Referential Lives: Literary, Legal, and Colonial Discourses in Audrey Andrews’ Account of the Life and Trials of Dorothy Joudrie

by

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Abstract

In Be Good, Sweet Maid: The Trials of Dorothy Joudrie (1999), Audrey Andrews recounts the life and trial of Dorothy Joudrie, a so-called wealthy socialite who was arrested in Calgary in 1995 for attempting to murder her estranged husband after decades of domestic abuse. Andrews tells Joudrie’s story in the form of a semi-auto/biographical text that quotes other scholarly and creative literary works in an intertextual dialogue about violence against women, post-World War II gender socialization, and the “battered women syndrome” defence. This thesis takes this highly referential dialogue as its starting point, and then extends Andrews’ cultural work by tracing a genealogy of colonialism in Canadian domestic violence laws with the help of selected intertexts – including Yvonne Johnson’s Stolen Life: Journey of a Cree Woman (1998), the trial of Angelique Lavallee, and Lorena Bobbitt’s infamous case. First, I source the epigraphs that Andrews strategically places at the start of each chapter and discern the layer of meaning that these external texts bring to Joudrie’s story in order to raise questions about how Andrews rearticulates the work of others and the politics of such a rearticulation. Second, I similarly frame Joudrie’s 1995 trial as a referential and intertextual discourse based in precedent established by the Supreme Court in 1990 when it ruled that expert testimony on the “battered woman syndrome” was admissible in the R. v. Lavallee case (Shaffer 1). This allows me to consider a consequence of the ruling often overlooked in feminist literature: due to the fact that the original defendant, Angelique Lavallee, was a Métis woman whose identity was erased in the courtroom and in case law, subsequent trials employing the “battered woman syndrome” defence repeat settler relations entrenched in colonial violence. Third, I expose how representations can fail by thinking through what Stephen Couser calls the auto/bio/ethics of life writing, which reveals the limits of Canadian laws and literatures. Ultimately, this discussion generates
questions about who is considered human under the law and how life writing might re-imagine the “reasonable” human in more just and compassionate ways.
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Chapter One

Life Writing Beyond the Personal and the Political: An Introduction to *Be Good, Sweet Maid*, its Intertexes, and the Limits of Law and Literature

Although Virginia Woolf writes in *A Room of One’s Own* that “the natural simplicity, the epic age of women’s writing, may have gone ... [and] the impulse towards autobiography may be spent” (79), Julie Rak points to the ways in which there has been an explosion of both auto/biography and the study of auto/biography over the last twenty years (2). However, this proliferation of production and of discourse about life writing texts is neither “natural” nor “simplistic,” but highly political (2). For example, the Wilfrid Laurier Press’ Life Writing Series, which includes *Be Good, Sweet Maid: The Trials of Dorothy Joudrie* (1999), comprises life writing and new life-writing criticism with the goal of promoting auto/biographical accounts, testimonials, letters, and diaries written by women and men whose political or literary purposes are central to their lives. This series demonstrates the concerted effort that is going towards moving creative production and criticism “beyond being confined to a discussion of the author’s life” (Rak 1) and towards a greater understanding of “the personal as political.” The following work is partially situated within this methodological framework commonly found in auto/biographical literature (Rak 2), as I am concerned with understanding life writing, and, in particular, Audrey Andrews’ *Be Good Sweet Maid*, as political discourse. Andrews expands the formally recognized boundaries of auto/biography in political ways and I examine how her semi-auto/biographical\(^1\) work combines testimonial, court transcripts, news media, and quotations from scholarly and creative literary works to comment on post-World War II gender socialization, domestic violence, and the law.

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\(^1\) A semi-auto/biographical text can be defined as a text that employs elements of a traditional auto/biography, such as personal recollections, but also expands the boundaries of the genre by integrating aspects of other forms and techniques of writing. In the case of *Be Good, Sweet Maid*, Andrews combines her own history with the story of Joudrie, she includes court transcripts, and she creatively makes reference to other literary works.
Nevertheless, however useful the invocation of the famous second-wave feminist slogan, “the personal is political,” may be to developing an understanding of the productive work that life writing can do, the following chapters will also argue, using Andrews’ text as a case study, that it is increasingly problematic to apply this epithet in life writing criticism. Chandra Talpade Mohanty and Aida Hurtado, for example, challenge the usefulness of the idea that “the personal is political” and point to the ways in which it obscures diverse experiences of oppression (Mohanty 51). Mohanty writes that it is important to distinguish between the “relevance of the public/private distinction for American [and Canadian] white middle- and upper-class women, and working-class women and women of colour who have always been subject to state intervention in their domestic lives” (51). Indeed, Hurtado remarks that “Women of Color have not had the benefit of the economic conditions that underlie the public/private distinction … instead the political consciousness of women of Color stems from an awareness that the public is personally political” (qtd. in Mohanty 51). As a result, to declare that the “personal is political” is to erase the experiences and knowledge of women of colour, Indigenous women, and working class women, who have, according to Mohanty, always already been aware that there is no distinction between the two realms (51).

Therefore, while this thesis politicizes the personal stories of Andrews and Joudrie, it must also be situated within an anti-racist, anti-colonialist methodological approach that recognizes the insularity of the second-wave feminist declaration that “the personal is political.” In other words, at the same time that the following chapters examine the political dimensions of a highly personal and semi-auto/biographical account of one woman’s legal drama and life history, this thesis also interrogates how Andrews’ original life writing text and her use of quotations from prominent Canadian scholarly and creative literary works fail to question the
problematic premise of a white settler middle-class second-wave feminism that the “personal is political.” With the use of selected intertexts – such as Stolen Life: Journey of a Cree Woman (1998) by Yvonne Johnson and Rudy Wiebe, the case of Angelique Lavallee, and the case of Lorena Bobbitt – I uncover how this popular principle not only erases the political and personal experiences of working-class women, women of colour, and Indigenous women, but also dismisses the differences among women and ignores the variable and fraught relationships that women have with feminism when a seemingly universal vision of feminism is called upon. In specific, I examine how Andrews’ interpretation of Joudrie’s experience with domestic violence and the “battered woman syndrome” defence plays into dominant narratives of domestic violence in Canada that work to erase the colonial relationships upon which domestic violence laws are based. Thus, I simultaneously develop and critique the connections between the personal and the political by thinking through the ways in which creative texts and life writing, together, produce a complicated and often contradictory narrative of resistance through which violence against women and Canadian law might be newly read.

In Be Good, Sweet Maid, Andrews recounts the life and criminal trial of Dorothy Joudrie, a so-called wealthy socialite who was arrested in Calgary in 1995 for attempting to murder her estranged husband after decades of domestic abuse. However, Be Good, Sweet Maid is not simply an account of Joudrie’s trial, but an auto/biographical text that also quotes other scholarly and creative literary works. In addition to court transcripts, the work consists of references to Andrews’ own life experiences, her observations of the court room drama, discussions between Joudrie and the author, and epigraphs selected from various works by writers such as Margaret Atwood, Alice Munro, Anita Shreve, Lenore Walker, and Sylvia Plath. Therefore, the text is a
highly referential, intertextual, and intergenerational dialogue about violence against women, post-World War II gender socialization, and the “battered women syndrome” defence.

While *Be Good Sweet Maid* clearly offers up a particular narrative of domestic violence (the story of Dorothy Joudrie) and a specific script of “battered woman syndrome” (the court transcript of Joudrie’s case), it also offers an archive of discourses about domestic violence. *Be Good, Sweet Maid* is more than a single, solitary story about violence, but rather, a collection of stories that, when read together, bring new meaning to an ongoing series of Canadian political and literary debates about gender violence and the law. And although I source the epigraphs that Andrews strategically places at the start of each chapter and discern the layer of meaning that these external texts bring to Joudrie’s story, I am equally attentive to how Andrews rearticulates the texts in *Be Good, Sweet Maid*. What lessons is Andrews teaching? Does she impose meaning onto a text through a manipulation of quotations, by placing quotations in new and different contexts, or by interpreting passages in a unique manner? Are there other significant or relevant passages in the source texts that are omitted and what is the meaning of their erasure? Are those significant passages meant to remain in the reader’s mind even when not quoted directly? Does a meta-narrative emerge when the epigraphs are read alongside each other? Does this meta-narrative reflect the original intents of the source texts? Is authorial intent relevant? The review of this repository of epigraphs is meant to raise questions about how Andrews rearticulates the work of others and the politics of such a rearticulation.

Similarly, Joudrie’s 1995 criminal trial in a Calgary court room for attempted murder can also be understood as a referential and intertextual discourse, as Canadian law is self-referential and intertextual in that a court room’s decisions and proceedings are based on precedents set in prior cases (Petev 412). In the case of Joudrie, the court’s decision to hear evidence about the
years of abuse that Joudrie suffered at the hands of her estranged husband, Earl Joudrie, was based on the Supreme Court’s ruling in 1990 that expert testimony on the “battered woman syndrome” was admissible in the *R. v. Lavallee* case (Shaffer 1). Justice Bertha Wilson, writing for the Court, held that expert evidence is often needed when stereotypes and myths are inherent in a lay-person’s reasoning (1). In particular here, women’s experiences and perspectives were deemed relevant to establishing the so-called reasonable person’s standard required for self-defence (1). However, a consequence of the *R. v. Lavallee* case often overlooked in feminist literature is that due to the fact that the defendant, Angelique Lavallee, was a Métis woman, subsequent cases employing the “battered woman syndrome” defence are invariably influenced by settler relations entrenched in colonial violence. This thesis not only examines how colonial relationships may have shaped the ground-breaking decision in *R. v. Lavallee* to include evidence of wife battering for the purpose of self-defence, but the following chapters also, using complementary intertexts and epigraphs from the creative life writing work of Yvonne Johnson, open up the discussion of patriarchal violence in terms that speak to survival of and resistance to the gendered colonial violence of Canadian laws and literatures.

The framing of both Andrews’ *Be Good, Sweet Maid* and Joudrie’s criminal trial as referential and intertextual dialogues is methodologically significant because I am interested and invested in 1) examining dominant narratives of domestic violence in Canadian literature and 2) considering how these narratives of domestic violence play out in the Canadian legal system and beyond. The recognition of the intertextuality of both the representation and the court case is an important methodological tool that allows me to think broadly about what and how discourses of intimate partner violence circulate in Canada, as well as consider their implications for lived realities. For example, *Be Good, Sweet Maid* may be understood as a rearticulation of dominant
narratives of gender violence in Canada, and I examine how Andrews’ work simultaneously reinforces, alters, and intervenes in these discourses. I also consider those stories that are omitted from Andrews’ narrative: stories of the historical and continued (gendered) colonial violence of the law. From this critique emerges a critical genealogy that not only traces the impact of the “battered woman syndrome” defence, but also traces how relationships between Indigenous women and settlers shaped the decision in *R. v. Lavallee* and thus influenced subsequent “battered woman syndrome” cases, such as Joudrie’s. Indeed, it is not simply with Andrews’ specific text, nor with Joudrie’s particular case where my research interests ultimately lay, but with the literary discussions and the past court cases out of which *Be Good, Sweet Maid* and the “battered woman syndrome” defence emerge. Therefore, the intertextual semi-auto/biographical account of Joudrie’s trial in *Be Good, Sweet Maid* is a vehicle for developing an alternative story, one that recognizes the colonial and gendered violence of Canadian law.

Edward Said writes in “The Politics of Knowledge” that “it is risky … to move from the realm of the representational to world politics, but it seems … true that the relationship between them is a real one, and the light that one realm can shed on the other is quite illuminating” (310). I imagine this work as blurring the boundaries between representation and politics in order to learn more about each realm, but more importantly, I also envision this thesis as an interrogation of the risk that Said identifies. While I comment on the potential of representations to intervene and critique dominant discourses about gender violence, I also investigate the potential problems and ethics of such representations: the unproblematic repetition of certain discourses; the erasure of alternative narratives; and the perpetuation of violence through language. In fact, I not only investigate the relationship between literature and the law by reading them across each other and against each other in order to learn how understandings of “reason” and “madness” relate to
constructions of race, Indigeneity, gender, and class in court cases, but I also expose, with the help of the Bobbitt case, where representations can fail by critiquing Andrews’ narrow text, making the silences in *Be Good, Sweet Maid* be heard, and thinking through the ethics of life writing. While Andrews makes no claims to represent anything beyond her own experience and Joudrie’s story, her repetition of dominant narratives of domestic violence reveals much about Canadian laws and literatures, as well as generating important questions about the ethics of life writing and the aggression inherent in the act of representing another.
Chapter Two

Deciphering Intertextual Discourses in the Epigraphs, Life Writing, and Court Transcripts of Andrews’ *Be Good, Sweet Maid*

Sylvia Wynter, in her 1987 article, “On Disenchanting Discourse: ‘Minority’ Literary Criticism and Beyond,” makes use of a series of epigraphs to introduce and integrate what she calls “‘new objects of knowledge,’ which cannot meaningfully exist within the discursive *vrai* (truth) of our present fundamental arrangements of knowledge nor within the analogic of its (ethico-‐)theoretical foundations” (207). For Wynter, epigraphs project the possibility of a “demonic observer ground” outside the “consolidated field of meanings of our present analogic” (207), where alternative understandings of reality can be developed through connections with the rhetorical devices/strategies of fictional narrative/poetry (232). While Wynter uses epigraphs throughout her work in order to call for the construction of “new conceptual tools and theoretical foundations” (208) that go beyond the hegemonic paradigms of literary criticism, I suggest that Wynter’s reflections on her strategic use of epigraphs may also be productively applied to a study of the function and purpose of extensive epigraph use in other life writing and creative literary works, such as Audrey Andrews’ *Be Good Sweet Maid: The Trials of Dorothy Joudrie*.

Wynter argues that because understandings of human experiences are “everywhere constituted by rhetorical devices/strategies, which are then inculcated … most ‘deep-‐structurally’ … by fictional narrative/poetry” (232), an analysis of these rhetorical devices/strategies should provide access to answers to questions about what controls reality (232). In this chapter, I employ Wynter’s understanding of the usefulness of epigraphs when thinking about the cultural
work that epigraphs carry out in Andrews’ text and when deciphering the answers that her selected epigraphs provide for questions about scripts of domestic violence, post-World War II gender socialization, and questions about how gender, race, class, and settler colonialism figure into Canadian literatures and laws.

This chapter explores the processes through which Audrey Andrews’ text, *Be Good Sweet Maid*, performs “cultural work” (Lauter 11) – both purposefully and unwittingly – to communicate discourses and produce knowledge about gender, racialization, sexuality, class, and the settler colonial state. I use Paul Lauter’s term, “cultural work,” to describe the functions of Andrews’ text in reference to the ways in which a book or any other kind of text – a Supreme Court decision, a newspaper article, a painting, a photograph, or a poem – “helps to construct the framework, fashion the metaphors, [and] create the language by which people comprehend their experiences and think about their world” (11). Using Wynter’s conceptualization of epigraphs as alternative spaces for discussion, I argue that Andrews’ extensive use of epigraphs can be read alongside her life writing and selected moments from the *R. v. Joudrie* court transcripts to produce an alternative intertextual dialogue about the “battered woman syndrome” and domestic violence that challenges patriarchal understandings of “reason.” As I will show, the analytics of post-structuralist discourse analysis, affect theory, heterofemininity, and whiteness are useful when deciphering the meaning of this intertextual dialogue and when tracing the figure of the so-called abused woman and scripts of the “battered woman syndrome” in Canadian literatures and laws.

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2 Wynter writes that “rather than seeking to ‘rhetorically demystify,’ a deciphering turn seeks to decipher what a process of rhetorical mystification does” (qtd. in Muñoz 58), and this chapter will attempt to apply the principles of Wynter’s film studies approach to an analysis of *Be Good, Sweet Maid*, by examining the work that Andrews’ signifying practices do for women affected by domestic violence. In specific, this paper will carry out Wynter’s call “for a turn toward decipherment as opposed to the dominant scholarly mode of ‘interpretation’” (Muñoz 58), as I do not simply argue that Andrews’ work may be read as a critique of the legal system and the “battered woman syndrome,” but I also analyze how intertextual dialogues are central to the work that *Be Good, Sweet Maid* does as a creative emancipatory life writing text.
laws. However, I simultaneously propose that in working out the political implications of Dorothy Joudrie’s personal narrative by creating an intertextual dialogue among (primarily) Canadian authors, Andrews calls upon a singular and insulated vision of feminism that leads to an unproblematic reproduction of hegemonic colonial narratives about patriarchal violence, gender norms, and the nation. Thus, I also make visible the settler colonialist attitudes that are at work in the dominant narratives that are cited in Andrews’ text.

**Deciphering Andrews’ scripts of the courtroom through discourse analysis**

A central methodological underpinning of this first chapter is a post-structuralist discourse analysis of Andrews’ life writing, court transcripts, and epigraphs, as not only do I view the “battered woman syndrome” as a script that plays out differently for various and diverse individuals and populations (Haaken, Fussell, and Mankowski 104), but I also use literature to access those scripts and stories. I read the theoretical and legal definition of the “battered woman syndrome” as a narrative about women or a script for women to follow, not as a fixed, definable, and delineated category. In my work, the “battered woman syndrome” is an interpretation of responses to violence, a story about how women are “supposed” to react to violence. One way that I acknowledge this methodology is by engaging with notions of the “the battered woman syndrome” through literature. By working with the stories presented in *Be Good, Sweet Maid* and those texts that are referenced by Andrews, I trouble the law’s dependence on “truth” and instead highlight the scriptedness and fictionality of discourses about domestic violence and “battered woman syndrome.”

Women who are physically and/or mentally abused by their partners are often described as suffering from “battered women’s syndrome.” An element of the so-called syndrome, as first
described in the late 1970s by Lenore Walker, the internationally-known expert witness in trials of battered women who kill in self-defence, is repeatedly returning to an abusive relationship because of a common pattern of signs and symptoms including denial, fear, and a perceived inability to escape (Burnett 145). In *Be Good, Sweet Maid*, Andrews not only hints that Joudrie expressed typical aspects of this so-called syndrome during and after her marriage to Earl, but she subtly points out the importance of formal assessments and the clinical diagnosis of “battered woman syndrome” in shaping Joudrie’s understanding of her experiences and actions. For example, Andrews shows how Joudrie viewed her time spent with Walker as integral to helping her face the fact that she was abused (135). According to Joudrie’s testimony in *Be Good, Sweet Maid*, she did not understand herself as abused until she worked with Walker: “I learned a lot about – well, this Dr. Walker has written a book about abuse. I could never say that word about myself. I really didn’t feel I was ever abused. I felt that in every marriage you have problems…” (qtd. in Andrews 135). Arguably, Andrews’ transcript of Joudrie’s testimony is meant to reveal that Joudrie lived in denial of the abuse that she experienced for forty-five years – a prominent feature of the “battered woman syndrome” – and that she required a diagnosis by and counseling with an “expert” in the area of “battered woman syndrome” before she could start to make sense of her feelings and behaviours towards Earl. Thus, the “battered woman syndrome” theory shaped discussions in the courtroom.

However, at the same time that Andrews identifies aspects of the “syndrome” in Joudrie’s behavior and spotlights how the existence of the “syndrome” was used to clarify the rationale behind Joudrie’s thought-processes and actions, it can be argued that Andrews also questions whether the “syndrome” properly explains Joudrie’s responses to Earl’s abuse and whether the syndrome is helpful in her defence against the charge of attempted murder. For example,
Andrews observes that Joudrie exhibited some individual coping strategies that do not necessarily align with the “syndrome,” such as putting on an impenetrable mask of self-confidence and independence -- behaviours that could potentially work against Joudrie when presenting herself to the court as a victim of violence who is pushed to the edge of “reason.” Andrews writes, in reference to Joudrie’s lawyer’s strategies, that

I am sure that at least part of her lawyer’s defence will be to present her as a victim of her husband’s power and control over her. After a lifetime of struggling to accommodate herself to Earl’s behaviour, of learning to appear to be self-possessed, confident, in control of her emotions and her world, at great cost to herself, now it would be better if she were to appear to be fragile, sensitive, unsure of herself, even damaged – all aspects of herself that she has learned to hide. (52)

Although Andrews predicts early on in the trial that Noel O’Brien, Joudrie’s lawyer, will not pursue the argument that Joudrie acted in self-defence due to the fact that there is so little precedent in Canada, she writes that “it would be better if she [Joudrie] were to appear to be what is expected of a lady who was driven to the point of losing control of herself, who, in perhaps mad desperation, has succumbed to a crime of passion” (52). Thus, Andrews lays out how Joudrie’s case fits within common understandings of the “syndrome” while simultaneously pointing to the ways in which the “syndrome” is scripted for Joudrie by her lawyer and performed in court for a jury who has expectations of how a “battered woman” ought to behave.

By carrying out a poststructuralist approach to discourse analysis, I too argue that the “battered woman syndrome” defence is itself a script of expected behavior that is constructed. In their work on domestic violence in Evangelical communities in the United States, Haaken,
Fussell, and Mankowski write that “in the social sciences, poststructuralism is often contrasted with operationalism, a tenet that scientific inquiry rests on when establishing definitions of the phenomenon of interest” (104-105). While a definition of “battered woman syndrome” certainly exists and is used every day, it is important to note that when using a post-structuralist lens, its meaning will shift in various communities, for diverse individuals, and at different points in time (105) – a perspective that I argue Andrews takes up in her work through the extensive use of and reference to fiction. Indeed, *Be Good, Sweet Maid* does not present a static definition of “battered woman syndrome,” but rather, it is a space where various scripts about domestic violence and narratives of the “syndrome” are considered discursively.

**The rhetorical force of the “battered woman syndrome”**

In his article, “Battered Woman Syndrome Testimony in Canada: Its Development and Lingering Issues,” Kwong-leung Tang writes that it could be argued that the “battered woman syndrome” is a product of popular writings and social movements that attempt to draw judges’ attention to wife battering; however, Tang also urges readers to consider the more sophisticated reading of the theory posited by Bess Rothenberg, who claims that “BWS theory gains cultural authority and recognition because it has *rhetorical force* [emphasis added]” (qtd. in Tang 618). According to Rothenberg, “the success of an argument is grounded in its ability to resonate, or align itself with larger social and cultural patterns, as well as by achieving retrievability, rhetorical force, resolution, and institutional retention” (82); and Walker’s syndrome has gained such widespread cultural authority predominantly because of its rhetorical force, which can be defined as the “attractive ‘packaging’ that makes an argument both memorable and powerful to its audience” (96). Rothenberg writes that “the battered woman syndrome” has an advantage that arguably no other theory of multiple-victimization can claim – its name (97). By terming her
argument a “syndrome,” Walker is able to package her argument more effectively than others and achieve the rhetorical force necessary for success and staying power within academic and popular circles. Rothenberg argues that by labeling women’s responses to domestic violence a “syndrome,” Walker links her theory to science, which carries validity in society (97). Furthermore, Walker’s argument is composed of two other “well-packaged terms” (97): “learned helplessness” and the “(Walker) cycle theory of violence” (97). The “battered woman syndrome” argument is therefore memorable by both its name and its components (97). Thus, it may again be suggested that tools of literary analysis, including discourse analysis of recognizable scripts of the “battered woman syndrome” appearing in both fiction and life writing, will prove particularly useful in understanding how the rhetorical force of the “syndrome” operates, not only in literature, but also in lived realities.

This rhetorical force is at work in Be Good, Sweet Maid, as Andrews, to great effect, includes epigraphs that speak to the drama of prominent feminist conceptualizations of women’s responses to domestic violence. Among the couple of epigraphs that introduce the chapter devoted to Earl’s testimony are quotations that describe the seemingly polar opposite reactions of silent denial and the expression of uncontrolled rage (71). For example, the first epigraph which is excerpted from Walker’s Terrifying Love (1989) states that “… the reality of acute battering incidents is that they are genuinely life-and-death situations, replete with all the inherent terror that violence wrecks upon its victims. Rage, fear and pain are unlimited and uncontrolled …” (qtd. in Andrews 71). In contrast, the second epigraph is taken from Elaine Hilberman’s work, “Overview: The ‘Wife-Beater’s Wife Reconsidered’,” where she writes that “Passivity and denial of anger do not imply that the battered woman is adjusted to or likes her situation. These are the last desperate defenses [sic] against homicidal rage” (qtd. in Andrews 71). These two passages
excerpted from seminal feminist literature on the “battered woman syndrome” speak to the potentially conflicting and intensely emotional experience of domestic violence, and Andrews takes advantage of their rhetorical force when she places these passages directly in front of Earl’s testimony in her text. In other words, Andrews employs a strategy of juxtaposition that invites re-readings through the placement of epigraphs and testimony.

Similar to the epigraphs that introduce the chapter depicting Earl’s time on the witness stand, Andrews’ record of Earl’s testimony can also be read as a juxtaposition of the contradictory impulses towards controlled secrecy about abuse and uninhibited divulgement of rage, but from the perspective of the abuser. On one level, Earl’s testimony demonstrates a purposeful lack of openness (and even outright denial) about his abuse of Dorothy. According to Andrews’ transcription of Earl’s testimony, his account of his marriage to Dorothy minimizes the severity of his violence, depersonalizes his violent actions, and shrouds the turmoil and abuse in their relationship in secrecy and silence. For example, at several points in the transcript, Earl dispassionately states in the passive voice that “Dorothy was struck and her ribs were broken” (qtd. in Andrews 83). He states that “there was one exceptionally difficult occasion in Kentucky in 1978, I believe, which was quite violent in that Dorothy was hurt” (qtd. in Andrews 83) as if he were neither present nor the perpetrator, and furthermore, he claims that there were only “three major incidents” (qtd. in Andrews 83) of violence during their forty-five-year marriage. Consequently, Andrews’ text not only highlights Earl’s reluctance to take responsibility for the violence, but also spotlights his lack of transparency and, in fact, his outright denial that serious violence took place repeatedly throughout the course of the marriage.

At other points in his testimony, Earl’s general lack of transparency about the violence that Dorothy experienced at his hands is simultaneously contrasted with his open and frank
discussion of Dorothy’s aggression towards him. Andrews recounts that in his testimony, “Earl repeatedly and angrily told the court, and at the same time, implicitly, he seemed to be reminding Dorothy – as I’m sure he has many times – that she drove him to behave as he did” (81). For example, Earl states in Andrews’ transcription that “Dorothy would never leave anything alone … She’s – she’s physically inclined, she wants to look straight in your eyes when she’s discussing these matters and is not satisfied with leaving anything alone” (qtd. in Andrews 85). According to Earl, Dorothy “could be pretty tough, pretty aggressive and periodically downright nasty … She would not let anything rest and she liked to be right. And so she had a bit of a streak of – she could be vindictive and vengeful at times” (qtd. in Andrews 93). At one point in the court proceedings, Earl interrupts O’Brien’s cross-examination by exclaiming: “Dorothy is aggressive. She can be vengeful. She is vengeful. She is vindictive and sometimes can be vicious and sometimes she can be violent. So this wasn’t a one-way street this pushing and shoving going on” (qtd. in Andrews 93). Thus, on another level, Earl is apparently eager to express anger about Dorothy’s treatment of him over the years.

Although Andrews wonders if Earl’s lawyer, Selinger, had neglected to prepare Earl for the fact that speaking in this manner could set himself up in the eyes of the jury as a classic abusive husband who blames his wife (93), Earl proceeds to detail how he was tormented by Dorothy. He states:

We are not dealing with a retiring violet here, Mr. O’Brien … I got chased around the house, I got chased down the hall, I got chased from room to room. I had to leave the place on several different occasions to get away from Dorothy because Dorothy would push. She would push and push and push. (94)
From Earl’s perspective, it was Dorothy’s aggressive tendencies that caused disagreements and interpersonal friction to escalate into the violent encounters which he describes in a disembodied and disaffected manner. Thus, just as the epigraphs that Andrews’ strategically places at the start of the chapter speak to women’s seemingly contradictory and dramatic responses to violence – disciplined silence and uninhibited rage – Earl’s testimony similarly exhibits contradictions and drama. However, according to Andrews, Earl’s performance is an attempt to excuse and absolve himself of the violence by shifting blame onto Dorothy – a point deftly made by Andrews when she uses the rhetorical force of the epigraphs to set-up Earl’s incongruous testimony as nonsensical and even comical.

The two brief but impactful passages that Andrews selects from the pages of Walker and Hilberman’s influential work on the “battered woman syndrome” can be read as ironically commenting on the hypocrisy of Earl’s testimony before it even begins in the chronology of Andrews’ text. Indeed, it is significant that these two highly dramatic observations of women’s possible responses to domestic violence preface Earl’s testimony, as it seems as though Andrews uses the epigraphs to strategically center women’s perspectives (or feminist scholars’ interpretations of women’s perspectives) in order to make evident the self-serving bias that exists in Earl’s testimony and undermine the patriarchal understanding of “reason” that underlies his testimony on Joudrie’s actions. Andrews achieves this effect, primarily, by using the rhetorical force of the two epigraphs about “battered woman syndrome” to introduce emotion into her representation of Joudrie’s experience of abuse so that Earl’s account of his own trauma ultimately pales in comparison.

Furthermore, in the chapter focused on Earl’s testimony, Andrews takes advantage of the rhetorical force of Walker’s “syndrome” theory in order to call out Earl’s selective retelling of
his marriage to Dorothy and to offer a different possible “truth.” Indeed, the powerful imagery of each of the two epigraphs about the “battered woman syndrome” tells alternative (and potentially conflicting) stories about what might be deemed “reasonable’ behaviours for a woman in Joudrie’s circumstances, which suggests the existence of multiple “truths.” Thus, it may be argued that Andrews’ use of epigraphs simultaneously reveals and employs the rhetorical force of the “battered woman syndrome” theory in order to undermine Earl’s testimony and recognize multiple “truths” about women’s responses to domestic violence.

Multiple “truths” of the courtroom and of the auto/biography

Throughout Be Good, Sweet Maid, Andrews questions the existence and importance of a single “truth” in the context of Joudrie’s specific story, but also, more generally, in relation to women’s experiences of domestic violence and the law. In fact, Andrews begins her text with a preface that is both inward-looking and reflective on not only the potential implications of attempting to find the “truth” of Joudrie’s story, but also the question of whether it is at all possible for her, as the author, to seek any sort of “truth.” At the same time that the preface functions as a defence of Andrews’ interest in Joudrie’s story, it also serves as a platform for Andrews to thoughtfully work through her own worries and fears about whether she does Joudrie’s story justice and whether there is in fact a “truth” to be told (xi). For example, Andrews writes, “I didn’t know where my pursuit of Dorothy Joudrie’s story would take me, but I became

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3 Andrews begins her defence of her interest in Joudrie in the preface and continues the conversation throughout the entire text. In fact, Andrews repeatedly returns to a discussion of her rationale and justification for researching and writing about the Joudrie case in an attempt to defend her work against those who do not see a need for further investigation into the Joudries’ marriage and life. As Andrews’ states, “when someone found out I was writing about Dorothy, they were not reticent in telling me that it was beyond their comprehension that anyone would want to read a book about a wealthy woman who, in a fit of rage, had shot her husband six times in the back, as news reports had told us many times, and still had not managed to kill him” (x-xi). Andrews response is that these remarks “reflect much more than cruel humour [and] I was disturbed, but not deterred from what I had decided to do” (xi). According to Andrews, this attitude is exactly what she wants to examine, understand, and counter in Be Good, Sweet Maid (xi).
increasingly sure that writing about it was valid” (xi); however, she also concedes that she is unsure of whether there is a “truth” to discover at all. She writes in the Introduction to *Be Good, Sweet Maid* that Joudrie’s preliminary hearing in October 1995 forced her to confront the notion of “truth”:

> While I wanted to get to the bottom of the story I was writing, to tell the truth, I had learned from experience that truth is especially vulnerable to the subjective reach of the reporter of human lives … I wondered, not for the first time, but perhaps more analytically than I had before, if truth really exists although most of us use the word easily every day. (xi)

After sitting through the entire court proceedings of the Joudrie case and listening to the conflicting testimonies of the various players, Andrews comes to realize that while the rule of law is dependent on the belief that a jury’s verdict is a statement about the truth, in actuality, “The truth is at the bottom of a bottomless pit” (qtd. in Andrews 201) – a recognition that comes in the form of a set of two epigraphs taken from Jonathan Harr’s *A Civil Action.*

> Throughout *Be Good, Sweet Maid*, Andrews turns to fiction to provide answers to her questions about whether it is possible to locate any sort of “truth” about Joudrie’s story. By building connections between texts – for example, between *Be Good, Sweet Maid* and Harr’s *A Civil Action* – and by making didactic use of the rhetorical devices/strategies of fictional narrative/poetry – for example, Muriel Rukeyser’s poem, “Käthe Kollwitz,” which states that if a woman told the truth about her life, “The world would split open” (qtd. in Andrews 47) – Andrews develops an alternative understanding of reality in which there is not a single truth, but

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4 Jonathan Harr’s *A Civil Action*, similar to *Be Good, Sweet Maid*, is a literary non-fiction account of a late-twentieth century court case – the case of *Anderson v. Cryovac* – which was the result of a water contamination scandal in the United States.
a myriad of possible interpretations. In other words, Andrews’ epigraphs function much like Wynter’s in that “cognition [operates] outside the always non-arbitrary pre-prescribed” (McKittrick xxv) in a “demonic observer ground” (Wynter 207), where seemingly marginal/Other perspectives are understood as integral to regulatory classificatory systems (ways of knowing) and the dominant point of view (McKittrick xxv).

