

***North Country*'s Hero and Her Cinematic Lawyer: Can “Lawyer Films” and “Women’s Films” Merge to Launch a New Feminist Sub-Genre?**

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Le film North Country, réalisé à Hollywood, représente, de façon convaincante, la lutte pénible, mais couronnée de succès, d'une femme qui intente un recours collectif fondé sur le harcèlement sexuel en milieu de travail et force ce milieu à cesser ses pratiques de harcèlement. Le présent article compare la version cinématographique à l'événement historique qui l'a inspirée, mais insiste sur une lecture du film dans le contexte de deux genres hollywoodiens très prolifiques et populaires tout en étant très différents, soit le « film de femmes » (y compris les mélodrames portant sur la maternité, les femmes battues, les victimes d'agressions sexuelles, les films de militantes travaillant comme « col bleus ») et les « films de droit et de juristes ». En regardant North Country à la lumière du contexte complexe du cinéma, l'auteure révèle comment le film présente des possibilités novatrices, en mettant en oeuvre des références non conventionnelles par rapport aux formules classiques d'Hollywood et en créant une femme « col bleu » qui, par l'entremise de sa guerre contre le harcèlement sexuel en milieu de travail, devient une militante et une cheffe dans sa communauté, et obtient gain de cause sur tous les fronts dans son recours juridique, dans la transformation des valeurs dans sa communauté et dans ses retrouvailles avec sa famille. En renversant les attentes cinématographiques traditionnelles, le film transmet certains arguments féministes très « radicaux », y compris le fait que le viol, la violence faite aux conjointes et le harcèlement sexuel en milieu de travail représentent les moyens par lesquels la domination et l'oppression patriarcales des femmes se perpétuent et qu'une femme qui subit des pratiques abusives n'est pas nécessairement ou une victime ou une agente libre: elle peut être les deux à la fois. L'article pose la question suivante: est-ce que la nouvelle position adoptée dans ce film qui a remporté un succès financier important, donnera naissance à son tour à un nouveau « sous-genre » de film hollywoodien ?

North Country is a powerful Hollywood depiction of one woman's painful yet triumphant struggle to establish sexual harassment in the workplace as “class action” and to compel a workplace to stop its harassing practices. The article

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compares the cinematic version to the historical event on which it relies but focuses on reading the film in the context of two prolific and popular, yet very distinct, Hollywood genres: “the woman’s film” (including the woman’s/maternal melodrama, battered wives films, sexual victims films, blue collar activist women films) and “the law and lawyers film.” Reading *North Country* along this complex cinematic context reveals how, by implementing unconventional references to familiar Hollywood formulas, the film opens up an innovative possibility, constructing a blue collar woman who, through her war on sexual harassment in the workplace, becomes a social activist and a community leader and prevails on all fronts: in her legal suit, in transforming her community’s values, and in regaining her family. By subverting traditional cinematic expectations, the film conveys some very “radical” feminist arguments, including that rape, domestic violence, and sexual harassment in the workplace are means of patriarchal domination and oppression of women and that a woman suffering abuse is not necessarily either a victim or an agent: she can be both. The article poses the question whether the film’s intriguing new statement, which yielded some box office success, will turn its formula into a Hollywood “sub-genre.”

Setting the Stage: Introducing Law and Film, North Country, and This Article

Law and Film

Since the turn of the twentieth century, the silver screen has become an intriguing, powerful mirror—reflecting and refracting social and cultural phenomena and developments in every field of our lives. Many films convey socio-legal dynamics and concerns—construing, interpreting, and scrutinizing them through popular culture and, at times, critiquing and exposing their political implications. Contemporary “law and film” literature has increasingly spotlighted such “law films” and theorized their socio-legal significance and contribution. Part of this literature has focused on women, gender, and feminist issues. In previous books and articles, I have surveyed the “law and film” literature and attempted to contribute to the ongoing theorization of the emerging new field as well as to its “feminist corner.”¹ In the current article, I focus on a single contemporary feminist law film, *North Country*, which brings to the screen and to the mainstream a complex, multi-layered, and well-informed treatment of sexual harassment in the workplace as well as a glimpse into (American) sexual harassment law. The close reading of this extraordinary film can shed light on significant developments in the cultural perception of women, lawyers, and sex discrimination.

1. See especially Orit Kamir, *Framed: Women in Law and Film* (Durham, NC: Duke University Press, 2006); Orit Kamir, “Why ‘Law-and-Film’ and What Does It Actually Mean? A Perspective” (2005) 19(2) *Continuum: Journal of Media and Cultural Studies* 255.

A “law and film” project often chooses to analyze one or more of a law film’s cinematic choices, such as narrative structure, reference to genre conventions, casting strategy, editing choices, camera work, lighting, and musical score. In this article, I have chosen to focus on a single feminist law film’s reference to genre conventions and attempt to launch a cinematic sub-genre. The current article offers a reading of *North Country* mostly in the context of two prolific and popular, yet very distinct, Hollywood genres: the woman’s film (including the woman’s/maternal melodrama, battered wives films, sexual victims films, blue collar activist leader women films), and the law and lawyers film.² Reading *North Country* along this complex cinematic context reveals how, by implementing unconventional references to familiar Hollywood formulas, the film opens up an innovative possibility, constructing a blue collar woman who, through her war on sexual harassment in the workplace, becomes a social activist and a community leader and prevails on all fronts: in her legal suit, in transforming her community’s values, and in regaining her family. It remains to be seen whether the film’s intriguing new statement, which yielded some box office success, will turn its formula into a Hollywood “sub-genre.”

Layout of the Argument

In the following introductory sections, I will lay the ground for the discussion of *North Country* by introducing the film, the “true story” that inspired it, and the intriguing relationship between them. These sections offer the reader a basic acquaintance with the text studied in this article, with its historical legal backdrop, and with the cinematic choices that underlie the construction of the fictional portrayal of the case. In the first part of this article, I read the film in the context of “the woman’s film” and, in the second part of the article, I read it in the context of “law and lawyer films.” The short summary section interweaves these two lines of analysis, suggesting that *North Country* proposes an innovative cinematic formula that draws on these two established genres and transcends them both. The summary reintroduces the article’s title question: can this formula give rise to a new Hollywood sub-genre that is both legal and feminist in its orientation?

The Film

North Country narrates the story of Josey Aimes, performed by Charlize Theron. Through flashbacks that visualize her replies to an onscreen legal cross-examination, we follow Josey, a young mother of two, leaving her

2. I also refer to whistle-blower films and sexual harassment films. I use the term “genre” loosely, not necessarily adhering to any specific film theory.

husband and home after an episode of domestic violence. Despite her father's suspicion that her husband's violence must have been elicited by her infidelity, Josey moves in with her parents. Failing to find a suitable job that would enable her to support her family, she allows herself to be persuaded by her close friend Glory (played by Frances McDormand) to apply for a position at the local mine, where Glory is an employee and an upstanding union leader.

Like most men in the movie's remote mining community, Hank Aimes, Josey's father (a role performed by Richard Jenkins), has spent his entire career at the mine. Like his comrades, he too objects to the governmental equality policies that have forced the mine to employ women. Like most men, he views the new practice, as well as the women who apply for mining jobs, as unduly challenging men, their status, job security, and manly honour as well as the conventional norms of decent social order.

