
THE CONFESSION AS A 'PRACTICE OF FREEDOM': FEMINISM, FOUCAULT AND 'ELSEWHERE' TRUTHS

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When a man comes before his judges with nothing but his crimes, when he has nothing to say but "this is what I have done," when he has nothing to say about himself, when he does not do the tribunal the favor of confiding to them something like the secret of his own being, then the judicial machine ceases to function (Foucault, 1978:18).

This paper places Foucault's discussion of the confession as an uncovering of the truth of the self alongside his ideas of an aesthetics of existence in what might be considered a 'limit' case: a case in which a woman, along with three other women, is accused of killing a man previously unknown to her. The intention here is to read two separate confessions as discourses of both subjection and subjectivity; of pathology and ethics; as uncovering the truth, and as reinventing the truth. My first reading considers the confession in its most ancient form: the coupling of confession and torture; the 'dark twins of history' (Foucault, 1976:59). I will consider the repositioning of this coupling of confession and torture as forensic practice in the geographical and historical present. My second reading concerns the confession as a reinvention of truth and self. Following a brief discussion of Foucauldian notions of resistance and ethics and their relevance for feminism, I would like to consider the potential for reading these confessions as a 'practice of freedom' in and through the reinvention of the ethical self (Foucault, 1991:3-20). I am not looking for the Truth of these confessions. Rather, I am interested in their truth effects; their potential for creating various truths.

It has been during my work on women who kill¹ that I have been struck

by the way in which the confession is so obviously implicated in the truth/knowledge/power nexus. Not simply as a question of the truth of the matter; the who, the why, and the how of the crimes that I am looking at, but rather the way in which the confession is implicated in the *exercise of truth* as an exercise of knowledge/power. In the cases I am considering the confession is pivotal, not only to the outcomes of the trials, but to the way in which women's subjectivity is constructed — by the experts (judges, lawyers, doctors) — and by the women themselves. I am interested then in the confession as it is implicated in the formation of female subjectivities through the voices of domination and the voices of resistance: the voice of the expert who listens, judges, interprets, or extorts the confession, and the voice of the one who confesses.

DOMINATION/RESISTANCE:

Most of Foucault's work on the confession is in *The History of Sexuality Volume One*. Foucault notes that it is the invocation of expert knowledges of 'the subject', particularly the knowledges derived from religion and psychoanalysis, which work through the body as particular forms, or exercises, of power. Foucault refers to this power as biopower (Foucault, 1976:140-1,143-4). It is a power which is exercised in the Twentieth century through practices of self-surveillance to create 'docile bodies'. Foucault argues that this surveillance occurs through popularised discourses of the self; particularly discourses of sex as self. The need to confess the truth of oneself (to priests, to family, to doctors, therapists and so forth) — this need, or compulsion, to confess and the confession itself — draws on the language of domination and/or authority *as* the language of freedom.

I have been interested for some time in pursuing Foucault's explanations of power as domination/resistance. Foucault argues that "Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power" (Foucault, 1976:95). Foucault's concept of power as working through bodies, as always relational, always shifting, as a process, exercise and effect, is a useful one I think. In his work on the confession, however, it is interesting, and perhaps significant, that he tends to emphasise historical moments of domination at the expense of moments of resistance. One reason that could be given for this emphasis on domination is that it is easier to talk about, or practise, resistance if we understand the workings of oppression. In this case then, we could say, that it is first necessary to understand the way in which authorial voices and expert knowledges create truths, before we can resist these truths or posit other truths. This way of thinking about resistance, however, seems somewhat contentious since it suggests *all* resistance as consciously and rationally considered. It also suggests that all forms of resistance are

'progressive', or positive. Yet, while for Foucault power relations "are both intentional and nonsubjective ... imbued through and through with calculation" these power relations have their own logic, aims and objectives (Foucault, 1976:95). Thus, he argues, "it is often the case that no one is there to have invented them and few who can be said to have formulated them" (Foucault, 1976:95).

It seems however that Foucault fails to take this logic of power into account in terms of his own work, and it may be this failure, or the logic of his own argument, that results in his tendency to privilege voices of domination over voices of resistance. This tendency has been noted by several feminists. Frances Bartkowski, for instance, points out that;

in Foucault's text(s) the words of those who confess are more camouflaged than the covert operations of power that proceed from the satisfied will to know that extorts the confession (Bartkowski, 1988:47).

Bartkowski's explanation for this is Foucault's own position of enunciation: his own will to power/knowledge/pleasure and resistance "which may know itself as such but gives no voice to its other half" (Bartkowski:45). Thus, while

The confession of which Foucault speaks at length is an attempt to give voice to the resistance: ... what we (readers/confessors) hear are not the voices of women, children, homosexuals, perverts, but the voice of power as it institutionalizes, rationalizes, domesticates, and suppresses those very discourses by which it shores itself up (Bartkowski, 1988:45).

