; and a false sexual harassment claimant.

That this backlash movie has three women attorney characters speaks to the gender mainstreaming of the profession. The former symbolism of the female lawyer as gender groundbreaker, if not ball-breaker, has been defused although she still represents some break with traditional gender conventions. At the same time, this film maintains another standard for female lawyer characters. Despite the role’s symbolic value, the movie plots generally make them work on behalf of the male status quo.<sup>47</sup> As such, they are almost all male rather than female-identified, and as women attorneys they never are placed within a larger social context.

The idea of female lawyers upholding the status quo is played out in several ways through *Disclosure*’s three female lawyer characters: the sexual harassment lawyer; the company lawyer; and the wife. They all work to clear Tom Sanders of Meredith Johnson’s false sexual harassment charges and, therefore, exist only to help the hero. Moreover, the three are all “asexual, unglamorous, [and] unthreatening.”<sup>48</sup> Consistent with Deborah Tannen’s

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40. See *DISCLOSURE*, *supra* note 25.

41. See *id.*

42. See *id.*

43. See *id.*

44. See *id.*

45. See *id.*

46. *Id.*

47. I quoted Mona Harrington on this idea from her book, *MONA HARRINGTON, WOMAN LAWYERS: REWRITING THE RULES* (1994), in my earlier article. See Shapiro, *supra* note 1, at 968 n.58.

48. James, *supra* note 37, at 1.



theory that "a professional woman's attractiveness makes her more threatening to men," they are less scary than Meredith, the sexually alluring executive.<sup>49</sup>

The first of the three lawyers is Michael Douglas' wife, Susan.<sup>50</sup> They have two young children, and she works part-time as a lawyer, although we never see her at the office nor do we even know her job.<sup>51</sup> Of the three women lawyers, she is the only one in a totally non-professional role, as Douglas' personal helpmate.<sup>52</sup> Having said that, we must speculate as to why *Disclosure* (both the book and the movie) needed to make the wife a lawyer, particularly with two others in the story. There are a couple of possible reasons that might explain it, given the surviving symbolism of the woman attorney.

First, that Michael Douglas' wife is a lawyer proves his *bona fides* as a modern man and a sympathetic figure. This is important to the movie's liberal profile despite its backlash politics. The movie portrays him as an involved father, even at possible cost to his own career.<sup>53</sup> For example, getting the kids ready for school one morning makes him late for a work meeting.<sup>54</sup> That portrayal is particularly useful given *Disclosure*'s interest in making Tom a good guy despite some regressive peccadilloes like patting his secretary's derrière with a file folder.<sup>55</sup>

Second, his wife, in an unusual twist, is the female character with whom women viewers can identify. Unlike most other female attorneys, Susan is non-threatening to the gender hierarchy. Although a lawyer, her part-time status allows her husband to be the head of the household. Indeed, his being the family's main breadwinner is a mark of pride for him and neutralizes her professional threat to him. Moreover, she has traditional female assets with two lovely children and a beautiful house.<sup>56</sup>

The audience roots for her against Meredith, the woman who tries to upset the domestic order of her home and family.<sup>57</sup> Like *Fatal Attraction*—starring Michael Douglas in yet another such role—the wife and temptress are pitted against each other.<sup>58</sup> This time in a variation on the usual theme, the lawyer wife, representing the happy home, wins. This is certainly

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49. *Id.* (discussing DEBORAH TANNEN, TALKING FROM 9 TO 5 (????--waiting for ILL)).

50. *See DISCLOSURE*, *supra* note 25.

51. *See id.*

52. *See id.*

53. *See id.*

54. *See id.*

55. *See id.*

56. *See id.*

57. *See id.*

58. *See id.*; FATAL ATTRACTION, *supra* note 39.

the only cinematic instance in which a female attorney embodies the sanctity of the family and the domestic status quo.

The audience's identification with Susan is also critical to the audience's feelings towards Tom. While he is ultimately cleared of sexual harassment, the movie shows he did sexually respond to Demi Moore's come-on. But Susan plays a "Hillaryesque" role in forgiving her husband for his transgressions with Meredith, thereby signaling that we should also. After all, as one *Disclosure* character says, "[i]t's a physiological certainty that a man will have physical attractions towards women, and will act on those urges."<sup>59</sup> While upset with her husband, Susan forgives him for what the movie presents as biological inevitability. She becomes, therefore, every husband's hope as she defends him to his friends and supports him in every way throughout the crisis despite her own pain.

Her behavior contrasts with the more traditional wife in *A Time to Kill*,<sup>60</sup> who until the end fails to believe in the good her husband is doing and does not support him. Indeed, she takes her daughter to stay with her out-of-town parents when her husband most needs her support.<sup>61</sup> Susan, however, is the model movie wife, who transcends her anger and hurt to support her man throughout.<sup>62</sup>

Unlike Susan, the film shows the second woman lawyer—the "no-nonsense, ordinary-looking"<sup>63</sup> Catherine Alvarez who is Tom Sanders' counsel at his sexual harassment hearing—in her professional role only (although her wedding band lets us know that she is married.) We learn through a newspaper clipping that Alvarez has won renown through successfully representing female plaintiffs in sexual harassment actions. But, like most movie female lawyers, her talents in *Disclosure* are used not on behalf of women, but are instead used to clear the male hero and, therefore, uphold the gender status quo.

Alvarez is not just the lawyer who wins the case for Tom. According to one critic she is also the "movie's official voice, making the irrefutable case that harassment is a gender-neutral offense,"<sup>64</sup> when she states that "sexual harassment is not about sex. It is about power."<sup>65</sup> This statement, of course, obviates the fact that the sexual harassment law is a remedy for a form of workplace discrimination against women.<sup>66</sup> That is, men (the bosses) sexually

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59. *DISCLOSURE*, *supra* note 25.

60. *See A TIME TO KILL*, *supra* note 29.

61. *See id.*

62. *See DISCLOSURE*, *supra* note 25.

63. James, *supra* note 37.

64. *Id.*

65. *DISCLOSURE*, *supra* note 25.

66. *See CATHARINE A. MACKINNON, SEXUAL HARASSMENT OF WORKING WOMEN* (1979). But

mistreated women (the workers) as the victors' spoils under patriarchy. She also informs us that her husband is her former boss; although he asked her out five times before she accepted, she says, "Today, if I had said no once, he would have been afraid to ask again."<sup>67</sup>

Moreover, Catherine understands the nature of men, and in convincing Tom's wife to forgive him, she again speaks authoritatively, thereby making a key point of *Disclosure*. Alvarez says, "what [Tom] did he did out of weakness . . . [Meredith] broke the law. And that's what makes the difference."<sup>68</sup>

Tom Sanders learns about Alvarez through a newspaper clipping that his secret informant, the film's third woman lawyer, sends him.<sup>69</sup> The article describes her woman client's multimillion dollar verdict against her sexually harassing male boss.<sup>70</sup> But to undermine her character, Alvarez is presented as publicity-mad. Dan Garvin says that "she'd change her name to 'TV Listings' just to get it in the paper."<sup>71</sup>

Alvarez's reported victorious lawsuit as well as her work on Tom's behalf marks her as competent. However, the movie is consistent with others of its type. It depicts a male non-lawyer as having the ideas responsible for the female lawyer's winning courtroom performance. In *Suspect*, for example, juror Dennis Quaid feeds Cher the clues and strategy that ultimately help win her homeless client's murder case.<sup>72</sup> In this movie, Tom Sanders makes two key decisions that ultimately lead to his victory and to Meredith's downfall.<sup>73</sup> His saving the legal day, despite her expertise and savvy, reinforces the convention in these films.

While Catherine Alvarez is the front person for Michael Douglas, the real heroine is Stephanie Kaplan, the third female lawyer. She knows Tom from her long-time service in the company.<sup>74</sup> Although she does not work in Seattle where his division is located, the movie early on establishes that she is a frequent visitor to the city because her son is a college freshman there.<sup>75</sup>

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see Vicki Schultz's recent article, *Reconceptualizing Sexual Harassment*, 107 YALE L.J. 1683, 1689 (1998), in which she argues that the earlier definition of sexual harassment should be changed so that "the focus of harassment law should not be on sexuality as such. The focus should be on conduct that consigns people to gendered work roles that do not further their own aspirations or advantage." *Id.*

67. DISCLOSURE, *supra* note 25.

68. *Id.*

69. *See id.*

70. *See id.*

71. *Id.*

72. *See SUSPECT*, *supra* note 3.

73. *See DISCLOSURE*, *supra* note 25.

74. *See id.*

75. *See id.*

From the beginning, the film shows that Stephanie, referred to by Meredith as the “stealth bomber,”<sup>76</sup> operates in the highest echelons of the company. As a top-level player, she is privy to all kinds of information and knows before Tom about his aborted promotion and, without his telling her, about his previous relationship with Meredith.<sup>77</sup>

While this information comes in handy for Tom’s rescue, his first reaction to hearing that Stephanie has so much information at her disposal is dismay. “Is there anything you don’t know, Stephanie?” he asks her.<sup>78</sup> One must wonder whether Tom’s—and therefore the audience’s—reaction, in part, plays on the stereotype of woman as busybody, sticking her nose into other people’s business.

But with that information, Stephanie is critical to the hero’s triumph. In a variation on the old adage that there is a woman behind every successful man, we do not know her importance until the movie’s end. Then we learn that she anonymously provided Tom computer messages that provided him with critical information about Meredith’s chicanery.<sup>79</sup> These clues allow him to understand Meredith’s using him to consolidate her own power. Stephanie also sends him to Catherine Alvarez.<sup>80</sup>

Her top-secret intelligence allows Tom to expose Meredith, thereby causing her resignation.<sup>81</sup> However, in an interesting twist, Stephanie ends up with Meredith’s position.<sup>82</sup> This is the promotion that Tom and others in the company had expected for him when Meredith received it instead.<sup>83</sup> Interestingly, neither Tom nor other employees express sour grapes about yet another woman’s being promoted over a worthy man, who has lost yet another time.<sup>84</sup> The movie makes it clear, however, that Stephanie is a unanimously popular choice in the company.<sup>85</sup>

How should we interpret the fact that even after Meredith’s firing, another woman gets the job? In explaining his choice, the CEO confessed that, “I have probably focused too much [in previously having appointed Meredith] on breaking the glass ceiling, on finding a woman to run things up here, when what I should have been looking for is the best person to run things up here . . . [a]nd that person is Stephanie Kaplan.”<sup>86</sup>

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76. *Id.*

77. *See id.*

78. *Id.*

79. *See id.*

80. *See id.*

81. *See id.*

82. *See id.*

83. *See id.*

84. *See id.*

85. *See id.*

86. *Id.*

In terms of this movie, Stephanie's promotion allows its male makers to proclaim, despite all the evidence to the contrary, their fairness to and support of women. Despite their making the poor, put-upon white man the victim of feminism—never mind, of individual lying harridans—*Disclosure* also means to add female approval and sympathy to the more obvious male hurrahs. Applying a version of a critic's assessment of the book's author Michael Crichton, one could say the filmmakers "want to have their beefcake/cheesecake and eat it too."<sup>87</sup>

Stephanie's promotion, along with the other two legal roles, signals the film's belief that women can be competent and should be rewarded for their achievements. Indeed, this is the classic liberal stance that individual women should be given equal opportunity to advance in the workplace and then be judged on merit. At the same time, this approach rejects the proposition that women have suffered discrimination as a group *because* of that group membership. Male dominance over women is not considered a matter of institutions; therefore, there is no need to redress past and current sexism for the group.

