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Film Review/Essay

Media Masala: Why Women's Control Matters

Sarah Krakoff†

I. INTRODUCTION

As legal scholars, attorneys, activists, and feminists, we stand in a tenuous and sometimes precarious position regarding the consumption of popular culture. American social values have an intensely reciprocal relationship with popular culture, each feeding and reconstituting the other in a dizzying dialectic which produces such real life/fictionalized icons as breathless and beautiful (but suicidal and alcoholic) Marilyn Monroe, talented and charismatic (but bleached and infantilized) Michael Jackson, and charming and presidential (but naive and reactionary) Ronald Reagan. Since there is no legal or political culture that remains separate from the influences of society in general, we are better equipped to fight sexist, racist, and other unjust policies if we understand the culture in which they exist. Rapists who are romanticized on film are not-too-distant cousins of the accused rapist who ends up in the courtroom.¹ Likewise, when sexual harassment is pervasively sanctioned and/or trivialized in the media, it should come as no surprise that men neither recognize it nor expect to be punished for it.

Women of all races, classes, and sexual orientations are just beginning to control various aspects of media production, and this may result in a proliferation of competing viewpoints and realities that will enrich

† J.D., Boalt Hall, 1991, currently pursuing a Ph.D. in Berkeley's Department of Jurisprudence and Social Policy. With thanks to the editors of the Berkeley Women's Law Journal for their spirit of adventure in printing a film review. I would also like to thank my mom, Roberta Krakoff, who dragged me to all kinds of movies at an early age, and with whom I will some day form the first mother-daughter feminist film review team.

¹ Recent media treatment of two notorious rape trials further blurred the line between rape as entertainment and rape as a violent crime against women. The trials of William Kennedy Smith and Mike Tyson were both televised; and Mike Tyson's trial was reported in the sports pages of most major newspapers.

both our aesthetic and our political lives.² In this essay, I will discuss three recent films in order to highlight the connection between control of the media and the perspectives presented therein. I have chosen three films which diverge sharply in terms of their representation of women's lives. *Mississippi Masala* embodies the complexity and beauty that springs from true multiculturalism. It is a film that respects and loves women of color and the men in their lives, and appreciates the richness of life in general. *Grand Canyon*, on the other hand, is a stilted attempt to grapple with the meaninglessness and danger inherent in big city living. Although arguably well-intentioned, the film portrays women in surprisingly stereotypical and objectified roles. Finally, *Cape Fear* represents misogyny at its lowest. Imbedded in the "artfulness" of Martin Scorsese's camera angles are rape and molestation scenes which no one should ever pay \$6.00 (let alone \$7.00 in New York and Los Angeles) to see.

II. LEGAL BACKDROP: IS THERE OR ISN'T THERE A NEXUS BETWEEN CONTROL AND CONTENT IN THE MEDIA? (OR CLARENCE THOMAS STRIKES AGAIN)

While the connections between one's race, gender, and class, and one's political or artistic points of view remain topics of hot debate throughout many levels of society, Congress and the Supreme Court have formally recognized the connection between minority ownership of radio broadcast stations and diverse programming. In *Metro Broadcasting, Inc. v FCC*,³ the Supreme Court held that limited preference programs designed to increase the number of minority owners of broadcast stations did not violate the Equal Protection Clause. Writing for the majority, Justice Brennan applied an intermediate standard of scrutiny to the Federal Communication Commission's racial and ethnic preference program. This standard required the preference to be substantially related to important governmental objectives.⁴ The Court held that the promotion of diversity in programming was an important governmental objective,⁵ and then went on to conclude that a preference for certain racial and ethnic groups in licensing decisions did in fact relate to the government's stated objective.⁶

² Several films produced in the past year have expanded the opportunities for women (and possibly men too) of all races, classes, and sexual orientations to enjoy going to the movies. Notable among these is *Daughters of the Dust*, directed by Julie Dash, the first African American woman to direct a feature length, wide release film. Unfortunately, this film did not open in the San Francisco Bay Area before the publication deadline. Other films that were either written or directed by women include *Thelma and Louise*, *Fried Green Tomatoes*, and *Rambling Rose*.

