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**Tracing monsters: the textual constitution of woman-mother-
childkiller**

or

**A reading of the non-origin of the monstrous feminine in the
specific instance of a case of child murder.**

A thesis presented in partial fulfilment of the
requirements for the degree of

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Errata

- p. 47 footnote 7: should read 'death of the author'
- p. 55 line 14: response
- p. 66 line 1: multiplicity
- p. 78 line 3: intelligibility
- p. 83 line 10: of an
- p.106 line 5: device *it*
- p.123 line 16: the
- p.148 line 5: tripartite
- p.177 line 20: delimitations
- p.191 line 18: to *describe*
- p.195 footnote 38: 1985b
- p.197 line 2: Narcissistic
- p.199 line 19: disorder *without*
- p.201 line 15: from a
- p.209 line 25: privileged
- p.236 order should read: Silverman, Slovenko, Smart, Smith

Abstract

This project begins with a story of my encounter with a sense of the similarities and differences between my own experience of motherhood and that of another woman charged, convicted and sentenced to life imprisonment for child murder, and a question about how it is possible for our experience to be so similar and different. My understanding of this encounter is informed by theories of 'écriture féminine' and the assumption that the diversity of women's lived experiences is delimited by discourses through which 'woman' is constituted culturally and historically.

In relation to poststructuralist assumptions about the constitution of subjectivity, my initial question is transformed into a problematic. This transformation is performed through a theoretical engagement with work by Foucault, Lyotard, White and Lacan. In reading these theories the problematic of woman-mother-childkiller becomes a question of how specific women are positioned within a phallogentric system of signification through narratives legitimated by a phallogentric moral order and told through discourses of legitimated knowledge of subjectivity: the 'psy' discourses. The complicity of women's positioning within moral order and social power relations demands attention to the ethics of the problematic and its mode of address. To address the possibility of an ethical response, I make use of Derrida's work on deconstruction as ethics. After reading Derrida the general question of women's positioning becomes a specific deconstructive reading of a narrative told at the site of coarticulation of legal practice and psychological discourse: a reading of the judge's summation in the trial of R v Lisé Turner.

The deconstruction is practised through reading for the traces of sexual difference in the constitution of the subject in Law and psychological

discourse, the legitimation of knowledge practised as a delimitation of psychological discourse in relation to Law, the constitution of crime, disease, mental disorder, disease of the mind, insanity, defect of reason, criminal responsibility and diminished responsibility. Of particular concern are the traces of sexual difference in the iterations of psychological discourse incorporated into the body of the judge's summation. This reading is prefaced by an historical account of the relationship between psychological discourse and legal practice. This is followed by readings of the judge's summation for its instruction on legal doctrine, practices of exclusion and inclusion, constitution of legal subjects, and its narrative endpoint. Since the trial was defended through a plea of insanity, expert testimony on the accused's 'mental condition' was iterated in the judge's summation. Readings of the judge's summation on the plea of insanity are prefaced by a reading of relevant definitions and caveats from The Diagnostic and Statistical Manual of Mental Disorders (DSM-IV): the legitimate text of psychological knowledge privileged by Law here. The testimony of psychological expert witnesses is also read as prefacing the particular iterations of psychological discourse in the judge's summation. From these readings I then return to the problematic constitution of woman-mother-childkiller as a problematic of justice.

Acknowledgements

This is a story that begins a long time ago...

This is a story that never stops beginning, and in its infinitude it subverts any notion of completeness for it is built on differences and therefore, in its circularity, its multiplicity, its history, I acknowledge all the women that 'appear' here, who have allowed the story to be told, and circulate.

For Lisé, I admire your courage for wanting to make a difference. Thank you.

For the endless discussion, criticism, theoretical challenges and arguments I am grateful to Mandy Morgan, without whom this project would not be what it is. Thanks Mandy, for the support, encouragement, patience and care, while I struggled to find a voice. As friend and colleague your voice is very much heard and responded to in the process of my writing.

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Preface

Research on the theme of child-murder is not for the faint-hearted, and I must confess that there have been times since I embarked on this project when I thought that if I kept on looking at my chosen topic, I would surely turn to stone (Corti, 1998, p.vii).

