



**PROJECT MUSE<sup>®</sup>**

# Disability on Trial

## Complex Realities Staged for Courtroom Drama— The Case of Jodi Picoult

Michelle Jarman

University of Wyoming

Bestselling author Jodi Picoult draws upon extreme, emotional human drama to craft sentimental, even melodramatic plotlines that almost always revolve around a courtroom trial. Often inspired by true stories, her topics explore complex ethical questions around dying, abandonment, abuse, high school shootings, and not surprisingly, illness and disability. The article considers three of Picoult's novels, *My Sister's Keeper* (2004), *Handle with Care* (2009), and *House Rules* (2010), to contrast the author's realistic depictions of familial and individual experiences of disability with the melodramatic frames girding these stories. Drawing upon recent work in disability studies scholarship, the suggestion is that Picoult at times pushes the boundaries of disability representation beyond the traditional binaries of medical versus social, toward a "rhizomatic model" of disability. Simultaneously, however, these popular novels resolidify the "problem" of disability as personal and familial, and reflect a deep cultural ambivalence—between a growing awareness and understanding of disability rights, from one perspective, and a haunting fear which illness and disability continue to evoke in an ableist culture.

From a *Law and Order* episode featuring the murder of an adoptive mother of ten disabled children ("Reality Bites") to a *Cold Case* episode documenting a murder by one deaf student of another over his decision to have cochlear implant surgery ("Andy in C Minor"), the sociopolitical realities of disability offer cutting-edge content to the genre of courtroom crime drama. Like popular police procedurals, Jodi Picoult's bestselling novels depict cases that are, as a popular *Law and Order* advertising tagline would say, "ripped from the headlines." Her novels have explored complex ethical questions around dying, abandonment, abuse, high school shootings, and not surprisingly, issues of illness and disability. Picoult endeavors to explore the complexities of disability experience, pushing readers to imagine disability multi-dimensionally, not simplistically as an individualized "problem." This article considers three recent novels by Picoult, *My Sister's Keeper* (2004), *Handle with Care* (2009), and *House Rules* (2010), to contrast the author's realistic depictions of familial and individual experiences of disability with the melodramatic frames she constructs to narrate these stories. *My Sister's Keeper* centers around Anna Fitzgerald, a 13-year-old girl who files a suit against her parents for medical emancipation to keep them from

forcing her to donate her kidney to her ill sister; *Handle with Care* involves a wrongful-birth suit in which a mother sues her pediatrician for not diagnosing her daughter's osteogenesis imperfecta (OI) early enough; and *House Rules*, her most recent novel, places Jacob Hunt, an 18-year-old boy with Asperger's, on trial for the murder of his closest friend.

In important ways, Picoult pushes the boundaries of disability representation beyond traditional binaries of individual versus sociopolitical, toward what Petra Kuppers has termed a "rhizomatic model" of disability (225). At the same time, these immensely popular, emotionally wrought novels resolidify the "problem" of disability as personal and familial, and reflect a deep cultural ambivalence—between a growing awareness of disability rights and a haunting fear which illness and disability continue to evoke. Ultimately, this article draws on Deleuzoguattarian thought to explore the relationship between these impulses—between the potentialities of rhizomatic offshoots and the simultaneous impulse toward the naturally hierarchical structures of what Deleuze and Guattari refer to as the "root-tree" (5). By looking at these competing narrative trajectories, I want to suggest ways of reading Picoult that acknowledge the presence of binary structures, but that ultimately push toward plateaus where new formations might emerge.

### **Disability Trial Drama: "Hard-Boiled" Sentimentalism**

Detective stories and trial dramas have long been staples of popular film, television, and fiction. The courtroom provides an ideal narrative location, where information is carefully revealed to unfold the story and build suspense. The genre demands a surprising secret to fuel the plot twist at the end of the story, and this much-anticipated revelation is regularly showcased when the protagonist (or the accused) takes the witness stand. Either compelled by an internal ethics or tricked into admission by clever lawyering, one of the lead characters dramatically reveals a hidden truth. Picoult delivers, and even overplays, this convention with multiple plot twists and revelations. Perhaps the most dramatic witness-stand scene plays out in *Handle with Care*, when Anna, who is suing for medical emancipation, admits that her sister Kate, who faces kidney failure, actually asked her to pursue the case.

