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The sound of the perpetrator – thoughts on trauma and voice in Big Little Lies

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Abstract

Sound is as much part of the atmospheres of justice as is touch or image or even smell. Sound gets into the body and it leaves a mark. Sometimes that mark can be called violence, sometimes harm, and sometimes a crime. In this article I discuss how sound, as voice as well as the other nebulous sonic elements, such as grunts, shuffles and sighs, can leave a mark that can be called trauma. Using psychoanalysis I discuss theories of trauma as they intersect with experiences of sound in the courtroom as well as in fictional narratives. I examine the mark of trauma, as an experience of rape, as it appeared in the series *Big Little Lies* and I discuss how it can appear in the courtroom using psychoanalysis and the work of thinkers on sexual assault, on voice and on sound. I conclude that sound cannot not be part of the thinking on justice for victim-survivors of sexual assault, as well as of other interpersonal crimes.

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When sound enters the body it is never without impact. We might call this impact damage, harm, resonance, recognition or perhaps listening. These are all of the same family here. Sound provokes the body's response. The body contorts around the sound. Sonic fragments are arranged, ordered, made sense of. Some let in, others guarded against. Sound is felt physiologically and psychologically. That is, it is felt in the flesh. Where the particles of sound enter the body and cannot be placed, where they cannot allow the flesh to wrap around, to order, to arrange or assimilate the meaning of the sound – either as symbol or as sensation – then there is trauma.

As James Parker (2018) has illustrated in his discussion of the Long-Range Acoustic Device (LRAD), sound can be a weapon that traumatises the flesh. It can do damage at the level of physiognomy in a form that can be called harm. The destruction of hearing, the destruction of life, can be the result of sound. In the forms he analyses, the weapons are designed to impact as destruction or, not mutually exclusively, as control. In these forms sound as a weapon leaves a mark on and inside the body, sometimes a lethal one. The limits of its entry are not easily policed or prevented against. And this entry can disturb and distort us at fundamental levels. Sound permeates flesh and it can permeate identity; sound can change us. When it does, it permeates the parameters or outlines that give the body its imaginary limits; those

that are neither real nor unreal but exist as the perceptions of where we begin and end, of which skin is only one border. When sound permeates our perceived limits it can fragment identity and when that identity is permeated by sound at the same time that the body is damaged or injured by another, then the effects can be devastating.

Here I want to discuss how sound, as voice – the *not quite not language* theorised by Mladen Dolar (2006) – and as the other nebulous sonic elements, such as grunts, shuffles and sighs, can leave a mark in and on the body; a mark that can be called trauma. To understand this mark I will analyse how the specificities of sound, particularly when it appears *through* or *as* the voice of perpetrators of interpersonal violence, can impact on the body of people often called victim/survivors and how it can produce a traumatic effect. This effect, I suggest, can be ameliorated, sometimes, by a space for testimony in the juridical world, but not always. And that space must be specific and enable the story to be *transmitted*, in the terms of psychoanalyst Dori Laub (1992: 69). Transmission, as I will explain, is no simple exchange, but involves the legal conditions of receipt as well as the sonic space for hearing. Again, no simple thing, but a crucial focus if we are to think about justice in more than its presence as words and images, that is, if we are to think about justice in all its dimensions.

To elaborate these layered concerns with sound and voice I discuss a few sonic moments, scenes or events (it is hard to categorise these when sound leaks across temporality) in the celebrated series *Big Little Lies*, in which people we can call victims and perpetrators speak and do not. Through analysing these moments, with the assistance of psychoanalytic work on trauma and identity, I want to consider how the sound of the perpetrator of interpersonal violence might be understood not quite as a weapon but as a vehicle of trauma within the political and legal structures which enable trauma to be experienced as such. I am not convinced of this effect, nor do I believe it can be applied universally, instead I will compose a conversational note on trauma, sound and legal identity in the hope that it adds to the thinking in the relatively new field of law and sound being largely illuminated by

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Nasser Hussein (2013), Sara Ramshaw (2013) and James Parker (2015).

My expertise is not in the area of sound, but in the area of trauma. In my previous role as a trauma therapist, however, I heard a lot – perhaps too much – on how sound was used in interpersonal violence, and, if we are to consider justice, in one light, as the practice of a response to trauma and violence, then we cannot *not* think on the possible violences of sound and voice. Just as we cannot *not* encounter law in all geographical spaces, as Andreas Philippopoulos-Mihalopoulos has remarked (2018: 4). I would suggest, in parallel agreement with Parker, that we cannot not encounter law in all sonic spaces (2015: 205).

