HUNTING AND HERITAGE ON TRIAL: A DRAMATISTIC DEBATE OVER TRAGEDY, TRADITION, AND TERRITORY

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On November 15, 1988, Donald Rogerson was deer hunting with a companion in a wooded area near Hermon, Maine. Shouldering a .30-06 rifle with a four-power scope, the veteran hunter and native Mainer was searching for a buck, the only prey his "bucks only" license allowed him to bag. Nearby in a residential development area lived Karen Wood, who recently had moved from Iowa with her husband and twin nine-month-old daughters. Rogerson, who later alleged he had seen a buck deer, fired. Then in the belief he had spotted two white "flags" of deer tails, he immediately fired again. Moments later, the hunter found Karen Wood lying in her wooded yard 134 feet from her backdoor. There she died within minutes from a single rifle slug to her chest. On the ground near Wood's body lay two buff-colored mittens (Warner, "Hunter Charged" 2; Clark 96–97; Kunstler 59).

The shock over the killing was soon matched by the intense controversy the incident evoked. Immediately, the local newspaper editorialized the killing as a "double tragedy," headlined Rogerson's standing as a Bangor Boy Scout leader, and focused on his own and his family's personal anguish ("A Double Tragedy" 8). In response, angry readers acidulously reminded the editors that Wood was the victim—not the hunter who had slain her on her own property. A venomous volley ensued as another group of citizens rushed to Rogerson's defense and accused Wood of carelessly causing her own death. During hunting season, they argued, citizens were responsible for protecting themselves against the danger hunters present.

The debate escalated with a grand jury's failure to indict Rogerson. The furor grew more intense after three unsettling revelations nearly a full year after the incident: First, released evidence countered long-standing claims that Rogerson had been hunting legally; a neighboring residence was 286 feet from the spot where the hunter claimed he had fired, 14 feet under Maine's legal limit. Second, released investigators' reports revealed that no evidence of deer—tracks, blood, or droppings—had been found in the immediate vicinity of the shooting, despite Rogerson's alleged sighting (Warner, "Details Released" 1). Third, a reporter discovered that a juror was the nephew of Rogerson's defense attorney as well as an acquaintance of the accused hunter ("Lone Woman"; "Hunter Indicted" 1). This semblance of impropriety led to the convening of a new grand jury, which issued an indictment. Consequently, nearly two years after the incident, Donald Rogerson was tried for manslaughter in the shooting death of Karen Wood. And in October of 1990, the hunter was acquitted of all charges (Goodman 53). Although the verdict brought long-awaited legal resolution, the decision stoked rather than stemmed the conflict.
Citizens in the embattled state remained polarized on exactly which of the principal characters was at fault.

Neither the jury’s verdict nor the rationale of those citizens who blamed Wood can be illuminated by a sifting and resifting of the physical evidence. “[T]he subject of motivation,” Kenneth Burke argues, “is a philosophic one, not ultimately to be solved in terms of empirical science” (Grammar xxiii). In this essay, we illuminate the events that occurred in Maine in the wake of Karen Wood’s death by applying Burke’s dramatistic theory of motivation. We argue that the tragedy itself and its divisive aftermath can be understood only in terms of a symbolic drama, one rooted in evolving traditions and communities and motivated by a desire by many to stem the tide of social change.

A DRAMATISTIC PERSPECTIVE

In his pentadic framework, Burke concedes that “act” is always the central term but explains that act may be substantially reinterpreted by featuring other terms either singly or, more commonly, by emphasizing a dominant term in a pentadic ratio (Grammar xv–xxii, 3–20). Arguments dominated by “scene,” Burke claims, reflect a perspective that is committed to viewing the world as relatively permanent and deterministic. Persons functioning within the scene are regarded as seriously constrained by scenic elements. Immutable factors in the natural or social landscape limit their ability to act on their own volition: free will is supplanted largely by fate, thereby reducing action to motion (Grammar 127–170). Not uncommonly, rhetors may feature scene to absolve themselves from errors in personal judgment or public policy. David Ling (83), for example, contends that Edward Kennedy’s Chappaquiddick apologia featured scene as controlling, a design intended to reduce his action into motion and thereby exonerate him from blame in the drowning of Mary Jo Kopehechn. More recently, David Birdsell posits that Ronald Reagan rooted his account of the deaths of American marines in Lebanon in a malignant scene so as to protect American integrity from the “ignominy of a one-on-one defeat” by a more powerful agent (270).

By contrast, arguments that feature “agent” reveal a perspective that views agents as rational and reality as constructed or caused by human choices (Burke, Grammar 171). The term “agent,” Burke adds, embraces not only all words general or specific for person, individual, hero, villain, but also words for the motivational properties of agents such as “drives,” “instincts,” or “states of mind.” Moreover, agent may be applied to collectives such as nation, church, race, or cultural movements (Grammar 20).

But when members of specific communities express a scenic perspective, the ambiguity and flexibility of the pentadic terms (Burke, Grammar xviii–xxiii) come to the fore, particularly when communities interact or collide. Distinctions between “agent” and “scene” may become blurred in the concept of a community or social identity, which often includes both personal qualities and literal place.² Individuals who comprise a peculiar community may explain their own behavior as motion because it is controlled by communal traditions or “laws,” norms that they as “agents” nonetheless have devised. Conversely, the behavior of those individuals in conflict with a community is often construed as action—the conscious or willful violation of rules and physical boundaries. These latter persons retain their status as
"agents" who must make choices in interacting with the competing community around them, a scene to which they are alien. Exemplifying this phenomenon most clearly are rationalizations offered in skirmishes involving territory or "turf"; indeed, the terms themselves suggest a scenic worldview. Placing blame on the victim is a familiar defense for acts of violence against community trespassers. In the common refrain that victims deserved their punishment because they entered hostile or alien territory, accountability lies only with the individuals outside of the community; members of the community remain blameless because they are merely responding to external conditions. In this sense, Burke’s notion of humans as "tribal" is perhaps the clearest. Competing communities or "tribes," if one will, react to each other and behave in a way to maintain their community, their "scene" as "impene-trable, eternally existent" (Burke, Grammar 131). Communal integrity, then, becomes analogous to survival in the material world: action is reduced to spontaneous reflexes to outside threats. In so doing, the agent-oriented rational "instincts" or "drives" of individuals within the dominant group are transformed into "instincts" or "drives" that are deterministic animal behaviors rather than rational and ethical human choices.3

