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Medea of Suburbia: Andrea Yates, Maternal Infanticide, and the Insanity Defense

Rebecca Hyman

On May 12, 2003, in the town of Tyler, Texas, Deanna LaJune Laney called the police to inform them that she had just stoned her three children to death. Laney's husband slept through the children's murder, emerging from the house in his nightclothes at 12:52 p.m. to find the police in his yard. In their reports, the police stated that when they arrived they found Joshua and Luke dead in the front yard, and Aaron lying critically wounded in his crib. A fervent Christian with no known history of criminal activity or mental illness, Laney explained to the police that she "had to do it" because God told her to kill her children. When she was interviewed in her prison cell later that day she was described by Sheriff J. B. Smith as "incoherent . . . sometimes [she] lays in a fetal position, sometimes walks around her cell singing gospel music. Sometimes she seems to realize what she's done and says 'Oh, no!'" (Cohen, 2003).

Laney's crime, sensational in its own right, gained further notoriety by its uncanny similarity to that of Andrea Yates, another devout Christian from the suburbs of Houston, Texas, who in June of 2001 drowned her five children in the family bathtub. Both Laney and Yates were left alone without supplemental help to care for and home-school their children, and both invoked divine injunction to explain their crimes. Because Yates's life and trial received such extraordinary publicity, a local judge immediately issued a gag order on those involved in the Laney case (2003, *Accused Mom*). In their initial speculation about the trial, however, lawyers and other commentators predicted that the prosecution, like that in the Yates case, would seek the death penalty (Cohen, 2003).

Cases of maternal infanticide are gripping because they seem to violate an inherent natural law, calling into question the essentialist notion that women are endowed with a nurturing maternal instinct. Incidents of maternal infanticide garner more press than paternal infanticide and evoke greater outrage from the public. Manuel Gamiz, Jr. (2002) of the *Los Angeles Times*, for example, compared

the press coverage devoted to the Yates case to that surrounding the case of Adair Garcia, a Pico Rivera man who intentionally killed five of his children by lighting a barbecue in his house and poisoning them with carbon monoxide. Though in the first four weeks of the Yates trial "more than 1,150 articles" were published about her case, only 77 articles were written about Garcia (p. 3). Gamiz argued that the radical disparity in coverage was evidence of a gender bias in the reporting of infanticide—there was something more shocking and forbidden about maternal violence than paternal infanticide. In the case of Yates, men and women uniformly called for her death on radio talk shows and public Internet forums despite the evidence that she was suffering from mental illness. Others, particularly feminists, called for leniency, seeing Yates's life as emblematic of the contradictions between maternal ideology and the daily practice of motherhood, and her crime a consequence of postpartum psychosis (Cohen, 2002; Williams, 2001).

In this essay I consider the public reception of Yates's acts to examine why maternal infanticide generates such heated debates among the public, particularly those who are feminists or religious conservatives. I demonstrate that infanticide is thought by some to be comprehensible only when viewed in relation to popular conceptions of maternal responsibility, whereas others see the act as purely a crime, a form of murder. In doing so, I explore the ways in which the law, because it is predicated on a universal subject, is unable to account for someone like Yates, a woman suffering from a gender-specific mental disorder. The particular form in which Yates' disorder made itself manifest, moreover, indicates the extent to which a clinical entity cannot be extracted from the larger culture within which it is embedded. Yates' belief that she was possessed and an evil mother stemmed from the disjunction between her life and the cultural construction of idealized maternity, a schema of interpretation that finds little room in a court of law. The prosecution's arguments at Yates's trial were accordingly viewed by feminists as exercises in willful blindness to the particular needs of isolated mothers in the postpartum period.

Yet as much as it is useful to examine the Yates trial through the lens of feminist theory, it is equally important to recognize that many of the debates that seem unique to the Yates trial have plagued the insanity defense since its inception. The Yates case is thus at once an expression of contemporary debates about motherhood and a reiteration of the historical conflict between law and medicine. As such, it is a particularly useful lens through which to examine the relation-

ship between popular culture and the gendered subject before the law.

