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Final Fatal Girls – Horror and the Legal Subject

Penny Crofts and Honni van Rijswijk

Faculty of Law, University of Technology Sydney, Sydney, Australia

ABSTRACT

In mainstream culture, the horror genre is frequently looked down upon as trivial, shlocky and nasty – horror films are seen as being cheap to make, made for a younger, mass audience, and horror films tend to dwell on society's taboos, phobias and anxieties. Horror can also be a conservative genre – racist, misogynistic and queer phobic – enforcing rules that lead to horrible endings for characters that are non-white, queer or who are women. However, the horror genre also has the potential to be progressive, subversive and critical. We argue that if horror can rethink and renegotiate the meaning of gender, race, politics and power, then so should law. Despite the longevity of feminist legal theoretical recognition of intersectionality, the law still has an outdated and conservative conceptualisation of the legal subject and of its audience – for whom the law is written. Through our reading of the trajectory of the figure of the Final Girl, we argue that the law should see the evolution of the horror genre as a didactic text. We draw upon the insights of transformations of the Final Girl over recent decades and the remaking of the cultural imagination, to argue that the legal imagination likewise needs to be transformed.

KEYWORDS

Law and film; feminism; horror; intersectionality; justice; legal subject

1. Introduction

Mainstream horror films are frequently looked down upon as trivial, shlocky and nasty – film scholar Brigid Cherry calls horror the 'culturally illicit genre'.¹ Horror films are cheap to make, they are made for a younger, mass, male audience,² and they tend to dwell on society's taboos, phobias and anxieties. Horror can also be a politically conservative genre – racist, misogynistic and queer phobic – enforcing rules that lead to horrible endings for characters that are non-white, queer or who are women.³ But it's also a contradictory genre, as horror has the potential to be progressive, subversive and critical, in part because of the genre's perceived lack of seriousness,⁴ inhabiting a playfulness that encourages a loosening of self-

CONTACT Penny Crofts ✉ penny.crofts@uts.edu.au

¹Brigid Cherry, *Horror* (Routledge 2009) i.

²Cherry (n 1) 7.

³See for example Valerie Wee, 'Patriarchy and the Horror of the Monstrous Feminine: A Comparative Study of Ringo and The Ring' (2011) 11(2) *Feminist Media Studies* 151; Amanda Kay LeBlanc, "There's Nothing I Hate More Than a Racist": (Re)centering Whiteness in American Horror Story: Coven' (2018) 35(3) *Critical Studies in Media Communication* 273.

⁴Steven Kohm and Kevin Walby, 'Deforming Justice: Representing Punishment in The Human Centipede III: Final Sequence' [2021] *Crime Media Culture* 1.

ensorship in both film-makers and viewers.⁵ *Cherry's Horror* explores the complexity of the genre: its contradictions and evolutions, its expansiveness and innovation, and the difficulty in defining both the genre as a whole and its expanding sub-genres.⁶ As with other genres, recent horror films (notably, *Jennifer's Body*⁷ and *Get Out*⁸) have included more diverse representations and points of view,⁹ holding out complex and ambivalent concepts of justice, intersectionality and ambiguity, as well as complicating representations of race and gender.¹⁰ In this article, we assemble a genealogy of horror that shows how twenty-first century writers and directors are making films that self-consciously subvert the narratives and tropes of the past, including one of the main tropes of the genre, the Final Girl. We explore the ways in which the malleability of the figure of the Final Girl has reflected and reinforced a rethink of representation and audience. We argue that if mainstream horror can rethink and renegotiate the meaning of gender, race, politics and power, then so should law. In 1989, Kimberlé Crenshaw coined the term 'intersectionality' to emphasise that the effects of class, race, ethnicity, gender, sexuality, and disability cannot be analysed individually; their complex interactions need to be considered collectively when analysing the effects of culture or law on populations.¹¹ Despite the longevity of feminist legal theoretical recognition of Crenshaw's critical framework of intersectionality, the law still has an outdated and conservative conceptualisation of the legal subject *and* an outdated conceptualisation of its assumed legal subject – of who the law is written for.

Critique of the legal subject has come from feminist, anti-racist and anti-colonial approaches across all areas of law, but particularly in the area of law's adjudication of gendered violence. Law's imaginary and logics are notoriously limited in their ways of thinking through and adjudicating sexual violence. Indeed, the #MeToo movement is in large part a public, extra-legal response to the inadequacies of liberal law in responding to sexual violence. #MeToo has purportedly interrogated the liberal institution, and the operation of gender within it. In particular, #MeToo has shown that gendered harm, including but not limited to the harms of sexual violence and harassment, are a normalised part of the operation of liberal institutions. But more needs to be done to interrogate and historicise the concepts and institutions with which we are concerned. We need to bring to the forefront that here, liberal law is state law, and colonising law. Much more needs to be done to decolonise both the law and #MeToo, to decolonise and historicise the concepts of 'gendered harm' and 'state institutions', in particular, to understand how these have been conceptualised in recent law and culture. #MeToo has been criticised for centring the experiences of white western women;¹² and for reifying white western women's subjectivity by foregrounding

⁵Robin Wood, 'The Return of the Repressed' [1978] Film Comment 25.

⁶Cherry (n 1) Ch 1.

⁷*Jennifer's Body* (directed by Diablo Cody, 2009).

⁸*Get Out* (directed by Jordan Peele, 2017)

⁹Katarzyna Paszkiewicz and Stacy Rusnak, 'Introduction: Reimagining the Final Girl in the Twenty-First Century' in *Final Girls, Feminism and Popular Culture* (Palgrave 2020) 7.

¹⁰In the last five years, there has been an impressive rise in 'own voices' points of view in fiction and film, especially in the genres of horror, science fiction and speculative fiction, projects that privilege the point of view of Black, trans, queer and women's voices. This has included the rise of trans representation: 'Rise of Trans Slashers Marks Important Step in Media' (*The Mossy Log*, 15 September 2022) <<https://piolog.com/2022/09/15/rise-of-trans-slashers-marks-important-step-in-media/>> accessed 27 February 2024.

¹¹Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' [1989] University of Chicago Legal Forum 139.

¹²Crenshaw (n 11); Sarah Amira de la Garza, 'No More Magic Mirrors: Confronting Reflections of Privileged Feminisms in #MeToo' (2019) 42(1) *Women and Language* 175; Cristy Dougherty and Bernadette Marie Calafell, 'Before and beyond

self-disclosure as the primary means of discursive agency – the movement actually began ten years earlier through the work of activist Tarana Burke, writing of the experiences of Black girls and girls of colour.¹³ Academics and activists have also been critical of parts of the #MeToo movement for its tendency to advocate for harsher carceral punishments for sexual violence, despite the disproportionate impact of this state violence on colonised groups.¹⁴ Questioning whether #MeToo is a white women's movement, Ashwini Tambe says the answer is 'both yes and no'.¹⁵ The subject matter of the movement – the injuries of sexual violence and harassment – clearly go beyond the scope of white women's problems; but in media coverage, Tambe argues, 'it is certainly white women's pain that is centered'.¹⁶ Further, the institutional contexts of #MeToo – not only the legal institutions it seeks to side-step, but the wider corporate and cultural liberal institutions #MeToo invokes – carry not only racist but specifically colonial legacies and these have not yet been sufficiently brought out in either the legal cases or many of the public responses, which have tended to rely on the actions of the corporate boards of large, publicly-listed companies.