In the end, Andrews does not claim to tell the “true” story Joudrie’s marriage to Earl, but instead presents an intertextual life writing piece that, as Paul John Eakin argues in Fictions in Autobiography, evolves in an “intricate process of self-discovery and self-creation” (3). As opposed to presenting a fixed auto/biographical “truth,” Andrews produces an openly personal and situated reflection on the Joudrie case, as well as a commentary on the private observations and public discussions the case inspires. Andrews writes that

As I went about my research, I realized, finally, that the only person who can tell her story is Dorothy herself. Even if I were to talk to her for hours, for hundreds of hours, what I wrote about her would be my version of her story. It could not be anything else.

(120)

Andrews states that she knows about the subjective nature a storytelling, because, in writing out her own memories of herself as a daughter, a wife, a mother – experiences that Andrews understands as essential to her ability to tell her version of Joudrie’s story – she was surprised by the contradictions in her own life and in her own experience as a woman (xii). According to Andrews, “memory is not always reliable, and truth is often elusive and subjective, [but] my story is nevertheless, supported by both. There are contradictions in this true story” (xii). Therefore, on one level, Be Good, Sweet Maid clearly offers up a particular narrative of domestic
violence (the story of Dorothy Joudrie) and a specific script of the “battered woman syndrome” (the court transcript of Joudrie’s case); however, on another level, *Be Good, Sweet Maid* can be understood as an archive of (potentially contradictory) discourses about domestic violence, post-World War II gender socialization, and the law. *Be Good, Sweet Maid* should be viewed as more than a single, solitary story about violence and the “battered woman syndrome,” and understood as a collection or archive of stories, both fictional and non-fictional.

**Scripts of the theatre courtroom**

In fact, Andrews indicates in both her life writing and in her choice of epigraphs that during Joudrie’s trial, “truth” was indistinguishable from fiction in that different “truths” – the various “truths” of Earl, Dorothy, their children, their lawyers, and the so-called experts on domestic violence – were produced through convincing courtroom. In order to illustrate how Joudrie (as well as the cast of characters who performed their expected roles during the trial) manufactured the “truth” through courtroom performances, Andrews includes a portion of Rosellen Brown’s novel, *Before and After*, in the midst of her account of Joudrie’s testimony (i.e. performance). The novel describes how the family of a teenage boy who killed his girlfriend is forced deal with the “truth” of the trial, that is, the twisting and re-shaping of “facts” by both the defence and the prosecution. In Brown’s text, the mother cannot embrace the “theatre” of the courtroom and insists on telling the “truth,” which she understands as merely a series of facts. Of course, her approach on the stand angers her son’s lawyer, whose response comprises the epigraph that Andrews includes towards the end of Joudrie’s testimony:

… screw what really happened. What’s it going to take for you to get this? “The truth” in a courtroom is just a construction of effects. It’s theatre. There is no such thing as simple
truth, as long as its presentation can be shaped, or perverted, or inverted, even. Not the facts, mind you. I’m talking presentation. Either side can skew the way things appear, and how they appear is all that matters. (qtd. in Andrews 174)

By integrating this quotation from a fictional work into her discussion of Joudrie’s testimony, Andrews goes beyond simply using the analogy of the courtroom as theatre (92) or describing the layout of the courtroom as a stage (52). She reconsiders whether the court can in fact present itself as attempting to find the “truth” about the Joudrie shooting, and she questions the means of obtaining said “truth.” She writes,

How many of us, I wondered, could differentiate the truth from the theatre in this trial. Could the jury? Who knows the facts, what really happened on that Sunday morning in question? And what is the truth, when whole lives and a long, complex, tragic marriage have determined it? (174)

For Andrews, recognizing the theatricality of the court room not only reveals the fallacy of locating a single “truth” about the shooting, but it also helps to highlight the performative nature of the trial, and more specifically, demystify the scriptedness of the “battered woman syndrome.”

**Dismantling dominant understandings of Reason/Madness with narrative/critical tools**

In Andrews’ text, both Earl and Dorothy are represented as partaking in the performance of scripts in an attempt to conform to the jury’s expectations of appropriate behaviours, emotions, and identities. As I have demonstrated, Andrews is aware of these scripts and makes them visible in her text. But how does she do this and to what end? Early in the chapter, I introduced the argument that when read alongside her life writing and selected moments from the *R. v. Joudrie* court transcripts, Andrews’ extensive use of epigraphs in *Be Good, Sweet Maid* can
be understood as a space for an alternative intertextual dialogue about the “battered woman syndrome” and domestic violence that challenges patriarchal understandings of “reason.” By taking what Wynter calls a “deciphering turn” (qtd. in Muñoz 58), I will now look at the layered political and aesthetic workings of the text itself to determine how and why Andrews highlights scripts of the courtroom. Indeed, I suggest that Andrews includes the self and affect in her text as narrative/critical tools that work to dismantle dominant (read: patriarchal) understandings of “reason” and its seemingly dichotomous opposite, “madness.”

Shoshanna Felman, in her 1975 article, “Women and Madness: The Critical Phallacy,” wonders if “it is by chance that hysteria (significantly derived, as is well known, from the Greek word for ‘uterus’) was originally conceived as an exclusively female complaint, as the lot and prerogative of women” (2). However, when reading Felman’s work, it becomes clear that the link between women and madness is not merely a coincidence, as her exploration of the relationships between the dichotomies of Reason/Madness and Men/Women that appear in philosophy and literature reveals that feminine madness is constructed in opposition to masculine reason as a constitutive Other (“Women and Madness” 7; “Madness in Philosophy” 207). For example, using the work of Phyllis Chesler and Luce Irigaray, Felman does a reading of Balzac’s _Adieu_ “which deals with the woman as well as with madness, in order to examine the way in which this [Balzac] text, and its portrayal of feminine madness, has been traditionally perceived and commented upon” (“Women and Madness” 4); and her reading reveals that “it is not merely the material, social, and psychological female condition” (3) that should be considered in regards to understandings of madness, and in particular the association of women with madness, “but the very status of womanhood in Western theoretical discourse” (3). According to Felman, woman is madness and “man’s reason reacts by trying to appropriate it: in the first place, by claiming to
‘understand’ it, but with an external understanding which reduces the madwoman to a spectacle, to an object which can be known and possessed” (7). In other words, “madness is not contingent upon, but directly related to femininity” (7), and more precisely its loss – a problem that masculine “reason” is tasked with solving (7).

Felman’s use of a philosophical lens when interpreting the association between “madness” and womanhood in literary texts is significant here, because, from the beginning of *Be Good, Sweet Maid*, Joudrie is also presented as a problem – not as a problem for Andrews to solve necessarily, but as a problem for Earl, Dorothy’s children, her friends, the Canadian business community, and Canadian institutions such as the institution of marriage, the judicial system, and the mental health system. As a woman who attempted to kill her husband (which is apparently indicative of a loss of femininity and thus, according to Felman, madness), Joudrie is presented with only two possible solutions to this “problem”: (1) Joudrie has the option of arguing that as a result of years of domestic violence and abuse, it was “reasonable” for her to shoot her husband in self-defence; or (2) Joudrie has the option of arguing that as a result of years of domestic violence and abuse, she was pushed into the irrational mental state of automatism.5 That is to say, Joudrie (and her defence lawyer) are forced to choose between making her behaviours fit within dominant understandings of “reason” and framing her behaviours as excusable on the grounds of “madness.” However, Andrews’ text offers an alternative “solution” to the so-called problem of Joudrie by seeking a way out of the binary between “reason” and “madness.” *Be Good, Sweet Maid* denies the easy categorization of Joudrie’s actions as either “mad” or “reasonable” by considering the complexity of the multitude

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5 According to Andrews, “Noel O’Brien’s defence of Dorothy was that an abusive husband and the effects of living with this abuse were so terrible that finally she surrendered her voluntary judgement and behavior, allowing her to act out in what psychiatrists call a dissociative state” (123-124). The legal term for a dissociative state is “automatism.”
of factors and processes that may have pushed Joudrie into a state where she could shoot her husband but have no memory of the act. One way that Andrews achieves this is through featuring the self in her account of Joudrie’s life and trial.

**Centering the Self as intervention**

Theories of the self constitute a vast and thorny field of inquiry, and auto/biography studies is not unaffected by the interplay of numerous conflicting theories of the self (Eakin 76). Eakin writes that

> Once launched in pursuit of theories about the self, a reader can travel very far indeed: as model after model of identity passes in review, one discovers that some are radically different from the person-centered variety of Cartesian individualism that modern autobiography in the West has presupposed. (76)

Nevertheless, in this analysis of *Be Good, Sweet Maid*, I refer to a model of selfhood that is located somewhere between the traditional individualistic model and the deterministic model of social construction (77) – that is, I borrow Eakin’s model of selfhood in which the self is partly “self-created” (77) in response to social encounters. As a result, auto/biography is then “best understood not as a product, but rather as an activity or process” (91) in which the self is enacted in the process of explaining the self – a *process* that can be signaled by using the term “self-writing” as opposed to “auto/biography” (91).

The recognition of the auto/biography as *process* rather than *product* is, I argue, a narrative tool that Andrews uses to challenge the false dichotomy of Reason/Madness that

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6 The early individualistic model views the self as a “unitary phenomenon, … and an encapsulated individual variable” (qtd. in Eakin 76) while the more recently developed model of social construction views the self as determined through social relationships, culture, and social context (77).
Joudrie is forced into by the courts. Like Eakin, Andrews does not conceive of her selfhood as an insulated entity that develops in isolation from society; rather, she clearly recognizes her selfhood as “interpersonal,” “intersubjective” (Eakin 77), and, I would argue, intertextual. In fact, in her semi-auto/biographical text, Andrews employs epigraphs and makes references to a multitude of creative literary works in the midst of her evolving personal observations and situated reflections on the Joudrie case in order to honestly and openly go about the intricate and ephemeral pursuit of telling Joudrie’s story. Consequently, Andrews does not produce a single opinion or a unitary perspective about Joudrie’s guilt or innocence; rather, Andrews documents her process of discovering the self by testing out various viewpoints on Joudrie’s case. In Andrews’ text, the self can be thought of as “less an entity and more as a kind of awareness in process” (How our Lives become Stories x), as Andrews’ act of writing about Joudrie not only reveals an awareness of the self, but also an awareness of the possibility of many stories of the self (xi).

Andrews writes that although she started out with the goal of writing Joudrie’s story and documenting the reasons for Joudrie’s incarceration in a mental health institution, the self got in the way of finding any simple answers. She writes: “Gradually, without talking to her at all, Dorothy Joudrie became a part of my life… At the same time, however, as I went about my research, I realized finally, that the only person who can tell her story is Dorothy herself” (120). As a result, Andrews turns away from the goal of finding Joudrie’s truth and instead turns toward the self while also drawing on the creative literary work of others in order to develop deeper (but not definitive) understandings of Joudrie’s situation. Simply put, she takes advantage of the

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7 Throughout the text, Andrews uses her own experiences to inform her understanding of Joudrie’s life; for example, she recounts memories of a shared childhood with Joudrie in order to shed insight on Joudrie’s early life and family background (34) and she discusses her own experiences of married life in order to illuminate how Joudrie’s marriage may have differed significantly from her own (Andrews 78).
insights that personal experience and texts offer in the way of rhetorical devices/strategies to make sense of post-World War II gender roles, domestic violence, and women who kill. Thus, not only does Andrews’ vision for her work develop and shift throughout the process of writing, but she makes her selfhood visible in her work and she includes diverse voices so that Joudrie is not spoken for or represented in ways that mirror that limited possibilities offered by the law. In the end, Andrews does not claim to know how Joudrie feels, what Joudrie would wish to say or write, or whether Joudrie should be understood as “reasonable” or “mad,” guilty or innocent.

Instead, Andrews acknowledges, using epigraphs and personal experience, that a complicated chain of events and circumstances determined Joudrie’s course in life – an observation which ultimately undermines the law’s attempt at a simple categorization of Joudrie’s actions as either “reasonable” or “mad.” For example, Andrews includes the following epigraph from Christa Wolf’s *Medea: A Modern Retelling*:

> Now, sitting and waiting on the bench in this little chamber, which already seems like the dungeon it could change into at any moment, I wonder whether this conclusion could have been avoided. Whether it’s really the case that a chain of circumstances I was powerless to alter has driven me to my place on this bench, or whether perhaps something inside of me I didn’t have control of has forced me to go in this direction. (qtd. in Andrews 27)

When considered in the context of Joudrie’s story, the inclusion of this epigraph works to deny such legal labels as “motive,” “automatism” (i.e. “madness”) or the “reasonable person’s standard required for self-defence” (Shaffer 1), and instead points to a complicated process of *becoming*. 
In her critique of the “battered woman syndrome” defence in Canada, Shaffer explains that women’s self-defence claims often fail because of “the inability of the jury to view battered women as reasonable actors” (7). Although recent studies reveal intimate partner violence to be remarkably prevalent in Canadian society (7), and therefore a form of violence that many people have experience with, misconceptions about battered women, and in particular, misunderstandings about “reasonable” behaviours, continue. According to Shaffer, “most of these misconceptions arise from an inability to comprehend why women would remain in violent relationships” (7) like that of Earl and Dorothy’s thirty-five-year-long marriage. Shaffer writes that studies in both Canada and the United States have found that “many people deny the extent of the abuse a woman has suffered, preferring to believe that if the violence had really been as severe as she claimed, the woman would have left the relationship” (7). Alternatively, many people who do accept a woman’s account of the severity of abuse often “explain her failure to leave by saying that she must have enjoyed the violence” (7). In either case, Shaffer argues, “negative qualities are attributed to the woman: either she is a liar or a masochist” (7). And in neither case is the woman’s decision to stay in the relationship or use deadly force against her batterer understood as “reasonable.”

Thus, when Andrews inserts her own voice amongst those of the courtroom and the creative literary works from which she draws inspiration, she reveals multiple perspectives that do not necessarily align with commonly accepted stories about how women deal with abuse – a strategy that ultimately evades patriarchal understandings of “reason” and “madness” that do not account for the variety of factors that may influence a woman’s decisions. Indeed, by refusing to place Joudrie within the overly simplistic categories of Reason/Madness, Andrews circumvents the patriarchal meanings typically attached to them. In other words, Andrews does not attempt to
justify Joudrie’s actions in terms that speak to masculine forms of “reason,” nor does she frame Joudrie’s behavior as that of a “mad” woman, but rather, through life writing and epigraphs sourced from creative literary works, she offers a creative space, not unlike Wynter’s “demonic observer ground” (207), that facilitates the process of understanding Joudrie’s multi-faceted experiences and actions.

Affect theory, the ordinary, and the strategic positioning of epigraphs

The second narrative/critical tool with which Andrews challenges dominant understandings of “reason” and “madness” is affect in the form of emotionally-charged epigraphs. The epigraphs that are liberally sprinkled throughout Be Good, Sweet Maid are not intended to lend an air of elitism to the text through obscure references to the Western literary canon; rather, the epigraphs, taken from a variety of both “high” and “low” sources, are strategically deployed by Andrews to make the category of madness (and woman) readable⁸ to her “reader-construct”⁹ (Lanser 137; Brown 124) – presumably, a thoughtful and sympathetic reader – through connections with shared “structures of feeling” (qtd. in Filmer 199), including anger, despair, remorse, and hope. Andrews purposefully uses emotionally moving epigraphs sourced from creative literary works and taps into what Kathleen Stewart calls “ordinary affects” in her account of Joudrie’s trial in an effort to not only humanize Joudrie, but also produce deeper and more complex understandings of the links between gender and “madness” that go beyond the limited dichotomous relationship previously described.

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⁸ Felman writes that in the Western literary canon, madness and women are “two outcasts of the establishment of readability” (“Women and Madness” 6).

⁹ The “reader-construct” (Lanser 137; Brown 124) can be defined as the implied reader who is created through two activities: “the prestructuring of the potential meaning by the text and the reader’s actualization of this potential through the reading process” (Brown 124). In other words, the implied reader of Be Good, Sweet Maid, is both a “textual structure to be realized as well as the structured act of realization” (124) -- the readership and its interpretation of the text is imagined by Andrews but also created in the act of reading. This understanding of the “reader-construct” in which the text creates the reader and the reader creates the text, according to Jeannine Brown, “promote[s] the reader’s active participation in the realization of the meaning of the text” (124).
Affect theory can explain the emotion discourses embedded within dominant narratives about domestic violence (which often range from melancholia and grief to disgust and fear). Moreover, affect theory can describe how texts about domestic violence elicit certain emotional responses from readers, and in this chapter, I draw upon the theories of affect put forth by Judith Butler (*Precarious Life: The powers of mourning and violence*, 2004) and Sara Ahmed (*The Cultural Politics of Emotion*, 2004; *The Promise of Happiness*, 2010), to understand affect as “a non-conscious experience of intensity” (Shouse para. 5) that explains how and why people feel connected to one another and to a text. Affect theorists such as Ahmed and Butler envision sentiment and feeling as epistemological avenues that are different from “logical” and “rational” thought in that a relationship between affecting bodies and those that are affected is formed (Shouse para. 5); however, according to Eric Shouse, “although feeling and affect are routinely used interchangeably, it is important not to confuse affect with feelings and emotions … affect is not a personal feeling. Feelings are personal and biographical, emotions are social, and affects are prepersonal” (para. 2). In other words, affect is a more abstract concept than feeling or emotion, “because affect cannot be fully realized in language, and because affect is always prior to and/or outside of consciousness” (para. 5) – affect prepares people to feel and interpret feelings and emotions that are the result of social encounters. As Clare Hemmings defines it, affect “can thus be said to place the individual in a circuit of feeling and response rather than in opposition to others” (552). In short, affect plays an important role in determining the relationship between our bodies, our environment, and others, “and the subjective experience that we feel/think as affect dissolves into experience” (para. 11).

Certainly, Ahmed uses affect theory in *The Cultural Politics of Emotion* to explain how bodies, relationships, and understandings are organized and managed through pain, hate, fear,
disgust, shame, and love; and in *The Promise of Happiness*, Ahmed specifically examines the moral order that the taken-for-granted emotion of happiness imposes. She not only reveals how happiness is used to justify oppression, but how those who challenge the injunction to be happy in the “right way” are then cast as “feminist killjoys,” “unhappy queers,” or “melancholic migrants,” to name a few. In *Precarious Life*, Butler similarly reflects on how emotions, such as those resulting from loss, shape political life and policy, which in turn impact material realities. For example, Butler critiques the heightened aggression and violence that has emerged as the Western world’s response to loss in the wake of September 11, 2001, and considers the processes by which some lives are rendered worthy of grief, while others are rendered undeserving of grief or even incomprehensible as lives in the first place. In *Precarious Life*, Butler puts forth an alternate vision of the current reality: that the supposed dislocation or disruption of first-world privilege, which she argues occurred in the moment and aftermath of 9/11, has the potential to inspire an imagining of a “world in which violence is minimized … [and] in which solidarity and interdependency form the basis of a global political community” (xii). Although it is important to note that scholars such as Sunera Thobani (“White Wars: Western feminisms and the ‘War on Terror,’” 2007) have critiqued *Precarious Life* for privileging the Western perspective, which ultimately works to re-center whiteness in the discussion of violence in a post-9/11 world, the

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10 As Thobani writes, Butler sets out to consider the violence experienced at the hands of the state, yet “the suffering of others, concretized most pertinently in the bodies of the Iraqi and Afghan populations … is not the starting point for her analysis” (175-176). Instead, Butler centers her discussion on one particular attack against the United States, “from which she attends to the generalized suffering of a generic humanity” (Thobani 176). For example, a central argument in *Precarious Life* is that the events of September 11 displaced First World privilege and that this “dislocation from … privilege, however, temporary, offers a chance to start to imagine a world in which that violence might be minimized” (Butler xii). While I would also contest the notion that First World privilege was displaced during 9/11, of greater significance is Butler’s discussion of how the United States is “missing an opportunity to redefine itself” (xi). Not only is this an odd (and opportunistic) way to frame a tragic event that resulted in a tremendous loss of life, but this framing negates the fact that for those who live under the violence of the continued colonial occupation and imperial power of the United States (and Canada, as well as other NATO nations), reimagining the actions of the nation-state is a matter of life and death: it is not a novel insight brought about by the “opportunity” of “displaced” privilege. Thus, this approach ignores the ways in which the project of challenging the state is a necessary and vital project that existed prior to 9/11.
text is significant for the field of affect theory in that it calls for a deeper understanding of how mourning might be a productive emotion that could inspire a collaborative quest for global justice.

With these theories and critiques in mind, I suggest that in *Be Good, Sweet Maid*, Andrews similarly recognizes and depicts the role that affect and emotion plays in shaping the discussion around the Joudrie case and in determining the problematic outcome of the trial. However, like Butler, Andrews simultaneously imagines emotions and feelings as potentially positive and productive forces: Andrews envisions shared emotion as a vehicle for developing new understandings of women’s responses to domestic violence that go beyond the simplistic categories of “reason” and “madness.” More directly, Andrews uses shared emotion to didactically transmit a novel perspective on Joudrie’s particular story with the goal of revealing the limitations of the Canadian legal system in relation to domestic violence cases.

**Dominant emotional responses to the Joudrie case**

On one hand, Andrews’ text documents prevailing emotional responses to the Joudrie case and comments on how she observes these emotions shaping public discourse about the trial and Joudrie’s post-trial life in troubling ways. In the *Promise of Happiness*, Ahmed writes that “to be affected by something is to evaluate that thing. Evaluations are expressed in how bodies turn towards things” (23), and according to Andrews’ assessment, bodies turned both toward and away from Joudrie following the shooting. Although Joudrie had some loyal supporters in court and although a “sophisticated young lawyer” (Andrews 24) told Andrews that the Joudrie trial will be “Calgary’s social event of the year” (24; 53), which indicates that many people were interested in following the case at the time and were, so to speak, “turning towards” Joudrie, it was the shared emotions of disgust, fear, anger, and an almost gleeful/ghoulish voyeurism – a
“turning away” – that paradoxically fuelled much of the perverse public interest in the case (50; 53).

Indeed, Andrews recounts how a majority of the people with whom she spoke during her research and writing processes appeared to have been affected by Joudrie’s story in that they had evaluated Joudrie and come to an often unkindly conclusion: that this wealthy women deserves little sympathy or understanding in light of the uncomfortably violent nature of her actions (14-15). Andrews writes that

I sought out the opinions of well-educated, thoughtful people whom I see from day to day because I thought that their reactions to Dorothy’s behavior would be different from those reported initially in the media. I thought that their reactions would reflect a more benevolent and wise awareness of women, and particularly of women of our age. But for the most part, I was wrong. I could not have anticipated the number of apparently enlightened, sophisticated women who express no sympathy for her. (14)

According to Andrews, many of the women she interviewed responded to her questions with varying degrees of scorn, discomfort, and anger directed toward the woman who they apparently viewed as living out a vulgar “soap opera plot” (14) that defies the assumed moral superiority of the affluent and brings shame upon the heads of all women (15). According to Andrews’ interpretation of her encounters with women, there is anxiety about all women looking bad as a result of Joudrie’s actions. Clearly, Joudrie’s actions (as well as Andrews’ interest in telling Joudrie’s story) incite strong negative feelings among women – emotions that Andrews credits to a “fleeting sense of identification” (15) with Joudrie, but one which they cannot allow themselves to acknowledge or examine.

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1 Andrews is quick to point out the perversity in the fact that Dorothy’s violent actions were on trial while Earl’s violent history was not (170; 196).
Meanwhile, Andrews observes that frequently, men’s reactions to Joudrie’s behavior “are more cool [and] detached” (15) in that they “often laugh slightly when they talk about her, almost always mentioning the six bullets, none of which hit home” (15). Andrews interprets this response as suggesting that Joudrie “invaded the male territory of guns … which women, obviously, cannot properly use” (15). However, she also recognizes that many of the men with whom she spoke appeared to appreciate the violence of the act of shooting and reserved some reverence for Joudrie’s violent actions, as is exemplified by the man who sang for Andrews the Cole Porter song, “Miss Otis Regrets”. Of this performance, Andrews writes: “there was a romantic and almost tender respect for Miss Otis and for Dorothy in this man’s wry humour, but he could afford to spend this much emotion, which included some condescension, because he was simply the teller, or singer, of an old, an eternal tale of a woman’s crime of passion” (15).

Thus, although Andrews highlights the fact that many interviewees attempted to distance themselves from Joudrie’s story, Be Good, Sweet Maid offers ample evidence of the highly charged and emotional responses to Joudrie’s actions – emotions that resulted in serious material consequences for Joudrie. Obviously, the Crown Attorney, Jerry Selinger, played up feelings of fear, anger, and disgust during Joudrie’s trial in an attempt to sway the Judge and Jury in Earl’s favour, which not only resulted in the painful and traumatic recounting of the violence of the Joudrie’s troubled marriage, but also contributed to the dramatic dénouement of the trial: the verdict that Joudrie would be incarcerated in a mental health facility, the Helen Hunley Forensic Unit, under the discretion of the Alberta Board of Review for being found not criminally responsible on account of mental disorder (220; 242).

12 The lyrics for Cole Porter’s “Miss Otis Regrets,” which Andrews includes in Be Good, Sweet Maid, are as follows: “When she woke up and found that her dream of love / was gone, Madame, / She ran to the man who had led her so far astray, / And from under her velvet gown / She drew a gun and shot her lover down / Madam, Miss Otis regrets she’s unable to lunch today” (qtd. in Andrews 15).
Additionally, there were, of course, other emotional implications for Joudrie, such as a painful re-integration into society. Following her release by the Board of Review, Joudrie had to face difficult encounters with old acquaintances on a daily basis, and of this, Andrews writes:

Sometimes during my weekly grocery shopping I think of Dorothy… I almost always meet men and women whom I know. We chat in a desultory and pleasant manner, catching up on news about our work, our children, our neighbours, our friends … What is this like for Dorothy now? What does she talk about with people she meets when she shops for groceries? Does she belong still, in her community of neighbours? If I were Dorothy, I would dread this most ordinary of tasks. I realize now, having talked with others about her, that I might very well find it impossible. (14)

In other words, Andrews, using her own observations, experiences, and imaginings, makes visible the potential for significant negative everyday consequences for Joudrie when such strong public emotional responses to the case are in circulation.

**Emotionless transcripts**

At the same time that Andrews draws attention to intensely emotional reactions to the Joudrie case and the implications of these reactions, she also explores a curious lack of emotion in the court transcripts while making use of “ordinary affects” (Stewart 13) and selected passages from creative literary texts as narrative/critical tools that infuse her representation of the trial with emotion as a means to generate productive dialogue and social change. In other words, while Andrews comments on the fact that emotion is cut from the transcripts of the trial, it is her re-telling of the courtroom drama using ordinary affects (everyday emotions) and epigraphs to inject emotion, that undermines the court’s foundational concepts of “reason” and “madness.”
Andrews explicitly states that the transcripts of the court proceedings do not do justice to the emotion that was apparent in the court room throughout the trial (72). According to Andrews, the transcripts include only a record of what was said … they do not include a gasp, a sigh, tears, a smile, a look shared between two people … They cannot include the whole, long, complicated history of a marriage and the true essence of the more than forty years during which Earl Joudrie was the centre of Dorothy’s existence. (72)

For example, Andrews recounts how Joudrie’s lawyer, O’Brien, often refrained from analyzing Joudrie’s feelings verbally or remarking on Earl’s treatment of her, and instead “let her words and her tone of voice – flat, bitter, resigned – convey her emotions” (154-155). Evidently, these subtleties, which paint a more accurate picture of Joudrie’s experience during the trial, may only be remembered because Andrews made note of them at the time and includes the observations in her text, which she does in order to challenge dominant emotional responses and offer an alternative representation of the trial.

**Ordinary affects**

Stewart, in *Ordinary Affects*, provides a paradoxical definition of “ordinary affects” in that she suggests they are simultaneously “public feelings that begin and end in broad circulation” (13) and “the stuff that seemingly intimate lives are made of” (13). According to Stewart, ordinary affects can be experienced “as a pleasure and a shock, as an empty pause or a dragging undertow, as a sensibility that snaps into place or a profound disorientation … they can be funny, perturbing, or traumatic” (13). However, rooted not in fixed conditions of possibility, but in what Roland Barthes calls the “third meaning,” ordinary affects “are immanent, obtuse, and erratic, in contrast to the ‘obvious meaning’ of semantic message and symbolic signification” (Stewart 14). Thus, ordinary affects are both individual and collective, “hardwired
and shifty … unsteady but palpable too” (14) – they are experienced individually but understood in relation to public discourse.

According to Stewart, “the ordinary is a shifting assemblage of practices and practical knowledges, a scene of both liveness and exhaustion, a dream of escape or of the simple life” (12), and I argue that Andrews speaks to the ordinary in her account of the trial in an attempt to humanize Joudrie in ways that move beyond the categories of “reasonable” and “mad.” For example, Andrews peppers her retelling of the trial with images of ordinary life. She speaks of her shared childhood with Joudrie, recalling how they built a model airplane together for a class project (30), how they played after school together and ate graham wafers at the Joudrie family’s kitchen table (3), and how they both participated in Canadian Girls in Training (CGIT) (32). These little snippets of shared memories – as well as other reminiscences about seemingly “ordinary” things, such as Joudrie’s dresses and hairstyle during the trial (43), Andrews’ own loving relationships with her mother and grandmother (48), and the daily trials and tribulations of a happy marriage (78) – are juxtaposed with Andrews’ more serious commentary on domestic violence, “battered woman syndrome,” and the arduous proceedings of Joudrie’s trial. It may be argued that Andrews purposefully includes such intimate details in order to affect the readership by disrupting the distance between them and Joudrie by appealing to Joudrie’s human experiences and vulnerabilities. These brief moments in which daily life is depicted work not through “meanings” per se, but rather in a way that allows people to feel connected to one another and to Joudrie (Stewart 3). Expressly, the snippets of ordinary moments in Be Good, Sweet Maid are meant to encourage Andrews’ readership to identify with (but not necessarily excuse) Joudrie and thus move beyond the demonized image of her presented in the media to a more complex
understanding of Joudrie’s motives and actions that confounds the Reason/Madness binary enforced and desired by the law.

**Emotional epigraphs**

Furthermore, I argue that Andrews concurrently deploys the extraordinariness of imaginative literature in contrast to the ordinariness of some of her more mundane observations about Joudrie’s court case and daily life, but toward the same end: building emotional connections between Joudrie’s character and the reader-construct. However, the epigraphs work not by revealing Joudrie’s seemingly ordinary vulnerability, but by lending a sense of uncertainty, urgency, significance, and emotional depth to the articulation of an alternative account of Joudrie’s trials. I offer here a reading that I hope will contribute to an understanding of how the epigraphs operate as a narrative/critical tool that reveals how the Reason/Madness binary functions, as well as provide a decipherment of *Be Good, Sweet Maid*’s densely layered, aestheticized, and politicized workings. Like Wynter, I seek to “identify not what texts and their signifying practices mean, but what they can be deciphered to do … [and] evaluate the ‘illocutionary’ force and procedures with which they do what they do” (qtd. in Muñoz 58). Indeed, the shared structures of feeling – for example, ambivalence, unhappiness, despair, and melancholia – that are exposed by Andrews’ selected epigraphs are central to the work that the intertextual text does as a creative emancipatory life writing text.

