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Jody L. Madeira

Indiana University Maurer School of Law - Bloomington, jmadeira@indiana.edu

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A Constructed Peace : Narratives of Suture in the News Media

Jody Lyneé Madeira

“America’s present need is not heroics but healing; not nostrums but normalcy, not revolution but restoration.”

Warren G. Harding, U.S. Republican politician and president

Introduction

Harding’s words, delivered at a campaign speech in Boston in June of 1920, ring as true now as they did over eighty years ago; his campaign slogan, “Back to Normalcy,” would be enthusiastically received today. In the wake of the 9-11 terrorist attacks, healing, normalcy, and restoration are important to us all. Though we have all become survivors of a sort, we are still far more likely to suffer the usual tragedies of accidents and disease than we are to lose a loved one to violent crime. We have always found stories of these more dramatic tragedies manifestly compelling and read them eagerly, sympathizing, empathizing, and at the conclusion feeling, with some guilt, gratitude that such a thing had never happened to *us*. There but for the grace of God go *we*.

This paper will discuss such survivor stories in terms of narrative theory. It first explores a primal connection between narrative practices and human communication and memory. The paper then discusses how journalists utilize this narrative and how certain events, - crises - are considered most newsworthy and especially in need of narration. The paper will then explore narrative in terms of its suturing effects, those that chronicle an end or beginning, illustrating this discussion with a content analysis of newspaper articles focusing on Dennis and Judy Shepard, whose son Matthew was brutally murdered in 1998 because of his sexual orientation.

This analysis is premised on several understandings. First, there are myriad ways, both immaterial and material, of making such crises as the Shepard murder intelligible, of which narrative is but one. This analysis does not purport to describe how narrativization of the Shepard crisis *actually* occurred—how understandings of Matthew’s murder actually evolved—but to discuss how sense-making processes were constructed for media audiences. It focuses not on the intrinsic validity of verbalization(s) of the murder, but on how participants’ actions and words were verbalized to others. These mediating technologies render narrative a logical and essential tool to explore how the interrelationship of victims/survivors to legal institutions constitutes a venue for the negotiation and articulation of

memory. Finally, while this analysis does not focus upon material expressions of remembrance, such as visitations to the lonely stretch of fence from which Matthew hung, such forms deserve more scrutiny but are best explored in a separate piece.

The Impetus to Narrate

Life in Narrative Form

Narrative form did not originate with the media but with the human condition. "Narrative starts with the very history of mankind; (...) there has never been anywhere, any people without narrative."¹ Knowledge is key to the human condition, and consists of "experiences and stories," the apt use of which constitutes intelligence.² Narrative continuity confirms that a life is progressing and changing, and explains these changes, which take on especial significance in light of the past and future: beginnings and endings. There is always "a need to speak humanly of a life's importance in relation to [the end]—a need in the moment of existence to belong, to be related to a beginning and to an end."³ Sensemaking involves imposing "fictive concords with origins and ends, such as give meaning to lives"; fictive turning points are invented such as temporal references; "not only the millennium but the century and other fundamentally arbitrary chronological divisions (...) are made to bear the weight of our anxieties and our hopes."⁴ This narrative continuity is as important for our interpersonal relations as it is for our intrapersonal relations: "If we are able to play a believable role before an audience of relative strangers we must produce or at least imply a history of ourselves: an informal account which indicates something of our origins and which justifies or perhaps excuses our present status and actions in relation to that audience."⁵ A narrative resolution is merely a sensible arrangement of events around such turning points, what Henry James refers to as the "distribution at the last of prizes, pensions, husbands, wives, babies, millions, appended paragraphs, and cheerful remarks."⁶ Compression of life into a story always entails repression of some details.⁷

History itself is a process of narrative construction. Though historical reconstruction inevitably leads to the production of "formal, written histories," it has a more "informal and culturally diffused" counterpart: "the

¹ R. Barthes & L. Duisit, "An Introduction to the Structural Analysis of Narrative" (1975) 6:2 *New Literary History* 237 at 237.

² R.C. Schank, *Tell Me a Story: A New Look at Real and Artificial Memory* (New York: Scribner, 1990) at 16.

³ F. Kermode, *The Sense of an Ending: Studies in the Theory of Fiction* (New York: Oxford University Press, 2000) at 4.

⁴ *Ibid.* at 7, 11.

⁵ Paul Connerton, *How Societies Remember* (New York: Cambridge University Press, 1989) at 17.

⁶ *Ibid.* at 16-17.

⁷ Kermode, *supra* note 3 at 57.

production of more or less informally told narrative histories” which is “a basic activity for characterization of human actions” and so “is a feature of all communal memory.”⁸ These informal narratives fold back into the communal memory; “the narrative of one life is part of an interconnecting set of narratives; it is embedded in stories of those groups from which individuals derive their identity.”⁹ Historical narratives always have present import because “our experience of the present very largely depends on our knowledge of the past.”¹⁰

Short of creating grand narratives, more specific and temporally local narratives assist us in making sense of our own experiences, which we must do before we relate such accounts to others. “We tell stories to describe ourselves not only so others can understand who we are but also so we can understand ourselves.”¹¹ Narratives assist us in interpreting ‘realities’ which we may then open up to others.¹² Constructing a narrative around a fragmentary series of experiences and impressions vivifies their actuality; “It’s as if nothing has happened until an event is made explicit in language.”¹³ If there is no one else with whom to share a narrative, we may always develop one for ourselves, perhaps in anticipation of telling others at some future point. “People talk to themselves, not necessarily aloud of course, but they do tell themselves stories, collecting disparate events into coherent wholes.”¹⁴ We may even construct narratives prior to deciding upon a course of action, in order to make decisions that seem rational and justified, and therefore proper.¹⁵ Consequently, “people have difficulty making decisions if they know that they will have trouble constructing a coherent story to explain their decision.”¹⁶

Narratives are inherently relational in that they allow us to interact meaningfully with others and to make those interactions comprehensible and memorable. As such, they are an integral part of social practice; “we all come to know each other by asking for accounts, by giving accounts, by believing or disbelieving stories about each other’s pasts and identities.”¹⁷ In listening to others’ narratives, “we situate the agents’ behavior with reference to its place in their life history; and we situate that behavior also with reference to its place in the history of social settings to which they belong.”¹⁸ Even narratives developed to justify a course of action to one’s self are constructed to be understood by others. The successful exchanges of

⁸ *Ibid.*

⁹ Connerton, *supra* note 5 at 21.

¹⁰ *Ibid.*

¹¹ Schank, *supra* note 2 at 44.

¹² *Ibid.*

¹³ *Ibid.* 114.

¹⁴ *Ibid.* 117.

¹⁵ *Ibid.* 160.

¹⁶ *Ibid.* 159.

¹⁷ Connerton, *supra* note 5 at 21.

¹⁸ *Ibid.* at 21.

narratives builds social relations between participants in communicative exchange: "Mutual storytelling, even in the form of an argument, can make the storytellers feel closer to each other."¹⁹

Communication itself must be a process of narration. It is difficult for others to learn from "abstract rules of thumb which we have derived from prior experiences;" we ourselves "have difficulty remembering such abstractions, but we can more easily remember a good story."²⁰ Thus, successful "communication consists of selecting the stories we know and telling them to others at the right time."²¹ Narrators or storytellers rely on narrative to fulfill five paramount communicative functions: "to achieve catharsis, to get attention, to win approval, to seek advice, or to describe themselves."²² Relating a narrative to another also fixes it within the narrator's mind: "the process of creating the story also creates the memory structure that will contain the gist of the story for the rest of our lives. Talking is remembering."²³ It is when "we fail to create stories" that we forget them.²⁴ That is why telling narratives of certain crises are a crucial step in keeping the memory and moral lessons of those crises alive.

Memory and Narrative

It is all very well and good to understand the communicative importance of narrative, but merely knowing that it is relational and renders experience memorable does not tell us why or how narrative exhibits these qualities. This involves a deeper foray into the domain of memory. Memory can be either semantic or episodic. Semantic information is "knowledge that teaches us about the world in general, knowledge that is rather similar from human being to human being" and so depends "very strongly upon the expectations about various objects and situations that have been gathered over a lifetime of experience."²⁵ Semantic information is "stored hierarchically" because "we must have a way to store knowledge so that it can be used again next time."²⁶ Thus, semantic memory breaks up and analyzes whole experiences "in order to learn from them and to place the new information that has been learned where it can be found later when needed."²⁷ In cognitive terms, semantic memories are schemas, "a coding, which enables us to distinguish and, therefore, to recall."²⁸

¹⁹ Schank, *supra* note 2 at 53.

²⁰ *Ibid.* at 10.

²¹ *Ibid.* at 12.

²² *Ibid.* at 41.

²³ *Ibid.* at 115.

²⁴ *Ibid.* at 116.

²⁵ *Ibid.* at 121.

²⁶ *Ibid.* at 118, 121.

²⁷ *Ibid.* at 122.

²⁸ Connerton, *supra* note 5 at 27.

Episodic memory, in contrast, stores “actual events that have occurred.”²⁹ Only significant events are stored *in toto*, and so semantic memory is in effect disabled for such events; events are remembered in sequence by “consciously giving our memories an event to remember that is a unit,” ushering in the role of story-based memory, for “stories are a way of preserving the connectivity of events that would otherwise be disassociated over time.”³⁰

As narrators, we do not form narratives from scratch at the inception of each new event but often interpret them in light of other narratives with which we are acquainted. Most narratives with which we are familiar are not our own; “we also hear the stories of our culture and especially of various subcultures” and “learn these stories by going to school, by watching television, by reading books, and generally by listening to those around us.”³¹ Organized religion in particular has “a wonderful array of stories to aspire to” as well as “problems and solutions to these problems.”³² Thus, narrativization is a process of enculturation, which is not a luxury but a survival tactic since “coping in the modern world means knowing the stories of the cultures in which you operate.”³³ “Explanation patterns” by which we justify actions to ourselves and to others exemplify “cultural norms in the subcultures that share them,” and so “we choose (...) a standard explanation, and we try to adapt it to our current situation.”³⁴ Such patterns are premised upon the assumption that we rely on the information that is most readily available or evocative in our memories.”³⁵

Since we interpret our experiences in terms of the standard stories of our culture, these stories are not often “our own.”³⁶ Each time we impose a narrative upon an experience, we choose from a large collection of narrative skeletons in our cultural repertoire. “Authors construct their own reality by finding the events that fit the skeleton convenient for them to believe,” and so “our issue in story understanding (...) is to determine which story skeleton is the right one.”³⁷ Thus, because of story skeletons, we need not personally undergo a particular experience in order to understand it and relate it to others, and so “an available set of skeletons, of old favorites as it were, helps us to impose a uniformity on an otherwise incomprehensible world.”³⁸

²⁹ Schank, *supra* note 2 at 118.

