Spring 5-2-2017

From Blonde to Brutal: A Feminist Rhetorical Analysis of Legally Blonde and How to Get Away With Murder

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ABSTRACT

Feminism is a word that strikes up many connotations, but has no set definition. Though it might take on different definitions, its overall goal is equality. Feminism has appeared throughout history in various waves, the third-wave is currently in progress. Two artifacts from this wave of feminism include *Legally Blonde* and *How to Get Away With Murder*. This thesis utilizes feminist rhetorical criticism to analyze how third-wave feminism appears in each artifact, and what implications that has for the progression of feminism. The research identified two types of feminism, girlie feminism in *Legally Blonde*, and intersectional in *How to Get Away With Murder*, respectively. The different types of feminism in each artifact lead to the finding that each is indicative of what third wave feminism was concerned with at the time. *Legally Blonde* and girlie feminism were geared towards making femininity acceptable in the workplace and compatible with feminism. *How to Get Away With Murder* and intersectionality are focused on inclusivity in feminism. Despite these differences, both artifacts work for the benefit of feminism, and advancing its ultimate goal of equality.
From Blonde to Brutal:

A Feminist Rhetorical Analysis of *Legally Blonde* and *How to Get Away With Murder*

A Thesis
Presented to
The Faculty of the Graduate School
Abilene Christian University

In Partial Fulfillment
Of the Requirements for the Degree
Master of Arts
In Communication

By
Jazmine Marta Moreno
December 2016
This thesis, directed and approved by the candidate's committee, has been accepted by the Graduate Council of Abilene Christian University in partial fulfillment of the requirements for the degree Master of Arts in Communication.

Date
5-2-2017

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ACKNOWLEDGEMENTS

The first thank you has to go to God for allowing all this to be possible.

Thank you to my parents who have always encouraged me and never once doubted me.

Thank you to my committee for taking the time to be my committee: Dr. Davis, Dr. Lemley, and Dr. Macaluso.

And last, but definitely not least, thank you to my cohort: Faith, Kholo, Audrey, Philip, and Kaylen. Y’all have been incredible to work with and have helped keep me sane the past two years.
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CHAPTER I
INTRODUCTION

Television and films are prevalent forms of media. It is evident that both have left an indelible effect on audiences. When statistics show that “there are 2.3 televisions in each home” in the United States, escaping their wide influence poses a difficult challenge.¹ Television and films are influential because they are “communicating something – ideas, attitudes, values – content with implications and consequences for human action.”² This statement from communication scholar Gage Chapel also presents an interesting insinuation concerning media; particularly how influential television and films can be for their audiences. Both media forms remain ubiquitous aspects of American culture with the ability to communicate a variety of ideologies and beliefs to a broad range of audiences. Scholars and critics in the field of rhetoric have focused on what particular ideas both forms of media express. This thesis aims to examine how the media portrays female professionals, specifically, the portrayal of female attorneys in the film *Legally Blonde* and the television series *How to Get Away With Murder*. In order to do this, this thesis will utilize feminist rhetorical criticism to analyze the selected artifacts.

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Feminist rhetorical criticism evaluates rhetoric and examines how gender works within selected artifacts. As communication scholar Michaela Myer writes, “feminist rhetoric should seek to discover how gendered concepts occur, how they are communicated in daily interactions, and how they transform the practices associated with the concept across cultures, spaces, and time.” When applied to media, feminist criticism should challenge individuals to think critically about how women are portrayed. Asking questions like, is there a difference in the portrayal of men and women, and if so what is that difference? Hannah Goodall, a communication scholar, builds on this idea, and writes, “[w]e live in a society that is not only saturated with media but also with stereotypes that are cultivated through the media that we consume.” The implication is that we allow the stereotypes from the media to perpetuate. Goodall adds, “[m]edia stereotypes of women are also often disproportionate and depict women inaccurately. . . . [T]he typical media stereotype of females is over [sexualized] and passive.” If female viewers, especially young female viewers, continue receiving these images, it can lead to negative repercussions. Females come to believe those traits in themselves and come to behave in a manner reflective of those traits.

In television and films, women are cast in many roles – and one role that women have often played is that of an attorney. The selected media artifacts both star female lawyers as their main characters: Elle Woods in *Legally Blonde* and Annalise Keating in *How to Get Away With Murder*. Both women are starkly different characters in their


5. Ibid, 162-63.
personalities, and in their overall characterizations. *Legally Blonde* and *How to Get Away With Murder* feature different plots, too. What is important is the fact that Elle and Annalise are both female lawyers and protagonists in their respective media.

*Legally Blonde*, which debuted in theaters July 31, 2001, focuses on blonde and bubbly Elle Woods. Elle began the film in a serious relationship with her boyfriend, Warner Huntington, III. However, Warner breaks up with Elle and goes off to Harvard Law School. She decides to follow him and become a lawyer to win him back. Problems ensue when Elle discovers that her ex-boyfriend, in just a few months, has gotten engaged to his old flame, Vivian Kensington, and as she also struggles to fit in at Harvard.⁶ The television series *How to Get Away With Murder*, which premiered on ABC on September 25, 2014, features Annalise Keating as a criminal defense attorney and a law professor at the fictional Middleton University. Annalise is a no-nonsense character who selects five of her students to work as interns for her law firm. The overall plot of the first season shows Annalise and her students becoming entwined in a complicated murder plot that involves Annalise’s husband and another student from Middleton University.⁷

This thesis will be using a feminist rhetorical approach because it allows for a thorough and critical examination of the artifacts being studied: *Legally Blonde* and *How to Get Away With Murder*. Both medias will be analyzed individually and in comparison to each other to determine what they are representing in feminist ideology. It is important

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then to develop an understanding of analyzing television and film as artifacts before delving further.

When it comes to movies with a female lawyer as the lead character, *Legally Blonde* cannot claim to be the first. The same is true for *How to Get Away With Murder*, as there have been plenty of television series with a female lawyer lead: *Ally McBeal* and *Harry’s Law*, for example. The selection of these two artifacts, as opposed to other similar media, is because of their success and relevance to audiences. *Legally Blonde* and had an opening weekend revenue of $20,377,426.8 It was number one at the box office its opening weekend, and proceeded to be nominated for two Golden Globes.9 It eventually spawned a sequel and a musical, making it almost iconic. *How to Get Away With Murder* has received its own share of popular reception and accolades. It has also been nominated for Golden Globes, as well as been nominated for awards from the Screen Actors Guild and Primetime Awards.10 Additionally, *How to Get Away With Murder* belongs to the well-known ShondaLand production company and its second season ended with a 1.9 Nielsen rating, which is lower than it used to be, but still ranked 24th in popularity.11

While both *Legally Blonde* and *How to Get Away With Murder* are incredibly popular, they have been chosen for more than just their popularity. *Legally Blonde* showed femininity and professionalism coexisting harmoniously, a novel idea for its

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time. *How to Get Away With Murder* is a progressive television series with a female person of color as its lead, which is still new. This, combined with its diverse cast, makes it different from other television shows that it might be compared to. Ultimately, both artifacts show feminist ideals in practice and women succeeding in the legal field. This is important when considering the law profession has been male-dominated for years.

An 1872 Supreme Court decision barred women from becoming attorneys, determining they had no “legal right” to pursue the profession. In addition, women continued to be discouraged from becoming attorneys until 1970 when it was prohibited by the Association of American Law Schools to discriminate against potential students based solely on gender; this change in policy led to an “enormous increase in the number of women in the profession.”

Studying the selected artifacts, which have female lawyers as lead characters is important because for so long women were not allowed to be attorneys. Thus audiences were not able to see them portrayed as such in media. *Legally Blonde* and *How to Get Away With Murder* feature female lawyer leads and allow audiences a chance to see women be portrayed in this profession. Their portrayals also address stereotypes about a woman being able to be a lawyer, such as her competence and keeping her from being more than just an eye candy for viewers.

Now that I have given my reasoning for selecting these two artifacts for this thesis, the next sections will review literature over media and feminism. For the purpose of this thesis, an understanding of what information exists over these areas is important. The first to be examined is media.

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13. Ibid.
Media

Television itself is a permeating form of communication, and is a newer form of media compared to film. Films have been in existence since the beginning of the twentieth century, and have been a way for ideas and culture to be shared amongst audiences. Between the two, however, “[t]elevision is probably the most influential of all mass media.” Television has the ability to reach more people at a quicker rate than films. Many Americans also make television watching their number one leisure activity. This thesis argues that media has not been generous in its portrayal of female lawyers. This means the stereotyping of women’s roles, and not allowing women to be developed characters when compared to the men in media, is because of the influence of television and films. Before delving further into this idea, it is crucial to understand why television and films are important as artifacts, and how they have been studied and critiqued.

When film is analyzed, there are different types of criticism that could be employed. Most film rhetorical analyses can be conducted in one of three ways: message-movie criticism, auteur criticism, and genre criticism. All three criticisms rely on the selection of a film and, depending on the chosen criticism, apply different approaches. Message-movie criticism focuses on the message of a film; auteur criticism shifts the focus to the person “most responsible for creating the film;” the third criticism examines a film’s genre and “salient economic, political, and ideological forces in the culture to


15. Ibid, 205.


17. Ibid.

18. Karyn Rybacki and Donald Rybacki, Communication Criticism, 217.
discuss a genre’s popularity and how it has changed over time.” In addition to these three criticisms, a film’s historical context, themes, and technical properties are all factors that influence a film and need to be taken into consideration. Films can generally be labeled into a genre such as “romantic comedy,” “action,” “drama,” “comedy,” or even “indie.” The variety of film genres strengthens an assumption that films generally have a target audience with a specific demographic in mind when released to the public. Taking genre into consideration provides the needed context, which allows for an accurate rhetorical analysis. Feminist criticism builds upon this analysis. It takes a film’s specific context into consideration and applies its own requirements for an analysis.

Just as film has its own method of being analyzed in a rhetorical manner, television has its own. It is important to remember that “not all communication is rhetorical,” so it is necessary to be cautious when selecting a television show to analyze. The television show selected must be related to the purpose of the criticism being done. Rhetorical criticism of television brings a different challenge with it because of how atypical it is from other rhetorical mediums. Audiences for most television shows are not homogenous, which presents a challenging task when analyzing them as artifacts. Television, like film, also has a set audience, but reaching its targeted audience is different because of how it is broadcast. Because television is not limited to theaters, any individual with access to a television has the capability to watch almost any show. As with film, television series have their own genres. Television genres also provide context

19. Karyn Rybacki and Donald Rybacki, Communication Criticism, 221.
to be considered when analyzing it. Feminist criticism of television shows follows the steps of feminist criticism when applied to film.

Additionally, television and films no longer have traditional viewing methods as they once did. Streaming services, such as Netflix, have changed how audiences watch them. Netflix began as an online movie rental store in 1997 before adding streaming services in 2007. Unlike visiting the theater or watching television shows on a home television, streaming services allow audiences to view television and films from their television or other technological device: smart phones, tablets, and laptops. Netflix is not the only streaming service available; Hulu and Amazon are two other streaming services. Out of the three, “Netflix and Hulu are the leading subscription-based video streaming service providers for movies and TV shows.” As of 2014, Netflix has about 48 million subscribers, and is the largest source of Internet traffic, while Hulu has “38 million casual viewers who watch Hulu at least once a year and 3 million paying subscribers.” As media and mass communication scholar Sidneyeve Matrix reported, those who do have access to Netflix, or other similar streaming services are not content to abide by traditional weekly and seasonal programming schedules . . . Netflix is changing viewers’ expectations concerning what, how, and when they watch TV. As a result, viewers not surprisingly are watching more television.


24. Ibid.

The creation of streaming services has ultimately changed how audiences watch television and films.

This poses a challenge for cable networks who are “[p]erhaps the biggest losers in this.”26 With audiences transitioning to streaming services, cable television is losing traditional television viewers. Cable television is losing traction, but it still remains to be seen what the eventual outcome of this new-age viewing capability will be. This means viewers have different ways of accessing and watching the selected artifacts. Depending on the country, *Legally Blonde* and *How to Get Away With Murder*, are both available to watch on various streaming services.

Now that this thesis has examined television and film as a whole, the following section will focus on feminist rhetorical criticism as applied to the media. This allows for an understanding of how feminist criticism is utilized within media.

**Feminist Criticism in Media**

Feminist criticism in television and film is “concerned with the devaluation of women in society and how rhetorical activity perpetuates it.”27 The origin of feminist criticism in television

. . . began as a challenge to the culture industry’s misrepresentation of women. Throughout the 1960s and 1970s, popular media culture came under increasing attack as particularly pernicious site of gender inequality. Feminists charge, for instance, that gender role stereotyping in television and film normalized the dominant culture values and customs that legitimate male domination of women.28

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This quote highlights how feminist media criticism first came about and what its purpose was. Feminist criticism is intended to point out how media was guilty of stereotyping women and continuing the idea of gender inequality.

Sociologists S. Craig Watkins and Rana A. Emerson scrutinized the stereotyping of women’s roles in the media from the 1960s and 1970s, noting “the dominant television image of women before the 1970s was the happy homemaker, current female roles include a greater range of paid professionals (for example, lawyers, judges, police).”

Progress with women’s roles in media has been made in recent years, but the lingering stereotype of being solely a housewife remains. Women have been shown in more professional roles, but that image is still limited. A woman is either professional, or balancing a family, but typically not both.

Underrepresentation of women and subsequent stereotypical portrayals of women are a continuing issue in the media. In the case of underrepresentation, media misrepresents the “actual proportions of men and women in the population.” In studies of primetime television between 1989 and 1992, there were three times as many men as women in starring roles, a two to one ratio in children’s programming, and only 16 percent of newscasters were women. These percentages, though dated, demonstrate how underrepresented women have been in the media. Concerning stereotyping, men on television are portrayed as “strong, assertive and work-oriented,” while women are


31. Ibid.
portrayed as being the opposite: weak, demure, and family-oriented. Consequently, “television is capable of teaching sex-role stereotypes,” which means that as children are being exposed to television series with more male role models instead of female role models, the sex-role stereotype continues through generations of viewers.

This stereotyping manifests in media depictions of female attorneys. Whenever a show does have a female attorney as a main character she typically has to deal with the problems of “simultaneously [having] a fulfilling professional and personal life.”

This notion is tied into the “rule . . . that a woman may be strong and successful if and only if she exemplifies traditional stereotypes of femininity.”

Granted, this rule has been broken over the years, but it still exists. Attorney Carolyn Miller notes, “[f]emale attorneys in film have been presented as an oxymoron; they have two identities – ‘female’ and ‘attorney’ – which cannot logically coexist.” The new problem is now how to put together ‘female’ and ‘attorney’ and to prevent them from being separate entities.

Due to past stereotypes and roles, women, especially those striving in what can be considered a male-dominated career, often struggled with the knowledge that they could not have it all. The portrayal of female lawyers in two shows, The Practice and Ally McBeal, both predecessors to Legally Blonde and How to Get Away With Murder, tackled

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33. Ibid, 260.


this idea. The common denominator in the portrayals of the female lawyers in *The Practice* and *Ally McBeal* is that “[t]hey [the female lawyer characters] would like to ‘have it all,’ but at this time in their lives they seem content to develop their careers, and they have not been made to suffer for that decision.”  

*Citing 37.* The *Practice* and *Ally McBeal* are no longer airing, and other television series, such as *How to Get Away With Murder*, have replaced them. But has anything changed in the portrayals of women in these new shows?

As television and films have grown more prominent, so has the feminist approach to understanding how certain characters are portrayed. This leads to better understanding of females in the medium of television. There is also the problem of

. . . [h]ow best to understand female subjectivity paraded on our television screens remains fascinating and perplexing, mesmerizing and frustrating in equal measure. Central to this conundrum is the intellectual and theoretical struggle to analyse female identities . . . still rooted in an entrenched phallocentric imagery, and subject to approved cultural scripts that applaud particular lives and bodies.  

Citing 38.

This quote summarizes the complexities of addressing media’s portrayals of women. This leads into the discussion of feminism, another important theory in this thesis.

**Feminism**

Feminism can be defined in different ways, which can often lead to confusion about its true purpose. At its core, however, feminism is focused on eliminating inequality. Sociologist Tracy Hildago provides a broad, but better explanation of what feminism is, by writing: “feminism is a political philosophy and practice centering on the

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concerns of women and opposing gender inequality.” Communication scholar Leslie H. Steeves explained “[f]eminist theories aim to understand the origins and continuing nature of women’s near devaluation in society.” The assortment of perspectives and approaches that feminism can take leads to the differing opinions and interpretations over what feminism exactly is and how it should be implemented. This can be seen through the historical waves of feminism that have occurred.

The first wave of feminism started with the women’s suffrage movements in the nineteenth and early twentieth centuries. Created by advocates of women’s suffrage, the first wave’s goal was to gain the right to vote. It was during this wave that the “women’s rights movement engaged in activism aimed at enlarging women’s political rights.” Women in this wave lacked many political, legal, and social rights, namely the right to vote, which would lead them to having their voices heard. The first wave ultimately came to an end with the passing of the 19th Amendment. However, “securing voting rights [did not] immediately fuel further efforts to enlarge women’s rights, roles, influence, and opportunities.” This was because many women did not take advantage of their newfound right. With the close of the first wave, it would be decades until the

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41. Tracy Royce Danielle Antoinette Hildago, “Feminism, American.”


44. Ibid, 72.
second wave of feminism would begin. The next wave of feminism began in the 1960s during which

feminist activism and scholarship blossomed as female activists became increasingly dissatisfied with their experiences in mainstream civil rights and antiwar movements dominated by men. Second wave feminism subsequently took a variety of forms.\(^\text{45}\)

The second wave of feminism followed up on what had previously been accomplished in the first wave. Women in the second wave had already acquired the right to vote.

Feminism in this wave was now focused on women speaking up and “defining who they are and what rights, roles, and opportunities they should have.”\(^\text{46}\) This wave developed different traditions of feminist philosophies. But this second wave did not appeal to every woman. All women did not embrace the concept of feminism because feminism in the second wave:

- theorized women as universal, ignoring the differences between and among categories of women. Working-class women, women of color, lesbians, bisexuals, and transgendered women found themselves alienated from a mainstream feminism, which all too frequently centered on the perspectives and needs of women with economic, racial, and other privileges.\(^\text{47}\)

The second wave of feminism was still focused on white, upper-class women, which offered no incentive for women of color and women not belonging to that social class. This rejection of traditional feminism developed into a subgroup, womanists, which was just one of the many subgroups of feminism to be created during this wave.

Following the second wave of feminism came the third and current wave of feminism, which started in the 1990s. Contrary to the past waves of feminism, “[third-

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\(^{45}\) Tracy Royce Danielle Antoinette Hildago, “Feminism, American.”


\(^{47}\) Tracy Royce Danielle Antoinette Hildago, “Feminism, American.”
wave] feminism is less politically active than the second wave feminism . . . and expressed more through popular culture than through petitions and marches.”

English scholar Carol M. Dole detailed the differences in this most recent wave of feminism, mentioning how young women “share [third waviers’] world view that a woman should be whatever she wants to be without labeling that view as feminism or even recognizing the term [third wave].” This is unusual from previous waves. The timing of third-wave feminism, because it is so recent, “is less fully formed than other branches of feminism,” but does include “women of different ethnicities, abilities and disabilities, classes, appearances, and sexual orientations.” This change might be related to the societal changes that have occurred, such as more emphasis on having feminism available to all women regardless of social class or race. The third wave is also considered to be “corrective to the many shortcomings of second-wave feminism.”

Third wave feminism includes transgender and gender-queer practices, becoming more inclusive and more aware than previous traditional feminism.

While there is not one overarching feminist theory, there are some principles that are universal in all feminist theory, regardless of wave. The first principle is that “women


49. Ibid, 59.


51. Ibid.

52. Tracy Royce Danielle Antoinette Hildago, “Feminism, American.”
are oppressed by patriarchy.” Patriarchy can be defined as a system of power relations in which men dominate women so that women’s interests are subordinated to those of men. The second principle establishes “women’s experiences are different from [men’s].” This principle considers how the biological differences between men and women can affect the experiences of each gender. The third and final principle is that “women’s perspectives are not now incorporated into our culture.” While the interpretations of feminism might vary, most feminists accept these three basic principles, which make them good principles to ground our discussion about the images of female attorneys in the media.

Studies in feminist rhetoric have “drawn our attention to power and power relations in rhetoric.” The observation of power relates to the idea of patriarchy, which are what feminist rhetorical critics are interested in. This type of criticism is interested in how “gender is constructed, oppression related to gender is constructed and maintained, and patriarchy challenged and transformed.” Power relates to this because it alludes to the male domination that has existed throughout history. Feminist rhetorical criticism is a way to tackle problems stemming from lingering patriarchal systems within communication.


54. Ibid.

55. Ibid.

56. Ibid, 167.

57. Ibid, 166.

58. Ibid, 169.

Out of the second and third waves of feminism came many subgroups. For this thesis we will examined two of those: girlie feminism and intersectionality. These two are the most relevant and important, which is why they will be focused on.

**Girlie Feminism**

Girlie feminism is constructed on the notion that a person can be a feminist while still embracing things considered feminine. It is “based on a reclaiming of girl culture (or feminine accoutrements that were tossed out with sexism during the Second Wave), be it Barbie, housekeeping or girl talk.”

60 Girlie feminism has been “interpreted as a rejection of feminism” because older feminists fought for women not to be lured feminine trappings. The feminist movement from the 1960s until today did a very good job of ensuring that females of all ages could be valued in society for more than our sex appeal. Feminists proved that we weren’t hardwired to be good at housekeeping, but what they overlooked in this process is ensuring that women were ‘taken seriously’ is that some women – and men – are drawn to feminine things. Beyond that, feminine things weren’t truly the problem; being forced to adopt them was. 61

The concept and purpose of girlie feminism seeks to establish that feminism and femininity do not have to be separate.

