

## Critical Response

### The Simpson Trial and the Forgotten Trauma of Lynching: A Response to Shoshana Felman

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In her provocative juxtaposition of the O. J. Simpson trial with Tolstoy's *The Kreutzer Sonata*, Shoshana Felman argues that both the trial and the novella reveal a particular kind of cultural blindness. In both cases, she contends, the jury's acquittal of a man accused of murdering his wife betrays a failure to see incontestable evidence of wife beating, reveals "the inherent cultural *invisibility* of the [wife's] battered face." In each case, Felman writes, "the jury . . . *did not see the domestic violence*" (Shoshana Felman, "Forms of Judicial Blindness, or the Evidence of What Cannot Be Seen: Traumatic Narratives and Legal Repetitions in the O. J. Simpson Case and in Tolstoy's *The Kreutzer Sonata*," *Critical Inquiry* 23 [Summer 1997]: 761).

As Felman shows, both of these cases involve a husband who was enraged by his wife's (or ex-wife's) supposed desire for another man, who beat her severely, and who made her fear for her life before she was killed. And in both cases the evidence of domestic violence was occluded or at least offset by something else: by jealousy in the case of Tolstoy's Pozdnyshv, "a wronged husband who'd killed his wife in order to defend his outraged honour" (quoted on p. 757), and in Simpson's case by evidence of racism in the Los Angeles police department, whose record of mistreating blacks undermined anything the L.A. police might say about a black defendant. These two acquittals—one in a late nineteenth-century work of fiction, the other in the public record of the late twentieth century—prompt a grim conclusion: "As far as women are concerned as targets of abusive or appropriative violence, we seem to have inherited,

quite strictly and specifically, the nineteenth century's blind spots. The murders and acquittals of the nineteenth century are still with us as our tragically intact inheritance" (p. 765).

This claim can withstand at least some of the resistance it provokes. Before objecting that race makes a fundamental difference between the two cases, we do well to note that Simpson's acquittal, like Pozdnyshév's, occurred in a climate of tolerance for wife abuse that cannot simply be defined in racial terms. Before his wife was killed, Simpson's beating of her—to which he pleaded no contest—brought him only "the same light sentence that most first-time wife-beaters receive," and on the same day that a Simi Valley jury acquitted the police who were videotaped in the act of beating Rodney King, a jury in South Carolina that included eight women acquitted a white husband who had raped, beaten, and tortured his white wife, and had also videotaped a half hour of her ordeal.<sup>1</sup> But what are we to make of such scattered evidence? Does it compel the inference that late twentieth-century American society as a whole has inherited the blind spots of nineteenth-century Russia, that all of us—male and female, black and white alike—are just as blind to the suffering of battered wives as Tolstoy's contemporaries were?

Quite apart from the fact that Felman would certainly exempt herself from this charge of blindness, I question her inference on several grounds. Let us first of all recognize that whatever its failings, late twentieth-century American law no longer accepts "outraged honour" as a justification for murder. We have at least learned to see the shallowness of that defense, and we know perfectly well that neither Simpson's defense team nor any one of the Simpson jurors could entertain a motive of jealousy without reinforcing the case for the prosecution. Whether or not any juror used the motive of jealousy to rationalize his or her vote for acquittal is another matter, and something we will probably never know. What we do know, however, is that the acquittal of Simpson exposed a fundamental chasm between white women and black women. As Isabel Wilkerson observes in an article that Felman herself cites, a jury composed chiefly of black women chose race over gender, chose to ignore

1. John Gregory Dunne, "The Simpsons," *New York Review of Books*, 22 Sept. 1995, p. 36; quoted on p. 756. See Andrea Dworkin, "Trying to Flee," *Los Angeles Times*, 8 Oct. 1995, p. M6; quoted on p. 765 n. 24.

