

Cardiff School of Journalism, Media and Cultural
Studies

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Deconstructing the House that Jack Built: An
Examination of the Discursive Regime of Sexual Murder

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Summary

Deconstructing the House that Jack Built: An examination of the discursive regime of sexual murder

Jack the Ripper has been described as the 'archetypal rapist' (Frayling 1986), a killer who committed what seemed like 'the ultimate rape' (Marriner 1992), yet he raped no-one. The mutilation and disembowelment of his victims is analogised as rape. This violence was murder, not any legally defined form of sexual assault. This is an aspect to these crimes that is given little, if any attention. Rape is a real social problem and the high attrition rate this offence attracts is the subject of much concern and research interest. A key problem highlighted in previous research has been the skewed public and criminal justice perception of what constitutes a 'real rape' (Kelly et al 2005). To analogise disembowelment as rape creates or indicates a very skewed perception of the offence.

This research proposes that the offences of rape and murder, when they are committed against women by men, have in some contexts become culturally conflated. The key aims are to examine to what extent the discourse of sexual murder produces a conflation, whether the meaning made of the violence in the discourse is used to rationalise other forms of violence against women by men and what the effect of a conflation could be for women and for the criminal justice system.

Multiple methods were used, to extract data across three key institutional sites, under three headings – cultural representation, news reporting and police operational practice and include data obtained from examination of news reports of the rape and/or murder of women, Jack the Ripper film/TV and interviews with police from a serious crime team. All data was analysed using the unifying theoretical framework of Foucauldian discourse analysis.

It was found that in some contexts the conflation exists and has real effect. There are five key findings: firstly that perceptions of what constitutes a 'real rape' are more closely aligned to a potential sexual murder than a legally defined *or* aggravated rape; secondly it was found that murders of women are routinely gendered and sexualised by both the media and the police which powerfully links fatal or potentially fatal violence with sexual assault and vice versa; thirdly it was found that because of the symbolic value of rape, murders of women can be and are considered, in some circumstances to be 'virtual rapes', which links closely to the fourth observation that indicates that instead of understanding rape as a form of violence, we can understand violence against women as a form of rape; finally, it was found that fear of rape could realistically be associated with fear of death because of the meaning made of rape in sexual murder discourse and this could have significant repercussions for those women experiencing a rape assault, those women who fear rape assaults, those who deal with victims of rape and the prosecution of rape and murder in the criminal justice system.

Author's Declaration

I declare that the work in this thesis was carried out in accordance with the regulations of the Cardiff University and is original except where indicated by specific reference in the text. No part of the thesis has been submitted as part of any other academic award. The thesis has not been presented to any other education institution in the United Kingdom or overseas.

Any views expressed in the thesis are those of the author and in no way represent those of the University.

Signed Date

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Chapter One: Introduction and Methodology

Introduction

This research is a multi-method, cross-disciplinary project which has been complex in both its construction and expression. For this reason the path to its achievement and explanation of methods and methodology will be made explicit throughout. A second and equally difficult aspect of this project is to effectively resist knowledge and truths produced in dominant discourses, a position which can appear anti-intuitive or unsophisticated and this too requires explanation at points in the thesis. To aid a comfortable navigation of the research as a whole I will include continuing reminders and explanations at the beginning and end of each chapter.

The catalyst for the undertaking of this research was partly a personal experience of my own. I had just completed a dissertation on the subject of the representation of rape and rape victims and was in the process of constructing a research proposal to further this interest, so it was with this at the forefront of my mind that I found myself interrogating my own fear of sexual assault. Alone in my home one night I felt distinctly vulnerable and afraid and as a woman alone, this anxiety was related to fear of rape. It was only after intellectualising this fear that I realised I was less afraid of a sexual assault than I was of not surviving it, however had I been asked at this time why I was afraid, I would have cited fear of rape as the cause, not fear of being murdered, my perception of rape being conflated with my perception of murder. The complexity of this fear may not be immediately apparent but the seemingly commonsense association of the crime of rape with the crime of murder that I made did not occur as an isolated and irrational thought. In reading articles about an

individual described as the ‘archetypal rapist’ (Frayling 1986), Jack the Ripper, I was genuinely surprised to find, that he raped no-one and was never suspected of attempting any rapes. His ‘rapes’ were the mutilation and disembowelment of his victims. This ‘mixing’ of offences is given little, if any significance in the literature but represents a clear and unambiguous conflation of the offences of rape and murder in a widely proliferated story that even over a hundred years after its occurrence still holds a fascination for the public, media and researchers.

The crimes of Jack the Ripper are given much popular and academic attention, the popular approach positioning the killer as a sexually motivated ‘madman’ (Marriner 1992, Wilson 1984, Frayling 1986) and the academic (largely feminist) approach (Walkowitz 1992, Cameron and Frazer 1987, Boyle 2005, Caputi 1987) positioning him as a sexually motivated misogynist. What is largely missing from the theories and commentary is an interrogation of the conflating of rape and murder. Why is mutilation or disembowelment considered a kind of sexual assault or rape and what could be the repercussions of such a conflation?

In considering the more general rapes and/or murders of women by men, the literature often considers them to be similar offences, often with a shared aetiology, that being patriarchal practice or misogyny but with sexual roots or expression (Browmiller 1975, Lees 2002, Caputi 1987, Boyle 2005) and categorised as gendered violence. There appears to be little consideration given to the problems that may ensue from a linking of rape and murder in this way or from conflating the offences. It is this gap that I wish to explore in this research. The key argument I propose is that the offences of rape and murder have become, in some contexts, culturally conflated. This extends

beyond the popular, but under explored idea that rapes are potentially fatal and develops the notion that rape and murder can be the same thing. In some contexts the offences have the same meaning and even the same substantive elements; the term rape can be used to indicate or describe the killing of a female by a male. I explore not only how and where this occurs, but what the repercussions may be. Violent offenders like the Yorkshire Ripper or Jack the Ripper are often confused with, assumed to be or described as rapists (Marriner 1992, Frayling 1986, Rape Crisis 1999) their acts of violence seen as analogous to the acts of a rapist at some level. These particular offenders were serial killers, not serial rapists, rape was not a part of their *modus operandi*, but their crimes exemplify the dominant discourse of sexual murder. In this sense the ultimate violence – murder – is linked to rape via cultural perceptions and not statistical reality or legal definitions, with the term ‘rape’ sometimes even supplanting the term ‘murder’ as will be illustrated in this research.

