

LAW IN *HIGH HEELS*: PERFORMATIVITY, ALTERITY, AND AESTHETICS

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Pedro Almodóvar's *High Heels* (the original Spanish title, *Tacones Lejanos*, literally means "distant heels") is a 1991 postmodern film that celebrates performance, fluidity, and fragmentation as ways of being in and understanding the world.¹ In a generic combination of melodrama, comedy, musical, and film noir, *High Heels* tells the story of a turbulent mother-daughter relationship, and a judge's criminal investigation following the murder of the daughter's husband (who also happens to be the mother's former lover). In recent years, Almodóvar's film has received the attention of Orit Kamir, a law-and-film feminist scholar who opens up a refreshing line of inquiry. Kamir uses the film as a powerful site and as a means to explore alternative feminist images of law, judgment, and justice.² In this Article, I provide new insights into Kamir's feminist jurisprudential reading of the film by placing it within the framework of postmodern jurisprudence, performativity, and queer aesthetics. My aim is to re-conceptualize law through an ethics of alterity, and to further theoretical developments in postmodern accounts of judgment, ethics, and justice.

I. INTRODUCTION: POSTMODERN RE-IMAGININGS

In *High Heels: Almodóvar's Postmodern Transgression*, Kamir concurs with Robin West's suggestion that care and compassion have been rooted out from the constitutive elements of what James Boyd White calls the "legal imagination."³ This is worrisome, West and Kamir say, because the "pursuit of justice, if neglectful of the ethic of care, will fail not just as a matter of overall virtue, but more specifically, it will fail *as a matter of*

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¹ TACONES LEJANOS (El Deseo S.A. 1991). It is beyond the scope of this Article to outline the abundant debates on the concepts of postmodernity and postmodernism, which have been extensively discussed elsewhere. Yet, if only to clarify my use of such terms, I rely on Linda Hutcheon's distinction between postmodernity and postmodernism. In her view, postmodernity means "the designation of a social and philosophical period or 'condition.'" LINDA HUTCHEON, *THE POLITICS OF POSTMODERNISM* 23 (1989). Postmodernism, in contrast, is the cultural production of this period, manifesting in "architecture, literature, photography, film, painting, video, dance, music . . ." *Id.* at 1.

² ORIT KAMIR, *FRAMED: WOMEN IN LAW AND FILM* 264–83 (2006).

³ See generally JAMES BOYD WHITE, *FROM EXPECTATION TO EXPERIENCE: ESSAYS ON LAW AND LEGAL EDUCATION* 73 (1999) (explaining that the legal imagination is a manner of thinking about "legal expression and legal action that can lead to more competent, meaningful, and just performances"); JAMES B. WHITE, *THE LEGAL IMAGINATION: STUDIES IN THE NATURE OF LEGAL THOUGHT AND EXPRESSION* (2d ed. 1973) (same).

justice.”⁴ In order to re-conceptualize law and justice, as well as to reconstitute the legal imagination in terms of not merely an ethic of justice, but of care, West and Kamir call for new cultural images. These are as powerful and memorable as traditional ones: “the plumb line, the cupped hands, the blindfolded judge and the scales of justice, as well as the values of consistency, integrity, and impartiality that they represent.”⁵ Kamir thinks that *High Heels* “offers a radical and feminist alternative to the patriarchal image and ideal of Solomonic justice, which dominates our Judeo-Christian heritage, and the notion of good judging in particular. The traditional imagery is replaced by imagery that links ethics of justice with ethics of care.”⁶

Through an in-depth observation of *High Heels*, Kamir attempts to overcome the well-known feminist skepticism toward postmodernism.⁷ On the one hand, she claims that “[f]eminists should embrace and celebrate some postmodern insights,” but also that skepticism “toward particular claims of objective truth, a particular account of the self, and any particular account of gender, sexuality, biology, or what is or is not natural.”⁸ But on the other hand, she is taken aback by the postmodern “unwillingness to entertain descriptions of subjective and intersubjective authenticity . . . [and] promises of a nurturant or caring morality.”⁹ According to Kamir, *High Heels* provides a brilliant example of how to combine the best tenets of postmodernism with feminism.¹⁰ In her view, Almodóvar’s postmodern imagery “transcends the apparent dichotomy” between two versions of feminism: one that focuses on the traits of care and compassion, and another that denounces “patriarchal oppression and

⁴ KAMIR, *supra* note 2, at 267 (quoting ROBIN WEST, CARING FOR JUSTICE 24 (1997)). In CARING FOR JUSTICE, West argues that “while ‘justice’ is typically associated with universal rules, consistency, reason, rights, the public sphere, and masculine virtues, ‘care’ is typically associated with particularity, context, affect, relationship, the private sphere, and femininity.” WEST, *supra*, at 23. Furthermore, while the work of judges often shows “evidence of their respect for the constraints of the ethic of justice,” it hardly exhibits any sign of constraint by an “ethic of care.” WEST, *supra*, at 23–24. However, “‘justice,’ as it is generally understood, and ‘care,’ as it is widely practiced, are each necessary conditions of the other.” *Id.* at 24 (emphasis omitted). “The pursuit of justice, when successful, must also be caring, and the activity of caring, when successful, must be mindful of the demands of justice.” *Id.* at 24 (emphasis omitted).

⁵ WEST, *supra* note 4, at 30.

⁶ KAMIR, *supra* note 2, at 268.

⁷ See, e.g., Catharine A. MacKinnon, *Points Against Postmodernism*, 75 CHI.-KENT L. REV. 687 (2000) (explaining feminist criticism of postmodernist theory and the feminist response to the postmodernist critique of feminism).

⁸ KAMIR, *supra* note 2, at 266 (quoting WEST, *supra* note 4, at 292).

⁹ *Id.*

¹⁰ *Id.* at 267. This reading is by no means uncontroversial. Compare BARRY JORDAN & RIKKI MORGAN-TAMOSUNAS, CONTEMPORARY SPANISH CINEMA 115 (1998) (demonstrating that some critics have praised *High Heels* for its portrayal of strong and independent women), MARSHA KINDER, BLOOD CINEMA: THE RECONSTRUCTION OF NATIONAL IDENTITY IN SPAIN 253 (1993) (contending that *High Heels* expresses feminist attitudes), and Deborah Shaw, *Men in High Heels: The Feminine Man and Performances of Femininity in Tacones Lejanos by Pedro Almodóvar*, 6 J. IBERIAN & LATIN AM. STUD. 55 (2000) (asserting that *High Heels* “celebrates representations of the feminine”), with Lucy Fischer, *Modernity and Postmaternity: High Heels and Imitation of Life*, in PLAY IT AGAIN, SAM: RETAKES ON REMAKES, 209–10 (Andrew Horton & Stuart Y. McDougal eds., 1998) (arguing that the film is antifeminist), Caryn James, *Almodovar, Adrift in Sexism*, N.Y. TIMES, Jan. 12, 1992, § 2, at 11 (attacking the film for its misogynistic messages), and PAUL JULIAN SMITH, *Tacones Lejanos (High Heels, 1991): Imitations of Life*, in DESIRE UNLIMITED: THE CINEMA OF PEDRO ALMODÓVAR 121, 133 (1994) (same).

dominance.”¹¹ By combining these two perspectives, Kamir suggests that the film not only undermines an oppressive, patriarchal social reality but also promotes a conception of law and justice closely related to the virtues of compassion and care.¹²

The justice of care is most apparent in the symbolic-representative figure of the law in the film, the on-screen investigating Judge Domínguez, who guides the investigation of the murder of Manuel, Rebecca’s husband.¹³ Contrary to judges’ ingrained habits and public perception of how judges ought to conduct their affairs, in his criminal investigation, Judge Domínguez is deeply and emotionally involved in the lives of the characters, particularly in that of Rebecca—the prime suspect for the murder. Kamir argues that the judge’s caring, compassionate, and loving attributes ensure that the just outcome is reached in this case; that is, not prosecuting Rebecca for the murder.¹⁴ Furthermore, by enacting a parallel cinematic off-screen process, *High Heels* engages the viewer as a compassionate judge who adopts a nonjudgmental point of view of Rebecca’s criminal act and reaches the same just legal outcome as Judge Domínguez.¹⁵ Kamir concludes that the film, by constructing a “caring, compassionate, and nonjudgmental” “cinematic judgment,” invites the viewer to enact its alternative vision of justice of care, while symbolically punishing the patriarchal order represented by Manuel in the film.¹⁶

In an attempt to contribute to the task of expanding the legal imagination and re-conceptualization of law and justice, my study offers an alternative to Kamir’s imagery of caring law and justice of care. Drawing on Costas Douzinas’s and Ronnie Warrington’s postmodern jurisprudence, I suggest that *High Heels* re-imagines law, judgment, and justice through an ethics of otherness rather than through an ethics of care.¹⁷ As explained by

¹¹ KAMIR, *supra* note 2, at 267.

¹² *Id.*

¹³ Faithful to its Continental roots, as Kamir notes, *High Heels* depicts an inquisitorial legal system with the focus on the judiciary, rather than on lawyers as in the Anglo-American adversarial system. *Id.* at 268. While in the latter lawyers are responsible for gathering the evidence, in the former the judge is in charge of the “search for truth and justice.” *Id.* Accordingly, Judge Domínguez is directly and actively involved in the criminal investigation, looking for evidence, determining the facts, and questioning witnesses and defendants. *Id.* at 269.

¹⁴ *Id.* at 279.

¹⁵ *Id.*

¹⁶ *Id.* at 281. Kamir grounds her approach to the intersection of law and film in three different premises: “film paralleling law,” “film as judgment,” and “film as jurisprudence.” *Id.* at 1–4. According to the first premise, film and law are two related discourses that “reflect and refract” the multiple “fundamental values, images, notions of identity, [and] lifestyles . . . of their societies and cultures,” and are two dominant players in the “construction of concepts” such as community, “identity, memory, gender roles, justice, and truth.” *Id.* at 2. The next premise is that certain films perform “legal indoctrination,” training audiences in the act of judging. *Id.* at 2–3. The third and last premise is that films “can offer jurisprudential commentary” in topics such as perceptions of gender roles, familial structures, human relations, and truth. *Id.* at 3–4.

¹⁷ See COSTAS DOUZINAS & RONNIE WARRINGTON, *JUSTICE MISCARRIED: ETHICS, AESTHETICS AND THE LAW* (1994). Postmodern jurisprudence turns to Friedrich Nietzsche, Michel Foucault, Jacques Lacan, Jean-François Lyotard, Emmanuel Levinas, Jacques Derrida, and Richard Rorty. See generally *id.* Even though to call some of these thinkers postmodernists is not accurate, legal scholars have included their work within the framework of postmodern jurisprudence. See generally GARY MINDA, *POSTMODERN LEGAL MOVEMENTS: LAW AND JURISPRUDENCE AT CENTURY’S END* (1995) (providing an overview of postmodern legal movements). For a critique of postmodern jurisprudence in general, see generally DOUGLAS E. LITOWITZ, *POSTMODERN PHILOSOPHY AND LAW* (1997) (critiquing postmodern jurisprudence). For a philosophy of otherness see generally EMMANUEL LEVINAS, *OTHERWISE THAN*

Douzinan and Warrington, this other who “is neither the self’s *alter ego*, nor its reflection or extension,” but an unfathomable other, always “call[ing] upon us to consider [him or] her before ethical or legal decisions are taken.”¹⁸ Therefore, the ethics of otherness “always starts with the other and challenges the various ways in which the other has been reduced to the same.”¹⁹ Most importantly, while the other can never be comprehended, “a failure to strive towards the recognition of otherness is the greatest injustice and the most violent oppression of the law. Justice miscarries when it denies the other.”²⁰

By using such an approach, I contend that Kamir’s feminist jurisprudential interpretation of *High Heels* risks a return to a moral philosophy reductive of difference into sameness, endangering the advances of postmodern critiques to the totalizing tendencies of modernity. To better respect the singularity of the other, I replace Kamir’s image of a caring law with an image of “law as performance,” in which ethics starts with the demand of the other in need.²¹ In this work, I use the term “performance” in three ways: 1) as an action that is performed; 2) as an

BEING, OR BEYOND ESSENCE (Alphonso Lingis trans., 2d ed. 1981) (1974) (discussing a philosophy of otherness), Jacques Derrida, *Force of Law: The ‘Mystical Foundation of Authority,’* in DECONSTRUCTION AND THE POSSIBILITY OF JUSTICE 3 (Drucilla Cornell, Michel Rosenfeld & David Gray Carlson eds., 1992), JEAN-FRANCOIS LYOTARD, THE DIFFEREND: PHRASES IN DISPUTE (Georges Van Den Abbeele trans., Univ. Minn Press 1988) (1983), and DRUCILLA CORNELL, THE PHILOSOPHY OF THE LIMIT (1995) (examining the philosophy of the limit in the context of legal interpretation and ethics). For the ethics of postmodernism see generally ZYGMUNT BAUMAN, POSTMODERN ETHICS (1993) (discussing the ethics of postmodernism), and Robert Eagleston, *Postmodernism and Ethics Against the Metaphysics of Comprehension*, in THE CAMBRIDGE COMPANION TO POSTMODERNISM 182 (Steven Connor ed., 2004).