Importantly, since there is no 'outside' to history, discourses used to construct truths and subjectivities are drawn from the authorial knowledges of the time - for instance, medical, religious and legal knowledges. Yet, there are potentials for creating spaces for plays of power 'within' history; subtle plays of power which can work to 'shore up' truths, but may also work to shift meanings and truths. In this paper I will draw attention to particular instances of confession in which absence and silence are implicated in the exercise of both resistance and domination. But while silence and absence can be a powerful 'last resort' for those denied an apparent voice in liberal-legal language, I hope to show how, in this instance at least, resistance also finds a potential voice in and through the language of domination.

Something to consider at this point then are the implications of Foucault's arguments that domination and resistance are entwined, that they are part of the power/knowledge/pleasure nexus; that they are caught up in the same workings, or exercises, of power. In such a scenario it is pertinent to ask how resistance and domination might be understood as different parts

of the same power nexus? How resistance and domination might be understood in relation to notions of intentional, conscious, unconscious, spontaneous, individual and concerted activity? And lastly, we need to ask how the *female* body is implicated in this power nexus. For it may be that Foucault's own pleasure in male bodies and man to man relationships implicates him in a logos of power which explains (at least partly) his elision of the female body. It is in this context also that we could read Foucault as male body implicated in a will to power/knowledge/pleasure which accounts for his movement from a focus on 17th-20th Europe to a focus on classical Greek history: a period which valorises the male body and male to male relationships.

While in his earlier work, Foucault speaks mainly of power in terms of oppression/domination, in his later work he explains the 'logos' of power as related to both liberation and ethics - as in fact free and ethical in the sense of having knowledge: about one's self (as body/ power) and how to conduct this self as citizen (Foucault, 1991,1984). What I would like to take from this later work is the idea of the invention of the ethical self in connection with others. I would like to consider the implications or possibilities of placing a reinvention of a *female* self/subject alongside the construction of the pathological female self, a construct tied to notions of domination and the 'docile body' (Foucault, 1979:138)). Arguably, the historical relationship of the female body to knowledge and to self complicates a feminist embrace of Foucault's later work on ethics and selfhood (Gatens, 1991; Pateman, 1989, 1988; Lloyd, 1984;1986). Despite, yet also because of, such complications Foucault's notion of an aesthetics of existence is offered here as a way of refocussing women's resistance as a will to power. The terminology of resistance which can be invoked in the context of this paper includes the potentially useful phrase 'practices of freedom'. It is in the context of Foucault's work on an aesthetics of existence that I will posit the confession as a practice of freedom, in the sense of reinventing a female self/subject in connection with others.

FEMINISM AND AN AESTHETICS OF EXISTENCE

According to Foucault (1991:6) the Greek notion of Ethos, as "deportment and the way to behave ... the subject's mode of being and ... manner of acting", implies ... a relation with others to the extent that care for self renders one competent to occupy a place in the city, in the community or in interindividual relationships which are proper -whether it be to exercise a magistracy or to have friendly relationships (Foucault, 1991:7).

What was important for the Greeks, Foucault says, was *not to be a slave*; a slave cannot be ethical, or practise *Ethos*, because a slave is not free. The

Greek Ethos was, he argues, “the concrete expression of liberty” (1991:6).

Foucault’s notions of an aesthetics of existence owe a lot to Nietzsche. According to Nietzsche the ‘slave’ is one who is filled with resentment (*ressentiment*), who reacts rather than acts, who says “I”, rather than does “I” (Nietzsche in Grosz, 1994:127). Nietzsche argues that *ressentiment* is the product of memory, or the refusal to forget. Memory, as corporeal knowledge, works through the body to give meaning to the terms ‘I’ ‘reality’, ‘truth’, ‘history’. It is memory which enables contracts to be formed, promises to be made. Thus, memory enables social organisations and systems of law. In order for social organisation and law to function then forgetfulness must be renounced, or be made to be renounced (Grosz, 1994:131). According to Nietzsche, pain is the key to instilling memory:

One can well believe that the answers and methods for solving this primeval problem (the problem of how to instil a memory in the subject) were not precisely gentle; perhaps indeed there was nothing more fearful and uncanny in the whole prehistory of man than his *mnemotechnics* ... something of the terror that formerly attended all promises, pledges and vows on earth is *still effective* ... Man could never do without blood, torture and sacrifice when he felt the need to create a memory for himself ... (Nietzsche quoted in Grosz, 1994:131).

