

Theatres of Law

Canadian Legal Drama

The legal profession extends over the whole community and penetrates into all the classes, acting upon the country imperceptibly and, finally, fashioning it to suit its own purposes.

—DE TOCQUEVILLE, quoted in Lister Sinclair, “The Aristocrats of Democracy: A Study in American Law and Lawyers” (1962)

During the late fifties and throughout the sixties the convergence of two historical events provides a revealing socio-political gloss on a particular formal and intellectual development in contemporary Canadian drama. Marshall McLuhan describes one of these as the advent of a “global village”; that is, the accelerated hegemony of an increasingly technologized media. “Information” is not only instantaneously international, but in its selection and manipulation by executive technocrats becomes powerfully formational. The creation of a saturating “global image” thus contains the obvious potential to sustain Pierre Bourdieu’s notion of the *habitus*: “a system of lasting and transposable dispositions to perceive, ratiocinate, evaluate and act which is the *incorporated* product of socialisation . . . of one’s integrated social experiences. Each class of social conditions engenders a type of habitus which tends to perpetuate these conditions by functioning as the principle of the generation and structuration of practices and representations” (Wacquant 76).

The second historical event is this global network’s generation and structuration of one particular species of practice and representation: the public broadcast of arrest, trial, and imprisonment. The decade witnessed, for example, televised coverage of the Eichmann trial in 1961, extensive reportage of the Lonsdale, Blake, and Kroeger spy trials in 1962, and the media cir-

cuses surrounding the investigations of Lee Harvey Oswald (1963-64), and the indictments of Sirhan Sirhan (1968) and Lieutenant William Calley (1969). News coverage of actual and discursive *conflicts* between the civil rights movement and its fascistic opponents, between protestors and supporters of the war in Vietnam, and, in 1968, between students and police in Paris, consistently emphasized that these were clashes, not amongst opposing worldviews, but between order and disorder, legality and transgression.

In Canada the public gaze was focused intensely by and on this “drama of law,” though a drama that was possibly biased and impossibly ambiguous. The Stephen Truscott trial in 1959, with its grotesque carnivalesque spectacle of “body” evidence and sequences of contradictory statements, was followed by Isabel Lebourdais’ investigative journalism in *The Trial of Stephen Truscott* (1966), and international coverage of the failed appeal in 1967. F.L.Q. terrorist trials and Inuit murder trials in 1963 were hardly convincing examples of a pure, transcendent jurisprudence; here the ideals of monologic orthodoxy and a universally applicable code of ethics confronted the realities of polyglot class-warfare and cultural relativism.

What permeated the sixties, in other words, was a visible image of naked power—an image broadcast “as it happens.” My contention in this chapter is that the “sixties” were and are haunted by these “theatrical” representations; beneath the many available imageries of flowery protest there is the recurring one of iron-fisted official power, frozen in a gesture of legal pronouncement. I want to argue that *this* spectre, an echo of that ancient nightmare of public inquisition, underlies some of the most powerful politicized drama ever produced in Canada.

North American cultures of the sixties emerge in hindsight as a cluster of historical and fictional “theatres of law” which can be read, not only as a series of dramatizations of particular cases (fictional or otherwise), but more importantly, as a potent metonym of the symbolic and actual struggles within society to determine the historical narrative. Bourdieu argues that law implicitly contains “a confrontation among actors” struggling “to *interpret* a corpus of texts sanctifying a correct or legitimized vision of the social world” (817). The language of law, in other words—technologically and suddenly translated throughout the global village—stages an obvious paradigm of existing power relations (and therefore a convenient grammar for either doxic or heterodoxic discourse).

More importantly, this symbolic domain, complete with its repository of discursive strategies, structural hierarchies, specular modes, and internal logic of reproduction, comes to stand as the perfect dramatic metonym of an authoritarian reality. For by its own internal logic and external effects the juridical field betrays “[t]he tendency to conceive of the shared vision of a specific historical community as the universal experience of a transcendental subject” (Bourdieu 819). As Bourdieu whimsically suggests, the judgments by which law distributes differing amounts of capital to different actors in society, concern “the entire practical activity of ‘worldmaking’” (838).

Intriguingly, virtually every year of the decade witnessed the proliferation of major “crime and punishment shows,” most of which re-legitimize legal process (and by extension the hierarchical “worlds” it contains and protects). The cultural hegemony of the American television industry resulted in numerous popular shows centred on “legality”: for example, *Gunsmoke*, *Perry Mason*, and the unintentionally funny *Dragnet*, all placed consistently within the top-ten viewer rated shows of the decade (Brooks and Marsh 966ff.)

Although films like Orson Welles’ version of Kafka’s *The Trial* (1963) and Stuart Rosenberg’s *Cool Hand Luke* (1967) deploy law to interrogate the symbolic master narratives of an authoritarian world, in most legal films of the decade law becomes a popular and sanctified form of official entertainment. While cinema blockbusters like Stanley Kramer’s *Judgement at Nuremberg* (1961), John Frankenheimer’s *The Birdman of Alcatraz* (1962), or Arthur Penn’s *Bonnie and Clyde* (1967) may have exposed legal corruption and exhibited a marked sympathy for marginalized victims, they inevitably helped to install “legality” within the cultural field while valorizing that legality as a necessary and *natural* form of social contract. Audiences, safely insulated from the realities of political struggle by the mediation of either distance or celluloid, become prime receptors of *the* easily internalized and ideologically correct interpretation.