Consider, for example, the multiple references to fairy tales and the inclusion of a poignant segment of Christina Stead’s novel, *The Man Who Loved Children* (1940), at the start of the unsettling chapter detailing the testimony of Guy and Caroline, two of Joudrie’s three children. According to Andrews’ transcription of their heartbreaking testimony, both Guy and
Caroline “betrayed” their mother in court because they spoke openly of their mutual disdain for their mother’s drinking habits, which apparently not only affected daily life throughout their childhood, but also impacted more recent important family events, such as their respective weddings (which were already stressful enough as a result of Dorothy’s overbearing attempts to control the arrangements) (Andrews 102; 105; 109). Although Andrews views Guy and Caroline’s testimony as damaging to Joudrie’s legal defence and quite hurtful on a personal level, by associating their testimony with literary works, Andrews demonstrates that she takes their statements seriously. She does not dismiss their words, but engages them in an intertextual dialogue while also considering how Joudrie’s apparent failings as a mother might be the result of the violent and at times neglectful home environment engendered by Earl (and then later, Guy).\footnote{Guy’s testimony reveals that as a teenager, Guy had a troubled relationship with his mother and that their fights resembled those between Dorothy and Joudrie in that “Guy punched holes in the wall … and they had physical confrontations: they hit each other; Dorothy pulled Guy’s hair” (102). These confrontations only ended after Guy inadvertently hit Carolyn and Earl had a stern talk with him in which he expressed his strong opinion that Guy should never hit a “female or anyone else, especially [his] mother” (qtd. in Andrews 102).}

By introducing Guy and Caroline’s arguably damning testimony with references to fairy tales and literature that deals with family strife, Andrews produces a tempered and nuanced reading of the Joudrie family drama: “not all parents can or do provide the loving shelter that we believe children deserve … certainly not all parents provide it all the time. And many parents know that they, too, can be excluded from their families by their children” (99). She writes,

Literature is filled with example of troubled families. Snow White must try to outwit her jealous stepmother; Hansel and Gretel are abandoned by their selfish stepmother and their weak father; Hamlet cannot bear his uncle’s greed and what he believes is his mother’s infidelity…In the literature of this century, one of the most memorable and complex
families is the Ramsays in Virginia Woolf’s novel *To the Lighthouse*. In this novel, a woman must free herself from a powerful mother figure, despite how much she loves her.

(99-100)

Andrews recognizes that there are multiple victims of the Joudrie family turmoil (Dorothy and the children are negatively affected in obvious ways, but in the end, Earl is hurt as well) and she acknowledges the ambiguity of the answer to the question of who may be considered the perpetrators and victims of patriarchal violence. Andrews poses such questions with the help of Stead’s emotionally gripping epigraph\(^\text{14}\) which prefaces the chapter highlighting how the effects of domestic violence are not, as is typically thought, isolated to an “intimate heterosexual couple, but ripple outwards to impact on children, other members of the family, members of friendship groups and members of the wider community, such as neighbours” (63) as well as domestic employees, such as the Joudrie’s live-in nanny, Elizabeth Griffiths, who testified on Dorothy’s behalf (114).

Specifically, the short excerpt from Stead’s novel, *The Man Who Loved Children*, can be interpreted multiple ways, as readers who are not familiar with Stead’s work would not necessarily be able to identify the position and/or identity of the speaker, Louie. Not only could readers of Andrews’ text imagine Louie as either a child or an adult/parent, but the name can also be categorized as androgynous (albeit, Louie was a more common girl name in the late 19\(^{th}\) century than as of late). Therefore, although the impactful epigraph can be sourced and the identity of the speaker in the original text determined, in the context of *Be Good, Sweet Maid*, it

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\(^{14}\) The excerpted section is as follows: “Louie’s lip trembled, ‘When I begin to get near home, / I begin to tremble all over – I don’t know why, I never told / any one what it is like at home’” (qtd. in Andrews 97).
is possible for various readings to co-exist, which speaks to Andrews’ complicated depiction of family strife in the Joudrie’s unhappy household.

Additional literary texts that Andrews uses to encourage readers to participate in the process of rethinking simplistic understandings of Joudrie’s experience and thus blurring the boundaries between Reason/Madness include those which preface Joudrie’s testimony: Carole Shield’s *The Stone Diaries* (1993) and Margaret Atwood’s *Alias Grace* (1996). Both epigraphs speak to Joudrie’s pain in contrast to the clinical testimonial of court room – a juxtaposition which highlights the inadequacy of the Reason/Madness binary in describing Joudrie’s motivations for resorting to violence against her estranged husband. Indeed, the excerpt from Atwood’s text articulates the despair and sense of helplessness that may have been experienced by Joudrie during her trial and that is not transmitted in the transcript. Andrews includes the following text:

> And that’s what it was like at the trial, I was there in that box / of the dock but I might as well have been made of cloth, and / stuffed, with a china head; and I was shut up inside that doll / of myself, and my true voice could not get out. / I said that I remembered some of the things that I did. But / there are other things they said I did, which I said I could / not remember at all. (qtd. in Andrews 117)

Of course, while this epigraph leaves open the possibility of the manipulation of “truth” on the part of the accused murderess, it also provides the readership with the opportunity to view the trial from the defendant’s perspective and experience her anguish and desolation.

Furthermore, the epigraphs complicate understandings of motive (i.e. Reason/Madness) in that they provide insight into how a woman might actually be violently forced into committing a crime of passion. It is possible that Andrews strategically places the Atwood epigraph
immediately prior to the Shield epigraph in order to hinder readers from forming any easy understandings of Joudrie’s motive that conform to either the legal standard of reasonable action required for the argument of self-defence or the legal definition of insanity required for the verdict of not responsible due to automatism. The excerpt from *Alias Grace* gives voice to a defendant on trial for being forced into committing a crime: “Did I push him away? Did he say I will soon make you think / better of me? Did he say I will tell you a secret if you promise / to keep it? And if you do not, you life will not be worth a straw. / It might have happened” (qtd. in Andrews 117). And Andrews places this epigraph just above the excerpt from Shields, which speaks to the melancholia of losing a lover (i.e. love object) that might fuel a so-called crime of passion: “She could only stare at his absence in herself for a few / minutes at a time. It was like looking at the sun” (qtd. in Andrews 117). That is to say, an analysis of Andrews’ selection of intertexts reveals a purposeful subversion of seemingly straightforward accounts of Joudrie’s motives through affect and the fostering of emotional connections with the readership.

Interestingly, in the face of all the pain that Andrews witnessed Joudrie and her family endure in court, and which she then proceeded to record and represent in the form of an intertextual life writing text, Andrews responds by laughing (173). She writes that during Joudrie’s testimony,

> There was little jollity anywhere near the courtroom, but the seasoned observers privately, quietly, exchanged an occasional quick moment or two of humour in the elevators, or the washrooms, or the cafeteria. Very occasionally, there was real laughter. One day a journalist and I were talking in an empty stairway. Something one of said caused us to laugh. We knew we must be quiet, but we were overcome with wild, helpless, not quite silent laughter, leaving us weak with blessed relief. (173)
While she sits recovering in the hall, Andrews is reminded of Toni Morrison’s comment in her novel *Jazz* that “laughter is serious. More complicated and serious than tears” (qtd. in 173). For Morrison (and Andrews), laughter is serious because the incongruities captured by laughter are serious (laughter is often used to keep from crying) and “laughter foregrounds the unexpected that throws us off balance, that unsettles us into becoming someone other than who we currently are” (Hemmings 549). Subconsciously, perhaps, Andrews’ reference to Morrison’s observation “shows how laughter can work to interrupt pernicious arrangements of power” (Winters 1).

According to Joseph Winters, laughter, especially for those “who inhabit the underside of these arrangements, can be subversive” (1), as laughter is a way of “unveiling incongruities and social contradictions that are often masked or neglected” (1) and confronting the grotesque/monstrous – a painful but generative process of new life and alternative possibilities. I conclude this section on affect with a nod towards Andrews’ inclusion of Morrison’s insightful words, because the reference makes known the productive potential of emotion in interfering with dominant modes of knowing, which also speaks to the usefulness of *Be Good, Sweet Maid*, itself, as an affective intertextual text that, like Andrews’ jarring laughter threatening the decorum of the courtroom, disrupts the dominant narratives and scripts of domestic violence.

**Tracing the figure of the abused woman in literature and law**

Using Wynter’s conceptualization of epigraphs as alternative spaces for discussion, I have thus far examined Andrews’ extensive use of epigraphs, her life writing, and selected moments from the *R. v. Joudrie* court transcripts with the goal of revealing how Andrews produces an alternative intertextual dialogue about the “battered woman syndrome” and domestic violence that challenges notions of “truth” and patriarchal understandings of “reason.” But what are the stories or “truths” being told that Andrews critiques? What are the discourses that are
wrapped up in understandings of Reason/Madness that Andrews demystifies? As I will show, the analytic of heterofemininity proves useful when deciphering the meaning of this intertextual dialogue and when tracing the figure of the so-called abused woman and scripts of the “battered woman syndrome” in Canadian literatures and laws. However, I also make visible the workings of dominant narratives about gender arising from settler colonialist attitudes in Andrews’ text. Thus, the remainder of this chapter explores the cultural work that Be Good Sweet Maid performs to communicate discourses and produce knowledge about gender, sexuality, racialization, class, and the settler colonial state.

Joudrie and the heterofeminine ideal

Since the late 1960’s, feminist thinkers such as Jane Lazarre (The Mother Knot, 1967), Adrienne Rich (Of Woman Born, 1977), Barbara Katz Rothman (Recreating Motherhood, 1989), and Ann Ferguson (Blood at the Root: Motherhood, Sexuality and Male Dominance, 1989), have critiqued heterofemininity, domesticity, and maternity as intimately connected sites of women’s exploitation and oppression. A common thread that is developed in the early literature and that is taken up more comprehensively in recent scholarship, such as that of Susan Maushart (The Mask of Motherhood, 1999; Wife Work, 2002), is that Rich’s theory of compulsory heterosexuality, as is expounded in her ground-breaking 1980 article, “Compulsory Heterosexuality and Lesbian Existence,” is not only tied up in normative romantic fantasies of love and marriage15 that obscure lesbian existence, but is also entangled in idealistic visions of and stringent expectations

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15 This type of critique is exemplified by Lauren Berlant’s text, The Female Complaint: The Unfinished Business of Sentimentality in American Culture, which examines how literature marketed toward women (for example, romance novels) promote narrow visions of the ideal romantic relationship and appropriate feminine behaviours. She argues that the texts are intended to foster a sense of belonging, or commonality, among women based on what they feel in terms of trying to achieve the dream of “normative, generic-but-unique” heterosexual love and surviving the disappointment of rejection; but, as Sara McKinnon notes, “this fixation on feeling in relation to love directs women away from any feeling of political agency” (1). Thus, Berlant posits that women's "love affair with conventionality" is perpetuated by cultural texts such as romance novels or romantic comedies, because women are taught to “continue to perform heterofemininity in very particular yet general ways in the hope that better love will happen someday” (McKinnon 332).
of motherhood. Thus, the literature as a whole unravels and lays bare the reality of how women are expected to love, reproduce, and mother under patriarchy in the Western world, while also pointing to the ways in which practices of reproduction and motherhood are closely intertwined with discourses of the good wife/bad wife and the good mother/bad mother binaries (Musial 12).

Andrews’ representation of Joudrie picks up strands of this line of feminist thought, as she similarly critiques the good wife/bad wife and good mother/bad mother binaries in Be Good, Sweet Maid through a analysis of heterofemininity in the form of post-World War II gender roles. By using the term “heterofeminine,” I show how Andrews positions Joudrie within familiar domestic narratives about “romantic and heterosexual relationships, self-sacrificing behavior, and notions of respectability” (Musial 11); I then argue that Andrews re-presents and re-produces these connections in order to highlight the harmful (and potentially fatal) consequences of restrictive gender prescriptions. Heterosexuality and femininity cannot be separated here, because understandings of the heterofeminine hinge upon the mostly unseen cultural assumption that “sexuality is reducible to sexual intercourse and that it is a function of the relations between women and men” (Rubin 178) – i.e. the merging of femininity with heterosexuality, or in other words, the conflation of gender with sexuality, so that the success of a performance of normative femininity is dependent upon a performance of heterosexuality and vice versa. Besides, the readership is continually reminded, by both Andrews’ critique and by media coverage of the original trial, that Joudrie is a “straight wife-mother” (Musial 11).

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16 According to Jennifer Musial in her work on how American media outlets produce Britney Spears as heterofeminine, “heterofemininity becomes the ambient noise in the background that is normalized over time” (11).

17 The Canadian media, at the time of the trial, repeatedly used photos of Joudrie in her wedding dress signing her marriage certificate or emerging from the wedding ceremony with Earl, and these photos are still available online through the website of the Provincial Archives of Alberta and are in fact some of the only images of Dorothy and Earl available to the public <https://hermis.alberta.ca/paa/PhotoGalleryDetails.aspx?> Accessed May 26, 2012.
Despite the initial difficulty Andrews encounters in accessing details of Joudrie’s home life, she is able to place Joudrie within familiar discourses of domesticity, marriage, and motherhood by drawing on her own experiences and her observations of the unfolding courtroom drama, as well as with the help of epigraphs that offer a creative space to imagine Joudrie’s struggle. Andrews quickly learns during her research that there is a silence surrounding the “private lives of wives of corporate executives … like a sacred trust” (xi) and that “women who break this code of secrecy are seen as reckless and dangerous, not only with respect to their families and their husband’s careers, but to the corporate community generally” (xi); nevertheless, she is able to speak to the expectations commonly hoisted upon women of Joudrie’s age in general. For example, switching from public narration to private narration, Andrews writes to Joudrie in epistolary form the following:

All of us, you, Earl and I, born in the mid-1930s, came to early adulthood in the 1950s, a decade which was probably the most difficult period for women in the twentieth century. Postwar women were directed to find fulfillment as the highly valued, necessary, but nonetheless, as Simone de Beauvoir named us, Second Sex. Marry, and marry well, many mothers told their daughters. These mothers knew that we would find our future, our security, even our identity, in our husbands. (6)

Andrews subsequently returns to addressing the implied external reader-figure and reminisces about her youth more generally, when a very small proportion of women pursued graduate studies or worked outside the home; when women’s magazines burgeoned with articles featuring wedding plans, home furnishings, and meal ideas meant to keep husbands healthy and happy when entertaining business partners; when her senior classmates at university spent their spare time knitting for their boyfriends in an effort to convince them of their domestic skills and thus
their marriageability; and when sex outside of marriage was officially forbidden, contraception inaccessible, and abortion illegal (6). Thus, Andrews’ recollection of her own experiences helps to paint a general picture of how heterofemininity was not only commonly performed and enacted, but also policed and enforced in the 1950s – the decade during which the Joudrie’s marriage began.

Furthermore, Andrews is able to glean specific information about how Joudrie conformed to a heterofeminine ideal in her private and public lives from evidence and testimony presented during the trial. According to the transcripts, for example, on the morning that Earl was shot, the couple met to discuss their divorce proceedings, and Dorothy had prepared copies of thirty years’ worth of their annual family Christmas letters to give to Earl (80). The pivotal moment when Joudrie presents the letters to Earl (which Earl apparently casually dismisses immediately prior to being shot) can be understood as a final effort to remind him of the value of their lengthy marriage and of the family’s happier times, but more importantly, the gift of the letters can be seen as a final plea by Joudrie to stop him from abandoning her and revealing their marriage as a failure to the world.

Indeed, throughout the years, the letters were a tool with which Joudrie kept up an image of a happy and normal marriage to her mailing list of two to three hundred friends and family members, and Andrews interprets these letters as “a tangible symbol not only of the marriage and family life she wanted but didn’t have, but also of the extent of her denial of the reality of her life” (80). According to Andrews, these letters are evidence of how Joudrie strove to be, as she was taught in the 1950s, an “angel in the house” – the name that Coventry Patmore assigned to “selfless, submissive, Victorian, ideal women” (Andrews 81). By offering them to friends and
family, as well as Earl, the letters worked to shore up the carefully crafted (and internalized) public image of Joudrie as the “good wife/mother,” the “good, sweet maid” (26).¹⁸

However, Andrews writes that if a “good girl” – who is, even today, expected to “take the burden of her disappointments” (196) and not be angry or aggressive – is severely abused by her husband as Joudrie was, the “good girl” may become anxious, depressed, self-destructive, incapable of acknowledging the reality of her existence – even her own identity – and in extreme cases she may act out violently against her husband, suddenly releasing her suppressed rage and desperation and loss and terror in what psychiatrists call a dissociative state of mind, and lawyers, a state of automatism. (196-197)

The extreme disjuncture of such an experience requires the “rhetorical devices/strategies of fictional narrative/poetry” (Wynter 232) to be rendered readable, and so Andrews turns to epigraphs, beyond her own personal experiences and observations of the trial, to think through the ways in which Joudrie’s life was shaped, but ultimately not defined, by discourses of heterofemininity.

Indeed, rather than succumbing to the “common female narrative ends of madness, marriage, or death” (Lovelady 57), Joudrie’s story, as told by Andrews, “calls attention to these limited choices by invoking all three” (57) with the use of epigraphs that speak to how Joudrie simultaneously conformed to and confounded discourses of heterofemininity. For example, Andrews uses a segment from Robb Forman Dew’s Dale Loves Sophie to Death¹⁹ to portray how

¹⁸ In this discussion of post-World War II gender roles and, more prominently, in the very title of the book, Andrews refers to the admonition by the nineteenth-century writer, Charles Kingsley: “Be good, sweet maid, and let those who will be clever” (qtd. in Andrews 26).
¹⁹ At the start of the chapter in which Andrews recounts her interview with Joudrie following the trial, Andrews speaks to her and the young Joudrie’s heterofeminine promise with the excerpt from Dale Loves Sophie to Death: “They were pretty girls, easy-limbed and pleased with / themselves; anything could have been anticipated on their / behalf. They showed such promise; people wished them well / and were excited by the prospect of their having
Joudrie’s early life (as well as her own) was understood in heterofeminine terms: it was assumed that a happy marriage awaited Joudrie and that in fact, marriage was the only future awaiting her (231). However, in Andrews’ re-telling of Joudrie’s story, marriage is not presented as a happy end in itself, but as a potential obstacle to happiness, and its long-awaited demise is accompanied not by the death of the wife but rather the near-death of the estranged husband during a fit of temporary madness – a madness so incongruent with Joudrie’s carefully constructed heterofeminine persona that Andrews can only represent the traumatic memory of it with Carol Shield’s observation that “At the very edge of every experience is the refracted light of / recollection, snagged there like an image in a beveled mirror” (29). Thus, Andrews invokes the traditional female narrative ends of madness, marriage, and death, only to disturb them.

Although *Be Good, Sweet Maid* simultaneously takes up and takes apart what Stephanie Lovelady identifies as typical “female narrative ends” (57), the text does not offer any easy answers or solutions, but is instead committed to ambiguity, uncertainty and doubt, multiple narratives, and un-decidability. Indeed, Andrews’ text documents how Joudrie endured thirty five years of abuse – Earl began to abuse Dorothy on their honeymoon (80) – and thirty five years of carefully maintaining the façade of the “good wife/mother,” only to find that she was cast as the “bad wife/mother” in court and in media coverage of the shooting, and institutionalized in a mental health facility where she would, in the words of Earl, “receive proper care and treatment” (222). And Andrews speaks to the terrible irony of this immense betrayal through Rich’s words: “The lie of the ‘happy marriage,’ of domesticity – we have been complicit, have acted out the fiction of a well-lived life until the day we testify in court of rapes, beatings, psychic cruelties, public and private humiliations” (qtd. in Andrews 11).

great, / perhaps unqualified joy in their lives … absolute happiness / devoid of responsibility, as only a woman would be able / to … It was not really expected that either girls / would have control over their own fate” (qtd. in Andrews 231)
These accounts of how Joudrie conformed to and subverted post-World War II gender roles are subtly critiqued by Andrews while she describes them, but are also accompanied by a more explicit feminist analysis: Andrews offers up Betty Freidan’s work on the “feminine mystique,” the “postwar phenomenon which thrust women into a narrowly defined wife/mother role” (7), and which Andrews identifies as releasing the second wave of feminism (7). Even though Andrews clearly states that Be Good, Sweet Maid is not “a feminist tirade” (234) and that Joudrie does not wish to be portrayed as a feminist (234; 256), she does didactically critique traditional gender roles (and Joudrie’s place within them) with the help of feminist scholars such as Friedan, Rich, and Walker. Indeed, by calling upon Rich’s statement in On Lies, Secrets, and Silence that “Women have often felt insane when cleaving to the truth of our experience … [and] our future depends on the sanity of each of us, and we have a profound stake, beyond the personal, in the project of describing our reality as candidly and fully as we can to each other” (qtd. in Andrews 29), Andrews makes the political workings of her text clearly visible.

Colonialism, whiteness, and the heterofeminine ideal

And yet, Ahmed poses a useful question in The Promise of Happiness that should also be asked in relation to Andrews’ critiques in Be Good, Sweet Maid: “Who or what do we see in this image of the happy housewife” (61)? In other words, who do we see as being able to live out a life that conforms to heterofeminine ideals? The so-called happy housewife, as Friedan points out, is a fantasy, but “even as fantasy, however, she [the good heterofeminine wife/mother] evokes the embodied situation of some women more than others” (Ahmed 61). In Feminist Theory: From Margin to Centre (2000), bell hooks writes that “Friedan’s famous phrase, ‘the problem that has no name,’ often quoted to describe the condition of women in this society, actually referred to the plight of a select group of college-educated, middle- and upper-class,
married white women” (1). At the time of Friedan’s work, and notably, around the time of the Joudrie wedding, many women were not housewives, and Ahmed makes the important point that “for some women to work at home would be an aspiration rather than situation” (61). In fact, hooks writes that “When Friedan wrote The Feminine Mystique, more than one-third of all women were in the workforce. Although many women longed to be housewives, only women with leisure time and money could actually shape their identities on the model of the feminine mystique” (2). Thus, even when understood as fantasy, the happy housewife is exclusive.

Friedan’s solution to the unhappiness of housewives during the 1950s, and a solution to which Andrews refers (7) – that women might be liberated from the house – is similarly exclusive but resulting in consequences for those women who cannot shape their identities around the “feminine mystique.” For example, as hooks points out, Friedan “did not discuss who would be called in to take care of the children and maintain the home if more women like herself were freed from their house labor and given equal access with white men to the professions” (1-2). As a consequence, it is Ahmed’s thought that “While the fantasy of the happy housewife conceals the signs of domestic labor under the sign of happiness, the fantasy of the housewife becoming happy through being liberated from the home might also conceal the labor of other women, who might be required to take over ‘the foaming dishpans’” (62). According to Ahmed, hooks teaches us that some women, including but not limited to black and working-class

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20 It should be noted that while Andrews may be silent on how Friedan’s feminist vision is dependent on the erasure and exploitation of racialized women, she does, to some extent recognize class. For example, in her letter to Joudrie, Andrews writes: “A few weeks ago, I taught Sylvia Plath’s poem, ‘The Babysitters’ – perhaps because without realizing it, I was thinking of you. In the poem, a woman recalls herself and another teen-aged girl in the 1950s, who were babysitters of children of affluent families at summer homes in Swampscott, north of Boston. The girls love the elegant ‘richness’ of the ‘handsome houses in Swampscott,’ but are spiteful and feel ‘put-upon’ by the domestic duties expected of them – cooking, ironing, managing the fussy children. They are jealous of their employers, the ‘sporty’ wife and her doctor husband, the ‘big people’ with their rose gardens, guest cottages, cabin boys, and maids” (8). Interestingly, Andrews includes this reference in an ambiguous manner, as she is simultaneously referring to her and Joudrie’s shared childhood, but also to the fact that Joudrie “became a wife, a mother, and a
women, are not permitted to be “proximate to the fantasy” (62) of the liberated happy housewife even as they enable others to “approximate its form” (62).

Indeed, respectable heterofemininity is historically connected to white women in colonial contexts, because it has been defined in opposition to the overdetermined sexuality of the colonial Other as a tool of colonization. A review of the literature addressing heterofemininity reveals that various authors have followed in the footsteps of hooks’ pivotal critique of Freidan’s text and are thinking about how “middle class white femininity became the respectable standard, especially in settler societies such as the United States and Canada during the nineteenth century” (Musial 12) – a standard that provided justification for colonization, a “civilizing” force produced in relation to what was considered to be the absolute Other of civility, the colonized subject (Fiske 92). For example, scholars such as Ann Laura Stoler (“Making Empire Respectable,” 1997), Anne McClintock (Imperial Leather, 1995), and Adele Perry (On the Edge of Empire, 2001) not only consider the role of white women as moral reformers, but also expose how discourses of heterofemininity are historically linked with the production of race, the colonial project, and nationhood.

As Stoler, McClintock and Perry show, immigration to the colonies by white bourgeois European women was promoted by colonial powers to halt relationships between white male settler-colonizers and Indigenous or enslaved women in the colonies. An early example of this strategy in Canada’s history of colonization is the paid passage of about 1000 filles du roi, the “King’s daughters,” from France to its colonies in the 1660s. King Louis XIV promised each woman a dowry when she wed a member of the disbanded the Carignan-Salières regiment in Quebec City or one of the thousands of unwed farmers settling the countryside throughout the
colony (Johnson xi). Although the *Filles du Roi* are among the more well-known examples of state intervention in the gender relations of the colonies, multiple instances of this strategy being implemented since contact can be recalled, such as the Bride-ships sent from London to bring marriageable women to New Zealand, New Orleans, and British Colombia in the late 1800s (x-xi). It was believed that the presence of white women in the colonies would foster security and stability through the growth of “proper” and “racially-pure” white families (Stoler 347).

However, as McClintock notes, white women were not simply “the hapless onlookers of empire, but were ambiguously complicit both as colonizers and colonized, privileged and restricted, acted upon and acting” (6). According to Jennifer Musial, “when eugenic discourse gained ground in the late nineteenth century, bourgeois white women were called upon to reproduce good white ‘stock’ in the face of biracial and poor ‘degeneracy,’ a biopolitic of nation-building” (12). “Controlling women’s sexuality, exalting maternity and breeding a virile race of empire builders,” writes McClintock, “were widely perceived as the paramount means for controlling the health and wealth of the imperial male body politic, so that, by the turn of the century, sexual purity emerged as a controlling metaphor for racial, economic and political power” (47). And middle-class white settler women took up the call, acting as models of domestic respectability to Indigenous women and women of colour through such forums as Canadian residential schools, which internalized in young Indigenous students “duties appropriate to Christian motherhood” (Fiske 92) in order to, in the words of the 19th-century British Columbian Bishop George Hills, “counteract the corruption of the youth of the female sex through the evil influence of the Heathen homes” (qtd. in Perry 107). In short, the social construction of white middle class heterofemininity is founded on notions of respectability and moral regulation that are produced and reproduced by colonial relationships.
Consequently, to understand the social location of women such as Joudrie in terms of heterofemininity “is to recognize their place in historical Canadian white settler womanhood, which is embedded in colonialism, imperialism, and racialized capitalism (like slavery)” (Musial 13). And I argue that Andrews’ text is not only silent on this history, but speaks over it through the uncritical citation of feminist scholars such as Freidan and unproblematized references to creative literary works that similarly reproduce hegemonic colonial narratives about patriarchal violence, gender norms, class, and the law. In other words, Andrews’ text recycles feminist material in seemingly benign ways while reproducing problematic colonial narratives.

Questions of Andrews’ citation practices have run throughout the chapter thus far, with the productive outcomes of her use of epigraphs comprising the principal focus; however, the remainder of this first chapter examines how her intertextual discussions are also complicit in reproducing a singular and insulated vision of feminism that denies alternative perspectives. Clare Hemmings, in her text, *Why Stories Matter: The Political Grammar of Feminist Theory*, examines the citation practices of feminist theorists in order to reveal the “pernicious ways that things get left out in narratives about the history of feminist theory” (Parkins 30). As reviewer Ilya Parkins writes,

the overall effect [of Hemmings’ work] for the field is deeply worrying, because it reveals the extent to which an unquestioned feminist “common sense” operates in our work, even though feminist theory has been developed to challenge the dominance of “common-sense” or hegemonic explanatory frameworks and narratives. (31)

According to Hemmings, these “common sense” patterns in feminist citation practices work to epistemologically and politically define the discipline along certain lines (Hemmings 161) by compounding familiar and accepted narratives – for example, the repeated citation of Butler (55).
– and by relegating dissenting narratives to the margins through the absence of citation – for example, the exclusion of Martha Nussbaum’s critique of Butler (116). I similarly name prominent (and troubling) trends in Andrews’ feminist citation practices, not with the aim of “correcting” or producing a “truer”21 feminist story about Joudrie, but with the goal of highlighting how racism and colonialism appear in or are obscured by Andrews’ epigraphs and what such references or absences teach the reader about the construction of race and the settler-colonial state.

Whiteface, heterofemininity, and whiteness

For instance, when Be Good, Sweet Maid is read against the backdrop of the literature about how dominant discourses of heterofemininity are closely tied to racism, colonialism, and nation-building, particular epigraphs come to the fore as reinforcing such ties. One of the most prominent epigraphs in Be Good, Sweet Maid is the comparatively lengthy section of Evan S. Connell’s Mrs Bridge (1959), which Andrews includes at the start of her account of the trial (the chapter titled “Preliminary Hearing”). The prose included in Be Good Sweet Maid is as follows:

Mrs Bridge … was seated before her dressing table in her / robe and slippers and had begun spreading cold cream on her / face. The touch of the cream, the unexpectedness of it – for / she had been thinking deeply about how to occupy / tomorrow – the swift cool touch demoralized her so / completely that she almost screamed. / She continued spreading the cream over her features, / steadily observing herself in the mirror, and wondered who / she was, and how she happened to be at the dressing table, / and who the man was who sat on the edge of the bed taking / off his shoes. She considered her fingers, which dipped into / the jar of their own accord. Rapidly, soundlessly, she was /

21Hemmings is clear that her text is not about offering a “corrective” to problematic feminist narratives, but that it instead examines the “politics that produce and sustain one version of history as more true than another” (15-16): she looks for the motives behind and the effects of particular portrayals of feminist struggle.
disappearing into white, sweetly scented anonymity. Gratified / by this she smiled, and perceived a few seconds later that / beneath the mask, she was not smiling. All the same, being / committed, there was nothing to do but proceed. (qtd. in Andrews 21)

This epigraph is illustrative of how the text as a whole does cultural work, albeit perhaps unwittingly, in that it helps to make sense of the connections between constructions of whiteness and heterofemininity through intertextual references.

Before Friedan wrote *The Feminine Mystique*, there was *Mrs. Bridge*, a social and domestic drama set in the years around World War II that also testifies to what Shawn Gilmore calls the “the ennui of the so-far unexamined suburban life” (67-68) of the white middle-class American family. Andrews may have originally intended this epigraph to be read as a commentary on post-World War II gender roles, as her selection speaks to the ways in which the expectations and trappings of heterofemininity can restrict, alienate, and sometimes even bore women. However, a reading that Andrews perhaps did not intend is one that recognizes the subtext of whiteness (racism) in feminist texts such as *The Feminine Mystique* or *Mrs Bridges* (Yancy 156). The main character, Mrs. Bridges, who is similar to Joudrie in many respects – they both have three children and are married to a meticulous workaholic husband – is described as “Rapidly, soundlessly … disappearing into white, sweetly scented anonymity” (qtd. in Andrews), which can arguably be interpreted in terms of race. By putting on a mask of cold cream, a symbol of femininity and heterosexual domesticity, Mrs. Bridges is also putting on “white face” (Jackson 51), or demarcating whiteness by enacting a “proper” performance of heterofemininity. Further, the cover illustration of *Be Good, Sweet Maid*, Mary Pratt’s painting *Cold Cream* (1983), which depicts a young white woman wearing a liberal mask of white cold cream, operates in a similar manner: when the reader encounters the book as a material object,
with the image of *Cold Cream* on it, as a preliminary experience before even reading the text, the juxtaposition of the title and image suggests a certain set of modes of reading. In other words, the Connell epigraph, as well as the cover illustration of *Be Good, Sweet Maid* draw attention to the ways in which whiteness is performed (in the form of a cold cream mask which is symbolic of “white face”) in conjunction with a ritual of femininity (the application of cold cream which is symbolic of heterofemininity and domesticity). Simply put, the epigraph and painting illustrate the intersection of constructions of heterofemininity and whiteness.

I am cognizant of the dangers of studying whiteness, such as re-centering, reifying, and essentializing whiteness in discussion; thus, in order to avoid constituting the very thing that is being deconstructed, a “situated understanding of whiteness that is attentive to its socially constructed nature” (Musial 19) is required. In “Whiteness as a Strategic Rhetoric,” Thomas K. Nakayama and Robert L. Krizek write that “Whatever ‘whiteness’ really means is only constituted through the rhetoric of whiteness. There is no ‘true essence’ to ‘whiteness’; there is only the historically contingent constructions of that social location” (Nakayama and Krizek 90). In other words, whiteness should be understood as a heterogeneous and socially constructed identity and structure of domination that intersects with other social categories/systems such as gender, sexuality, and class. By identifying the ways in which the Connell epigraph illustrates how whiteness is performed in combination with heterofemininity, I recognize that whiteness is a “mechanism of racialization” (Gunew 143) that “interlocks” (Hill Collins S19) with other systems of oppression such as heterofemininity.

