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Framing Feminism: A Dual Lens of Radical and Liberal Feminism in ‘Erin Brockovich’

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ABSTRACT

This paper examines the representation of feminist jurisprudence in Susannah Grant’s Erin Brockovich, utilizing both radical and liberal feminist frameworks to analyse the protagonist’s journey. The film portrays Erin, a single mother and legal assistant, as she navigates the complexities of a corporate scandal involving environmental contamination. From a liberal feminist perspective, Erin’s determination and individual agency illustrate the potential for women to reclaim their identities and assert their rights within patriarchal structures. Conversely, a radical feminist lens reveals the systemic oppression and societal expectations that undermine her credibility and autonomy. Key scenes, including courtroom dynamics and interpersonal relationships, highlight the tension between individual empowerment and structural inequality. Ultimately, this analysis underscores the necessity of addressing both personal and systemic challenges in the pursuit of gender justice, illustrating how Erin Brockovich serves as a compelling case study for feminist jurisprudential discourse.

Keywords: *Jurisprudence, Catharine MacKinnon, Liberal Feminism.*

I. INTRODUCTION

Susannah Grant’s ‘Erin Brockovich’, is an empowering dramatisation that tells the incredible story of a paralegal and legal assistant, who defied expectations and became a symbol of justice. Based on true events from the 1990s, the film stars Julia Roberts in a career defining performance as Erin Brockovich, a single mother of three, who despite all odds, unveils one of America’s largest corporate scandals. Erin’s character, first portrayed as a superficial, flamboyant and materialistic woman, experiences a deep shift as she becomes involved in a legal dispute involving groundwater poisoning in the small town of Hinkley, California. Working as a legal assistant at a law firm, with the help of her boss, Mr. Masry, she discovers proof that the toxic carcinogenic- hexavalent chromium is being leaked into the town’s water supply by the Pacific Gas and Electric Company (PG&E). Erin devotes herself to representing the affected Hinkley residents with steadfast conviction and a tireless search of the truth. Despite

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various challenges, including financial difficulty, societal pressures, based on what she wears and her general initial 'bimboism', and threats from large corporations, refuses to give up her zeal for justice. Her tenacity inspires viewers and those around her alike, and she rallies a community of victims to fight for their rights. Erin Brockowich is a moving investigation of justice, corporate responsibility and the power of individuals. It demonstrates the strength of collective action and significance of adhering to what is right. The film, also importantly, is a manifestation of feminism, from the lens of feminist jurisprudence; while it is a paradigm for the liberal feminist school of thought, at the same time, it also acts as a specimen for propagating the dominance theory as envisioned by radical feminism.

From the beginning of the film, wherein Erin lost a lawsuit for a tortious auto accident case, to the very end, wherein she becomes a legal clerk without a law degree, with also a pay raise of 2 million dollars, her representation acts as the ultimate end for liberal feminists, while Catharine Mackinnon's envisaged theory makes her the victim of the 'male state' - a symbol of the gendered hierarchy, with the oppression of women as a whole. Her 'bimboism' for example, may be construed as a reclamation of the feminine, and a move towards embracing what is being a woman in the eyes of a liberal feminist. The same may stand as the biggest critique of liberal feminism from the point of view of radical feminism; it simply reinforces the aspect that sexuality, the way as it is understood, is simply eroticised inequality. The heterosexual ethic derives its sexiness from the power relationship; men asserting their authority over women (Harris, 1989). Liberal feminists, on the other hand, would perceive her 'bimboness' as intellectual, sexually empowering and politically savvy. This violation of long held pre-conceptions used to subjugate women causes painful cognitive dissonance for the heterosexual male viewer. Moreover, it emphasises, in accord with the liberal feminist school of thought, the idea that each individual is autonomous, devoid of the restraints imposed by others, and is the author of her own life. The individual is the bearer of rights, women and men both being 'equal' in law. However, this concept of equality, based on equal treatment and universalism is juxtaposed by its inherent fallacy highlighted by radical feminists among others - liberalism grants women equal rights only as long as they act and behave like men; they may be seen competing equally on the level playing field of the market-place only if gender distinctions are ignored. But, while it is definitely a justification to treat them differently, it doesn't explain treating men and women unequally. In essence, in order to attain true equality, it is crucial to move past the naive universalist premise that equal treatment is synonymous to identical treatment (Penner and Melissaris, 2012). In fact, the radical perspective on bimboism simply reduces women to sexual stereotypes that liberal feminism seems to want to overcome (Penner