Rape has been the subject of much academic debate, especially in the context of the criminal justice response. It is approached as a real social problem (Brownmiller 1975, Lees 2002, Horeck 2004, Kelly *et al* 2005) with the key difficulties lying in its representation in media and skewed perceptions held by the public and criminal justice personnel. It is in this context that the repercussions of the conflation will be explored. The available statistics clearly illustrate that rapes do not usually end in murder and Kelly *et al's* (2005) research shows that the vast majority of rapes are committed by friends or acquaintances of a (female) victim, which reflects results from previous research (Harris and Grace 1999). The chief societal and academic concerns with rape are not that the victims are killed but that the criminal justice response is inadequate and failing. The current (2006) high profile of rape and rape

prosecution has produced acknowledgement from the government that there are problems with public and criminal justice perceptions of rape and rape trauma. The consultation document *Convicting Rapists and Protecting Victims – Justice for Victims of Rape*¹ shows concern that skewed perceptions of the offence are implicated in the extremely high attrition rate that rape attracts. The latest Home Office research (Kelly *et al* 2005) also asserts that skewed perceptions of the offence held by criminal justice personnel are impeding successful criminal justice outcomes with those victims who do report rape rarely seeing their cases secure a prosecution or conviction. Conviction rates for 2002 reached an all time low of just 5.6% and there is a reported year on year increase in the attrition rate (Kelly *et al* 2005). Concerns are reflected in recent news reporting, the BBC for example (Online news 10th April 2006) report that conviction rates have fallen from one in three in 1977 to one in twenty in 2004, and that in 2001 there were an estimated 80,000 incidents of rape or attempted rape reported in England and Wales. Recent news interest was precipitated firstly, by the Fawcett Commission's second annual review of Women in the Criminal Justice System, their report *Justice and Equality*² showed there were regional variations in conviction rates for rape and likened the situation to a 'postcode lottery', and also the recent publication of the consultation paper, *Convicting Rapists and Protecting Victims*, which as noted, addresses concerns, among others, of the perception juries may have about the psychological trauma of rape and the stereotypical way victims are expected to react.

¹ Consultation paper can be accessed in full online at www.cjsonline.gov.uk/downloads/application/pdf/Rape_consultation.pdf

² The Fawcett Society is a registered charity working for female equality and is named after Millicent Garrett Fawcett, a suffrage campaigner, from its origins in 1866. home page: www.fawcettsociety.org.uk The report can be accessed here.

Kelly *et al*'s (2005) research reports that there is still a belief that a 'real' rape occurs in a public place, committed by a stranger to the victim and involves aggravating violence. It may be that this perception of rape, a perception that is described as more akin to an aggravated rape assault (Kelly *et al* 2005, Young 1998), is setting the standard for what 'rape' actually is. This scenario is also however, very similar to the dominant discourse of sexual murder as constructed in the media and by criminal justice agencies, where the killing is seen to occur in a public place, committed by a stranger, with (predominantly) a female victim, for sexual gratification (Schmid 2005, Boyle 2005). It is a focus for this research to explore if the hypothesised conflation of rape and murder is implicated in the skewed perceptions of rape identified in previous research and the difficulties in prosecution and expectations of victim response to a rape assault.

The crime of homicide is also to be the subject of reform with a consultation process beginning in 2007 (Times Nov 30th 2006) that proposes a more American style of homicide classification, this approach would see the use of 'first' and 'second' degree murder and possibly a lesser charge of manslaughter. It has been argued by Lees (1997) that men who murder women are often convicted of, or charged with manslaughter, especially when gendered themes are used to rationalise the violence. It is possible that the conflation of rape and murder may also have effect in homicide prosecution and this identified 'problem' in the system will also be explored.

Aims

The relationship between rape and murder is therefore the subject of this research working from an initial hypothesis that the terms have become culturally conflated within the discourse of sexual murder. This research aims to do three things:

1. To examine the extent to which a cultural conflation of the offences of rape and murder is produced within the dominant discourse of sexual murder.
2. To examine the extent to which the dominant discourse of sexual murder is used to make meaning of different types of violence against women, especially rape.
3. To examine the effects that the conflation produced in the discourse of sexual murder could have for women within the culture and the prosecution of rape.

It was found that in some contexts a conflation of rape and murder exists and that this conflation has real effect. There are five key observations from the data and analysis that support the hypothesis and that indicate the conflation exists and has effect: Firstly, that perceptions of what constitutes a 'real rape' are more closely aligned with a potential sexual murder than that legally defined *or* an aggravated rape assault. The defining characteristics of a perceived 'real rape' noted in previous research are identical to the popular notion of what constitutes a sexual murder, namely a lone female is attacked by a male stranger in a public place, usually at night, for sexual gratification. Secondly, it was found that murders of women are routinely gendered and sexualised by both the media and the police and that this facilitates a conflation of rape and murder, the police and journalists assume a sexual motivation when women are murdered by men, a sexual motivation that in its representation and interpretation creates a logical link to the apparently sexually motivated offence of rape. Thirdly, it was found that because of the symbolic value of rape, murders of women can be and

are considered in some circumstances to be 'virtual rapes', which links closely to the fourth observation that indicates that instead of understanding rape as a form of violence, we can understand violence against women as a form of rape; for example a woman who is bludgeoned to death can be considered to have been assaulted for sexual reasons. Finally, it was found that fear of rape could realistically be associated with fear of death because of the meaning made of rape in sexual murder discourse and this could have significant repercussions for those women experiencing a rape assault, those women who fear rape assaults, those who deal with victims of rape and the criminal justice system.

Multiple Methods

Hickey (2001) and Jenkins (1994) state that much of what we know about sexual homicide is based upon misinformation and myth construction and Hickey sees the symbiotic relationship between law enforcement, the media and the public as encouraging disinformation. These three areas not only form part of a discursive formation, but are also areas in which discourses around rape and murder are constructed. I looked at each area separately to explore how or if, each institutional site may conflate the crimes of rape and murder, specifically focussing on discourses and discursive practice. It was necessary to use multiple methods to obtain data with which to identify dominant discourses and common discursive themes; these will be discussed separately under the three key headings:

1. Cultural Representation
2. Police Operational Practice
3. News Reporting

Each strand is presented in a separate chapter and the methods discussed in that chapter, however the unifying theoretical framework will be discussed here. The theoretical framework informing the methods of data extraction and subsequent analysis of that data is Foucauldian Discourse Analysis (FDA) drawing from Foucault's theories of discourse as a system of representation and a forum for making meaning.

Theoretical Framework

Foucault (1972) said that nothing has any meaning outside of discourse; that although events occur and objects have an existence in reality, it is discourse that gives those events and objects meaning. Mills sees that 'discourse does not simply translate reality into language; rather discourse should be seen as a system which structures the way we perceive reality' (2003:55). In this sense subjects like 'rape' and 'murder' would only exist meaningfully in the discourses about them. The initial hypothesis that cultural perceptions of rape and murder have in some contexts become conflated is based upon the meaning ascribed to those crimes, a meaning produced in the discourses relating to them.

Foucault (1972) held that discourse is actually a violence we do to things or a practice we impose upon them and this indicates that discourse not only has no inherent authority and no universal claims to truth, but also that the concepts and objects which it gives meaning to, may be distorted and altered in relation to their meaning in other discourses and may also, be wholly constructed within them. The concept of rape may have numerous and diverse meanings within different discourses, however some are more powerful than others and have dominance, which gives more authority to the

'knowledge' and 'truths' they produce. The knowledge we have of sexual violence or rape then, is produced in the dominant discourses about them, and these discourses will tell us what is normal and natural, and what is acceptable and appropriate (Carabine 2001).