³⁰ *Ibid.* 124.

³¹ *Ibid.* 192.

³² *Ibid.* 194.

³³ *Ibid.* 207.

³⁴ *Ibid.* 211.

³⁵ K. H. Jamieson & P. Waldman, *The Press Effect: Politicians, Journalists, and the Stories That Shape the Political World* (New York: Oxford University Press, 2002) at 22.

³⁶ Schank, *supra* note 2 at 149.

³⁷ *Ibid.* at 154, 159.

³⁸ *Ibid.* at 168.

This ready stock of narrative skeletons eases the communicative burden of comprehensibility to such an extent that, “if we are to tell a story that is really brand-new, in the sense that none of the behaviors has been seen before, then both the teller and the hearer have a great deal of work to do.”³⁹ To alleviate this burden, “tellers of stories and listeners have an implicit agreement” that “tellers will only tell standard stories (...) that are easy to understand”; “when tellers find some events to relay that are incomprehensible, they will not relay them, or they will force them into a format that makes them look comprehensible.”⁴⁰

Delineating the Narrative Form

Now that we are familiar with narrative form, its purposes, and its structural, storying functions, we may become familiar with its form. According to Labov and Fanshel, “our most general characterization of the place of narrative in discourse is that it is given as an instance of a general proposition.”⁴¹ As defined by Labov and Fanshel, narrative analysis relies on order and structure, and is “one means of representing past experience by a sequence of ordered sentences that present the temporal sequence of those events by that order.”⁴² Similarly, Linde states “narrative order is the basis for two major coherence principles”, “causality and continuity.”⁴³ In terms of life stories, “correct and sufficient causality requires the narrator to establish that the protagonist exercised correct and sufficient agency,” and any breaks in the narrated sequence of events must be adequately dealt with.⁴⁴ Narrative order is critical to meaningful interpretation. A narrative may be introduced, for example, by stating the general proposition that the narrative is meant to illustrate or exemplify, and “each narrative typically begins with reference to time, place, persons, and behavior characteristic of the situation.”⁴⁵

Narrative’s fundamental structure relies upon “‘narrative clauses’” with main verbs that refer to “the actual occurrences of actions that might be separated in time from other actions.”⁴⁶ Narrative structure is established by “temporal junctures between these clauses” that occur in a particular order; “if the order of the clauses was reversed, then the interpretation of the sequence of the original events also would be changed.”⁴⁷ The “events forming the central and reportable part of the narrative itself are signals as

³⁹ *Ibid.* at 168.

⁴⁰ *Ibid.* at 168-69.

⁴¹ W. Labov and D. Fanshel, *Therapeutic Discourse: Psychotherapy as Conversation* (New York: Academic Press, 1977) at 109.

⁴² *Ibid.* at 106.

⁴³ Charlotte Linde, *Life Stories: The Creation of Coherence* (New York: Oxford University Press 1993) at 127.

⁴⁴ *Ibid.* at 128.

⁴⁵ Labov & Fanshel, *supra* note 41 at 106.

⁴⁶ *Ibid.* at 107.

⁴⁷ *Ibid.*

such to the listener.”⁴⁸ This central narrative point is the evaluative point, which participants must be able to recognize.”⁴⁹ Narratives are concluded in a manner that brings “the listener back to the present time” and “let[s] him know that the narrative is completed.”⁵⁰

The reader of a narrative, then, receives a very structured product, as a narrator has performed much structural labor to assist the reader in making sense of the narrative. If a reader does not follow the enumerated chain of events, she can question the narrative, ignore it, or discontinue reading. Most significantly, the reader, while engaged by the narrative text, is not summoned or burdened by it; he does not receive an imperative to relay the text to others. A narrative thus is provided to the reader, *for the reader*.

The above description of the narrative form focuses largely on what Lewis terms “the code of sequence”; “the way a story proceeds developmentally,” often in chronological order.⁵¹ But another feature of narrative constitutes a mandatory semantic component by providing a compelling thematic “hook,” prompting readers to share with others the most meaningful narratives that we encounter and cannot forget. This “hook,” which Barthes terms the “hermeneutic code,” consists of three elements.⁵² “It begins with a question or enigma,” followed by a suspenseful, conscious “presence of an absence,” “the teasing moment between the question and the answer.”⁵³ The resolution, when it comes, resolves the tension, for “the enigma left unresolved is, in most forms of popular culture, a source of frustration and disappointment.”⁵⁴ “The pleasure that resolution brings may be transitory (...) but we desire it nonetheless.”⁵⁵

Journalism and the Narrative Form

Utilization of the Narrative Form

“Journalists “do not offer [news] raw, but cook them into story forms.”⁵⁶ As if to emphasize the close relationship between journalism and narrative form, journalistic authorship is often referred to as the process of *writing news stories*.⁵⁷ The impetus toward the narrative frame has evolved in part from journalism itself. As Schudson states, “news in a newspaper or on television has a relationship to the ‘real world’ not only in content but in

⁴⁸ *Ibid.* at 108.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.* at 109.

⁵¹ J. Lewis, “The Absence of Narrative: Boredom and the Residual Power of Television News” (1994) 41:102 *Journal of Narrative and Life History* 25 at 27.

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.* at 28.

⁵⁵ *Ibid.*

⁵⁶ M. Schudson, “The Politics of Narrative Form: The Emergence of News Conventions in Print and Television” (1982) 111:4 *Daedalus* 97 at 98.

⁵⁷ Robert Darnton, “Writing News and Telling Stories” (1975) 104:2 *Daedalus* 192; Schudson, *ibid.* at 98.

form; that is, in the way the world is incorporated into unquestioned and unnoticed conventions of narration, and then transfigured.”⁵⁸ Narrative is particularly crucial to news media because “people do not see news as it happens; rather, they hear or read about it.”⁵⁹

Like other forms, journalistic narratives are relational and help to construct social identities and enable social action.⁶⁰ Narrative assists individuals, groups, and communities to “understand progress.”⁶¹ In addition, readers of journalistic narratives can learn to identify with “imagined communities.”⁶² Narrative even offers journalists opportunities for legitimation; “much of journalism’s professional authority lies not in what they know but in how they represent their knowledge.”⁶³ Through narrative, media act as gatekeepers, choosing which events become newsworthy crises. Potentially newsworthy stories must engender “characteristic emotions” and must emerge at a conducive time when newspaper resources and public attention are not directed elsewhere.⁶⁴

Thus, imposing narrative analysis upon news stories is a natural investigative method. Narrative analysis does not simplify an article’s subject matter but rather allows for, explains, and exploits all perspectives from which a narrative subject can be encountered. Indeed, “the event must become a ‘story’ before it can become a ‘communicative event.’”⁶⁵ Events do not have a “unitary causal meaning,” but contain “multiple plot structures, multiple narrative antecedents, and multiple narrative consequences.”⁶⁶ The same event can be narrated in a number of different ways and within a number of public spheres. While one narrative may not—and indeed must not—include all possible plots, antecedents, and consequences, a multiplicity of narratives may, and under narrative analysis each perspective of “retelling” is equally as valid and worthy of study as the others.

In an increasingly specialized and segmented realm of mass communication, narratives are essential to a definition of community. “Events that ‘demand narration’ are absolutely essential for the possibility of a public sphere in which people can aspire to participate”⁶⁷ These are

⁵⁸ Schudson, *supra* note 56 at 98.

⁵⁹ *Ibid.*

⁶⁰ R. N. Jacobs, *Race, Media, and the Crisis of Civil Society: From Watts to Rodney King* (Cambridge: Cambridge University Press, 2000) at 8.

⁶¹ J. Alexander & P. Smith, “Discourse of American Civil Society” (1993) 22 *Theory & Society* 151 at 156.

⁶² *Ibid.*

⁶³ B. Zelizer, *Covering the Body: The Kennedy Assassination, the Media, and the Shaping of Collective Memory* (Chicago: University of Chicago Press, 1992) at 34.

⁶⁴ G. A. Fine & R. D. White, “Creating Collective Attention in the Public Domain: Human Interest Narratives and the Rescue of Floyd Collins” (2002) 81:1 *Social Forces* 57 at 60.

⁶⁵ S. Hall, “Encoding, Decoding” in S. Hall *et al.* eds., *Culture, Media, Language* (London: Hutchinson, 1980) at 129.

⁶⁶ Jacobs, *supra* note 60 at 9.

⁶⁷ *Ibid.*

events—not about business developments or technological innovations per se but about what is human in these otherwise lifeless accounts. Such events “encourage a break from the quotidian, the instrumental, the self-focused and orient public attention to questions of society and morality.”⁶⁸ “It is during these times, transcending the mundane moments of everyday life, that the affective bonds of society are mobilized, participation in the public arena is maximized, and past, present, and future are fused together in an ongoing, mythic, mystical collective story about ‘who we are’.”⁶⁹

The communal implications of narrative are underscored by the fact that, although the media purports to cover events, these events are actually personified through narrative protagonists. “The event is then seen as a consequence of the actions of this person or these persons.”⁷⁰ Galtung and Ruge offer five explanations for the narrative use of personification. Personification is an “outcome of cultural idealism according to which man is the master of his own destiny” and enables the audience identification that is necessary for the creation of meaning.⁷¹ It is a direct but distinct consequence of the media’s fixation on elites.⁷² Persons also act within a time-span that is easier to “pin down” than that of structures, and are more photogenic and easier to interview. Thus, as subjects people are “more in agreement with modern techniques of news gathering.”⁷³

Significantly, news media’s heavy reliance on narrative form constructs news and newsworthiness; it invents interpretations, but does not invent news itself. Journalists assist in organizing and shaping public understanding by determining what is important, what questions are worth debate.⁷⁴ As Schudson explains, “news is not fictional but conventional” and “conventions help make messages readable” in ways that are “culturally consonant,” rendering “culturally dissonant messages unsayable”; “their function is less to increase or decrease the truth value of the messages they convey than to shape and narrow the range of what kinds of truths can be told.”⁷⁵ Of course, the interpretation of the facts is often more significant than the facts themselves; “the critical variable is usually not the facts themselves but the manner in which they are arranged and interpreted in order to construct narratives describing the political world.”⁷⁶

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ J. Galtung & M. Ruge, “Structuring and Selecting News” in S. Cohen & J. Young, eds., *The Manufacture of News* (Beverly Hills, California: Sage, 1973) at 57.

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ Jamieson & Waldman, *supra* note 35 at xiii.

⁷⁵ Schudson, *supra* note 56 at 98-99.

⁷⁶ Jamieson & Waldman, *supra* note 35 at xiv.