The Crime

On the morning of June 20, 2001, Andrea Yates fed her children their morning cereal and sent her husband Rusty off to his job at NASA in Houston (Roche, 2002; Begley, 2002; 2002, Transcript). She then filled her bathtub within three inches of the top and methodically drowned each of her five children. The youngest, Mary, a six-month-old infant, sat on the floor screaming while in turn Yates called Paul, 3, Luke, 2, and John, 5, into the bathroom. When each child died, Yates put his corpse on the bed and covered it with a sheet. After having drowned the three younger boys, Yates held Mary under the water and then chased her eldest boy Noah, who was seven (Gesalman, 2002). Noah was running through the house to escape her, but she caught him and they struggled as he fought for his life. Noah came up for air a number of times, Yates recalled, but then said "I'm sorry" and drowned. Dripping with water, Yates walked out of the bathroom and called 911, telling the operator that she had killed her children (2002, Transcript). She then called Rusty, saying only "it's time" and asked him to come home (Roche, 2002). When Andrea was questioned about the murders, she told the police that she was possessed by Satan. She had killed her children, she explained, because she was a bad mother and they were not behaving properly. The children's deaths would assure their safety, for they would be spared her influence and instead go to heaven. More importantly, her death would ensure the death of Satan, who would be killed when she was given the death penalty. When she was brought to jail, Yates asked that her head be shaved so that others could see that Satan had engraved his emblem, 666, on her skull (2002, *Evil Inside*).

Feminist and Conservative Responses to Yates

The Yates case became an overnight sensation because Yates's personal history was at once woefully inadequate to account for her crime and yet strangely illuminating: her life could in some ways perfectly explain her ultimate actions. As a myriad of articles attempted to link her expressed motive to her particular circumstances, incidents from her life were hailed for their explanatory power. Yates clearly suffered from an acute mental illness and paranoid delusions.

She had been diagnosed with postpartum depression; she had been hospitalized; she had attempted suicide (Roche, 2002; Begley, 2002). She was intensely religious; she was isolated; she was left alone to care for five children under the age of eight. The details of Yates's life and her crime were repeated like an incantation by feminists and religious conservatives, each group appropriating her story to warn against what they saw as the unacknowledged political context of her act (Williams, 2001; Quindlen, 2001; Gandy, 2001; Caldwell, 2002; Kaus, 2001; McElroy, 2001; May, 2001).

Liberal feminists, particularly members of the National Organization for Women, argued that Yates's crime should serve as a catalyst for others to remedy the inexcusable lack of research on postpartum depression and psychosis (Varner, 2002). Kim Gandy, President of NOW, (2001, September 6) argued that the case drew attention not only to the plight of suburban housewives, but further to the fragile state of the U.S. healthcare system, which had allowed Yates to be discharged in a clearly psychotic state:

If we, as a society, allow Yates's case to be treated as a freak crime, stand by while the state of Texas executes her, and then move on to the next sensationalized story, we will have failed in our responsibility to address the larger issues. The overheated dialogue and the repeated characterization of Andrea Yates as "a monster" and "evil" interfere with the kind of clearheaded dialogue we must have in order to prevent the infliction of such misery on another family.

To seek the death penalty for someone as sick as Yates, as State Prosecutor Joe Owmby and District Attorney Chuck Rosenthal did, was proof that Texas was unable to appropriately judge the relationship between mental illness and criminal responsibility.

Members of NOW joined the ACLU, Murder Victims' Families for Reconciliation, and other anti-death-penalty organizations to contest the prosecution's call for Yates's execution, holding rallies demanding that she receive the medical care she so desperately needed. Katie Couric aired the number for Yates's defense fund on the Today Show and Time profiled the case, devoting a special issue to Yates and postpartum depression (Roche, 2002). Because some held that she suffered from both postpartum psychosis and schizophrenia, Newsweek published a feature comparing Yates's disease to that of John Forbes Nash, Jr., the schizophrenic mathematician who was the subject of the film "A Beautiful Mind" (Begley, 2002).

In addition to seeing Yates as the victim of an increasingly

bureaucratized healthcare system, feminists saw Yates's act as illustrative of maternal frustration. Though her crime was certainly extreme, the publicity surrounding the case, some hoped, would disrupt the myth of the eternally giving mother. Though all mothers experienced a conflict between maternal ideology and the daily failures of motherhood, particularly under strain were those like Yates who, in giving up a career to become a full-time mother, had exchanged an independent existence for the contingent identity of motherhood. By interpreting Yates as an emblematic isolated mother, they hoped to rend the veil of maternal ideology, causing others to recognize the extent to which impossible cultural standards could cause women to believe themselves unfit for the role (Quindlen, 2001; Williams, 2001). Yates lived in a conventionally conservative household—her husband did not help her care for their children, did not hire others to aid her with her household duties, and expected her to continue home-schooling the children even when she was diagnosed with clinical depression. Already stretched to what popular author Suzy Spencer (2002) called the “breaking point,” Yates also cared for her father, who was suffering from Alzheimer's Disease.