Now, admittedly even a superficial reading across the spectrum of Canadian writing reveals a virtual sequence of dramatic structures, vocabularies, or tropes derived from law’s symbolic repertoire. One thinks of a vast diachronic representation of legal “worldmaking”: from Halloway’s trial in John Richardson’s *Wacousta* (1832), to the legal superstructures of Rudy Wiebe’s *The Temptations of Big Bear* (1973) or a “play” like Wilfrid Watson’s experimental *Gramsci X 3* (1983). The sheer plenitude of Canadian “literary

legalism” suggests that in at least one sense our imagination has always run on an economy of crime and punishment.

But during the sixties especially, during this decade of electrically transmitted spectacles of both official power and unofficial counter-statement, our most experimental politicized literature is virtually overdetermined by the legal trope. Callaghan’s *The Many Colored Coat* (1960), Aquin’s *Prochain Episode* (1965), or Vallières’s *Nègres blancs de l’Amérique* (1968) are only three examples of legality’s infiltrative presence within the literary field. Given the inherent specularity of the trial or prison trope, however, it is small wonder that it flourishes especially in one particular genre: our drama.

In the period 1960 to 1969 alone no less than fourteen dramatic texts are imbricated with language, imagery, and structures drawn from the legal field. In some the imbrication is merely a prop: Gélinas’ *Bousille and the Just* (1960) and *Yesterday the Children Were Dancing* (1967), for example, use law as an emblem of English officialdom, a prop that takes second place to the political allegory of family breakdown. Less tangential, law is the focus of sociological analysis in Lister Sinclair’s 1962 radio dramatizations of de Tocqueville’s *Democracy in America*, notably in his “The Aristocrats of Democracy. A Study in American Law and Lawyers” and “The Heavenly Prison. A Study in American Reform.” Wilfrid Watson’s *The Trial of Corporal Adam* (1963) centres on the trial trope in a literary parody of *Everyman*, while Mervyn Huston’s *The Grey Cup Murder Trial* (1964) is a corny moralization on the ambiguities of everyday life; Alexander J. Ryan’s embarrassing *Parallels* (1969), on the other hand, is a trial rock-opera whose singing hero dies and goes, not to Heaven, but to that great computer in the sky. Much more interesting is Dan Daniels’ surrealistic *The Inmates* (1968)—“dedicated to all inmates, whomever and whatever they might be” (6)—which incorporates legal ritual to satirize American imperialism, sexism, and multi-national globalism.

Of all the sixties’ legal plays, however, the foremost include John Coulter’s *Louis Riel* (1962), which culminates in the politically-charged trial of the Métis leader, and two major centennial plays in 1967: John Herbert’s grueling prison play, *Fortune and Men’s Eyes*, and George Ryga’s tribunal play, *The Ecstasy of Rita Joe*. Through an extraordinarily sophisticated process, these plays consistently explore law itself as an appropriating “field” of discursive practice; subsequently law emerges not simply as an instrument of overt domination, but as a metonym of those configurative processes by

which subjects are placed within an economy of hierarchical values. In both their strategies and intellectual argument Coulter, Ryga, and Herbert seek not simply to disclose or demystify power relations, but to participate actively in a dialogical subversion of their very structures. Not only do their literary representations of legality constitute a defamiliarization of social mechanisms, they also transform the playhouse into a site of discursive resistance.

Most fascinating, these playwrights consistently replicate Mikhail Bakhtin's more complex carnivalesque concepts of hybridization and the ritualistic inversion of hierarchies; strategic and inveterate punning, as well as a persistent ironization of both legal language and legal process.¹ This discursive "alternative world" poses a series of configurations directly opposed to, but symbiotically dependent on, the official distributions of law. What unfolds is a discourse that mimics while it attacks, a "double-talking" irony that interweaves critically with "the force of law" without being co-opted by it (Hutcheon, [passim]). In this sense these legal plays do not merely dramatize an essentialist collision between two representations of power, but participate in the intricate, multiple, and ongoing discursive battles which constitute "Canada" during this particular historical period.

In his program notes to the 1975 revival of *Riel*, John Coulter remarks, "I see in [Riel's] uprisings . . . the early beginnings of movements all over the world in which an emerging people . . . insist on being left alone to mature" (qtd in Anthony 61). This overt postcolonial sentiment highlights the keynote of resistance which marks Coulter's own *Riel* plays, Ryga's *The Ecstasy of Rita Joe*, Herbert's *Fortune and Men's Eyes*, and indeed the majority of politicized Canadian legal dramas.

Most of these plays are politically correct examples of sixties' activism, and function initially as literary interventions into a specific social or political reality. Most are based on historical events and, to varying degrees, each seeks to re-write the symmetries of an official history, to dismantle what, in a general sense, are seen as oppressive legal structures legitimized by a dominant group. Whether the issue is native rights, historical atrocity, or the brutality of the correctional system, each playwright sees Canadian law as colonial law and consequently as an imperialistic, totalizing, and hegemonic force. Predictably, as in the movies and news shows, law appears as an *instrument*, a form of legitimized symbolic violence used to victimize those deemed marginal in all dimensions of the social formation.²

One strategic result of such agitprop intervention is a relatively transparent binarism of evil or ineffectual law-men who function as authoritarian members of the “high” world, and peripheralized criminal-victims, oppressed members of the “low” world. This juxtaposition follows Bakhtin’s simple formula of folk culture and official society: within this binarism we have a collision between official and carnivalesque representations of power. On this elementary level, the worlds of Riel, Rita, and Herbert’s prisoners emerge simplistically as the demonized “other” to the set of values and forms that make up the world which defines them. Law represents the values of sanctified orthodoxy; prisoner-victims embody the second world and second life of carnival, the pursuit of liberation, transgression, and “becoming.”³