Through our reading of the trajectory of the figure of the Final Girl, we argue that the law should see the evolution of the horror genre as a didactic text: law can and should learn from the evolution of the horror genre's representation of race, sexuality and gender. We draw upon the insights of transformations of the Final Girl over recent decades and the remaking of the cultural imagination, to argue that the legal imagination likewise needs to be transformed.¹⁷

The horror genre is a highly gendered form, which has invited a gendered analysis not only of its representations, but also of its audiences.¹⁸ One sub-genre of horror in particular, the slasher, has excited a great deal of analysis of gendered constructs.¹⁹ Slashers tend to follow a specific formula, where a lone male antagonist systematically kills a group of young, beautiful victims (usually female) while dwelling on, even exploiting, the victims' excessive suffering and the killer's excessive violence.²⁰ The gory bloodbaths that are executed against mostly female teenagers,²¹ whose violent deaths are often connected to

#MeToo and #TimesUp: Rape as a Colonial and Racist Project' (2019) 42(1) *Women and Language* 213; Angela Onwuachi-Willig, 'What about #UsToo? The Invisibility of Race in the #MeToo Movement' (2019) 128 *Yale Law Journal Forum* 105; Honni van Rijswijk, 'Re-Defining Gendered Harm and Institutions under Colonialism: #MeToo in Australia' (2020) 35 (105) *Australian Feminist Studies* 244.

¹³Tarana Burke, '#MeToo was Started for Black and Brown Women and Girls. They are Still Being Ignored' *Washington Post* (Washington DC, 9 November 2017) <<https://www.washingtonpost.com/news/post-nation/wp/2017/11/09/the-waitress-who-works-in-the-diner-needs-to-know-that-the-issue-of-sexual-harassment-is-about-her-too/>> viewed 21 February 2024.

¹⁴Ashley Noel Mack and Bryan McCann, 'Critiquing State and Gendered Violence in the Age of #MeToo' (2018) 104(3) *Quarterly Journal of Speech* 329.

¹⁵Ashwini Tambe, 'Reckoning with the Silences of #MeToo' (2018) 44(1) *Feminist Studies* 197, 199.

¹⁶Tambe (n 12) 199.

¹⁷For a similar project that focuses on representations across genres, see Mythili Rajiva and Stephanie Patrick, *The Forgotten Victims of Sexual Violence in Film, Television and New Media: Turning to the Margins* (Springer 2022).

¹⁸Dolf Zillman and James Weaver, 'Gender Socialization Theory of Reactions to Horror' in James Weaver and Ron Tamborini (eds), *Horror Films: Current Research on Audience Preferences and Reactions* (Lawrence Erlbaum Associates 1996); Neil Martin, '(Why) Do You like Scary Movies? A Review of the Empirical Research on Psychological Responses to Horror Films' (2019) 10 *Frontiers in Psychology* 1.

¹⁹Vera Dika, *Games of Terror: Halloween, Friday the 13th, and the Films of the Stalker Cycle* (Dickinson University Press 1990).

²⁰F Molitor and BS Sapolsky, 'Sex, Violence, and Victimization in Slasher Films' (1993) 37 *Journal of Broadcasting and Electronic Media* 233; Adam Rockoff, *Going to Pieces: The Rise and Fall of the Slasher Film, 1978–1996* (McFarland 2002); Vera Dika, 'The Stalker Film and Repeatability' [2023] *Quarterly Review of Film and Video* 79.

²¹Tony Williams, 'Trying to Survive on the Darker Side: 1980s Family Horror' in Barry Keith Grant (ed), *The Dread of Difference: Gender and the Horror Film* (University of Texas Press 1996) 164.

their sexual 'promiscuity', led the film critic Roger Ebert to assert that 'these films hate women'.²² Three of the main slasher franchises started in the late 1970s–1980s – *Halloween* (1978); *Friday the 13th* (1980) and *Nightmare on Elm Street* (1984) and between them, these franchises have earned a combined gross of over \$1.5 billion.²³ Audiences love slasher horror movies, and they continue to make a lot of money, with a recent slew of sequels from the *Halloween* and *Scream* franchises.²⁴

The 1990s saw a number of feminist analyses of both the representation of gendered victim positions in films, as well as the significance of female perpetrators.²⁵ In 1992, Carol Clover's book *Men, Women and Chain Saws*, offered an influential analysis of gender in horror, focusing on the figure of the 'Final Girl' and how this figure impacted on the primary viewing audience of young males.²⁶ The Final Girl is the last survivor in horror films – the character who has the ultimate confrontation with the perpetrator villain and manages, often with extreme violence, to defeat the monster (albeit until the sequel, when the villain returns). With her analysis of the Final Girl, Clover achieved a rare crossover from the academic to popular culture, with characters in films that followed the publication of the book (such as the *Scream* franchise, and *Cabin in the Woods*²⁷) explicitly referring to her theory of the Final Girl. Ostensibly, the Final Girl may be seen as cause for celebration for feminists, portraying a powerful role for women as protagonist in slasher films, who survives by unmanning the monster/chainsaw-wielding oppressor. However, Clover argued that horror films illustrate a strict binary of victim/agent, which ultimately excludes the feminine from the active subject position. According to Clover, even when monsters or heroes such as the Final Girl are women in horror films, they are acting like men. It is the *behaviour* that is significant, and behaviour is coded as male or female, regardless of the subject's gender. Clover's approach has long been criticised for denying women agency,²⁸ but more recently, the horror genre itself has implicitly demonstrated, through its new iterations, the way in which the slashers of the 1980s and 1990s privileged a heterosexual, white, attractive, androgynous, teenage Final Girl while simultaneously assuming a young, straight, white male audience, actively suppressing recognition of intersectional attributes including race, age and sexuality. These shifts in both the refiguration of gender in movies, as well as a revolution in the understanding of the horror audience, provides lessons for liberal law.

In Section Two we detail Clover's original idea of the Final Girl and her assumption of gendered scripts and audience. We then analyse recent horror such as *Get Out*,²⁹ *My Heart is a Chainsaw*,³⁰ *the Fear Street Trilogy*,³¹ and the *Halloween* and *Scream* franchises, which offer an implicit critique of the limited construct of, and script for, the Final Girl by operating through an intersectional lens. The recent effectiveness of intersectionality in horror

²²PBS, 'Women in Danger' *Sneak Previews* (1980).

²³A Dana Menard, Angela Weaver and Christine Cabrera, "There are Certain Rules That One Must Abide by": Predictors of Mortality in Slasher Films' (2019) 23 *Sexuality and Culture* 621, 622.

²⁴*ibid.*

²⁵Barbara Creed, *The Monstrous Feminine: Film, Feminism, Psychoanalysis* (Routledge 1993).

²⁶Carol Clover, *Men, Women, and Chain Saws: Gender in the Modern Horror Film* (Princeton University Press 1992); Carol J Clover, *Men, Women, and Chain Saws: Gender in the Modern Horror Film – Updated Edition* (Princeton University Press 2015).

²⁷*Cabin in the Woods* (directed by Drew Goddard, 2011).

²⁸eg Creed (n 25); Jack Halberstam, *Skin Shows: Gothic Horror and the Technology of Monsters* (Duke University Press 1995).

²⁹*Get Out* (directed by Jordan Peele, 2017).

³⁰Stephen Graham Jones, *My Heart is a Chainsaw* (Gallery/Saga Press 2021).