The claim that there are primordial and “still effective” relationships pertaining between *ressentiment*, memory and pain, are important for this paper and I will return to them in a moment. The important point here is the Foucauldian borrowing of the notion of self as *not slave*. Perhaps it is also well to note at this point that Nietzschean notions of ‘not slave’ rely heavily upon notions of *ressentiment* and the privileging of virility (Grosz, 1994:129). Clearly such notions have implications for women.

The necessity for women to achieve ethical selfhood through rejection of (sexual, economic, political and social) slavery has been articulated by women in various contexts. However, the barriers to citizen/self have not yet been fully overcome. Nor are these barriers acknowledged by Foucault. Nevertheless, such barriers continue to be a site of women’s historically and culturally situated resistances, and as such suggest a place in which the logos of power as domination/resistance, being/becoming, and freedom/ethics might flourish

What I want to take from Foucault is the way in which his notion of ethics is associated with this process of ‘becoming’; with resistance, with action, with the self, and with personal relationships. Thus, rather than a code of morals that are either imposed or fixed, such ethics allow for a consideration of context and, importantly, are formed in terms of connections

with self and others. It seems to me that some form of these ethics might be useful for feminisms which place a priority on freedom as the practice of connecting with other women - connections which are either devalued or absent in patriarchal moral codes. A personal ethics which values female self-knowledge (invoking, perhaps, some form of the Foucauldian sense of self-knowledge as body/ power/ effect/ action) while placing a priority on connections between women, has the potential to disrupt the normalisation of fixed, hetero and hierarchicised sexual differences.

The way I would like to consider the notion of an aesthetics of existence as an ethical reinvention of the female self is, firstly, by recognising the problem for many women of relating to a code of morality which is shot through with notions of guilt and is bereft of an ethics of care of the self in connection with others. Of particular concern here is women's peculiar relationship to the paradoxical christian notion of self abnegation as a way of experiencing selfhood. It is as though christianity flirts with a feminised ethos quite at variance with the masculine Greek ethos of heroic self which Foucault so admires. So, where does this leave women, selfhood and ethics? If feminists want to reject, at the very least, the self-abnegation of christian morality and embrace a code of ethics more in tune with the heroic, can we, following Foucault, afford to embrace a form of morality which valorises Greek ethics of the self?:...

The task for feminism, as a political philosophy and as a practice of freedom, is to extricate the 'feminine' from the closures of victim and authorial languages of oppression - without valorising the 'masculine', or, and this may be a related problem, falling into a relativity which surely can only end up depoliticising actions, practices, and readings. That is, we are always implicated in the languages of domination when negotiating a language of freedom. It seems to me that many of the theoretical tools of marxist, radical and liberal feminisms, psychoanalysis and postmodernism lead us further into this problematic rather than away from it. I want, for instance, to consider spontaneous re/actions which are not consciously considered, without the related notions of 'false consciousness' or fantasy in subconscious sexual repression. I want to maintain the materiality of 'woman' or 'female subject' without the essence of woman. I want to attempt to read power as it is scripted by female bodies. And, while recognising the context of domination and resistance and their symbiotic relationship, I want (in this instance anyway) to privilege voices of resistance.

I hope that there might be something to be gained from a feminist appropriation and reworking of Foucault's notions of power as exercise/effect, domination/resistance, when read alongside his ethics of the self as an art, or aesthetics of existence. The confession seems one useful place to start: after all the confession, while implicated in both resistance and

domination, necessarily demands a relationship to the self. It is the nature of relationships to the self and others, and the connection of these relationships to truth/knowledge/power and the female body which, I believe, may benefit from feminist scrutiny.

In the following instances of the confession, I will refer directly to trial transcripts and legal documents. The voices which will be heard are those of the confessor and the authorial voices of the medico-legal practitioners who interpret the confessions. Of course *my own* authorial voice as feminist interpreter (with all the problems that this entails) works here to offer a political reading of the two confessions.

SEXUAL/TEXTUAL VIOLENCE AND 'ELSEWHERE TRUTHS': THE STORY

Here is a brief synopsis of the case which is the focus for this discussion:

In 1991 Tracey Wigginton stood in the Supreme Court of Queensland accused of killing forty-seven year old Edward Baldock in a suburban park during the early hours of an October morning in 1989. A week later three other women stood accused of being implicated in the same crime. The middle-aged white male victim was thought to have been chosen at random. The motive was unclear. It was a killing for no apparent reason. The victim had been discovered on the morning of the killing. He was unclothed and had died from stab wounds to the neck and body. The four accused women were in police custody by the end of the day. Tracey Wigginton made a confession to the police which absolved the other three women and claimed full responsibility for the killing of Baldock. A Health Tribunal was held for Wigginton at which she was found fit to stand trial. At her trial Wigginton pleaded guilty and received the mandatory life sentence. The guilt of the other three women rested on an alleged conspiracy between the women. The defence based their cases on the separation of the three women. More significantly the defence of each of the three women relied on their separation from the absent Tracey Wigginton.