Girlie feminism brings with it a particular viewpoint of feminism, but also controversy. The biggest issue facing girlie feminism is that it focuses on critiquing “cultural manifestations of dominant social forms rather than the institutions and economic structures which maintain them.” 62 In essence, this subgroup of feminism is too

60. Susan Archer Mann and Ashly Suzanne Patterson, “Third-Wave Feminisms,” 355.


focused on the physical appearance of women who embrace femininity and feminism, and “risks reinforcing a binary between culture and politics that privileges individuals over collective empowerment. There is a radical difference between embracing lipgloss to [revalorize] traditional paradigms of ‘femininity’ and lobbying for changes in legislation and public policy.”

This problem can be seen within *BUST* magazine. *BUST*, a women’s lifestyle magazine, which is still in publication, exemplifies problems that exist in the realm of third-wave feminism, while also casting “feminism in a positive light, as fashionable and desirable, a position clearly contrary to most mainstream representations of feminist movements.”

But because *BUST* is focused on fashion and the outer appearance, it risks “inscribing feminism solely in terms of personal style.” This notion also links back to the problem that surrounds girlie feminism: that it is a subgroup of feminism focused on fashion, and not the power structures that are the root of patriarchy. Ultimately, this specific feminist subgroup provides a version of feminism that is friendly and accessible, it does not offer an analysis of collective injustice and cannot serve as a basis for activism beyond individual acts of consumption. In a sense [girlie] feminism buys into, rather than challenges, stereotypical versions of feminism perpetuated through the backlash.

Girlie feminism is the dominant type of feminism seen in *Legally Blonde*. Elle fits the definition of a person who has the mindset of girlie feminism. This is why girlie feminism has been identified as a critical subcategory of feminism for this thesis to focus on. The second feminist subgroup vital to this thesis is intersectionality.

63. Susan Archer Mann and Ashly Suzanne Patterson, “Third-Wave Feminisms,” 275.

64. Elizabeth Groeneveld, “‘Be a feminist or just dress like one’: *BUST*, fashion, and feminism as lifestyle,” *Journal of Gender Studies* 18, no. 2 (2009): 179.

65. Ibid.

66. Elizabeth Groeneveld, “‘Be a feminist or just dress like one’,” 189.
Intersectionality

Intersectionality is just one of the many subcategories of feminism. It was “developed by women of color who felt their concerns were not being adequately addressed by existing feminisms” and that only they would tackle and address their concerns.67 It has its roots in the

nineteenth-century cult of domesticity and the doctrine of separate spheres . . . which . . . suggested that women required protection from the male-dominated public realm, yet poor and working-class women of all races were not included in the narrow category of white, class-privileged notion of ‘women.’68

This heralds back to the second-wave feminist subgroups that developed because “what may appear to some women as the most important or urgent issues facing feminism are not seen as the most important issues or concerns to other women.”69 Intersectionality seeks to include those previously left out of traditional feminist movements by “bridging the racial and ethnic divides that have long characterized U.S. women’s movements by revealing the simultaneous and interlocking nature of the multiple oppressions that affect and mutually constitute us all.”70 As a framework, intersectionality has also developed into several separate areas.

Law professors Sumi Cho and Kimberlé Williams Crenshaw, along with sociologist Leslie McCall write, intersectionality has developed as a field which can be framed in three “loosely defined sets of engagements” that is, three different areas where


68. Ibid, 222.

69. Ibid.

70. Ibid, 227.
intersectionality has made itself distinct. The first area is focused on applying intersectional analysis to a “wide range of research and teaching projects;” the second area “focuses on discursive investigations of intersectionality as theory and methodology;” and the third area examines how intersectionality can be employed as a lens when looking at politics. However, similar to girlie feminism, intersectionality faces its own limitations.

Identity politics, which is tied to the third area of intersectionality, “frequently conflates or ignores intragroup differences.” Intersectionality faults by “ignoring differences within groups [contributing] to tension among groups.” Additionally, it is important to understand that “[n]o particular application of intersectionality can, in a definitive sense, grasp the range of intersectional powers and problems that plague society.” Nonetheless, intersectionality in the field of feminism remains vital.

This type of feminism was selected as the best fit for analyzing Murder. Intersectionality provides the best lens for analyzing an artifact like Murder, as it considers the different intersections between women. This is applicable for this artifact because Murder’s characters all vary in their backgrounds. Intersectionality also offers a progressive way to analyze an equally progressive television series. Thus, intersectionality was chosen as the second feminist subcategory for this thesis to employ.


72. Ibid.


74. Ibid.

In addition to girlie feminism and intersectionality, this thesis will also consider the roles men play in both artifacts.

**Men and Feminism**

The purpose of including men the analysis is to provide further insight into how feminism is presented in the selected medias. Men play a role in feminism, and can either be presented as supporters of it, detractors, or even neutral.

There are several male characters in the selected film and television series. *Legally Blonde* features three main male characters, but *Murder* has a number greater than that. Feminism, while focused on equality, still affects both men and women. By studying the interactions and behaviors of the male characters present in each artifact, this thesis can shed light over how feminism is either accepted or challenged by them.

**Double Binds**

Related to feminism is the concept of the double bind. Communication scholar Kathleen Hall Jamieson introduces and details five double binds in her book, *Beyond the Double Bind*. The double bind is defined as “a strategy perennially used by those with power against those without. The overwhelming evidence shows that, historically, women are usually the quarry.”

These binds create a dichotomy of human characteristics and traits, “[contrasting] good and bad, strong and weak, for and against, true and false,” and this creates the belief individuals cannot be both or in between. This is what constitutes a double bind, except the binds Jamieson examines are specifically targeted towards women.

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77. Ibid.
When applied to women, there are five specific binds they face. Jamieson introduces these five binds and their historical and cultural ties. The five binds are:

- Women can exercise their womb or their brains, but not both.
- Women who speak out are immodest and will be shamed, while women who are silent will be ignored or dismissed.
- Women are subordinate whether they claim to be different from men or the same.
- Women who are considered feminine will be judged incompetent, and women who are competent, unfeminine.
- As men age, they gain wisdom and power; as women age, they wrinkle and become superfluous. 78

Simply stated, the binds are: womb versus brain; silence versus shame; sameness versus difference; femininity versus competence; and aging versus invisibility. As a whole, double binds still exist, and overcoming them is a challenge because of how engrained they are. They are deep-rooted in histories and cultures, especially Western culture. Jamieson explains, “[t]he history of Western culture is riddled with evidence of traps for women that have forcefully curtailed their options.” 79 In addition to conquering the “no-win situations confronting them [women], they have [also] marshaled resources and refined aptitudes that have them more and more capable of facing the next challenge.” 80

These double binds draw their strength from their ability to simplify complexity. 81 Humans often dichotomize complexity, which leaves no middle ground. With these doubles binds, a woman can either have children and a family, or focus on her career; she can either speak out and risk public shame, or remain silent in the private sphere of the house; and so on. This works because, while a simple concept, double binds have power.

78. Kathleen Hall Jamieson, Beyond the Double Bind, 16.

79. Ibid, 4.

80. Ibid, 7.

81. Ibid, 5.
The simplicity of this dichotomy effectively limits a woman to only two options, and shows her with no control over her life. This is why double binds are effective.

Even women who do conform to male-associated ideals continue to face challenges. This is because “women were less likely to be perceived as behaving properly when engaged in strong adversarial conduct.”\(^82\) Thus, women who adopt male traits hurt how they are perceived. In spite of this, “women have conquered the no-win situations confronting them [double binds],” argues Jamieson, and ultimately “refined aptitudes that have made them [women] more and more capable of facing the next challenge.”\(^83\) Additionally, women have also exposed the systemically “fallacious constructs traditionally used against them, and changed and enlarged the frame through which women are viewed.”\(^84\)

Women have worked and are working to overcome these binds, but that is a difficult task. Feminism is intrinsically against these binds as they only hinder the goal of achieving equality. Thus, these double binds will be used as a framework when examining the selected artifacts.

In using double binds to analyze *Legally Blonde* and *Murder*, this thesis will be able to answer one of its research questions. As with the in-between media, using double binds to study the selected media is just as important.

**Legally Blonde**

Elle Woods is the protagonist of *Legally Blonde*. From first look, she is not the person one would expect to see enrolled in an Ivy League law school. This is due in part

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83. Ibid, 7.
84. Ibid.
to her overt displays of femininity, which includes her love of the color pink. Elle’s personality is also a contributing factor. She falls into the clichéd, ditzy blonde stereotype, which leads people to perceive her as such. On Elle’s appearance, and her favorite color, Dole writes, “[s]ince the feminist movement of the 1960s and 1970s, however, many adult women had shied from a color [pink] that seemed to emphasize their difference from men.”85 Many critics have written about Elle’s outer appearance, how that ties into her presence as a law student at the prestigious Harvard Law School, and how it pertains to the feminism present within the movie.

Elle’s femininity, however, does fit into the third wave of feminism. Dole explains the correlation between girlie feminism and the movie, writing “[l]ike girlie feminism, Legally Blonde acknowledges and validates the sexual power of the feminine masquerade.”86 Girlie feminism argues that a woman can be feminine and still be a feminist. This is precisely what Elle achieves in the film. Elle does not lose her identity, but instead embraces what being a professional law student means, while still keeping the femininity that makes her uniquely Elle Woods. Continuing with her criticism of Elle’s appearance, Dole states it “fits so many Fifties stereotypes of femininity . . . the film also has an agenda consistent with the politics of feminists.”87

In a separate article, English scholar Kelly A. Marsh contributes to Dole’s analysis, writing about Elle’s outer appearance, specifically her clothing. According to Marsh, Elle’s choice in clothing style causes her to be

86. Ibid, 67.
87. Ibid, 63.
. . . consistently underestimated and denied the sympathy of those around because she exercises her considerable intellect on matters that they [the other law students] consider trivial: fashion, her lap dog, her exercise routine, her fingernails, and toilet paper that does not ‘chafe.’

This causes the other students at Harvard to “believe that her predominantly pink wardrobe and the soft, fuzzy cloud atop her pencil indicate that she is not as smart as they are . . . Despite her 4.0 in college and her 179 on the LSAT, Elle must prove her mental acumen repeatedly.” This leads into the article by Miller.

Miller’s article focuses on Elle’s desire to prove herself as a competent law student. This need to prove herself could be because “[f]emale attorneys on film are compromised by the conflation of and conflict between their two identities, since embracing the male province of law challenges their feminine side.” Elle refuses to change her personality and abandon her femininity. Instead, she focuses on adapting to the challenges being a law student brings.

Ultimately, Elle and the film manage to demonstrate feminist qualities. Legally Blonde and its protagonist do not fall prey to the old portrayals of women. The film does not outwardly pass itself off as a feminist movie, but the concepts are there, however subtle they may be. Elle is more than just a ditzy blonde. She is an intelligent young woman who becomes the top graduate at Harvard Law in spite of the obstacles she faces. Author Cynthia Lucia summarizes this idea, articulating of Elle:

she serves the system by presenting a postfeminist counterweight to the other “less feminine” law students who snub her. They [the other students] threaten Elle, who remains ever-forgiving. . . . Elle’s unflagging good will

89. Ibid.
and ditzy demeanor define her as a threat to no one, although these other women see her as threatening their more “enlightened” approach to gender performance. . . . Ultimately the film plays “versions” of femininity and female empowerment against each other, in many respects, adopting a postfeminist stance.91

*Legally Blonde* is a film with a postfeminist stance. Elle fits into girlie feminism, while other characters express different feminist philosophies. The television series, *How to Get Away With Murder*, provides a difference expression of feminism. A new show, its take on feminism provides a different and possibly more contemporary way to view feminism.

*How to Get Away With Murder*

*How to Get Away With Murder* is, at the current time, a relatively new television series, and little literature exists on it. *How to Get Away With Murder*, which will be shortened and referred to as *Murder* from this point on, stars actress Viola Davis as Annalise Keating, a black woman who is a high-powered, no-nonsense attorney and law professor, and the show’s lead character. Davis says of her character, “[p]eople began to wake up to the fact that, yes, a woman of color can lead a show and people will watch and be intrigued.”92 *Murder* focuses on more than just one type of feminism – it deals with feminism as it is applied to a lawyer who is not white, a different scenario than *Legally Blonde*, where the cast is all white.

The majority of the notoriety *Murder* has received is because of the writing, which leads to scenes and plots that audiences are not expecting. Journalist Bené Viera writes of Rhimes’ shows, “Rhimes has single-handedly revolutionized TV. Her characters not only run the racial and ethnic gamut, but gay characters are more than

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sassy sidekicks.” As a Shonda Rhimes’ show, Murder is no exception and “goes for broke with healthy doses of violence (two characters are dead by the end of the first episode) and sex,” which demonstrates the unabashed nature of this show to tackle risqué topics not always common in network television. It is situations like this that make Murder appealing to its audience.

The students Annalise selects to work for her are not all white or the same gender, and her permanent employees are a male (who is not a lawyer) and a female (who is a lawyer). When watching the show, audiences can see how powerful and intimidating Annalise can be when in the courtroom. Her students respect her and do not question her judgments or decisions aloud. What is important in this series is how well Annalise and her students do their jobs.

The premise of this television series follows Annalise and her students becoming entangled in two complicated murder plots, while also working on cases for Annalise’s regular clients. The audience is left wondering who are the murderer – or murderers – of the two dead characters. The students Annalise has working for her are shown to be somehow involved in one of the murders. The series is told through time skips, allowing viewers to see what happened in the past and what is happening in the present. Unfortunately, as previously stated, due to its newness not a lot of literature exists on this show. But that only leaves the door open for this show and the different dynamics of race and feminism in it to be explored.

Legally Blonde and Murder are starkly different from each other in terms of characters and plot. The important commonality they share is that they both feature a

female lawyer as the protagonist. The law profession has typically been male-dominated, so the focus of this thesis is to analyze how Elle Woods and Annalise Keating are both shown and what this means about the portrayal of feminism in their respective media. Additionally, there is the distance of time between the artifacts. *Legally Blonde* premiered in 2001, while *Murder* came to television in 2014. With over a decade in between these artifacts, changes happened in society, which can account for some differences. As these artifacts are analyzed, this information will be kept in mind to provide some context and see how the feminism in each artifact differed possibly due to the time differences.

**Methodology**

This thesis utilizes rhetorical criticism, with a feminist approach, which is called feminist rhetorical criticism. The purpose of feminist rhetorical criticism can be explained as:

. . . the interdisciplinary means by which feminist rhetorical studies occur take advantage of contextual and textual knowledge, resonating with the ways in which similar work has been occurring in other areas . . . including studies focused on women, communication, race, class, ethnicity, culture . . . and more.\(^95\)

Feminist rhetorical criticism analyzes an artifact, taking into consideration the female gender. Depending on what the artifact is can affect how feminist rhetoric will be implemented. Feminist rhetorical criticism is useful for “understanding feminist contributions to rhetoric within the larger context of the rhetorical discipline,” especially to understanding the purpose of feminist rhetoric in communication.\(^96\) This allows for a more specific approach versus a traditional rhetorical criticism.

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In order to complete a rhetorical criticism there are several steps that need to be taken, according to communication scholar Sonja K. Foss. The first step is to select an artifact. The second step is to then analyze the artifact. The third step is to develop a question. The fourth and final step is to then actually write out the criticism. This thesis is utilizing a feminist rhetorical criticism, and there are still the four steps when it comes to the analysis, but a feminist rhetorical criticism additionally “involves two basic steps: (1) analysis of the construction of gender in the artifact studied; and (2) exploration of what the artifact suggests about how the patriarchy is constructed and maintained or how it can be challenged and transformed.”\(^97\) The former involves analyzing how “women and men, femininity and masculinity, are depicted in the artifact.”\(^98\) Through this part of the analysis, feminist rhetorical criticism identifies what the artifact defines as normal for women and men. The latter part focuses on the criticism discussing whether the artifact “resists, challenges, or transforms the patriarchy.”\(^99\) By identifying whether the artifact resists, challenges, or transforms the patriarchy, the criticism can highlight what needs to be changed or how the artifact can challenge the patriarchy.

Two examples of feminist criticisms will follow in the next section. One is of *Shallow Hal*, a film from 2001. The second example is of the recent television series, *The Walking Dead*, which began its run in 2010. These examples will provide an idea of how to conduct a feminist rhetorical criticism.

\(^{97}\) Sonja K. Foss, *Rhetorical Criticism*, 170-71.

\(^{98}\) Ibid, 170.

\(^{99}\) Ibid, 172.
Feminist Media Criticisms

An example of a feminist rhetorical criticism can be seen with the film *Shallow Hal*. This film utilizes feminist techniques to identify how it portrays women, beauty, and sexuality. The film’s plot is centered on a concept – not judging others based on outward appearances, a value that feminists are expected to embrace. By analyzing how this film applies this moral through a feminist approach, a feminist rhetorical understanding of the film is created. The analysis concludes that the film’s intended message is undermined and falls flat because of how the film makes use of the “sight gags, its clichéd idea of ‘inner beauty,’ and its predominantly adolescent male point of view, when considered in conjunction with *Shallow Hal*’s iconic marketing images . . . [the film] undermines its intended revolutionary message.” While the purpose of this thesis is not to analyze a film with the same message of *Shallow Hal*, it still serves as an important example of how feminist rhetorical criticism can be applied to film, which is what this thesis will do with *Legally Blonde*.

To see feminist criticism can be applied to a television series, the second example will look at *The Walking Dead*. A recent feminist criticism of the show *The Walking Dead* shows that feminist problems still exist. Themes discovered in this criticism were: sexist rhetoric showing an imbalance in the division of labor, gendered roles of the protector, and roles of the dutiful wife. Stereotypical gender roles are reinforced in this show, with “exclusively male leadership” present, as in most other zombie works of


102. Ibid, 298.
fiction, and the men are the ones vying for control and leadership. Some male characters use terms such as “honey-bun” and “sugar tits” to refer to women. Women are portrayed as being ill-suited for surviving in this zombie-infested world, and resigned to housewife duties. Men are the characters doing more physically demanding work and fulfilling the leadership roles, whereas women are kept to doing domestic duties. Ultimately, even in a post-apocalyptic state, heteronormative logic prevails in organizing social relations. That is, a zombie apocalypse does not cancel or change gender stereotypes. This criticism provides an example of how to approach a feminist criticism of a television show.

Conclusion

In this thesis there are two artifacts: Legally Blonde and Murder. The first is a film and the second is a television series, which makes them both media-based. The medium of both is important to consider as it affects how the analysis will be conducted; however, the focus of the criticism is still centered on gender. In the following chapters, how the artifacts construct gender will be analyzed, and then identifying whether the chosen artifacts resist, challenge, or transform the patriarchy.

It is with this knowledge that the questions for this thesis’ research questions can be posed. The first question is how is third-wave feminism depicted in Legally Blonde and Murder. The second question is how are the types of feminism shown in Legally Blonde and Murder similar and different. The third question is how do the double binds


104. Ibid, 68.

105. Ibid.
appear in the selected artifacts. By answering these questions, an overall analysis and understanding of how third-wave feminism has progressed can be answered. However, this will not be explored until the final chapter, after both artifacts have been examined. Likewise, the second question, comparing and contrasting both feminisms in *Legally Blonde* and *Murder*, will not appear until the final chapter. This is because it is not possible to answer this question until both artifacts have been analyzed.

The following chapter, chapter two, will be an analysis of *Legally Blonde*. This chapter will examine several themes that arise within the film and demonstrate how feminism appears within it. Chapter three will be focused on examining how double binds appear in what this thesis terms the in-between media. By in-between media, this thesis means the television shows that appeared during or after *Legally Blonde*, but before *Murder*. This particular definition will be expanded on in that chapter, but as a forewarning, this thesis wishes to introduce this now. Additionally, chapter three is designed not to be an additional analysis, but to serve as an assessment of how double binds, and thus feminism, appear in other pertinent media. Chapter four will be an analysis focused on the first season of *Murder*. As with *Legally Blonde’s* chapter, this chapter will explore the themes that appear within the first season of this artifact, and examine how feminism appears. The fifth and final chapter, chapter five, will serve as the conclusion. This last chapter will tie together everything, and answer the three research questions. With this information, this thesis moves onto its next chapter.
Premiering in 2001, *Legally Blonde* is a film that follows a character named Elle Woods as she tries to balance the desire to be feminine and her law school aspirations. This combination provides the plot for the film, which focuses on Elle Woods’ first year of law school. Aside from being an entertaining comedic film, *Legally Blonde* has significance when it comes to defining feminism for its generation. Feminism is not a word or idea that would automatically be associated with *Legally Blonde*, but manages to thrive within the film. This is done through a subtle display of girlie feminism, a subcategory of feminism from the third wave. What makes Elle an intriguing character is how she is able to keep the best of both worlds: her femininity, love of pink, and the professionalism and ability to be a serious law student at Harvard Law.