In as much as this thesis is a narrative and has a beginning, it starts with this quote. I found this quote at the same time that I was reading psychological texts on maternal filicide.¹ I had already read and written about the Law and its relationship to psychology and to women. I had already begun to address the questions which inform this thesis. Like Corti, I felt that I would imminently turn to stone. I already felt the horror of engaging with a project on child murder, and along with the horror, an incredulity about a mother killing her child. I had become committed to reaching an understanding of my own ambivalence to motherhood in relation to this incredulity, and horror. While I was writing, I often wanted my children to go away, and I would think about what, and how, it would mean to me when they left home, and what and how it might mean to have taken that experience from myself - and other parents - through the act of killing a child. I had also already wondered how it would feel to lose the experience of my children through death otherwise; cot death, illness, accident or someone else's act of violence, deliberate or unfortunate. And I had cried and been angry.

I had felt as if the legal and psychological texts I was reading were speaking about me, especially as mother or mother at risk of damaging her child. Corti's writing seemed to speak to me rather than about me. And in some sense, for me, my thesis is about difference between being spoken about and being spoken to. In the thesis I write about psychology and the Law, with regard to

¹ Some of the texts which I mention in this preface are referenced within the substantive chapters of this thesis. They are not referenced here so as to mark the 'preface' as coming before (and after) the work written as the thesis.

the relationship that I have with psychology in particular. I also do this with regard for my relationships with other women who experience the ambivalence of motherhood through diverse lived experiences, including the death of a child. But, however I write, I assume I cannot control the signifying structure through which this text is read. I cannot tell you how to read.

Conventionally a preface introduces the work that follows or 'outlines' what is to come so as to 'ease interpretation' of what is yet to be read. Conventionally the preface is written after the text which it precedes. But the preface only feigns its ability to reduce the heterogeneity of the text to a 'comprehensible representation' of the 'range' of its possibilities (Derrida,1972). In view of the impossibility of the conventional 'function' of a preface, I will not attempt to provide a 'summary', or a 'map' of the text that follows. Rather, in a gesture towards 'easing' the work of reading, I attempt to explain some of the less conventional practices which I have already engaged in writing this thesis as a text of psychology.

Conventional psychological texts rarely attend, explicitly, to their own structuring devices. In writing this thesis I have attempted to attend to the form of the thesis as a narrative, broadly understood as a temporal organisation of 'content', with a beginning, middle and implicit or explicit ending. This attention is paid through marking the narrative form from time to time, as in the opening sentence of this preface. It is also paid through including autobiographical narratives of the processes and experiences of reading and writing from time to time. Including the autobiographical narratives attempts to disrupt the possibility of reading the narrative of the 'thesis proper' as if it were a seamless and solitary view of the events it tells. This disruption is performed through drawing attention to multiple experiences which would 'otherwise'

become excluded or marginalised. For example, the thesis engages with psychological discourse through a legal text - the judge's summation of a murder trial in which a woman is accused of child killing. Legal theory is not usually read in psychology, but I have needed to read across the boundary between psychological and legal disciplines to make sense of the trial transcript. Conventionally, I would have no need to tell you how I encountered the texts which informed the 'analysis' of my 'research': it would be assumed as part of a process of graduating in psychology. But here, my 'learning to read' legal theory has been practised differently, and so the story of my encounter with the legal texts which inform my reading of the judge's summation of a trial needs to be told, differently, or else excluded. It becomes an example of autobiographical writing which always looks back to some event that happened before this...

I had been searching through texts of legal discourse to find a site of co-articulation between legal theory and feminism to inform my reading of 'woman' in relation to the Law. I found the work of Alison Young (1996), more or less accidentally, on the counter of a bookstall in the foyer of a conference venue.² The 'work' was a text called *Imaging Crime* (Young, 1996). In reading this text, and others signed by Young (1993; 1994; 1997), I recognised theories of feminist poststructuralism writing into the field of legal discourse. Young's (1996) work "inspired me to think harder about things taken for granted" (p.vii) in relation to the Law. As I read, I read a pretext for engaging with legal discourse through theories which I was writing in relation to psychological discourse. I also recognised the

² of another matter of the 'more or less accidentally', Young writes: "thus it was that, while attempting to throw things away, to dispose of detritus, I came upon something which enabled me to make a beginning. Thus do the pleasures of the serendipitous enhance the demands of writing" (1996, p.1). I might add, that at the conference where I 'found' Young's work, I was attempting to 'throw away' an earlier feminist psychological project. To Alison Young I owe the possibility of another beginning.