Therefore, the filmmakers can make Stephanie triumph on merit, not gender—the latter being the cause of society's sickness. Let us also not forget that she is the perfect male-identified woman lawyer—a corporate team-player. She is driven to become Tom's "Deep Throat" against Meredith, because she knows that the new executive's gender was the sole cause of her promotion and, as such, has meant only trouble for the company.<sup>88</sup>

Unlike Meredith, Stephanie is "competent, plain and older,"<sup>89</sup> and, therefore, not sexually threatening to men. Moreover, while most other women lawyers are defective because they have no family, Stephanie's motherhood is used to show her normalcy. That she is apparently close to her son only increases her virtue in male eyes, compared to most of the other cinematic legal sisters. He has helped his mother, at least indirectly, in her battle for the company, justice, and Tom Sanders.<sup>90</sup>

Unlike Stephanie, Meredith is the kind of woman whose promotion exemplifies the male nightmare of gender politics in the workplace. She is the *femme fatale*, a much-feared woman in part because she is also much desired, a woman who uses and abuses men. While not in this movie, in several others

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87. Patt Morrison, *From Dinophobia to Gynophobia ...She Said*, L.A. TIMES, Jan. 16, 1994, Book Review, at 1.

88. See DISCLOSURE, *supra* note 25.

89. James, *supra* note 37.

90. See DISCLOSURE, *supra* note 25.

this *femme fatale* has been a woman lawyer, notably Greta Scacchi in *Presumed Innocent*.<sup>91</sup>

Scacchi's and Moore's women share *femme fatale* characteristics. Most frightening to men is the *vagina dentata*<sup>92</sup> a woman who manipulates them through her sexual charms. After succumbing, the male discovers that her femininity is just a mask, removable at will when her catch has served her purposes.<sup>93</sup> She then inevitably brings trouble to the unwary, although understandably hooked, male. But having once fallen for her, he can extricate himself from her trap only at great cost.

The *femme's* almost male sexuality is part of her attractiveness and *Disclosure* connects it to female performance in the workplace. Meredith's statement at the hearing as her harassment claim is unraveling supports this concept. She says unrepentantly, "I am a sexually aggressive woman. I like it. Tom knew it and you can't handle it. . . . We expect a woman to do a man's job, make a man's money, and then walk around with a parasol and lie down for a man to fuck her like it still was 100 years ago. Well, no, thank you."<sup>94</sup> Since Meredith is a totally discredited character, her paean to her own sexuality is further proof of her ruthlessness and evil.

Male fear of woman, particularly her sexuality, is certainly one of the themes of *Disclosure*. But for once, a woman lawyer does not embody the evil. You, dear reader, can decide just how much progress that is.

### B. *A Time to Kill*<sup>95</sup>

In this John Grisham movie, the woman lawyer is actually a law student.<sup>96</sup> Her role in the film is assistant to lawyer Jake Brigance (played by Matthew McConaughey).<sup>97</sup> He represents African-American Carl Lee Hailey (played by Samuel L. Jackson) who is accused of killing the white rapists of

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91. See *supra* note 3.

92. Maureen Dowd says in her book review of PRIMARY COLORS that "[t]he vixen will be that ultimate female monster, vagina dentata." Maureen Dowd, *Women Who Harass Too Much*, N.Y. TIMES, Jan. 23, 1994, § 7, at 7.

93. I discussed this same idea in my earlier article on women lawyers in film. See Shapiro, *supra* note 1, at 981. In it, I wrote, citing to feminist film critic Mary Ann Doane, that the *femme fatale* "uses her femininity as one might wear a mask in a 'masquerade,' putting it on and taking it off at will. This exaggeration of femininity is designed to hide her real masculinity . . . 'This type of masquerade, an excess of femininity is aligned with the *femme fatale* and . . . is necessarily regarded by men as evil incarnate.'" *Id.*

94. *DISCLOSURE*, *supra* note 25.

95. See *A TIME TO KILL*, *supra* note 29.

96. See *id.*

97. See *id.*

his young daughter.<sup>98</sup> In that regard, she follows the Hollywood convention that the female character exists primarily to advance the male character's story.

But while she suffers from some of the same ills as her sister characters, she breaks the rules as a character with a point of view whose intelligence drives the action. Even if her assistance is in the service of the male lawyer, the viewer recognizes that the outcome would have been less favorable if not for her intervention. Moreover, in the context of this movie she helps the good guys win and is, therefore, one of them herself.<sup>99</sup>

Ellen Roark (played by Sandra Bullock) rides into the sleepy town of Canton, Mississippi in a Porsche convertible and a tank top, immediately exciting the interest of two male lawyers who are watching her from their perch.<sup>100</sup> The woman has arrived in town from Ole Miss law school for one purpose only—to convince the amused but skeptical young solo practitioner Brigance that he needs her assistance with the upcoming Hailey trial.<sup>101</sup> Rather than the typical self-deprecating woman, she is rather straightforward in her self-appreciation. She tells Brigance:

Well, I'm an excellent researcher. . . . I've played gopher for seven capital murder cases, I've witnessed two executions, I've . . . written briefs for the ACLU; I'm top five percent of my class, I'm published. . . . and when I graduate, I intend to spend a glorious career stomping out the death penalty; . . . let's see, what else. Oh, genius runs in my family. Just see, you'll be getting me on the way up, and I really think . . . now is a good time to . . . grab me . . . [M]y Dad's filthy rich so I'll be working for free.<sup>102</sup>

However unlikely this resume may be (although John Grisham also had a brainy female law student, played by Julia Roberts, in *The Pelican Brief*<sup>103</sup>), Roark (as she is called) is the rare woman lawyer character who is committed to social justice, a stance that motivates her throughout the movie. Moreover, her work against the death penalty is a rare instance in which a woman lawyer's work does not support the male status quo.

98. See *id.*

99. One critic noted that since the character "is played by viewer-friendly Sandra Bullock, it's not surprising that this role is considerably beefed up from the book, with Roark given a resume that would impress a Supreme Court justice." Kenneth Turan, *Throwing the Book at Them; Adaptation of 'A Time to Kill' Presents Its Case at Full Throttle*, L.A. TIMES, July 24, 1996, Calendar, Part F, at 1.

100. See *A TIME TO KILL*, *supra* note 29.

101. See *id.*

102. *A TIME TO KILL*, *supra* note 29.

103. *THE PELICAN BRIEF* (Warner Brothers 1993).

Early on, Roark and Brigance heatedly discuss capital punishment at lunch during which she continues to try to overcome his resistance to her assisting him on his murder case.<sup>104</sup> To her surprise, she discovers that Brigance does not share her views on the death penalty.<sup>105</sup> He favors it except for his client who "does not deserve [it]."<sup>106</sup> In general, though, he believes that the problem is that "we do not use it enough."<sup>107</sup>

In rebutting Brigance's pro-death penalty stand, Roark invokes her own experience as a witness to executions to buttress her point of view with him as well as with the audience.<sup>108</sup> Bringing reality into the discussion, she asks Brigance,

You ever seen a man executed? . . . [y]ou go watch a man be executed. You watch him die. You watch him beg. You watch him kick and spit the life out of him until he pisses and shits in his pants until he's gone. Then . . . you come back here and you sing this crap about justice.<sup>109</sup>

In response to her invoking the horror of execution, Brigance, in defense, alternates between insulting and patronizing Roark for her anti-death penalty stance.<sup>110</sup> However, the viewer understands that in this conversation, he has finally succumbed to the inevitable when he asks her to get some inflammatory photos excluded from trial.<sup>111</sup>

The conversation between Brigance and Roark reveals some refreshing variations on the usual depiction of female lawyers. Her strong opinion on a social matter differentiates her from many of her cinematic legal sisters. That she uses experience to support her opinion, particularly an unpopular one, gives it weight both for the audience and for Brigance.

Moreover, the authority that such experience brings usually strengthens the man's point of view at the expense of the woman's, particularly if it is liberal. Reviewers have said that Brigance represents Grisham's "New South" voice.<sup>112</sup> But in this one conversation, at least, Roark appears to represent the author or filmmaker's position. This is notable since woman lawyer characters rarely carry the weight to do so.

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104. See *A TIME TO KILL*, *supra* note 29.

105. See *id.*

106. *Id.*

107. *Id.*

108. See *id.*

109. *Id.*

110. See *id.*

111. See *id.*

112. See Michael Wilmington, *Cast, Intensity, Grisham's Tale Help 'Time to Kill' Pack a Punch*, CHI. TRIB., July 24, 1996, § 5, at 1.



Refreshingly, in another reversal of the usual conventions, the female lawyer this time is in the position of convincing her male counterpart that he needs help. Generally, an audience knows that a woman lawyer is foolish in rejecting the advice of the man with superior knowledge and that he will eventually prove to be right in the tradition of *Father Knows Best*. In fact, refusal to heed this advice usually leads her and loved ones into disaster which she may try to avert by begging for help later. The movies *Music Box* and *Guilty As Sin* present instances when women lawyers represent unsuitable clients despite male colleagues' warnings about the danger.<sup>113</sup>

But in *A Time to Kill*, the situation is reversed because the audience knows that solo practitioner Brigrance needs help with his case because he does not have the resources or ability to win on his own.<sup>114</sup> We know that his oft-married buddy and sidekick, a divorce lawyer, will be of little help in this respect.<sup>115</sup> While Brigrance reveres his alcoholic mentor, played by Donald Sutherland, the latter is disbarred and can assist him with little more than strategy and encouragement.<sup>116</sup>

The film early on shows that Roark has the legal stuff to help Brigrance with the research he needs to win his case which he would otherwise lack. She saves him, for example, before they've even met by researching a point relating to change of venue, and by giving him the cases just as the judge is about to dismiss his motion.<sup>117</sup> Several other times he dismisses her proffered assistance as unnecessary despite her being right about his lack of resources and experience in a capital case.<sup>118</sup>

Moreover, although Roark may appear to oversell herself as a law student, she turns out to live up to her own billing. If anything, viewers may admire her competence and perseverance, and forgive her perkiness. Because the audience is supposed to root for acquittal of Brigrance's client, Roark's undeniable and invaluable assistance is laudable. We, therefore, applaud rather than condemn Roark, as other films would, for spending too much time working and not enough on "women's business."

