‘Pretty funny bloody barrister’: Gendered violence in *Shame* (1987)

JEREMY TSUEI

Abstract

Steve Jodrell’s *Shame* (1987) remains remarkably accurate in its depiction of gendered violence in rural/regional/remote (RRR) Australia. However, viewing the film as a normative statement reveals a complex relationship where the RRR becomes a constructed space giving credence to urban anxieties. Viewed through critical legal theory and a Foucauldian lens, the film depicts the RRR as a psychiatric space where the rule of law is deployed against a rule of unlaw, and legal technicians constitute and reconstitute the law from knowledge into legal discourse ready for reabsorption outside the RRR space. This approach renders the law as inert and constituted and overlooks the law’s own contribution to injustice, especially in issues of gendered violence, as highlighted in recent law reform and social justice developments. While the film’s allegorising of the RRR is disrupted in its ending, its final lines reveal an unshaken belief in law—another universalising technology.

Introduction

‘This town has a secret’,[1] announces the trailer to Steve Jodrell’s Australian thriller *Shame* (1987).[2] Asta Cadell (Deborah-Lee Furness)—a lone wanderer entering the fictional rural town Ginborak, armed not with *Yojimbo*’s[3] samurai sword but a Suzuki Katana motorbike, not with *Shane*’s[4] six-shooter but a law degree, not male but female[5]—will have none of it. Asta, a city prosecutor who takes a pit stop in Ginborak during a motorcycle road trip, encounters Lizzie Curtis (Simone Buchanan), a teenager who confides that she has just been sexually assaulted. When the town and the corrupt police force stand in the way of justice, Asta decides to take matters into her own hands.

Shame, shot over the course of six weeks in Toodyay in Western Australia, began as a treatment written by Beverley Blankenship and Michael Brindley inspired by *Mad Max* (1971), and was financed by the Woman’s Film Fund for a first draft.[6] Steve Jodrell was attached as director after the project was bounced around for a period. In his words: ‘It was not quite entertaining; it was a little bit too art-house; it was a message film, and yet Michael and Beverly Blankenship had always designed the film as a kind of B-grade drive-in movie.’[7] Upon its release in 1988, *Shame* performed credibly at the local box office, was released in several overseas markets despite distribution difficulties, and won the Film Critics Circle of Australia awards for Best Actress (Deborah-Lee Furness) and Best Screenplay (Beverly Blankenship and Michael Brindley).[8] An American remake was released in 1992 starring Amanda

[1] Umbrella Entertainment, ‘Shame – Trailer’ (YouTube, 22 August 2011) <https://www.youtube.com/watch?v=PcrZnmLocDw>.

[2] *Shame* (Umbrella Entertainment, 1987).

[3] *Yojimbo* (Kurosawa Production, 1961).

[4] *Shane* (Paramount Pictures, 1953).

[5] Jeff Strickler, ‘“Shame”: Justice, Not Preaching, for the Bad Guys’, *Star Tribune* (Minneapolis, 17 February 1989) 1.

[6] David Stratton, *The Avocado Plantation: Boom and Bust in the Australian Film Industry* (Pan MacMillan, 1990) 218–220.

[7] Interview with Steve Jodrell (*Signet*, 30 March 1998).

[8] Richard Kuipers, ‘Shame (1987)’, *Australian Screen* (Web Page, n.d.) <https://aso.gov.au/titles/features/shame/notes/>.

Donohoe.[9] The film was restored as part of the National Film and Sound Archive's NFSA Restores initiative, with the restored release premiering at the 2017 Melbourne International Film Festival.[10]

Since its initial release, *Shame*'s themes of violently performed male entitlement and community complicity seem more relevant than ever.[11] As Jodrell commented on the premiere of the restoration: 'There's a powerful message in the film—sadly, one that is even more relevant today than when it was first released.'[12] In a #MeToo era populated by figures such as Grace Tame and Brittany Higgins, and in the wake of Eurydice Dixon's murder in Princes Park and allegations against former High Court Justice Dyson Heydon, *Shame*'s exposure of familiar Australian locations as sites of gendered and sexual violence indeed resonates more urgently than ever. But how should it be read by viewers cognisant of the reality of its direct subject matter—lawyering in the rural, regional, and remote? I posit that rurality might not be what *Shame* is interested in, so much as an exaggerated worst case of what *Shame* is more interested in—which is gendered violence including sexual assault. Adopting a Foucauldian psychiatric hospital lens, we see *Shame*'s positioning of the RRR as a productive site where law is constituted as a retaliatory and imminent technology. However, this narrative of constitution—of law's activation—overlooks negotiations towards law reform that visualise law in a state of becoming rather than a state of deferred arrival.

The RRR and gendered violence

Following Howard et al., I adopt a broad and inclusive concept of rural, regional, and remote Australia (the 'RRR') speaking to '"regional", "rural" *and* "remote" Australia'.[13] While there is no single accepted definition of RRR, the RRR is conceptually differentiated from metropolitan settings by 'decreasing population size and relative ease of access to infrastructure and services'.[14] Despite the 'paucity' of sexual assault research in the RRR,[15] family violence—a largely gendered issue[16]—is considered 'particularly prevalent in RRR communities',[17] and both are significantly underreported.[18] Carrington and Scott contrast 'romantic images of rural life' with studies and data sets finding violent crime in rural NSW exceeded state averages, and higher rates of sexual assault and domestic violence in rural and regional Australia generally.[19] This is supported by recent NSW Bureau of Crime and Statistics Research statistics which reveal domestic assault and sexual offence rates in NSW tend to be significantly higher in areas away from capital cities.[20] Reports from service providers in RRR regions

[9] *Shame* (Lifetime Entertainment Services, 1992).