work of others in relation to Young's work and I found 'other' texts (Cornell, 1991; 1995; Douzinas & Warrington, 1995; Douzinas & Warrington with McVeigh, 1991; Goodrich, 1990; 1993; McVeigh & Rush, 1997; Rush, 1997a; 1997b; Rush, McVeigh & Young, 1997; Young & Rush, 1994; Young & Sarat, 1994). In reading through these texts, I recognised a circularity of citation which I read as a network of dialogue in Critical Legal Studies. This dialogue enabled me to engage with legal studies, and the Law. Through these texts, their dialogue and citation practices, I found a way to respond, as a woman writing deconstructively, to the call of the Law. My response to the Law is conditioned, first by the work of Alison Young, and also by the work of others in the dialogue of Critical Legal Studies.

The autobiographical narratives, like this, often imply a 'moral order' which would also be excluded or marginalised if the 'thesis proper' appeared as seamless and solitary. In the narrative I have told here, the implied 'moral order' constitutes an obligation to tell of my debt to Alison Young through my regard for other women whose voices inform my work. Throughout the autobiographic narratives I have attempted to specify relationships among women so that, for example, when I say something about my 'aunt' I specify my mother's sister (and not my father's sister or my mother's brother's wife) so as to clearly differentiate the relationships of women. Sometimes, the voices of other women are not so explicitly identified. Through theories of the narrative and discursive constitution of subjectivity, I understand the multiple voices of 'other women' informing 'my own' voices as an ordinary process of my subjectivity. Of this, Trinh Min-ha (1989) says:

"I" is, therefore, not a unified subject, a fixed identity, or that solid mass covered with layers of superficialities one has gradually to peel off before one can see its true face. "I" is, itself, *infinite layers*... Whether I accept it or not, the natures

of *I, i, you, s/he, We, we, they, and wo/man* constantly overlap. They all display a necessary ambivalence, for the line dividing *I* and *Not-I, us* and *them, or him* and *her* is not (cannot) always (be) as clear as we would like it to be. Despite our desperate, eternal attempt to separate, contain, and mend, categories always leak (p.94).

Sometimes, in writing autobiographical narratives, I mark the ordinariness of a 'leaking' between the categories 'myself' and the 'other woman' by blurring the boundary between 'she' and 'me' in the writing. By writing narratives autobiographically from time to time I am also able to include more than an academic authorial voice, for myself. This inclusion is a gesture towards enabling multiple voices be heard through a text written as academic psychological discourse. The exclusion and marginalisation of women's voices is a particularly important thematic in this thesis. By engaging a device which enables the inclusion of more than one voice, more than an academic voice, this thematic inhabits my practice of writing.

The multiplicity of voices disrupting a reading of the 'thesis proper' as seamless and solitary is also practiced in footnotes. Conventionally footnotes are used to comment on, or cite a reference for, a designated part of the text. They might also be read as something said or done after the 'more important' work has been completed - added as an after thought, in the margins, though not irrelevant to the argument. Throughout the thesis I have written footnotes. I have written them as citation sometimes, or as commentary on a particular section of text. Sometimes, I have also written them to mark different voices, most especially voices that would be excluded in relation to the 'thesis proper' if they were not able to inhabit a space on the margins. For example, I have included text and commentary from the trial which would otherwise not have a 'proper place' within the reading of the trial transcript. I have also included some commentary which is marked on the margins by my use of a lower case

'i' to signify a voice disrupting the monologue of the authorial voice of the 'thesis proper': a voice which sometimes speaks irreverently, critically or irritatingly in marginal interruptions. These marginal voices intrude on the conventional use of footnotes as a gesture towards bringing exclusions and marginalisations into view. This gesture is not made so as to 'expose' an 'error' of 'conventional' writing practices. Rather, it is to draw attention to the ways in which conventions enable particular reading practices: in this case the reading of a thesis argument as the voice of a singular, unified and authorial writing subject.

Another writing device which risks being read as a gesture towards 'exposing error' is the use of strike out to mark a word or passage as *sous rature*, under erasure. The practice of writing *sous rature* is taken from Derrida's work in which particular words, especially ~~Being~~, are written under erasure to signify both their 'necessity' and their 'inadequacy'. In the sense that *sous rature* signifies necessity simultaneously with inadequacy it is not merely the 'exposure' of an 'error' in the use of the words. I have used *sous rature* for both particular words, such as ~~concept~~, and also for passages of the trial transcript which are necessary to my reading of the judge's summation of the trial as a process of judgement, but inadequate in relation to the endpoint of the summation as a narrative.