Despite her conforming to the patriarchal standards of female behavior, Yates lived in a state of frantic self-doubt. Her feelings of inadequacy were exacerbated by the teachings of the family's spiritual guide, the radical preacher Michael Woroniecki, whom Rusty had met when he was a student at Auburn University (Hunt, 2002; Pollitt, 2002). In his newsletter, *The Perilous Times*, Woroniecki wrote that mothers were responsible for the spiritual life of their children, and that children who had not been saved by age thirteen or fourteen were most certainly damned. Both Andrea and Rusty Yates corresponded with Woroniecki about their family, and as Andrea's depression worsened, she became convinced she was an “evil” mother (Saunders, 2002).

After the birth of her fourth child, Luke, in 1999, Yates became withdrawn and silent, staring vacantly at the television, pacing, and obsessively scratching her head until she became bald in places. In June of the same year, she took an overdose of Trazodone and was hospitalized. She was discharged in late June, but at the end of July Rusty found her in the bathroom holding a knife to her throat. Yates was then re-hospitalized and placed on the anti-psychotic medication Haldol. In August, her psychiatrist, Eileen Starbranch, warned Rusty and Andrea that further pregnancies could worsen her depression. By February, however, the couple felt that Andrea had recovered

from her illness and she became pregnant again, giving birth to Mary, their fifth child, in November of 2000. Unbeknownst to Rusty, however, Andrea had been suffering from violent hallucinations since the birth of Noah. At first she merely saw a knife flashing, dripping with blood, but as the months wore on she saw both the knife and a person being stabbed—she refused to tell her psychiatrists who was being killed. The strange behaviors that others had taken as merely side effects of depression and strong medications, she explained, were instead her attempts to prevent herself from acting on her violent visions (Roche, 2002).

That no one was sufficiently concerned about Yates's mental health to prevent her from having more children was staggering. That Rusty seemed not to find her extraordinary home responsibilities a potential cause for further mental strain indicated the extent to which he was incapable of comprehending the demands of motherhood. Writing on the case in retrospect, columnist Anna Quindlen (2001) saw Yates as a vivid example of the problems endemic to motherhood. Her plight was like that of other mothers, each of whom who was overworked, guilt-ridden, filled with doubt, and incapable of living up to the standards of behavior they set for themselves. Quindlen felt an outpouring of sympathy for Yates, emotions she found shared by other mothers with whom she discussed the case. For many women, the depression and frustration experienced by Andrea Yates were only too understandable, emotions they had shared. Marie Osmond's "I had lost all joy and hope," the essay in which Osmond recounts her own battle with postpartum depression, appearing in *Newsweek* in July of 2001, was one of many articles devoted to postpartum depression and maternal guilt that appeared in conjunction with reporting on the Yates case. Some believed Yates's story dramatized the particular difficulties faced by women who are bereft of emotional and material support, who are ejected from a health care system that does not adequately understand postpartum disorders, and who have had to choose between having a career and having a family (Long, 2002; Szegedy-Maszak, 2002). Quindlen wrote that "every mother" with whom she spoke about Andrea Yates "has the same reaction. She's appalled; she's aghast. And then she gets this look. And the look says that on some forbidden level she understands" (2001, p.64). Feminists, then, saw Yates as both emblematic and exceptional—she was both an Everymom and an extremely ill woman, incapable of perceiving reality through the scrim of postpartum psychosis.