Narrating Crises

Crisis is a category of events that demand narration. Crises are instances of disorder, “which reports threats to various kinds of order, as well as measures taken to restore order.”⁷⁷ Crises are “the discords of our experience—delight in change, fear of change; the death of the individual and the survival of the species, the pains and pleasures of love, the knowledge of light and dark, the extinction and the perpetuity of empires.”⁷⁸ “Crisis” in our context “develops when a particular event gets narratively linked to a certain cleavage in society and demands the attention of citizens as well as political elites.”⁷⁹ Thus crisis is “inescapably a central element in our endeavors towards making sense of our world.”⁸⁰

Crisis often arrives in the form of social problems or “bad news.”⁸¹ Such “bad news” is likely to be about some “violation of values” and the undesirability of activities that disrupt these values.⁸² “The social order is disrupted by acts of individuals and acts of nature in the form of crimes against persons and property,” and news media “constantly monitor the environment for disruptions in the social order.”⁸³ “Coverage of bad news reflects the surveillance function historically adopted and practiced by the journalism profession,” and “tragic and otherwise adverse conditions and events are considered newsworthy because they inform about social and societal consequences.”⁸⁴ Crises are potent subject matter because what is at stake in moments of crisis are “enduring values,” “values which can be found in many different news stories over a long period of time” in terms of either their disruption or their unflagging presence amidst chaos.⁸⁵ Of course, our own crises always seem more newsworthy, for “we think of our own crisis as pre-eminent, more worrying, more interesting than other crises.”⁸⁶

Coverage of crisis is characterized by a “narrative lingering” that emphasizes not only the “tragic distance between ‘is’ and ‘ought’ but also the possibility of heroic overcoming.”⁸⁷ Such “heroic overcoming” celebrates and publicizes the indomitability of the individual, a key “enduring value” in the news identified by Herbert Gans.⁸⁸ Commemorating a “heroic overcoming” is indicative of a particularly American strain of “rugged individualism” celebrated in “small town pastoralism” which

⁷⁷ Herbert Gans, *Deciding What's News* (New York: Pantheon Books, 1979) at 52.

⁷⁸ Kermode, *supra* note 3 at 80.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.* at 94.

⁸¹ *Ibid.*

⁸² Gans, *supra* note 77 at 40.

⁸³ C. Aust & D. Zillmann, “Effects of Victim Exemplification in Television News on Viewer Perception of Social Issues” (1996) 73:4 *Journalism & Mass Communication Quarterly* 787 at 787.

⁸⁴ *Ibid.*

⁸⁵ Gans, *supra* note 77 at 41.

⁸⁶ Kermode, *supra* note 3 at 94.

⁸⁷ Jacobs, *supra* note 60 at 9.

⁸⁸ Gans, *supra* note 77 at 50.

stresses “the preservation of the freedom of the individual against the encroachment of nation and society.”⁸⁹ In this idealized image of the individual, “the good society of the news is populated by individuals who participate in it, but on their own terms, acting in the public interest, but as they define it.”⁹⁰ As part of this participation, “the ideal individual struggles successfully against adversity and overcomes more powerful forces.”⁹¹ In a story focusing on the consequences of the disruption of enduring values and social order, these individuals play large- or small-scale restorative functions in an attempt to again make right what was made wrong, or more appropriately, to make right what was not addressed by organizations and institutions charged with bringing wrongdoers to justice. In such stories of overcoming, the narrative form is especially appropriate for media purposes because “the tension between romantic overcoming and tragic failure (...) provides crisis with its dramatic power.”⁹²

Narrative, Crisis, and Lyotard’s Différend

The writings of Jean-Francois Lyotard assist us in understanding the role of narrative, how crises are narrated, and how the news media mediates between legal institutions and victims of crime, both those who are lost and who lose others. For Lyotard, all is not narrative, but “the condition of narrative is unsurpassable.”⁹³ Narratives govern knowledge claims and organize cultural representation.⁹⁴ Narrative analysis is “a matter of performance, not of truth,”⁹⁵ and “performativity (...) is the production of effects in and by narratives.”⁹⁶ As performance, narrative is “used by an individual (...) in order to advance certain theses or make knowledge claims which are not *in themselves* matters of narrative but are meanings.”⁹⁷ Lyotard’s theory of narrative as figure, in which the “narrated quality” of linguistic acts “marks them as radically singular,” “introduces to discourse the opacity of the specific pragmatics of communication and description, such as the incommensurability of the narrative subject and the subject of narration.”⁹⁸

Narrative as figure encapsulates singular occurrences, in Lyotard terms ‘events,’ a concept close to that of ‘crisis’. An event “disrupts any pre-existing referential frame within which it might be represented or understood,” “something happens, after which nothing will ever be the same

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² Jacobs, *supra* note 60 at 9.

⁹³ Bill Readings, *Introducing Lyotard: Art and Politics* (New York: Routledge 1991) at 65.

⁹⁴ *Ibid.* at 81.

⁹⁵ *Ibid.* at 77.

⁹⁶ J. Lyotard & J. Thébaud, *Just Gaming*, trans. by Godzich (Minneapolis: University of Minnesota Press, 1979) at 6.

⁹⁷ Readings, *supra* note 93 at 81.

⁹⁸ *Ibid.* 84.

again.⁹⁹ An event then, is radically singular, and is “alien to the language or structure of understanding to which it occurs.”¹⁰⁰ Because framing an event within a “general history” compels the “loss of its singularity” and “its reduction to a moment,” “there is no neutral textual space from which events can be surveyed and given meaning.”¹⁰¹ Lyotard situates the event in a postmodern realm where narrative continuity is problematized, where a “crisis of narratives”¹⁰² renders it impossible to “tell a new story,” an area with no metanarratives around which to organize and legitimate cultural narratives.¹⁰³ Lacking metanarrative, culture is localized and “as a site of inquiry is thus dissolved into an expanded field of little narratives.”¹⁰⁴

Lyotard’s infamous discussion of Overney’s death at the Renault plant exemplifies the event in that it seeks the “disruption (...) in terms of tension and energy, of a restrictive narrative temporality.”¹⁰⁵ This death produces a “tensivity” “which it is the function of the Renault narrative to absorb.”¹⁰⁶ Overney’s death as event “refuses to be absorbed into the *order* of a classical narrative (...) its tension exchanged for other tensions.”¹⁰⁷ Yet the death must be narrated to “become exchangeable; its inanity, its ‘at a loss’ cannot be admitted by the consensus.”¹⁰⁸ The Renault narrative is constructed to promote consensus, to produce a memory of the event through the use of filters applied to render death the “price paid for the demonstrator’s wounding of the social body in a mythical scene of fault and necessary reparation.”¹⁰⁹ Thus, the Renault narrative becomes a “way of dealing with the event, of neutralising what is here still thought of as a quantitative charge.”¹¹⁰ As such, it enables death itself: “The dead are not dead so long as the living have not recorded their death in narratives. Death is a matter for archives. One is dead when one is narrated and no longer anything but narrated.”¹¹¹

Many scholars, particularly those writing on restorative justice, have chronicled the differences in perspective between legal institutions and victims of crime. Legal institutions including the police, judiciary, and penal systems specialize in capturing, prosecuting, and punishing an offender impersonally, concentrating on the offender and not on his victims.

⁹⁹ *Ibid.* at xxxi.

¹⁰⁰ *Ibid.* at xxxi, 57.

¹⁰¹ *Ibid.* at 57, 60.

¹⁰² J. Lyotard, *The Postmodern Condition*, 1st ed., trans. by Bennington & Massumi (Minneapolis: University of Minnesota Press, 1979) at xxiii.

¹⁰³ Readings, *supra* note 93 at 64.

¹⁰⁴ *Ibid.* at 65.

¹⁰⁵ Geoffrey Bennington, *Writing the Event* (New York: Columbia University Press, 1988) at 108.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.* at 109.

¹⁰⁸ J. Lyotard, *Instructions p \grave{a} iennes* (Paris: Gallilée, 1977) at 206-07.

¹⁰⁹ Bennington, *supra* note 105 at 110.

¹¹⁰ *Ibid.*

¹¹¹ Lyotard, *supra* note 108 at 19.

Institutional outrage at crime stems not from the human loss crime engenders but from the legal violation itself. Victims, in contrast, cannot remain impersonal but are submerged in an emotive role; their orientation to crime is relational, their outrage stemming from an intimacy lost through criminal behavior. Victims cannot relate to institutional technology. Thus, while institutions are indirectly affected by a violation of a disembodied law, victims are directly affected by an embodied crime made manifest through a lost beloved body. Both legal institutions and victims pursue criminal accountability, they do so from differing orientations. Legal institutions' interests lie in punishing for breach of an impersonal law, those of the victim in punishing an act against a personal relation. But the disparate orientations of legal institutions and victims are not irreconcilable; the news media mediate between legal institutions and victims, personalizing institutional procedures by chronicling their effects upon victims for audience enlightenment.

Lyotard's concept of the *différend* captures this perceptual disparity. The *différend* is the "unstable state (...) of language in which something which ought to be able to be phrased cannot yet be phrased."¹¹² Confronting the different, speakers "recognize that what is to be phrased exceeds what they can phrase at the moment."¹¹³ More concretely, the *différend* is a point of difference in a dispute whose parties' orientations are so disparate that the dispute "cannot be phrased in either language without (...) prejudging the issue for that side."¹¹⁴ Between the narrative extremes of legal institutions and victims lies a *différend* that must be enunciated. "The *différend* marks a point where existing representational frameworks are unable to deal with difference without repressing it or reducing it," and so choosing one narrative over the other would exclude or quash the unchosen narrative.¹¹⁵

It is the task of a literature to "evoke and testify to *différends*, to exacerbate them so as to resist (...) injustice which silences those who cannot speak the language of the master," "to bear witness to *différends* by finding idioms for them."¹¹⁶ Media chronicle legal proceedings from the victim's intimate perspective to satisfy a lay audience unfamiliar with legalities and with the victim experience, thus evoking and testifying to *différends*, resisting both the brusque institutional pall and the tragic subjectivity of the victim. Thus, the question must be, how do media narratives distort and deform by emphasizing certain elements of an account over others?

¹¹² J. Lyotard, *Le Différend* §§ 22-23 (Paris: Minuit, 1984).

¹¹³ *Ibid.*

¹¹⁴ Readings, *supra* note 93 at xxx.

¹¹⁵ *Ibid.*

¹¹⁶ Lyotard, *supra* note 112 at §§ 22-23.

*Narratives of Suture**Constructing Suturing Narratives*

“The moments we call crises are endings and beginnings.”¹¹⁷ Reorganizing the “moment in terms of the end” gives “meaning to the interval between.”¹¹⁸ Thus, like other experiences, crucial endings and beginnings may be narrativized. But such moments are naïvely constructed by non-victims for non-victims, as there can be no pure ‘ending’ or ‘beginning’ for victims who have lived through crises. For the initiated, ‘closure’ is an ill-fitting word by which to refer to such moments since it implies that finality is possible, that after a particular event a crisis is over when in reality it lingers on in memory as long as memory itself lingers on. Naming these stories of critical moments necessitates avoiding the implications of “closure” and recognizing that such moments mark different stages in a continuous sense-making process of transcendence. Thus, this paper refers to narratives of dispositive moments as times of ‘suture’ or ‘knitting together’, though this joinder is not so much experienced by victims/survivors as by uninvolved readers. ‘Suture’ too is a problematic term, but no perfect term exists to describe an imperfect failure of finality.

