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May 2011

Dissertation submitted in partial fulfillment for the requirements of the BSc (Hons) Crime & Criminology degree
Dissertation submitted as partial requirement for the award of: 
BSc (Hons) Crime & Criminology

Title: Doubly deviant, doubly damned?: The Response to Violent Female Offenders.

Submitted by: Shelley Dove

Declaration: I confirm that, except where indicated through the proper use of citations and references, this is my own original work. I confirm that, subject to final approval by the Board of Examiners of the Institute of Criminal Justice Studies, a copy of this Dissertation may be placed upon the shelves of the library of the University of Portsmouth or made available electronically in the Library Dissertation repository and may be circulated as required.

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Abstract

The research examined contemporary responses to female violent offenders utilising the ‘Doubly Deviant, Doubly Damned’ hypothesis proposed by Ann Lloyd (1995) in her publication of the same name. The research sought to examine if sixteen years on the theories proposed by Lloyd were still evident. The research focused primarily upon the criminal justice and media responses to female violent offenders which in turn have been somewhat indicative of public responses to this category of offender.

The research identified that whilst there has been a concerted drive, particularly within European legislation to ensure gender equality, public opinion is struggling to maintain pace. This appears to be illustrated prominently within the responses to female violent offenders as it appears deeply instilled and pervasive stereotypes remain persistent. The most powerful and persistent stereotype of women is that of maternal caregiver, when women deviate against these prescribed qualities, for example in cases of domestic homicide or most prominently when committing crimes against children, Lloyd’s depiction of the ‘Doubly Deviant: Doubly Damned’ female arguably still resonate in contemporary society.
Acknowledgements

Thank you for the love and support from my family throughout the duration of my studies. Their patience with my complete inability to read anything in silence is truly admirable, apologies for my mumbling, chanting and general noise pollution over the past four and a half years!

Particular thanks to my wonderful husband who does not subscribe to any of the gender stereotypes discussed in this piece- my very own domestic goddess- your hard work, care and nurturing spirit does not go unnoticed.

I would also like to give acknowledgement to my two beautiful daughters who I hope will grow with the full awareness that they can achieve anything they set their sights upon. May your confidence and aspirations not be hindered by societal expectations or assumptions of what it is to be the ‘norm’, least of all what it is to be a woman. Set your sights high, you can be anything you want to be!
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List of Abbreviations

CJS- Criminal Justice System
EU – European Union
UK- United Kingdom
Doubly deviant, doubly damned?: The Response to Violent Female Offenders.

**Introduction**

It has been suggested that there is a clear gender bias within the criminal justice system (CJS) and there has been extensive debate as to whether such biases predominantly advantage or disadvantage women (Davies, Croall & Tyrer, 2005, p.319). Otto Pollack (1950) acknowledging the influential nature of social structures proposed that gender bias within the CJS had the potential to work in favour of female offenders, particularly at sentencing stage as women might benefit from the ‘Chivalry’ of male criminal justice practitioners (Treadwell, 2006, p.95). An essential distinction to be made is that of ‘sex’ and ‘gender’, two terms which are prominent throughout this study. Sex refers to one’s biological make-up and something which is relatively fixed whereas gender refers to a social construction which is subject to social influences (Treadwell, 2006, p.92).

The impact that gender has upon sentencing decisions has been subject to much research, particularly within American Criminology. Research examining the role of gender in criminal sentencing highlighted a potential gender bias observing that frequently females are sentenced to lesser punishments than their male counterpart for the same offence (Williams, 1999, p.2). Simon and Landis (1991) found that women were less likely than men to be convicted. Amongst those who were convicted, women were suggested to be less likely to receive harsh sentences than their male counterparts (Williams, 1999, p.3). Further research by British Criminologists Hedderman and Gelsthorpe (1997) resulted in similar
findings, offering further support to gender bias theories (Davies, Croall & Tyrer, 2005, p.321). There has also been the suggestion that gender bias occurs as a result of ingrained and idealised stereotypes of women, for example the notion that women are somehow more rehabilitative than men (Williams, 1999, p.3). Another subsidiary consideration which has been argued to be evident within sentencing decisions for women is maternal capability, a consideration which would not be taken into account with male offenders (Cavadino & Dignan, 2007, p.358).

There is evidence to suggest however that when women commit offences which are perceived to violate the traditional gender role, the gender bias results in the detrimental treatment of women, particularly within criminal sentencing (Kennedy, 2005b, pp.20-21). The media representation of these women is also suggested to be adverse (Jewkes, 2011, p.5). It has been suggested that women are not only judged upon the act they have committed but also by virtue of their gender (Cavadino & Dignan, 2007, p.357).

**The Research Aim**

A 1995 publication by author Ann Lloyd entitled 'Doubly Deviant, Doubly Damned' examined the suggestion that bias against violent female offenders results in a more punitive response than that of a violent male counterpart. This, Lloyd (1995, p.113) suggests, is a consequence of her failure to adhere to approved gender stereotypes. The research will therefore attempt to offer a
contemporary analysis of the ‘doubly damned, doubly deviant’ theory to assess the CJS and media response to violent female offenders. The research will consider if the suggested female stereotypes are still evident within both the CJS and the media; and if violent women are still considered to be, and more poignantly treated as, qualitatively different to violent men.

**The significance of the research**

The proposed research is significant as there has been immense focus in recent years within both United Kingdom (UK) legislation and within the European Union (EU) upon addressing the imbalance of equality between men and women. The EU implemented a ‘gender mainstreaming’ strategy which promotes gender equality. Annual reports are compiled to monitor the progress of movement towards male and female equality and offers statistical comparisons for areas such as employment rates, average earnings and representation within political and economical positions of authority (European Commission, n.d). The new coalition Government within the UK have placed emphasis upon the drive for equality and claim to be committed to working together “to tear down the barriers to social mobility and equal opportunities in Britain, and build a fairer society” (HM Government, 2010, p.6). The Equality Act 2010, consolidated and harmonised a number of previous anti-discriminatory legislation however the Conservative and Liberal Democrat coalition claim that changing cultures and values is key to establishing true equality (HM Government, 2010, p.22).
Particular focus has been placed upon gender equality in the workplace and attempting to address the gender pay gap (HM Government, 2010, p.6). Recent years have also seen great transformation in terms of the types of work women may enter including numerous occupations previously inaccessible to women. Arguably this has served to further break down the barriers created by deeply instilled, yet often inaccurate stereotypes of women and their capabilities. Whilst legislation is seemingly in support of pursuing gender equality for the law abiding, are women actually emerging as equal to men within the CJS, in particular within sentencing decisions for women who commit offences which seemingly violate the ‘traditional’ female gender role and societal prescribed stereotypes?

**Research Method**

The proposed research will take the form of a literature review to ascertain what previous works have been conducted to review the arguments relating to gender bias within the criminal justice system, specifically at sentencing stage, and consider what implications this has upon women. Consideration will be given to the wider implications of any such biases, particularly given the significance that the law has upon public perceptions and conversely how public perceptions often shape the law. As Kennedy (2005b, p.11) observes, the law serves the difficult function of “leading public opinion yet also reflecting it”. Consideration will also be given to the representation of violent women within the media, another area suggested to be highly influential to public opinion (Gauntlett, 2008, p.1).
The research will consider academic literature predominantly originating from the UK, America and Australia due to the increased availability of this information from these countries. Case studies and analysis of CJS responses will focus predominantly upon UK crimes and laws, emulating the primary framework of Lloyd’s 1995 work. In contrast however, the research will focus in greater detail upon crimes and responses post 1995.

