



1-1-1991

Race and the Dominant Gaze: Narratives of Law and Inequality in Popular Film

Margaret M. Russell

Santa Clara University School of Law, mrussell@scu.edu

Follow this and additional works at: <http://digitalcommons.law.scu.edu/facpubs>

Recommended Citation

15 Legal Stud. F. 243

This Article is brought to you for free and open access by the Faculty Scholarship at Santa Clara Law Digital Commons. It has been accepted for inclusion in Faculty Publications by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

Race and the Dominant Gaze: Narratives of Law and Inequality in Popular Film

Margaret M. Russell
Santa Clara University School of Law*

The phenomenon that is racism in American law cannot be understood by reading statutes and legal decisions removed from the context of the events and concerns that motivated and influenced them.

Derrick Bell, *Race, Racism and American Law*¹

I. Introduction: Cinematic Narrative and Racial Injustice

In *Birth of a Nation* (Epoch Pictures, 1915), frequently cited as a milestone in the history of American motion pictures, D.W. Griffith offered his vision of race relations in the United States. Originally entitled *The Clansman* (from the popular novel of the same name), the film portrays a South ravaged by the Civil War, corrupted by Reconstruction, and eventually redeemed by the birth of the Ku Klux Klan. *Birth of a Nation's* bluntly white supremacist message is conveyed through a narrative chronicling the effect of the Civil War on the South Carolina plantation of the Cameron family. As the silent film begins, subtitles extol the virtues of the Camerons' tranquil way of life which "is to be no more." Benevolent masters are served by loyal slaves who contentedly pick cotton, perform domestic chores, and otherwise aim to please. By war's end, this felicitous social order has degenerated into lawlessness. The newly emancipated roam the streets and terrorize the white community; anarchic hordes take over the polls, disenfranchise white voters, and seize control of the Congress. Griffith's first Black legislators are contemptible, priapean fools; swigging from whiskey bottles and gnawing on fried chicken legs, they conduct their first legislative session with shoes off and legs splayed carelessly across their desks. The film depicts emancipation as destructive of the private sphere as well; freedmen lust after Southern belles, and communities fall prey to "ruin, devastation, rapine, and pillage." The saga climaxes with a dramatic, victorious ride to the rescue by the Klan, which defeats the Black rebels and restores civilization.²

Birth of a Nation was advertised upon its release as a film that would "work audiences into a frenzy ... it will make you hate."³ The "you" to whom

this exhortation was addressed, of course, was not a neutral or universal "you," but a specifically targeted one: the white viewer threatened by integration and fearful of Black insurgency. Through his carefully constructed fusion of unprecedented technical wizardry and degrading racial stereotypes, Griffith sought to convince this audience that his was the "true" story of the old South and that white domination was necessary for their survival. To a great extent, he succeeded: The film's enormous popularity fueled the growing influence of the Klan, and *Birth of a Nation* remains to this day one of the highest-grossing box office successes in Hollywood history.⁴ Thus, it continues to be important not only as an individual aesthetic statement or arcane historical artifact, but as a popular work which has profoundly affected both popular discourse and events concerning race relations in the United States.

In this latter respect — as a text about race, dominance and the American social/legal order — *Birth of a Nation* exemplifies what I would call the "dominant gaze": the tendency of mainstream culture to replicate, through narrative and imagery, racial inequalities and biases which exist throughout society. I derive the term "dominant gaze" from Laura Mulvey's feminist critique of Hollywood movies, "Visual Pleasure and Narrative Cinema,"⁵ in which she contends that popular film essentially serves the political function of subjugating female bodies and experiences to the interpretation and control of a heterosexual "male gaze." According to Mulvey, any observer's potential to experience visual and visceral pleasure from watching Hollywood movies is completely predicated upon acceptance of a patriarchal worldview in which men look and women are looked at, men act, and women are acted upon. She further contends that this distinctly male-oriented perspective insidiously perpetuates sexual inequality by forcing the viewer (whether male or female) to identify with and adopt a perspective which objectifies and dehumanizes women. Finally, she asserts that only through concerted deconstruction and disruption of the male gaze can women achieve true equality in societal relations and in the cultural representations which reinforce them.