¹⁸ DOUZINAS & WARRINGTON, *supra* note 17, at 19.

¹⁹ *Id.* at 163. Taking as a starting point Jacques Derrida’s “political ethical work,” together with Emmanuel Levinas’s philosophy of otherness, Douzinan and Warrington seek to “articulate a theory of ethical action upon which a practice of justice can be built” without reproducing the “totalising [sic] tendencies” of Enlightenment. *Id.* at 17. Such postmodern jurisprudence stands in contrast both to positivism—which grounds the legitimacy of law on the formal legality deprived of ethics—and hermeneutical jurisprudence, which emphasizes the interpretative and ethical character of the law but neglects its violent side. See generally RONALD DWORKIN, LAW’S EMPIRE (Harvard Univ. Press, 1986) (discussing hermeneutical jurisprudence); H. L. A. HART, THE CONCEPT OF LAW (Clarendon Press 1993) (1961) (explaining positivism); HANS KELSEN, THE PURE THEORY OF LAW (Max Knight trans., Univ. of Cal. Press 1967) (1934) (same); Ronald Dworkin, *Law as Interpretation*, 60 Tex. L. Rev. 527 (1982) (discussing hermeneutical jurisprudence).

²⁰ DOUZINAS & WARRINGTON, *supra* note 17, at 309.

²¹ As Philip Auslander indicates, whereas critical discussions of specific performance practices usually draw upon ideas of postmodernism (which has been referred to as skeptical, apolitical, relativist, and nihilistic), a variety of humanistic and social scientific scholars have appropriated the idea of performance and begun to view their disciplines and objects of study accordingly. See Philip Auslander, *Postmodernism and Performance*, in THE CAMBRIDGE COMPANION TO POSTMODERNISM, *supra* note 17, at 99. Historians, sociologists, anthropologists, and many other scholars from different fields “have come to see their respective discourses as contingent rather than absolute; as engaged with specific audiences rather than autonomous; as existing primarily in a specific, time-bounded context; and as characterized by particular processes rather than by the products they generate.” *Id.* This “postmodern turn” has taken place in the context of legal studies as well. See J. M. Balkin & Sanford Levinson, *Law, Music, and Other Performing Arts*, 139 U. PA. L. REV. 1597 (1991). See also Bernard J. Hibbitts, “Coming to Our Senses”: *Communication and Legal Expression in Performance Cultures*, 41 EMORY L.J. 873, 875–76 (1992); Bernard J. Hibbitts, *Making Motions: The Embodiment of Law in Gesture*, 6 J. CONTEMP. LEGAL ISSUES 51 (1995); Lara D. Nielsen, *Institutionalizing Ensembles: Thinking Theatre, Performance, and ‘The Law,’* 4 L. CULTURE & HUMAN. 156 (2008). For an overview on the different discussions on legal performance, see Julie Stone Peters, *Legal Performance Good and Bad*, 4 L. CULTURE & HUMAN. 179 (2008).

action that has constitutive and transformative effects on the world;²² and 3) as an action that is enacted in front of an audience. In the film, the image of law as performance is represented by Judge Domínguez and his multiple metamorphoses (as lover, judge, drag performer, and father-to-be). This interpretation is not incompatible with the overall feminist task of ending patriarchy, but it relocates it in the context of queer.²³ By doing so, my goal is to examine and question those cultural and normative assumptions that oppress not only women, but also all people: gays, lesbians, transvestites, transsexuals, straights, and so on.

A. THE SIGNIFICANCE OF PERFORMANCE FOR THE VIEWER

High Heels' opening credits appear over two drawings depicting high heels and guns. The credits are followed by a collage of fragmented and duplicated drawings of the characters that anticipates their roles in the film.²⁴ All characters in the film are interrelated in their roles as performers: Manuel is the director of a television network where Rebecca works as the news anchor; Isabel, Manuel's lover and Rebecca's co-worker, signs her newscast; and Becky del Páramo, Rebecca's mother, is a singer and actress. Performance defines their everyday life. Furthermore, two drawings of Almodóvar filming with his camera encircle the drawings of his characters. The introduction of this cinematic device makes us realize that everything we are about to see is a part of a performance. This artifice is further emphasized by the film's constant references to television, theater, magazines, photography, radio, and musicals. Media often takes precedence over personal communication, particularly when Almodóvar seeks highly dramatic effect: Rebecca learns about her mother's terminal sickness on television, as does Becky about her daughter's involvement in Manuel's murder. Also, Judge Domínguez learns about Becky and Manuel's previous affair from his mother's magazine clippings and uses them as evidence.

High Heels' overwhelming display of media apparatuses, however, does not degenerate into Jean Baudrillard's world of simulation.²⁵ These

²² See J.L. AUSTIN, HOW TO DO THINGS WITH WORDS (2nd ed. 1975). For discussions on performativity and performance, see, for example, ANDREW PARKER & EVE KOSOFSKY SEDGWICK, PERFORMATIVITY AND PERFORMANCE 1–18 (1995), W.B. Worthen, *Drama, Performativity, and Performance*, 113 PUBLICATIONS OF MODERN LANGUAGE ASS'N AM. 1093 (1998), and MARVIN CARLSON, PERFORMANCE: A CRITICAL INTRODUCTION (1996).

²³ I use the term "queer" in Fabio Cleto's inclusive sense. For Cleto, queer "claims to inscribe all subordinations (of class, gender and ethnicity) into a common design while apparently respecting each subordination . . . in its historical and cultural specificity." Fabio Cleto, *Introduction: Queering the Camp to CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT* 15 (Fabio Cleto ed., 1999).

²⁴ Auslander identifies certain postmodern trends in performance: plurality, diversity, and interculturality, as well as characters with fragmented, flowing, and uncertain identities. Auslander, *supra* note 21, at 102–03.

²⁵ For Hutcheon, postmodernism "cannot but be political, at least in the sense that its representations—its images and stories—are anything but neutral, however 'aestheticized' they may appear to be in their parodic self-reflexivity." HUTCHEON, *supra* note 1, at 3. For an opposite view see Jean Baudrillard, *The Evil Demon of Images and the Precession of Simulacra*, in POSTMODERNISM 194, 194–99 (Thomas Docherty ed., 1993). Along this line of thought see also GUY DEBORD, THE SOCIETY OF SPECTACLE (Black & Red 1983) (1970) and Fredric Jameson, *Postmodernism and Consumer Society*, in THE CULTURAL TURN: SELECTED WRITINGS ON THE POSTMODERN 1983–1998 1, 1–20 (1998).

various performances have performative, that is, constitutive, effects on various audiences, which underscore the ethical responsibility toward them. These performative aspects of the film produce an ethical relation between the cinematic performance and the viewer. Furthermore, *High Heels* does not invite the viewer to become a compassionate judge, with respect to the characters in terms established by Kamir, but a viewer-judge who responds to an ethics of alterity, that is, to the call of the other. I use the term viewer not as the real (physical) viewer who can resist or respond differently to what is projected in the film, but as an “ideal viewer” who is able to discern, react, and distinguish the cinematic mechanisms as described above.

In presenting law under the light of performance and performativity, I also emphasize the ways in which *High Heels* integrates the actions of the on-screen judge and his sense of justice within the aesthetic realm of the viewer. For these purposes, I focus on the aesthetics of exaggeration, style, excess, artificiality, parody, and incongruity, which play a key part in Judge Domínguez’s performance as a female impersonator, and place him, and thus the law, in the realm of camp aesthetics.²⁶ In particular, I argue that Judge Domínguez’s campy performance invites viewers to see the law from a queer perspective: to challenge “the manifold binarisms (masculine/feminine, original/copy, identity/difference, natural/artificial, private/public, etc.) on which [legal] epistemic and ontological order arranges and perpetuates itself.”²⁷ The camp aesthetics displayed in Judge Domínguez’s performance may lead viewers to reconceptualize “law as queer performance”; that is, to examine and question those legal assumptions about identity, subjectivity, and judgment.

²⁶ There has been disagreement about the meaning of camp. For Susan Sontag, camp is an apolitical and a-historical aesthetic, a sensibility that emphasizes artifice, style, and extravagance over content. Caryl Flinn, *The Deaths of Camp*, in *CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT*, *supra* note 23, at 433, 439. For Esther Newton and Jack Babuscio, camp is style, irony, incongruity, humor, and theatricality that only exists in the eye of the homosexual beholder. Ester Newton, *Role Models*, in *CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT*, *supra* note 23, at 96, 96–109; Jack Babuscio, *The Cinema of Camp (aka Camp and the Gay Sensibility)*, in *CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT*, *supra* note 23, at 117, 117–135. Jonathan Dollimore sees it as “a weapon of attack an oppressive identity inherited as subordination, and hollowing out dominant formations responsible for that identity . . . camp is an invasion and subversion of other sensibilities [besides gay sensibility], and works via parody, pastiche, and exaggeration.” Jonathan Dollimore, *Post/Modern: On the Gay Sensibility, or the Pervert’s Revenge on Authenticity*, in *CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT*, *supra* note 23, at 221, 224–25. Philip Core sees camp as “a form of historicism viewed histrionically.” Philip Core, *From Camp: The Lie that Tells the Truth*, in *CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT*, *supra* note 23, at 81, 81. While Mark Booth argues that camp celebrates patriarchal oppression, Pamela Robertson sees it as a feminist practice: “a female form of aestheticism, related to female masquerade and rooted in burlesque, that articulates and subverts the ‘image—and culture—making processes’ to which women have traditionally been given access.” Pamela Robertson, *What Makes the Feminist Camp*, in *CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT*, *supra* note 23, at 266, 268, 271. In this study, although I rely on Newton and Babuscio’s notion of camp, I do not see it as an exclusively gay sensibility, but, following Robertson, as a “queer discourse” that includes gay—and lesbian—specific positions, as well as non-gay and non-lesbian ones. *Id.*

²⁷ Cleto, *supra* note 23, at 15. As Cleto observes, camp and queer share a common investment: “questioning deviations from (and of) the straightness of orthodoxy, . . . *devoiding* the subject of its fullness, and permanence—in other words, of its transcendent immanence.” *Id.* at 16.

In order to explore the legal questions posed by Almodóvar's *High Heels*, I propose four sections for my analysis. After a short summary of the plot of the film in Part I,²⁸ I focus on Kamir's image of caring law and the reason for its failure to bring justice to the singularity of the other in Part II. Then, I explore the ethical implications of thinking about law as performance rather than as caring in Part III. In Part IV, I turn to the cinematic image and explore how it calls upon the viewer for an ethics of response to alterity. Finally in Part V, I close with an analysis of the camp aesthetics in the film, how they affect the viewers, and the kind of law and judgment produced by this relation.