In part one I explore a scene from *Big Little Lies*, what I am calling a scene of recognition of the perpetrator of rape for one of the characters. This scene is populated, as I discuss, with images, language and/as sound. The voice of the perpetrator, its rhythms as much as the grammar used, return the memory of the assailant back to the victim/survivor. I then discuss how the body's permeation by sound can be felt traumatically precisely because of the attachment of that body to an identity that cannot or will not be permeated. Sound, as I discuss, functions alongside the rape, as a kind of metaphor, but it relies on particular attachments to the limits of the body as an outline of identity, a legal identity, populated by its fantasies of autonomy and agency. This outline, as I consider in part two, is defended against to more or less degrees. Sound, like language, and the recognition of the presence of others as such, must get in. Sound, in psychoanalysis, permeates identity insofar as its very existence demands recognition of the *otherness* of others. As such, sound, as I discuss in part three, is a metonym for trauma itself, insofar as it is always a rupture. In part four I discuss how this rupture can be exacerbated in the courtroom, and how law can influence the experience of such a rupture. Law, I suggest, can speak to sound, and in so doing, potentially put sound in its place, putting the perpetrator back in the place of legally subject and thus reassure and re-assert the limits of the traumatised body of the victim/survivor.

Part I – the sound of recognition

In the first series of *Big Little Lies* viewers come to understand that the character, Jane, has been raped and violently assaulted. The knowledge of this assault is unfolded slowly in the series. The audience and her friends discover, through scenic overlays of Jane's memories, that the rape was brutal, that the effects are enduring: hypervigilance, nightmares, flashbacks, as well as the conception of her son, Ziggy. We learn that the perpetrator was not known to her, but for a conversation in a bar before the assault; that she cannot recall his name, his face or his voice, until (spoiler alert) the end of the series in which she realises he is the husband of one of her friends. This recognition is played out in the final moments of the last episode of Season One, when she stands in the group of her friends, while Jane's friend Celeste is being harassed by her husband: Perry. Jane looks at Perry while he is demanding of Celeste that she leave the function with him. After a few moments Jane realises that Perry is the man who raped her years earlier.

This is the classic cinematic scene of recognition. It unfolds in a well-rehearsed portrayal of traumatic memory. Images flash. The side of his face before her, interspersed with the memory of his face as he left the room and closed the door after raping her. The scene of recognition and realisation is, on first glance, populated by images. But this realisation is marred in sound as well as silence, as we will see/hear/read. This scene opens when Perry is confronting Celeste at a school function after he has discovered she is leaving him.

Perry: Celeste can I talk to you for a minute?

Celeste: No

Perry: Please Celeste can I talk to you?

Celeste: No [shakes her head]

Perry: Let's go back to the car.

Celeste: I'm not coming back with you.

Perry: Celeste?

Celeste: No

Renata [one of the friends]: I think she just needs a minute.

Perry: I appreciate your concern but I'm talking to my wife not you.

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Celeste, let's just go now. We have to talk about it.

Celeste: [shouts] NO! I'm not coming home with you, so just don't do this in front of everyone do you understand. I'm not....

And the voice fades while Jane slides into what is commonly referred to in trauma literature as a 'flashback'¹ of the man leaving the room after raping her; then running on the beach, which is repopulated by a revenge fantasy that has been emerging in particles across the episodes. Running, trying to catch up to the faceless man (or catch up to the memory). For the first time, in this scene she reaches him. Finally. He turns. She sees his face and it is Perry, Celeste's violent husband. In this repopulated memory Jane points a gun. This pointing, with the additional sound of a gunshot, is then re-produced or re-fantasised in the immediate moment while she is with the group of women at the function. It is layered and complex, in images and in sound. Bear with me.

Immediately, we might read this scene as the portrayal of a visual memory. Jane sees Perry's face while he's addressing Celeste, just on an angle, and she remembers him leaving the room where he raped her. It is as if *the memory of the face* provokes the remembering. And perhaps this is partially true. But, the scene progresses, Perry's voice persists, in spite of Celeste's repeated 'No'. This is the refusal; the limit not heard and respected. It is also a sonic event and a sonic metaphor for the rape; one played out in sound and silence. And we can understand the above exchange as one layer of a scene populated by images, language, voice and background music. But it is more than its linguistic, vocal or even musical presence. It is also punctuated by the rhythms of sound; of the silence between the voice and between the address and response. I'll unpack these elements in what follows.

The exchange between Celeste and Perry is framed in terms of his demand and her refusal, followed by his demand which ignores the 'No' and continues, almost without registering her refusal. His persistent overriding of her wishes is, most obviously, a metaphor for sexual assault. But not only. It is also, as I will explain, a metaphor for an enforced fragmentation of identity; these fragments being metonymized

in the in-between silences. These are the silences in which the response of Celeste is not heard but forms only a pivot to the next relation-less demand perpetrated as the refusal to recognise the simple presence of another; the refusal to hear the 'no' and walk away.

Examining the exchange above, applying Alison Young's insights on the language used in rape trials, we can understand that the exchange as not only the performance of language, but a relation to sound as well as to silence. In Young's analysis of one woman being cross-examined by the defence:

Her negative reply never halts the defence narrative; the questioner never concedes that any element of the counter-narrative has been displaced. Questions follow on as if the victim had agreed with the questioner, as if her "no" was a 'yes' (1998: 463).

The effect of this is an obvious annihilation of agency in the gaze of the jury. It is what we might think of as the classically misogynist re-symbolisation of women's desire represented as confused: 'No means yes'. Woman is represented in this exchange as not to be trusted in knowing her own desire and certainly not to be trusted in her duplicitous representation of it to a man. This is where notions of what has come to be called 're-traumatisation' in trials can be readily applied; where the woman's narrative – that any lack of active consent means 'no' – is not only negated but emptied of any status as authoritative or indeed as valid (Orth et al 2004, Rogers 2010).² But the effect is also an insertion of voice into the body.