Extending Mulvey's metaphor, I use the term "dominant gaze" to describe the tendency of American popular cinema to objectify and trivialize the racial identity and experiences of people of color, even when it purports to represent them. Like Mulvey's male gaze, the dominant gaze subtly invites the viewer to empathize and identify with its viewpoint as natural, universal, and beyond challenge; it marginalizes other perspectives to bolster its own legitimacy in defining narratives and images. As D. W. Griffith illustrated so effectively in *Birth of a Nation*, the dominant gaze's power lies in projecting stereotypes and biases as essential "truths." Mas'ud Zavarzadeh notes in *Seeing Films Politically*⁶ that both momentous and trivial films fulfill this hegemonic function. In fact, he argues, the distortive messages conveyed in so-called "minor" or "trivial" films have a far greater effect on popular culture precisely because

of their insignificant nature; they create "the space in which the daily is negotiated; it is the space that is represented in the common sense as 'real.'"⁷

As one intrigued by the synergistic relationship between law and popular culture in forging societal norms about race, I think it important to detect and dissect the dominant gaze that pervades the representation of Blacks in American cinema. Much as analyzing jurisprudential artifacts such as *Dred Scott v. Sandford*⁸ and *Plessy v. Ferguson*⁹ remains essential to a full understanding of the persistent effects of racism in our legal system, film classics such as *Birth of a Nation* provide a useful starting point for analysis of the narratives and images that perpetuate legacies of bigotry in our popular culture and in our laws. Anthony Chase has proposed a "legal theory of popular culture," derived from critical analysis of cultural "formats" such as fiction, television, film, pop music, and advertising;¹⁰ in my view, this theory would have no better application than in the realm of race and the law.

This essay posits that cinematic narrative — whether art film, blockbuster, musical, melodrama, comedy, or documentary — is a valuable source of insights about race and law. Recently, a general scholarly concern with "context" and narrativity has emerged in several legal fields, including the law and society movement,¹¹ "narrative" jurisprudence,¹² feminist legal theory,¹³ and critical race theory;¹⁴ these movements share the premise that stories of exclusion and oppression can be instructive devices to supplement, challenge, and supplant the traditional, "official" tales which dominate the law. Moreover, feminist and critical race theorists advocate heightened attention to narrativity not only to enhance intellectual and aesthetic critique but also to effect wide-ranging social and legal reform as well. As Robin West has noted, only by "flooding the market with our stories"¹⁵ can subordinated groups attain the power and legitimacy to bring about truly radical change.

This essay shall address the issue of race and the dominant gaze first by briefly discussing the connection between pervasive societal racism and Hollywood's historical exploitation of Black racial identity, and then by linking these concerns to a popular mid-1980s comedy about race and law, *Soul Man* (New World Pictures, 1986).

II. Doing the Hollywood Shuffle: Racial Stereotypes in American Popular Films

In 1941, in commenting on a demeaning and unintelligible line of dialogue written for her role as a mammy-ish maid in "Affectionately Yours," Black Hollywood actress Butterfly McQueen confessed: "I never thought I would have to say a line like that. I had imagined that since I was an intelligent woman, I could play any kind of role."¹⁶ McQueen's dismay stemmed

from the realization that Hollywood had no roles for an intelligent Black woman — only roles for "toms, coons, mulattoes, mammies, and bucks."¹⁷ Nearly fifty years later, Black filmmaker Robert Townsend expressed a similar point in the 1987 comedy *Hollywood Shuffle*. Townsend lambastes the Hollywood film and television community as manipulative buffoons who use Black actors only for roles as pimps, drug addicts, and prostitutes; accordingly, the film's Black characters realize that their livelihood depends upon conforming to these debilitating images — that is, doing the "Hollywood Shuffle."

According to Donald Bogle, racial stereotypes in American movies are as old as movies themselves: the Tom, (Edwin S. Porter's *Uncle Tom's Cabin*, 1903); the Coon (Thomas Alva Edison's *Ten Little Pickaninnies*, 1904); the Tragic Mulatto (*The Octoroon*, 1913); the Mammy (*Coontown Suffragettes*, 1914 — a blackface version of Aristophanes' *Lysistrata*); and the Buck (*Birth of a Nation*, 1915) all inscribed on the nation's consciousness cinematic images which persist to this day.¹⁸ One need only look to contemporary analogues of these stereotypes (from Aunt Jemima pancake mix and "Buckwheat" T-shirts to "mammy" figures in television situation comedies) to recognize their continuing resonance in our popular discourse.

