

# Spectacular Expectations: Women, Law and Film

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This article explores the contradiction between the ingrained belief that justice should be “blind” and the filmic tradition of positioning woman as spectacle. Recognizing that a law film does not offer a direct translation of material reality, it explores how these representations of the law work with and against popular understandings of femininity – and feminism. The article offers a reading of selected screen adaptations of real legal entanglements to show how a focus on appearance marks a woman’s trial (and subsequent filming of it), before focusing on the case of Barbara Graham, immortalized in the award-winning film *I Want to Live!*

Richard K. Sherwin argues that law “is both a co-producer and a by-product of mainstream culture. The stamp of the latter continually falls upon the meanings the law produces.”<sup>1</sup> Thus it is not surprising that visual representations of women in the courtroom are so popular, or that “real-life” cases take centre stage so frequently; the spectacular sight of the female defendant (whether stereotypically beautiful or butch) is a mainstay of Hollywood cinema – and social lore. This article explores the contradiction between the ingrained belief that justice should be “blind” and the filmic tradition of positioning woman as spectacle. It also argues that, in the context of a heavily mass-mediated society, the line between actuality and representation can become somewhat fluid, permitting slippages between the realms of representation and reality.<sup>2</sup>

The power of television and film to replicate, if not encapsulate, American understandings of the law is so strong that a number of US novels reference popular culture’s depictions of courtrooms as their narrators’ only experience of the law. For example, in Chris Bohjalian’s *Midwives* (1997) Connie Danforth suggests that the courtroom looked “a bit like a movie theater,”<sup>3</sup>

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<sup>1</sup> Richard K. Sherwin, “Framed,” in John Denvir, ed., *Legal Reelism: Movies as Legal Texts* (Urbana: University of Illinois Press, 1996), 70–94, 71.

<sup>2</sup> I want to thank the anonymous reader who recommended this phrase for my article.

<sup>3</sup> Chris Bohjalian, *Midwives* (New York: Vintage, 1998; first published 1987), 247.

whereas Howard Goodwin, the defendant's husband in Jane Hamilton's *A Map of the World*, acknowledges that his only understanding of the law came "in the flickering shadow of 'Perry Mason.'" <sup>4</sup> Such musings are not isolated, nor are they confined to the pages of a book. Indeed, Stephen Greenfield, Guy Osborn and Peter Robson suggest that "much 'public' understanding of law is gleaned from cultural *representations* of the law." <sup>5</sup> A law film does not, therefore, replicate the actualities of the law any more than it offers a direct translation of material reality. Indeed, Lola Young contends that any exploration of a film's representativeness needs to be carefully framed, and must avoid the suggestion that there is a simple relationship between representation and reality: there is no "direct transfer of material reality from the object to the image. It is a difficult and complex subject which extends and problematizes debates about producing positive images or combatting [*sic*] stereotypical imagery." <sup>6</sup> These cautions noted, it is worth exploring how insistently US films and television programmes trace the relationship between women and the law, and their "appearance" before the court, in part because these representations of the law work with and against popular understandings of femininity – and feminism.

Female offenders represent only about 1 percent of the population of women as a whole in the US and about 14 percent of violent offenders. <sup>7</sup> Yet women continue to be fodder for what Alice Myers and Sarah Wight call "excessive storytelling about women's violence"; they argue that press reports of high-profile cases, as well as films and novels about female criminals, "can be seen as a symptom of social anxiety about women's roles and the perceived abandonment of traditional femininity." <sup>8</sup> This anxiety can be traced in made-for-television movies and blockbuster films, and in how newspapers and television news programmes report on women's trials. Whilst this article acknowledges that the term "women" may be seen as a convenient fiction that elides differences, it is still the case that filmmakers evoke the figure of "woman" in order to explore her gendered experience of the law, and it is on this basis that the article proceeds, offering a reading of

<sup>4</sup> Jane Hamilton, *A Map of the World* (London: Black Swan, 1996; first published 1987), 133.

<sup>5</sup> Stephen Greenfield, Guy Osborn and Peter Robson, *Film and the Law* (London: Cavendish, 2001), 4; italics in original.

<sup>6</sup> Lola Young, *Fear of the Dark: "Race", Gender and Sexuality in the Cinema* (London: Routledge, 1996), 8.

<sup>7</sup> See the US Bureau of Justice figures at <http://www.ojp.usdoj.gov/bjs/crimoff.htm#women> and a special report, revised in 2000, which offers a much fuller picture of women offenders at <http://www.ojp.usdoj.gov/bjs/pub-pdf-wo.pdf.url>, accessed July 2005.

<sup>8</sup> Sarah Wight and Alice Myers, Introduction, in Sarah Wight and Alice Myers, eds., *No Angels: Women Who Commit Violence* (London: Pandora, 1996), xii–xiii.

selected screen adaptations of real legal entanglements to show how a focus on appearance marks a woman's trial (and subsequent filming of it), before focusing on the case of Barbara Graham, immortalized in Walter Wanger's award-winning film *I Want to Live!* (1958).

### (RE)VIEWING THE FEMALE KILLER

The attraction of the law on contemporary television is clear: Britain's ITV<sub>3</sub> channel relies heavily on law or crimes series reruns, ranging from *Kojak* to *LA Law* and *The Practice*.<sup>9</sup> In the US, trials are often televised as if the law is or should be primarily a spectacle. One such "spectacular" case was the original trial of Andrea Pia Yates, which was staged almost as a media event.

