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Filling in the Silence:
Domestic Violence, Literature and Law*

Elizabeth Villiers Gemmette**

I. INTRODUCTION

My early work in Law and Literature revealed that there are many objectives in teaching Law and Literature in the law school curriculum,¹ and as you read this article, you might recognize some of those objectives. You might discern that this story or that story deals with discrimination against women both inside and outside of the law;² or you might realize that reading works of this author or that author might help a lawyer to develop storytelling techniques;³ or you might recognize the fertile ground that literature offers for a discussion of such topics as: Finding the Truth, Obedience to Positive Law, Equality, Theories of Punishment and Justice.⁴ Although there are many important objectives in teaching Law and Literature, this article will focus primarily on just one: “To contemplate the human condition and

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* Dr. Elizabeth Villiers Gemmette delivered these comments at the 11th Anniversary Law and Literature Lecture Series at Loyola University Chicago School of Law on April 6, 2000.


². See Gemmette, Joining the Class Action, supra note 1, at 672.

³. See id.

⁴. These topics are subsection titles in LAW IN LITERATURE: LEGAL THEMES IN SHORT STORIES (Elizabeth Villiers Gemmette ed., 1995) [hereinafter LAW IN LITERATURE: SHORT STORIES].
human relations by supplying that which is left out of judicial opinions.”

Modern legal studies perpetuate a stripping away of the narrative from the law. Consider what happens to already truncated versions of the underlying narratives as related in judicial opinions once they become part of the material in law school textbooks. After substantial abridgement by textbook editors, students further abbreviate the material by engaging in an activity known as ‘case briefing.’ Taken to the extreme, the search for meaning from each case involves not hearing and understanding the original stories of the characters engaged in the conflict; rather, it becomes a constant striving for reduction of the text, reduction aimed ultimately at extrapolating the black letter law. If time is short, why even bother to read the judicial opinion? Why not resort to Gilbert or Emmanuel for our pre-digested legal reading? After all, is there any better way to grasp an understanding of the universal stories of Shakespeare, Austen, Faulkner, or Cather than by resorting to Cliff’s Notes?

Imagine now, if you will, the following three scenarios:

A) A woman wraps a rope around her sleeping husband’s neck and strangles him until he is dead. He has no opportunity to defend himself.6

B) A man repeatedly subjects his wife to violent acts of rage: breaking her nose, breaking her finger, blackening her eyes, burning her hand, burning her breasts, cracking her ribs, pulling her arm out of the socket, yanking out her hair, knocking out her teeth, rupturing her eardrum, raping her, and causing her to endure a miscarriage due to the smack of his fist. He thumped, threatened, pushed, scalded, burned, butted, bruised, and threatened her for seventeen years. In a botched robbery attempt, he shoots and kills another woman, but not before he strikes the victim twice across the face.7

C) A man strikes his wife across the face and arms with a broom handle and then strikes her neck with it and pins her against the wall. Trading the broom for a poker, he pushes his wife to the sofa and beats at her fingers and wrists with his new weapon, then uses the poker to make cuts in her cheeks and lips. When he finishes with his wife, he

5. See Gemmette, Joining the Class Action, supra note 1, at 672.
turns his rage on his mother-in-law, at first attacking her with a kitchen knife and finally strangling her with his hands.\(^8\)

The preceding three stories are incomplete. They are fictional accounts that have been reduced to the absurd. In selecting and presenting just a few facts from complicated and complex literary texts, the reader's attention is directed toward narrow, fact-specific situations from which they learn about heinous crimes. People probably shudder in disgust when hearing or reading the details of three brutal murders, a marital rape, and repeated vicious acts of domestic violence. Like many of my law school students, the reader might want to focus on rescuing the victims and severely punishing the perpetrators.

Our response to such crimes might be different, however, if we put back that which has been left out, if we fill in the silence. What has been left out of the prior narratives is the writers' exploration of the human condition with all of its strengths and weaknesses, the kind of detail often omitted from judicial opinions. Without having access to complete texts, readers are not in the position to be able to pass judgment on even the cruelest behavior. Supplied only with incomplete narratives, the reader cannot form a sympathetic, empathic, compassionate, understanding response to the stories being told. As members of the legal profession, we must guard against becoming robotic, knee-jerk reactors to distasteful acts and behaviors. Unless we stop to reflect upon and to understand the cause of those violent acts, we are no longer connected to, nor are we part of, the human condition. It is imperative, indeed, it is our obligation, to stay connected and to reach out with compassion and understanding to our fellow human beings.

Let us turn then to an exploration of what one protagonist calls "the riddles of human nature."\(^9\) In this article, literature will be used to attempt to understand the complexities presented by acts of domestic violence, the kind of acts described in the brief stories told above. Unfortunately, understanding domestic violence comes with its own unique set of difficulties because of the silence surrounding it. In the area of domestic violence, silence fills volumes. Hopefully, examining these selected volumes of fiction will help fill in that silence.


