

# **WOMEN, FILM, AND LAW**

## Cinematic Representations of Female Incarceration

Suzanne Bouclin



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# Introduction

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Female incarceration in the United States is expanding at an alarming rate. With a staggering 700 percent increase between 1980 and 2014, women are the fastest-growing demographic of the American carceral population.<sup>1</sup> These numbers do not reflect a growth in crime but, rather, increased reliance on correctional control to address deeply entrenched social problems and inequities. Women who are confined in correctional facilities are among the most marginalized members of society. While they come into contact with the criminal law for a range of reasons, the vast majority of incarcerated women have committed minor offences.<sup>2</sup> There are other shared commonalities among this diverse population. Women who are confined in correctional facilities tend to come from neighbourhoods or countries<sup>3</sup> that are entrenched in poverty and that have faced systematic dismantling of social services, such as decreased school funding. These women are, more likely than not, members of a racial/cultural/ethnic minority that is over-policed and aggressively prosecuted.<sup>4</sup>

Incarcerated women have pre-existing histories of trauma, systemic racism, child sexual abuse and other forms of sexual, economic, and physical violence as well as experiences with foster care and having their own children removed by the state. Almost one-third of women in prison have been treated for psychiatric issues before incarceration, over one-third have attempted suicide and one-half suffer from serious mental illness or

depression, and approximately 10 percent live with schizophrenia or other psychoses.<sup>5</sup> Once serving their sentence, women may further experience physical, sexual, psychological, and economic violence in the form of intimidation, harassment, and sexual coercion by guards and other correctional employees; have their basic privacy interests denied; live in dire conditions characterized by overcrowding, cutbacks to educational programs, and inadequate health services; and be grossly underpaid for high-profit-generating labour.

These various experiences are often punctuated by prescription medication use, illicit drug use, and/or alcohol dependence as coping or survival mechanisms. Consequently, women are most likely to be in jail or prison for drug-related or minor offences in which they engaged out of necessity, desperation, or pragmatism. Most women in jail and prison are mothers of children under the age of eighteen and are often the head of single-parent homes.<sup>6</sup> Finally, as US Supreme Court Justice William J. Brennan noted decades ago, “prisoners are persons whom most of us would rather not think about. Banished from everyday sight, they exist in a shadow world that only dimly enters our awareness.”<sup>7</sup> Similarly, Angela Y. Davis has written that “the realities of imprisonment are hidden from almost all who have not had the misfortune of doing time.”<sup>8</sup> Other feminist criminologists have confirmed how such invisibility is more acute with incarcerated women.<sup>9</sup>

At first blush, films and television series about women housed in correctional facilities, with their divided commitments to entertainment and the generation of profits, may seem to contribute little to a meaningful engagement with such appalling facts. However, I believe that popular representations that tell stories about women’s imprisonment may play a role in shedding light on the multiple forms of marginalization, social exclusion, and oppressions experienced by criminalized women. Assuming, as I do, that film is a creative force that generates legal meaning,<sup>10</sup> the artefacts – a mix of television series and films – that I refer to in shorthand as “women-in-prison” (WIP) movies do have the potential to leave viewers feeling unsettled about the existence of prisons, empathetic towards the women who are warehoused in them, and troubled about the crimes of which such women have been accused. This body of representations comes in various visual modalities – from theatre screenings to on-demand content – and takes multiple forms – including film, television series, and music videos.

I maintain that, as a whole, these cultural texts bring into view the legal, economic, and political structures that target already marginalized women and criminalize these women differently than men. To ground this assertion, I identify a genealogy of the WIP genre and propose a corresponding grammar of WIP movies.<sup>11</sup>