[10] National Film and Sound Archive, 'Deborah-Lee Furness to Celebrate NFSA Restoration of *Shame* in Melbourne', *National Film and Sound Archive* (Web Page, n.d.) <https://www.nfsa.gov.au/deborra-lee-furness-celebrate-nfsa-restoration-shame-melbourne>.

[11] Alexandra Heller-Nicholas, 'The NFSA Restores Collection – *Shame*' (January 2019) *Metro Magazine* 116; Jenny Valentish, '30 Years on, Shame's Portrayal of Toxic Australian Masculinity is as Relevant as Ever', *The Guardian* (online, 20 August 2018) <https://www.theguardian.com/tv-and-radio/2018/aug/20/30-years-on-shames-portrayal-of-toxic-australian-masculinity-is-as-relevant-as-ever>.

[12] National Film and Sound Archive (n 10).

[13] Amanda Howard et al, *Rural, Regional and Remote Social Work: Practice Research from Australia* (Routledge, 2016) 28.

[14] Sara Tomevska, 'Why Domestic Violence Rates Intensify the Further West you go in NSW', *ABC News* (online, 20 December 2019), <https://www.abc.net.au/news/2019-12-20/domestic-violence-rates-in-western-nsw/11807976?nw=0>.

[15] Sarah Wendt et al, *Seeking Help for Domestic Violence: Exploring Rural Women's Coping Experiences: State of Knowledge Paper* (Landscapes 4, Australia's National Research Organisation for Women's Safety, July 2015) 15.

[16] Ann Hunt et al, *Family, Domestic and Sexual Violence in Australia 2018* (Report FDV 2, Australian Institute of Health and Welfare, 2018) 1.

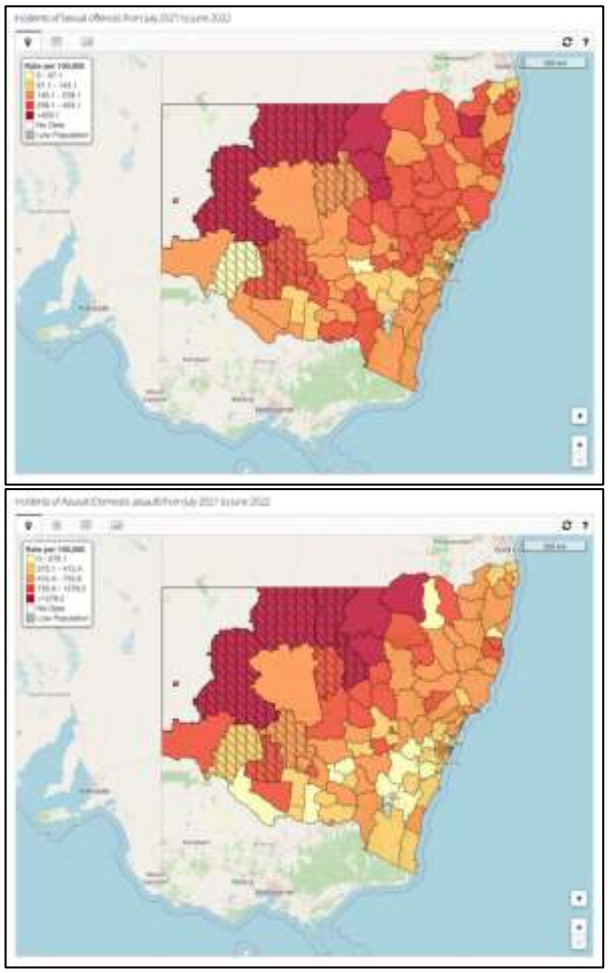
[17] Law Council of Australia, *The Justice Project: Final Report – Part 1: Rural, Regional and Remote (RRR) Australians* (Report, August 2018) 10.

[18] Kerry Carrington et al, 'Rural Masculinities and the Internalisation of Violence in Agricultural Communities' (2013) 2(1) *International Journal of Rural Criminology* 3, 7; Carolyn Neilson and Bonnie Renou, *Will Somebody Listen to Me? Insight, Actions and Hope for Women Experiencing Family Violence in Regional Victoria* (Report, Lodden Campaspe Community Legal Centre, April 2015) 15; Hunt et al (n 17) 6.

[19] Kerry Carrington and John Scott, 'Masculinity, Rurality and Violence' (2008) 48(5) *British Journal of Criminology* 641, 648.

[20] 'NSW Crime Tool', *Bureau of Crime Statistics and Research* (Web Page, 2022) <http://crimetool.bocsar.nsw.gov.au/bocsar/>.

suggest these differences are likely not due to poverty, race, or lack of education, but, true to our working definition, are more attributable to 'a lack of services to help both victims and perpetrators'.[21]



Figures 1 and 2. Bureau of Crime Statistics and Research data on sexual offences (above) and domestic assault (below) by region.

Source: 'NSW Crime Tool', *Bureau of Crime Statistics and Research* (Web Page, 2022) <http://crimetool.bocsar.nsw.gov.au/bocsar/>.