B. PLOT SUMMARY

High Heels narrates the love-hate relationship between Rebecca (Victoria Abril) and her mother, Becky del Páramo (Marisa Paredes), an artist who abandons her as a child to pursue her acting and singing career in Mexico. The film opens with a scene at Barajas airport where Rebecca awaits the return of her mother, whom she has not seen for fifteen years. While waiting, Rebecca remembers a family vacation incident in the Caribbean in 1972. Her mother Becky had bought her a pair of earrings and accidentally lost one and Rebecca gets lost looking for it. When her stepfather Alberto (Pedro Díez del Corral) and her mother finally found her, Alberto pretended to sell her to the islanders and her mother laughed at his joke. Then, Rebecca recalls another incident that occurred in Madrid two years later after the Caribbean incident. When Becky reveals her intention to leave for Mexico to pursue her acting career, Alberto opposes her plans. Rebecca then switches Alberto's stimulants for sleeping pills, apparently causing his death in a car accident. With Alberto dead, she expects that her mother would freely travel to Mexico and take her with her. Rebecca's expectations, however, do not pan out as Becky announces that she will travel alone and that Rebecca will stay with her father. When Becky returns to Madrid she finds that her ex-lover Manuel (Feodor Atkine), who did not know that Becky and Rebecca are related, has become Rebecca's husband. That same night, Becky, Rebecca, and Manuel go to see *Femme Letal* (Miguel Bosé), a female impersonator of Becky, whom Rebecca has been coming to see whenever she misses her mother. After the performance, Rebecca follows Letal to his dressing room, and while helping him remove his costume, a sexual encounter takes place.

One month later, Manuel is found shot in his country house. The film then centers on Judge Domínguez's investigation of this crime. Three different women, Isabel (Miriam Díaz Aroca), Becky, and Rebecca, saw Manuel alive the night of his murder, but they deny having killed him when interrogated. After learning that Manuel was involved not only with Isabel but also with her mother, Rebecca unexpectedly confesses to the crime during a live television broadcast. Judge Domínguez orders her immediate arrest and sends her to prison. There, Rebecca befriends Paula (Cristina

²⁸ For a general overview of the film see ERNESTO ACEVEDO-MUÑOZ, PEDRO ALMODÓVAR 134–52 (2007).

Marcos), a heartbroken social worker who has been abandoned by her boyfriend Hugo (Miguel Bosé). When Paula shows Rebecca a nude picture of Hugo, Rebecca realizes that Letal and Hugo are the same person. Rebecca then finds out that she is pregnant and is suddenly released from prison on the basis of insufficient evidence.

Toward the end of the film, Judge Domínguez reveals his “secret” to Rebecca that Letal, Hugo, and the judge are the same man and proposes marriage to her as Eduardo, his real name. They find out on the news that Becky is suffering from a terminal illness and has been hospitalized. Rebecca rushes to the hospital where she confesses that she did, in fact, murder Manuel. Becky forgives Rebecca and takes the blame for the murder in order to save her. When Becky is brought home to die, Rebecca gives her the gun she used to kill Manuel and Becky leaves her fingerprints on it. Judge Domínguez accepts the incriminating evidence that establishes Becky as the murderer.

II. LAW AS MOTHER: ETHICS AND JUSTICE OF CARE

According to Kamir, *High Heels* goes a long way to position Letal/Judge Domínguez as Rebecca’s surrogate mother.²⁹ Letal is first mentioned when Becky sees Letal’s poster announcing his impersonation of Becky as “the real Becky.”³⁰ But, “[a]ren’t I the real Becky?” she asks in dismay, and Rebecca answers that she used to go to see Letal’s performance whenever she longed for her.³¹ That night, Rebecca takes Becky to watch the performance at the Villa Rosa, where Letal imitates Becky’s appearance, gestures, voice, and style with great success. Kamir notes that, when the camera cuts to a reverse shot of the spectators, “Becky looks at him as a person would at her own distant reflection [and] Rebecca looks at him with longing and joy that she cannot express towards her mother.”³² After the performance, Letal comes to their table and Becky and Letal perform what Kamir identifies as a bonding ritual—they exchange “body parts” (her earrings for one of his fake breasts).³³

In turn, Rebecca herself is portrayed as a woman-child: “Our first and lasting impression of her, in a long flashback recounting her childhood memories, as she awaits Becky in the airport, is as a little girl: receiving earrings from her mother, degraded by her, worrying over her mother, and deserted by her.”³⁴ Moreover, throughout the film we see Rebecca “in reference to her mother: imitating her (through her choices of a performing career and of Manuel as a partner), seeking her company (through both Manuel and Letal), helping her (by killing Becky’s oppressive husband), and above all feeling abandoned, neglected, and rejected by her.”³⁵ Letal/Judge Domínguez is a surrogate mother, Kamir argues, “because

²⁹ KAMIR, *supra* note 2, at 275.

³⁰ TACONES LEJANOS *supra* note 1.

³¹ *Id.*

³² KAMIR, *supra* note 2, at 275.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

Rebecca's need for a mother is so deep."³⁶ Likewise, their relationship is like that of mother-child relationship "[b]ecause she transfers her love for her mother to him, he reciprocates and loves her in return," and "[b]ecause she loves him as a child, he sees and bonds with the child in her."³⁷

Things are far more complicated, however. Kamir remarks that Becky, the "original" mother whom Letal imitates, is an uncaring, self-centered, and irresponsible "bad" mother.³⁸ Hence, "[i]f Letal were an imitation of *this* mother, s/he would hardly be a good, caring one her/himself, and yet s/he is."³⁹ Through her relationship with Judge Domínguez, Becky undergoes a transformation: she becomes a caring, compassionate, and responsible mother. In a sense, "she imitates her double, Letal, the judge, absorbing the caring qualities s/he developed earlier while performing Becky's motherly role. It seems that when the law performs a mother's role, a bad mother can become good."⁴⁰

In a fundamental way, Kamir sees Becky and Letal as adversaries. They are two mothers competing "for the child's love, a love that can only be obtained through motherly love and devotion."⁴¹ They each attempt to protect and save her from the other—Becky from the law (represented by Judge Domínguez), and Judge Domínguez from her painful existence in the shadow of her indifferent mother. The competition becomes evident after the bonding ritual between the "two mothers," when Letal asks Rebecca to follow him to his dressing room and a sexual encounter takes place. In Kamir's view, Letal first consummates his sexual desire for Rebecca, because this is one thing that the real Becky cannot offer Rebecca, but he can (Rebecca will get pregnant out of this sexual encounter).

When Judge Domínguez arrests Rebecca and sends her to prison, Becky sings *Think of Me (Piensa en Mi)* and *My Life is Yours* to her daughter, because "such complete support and self-sacrifice only she, not the law, can offer."⁴² "In turn, Judge Domínguez releases Rebecca from prison" and, as Letal, promises his life to her by singing the same song.⁴³ In addition, he reveals himself to Rebecca as the father of her unborn child and proposes marriage. Thus, he becomes the supportive partner and future father of her baby that Becky cannot be.⁴⁴ Furthermore, by revealing his secret to her (that Letal and Judge Domínguez are the same man), he offers Rebecca "truth, sincerity, and trust."⁴⁵ Not surprisingly, following Letal's revelation as the father of Rebecca's child, Becky offers Rebecca forgiveness and an ultimate sacrifice—she takes responsibility for Manuel's murder. Throughout this competition, Kamir observes that "both mothers improve in response to the needs of the child becoming more caring and

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 276.

⁴¹ *Id.* at 277.

⁴² *Id.* at 276.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

more compassionate. They also become closer to each other, less readily distinguishable.”⁴⁶

Furthermore, Kamir points out that neither the law nor compassion in *High Heels* is portrayed as exclusively maternal. She distinguishes four other roles of Letal/Judge Domínguez: his mother’s son, Paula’s deserting boyfriend Hugo, and Rebecca’s lover and expectant father. All these complex and different characters are inseparable from Judge Domínguez’s role as judge, his criminal investigation, and his quest for truth and justice. “His insights, intuition, and emotional responses to characters and situations are relevant professional tools and sources of information. They assist him in collecting data, assessing it, and arriving at conclusions.”⁴⁷ For instance, Judge Domínguez compares Becky with his own mother who has neglected him for ten years. Like Rebecca, he is protective of his neglectful mother, as well as hurt and angry. Through his relationship with his mother, he can recognize Rebecca as a hurt child and understand her pain.

Less positively, in his role as Hugo (a drug addict and police informant), the judge treats his girlfriend Paula as an object, to be used and abandoned without explanation. As he explains to Rebecca, Paula fell in love with Hugo and tried to help him while he was investigating a case. When the case was closed, “he simply disappeared.”⁴⁸ This aspect of Judge Domínguez’s character, which is also a part of the law, allows him to recognize Manuel’s inhumanity from his own experience.⁴⁹ Finally, “as Rebecca’s lover and expectant father, Judge Domínguez is deeply concerned” about her well-being, rendering him incapable of seeing her guilt.⁵⁰ This loving blindness is portrayed as being legitimate and helpful in his search for justice.⁵¹

According to Kamir, all the conclusions that Judge Domínguez reaches through his different impersonations are “true, right, and just precisely *because* they rely on his personal experience as mother, son, man, and father-to-be.”⁵² Judge Domínguez’s loving and compassionate attributes confer the ability to fully understand the needs of each individual who comes before the law. They “ensure that every person will receive equal, compassionate treatment Equality before the law means that each individual deserves to be seen, understood, and treated for who s/he is.”⁵³ Kamir remarks that Judge Domínguez’s advocacy for a justice of care promotes a feminine worldview that is highly subversive in two significant ways. First, care and compassion are portrayed as neither biologically

⁴⁶ *Id.* at 277.

⁴⁷ *Id.* at 279.

⁴⁸ *Id.* at 278.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.* at 279.

⁵³ *Id.* at 274, 279. In contrast, Kamir notes that Manuel “is the only character not allowed a childhood, a point of view, or remorse.” *Id.* at 281. After their encounter at the Villa Rosa, Letal refers to Manuel as a “monster.” His personal antipathy towards the victim, however, does not disqualify him as a judge. On the contrary, Kamir argues that this helped him to reach the just legal outcome of not prosecuting Rebecca for the murder. *Id.*

female nor male.⁵⁴ Second, the justice of care is practiced on a woman who has murdered a man.⁵⁵ “In our patriarchal culture,” she observes that “judges sometimes feel compassion for men who abuse women” but they hardly sympathize with women who kill men.⁵⁶ *High Heels*’ feminism is one that not only understands Rebecca’s need to kill an abusive man (and abused women’s needs in general) but also condones it.

Kamir argues that *High Heels* invites the viewer to practice a “participatory identification with Rebecca . . . in several connected ways”:

[B]y giving Rebecca a point of view, by closely aligning the viewer’s point of view with hers, by positioning her as the most dominant, sympathetic on-screen character, by continuously presenting the child within her, and by looking at her through the eyes of the two mothers who love her and seek her love in return.⁵⁷

In fact, according to Kamir, the film invites us to judge each of the characters (Becky, Eduardo/Letal/Hugo/Judge Domínguez) in the same compassionate way.⁵⁸ This identification with Rebecca, however, is not complete until she reveals the truth to her mother—until that moment the viewer does not know whether or not she murdered Manuel. In this way, the viewer learns about Rebecca’s crime along with Becky, who, at last, remorsefully takes on the role of a good mother.⁵⁹ In constructing a non-judgmental and compassionate cinematic judgment, the film invites the viewer to support the legal outcome of not prosecuting Rebecca.