In her excellent study of representation and crime, Nicole Rafter asserts that “until recently, if one wanted to see a film about women in prison, there were only two choices: *I Want to Live!* and soft pornography.” While she rightly acknowledges that there are multiple iterations of the WIP film, Rafter establishes the boundary of the existing oeuvre to “babe-behind-bars” movies, furthering the view that the WIP genre neither “develop[s] [n]or sustain[s] a women’s point of view on incarceration.” Instead, WIP films merely “substitute women for men” to appeal to a broader audience.<sup>12</sup> Rafter’s perspective on the WIP genre, however, is somewhat narrow. The artefacts that I define as WIP films are significantly more diverse than Rafter suggests. In fact, I trace the WIP genre back to one particular film: Carl-Theodor Dreyer’s distinct vision of Joan of Arc in *La Passion de Jeanne d’Arc/The Passion of Joan of Arc (The Passion)* (1928).<sup>13</sup> As portrayed by Dreyer’s film, Joan was a devout seventeen-year-old white peasant who believed she was under the counsel of saints when she led the French to victory against the Anglo-Burgundian armies during the Hundred Years’ War. In 1429, the Bishop of Beauvais launched an inquisition into possible heretical claims on Joan’s part. While the condemnation depositions reveal the state of grace and exaltation in which Joan found herself both in combat and during her trial, they also reveal that, while in custody at Rouen, she was held in chains and iron fetters, suffered humiliating taunts and trauma, and was sexually and physically assaulted. On May 30, 1431, after three months of gruelling interrogations and appalling prison conditions, Joan was finally executed by being burned at the stake. Not only have her honour and innocence since been restored, but she has also become a feminist icon and a Catholic saint.<sup>14</sup> Through the iconic film representation of her remarkable life, the WIP genre was born.

Joan of Arc’s life has been chronicled in manifold iterations, including several films: *Jeanne d’Arc* (1900), *Joan of Arc* (1948), *Saint Joan* (1957), *Procès de Jeanne d’Arc/The Trial of Joan of Arc* (1962), and *Jeanne d’Arc/The Messenger: The Story of Joan of Arc* (1999). These representations interest me because each expression of the mythical and/or real Joan of

Arc speaks to various modes of policing and imprisoning women in sexist societies, such as confinement to the private sphere, economic infantilization, and emotional, sexual, and physical violence. These films also illustrate the punishment meted out to women who transgress norms of femininity. Yet Dreyer's distinct vision of Joan of Arc in *The Passion* remains one of the most powerful and sympathetic exploration of how women exercise agency within conditions of formal and structural inequality. Joan's resilience and unwavering faith are depicted in an allegory of female resistance, transcendence, and vindication. She stands in for all women who are confined, showcasing the subversive and disruptive strategies imprisoned women deploy in the face of such constraints. Thus, Dreyer's film is not only a strong story that reveals the consequences of women's persecution, incarceration, and resistance, but it is also the cinematic precedent for the subject of this book: the WIP genre.<sup>15</sup>

*The Passion* is the prototype that established some familiar WIP codes and conventions through Dreyer's striking construction of the Joan of Arc myth as one of innocence destroyed. One prominent convention of the WIP genre, exemplified in *The Passion*, is that 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. The ritualistic head shaving has become a staple of the genre and has appeared, for example, in *Caged!* as well as in *Orange Is the New Black (OITNB)* (2013–19).<sup>16</sup> Dreyer uses cinema's language to elicit empathy for his protagonist: close-ups of Joan's (Renée Maria Falconetti's) luminous face are juxtaposed in stark contrast to that of her tormentor, Cauchon (Eugène Silvain), whose repulsiveness is heightened through canted angles. In addition, *The Passion* remains an iconic depiction of women's literal and metaphoric imprisonment. One instance of its lasting influence can be seen in Jean-Luc Godard's *Vivre sa vie/My Life to Live* (1962), in which Nana, a struggling actor, single mother, and occasional sex worker, is brought to tears as she watches Dreyer's film. Nana's internal monologue ("I think we are always responsible for our actions. We're free") is suggestive of what I view as one of the WIP genre's guiding principles: even in the most repressive conditions, there are always possibilities for resistance and redemption. Despite the prevalence of this theme of personal emancipation, WIP films are not simply stories about individual transgressions; these films may also provoke viewers to question systemic injustices and consider whether prisons for women should exist at all.