The Literature review will focus in Chapter 1 upon the historical depiction and social construction of women and femininity, specifically female offenders and the emergence of some of the pervasive and damaging female stereotypes. Chapter 2 will consider the role of women in criminology, in particular the development of feminist criminology in relation to criminal justice. It is hoped that the review of these two chapters will provide context to Lloyds ‘Doubly Damned, Doubly Deviant’ publication by considering the factors which may have contributed to this theory. The research will then focus within Chapter 3 upon the historical, and then more poignantly contemporary, CJS response to female violent offenders. Within Chapter 4 consideration will be given to the media response to, and depiction of, female violent offenders and include a case study of the media depiction of a female violent offender. Through conducting a thorough literature review and discourse analysis of the above areas it is hoped that evidence can be found to establish if contemporary violent female offenders are construed as both ‘doubly deviant and doubly damned’.
Chapter 1 – The historical depiction and social construction of women and femininity

**Historical Depiction of Women**

Women in general terms have historically been defined in relation to men, in their similarities, their differences or within the function of complementing their male counterpart. Furthermore, women have traditionally been defined in terms of their familial function, as wife, mother and daughter (McDowell & Pringle (eds), 1992, p.3). Historically studies into sex differences have focussed upon men, subsequently generating their findings to women (Fausto-Sterling, 1992, p.8). Early measures of masculinity and femininity worked on the premise that the two represented polar opposites, for example ideologies of masculinity embodying strength conversely led to the ideology that femininity must therefore embody weakness. Burr (1998, p.125) suggested that on this basis, if “masculinity is associated with rationality then femininity must imply irrationality”.

Consideration will now be given to several of the stereotypical representations of males and females, an area which was highlighted as of significance within Lloyd’s (1995, pp.38-36) work.

**The hunter gatherer vs the passive caregiver**

In evolutionary terms males have been defined by their dominant role of hunter and gatherer where male aggression plays an essential part of their success in completing this specific function. Conversely, women are depicted as the passive
nurturers, staying within the confines of the family setting tending to the needs of both children and husband (Fausto-Sterling, 1992, p.6.) Some propose that this is the natural order of things therefore any attempts to alter this could impact negatively upon the perceived natural order of civilised society risking a potentially disastrous disruption to the ‘accepted’ status quo (Fausto-Sterling, 1992, p.4).

Woman as the mother, nurturer and caregiver is arguably one of the most prominent and enduring stereotypes of women (Lind & Brzuzy (eds), 2008, p.121). As Lloyd (1995, p.47) observes “A mother who is seen as a bad mother can expect vilification”. Emphasis has been placed upon the significant function of discourse within social construction. Discourse in this context refers to the “formal treatment of a subject in speech or writing” (Crozier, Grandison, McKeown, Summers and Weber (eds), 2007, p.240). Burr (2003, p.122) highlighted the important role social discourses play in shaping the accepted practices and oppressive expectations of females and suggested that discourses of motherhood, family life and femininity arguably encourage women to “engage in practices which are not necessarily in their own psychological, social and economic best interests”.

**Superior males and inferior/ subordinate females**

Historically, notions of females as mentally inferior to males went unchallenged and it was accepted that women had little to contribute to political and public life.
A woman's life was traditionally one of oppression (McDowell & Pringle (eds), 1992, p.205). Women existed to serve the needs of the ‘superior male’ and were considered in terms of their sexuality and reproductive ability (McDowell & Pringle (eds), 1992, p.11). The accepted position of women was that as a result of their smaller brains and lack of judgement they had little to offer society outside the parameters of the home (Saltzman Chafetz, 2006, p.4). This arguably served to legitimise the exclusion of females from avenues of opportunity such as education. Women were considered a commodity and as such were the property of their husbands (Rowbotham, 1977, p.67; Meloy & Miller, 2011, p.38). A females economic dependence upon the husband served to strengthen patriarchal society (Rowbotham, 1977, p.47). John Stuart Mills (1869), author of ‘The Subjection of Women’ highlighted the injustice for women within traditional nineteenth century marriage, likening it to a legal form of slavery (Smith, 2001, p.181).

Women were historically rendered legally subordinate to men (McDowell & Pringle (eds), 1992, p.205). It was not until 1918 that British women were afforded the right to vote and even then the rights were limited to women over the age of thirty who complied with specific economic conditions. It took an additional ten years before men and women could vote on equal terms above the age of twenty one (Purvis & Holton (eds), 2000, pp.3-4). Domestic violence was historically perceived as accepted practice within many male dominant cultures, and women were largely expected to suffer in silence. The Issue of domestic
violence within western cultures, such as England and Wales, was considered to be a private as opposed to a public matter, therefore, received very little attention in terms of policy making until the late 20\textsuperscript{th} century. Sherman and Berk (1984, cited by Pennington, Gillen & Hill, 2001, p.303) suggested that society’s norm of ‘family privacy’ ensured that violence within the family went unchallenged for many years consequently supporting domestic violence. Equally, marital rape was not legally acknowledged until as late as 1991 as it was considered the ‘wifely duty’ to attend to her husband’s sexual needs (Kennedy, 2005b, p.119).

\textbf{Sexuality and the ‘Fallen woman’}

Women’s sexual morality has been subject to much historical consideration and was yet another area of inequality marked by “it’s different standard for women and men” (Rowbotham, 1977, p.45). The concept of ‘Fallen Woman’ emerged within Victorian Britain and highlighted the social scrutiny and moral judgments placed upon individuals not complying with the gendered expectations of female sexuality, for example prostitutes, unmarried mothers or women entering into pre-marital sexual relations (Self, 2005, pp.36-37). The cautionary note given by early researchers into prostitution and sexual promiscuity within the 1840s was that “once a woman has descended from the pedestal of innocence…she is prepared to perpetrate every crime” (Talbot, cited by Walkowitz, 1999, p.39).
**Woman as archetypically ‘other’**

Research into female criminality was predominantly overlooked for many years (Carlen & Collison (eds), 1980, pp.111-114). Lombroso and Ferrero (1893), in considering female criminality, illustrated through their publication ‘The Female Offender’ the notion of women as ‘other’ in a patriarchal society. The arguably unconscious implication of the authors was that man represents the ‘norm’ by which women are to be compared (Lloyd, 1995, pp.38-39). Beauvoir (1949, cited by Walters, 2005, p.98) argues that woman is “always and archetypally Other. She is seen by and for men, always the object and never the subject”.

**Rational Males and Irrational Women - Biological Explanations of Female Offending**

Early criminology focussed primarily upon biological explanations for criminality and female offending in particular has been attributed to biological factors (Newburn, 2007, pp.301-302; Carlen & Worrall, 1987, p.117). Biological and psychological explanations of criminality however have been criticised on the basis that they arguably perpetuate negative stereotypes of certain groups. It has been suggested that such explanations fuel “cultural myths such as the perceptions of racially inferior groups and irrational women (women have often been regarded as more prone to biologically influenced behaviour than men)” (Treadwell, 2006, p.37). Unlike men who were largely considered as individuals with their own sense of agency, women have historically been depicted as being at the mercy of their psychology, emotions and hormones (Carlen & Worrall,
Early accounts of females were keen to illustrate the propensity for women to be effectively 'overpowered' by their hormones with Lombroso describing the menstruating female as “unsuitable for physical and mental work, cantankerous, and inclined to tell lies” (Lombroso & Ferrero, 1893/2004, p.56).

**The ‘Female born Criminal’**

Lombroso and Ferrero (1893) introduced the concept of the ‘female born criminal’ to academic debate. Whilst they acknowledged that the ‘female born criminal’ were far fewer in number than their male criminal counterpart, the female criminal was distinguished by both the variety of their crimes and also their cruelty, surpassing their male counterpart (Newburn, 2007, p.302). Lombroso and Ferrero proposed therefore that the “female born criminal is so to speak doubly exceptional, first, as a woman and then as a criminal… As a double exception then, the criminal woman is a true monster” (Lombroso & Ferrero, cited by Newburn, 2007, p.302). Lombroso and Ferrero highlighted factors which should keep the ‘honest woman’ in line such as “maternity, piety, and weakness” (cited in Newburn, 2007, p.302) and suggested that it is a sign of the woman’s immense power of evil to commit a crime despite such restraints.