* * *

Despite Kamir’s insistence on the law’s necessity to care for and respect each person with regard to his or her singularity in order to reach justice, her image of mother and compassionate judge remains open to question. It seems that the judge’s ethical responsibility to respect the singularity of the other is possible, provided that the other is similar to the self, but only to that extent. For instance, in his different roles as a surrogate mother, son, Hugo, lover, and father, Judge Domínguez understands what the other feels, because of his own similar experiences. In other words, to make sense of the concerns and needs of the other, he must first understand the other’s similarity to himself. What Kamir does not address or explain, however, is what happens when the judge encounters a radical other; that is, an other that is different from the self and whose experiences have not been felt (and maybe will not be felt). Thus, by grounding the ethical responsibility of the mother-judge in what the self and the other share, rather than focusing on their differences, Kamir privileges similarity over difference and selfness over alterity. By not distinguishing between the self and the other, Kamir’s mother-judge fails to

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.* at 280.

⁵⁸ *Id.* at 281.

⁵⁹ To be exact, we learn of Rebecca’s guilt earlier, when she takes the gun from the television set.

ethically respond to the uniqueness that makes the other different from the self—the other becomes a reflection of the self.

Likewise, in constituting a compassionate viewer parallel to the mother-judge, Kamir imagines a viewer-judge who also fails to respect the singularity of the on-screen characters and consequently to provide justice to them. This is particularly evident in the way Kamir interprets the relationship between the characters and the viewer. Kamir sees Becky as the imitation of Letal, Letal as the imitation of Becky (being similar to Rebecca), Rebecca as the imitation of Becky, and so on. Within this chain of similarities, the viewer is also a participant, as he or she is considered an imitation of the on-screen mother-judge. For instance, the viewer, like Judge Domínguez, may see Rebecca as a woman-child and may feel the urge to protect her as a mother would. Yet, it is important to note that if Rebecca was the reflection of Becky or Letal/Judge Domínguez (and therefore of the viewer), her otherness and singularity would be denied, and the conditions for an ethical relation between Rebecca and the viewer would not be possible. In addition, in revealing the truth to the viewer (and not to the on-screen judge), the film places the viewer in several judging positions that challenge the one-dimensional, motherly cinematic judgment that Kamir suggests (a detailed note about this is provided in Part IV).

Subsequently, I will explore how the respect of each person in his or her singularity is better accomplished by imagining a “performer-judge,” whose ethical performances arise from the demand of the other in need, rather than from his/her loving and compassionate attributes.

III. LAW AS PERFORMANCE: ETHICS AND JUSTICE OF OTHERNESS

Unlike Kamir’s mother-judge, whose actions are based on competition (between two mothers) and reward (Rebecca’s love), the performer-judge acts unconditionally upon Rebecca’s specific demands and morphs himself to satisfy them (rather than to collect data and life experiences). Focusing on the shifts in the relationship between Judge Domínguez and Rebecca will help us to examine the ethical relation between law and the vulnerable other, and the kind of justice produced by their interaction. I take Levinas’s work on ethics and the face as my starting point in exploring how ethics arise from face-to-face encounters between Letal/Judge Domínguez and Rebecca. I am particularly interested in reading how Letal shifts identities (from lover to judge to father-to-be), and performs each according to Rebecca’s direct demand for an ethical response.

A. LETAL AS LOVER

Becky’s arrival underscores Manuel’s indifference toward Rebecca. When Becky and Manuel first reunite, the film shows them in a flashback, passionately kissing on a beach. This image then dissolves into the present with a blue background that replicates this idyllic scenery—a view that foreshadows the re-emergence of their past relationship. That same night,

Rebecca overhears a conversation between the two of them, in which Manuel refuses to tell Becky that he loves Rebecca. In spite of it, Rebecca invites her husband and mother to the Villa Rosa nightclub to watch Letal's impersonation of Becky. The mother agrees to attend so that her daughter is not disappointed; the husband joins too, but complains that the Villa Rosa is not a place for Becky because a transvestite was murdered there (and so he takes a gun with him).

The scene opens with Letal's female impersonation of Becky on the stage. When the camera cuts to a reverse shot of the three of them, it shows Becky watching the performance with narcissism, Rebecca with joy, and Manuel with indifference.⁶⁰ At one point, Rebecca looks to her mother, who is captivated by Letal's impersonation, but does not reciprocate. Rebecca then turns her look toward her husband and notices that Manuel is looking at Becky with sexual desire, as is Becky. Rebecca looks at Manuel with pain and anger; Manuel looks back at her with disdain and rapidly turns his desiring look toward Becky again. In this game of looks, Rebecca's sexual desires are excluded. The emotional intensity of the scene is heightened by the sound of Letal's lip-synched song, *A Year of Love (Un Año de Amor)* by Spanish pop star Luz Casal:

Have you ever thought what will happen.
All that we'll miss?
How much will you suffer?
If you go now
Never again will you find
Happy times
You lived with me⁶¹

The song brings back the memory of Manuel and Becky's past together as it recounts—in a typical bolero style—the story of a breakup and the longing for the happy days they shared. At the same time, it alludes to Rebecca's fears that Manuel and Becky will rekindle their love affair. Feeling isolated and excluded, Rebecca's only option is to look back at Letal, who perceives everything from the stage. In Rebecca's face, we may read a direct, concrete, and personal request addressed to Letal: "Comfort me!"

In Levinas's ethics, the sign of otherness is the face (visage). The face is neither the assemblage of brow, nose, eyes, and mouth, nor the representation of the soul, self, or subjectivity: "The face eludes every category. It brings together speech and glance, saying and seeing, in a unity that escapes the conflict of senses and the arrangement of the organs."⁶² In the face-to-face encounter between the self and other, the other appears in the nakedness and uniqueness of her face and expresses an irreducible,

⁶⁰ But see MARSHA KINDER, *BLOOD CINEMA: THE RECONSTRUCTION OF NATIONAL IDENTITY IN SPAIN* 258 (1993) (analyzing the scene as showing Rebecca's homoerotic desire for her mother).

⁶¹ *A Year of Love*, LYRICS TRANSLATE, <http://lyricstranslate.com/en/un-ano-de-amor-year-love.html> (last visited Mar. 17, 2010). The song *A Year of Love* was originally composed by Nino Ferrer. James Kirkup, *Obituary: Nino Ferrer*, THE INDEPENDENT (London), Aug. 17, 1998.

⁶² DOUZINAS & WARRINGTON, *supra* note 17, at 166.

sometimes inexpressible, ethical demand: “consider me before you act[!]”⁶³ The consideration required by her demand is “always to be accounted for prior to any thought of self or own.”⁶⁴ In Levinasian terms, Rebecca’s demand for a specific performance is a demand that “needs no excuse or justification”;⁶⁵ it obliges Letal to answer it and to act upon it immediately.

After exchanging mementos with Becky (I will return to this in Part V), Letal acts upon Rebecca’s call when he asks her to follow him to the dressing room. Inside, while Rebecca takes out Letal’s feminine garments, Letal tells her that he would like to be “more than a mother” to her and initiates a sexual encounter. The sexual intercourse begins with an acrobatic cunnilingus (Rebecca is swinging from an overhead pipe) and ends in penetration that leads to Rebecca’s pregnancy.⁶⁶ She finds the sexual encounter shocking at first, but ends up thoroughly enjoying and admitting her need for it. Letal initiates the sexual encounter not with the purpose of “scor[ing] a victory” over Becky, but rather to recognize and assert Rebecca’s sexual desires and fill Rebecca’s marital void.

B. LETAL AS JUDGE

Rebecca’s isolation from her mother and husband is further emphasized in the next scene. Letal, now wearing a beard and acting as Eduardo, is seen at home with his bedridden mother. His mother sees in the newspaper a headline about Becky’s first night in Madrid and shows it to her son.⁶⁷ A close-up of the picture of them calls attention to the moment in which Rebecca’s desires are excluded: seated between Becky and Manuel, Rebecca looks at Manuel with a face that denotes pain and anger; at the right of the frame and facing us, Manuel ignores her. The scene closes with two close-ups: Becky and Rebecca back-to-back (a sign of their emotional distance) and Letal noticing Manuel’s gun. After this last shot, an extreme close-up of the gun cuts to an inter-title that informs the viewers that a month has passed; in the background, we see the image of a house, and then a shot is heard. This cut ties together the scene at the Villa Rosa with the criminal investigation that follows the gunshot: Rebecca’s face reminds Letal/Judge Domínguez of his duty toward her: “consider me before you act[!]”⁶⁸ This demand will guide his investigation from then on.

After Manuel’s murder, we learn that Letal is also Judge Domínguez. A medium-long shot shows him with two policemen at the scene where Manuel’s body lies. This time, he wears a black suit, dark glasses, and a beard; he is not singing love songs, but speaking in forensic terms, in an exaggerated manner: “Mr. Manuel Sancho’s body lies in a prone decubitus position and show signs of rigidity.”⁶⁹ Domínguez is shown from a low camera angle, which creates an impression of height and visually highlights

⁶³ *Id.*

⁶⁴ *Id.* at 18.

⁶⁵ *Id.* at 170.

⁶⁶ See KINDER, *supra* note 60.

⁶⁷ See KAMIR, *supra* note 2, at 269; TACONES LEJANOS, *supra* note 1.

⁶⁸ DOUZINAS & WARRINGTON, *supra* note 17, at 18.

⁶⁹ TACONES LEJANOS, *supra* note 1.

his role as a legal authority. The narrative level, however, subverts this illusion of authority as his own assistants repeatedly contest his descriptions of the crime scene. This subversive narrative underscores the film's challenge to the traditional image of the judge who possesses uncontested authority and knowledge.

The purpose of the criminal investigation is at odds with what one might expect; Judge Domínguez appears more intent on proving Rebecca's innocence than on investigating what actually happened. For instance, after Rebecca publicly confesses to the crime on national television, the judge persuades her in his office to recant the public confession.⁷⁰ Judge Domínguez tellingly says: "I want to help you but you must cooperate."⁷¹ Try as he might to persuade Rebecca to recant, he fails and has no other option but to imprison her. Rebecca's arrival at the prison is cross-cut with Becky's successful debut at the theater. The images and sounds of the two contrasting locations, prison and theater, are superimposed in the scene: as the prison gates close behind Rebecca, which replicate the closing doors of a theater, we hear the audience's applause for Becky's appearance on the center of the stage of a full theater [Figures 1 and 2].⁷² Interestingly, Judge Domínguez watches Becky's performances (he is seen in the audience). Becky dedicates her first song, *Think of Me (Piensa en Mi)* to her daughter, who is forced to listen to it on the radio of one of the inmates.⁷³ At the most dramatic moment of the performance, one tear falls in the same exact spot where Rebecca left a red-lipped kiss on the floor at the beginning of the show.



Figure 1

⁷⁰ See KAMIR, *supra* note 2, at 269–70.

⁷¹ TACONES LEJANOS, *supra* note 1.

⁷² *Id.*

⁷³ See KAMIR, *supra* note 2, at 270.

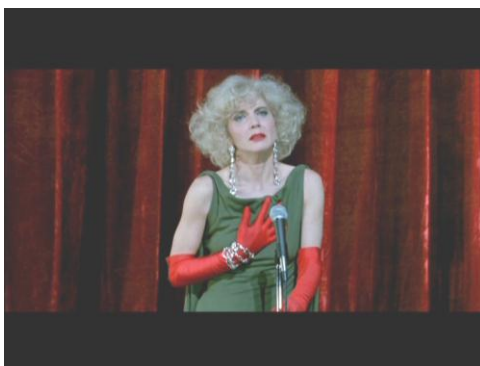


Figure 2

The theatricality of all these gestures makes it difficult to interpret whether Becky's support for Rebecca is genuine or fake. It is far more complicated than what Kamir seems to acknowledge (in her view, Becky's act of dedicating her song and lyrics symbolizes complete support for her daughter).⁷⁴ From the outset, the film presents Becky as a diva who is attracted by media and audience appreciation.⁷⁵ She abandons her daughter to pursue her singing career. Upon her return, she is more eager to face the media than to see her daughter. Her personal assistant Marga is writing her autobiography, and when Judge Domínguez interrogates Becky about her alibi on the night of the murder, she answers: "I didn't kill him. You don't do that two days before an opening."⁷⁶ Discerning between Becky's on-stage and off-stage performances as well as her theatricality and real emotions becomes more complicated when Judge Domínguez suggests that Becky talk to Rebecca, to which Becky replies: "When I wake up all I want is to live until 10 p.m. and do the only thing I know: perform."⁷⁷

Letal/Judge Domínguez is the legal figure who can create the conditions for an honest relationship between the mother and daughter. This is nowhere more evident than when Judge Domínguez uses the empty and solemn courtroom (which visually contrasts with the earlier image of the glamorous and crowded theater) to bring Becky face-to-face with Rebecca. Within the emptiness of the courtroom, Becky can stop pretending (acting) and directly ask her daughter for forgiveness. The scene opens with Rebecca, who has not been informed of the reason why she has

⁷⁴ KAMIR, *supra* note 2, at 276.