While Roark's assistance to Brigrance is praiseworthy, it is still his victory and she is just his helper (indeed, in typical woman film-lawyer fashion, she is not even on the scene for Brigrance's victory as she has been hospitalized by the bad guys' attack on her).<sup>119</sup> Of course, in this case, being a law student builds her second banana standing into the plot structure. By

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113. See *MUSIC BOX*, *supra* note 3; *GUILTY AS SIN*, *supra* note 3.

114. See *A TIME TO KILL*, *supra* note 29.

115. See *id.*

116. See *id.*

117. See *id.*

118. See *id.*

119. See *id.*

that definition, she must only be behind the scenes since the victory will be his. While inevitable in a film with these two characters, it is unfortunately reminiscent of others where, despite the woman being the man's legal equal, the face of victory is male. In another example, *A Few Good Men*, the triumph is Tom Cruise's despite Demi Moore convincing him to take the case and masterminding the winning strategy.<sup>120</sup> Such is also the case in *Legal Eagles*, where the legal victory is Robert Redford's despite the fact that it was originally Deborah Winger's case, and despite her work on it.<sup>121</sup>

While Roark is presented as competent and smart, she is, nevertheless, attractive as Sandra Bullock plays her. In line with the movie convention, she is single, with no special friend in sight,<sup>122</sup> but unlike the second wave of screen lawyers, this status does not brand her a defective female. In fact, the male movie lens gives her the thumbs-up equivalent through Brigance and Harry's appreciative glances.

At the same time Roark is attractive to male eyes, she is not a *femme fatale*, and, therefore, presents no threat to the established domestic order. Perhaps the persona of actress Sandra Bullock adds to the character's appeal. It also prevents any trace of the hostility that some other more seductive women lawyer characters induce in both male and female viewers.

Roark is not a frighteningly sexual character or seen as a "man-eater" despite a flirtation between her and the married Brigance.<sup>123</sup> We see that she is attracted to him and he to her.<sup>124</sup> One night when his wife is away and the two have been together, there is a moment of potential sexual combustion between them.<sup>125</sup> Brigance, a good husband despite his non-supportive wife, sends the law student home, out of the range of temptation.<sup>126</sup> But the film does not make the audience condemn Roark for lust in her heart as she did not endanger the domestic order by setting her sights on another woman's husband.

Interestingly, Roark even compares well with Brigance's former Ole Miss sorority sister wife. The blond Ashley Judd is more traditionally female in her beauty and in her role as mother to Brigance's child.<sup>127</sup> But in this context she seems weak, particularly compared to Roark, as she counsels her husband against taking on Carl Lee Hailey's case.<sup>128</sup> She complains of the

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120. See *A FEW GOOD MEN*, *supra* note 3.

121. See *LEGAL EAGLES*, *supra* note 3.

122. See *A TIME TO KILL*, *supra* note 29.

123. See *id.*

124. See *id.*

125. See *id.*

126. See *id.*

127. See *id.*

128. See *id.*

danger and then leaves town to stay with her parents.<sup>129</sup> In fact, she—not the woman lawyer—presents a threat to the rightful order of things, since in this film that means believing in Brigrance and saving the life of Hailey. She re-enters the audience's good graces only when she returns and embraces her husband's struggle. Her accompanying him to a celebratory picnic for his client's acquittal in the African-American part of town shows that she has learned from her mistakes.<sup>130</sup>

While the movie gender lens focuses reasonably well on the woman lawyer character, I must note the white angle of the lens when it comes to race. This is a problem in several recent Hollywood movies that deal with civil rights, as it turns out, from a white perspective. In *Mississippi Burning*,<sup>131</sup> *Ghosts of Mississippi*,<sup>132</sup> and *A Time to Kill*, the victory, even on behalf of an African-American is the white man's. In keeping with the "caucasianism" of Hollywood convention, Brigrance is the hero who wins by battling the system single-handedly, *mano à mano*.

The film does not portray the victory in any kind of social lens. Civil rights leaders are shown only to prove their venality. NAACP officials come to town for the purpose of manipulating Hailey into giving up his white lawyer for one of "their" legal people, in this case an obnoxious, probably Jewish, New Yorker.<sup>133</sup> Unlike Brigrance, so the movie says, they are not really interested in his welfare, but in how they can use the case to make a point about racism in Mississippi.<sup>134</sup> It also turns out that the church plans to use the money it ostensibly collects for Hailey's family to pay the NAACP's legal expenses and not to buy the groceries they really need.<sup>135</sup>

While Hailey almost falls for their enticements to drop Brigrance, in time he sees the chicanery and deception of the NAACP representatives, as well as that of the local preacher who has received a cut of the Hailey collection.<sup>136</sup> He sees how bad these people are and decides to go with the solo-practitioner, inexperienced homeboy instead of their experienced capital lawyer.<sup>137</sup> Of course, his choice proves correct despite the odds.

In the last scene, when Brigrance and *famille* show up like just folks at the victory picnic, Hailey sees that he was wrong to have earlier distrusted Brigrance and to have rebuffed his statement that they were "one heck of a

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129. *See id.*

130. *See id.*

131. *MISSISSIPPI BURNING* (Orion 1988).

132. *GHOSTS OF MISSISSIPPI* (Castle Rock 1996).

133. *See A TIME TO KILL*, *supra* note 30.

134. *See id.*

135. *See id.*

136. *See id.*

137. *See id.*

team."<sup>138</sup> With tears in his eyes, Hailey hears Brigance say that he brought his daughter, thinking that their children can play together.<sup>139</sup> The African-American sees his error in misjudging the white man and the movie ends.

While *A Time to Kill* falls back on a white-centered lens and Hollywood conventions in its portrayal of race relations, it does better with its portrayal of its woman legal character. Whatever her flaws, there is a change for the better and a possibility for the future.

### C. *Primal Fear*<sup>140</sup>

Just as *A Time to Kill* had issues other than women lawyers, *Primal Fear*'s main target is defense lawyers. Therefore, because this movie's female attorney is a prosecutor, much of its venom is reserved for the male defender of an accused killer.<sup>141</sup> And while "backlash" woman lawyers invariably evoke the audience's disdain and/or pity, this film makes Richard Gere's narcissistic defense attorney the character who deserves comeuppance.<sup>142</sup> Although *Primal Fear* deviates from the standard formula in this respect, the way the movie makes the adversaries former lovers is typical of the genre.<sup>143</sup> But even Gere's way of dealing with his ex-girlfriend ultimately shows his defects more than hers.

Martin Vail (played by Gere) and Janet Venable (played by Laura Linney) are adversaries on a capital murder prosecution.<sup>144</sup> Unlike the anti-death penalty law student Ellen Roark, Venable has persuaded her boss to pursue a capital prosecution against the bloodied young man who has been arrested for a Catholic Cardinal's murder.<sup>145</sup>

Vail, a former Chicago prosecutor and colleague of the more junior Venable, has become a star in Chicago with cool good looks, powerbroker connections, and narcissism that propel him ever forward in search of legal excitement and media coverage.<sup>146</sup> Throw in his attitude that "you don't know, you don't ask, you don't care [if your clients are guilty],"<sup>147</sup> and you get a law and order morality tale with the perfect cinematic anti-hero for these tough times.

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138. *Id.*

139. *See id.*

140. *PRIMAL FEAR* (Paramount Pictures 1996).

141. *See id.*

142. *See id.*

143. *See id.*

144. *See id.*

145. *See id.*

146. *See id.*

147. *Id.*

In *Primal Fear*, contrary to the backlash woman lawyer movies, Venable is the upholder of law and order and she speaks for "us." In other films, the woman as prosecutor, or as defense lawyer, has all kinds of problems. Her job is primarily a vehicle to show her weaknesses. For example, Sean Young in *Love Crimes* plays a fanatical, sexually-repressed sex crimes prosecutor, driven by her own unhappiness and family secrets.<sup>148</sup> Or Glenn Close in *Jagged Edge* is a former prosecutor turned defense lawyer, who, despite warnings, falls for her handsome but guilty client and ultimately becomes his target.<sup>149</sup>

In this film, though, the single (as usual) prosecutor is a star in her office.<sup>150</sup> She is appointed to handle what the chief DA knows will be a tough case despite the overwhelming evidence against the defendant.<sup>151</sup> While Venable expects her opponent to be a public defender,<sup>152</sup> the fly in the prosecutorial ointment is Richard Gere, the young man's defense lawyer.

In part, the tension between the two former lovers, now adversaries, drives the plot. So do Vail's efforts to psychologically manipulate and undermine Venable. From the beginning, their dialogue is barbed. While she pulls no punches in needling him for his publicity-seeking narcissism, ("Did you sell the book rights [to the case after first getting it]?"<sup>153</sup> or "I don't need a Mercedes, I don't need to see my face on the evening news."<sup>154</sup>), he resorts to undermining comments about her work on the case ([Venable:] "I was assigned to this case." [Vail:] "Do you think you're up to it?"<sup>155</sup> or "A small piece of advice, don't use the word *heinous* in a courtroom. Half the jury won't know what you're talking about."<sup>156</sup>). For variation, he embarrasses her in front of colleagues. Once, for example, he removes her from the restaurant table where she is eating with colleagues so he can talk to her.<sup>157</sup>

But he also tries to interest her in resuming the relationship that she seems to have been the one to break off. She says to him after he suggests they go to a bar together, "I don't like one night stands all that much." [Vail:] "We saw each other for months." [Venable:] "It was a one night stand, Marty, it just lasted six months."<sup>158</sup> Venable's resistance to Vail's efforts, despite the obvious chemistry between them, ratchets up the tension. While they play this

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148. See *LOVE CRIMES*, *supra* note 3.

149. See *JAGGED EDGE*, *supra* note 3.

150. See *PRIMAL FEAR*, *supra* note 140.

151. See *id.*

152. See *id.*

153. *Id.*

154. *Id.*

155. *Id.*

156. *Id.*

157. See *id.*

158. *Id.*

cat and mouse game—so noticeable that the trial judge asks if they want a recess to continue their bickering outside<sup>159</sup>—the film does not portray the prosecutor as neurotic for distancing herself from Vail. Instead, the viewer shares her mistrust of him; but at the same time we also see his appeal.