But these plays go further than the binarist limits that conflictual agitprop would allow. Each deploys the trope of law as more than merely a *tool* of authority: law, in these plays, is a *process*. At this point it is worth digressing momentarily to recall Pierre Bourdieu’s concept of the “juridical field,” a concept which explores precisely those “structuring structures” which these plays consistently address. For Bourdieu, the “juridical field” is a process which functions as the metonymic, hegemonic syntax of a ruling elite. Any cultural “field” constitutes a discursive “space of forces in constant tension and systemic interdependence . . . an arena of permanent struggles and conflicts which, ultimately, involve the structure of the field itself” (Wacquant 72). Like John A. MacDonald’s self-serving political machine in *Riel* or Herbert’s prison world in *Fortune and Men’s Eyes*, Bourdieu’s *champ* functions like a quasi-Saussurean model based on an internally conflictual, yet self-reproductive structure.

The essentially hierarchical field of law thus hegemonically expands its influence into spheres like the political, social, and psychological, while yet containing endless internal interpretive disputes of its own (for example, legal arguments about the intended “meaning” of particular words.) While the legal field may permit disputes amongst its practitioners, there is always the endpoint, the recourse to hierarchy where a “*supreme court*” valorizes one correct interpretation. Legal polyphony, like carnival, is allowed only temporarily; the potential for anarchic heterodoxy is always subject to the exercise of hierarchical veto. Appearing to have been already and always in place, and possessing an immediate access to physical force (the War Measures Act, for example), the invasive dynamic of law embodies “authorized, public, official speech which is spoken in the name of and to everyone. . . . The

law is the quintessential form of ‘active’ discourse” (Bourdieu 838-39). *The imperative fiction of Authority*, law becomes the magical embodiment and actuation of the orthodox, monologic interpretation of what, to the top of the hierarchy at least, the social formation *ought* to be.

It is precisely *this* kind of “law” which permeates so many Canadian legal dramas of the decade, most notably John Coulter’s magisterial epic play, *Riel*. Premiered in 1950, revised and first published in 1962, the play traces the rise and fall of the Métis rebellions (1869-70, 1885-86), as well as the arrest and political trial of their leader, and concludes with Louis Riel’s death-walk to the gallows. The play is self-consciously paradigmatic of postcolonial resistance in both its strategic form and intellectual argument; O’Donoghue, for example, echoes Coulter’s own Republican sympathies in the opening minutes when he remarks, “We [the rebels] won’t let Canada do to us what England did to Ireland. . . . Irish eloquence is the flame leaping out of the fire—the passion for the rights of small peoples” (Coulter 32-33).

O’Donoghue’s implicit juxtaposition of discourses, of master narrative and resistant utterances, underscores Coulter’s structuring principle of dialectical interplay. *Riel* operates initially on the predictable carnivalesque tensions between rebel factions in the Northwest headed by the multilingual Riel, and the decidedly official world of “Canada” headed by the unilingual John A. MacDonald. This Lord of Rule presides over the legally sanctioned “high” society of surveyors, financiers, priests, doctors, militarists, and the R.C.M.P. And like Ryga especially, Coulter places his protagonist within a network of ideological discourses which seeks control of the criminalized Other either through enforced normalization and/or symbolic demonization.

Official discourse includes obvious enforcers like the army and the courts which label Riel “treasonous”; more subtle forces like the psychiatrist, Dr Jukes, or the priest confine him through such social definitions as “insane” or “blasphemous” (Coulter 116, 134). Still within Bakhtin’s formula of the simple carnivalesque, we can see Riel as the provisional “president” of the Northwest Territories, a society deemed “wild” and “savage” by Canada, yet deemed necessary to its imaginative and economic existence. This site is characterized by a mix of languages, accents, classes, and desires: a “low” world of heteroglossic and transgressive anarchy.

Coulter meticulously follows the peculiar carnivalesque logic of “inside out,” the topsy-turvy rhetoric of reversal and ritualistic inversion of both cultural categories and audience expectation. Riel and Macdonald head

hierarchically static, potentially anarchic territories, both of which are threatened constantly from within (by political opponents) and without (angry mobs and militaristic opponents). Ontario, the centre of political and legal order, is presented numerous times as a ghoulish Halloween upheaval, a carnival of precisely those furious desires and violent excesses displaced by the centre onto the periphery. The stage directions for Part 1, scene 7 (“*An Open Place in Ontario*”) are typical: “*The mob swarms on the stage, a yelling, gesticulating, fanatical mass of people . . . Carried high is an effigy hanging from a scaffold and labelled ‘Riel’*” (64). Similarly, the Canadian military (portrayed simply as the logical enforcer of law’s “active discourse”) is essentially a riot of drunken violence and emotional excess (86), a sharp contrast with Riel’s abstemious iron discipline (55).

What Coulter provides, in effect, is an ironic version of Bourdieu’s internally conflictual yet self-reproductive fields: Canada and the Northwest are each struggling, both internally and externally, to legitimize its own particular vision of historical destiny, one legally sanctioned, the “other” deemed transgressive.