Contesting this view were those who evacuated Yates's crime of

any political significance, arguing that her insanity defense was a ploy, a means to excuse her violent nature. Yates was guilty of murder. The purpose of the law, they argued, is to reestablish the harmony of the family unit, a microcosm of the larger social order, regardless of the relationship between the actor who harms and the family itself. Conservatives lambasted those feminists who championed Yates's depression as on a continuum with that of other housewives, arguing that her mental illness was not an adequate excuse for her violating her children's rights. Mike LaSalle (2002) of the *Men's News Daily* exulted that the Yates case would serve as a corrective to the view that women, because of their maternal instinct, are essentially nurturing and nonviolent. Christopher Caldwell, (2002) Senior Editor of the *Weekly Standard*, argued that "feminists cast Yates' behavior as an understandable (if extreme) reaction to the oppression of normal bourgeois family life. They wound up undermining her insanity defense, even as they thought they were promoting it" (p. 14). Yates was a violent criminal and even though she was ill she should be executed. Jay Nordlinger, (2002) Managing Editor of the *National Review*, wrote that "the parents of the murdered children were both concerned with saving the murderer's skin . . . no one is crying out for retribution on behalf of those kids. Give her the chair."

Comparing Yates to Melissa Drexler, the "Prom Mom" who committed infanticide and was then granted parole after three years for good behavior, the *National Review Online's* Deroy Murdock (2002) argued that Drexler's release was "the latest and most revolting example of the ho-hum attitude too many Americans hold toward baby-killing. Mothers (and some fathers) who murder their own newborns and young children often can expect light punishment accompanied by a chorus of experts, activists and authorities eager to excuse their crimes." By implicitly invoking the debate between feminists and conservatives over abortion, Murdock emphasizes that fetal and infant life are equivalent, and that infanticide should be censured as murder, rather than given a separate, more lenient sentence, as it is in countries like Great Britain (Meyer & Oberman, 2001).

Particularly incensed by the feminist arguments about Yates were conservative women, who ridiculed the idea that Yates was in any sense a representative mother. Shannon May, (2001) a contributor to *Rightgrrl*, wrote that Quindlen:

insinuates that any mother could have been driven to murder her children under similar circumstances, and that what's needed here is a way to raise awareness of the shocking struggles faced by

oppressed mothers everywhere . . . Poor unfortunate Mrs. Yates had five of the little beasts clamoring for [a full stomach, a clean diaper, and love] at once. Oh the horror! Any jury would certainly see that she was overcome by the pressure and was inexorably compelled to murder her children.

Amy Holmes of *USA Today* saw Quindlen as a "liberal feminist" writer who had turned Yates into "a casualty in the psychological war of modern motherhood" (Kaus, 2001).

The very rapidity with which Yates's history was used by conservatives to attack second-wave feminism is striking. Portrayed as naïve, selfish, and singularly out-of-touch with the realities of contemporary women's lives, "NOW feminism" is represented as a kind of therapeutic discourse, evacuated of any political salience, that allows frustrated women to escape the responsibilities they have chosen by posing as passive victims of their oppressive husbands. At the same time, however, the seriousness and intensity with which the feminist position is critiqued by conservatives, especially conservative women, attests to the power it still retains in popular discourse. Quindlen had articulated a great unspoken, raising the specter of women's anger and potential for violence, two qualities that are given no place in the pantheon of maternal attributes. The fact that a number of mothers empathized with Yates and yet others rose up to contest the comparison between Yates and Everymom demonstrates the extent to which her case expresses the current fetishistic disavowal of maternity as anything but an experience of fulfillment and joy. The silencing of women who express frustration with motherhood then reaffirms the public rhetoric that "other women" are happy mothers and it is only the exceptional woman who is dissatisfied with her role.

The moniker "rightgrrl," moreover, is an interesting reconfiguration of feminist discourse, self-consciously invoking the "riotgrrls," young women who started feminist punk bands and independent zines in the 1980s. These women created a new form of feminist expression, using camp and parody as well as rage to represent what has come to be known as "third wave" feminism. The journal *Rightgrrl* thus inverts riotgrrl politics even as it uses their attitude of defiance and parody to promote a conservative agenda, calling feminists to task for portraying the discourse of the right as a bastion of white male privilege. May (2001) thus appropriates the power and independence of speech that is associated with feminism, but rejects the politics that enabled her to write and publish as a conservative woman.