⁷⁵ See Bruce Williams, *The Text in the Third Degree: Gay Camp Recoupment in What ever Happened to . . . ? and High Heels*, 2 NEW REV. FILM AND TELEVISION STUD. 161, 161-79 (2004); Bruce Williams, *Playgrounds of Desire: Almodóvar, Fetishism, and the Male Ideal Ego*, J. FILM AND VIDEO, Summer 2000, at 28-40.

⁷⁶ TACONES LEJANOS, *supra* note 1.

⁷⁷ *Id.* Furthermore, at one point, when Rebecca wears the earrings Becky bought her as a child, hoping she will notice them, Becky pretends to recognize them. *Id.* Rebecca tells her to stop acting. *Id.* Becky's theatricality is further emphasized by her artistic name Becky del Páramo. Additionally, "Becky" is diminutive of Rebecca.

been summoned, entering an imposing courtroom. Becky enters next and soon finds her way to the judge's bench. Positioned in the place of the judge and powerfully looking at Rebecca from above, she interrogates her visually smaller and powerless daughter [Figure 3].⁷⁸

BECKY: Why did you do it?

REBECCA: I didn't kill him, Mom!

BECKY: But you confessed it yourself.

REBECCA: I should have killed him, but I didn't even get that. My only revenge was to say I did it.

BECKY: Why do you torture me? Because I slept with him? Is that why?

REBECCA: Don't be silly. You weren't the only one.

BECKY: Well, then?

Rebecca replies, indirectly, with a question of her own: "Did you see 'Autumn Sonata'?" It's about a great pianist and her mediocre daughter. A story like ours."⁷⁹ In a long reference to Ingmar Bergman's film *Autumn Sonata*,⁸⁰ Rebecca explains that she has spent all her life competing with her mother in everything, but she could win only by marrying Manuel.⁸¹ "We both lost with Manuel," Becky defends.⁸² "Yes, but I married him. You had to prove you could take him from me! I knew it, but you had to prove it to me."⁸³ The competition is not between two mothers, but between mother and daughter. Something unexpected happens at this point, however. As Becky gets off the judge's bench, she admits her guilt and asks her daughter for forgiveness: "Forgive me, Rebecca. I behaved very badly, but what can I do now?"⁸⁴ Rebecca replies: "You can only listen."⁸⁵ Rebecca gradually shifts positions, visually suggesting that what started as Rebecca's "trial" is now Becky's—Rebecca stands in front of her mother, who now sits as a defendant in front of her. Rebecca confesses that she switched her stepfather Alberto's sleeping pills, seemingly causing his death, but she assures her mother that she did it out of her love for her. Rebecca makes her way to the judge's bench and now, from this position, accuses Becky of abandoning her: "I wanted you to live your life. You promised me we'd have fun together, that we'd never separate. But you lied. And that's something I'll never forgive" [Figure 4].⁸⁶ The scene closes with Rebecca leaving a profoundly upset Becky in the empty courtroom.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ AUTUMN SONATA (Filmédis et al. 1978).

⁸¹ For Rebecca, as Rikki Morgan notes, "the absence of her mother and her consequent desire for affection and attention motivate an emotional attachment which oscillates between obsession . . . and psychotic rivalry." Rikki Morgan, *Dressed to Kill*, 1 SIGHT & SOUND 28, 29 (1992).

⁸² TACONES LEJANOS, *supra* note 1.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

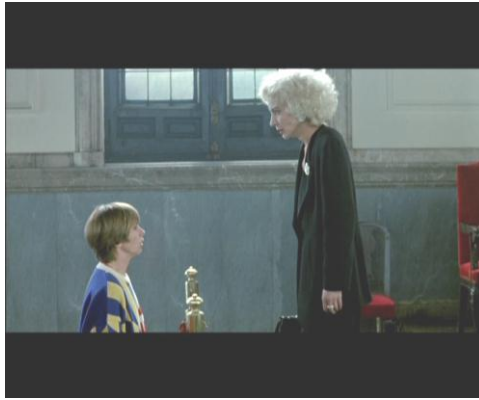


Figure 3



Figure 4

This scene draws the attention to some of the performative aspects of the law in three significant ways. First, by leaving the mother and daughter on their own to discuss their differences, Judge Domínguez transforms the courtroom into an informal performative space of conflict resolution. With the sanction of the law, this performative space points to Becky's assumption of responsibility: she becomes vulnerable, acknowledges her (moral) guilt, and for the first time asks Rebecca for forgiveness. In turn, Becky's transformation enables Rebecca to finally confront her mother and to demand to be heard—she confesses that she killed Alberto (although she denies having killed Manuel) and blames Becky for it. Second, Judge Domínguez's absence ensures that Rebecca's specific demand is brought before the law and is satisfied—Rebecca's particular motive, history, and need are fully heard by her mother in the legitimizing space of the court of

law. By giving Rebecca a hearing (that is, letting her speak), Judge Domínguez, the law, indirectly fulfills Rebecca's request that he remember his duty to her before a judgment is made or legal decision is taken. The empty courtroom is the place of a symbolic trial, not only of Becky being judged by Rebecca but also of this whole process by the viewer. In this scene, cinematic devices—such as the camera angle, *mise-en-scène*, etc.,—and reference to Bergman's film position the viewer to become the judge of the mother's and daughter's actions. Rebecca is found legally innocent of killing Alberto, and Becky is found morally guilty of Rebecca's criminal acts. The legal function of the empty courtroom is to legitimize this symbolic verdict.

C. JUDGING LAW, PERFORMING JUSTICE

It can be no coincidence that after Rebecca has been declared (symbolically) innocent in the court of law, Judge Domínguez releases her from prison on the grounds of insufficient evidence. Judge Domínguez and Rebecca have this conversation shortly after her release:

JUDGE: Letal wants you to go to see him tonight.

REBECCA: What for?

JUDGE: To speak with you, I suppose. You probably have things to tell him, too.

REBECCA: Wrong. I've nothing to tell him, he doesn't interest me. . . .

JUDGE: Why are you so aggressive? Without me, you'd be rotting in jail!

REBECCA: . . . If you freed me because you believe I'm innocent you're only doing your job.

JUDGE: I wonder. You never said you were innocent.

REBECCA: I'm innocent.

JUDGE: Why confess on TV then?

REBECCA: I was desperate and felt guilty.

JUDGE: A psychiatrist can use that, but I can't.

REBECCA: You can feel guilty without being guilty, can't you?

JUDGE: Of course, but I still don't understand you.

REBECCA: I don't understand you.

JUDGE: That's called reciprocity.

REBECCA: Why do you help me? Why do you free me, if you're not sure?

JUDGE: I know you're innocent.

REBECCA: That should be enough.

JUDGE: But it isn't. There are so many things I'd like to ask. But I have no right to, even if I'm the judge.

REBECCA: For once, we agree.⁸⁷

This conversation reveals the shifting point of the relationship between Rebecca and Letal/Judge Domínguez. This time, he is the one who wants to be heard and pleads with Rebecca to go to see what Letal has to tell her. This positions them as equals: Letal is not only a respondent to the demands of the other in need, but he is also, like Rebecca, a legitimate claimant for the other's performance.⁸⁸ Judge Domínguez frees Rebecca not because he thinks she is innocent, but because there is no proof of her being guilty. Although he wants to know whether Rebecca is legally innocent, he recognizes the limits of legal cognition, which prevent him from fully understanding Rebecca (at any rate, not as a psychiatrist would). In turn, Rebecca also recognizes and accepts that she does not understand him fully. Significantly, their mutual ("reciprocal," as Judge Domínguez calls it⁸⁹) incomprehension is the cause not of conflict but of agreement. In acknowledging the other as unfathomable, they establish a non-totalizing asymmetrical relationship with each other—the recognition that the other always contains an aspect that cannot be grasped in its totality is necessary to an ethics of alterity.⁹⁰

In his ethical task, Judge Domínguez's professional role imposes certain limits on his way of responding to the call of the other. As he explains to Rebecca, to believe in her innocence is not enough; he still needs to determine her guilt or innocence according to the logic of the system. He recognizes that he has no right to ask some questions, even if he is the judge. While the judge remains ethically responsible to respond to the request of the other, it appears that, to be just, his response cannot breach the limits of legality. This dilemma refers to what Jacques Derrida calls the "aporia of justice": "to act justly you must treat the other both as equal and as entitled to the symmetrical treatment of norms and as a totally unique person who commands the response of ethical asymmetry."⁹¹

⁸⁷ *Id.*

⁸⁸ Cf. DOUZINAS & WARRINGTON, *supra* note 17, at 178.

⁸⁹ TACONES LEJANOS, *supra* note 1.

⁹⁰ As Douzinas and Warrington put it, "[a]n awareness of otherness cannot determine the attributes of the other, but it recognises that there will always be aspects of every other that we cannot know." DOUZINAS & WARRINGTON, *supra* note 17, at 20. To understand fully any other's position is to appropriate that other's position as one's own and therefore to deny that other her otherness, difference, and singularity.

⁹¹ *Id.* at 178. I will explain later whether this reconciliation between the legal and the ethical is possible. In *Force of Law*, Derrida challenges the correspondence between law and justice. By the law (*droit, loi*) Derrida means a system of rules, norms, and principles to be applied to particular cases. See Derrida, *supra* note 17, at 22. By justice, by contrast, he means the "infinite, incalculable, rebellious to rule and foreign to symmetry, heterogeneous and heterotropic . . ." *Id.* This idea of justice, he says, "is infinite because it is irreducible, irreducible because owed to the other, owed to the other, before any contract, because it has come, the other's coming as the singularity that is always other." *Id.* at 25. It is in his distinction between law and justice that Derrida identifies what he calls the "aporia of justice": it foregrounds the impossibility of reducing the experience of justice to the (positive) system of rules. *Id.* at 16. For him, justice is an experience of the impossible, an experience that we are not able to experience: "the experience of absolute alterity . . ." *Id.* at 27. In response to Derrida's aporia of justice, Douzinas and Warrington turn to an eclectic adaptation by law of principles from the Aristotelian tradition of practical wisdom and from the Kantian tradition of reflective judgment. DOUZINAS & WARRINGTON, *supra* note 17, at 179. They propose an aesthetic reflective judgment that gives the other her due, yet under the auspices of an undetermined universal and a sense of "community [] in a continuous state of formation and dissolution; it is the precondition and horizon of judgment but

Despite Rebecca saying that she was not interested, she finally decides to hear what Letal has to tell her. In the same dressing room where they had their first sexual encounter, Letal confesses that he and Judge Domínguez are the same person, and proposes marriage to Rebecca.⁹² Perplexed, Rebecca asks: “To marry whom? Hugo, Letal, the Judge?”⁹³ “All of us,” he answers.⁹⁴ Next, he takes Rebecca to his hideout, a garage where his mother keeps her old things. On the way there, he explains how he created his multiple identities to infiltrate and investigate criminal cases. He also admits that she is the first person he has ever brought there and that not even his own mother knows about his impersonations. Rebecca then confronts him and judges his misconduct:

REBECCA: How can you lie to everyone?

JUDGE: But not to you or to me.

REBECCA: What about the people you leave behind? Paula fell in love with one of your characters.