How has the dominant gaze operated to perpetuate the subordination of Blacks in mainstream Hollywood films? I would like to suggest three distinct ways in which the dominant gaze functions: (1) in the proliferation of degrading stereotypes which serve to dehumanize Blacks' history, lives and experiences; (2) in the marginalization or complete absence of indigenous perspectives on Blacks' history, lives and experiences; and (3) in the co-optation — or "Hollywood-ization" — of ostensibly "racial" themes to capitalize on the perceived trendiness or fashionableness of such perspectives. In marginalizing Blacks and other minorities from popular discourse, the three trends frequently overlap in the context of a particular film. *Birth of a Nation*, for example, both disseminates negative stereotypes and obscures indigenous perspectives; a more recent film such as *Driving Miss Daisy* might be seen as a benignly intended example of the second and third trends; and slick Eddie Murphy vehicles such as *Beverly Hills Cop* illustrate all three.

It is important to understand the history of exploitation of Blacks in American films, for it is from this ideological cinema-scape that contemporary movies (including *Soul Man*) emerge. Over time, such distortion and erasure create damage both subtle and severe; as Carol Sanger has noted regarding the debilitating effects of both pornography and so-called "harmless" (but nevertheless misogynistic) pop novels, both cultural forms condition their female objects to become "seasoned to the use" of demeaning images.¹⁹ Similarly, the unchallenged transmission of racial stereotypes in films not only weakens

resistance to their falsity, but also strengthens the legitimacy of their narrative source.

With these concerns in mind, I must concede that I approach movies not only with an avid fan's enthusiasm and curiosity, but with a skeptic's critical eye as well. It was in this frame of mind that I first saw *Soul Man* — a fairytale romance of a white student who pretends to be Black so that he can go to Harvard Law School.

III. *Soul Man: Variations on the Gaze*

This is the Eighties! It's the Cosby decade —
America LOVES Black people!

With these cheery words, the white protagonist of *Soul Man* attempts to reassure a doubting friend of the wisdom of his decision to "turn Black" in order to win a minority scholarship to Harvard Law School. As the flippancy of this dialogue might suggest, *Soul Man* aims both stylistically and substantively to be very much an "Eighties" flick. Advertised as "A Comedy With Heart ... and Soul," it sparkles with several (by now de rigueur) attributes bound to please the youthful, upwardly mobile movie-goer: a hip title; a musical soundtrack studded with soul, rock and blues standards; and a plot featuring attractive, well-educated, and basically conventional young people. Its obvious theme (and target audience) of "twentysomething" self-interest is carefully tempered by the presence of a few prominent older stars (James Earl Jones and Leslie Nielsen) to draw a wider audience. The slickly packaged story provides carefully measured doses of comedy, romance, sex, conflict, and moralizing before reaching a happy and uncomplicated denouement.

Not coincidentally, *Soul Man's* narrative premise is also characteristic of its era; it is a post-Bakke fantasy about the dangerous possibilities of affirmative action, minority scholarships, and other race-conscious remedies. Mark Watson, an upper middle-class, white male college graduate, fears that he will be prevented from attending the law school of his dreams. To obtain his "rightful" place at Harvard, he decides to fake being Black so that he can win a minority scholarship. With the help of a friend, Mark obtains chemicals to darken his skin, interviews successfully for the scholarship, and — viola! — embarks on his new life as a Black man at Harvard.

Mark continues this ruse without hesitation until he falls in love with Sarah Walker (Rae Dawn Chong), a brilliant and beautiful Black law student, and learns that she would have received the scholarship if he had not happened along. Torn with guilt and driven by his desire to please the unknowing Sarah, Mark confesses his deception to a Black law professor (Jones) and submits to prosecution by the Harvard disciplinary council. After a climactic trial scene

before the council and his fellow students, he is exonerated — at least, permitted to remain at Harvard Law School. As the film ends, a wiser and more sensitive Mark returns to his life as a white student, now accompanied by Sarah, who has forgiven his transgressions and realized her true, color-blind love for him.