On the one hand the woman in Young's account hears the words, but, like the character, Celeste, these words are not halted by her refusal of the narrative. There is no effect of the refusal. The demands continue, the questions persist without acknowledging the response. Just as Jane has initially resisted Perry's assault, only surrendering when, as she describes, '[she] thought he was going to kill [her]', the questions from the defence, are, in Young's idiom, a metonym for the assault. The woman's body is rendered permeable by the persistence of the questions, unchecked and unaltered by her refusal.

The only indication that a woman's 'no' had an impact in *Big Little*

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Lies – and commonly in systemic violence toward women by partners and ex-partners (Alaattinoğlu et al 2018) – is the rage of the husband at his own inability to have an impact with his words. He then applies other parts of his physiognomy in the well-worn and well-documented modality of violent husbands (ibid). He rushes toward her, landing blows, knocking her to the ground, then repeatedly kicking her while she is cowering. Celeste's body, we see later when she is speaking to police, is torn, bloody and bruised from his efforts. Impact achieved. Body permeated.

In the exchange above Perry's ignoring of Celeste's 'No' is not only indicated by his refusal not to engage with or adhere to her wishes, it is present in the silences which punctuate the time *since she speaks* and the time *before he does*. In these silences there is an extra-subjective space in which the delay indicates a shift in grammatical relation. Her 'no' is a direct and relational engagement with his request – the fact that he does not like it is irrelevant. His repeated demands, without registering the 'no', are precisely an erasure of a response at all. In exercising this erasure silence is rendered the dominant response, and an element in the violent rhythms of the assault that Jane remembers. Evident in the first few sentences of the exchange:

Perry: Celeste can I talk to you for a minute?

Celeste: No

Perry: Please Celeste can I talk to you?

Celeste: No...

The demand – to say it is a question would be disingenuous – and the response: 'No', operate between the effective silence as silencing. That is, the repetition of the demand appears as if the 'No' was a silence. And then, of course, there is the silence that exists between the repetition, producing the exchange as a rhythmic beat.

Repetition in this exchange operates like a melody, and not a sweet one. As Laub notes in the context of the speech of victim/survivors testifying to their experiences. 'It seems to me that in addition to what is manifestly said, associated to, dreamt about and elaborated, there is another, a more subtle melody' (1992: 63). It is this melody, the staccato

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rhythm of Perry's repetitive demands that Jane hears, or rather it is the space between the sound (between the notes) that she populates with recognition. It is not simply the voice that she hears which reminds her of the assailant, but the rhythm; one which resembles the body blows of Perry's assault, and the irrelevance of her own refusal in the experience of being raped.

Perry's speech pattern here is certainly a metaphor for the rape itself, but his sonic rhythms enhance this effect. Shown briefly in several of Jane's flashbacks where she describes him as being like a 'machine', and we are shown the brutal rhythm of his assault on her. Repetitive, mechanical, furious. The repetition is thus melody as metaphor played-out on her body at the time and replayed in her flesh – through the experience of hearing – at the moment of recognition. In this sense it is the sound of Perry's voice, his silence and his non-relational demands, as much as it might be the visual recognition of his face, which provokes her memory.

Part II – skin, rights and identity.

The impact of Perry's blows on Celeste's body after her 'No' has failed is doubled in its representation in the show when she is later shown speaking to the police, and, although we see that she is bloody and bruised, the exchange is muted. The other women from this group are also then shown in similar interviews with police, also muted. Music, as part of the celebrated soundtrack of this series, is played over them. Their mouths move, their hands gesture, their eyes engage, flicker and close, their bodies flinch as they recount *a version* of what occurred. But we don't hear their voices for some time. One could read this as an astute representation of the muting of women's narratives in both sexual assault and domestic violence, the two dominant narrative threads of this series. However, I want to focus here on these moving mouths and the object called voice which *falls from the mouth*, understanding the mouth as a cut in the body in Lacanian terms.

The mouth, for Jacques Lacan, is a cut from which an intangible, unrepresentable object falls: voice (2006: 693). Whereas the ear is the

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inverted cut which sound *falls into*. And the body is then the bricolage of what Jacques-Alain Miller (2004) refers to as ‘spare parts’, skin and rights being the limits, which hold the image of the body – both felt and fantasised – together as identity. Let us begin with the mouth. As Young has illuminated:

Much has been written about the mouth as a projectile device.³ It is from the mouth that insults can issue, it is from the mouth that hate speech is uttered, it is from the mouth that accusations of rape can be made. Our fascination with the speaking mouth derives from its constitution as a border between the inner self and the outer other. The mouth opens, the tongue moves, the voice sounds, words are uttered. Ingestion operates in reverse: the mouth opens, a thing is inserted, the tongue moves, the throat closes. The outer other is incorporated into the interior self (1998: 454).