and Melissaris, 2012). Instances throughout the movie, such as using ‘the power of her boobs’ as in her own words at the water department to get hands onto incriminating evidence, female colleagues not taking her seriously because of the way she dresses, humour as to how consent of victims to move towards arbitration was received by committing sexual favours, in the lens of liberalism, manifests leveraging her femininity to challenge biases imposed by others and as a catalyst towards change. The other side of the coin, would view the same as exactly what the problem with society is; Bimboism is an oppressive technique that not only marginalises women, but also maintains a patriarchal society that rates women based on their physical beauty. This dynamic mirrors a broader societal tendency of judging women on their capacity to cause a male erection. Erin’s encounter with these restrictions demonstrates the systemic nature of oppression that radical feminists strive to abolish. Her initial portrayal as a bimbo forms a key component of her narrative. It underscores the need for a radical transformation in societal conceptions of women as a group and their duties.

The above mentioned argument between the two schools of thought can best be illustrated with the trial scene at the beginning of the movie; the car accident that Erin had been victim to, and that broke her neck, led to a lawsuit, wherein she did not receive the support of the jury. The excruciating examination on the witness stand depicts the interplay of her autonomy versus societal ideas of how a woman must be. What her lawyer had promised her as a sure win, turned out to be a loss, because of her behaviour and actions, emanating what society considers ‘masculine’ behaviour. Although all women may be biologically female, not all women are viewed as equally feminine. Femininity is frequently defined by society as characteristics that are deemed proper for a woman, such as sensitivity, emotion and modesty. Similarly, while all males may be biologically male, not all men are perceived as equally masculine (Penner and Melissaris, 2012). Masculinity is frequently connected with qualities such as strength, leadership, stoicism and reason. These preconceptions as well as the notion that males should be masculine and women feminine, are not supported by feminist thought. Instead, it emphasises that sexism frequently makes it appear as if there is a natural link between female and femininity, or male and macho (Penner and Melissaris, 2012). Erin’s back answering, swearing and losing her temper led to the jury acquitting the accused, because of an attempt at escaping her culturally stereotyped role. Clearly, the critique of liberal feminism, that requires women to act like men in order to be treated as equals, is sharply undermined. Contemporaneously, her not conforming to the gender norm, as a submissive female, illustrates Catharine Mackinnon’s proposition- women, as a class must eroticise submission, for her submission makes her a gendered woman in society; ‘So many distinctive features of women’s

status as second class- the restriction and constraint and contortion, the servility and the display, the self-mutilation and requisite presentation of self as a beautiful thing, the enforced passivity and the enforced humiliation, are made into the content of sex for women' (MacKinnon, 1989). Her honesty, in asserting that she has had two husbands and she is a 'broke' mother is simply seen as a ploy to 'make some money' in a desperate time. Moreover, it was seen as impossible that a surgeon in the ER room would be involved in such a negligent act. Her losing the lawsuit in the radical feminist context thus may be interpreted as male power taking the social form of what men as a gender want, centering on power itself (MacKinnon, 1989), and structurally existing. The insistence on her ulterior intent, ensures that where male domination is the most pervasive, it is the most invisible (Harris, 1989).