JUDGE: There won't be more characters. Now there's only me. I brought Letal back to explain. The Judge couldn't.⁹⁵

After being scrutinized by Rebecca, Letal/Judge Domínguez promises that “there won't be more characters, only me.”⁹⁶ Judge Domínguez continues to perform, however, demonstrating that he “exists only through [his] in(de)finite performing roles, the ideal sum of which correspond to his own performative ‘identity’”⁹⁷ After he tells Rebecca that he brought Letal back to explain, because the Judge could not, Rebecca and the viewers witness yet another metamorphosis: he once again dons the fake beard, dark glasses, and the judge's clothes [Figure 5]⁹⁸ and introduces himself as Eduardo, the father of her unborn child [Figure 6].⁹⁹ In doing so, Judge Domínguez does not cease in his performance: he adds another layer of meaning to it. Judge Domínguez, the law, is the sum of all his characters—Letal, the Judge, Eduardo, and father-to-be.

each judgment passed marks the community's end.” *Id.* at 182. According to them, the act of judging in law “must move between the norm and the event in the same way that reflective judgments find in each particular the mark of an undetermined universal.” *Id.* Justice is therefore “the bringing together of the limited calculability and determinacy of law with the infinite openness and contingency of alterity.” *Id.* at 179.

⁹² Although for most of the film's viewers, it is obvious from the very beginning that they are the same person, Rebecca along with the rest of the characters seems to ignore his secret multiple identities.

⁹³ TACONES LEJANOS, *supra* note 1.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ Cleto, *supra* note 23, at 25. This affirmation is related to camp's perception of “life as theater” and of “being as playing role”: “Depth-anchored subjectivity is dissolved and replaced by . . . depthless foundation of subjectivity as actor (in itself, non-existent without an audience) on the world as stage. And as an object of a camp decoding, the actor exists only through its in(de)finite performing roles, the ideal sum of which correspond to his own performative ‘identity,’ personality being equal to a co-existence of *personae* on the stage of Being.” *Id.* The camp notion of life as performance is a central aspect in *High Heels*, which focuses on the dynamics of role playing: from gender roles, people's identities, motherhood, and everyday life to law.

⁹⁸ TACONES LEJANOS, *supra* note 1.

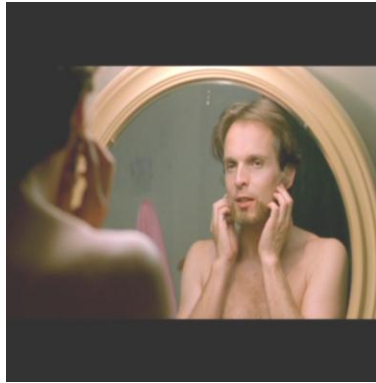


Figure 5

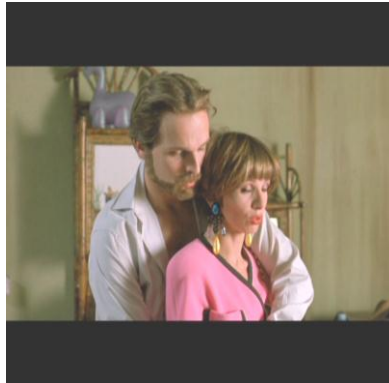


Figure 6

This visual metamorphosis reflects the law's actual transformation: before encountering Rebecca, Judge Domínguez had impersonated different characters with the mere purpose of gathering information and experiences for the criminal investigations. His impersonations, Rebecca reminds him, did not lead to justice but to abuse: people, like Paula, who were unwillingly used as informants and therefore as a means to his end, rather than as concrete and unique persons. In contrast, after the face-to-face encounter with Rebecca, Letal/Judge Domínguez starts performing not according to his investigative interests but to Rebecca's direct and concrete demand, and morphs himself accordingly. It is precisely this situated encounter with the unrepeatable, unique demand of the other, which makes Judge Domínguez an ethical subject.¹⁰⁰ This ethical responsibility does not

⁹⁹ *Id.*

¹⁰⁰ *Cf.* DOUZINAS & WARRINGTON, *supra* note 17, at 165.

depend on the attributes and experiences of the self, but arises out of and from the demand of the vulnerable other.

Just as Judge Domínguez's performances have constitutive effects upon Rebecca—they enable her personal growth—Rebecca's performances also have constitutive effects upon the judge, and open him up to a parallel transformation. The reciprocal yet asymmetrical transformation between the judge and Rebecca leads us to re-conceptualize law in terms of that very performative medium that makes it possible for self and other to respond to one another and to be transformed by this encounter.

After introducing himself as Eduardo, Judge Domínguez and Rebecca rush into the hospital where Becky is in intensive care.¹⁰¹ At the hospital, Becky's image is framed between the bed curtains, which give the impression that she still is on a stage. When Rebecca enters Becky's room, she closes the curtains for a private conversation behind the scenes. Becky asks Rebecca to tell her the truth and Rebecca confesses that she did, in fact, kill Manuel. The judge enters the scene and Becky, in what could be considered "the performance of a lifetime," takes the blame for Manuel's murder.¹⁰² Judge Domínguez replies that a confession is not enough because he needs physical evidence. In a final scene, and behind the judge's back, the film shows mother and daughter conspiring together to manipulate the evidence. The viewers (but not the judge) are shown how Rebecca gives Becky the gun she used to kill Manuel, and Becky plants her fingerprints on it. Eventually, Judge Domínguez relies on the physical evidence that "proves" Becky's guilt and sets Rebecca free.

Judge Domínguez's decision not to prosecute Rebecca is both legal and ethical (apparently reconciling the aporia of justice). By revealing to the viewer that this truth is the result of manipulating the system, the film raises the question of justice: Is Judge Domínguez's decision not to prosecute Rebecca just? How are we to determine whether it is just? Reflection on these questions leads us to explore the viewer's judgment.

IV. CINEMATIC JUDGMENT: ETHICS OF RESPONSE

According to Kamir, *High Heels* invites the viewer to practice a "participatory [sympathetic] identification" with Rebecca that mediates and shapes the viewer's process of judging.¹⁰³ Although each character is scrutinized and examined (for example, Becky is accused of being self-centered and uncaring, and Eduardo of abusing Paula), Kamir argues that the film invites the viewer to accept their sincere remorse and to see all but Manuel in reference to Rebecca's forgiving love and vulnerability.¹⁰⁴ In constituting a nonjudgmental, compassionate, and caring viewer-judge of Rebecca, Becky and Eduardo/Letal/Judge Domínguez, the film supports its fictional legal system. The viewer-judge, like Judge Domínguez, "judges

¹⁰¹ See KAMIR, *supra* note 2, at 270.

¹⁰² TACONES LEJANOS, *supra* note 1.

¹⁰³ KAMIR, *supra* note 2, at 280.

¹⁰⁴ *Id.* at 280–81.

two women through shifting personae and points of view, through identification with the involved parties, and through caring for them.”¹⁰⁵ Like the on-screen judge, the viewer investigates, determines relevant facts, and enacts the same alternative vision of justice of care—not prosecuting Rebecca for the murder.

In exploring the use of *mise-en-scène*, cinematography, editing, and sound, I argue that *High Heels* places the viewer in several judging positions that challenge the one-dimensional compassionate judgment proposed by Kamir. To illustrate my argument, I examine the use of two different cinematic techniques: on the one hand, the “direct address” (when a character looks directly into the camera at the viewers); and on the other hand, the visual contrast between Rebecca’s face and Becky’s mask-face. I demonstrate how these cinematic techniques elicit from the viewer an ethics of response to alterity, rather than an ethics of care.¹⁰⁶ Through the direct address, the film produces a face-to-face encounter between the viewer and Rebecca, parallel to the Levinasian face-to-face encounter between self and other that challenges the participatory sympathetic identification that Kamir suggests. The visual facial contrast between Rebecca and Becky breaks the mimetic relation between mother and daughter and, in doing so, establishes the conditions for an ethical relation between Rebecca and the viewer: if Rebecca were just the image or reflection of Becky, her otherness and singularity would be denied, and no ethical relation between Rebecca and the viewer would be possible. In the last part of this section, I argue that by revealing what actually happened (Rebecca as the actual killer of Manuel) to the viewer and not to the on-screen judge, the film constructs a cinematic judging process that differs from the one presented in the diegesis.

A. DIRECT ADDRESS TO THE VIEWER: FACE-TO-FACE ENCOUNTER

High Heels opens with Rebecca’s image reflected in a glass window of the airport where Becky’s plane is about to arrive. The fleeting image cuts to an extreme close-up of the side of Rebecca’s face. This is followed by another reflection of Rebecca looking at a small model of her image superimposed over people walking in the airport in the background. Next, a low camera angle shows Rebecca looking for the arrival time of her mother’s plane on a huge board. While sitting in the waiting room, the camera zoom-ins bringing her face closer to the viewer so that her

¹⁰⁵ *Id.* at 279.

¹⁰⁶ In *Reality and its Shadow*, Levinas deprives art of ethics and responsibility. In his view, art consists in replacing the object with its image (a shadow, a caricature, a neutralizing vision of the object). Emmanuel Levinas, *La réalité et son Ombre* [*Reality and its Shadow*], 1 REVUE DES SCIENCES HUMAINES 103, 106, 111–12 (1982). It is beyond the scope of this chapter to discuss the ethical or unethical nature of art. In accordance with Alex Gerbaz, I claim that, “If responsibility begins with the face-to-face encounter, perhaps in the age of the screen and mediated social encounters our sense of responsibility is changing. The ubiquity of screens does not mean the end of responsibility . . . ; rather, it makes the viewer responsible for reaching beyond the presence of images in order to ‘see’ and respect the conscious life of others.” Alex Gerbaz, *Direct Address, Ethical Imagination, and Errol Morris’s Interrotron*, 12 FILM-PHIL. 17, 26 (2008). For discussions on the ethical dimension of art from the Levinasian perspective, see also SARAH COOPER, *SELFLESS CINEMA? ETHICS AND FRENCH DOCUMENTARY* (2006).

expression can be seen and her thoughts heard. Rebecca's face in close-up dissolves into the first flashback of her traumatic memory from childhood in the Caribbean, when she lost one of the earrings her mother bought for her and Alberto pretended to sell her to the locals. The flashback closes with the image of a young Rebecca running away from Becky and Alberto. Then, the image dissolves to Rebecca's adult and suffering face directly addressing the camera in close up while her mother calls her name from off-screen. [Figure 7].¹⁰⁷



Figure 7

In the same shot, Rebecca takes those very same earrings from her handbag and puts them on. Then, the close-up of her face dissolves into a second flashback. This time, she remembers how she tampered with Alberto's pills, causing his death, after which her mother abandoned her to pursue her acting career in Mexico. Once again, the image of a young Rebecca fades out, while the off-screen voice of her mother confirms that she is going to abandon her. The scene closes by cutting back to the airport, where a guitar case with the name Becky del Páramo on the side slides along the baggage carousel and leads directly to the now-star-and-diva, Becky.

The unusual shot of direct address to the viewer (for there is no other addressee in the diegesis) functions as the Levinasian face-to-face encounter between self and other, in two interconnected ways. First, by looking directly at the camera, Rebecca makes visible the concealed artifice of cinema and challenges the viewer's temptation to identify with the gaze of the camera. The direct address of the camera breaks the illusion of the "mirror screen" through which the viewer identifies himself or herself as the origin and creator of meaning.¹⁰⁸ Rebecca's face, using Alex Gerbaz's

¹⁰⁷ TACONES LEJANOS, *supra* note 1.