Foucault, in much of his work, also talks about the 'interconnectedness' of what Carabine (2001) calls the knowledge/power/truth triad. Foucault's view of power though, is not as something possessed and used as a repressive 'top down' force, but rather as a set of relations that can operate at a macro and micro level. In *Power/Knowledge* he states that power should be seen as something that circulates rather than something acting in the form of a chain and that:

'power is employed and exercised through a net like organisation... individuals (are) always in the position of simultaneously undergoing and exercising this power' (1980:98).

One way in which he sees power exercised in relation to discourse and knowledge is by constraint. Discourse does not only 'say' something it also, more importantly perhaps, constrains what can be said and Foucault (1972) described certain procedures that work to constrain discourse. One of these that amply illustrates his point is in the distinction made between what can be considered to be true or false. Those who are authorised to speak, and are considered 'experts', those who have a voice, will be able to speak truths, conversely those who are not authorised in this way, can not speak truths. Consequently discourses are constrained and structured by institutions which can authorise the truthfulness of statements. In this way discourse limits knowledge. Mills states 'Thus he moves us away from seeing knowledge as objective and dispassionate towards a view which sees knowledge always working in the interests of particular groups' (2003:79). Foucault does not even see that knowledge is

produced by the objects and concepts which it refers to. In *Discipline and Punish*

Foucault states:

‘it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge’ (1991:28)

Hall states that ‘knowledge linked to power, not only assumes the authority of ‘the truth’ but has the power to make itself true, discourse in this context overcomes the line drawn between what we say and what we do, it is about language and about practice (Hall 2001). All knowledge applied in the real world, has real effects, and in that sense at least, ‘becomes true’.’ (2001:76) The study of discourse then, is more than merely an intellectual exercise, discourse has real effect, it is a practice, it creates discursive objects and makes meaning, it may reveal the interests of powerful groups and is socially, politically and historically situated. It is important then, in the context of this research, that those who are authorised to speak, those institutional sites that produce the knowledge we have about rape and murder are examined to establish how and where their ‘knowledge’ and ‘truths’ may produce a conflation of the offences of rape and murder. As noted, Hickey (2001) and Jenkins (1994) identify three institutional sites that produce what is referred to as disinformation in relation to sexual murder and it is these three sites that will structure the thesis, data extraction and the analysis using Foucault’s theories of discourse.

Strand One: Cultural Representation

I found that not only is the discourse of sexual murder exemplified in the crimes of Jack the Ripper but there is also a belief that it originated from interpretation of the motives behind these crimes (Caputi 1987, Boyle 2005). This is a particularly

interesting position for not only is the meaning we make of sexual murder considered to have come from these particular acts of violence, but Jack the Ripper, although often considered 'the archetypal rapist' (Frayling 1986) and credited with committing what seemed like the 'ultimate rape' (Marriner 1992), was not in fact a rapist at all. His crimes then could be considered a powerful example of a conflation of rape and murder as well as having a particular cultural resonance. The vast amount of media dedicated to these and apparently similar crimes and the status of Jack the Ripper as the ultimate cultural demon, coupled with the academic interest in the way the crimes are implicated in modern sexual murder discourse (Caputi 1987, Walkowitz 1992, Boyle 2005, Tatar 1995, Schmid 2005), makes this a particularly suitable and compelling examination. The focus for this strand is the representation of Jack the Ripper's crimes in a 'cultural' context. I needed to obtain data that reflected the popular and public 'knowledge' about the crimes. The most suitable forum for data collection was representation of the crimes in film and TV as this is a particularly accessible form of media that may be accessed by a wide audience and not only those who have an interest in the crimes. There has been research which uses this forum, and specifically the 'horror' and 'slasher' genre's, to examine the way in which violence against women is represented, understood and interpreted (Clover 1992, Caputi 1987, Haskell 1987).

My aim was to determine how this specific form of media (Jack the Ripper film and TV) gives the crimes a sexual meaning which may link the violence to rape and produce a conflation of the offences. As with all the strands the object is to identify common themes that give violence against women by men a sexual meaning. This

strand is examined in Chapter Three and the method is explained more fully in the chapter.

Strand Two: News Reporting

This strand aims to obtain data from news reporting of the rapes and/or murders of women by men to explore whether or how the crimes of rape and murder may be conflated. Similar to strand one, the aim is to explore how or whether violence against women by men is given a sexual meaning and also whether there is a linking or co-existence of the concepts of rape and murder that would facilitate a conflation of the offences.

I structured this strand into two sections, a small but important quantitative analysis, which counts the number of times the concepts of 'rape' and 'murder' simultaneously co-exist in news reports and, as in strand one, obtaining data that would show whether or not rapes and/or murders of women by men are given a sexual meaning and how this may be achieved and how it may produce a conflation of offences. As with strand one the object is to identify common themes and the method for this is explained more fully in Chapter Four.

Strand Three: Police Operational Practice

As with strands one and two, this strand aims to obtain data from interviews with police officers from a major crime unit to explore whether and how they, in approaching and investigating the rapes and/or murders of women by men, give the crimes a sexual meaning that may conflate the crimes of rape and murder.

Data was obtained via five interviews with police officers from the Major Crime Unit of a county police service during the months August to November 2004. I interviewed officers of varying rank, from Superintendent to Constable, and of both genders. This analysis is presented in two sections, the first a general discussion of the rapes and/or murders of women to identify common themes and beliefs which may conflate the crimes of rape and murder and which give the crimes a sexual meaning and the second a case study of the investigation of the murder of Hannah Foster in its early stages with some focus on the police/press relationship. The methods are discussed more fully in Chapter Five.

Overview of Thesis

The unifying framework for this research is Foucauldian Discourse Analysis, using data obtained from the three strands via multiple methods. The type of data extracted from all three strands was specifically chosen to further a discourse analysis. Common discursive themes, strategies, silences and objects which occur across the three strands are identified that can give the rapes and/or murders of women by men their meaning and can be identified as part of a discourse of sexual murder.

This introduction to the research gives an overview of the main aims and arguments as well as a brief discussion of the methods used to obtain the primary data in the three strands. The theoretical framework is also discussed to make clear the reasons for the methods chosen and the type of data examined. Chapter Two is directly related to the theoretical framework of FDA and presents a genealogy of rape and gendered violence discourses that have been constructed, reinforced and resisted historically, from two perspectives – the feminist position and the historical/cultural position. These positions could be seen as producing opposing ideas about the aetiology of rape

assaults and illustrate many of the antagonisms present in the literature. It also provides the foundation for analysis and helps identify key constituent parts of the dominant discourse of sexual murder which can then be recognized in the primary data. Chapters Three, Four and Five separately discuss the data collection, analysis and findings from the three strands – Chapter Three - Jack the Ripper in film, Chapter Four - news reporting and Chapter Five - police operational practice. Each chapter can be read as a smaller research project with its own introduction, literature overview, data analysis and conclusion. In Chapter Six all the data is drawn together for a final discussion including the inter-relationship between the strands and the findings and conclusions/recommendations for the project as a whole.