Newburn (2007, pp.301-302) observes that whilst many of the theories proposed regarding the ‘female born criminal’ by Lombroso and Ferrero have by in large been discredited, they were significant for two reasons; Firstly, it was the first
time attention had been paid to female criminality, as previously discussed this was an area which had long been overlooked. Secondly, despite the waning of favour for such theories the concepts they put forth have undoubtedly been influential, particularly within the CJS. Heidensohn (2002) acknowledged the significant influence this work had upon women’s penal treatment (cited by Newburn, 2007, p.301). Whilst biological explanations of crime are now largely considered archaic, criminologists such as Gelsthorpe (2002) highlight works such as that conducted by Dalton (1977) linking menstruation and crime, to demonstrate the longstanding legacy of such theories (Newburn, 2007, p.302).

**The ‘mad’ and the ‘bad’**

A historical leaning towards psychiatric disposals for female offenders are argued to be indicative of a stereotypical view of women as inherently less stable (Lloyd, 1995, p.46; Edwards, 1996, p.262). As Kennedy (2005b, p.111) observes, this has the potential to perpetuate the concept of offending females being “mad rather than bad”. However, it has been suggested that this is not necessarily the case but rather simply a matter of applying a ‘what works’ principle as generally women are more receptive to this kind of treatment (Worrall, 1990, p.91).

Contrary to the suggestion that women benefit from the chivalry of male criminal justice practitioners it has been suggested that when women deviate from the societal prescribed attributes of her expected gender role she finds herself vilified. One such theory is the ‘Evil woman’ theory, as proposed by Nagel and
Hagan (1983, cited by Cavadino & Dignan, 2007, p.356). The theory suggests that women will receive more punitive responses to their offending when the offences violate the stereotypical assumptions regarding female gender roles.

Whilst all of the above factors have been suggested to have contributed to the ongoing and pervasive stereotypes regarding women and femininity, another key consideration is how the conceptual framework of women and femininity has formed, another particular area of interest within Lloyd’s (1995, pp.29-34) work.

*The Social Construction of Femininity*

The social construction of femininity has been suggested to be evident from as early as birth. It has been suggested that sex-stereotyped prescriptions of behaviour are immediately applied to the child. An experiment entitled the ‘Baby X’ experiment’ involved participants observing the behaviours of babies. One group of participants were informed that the three month old baby was a girl, although in actual fact the child was male, the other group were informed that the baby was a boy. The research identified that observers “ascribed sex-stereotyped behaviour to the infant” (Lloyd, 1995, p.27; Fausto-Sterling, 1992, p.137).

It has been suggested therefore that the fact men are traditionally more aggressive than females is not necessarily bound to biological factors but is instead heavily influenced by socio-cultural and environmental factors (Lloyd,
Lloyd (1995, p.29) proposed that childrearing itself is heavily gendered. Whilst it is arguably considered a slight for boys to be referred to in feminine terms, such as Lloyd’s (1995, p.30) example of referring to a boy as “sissy”, yet girls referred to in masculine terms i.e “tomboy”, arguably causes less offence.

It has been suggested that boys are taught to suppress their emotions with the exception of anger which is arguably considered a permissible male outlet. The acceptance of males as aggressors has been suggested to reinforce notions of this as a quintessentially male trait. Conversely, any signs of aggression within young females are strongly discouraged and instead child rearing focuses upon cultivating females who are “gentle and nurturing so that they will be good wives and mothers” (Lloyd, 1995, p.34).

Gender representations have been suggested to perform the function of providing a regulatory power (Seal, 2010, p.14). Jones (ed.) (1990, p.240) called to question the notion of women as the weaker sex and highlighted many of the physically arduous tasks historically undertaken by women, work which arguably provided more physical challenge than many of the positions held by her male counterpart. Jones therefore suggests that the motivation to restrict the rights and status of women served a very particular and divisive function of preserving the status quo of patriarchal society ensuring continued male dominance (Jones (ed.), 1990, p.240).
From a historical perspective, it is apparent that there was significant literature to inform Lloyd’s (1995) publication of ‘Doubly Deviant, Doubly Damned’. The next chapter will consider the emergence and development of feminist criminology and its endeavors to expose and challenge the historical depiction and construction of women, in particular criminal women. Special attention shall be given to feminist work post 1995 to identify if the themes addressed by Lloyd are still evident within this field of enquiry. In the proceeding chapters further consideration will be given to the significant function of discourse within the social construction of female violent offenders and the subsequent CJS, media and public responses to this category of offender; and if contemporary responses still support the ‘Doubly Deviant, Doubly Damned’ theory.
Chapter 2 - The emergence and development of Feminist Criminology

Feminism is a term used to refer to “a doctrine or movement that advocates equal rights for women” (Crozier, et.al. (eds), 2007, p.310). Feminist criminology has been suggested to have served to both deconstruct traditional, and shape contemporary understanding of violent offenders, in particular female violent offenders. As with mainstream criminology there is a great variation within feminist thinking and perspectives (Hale, Hayward, Wahidin & Wincup (eds), 2009, p.387) however this chapter will attempt to cover some of the common arguments, themes or concerns.

It has been suggested that there were two distinct phases within feminist contributions to criminology, the first within the late 1960s and early 1970s and has been suggested to be typified as activist in nature. This phase focused upon highlighting the failure of criminological theories to consider gender differences (Newburn, 2007, p.305). This phase marked the commencement of empirical studies of women’s experiences of crime both within the capacity of “lawbreakers, victims, and workers in the justice system” (Daly & Maher (eds), 1998, p.2). The primary focus of this phase of feminist criminology was to question why women were omitted from previous academic research. The second phase of feminist criminology, within the late 1980’s focused upon the structures and depictions of women within criminological discourses. This phase
also called to question the use of women as a “unified category” and considered other factors such as race, class and sexuality (Daly & Maher (eds), 1998, p.3).

**Women within Criminological academic debate - noted by their absence**

Naffine (1997, p.1) suggested that criminology’s historical neglect of women and feminism was indicative of the male dominated nature of the discipline. Naffine highlighted that when gender and feminism does feature within academic writing, it is generally marginalised to an obligatory chapter within a criminology book. Naffine (1997, p.2) proposed that although not overt, the implication of this is that feminism is about women whereas criminology is about men, with ‘gender’ being referred to as a specialist topic rather than as an integral aspect of crime and its analysis. This omission to consider female criminality within academic debate and empirical research has arguably served to polarise female offenders further as their marginalisation in this field has served to reinforce the notion of violent female offenders as more of an anomaly than is actually the case (Newburn, 2007, p.305).

**The question of ‘universality’ within traditional criminology**

Another feminist critique of traditional criminology is that it presents itself as a ‘human science’, overlooking however the fact that it has generally selected male subjects for research as opposed to females yet fails to recognise the significance of this (Naffine, 1997, p.9). Theories of deviance such as Cohen’s subcultural theory and Beckers labelleing theory neglected to even consider
female criminality (Newburn, 2007, p.303). It has been suggested that an inherent problem with mainstream criminology lies within the issue of assumed universality of the discipline. Grosz (cited by Naffine, 1997, p.8) proposed that the “blindness of men to their own maleness is a problem which pervades western culture”.