\(^{9}\) Id. at 315. This line is uttered by Ruth, who tries desperately to understand the violent and destructive acts of her husband Ruby, but who also acknowledges that the understanding that she seeks would require her to solve very difficult "riddles of human nature." Id.
II. A JURY OF HER PEERS: THE DEAD BIRD’S STORY

Perhaps you remember the short story *A Jury of Her Peers* by Susan Glaspell. In this story, the county attorney and the sheriff arrive at the home of Minnie Wright in order to inspect a murder scene and to seek evidence to convict Minnie of killing her husband, John. John had been found dead in his bed with a rope around his neck. Mr. Hale, a neighbor who was the first person to arrive on the murder scene, his wife Martha, and the sheriff’s wife, Mrs. Peters, accompany them. As the men head upstairs and outside in their search for evidence, they leave the women, Mrs. Hale and Mrs. Peters, in the kitchen. The county attorney comments: “‘And keep your eye out, Mrs. Peters, for anything that might be of use. No telling; you women might come upon a clue to the motive — and that’s the thing we need’”, but Mr. Hale asks: “‘But would the women know a clue if they did come upon it?’”

Left alone in the kitchen, the women do find clues. They find flour half sifted, and Mrs. Hale reflects to herself: “She had been interrupted, and had left things half done.” They find a block for the quilt Minnie was working on with the stitching gone awry, “‘as if she didn’t know what she was about!’” They find a birdcage with a broken door and a hinge that has been pulled apart. They discover a pretty box in the bottom of the sewing basket and inside the box, they find a dead bird wrapped in a piece of silk. Mrs. Hale cried: “‘Look at it! Its neck —look at its neck! It’s all — other side to.’ The sheriff’s wife again bent closer. ‘Somebody wrung its neck,’ said she, in a voice that was slow and deep.”

After the two women come to the unspoken realization that John Wright had committed the first act of violence on the night of his murder, breaking the door of the bird cage and wringing the bird’s neck, the women engage in a conspiracy of silence. Mrs. Hale undoes the stitching that has gone awry and stitches it up neatly. When the women hear the men coming back towards the kitchen:

Martha Hale’s eyes pointed the way to the basket in which was hidden

11. *See id.* at 123.
12. *Id.* at 127.
13. *Id.* at 128.
14. *Id.*
15. *Id.* at 131.
16. *See id.* at 132.
17. *Id.* at 133-34.
18. *See id.* at 131.
the thing that would make certain the conviction of the other woman — that woman who was not there and yet who had been there with them all through that hour. For a moment Mrs. Peters did not move. And then she did it. With a rush forward, she threw back the quilt pieces, got the box, tried to put it in her handbag. It was too big. . . . There was the sound of a knob turning in the inner door. Martha Hale snatched the box from the sheriff's wife, and got it in the pocket of her big coat just as the sheriff and the county attorney came back.19

There are many silences taking place in this short story. ONE: There is the subtle silencing of Minnie. Through the eyes of Mrs. Hale we see that the house "looked very lonesome."20 Also, the rocking chair in which Minnie was sitting when Mr. Hale arrived after the murder "didn't look in the least like Minnie Foster — the Minnie Foster of twenty years before. It was a dingy red, with wooden rungs up the back, and the middle rung was gone, and the chair sagged to one side."21 Mrs. Hale remembers that Minnie "'used to wear pretty clothes and be lively . . . singing in the choir.'"22 Now her clothes are shabby and she has nothing but an old bad stove with a broken lining to cook on.23 Mr. Hale tells us that Mr. Wright wouldn't purchase a telephone because "'folks talked too much anyway, and all he asked was peace and quiet — guess you know about how much he talked himself.'"24 Mr. Hale comments that he mentioned to John Wright that "'the womenfolks liked the telephones, and that in this lonesome stretch of road it would be a good thing . . . though I said at the same time that I didn't know as what his wife wanted made much difference to John.'"25 Mrs. Hale speaks aloud: "'I wonder how it would seem . . . never to have had any children around,'" and she looks over the kitchen and declares: "'Wright wouldn't like the bird . . . a thing that sang. She used to sing. He killed that too.'"26

TWO: When Minnie no longer sings and has only the bird to sing for her, Mr. Wright silences the bird by wringing its neck.

THREE: Minnie silences Mr. Wright by wrapping a rope around his neck and strangling him to death.

19. Id. at 137.
20. See id. at 122.
21. Id. at 124.
22. Id. at 129.
23. See id. at 130.
24. Id. at 124.
25. Id.
26. Id. at 134-35.
FOUR: Minnie in turn buries the bird symbolically in the sewing basket and attempts to silence it once again. Mrs. Hale and Mrs. Peters, however, come to realize that, although the dead bird could no longer sing, it could speak after its death.

FIVE: Acting as ‘A Jury of Her Peers,’ the two women both silence and subvert the law by altering and removing critical evidence in order to have Minnie acquitted rather than convicted.

SIX: Minnie is now silent. She had told Mr. Hale that Mr. Wright "'died of a rope around his neck.'" Mr. Wright asks: "'Somebody slipped a rope round his neck and strangled him, and you didn't wake up?'" She says after him: "'I didn't wake up.'" These strange words uttered by Minnie are the last ones she is to speak about the murder.