**Figure 1** Evelyn Harper (Hope Emerson) shaving Marie Allen's (Eleanor Parker) head in *Caged!* (1950). Licensed by Warner Brothers Entertainment (all rights reserved).

### Why Care about Women in Prison Movies?

Law and visual culture are both integral aspects of the contemporary human experience. Law is an artefact born of human creativity and constituted through interactions. It is one mode of establishing and organizing knowledge about human relationships and, thus, one symbolic expression of how



to make sense of the world in which we live. Like any other sociocultural artefact, law confronts, competes with, and is inextricably intertwined with countless other ways of organizing such knowledge. Audio-visual representations – film and television mainly – have their own vocabulary and representational norms, tell stories about law, and reflect and shape its institutions. They are one of law's most visible and accessible expressions.

Audio-visual representations symbolize how we govern and how we are governed. They may circulate and reinforce deep-seated assumptions; they may also destabilize and confront ideology. They may invite visceral responses to human suffering; they may also help to justify indifference or inaction in the face of such suffering. By extension, WIP films may symbolize how women are policed and criminalized; they may also explore how women themselves constitute norms and rules for interaction with the prison space. They may be cautionary tales to women who misbehave or infringe traditional gender expectations, or they may be allegories of female liberation. They may be read as tacit approval of oppressive institutions, or they may be read as a direct indictment of such repression. They may also produce all of these effects at the same time. The WIP genre thus shapes and reflects women's actual and metaphoric imprisonment in contemporary society and is an important site of the cultural and legal construction of criminalized women. Yet this body of representations remains unmined for what it reveals about these themes. While scholars have historically taken considerable interest in the male prison genre, they have often overlooked women's prison films.<sup>17</sup>

My purpose is not to assess whether WIP films reveal anything about the actual conditions of incarcerated women. In fact, as Mariana Valverde might argue, to ask whether the portrayal of women's prisons is true to life is to assume that people consume popular culture to obtain accurate information about crime and justice, which is contrary to most available evidence.<sup>18</sup> Yet a common feminist critique of the WIP genre remains that these films distort the actual experiences of real women serving sentences specifically because they feature normatively attractive, white, heterosexual, middle-class protagonists who are, for all intents and purposes, wrongfully convicted. Consequently, WIP films can abstract the reality that Indigenous women, racialized women, lesbian, gay, bisexual, transgender, queer, and two-spirited people, women with learning disabilities, and women navigating mental health challenges are more likely to be living in poverty, more often subjected to high fines for minor offences, more often disproportionately impacted by police interventions, and, thus, more likely to be

incarcerated.<sup>19</sup> Therefore, the argument goes, WIP films circulate dangerous stereotypes about criminalized women. As feminist media, film, and cultural theorists have noted, the problem with this kind of argument is not the critique of the stereotypes but, rather, the solution offered for such problematic representations: the production of more “realistic” images of women in prison. As Christine Gledhill has explained, the focus on real women begs the question: which women, what reality, and according to whom?<sup>20</sup>

Even though WIP movies are not direct reflections of the social world, imaginary prisons are an expressive, metaphorical, and symbolic mode of representation that have a constitutive role in shaping our understandings of “prison” as a cultural signifier. This signifier should not be confused with real-life prison, but it can nonetheless suggest new understandings about hegemonic structures, such as the criminal justice system, that govern women’s actual lives. While WIP films grapple with women’s liberation and subjugation, sexuality and sexual identities, forbidden desires, and physical and emotional imprisonment through the prison signifier, WIP films are also full of potential critical legal readings around the construction of the “female criminal” and the crimes with which stock characters are charged. These crimes range from morality offences, such as accessing illegal abortions and engaging in prostitution, to violent crimes, such as killing a rapist. Doubtless, some WIP movies reproduce the gendered operations and assumptions of the criminal law. However, many, and even most, WIP films simultaneously expose the prison as an institutionalized apparatus of power, presenting women who refuse to accept the law that is externally imposed upon them or denying the legitimacy of the legal actors who enforce that law – whether these are wardens, child and welfare service workers, or medical practitioners.