However, whether or not Connell and Andrews intended for their depiction of the act of applying cold cream to draw critical attention to the performance of what Shannon Jackson calls

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22 Although Andrews’ intentions are not known, it may be that in choosing to title her text *Be Good, Sweet Maid* (a phrase excerpted from a Charles Kingsley poem) and in selecting *Cold Cream* as the cover art, Andrews is signaling to the potential reader a stereotype of heterofemininity which she then carefully critiques.
“the behaviors and perceptions of conditioned whitegirlhood” (49) is an open question. It may be the case that Mrs Bridges and Be Good, Sweet Maid were written with a subtext of whiteness (racism) in order to thematize and reveal whiteness as normatively located (Yancy 158); however, it may also be the case that these (inter)texts theorize about post-World War II gender roles from an unnamed location of whiteness, which results in the uncritical reproduction of narratives of white womanhood that are so prevalent within second-wave feminist theory and the so-called canon of Canadian literature (Yancy 156). In reality, Mrs Bridges is not the only text about heterofemininity that Andrews cites in a manner that overlooks a history and context of racism and colonialism, and thus I argue that at the same time that Andrews is able to create a productive intertextual dialogue about women’s experiences of domestic violence, she simultaneously reproduces narratives about gender that arise from colonialism and imperialism.

Reproducing the Canadian “canon”

In “The Canonization of Canadian Literature: An Inquiry into Value,” Robert Lecker writes that “Since 1965, what is commonly referred to as the ‘explosion’ in Canadian literature has produced all the by-products of canonization run rampant” (657). In short, “an entire new gallery, one labelled ‘Canadian Literature,’ has been added to the literary museum presided over by our English departments” (qtd. in Lecker 657). This canon of Canadian literary works developed, at least until the 1990s, in spite of the deconstruction of the canon as an institution that has been “rendered partial, inadequate, and obsolete” (657) by our American counterparts, as literary critics, scholars, writers, and readers, “following a path charted by some of the earliest commentators on Canadian writing, … continue to enshrine the literary models they have invented in the hope that such activity will provide the canonizers with what they have always wanted: an image of themselves and of their values” (657). Arguably, the Canadian literary
works cited in *Be Good, Sweet Maid* – the novels and short stories of Margaret Atwood, Carol Shields, and Alice Munro, for example – can be imagined as occupying prominent places within this canon, and/or within a “shadow” canon of Canadian women’s (feminist) literature that challenges traditional (read: masculine) literary canonicity in the Canadian context, because of how so-called Canadian values and identities are diversely explored by the authors (Szabó 1).

If the building of the “canon” through the latter half of the twentieth century was, as Lecker argues, motivated by a search for “Canadian values” and “Canadian identities,” then the building of the “canon” can also be understood as being motivated, in part, by the project of nation-building, and is thus inextricably linked with the *ongoing* colonization of Indigenous peoples, whose writing is also notably absent from dominant imaginings of the canon (Thobani 55). Presumably, Andrews includes the work of distinguished (white settler) Canadian writers in an attempt to make her retelling of Joudrie’s story and her critique of heterofemininity distinctly “Canadian” and reflective of the (dominant) social, political, generational, and legal landscape in which Joudrie’s drama is set. However, in linking her text to this “canon” of Canadian literature in the absence of a critique of the social, political, and legal landscape of settler-colonialism, Andrews’ *Be Good, Sweet Maid* becomes implicated in the project of building the settler-colonial nation of Canada.

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[23] Jeanette Armstrong, in *Looking at the words of our people: First Nations analysis of literature*, writes that Native people’s voices were absent from written literature until the 1960s and that “these early attempts by Native writers were heavily edited by non-Native missionaries, anthropologists, and hobbyists ... who tended to represent Native ‘tales’ from the igloo, the smokehouse, or the campfire as ‘quaint’ or ‘exotic,’ fit for ethnological inquiry, but not for serious literary study” (30). The work of Native writers in the early 1970s was “dismissed as ‘protest literature’ and not really considered part of Canadian ‘literature’ as defined by English departments and literary scholars of the mainstream” (30). Furthermore, a wave of academic writing by non-Native scholars about Indigenous literature during 1980s and 1990s has had the effect of blocking out the Aboriginal voice – which Armstrong works to rectify with her first-ever all-Aboriginal anthology of literary criticism published in 1993.
Indeed, beyond referencing authors such as American L. Frank Baum, who is not only remembered for writing *The Wizard of Oz* but who is also infamous for writing editorials calling for the total destruction and genocide of the Sioux peoples following the Wounded Knee massacre of 1890 (Hastings 1), and beyond allowing violent colonial language to creep into her prose at points through the use of such phrases “circling the wagons” (223) when describing how the corporate world protected Earl from the media during the trial, Andrews also repeatedly draws from the texts of several canonical Canadian writers whose iconic work is bound up in the settler-colonial project of nation-building in complex ways. Selections from Atwood’s *Alias Grace* (1996), Shields’ *The Stone Diaries* (1993), and Munro’s *Lives of Girls and Women* (1971) and *Friend of My Youth* (1990) appear in *Be Good, Sweet Maid*, which I argue, could be interpreted as reconstituting and continuing the legacy of colonialism in white settler literature about women’s experiences through the reincorporation and reproduction of two Canadian Gothic traditions/themes: wilderness gothic and domestic gothic (Howells 106).

**Canadian Gothic**

In her analysis of the gothic in Munro’s oeuvre, Andrea F. Szabó writes that in Canada, the gothic looks back on a long history of expressing the Canadian experience (1). According to Szabó,

> It is the gothic that is able to mediate that violence of inhuman proportions that its inhabitants face *vis à vis* the haunting presence of the land, of the traces of its colonization, of its in-betweenness between colonization and post-colonialism, and of the uncanny lack that Canadian national identity represents. (1)

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24 Andrews includes the following excerpt from *The Wizard of Oz* as the final epigraph of the text: “Dorothy stood up and found she was in her stocking feet. / For the Silver Shoes had fallen off in her flight through the / air, and were lost forever” (qtd. in Andrews 249).
And one of the central themes of Canadian Gothic is the wilderness: from early depictions of early Canadian settlers’ relationship to the “unsullied” land to the novels of Atwood, Shields, and Munro which depict the “simple” rural life in historical and contemporary Canada, the wilderness is imagined as a force against which the white national subject (sometimes ambivalently) fights in an effort to preserve civilization (Szabó 1).

This tradition is problematic on several levels, the first being the way in which Indigenous presence on the land is erased in order to justify the colonial project. As Thobani writes in *Exalted Subjects*, from the paintings of the Group of Seven to the novels of Margaret Atwood the “relationship of real Canadians to the land, emptied of Aboriginal peoples except as symbolized in relics” (60), results in colonial violence “fading into insignificance” (60). In cultural texts, white national protagonists do battle with the forces of nature to survive what is assumed to be a treacherous and empty land that is “transformed now into an adversary whose harsh brutality [has] to be tamed in the unfolding plot of civilized settlement” (60). According to Thobani, “The fantasy of unsullied origins allow[s] the innocence of the land to be claimed by the national subject as its own, and the brutality and savagery of the colonial violence to instead be projected onto the land itself, and onto the savage who [is] part of the landscape” (60). In the end, when violence is misplaced and the “relationship of the settler [is] constituted as primarily to the land, emptied of Aboriginal life as human life,” colonization and settlement can be justified by settler-colonizers.

Furthermore, a constant of Canadian wilderness narratives in the gothic mode is that the wilderness is set against civilization (or more precisely, civilization is set against the wilderness), which not only establishes a problematic binary requiring the assumption that the “wilderness” has not already been “civilized” by Indigenous peoples, but also promotes what literary critic
Northrop Frye first labeled as a “garrison mentality” (Szabó 1). In texts with a “garrison mentality,” it is often the case that characters are looking outwards and building metaphorical walls against the feared outside world, and particularly, the “emptiness” of the Canadian landscape: the frigid windswept and sprawling northern landscape that is thought to alienate settlers from their environment. In other words, the outdoors is presented as the “fearful Other,” compelling Canadians to pursue inclusion into the garrison – a metaphorical fortified town or community – to provide warmth and shelter. Central to the formulation of a “garrison mentality,” which is more than a set of themes – for example, snowstorms, rockslides, plane crashes, and fires – but something less tangible or a sensibility, is the construction of “civilization” and a national identity by imagining settler-colonizers as fully human in relation to the wild landscape into which Indigenous peoples have been subsumed (Thobani 60-61).

It is within this “small-town Canadian garrison” (Szabó 1) where domestic gothic storylines take place. According to Szabó, domestic gothic is characterized by “unhomely houses, family romance plots gone wrong, and grotesque images of violence” (1). Plots typically revolve around the dark secrets of seemingly happy families – not unlike Joudrie’s – and reveal how that which ought to be feared is often located within the “garrison” rather than without. Indeed, Szabó suggests that “narratives within the tradition of the Canadian domestic (female) gothic tradition … depict the violence directed against women that occurs as the undercurrent of colonization in a setting of Canadian cultural specificity” (1), which echoes Stoler, McClintock, and Perry’s analysis of how discourses of heterofemininity are historically linked with

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25 In fact, although Andrews’ retelling of Joudrie’s story and trial can be understood as auto/biographical in nature (i.e. non-fiction), elements of the Gothic, and particularly, the domestic gothic, appear in her narration of the tale: the grotesqueness of the attempted murder of Earl disturbs the picturesque image of a happy home life cultivated by the Joudries; the shooting sits at odds with how Dorothy typically presented herself (i.e. loving heterofeminine wife/mother); the fact that Earl survived being shot six times by his estranged wife provides a sense of melodrama and that works as a (self-)parody of the crime of passion.
constructions of race, whiteness, and Indigeneity, as well as with the production of the colonial project and nationhood. In essence, Canadian artists and critics, using the paradigm of the domestic gothic, “emphasize the uncanniness of Canadianness: the paradoxes of national identity, the dullness and the grotesqueness of life there with sudden eruptions of violence” (Szabó 1). Or, in other words, artists and critics employ representations of the feminine body and the private/domestic sphere to make sense of colonialism.

In relation to Be Good, Sweet Maid, these two gothic modes – the wilderness and the domestic – are significant, as Andrews takes them up when she cites Atwood, Shields, and Munro. All three authors combine both the wilderness and domestic gothic themes in their narratives, which often centre on the female experience of a hard and punishing but ultimately pure and innocent pioneer life in the “unsullied” and “pristine” wilderness that is Canada (Duncan para. 4; Thobani 60). A common inspiration for these narratives is Susanna Moodie and her infamous nineteenth-century writings. Although the specific texts that Andrews draws from – Alias Grace, The Stone Diaries, Lives of Girls and Women, and Friend of My Youth – may seem disparate and unrelated, links can be established between them through the figure of Susanna Moodie, the “Victorian gentlewoman, unwilling emigrant to the Ontario backwoods, and author of Roughing it in the Bush (1832), [who] has long been established in the canon of Canadian literature” (Hammill 1). Moodie, a writer of children’s books and Gothic fiction, is best remembered for chronicling her and her family’s trials as they tried to make a life for themselves on a farm in nineteenth-century colonial Canada in Roughing it in the Bush and Life in the Clearings (1853). These accounts of domesticity in the wilderness of Southern Ontario have received much attention from critics and writers alike, including Atwood, Shields and Munro. Indeed, Moodie is a central figure in their work, as not only have Atwood and Shields both
written an Introduction and/or Afterword to various contemporary editions of Moodie’s texts\textsuperscript{26} and examined Moodie’s place in the Canadian canon – Atwood wrote about Moodie in *Survival: A Thematic Guide to Canadian Literature* (1972) while Shields addressed Moodie’s writing in her 1975 M.A. thesis – but the creative output of all three authors, and specifically, those texts referenced by Andrews, have also been clearly shaped by Moodie’s life and writings.

Atwood has creatively reimagined Moodie at least\textsuperscript{27} four times: in a poem sequence, *The Journals of Susanna Moodie* (1970); a television play, *The Servant Girl* (1974); an unpublished stage play, “Grace,” written in 1978-1979, and the novel that Andrews cites, *Alias Grace* (1996). According to Faye Hammill, “Grace” reworks an episode from Moodie’s *Life in the Clearings* and includes “Mrs. Moodie” in the dramatis personae (2). The play evolved from Atwood’s television play, *The Servant Girl*, which was based on Moodie’s account of the case of Grace Marks, who Moodie first encountered when visiting Kingston Penitentiary and then met again several years later in a Toronto asylum (2). Thus, Moodie reappears somewhat tangentially in Atwood’s *Alias Grace*, “which is based on the same story of Grace Marks, but casts an entirely different light on it,” Hammill argues, because “it is a multi-voiced novel – the narration shifts from first to third person as the perspective changes, and various fictional or actual letters and quotations are embedded in the text, taken from sources including *Life in the Clearings*” (3). Although Moodie “assumes a new and diminished function in *Alias Grace*,” her distinct personality and her perspective, which inspired and shaped Atwood’s *The Journals of Susanna Moodie* and provided a framework for *The Servant Girl* and “Grace,” are still significant in *Alias Grace* (4).

\textsuperscript{26} Atwood wrote the introduction to the 1986 edition of *Roughing it in the Bush* by Virago and Shields wrote the Afterword of the McClelland and Stewart edition *Life in the Clearings* in 1989.
\textsuperscript{27} The influence of Moodie can be felt more indirectly in various other texts, such as *Surfacing* and *Wilderness Tips.*
Like Atwood, Shields has creatively reimagined Moodie several times, as she gave Moodie a major role in her first novel Small Ceremonies (1976) and her presence is felt in the character Mary Swann, the dead poet of her 1987 novel Swann: A Mystery (Hamill 2). Likewise, The Stone Diaries is not without the influence of Moodie and her writings: Shields focuses on telling the stories of ordinary people such as Daisy Goodwill in The Stone Diaries, and this fascination with an auto/biographical style of fiction writing arguable stems from her interest in Moodie (Davies 6). Much of The Stone Diaries is set in rural Manitoba at the beginning of the twentieth century, but Shields portrays Daisy Goodwill primarily as an ordinary individual rather than as a metaphor for historical movements or as a national microcosm, which speaks to the influence of Moodie, who Shields values for her singular and situated viewpoint (Hamill 8).

Although Munro has not engaged in the academic exercise of critiquing Moodie’s life and writings to the extent of Shields or Atwood, her creative work also reiterates the pattern set by Moodie’s Roughing it in the Bush, as she features colonizing couples and pioneer women writing of their struggles in the pristine wilderness or small Canadian towns (Szabó 1). For example, her short story “A Wilderness Station” is a well-known piece that enlists several features typical to the writings of Moodie and the genre of Canadian Gothic, as it portrays the early history of Canada by “highlighting the perils and hardships characters encounter … [in] the wilderness [which] threatens with insanity” (1). Similar themes appear in the texts that Andrews cites, as the main character of Lives of Girls and Women, Del Jordan, imaginatively rewrites her rural community’s heritage as did Moodie (Hunter 222), and the narrator of “Meneseteung” in Friend of my Youth battles “the haunting presence of the wilderness and the seclusion [from civilization] it means (Northrop Frye’s garrison)” (Szabó 1). In both texts, images of domesticity are contrasted with harsh and lovely landscapes, which is indicative of the Canadian Gothic
mode – both domestic and wild – but also of the colonial myth of the “unsullied” origins of the Canadian nation that Thobani identifies in *Exalted Subjects* (60).

With reference to a number of Canadian women novelists who have written about the Canadian wilderness, Linda Hutcheon states: “Clearly, it is Susanna Moodie’s experience in the bush that is the literary forbear of the lives of these women characters as they cope with the wilderness that is both outside and inside them” (226). Thus, when Andrews enters into a dialogue with such texts as *Alias Grace, The Stone Diaries, Lives of Girls and Women*, and *Friends of My Youth* in order to make sense of one Canadian woman’s experience of a domestic violence trial, she also enters into a dialogue with Moodie, even if Moodie’s presence is not immediately apparent in *Be Good, Sweet Maid*. Based on Thobani’s critique of Canadian identities and mythologies, the figure of Moodie, whose life and writings form an integral part of the Canadian literary canon, can be understood as a symbol of the colonial history of Canada, and more broadly, the myths and attitudes that engender the historical and contemporary colonial project that is Canada. Thus, the intertextual connections that Andrews establishes between Atwood, Shields, and Munro, for example, are not problematic because of the absent presence of Moodie in *Be Good, Sweet Maid per se*, but rather because Canada’s colonial history and present reality go unmentioned by Andrews beyond her simple acknowledgement that the Canadian legal system has its roots in the nation’s colonial relation to Britain (42). In other words, insofar as the colonial legacy of the literature that Andrews cites (appearing in the form of Moodie) goes unrecognized, it may be suggested that colonial narratives are uncritically replicated and reproduced in *Be Good, Sweet Maid*. As a result, Joudrie’s and Andrews’ positions (and privileges) as white upper-middle-class settlers go unnamed in this feminist critique of post-
World War II gender roles, domestic violence, and the “battered woman syndrome” defence, and alternative voices – voices that will be the focus of Chapter Three – are obscured.

**Conclusion: the politics and grammar of storytelling**

By investigating the intertextual narrative forms of *Be Good, Sweet Maid* and by charting its interaction with other stories about feminism, literature and life writing, domestic violence, the Canadian legal system, and social change, this chapter explores the processes through which *Be Good, Sweet Maid* performs “cultural work” to communicate discourses and produce knowledge about gender, racialization, sexuality, class, and the settler colonial state. Using Wynter’s conceptualization of epigraphs as alternative spaces for discussion, I argue that Andrews’ extensive use of epigraphs can be read alongside her life writing and selected moments from the *R. v. Joudrie* court transcripts to produce an alternative intertextual dialogue about the “battered woman syndrome” defence and domestic violence that challenges patriarchal understandings of “reason” and/or “madness.” The analytics of post-structuralist discourse analysis, affect theory, and heterofemininity are helpful here when deciphering the meaning of this intertextual dialogue and when tracing the figure of the so-called abused woman and scripts of the “battered woman syndrome” in Canadian literatures. Nevertheless, I simultaneously propose that in working out the political implications of Joudrie’s personal narrative by creating an intertextual dialogue among (primarily) Canadian authors, Andrews calls upon a singular and insulated vision of feminism that leads to an unproblematized reproduction of hegemonic colonial narratives about patriarchal violence, gender norms, and the law.

These critical conversations do not end here, but continue to be a methodological focus, as similar concerns shape my analysis the intertextuality of the Canadian legal system and the conversations that feminist, Indigenous, and women of colour thinkers are engaged in around the
issues of the “battered woman syndrome” defence and domestic violence in the Canadian context. Like Hemmings, I continue to ask questions about “what might be at stake in feminist storytelling” (12) and I continue to be attentive to how the political grammar of epigraphs might be sharpened if stories were told differently. As Wynter argues, epigraphs offer a new conceptual vehicle which can “go beyond not only the hegemonic paradigms of literary criticism but also beyond the grounding analogic of the episteme or ‘fundamental arrangements of knowledge’ of which our present practice of literary criticism (in effect of normal ‘majority discourse’) is an inter-connected component” (208); and from this analysis of the meaningful connectivities that Andrews constructs through an intertextual dialogue, I now turn to applying Wynter’s theory of connectionism to an analysis or decipherment of the intertextuality of domestic violence law in Canada (208).
Chapter Three

Tracing a Genealogy of Colonialism in Canadian Domestic Violence Court Cases with Tools of Literary Analysis

In *Methodology of the Oppressed*, Chela Sandoval observes that “critical and cultural studies in the U.S. [and the Canadian] academy, and the theoretical literature on oppositional forms of consciousness, difference, identity, and power, have been developed as divided, racialized, genderized, and sexualized theoretical domains” (70). The division of thought into academic disciplines continually reproduces what Sandoval calls an apartheid of theoretical domains that serves to re-entrench power structures by reenacting “on a conceptual level … colonial, geographic, sexual, gender, and economic power relations” (71). Sandoval argues that this academic apartheid leads to the work of intellectuals of colour and women being “folded into some ‘appropriate’ category and there go submerged and underutilized” (71) – a pattern that is visible, for example, in the relationship between the U.S. third world and hegemonic Western feminist academic forms in the late twentieth century (71).

The implications of such an academic apartheid are manifold: not only is scholarship that aims to do anti-racism and decolonizing work through a gender lens frequently located (and disciplined) within a distinct (and marginalized) category, but other areas of research are also not held accountable to incorporating a critical race and gender analysis in either content or methodology (if the two can be separated at all). Thus, Sandoval calls for the continued development of “interdisciplinary knowledge” (4) by “a diverse array of thinkers … agitating for similarly conceived and unprecedented forms of identity, politics, aesthetic production, and coalitional consciousness” (4) in which the apartheid of theoretical domains dividing academic endeavors by race, sex, class, gender, and identity is annulled.
Sandoval’s call to “analytically reconcile tensions and boundary disputes that threaten to shatter contemporary academic life and intellectual production” (5) speaks to the goals of this project, as this second chapter attempts to blur the boundaries between disciplines – law and literature – while remaining accountable to the lines of thought and research practices developed by feminist and women of colour thinkers who have done and continue to do anti-oppressive work. Following a brief discussion of an interdisciplinary approach to feminist research in which an analysis of law and literature occurs within the framework of an intersectional methodology that centers race, colonialism, class, and gender simultaneously, I turn my attention to distinctively deploying just such an interdisciplinary methodological approach, as I read the law through literature and vice versa in order to trace a genealogy of colonialism in Canadian domestic violence law, and in specific, trace a genealogy of colonialism in cases employing the “battered woman syndrome” defence. To do so, I move beyond Andrews’ semi-auto/biographical account of Joudrie’s trial in *Be Good, Sweet Maid* to complementary intertexts – including Yvonne Johnson’s *Stolen Life: The Journey of a Cree Woman* (1998) and the precedent-setting case prior to Joudrie’s trial, the ground-breaking 1990 acquittal of Angelique Lavallee in the killing of her abusive common law husband – with the goal of opening up the discussion of patriarchal violence in terms that speak to survival of and resistance to the continuing history of the gendered colonial violence of Canadian laws and literatures.

**Interdisciplinarity: Shoshanna Felman and The Juridical Unconscious**

While Shoshanna Felman recognizes that “a trial and a literary text do not aim at the same kind of conclusion, nor do they strive toward the same kind of effect” (54-55), she is not afraid to destabilize the boundaries that epistemologically define and separate the territory of the law from that of literature. In the *Juridical Unconscious* (2002), Felman takes up the work of
Walter Benjamin on death, which he argues, lends storytellers all their authority, and she extends Benjamin’s literary criticism by asking how trials, in turn, also borrow their authority from death. In answer to this question, Felman articulates surprising links between trauma and justice by placing the texts of Arendt, Benjamin, Freud, Zola, and Tolstoy in conversation with the Dreyfus and Nuremberg trials, as well as the trials of O. J. Simpson and Adolf Eichmann. In making connections between literature and the law, Felman finds that the reconciliation of collective traumas in the twentieth century transformed both culture and law (62). According to Felman, so-called great historical trials are not simply defined by the fact that they attempt to address (and redress) traumas, but also by the ways in which they constitute traumas in their own right (62). In other words, when trauma is confronted in a courtroom, trauma is inadvertently repeated and reenacted. However, Felman does not end her analysis with the recognition of the trial as trauma; she argues that the encounter of law with trauma impacts the structures of the law and transforms legal procedure, which ultimately challenges the commonsensical divisions between the public and the private spheres, between individual and collective traumas.

In *The Juridical Unconscious*, Felman reflects on her methodology, arguing that she blurs the boundaries between law and literature in order to interrogate how the living entities of these two realms – trial and story – relate to one another not as reality to fiction or as empiricism to estheticism, but as two testimonies, “two narratives of trauma, two enigmas of emotional and physical destruction, two human responses to the shock of an unbearable reality of death and pain, and two linguistic acts of cultural and of social intervention” (56). In other words, Felman, in a novel interdisciplinary approach, makes use of the differences (and similarities) between literary and legal goals by reading them across each other and against each other in order to learn
how structures of emotion – for example, trauma and madness – relate to constructions of identities and social categories – such as race and gender – in court cases (57).

Specifically, in the second chapter of *The Juridical Unconscious*, “Forms of Judicial Blindness, or the Evidence of What Cannot Be Seen: Traumatic Narratives and Legal Repetitions in the O.J. Simpson Case and in Tolstoy’s *The Kreutzer Sonata,*” Felman uses literature to inform her analysis of the role that race and collective trauma played in the O.J. Simpson case. Through an interdisciplinary methodology that includes the study of literature, Felman is able to express the “expressionless” (12-13): those structures of feeling and social categories that influence the law but are so often contained and silenced by the law. According to Felman, Benjamin originally coined the term *expressionless* as an innovative literary concept that “essentially links literature and art to the (mute yet powerful) communication of what cannot be said in words” (13). However, Felman diverges slightly from Benjamin’s original conception of the expressionless in that she understands the concept in more humanistic terms. For Felman, the expressionless are

… those whom violence has deprived of expression; those who, on the one hand, have been historically reduced to silence, and who, on the other hand, have been historically made faceless, deprived of their human face – deprived, that is, not only of a language and a voice but even of the mute expression always present in a living human face. (13)

In Felman’s reading, the expressionless “seems to be for the most part another way of accounting for the disempowerment of the traumatized victim” (Minkkenin 82), as the expressionless is a human figure who has been denied humanity – due to gender, race, Indigeneity, sexuality, age,
ability, or other forms of trauma – and is victimized into silence which results in an inability to express humanity (82).

Regarding her methodology, Felman writes that by analyzing legal cases alongside literary works, she gains access to a new model for thinking about legal events – one that recognizes the expressionless – and a new analytic tool that can not only help to rethink the meaning of a legal case, but also “displace the very terms and the very questions through which we interpret cases, both in fiction and in the reality of legal life” (57). For example, using the complementary dimension of literature, Felman is able to consider race in her analysis of the infamous O.J. Simpson trial and is able to communicate how discourses about race, as well as gender, can influence events in the courtroom even while they appear to be absent from legal discourse. She writes:

In the case of the O.J. Simpson trial, the legal system, which initially was summoned to decide a personal case of murder, found itself entangled with, and called to judge, something else. On the side of the prosecution, the issue that made its claim in court became the trauma of abused women, and on the side of the defense, the issue that imposed itself was yet another trauma, here again the massive fact of race: the trauma of being black in America. (4)

Felman’s interdisciplinary methodology allows her to make visible the narratives that emerged over the course of the trial. With the assistance of literature, Felman is able to observe that the opposing stories of the prosecution (about the trauma of a battered, murdered wife) and of the defense (about the trauma of an innocent man accused and “lynched” only by virtue of his race) confronted each other (6). Her analysis identifies the ways in which the private injuries under
dispute gave rise to a highly public legal drama about the “historical (collective) trauma of the persecution, the abuses, the discrimination, the murders … suffered by African Americans, along with and in confrontation with the historical (collective) trauma of the abuses, the humiliations, the murders … suffered by women (and by battered wives)” (6). By reading law through a literary lens, and by enacting what she calls a “decipherment” of the meaning and impact of literary speech in the trial (57), Felman offers a new reading of the O.J. Simpson court case that is informed by an analysis of trauma, but also by an analysis of race and gender.

As discussed in Chapter Two, at some level, Andrews can likewise be seen as doing creative interdisciplinary work when *Be Good, Sweet Maid* is understood as offering a new reading of the Joudrie trial, and of the problematic “battered woman syndrome,” through literature. It may be suggested that Andrews’ selection of epigraphs provides access to the expressionless or to the unacknowledged discourses, emotions, and identities that circulated in the courtroom and media coverage during Joudrie’s trial, as well as providing a detailed analysis of how the “syndrome” relates to Joudrie’s trial. However, as was previously discussed, there are some gaps in the text (and the trial), some silences around race, Indigeneity, and class that are in fact overwritten at times by dominant (read: colonial) discourses about patriarchal violence. And when identifying these silences, tracing the discourses, and thinking about those perspectives that are left out of Joudrie’s story, it is important to consider the implications of a project that depends on absence to make something evident. Often, supplemental texts can make those silences speak more clearly (and ethically), and thus, this chapter introduces further intertexts to expand the conversation to include diverse perspectives.

Andrews’ chosen intertexts speak to a particular educational period and background, and to a particular classed/raced position, and this recognition does support the line of argument
comprising the repetition of colonial narratives in *Be Good Sweet Maid*; nevertheless, considering the exclusionary premises of this feminist text based only on its particular limitations and circumscriptions once again re-centers those gaps. Thus, while employing an interdisciplinary methodology as exemplified by Felman’s analysis of law using tools of literary analysis, I now turn toward complementary intertexts – first, Lavallee’s trial, and second, Johnson’s *Stolen Life* – in order to trace, using literary tools, a history of colonialism and resistance in cases employing the problematic “battered woman syndrome” defence.

**The intertextuality of legal precedent**

Just as Andrews’ *Be Good Sweet Maid* offers an intertextual analysis, Joudrie’s 1995 criminal trial in a Calgary courtroom for attempted murder can also be understood as a referential and intertextual discourse, as Canadian law is self-referential and intertextual in that a courtroom’s decisions and proceedings are based on precedents set in prior cases (Petev 412). According to Stephen Perry, one of the most important potential sources of Canadian common law is precedent, along with legislative enactment and custom (either among the population at large, or among a special group such as the judiciary) (215). Perry offers two ways in which a previous judicial decision might figure in a later decision in such a way that a court could be said to be “following precedent”: one possibility is that “the prior case is regarded as constituting, or as somehow giving rise to, an exclusionary rule”28 (Perry 221), while an alternative conception would regard a court as being bound by a previous decision, itself decided on the basis of a balance of reasons, only until such time as it was convinced

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28 An exclusionary rule is a legal principle which holds that evidence collected or analyzed in violation of the defendant’s constitutional rights is sometimes (based on precedent) inadmissible for a criminal prosecution in a court of law (Perry 222).
both that the balance of reasons had been wrongly assessed on the prior occasion, and
that the correct assessment in fact led to the opposite result. (221)

In other words, a court could not depart from a previous decision “unless it had a positive reason
for doing so” (221). Thus, the doctrine of precedent in Canadian common law is not necessarily a
rule, but rather a set of principles which judges must weigh into the “general balance of
principles” (221) when deciding cases at law. In effect, precedential principles do not “enter into
the balance of reasons by invariably pulling towards a particular result regardless of context, but
rather they affect the assessment of the balance of reasons in a way that varies with what has
been decided by the courts in the past” (Perry 224). Accordingly, not only are legal cases
referential in that prior decisions may directly affect the outcomes of current and future cases,
but also because there is discussion about how to navigate past decisions; namely, precedents are
re-interpreted and re-imagined in court cases and, like epigraphs within creative literary works,
take on new meaning in different contexts.

According to Frederick Schauer, “An argument from precedent seems at first to look
backward … [and] the traditional perspective on precedent has therefore focused on the use of
yesterday’s precedents in today’s decisions” (752). Schauer argues that dealing with the use of
past precedents does require dealing with the presence of the previous decisionmaker’s actions
but, more importantly, it requires dealing with the previous decisionmaker’s words. As Schauer
observes, these “words may themselves have authoritative force, what Ronald Dworkin calls the
‘enactment force of precedent,’ and thus we often find it difficult to disentangle the effect of a
past decision from the effect caused by its accompanying words” (573). As long as the words of
the past reveal deeds of the past, “it remains difficult to isolate how much of the effect of a past
decision is attributable to what a past court has done rather than to what it has said” (573); thus,
there is an element of interpretation and re-imagination in dealing with precedents which speaks to the literary practice of putting texts in conversation with one another in new ways for some new creative purpose. In other words, past decisions and discourses take on novel meanings in the present through an intertextual dialogue.

*R. v. Lavallee and the precedent-setting legal recognition of the “battered woman syndrome”*

In the case of Joudrie, the court’s decision to hear evidence about the impact of the years of abuse that Joudrie suffered at the hands of her estranged husband, Earl Joudrie, was based on the Supreme Court’s ruling in 1990 that expert testimony on the “battered woman syndrome” was admissible in the *R. v. Lavallee* case (Shaffer 1). In 1986, Angelique Lyn Lavallee was charged with the second degree murder of her common law husband of three years, Kevin Rust. That she shot and killed Rust was not disputed at the 1988 trial; instead, Lavallee’s defence argued that she committed the act in self-defence, out of fear of her life (Shaffer 2; Schuller and Yarmey 157). Although Lavallee claimed that she was aiming to shoot over Rust’s head to scare him, she did admit to shooting Rust in the back of the head as he was leaving her bedroom to return to a party going on elsewhere in their house, which clearly presented a difficulty to her self-defence claim (Shaffer 2; Schuller and Yarmey 157). However, according to Martha Shaffer, “What was not clear was whether Lavallee could lead expert evidence of the battering Rust had inflicted upon her in order to support her claim that she acted in self-defence” (2). While the evidence presented at the trial detailed the history of violent abuse that Lavallee experienced during her relationship with Rust and revealed that immediately prior to the

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29 Judge Wilson notes that Lavallee’s relationship with Rust was “volatile and punctuated by frequent arguments and violence” which often occurred several times a week (857). She also notes that between 1983 and 1986, Lavallee made several trips to the hospital for the treatment of injuries resulting from the abuse (857).
shooting Rust had beaten Lavallee and threatened to kill her after the party if she did not kill him first, the fact that Lavallee shot Rust from behind as he was leaving the room arguably did not fall within the traditional doctrine of self-defence.