Opponents to feminist theory have suggested that feminism attempts to “usurp law’s universality” (Edwards, 1996, p.5) and instead attempts to replace it with a purely female perspective. It has been further suggested that proponents of feminist criminology are simply ‘anti-male’ (Howe, 2008, p.5), arguably in attempt to marginalise the contributions of feminist criminology. It has been suggested however that such criticism may not necessarily bear any reflection upon the content of the theory but serve a very particular agenda, namely the preservation of hegemonic patriarchy. When women begin to challenge accepted convention and the systematic oppression and discrimination they face, they arguably represent a threat (McLaughlin & Muncie, 2003, p.305). It has been suggested that it is in men’s material interest to sustain male dominance therefore they “construct a variety of institutional arrangements to sustain this domination” (Maguire, Morgan & Reiner (eds), 2007, p.382). As Lloyd (1995, p.35) observes, the implication therefore is the “‘sensible’ women are those who know…their place in the scheme of things: to look up to and look after men”.
Female Victimisation

It has been suggested that insufficient attention has been paid to female violent offender’s prior victimisation. Research has identified that violent female offenders themselves have frequently experienced prior physical or emotional abuse (Heidensohn (ed), 2006, p.147). As indicated within chapter one, the failure for the state to intervene in cases of inter-familial violence, or more specifically domestic violence is suggested to have supported the ongoing subjection of women to violence. Traditional criminology has also been accused of acting as a legitimising force in cases of inter-familial abuse against women by failing to address and illuminate the issue within criminological debate (Newburn, 2007,p.305).

Whilst traditional criminological research appeared to have overlooked female offender’s rates of prior victimisation, this arguably conflicts with a systematic insistence within the CJS upon imposing psychiatric disposals to violent women (Carlen and Collison, 1980, p.113). If subcultural and labelling theorists acknowledged the potential for such factors to influence a male’s criminality, why were potential causal factors not considered for females? Arguably, this could be construed as further evidence that female violent offending has been marginalised, assessed purely in terms of rudimentary biological assumptions regarding a perceived mental instability.
**Biological Determinism**

The work of Lombroso and Ferrero (1893) into criminal anthropology, as discussed in chapter one, attracted an abundance of feminist critique based upon the marginalisation of women and the damning legacy it created. A notable work within feminist criminology was Carol Smart’s (1977) publication ‘Women, Crime and Criminology’ which exposed the ongoing detrimental legacy of Lombroso and Ferrero’s work (Jewkes, 2011, p.125). As Lloyd (1995, p.39) observed, the implication of women as ‘other’ works on the acceptance that males equate to the norm. The implication of female offenders as abnormal, coupled with explanations of reduced rates of female criminality as a result of an inherent mental deficiency and arrested development (Maguire, Morgan & Reiner (eds), 2007, p.383), lay the foundations to over a century of biologically determined explanations of female criminal behavior (Lloyd, 1995, p.39).

Medicine, similar to law is an area which professes to be gender neutral however is not necessarily proven to be the case when subjected to closer analysis. Significantly higher rates of mental health problems have been detected within females, most notably within prison populations (Heidensohn (ed), 2006, p.150). The ‘medicalisation’ of female young offenders, an issue explored by Lloyd (1995, pp.160-161), has been flagged by feminist criminologists over two decades ago yet still represents cause for concern and is “overtly practiced” (Heidensohn (ed), 2006, p.162).
**The ‘sexualised’ female offender**

Another aspect of traditional sociological and criminological theory which has given rise to feminist opposition is the way in which, when female criminality has been considered, it has often been sexualised. Thomas (1923) for example provided an explanation of female delinquency by linking it to promiscuity (Newburn, 2007, p. 302). Otto Pollack (1961) who focused primarily on hidden female crime, suggested that significant proportions of female offending is concealed, in part by undue leniency within the CJS. Pollack proposed that females have an increased propensity for deceit and illustrated this by highlighting the sexual differences between men and women and specifically a male’s inability to feign sexual arousal (Newburn, 2007, p.303).

Additionally, when women commit acts of violence the structural response is to label their behavior as ‘masculine’ (Lind & Brzuzy, 2008, p.229). This arguably highlights a pre-determined expectation of womanhood and the “unquestioned assumptions which have been made about the nature of women for centuries” (Lloyd, 1995, p.39).

**The value of feminist criminology**

A criticism of feminist criminology has been that, similar to traditional criminology, it also neglected to consider half of humanity by focusing solely upon females. This criticism has however been contested by feminist criminologists who claim that masculinity and the social construction of males has been of great interest to
feminist research, particularly in advancing their understanding of women and more poignantly crimes against women (Hale, et.al. (eds), 2009, p.387). A feminist critique of traditional criminology has been that despite the fact that crime is so inherently gendered, gender has not featured as a particularly prominent consideration in research terms (Naffine, 1997, p.6). The obvious, although arguably often overlooked fact, highlighted by feminists, is that men are “responsible for the vast majority of crimes” (Herring, 2010, p.63). Masculinity, or more specifically male identity therefore undoubtedly provides an interesting foundation for academic research. Feminist theory has been suggested to have inspired ‘Masculinities theories’ which involve the gendered study of men (DeKerseredy, 2011, p.33; McDowell & Pringle, 1992, p.6).

Postmodernism feminist perspectives however have challenged the very acceptance of categories such as ‘males’, ‘females’, ‘good’ and ‘bad’ based on the assertion that there are no human universals (Dempsey, 2009, p.131; Peet & Hartwick, 2009, p.244). Such binary oppositions have been suggested to further marginalise women and reinforce the notion of ‘other’ by the unquestioning acceptance of suggested universal ‘norms’, particularly within the criminological field of enquiry (Walklate, 2004, p.57).

Feminist criminology has been suggested to have played an invaluable part in both exploring and subsequently increasing awareness of the oppressive social structures which result in the moral and practical inequalities faced by women in
patriarchal society (Newburn, 2007, p.305). Feminist criminology has not only highlighted social inequalities but has went on to challenge such inequalities, in particular the traditional explanations of female criminality which were primarily focused upon differing biology and the labels given to these women such as ‘mad’ and ‘bad’ (Treadwell, 2006, pp.93-97). However it has been suggested that, in more recent times feminism has to some degree become stigmatised (Banyard, 2010, p.2). McRobbie (1999, cited by Gauntlett, 2008, p.217) observed that “young women want to prove they can do without feminism as a political movement, while enjoying the rewards of its success in culture and in everyday life”.

Many of the aforementioned findings of feminist criminology seemingly lend support to Lloyd’s 1995 ‘Doubly Deviant; Doubly Damned’ publication. Traditional criminology has arguably served to both structure ideologies of the female offender as archetypically ‘other’ and reinforce many of the traditional gender role expectations of women.

In the following chapter consideration will be given to the CJS response to violent female offenders. Particular attention will be given to research post 1995 regarding female criminality to consider if contemporary evidence exists to support Lloyd’s (1995) theory.
Chapter 3 – Feminist Criminology and Criminal Justice responses to female violent offenders

Cavadino and Dignan (2007, p.357) suggest that “females are dealt with by criminal justice agencies according to different criteria from those applied to males, criteria related to traditional female gender roles”. Research conducted by Ballinger (2000) analysed the criminal justice response in twentieth-century England and Wales to women who killed, specifically in relation to 15 cases where women were executed. Given that 91% of the women sentenced to death within this century were given a reprieve Ballinger sought to examine what differentiated the cases of the 15 women who were executed. Ballinger concluded that within these cases notions of ‘dangerous womanhood’ were evoked when women fell short of societal gender norms. This deviance from gendered norms has been suggested to have rendered them vulnerable to ‘judicial misogyny’ decreasing the likelihood of a reprieve (Seal, 2010, p.6).

Research into Gender differences within CJS responses

An experiment conducted by Cruse and Leigh (1987) utilised two mock juries for the trial of a defendant accused of physical assault on their partner. The one group was told that the male stood accused of ‘knifing’ his partner, within this group 43% of jurors found him guilty. The other group were informed that the female stood accused. Within this group 69% of jurors found her guilty. One interpretation of these differences was on the basis that the woman, in the role of
the accused, was more likely to be viewed negatively as she had violated her
gender role (i.e. women not generally being perceived as aggressors) (Putwain &
Sammons, 2002, p.132). Whilst this research is dated, some propose that such
ideologies remain pervasive (Cavadino & Dignan, 2007, pp.357-359). This
arguably lends support to Nagel & Hagel’s (1983) ‘evil woman’ theory’ as
discussed in chapter one.