In this book, however, I focus on six exemplary fictionalized and mediated versions of prison that, on at least some level, challenge the criminal justice apparatus and the criminalization of particular women. These six “WIP movies” (five films and one television series) challenge inhumane and violent state or legal practices and suggest the existence of broader gender, race, and class injustices that make certain women more vulnerable to criminalization and incarceration. These six texts also circulate discursive formations that reproduce and reflect damaging stories about criminalized women, stories that are themselves constructed and circulated through formal legal doctrine addressing issues such as reproductive rights (*Ann Vickers* [1933]), transactional sex (*Caged!* [1950]), mental illness (*Caged Heat* [1974]), motherhood (*Stranger Inside* [2001]), institutionalized racism (*Civil*

*Brand* [2002]), and drug use (*OITNB* [2013–19]). Each film provides a psychic and artistic space to explore, shape, and refine beliefs about women who are in fact criminalized because they exercised the choice to abort a foetus or engaged in prostitution as a mode of survival, women who navigate mental health challenges as a result of being criminalized, women who are labelled “bad mothers” as a result of their interactions with the law, and women whose criminalization is a result of systemic racism and its manifestation through the war on drugs.

My discussion of these six texts is located within a general ethos of critical legal pluralism. My methodology is situated at the nexus of law and cinema and begins from the assumption that film is law. My method of inquiry and analysis is to examine how particular films, as part of a genre of their own, exist in transtextual relationships.

### Interpretive Frameworks

Legal pluralism refers to a broad set of assumptions and research practices organized around the reality that there are multiple legal orders within the same socio-spatial arena. In Sally Engle Merry’s words, legal pluralism is “a situation in which two or more legal systems coexist in the same social field.” Accordingly, legal systems are meant to include state institutions and actors, such as courts and judges, as well as “nonlegal forms of normative ordering,” such as family, etiquette norms, and religious beliefs.<sup>21</sup> Critical legal pluralism builds on this insight by exploring normative sites, modes, and instruments that are sometimes overlooked within a more classical pluralist view of law. To critical legal pluralists, law is polycentric, in that various normative forms overlap in the same normative universe, but it is also dynamic, meaning that law is rule-governed behaviour that shifts with individuals’ beliefs, commitments to rules, and interpretations and applications of the law. This dynamism is crucial: whereas much law and society scholarship has focused on how individuals are marginalized by, or subjected to, law, critical legal pluralists reframe law’s subjects as its agents – as law generating, and constituting laws through interactions with others.

A further insight from legal pluralism is that we define acceptable behaviour and interact in ways that capture our fluid, competing, and multiple notions of self. Our sense of self shifts and varies through our interactions – our morphing locations along axes of race, class, gender, age, ethnicity, sexuality, culture, and nationality – and materializes in “myriad nooks and crannies of everyday life.”<sup>22</sup> We are socio-spatial, self-monitoring, self-reflexive creatures, always in formation, always in the process of

becoming. As such, our normative commitments vary depending on our various configurations of self, which in turn are shaped and informed by our personal motivations, bonds to others, institutional affiliations, and identity markers. Each of these aspects of our selves – the plurality of identities by which we live – is variably self-ascribed and prescribed by others. Of course, stories, including those circulated in cinema and through law, shape and impact how we self-ascribe and prescribe identities onto others.

Similarly, work at the nexus of law and film is generally concerned with the doctrinal, pedagogical, and jurisprudential relevance of film to law. Some law and film methodologies assume and reinforce the positivist view that film provides an external perspective on law and legal processes. There is, nonetheless, a more complex understanding among most scholars working in the field that neither social phenomena nor the disciplines that study them are self-governing or self-sustaining. I will briefly discuss the former positivist view; however, I will emphasize the latter perspective, building upon it to show that film is law. Within the broader ethos of legal pluralism, I suggest four ways we can and do think through the relationships between law and film, using the following terms to describe them: (1) film's law; (2) law in film; (3) law and film; and (4) cinematic law.