On 20 June 2001 thirty-six-year-old Andrea Pia Yates, suffering from severe postnatal depression, systematically killed her five children, ranging in age from seven years to six months. After calling both the police and her husband to let them know what had happened, she was immediately arrested and soon became the figure of intense media speculation. For many in the US the case was more than a little reminiscent of the case of Susan Smith, a South Carolina woman who drowned her two children in a lake in 1994 and then claimed they had been abducted. In both cases the mothers had apparently inexplicably killed their children. However, unlike Smith, Yates immediately confessed – and it was this fact, as well as the scale of her crime, that made the trial so (for want of a better word) popular. Indeed, feelings were so high that Judge Belinda Hill implemented a "gag order" to prevent the lawyers and witnesses from offering interviews that might be deemed prejudicial.

It was a trial at which spectators jostled for seats, displacing family members from a privileged row behind the accused woman. It was a case that generated hysterical, daily media coverage and comment. And like the case of O. J. Simpson, it was a case that divided communities, though not, in this instance, along racial or ethnic lines, but almost along biblical ones: the Old Testament need to exact revenge for a terrible crime – the drowning of five small children – or the New Testament desire to enact forgiveness and

<sup>9</sup> In one random example, ITV's schedule for 11 January 2006, almost half of the 21 hours of programming were devoted to crime and law serials. These included three hours of *Quincy*, two hours of *LA Law*, and one hour of each of the following programmes: *Kojak*, *The Bill*, *The Practice*, *Poirot* and *The Adventures of Sherlock Holmes*. ITV<sub>3</sub> also regularly airs repeats of *Kavanagh QC* and *Rumpole of the Bailey*, as well as contained miniseries such as *Frances Tuesday*.

repentance.<sup>10</sup> Such a focus on Christianity as a framework was an inevitable part of the trial, because Andrea Yates was a fundamentalist Christian woman, and in one sense it was her family's desire to follow a particular kind of Christian, patriarchal order that was on trial with her.<sup>11</sup> Indeed, at the centre of the trial, depending on one's viewpoint, was either, on the one hand, a woman who failed to conform successfully to the full-time mother and home-schooling ideal of her Christian community or, on the other, her five dead children. Which perspective was chosen determined whether one called for mercy or revenge.

The Texas case rested not on whether Andrea Yates was mentally ill when she killed her children, but on whether or not she understood her actions to be wrong (the legal definition of insanity in Texas). As Dr. Neil Kaye, a forensic psychiatrist, opined in an article in the *Houston Chronicle*, "If everybody agreed, there wouldn't need to be a trial."<sup>12</sup> Here, the law's role in settling disputes is clear; what is not clear is how to weigh the opinions of different psychiatrists against each other. That Yates killed her children was not in dispute; what was at stake was the degree of responsibility that could be assigned to her.

Yates's trial depended upon two opposing readings of mental health, and one psychiatrist, Park Dietz, hired by the prosecution, was instrumental in Andrea Yates's eventual conviction. During the trial, Kaye commented that Dietz "will stick to an easy story there. He can demonstrate purposeful behavior, because she had to get the first child in the bathroom, then the second, then the third, then the fourth and she chased down the fifth. That looks like she knew what she was doing."<sup>13</sup> This "easy story" omits details of delusions, hallucinations, and visions oddly reminiscent of Charlotte Perkins Gilman's famous postpartum depression short story, "The Yellow Wallpaper." (Like Gilman's narrator, Yates saw figures creeping behind the

<sup>10</sup> Internet discussions of the trial are perhaps the most revealing of these split views, with "comments pages" offering explosive – and contradictory – views of from the general public. The fact that the case has been referenced in over a hundred law journal articles available on Westlaw is evidence of the continuing fascination this trial has for legal practitioners, and in virtually all cases Yates's mental illness is linked to her belief that she was possessed by the Devil.

<sup>11</sup> Yates has been linked with the itinerate preacher Michael Woroniecki (also known as Michael Warnecki) and his particular perspective of isolationism and withdrawal from organized religion, as well as his misogynistic views.

<sup>12</sup> Lisa Teachey, "Yates' Fate Hinges on Which Psychiatrist Can Sway Jury," *Houston Chronicle*, 4 March 2002, <http://www.chron.com/content/chronicle/special/01/drownings/index.html>), referenced 14 July 2002.

<sup>13</sup> *Ibid.*

walls of her home.) Yates's "confession" that she had to kill her children to save them from eternal damnation was also used against her.

The trial led to a media circus and various Associated Press journalists wrote accounts of the events.<sup>14</sup> For example, Pam Easton records that the defendant's husband, Rusty Yates, "who sometimes rocked nervously on the witness stand, described what he thought were his wife's nervous habits, such as picking at her hair and constantly carrying around their latest baby."<sup>15</sup> This "objective" account is hardly objective, linking Rusty Yates with his wife and her behaviour. He "rocked nervously," as if in concert with his wife's "nervous habits." Moreover, the qualifier in "*what he thought* were his wife's nervous habits" suggests that these nervous habits were something else indeed – manifestations of serious mental illness rather than a habit or a tic.