The liberal feminist's private-public separation is a noteworthy feature visible in the film, specifically in relation to her biker boyfriend, George, who would also look after her three children. At one instance in the film, with Erin investigating for months, who didn't have the time to be at home for long, even unable to be there for her third child's first words, was confronted by her boyfriend. He gave her an ultimatum between him and her family and work. She said she needed him not to be an idiot and she needed him to stay, and refused to leave all that she was working for. However, he left her for a significant period when she needed his help with the children the most, until they ultimately got back. This dilemma between home and work, the public and private sphere has significant discourse in feminist jurisprudence. The concept of experience became central to the women's movement in the 1970s, and experience was regarded as the unifying and politicising resource in the fight for social change. The division has contributed to gender disparities and encouraged the assumption that women's primary role is in the home. Liberal feminists believe that women should have equal rights and opportunities in both domains, and view women's skills beyond domestic caretaking, and as also capable leaders (Wischermann and Mueller, 2004). Her boyfriend is symbolic of these traditional expectations from women, while Erin's 'choice' of prioritising empowerment and success in the public domain in fact proves how not only did she gain justice in environmental advocacy, but also as an individual, fighting against such limiting ideologies. She in turn effected change in the larger picture of women in the public sphere, even at the cost of personal life and relationships. George coming back could be perceived as a societal shift in how women are perceived. It is also interesting that while he expected her to be at home to look after him and the children, he was unemployed and she was the sole breadwinner, which becomes extremely important in the notion put forth by radical feminism. It is important here to quote one of the critiques of this separation- 'to the extent that women in fact function less

autonomously than men because of their greater connection to family and especially to children, liberalism's protection of individual autonomy primarily through the guarantee of negative liberties is less effective for women than it is for men' (Higgins, 2010, 87). Radical feminists see this instance as anything but empowering. Sexuality over here personified as Erin, is not just one domain of social life, but pervades all domains of social life. Sexuality underlies the entire division along which gender arises and is socially constructed. Such an approach focuses feminism on the perspective of the subordination of women to men, identifying sex- the sexuality of dominance and submission, as vital, elementary and definitive in that process. Dominance eroticised defines the imperatives of masculinity, whereas submission eroticised defines femininity. Women frequently discover ways to challenge male supremacy and increase their realms of action, but they are never free from it. Men as a group, represented by her boyfriend, want women who are 'sexually accessible, have-able, and there for them, wanting to be taken and used'(Mackinnon, 1989). The loss of her boyfriend, thus is a reminder of the consequences of women asserting autonomy. In the beginning, what seemed as harassment led to a fruitful relationship, with temporary heartbreak and a 'happy ending' for the 'meant to be' couple, is just the imposition of patriarchy and dominance on women, who are conditioned to believe that her repression and oppression is a happy-ending, solidifying the male perspective as systemic and hegemonic (Mackinnon, 1983).

The most visible discourse that encapsulates the concepts of both schools is the role of PG&E and Mr. Masry. The large corporate, with its malicious cover up of underground water contamination, its aggressive tactics at silencing, including spook calls to Erin, and even holding a conference to elucidate the benefits of a certain amount of chromium, even though the leak was of a significantly higher proportion (making it dangerous), can be seen as the male workplace, part of a male state. In fact, the patriarchy is so ingrained in the corporate workplace, that even one of the female lawyers of Erin's team, thought of Erin as simply a 'dumb blonde', knowing the only reason the lawsuit was achievable was due to Erin's sheer hard work. The judgement posed on a woman by another woman, renders group collective action fragile. Consciousness raising, a feminist concept of the second wave of feminism, that aims at a unitary and collective experience of common struggles, is undermined with condescension, aggression and jealousy on the part of other female colleagues, resulting from the competitive nature of the male state. The urge to escape the 'submissive role' that women are expected to play, manifests such attitudes and perceives a woman's vulnerability as a marker of her femininity (Davies, 2017). This leads to an anomaly for radical feminism, which aims at uniting women against the common oppressor, especially with the importance Catharine Mackinnon places on

consciousness raising. Nevertheless, the same fragmentation among women, may be seen as the consequence or an effect of the male state, an act that helps men stay in positions of power, helping them dominate the law and various institutions. Quite literally, if the differences between Erin and her female colleague had not been overcome, PG&E could have successfully won the lawsuit.

Contrastingly, two women, each asserting their domination in the corporate set up, and standing up for their own individual decisions and reasons, increases the participation of women as a whole in the political arena. Their blindness to the other's gender and basing their actions without a seemingly oppressive sexist mindset reflects liberal feminism's vision of society as that which does not restrict individuals by gender. On the surface, this is seen as women having access to the same opportunities as those men do. Yet, other feminist schools see superficiality in this methodological individualism.