The courtroom trial genre automatically situates the ethical questions at the heart of specific cases as public social issues. Many of Picoult's novels actually interrogate the ethics behind certain legal actions—such as wrongful-birth

suits—so the trials themselves become characters, in a sense, within the narrative. While the public venue of the trial positions issues as broadly cultural and political, Picoult is primarily a writer of sentimental fiction, which traditionally draws from the private realm of family. This pairing of sentimentalism and courtroom drama has an established history, and speaks to the tensions and connections between public life and domestic values. In his research on the relationship between crime fiction—especially of the “hard-boiled detective” (8) variety—and sentimentalism, Leonard Cassuto suggests that these genres have developed over the last century both “at odds and dependent” upon one another:

Hard-boiled fiction and sentimentalism require both domestic ideology to draw on, and a market-based public world to explore and criticize. Both position the home as a center of value against the public market economy, and at the same time acknowledge that the two realms aren't really separate. (12)

Crime fiction needs domestic (primarily white, middle-class) values as an ethical base, and sentimental fiction, deeply tied to the mother-child bond as a quintessential model of selfless love and sympathetic feeling, provides the necessary ethical backdrop to criminal investigation.

Picoult does not feature “hard-boiled” characters of the Sam Spade variety, but the topics she chooses, while admittedly sensational, are based upon issues that evoke complex public debate. In this sense, her content might be seen as “hard-boiled” because it considers difficult ethical questions from legal, political, and personal perspectives. *Handle with Care* and *My Sister's Keeper* deal with issues of wrongful-birth suits and genetic engineering of fetuses. The ensuing courtroom dramas revolve around family tensions and inevitably pit parents, children, and siblings against each other. The productive tension between public and private that Cassuto explores in crime fiction, then, becomes more focused on familial and personal issues in Picoult's novels. In some ways, the potentiality of the courtroom trial to position disability issues within the sociopolitical realm becomes curtailed by the intensely personal frame of the sentimental novel. However, even with these limitations, Picoult introduces important ruptures and openings to mainstream discussions of disability, and actively carves out space in her novels to challenge stigmatizing attitudes, stereotypical assumptions, and one-dimensional representations of illness and disability. Disability is situated as an integral part of the landscape of Picoult's fiction, and as such, disabled figures often function as difference in the Deleuzian sense—as part of an active process of change.

### Rhizomatic or Anti-Rhizomatic Model?

In a special issue of the *Journal of Literary & Cultural Disability Studies*, prominent disability studies scholars explore applications of Deleuzoguattarian philosophy to disability theory. Several writers connect disability experience to their conceptualization of the rhizome, the process of branching out instead of rooting, of making connections through multiplicities of offshoots. Petra Kuppers suggests that a “rhizomatic model” (225) of disability could break down the artificial boundaries between the social model, which positions disability as extrinsic to bodies, and the medical model, which positions disability as intrinsic to specific bodies. For Kuppers, the extrinsic and intrinsic would “mix and merge” in a rhizomatic model as they do in her own body—in a merging of pain, pride, the impossibility and necessity of sharing, and the urge for community (225–26). As Kuppers elaborates,

The rhizomatic model of disability produces an abundance of meanings that do not juxtapose pain and pleasure or pride and shame, but allow for an immanent transformation, a coming into being of a state of life in this world, one that is constantly shifting and productive of new subject/individual positions. (226)

Kuppers uses this model to consider exciting new poetry produced by disability-culture artists who work consciously toward ruptures of binaries and surprising juxtapositions.

Picoult does not endeavor to push the boundaries of disability politics in the ways activist artists attempt, but her novels contain elements of the rhizome that are worth highlighting. In *A Thousand Plateaus*, Deleuze and Guattari describe the rhizome as having “no beginning or end; it is always in the middle, between things, interbeing, *intermezzo*” (25). They contrast the rhizome with the philosophical orientation of the root or tree, which follows established paths and strives toward unity. As a system of thought, “binary logic is the spiritual reality of the root-tree” (5); it is wedded to classical structures, and is unable to engage with multiplicity. Disability representation in Picoult’s work contains what Deleuze and Guattari would call “arborescence” (20), the dualisms of the positive and negative such as problematic reverberations of suffering and personal tragedy. At the same time, the author develops important rhizomatic ruptures—moments in the middle, before sutured endings and emotional peaks—moments that begin to map out potential new territory “without beginning or end” (Deleuze and Guattari 25).

*Handle with Care* explores the human costs of a wrongful-birth suit brought by Charlotte O’Keefe against her pediatrician and (fitting in the sentimental

genre) best friend, Piper Reece. The author goes to great lengths to illustrate the emotional upheaval this case causes, not only to Willow, whose very existence comes into question, but also to her father, Sean, and sister, Amelia. At the same time, Picoult does not fall into traps of painting osteogenesis imperfecta (OI) or Willow as simply tragic; she figures Willow as a precocious, dynamic, intelligent six-year-old whose outgoing and empathetic nature situates her as a beloved member *and* cohesive force of the O’Keefe family. Picoult also represents many of the real frustrations of disability as social and economic, not medical, so the political nature of disability comes under some scrutiny. Willow’s mother, Charlotte, who initiates the suit, is also not cast one-dimensionally as an evil mother; instead, she is a complex and loving mother who internalizes the anxieties of providing for and protecting Willow in a way that causes her to see the lawsuit as the only solution.