This chapter aims to examine how *Legally Blonde* demonstrates third-wave feminism. The entirety of the film will be analyzed to understand how feminism is exhibited within the film. First, this chapter will analyze the presence of double binds within *Legally Blonde*. Then this chapter will explore several themes, which support how this film illustrates third-wave feminism. These themes are: generational differences between feminists, the reclamation of femininity, sisterhood and empowerment, social ostracizing, and how the men of *Legally Blonde* have an impact on the feminism shown within the film. In order to examine the aforementioned themes, a thorough description of the film’s plot is necessary.
Synopsis of *Legally Blonde*

At the beginning of the film it is clear that Elle Woods has an idyllic life. Not only is she an “ostentatiously young fashion merchandising major from Bel-Air,” she is president of her sorority, Delta Nu, and is in a serious relationship with her handsome and ambitious boyfriend, Warner Huntington, III.¹ Her relationship with Warner is serious enough that she believes he is going to propose to her. Warner takes her to an upscale restaurant, and begins a spiel that sounds like the beginning of a marriage proposal, leading Elle to believe her suspicions were correct; however, she is proven wrong. Instead of a proposal of marriage, Warner breaks up with her.

Warner explains to a devastated Elle that he needs “a Jackie, not a Marilyn” if he is going to “be a senator by the time he is 30.”² Essentially, Elle’s physical appearance and her personality make her an unsuitable wife for this future senator, which is why he must end their relationship. Elle reacts as expected: she causes a scene in the restaurant, wailing and disturbing the other patrons, until she eventually storms out of the restaurant. Elle dives into a depressive state in the aftermath of their breakup. Her two best friends, and fellow sorority sisters, Margot and Serena, drag her out of her room a week later and take her to a salon. At the salon, while skimming through a magazine, she stumbles upon an article featuring Warner’s older brother, who is announcing his engagement to a fellow law student. This inspires her to devise a plan to follow Warner to Harvard Law

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School. Her rationale being when he sees just how serious of a woman she can be, he will want her back.³

Elle’s plan faces many detractors. Her advisor is hesitant for her to apply to law school and states that her major, fashion merchandising, sets her back from the traditional Ivy League law school path. Her advisor does end up giving her the information for Harvard Law School: excellent professor recommendations, a strong admissions essay, and at least a 175 on the LSAT, but clearly she believes the chances are slim for Elle to get in. Along with her advisor, Elle’s own father tells her that she is not cut out to be a lawyer. These detractors do not hinder her determination, and through hard work, she is accepted into Harvard Law School. After her acceptance the hurdles do not stop. From the moment she steps out of her car and onto Harvard’s campus, it is evident that she is an outsider.⁴

She arrives in her black Porsche convertible, dressed in bright clothes with a moving crew, which causes a scene because her peers, who are dressed in neutral-toned clothing, and have moved in by themselves. One character in the background even jeers, “look it’s Malibu Barbie.”⁵ On the first day of classes, she is asked to leave by Professor Stromwell for being unprepared. A fellow student, Vivian Kensington – who is later formally introduced as Warner’s new fiancée – agrees with Professor Stromwell when she suggests sending Elle away. Humiliated, Elle is forced to leave class. Outside on a

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4. Ibid.

5. Ibid.
park bench, she meets Emmett Richmond who shows her some sympathy and kindness, being the first person on campus to do so.\textsuperscript{6}

Elle’s struggles to fit in and be accepted continue, but after an embarrassing Halloween costume party she forgoes trying to win Warner back and decides to put that energy into succeeding as a law student. Her intensity at proving herself earns her a coveted spot on Professor Callahan’s internship. Professor Callahan and his student interns are defending a famous client, Brooke Windham, a Delta Nu alumna, against the charge that she murdered her significantly older husband. Elle manages to win Brooke’s trust by revealing her status as a fellow Delta Nu, which proves valuable for their defense.\textsuperscript{7}

During the testimonies in court, Elle’s knowledge of fashion and beauty prove indispensable. It is through her extensive knowledge and familiarity with hair care that she is able to show one of the key witnesses is lying, proving Brooke’s innocence, and revealing the actual murderer. The film concludes showing Elle as the elected graduation speaker three years later. In her speech, she leaves the crowd with the message that she learned from her time at Harvard: “You must always have faith in yourself.”\textsuperscript{8}

**The Rhetorical Situation**

Before *Legally Blonde* was a film it was originally a book, written by Amanda Brown.\textsuperscript{9} Robert Luketic directed its film adaption, which featured some deviations from the novel. The timing of the film is important, too, as it helps in understanding the

\textsuperscript{6} *Legally Blonde*, 2001, DVD.

\textsuperscript{7} Ibid.

\textsuperscript{8} Ibid.

context of the content present within in the film. The film premiered in 2001, and at the
time of its released reflected certain societal ideals. The most blatant of these is the
struggle of a woman who can only be professional or feminism. The film also depicts
sexism in the workplace. This depiction shows women ignoring the harassment and
working through it, which mirrors societal norms that were present in 2001.

As previously explained, several themes were identified in this film, which
support the questions at the core of this thesis. First, how is third wave feminism
illustrated in this film? And how do double binds appear in this artifact? But before
analyzing the themes and answering these questions, this chapter will first look at how
double binds appear in *Legally Blonde*.

**Double Binds**

In *Legally Blonde* the most apparent double bind is the femininity versus
competence bind. In fact, it serves as the basis for the film’s plot. Elle is not taken
seriously as a character because of her femininity.

This bind argues that a woman can be feminine, or that she can be competent, but
not both. Women are confronted with a bind that expects them to be feminine, but then
offers them concept of femininity that “ensures that as a feminine creature she cannot be
mature or decisive.”\(^{10}\) This leads to the assumption that

“women cannot be both feminine and competent, and its code phrase “tough or caring,” are vestiges of [previous binds] . . . Those who exercised their brains and brawn in public were thought to be tough, active, analytic, decisive, competent, and masculine; those who exercised their uteruses with the attendant responsibilities in the private sphere were identifies as nurturant, passive, warm, and feminine.11

Elle explicitly faces this bind. She can either be herself and exude pink, or be a serious, competent law student. She faces the struggle of combining both her ambition to be taken seriously, while not losing her identity. Though Elle triumphs over this bind, it is important that it was presented. The fact that the film presented it as a bind that can be broken is a step forward for feminism. By acknowledging that this bind can be overcome, that a woman can be both feminine and competent is a step towards breaking this bind. Though this bind is the most prominent in the film, this chapter will touch upon the other four binds.

The other four binds are: womb versus brain, silence versus shame, sameness versus difference, and aging versus invisibility. The womb versus brain bind is not shown in the film. This particular bind centers on the dichotomy of a woman either being a mother or an intellectual. It effectively limits women from being able to achieve and balance both. The issue of Elle, or any other female characters, having to choose between motherhood and law school does not arise. The film’s plot does not present this bind; therefore, it is not evident within Legally Blonde. The second bind, silence versus shame, explores a different limitation.

Silence versus shame is a bind that decrees a woman cannot be a public speaker, or she will “suffer public shaming.”12 This bind examines the innate belief that speaking

11. Kathleen Hall Jamieson, Beyond the Double Bind, 120.
12. Ibid, 82.
in public is a man’s role. Feminist scholar Kathleen Hall Jamieson explains this rationale writing, “[p]ublic speaking took women from the home, where . . . they [women] should be bearing and raising children.” Understanding this, it is clear this bind is not at work within the film. In fact, an argument could be made that *Legally Blonde* breaks this bind. Communication lawyers and even a judge can be seen within the film. By having women in these roles, the audience can safely assume that women do not face shame from speaking in public. The next bind is sameness versus difference.

The sameness versus difference bind is interesting when analyzed in this artifact. The crux of this bind tackles notion that women and men face different standards, but men are the standard women are measured to. This bind manifests itself in subtle and possibly contradicting ways within the film. One example of this bind being broken within the film is how Professor Stromwell treats her students on the first day of class. A no-nonsense instructor, she intimidates both male and female students. She questions one male student about the origin of a certain quote, and asks if he would bet his life on his answer. Then she has Elle remove herself from her class for being unprepared.

However, there is evidence that this bind is still working. Vivian Kensington and other female law students all dress in dark clothing in an attempt to look professional. This clothing choice will be discussed in depth later on, but it is possible that this is done in an attempt to adhere to the male standard. Male lawyers would wear dark and neutral tones, and not bright, feminine prints. These are two examples from film that provide

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16. Ibid.
contrasting sides of this bind. However, this bind is not the focus of this thesis, so this section will not spend too much time on it. The last bind this section will address is the aging versus invisibility bind.

Aging versus invisibility is the final bind Jamieson addresses. The basis of this bind is that women, once they start to age, become invisible to the public eye. In fact, older women are not deemed as attractive as younger women, and become less visible in advertising and other media images.\(^\text{17}\) This bind is not exampled in *Legally Blonde*. As with the womb versus brain bind, it is not relevant to the film’s plot, which is why it does not present itself.

All five binds are important, but the bind this chapter will focus on the femininity versus competence bind. It is vital to the film’s plot and most noticeable. As the five themes in this chapter are explored, this bind will be referred back to. The first theme this chapter will analyze is the generational feminist differences.

**Generational Feminist Differences**

The generational differences between second wave feminists and third-wave feminists, is a theme that arises in *Legally Blonde*. When compared to their predecessors, third wave feminists have a decidedly different take on feminism. What is distinct and different between the second and third waves is how third-wave feminists resist certain ideas believed by second-wave feminists. Feminist scholars Stacy Gillis, Gillian Howie, and Rebecca Munford elaborate on this idea,

\(^{17}\) Kathleen Hall Jamieson, *Beyond the Double Bind*, 147.
Although wide-ranging in the positions they adopt in relation to questions of feminist theory and praxis, many third wave texts share a common ground in their eagerness to signal a break from an earlier feminist generation.\(^{18}\)

Essentially, third-wave feminists often break away from the rigidity second wave feminists instilled.

Another way of viewing this distinction is through the metaphor, or idea, of mothers and daughters. This concept aids in viewing the distinctions between second-wave feminists and third-wave feminists, with mothers as second-wave feminists and daughters as third-wave feminists. This idea provides a unique way to view the differences between feminists from different generations.

Girlie feminism, a subgroup of feminism from the third-wave, is radical and it faces potential rejection. Rejection of girlie feminism stems from it challenging the second-wave’s idea of separating femininity and feminism. What comes from this is a conflict between second-wave feminists and third-wave feminists. This conflict is at the heart of this theme.

Following the second wave of feminism, “[m]any adult women have shied away from a color that seemed to emphasize their difference from men even while women were demanding equality to men.”\(^{19}\) Girlie feminism establishes the concept that femininity does not detract from demanding equality, which is the hurdle Elle faces at Harvard. This is also the femininity versus competence bind present.

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Elle is an example of third-wave feminist who employs girlie feminism. She is a beauty and fashion guru who wants to be taken seriously despite her overt femininity. Because of Elle’s third-wave feminist ideals, Elle clashes with Professor Stromwell, a character representative of second wave feminists. The differences between the two are first seen during Elle’s first day of class. Her outfit for her first day of classes is done in an attempt to look the part of a serious law student: her hair in a fashionable ponytail, accompanied by horn-rimmed glasses, with a metallic green jacket over a white blouse with a plaid tie and matching plaid skirt. It was an interpretation of what a fashionista thinks a serious person looks like. However, she fails to live up to her projected image, and comes across as comical, unserious, and unprepared. When she arrives in the classroom she notices how her fellow classmates have laptops, she has a small notepad, pink and shaped like a heart, and a pink pen with a fluffy pink topper; her peers have done the assigned reading beforehand, she was unaware that there was a reading assignment. With her lack of preparation for class and instead focusing on her outfit, she fails in proving that she is serious in her endeavors, and that third-wave feminists who accept femininity can coexist with a professional identity of being a law student. This scene also supports the femininity versus competence bind. At this point in the film, the bind can be given validity, and strengthen notion that women cannot be feminine and professional. This scene also introduces Professor Stromwell whose own outfit is a stark contrast from Elle’s.

Professor Stromwell’s appearance is drastically different from Elle’s. She is wearing green, but a muted shade of it. Her outfit does not stand out, and her hair is short and suitable for a professional work environment. She readily determines that Elle is
unprepared, and is amused at her lack of preparation. As the scene continues, she pits Vivian Kensington against Elle, and Elle is forced leave class. This scene leaves audiences with an initially unfavorable view of Professor Stromwell because of her harsh treatment to Elle. As Elle is the protagonist of the film, the audience would side with her, and be affronted by the negative treatment from Professor Stromwell. However, the next scene with Professor Stromwell reveals more about her character, and why she treated Elle the way she did on the first day of class.

The next scene Professor Stromwell appears in is a turnaround from her first appearance. It is a little over halfway into the film, and Elle is at the beauty shop, Neptune’s Beauty Nook, saying goodbye to her friend that works there, ready to drive back to Los Angeles and give up on law school. Professor Stromwell overhears Elle explaining why she has decided to give up her law school aspirations and go back home, and she intervenes. She tells Elle: “If you’re going to let one stupid prick ruin your life, you’re not the girl I thought you were.”20 The inference being that Professor Stromwell believes her pupil is an intelligent woman who is capable of being a lawyer. Another inference is Professor Stromwell was not against Elle. On the first day of class, Elle was evidently unprepared, which is why Professor Stromwell had her leave class. She was never against Elle. Despite not being a major character, she leaves a big impact on Elle.

At the end of the film, it is implied the two have cultivated a better relationship, perhaps a student-mentor one.

Professor Stromwell is a character that comes from the second wave of feminism, where femininity in the professional world was discouraged. Elle comes from the third

20. Legally Blonde, 2001, DVD.
wave of feminism, which has taken a different approach. The audience sees a difference between two generations of feminists. Elle represents the third-wave of feminist, while Professor Stromwell is a second-wave feminist. Feminist ideological differences clash. This theme establishes how generational feminist differences are present within the film and ultimately harmful. The next theme in this chapter takes a closer look at girlie feminism and its goal of reclaiming femininity.

Reclamation of Femininity

With the inception of third-wave feminism, girlie feminism arose as a reclamation of femininity. Girlie feminism is concerned with the notion that a woman can be a feminist, while still retaining her femininity. This category of feminism strikes against the belief that “[g]irls might have the potential to be powerful, but girl things assuredly do not,” which is a hurdle Elle struggles against in the film.\(^{21}\) The principles of girlie feminism are “based on a reclaiming of girl culture (or feminine accouterments that were tossed out with sexism in the [s]econd [w]ave), be it Barbie, housekeeping, or girl talk.”\(^{22}\) These principles, and philosophy towards femininity have led girlie feminism being interpreted as a rejection of feminism.\(^{23}\) Aware of this limitation, girlie feminism, its ideals and praxis, will be identified as a legitimate subcategory of feminism.

Elle acts the perfect example of a girlie feminist. Fashion and beauty are important to her, and she sports around 40 hairstyles and just as many outfits during the


\(^{23}\) Jennifer Baumgardner and Amy Richards, “Feminism and Femininity,” 61.
Even her major, fashion merchandising (in which she has maintained a 4.0 GPA) highlights her genuine passion in these typically feminine areas. It is her impeccable GPA and her desire to succeed not only in fashion merchandising, but also as a law school student that come together and define her as a girlie feminist. These “attitudes signaled by her combination of a relentlessly pink wardrobe and equally relentless drive for success” at Harvard help label her as a textbook girlie feminist. The following paragraphs will examine how this theme is seen throughout the film.

The first time in *Legally Blonde* that Elle’s femininity and desire to succeed are seen is in her Harvard admissions essay, where instead of a written essay she submits a video essay.

In the opening scene of her video, Elle is relaxing in a Jacuzzi wearing a glittery pink bikini. The rest of the video follows the same tone. Her voiceover narrates her key skills as she explains why she would be a great addition to Harvard Law School.

My name is Elle Woods, and for my admissions essay I’m going to tell all of you at Harvard why I’m going to make an amazing lawyer. As president of my sorority, I’m skilled at commanding the attention of a room and discussing very important issues. . . . I’m able to recall hundreds of details at the drop of a hat. . . . I feel very comfortable using legal jargon in everyday life.

While she lists her valuable traits that prove her point, she also demonstrates them in her video. Her position as Delta Nu’s president showcases her leadership qualities; in the video, she addresses a table of her sisters about the sorority house’s maintenance staff switching the toilet paper from Charmin to generic. Elle’s quality of recalling details is


shown as she floats in a pool (still in a glittery bikini) as a friend floats by and asks her for information over the latest episode of *Days of Our Lives*. The demonstration of her comfort using legal jargon in everyday life comes in the form of her screaming “I object!” as she is wolf-whistled while walking on campus.

At the conclusion of her video admissions essay the film switches the scene to the admissions committee, which is made up solely of older white males dressed in suits. After viewing her video, the committee is left dumbfounded, unsure of how to respond. The inference that Elle has provided them with something unusual is clear. One man breaks the silence, commenting, “she does have a 4.0 and a 179 on her LSATs.”27 The head of the committee counters that by stating her major is fashion merchandising. Another member maintains Harvard is about diversity, and that there has not been a fashion merchandising major law student before. Elle’s list of extracurricular activities, including “starring in a Ricky Martin music video and developing faux-fur panties for her sorority,”28 are summarized as her being interested in music, involved in charity, an animal lover, and a philanthropist.29 The head of the committee looks conflicted, but finally says: “Elle Woods . . . welcome to Harvard.”30 Elle’s femininity, which deviated from the normal student applications, combined with her genuine academic merits earned her admission into Harvard Law School.

Elle unknowingly uses her femininity to her advantage when she applies for a spot on a professor’s internship. The professor is taking on first year students for his

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28. Ibid.

29. Ibid.

30. Ibid.
internship because of a high profile case he is working on. The resume Elle submits is easily identifiable as hers: it is pink and scented. Using her signature color, she creates a resume that stood out from her competition. This unconventional resume works, and she earns a spot on the internship. Elle applied for the internship was because her determination to win Warner back had waned, and she was focused on being a successful law student. Elle originally went to law school for Warner and not herself; she does it to impress a man who is revealed to not believe in Elle’s ability to be serious and successful. When Elle realizes this, she fully embraces the mantel of a girlie feminist. In her newfound determination, she strives to be successful for herself and to prove her doubters wrong, while still being herself. In doing so, she also advances the girlie feminist philosophy, that a woman can be feminine and professional.

Throughout the film, Elle’s femininity is presented as a hindrance; however, it ultimately proves vital during the Brooke Windham case. When Elle takes overs this case, she has to question one of the key witnesses, Chutney Windham, Brooke’s stepdaughter, who claims she saw Brooke shoot her father. Elle struggles with questioning her at first, but her knowledge of beauty comes to her aid and she is able to disprove Chutney’s alibi. Chutney’s alibi is that she had gotten a perm earlier in the day, then took a shower, and while showering, did not hear the gun that shot her father go off. Elle points out, if Chutney had taken a shower after receiving a perm, her hair would not be curly. This is, as Elle clearly puts it, “the first cardinal rule of perm maintenance,” and as Chutney has confirmed she has received numerous perms so this would be common knowledge for her.31 This leads Chutney to confess she was aiming for Brooke, but

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instead shot her father by mistake. This revelation stuns the entire courtroom, including Elle, but proves Brooke’s innocence and counts as the first case Elle has won.

*Legally Blonde* is successful in proving girlie feminism is relevant and applicable through Elle. She is girly and embraces what femininity offers. When she makes the decision to go to Harvard, she is first doing it to impress Warner, to verify she can be serious. It is when she focuses on succeeding for herself that she overcomes hurdles that kept her law career separate from femininity.

Second-wave feminism argued that, for a woman to be taken seriously, she had to forgo such femininity. This was because feminists of the 1940s, 1950s, and 1960s had grown up in a world that

deprived them of access to male things and enforced their participation in female things. This left them to assume, and thus promote, the notion that to be a ‘good girl’ you had to master ‘boy things.’ That girls should do this while rejecting femininity.32

Girlie feminism, as a subset of third-wave feminism, abolishes that notion. *Legally Blonde* acts as an example of how this can be done. The norms shun attempts to change this – to allow and accept femininity. Elle arrives at Harvard and unknowingly challenges that status quo. The overarching message this provides is that femininity and professionalism can exist in harmony. By reclaiming femininity, this film also challenges the femininity versus competence bind. The film establishes this message of reclaiming femininity, and also brings up the theme of women empowering each other. Sisterhood and empowerment is the next theme this chapter will focus on.

Sisterhood and Empowerment

The concept of sisterhood and women empowering each other is a critical theme that arises in *Legally Blonde*. This theme is constructed to promote and convey the message the women need to empower and lift each other up, rather than attacking and bringing one another down. Characters who adhere to this theme are presented positively, while those who do not follow it are given negative portrayals. The failure of women to support each other is examined throughout *Legally Blonde*, as the film focuses on the issue of solidarity in female relationship. Sisterhood as a theme is tied to the field of feminism because how can women support feminism and all that it encompasses and its goals if they cannot support each other? How can feminists build and maintain a social movement without a sense of connection and belief in other feminists? These questions are relevant to feminism because if women cannot connect and support each other, then feminist ideals are doomed. In order to prove the film’s use of this theme, I will analyze several scenes from the film.

Supportive sisterhood is seen with the characters of Elle, Delta Nu, Paulette, and Brooke. Meanwhile, the female character who does not show supportive sisterhood is Vivian Kensington. Vivian is one of the female peers Elle interacts with at Harvard. She is also hostile and negative towards Elle. Elle wears feminine clothing, which makes her different from Vivian who opts for traditional, dark, professional clothing. Vivian, who serves as the film’s antagonist to Elle, “emphasizes what she has in common with Enid [another female peer at Harvard],” which is the expecting professionalism in

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clothing and personality.\textsuperscript{35} Elle is criticized because she does not share Vivian’s similar second-wave ideas, and it is this problem with feminism that the film “implicitly criticizes . . . primarily for its exclusivity.”\textsuperscript{36} \textit{Legally Blonde} is against this attitude of women discriminating against other women because they do not share the same feminist ideology.