³ 110 S Ct 2997 (1990).

⁴ *Id* at 3008-09.

⁵ *Id* at 3010.

⁶ *Id* at 3011-19.

While cloaked in the dry language of legal doctrine, the reasoning and holding in the *Metro Broadcasting* case nonetheless embodies a nuanced and sensitive vision of how we ought to achieve equality in a diverse society.⁷ The decision acknowledges both that societal discrimination is something that Congress can and should do something about (without the meddlesome interference of an ideologically conservative Court⁸), and that race conscious measures promoting inclusion may be an appropriate means for accomplishing this end.

More recently, in *Lamprecht v FCC*,⁹ a decision that mysteriously took over a year to get from the Judges' chambers to the official reporters, the DC Circuit struck down the FCC's milder gender preference scheme. In an opinion written by Judge Clarence Thomas, the court held that, while broadcast diversity was a substantial government interest, the government's methods in this case were not "substantially related to the goal that it hopes to achieve."¹⁰ Judge Thomas, joined by Judge Buckley, conducted his own review of the empirical data presented in the case and concluded that the fit between women owners of radio stations and diversified programming was not substantial enough to pass constitutional muster. "[W]hatever 'women's programming' and 'minority programming' are, there is no evidence showing that women owner/managers are substantially likelier to program them than are men."¹¹

The good news is that, even in striking down the FCC's gender preference scheme, the DC Circuit was constrained to hold that diversity in programming is a substantial government objective. The increasingly fragile legacy left by Justices Brennan and Marshall still impacts lower court decisions, albeit in this case in a highly unsatisfying way. The bad news, which comes as no surprise to anyone with some exposure to legal reasoning, is that a precedent which imposes a particular doctrine does not necessitate any correspondingly predictable result. Unlike the *Metro Broadcasting* case, where the majority and dissent were at least ostensibly disagreeing about the standard of review,¹² in the *Lamprecht* case, both

⁷ See Patricia Williams, *Metro Broadcasting, Inc. v. FCC: Regrouping in Singular Times*, 104 Harv L Rev 525 (1990), for an insightful analysis of the case and its import for a timely vision of multiculturalism.

⁸ Justice Brennan's opinion in *Metro Broadcasting* was a bare 5-4 majority. Justice O'Connor wrote a dissenting opinion joined by Chief Justice Rehnquist and Justices Scalia and Kennedy. Justice Kennedy also filed a separate dissent, joined by Justice Scalia, in which he elides all racial distinctions into racial oppressions, hinting at the absurdly unlikely outcome that the FCC's benign racial preference could lead Congress down the slippery slope towards racial apartheid. *Metro Broadcasting*, 110 S Ct at 3046 (cited in note 3) (Kennedy, J., dissenting).

⁹ 1992 US App LEXIS 1997 (DC Cir).

¹⁰ Id at *28.

¹¹ Id at *40.

¹² See Williams, 104 Harv L Rev at 526 (cited in note 7). Professor Williams points out that while the doctrinal fight was over whether strict scrutiny or the majority's intermediate standard of review would be applied, in fact, the split lay even deeper than this would suggest:

Although the majority and the dissenters framed the issue in terms of disagreement about the standard of review, their underlying characterizations of the facts and

the majority and the dissent employed the intermediate standard of review, yet each reached strikingly divergent conclusions about the constitutionality of the gender preference issue.