³¹*Fear Street Trilogy* (directed by Leigh Janiak, 2021).

shows up the liberal legal subject – which is white, cis and male, although sometimes an upper middle-class woman – and provides useful lessons for thinking through the way we understand law's subjects and implicit understandings about law's audience. We explore the ways in which the construction of the character of the Final Girl sheds light on our expectations of and interactions with the law. We interrogate the ways in which horror expresses the cultural and legal imagination and showcases possibilities for intervention and contestation.

2. Carol Clover: The Final Girl

Clover argued that in films such as *Nightmare on Elm Street*,³² and *Halloween*,³³ the Final Girl survives the monster even as her friends die around her, and at the end of the film manages – often with extreme violence – to defeat the monster (at least until the sequel). Integral to her analysis is the assumption that horror films are primarily watched by young (white) men – accordingly, Clover explored how they responded to the final survivor being female. Clover argued that the Final Girl first appears in the film through this Male Gaze, usually the killer's. During the film, however, there is a reversal, and the narrative becomes focalised through the Final Girl, with whom the audience comes to identify. Accordingly, Clover showed that audience members are capable of identifying with characters of different genders, while maintaining the gender binary by arguing that women and men have specific roles to play. Clover argues that it is a cinematic habit in horror films for the role of monster or hero to be gendered masculine, and for the role of victim or 'abject terror' to be gendered feminine.³⁴ For Clover, women exist in horror film primarily as victims, who Lenne famously describes as follows:

Perfect as a tearful victim, what she does best is to faint in the arms of a gorilla, or a mummy, or a werewolf, or a Frankenstein creature.³⁵

Accordingly, when men are victims in horror films they 'scream like girls', and when the Final Girl defeats the monster at the end of film, often with an act of violent penetration (by a knife or a stake etc), she is acting like a boy. By portraying the Final Girl as 'boyish', she was a 'congenial double for the adolescent male'.³⁶ Clover thus excluded the feminine from the active subject position: even when monsters or heroes were women in horror films, they were acting like men. For Clover, it is the behaviour that is important, not the body per se. Clover's arguments represent a simplification of Butler's idea of performing gender,³⁷ where acting or presenting a role – whether as monster or hero – is to perform masculinity. Meanwhile, victimhood is the province of feminine performance.³⁸

³²*Nightmare on Elm Street* (directed by Wes Craven, 1984).

³³*Halloween* (directed by John Carpenter, 1978).

³⁴Wisker argues that this portrayal of women as victims reflects the influence of the great masters of horror, whose sexualised idolatry of dead women (Edgar Allen Poe) and disgust at women and sex as monstrous (H P Lovecraft) infected a widespread misogynistic and voyeuristic worldview regarding the opportunities and liberty of women. Gina Wisker, 'Angela Carter's Revelations and Revaluations of Dark Desires: Unwinding the Winding Sheets of Constraining Myths and Horror' (2017) 43 *Hecate* 43.

³⁵Gerard Lenne, *Monster and Victim in Horror Film* (1979) 35.

³⁶Carol Clover, 'Her Body, Himself: Gender in the Slasher Film' (1987) 20 *Representations* 187, 212.

³⁷Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990).

³⁸For a recent application see, Claire Cohen, 'Problematizing "pro-Feminist" Depictions of Female on Male Rape: American Horror Story's "Rape of the Monsignor"' (2020) 16 *Crime Media Culture* 61, 63; Brian Jarvis, 'Monsters Inc.: Serial Killers and Consumer Culture' (2007) 3 *Crime Media Culture* 326, 333.

Clover's approach has long been criticised for denying women agency. On Clover's account, women are either born victims, or, if they are perpetrators, they are doubly deviant, offending against both the state and their femininity.³⁹ This critique reflects feminist concerns about how gendered assumptions inform and are expressed in legal constructs. For example, historically rape was an explicitly sexed offence – it could only be committed by men against women. There is a great deal of long-term analysis of the construction of women as passive objects of sex – culturally and in legal ideas of sex as penetrative sex.⁴⁰ The emphasis of Clover's theory is on gendered difference and performance, highlighting tropes in the slasher genre. Tropes are storytelling devices, that is, recurring motifs or ideas that provide shortcuts between the storyteller and the audience. These tropes reflect and reinforce existing understandings, sometimes subtly. But, as we argue below, these expectations can be played with and destabilised with subversive effect. These tropes represent a script of what we are allowed to do, not allowed to do and why, and the social consequences if we step outside those expectations. For example, the *Scream* franchise famously articulates the 'rules' for survival. The character Randy Meeks (played by Jamie Kennedy) in *Scream* asserts:

There are certain rules you must abide by in order to successfully survive a horror movie. For instance: Number one, you can never have sex. Big no–no, big no–no Sex equals death, okay? Number two, you can never drink or do drugs. No sin factor. This is sin. It's an extension of number one. Number three, never, never ever under any circumstances do you ever say "I'll be right back" 'cause you won't be back.⁴¹

Similarly, Clover articulates a script of gendered behaviours epitomised and characterised by an early Final Girl, Laurie Strode (played by Jamie Lee Curtis) in the early *Halloween* films. Laurie is an androgynous virgin who does not have sex during the film, and does not even seem to have a boyfriend. These tropes reflect and reinforce cultural and legal assumptions of the ideal victim. Victims must adhere to unwritten scripts or they will not be regarded as victims, or if they are, they will be blamed for their own demise.⁴² These same arguments have long been made at law, particularly in relation to sexual violence.⁴³

The horror genre can be conservative, and this is achieved in parts through its policing of boundaries, its support of traditional gender roles and mores such as 'virginity', and its

³⁹Ann Lloyd, *Doubly Deviant, Doubly Damned: Society's Treatment of Violent Women* (Penguin 1995).

⁴⁰See for example Jennifer Temkin, *Rape and The Legal Process* (Sweet and Maxwell 1987).

⁴¹*Scream* (directed by Wes Craven, 1996).

⁴²Nils Christie, 'The Ideal Victim' in E Fattah (ed), *From Crime Policy to Victim Policy: Reorienting the Justice System* (Macmillan 1986); Susan Harris Rimmer, 'Sexing the Subject of Transitional Justice' (2010) 32 *Australian Feminist Law Journal* 123.

⁴³There is a significant amount of literature on liberal law's problematic conceptualisation of the victim/survivor of sexual assault: see, for example, Kaitlin M Boyle and Kimberly B Rogers, 'Beyond the Rape "Victim"–"Survivor" Binary: How Race, Gender, and Identity Processes Interact to Shape Distress' (2020) 35 *Sociological Forum* 323; Carine M Mardorossian, *Framing the Rape Victim: Gender and Agency Reconsidered* (1st edn, Rutgers University Press 2014); Jericho M Hockett and others, 'Rape Myth Consistency and Gender Differences in Perceiving Rape Victims: A Meta-Analysis' (2016) 22 *Violence Against Women* 139; Sinéad Ring, 'The Victim of Historical Child Sexual Abuse in the Irish Courts 1999–2006' (2017) 26 *Social & Legal Studies* 562; Tanya Serisier, *Speaking Out: Feminism, Rape and Narrative Politics* (Springer International Publishing AG 2018); Laura L King and Lisa M Growette Bostaph, "'That is Not Behavior Consistent With a Rape Victim': The Effects of Officer Displays of Doubt on Sexual Assault Case Processing and Victim Participation' (2024) 39(5–6) *Journal of Interpersonal Violence* 973; Rajiva and Patrick (n 9); Ring, 'The Victim of Historical Child Sexual Abuse in the Irish Courts 1999–2006'; Sinead Ring, 'Trauma and the Construction of Suffering in Irish Historical Child Sexual Abuse Prosecutions' (2017) 6 *International Journal for Crime, Justice and Social Democracy* 88.