Delta Nu provides the first glimpse of sisterhood and solidarity the audiences sees. The opening sequence is dedicated to showing Elle’s sorority sisters signing a good luck card for her date with Warner that night. When her own parents doubt her capability to succeed as a law student, her sorority sisters do not. They help her study for the LSAT and take part in her video admissions essay.\textsuperscript{37} Elle’s Delta Nu sisters truly want their fellow sister to succeed. Her sisters never demonstrate negativity or jealousy towards her or one another. They embody a supportive sisterhood dynamic at its apex.

Elle’s immediate supportive sisterhood ends when she leaves California and arrives at Harvard where her female peers are critical of her. One Elle’s first day of class, Vivian is the one to agree with Professor Stromwell that Elle should leave the class, even after the friendly smile and hopeful look Elle sends her, expecting help from another woman – as she experienced of sisterhood in California. From Elle’s shocked reaction at Vivian’s agreement with Professor Stromwell to send her out of the room, Elle is not

\textsuperscript{35} Kelly A. Marsh, “Dead Husbands and Other ‘Girls’ Stuff,” 204.

\textsuperscript{36} Ibid.

\textsuperscript{37} \textit{Legally Blonde}, 2001, DVD.
used to this type of treatment from other women. She was expecting Vivian to vouch for her.38

In another scene, Vivian continues to show how little she thinks of Elle, telling her to dress up for a Halloween party. Elle shows up to the party dressed as a Playboy Bunny, but it turns out it was not a costume party after all. She confronts Vivian: “Thanks for inviting me girls, this party is super fun . . . I like your outfit, too. Except when I dress up as a frigid bitch, I try not to look so constipated.”39 Vivian is stunned by Elle’s comment, not expecting her to retaliate as such. This is the first time Elle has actively defended herself against Vivian, instead of simply being kind. This scene also emphasizes Elle’s choice to forgo any female friendships with her Harvard female peers. This is important because the interactions between the two cease until they see each other again as part of Callahan’s internship.

In spite of their negative past, Elle genuinely compliments Vivian’s outfit on their first day of working the internship and Vivian reluctantly thanks her. Interactions continue to be limited until Vivian stops by Elle’s dorm room to review some papers the day before their case goes to court. In an unusual turn, Vivian compliments Elle’s refusal to break her promise to Brooke and not reveal her alibi, “I thought that was very classy of you.”40 The two begin to bond over how Callahan is always sending Vivian to do his secretarial work, such as fetching his coffee, and their experiences with Warner, who does not know how to do his own laundry to which Elle promptly says, “men are

39. Ibid.
40. Ibid.
Clearly both women desire female friends and this leads to Vivian’s change of attitude towards Elle.

Outside of her Harvard class, there is a woman Elle befriends. Elle meets Paulette, a cosmetologist, at Neptune’s Beauty Nook after having a rough morning in Professor Stromwell’s class and learning that Vivian is Warner’s fiancée; Paulette is the first manicurist available in the salon. Their initial interactions establish a lasting friendship, and she becomes Elle’s confidant and her cheerleader. Paulette encourages her to go after Warner because “if a girl like you can’t hold onto her man, then there sure isn’t hell of a chance for the rest of us. What are you waiting for? Steal the bastard back.”

The friendship is positive and both women ultimately benefit from it, despite coming from different backgrounds and social classes. In her own words, Elle grew up in Bel-Air across the street from Aaron Spelling. Paulette describes herself as a “middle-aged, high school dropout who’s got stretch marks and a fat ass.” The contrasts in their backgrounds could not be more different. What is noteworthy is how Elle and Paulette bond despite these differences, while Elle struggles to be accepted by those at Harvard who might share a similar social background, and thus be like her.

Brooke Windham is another woman Elle befriends. Both have several things in common including their Delta Nu sisterhood and being from California. When Brooke recalls who Elle is, the following conversation occurs.

Brooke: Are you one of my lawyers?

Elle: Yeah. Sort of.

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42. Ibid.

43. Ibid.
Brooke: Thank God one of you has a brain.44

Brooke has hired one of the best defense teams that money can buy, but she has more faith in her Delta Nu sister, a first year law student, than the other attorneys. She has more trust in her sister, because of their connection. Elle believes in Brooke’s innocence. Her stance in Brooke’s innocence is confirmed when she learns of Brooke’s alibi. Elle visits Brooke in prison of her own accord bringing a gift basket with her. She then reveals her real purpose of being there to retrieve her alibi, but Brooke hesitates in revealing it.

Brooke: I’ve made my fortune on the ability to perfect women’s bodies with Brooke’s Butt Buster Workout.

Elle: I know! You helped me go from a six to a four.

Brooke: That’s great . . . On the day of Hayworth’s murder [jumbled whispering]

Elle: What?

Brooke: [louder jumbled whispering]

Elle: Huh?

Brooke: Liposuction!

Elle: No! [shocked]

Brooke: I know! I’m a fraud!45

This alibi could ruin Brooke’s reputation for fitness training, while freeing her from the charges. Brooke affirms she would “rather go to jail than lose reputation.”46 Afterwards, Elle refuses to divulge the alibi to the rest of the defense team, which infuriates Callahan and upsets the other attorneys on the defense team. When they ask her to break her

44. *Legally Blonde*, 2001, DVD.

45. Ibid.

46. Ibid.
promise, Elle affirms her stance: “I promised her I’d keep it secret. I can’t break the bonds of sisterhood.” Not breaking her promise to her sorority sister and friend shows the audience just how much Elle values sisterhood.

In *Legally Blonde*, sisterhood and women supporting each other in spite of differences is a prominent theme. Elle’s Delta Nu sisters, Paulette, the cosmetologist, and Brooke, are shown in a positive way. Elle’s Delta Nu sisters are there for her as she works towards law school. Paulette and Brooke are the two individuals who present Elle with the camaraderie that she comes to rely on at Harvard. These two women, Paulette, a high school drop out, and Brooke, a woman in prison charged with the murder of her husband, are not the traditional sources of support for a law school student. Nonetheless, they provide Elle with support and friendship.

Contrast these women with Vivian, who is an adherer to second-wave ideas. She is Warner’s fiancée and is completely unwelcoming to Elle. She belittles her and shows contempt for her because she is different and does not present herself as someone who fits the traditional law school student. Part of Vivian’s disdain could be because Elle is a danger to her relationship with Warner. However, eventually the two develop a friendship formed around their common feelings about Callahan and Warner.

What is evident from *Legally Blonde*’s depiction of sisterhood is the concept of women empowering women. In addition to the theme of sisterhood and empowerment, this thesis examines the theme of social ostracizing present within the film.

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47. *Legally Blonde*, 2001, DVD.
Social Ostracizing

An individual’s personal differences can lead to social ostracizing. Social ostracizing is linked to the strategy of dismissal. Feminist scholars Susan Archer Mann and Ashly Suzanne Patterson explain the strategy of dismissal as the “strategy used to control and ostracize the actions of group members that are found threatening.”\(^\text{48}\) This concept is prevalent in *Legally Blonde*. Once Elle arrives at Harvard, she is immediately shunned because she is different from the expected norms, and because she is different, she cannot be trusted.

Vivian leads the group to snub Elle because she does not fit the typical Harvard law student mold. In the film, Elle asks to join Warner’s study group, which includes Vivian. Warner votes to let her join their study group, but Vivian overrides his opinion. The following exchange of dialogue occurs when Elle asks why she cannot join.

Elle: What is this, like an RSVP thing?

Vivian: No. It’s a smart people thing.\(^\text{49}\)

Vivian blithely ignores the fact that Elle has earned her way into Harvard just as she did, and instead degrades her. Elle walks away from the study group, extremely disheartened.

Enid joins in the antagonizing of Elle by calling out

Enid: [mimicking Elle’s voice] Maybe there’s like, a sorority you can join, like.

Elle: If you had come to a rush I would’ve at least been nice to you.

Enid: Is that before you voted against me and called me a dyke behind my back?


\(^{49}\) *Legally Blonde*, 2001, DVD.
Elle: I don’t use that word. You must’ve heard it from Vivian.\textsuperscript{50}

Despite the rude treatment she is shown, Elle does not return it. She still shows kindness in hopes of being shown the same in return, and allowed into the niche her peers have created. This niche of belonging and being viewed as a competent law student.

The problem of Elle fitting in with those at Harvard was foreshadowed earlier in the film. Elle is a California girl, which is different from East Coast personalities. Warner, after their breakup, has this conversation exchange with Elle.

Elle: So you’re breaking up with me because you’re afraid your family won’t like me? Everybody likes me.

Warner: East Coast people are different.

Elle: Just because I’m not a Vanderbilt suddenly I’m white trash? I grew up in Bel-Air, Warner, across the street from Aaron Spelling. I think most people would agree that’s a lot better than some stinky old Vanderbilt.

Warner’s explanation about the difference between West Coast and East Coast people comes true, and fits the strategy of dismissal. The concept of the strategy of dismissal proves that differences and not conforming to expected societal norms could lead to social exclusion, which Elle experiences at the beginning of her first semester of law school. However, she overcomes this hurdle, eventually being elected class speaker during their graduation ceremony.\textsuperscript{51}

In \textit{Legally Blonde} social ostracizing is demonstrated through the snubbing Elle receives from her Harvard peers. Her different view, combined with her personality and outer appearance, make her the perfect target to be ostracized. This ostracizing occurs despite the fact Elle had to earn her way into Harvard just like the rest of her peers. This

\textsuperscript{50} \textit{Legally Blonde}, 2001, DVD.

\textsuperscript{51} Ibid.
social snubbing also brings to the light the double bind critical to this film. Elle’s feminine appearance contributes heavily to her ostracizing treatment from her peers, who support the bind. Eventually, her peers accept her. The next theme this chapter will look at is the role of men in *Legally Blonde*.

**The Men of *Legally Blonde***

As explained in the first chapter, this section will discuss the role men play in *Legally Blonde*. In *Legally Blonde*, Warner, Professor Callahan, and Emmett are the prominent male characters. All three are intertwined with Elle in some way, and are connected to Harvard. Aside from those similarities, all three are distinctive characters with distinctive personalities. Warner and Professor Callahan are initially presented as pleasant figures, but both eventually progress to unlikable characters. Emmett is different from the first two. Throughout the film he acts as the sole male Elle interacts with who does not demean her or sexually harass her. Whereas Warner and Professor Callahan dismiss her capability of being a successful law student, Emmett truly sees her ability to succeed.

Warner is the first male character introduced, and is presented as a suave and charming young man. However, this is a façade that hides his true personality. He is only concerned with himself and his ambitions. It is this logic that prompts him to break up with Elle in the opening scenes of the film. She is tossed aside because she does not fit into his plans for the future, despite her willingness to support his goal of being a “senator by the time he is thirty.”

Using his own words, she is too much of a Marilyn, and he claims he needs a Jackie to perfect the image of a senator. Along with his selfish

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52. *Legally Blonde*, 2001, DVD.
mentality, he is incredibly dismissive of Elle’s ability. He is not seen again until the first day of classes when Elle executes the perfectly crafted run-in with him. On her way to her first class of the day, she sees Warner in the hallway. Her plan is to walk by him without noticing him, which works and when he calls for her attention she plays coy, acting like she forgot he attends Harvard.

Warner: Are you here to see me?

Elle: No, I go here!

Warner: You go where?


Warner: You got into Harvard Law?

Elle: What, like it’s hard?53

Warner is clearly shocked seeing Elle on campus, but further astounded upon learning that she is a student there.

He later meets up with Elle on campus after she has been kicked out of Professor Stromwell’s class. He introduces her to Vivian, who is his fiancée, which essentially destroys Elle’s purpose of following him to law school. Following this altercation, Warner appears again at Vivian’s Halloween party. Elle saves him from an awkward conversation with Enid about the “male domination of language,” and lays out her woes of being at Harvard to him.54 Instead of offering sympathy, Warner tells her that she should do something else instead of being a law student, which greatly upsets Elle. He tells her, that he believes she is not the kind of woman who is capable of being professional; to him, she is only a pretty face.

53. Legally Blonde, 2001, DVD.

54. Ibid.
Warner: You’re not smart enough, sweetie.

Elle: Am I on glue or something? Did we not get into the same law school?

Warner: Yeah, but –

Elle: But what? We took the same LSAT, and we’re taking the same classes.

Warner: I know, but come on Elle, be serious . . . Do something more valuable with your time.

Elle: I’m never going to be good enough for you, am I? . . . I’ll show you how valuable Elle Woods can be.55

Warner, who originally served as her reason to for getting into Harvard Law, becomes the catalyst for Elle’s determination to succeed. His lack of supportiveness forces Elle to give up on winning him back, and instead focus on her studies for herself.

His unlikable persona becomes evident as the film continues. Both of them are placed on Callahan’s internship. Though Elle manages to learn Brooke’s alibi, she refuses to tell the rest of the defense team. Warner tries to coax her into revealing it, prompting the following dialogue exchange:

Elle: I promised her I’d keep it secret. I can’t break the bonds of sisterhood.

Warner: Who cares about Brooke? Think about yourself.56

His comment disgusts Elle, and Vivian who overhears it. It reveals his true nature, and his self-centered approach continues to make itself known, becoming apparent to Vivian, who decides to end their engagement.

At the end of the film, after Elle wins Brooke’s case, Warner attempts to reignite their relationship.

55. Legally Blonde, 2001, DVD.

56. Ibid.
Warner: I just wanted to say that you were so brilliant in there. And that I was wrong. And you are the girl for me.

Elle: Really?

Warner: Yes. Pooh Bear, I love you.

Elle: [playfully] Oh, Warner. I’ve waited so long to hear you say that. [pause, change to serious tone] But if I’m going to be a partner at a law firm by the time I’m thirty, I need a boyfriend who’s not such a complete bonehead.57

His attempt to get Elle back completely backfires, as she no longer wants anything to do with him. The captions at the end of the film further expose his fate: “Warner graduated without honors, without a girl, and without any job offers.”58 The film shows Warner’s unsuccessful future for his ultimately selfish and sexist behavior.

Professor Callahan is the next male character we encounter in the film. He teaches Criminal Law and is the sole male instructor the audience witnesses Elle interacting with. In the latter half of *Legally Blonde*, his role is elevated and he becomes a bigger character, with the film focusing on him and his team’s case. Similar to Warner, he begins the film as a good professor who encourages Elle to apply for his internship. However, his misogynistic behavior is made known towards the later part of the film.

He demotes Vivian to secretarial tasks during the internship, such as fetching his coffee and filing paperwork. Then his sexism is blatantly exposed when he invites Elle to his office one evening under the pretense of discussing summer associate jobs. First, he praises Elle for following her intuition on a lead in the case, then for her ability to gain Brooke’s trust. According to Professor Callahan, the combination of these two give her

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58. Ibid.
the potential to be a good lawyer. As he sits next to her, he slides his hand under her skirt, sexually harassing her.

Elle: Are you hitting on me?

Professor Callahan: You’re a beautiful girl.

Elle: So everything you just said?

Professor Callahan: I’m a man who knows what he wants.

Elle: And I’m just a law student who realized her professor is an asshole.

Professor Callahan: I thought you wanted to be a lawyer.\(^{59}\)

Whatever confidence she had in him is now shattered, and she decides to quit law school because she believes everything she has done was a mistake.

Brooke later learns of his behavior and fires him, replacing him with Elle. Professor Callahan is deeply offended by his client’s decision to replace him with a mere law student, but eventually assents to her demand. He mocks her decision commenting, “Enjoy prison.”\(^{60}\) This jab contradicts his earlier praise of Elle. Knowing this and examining the sexual harassment scene in hindsight, it is apparent Professor Callahan was trying to praise Elle in hopes of having sex with her. Professor Callahan is last seen in a quick glimpse after Elle wins the case. He looks repulsed by the fact the law student who replaced him managed to win the case. Nothing else is seen or heard from his character. Unlike Warner who had a slower transition and revelation of his dislikable personality, Professor Callahan, in one scene, went from likable professor and gifted attorney to offensive misogynist.

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60. Ibid.
In an interesting way, Warner and Professor Callahan are young and older versions of each other. Both are alpha-male archetype characters. Warner has high ambitions, and Professor Callahan has already achieved partner level at a successful law firm. However, both have sexist views. Warner’s are more subtle, and expressed through his belief that a girl like Elle, pretty and embodying femininity, cannot be capable of being in a professional career such as a lawyer; Professor Callahan’s are more overt, with his tasking secretarial jobs to Vivian and harassing Elle. Professor Callahan is what Warner has the potential to turn into: a male with power who hinders women.

The final major male character in *Legally Blonde* is Emmett, who is an antithesis to the characters of Warner and Professor Callahan. He is introduced as a listening ear and advice-giver to a distraught Elle on her first day after she is kicked out of Professor Stromwell’s class.

Emmett: Excuse me . . . are you okay?

Elle: Yeah . . . do they just put you on the spot like that all the time?

Emmett: Professors? Yeah, they tend to do that Socratic method.

Elle: If you don’t know the answers, they’re just gonna kick you out?

Emmett: So you have Stromwell, huh?

Elle: Yes! Did she do that to you, too?

Emmett: No. But she did make me cry once. Not in class, I waited till I got back to my room, but yeah, she’ll kick you right in the balls . . . or wherever, you know? But uh, yeah, she’s tough.


Emmett: Don’t worry though, it gets better. Who else do you have?61

He proceeds to give advice to Elle over all of the professors she has, telling her how to impress or do well in those classes. Their first meeting is cut short by Warner’s arrival, but Emmett makes a memorable first impression by being kind and helpful to Elle.

He is later briefly seen after his introduction as Elle is buying a laptop after the Halloween party incident, when she has decided to give law school her all. Later on in the film, he is formally introduced to Professor Callahan’s team, assisting the defense as an associate lawyer. Where Warner and Professor Callahan are essentially older and younger versions of each other, Emmett is clearly different.

In one contrast, he is consistently supportive of Elle’s education, where Warner demeans Elle, and she is just another pretty face to Professor Callahan. Emmett realizes the potential she has, and shows this with his “Being a blonde is a pretty powerful thing! You hold more cards than you realize” comment.\(^62\) Elle’s peers see her blondeness and femininity as hindrances; he does not. Emmett’s admission is striking and sets him apart because he is a lawyer and male, but the antithesis to these other men.

When Callahan sexually assaults Elle, Happens, Emmett provides condolence and concern for her. He also sticks up for Elle against Vivian’s accusation that Elle was sleeping with Professor Callahan. He even volunteers to supervise Elle when she takes over Brooke’s case, going against his employer and providing Elle the supervisions she needs to officially take over the case.

Throughout the film, Emmett is shown to be a consistent supporter of Elle, willing to take a chance on her when others do not; he sees the potential in her, and her feminine attributes as additions, not limitations. Emmett is a representation of the ideal

\(^{62}\) *Legally Blonde*, 2001, DVD.
male feminist supporter. He demonstrates the equality that feminists seek in the workplace, and his reception towards Elle is an extension of that equality.

In the realm of feminism, a question is often posed: “Can men be feminists? Is ‘male feminism’ even viable?” The question asked is reasonable because if feminism is about “the development of anti-patriarchal culture consciousness” then men’s involvement is seemingly counterintuitive. When asking this question and considering the three male characters analyzed, it becomes apparent that Warner and Professor Callahan are not male feminist endorsers. Instead they belong to the lingering patriarchal problem; they are misogynists. Emmett, however, can be deemed a feminist, and his support of Elle pushes her toward success.

Conclusion

Legally Blonde premiered at a critical time in the third wave of feminism’s timeline. It debuted early on in third-wave feminism’s emergence, and managed to solidify itself as a third wave feminism film. One of the major ideas associated with third wave feminism is its rebellion of what second wave feminism had instructed women to do: to put away feminine likes in order to earn equality. This idea is present within the film through several themes: generational feminist differences, reclamation of femininity, sisterhood and empowerment, social ostracizing, and the role of men in the film. But first, the appearance of double binds needs to be addressed.

Of the five double binds that Jamieson identifies, the femininity versus competence bind is most prevalent. It ties in with the film’s plot. Elle, a young woman


64. Ibid.
with extremely feminine tastes, struggles to be taken seriously because she displays overt femininity. Jamieson explains how this bind is limiting, and *Legally Blonde* shows Elle breaking this bind. This is important because the film effectively demonstrates this bind can be broken, and women can be both feminine and professional. The additional five themes this film examined support the presence of feminism, particularly, girlie feminism.

Generational feminist differences are exemplified between protagonist Elle and secondary character Professor Stromwell. Elle is a young woman who belongs to the group of third wave feminists, while Professor Stromwell, one of the professors she encounters during her time at Harvard, is a second wave feminist. The two women clash with each other, until the later half of the film when Professor Stromwell comes to Elle’s aid with words of encouragement following the sexual harassment she received from Professor Callahan. Ultimately, despite the differences between the two waves of feminism, they share common ground.

Reclamation of femininity, the next theme, lies close to the aforementioned idea of third-wave feminism’s rebellion against discarding feminine accoutrements. Elle is completely in touch with her feminine side. Pink is her signature color and she always styles herself in a feminine way. She eventually works through the challenges that hinder her to prove girlie feminism’s idea that a woman can be feminine and a feminist.

The third theme, sisterhood and empowerment are important concepts to feminism as a whole. Characters who adhere to this idea are portrayed positively, while those who ignore it are portrayed negatively. Feminism needs the support of women working together in solidarity instead of attacking each other for their differences, an idea
that ties back to generational feminist differences. Differences are also seen through social ostracizing, another theme, where Elle is socially snubbed because of her differences.

The role of men is also analyzed because of the role men play in feminism. Two of the male characters, Warner and Professor Callahan, resist feminist ideals and are not misogynists. Emmett, the third main male character, is a feminist supporter and one of the few supporters of Elle.