Josey's demanding, painstaking work at the mine allows her to provide for her family and even to buy a small house and thus regain a new sense of dignity. But these fundamental life conditions come at a very high cost. The miners use every possible way to intimidate their female comrades, humiliate them, and make their lives miserable. They cover the walls with blatantly demeaning sexual graffiti, leave penis-shaped objects in their lockers, topple the chemical toilet used by the women, and even sexually attack them. Simply put, the workplace sexual harassment assumes monstrous dimensions of gender-based bullying and mobbing.³ Josey's attempts to call both management and union attention to these offensive and discriminating employment practices fail. When the stress at work becomes insufferable, Josey quits her job and eventually decides to sue the mine. She hires Bill White (played by Woody Harrelson) as her lawyer. Native to the local mining community and a sometime devoted hockey player, Bill had left his hometown to become a city lawyer. His divorce and shattered career brought him back home.

Josey's choice to take legal action is met with massive hostility, manifested in blunt and aggressive retaliation against her, her family members, and the other women miners. Community members are pushed to "take sides" on the conflict. Attempting to save their own jobs, most of the women miners choose to distance themselves from "troublemaker" Josey. Debilitated by a degenerative muscle disease, Glory is torn between her loyalty to the union and its members and her loyalty to her friend and the truth. Hank Aimes sides with his comrades, holding Josey responsible for his public shame and humiliation—that is, his loss of honour.

3. For the introduction of these terms into the legal discourse, see David C. Yamada, "The Phenomenon of 'Workplace Bullying' and the Need for Status-Blind Hostile Work Environmental Protection" (2000) 88(3) *Georgetown Law Journal* 475; and Gary Namie and Ruth Namie, "Workplace Bullying: The Silent Epidemic" (2000) 1(2) *Employee Rights Quarterly* 4.

However, Alice Aimes, Josey's mother (played by Sissy Spacek), undergoes an unexpected process of awakening and metamorphosis, which leads her not only to understand and support her daughter but also to realize her own domination by patriarchal norms and to react against it. Her resolve to leave Hank is effective. In one of the movie's dramatic peaks, Josey shows up at a union meeting to explicate her law suit and ask for support. The miners harass her with sexual comments, sabotaging her attempt to present her case. Outraged, Hank sides with his daughter, airing before his fellow miners his disappointment in them.

More melodramatic than her relationship with her father is Josey's troubled relationship with her teenage son, Sammy (performed by Thomas Curtis). Josey had given birth to Sammy when she was merely a teenager. Towards the end of the film, the viewers and the film's onscreen community learn that Josey's pregnancy resulted from a rape, perpetrated by Josey's high school teacher. Determined to spare Sammy's feelings, Josey had never divulged her rape and was thus perceived as "admitting" to her "sluttish" reputation. Her long-standing sexual "notoriety" features in the "nut-and-slut" line of defence employed by the mine to prevent Josey's suit from qualifying as a class action.

The central witness for the defence on this point, Bobby Sharp (played by Jeremy Renner), is Josey's childhood friend. He attests to her taking pleasure in the sexual encounter with their teacher. Sammy had already borne a grudge against his mother due to the gossip and rumours about her that had fuelled his friends' mockery and ostracizing conduct. Bobby's testimony is the straw that breaks Sammy's back. Bobby's condemning testimony results in Sammy's running away and finding refuge in Glory's basement. The eventual reconciliation scene between mother and son is one of the film's most poignant moments.

Bobby Sharp's cross-examination by Bill White is another of the film's dramatic climaxes. Bobby's testimony regarding Josey's adolescent "perversion" undermines the credibility of her claim that the sexual harassment at the mine is systematic. It also supports the mine's argument that Josey's problem is personal and that she "brought it on herself" through her "loose" sexual conduct. But when all seems lost, in a virtuoso, dramatic cross-examination, Bill White succeeds in manoeuvring Bobby to admit that Josey was indeed raped by their teacher and that bewildered Bobby had deserted her, consequently experiencing a suppressed guilt that nourished his passionate hostility towards her.

White's resourceful, brilliant performance saves the day, exonerating Josey's virtue in open court and eliciting the necessary communal change of heart. Realizing the deep injustice that she had suffered all these years, the shaken, remorseful community sides with Josey, joining her claim that the sexual harassment in the mine amounts to gender-based discrimination that deserves to be tried as a class action. Glory, now fully paralyzed, is the first to

cast her vote, followed by the other women miners, by Josey's family, and even by some of the male miners. Josey is no longer alone; her community now embraces and supports her as well as the socio-legal cause for which she stands. The implication is clear: the judge will allow the case to be tried as a class action, the mine will agree to settle and pay damages, and it will be forced to confront the harassment and implement a policy prohibiting any future harassing conduct. In the film's final scene, Josey picks Sammy up from a hockey game, and on a quiet, scenic Minnesota road she stops to give him his first driving lesson. Young and joyous, mother and son are left to enjoy the simple, normal pleasures of their 1990s American life.

Film versus True Story

North Country is based on true story of Lois Jenson and the class action that she initiated against the Eveleth Taconite Company. The first decision in the case, approving the proceeding as a class action, was a groundbreaking precedent that paved the way to other class-action sexual harassment suits.⁴ *North Country* was "inspired" by a comprehensive documentary book closely describing Jenson's life and the class action.⁵ The film's acknowledged ties with the case and with the book, nevertheless, raise the question of its factual (and legal) accuracy.⁶ Since this question seems to intrigue (perhaps preoccupy) many of the film's viewers and critics and to eclipse other critical concerns, I address it here briefly, clarifying why it is not the focus of this discussion.

A comparison between the *North Country* and its historical backdrop, as depicted in the book *Class Action*, reveals compelling similarities and differences. An analysis of the differences illuminates the film's cinematic choices as well as significant alterations affecting a documentary narrative when translated from "fact" into "fiction." Such cinematic choices and substantive alterations invite significant questions regarding the (popular) cultural depiction of women and their stories. For instance, the degenerative disease that Glory suffers from is, in fact, veridical. Patricia Komach, Lois's comrade, indeed suffered and died of such an illness in the course of the legal

4. *Jenson v. Eveleth Taconite Co.*, 139 F.R.D 657 (D. Minn. 1991). One of the first and most famous of these was *EEOC v. Mitsubishi Motor Manufacturing of America, Inc.*, 990 F. Supp. 1059 (C.D. III. 1998).

5. Clara Bingham and Laura Leedy Gansler, *Class Action: The Landmark Case That Changed Sexual Harassment Law* (New York: Anchor Books, 2002).

6. *Class Action*, *ibid.*, is clearly thoroughly researched, yet it must not be mistaken for "the true" story. In fact, Jenson herself did not embrace the book, claiming that it was inaccurate on some points. She reported her plan to publish her own account of the case, see Stephanie Hemphill, "Movie Stirs Memories on Iron Range," *Minnesota Public Radio* (28 January 2005), < http://news.minnesota.publicradio.org/features/2005/01/28_hemphills_rangefilm >; "Lois Jenson," *Metroactive* (23 April 2008), < <http://www.metroactive.com/metro/04.23.08/film-jensoninterview-0817.html> > .

proceedings. But whereas in the movie Glory enjoys a stable and loving relationship and is Josey's close friend, Komach was a single mother and her relationship with Lois was tense and problematic. These cinematic choices in the transformation of Patricia Komach into Glory were clearly designed to cater to social norms and render this female character "palatable" to viewers. How do we view this cinematic choice and its effect on the narrative? Is it a necessary "adjustment," or even "improvement," or a damaging, compromising "corruption"?