respect for authority; Clover's arguments about the Final Girl fall within that conservative tradition. In slashers, the stakes of these rules are high – break them and you die. The most obvious 'rules' of the genre focus on sex. A fundamental rule is not to have sex in a horror film. Until recently, any character that had sex or got intoxicated in a horror film was unlikely to survive.⁴⁴ For example, in the satirical horror *Cabin in the Woods*,⁴⁵ the villainous corporation releases pheromones so that the jock and the cheerleader will have sex with each other and then be killed. Characters who are ethnic or sexual minority group members, characters who 'sin' (e.g. drink, use drugs, steal), and characters who engage in sexual behaviour or nudity are expected to be among the first victims.⁴⁶ Some films in the horror genre assume that fans are familiar with the rules and explicitly play with those rules. This means audience members can try to predict who will die (usually, almost everyone) and in which order. Although she can be celebrated as a powerful figure of female resistance, the Final Girl is also a conservative force of sexual and gendered normativity.⁴⁷ Frequently depicted as a model of heteronormative sanity, the Final Girl not only slays the monster but also corrects his gendered aberrations and threats.

Clover's theory gives insight into gendered subjects and scripts of behaviour and how this might influence survival in horror. In horror, characters are quickly and violently punished for breaking the (gendered) script. This gendered analysis is important, but it is not sufficient.

Recent empirical analysis of the Final Girl in horror has demonstrated that although audiences and (some) characters in films think that we know the rules, the rules are not quite so clear as previously believed. For example, Menard et al analysed the top 30 slasher films across three decades to ascertain whether assumptions about the Final Girl were empirically correct.⁴⁸ They found that the Final Girl is not necessarily a virgin and may even engage in some sexual activity in films. Contrary to assumptions about slasher horror, characters who engaged in sexual behaviour, demonstrated anti-social behaviours and who froze or fled in the face of an attack were no more likely to die than characters who did not.⁴⁹ They did find that surviving primary characters were more likely to embody an androgynous gender role and were less likely to appear nude on screen. These characters also tended to be more complex, exhibiting pro-social behaviours but also anti-social behaviours – but this may well be a function of the amount of time that they spend on screen.⁵⁰ They also found fewer sex scenes than we might expect from the reputation of slasher films, with Menard et al finding only ten full sex scenes in the 30 films they analysed, less than average comedy or drama film.⁵¹

⁴⁴The Rules | Scream Wiki | Fandom <https://scream.fandom.com/wiki/The_Rules#:~:text=%20Rules%20to%20succesfully%20survive%20a%20horror%20movie%3A,right%20back%22%2C%20%22Hello%3F%22%20or%20%22Who%27s%20there%3F%22%20More%20> viewed 22 February 2024.

⁴⁵*Cabin in the Woods* (n 27).

⁴⁶Menard, Weaver and Cabrera (n 23) 623.

⁴⁷David Green, 'The Women of Get Out: Femininity, Race and Betrayal in the Contemporary Horror Film' (2021) 22 *Studies in Gender and Sexuality* 192, 200.

⁴⁸Menard, Weaver and Cabrera (n 23).

⁴⁹ibid.

⁵⁰ibid.

⁵¹ibid.

3. The Problem of the Liberal, Legal Subject

We are well into the twenty-first century and yet law still does not have an intersectional subject at its centre. Clover's idea that the Final Girl takes on a male gendered role when she destroys the monster reflects some of the difficulties that law and legal theorists have had in response to female perpetrators.⁵² Feminists have noted the default legal and cultural preference and assumptions of feminine passivity.⁵³ Statistically, women are most likely to enter the criminal legal system as victims rather than as perpetrators.⁵⁴ Crime is perceived as a primarily male endeavour, hence male offenders do not need to be explained. In contrast, it is exceptional for women to commit crimes – not only are they offending against gendered roles they are also offending against the state.⁵⁵ When women are perpetrators, particularly of homicide, their actions need to be explained. There are limited subject positions available for female perpetrators – the preferred categories are those of mad or sad.⁵⁶ These subject positions ascribe limited agency due to either circumstances or irrationality.⁵⁷ Thus a woman who kills her violent partner is frequently characterised as a victim – like Clover's conception of the Final Girl, she has been forced by extreme circumstances to take extraordinary measures and she is not really exercising any choice or agency.⁵⁸ Thus for Clover, "tortured survivor" might be a better term than the "female hero".⁵⁹

Gender is not exhaustive or consistent, because it is always intersected by issues of race, class and sexuality, and the binary structure of sex and gender (as perpetuated in law) does not account for all facets of identity.⁶⁰ The law isn't there yet, including legal reform based on feminist principles and activism, much of which still tends to privilege the liberal legal subject.⁶¹ In their recent chapter on what they call 'the terrorised subject' – the subject who experiences gender violence – Márcia Nina Bernardes and

⁵²See Jaya Dadwal, 'Ghislaine Maxwell the Triple Threat: Victim, Abuser, Traitor' (forthcoming) *Current Issues in Criminal Justice*.

⁵³Therese Murphy and Noel Whitty, 'The Question of Evil and Feminist Legal Scholarship' (2006) 14 *Feminist Legal Studies* 1; Penny Crofts, 'Monstrous Wickedness and the Judgment of Knight' (2012) 21 *Griffith Law Review* 72; Tamsin Phillipa Paige, Stacey Henderson and Joanne Stagg, 'Women, Peace and Security: Getting Women in the Room Is a Start Not an End Goal' in *Oxford Handbook on Women in International Law* (OUP Forthcoming).

⁵⁴See eg #Whataboutmen – Key Statistics about men, women and violence <<https://noviolence.org.au/wp-content/uploads/2018/09/Whataboutmen.pdf>> viewed 4 March 2024.

⁵⁵Lloyd (n 40).

⁵⁶ibid; Elizabeth Sheehy, Julie Stubbs and Julia Tolmie, 'Defending Battered Women on Trial: The Battered Woman Syndrome and Its Limitations' (1992) *Criminal Law Journal* 369; Helen Birch (ed), *Moving Targets: Women, Murder and Representation* (1993); Murphy and Whitty (n 36) 11; Lynda Hart, *Fatal Women: Lesbian Sexuality and the Mark of Aggression* (Routledge 1994).

⁵⁷Crofts (n 54) 74.

⁵⁸Sheehy, Stubbs and Tolmie (n 57).

⁵⁹Clover, *Men, Women, and Chain Saws* (n 26) x.

⁶⁰On intersectionality and domestic violence, see Kimberlé Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43 *Stanford Law Review* [1241]. See also Angela Harris, 'Race and Essentialism in Feminist Legal Theory' (1990) *Stanford Law Review* 42; Patricia Hill Collins and Sirma Bilge, *Intersectionality* (Cambridge: Polity Press, 2016).