Overall, the themes examined support the notion that Elle is a girlie feminist, and that this film is a third-wave feminist artifact that highlights girlie feminism. These themes are not the end; two considerations remain. In conducting a rhetorical feminist criticism, the artifact in question should also analyze the construction of femininity and masculinity’s depictions, and be identified as either reinforcing patriarchal structures or resisting said structures.65

Legally Blonde, with its display of a uniquely third-wave feminism in the form of girlie feminism, emphasizes women’s empowerment and solidarity and embraces femininity as good, while challenging the patriarchal ideal that femininity should be reigned in in a professional environment. When Elle arrives on its campus, instead of adhering to its communal norms of discarding pink and other feminine traits and items, she deviates and challenges the requirement of sacrificing femininity in order to be taken seriously. In doing this, she unknowingly challenges the patriarchy. This leads to repercussions, including ostracizing from her peers. Her sole female supporters are Paulette and Brooke, the latter who does not appear until the second half of the film.

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Professor Stromwell is revealed to be an additional female supporter towards the ending of the film. Emmett is her only male supporter.

In addition to depicting femininity in a positive way, *Legally Blonde* challenges patriarchal structures. Showing femininity in a positive light is one way that the film resists accepting patriarchal structure. What is brilliant is how subtly the film manages to do this. Having a main character that is a girlie feminist greatly enhances the film’s resistance to typical patriarchal structures and values. The following theme of sisterhood and women empowering each other strengthens this. The fact the film depicts characters who are against feminist ideals as wrong lends more strength to the argument that *Legally Blonde* is an artifact that challenges the patriarchy.

With this information, two questions posed at the beginning of this thesis can be answered. Third-wave feminism is illustrated in *Legally Blonde* through the dynamic of girlie feminism, which is grounded in the belief that femininity can harmoniously coexist with feminism. And to reiterate, the double bind most prominent is femininity versus competence. The last question, comparing and contrasting *Legally Blonde*’s feminism to *Murder*’s feminism, will have to wait until the end of the thesis.

Having analyzed *Legally Blonde*, this thesis can analyze *Murder*. Before moving onto that artifact, this thesis will use double bind theory to analyze the selected in-between media in the next chapter.
CHAPTER III

THE IN-BETWEEN SHOWS

*Legally Blonde* and *How to Get Away With Murder* are not the only media artifacts that depict female attorneys. With over a decade in between the two artifacts, other television shows and films that focus on women as attorneys exist. To ignore these other artifacts does not provide an accurate analysis of the depiction of fictional female lawyers. This chapter is dedicated to examining the double binds that appear in what will be called the “in-between shows” – the shows that came after *Legally Blonde*, but before *Murder*. The shows selected to be analyzed in this chapter are: *Law & Order: Special Victims Unit, Ally McBeal, The Good Wife, The Practice, Damages*, and *Harry’s Law*. A few of these shows were in the middle of their run when *Legally Blonde* premiered, but are still considered in-between shows. While these shows differ in their plots and genres, they all feature prominent female leads who are often lawyers. How much law is actually practiced, and how realistic the depiction, is up for debate, but not a concern for this thesis. This chapter will briefly examine these shows, while analyzing how the five double binds affect the female characters.

Double binds, which have been discussed in previous chapters, are important for this chapter. Due to the variety of shows and their various natures, it would be challenging to effectively and thoroughly analyze each in-between show. Instead, this chapter will utilize the double binds to examine these shows. Before analyzing the binds in the shows, I will first provide a brief synopsis of each show.
The In-Between Shows

*Law & Order* is the longest-running crime show in American television history, and there are several shows that belong to the *Law & Order* franchise; however, this chapter will focus on *Law & Order: Special Victims Unit*. *Law & Order: Special Victims Unit* (referred to as *SVU* from this point on) is a spinoff of the original *Law & Order* show. Created by Dick Wolf, *SVU* premiered in 1999 on NBC and continues to run to this day. *SVU* focuses on the day-to-day situations facing the New York City police department that investigates sexual crimes.¹

In *SVU* there are many female prosecutors and detectives who appear. However, out of all of them, Detective Olivia Benson, one of the lead characters, has been the longest running character in the show. Though not an attorney, as a detective, her work occurs within the legal realm, as she provides information to the prosecution. Her role, in particular, is crucial in gathering information for the attorneys in *SVU*. Olivia is an iconic character who belongs to one of television’s longest running series. She excels in her work as a detective. This is why she was selected, despite not being an attorney.

The next selected show is *Ally McBeal*, which centers on the titular character, Ally. She is a lawyer who, much like Elle, followed her love interest to Harvard Law School, even though she originally had no interest in law.² She eventually ends up working at a law firm owned by a former classmate, with her old love interest and his wife. All three characters work for the same firm, Cage and Fish.³ The series ran for five

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seasons, debuting in 1997 and concluding in 2002.\textsuperscript{4} David E. Kelley created this series, and is responsible for several other legal shows. What sets \textit{Ally McBeal} a part from other legal shows is that Ally is the “lead and the heroine, and the audience sees the world through her eyes. The show revolves around her, and she is portrayed in a positive light.”\textsuperscript{5} The series has little to do with her legal career and tends to focus more on the personal lives of Ally’s co-workers. Despite the lack of actual work Ally is seen doing, she is still depicted as a good lawyer.\textsuperscript{6}

Unlike the comedic setup of \textit{Ally McBeal}, \textit{The Good Wife} takes a more dramatic tone. The show focuses on Alicia Florrick, a wife who must return to work as a litigator in a law firm to provide for her family after her husband’s imprisonment following a sex and corruption scandal.\textsuperscript{7} The show ran for seven seasons, concluding in 2016. Throughout the series, Alicia has to prove her ability as a lawyer after being a housewife for many years. She also has to face the repercussions following her husband’s scandal.\textsuperscript{8}

\textit{The Practice}, another Kelly creation, is about the five lawyers and one paralegal who make up the Donnell and Associates law firm. The premise of the show is that the firm will “defend virtually anyone who is able to pay. Their clients include murderers, drug dealers, rapists, and racists. In addition, in order to help their clients win their cases,
they often employ methods which appear to violate the rules of professional ethics.” Of the lawyers, there are three women: Ellenor Frutt, Lyndsay Dole, and Helen Gamble. This series ran from 1997 to 2004 for eight seasons total.

The next selected show, *Damages*, ran from 2007 to 2012, on FX having 5 seasons total. Glenn Close plays the role of Patty Hewes, the protagonist of the series and “an amoral super-lawyer.” She is the head of a law firm in New York City, Hewes and Associates. The series focuses on her and her protégée, a younger woman named Ellen Parsons, as they “work on cases dealing with contemporary issues such as insider trading, environmental issues, and banking.” The relationship between the two women also provides the show’s central conflict. Patty is portrayed as an “evil career-obsessed woman,” while Patty is young and naïve, but throughout the seasons starts to mirror her mentor in “becoming cold and calculating.”

*Harry’s Law* is another David E. Kelly show; it premiered in 2011 and ran for two seasons on NBC. Harry (short for Harriet) Korn is the lead character, and is a lawyer who opens up a firm in a shoe store after being fired from her last job. Harry previously


13. Ibid.


15. Ibid.

worked as a patent attorney, but her new firm, established in the Cincinnati ghetto, takes on a criminal defense cases, and the show is focused on these cases.\textsuperscript{17}

These six shows are the artifacts this chapter will examine – the shows that emerged before or between \textit{Legally Blonde} and \textit{Murder}. The double binds, as they appear in each show, will be analyzed. There are five double binds that communication scholar Kathleen Hall Jamieson discusses. These binds are: womb versus brain, silence versus shame, sameness versus difference, femininity versus competence, and aging versus invisibility. The first bind Jamieson explains is the womb versus brain bind, which is the first bind this chapter will examine.

\textbf{Womb Versus Brain}

The womb versus brain bind is grounded in a historical basis. History has labeled women as “bodies, not minds, wombs not brains.”\textsuperscript{18} Women are treated as if their bodies govern them, whereas men are governed by their minds, a concept that is supported with the adage: “[w]here men think, women feel.”\textsuperscript{19} It was believed, according to the conventional wisdom of the nineteenth century, that the brain and the uterus both required energy to work.\textsuperscript{20} Any intellectual activity done by a woman was believed to cheat her uterus

\begin{itemize}
\item \textsuperscript{18} Ibid, 53.
\item \textsuperscript{19} Ibid.
\end{itemize}
of the wherewithal to sustain her health and her ability to reproduce. Those who violated the natural order . . . supposedly paid a price. Their uteruses shriveled, their ability to conceive constricted, and if they reproduced at all, they risked bearing monsters.\textsuperscript{21}

This resulted in the narrative that a woman must choose her brain or her uterus, choosing to be an educated woman or having a family – not both.

Women were eventually able to make the argument that education would make them better wives and mothers, and in turn, this led to a higher percentage of women enrolling in higher education institutions.\textsuperscript{22} Educated women were then able to disprove the long-held belief that using their minds would destroy their health and make their children monsters.\textsuperscript{23} However, women are still the ones who can biologically have children, which leads this bind into a new direction in contemporary times. Women who enter the workforce now have to contend with being a working mother when society persists in “linking a woman’s identity to a man and to the role of mother and homemaker.”\textsuperscript{24} Men do not encounter this problem; they are not defined by fatherhood. Instead, a working mother is expected to balance her career and her family, while men are not held responsible for childcare.\textsuperscript{25} This appears through sequencing, which dictates that a woman earn an education, find a career, then have children, and retire, in that order.\textsuperscript{26} Women who willingly choose the path of motherhood over a career still face hurdles from this bind. A majority of women now work outside the home, and being a

\textsuperscript{21} Kathleen Hall Jamieson, \textit{Beyond the Double Bind}, 55.
\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid, 58.
\textsuperscript{24} Ibid, 61.
\textsuperscript{25} Ibid, 62.
\textsuperscript{26} Ibid, 63-64.
full-time housewife is believed to be less worthy than going out and having a career.\textsuperscript{27} Ultimately, this bind still persists, and also surfaces “whenever women are accused of sublimating their sexuality to benefit their careers.”\textsuperscript{28} There are two of the selected shows this bind appears in: \textit{Ally McBeal} and \textit{The Practice}.

Despite being a Harvard educated woman and successful lawyer, Ally is described as an “anxious, insecure, emotionally unstable, chronically hallucinating, emanciated woman,” who does not want to end up alone.\textsuperscript{29} Ally wants to have a family – in fact, she muses about her family ambitions at one point, wanting to “be rich and to be successful, and to have three kids, and to have a husband who was waiting home for [her] at night.”\textsuperscript{30} However, throughout the show, Ally reflects on the fact that she has chosen the path of a career woman over a family. In one of the most infamous parts of the show, Ally hallucinates the image of a dancing baby. And, as the audience discovers in later episodes, that baby is Ally’s child. A child she worries she may never have. Though Ally never “explicitly identifies her career as a key component of success,” it is evident that she is entangled in the womb versus brain double bind.\textsuperscript{31} She tells one woman, “I am a strong working career girl who feels empty without a man.”\textsuperscript{32} In this case, Ally is the one putting herself in the double bind. She puts the pressure on \textit{herself} to have it all: a career and a family.

\textsuperscript{27} Kathleen Hall Jamieson, \textit{Beyond the Double Bind}, 68.
\textsuperscript{28} Ibid, 71.
\textsuperscript{29} Elizabeth Kaufer Busch, “\textit{Ally McBeal} to \textit{Desperate Housewives},” 89.
\textsuperscript{30} Joan Gershen Marek, “\textit{The Practice} and \textit{Ally McBeal},” 82.
\textsuperscript{31} Elizabeth Kaufer Busch, “\textit{Ally McBeal} to \textit{Desperate Housewives},” 91.
\textsuperscript{32} Joan Gershen Marek, “\textit{The Practice} and \textit{Ally McBeal},” 82.
Ellenor Frutt of *The Practice* faces challenges with this bind, too. Of the three women in *The Practice*, the womb versus brain bind is seen most prominently with her character. The audience gets the “impression she [Ellenor] is often very lonely” and “does not seem to have it all.”\(^3\) Ellenor has a different look from other female lawyers on television. She is “overweight, has bad skin, and a row of earrings circling each ear,” and does not have the same aesthetic Ally did.\(^4\) She is a single woman who is unable to develop a lasting relationship with men for various reasons. In one episode she starts a phone relationship with a podiatrist whom she met “through the personal columns of the newspaper.”\(^5\) Ellenor was afraid to meet him in person because she was afraid he would not like her physical appearance. This turned out not to be the case, but their relationship did not continue. Ellenor ended it, unwilling to settle for the first man to come along.\(^6\)

Another of Ellenor’s failed relationships is with an insurance swindler, whom she rejects when she realizes what he is. Ellenor is presented to the audience as a “competent and complete” lawyer with a good career, but lackluster romantic life.\(^7\) Clearly, in the mind of the writers, it is because she has a career and is intelligent and refuses to settle.

Ally and Ellenor both fall victim to the womb versus brain bind. They cannot be both a strong career woman and happy in love. However, their respective shows display this bind in different ways. Ally is the more obvious representation of this double bind. She wants her career and a family, but she is depicted throughout the series as being

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34. Ibid, 78.

35. Ibid, 79

36. Ibid.

37. Ibid.
unable to have both. She is aware of this, too, and knows she should be happy with her
career and not cling to the idea of needing a man and yet she does. Ellenor is similar in
that she is a successful lawyer, albeit one who does not have the same success with her
personal life, though she is dissimilar in that she is not considered attractive in the same
way Ally is. 38 She is consistently single, with failed romantic relationships. Both women
are successful career women, but are portrayed as lacking in their private lives.

The idea of “hav[ing] it all” is inconsistent with this double bind. This criterion is
dominant for “evaluating women lawyers . . . [to determine] whether they can have a
fulfilling professional and personal life.” 39 We see this bind existing in both medias. Both
television shows do not depict this bind as being broken. Where this bind examines the
family versus career route, the next bind tackles women and speaking.

Silence Versus Shame

The next bind is the silence versus shame bind. Associated with this bind is the
concept that a woman has two options: “[b]e quiet and submissive, or suffer public
shaming.” 40 For a woman to speak out meant that she was venturing to the public sphere,
where she should not be. 41 Women who did enter the public sphere, and speak out were
given labels as whores, hysterics, and other unfavorable titles. This concept goes back
centuries solidifying the idea that “silence was the outward sign of submission to
appropriate authority.” 42 In this case, women needed to be submissive to men. Womanly

39. Ibid.
40. Kathleen Hall Jamieson, Beyond the Double Bind, 82.
41. Ibid, 86.
42. Ibid, 80.
speech was even believed to be “personal, excessive, disorganized, and unduly ornamental;” in contrast, a man’s speech was “factual, analytic, organized, and impersonal.”43 This differentiation deepened this bind’s hold. However, this bind affected women in the public sphere, not the private sphere.

The private sphere was the home. It was in the private sphere that it was acceptable for a woman to communicate for her family, which stems from feminist theory. By taking on this role, women “developed facilit[ies] in private forms of communication as conversation, storytelling, and letter-writing.”44 In the private sphere, women cultivated the socially acceptable forms of communication employed to nurture the young and preserve the family. Conciliation was the mother’s role, storytelling her province, conversation with those invited to the home, an acceptable intellectual outlet, letter-writing usually socially approved, occasionally mandated.45

Women then could be heard, but it was constrained to the private sphere, away from society.

This bind is centered on the need for a woman to be able to speak, while not being shamed for expressing her own ideas. When a woman does speak publicly, she should not be labeled as “emotional” or equally unfair titles. Examples of this bind are seen in The Practice and The Good Wife.

Actress Lara Flynn Boyle plays District Attorney Helen Gamble, one of the three women lawyers on The Practice. Helen is depicted as an extremely capable lawyer, who

43. Kathleen Hall Jamieson, Beyond the Double Bind, 86.
44. Ibid, 95.
45. Ibid, 93.
puts her career and professional life first.\textsuperscript{46} For example, in one episode she takes a case where the opposing council is her romantic interest. The case is about a teenage boy who murdered his mother, but because of his age and the case, the boy can be tried as either a minor or an adult. Helen takes the side to convince the jury to try him as an adult, against her romantic interest, Bobby, who is persuading the jury to try the boy as a minor.\textsuperscript{47} Bobby is the lawyer who is “sympathetic to the needs of the child.”\textsuperscript{48} In this episode, Bobby adopts the tone that women are typically characterized with – he is emotional and thinking with his heart. Helen, however, is the opposite and is “unemotional and analytical.”\textsuperscript{49} Helen’s approach is expected from a male, not a woman. This indicates a breakage with this bind. Thus, the silence versus shame bind is seen, but in a reversal with the man as the expressive speaker, and the woman the serious speaker. Further proving the weakening of this bind, Helen does not receive any shame for the manner she speaks in. In this example, The Practice depicts what this bind looks like when reversed.

The next show, The Good Wife, is premised on a wife returning to work after her husband is sent to jail for a public sex and corruption scandal.\textsuperscript{50} During the opening scene of the pilot episode, Alicia Florrick, the main character, assumes the role of the obedient wife, is standing silently behind her politician husband during a press conference, who

\textsuperscript{46} Joan Gershen Marek, “The Practice and Ally McBeal,” 80.

\textsuperscript{47} Ibid, 81.

\textsuperscript{48} Ibid.

\textsuperscript{49} Ibid.

\textsuperscript{50} The Good Wife, IMDB, http://www.imdb.com/title/tt1442462/?ref_=nv_sr_1.
has been caught in a high-profile sex scandal. English scholar Suzanne Leonard analyzes this opening scene, which depicts Alicia as the compliant wife and victim. After the press conference, and out of the view of the news cameras, Alicia is shown slapping her husband across the face, and “[i]n doing so, the would-be victim transitions into the star of the show.” This scene hints that as a politician’s wife, Alicia had to play her role in the public eye and remain silent, but in the private sphere, she is able to speak clearly.

Wives of politicians involved in high profile sex scandals are shown as “less powerful individuals due to their subordinate social and professional position,” but inevitably “become a part of the event’s scandal and media narrative.” Alicia falls into that characterization, but *The Good Wife* uses this to her advantage. The show “draws attention to such female behaviors as deliberately strategic responses, wherein the wife’s silence is to her own benefit.” By staying silent in public, she saves herself from being labeled with a shameful title. Alicia plays the role of a silent housewife, but she has control over this image as her actions speaker louder than her words. Thus, this bind is seen working, but not in the way expected, and she breaks the silence versus shame bind.

The silence versus shame bind is demonstrated in both *The Practice* and *The Good Wife*. However, it is not depicted in the expected way. In *The Practice*, the woman

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52. Ibid.
53. Ibid.
is shown as the one who is the unemotional speaker, while the male character is the one who is too emotional. In *The Good Wife*, Alicia’s silence is treated as a strength. This bind exists in both series, but not in the expected manner, and these two shows indicate a possible change or breakage of this bind. The next bind to be addressed looks at another problem: the treatment of men and women.

**Sameness Versus Difference**

In her book, *Beyond the Double Bind*, Jamieson poses a question central to the sameness versus difference bind: “Should men and women be treated as if they are the same? And if so, when?” The sameness versus difference bind is clear that there are physiological differences between men and women, but argues this should not affect the treatment between them. Different treatment can lead to different results, but the same treatment can also lead to different results. Women’s rights activists have “tailored their arguments to their audiences, featuring *difference* to win access to education and the ballot, and *similarity* in their efforts to secure equal opportunity in employment.” The answer to Jamieson’s question, whether women should be treated similarly or different, would depend on the situation, Jamieson concludes.

Cultural and liberal feminism appears at odds within this bind. While both feminist groups agreed that there are biological differences between men and women, where they go from this point differs. Cultural feminism claims that the

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57. Ibid.
resulting [biological] differences dictated that women be given protections denied men. The other school [liberal feminism] held that women’s reproductive capacities did not signal other differences; instead the supposed differences were exclusionary, mere rhetorical constructs crafted by those intent on maintaining a “woman’s place.” Therefore, in every area but reproduction, women and men should be treated as equals.  

Essentially, cultural feminism constructs the argument that because women and men were biologically different, there should be differences in treatment. Liberal feminism takes a different route and argues that the biological differences between men and women should not be cause for different treatment. This bind is seen in *Ally McBeal* and *The Good Wife*.

In *Ally McBeal*, when this bind appears, it seems close to the femininity versus competence bind. Ally faces some resistance as a lawyer because of her clothing choices. She dresses too provocatively for one judge, which gets her in trouble. This episode, as communication scholar Michele L. Hammers says, “provides a direct commentary on the status of the female body.” A judge whom Ally is appearing before holds her in contempt for her outfit, which he deems is too provocative. One of Ally’s co-workers defends Ally, and “drives home the fact that women are marked by a sexual difference that puts them in a precariously balanced professional position.” This example subtly points that out, and how women are judged by a different standard in their professional clothing. Women are held to stricter criteria for acceptable professional clothing opposed to men. In this situation, the argument is that Ally, and all other women, should not be judged differently from their male counterparts when it comes to their outfits at work. This provides one example of the sameness versus difference bind.