Suture narratives are most often a subset of human interest stories involving “an individual or a group previously unknown to the media audience who must face adversity.”¹¹⁹ Psychologically, such narratives provide ‘collective representations (...) through which individuals can come to recognize that their fellow citizens share their attitudes and emotions.’¹²⁰ Organizationally, suture narratives “have a temporal arc that gives them a significant but limited time span and a general sense of predictability” useful for media. Discursively, suture narratives “encourage speculative discourse (...) grounded on the belief that something can be done to improve the situation.”¹²¹ Suture, or “consensual agreement about the outcome (...) leads to identification, both with the victim and with the audience.”¹²² Ultimately, then, “the logic of victimhood makes it effective in generating public response.”¹²³

Perhaps because of nationalism’s hunger for dramatic and stirring national narrative myths, nation-states have become expert storytellers, and national myths frequently emphasize the suturing roles of the state and its relevant organizations, which for our purposes are the legal apparatus of prosecutors, courts, and bodies of law. W. B. Yeats once described the suturing effect of these various entities by stating that “the System enabled

¹¹⁷ Kermode, *supra* note 3 at 96.

¹¹⁸ *Ibid.* at 57.

¹¹⁹ Fine & White, *supra* note 64 at 59.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ *Ibid.*

him to hold together reality and justice in a single thought," where "reality is (...) the sense (...) of a world irreducible to human plot and human desire for order," and "justice is the human order we find or impose upon it"; for Yeats, the System itself is "a plot, a purely human projection".¹²⁴ For Cover too, law is best expressed as a narrative of social struggle or redemptive story. Cover suggests that, understood in a narrative context, "law becomes not merely a system of rules to be observed, but a world in which we live."¹²⁵ This "normative universe is held together by the force of interpretive commitments" of "officials and of others" that "determine what law means and what law shall be."¹²⁶ Law is communicative action; legal principles are not only "demands made upon us by society, the people, the sovereign, or God" but are also "signs by which each of us communicates with others."¹²⁷ At the same time, law is a communicative system, a "resource in signification that enables us to submit, rejoice, struggle, pervert, mock, disgrace, humiliate, or dignify."¹²⁸ From this perspective, focusing on suture can restore the victim to the center of crises narratives. This aligns with what Cover describes as 'redemptive constitutionalism,' where groups seeking "the transformation of the surrounding social world must evolve a mechanism for such change," and where such movements and their sustaining narratives "set out to liberate persons and the law and to raise them from a fallen state."¹²⁹ Ultimately, "the stories the resisters tell, the lives they live, the law they make in such a movement may force the judges, too, to face the commitments entailed in their judicial office and their law."¹³⁰

Survivor Resolution Stories as a Genre

Survivor resolution stories inherently occupy a temporal role in documenting and understanding the crisis of crime and its aftermath. The authoring of such stories is triggered by the completion of some phase in the criminal procedure such as arrest, the filing of charges or indictment, conviction, sentencing, or the validation of some novel legal technique used in one of these stages, such as the allowance of victim impact testimony at sentencing. Such stories are examples of suturing narratives because they focus upon an event that is an end or beginning (or potentially both). Such a story has the following characteristics: a) a print or electronic news story; b) focusing on the family members of a victim of a (most often violent) crime *or* on the activities of such persons, c) that details those persons' reaction to the outcome of some phase in the criminal justice system that brings the person

¹²⁴ Kermode, *supra* note 3 at 105.

¹²⁵ R. Cover, "Nomos and Narrative" (1983) 97 Harv. L. Rev. 4 at 5.

¹²⁶ *Ibid.* at 7.

¹²⁷ *Ibid.* at 8.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.* at 34-35.

¹³⁰ *Ibid.* at 68.

suspected of committing the crime one step closer to release, incarceration, or execution. Such an event may be the filing of charges or indictment, arrest, family members' testimony in the suspect's trial, conviction, sentencing, or the use of a novel legal technique such as the inclusion of victim impact testimony in sentencing.

Survivor resolution stories emphasize that the conclusion of certain phases in the criminal trial process are newsworthy not only in an institutional sense but also because of their non-institutional impact on those "left behind" who often participate in or advocate for a particular outcome.

The Suturing Expectation

Of course, reading suturing narratives in the form of survivor resolution stories creates the expectation that suture as a phenomenon is possible and even likely at certain junctures in the resolution of criminal crises. Such narratives also tell us *how* suturing is effected, by what means the "redemptive or restorative function" is activated and actualized.¹³¹

The redemptive or restorative function of a suturing narrative is unleashed when the "airing of private troubles" in a media piece evokes "the sharing of stories, the charm of the personal narrative, the commiseration and company of self-help groups" and "sometimes (...) leads to an impressive outpouring of compassion and concern."¹³² Frequent appearances of suturing narratives normalize both the suturing phenomenon and its particular processes but also acclimate audiences to suturing narratives themselves.

Recall that the hermeneutic code of narrative form contains a resolution, usually one that satisfactorily resolves the narrative enigma. Usually, media audiences "do not have our interest awakened by an enigma and gratified by a resolution" as "the scenes that compose the news narrative appear in an almost arbitrary succession."¹³³ But by portraying a suture point, an end/beginning, survivor resolution stories contextualize and re-present the preceding chain of events. The suture narrative is only newsworthy if it is narratable; if it reacquaints us with the loss necessitating the suture and offers us an event that signifies an end/beginning. It matters not whether the actors in the suturing narrative actually experience suture, what matters is their opportunity to do so, and so the suturing pleasure is not so much derived from the actual resolution of the narrative enigma as it is dependent upon the existence of a realistic suturing potential.

¹³¹ G. L. Fox, "Families in the Media: Reflections on the Public Scrutiny of Private Behavior" (1999) 61:4 *Journal of Marriage and the Family* 826.

¹³² *Ibid.* at 826-27.

¹³³ Lewis, *supra* note 51 at 30.

Sharing Matthew Shepard's Loss: The Suturing Narratives of Judy and Dennis Shepard and Laramie, Texas

The murder of Matthew Shepard was a crisis whose sutures were heavily documented. Shortly before midnight on October 6, 1998, 21-year-old Matthew Shepard was lured from the Fireside Lounge, a bar on the University of Wyoming's Laramie campus, and driven east to a remote area by Russell Henderson and Aaron McKinney. There, he was tied to a split-rail fence, beaten and pistol-whipped, and shot by McKinney three times in the skull for \$20, a credit card, and shoes. Matthew was then abandoned, tied to the fence in near-freezing temperatures. Over 18 hours later, a cyclist found him, unconscious and suffering from hypothermia, having sustained six skull fractures and critical brain stem injury, injuries so critical that doctors were unable to operate. He died on October 12, 1998, having never regained consciousness. Matthew's parents, Dennis and Judy Shepard, flew back from Saudi Arabia, where Dennis was employed as an oil executive, in time to see their son die. Matthew's funeral on October 17, 1998 was attended by over 1,000 mourners. Henderson, 21, and McKinney, 22, were charged with first-degree murder, kidnapping, and robbery. Henderson was the first to be tried. Although prosecutor Cal Rerucha sought the death penalty, Henderson pled guilty in exchange for two life terms without parole on April 6, 1999. McKinney was tried and convicted of Matthew's murder on November 4, 1999, but on the first day of the sentencing phase, the Shepards accepted a plea agreement granting him life in prison without parole.

Matthew's murder is analogous to Lyotard's discussion of Overney's death in the Renault narrative. The murder was a crisis, an event that could not be absorbed into a classical narrative order, and the 'tensivity' of its stories comes from the narrative absorption of the crime and ensuing prosecutions, the effects of proceedings upon the Shepards and upon Laramie, and these individuals' reciprocal effects on legal proceedings. In enunciating specific narrative strategies, the media confronted the event in order to neutralize its senselessness, and exchanged the murder's inanity for meaning.

To analyze the suture narratives of this tragedy, 38 stories of suture were culled from over fifteen newspapers across the nation. These stories were selected from a corpus of over 100 stories on the Shepard case based on their coverage of critical moments in the trials and of the Shepards' response to developments. These articles exhibit two major forms of suture: suture through legal processes and suture through advocacy and action. Suture through legal processes was the first suture form to be chronicled in the press, emerging at critical points in the criminal trials, most notably when the defendants pled guilty in exchange for life in prison. Such suture is inward-directed towards those involved with Matthew and the crime: his family, friends and hometown. In contrast, coverage of suture through

advocacy and action emerges later, and is outward-directed towards those who need to learn specified moral lessons of this crime. Such stories focus largely upon Judy Shepard's advocacy for tolerance and hate crimes legislation.

Before discussing these two suture forms, it is appropriate to address another suture of crisis location, enunciated in several articles detailing the changes wrought to Laramie, Wyoming, the town constructed by the press as most centrally involved in the crime and legal proceedings. Media concern focused upon Laramie before Henderson's trial in the spring of 1999 and McKinney's in the fall, moments where "the spotlight (...) direct[ed] fresh heat on Laramie."¹³⁴ For Laramie residents, the town's image changed significantly following the murder. Media coverage established that the murder was succeeded by a time of reflection and transformation; the murder "sparked an unusual degree of introspection and self-examination," and town residents were "reflecting on the character of their community."¹³⁵ Though Laramie had thought itself a "peaceful, law-abiding community" that "has long been regarded as a center of learning and progressive through relative to the rest of the state" due to the University of Wyoming, this self-image "blurred" after the murder.¹³⁶ A March 22, 1999 story published shortly before jury selection in the Henderson trial, stated that "the martyrdom of Shepard (...) has erased much of the innocence and fun from Laramie."¹³⁷ The town's pastoral nature became a potential source of ridicule,¹³⁸ and its Western "cowboy image" implied a much-exploited potential for backward prejudice. "To the outside world, Laramie suddenly became the place where a vicious hate crime took place, where below a patina of tolerance lurked a deep streak of cowboy intolerance."¹³⁹ Laramie, after all, was where "the cowboy was king" or "at least the cowboy image is king."¹⁴⁰ Yet, one writer emphasized that after Matthew's death, "yellow ribbons adorned trees on downtown streets and symbols of peace were posted on many store fronts," and "the local newspaper recently printed a yellow sheet with three green circles, which has become a symbol of peace in the wake of Shepard's slaying."¹⁴¹ This same writer contrasted this display of peace tokens with a post-funeral communal uneasiness: "the media attention on the funeral and anti-gay demonstrators disturbed many

¹³⁴ P. Pringle, "Wyoming Town Braces For Start of Gay Killer Trial" *The Toronto Star* (22 March 1999).