Picoult gives readers much to critique in Charlotte’s lawsuit, but she also depicts multiple incidents where Charlotte nurtures and advocates for her daughter. One scene in particular calls attention to the tenuous balancing act between disabled children, their parents, and schools. After spending four months in a spica cast to heal two broken femurs, Willow’s cast is split in half, and her doctors say she can return to school. Willow attends a preschool still, but when Charlotte shows up with her in a bivalved cast, the teacher tells her it’s too dangerous for Willow until she’s healed completely. “We just want to make sure she’s safe” (108), the teacher says, but Charlotte understands the subtext:

I stepped back, reading her loud and clear: *we’re liable when she’s on our grounds*. In spite of the Americans with Disabilities Act, I routinely read on online OI forums of private schools who kindly suggested that a healing child be kept at home, ostensibly for the child’s best interests but more likely because of their own rising insurance premiums. (107)

Like most parents of children with disabilities, Charlotte wants Willow to have opportunities to interact with other kids her age, but discrimination and material fears of cost and liability are constant barriers.

While Charlotte wants to fight for Willow’s rights to inclusion, the most potent political critique in the novel comes from the disability community itself, against Charlotte and the wrongful-birth suit. In the midst of the trial, which Charlotte soon discovers is being followed closely by everyone on OI blogs, she takes Willow and Amelia to an OI convention in Boston. Picoult’s depiction pushes toward a rhizomatic model by representing a unique disability cultural formation as people with OI, their families, and allies come together, build friendships, and develop coalitions around cultural and political change.

In this environment, among peers who share or understand her disability, Willow blossoms. However, conference members soon recognize Charlotte as the mother suing for wrongful birth, and several of them confront her. One woman who has OI tells Charlotte that she finds the suit “disgusting.” She continues:

And I think it’s even more disgusting that you’re here. You can’t play both sides. You can’t sue because a life with OI isn’t worth living and then come here and talk about how excited your daughter is to be with other kids like her. (270)

Another man confronts Charlotte as she flees to the elevator: “Just so you know—it’s not my disability that makes my life a constant struggle. It’s people like you” (271). These voices are vital to a real debate about wrongful birth, and although they aren’t positioned centrally in the novel, they reverberate powerfully. The young woman with OI embodies a potential future that readers are given as a counterpoint to the reductive storyline of wrongful birth. Charlotte is particularly devastated by this encounter, not just for being judged—she expects that—but for being “judged by a jury of [Willow’s] peers” (271). One of the great tragedies (or sutured possibilities) in the narrative from a disability rights perspective is that Charlotte’s pursuit of money for Willow’s future forecloses potential connections within the disability community—relationships that could nurture and fulfill Willow (and Charlotte) in unpredictable and more far-reaching ways. This moment of rejection by the OI community is also a moment of rupture, where readers are invited to imagine a different path for Willow, one including relationships with advocates and allies who would not consider questioning the validity of her existence.

Picoult’s most recent novel, *House Rules*, offers a counterpoint to *Handle with Care* in terms of maternal advocacy. The narrative revolves around Jacob Hunt, a senior in high school with Asperger’s, who is accused of killing his friend and social-skills coach, Jess Ogilvy. His mother, Emma, unlike Charlotte, does not see Jacob’s diagnosis or the more difficult aspects of his behavior—such as intensely physical tantrums—as burdensome or all-encompassing. She sees them as integral to him:

If Jacob didn’t have Asperger’s, he wouldn’t be the same boy I love so fiercely. [. . .] Would I have rather had a kid who doesn’t struggle so hard, who could make his way in the world with less resistance? No, because that child wouldn’t have been Jacob. (273)

Emma appreciates that some of Jacob’s individuality derives directly from his disability, and she considers him extraordinary rather than deficient:

When Jacob slept [. . .] he could have been any child. Any ordinary child. Instead, during his waking hours, he was extraordinary. And that truly was the definition for

him—outside the perimeter of the norm. At some point [. . .] that word had acquired positive connotations. Why hadn't Asperger's? (522)

Emma's musings call to mind Rosemarie Garland-Thomson's reconfiguration of disabled bodies as *extraordinary* in order to analyze more closely the social and cultural privileging of what she has termed "normate" identity. As Garland-Thomson underscores, "meanings attributed to extraordinary bodies reside [. . .] in social relationships in which one group is legitimated by possessing valued [. . .] characteristics and [. . .] by systematically imposing the role of [. . .] inferiority on others" (7). Picoult seems cognizant of such constructions of inferiority, especially the ways normative social expectations can elicit dangerous misinterpretations of behavior. In many ways, the author uses Jacob's murder trial as a narrative frame to explain the psychological interpretations of Asperger's, and to explore how difficult it is to effectively challenge people to step outside their social conditioning—in this case, to convince the jury that "reading" Jacob's monotone voice, his outbursts, his lack of expected emotional remorse as guilt would be inaccurate and ableist.