60. Ibid, 177.
This bind also appears in the coed bathrooms that appear in *Ally McBeal.* At the law firm, Cage and Fish, there is a unisex bathroom, which creates a lot of hype.61 This kind of bathroom “represents the arrival of a professional arena in which men and women are treated theoretically the same.”62 However, when it first appeared, it was thought of as weird and vile, even by the actors and actresses.63 Within the show though, business was conducted in both the bathroom and the conference room.64 The unisex bathroom broke barriers that treated men and women differently. By creating a coed bathroom, *Ally McBeal* created some equal ground for both men and women, which is how the sameness versus difference bind is broken in this example. This bind also appears in *The Good Wife.*

When this bind appears in *The Good Wife,* it is depicted with the hesitance Alicia is shown upon returning to the workforce. She became a housewife because of the biological ability that made her a mother and housewife. The physiological difference of being a woman is partially what kept her away from the workforce. Another factor was her taking on the mantle of “the good wife” and being by her politician husband’s side. Throughout the series, Alicia is shown as a “capable laborer,” indicating that she is more than capable returning to work as a lawyer.65 However, this is hindered because she spent significant time as a mother and wife.


62. Ibid.


64. Ibid.

This sameness versus difference bind is shown in the above shows, but is not overt. The subtle depiction of this bind in the shows does support notion that this bind still exists. While this bind examines sameness versus difference, the next bind examines a woman’s option to be feminine or competent.

**Femininity Versus Competence**

At the core of the femininity versus competence bind is the belief that a woman can either be feminine or competent, but not both. This bind “expects a woman to be feminine, then offers her a concept of femininity that ensures that as a feminine creature she cannot be mature or decisive.”\(^66\) By accepting femininity, a woman is deemed immature. In order to be thought of as competent, she must shun feminine accoutrements. Even characteristics and traits that are categorized as masculine are “associated with mental health and psychological maturity,” while feminine ones fall into categories “inconsistent with maturity and primarily negative [which includes] being easily influenced, emotional, and illogical.”\(^67\) This dichotomy encourages the bind because of human nature’s “tendency to think in dichotomies characterized as masculine or feminine.”\(^68\) A woman deviates from the female norm of femininity while exceeding or falling short of the masculine norm of competence. She is too strident and abrasive or not aggressive or tough enough. Or, alternatively, she has succumbed to the disabling effects of the feminine stereotype of emotionalism.\(^69\)

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67. Ibid.
68. Ibid, 121.
69. Ibid.
With this, a woman faces a no-win dilemma. Either she can choose to be feminine, or she can choose to be competent, but she cannot be both.

Psychologists label masculine traits as instrumental, and feminine traits as expressive.\textsuperscript{70} This is the result of a study from the 1970s. Men and women designated adjectives they thought “more desirable in one sex than the other.”\textsuperscript{71} This led to certain traits being associated with masculinity and others with femininity. Masculine traits, because of their definition as instrumental, are traditionally associated with the public sphere, while expressive traits are associated with motherhood.\textsuperscript{72} History adds to this with coverture, the practice of men, typically husbands and fathers, legally representing women, contributing to the idea that man is the standard a woman is held to.\textsuperscript{73} Comparing women to men goes back to the previous sameness versus difference bind. Femininity needs to be abandoned in order for women to be considered competent as their male counterparts. This is explicitly seen in \textit{Legally Blonde}, but also appears in \textit{Ally McBeal} and \textit{SVU}.

Ally faces this bind when her fondness for wearing miniskirts lands her in jail. This issue is reflective of the modern professional woman: “Do I want to be \textit{loved} (as a feminine, sexy woman), or do I want to be \textit{respected} (as an asexual colleague)?”\textsuperscript{74} As a professional woman working as a lawyer, there is an inherent belief that Ally needs to adhere to wearing “professional” clothes. However, she wears miniskirts, and “[w]ithout

\begin{itemize}
\item \textsuperscript{70} Kathleen Hall Jamieson, \textit{Beyond the Double Bind}, 124.
\item \textsuperscript{71} Ibid.
\item \textsuperscript{72} Ibid.
\item \textsuperscript{73} Ibid, 132.
\item \textsuperscript{74} Elizabeth Kaufer Busch, \textit{“Ally McBeal to Desperate Housewives,”} 90.
\end{itemize}
specifically addressing why short skirts might be considered inappropriate for the courtroom, the male judge in *McBeal* voices the traditional view that professional women should conform to clothing standards that avoid overt sexualization.”  

Ally reveals that she wears short skirts because she likes them, but the judge does not care. It takes another female lawyer Nell, to argue the point that “what should matter is the quality of the legal performance [of the lawyer], not the gender nor the sexualization of the body that is performing.”  

Unlike Ally, Nell is aware of the limitations her gender creates. She emphasizes the fact that “women are marked by a sexual difference that puts them in a precariously balanced professional position.” This episode establishes how this bind still affects women. Ally is subject to being judged on her competence because she likes to wear feminine clothing.

Olivia Benson is also subject to this bind in *SVU*. The act of “[I]nking lesbianism to women who encroach on male preserves is a centuries-old phenomenon, but it has a privileged affiliation with television and its historical circumstance.” This is explicitly seen with Olivia. Actress Mariska Hargitay, who portrays Olivia, began the series with a neutral, slightly masculine appearance accentuated by a short haircut, which could be construed as possibly a lesbian character. However, as the series progresses, Olivia lost her tough appearance and began to look more feminine, including growing out her hair. Hargitay was supposedly “uncomfortable with aspersions cast on her own heterosexuality.

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75. Michele L. Hammers, “Cautionary Tales of Liberation and Female Professionalism,” 175.
76. Ibid, 176.
77. Ibid, 177.
78. Ibid.
by her character’s gender nonconformity and lesbian following, and systematically orchestrated Olivia’s “de-dykification.”¹⁸⁰ In doing this, Olivia ends up adhering to this bind. She would rather keep her femininity than have her sexual orientation question. Gradually adopting a feminine appearance meant Olivia no longer held onto her tough appearance. She unknowingly surrendered her competence for femininity.

These two women in both shows demonstrate this bind. They highlight how this bind operates and how it is a problem. Ally is more feminine than Olivia, wearing miniskirts, where Olivia wears professional outfits for women that are not feminine in appearance. Ally is assumed to be incompetent because she displays her femininity through her apparel. Olivia is not deemed incompetent because she dresses in professional clothing that are not too femininity. The bind applies to both characters and is upheld. The next bind looks at a how a woman’s age affects whether she is seen or not.

Aging Versus Invisibility

The final bind that will be addressed is aging versus invisibility. This bind is heavily influenced by Western society’s stereotypes about aging where older men are characterized as cynical and shameless, but older women are not even given characterizations.¹⁸¹ Jamieson writes:

If judging older people differently creates a double standard, adding gender to the equation multiplies the injustice. Fifty-year-old women, for example, are not seen to be as attractive as their younger sisters, and older men are thought to be more attractive than older women.¹⁸²

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¹⁸¹. Kathleen Hall Jamieson, Beyond the Double Bind, 146-47.

¹⁸². Ibid, 147.
Examples are seen through media, with a scarcity of older women in all genres. Even in commercials, older men are distinguished, while older women are hidden or are non-existent. This supports the notion that middle age makes men attractive, but the same cannot be said for women. This stereotyping “sabotages our sense that growing older is a natural part of human existence.” Women are hurt doubly by this bind. Aging forces them to disappear, or cause them to be presented in an unflattering way, unlike older men.

A slight exception of this bind is seen with the grandmother archetype. The grandmother is “an extension of the wife and mother role, traditionally held to be acceptable for women.” Older women in leadership positions adopt this appearance, “capitalizing on [its] positive associations.” All this information culminates in the bind’s basis: a woman can age, but needs to be invisible. This bind is played with in *Harry’s Law* and *Damages*.

Harry (Harriet) Korn is an older woman who opens up a tiny law office in the ghettos of Cincinnati in an old shoe store after being fired from her former firm. A former patent lawyer who has lost interest in that, she is now a lawyer defending the accused. Harry is described as a “positive lawyer role model.” Despite her grouchy personality, as a lawyer she is “tough, skilled, and tenacious,” and cannot be intimidated.

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84. Ibid.
85. Ibid, 160.
86. Ibid.
88. Ibid.
force to be reckoned with and does her best for her clients. Harry does get emotionally involved with her clients, and in one instance accepts payment in the form of $26 dollars worth of quarters.\(^9\) Harry often ends up successfully defending clients who are most in need of her no-nonsense personality and ability to identify the positive in other people.\(^9\) Harry’s skill as a lawyer is readily established but what makes her different from other fictional female lawyers is her age.

Portrayed by actress Kathy Bates, it is evident that Harry is not a young woman. She is older and experienced. According to the aging versus invisibility bind, Harry is not the expected character to lead a show. *Harry’s Law* and its titular protagonist break this bind. As a character “Harry is a large woman, not sexually involved with another but a force . . . she’s an androgynous figure who is visible in whatever environment she inhabits.”\(^9\) Harry also does not adopt the grandmother archetype to be liked; rather she shirks and avoids it. Though she is a good woman, she has the tendency to “hide her compassion with humor and sarcasm,” which creates her grouchy persona.\(^9\) The second television show this bind will examine is *Damages*.

*Damages* follows Patty Hewes who is an antithesis to Harry when it comes to appearance. Myrna A. Hant, a scholar of women’s studies, describes Patty’s character as thin, attractive, and stylish, noting how she “is precisely adorned with earrings.”\(^9\) Patty is also “unrelenting in her ruthless endeavors to control all situations,” and is “tough, smart,

\(^8\) Michael Asimow, “When Harry Met Perry and Larry,” 89.

\(^9\) Myrna A. Hant, “Feminism Comes of Age on Television,” 14.

\(^9\) Ibid, 15.


\(^9\) Ibid, 15.
strong, and feared.” Her foil comes in the form of her protégée, Ellen Parsons. The show could be labeled a “scarier version of The Devil Wears Prada with Close instead of Meryl Streep.” Even with two female characters, this chapter is focused on examining the character of Patty.

Glenn Close is the actress who plays Patty, and it is obvious that she is not a young woman. However, she is “an example of a fit older woman whose physical ailments play no part in her persona. . . . She is never invisible but always scheming to win.” She is also not an asexual character, but “projects the image that overt sexual behavior is inappropriate in the work world.” With her character, the audience sees an older woman, but a powerful and visible woman. This is important as it supports the idea that Damages has broken the aging versus invisibility bind. Like Harry, Patty destroys the concept that older women on television have to identify as a mother or a grandmother.

In fact, Patty is a mother, but she is not motherly. She confesses to Ellen at one point: “Don’t have kids. They ruin your ambition. You can leave husbands, but you can’t leave kids. Kids are like clients; they want all of you, all of the time.” This bold confession further breaks this bind and assumption that children for older women are the “essence of their identities.”

94. Myrna A. Hant, “Feminism Comes of Age on Television,” 15.
95. Jamie J. Weinman, “Cruella De Lawyer,” 64.
96. Myrna A. Hant, “Feminism Comes of Age on Television,” 16.
97. Ibid.
98. Ibid.
99. Ibid.
100. Ibid.
Both television shows manage to avoid giving in to this particular bind. Harry and Patty exist as two of the few women on television who can serve as an example of a successful, older female, positive lawyer role model. Though *Harry’s Law* series ended after two seasons, and *Damages* was limited to five seasons, both were able to provide a different type of lawyer. Harry Korn and Patty Hewes are no Ally McBeal, but that is a good thing.

**Conclusion**

Research on these in-between shows would label most of them as feminist friendly. These shows each provide unique characters whom regularly face and challenge stereotypes against them. Yet these shows still depict the five double binds Jamieson identifies in her book, *Beyond the Double Bind*.

The womb versus brain bind works with the logic that women are governed by their bodies as opposed to their minds. The result is that women can either be intelligent or have children, but not both. The next bind, silence versus shame, establishes that women who do speak out in public will be shamed. Sameness versus difference, the third bind, argues that women are treated to different standards than men. The fourth bind is femininity versus competence and demands that a woman be feminine or competent, but she not both. The final bind, aging versus invisibility, argues that as women age they are less likely to be seen – they become invisible. Examples of the five binds are illustrated in the selected shows. The manifestation of these binds in each show either agrees with the bind, or resists it in some way. This chapter has identified that the womb versus brain bind is present in *Ally McBeal* and *The Practice*. When it comes to the next bind, silence versus shame, it is present in *The Practice* and *The Good Wife*, but not in the expected
manner. Sameness versus difference as a bind is demonstrated in *Ally McBeal* and *SVU*. Then the aging versus invisibility bind is broken in the shows *Harry’s Law* and *Damages*.

The reality of these binds is true shows feminism still has a way to go. At the same time these shows were airing, third-wave feminism was developing and beginning to take root. Because of that, these shows hold some inherently third-wave feminist characteristics.

Jamieson offers steps for overcoming these double binds. One possibility is to reframe the double bind and see it for what it actually is.\(^{101}\) Reframing the bind “invites an audience to view a set of options from a different perspective and confront the fact that the options offered are false.”\(^{102}\) Recovery is another option. This step focused on the accomplishments of women’s lives, which are just as important as men’s.\(^{103}\) Other ways to overcome double binds including reclaiming language and recasting. These alternatives assist in changing how language is used and “recast[ing] words used to disqualify into terms denoting qualification”\(^{104}\) Language, Jamieson writes, “is a tool that changes our focus and our perceptions.”\(^{105}\) With Jamieson’s advice, and as demonstrated within several of the selected shows, it is possible to break these double binds.

Overall, it can be argued that progress is being made in acknowledging double binds still exists, and that work is needed to overcome them. Having examined all five

\(^{101}\) Kathleen Hall Jamieson, *Beyond the Double Bind*, 190.

\(^{102}\) Ibid.

\(^{103}\) Ibid, 191.

\(^{104}\) Ibid.

\(^{105}\) Ibid.
binds in this chapter, this thesis will move onto analyzing its last artifact, *How to Get Away With Murder*. 
CHAPTER IV

HOW TO GET AWAY WITH MURDER

The length of time between *Legally Blonde*’s theatrical premier and *How to Get Away With Murder*’s debut on ABC is thirteen years. As discussed in the previous chapter, other television shows premiered during this timeframe, including some that feature lawyers or focus on the realm of the legal profession. However, *Murder* stands out from its predecessors because of the hype preceding its debut, as well as the popularity following its airing. Writer Tim Stack comments on *Murder*’s success in a time “when audiences are fleeing network TV for more provocative cable fare, this twisty, sexy series . . . goes for broke with healthy doses of violence and sex.”

Executive-produced by Shonda Rhimes and her production company, ShondaLand, *Murder* has pushed television’s boundaries, while still keeping its audiences hooked. In addition to being a popular television show, *Murder* provides examples of third-wave feminism, in particular, intersectionality.

Intersectionality is a subcategory of feminism from the third wave, and its purpose is to be inclusive of all women. This chapter will explore *Murder*, and how it corresponds to feminism, with emphasis to intersectionality. The first season, which is composed of fifteen episodes, will be analyzed to examine how feminism. Several themes arise from analyzing the first season of *Murder*. These themes are: character diversity,

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women in male-dominated professions, sexism, slut-shaming, and finally, how the men of *Murder* have an impact on feminism shown within the series. The presence of double binds within this artifact will be studied, too. In order to thoroughly analyze the themes and double binds, an explanation of the series’ first season is vital.

**Synopsis of Murder**

Several characters make up the main cast. The main character is Annalise Keating, a criminal defense lawyer and law professor. There are Annalise’s two employees, Frank Delfino and Bonnie Winterbottom, who are important characters, too. Her five intern students, Wesley “Wes” Gibbons, Connor Walsh, Michaela Pratt, Asher Millstone, and Laurel Castillo, are the last group of major characters. The overarching plot of season one focuses on this cast of characters as they become entangled in two murder cases. The first murder case we see concerns Lila Stangard, a Middleton University student with whom Sam Keating, Annalise’s husband, was having an affair. She disappeared prior to the show’s beginning, and is later found dead in her sorority’s water tower. An investigation into her death begins early in the season, attempting to discover who murdered her. The second murder we see is of Sam. Unlike Lila’s death where the murderer is unknown, the audience knows who is responsible for Sam’s murder: Wes, Connor, Laurel, and Michaela. The season follows them as they deal with their actions and repercussions.

The first nine episodes operate through flash-forwards and flashbacks, jumping from the past to present day. The remaining episodes operate in the present. The amount of time the audience spends in the flash-forwards and flashbacks grows progressively shorter, until the present time is reached and no more flash-forwards and flashbacks are
required. Various clients that Annalise represents, and the Lila Stangard case, are the focal points of the first nine episodes. The remaining episodes focus on Sam’s murder and the aftermath that it entails, but other client cases are still present.²

The first episode, “Pilot,” starts in Annalise’s class, Criminal Law 101, which is colloquially referred to as “how to get away with murder,” an obvious homage to the show’s title. By this episode’s end, Annalise chooses Wes, Connor, Michaela, Asher, and Laurel to be her five interns. The last scene in this episode happens in the present. Secluded in the woods, Wes, Connor, Michaela, and Laurel have decided to burn an unidentified body. In the final shot, the deceased is revealed to be Sam, Annalise’s husband. Sam’s body also raises the questions such as how did Sam die, and why are the four interns burning his body?³

The season culminates with the audience getting closure on all the major stories. The mystery of who killed Lila is finally revealed to the audience: Frank is responsible for murdering Lila on Sam’s orders. However, this information is not given to the interns or Annalise, who still suspect that Rebecca Sutter is responsible for Lila’s death. Rebecca lives in the apartment next to Wes. As the truth is slowly revealed, she was Lila’s best friend, but on the night of Lila’s murder, Rebecca was having an affair with Griffin O’Reilly, Lila’s boyfriend. Her involvement in the Lila Stangard murder trial is complicated and convoluted. Rebecca finally tells her side of the story, and how she is innocent, but she is mysteriously murdered and left in Annalise’s basement. Annalise and

². How to Get Away With Murder, 2014, Netflix.

³. Ibid.
Frank discover her body and both assume the other had killed Rebecca. When that is not the case, it creates a cliffhanger ending to be addressed in season 2.4

The Rhetorical Situation

*Murder*, as previously explained, belongs to ShondaLand Productions. ShondaLand is the production company of Shonda Rhimes. Television shows from ShondaLand feature on ABC on Thursday nights, on what it termed “TGIT” – “Thank God It’s Thursday.” But unlike other ShondaLand shows, Rhimes did not create the show. Her protégée, Peter Nowalk, did. Despite this difference, *Murder* has the same target audience as other ShondaLand shows. *Murder* is still currently in production, and its context and content is relevant to the current time. The show brings up issues and cases that are contemporary, and that its audience is familiar with.

As explained earlier, several themes arise from this television series, which support the questions this thesis aims to answer. The analysis of *Murder* will answer the questions posed at the beginning of this thesis. How is third wave feminism illustrated in this series? And second, how do double binds appear in this artifact? Before analyzing these themes, this chapter will first look at how the double binds appear before moving onto the themes identified.

Double Binds

The most prominent bind present in *Murder* is the sameness versus difference bind. This particular bind is demonstrated by the norms in the world of *Murder*. This bind tackles the question of whether women and men should be treated differently or the same. This bind is applicable to this artifact, as the world of *Murder* treats both men and women to the same standard.

The world of *Murder* has different norms concerning women and men than the “real world.” The world of *Murder* treats all characters according to their caliber, as opposed to their gender. Women are portrayed in high-ranking positions and are respected, and diversity is the norm. This puts women on an assumed equal framework as men. When a character, such as Annalise, is questioned for her decisions in her work, it is not because of her gender, but because of her logic. By treating women characters the same as male characters, an environment of equality permeates the series. Though the sameness versus difference bind is most noticeable within this series, this chapter will touch upon the other four binds.

One of the other binds is womb versus brain. The womb versus brain bind is not present within *Murder*. This bind presents women with the options of being a mother or a professional, but not both. It creates an unfair dichotomy that limits women. It is not relevant to the plot, and does not affect the female characters, which is why this bind does not appear. The second bind examines a different limitation for women.

The silence versus shame bind is the second bind. Like the previous bind, it is not present in the series. It is possible that this bind could be considered broken. The crux of this bind argues that women should not speak publicly. A woman’s role is limited to the private sphere of the home. If a woman does speak outside the private sphere, she opens herself up to being publicly shamed. With the positions women hold in *Murder*, as lawyers and judges, the audiences sees them speaking publicly and facing no shame. It is possible this bind is broken. However, this bind is not the focus of this chapter, so we will move onto the next bind.

The femininity versus competence bind, as with the womb versus brain is not present. This third bind decrees that a woman can be feminine or competent and mature, but not both. However, if a woman falls short of the “masculine norm of competence” she becomes “too strident and abrasive or not aggressive or tough enough. Or, alternatively, she has succumbed to the disabling effects of the feminine stereotype of emotionalism.” This bind presents women with unfair options. This bind is not applicable, as it does not appear within the plot. Female characters in Murder do dress femininely, albeit not to the extreme of Elle Woods, but they do not face discrimination.

The last bind is aging versus invisibility. Again, this bind is not relevant to the plot, but like silence versus shame, it could be broken within this series. It should be noted that Annalise is an older woman. She is far from being elderly, but the audience can estimate she might be middle aged, judging from her experience as a lawyer. She is still desirable and is shown having an active sex life, demonstrated with the affair she has with her boyfriend. As communication scholar Kathleen Hall Jamieson writes, “[p]owerful men are sexy [and] sexy women are powerful, and these propositions are not at all the same. If middle age can confer power and increased sex appeal on men, in women the reverse is held to be the case.” We see the reverse being upheld. Annalise is definitely a powerful woman, so to see her still being admired suggests this bind has been broken. However, this bind is not the emphasis of this chapter.

These binds are all important, but this chapter will focus on the sameness versus difference bind, as it is the most relevant to this television series. As the themes in this

6. Kathleen Hall Jamieson, Beyond the Double Bind, 121.

7. Ibid.

8. Ibid, 151.
chapter are analyzed, the sameness versus difference bind will be referred back to. The first theme this chapter will begin to examine is diversity and intersectionality.