¹³⁵ T. Kenworthy, "After Slaying, Community Takes a Punishing Look at Itself" *The Washington Post* (5 April 1999) A3.

¹³⁶ *Ibid.*

¹³⁷ Pringle, *supra* note 134.

¹³⁸ L. Gorov, "Shepard Trial Near, Town on the Defensive" *The Boston Globe* (5 April 1999) A3.

¹³⁹ Kenworthy, *supra* note 135.

¹⁴⁰ M. Janofsky, "A Year after Gay Man's Killing, Laramie Braces for a Second Trial," *The New York Times* (11 October 1999) A10.

¹⁴¹ M. Gonzalez, "Beating Death Touches Quiet Community; Yellow Ribbons Adorn Casper Fences, Shops" *Denver Rocky Mountain News* (17 October 1998) 7A.

residents” and “some residents said they thought Shepard’s death was blown out of proportion.”¹⁴²

News stories also established that Laramie residents felt that they and their town were on trial with the defendants. According to one headline, the town “takes a punishing look at itself.”¹⁴³ Residents were portrayed as maintaining “with an edge of defensiveness” that Laramie was “Anywhere, USA” and that the crime could have taken place “in any city in America.”¹⁴⁴ Laramie had become home to “shame.”¹⁴⁵ After Henderson’s guilty plea, Laramie “exhaled in brief relief,”¹⁴⁶ and also felt “a sense of relief” after McKinney’s conviction.¹⁴⁷

News stories linked this ‘reflection’ to a fortress mentality. From the beginning, residents reportedly “have had to confront his [Matthew’s] homosexuality and horrible death.”¹⁴⁸ The potential media “onslaught”¹⁴⁹ was constructed as a storm on the horizon that demanded efforts to protect trial procedures and participants. As the town was “bracing for an enormous amount of news media interest in the trial,” Wyoming District Judge Jeffrey Donnell banned television cameras and radio microphones from the courtroom, established a separate area for protesters, “tightened police security,” and “ordered that the jury be sequestered after opening arguments.”¹⁵⁰ The “simple stone courthouse” was described as “fortified with barricades.”¹⁵¹ The press emphasized the defensiveness of Laramie residents, noting a “sense of siege” and an awareness that “their way of life is on trial.”¹⁵²

News coverage of the trial’s impact on Laramie residents established their unwillingness to accept such labels. The press quoted Wyatt Skaggs, Henderson’s court-appointed lawyer, as telling prospective jurors that “we’ve got to begin by disregarding the guilt thing, that we have to punish somebody to show the nation we’re not some dusty old cow town.”¹⁵³ At juror selection, Skaggs reportedly urged “prospective panelists not to view the trial as a means of rehabilitating Laramie’s reputation,”¹⁵⁴ stating “the press wants us to think that we are somehow responsible for what went on

¹⁴² *Ibid.*

¹⁴³ Kenworthy, *supra* note 135.

¹⁴⁴ Gorov, *supra* note 138.

¹⁴⁵ *Ibid.*

¹⁴⁶ P. O’Driscoll, “Guilty Plea in Wyo. Murder Halts Trial, But Not Emotions” *USA Today* (6 April 1999) 9A.

¹⁴⁷ K. McCullen, “Verdict Brings Measure of Relief to Some Residents of Laramie” *Denver Rocky Mountain News* (4 November 1999) 7A.

¹⁴⁸ Gonzalez, *supra* note 141.

¹⁴⁹ Gorov, *supra* note 138.

¹⁵⁰ J. Brooke, “Wyoming City Braces for Gay Murder Trial” *The New York Times* (4 April 1999) Sec. 1 p. 14.

¹⁵¹ Gorov, *supra* note 138.

¹⁵² *Ibid.*

¹⁵³ Brooke, *supra* note 150.

¹⁵⁴ Kenworthy, *supra* note 135.

Oct. 6.”¹⁵⁵ And following Henderson’s plea agreement, Skaggs openly “accused” the media of “unfairly branding Laramie and Wyoming as havens of hatred against gays,” stating “this crime has never been a ‘hate’ crime (...) it’s unfortunate that this community, my community, has been disparaged.”¹⁵⁶

Not everyone was portrayed as defensive; the University of Wyoming reportedly responded to ‘reflection’ by using “Shepard’s death as a teaching tool, a way to focus on the values of diversity and acceptance” and on the roots of hate crimes.¹⁵⁷ Stories also described how the town opened itself to advocates such as Cathy Renna of the Gay and Lesbian Alliance Against Discrimination, who was “pleasantly surprised” to be “embraced by Laramie” when she arrived there after the murder.¹⁵⁸ Residents’ vehicles sported bumper stickers proclaiming “Violence is not a Laramie value,” and the mayor stated that “we’re trying to paint a more-positive picture. Laramie has clean air and blue skies. It’s a good place to raise a family. The town is a hardworking town.”¹⁵⁹ Efforts to purge the defensive cast seemed successful; by October 1999, one news story stated that “there is little to suggest that the Shepard killing was anything more than a brutal and isolated event,” and “crime appears to be no worse than anywhere else.”¹⁶⁰ Another story printed after McKinney’s conviction stated that “strangers still are greeted with smiles and hellos on the streets.”¹⁶¹ Stories contained other positive constructions as well. The cowboy imagery, previously a symbol of pastoral prejudice, also symbolized efficiency: criminal justice in this cowboy town gallops ahead.¹⁶² Two stories discussed how the murder site had become a “pilgrimage site,”¹⁶³ with a “cross of stones built beneath the fence and offerings of flowers and other tokens of bereavement” on the ground.¹⁶⁴ This fence, in the words of one news story, “has become a kind of shrine.”¹⁶⁵

Suture Through Legal Processes

Stories emphasizing suture through legal processes occur from April 7, 1999 to November 12, 1999; most stories appear from November 5, 1999 to November 12, 1999, and all but one cover the Shepards’ sudden acceptance of McKinney’s post-conviction plea agreement on November 5, 1999. Media coverage of suture through legal processes appears in three

¹⁵⁵ Brooke, *supra* note 150.

¹⁵⁶ Driscoll, *supra* note 146.

¹⁵⁷ Kenworthy, *supra* note 135.

¹⁵⁸ Gorov, *supra* note 138.

¹⁵⁹ *Ibid.*

¹⁶⁰ Janofsky, *supra* note 140.

¹⁶¹ McCullen, *supra* note 147.

¹⁶² Janofsky, *supra* note 140.

¹⁶³ Brooke, *supra* note 150.

¹⁶⁴ Kenworthy, *supra* note 135.

¹⁶⁵ *Ibid.*

categories: explicit ties to suture, survivor agency and multidimensional mercy, and the impact and embodiment of suture.

Explicit Ties to Suture

It was never questioned that suture is a critical issue in the Shepard tragedy. As President Clinton remarked after McKinney's murder conviction, "today's verdict closes a chapter in the tragic story (...). Although the verdict cannot bring Matthew back, perhaps it will bring some sense of closure (...)."166 Clinton also recognized the narrative need to resolve the crisis through suture, and the timing of his address underscored the judiciary's narrative role in concluding the crisis by successfully prosecuting the defendants: "Their crimes impose a particular cost on society by tearing at the social fabric. It is my continued hope that together, as a nation, we will work to repair that fabric."¹⁶⁷

As previously stated, stories chronicling suture through legal processes appeared most often at points in legal processes marking some form of resolution, especially when Henderson and McKinney agreed to plead guilty in exchange for two life terms. The defendants' plea agreements were explicitly tied to suture, sometimes in headlines. As one headline proclaims, "Victim's parents support plea bargain 'to begin the healing process.'"168 Only one story removed the Shepards from the focus by stating that the plea agreements represented "justice" for Matthew.¹⁶⁹ Often, this suture became salvation. One writer drew explicit religious suture parallels to Christian salvation through Jesus, stating that "it gives me goosebumps to think that a young man named Shepard was persecuted, beaten and left to die bound to criss-crossed pieces of wood"; for her, the Shepards "offered some hope for healing in their son's name" by sparing the "thieves who stood on either side of Shepard's battered body," Golgotha-like.¹⁷⁰ Another writer granted the Shepards quasi-divine qualities in characterizing their acceptance of the plea bargain as "admirable, almost superhuman charity," as "an act of faith that says no."¹⁷¹ Dennis Shepard himself stated that he would use the acceptance of McKinney's plea agreement "as the first step in my own closure about losing Matt."¹⁷² News coverage also extended divine affects to the murder

¹⁶⁶ W.J. Clinton, "Statements on the Verdict in the Matthew Shepard Murder Trial" (8 November 1999) *Weekly Compilation of Presidential Documents*, vol. 35 issue 44 (November 8, 1999) at 2241.

¹⁶⁷ *Ibid.*

¹⁶⁸ "Killer of Gay Student Gets Life Term With No Appeals; Victim's Parents Support Plea Bargain 'To Begin the Healing Process'" *St. Louis Post-Dispatch* (5 November 1999) A5 ["Killer of Gay Student"].

¹⁶⁹ J. Crosson, "Bashing Verdict; Justice for Matthew; Drop-out Jailed for Life For 'Heinous' Murder of Gay Student" *The Advertiser* (7 April 1999).

¹⁷⁰ K. Franke-Folstad, "Shepards Guide Merciful Flock" *Denver Rocky Mountain News* (7 November 1999) A6.

¹⁷¹ "Mercy in Wyoming; Matthew Shepard's Parents Spare Their Son's Killer" *Pittsburgh Post-Gazette* (10 November 1999) A-22 ["Mercy in Wyoming"].

¹⁷² "Excerpts from Statement by Father" *The New York Times* (5 November 1999) A22 ["Excerpts"].

site, which in keeping with Matthew's martyrdom became a "pilgrimage site, as people bearing poems and floral bouquets have worn deep ruts in a dirt track to the lonely section of fence."¹⁷³ One story even noted that a Laramie Unitarian church held its 1999 sunrise Easter service at the site, quoting the church's pastor as stating, "I have seen people come out here with a pocketknife and take a piece of the fence, like a relic, like an icon. To have a piece of the experience here is powerful to people."¹⁷⁴ The media even constructed the fence as a secular boundary, between civilization and entropy, between life and death: "the rail fence remains, a lonely span of timber at the end of a rutted limestone trail, separating only one side of prairie from the other."¹⁷⁵

The depth of news media recognition and sensitivity towards this suture point is evidenced by several stories' lengthy excerpts from Dennis Shepard's address at McKinney's sentencing, quoted either in the text or highlighted in "infoboxes".¹⁷⁶ McKinney's plea bargain in particular received the overwhelming majority of media attention because it was a post-conviction shocker, a "dramatic and surprising end to the Matthew Shepard murder case."¹⁷⁷

Survivor Agency and Multidimensional Mercy

Suture through legal processes is perhaps misnamed. Though the defendants' plea bargains were first proposed by defense counsel and were facilitated by such legal personnel as prosecuting attorney Cal Rerucha, coverage of the plea agreements credited Dennis and Judy Shepard for literally sparing the defendants' lives. Prosecutors didn't assent to the plea bargain, they "relented after the victim's parents agreed."¹⁷⁸ One story placed the agency of the plea agreement on the defendant,¹⁷⁹ no stories placed the agency upon the prosecutors, and nine placed agency upon the Shepards.¹⁸⁰ Headlines credited the Shepards with responsibility for the plea bargain even

¹⁷³ Brooke, *supra* note 150.