The mouth here is articulated as a ‘border’, but one that is only policed by its closure, and only effective if this closure is not breached. The border denotes a level of autonomy, - we could call it sovereignty, when permission for entry or exit is the purview, entirely, of the subject - over that which exists within its boundaries: the body.⁴ The body, is, however, not without its imaginary limits; limits which entwine legal subjectivity, social and political representations of a body’s teleology as well as – and never mutually exclusively - physiological perceptions of where flesh begins and ends. Beginnings and endings which engage, adjust or disintegrate when their limits are permeated. This is as true of the mouth, and ingestion, as it is of the ear and hearing. To understand the mouth’s role in speech, as well as to understand the ear’s role in sonic-relations, we need to elaborate politico-legal perceptions of an identification with the body’s imaginary limits and their relation to skin.

Permeation of the politico-legal outline of a woman’s body in particular are helpfully articulated in Jacqueline Rose’s (2016) account of a male colleague repeatedly ignoring her refusal of more wine at a collegial dinner. Filling her glass, despite her ‘no’ – even when she placed her hand over the top of the glass – he pours the wine over her hand. It trickles into the glass from between her closed fingers. This

is not a scene of sexual assault, but, as a metaphor for such an act it is not *not* such a scene. The experience being, in every sense, subjective. What we can say is that it is certainly invasive, if not violent; it is, simply, ignorant of the presence of another. These are the phrases and words we use for this kind of act. And, in experiences like Rose's, the wine – like sound, as Parker has noted – changes the feel of her skin, of her hand, and perhaps it changes her belief in her capacity to authorise a 'no'. Rose's actions, we can say, are at least partially choreographed around this man's behaviours. Her relationship to her own authority, to others, and perhaps to wine is compromised, and maybe altered in the future. This is both the affective relations that law cannot comprehend, in Peter Goodrich's (1998) terms, but it is also damage, at one level, because, if we are to believe Lacan, trauma is always a trauma to identity.

Identity is the belief, in Lacan's terms, in the 'I, I take myself to be', and that 'I' is intimately attached to the legal constitution and the contours of its body; an I who can decide, who can refuse, and who can influence the behaviour of another. An autonomous I. An I who can act in the capacity of, what psychoanalyst Jamieson Webster describes as the 'lionized individual' (2019: 7). Lionised by parents as much as by law and the political emphases of the western world and through, as Gayatri Spivak astutely notes the 'isolationist admiration' of the western individual that promises isolation as agency and, indeed, as the freedom to exercise privacy and freedom from the state (1999: 114). The contours of such an individual reside in the symbols with which one constitutes or cloaks oneself. In this sense, skin and rights bear the same insignia, not only as the parameters of what we've come to call privacy, but as the outline of an identity that is substantiated through its capacity to exercise desire, and indeed refusal. Speech – the 'no' in this case – is an articulation of *an identification as such an individual*, but hearing is the involuntary compromise of such parameters, and sound is the vehicle which lacerates the integrity of its contours.

Identity, in its symbolic and substantive contours, is tied intrinsically to not only law's production of the outline of the legal subject, but to the image of oneself as a lived body, as flesh. The body that feels,

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speaks, hears and refuses. Identity, in psychoanalysis, is linked to the imaginary limits of the body, insofar as the body can repel, guard against or permit the invasions – weather or touch – from the external world. In the sense of touch, including the touch of the state, identity is linked to the perceived limits of transgression by others, including the state.⁵ Both these registers of identity are not fixed and need to wrangle with the question of their permeability. How much can a person or an element enter the body, including how much sound?

Sound, when it appears as voice, demands the industry of ordering and promotes what we call desire, as the desire to make the sound representable. This is in part because voice falls from the mouth as an object which cannot be represented. It is, as Lacan says, ‘non-specular’. Like the gaze that falls from the eyes,⁶ voice falls from the mouth. But the mouth is also a cut in the body, which gives voice a dual significance. Voice, as it falls from the mouth of others, offers the promise of returning the body to itself as whole, to heal the cut, as it were. This is a discussion of the dynamic of castration (the cut) in psychoanalysis, but we need not dwell on the technicalities of psychoanalysis, suffice to say that the knowledge of the cut – as a severance of something from the whole body – heralds the entrance of the subject into a world with others, into the world of language, the symbolic world. This entrance into the symbolic world is when sounds come to be framed into sense, as opposed to nonsense. Although the non-sense quality will always endure as a mark of that which cannot be understood, comprehended or mastered.⁷ In Lacan’s terms language ‘holds out ...the tired allure of the shadow as if it were substance’, as if the shadow of a sound, as speech of gesture, or of a meaning, the alternative interpretations of a sound, can all be known at once (2006: 693). In short, as if there were no question of our understandings of ourselves and of others.

But sound is not a substance, and as such it heralds unknowability, and at the same time the recognition, at some level, that there is always a shadow to representation; a world outside the mastery of the self. That is, voice, in its shadowy form, is a metonym for the unknowable parts of the *other* person and, indeed, of the unknowable parts of the symbolic

world. As such, voice exists always with the potential to indicate the subject as being barred from anything like what we might call *full comprehension of others and of oneself*, and this lack of comprehension is a parallel experience with trauma.