**Collision of Communities in Maine**

All debates over territory or "turf" inescapably turn on Burke’s concept of hierarchy, those elements that constitute a social order and imbue certain individuals with power in relationship to others (Language 15–20). The heated debate over culpability in the shooting death of Karen Wood was, in essence, a “representative anecdote” for a struggle over territory in both literal and figurative senses. Native Mainers have a tradition of grappling uncomfortably with their sense of place in the social pecking order of their state. A result of Maine’s economic dependency upon tourists and wealthy “summer people” is resentment towards those “outsiders” whom many Mainers are compelled to serve for their livelihoods. Moreover, over the decades, many native Mainers have relocated further inland as choice coastal property is bought up by moneyed individuals from outside the state. Not uncommonly, the onus for accelerating property taxes that forced many Mainers to relinquish family beachfront lands or small family-owned businesses is placed on the wealthy buyers rather than on those enterprising natives who began the trend by selling. Recently, even inland property has been steadily settled by transplants lured from urban areas by Maine’s breathtaking beauty, sense of safety and calm, opportunity for adventure, and open spaces that promise coveted privacy. Accompanying these people whom Mainers typically refer to as “from away” are habits and values that sometimes influence and occasionally conflict with local traditions. Inherent in Maine tradition, for example, is the notion of property as endemic. To many citizens, community or native ownership of wilderness and beaches is equal to or supersedes an individual’s legal title, a view that many newcomers find bewildering and intrusive.

Perhaps the most salient symbol of this collision over territory is the state’s escalating tension over hunting. The sport many Maine hunters regard as their birthright has faced increasing restrictions and criticism: residential development continues to encroach upon wilderness; safety and licensing regulations have proliferated; residents and corporations steadily have limited hunting access to
privately owned land; and hunting opponents have become more numerous and vocal. Some Maine citizens frame these developments as the handiwork of "outsiders," rather than "natives" who understand and revere the Maine "way of life." Protecting the territorial privilege of hunters is, to some natives, the last cultural bastion in a state where privilege increasingly translates into money, class, and real estate holdings.5

Against this complex backdrop, nearly all interested parties agreed that the intense conflict over Karen Wood's killing transcended the guilt or innocence of a single man. A representative view from one camp pointed to the "urgent need to update some of our hunting laws" so that landowners' rights do not "take a back seat" (Demos 19). Others concurred that a changing social milieu was indeed at the heart of the tragedy. But this camp argued that "the most important" issue was not the death of Karen Wood but instead "the influx of large numbers of people who do not share and do not understand the traditional views and values of native Mainers" (Leavitt 11). To persons like Bangor sports columnist, Theodore Leavitt, "the heritage of Maine people" was at stake. He voiced the concerns of others who emphasized the need to "fight the anti-hunting, anti-gun hysteria this tragedy has brought about in order to retain our identity as a state." One angry hunter summarized the focus of the conflict more succinctly. "Donnie's not on trial," he said. "Hunting's on trial—hunting and guns. The damage has already been done" (Kloehn, "Hunters Keep" 1).

The death of Karen Wood, indeed, had tainted the sport more seriously than had all previous Maine hunting fatalities combined. With the shot that felled a young mother on her own residential property, sacred local order clashed violently with a more potent global order, one that places the enduring reverence for human life and the sanctity of one's home above the ephemeral pleasure of sport. "Karen Wood went out in her own backyard with the belief that this is America where each citizen is supposed to be secure in their own home and on their own land," wrote one Bangorite (Fisher 11). Beyond this transgression, the killing of a non-hunter and recent transplant confounded the part of Maine tradition which holds that in "insider-outsider" interactions, natives are typically victims of exploitation and aggression by "people from away."6 To expunge the symbolic stain of Wood's death from the sport of hunting and the way of life it represented demanded a corresponding symbolic cleansing ritual to purify this autumn ritual and to restore community order.

**Symbolic Redemption**

The motivation for symbolic redemptive acts, Burke argues, is identification with the sin, so Maine hunters, in particular, felt the burden of Wood's killing. As one voiced in the local paper, "It made us feel guilty as hunters in general" (Kloehn, "A Controversial Tragedy" S1). Although many hunters shared a sense of complicity in Wood's death, they chose divergent paths to absolution, paths whereby the role of operative agent in the scene and, therefore, the corresponding negligent act, was assigned to different principal characters. In both cases, act, agent, and scene are inextricably linked. Birdsell argues that reconciling the dialectical incompatibility of "scene" and "act" can occur only via a third pentadic term, a coordinating term
In responses from both camps in the controversy, "agent" emerges as the third pentadic term—the coordinating term—between "scene" and "act."

Mortification

Some Maine hunters elected to purify themselves and their sport by admitting Rogerson's sin, a process Burke terms "mortification" or self-sacrifice (Religion 190–93, 206–207). Central to the rite of confession is recognition of the choice to act, which presumes an agent is moral and accountable, therefore capable of "sin." In the symbolic mortification ritual, Rogerson's act is negligent when viewed through a scene-agent-act relationship in which Rogerson as rational agent both dominates and coordinates scene and act. Rogerson, rather than Wood, failed to account for the physical scene. "A hunter who does not take the time to positively identify his or her target is a dangerous, inept idiot" (Edwards), said one hunter, a view echoed by many. To some, symbolic contrition demanded decisive, penitent acts of their own. A few vowed "never to hunt again," and one declared, "I don't plan to ever pay $16 for a hunting license again. My defense, if caught hunting without a license, will be that I have strong moral objections to holding a license that would allow me to shoot a human" (Merrill 15).