By demonstrating that women should have the right to speak from any point along the political spectrum, journals like *Rightgirl* represent feminism as univocal and reactionary. What is more significant about articles like that of May, however, is that they appeared at the moment when second-wave feminist analyses were under attack not only from without, but also from within. The liberal feminist critique of the housewife that was launched in the late 1960s and early 1970s, best expressed by Betty Friedan's *The Feminine Mystique*, came under particular scrutiny when Daniel Horowitz's (1998) contentious biography of Friedan criticized her for posing as a naïve suburban housewife, unwittingly delineating the "problem that has no name" when instead she was an active member of the left and worked as a union organizer before writing the book. Wendy McElroy, (2001) a columnist for the Fox News website, published a piece in *Ideas on Liberty* linking the current feminist response to the Yates case to Friedan's work. McElroy is confident that Friedan masked her allegiance to the left in order to gain readers who would "never have identified with the real Friedan: a left-wing labor journalist; a member of Marxist discussion groups; author of the union pamphlet 'UE Fights for Women Workers' which critiqued wage discrimination based on sex; a rent striker; and a career woman with a good mother-substitute—a housekeeper-nurse." McElroy presents Friedan as not only duplicitous but also a sellout, a left-wing woman who hired other women to do the real work of motherhood while she worked outside the home.

What McElroy does not address is the fact that Friedan's book resonated with a number of readers. Regardless of whether these women would have read a book by an avowed leftist, the fact is that they did read the text and were moved by its contents. Though Friedan did not experience at first hand that which she described, clearly others did. Despite the criticism of Friedan's choice to deny her history when writing the book, she did galvanize a group of predominantly middle-class women and contributed, along with the legacy of the Civil Rights Movement, to a feminist agenda seeking social change. The fact that second-wave feminism is represented in the popular media as a movement of white middle-class women with a single agenda, rather than the disparate movement it actually was, has made it easy for current political commentators, both liberal and conservative, to characterize contemporary feminism as monolithic, concerned only with achieving financial success for white women working in corporations.

Following this line of reasoning, NOW feminists who champion

Yates are viewed as arguing that Yates's depression is a really consequence of the fact that she elected to stay at home rather than continue working as a nurse. Yates, then, becomes the disavowed remainder of second-wave feminist discourse, left behind by those women who rushed into the working world and castigated for electing to stay home when others were breaking their bonds. As much as McElroy's critique depends on the belief that Friedan neglected her responsibilities to her children in order to pursue fame as a writer—a choice that McElroy, too, may be making—so too does the caricature of second-wave feminism depend upon the idea that any woman who stays at home is a dupe of patriarchy, selling out her own potential for a life of vacuous service to others. The situation becomes still more complicated when third-wave feminists argue that second-wave feminists wanted them to “do it all,” to become superwomen, maintaining both a home and a career to the point of becoming physically and emotionally exhausted. In this line of reasoning, it seems that that it is feminism, rather than the larger social order, that causes women to feel that they are constantly found wanting in all areas of their lives. Given the radically bifurcated arguments about contemporary motherhood, it should be no surprise to find so many mothers feeling frustrated and guilty about the choices they make in balancing work and family life. The fact that the decision to stay at home or work is presented discursively as a “choice” each individual woman is empowered to make, moreover, masks not only the very real and difficult economic and social contexts within which women operate, but also the fact that very few modern families conform to the nuclear model upon which the Yates family was structured.

Yates and the Insanity Defense

It would seem then, that feminists and conservatives callously exploited Yates's history to advance their political agendas, losing sight of her individuality in a bid to make her a stand-in for a particular platform. Yet as Yates gained notoriety for her crime and her trial began, the debates about contemporary politics gave way to those of the law: how was Yates's insanity plea to be interpreted? Was she suffering from a gender-specific disorder, postpartum psychosis, which has yet to achieve legitimacy in the American Psychological Association's Diagnostic and Statistical Manual? Should the law have separate standards for women and men? Would such a conception of the law reinforce Victorian notions of the sexual and intellectual differences between men and women, effectively infantilizing woman dur-

ing their "confinement"? Was Yates reaching for insanity because it was her only possible plea, given that she had admitted to the crime when she called the police? Even if one countenanced the feminist arguments that the stresses of motherhood had, in part, exacerbated her depression and implicitly caused a psychotic break, how was one to adjudicate between contemporary politics and the category of murder, the timeless standard of the law?