Judge Thomas reviewed the empirical study and determined that the evidence was insufficient for the purpose of proving a connection between women's ownership of radio stations and the promotion of women's or minority programming.¹³ Judge Mikva, in dissent, concluded that the evidence available sufficed to conclude that Congress' decision was substantially related to its stated end.¹⁴ The two opinions differ not only in their assessment of the available data, but also in the extent to which they conclude that the use of such data determines a finding that Congress has engaged in "reasoned analysis," as opposed to having relied on stereotypes about gender in order to pass its gender preference. Judge Thomas' definition of stereotype appears to be any sort of generalization, good or bad, that is made about a group and that is not based on statistical accuracy: "[A]n untrue and widely-held generalization about men or women is by definition a 'stereotype.'" ¹⁵ Judge Mikva, however, concluded that a social stereotype may exist whether or not there is an empirical foundation for it. In his assessment, the quality of the generalization mattered more than the statistical evidence upon which Congress claims to have relied.¹⁶

Judge Thomas' definition leaves much to be desired. Whether or not a stereotype has any basis in truth is irrelevant. Many stereotypes have a kernel of truth, and some even have a large degree of statistical correlation with the attributes of the stereotyped group. Equal Protection analysis must be more demanding and more nuanced than crude statistics.¹⁷ I am sure that Judges Thomas and Buckley would balk at imposing a lesser burden of proof on male defendants than on females, yet this kind of social policy would be overwhelmingly supported by statistics about crime commission. One could find such a federal scheme substantially related to the important governmental objective of fighting crime. This is, of course, a preposterous example, and brings to bear all sorts of constitutional issues beyond the Equal Protection Clause; but it

weighing of the evidence were so polarized that the split probably would have remained even had they agreed on this doctrinal issue.

¹³ *Lamprecht*, 1992 US App LEXIS at *40 (cited in note 9).

¹⁴ *Id* at *88-89.

¹⁵ *Id* at *36.

¹⁶ *Id* at *69-72, *83-84.

¹⁷ Ironically, while Judge Thomas rested his whole opinion in *Lamprecht* on a cramped reading of the available statistical data, his conservative colleagues on the Supreme Court dismissed much stronger statistical evidence as inconclusive in the *Metro Broadcasting* dissent. *Metro Broadcasting*, 110 S Ct at 3037-38 (O'Connor, J., dissenting) (cited in note 3). It seems that if statistics present a strong case for group behavior, then the appropriate conservative analysis is that group behavior is nothing other than an aggregate of individual choices. If, however, statistics can be used to undermine an anti-discrimination policy, they take on immense significance. In either approach, what is lacking is an historical and contextual reading of the data. See Williams, 104 Harv L Rev at 532-33 (cited in note 7).

illustrates the point that equality is, and always has been, about something more than sheer numbers. As Judge Mikva states, "When the Court has struck down gender classifications, it has done so because they rested on impermissible stereotypes whether or not they were supported by statistical evidence."¹⁸

In the following discussion of women in films, I hope to put the statistical data in context. Against the backdrop of the DC Circuit's myopic and rigid view of gender equality, I would like to suggest that women's control of and participation in the media does matter, and we only have to look around us, take a stroll to the local cinema, or pick up a bestseller, to determine that this is so. What is required is a more sensitive reading of our culture, not a more rigid reading of a particular set of data.¹⁹ When Congress, not known for its history of sensitivity to gender oppression, makes an attempt to create social policy that reflects such concerns, the courts ought not to interfere.

III. MISSISSIPPI MASALA

Mississippi Masala weaves several stories together. One story tells of Kinnu (Sharmila Tagore) and Jay (Roshan Seth), who were forced to leave their homeland of Uganda when Idi Amin took over and required the expulsion of all Indians from the country. Another relates the love affair between Mina (Sarita Choudhury), Jay and Kinnu's daughter, and an African American man named Demetrius (Denzel Washington). Yet another gives a glimpse of the transplanted Indian culture that exists in the South, and still another hints at the strengths in and struggles faced by Demetrius' family. None of the stories in the film focuses on white people, and, while this may be a source of chagrin to some viewers,²⁰ not only does it not detract from the film, but it adds to the verisimilitude of

¹⁸ *Lamprecht*, 1992 US App LEXIS at *69 (cited in note 9).

¹⁹ I would like to make clear that I have nothing against the use of statistical evidence to prove that women's control of (or even greater participation in) the media might make a difference.