Cinematic deviations from Lois Jenson's life are even more telling. Lois did have a son as a result of an unwelcome sexual encounter, yet she was not raped by her high-school teacher as an adolescent, but by a man she dated as an adult woman when living in Minneapolis. Lois's second child issued from a childhood sweetheart who broke off their engagement upon learning of the pregnancy. Unable to support both children, Lois gave her two-year old daughter up for adoption and moved back home to the town of Virginia. By the time she sued the mine, her son was old enough to move out and support himself, and there is no indication that the law suit had a significant impact on him or on his relationship with his mother. Lois's father did not work for the mine that she sued and never objected to her career choice. As documented in *Class Action*, Lois's filial relationships did not play a significant role in her life during the period of her battle against the mine.

Similarly, some of the film's central scenes considerably diverge from factual events. Most significantly, neither the union meeting, in which Hank sides with his daughter, nor the dramatic cross-examination of Bobby Sharp, are based on reality. Moreover, some of the fundamental events are factually inaccurate. The miners never acknowledged Lois's plight or the injustice she suffered and continued to blame, condemn, and retaliate against her for many years. In fact, Lois suffered unbearable employment conditions for eighteen years (from 1975 to 1992). The legal proceeding was not resolved in a happy ending after a few weeks in a dramatic, emotional courtroom scene but, rather, dragged on for fifteen long and painful years (from 1984 to 1998) and was packed with setbacks, disappointment, and frustration. The first judicial ruling in the case did certify it as a class action, but it did not persuade the mine to reach a settlement with the plaintiffs. In fact, it induced the mine to hire an aggressive law firm that grilled Lois and the other women plaintiffs, exposing every detail of their personal lives. In the end, the damages awarded were minimal, and it took an appeal to revoke the hostile decision and to acquire the right to a new, jury trial. Apparently, it was the prospect of a jury trial that finally drove the mine to agree to a settlement.

The fifteen-year legal proceeding, together with the years of sexual harassment at the workplace, cost Lois, as well as the other women plaintiffs, their health and well-being. Lois experienced acute symptoms of post-traumatic stress syndrome. She lost her self-assurance and her exceptional

memory, became paranoid and deeply depressed, and suffered from anxiety attacks, insomnia, and weight gain. She had to quit her work and live on disability, did not leave her house, lost interest in the world, had difficulty functioning, and was heavily medicated. As late as 2005, during the on-location shooting of *North Country*, Lois Jensen refused to advise in the production, explaining that the movie brought back painful memories.⁷

Comparisons of *North Country*'s depiction of Lois/Josey with Lois Jenson's life and legal experience have yielded harsh criticism.⁸ The film is purported to have "beautified" Lois's character in order to conform to traditional norms of virtuous femininity, thus paradoxically embracing and enhancing patriarchal hegemony. Critics have argued that an unwed mother of two children by two different fathers, who gave her young daughter up for adoption, was apparently "indigestible" for Hollywood and its viewers. The film's writer, director, and producer—it was suggested—refused to invest the energy required to render such a character acceptable, respectable, and even admirable. Rather than bring the audiences to appreciate a Lois Jenson-like woman, the film's creators moulded Jenson to be more palatable for the populace.

It was further argued that by drastically shortening the period that Lois/Josey spent fighting her legal battle—from fifteen years to several weeks—the film underrated and sugar-coated the unbearable price paid by Lois and her female comrades. The trauma was whitewashed. Moreover, Bobby Sharp's dramatic cross-examination is said to have "exonerated" Josey from the "allegation" of female sexuality before bestowing her community's sympathy on her. The film, it is argued, only finds Josey worthy of wide support when she is revealed to have been a victim, rather than a "loose"—that is, sexual—woman. This move exposes the film's moralistic stance and conventional, patriarchal value system.

It is hard to refute these pointed, well-aimed critiques; they almost inevitably arise when reading *North Country* against *Class Action*. Furthermore, this critical perspective gives rise to valuable concerns regarding the presentation of women and their stories—including legal cases—in popular art. Nevertheless, this is not the only viable perspective on this film. It can be argued that in order to attract audiences to view a movie, its characters must meet minimal conventional standards and seem at least nominally acceptable and attractive. Otherwise, a movie stands no chance of having any social impact. As Jennifer Schulz puts it, "[i]n order for society to be able to identify with these protagonist women, society must first be able to *see* these movies."⁹

7. Hemphill, *supra* note 6.

8. See Maria Garcia, "North Country" (2005) 108(12) *Film Journal International* 70; and Rebecca Korzec, "Viewing *North Country*: Sexual Harassment Goes to the Movies" (2007) 36(1) *University of Baltimore Law Review* 303 at 319–27.

9. Jennifer L. Schulz, "The Mediator as Cook: Mediation Metaphors at the Movies" (2007) *Journal of Dispute Resolution* 456 at 467.

Additionally, if it is to serve a feminist purpose, a film must offer women viewers a sense of agency and empowerment, rather than focus exclusively on the high prices they are bound to pay when choosing to confront hegemony. Such pragmatic considerations may not sound critically savvy or bold, but from a critical-activist, pragmatic perspective they are valid and weighty.

The perspective suggested and explored in the following discussion does not require deciding between the “critical” and the “activist/pragmatic” perspectives. Acknowledging both of these positions, this article offers a different point of reference. It holds that a feature film should not necessarily be assessed against the true story that inspired it (or against the documentary text depicting it), inasmuch as a word, in its capacity as a signifier, should not necessarily be compared to the object it signifies and a court decision should not necessarily be evaluated merely in reference to the actual facts of the case. A word in any language should rightly be analyzed in its relevant grammatical context, and a legal decision should be evaluated in its specific legal context. Only in that context can a word be fully appreciated and a court ruling be assessed as conforming with existing law or as setting a creative precedent. Similarly, a feature film is part of a cinematic syntax. Reading it against this backdrop can bring out its most significant features as well as the film’s adherence to generic formulas—and/or its innovative, “precedent setting” contribution to its genre (or genres). This is the perspective underlying the following discussion of the film.

North Country as a “Woman’s Film”

This part of the article suggests a reading of *North Country* along the generic context of the “woman’s film.” This broad category consists of numerous sub-genres; *North Country* engages in dialogue with several of them. The following sections suggest that in order to best highlight *North Country*’s reliance on conventional generic motifs—as well as its innovative treatment of them—it should be read against the sub-genres familiar as “battered wives,” “the woman’s/maternal melodrama,” “rape revenge,” and “blue collar women.” Each section examines *North Country* in light of one or more of these sub-genres. Together, they attest to the film’s uniquely rich generic references and to its systematic allusions to traditional generic conventions—only to undermine and expose them.

Films of “Battered Wives” and “Domestic Violence”

North Country’s opening scene features a young mother with her son and daughter in the family house on Christmas Eve. In the next scene, the young mother is seen lying on the floor, battered. The actual domestic violence is never shown onscreen. In 2005, the few “before” and “after” shots suffice to

bring to the viewer's mind the explicit battering scenes from *The Burning Bed*,¹⁰ the cinematic "precedent" that defined the generic formula, and/or from the box-office hit *Sleeping with the Enemy*.¹¹ Relying on these familiar "battered wives" films, the spectator identifies Josey's situation as "trapped in the vicious cycle of domestic violence," expecting episodic eruptions of the batterer's rage, followed by his remorse, his romantic courting of her, and his desperate pleading to start over. The viewer expects to accompany Josey through a lengthy struggle to break away from this now cinematically familiar trap. She expects Josey's path to freedom to be interspersed with scenes of hurried departures and defeated returns; she expects it to be laden with conflicting feelings of paralyzing fear and brave determination, resentment and pity, anger and guilt, disgust and longing, hatred and love. The viewer readily anticipates the batterer's bouts of suspicion and accusation, complemented by the wife's attempts to appease him, to defuse his rage, and to protect her children. The viewer suspects that the intensification of the batterer's violence will eventually lead to the victim's desperate act of violent self-defence.