Ethical Considerations

The chief ethical concern for this research was with the access gained to the police subjects of the interviews. I had once been employed by the constabulary and access was possibly easier because of this, also it was considered that the police subjects may have felt more comfortable speaking with a former officer than another researcher. This may have led them to reveal information which they would have felt uncomfortable revealing in a different context. This did not necessarily happen, but to ensure the anonymity of those officers was a prime concern. Sensitive information was given and an appreciation of what could be revealed or not in the research was important. Some identities, locations and details have been omitted. This is further discussed in the methods section of chapter five.

I also felt that what can be considered ‘sexual’ is very subjective and open to interpretation, it is for this reason that translation codes are documented so that the reasons for inclusion of data are transparent.

Chapter Two: Genealogy of Rape Discourse

Feminism and Sexual Violence

Introduction

The dominant discourses produced in relation to the rape and murder of females, appear to be broadly divided by their ideological position. The dominant debates are largely between a feminist perspective and what I will describe as an historical/cultural position, which encompasses any argument counter to the feminist standpoint. The main reason for this is that the feminist position has challenged practically all orthodox historical 'gender knowledge', but also that this division represents two key and often polarised positions of the causes of sexual violence. These two positions are that firstly, sexual violence against women is the result of biological determinism, and secondly that sexual violence is the result of cultural factors and the differing social positions of men and women. Of course the debates are far more complex than this simplistic binary division, but this is an effective stance from which to separate the key ideological positions. This division is one that is comparable to the two major and competing theoretical standpoints that are evident in the wider study of criminology and could be seen as a parallel divide, those positions being the Positivist and the Classical (Soothill *et al* 2002). Soothill *et al* note that although these standpoints can separate ideas of what causes crime, there are very few 'pure' classicists' or 'positivists', rather a leaning in one direction or the other. It appears that in the discourses of sexual violence there is far more of an ideological identification in some groups. Feminists have perhaps, unfairly in some cases, been represented as 'purist' ideologists (eg. Brownmiller 1974), who embrace the idea that it is the culture that produces sexual violence, and this has produced argument from opposing 'purist' ideology (eg. Thornhill and Palmer 2001) whose theories have

historical and cultural dominance, that the reasons are biological in origin. This examination of the historical/cultural and feminist discourses has more importance than merely being an overview of the literature. These discourses are directly relevant to the hypothesised conflation of rape and murder and provide the context for the analysis, whilst also illustrating where the common themes and discursive strategies are historically, politically and socially situated. For this reason the examination is substantial.

In Foucauldian analysis, genealogy is a very specific term and refers to the study of particular related discourses that are evident both historically and contemporarily, though not in any kind of chronological order. Foucault saw discourses as reflective of particular historical points in time, but with no linear progression of 'knowledge'. The discourses are more historically and politically situated and reflect only what was thought to be 'known' at a particular time. The feminist and historical/cultural genealogy in this research identifies certain discourses of sexual violence that have been produced and constructed by feminist theory and also in other institutional sites like religion, law, art and medicine. Although this is a history of sexual violence discourses, it does not represent a chronological or linear progression of those discourses.

Women's inferior position in society and their apparently natural passive nature is a 'truth' that is widely reinforced in the discourses produced by many historical exemplars of authoritative 'knowledge' production. Feminism was the first and perhaps only, serious challenge to the discourses produced, as Saul (2003) notes

‘(F)eminism sets itself in opposition to virtually every culture on Earth...feminism interrogates and challenges all cultural traditions’. (Cited in Bourne and Derry 2005:54)

In this context feminism is a distinct approach, a resistance to nearly all historical and cultural ‘knowledge’. Although feminist discourses are evident in all the disciplines, they have their roots in social science, however, even social science has bolstered the historical beliefs challenged by feminism. Friedan (1963), a pioneering second wave feminist scholar, argued that psychoanalytic theory and functionalism undermined women’s full participation in society as well as reproducing the view that this was somehow natural for them. Feminism, in this context was, and is, a distinct social scientific approach that challenges not only opposing biological arguments, but theories from its own wider discipline of ‘social science’. For this reason feminism will be reviewed on its own and the competing approaches reviewed as a category of cultural/historical views and approaches irrespective of their discipline. Feminism challenges any claim that women’s subjugated social and cultural position is natural and in the realm of sexual and gendered violence, feminist theory has been a direct and influential challenge to the status quo.

Feminist Sexual Violence Discourse

Feminist philosophy and theory is largely grouped into three broad categories described as the first, second and third waves of feminism which refer not only to a chronology of ideas but particular discourses. Feminism is also grouped by philosophical approach, for example, radical, socialist, liberal, black and postmodern feminism to name a few. Bourne and Derry assert that ‘this diversity of views is one of the great strengths of feminism... (and) a single definition is neither desirable nor necessary’ (2005:23). This genealogy will separate feminist discourse using the first, second and third wave categories and highlight the discursive divide existing between

the second and third wave which is clearly evident in their approaches to sexual and gendered violence. The second wave discourse, which is largely identifiable with radical feminist philosophy, positions sexual violence as a significant method of oppression and equates all female subjugation with patriarchal practice, the third wave is less an identifiable cohesive discourse, than a challenge or resistance to some of the more radical second wave discourses.

The term 'feminism' is itself problematic and some theorists have noted a reticence in many women to be associated with the term or to describe themselves as feminists. Rowe-Finkbeiner's title '*The F-Word: Feminism in Jeopardy*' illustrates the negative connotations attached to the term itself and the perceptions it creates:

'Clearly the word itself is quite problematic to this generation; otherwise it would not be so easily grouped into a list of disparate 'ism words having nothing in common but an attached suffix' (2004:5).

She found that women dislike having labels attached that describe their political party, sexual orientation, religion, ethnicity, race or physical ability, but that the label 'feminist' grated the most. The term is perceived as representing a particular political approach that belongs to the radical theorists of the second wave of feminism. In this sense the third wave of feminism is a challenge and sometimes rejection, of second wave ideals. Sommers (1995) publication '*Who Stole Feminism?*' clearly positions the second wave as unfairly and erroneously representing feminism as a whole, with theories that are not only negative for feminism, but for women more generally.

The First Wave

The ideas related to sexual violence against women of the first wave feminists are largely unrepresented in much literature, and it is even posited by some (non feminist)

writers that the first wave feminists did not campaign a great deal about sexual violence or more particularly, rape. Porter (1986) states that early feminists like Mary Wollstonecraft and Mary Astell did not agitate about rape, even though they campaigned against other sexual issues like child prostitution and sexual diseases. However it is argued by Jeffreys (1984) that the first wave feminists did not ignore these issues but in an effort to transform male sexual behaviour, they campaigned against the abuse of women in prostitution, the sexual abuse of children and marital rape. Jeffreys points out that this campaign is largely ignored in historical texts which concentrate on the suffrage movement. Whether or not the first wave of feminism campaigned against such issues is not as important in this context, as the fact that they are not defined by their approach to these issues.