According to Shaffer, Lavallee relied on the form of self-defence found in section 34(2) of the Criminal Code, which applies where a person intends to cause death or grievous bodily harm when repelling an assault. However, those seeking to claim self-defence under this section “must have acted under a reasonable apprehension of suffering death or grievous bodily harm at the hands of their assailant” (Shaffer 2) and must have believed, on reasonable grounds, “that they could not otherwise preserve themselves from death or grievous bodily harm” (2) – two conditions that create problems when viewing Lavallee’s actions as self-defence. First, it could be argued that Lavallee used violence in anticipation of a future rather than immediate assault, and second, it could be argued that “Lavallee had trouble meeting the requirement that the accused believe, on reasonable grounds, that there was no other way other than to use violence” (3). In other words, the question is not whether Lavallee subjectively believed she had no other options, but whether a “reasonable” person might have seen another course of action.  

Thus, in support of Lavallee’s self-defence claims, two “experts” testified regarding the “battered woman syndrome,” arguing that not only did Lavallee feel that her life was in imminent danger, but also that the so-called syndrome explains her actions in reasonable terms. For example, psychiatrist Dr. Fred Shane provided the following opinion of the evidence:

I think … she felt in the final tragic moment that her life was on the line, that unless she defended herself, unless she reacted in a violent way, that she would die. I mean, he made

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30 It has been proposed that because Rust’s attack on Lavallee was not “imminent,” she could have left the house, called the police, or sought assistance from a guest at the party (Shaffer 3).
it very explicit to her, from what she told me and from the information I have from the material that you forwarded to me, that she had, I think, to defend herself against his violence. (R. v. Lavallee 393)

Dr. Shane argued that because of a history of abuse, “Lavallee was able to sense that a fatal attack was imminent and perceived that her only means of protection was to take Rust’s life first” (Shaffer 5) – a “reasonable” course of action given the effects of prolonged battering (3). Indeed, Dr. Shane suggested that women who experience the “battered woman syndrome” often “feel trapped by, and unable to leave, the relationship” (Shaffer 4) and thus Lavallee was not able to see leaving as a reasonable alternative to striking out against her abuser with deadly force (4-6).

Based on this testimony, Lavallee was acquitted in her original trial, but that verdict was later overturned by the Manitoba Court of Appeal on the grounds that Dr. Shane’s testimony should not have been admitted and that Lavallee’s actions did not constitute self-defence (Shaffer 5). A new trial was ordered, but before it could take place, Lavallee appealed the decision, which forced the Supreme Court of Canada to consider the general issue of the admissibility of “battered woman syndrome” evidence (Schuller and Yarmey 158). In 1990, Justice Bertha Wilson, writing for the Court, overturned the lower court’s ruling and restored Lavallee’s acquittal, arguing that the expert testimony was both “relevant” and “necessary” to the jurors’ understanding of a battered woman’s actions (Schuller and Yarmey 158). She held that expert evidence is often needed when stereotypes and myths are inherent in a lay-person’s reasoning (Shaffer 1). In particular here, women’s experiences and perspectives were deemed relevant to establishing the so-called reasonable person’s standard required for self-defence (1).
As discussed, an argument from precedent frequently looks backward (Schauer 752); however, “precedent is [also] often created with future decisions in mind, and consequently, an argument from precedent looks forward as well, asking us to view today’s decision as a precedent for tomorrow's decisionmakers” (Schauer 572-573). Arguably, Judge Wilson’s decision to uphold Lavallee’s acquittal was made with the intent of influencing future cases in which battered women cause grievous bodily harm or kill their abuser. She writes that

Expert evidence on the psychological effect of battering on wives and common law partners must, it seems to me, be both relevant and necessary in the context of the present case. How can the mental state of the appellant be appreciated without it? The average member of the public (or of the jury) can be forgiven for asking: Why would a woman put up with this kind of treatment? Why should she continue to live with such a man? How could she love a partner who beat her to the point of requiring hospitalization? We would expect the woman to pack her bags and go. Where is her self-respect? Why does she not cut loose and make a new life for herself? Such is the reaction of the average person confronted with the so-called ‘battered wife syndrome.’ We need help to understand it and help is available from trained professionals. (R. v. Lavallee 21)

Although Wilson speaks at first with reference to the Lavallee case in specific, the questions that she subsequently poses may be read as commenting on the general public’s assumptions and stereotypes about the condition of the figure of the battered woman. This reading of her words suggests that Wilson was thinking about how Lavallee’s acquittal would set a precedent for other women in similar situations. Indeed, Wilson further explains that “a woman who comes before a judge or jury with the claim that she has been battered and suggests that this may be a relevant factor in evaluating her subsequent actions still faces the prospect of being condemned by
popular mythology about domestic violence” (22). And Wilson writes that it is her intention to allow expert testimony on the “battered woman syndrome” so that those who believe of a battered woman that “either she was not as badly beaten as she claims or she would have left … or if she was battered that severely, she must have stayed out of some masochistic enjoyment” (22) will have their purportedly common, but mistaken, knowledge corrected.

Wilson may also be understood to have been looking forward in her allowance of Lavallee’s self-defence claim based on section 34(2) of the Criminal Code. The Crown challenged Lavallee’s application of the Code based on two elements as previously discussed: whether there was the expectation of an imminent attack by Rust and whether there were “reasonable” courses of action available other than shooting. Of these two points of contention, Wilson writes:

The feature common to both s. 34(2)(a) and (b) is the imposition of an objective standard of reasonableness on the apprehension of death and the need to repel the assault with deadly force … If it strains credulity to imagine what the “ordinary man” would do in the position of a battered spouse, it is probably because men do not typically find themselves in that situation. Some women do, however. The definition of reasonable must be adapted to circumstances which are, by and large, foreign to the world inhabited by the hypothetical “reasonable man.” (23-24)

By speaking in such general terms, Wilson allows for the possibility that her decisions will applied to future cases in which a woman finds herself in a situation similar to that described above. Evidently, Wilson’s arguments have proven to affect subsequent cases; for example, Joudrie’s trial, which not only included expert witnesses on the topic of the “battered woman
syndrome,” but also ended with Joudrie, like Lavallee, being acquitted even though she was not in imminent danger, *per se*, and more “reasonable” courses of action were potentially available.\(^{31}\)

At the time of Wilson’s groundbreaking ruling, some feminists celebrated the decision as “an example of judicial sensitivity to gender difference” (Shaffer 1), while others critiqued the decision due to concern over potential misuse of the “battered woman syndrome” in the courts (1). The reasons for this concern include the narrow vision of women’s experiences that is frequently presented as the “battered woman syndrome” and the problematic pathologizing tendencies of expert testimony – concerns that will be discussed in greater depth later in the chapter. However, a further consequence of the *R. v. Lavallee* case overlooked in feminist literature is that due to the fact that the defendant, Lavallee, was a Métis woman, her case and subsequent cases employing the “battered woman syndrome” defence are invariably influenced by settler relations entrenched in colonial violence.

**A genealogy of colonialism in the “battered woman syndrome” legal defence**

The role of colonialism in Lavallee’s case is not discussed in much of the feminist literature on the “battered woman syndrome,” and as a result, the continued colonial legacy of this case for subsequent “battered woman syndrome” cases, such as Joudrie’s, goes un-interrogated. In order to make the silences in the literature and the courtroom around race, Indigeneity, and class heard, I turn to a creative life writing (inter)text that documents a case which is not too dissimilar from Lavallee’s – that of Yvonne Johnson, whose story is told in collaboration with author Rudy Wiebe in *Stolen Life: Journey of a Cree Woman*. I do so with the goals of thinking about the role of colonialism in the *R.v Lavallee* trial, which set a precedent

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\(^{31}\) It is important to note that Joudrie did not present self-defence as her formal defence; rather, automatism as a result of a history of abuse was her defence.
regarding expert testimony on the “battered woman syndrome” for subsequent rulings, including Joudrie’s acquittal for attempted murder. Indeed, based on the previous discussion of the law as an intertextual and referential dialogue, the *R. v. Lavallee* trial and Supreme Court ruling may be read as precedent-setting texts that are referenced and cited in succeeding cases, such as Joudrie’s.

**Subaltern silences: Race, Indigeneity, and colonialism in the courtroom**

One of the most obvious gaps or silences in the Lavallee texts that comprise the trial transcript and Supreme Court ruling is the lack of Angelique Lavallee’s own voice. Although Lavallee made a statement to police on the night of the shooting, which was included as evidence in the original trial and reproduced in part in the Supreme Court decision (*R. v. Lavallee* 7), she did not testify in her original trial nor at the Supreme Court appeal. In fact, Lavallee’s version of the story was only conveyed to the courtroom through the testimony of the police officer who took her statement on the night of the shooting (*R. v. Lavallee* 6), through her defence lawyer’s questions and opening/closing statements, and through the testimony of Dr. Shane, whose opinion was based on “four hours of formal interviews with the appellant, a police report of the incident (including the appellant’s statement), hospital reports documenting eight of her visits to emergency departments between 1983 and 1985, and an interview with the appellant’s mother” (*R. v. Lavallee* 10). While it is not possible to know her defence team’s exact reasons for not having Lavallee testify at her own trial, based on Johnson’s account of her murder trial in *Stolen Life* and based on literary criticism of Johnson and Wiebe’s text, it may be surmised that witness “presentability” (i.e. racism in the form of colonial stereotypes of Aboriginal womanhood) played a role; however, Johnson’s (and perhaps Lavallee’s) silence may also be read as protest, as refusal to “give voice” (Rymhs 90) – an act which, according to Rymhs, retains the possibility
of testifying later in a different medium to set the public record straight on their own terms as did
Johnson in Stolen Life (90).

Yvonne Johnson is a Cree-mixed blood woman who served seventeen years of a twenty-
five year prison sentence for first-degree murder. In 1991, Johnson was convicted of murder for
the 1989 death of a Wetaskiwin man whom she and three others\textsuperscript{32} attacked due to the impression
that he was molesting children. As the only Indigenous woman in Canada serving a life sentence
for murder at the time, Johnson spent time as an inmate in Ontario at the Kingston Prison for
Women, in Saskatchewan at the Okimaw Ohci Healing Lodge, and in Alberta at the Edmonton
Institute for Women (Rymhs 89). During her time in Kingston in the early 1990s, she contacted
author Rudy Wiebe, who had written a historiographic work, The Temptations of Big Bear
(1973), about the Plains Cree leader who Johnson claims is her great, great-grandfather (Rymhs
89). Her imprisonment prompted Johnson to appeal to Wiebe to help her write her life story, and
together they collaborated for five years on Stolen Life, a text that was nominated for a Governor
General’s award following publication in 1998.

Due to the fact that the Stolen Life was collaboratively written, the troubled history of the
unequal power relationships in collaborative life writing needs to be considered, especially when
power imbalances in Stolen Life can be further contextualized within debates about appropriation
in Canada regarding non-Native writers writing about Aboriginal cultures (92). As Rymhs
suggests, literary collaborations typically involve a “transaction between a narrating subject who
does not have access to literary or publishing institutions and an editor who is representative of a
more powerful social class” (92). Further, Indigenous writers and critics, such as Lenore

\textsuperscript{32} In Stolen Life, Johnson observes that her co-accused (who identify as white) were not charged with first-degree
murder but with lesser charges including second-degree murder and aggravated assault.
Keeshig-Tobias, have brought attention to the ways in which the appropriation of Native stories and histories by white writers constitutes a form of colonization – she writes that “the people who have control of your stories, control of your voice, also have control of your destiny, your culture” (qtd. in Rymhs 93). Thus, readers of *Stolen Life* need to keep in mind the fact that it is a mediated text – Wiebe is the relay between Johnson and the reader.

Readers need to “keep knowledge of this sense of mediation at the front of their awareness” (93), because not only is Wiebe an established and acclaimed professional writer with access to resources and knowledge of the publishing industry, but he also identifies as a white man who is, in his own words, “exactly the kind of ‘powerful White’ who’s so often created problems for her [Johnson],” an incarcerated Indigenous woman (qtd. in Rymhs 92). Beyond the historical political imbalance between Wiebe and Johnson due to their positionality in terms of race, gender, and class, the physical and ideological limitations of imprisonment also complicate their relationship and their work. However, what Johnson, in part, writes against is the silence that prison attempts to impose upon her, and it was Wiebe whom she reached out to for assistance in overcoming the material and physical constraints that precluded her ability to write from Kingston’s Prison for Women (92-93).

Similar to Lavallee, Johnson did not testify at her trial for the murder of Leonard Charles Skwarok. In *Stolen Life*, Johnson is not encouraged to testify because, according to her lawyer, “Yvonne does not present well, [she] does not look too good” (Wiebe and Johnson 318). Arguably these comments are not simply about “self-presentation” (i.e. grooming or attire) but instead indicate a reluctance to give the courtroom an opportunity to gaze at the defendant and make judgments based on racial stereotypes about Indigenous women. According to Cynthia Kwei Yung Lee, racial stereotypes about members of the defendant’s racial group may influence
jurors and other legal decisionmakers in two ways: through assumptions based on racial stereotypes and through “in-group favouratism” and/or “out-group antagonism” (Lee 372). Of the assumptions that are so often the result of racial stereotypes, Lee writes,

First, many tend to view individuals who belong to particular racial groups in certain ways because of deeply ingrained racial stereotypes. If the victim [defendant] belongs to a racial group whose members are stereotyped as dangerous or violent criminals or gang members, jurors may be more likely to perceive actions of the victim as hostile or violent than if the victim belonged to another racial group. (372)

Thus, it may be suggested that Lavallee, like Johnson, was kept from testifying because of concern on the part of her defence team (explicitly expressed or not) about common and insidious stereotypes about Indigenous women.

Historically, negative images of Aboriginal women emphasized “a failure to conform to Euro-Canadian ideals of feminine domesticity” (Brownlie 177). In Contact Zones, Robin Jarvis Brownlie writes that “Although colonial constructs of Aboriginal women initially included the notion that they were overworked drudges in their own societies, the image was later reversed and First Nations women were reimagined as symbols of idleness” (177), which is exemplified by the stereotype of the “squaw.” According to Brownlie, early images of the “squaw” played into the “preconception that domesticity did not come ‘naturally’ to First Nations women, associated as it was with the settled habits and steady labour that were held to be ‘white’ virtues” (177). And as the stereotype shifted to include the common Euro-Canadian belief that First Nations people had an innate predisposition to “wander” or “roam,” excessive sexual immorality also became associated with the “squaw” (Brownlie 177). Over time, the sexual aspect of the
“squaw” construct arguably became its most prominent feature, and Indigenous women were portrayed in popular culture and in official governmental and religious reports as “depraved figures who embodied indiscriminate sexual contact and immorality” (177) – a stereotype that continues to circulate widely and would likely have been familiar to the jurors in both the Lavallee and Johnson trials. Furthermore, stereotypes such as the “squaw” that mark Indigenous bodies in the eyes of the colonizer are important to consider here, not only because of the ways in which bodies marked as “dirty” are, as Andrea Smith writes, “considered sexually violable and ‘rapable’” (10), but also because stereotypes that “establish the ideology that Native bodies are inherently violable – and by extension, that Native lands are also inherently violable” (Smith 12) – preclude access to a legal system that is already an enforcer and a form of colonial violence (Thobani 36).

Sunera Thobani argues in Exalted Subjects that Canadian law is both a tool of colonial violence and a form of violence itself (36), and she examines “the methods and strategies by which race as law became central to processes of national formation in which the Christian European as civilized subject was exalted over the heathen Aboriginal, fossilized as essentially primal in nature” (13-14). According to Thobani, in the “foundational moment of Canadian nationhood, the British and the French were cast as true subjects of the colony, while the Indian was expelled as the enemy outsider” (13) – a violent dispossession constituted and preserved as “lawful” to this day (13). When Indigenous peoples were fantasized in the “juridical imaginary” (14) as the embodiment of pure lawlessness – which Bonita Lawrence argues was legislated and bureaucratized through the “legal apartheid” that is the Indian Act (32-38) – the national subject, constituted as a juridical subject, was able to “become law-abiding in relation to the Indian” (Thobani 14). Thus, the law can be understood as a tool of colonial violence, because in the case
of the Indian Act, for example, it legitimates the dispossession of Indigenous peoples from their lands and “shape[s] the terrain within which Native identities and subjectivities have been [and are] fashioned” (14). But the law also constitutes a form of colonial violence when the figure of the Indian is “denigrated or pitied as the embodiment of lawlessness and devoid of civilization” (14) in order to delineate the colonizer as law-abiding and lawful.

In fact, Thobani takes up the work of Benjamin, who has “unraveled the liberal conception that infuses all Western national mythologies, including the Canadian one, of law as an objective, reasoned, and consistent system of rule far beyond the primitive use of brute force” (Thobani 35) in order to think about how “the law is integrally and intimately connected to violence and power” (35). According to Benjamin, “Lawmaking is power-making, assumption of power, and to that extent an immediate manifestation of violence” (qtd. in Thobani 35-36), and thus law cannot be created or preserved in the absence of violence (36). Benjamin writes that

The function of violence in juridical creation is two-fold, in the sense that lawmaking pursues as its end, with violence as its means, what is to be established as law, but at the moment of its installment does not depose violence; rather, at this very point of lawmaking and in the name of power, it specifically establishes as law not an end immune and independent from violence, but one necessarily and intimately bound up with it. (qtd. in Thobani 36)

Ultimately, the maintenance of law depends on the maintenance of violence, especially in a colonial world, which is a “world divided” (38) between “a world of law, privilege, access to wealth, status, and power for the settler … and a world defined in law as being ‘lawless,’ a world of poverty, squalor, and death for the native” (38). And in Canada, it is through this fictional
category of the seemingly lawless “Indian” – a category that attempts to subsume and erase the many Indigenous nations, such as the Mohawk, the Cree, and the Salish, which pre-existed European contact – that the sovereign colonial power is institutionalized (38).

In light of Thobani’s reading of Canadian law, the question of why Lavallee (or Johnson) did not testify in court seems unproductive. Rather, the question becomes: why would Lavallee testify in the context of an already violently colonial legal system when, as an Indigenous woman accused of killing her common law husband and who will therefore not be seen by the jury as having or even being entitled to bodily integrity as a result of her “lawless actions” and as a result of the stereotype of the “squaw” (Smith 10), her integrity as a witness will be violently questioned and dismissed? Silence, in the case of Lavallee or Johnson, should not simply be read as a strategy to avoid making a “bad” impression on a jury in the hope of obtaining a “good” verdict; silence, in the cases of Lavallee and Johnson might alternatively be read as a refusal to participate in the colonial legal system, a refusal to give voice in the context of the violent courtroom (Rymhs 90). In fact, the extent of choice or volition on the part of Lavallee, Johnson, or Joudrie may never be known.

Second, Lee argues that it is often difficult for defendants to testify when members of society (and of a jury) tend to value people who are similar to themselves more than those who are different from them (372), a phenomenon described in legal discourse as “in-group favouritism” and/or “out-group antagonism” (372). In regard to Stolen Life, Manina Jones writes of Johnson’s “decision” to not testify that

as a racially identified subaltern subject, Johnson is, effectively, not representable in the official order of the court’s reality, except as Other: as the judge’s remarks to the all-
white jury put it, ‘In this case, you are exposed to people who are obviously very
different from you and me. That’s reality.’ (215)

Or, as a lawyer that Wiebe interviews in Stolen Life puts it, “They don’t really teach you in law
school how to represent abused women, or a raped child” (312). As a result, evidence concerning
Johnson’s personal history – which apparently marks her as different from her presumably white
middle class jury – was never introduced during her trial, “even though her lifelong background
of abuse was certainly a mitigating factor in her participation in Skwarok’s death” (Jones 215).
In the end, Johnson must depend on the belated telling of her story in Stolen Life for an unofficial
hearing of her perspective (Jones 215). And while Lavallee’s history of abuse was entered into
evidence through the ground-breaking allowance of expert testimony on the “battered woman
syndrome,” her own voice was similarly not heard in the courtroom, and her position as a Métis
woman was not officially considered by the court, perhaps in an effort to minimize the effects of
“out-group antagonism” on the part of her defence team.

Sherene Razack, in Looking White People in the Eye, suggests that Canadian Native
women in prisons have often wondered “if Aboriginal women’s stories of oppression are even
‘translatable’ for the court’s benefit” (40). According to Razack, “the stories of their lives are
stories of oppression and they are largely being told to individuals who are members of the
dominant group – mostly white men of the middle class and now, increasingly, white women of
the middle class” (40). How will these stories be received in the courtroom? How will “in-group
favouratism” or “out-group antagonism” bias a jury when so-called difference is exposed? In
answer to these questions, critical legal theorists, such as Patricia Monture “continue to assert
that law is a system of privilege and that, as a result, certain individuals have impaired access to
equality, benefit of, and protection by law” (197-198). Historically, the law has created racialized
subjects and has facilitated the acquisition of power by an elite few, a fact “that is not discussed by courts and is rarely part of a legal argument” (qtd. in Monture 198). As a result, law and order are not neutral concepts, but are often spheres of “male activity and racial bias … that create multiple patterns of exclusion” (197). Thus, a lawyer’s inability to translate the stories of the subaltern or a jury’s failure to understand those stories are perhaps not simply matters of “difference” as Lee suggests, but are consequences of and contributors to a structural and systemic pattern of “legal subordination” (200) that ultimately supports the sovereignty of the settler colonial state.

According to Razack, defendants such as Lavallee and Johnson do not speak at their trials because “legal rules and conventions suppress the stories of outsider groups” (38). The fiction of the objectivity of the law, for example, obscures the fact that “key players in the legal system have tended to share a conceptual scheme” (38). Razack gives the example of how

...judges who do not see the harm of rape or of racist speech are considered to be simply interpreting what is before them. They are not seen to possess norms and values that derive directly from their social location and that are sustained by such practices as considering individuals outside of their social contexts. Stories of members of marginalized groups must therefore ‘reveal’ things about the world that we ought to know. (Razack 38)

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33 Gayatri Chakravorty Spivak argues that: “Subaltern is not just a classy word for oppressed, for Other, for somebody who's not getting a piece of the pie....In postcolonial terms, everything that has limited or no access to the cultural imperialism is subaltern – a space of difference. Now who would say that’s just the oppressed? The working class is oppressed. It’s not subaltern....Many people want to claim subalternity. They are the least interesting and the most dangerous. I mean, just by being a discriminated-against minority on the university campus, they don't need the word ‘subaltern’...They should see what the mechanics of the discrimination are. They’re within the hegemonic discourse wanting a piece of the pie and not being allowed, so let them speak, use the hegemonic discourse. They should not call themselves subaltern” (de Kock 46).
And this fiction of objectivity works to silence the subaltern when the onus is on the “victim” (read: defendant) to “bear the burden of proof of discrimination and … shape representations of what their life experiences are” (Monture 202), while also contending with the court’s denial of holding preconceived notions or stereotypes about the defendant. Indeed, Rymhs states that Johnson did not testify at her trial, in part, because her jury had already judged her: “Johnson maintains that she was represented before a word was spoken” (90).

Similarly, Lavallee may have declined to testify due to worries about the harmful preconceptions of the jury and judge; however, there was also risk in not testifying. Following Dr. Shane’s testimony and cross-examination in Lavallee’s murder trial, the Crown brought an application to have the expert evidence on the “battered woman syndrome” dismissed. Thus, on one level, Lavallee was spoken for by two male authority figures – the presumably white male authority figures of the police officer and the psychiatrist. But on another level, their versions of the incident (which were favourable for Lavallee’s defence claims), were simultaneously dismissed by the Crown as “hearsay” precisely because Lavallee had failed to testify in person – a no-win situation for Lavallee. According to Maria L. Ontiveros, an out-of-court statement that is offered to prove the “truth” of the matter asserted is considered “hearsay” in evidence law and may not be admitted into evidence to be considered by the jury (339). Apparently, the rules bar “hearsay” as unreliable, because the person who made the statement is not testifying in court, under oath, or subject to cross-examination (339). Nevertheless, it does seem ironic that an attempt on the part of Lavallee’s defence team to avoid giving a “bad” impression would do that very thing. The forfeited testimony left a void to be filled with any number of assumptions or concerns, and by leaving herself to be represented by “credible” witnesses and “experts,”
Lavallee inadvertently left herself to be read by the prosecution as being unable to provide credible testimony.

According to Michael Antonio and Nicole Arone’s study of the effects of testimony on juries’ perceptions of defendants, an accused’s failure to testify “affirmatively raises the jurors’ probability assessment of guilt from the baseline level” (60). No matter how vigorously the court instructs the jurors not to take into account a failure to testify on the part of the defendant, they are almost certain to do so (60). Similarly, Supreme Court Justice Potter Stewart opined:

… whenever in a jury trial a defendant exercises this constitutional right, the members of the jury are bound to draw inferences from his [sic] silence. No constitution can prevent the operation of the human mind ... [and] the danger exists that the inferences drawn by the jury may be unfairly broad. (qtd. in Antoni and Arone 60)

Therefore, it seems that the courtroom would have reacted infavourably, regardless of whether Lavallee testified or not. Like Antonio and Arone suggest, Lavallee was damned if she did testify and damned if she did not (60).

In leaving the task of testifying to “credible” witnesses and “experts,” whose words, in turn, were open to dismissal from the official record of the trial, Lavallee herself became vulnerable to being erased from legal proceedings and being cast out from the law. The reference to Razack’s work, Casting Out: The Eviction of Muslims from Western Law and Politics, is intentional here, as it is important to think about how the rule of law turns on a logic that normative citizens must be protected from those who threaten the social order, which Razack argues is a category “to which race gives content” (Casting Out 24).34 In fact, according to

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34 A further connection can be drawn here between the maintenance of social order and Foucault’s concept of biopower, which Razack’s work utilizes in conjunction with Agamben’s adaptation and extension of the theory. A
Razack, those who consider themselves “unmarked” or “original” easily find the use of law (or conversely, the suspension of the law) to maintain social order defensible and necessary, precisely because racial hierarchies are maintained in turn (24). Not only did Lavallee not testify at her own trial, but the potential exclusion of “expert” testimony was also understood by the court as an acceptable means of maintaining social order; and similarly, Johnson’s failure to testify and the exclusion of her history of abuse from evidence were not identified publicly as potential miscarriages of justice until *Stolen Life* was published.

Thus, it could be argued that efforts were made to exclude (or *cast out*) discussions of race and Indigeneity from the discourse of the courtroom in order to maintain (racialized) social order, which takes on a particular meaning when Andrea Smith argues that “‘Whiteness’ operates differently under a logic of genocide” (71). According to Smith, “because American Indians have been valued for the land base they occupy … it is in the interest of the dominant society to have as few people marked ‘Indian’ as possible, facilitating access to Native lands” (*Three Pillars* 71). While the conviction of Lavallee or Johnson may not have lead directly to increased access to land on the part of the settler colonial state, the court’s refusal to explicitly recognize their statuses and experiences as Indigenous women finds precedent in legislature such as the Indian Act.

It is important to note that both the Lavallee and Johnson cases occurred shortly after the 1985 changes to the Canadian Indian Act brought about by the work of Indigenous women activists such as Shirley Bear, Sandra Lovelace, and the Tobique Women’s Group. Prior to 1985, the federal legislation known as the Indian Act, which “governs the day to day lives of … aboriginal people” (Bear 198) and which “defines and controls Indianness” (Lawrence 1),

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discussion the state’s interest in maintaining social order, biopower, and the “state of exception” will be detailed in greater depth in Chapter Four.
determined “Indian status” through a patrilineal system; that is, by a “person’s relationship to a male person who is a direct descendant in the male line of a male person” (Bear 198). This meant that when a “woman born of ‘Indian Status’ married a non-status man, even a non-status Native or Métis man, she lost her original status permanently” (198). Conversely, when a non-status woman married a status man, status was conferred. In June of 1985, the Canadian Parliament passed Bill C-31, “ending more than 100 years of legislated sexual discrimination against Native Indian women” (199) that led to incalculable financial, cultural, and personal loss, as well as genocide in that somewhere between one and two million people were lost to their nations (Lawrence 54-55). Despite the changes to the oppressive Indian Act legislation, the subsequent trials of Johnson and Lavallee continue to raise questions about how the state negotiates discussions of Indigenous women’s identity post-Bill C-31. Lavallee was arrested in 1986 for the murder of Rust and the Supreme Court decision on her acquittal came in 1990, while Johnson was found guilty in 1991 of the 1989 death of Skwarok, and in both cases race and Indigeneity were ignored in ways that speak to the state’s continued investment in defining so-called Indian status through the law.

Race and the “reasonable person”

However, the erasure of race and racism from the law “can also be explained in terms of the law’s preoccupation with the ‘reasonable person’” (Jiwani 77). According to Yasmin Jiwani, “justice has to be seen to be done in a manner that makes sense to the ‘reasonable person’” (77); thus, the question becomes one of defining the characteristics and borders of the “reasonable person.” Traditionally, “the reasonable person is assumed to be without age, gender, or race” (77); but this universal figure is, of course, like no one we know or can recognize. As a result, “it can be argued that the universal reasonable person is constructed from a white, male, middle-
class perspective” (Jiwani 77). As was discussed in Chapter Two, much has been written about the “reasonable person” test from a feminist standpoint, and Joudrie clearly challenged the standards of “reasonable” by including expert testimony on the “battered woman syndrome” in her attempted murder trial. Evidently, her acquittal was based on the precedent set in the *R. v. Lavallee* case, in which the Supreme Court of Canada acknowledged the “androcentric nature of the reasonable person and argued for the inclusion of a gendered perspective (albeit through ‘expert’ testimony on the ‘battered woman syndrome,’ which is often in the form of a white male psychologist’s view of women’s experiences with violence)” (77). While it is important to affirm and explore this perspective, it is also important to consider race. In the case of Lavallee, race was erased – concepts of race and racism, Indigeneity and colonialism, did not even enter in the discussion (77).

According to Carol Aylward, the “invisibility” of Canadian racism and its impact on the law is also illustrated in the work of many white Canadian feminist scholars producing mainstream feminist analysis of the “substance and the procedure of criminal law” (47). Aylward gives the example of “Forum on *Lavallee v. R.*: Women and Self-Defence” (1991), organized by Christine Boyle and others with the goal of providing a feminist critique of the Supreme Court of Canada’s decision on *R. v. Lavallee* (46). Aylward remarks that “these feminist writers note that the Supreme Court of Canada decision changes the configuration of the self-defence doctrine and recognizes that legal doctrines (such as reasonableness) have been historically based on a male model and therefore may not meet the needs of women” (46). However, in arguing that the adoption by the Supreme Court of Canada of a “reasonable battered woman” standard for self-defence is a demonstration of “the Court’s openness which may have benefits and costs for women” (qtd. in Aylward 47), they neglect to consider how the “reasonable person” standard
was not just based on a male model but also on a white male model (Aylward 47). Thus, a further way in which the Lavallee trial and subsequent Supreme Court ruling may be viewed as giving rise to domestic violence laws that are rooted in colonialism is that although the standard of the “reasonable person” was revealed by feminist writers to have failed to meet the needs of white women, the realities of women and men of colour continue to be ignored, since Lavallee’s case did not address the issues of race, racism, Indigeneity, and colonialism, even though she identified as a Métis woman. And, it is important to note, this failure continues to be a major problem for the forward motion of feminism.

The exclusion of the “expressionless”

As Razack indicates, violence against Aboriginal women “cannot be understood except through the lens of the devastation that colonization has wrought on Aboriginal peoples, and particularly the breakdown of traditional social systems which has destroyed a sense of self in the community” (Looking 64). She argues that one of the problems of legal discourse’s attempts to come to terms with violence in Aboriginal communities and violence against Indigenous women more generally is its “insistence on empirical facts, often reduced to depersonalized statistical claims, and its inability to sustain personal storytelling as credible, or even relevant, testimony” (Jones 215). According to Razack, law relies on a positivist conception of knowledge; in other words, “there is a straight line between the knower and the known” (Razack 37). Judges and juries are meant to “discover” the single, objective truth of a matter from the array of information put before them by various parties, and in the process of finding this “truth,” “Reason features prominently and emotion is ruthlessly banished” (37). As a result, not only did Lavallee experience (gendered) colonial violence as physical violence throughout her life, but again in her trial through the erasure of what Felman calls the “expressionless.”
As previously discussed, with the use of an interdisciplinary methodology that includes the study of literature, Felman aims to express the expressionless (12-13): those structures of feeling and social categories that influence the law but are so often contained and silenced by the law. For Felman, the expressionless are “those whom violence has deprived of expression … [and] those who have been historically made faceless” (13) by the law. In Felman’s work, the expressionless is “another way of accounting for the disempowerment of the traumatized victim” (Minkkenin 82), as she understands the expressionless as those experiences which are not translatable for the court, but also as a human figure who has been denied humanity – due to gender, race, Indigeneity, sexuality, age, ability, or other forms of trauma – and is victimized into silence which results in an inability to voice their humanity to dominant society through recognized legal channels (82). And although Lavallee’s experiences of domestic violence were deemed to be relevant to her trial, it may also be argued that those experiences may not have been articulated fully and that other experiences and structures of feeling, such as those relating to racism and colonial violence, were excluded completely.