It is commonly assumed that most people develop at least some of their understandings and expectations about law through popular media, including television and cinema.<sup>23</sup> Law and film scholars tend to share, on the one hand, an idealized view of movies as a means of generating empathy and as part of a broader pedagogy in legal ethics and, paradoxically, on the other hand, a more cynical view of cinema as a medium that distorts reality or misleads audiences/students into holding law to unreasonable standards. As a result, law and film studies have emerged as a diverse field generally concerned with the doctrinal, pedagogical, and jurisprudential relevance of film to law and, occasionally, of law to film. Rosemary Coombe has cautioned that "law and" explorations "will not be fruitful" unless they can transcend, transform, and disrupt categories like "law" or "culture."<sup>24</sup> Nevertheless, there are a number of ways to meaningfully talk about the points of contact between these two disciplines and sociocultural processes.

First, what I call "film's law" refers to the control of film production and cinematic practices through a complex matrix of formal, explicit, informal, or implicit modes of governance. For instance, film's law can include how film production and cinematic practices are governed through legislation or judicial decisions that balance the claims of competing groups in a copyright claim. However, film's law can also refer to formal economic and

cultural regulations that have shaped the film industry, such as the moral regulation of the Motion Picture Production Code (“Production Code”) or the legislated racial segregation and discrimination of the Jim Crow laws in the United States.<sup>25</sup> Film’s law can further be understood as the implicit norms that govern film production, such as the moral codes of each person involved in the production or the informal norms developed through filmmakers’ collective practices, which develop over time.

Second, “law in film” is the most common subject of film discussion by legal scholars. Despite the promise of pluralistic analyses of law and film, the overwhelming majority of legal scholarship on film situates itself within the study of law in film. Broadly speaking, law in film concerns itself with films “about” law. In the legal academy, students are often asked to turn their minds to the truthfulness of the law as represented in the diegesis; law is usually limited to formal, state-sanctioned written rules and legal practices. This focus is unsurprising given that fact determination remains a fundamental strategy of legal method. The assertion that film is a legal text – even if it is limited to a single text with fixed content to be discovered or described – is in itself provocative insofar as it destabilizes what counts as legal authority, legal sources, and the skills and attributes necessary for good lawyering. Nonetheless, normative judgments about a film’s legal veracity or relevance still inevitably occur in areas such as the use of appropriate precedents (“factual accounts”), the accuracy of legal details (doctrine or legal concepts), and the believability of the protagonist (as a “real” lawyer). Such a narrow range of interpretive lenses is limiting. As historian Robert Rosenstone explains, “our notions [of cinema] come directly out of our training and practice as academics. Our first reaction is to think a film is really a book somehow transferred to the screen, and that it should do what we expect a book to do: get things right.”<sup>26</sup> Nevertheless, as Ruth Buchanan and Rebecca Johnson argue, looking at law in films can be a means of confronting the jurisprudential belief that formal legal processes can actually divine truths about law.<sup>27</sup>

Third, “law and film” scholarship highlights the mutually constitutive and intertextual relationship between two sociocultural artefacts and fields of inquiry: law and film.<sup>28</sup> Less concerned with questions of methodological unity or factual depictions, law and film scholars call attention to how these two sociocultural formations, discursive practices, and modes of representation can share a number of features, including narrative strategies; a desire for truths, whether factual, analogous, or metaphorical; interpretive techniques; and world-building functions. Law and film can also retain

their own communicative modes, technologies, apparatuses, and unique sensory, spatial, and temporal means of persuasion.<sup>29</sup> In highlighting such continuities and disjunctions, scholars wrestle with the intertextual dialogue between law and film that permits each narrative regime to shed light on how the other functions.<sup>30</sup>

Fourth, as I argue, films capture our legal imagination and become a fundamental aspect of our legal lives as “cinematic law.” Contrary to more orthodox law and film approaches, considering what is legal about film and what is cinematic about law turns our attention to the aesthetic and affective dimensions of both law and film. While content analysis and close reading still hold currency in both film and legal studies, moving beyond the text nudges us to think about how films work on us and how they may produce, as Johnson and Buchanan explain, “structures of feeling that help to cohere [or destabilize] contemporary legal and political institutions.”<sup>31</sup> Cinematic law refers to the plurality of normative commitments and expectations that each individual viewer navigates and is best examined in terms of the production of norms through the interpretation, evaluation, and reconfiguration of generic conventions.