Following Tracey Wigginton's arrest for the murder of Edward Baldock in 1989, it was suggested that she might be unfit to stand trial. A subsequent Health Tribunal for Tracey Wigginton focused on the claim made by doctors retained by the defence that Wigginton suffered from Multiple Personality Disorder (MPD), considered by some areas of the medical profession to be an extreme form of dissociation. Dissociation is thought to occur as a result

of trauma and the way the mind responds to that trauma; namely, a closing off or *forgetting* of the traumatic events; in the case of MPD it is believed that 'alters', other consciousnesses, or 'facets' of the personality, step in and take over in particular situations. An important consideration in MPD is the way in which the healthy self is understood as complete, or unified. The unhealthy self then is the split, disrupted and fragmented, self. The problem most referred to in discussion with sufferers of MPD is amnesia (loss of memory) and the resulting fears related to being 'out of control' or not being aware of *who one is*. That is, MPD, as the fragmentation of self, is directly related to a lack of linear memory. While any form of protracted pain/trauma or 'near death experience' may be related to MPD the most common reason given for its development, especially over the last ten or so years, is incest, or child sexual abuse occurring over an extended period of time. Ritual abuse, with its overtones of medieval religions, is often raised in relation to Multiple Personality Disorder. MPD as a medical diagnosis is a strongly contested area in the field of forensic medicine. One could argue that it represents "less a field of knowledge to be conquered than a modality of power to be secured and justified" (Foucault, 1978:6).²

The use of hypnosis was an important consideration in the Health Tribunal for Tracey Wigginton. Hypnosis is sometimes used as a diagnostic tool in MPD. Medical debates on the diagnostic use of hypnosis include the possibility that, since hypnosis is itself a form of dissociation, it may exacerbate or even cause MPD to occur in the hypnotised patient. Debates concerning hypnosis also consider the problems of transference and the desire of the patient to please the doctor; that is, the danger that the hypnotist may lead, or shape, the patient who may be eager to 'comply with' or 'please' the hypnotist. It was this latter argument that was the focus of medico-legal debates in the Tribunal for Wigginton. The reason given to the Tribunal for applying hypnosis in Wigginton's case was that it would speed up the process of ascertaining whether or not Wigginton was suffering from MPD. Wigginton at first refused hypnosis. She subsequently agreed to it after being told it would help her headaches and act as an aid to relaxation (Queensland Health Tribunal, 1990:108).

While further discussion of MPD in the context of Wigginton's Health Tribunal could be fruitful in this discussion of corporeality and resistance, a few contextual (and I'm afraid rather dense) points must suffice here as a 'way in' to this particular reading of the Health Tribunal: One, Tracey Wigginton's hypnotic sessions are presented to the Tribunal on a video screen, hence Wigginton's hyper-real body is present on the screen despite her 'real' absence; two, in the medico-legal contest for the validity of MPD as a medical phenomenon Wigginton 'stands in' for theory, that is, the absent Wigginton can be said to represent MPD itself in the power struggle between

theorists;³ three, memory assumes a central place in discussions of the 'healthy self'; four, throughout the Tribunal there is a discursive fragmentation of female subjectivity occurring alongside (and intermeshing with) discourses of essential femininity and masculinity; five, a covert discursive relationship is discernible between 'modern' scientific discourses of madness and 'medieval' discourses of demonic possession; and lastly, during hypnosis (administered by the doctors retained by the defence)

Tracey Wigginton makes a 'second confession'. It is this confession that I would like to posit as one which has its links with modern notions of sexual/textual harassment, ancient and medieval couplings of confession and torture, and with notions of truth as residing 'elsewhere'.

SEXUAL/TEXTUAL VIOLENCE AND 'ELSEWHERE TRUTHS': THE EVIDENCE

The following evidence is given in response to a question concerning the doctor hugging Wigginton and touching her on the knee.

While sexual harassment was hinted at these suggestions were quickly diverted into evidence concerning the appropriateness of using hypnosis in the case of MPD.

I think the notion of torture in the sense of a violence done to the body in order to uncover an elsewhere truth can be invoked here:

Dr. Clarke: the background to that (the touching) was my extreme concern that in the interest - the interest of challenging her to the utmost in the chance that other facets ('personalities') would emerge, I was also doing something which, because I am a clinical psychologist, which I simply would not do without preparation and support and reassurance. I felt, as I said to Dr Quinn afterwards, I am going to quit this case. On the second or third occasion, I forget which, I walked out in the hall and I wouldn't speak to Jeff there or Dr Quinn, because I was appalled at the distress that I had caused her. I realised intellectually what I had to do but I was shaken by it and at that point I said I am quitting right now (Queensland Mental Health Tribunal, 1990:108).