SEVEN: Finally, as readers, we ask what happened in that house prior to the night of Mr. Wright's death. While the men search for evidence of anger or motive to convict Minnie, the women find the motive and the anger of Minnie. They also, however, learn something about the anger of Mr. Wright. Minnie, afraid to speak for fear of incriminating herself, offers no help in understanding her story. A Jury of Her Peers leaves unanswered the question asked so often of battered women: Why did you stay in an abusive relationship?

III. THE WOMAN WHO WALKED INTO DOORS: THE VICTIM’S STORY

Turning now to the superbly crafted novel, The Woman Who Walked Into Doors by Roddy Doyle, we are able to find answers to the question of why a battered woman stays in an abusive relationship. Doyle masters the art of taking on the feminine persona by speaking eloquently in the voice of the battered and blackened, bruised and broken, burned and berated, belittled and baited Paula Spencer. By reading The Woman Who Walked Into Doors, we are able to fill in some of the silence left from our reading of A Jury of Her Peers.

Paula Spencer tells the story of her life both before and after her marriage to Charlo. She takes us through intimate details, such as her first dates, her first period, her first friendships with Fiona and Frieda, and her first learning of the facts of life. Then, she tells us about her first meeting with Charlo. Charlo had been a skinhead, had been to

27. Id. at 125.
28. Id.
29. Id.
court three times, had served time at St. Pat’s, and had a scar where he had been stabbed. Regardless, it was love at first sight. What poor Irish girl wouldn’t have fallen for Charlo, with his “thumbs hooked over the denim and a fag hanging from his mouth.” She tells us: “It got me then and it gets me now: cigarettes are sexy — they’re worth the stench and the cancer. Black bomber jacket... loafers... the uniform was made specially for him.”

The story is told in a series of flashbacks and flashforwards, commencing when Paula hears that Charlo has killed a woman in a botched robbery attempt and concluding with her statements to her daughter, “[h]e’s not coming back in here again,” and to the reader, “[i]t was a great feeling.” It is difficult to leave out any scene of this important novel, but this discussion will be limited to those graphic scenes in which Paula explains why she stayed for so very long in this abusive, violent relationship.

A. Paula Loved Charlo and Charlo Needed Her

Paula loved Charlo and Charlo needed her: “I still loved him. I’d loved him before I even met him and I never stopped. . . . I loved him when I was throwing him out.” She loved him when Gerard [the Guard] rang the bell to tell her that Charlo had killed a woman: “I love him now.” Paula tells us: “I loved him with all my heart. I could never leave him,” and, besides, he needed her: “He needed me. He told me so, again and again. I was everything to him.”

B. Paula was Financially Dependent on Charlo

In one heart-wrenching scene, Paula has been contemplating leaving Charlo but, once again, makes excuses to stay, telling herself that the children need Charlo and that the abuse wouldn’t happen again. Then, in comes Charlo with a fistful of money. In Paula’s words:

He put the money on the table in front of me. . . . A wad of money. . . . Enough for clothes, enough for a big shop. . . . Good lunches for school, lunches to be proud of — grins on their faces. Family packs of

31. Id. at 3.
32. Id.
33. Id. at 226.
34. Id.
35. Id. at 24.
36. Id.
37. Id. at 211.
38. Id.
waffles and Mars Bars. A jersey for John Paul. . . . Shoes for Leanne. . . . McDonalds Happy-meals . . . Salvation and happiness. Paula didn’t even care that the money was stolen, as her happiness was again fleeting. In her words, Charlo “picked up one of the notes. A twenty. . . . The twenty-pound note came down again in front of my face. On fire. . . . He lit more notes with the flame. . . . He was setting fire to the lot of it. ‘Isn’t that a shockin’ waste?’ he said.” Paula ponders: “But why was he doing this, making us broke again, him as well as us? I remembered: I’d told him I was leaving, that I wasn’t taking any more.” In retaliation, Charlo demonstrated to her how dependent she was on him. “‘All that lovely dosh; it’s a crying shame so it is. . . . Where would you be without me?’ he said.”

C. Paula was to Blame for the Abuse

Paula believes for a very long time that she is to blame for the violent and incessant abuse that she suffers at the hands of Charlo. She tells us, “I was responsible for it all.” It was so simple at the beginning: “He lost his temper. And he hit me. . . . It had been a mistake. We’d laugh about it later. Remember the time.” It wouldn’t happen again. Nevertheless, there were other nights:

Many other nights. Until I couldn’t laugh any more. . . . Nothing came out when I opened my mouth. Only pain.

What happened?


As the novel progresses, we see Paula asking over and over if it would have been different if she had made his “fuckin’ tea.” The unmade tea comes to symbolize the internalization of guilt, the acceptance of blame. Charlo’s ability to project the blame for his outbursts on Paula is some of his finest work.