Eliciting this set of expectations, the film proceeds to refute them abruptly and to surprise the viewer by superseding the familiar characters and formulaic plotline with its own alternative. *North Country*'s female protagonist refuses to play her "battered wife," "victim of domestic violence" role. Rejecting the formula, she breaks the vicious cycle of domestic violence and leaves her batterer, never looking back. Finding a job at a mine, she launches not a *domestic*, but a *public* struggle for women's equal rights in the workplace—a struggle intended to eliminate sexual harassment by co-workers, rather than domestic violence by a husband.

The viewer's genre-induced expectations to witness Josey play the familiar "battered wife" role are radically thwarted by her refusal to do so and by her dogged choice to be a "free agent" and an "autonomous subject." More accurately put, the film demonstrates that victimizing circumstances do not preclude the possibility that a woman take action as a subject and an agent. "Victim" and "agent" are not mutually exclusive, and a woman may well be a "battered wife," a "victim of domestic violence," as well as an active subject and agent.¹² Moreover, rather than hopelessly struggling to break free from a violent husband, Josey, initially presented as "the battered wife," fights to empower other women workers and free them from sexual discrimination, assault, and harassment in the workplace. The battering husband is replaced

10. *The Burning Bed* (made for television, NBC, 1984; MGM, 2004).

11. *Sleeping with the Enemy* (Twentieth Century Fox, 1991).

12. This point refers to the long-standing feminist dispute between those who speak of women's victimization under patriarchy and those who argue that labelling women as victims undermines their development and conceptualization as subjects and free agents. I believe that some films demonstrate how, under patriarchy, women can be both victims and agents. See Kamir, *Framed*, *supra* note 1.

by a sexist, discriminating, and intimidating workplace. The battered wife's private, personal struggle against her tormentor is superseded by a public, collective class action against workplace acts of gender abuse and discrimination. Viewers expecting to follow a plot centring on domestic violence and on the private struggle of one woman against her husband are invited to witness a collective struggle against workplace sexual harassment and to realize that sexual and gender cruelty at work can be very similar to partner abuse. Drawing analogies between different types of patriarchal oppression and between women's distinct struggles against them, the film effectively delivers a powerfully "radical" feminist argument.

North Country's opening scene of domestic violence is not "documentary"—it does not correspond to an episode from Lois Jenson's life. The cinematic initial reference to "battered wives films" can thus be read as actively creating a generic expectation that is to be reoriented later in the film. The cinematic "superimposition" of a woman's agency over her victimization, as well as the film's depiction of the analogies between domestic violence and workplace gender discrimination, are clearly value-laden choices.

"*The Woman's/Maternal Melodrama*"

"Battered wives" and "domestic violence" films are relatively new, dating from the mid-1980s. A far more prominent and established sub-genre in the "woman's film" is the "woman's/maternal melodrama." Many researchers have defined, analyzed, and criticized this cinematic category. This section offers a short overview of some such pivotal theoretical perspectives, considering *North Country's* dialogue with the generic conventions of the woman's/maternal melodrama. Theorists have shown that the heroine of a "woman's/maternal melodrama" attempts at upward social mobility while ignoring social norms, conformist conventions, and widely held expectations.¹³ In doing so, she sins against the hegemonic, class-based social order. Since her conduct manifests desire and passion (coded as "romantic"), her sin is construed as a sexual one. The characteristic movies of this genre stress that the heroine's trust in her own willpower—her ambition and dedication to her goal—are also her blindness *vis-à-vis* the superior power of "fate" (that is, social norms), which ultimately punishes her for her *hubris* and precipitates her downfall.

13. This overview is based primarily on Pam Cook, "Melodrama and the Women's Picture," in Marcia Landy, ed., *Imitations of Life: A Reader on Film and Television Melodrama* (Detroit: Wayne State University Press, 1991) 248 (Cook summarizes fundamental perspectives such as Molly Haskell's, Laura Mulvey's, and Barbara Creed) as well as Mary Ann Doane, *The Desire to Desire: The Woman's Film of the 1940s* (Bloomington, IN: Indiana University Press, 1987) at chapter 3.

Since motherhood is a central characteristic attributed to these heroines, most plots revolve around women's troubled domestic lives, focusing on their relations with a son or with a daughter. The mother's social sin threatens the mother-son/daughter relationship, leading to estrangement and separation.¹⁴ The protagonist's punishment is manifested in her self-sacrifice for her son's or daughter's sake, which necessitates the mother's separation from her offspring and the loss of her acquired social status and identity. The self-sacrifice signals the woman's resignation and acceptance of social norms. In so doing, she transforms into a "good enough mother" and is "pardoned" for her transgression. Sometimes she is generously compensated by a reunion with her son or daughter, even if near death. Sometimes mother and son reunite in a courtroom scene, when the son defends his estranged mother who is charged with committing a crime.¹⁵

Critics tend to argue that a typical "woman's/maternal melodrama" tames the shrew, transforming her into a docile, compliant, repenting victim of her own selfish passion and transgression. A resistant protagonist who refuses to repent, remaining powerful and independent, is punished by death or at least loses all that is dear to her—foremost, her child. The "taming" and "punishing," together with the condemnation of a woman's desire for self-assertion, characterize the "woman's/maternal melodrama" as a morality tale. It socializes the rebelling woman, reverting her to her "natural place" in the patriarchal home, ensuring that she no longer threatens hegemony.

The "woman's/maternal melodrama" combines the protagonist's point of view with an external one—focalization through the protagonist pulls the viewer in, ensuring depth of emotion, while the external stance invites "objective," "neutral" scrutiny, and critique of her character. The external viewpoint, endorsed by the film as reasonable and valid, offers the spectator a vantage point over the character, inviting judgment of her unrealistic and "immoral" ambition. The (ever temporary) materialization of the heroine's dreams is often exaggerated to suggest that the happy moments are but fairy-tale fantasies.

Many twenty-first century viewers have never watched the big "woman's/maternal melodramas" that had cast the classic mould and popularized it.¹⁶ Yet they are likely to be acquainted with a variety of their numerous "descendants," including countless "soaps."¹⁷ The formula is so deeply

14. For example, the daughter is shamed by her mother's inappropriate social conduct, and the two are forever separated. See *Stella Dallas* (United Artists, 1937) (*Stella Dallas* was one of the most successful melodramas of its day). See also *Madame X* (Universal Pictures, 1966) (the upper-class mother-in-law forces the lower-class protagonist to leave her husband and son).

15. *Madame X*, *supra* note 14

16. Such as *Stella Dallas*, *supra* note 14; *Madame X*, *supra* note 14, and *Imitations of Life* (Universal Pictures, 1959), and many Lana Turner and Joan Crawford movies.

17. For one example of an explicit remake of the 1937 *Stella Dallas*, *supra* note 14, see *Stella* (Touchstone, 1990).

embedded in contemporary cinema that slight hints suffice to evoke expectations regarding plot line, characters, and even musical score. It is against this backdrop that *North Country* can best be understood to evoke generic expectations—only to undermine and deflect them.