Victimization

Yet Rogerson as sinner was an agonizing fit for others in the state who strongly identified with the native Mainer, veteran hunter and Boy Scout leader. "I realized that I could have been standing in his boots when that fatal shot was fired," wrote Tom Hennessey, local sportswriter for the Bangor Daily News ("A Hunting Tragedy" 10). Exempting Rogerson from blame, however, left only Karen Wood, the victim, to provide some citizens with what Burke calls "catharsis by scapegoat," a symbolic process in which guilt is transferred to vessels "outside" (Religion 191).

To society at large, the personable, devoted young mother seems an unlikely candidate for villainy. Yet, we shall argue that she was, for many Mainers, what Burke would term "the 'perfect' enemy" (Language 18; Permanence 292–294; Philosophy 209). A non-hunting woman "from away," the wife of a Ph.D., and someone who lived in a residential area carved out of wilderness, Karen Wood could be molded to incarnate the forces that threatened a local order. Still to others who blamed Wood for her own death, the photos of the smiling, attractive young mother embracing her infants in their recently completed dream home may have been haunting for reasons beyond collective guilt and social resentment.

Through an examination of the symbolic implications present in both the physical and metaphysical scene of the Wood tragedy, we argue that those who lived dangerously near hunting territory also identified with the sin, but from the vantage point of Wood, the sinned against. For these persons, the tragic end to what seemed a storybook existence begged for a more comforting explanation other than a hunter's blatant negligence. Again, Wood was the "perfect" scapegoat: the troubling similarities these residents shared with her were offset reassuringly by important differences. Unlike themselves, Wood was an "outsider," reversed in the local hunting culture and the accompanying behavioral expectations that they believed would guarantee their physical safety.
For many Mainers—hunters and non-hunters alike—only through a "symbolic killing" could the disturbing aspects of Karen Wood's actual death be rectified. Consequently, some who had never fired a gun joined forces with many hunters apparently for their own psychological protection. If Karen Wood had somehow caused her own death, hunting, hunters, and non-hunters all became "safer." Moreover, exonerating the native Mainer and indicting the newcomer would maintain a tradition that accrues natives power through victim status, a phenomenon some scholars argue is common to socially and/or economically oppressed groups. Eschewing responsibility, Burke claims, typically means transferring responsibility on another. "Victimization," he says, "enables persons to 'project' upon the enemy any troublesome traits of our own that we would negate" (Language 18–19). For some Maine citizens, the "troublesome traits" that needed transferring to Wood included collective guilt over her death as well as a sense of social insecurity and physical vulnerability.

THE SYMBOLIC KILLING OF KAREN WOOD

Without question, Rogerson fired the fatal shot. Yet, as our analysis will demonstrate, his apologists symbolically transformed the act and reversed the roles of agent through two kinds of scenic perspectives: the first highlighted, omitted, and embellished the physical scene; the second interpreted the events through a metaphysical scenic perspective of symbolic territory. Defenders of Rogerson and accusers of Wood reversed the roles of operative agent and victim by featuring scene in the relationship of scene, agent, and act. Although scene becomes the featured term, the scene functions to define the agents and, in turn, the act. As Burke (Religion 176) and later Birdsell (276) suggest, the terms are interrelated and their boundaries permeable; altering one enables the altering of others. Hence, Rogerson as hunter becomes absolved because of the controlling nature of the malignant scene, a scene recast in such a way to make his behavior explicable. Conversely, Wood assumes the role of agent because her behavior was not consistent with the constructed scene—the symbolic territory of hunters in which Rogerson was merely an element. Consequently, rather than victim, Wood is portrayed as trespasser, a portrait that renders her action negligent and transforms Rogerson into a victim of her carelessness.

THE PHYSICAL SCENE

For over a year after the shooting, local media stressed that Donald Rogerson was an accomplished hunter who had been hunting legally. He had been dressed in regulation fluorescent orange and had been hunting in daylight in an area that was not posted against hunting (Warner, "Rogerson Pleads"). However, because he did not hold a doe permit, he was obligated to identify his target as a deer with antlers—a buck—in order to avoid costly fines (Kunstler 59). Yet Rogerson admitted he had fired at "flags," the flashes of white undertails for either does or bucks. Despite this admission, coupled with later revelations that he had fired illegally close to residences, his sympathizers argued that his action was mitigated by elements of the physical scene, which they recast in significant ways.
Absolving Rogerson

Because one aspect of Rogerson's hierarchial "sin" was violating the sanctity of another's home, his defenders reduced the conception of "home" in dramatic ways. In so doing, they reconstituted the location of the killing so as to absolve Rogerson of guilt. Repeatedly, the Bangor Daily News (Warner, "Rogerson Indicted"; Weber 1) reported that the shooting had occurred in "woods near her home" or "wooded property behind her house" rather than in Wood's "backyard" (emphasis added). The territorial distinctions implicit within the substitution were significant to restoring a psychological sense of territorial order.

Local editorial policy points to the importance of the physical scene in influencing public perception. Following Rogerson's indictment, V. Paul Reynolds, the News's managing editor and self-described "devout deer hunter," issued a memo to reporters and editors assigned to the story and to the Maine bureau of the Associated Press. Reynolds wrote: "To me, and I think to the average reader, the term backyard confers an image of a person on his lawn or within eyeshot of his house." He added

There is 20 feet of grass between Wood's house and the woods. Wood was 134 feet (45 yards) from her house, or 114 feet (38 yards) into a wooded area when she was shot. In short, Wood—no matter how many times repeated by media coverage—was not in her "backyard" at the time of the shooting. (Diamond, "Where Karen Wood" 15-16)

Although Reynolds concedes he had not personally visited the shooting scene, he, nonetheless, defended his newsroom ban on the term "backyard." The editor contended that the word "backyard" gave the impression "she was shot in her chaise lounge. She wasn't" (Diamond, "Where Karen Wood" 15). During the trial, the paper's reporters "thought it best to explain" to those with the impression that Wood "was standing on her patio" that she had, in fact, "walked away from her house and into a thinly wooded area bordering denser woods" (Weber 1, emphasis added).