According to Bevacqua (2000) it was in the middle of the nineteenth century that women began campaigning against their unequal position in society, though the often described 'mother of feminism', Mary Wollstonecraft's *'A Vindication of the Rights of Woman'* was published much earlier in 1792. Wollstonecraft accepted the idea of different roles for females and males but strongly fought for the education of women so that they could develop the solid virtues they were accused of lacking (Bourne and Derry 2005). Her work was considered extremely radical at the time but did not give rise to any kind of female revolt (Brody 1992). The first wave issues were concentrated on women's unequal position in society and their legal status, once married, as 'feme covert'. This meant that once married, a woman's legal status was tied with her husband's, they were, in effect one person with the male possessing all the rights. As a result women could not have their own money or property, a husband could legally physically punish his wife for disobedience, he had rights to sexual

intercourse with his wife whether or not she consented, a woman had no rights over her children and women could not vote or enter many of the professions (Bourne and Derry 2005). When women did begin to challenge their position in Victorian times they had few political or academic allies and those activists who were more aggressive, like Emmeline Pankhurst were accused of being 'unladylike' and the more conventionally 'feminine' feminists like Millicent Fawcett argued that their activities were detrimental to the cause. Bevacqua (2000) sees that although sexual violence against women may not have produced direct feminist action, members of the suffrage and women's rights movements did allude to the issues. The emerging discourses saw sexual violence as rooted in women's lack of sexual autonomy and 'ownership' of women via marriage. Bevacqua states:

'The first outcry against sexual assault as a systematic abuse of women came in response to the rule of 'lynch law in America' in the years following the emancipation of slaves.' (2000:21)

Activist Ida B. Wells in 1892, after investigating and reporting on extralegal lynchings of black men 'articulated a political understanding of sexual assault' (2000:21). This particular position, that rape and sexual assault were being used to achieve more general political aims was to become a significant argument of the second wave feminists. However, the sexual double standard³ which Thomas describes as a view that 'unchastity, in the sense of sexual relations before marriage or outside marriage, is for a man' and 'a matter of the utmost gravity for a woman' (1991:137), was recognised and challenged by the first wave feminists and in response to the Contagious Diseases Act 1864, this became the subject of direct feminist action. Sexually transmitted diseases were a significant problem amongst

³ For discussion on the historical and legal context of the double standard see Thomas (1991)

soldiers and sailors of the time and there being no anti-biotics to deal with the problem, it was of epidemic proportions. The culture of the time and the discourses of female sexuality, dictated that female prostitutes were the cause of the problem, not the males who used their services. According to Bourne and Derry (2005) senior military officers and doctors felt that servicemen *needed* access to healthy, uninfected prostitutes. This approach reflects the scientific discourses that constructed male sexuality as biologically determined, static and driven by uncontrollable urges, but also the religious moral discourses that constructed a code of sexual behaviour for women that revolved around virginity, abstinence and purity. The legislation allowed that any women even suspected of prostitution in named garrison towns could be forcibly removed, examined and treated (with mercury), there was no forcible examination of soldiers and sailors, it was thought that it would be bad for morale (Bourne and Derry 2005). In 1871 the report of the Royal Commission upon the Administration and Operation of the Contagious Diseases Acts stated that there was:

‘no comparison to be made between prostitutes and the men who consort with them. With the one sex the offence is committed as a matter of gain; with the other it is an irregular indulgence of a natural impulse”

There was a significant campaign launched against the Act and Josephine Butler was its most prominent leader; the act was finally repealed in 1886. This action was a direct and radical challenge to the legal operation of the double standard which is a premise that features widely in later radical feminist approaches to sexual violence. In referring to the double standard as politically constructed, the first wave feminists laid the groundwork for the emerging second wave feminist discourses which were to re-define rape as political violence and not purely sexual violence.

Bevacqua states that the first argument anywhere in print that rape was about violence and not sex, was probably in Ruth Herschberger's 1948 collection of essays titled 'Adam's Rib'. Herschberger states:

'Rape is a form of violence involving the personal humiliation of the victim, one in which men 'virtually encourage various members of their sex' to participate' (cited in Bevacqua 2000)

This is reflective of the discourses of the second wave feminists who placed sexual violence at the very centre of the feminist political agenda in the late sixties and early seventies, but it is Susan Brownmiller who is widely credited with being the first to position rape as political violence.

The Second Wave

In 1963 Betty Friedan published '*The Feminine Mystique*' and Bevacqua sees this as a 'critical mobilising event'. She describes this book as the:

'first to articulate the sense of alienation middle class American women often experienced in their role as housewives in the 1950's and early 1960's ...and helped establish the women's rights branch of the second wave of feminism' (2000:54).

Friedan exposed what she described as a hidden problem amongst American women; a lack of fulfilment in their gendered role as women, and held that women were taught to pity those of their gender who aspired to achieve access to political rights, higher education, professional careers or artistic recognition. The dominant discourses of femininity constructed these women as 'unfeminine' and undermined what had been achieved by early feminists.

Friedan's work revealed that women were generally unfulfilled in their cultural feminine roles and identity and she also explicitly denounced the idea that 'anatomy is destiny'. In a critique of Freud's work, which she argued was an idea that hardened

into apparent fact and worked to trap American women into believing a myth of femininity, she claimed that cultural influences and a social scientific approach were discarded in favour of ideas of biological determinism. She also asserted that Freud's theory of 'penis envy' had been interpreted as having a biological, rather than a cultural aetiology and was applied too literally. Freud himself was a product of his culture and his case studies too, were a product of that same culture. Social science was relatively unexplored at the time and Friedan argued that this was missed in the interpretation of Freud's work, but that his work had been extremely influential and used widely to argue women's inferiority.

Freud's work is significantly criticised by many feminist scholars and Brownmiller (1975) argued that psychoanalysis as a discipline, had some responsibility for defending sexual violence against women. However, Friedan also pointed out that social science had not distanced itself from the Freudian 'anatomy is destiny' position.

'Instead of destroying the old prejudices that restricted women's lives, social science in America merely gave them new authority. By a curious circular process, the insights of psychology and anthropology and sociology, which should have been powerful weapons to free women, somehow cancelled each other out, trapping women in dead centre' (1963:117)

Friedan argued that by attempting to make itself more 'scientific', social science borrowed from biology and studied institutions as if they were comparable to a human body in terms of their structure and function.

'By studying an institution only in terms of its function within its own society, the social scientists intended to avert unscientific value judgements. In practice functionalism was less a scientific movement than a scientific word-game...By giving an absolute meaning and a sanctimonious value to the generic term 'woman's role', functionalism put American women into a kind of deep freeze'(1963:118).

In this sense second wave feminism was challenging every accepted and orthodox discourse of gender and this was never going to be an easy position from which to further a political ideal. Feminism, especially the first and early second wave had few political or academic allies and in the face of orthodox scientific 'knowledge' was represented to be more a political goal of 'unfeminine', ill-adjusted women than a scientifically or empirically sound position.

The publication of Susan Brownmiller's *Against our Will* in 1975 initiated considerable argument and dialogue in the realm of sexual violence. Brownmiller unapologetically positioned rape as a political process of intimidation, an act tacitly endorsed by all men, and perpetrated against all women. Brownmiller held that most rapists were not suffering from mental illness or an overwhelming sexual desire, but were quite ordinary individuals who identified with a patriarchal and misogynistic culture, and that any women of any age, ethnicity, marital status, level of ability, level of attractiveness and moral standing could be victims of rape. She exposed the 'normality of the offence' and challenged the assumption that male sexuality was static and biologically driven. What made her new discursive approach so controversial was the accusation that rape was used as a process of intimidation so that the social elite (of males) could maintain their dominant position.