39. Id. at 207-08.
40. Id. at 208.
41. Id. at 208-09.
42. Id. at 209.
43. Id. at 197.
44. Id. at 162-63.
45. Id. at 163-64.
D. Paula Owed Her Very Existence to Charlo

I was hopeless, useless, good for fuckin’ nothing. I lived through years of my life thinking that they [being hopeless, useless, good for fuckin’ nothing] were the most important things about me, the only real things. I couldn’t cope, I couldn’t earn, I needed him. I needed him to show me the way; I needed him to punish me. I was hopeless and stupid, good for only sex, and I wasn’t even very good at that.\(^{46}\)

That is why Charlo had affairs with other women. He asked Paula: “Can you fuckin’ blame me?”\(^{47}\)

E. Paula Feared Charlo

Her words tell the story:

He said he’d kill me if I ever went. I knew he’d do it. He didn’t care what happened to him after he’d done it, it made no difference to him, dead or alive, the rest of his life in jail, he didn’t care — he’d kill me. I believed him. It was in his face and voice. . . . He’d come after me and kill me. And the kids.\(^{48}\)

It is still difficult for those who do not endure pain and suffering at the hands of a perpetrator of domestic violence not to ask the victim: Why did you stay? Paula helps us to see that the answer to that question lies in a complicated set of emotional, psychological, and even financial constraints. These constraints are unique, yet universal to each situation and relationship in which domestic violence takes place. In Paula’s case, she explains the specific constraints that kept her in an unbearable situation: love, dependency, guilt, need, fear, and shame. In the end, Paula throws Charlo out of the house. She does so just one year before Charlo’s botched robbery attempt in which he kills a woman — a botched robbery attempt that costs him his life at the hands of the Gardai [the Guards].\(^{49}\) Ultimately, Paula is motivated to throw Charlo out of the house once she sees him looking at their eldest daughter Nicola in the same way that he looks at her. “He wanted to hurt my daughter. His daughter. Because he could. There was evil in him. I wasn’t going to pretend any more.”\(^{50}\) The look is Paula’s call to action. She explains: “[W]hen I saw him looking that way at Nicola, when I saw his eyes. I don’t know what happened to me — the Bionic Woman — he was gone.”\(^{51}\) Paula smacks Charlo with a frying pan, a gift from

\(^{46}\) Id. at 177.
\(^{47}\) Id.
\(^{48}\) Id. at 209.
\(^{49}\) See id. at 108.
\(^{50}\) Id. at 216.
\(^{51}\) Id. at 213.
his mother, and he was "[d]own on his head. I was killing him. The evil. He'd killed me and now it was Nicola. But no. No fuckin' way." 52 Paula "hit him on the top of the head. I could have killed him; it didn't matter." 53 As Paula beats Charlo with the frying-pan, Nicola screams, "Kill him." 54 Her son John Paul, however, screams, "Leave him alone," 55 and later asks, "What did he do?" 56

Although Paula does not kill Charlo in the frying-pan attack, the story could have ended similarly to the way in which Minnie Wright's story ends. They are both stories about last straws: the killing of Minnie's bird, and the realization that the abuse would generalize to Paula's child, Nicola. Yet, in spite of the insight that a reading of The Woman Who Walked Into Doors brings to our understanding of victims like Minnie Wright, there are silences in this novel also.

First, what will happen to Paula's son John Paul? Paula fills in the details: "John Paul. He is sixteen. I don't know where he is. He was squatting in some flats in town but I don't think he's there now. . . . I have reason to believe that he's a drug addict. He has robbed my mother more than once. A druggie. . . . Heroin." 57 Will he, like Charlo, become a perpetrator of domestic violence? That story will be told in another time in another place.

Second, a deafening silence takes place when Paula seeks professional help. "No one saw me. I was fine, I was grand. I fell down the stairs, I walked into a door. I hit myself with the heel of his shoe. . . . It was my little secret and they all helped me keep it." 58 Inside the hospital, although Charlo sits just behind the curtain, all it would have taken was a few minutes. Paula cries out silently: "Ask me ask me ask me. Broken nose, loose teeth, cracked ribs. Ask me"; 59 but they never ask. The doctors, the nurses, the priest; they all remain silent. Paula says: "I didn’t exist. I was a ghost. I walked around in emptiness. People looked away; I wasn’t there. They stared at the bruises for a split second, then away, off my shoulder and away." 60 If Paula's injuries needed to be explained, she was the woman who walked into doors.

52. Id.
53. Id. at 217.
54. See id.
55. Id. at 221.
56. Id. at 224.
57. Id. at 86.
58. Id. at 188.
59. Id. at 187.
60. Id. at 186.
Finally, what is Charlo's story? Paula tells us very little about his background. At one point in the story, however, Paula informs us that Charlo spent time at St. Pat's for shoplifting, robbing car radios, and stealing lead off the roof of an empty house. He tells her that he does not rob anymore. He explains, "[a]ll kids robbed; they were wild and then they stopped when they grew up. They didn't need the buzz. He had a job." At that point in the story, Paula tells us parenthetically that she "hadn't met his family yet, of course. They were all robbers. It was in their blood." In fact, one of his little brothers was in St. Pat's. Paula's main interest in Charlo's behavior centers on trying to understand why he struck his victim twice across the face during the botched robbery attempt. She encounters her own silence: "Jesus Christ. The hugeness of it; the evil. There were things that had happened in that house that I'd never know about." But Paula does tell us that she knew that a woman alone was a challenge to Charlo. As she fills in the silence of the stories being told about that night, she comes to realize that she "wanted none of the answers that started to breathe in [her] . . . . They were all horrible. They were all just savage and brutal. Nasty and sick." Paula shuns an exploration into Charlo's being. She prefers the silence.