Departing from the documentary book that inspired it, *North Country* stresses the centrality of Josey's familial life to her socio-legal battle. The film presents a domestic drama that did not take place in Lois Jenson's actual life. Jenson did not leave a battering husband; she did not move in with her parents; her father did not work for the mine that she sued and never objected to her working there. More significantly, Lois's son was already a young man by the time she sued the mine. He lived on his own, and, apparently, his mother's battle did not have a dramatic impact on him or on his relationship with her. There can be no doubt that endowing Josey with a battering husband, a resentful father, and a sensitive adolescent son are conscious, deliberate cinematic choices. The film clearly chose to create a melodrama focusing on its protagonist's family life. At its heart lies the possibility that Sammy might abandon his mother. His short flight from home is the high point of the film's melodrama.

From Sammy's point of view, Josey's unconventional choice to work at the mine, followed by her decision to accuse and confront many community members, "squealing" on them and "betraying" them, make her a bad, selfish mother, who brings him shame and humiliation. As far as he is concerned, her actions stigmatize her not merely as a troublemaker and whistle-blower but also as a shameful mother who damages his social standing. In other words, the protagonist's unconventional attempt at upward mobility (from a "poor, welfare single mother" to a "self-reliant bread-earning person") gives rise to a conflict between her personal ambition and her motherly role, endangering her relationship with her son. Throughout most of the film, it seems that Josey's non-conformist conduct will lead to either the loss of Sammy or to the forgoing of her revolutionary desires in order to regain his love. These elements adhere to the formula of the "woman's/maternal melodrama," enlisting viewers' pity and pathos and giving rise to conventional expectations.

But it is precisely against this "loyal" adherence to the elements of the "woman's/maternal melodrama" that *North Country's* refusal to follow the formulaic logic to its conclusion is most striking. In contrast to a typical, classic "woman's/maternal melodrama," *North Country* rebuffs Sammy's perspective. It does *not* invite viewers to adopt it as the normative, objective, common sense viewpoint that the protagonist fails to acknowledge. It does not signal to viewers that this is the perspective from which to judge the rebelling, self-centred woman. While echoing the perspective of many of the onscreen community members, Sammy's view of his mother is rather portrayed by the film as an adolescent, immature view, which must be outgrown. It is the view of a child who is too self-absorbed to realize the complex, cumbersome reality

that his mother must face and who fails to understand the significance of her courageous choices.¹⁸

In fact, at no point does *North Country* invite its viewer to judge Josey, but rather to adopt her point of view and sympathize with her. Rather than constructing her choices to work at the mine and then to sue it as selfish, sinful, and pathetic, the film portrays them as the courageous choices of a woman who refuses to let her victimization and discrimination define her; as the choices of a woman who actively and deliberately opts for agency and subjectivity. Josey's choices are portrayed as legitimate, rightful, and eventually rewarding. Unlike classical heroines of the "woman's/maternal melodrama," Josey is not "punished" by losing her son, nor is she is compelled to "repent" and sacrifice herself at the altar of his well-being. Josey does not end up watching his happy life through the street window. *North Country* grants Josey not just her legal victory but also a happy family life with her children, as well as her community's acknowledgement and respect. She achieves the social mobility from "poor welfare mother" to "self-sufficient individual and bread-winning parent" while maintaining her family and changing her community's values. Reading *North Country* against the "woman's/maternal melodrama" highlights how the film not merely rejects the genre's moral code but also thoroughly undercuts it, replacing it with a stark alternative. The movie sides with its protagonist, affirming her egalitarian, feminist values. Rather than socializing her into surrender and submission to hegemonic patriarchy and conventional social order, the film celebrates her victory over them.

As mentioned earlier, the protagonist of a "woman's/maternal melodrama" is likely to be accused of illicit desire and, hence, of improper sexuality. Similarly, in *North Country*, Josey's abundant opponents, self-appointed guards of the prevailing social norms, accuse her of improper "sluttish" sexuality—first as an adolescent, then as a married woman, and, finally, at the mine. This sexual accusation is translated by the mine into a "nut-and-slut" line of defence, characterizing Josey as a "problematic" individual whose disreputable sexual conduct solicited the miners' advances. Rather than being the victim of sexual harassment, the mine's argument goes, Josey, "the slut," brought it upon herself.

18. Running away from home, Sammy finds refuge in Glory's basement where he is found by Glory's partner and schooled by him in respecting his mother's tough life and career choices. This scene is reminiscent of preceding cinematic scenes, such as in *Mary Poppins* (Walt Disney, 1964), where Bert, the chimney sweeper, finds the runaway children and explains to them the complexities of their father's business world and the courage it takes to survive his job in the bank. In both cases, the child is instructed to appreciate the complexities of a working parent's world. In this context, it is interesting to point out that in the 1964 *Mary Poppins*, it is the father's complicated work life that his children are instructed to respect. In *North Country*, the "responsible adult" is the single, working mother. Further, whereas the mother in *Mary Poppins* awakens from her feminist fantasy, turning her "women's vote" banner into a kite's tail, in *North Country*, Josey succeeds in attaining both the feminist revolution she seeks and her family.

Yet the movie, in a straightforward feminist voice, exposes this line of thought as being not merely false but also a cynical patriarchal strategy of blaming, silencing, and undermining the victim. Josey's alleged adolescent sexual promiscuity is shown to have been a brutal rape committed by a patriarchal authoritative figure—a man who was given institutional power over her and whom she was trained to respect and obey.¹⁹ Similarly, the film refutes the claim that it was her sexual misconduct that precipitated her husband's violence—domestic violence is shown to be yet another unjustified, brutal means of patriarchal domination of women. Finally, Josey's allegedly flirtatious conduct at the mine is exposed as slander, cynically used to blame the victim by her many abusers. Rape, domestic violence, and sexual harassment in the workplace are all shown to be systematic, complementary means of gender oppression perpetrated through sexual abuse. In *North Country*, it is not the individual woman's sexual conduct that unleashes these abuses but, rather, the oppressive, discriminatory social order.

Other Relevant Sub-Categories of the "Woman's Film"

North Country is a not-too-distant relative of "rape revenge films," featuring women who, following their sexual victimization, seek justice and vengeance. Perhaps the most prototypical of these Hollywood films is Jody Foster's *The Accused*, which depicts a rape victim's brave and tormented journey to bring the men who cheered her rapists to justice.²⁰ Like the protagonists of rape revenge films, Josey refuses to be shamed into silence, bluntly rejecting the accusation that she must have brought the sexual assault upon herself. Like them, she demands recognition as an equal member of the community, who is entitled to equal protection of the law. She demands to be regarded not as a "guilty (sexual) object" but, rather, as a "victimized subject"—one whose fundamental human rights were brutally violated through sexual abuse. She demands public recognition of her truth, acknowledgement of the damage done to her, exoneration of the sexual "sin" she did not commit, and acceptance into the community. She demands that those who harmed her be made to own responsibility for their offensive conduct. *North Country*, like "rape revenge films," supports its hero(ine) unambiguously. *North Country's* dialogue with this sub-genre aligns Josey's pursuit of justice at

19. As mentioned earlier, Josey's "absolution" of sexuality can be, and has been fiercely, criticized on feminist grounds. The reading suggested here, against the backdrop of the woman's/maternal melodrama, offers an entirely different feminist perspective, rendering the cinematic "absolution" a subversive, feminist statement.

20. *The Accused* (Paramount, 1988). Another significant film is *Death and the Maiden* (Fine Line Features, 1994). For analysis, see Kamir, *Framed*, *supra* note 1. For an analysis of B rape-revenge films, see Carol Clover, *Men, Women and Chainsaws: Gender in Modern Horror Film* (Princeton, NJ: Princeton University Press, 1992).

the workplace to that of women whose victimization is more widely recognized as both sexual and violent.