The discourses being developed by feminism were furthered by challenging beliefs about and discourses of, sexual violence and forming an anti rape ideology. It has been the goal of many feminists to challenge the so-called rape myths and place the blame for such violent assaults on the perpetrators and not the victims of sexual violence. The idea that rape was a result of male sexual desire and that women

secretly invited rape was unequivocally challenged and rape was re-conceptualised. The second wave discourse placed patriarchal cultural hegemony and practice as implicit in the high rates of recorded and unrecorded sexual violence and the low reporting, prosecution and conviction rates. Rape was presented as politically motivated violence, an act tacitly endorsed by all males (Brownmiller 1975). The perception of the rape victim was also challenged, the rape myths that saw women as inviting assaults by their manner of dress or behaviour did not relate to the 'types' of women who alleged rape. The second wave ideals were a direct confrontation of historical/cultural discourse. They resisted the discursive regime that gave authority to the view that males could not resist their biological sexual urges and they challenged the validity of many 'objects' of discourse like the 'deceitful woman', the 'woman as whore' and the 'mad rapist'.

The idea that the patriarchal rape discourses were propaganda used to maintain the position of the elite, was used by feminism to undermine their validity and in this sense the concept of misogyny or woman hating was also developed. Andrea Dworkin (1999) and Catherine MacKinnon (1993) saw misogyny reflected in pornography, which Dworkin cited as male propaganda for continued male domination and patriarchy. Dworkin held that pornography was political expression of male hatred for women and she says on her reaction to pornography:

'The visceral experience of a hatred of women that literally knows no bounds has put me beyond anger and beyond tears; I can only speak to you from grief' (1999:129).

It is because of this that Dworkin considers pornography to be a kind of clandestine masculine manifesto. For example Dworkin states:

'The character of pornography and it's relationship to actual violence against women, if it's analogous to anything is analogous to the way anti Semitic

literature blanketed Germany and enabled what occurred to be justified, encouraged it, incited it, promoted it'(1999:141).

This is a powerful statement, though Dworkin is not alone in likening patriarchal discourse to propaganda. Russell (1993) presents a causal model of pornography and rape and her use of Finkelhor's (1984) model for child sexual abuse links to pornography as propaganda to undermine the assailant's inhibitions against committing such an act. Harstock (1999) implicated pornography in the sexualisation of victimised women and the normalisation of the brutal, sexually aggressive male.

She states that:

'There is a surprising degree of consensus that hostility and domination as opposed to intimacy and physical pleasure are central to sexual excitement' (1999: 97).

The 'sexually dominant male' and the 'sexually passive or submissive female' produced by patriarchal discourse, were argued by feminism to be represented as 'natural' stereotypes of men and women, and the discourses were powerful in establishing these stereotypes as the norm. Lees (1997) described the passive/aggressive nature of sexual relations operating in British and Western culture as pivotal to the maintenance of the double standard; the double standard could not operate without the normalising of the passive woman and aggressive man. According to Lees the males are expected to aggress and the females to respond, or not. Lee's research concerned the use of language to control the behaviour of young girls in school and graphically depicted the foundations for the support of the double standard:

'A girl's standing can be destroyed by insinuation about her sexual morality. A boy's reputation in contrast is usually enhanced by his sexual exploits' (1997:17).

Durkheim (2002) described all human behaviour as being on a continuum, at one end the behaviour may be perceived as criminal or deviant but similar behaviour at a

different point on the continuum may be seen as acceptable or normal. Box (1992) used the theory to illustrate how normal sexual behaviour and rape are at different points on a single continuum. Box illustrated this too by quoting Clark and Lewis's proposition that 'the socialisation of both men and women takes coercive sexuality as the normal standard of sexual behaviour' (1992:141). He saw that men were expected to apply pressure on women to agree to sexual intercourse but women, conversely were expected to resist that pressure. This led, according to Box and to Clark and Lewis, to those men who identified strongly with patriarchal culture perceiving sexual aggression as a kind of seduction where it was possible to see rape as 'not only normal but even desired by the victim' (1992:146).

Lees (1997) examined how males and females were socially and culturally 'prepared' for sexual violence and rape. Lees achieved this by establishing the importance of reputation in the life of a female and illustrating how males and females were implicit in the policing of female behaviour using reputation as control. She showed how the use of insulting terms like 'slag', could steer females into accepted roles and behaviours. She found it was difficult to establish exactly how the term 'slag' was defined as it appeared to cover a multitude of behaviours, but it was established that the term was used in relation to females who were sexually active or aware, but also for females who dressed outside prescribed guidelines, swore, were poor, were popular with males or dated often. The list was not exhaustive; however, the inference in the label was always that the female was promiscuous no matter what she did to attract the insult in the first place. She showed how males were judged by their sporting prowess or academic ability or even their sense of humour; but that females were judged by their sexual reputation alone. Lees found that protection of their

reputation became pivotal for women and girls with the most reliable protection being cultivation of a stable relationship with a male. The wish to protect themselves from the repercussions of being a slag guided girls into heterosexual relationships with males. This discursive practice had the effect of reinforcing the importance, naturalness and desirability of the conjugal nuclear family unit. However, in interviews Lees found that girls perceived marriage as something inevitable rather than something to be desired and that a steady relationship or boyfriend was seen as protection from unwanted sexual aggression from other males. This is quite important and may be more poignant than it at first appears. A female with a bad reputation can actually be left with little protection in law for a number of offences that may be committed against her by a sexual aggressor. This is vividly demonstrated in the criminal justice system where any slur on the reputation of the victim may precipitate a not guilty verdict (Lees 2002), if the complaint gets as far as a prosecution, which is statistically unlikely where the victim and aggressor are known to each other (Harris and Grace 1999). In this way sex becomes an issue with serious repercussions for girls at a young age, an issue to be treated with some caution, outside the risks of unwanted pregnancy or sexually transmitted diseases. The discursive practice of controlling female sexual behaviour is illustration of Foucault's proposition that discourse has real effect and can produce the objects of which it speaks, namely in this context 'the slag'. A 'slag' can not exist as a morally deviant 'object' without a framework to support the belief that the behaviour attracting the label is unnatural or deviant. Foucault (1998) discussed the entry into sexual discourse of the 'homosexual' as a 'species' and the production of names for 'heresies' (1998:43). The homosexual was variously constructed in discourse and became an 'object' to be

described and recognised. The 'slag' in similar fashion, is a discursive object, produced by and constructed in, discourses of gender and sexuality.

Lees found that in contrast boys were found to be under pressure to have many girlfriends, to be sexually predatory and to bond in the denigration of women. She found that groups of males could use pornography, 'dirty' jokes and abusive behaviour towards women as a means of bonding. Any so-called feminine qualities were found to be negative whereas status and kudos could be gained in promiscuity and misogyny. The research pointed powerfully to strong cultural supports for the double standard, which have repercussions in adult life. Lees work showed how women's subjugated position in society could be the result of cultural influences entirely and she rejected any claims that biological issues have relevance.