IV. THE BOOK OF RUTH: THE PERPETRATOR'S STORY

The Book of Ruth by Jane Hamilton is the story of a young woman from a poor socio-economic background whose life in some ways echoes Paula Spencer's life. The story begins with Ruth telling the reader about her childhood — learning about the facts of life, about her school days, about friendships. She goes on to relate the story of her father's abandonment of her; to provide a detailed portrait of her frustrated, ill-tempered mother, May; to discuss her younger brother Matt, who goes off to Massachusetts Institute of Technology and no longer has time for the family; and to speak lovingly of her Aunt Sid, who, unlike May, went away to college and became a music teacher. Ruth tells us about working in the Trim 'N Tidy dry cleaners with her mother May and bowling in the Trim 'N Tidy bowling league. Then

61. See id. at 52-53.
62. Id. at 53.
63. Id.
64. See id.
65. Id. at 122.
66. See id. at 159.
67. Id. at 158.
she meets Ruby and falls in love. They get engaged with a ring bought with Green Stamps. They marry. Ruby brings all of his belongings in a duffel bag—“his underwear and shirts, a few pair of pants, three old snapshots, socks that needed darning.” They move in with May and have a baby named Justy. For several years, the four of them coexist in disharmony, until the inevitable shocking scene described above in which Ruby brutally beats his wife and then butchers his mother-in-law.

The difference between the two books, *The Book of Ruth* and *The Woman Who Walked Into Doors*, is what each offers to our understanding of the complexities of domestic violence. The author of *The Woman Who Walked Into Doors* does not try to explore or explain the behavior of the batterer. The book simply is not about the batterer’s mind. Rather, the author strives to answer the question of why a battered woman stays in an abusive relationship.

The author of *The Book of Ruth*, on the other hand, strives to examine for the reader the make-up of the abuser and to consider the circumstances and provocations that lead to a particularly brutal attack. Ruth tells us that she is “the only one who tells the story from beginning to end.” She explains that, as both her mother and Ruby were part of the dynamics leading to Ruby’s destructive behavior, “the only way to begin to understand is to steal underneath May’s skin and look at the world from behind her small eyes.” Ruth shares her discomfort in her search for knowledge: “I shudder when I think about the inside of Ruby’s head, but I know I have to journey there too, if I’m going to make sense of what’s happened.” To understand Ruby, Ruth tells us that she “would have to look at him as [though she] were a judge with jowls and squinty eyes, the type who can see around all sides of a person.” If Ruth were a judge, she would “try to congratulate people for their good points and then [she’d] tell them gently how to improve.” Ruby has good points, but May does not treat him gently.

Ruth’s investigation of Ruby’s story is filled in mostly by conversations she has with Ruby’s psychologist, Sherry. Sherry thinks

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69. See id. at 130.
70. Id. at 147.
73. Id. at 2.
74. Id.
75. Id. at 166.
76. Id.
that maybe she and Ruth “could help each other understand him, [and] fill in each other’s blanks.”

This is Ruby’s story. Ruby was born by the pull of forceps, looking like a mongrel, constantly subjecting those around him to his projectile vomiting. At three weeks of age, he underwent a stomach operation to patch up a disconnected tube inside him. When he was three months old, Ruby’s mother had a highball in the bathtub and dropped little Ruby in the water. Ruby’s father tipped him upside down to get the water out of his lungs and commented to his wife that she was not fit to be a mother. From that moment, Ruby’s mother vowed that if Ruby survived she would devote her whole life to him.

Sherry tells Ruth that Ruby’s first memory of his father, his rescuer, was when Ruby was supposed to be putting his toys away, but instead he “sat picking his nose and then his father spanked him until his skin was raw and flaking.” If Ruby didn’t respond to instruction, “his father made him hang from the shower rod or he put him in the closet.” This was “the pattern at home for punishment: the father came in with his big stick and bashed Ruby over the head; the mother tried to rescue him and tell him he hadn’t done a single thing; and then the father slapped one or both of them to demonstrate that he knew right from wrong.” In school, Ruby spent most of his time in the principal’s office and was known as a troublemaker. “Classmates teased him . . . because [his] eyes were so far apart and dumb-looking, and because they turned their noses downwind and sniffed something different.” He was “expelled from Sunday school for goosing all the boys and girls repeatedly.” He “punched classmates whenever he got a chance, to get back at them for mocking him, and at home his father made him stick his head in a bucket and then he spanked him. It happened over and over, thousands of times.” Ironically, Ruth tells us: “It doesn’t seem a mystery to me, that violence won’t cure violence.”