Placing Wood near dense woods, rather than in the clearing of her yard, also made more plausible Rogerson's defense that he had become disoriented about his location, a factor the jury cited in their decision to acquit (Kloehn, "Jurors Believed" 1). As Burke (Grammar 142) explains, contemplation historically is considered within the realm of action and, hence, the moral. Although Rogerson's admitted confusion made his decision to fire even more imprudent, a jury member found testimony of another hunter who had been hunting nearby "particularly telling." Earlier in the day of the killing, the witness had told Rogerson that becoming turned around in the area was easy to do (Kloehn, "Jurors Believed" 1). Furthermore, despite the clearness of the afternoon (which Rogerson himself alluded to several times during his arrest), a local columnist emphasized "what the diffuse lights and shadows of woodlands do to dark clothing regardless of the time of day" (Hennessey, "A Hunting Tragedy" 10). With Rogerson devoid of consciousness—"in the dark" figuratively and almost literally—his apologists exonerated him of negligence because no real choice had taken place. Consequently, such descriptions of the physical scene absolved the hunter of moral responsibility.

Moreover, a picture of the immediate scene as malignant and controlling is augmented by early newstories quoting Rogerson's friends who "described the defendant in glowing terms and said the incident was uncharacteristic of him"
(Warner, “Hunter Charged” 1). As Birdsell, too, argues, a focus on scene can point to “forces operating upon the agent to make it not-the-agent, to make it different” (276). Highlighting Rogerson’s ordinary kinds of behavior suggests that extraordinary circumstances must have accounted for his clouded judgment, circumstances most easily ascribed to scene.

Once Rogerson was firmly situated in “the woods,” his own hunting territory, his defenders then embroidered elements of that scene to make his behavior consistent with it. The fact that no evidence of deer had been found in the immediate area of the shooting was summarily dismissed. The defense attorney argued that the team of game wardens possibly had obscured the evidence during their search (Warner, “Prosecution Rests 1”; Kloehn, “Jury Finds” 1). The jury concurred (Kloehn, “Jurors Believed” 3). “The deer being there was a big factor,” one juror explained. “We all believed he saw a deer. We felt the state didn’t prove otherwise” (Kloehn, “Jurors Believed” 3; Goodman 35). Accepting only the word of the same man who admitted to shooting a woman he “saw” as “two deer,” the jury viewed Rogerson’s behavior as reasonable, rather than reckless. Because Rogerson identified the buck deer, they claimed, the second shot at the “two white flags” followed logically. “In that sequence, it seems to make sense,” one juror argued (Kloehn, “Jurors Believed” 1).

Rogerson’s absolution was eased by a symbolic transformation of the literal scene: A backyard clearing sparsely dotted with tree stumps and saplings (Hope 96) was transformed into dense woods; afternoon sunshine was transformed into diffused and shadowy light; and unsubstantiated testimony regarding the presence of deer was transformed into reality.

**Implicating Wood**

Manipulating the physical scene merely to absolve Rogerson, however, was insufficient for accomplishing the victimization ritual. By definition, victimization requires an agent. Thus, aspects of the literal scene had to be selected, emphasized, and interpreted in a way to reverse the victim roles of the principal characters. Transferring culpability from Rogerson to Wood required that her presence in the physical scene be both participative and contaminating.9 Once in “the woods,” she no longer was allowed to behave as one may at home but was governed by rules regulating hunters in their territory. Although Maine law requires only hunters to wear blaze orange, Wood was indicted repeatedly for not wearing the brightly colored clothing. “I can’t help believing,” said local sports columnist Hennessey, that if she had been wearing one piece of orange clothing she’d be alive today,” a view repeatedly expressed by others. “Just think how different the Karen Wood story might have ended,” wrote one hunter, “if she had grabbed an orange hat instead of a pair of white mittens” (Smith 11).

Moreover, whereas Rogerson’s disorientation apparently imbued him with innocence, Wood was not allowed the luxury of being confused or even unaware. To many, Wood’s mere presence outside during hunting season was sufficient indication that she was not innocent of the danger surrounding her. Neighbors reported hearing only the two rapidly successive shots, one of which killed Wood, and Rogerson admitted to firing only twice. Nonetheless, speculation circulated that Wood had heard shots close by and had ventured outside to warn the hunters away
from her home (Weber 1). Although admittedly uncertain about why she was “in the woods,” investigators noted that her apparel—a jacket and gloves in mid-November—suggested that her behavior was “not spontaneous” (Warner, “Hunter Charged” 2). Possible reasons for Wood’s presence outside were elevated by some to unqualified fact. A case in point was one woman’s detailed and dramatic scenario, which she supplied to the local paper:

Please look at the facts. This woman knew there were hunters out there. In fact, she was going out to tell them they were too close to her house yet she went out in dark clothes with white mittens instead of putting on something orange. She was not just in her “backyard,” she was walking through a wooded area and evidently she was fairly quiet doing it when she should have been yelling something like “excuse me!” (Jackson 17, emphasis added)

Likewise, a local columnist argued that the main issue in the shooting was lack of good judgment. Yet, he too focused his criticism only on Wood. “Mrs. Wood was concerned with hunters near her house and justifiably so [as] some people will risk shooting anywhere, but did she really use common sense going in to the woods dressed as she was?” (Leavitt 11) In these arguments, important inventions helped shift the focus from Rogerson’s failure to identify his prey to Wood’s failure to clarify she was not prey. Hence, the moral act of contemplation, therefore accountability, for responding to the literal scene was exclusively Wood’s.