Susan Ayres, using television interviews about the case as source material, argues that "Rusty continued to project his gaze upon Andrea as the perfect mother despite her psychotic self-identification as a bad mother." Ayres further contends that because of

all the media attention, we know much more about Andrea's life and marriage than we do about almost any other Texas mother who has killed her children. But even with a plethora of information, the discourse surrounding a mother who has killed her children may objectify her – by silencing her, by specularizing her, and by labeling her as mad.<sup>16</sup>

Reading the media, and reading the trial as one would a novel or play, provides a fruitful comparison and an important reminder of the staging or performance of guilt or innocence, as well as the multiple interpretations available to anyone who sits in judgement. After the trial, some jurors confessed that it was the discrepancy between the photograph of five apparently happy children and the crime scene photographs that convinced them to convict,<sup>17</sup> thus reinforcing the message that despite justice's infamous blindness, the visual impact of a case matters. Yates's own apparently unemotional response to her crime immediately after the drownings was also

<sup>14</sup> As an example, see <http://www.chron.com/content/chronicle/special/01/drownings/index.html>, accessed 14 July 2002.

<sup>15</sup> Pam Easton, "Husband Testifies during Texas Mother's Murder Trial," Associated Press, *Houston Chronicle*, <http://www.chron.com/content/chronicle/special/01/drownings/index.html>. Accessed 14 July 2002.

<sup>16</sup> Susan Ayres, "[N]ot a Story to Pass On: Constructing Mothers Who Kill," *Hastings Women's Law Journal*, 15 (2004), 39–110, 106, 102.

<sup>17</sup> Lisa Teachey, "Jurors Say They Believe Yates Knew Right from Wrong," *Houston Chronicle*, 18 March 2002, <http://www.chron.com/disp/story.mpl/special/drownings/1299679.html>, accessed 15 Feb. 2006.

taken into account; in court appearances Yates was often stoic, uncommunicative with her family, and dressed in orange prison gear, which reinforced the view of her as somehow outside the traditional boundaries of femininity – despite her Christian fundamentalist religious viewpoint, which had attempted to insert her fully within a stereotypically feminine role. Whilst her defence lawyer argued that this lack of emotion was evidence of psychosis,<sup>18</sup> the jury did not accept this explanation.

However, in January 2005 the Court of Appeals for the First District of Texas overturned Andrea Pia Yates's conviction for killing her children. During the trial, Dietz, a consultant for the television series *Law and Order*, had given false evidence that there had been an episode of the series, aired shortly before Yates killed her children, in which a woman drowned her children in the bath, claimed postpartum depression, and got away with murder. The jump from television to “real life” was clear to the jury, who moved to convict. Crucially, though, such an episode never existed. In overturning Yates's conviction, the Court of Appeals reported,

The State argues that Dr. Dietz's testimony regarding the “Law & Order” episode was not material. The State asserts that “there is no reasonable likelihood” that the testimony “could have affected the judgment of the jury,” but ... We conclude that the testimony ... was material ... [as] evidenced by the fact that appellant's attorney felt compelled to address it in his own closing argument.

The State also asserts that Dr. Dietz did not suggest that appellant used the plot of the show to plan killing her children. Although it is true that Dr. Dietz did not make such a suggestion, the State did in its closing argument.

Five mental health experts testified that appellant did not know right from wrong or that she thought what she did was right. Dr. Dietz was the only mental health expert who testified that the appellant knew right from wrong. Therefore, his testimony was critical to establish the State's case. ... [H]ad the jury known prior to their deliberations in the guilt–innocence phase of the trial, that Dr. Dietz's testimony regarding the “Law & Order” episode was false, the jury would likely have considered him, the State's only mental health expert, to be less credible.<sup>19</sup>

There are few cases where such overt linkages between television, visual imagery and the outcome of a court case can be proved, but media coverage of women's crimes has long been considered potentially prejudicial, even more so than men's, given the focus on women's appearance and the (mis)reading of their guilt or innocence through such factors as hair colour,

<sup>18</sup> Carol Christian, “Detective: Yates Aware She Killed Her Five Kids,” *Houston Chronicle*, 3 December 2001, <http://www.chron.com/disp/story.mpl/special/drownings/1155302.html>, accessed 15 Feb. 2006.

<sup>19</sup> *Yates vs. Texas* (NOS 01-02-00462-CR/01-02-00463-CR). Yates was retried in July 2006 and found not guilty by reason of insanity.

dress or weight.<sup>20</sup> Literature and film are awash with such examples, and court transcripts even more so. For example, in their article “Convergences: Law, Literature, and Feminism,” Carolyn Heilbrun and Judith Resnik explore the case of Dixon *vs.* the United States, where a pregnant young woman killed her husband and claimed self-defence, based on the fact that during their violent encounter he was drunk, high on PCP and wielding an iron bar. Heilbrun and Resnik note that during the trial, “the prosecutor reminded the jury several times that Ms. Dixon had not appeared teary, helpless or fearful when she spoke to the police after her husband’s death.”<sup>21</sup> They therefore ask, “How much was the jury that decided the case affected by the police and prosecutor’s report that Ms. Dixon failed, when speaking about her husband’s death, to appear conventionally female, that she did not cry, did not seem as helpless or distraught as might have been expected?”<sup>22</sup> Apparently, Dixon’s real crime was her distance from societally acceptable femininity.