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a female victim of abuse in favor of a man "with whom they share race experience." As a result, televised images of reaction to the verdict showed black women "smiling to the heavens, thanking Jesus," and white women "sobbing, unable to speak."<sup>2</sup>

If Wilkerson is right, and if those televised images reveal anything like a general truth about black and white women, is it reasonable to assume that a jury composed chiefly of white women would have turned a blind eye to the battered body of Nicole Simpson and acquitted her ex-husband? The answer is a resounding no. Shortly before jury selection in the Simpson trial began, in fact, focus group tests commissioned by the prosecution itself established that blacks and whites would split almost exactly on racial lines, with whites voting for conviction of Simpson and blacks for acquittal. Together with a general telephone survey conducted in Los Angeles, these studies also showed that black women were far less likely than black men to convict Simpson for murdering his wife, far less likely to be moved against him by the plight of a battered and terrified white woman.<sup>3</sup>

The question of why black *women* in particular would blind themselves to her suffering is only partly answered by the claims of racial solidarity and the racist brutality of the L. A. police. Because the videotaped beating of Rodney King graphically exemplified that brutality and lay fresh in the memory of everyone who followed the Simpson trial, Felman argues that the Simpson case could readily be construed as a reenactment of the King case, a repetition of the old trauma,

a confirmation of the same police corruption and brutality and of the same racist complicity (or white conspiracy) that King was the victim of. In spite of his assimilation with the white community, Simpson became a double of black motorist Rodney King, similarly chased or hunted on the highway and (presumably) equally indicted and scapegoated merely for the color of his skin. [P. 745]

Yet nothing in the Rodney King case—or in the history of racist brutality and the corruption it exemplifies—explains why black women were far more likely than black men to acquit Simpson. The King case pits white police against a black man; no woman of any color is involved. *The Kreuzer Sonata* pits a white man against his white wife and her white would-be lover; there is no racial conflict here. To find the trauma that makes black women overlook the sufferings of a white woman who may well have been

2. Isabel Wilkerson, "Whose Side to Take: Women, Outrage, and the Verdict on O. J. Simpson," *New York Times*, 8 Oct. 1995, p. D4; quoted on p. 774.

3. See Jeffrey Toobin, *The Run of his Life: The People v. O. J. Simpson* (New York, 1996), pp. 190–93; hereafter abbreviated *RL*. At the trial itself, one of the two whites on the jury—Anise Aschenbach—voted initially for conviction and said she would have tried to persuade the others if she thought she had any hope of doing so. See *RL*, p. 437.

murdered by her black husband, we need a story that combines race, gender, and the brutalization of blacks. In my judgment, the literary key to the acquittal of O. J. Simpson—if there is one—is not Tolstoy's *The Kreutzer Sonata* but William Faulkner's "Dry September" (1930), a short story about a black man lynched by a group of white men for allegedly doing "something" to a white woman.

To set the story against the background of history, it is well to remember that between the 1880s and the 1960s more than 3000 blacks were lawlessly executed by mobs in the South and elsewhere in America. If Faulkner's story is a reliable guide to the mood of a lynch mob, one of the most provocative things that a black man could do to incite such a mob was merely to accost—let alone assault or rape—a white woman. In Faulkner's story, the mere suggestion that a black man has done "something" to a white woman spells his doom:

Through the bloody September twilight, aftermath of sixty-two days of rainless days, it had gone like fire in a dry grass—the rumor, the story, whatever it was. Something about Miss Minnie Cooper and a Negro. Attacked, insulted, frightened: none of them, gathered in the barbershop on that Saturday where the ceiling fan stirred, without freshening it, the vitiated air, sending back upon them, in recurrent stages of stale pomade and lotion, their own stale breath and odors, knew exactly what had happened.<sup>4</sup>

In such an atmosphere ignorance displaces both facts and plausibilities. When the rational voice of the barber says that Will Mayes is "a good nigger" and ventures to imply that Minnie Cooper—a middle-aged spinster—may be given to sexual fantasies, one of the other men says, "Won't you take a white woman's word before a nigger's?"<sup>5</sup>

Though she would never have put it in these words, this is essentially the question that Marcia Clark repeatedly put to a jury composed chiefly