Shame is remarkably accurate in its depiction of gender in the RRR. We see 'mateship', 'revealed [in *Shame*] as the code which legitimizes sexual intimidation',[22] alive in the 'rural gender order',[23] which normalises a 'higher threshold for the tolerance of gendered violence … most of it … invisible to the outside world'.[24] Violence is not the only symptom.[25] Pubs are 'venues for the negotiation of frontier rival masculinities',[26] as seen in Asta's cold reception in the pub in the film's opening and the ritual passing of a hat for bail money, also in the pub: 'Hey fellas, reckon we better have a whip around, start a fighting fund!'[27] Pressures from 'family members, friends, police and health professionals' to 'deny or forgive men's violence'[28] are depicted in the gutless Sergeant Cuddy (Peter Aanensen) and Lizzie's

[21] Ibid.

[22] Verina Glaessner, 'Shame' (1 June 1989) *Monthly Film Bulletin* 188.

[23] Russell Hogg and Kerry Carrington, 'Policing the Rural Crisis' (2006) 38(3) *Australian and New Zealand Journal of Criminology*, cited in Wendt et al (n 16) 13.

[24] Hogg and Carrington (n 24) 181 in Wendt et al (n 16) 14.

[25] Carrington and Scott (n 20) 659.

[26] Carrington et al (n 19) 5.

[27] *Shame* (n 2).

[28] Debra Parkinson and Claire Zara, 'The Hidden Disaster: Domestic Violence in the Aftermath of Natural Disaster' (2013) 28(2) *Australian Journal of Emergency Management* 31, cited in Wendt et al (n 16), 9.

friend Lorna (Karen Hobson) being told by her brother 'for God's sake' to not pursue charges.[29] We see in Ginborak's Thatcher-esque matriarch Mrs Rodolph (Pat Skavington), who is 'of course' prepared to be generous in paying victim-survivor Lizzie off,[30] that '[i]nfluential families sometimes exert substantial pressure so that victims do not proceed with official complaints'.[31] And gossip networks and informal social controls[32] are shown through the women in the supermarket—'Oh bullshit, of course you're talking about her! She's the latest!'—and the scapegoating of Penny Ross (Allison Taylor), a victim-survivor who attempted to press charges, as remembered by Lizzie's father (Tony Barry)—'So people'd never talk to her in the streets! She was a joke!'—with Lizzie's reply: 'I remember you laughing.'[33] *Shame* does depict sexual assault over family violence and sidelines First Nations experiences (the only First Nations characters are background extras at the town's meat-processing factory),[34] but the film's overall picture—'fear', 'indifference', '"small town" attitudes of shame and judgement'[35]—is familiar and relevant.[36] In one woman's words: 'that's the way they were, the men go and they drink and they party and they sleep around and they can do whatever … It's not until you walk away from that, that you realise that's not a normal way to be.'[37]

Challenges with viewing *Shame* as a normative statement

However, 'It wasn't Lizzie Curtis, it was just a woman—anybody.'[38] The film's rallying call is the point at which we start contextualising the described problem with a view to responding. In a recent interview, Jodrell remarked 'Although a part of me would wish that the issue of the film were no longer pertinent, I am very glad that the film can still talk to people.'[39] I wonder *how* the film still talks to people, including myself. I posit that *Shame* is open to certain readings, where, as with sexual assault being a proxy for all gendered violence, rurality is not the thing that *Shame* is interested in, but an exaggerated worst case of the thing that *Shame* is interested in. This is a reading which does violence to Lizzie as the rural woman—now *we* discard Lizzie Curtis, seeing instead just a woman, anybody. It is a reading with consequences: although women living in the RRR 'are exposed to many of the same gendered cultural discourses as the wider community',[40] universalised[41] assumptions 'overshadow the nuances and complexities of gender relations and identities in rural contexts'.[42] Homogenising difference between the RRR and urban centres, between RRR communities, and within RRR communities themselves often leads to 'urban-centric' laws and policies with harmful effects.[43] One thinks of mandatory loss of licence for driving offences,[44] or the publicisation of a victim-survivor's

[29] *Shame* (n 2).

[30] *Shame* (n 2).

[31] Carrington et al (n 19) 9.

[32] Wendt et al (n 16) 28; Neilson and Renou (n 19) 88; Carrington et al (n 19) 9.

[33] *Shame* (n 2).

[34] Wendt et al (n 16) 9.

[35] Neilson and Renou (n 19) 88.

[36] National Wrap, 'Sexual Harassment "Ignored" in Rural Workplaces, Despite Global #MeToo Movement', *ABC News* (online, 18 November 2018) <https://www.abc.net.au/news/2018-11-18/sexual-harassment-in-rural-australian-workplaces-ignored-metoo/10505324>; Trish Mundy, 'Engendering "Rural" Practice: Women's Lived Experience of Legal Practice in Regional, Rural and Remote Communities in Queensland' (2014) 22(2) *Griffith Law Review* 481.

[37] Neilson and Renou (n 19) 89.

[38] Ibid.

[39] Interview with Steve Jodrell and Michael Brindley (Karina Libbey, National Film and Sound Archive, 10 July 2020).

[40] Jo Little, Ruth Panelli, and Anna Kraack, 'Women's Fear of Crime: A Rural Perspective' (2005) 21(2) *Journal of Rural Studies* 151, cited in Wendt et al (n 16) 6.

[41] Sarah Wendt, 'Constructions of Local Culture and Impacts on Domestic Violence in an Australian Rural Community' (2009) 25(2) *Journal of Rural Studies* 175, 175.

[42] Wendt et al (n 16) 6.

[43] Law Council of Australia (n 18) 4.