Each mode of engaging law and film points to some of the competing normative orders that characterize any film. These orders include the regulatory frameworks in which the film is produced, the norms of the constructed world described and lived in the film’s diegesis, the film’s fixed order of sounds and images, the ideologies and normative commitments that inform directorial discretion, and the rules of genre that constitute a normative site. The six visual representations that I explore in this book present their own hypothesis about women’s criminalization; each is also an invitation to sense and feel law cinematically, anchoring legal theories, which have historically elided or misrepresented women’s experiences, in women’s emotional lives.

I use a transtextual analysis to highlight how these films explore the dynamic and shifting relationship between law and film. Film analysis that attends exclusively to either its veracity or its textual qualities is insufficient for my purposes. Nevertheless, I borrow from poetics to develop an interpretive method for my inquiry. In the following chapters, I explore the transtextual relations (a term coined by French literary theorist Gérard Genette) between, and among, films. Working in reference to Mikhail Bakhtin and Julia Kristeva, Genette defines transtextuality as “all that sets the text in a relationship, whether obvious or concealed, with other texts.”<sup>32</sup> Bakhtin developed the notion of dialogism to convey the idea that textual

meanings are not merely located within authorial intent but are also constituted through the relation of utterances (any complex of signs, such as a spoken sentence or a poem) to other utterances.<sup>33</sup> Dialogism has since been translated and revised by Julia Kristeva as “intertextuality” or the “mosaic of quotations” found in any text.<sup>34</sup> A film is not simply the fruit of an individual filmmaker auteur, and a screenplay is not simply the sum of its sources. A film, like any other text and like the law, “cannot exist as a hermetic or self-sufficient whole, and so does not function as a closed system”; instead, it engages in the “absorption and transformation” of other surrounding texts, elaborating new meanings, giving those texts “new way[s] of being,” and constituting “its own signification.”<sup>35</sup>

Genette expanded and codified Kristeva’s intertextuality into transtextuality and developed a theory of its multiple modes and sites, of which there are at least four: paratextuality, metatextuality, hypertextuality, and architextuality.<sup>36</sup> Paratextuality is the relation between a text and that which surrounds the body of the text. Paratextuality is the surrounding framework, or the “ether,” of a text, including its promotional material, its score, the credit sequence, and the subtitles used for various audiences. It includes the peritext (“around text” or the physical appearance of the printed work) and the epitext (“above text” or the writings that provide context to a text).<sup>37</sup> Christine Gledhill provides concrete examples of paratexts, including “journalist features, ‘letters to the editor,’ classroom lectures, critical responses, changes in distribution or publication policy, [and] more critical activity.”<sup>38</sup> Metatextuality is the explicit and direct commentary of one text on another text. Metatextuality may also be done implicitly, “without summoning,” naming, or citing the original or other text. Hypertextuality is the relationship between a particular text (hypertext) and the broader genre from which it emanates (hypotext). Hypertextuality is a process through which the hypertext parodies, imitates, and satirizes the hypotext, thereby elaborating, extending, and ultimately transforming it. Finally, architextuality is an umbrella that covers a text, whether a type of discourse or, for our purposes, its generic framing.<sup>39</sup>

The first chapter, “A Genre of One’s Own,” is devoted to the WIP genre’s architextuality – that is, its generic conventions. I introduce the logic of WIP movies, which are transgeneric: comprising multiple genres and transcending them at once. WIP movies draw on conventions and codes from melodramas, film noir, Blaxsploitation, the rape-revenge film, documentary cinema, comedy, the western, and, of course, the prison movie. WIP movies also constitute their own rules and invite normative assessments from their

unique viewing communities. Consequently, I define and historically situate the formal WIP norms and four overlapping cycles of the WIP genre: melodramas/social problem films, exploitation flicks, realist dramas, and dramedies.<sup>40</sup> Based upon the logic of the genre that develops when taking a distant view of these four moments, the remaining chapters in this book do not provide a general review of the treatment of women's prisons in film. Instead, I deploy the modes and sites of transtextuality to provide a close and contextualized reading of five films and one television series: *Ann Vickers*, *Caged!*, *Caged Heat*, *Stranger Inside*, *Civil Brand*, and *OITNB*.