Brownmiller (1975) exposed the normality of rape and strived to show that the stereotypical view of a rape assault was flawed. The stereotypical view of a 'real' rape is perceived to be committed by a stranger in a public place using overt and aggravating violence (Kelly *et al* 2005). In embracing the idea that rape could occur in circumstances other than a violent stranger attack, which is a position borne out by rape statistics, Brownmiller brought the idea of acquaintance, marital and date rape to centre stage, and this has been the cause of some of the most vigorous disagreement between feminists.

Brownmiller and others used statistics like those of the Koss (1985) survey to illustrate how widespread the problem of rape was. The Koss survey found that one in four women had been victims of rape and this statistic was used to illustrate how

sexual violence and rape against women were a significant problem. Subsequent research (Harris and Grace 1999, Kelly et al 2005) established that the majority of rapes are committed by friends and acquaintances. The second wave feminists gained much publicity and political influence for themselves with their radical discourses of sexual violence. The inability of the criminal justice system to deal with allegations of rape was exposed as well as the prejudices that were apparent that saw women scrutinised for blame in a culture that disbelieved their allegations. Sexual violence and rape became a forum for exposing the suffering of women and their consistent subjugation by a patriarchal culture.

Although the campaign did much to change practices within the criminal justice system and reveal the inadequacies, conviction rates have not improved and the amount of rapes reported has not diminished, they have in fact increased (Kelly et al 2005). Rape Crisis report that fewer than one third of reported rapes reach court and fewer than one tenth result in conviction, according to Amnesty International (2005), 167 UK women are raped every day with only one in five assaults reported to the police. Kelly et al (2005) report that it is estimated that 47,000 women are victims of rape every year but that the majority of assaults are lost in attrition, most at the very earliest stages of reporting, with only 5.6% of rapes securing a conviction. These kinds of statistics have fortified radical feminist discourse and the fact that most sexual victimisation occurs in the private sphere illustrates the foundations for the feminist slogan 'the personal is political', which encourages examination of domestic as well as more traditional politics. However this position has attracted harsh criticism with many younger feminist writers, reflecting a perception of radical feminism as judgemental (Bourne and Derry (2005).

The Third Wave

Writers like Roiphe (1994) and Paglia (1990) reason in direct contradiction to the second wave discourse. Though these theorists and writers are contemporaries, their approaches are split via the perceived discourses of the second wave, thus the term 'second wave' refers to more than a preceding set of approaches to the third wave, it is also representative of particular discourses. The third wave of feminism is seen to be the next generation of feminists, women in their twenties and thirties who have grown up with a feminist political agenda and in some respects are rebelling against some of the second wave ideals. Ward *et al* (2006) argue that in similar fashion, the postmodern feminist position on child sexual abuse is less an identifiable discourse than a criticism of radical feminists. Freidlin (2002) states:

'Feminists have never been known for their uniformity of opinions, so it should come as no surprise that the transition from the second to third wave of feminists has left a clear rift between the generations' (2002)

The third wave feminists are seen as concentrating less on rape than their second wave peers. Bevacqua states that:

'By the beginning of the 1980's, rape was not the 'hot' issue it had been in 1972. The American public's outrage at rape had diminished, as had the shock value of news coverage of the issue.'

Other forms of violence like domestic assault, sexual harassment and child sexual abuse were receiving more publicity. However the 1980's saw the growth and consolidation of rape crisis centres and anti rape coalitions (Bevacqua 2000). The emerging discourses of the third wave saw concentration on issues like pornography. The most important rape myth to come under scrutiny according to Bevacqua, was the representation of the typical rapist along with a tendency to classify rape. Different 'types' of rape were named depending largely upon the relationship between the

victim and assailant and produced new terms like 'acquaintance rape' or 'date rape'. This caused many problems; firstly the terms seemed to create a spectrum of rape offences delineated by the perceived seriousness of the assault, which was directly related to the victim/offender relationship and this was challenged by the second wave, with many claiming that all rapes were of equal seriousness. Some of the third wave feminists like Roiphe (1994), argued that a failure to classify different sorts of experience of sexual aggression was creating a feeling of victimisation in women that was inappropriate. However and more importantly perhaps, these classifications did give women a language with which to rationalise their experiences of sexual aggression or violence. Not because of the classifications themselves necessarily, but because the arguments relating to classification of rape assault, made visible other circumstances under which a rape could occur, and allowed victims to perceive their experiences as 'rape'. Kitzinger (2004) when discussing experiences of child sexual abuse shows how having the language to rationalise an experience may transform the perception of that experience:

'Prior to 1986 incestuously abused children and adult survivors had to process their experiences in an almost total cultural vacuum. Some grew up thinking it was perfectly normal' (2004:37).

This new language or cultural re-definition is said to have resulted in an increase in reported rapes and new perceptions of what constitutes rape. Women were said to be reconstructing bad sexual experiences as rape (Roiphe 1994). The accusation against the second wave that they were 'creating victims' in the name of politics saw this position described as 'victim feminism'.

There was a backlash from some third wave feminists who argued that the definitions of rape were being redefined by second wave feminism in too broad terms. The most

significant backlash commentary came from Camille Paglia (1990), Katie Roiphe (1994) and Christina Hoff Sommers (2001). Paglia has attacked second wave feminism which she sees as dominant and stated 'I couldn't get a job in women's studies because I'm loud, obnoxious and I deviated from the party line' (Chin 1992 125: 3). She has however enjoyed considerable press and media attention with her particular style of views, she is a professor of art and according to Roiphe is unfairly portrayed as crazy and hysterical by the media (1994:155). Paglia directly contradicts second wave discourse and in dramatic fashion:

'My position on date rape is partly based on my study of the faerie queene...In 1590 the poet Edward Spencer already sees that passive, drippy, naïve, women constantly get themselves into rape scenarios, while talented, intelligent, alert women, his warrior heroines, spot trouble coming or boldly trounce their male assailants' (1992:304).

Paglia claims that feminism oversimplifies the problem of sex by reducing it to a social convention. She claims that sex is a point of contact between man and nature and can not always be reduced to a social model. Her claim that sex is daemonic, as is all nature seems to be explanation for the problematic nature of Western (hetero) sexual relations. She shows sympathy for men and the problems they have with sex, claiming that women have no fundamental problem with which to deal, in the way that men do. She also claims that women do not have to prove themselves women, in the grim way that men have to prove their masculinity. Many feminists would disagree with this assessment, Simone de Beauvoir in her seminal work 'The Second Sex' (1952) said:

'One is not born, but becomes a woman. No biological, psychological, or economic fate determines the figure that the human female presents in society: it is civilisation as a whole that produces this creature intermediate between male and eunuch, which is described as feminine' (1952:295).

Brownmiller has also asserted that the female as perceived in modern culture is a social or patriarchal construction. She states that biological femaleness is never enough: 'Femininity always demands more. It must constantly reassure its audience by a willing demonstration of difference, even when one does not exist in nature' (1980: 1). Femininity, from this perspective is something to be performed, worn to be a certain way, seen a certain way and wholly artistic and in this sense femininity is a discursive practice.