[44] Ibid.

family violence experience in taking their matter to court.[45] Particular issues in the RRR include isolation and distance,[46] anonymity and confidentiality,[47] and newer issues of telephone and internet connectivity.[48] As alluded to earlier, these are differences that are not experienced uniformly.[49]

To be clear, I am not suggesting that *Shame* should not be seen—it is probably not seen enough. However, I am interested in how it might be, against perhaps how it ought to be, *read*. 'Replace "Ginborak"', poses Heller-Nicholas,

> with 'Hollywood', 'small outback town' with 'large entertainment-industry-focused city', and 'pub' with 'boardrooms and cinemas', and no tidier description of the world in which Weinstein and other alleged long-term predators in positions of power were able to thrive for literal decades could be imagined.[50]

While Heller-Nicholas is herself aware of the pitfalls of casting a 'universalising light',[51] let us for a moment indulge this proposition and see what becomes of the small town setting we began in.

Shame's legal space

Ginborak—filmed in Toodyay, Western Australia[52]—is an RRR everytown: at least a day's train ride from Perth, and composed of scant more than its pub, police station, garage, small eatery, train station, and meatworks, where Lizzie and other women are employed by Mrs Rodolph to process pet meat. Its middle-of-nowhere-ness is made clear in the film's opening shot: a single house, a road, and green fields stretching to the horizon.[53] The film is unconcerned with penumbral cases and exacting definitions—the RRR is merely what we agree it to be. Already, we see an appeal not to a real space but an imagined one—an *affective setting*. It summons an aesthetic of 'Australian … open roads and wide landscapes',[54] thematically signalling the generic preconditions and expectations, ideals and upsets, of Ozploitation, the Australian pulp action, horror, and thriller cinema movement of the 1970s and 80s.[55] Although *Shame* has not been considered as emblematic of that movement as other films have, likely because of its distinct proto-feminism and release towards the end of the canonical Ozploitation era, we begin in the same place we begin when we sit down to watch *Mad Max* (1971)[56] or *The Cars That Ate Paris* (1974).[57] As discussed above, these other films inspired the film's treatment and situate its conception, release, and reception. Ginborak is like The Yabba from *Wake in Fright* (1971),[58] where, as Rayner describes, '[t]he situation of the town merely exposes, facilitates and intensifies … as the town's obsessions (drinking, gambling, hunting) can be seen simply as hyperbolic expressions of otherwise accepted, characteristic national pastimes'.[59] The 'realness' of Ginborak as a site for RRR experiences

---

[45] Neilson and Renou (n 19) 44.

[46] Justine Adkins, 'Improving the NSW Justice System's Response to Rural Crime' (2017) 29(9) *Judicial Officers Bulletin* 75, 75; Michael Cain, Deborah Macourt, and Geoff Mulherin, *Lawyer Availability and Population Change in Regional, Rural and Remote Areas of NSW* (Report, Law and Justice Foundation of New South Wales, September 2014), cited in Law Council of Australia (n 18) 19.

[47] Angela Ragusa, 'Rural Women's Legal Help Seeking for Intimate Partner Violence: Women Intimate Partner Violence Victim Survivors' Perceptions of Criminal Justice Support Services' (2012) 28(4) *Journal of Interpersonal Violence* 685, cited in Wendt et al (n 16) 7.

[48] Law Council of Australia (n 18) 20; Christine Coumarelos et al, *Legal Australia-Wide Survey* (Access to Justice and Legal Needs Volume 7, Law and Justice Foundation of New South Wales, August 2012) 216.

[49] Trish Mundy, 'The Lone Wolf or Rural Justice Champion? Imagining "The Rural Lawyer"' (2016) 18 *Southern Cross University Law Review* 31, 54.

[50] Heller-Nicholas (n 11), 121.

[51] Ibid.

[52] Internet Movie Database, 'Shame (1988) – Filming and Production – Filming Location' (Web Page, n.d.) <https://www.imdb.com/title/tt0093952/locations>.

[53] *Shame* (n 2).

[54] James Caryn, 'Review/Film: A Macho Australian Arrives on Her Cycle', *New York Times* (New York, 19 March 1988).

[55] *Not Quite Hollywood: The Wild, Untold Story of Ozploitation!* (Film Finance Corporation Australia, 2008). Note, however, the 'Ozploitation' label has been doubted, see Mark Ryan, 'Towards an Understanding of Australian Genre Cinema and Entertainment: Beyond the Limitations of "Ozploitation" Discourse' (2010) 24(6) *Continuum* 843.

[56] *Mad Max* (Kennedy Miller Productions, 1979).

[57] *The Cars That Ate Paris* (Australian Film Development Corporation, 1974).

[58] *Wake in Fright* (NLT Productions, 1971).

[59] Jonathan Rayner, 'Gothic Definitions: The New Australian "Cinema of Horrors"' (2011) 25(1) *Antipodes* 91, 93.

to be explored is threatened with totalisation by its fictive nutriments from *Shame*'s opening—it is an extremified space where urban anxieties are given credence.