The struggle between the two also concerns Venable's maintaining her professional integrity and separateness. Richard Gere's character, whom we discover she assisted when they were prosecutorial colleagues,<sup>160</sup> had several years earlier quit his Assistant DA's job.<sup>161</sup> She did not leave however, something that he chides her about.<sup>162</sup> Asserting her independence, she disdainfully says, "I had no reason to leave . . . [y]ou really expected me to trot out . . . [and] quit just because you did?"<sup>163</sup> Janet Venable ultimately, however, does sacrifice her job on principle when, at trial, she violates her boss's orders not to prove the murdered Cardinal a pederast and the District Attorney a cover-up player.<sup>164</sup>

One unique aspect of this film is that the woman lawyer is right about the guilt of her adversary's client. Being correct in this respect burnishes the portrayal of the woman lawyer because movie plots often pivot on such misjudgments, usually to the male character's advantage (such is the case, for example, in *Music Box* and *Guilty as Sin*).<sup>165</sup> In this film, thinking that the accused is guilty is the right position. The usually cynical Vail, on the other hand, falls for his scheming client's faked mental illness.<sup>166</sup> Only after he has won on insanity grounds does the defendant reveal his trickery.<sup>167</sup>

Even Vail's successful manipulation of Venable at trial, which results in his client attacking her from the witness stand,<sup>168</sup> does not undercut her character. After all, although Vail has correctly designed his trial strategy around Venable's psychology to gain an insanity acquittal,<sup>169</sup> in the end he's the one most deceived. Although he has come to believe in and feel for his young client Aaron Stampler (played by Edward Norton),<sup>170</sup> in the film's final ironic twist, the defendant reveals a cynicism even more profound than his hard-boiled attorney's when he reveals that he has faked a multiple personality

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159. *See id.*

160. *See id.*

161. *See id.*

162. *See id.*

163. *Id.*

164. *See id.*

165. *See* MUSIC BOX, *supra* note 3; GUILTY AS SIN, *supra* note 3.

166. *See* PRIMAL FEAR, *supra* note 140.

167. *See id.*

168. *See id.*

169. *See id.*

170. *See id.*

disorder.<sup>171</sup> The man who earlier bragged that he did not care about his clients' guilt now experiences the wrong-headedness of his arrogance.

Martin Vail also gets his comeuppance for toying with Venable's heart. In an echo of her pain in caring for him, among Stampler's last mocking words to Vail are "love hurts."<sup>172</sup> Indeed, having the lawyer finally believe in his client gave the latter the power to injure and betray him. While he might not have seen the parallel between Stampler hurting him and his inflicting similar pain on Venable, the audience knows that to be true. Whether he comes to understand it is left for another movie.

Even more eerily parallel is Vail's treatment of Venable and Stampler's betrayal of the defense lawyer, when Stampler stated that "the way you put me on the stand like that . . . it was like we were dancing, Marty."<sup>173</sup> Surely these words have been carefully chosen since throughout the movie, Vail has asked Venable at various moments to dance in an effort to manipulate and seduce her.<sup>174</sup>

The last time Vail asks Venable to dance is in an emotionally charged moment in the judge's chambers right after the defendant has attacked the prosecutor from the witness stand.<sup>175</sup> Arms around her, Vail once again asks Venable to dance. She says no, but sighs deeply as she steels herself not to respond.<sup>176</sup> She does not succumb, and we do not blame her for it. In the end, the film focuses on Vail's loneliness, not hers, as he walks alone out of the courthouse's back door.<sup>177</sup>

In some earlier movies with women lawyer characters, it's their solitary state that gets the spotlight. This one, although both characters are alone, is more interested in the male lawyer's isolation. The prosecutor is by herself, but at least that does not stigmatize her as it does many of her legal sisters. That she is not the only one alone speaks volumes—or, at least, reels.

#### *D. Female Perversions*<sup>178</sup>

I saw this film on a self-imposed hiatus from female attorney movies. But when I returned to the subject, I recalled that this original and ambitious work was one of that group. How novel to write about a work that transcends the usual Hollywood take on women lawyers; that depicts the pain and power

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171. *See id.*

172. *Id.*

173. *Id.*

174. *See id.*

175. *See id.*

176. *See id.*

177. *See id.*

178. *See supra* note 24.

of being caught in a gender squeeze; that understands that the personal is also the political.

*Female Perversions* has as its protagonist Eve Stephens, a thirty-something prodigy of a California lawyer (played by the English actress Tilda Swinton).<sup>179</sup> The screenplay, by film director Susan Streitfeld and Julie Hebert, fictionalizes psychologist Louise Kaplan's non-fiction book that studies, among other things, female disorders in patriarchy.<sup>180</sup> The movie presents original characters in a narrative that focuses on Eve around the time that she is nominated to be a judge.

The film begins with an extended quote from Louise Kaplan that locates it in a feminist—therefore political—reality. It speaks to the female dilemma: while radical work is required to develop women's full human potential in societies that are constructed to maintain male dominance, the cost of fitting in is also high. Kaplan says:

For a woman to explore and to 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 stereotypical or normal femininity—a perversion, if you will.<sup>181</sup>

Eve Stephens' role as a lawyer dramatizes the conflict between the external and the internal world of a woman who has succeeded in what has formerly been an all-male club. Eve seems to have it all professionally. She's a high profile prosecutor with a much-publicized "stunning upset" victory in a pollution case that we see her argue at the beginning of the film.<sup>182</sup> This is a

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179. *See id.*

180. *See* LOUISE KAPLAN, *FEMALE PERVERSIONS: THE TEMPTATIONS OF EMMA BOVARY* (1991). One reviewer describes this book as:

a psychological study of perverse behavior practiced by women as well as men . . .

[M]ale perversions—from transvestism to necrophilia—involve deception, diverting attention away from a man's shameful feminine wishes . . . [S]o women embark on perverse scenarios of their own to hide their own "masculine" desire for autonomy . . . [These] are not so obviously perverse, nor are they so obviously sexual as those of males, says Kaplan. Just as female genitals reside in mysterious, interior regions, so female perversions lurk behind the gender stereotypes that have so rigidly defined "feminine" behavior.

Dale Flynn, *The Roots of Perversion*, S.F. CHRON., April 14, 1991, Sunday Review, at 8.

181. KAPLAN, *supra* note 181, at 528.

182. *See* FEMALE PERVERSIONS, *supra* note 24.



win that is about to propel Eve into a much-coveted judicial appointment,<sup>183</sup> so all appears to be coming up long-stemmed roses for her.

And yet the control Eve has over her professional life is not matched in the personal sphere, as with other women lawyers portrayed in movies. Unlike many of them, Eve has an active and varied sex life; however, she is emotionally intimate with neither of her lovers.<sup>184</sup> Her relationship with her sister Maddy (played by Amy Madigan<sup>185</sup>), a doctoral candidate in the film and a kleptomaniac,<sup>186</sup> is also not close or pleasurable.<sup>187</sup> Her mother died when Eve was thirteen<sup>188</sup> and her father (a famous retired philosophy professor) is distant at best and sadistic, perhaps criminal, at worst.<sup>189</sup>

This is just the kind of material that has been grist for the mill of the other filmmakers who have portrayed women lawyers as a neurotic, uptight, miserable, albeit professionally successful, group. In fact, given such films' male lenses, these lawyers are always blamed for their own unhappiness, and their inordinate and unwomanly attachment to their jobs is generally the cause. Their pitiful state is meant to be a lesson, designed to keep women in line. At no time is the plight of these women explained within a larger social or political context, nor do the filmmakers (and, consequently the audience) have any compassion for them.

But the way *Female Perversions* turns a female movie eye on the woman lawyer transforms what is otherwise a bleak picture into something quite original. Rather than condemning Eve or any of the other female characters, the film plumbs her psyche while it skewers, often hilariously, how a woman's efforts "to fit herself into the order of the world" create female perversions.

Eve is a woman who has both played and not played by society's rules. Her intellectual gifts have facilitated her legal success.<sup>190</sup> She has, it seems, always been drawn to the law and to the kind of logical, objective thinking considered typically male.<sup>191</sup> Speaking of the law to a lover, Eve says, "I prefer [it]. It's black and white. Obey the rules or suffer the consequences. Guilty or not guilty."<sup>192</sup>

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183. See *id.*

184. See *id.*

185. See *id.*

186. See *id.*

187. See *id.*

188. See *id.*

189. See *id.*

190. See *id.*

191. See *id.*; see also HARRINGTON, *supra* note 47, at 189-90; Katharine Bartlett, *Feminist Perspectives on the Ideological Impact of Legal Education Upon the Profession*, 72 N.C. L. Rev. 1259, 1265 (1994).

192. FEMALE PERVERSIONS, *supra* note 24.

The flip side of her ability to win in the man's world is her male identification. That contrasts with her more feminist sister Maddy. Indeed, she angrily accuses Eve of having always wanted "the big daddy dick."<sup>193</sup> Eve shows the aptness of Maddy's accusations in her own words to the self-hating teen, Edwina. The girl quotes Maddy saying that the moon is a woman. Eve corrects her sister, in replying that "my father showed me the man in the moon . . . and I believe him."<sup>194</sup>

In the sisters' competition for their father, Maddy believes that Eve—the good girl, "the saint"—has won.<sup>195</sup> After all, in a phone call to tell Dad that she has gotten her doctorate, she reports that he is only interested in discussing Eve's potential judicial appointment.<sup>196</sup> The viewer knows, however, that the father treats his favorite daughter badly as well.<sup>197</sup> Nevertheless, being a good girl has helped prime her for success in the male world of law and politics. Conversely, though, she is still "pinioned on the classic dominance-submissiveness polarity"<sup>198</sup> in her relationship with an architect whom she alternately distances and sexually entices.<sup>199</sup>

While Eve is the main protagonist of the film, she needs to be seen in comparison to Maddy. Of the two, Eve, according to Tilda Swinton, "spends her life pleasing male authority figures, and changes attitudes and guises depending on whom she's speaking to."<sup>200</sup> Maddy, the kleptomaniac, accuses her sister of always judging and feeling superior to her.<sup>201</sup> Despite working for her Ph.D., we see her stealing scarves and underwear from exclusive shops<sup>202</sup> and later learn that other stolen merchandise is stored in her room.<sup>203</sup> On the other hand, Eve has followed the rules enough to have succeeded in the male legal world. No wonder, as Maddy says, she has always wanted "the big daddy dick."<sup>204</sup>

Although Eve is male-identified, the viewer must not ignore the gender-bending aspect of her being a lawyer. Even if joining the legal profession does not have quite the same symbolism as it previously did, it is still a

193. *Id.*

194. *Id.*

195. *See id.*

196. *See id.*

197. *See id.*

198. Jay Carr, *Female Perversions: Potent Stew of Sexual Politics*, BOSTON GLOBE, May 9, 1997, at C5.

199. *See FEMALE PERVERSIONS*, *supra* note 24.

200. Edward Guthmann, *Tilda Swinton Goes On Gender-Benders*, S.F. CHRON., May 13, 1997, at E1.

201. *See FEMALE PERVERSIONS*, *supra* note 24.