But Coulter’s inversions are not simply defamiliarizing strategies, devices that ironically disclose the hidden furies of official discourse. Most important is Coulter’s realization that social marginalization spells an allegory of psychic displacement: what is socially peripheralized is symbolically central to the imaginative life of the peripheralizing society (Stallybrass and White 5). Coulter’s single greatest insight—one that he shares especially with Ryga and Herbert—is that the cultural and political categories of high and low, self and other, central and marginal, (that is, precisely those categories contained in the metonym of law and transgression), are hardly opposite, but in fact mutually dependent categories ultimately formed by, and in the interests of, an official elite.

In only one sense does “Riel” represent the historical rebel leader who, like Rita Joe or Herbert’s homosexual prisoners, stands as the demonized other of the colonialist/authoritarian project. In *this* limited sense Coulter’s trilogy of Riel plays (*The Trial of Louis Riel* appeared in 1967 and *The Crime of Louis Riel* in 1976) constitutes a magisterial protest against historical injustice, plays which participate fully in the swell of sixties’ protest against tyrannical repression.

But as Coulter develops his cultural critique, “Riel” begins to take on the more complex, hybridized meaning of Authority’s ultimate social, political,

and psychic threat: the dissolution of “category” itself. As a multilingual Métis, “Riel” literally inmixes the binary opposites of high and low, white and native, self and other, English and French, rebel and leader. A heterodoxical merging of elements usually perceived by ruling purists as incompatible, the *Métis* Lord of Misrule unsettles and ultimately collapses the fixed binarisms of the system, threatening to rewrite the official definitions of the *socius*. As a borderland persona, a creature of thresholds, Riel becomes a figure of what Terry Goldie rightly calls the paradox of fear and temptation. “Riel” is the literalization of what official society has repressed or peripheralized in order to become what it is.

Interestingly, as Coulter replaces the militaristic battlefield with its discursive analogue in the courtroom (at which point the juridical field hege- monically absorbs the forces of conflict into the field of its own operation), Riel’s costuming (like Rita Joe’s “old clothes and running shoes made of canvas” [Ryga 69]), plays out this subversive narrative of carnivalesque hybridization. Initially in Part 1 “[he] wears a tweed jacket with dark trousers . . . mocassins . . . [and] woolen toque” (33), stereotypical signs of the Native and habitant settler. Towards the end of Part 1, as Riel appropriates the roles and functions of ruler, he wears a fitting (and vaguely ominous) sign of imperialist power around his neck: “a formal black frock coat, with a ‘Gladstone’ wide-wing collar. He carries a silk tall-hat in his hands. But he is wearing mocassins” (74). In Part 2 Coulter works his costuming even harder to visualize both Riel’s own growing prophetic role and his hybridized mimicry of officialdom: he progresses from “shabbier” clothes and a “cross . . . on his breast” (88) to “an oddly assorted quasi-clerical outfit: a black jacket and a purple waistcoat on which hangs a large cross” (92). In his final costume change of the play in Part 2, scene 7, Coulter plays out a grotesque semiotic of carnival collapse: in a moment of supreme symbolic hegemony, General Middleton offers to the motley, harlequinesque leader his military “greatcoat” (103), ironically remarking, “Feel better in this” (103).

Coulter carefully corroborates the traditional symbolic implications of his clothing metaphor (that is, “language is the dress of thought”) by installing an interpretive motif which culminates in the trial scene. The play is filled with numerous letters, memos, documents, case histories, and proclamations; Macdonald himself is an avid punster, constantly playing with multiple meanings; and perhaps most telling, Colonel Wolseley rebuffs Bishop Tache with the curt reminder that “My instructions were *my*

instructions. Your Grace will permit me to interpret them according to my own—no doubt inferior—judgement” (85).

Interestingly, within the trial itself the one sure sign of Riel’s madness is his interpretive/linguistic anarchy. Not only has he had the temerity to appropriate the “power of naming” in his wish to rename the days of the week (107), not only does he want “to change the Mass and the liturgy, the ceremonies and the symbols” (116), he also invents his own language:

DEFENCE: [Was there any] peculiarity you observed about his signature?

MIDDLETON: The word *exovede*.

DEFENCE: *Exovede*?

MIDDLETON: It frequently appeared after his name. He told me he invented it—from the Latin words, *ex*, from, and *ovile*, flock. From the flock. He said he used it to show he was assuming no authority except as one of the flock, an ordinary member of society. He said that his Council, being composed of *exovedes*, was to be called, *exovedate*.

DEFENCE: (*With careful point.*) And in all this—you see no indication whatever of mental aberration? (108-09)

What defines Riel in the eyes of his accusers as “insane” is his attempt to name himself, to “hear himself speak,” his attempt to wrest from the official rituals and languages of control a liberating idiom of his own invention.⁴ Significantly this language is based on a heteroglossic mix—he prays in French, Latin, and English (131); and, in his self-authored book “written with buffalo blood,” he embodies in almost magical form an alternative unofficial history: “it’s about himself and what he calls his people, his mission in the North-West. A sort of *apologia pro vita sua*” (123).

Within this perspective Coulter’s under-read play enacts not simply the dramatization of an historical moment, but a cultural critique whose critical agenda is to deconstruct the psychic underground of the imperialist/authoritarian project. In direct counter-statement to the fragmenting definitions of what Foucault calls the “micro-physics” of modern power, Riel and his Northwest re-territorialize the political, psychic, and social binarisms upon which master narratives are constructed. Within a carnivalesque eruption of hybridized convergence, Riel comes to symbolize the crucial act of resistant desymbolization, the act of infiltratively rewriting official discourse. As Macdonald ruefully remarks, in an unconscious recognition of the complicities of law and transgression, self and other: “The outlaw once more shapes the law. Henceforth, Louis Riel’s name is scribbled across a chapter of our Constitutional Law!” (141).