Indeed, exploration of women’s crimes is a mainstay of both television movies and blockbuster films, despite the relative infrequency of their crimes. Perhaps this is one reason why “wrongly convicted” films feature so strongly. Lindy Chamberlain’s conviction for the murder of her baby daughter Azaria, whom she claimed had been taken from their campsite by wild dingoes, is one such case. Meryl Streep’s performance as the unemotional Australian mother in *A Cry in the Night* (1988) offered a stark example of how women are judged by visual impact. Chamberlain was considered guilty not so much because the story seemed incredible – although it did – but because she betrayed very little emotion in relation to her daughter’s death. Chamberlain’s conviction was later overturned when evidence surfaced that dingoes had indeed been responsible for the tragedy. The case of Sheila Bowler, accused and convicted of killing an elderly female relative, was made into the UK television film *Anybody’s Nightmare* (2001), starring Patricia Routledge as the unfeminine (and therefore apparently guilty)

<sup>20</sup> Margaret Atwood’s *Alias Grace* (London: Bloomsbury, 1996) traces the story of the real-life trial of Grace Marks; contemporary accounts judged Marks guilty on the basis of her appearance, and newspapers variously described the defendant as plain or pretty, with red or brown hair, short or tall, well dressed or plainly dressed (23). In writing about her experience of literary historical research, Atwood notes, “I discovered as I read that the newspapers of the time had their own political agendas” and that this had much to do with “received climates of opinion, about politics, but also about criminality and its proper treatment, about the nature of women – their weakness and seductive qualities ...” Margaret Atwood, *Curious Pursuits* (London: Virago, 2005), 226.

<sup>21</sup> Carolyn Heilbrun and Judith Resnik, “Convergences: Law, Literature, and Feminism,” in Jacqueline St. Joan and Annette Bennington McElhiney, eds., *Beyond Portia: Women, Law, and Literature in the United States* (Boston: Northeastern University Press, 1997), 11–52, 33.

<sup>22</sup> *Ibid.*, 34.

defendant, whereas more recently Sarah Lancashire starred in the television film *Cherished* (2005), which told the story of Angela Canning, wrongly convicted of killing her two children. One US made-for-television movie in this genre, *False Arrest* (1991), starring Donna Mills as Joyce Lukezic, a woman wrongly accused of murdering her husband's business associates, comes complete with a sensationalized lesbian assault scene: whilst in prison, Mills's character is forcibly stripped of her prison jumpsuit by a butch inmate and her gang. Mills' heterosexual character is thus contrasted with the unfeminine, even "sick" inmates she is surrounded by, but this does not stop the camera from lingering over Mills's lithe, nearly naked figure. Thus here as elsewhere, television drama, whilst perhaps purporting to raise consciousness of injustice, nevertheless obeys the dictates of audience taste and focuses as much on voyeurism as it does on justice.

From Farah Fawcett's portrayal of an abused wife in *The Burning Bed* (1984) to a spate of "true-crime" narratives in the 1990s, made-for-television movies also explore cases where women are indeed guilty of *something*. It appears that US made-for-television movies revel in stories about women in conflict not only with the law, but with their supposedly natural feminine selves – violent women make great television. Helen Birch claims that

the always shifting boundaries between fact and fiction, reality and representation, have in some cases become so blurred as to be almost indistinguishable. And precisely because she is relatively rare, the woman killer presents a far more dramatic spectacle than her male counterpart. Male violence is, after all, old news.<sup>23</sup>

Perhaps the best-known cases filmed in the 1990s include the Amy Fisher story (about a sixteen-year-old girl who attempted to kill her older lover's wife) and the Betty Broderick story (about a Californian woman who shot and killed her wealthy ex-husband and his new young wife). The fact that these were "stories" is clear; there were three versions of the Fisher story broadcast (two with the word "story" in the title, whilst the third title referenced *Lolita*),<sup>24</sup> and the movie about Broderick, entitled *A Woman Scorned: The Betty Broderick Story*, was told with a voice-over from Meredith Baxter in order to lend credence to the fact that this was, indeed, *her* story (a claim the real Broderick denies). As Stephanie Savage argues,

Despite Baxter's occasional voice-over, any enunciative power that the Betty character might have is undermined by the fact that we are not encouraged to

<sup>23</sup> Helen Birch, ed., *Moving Targets: Women, Murder and Representation* (London: Virago, 1993), 1–2.

<sup>24</sup> The titles are: *The Amy Fisher Story*, *Amy Fisher: My Story* and *Casualties of Love: The Long Island Lolita*.



identify with her. We are thus positioned more voyeuristically (looking at Betty and the spectacles she creates) than subjectively (seeing “with” her, from her point of view).<sup>25</sup>

Broderick’s story in particular is an interesting case study in how television copes – or, perhaps more accurately, does not cope – with a narrative of womanly rage. It is perhaps not surprising that the television presentation of Broderick was more than a little misogynistic. At the same time, there is a ghostly narrative underneath this story of the woman scorned, a narrative not recorded in this programme, but in the programmes around the actual case itself. Savage traces a series of responses to the Broderick trials which show that the “extremely divided or profoundly ambivalent reaction in the media to the real Broderick trial is at odds with the narrative requirements of the made-for-TV movie.” As Savage argues, such a movie requires a “two-hour linear narrative,” but Broderick’s original trial resulted in a hung jury that “could not be convinced of a unified, coherent story that established what happened and who was responsible for it after listening to an entire month of testimony.”<sup>26</sup> Rather than deal with these ambiguities, the movie instead wrote a completely different “true” story; in it, Baxter as Broderick enacts a premeditated crime that could only be read as first-degree murder. However, in “real life,” Broderick was eventually convicted of second-degree murder in recognition of the fact that she had apparently *not* planned her victims’ deaths.

The larger screen, too, is interested in “real life” stories of women killers, from dramatizations of Lizzie Borden’s life to one of the latest films in this genre, *Monster* (2003), starring Charlize Theron (who won an Academy Award for her performance). *Monster* follows the story of Aileen Wuornos, a Florida prostitute executed in 2002 for killing seven men during the late 1980s and early 1990s. Wuornos has the dubious – and inaccurate – honour of being called the United States’ first female serial killer, but Wuornos herself argued that the men had all attempted to attack or rape her and thus she had only employed self-defence. However, in the eyes of many, the number of men killed, and Wuornos’s profession, made her claims unlikely (this is despite the fact that being a highway prostitute actually put her at a much higher risk of sexual assault than other women).

