

Lawyers in love

David Fraser takes a look at the portrayal of lawyers and law in the media in this review of the films 'Presumed Innocent' and 'Reversal of Fortune'

Law and lawyers are recurrent themes in American popular culture and in the image-machine of Hollywood. From Gregory Peck in *To Kill a Mockingbird* to Al Pacino in to Paul Newman in *The Verdict*, the vision of the lawyer as hero, albeit an occasionally tarnished one, is a persistent icon. Two recent films, Alan J. Pakula's *Presumed Innocent* and Barbet Schroeder's *Reversal of Fortune* continue the trend of offering us lawyers as heroes.

On the surface, at least, these are starkly different films. *Presumed Innocent*, based on the Scot Turow novel, is the story of Rusty Sabich (Harrison Ford), a prosecuting attorney charged with the investigation of the murder of one of his colleagues, Carolyn Polhemus (Greta Scacchi). It turns out, of course, that Rusty has had an affair with Carolyn, an affair from which he has not really "recovered", and he soon becomes the chief suspect in the homicide. He is brought to trial, a lawyer accused of murder. Although written by a lawyer (Turow), *Presumed Innocent* is nonetheless a work of fiction, and as a whodunit exposing the intricacies, foibles and failures of the American criminal justice system, it is, without doubt, a good film.

On the other hand, *Reversal of Fortune*, in its genre a good film and like *Presumed Innocent* worth the price of admission, is based on fact. It is the story of the (in)famous *Claus von Bulow* case in which a mysterious European pseudo-aristocrat Claus von Bulow (Jeremy Irons) is accused of attempting to murder his socialite wife Sunny (Glenn Close) by a lethal injection of insulin. *Reversal of Fortune* tracks the efforts of Harvard law professor Alan Dershowitz (Ron Silver) and his team of dedicated Ivy-League helpers as they attempt to convince the appellate court to overturn von Bulow's conviction at trial.

The mythical lawyer

It would appear, then, that these are indeed starkly different films. One based on "fact", the other on "fiction". One involves the crimes and misdemeanours of the wealthy, while the other deals with the nitty-gritty world of "working-class" lawyers. One stars the handsome Harrison Ford in a kind of Indiana Jones meets Perry Mason, the other Ron Silver, the embodiment of the Dershowitz figure - Brooklyn street kid becomes Harvard law professor and defender of the oppressed. What is striking about these films, however, is not their stark contrasts, but



Harrison Ford with Greta Scacchi in *Presumed Innocent*. Photo courtesy of Roadshow distributors.

what they share. And what they share is the creation not only of lawyers as heroes but of the underlying ideological artifacts (the public/private distinction and the absence of women) which permit the creation and powerful imagery of the mythical lawyer figure.

Thus, in each film, the lawyer hero (Rusty Sabich and Alan Dershowitz) faces an apparently radical disjunction between his public and private life. Rusty is a hard-working, honest, good lawyer whose career and family life are jeopardised when his private affair with his colleague becomes the focus of a very public and very different kind of affair, a murder trial. Like Sherman McCoy in Tom Wolfe's *Bonfire of the Vanities*, a private indiscretion becomes a public embarrassment as lawyers in love becomes a contradictory concept.

As the camera pans an empty courtroom, the film begins with a voice-over of Rusty explaining that he is a lawyer, that he believes in law, he believes in the truth and he believes in the absolute identity of truth, law and justice. The film ends with a similar scene but by now we know that truth, law and justice have little to do with one another in any philosophical or practical sense. At the same time we also know, and the Hollywood image-makers do not let us forget, that while the system may be flawed, corrupt and potentially open to abuse, it is still open to achieving the

correct result through the skilful application of legal know-how by an attorney who masters not only the principles of the law, but how the system really works.

For Sandy Stern (Raul Julia), Rusty's defence attorney, there is no public/private distinction because only one thing counts, getting the "right" result without breaking the rules or at least without breaking them too much. Rusty faces an existential dilemma when his public and private personae come into opposition. Sandy Stern faces no such moment of truth because for him, and for the legal system, truth is a mere technicality, the ability to obtain the "correct" result through the application of practical wisdom and skill.

The hired-gun dilemma

In a somewhat different manner, Alan Dershowitz faces a similar moment of existential choice. When we first meet him, Alan is traumatised because two of his destitute clients now face the death penalty. When Claus approaches him to take his case, Dershowitz hesitates because adultery and murder among the wealthy of Newport, Rhode Island do not exactly fit either his own self-image or the public perception of him as a liberal crusader for civil liberties. At one level, this is the dilemma Dershowitz and his assistants live with throughout the film. Can they

really believe in Claus's innocence or can they justify their participation in the case on some other ground? This is, of course, the classic hired-gun dilemma. Does everyone deserve representation? Can despicable people come to represent important legal principles?