In some “rape revenge films,” the protagonist pursues her cause through legal routes, while, in others, her crusade is a vigilante one. In some of these films, she is at least partially successful in regaining her dignity, whereas in others she fails. Interestingly, Charlize Theron’s most acclaimed and memorable role, the one she played just prior to making *North Country*, was in the 2003 film *Monster*.²¹ In this highly commended film that brought her to public attention, Theron plays Aileen Wuornos, a woman whose lifelong victimization by men drove her to serially kill her “Johns.” Like Theron’s 2003 character, Josey too seeks justice and reparation for lifelong sexual victimization. But in stark contrast, Josey demands justice through law and prevails. For many viewers of *North Country*, Charlize Theron’s image must have superimposed Aileen Wuornos’s character on the Lois/Josey one, prompting them to notice both the similarities and the differences between the two women, their quests and fates.²²

Further, *North Country*’s theme, plot, characters, and setting echo those of the paradigmatic “whistle blower film,” *Silkwood*.²³ The title character, named after the real Karen Silkwood and portrayed by Meryl Streep, is a blue collar female employee who exposes her corporate employer’s practice of risking worker’s lives by using radioactive chemicals. Similarly, *North Country* also brings to mind *Norma Rae*²⁴ and *Erin Brockovich*,²⁵ both depicting working class women in their various struggles. In the former, Norma Rae fights for improved working conditions in the textile industry and, in the latter, Erin Brockovich battles against a polluting corporation. Both become social activists and community leaders (one as a union member and the other as a legal secretary). Most commentators on *North Country* view it as continuing the tradition of these three films (all inspired by real women and their true stories).

Josey Aimes’s generic linkage with cinematic legends such as Meryl Streep’s Karen Silkwood, Sally Field’s Norma Rae, and Julia Roberts’s Erin Brockovich situates her in the reputable company of courageous women

21. *Monster* (Newmarket Films, 2003). The film won Theron the Academy Award for Best Actress, Golden Globe Award for Best Actress in a Drama, and the SAG Award.

22. Interestingly, before playing the abused prostitute in 2003, and the sexually harassed employee in 2005, Theron participated in the 1999 pro-abortion and free choice *Cider House Rules* (Miramax Films). It is less clear that viewers would read Theron’s *North Country* character with the 1999 one.

23. *Silkwood* (ABC Motion Pictures, 1983).

24. *Norma Rae* (Twentieth Century Fox, 1979). Sally Field, who plays the character modeled after Crystal Lee Sutton, won the Academy Award as best actress in a leading role.

25. *Erin Brockovich* (Universal Pictures, 2000). Julia Roberts portrays the title character, who is based on the real Erin Brockovich.

characters who, despite their humble backgrounds, stand up to power and lead important social battles. This suggests that Josey's campaign against sexual harassment in the workplace belongs to the distinguished category of campaigns against social evils. Simply put, through *North Country's* generic associations, the battle against sexual harassment joins the ranks of respectable social causes, gaining the prestige of a human rights issue.

This affiliation is particularly significant in view of Hollywood's best-known sexual harassment film, *Disclosure*,²⁶ which refrains from linking sexual harassment in the workplace with employees' rights, work conditions, or even gender discrimination and violence against women. In fact, this familiar cinematic "precedent" portrays sexual harassment as personal vengeance, devoid of structural, gender, or class-related implications.²⁷ *North Country's* association of sexual harassment not only with sexual violence but also with various forms of corporate misconduct and systemic abuses of power, "overturns" the *Disclosure* "precedent" and sets a new one of its own. *North Country* is an extraordinary "woman's film." But it is not merely that—it is also a "lawyer film." The following section offers a reading of *North Country* in the context of the "lawyer film." It reveals that despite the clear differences between the two genres, *North Country* uses a similar strategy in its reference to them both: evoking generic conventions only to transcend them.

North Country as a "Law and Lawyers Film"

North Country's opening scene notifies viewers that the narration of Josey's story takes place within a legal, judicial setting. From the outset, the film frames its narration in the context of a judicial proceeding, construing the narrated events as a witness's testimony—as evidence supporting the protagonist's legal arguments. The category of "law and lawyers films" is extensive and venerable.²⁸ In order to situate *North Country* within this terrain, I will briefly sketch the image of Hollywood's lawyer, pointing to three typical relations between cinematic lawyers and onscreen women.

26. *Disclosure* (Warner Brothers, 1994).

27. In *Disclosure*, the harasser, a sexy young woman (Demi Moore), tries to avenge herself on an ex-partner (Michael Douglas), who had once jilted her and now works under her. For a short analysis, see Kamir, *Framed*, *supra* note 1 at 154–6.

28. For presentation of many law and lawyers films, see Paul Bergman and Michael Asimov, *Reel Justice: The Courtroom Goes to the Movies* (Kansas City, MI: Andrews McMeel Publishing, 1996).

Hollywood's Cinematic Lawyer

The 1960s and 1970s, the heyday of the US Civil Rights Movement, were also the golden age of American law and lawyers.²⁹ Civil liberties and constitutional provisions were the key weapons in battles for human rights, and courtrooms were their distinguished arenas. Civil rights lawyers were the heroic champions of these battles. Hollywood's "hero lawyer" reflected and refracted this social phenomenon. Two Hollywood movies released at the outset of the civil rights era moulded a cinematic lawyerly image that embodied and defined the ethos of the days to come. This iconic image continues to be the reference point for cinematic lawyers to date. The two formula-moulding films, both based on best-selling novels, were the 1959 *Anatomy of a Murder*,³⁰ featuring James Stewart as Paul Beigler, followed by the 1962 *To Kill a Mockingbird*,³¹ featuring Gregory Peck in the role of Atticus Finch.

A fundamental ingredient securing the success of these cinematic characters was the fact that they were modeled on the mythological image of the western hero (the fact that both Stewart and Peck had portrayed such western heroes onscreen was instrumental). Much like the western hero, these classic, beloved films' "hero lawyer" is an independent, self-sufficient, and utterly reliable American Man who is the epitome of reticent courage, innate decency, utter integrity, unassuming modesty, and intuitive morality. He is also a virtuoso professional, who loves the law and is utterly devoted to it. He dwells in a small American frontier town on the edge of the wilderness. His past conceals a tragedy: loss, failure, and pain. He might have been wronged by the community he has always served well (like Beigler). His present is lonely. Even when raising a family (like Atticus Finch), he resides on the fringes of organized society. He struggles with personal and economic hardship (like Atticus Finch) or with a self-destructive streak that threatens to drown him (like Beigler, who, in losing his public position as district attorney to a lesser, sleeker man, finds comfort in fishing and in a secluded lifestyle, neglecting his legal practice). At the moment of truth, when his community needs his services, this lawyer never fails to provide them. In a David-versus-Goliath battle, he serves justice and fights evil. His relentless devotion, courage, and professional skill guarantee a heroic, cathartic grand finale, which is most likely in the form of a dramatic cross-examination. As in the classic westerns, good prevails over

29. For expansive discussions of Hollywood's cinematic lawyer, see Kamir, "Anatomy of Hollywood's Hero-Lawyer: A Law-and-Film Study of Western Motifs, Honor-Based Values and Gender Politics Underlying Anatomy of a Murder's Construction of the Lawyer Image" (2005) 35 *Studies in Law, Politics and Society* 35–67; and Kamir, *Famed*, *supra* note 1 at 112.

30. *Anatomy of a Murder* (Columbia Pictures, 1959), based on a 1958 novel by Robert Traver (John D. Voelker).