Coulter's intricate use of the trial motif to explore these inter-linked social, political, and cultural tensions aligns him with the majority of Canadian legal dramas. One ideal that runs throughout most legal scholarship is that the trial *should* represent a moment of open-ended interpretation, a point wherein the state and its transgressors enter into a mutual pursuit of "truth" (Elwork, Sales, and Suggs 1-25.) As Ryga's magistrate remarks, "There is room for dialogue. There is room for disagreement" (Ryga 118). Room, ideally, for the co-existence of polyphonic voices, for the processes of endless dialectic. Such mystifying idealism, however, rarely obtains in Canadian legal drama; on the contrary, the trial ritual comes to function as the central focus of a politicized deconstruction. In plays like Coulter's *Riel* and *The Trial of Louis Riel*, in Ryga's *The Ecstasy of Rita Joe*, or indeed in plays as diverse as Earle Birney's *The Trial of a City* (1952) and J. Alexander Ryan's bizarre pop-opera, *Parallels* (1969), the trial functions as the quintessential site of discursive contradiction, *the locus* wherein the monological impulses of the "high self" confront the anarchic polyphonic voices of the "low other."

In this process of literary deconstruction these play-trials continually share the insights of theorists like Foucault and Bourdieu: that modern, carceral legality is anything but an open-ended dialogue; it constitutes, rather, a supreme monologue, an official soliloquy wherein the State listens endlessly to its own pronouncements. For Foucault, the trial functions as a network of figurative re-presentations, a point where multiple narratives (like arrest sheets, psychiatric evaluations, medical reports, character references and so on) converge in an attempt to reconstruct a history of the individual on trial in order to understand and to *rehabilitate* an aberrant otherness. In both *Riel* and *The Ecstasy of Rita Joe*, for example, testimonies from family, friends, enemies, priests, psychiatrists, prison guards, and military commanders [Coulter 103-126] all converge to construct an *explanatory* history of the rebel. The trial and process of conviction thus constitute a metaphysical form of inscription; as Bourdieu remarks, this inscriptive/interpretive process belongs in the final analysis "to the class of *acts of naming* or of *instituting* . . . magical acts which succeed because they have the power to make themselves universally recognized" (Bourdieu 838).

This kind of narrative warfare, especially, underscores the deconstructive representations of "trial" in a play like George Ryga's *The Ecstasy of Rita Joe*. I have argued elsewhere that the play is typical of postcolonial "tribunals"

in its attempts, not only to disclose the “real” historical truth and contemporary legacies of colonization, but to demystify official “theatres” of discursive power (Boire 1991). In its ironization of the legal trope *Rita Joe* bears many similarities to Coulter’s trial of Louis Riel: the play-trial satirically exposes official attempts to rehistoricize the demonized other; law is seen to be based on a series of fragmenting disciplines; Native peoples are again portrayed as victims of a discursive network of controlling ideologies. As a series of ritualistic inversions, the play predictably reverses the focus of its attack, and “tries” the mostly white, middle-class audience, condemning its historical complicity in the oppressive actions of an imperialistic authoritarian government.

Ryga accomplishes much of this process through a careful counterpointing of two types of dramatic “english”: official white and unofficial red. One of Bourdieu’s crucial insights (which he shares with Coulter, Ryga, and Herbert especially) is that the “magical” language of law inscribes in its very processes the *appropriation effect* central to the operation of the legal field. Ironically, juridical language is itself a hybridization of the common and the specialized, a professionalized syntax that continually seeks a neutralizing and universalizing effect which both sustains an elitist privileged body of interpreters, and excludes common laypeople who base their interpretations on the naive assumption that justice is synonymous with fairness. Passive and impersonal constructions, systematic recourse to the indicative mood, constative verbs in the present and past third person singular, factual expressions, use of indefinites and of the intemporal present, all coalesce to mark “the impersonality of normative utterances . . . to establish the speaker as universal subject, at once impartial and objective . . . [and] to express the generality or omnitemporality of the rule of law” (Bourdieu 820). Within this context the Magistrate’s irritated remark, “try to tame that accent that sounds like you have a mouthful of sawdust” (Ryga 69), is simply a variation of his opening question, “Can she speak English?” (38). Both comments play out the implicit conflict in the play between different types of “worldmaking” activities. The Magistrate’s syntactical precision (corroborated by “theoretical” statements like, “To understand life in a given society, one must understand laws of that society” [38]), hegemonically appropriates Rita’s disempowered voice into a configuration based on the ideals of universality and the unified/ homophonic self. Rita’s grammatical impropriety, elisions, and profanities—analogous to the low component in

the controlling binarisms of law/crime, officialdom/ carnival, centre/margin, and so on—spell out an alternative multiple narrative of specificity and fragmentation, defeated resistance and victimization.⁵

But like Coulter, Ryga also reads the official narrative of law metonymically: law is not simply an instrument of domination, but a language that articulates the process by which a ruling class tries to state its own just-ness. For Ryga, this language actually articulates what is essentially an elitist process of distribution. As in Coulter, law narrates a series of classificatory actions of exclusions and inclusions, a series of divisions into high and low, self and other, legitimate and illegitimate, law and transgression. What distinguishes Ryga's portrayal, however, is *his* insight that, not only are such official binarisms arbitrary and inter-linked (as they are in *Riel*), but that in fact they are intensely and politically erotic.