Part III – the trauma of sound

The understanding of voice as an object which pronounces unknowability, or as a metonym for incomprehension, means that voice, as it enters the body that hears, always undermines the belief that the subject has its own autonomy. This is both the best and worst effects of voice; it demands hearing and as such it demands encounter of a non-narcissistic type.⁸ It demands, as I've noted, that the body wrap around the phoneme and *make sense*. But it is also this industry that is the most disturbing and potentially the instigator of a traumatic effect for victim/survivors encountering perpetrators in the courtroom.

The awareness of the impossibility of comprehension is, in one sense, a kind of original trauma. With the stakes, as Lacan describes of the 'Copernican revolution' in which the realisation, that the Earth spun, and was not simply spun around, by the sun, is a terrifying realization that we are *not all* (Lacan, 2006: 429). As Jill Stauffer describes 'Self-formation is like a trauma striking against a self that would be autonomous' precisely because of the existence of others as others (2015: 24). When our identities are further fractured by the brutality of being unable to control our surroundings or our bodies – such as in experiences of rape, but not only – then this can produce a trauma to the 'I, I take myself to be'. I want to now speculate on how trauma is articulated and how this effect is potentially enhanced by the *sound* of the perpetrator in the courtroom, and not only the sight of him (and occasionally her or they).

It is the *non-specular* quality of voice– the presence of it as unrepresentable – when it is present as the voice of another (any other), that brings us alongside theories of trauma (Lacan 2006: 693). This is because the quality of the voice as non-representable, both promotes a certain libidinal investment (it promotes a desire to order,

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to understand or to master) and gestures to the *impossibility of mastery* or of comprehension through analogy or association. The voice, as unable to be symbolized, endows it with a quality which parallels the experience of trauma where an experience is unassimilable.⁹ As Laub says of trauma:

The traumatic event, although real, took place outside the parameters of “normal” reality, such as causality, sequence, place and time. The trauma is thus an event that has no beginning, no ending, no before, no during and no after. This absence of categories that define it lends it a quality of “otherness,” a salience a timelessness and a ubiquity that puts it outside the range of associatively linked experiences, outside the range of comprehension, of recounting and of mastery (1992: 69).

The event experienced as ‘outside the range of associatively linked experiences’ is what renders it ‘unassimilable’. The rendition of the event as ‘unassimilable’, in Cathy Caruth’s terms (1996:4), (or as ‘having a quality of otherness’ in Laub’s terms above), does not mean that it has not happened before. It means that the symbolic attachments to the experience of the event are what we can describe as unrecognisable and thus unassimilable into the prior world of the survivor. In the experience of rape, similar to that of torture – as recounted in the renowned work of Elaine Scarry (1985) – objects, including one’s own body, are re-signified by the perpetrator (by the ‘regime’, in Scarry’s terms); a smile becomes an invitation, a kiss is permission into the rest of the body, and the body itself – in any form of response that does not articulate with the ‘I, I take myself to be’ – is its own weapon against the victim/survivor.

Hearing is one response which bears this potential also. Hearing can be an exquisite experience, such as the hearing of music, of the wind, the rain on a roof, of the breath of a lover. But hearing, as it provokes memory, including memories of pain, loss or violence, can turn one’s own body into a weapon against itself. In one of the many notable examples of this in the celebrated and much awarded series of *West Wing* the character Josh, having been shot and left for some time bleeding on a footpath while ambulances arrived, later attends a

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concert and hears Yo-Yo Ma playing Bach. He recounts the experience to his therapist.

Josh: It was the Bach. G Major.

Therapist: It's a nice piece

Josh: It is.

Therapist: Did he play it well?

Josh: It was Yo-Yo Ma!

But Josh's body turns the sounds of Yo-Yo Ma's cello performance of Bach into the memory of ambulance sirens, and he relives the trauma of being shot, or specifically of being left bleeding on the sidewalk hearing the sirens in the distance, perhaps arriving in time, perhaps not; 'an event that has no beginning, no ending, no before, no during and no after' (Laub 1992: 69). The sound – the beautiful sounds of a cello suite – turned into pain, terror, and an experience of near-death. Involuntarily. Sounds which resonate with prior experiences, sometimes in unpredictable ways – where the sound of a cello becomes a siren. And sometimes in predictable ways, when the perpetrator's voice in the courtroom, resembles the voice heard at the time of the assault – can contort the subject in this way and when it is the hearing of the voice or sounds of a perpetrator, I suggest, that this can compound an experience of trauma.

The experience of Perry's voice and his silence in the exchange with Celeste, can be understood to function in this way for Jane. To understand this function it is important to understand trauma not as an event, but as a response to an event. That is, an event which may be traumatic, in Laub's terms, is one that produces the symptoms of trauma as a result of an unassimilable experience. These symptoms are usually categorised as hypervigilance, flashbacks, nightmares, a focus on the past, heightened emotional responses to stimuli.¹⁰ Jane, in the series, expresses all these. And, in the moment that she hears Perry making demands of Celeste, and ignoring her refusal, these symptoms are heightened, as I discussed above. What I want to explain here is that, understood through trauma theory, this response can be enhanced when there is a legally permitted *presence of the sound*, as much as to

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the presence of the exchange, the rhythm – as I noted above – and the language used.