**Diversity and Intersectionality**

One of the noticeable aspects of *Murder* is the diversity of its cast, and how it breaks from stereotypes and expected social norms. This allows for the sameness versus difference bind to be expressed. It accounts for differences in how female characters are portrayed compared to the male characters in this television show. Annalise, the lead character, is a black woman. Her two employees and husband are all white. Of her other interns, Wes and Michaela are black, Laurel is Hispanic, and Connor is gay. However, race and sexuality are not projected as issues in the show. It is this diversity that separates *Murder* from other shows that have white, heterosexual casts. The diversity of the cast is important because of intersectionality’s aim to be inclusive of women who have previously been left out of feminism. Previous feminism had a narrow and specific class of women it focused on. By including a diverse cast of female characters, feminism can be extended to women historically left out.

The definition of the word intersectionality is a clear indication of this feminism’s purpose as it refers to the “interaction between gender, race, and other categories of difference in individual lives.” Intersectionality originates from feminist and womanist scholars of color pressing the position that most feminist scholarship at the time was about middle-class, educated, white women, and that an inclusive view of women’s position should substantively acknowledge the intersections of gender with other significant social identities, most notably race.

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It is the inclusivity aspect of intersectionality that makes it relevant to *Murder.* Female lawyers have been shown on television and films many times in the past, such as *Ally McBeal, Law and Order,* and *Legally Blonde.* Yet the depiction of female lawyers in these previous films and television shows is different from the portrayal of Annalise. The main reason for this is because of Annalise’s skin color. Annalise is black, where the other shows had female lawyers who were white. But like her predecessors, Annalise is an accomplished lawyer. Annalise sets a new standard as a black female on television. She is educated and appears to be wealthy, having her own business and working in a profession that is notorious for paying well.

Viola Davis, the actress who portrays Annalise, follows actress Kerry Washington as a leading black woman on a television series. Washington is the lead in *Scandal,* another ShondaLand show. Davis’ performance as Annalise has earned her an Emmy in the category for Outstanding Lead Actress in a Drama Series. When Davis won this award it was significant because she became the first black woman to win it, ever.

In the series, Annalise demonstrates her skill as a lawyer and a professor from the moment of her introduction. Her actions define her as a professional woman who is both confident and successful in what she does. On the first day of class she assigns her students the task of coming up with a defense strategy challenging them if they can beat hers: “you will have one minute to present the best defense for the case. See if you can beat my current plan.”

Additionally, there are other ways this series demonstrates character diversity and the breaking of expected norms. For example, consider the female interns. Michaela and Laurel are both women and minorities who were accepted into Annalise’s internship.

Again, the inclusion of two female interns is not unique, but their diversity boosts Murder as a supporter of intersectionality. Laurel is Hispanic; her family, as shown in one episode, is extremely wealthy – though the relations are strained. Michaela’s family is never seen, but she mentions coming from a “backwater bayou” environment during a conversation when she breaks off her engagement. This subtle remark is a possible explanation for why Michaela carries herself confidently, to hide her family’s background. If Laurel and Michaela were educated, white women, feminism would intrinsically be inclusive of them; but they are minorities, which changes the situation. The show has them as important characters, which relates to the inclusivity aspect of intersectionality. By treating diversity as the norm, Rhimes and Nowalk are ultimately establishing the world of Murder as one where diversity is the status quo, separating it from the world of the audience. The next theme sees women in male-dominated professions.

**Women in Male-Dominated Professions**

Murder is great at showing women working in typically male-dominated professions. Women holding positions in male-dominated professions are shown throughout the series. Frequently, women are depicted as judges and lawyers in the show. What drives this fact home is, again, how women in these positions are treated as the norm. There is no presence of white, male privilege, only privilege for those who work hard. Women make up more than “50% of the workforce in the United States,” but they

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still “lag behind men as far as representation in the top tiers of the American workforce.”\textsuperscript{13} This concept ties into the familiar metaphor of the glass ceiling.

Psychologists Manuela Barreto, Michelle K. Ryan, and Michael Schmitt explain how the glass ceiling is “arguably one of the most familiar and evocative metaphors to emerge from the 20th century.”\textsuperscript{14} Specifically, the glass ceiling is a the “invisible barrier that prevents women from reaching key positions in corporations.”\textsuperscript{15} When a woman is in a top professional position, that can be a dilemma itself because “[a]lthough some women attain top management positions, these relatively rare occurrences are often attributed to tokenism. Tokenism enables organizations to present a distorted illusion of fairness and availability of equal promotional opportunities.”\textsuperscript{16} While the glass ceiling and tokenism are issues, \textit{Murder} avoids this by depicting women in these high-ranking positions as natural. Annalise’s authority is not challenged because she is a woman; she may be questioned, but only because of her actions or logic. Again, this idea is relevant and goes back to the fact that law was historically an off-limits profession for women. If a woman was allowed into the profession, she earned less money and held “less prestigious positions than [her] male counterparts.”\textsuperscript{17} However, in \textit{Murder}, Annalise has her own

\begin{itemize}
  \item \textsuperscript{13} William J. Carnes and Nina Radojevich-Kelley, “The Effects of the Glass Ceiling on Women in the Workforce: Where Are They and Where Are They Going?,” \textit{Review of Management Innovation and Creativity} 4, no. 10 (2011): 70.
  \item \textsuperscript{15} William J. Carnes and Nina Radojevich-Kelley, “The Effects of the Glass Ceiling on Women in the Workforce,” 71.
\end{itemize}
business (a law firm) and her associate, Bonnie, is a woman, too. Thus, *Murder* successfully manages to depict women in the male-dominated professions. The portrayal of Annalise and Bonnie in this manner ties back into the sameness versus difference bind. Their portrayals support the notion that this bind is broken by *Murder*. In examining this theme, we will first focus on Annalise, then Bonnie.

Annalise serves as the first example in this theme. Her reputation and success are renowned, and Michaela, her student and intern, is left in awe and aspiring to emulate her after witnessing Annalise win a case for the first time: “I want to be her.”18 To the public, Annalise keeps up the image of a powerful woman. As a professor, she is known to be tough – or a “ballbuster,” using Asher’s description. She is aware of this reputation.19 Her opening remarks to the students in her class are: “Good morning. I don’t know what terrible things you’ve done in your life up to this point, but clearly your karma’s out of balance to get assigned to my class.”20 She goes on to ask her students rapid-fire questions about a case study, which she reveals is an actual case she is working on. The students are then tasked with presenting the best defense they can to see if they can beat her current plan.21 This is not Annalise being arrogant, but making sure her students know she is not to be taken lightly, as a professor or attorney. She also knows what she is doing and does not like being doubted. For example, Connor doubts her in episode three, “Smile, or Go to Jail,” questioning her ability to successfully defend her client. In response, she takes away the trophy she awarded him in the first episode.

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19. Ibid.
20. Ibid.
21. Ibid.
Bonnie Winterbottom, one of Annalise’s employees, also has her moments of being shown as a female lawyer capable of being successful in the male-dominated profession. Portrayed by Liza Weil, Bonnie is unlike her employer in many aspects, and is depicted lacking the finesse and shrewd skill Annalise has. For instance, in the thirteenth episode of the season, “Mama’s Here Now,” Bonnie takes on a case by herself for the first time. She struggles in the beginning, even having trouble getting the interns to listen to her. The interns do not respond to her the same way they respond to Annalise, which leads to her shouting at them: “Do you talk back to Annalise when she asks you to do something?!” Bonnie later concedes to Frank in the same episode, over a bottle of vodka, that she knows she is no Annalise. As the episode progresses, she wins the case, establishing she is not as inept of a lawyer she appeared to be. However, earlier in the season, in episode five, “It’s All Her Fault,” she foreshadows her capability of being a successful lawyer. In this episode, Annalise and her team are determined to get the unedited video confession of Rebecca, but the police are not giving it to them. Annalise’s team needs the video for their defense, so Bonnie takes it in her own hands to get the video. She visits the police and demands to get Rebecca’s unedited video confession. Bonnie blackmails the police, calling out the errors they have made in the past, and finally the tactic works. Bonnie is no Annalise, but she has her own brand of cunning and intellect, when it comes to accomplishing her job.

It is expected that most of the professions of the characters seen in Murder are in the legal department such as judges as lawyers, and frequently, women are seen in these roles. In episode six, “Freakin’ Whack-A-Mole,” Annalise takes a case to the Pennsylvania Supreme Court. Two of the seven justices are women, and again, this is

treated as the norm. In episode four, “Let’s Get to Scooping,” Marren Trudeau, Annalise’s client, is a woman who came from nothing, but put herself through school “in an industry dominated by men,” and eventually earned ninety billion dollars in her company.\(^{23}\) Marren serves as a non-law-related example of a woman dominating a male dominated profession – business. She is a high-power businesswoman who commands respect from her employees, who she describes as loyal to her and the company.

In the world of Murder, a woman can do anything a man can do. Women are not limited in their roles, and this is how the world of Murder is presented to audiences. This is important because Murder shows a world that is rid of stereotyping and where a glass ceiling that no longer exists. An example of this is seen in episode three, “Smile, or Go to Jail,” with the “Bomb Mom.” The client Annalise represents for this episode is Paula Murphy, who was arrested for pleasuring a man in a park. Always ready with a comment, Asher remarks: “That’s it? Our hot new case is some hooker in a park?”\(^{24}\) However, he is quick to change his opinion when he sees Paula; “That’s not a hooker, that’s a mom.”\(^{25}\) As Paula, Annalise, and her interns and employees are leaving the building, cars swarm them and arrest Paula. We discover that Elena Aguilar is Paula Murphy’s real name, and she is a fugitive wanted for a felony murder in connection with the 1994 bombing of the Financial Institute building. During a hearing, one of the men involved with the bombing says about Elena’s past: “She liked to rage against the wealth machine as much as any of us.”\(^{26}\) Elena appears to be one type of woman – a mom – according to Asher, but then we

\(^{23}\) How to Get Away With Murder, 2014, Netflix.

\(^{24}\) Ibid.

\(^{25}\) Ibid.

\(^{26}\) Ibid.
discover she is responsible for murder. This is not a positive example, because she is a criminal and criminality is intrinsically not good, but corroborates the notion that women are capable of anything men can do— including bombing and murder.

It is through these depictions that *Murder* shows all women, including those outside of the white, educated, and middle-class mold, can effectively hold positions of power. By featuring women in professional positions, such as lawyers and judges, *Murder* embodies the ideal environment where women can hold those positions, while not being questioned because they are women or because of past sexism in typically patriarchal professions. This also accounts for the breakage of the sameness versus difference bind. However, this series also recognizes how feminism is still a work in progress with characters and scenarios that act as an antithesis to feminist ideals. Women might be held back because they are victims of discrimination in the workplace, held back by men, lack experience, or because of stereotyping, such as sexism.27

**Sexism**

Despite the world of *Murder* showing women excelling in male-dominated professions, and showing a breakage of the sameness versus difference bind, sexism is shown as a still existing problem. Anthropologist Ulrika Dahl explains how feminism “lies in views and actions . . . [and] it lies in ‘roles’ and ‘stereotypes,’ attributions of bodies that are learned and thus, presumably, like any ‘role’ are not ‘real’.”28 Dahl explains how patriarchy is defined, and how it creates objectification of bodies,

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particularly women’s bodies. Sara Ahmed, scholar of race and cultural studies, explains how naming sexism when it is identified is helpful in combatting the problem:

We need to give problems their names. Sexism is a problem with a name. . . Sexism is often denied, because it is seen as a fault of perception; something is sexist because you perceive it that way: *you perceive wrongly when you perceive a wrong.* When we put a name to a problem, we are doing something. 29

Calling out sexism, is helping *address* the problem by *identifying* it. Ahmed asserts this belief by explaining

To give the problem a name can be experienced as *magnifying the problem*; allowing something to acquire a social and physical density by gathering up what otherwise remain scattered experiences into a *tangible thing.* 30

Tangibility helps solidify that the problem is a problem. Sexism is a problem also recurrent in *Murder.* It is depicted in several ways throughout the season, mostly through the comments of other characters.

In *Murder,* sexism is depicted in several ways throughout the season. Asher, an intern, is the source of many misogynistic comments. Episode five, “We’re Not Friends,” offers an example of this. The interns are in Annalise’s living room, working on a case, when the following dialogue occurs.

Asher: Does anyone else think Sexy Librarian [a juror] is a lesbian? I mean, she just stares at Annalise’s boobs all the time.

Connor: They are great boobs.

Asher: [smirks and gesture of agreement]

Laurel: Can we all focus, please?


30. Ibid, 8.
Asher: Look, your emotional scorecard is cute [beat] and pointless like a dumb blonde.  

Asher links Laurel’s comment to the sort of comment a ‘dumb blonde’ would make. He enforces stereotyping, that blonde women are unintelligent, and in an attempt diminishes his fellow intern’s credibility. His comment does not stick, but is an example of him contributing to sexism as a problem. Asher serves as a main character who unintentionally perpetuates sexism. His comments are not the sole example of sexism depicted in the series.

Domestic violence is another “a manifestation of sexism.” This manifestation of sexism is seen in the case Annalise takes in episode five, dealing with domestic abuse. Her client, Ryan, is a young man who murdered his father, a police officer. His mother, Sharon, was experiencing abuse from his dad, which is why Ryan killed him. Annalise has her client’s mother take the stand and asks her about the abuse.

Sharon: I’m stupid. I’m worthless. Everything that comes out of my mouth is a lie. That’s what Anthony would say when he would accuse me of sleeping with a customer, my boss, the bag boy.

Annalise: Then what would happen?

Sharon: He’d beat me. Slap me. Punch me. At one time I came home a little late, cause I was covering for this pregnant girl I work with. He kicked me in the stomach, said he’d at least make sure I’d never be able to have a baby again. . . . He said he’d kill me if I did. Said he’d get away with it, he was a policeman, and no one would believe it if he killed his wife. He told me no one would protect me, but someone did. My son saved my life. 

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The wording Sharon uses clearly reveals the darker form of sexism she experienced from her husband. Sharon lived in a system that would protect her husband, not her. She had no options because the system that should have offered protection was biased in favor of her husband. Dahl describes sexism as

> More than an isolated incident . . . it is a material structure upheld and reproduced by cultural beliefs, and it insists on dividing species, humanity and others, into two categories . . . it enforces a system of domination and submission and calls it a natural order.\(^{34}\)

Defining sexism as a system that enforces domination and submission relates to domestic abuse. Sharon was the victim of a sexist system. Her husband was the dominant one and ruled over Sharon, who unwillingly took on the submissive role. In addition to showing sexism, *Murder* shows slut-shaming as a problematic theme.

**Slut-Shaming**

Tied to sexism, slut-shaming is a prominent theme in *Murder*. Sociologist Michael Flood explains how the word slut “is used as a common term of abuse for women, which may have nothing to do with their alleged sexual behaviour.”\(^{35}\) Men who are perceived to be sexually active are labeled with “positive sexual reputations as ‘studs’, [and] ‘players.’”\(^{36}\) This idea highlights the existence of a double standard between men and women who engage in sex outside of a committed relationship. Additionally, this works with the sameness versus difference bind present in *Murder*. It emphasizes how women and men are held to different standards. This theme shows this bind as still existing. Sociologists Rachel Allison and Barbara J. Risman comment on this, explaining

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36. Ibid.
how men who have sex outside the confines of marriage are going to be judged less critically than women who do the same. This difference in treatment creates a double standard, deeming only women as ‘sluts’ and men are enabled a free pass to be as sexually promiscuous as they please.

Slut-shaming appears in the first episode, “Pilot,” with Annalise’s client, Gina Sadowski. Sadowski is charged with attempting to murder her boss by replacing his blood pressure pill with aspirin. Her boss was a married man, and Gina was afraid of becoming “that woman” when she began having an affair with him. The idea of being “that woman” demonstrates the negative repercussions that women face when exposed for having an affair, but men do not face the same social shame. To emphasize this fact, Asher, always ready to vocalize sexist remarks, crudely comments: “I bet she was always that girl,” the implication being Gina has probably been with other men, and this is not her first time being part of an affair. Gina’s boss, Mr. Kaufman, does not face the same social stigma. Only the fact Mr. Kaufman nearly died is important. The fact he was part of an affair is ignored. Asher’s comment exposes the audience to double standard logic, which recurs throughout the season. It is socially acceptable for men to be sexually promiscuous, but it is unacceptable for a woman to behave as such.

In the seventh episode, “He Deserved to Die,” Annalise uses slut-shaming as a reason to receive a gag order for her case. At this point in the season, Rebecca has become her client and is on trial as a murder suspect in the highly publicized Lila


39. Ibid.
Stangard murder trial. Griffin O’Reilly, Lila’s boyfriend, is also on trial. The prosecution is charging both Rebecca and Griffin with murdering Lila. Annalise seeks a gag order to protect Rebecca from the media’s unflattering portrayal of her role in a potential love triangle gone wrong. This is because of leaked information that Rebecca and Griffin were having an affair the night Lila died. This scene allows slut-shaming to be depicted on a larger scale with the media spinning this story to be biased in Griffin’s favor. The media is attempting to portray Griffin as innocent, while putting the blame on Rebecca even though both are being tried for Lila’s murder. Annalise is aware of this, and makes it her rationale in requesting the gag order: “It doesn’t matter who leaked it [the information]. Everyone knows it’s the woman who gets vilified in these scenarios.” The judge, also a woman, grants the gag order. By granting the gag order, the judge agrees that the potential for slut-shaming is an actual problem. In doing this, the world of Murder treats slut-shaming as an actual, tangible problem.

Episode thirteen, “Mama’s Here Now,” is centered on the concept of being labeled a slut. In this episode Bonnie takes a case, in lieu of Annalise, that is focused on the client, Jolene, a nurse, who is accused of raping one of her male clients. Jolene first denies having sex with her patient, but later confesses she was lying and admits she had sex with him. Her defense for lying is that the whole case is humiliating for her, and that it is bringing scandal to her religious parents, but she refuses to be branded a rapist. The case turns out to be fraudulent, but what is interesting about this case is how it portrays a female-on-male rape scenario. Audiences expect a rape case to be male-on-female, which makes this case atypical. Yet the concept of a female raping a male is not ridiculed, and it is treated as real as a male-on-female rape in the world of Murder. This enforces the idea

that women have the same capabilities men do. Bonnie makes the argument that Jolene was targeted because of her meek personality, and that overall the case is “not about sex. This is about power.” This is an argument made by feminists about all rapes. In the episode, Jolene was taken advantage of because she is a meek and mild-mannered woman, and the accusations and reason for why she would have committed the crime would be difficult for her to disprove. Annalise’s mother, when she learns about the case comments that women are not capable of rape; “Other things? Yes. Rape? No.” Her comment exposes an interesting double standard. Annalise’s mother is an older woman who is not a feminist. If anything, her mother is anti-feminist, with strong religious views. During a conversation with her daughter, she explains her view of the differences between men and women: “Men were put on the earth to take things . . . anything they can put they hands on. Women were made to give love, to nurture, to protect, to care for. That’s women.” Her explanation adds to the differing views between mother and daughter when it comes to the capabilities of women and men, and adds to the double standard.

A smaller instance of this is seen with Marren, Annalise’s client and friend in episode four, “Let’s Get to Scooping.” Marren is under investigation for alleged insider trading with another company, Edson Pharmaceuticals. As if the accusation against her were not enough, she initially appears to be guilty of the charge because of an accidental sex tape she filmed with Elias Edson, the CEO of Edson Pharmaceuticals. This might be incriminating evidence, but Marren still believes she is being judged for it instead.

42. Ibid.
43. Ibid.
Annalise tells Marren, “No one’s judging you for making a sex tape. It’s who you made it with.”

While *Murder* shows how slut-shaming and the double standard affect women, it also presents a reversal of it. In episode seven, Connor, who is gay, is labeled as a slut. In the first episode Connor was revealed to the audience as being sexually promiscuous. In episode seven, while in the courthouse, Connor is called out to by a man whom he previously slept with in front of the other interns. Connor remembers the other man’s face, but cannot remember his name. The other man then comments, “And I thought I was a slut,” and leaves. After this incident, Michaela slut-shames Connor, while Asher congratulates him on his sexual escapade. In this short scene, *Murder* takes the negative title of slut, which is usually reserved for women, and applies it to a man. By doing this, *Murder* potentially takes a derogatory label that women have been labeled and reverses it. However, Connor could also be labeled as a slut in part due to his sexuality. So another question, which is not at the center of this thesis, arises. Is Connor called a slut because of his promiscuity, or because of his sexuality? This poses an interesting question, which this thesis is not analyzing.

The earlier examples highlight the slut-shaming that occurs in *Murder*, and also calls attention to the double standard. To reiterate, the double standard limits certain actions and behaviors to men, and believes women are not capable of doing certain actions. This idea refers back to the sameness versus difference bind Jamieson presents. For example, rape is something only men can commit, but the show breaks this double standard and thus no behaviors or actions are limited to either gender. Sociologist

44. *How to Get Away With Murder*, 2014, Netflix.

45. Ibid.
Michael Flood offers this quote on the double standard: “women’s but not men’s sexual behavior is policed and disciplined. There is some evidence, however, that constructions of sexual reputation are shifting,” and this quote is definitely true within the show. By exposing and subsequently breaking this double standard, Murder is able to call attention to the fact that it exists, while dealing with its implications in realistic ways.