Moreover, the fact that Wuornos was in a lesbian relationship at the time of the killings worked against her in the popular media. Prior to the release of *Monster*, the title of which encodes the fact that Wuornos was seen as beyond

<sup>25</sup> Stephanie Savage, “Women Who Kill and the Made-For-TV Movie: The Betty Broderick Story,” in Wight and Myers, *No Angels*, 113–29, 124.

<sup>26</sup> *Ibid.*, 126, 127, 120.

the boundaries of normal feminine behaviour, she was the subject of two documentaries and a television movie.<sup>27</sup> By the time *Monster* was released, Hollywood had its ending already written: Wuornos had been executed the year before. The irony of the film's title becomes clear when the viewer sees the relentless victimhood of the central protagonist; this lesbian killer is not the beautified and sexy bisexual that Sharon Stone played in *Basic Instinct* (1992), but rather a drab, slightly overweight, and defiantly ill-kempt woman whose sense of right and wrong is skewed by a violent background. This makes *Monster* unlike many other filmic depictions of female killers, who are routinely portrayed as beautiful and deadly. As Christine Holmlund argues, "the murderesses in these films are, to a woman, white, lithe and lovely, because Hollywood sees female violence as erotic and defines 'erotic' within narrow parameters."<sup>28</sup> *Basic Instinct* fits this mould, as do the earlier films *Nuts!* (1987), starring Barbra Streisand as a high-class hooker who kills a john in self-defence, and *Black Widow* (1987), starring Theresa Russell as a gold-digger who murders her mates. *Monster* turns it on its head, with Theron famously gaining weight to play the part, and wearing makeup and prosthetics to disguise her beauty.

If in contemporary films, Hollywood actresses routinely take up the challenge of appearing "ugly,"<sup>29</sup> mid-twentieth century films generally capitalized on an actress's beauty in order to secure audience identification and sympathy. A case in point is *I Want to Live!*, a Hollywood biopic which starred Susan Hayward as the condemned woman Barbara Graham.<sup>30</sup> Here, the woman-as-spectacle is utilized primarily to offer a political message: capital punishment is wrong, and miscarriages of justice cannot be ruled out. Hayward's beauty works variously as a signifier of Graham's partial guilt or possible innocence.

### *I WANT TO LIVE!*: "GOOD LOOKING GIRL, TOO. KINDA FOOLS YOU"

Unlike later films, *I Want to Live!* had to abide by the 1930 Motion Picture Production Code, or Hays Code, as it was known, which governed the moral

<sup>27</sup> *Aileen Wuornos: The Selling Of A Serial Killer* (1992) and *Aileen: Life And Death Of A Serial Killer* (2003); the television movie was *Overkill* (1992).

<sup>28</sup> Christine Holmlund, "A Decade of Deadly Dolls: Hollywood and the Woman Killer," in Birch, 127–51, 128.

<sup>29</sup> Witness Nicole Kidman transformed into Virginia Woolf by way of a prosthetic nose in *The Hours* (2002), Renee Zellweger gaining weight in the *Bridget Jones* films (2001 and 2004) and Gwyneth Paltrow sporting a fat suit in *Shallow Hall* (2001).

<sup>30</sup> Prod. Walter Wanger, dir. Robert Wise, *I Want to Live!*, MGM, 1958.

messages of films and forced filmmakers to ensure a “proper” reading of the law (that is, one in which moral messages were promoted, and criminals were caught). At the same time, the film had a clear message: capital punishment was wrong. As a result of these two factors, the story of Barbara Graham, though emphasized as “factual” both in the opening and closing shots of the film, is transformed into the narrative of a woman who, if not exactly an “innocent,” is nevertheless not guilty of the crime of which she has been accused. The real story of Graham is, like Broderick’s above, more complicated than its celluloid version, which conveniently omits the less than savoury facts of Graham’s life, but in both texts the visual representation of the woman defendant is paramount, and the blurring of real life with media fantasy is crucial.

Barbara Graham was a petty criminal and “good-time” girl who had a number of convictions for minor crimes such as vagrancy and soliciting. Her most significant crime up until the time of her arrest for the murder of Mabel Monahan was perjury: she provided a false alibi for two friends, to her own eventual detriment. As the film proclaims, “One thing about you, Bonnie. You never let your pals down.” This refrain comes to haunt the screen version of Barbara (Bonnie) Graham, as she struggles to balance the competing demands of friendship and survival, all the while assuming that her own “pals” will help her out. Graham was convicted alongside Emmett Perkins and John Santo of Monahan’s March 1953 murder, committed during a failed robbery attempt, while a fourth member of the team, John True, testified against the others and was instrumental in identifying Graham as the main culprit. Graham appealed her conviction, but was sentenced to death, and executed on 3 June 1955. Three years later, Walter Wanger’s film *I Want to Live!* portrayed Graham as wrongly imprisoned, with Susan Hayward winning an Academy Award for her performance as “Bloody Babs.” The film is remarkable on two accounts: the “performance” of Hayward as Graham, and its depiction of the ways in which the media made a spectacle out of the accused woman.