In the end, Dershowitz takes von Bulow's case, not because he likes Claus or believes in his innocence but because there is an important legal principle involved. And strangely enough, that legal principal is the importance of the public/private distinction. It becomes clear that Sunny's children and the maid have, in fact, engaged in a *private* investigation/prosecution of Claus, and for Dershowitz the liberal, this is intolerable. There cannot be one system of private justice for the wealthy and another system of public justice for the poor. So he takes the case and Claus's cash, which of course goes to subsidise Dershowitz's *pro-bono* efforts on behalf of the poor and oppressed. For some reason, this apparent contradiction in which Dershowitz recognises and denies the existence of public and private legal systems goes unnoticed by the Harvard intellectual who becomes our hero because he wins a great *legal victory*, leading to von Bulow's acquittal. As he tells Claus in their final meeting, however, on the moral question, von Bulow must stand alone.

In both *Presumed Innocent* and *Reversal of Fortune*, the moral, existential and ethical dilemmas of everyday life and everyday law practice can be ignored because in each case, issues of truth, justice, guilt or innocence are simply technical concerns solved by technical argument and mastery of the subtleties of the legal system.

The role of women

Some would argue that this amoral technocratic view of the legal system found in these two films is a distinctly "male" one. Whether this is necessarily the case with this point of view is immaterial here. What is important in each film, however, is the absence or subservience of women. In *Presumed Innocent*, Rusty's wife Barbara (Bonnie Bedelia) plays a key part but she remains defined by her traditional female role. A gifted mathematician, she gives up her promising career for marriage and a family. While a less qualified classmate "made professor", Barbara has to be content with "making beds". Worse yet, she has to be content with the knowledge that Rusty still lusts after the now-dead Carolyn, just as Sunny von Bulow is forced to tolerate an "arrangement" whereby Claus remains free to philander.

What the two films really share is the absence of the leading female protagonist. Carolyn is dead and is present only in flashbacks, flashbacks determined by the consciousness of the male leads. Sunny is comatose and present only in flashbacks and



Ron Silver and Annabella Sciorra in *Reversal of Fortune*. Photo courtesy of Roadshow distributors.

through the use of a bizarre narrative device in which she acts as our "guide" through the tangled web of competing versions of the "truth". But even in their absence they share another more powerful ideological message-bearing function. Like another Glenn Close character (*Fatal Attraction*), both Carolyn and Sunny (although somewhat more ambiguously in the latter case) symbolise the power of the untamed female. Carolyn "sleeps her way to the top", leaving in her wake a number of disgruntled but still passionate lovers. Her sexuality still controls them and in the end, it is this unbridled female sexuality which leads to her downfall and murder. Sunny falls not so much because of her sexuality but because of her failure to use her sexuality "properly". As her passion for Claus wanes, it is replaced by a desire to control him, to prevent him from fulfilling his manly role by getting a job and, in

the end, she enters the half-world of a vegetative state.

What these movies share as ideological artifacts and bearers of cultural messages is the primacy of the male - law, technical skill, amoral liberalism and the associated devaluation of the female - the dangerousness of unbridled or non-deferential sexuality. Unlike Perry Mason, modern lawyers in popular culture do have sex. But in the end, it only gets them in trouble. The only thing that can save them is law - a particularly unreassuring fate.

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aggregation and regional radio plans, which are designed to significantly increase commercial television and radio competition in many country areas.

While these Government plans also have the noble social and popular political objectives of giving non-metropolitan residents access to a wider range of commercial television and radio programming, it is the commercial broadcasters who are being forced to foot the sizeable bills associated with providing these increased services.

Thus, it could be argued that private sector profits are being pillaged in the pursuit of a popular public policy objective.

Although the regional broadcasting industry probably will return to some level of profitability after it has digested the Government's television aggregation and regional

radio plans, and although some individual broadcasters may eventually even prosper despite the introduction of increased competition, it is extremely unlikely that the regional television and radio industries as a whole will ever return the levels of profitability which they had achieved in the late 1980s.

Worse still, before that gestation period is completed, a number of regional television and radio stations could well follow their metropolitan counterparts and fall under the control of bank-appointed receivers and managers.

The Government needs to ask whether this is a socially and economically desirable outcome as it finalises its financial assistance package for the regional television industry.

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