¹⁰⁸ According to Jean-Louis Baudry, the darkened and closed ideological space of the cinema functions, like the Platonic cave, as a mirror-screen that "reflects *images* but not 'reality.'" Jean-Louis Baudry, *Ideological Effects of the Basic Cinematographic Apparatus*, in *FILM THEORY AND CRITICISM* 335, 362 (Leo Braudy & Marshall Cohen eds., 6th ed. 2004). The projector appears as a sort of psychic apparatus that confers on the spectator the imaginary position of "transcendental subject," while at the same time it conceals such a position as constructed. *Id.* at 360. For Baudry, cinema is "an apparatus destined to obtain a precise ideological effect, necessary to the dominant ideology: creating a phantasmization of

words, expresses “her otherness, alterity, and ungraspable subjectivity.”¹⁰⁹ It “expresses something that cannot be accounted for within the totality of the transcendental subject’s intention,” something irreducible that escapes identification.¹¹⁰ Second, by looking back at the viewer, Rebecca openly acknowledges the presence of the film viewers. The viewers are confronted with the fact that they themselves are not only the subject of perception but also the object of perception. Rebecca’s direct address confronts the viewer and puts his or her all-perceiving self in question.¹¹¹ That is, it challenges the illusory totality of the viewer’s act of perception.¹¹²

The direct shot of the face establishes the conditions for a face-to-face encounter between Rebecca and the viewer: it prevents both Rebecca’s reduction to a mere image to be looked at and the viewer’s maintenance of a transcendental self. By reaching out from the diegesis of the film, Rebecca appears in the uniqueness and singularity of her face, and expresses a direct demand for an ethical response before any judgment is taken by the viewer.

B. FACE AND MASK-FACE

The opening emphasis on Rebecca’s face is contrasted with the contrary technique of depriving the viewer of a clear view of Becky’s face. Becky is first seen (both in the first flashback and upon her arrival at the airport) wearing a large red hat, big sunglasses, and heavy makeup that barely allows the viewers to see her face. Immediately after encountering Rebecca, Becky takes a small mirror from her bag to touch up her makeup, and an extreme close-up shows a distorted reflection of her face at the same time that she inquires about the presence of the press [Figure 8].¹¹³ The camera tilts up from Becky’s grotesque facial reflection to Rebecca’s face.

the subject, it collaborates with a marked efficacy in the maintenance of idealism.” *Id.* at 364. The only way to resist the ideological forces of the system and to break through their deceptive effects is to make the system’s modes of production obvious. *Id.* at 362–65.

¹⁰⁹ Gerbaz, *supra* note 106, at 20.

¹¹⁰ *Id.* at 23–24. “Yet [as Gerbaz points out,] acknowledgment of this failure to reach complete identification, to reduce to presence, is . . . fundamental to an ethics of alterity.” *Id.*

¹¹¹ Christian Metz argues, following Lacan, that cinema offers the spectator the imaginary state of wholeness and completion and that in order to create such a state of completion cinema uses identification and voyeurism. Metz distinguishes what he calls “primary identification” from “secondary identification.” Christian Metz, *Identification, Mirror*, in *FILM THEORY AND CRITICISM*, *supra* note 108, at 820, 820–27. He argues that the spectator, first of all, “*identifies with himself*, with himself as a pure act of perception (as a wakefulness, alertness): as the condition of possibility of the perceived and hence as a kind of transcendental subject, which comes before every *there is*.” *Id.* at 823. This primary identification makes possible the identification with the characters and the events on the screen (secondary identification). For Metz, “[t]he practice of the cinema is only possible through the perceptual passions: the desire to see (= scopic drive, scopophilia, voyeurism) . . .” *Id.* at 827. The voyeur possesses the privileged position of looking without being noticed (the object of perception does not know that it is being watched).

¹¹² Finally, in presenting Rebecca as the bearer of the look, the direct address undermines the patriarchal cinematic tendency (in particular, classic Hollywood cinema) to position the woman as a passive object to be looked at by the viewer’s active male gaze. In *Visual Pleasure and Narrative Cinema*, Laura Mulvey recognizes three types of “gaze,” each relating the desire for the images on the screen from different points of view: the camera’s, the characters’ looking at one another, and the spectator’s. Laura Mulvey, *Visual Pleasure and Narrative Cinema*, in *FILM THEORY AND CRITICISM*, *supra* note 108, at 837–48. For Mulvey, cinema constitutes its scopic spectator as masculine, and its object as feminine. *Id.* at 841.

¹¹³ TACONES LEJANOS, *supra* note 1.

Rebecca proudly replies that she kept it secret that Becky was coming back; a blurry image of Becky's red hat occupies half of the frame, pointing to Becky's incapacity to emotionally connect with her daughter. Becky complains she wanted "more expectation."¹¹⁴ Rebecca answers, with tears in her eyes, that she was full of expectation.

Becky's distorted facial reflection in the mirror visually reveals what Luce Irigaray calls a "masquerade of femininity," by which "the woman loses herself, and loses herself by playing on her femininity."¹¹⁵ This idea of the masquerade becomes particularly apparent in the scene in which Becky appears, applying a facial mask in front of a mirror and indifferently talks with her personal assistant Margarita about her "successful" encounter with Rebecca [Figure 9].¹¹⁶

While this is happening, Rebecca appears on TV as the news anchor, but self-conscious of the fact that her mother is watching, she cannot contain her laughter while referring to the casualties of a terrorist attack. Embarrassed, Becky complains that she would have preferred not to have seen her daughter. The camera cuts from Becky's mask-face to a television screen where two Asian women appear, applying makeup on their faces in extreme close-up. Another shot reveals Manuel as the viewer while a voice-over coming from the television program comments on the images of the Asian women: "The music and the dance were at the monarchy's service for centuries. Most of the performers of the opera of the masks are women."¹¹⁷ Not surprisingly, at this precise point, Becky arrives at Manuel's (and Rebecca's) house, and Manuel turns his gaze toward her. Thus, *mise-en-scène*, sound, and editing connect the two scenes: by applying the mask on her face (the masquerade of femininity) like the women at the service of the monarchy on the television screen, Becky appears subordinated to the patriarchal order represented by Manuel. Within the diegetic space, Becky epitomizes Laura Mulvey's idea of the woman's "to-be-looked-at-ness."¹¹⁸

¹¹⁴ *Id.*

¹¹⁵ LUCE IRIGARAY, *THIS SEX WHICH IS NOT ONE* 84 (Catherine Porter trans., Cornell Univ. 1985) (1977). For a similar argument in another of Almodóvar's film, see Alejandro Yarza, *Entre Tinieblas, in UN CANIBAL EN MADRID: LA SENSIBILIDAD CAMP Y EL RECICLAJE DE LA HISTORIA EN EL CINE DE PEDRO ALMODÓVAR* (1999).

¹¹⁶ TACONES LEJANOS, *supra* note 1.

¹¹⁷ *Id.*

¹¹⁸ Mulvey, *supra* note 112, at 833, 841.

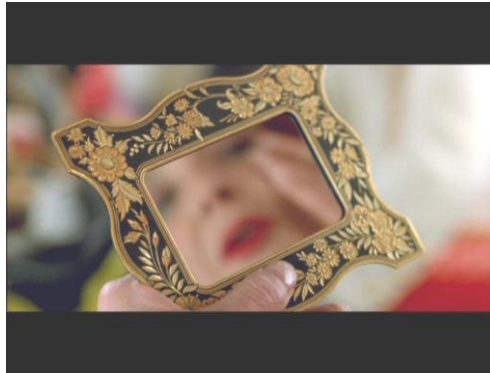


Figure 8



Figure 9

The visual contrast between Rebecca's face and Becky's mask-face throughout the film challenges the mimetic relation between mother and daughter, and establishes a key difference between them: while Becky represents the celebration and naturalization of patriarchy, Rebecca appears as the victim of such patriarchy. This differentiation creates a different ethical relation for the viewer with Rebecca.

The facial contrast between Rebecca and Becky is reiterated in the last part of the film, significantly, when Rebecca explains the motives for killing her husband to her mother (and the viewer). The scene opens inside the ambulance where we see Becky with an oxygen mask on her face and Rebecca holding her hand at her side [Figure 10].¹¹⁹ Becky asks Rebecca for the forensic details of the murder because the judge does not seem convinced by her confession. Rebecca then explains the motives of the killing: she asked Manuel if he wanted her to shoot herself or die of an

¹¹⁹ TACONES LEJANOS, *supra* note 1.

overdose, and Manuel replied that he would not give a damn about how she died. Becky interrupts Rebecca and tells her to go directly to the “heavy part” because that is what the judge will want to know: “How far away were you when you fired . . . did he fall forward or backward.”¹²⁰ Rebecca puts the oxygen mask back into Becky’s face and explains that Manuel’s insensitivity to her threat of killing herself was the last straw for her. She explains how she pulled the trigger, shot, and killed Manuel. Becky is seen with her face covered by the mask throughout the entire scene, taking it off only to ask questions or make comments to Rebecca. The scene closes with Becky telling her daughter that she should find a better way than murder to solve her problems with men. Rebecca replies that her mother should teach her how.



Figure 10

Although Becky is sick and dying, the grotesque image of her face with the oxygen mask visually deprives her of vulnerability and, therefore, of the potential for an ethical relation with the viewer. Becky’s mask-face reminds the viewer that she is the cause of Rebecca’s criminal acts and invites viewers to detach and distance themselves from her. This contradicts Kamir’s reading of the scene, because for her, Becky’s identification with her daughter’s pain and humiliation influences the viewer to judge Rebecca accordingly (Kamir focuses exclusively on the narrative level of the scene). As she puts it, “[l]earning of the killing in this context, the viewer is influenced by the dying, remorseful mother’s attitude. The viewer joins her in the impulse to protect Rebecca, save her, and compensate for all the emotional abuse she has suffered all her life.”¹²¹

The visual technique of the mask-face deflects the viewer’s attention from Becky toward Rebecca’s particular motive, history, and pain of the murder committed without the mediation of her mother. Shifting the attention toward Rebecca, the film invites viewers to fulfill their ethical obligation to respect Rebecca’s specific history and motive before any judgment is taken. Like the on-screen performer-judge, the responsibility of

¹²⁰ *Id.*

¹²¹ KAMIR, *supra* note 2, at 280.

the viewer toward Rebecca starts with her demand for an ethical response and concludes with its satisfaction.

C. TRUTH AND JUSTICE

While *High Heels* calls upon the viewer to respect and fulfill Rebecca's ethical demand like the on-screen judge by revealing the "truth" to the viewer and not to the judge, the film constitutes a viewer-judge different from the on-screen judge. The film, however, invites viewers to reach the same decision, which is the non-prosecution of Rebecca for the murder. Richard Sherwin distinguishes, in regard to legal storytelling, three different forms of truth (factual, legal, and symbolic) that can help us to examine this issue.¹²² According to Sherwin,

Factual truth tells us what actually happened as a matter of historical accuracy. Whose testimony can be believed, what the physical evidence shows, how the elements of proof add up in the course of establishing who is to blame [Legal truth, however,] says that there are times when general concepts and abstract principles of law may be more important than particular facts. . . .

. . . Symbolic truth has the power to transcend particular facts and even particular laws. In this way, like legal truth, symbolic truth may ask a decision maker to sacrifice particular facts for the sake of something larger. But like factual truth it also seeks to root the truth not in some counterintuitive generality but in a specific human reality—albeit a higher human reality than ordinary facts typically allow.¹²³

Unlike the on-screen judge who believes that Becky's guilt and Rebecca's innocence have been determined according to the physical evidence (factual truth) and by following the rules (legal truth), the viewer knows that justice has not been legally attained because the evidence has been manipulated. By calling attention to Rebecca's motives for the killing of Manuel, *High Heels* encourages the viewer-judge to consciously sacrifice particular facts and laws for the more important sake of Rebecca. Put differently, it asks the viewer to judge Rebecca according to the symbolic truth, which is that her actions destroyed the oppressive patriarchal social and cultural order represented by Manuel, and not according to the factual and legal truth. By asking the viewer to accept Becky's admission of guilt (as complicit in this order, and responsible for Rebecca's suffering), Manuel's death does not go unpunished.

V. CAMP AESTHETICS: LAW AS QUEER

In *Strange Encounters*, law and film scholars Ruth Buchanan and Rebecca Johnson suggest that focusing on the affective dimensions of thought produced through the combination of word, image, and sound in

¹²² RICHARD K. SHERWIN, WHEN LAW GOES POP: THE VANISHING LINE BETWEEN LAW AND POPULAR CULTURE 49 (2000).