¹⁷⁴ *Ibid.*

¹⁷⁵ Janofsky, *supra* note 140.

¹⁷⁶ K. McCullen, "Gay Student's Parents Agree OK Deal to Spare Killer; McKinney Gets Two Life Sentences for Murder" *Denver Rocky Mountain News* (5 November 1999) A7; "Excerpts," *supra* note 172.

¹⁷⁷ T. Kenworthy, "'I'm Going to Grant You Life'; Parents of Slain Gay Student Agree to Prison for His Killer" *The Washington Post* (5 November 1999) A02.

¹⁷⁸ *St. Louis Post-Dispatch*, *supra* note 168.

¹⁷⁹ Crosson, *supra* note 168.

¹⁸⁰ *St. Louis Post-Dispatch*, *supra* note 168; M. Janofsky, "Parents of Gay Obtain Mercy For His Killer" *The New York Times* (5 November 1999) A1; McCullen, *supra* note 184; Kenworthy, *supra* note 176; P. O'Driscoll, "Shepard Family Accepts Killer's Plea Bargain" *USA Today* (5 November 1999) 2A; Franke-Folstad, *supra* note 170; M. Littwin, "Shepards Change the Tone of Tolerance Debate" *Denver Rocky Mountain News* (7 November 1999) 3B; D. Wickham, "A Vicious Hate Crime Ends With Surprise Reprieve" *USA Today* (8 November 1999) 27A; "Mercy in Wyoming," *supra* note 171; Matthew Shepard's Parents Spare Their Son's Killer" *Pittsburgh Post-Gazette* (10 November 1999) A-22.

when the stories that summarized correctly reported the prosecutors' role.¹⁸¹ One story even granted the Shepards "every right to demand that prosecutors ask jurors to condemn McKinney to die."¹⁸² News media emphasized the Shepards' agency by quoting prosecutor Carl Rerucha as stating that he "had not been in favor of offering Mr. McKinney a deal."¹⁸³ The press even noted that Rerucha only changed his mind as to McKinney's plea bargain after speaking with Judy Shepard, who "stands for forgiveness in the best sense of the word."¹⁸⁴ The Shepards' apparent refusal to take a life captivated the news media: "What a reservoir of strength the Shepards must have. When vengeance was within their reach, they instead pushed away the executioner's hand."¹⁸⁵ One writer was astounded that "they basically held the switch in their hands and chose not to pull it."¹⁸⁶

The press summarized the Shepards' adoption of McKinney's plea agreement in one word: "mercy". Both Dennis Shepard and prosecutor Rerucha used this term to describe the agreement's acceptance, which the press in turn described as a "call for mercy,"¹⁸⁷ a "stunning act of mercy,"¹⁸⁸ a "remarkable example of mercy,"¹⁸⁹ a "stunning act of forgiveness,"¹⁹⁰ and an act which "tempered justice with mercy."¹⁹¹ For the press, "mercy is an amorphous concept that was given form in a Wyoming courtroom (...) by the parents of Matthew Shepard."¹⁹² This narrative strategy contrasted with Matthew's brutal murder and became, as Dennis Shepard described, a decision to "show mercy to someone who refused to show any mercy."¹⁹³ Journalists noted that this contrast "offered a competing image with that of their son's grisly death."¹⁹⁴ Dennis is quoted as naming Matthew as the reason for this mercy: "I'm going to grant you life, as hard as it is for me to do so, because of Matthew."¹⁹⁵ Agreeing to the plea bargain was reportedly seen by the Shepards as "a greater tribute to their son."¹⁹⁶ Agency and legacy merged in Dennis Shepard's comment to McKinney, "I give you life in the memory of one who no longer lives."¹⁹⁷ Because the "mercy" was motivated by Matthew and not the defendants' actions, it was not surprising that a

¹⁸¹ Janofsky, *ibid.*

¹⁸² Wickham, *supra* note 180.

¹⁸³ Janofsky, *supra* note 180.

¹⁸⁴ McCullen, *supra* note 176.

¹⁸⁵ "A Legacy of Mercy and Tolerance" *St. Petersburg Times* (7 November 1999) 2D ["Legacy"].

¹⁸⁶ Littwin, *supra* note 180.

¹⁸⁷ Janofsky, *supra* note 180.

¹⁸⁸ O'Driscoll, *supra* note 180.

¹⁸⁹ Franke-Folstad, *supra* note 170.

¹⁹⁰ Wickham, *supra* note 180.

¹⁹¹ Kenworthy, *supra* note 177.

¹⁹² "Legacy," *supra* note 185.

¹⁹³ Janofsky, *supra* note 180; McCullen, *supra* note 176.

¹⁹⁴ Littwin, *supra* note 180.

¹⁹⁵ Janofsky, *supra* note 180.

¹⁹⁶ McCullen, *supra* note 176.

¹⁹⁷ O'Driscoll, *supra* note 180.

favorite press quote was Dennis Shepard's understated remark, "You screwed up, Mr. McKinney."¹⁹⁸

The "mercy" shown to both defendants also contrasted with media constructions of these recipients. Headlines boldly proclaimed of Henderson, "Drop-out jailed for life for 'heinous' murder of gay student."¹⁹⁹ McKinney too was a "high school dropout"²⁰⁰ who had a "string of arrests for minor crimes dating back seven years" and "in jail (...) broke his hand earlier this year when he hit another inmate who accidentally tossed a pair of (...) sneakers into a toilet."²⁰¹

News stories also focused upon the Shepards' admitted support for capital punishment, as if to underscore the magnanimity of their "mercy."²⁰² As Dennis reportedly told McKinney at his sentencing, "I would like nothing more than to see you die."²⁰³ Matthew too was often described as favoring the death penalty for the killers of James Byrd, Jr., dragged to death behind a pickup truck in Texas.²⁰⁴ Press emphasis on the Shepards' stance towards the death penalty, in the words of one journalist, helped readers "sense that there is also something higher than pragmatism at work."²⁰⁵

Ironically, the media also constructed the Shepard's mercy as somewhat unmerciful. After accepting plea bargains allowing the defendants to live, the Shepards reportedly wished them a long life. A favorite quote was Dennis Shepard's statement to McKinney, "May you have a long life, and may you thank Matthew for every day of it."²⁰⁶ But the Shepards' mercy in sparing life reportedly carried strong implications for how the Shepards felt the defendants should experience it, remembering the crime and experiencing torture similar to what Matthew faced. Addressing Henderson at his sentencing, Judy Shepard was quoted as stating, "I hope you never experience a day or night without experiencing the terror, humiliation, hopelessness and helplessness my son felt that night."²⁰⁷ Dennis Shepard addressed similar words to McKinney: "Every time you celebrate Christmas, a birthday, or the Fourth of July, remember Matthew isn't. Every time you wake up in that prison cell, remember you had the opportunity and the ability to stop your actions that night."²⁰⁸

Nor did the press shy away from acknowledging that the Shepards too benefited from this "mercy," with several stories emphasizing their wish to "begin the healing process."²⁰⁹ As Rerucha stated, "it brings this to an

¹⁹⁸ *Ibid.*

¹⁹⁹ Crosson, *supra* note 169.

²⁰⁰ McCullen, *supra* note 176.

²⁰¹ *Ibid.*

²⁰² Janofsky, *supra* note 180.

²⁰³ Kenworthy, *supra* note 177.

²⁰⁴ Janofsky, *supra* note 180; Kenworthy, *supra* note 177.

²⁰⁵ "Mercy in Wyoming," *supra* note 171.

²⁰⁶ O'Driscoll, *supra* note 180.

²⁰⁷ Crosson, *supra* note 169.

²⁰⁸ "Killer of Gay Student," *supra* note 168.

²⁰⁹ *Ibid.*; Janofsky, *supra* note 180.

end.”²¹⁰ Many stories excerpted portions of Dennis Shepard’s explanation of why he believed the plea agreement was the best option:

“Your agreement to life without parole has taken yourself out of the spotlight and out of the public eye. It means no drawn-out appeals process, chance of walking away free due to a technicality, and no chance of a lighter sentence due to a ‘merciful’ jury. Best of all, you won’t be a symbol. No years of publicity, no chance of commutation, no nothing—just a miserable future and a more miserable end. It works for me.”²¹¹

One story summarized this statement as “the Shepards gain closure and prevent their son’s murderer from being in the public spotlight with appeals that drag on.”²¹² Later comments by Judy Shepard seemed to convey that ending legal proceedings was the primary reason for accepting McKinney’s plea agreement: “And give him mercy? Maybe. But mercy to ourselves? Definitely.”²¹³

Impact and Embodiment of Suture

News stories constructed the process of legal suture as a tremendously emotional one for the Shepards. At Henderson’s sentencing, Judy Shepard “wept with her head down,”²¹⁴ and addressed Henderson “through her tears.”²¹⁵ In contrast, Dennis Shepard reportedly “sat rigid and somber-faced, never making eye contact with his son’s admitted killer.”²¹⁶ But during his “powerful 25-minute address to the court” at McKinney’s sentencing, a “painful soliloquy,” Dennis Shepard too was described as “succumbing to tears” as “his wife wept quietly.”²¹⁷

The press also constructed the Shepards’ suture as embodied in and through their son. During the defendants’ sentencing hearings, the Shepards embodied the many tragic dimensions of their loss by speaking of Matthew. Judy Shepard was quoted at Henderson’s sentencing as stating, “He was my son, my firstborn and more. He was my friend.”²¹⁸ For Dennis Shepard, the time “most poignant of all” was during “the simple joys of fatherhood” with Matthew, who he termed “my hero.”²¹⁹

An essential ingredient of suture through legal processes was the defendants’ remorse. Every story that discussed Henderson and McKinney’s plea bargains included the defendants’ apologies, emphasizing the defendants’ remorse and remembrance. Like the Shepards’ loss, the

²¹⁰ McCullen, *supra* note 176.

²¹¹ “Excerpts,” *supra* note 172.