In its treatment of disability, this novel more actively pursues a rhizomatic model, especially because Picoult uses chapters narrated from Jacob's perspective to challenge simplistic assumptions about Asperger's. Although fictional, this structure positions Jacob as his own agent, not simply as the person around whom the plot takes place. As Jacob narrates his own story, an internal ethic emerges, and as the trial unfolds, readers realize his moral compass doesn't condone murder. Jacob also articulates the effects that Asperger's has had on his life. Socially, his peers rarely understand or accept him. Even at 18, he has experienced what he interprets as blatant disability discrimination when he is fired from his part-time job at a pet store. Officially fired for not wearing his uniform, Jacob explains that the firing coincidentally takes place just after explaining to his manager "that I was autistic and that I had a thing about clothing colors, not to mention buttons" (386). Jacob points out that he sold the most pets, worked harder than the other employees, and did not even complain about cleaning bathrooms, but once his disability was mentioned, he was fired: "All I know is that before I told Alan I had AS he was willing to make excuses along with me, and afterward, he just wanted me gone" (386).

With *House Rules*, Picoult joins a growing number of fiction and non-fiction writers in what Ian Hacking refers to as the last decade's "boom industry" (632) of autism narratives. Like many other novels, plays, stories, and memoirs, Picoult attempts to present a snapshot of the cultural and familial realities of the disability du jour. The genre of the courtroom drama, however, limits the



author's ability to suggest transgressive ways of imagining autism. Trial drama demands information to be held back, and suspense to be generated continually. In Jacob's case, Picoult must simultaneously challenge negative attitudes about autism and Asperger's and suggest to readers that Jacob may very well have murdered the girl he was beginning to love. Emma, Jacob's most ardent supporter and arguably his closest confidante, fears that Jacob actually did kill Jess, and (rather unbelievably in terms of character development) Emma doesn't directly ask Jacob what happened for fear of the truth. Because the circumstantial evidence seems stacked against Jacob (who does indeed move the body and otherwise tamper with the crime scene), his lawyer pursues an insanity defense, arguing that his Asperger's caused him to dissociate from reality during the time of the murder. This strategy creates two competing disability narratives, and in the end, pushes Asperger's onto center stage, at times as a specimen to be dissected and at other times as a unique character destined to surprise.

### Limits, Boundaries, and Backlash

Although Picoult goes to great lengths to research her subject matter—from disability experience, medical diagnoses, legal realities, and cultural debates—her focus on personal and familial emotion and dysfunction often works to depoliticize disability. Even as she develops multidimensional representations of disabled and ill characters, Picoult still exploits disability as narrative shorthand, what David Mitchell and Sharon Snyder have termed “narrative prosthesis,” a device that the novel depends upon to continually evoke intense emotion, sentiment, or tension. As Mitchell and Snyder explain, this type of representation can have limited transgressive potential:

The politics of this recourse to disability as a device of narrative characterization demonstrates the importance of disability to storytelling itself. Literary narratives support our appetites for the exotic by posing disability as an “alien” terrain that promises the revelation of a previously uncomprehended experience. [. . .] Yet the reliance upon disability in narrative rarely develops into a means of identifying people with disabilities as a disenfranchised cultural constituency. (55)

One of the primary means by which Picoult depoliticizes illness and disability is through her representation of overzealous motherhood. Although the fathers are very much involved in two of the three novels, the narrative action—or family dysfunction—is driven by mothers intent upon *saving* their ill or disabled children. Whether single-mindedly fighting to save a daughter's life, to win a lawsuit, or fight a criminal allegation, these mothers, through their approaches

to illness and disability, become so focused that they lose touch with other facets (children, relationships, jobs) of their lives. Each novel develops themes of mother-blame, but the plotlines are also intensely mother-driven. Ultimately, then, the predominant perspectives of illness or disability—whether sociocultural, transgressive, or tragic—are tied to the respective mothers.