202. *See id.*

203. *See id.*

204. *Id.*

revolutionary act "[f]or a woman . . . to . . . express the fullness of her . . . intellectual capacities . . . ." <sup>205</sup> And Eve, despite her self-doubts, is a "professional juggernaut" <sup>206</sup> as one reviewer put it. For example, we hear a television commentator report her winning a "stunning upset . . . that puts her in line" for a judicial appointment. <sup>207</sup> Her replacement at the office refers to her as "the legal genius." <sup>208</sup>

Her subversion, even in the face of her conforming to male conventions, inextricably combines the professional and the sexual. It surfaces in a bit of 1990's pillow talk with her psychologist lover. She asks Eve if she wanted to become a judge "to enforce the rules." <sup>209</sup> Eve's response reminds the viewer that the good girl is only one side of her. She says, "Ever since I was a little girl six years old, I always wanted to be a judge. I wanted to be dressed in a long black robe with nothing on underneath." <sup>210</sup> This comment reveals that Eve's male identification goes only so far, and beyond it as well as under it, there is her female power.

The movie's female lens on Eve, showing even her flaws, records how she is seen through the male eye by herself and by others. This eye does not condemn her, but dramatizes how women internalize the male standard, thereby undermining themselves. In a number of scenes with which many female viewers can identify, Eve hears a male voice castigate her for projected flaws, particularly physical ones. <sup>211</sup> The voice says the kinds of things that men say to subvert women, who then make these views their own.

For example, Eve excitedly calls her father from her office to tell him about her potential judicial appointment. <sup>212</sup> She wakes him and although she says she has good news, he gruffly and uninterestedly tells her to phone the next day. <sup>213</sup> As Eve stands at her desk after the conversation, she imagines a male grabbing her from behind and whispering into her ear "flabby ass and thighs, stinking rank . . . vulgar, lascivious, insatiable beast. Stupid and devious. Nothing about you is genuine. Everyone knows you're a fraud." <sup>214</sup> Her father's rejection has thrown her into a frenzy of self-hatred, of seeing herself as he had, or as she imagines any man might, when only a few minutes earlier she had thrilled in her achievement.

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205. KAPLAN, *supra* note 180, at 528.

206. See Carr, *supra* note 198.

207. FEMALE PERVERSIONS, *supra* note 24.

208. *Id.*

209. *Id.*

210. *Id.*

211. See *id.*

212. See *id.*

213. See *id.*

214. *Id.*

In another scene, Eve is shopping for a teddy, preparing to enjoy her own reflection before a mirror until she imagines a male voice saying "a little wide through the hips."<sup>215</sup> In another scene where she has been sharp with a woman court clerk, she imagines the clerk grabbing her and saying, "hysterical, loudmouth, bitch, ball-buster, battle-ax, strident, grotesque, out of control. You a judge? Never!"<sup>216</sup>

There are other frames that recreate the woman lawyer's experience of being the object of male scrutiny.<sup>217</sup> As a former criminal trial lawyer myself, I related to the recreation of Eve's argument of the case that catapults her into public attention and to her judgeship. It portrays the lawyer through all the male eyes that watch and objectify her as she speaks.

Eve's words are heard as if from a great distance, while the camera focuses on her as the sum of her body parts.<sup>218</sup> The camera alternately zooms in on the erotic curves of her anatomy—her hip, her neck, her breasts—and the court personnel watching her, as she argues her case against a polluter.<sup>219</sup> The culmination of this several minute scene is a court officer's turning off his hearing aid as he looks at her.<sup>220</sup> Then Eve, the lawyer, becomes just the totality of her body, and her words need no longer interfere with his viewing pleasure.<sup>221</sup>

Eve's interview with the governor, prior to her judicial nomination, provides a different use of the film's female lens. This meeting goes well as Eve confidently chats with him about her job qualifications. But when he asks why "a beautiful woman" like her isn't married, her confidence is shattered.<sup>222</sup>

With that question, the lens shifts and Eve gets flustered as she critically observes herself through the governor's gendered eyes.<sup>223</sup> Indeed, many woman lawyers who have ever been asked that question know that feeling of inadequacy as she hears herself try to explain what all of a sudden feels inexplicable. The governor's comment on his wonderful family, "I don't know how we've done it, raising five daughters. My wife is a saint,"<sup>224</sup> embodies the gap between men and women in a male-dominated society. Is it any wonder that a "significantly disproportionate number of women lawyers who attain traditional success . . . are unmarried or childless[?]"<sup>225</sup>

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215. *Id.*

216. *Id.*

217. *See id.*

218. *See id.*

219. *See id.*

220. *See id.*

221. *See id.*

222. *Id.*

223. *See id.*

224. *Id.*

225. *See Korzec, supra* note 32, at 121; *see also* Shapiro, *supra* note 1 at 977 n.84 (citing Stephanie

Eve is sometimes uncomfortable with the male eye on her physical being, but also plays to that desired approval. One could use Kaplan's words to say that she has "consign[ed] herself . . . to the bondage of [stereotypical] femininity—a perversion, if you will."<sup>226</sup> Indeed, Tilda Swinton's character has the sexiest wardrobe of any female film lawyer with her lace teddies, stilettos, and form-fitting suits.<sup>227</sup> It is no doubt designed to attract male attention. While a woman need not dress in an unattractive way as a matter of feminist doctrine, aspects of Eve's dress can be considered a "female perversion," most notably her stiletto heels.<sup>228</sup> She wears those stereotypically feminine heels despite the threat that they present to a woman's physical well-being, notably to her knees and her spine.

Some might contend that aspects of her sexuality are subversive on the theory that her flaunting it is a strike at the patriarchy. After all, the Kaplan quote about the revolutionary aspects of a woman's "explor[ing] and express[ing] the fullness of her sexuality"<sup>229</sup> frames the film. Unlike other cinematic women lawyers, such as those portrayed by Ellen Barkin and Sean Young,<sup>230</sup> Eve experiences great sexual satisfaction,<sup>231</sup> which is one way in which she does possess herself as a woman.

Despite that, Eve commodifies herself and is insecure about her desirability, both reflecting and creating other female perversions.<sup>232</sup> After learning about her possible judicial appointment, she arranges for flowers to be sent to herself, making them appear to be congratulations from a male admirer.<sup>233</sup> She feels threatened by her office replacement, played by supermodel Paulina Porizkova (following in the footsteps of Cindy Crawford<sup>234</sup>). In a play on the fairy tale, she is unnerved when she looks into her rival's compact, asking "Mirror, mirror on the wall [who is the fairest of them all?]," and hears the other woman's name in response.<sup>235</sup> Eve is also

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Benson Goldberg, *Is That All There Is?*, 74 A.B.A. J. 72 (1988), discussing an early (1984) ABA study that "suggests that 'legal careers have taken a toll on [women lawyers' personal] lives . . . [o]f all women lawyers, . . . 56% of women had no children vs. 40% for men"). For a startling look at how the women at one law firm dealt with this issue, see Jill Abramson, *For Women Lawyers, An Uphill Struggle*, N.Y. TIMES, Mar. 6, 1988, § 6, at 36.

226. KAPLAN, *supra* note 180, at 528.

227. See FEMALE PERVERSIONS, *supra* note 24.

228. See *id.*

229. KAPLAN, *supra* note 180, at 528.

230. See them in their respective roles in the films THE BIG EASY (Kings Road 1987) and LOVE CRIMES (Millimeter Films 1991).

231. See FEMALE PERVERSIONS, *supra* note 24.

232. See *id.*

233. See *id.*

234. See FAIR GAME, *supra* note 28.

235. FEMALE PERVERSIONS, *supra* note 24.

haunted in dreams by old crones following her and in waking hours by her own strained face in the mirror.<sup>236</sup>

Having said that, Eve's personal problem is her failure to have explored and expressed the fullness of her emotional capacities. She is cut off from this aspect of her femininity; indeed, she seems to be more prototypically male in her emotional geography. That may be explained by the sexual trauma she may have suffered at the hands of her father, something that the film only cryptically presents.<sup>237</sup>

These repressed memories are painfully revealed during the course of the movie as Eve's involuntary involvement in her sister's legal problems plunges her into her own nether regions.<sup>238</sup> While the film's plot movement is toward Eve's judgeship, its heart is her movement toward integrating the female into her life and toward increasing kinship with other women. This is inextricably connected to her relationship with Maddy as they both "examine their respective ways of trying to acquire the power they associate with their dominating father."<sup>239</sup>

While female attorney film depictions have shown some progress, none until *Female Perversions* offered any insight into the cost of being a woman and a lawyer in a male-dominated society and profession. The movie starts to fill the void with the political/psychological lens it turns on Eve Stephens, who is stuck in the "gender double bind." Rather than condemning her for being there like most of the other films, this one leads to understanding, which is part of the way out.

### *E. Primary Colors*<sup>240</sup>

In my first article on women lawyers and film, I wrote that Hillary Rodham Clinton was the public figure who shattered the one-dimensional portrait of the Hollywood woman lawyer.<sup>241</sup> At that time—much earlier in the history of her husband's presidency—she was the most prominent embodiment of the gender-bending woman lawyer. As such, she was the lightning rod for the public reaction to gender changes in society. Her detractors, mostly (but not exclusively) men, considered her a symbol of women gone wrong, as they strayed too far from hearth and home into male provinces. In contrast, to her male and female admirers, she represented

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236. *See id.*

237. *See id.*

238. *See id.*

239. *See Carr, supra* note 198.

240. *PRIMARY COLORS* (Universal Pictures 1998).

241. *See Shapiro, supra* note 1, at 1008.

women coming into their own, making clear why her husband had said that electing him would give the country "two for one."

As I write this piece in mid-September 1998, Hillary's popularity is at its highest level ever.<sup>242</sup> This zenith is a culmination of a gradual rise over the last few years as she has retreated from substantive policy to be a more traditional First Lady domestically—although she remains notably outspoken on women's issues in her foreign travels. Memories of earlier controversies, however, have faded in the face of her husband's current troubles with Monica Lewinsky. That sex scandal has catapulted her into the sympathetic and new (but ever so old) role of a wronged wife. That traditional female role, even if neither sought nor welcome, has made her more popular than ever. History has now catapulted Hillary into a role which transcends both politics and gender, one which has vaulted her into America's heart, if not heartland.