⁶¹The law continues to violently enforce the gender binary: see, for example, Petr Agha, *Law, Politics and the Gender Binary* (1st edn, Routledge, an imprint of Taylor and Francis 2018); Jessica A Clarke, 'They, Them, and Theirs' (2019) 132 *Harvard Law Review* 894; Alex Sharpe, *Sexual Intimacy and Gender Identity 'Fraud': Reframing the Legal and Ethical Debate* (1st edn, Routledge 2018); Giovanna Gilleri, *Sex, Gender, and International Human Rights Law: Contesting Binaries*, Vol 1 (1st edn, Routledge 2024); Emma Genovese, 'Administering Harm: The Treatment of Trans People in Australian Criminal Courts' (2023) *Current Issues in Criminal Justice* 1; Emma Genovese, 'The Spectacle of Respectable Equality: Queer Discrimination in Australian Law Post Marriage Equality' (2023) 46 *University of New South Wales Law Journal* 650.

Sofia Martins interrogate and destabilise the categories upon which reform in this area is based; in particular, they argue that:

the “subject’s foundationalist myth” has a series of problematic implications within the liberal framework with respect to the construction of the legal/terrorized subject who must be protected by the state, and how she should be protected.⁶²

These implications include normalising and productive effects – in the ways used by Michel Foucault and Judith Butler – thereby ‘creating hierarchies and establishing who gets to live a liveable life’.⁶³

For Butler, law produces the subjects that it later adjudicates.⁶⁴ Similarly, Bernardes and Martin argue, ‘feminism and feminist laws construct the very subjects they later come to represent because their demands are made in the name of a ‘woman’ that is presented as pre-discursive and, thus, as existing prior to law’.⁶⁵ Bernardes and Martins extend Butler’s theory to interrogate law’s rules of recognition for a ‘gender violence victim’, and which women are included (and excluded) by this process.⁶⁶ They examine Brazilian case law that applies the Maria da Penha Law – based on international legal norms and arising out of transnational feminist movements – which, they argue, constructs the victim of domestic violence essentially as ‘a fragile, adult cis-woman in a romantic relationship with her aggressor’.⁶⁷ In doing so, the law conceptualises fragility as a necessary attribute of women, rather than as a contingent quality depending on circumstance. At the same time, the law ignores the material conditions under which domestic violence occurs, assuming an abstract woman who is white, middle-class and heterosexual. This means that the legal remedies and responses of ‘most domestic violence laws worldwide’ assume a victim of domestic violence who has the economic and social capital to escape the violence rather than, for example, offering remedies that redress the material realities of poverty and the privileging of whiteness and heterosexuality as part of their solution; the result is that laws fail Black, poor and non-white women, naturalising the violence to which they are exposed.⁶⁸ These laws thereby reproduce the violence of racism, classism and queerphobia. The solution they offer is that we pay greater attention to the conflicts within transnational feminism in its fights against gender violence, rejecting the ‘hegemonic worldview of feminism that does not confront or undo these power structures’, and yet which drives domestic legislation in most countries.⁶⁹ As Foucault and Butler argue, the subject cannot be produced outside power relations – any attempt to do so merely naturalises the established order – but the social (and legal) production of recognition are inherently unstable. Each time we reiterate these norms socially and culturally, and each time the law is applied, there is a new opportunity to generate new norms.⁷⁰ Law can move towards an intersectional legal subject, and as legal feminist

⁶²Márcia Nina Bernardes and Sofia Martins, ‘The Terrorized Subject: A Critique of “Women”, “Gender Violence” and “Vulnerability” as Legal Categories’ in Stéphanie Hennette Vauchez and Ruth Rubio-Marín (eds), *The Cambridge Companion to Gender and the Law* (Cambridge University Press 2023) 98–131, 112.

⁶³Bernardes and Martins (n 63) 112.

⁶⁴Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990).

⁶⁵Bernardes and Martins (n 63) 113.

⁶⁶*ibid.*

⁶⁷*ibid* 114.

⁶⁸*ibid* 115.

⁶⁹*ibid* 130.

⁷⁰*ibid.*

theorists, we should ensure that we put intersectionality feminism at the centre of all legal reform.

4. Intersectionality and the Final Girl

Clover's theory continues to be very influential, with recent horror fiction reworking and reinventing the assumptions underlying the theory of the figure of the Final Girl and the assumed audience. These recent incursions demonstrate that gendered analysis based on the binary only gets us so far, as does the idea that the primary viewer of horror has a misogynist, violent and voyeuristic gaze.⁷¹ The intersectional identities present within horror provide useful lessons for thinking through the way we understand law's subjects. Horror studies in general and feminist horror studies in particular, used to fail at intersectionality.⁷² But the horror genre has evolved, and recent horror highlights the extent to which cultural, racial, class, age, and sexuality differences continue to be subordinated in law. This section explores specific attributes of recent Final Girls, but with the recognition that:

any one factor of identity cannot be analyzed without considering others: gendered identities can be strongly linked to class or racial identity, for example, and the one cannot be discussed without considering the other.⁷³

4.1. Sex and Sexuality

While Clover's focus was upon an assumed audience of young white men, the Final Girl can also be analysed in terms of what she means for the female viewer – representing not only the strength and resourcefulness of the Final Girl, but what it is to be vulnerable to and endure male violence.⁷⁴ Women have always watched horror, but previously much of the horror industry assumed that they just watched what their male partners told them to.⁷⁵ More recently, female horror fans, accompanied by female horror filmmakers,⁷⁶ have grown more visible,⁷⁷ reclaiming female viewing pleasure. In aiming to appeal to a female audience, representation of female characters has become more complex – hooking into third wave feminism and the idea of women trying to control their own narrative in the face of misogynist forces.⁷⁸

Part of this more complex portrayal of (female) characters is recent franchise films bringing back original Final Girls, including Jamie Lee Curtis of the *Halloween* franchise and Neve Campbell from the *Scream* franchise. The *Scream* films reverse the horror tradition, where instead of the monster/villain returning, it is the Final Girls who return.⁷⁹ Repeat Final Girls have learned from their experiences and become hypervigilant, training

⁷¹Paszkievicz and Rusnak (n 9) 17.

⁷²*Ibid* 8.

⁷³Cherry (n 1) 176.

⁷⁴Kathleen Rowe Karlyn, *Unruly Girls, Unrepentant Mothers: Redefining Feminism on Screen* (University of Texas Press 2011) 13.

⁷⁵Paszkievicz and Rusnak (n 9) 13.

⁷⁶Alison Peirse, *Women Make Horror* (Rutgers University Press 2020).

⁷⁷Cherry (n 1).

⁷⁸Alexandra West, *The 1990s Teen Horror Cycle: Final Girls and a New Hollywood Formula* (McFarland 2018) 69.

⁷⁹Isabel Clua, "People Call Me a Final Girl, but We're All Final Girls in Lakewood": Female Survivors in *Scream: The TV Series* in Katarzyna Paszkievicz and Stacy Rusnak (eds), *Final Girls, feminism and popular culture* (Palgrave 2020).

themselves (and others) to prepare to face the monster that they now know, even if others do not believe them, is always lurking. Unlike Clover's emphasis on the Final Girl as a sole survivor, more recent franchise horror depicts friendship, sisterhood and mentoring across generations of Final Girls. The films demonstrate positive collectivism, a collaborative effort to survive, usually with a cohort of characters from different races, sexuality, and ages, reflecting the old feminist values of collective activism and consciousness raising. In these groups, the type of people who survive is broader than the Final Girl, and survival itself is portrayed as a group effort. In the *Scream* sequels, previous survivors Sidney and Gale Weathers save themselves and each other, portraying strong women who have suffered and continue to suffer trauma but who have become self-reliant women. In the recent *Halloween* films (2018, 2021, 2022), Final Girl Laurie is now a grandmother, and is criticised for her continued fears, and for raising her daughter and granddaughter in a state of hypervigilance in order to be prepared for the return of the antagonist Michael Myers. The films meditate on the impacts of repeated trauma, not only on the Final Girl, but also on family and friends, and indeed the entire town. In *Halloween Kills* (a not particularly enjoyable contribution to the franchise),⁸⁰ this repeated victimisation leads the town of Haddonfield to rise up and kill a mentally ill man because they fear, incorrectly, that he is Michael Myers. The vigilantism is itself horrific, explicitly slated home to a failure of the legal system and on the violence that becomes possible in the absence or failure of law.