Recalling Young's careful analysis of cross examination – the production of a 'yes', 'no', 'yes' from the mouth of the victim – we can understand that *language in its appearance as a speech act* – does its own damage. The speech in the courtroom when it is presented by legal officials, speaks an authority that can readily delegitimize the reality of the victim. It is in this sense that such experiences of cross examination – as noted by Young – can retraumatise the victim/survivor, returning her to the world of 'otherness' that was her experience of her own body, her own sense of herself, during the assault. But voice, as it acts beyond language, has another force. It can be experienced like a weapon, precisely because it undermines the promise of complete signification, or what I have explained as *comprehension of the self*; a confident belief in the 'I, I take myself to be'. I want to suggest that something of the sonic presence of the perpetrator is potentially traumatic as a/the rupture to the identity of the victim because its presence, in sound (irrespective of language) inserts itself, unchecked, into the body of the victim, like a siren, but also, because law supports this rupture anew.

The sonic presence of the perpetrator in the courtroom can appear in a number of forms; when he speaks, shuffles, grunts, or even sits silently. As well as his visual presence, the sonic presence can be experienced as evocative of pain, of anger, or of loss. As Jane notes in episode four of *Big Little Lies*, when she is presented with a photographic image of a man (a different man) whose name resembles the false name Perry gave her on the night of the assault:

Jane: Yeah, I think its him.

If I heard his voice...

I can still remember his voice. I can also remember that disgusting smell.

Here Jane's senses intertwine to produce the possibility of memory, and in this industry of recognition her body wraps around the sensory elements in an effort to achieve comprehension. This industry is as much conscious as it is involuntary. The sound, like the smell, *gets in*.

The body may repel these visceral reminders out of *disgust* or despair, but they permeate the survivor without relief. In the courtroom, this is unavoidable.¹¹ The victim/survivor can avert her eyes – perhaps close them or otherwise try and avoid the image of the perpetrator – but sound, like smell, is more difficult and largely impossible to close upon.

Sound demands attention and for trauma survivors the industry of comprehension is enhanced in a desperation to heal the experience of the unassimilable. Dwelling here for a moment on this industry in psychoanalytic terms we can adapt Young's discussion of the border as it applies to the ear, itself a 'border'. It is like the mouth, but for a significant distinction; the border of the ear cannot be easily policed or closed and, short of applying the variety of technologies that have come to protect ears from industrial sound or enable noise cancelling for other modes of relaxation, the ear is rendered unguarded, open, permeable. That is, the ear betrays the subject's capacity for autonomy over the intrusion or experience of sound because the very industry of comprehension is involuntary, like the pain induced by stress positions in torture, the body acts like its own *pharmakon*; promoting pain in the interest of trying to restore itself, but at the same time responding to the demands of the sound/noise/stress.

The lack of capacity for autonomy over the body's experience of sound is not only centred on the ear, of course. As Parker points out, for people who have degrees of deafness the body still experiences sound as vibration, 'Whatever damage a person may sustain to their cochlear nerve or organ of Corti, sound is experienced by the entire body' (2015: 203). Sound is not halted because one does not hear. Sound also does not obey the limits of skin – or of rights – and, as such, its evocative presence can resemble the traumatic rupture of the assault itself. The very incapacity to control the borders of the body can feel reminiscent of the invasive experience because sound is not impacted by the 'no'. As such the hearing body of the victim can be forced, in the courtroom, into a state of recognition, not simply remembering but reliving the experience of the assault.

It is in this forced reliving that the experience of the voice of the

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perpetrator can resemble the experience of the assault, enhanced by law's work to recreate the event, right there, in the courtroom, for the purposes of judgement, if not justice. This recreation in the courtroom is, in an obvious sense, counter to psychoanalytic thoughts on what is conducive to experiences of repair or what has come to be called healing for victim/survivors of trauma, but not simply because of the hearing but because of an environment which condones this hearing. As Laub says:

[for healing to occur] a therapeutic process...*of re-externalising the event* – has to be set in motion. This...can occur and take effect only when one can articulate and *transmit* the story, literally transfer it to another outside oneself and then take it back again, inside. Telling thus entails a reassertion of the hegemony of reality ... (my emphasis 1992: 69)

Re-externalising the event requires a presentation, and often as a speech act, of the event in the present community. It is not any present community, however, but one in which the story can be *transmitted*, and this is a concern with the *conditions for transmission*, or simply put it is a concern with the hegemonic reality of the courtroom.

A 'reassertion of the hegemony of reality' for the trauma survivor who enters the courtroom and must *hear the sounds of the perpetrator*, requires that the law act to change the rhythms of the perpetrator's sounds. On the one hand this would be to punctuate, to rupture, to silence the perpetrator, to show that he and sometimes she and or they, is subject to sonic parameters that do not allow his vocal presence unchecked; that he must hear the 'no'. This is not simply a paternalizing of the law such that it takes on the limits of the woman's body and protects (although it is not *not* that), it is the returning of the perpetrator to the realm of reality.