Thinking about Hillary as wife puts me in the perfect frame of mind to write about the no longer new, but ever so timely, *Primary Colors*. This is the movie that, in theory anyway, answered my first article's plea for a movie that had a woman lawyer character as multifaceted and engaged as Hillary Rodham Clinton.<sup>243</sup> In fact, *Primary Colors*, via Joe Klein's novel, gives us Hillary herself dressed up as the barely fictionalized Susan Stanton (played by Emma Thompson).<sup>244</sup> However, Susan is given to the viewers primarily as wife. She is an engaged, capable and invaluable campaign partner though, nonetheless, primarily a wife.<sup>245</sup> That she is a lawyer is completely tangential to the plot.<sup>246</sup> In fact, there is only one easily missed mention of her profession. That occurs when Susan Stanton introduces Lucille Kaufman—the Susan Thomases stand-in—as her law school roommate.<sup>247</sup>

Let us not avoid the ultimate irony. This movie with a First Lady/lawyer clone as a major character, shows virtually nothing of her professional role, although that is key to her real-life identity.<sup>248</sup> Indeed, there are few other woman lawyer films that so thoroughly remove the woman from a professional context. In doing so, the movie version of Hillary Rodham Clinton, embodied as Susan Stanton, depicts her solely as a woman whose life belongs to her husband.<sup>249</sup> Their partnership becomes something other than

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242. See e.g., Lizette Alvarez, *Hillary Clinton: Popular, and Hardly in Hiding*, N.Y. TIMES, Aug. 12, 1998, at A1; Margaret Carlson, *Thanks, but Hillary Doesn't Want Your Sympathy*, TIME, Aug. 24, 1998, at 42.

243. See Shapiro, *supra* note 1, at 1010.

244. See PRIMARY COLORS, *supra* note 240.

245. See *id.*

246. See *id.*

247. See *id.*

248. See *id.*

249. See *id.*

one between equals, despite her critical role in his winning campaign for the presidency.

On the other hand, Susan Stanton is an admirable character, in many ways consonant with the Hillary Rodham Clinton the public knows. While Jack (played by John Travolta), her charming scoundrel of a husband, is undisciplined and impulsive,<sup>250</sup> she is admirably efficient, intelligent, cool, disciplined, and maternal.<sup>251</sup> Above all, she is loyal to her long-time spouse despite his philandering.<sup>252</sup> In the movie, as (apparently) in real life, we see her swallow all measure of personal humiliation in order, among other things, to pursue victory to implement their shared political ideals.<sup>253</sup>

But while the cinematic Susan is a paragon in these various ways, the real Hillary's appeal for some of her constituencies has gone one step beyond. In addition to the personal qualities that she embodies and the symbolic appeal of her gender achievements, her attractiveness to women has been substantive. Despite her compromises, her positions on women's and children's political, economic, and social rights particularly have made her an icon, if not an inspirational figure, for many women at home and abroad.

*Primary Colors*, however, does not even hint at Hillary's commitment to ideals of justice and equality that exist apart from her husband and his quest for power.<sup>254</sup> So although she is admirable in many ways, her existence as a serious political person in her own right has been eviscerated. The elimination of this personality skein makes her a less complex and more gender-traditional movie character. It also means that the viewer does not understand how Hillary's own political agenda, apart from her husband's, motivates her work on his behalf.

While only "Hillary-lite," Susan Stanton is still the first female lawyer figure and one of the few women movie characters to be a player on the highest political level.<sup>255</sup> This is the case even if she made it there in the traditional way—through her husband, also true about Hillary. Although arriving in electoral politics through marriage, Susan is ultimately tested in the same way as Jack.<sup>256</sup>

Because of her major role in his candidacy, she, and he, are the unwitting test subjects of their campaign "dust-buster" and trouble-shooter Libby Holden (played by Kathy Bates).<sup>257</sup> She tries to definitively discover after a

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250. *See id.*

251. *See id.*

252. *See id.*

253. *See id.*

254. *See id.*

255. *See id.*

256. *See id.*

257. *See id.*



twenty-year friendship who the Stantons really are.<sup>258</sup> In this instance, unlike in some other movies, we see that gender has nothing to do with ethics.<sup>259</sup> Indeed, both husband and wife are both so far outside Libby's moral loop that they do not even "get" that there is a test until after they flunk it.<sup>260</sup>

Susan Stanton's hardball approach to political crises in *Primary Colors* demonstrates that this woman lawyer is as ruthless as her man and tougher than any of their political operatives.<sup>261</sup> Moreover, she is personally resilient. In fact, in some eerily *au courant* moments, the movie shows an angry, sad, and betrayed Susan recover from her own hurt to immediately marshal Jack's stunned team against allegations of his affair with her hairdresser.<sup>262</sup> She again takes charge in the face of subsequent charges that her husband had impregnated an African-American teenager.<sup>263</sup>

These earlier demonstrations of her true grit on Jack's behalf in the face of her own pain lay the groundwork for her ruthless response to the moral problem that Libby brings them both.<sup>264</sup> Unlike other women lawyers portrayed in film whose ethics, if not their judgment, are inferior to men's, hers match her husband's in the ruthless pursuit of power.<sup>265</sup> However morally unconscionable her response is, it is interesting to see a woman lawyer character who is a no-holds barred player in the power game, like men of her ilk. At least there is an expansion of the current narrow portrait of the woman lawyer as she plays on a wider stage.

The final unmasking of Susan, and equally of Jack, occurs when Libby uncovers information about Jack's opponent, once her boss, that will fatally wound him in a critical presidential primary.<sup>266</sup> Twenty years earlier, it turns out, the then-governor had a cocaine problem and an affair with another man.<sup>267</sup> Libby is resolved not to use this information that she knows will destroy a decent person, although it would likely insure Jack's victory.<sup>268</sup>

Libby tests her old friends when she gives them this hot material and asks about their intent to use it, even knowing how dirty and fundamentally irrelevant it is.<sup>269</sup> With Susan speaking first, she and Jack agree that there's

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258. See *id.*

259. See *id.*

260. See *id.*

261. See *id.*

262. See *id.*

263. See *id.*

264. See *id.*

265. See *id.*

266. See *id.*

267. See *id.*

268. See *id.*

269. See *id.*

no way that they would not use this radioactive information.<sup>270</sup> She shows that her desire for her husband's victory is not a matter of gender. Like Jack, she will go to any lengths to win.<sup>271</sup> This amorality so disillusions Libby, who also feels that her investment in their personal and political lives makes her nothing without them, that she commits suicide.<sup>272</sup>

Libby's death brings a moral jolt to a movie in which the excitement of the pursuit of political power has swept up Susan as well as the other participants. But *Primary Colors* gives no inkling that the suicide causes her, any more than Jack, to reassess the means-ends balance of their political pursuit.<sup>273</sup> While the movie indicates a need to do so, we see both genders equally impervious to the inquiry.<sup>274</sup> In the end, although they ultimately honor Libby's memory by not using the dirty information, Jack wins the presidency.<sup>275</sup> The last scene shows them dancing at the Inaugural Ball observed by a formerly disillusioned aide who has signed back on to the team despite what Libby showed him about the Stantons.<sup>276</sup>

It would have been interesting to have seen the extent to which Susan's desire for personal power as First Lady and as the President's "two for one" partner motivated her ruthlessness during the campaign. Ambition in women is generally a dirty secret. I wish the movie had taken advantage of the Hillary Clinton character to develop a deeper female portrait in this respect. As *Primary Colors* now stands, the viewer has no idea where Susan fits on that scale, although we know that she will do almost anything for her husband's political ambition.<sup>277</sup>

Because Susan Stanton is modeled after Hillary Rodham Clinton (in however attenuated a way), *Primary Colors* necessarily deals with political issues that do not come up in other woman lawyer movies. It also deals with the Stanton marriage, an anomaly in this genre because almost none of these female attorney characters are married. Yet in this film, as with the Clintons, the relationship between the woman lawyer and her politician husband is central to the drama.<sup>278</sup> In this movie, as in life, one persistent question is how this strong and independent woman can tolerate what would be intolerably humiliating for most women—her husband's many extra-marital sexual liaisons.

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270. See *id.*

271. See *id.*

272. See *id.*

273. See *id.*

274. See *id.*

275. See *id.*

276. See *id.*

277. See *id.*

278. See *id.*

It is this discrepancy between the real life private and public Hillary that many find intriguing. Discussions in these September days as to whether Hillary will stay with Bill, alternating with whether she will save him one more time with a public forgiveness, reflect the enigma of her long marriage to him. Perhaps, though, the Clintons' friend, TV producer Linda Bloodworth-Thomason, has given the only answer available at the moment: that is, her statement in a recent television interview that whatever else it is, theirs is an "unconventional" relationship.<sup>279</sup>

*Primary Colors*, in contrast, does take you right inside its version of the Stanton marriage. It is clearly modeled on the Clintons with the chemistry, loyalty, and common power goals between the two made obvious.<sup>280</sup> Ditto for Jack's potentially marriage and career-busting sexual escapades. These are dramatically punctuated by Susan's rallying the political troops to save her husband from himself, and to keep his political dream afloat.<sup>281</sup>

The movie makes plausible the way in which Jack, the ultimate charmer, plays his wife. We see this early on during an incident when she is angry at him for his irresponsibility during the New Hampshire primary campaign.<sup>282</sup> He has not appeared for a speech because he stayed in New York to have sex with a woman he's met during a campaign stop.<sup>283</sup> When he finally reaches his annoyed wife in snowy New Hampshire, he croons to her, hugs and plays with her, touches her breasts, and she "allows herself to be charmed out of her anger and goes back to do it all over again the next day."<sup>284</sup> Of course, in this case, he also manages to hide his sexual escapade from her, the real reason for his delay.<sup>285</sup>

When two of his affairs are revealed during the presidential primary season, Susan alternately gets furious, cries, slaps him, and throws her keys at him, but then, immediately after, takes up the gauntlet to save him.<sup>286</sup> She does this through a joint television appearance similar to the Clintons' *60 Minutes* interview after the Gennifer Flowers accusations during the 1992 New Hampshire primary.<sup>287</sup> And that is also very much like Hillary Rodham Clinton if we believe what we read in the press about her political first-aid on several other critical occasions.

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279. *60 Minutes* (CBS television broadcast, September 13, 1998).

280. See PRIMARY COLORS, *supra* note 240.

281. See *id.*

282. See *id.*

283. See *id.*

284. Jay Carr, *Nichols Deftly Paints True 'Colors' of '90s Politics*, BOSTON GLOBE, Mar. 20, 1998, at C1.

285. See PRIMARY COLORS, *supra* note 240.

286. See *id.*

287. See *60 Minutes* (CBS television broadcast, September 1992).

Emma Thompson has been praised for her portrayal of Susan Stanton. But Mike Nichols, the *Primary Colors* director, said that "[t]o me the miracle of Emma's performance, even when she's calling him an asshole and slapping him [is that] it is always clear that he owns her." He adds, "Every second. She's his. And she's like a part of him yelling at another part of him."<sup>288</sup>

Nichols' assessment of Thompson's Susan Stanton makes her her husband's property. That may be a reassuring statement about respective gender roles for some men, but horrifying for most women, although that is not the film's main focus, in the way that the earlier backlash movies were. It is clear that Susan is a smart lawyer and her husband's more than equal partner in his rise to power, breaking away in those respects from the traditional sex roles. But in the end, she is just like every other less smart, less equal woman who defines herself by her man. That Jack "owns" Susan puts her, and women, back at gender square one.