Recent horror has implicitly critiqued the heteronormativity of twentieth century horror, providing redress to some of the deeply homophobic and transphobic horror films produced last century (e.g. *Sleepaway Camp*, *High Tension*).⁸¹ A number of transphobic films leaned into a trope that equated deviation from the gender binary as a nefarious act of masking or what Clover called 'gender distress' that signified evil (e.g. *Homicidal*,⁸² *Psycho*,⁸³ *Terror Train*,⁸⁴ *Dressed to Kill*,⁸⁵ *The Silence of the Lambs*⁸⁶ and *Insidious 2*⁸⁷).⁸⁸ *Nightmare on Elm Street II: Freddie's Revenge* is a notorious example.⁸⁹ In that film, Jesse Walsh (Mark Patton) moves with his family into the home of the lone survivor from a series of attacks by dream-stalking monster Freddy Krueger (Robert Englund). Jesse is bedevilled by nightmares and inexplicably violent impulses by Freddy, who needs a host body to carry out his gruesome vendetta against the youth of Springwood, Ohio. The film is regarded as having (at least) a queer sub-text – Jesse is a gender-neutral name and comes to be possessed by Freddie. There are scenes where the gym coach encounters Jesse at a gay fetish club and tries to make a pass at him, and then gets a bare-ass spanking by Freddy before being killed. The actor playing the role of the Final

⁸⁰*Halloween Kills* (directed by David Gordon Green, 2021)

⁸¹In *Sleepaway Camp*, Angela is a killer who is really a boy, sent by his mentally ill aunt to live as a girl at summer camp with no plans about how to deal with communal showers or his hormones (*Sleepaway Camp* (directed by Robert Hiltzik, 1983)). In *High Tension*, the heroine is a delusional, lesbian psychopath who has killed the object of her affection's entire family (*High Tension* (directed by Alexandre Aja, 2001)).

⁸²*Homicidal* (directed by William Castle, 1961).

⁸³*Psycho* (directed by Alfred Hitchcock, 1960).

⁸⁴*Terror Train* (directed by Roger Spottiswoode, 1980).

⁸⁵*Dressed to Kill* (directed by Brian De Palma, 1980).

⁸⁶*The Silence of the Lambs* (directed by Jonathan Demme, 1991).

⁸⁷*Insidious 2* (directed by James Wan, 2013).

⁸⁸Joe Vallese (ed), *It Came from the Closet: Queer Reflections on Horror* (The Feminist Press 2022); Clover, *Men, Women, and Chain Saws: Gender in the Modern Horror Film* (n 26) 27.

⁸⁹*A Nightmare on Elm Street II: Freddy's Revenge* (directed by Jack Sholder, 1985).

Girl in *Nightmare II: Freddy's Revenge*,⁹⁰ Mark Patton, was a closeted homosexual who claimed that the film forced him out of the closet at a time of rampant homophobia due to early AIDS paranoia and led to his acting career ending.⁹¹ The director Chaskin initially denied that the film had a gay sub-text, stating that Patton had played it 'too gay'.⁹² It was not until 2010 that Chaskin admitted that it was a deliberate choice to exploit the homophobia of the time:

Homophobia was skyrocketing and I began to think about our core audience – adolescent boys – and how all of this stuff might be trickling down into their psyches ... My thought was that tapping into that angst would give an extra edge to the horror.⁹³

The film was derided by critics and genre fans at the time, but Peitzman argues that 'with the destigmatization of queer representation over the last 30 years, perception of *Freddy's Revenge* has shifted' and it is now regarded as a 'charmingly dated relic of another time'.⁹⁴

In *Skin Shows: Gothic Horror and the Technology of Monsters*, Halberstam critiques Clover's notion of the Final Girl as 'boyish', arguing that this theory 'remains caught in a gender lock'.⁹⁵ Halberstam draws upon the messiness of the genre, to argue that representations of gender in horror exceeds human categories.⁹⁶ More recent films debunk gender normativity and demonstrate the potential for horror to radically critique sexuality and gendered constructs. For example, in the *Fear Street Trilogy*,⁹⁷ the lead protagonist, Deena Johnson, is an open homosexual who has broken up with her girlfriend Sam because she is closeted. Deena lives in Shadyside, the murder capital of the US. Sam becomes possessed by a ghost and the *Trilogy* involves a quest by Deena to save her (ex)girlfriend (via the trope of the classic messy lesbian breakup) and Shadyside. The portrayal of the Final Girl as an open, confident lesbian is a development from the androgynous, somewhat prudish, heterosexual Final Girls of the 1980s.

4.2. Race

Clover glossed over, or perhaps did not even notice, the fact that the Final Girls of the twentieth century slashers were white, mirroring the omission of Black people and other people of colour from horror films, as well as their material omission from the idyllic suburban oases that were usually the backdrop to these films.⁹⁸ As with many white feminists in the 1970s and 1980s,⁹⁹ Clover did not consider the issue of race at all, leading literary theorist Brooks to assert that 'Clover's theory of the Final Girl relies

⁹⁰A *Nightmare on Elm Street II: Freddy's Revenge* (directed by Jack Sholder, 1985).

⁹¹Patton's story is explored in the documentary, *Scream, Queen! My Nightmare on Elm Street* (Directed by Roman Chimienti and Tyler Jensen, 2019).

⁹²Quoted in *Scream, Queen! My Nightmare on Elm Street* (Directed by Roman Chimienti and Tyler Jensen, 2019).

⁹³Quoted in Louis Peitzman, 'The Nightmare Behind the Gayest Horror Film Ever Made' *BuzzFeed* (February 22, 2016) <<https://www.buzzfeednews.com/article/louispeitzman/the-nightmare-behind-the-gayest-horror-film-ever-made>> viewed 20 February 2024.

⁹⁴Louis Peitzman (n 94).

⁹⁵Halberstam (n 28) 143.

⁹⁶ibid.

⁹⁷*Fear Street Trilogy* (n 31).

⁹⁸Robin R Means Coleman, *Horror Noire: A History of Black American Horror from the 1890s to Present* (2nd edn, Routledge 2022) 199.