31. *To Kill a Mockingbird* (Universal Pictures, 1962), based on a 1960 novel by Harper Lee.

evil, and the hero, who fights alone, leaves the battleground alone, returning to his silent, secluded life on the outskirts of civilization.³²

Hollywood's "hero lawyer" is a 1960s version of the American Man of Honour, whose honesty and fairness are beyond question. His loyalty and trustworthiness are beyond reproach, and his social commitment is unquestionable. Unlike most flesh-and-blood American lawyers, this mythological character does not inhabit a big city and is shy and inarticulate. While his word is solid, he is not a man of many words. He is not a graduate of an Ivy League school, does not dress well, is not a partner in a prestigious law firm, and does not earn a fortune. He despises luxury and excess and does what a man's got to do simply because it's got to get done.

During the half century since its paradigmatic formation, the cinematic lawyer has undergone dramatic change. Particularly since the 1990s, his image has mirrored the American disillusionment with the dream of civil rights, with law as a means of implementing social justice, and with lawyers as champions of human rights. Contemporary, celluloid lawyers have mostly become despicable tools in the service of big, greedy, and soulless corporations. In the 1997 *Devil's Advocate*, starring Al Pacino, the corporate lawyer is literally the devil incarnate.³³ Cinematic lawyers who attempt to ride their white horses and wear their white hats (as in the olden days), who aim to be the Paul Biegler and Atticus Finches of the present day, or who champion just causes of victimized individuals and communities in distress, commit professional suicide and are destroyed by the Goliath corporations.³⁴

In this context, it is easy to see that Bill White, *North Country's* lawyer, is of the classic "hero lawyer" stock. Native to the small mining town, Bill is a shy, solitary man of very few words. His big love is hockey—a tough, manly American game. His attempt to become a big city lawyer fails, together with his marriage, supplying the necessary ingredients of failure, loss, and pain. Having returned to the small town he calls home, Bill lives on the outskirts of its society. Licking his wounds, he does not seek fortune, fame, or glory. Yet when Josey recruits his professional assistance to fight her just battle, he rises to the occasion, taking it on with no support, in a true David-versus-Goliath fashion. Without the aid of even a legal secretary, Bill White combines fighting spirit with professional excellence and hockey resilience with deep understanding of the human soul. His brilliant cross-examination saves the day. Turning the hopeless situation around at the last moment, he wins the

32. Atticus Finch succeeds in proving his client's innocence but fails to save his life. This adds to the tragic motif, embellishing his character and heroism.

33. *Devil's Advocate* (Warner Brothers, 1997).

34. Think of John Travolta's Jan Schlichtmann, in the 1998 *A Civil Action* (Touchstone Films) or George Clooney's character in the 2007 *Michael Clayton* (Warner Brothers). Tom Cruise's Mitch McDeere, in the 1993 *The Firm* (Paramount Pictures), does succeed in surviving the murderous law firm but not so his older colleagues.

community over, bringing the mining company and its big law firm to their knees. When his work is done, he quietly recedes to the backstage, asking for no reward.³⁵

It is noteworthy that *North Country*'s departure from the facts of the real Jenson case reaches its extreme in the portrayal of the plaintiff's lawyer. In reality, Lois Jenson's case was legally handled for many years by several male and female lawyers from the Sprenger and Lang Law Firm, one of America's leading firms in employment law, equal opportunity, and class action.³⁶ There can be no doubt that Sprenger and Lang is a "good guys firm" in the sense of representing employees in their discrimination claims against corporations. During the ten years of work on the Jenson case, the firm spent four million dollars in billable hours and one million out of pocket. It was clear that this was not a "money-making case." Indeed, the firm was barely reimbursed for its investment, yet it never regretted taking it on. However, Sprenger and Lang are a far cry in almost every way from Paul Biegler, Atticus Finch, or Bill White.

Casting Sprenger and Lang as a traditional "hero lawyer," an American man of honour who embarks in duels armed with his law book and cross-examination skills, is a clear cinematic, generic statement. It is a declaration that the battle against sexual harassment in the workplace is a respectable contemporary successor to the acclaimed 1960s and 1970s battles for civil liberties as well as to the homesteader's mythological battles against outlaws, rich cattle owners, and "the murderous red skins." Summoning the hero lawyer to represent Josey Aimes renders the feminist movement and its battle against sexual harassment as the new civil rights movement and a battle for human rights.

Here, as elsewhere, *North Country*'s refusal to adhere to certain generic requirements is telling. Just as westerns revolve around their gunmen, "law and lawyer" films focus on their lawyers. In a typical "law and lawyer" film, the "hero lawyer" is the protagonist, whereas his client is merely a trigger—an excuse to set off the action and the moral tale; an opportunity for the lawyer to manifest his heroism. However, in *North Country*, Bill White is not David fighting Goliath. He is, rather, the facilitator, enabling Josey to fight and win the legal part of her battle. Woody Harrelson clearly plays the supportive role to Charlize Theron's protagonist. Here, the "hero lawyer" is in the service of the blue collar female worker turned into feminist social activist and community leader. Whereas he saves the day by turning around Bobby Sharp's testimony, she, the victimized agent who defies the power structure, is the film's hero. To highlight how revolutionary this cinematic construction is,

35. The slight hint at the film's very end of a possible romantic interest between him and Josey is reminiscent of classical westerns such as *My Darling Clementine* (Twentieth Century Fox, 1946).

36. For a detailed account of Paul Sprenger's professional career, see Bingham and Leedy Gansler, *supra* note 5 at 141–51.

let us briefly review more traditional relationships between celluloid lawyers and onscreen women.

The Cinematic Lawyer and the Woman

In both *Anatomy of a Murder* and *To Kill a Mockingbird*, the “hero lawyer” fights to save the life of a male defendant accused of committing a markedly gendered offence. In *To Kill a Mockingbird*, the black defendant is accused of raping a white young woman. In *Anatomy of a Murder*, the defendant, an officer, is accused of killing the man who raped his wife. In each of these cases, the “hero lawyer” confronts a woman who stands in the way of his legal victory. In *To Kill a Mockingbird*, Finch must refute the testimony of the woman who claims to have been raped by his client—he must convince both jury and viewers that the woman has falsely accused his client of rape, in her attempt to conceal a sexual pass she had actually made towards him. In *Anatomy of a Murder*, Biegler’s client’s wife is so blatantly flirtatious that the jury and the viewers may suspect that she was carrying on an affair with the deceased rather than having been raped by him. Biegler thus restricts and “tames” Laura (Lee Remick) to render the rape scenario more plausible. Furthermore, in the process of defending his client, Biegler discovers that Laura is, in fact, a battered wife, systematically assaulted by her jealous husband. Subjecting Laura’s well-being to that of his client, Biegler conceals and suppresses this information. Many “law and lawyer” films follow in the footsteps of these classic “precedents,” featuring hoards of deceitful women who must be fought and overcome to protect both the “hero lawyer’s” client and himself.³⁷

A different type of relationship unfolds between “lawyer” and “woman” when the film’s lawyer is also its female protagonist. Women lawyer films have become the subject of growing scholarly attention.³⁸ Most writers claim that

37. *Witness for the Prosecution* (United Artists Corporation, 1957) offers an interesting twist, as the deceitful woman confronting the hero lawyer turns out to be the defendant’s unwitting victim. Later law and lawyer films develop additional variations. So, for example, in *The Verdict* (Twentieth Century Fox, 1982), the untrustworthy woman is not related to the defendant but, rather, to the lawyer himself (Paul Newman’s Frank Galvin). See discussion in Orit Kamir, “Michael Clayton, Hollywood’s Contemporary Hero-Lawyer: Beyond Outsider Within and Insider Without,” 42 *Suffolk U. L. Rev.* 829.