I am thinking here specifically of a line of thought initiated by Frantz Fanon, and later developed by Peter Stallybrass and Allon White in *The Politics and Poetics of Transgression*. Discussing some of the more crucial repetitions in the processes of cultural categorizations, Stallybrass and White remark that one recurrent pattern is that as “the ‘top’ attempts to reject and eliminate the ‘bottom’ for reasons of prestige and status,” it discovers “not only that it is in some way frequently dependent upon that low-Other . . . but also that the top *includes* that low symbolically, as a primary eroticized constituent of its own fantasy life.” “The result,” in true Fanonian fashion, “is a mobile, conflictual fusion of power, fear and desire in the construction of subjectivity: a psychological dependence upon precisely those Others which are being rigorously opposed and excluded at the social level” (Stallybrass and White 5).

It is precisely this contortion of eroticized violence which underpins Ryga's ferocious presentation of Canadian colonial space through the agency of legal inquiry. That Rita is a (de)sexualized Other is most obvious in Ryga's iron-fisted portrayal of her multiple rapes: by the Young Man (64), her employer (64), and the ominous Bergmanesque Murderers (129). Yet this violent objectification is hardly limited to the social fringes; it is, in fact, endemic to the system itself, implicit in the principles of its own “world-making.” One of the least discussed features of Ryga's play is the Magistrate's voyeuristic puzzlement over both Rita's body and “female childhood.” From his first notice of her, he remarks, “I know your face . . . yet . . . it wasn't in this courtroom. Or was it?” (44). What then follows con-

stitutes a virtual anatomization of the criminalized other-body, punctuated intermittently with bizarre reveries, vague dream-like reminiscences which may or may not be construed as perversely sexual. What *is* clear is that in his inquisition Ryga's Magistrate meticulously enacts the ways in which official juridical discourses converge around the criminalized body, seeking a classificatory knowledge that seeks control of what is perceived as an aberrant otherness:

Rita Joe, when was the last time you had dental treatment?
. . . You had your teeth fixed ever? (87)
Have you had your lungs x-rayed recently? (88)
When was your last Wasserman taken? (88)
Have your ears ached? (90)
Have you any boils on your back? Any discharge? When did you bathe last? (90-91)
Rita Joe . . . has a doctor examined you . . . I mean really examined you? Rita Joe
. . . you might be carrying and transmitting some disease and not aware of it! (91)
Are you free of venereal disease? (91)

In one sense the Magistrate's questions and comments operate subtly enough as exemplars of jurisprudential language. The dissections fulfill the requirements of Foucault's "micro-physics" of power: as part of official discourse, the questions each seek an interpretive mastery of the criminal-object by microscopically "knowing" its constituent parts. This kind of mastery overlaps with Bourdieu's "magical" acts of naming and fragmenting: here in Ryga the language of law appropriates a variety of cultural discourses to "map," to "territorialize" that which is termed other. But Rita's body, like Riel's Northwest Territories, is hardly the simple sign of a victimized Native otherness; above all else, it is the sign of the site of conflictual desire, the object of officialdom's (that is, "Canada's") own contorted fetishism.

Initially the Magistrate's rhetorical dissections obviously displace onto the other a combination of what is most feared and denigrated by and within the *polis*. Rita, as scapegoat, is presented as sexually anarchic, beyond discipline; for the Magistrate, she *is* a contaminating sexuality, threatening to the moral and physical health of the body politic. Appropriately his inquisitions are "divisive," "distributive"—official repugnance leads inevitably to anatomization, and into each part of the divided self the official world displaces its own fears of a desire that is death. The Magistrate's inquiry "decomposes" the other into a series of verbal fragments.

But scapegoating, as René Girard has shown, is not only a unidirectional

victimization, a simple displacement by a community of its own hated vices; rather, there is a “polarization of all *fascination* and hatred on a single victim” (Girard 145; my emphasis). The Magistrate’s questions are overdeterminedly voyeuristic, displacing onto Rita those desires most repressed and hidden by *and* within the *polis*. Moreover, the anatomization, in its ritualistic dismemberment, replicates the very forms of a male desire configured by ideals of control, consumer commodification, and capitalistic fetishism.

Rita’s “parts” are invested sexually, each containing more than the “value” of the whole. Conversely, then, the Magistrate’s inquiry “condenses” the other into an overwhelming synecdoche of desire. What then obtains in our perception of the Magistrate—and by extension, imperialist officialdom itself—is that contorted blend noted by Freud in his classic study of paranoia: “Paranoia decomposes just as hysteria condenses” (Freud, “Paranoia” 185).

Ryga’s principal insight here is that in its definitions and oppressions of the “low-Other,” colonialist law, through its public rituals, constitutes an uncanny purgation of its own innermost, “subterranean” desires. Law emerges in *The Ecstasy of Rita Joe* as a practical and symbolic counter-violence—metonymic of Canada’s entire social formation—which is directed primarily against its own worst fears and greatest desires. These, in turn, are embodied in that criminalized Other. Law thus performs a bizarre mimicry: its violent dissolution of the criminal body constitutes a mirror violence directed against what it perceives to be the violence of the native-other-criminal: a sexualized desire that threatens the unity, the wholeness, of the body politic. The Magistrate does verbally to Rita what he fears she (and all that she represents) will do to him (and all that he represents); and he does so with a mixture of fear and desire, fascination and repugnance.

