Stefan Machura, book review for Journal of Law and Society

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Suzanne Bouclin, ‘Women, Film, and the Law: Cinematic Representations of Female Incarceration’ (University of Chicago Press, 2020), 226 pages, Cloth $75.00, ISBN: 9780774865869

In law and film scholarship, the category of women-in-prison films had a bad reputation for a long time. Nicole Rafter for example, disqualified ‘babes-behind-bars films’ from serious academic study for their sexual content aiming at a male audience.[[1]](#footnote-1) The one exception is probably the film classic ‘I Want to Live’ (USA 1958), which was widely valued. Bergman and Asimow describe it as ‘the most powerful antideath penalty picture ever made’.[[2]](#footnote-2) In her book ‘Women, Film, and the Law: Cinematic Representations of Female Incarceration’, Ottawa law professor Suzanne Bouclin sets out to appraise women-in-prison films for their feminist and prison abolitionist content. Not in vain, the main conceptual chapter is headed ‘A Genre of One’s Own’ (p. 19), as Bouclin views these films and television series as essentially expressing a female perspective on – patriarchal – law. She based her book on viewing ‘over three hundred films and other cinematic representions’ (page 21), leaving out those products that used to be commonly displayed in the adult section of video shops, and studying a selection of the material in depth. The book contains a lengthy ‘selected filmography’ (pages 189-204) which provides an idea of the corpus.

The subtitle ‘Cinematic Representations of Female Incarceration’ gives a better representation of the content than ‘Women, Film, and the Law’ as the book concentrates on criminal law at its most repressive. There are, though, some forays into e.g. family law and laws governing film production. The term ‘law’ is used by Bouclin in the wider sense, encompassing not only state law but also private codes such as those of the historic Hollywood self-censorship system, and social rules regulating women’s lives. Films and television series dealt with were predominantly made in the United States and the discussion refers to legal, social, and political aspects of female incarceration in this major film-producing country. Readers familiar with European film and television will not fail to recognise some similarities here and there. Such similarities exemplify the globalisation of the Hollywood drama as form of art and entertainment.[[3]](#footnote-3) Occasionally, films and series from other English-speaking countries are included in Bouclin’s discussion. Incidentally, Bouclin (page 5) traces the origins of what she describes as a genre of its own to Carl-Theodor Dreyer’s ‘La Passion de Jeanne d’Arc’ (France 1928). The black and white film according to Bouclin, ‘is the prototype that established some familiar … codes and conventions through Dreyer’s striking construction of the Joan of Arc myth as one of innocence destroyed. … a wrongfully convicted woman whose head is shaved as a form of public humiliation will subsequently be freed from normative femininity and will experience a deeper inner transformation’ (page 6).

It is one of the main aims of the book to establish women-in-prison films as a genre of its own, different to the well-discussed prison movies with their all-male characters. Women-in-prison films (Bouclin uses the acronym WIP) distinguish themselves from those because they are about how women end up in an institution that is beyond reform, for crimes related to their social status as females, the especially devastating effect of imprisonment on female inmates, the abuses they suffer and how women in prison form bonds and engage in solidarity to resist. ‘The WIP genre has its own rules, features, and knowledge-producing discourses: WIP films consist of almost entirely female characters, many of whom implicitly and, sometimes explicitly, violate hetero-normative structures and almost all of whom engage in crimes against entrenched notions of femininity.’ They ‘bring into view legal, social, economic and political structures that criminalize women differently than men.’ (page 21). Bouclin describes how the portrayal of the women transcends a simple definition as either perpetrators or victims. Story characters often commit acts of crime but also fall victim to crimes, be it at the hands of fellow inmates or of prison staff, and most were already victimised before entering prison. The latest waves of women-in-prison films also depict the exploitation of inmates through work: by companies commissioning prison work and by companies owning prisons, forcing inmates to take over chores.

In what may be the main contribution of the book to law in film literature, Bouclin identifies four “cycles” of the prison films (pages 26 to 29) and thereby demonstrates that women-in-prison forms a genre worthy of study. Bouclin distinguishes, 1) the ‘melodrama cycle’ of the 1930s to 1950s, which starts to define the genre, addressing a female audience; 2) the ‘exploitation cycle’ of the 1970s to early 1980s, aiming at a young male audience seeking out depictions of violence and sex, preferably the combination of the two; 3) the ‘realist drama cycle” of the 1990s to early 2000s, for which Bouclin discusses two examples of films by Black female directors highlighting the suffering of Black women specifically; and finally, 4) the ‘dramedies’ (from ‘drama’ and ‘comedies’) beginning in the mid-2000s. For the latter, Bouclin introduces the cult *Netflix* series ‘Orange Is the New Black’ (USA 2013-2019): ‘In fact, it has taken what I most love about the WIP genre – large ensemble casts of women resisting oppression – and contests and renews the occasional troubling elements of the earlier cycles: the caricatured depictions of women of colour, denigration of non-normative gender, and fetishized sexual violence against girls and women’ (page 116).