He continues;

I had pushed her very extensively without relief, without reassurance, to go through the episodes of the murder. She was shrieking out 'I can't stop'. She was sweating. She was contorting herself. I found this, as a clinician, inexcusable to put somebody through the rigours

of traumatic exposure without any buffeting or support in the risk of doing permanent psychological damage. That I admit is a controversial question but I certainly do believe it's a possibility and when I left I felt drained and worn out and I felt I never wished to do this again (Queensland Mental Health Tribunal, 1990:108).

Referring to the system of punishment in the eighteenth century Foucault claims that:

If torture was so strongly embedded in legal practice, it was because it revealed truth and showed the operation of power. It assured the articulation of the written on the oral, the secret on the public, the procedure of investigation on the operation of the confession; it made it possible to reproduce the crime on the visible body of the criminal; the same horror had to be manifested and annulled. It also made the body of the condemned man the place where the vengeance of the sovereign was applied, the anchoring point for a manifestation of power (Foucault, 1977:55).

In the twentieth century the focus of punishment has, in Foucault's schema, shifted from the body to the soul (or mind) and from the retributive law of the sovereign to the surveillance of the expert. Arguably, such a historical shift does not work to negate, but rather to restate, the notion of torture invoked here.

Now I will refer to one of the narratives concerning what happened on the night of the killing as told by McMillan QC public defender for the applicant in his address to the Tribunal. McMillan is here discussing what appears to be a gap in Wigginton's memory ... he relates this to a process of 'switching alters' ... he then goes on to use the medical evidence to speculate as to which of Wigginton's alters were present at the killing. Firstly, however, it may be worth recalling Nietzsche's claim that:

The worse man's memory has been, the more fearful has been the appearance of his customs; the severity of the penal code provides an especially significant measure of the degree of effort needed to overcome forgetfulness and to impose a few primitive demands of social existence as *present realities* upon the slaves of momentary affect and desire (Nietzsche in Grosz, 1994:132)

and

... if pain hurts more today, it simply requires a certain sublimation and subtilization, that is to say, it has to appear translated into the imaginative and psychical and adorned with such innocent names that even the tenderest and most

hypocritical conscience is not suspicious of them (Nietzsche in Grosz;134)

McMillan:Friday night is interesting because it puzzled Dr Quinn that she could remember so much of what had transpired, but there was a gap from the time the car got into Main Street until it got to the park and his impression is that she switched again in that period of time ... and when one looks at the deepening voice — there's a narrative as it were about what happened, and then — 'I want him'. Then, under hypnosis we hear that 'Big Tracey' was present. 'The Observer' would appear to have been present because she could very detachedly speak about what was happening. Little Tracey was present, and as Dr Quinn found out towards the end of his sessions Avril was present. Bobby was certainly present and we know Bobby now to be not one alter alone but perhaps an alter as a front, and the statement 'Bobby put the knife in', we don't know whether that can be accepted at face value or not, or whether it was something else, the alter behind the alter as it were (Queensland Health Tribunal, 1990:462).

The doctors for Wigginton claim that Wigginton (as unhealthy dissociated/ fragmented subject) was deluded into believing that she was in fact killing George Wigginton, her grandfather and defacto father, rather than the unknown man, Edward Baldock (there were hints here of child sexual abuse). Not surprisingly, Wigginton's alters mirror social roles and popular narratives of the feminine and the masculine: the child victim 'Little Tracey'. Tracey's avenger and protector, the masculine 'Bobby'. And 'Avril', the evil stepmother/grandmother. It is of course the masculine self which commits the violence, although this alter is under the power of Avril the power behind the throne 'as it were'; 'the alter behind the alter' (Queensland Health Tribunal, 1990:462).

Interestingly then the killing is presented in this narrative in terms of a Freudian-like scenario of revenge, retribution, and anger against a father figure.⁴ This is quite at variance with the other narrative; the one of the 'unreasonable' murder of a total stranger. This confession as it is wrung from Wigginton and is interpreted by her doctors provides Wigginton with a reason for the killing (which is also a motive). But at the very moment that the reason/motive is offered, so it is pathologised. The discourses of MPD used by the defence work to construct Wigginton as the ultimate victim, the victim of her own violence as well as the victim of the violence of others.