In this sense, Rita is to the Magistrate what Defoe’s Friday is to Crusoe: what the indigene is to the colonizer, what the criminal is to the law: the “uncanny” manifestation of, not only what has been long repressed, but what, in the mind of the master/colonizer, should have remained repressed.⁶ The Other is feared and desired not because of its unfamiliarity, but, on the contrary, precisely because of its horrifying symbolic familiarity. Within this scenario Ryga’s trial play emerges as an extraordinarily astute cultural analysis, more than has hitherto been admitted. The trial of Rita Joe is not solely a reaction against racist histories, but a profound interrogation of the psychic, social, and political dynamics of the Canadian mindset in 1967, the year of happy celebrations and centennial hoopla.

This critical use of the low-criminal-other—as an uncanny embodiment of the official world’s repressed textualizations—reaches its apogee in what is arguably one of Canada’s finest plays, John Herbert’s *Fortune and Men’s Eyes*. Herbert pushes the legal trope to its furthest extremes, constructing in his prison community a virtual paradigm of the carnivalesque “other world”. His literary prison is a hybridized image: at one and the same time a representation of both totalitarian oppression and carnivalesque resistance.

As in Peter Madden’s *The Night No One Yelled* (1974) or Sharon Pollock’s *One Tiger to a Hill* (1981), Herbert’s realistic features brutally satirize the principles of totalitarian control: the Canadian correctional system emerges as the actualization of law’s distributive, homophobic language. As perhaps the most metonymic representation of Foucault’s carceral society, Herbert’s prison, like the courtroom which precedes it, contains various discourses which concentrate on the correction of abnormality, the transformation of unproductive deviance into the socially and economically useful. The prison “merely reproduces, with a little more emphasis, all the mechanisms that are to be found in the social body” (Foucault 233). As a “theatre of punishment” “in which individuals are isolated in their moral existence, but in which they come together in a strict hierarchical framework, with no lateral relation, communication being possible only in a vertical direction,” the prison emerges as the perfect microcosm of carceral society (Foucault 238).

Conversely, though—and this is Herbert’s real distinction—the drama’s extravagant word play and outrageous self-conscious metafictionality develop Herbert’s prison world into a resistant representation, an astonishingly sophisticated theatre of the oppressed. The prison becomes a second world and a second life outside of, but contingent upon, officialdom (Bakhtin 11), a symbolic site of discursive conflict wherein Herbert’s various actors struggle, not only to trace out a plot within the structures of their own symbolic field, but to engage their field with those external discourses of control in an act of ironic dialogical subversion. As Smitty remarks early on, “I feel like I’m in another country” (Herbert 186). Herbert’s prison represents that interstitial moment of carnivalesque hybridization; that point where symbolic fields overlap, where “high” and “low” intermingle, where the voice of authority is subjected to the polyphonic “contaminations” of the “low.” Herbert’s prison language thus becomes a spectral reminder of the “low” world’s power *to re-name*, the power to engage in a constant

dialectic, a play of never-ending subversion and distortion. As Bakhtin remarks, the “[a]busive expressions [of carnival] are not homogeneous in origin . . . they [have] . . . the character of magic and incantation” (16).

Like so many generic prison dramas of the sixties, *Fortune and Men's Eyes* follows a relatively simple formula: we watch the gradual initiation of a relatively innocent outsider into the unwritten protocols (that is, ideologies) of an enclosed world. This, in turn, is comprised of hierarchical structures, stock dramatic types, brutal methods of discipline, and a perverse “family” which inexorably (hegemonically) incorporates the neophyte into its irresistible dynamics (Queenie, for example, refers to himself as Smitty’s “mother,” Rocky is his “old man” [187, 189]). As a kind of theatrical pastiche, the play incorporates speeches, songs, and situations from “high” culture, continually producing “low” versions in cartoon figures, popular limericks, and vulgar jokes. Whatever else it might be, Herbert’s prison represents a community governed by an anarchic and vital polyphony; a community based not on the monologues of law/control, but the punning multiplicity of crime/transgression.

The play opens with a bizarre combination of official commands made by a British guard and obscene songs, references to a quasi-Foucaultian panopticism, a hint at retributive castration, not to mention Queenie’s distinctive figurative language which continually blends high and low, sacred and profane. In one sense such an opening recalls Coulter’s blatant post-colonialism: here the conflict between the boy’s voice and the fascistic commands of a British guard (with the submerged, yet obvious, conflict between the languages of desire and repression), spells out Coulter’s direct juxtaposition between emerging peoples and suppressive authorities. We have, in effect, a simple set of binarisms that read, Prison/Criminal: Britain/ Canada: Authoritarianism/Desire. The play then operates straightforwardly as a heartfelt protest against the brutal legacy of an imperialistic prison policy.

But Queenie’s extravagant figurality does more than merely establish the predictable binarisms of agitprop; his sacrilegious debasement, his hints at class divisions, his earthy parody of redemption, his grotesque metaphors, his literalization/ materialization of desire—not to mention his own liminality as a transvestite male prostitute—initiates a series of inverse rites, a litany of comic, carnivalesque interrogations of official languages of control.

The most grotesque of these, for example, occurs when Queenie describes a talkative male guard: “That’s our Cockney cunt—never closes

her hole" (181). In one sense the obscenity is merely a coarse example of prison humour: a vulgarity designed to shock conventional norms of propriety. But the reversal works indirectly: it imposes a verbal violence on the language and the British guard, thereby sustaining the play's overall assault on the languages of control. By reversing the sites of sexuality and speech (and twisting gender into the bargain), the comment slyly intimates the sexualized nature of control, as well as the discursive aspects of transformed sexuality. In this sense Queenie's crude joke, more precisely his crude vision of a topsy-turvy androgynous body, glaringly encapsulates the carnivalesque nature of the entire play.