Research conducted by Hedderman and Gelsthorpe (1997) into sex
differentiation within sentencing decisions involved interviewing approximately
200 magistrates and identified that greater consideration was given to a females
family responsibilities as opposed to her male counterpart. The magistrates
indicated that it was their belief that imposing a prison sentence upon the female
served to punish the entire family rather than solely the female offender
(Dinovitzer & Dawson, 2007, p.656). Arguably this serves to reinforce gender role
expectations, in particular the expectations of women within idealised familial
functions and motherhood, concepts referred to in Lloyds (1995) publication.
The research also identified that offending women were more likely to be
perceived as ‘troubled’ and in need of help as opposed to their male counterpart
who is more likely to be perceived as ‘troublesome’ requiring punishment and
deterrent (Evans & Jameson (eds), 2008, p.100).

Adler (1975) suggested that female violence had increased and that this was a
by Pollock & Davis, 2005, p.8) suggests that apparent increases in female violent offending might not actually be indicative of increased female violence but rather differing law enforcement responses at the time. Steffensmeier, Schwartz, Zhong and Ackerman (2005, cited by Feld 2009, p.242) focussing primarily on juvenile violent female offenders suggest that “the rise in girls’ violence…is more a social construction than an empirical reality”. A societal focus therefore upon a supposed increase within what has been described as ‘Ladette’ culture (Davies, 2011,p.42) and ‘Girl Gangs’ (Evans & Jamieson (eds), 2008, p.40) would arguably influence the policing of such groups. Arguably such groups could be described as a modern day folk devils subsequently evoking ‘moral panic’. The concept of moral panic was introduced by Cohen within the 1960s and will be considered in greater detail within the next chapter.

The under-representation of females within the CJS has been suggested to contribute to ongoing misogynistic responses to violent female offenders. Females have historically been underrepresented within employment figures within the CJS (Kennedy, 2005a; Fawcett Society, 2007). Brighouse and Robeyns (2010, p.217) suggest that gender stereotyping plays a significant role within male and female professional achievement, particularly within the CJS even when there is no indication of overt discrimination.
**Domestic Homicide**

An area of the Criminal Justice system which has been suggested to clearly illustrate the disparity within the criminal justice responses between male and female violent offenders is the law relating to domestic homicide. Griffiths (2000, cited by Harne and Radford, 2008, p.101) described this as “the element of criminal law which highlights the continuing ideology of woman-blaming most acutely and which illustrates how 'man-made' law totally excludes the experiences of women”.

Harne and Radford (2008, p.101) suggest there is a clear disparity between the treatment of men who kill women, particularly further to a history of domestic violence and the treatment of women who kill their abusive partners. Provocation and Diminished responsibility, defined within the Homicide Act 1957 (Kennedy, 2005b, pp.197-198) are two defences to murder which have been utilised frequently by violent men within the last two decades to reduce charges of murder to the lesser charge of manslaughter, securing drastically reduced sentences to the mandatory life sentence for murder (Harne & Radford, 2008, p.102). Feminist campaigners have highlighted many tenuous examples of successful provocation and diminished responsibility defences made by men on the basis of: the woman's nagging, infidelity or suspected infidelity and fears of desertion (Harne & Radford, 2008, p.102).
Mullender, 1996 (cited by Nash 2006, p.51) illustrated this point with reference to the trial of McGrail 1991 whereby the male defendant was given a suspended sentence for the manslaughter of his wife having successfully pleaded provocation on the basis that his wife was an alcoholic who frequently swore at him. The judge in the case controversially claimed that living with the defendant’s wife ‘would have tried the patience of a saint’. A distinct paradox can be made with two other widely publicised cases; Sara Thornton (1989), killed her alcoholic husband further to him threatening to kill both herself and her daughter. Police had attended the house on numerous previous occasions further to attacks on Sara by husband Malcolm. Sara pleaded guilty on the grounds of diminished responsibility, however, was found guilty of murder and sentenced to life imprisonment. The murder conviction was however quashed by the court of appeal in 1995 (Cavadino & Dignan, 2007, p.361). Another pivotal case which received immense media and interest group focus was that of Ahluwalia (1992) whose original verdict of murder in 1989 for the killing of her abusive husband was quashed upon appeal in 1992 on the grounds of diminished responsibility (Bindel, 2007).

A third and complete defence to homicide, which if accepted results in the acquittal of the defendant, is that of self-defence. A successful self-defence claim is reliant upon proving that the life of the defendant was ‘immediately threatened’ (Harne & Radford, 2008, p.102). Women therefore have been suggested to have fewer opportunities for effective defence pleas within cases of domestic homicide.
as pleas of provocation, similar to self defence, are reliant upon immediate responses to the abuse. Provocation, as defined by Devlin, 1949, in the case of R v Duffy, requires a 'sudden and temporary loss of control' (CPS, 2010). What research has identified however is that quite frequently, women who kill their violent partners do not do so at the point of immediate danger, when the threat to themselves is at its highest; but rather at a later stage in a delayed reaction to the violence, or prior to an anticipated violent encounter. This has been attributed to the differing physiology of women (Motz, 2008, p.217) and potentially the fact that women may not have the advantage of physical strength to fight off a violent partner at the point of immediate threat. Women have therefore been suggested to be precluded from the defence of provocation (Motz, 2008, p.217). Herring (2010, p.396) noted that “Women who have killed their partners following months of abuse have not readily found a defence in the criminal law”. Opponents however have dismissed these claims suggesting that feminism attempts to introduce a “killing licence for women” (Edwards, 1996, p.5).

**CJS role in reinforcing gender specific stereotypes**

Whilst emphasis has been placed upon high profile cases such as those of Thornton and Ahluwalia attempting to illustrate the progress which has been made in ensuring gender equality within domestic homicide, there are concerns as to the means by which this is achieved. Whilst recent cases have been subject to successful reductions to manslaughter by pleading diminished responsibility, often utilising the recently acknowledged phenomenon of ‘battered
wife syndrome’ (Edwards, 1996, p.227), feminist critics suggest that women’s justice is undermined. The primary objection arises from the fact that diminished responsibility defences are essentially acknowledging ‘unreasonableness’ within the defendant’s actions, or some impairment of the mind at the time of the killing. Impetus therefore is effectively removed from the man’s violence and placed upon the woman’s state of mind. Men conversely are afforded the opportunity to justify their actions when they kill their partner claiming provocation, utilising the benchmark of what might be considered as permissible provocation to the ‘reasonable man’ (Gardener, 2007, p.134). This arguably serves to shift blame from the male accused of killing his partner to the female who ‘provoked’ her attack. This is arguably indicative of a structural inequality (Choudhry & Herring, 2006, pp.111-114).

**Prevailing notion of ‘woman blaming’ within CJS**

The misogynistic ideology of woman-blaming within the area of domestic violence can arguably be denoted from many of the responses to this particular crime. Whilst women who kill their abusive partners are often scrutinised on the basis of their failure to leave the abusive partner (a scrutiny which is seldom directed at men who utilise provocation pleas in cases of domestic homicide), research has identified a high volume of cases where males have continued campaigns of abuse against ex-partners and where the abuse has actually intensified. Research commissioned by Women’s Aid into 200 women’s experience identified that 76% of women who separated from their abusive
partner suffered post-separation violence (Humphry’s and Thiara, 2002, cited by Women’s Org.Uk, 2007, p.4). Lee’s (2000, cited by WomensOrg.UK, 2007, p.4) observed that women are at the greatest risk of homicide at the point of separation or after leaving a violent partner. Statistics support the fact that the majority of women who are killed by partners/ex-partners are killed when they are about to leave or just after they have left (Bowen, 2011, p.103). Justice for Women campaigners are proponents for a new type of defence to the charge of murder within cases where the relationship has been characterised by violence, namely a self-preservation defence. This type of defence would encapsulate women’s experience of domestic abuse and consider any history of violence towards the woman and consider the victim’s belief that either herself or her children were at risk (Harne & Radford, 2008, p.103).