The audience is introduced to Graham as a smart, feisty woman who has scant regard for the law; the audience witnesses her gambling, driving a get-away car and passing bad cheques, as well as attempting to give up this life of crime when she marries Hank Graham. On being informed of Barbara’s desire to go straight, Emmett Perkins replies, “You’ve been married three times now. Let’s assume divorced as many. You oughta have it figured by now no white knight’s gonna come riding through your life.” During this speech, he constructs a house of cards; when she leaves, with her fingers crossed for a better way of life, he knocks the house down. As elsewhere in

the film, the symbolism is far from subtle; shortly after this scene, the audience witnesses Graham herself being knocked around, and any fantasy of a better life is shown to be just that: a fantasy. This also sets up a running theme: Graham as (unreliable) fantasist, performer of a series of roles that never quite fit. As a beautiful, and indeed feminine, woman, Graham carries audience sympathy, and indeed the film initially offers Graham's beauty as a signifier of her essential "goodness," despite tricky morals and bad company.

The film works best by juxtaposing performance and omission. In order to tell its story of the wrongly accused, it avoids the scene of the central crime altogether; instead, the audience witnesses the moment that the team is arrested. In the filmed version, this occurs because Graham is followed after visiting her small child (again, the film reinforces here "safe" and homely roles for her). It is her inability to stay away from her child – even to her own detriment – that marks Graham out as worthy and indeed "normal."

For the arrest scene, Wanger sets up a metatheatrical space: the entire event is overtly stage-managed by the police, with spectators and the press in abundance. On the way to the scene, one policeman says in a bemused manner that Graham is a "good looking girl, too. Kinda fools you." Here, her beauty is coded as a disguise: she is not really the loving mother and wife that the film has already set up. Rather, she is an archetypal *femme fatale*. Mary Ann Doane argues such women have a peculiar kind of power

insofar as it is usually not subject to her conscious will, hence appearing to blur the opposition between passivity and activity. She is an ambivalent figure because she is not the subject of power but its *carrier* (the connotations of disease are appropriate here). Indeed, if the *femme fatale* overrepresents the body it is because she is attributed with a body which is itself given agency independently of consciousness. In a sense, she has power *despite herself*.<sup>31</sup>

It is worth considering this idea further, particularly in relation to Hayward's acting, which, Dennis Bingham argues, "employs performance codes that collide not only with the stereotypes of the dangerous, transgressive woman but also with expectations of how a beaten, trampled-upon victim would act."<sup>32</sup> These two stereotypes are presented side by side during the arrest sequence. Surrounded by the police, the team is told to surrender, one by one. Perkins leaves first. Jack Santo is so enraged that they have been discovered that he beats Graham up before admitting defeat. She is thus last to leave: she rises, combs her hair and picks up her son's toy tiger, and this blend

<sup>31</sup> Mary Ann Doane, *Femmes Fatales: Feminism, Film Theory, Psychoanalysis* (New York: Routledge, 1991), 2; italics in original.

<sup>32</sup> Dennis Bingham, "'I Do Want to Live': Female Voices, Male Discourse, and Hollywood Biopics," *Cinema Journal*, 38, 3 (1999), 3–26, 11.

of planned and unplanned aspects of her appearance combine to show a woman who is only partially aware of her appearance. She knows enough to look presentable, but holding the toy tiger, which is later used to great effect (a newspaper catches her growling like a tiger herself), appears at least initially to be simply another representation of her love for her child.

However, when she exits the building, it is as if she has arrived onstage. She refuses to put her hands above her head, but instead stands stylishly, looking at her audience and being rewarded with the flash of many photographers' bulbs. Bingham notes, "As Graham, Hayward's movements look studied and deliberate, as if the character were thinking out every move before she makes it. Is it Hayward or Graham who physically mimes cool, frustration, defiance, hopelessness, or joy ... ?"<sup>33</sup> This deliberate confusion of the actress-as-Graham and Graham-as-actress is essential for a reading of the accused woman as caught up in a part larger than herself. She is, like the toy in her hand, read multiply here.

The idea of performance continues right up until the night before her execution. After the nurse on suicide watch admires her clothes, Graham replies, "I mustn't disappoint my public. I can just imagine what those papers are gonna say. Bloody Babs spent her last night decked out in lounging pyjamas of her favourite colour: flaming scarlet! That's what they always call red when I wear it." This self-conscious awareness of an audience is in part determined by the press's involvement – indeed, fascination – with her case. The film details the many stories of Barbara Graham that circulated in the press, and recapitulates the way that the media focussed on Graham's appearance.

On one level, then, it could be argued that the media is as much on trial as Graham is in *I Want to Live!* Certainly it is the case that (presumably real) newspaper headlines appear with regularity in the film, and one of the main characters is Ed Montgomery, a journalist from the *San Francisco Examiner* whose words both introduce and conclude the film:

You are about to see a FACTUAL STORY. It is based on articles I wrote, other newspaper and magazine articles, court records, legal and private correspondence, investigative reports, personal interviews – and the letters of Barbara Graham.

These words are accompanied by his signature, as well as the gloss "PULITZER PRIZE WINNER, *San Francisco Examiner*." Montgomery is originally shown as participating in the media spectacularization of Graham. As his on-screen character calls in a story to an editor, he notes that he will

<sup>33</sup> Ibid., 14.

put “Babs” in the lead, and keep the men in the background, because she is the one who will sell papers. He even creates the off-the-cuff headline, “Titian-Topped Tigress”, and opines, “It’s Mrs. Graham’s tough luck to be young, attractive, belligerent, immoral – and guilty as hell.” As the case continues, though, Montgomery changes his stance in relation to the question of her guilt or innocence, and eventually starts writing pieces on her behalf.