As Judge Mikva pointed out, the evidence available in the *Lamprecht* case suggested the opposite conclusion than the one reached by Judge Thomas that the available data proved that there was no correlation between women's ownership of radio stations and diverse programming. In fact, the report he cited came to the opposite conclusion. While the correlation between women's ownership and diverse programming was not as strong as that between minority ownership and diverse programming, there was still a stronger correlation than between white males and diverse programming. *Lamprecht*, 1992 US App LEXIS at *88 (cited in note 9).

²⁰ In fact, as one reviewer observed, "There are virtually no white characters in the film." Peter Rainer, *Interracial Affair Spices "Mississippi Masala,"* LA Times F8 (Feb 14, 1992). This obviously bothered the reviewer, who went on to critique the film's understated way of treating the ethnicity of its subjects: "[The film's director] Nair, in an attempt, perhaps, to downplay the voyeuristic, ethnographic aspects of the material, is too cavalier about the audience's need to know." *Id.* One wonders about precisely who makes up the reviewer's "audience," and whether this simply isn't a rhetorical mask for his own voyeurism.

the depiction of southern life.²¹

The director, Mira Nair, and writer, Sooni Taraporevala, portray their characters' lives with both sensitivity and levity. A subtle and mischievous humor pervades the film. Along with this light touch coexists a pathos achieved in few films. In one of the final scenes, Jay returns to Uganda to find that his African friend, with whom he has not communicated since he left, has died. He then stands amidst the rich, lively swirl of Ugandan culture while a dark skinned African baby tenderly reaches out towards Jay's lighter Indian skin. The baby's mother hands him to Jay, and they sway together to the Ugandan street music. It is a moving vision of how we ought to live.

The women in the film, Mina and Kinnu, convey strength, intelligence, and confidence. Kinnu holds the family together by running a liquor store and Mina works cleaning bathrooms in the hotel where they live. Mina also exercises control over her romantic life, rejecting an ideal suitor from her ethnic group for a romantic choice of her own in Demetrius.

While the film is by no means flawless (there are a couple of under-developed plot threads and Mina's character could have been more fully explored), the imperfections do not detract from the emotional impact of the film. Nair and Taraporevala educate us and move us as they entertain us—a rare feat indeed. That women of color spin these cinematic tales provides significant proof that control of the media matters.

IV. *GRAND CANYON*

In *Grand Canyon*, director Lawrence Kasdan tries to come to grips with the alienation and tragedy of everyday life. Mack (Kevin Kline), a white middle-aged immigration lawyer, is the main protagonist who meets Simon (Danny Glover) when Mack's new Lexus breaks down in South Central Los Angeles. Simon, an African American tow truck driver, saves Mack from four menacing gang members in a scene that could have been lifted from Robert Townsend's *Hollywood Shuffle*, the satire about the terrible treatment of African American actors in Hollywood.²² Mack feels indebted to Simon and proceeds to meddle in his life, albeit in a helpful and well-intentioned way. Meanwhile, Mack's wife, Claire (Mary McDonnell) has found a baby while jogging near their expensive Los Angeles home. The film revolves around Mack and

²¹ And life in most of the United States, for that matter, where segregated living is the norm and social integration the exception.

²² This scene provides further evidence that perspective matters. In *Boyz N the Hood*, director John Singleton proved that stories about African Americans who live in dangerous neighborhoods and become gang members do not have to be exploitative and stereotypical. However, Lawrence Kasdan clearly was out of his element when dealing with the same material.

Claire, with various sub-plots swirling about them in a testament to how serious, unpredictable, yet ultimately downright warm and fuzzy life is.