38. See, for example, Cynthia Lucia, *Framing the Female Lawyer* (Austin, TX: University of Texas Press, 2005); Stacy Caplow, “Still in the Dark: Disappointing Images of Women Lawyers in the Movies” (1999) 20 *Women’s Rights Law Reporter* 55; Carole Shapiro, “Women Lawyers in Celluloid: Why Hollywood Skirts the Truth” (1995) 25 *University of Toledo Law Review* 955; Mark Tushnet, “Class Action: One View of Gender and Law in Popular Culture,” in John Denvir, ed., *Legal Reelism: Movies as Legal Texts* (Urbana: University of Illinois Press, 1996) 244; and Steve Greenfield, Guy Osborn, and Peter Robson, “The Invisible Lawyer: Women, Gays, and Minorities in the Law Film,” in Steve Greenfield, Guy Osborn and Peter Robson, eds., *Film and the Law* (London: Cavendish Publishing, 2002) 117.

cinematic female lawyers are portrayed as problematic in every respect: professional, personal, and sexual. They argue that many cinematic female lawyers are bitter, frustrated women, who failed in their domestic lives, suffer from loneliness and depression, and misbehave ethically and professionally. Often, their transgressions are of a sexual nature (that is, conducting affairs with clients, with jury members, or with other attorneys). A significant number of them appear in court against a male relative. In so doing, they threaten family values as well as the entire social order.³⁹ These elements suggest that some female lawyer films may be regarded as variations on the “woman’s/maternal melodrama.” Many celluloid female lawyers may be understood as manoeuvring their legal education to achieve upward social mobility and develop a “manly” career. In so doing, they challenge traditional gender roles and conventional norms. They rely on their skills and determination but are blind to the overpowering force of “fate”/social order. In their ambitious attempts to fulfil their personal desires, they sacrifice homes and children and are punished by the films through professional and personal failure.⁴⁰

The third type of relationship between a cinematic lawyer and a female character is one of professional representation. One would expect that, like knights in shining armour, many “hero lawyers” would come to the rescue of damsels in (legal) distress. However, although some films do feature such plots,⁴¹ many a cinematic hero lawyer who does come to a damsel’s rescue finds himself in the clutches of a sexual Lilith woman who has committed the crimes of which she is accused and who jeopardizes both the lawyer’s integrity and even his life.⁴²

A striking exception in the sub-genre of “celluloid lawyers representing women” is the 1987 *Nuts*,⁴³ featuring Richard Dreyfus as the lawyer Aaron Lewinsky and Barbara Streisand as his client, Claudia Draper. Unlike other films, Streisand’s Claudia is the film’s hero, and the lawyer, in a supporting role, facilitates and enables her struggle. Claudia is a “call girl” who killed a “john” as he was trying to strangle her. She fights to have her day in court and

39. In *Adam’s Rib* (MGM, 1949), perhaps the most classical and beloved female lawyer film, Amanda (Katharine Hepburn) defends a client who is prosecuted by Amanda’s devoted husband, Adam (Spencer Tracy, who was also Hepburn’s partner in life). In *Class Action* (Twentieth Century Fox, 1991), which revived the sub-genre, the young ambitious female lawyer appears in court against her father (Gene Hackman).

40. Cinematic female lawyers tend to be “strong headed,” resistant characters, who do not repent (through self-sacrifice) and must be harshly punished. *Jagged Edge* (Columbia Pictures, 1985), starring Glenn Close, is a perfect example.

41. *Madame X*, *supra* note 14, is a case in point.

42. The paradigmatic classic law and lawyer film of this type is Alfred Hitchcock’s *The Paradine Case* (Selznick International, 1947), starring Gregory Peck. The 1981 film *Body Heat* (Warner Brothers) features a lawyer (William Hurt) who loses his freedom having fallen into the trap of a sexual predator, murderous client (Kathleen Turner). Less common but interesting are the films in which a female lawyer represents a woman. See MGM’s 1949 *Adam’s Rib*, *supra* note 39, and *The Accused*, *supra* note 20.

43. *Nuts* (Barwood Films, 1987).

argue for self-defence rather than be labelled mentally incapable to stand trial (as her parents try to arrange). Cross-examining Claudia's stepfather, Lewinsky discovers that for many years the upstanding community member sexually abused his young stepdaughter. His attempt to have Claudia declared as mentally ill is nothing more than an attempt to silence and blame his victim—to cover up the crime he had committed, which led her to prostitute herself and run the risk of falling into the hands of dangerous “johns.”⁴⁴

In the sub-genre of “celluloid lawyers representing women,” *North Country* clearly follows *Nuts's* lead. As in *Nuts*, the protagonist's allegedly “perverse, excessive sexuality” is exposed as an accusation aimed at concealing her victimization and shifting the blame from the perpetrators onto the victim. As in *Nuts*, the protagonist has a cinematic lawyer who supports, facilitates, and enables her heroic victory. As in *Nuts*, the cross-examination allows the female protagonist's lawyer to bring the truth to light and do justice to his client, who, although not legally accused of committing a crime, is socially blamed for many wrongs. However, *North Country* goes a step beyond *Nuts* in that, rather than featuring a Lilith woman, *North Country* presents a social activist and a feminist leader, fighting for a social change that is fully endorsed by the film. *North Country* fashions its female hero as fighting not merely for her own civil rights but also for the rights of other women, employees, and the community at large.

Conclusion

Reading *North Country* within the cinematic, generic context of “women's films” and “law and lawyers films” illuminates how the film's consistent and conscious strategy of raising conventional expectations mostly to thwart them is not merely subversive but also revolutionary. The movie's ability to create and live up to *some* conventional expectations secures viewers' comfort, trust, and cooperation. Against this setting, when some expectations are refuted, and events take unexpected turns, viewers are invested enough to remain engaged and are willing to consider the non-conformist set of ideas proposed by the film. These include some very “radical” feminist arguments: namely, that rape, domestic violence, and sexual harassment in the workplace are means of patriarchal domination and oppression of women; that accusing the victim and silencing her is a common practice that involves ostensibly benign people and communities in supporting sexual aggressors and in “covering up” for them; that sexual harassment amounts to sexual abuse, gender discrimination, and an offence to human dignity; that women's rights are human rights and combating sexual harassment is tantamount to a

44. For my detailed reading of this film see Kamir, *Framed*, *supra* note 1 at 160.

contemporary civil rights movement; and that a woman suffering abuse is not necessarily either a victim or an agent—that she can be both. In presenting these arguments to “main street” through the subtle use of generic expectations, *North Country* effectively “mainstreams” feminist ideas.

Merging yet transcending both “women’s films” and “law and lawyer films,” *North Country* invites its viewers to regard a “poor single mom” who struggles to become a “self-reliant, respectable bread-winner” as a hero. The film rules out the possibility that Josey Aimes is a greedy, overly ambitious, sinful woman who seeks upward mobility at all costs or a dangerously sexual/alluring Lilith. The movie portrays a woman fighting sexual harassment at the workplace not as a nut (feminist) or a slut (pervert) but, rather, as an activist and a leader. It supplies her with a “hero lawyer” to facilitate the legal aspects of this social cause, signalling the import of the struggle. Finally, rather than punishing her for her transgressions, the film rewards its protagonist with legal victory, domestic bliss, and community recognition and acceptance. This unusual formula, which combines motifs from both “women’s films” and “lawyers films”—but subverts them both—was embraced by audiences, yielding some box office success. It remains to be seen whether other movies will dare to traverse this path and create a new, feminist cinematic sub-genre.

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