Indeed, Graham appears to have been duped into trying to secure a false alibi by an undercover policeman, Samuel Sirianni. In the film the officer’s name is reported as Ben Miranda, and it is presciently coincidental that his surname becomes synonymous with the failure to inform suspects of their rights.<sup>34</sup> The film sets up the exchange (which the officer taped) in a way that suggests Graham’s innocence, though in the court case itself (and in the film’s re-enactment of the trial), this evidence is crucial in finding Graham guilty. Clearly, the film audience is offered a visual representation of the exchange, which allows for – even encourages – a specific reading of Graham, whereas both the film and the trial juries must rely on words alone. The historical Graham had been having a sexual relationship with a fellow prisoner, whereas in the film she is shown to be reliant on a “friend”, Rita, who sets up the entrapment (and who benefits by being released from prison herself).<sup>35</sup> After setting up an alibi in which Graham agrees to the lie that they spent the night of the murder in a hotel room – clearly Graham was not afraid of appearing to be “immoral” – Miranda pretends to back out unless she offers him solid information on her actual whereabouts that night:

“You were there, weren’t you?”

“Is that all you’ll believe?”

“It would be an easy thing to believe, and I wouldn’t have to worry.”

“I’ll double your money.” Miranda walks away, but Graham calls him back:

“Ben. Have it your way.”

“You were with them? With Perkins and Santo? Because if you were, it’s okay. ... You were with them, hunh?”

“All right, all right, all right, I was with them.”

“Then from here on in you relax. You’re a cinch to beat the cyanide.”

<sup>34</sup> See *Miranda vs. Arizona*, 1966, which overturned the conviction of Ernesto Miranda on the basis of the fact that he had not been informed of his rights to remain silent or have an attorney present when being questioned; the official reading of rights upon arrest is now colloquially known as being “Mirandized.” In *I Want to Live!* the bullying techniques used in the Miranda case are also portrayed here: after Graham is arrested, she is surrounded by detectives questioning her. She asks for a lawyer, but is not provided with one, and asks the charge, but is not told. It is clear she has been kept for hours.

<sup>35</sup> Just as Sirianni’s name is changed, so is the historical Donna Prow’s, to Rita.

Reading the body language of the two actors, the audience is led to believe that Graham is a foolish innocent who has unwittingly entrapped herself because she believes that she is dealing with a villain who will only help her if he can imagine her as guilty. When the evidence is played in court, Graham reacts with passion:

- BARBARA: "I was desperate –"  
 PROSECUTOR: "Mrs. Graham!"  
 BARBARA: "Have you ever been desperate? Do you know what it's like?"  
 JUDGE: *slapping his hand on the desk* "Mrs. Graham!"  
 PROSECUTOR: "Your honour, I move that be stricken!"  
 JUDGE: "So ordered. And Mrs. Graham, you have to be –"  
 BARBARA: "I know, I'm sorry. I know."  
 JUDGE: "Proceed."

As is clear from this exchange, which occurs within the confines of the courtroom and therefore must conform to appropriate standards (as, apparently, the entrapment did not), the law cannot deal with what Alison Jaggar calls "outlaw" emotions, or those that do not conform to the limits of conventional behaviour.<sup>36</sup> The law can only read Graham's actions as evidence of guilt (a reading given extra weight when allied with her prior conviction for perjury). The judge requires Graham to conduct herself with decorum – hence the admonishment against emotion. An emotional woman can be read as a feminine woman, and here Graham is only partially allowed this descriptor. After all, a woman who performs her femininity "appropriately" is more likely to be considered innocent.<sup>37</sup> This reading of Graham was never offered; she was always already guilty in the eyes of the court (with even her own lawyer asking to be released from the case). The press also

<sup>36</sup> Alison Jaggar, "Love and Knowledge: Emotion in Feminist Epistemology," in Ann Garry and Marilyn Pearsall, eds., *Women, Knowledge, and Reality: Explorations in Feminist Philosophy* (New York: Routledge, 1996), 166–90, 180.

<sup>37</sup> Returning to television, the postfeminist series *Ally McBeal* consistently dealt with such "outlaw" emotions. In one episode, where Ally's fitness as a lawyer is under review after she apparently assaults a woman in a supermarket, she finds it difficult to control her anger at the events that unfold, and whilst one judge suggests that she should feel free to express her anger, Ally's response indicates that she knows how female anger would be received: "But you would judge me for it, your honour. It'd be wiser for me to sit here politely and privately pray that you should happen by me doing groceries. Now imagine a young lawyer, her future lying in your hands. Who would say such a thing? She would either have to be enormously crazy or you would have to be enough of an ass to deserve the remark, no matter what the risk. And since you're the judge, I'm going to let you decide, but not until I finish. And I haven't finished. That woman abused me in that supermarket. Now yes I overreacted but there was a context. And as for all the other evidence against me, that ... that ... that stuff about me being *emotional*, ... I am human, I am temperamental, I am guilty. NOW I'm finished" (Series 1, Episode 4).

took this stance, and used Graham's femininity against her. Indeed, Sheila O'Hare notes that reporters "used her hair color, whether light or dark, to suggest Graham's bad character; she was either flashy and dishonest or 'prim' and insincere. Her clothes, pallor, shoes, and weight all received media scrutiny." Moreover, reporters "tended to disregard legally significant developments in favor of speculative or sensational articles."<sup>38</sup>

Bingham suggests that there is a tension in the film between "contradictory pulls towards documentary and melodrama,"<sup>39</sup> though it is clear that the director eventually veers towards the latter. For example, the film spends an inordinate amount of time on the preparations for the execution. The film also makes much of the true-to-life last minute stays of execution which prolonged Graham's final moments. At the same time, the film does not entirely suggest her innocence; rather, it allows for lacunae in her story that can be filled in a number of ways. For example, Graham asks the prison's Catholic priest to hear her confession, and the audience later sees a logbook indicating that he had stayed with the prisoner for three hours: long enough to confess to a number of crimes, not just the one of which she was convicted. As is appropriate, though, such confidential information is withheld.