The focus on individualism, in the words of Catharine Mackinnon, is the problem with the liberal school. Radical feminism emerges as 'feminism unmodified'. It derives from the specific situations of all women as a sex. It dismantles liberalism's individualist, naturalist, idealist and moralist structure, of which science is the epistemology. Whereas liberal feminism sees sexism largely as an illusion or myth to be dispelled, an inaccuracy to be fixed, 'real' feminism addresses the masculine capacity to build the world to its own image. Feminism, thus, in this lens understands that what qualifies as truth is manufactured in the interest of those who have the power to shape reality, and that this process is as ubiquitous as it is necessary and changeable (Mackinnon, 1983). However, this essentialist feature serves as the biggest critique of radical thought; The superficiality of liberal thought is offset by oversimplifying the diverse experiences of women. It helps to reinforce stereotypes and gender binaries, and has an over emphasis on biological determinism, ignoring the role socialisation plays. In fact, both the schools lack an intersectional analysis, and are theories most suited to a white woman. Intersectionality is important in realising the fact that an experience varies when gender intersects, or interacts with race, caste etc. With Martha Nussbaum's role in reviving liberal feminism, her argument that the tensions between equality and the problem of the family, evident even in the film, must be seen as a creature created by the state, is significant, as it then opens the possibility for change; a family is defined as one based on cultural, historical and social contexts, and the state legislatures give these definitions, in sync with such context (Nussbaum, 2000). The normative feature of capabilities, does not change the fact that they are still real possibilities, distinct from functioning- "The capability view insists that choice is not pure spontaneity, flourishing independently of material and social conditions. If one cares about

autonomy, then one must care about the rest of the form of life that supports it and the material conditions that enable one to live that form of life” (Higgins, 2010, 71). The strength of liberalism, lacking in other political traditions, is the belief that the purpose of the state and the law is to contribute to the flourishing of each individual one by one, rather than as members of a group, so that no individual’s well being can be sacrificed in the interest of others. The oppression of every single woman must be addressed. The liberal argument is that, aside from biological differences, in theory, women and men are theoretically similar in intelligence and rationality. MacKinnon’s approach avoids the subject of what the pre given qualities of the sexes are to constitute their socially constructed features (Davies, 2017). The liberal viewpoint accepts the individual and his/her qualities as given, and the current society then becomes a perversion of individualistic ideas. Mackinnon views the systemic character of power as the core feminist concern (Davies, 2017). Liberal feminism on one end sees male domination as deforming and weakening women’s actual nature, but radical feminists deal directly with how women are made socially and the social system itself reflecting male traits, under a garb of universalism (Davies, 2017). This proves, the argument put forth by both, though prima facie opposing each other, are not two ends of a tangent.

It is hence clear, that even with its varying views to achieve the same end, liberalism and radicalism are extremely interdependent on each other. Liberal feminism’s emphasis on individual empowerment and public participation can help to achieve the cultural revolution radical feminists strive for. As more women assert their rights and question the stereotyped traditional positions, it creates an opportunity for the broader themes of power, patriarchy and systemic change. Radical feminists offer a thorough criticism of the patriarchal state and system, which has helped liberal feminists grasp the larger contexts of their fight, by acknowledging the significance of not only tackling legal impediments, but also cultural and societal norms that perpetuate inequality. All feminisms are part of an ongoing restructuring process : even when an argument involves what may be perceived as a problematic characterisation of women’s position in society, the ongoing process of questioning and discussing opposing viewpoints provides the general environment in which positive reforms can be implemented and their effects evaluated (Davies, 2017). Liberal feminism may not be the complete solution, but it is significant in the sense that it continues the struggle for women’s representation in society. In essence, Erin Brokovich serves as a perfect example in analysing how ideologies of both render two different interpretations of the same instances in the film. It exemplifies how feminist jurisprudential theories can be applied to real world cases, especially a case where law and gender collide.

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