As one might surmise from this synopsis, in many ways *Soul Man* is — beneath its hip, race-conscious veneer — simply another romantic comedy in the old-style Hollywood tradition: Boy Meets Girl, Boy Gets Girl, Boy Loses Girl, Boy Gets Girl Back. Other familiar cinematic motifs underscore this basic conventionality of structure: the fraternal camaraderie between Mark and his buddy; the ambivalent mixture of flippancy and respect with which Mark views his intimidating, "father-figure" professor; the presence of a desperate "other woman" whose attention is unwanted by Mark; the rivalry with another male who covets Mark's spot at Harvard Law School; and most critically, the kind of dewy-eyed ending crafted to warm the cockles of the viewer's heart and provide reassurance that all is right with the world.

However, what renders this movie an especially revealing artifact of its era is its willingness (indeed eagerness) to use race explicitly as a gimmick to advance its old-fashioned story line. *Soul Man's* comic effectiveness depends upon the viewer's willingness to accept racial stereotypes as comedy and racial identity as a gage. Significantly, the movie transmits its putative wisdom about Black experience not through the eyes of its Black characters, but through the gaze of a white person aiming to carry out a self-serving schoolboy scheme. In using such a dominant gaze, the film undermines its own "enlightened" pretensions in commenting on law, race, and the reality of racial discrimination. To understand how this diminution is accomplished, it is helpful to clarify the perspective of race that permeates the film.

A. Watson's Plot: A View of the Bottom from the Top

Three early scenes in *Soul Man* set the stage for Mark's racial transformation. As the movie begins, the camera's eye introduces us to Mark Watson's world of collegiate ease and privilege: a student's messy bedroom, replete with carelessly strewn clothes, tennis balls, frisbees, and other sports paraphernalia. A radio blares blues music; a large kitschy figurine of a bikini-clad white woman decorates a corner. Mark has just awakened from the previous night's revelry, to find a blonde woman (whom he obviously does not recognize) asleep beside him. Suddenly, his roommate bursts loudly into the room, waving two envelopes that have just arrived in the mail — letters from Harvard Law School! Before they can open the momentous letters to discover acceptance or rejection, Mark offers his roommate Gordon a mock-solemn, man-to-man vow: "You're my best friend and I love you; but if you get into Harvard

and I don't, I hope you rot in hell." They rip open the letters; both of them have been accepted! Joyous, fraternistic whooping follows, as Mark's anonymous bedmate fades into the background. The "buddy" strand of the plot has been established.

The next scene brings us to Mark's parents' lavish Southern California home, where we are invited to share Mark's shock as his self-centered, nouveau-New Age father explains why he will not pay Mark's way through Harvard: Dad has already spoiled Son by giving him everything he desired, and now it is fiftyish Dad's turn to indulge a mid-life crisis by buying a condo in Bermuda. Mark's subsequent conversation with friend Gordon invites us to commiserate with Mark; how will he ever obtain the \$50,000 he needs to get through Harvard Law School? Thus, the moral urgency of Mark's dilemma has been established.

In the third major episode, Mark and Gordon desperately plow through the Harvard catalogue, trying to find scholarships that might solve Mark's problem. After dismissing several options as clearly inappropriate, they find one that intrigues Mark — the Henry Bouchard Scholarship for the most qualified Black student from the Los Angeles area. In a stroke of ingenuity, Mark makes himself "qualified" by making himself Black. Dismissing his friend's ethical objections, Mark explains that the scholarship would have gone to waste because the only qualified Black "got a better deal from Stanford." But Gordon asks, is Mark really ready to be a Black person? Of course, Mark responds — "America loves Black People!" Thus, the ethical rationale for Mark's behavior is established, and the viewer is invited to root for his "harmless" deception.

Once these introductory scenes have established the film's narrative framework, the rest of *Soul Man* focuses on Mark's blackface experience at Harvard Law. It is worth noting that *Soul Man's* central plot gimmick — a white protagonist in blackface — is hardly a new phenomenon; films such as *Birth of a Nation* and *Uncle Tom's Cabin* featured white actors playing Black roles, and vaudevillian blackface was a major entertainment form in the early part of the century. The effect of blackface in *Soul Man* — as in these earlier representations — is to create a disquieting narrative undercurrent, a disfunction between surface and substance. The viewer is expected not to question this dissonance, but to accept it as a gag for the purposes of being entertained.