Perpetrators who are experienced as being able to act with impunity during acts of violence, to act without regard for the physiological or legal limits of the body, are more than simply what we call violent or even criminals, they are the monsters of childhood fantasy. It is why survivors of extreme acts of violence, at the hands of other humans, experience breaks or permutations of reality, such as hallucinations.

This is the work of trauma when it produces a feeling of *otherness*, a realisation that an event can have, in Laub's terms, 'no beginning, no ending, no before, no during and no after'(1992:69), like a dream or indeed a fantasy. This is the stuff of limitless imagination where childish realities (Freud 1919) – of being subject to the whims of adults to the point of life and death – having been put in the place of fantasy in adulthood, then return to the realm of reality. 'I thought he was going to kill me', is to experience an event without end at the hands of an omnipotent perpetrator.

In the series *Big Little Lies* there is an end to the event. The perpetrator dies. But the second series is organised around the law's response to the event. A question of judgment. A question of justice. Framed in the immortality of Perry – his mother before, his children after. What is left of Perry, such that he retains the omnipotence of a perpetrator without limits, is embodied in the law. And it becomes the question as the *not so subtle melody* of Celeste's life, battling her own guilt, battling her own desires to feel pain (both inside and outside her body), battling in the courts. As one commentator describes the second series, it is telling a story about 'the pervasive rot of masculinity, aided by our justice system' (Guy 2019), and this is played out through multiple interfaces with law's administrators, spaces and sounds.

The courtroom scene in which Celeste now must argue to retain her children, in the face of Perry's mother, who is attempting to take custody or residency from Celeste is one such scene. It is a scene replete with the agency of the women played out in definitive speech acts as they battle each other before the law. Levelled in their resources – financial and emotional, it seems. The arguments are a rhythmic exchange, a dance; and the viewer witnesses what *feels like* a just result. The law understands its own failings, supposedly. Celeste keeps her children, the *pervasive rot of masculinity* seemingly limited by, not aided by, the justice system. However, this *win* can be juxtaposed against the deliberate muting of the group of friends, as they are interviewed individually by the police after the death of Perry.

The muting is a device through which they can be at once viewed

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by the police on the other side of the mirrored glass. Through this frame a speaker hisses a kind of white noise, the women tell a story, with repetitive facial gestures, a story which we discover at the end of the show, is fictitious. In this scene they are rendered liars. The female detective, clicking her lighter back and forth, in a Sherlock Holmes type gesture, clicks the truth. She like, Bonnie, the only other major black character, have a “special knowledge” about what is going on, the classic ‘magical negro’ often portrayed in films dominated by white characters (Glenn et al 2009). Bonnie sees Perry as suspicious when he is looking for Celeste, she follows him, and it is Bonnie who effectively kills him, pushing him down the stairs where he falls onto a spike that punctures his throat. Killing him. Silencing him.

Silence is the ‘subtle melody’ in these scenes, as what Laub notes as present in the narratives of all survivors. Silence as perhaps what we place into it. The white noise, the clicking lighter enhancing the effect of the women’s silence, and when the scene of Perry beating Celeste is replayed, before he is pushed by Bonnie, there is a gentle piano melody Agnes Obel’s *September Song* – and a hint of crashing waves in the background that we can’t quite not hear. The police interviews become a kind of parody of women’s treatment before the law. Liars. Silenced. The series parodies their experience before the law, even where they are culpable. ‘Why lie?’ the male detective asks, as if telling the *truth* would result in justice. What the audience knows is precisely why they lie, precisely why Perry was killed. What we have seen for the series is the treatment of women: of Jane, of Celeste, of Madi, of Renata, none of whom went to the police to look for justice. Now, in this silent exploration of their faces we are all sympathy. Perry had to die. And this reasonable act, rendered what we might call “proportionate force” by the prior narrative – returns them as legal subjects.

Proportionality is as natural as the crashing waves, but it is not always so clear, and proportionality is hard to narrate in the courtroom, as a long history of arguments over provocation and self-defence when women kill violent husbands in their sleep, reminds us (Tyson 2012). This, then, is the melody carried on the crashing waves and rolling piano

as the women are interviewed by the police, and the scene of Perry's death replayed. This is the subtle melody of law that cannot be drawn out in the interviews, no matter the naturalness of proportionality evoked by the killing of a violent husband, who, we are shown and we are told, at least two women in the show thought would kill them. Perry's death does not end the violence of law's misunderstanding of women's experience at the hands of violent men. This remains the omnipotent, the unjudged.

Judgement would be to submit the perpetrator to the parameters of reality and thus return the omnipotent perpetrator to the realm of fantasy, leaving only the human who is subject to the laws of this world. This is a reassertion of the hegemony of reality *as reality*. It is this hegemonic reality which must confirm the contours of the victim/survivor, allowing for her to moderate and mediate her own sensory parameters. But in the realm of justice, such that it is, we cannot ask that the perpetrator not speak, not grunt, not shuffle or indeed, not to smell or even move the air in proximity to the sensory world of the victim/survivor. That is, it is not the court's role to protect the victim/survivor from the experience of trauma that sound may induce. Hence, we cannot ask the court to silence the perpetrator, but if we take acoustic justice seriously, we cannot *not* put these issues before judicial consideration.