This discussion brings us full-circle. That is, Susan Stanton lacking a life outside her marriage, while super-engaged in her husband's presidential ambitions, makes her a much less nuanced figure as a wife.<sup>289</sup> It also significantly changes the marriage equation, although perhaps not its bottom line. Having given Susan her own political and power agenda would at least have made for more equal opponents and also might have sketched out what augmented the emotional connection.

The movie's showing Susan's life outside the marriage, her own desire for power, and her place in the culture, would have made her a more complex character, warts and all. So by extension would have been the portrait of her marriage. While *Primary Colors* is undoubtedly based on the Clintons' rise to power, I am still waiting for that movie about Hillary Rodham Clinton as woman-lawyer.

### *F. Soul Food*<sup>290</sup>

Until *Soul Food*, being a female lawyer on the movie screen meant being a white woman. This film breaks that cinematic portrayal. Unfortunately, it presents its main character, Teri, as a throwback to some of the worst stereotypes of the genre.<sup>291</sup>

Teri (played by former Miss America Vanessa Williams) is a workaholic, self-involved, ball-busting professional "less-than" woman, like her white

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288. James Kaplan, *True Colors?*, NEW YORK MAGAZINE, Mar. 2, 1998, at 22, 27.

289. See *PRIMARY COLORS*, *supra* note 240.

290. See *SOUL FOOD*, *supra* note 26.

291. See *id.*

legal sisters in the movies.<sup>292</sup> Moreover, she shares their personal unhappiness despite her professional success. In a variation on the romantic ineptitude of women lawyers, Teri is twice unhappily married, both failures primarily the result of over-dedication to her career.<sup>293</sup> Despite her beauty, she shares the other female attorneys' deficiency in womanly skills, most notably cooking, because she "always kept [her] head in the books."<sup>294</sup> This bespeaks a major problem in *Soul Food*, where preparing food and serving it are synonymous with love and nurturing.<sup>295</sup>

However, one thing that makes this film particularly interesting is the number of women on the screen. In the past, the woman lawyer was an isolated figure without a social network, which was part of the point of her portrayal. But here is Teri, among her two sisters, her mother and other female relatives.<sup>296</sup> This family provides a ready-made social environment for an unlovable character who would not be expected to have many friends. However, one must note that none is her academic or professional peer,<sup>297</sup> which is also characteristic of many earlier women lawyer movies.

In this movie, unlike others in which the female attorney seemed to be alone in the world of men and the viewer never saw the desirable woman, here there are other possible models so that the lawyer can be placed on the film's female spectrum.<sup>298</sup> This allows the viewer to see that this family-oriented movie's female role model is Teri's middle sister, the loving wife and mother. Her presence only highlights Teri's role as *Soul Food*'s movie anti-heroine.<sup>299</sup>

The film's motif is the weekly dinner for the close-knit African American family of three daughters and their dear ones.<sup>300</sup> For forty years, Big Mama, beloved matriarch, has cooked soul food each Sunday in her Chicago home for a mostly loving brood.<sup>301</sup> However, the family begins to fall apart when she is hospitalized.<sup>302</sup> The plot develops around the efforts to reunite the family and maintain the soul food tradition after Big Mama's illness and eventual death.<sup>303</sup>

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292. See *id.*

293. See *id.*

294. *Id.*

295. See *id.*

296. See *id.*

297. See *id.*

298. See *id.*

299. See *id.*

300. See *id.*

301. See *id.*

302. See *id.*

303. See *id.*

Teri, the oldest of the three sisters, is the one most responsible for tension in a film that puts a premium on family togetherness.<sup>304</sup> The most financially and professionally successful, Teri has assisted her less prosperous family members.<sup>305</sup> For example, she never gets tired of reminding everyone that she helped finance her youngest sister's wedding and launched her beauty parlor.<sup>306</sup> Money is also paramount for her even when it comes to the family home.<sup>307</sup> After Big Mama's death, Teri is the sister who insists on selling the big old house, and in so doing causes a family split that stops the Sunday dinners.<sup>308</sup> The family ultimately saves the house, but it is through her pre-teen nephew's efforts, not Teri's.<sup>309</sup>

The coldness and preoccupation with money that poison Teri's relationship with family members also undermines her marriage.<sup>310</sup> The viewer sees that the problems are all her doing, since a woman could do no better than husband Miles. He is a handsome, adoring, thoughtful, sensitive, jazz-loving lawyer-saxophonist with an unappreciative wife.<sup>311</sup> It is clear to the whole family that Teri treats him badly, so much so that the otherwise sweet-as-pie Big Mama reprimands her. She tells Teri, "Stop running down the family. Pay more attention to your own man. You're already on husband number two."<sup>312</sup>

Teri has a scene with her husband that should win the prize among all women lawyer movies for the worst behavior towards a mate. The stage is set at Teri and Miles' home, where he has provided dinner for his late-arriving wife.<sup>313</sup> As they talk, we discover that Teri is about to make partner in her firm.<sup>314</sup> However, at the moment she is more interested in locating \$5,000 missing from their joint bank account.<sup>315</sup> Miles admits he has taken the money to finance the making of a jazz CD.<sup>316</sup>

Teri continues to hammer the nail into her own marital coffin when she lambastes her husband's focus on music rather than on his legal career.<sup>317</sup> She scathingly says, "You could make twice as much money if you spent more

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304. *See id.*

305. *See id.*

306. *See id.*

307. *See id.*

308. *See id.*

309. *See id.*

310. *See id.*

311. *See id.*

312. *Id.*

313. *See id.*

314. *See id.*

315. *See id.*

316. *See id.*

317. *See id.*

time on your job and quit this music crap."<sup>318</sup> On another day, Teri also, obviously unwisely, refuses Miles' invitation to attend his performance at a club later that night.<sup>319</sup> She says she is too busy with work,<sup>320</sup> an explanation that always seems to lead to trouble with women lawyers. That danger materializes as the scene ends and Teri's cousin, an aspiring dancer and their houseguest, walks in the door.<sup>321</sup>

Predictably, the movie punishes Teri for her unwomanly ways. In the next scene, the foxy young relative has a drink with Miles during a break from his performance.<sup>322</sup> Because the viewer will recall Teri's rejecting her husband's invitation, one can predict the cousin's eventual seduction of Miles in the marital home.<sup>323</sup> Teri, of course, comes home to find the two *in flagrante*.<sup>324</sup>

Of the three sisters, Teri is the most beautiful, educated, and successful.<sup>325</sup> But she is simultaneously the least appealing since her materialism makes her mean and heartless with her nearest and dearest.<sup>326</sup> *Soul Food* is a cautionary tale of class as much as gender, since Teri's rejection of her family's values has made her an unhappy, albeit prosperous, woman.<sup>327</sup>

Despite her success, no audience member would identify with Teri. Indeed, as with many of the cinematic legal sisters who preceded her, this lawyer is not appealing.<sup>328</sup> She embodies a strong deterrent message for female viewers since she is the only educated and professional woman in *Soul Food*. Without question, the other sisters—the beauty parlor owner and the earth-mother—present much more attractive models despite Teri's "Miss America" looks.<sup>329</sup>

Having stated that, the movie is not totally unsympathetic to Teri. In the end, she does reconcile with the family after becoming estranged over the proposed sale of the house.<sup>330</sup> But even before the denouement, the movie makes some effort to explain Teri's unhappiness or, at least, the tension with

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318. *Id.*

319. *See id.*

320. *See id.*

321. *See id.*

322. *See id.*

323. *See id.*

324. *See id.*

325. *See id.*

326. *See id.*

327. *See id.*

328. *See id.*

329. *See id.*

330. *See id.*

her middle sister Maxine.<sup>331</sup> She is the model sister of the three with her lovely children, particularly the 11-year-old son who is the film's narrator and hero.<sup>332</sup> In contrast to Teri, she has a long, loving marriage.<sup>333</sup>

A movie flashback purports to explain the problem. It is simply that her younger sister stole Teri's teen-aged boyfriend Kenny at the roller skating rink one long-ago day.<sup>334</sup> He is now her husband and the father of her children.<sup>335</sup> But even all those years later, it still appears that he is Teri's true love.<sup>336</sup> Shortly after she discovers Miles' infidelity, she cries on Kenny's shoulder that she "always thought that maybe if [they] had married, life would have been different."<sup>337</sup> Even so, Teri says, "I would've found a way to screw it up."<sup>338</sup>

We may understand Teri better as a result of this insight into her history. Because the characters are so likable and obviously compatible, viewers can empathize with Kenny's and Maxine's choice. We also are led to assume that even as an adolescent, Teri's unfeminine studiousness made her less than the perfect partner. As adults, the contrast in the sisters' treatment of their respective husbands reinforces Teri's inadequacies as a woman, a recurrent theme with woman lawyers.

In contrast, *Fair Game* uses Cindy Crawford to present one version of a 1990's male "fantasy woman" as a lawyer.<sup>339</sup> *Soul Food* uses Vanessa Williams as Teri to show the perfect anti-woman, and her being a lawyer is an important part of the equation.<sup>340</sup> Her younger sister, a devoted mother, wife, daughter, and sister, in short a domestic goddess, is all that her older sister is not.<sup>341</sup>

Teri's not having children, like most film women lawyers, is a heavily symbolic statement about her inadequacies, particularly given her loving and lovely sister having three.<sup>342</sup> Being childless compounds the underlying problem of Teri's not having learned to cook.<sup>343</sup> The reason she did not learn, that her head was in the books, makes this character a poor advertisement for the woman lawyer.

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331. See *id.*

332. See *id.*

333. See *id.*

334. See *id.*

335. See *id.*

336. See *id.*

337. *Id.*

338. *Id.*

339. See *FAIR GAME*, *supra* note 28.

340. See *SOUL FOOD*, *supra* note 26.

341. See *id.*

342. See *id.*

343. See *id.*



Amid the bad news that Teri conforms to the most negative images of cinematic woman lawyers is the good news that being one no longer means being white. But why not make movies that reflect the reality of African American woman lawyers? Why stop at Teri? Why not, for example, have complex and inspiring characters like Lani Guinier, Eleanor Holmes Norton, Marian Wright Edelman, or Emma Coleman Jordan on the screen? What could be more dramatic?