While he was not principally a legal theorist, sociologist Michel Foucault conceptualised power as it is exercised and was interested in law as an expression of power. His theories show how in modern society, 'law combines with power in various locations in ways that expand patterns of social control, knowledge, and the documentation of individuals'.[60] A key element of his contribution to legal theory is the concept of spatiality—the examination of how power operates and is transmitted within spaces, including how it gains new meanings and qualities in the interstitial areas *between* interacting spaces, such as the border between metropolitan and RRR. Foucault's treatment of the psychiatric hospital as a site of production is revealing:

> [T]he psychiatric hospital is indeed the institutional site in and through which the expulsion of the mad person takes place; … it is a center of the constitution and reconstitution of a rationality that is imposed in an authoritarian way in the framework of relations of power within the hospital, and that will be reabsorbed outside the hospital itself in some form of a scientific discourse that circulates outside as knowledge about madness, for which the condition of possibility of it being rational is, precisely, the hospital.[61]

Reading Ginborak as such a psychiatric space, the notion of 'madness' begins as unchecked masculinity. Adopting a critical legal lens alongside the dominant reading of the film, we begin to read into this madness. The town is overrun, governed by a hierarchical and repressive system that is not law. Waldron writes of the presumption of equal legal treatment, where, in contrast, '[a] system that embodied radical differences of legal dignity might be a sort of proto-legal system, but we should not call it a true system of law'.[62] In Ginborak, the legal dignity afforded to its citizens (and visitors) is demarcated depending on deep divisions in gender and class. Ginborak's is a system of specific *sanctioned desire*, where the legal dignity of its predatory male population is prized over the legal—and bodily—dignity of their female victims. It is not a system presided over by specialised technicians,[63] but rather run ad hoc by its beneficiaries, who are also its enforcers. Its rules are neither governed by secondary rules[64] nor by principles,[65] but rather by entitlement, making its claim to legitimacy plainly circular. At its peak is a matriarch, Mrs Rodolph; it is policed by some females such as the supermarket ladies; and we do see male victims like Lorna's brother and Tim Curtis—there is a complex web of complicity in which class must be implicated, rather than gender alone.[66] But the subjects enabled, even cultivated by the system—Andrew Rodolph (Douglas Walker) is egged on by Danny Fiske (David Franklin) throughout—are the young, sexually charged men. Their libido is the productive force of Ginborak's rule of unlaw. *Shame*'s projected anxiety begins to take shape.

But the RRR space is not only a habitat, but also a colluder. In the recent criminal case *Director of Public Prosecutions (Vic) v Strucelj*, Judge Hollingworth pronounced: 'This incident has affected their [the victim's family's] sense of personal safety, especially at night, and for those who live in more isolated [rural] locations.'[67] Trauma could only be explained by imbuing spatiality with the characteristics of the offender—isolation itself became the night-time bogeyman. *Shame*, like this case, positions the RRR space as murky, undefined, repressive—not through the legal technique of a written judgment but using cinematic techniques such as dark cinematography, on-location filming, and *Mad Max*-inspired set designs and sequences such as the finale. As Foucault's 'mad person' is located and produced in the psychiatric hospital, *Shame*'s RRR space is coded as a place where specifically gendered violence can happen, and does happen. Space and legal (or unlegal) character become intertwined, reciprocal. As Manderson writes: 'law both structures our understanding of certain spaces,

---

[60] Gerald Turkel, 'Michel Foucault: Law, Power, and Knowledge' (1990) 17(2) *Journal of Law and Society* 170, 170.

[61] Michel Foucault, *The Punitive Society: Lectures at the Collège de France 1972–1973*, tr Graham Burchell (Picador, 2013) 4.

[62] Jeremy Waldron, 'How Law Protects Dignity' (2012) 71(1) *The Cambridge Law Journal* 200, 215.

[63] Ibid, 216; David Delaney, *Nomospheric Investigations: The Spatial, the Legal and the Pragmatics of World-Making* (Routledge, 2010) 157.

[64] HLA Hart, *The Concept of Law* (Clarendon Press, 1970) 15.

[65] Ronald Dworkin, *A Matter of Principle* (Harvard University Press, 1986).

[66] Heller-Nicholas (n 11) 120.

[67] *Director of Public Prosecutions (Vic) v Strucelj* [2020] VSC 140, [44].

while at the same time those spaces themselves radically transform the experience, application, and effect of law.'[68] Yet arguably we should be looking to more 'familiar' metropolitan spaces also, such as Central Park (Eurydice Dixon), the High Court (Dyson Heydon), Parliament House (Brittany Higgins), and The Australian National University.[69] In these spaces, gendered violence is just as real. While, as we have seen above, RRR communities still experience the attitudes and violence depicted in *Shame*, the film's interweaving of Ginborak's problems with its spatiality and identity as a rural location, and its codification as an 'othered' place, externalises what we see on the screen as something out there, but perhaps not something that could happen to us as (assumed) metropolitan viewers. Despite references made by Asta to the danger she experiences at home, the strong intertwining of space and threat, and the collusion of the RRR setting with the events of the film, gives metropolitan areas an effective pass, or at least defers a need to investigate them also given the more pressing and immediate threat. While, as discussed above, the problems depicted in *Shame* can and do exist in the RRR, we ought to take issue with how rurality is presented in *Shame* as a marker of difference which exonerates metropolitan spaces.

Per Foucault, diagnosis and prognosis—applied as 'nosography in the language of the doctor'[70] inside the hospital—is then 'reabsorbed' as scientific discourse outside. Asta confronts Cuddy: 'Charge *me*? And when will you start on the fun-loving boys? Driving underage, driving with blood-alcohol above the prescribed limit, negligent driving, conspiracy, oh attempted abduction, assault.'[71] Asta, as legal technician—'A barrister, as a matter of fact'[72]—diagnoses the conditions. Outside, in appeal to metropolitan sensibilities and frameworks, these become transmitted as legal (rather than scientific) discourse: a knowledge power exercised about madness, disorder, *unlaw*. The imagined RRR space is a reactionary chamber, where law is constituted and reconstituted: rendered *from* abstract ordering and instruction *into* necessary and rational truth.[73] Pruitt contends that 'judicial opinions create different expectations of formal or official law, marginalizing it, diminishing its potency, and further bolstering rural instincts towards self-reliance'.[74] Substitute 'judicial' for 'cinematic', and respectfully disagree—what if this was not the source of law's cession,[75] but rather intense retaliatory interest? Instead of suggesting a tendency of self-reliance, the vacuum of lawlessness might instead unfold as an ongoing moral panic, creating a more urgent and pressing need for legal intervention.