Perhaps most significantly, Wood was depicted as having tempted Rogerson, in effect, having disguised herself as compelling prey. Based only on Rogerson’s account that Wood had “put her hands over her head” (“Rogerson Interview” 1), critics of Wood flatly argued that she “stupidly” “presented herself as a target” (Clark 142). “She made a mistake!” trumpeted a local media commentator, “she never should have had on white gloves to wave” (Kunstler 60, emphasis added). To one sports columnist, Wood’s inviting appearance extended even to her “dark hair” (Hennessey, “A Hunting Tragedy”). In these accounts of the literal scene, Rogerson was reduced from a moral, thinking agent to an organism who merely responded to external stimuli much as animals, for example, salivate in the presence of food. Rogerson became a hunter in the more global and primitive sense of the word; his behavior, rather than rational, was a reflex reaction. As Burke notes, “‘Action’ is to ‘motion,’ as ‘mind’ is to ‘brain’” (Religion 39). Rogerson’s capacity to think, therefore to “act,” was restricted by a scene which stimulated the appetite, what Burke terms the “carnal” rather than spiritual will (Religion 110). As a result, the logical inconsistencies of Rogerson’s account remained untested and unresolved. For example, his failure to identify Wood as a person rather than a deer belied his claim that he had seen her exhibiting the specific behaviors he described (putting her hands over her head), a glaring contradiction that neither his supporters nor the local media addressed. Nor did they explore his failure to recall why the mittens were found beside Wood’s body rather than on her hands. Most important in the accounts was the depiction of hierarchical claims of nature: Rogerson was responding to his nature as a hunter, whereas Wood was tempting nature. She, rather than he, had violated order.

Through a careful construction of the physical scene, a more potent metaphysical scene was allowed to emerge, one that was crucial to completing the restoration of local order. These responses that focused on Maine traditions and heritage specifically, supported and expounded upon a metaphysical scene in which symbolic territory
was controlling. Expanding the parameters for hunting “territory” to include symbolic dimensions was necessary for neutralizing Rogerson’s hierarchical transgressions. For many citizens, the figurative corollary to the “wooded area” in Maine was the proverbial Garden of Eden: a calculating Eve had seductively fooled an unsuspecting, even confused, Adam and paid the price in pain for her sin. Like the symbolic Eve who introduced suffering into paradise through contact with evil outside of it, Wood, in effect, personified a threat to a perfect community order, a threat that must be destroyed before it becomes destroying.

THE METAPHYSICAL SCENE

Community Perspective

Central to explaining why the physical scene rendered Rogerson less accountable and Wood more accountable is the notion of “turf,” which is based on community hierarchy and is constituted by factors other than actual ownership of property. Rogerson’s act and the physical scene itself became forcefully transfigured through symbolic territory, which always combines both physical and metaphysical elements. To many Maine citizens, “Maine is a hunting state,” which they interpret to mean that all Maine land reverts to hunters during the month of November. The right to live safely and freely, even on one’s own property, is superseded by territorial claims of hunters accrued them through the community traditions. A trio wrote to the local paper that homeowners can “walk on [their] land the other 11 months of the year” (Irving et al. 11), a view that Rogerson himself advanced. “Sometimes we have to take measures that do infringe on other people’s rights,” he said. “Maybe in the month of November, is it such an infringement upon your freedom to put away that white coat, or a tan coat maybe with a fur collar or something?” (Warner, “Rogerson Reflects” 7) Likewise, in his regular sports column, Hennessey argued that persons moving into rural areas must acclimate themselves to the “rights of hunters” and “must accept the fact that during the month of November they should not walk woods roads, work in woodlots or fields, or allow children to play in areas bordering woods without wearing at least one piece of blaze-orange clothing” (“A Hunting Tragedy”). In these representative arguments, autonomy and literal ownership of property was supplanted by symbolic territorial rights which were defined and protected by the dominant members of the specific community. As Burke explains, “Actual control of a property differs from nominal ownership of it. . . . Where the control resides, there resides the function of ownership, whatever the fictions of ownership may be” (Rhetoric 33).

As a hunter and a native Mainer, Rogerson himself helped comprise the Maine hunting culture. Consequently, rather than an agent, he was viewed merely as an element in the cultural scene itself, an image that insulated him from blame and one that his defenders promoted with scenic metaphors borrowed from nature. One sports columnist obliquely compared the shooting to a “limb falling out of a tree” (Kunstler 60). Even more telling was one observation that blaming the hunter for shooting Wood during hunting season was analogous to going skating on thin ice and blaming the ice after falling through (classroom discussion 12 Apr. 1989). Via these metaphors, Rogerson becomes merely part of the natural landscape—a thing rather than a rational being—and his behavior is reduced to unavoidable, choiceless
motion. In the latter case, only Wood remained an agent, a skater choosing to interact with the ice—Rogerson.

Similarly, other analogies used to explain the event also focused on scene but alluded specifically to heritage and traditions in a way that placed fault exclusively on the victim, who was portrayed as a trespasser of literal and symbolic territory. In these comments, “turf” constituted literal place (the physical scene) and also metaphysical factors such as nativity and/or residence and time. “I say when in Rome do as the Romans do,” said one hunter. “The common knowledge around here is that you don’t go into the woods during the fall without putting orange on” (“Hunting State”). Likewise, Rogerson’s hunting companion compared Wood’s “irresponsible” actions to those of a native Mainer who recklessly risks safety by walking in New York’s Central Park at 3 a.m. (Bishop). Again, in these arguments, individuals who comprised the specific community (natives or residents) merely are scenic elements rather than agents. Conversely, individuals interacting with the dominant group retain their status as active participants. Scene functions to define the agents and their corresponding behavior: “Action” is assigned only to the alien—the agent who is set against the scene; “motion” is reserved for the natives, those submerged within the scene. Hence, by viewing the events of the shooting through a lens in which turf is comprised of factors such as nativity and time as well as literal place, Rogerson could be exonerated of his territorial transgression because he had committed none. Rather, the territorial violation was the “outsider” Wood’s alone. “I don’t think that man is guilty,” an excused prospective juror argued. “That woman. It was hunting season” (Warner, “State vs. Rogerson” 3).

Rogerson’s own statements reflected a scenic view of his role in the tragedy. Repeatedly, he depicted himself as a being acted upon rather than as an actor. He was, he argued time and again, “a victim of circumstances” (Warner, “Rogerson Reflects” 7). Shortly after the verdict, he responded to his detractors: “If I had [had] a clue that this could happen to me, I never would have hunted in the first place” (Warner, “Rogerson Reflects” 7). Because he believed he had committed no act, much less a “sin,” Rogerson neither admitted guilt nor labored under it. “I say I was not neglectful. If I was negligent, I wouldn’t be able to sleep nights” (Weber 1).