In *My Sister's Keeper*, Picoult fictionalizes the true story of Anissa and Marissa Ayala. Anissa Ayala was diagnosed with leukemia at age 16, and as a result her parents chose to conceive another child, hoping she would eventually be a matching donor. In the real-life case, Anissa was a match for her sister, and when she was just over a year old, she provided Marissa with a transplant that has kept the elder sister's cancer in remission since 1992 (Mills para. 2). In Picoult's novel, Sara and Brian Fitzgerald decide to conceive Anna in the hope that she will be a matching donor for Kate. They actively use genetic technology to select the best embryo to match Kate's needs. As Anna explains, "I was born for a very specific purpose. [. . .] I was born because a scientist managed to hook up my mother's eggs and my father's sperm to create a specific combination of precious genetic material" (8). The first transplant, taken from Anna's umbilical cord, puts Kate's cancer into remission for five years, but on Kate's eighth birthday, Sara notices a bruise—marking the return of leukemia. From that point on, Anna becomes a regular donor for her sister: from lymphocytes to granulocytes and bone marrow, then stem cells, blood transfusions, and finally to the question of the kidney transplant.

Through all of these procedures, some of which are quite invasive and require Anna to be hospitalized, Sara supports and comforts Anna, but doesn't think of asking her permission or rewarding her for her pain. After a bone-marrow extraction when she is six, Sara comes to Anna's hospital room as her husband Brian is giving Anna a necklace to acknowledge her gift to Kate. Upon seeing this, Sara recounts her reaction: "Of course Anna should be honored for donating her bone marrow. [. . .] But the thought of rewarding someone for their suffering, frankly, never entered my mind. We've all been doing it for so long" (234). Sara is not represented as a horrible mother, but when Kate is sick, she focuses every ounce of energy on saving her—and she expects the rest of the family to willingly do the same.

While having a healthy child with a disability differs drastically from mothering a child with a potentially terminal illness, the idea that mothers will neglect their healthy children in order to care for the ill or disabled child has a long history. Medical doctors and psychiatrists used this rationale throughout the first half of the twentieth century to justify institutionalization, and many contemporary mothers of disabled children report being admonished not to use up

all their energies on children with disabilities. Drawing upon recent interviews with new mothers of children with disabilities, Gail Heidi Landsman, herself a mother of a daughter with multiple disabilities, investigates how motherhood is constructed by social beliefs, medical practice, families, and mothers themselves. Landsman's research reveals that many mothers feel "called upon to justify [their] continued investment in what is publicly perceived as a defective commodity" (159). Women repeatedly report being told by friends and family members not to "waste their whole lives" or "sink all of their time" (qtd in Landsman 159–60) into the care of disabled children, as if this type of care and nurturing would not be cost-effective.

The cultural myth that ill or disabled children will monopolize a mother's time becomes a driving reality within Picoult's fictional landscape. Not only does Sara Fitzgerald fail to consider Anna's feelings about having her tissue, cells, marrow, and blood harvested, she actively ignores her eldest son, Jessie. At 17, he lives over the garage, avoids the family, and has regular run-ins with the law. However, Jessie finally gets the attention of his father, who is the fire chief, when he sets several abandoned buildings on fire. In fact, Brian seems more attuned to the needs of all his children: he ultimately sides with Anna in her suit; he is able to catch Jessie before he lands in prison; and he is more willing to face the reality that Kate might die. Ultimately, although Picoult provides ample justification for Sara's single-minded devotion to Kate, she also writes a script for mother-blame through a dysfunctional family that traces much of its imbalance back to Sara.

In *Handle with Care*, Picoult creates another overzealous mother who single-mindedly pursues a wrongful-birth suit, even as the relationships in her life crumble around her. Not only does the lawsuit force Charlotte O'Keefe to make the untenable assertion that she would have aborted her daughter Willow had she known about her OI diagnosis, but it creates chaos and pain for everyone close to her. She knows she will sacrifice her friendship with Piper Reece, her former pediatrician, but the lawsuit also destroys the longstanding friendship between their daughters, Amelia and Emma. Further, Charlotte's suit makes Willow question whether her mother wants her, pushes Amelia to bulimia and self-injury, and nearly ruins her marriage. Charlotte's husband, Sean, actually testifies on behalf of the defense—against his wife's suit—because he is unwilling to support the wrongful birth claims.

Like many of Picoult's novels, the implied question, "What kind of mother is this?" haunts the narrative. Again, Charlotte's motives are made clear—out of love, devotion, and fear of future medical needs (and costs), she wants to be able to provide a decent future for Willow. In order to build empathy for Char-

lotte, the author develops a case that Willow's disability causes such suffering and hardship that she will never be fully independent. Charlotte articulates her perspective in an emotional plea to the jury:

I know you think I'm in this for a big payday, that this is why I started the lawsuit. [. . .] It *is* about cost. But not the financial kind. [. . .] I don't sleep at night. I feel guilty when I laugh at a joke on TV. I watch little girls the same age as Willow at the playground, and I hate them sometimes—that's how bitterly jealous I can get when I see how easy it is for them. [. . .] The way it usually works, the parent takes care of the child, until years later, when the roles are reversed. But with Willow and me, I'll always be the one taking care of her. That's why I'm here today. That's what I want you to tell me. How am I supposed to take care of my daughter after I'm gone? (359–60)

The very idea of wrongful-birth lawsuits are anathema to the goals of disability studies and disability rights, which assert the equal value, opportunity, and human rights for all people with disabilities. However, the quotation above reflects many pervasive cultural beliefs about disability, and speaks to the reality of internalized ableism that some parents of disabled children struggle to resist.