**Construction of the ‘ideal victim / offender**

Ideologies relating to the concept of the ‘ideal victim’ arguably remain a powerful concept and reinforce the fact that female stereotyping is still embedded in the societal construction of femininity. Similar to domestic abuse, rape is another area where woman-blaming ideologies remain pervasive. Again, research has identified that such views are more widespread than one might presume with a high percentage of women attributing blame to females based on varying factors such as the victim’s clothing, past sexual experience and whether the victim had consumed alcohol (Walklate, 2008, p.46). Arguably this is indicative of the fact that whilst the law may be changing to respond to the needs of women as victims
of crime, societal beliefs are failing to maintain pace (INSTRAW, 2005, cited by Walklate, 2008, p.40). As Ashworth and Redmayne (2010, p.426) observe “Discrimination on the grounds of race, gender, age and other criteria will be hard to remove from the criminal process for so long as its manifestations are present in everyday social life”.

Research by Daly (1987) highlighted the propensity for courts to impose less punitive sanctions upon female offenders who had dependants in comparison to their male counterpart. This was however contingent upon her capabilities of a mother, namely her otherwise compliance to gender role expectations (Saltzman Chafetz, 2006, p.552). The CJS has been suggested to be compliant within female stereotyping by utilising such stereotypes within defence settings, constructing the female offender in terms of traditional female ideologies of domesticity within the capacity of wife and mother etc. to obtain legal advantage (Worrall, 1990, p.96).

**Gender neutrality of the CJS?**

Feminist campaigners have challenged the gender neutrality of the legal system which is essentially ‘man-made’. An example of this is the traditional and ongoing use of the measuring stick of ‘the rational man’ within matters of law, arguing by very definition the system excludes the experiences of women (Walklate, 2008, p.49). Recent attempts to address the sex specific nature of the ‘rational or reasonable man’ measure were denoted within endeavours to alter the
terminology to ‘reasonable person’ however this also has given rise to concerns as to the feasibility of considering both women and men as one homogeneous group. Equally, whilst the terminology does not overtly state that the consideration is from a male perspective that does not necessarily mean that it is not from this perspective. Ultimately, one might need to consider what the conceptualisation of a ‘person’ might be (Herring, 2010, p.61).

Whilst it might be argued that the gender bias evident within the criminal justice system predominantly favours women, feminists in particular question at what cost (Kennedy, 2005)? Arguably, in complying with certain ideologies regarding women and the stereotypical role of women in order to secure legal advantage, such stereotypes are reinforced, undermining the movement towards equality for women (Cavadino & Dignan, 2007, p.361). Heidensohn (2006, p.163) when reviewing the findings of Genders and Player (1987) which highlighted the identification of offending girls as ‘mad’ rather than ‘bad’ concluded that this is a prevailing notion. Jewkes (2011, p.142) suggested derogatory typologies of violent women as ‘Mad Cows’ and ‘Evil manipulators’ are as much a contemporary concern as they have been in times gone by. Conversely, it has been suggested that feminist research must not focus solely upon crimes which have the potential to command more sympathetic responses, described by Seal (2010, p.3) as ‘ideologically sound’ cases, as this too may ultimately undermine attempts to objectively challenge derogatory stereotypes and gender norms (Seal, 2010, p.3).
A category of violent female offender which challenges ideologically sound convention includes women who commit violent offences against children, in particular mothers. This arguably represents a major challenge to CJS practitioners given that notions of maternal capabilities continue to play a significant part within the sentencing of women (Saltzman Chafetz, 2006, p.552). Denov (2004, p.183) suggests that there is a distinct need for society to reconsider the stereotypes prescribed to women and to question many of the assumptions made about women, in particular female offenders.

Arguably, there is evidence to suggest a structural inequality within the CJS which, despite well-intentioned legislative changes to generate equality, remain pervasive. Within the case of domestic homicide, the apparent reluctance of the law to adopt self-preservation defence arguably illustrates a continued reluctance to afford women with equal rights to a defence which is not contingent upon psychological or pathological explanation. This arguably offers contemporary support to the observation by Lloyd (1995, p.33) of the “androcentric nature of the law”.

The next chapter will consider the media responses to female violent offenders. This is another institution which said to be androcentric in nature (Meloy & miller, 2011, p.78) and closely interlinked with the CJS.
Chapter 4 – Media responses to female violent offenders

The powerful and persuasive nature of the media

Gauntlett (2008, p.1) acknowledged the important interplay between the media, personal identity and one’s perception of others. Young (1990) suggested that the media and the CJS are reliant upon “each other’s definition of deviance” (Maguire, Morgan & Reiner (eds), 2007, p.410). Morrissey (2003), suggests the two function by predominantly utilising a single analysis with “dominant media depictions mirroring courtroom portrayals” (cited by Jewkes, 2011, pp.124-125).

Similar to the CJS the media has been suggested to be heavily gendered with white males occupying the majority of high level media positions and are ultimately afforded higher visibility. It has been suggested that this non-representative group are subsequently able to directly influence and shape news agendas (Meloy & Miller, 2011, p.78).

A key, yet arguably heavily flawed contributor to public understanding, and indeed misunderstanding, as to matters of crime and criminal justice is the media representation of these issues and offenders. Tabloids in particular have been argued to be the most influential within British political circles, despite conveying the narrowest range of perspectives (Green, 2006, p.141). A suggested inherent danger in media representations of crime and those who commit crime is that whilst criminologists consider crime in an analytical sense the public will predominantly consider crime in a social narrative context which is open to both inaccuracies and elaboration. As Reah (2002, p.50) observes, “Newspapers are
not simply vehicles for delivering information. They present the reader with aspects of the news, and present it often in a way that intends to guide the ideological stance of the reader”.

Undoubtedly the media is highly influential and plays a significant role in shaping opinion on certain categories of offence and offender. Media coverage has the propensity to galvanise support for change, as observed by Carrabine (2008, p.186) even in societies with high levels of inequality, media coverage has the powerful potential to bring about social change, as denoted within the Stephen Lawrence case. Equally, media discourses have been suggested to have the potential to serve a regulatory function by its construction of what is and isn’t acceptable behaviours and attitudes within contemporary society. Jewkes (2011, p.125) suggested that both legal and media discourses have the potential to “construct and reflect negative public emotions”. As observed by Carrabine, 2008, p.166) condemning the alleged ‘deviant’ can serve to reinforce accepted boundaries of the perceived ‘norm’ and maintain order. An example of this can be denoted within Alison Young’s (1990) publication ‘Femininity in Dissent’ which detailed the 1980’s media reporting of the women’s political protest at Greenham Common, highlighting the vilification of the female anti-nuclear protesters within mediated discourse (Young, 1990, p.2). This links closely with the work of Cohen in the 1960’s and the concept of ‘moral panics’ as mentioned in Chapter 3.
It was Cohen’s belief that the media’s often inaccurate reporting practices potentially creates a negative social response to the alleged ‘deviant’ which in turn results in their increased policing which serves to polarise the individual or group even further (Treadwell, 2006, p.80). It has been suggested that such media practices are still evident within contemporary reporting of crime and of those who commit it. Such media reporting has been argued to have a clear agenda, “this distorted image is said to fuel people’s fear of crime…and to be used to justify repressive and regressive criminal justice policies” (Croall, 2005, p.3).