Therefore, according to Razack, using storytelling as a form of testimony in cases such as Lavallee’s, or in law more generally, would be an act of resistance (37). Razack writes that the purpose of storytelling “is to interrogate the space between the knower and the thing known; its function is one of putting the context back into law” (37). Storytelling is a theoretical attention to narrative, a recognition and expression of the expressionless, and “an interrogation of how courts come to convert information into fact, how judges, juries and lawyers come to ‘objectively’ know the truth” (37). And Razack proposes storytelling as a methodology in the context of law that could provide a possible solution to “the problem of the dominant group’s refusal to examine its own complicity in oppressing others” (40). For example, contributing to a denial of
accountability is the law’s positivist approach, which requires women to provide empirical proof of inequality and “can lead very quickly into dichotomies and generalizations about women as a group that make it difficult to describe the intersections of race, class, gender, sexuality, and disability” (40). The court typically views a woman’s daily life experiences through a prism of gender, “uncontaminated by race, class, disability, or sexual orientation … so that differences among women fit awkwardly into the story” (40). When gender is constructed in its “pure” form, that is, “uncontaminated by race or class or culture” (40), a woman remains the “old, autonomous liberal self, only female” (40); and as a consequence, she remains another abstraction to which accountability is not required (41).

According to Monture, “colour blindness is assumed in written laws and by many legal decision-makers, such as judges” (201), because the presumption is that racism is not a factor unless specific indicators are present, and to acknowledge the impact of race without specific evidence would be a violation of legal processes (201). Monture makes the point that considering that “Canadian law owes its origins to a system of law by, for, and about white men … Law neither takes into account nor accurately reflects the lived experiences of the ‘Other’ until those conditions are demonstrated to the court” (201). As a result, “the lived and self-evident experiences of racialized persons who know that race matters … are turned inside out” (201). Thus, Razack suggests storytelling as a means to insert accountability into the court through recognition of those structures of feeling and experiences that differentiate women.

However, “One wonders,” Razack writes, “if there are in fact any narratives upon which to draw to explain both sexual violence and colonial violence as they occur simultaneously on the same bodies” (Looking 65). According to Jones, Stolen Life is one such narrative. As previously mentioned, Johnson’s (and Lavallee’s) silence may be read as an act of protest against
the unaccountable positivist approach of the court (Rymhs 90). In the case of Johnson, her refusal to “give voice” was an act which, according to Rymhs, not only opposed the court’s tendency to search for a single “truth,” but also retained the possibility of future testimony on her own terms (90). Indeed, in *Stolen Life*, the auto/biography functions as an “interruption of official legal discourse that operates as a kind of appeal, a hearing beyond the boundaries of the courts per se” (Jones 216). As Jones argues, “In ways that are unaccounted for in her trial, Johnson’s autobiography implies that her personal story of abuse is tied up in her crime at the same time as colonial history is implicated in her own history of violence and abuse, her legal trial and sentencing” (216). *Stolen Life* picks up from where her silence left off and fills in for her missing testimony in ways that account for the expressionless beyond what the formalities of the court could accommodate.

When read as an intertext to Lavallee’s case (as well as a complementary intertext to Andrews’ semi-auto/biographical account of Joudrie’s life and trial), Johnson’s text offers access to the expressionless and speaks to the possibilities of storytelling as testimony, not only in terms of confession, but also as protestation (Rymhs 91). According to Rymhs, testimony has acquired specific meaning within a number of critical contexts, such as Holocaust accounts, illness narratives, Latin American documentary literature, and truth and reconciliation commissions in Canada and internationally, in ways that move the term beyond its strictly legal sense (91). Felman has documented the “psychoanalytical, literary, and historical dimensions of testimony that make it a germane mode for bearing witness to trauma” (Rymhs 91), and she suggests that the merging of therapeutic and historical discourses is a key function of testimony, and particularly, literary testimony (91). And Johnson’s text, which reflects on both individual
experiences of trauma and the larger, collective experience of colonization, transcends testimony’s “legalistic definition to bear witness to injustice” (91) through storytelling.35

Colonial implications of the “battered woman syndrome” defence

This chapter has thus far examined how colonial relationships entered into the \textit{R. v. Lavallee} case which set the ground-breaking legal precedent to include evidence of wife battering for the purpose of self-defence. I now turn to imagining how, as a result, colonial relationships have continued to shape subsequent cases employing the “battered woman syndrome” defence, including Joudrie’s. As previously discussed, “precedent is the process that forces law to look backward” (Monture 198) and “it is argued that rules of the past need to be brought into the present to maintain consistency in decision-making” (198). However, according to Monture,

\begin{quote}
As precedent is rooted in a history of decision-making in which women were not legal persons, when chattel slavery was enforced by the courts, an Indigenous peoples’ cultural practices outlawed and their land confiscated, law can be viewed as a means by which inequalities established in earlier time periods persist in the present. (198)
\end{quote}

Due to the fact that Lavallee’s case is held up in legal discourse and feminist studies as a precedent-setting case, it is important to not only consider how colonialism influenced the proceedings and outcome in Lavallee’s case, but also consider the role that colonialism played and continues to play in cases, such as Joudrie’s, that follow the 1990 Supreme Court ruling that formally recognized the “reasonable battered woman.”

35 As previously discussed, it is important to again note that like \textit{Be Good, Sweet Maid}, there is a second party involved in transmitting the testimony. Johnson reconstructs traumatic experiences and transmits them to Wiebe, who, according to Rymhs, acts as a witness to her trauma (91).
Scholars such as Shaffer have identified the ways in which the “battered woman syndrome” can be a “double-edged sword” for those who use it as a defence (6). On one hand, expert testimony on the “battered woman syndrome” defence is recognized by feminists as essential in securing fair trials for women accused of assaulting or murdering abusive partners; however, on the other hand, relying on a “syndrome” to explain women’s behaviour to the courts is problematic on many levels (8). First, Shaffer suggests that by implying that “women who stay in abusive relationships [are] ‘afflicted’ with a ‘syndrome’ – a word usually associated with a disease or disorder – battered woman’s syndrome threaten[s] to portray battered women as dysfunctional and to undermine the claim to being rational and reasonable actors” (9). The “battered woman syndrome” risks depicting women as dysfunctional or as suffering from a disorder because it attempts to “provide a psychological explanation for the ‘failure’ of women to leave violent relationships” (9) and represents “battered women as psychologically damaged individuals whose perceptions [do] not necessarily correspond to reality” (10). Indeed, the “syndrome” implies that women remain in abusive relationships because they are too “damaged” to react in “normal” ways (11).

Another lingering issue has to do with the narrowness of “battered woman syndrome” testimony that draws on Lenore Walker’s works (Tang 625). Kwong-Leung Tang contends that the psychological realities of battered women “do not fit a singular profile” (625); rather, psychological reactions of battered women are highly diverse and complex (625). One could, in fact, identify a range of traumatic reactions described in the scientific literature, and thus, an understanding of the “battered woman syndrome” should not be limited to an examination of learned helplessness as originally proposed by Walker (Tang 625). Shaffer also identifies the ways in which the narrowness of “battered woman syndrome” defense can fail women and, in
particular, women who do not conform to the court’s limited vision of a “battered woman.” In addition to carefully documenting how the reliance on a syndrome to explain women’s behaviour is problematic in that it pathologizes women (8), Shaffer also details how women who fall outside the narrow stereotype of the “authentic” battered woman, which is established through the requirement that women exhibit a specific set of clinical traits, are prevented from making legitimate use of the defense (Shaffer 9). For example, according to Shaffer, however problematic the “syndrome” defense may be, women who have “alcohol or drug problems, who use profane language, or who are involved in illegal activities may have less success using the battered woman syndrome, not because their self-defense claims are less valid, but because juries may be less likely to see them as deserving battered wives” (14). Furthermore, Shaffer recognizes that these stereotypes may work more harshly against women of colour, Aboriginal women, and working class women.

Tang similarly questions how “battered woman syndrome” testimony is applied to marginalized women (624). Again, he suggests that the “reasonable person” model as expounded by many feminists is based on white women and fails to acknowledge the realities of women of colour (624). According to Tang, in the U.S. literature there have been studies showing that the “weak, passive” stereotype painted by the “battered woman syndrome” has been “ill fitting for women of color [sic] who have been contrarily stereotyped as strong and aggressive” (Tang 624). Earlier I took up Thobani’s work in *Exalted Subjects* on the early exile of Indigenous law from settler civilizationalism by association with the “primitive” (55). Historically, colonial discourse on the “squaw” was closely intertwined with false projections of brutality towards white settler women (and men) by Indigenous women, as well as with the seemingly inherent “primitive” status of Indigenous women that variously appeared to be the source of a dangerous
sexual force and/or a victimized object (i.e. the “squaw”). Such an analysis is relevant again, because discourses about the “primitive” sexuality of Indigenous women continue to circulate when “the more a woman departs from an ideal of virtuous womanhood, the more difficult it is to convince jurors that she was a ‘helpless’ ‘victim’ of abuse” (Shaffer 14).

Moreover, race and racism matter, Tang argues, when it comes to the battering of women and the “battered woman syndrome,” because research has shown that women of colour are more likely to experience such violence (624). A discussion of the historically present colonial organization of the law, and specifically, of the “battered woman syndrome” defence, is not simply an exercise in theoretical questions, but should be grounded in the knowledge that in Canada, there are more than five hundred missing Aboriginal women, and Aboriginal women are almost three times as likely as non-Aboriginal women to report being a victim of spousal violence as well as being more likely to report that they have feared for their life or that they had been injured as a result of the violence (Perreault 5).

Smith writes in Conquest that women of colour “live in the dangerous intersections of gender and race” (1) where survivors of sexual or domestic abuse are told to pit themselves against their communities (which are often portrayed stereotypically as violent), and where communities of colour often recommend silence about sexual and domestic violence in order to “maintain a united front against racism” (1). As a result, Smith argues, “the analysis of and strategies for addressing gender violence have failed to address the manner in which gender violence is not simply a tool of patriarchal control, but also serves as a tool of racism and colonialism” (1). In Smith’s words, “colonial relationships are themselves gendered and sexualized” (1); thus, any examination of sexual and domestic violence, and the laws

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36 I borrow Katherine McKittick’s term from Demonic Grounds, “historical present,” to indicate the continuing legacy of colonialism in Canadian law (xxxi).
surrounding such violence, would be seriously remiss to ignore the fact that gendered and patriarchal violence “serve the goals of colonialism” (3), that colonialism shapes understandings of and definitions of gendered and patriarchal violence, and that colonialism is present in the strategies and laws that are put into place to eradicate sexual and domestic violence.

I am not suggesting that colonialism is unchanging and unopposed, but rather, as Katherine McKittrick argues, it is a legacy – for both Indigenous peoples and settlers – “that carries with it living effects, seething and lingering, of what seems over with” (*Demonic* xvii). Colonialism occupies what McKittrick calls a “past-present existence” (*Blood* 2) in which the legacy of historical traumas, as well as the recent and ongoing traumas of genocide and dispossession, underwrite how the law in Canada has come to be understood. The history of colonialism (as well as the continuing story) haunts the present, or, in other words, colonialism has a *historical presence* in the courtroom when the “battered woman syndrome” defence is deployed. Thus, colonialism is *historically present*, even in cases such as Joudrie’s where race or Indigeneity are not acknowledged as influential factors or where the defence does not bring forward racism or colonialism as issues to be considered by the court, because precedent ensures that colonial frameworks and discourses persist. Indeed, colonialism has an “absent presence” (*Demonic* xxv) in the law in that it affects the law but is not named.

In the end, from this literary analysis of post-Lavallée cases emerges a feminist and anti-colonial genealogy of the relationship between colonialism and the “battered woman syndrome” defence. In *Gender Trouble*, Judith Butler writes that “a genealogical critique refuses to search for origins … rather, genealogy investigates the political stakes in designating as an origin and cause those identity categories that are in fact the effects of institutions, practices, and discoursers with multiple and diffuse points of origin” (xxxi). Thus, it seems that while
Lavallee’s case may be identified as the origin of a formalized and institutionalized “battered woman syndrome” defence that is informed by colonial relationships, ultimately, the decisions made in regards to Lavallee simply embody colonial discourses that existed prior to the court case. In other words, the Lavallee case, when read as an intertext within a lineage of prior and subsequent legal decisions that are tied to colonial conquest, is not simply a significant turning point for Canadian battered women who kill and their advocates, but also a troubling (but silenced) flashpoint for Indigenous women that reveals how “antiviolence organizing often coincides with both state-driven mandates and within colonial and white supremacist logics” (Smith Native Americans 126), and which calls into question the implicit assumption that the “battered woman syndrome” is “progressive.”

However, the use of a literary lens to read selected intertexts such as Lavallee’s trial and Johnson’s Stolen Life also reveals survival of and resistance to colonialism, not only in the appropriation of the “battered woman syndrome” defence by defendants such as Lavallee, but also in the silences and in the subversion of traditional applications and forms of both testimony and auto/biography. Johnson, in particular, authors “representations of the self and trauma that refuse the deformations of legalistic demands” (qtd. in Rymhs 105), which in turn, refuses the court’s version of her story. As Rymhs argues, “Johnson and Wiebe manage the narrative in a way that allows her to circumvent the constraints that the law places upon self-representation … [and] in doing so, they successfully structure an ‘alternate hearing:’ one that resists legal scrutiny and the singular judgment it imparts” (106). Thus, the interdisciplinary methodology proposed by Sandoval, which includes the dissolution of the boundaries that divide theoretical domains, such as those that delineate literature and the law, may not only be used for the purpose of making visible the colonial structures that support and are supported by the law, but also for
making visible the acts of resistance and decolonization that are taking place within and between literature and the law.
Chapter Four

*Auto/bio/ethics and the Violent Potential of Language: The Corporeal Realities of Representations of Dorothy Joudrie*

Although issues of literary ethics may arise in any number of genres, ethical dilemmas are often inherent in life writing, and particularly collaborative life writing, in ways that are peculiar to it (Couser 34). According to Thomas Couser, “with fiction, drama, and poetry, ethical criticism is usually concerned with questions of meaning and of reception: in the simplest terms, does the text have beneficial or harmful effects on its audience?” (34). Meanwhile, nonfiction texts generally, and life writing texts more specifically, raise other ethical concerns and questions in regard to the writing process, power imbalances, and accountability: What right does the author have to the stories of lives that are not her/his own? What is the author’s position in relation to those whose lives are documented? “What are the author’s responsibilities to those whose lives are used as ‘material’? What are the author’s responsibilities to others whose labour is exploited to make the work of art possible? What are the author’s responsibilities to truth?” (34). Ethical issues, which “begin with the production of the narrative and extend to the relation of the text to the historical record of which it forms a part” (34), are particularly acute in collaborative auto/biography, such Johnson’s *Stolen life*, and in semi-autobiographical texts, such as Andrews’ *Be Good, Sweet Maid*, because although the process by which the text is produced is (to different extents) dialogical, the product is (typically) monolithic. And as Couser observes in *Vulnerable Subjects*, “the single narrative voice – a simulation by one person of the voice of another – is always in danger of breaking, exposing conflicts not [necessarily] manifest in solo biography” (35), such as power imbalances, appropriation, and privacy concerns.

While collaborative life writing texts increasingly include accounts of the processes that produce them, or what Paul John Eakin calls “the story of the story” (*How our lives* 59), there
remains the potential for ethical missteps, not only in regard to the experiences and relationships of those involved in the writing process, but also in regard to the experiences and relationships of those whose lives are represented in textual form – and, the fact that the end product is a life story, raises the stakes, at least for the so-called subject(s). Couser suggests that “the vast majority of collaborative life stories involve partnerships that are voluntary, amicable, and mutually beneficial … [but] there are thin and not always clear lines between making, taking, and faking the life of another person in print” (36). According to Couser, co-authoring (or authoring) another’s life can be

a creative or destructive act, a service or a disservice, an homage or an appropriation … and the potential for abuse lies partly in something the term [collaborative life writing] itself tends to elide: that is, the process, through cooperation, does not usually involve collaborative writing … Rather, ethical difficulties arise from the disparity between the contributions of the two partners … one member [usually] supplies the “life” while the other provides the “writing.” (36)

As was previously discussed in Chapter Three, the inherent disparity between the partners’ contributions may be further complicated by an imbalance of power between them, as collaborative relations can involve partners whose relation is hierarchized by some difference in race, culture, gender, sexuality, age, class, ability, religion, nationality, language, or geographical/physical location (37).

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37 Couser makes the important point that “writing” should, however, not be taken too literally: “as contemporary rhetorical theory insists, in some sense the entire process of composition, from initiation and invention to copyediting is ‘writing’” (37). Furthermore, the “writer” should not be viewed as entirely dependent on the subject for the “story,” as according to Couser, “most writers are drawn to their subjects by previous knowledge of them, and most supplement interviews with independent research” (36). A final caveat is that “form” should not be exclusively identified with “writing” and “content” with “life,” as “writing” does affect the “content,” and, according to Couser, “any mediation carries its own messages” (36).
For example, Rudy Wiebe and Yvonne Johnson find their collaborative writing process for *Stolen Life* complicated by not only a history of colonialism and the cultural appropriation of Indigenous stories by non-Native writers, but also by the physical barrier of the prison walls of the Kingston Prison for Women and the isolation and lack of access to resources that incarceration entails. Meanwhile, Audrey Andrews’ text, *Be Good, Sweet Maid*, presents a slightly different set of ethical dilemmas in that Andrews does not collaborate with Dorothy Joudrie (although they did meet to discuss Andrews’ book briefly after the trial), but instead writes a *personal* account of witnessing Joudrie’s trial, researching Joudrie’s life, reflecting on their childhood relationship, thinking through the media’s representation of Joudrie, and investigating Joudrie’s experience of being incarcerated in a mental health facility following her acquittal for the shooting of her estranged husband. Although Andrews’ text does not necessarily present a “monolithic” narrative due to the fact that, as discussed in Chapter Two, Andrews uses epigraphs and court transcripts to add multiple voices and perspectives to the narrative, on the basis that Andrews does not consult or gain consent from Joudrie (to any meaningful extent), it seems prudent to query whether Andrews accounts for her position, her privilege, and the power that she holds in her access to and publication of intimate (and potentially private) knowledge of Joudrie’s family life and troubles.

Up until this point, I have utilized a literary lens, and specifically, I have used the life writing texts of Johnson and Andrews as mediums, to consider gender violence (in the form of domestic violence and the colonial violence of Canadian domestic violence laws). This chapter considers the connections between literary and lived culture, but also reverses the lens and considers the violent potential of language and representations. In other words, I elucidate how language can perpetuate violence and repeat trauma, and I do so by refocusing on Joudrie and
thinking about her material reality and the violence she may have experienced, not only as a result of being represented by Andrews, but also as a result of being portrayed in the media in ways that were out of her control as a “body out of bounds” (Kipnis 256; 272). To frame this discussion in a way that recognizes the embodied experiences of seemingly “vulnerable subjects” (x) such as Joudrie, I take up and problematize Couser’s term, *auto/bio/ethics*, “which fuses the term *auto/biography* – which refers to life writing that focuses on the relation between the writer and a significant other – with *bioethics*” (ix). I also interpret *auto/bio/ethics* as a term that encapsulates the vital relations between life writing and corporeal realities. With the assistance of intertexts – including Johnson’s *Stolen Life* and the notorious Bobbitt case and its ubiquitous presence in American news media – along with the analytics of class-passing and abjection, and notions of patient confidentiality under the broader umbrella of bioethics (or, in this case, *auto/bio/ethics*), I argue that representations of Joudrie, and in particular, representations of Joudrie in the Canadian news media, constitute a form of violence, which further complicates understandings of the cultural work of Andrews’ *Be Good, Sweet Maid*.

*Auto/bio/ethics and the “body out of bounds”*

Bioethics may seem an odd source for ethical principles pertinent to life writing, because as Couser notes, “medicine is a professional field, like law and journalism, and as we have seen, professional ethical codes can be parochial and self-serving” (14). However, Couser also suggests that “bioethics,” or “biomedical ethics,” has “always meant more than ‘physician ethics or even ‘clinical ethics,’ and today, as biomedicine attempts to grapple with unprecedented problems and procedures, that is truer than ever” (14-15). Either way, Couser views biomedical ethics as perhaps the “most highly developed version of normative ethics available” (15) that represents “not a set of narrow ethical principles arising from the practice of medicine but rather
the invocation in clinical and biomedical contexts of broader, if not universal, principles” (15). Although the “normative” set of principles that guide bioethics should not necessarily be read as absolute, complete, unvarying, or universal (especially given the troubled history of the institution of medicine with regard to the treatment so-called vulnerable subjects), Couser’s term, auto/bio/ethics, is pertinent and useful here, to some extent, not only because 1) life writing, like the patient-physician relationship, is founded on trust and confidence, but also because 2) the term draws attention to the life-and-death (or bodily) concerns of life writing.

First, the term, auto/bio/ethics, may be used as a framework for understanding the harm that can come from textual representations, and specifically, the harm that can come from representations of a life story, the process of creating the representation of that life story, and the relationships among those involved in the process. Auto/bio/ethics sits at the intersection between literary and lived culture in that the term allows one to think about ethical representations, or conversely, unethical representations, and the implications for a “subject’s” life. For example, Couser proposes that all four of the major principles of biomedicine that “have been virtually canonized … in the successive editions of the standard text, Beauchamp and Childress’ Principles of Biomedical Ethics – autonomy, nonmalificence, beneficence, and justice – seem pertinent to life writing” (17). This is because, ideally, “subjects” of life writing should have the opportunity to exercise some degree of control over “what will happen to one’s person – to one’s body, to information about one’s life, to one’s secrets, and the like” (Beauchamp and Childress 297); “subjects” should be able to control and define the harms/benefits that they experience as a result of being represented in life writing; and “subjects” should have rights to the proceeds from publication and have control over the text in relation to “the magnitude of their role in the text and the degree of their involvement in its production – their labour, their
time, their granting of access to self and personal information” (Couser 24). While the application of these ethical principles is often enforced simply through trust and confidence in those involved in the writing process, the inclusion of the “story of the story” (Eakin How our Lives 59) – exemplified by the self-reflexivity of Andrews’ Be Good, Sweet Maid and of Johnson and Wiebe’s Stolen Life – also makes life writers accountable to their audience.

Second, the term auto/bio/ethics gives access to the life-and-death matters and the bodily concerns of life writing. Couser suggests that “because of its literally life-and-death concerns, biomedical ethics offers a particularly comprehensive account of ethical principles and reasoning. (And it is doubly pertinent when life writing involves quality-of-life issues, as is commonly – indeed, increasingly – the case)” (15). However, beyond offering access to a repository of highly regulated and institutionalized “cardinal concepts of the approach to biomedical ethics known as ‘principlism’” (x) – respect for autonomy, non-malificence, beneficence, and justice38 – auto/bio/ethics also provide a vital link between life writing and the body, and particularly, in the case of Joudrie, the embodied maternal “subject.” I argue that auto/bio/ethics point toward the relationship between representation and embodied experience; more specifically, in the context of Joudrie’s case, Couser’s definition of auto/bio/ethics highlights the embodied experience of violence that can result from life writing and sensational representation in the media. But, an analysis of the case with auto/bio/ethics also reveals the ways in which imaginative practices such as life writing explore the tensions that maternal “subjects” like Joudrie, who, as a “body out of bounds,” evokes (Betterton 83). Thus, the

38 It should be noted that the main tenants of principlism are, to some degree, indebted to social movements such as feminism. However, the definition and application of the principles of autonomy, beneficence, non-malificence, and justice could be further improved, as demonstrated by the discussion later in the chapter about the limits of confidentiality and how patient privacy can be used as a pretext to protect a hospital’s privacy in the case of allegations of abuse. In fact, drawing from the set of ethics developed by the medical institution as a way to think about life writing does not preclude a discussion of the limitations of those principles, but instead opens up space to critique the poor treatment of Joudrie by the institution of medicine when acting as an extension of the legal system.
problematic that *auto/bio/ethics* potentially addresses in relation to Joudrie is not simply the lived implications of life writing and media representation, but also the troubled relationship between representations and her abject or “out of bounds body” – a *body* that in the act of shooting her estranged husband is understood (and represented in mainstream media) as not practicing sufficient restraint nor exercising the sexual propriety, social graces, purity, manners, discipline, or civility that are deemed (necessary) normative behaviours for (white *bourgeois*) women, and particularly, for (white *bourgeois*) mothers (Musial 14), in an “imperialist white-supremacist capitalist patriarchy” (hooks 17).

**The violent potential of language**

The maltreatment of life writing “subjects” is possible in two distinct but interrelated aspects of a life writing project: 1) the process (i.e. whether the collaboration or authoring of a life story is respectful, accountable, equitable, and truly voluntary – or, as *auto/bio/ethics* would have it, a process grounded in “autonomy” and “informed consent”); and 2) the portrayal (i.e. whether the “subject” of a life writing piece is represented as the “subject” would want to be portrayed – or, as *auto/bio/ethics* would have it, a portrayal that is beneficial to and does no harm to the “subject” within reason) (Couser 41). In regard to the latter, life writing scholars contend that regardless of whether a “subject” of a life writing text consents to and agrees with a representation, the act of representing someone else is inherently violent (Couser 14; Eakin *The Ethics* 8). Eakin, in *The Ethics of Life Writing*, claims that “there are few acts more aggressive than describing someone else” (8), because, as Ruthellen Josselson explains, “Language can never contain a whole person, so every act of writing a person’s life is inevitably a violation” (qtd. in Couser 14). Adam Zachary Newton has pointed out that “getting someone else’s story is also a way of losing that person as ‘real,’ as ‘what he [sic] is’; it is a way of appropriating or
allegorizing that endangers both intimacy and ethical duty” (qtd. in Couser 19). With the telling of someone else’s story – whether that be in the form of auto/biography or news media – there comes a risk of not only an invasion and violation of the “subject’s” privacy, but also an appropriation of their life story that can be alienating in its strangeness and incompleteness.

For example, Johnson and Wiebe struggled with questions of whether their writing might do harm to others and whether the representation of Johnson’s family members and close friends is too aggressive an act to be justified. In the text, they document their discussions (i.e. they provide the “story of the story”) about how Stolen Life could negatively affect Johnson’s community: Wiebe warns Johnson that telling her story will be hard, because “there are so many people in your life, no story is ever only yours alone” (24). But Johnson replies that maybe it is not only her story, but it is her story. She states: “Others maybe won’t agree, but I want to tell my life the way I see it” (24). Trauma is never exclusively personal, and thus remembering trauma entails contextualizing it within history (and thus, within the stories of others) (Rymhs 101). “History, like trauma, is never simply one’s own … history is precisely the way we are implicated in each other’s trauma” (qtd. in Rymhs 101), and Johnson understands that she may be rejected by her family and community for her writing. However, the potential for personal as well as collective healing is a priority.

Meanwhile, Andrews questions what right she has to Joudrie’s story and whether she can accurately or fully represent Joudrie in textual form:

I went into the washroom and stood looking at myself in the mirror. Why am I here [in court], I wondered. I had thought I had a serious purpose in attending this trial. Did my interest in Dorothy and my concern for her as a woman – my concern about women of
our age, about women of wealth, about women who attempt to kill and do kill their husbands – and my wanting to write about all this, justify my presence? Why had I felt some identification with Dorothy Joudrie almost since the day of the shooting fifteen months ago? One of the dramatic discoveries I have made during that time is how different we are in many ways, how different our lives have been. And now, on this morning, in this building, how presumptuous it seemed to me even to try and imagine what she must be feeling. (53)

Nevertheless, Andrews decides to stay in court to witness the testimony and write a (forthrightly) partial account of Joudrie’s life and trial, because she recognizes that even if she were to speak with Dorothy for hundreds of hours, what she would write would still be her version of the story (120) – a version that Andrews understands as valuable despite its gaps and situated standpoint, precisely because it is her perspective on and her observations of Joudrie’s story.

Although the act of describing someone else can be read as an aggressive act with negative consequences for both the writer and those who are written about (Eakin Ethics 8), and although representations can be understood as violating the “subject” in that the “subject” can never be fully depicted nor have their life completely contained within the text (Couer 14), the question of whether or not representation is inexcusably violent remains unanswered by the life writing of Johnson, Wiebe, and Andrews. In fact, in both texts, there seems to be a recognition by the authors of the dangers of not speaking, of the risks in not breaking silence, and, in Dori Laub’s words, of the ways in which “the ‘not telling’ of a story serves as a perpetuation of its tyranny” (qtd. in Rymhs 100). For Johnson and Andrews, the potential benefits of having a discussion about and breaking the silence around difficult issues, such as family violence, for example, is worth the cost of producing a piece of writing that is arguably ethically fraught, not
only in terms of respecting intimate relationships and providing just representation of those depicted, but also in terms of repeating trauma.

In fact, when representing trauma, there is also a danger of repeating the trauma in violent ways. A “life testimony,” says Shoshana Felman, “is not simply a testimony to a private life, but a point of conflation between text and life, a testimony which can penetrate us like an actual life” (qtd. in Henke xii). According to Walter Benjamin, “storytelling is always the art of repeating stories” (qtd. in Felman 49), and when those stories are life testimonies of trauma, the horror of the trauma is inevitably relived (retold) in poignant and, as Felman writes, “penetrating” ways. For example, representations of gender violence potentially reenact experiences of violence and victimization. Martha Minow writes that the words of journalists expose family violence to public view and the words of novelists, feminist theorists, and social workers “depict and decry domestic violence against a backdrop of societal silence … But are there words to describe family violence that do not make it seem routine and familiar?” (1665). Are there words that do not perpetuate or glorify violence by re-presenting it? Can work on domestic violence avoid re-victimizing those who have experienced family violence first-hand?

However, when select forms of violence are represented in text or in trial (and thus publically reenacted) while other experiences of violence are selectively erased from public record (and thus go unrecognized and denied), as was the case, to different extents, for Johnson and Joudrie (in both their trials and in media coverage of their trials), life writing and life stories are often needed to counter-balance problematic narratives and “set the record straight.” As was discussed in Chapter Three, rather than focus solely on Johnson’s involvement in the murder of Skwarok as did her trial, Stolen Life is structured in such a way so that the focus is on Johnson’s personal history and repeated victimization, as well as the legacy of colonial violence that not
only shaped Johnson’s life, but also her murder trial. Similarly, as discussed in Chapter Two, Andrews is compelled to document and comment on Joudrie’s trial, in part, because she sees an opportunity to widen the discussion of violence beyond Dorothy’s highly publicized act of shooting her estranged husband, and instead, call-out how Earl’s testimony and the prosecution’s questions attempt to diminish and, in fact, elide, Earl’s repeated abuse of Dorothy over the years. In effect, both *Stolen Life* and *Be Good, Sweet Maid* offer narratives that draw attention toward unspoken violences and away from those violences that are so oft repeated in the media and in the courtroom.

**Learning from Lorena Bobbitt: The media and the abject body**

In order to consider those narratives of violence that circulate in the media, I now turn to the much-publicized case of Lorena Bobbitt, an American woman charged with the “malicious wounding of her husband,” John Wayne Bobbitt, following one of numerous violent incidents in which he raped and battered her (Frye 991). Like Joudrie, Bobbitt was acquitted of the charge by reason of insanity in 1994 and similarly found herself the focus of much negative and inflammatory media attention at the time of her trial (Pershing 1); however, unlike Joudrie, Bobbitt attracted a greater amount feminist critical engagement with both her story and her depiction in the media, partly because public interest was that much greater and more sustained as a result of the fact that she violated a cultural taboo: she cut off her husband’s penis (Frye 991). Thus, not only does Bobbitt’s case provide access to feminist literature that deconstructs media representations of women who injure or kill their partners following abuse, but Bobbitt’s case also serves as a reminder of the bodies behind those representations and the lived or embodied experiences of violence, precisely because bodies figure so prominently in narratives related to the Bobbitt case. Of particular interest is how responses published in the mainstream...
media at the time of Bobbitt’s and Joudrie’s trials (which tend toward horror and shock) are anxious about the women’s failure as ideal citizensubjects who, as abject bodies, threaten the intersecting projects of class passing and whiteness (and in particular, white femininity and motherhood), and how the public backlash in each of these cases indicates anxiety about the dissolution of the heteronormative family when women kill or attempt to kill their abusive partners.