In this respect, *Soul Man's* use of blackface more closely resembles these earlier regressive films than it does two more recent movies using blackface themes to advance serious points. *Watermelon Man* (1971) focuses on the tragicomic dilemma of a white character who wakes up one day and discovers that he has turned Black overnight; however, a critical distinction between this film and *Soul Man* rests upon the viewer's knowledge that the white character

is in fact played by a Black actor, Godfrey Cambridge. *Black Like Me* (1965), based on the well-known autobiography of John Howard Griffin, dramatizes the prejudice and hatred confronted by a white journalist who deliberately darkens his skin to learn first-hand the treatment of Blacks in the South in the early 1960s. Unlike *Soul Man*, *Black Like Me* is a serious tale of degradation and cruelty; the protagonist cannot find lodging, work, transportation, or even a place to go to the bathroom. He suffers the indignities of racial slurs, ignorant comments, and outright threats of violence; his experience of life in the South is almost unremittingly somber and bleak.

Unlike *Watermelon Man* or *Black Like Me*, *Soul Man* uses blackface to portray the issue of crossing of color line as a farcical, frat-boy romp. Mark Watson's indignities seem to be limited to suffering the occasional bigoted apartment manager, or tasteless racist joke from fellow students — hardly an inconvenience when compared to the "benefits" that he derives from being Black. Moreover, *Soul Man* presents these incidents as comic fodder, intended to amuse rather than to provoke or disturb. As a result, the depiction of racist incidents in this film is stripped of affective power and validity and subsumed within Mark's dominant gaze.

In scene after scene, the plot trots out hoary old stereotypes and invites the viewer to find them amusing. In a pivotal scene, we watch Mark's tense visit to the home of the white Radcliffe student's wealthy and bigoted family, and are asked to observe the event through Mark's eyes. Through his gaze, we see racist stereotypes which Mark imagines are being projected upon him by the family: that he is vicious drug addict and pimp who will abuse their pure daughter; or a lascivious island native who wants to seduce the mother; or a Prince-style, pelvis-thrusting rocker who will corrupt the young son. I experience this scene not as a satiric comment on racist perspectives, but rather as an invitation to identify with the prejudices that have fostered the absurd stereotypes imagined by Mark. By filtering its parody of ignorance and bias through the eyes of Mark — hardly a true "victim" of prejudice — the scene lacks both the irony and the empathic power necessary to convey its ostensibly well-intended message. Unlike, say, the famous (and hilariously effective) scene in Woody Allen's *Annie Hall* (1978), in which Allen invites us to imagine through Jewish eyes the way in which his gentile girlfriend's family must be scrutinizing and objectifying him, *Soul Man's* recycled version gives the viewer no opportunity for genuine empathy with the oppressed person's point of view. Instead, since Mark is clearly not Black and not in a subordinate role to anyone, this viewer was left with the sense that Mark's dilettantish exposure to racism in this scene was somehow being equated with Blacks' everyday experiences with racism, and that the hyperbolically bigoted whites were being equated with Blacks' everyday experiences with racists. Such a message is not

enlightened but distressingly discourages viewers from recognizing that often bigotry wears a mask not burlesque-style and latent, but subtle and insidious.

*B. Race-Conscious Remedies, Color-blind Romance: The
Fallacy of Meritocracy and the Power of Love*

On another level, *Soul Man* may be interpreted as an allegory about affirmative action and the romantic vision of a color-blind society. In my view, the movie's plot line is not merely a bit of comic inspiration or ingenuity; rather, the eventual heroicization of its fallible protagonist Mark results from the carefully contrived convergence of two quite serious "messages." The first is that race-conscious remedies such as minority scholarships are fraught with ethical dangers; the thematically intertwined second message is that color-blind love should conquer all. Because these homilies are conveyed through Mark's eyes and according to his values, it is important to recognize the extent to which a dominant gaze affects their definition and significance.

With respect to the "harms" inflicted by minority scholarships, *Soul Man* from its earliest scenes onward aims to anchor the viewer's attraction and loyalty to Mark in order to mitigate the clearly unethical nature of his actions. We are encouraged to see Mark as the quintessential nice boy who deserves the best — Harvard. Once this simpatico is generated, it is easier to depict the otherwise privileged Mark as the "individual victim" whose "entitlement" would quite naturally lead him to dupe his way into receiving the minority scholarship. Instead of describing his plight as perhaps no more or less notable than any of a number of socially-determined barriers to educational access, *Soul Man* conveniently uses the minority scholarship as the plot's signifier of unfairness. Thus, in seeking to "de-racialize" the scholarship and to allow his own merit to flourish, Mark emerges as a flawed but irresistible countercultural hero.