In *Ann Vickers*, the titular character is a feminist prison reformer, standing in for white middle-class women who were inspired by the revolutionary fervour at the turn of the twentieth century and who mobilized to attain suffrage, paid employment, and some reproductive freedoms. The movie features long sequences within various women's correctional facilities, but the focus of my discussion is on how the film maps WIP's generic law onto the canonical (written) law. I concentrate on multiple modes and sites of law, especially the regulation of film content under the Production Code, the formal prohibition of abortion, and the societal norms that privilege monogamy.

*Caged!*, the second melodrama/social problem film that I discuss, is one of the most highly regarded movies about prisons. It is a transitional film that reproduces earlier social problem WIP conventions while fundamentally altering and ultimately defining the most recognizable tropes of WIP films: an unimpeachable protagonist who is transformed by her time in prison and a sadistic authority figure (whether a matron or a guard) with Sapphic inclinations. *Caged!* also features many of the genre's key signifiers, including the shower scene, the prison mascot, and the riot. Unlike most earlier films, *Caged!* contains no easy resolution, and its protagonist is not redeemed through the love of a good man; in fact, she resigns herself to working as a prostitute. As a result, it offers a painful, complex, and nuanced illustration of an intersectional understanding of human agency, in which women's life choices are contextual, relational, and dependent on multiple power dynamics that exist in any given moment or situation.

I turn to the exploitation flick *Caged Heat* in order to examine how fan communities generate meanings about WIP films by reflecting and informing film aficionados' expectations of the genre. The exploitation cycle of WIP films has been dismissed by some feminists as explicitly misogynistic or, at the very least, as crass artefacts that circulate stereotypical views of femininity and sexuality. On the one hand, *Caged Heat* seems to confirm



the idea that WIP movies are merely using the prison as a pretext to shackle women and exploit nudity. On the other, it may be a self-reflexive parody of the WIP genre that irritates its intended fan base and appeals to unintended audiences – specifically, queer women. I explore how these critical elements are reproduced and expanded in more explicitly feminist satires such as Lady Gaga and Beyoncé’s video for the song *Telephone* (2009).

Unlike the other cinematic representations I consider in this book, the fourth and fifth films, *Stranger Inside* and *Civil Brand* were written and directed by Black American women. Cheryl Dunye’s *Stranger Inside* explores incarceration from a Black lesbian standpoint. I explore one of the film’s more overt political messages: in prison, there are new configurations of “motherhood” and of “family.” I compare the stories it tells about mothering – specifically, the stories of queer Black mothers – to those presented in *OITNB* and other representations that feature “mother-child prison programs.” Neema Barnette’s *Civil Brand* depicts the prison as being integral to America’s systems of social and racial inequality or, as Michelle Alexander puts it, “The New Jim Crow.”<sup>41</sup> Barnette’s film may be a corrective in a mainstream popular culture that has often underplayed, or even ignored, how Black women are more likely to be arrested when using self-defence against abusive intimate partners and have become the largest population currently under control of the correctional system, and, during their tenure behind bars, are more likely to be denied basic rights and freedoms than their white counterparts.<sup>42</sup> I locate both films within an industry and a genre that has pushed race to the margins (especially in the melodrama cycle) while simultaneously remaining obsessed with Black women’s bodies (especially in the exploitation cycle).