Law reform, however, becomes overlooked. Asta's diagnosis reveals that law already applies, indeed was already breached, in Ginborak; it is only yet to be realised. In Asta's narrative, the unrealised (future) and preconditional (past) contents are identical, and the missing present element of enforcement can only achieve a determined resolution. 'And when you rely on the law,' emphasises writer Michael Brindley, 'the police station is empty.'[76] The break in the chain is not in *what* will be enforced, but *whether* it—a presumed, constituted, likely perfect *it*—will be enforced at all. The legal system is unreliable not because of the law, but because of the police. This suggests that law, a participant in the dialogic field rather than the field itself, is *already* what it ought to be. However, contemporary research, such as scholarship from Coumarelos et al., shows 'the concept of "access to justice" has expanded from unidimensional to an increasingly multifaceted concept',[77] encompassing legal, nonlegal, and new legal solutions.[78] Larcombe advocates that 'the criminal law's monopoly on sexual assault must be

---

[68] Desmond Manderson, 'Interstices: New Work on Legal Spaces' (2005) 9 *Law/Text/Culture* 1, 1, cited in Delaney (n 64), 39.

[69] Sarah Lansdown, 'Canberra Students Report Higher Rates of Sexual Harassment, Assault in National Survey', *Canberra Times* (online, 24 March 2022) <https://www.canberratimes.com.au/story/7670871/absolutely-no-good-news-canberra-students-report-higher-rates-of-sexual-harassment-assault/>.

[70] Foucault (n 62) 5.

[71] *Shame* (n 2).

[72] Ibid.

[73] Foucault (n 62) 5.

[74] Lisa Pruitt, 'The Rural Lawscape: Space Tames Law Tames Space' in Irus Braverman, Nicholas Blomley, and David Delaney (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (University Press Scholarship Online, 2014) 190, 205.

[75] Ibid, 207.

[76] Jodrell and Brindley (n 40).

[77] Coumarelos et al (n 49) 207.

[78] E.g. restorative justice, see Neilson and Renou (n 19) 120.

broken'[79] as it 'actively contribut[es]' to the minimisation and normalisation of violence and reproduces distorted ideas of 'real rape' and deviant 'sexual offenders',[80] further noting that 'legislative reforms … ha[ve] been hard-fought and hard-won'.[81] According to these readings, it is not that the police station needs to be populated (as Brindley implies), but that the law itself ought to change and adapt, specifically to a localised RRR context. *Shame*'s immunisation of law denies it as a site of contestation and places the responsibility on enforcement instead, precisely making it difficult for the reforms advocated for by those such as Larcombe to take place.

But Lizzie dies. The film is alive to the possibility that its subject will be appropriated, magicked into a spectral figure. In Asta, *Shame* becomes 'a deliberately failed rape-revenge movie'.[82] Although female, our protagonist 'may reinforce rather than defuse patriarchal constructs'.[83] She is coded as male, with the phallic dimension of the 'spare parts' that she needs to get back on her motorcycle expressly alluded to in the film's dialogue.[84] Asta is a leather-clad fetish object inhabited by the viewer, and we can see in her prepping of Lizzie for self-defence Mundy's individualistic 'Lone Wolf' rural lawyer archetype[85] and Imai's warning against imposing pre-packaged 'well-structured' problems onto diverse populations[86]—both describing phenomena where metropolitan lawyers attempt to apply their expertise in RRR contexts without shedding unhelpful assumptions. However, Lizzie asks Asta, 'What if there's six?'[87] The reality is always more complicated—Asta's sloganism and posturing only gets Lizzie killed.[88] A concluding shot focuses on Asta's eyes, making the viewer reflect on Asta's choice of an idealised victim, essentially a younger version of herself, whom she has now played a part in destroying. It is a testament to the horror that has been witnessed, but also the propulsive role of the witness towards the narrative and the many blind spots that have led to this result. Through Asta's narrow vision and in pursuit of this *Mad Max* revenge narrative we have been averted from the complexity of the RRR, including universalising metropolitan assumptions, the presence of domestic and family violence, and the reality of missing and murdered First Nations women. Our own gaze is implicated. The cinematic frame has destroyed the *actualness* of the object, whether Lizzie or the RRR space, as we have treated them not as things in themselves but as repositories for our own projections. This is why it is somewhat disappointing when Lorna delivers the last line of dialogue to Cuddy: 'I'll be at the police station nine o'clock, okay? I'll be laying charges.'[89] By the film's end, its faith in its allegorising frame has been disrupted. But its faith in inert, constituted law—another universalising technology—has not.

Bearing the shame

As a cultural trace, *Shame* enables us to genealogise archetypical narratives,[90] or come to grips with Eurydice Dixon in Princes Park, Dyson Heydon in the High Court, revelations from the #MeToo movement. However, the act of reading is a violent one of *what's yours is mine*. Captured by fictional Ginborak, the real RRR becomes threatened as a site upon which foreign (metropolitan) anxieties are

[79] Wendy Larcombe, 'Rethinking Rape Law Reform: Challenges and Possibilities' in Ron Levy et al (eds), *New Directions for Law in Australia: Essays in Contemporary Law Reform* (ANU Press, 2017) 143, 150.

[80] Ibid, 147.

[81] Ibid, 144.

[82] Heller-Nicholas (n 11), 119.