Rogerson’s deterministic philosophy is vividly revealed in this contention that God had a reason for thrusting him into Maine’s most notorious hunting fatality, a symbolic role he did not relish but to which he was resigned (Warner, “Rogerson Reflects” 7). Rogerson continued his transformation from agent into an agency for God’s purpose by speculating on Divine intent: his plight, he concluded, could let other hunters see that “it” could happen to them as well (Warner, “Rogerson Reflects” 7).

Besides absolving Rogerson from sin, the suggestion that God had choreographed the hunter’s behavior reflects an underlying premise that the shooting and its aftermath was and is rooted in a metaphysical conflict between the forces of good and evil. As an agency for God’s will, Rogerson’s personal anguish and that of his family was magnified because it was predicated on his persecution, not on his behavior.18 In this sense, the hunter transcended his status as hapless victim in order to assume a role of martyr in the secular crusade to preserve the state’s way of life against sinister agents bent on destroying it. “The incident is a new political cudgel in the hands of anti-hunting activists,” opined the Bangor Daily News, adding that
“hunters do not have to be reminded that they are in the minority” (“A Double Tragedy” 8). Roger Viafiades, Rogerson’s defense attorney, described his client as “a victim of merciless publicity that has made him a target for anti-gun and anti-hunting forces” (Harkavy 5). Some even borrowed religious terms, such as references to crucifixion, to describe Rogerson’s torture (Kloehn, “A Controversial Tragedy” S1) and ascribed it to “the will of the non-hunters and do-gooders and also the flatlanders” (Weymouth 17).

Many arguments were framed in an “us versus them” struggle. “They,” the outsiders, were charged with culpability for hunting accidents by virtue of their contaminating presence on lands that were once wilderness. “I think they have hurt [Donald Rogerson] long enough,” one citizen claimed. “A few years ago we never heard about hunting accidents. Doesn’t that tell us something? Out-of-state people buy land and build right in deer yards. I would hope the state of Maine and its people would think of our own and less about out-of-state money” (Dowling 17, emphasis added). The most malevolent outsider role was delegated to Kevin Wood, Karen Wood’s widower. “I hope Kevin Wood gets some counseling before his hate he apparently harbors for Maine and its citizens destroys his twins’ other parent,” wrote one woman to the local paper (Diamond, “Lessons Learned” 17). Just as Rogerson symbolically embodied the heritage of Mainers and the suffering they endured in trying to preserve it, Kevin Wood represented perhaps the greatest evil of all: the “system” that threatened the sacred local order. Rogerson’s hunting companion angrily argued that the turmoil over Rogerson and hunting continues “because Kevin Wood has refused to let it die” (Kukka 21), presumably because he sought redress through the courts. Said one woman, “I wonder if Karen Wood would have wanted her husband to pursue this man with such a vengeance. . . . This is just another example of our sick justice system . . .” (McKinnon 15). Like a modern-day Job, Rogerson refused to falter under suffering he painted as undeserving and “system”-based. After the verdict, Rogerson himself declared that “I’ve had public ridicule.” But then Rogerson added that if he and his family would have let the event change their lives dramatically then they would have been “giving in to the system or to society” (Warner, “Rogerson Reflects” 7). The result is that he, in essence, transformed his refusal to admit responsibility for his action into a moral act of stoicism.

Despite Rogerson’s adamancy that he refused to “blame” Karen Wood or “say anything negative about the Wood family,” he intimated in the same breath that she had erred rather than he. Although he claimed that “she was just as much a victim of circumstances as I was,” he added that the time had arrived to require “anybody that is in legal hunting territory to wear blaze orange. . . . If there’s any one signal in the woods, any signal that’s going to trigger [that] something isn’t right or where it’s supposed to be, blaze orange is that signal” (Warner, “Rogerson Reflects” 7). Again, a scenic recasting was significant to transferring culpability and assigning moral action. He clearly and erroneously suggested that he had been hunting “in legal territory,” while Wood was where she was not “supposed to be,” “in the woods.” Through these invented qualifiers, his claim that he did not blame her became transformed into a moral act of forgiveness. He assigned positive moral action to himself and negative moral action to Wood.

With the Woods, out-of-state people, non-hunters, and the pervasive and evil
"system" as guilty perpetrators and Rogerson as victim, the second important aspect of the local cultural order was restored: natives were again the victims and outsiders the victimizers. The symbolic redemption cycle was complete.

Yet, although the battle may have been won for Rogerson and his champions, the war was far from over. The accounts of the cultural conflict continued. As with earlier versions, these later responses to a changing culture echoed themes of the Jeremiad: a Puritanical sermon that detailed a community's failure to live up to communal norms, the catastrophes that resulted, and the utopian vision if individuals repented and reformed (Johannesen 158).14 A local sports columnist detailed the "great days," those Edenic times before "outsiders" polluted paradise. "'No Hunting' and 'No Trespassing' signs were scarcer than fireflies in February," he wrote. "Hunters, non-hunters, farmers, and landowners got along fine." But with the "Marketing of Maine," he recalled, "waves of anti-hunting sentiment began rising across the state," causing "ripples of bitterness and resentment" between the "opposing cultures of natives and newcomers." Many of those transplants, he argued, "intended to recreate what they left behind," which "included banning hunting." A return to the communal traditions could only be realized, he concluded, if hunters and other concerned citizens became "as vocal and active as those who have taken it upon themselves to put an end to the time-honored Maine traditions of hunting, trapping, fishing, etc." (Hennessey, "Words" 15).