So, how is it possible to consider this confession as a particular form of truth/knowledge? In their unpublished paper, *The Production of Truth: Body*

and Soul, Meure and Albury discuss the way in which the ancient coupling of torture with confession suggests that the truth has to be violently uncovered. In such a scenario, the suggestion is that the truth is not immediately accessible, but rather, lies elsewhere. This 'elsewhere truth' has its roots in Greek notions of an insubstantial and chaotic truth which was considered to reside in women and slaves, but which required the philosopher, as interpreter and as judge, to give it substance, or form. Hence Greek notions of Truth as dependent upon mind over body, order over chaos, moderation over excess. It is important to note that, as well as passivity, both chaos and excess (of passion for instance) were abhorred *and* feminised in Greek culture. The ideas of Rousseau (among others) and later of Freud take up the idea that women are either passive or excessively passionate; unable to show moderacy in their interpersonal relationships; thus, they argue, women are unable to be 'balanced', or 'just'. Modernity restates reason, balance, moderation and justice as masculine. In this scenario, female speech mirrors female excess, being mere 'chatter' that must be interpreted, reorganised, or silenced (Meure and Albury, 1994). In the case of Tracey Wigginton, the way in which truth is uncovered under hypnosis might be considered in the light of such discussions of truth and knowledge.

Perhaps I can move into a different textual space here and refer to the work of feminist film theorist Mary Anne Doane (it is interesting at this point to bear in mind the Tribunal video representation of Tracey Wigginton).

Doane (1987:53) notes that in women's medical films of the 'forties, as in psychoanalytic practice, two types of narrative operate in opposition to each other. This opposition, she suggests, appears to be between a disease producing narrative (fantasy) and a therapeutic narrative (the truth). The two narratives are thus "fantasy and imagination unleashed and story as history". The first story (fantasy and imagination unleashed) suggests a lack of boundaries, structure, logic and rationality. The second story (history) suggests a structured, linear and rational story. Yet, and I think this is very interesting, Doane suggests that it is not the truth of the woman's narrative that is at stake here, since, as she says, for Freud "the necessity for historical truth in fantasy was never established". Rather, the oppositions between the two narratives rest on absence and presence, irrationality and rationality; the dualisms of liberal/medico-legal language. What is necessary in order to make the woman's story into a healthy, balanced, linear, or understandable, narrative is the presence of an interpreter. In this instance a doctor.

I would like to return to Nietzsche's theory of the mnemonics of pain here. Clearly, the doctors arguing the case for MPD in the Tribunal for Tracey Wigginton considered memory as the key to understanding 'self' or subjectivity. So important is this concept that considerable pain is considered 'necessary' in order to establish memory and hence the truth of the person

(rather than the truth of the event). Nietzsche's mnemonics of pain rests on the idea that historically pain has been an enforcer of memory. This idea can be substantiated here in the sense of perceiving the necessity to create a memory, even if this memory is not 'the truth of the matter'. [As Foucault has observed, a modern court is reluctant to punish a person it does not 'know' (Foucault, 1978).] In his discussion of memory, Nietzsche, or so it seems, was problematising the notion of memory as both truth and self, notions which postmodernists likewise problematise. However, the related notion that pain necessarily instils a memory (whether true or not), in the sense of instilling a memory of an event, is less than convincing when considering those experiences of pain which may seem to enforce forgetfulness, rather than to 'overcome forgetfulness'. That is, it is possible to remember pain, but forget the events surrounding the pain; or to (initially) forget the pain itself, only to remember it sometime later. Could Nietzsche's apparent neglect of the indeterminate relationships pertaining between pain and memory be due to the fact that historically the experiences of pain and 'forgetfulness' have tended to be the experiences of female bodies?

CONFESSION AS A PRACTICE OF FREEDOM

Now after this somewhat depressing discussion of the confession in and through the authorial voice, I want to make a space for Tracey Wigginton's resistance/ethical subjectivity. I want to see if - at the extremes or limits of discourse (which includes its absences and silences), at the extremes or limits of 'woman as victim versus woman as predator', of woman as the unconscious bearer but not the articulator of truth - there is a place within liberal/legal 'language' for an ethical female self. The way in which I want to bring attention to this space of resistance/subjectivity is through considering the play of power in and around Wigginton's absences and silences. For amidst the clamour of sensationalist discourses which emanated from the courtrooms throughout the various trials of the women accused of complicity in the killing of Baldock, there was a centre of silence and absence. This silence and absence was not passive. Rather, it engendered both surveillance and resistance. The locus of absence and silence can be traced to Wigginton's confession and plea and the subsequent order in which the trials of the four women occurred. I hope, therefore, that by placing Wigginton's confessions in the context of Foucauldian ideas of resistance/domination *and* an aesthetics of existence, it might be possible to read these silences and absences (along with and as part of corporeal inscription) as a 'practice of freedom': a logos / locus of female power which works to subvert the storm of authorial medico-legal voices, rather than be contained by them.