In January of 1994, the trial of Lorena Bobbitt captured the attention of the public in the United States and abroad, and “the case received extensive media attention, much more than had the earlier trial of John Wayne Bobbitt, who was accused and acquitted of the rape (marital sexual assault) of his wife” (Pershing 1). According to Linda Pershing, journalists provided daily coverage of Bobbitt-related events and by January 1994, “reporters had written approximately 1,300,000 column inches about the Bobbitts” (3). Lorena’s trial made the front pages of newspapers such as the *New York Times* and the *Washington Post*, there were televised news reports each night on several American networks, and there was live coverage of the trial on CNN (3). In other words, for a time, the American news media was saturated with stories of the Bobbitts. However, at the same time that the public was bombarded with details of the Bobbitt case through such mediums as news reports, television shows and stand-up comedy acts, and what Pershing calls Bobbitt-related folklore – jokes, limericks, urban legends, T-shirt slogans, and advertising gimmicks (1) – certain details (and violences) were missing from the commentary.

According to Marilyn Frye, “the word *penis* was uttered hundreds of times over television and radio and in print” (996). Mr. Bobbitt’s penis in particular (and the violence it received) “was referred to constantly and was a symbol heavily invested with meanings … John
Bobbitt’s penis signifies” (996). But Lorena Bobbitt’s “vulva, clitoris, vagina, and womb are not simply in the story” (996). Frye writes that

Lorena Bobbitt “alleged rape,” but her genitals are not named. The word vagina was not oft repeated, not uttered at all, in fact, in any reportage I saw or heard. They did not say: he is accused of bludgeoning, bruising, and tearing her vulva and vagina. Her genitals do not signify; they are outside meaning, are not spoken, and do not speak. In the public and juridical realm, John Bobbitt’s bodily sex distinction is significant: it is named and it names. Entering that realm, Lorena Bobbitt’s bodily sex distinction is outside meaning: it is utterly unuttered; it does not signify. (996)

As a result, Lorena Bobbitt can be understood as a “body out of bounds,” an abject body that, as Frye writes, is “outside meaning” (996), not only because the violence that her body experienced is apparently unrepresentable and unsignifiable, but also because the violence that she committed against her husband’s body implies she did not practice sufficient restraint required of respectable notions of (white bourgeois) femininity.

In fact, Lorena Bobbitt came to symbolize, in popular culture, a threat to what Pershing calls male privilege: according to Pershing, the term “Bobbitt” “became a slang expression for a woman who ignores or refuses to cater to men, a woman who ‘cuts off men as cruelly as Lorena did, with the scissors of her indifference’” (13), and misogynistic jokes about Bobbitt circulated at the time of her trial, comparing her to Hilary Rodham Clinton and the figure skater Tonya Harding (13). Pershing notes that one of the most popular Bobbitt riddles meshed the three women into a single, terrifying personality: “Who’s the most feared woman in America? Answer: Tonya Rodham Bobbitt” (13). Pershing writes that Bobbitt-related folklore of this type
“conveys a pervasive concern about women who are assertive, cunning, and who step out of prescribed gender roles by taking an aggressive action against men” (13) – a dangerous behaviour, Pershing suggests, in “a society where femininity means nurturance of others, passivity, and dependence” (13). In such folklore, Bobbitt is cast as an abject body, a “body out of bounds,” that is simultaneously monstrous in its failure to exercise the sexual propriety, social graces, purity, discipline, or civility that are required of normative (white bourgeois) women (Musial 14), and unrepresentable as a violated (and violating) “female-sexed subject” (Frye 996).

In the work of Sara Ahmed, Judith Butler, and Julia Kristeva, psychoanalytic and poststructuralist theories of abjection are proposed to help think through the ways in which social fears and anxieties are created by and manifested in particular bodies. Abjection refers to the creation of an Other through casting out (Musial 10), but also, the creation and maintenance of the self, because, as Susan Hiller writes in the Myth of Primitivism, the “Other” are those things against which we define ourselves (Betterton 81). This can happen corporeally, as discussed by Julia Kristeva, when the self expels an Other so that the self may live. On a purely physical level, pregnancy is a useful example, not only because a woman cannot remain pregnant indefinitely, but also, because, as Rosemary Betterton notes, “the trope of the monstrous has had close connections with pregnancy as one of the most embodied, and least rational, of experiences” (81). For if the Other is unknowable and monstrous, in pregnancy, it is also intimate and connected to anxieties about one’s bodily self, worries about one’s sense of reality, and fears of exceeding regulatory norms (81-82).

Alternatively, as Imogen Tyler suggests, abjection may be understood beyond the level of the individual, so that the abject encompasses abject spaces, abject processes, and abject peoples (79). In other words, a theory of the abject that extends beyond the individual allows one to
speak about the self/Other binary as linked to “structural and political acts of inclusion/exclusion which establish the foundations of social existence” (79). For example, so-called moral order is enforced through the law in cases such as Bobbitt’s or Joudrie’s or Johnson’s when the defendant is cast out as an abject Other in order to establish and maintain social systems such as colonialism and imperialism, racism, classism, and normative expectations of heterofemininity and motherhood. Therefore, in this discussion of Bobbitt and Joudrie, I talk about abjection beyond the pregnant body: in the case of Bobbitt, I reference other sites of abjection, such as the “bad wife” and “bad immigrant”; and, in the case of Joudrie, I again reference the “bad wife,” but I also add the figures of the “bad mother” and the “grotesque socialite” to the list of common characterizations. Each of these various abject figures is imagined as “polluted/polluting and ambiguous psychically, physically, and/or socially” (Musial 11), and as a result, the news media tends to either “sanitize coverage of these figures or create moral regulation around them” (11) – two practices that are identifiable in coverage of both the Bobbitt and Joudrie cases.

**Journalism and Joudrie: A “body out of bounds” in the media**

On one level, the business world was curiously silent about the Joudrie case. For example, business reporters such as Jennifer Wells, Teresa Todesco, and Don Campbell, who were regular columnists for Peter Gzowski’s weekly *Morningside* business report, discussed how the business world was “circling the wagons” around Earl Joudrie – an interesting turn of phrase considering the normalization of whiteness in discussions of the Joudries – in an attempt to preserve the reputation of both Earl and the corporations with which he was associated (Andrews 223). The three columnists agreed that “if the corporations thought that their share values would be affected they would do something about Earl’s position as chairman of the boards of Canadian Tire, Gulf Canada, and Algoma Steel” (qtd. in Andrews 223); however, they also
agreed that because Earl claimed in court that his abuse of Dorothy ended twenty years ago, nothing would need to be done to preserve the reputations of the companies (223). The general silence and inaction in regard to Earl on the part of the business world may be read as an attempt to sanitize the Joudries’ story, to decrease the hype around what Makin called a “circus-like celebrity trial” (qtd. in Andrews 221), and manage the potential financial fall-out of revelations of abuse.

Meanwhile, Andrews argues that some media coverage of the shooting incident, trial, and eventual verdict “viciously” condemned Dorothy and “carelessly” decried her acquittal while defending her husband (222). For example, a few weeks after Dorothy had been admitted to the Provincial Mental Hospital, David Coll, the “Oil & Gas” columnist for the Calgary downtown, publically shamed Joudrie:

Fifteen months later [after the shooting] with the best defence her husband’s erstwhile, hard-earned dollars could buy, the jury finds her “not guilty by reason of insane automatism.” … Dorothy walks with the proverbial slap on the wrist. In this instance, it amounts to a visit to the friendly neighbourhood shrink … No matter what talents Earl Joudrie brings to the boardroom table through his numerous directorships, we have witnessed the destruction of a great (albeit one-dimensional) man. … Dorothy, “the hostess with the mostest,” “Robo-wife,” “the silver-haired socialite,” “the gun-slinging grandmother,” – to quote my favourite four-second references – saw to that. Whether she was “dissasociative” [sic] at the time matters less than the fact that her Beretta only holds six cartridges in its clip and that she was a poor shot. (qtd. in Andrews 222)

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39 Andrews herself was only able to get in touch with one of Earl’s co-workers despite considerable effort, and all he said to her about the Joudrie case was that he would stand by his comments that Earl is a “solid guy” (qtd. in Andrews 223).
Furthermore, Kirk Makin, justice reporter for The Globe and Mail, came to a similar conclusion. In his article about the Joudrie verdict, Makin interviewed Robert Martin, a law professor at the University of Western Ontario who argues for further moral regulation of women who kill. In the article, Martin is quoted as being worried about the “fact” that more and more women are being “acquitted of violent crimes” (qtd. in Andrews 220). He then compares Dorothy’s case to Karla Homolka’s twelve-year manslaughter sentence in the torture-murders of Kristen French and Leslie Mahaffy, suggesting that “We seem to be developing one system of justice for women and another for men” (qtd. in Andrews 220). According to Andrews, Martin states in the article that he is “concerned about the extent to which this idea that women are incapable of wickedness has suffused our legal system” (qtd. in Andrews 220). In response to these journalists and lawyers, Andrews poses the following question: What do they think caused this so-called wickedness? And specifically, in the case of Joudrie, what experiences do they think contributed to her own particular so-called wicked vice, alcoholism, which is named as a probable cause for the shooting that morning in January 1995 (220)?

When read together, both of these two prominent approaches to media coverage of the Joudrie case – the silent dismissal of the case (i.e. sanitization) and the call for greater punishment for Dorothy (i.e. moral regulation) – portray Dorothy as the “home wrecker,” as the threat to the so-called stability of the heteronormative family, while Earl, who physically and emotionally abused Dorothy for the length of their marriage, is portrayed as the victim. Andrews writes that

Dorothy was also charged with aggravated assault – the intent to wound, maim, disfigure, or endanger the life of another person – and this charge, which initially seemed redundant, had taken on a new importance, because what we had heard in this courtroom,
and listened to again as Dorothy testified, was evidence that someone else – her husband – had assaulted Dorothy, endangering her life physically and emotionally, not once, not three times as the prosecution had insisted, but many times, over a period of forty years.

Earl Joudrie had never been charged with committing a criminal act. (122) In fact, not only was Earl never charged for any abuse, but in media coverage of the story, Earl was predominantly treated as a victim, a victim who was wronged by Dorothy in the first instance, and wronged again by the courts when Dorothy was acquitted of the charges against her.

According to Andrews, despite the fact that during the ten years prior to the Joudrie case, “most people had heard and seen in the media shocking cases of abused women” (122) – cases such as the Nussbaum case and O.J. Simpson case – “society [was] not yet properly educated about the plight of the abused wife” (122). Andrews writes that in spite of increasing public awareness, “some people seem to continue to want women who are beaten up by their husbands to be invisible, and when they are not invisible, the attitude is often that ‘there are two sides to the story, you know’; ‘she made her bed’; ‘why didn’t she leave?’” (123). Thus, those who attempt to silence Dorothy’s version of the story of her marriage, and those who seek to vilify Dorothy in the media, collude in blaming the victim for the violence she experiences when Earl’s abuse is excused and Dorothy’s “choices” are put on trial.

Indeed, the media plays a role in perpetuating the discourse that women are responsible for “making their marriages work” (Andrews 80), and that if a marriage fails – especially in such a dramatic fashion as the Joudrie’s – that it is the wife’s fault. According to Andrews, Dorothy was “thoroughly indoctrinated in the belief that it is up to women to make their marriages work, and there is ample evidence to indicate that throughout her marriage she did everything possible
to show the world outside her carefully secured doors a happy and normal marriage” (80). Even in the stand, she “appeared to be helpless, caught, torn apart by the group of people who were helping her on the one hand, and the man who had terrified her and violently abused her, but who had also been her husband for almost forty years on the other” (81), and who was telling her that she drove him to behave as he did (81).

These sentiments were repeated in the media, for example, when the lawyer for the Crown, Selinger, was quoted in the Calgary Herald at the time of the trial as identifying himself as being of a “law and order bent … I think it’s important justice be served” (qtd. in Andrews 170), which may not only be interpreted as meaning that he is “conservative, a traditionalist” (170), but also that he was “declaring, indirectly, his position with respect to Dorothy Joudrie – that she had committed a crime and that she should be punished for it” (170), for it was she who was in the wrong, not Earl. This position is repeated by columnist Don Braid, who also wrote in the Calgary Herald that “Few victims of a major crime – he was shot six times, after all – have ever had their names so thoroughly dragged through the media and the mud … some days you would almost get the impression that Earl Joudrie is a criminal, not a victim” (qt.d. in Andrews 123). From Braid’s perspective – a popular perspective at the time – Dorothy was the “good wife gone suddenly, mysteriously awry … [and] attacks the one person who provides [a] very comfortable life, the one person who defines [her] cherished wifely role” (Andrews 5).

According to Andrews, these comments echo those made by observers of the notorious trial of Joel Steinberg for the abuse of Hedda Nussbaum and the torture and murder of their daughter, Lisa Nussbaum: “Just look at what she let him do to her … look at what she let him do to her child” (qtd. in Andrews 123 emphasis mine). At the same time that “wife abuse is still considered by some to be private, ‘domestic,’ outside the law” (123), the assault of or killing of
an abusive husband is considered criminal and punishable, in part, because of anxieties and fears about the ways in which women who kill or attempt to kill their partners point to the dissolution of the heteronormative family. And this is particularly the case when the so-called vengeful women are mothers, as was Joudrie. For example, despite imposing silence on medical personnel, legal advisors, and close friends and family (including Dorothy) with knowledge of the incident, Earl released a statement with carefully chosen (but still revealing comments) shortly after his returning to work following his recovery: “It’s a difficult thing for the family. I mean, this whole thing is a family tragedy” (qtd. in Andrews 5 emphasis mine). Rather than raise fears about how abusive men such as Earl put the stability of their families at risk and endanger them, media attention often focuses on fears of the “bad wife” and the “bad mother,” and here was Earl, playing into and taking advantage of such discourses.

Andrews writes that Earl knew that as soon as he appeared in public that he would be questioned – he was not caught off guard (5). She suspects that “his comment, and particularly, his making any comment at all, reveals not only his own perception of his position in relation to [Dorothy] but also his confidence that his having the authority to speak publically is quite acceptable” (5). In speaking, and in defining the terms with which to speak, Earl resumed control and resumed a sense of normality or normalcy, which Andrews observes too often includes the idea that “wives are expendable, replaceable, invisible, and silent” (5), particularly in the socio-economic class to which the Joudries belong. Although Dorothy could not speak publically about the shooting, apparently Earl could, and as Andrews points out, he also believed he could define “exactly what this ‘whole thing’ is” (5) and what it is not: a violent and desperate response to post-World War II gender socialization in which women were encouraged by their mothers to find their “future, [their] security, even [their] identity, in [their] husbands” (6).
Pershing reads intense public interest in cases involving women who violently attack their partners, and particularly, public interest in the Bobbitt case expressed through patriarchal Bobbitt-related folklore, as indicators of male anxiety about vulnerability in the 1990s – both political vulnerability (i.e. the loss of gender privilege) and bodily vulnerability (i.e. demasculinization through castration) (13). Pershing wonders if it was “incidental (or accidental) that a September 1994 television special about declining sperm counts in men and the evolution of hermaphroditic animal species was entitled ‘Assault on the Male,’ or did the program mirror a more pervasive concern?” (13). Furthermore, one unnamed male author quoted in Pershing’s article, who was apparently supportive of Lorena Bobbitt’s acquittal and critical of the responses he was hearing from other men, writes that

The recent hysteria over the Bobbitts exposed the raw nerve of castration anxiety among men. This is akin to the massive paranoia that gripped white slave-owning communities about the possibility of slave rebellions; it is rooted in guilt and fear, the projection that women (or slaves), having been mutilated and victimized for millennia, will rise up and vengefully turn the tables. (qtd. in Pershing 14)

However, Pershing quips that there actually may have been reason for men to fear, as the Bobbitt case is not as isolated an incident as her lawyers would have the public believe (15). Rather, there were many similar cases of wives who attacked their husbands following abuse during the 1990s – in the U.S. and internationally – including, of course, Joudrie, who shot her estranged husband six times.
The Ideal Citizensubject: Intersections of race and class in the media

While the unnamed author quoted in Pershing’s article makes a rather over-simplified and highly problematic comparison between fears of slave revolts and fears of genital mutilation by battered wives, the comments do, perhaps unintentionally, speak to the also unnamed fear of racial difference in the Bobbitt case. Pershing, who collected hundreds of news reports, jokes, and stories related to the Bobbitts, notes that none of the commentary mentions John Bobbitt’s racial or ethnic heritage (5). Similar to the ways in which whiteness goes unacknowledged in coverage of the Joudrie case, the silence around John Bobbitt’s whiteness reinforces “the assumption of whiteness [as] the unspoken American norm” (5); however, notably, much commentary does focus on Lorena’s identity as a Latina and first-generation immigrant. Pershing observes that in some jokes, Lorena, and by inference all Latinas, are portrayed as “emotional, irrational, unpredictable, inept, or stupid” (5), and she was called such things as a “Latin firecracker” in the media (5). In an attempt to counter these stereotypes during the trial, Lorena’s defence attorneys “packaged” her as a “demure and devout Catholic, whose innocence and purity were symbolized by the white silk blouse and ever-visible crucifix on the necklace she wore in the courtroom” (5) – an effort which speaks to the prevalence and insidious nature of the stereotypes circulating in the media and popular culture.

Some Ecuadorians and other Latinas/os, however, rejected such dichotomous representations and offered counterreadings of the racist subtext of mainstream news reports and the overtly racist dialogue of Bobbitt-related folklore, at the same time as they addressed the racial dimensions of the case itself. Rallies were held for Lorena, Latino cabdrivers volunteered to drive community members to the trial, and vigils with hundreds of people were held outside the courtroom to cheer for Lorena in the hopes that she would see, in the words of Ninea
Guiterrez, a thirty-year-old Virginia resident who immigrated from Mexico, “… that her people are supporting her, and that we understand what made her do that” (5). According to Lorena, her husband repeatedly “ridiculed her for being too small, too skinny, and too ‘Spanish-looking’” (qtd. in Pershing 5), and many of Lorena’s supporters had similar stories to tell about their own abuse by lovers and husbands. Although many of Lorena’s supporters did not necessarily condone her actions, a group of feminists in Ecuador read her case as an example of “patriarchal denial of violence against women, and in a larger sense, imperialist U.S. policies (because Lorena faced deportation if found guilty)” (6), and thus they interpreted her act against her husband as an example of a woman being forced to “take the law into her own hands” (6) – a necessary step in a “tale of marital colonialism against the people of Latin America” (6).

As a result of the work of women of color activists in the U.S. and in Ecuador who brought attention to the racial dimensions of the case, the Bobbitt trial is now seen to offer insight into the systemic incarceration of Latina women, as well as the anti-immigrationist, racist, and colonial and imperial policies of the U.S. (INCITE! para. 3); but, as Pershing notes, the Bobbitt case also points to unspoken issues of class difference in America, which intersect with and are constituted by racial difference. Despite the fact that Lorena was acquitted by reason of insanity and thus remained in the States, there was a serious risk that she could have been deported or cast out as a body who failed as an ideal citizensubject, defined, in this instance, as a body that comports with normative expectations of a white bourgeois femininity.

Lorena moved to the U.S. on a student visa apparently aspiring to be a “model immigrant” (qtd. in Pershing 8) who was “delighted with the accessibility of consumer goods and the affluence she saw around her” (8); however, according to Pershing, “it did not take long for Lorena to become disillusioned with the American Dream” (7). After Lorena and John were
married in 1989, the debts mounted, they argued about finances, he worked a string of short-term low-paying jobs, and when things got tight, Lorena embezzled money from her employer and shoplifted dresses to make ends meet (7). Despite the Bobbitts’ financial troubles, class-related commentary, according to Pershing, did not appear in the media or in the jokes or stories that circulated about the Bobbitts (7). And Pershing speculates that “this omission occurred because class differences are so often avoided, naturalized, or otherwise rendered invisible in U.S. culture” (7). While the “media focused much more attention on issues of gender and, secondarily, ethnicity” (8), little was said about the pressures Lorena and John faced as working-class people who, writes Pershing, “fought with each about their limited financial resources rather than questioning the larger economic system” (8).

However, because class cannot simply be defined by economics, I borrow Gwendolyn Audrey Foster’s term, “class-passing,” in order to complicate Pershing’s analysis of the lack of class-related narratives in media representations of the Bobbitts. Foster says that class, like gender, race, and nation, is historically defined, socially constructed, and performed; and class-passing involves the cultural naturalization of vertical movement up the socioeconomic ladder (8). Foster writes that “Class-Passing and class mobility are not usually treated as behaviors or fantasies that spring from desire … Class-passing has simply been normed so intrinsically that it no longer stands out” (8). As a result, the Bobbitts’ failed efforts to advance up the socioeconomic ladder went unmentioned and unexamined by the media, even when it was entered into evidence that when Lorena left in a daze after injuring her husband, all she took with her was a Gameboy and a hundred dollars rather than her shoes – a particular of the case that offered ample opportunity for satire and sensationalism (Pershing 7).
Jennifer Musial notes that class-passing, “the naturalization of upward mobility, is integral to middle classness, and it is passed on through social reproduction” (15). Through families, children acquire cultural capital (i.e. “taste,” sense of style, formal education, and language) that is necessary for class-passing and the continuance of the middle class – “aspirations” which are taken-for-granted cultural assumptions (15). Thus, class comprises more than just financial status, but a whole set of normative cultural and social cues. What is interesting about the Bobbitts is that their legal trials and public condemnation demonstrate the moral regulation of failed class-passers who do not exhibit behaviours consistent with efforts to class-pass, even while news media narratives simultaneously omit any reference to class.

Meanwhile, class figured prominently in coverage of the subsequent Joudrie trial. According to Andrews, journalists described Dorothy as a “socialite” who moved through the “powerful circles” of the upper-economic class in Calgary and lived in a “high-end” condominium with a “tony” Lincoln town car (54). As Andrews remembers, “these are the words they [journalists] use … [because] they know that the wealth and position, hers and Earl’s, the tragedy in lives that most of us can only imagine, are what really interest their readers” (54). This was a revelation to Andrews – the importance of the Joudries’ wealth – and she discovered that Dorothy’s money is the “main source of many people’s fascination with her, and also, of much of the negative emotion both men and women express about her and the expectations of what will happen to her at this trial – that because of her position of privilege she will not be punished for what she has done” (54). In fact, according to Andrews, wealth is at the centre of the public interest in the case.

According to Andrews, before the trial had even begun, the word “socialite” had been used so many times in the media to describe Dorothy, that it had created a minor semantic
phenomenon (54). Andrews wonders why the media could not come up with another word to
describe Dorothy when Earl was referred to as “the chairman of multiple boards,” “a powerful
business executive,” “a corporate giant,” “a diplomat and a deal-maker,” and a “highly skilled
negotiator,” and when “socialite is such an empty word” (54) that has the potential to insult and
demean Dorothy in that it says nothing of her except that “her former husband is wealthy, and
she, still, is a reflection of him” (54). For the most part, discussion of Dorothy’s life focused on
her luxurious home, her memberships at exclusive golf clubs, her yearly vacations, and the
parties that she held where she had stood at Earl’s side as a gracious hostess who lived what
some called “an absolutely ideal life” (qtd. in Andrews 5). In Be Good, Sweet Maid, Andrews
writes that these types of comments disturb her, because she observes that people, for the most
part, did not speak of Dorothy as a person, but spoke of her life in relation to material goods, a
marriage, and her role as a “socialite.” But then Andrews realizes that “that the word socialite is
the key, the signal of scandal in ‘high places’” (54).

While narratives of class were not acknowledged in the Bobbitts’ case as a result of class-
passing being so normalized that their financial struggles were not notable, class emerged as a
major storyline in the Joudrie case precisely because her actions go against and disrupt the
normalized and idealized fantasy of a wealthy and privileged life. As Andrews observes, the
word “socialite” is the key to understanding public interest in her trial, because it indicates public
scorn and disproval of Dorothy, who in the public’s eyes, did not only fail to appreciate her so-
called good fortune of marrying a wealthy businessman, but also appeared to take advantage of
his wealth when obtaining the best legal defence possible. According to Andrews, in headline
across the country, “she was the Calgary socialite who had shot her estranged husband six times,
and because of her money and the eleven women on the jury, she had got off … she had just walked away” (219).

However, Andrews disagrees with the idea that Dorothy simply “walked away” from her crime as a result of her wealth. Not only does she argue that “Dorothy’s being committed to a mental hospital, for an indefinite period of time, was the worst possible sentence” (221), but she sees Earl’s wealth as a contributing factor to Dorothy’s abuse. According to Andrews, “A sad truth is that some women of Dorothy’s class suffer acutely from their subservience to the men in their lives” (17) – a fact that Andrews claims is “still not commonly known, and seldom recognized openly by wealthy women” (17). Although women of wealth do share in the money and prestige and privilege their husbands provide, “they are also expected to learn their place, their assigned role, quickly, and without questioning it” (17). These assigned roles typically include managing the household, raising the children, and entertaining guests (albeit with hired help), as well as volunteering with charities that align with their husband’s political and corporate affiliations and ethical and moral sensibilities (17). Andrews notes that above all, “women of Dorothy’s socio-economic class say that they are expected not to upset or criticize their husbands, but ease their busy lives … [and] be quiet, and to wait” (17). In other words, as a result of the corporate world being so powerful, we should not be surprised “that many of the men who control the economic affairs in our society expect to control their families in a similar manner” (17).

Based on Andrews’ account of the resistance she encountered when researching and writing about the Joudrie trial in the context of 1990s, it seems that she makes some subversive and astute observations about the gender relations of upper-class families in Alberta; but, it may also be suggested that at the same time she produces a nuanced and reflective analysis of
Dorothy’s trial and the public’s reaction to it, she also fails to fully acknowledge Dorothy’s privilege as a white upper-class settler with access to resources and personal connections that would have helped her navigate the justice system. In fact, it is interesting to note that while class is a central theme in the media coverage of the Joudrie case and in Andrews’ text, whiteness is not. Again, Dorothy and Earl’s whiteness, like John Bobbitt’s, is normalized and thus goes unmentioned in public discourse, while Dorothy’s disruption of the typical class-passing fantasy is deemed non-normative, and is thus focused upon by the media and Andrews’ counter-commentary.

However, there is more to this elision of race than simply the normalization of whiteness in Calgary’s middle and upper classes: the media’s critique of Dorothy’s wealth and Andrews’ subsequent deconstruction of these critiques hinge upon (the erasure of) settler colonialism. For example, to identify those privileges of the Joudries’ that are accrued through their positionality as wealthy white settlers would be to identify how their capital is intimately tied to the colonial project. In a settler colonial nation state such as Canada, capital is generated by labourers who work for corporations, such as the ones that Earl controlled, with resources that are extracted from lands that have been and continue to be violently appropriated through the law from Indigenous peoples. And so, the question becomes, what violence is then perpetuated when Andrews asks the question of why we are surprised to find that “many of the men who control the economic affairs in our society expect to control their families in a similar manner” (17)

40 However, it is important to note that, while a necessary project, attempts to “racialize whiteness do not in themselves expose the fundamentals of racial privilege” (Jackson 51). According to Shannon Jackson, “theorizing whiteness may not always lead to a theorizing of white racism, especially when the theorizer needs to save face” (51), because such an orientation enables rather than investigates “a kind of self-distancing on the part of a white critic who diligently demonstrates the perfidy and ignorance of other white people in order to make sure that no one thinks that she is one of them” (51). I call attention to this problematic here in order to not only position myself as a white critic calling out another’s failure to acknowledge white privilege in a settler colonial society, but also to decrease and claim responsibility for the distance between myself (and my own white privilege) and my analysis of Be Good, Sweet Maid.
without drawing the links between this patriarchal family violence and the racialized and colonial violence of our “imperialist white-supremacist capitalist patriarchy” (hooks 17)?

A comparison of media responses to the Joudrie and Bobbitt cases provides a further way to think about the violence of representations. In contrast to representations of the Joudrie case in which whiteness and settler colonialism are left unspoken while Dorothy’s failure to comport herself in a way that conforms to normative ideals of bourgeois femininity and motherhood is highlighted, the Bobbitts’ (failed) efforts to class-pass are normalized and erased from narratives in the media while Lorena’s racial difference become a focal point through which the boundaries of the “ideal citizensubject” are redrawn and redefined. However, these two seemingly inverted narratives are, in effect, not so different from one another other, because, in the end, representations of two women’s bodies – Lorena’s and Dorothy’s – are employed in the media to 1) reaffirm the value of class-passing by casting out Dorothy’s affronting abject body as an aberration and by erasing Lorena’s failure to class-pass as a racialized immigrant body; and 2) reaffirm the settler colonial project by allowing the normalized whiteness of settlers to go unchallenged and by attempting to cast-out the affronting racialized immigrant body. And, as a result, the two seemingly inverted narratives of media representations of the Joudrie and Bobbitt cases ultimately permit the abusers to save (white) face.

Thus, when these two cases are read against and alongside one another, they not only offer a glimpse into the ways in which class, race, and gender intersect, but also offer insight into the ways in which these intersections are denied in an “imperialist white-supremacist capitalist patriarchy” (hooks 17). Indeed, an analysis of media coverage of the Bobbitt case provides insight into the cultural context (albeit in the U.S.), in which the Joudrie trial – both the official legal trial and the unofficial trial in the courts of public opinion – took place, as well as providing
insight into how the media differently treats variously racialized, classed, and gendered “subjects.” And what the Bobbitts’ story teaches about the Joudrie trial, mainly, are the ways in which representations do violence – through reinforcing certain categories, (re)defining normative expectations, and repeating select narratives while strategically leaving others out – in order to maintain the moral order required by the colonial and imperial, patriarchal, heteronormative nation state.

**Life writing, biopower, and auto/bio/ethics**

To be fair, it seems that problematic and at times harmful representations of Joudrie’s life and trial in the media were, in part, a motivating factor for Andrews undertaking the project of writing *Be Good, Sweet Maid*. After she first became aware of the shooting through a “Sunday morning news report … [which] ripped open a dizzying kaleidoscope of memories of the past fifty years, and a shocking new realization of the struggle some women of our age have experienced in their efforts to own themselves” (4), she set out to “show as carefully and accurately as [she] could, the effect on one woman, and on others, of the myths, prejudices, traditions, and institutions that are still at the foundation of our lives every day” (xii). At the start of the chapter late in the text entitled “Aftermath,” Andrews includes the following epigraph excerpted from Mike Woloschuk’s *Elm Street*:

> Money and power used to buy thicker walls; because no one could see inside his home, a CEO could do whatever he wanted there. He could, like Earl Joudrie, put his fist through the walls – or in his wife’s face. But slowly, other people are beginning to peek inside. And sooner or later, some of them will protest what they see. (qtd. in Andrews 219)

This epigraph, which precedes Andrews’ discussion of the aftermath of the announcement of Joudrie’s verdict, adds a sense of circularity to the text in that it returns to Andrews’ original
purpose in writing *Be Good, Sweet Maid*: protesting the abuse that she learned took place within Dorothy’s home and that she knows takes place within other homes, as well as protesting the picture of the Joudrie family that she saw being painted by the media, protesting what she saw going on within the walls of the courtroom, and finally, protesting what she knows takes place within the walls of psychiatric care facilities. But at what cost? What are the repercussions of telling another’s life story, even when that story is respectfully and sensitively told? And perhaps more pressingly, what are the risks of telling the life story of what Couser calls a “vulnerable subject,” even if that story is told so that injustices are called out?

It is clear in *Be Good, Sweet Maid* that Andrews is aware of some of the risks of representing someone else, and particularly, the potential dangers of telling the story of Joudrie, who may be considered a “vulnerable subject” according to Couser’s definition, as Andrews’ “story of the story” reveals careful reflection of the implications of her researching and writing about Joudrie. For example, Andrews recounts how following the trial, she called Joudrie to speak about the book while Joudrie was living at the provincial psychiatric care facility in the Helen Hunley Forensic Unit. Although their conversation was “straightforward, open … and while [they] spoke quickly, easily at first” (120), Andrews “began to be concerned, perhaps unnecessarily, that Joudrie’s telephone calls from the hospital might be monitored, and [so she] ended the conversation more abruptly than she [Dorothy] expected” (120). Andrews writes that “I could tell that she was rather surprised that I did not encourage her to elaborate about what she was telling me. I was frustrated by this conversation and I even felt that I was betraying her to some extent by not responding as she seemed to expect I would” (121). But Andrews did not

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41 Couser defines “vulnerable subject” (x) as those “subjects” of life writing pieces who are vulnerable in two dimensions: 1) “subjects” who are subject to or have experienced harm through abuse and exploitation, and 2) “subjects” who, because of some reason such as impairment or, in the case of Joudrie, incarceration in a mental health facility, are deprived of the ability to represent themselves (x).
want her to “say too much, to vent her anger and frustration and fear to the point that she might risk jeopardizing her position in the appeal Noel O’Brien was preparing for her release from the hospital” (121).