**The media response to, and depiction of, violent female offenders**

Within the late eighties and early nineties there appeared to be a flurry of newspaper reports alluding to a vast increase in female violent offending, in particular women who killed (Pollock & Davies, 2005, p.5). Much of what was reported was overtly positioning contemporary females as qualitatively different to females in times gone by. The primary thrust of the reporting was to illustrate how the “traditionally passive gentler sex was indeed becoming more violent” (Birch (Ed), 1994, p.1). As Pollock and Davis (2005, p.6) observe, the media has the propensity to focus heavily on the unusual and this is evident within the reporting of female violent offenders (Jewkes, 2011, p.127). When considering the exposure afforded to violent female offending by the media, Pollock and Davis (2005, p.6) utilise the analogy of stories of “dog bites man” being not particularly newsworthy however the story “man bites dog” generates a far more
enticing read. The underlying message of such reporting has been suggested to herald the cautionary note that increasing female violence is a consequence of female ‘liberation or equality’ (Pollock & Davis, 2005, p.7).

‘Feminine Evil’ – Women who kill Children

The case of the Moors murderers commanded huge media prominence and has been suggested to be the most widely publicised and most heinous crimes ever committed in Britain (Jewkes, 2011, p.145). From 1965 to current day the photograph of Myra Hindley at the time of her arrest remains the most iconic image of ‘feminine evil’ (Birch, 1994, p.33). The extent to which Hindley participated in the actual abuse and murder of the child victims claimed by herself and her partner Ian Bradley remains uncertain and formed the mainframe of her many appeal attempts, however; working on the assumption that the two contributed equally to these undisputedly horrific crimes, why then was it that the primary focus of media interest and public outrage fell upon Hindley? (Lloyd, 1995, p.48; Jewkes, 2011, p.145).

A key question is whether contemporary media responses to female violent offenders would be as extreme as they have been in times gone by, for example as denoted within the Moors murder case? According to research arguably so. The depiction of Hindley as the height of ‘feminine evil’ for example does not appear to have diminished over time. Indeed contemporary offenders, such as
Maxine Carr, partner of murderer Ian Huntley have, arguably unfairly, been likened to Myra Hindley within media discourse (Jewkes, 2011, p.143).

A central aspect of Lloyd’s ‘doubly deviant, doubly damned’ theory was that it was contingent upon female stereotypes. A key consideration therefore would be if such stereotypes are prevalent within today’s climate of increased equality awareness. As Fine (2010, pp.3-4) observes, irrespective of whether one subscribes to the traditional gender stereotypes, the greater majority of people can detail what these stereotypes are, illustrating the residual nature of such stereotypes. We shall now consider several high profile cases reported within the media since the work of Lloyd (1995) and analyse the content of the media coverage to ascertain the media’s response to violent female offenders. Consideration will be given to whether the response is based upon purely the quality of the criminal acts the women commit or by virtue of their gender and their adherence to expected gender roles.

**Tracie Andrews- A Case Study**

A case which has reignited media interest in recent months is the case of Tracie Andrews due to her impending eligibility for release on licence in July 2011 (Parker, 2011). In 1996, Tracie Andrews brutally killed fiancé Lee Harvey. Andrew’s initially claimed that Harvey had been killed in a ‘road-rage’ attack, to which she was also victim, and made a televised appeal for the capture of the killer (Jewkes, 2011, p.133). Witness testimony however conflicted with the
account given by Andrew’s, redirecting the focus of the investigation and
Andrew’s was eventually sentenced to a life imprisonment in 1997 for the murder
(Davies, 2011, p.50). The media depiction of Andrew’s provided the mainframe
for her unsuccessful 1998 appeal against her conviction with Andrew’s claiming
the media depictions of her had made an unprejudiced hearing impossible (BBC

Charting the media reporting of Andrew’s both prior to, and after her conviction
for the Murder of Harvey, arguably offers an interesting insight to the media’s
depiction of both (alleged) victims of crime and also of the violent female
offender. The motivation behind selecting this particular case was based upon it’s
placement in time, shortly after the publication of Lloyd’s (1995) book. The press
coverage spans to current day therefore offers the potential to review with a
relatively ‘longitudinal’ approach.

Within the original media coverage of the Andrew’s case, in particular in
response to Andrew’s emotional and seemingly credible televised appeal for the
‘killer’, sympathy was extended to Andrew’s who was described as “visibly
traumatized” (Innes, 1999, p.289). Not only did Andrew’s immediately receive
public sympathy, she was also commended for her bravery in delivering the
appeal amidst “the media circus” (Boggan, 1997). Further to being charged and
subsequently convicted for the killing the media depiction of Andrew’s radically
changed. Her original depiction as a distraught victim of crime has been
attributed to “a cunning performance by a cold-blooded murderess” (Cole, 2010). Even photographic images used previously depicting a ‘traumatized’ Andrew’s were now accompanied by captions such as ‘Evil’ and ‘Blonde Bombshell’ (Cole, 2010). This arguably illustrates a point raised by Jewkes (2011, p.125) that both the legal system and the media play a vital role in both reinforcing feminine ideals when portraying women as victims and “maintaining notions of feminine wickedness” when women offend.

The medias insistence upon conveying violent female offenders as ‘mad’ can be denoted from the reporting of Andrew’s case with the utilisation of derogatory terms inferring mental instability, for example “Psycho Andrews” (Parker, 2006). Additionally, prolific references to Andrew’s lesbian relationships within her time in prison have been a recurrent theme within the reporting since her incarceration (as denoted within Wilkes, 2009; Lister & Lea, 2003). This arguably supports the assertion that the media continue to use sexuality or more specifically non-heterosexuality, as a means to reinforce the notion that such women are qualitatively different from the societal ‘norm’, i.e “not real women” (Davies, 2011, p.55). Jewkes (2011, p.131) suggests the media employ such reporting tactics to further demonstrate the ‘depravity’ of the offender. It has also been suggested that the media tend to position lesbian sexuality itself as a cause of aggression due to the inability to place such individuals in the traditional ‘binary oppositions’ of masculinity and femininity (Jewkes, 2011, p.130).
Numerous media reports include the details of Andrew’s decision to terminate a pregnancy without the knowledge of Harvey, whom she successfully deceived for many weeks that she had miscarried (Clarke & Kaufman, n.d; Magma, 2002, p.49; Boggan, 1997). The inclusion of this information arguably fuels moral judgments regarding the offender’s maternal capabilities, a common media tactic irrespective as to whether or not the offender actually is a mother (Jewkes, 2011, p.149). Interestingly, Tracie is mother to a daughter from a previous relationship, a fact which was omitted within a report by Clarke and Kaufman (n.d) despite giving reference to Harvey’s six year old daughter and the details of the abortion. Arguably this is indicative of clear reporter bias. Ultimately, the issue of the gendered reporting practices within this case was epitomised in a question posed within a report by Weathers (2010) asking “What kind of a woman could do such a thing?.”

**Trial by the Media?**

The Andrew’s case offers interesting symmetry with a later case, the murder of British backpacker Peter Falconio in 2001, whilst touring the Australian outback with his partner Joanne Lees. Lees was a fellow victim in this particular case however there was a negative public and media response to Lees who was viewed almost from the offset with suspicion on an international scale, potentially as a legacy of the Andrew’s case. Within Australian media, comparisons were drawn between Lee’s and Lindy Chamberlain, a woman who had been convicted of killing her baby further to false claims that the baby had been snatched by a
dingo twenty one years before (Williams, 2006, p.166). Lee’s alleged emotionless and composed demeanour was suggested to echo the conduct of Chamberlain two decades previously (Williams, 2006, p.166).

There were a myriad of inferences by the media that Lees conduct and response in the aftermath of the disappearance of Falconio were not complicit with what would be expected as the ‘normal’ female response. Lee’s refusal to speak publicly at the time of the investigation despite police urges for her to do so providing one such example (Clarke, 2008). Inferences to Lee’s sexual conduct, including details of an affair she had whilst with Peter in Australia (Donnelly, 2009, p.252) was further used to support the suggestion that she had something to do with his death in what has been described as “a whispering campaign of implied guilt and innuendo” (Wynne-Jones, 2006). An inability to fully comprehend the logistics of Lee’s escape from the assailant threw further doubt upon Lee’s version of events (William’s 2006, pp.165-166). Details such as the clothes she wore were all presented in a way which arguably sought to guide the ideological view of the reader and imply that Lees was somehow involved within the crime, depicting Lees as a “femme fatale” (Bones, 2004). Despite the capture and subsequent conviction of Bradley John Murdoch, speculation regarding the potential involvement of Lee’s remained within the media.