Tracey Wigginton was the first of the women to be interviewed by the

police. The most incriminating evidence the police possessed was a bankcard belonging to Wigginton. It was this evidence which led them to Wigginton only hours after the murder. During the day following the murder, Wigginton made statements to the police which denied her implication in the killing of Baldock. She claimed the bankcard to be one she had lost in the park the previous night while playing on some swings with a couple of friends. On being officially informed toward the end of the day that these friends along with her lover Lisa Ptaschinski had spoken to the police of their implication in, or knowledge of, the murder of Edward Baldock Tracey Wigginton asked, 'Is it true, have they gone to the police?' She then said; 'Put the tape back on, I'll tell you what happened' (R v Ptaschinski, Jervis and Waugh, 1991:day three). Tracey Wigginton proceeded to give a detailed confession *as to how she effected the murder*. In her confession she took full responsibility for the killing.

Wigginton says that she acted alone. In this sense she has been complicit in the depoliticisation of her act (that is, as the collective act of an oppressed group against an oppressor). During the subsequent Health Tribunal, Wigginton is complicit in the representation of her body as a pathology. She even signals this pathology by her absence. Yet, there are clues which could suggest that Tracey Wigginton treats her 'necessary' absence and silence within this scenario as her own uncanny reversal, and, perhaps, as a reinvention of her ethical self. These clues, I suggest, are Wigginton's confessions and her plea of 'guilty' to murder. Arguably, through a compliance with the authorial voices of the law, Wigginton's first confession is an acceptance of responsibility for the killing. It is, however, a story of what she did, rather than a 'life story'. In this way Wigginton's confession refuses pathologisation/slavery. Wigginton's determination to plead 'guilty' to murder, against the wishes of her forensic doctors, can likewise be read as a refusal to remain in the position of 'unhealthy body', or in the position of the oppressed. In this reading Wigginton is 'not slave'. She has said 'I did it. I did it alone'. This is enough. The rest is silence.

I would like to read Wigginton's absence at her own Tribunal as her will to power and to female integrity. I would like to read her plea to murder - which makes possible her silence and her absence - as a will to self knowledge: as heroic gesture. This is not of course to suggest that this is the only, or the 'real', truth of the matter. Perhaps, following Foucault, I can suggest that the truth of the matter is less an issue here than the effects of the discourses which create the many truths of Tracey Wigginton. In this particular reading Wigginton's confession and her plea to murder can be read as a bid for freedom; the freedom of her co-accused and for her self. A way, perhaps, through silence and absence, for Tracey Wigginton to realise freedom through ethical connection with other women.

Here then is a (limit) case offered in order to make possible, or imaginable, the consideration of a female ethics of resistance which is not dependent upon imposed codes of morality, on concepts of an essential femininity, on a masquerade of masculinity, or on a rationality which renders 'woman' as the object of knowledge. Of course this reading of the confessions is fraught with problems, especially if 'truth' is in question. For instance, the christian concept of sacrifice, as a denial of the body - which for women particularly has become a self-abnegation devoid of an ethics of care for the self - may also have played a part here, complicating such a reading of the confession. Nevertheless, perhaps the most important question posed in this paper is: can an ethical female self maintain enough materiality to escape fragmentation yet refuse immanence? Because, if it is the case, as many feminists have argued, that medico-legal knowledge/truth is thoroughly and deeply masculine, then the problem for feminists is how to engage with such truth/knowledge without either forcing real women's silences and absences, or representing them (us) as victims or the 'monstrous feminine'. How in such a scenario of truth/knowledge/power is women's resistance to be heard?

CORPOREAL INSCRIPTIONS

It is here I think that a feminist focus on 'corporeal inscriptions' (Grosz, 1994) and on reading/writing the body (Jacobus, 1986) are helpful: a way perhaps of (re)inserting the female body into what has thus far been 'masculine' theory. Consider hysteria, for instance. It is perhaps symptomatic of Foucault's focus on oppression at the expense of resistance that, despite his recognition of the centrality of Freud's categorisation of the 'female hysteric', he, along with Freud, fails to note women's use of hysteria as corporeal resistance ... as a way of writing/ rewriting, inventing and reinventing, female subjectivity.

I really like the following quote from Mary Jacobus. It seems to fit well with my readings of the trials, tribulations and resistances of Tracey Wigginton. Jacobus (1986:109) says,

If the woman in the text is 'there', she is also 'not there',
certainly not its object, not necessarily even its author.

This, she suggests,

may be why the heroine of feminist critical theory is not the *silenced* Irma, victim of Freudian theory, but the hysterical Dora whose body is her text and whose refusal to be the object of Freudian discourse makes her the subject of her own (Jacobus, 1986:109).