⁹⁹A more extreme example of the use of a fleeting reference to the intersection of race and gender is in Catharine MacKinnon's footnote following an analysis of gendered harm – 'this would be worse for women of colour'. See Catharine MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Harvard University Press 1987) 86.

on the normativity of whiteness'.¹⁰⁰ In his masterful book *Horror Noire*, Means Coleman sought to address the lack of critical race analysis with an exploration of the representation of race in horror.¹⁰¹ This led to a documentary and a second edition of *Horror Noire* to engage with recent horror films, particularly those by Jordan Peele. Means Coleman argues that Black characters had specific roles to play in horror which resulted in death, either as monster or victim.¹⁰² For example, Means Coleman, states that '[t]here is no better way to demonstrate someone's, or something's, extreme deadliness than for it to secure a bloodbath victory over a Black man with a big black gun'.¹⁰³ Apart from notable exceptions such as Tony Todd's *Candyman*¹⁰⁴ and Duane Jones' Ben in *Night of the Living Dead*,¹⁰⁵ Black people were relegated to secondary, disposable roles. Of the 200 most critically acclaimed horror films identified by review aggregator Rotten Tomatoes, only four (2%) produced before 2010 featured Black leads or co-leads.¹⁰⁶ In his chapter on 1980s slashers, Means Coleman notes that 'horror films were, apart from being extraordinarily grisly, very white'.¹⁰⁷ There are few or no Black people in 1980s suburbs and rural settings of *Halloween*,¹⁰⁸ *Nightmare on Elm Street*¹⁰⁹ or *Friday the 13th*.¹¹⁰ On the rare occasion that there is a Black character, they tend to be secondary characters in workplace/professional settings, such as nurses in hospitals or beat patrol cops in police stations. They are portrayed as obscure, marginal and dependent. Means Coleman asserts that this is the 'affirmative construction of whiteness through the exclusion of Blacks'.¹¹¹ The absence of Black characters was not commented on or noticed by (white) audiences or theorists at the time.

Slashers were not without critical awareness of patriarchal and heterosexual white spaces, however, and what those spaces meant in terms of the harms they caused. Twentieth century slashers flipped the script on where white people felt safe. Rather than offering security, the white, middle-class, suburban spaces that were the backdrop to these films – homes, streets, playing fields, schools and summer camps – became sites of risk. Labelled 'whitopias' by Rich Benjamin in *Searching for Whitopia*,¹¹² these were areas that gentrified and segregated whiteness, where subjects prided the values of ordinariness, orderliness, safety and comfort. However, in twentieth century slashers, this security crumbled from within. The monsters in twentieth century slashers were predominantly white – 'a racially unmarked category' – and white men were the embodiment of evil, using machetes and power-tools to prey on teenagers. Monsters such as Freddie Kruger (*Nightmare on Elm Street*) and Michael Myers (*Halloween*) roamed the suburbs killing kids while inattentive, negligent or alcohol-soaked parents failed to protect

¹⁰⁰Kinitra Brooks, 'The Importance of Neglected Intersections: Race and Gender in Contemporary Zombie Texts and Theories' (2014) 74 *African American Review* 461, 464.

¹⁰¹Coleman (n 99).

¹⁰²ibid.

¹⁰³ibid 1.

¹⁰⁴Played by Todd in both versions of *Candyman*: the version directed by Bernard Rose in 1992 and the version directed by Nia DaCosta in 2021.

¹⁰⁵*Night of the Living Dead* (directed by George A. Romero, 1968).

¹⁰⁶Coleman (n 99) 313.

¹⁰⁷ibid 214.

¹⁰⁸*Halloween* (n 34).

¹⁰⁹*Nightmare on Elm Street* (n 31).

¹¹⁰*Friday the 13th* (directed by Sean S Cunningham, 1978).

¹¹¹Coleman (n 99) 201.

¹¹²Rich Benjamin, *Searching for Whitopia: An Improbable Journey to the Heart of White America* (Hyperion 2009).

them.¹¹³ These perpetrators were able to move around and kill because they fit the white norm so well, they could not be immediately identifiable.¹¹⁴

When Laurie Strode (Jamie Lee Curtis) walks the streets of the fictional town of Haddonfield in *Halloween*, she is afraid of the killer who ends up being her brother, Michael Myers. She turns to police and authorities for help. In slashers, police and authorities are portrayed as ineffective and incompetent failures.¹¹⁵ Their failures are relied upon to demonstrate the schema incongruence of the monsters¹¹⁶ – the usual police procedures, including shooting, just do not work. Alternatively, the police may well be the monster themselves, emphasising the horror of the threat within (e.g. *Fear Street*¹¹⁷ trilogy and *Scream VI*¹¹⁸). Contemporary horror fiction with primary Black characters provides an alternative perspective on police and authorities. In the opening scenes of *Get Out*, a young Black man, Andre, walks down a suburban street at night-time, in a setting reminiscent of twentieth century slashers such as *Halloween* and *Nightmare on Elm Street*. There is a lurking sense of menace – but the threat is not of a monster, but instead of police or citizens exercising their right to stand their ground. The film references police homicides of Black people and slaying by citizens of Black people who excite fear solely by the colour of their skin. While suburban streets were portrayed as places of safety which were then undermined by a monster, *Get Out* highlights that the navigation of white spaces – settings in which Black people are typically absent – is dangerous.¹¹⁹ *Get Out* (along with other recent horrors), demonstrates that many of the 1980s slashers were made with a specific audience in mind – young, white men (even if they were watched avidly by other people, including the authors). In contrast, this is arguably a Black film – produced, directed and made for Black people – whilst also being accessible to others.¹²⁰ This is an example of the radical potential of the horror genre, attracting a broader audience that might otherwise not be interested in racism – making visible the otherwise invisible whiteness of characters, and the daily experience by Black people of microaggressions, objectification and dehumanisation of the racialized body for white gains.

Horror traffics in the dark side of humanity, exploring our worst fears. But what if the reality is more horrific than what is imagined in a typical horror film?¹²¹ Films such as *Get Out* demonstrate that there need not be a supernatural threat to strike fear in the mind of a Black man in the white space of a suburb, where racist violence is quotidian rather than exceptional. In *Get Out*, Andre's fears of racist violence turn out to be valid, when he is kidnapped by a cohort of evil, white suburban people. *Get Out* simultaneously engages and rewrites the Final Girl and the function of the gaze of horror, proffering a racial

¹¹³Penny Crofts and Honni van Rijswijk, 'The Nightmare on Elm Street: The Failure and Responsibility of Those in Authority' in Calum Waddell (ed), *ReFocus: The Films of Wes Craven* (Edinburgh University Press 2023).

¹¹⁴Coleman (n 99) 230.

¹¹⁵Crofts and van Rijswijk (n 114).

¹¹⁶Pamela Marie Taylor and Yukiko Uchida, 'Horror, Fear, and Moral Disgust Are Differentially Elicited by Different Types of Harm' (2022) 22 *Emotion* 346.

¹¹⁷*Fear Street Trilogy* (n 31).

¹¹⁸*Scream VI* (directed by Matt Bettinelli-Olpin and Tyler Gillett, 2023).

¹¹⁹Elijah Anderson, 'The White Space' (2015) 1 *Sociology of Race and Ethnicity*.

¹²⁰Isabel Pinedo, 'Get Out: Moral Monsters at the Intersection of Racism and the Horror Film' in Katarzyna Paszkiewicz and Stacy Rusnak (eds), *Final Girls, Feminism and Popular Culture* (Springer International Publishing 2020) 97 <https://doi.org/10.1007/978-3-030-31523-8_5> accessed 9 July 2021.

¹²¹Coleman (n 99) 316.

and gendered inversion. In the process, the film highlights the taken-for-granted status in slasher film, horror film criticism and feminist theory of whiteness.¹²²

In *Get Out*, unlike the supernatural monsters of twentieth century slashers, the threat comes from a community of rich white people. The Armitages, believing that Black people are physically superior, abduct young Black people and implant the brains of dying white people into their physical vessels. The Armitages host silent auctions, reminiscent of slave auctions. The protagonist Chris has been brought to the house by his girlfriend Rose Armitage, who procures bodies for her family. Chris is unaware that the white community gathering at the Armitages is seeking an opportunity to get information from him in order to determine whether to bid on his body. *Get Out* is a portrayal of the intersection of class, race and power. There is almost no chance of any police or other investigation of the Armitages for kidnapping Black people – the more powerful and wealthy a person and/or corporation, the less likely it is to be held accountable.