[83] Helene Shugart, 'Counterhegemonic Acts: Appropriation as a Feminist Rhetorical Strategy' (1997) 83(2) *Quarterly Journal of Speech* 210, 216.

[84] *Shame* (n 2).

[85] Mundy (n 50), 32.

[86] Shin Imai, 'A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering' (2002) 9(1) *Clinical Law Review* 195, 203.

[87] *Shame* (n 2).

[88] Heller-Nicholas (n 11), 120.

[89] *Shame* (n 2).

[90] Richard Sherwin, 'Nomos and Cinema' (2001) 48(6) *UCLA Law Review* 1519; Mundy (n 50), 32.

projected and played out; where law is deployed, transmitted as real, but also inert. As *Shame* engages, problematises, and settles, our foremost question should be, *where?*

An implied question so far has been whether *Shame* should still be seen—whether it is still relevant. My answer is that it absolutely should be, especially in its recently restored form thanks to the National Film and Sound Archive. Succeeding as a female-fronted answer to *Mad Max*, the film both participates in and expands the Australian film canon, where rural Australia is coded as a space of threat, drama, and adventure. Its explicit messaging as a story of sexual assault and empowerment, but also tragedy, and referencing of legal figures such as prosecutor Asta Cadell give the film a particular reach into today's context, where none of the issues raised by the film have gone away. But *Shame*'s afterlife ought to be critically examined. For metropolitan viewers, the issues depicted are not problems only or primarily encountered abroad in no-name towns out bush. To recognise and tackle the reality of gendered violence, we need to problematise our own spaces too.

Bibliography

A Articles/books/reports

Adkins, Justine, 'Improving the NSW Justice System's Response to Rural Crime' (2017) 29(9) *Judicial Officers Bulletin* 75

Cain, Michael, Deborah Macourt, and Geoff Mulherin, *Lawyer Availability and Population Change in Regional, Rural and Remote Areas of NSW* (Report, Law and Justice Foundation of New South Wales, September 2014)

Carrington, Kerry, and John Scott, 'Masculinity, Rurality and Violence' (2008) 48(5) *British Journal of Criminology* 641, doi.org/10.1093/bjc/azn031

Carrington, Kerry, et al, 'Rural Masculinities and the Internalisation of Violence in Agricultural Communities' (2013) 2(1) *International Journal of Rural Criminology* 3, doi.org/10.18061/1811/58849

Caryn, James, 'Review/Film: A Macho Australian Arrives on Her Cycle', *New York Times* (New York, 19 March 1988)

Coumarelos, Christine, et al, *Legal Australia-Wide Survey* (Access to Justice and Legal Needs Volume 7, Law and Justice Foundation of New South Wales, August 2012)

Delaney, David, *Nomospheric Investigations: The Spatial, the Legal and the Pragmatics of World-Making* (Routledge, 2010), doi.org/10.4324/9780203849101

Dworkin, Ronald, *A Matter of Principle* (Harvard University Press, 1986), doi.org/10.2307/j.ctv1pncpxk

Foucault, Michel, *The Punitive Society: Lectures at the Collège de France 1972–1973*, tr Graham Burchell (Picador, 2013)

Glaessner, Verina, 'Shame' (1 June 1989) *Monthly Film Bulletin* 188

Hart, HLA, *The Concept of Law* (Clarendon Press, 1970)

Heller-Nicholas, Alexandra, 'The NFSA Restores Collection – *Shame*' (January 2019) *Metro Magazine* 116

Hogg, Russell, and Kerry Carrington, 'Policing the Rural Crisis' (2006) 38(3) *Australian and New Zealand Journal of Criminology*

Howard, Amanda, et al, *Rural, Regional and Remote Social Work: Practice Research from Australia* (Routledge, 2016), doi.org/10.4324/9781315607238

Hunt, Ann, et al, *Family, Domestic and Sexual Violence in Australia 2018* (Report FDV 2, Australian Institute of Health and Welfare, 2018)

Imai, Shin, 'A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering' (2002) 9(1) *Clinical Law Review* 195, 203

Jodrell, Steve, interview (*Signet*, 30 March 1998)

Larcombe, Wendy, 'Rethinking Rape Law Reform: Challenges and Possibilities' in Ron Levy et al (eds), *New Directions for Law in Australia: Essays in Contemporary Law Reform* (ANU Press, 2017) 143, doi.org/10.22459/NDLA.09.2017.11

Law Council of Australia, *The Justice Project: Final Report – Part 1: Rural, Regional and Remote (RRR) Australians* (Report, August 2018)

Little, Jo, Ruth Panelli, and Anna Kraack, 'Women's Fear of Crime: A Rural Perspective' (2005) 21(2) *Journal of Rural Studies* 151, doi.org/10.1016/j.jrurstud.2005.02.001

Manderson, Desmond, 'Interstices: New Work on Legal Spaces' (2005) 9 *Law/Text/Culture* 1

Mundy, Trish 'Engendering "Rural" Practice: Women's Lived Experience of Legal Practice in Regional, Rural and Remote Communities in Queensland' (2014) 22(2) *Griffith Law Review* 481, doi.org/10.1080/10383441.2013.10854784

Mundy, Trish, 'The Lone Wolf or Rural Justice Champion? Imagining "The Rural Lawyer"' (2016) 18 *Southern Cross University Law Review* 31

National Wrap, 'Sexual Harassment "Ignored" in Rural Workplaces, Despite Global #MeToo Movement', *ABC News* (online, 18 November 2018) <https://www.abc.net.au/news/2018-11-18/sexual-harassment-in-rural-australian-workplaces-ignored-metoo/10505324>