Returning to Landsman, many mothers interviewed describe shock and sorrow after the birth of a disabled child, and recall that the negative reactions of hospital staff and families, coupled with their own shame, cancelled out much of the natural joy they expected to feel at the time of childbirth. As mothers bond with disabled children over time, however, they often come to resist former negative interpretations, but they continue to be shaped by a cultural imposition of what Landsman terms “diminished motherhood”:

With motherhood itself valued only in relation to the value of the child and with “perfection,” the absence of product defects, conceived as a norm attainable by all women who have access to prenatal care and who are in compliance with medical expertise, women raising disabled children are, like their children, outside the norm. [. . .] They are to be condemned for their selfishness or admired for their sacrifice; either way, most are to be pitied for their plight. With their children categorically less than full persons, their own motherhood by association is itself diminished. (89)

Charlotte's testimony reveals sadness and anger that seem to emerge out of this illogical but culturally expected “norm” of “perfection” coupled with an internalized sense of diminished motherhood. Rather than rejecting the pity that others project upon her, she endorses the view that her life and Willow's have been compromised in some way.

Diminished motherhood reflects a profound disconnection between happy expectations and actual events. Building on research by disability scholars and advocates around prenatal testing, genetic technologies, and reproduction, Landsman catalogues the ways that fetuses and babies are becoming

increasingly commodified, and pressures upon mothers to produce “perfect” offspring are tied to pre-natal behaviors and choices. While Landsman challenges the pressure exerted upon expecting mothers to terminate pregnancies, she is more interested in documenting the process of “mother-blame” (40) that often accompanies pre-natal diagnoses: “To fail to exercise control by implementing the available authoritative knowledge and technology has been culturally translated to mean something quite close to being responsible for the ‘imperfection’ itself” (42).

But as mothers are acculturated into following medical suggestions for pre-natal care and activities, they also come to expect no complications once their babies are born. The promise of predictive procedures and perfect babies may produce greater disappointment, increased internalized stigma, and a more intense need to place blame (upon themselves or doctors) for parents who follow all the rules and still have a child with disabilities. This tension between the promise of a “healthy” child and the reality of having a child with disabilities lies at the heart of Charlotte’s lawsuit. Although she loves six-year-old Willow, and tells her in the middle of a lawsuit asserting exactly the opposite (“you were never a mistake. I would not, in a thousand years—in a million years—have missed out on having you,” 455), Charlotte honestly wonders what she would have done had she been told about the OI after the first ultrasound at 18 weeks. Even as an active Catholic, who told Piper she would never consider termination of a pregnancy, she wishes she had been given the choice.

### **Innocent Request for Personal Freedom? A Feminist Claim of Autonomy?**

The crucial issue, from a disability studies perspective, is that Charlotte’s nostalgia for a pre-disability choice is deeply embedded in what Tobin Siebers calls an “ideology of ability” (8). At a basic level this is a widespread cultural ableism or “preference for able-bodiedness. At its most radical, it defines the baseline by which humanness is determined” (8). Siebers clarifies this final point succinctly: “The value of human life arises as a question only when a person is disabled” (10). In fact, the devaluation of disabled lives is at the crux of wrongful-birth lawsuits, and the narrative tension between loving one’s child unconditionally and putting that child’s very existence up for debate provides emotional, page-turning appeal. But is the melodrama, the excessive emotional pull of Charlotte’s train-wreck of a lawsuit, effective as a means of politicizing disability?

Picoult’s novel certainly challenges the ethical substance of wrongful-birth suits. As described above, Charlotte’s lawsuit wreaks havoc upon everyone she

loves, and brands her as a gold-digging, heartless mother. With the tremendous suffering brought on by the lawsuit, Picoult seems to push readers toward rejecting such claims. However, in the end the jury decides in favor of Charlotte, and awards her two million dollars. While the novel pushes toward rhizomatic potentialities, it leaves many binary constructions of disability intact—readers are left awash in suffering, and the narrative suggests that the source of the suffering is Willow, her OI, or perhaps Charlotte—rather than the cultural ideology of ability.