77. Id. at 167.
78. See id. at 168-69.
79. See id. at 169.
80. Id.
81. Id. at 170.
82. Id.
83. See id. at 171.
84. Id.
85. Id. at 171-72.
86. Id. at 172.
87. Id.
When he left school, Ruby worked with his father at Sears, but he messed up the invoices, and one day he wet his pants “down there in the shipping department.” He tells Ruth: “My father could tell, he sniffed it out. I was scared because I screwed up an order royal. I sent a whole box of ladies’ slips to the bank manager, instead of drapes.” Sherry asked Ruby to draw portraits. “He never drew his father, if you don’t count the one with King Kong devouring a few children.” As the years go by, Ruby’s mother becomes increasingly ill from her asthma and from smoking cigarettes. Ruby’s father gets a transfer to Sears in Florida and arranges for him and his wife to live with their daughter, Nancy. As one might expect, there is no room at Nancy’s for Ruby, so he is left alone. “He found a place that looked just like a pigsty. It cost fifty dollars a month because it wasn’t too much bigger than a closet.” He began wrecking other people’s possessions. He went back to the old family house where the landlords stored possessions in locked rooms and “smashed the bureaus; he took a knife and slashed the upholstery that was from the time of George Washington.” Ruby “got loaded and drove around bashing into people’s cars. . . . He shoplifted from stores without trying to act like a burglar. He walked into the drugstore, picked up a couple of watches from the counter, and then swaggered out, holding on to the loot.” Sherry said: “He knew he needed help desperately, and this was the way he could count on attention. His deviance was a scream for help.” Ruby “went crazy on drugs one night, waited outside the Sears store, and beat up his former boss.” He drinks and takes heavy drugs that he secures from his friends, the prostitutes Hazel and Isabel.

Yet, in spite of all that had happened to him, in spite of his rebellious and frightening behavior, there was a gentle side to Ruby. Ruth tells us: “I know that in the bottom of his soul all he wants to do is be a gentle person, a good boy. . . . I know, because I’m married to him.”

88. Id. at 175.
89. Id. at 175-76.
90. Id. at 177.
91. See id. at 179.
92. Id.
93. Id.
94. Id.
95. Id. at 180.
96. Id.
97. Id.
98. See id. at 180-81.
99. Id. at 181.
tells us: "There’s a place in Ruby that’s about as sterling as the heart of the most blessed saint who ever lived on earth. I see the place as a pouch, filled with all the ingredients that could make a person behave perfectly." Perhaps if Ruby and Ruth had lived with their baby Justy in their own accommodations, things might have been different, but Ruby is forced to live with May, who has her own set of difficulties.

Without discussing May’s story in depth, suffice it to say that she is a bitter woman whose first husband died in the war and whose second husband abandoned her and the children. She takes her frustration out on Ruth, who tells us: “Possibly somewhere my mind was ticking off the times she smacked me for nothing” and “I forgot to put hands on May the time we drew our families.” Like Ruth, May is not the intelligent one in her family. May did not go off to college like her sister Sid. She begrudgingly accepts her life at the Trim ‘N Tidy, lies to cover the fact that her intelligent son, Matt, has abandoned the family in shame, and comes to some kind of peace living and working with her daughter Ruth. Then along came Ruby. He vies for May’s daughter’s attention. May believes that Ruby is lazy, that he makes stupid birdhouses, that he can’t support his family, that he has rotten teeth, and that he’s not fit to take care of Justy. “He left eggshells on the counter and the cereal box out; there was usually a puddle of milk by his glass, and a licked jelly spoon in the puddle.”

At the dinner table, May, Ruby, and Ruth were always silent, “except for May’s griping.” May said: “All you do is build them birdhouses like a moron. That’s about the biggest laugh I ever thought of, a grown man building houses for little birdies, now ain’t that sweet?” Ruth tells us that “[n]o one had ever told him before that they were stupid. Everyone... always said that they were extremely beautiful. He wept. It was so cold his tears were the consistency of slush”; “but those birdhouses were the last Ruby ever made in his whole life, as far as I know.”

One day when Ruth comes home, May tells Ruth the story of how Ruby “strangled a chicken and then hung it out on the porch... May’s
favorite hen, the one which lays the best. She milked that part for all it was worth. She said 'My Favorite Hen' about five times in a row.\textsuperscript{108} May is spitting venom while eating the favorite bird that Ruby killed, saying: "Don't they have places for people who can't control themselves? Maybe we better call the funny farm, I'd say it's about time."\textsuperscript{109}

Then comes that fateful day when Ruby tells Justy to get some cookies from the basement: "May laughed, leaning over to Justy. 'Look at your daddy's teeth, baby pie. You want teeth like that? All rotten? Look at how some of them ain't even there no more. They got so rotten they just plain fell out.'"\textsuperscript{110} In the verbal tug of war between May and Ruby that follows, Ruby tells Justy to "'run down to the basement and get us, you and me, your own daddy, some cookies.'"\textsuperscript{111} To Ruth, "through his clenched mouth, he spit, 'I'm the master of the house.'"\textsuperscript{112} Then in the heat of the moment, May yelled at Ruth. Ruth says she "heard the sharp sounds of t's and k's when she grabbed my arm . . . I couldn't recall who I was hating. I heard the rip of the dress, or was it skin coming apart, ancient knuckles tearing?"\textsuperscript{113} Then the two women came at Ruby like wildcats, screaming and clawing.