Another interesting recent case was the murder of British student Meredith Kersher within Italy (2007). Kersher’s housemate Amanda Knox was convicted
for her part in the brutal murder and sexual assault of Kercher in 2009 (Lee-Potter, 2010). The depiction in both legal and media discourses surrounding this case arguably serve to re-enforce the suggestion that females are indeed judged by not only the quality of the acts they commit but also as a result of their failure to comply with traditional gender expectations. A pivotal aspect of the discourse surrounding this particular case was the apparent preoccupation with the sexual history and preferences of defendant Knox (as denoted within Wardrop & Pisa, 2009; Squires, 2009; Hughes, 2009). Knox’s “voracious sexual appetite and history” (Lee-Potter, 2010) arguably served to illustrate within media discourses her deviance from the gendered ‘norm’. Very little media attention comparatively was afforded to the two males also convicted of the murder, whereas Knox was depicted as a ‘She Devil’ within media discourses (Hughes, 2009). It has been suggested that such reporting practices feed into longstanding and stereotypical violent women narratives by marginalising the offending women as ‘bad girls’ (Jewkes, 2011, p.128), ‘monsters and whores’ (Sjoberg & Gentry, 2007, p.13).

Davies (2011, p.51) suggests that despite the progress of criminological research in recent years in addressing the issue of the heavily gendered representation of violent female offenders within both the legal system and media, it has had little effect upon the stereotypical representations within the media of women who kill. Arguably, the collective media depiction of Andrew’s, Lee’s and Knox demonstrate many of pervasive negative stereotypes highlighted by Lloyd and lend further support to the ‘doubly deviant, doubly damned’ debate.
Conclusion

The research sought to offer a contemporary analysis of the ‘doubly damned, doubly deviant’ theory proposed by Lloyd (1995) to examine the CJS and media response to violent female offenders. The research also sought to consider if traditional gender stereotypes suggested by Lloyd (1995) are still evident within both the CJS and media; and if violent women are still considered to be, and more poignantly treated as, qualitatively different from men.

When assessing the CJS response to female violent offenders there appears to be sufficient evidence to suggest that violent women continue to be treated qualitatively differently to their male counterpart. Domestic homicide arguably provides the most prominent example of this highlighting a distinct structural inequality (Choudhry & Herring, 2006, pp.111-114). Whilst the UK government has made a concerted effort to bring the issue of domestic abuse into the public sphere, and as such have began to proactively police this societal problem, there is still a long way to go to secure equality for women within the CJS. Ultimately, the issue of domestic abuse and more specifically domestic homicide is a gendered offence. Endeavours to adopt a gender neutral stance are therefore fundamentally flawed.

Arguably, the continued resistance to implement a defence for women in cases of domestic violence which isn’t contingent upon the female’s ‘unreasonableness’ further perpetuates the notion of this type of offender being doubly deviant. This
also reinforces biologically determined explanations of female criminality and the myth of women as inherently unstable and irrational (Burr, 1998, p.125).

Whilst there has been an emphasis, particularly within European legislation to ensure gender equality, public opinion is arguably struggling to maintain pace (Walklate, 2008, p.60). This appears to be illustrated within both CJS and media responses to female violent offenders as it appears deeply instilled and pervasive stereotypes remain persistent. Whilst naturally not detected within recent government policies, gender specific stereotypes are arguably a residual consequence of a CJS so entrenched in tradition. Arguably, many of the laws have been made by men, for men, making equal treatment for women problematic. A proposed blindness of male practitioners to their own maleness (Naffine, 1997, p.8) and the fundamentally gendered nature of the CJS arguably contribute to this. Whilst no overt discrimination, either negative or positive is permitted, this is not to say that it does not exist. Whilst some criminologists are keen to emphasise the potential positive impact gender bias may have upon women, particularly within the CJS, others are right to conclude that it comes at a cost by serving to reinforce ideological and often condescending stereotypes of women. Claims to a gender-neutral system are also naïve; certain crimes are heavily gendered therefore gender does play a significant part. Arguably, total equality cannot be achieved by treating everyone the same despite their differences, but rather by taking into consideration individual differences to ensure justice is served for all.
Establishing real change within the CJS will be difficult to achieve whilst female representation within senior CJS positions is so low. Whilst there have been visible increases within the amount of women employed within the CJS, Kennedy (2005b, p.284) suggested there needs to be drastic increases to ensure that existing representation is not merely tokenism.

The Media response to female violent offenders demonstrates a continued preference to depict this type of offender and offense in a qualitatively different way to males. Violent women are generally afforded far greater exposure within media discourse which potentially leads to misleading inferences as to the frequency and nature of women’s involvement within violent crime. Although the media does not overtly refer to women’s deviation from expected gender roles they report in a manner which arguably intends to guide the ideological stance of the reader or intended audience (Reah, 2002, p.50).

The case study of Andrew’s and subsequent consideration of the medias response to, and depiction of, Lee’s and Knox illustrate that many of the traditional gender role ideologies of women and femininity, highlighted by Lloyd, are manifest within contemporary media discourse. Implicit assumptions regarding the female offender’s character are demonstrated within heavily biased reporting ranging from the inclusion of details such as their sexual experiences, perceived mental stability and inferences upon their maternal capability. This all serves to shape and construct one’s perception of the contemporary female
violent offender. As Jewkes (2011, p125) observed, the legal system and media play a vital role in the reinforcement of feminine ideals when portraying women as victims, but also in maintaining notions of feminine ‘wickedness’ when they offend. As Carrabine (2008, p.166) noted, actively condemning the alleged deviant can function to reinforce accepted boundaries of the perceived ‘norm’ and maintain order. The potentially regulatory function of the media could be argued to employ discourses which generate support for maintaining patriarchal values within contemporary society. As Burr (2003, p.122) observes, discourse can perform a significant function within social construction and in shaping accepted practices and oppressive expectations.

The most powerful and persistent stereotype of women is that of maternal caregiver, when women deviate against these prescribed qualities, for example in cases of domestic homicide, Lloyd’s depiction of the ‘Doubly Deviant: Doubly Damned’ female appear to still resonate in contemporary society. In instances where women commit violent crimes against children the offending women will almost certainly be subject to vilification and to levels above and beyond their male counterpart.

From a very personal and subjective perspective it is easy to appreciate the dichotomy presented by Lloyd’s ‘Doubly Deviant, Doubly Damned theory. On one hand, particularly as a female, the potential for females to be judged by not only the quality of the acts they commit but also by virtue of their adherence to gender
expectations is naturally disconcerting. However, upon reflection, particularly from the perspective of a mother, I arguably also subscribe to these gender expectations, most notably when considering specific female violent offenders, for example those who commit crimes against children. One can easily reach instinctive moral value judgments. It is therefore very conceivable that certain categories of female violent offenders have the potential to evoke stronger public reactions. Therefore the difference between an individual’s rationalised response and an individual's emotional- reactionary response can be quite pronounced. This is arguably indicative of the successful application of expected gender roles within contemporary society.

In conclusion, both the CJS and media aid in the continued construction of the female violent offender as doubly deviant having broken both the law of the land and by contravention of traditional, yet pervasive, gender role expectations.

**Scope for the development of this research**

Whilst a comprehensive review of the statistical evidence regarding violent female offenders was beyond the remit of this study it could provide an additional perspective for future research. Another omission within this research was the exploration of class, race, cultural and sexual diversity in relation to the doubly deviant theory. Unfortunately again, this was beyond the remit of this work but could add further value to this particular field of enquiry.
References