Emma Hunt of *House Rules* provides an interesting character contrast to Sara Fitzgerald and Charlotte O’Keefe. Single mother to Jacob and Theo, Emma Hunt is also overly focused on her child with a disability. But unlike the other two mothers, Emma seems more aware of this, and embraces her commitment to her neurodiverse son as both personal and political:

You could say *I* was different. I had willingly traded my own future for Jacob’s, giving up whatever fame or fortune I might have achieved in order to make sure his life was a better one. I had let every relationship slide, with the exception of the one I’d built with Jacob. I had made choices that other women would not have made. At best that made me a fierce, fighting mother; at worst, it made me single-minded. (522)

Her decision to devote so much energy to Jacob centers around trying to give him as many skills as possible to navigate social situations that may not make sense to him; her efforts represent a pre-emptive defense against a world trained to misunderstand and exclude people like Jacob. It is a relationship, requiring work but with rewards, like any other. As she explains (by screaming into the phone) to a colleague who implies that Jacob is Emma’s “cross to bear,” “Jacob is not my cross to bear,” she retorts, “He’s my son!” (271–72).

From the outset, readers come to understand that Emma’s intense focus upon Jacob has taken a toll on her youngest son Theo, who regularly breaks into strangers’ homes just to get a sense of what “normal” families might look like. As Theo looks at magazines, music, and other household items, he imagines other lives as better than his own. In one house, he goes into the room of a young boy, and the dinosaur posters make him wonder if this boy has the same fascination Jacob once had: “No, he’s just a kid—not a kid with Asperger’s. I can tell, just by looking into the windows at night and watching the family. I know, because that kitchen with its warm yellow walls is a place I want to be, not somewhere I’d run away from” (15). Theo feels neglected, and Emma doesn’t have the energy to help him. Like the mothers in the other two novels, as the crisis unfolds, and Jacob gets more and more entwined in the murder case, Emma can only think about *his* needs. Theo eventually gets Emma’s attention, however, when

he steals money from her account to fly from Vermont to California to see his father, who moved out when Theo was a baby. Emma ends up following Theo to California, and bringing him home, and in the process Theo also begins to re-engage with the family. Unlike the representations of Sara and Charlotte, which overwhelmingly portray their single-minded focus on one child as the source of pain for the other children, Picoult doesn't lay the blame for all of Theo's frustration at Emma's feet. He struggles with some of the social rejection of being Jacob's brother, and comes to realize that his own anger at and judgment of Jacob play a role in that dynamic. Ultimately, Theo becomes conscious of his own ableist perspective, and this gives him room to step back and decide for himself what he really thinks and feels about Jacob.

In fact, the resolution of this novel does not happen in the courtroom, but between the brothers. Because Jacob needs rules and structure, Emma has a short list of house rules that are meant to guide his life. The fifth and last rule, "take care of your brother; he's the only one you've got" (21), readers discover finally, is the principle that leads Jacob to move Jess's body and alter the crime scene. When Jacob arrived at the house, Jess was already dead, but Jacob also saw Theo's footprint, so to protect his brother he tried to make it look like Jess's boyfriend had killed her. For Picoult, Jacob's protection of his brother proves a larger, less legal point: that Jacob can be unselfish and express love. Because Jacob doesn't display spontaneous affection or demonstrate love in expected ways—such as giving cards, gifts, or unsolicited compliments—even his mother believes "Jacob would never understand love [. . . that he] wasn't wired that way" (489). His doctoring of the crime scene to shift suspicion away from Theo, however, disproves this fear. As a resolution, though, this seems to fall short. The very premise that someone with Asperger's doesn't understand love—or the consequences of murder—positions the bar so low that one might ask whether disproving such assumptions breaks new ground. To be fair, though, Picoult taps into widespread cultural misconceptions about what autism means, so challenging assumptions around how behaviors are (mis)interpreted as evidence of emotional capacity remains a crucial element of the process toward greater social integration.

### **Unimaginable (Unimagined) Futures**

Picoult's bestselling novels explore important disability issues and expose serious social and economic barriers faced by disabled people and their families. However, many of the most pressing issues and critiques are only introduced,