Once Mark's cosmetic transformation has been accomplished, the film depicts him not only as the prototypical nice boy, but as the prototypical nice boy-turned-"race expert." As the plot glides slickly from one slapstick race gag to another, the viewer is urged to look to Mark for significant commentary on race, despite the presence of real Black characters whose experiences with racism might have been explored for both comic and tragic effect. Instead, the movie expects the viewer to feel Mark's pain and anger, empathize with his encounters with racism, and understand his behavior. This theme is underscored when, in the climactic "trial" scene before the Harvard disciplinary council, Mark's defense counsel urges the audience to accept a "cultural defense" of sorts: that Mark is the hopeless product of a privileged, upper-class, somewhat amoral background. The proffered justification works; Mark's "sentence" is light and he is allowed to return to Harvard.

Thus, *Soul Man* resolves Mark's ethical indiscretions in a curiously uncritical manner. Rather than condemning his behavior as morally inappropriate, it devises a "win-win" resolution in which Mark can still attend Harvard despite his academic deceptions. The "individual victim" has been vindicated. Significantly, in one of the film's final scenes, Mark visits Professor Banks to discuss the disciplinary penalties imposed for his dishonesty. He obviously wants Professor Banks' benediction as well; eager to be forgiven, he proceeds to share with his mentor a few pearls of hard-won wisdom about his short-lived stint as a Black man. In a jarring moment, the camera shows Professor Banks listening attentively and respectfully to Mark's pontifications; he then expresses admiration for Mark's astuteness. Entirely missing from the scene is any reflection by Professor Banks on a lifetime of being Black, or even an ironic sense of Mark's foolishness in presuming to educate him on the topic of Black racial identity.

Finally, the romantic relationship between Mark and Sarah provides *Soul Man* with a thematic opportunity to make points about both race-conscious remedies and color-blind romance. As the plot of *Soul Man* unfolds, the viewer learns that Sarah is — in addition to being beautiful and the object of Mark's desire — a brilliant, compassionate, single mother who somehow juggles full-time studies at Harvard Law School and full-time parenting responsibilities with a part-time kitchen job on campus. By portraying Sarah in such a saintly light throughout the movie, *Soul Man* justifies the two final plot developments that perhaps otherwise might have been less attractive: Mark gives up the scholarship so that Sarah can receive it, and asks Sarah to love him despite his deception. By negative implication, the movie suggests that Mark might not have confessed his self-serving scheme or have fallen in love had Sarah not been such a paragon of Black perfection. Sarah's superior academic qualifications and dire economic need, as well as her potential as Mark's romantic partner, fit neatly into the film's mythology of individual victimhood and sympathy for Mark; what nobler reasons could he have for forsaking the scholarship? Predictably, he gives up the fortune to "get the girl." By constructing such a scenario, *Soul Man* avoids addressing the far more difficult questions raised by the use of race-conscious remedies as an antidote to historical inequalities.

In the movie's final scene, the white Mark approaches Sarah for forgiveness, hoping that she will realize that he loves her and will still give him a chance. Sarah hesitates; in addition to being wary of interracial relationships, she must also confront the fact of Mark's lies to her about his racial identity. Rather than recognizing and addressing the seriousness of both doubts, the plot defers to Mark's perspective and wishes once again. From Mark's point of view, he must receive absolution from her; after all, he did give up the scholarship for her and come clean before the entire community, didn't he? More-

over, Mark assures Sarah that theirs is a color-blind love and that love indeed should conquer all barriers — a rather remarkable assertion given Mark's duplicitous reliance on "Blackness" to woo Sarah into an intimate friendship in the first place. *Soul Man* resolves this significant conflict of visions not by acknowledging the chasm that surely must still exist between Mark's and Sarah's worlds, but instead by erasing it entirely and adopting Mark's vision of color-blindness. As the film ends, Mark receives the ultimate romantic reward for his behavior: he "gets the girl."