These problems and questions were crucial to the prosecution, defense, and the jury, each of which sought to exploit the relationship between contemporary morality and the law. In doing so, however, the defense and prosecution came into conflict with the inherently conservative function of the law itself. Though the catalyst for a criminal act may be something specific to the present, the act is at once inserted into a preexisting set of categories that strip it of its particular context and make it instead a manifestation of a timeless "crime." Murder is especially suitable to this logic because it characterizes the state of nature, the war of all against all. In this sense murder has no history, for it is always the primal crime, the act upon which the social order is founded. Citizens trade their capacity to kill one another for the benefits of a social order regulated by the law. When a jury is collected it is to act as a reiteration of the first public sphere, confirming the integrity of the social order by maintaining its boundaries and expelling those who threaten its cohesion.

The law is predicated on the fiction that by the force of its will a jury can rid itself of bias, setting aside its individual differences in the name of a collective good. That this objectivity is always already a fiction is demonstrated by the lengthy process of jury selection. In order to render a convincing verdict once the trial is in progress, however, the law and the jury must be taken as iterations of a timeless category (law, jury) rather than particular, local manifestations of the public mind. The jury, in other words, is not representative in the political sense, but instead must be evacuated of its historical specificity in order to execute a universal justice. To agree to be a juror is to acquiesce to substituting a collective identity, that of the jury, for one's specific history.

It was precisely the mandate to take the law as an expression of universal justice rather than of contemporary morality that the prosecution took as its imperative in preparing its case against Yates. Rather than see her illness and its manifestation as a call to murder her children as in part a consequence of her personal history and the culture within which she was embedded, the prosecution argued that her actions could only be understood as murder. The defense con-

tested this position, maintaining that Yates was insane and if, following John Locke's definition, insanity is right reasoning from wrong premises, then her actions should be evaluated by the extent to which her founding premise explained her behavior. Yates's conviction that she was possessed by Satan and was an instrument of his wrath seemed clear evidence that she had a deranged mind, and her actions clearly followed from her belief that she was inhabited by evil. When it came time to go to trial, neither the prosecution nor the defense contested the fact that Yates was suffering from mental illness. Under Texas law, however, a person can only be found not guilty by reason of insanity when it is established with "clear and convincing evidence" that they are unable to distinguish between right and wrong (Legal Information Institute, 2002).

The prosecution argued that Yates knew that her behavior was wrong and used a two-pronged argument to prove its case. First, they maintained, Yates referred to her crime as a sin, attributing her motives to Satan and expecting to receive the death penalty for committing infanticide. Second, Andrea was guilty of premeditation. As early as two years before she committed the crime, she had thoughts of killing her children. She had successfully prevented herself from drowning them two months before her crime, proving that she recognized that her actions were wrong and that though she was ill, she was capable of restraining herself. Kaylynn Williford, a prosecutor, told the jury that on June 20th Andrea had acted out of free will and with intent: "She made the choice to fill the tub. She made the choice to kill those five children. She knew it was wrong" (qtd. in Stein, 2002, p. 8).

Park Dietz, the expert witness for the prosecution, testified that Yates's speech and actions during and after the crime were further evidence that she understood that her behavior was wrong. If one granted Yates her premise that she had murdered her children so that they would be saved from her negative influence, Dietz argued, she would have been happy that they had died. She would have told her children to rejoice because they were going to heaven, and she would have shared the good news with others. Instead, she believed God would judge her because she had committed a sin. She covered the bodies, Dietz explained, because she felt guilty for killing her children (2002, Doctor: Yates Suffered Mental Illness). Dr. Melissa Ferguson, the jail psychiatrist who spoke with Yates just after the crime, testified that Yates had said "I am guilty" and that she "deserve[d] to be punished" (2002, Defense Witness: Yates Weighed Methods).

The defense countered that Yates should be found not guilty by reason of insanity because she was mentally ill and therefore could not be held accountable for her actions. The expert witness Dr. Philip Resnick argued that although she recognized that her act was illegal, she believed that it was "the right decision to keep her children from eternal damnation" (2002, *Doctor: Yates Driven By Delusions*). Dr. George Ringholz, a Baylor neuropsychologist, concurred with the defense's position that Yates was incapable of evaluating her actions because she was "acutely psychotic" and "did not know the actions she took on that day were wrong" (2002, *Psychologist*). The defense showed the jury home videos of Yates with her children just after the birth of Mary and at a child's birthday party, where she had baked a cake in the shape of a hot air balloon. Yates was a devoted mother who loved her children, they argued. Her actions were purely the consequence of her mental illness and her erroneous belief that she was a pernicious influence on her children.