The differential experiences of the legal system are a theme throughout the film. On the way to Rose's house they call the police after hitting a deer. Chris is careful not to antagonise police, showing him his identification, fully aware of the risk of any and all interactions with police. In contrast, Rose challenges police, asking why they need to see Chris' identification given that he wasn't driving. At the time, this seems a form of white privilege, increasing suspense by Rose seemingly oblivious to the risks she is creating for Chris, but later it transpires that she did this so that no one would know Chris' location, as a means to further exclude the possibility of police interference. At the conclusion of *Get Out*, Chris stands over a wounded, bloody Rose with dead bodies of her family and friends scattered around the mansion, while red and blue flashing lights signal the arrival of police. At the end of 1980s horror films, the police are an eagerly anticipated sight, even if they usually arrive too late. However, the audience becomes tense about Chris's safety given increasing social recognition of the danger that an officer may pose to a Black man found alone with an injured white woman. Apparently, Peele initially intended that Chris would be arrested by police and the end of film would show him in prison, convicted for multiple murders. He decided though, that this was too depressing (and realistic) and changed the ending so that instead it is Chris's best friend Rod, a Transportation Security Agent, who has tracked Chris down. In earlier horror films, a secondary Black character such as Rod would also have died.¹²³

Get Out offers an unflinching critique of the racist assumptions of twentieth century slashers. It is regarded as a reworking of Carol Clover's ideas of the Final Girl who alone survives the horror bloodbath. There is no Final Girl, rather a Black male protagonist who not only survives, but becomes a hero. Chris does this by being smart – he 'is ingrained with an unspoken awareness as an endangered species: a Black man in a horror movie'.¹²⁴ He knows the genre within which he is operating, and he makes safe choices accordingly. Unlike less wary characters in the genre, he tries to extract himself from dangerous situations and does not go to investigate strange noises. Wilz argues that the film conspicuously absents the Final Girl, refusing her presence entirely because of the problematic gender and race politics of that character.¹²⁵ Green goes so

¹²²Pinedo (n 121).

¹²³eg At the end of the *Shining* (1980), Dick Hallorann has raced to the hotel to save Danny, only to die within minutes of arriving at the Overlook Hotel. Coleman (n 99) 321.

¹²⁴Coleman (n 99) 324.

¹²⁵Kelly Wilz, 'Getting the Final Girl Out of *Get Out*' (2021) 44 *Women's Studies in Communication* 323.

far as to argue that while *Get Out* is an excellent critique of racism in culture, society and law, it is also misogynist in its portrayal of women.¹²⁶ The last female standing, Rose Armitage, is the ultimate villain.¹²⁷ All the white characters are villains, but she is the ultimate villain – procuring victims for her family by performing the role of *femme fatale*. The climax of the film is reserved for a showdown with her. Far from celebrating the Final Girl, ‘the film – understandably – seethes with a cool rage about the vexed and intersecting history of white women’s sexual desire and power and Black male sexuality and endangerment in racist society’.¹²⁸ *Get Out* critiques the celebration of white womanhood, placed on a pedestal of virtue, beauty and purity, needing protection from Black men.¹²⁹ The truth is that white women have been complicit in structural racism and overt violence against Black women and Black men; white liberal feminism is especially problematic. Jordan Peele’s film *Get Out*, depicts the terrifying nightmare of the everyday reality of racism, including but not limited to the racism of law, using the conventions of slasher horror to attract an audience who may otherwise repress recognition and understanding of racism.¹³⁰

A critique of the whiteness of the Final Girl occurs in the novel *My Heart is a Chainsaw*.¹³¹ The narrator, Jade Daniels, has an encyclopaedic knowledge of the horror genre. She lives in the small town of Proofrock, Idaho, with her abusive, alcoholic father. When people start disappearing and dying, she believes that Proofrock has its own slasher, and draws upon her knowledge to predict what will happen and to survive. She meets Letha Mondragon, the gorgeous and sweet daughter of a mogul who has moved into the luxury development still being built across the lake, and thinks that she has found the requisite Final Girl. Jade believes that she cannot be the Final Girl because she is half Native American and has been sexually abused (by her father) so she is not a virgin. The novel highlights the power of scripts and tropes in terms of limiting not only how a person is regarded socially and treated by the legal system, but how they define and limit themselves. It is a powerful novel of revenge and triumph in the shadow of trauma. The second novel commences with Jade imprisoned for homicide – rather than seeing her as a hero she is instead punished.¹³² Both novels meditate on the failure of the legal system – not only in response to the threat to the town in the massacres – but the failure to protect Jade from the sexual abuse of her father and the failure to deliver justice to Jade after she saves the town.

5. Conclusion

Horror plays with white patriarchal nightmares and taps into our ambivalence about normality, providing the potential for radical storytelling. While the ‘genre provides a cathartic outlet, and in some cases even an expression of feminist feeling’,¹³³ directors such as

¹²⁶Green (n 48).

¹²⁷ibid.

¹²⁸ibid 197.

¹²⁹Coleman (n 99).

¹³⁰Alison Landsberg, ‘Horror Verite: Politics and History in Jordan Peele’s *Get Out*’ (2018) 32 *Continuum: Journal of Media and Cultural Studies* 629, 633.

¹³¹Stephen Graham Jones, *My Heart is a Chainsaw* (Gallery/Saga Press 2021).

¹³²Stephen Graham Jones, *Don’t Fear the Reaper* (Gallery/Saga Press 2023).

¹³³Isabel Pinedo, *Recreational Terror: Women and the Pleasures of Horror Viewing* (State University of New York Press 1997) 86.

Peele are showing us that the future is a radical, intersectional imaginary. We do not uncritically celebrate the Final Girl trope – but it does provide new models for rethinking legal categories – including female agency, intersectionality and who is the law’s assumed subject. Developments in the notoriously sexist, racist, homophobic horror genre ask how far we have come in imagining an equitable society? The law can learn from this. Why are we so slow, as lawyers and legal theorists, in re-thinking the legal subject? Why are we content to move incrementally forward from the liberal, legal subject, a white subject who is (idealistically) either male or female, with race and queerness acting only as supplements to law and its analysis? Recent horror fiction shows the capacity of the genre to mediate contemporary issues of gender, sexuality, race and racism – experienced, negotiated and challenged by a more diverse audience than the young white teenage males assumed by Clover. They show that representations of gender cannot be understood without an appreciation of intersectional attributes such as race, sexuality, age, disability, and vice-versa. We need to move forward from a point of view that for law feels radical – an intersectional subject beyond the gender binary. Recent horror genre draws upon classic conventions and narratives, reinvigorating and interrogating the horror of the everyday – making routine horror visible.

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Notes on Contributors

Penny Crofts is an international expert on criminal law, models of culpability and the legal regulation of the sex industry. Her research is cross-disciplinary, drawing upon a range of historical, philosophical, empirical and literary materials to enrich her analysis of the law. Her current research focuses on corporate ir/responsibility in law and horror.

Honni van Rijswijk is an international expert in representations of culpability for suffering. Her research is interdisciplinary, focusing mainly on the relationship between law and literature. Honni’s book, *Law, Culture and the Figure of the Girl: Genre and Gendered Violence*, is forthcoming with Routledge.