¹²³ *Id.* at 49–50.

film opens up both critical and transformative possibilities for law-and-film scholarship.¹²⁴ Their interest is less “in understanding how film’s special *effects* are produced than in understanding how various cinematic techniques work through us to produce *affects*, be they terror, elation, confusion, or grief.”¹²⁵ In particular, they focus on the ways film might “challenge or destabilize dominant ‘structures of feeling,’ revealing new potential subjectivities and ways of being in the world.”¹²⁶ And further, which is “the place of *affect* in the constitution of legal subjectivities?”¹²⁷ Following Buchanan and Johnson’s suggestion, I explore how the camp aesthetics of Letal/Judge Domínguez’s female impersonations reveal new subjectivities that invite the viewer to examine and question the dominant assumptions about identity upon which traditional legal systems are grounded.¹²⁸ I then show how the interaction between the camp aesthetics of the judge and the viewer re-conceptualize law as queer performance.¹²⁹

Cultural anthropologist Esther Newton notes that “[t]he role of the female impersonator is directly related to both the drag queen and camp roles in the homosexual subculture.”¹³⁰ As she explains, the main opposition around which the homosexual world revolves is masculine-feminine; one way of presenting such opposition through one’s person is drag.¹³¹ Yet, Newton argues that while all female impersonators are drag queens in the context of the homosexual subculture, not all of them are camp: “Both the drag queen and the camp are expressive performing roles, and both specialize in transformation. But the drag queen is concerned with masculine-feminine transformation, while the camp is concerned with what might be called a philosophy of transformations and incongruity.”¹³² Camp uses the incongruity as a creative “strategy for a situation.”¹³³ Taking Newton’s notion of camp a step further, Jack Babuscio and Judith Butler highlight its subversive aspect. For Babuscio, camp is subversive because it forces the spectator to detach from the heterosexual viewpoint of conventional standards: “masculinity (including sexual dominance over women) is ‘natural’ and appropriate for men, and femininity (including

¹²⁴ See Ruth Buchanan & Rebecca Johnson, *Strange Encounters: Exploring Law and Film in the Affective Register*, 46 *STUD. L. POL. & SOC’Y* 33 (2009). Buchanan and Johnson differentiate affect from emotion—our pre-cognitive responses to particular combinations of word, image, and sound. *Id.* at 37. For an overview of the law-and-film scholarship see generally, MONIKA FLUDERNIK & GRETA OLSON, *IN THE GRIP OF THE LAW: TRIALS, PRISONS, AND THE SPACE BETWEEN* (2004); LESLIE J. MORAN ET AL., *LAWS MOVING IMAGE* (2004); Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey, *On Film and Law: Broadening the Focus*, in *LAW ON THE SCREEN* (Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey eds., 2005); Stefan Machura & Peter Robson, *Law and Film: Introduction*, 28 *J.L. & SOC’Y* 1 (2001).

¹²⁵ Buchanan & Johnson, *supra* note 124, at 43.

¹²⁶ *Id.*

¹²⁷ *Id.* at 37.

¹²⁸ As Alejandro Yarza observes, “camp is situational, it emerges from the interrelation between two different elements in a concrete historical situation. Camp does not exist *a priori*, it emerges as an *effect* of a specific situation that links an object with whom recreates it; that’s why it requires the active participation of the spectator.” Yarza, *supra* note 115, at 20.

¹²⁹ For queer in law, see generally *SEXUALITY IN THE LEGAL ARENA* (Carl Stychin & Didi Herman eds., 2000).

¹³⁰ Newton, *supra* note 26, at 96, 98.

¹³¹ *Id.* at 98.

¹³² *Id.* at 102.

¹³³ *Id.*

sexual submissiveness toward men) is ‘natural’ and appropriate for women.”¹³⁴ For Butler, “drag fully subverts the distinction between inner and outer psychic space and effectively mocks both the expressive model of gender and the notion of a true gender identity. . . . *In imitating gender, drag implicitly reveals the imitative structure of gender itself. . . .*”¹³⁵ Letal’s drag impersonation of Becky is camp in the terms established above.

The first time Letal physically appears on the screen is at the Villa Rosa gay night club, performing an impersonation of Becky in drag. Letal’s performance is presented in two scenes: one onstage, the other offstage. The first scene opens with Letal emerging from behind the curtains, followed by the camera in a long take as he moves to the center of the stage. Letal performs an old song from a younger Becky, while imitating in detail her gestures, style, and costume—he wears a red miniskirt, full make-up, long gloves, dangling earrings, a wig, and high heels [Figure 11].¹³⁶ With sexualized gestures and exaggerated expressions, he flaunts his femininity to the men he encounters on his way to the stage. In the stylized backdrop, traditional flamenco dancers contrast with Letal’s masculine features and big stature. A reverse shot shows Becky in close-up captivated and flattered by his impersonation. Then, an over-the-shoulder shot shows three other female impersonators singing along with Letal, imitating his moves and expressions from their front-row table. Another close-up of Becky’s face emphasizes her pleasure on seeing her imitation. The scene closes with a zoom-out of Letal at the center of the stage.

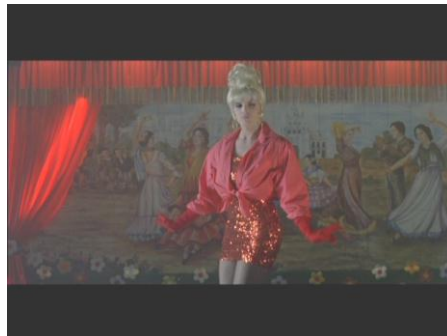


Figure 11

The opening of the second scene reiterates that of the former, signaling to the viewer that what follows is part of the same performance. The scene

¹³⁴ Babuscio, *supra* note 26, at 117, 123.

¹³⁵ Judith Butler, *From Interiority to Gender Performatives*, in *CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT*, *supra* note 23, at 361, 363, 64. (citing ESTHER NEWTON, *MOTHER CAMP: FEMALE IMPERSONATORS IN AMERICA* (1972)).

¹³⁶ TACONES LEJANOS, *supra* note 1.

opens with Letal, emerging from behind the curtains followed by the camera as he moves toward Becky's table and sits facing her. Then, the following conversation takes place:

LETAL: I hope you are not upset.

BECKY: Why?

LETAL: You may not like the imitations.

BECKY: They flatter me. I feel so young, so absurd. Let me look at you. You don't look like me but the gestures are mine.

LETAL: I tried to copy your style. It made you unique.

BECKY: I still am. But you can't be a pop singer at my age. I've become a living legend.

LETAL: I'm more into your early years. Wigs, miniskirts, platform shoes. Your spirit, your style.¹³⁷

Through Letal's drag impersonation, Becky becomes a camp icon in the homosexual subculture. Letal's drag performance, however, is not a misogynistic representation of Becky (or women in general), but a parodic stylized appropriation of her femininity (as Letal implies, when he tells Becky that he tries to copy the style that made her unique—wigs, miniskirts, and platform shoes). Letal's exaggerated and stagy style, gestures and expressions, and excessive makeup and feminine attire evoke a woman in fact who is already a distortion or a masquerade of femininity; they exaggerate what is already an exaggeration.¹³⁸ Letal's campy impersonation of Becky subverts the erotic scenario of woman-as-spectacle to woman-to-be-looked-at, forcing the viewer to examine and critically detach from Becky's celebration of patriarchy.¹³⁹

After the above conversation, the camera moves to the right to shift the viewer's attention to Rebecca and Manuel, who are sitting on Becky's side. As soon as Rebecca introduces Manuel to Letal, they have a confrontational encounter: Manuel asks Letal what his real name is, while simultaneously staring at his crotch. The camera tilts up from Letal's crotch (the same crotch Rebecca will undress moments later backstage) to a close-up of Letal's face. Letal then replies that he is whatever Manuel wants to call him but that his friends call him (dropping his voice) "Letal." A close-up of his face shows him staring at Manuel's gun. Evoking the former shot, the camera tilts up from Manuel's gun (the same gun Rebecca will use to kill Manuel) to his face in close-up. In return, Manuel asks if Letal's name is male or female. Letal answers that it depends but for him, he is a man. While Manuel demonstrates his maleness by showing his gun, Letal shows his by suddenly dropping the level of his voice.¹⁴⁰ The comic incongruence produced by Letal's vocal dropping is Letal's campy strategy to deal with

¹³⁷ *Id.*

¹³⁸ Marcia Pally, *The Politics of Passion: Pedro Almodóvar and the Camp Aesthetic*, 18:1 CINEASTE 32, 33–34 (1990).

¹³⁹ See Andrew Ross, *Uses of Camp*, in *CAMP: QUEER AESTHETICS AND THE PERFORMING SUBJECT*, *supra* note 23, at 308, 308–29.

¹⁴⁰ The equation of penis and gun as a sign of masculinity is also parodied in the film—Manuel is killed by his own gun. See Rebecca Zorach, 'Tu imagen divina': *The Fetishism of the Femme and Her Secret in Pedro Almodóvar's Tacones Lejanos*, 10 TORRE DE PAPEL 120, 129 (2000).

Manuel's homophobic attitude toward him.¹⁴¹ Camp, through its comic incongruity, forces the viewers to detach from and question Manuel's hostile position, and to reflect about and align with Letal's marginal one.

The scene closes with Becky and Letal exchanging mementos (one earring for a fake breast). As Newton remarks, one part of the performance of the female impersonator is to make the opposition between the female "appearance" and the male "reality" evident.¹⁴² One way to do this is to pull out one fake breast and show it to the audience. By showing his fake breast to the audience, Letal reveals that his appearance is an illusion; it says "that sex role behavior is an appearance [that] can be manipulated at will."¹⁴³ In addition, by breaking the illusion of femininity, Letal frees himself from other impersonators as the immediate reference group (for instance, the anonymous female impersonators that imitated his performance) and, more specifically, from Becky. In so doing, he positions himself as the drag impersonator to the viewers.¹⁴⁴

The fact that Judge Domínguez is first seen in his role of drag performer within the context of the homosexual subculture is highly subversive. It replaces the dominant legal assumptions of a fixed and given identity (unity, unicity, stability, permanence, depth, and heterosexuality) with fluid and performative identities (multiplicity, diversity, instability, change, surface, and queerness).¹⁴⁵ This idea of fluidity and performativity is reinforced throughout the film through Judge Domínguez's multiple characters: he goes from Letal's exaggerated femininity (he wears full makeup, miniskirt, and high heels) to Eduardo's ambiguity (he is seen half in drag), and then to Domínguez's extreme masculinity (he wears sunglasses and a suit and has a beard).¹⁴⁶ This rejection of legal assumptions about identity challenges the exclusive categorical oppositions (masculine/feminine, original/copy, identity/difference, natural/artificial, private/public, heterosexual/homosexual, etc.) upon which the legal epistemic is grounded.

By re-imagining law from a queer perspective, the film opens up the possibility for an aesthetic judgment that takes seriously the call of those marginal subjects (such as lesbians, homosexuals, transvestites, transsexuals, women, etc.) that have been traditionally excluded from the law. It enables them to express and assert their otherness and difference, at the same time that it forces the viewer to respect and be responsive to their alterity. *High Heels*, in other words, transforms the law into a queer performance that recognizes and includes new subjectivities that disrupt the hierarchy that privileges masculinity, heterosexuality, and patriarchy.

¹⁴¹ As Babuscio observes, "in order for an incongruous contrast to be ironic it must, in addition to being comic, affect one as 'painful'—though not so painful as to neutralize the humor. . . . Humor constitutes the strategy of camp . . ." Babuscio, *supra* note 26, at 126.

¹⁴² Newton, *supra* note 26, at 101.

¹⁴³ *Id.*

¹⁴⁴ *Id.* at 105

¹⁴⁵ Cleto, *supra* note 23, at 14.

¹⁴⁶ Judge Domínguez's excess of masculinity could be read as camp, as self-parody.