I disliked so much of *Grand Canyon* that I struggle to restrain myself from harping on the contrived dialogue, the self-important sanctity, the liberal any-little-thing-we-do-is-enoughness that oozes all over the screen. But restrain I will, because women are so especially mistreated that I will use up the available print space on them alone. The opening scene takes place in the Los Angeles Forum at a Lakers game. Interspersed with shots of Magic Johnson et al doing their thing on the basketball court are scenes of various young women in tight shirts or sweaters, their breasts swaying and jiggling as they cross the screen. The point of this? Another male's eye view of a mid-life crisis, either Mack's or his producer pal Davis' (Steve Martin), or perhaps both. After all, the ever-popular cinematic (and real life) cliché of men chasing after young, perky women in order to regain their fading virility could strike any man-over-forty at any time—and this is just the beginning of the film.

The sub-plot involving Mack and Dee (Mary Louise Parker), his secretary, portrays issues of sexual harassment in the workplace in a trivialized and completely unreflective manner. Many people who saw the film might balk at my calling Mack and Dee's one night stand sexual harassment: after all, she pursued him. But herein precisely lies my point. For every young, attractive, confused secretary who develops a crush on her nice-guy boss and then has the audacity to touch his hand to make a pass, there are hundreds, if not hundreds of thousands, of women who work in positions subordinate to men who have no choice about putting up with constant verbal and physical harassment. As a result, this comes across as a male fantasy of what sleeping with the hired help could be like. Aside from Dee's confused and ultimately ineffective confrontation with Mack, Mack suffers no repercussions whatsoever for their little affair. Claire, his wife, never finds out. Mack apparently suffers no guilty twinges: after all, he tells Dee, I told you this couldn't go anywhere. Meanwhile, all of the problems between Mack and Claire become focused on *her* mid-life crisis of wanting to adopt the baby she has found in the woods.²³

To sum it all up, for a film that makes a grandiose attempt to touch on the most current and troubling issues of modern times—racism, the environment, the absence of empathy in our lives—it miserably fails to put many vital issues anywhere close to the center. The one bright spot in the film is the positive portrayal of the relationship between Simon and

²³ The baby—a conveniently brown baby—eventually does get adopted by Mack and Claire, partly thanks to a homeless man who remarkably has Claire's problems on his mind and prophetically mutters that "she needs you as much as you need her." In a juxtaposition of which Kasdan may or may not have been aware, while the rich, white couple is happily saving a brown baby, a man selling life insurance policies for children is knocking on Simon's sister's door in South Central Los Angeles.

Jane (Alfre Woodard), the woman to whom Mack introduces him. Woodard's character is refreshingly strong and confident, and she makes the bit part stand out from the plodding morass that surrounds it. A film solely about Simon and Jane, directed by someone other than Kasdan, would have been a big improvement.

Kasdan, of *Big Chill* fame, directed and produced the film, and co-wrote the screenplay with his wife Meg Kasdan. Meg Kasdan's involvement might have been responsible for the sympathetic characterization of Claire and some of the other women characters, but her presence clearly could not compensate for the fact that this ultimately was Lawrence's/Mack's film. At any rate, the point is not to draw indelible lines between women-and-goodness and men-and-badness, but rather to point out the harm that is perpetuated by big-screen distortions of women's lives.²⁴

V. CAPE FEAR

The first time I saw *Cape Fear*, I walked out after the brutal scene in which Max Cady (Robert De Niro) rapes, beats, mangles, and bites the cheek off a young female colleague²⁵ of Sam Bowden's (Nick Nolte). I do not like to recall, let alone recount the details of, this scene, but because of the following characterization of the film, I find such graphic description necessary: "In *Cape Fear*, the scenes of rape and murder are not excessive given the theme of the movie. The terror is sophisticated and psychological."²⁶ Did this person and I see the same film? I am afraid that we did, as did the reviewers who found Sam Bowden's teenage daughter Danielle (Juliette Lewis) "ripe,"²⁷ and praised her for "providing the sexual tension,"²⁸ in the film. As one reviewer aptly remarked,

²⁴ Women, as well as men, are sometimes involved in projects that distort women's lives. Some readers might claim that this undermines my point. Women, however, live their lives in a sexist society, too, and therefore cannot remain immune from the influences of the pervasive degradation of women. This review-essay is about the possibilities presented by increasing women's involvement in media production, not about the biological necessity of organizing along gender party lines.