He was ready. He stood in the middle of the room waiting for us. I yelled at Ruby, I pulled out May's hair, I screamed, "WE WAS HAVING SUCH A NICE DAY" . . . Justy stared at us from the couch. His cookies tumbled to the floor.

... Ruby's eyes . . . were the yellow of a sky right before a fierce summer storm. . . . He saw absolutely nothing but the blazing fire in his own mind . . . We clawed at him; we clawed and snarled until Ruby grabbed the broom, the broom that was May's dancing partner sometimes. I had always thought it was a friendly object.\textsuperscript{114} That friendly object becomes a lethal weapon in the hands of Ruby.

There are many silences in The Book of Ruth, but the one that is easily missed on a first reading of the text is the one surrounding the death of an old neighbor, an old man whom Ruby calls Uncle Jake, the old man who taught Ruby how to make his prized birdhouses.\textsuperscript{115}

108. \textit{Id.} at 260.
109. \textit{Id.}
110. \textit{Id.} at 291.
111. \textit{Id.} at 292.
112. \textit{Id.}
113. \textit{Id.} at 293.
114. \textit{Id.} at 293-94.
115. \textit{See id.} at 172.
Ruth tells us:

Uncle Jake was so old he couldn’t help being annoyed with young boys. . . . [I]t was Ruby who discovered Uncle Jake shot dead in his tool shed, and that Ruby didn’t tell anyone for two weeks. . . . Sherry said that years later, when Ruby was in her office telling her about Uncle Jake, he ate the whole bowl of black licorice [that she kept on her desk] while he paced.116

It is only in re-reading this text, after we digest the rest of the story, that we ask ourselves what really happened in that tool shed. Was Uncle Jake Ruby’s first victim?

V. CONCLUSION

By reading A Jury of Her Peers, The Woman Who Walked Into Doors, and The Book of Ruth, we are able to “contemplate the human condition and human relations by supplying that which is left out of judicial opinions.”117 By using literature to fill in the silence surrounding domestic violence, we see how our reactions and our responses to certain behaviors shift and change depending on how much of the underlying story is revealed. It is only after Mrs. Hale and Mrs. Peters find the dead bird and use it to fill in the silence by providing details of what happened in that lonesome house in the country that many of us are able to join them in their sympathy for Minnie Wright. Even so, there is not enough evidence in this story for many of my Law and Literature students to acquit Minnie Wright. They ask incredulously: A life for a dead bird? Ironically, those same students and other skeptical readers of A Jury of Her Peers might be rooting for Paula Spencer when she finally attacks Charlo with a frying pan, intending to kill him. The difference in our response to the stories comes about by the silence that is filled in by Paula’s detailed account of cruel and violent attacks against her by someone who purports to love her. Reading the story of Paula helps us to step back and re-consider our response to the killing of Mr. Wright. Paula helps us to answer the question often raised by the prosecution: If she was so afraid, why did she stay?

What makes The Book of Ruth a more difficult story for the reader is the fact that Ruby, unlike Minnie Wright and Paula Spencer, does not attack his perpetrator. Although he is spurred into his last violent action by the assault he suffers at the hands of May and Ruth, his behavior shows acts of pent-up anger and acts of displaced aggression.

116. Id. at 172-73.
117. Gemmette, Joining the Class Action, supra note 1, at 672.
Ironically, as readers, we would feel more comfortable offering compassion to Ruby if he had attacked and killed his own father, the original perpetrator in the story of Ruby. We would feel more comfortable and less compelled to offer compassion to Ruby if Ruth had told the same kind of story as the story told by Paula Spencer, stopping short of analyzing the mind of Ruby, the way in which Paula stops short of analyzing the mind of Charlo. Ruth does not help our comfort level. At the beginning of the story, Ruth tells us: “What it begins with, I know finally, is the kernel of meanness in people’s hearts. I don’t know exactly how or why it gets inside us; that’s one of the mysteries I haven’t solved yet”, but she does solve that mystery. The “kernel of meanness” inside Ruby’s heart is planted by his father and watered later by the mean-spirited and verbally abusive May.

By delving into the make-up of Ruby, Ruth leaves us with two diametrically opposed ideas. One is that Ruby is a savage and brutal man who used a broom, a poker, and a kitchen knife to attack his wife and kill his mother-in-law in full view of his small son, Justy. The second is that Ruby is the victim of repeated inhumane acts of domestic violence who deserves our compassion. Therein lies the cognitive dissonance.