Universal Perspective

Although this essay has focused on local tradition and nativity as elements of hierarchy, claims of territorial ownership are almost always informed by other dimensions of status besides residence/nativity or local customs. For example, holding the female Wood accountable for the tragedy that befell her was easier to do because of a universal propensity to blame women for acts of violence visited upon them, especially when women unwisely venture into dangerous areas or male "turf" without legitimating accompaniment. Ironically, Wood's gender, which made the death of a young mother so intensely tragic and threatening, is also that which made it simpler for many people to explain. As woman, Wood embodied the complex incongruous relationship of "goodness" and "badness" universally assigned to females. In Wood, the virgin-whore dichotomy took the form of mother-temptress. Manipulation of the physical scene was useful in subordinating Wood as "mother" and calling forth the darker side of Wood as calculating "temptress." The domestic sphere of babies, home, and backyard was replaced by the public and profane dense and shadowy woods, the symbolic territory of the hunter, the male.

Although recasting a scene is clearly useful in absolving one agent and indicting another, doing so may not be essential if power differentials inhere in the principal characters.15 Historically, women as well as other groups lower on the social strata have been defined in terms of "their place," which refers both to how they are allowed to act and where they are allowed to go. In fact, for women, "action" has traditionally been interpreted through "scene." In the nineteenth-century, for example, women speaking in public was sometimes acceptable if the audiences were women, but the same "act" was considered indecent if the audiences were "promiscuous" or mixed (Welter; Cott; Kradiator). In our more enlightened age, the identical physical scene may still render certain kinds of agents more accountable for
their behavior and others less so. The mix of men, women and alcohol at social gatherings, for example, is too frequently invoked to excuse males of violent behavior against female victims charged with inviting the attack by virtue of their joining in the scene, as two recent cases in Maine attest. In fact, echoing disturbingly in the accusations lodged against Wood are arguments that justify sexual assaults on women who enter sinister territory alone, wear seductive clothing, and/or fail to clarify to their assailant that a violent act is undesired. In the case of Karen Wood, the danger of “a wooded area” “during hunting season” is exacerbated by her provocative mittens and her failure to utter a resounding symbolic “no” to her shooting by wearing uninviting clothing: blaze orange. As Rogerson himself argued, “White brings to mind the possibility of a deer. Orange is a danger signal. It’s that . . . black and white” (Warner, “Rogerson Reflects” 7, emphasis added). Indeed, the belief that the victim “asked for” her own death becomes literally interpreted in an observer’s comment that Wood was “stupid” for running into the woods, and in his words, waving her white-mittened hands, and yelling “shoot me, shoot me!” (classroom discussion 12 Apr. 1989). Although many defenders of Rogerson adamantly dismissed the sexual assault analogy, some outside of the local media noted the similarities. “Blaming the victim, in this case a woman,” wrote one reporter, “is an ugly tactic usually reserved for victims of rape. Rarely are hunters who are accidentally shot by a companion blamed for their own misfortune” (Kukka 21). Of the three Maine hunting fatalities of the previous season in which male humans were mistaken for animals, two resulted in convictions and jail terms, one of which involved a non-hunter victim (Clark 158; Kunster 118).17

Although blaming Karen Wood for her own death is inarguably disturbing, this situation is not an anomaly. Bewilderment over the debate and the hunter’s acquittal fades into recognition when Bensonhurst is substituted for Bangor or the hunter and non-hunter, native and non-native division is replaced by white and African-American, Gentile or Jew, Catholic and Protestant, African-American and Asian, male or female, or have and have-nots. Humans, Burke argues, are inherently tribal, which means that individuals protect their own kind, their own community, society, or culture, against that which is alien. The social scene defines the agent, which in turn defines the act.

CONCLUSION

This case study supports earlier studies (Ling; Birdsell) that argue a scenic perspective can transform an agent’s actions into motion, thereby providing absolution. By extending our analysis beyond the use of a single text, we have once again confirmed the value of this scenic interpretation. At the same time, this analysis suggests that a scenic perspective can accomplish the reverse—transforming motion into action—depending upon the qualities associated with or inherent in the “agent,” the coordinating term here between “scene” and “act.” Hierarchical status of an agent within a specific social scene may be central to determining when a scenic perspective can be employed to assign “sin” as well as to remove it. When the identical physical scene engenders polar interpretations of an “act,” only the coordinating term of “agent” and its accompanying power within a particular social order can account for the variation. In short, the agent’s relationship to the scene may determine whether scene may be used successfully as alibi. Rogerson is defined by his intimate connection to the community in which he operates. He is at once
controlled by scene and submerged in it. At most, he becomes an agency for a purpose orchestrated by a higher power, a means to clarify to natives the destructive forces at work in their state. Conversely, Wood is defined as an “outsider” by her inability to share in a culture in which nativity and commitment to hunting tradition were membership requirements. A physical scene constructed and interpreted through a metaphysical scene defined by community norms, traditions, and native membership does not allow the outsider Wood to participate in it other than as a contaminating force. Because she was set against scene, she was not allowed, as alien, to be controlled and therefore absolved by it.

Given a quite different social backdrop and/or differing social status, Wood may have been the “insider” and Rogerson the “alien,” yielding a different interpretation of act based upon the literal scene. But in Maine, traditions inherent in the scene helped define the roles of victim (Rogerson) and victimizer (Wood) even before the act occurred. As a result, the physical scene was less important than the metaphysical scene, allowing elements of the former to be embellished or ignored. In this sense, the acquittal had less to do with literal scene or act than with community norms and traditions, which defined “agent” and thereby assigned guilt. The casting of the literal scene merely augmented this a priori conception of agent.

NOTES

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1 We use “buff” rather than the commonly reported “white” based on one author’s eyewitness examination of the mittens. Additionally, a local reporter described the critical evidence as it was introduced in the trial: “large, cream-colored, knit mittens, with palms made of dirty, buff-colored suede.” The reporter added, “From the time of the shooting, Rogerson has suggested that the two flags he thought he saw—the white tails and rumps of deer—might actually have been those mittens. In the brightly lit courtroom, however, it was difficult to see the resemblance” (Kloehn, “Mittens” 3; see also Warner, “Rogerson’s Companion” 3; Kloehn, “Defense Grills” 1).

2 Burke concedes the dual identifying nature of “property.” On the one hand, he argues, property is clearly materialistic or scenic. But Burke adds that “in the surrounding of himself with properties that . . . establish his identity, man is ethical. ‘Avarice’ is but the scenic word for ‘property’ translated into terms of agent’s attitude, or incipient act” (Rhetoric 23–24).