The "other" world is not opposite, but contingent, mirroring. The reversal violently attacks not only the guard's body, but insinuates to the audience precisely the forms of hierarchical categorization of it, the fetishistic approach adopted by the "high" towards the "low." As in *Ryga*, the body linguistically disfigured in a grotesque reversal, mirrors the kinds of disfigurements intrinsic to the "high" prison's systematic hierarchies of control and transformation.

This kind of exteriorization of what is essentially internalized ideology, Bourdieu's *habitus*, is most explicit in the play's centrepiece, Queenie's outrageous drag act for the Christmas show. Festooned with feathers, bumping and grinding, and "*looking like a combination of Gorgeous George, Sophie Tucker, and Mae West*" (223), Queenie sings a coarse parody of "A Good Man Is Hard To Find": the predictable vulgar lyrics of "A Hard Man is Good to Find."

Here the body is foremost, but a body that is again peculiarly androgynous (a creature of thresholds, borderlands), artificial, packaged as a consumable product. In an echo of Shylock, Queenie ripostes to Smitty, "It's all yours, honey—every precious pound" (223). Herbert plays deliberately with the notion of rapidly fading boundaries between male and female, inside and outside, representation and re-presentation. In one sense Queenie appears as a completely false composite, made up of fake jewelry and fragments of other actors. Like a carnival clown, s/he forms a satirical version on the principles of homophonic control, unitary subjectivity.

As a celebration of transgression *par excellence*, Queenie's puns, literalizations, and materializations—like both his own motley androgyny, Riel's multilingual prayers, or Rita's grammatical "impropriety"—manifest a form of counter-violence against authoritarian definition, a verbal attempt to

disrupt either inherited norms or unwritten rules of totalizing discipline. As a key feature of Herbert's prison language, it represents one of legal drama's foremost counter-weapons, a miniature, funny, counter-discourse directed against the faceless authorities of official language itself.

Herbert's deliberate "indiscipline of language," his carnivalesque linguistic play, represents the quintessential discourse of Canada's legal theatre. Here is a language which, in its playfulness, polyphony, transgressiveness, and anger, represents an alternative world. This, in turn, is a creative re-inscribing of otherness, a re-inscription that aims against all that is complete, immortalized, and cherished by officialdom. Against all that is embodied in that chief metonym of the *polis*, society's most beloved verb, "law."

In the case of John Coulter's *Riel*, George Ryga's *The Ecstasy of Rita Joe*, John Herbert's *Fortune and Men's Eyes*, and indeed in most Canadian legal plays of the sixties, the language of law is portrayed, not as the natural encoding of a universally held vision of social justice, but as a socially constructed syntax, one that metonymically articulates the sanctified "worldmaking" of Authority. In the carnivalizing hands of our most powerful sixties' dramatists this language is consistently deconstructed, dismantled, revealed for what it "really" is: a textualization of power demanding interpretive struggle. Their manipulations of, and struggles with the legal trope, disclose the "hermeneutics of power" which underpin the political unconscious of the Canadian State (Gerald Graff qtd in Levinson and Mailloux xiii). Interestingly, these deconstructions consolidate what appears to be an inherent obsession with law, one that infiltrates the cultural fields of the global village. It is one which continues well beyond the sixties.

Throughout the following decades, plays like Robert Gurik's *The Trial of Jean-Baptiste M.* (1971), Peter Jennings' *Charles Manson AKA Jesus Christ* (1971), David Watmough's *Scar Tissue* (1972), Alexander Hausvater's *The Crime and Punishment Show* (1975), Coulter's own *The Crime of Louis Riel* (1976), Sharon Pollock's *One Tiger to a Hill* (1981), and Wilfrid Watson's *Gramsci X 3* (1983), continue to fasten onto this conception of law as both a strategy and discourse which sustains official "author-ity." In all of these plays colonial/capitalist/sexist law emerges as perhaps the most metonymic of textualities—an appropriative, universalizing inscription which continually re-inscribes the realities of symbolic and actual violence under the guise

of social contract. Such a “contract” cannot help but be a violent codification of self-interest, one that demands the intense struggle of a political response. For our legal dramatists this response is the struggle to see beyond, to pierce through the “artificial fog behind which the world’s rulers hide their manipulations” (Weiss 41).

NOTES

- 1 See Stallybrass and White on hybridization as a process that “generates the possibility of shifting *the very terms of the [semiotic] system itself*” (58).
- 2 I am indebted here (and throughout) to Pierre Bourdieu’s concept of “symbolic domination,” on which see Wacquant 66.
- 3 In *Rabelais and His World*, Bakhtin divides folk culture into three distinct forms, many of which recur throughout Canadian and postcolonial legal dramas: ritual spectacles; comic verbal compositions; and various genres of billingsgate. As Bakhtin remarks, “one might say that carnival celebrated liberation from the prevailing truth and from the established order” (9). But see Stallybrass and White’s cautionary remarks (44) on the problem with Bakhtin’s model.
- 4 On this recurrent postcolonial trope, see Simon During (369). For a rejoinder to During’s idealistic optimism, see Hutcheon 89–90.
- 5 For an elaboration of this collision between “proper” and “improper” discourse, see Foucault 291–92, and Bourdieu 818.
- 6 A potentially rich area for re-theorizing the indigene/ colonizer relationship is Freud’s 1919 essay, “The Uncanny” wherein he develops the theory of the repetition compulsion. Intriguingly, Freud identifies an “uncanny” fear with the repression process (394).

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