The prosecution prevailed and Yates was found guilty. Significantly, however, the jury refused to grant the prosecution's request that Yates be executed for her crime. Instead of following the logic of their verdict, they sentenced her to life in prison, a decision that was taken by many as a sign of mercy, a recognition that Yates was mentally ill. Others, however, took the disjunction between the verdict and the sentence as an expression of the jury's frustration with the law itself, an act that legal scholars call "jury nullification." If the jury truly believed that Yates was guilty of murder they should have sentenced her to death. If they thought her mental illness rendered her incapable of being held criminally responsible, they should have found her not guilty by reason of insanity. Instead, they sent a mixed message. As one juror explained, there was "no doubt" that Yates was "mentally ill," yet at the time of her act, her confession had "proved to her that Yates was thinking pretty clearly and didn't sound psychotic" (Teachy, 2002).

Even Park Dietz, whose testimony was in many ways responsible for the jury's verdict, stated publicly after the trial that he personally opposed the law he had so zealously upheld in court. Dietz explained that he always worked for the prosecution because "prosecutors . . . seek truth and justice . . . The defense has a different set of duties. Their duty is to help their client, and often there are pieces of evidence that are not in their client's interest to have disclosed or produced" (Toufexis, 2002, p. F5). Dietz maintained that as a prosecutor, he was paid to uphold the Texas law and, according to its terms, Yates was guilty: "It was obvious where public opinion lay, it

was obvious she was mentally ill, it was obvious where the professional organizations would like the case to go, but it would be wrong to distort the law, to stretch the truth and try to engineer the outcome" (ibid.). Like the jury, Dietz seemed to want to bend the law even as he upheld its mandates. Why would Dietz publicly criticize the law if he did not intend his critique to serve as a catalyst for change? Why did the jurors send a two-part message to the Texas court if not to signal their difficulty reconciling their belief that Yates was mentally ill with their desire to punish her for committing a heinous crime?

Both Dietz and the jury sought to uphold the law as a timeless vector of unbiased justice and at the same time implicitly argued that the law should be an instrument capable of reflecting the public will. In his book *Commonplace Justice*, Georgetown University psychology professor Norman Finkel (1995) argues that jurors should be allowed to judge not only the facts of a case but also the law itself, citing the arguments of John Adams and Thomas Jefferson to support his case (p.30). Others, however, contend that if a jury were given free reign to interpret the law as well as the facts of a case, they would undermine the law, which would suddenly reflect local biases rather than operate in the same fashion across a number of jurisdictions. By all accounts, the jury in the Yates case should have called for her execution, for they had just found her guilty of two counts of premeditated murder. By choosing to imprison her instead, the jury became a political body, adjudicating between their definition of morality, a matter of opinion, and the objective logic of the law. The fact that the verdict was read by some as a manifestation of mercy and by others as a sign that the law is flawed, unable to account for one who is mentally ill yet still commits crimes, demonstrates the extent to which the law, said to be immune to the vagaries of popular opinion, is never an unbiased vector of an abstract justice.

The law is always doubled, at once the expression of contemporary politics and at the same time an iteration of the universal. The insanity defense is a particularly rich site through which to investigate the doubled nature of the law, therefore, because that which constitutes insanity itself is particularly mutable and reflects popular conceptions of mental illness. The insanity defense is more likely to change over time because it is dependent upon medicine to define insanity, and the scientific understanding of insanity itself is constantly shifting. The American Psychological Association and the American Medical Association, in fact, no longer accept "insanity" as a medical term, arguing that the word is too broad to have any scientific value. Instead, "insanity" is a legal term and is restricted to the

insanity defense (Facts About the Insanity Defense). Nevertheless, the behaviors and expressions that the law will term "insane" depend upon the evaluations of doctors and psychiatrists. The insanity defense is thus the point at which the discourses of law and medicine converge, but the imperatives of each profession put the two disciplines in conflict with one another. In order to maintain its authority, the law must represent itself as timeless. The authority of medicine, however, is augmented and bolstered by the extent to which it advances to reflect new scientific discoveries. The law is expected to reflect changes in the medical understanding of insanity but, as the register of unchanging social codes, the law is inherently conservative—it must resist change in order to maintain the fictive stability of the social order. The law must fix and limit the bounds of insanity even as medicine seeks to expand or refine them.