You may remember from Psychology 101 that a state of cognitive dissonance is set up when we act in one way and think in another, or when two of our thoughts (cognitions) are inconsistent. In a state of cognitive dissonance, we are anxious, nervous, and out of equilibrium. Our response to a state of cognitive dissonance is to remove the dissonance by choosing one of the two sides, either thought or action, and then altering the other thought or action to comply. When we have two thoughts, or a thought and an action, that are in agreement, we reduce the discomfort, remove the anxiety, and stabilize the equilibrium. We are always striving for homeostasis. Is it any wonder that judicial opinions dealing with brutal acts of domestic violence and murder often leave out that which relates to the human condition — that which makes someone like Ruby a compassionate figure? In her article entitled *The Madness of a Seduced Woman: Gender, Law, and Literature*, Law Professor Debora L. Threedy comments that because

118. See generally RUSSELL BANKS, AFFLICTION (1990) (telling a story in which the perpetrator kills his own violent father and yet earns the compassion of the reader).

119. HAMILTON, supra note 8, at 1.

120. See id.

“legal stories told in judicial opinions are... told to justify a conclusion, they often leave out the messiness of life; the inconsistencies; the unknowable things; the things that don’t fit and aren’t material, relevant, or admissible.” To that comment, I would add that leaving out that which relates to the human condition in order to justify a conclusion often relieves the author of an uncomfortable state of cognitive dissonance. There is a favorite quote of mine by F. Scott Fitzgerald: “The test of a first-rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function.”

If we intend to fulfill our obligation to our fellow human beings by remaining sympathetic, empathic, compassionate, and understanding litigators, arbitrators, mediators, and legislators, we must find our stories both inside and outside of the law. Law Professors Delgado and Stefancic suggest that we make changes to the Law and Literature canon by including more African-American, Asian-American, Mexican-American, Native-American, Gay and Lesbian, and Women’s narratives. By including these previously excluded or marginalized groups, we would include what they call “counter - or ‘saving’ narratives” in order to help judges avoid “serious judicial mistakes.” Their thesis is that “most serious judicial mistakes result from the judge’s inability to empathize with the litigants or their circumstances. In many cases, a counternarrative was close at hand. The judge might have read the counternarrative, internalized its message, and written a wiser, or at least more nuanced opinion.” Law Professor Nancy Cook analyzes the process by which students learn the law and concludes that “[s]ympathy and empathy, the ingredients of inference, the gel that makes logic hold together, haven’t been produced. Unless this student has in fact been there, done that, the information acquired on the trip will have limited meaning.” She tells us that in reading literature “[a]lmost by osmosis, if not by more conscious means, the reader acquires some of the writer’s sensibilities and perhaps some

122. See id. at 46.
125. Id. at 1952.
126. Id.
127. See Nancy Cook, Thinking Like A Lawyer: A Novel Discipline For Those Trained to Think Like a Lawyer, 20 LEGAL STUD. F. 441 (1996).
128. Id. at 446.
attendant skills." Similarly, Professor Threedy tells us that literary stories "can lead us to question our preconceptions, and they can help us develop empathy."

In listening and reacting to stories — both inside and outside of the law — we must resist the urge to do that which makes us comfortable; rather, we must do that which is right. In doing that which is right, we must learn to accept and embrace a constant state of cognitive dissonance, we must learn to "hold two opposed ideas in the mind at the same time, and still retain the ability to function." We must keep filling in the silence of domestic violence and asking ourselves where we have failed. Perhaps if Minnie Wright had been charged subsequently with murder, she might have been helped if she had been able to use the battered-spouse defense; perhaps Paula Spencer’s silent cries for help would have been heard if there had been mandatory reporting by physicians and health care workers who suspected domestic violence; and perhaps Ruth and May would have been spared if Ruby had the benefit of early intervention in which he was removed from the home of his abusive father. Yet, even today, there is no consensus on how we should handle domestic violence in order to both treat the victim and change the behavior of the perpetrators. Each time that we are confronted with a new victim, we must ask ourselves again where we have failed.

To reiterate, once again, the silence of domestic violence fills volumes. We must keep reaching to fill in that silence by listening to the stories of both victims and perpetrators, and although we will never have all of the answers, we must remember the words of Robert Browning: "Ah, but a man’s reach should exceed his grasp, Or what’s a heaven for?" And I leave you with this disconcerting thought: "Poor Ruby." With that Ruth would agree. Let me finish with quotes from compassionate Ruth:

Ruth. Ruth. To say my name I have to shape my lips as if I’m going to kiss someone. Ruth means pity and compassion, so that figures. Half the time I can’t stop crying for Ruby, even though I know that what I’m supposed to do is throw him away, let him go.

129. Id. at 452.
130. Threedy, supra note 121, at 46.
131. FITZGERALD, supra note 123.
132. ROBERT BROWNING, ANDREA DEL SARTO line 97 (1855).
133. HAMILTON, supra note 8, at 325.
I'm about to tell how it went so everyone will know. I'd like to think it won't happen again. Once is enough for the whole earth. It shouldn't recur and if I tell about the day, step by step, people can understand certain warning signs. Then nothing like it will take place again, not ever. I imagine, when I'm sitting here, that I'm ringing a bell, and someone will hear, but to tell the truth, I also know that it isn't very often that people change their ways. Still, I have to ring the bell, keep it sounding. 134

134. Id. at 284.