For each cycle, there is usually one main example, complemented by a contextual reading of other films and tv series, a legal discussion and social critique. For the ‘exploitation cycle’, ‘realist drama cycle’ and ‘docudrama cycle’ Bouclin can refer to a wider audience reception, quoting from e.g. fan websites, and contemporary reactions by scholars debating the qualities of specific products. The different cycles draw on aspects of their predecessors and vary the stock content of the women-in-prison genre. The general movement is towards an ever more negative portrayal of the prison system and of US society and its laws oppressing females who find themselves incarcerated. Bouclin puts in a lot of effort to explain how economically powerless, marginalised and ‘racialised’ women feature increasingly in women-in-prison films and how a broad spectrum of sexuality eventually finds expression, starting with only decent hints in the first cycle, the ‘melodramas’ produced under the Hollywood system of censorship.

Bouclin’s discussion of films and tv series draws in a range of facts and perspectives from sources such as social and penal statistics, film archives, fan media, film critics, feminist literature, and scholarly publications. The main text is accompanied by endnotes which are forming a major section of the book (pages 137-188). The reader can see this as a treasure trove, as there are countless insightful notes on aspects such as historic marriage and family law, the high incarceration rate for Black women and girls, US law regulating sex, the spectrum of voices discussing the labelling of ethnic groups, or just the content of films and television series. This part of the book may prompt the reader to highlight sources for future reading or possible use in the classroom. However, as readable as the main text is, the overspill of endnotes makes is a bit cumbersome to digest the whole.

‘Women, Film, and the Law: Cinematic Representations of Female Incarceration’ takes a decidedly prison abolitionist perspective. Towards the end, the discussion is laden with value judgments. This likely comes at a price as it reduces the book’s effect on a wider audience. Bouclin may just preach to the converted. In her reading, the women-in-prison genre demonstrates that prisons for women cannot be reformed. She points out that this message is contrary to the analysis of law in film scholars that law films legitimate the legal institutions.[[4]](#footnote-4) To be sure, there are other law-related subgenres apart from women-in-prison which suggest a negative perspective: films after historic cases still not settled in the court of public opinion,[[5]](#footnote-5) for example, or court martial films portraying the ordinary soldier as victim of those in command who orchestrate the military courts to their personal or political advantage.[[6]](#footnote-6) Still, the audience’s reaction is most probably not to call for an abolition of courts and of the legal profession, rather, the negative depiction is likely to inspire a wish for reforms. Bouclin’s position is unlikely to be shared by many, as she also has a very narrow understanding of serious crimes. At least for first degree murder, she seems to see prison as an appropriate response (page 127). To Bouclin’s credit, it cannot be expected that a book dealing with women-in-prison films discusses suitable alternatives to prison. But effectively reducing the functions of prison to rehabilitation, where prisons all too often not only fail but worsen the situation for individuals, leaves out a couple of otherwise inconvenient punishment objectives discussed in legal and criminological literature and shared however vaguely by the public. ‘What matters for the audience is the contrast between the screen portrayal and the mythical qualities and idealism of law and lawyers as reflected in films’, Greenfield, Osborn und Robson wrote about law films that occasionally depict flawed lawyers.[[7]](#footnote-7) Yes, a viewer of a moving women-in-prison film may come to see the prison in the film critically, but they are unlikely to forget about the idea that prisons temporarily or in some cases even permanently incapacitates inmates from committing crimes outside their walls, or that prison is part of retributive justice. Suffice to say, a prison abolitionist might also have consequentially criticised prison for men, which is absent in Bouclin’s treatise. Nevertheless, for those in the United States and in countries with a similar draconian and partially privatised prison system, who feel content with the current state of affairs, Bouclin lays down a challenge. Apart from attacking prison and the society bringing women behind bars, this book might well have established women-in-prison as a popular culture genre of its own.

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 N. Rafter, *Shots in the Mirror. Crime Films and Society* (2000) 120, 125. [↑](#footnote-ref-1)
2. P. Bergman and M. Asimow, *Reel Justice. The Courtroom Goes to the Movies* (1996) 13. [↑](#footnote-ref-2)
3. S. Machura and S. Ulbrich, Stefan ‘Globalizing the Hollywood Courtroom Drama’ 28 *J Law Society* (2001) 117. [↑](#footnote-ref-3)
4. Referring to J. Silbey, ‘Patterns of Courtroom Justice’ 28 *J Law Society* (2001) 97 at 98, but see also the reviewers’ conclusion: S. Machura, ‘Representations of Law, Rights and Criminal Justice’, in *Oxford Encyclopedia of Crime, Media, and Popular Culture*, eds. N. Rafter et al. (2018) 190 at 203–204. [↑](#footnote-ref-4)
5. S. Machura and M. Böhnke, ‘The Legal System in German Popular Culture’ in *Oxford Encyclopedia of Crime, Media, and Popular Cultur*e, eds. N. Rafter et al. (2018) 451 at 457. [↑](#footnote-ref-5)
6. M. Kuzina, Das Kriegsgerichtsverfahren als Filmsujet: US-amerikanische Erzählmuster‘ [The Court Martial as Film Sujet: US-American Narrative Patterns‘] in *Krieg im Film [War in Film]*, eds. S. Machura and R. Voigt (2005) 185. [↑](#footnote-ref-6)
7. S. Greenfield et al., *Film and the Law* (2001) 115. [↑](#footnote-ref-7)