**The Men of Murder**

As with Legally Blonde, the male characters of Murder will also be analyzed. This is because men play a role in feminism, and can be supporters or detractors of it. This is why this section is focused on studying the many male characters present in this television show. Unlike the previous artifact, Murder features a larger number of male characters. Wes, Connor, and Asher comprise Annalise’s interns and students; Frank is her employee; Sam is her husband; and Nate is her lover. All these characters are important, and are connected to Annalise in some way. With her interns, Annalise serves as their leader and ultimate protector as she covers up their involvement with Sam’s murder; Frank is her loyal employee; though both were unfaithful to each other, some semblance of affection was shared between Annalise and Sam; and lastly, Nate Lahey was her lover who worked as a cop, and who later on in the season begrudgingly assists her with gathering information for her cases.

Of her interns, Wes is the one who plays a prominent role and has the most screen time. His apartment life, his involvement with Rebecca, and his individual interactions with Annalise are all chronicled and exposed. Despite being waitlisted to law school and unprepared for the case study on the first day, he impresses Annalise and earns a spot on her internship. It is his inquisitive nature that leads to his involvement with Rebecca and

leads to his discovery of Annalise’s affair. However, Annalise comes to rely on Wes to get Rebecca to cooperate with her once she becomes Annalise’s client. Rebecca is difficult to predict, but tends to cooperate with Wes the most. As Annalise explains to him: “You know how to handle her better than anyone.”47 Ultimately, both Annalise and Wes develop an interesting relationship, with him being the one she confides in the most.

Connor and Asher are instrumental to the group. In the aftermath of Sam’s murder, Connor is the one who attempts to keep the other three interns calm. He is also the only gay individual in the internship, but uses his promiscuity to gather information for cases. Connor is often sarcastic and sardonic, and unlike Wes, is shown questioning Annalise behind her back to the other interns. Annalise describes him in the first episode as “a standout in the class, and the one you [the class] should all make it your mission to destroy.”48 He is the one to openly question Wes’ addition to the internship team because he was waitlisted and is incredibly suspicious of the relationship that develops between Wes and Annalise. Asher, unlike Wes and Connor, is the only intern not involved with Sam’s murder, placing him outside the loop and making him a bit of an outsider. He is shown to be the most crude and to make sexist remarks with comments such as “I see a nerdy girl who probably looks hot naked.”49 He also develops a sexual relationship with Bonnie. His character ultimately reaffirms patriarchal ideas, and shows that despite feminism’s advances, sexism still prevails in different forms.

47. Michael Flood, “Male and Female Sluts,” 95.
48. Ibid.
49. Ibid.
Annalise’s male interns respect her and listen to her, even when they do not want to. Wes, is the one willing to listen to her the most. Asher is, also willing to listen, but to a lesser extent. Connor is the most critical of Annalise, but will do as she instructs. The compliance of these male interns is important because it signifies that they are willing to follow a female leader. Not once does one of them raise an issue with her gender. This also extends to her male employee, Frank.

As an associate of Annalise’s, Frank is a bit of an enigma. In his initial introduction he presents himself as confident and believes that “there are such things as stupid questions.” His introduction has him come across as an alpha male character. Annalise reveals she has a high opinion of him, and says, “What Frank thinks, I usually agree with.” He is shown exchanging sexist remarks, especially with Laurel. In the pilot episode he engages in the following dialogue with Laurel after she becomes frustrated because they are representing a guilty client. Frank is aware of her frustration:

We get a lot of smart, idealistic girls who come to law school to help the less fortunate, only to take a corporate job after graduation, which they then quit the second they get pregnant, cause they’d rather stay home. For the child, of course.

As with the interns, Frank has no qualms with listening to a woman leader. Despite his sexist remarks to Laurel, and his proclivity for engaging the interns in sex, he is supportive of Annalise. It appears Frank holds some sexist views, but he does not present himself as an overtly sexist character. He holds these thoughts, but refrain from always vocalizing them. However, he is one of the adult males Annalise interacts with who does not begrudge or hold her in disdain. Overall, he is considerably the most loyal employee

51. Ibid.
52. Ibid.
to Annalise, even though he did not tell her about his involvement in Lila’s murder. This makes him a complex character, who is remains a mystery to the audience.

Despite his early death, Sam, Annalise’s husband, is a critical male character. A duality is shown with his character: on the one hand, we see the good marriage he has with his wife, but then we discover his affair with Lila, which is revealed when Annalise asks him: “Why is your penis on a dead girl’s phone?” From this point on, the relationship between the two is contentious. In episode nine, “Kill Me, Kill Me, Kill Me,” in a flashback, an argument takes a turn for abuse both physically and verbally. After discovering Sam’s affair with Lila, Annalise attempts to throw Sam out of the house and threatens to call 911 if he does not leave. In her emotional state, she confesses her affair with Nate Lahey, a police officer. Sam becomes furious and puts his hands around her throat while pushing her up against a wall in their house. As he does this, Annalise accuses him of killing Lila, and that he should go ahead and kill her, which leads to the following dialogue exchange.

Annalise: Go ahead. Kill me. Kill me. Kill me!

Sam: You’re a monster. . . . You want the truth? You’re nothing but a piece of ass. That’s what I thought when I saw you the first time in the office, I knew you put out. That’s all you’re really good for: dirty, rough sex. . . . That’s how foul you are, you disgusting slut.

Annalise: At least we’re finally able to tell the truth.54

Sam releases his hold on her, but the damage to his character and his marriage is done. It is more than evident that he is not the good character we first met at the beginning of the


54. Ibid.
season. His confession of what he truly thought of Annalise when they first met, whether he meant to say it or not, reveals the truth about his character’s true persona.

Nate Lahey is the last male character from this series to be analyzed. He is a married cop who is having an affair with Annalise. Nate’s character provides an example of a reversal of the clichéd man using a woman for sex. Annalise, to save her reputation and win her client’s case in the first episode, decides to ruin Nate’s police career by undermining him. She accuses him of doctoring surveillance footage. This action effectively infuriates and embitters Nate, while also ending their affair for the time being. Later on in the season, when Annalise asks him to help her, he bitterly tells her: “You won your case. Got laid. How else can I be of service to you?”55 Having this reversal, Murder flips a cliché and proves women can be manipulative in the same way men can be when it comes to relationships.

The male characters on the show help break gender norms, and confirm the idea central to feminism: that women can be on equal terms with men in the workplace and in life. Annalise’s interns respect her as their boss and professor, even though they might not always agree with her. Her relationship with Frank is possibly one of the most stable in the series. As a whole, the interactions Annalise has with the male characters are complex and different depending on if they are an intern, her husband, her boyfriend, or her employee. Their depictions solidify this artifact breaking the sameness versus difference bind. Murder presents the audience with a multitude of male characters, but which are feminist supporters?

The answer to that question is complicated. Murder presents audiences with characters who do not easily fit into labels such as misogynists or feminist-supporters.

Frank and Asher make sexist comments, but still respect Annalise. Their words contrast with their actions. We can label Frank and Asher as men who make sexist comments, but can still demonstrate respect towards women who are their superiors. Sam is a detractor of feminism, as revealed in his treatment of Annalise. Connor, Nate, and Wes are feminist supporters. They are three characters who refrain from making any sexist remarks and demonstrate any sexist actions, like Frank and Asher, even though Connor might question her. But they treat her according to her caliber, not her gender.

Conclusion

*Murder* premiered in the midst of the third wave of feminism, and proves itself as an artifact that supports the ideals of this wave, especially intersectional feminism. The concept that feminism should evolve its previous lens and include women of all classes and races is new to this wave, as first- and second-wave feminism did not factor in this consideration. This concept is present within *Murder* and presents itself through several themes. The sameness versus difference bind is also highlighted throughout this artifact and within this chapter.

Of the five double binds, the sameness versus difference bind is prominent. It presents itself through the world of *Murder*’s norms. It treats men and women accordingly, based on merit and not gender. In doing this, *Murder* effectively breaks this bind. The other five themes this television series analyzed support this and the presence of intersectional feminism within the series.

The theme of character diversity is demonstrated through the cast of *Murder*. A black woman is the lead character, and she is an exceptional lawyer. There is diversity amongst Annalise’s interns, with a majority of them minorities. The character diversity in
this series solidifies it as a progressive and third-wave artifact. It also illustrates the presence of intersectional feminism in *Murder*. The audience sees this subcategory of feminism being applied and succeeding.

The second theme to arise in this series is women in male-dominated professions. Annalise is a competent lawyer who excels in what was once a male-only profession. Even her associate, Bonnie, shows competence albeit in a different way. *Murder* also provides smaller examples throughout the series, such as with Marren, who owns a top trading company. This proves a breakage of the sameness versus difference bind. And it also provides an example of intersectionality by depicting minority women in legal professions.

Despite the positive progress in *Murder* shows with the first two themes, sexism still exists and is another theme. As much as the series shows progress with third-wave feminism, it still addresses the lingering problem with sexism. Sexism presents itself in different ways, mostly seen through remarks from other characters, such as Frank’s exchange with Laurel in the first episode. This theme reveals that even with progress, sexism is still a problem.

Tied to the theme of sexism is the theme of slut-shaming. This theme appears frequently in the first season. For example, Annalise’s client in the first episode faces the label of slut-shaming: Rebecca, when she is her client, faces the same labeling. However, the series also shows a reversal of slut-shaming, and that potentially breaks the double standard that only women can be sluts by labeling one of the male interns a slut. The terminology is still negative, but applying it to a male shows that both genders are capable of fitting the label.
Overall, the themes support the argument that *Murder* is intrinsically a third-wave feminist artifact. It depicts intersectionality, embracing diversity and creates a world of different norms. These norms are shown to the audience in a positive way. *Murder* manages to show feminism in a way that is reflective of the time it premiered in. The world of *Murder* also acts as an ideal world. There are issues – sexism and slut-shaming are two, but they are acknowledged as real problems. The diversity and women in high-ranking career positions are treated as the norm; no big deal is made over this. As a whole, *Murder* shows significant progress through third-wave feminism.

As with *Legally Blonde*, these themes are not the end discussion; what remains is analyzing the construction of femininity and masculinity depicted and identifying if this series reinforces or resists patriarchal structures.

With this information, the questions posed as the beginning of this chapter can now be answered. Third-wave feminism is illustrated in *Murder* through the series’ use of intersectionality. Intersectionality is rooted in the concept that all women need to be included in feminism. This belief expands feminism from the previous waves, which was limited to white, educated, middle- and upper-class women. *Murder* allows this to be shown by including minority female characters, and giving them a range of roles within the series. The double bind that appears in *Murder*, in connection to the second question this chapter is focused on, is the sameness and difference bind. Again, the third question this whole thesis will answer, comparing and contrasting the types of feminism present in each artifact, must wait until the next chapter now that both artifacts have been analyzed. Additionally, this artifact challenges patriarchal norms. It addresses the sameness versus
difference bind. The world of *Murder* resists grouping either gender into being treated a certain way.

Having analyzed *Murder*, its last selected artifact, this thesis is able to move onto its conclusion.
CHAPTER V

CONCLUSION

*Legally Blonde* and *How to Get Away With Murder* are two vastly different artifacts. Both have dramatically different plots, fall into different genres, and have cast of characters that are contrasts of each other. Yet what both artifacts do have in common is they belong to the third wave of feminism, which is the current wave of feminism. This wave is different from the first and second waves of feminism, which will be discussed in detail later on in this chapter. In the beginning of this thesis there were three research questions posed; the first, how is third wave feminism illustrated in *Legally Blonde* and *Murder*; second, what are the similarities and differences in these feminisms; and third, how do double binds appear in each artifact. With an understanding of third-wave feminism, and having previously analyzed the selected artifacts in previous chapters, these questions can now be answered.

**Illustration of Third Wave Feminism**

In answering the first question, I found it best to separate this answer into parts. Third-wave feminism is present in both artifacts, and expresses itself prominently through two categories: characterizations and settings. Characterization is the first category to be discussed.
Characterizations

Girlie feminism is the type of feminism depicted in *Legally Blonde.* Elle Woods, the film’s protagonist, is a young woman who is extremely feminine. She might not be the first to call herself a feminist, or even a girlie feminist, but her characterization fits the girlie feminist archetype: she loves the color pink and all things feminine, but she still wants to be taken seriously. As an adherer to girlie feminism, she also belongs to the third wave of feminism. With both traits contributing to her character, Elle ends up challenging the requirement of sacrificing femininity to be taken seriously as a law student. When she finally gets over Warner, her ex-boyfriend, and begins to apply herself to her studies, the audience and her peers see how Elle balances both femininity and professionalism. She still dresses in a feminine manner, but proves to those around her that femininity does not detract from her intelligence and competence. Her knowledge of beauty, usually associated with girlyness, ends up helping her win her first case. In comparison, Annalise from *Murder* is nothing like Elle.

Annalise Keating, the leading character in *Murder,* is a contrast from Elle. She is already an accomplished lawyer, and in the first season, it is evident that not only she is respected she is also feared. As an excellent lawyer, her services are regularly in demand. Unlike Elle, Annalise is not hyper-feminine, and what set her apart as a character is not that she is a woman, but that she is a black woman. Annalise is never questioned for her ability to be a successful lawyer. When she is questioned, it is for her logic and game plan for various cases. This is because the world of *Murder* is presented as an ideal feminist world, a concept to be discussed later in this chapter. This ideal feminist world allows intersectionality to be demonstrated as the feminism present in *Murder.* This is
also accomplished through the diversity of the characters. Characters in Murder are not all white and have varying sexualities. Annalise’s interns provide the most obvious example, with three of the five being non-white, and one being gay. Inclusivity is demonstrated through the inclusion of these character types, characters who are different from previous all white, or mostly all white, casts in predecessor media.

The portrayal of girlie feminism in Legally Blonde enables Elle to reiterate the argument that femininity and professionalism can coexist. It also helps to shatter the femininity versus competence bind, which serves as a basis of the film. Intersectionality, present in Murder, highlights the progressive trend third-wave feminism is taking. It shows an increase in diversity and acceptance, as well as the norm of women in high-ranking job positions such as lawyers and judges.

**Settings**

By settings, this thesis is not referring to the literal setting – Harvard and California for Legally Blonde, and Philadelphia for Murder – but the setting created by the shows. Each artifact creates its own unique world. This contributes to the illustration of feminism in each artifact.

In Legally Blonde, Elle begins the film with a seemingly perfect life where she can be feminine and wholly herself, and in this setting, the film establishes a comedic and lighthearted tone. The problem arises when she decides she wants to be taken seriously as a law student, because according to the rules of the world Legally Blonde, she cannot be both. This film depicts femininity as a factor that detracts from a woman’s ability to be taken seriously. Girlie feminism works throughout the film to challenge that concept. This problem is eventually resolved, with Elle’s femininity finally being accepted, but the
fact women face judgment for being feminine indicates to the audience that there is a problem in the world of *Legally Blonde*.

*Murder* is an entirely separate world from the world of *Legally Blonde*. Not only is the show darker and more dramatic, but also its status quo is unique. Unlike the world of *Legally Blonde*, or even the real world, the show presents a diverse status quo where women holding positions in typically male-dominated jobs are normal. The characters in the world of *Murder* are all accepting of this, and it is treated as the norm. The audience sees women as lawyers, judges, criminals, business owners, and two women are even judges on Pennsylvania’s Supreme Court. In a way, this world is a representation of an ideal feminist world.

An ideal feminist world is one where a woman’s competency in her career is not questioned. Her competency is not questioned because she is too feminine, because she is not white, or even because she is old. An ideal feminist world takes the belief a woman can be anything and literally applies it. This setup of an ideal feminist world is demonstrated in *Murder*, and in the show that world is successful. The world of *Murder* is successful because it does not make a big deal out of its norms. It treats its female characters in an equitable manner that is not as present or obvious in the world of *Legally Blonde* or the world of the audience. Thus, the world of *Murder* can be considered a representation of an ideal feminist world.

Though the feminism in each artifact is different through characterization and settings, both work to address feminist problems of inequality, diversity, and stereotyping. The answer to this first question is that there are two distinctive types of feminism depicted: girlie feminism in *Legally Blonde* and intersectionality in *Murder*. 
Despite the differences in both feminisms, they affect the characterization and settings of the artifacts. Feminism as a whole is still demonstrated in a positive and progressive way. The differences and similarities of girlie feminism and intersectionality are the focus of the section, which helps to answer this thesis’ second question.

**Comparison and Contrasts of Feminism**

The second question this thesis posed was how are the feminisms in each artifact similar and different? Both girlie feminism and intersectionality are similar in that they both emerged from third-wave feminism. These third-wave feminist subgroups are intrinsically different than second-wave feminist ideals. Girlie feminism works to abolish the notion that a woman cannot be a feminist and feminine, a sentiment second-wave feminists instilled. Intersectionality works to be inclusive of all women of all backgrounds and socio-economic statuses, which was a problem with both first- and second-wave feminism. These early waves of feminism had different goals and means of achieving equality, and this is what separated each wave from each other.

As girlie feminism works to make femininity acceptable, it emphasizes that acceptance, and does not pay attention to inclusiveness. However, this works for *Legally Blonde* because of its plot. Elle needs girlie feminism to succeed; she does not need inclusiveness; she needs to be accepted and taken seriously despite being ultra-feminine. Intersectionality is not present in the film. This can be due to the time this artifact came out, when inclusivity was not as prominent or a concern as it was during *Murder’s* premier.

Meanwhile, intersectionality works off the assumption that the correlation of femininity and competence is no longer a problem. This is seen in *Murder* where the
female characters dress femininely, though not as overtly as Elle did. The feminist shift is geared towards diversity and establishing new norms; in this case, the norm that diversity and women in professional settings, such as lawyers, is acceptable and not to be questioned. The diversity and norms of *Murder* highlight intersectionality’s application and those work for this artifact.

Overall, each feminism works for its respective artifact. Girlie feminism works to solve the problems in *Legally Blonde*, and intersectionality is applied in *Murder*. There are differences between both feminisms, but both work toward the overarching feminist goal of achieving equality. Neither one is better than the other. Answering this question, this thesis can answer its final question.

**Appearance of Double Binds**

The last question seeks to answer how Jamieson’s double binds appear in both artifacts. The double binds were analyzed explicitly in chapter three over the in-between media and with the selected artifacts. In *Legally Blonde*, as previously stated, the femininity versus competence bind is evident. Essentially, this bind provides the basis for the film’s plot. Elle takes on the challenge of breaking, or at least attempting to disprove, this bind’s validity. Elle keeps her femininity while still becoming a successful law student. She is shown to be the nominated class speaker at the film’s ending, hinting at her acceptance among her peers. *Legally Blonde* demonstrates how this bind is existent, but that it has no substance and a woman should not be limited to either being feminine or being competent.

In *Murder* the prominent double bind seen is the sameness versus difference bind. The sameness versus difference bind is seen, but it is challenged. The world of *Murder*
has a status quo where women and men are treated the same. This is subtly shown through the diversity of characters and the positions women hold. Women and men are not treated differently, though the show addresses problems such as sexism and slut-shaming. Overall, the world of *Murder* works to treat all characters in the same manner.

Both artifacts show double binds. In common with both though, is the notion that these binds can be overcome, which is a step towards breaking them. Double binds are a hindrance, and any depiction that resists them is advancement for feminism. Thus these artifacts show progress toward eventual elimination of these binds.

**Limitations and Future Research**

This thesis, as with all research, faced some limitations. There was limitation on available research over *Murder*. Being a newer show, there is severely limited scholarly research over the show, which served as a hindrance. Plenty of research was available for *Legally Blonde*, but this made the information unbalanced. Hopefully, this thesis can contribute to the limited scholarly research there currently is. It would be interesting to be able to conduct this same study again when more information is available for *Murder*.

For future research, it would be interesting to examine different career portrayals. This thesis limited its scope to lawyers, but analysis of other professions could provide more information on how women are portrayed through media. Another route future research could take is expanding on the idea that the world of *Murder* is the ideal feminist world. This thesis focused on the first season of *Murder*, but examining the second and upcoming seasons could build on that claim.
Conclusion

A progression of third-wave feminism can be seen in *Legally Blonde* and *Murder*. *Legally Blonde* premiered early in the timeline of third-wave feminism and emphasized girlie feminism, and the idea that femininity does not equate to incompetence. Elle engrains the idea that any girl can be a lawyer. This also sets off the idea that a girl can take on any profession she wants to, and she can do it wearing pink. *Legally Blonde* works to banish the double bind that a woman can either be feminine or competent, but not both. The film makes the argument that femininity has no value for judging any person’s abilities, and the film successfully defends this argument.

Over a decade later, *Murder* arrived on television, Television and film have gone from having a white female lead who needs to prove her ability, to having a black female who is already accomplished in the legal field. Annalise and her team serve as an application of intersectionality, and prove it can be successful. Additionally, the world of *Murder* establishes itself as an ideal feminist world.

To answer the first research question, third-wave feminism appears differently in both artifacts. Girlie feminism is in *Legally Blonde* and intersectionality appears in *Murder*. To answer the second research question, there are obvious differences in the types of feminism present in each artifact, but they work for their respective artifacts. To answer the third research question, double binds appear in both artifacts, but while the double bind in *Legally Blonde* is still shown as a problem, *Murder* shows the double bind in a context where its double bind has been broken. The implication from these three questions is that third-wave feminism has progressed in a positive manner and will continue to do so. The first artifact, *Legally Blonde*, tackles the issue of women keeping
their feminism in the workplace, essentially, the purpose of girlie feminism. Years later, *Murder* brings a world where diversity is the norm, and a world where a woman can be a lawyer or a judge and not be questioned over her gender.

This thesis concludes on a positive note, seeing the progress third-wave feminism has made. Femininity has come to be accepted, while intersectionality is currently at work. It is unsure when this wave will end, but it is accomplishing things – things such as breaking double binds and stereotypes, and ultimately proving that a girl can be whatever she wants to be.
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