but not developed as major plotlines. Instead, her disability trial genre is driven by the melodramatic. In their discussion of the filmic genres of horror, pornography, and melodrama, Snyder and Mitchell point out that the formula regularly exploits disabled and anomalous bodies in order to evoke excessive emotion. Melodramatic representation taps into this emotional well, not to resolve issues, but to evoke pathos. Snyder and Mitchell explain: “The popularity of these plots pivots on their ability to dredge up longstanding (albeit dynamic) social problems that expose viewers to irresolution as a ‘solution.’ Thus the ‘resolution’ comes about through the repetition of exposure to a social dilemma that can only be exposed rather than resolved” (184). This *irresolution as solution* fits Picoult’s representations of illness and disability. Devoted to the unexpected ending, Picoult resolves both *My Sister’s Keeper* and *Handle with Care* tragically—with the sudden deaths of the protagonists. On her way home from court after being medically emancipated from her parents, Anna Fitzgerald dies in a car accident. The accident forces the question of the kidney transplant, and as Anna dies, Kate receives a life-restoring organ. In *Handle with Care*, a few months after the end of the lawsuit, with the family back together and the two-million-dollar check hanging on the fridge, Willow falls through the ice in the pond on the family property and drowns. For an author attempting to explore some of the political dimensions of disability, restaging the overplayed kill or cure ending represents a return to arborescent belief structures, rooted in the idea that disability is ultimately a personal and familial issue. Rather than pushing toward rhizomatic potentialities within the texts, the deaths of Anna and Willow leave readers with an intensity of feeling and sense of human tragedy, but with little impetus to challenge existing economic and sociopolitical inequities. *House Rules*, refreshingly, does not foreclose Jacob’s future. The ending, a new understanding between brothers, leaves the future open and unimagined. Although the final twist reveals a problematic assumption about people diagnosed with autism, Jacob emerges as a complex young man who will need to establish a place for himself in the world. In order for young adults diagnosed with autism or Asperger’s to truly have fulfilling lives, disabled and nondisabled people need to actively expand their ability to imagine what might constitute an inclusive society, and popular books such as *House Rules* may offer important rhizomatic offshoots away from the hierarchical structures organized around normate bodies and minds.

More importantly, final resolutions are not the only messages readers take from these novels. Readers of Picoult can formulate their own rhizomatic connections by returning to the multiple open-ended questions raised within these texts. For example, what do wrongful-birth suits reveal about cultural beliefs



regarding living with disability? How do the voices of powerful disabled individuals and groups alter our collective ability to imagine physical and cognitive difference, pain, or illness? Or, how do our medical, legal, and social systems overly burden parents and families of people with disabilities? In the contrasting representations of Charlotte O’Keefe and Emma Hunt, Picoult depicts two competing ways of seeing disability that lie at the heart of contemporary popular (mis)understandings. Charlotte comes to measure Willow’s life “by the moments when it’s fallen apart—surgeries, breaks, emergencies—instead of the moments in between” (273–4). Emma, by contrast, remembers the crises in Jacob’s life, but asserts, “the in-between moments are the ones I would not have missed for the world” (273). Perhaps this is a Deleuzoguattarian *middle*, a “coming and going rather than starting and finishing” (Deleuze and Guattari 25). Even within the narrative framework of sutured (rooted) resolutions, melodramatic formulas, and the sentimentality of courtroom drama, there may yet be new forms waiting to be imagined in the multiplicity of moments in-between.

### Works Cited

- “Andy in C Minor.” *Cold Case*. CBS. 30 March 2008. Television.
- Cassuto, Leonard. *Hard-Boiled Sentimentality: The Secret History of American Crime Stories*. New York: Columbia UP, 2009. Print.
- Deleuze, Gilles, and Félix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: U of Minnesota P, 1987. Print.
- Garland-Thomson, Rosemarie. *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature*. New York: Columbia UP, 1997. Print.
- Hacking, Ian. “Autism Fiction: A Mirror of an Internet Decade?” *University of Toronto Quarterly* 79.2 (2010): 632–55. *Project Muse*. Web. 6 January 2011.
- Kuppers, Petra. “Toward a Rhizomatic Model of Disability: Poetry, Performance, and Touch.” *Journal of Literary & Cultural Disability Studies* 3.3 (2009): 221–40. *Project Muse*. Web. 10 December 2010.
- Landsman, Gail Heidi. *Reconstructing Motherhood and Disability in the Age of “Perfect” Babies*. New York: Routledge, 2009. Print.
- Mills, Samantha. “My Sister’s Keeper Film Similar to Real Life Story.” *The Leukemia Lymphoma Society Blog*. 20 July 2009. Web. 10 January 2011.
- Mitchell, David T., and Sharon L. Snyder. *Narrative Prosthesis: Disability and the Dependencies of Discourse*. Ann Arbor: U of Michigan P, 2000. Print.
- Picoult, Jodi. *My Sister’s Keeper*. New York: Washington Square P, 2004. Print.
- . *Handle with Care*. New York: Washington Square P, 2009. Print.
- . *House Rules*. New York: Washington Square P, 2010. Print.
- “Reality Bites.” *Law and Order*. NBC. 16 October 2009. Television.
- Siebers, Tobin. *Disability Theory*. Ann Arbor: U of Michigan P, 2008. Print.

Snyder, Sharon L., and David T. Mitchell. "Body Genres: An Anatomy of Disability in Film."  
*The Problem Body: Projecting Disability on Film*. Ed. Sally Chivers and Nicole Markotic.  
Columbus: Ohio State UP, 2010. 179–204. Print.