Finally, the last chapter is devoted to the television series *OITNB*, Jenji Kohan’s adaptation of Piper Kerman’s memoir that was commissioned by Netflix and produced by Lionsgate. I include this series, while not a WIP film proper, in the genre because it brings together, builds on, and reconfigures many of the WIP genre’s themes, codes, and conventions. *OITNB* features a flawed warden who is driven by a desire to reform, but unlike similarly minded characters such as Ann Vickers, Mary Ellis from *Convicted Woman* (1940), or Ruth Benton in *Caged!*, Joe Caputo is a man. He is profoundly dysfunctional, often power hungry, and sometimes weak-willed. He is also profoundly well meaning, often compassionate, and sometimes kind. Like *Caged!* and *Stranger Inside*, the show uses the loss of a child as a driving motivator for key characters. However, from the first moment of Episode 1 – a shower scene – it displays allegiances to the exploitation aesthetics over

those of the melodrama. Nevertheless, unlike *Caged Heat*, it broadens the ambit of desirous bodies, explores gender fluidity, and casts an objectifying gaze onto the male characters. Like *Civil Brand*, *OITNB* features implicit and explicit commentary on how particular bodies in the globalized capitalist and neocolonial world are marked by criminality. Indeed, the incursion of the prison industrial complex in the lives of racialized, poor, and otherwise marginal women is at the core of much of *OITNB*. The show's subsequent seasons shift its attention away from the young, white, middle-class protagonist to tell stories from the standpoint of racialized women, ethnic minority women, older women, women navigating disabilities, and poor women. I explore the implications of this shift for the myths we construct about the women warehoused in prison and argue that the show advances the feminist prison abolitionist conversation that guides the object of inquiry of this book – namely, should women's prisons exist at all?

In each chapter, I discuss the films that have become precedents of the WIP genre and show how each is embedded in a broader WIP aesthetic as well as its own socio-historical moment. The social problem films, which include *Ann Vickers* and *Caged!*, span the 1920s to the 1950s and portray the “new woman” navigating feminist concerns such as employment equity and reproductive rights. *Caged Heat* and the exploitation flicks of the new Hollywood era reflect and respond to the concerns of radical feminism – gender equality and the abolishment of patriarchy – and also reflect and respond to the backlash against it. *Stranger Inside* is the only WIP film told from the standpoint of queer Black women. In contrast, *Civil Brand*, while also emanating from the experience of incarcerated Black women, is the first WIP film to call out the prison industrial complex. Finally, *OITNB* connects the promise of a modified social problem aesthetic with the campiness of the exploitation cycle and, thereby, explores new modes of gender inequalities. Each of these iterations of the WIP film is dynamic insofar as it generates new codes and conventions while remaining squarely fixed within the broader structure and ethos of the genre.

While it is true that I hold these visual representations up because of their implicit and explicit interactions and their novel contributions to the WIP genre, I have ultimately selected films and a show with which I have fallen in love, each for different reasons. Despite the prevalence of scepticism within much of the feminist scholarship that tackles WIP movies, each of the representations I have selected is not only worthy of scholarly consideration but also of attention to what Susan Sontag calls an “erotics of art” or “the pure, untranslatable, sensuous immediacy of some of its images.”<sup>43</sup>

My aesthetic preference is for well-written work that tells a compelling story, which is occasionally, though not necessarily, inspired or grounded in fact; that has visual appeal and is narrativized beautifully and symbolically through light, colour, sound, and shape; that navigates dramatic structure and psychic tension; and that features compelling female characters, all of whom are, as film scholar George Toles writes, “concerned with the artful lifting of life’s burdens.”<sup>44</sup>

These six cinematic texts have had prominent and constitutive effects on the WIP genre and invite feminist engagement with the physical and metaphorical space of the women’s prison. In the WIP movies I discuss, women are simultaneously vulnerable and powerful; their vulnerability is not reified as victimhood, nor, importantly, is their power unadulterated emancipation. Consequently, I have chosen these representations because they speak to my aesthetic preferences and normative commitments: they are impressive, bold, and sometimes ironic portrayals of strong and beautiful, flawed and complex women who engage in disruptive strategies and assert selfhood and agency as they navigate conditions of constraint and inequality.

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