Neilson, Carolyn, and Bonnie Renou, *Will Somebody Listen to Me? Insight, Actions and Hope for Women Experiencing Family Violence in Regional Victoria* (Report, Lodden Campaspe Community Legal Centre, April 2015)

Parkinson, Debra, and Claire Zara, 'The Hidden Disaster: Domestic Violence in the Aftermath of Natural Disaster' (2013) 28(2) *Australian Journal of Emergency Management* 31

Pruitt, Lisa, 'The Rural Lawscape: Space Tames Law Tames Space' in Irus Braverman, Nicholas Blomley, and David Delaney (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (University Press Scholarship Online, 2014) 190, doi.org/10.2307/j.ctvqsdzbj.13

Ragusa, Angela, 'Rural Women's Legal Help Seeking for Intimate Partner Violence: Women Intimate Partner Violence Victim Survivors' Perceptions of Criminal Justice Support Services' (2012) 28(4) *Journal of Interpersonal Violence* 685, doi.org/10.1177/0886260512455864

Rayner, Jonathan, 'Gothic Definitions: The New Australian "Cinema of Horrors"' (2011) 25(1) *Antipodes* 91

Ryan, Mark, 'Towards an Understanding of Australian Genre Cinema and Entertainment: Beyond the Limitations of "Ozploitation" Discourse' (2010) 24(6) *Continuum* 843, doi.org/10.1080/10304312.2010.510597

Sherwin, Richard, 'Nomos and Cinema' (2001) 48(6) *UCLA Law Review* 1519

Shugart, Helene, 'Counterhegemonic Acts: Appropriation as a Feminist Rhetorical Strategy' (1997) 83(2) *Quarterly Journal of Speech* 210, doi.org/10.1080/00335639709384181

Stratton, David, *The Avocado Plantation: Boom and Bust in the Australian Film Industry* (Pan Macmillan, 1990)

Strickler, Jeff, '"Shame": Justice, Not Preaching, for the Bad Guys', *Star Tribune* (Minneapolis, 17 February 1989) 1

Turkel, Gerald, 'Michel Foucault: Law, Power, and Knowledge' (1990) 17(2) *Journal of Law and Society* 170, doi.org/10.2307/1410084

Valentish, Jenny, '30 Years on, Shame's Portrayal of Toxic Australian Masculinity is as Relevant as Ever', *The Guardian* (online, 20 August 2018) <https://www.theguardian.com/tv-and-radio/2018/aug/20/30-years-on-shames-portrayal-of-toxic-australian-masculinity-is-as-relevant-as-ever>

Waldron, Jeremy, 'How Law Protects Dignity' (2012) 71(1) *The Cambridge Law Journal* 200, doi.org/10.1017/S0008197312000256

Wendt, Sarah, 'Constructions of Local Culture and Impacts on Domestic Violence in an Australian Rural Community' (2009) 25(2) *Journal of Rural Studies* 175, doi.org/10.1016/j.jrurstud.2008.11.001

Wendt, Sarah, et al, *Seeking Help for Domestic Violence: Exploring Rural Women's Coping Experiences: State of Knowledge Paper* (Landscapes Issue 4, Australia's National Research Organisation for Women's Safety, July 2015)

B Cases

Director of Public Prosecutions (Vic) v Strucelj [2020] VSC 140

C Other

The Cars That Ate Paris (Australian Film Development Corporation, 1974)

Internet Movie Database, 'Shame (1988) – Filming and Production – Filming Location' (Web Page, n.d.) <https://www.imdb.com/title/tt0093952/locations>

Jodrell, Steve, and Michael Brindley, interview (Karina Libbey, National Film and Sound Archive, 10 July 2020)

Kuipers, Richard, 'Shame (1987)', *Australian Screen* (Web Page, n.d.) <https://aso.gov.au/titles/features/shame/notes/>

Lansdown, Sarah, 'Canberra Students Report Higher Rates of Sexual Harassment, Assault in National Survey', *Canberra Times* (online, 24 March 2022) <https://www.canberratimes.com.au/story/7670871/absolutely-no-good-news-canberra-students-report-higher-rates-of-sexual-harassment-assault/>

Mad Max (Kennedy Miller Productions, 1979)

National Film and Sound Archive, 'Deborah-Lee Furness to Celebrate NFSA Restoration of *Shame* in Melbourne', *National Film and Sound Archive* (Web Page, n.d.) <https://www.nfsa.gov.au/deborra-lee-furness-celebrate-nfsa-restoration-shame-melbourne>

Not Quite Hollywood: The Wild, Untold Story of Ozploitation! (Film Finance Corporation Australia, 2008)

'NSW Crime Tool', *Bureau of Crime Statistics and Research* (Web Page, 2022) <http://crimetool.bocsar.nsw.gov.au/bocsar/>

Shame (Umbrella Entertainment, 1987)

Shame (Lifetime Entertainment Services, 1992)

Shane (Paramount Pictures, 1953)

Tomevska, Sara, 'Why Domestic Violence Rates Intensify the Further West you Go in NSW', *ABC News* (online, 20 December 2019), <https://www.abc.net.au/news/2019-12-20/domestic-violence-rates-in-western-nsw/11807976?nw=0>

Umbrella Entertainment, '*Shame* – Trailer' (YouTube, 22 August 2011) <https://www.youtube.com/watch?v=PcrZnmLocDw>

Wake in Fright (NLT Productions, 1971)

Yojimbo (Kurosawa Production, 1961)