3 Burke, in fact, compares a materialistic focus to the animal conditioning or instinct of a dog responding to a food signal (Rhetoric 24).

4 For these Mainers, the concept of “nativity” is akin to a unification device Burke calls “inborn dignity,” the purported natural-born superiority inherent in races, genders, or aristocracies (Philosophy 202).

5 Much of the media coverage of the Karen Wood killing noted the attitudes of native Mainers toward non-natives, and many on both sides of the debate cited class conflict and residential development issues as contributing factors to it. To supplement the citations included in the text, which clearly reveal this attitude, we offer two additional examples. A couple wrote to the Bangor Daily News on December 15, 1998: “Are ‘Maine natives’ becoming a minority in our own state? We think so. We understand Maine is growing, but why can’t Maine people afford to buy here? . . . We’ve read letters that indicate certain ‘transplants’ don’t like the laws here. . . . If you don’t like hunting, fishing, or trapping, and think ‘blue laws’ are stupid, what are you doing here? . . . Don’t change our heritage, change yours!” (Shortt 15) In a July 1985 article appearing in Downeast magazine, James P. Brown underscores the importance of the relationship between Maine tradition and property rights through an examination of a legal conflict over beach property. According to Paul Stern of the Maine Attorney General’s office, the central focus of this intrastate battle involved a clash between owners who wanted to restrict access to their property and those who claimed that Colonial law and practice have established a “right” to access that is “part of the heritage of the people of Maine” (82–83).

6 Pure identification, Burke argues, does not result in strife. But because differences always exist in property issues, they nearly always lead to division and dispute. “When two men collaborate in an enterprise to which they contribute different kinds of services and from which they derive different amounts and kinds of profit, who is to say, once and for all, just where ‘cooperation’ ends and one partner’s ‘exploitation’ of the other begins? The wavering line between the two cannot be ‘scientifically’ identified; rival rhetoricians can draw it at different places, and their persuasiveness varies with the resources each has at his command” (Rhetoric 25).
This view has been expressed by psychologists in the area watching the case. Dr. Tim Rogers claimed, "No one wants to believe that a thing like that can happen to a woman who had everything going her way. I mean, if something like that can happen to someone with so much on the ball, what about the rest of us? It means that anything can happen. So we want her to be responsible so we can feel safe" (Clark 143). Dr. John Lorenz, a psychologist who lives within a mile of the shooting scene, reiterated Rogers’s analysis (personal communication 15 Dec. 1990).

Sociologist Shelby Steele, for example, contends that "the dynamic on the part of blacks is a clinging, at all costs and beyond reason, to a victim-focused identity" even when evidence to the contrary is compelling in specific cases. Steele argues that "innocence" is achieved "via victimization," the latter of which "transfers into power." Groups locked into victim status as a source of power are "reluctant to give it up," he claims, even though it "inadvertently means not taking responsibility" (Roberts).

The concept of Burke variously terms "contamination," "poisoning" and "pollution" appears in numerous works. A vivid example of the pollution-scapegoating-redemption cycle is contained in Burke’s "The Rhetoric of Hitler’s Battle" (Philosophy 191–220). This concept also appears throughout Burke’s The Rhetoric of Religion. See Rueckert (279–282) for a more general interpretation of the concept.

We found only one media story that mentioned Rogerson’s inability to explain why the mittens were found beside Wood’s body. The Maine Times of 10 Nov. 1989, addresses the concerns of John Giroux, a member of HAD ENOUGH (Homocides and Accidental Deaths: End Numbers of Growing Homocides). Giroux argues that if Wood had been carrying the mittens, they would have been flung away under the impact of the bullet. And if they were in her pockets, they cast doubt on Rogerson’s story and open questions as to who put them beside her body and why. No other paper noted the inconsistency, and media accounts did not indicate that it entered into the trial debate.

Burke notes that Natural Law historically was one expression of the Will of God (his capitalization), and that a natural order dictated superiority of one group over another. In his analysis of Mein Kampf Burke argues that Hitler depicts Aryans as obeying nature while Jews demonstrate their "arrogance" by trying to conquer nature through democratic ideals of equality (Philosophy 208–209).

Such arguments reflect the contention that natural order does not recognize democratic ideals of equality as discussed in footnote 11.

For a discussion of persecution paranoia, see Philosophy 213–214.

Similarities between the Jeremiad and Burke’s sin-guilt-purification-redemption cycle are evident in "The Rhetoric of Hitler’s Battle" in which Burke argues that, above all, observers must recognize Hitler’s "bastardization of fundamentally religious patterns of thought" (219).

Race and gender are more pronounced examples of what Burke terms “inborn dignity” described in footnote 4.

A few weeks after the Rogerson verdict, a Maine prosecuting attorney refused to press charges against four Navy men who had allegedly gang raped a Bowdoinham teenager, all of whom had been drinking. That the sexual assault had occurred was unquestioned, but the district attorney declined to press charges using the rationale that "Saying ‘no’ is not enough. There has to be some sort of force or threat of force..." (English 15). More recently, a University of Maine student was acquitted of a sexual assault that occurred at a function involving alcohol. Again, the assault itself was undisputed. The defense attorney argued, however, that the use of alcohol impaired his client’s judgment as well as suggested the victim’s complicity (Ordway). Such a defense is not peculiar to Maine, however.

The Karen Wood killing was a unique hunting fatality in Maine, not in that she was a non-hunter, non-native, but because she was those things and female as well. We contend that, as a result, the legal road to justice itself was unique. A Bangor attorney commented following the first grand jury’s failure to issue an indictment: "I’ve been around here since ’72, and I’ve never known of a hunter death when there hasn’t been an indictment" (Kunstler 119). The other recent hunting fatalities in Maine all involved male victims, only some of whom were hunters.

The utility of emphasizing a physical scene in certain contexts and a metaphysical scene in others is suggested by Burke: "One knows when to ‘spiritualize’ a material issue and when to ‘materialize’ a spiritual one (Philosophy 216).

Works Cited