The atmosphere of the courtroom, in Andreas Phillippopoulos-Mihalopoulos' (2018) terms, is a location of justice in which the spatiality of the courtroom – its choreography and geography – is also one inhabited by sound. Parker and Ramshaw have both illuminated these environments and their impacts, but I would add that the shuffles, grunts, sighs, as well as the speech of the perpetrator, need to be part of the considerations of justice as they pertain to the victim/survivor's experience. Without a consideration of the acoustics of justice then we are pretending that the experience of pain, of violence or indeed of trauma occurs in silence, knowing full well that it does not.

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Conclusion

Sound gets in. Sometimes involuntarily, sometimes without relief, always with effects. The body cannot not wrap around sound, to process, to understand, to signify, and, in psychoanalytic terms, to endeavour mastery. When this sound appears as voice it always gestures to the impossibility of mastery, the impossibility of knowing the world of others and indeed of oneself completely. Such a knowing, at any level, makes of voice a metonym for the experience of an identity without fixed contours, and it promotes a desire for these contours. Law can offer a substantiation of those contours, but at the same time it holds them out in promise, a promise which is broken with every permeation of the boundaries of flesh and feeling. We are not autonomous. Sound tells us so.

When we experience sound, the effects can be pleasurable, but they can also be excruciating in their resonance with a loss of autonomy in experiences of interpersonal violence. Sound can permeate the boundaries of flesh when we do not want it to. So too can people. Law can speak to this permeation, when it is presented as a harm, but spaces of justice are replete with soundscapes that can reproduce the experience of a loss of autonomy through the very presence of the perpetrator; the sounds that emanate from his (and sometimes her/their) presence. Spaces of justice would struggle to contain these sounds, to make them unhearable or unfelt, but, if we are to take acoustic justice seriously, then the spaces of justice cannot not consider the permeating effects of such an atmosphere on survivors; they cannot not think on the soundscape that gets into the bodies of all, including the body of law.

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Endnotes

1. This is a common term in diagnostic manuals and in complex discussions of the symptoms of trauma such as in Herman's (2015) *Trauma and Recovery: The Aftermath of Violence – From Domestic Abuse to Political Terror*, Van der Kolk's (2014) *The Body Keeps the Score: Brain, Mind and Body in the Healing of Trauma* and Luckhurst's (2008) *The Trauma Question*.
2. In Lacanian terms this is not a re-trauma so much as a new trauma as it is not only reflective of the experience of the assault but also a fragmentation of her identity as a person who would be believed, respected, protected by law.
3. She is referring to Danielle Tyson's 2012 book *Sex, Culpability, and the Defence of Provocation*. On speech acts of hatred, see Butler's (1997) *Excitable Speech* Psychology. On orality and sexuality in law generally see Goodrich's (1998) 'The Laws of Love: Literature, History and the Governance of Kissing' in *New York University Review of Law and Social Change*. I note my appreciation to Young for illuminating this field for me.
4. The woman's body and the man's body have differing capacities for sovereignty in this sense. We know well, after many years of research and experience, that the autonomy over the body of 'woman' and the body of 'man' are recognised legally and politically as very different relations, and the recognition of authority over these borders is offered disparately. That is, women are treated as porous and the boundaries of their bodies are not easily recognised as their own to police or indeed to define. Porous borders are not only the affliction of women, of course. They are the condition of all those who are brutally subject to the invasive regimes of others, including the state or to continue the sovereignty analogy, other states.
5. As we know well of Mill's work 'the only purpose for which power can be rightfully exercised over any members of a civilised community, against his will, is to prevent harm to others' (Mill 1974).
6. As well as saliva, semen, urine etc (see Lacan 2006: 693).
7. For Lacan the subject exists always in a state of anticipated mastery from the point at which it encounters the reality of representation, or the reality that it is not all. He outlines this elaborately in the *Ecrits* in 'The Mirror Stage as Formative of the I Function' (2006: 75-81).
8. Arguably this is why voice has been pronounced as so crucial for an ethics of encounter in the form of an apology (Nicholas 1991).

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9. See Caruth 1996, Laub 1992, Van der Kolk et al 1995, Van der Kolk 2014, Herman 1992.
10. For a comprehensive list of these see the American Psychiatric Association's description of PTSD. For a more thorough articulation of these symptoms in relation to experiences see the 2015 edition of Herman's *Trauma and Recovery: The Aftermath of Violence- From Domestic Abuse to Political Terror*. Or, as Caruth states: 'In its most general definition trauma describes an overwhelming experience of sudden, or catastrophic events, in which the response to the event occurs in the often delayed, and uncontrolled repetitive occurrence of hallucinations and other intrusive phenomena' (Caruth 1991: 181).
11. As Crowe notes 'Changes have been implemented in the justice system to minimize the emotionally violent impact on those testifying to sexual assault. Remote witness facilities may be used and measures are in place in the hope that the judge and criminal proceedings may be more sensitive to the individual testifying to sexual assault' (Crowe 2019: 407). Nevertheless, these measures are confined to the victim when s/ he testifies. To date I can find no documented precautions being taken to protect the victim from hearing the perpetrator's testimony, or other aspects of their sonic presence, while she is in the courtroom.

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