IV. Conclusion: Social Change and the Dominant Gaze

In defending his film, *Do the Right Thing* (1989) against the criticism that it might make mainstream white audiences feel uncomfortable, Spike Lee asserted, "[T]hat's the way it is all the time for Black people."²⁰ Lee's point was that the dominant gaze still prevails; "uncomfortable" perspectives are marginalized, criticized, or worst of all, simply ignored. A film such as *Soul Man*, which capitalizes on an ostensibly alternative perspective to tell a tale about contemporary race relations, is ultimately fatally flawed by the dominance of its vision. By exploiting the effect of racial stereotypes without reminding the viewers of their continuing destructive force, *Soul Man* misses the opportunity to make — either seriously or comically — a truly instructive comment about the nature of racism in our society.

Bell Hooks argues that we must create "counterhegemonic art"²¹ to liberate our culture from the stigma of racist, sexist, homophobic, and other degrading stereotypes. In her view, only through transformative counter-images can the dominant gaze be subverted; toward this end, popular culture has enormous potential not only for entertainment but also for political and social change as well. Given the power of mainstream films both to reflect and to shape dominant visions of race, law, and equality, I find Hooks' assertion persuasive, if somewhat unrealistic. But perhaps anticipating the growth of a truly "counterhegemonic" popular culture is similar to advocating radical legal reform; both goals may be hopelessly Panglossian, but they can be buttressed by concrete, interim steps along the way. To this ardent but skeptical admirer of popular film, that means continuing to watch, to cri-tique, and to subvert the dominant gaze.

NOTES

* The author wishes to thank John Denvir, Richard Keene (Santa Clara '92) and H. Lee Halterman for assistance and support.

1. Derrick Bell, Jr. *Race, Racism and American Law* (Boston: Little Brown, 1980), 2.
2. Donald Bogle, *Toms, Coons, Mulattoes, Mammies, and Bucks: An Interpretive History of Blacks in American Films* (New York: Viking Press, 1973), 11-12.
3. *Id.* at 15.
4. *Id.* at 11.
5. Laura Mulvey, "Visual Pleasure and Narrative Cinema," *Screen* 16:3, August 1975, 6-18. See also Lorraine Gamman and Margaret Marshman, eds., *The Female Gaze: Women as Viewers of Popular Culture*, (Seattle: Real Comet Press, 1989).
6. Mas'ud Zavarzadeh, *Seeing Films Politically* (Albany: State University of New York Press, 1991), 1-4.
7. *Id.* at vi.
8. 60 U.S. (19 How.) 393 (1857).
9. 163 U.S. 537 (1896).
10. Anthony Chase, "Toward a Legal Theory of Popular Culture," 1986 *Wis. L. Rev.* 763 (1986).
11. See, e.g., Lawrence Friedman, "The Law and Society Movement," 38 *Stan. L. Rev.* 763 (1986).
12. See, e.g., 87 *Mich. L. Rev.* 2073-2794 (1989) (symposium issue on "Legal Storytelling") and 40 *Journal of Legal Education* 1-250 (1990) (symposium issue on the "Pedagogy of Narrative").
13. See, e.g., Martha Minow, "Feminist Reason," 38 *Journal of Legal Education* 47 (1988); Robin West, "Love, Rage and Legal Theory," 1 *Yale J. of Law and Feminism* 101 (1989).
14. See, e.g., Robin Barnes, "Race Consciousness: The Thematic Content of Racial Distinctiveness in Critical Race Scholarship," 103 *Harv. L. Rev.* 1864 (1990). The introductory brochure for the 1990 Wisconsin Conference on Critical Race Theory (on file with the author) identifies the need "to expose and condemn current popular themes in legal discourse about race — such themes as neutrality, objectivity, color-blindness, meritocracy, and formal equality — that allow the dominant discourse to appear neutral and apolitical."
15. Robin West, "Jurisprudence and Gender," 55 *U. Chi. L. Rev.* 1, 65 (1988).
16. Bogle, *supra* note 2, at 93.
17. Bogle, *supra* note 2, at 3-18.
18. *Id.*
19. Carol Sanger, "Seasoned to the Use," 87 *Mich. L. Rev.* 1334, 1363 (1989).
20. Bell Hooks, *Yearning: Race, Gender, and Cultural Politics* (Boston: South End Press, 1990), 173.
21. *Id.* at 173-184.