²⁵ Although the woman has a name in the film, I could not find any mention of her character in any of the reviews. Even the lone feminist review of the film does not explicitly discuss this brutal and unnecessary scene. Elizabeth Aird, *Evil Lurks at the Cape: Cape Fear is a cynical cinematic nightmare of violence against women*, Vancouver Sun C1 (Nov 15, 1991) ("*Evil Lurks*"). Rather than see the film a third time, I leave her unnamed in order to draw attention to this telling omission by the press.

²⁶ Gregory Felton, *Movie Unfairly Trashed*, Vancouver Sun A13 (Dec 9, 1991).

²⁷ Vincent Canby, *De Niro as Revenge Seeker in Scorcese's Cape Fear*, NY Times C17 (Nov 13, 1991).

²⁸ Janet Maslin, *The Year in Arts: Film 1991*, NY Times Sec 2, 9 (Dec 29, 1991). In this article, Ms. Maslin also includes the following tidbit:

Story of the Year — A smart young woman is entrapped by a brutish male who eventually wins her respect and affection. This premise can be found in the year's two most seamlessly fine films: *The Silence of the Lambs* and *Beauty and the Beast*. *Bugsy* and *Thelma and Louise* are close behind.

Apparently, not only did Ms. Maslin and I not see the same *Cape Fear*, but there were two versions of *Thelma and Louise* out as well.

"Film theorists talk about women's bodies as the battle site of the power struggle between men, and this is as good an example as you'll find."²⁹

The film is indeed about the struggle between two men. Cady, just released from a prison sentence, seeks revenge on Bowden, the attorney who buried a file that could have gotten Cady out of a conviction for rape. Instead of attacking Bowden personally, Cady prefers to terrorize him by raping the women in his life. The dramatic tension of the film revolves around whether Cady will succeed in raping Danielle, Bowden's teenage daughter. We are treated to the above-described rape of Bowden's colleague as well as an attempted rape of Bowden's wife, Leigh (Jessica Lange). This film made me feel so awful that the only motivation to sit through it was the catharsis I envisioned in writing this review. Dredging up the details only makes me angry all over again, however, in perhaps a perverse testament to the ugly power of the film.

The sexual exploitation of children is horrifically glamorized in what has been termed the "seduction scene" between Cady and Danielle. Danielle sucks and pouts as Cady, posing as her drama teacher, strokes her face and then sticks his thumb in her mouth. Women who have been sexually molested as children may feel it all over again if they subject themselves to this scene. Furthermore, they may continue to blame themselves, since Danielle is nothing if not the "sexually budding virgin who wants it." Adolescence is indeed a time of sexual growth and confusion, and young women occasionally do feel attracted to older men, but none of this excuses the insensitive exploitation of this traumatic time of life for the benefit of a voyeuristic audience.

That artists such as Scorsese and De Niro devote their creative energies to such dangerous stuff disappoints and frightens me. Rape is a serious subject, and if it is to be treated on film, it must be treated seriously and not as a titillating backdrop. In *The Accused*, for example, the rape scene was brutal and ugly, but that was the point of the film. Viewpoint, not subject matter, is often what makes the difference between nightmares and education.

VI. CONCLUSION

The constitutionality of gender preferences for ownership of radio stations may seem a far cry from my opinion of *Grand Canyon*, but I hope that the juxtaposition of these thoughts invites the reader to reflect on the connection between such legal decisions and the world to which they ultimately refer. Media influences our lives immeasurably, and so the fight for control over radio stations, movie studios, etc., has stakes that are much higher than mere entertainment. It behooves us to take

²⁹ Aird, *Evil Lurks*, Vancouver Sun C1 (cited in note 25).

these issues seriously; to think about what we hear, see, and read, and evaluate whether or not we like the way reality is being shaped. While women may not present a united front regarding the aesthetic representation of their lives, the more women from diverse backgrounds and communities that are given the opportunity to express creatively their visions, the more they will inevitably add to the masala of the media.