The conflict between law and medicine is further exacerbated by the fact that juries will supplement the testimony of expert witnesses with their own notions of insanity, usually expecting a defendant to present them with mania and incomprehensible speech. Because postpartum depression and psychosis are limited in duration, those women suffering from the disorders are usually "sane," or at least stabilized, by the time they stand trial. Because postpartum psychosis is characterized by highly volatile behavior and thinking, moreover, a woman could make a call and appear lucid after killing her children, as Yates did, yet still suffer from psychosis (Meyer & Spinelli, 2003, p. 176). Those who have written about postpartum psychosis and the insanity defense have shown that juries have a radically inconsistent response to women suffering from the disorder, in part because the defendants do appear lucid, as one juror in the Yates case remarked in defending the verdict. As the lawyer Judith Macfarlane (2003) has commented, "the most pervasive characteristic of postpartum disorders, their changeability, renders it extremely difficult to convince a jury that a woman was insane at the time she caused the death of her infant when at trial she appeared to be totally 'normal'" (p. 164). Because the disorder is not adequately understood by either lawyers or doctors, women suffering from postpartum depression or psychosis have been given wildly inconsistent sentences: "about half the women who raise postpartum psychosis as a defense are found not guilty by reason of insanity, one-fourth receive light sentences, and one-fourth receive long sentences" (Meyer and Spinelli, 2003, p. 174).

The fact that there is not a definitive treatment for, or understanding of, postpartum disorders has contributed to the skepticism with which they are received by jurors. In this sense, postpartum dis-

orders are not only viewed with suspicion in their own right, but are further open to criticism when they are placed in the context of an insanity defense. Insanity law, already open to interpretation, seems further compromised when it is expected to account for differences in gender and criminal intent.

Justice and the Gendered Subject

Yates's verdict and sentence comment as much on the concept of insanity itself as they do about her particular case. To call for Yates to be found not guilty by reason of insanity is not only to sanction the psychological entity postpartum psychosis, but also to argue that Yates is a kind of Everymom, and that her history and its result—infanticide—is a manifestation of the public's disengagement with a mother's needs. To find her not guilty by reason of insanity grants attention to her illness and makes a public commitment to addressing the root cause of the violence—the problems of motherhood, postpartum disorders, and emotional isolation. To vote as a jury for an insanity defense is thus not to sanction Yates's insanity *per se*. Rather, it is to acknowledge what insanity stands for, is articulated in relation to the "insanity" of leaving a woman at home with no support. A vote against insanity is therefore not only a vote for Yates's capacity to conceive a criminal intention. It is also a vote against the idea that maternal ideology invokes an ideal of womanhood that is virtually unattainable in practice and may lead a woman to become clinically depressed.

Yates's case is exceptional because her plight seems inextricably linked to her womanhood and to a fundamentalist patriarchal definition of the female role. Yates's husband clearly felt that it was his wife's responsibility to care for their children, to maintain the home, to care for her father, and to school the children in Christian beliefs. In the sense that these responsibilities were thought the social and perhaps biological province of womanhood, Yates's crime cannot be adequately understood outside an analytic of gender difference. Furthermore, the fact that her hallucinations occurred after she gave birth to her fifth child make her crime susceptible to biologicistic arguments about women and crime. The fact that the jury nullified their verdict demonstrates the extent to which they sought to valorize the work she had performed as a woman before she committed her crime—to in effect extract her maternity from her criminality. In doing so, they not only rewarded her for her past devotion as a mother, but also created an artificial division between motherhood

and criminality, making Andrea Yates both a murderer and a mother suffering from a disease.

In sparing Yates's life, therefore, the jury also spares the public from confronting the specter of the vicious mother who intends to kill her children to rid herself of responsibility or to punish her husband for his transgressions, whether they be those of sexual infidelity or parental neglect. By finding Andrea Yates both guilty and not guilty, the jury reflects not only the split imperative of the law, but further, the way in which gender saturates the "neutral" categories of criminality and intent. To preserve Yates's femininity, fidelity, and commitment to motherhood—to retrieve the maternal, that is, from the arena of crime—the jury renders her criminality as that which is outside of her womanhood, leaving her both a woman of virtue and a felon under the law.

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