²¹² “Legacy,” *supra* note 185.

²¹³ R. Weiskind, “Gay Victim’s Mother Strives to Replace Hate with Respect” *Pittsburgh Post-Gazette* (22 October 2000) B-3.

²¹⁴ O’Driscoll, *supra* note 146.

²¹⁵ Crosson, *supra* note 169.

²¹⁶ O’Driscoll, *supra* note 146.

²¹⁷ O’Driscoll, *supra* note 180.

²¹⁸ Crosson, *supra* note 169.

²¹⁹ Kenworthy, *supra* note 177.

defendants' remorse was embodied, but in the sense that they themselves internalized the remorse. Defendants reportedly pledged their lives to remorse. Henderson was quoted as stating, "Mr. and Mrs. Shepard, there is not a moment that goes by that I don't see what happened that night. I'm very sorry, I'm ready to pay my debt for what I've done."²²⁰ McKinney's apology was remarkably similar: "I don't now what to say. 'm truly sorry for the Shepard family. There won't be a day that goes by that I won't be ashamed for what I did."²²¹ One story even went so far as to state that McKinney "occasionally brushed away tears" during his sentencing²²² and spoke in a "quivering, barely audible voice."²²³

Coverage of suture through legal processes also emphasized that, especially in hate crimes, suture may be embodied in living advocates, individuals and groups connected with the crime and victims not through personal knowledge but through involvement and empathy for a issue raised or exemplified by the crime. This was particularly evident in media discussion of legal processes in the Shepard case, which as a hate crime targeting gays directly implicated gay advocates and advocacy organizations. These organizations' opinions were incorporated into many stories on the plea agreements. "Gay and lesbian organizations praised the [McKinney] sentencing agreement as fair and benevolent."²²⁴ A representative of the Human Rights Campaign who advised Judy Shepard in her role as "human rights advocate" stated that it was "the most stunning act of benevolence I've ever seen" and "a testament to her human spirit."²²⁵

News reports also chronicled the processes by which the Shepards came to accept these interpretations, particularly Matthew's symbolism and martyrdom, by quoting statements made at public appearances and in media interviews. In February of 1999, Judy Shepard, still fighting her son's growing symbolic status, reportedly "said that her son was no saint and should not become a gay rights martyr."²²⁶ A *Vanity Fair* article entitled "The Crucifixion of Matthew Shepard," quoted Judy as stating that "she is disturbed that some sympathizers have compared her son with Jesus Christ."²²⁷ A story in October of 1999 announced "Judy Shepard is as uncomfortable with her son being deified as she is with him being demonized."²²⁸ By McKinney's trial, Dennis Shepard had reportedly "conceded that to some people, his son had become 'a symbol, some say a

²²⁰ Crosson, *supra* note 169.

²²¹ "Killer of Gay Student," *supra* note 168.

²²² McCullen, *supra* note 176.

²²³ O'Driscoll, *supra* note 180.

²²⁴ Janofsky, *supra* note 180.

²²⁵ Crosson, *supra* note 169.

²²⁶ H. Kennedy, "Gay Martyr Role a Bad Fit, Slain Student's Mom Says" *New York Daily News* (4 February 1999) 69.

²²⁷ *Ibid.*

²²⁸ T. Kenworthy, "Slain Gay Man's Mother Tries to Show Hate's 'Real' Cost" *The Washington Post* (October 10, 1999) A02.

martyr, putting a boy-next-door face on hate crimes.”²²⁹ It appeared as if Dennis may have accepted his son’s symbolism, for his (often unquoted) next statement was: “That’s fine with me. Matt would be thrilled if his death would help others.”²³⁰ One journalist who titled her article “Shepards Guide Merciful Flock” explicitly connected the Shepards’ acceptance of Matthew’s symbolism and martyrdom with potential suture, stating “perhaps that [the knowledge that Matthew became a “symbol against the violence that comes from hate”] has helped the Shepards make some peace with the tragedy of their son’s death.”²³¹ Media constructions of embodiment, however, did not explain how this embodiment evolved. Little news media discussion was devoted to the origins of Matthew’s martyrdom, although one story acknowledged that at the first anniversary of the murder gay rights organizations debated how to use that symbolism, indicating that such choices were highly strategic and at least in that instance consciously constructed.²³²

Ultimately, media constructions of suture through legal processes did not portray suture as something awarded by the legal institution or its participants. Instead, the Shepards were lauded for their active agency in accepting the plea agreements and confronting the defendants. Nor, despite the few stories attributing divine qualities to the Shepards’ mercy, was suture constructed as wholly selfless. Instead, it evinced a very human need for vengeance.

Suture Through Action: A Step Beyond Mercy

Suture through advocacy and action can be divided into three categories: its overlap with suture through legal processes; anger, advocacy and transformation; and the advocacy of Judy Shepard.

Overlap with Suture Through Legal Processes

Coverage of suture through advocacy and action establishes the awakening to advocacy as beginning at the moment of the crime, maturing through suture through legal processes, and springing forth fully formed at the close of legal proceedings. As one story declared with respect to David O’Malley, commander of the Laramie Police Department investigations unit at the time of Matthew’s murder: “With the sentencing, the case was over. But Mr. O’Malley’s efforts to promote its message (...) was only starting.”²³³

There was minimal temporal overlap between suture through legal processes and suture through advocacy and action. News media detailed how

²²⁹ Janofsky, *supra* note 180.

²³⁰ “Excerpts,” *supra* note 172.

²³¹ Franke-Folstad, *supra* note 170.

²³² A. Carnahan, “Shepard Death Anniversary to Pass Quietly; Gay Groups Plan Vigil, Hike, But No Protests” *Denver Rocky Mountain News* (7 October 1999) 7A.

²³³ M. Janofsky, “Gay Man’s Death Leads to Epiphany for Wyoming Officer” *The New York Times* (30 September 2000) A9.

participants in the suture process could utilize legal proceedings to achieve outward-directed, action-oriented consequences. As one article stated, "Dennis Shepard said he and his family wanted the trial to show that 'this was a hate crime, pure and simple'" and not a robbery, as initial police reports claimed. The Shepards also were quoted as wanting "a public airing."²³⁴

In addition, the press constructed the Shepards' acceptance of Henderson and McKinney's plea bargains as being highly relevant to advocacy. "Mercy" greatly advanced Judy Shepard's advocacy work, as evidenced by quotes from advocacy organization representatives. As prosecutor Rerucha was quoted as stating, "A real message was sent."²³⁵ The message was evidently one of tolerance, for as Judy Shepard reportedly told Rerucha, "it would be wrong at this stage if the motive was revenge rather than forgiveness."²³⁶ This mercy, Matthew's "legacy," was described as ethical leadership; as one editorial remarked, "Matthew's parents have shown us the way."²³⁷ Another story lauded the Shepards' gesture as "more than a statement on the quality of mercy," an act leaving a "bold and possibly even an enduring mark on the tolerance wars."²³⁸ One journalist even suggested that this act changed the "confusing" statement of hate crimes legislation from the question of "which murder is worse and why?" to a statement that "one murder was terrible—and it was the direct result of intolerance," thereby forcing readers to "stop the story short of the murder" and insert themselves into the story, "to consider the kind of thinking" that led to the murder.²³⁹ Thus, the Shepards' acceptance of the plea agreements became a "testament to their willingness to get beyond hate and to embrace tolerance."²⁴⁰

Anger, Advocacy, and Transformation

Suture through advocacy and action involved a personal transformation constructed as the legacy of anger. In the words of one writer, "anger led to action, spawning a wave of activism."²⁴¹ To emphasize the link between outrage and advocacy, each story chronicling suture through advocacy and action reviewed Matthew's murder, even if cursorily. But anger here was an enervating emotion whose advocacy outlet denied hatred, as if advocacy became a travel mechanism for getting beyond the crime, not to escape but to effect transformations of meaning. Judy Shepard reportedly denied feeling hatred towards Henderson and McKinney because hating was a waste of

²³⁴ "Killer of Gay Student," *supra* note 168.

²³⁵ Kenworthy, *supra* note 180.

²³⁶ O'Driscoll, *supra* note 180.

²³⁷ "Legacy," *supra* note 185.

²³⁸ Littwin, *supra* note 180.

²³⁹ *Ibid.*

²⁴⁰ Wickham, *supra* note 180.

²⁴¹ B. Denizet-Lewis, "Gay Rights Advocates Reflect on Mixed Year; Laws, Changed Mind-Set Came After Killing" *The San Francisco Chronicle* (12 October 1999) A17.

energy that she “prefers to turn (...) into some kind of positive finality. I just couldn’t see the hate coming through or, in fact, even anger. It’s just a wasted emotion. It goes nowhere.”²⁴²

Finally, news stories construct an awakening metaphor to describe how passive persons became advocates. The religious counterpart of this awakening was constructed as an epiphany. One story literally proclaimed, “Gay Man’s Death Led to Epiphany for Wyoming Officer,” a “transformation” that, like others led from ignorance to advocacy and action.²⁴³ Another story stated that Matthew’s murder served as a “wake-up call” for both a 17-year-old gay high school student and “the country.”²⁴⁴

The Advocacy of Judy Shepard

Judy Shepard’s emergence as an advocate occurred “slowly and tentatively,”²⁴⁵ attracting growing press coverage from 1998 to the present. In late 1998, the Shepards formed the “Matthew Shepard Foundation” to promote diversity through educational programs and public awareness.²⁴⁶ Later news discussions of the foundation, however, tied it almost exclusively to Judy Shepard.²⁴⁷ Judy Shepard began to emerge in press accounts as an advocate in May of 1999, when she urged Congress to pass federal hate crimes legislation. One story compares her “emotional plea” before the Senate Judiciary Committee as “reminiscent of testimony” that the eldest daughter of James Byrd, Jr. delivered in July of 1998.²⁴⁸ That story, however, did not yet identify Judy Shepard as an activist. By September of 1999, when Judy started to appear at gay rallies celebrating gay advocacy and diversity, the advocate label had attached.

Significantly, it is very evident that from the first Judy Shepard’s advocate role was tied to her role as Matthew’s mother. Shepard reportedly stated that “my role is as a mom who lost her son.”²⁴⁹ Headline after headline named her the “Slain Man’s Mother.” Matthew’s slaying reportedly “turned her into a crusader against hate violence.”²⁵⁰ News stories stated that “her inspiration (...) comes from her family and her loyalty to Matthew.”²⁵¹ At a San Francisco news conference opposing an initiative to ban gay marriage in California, she reportedly stated, “I’m a parent and a member of a family,

²⁴² Weiskind, *supra* note 213.

²⁴³ Janofsky, *supra* note 233.

²⁴⁴ Denizet-Lewis, *supra* note 241.

²⁴⁵ Kenworthy, *supra* note 228.