4. William Faulkner, "Dry September," in *Ten Modern Masters: An Anthology of the Short Story*, ed. Robert Gorham David, 2d ed. (New York, 1959), p. 139. A quite different as well as more notable literary precedent for the Simpson case is Richard Wright's *Native Son* (1940). While Faulkner's Will Mayes is guilty of nothing more than fluttering the pulses of a white woman, Bigger Thomas murders one—and a black woman as well. What links the two men is that each is wrongly accused of sexual assault and executed as the result of what a white woman says or does. Minnie accuses Will of accosting her; Mary Dalton is so drunk that Bigger has to carry her up to her room, where—as the restored text reveals—she grinds her hips against him before he lays her down on her bed. When Mary's blind mother appears at the door of the room and calls her name, Bigger feels compelled to silence Mary with a pillow because he is terrified to be found in her bedroom, and inadvertently smothers her to death. Significantly, it is a black woman—Bigger's lover, Bessie Mears—who correctly foresees that he will be accused and convicted of more than murder. "Honey, don't you see?" she says, "They'll say you raped her" (Richard Wright, *Native Son* [New York, 1993], p. 262; see p. 96).

5. Faulkner, "Dry September," p. 140.

of black women. The words these women were asked to hear again and again—right up to the final moments of Clark’s closing argument—are the words that Nicole Brown Simpson spoke to the police who answered her 911 call on New Year’s morning of 1989: “He’s going to kill me, he’s going to kill me” (*RL*, p. 52). To recall that for nearly eighty years in America the word of a white woman was by itself enough to doom a black man is to see why black jurors of any gender might be disinclined to take the word of Nicole against the not guilty plea of an otherwise silent O. J.

It is also to begin to see why black women would regard Nicole Brown Simpson as something other than a sister, something other than a fellow victim of brutalizing men. Faulkner’s story leads me to speculate that in the eyes of at least some black women, a white woman who marries a black man is at best a rival, at worst a traitor bent on repeating what generations of white women did to deliver black men to lynch mobs. If that is a plausible way of describing how the trauma of lynching has affected black women, the acquittal of O. J. Simpson suggests not that the jury failed to see the battered body of Nicole Brown Simpson but that it *did* see it, and condoned what was done to her.

Part of their reason for doing so may be an usually high tolerance for spousal abuse. According to the telephone poll mentioned earlier, “a full 40 percent of black women felt that the use of physical force was appropriate in a marriage” (*RL*, p. 193). In addition, black women loathed Marcia Clark, which was surprising. By the time of the Simpson trial, Clark had good reason to believe that she had developed a special rapport with black women jurors, and since black women in America are disproportionately victimized by domestic violence, she felt sure they would embrace her story of what happened to Nicole Brown Simpson (see *RL*, p. 189). But long before the acquittal told her how wrong she was, she signally failed to impress the black women in the focus group. Asked to evaluate both her and Robert Shapiro, Simpson’s attorney, they rated Shapiro “smart” and “clever” while reviling her as

“Shifty.”  
 “Strident.”  
 “Bitch.”  
 “Bitch.”  
 “Bitch.” [Quoted in *RL*, p. 193]

Donald Vinson, the jury consultant who conducted the focus group test, construed these comments as a reaction to the harshness of Clark’s manner—her business suits, her intimidatingly rapid-fire delivery, even her hairstyle. Since Simpson had become an icon of black male virility in a predominantly white world, black women—according to Vinson—saw Clark as a “castrating bitch” bent on destroying him (*RL*, p. 194). Whatever the truth of that diagnosis, nothing Clark might say on behalf of a

battered white woman could melt the hostility of black women jurors. On the contrary, they rejected her appeal precisely because she cast herself as the champion of a white woman whose testimony would doom a black man, as the conduit through which that white woman posthumously spoke, again and again, against him: “He’s going to kill me, he’s going to kill me.” Asked to take the word of a white woman against a black man, black women jurors remembered at some level what eighty years of white women’s testimony had done to black men in America, and said no.

If *The Kreutzer Sonata* reveals the “terrible abyss” that yawns between men and women, and more precisely between husbands and wives, the acquittal of O. J. Simpson shows not just the chasm between blacks and whites in America but the chasm between white women and black women. Along with millions of other white women in America, Marcia Clark saw only too clearly what O. J. Simpson had done to his wife, and she did everything possible to make the sufferings of Nicole visible and audible to us all. What Clark could not see—what she refused to see until the acquittal—was that black women heard Nicole’s posthumous testimony as something fundamentally other than the cry of a battered woman in fear for her life. They heard instead the voice of a white woman aiding and abetting the voices of a police force whose record of racist contempt and brutality—epitomized by the Fuhrman tape—evoked the merciless cries of a lynch mob.