Of course a question arises out of the 'transgression' of conventions 'outlined' here: why refuse the conventions, why not write conventionally? For me, refusing the conventions enables attention to social power relations which are more usually excluded or marginalised in psychological discourse. Writing across the boundaries of legal and psychological disciplines, poststructuralist and feminist theories, academic and autobiographical voices, enables the

formation and maintenance of those boundaries to be seen as effects of social power, rather than, perhaps, the natural order of things. It also enables a circulation of knowledges inscribed differently, through different discourses and texts, to inform the relations between and among disciplines, theories and voices, and 'open' their boundaries to critique.

Throughout the thesis I also engage with various deconstructive reading and writing practices. I have theorised my reading of deconstruction in chapters three and four. However, here, I address the possibility of reading deconstruction as a practice of 'exposing error', and the possibility of deconstruction as error, so as to preface these possibilities before the event that enables them.

Deconstructive reading and writing attends to the limits of textuality. This is not to say that 'attending to the limits' is anything like 'showing the mistakes'.

On this Spivak (1989) writes:

Deconstruction is not an exposure of error, certainly not other people's errors. The critique in deconstruction, the most serious critique in deconstruction, is the critique of something that is extremely useful, something without which we cannot do anything (p.129).

So, here, I do not attempt to show where legal and psychological discourse makes errors. Rather, I am attempting to bring into view the limits of legal and psychological discourse at the site of a particular text, and in the matter of the constitution of a woman's subjectivity.

The limits of textuality with which I am concerned are particular. Wherever deconstructive reading and writing practices are engaged they are engaged specifically: not in the task of 'defining general limits', but of making specific

limits explicit. To read deconstruction as a 'general critique' may regard a specific deconstructive practice as an error. The scope of deconstruction *never* encompasses all sides of an argument over meaning, all points of view on a topic or event, all possible interpretations of a text. To read deconstruction as if it were able to practice 'balancing' that which is impossible to 'balance', which has no inherent equilibrium, and no natural or essential equality, is to begin with an assumption that limits deconstruction as mistaken, or at least, polemical. Deconstruction always appears, at least, partial, incomplete and limited by that which it reads.

My reading of the limits of textuality in the matter of the constitution of a woman's subjectivity attends to the operation of binaries, particularly the man/woman binary complicit with the inscription of sexual difference. Here, I draw attention to the limits of my own use of the term 'binary'. I understand binaries as organising structures within textual processes, though I also understand that the meanings of the term 'binary' are not fixed, and the use of the term, here, is contestable. I take binaries to be hierarchical systems of domination and subordination, in which the subordinate term is 'defined' through lack or absence of the 'character' of the other term. However, what may appear as an 'opposition' also occupies the place of 'interdependence'. This is not to say that I think the organisation of the hierarchy, or of the power relations between terms, occurs 'naturally'. Rather, I take it that they emerge historically and within specific struggles over meaning. As the relationship between binary terms is read, here, it does not preclude the possibility that complex, multiple systems of differences between terms are built up through specific uses of binaries within systems of signification (Morgan, 1998). So, for example, in a binary relationship with 'reason', 'emotion' is 'defined' in relation to the absence or lack of 'reason', while 'reason' depends on the

absence or lack of 'emotion'. Within psychological discourse, the use of these binary terms, within complex relationships among terms, may produce more complex and elaborated 'definitions' of both 'reason' and 'emotion', however, these 'definitions' also depend on the binary relationship between the terms. While I have read texts of psychological discourse, in Law and in psychology, through attention to the operation of binaries, I have also attempted to address the complexities of a specific text engaged in an act of judgement on a particular occasion.

In addressing psychology and the Law as they constitute the matter of child murder, and the subject accused of killing her own and other's children, I have often felt turned to stone. Questions of child murder demand attention to morality, ethics and justice. Questions of the textuality of psychological and legal discourse demand attention to politics. While writing this thesis I have been reminded, often, of the place of morality, ethics, justice and politics in the reading and writing I have been practising. I have also, often, been reminded of how easily these questions can be reduced to question of guilt and responsibility. Within the complexities I have been reading and writing, I have attempted to resist the simplicity of reducing morality, ethics, justice and politics to a matter of guilt or responsibility.