### G. *Fair Game*<sup>344</sup>

In an earlier, slower age, Cindy Crawford might have been another "face that launched a thousand ships." But in our faster-moving era that celebrates female beauty as captured through the lens of a camera (of whatever sort), "[s]he is quite simply the most celebrated model of our time."<sup>345</sup> No wonder there was anticipatory curiosity about the performance of the six million-dollar-a-year Crawford in her first movie, the 1995 *Fair Game*.

The critics unanimously and rightfully called the movie a bust and Crawford almost as bad. The *Boston Globe* critic went so far as to say that "[w]ith a shrewdness that can only be regarded as diabolical, Cindy Crawford's movie debut . . . places her in the coveted nowhere-to-go-but-up mode."<sup>346</sup> The *San Francisco Chronicle* predicted that "Crawford has a great career ahead of her in silent pictures."<sup>347</sup> Expressing a similar sentiment, the *Chicago Tribune* wrote that in her dramatic scenes, she is "simply awful, showing all the conviction and emotion one might expect during a discussion of cream rinse versus conditioner."<sup>348</sup>

Although I am told *Fair Game* is a popular rental film in Vermont video stores,<sup>349</sup> I concur in the critics' dismissal of it and feel for poor Cindy Crawford's having to make this her movie debut; "let's assume her acting debut will come later."<sup>350</sup> However, despite its collection of flaws, it is interesting because Crawford plays Kate McQuean, who is, of all things, a lawyer.

344. See *FAIR GAME*, *supra* note 28.

345. James Grant, *Cindy Talks!*, *COSMOPOLITAN*, Jan. 1996, at 180, 180.

346. Jay Carr, *Formula, Cliche Are 'Fair Game'*, *BOSTON GLOBE*, Nov. 3, 1995, at 44.

347. Mick LaSalle, *Cindy's No Model Actress But It's All in the 'Game'*, *S.F. CHRON.*, Nov. 3, 1995, at C3.

348. John Petrakis, *Crawford Crashes in Her Cinematic Debut*, *CHI. TRIB.*, Nov. 3, 1995, at F.

349. I decided to show some women lawyer film clips during my talk on the *Making Waves* panel. So I called a video store in the Royalton area from New York to check on film availability. Of the six that I inquired about, the clerk assured me, all were likely to be in except *Fair Game* which, to my great surprise, was a popular rental.

350. Louis Parks, *'Fair' A Low-Brow Thriller*, *HOUSTON CHRON.*, Nov. 3, 1995, Weekend Preview, at 5.

Cindy Crawford's screen presence as Kate McQuean proves that Hollywood still thinks that there is money in movies starring female lawyers. It also confirms that the idea of women attorneys is now almost routine and no longer necessarily represents an intolerable threat to the male status quo, either personally or systemically. This shift, amid an increased female visibility in all kinds of formerly male bastions, means that Cindy Crawford can play this role without committing to and then paying for what used to be a gender transgression. One can also say that Hollywood has taken commodification a step further in casting one of the world's most highly paid female faces as a lawyer—not so long ago the exemplar of a certain kind of gender progress.

Very importantly, Crawford's non-threatening character as Kate McQuean builds upon an image that is appealing to both men and women, albeit perhaps for different reasons. Crawford said in a 1997 *Redbook* interview that "[w]omen somehow seem to relate to me . . . [s]ome models are really attractive, but women don't relate to them—it's like, 'She thinks she's better than all of us.' But women seem to like me because I like women, my best friends are women. I think that comes across."<sup>351</sup>

Perhaps I go too far to say that any woman viewer would identify with Crawford *qua* lawyer. But let's just say that contemporary viewers, male and female, might have accepted the photogenic Crawford as an attorney, if only she and her movie were better. But aside from that, "why not?" in a day when being a woman lawyer means so much less symbolically than it once did. At any rate, it does not try to make the female viewer adopt a critical stance towards her. Because she no longer symbolizes danger, women can watch her with impunity if they want, while the men can ogle her without fear.

One should not, of course, miss the various ironies in Cindy Crawford's playing a lawyer. It is true that she has parlayed her face and figure, assets traditionally the measure of a woman's value, into worldwide visibility and profitability. However, this clever businesswoman has parlayed her femaleness into a multimedia, multimillion dollar empire that gives her more money and power than most lawyers, men or women. But perhaps Crawford yearned for intellectual respectability of a kind and playing a lawyer, however ersatz, in however bad a movie, appealed to her for that reason.

Cindy Crawford, in nearly every frame of *Fair Game*, is the film's star. William Baldwin is her back-up guy as the Dade County policeman who also becomes a target as he protects her from a group of murderous former KGB agents.<sup>352</sup> Her efforts to recover assets from her female divorce client's former

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351. Bernard Weinraub, *The New Life of Cindy Crawford*, REDBOOK, Aug. 1997, at 66, 68.

352. See *FAIR GAME*, *supra* note 28.

husband somehow (this movie is not big on logical explanations) has precipitated the terrorists' unsavory attention.<sup>353</sup> The movie has a happy ending as the pair elude their pursuers through a series of crashes, explosions, car chases and other action film staples.<sup>354</sup> Baldwin and Crawford seal their safety with an into-the-sunset kiss.<sup>355</sup>

Although *Fair Game* is Crawford's film, not Baldwin's, it conforms to several Hollywood structural conventions. The woman's actions, although unintentional, set off a chain of events that are deadly for others caught in their wake.<sup>356</sup> Meanwhile, after striking the match that causes the conflagration, the woman character is in typically passive female film flight mode (like Julia Roberts in *The Pelican Brief*<sup>357</sup>), running from her male pursuers. Moreover, her protector triggers and basically leads the flight, although Cindy exercises more initiative in this respect than usual.<sup>358</sup>

This kind of plot tends to be more appealing to men than women, given its focus on action for its own sake.<sup>359</sup> But this "maleness" might be mediated for some female viewers by Crawford's central role and by her initiating some Mel Gibson-esque activities, like punching her co-star when necessary.<sup>360</sup> Moreover, the appeal of Crawford's persona to some women might, putting aside the overall lousiness of the film, allow more tolerance for the form.

Playing on the star's cross-gender appeal, the film tries to construct a perfect woman for the 90's. She is, therefore, something other than the usual woman lawyer whose character only reveals her "less than" qualities until a male character's taming her wins the audience's approval. Male or female viewers might like some different things about her, but the effort here is to give something for everyone. This results in a pastiche character which, putting aside the quality of the film itself, is designed to appeal to both genders for maximum ticket-buying.

First, since Kate is Cindy, the camera always focuses on her physical presence and follows her movement.<sup>361</sup> We see her first running across the beach and in the entire first scene, she is dressed in that same running bra and spandex shorts.<sup>362</sup> The camera follows her into her office, where she wears the shortest woman lawyer suit until *Ally McBeal* hit the small screen.<sup>363</sup>

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353. See *id.*

354. See *id.*

355. See *id.*

356. See *id.*

357. See *THE PELICAN BRIEF*, *supra* note 103.

358. See *FAIR GAME*, *supra* note 28.

359. See *id.*

360. See *id.*; *LETHAL WEAPON* (Universal 1987).

361. See *FAIR GAME*, *supra* note 28.

362. See *id.*

363. See *id.*; *Ally McBeal* (Fox 1997-98).

The focus on her body, very specifically through a male lens, is epitomized by her opposing counsel's remarks at an office conference in an early scene.<sup>364</sup> The movie makes little pretense in his question/comment. He says, "Why are we in this stuffy office when we can frolic on a beach" with "you in a thong?"<sup>365</sup> While we never see her in a thong, we later watch Crawford remove her shirt and highlight her physical assets as she and Baldwin flee from danger.<sup>366</sup>

Her physical prowess as well as her body are on display throughout this action thriller as she runs, jumps, and hops a moving train.<sup>367</sup> Moreover, she is not averse to using physical force. In a move that might equally titillate male and female audience members, albeit for different reasons, she punches her protector to get him in line.<sup>368</sup> Crawford also pulls a gun on him when he will not stop protecting her despite the personal costs of his vigilance.<sup>369</sup>

Second, despite the wholesomeness that along with her Playboy pin-up sexiness constitutes Crawford's image, she is sexually aggressive with Baldwin.<sup>370</sup> Women lawyer characters like this are usually considered dangerous and punished for this unacceptable behavior.<sup>371</sup> Cindy Crawford, however, gets away with initiating foreplay with Baldwin. Instead of suffering like her cinematic legal sisters, she gets her man in the end.<sup>372</sup>

Perhaps she can get away with it because she's not the *femme fatale* despite her attractiveness. Her persona of the girl next door saves her from temptress status. Since we "know" her, we can be sure that she will not remove her mask of femininity to reveal a monstrous, man-eating self. Moreover, while Crawford is single like the other lawyers, there's no hint that some hidden flaw is responsible for this state.<sup>373</sup>

Crawford's physical forwardness is, theoretically, meant to be matched by her verbal dexterity, which, if this were a better movie, both male and female viewers might enjoy. While Rosalind Russell may provide a 1940's model, Crawford, as the perfect 90's professional woman, is meant to be saucy in the verbal play with her romantic interest.<sup>374</sup> A little resistance for the right reason also adds to Crawford's desirability and allows her to approach Baldwin sexually without setting off alarms of fear in him or the audience. In

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364. See *FAIR GAME*, *supra* note 28.

365. *Id.*

366. See *id.*

367. See *id.*

368. See *id.*

369. See *id.*

370. See *id.*

371. See *id.*

372. See *id.*

373. See *id.*

374. See *id.*

fact, she is more altruistic than neurotic in upbraiding Baldwin as she asks him "who appointed you my knight in shining armor?"<sup>375</sup> Her legitimate concern for him thereby ratchets up the resistance that finally results in her initiating sexual fireworks.<sup>376</sup>

Third, while she is aggressive—after all, she shoots a bad guy on a moving train while she and Baldwin are having sex—the perfect Cindy (once a PETA poster-person in real life) is a lover of children and animals.<sup>377</sup> We see her upbraid a mother who is mistreating her child.<sup>378</sup> We also watch her feeding her cat at home.<sup>379</sup> While the unmarried Crawford, like most women lawyers, has no children, her protection of them signifies that she, unlike the rest, is a proper female. In the end, she is meant to be just the right amount of male tough and female soft.

*Fair Game* tries to make Cindy Crawford the perfect woman, never mind the perfect woman lawyer, for the 90's. But baby, how long a way have you really come?

#### CONCLUSION

The portrayal of women lawyers in film has improved, however glacially, these past several years. The lack of further change reflects white-male dominated Hollywood's continuing difficulty in depicting three-dimensional female characters generally. Women lawyers will only become fuller and more interesting on the screen when there are more women in the movie business and when female roles, as a whole, broaden to explore the full range of gender possibilities.

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375. *Id.*

376. *See id.*

377. *See id.*

378. *See id.*

379. *See id.*