²⁴⁶ K. McCullen, “Shepard Foundation Seeks End to Hatred; Family Honors Slain Son in Wyoming” *Denver Rocky Mountain News* (14 December 1998) 7A.

²⁴⁷ Weiskind, *supra* note 213.

²⁴⁸ S. Last, “Mother of Murdered Gay Student Seeks Expanded Hate-Crime Law” *The Houston Chronicle* (12 May 1999) A3.

²⁴⁹ Kenworthy, *supra* note 228.

²⁵⁰ E. Hersher, “Stonewall; Gay Pride Resonate in Oakland; Slain Man’s Mother Offers Message of Love” *The San Francisco Chronicle* (2 September 1999) A21.

²⁵¹ K. McCullen, “Slaying Prompts Mother to Fight Hate; Judy Shepard Travels U.S. to ‘Put a Face’ on Gay Strife” *Denver Rocky Mountain News* (13 December 1999) 16A.

and I think everybody should have the right to be a member of a family.”²⁵² Judy’s role as mother was not specific to her relationship with Matthew; as one news story quoted her as stating, “I can’t help Matthew anymore. I’m a mom with an opinion and a story.”²⁵³

This media construction of Judy Shepard as advocate fit many gendered stereotypes. Media characterizations directly link her advocacy to her motherhood; Judy Shepard was described as “shy and soft-spoken,” as a “stay-at-home mother for most of her adult life,”²⁵⁴ and as a “self-described private person and happily married mother of two.”²⁵⁵ The fact that she was “speaking haltingly and softly” seemed to render Shepard “an unlikely candidate for the speakers’ circuit.”²⁵⁶ Another story described her more strongly as a “plain-spoken, blue-eyed woman whose soft voice belies her firm will.”²⁵⁷ Only one story identified Judy Shepard in her professional role as a “former Social Studies teacher.”²⁵⁸

In addition, Judy Shepard was carefully constructed as a modest advocate, and not a media “whore,” describing her as formerly “a very private person.” One story emphasized that “Judy Shepard never intended to become radicalized, never thought it fit her reserved, almost shy demeanor” and “was never one to call attention to herself.”²⁵⁹ She reportedly “eschewed most media interviews and public appearances” and rarely made public appearances, having only “agreed to kick off Oakland’s Stonewall 30 celebration because of its strong themes against hate and violence.”²⁶⁰ In addition, her advocacy was not described as self-interested. One story stated that “rather than push a specific political agenda, Shepard has tried to talk openly and honestly about her son, to put a human face on the cost of intolerance.”²⁶¹ Her presence at McKinney’s trial was a form of advocacy, done “not to confront her son’s alleged killer, not just to see justice done, not even so much to find some sense of closure” but, in Shepard’s words, “to remind everyone that Matt was more than a newspaper story and a photograph.”²⁶² One news story even quoted Shepard as stating that “facing reporters is her ‘least favorite thing in the world.’”²⁶³

Finally, media portrayals of Judy Shepard are not those of a wall of strength that never cracked. Judy herself was quoted as stating, “There are

²⁵² E. Hersher, “Hate Victim’s Mother Speaks Out; Prop. 22 Called Another Seed of Fear” *The San Francisco Chronicle* (28 January 2000) A3.

²⁵³ E. Convey, “Victim’s Mom: Attitudes Toward Gays Must Change” *The Boston Herald* (23 March 2000) 028.

²⁵⁴ Kenworthy, *supra* note 228.

²⁵⁵ McCullen, *supra* note 251.

²⁵⁶ Convey, *supra* note 253.

²⁵⁷ A. Walker, “Mission Found After Son is Lost” *The Boston Globe* (25 March 2000) B1.

²⁵⁸ Convey, *supra* note 253.

²⁵⁹ Walker, *supra* note 257.

²⁶⁰ Hersher, *supra* note 250. See also McCullen, *supra* note 251.

²⁶¹ Kenworthy, *supra* note 228.

²⁶² *Ibid.*

²⁶³ Hersher, *supra* note 252.

days I stay in my room and cry (...). But I'm doing what Matt would have wanted me to do."²⁶⁴ Media accounts evinced that it was her motherhood that kept Shepard going. Without the advocacy, Shepard reportedly would "just be a basket case. I would just be home in my bed."²⁶⁵ Though the press often constructed Shepard as a mother, one story emphasized how her advocacy role had disrupted traditional family routines while simultaneously strengthening family ties. "I don't live at home anymore," a rueful Judy Shepard was quoted as stating; "I live out of a suitcase now. That is a choice we made as a family. We have this platform, and we have to use it."²⁶⁶ The media also covered the efficacy of its advocate-mother construction; one story related an episode where a woman caught sight of Shepard dining in a Los Angeles restaurant and "rushed" to her side, stating she also was a mother and that she had no idea how Judy Shepard had "done it."²⁶⁷

Ultimately, the media connected Judy Shepard's advocacy to suture by relating her reasons for undertaking an advocate role: "My answer is to educate and bring understanding where you see hate and ignorance, bring light where you see darkness, bring freedom where you see fear, and begin to heal."²⁶⁸ Media characterizations portray how advocacy moved Judy Shepard on in the years after the murder, replacing her anger with action. Judy Shepard reportedly preferred "to dwell on the way she has been able to convert tragedy into something positive rather than on the attack itself."²⁶⁹

Media constructions of Shepard's advocacy as suture also embraced the continuing impact of her efforts upon the gay community. The press places suture through advocacy and action in a context larger than the Shepards, emphasizing that hate crimes harm all members of the targeted community of which the victim is a member. Gay rights organizations did not shrink from admitting that Judy Shepard's advocacy was a "powerful weapon": "You are going to hear the voice of Judy Shepard for a long time (...). She speaks to parents and teachers and straight people on a level we never could."²⁷⁰ A gay San Diego resident stated that Shepard was "providing a human face" to the campaign against an initiative to ban gay marriage in California.²⁷¹ Shepard herself was reportedly a "heroine, especially to young gays wrestling with issues of identity."²⁷²

²⁶⁴ McCullen, *supra* note 251.

²⁶⁵ Weiskind, *supra* note 213.

²⁶⁶ Walker, *supra* note 257.

²⁶⁷ McCullen, *supra* note 251.

²⁶⁸ Hersher, *supra* note 252.

²⁶⁹ Walker, *supra* note 257.

²⁷⁰ Kenworthy, *supra* note 228.

²⁷¹ Hersher, *supra* note 252.

²⁷² Walker, *supra* note 257.

Conclusion : The Socially Redemptive Role of Suturing Narratives

Linking the act of mercy to the message of tolerance links suture through legal processes to suture through advocacy and action and emphasizes the ways in which, as communicative processes, one implicates the other. The Shepards' "selfless act of forgiveness" becomes the act "that may help deter future crimes."²⁷³ It was possible that "the Shepard's willingness to spare McKinney's life may help to soften resistance to the [hate crime] bill's passage," that the "Shepard family's act of forgiveness may be the catalyst needed to produce a corresponding act of compassion among members of Congress who thus far have shown little."²⁷⁴

Nonetheless, news coverage of suture through legal processes and suture through action underscores that mercy is not enough. Though anger may be overcome through action, it never disappears. As Judy Shepard stated in December of 1999, "I thought it would be over for us after the trial was done, but that hasn't happened yet."²⁷⁵ It is still very true that, as Dennis Shepard stated in addressing McKinney at his sentencing, "You robbed me of something very precious, and I will never forgive you for that."²⁷⁶ But this anger may still be denied. Judy Shepard has chosen to act rather than to stoke her rage. When asked how she felt about her son's killers in March of 2000, she replied "I choose not to go there. I choose not to let them kill me, too. They just don't exist any more."²⁷⁷

Ultimately, suture transcends into memory. Advocacy itself is a recognized path to remembrance, as news stories emphasize when they state that "speaking (...) last night, Judy Shepard remembered her son Matthew."²⁷⁸ Focusing on advocacy extends the concern from intrapersonal suture to interpersonal communication. Judy Shepard now questions whether "she is reaching the people who need to hear her message."²⁷⁹ Thus communication is still related to suture, only in the more global context of resolving critical social issues—a suture that is literally a matter of life and death in hate crimes.

Résumé

Après tout crime violent, des questions de compréhension, de guérison, de normalité, d'imputabilité et de rétablissement se posent aux survivants. Les mêmes enjeux sont communiqués aux auditoires par la couverture que font les médias du crime et des procédures judiciaires tant qu'ils demeurent dans l'oeil du public et que les suspects sont sur le banc des accusés. De telles histoires donnent un visage humain aux premiers concernés par l'issue du procès et relatent leur implication et réaction au

²⁷³ Wickham, *supra* note 180.

²⁷⁴ *Ibid.*

²⁷⁵ McCullen, *supra* note 251.

²⁷⁶ Kenworthy, *supra* note 228.

²⁷⁷ Convey, *supra* note 253.

²⁷⁸ D. Graham, "Victim's Mom Says Slurs Stir Attacks; Gay Son Tied to Post, Beaten, and Left to Die" *The San Diego Union-Tribune* (22 September 2000) B-3:7, B-4:2.

²⁷⁹ Walker, *supra* note 257.

déroulement judiciaire, du moment de l'arrestation jusqu'à l'exécution. Cet article examine de telles chroniques dans la perspective de la théorie du récit, intégrant la communication et la mémoire humaine. Il analyse comment les médias de masse utilisent les pratiques narratives pour couvrir des crises, des événements qui exigent d'être mis en récit. Il se concentre ensuite sur le potentiel du récit de suturer, de nouer les différentes compréhensions de crises en débuts, fins et points intermédiaires. Une analyse de contenu de la couverture de presse de Dennis et Judy Shepard, du moment de l'assassinat brutal de leur fils Matthew, en 1998, à la condamnation des meurtriers et au-delà, illustre ce débat.

Abstract

In the aftermath of violent crime, survivors are confronted by questions of comprehension, healing, normalcy, accountability, and restoration. These same issues are communicated to audiences via mass media coverage of the crime and ensuing legal proceedings that focus upon survivors while they are in the public eye—and while those suspected of the crime are in the defendant's chair. Such stories bring a human face to the innocents most affected by the outcome of the proceedings, relaying their involvement in and response to legal developments from arrest to execution. This paper examines these chronicles through the lens of narrative theory, practices integral to human communication and memory. It discusses how the mass media makes use of narrative practices in covering crises, events that in effect demand narration. This paper then focuses upon the suturing potential of narrative, its ability to knit together understandings of crises into beginnings, endings, and points in between. This discussion is illustrated by a content analysis of stories covering Dennis and Judy Shepard, whose son Matthew was brutally slain in 1998, from the time of the murder to the prosecution of the killers and beyond.

Jody Lyneé Madeira
1607 Collin Drive
Allen, TX 75002 U.S.A.
jodymadeira@comcast.net