Such a bodily textual strategy seems pertinent to this reading of

Wigginton's confessions. When considered alongside notions of power working through bodies, this strategy allows a consideration of how there might be a positive feminist reinvention of Tracey Wigginton. That is, how it might be possible to represent Wigginton's subjectivity, her will to power, in the context of her lived and situated bodily experiences/practices. A reading of Wigginton's absences and silences allow us to ask: 'If she is not there, how is she also there? If she is not the object of the text, is she then its author? Is her 'performance', or her 'script', a hyperbolic mimicry of the symbolic forms of womanhood? Or, perhaps, manhood? Is her (conscious, or unconscious) masquerade merely a parody of 'truth'; or is her hysterical body an excess of representation which renders such truth formless?

Something which has become apparent to me while reading the courtroom texts is that the extent of Wigginton's power appears to be in an inverse relationship to her courtroom 'representability'. But if the truth of Tracey Wigginton is not to be found on the fetishised surface of her (videoed) body, then does it lie 'elsewhere'? And how might this 'elsewhere' transcend the depoliticising voices of legal and medical authority while remaining 'embodied'?

During the Tribunal a medical narrative must be told in order to render Wigginton's absent body as 'representable' on the video screen, or as understandable in liberal/legal terms. Yet, in the telling of the courtroom narrative, Tracey Wigginton's 'hysterical discourse' tells a story which can be understood, or written, differently:

The violence of the doctors as this violence is written on her body;

The activities of the doctors as a horror story of forensic medicine;

The doctors as phallogentric symbols of Tracey Wigginton's sexual/textual harassment.

Such a bodily script invites attention to the context of violence through which Tracey Wigginton moves, and within which she is implicated. It makes visible the violence working through the bodies of those in the courtroom, and beyond. Violence, it seems, like power, creates truths, realities, and subjectivities.

I would like to think that this paper is an engagement in the ongoing feminist struggles between action and reaction, oppression and resistance. 'Freedom' has shown itself to be an ephemeral ideal, eclipsed as it has been by concerns with the history of oppression. The important thing now may be to pay less attention to *being* un/free, and more attention to *becoming* free, to 'practising freedom'. This is not at all to negate histories of oppression, nor the context of violence in which women continue to live. Nor is it to suggest that we can all afford to stop working in the area of 'danger'. Perhaps, *ressentiment* as a slave morality could only have been thought in

this way by a member of the oppressor group. Nevertheless *ressentiment* suggests a failure, or refusal, to overcome; a situation of stasis. Thus while resentment (as well as recognition) of oppression has been imperative for feminism, perhaps it is possible to both recognise *and* refuse oppression in the one moment. Not an easy task. In considering the case of Tracey Wigginton this might entail recognising the way in which power and violence move through, and inscribe, bodies; not valorising or pathologising Wigginton as always hero or always slave, but recognising her movements between these positions; shifting the focus from the person of Wigginton to her contextualised actions; and lastly separating (but not negating) Wigginton's act of murder in the park from her acts of confession in the courtroom.

The absence of Tracey Wigginton at the Health Tribunal and her silence at her own trial led to her powerful symbolic presence both at the Tribunal and in the subsequent trials of the other three women. Tracey Wigginton pre-empted the possibility of her bodily presence at the Health Tribunal and hence the telling of her story at her own trial. She agreed to an early date for her trial and refused to plead not guilty to murder by reason of mental abnormality. Tracey Wigginton was, perhaps, less absented in court than absent, less silenced in court than silent.

What I am attempting to argue here is that Wigginton's two confessions and her 'guilty' plea - as her 'will' to silence, absence, and integrity - disrupt medico-legal discourse, situate Wigginton, if only precariously, inside/outside the dualisms of domination and resistance; essentialism and performance; victim and perpetrator; slave and hero, and place her, if only momentarily, in the position of not slave: an ethical female self in connection with other women.

NOTES

¹This paper stems from a longer work I am doing on women who kill men with whom they have no prior relationship. My research on these cases entails the readings of transcripts of trials and, in the case of Tracey Wigginton, of the Health Tribunal. My interest lies in considering the way in which the subjectivities of the women on trial are constructed in the arena of the courtroom. I am also interested in various concepts of violence, and what is at stake for women in these concepts.

²I suspect that in the present postmodern context the Multiple Personality syndrome may prove to be a 'threshold debate' within forensic discourse -rather as 'possession' and monomania have been in the past. The relationship between MPD and incest also make it the site of struggle between feminism and forensic discourse, particularly in light of discussions of 'false memory syndrome'.

³This idea owes much to Mary Jacobus' work on sexual/textual harrassment.

⁴'Gothic' narratives of ritual violence occur more overtly in the subsequent trials

of the other three women accused of being implicated in the killing of Baldock. and in the media reportage of the crime. It is in these arenas that Tracey Wigginton is referred to as both witch and vampire.

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