It seems almost certain that Graham was involved in the attempted robbery that preceded the murder, but whether she struck the fatal blow is unknowable, perhaps even improbable: the prosecution claimed that Mrs. Monahan had been killed by a right-handed person, but Graham herself was left-handed. Graham's lawyer did not address this issue in the original trial, thus making this evidence inadmissible in the appeal. Those who were in a position to know the "truth" chose not to contradict the official version: John True had struck a deal, and Santo and Perkins were hoping to avoid execution. As Graham quips in the film, "Just this once I wish it wasn't ladies first."

But "lady" is a term that sits uneasily on Graham, and even the film which suggests her innocence cannot entirely gloss over the sensational past that makes "lady" an unlikely tag. She was a "good-time" girl, not a "good" girl. After serving a sentence for perjury, for example, she is warned by the prison matron against violating her parole. The matron reads out a list of ten convictions and notes as well that Graham had spent two years at the Ventura Reform School for Girls. Graham responds, "As long as you're adding up the score, my mother was in Ventura before me. That oughta

<sup>38</sup> Sheila O'Hare, "The Barbara Graham Murder Case: The Murderess 'Walked to Her Death as if Dressed for a Shopping Trip,'" in Frankie Y. Bailey and Steven Chermak, *Famous American Crimes and Trials*, eds., Vol. 3: 1913–1959 (Westport, CT: Praeger, 2004), 225–41, 231, 230.

<sup>39</sup> Bingham, 5–6.



be worth extra points.” Here, heredity and breeding are set up as ironically suspect. The matron tries again: “What I’m trying to say is you *do* have a choice. People have managed to be fairly happy by not getting into trouble. Get a job! Maybe get married.” Graham’s filmic response, “I have been. Occasionally”, is humorous but accurate. Other facts from her life cannot be so easily shrugged off: not only had Graham been married four times, but she was likely a drug addict and a bisexual, and had three children, not just the lovable toddler of the film. However, to show Graham as an unfit mother would do the film’s case no good. She must instead be shown to be visiting her son (hence her capture), ruing his loss and anxious to re-establish a family network.

Bingham argues that the film worked by “identifying with her and by seeing the specific ways in which her femininity, made synonymous with her criminality, rendered her an object of invasion and dehumanization by the media and the law.”<sup>40</sup> In a final twist on the spectacularization of the female criminal, Graham asked for and received a mask to wear to her own execution. In the filmic version this mask, which protects her from the stares of the witnesses to her execution, also disables her: she is forced to lean on the men taking her to the gas chamber. In this shot, the director finally confirms Graham’s femininity. It is therefore not accidental that he shows how the men’s hands shake as they strap her in. Here, of course, the ending is already written. Although there are stays of execution there is no last-minute reprieve, and in the film and real life Graham goes to her death.

Andrea Yates, Betty Broderick, Amy Fisher, Aileen Wuornos and Barbara Graham have between them more differences than similarities, yet their stories as depicted on-screen suggest a perceived link between femininity and crime. Yates’s unkempt appearance graphically portrayed her inability to conform to her community’s patriarchal ideal; Wuornos’s appearance suggested her refusal to do so. On the other hand, Broderick, Fisher and Graham maintained a focus on femininity, but were read as guilty nonetheless, or perhaps even because of an excessive attention to appearances. To translate these stories onto film,<sup>41</sup> filmmakers have offered not reality, but mediations of reality; not real women, but translations of their appearances. In the case of *I Want to Live!*, the Hays Code ironically provided the filmmakers with an excuse to provide a more sanitized version of Graham’s life, omitting details of drug and alcohol abuse, amongst other things; more

<sup>40</sup> Bingham, 22.

<sup>41</sup> As yet, there is no filmed version of the Yates case, apart from the actual trial itself.

contemporary texts, no longer bound by the code, play up such activities, perhaps offering alternative excuses for women's bad behaviour.

Lenora Ledwon argues that "while the figure of Justice is sightless, it is also a representation meant to be looked at, an object of the gaze,"<sup>42</sup> whereas Anthony Chase contends that Justice became blindfolded in order to avoid the "dazzlement" of spectacle.<sup>43</sup> Finally, Greenfield, Osborn and Robson argue that the "visual metaphor of justice as something that must be visible and seen enacted has a striking poignancy in that it captures the paramount symbolic presence of the law as a façade, a drama played out before the eyes of those subject to it."<sup>44</sup> As I have shown throughout this article, justice may be blind, but audiences are not, and when it comes to women defendants, they look closely at the spectacles they make – or are made into.

<sup>42</sup> Lenora Ledwon, ed., *Law and Literature: Text and Theory* (New York: Garland, 1996), 219.

<sup>43</sup> Anthony Chase, *Movies on Trial: The Legal System and the Silver Screen* (New York: The New Press, 2002), 13.

<sup>44</sup> Greenfield, Osborn and Robson, 31–2.