Andrews worries that her “paranoia” about the possibility of monitored calls led to a truncated conversation that was, to some extent, a betrayal; and while there is no doubt that in this moment on the telephone with Joudrie, Andrews finds (or, more accurately, places) herself in the ethically precarious position of having to choose between silencing Joudrie and eliciting comments that could be used against her when applying for release from the hospital, it is important to note that in the end, Andrews’ fears may be deemed realistic as a result of Joudrie’s accusations of abuse at the facility. Nevertheless, Andrews’ discussion raises multiple questions about the ethics of life writing, and particularly, questions about the auto/bio/ethics of life writing, because this moment in Be Good, Sweet Maid not only draws attention to the importance of trust, confidence, and autonomy in the writer-subject relationship (if that distinction can be made at all), but it also draws attention to the life-and-death (or bodily) implications of life writing.

Indeed, auto/bio/ethics are helpful here in thinking about how Andrews represents Joudrie, because, as Couser would argue, she is “doubly vulnerable” (x), or “vulnerable in two dimensions” (x) in that she experienced abuse throughout her marriage which culminated in her incarceration in Helen Hunley Forensic Unit for an indefinite period of time, and as a patient/inmate, she was dependent on Andrews to have her story heard. The representation of a “vulnerable subject,” according to Couser, also has at least two dimensions: “mimetic, insofar as it speaks about its subject, and political, insofar as it speaks for its subject” (x). And it is both the mimetic and political aspects of Andrews’ work – describing Joudrie and critiquing her
treatment in the psychiatric unit – that held the potential to jeopardize Joudrie’s appeal for release. However, I suggest that a third dimension – the personal – presents a further ethical challenge for Andrews. Life writing is dependent upon personal and intimate relationships, and Andrews felt compelled to betray, to some extent, her relationship with Joudrie in order to protect her from the harm of suspected surveillance – an act which, to borrow a term from bioethics, might smack of paternalism if Andrews had not been the one who engaged Joudrie in a conversation that could be surveilled with negative implications in the first place.

However, the question remains as to what extent “ethical principles – or other ethical guidelines – [should] be observed in nonprofessional life writing” (Couser xi). In specific, is the application of principles derived from bioethics, such as autonomy, non-malificence, beneficence, and/or justice, problematic and/or limiting for life writers, and, particularly for those life writers who are writing against the biopower of the very institutions that produce said ethical guidelines: the institutions of law and medicine? For example, in Be Good, Sweet Maid, Andrews not only challenges the appropriateness of Joudrie’s sentence, but she also comments on the mistreatment that Joudrie experienced in the Edmonton psychiatric facility where she spent five months. And to do so may have required breaching some bioethical principles, including Joudrie’s autonomy and confidentiality, for example.

Be Good, Sweet Maid makes no claims to be a collaborative life writing project – in fact, as discussed in Chapter Two, it is a very personal account of Andrews’ reaction to and experience of Joudrie’s trial that offers an alternative perspective from those offered by the mainstream media. However, in representing Joudrie, Andrews runs the risk harming her, especially when she was not involved in shaping the text beyond lending Andrews her voice in a few telephone conversations, a brief chat in the courtroom, and a lunch date in September of
1997 – a conversation that was again limited by fears of being overheard in public, as Joudrie was still technically “subject to detention” (232). But perhaps these betrayals are the cost that Andrews (and Joudrie) is forced to pay when writing against the biopower of the law and medicine, especially when these institutions use bioethics as pretext for abuse and silencing.

Michel Foucault’s term biopower was first used in print in the first volume of The History of Sexuality (1976) in relation to the practices of modern nation states and their regulation of their subjects through “an explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations” through exclusion (Foucault 140). In Foucault’s work, these techniques are presented as an expression of biopower, which is a mode of power that arose in the eighteenth and nineteenth century during a shift in governance in Europe from the “sovereign power” of the absolute monarch to “disciplinary power” and “governmentality” (Gordon 2). According to Colin Gordon, “governmentality” is the diffusion of power (“disciplinary power”) so that the conduct of individuals in a population is shaped through relations between “the self and self, private interpersonal relations involving some form of control or guidance, relations within social institutions and communities, and finally, relations concerned with the exercise of political sovereignty” (Gordon 2-3). This diffuse power that, as Foucault states, “conducts conduct” (qtd. in Gordon 2), is integral to biopower, because the basis of the concept of biopower is that instead of the sovereign deciding who dies, the state produces, through the aforementioned relations and through exclusion, the life of the people. In other words, those individuals and populations who are not considered to be part of the nation’s people’s “life” are allowed to die; they are neglected, displaced, or marginalized in ways that place them in a space of death. Or, as Giorgio Agamben puts it, they are cast out into the state of exception (Razack Casting Out 13).
For example, biopower is expressed through the practices of public health and other regulatory mechanisms often linked less directly with literal physical health that control such things as “birthrate, longevity, public health, housing, and migration” (Foucault 140) for the purpose of maintaining the state’s control over the life of its citizen-subjects through exclusion. Arguably, the state’s interest in managing mental health through the law, and specifically, through the “not criminally responsible” verdict, provides a particular example of biopower being exercised as a means to maintain moral order by casting out undesirables. And Andrews not only critiques how psychiatric care is used as an extension of the law in Joudrie’s case specifically, but she (and Joudrie) also speak out against the abuse of power by health care providers when patients/inmates are mistreated and/or care is withheld as a form of punishment as a result of the medical institution acting as an extension of the justice system.

First, Andrews challenges the appropriateness of the sentence Joudrie received: being committed to a psychiatric care facility for an indefinite period of time as a result of being found “not guilty on account of a mental disorder” (Andrews 220). Dr. John Brooks, director of forensic psychiatry at the Provincial Mental Hospital in Edmonton, when speaking with a reporter from the Calgary Herald, said of the Helen Hunley Forensic Unit that “Our job is get people better and make sure they’re safe to be released. There is no element of punishment. We are not a limb of the department of justice” (qtd. in Andrews 239). However, Andrews takes issue with this statement, and with the verdict, on two accounts: she suggests that 1) the sentence of “treatment” is administered, in part, through the Criminal Code; and 2) the environment of the Forensic Care Unit does not differ significantly from that of a prison.

42 There is, perhaps, a further parallel to be drawn here between colonial projects such as residential schools and the colonial context of mental health institutions, which similarly incarcerate an “out of bounds population.” In both instances, the state has an interest in managing those populations labeled as “unreasonable” and “perverse,” including those who are diagnosed with a mental illness and Indigenous communities deemed unfit to raise children.
As a result of being found “not criminally responsible on account of a mental disorder,” Andrews was admitted to the Provincial Mental Hospital in Edmonton for an assessment, after which she met with the Alberta Board of Review which had the ability to do one of four things: “order her to stay in the provincial hospital for treatment; order her to attend the hospital on an outpatient basis; order her to receive treatment from a psychiatrist or a psychologist, or both, outside the hospital; or let her go, free of the bail conditions set earlier, and/or free of any recommendations for counseling” (Andrews 214). Andrews writes that prior to amendments in the Criminal Code in 1993, “lieutenant-governors did not have to give reasons for the decisions they made about persons held under what were called then, lieutenant-governor’s warrants” (242). There were no requirements for records of the proceedings that determined these decisions, nor were there any provisions for hearings in which persons “found not guilty on account of insanity” (242) could make submissions. Boards of Review, which replaced the lieutenant-governor’s warrants, are now required to keep records, give reasons for decisions, and allow appeals, but according to Andrews, they similarly “function autonomously” (242) and thus hold immense power. The subtext of her discussion of the Review Boards is that whether or not their precursor’s questionable history lingers, it cannot be denied that the Review Boards are tied to the Criminal Code, and thus so too are the hospitals and healthcare workers that carry out a Review Board’s orders.

Unlike most people who heard about her jury’s verdict, and even the jury, who were probably unaware of where Joudrie would be staying and for how long – at minimum, a two to six week assessment in the forensic unit (Andrews 243) – Andrews was very aware of the seriousness of Joudrie’s sentence as a result of having worked at the Provincial Mental Hospital herself for a time when she was eighteen and a first-year nursing student (241). Andrews writes
that “many people thought that because she [Joudrie] had not been sent to prison, she had been given a full acquittal, and that she was free” (243); however, what they fail to realize is that although she had not been sent to jail, *per se*, Joudrie was confined to a facility where, “along with the self-described “congenial, therapeutic environment” (qtd. in Andrews 244) in which patients have no privacy from staff and other patients, the design of the building, according to the Unit’s brochure, “allows for the supervision of forensic patients and monitoring of visitors and other users of the facility” (qtd. in Andrews 243). According to Andrews, who visited the “secure hospital” (244) shortly after Joudrie was released, the entrance is barricaded as though it were a prison, and although uniformed security guards can open the door for visitors with a computerized panel after seeing identification, she could not help but be reminded of how alarming it was when she worked there and had to fumble with the handful of keys strapped to the belt of her uniform before opening the door (244). In fact, Andrews, for twenty years, had nightmares about her experiences in that building, the worst of which included a dream in which she had lost her keys and knew that she could never get out (244).

However, it is not only Andrews who writes that she had recurring nightmares about her experiences in that facility (242), as even Don Braid, the journalist who painted Earl as the victim in his commentary, quoted a local defence lawyer who said of Joudrie’s forthcoming disposition by the Alberta Board of Review that he “wouldn’t wish a lieutenant-governor’s warrant on my worst enemy” (qtd. in Andrews 243), and Joudrie herself complained of abuse and neglect. Whether Braid’s comments reflect genuine concern about the well-being of patient/inmates such as Joudrie who are at the mercy of the Review Board, or whether his comments reflect stigma around mental illness and the prejudice that the only thing worse than
being sent to prison is being labeled mentally ill and confined to an asylum, based on Joudrie’s comments, Andrews’ fears are founded.

On the basis that she was no longer considered a “significant threat” (qtd. in Andrews 250), Joudrie was granted an absolute discharge from the jurisdiction of the Alberta Board of Review on October 20, 1998 after spending five months in the Forensic Unit in 1996 and after two years living at home but subject, at the Board’s discretion, to further detention (250). In 1999, Joudrie spoke to the press to complain about “both the physical, mental and emotional abuse of herself by the hospital, and of poor hospital conditions affecting all the patients (missing care programs, no encouragement, no real treatment or therapy; patients baited, humiliated, demoralized, degraded on a daily basis)” (McCubbin et. al.). Joudrie told a shocked Andrews that in the five months she was in the hospital, she “received no treatment, that there is little compassion on the part of some of the staff for any of the patients, and especially that she did not know until an hour before she left that she had been released” (232). Further, she told Andrews quite candidly that “it was her money that got her out of the hospital” (232), as her lawyer, O’Brien, had called seven doctors to testify before the Board on behalf of Joudrie at a cost of $50,000 (233).

It is at this point in Joudrie’s story where the invocation of and application of bioethics or auto/bio/ethics becomes problematic, as according to McCubbin et. al., “A spokesman for the Alberta Mental Health Board, responsible for the hospital, refused to discuss the allegations for reasons of ‘patient confidentiality’” (McCubbin et. al. para. 29) While it is certainly true that references by Joudrie to her own case does not imply consent to the Board to release further details about her and her health and/or treatment, McCubbin et. al. argue that “it is also true that a concern about patient confidentiality has no pertinence to the allegations made by Mrs. Joudrie.
about the general hospital conditions” (para. 29). Reliance upon the pretext of confidentiality is problematic, given the serious nature of Joudrie’s allegations about widespread abuse and neglect of patients, and it “effectively removes the hospital and the Board from public accountability and suggests that the real privacy at stake is not the patient’s but rather the hospital’s” (para. 29). Thus, as Couser suggests in Vulnerable Subjects, Joudrie’s case might be read as demonstrating the “limits of ‘professional ethics,’ which can be rather narrow and self-serving codes” (10), and which can work to silence “subjects” such as Joudrie.

Towards uncertainty

Andrews offers Joudrie a voice, albeit through a text that may be viewed as ethically fraught; and thus, in the end, it seems as though auto/bio/ethics do not offer any solutions, any certainties, or any concrete answers about how to go about responsibly representing others. Instead, auto/bio/ethics complicate understandings of the cultural work that Be Good, Sweet Maid does around questions of gender, nation, race, and class – in other words, auto/bio/ethics reveal how there are always stories beyond stories that pose more questions than answers. According to Couser, “Deliberation on the ethics of life writing entails weighing competing values: the desire to tell one’s story and the need to protect others, the obligation to truth and the obligations of trust” (198). However, because those who do not write “may be particularly and peculiarly subject to harm” (198), this chapter has focused on “those who get represented by others, often without their permission, especially when they may be particularly vulnerable to misrepresentation or their stories to appropriation” (198). This is despite that fact that it may be, on some accounts, “inappropriate – intrusive and presumptuous – to criticize the subjectivity of any life writer” (198). Nevertheless, life writing, according to Couser, is already “policed,” it “has always been and always will be, in some degree, controlled by the powerful … but not by
academic critics” (200) – it is “always already monitored by the mostly anonymous cultural forces that operate through the literary marketplace” (200). Therefore, in this chapter I set out to pose a set of questions about the ethics of life writing, and the ethics of representation more generally, rather than to provide answers or to “police” life writing and representation. While *auto/bio/ethics*, as a framework for ethical criticism of life writing, may have a built-in bias in it assumes that the vulnerable need to be protected from harm, abuse, and exploitation (i.e. “policed”), perhaps a final question moving forward might be: how might the implicit reference in *auto/bio/ethics* to the human *body* that lies behind a representation serve, not just as a reminder of the violence of language, but as a reminder of the humanity of “subjects” and of life writing as a *vital* art?
Chapter Five

Life Writing Beyond the Human: Concluding Thoughts on Auto/biographical Testimony as a Political/Conceptual Space for (Re)Considering the Human outside the Law

When Audrey Andrews met with Dorothy Joudrie to reflect on the trial and discuss her life after being released from the Provincial Mental Hospital, Joudrie made it clear to Andrews in their conversation that shooting Earl was inexcusable, saying, “it was wrong – people cannot do that” (qtd. in Andrews 233). Based on Andrews’ account of their discussion, it seems that while Joudrie could not remember what happened the morning of the shooting, she had taken responsibility for her actions and, as a result, was committed to a regime of psychotherapy and treatment outside the hospital (after being forcibly committed to serve time within it) (Andrews 233). Earl’s reaction to the verdict ran along similar lines in that his “predictably guarded” (222) response in the media also framed Dorothy’s medical treatment as a sort of punishment. He said to a reporter: “The jury has made a decision which I must accept with equanimity. It is over. I greatly regret that this proceeding was so terribly difficult for my children. I presume the court will ensure that Dorothy receives proper care and treatment” (qtd. in Andrews 222). In other words, although Dorothy was found not guilty, he trusts the courts to maintain law and order through the Review Boards.

In both of their comments, Joudrie’s admittance to the Helen Hunley Forensic Unit under the discretion of the Review Board is understood as a form of punishment, but the question of whether that punishment was, as Earl and his supporters might argue, too light, or too harsh, as Joudrie and her supporters might argue (especially in light of her allegations of abuse and neglect), remains up for debate. In the end, Dan Brodsky, a Toronto defence lawyer quoted in the *Calgary Herald*, echoed popular opinion when he stated that the verdict was a compromise: “No question about it – this was a compromise verdict. Saw-offs happen every day in our courts. The
jurors in this case were not just going to let Mrs. Joudrie go scot-free” (qtd. in Andrews 221). And as a consequence, Joudrie found herself in the contradictory position of simultaneously having to claim responsibility for the shooting (and pay for it at the discretion of the Review Boards) and being found not guilty by reason of being “not criminally responsible” on account of a “mental disorder” (Andrews 197).

Frye, in “The Necessity of Difference: Constructing a Positive Category of Women,” recounts a similar public debate about the appropriateness of the “not criminally responsible” verdict at the conclusion of the Lorena Bobbitt trial. At the time, Frye heard a woman interviewed on television who was unhappy about the verdict and upset about the fact that some women welcomed it: “She was saying that no matter how desperate you are, no matter how reduced by abuse, you are responsible for your actions: women cannot claim full citizenship, full humanity, while disclaiming responsibility for their actions” (Frye 991). According to Frye, the commenter came across as “a feminist who believed that John Bobbitt was guilty of assault, battery, and rape and that Lorena had no legal way to stop him … yet she was not rejoicing, as some feminists were” (191). In essence, the commenter believed that Lorena deserved to see John Bobbitt punished for the abuse she experienced, but that she should likewise be held to the same standards under the law in order for women to maintain equality and receive proper justice in the future.

Frye writes that she was similarly displeased that, “to avoid punishment, Lorena Bobbitt had to claim to be insane at the time of her assault on John” (191); however, Frye cannot agree with the commenter that Lorena should have taken responsibility, because to do so would mean making significant aspects of herself and her life insignificant: “she would have to assume a stance of fake gender neutrality and expose herself to being interpreted as a ‘person’ (covertly
marked ‘male,’ and even more covertly marked ‘white American’) instead of as a woman and an Ecuadorian immigrant”(192). In other words, for Bobbitt to claim full responsibility through the law, under the social arrangement named by bell hooks as our “imperialist white-supremacist capitalist patriarchy” (17), would be to deny any differences in experience and subjectivity from the assumed normative citizen subject (i.e. human being): a white heterosexual cisgendered able middle-class man.

If the logic of the comments that Frye quotes is applied to Joudrie’s trial, it may similarly be argued that Joudrie, like Bobbitt, gave up a claim to “full citizenship” and “full humanity” (Frye 191) when calling upon expert testimony on the “battered woman syndrome” and when relying on the defence that she was in a dissociative state at the time of the shooting. Although Joudrie, in the words of Brodsky, did not go “scot-free,” and although Andrews portrays Joudrie as taking responsibility for her actions, she was depicted in the media as avoiding jail time by being found “not criminally responsible” on account of a “mental disorder” (the term that replaced “insane” in the Criminal Code). Consequently, it could be argued that the legal strategies of Joudrie’s defence team not only marked her difference, but also enabled her to shirk responsibility for the shooting, which thereby forfeited full inclusion into the categories of citizen and human. For example, as discussed in Chapter Four, commenters in the media, such as Robert Martin, worried that in “giving commonality to an individual woman’s experience” (qtd. in Shaffer 13) through testimony on the “battered woman syndrome,” two justice systems – one for women and one for men – are being developed with different standards of “reasonableness” and “punishment” (Andrews 220). By some estimations, this so-called two-tiered justice system not only indicates a failure on the part of women to participate fully in liberal society, but also a
demarcation of difference from the normative citizensubject by placing women in a separate category (Frye 191).

However, in Martha Shaffer’s critique of the “battered woman syndrome,” the issue is not so much whether testimony on the “syndrome” and the use of a dissociative state defence preclude access to liberal rights and citizenship, but rather, how the “syndrome” reinforces the so-called reasonableness of the normative citizensubject. Shaffer suggests that from the standpoint of the jury’s determination of 1) whether Joudrie acted in a state of non-insane automatism; or 2) whether she was suffering from a “mental disorder”; or 3) whether she was acting consciously, voluntarily and with intent when she shot Earl six times, the explanation of the “battered woman syndrome” is only partial (Shaffer 13; Frye 992). For example, Shaffer quotes Elizabeth Schneider, an active supporter of the use of expert testimony on the “battered woman syndrome,” who writes about the series of conceptual and political gaps that the inclusion of testimony on the “battered woman syndrome” sets up:

Giving commonality to an individual woman’s experience can make it seem less aberrational and more reasonable. Yet to the degree that it is perceived to focus on her suffering from a “syndrome,” a term which suggests a loss of control and passivity, the testimony seems to be inconsistent with the notion of reasonableness, and the substance of the testimony seems to focus on incapacity. (qtd. in Shaffer 13)

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43 Andrews writes that “Few people said, publically at least, that they saw Dorothy Joudrie as a reasonable person at the very end of her endurance” (256) and Andrews finds it ironic and sad that “at the time of Dorothy’s discharge by the Board of Review, Earl was apparently consulted about his feelings of safety if she were free … [while Andrews] can’t remember anyone asking Dorothy, at the time, if she felt safe, or if she feels safe now” (256). Thus, it could be argued that the label of “battered woman syndrome” worked to reinforce the irrationality and danger of Dorothy, and consequently, the reasonableness of Earl.
The danger here, according to Shaffer, “is that the more juries equate battered woman syndrome with deviance, the less likely they will be to accept the claim that a battered woman acted rationally in self-defence” (13), and as a result, it becomes more difficult for women’s self-defence claims based on the “battered woman syndrome” to succeed, particularly when defendants do not conform to stereotypes of the so-called typical battered women. For Shaffer, the problem of calling on a “syndrome” (i.e. “disorder”) as a means to explain, contextualize, or defend a battered woman’s actions is that not only does this pathological description not match every woman’s understanding of their experience of abuse, but it also limits who has access to this defence.

In the end, both Shaffer and Frye find it problematic that women have to be labeled with a “syndrome” or claim “insanity” in order to avoid punishment, because of the ways in which the “battered woman syndrome” is only partial and therefore limiting – not because, as others have suggested, these legal strategies allow women to evade responsibility, which thereby leads to disenfranchisement. Indeed, Shaffer and Frye both recognize that to not use these legal defences, when appropriate, is to ignore the particularities of women’s experiences and subjectivities that can, often times, make sense of violent actions in response to abuse. In Sherene Razack’s words,

Individuals have choices for which they are held responsible but if those choices are constrained by factors not of their own choosing, they are then entitled to special rights that correct the situation and effectively bring them to a point where they might be said to be exercising freedom of choice. (Looking 27)
Similar to feminist legal scholars such as Martha Minow, Elizabeth Wolgast, and Ann Scales, Shaffer and Frye seem to suggest that “special rights for women are simply a route to treating men and women equally” (Looking 27).

However, the most pertinent and pressing question is not necessarily whether or not Joudrie and/or Bobbitt gave up full citizenship and humanity in order to pursue a defence of “insanity” or to include expert testimony on the “battered woman syndrome.” Instead, a question of more relevance considers how liberal notions of individual rights, citizenship, and humanity are defined and, perhaps more importantly, the history of those concepts. Thobani, as discussed in Chapter Three, understands the law as a primary source of colonial violence – in fact, she argues that the law itself is a form of violence – and Canadian legal scholar Joanne St. Lewis gives a very similar reading of Canadian law when she writes that “the law and the legal system have been used to reinforce oppression and social inequality” (qtd. in Monture 198). Her reading rests on the argument that social inequalities “result from the operation of seemingly non-discriminatory concepts and practices such as … adherence to liberal notions of individual rights” (qtd. in Monture 198). Thus, St. Lewis identifies how the inequalities that the law reinforces are actually inherent to the way the law operates in Western legal systems. And it is through such legal structures as liberal rights, which turn on notions of individual freedom, autonomy, citizenship, and humanity, that inequalities are manifested (Razack Looking 24).

It is widely held that rights belong to individuals and that they “protect property, insure safety, and guarantee equality” for all humans (Monture 198). However, according to Razack, Rights thinking on the whole, a way of looking at the world that begins from the position that human beings operate as autonomous and isolated individuals, is a profoundly
limiting and masculinist perspective. It is a way of thinking that, through the dualisms of reason and desire, public and private, and individual and the community, denies the realities of women’s lives and, most critically, represses the domination of women by men. (qtd. in Monture 198)

Further, when writing about race and the courtroom, Razack notes that resting on the tenets of individual rights is the concept of formal equality for all humans and/or citizens, because “Equality from the formalist perspective, is reached by ensuring that each individual is treated the same” (qtd. in Monture 201). In consequence, Razack argues, formal equality – which can appear in courtrooms in the form of colour blindness, for example – dismisses the differences in people’s lives and “By treating individuals who are unequal in their social circumstances in the same way, equality is often denied” (qtd. in Monture 201). As Linda Alcoff writes of David Goldberg’s work on the paradox of liberalism, “the universal sameness that was so important for the liberal self required a careful containment and taxonomy of difference. Where rights require sameness, difference must be either trivialized or contained in the Other across a firm and visible border” (qtd. in Razack Looking 17), and thus inequality and oppression go unrecognized by the dominant group.

Meanwhile, through legal structures such as formal equality and individual rights, the circumstances are created wherein only white, middle-class, able, heterosexual men are seen as the norm (Monture 201). In effect, “the various forms of blindness to race, class, and gender makes them invisible sources of privilege and power while their invisibility guarantees the privilege will not be available to challenge” (201). In fact, as Patricia Monture argues, decision-makers – including law-makers – “have a desire to be seen as innocent of racial mis-doings; they strive to present themselves as individuals without history, in a country without history, living
lives of merit rather than privilege” (199). According to Razack, rights thinking based in formal equality – an apparently “progressive” way of thinking developed in response to the trans-Atlantic slave trade – is “in fact enabling people to deny violence and oppression and their complicity in it” (Looking 17). If we are all equally human, writes Razack, “with some of us simply not as advanced or developed as others, then no one need take responsibility for inequality” (Looking 23). Moreover, she writes that “the more civilized people can reconfirm their own superiority through helping those who are less advanced” (23). According to Razack, “the daily realities of oppressed groups can only be acknowledged at the cost of the dominant group’s belief in its own natural entitlement. If oppression exists, then there must also be oppressors, and oppressors do not have a moral basis for their rights claims” (Looking 23). And the result of what Razack calls the “need to be an innocent, white subject” (“R.D.S. v. Her Majesty” 282), is, according to Monture, that “there can be no genuine right to humanity for all individuals” (199).

Indeed, more broadly, Western constructions of liberal rights, citizenship, and humanity arose from the structures and institutions of colonialism and imperialism, and thus do not necessarily account for (and, in fact, even strategically deny) the experiences and subjectivities of the subaltern. Yet, not only do the constructs of rights, citizenship, and humanity work to deny oppression, but, paradoxically, the very existence and meanings of the constructs of rights, citizenship, and humanity are rooted in oppression. It seems that the central paradox of Western conceptualizations of human rights (and of the concept of the human itself) is that for there to be a definition of human rights, there must be a lack of rights for some humans; likewise, for there to be a definition of the human, according to Western binary thought, there must be a non-human. As Razack observes, it is in the habits of power and the absence of choice – and
specifically, the conditions of the trans-Atlantic slave trade and the colonization of the Caribbean and the Americas – that the liberal concepts of freedom and choice were developed (*Looking* 32). Or, as Toni Morrison has argued, “individualism is foregrounded (and believed in) when its background is stereotypified, enforced dependency” (qtd. in Razack *Looking* 32).

Wynter, in her essay, “1492: A New World View,” traces the development of “our present ‘World System’ – one that places people of African descent and the ever-expanding global, transracial category of the homeless, jobless, and criminalized damned as the zero-most factor of Other to Western Man’s Self” (Gagne 252) – back to 1492 and the establishment of what she calls the “triadic model” (Wynter 36): European colonization of the Caribbean and the Americas and the simultaneous enslavement of Africans (36). According to Wynter, in order to not only comprehend, but also move beyond the current definition of the human that evolved post-1492, it is crucial to understand the colonization of the Caribbean and the Americas in relation to the trans-Atlantic slave trade. This is because the triad between the colonizer, the colonized, and the enslaved enabled the social realization of the superiority of colonizers above both the Indigenous peoples, who were “kept under the wardship or tutelage” of the colonizers and who could not be enslaved as “nature’s children” (Wynter 35), and the “totally disposable slave labor force … of African descent” (35), who, as *civil slaves* (legal merchandise), were simultaneously the only legitimately enslavable group among the three and who legitimated the “nonhomogeneity of the human species” (36) – a non-homogeneity whereby jobless Black youth, for example, can be categorized as “No Humans Involved” (Gagne 252).

Thus, Wynter calls for a new understanding of the human, which she envisions as a “third perspective”: 
a new and ecumenically human view that places the event of 1492 within a new frame of meaning, not only of natural history, but also of a newly conceived cultural history specific to and unique to our species, because the history of those “forms of life” gives expression to a third level of hybridly organic, and ... languaging existence. (3)

And part of the task of developing this third perspective is “letting go of our current disciplinary boundaries in order to ... understand the who, what, why, when and how in which human beings work as humans beings” (Gagne 251). Wynter argues that when Frantz Fanon made the statement “beside phylogeny and ontogeny stands sociogeny” (10) in Black Skin, White Masks (1967), he effectively shattered the present knowledge system – the Western epistemological order and classificatory system that were established as a result of the event of 1492 and that academic disciplines continually serve to maintain (252) – by calling into question “our present culture’s purely biological definition of what it is to be, and therefore of what it is like to be, human” (Wynter 31). According to Karen Gagne, Wynter sees the rupture that Fanon caused as “the space ... that will necessarily move us out of our present Western/European/bio-economic conception of being human whereby the Self requires an Other for its definition, toward a hybrid nature-culture conception that needs no Other in order to understand Self” (251). It is Wynter’s view that if we do not move beyond the present disciplines – the maintenance of which functions to insure our present world order – and develop new understandings of what it means to be human, then we will not be able to properly deal with all the crises currently being confronted and studied by local and global communities (Gagne 251).

I have left discussion of the human until the end, because research that is rooted in critique, such as this thesis, is ultimately not enough to create lasting social change, and Wynter’s reconceptualization of the human points toward new and productive directions that this
critique of the “battered woman syndrome” defence might now take. If social justice research is to be committed to moving beyond scholarly critique and invested in developing emancipatory possibilities for all humans, regardless of gender, sexuality, ability, age, or race, then the task of imagining and creating alternatives to the current white supremacist capitalist heteropatriarchal settler state is vital. And Wynter’s work indicates that it is through literature, and potentially, the vital art of life writing, that we may envision and materialize those alternatives.

In the words of Gagne, Wynter argues that in order to create a new vision of what it means to be human, we need to “begin a new ‘science of human systems,’ a transdisciplinary operation that … has its base in the literary humanities” (Gagne 259), because it is literature (including life writing) that provides access to the contradictions of being human and that counters the individualizing and dehistoricized features of rights thinking (Razack 18). For example, Razack writes that storytelling (i.e. testimony beyond the rigid prescriptions of the courtroom) in the context of courts that rely on notions of rights, equality, and a “positivist conception of knowledge … [in which] there is a straight line between the knower and the known” (Looking 37) is “a rebellion against abstractions” (37). Storytelling is a theoretical attention to narrative and a negation of disciplinary boundaries that “interrogate[s] the space between the knower and the thing known” (37). And, as I argue, the life writing of Andrews and Yvonne Johnson stand as testaments to how “stories, in the context of law, bring back feeling into jurisprudence … and bring details about women’s daily lives into the courtroom, a forum constructed to negate or silence such realities” (38).

However, this is not to say that storytelling in law brings “personal” and “private” troubles into the “public” domain; rather, it is Monture’s view that it is Canadian law, “which owes its origins to a system of law by, form and about white men … [and] neither takes into
account nor accurately reflects the lived experiences of the ‘Other’ until those conditions are demonstrated to the court” (201), that “turns the acknowledgement of racialized persons that race is a public issue and forces it into an inaccurate characterization of personal and private trouble” (201). In other words, it is the law that re-entrenches the dichotomy of the public/private split that a predominantly white middle-class second-wave feminism worked so hard to retrench over the lifetimes of Joudrie, Johnson, and Bobbitt. Conversely, as my analysis of Be Good, Sweet Maid and Stolen Life indicates, auto/biographical storytelling – in the forms of testimony, life writing, and/or epigraphs – has the potential to not only draw attention to the erasure of the fact that, as Aida Hurtado argues, the personal has always already been political for women of colour, Indigenous women, and working class women (Mohanty 151), but also generate new ways of conceptualizing and representing the interlocking spheres of the personal and the political.

According to Hurtado, in the contemporary liberal, capitalist state, the “politics of ‘personal life’ may be differently defined for middle-class whites and for people of color [sic]” (Mohanty 51), and it is my hope that this project, on one level, helps to expose, deconstruct, and de-center an insular second-wave feminist critique of the very “public” debate about the “personal” issue of domestic violence – a debate that climaxed with the trials and writings about the “battered woman syndrome” defence during the 1990s and that continues to deny differences between and among women when women who seek shelter are at risk of losing their children to the state and when Ontario maintains it “duty to report” domestic violence laws. On another level, I hope that this project, through the use of intertexts and epigraphs, productively contributes to the creation of a space to imagine a more inclusive, just, and compassionate understanding of the human beyond the definition established and maintained by the laws of the modern settler colonial state – a space where, in the same words with which Andrews concludes
Be Good, Sweet Maid, we can “discover the possibilities that are ahead … no longer completely lost in a fairy-tale existence [we] now know was a lie” (257).
Bibliography


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