Katie Roiphe's (1994) publication echoes some of Paglia's points. Roiphe states that the incidence of victimisation that (second wave) feminism claims exists, could be eradicated if women took more care to observe when they may be in danger, and that if women were to pay attention to rape myths instead of reject them as a matter of principle, then power may be taken. Paglia too, is at odds with traditional second wave feminism in asserting that society is woman's protection from rape and not the cause of it. This is a claim that would turn a lot of feminism on its head. The double standard that is said to impede prosecutions and nurture an aggressive sexual style from men, according to Paglia, is actually protecting women from the realities of a more pagan life.

Roiphe claims that incidence of sexual assault are exaggerated or created by political manipulation of potential victims by the second wave. Roiphe is saying that the discourses of second wave feminism not only exaggerate the prevalence of rape, but that they create fear in women, causing them to dwell on their perceived violation. Theorists like Roiphe (1994) claim that women are encouraged to re-assess their experiences of sexual relations and re-classify bad experiences as assaults. It is argued that this retrospective re-classification of experience and new position of acute

sensitivity to sexual aggression has caused a false rise in rape statistics. It is also held that this approach encourages women to see sexual assault where they may not have seen it before and create a feeling in women of vulnerability, Brownmiller would argue that this is not false but was merely not recognised before. In short Roiphe posits that: 'If you don't tell the victim that she's a victim, she may sail through the experience without fully grasping the gravity of her humiliation' (1994:109).

MacKinnon (2002) asserts that the thrill of rape is not so much in the sexual act but in the victim reaction to the act and that acts of domination are experienced by the aggressor as sex itself and so cannot be viewed in isolation from issues of sexual violence. She sees that the confounding of sex with aggression would be 'epistemologically complete' (2002:37) if women did not resist male sexual aggression, because sexual violation would become 'sex'.

What MacKinnon sees as ironic, Roiphe sees as truth. By this I mean that MacKinnon would see violation in women's acceptance of aggressive sex, whereas Roiphe would see 'bad sex' and nothing more. MacKinnon asserts that the violation is there masquerading as sex, Roiphe holds the sex is there masquerading as violation.

Sommers (2001) attacks second wave feminism as narrow and exclusive, she claims the results of the campaign to increase equality for women has turned the tables and made boys more victimised than girls in some respects. She also claims that many statistics used to illustrate the sexual, physical and psychological violation of women are problematic, misleading or untrue. Sommers and others like Paglia claim that radical feminism has created a myth of violent domination of all women by all men, which is flawed at best. Sommers (2001) claims that in education it is now boys who

are discriminated against and poorly served. She shows that academic standards for boys have been consistently falling and integration into the system is much poorer than for girls. Sommers attacks, what she terms 'political feminism', as implicated in this inequity. This does not necessarily absolve the males of the accusation of some systematic sexual domination and violation, but is in opposition to the theory that rape inhibits all female participation in society because of fear of sexual violation. It is theorised by Shanahan (1999) that the harm of any rape is also harm to all women because of the wider implications of patriarchal dominance and the fear all women may have as a result of the violation of others. Ward *et al* interpret this position as arguing 'that all men somehow share in social and material 'benefits' which result from other men behaving in sexually abusive ways' (2006:171). They argue that this theory is unsustainable because of its conspiratorial nature and its reductionist view of men and patriarchy.

Women are reported however, to be in great fear of crime and research has shown that women report levels of fear three times higher than that of men (Stanko 1996). It is theorised that women's fear of crime is largely fear of sexual assault or more importantly, rape (Warr 1984). Stanko too, argues this point and sees part of the reason for the high levels of fear of sexual assault being the commercialisation of women's victimisation. She talks of the way women's fear of crime has precipitated a commercial response. Personal attack alarms are sold mainly to, and aimed at women. Advice from legitimate agencies focuses on women, like not walking home alone at night and keeping to well lit areas and keeping a tank full of petrol. Lees also theorises that cultural and social supports promote a climate of fear in women and research supports the notion that women are manipulated into a state of fear of sexual

assault. This climate of fear manipulated by culture or society is seen by some third wave feminists, as exacerbated by the ideals and theories of the so-called 'victim feminists'.

This is a point of divergence in feminist politics which sees little hope of reconciliation and has led to some theorists being described as 'anti feminist'.

Bevacqua quotes Sommers on the problem of rape within feminism:

'We need the truth for policy to be fair and effective. If the feminist advocates would stop muddying the waters we could probably get at it' (2000:187).

Bevacqua argues that 'For Paglia, Roiphe and Sommers, feminist advocates are part of the problem, not part of the solution' (2000:187).

Inter-Related Discourses:

Pornography and Prostitution

The approach to pornography of the second wave is illustrated by Dworkin and MacKinnon:

'What would it say about one's status if the society permits one to be hung from trees and calls it entertainment – calls it what it is to those who enjoy it, rather than what it is to those to whom it is done?' (Cited in Russell 1993:1).

The issue of pornography remains central in feminist discussions of rape, female subordination and cultural constructions of sexuality. Pornographic images are said to reproduce the double standard, sexualise victimised women and promote sexual violence. Dworkin (1999) even proposes that pornography shapes male sexual desire and acts to train males to find it stimulating:

'The pornographers create a dynamic 'that basically gets the man to start performing sexually'. Consequently, pornography is not just a belief system

but includes 'behavioural training' – orgasm as 'a very serious reward'' (Cited in Jenefsky 1999:137).

Feminism has a history of linking sexual violence, rape and pornography, to the extent that a direct causal model was produced (Russell 1993). Andrea Dworkin and Catherine MacKinnon have been activists in the feminist fight against pornography for many years, and there has been strong argument apparently from within feminism against their stance. Their arguments have been accused of being too divisive and in answer to this they posit:

'There have been many angry splits in the women's movement over the years...What is different about pornography is that the pornographers have used the so-called feminists who defend pornography to defend it in mainstream forums and in mainstream media' (1993:90).

MacKinnon and Dworkin were arguing that some feminists have made their defences of pornography in the pornographic literature itself and been paid to do so, and that this has constructed a significant philosophical split that has been exaggerated to benefit the pornographers. On one hand the feminist argument is that pornography can cause or at least normalise sexual violence, there is a counter argument that pornography prevents sexual violence acting as a safety valve for the natural urges of men, and also that censorship would impinge on freedom of expression or speech. Russell (1993) argues that often those who defend pornography simultaneously oppose racist and anti-Semitic literature:

'Indeed there would be a public outcry – and rightly so – if there were special non-pornographic movie houses where viewers could see whites beating up people of colour, or Christians beating up Jews, and where the victims were portrayed as enjoying or deserving such treatment. But if its called pornography and women are the victims, then it is considered sex and those who object that it is harmful to women are regarded as prudes' (Russell 1993:11).

Feminism in this context not only sees pornography as causally linked to sexual violence, but a contravention of women's civil rights. Paglia in direct contradiction to this position, is in her own words 'radically pro-pornography, according to the pagan way' (Martin 1994:10):

'I maintain that pornographic magazines must be available universally. No one has the right to prohibit their distribution... I also argue that heterosexual pornography is about the power of woman and domination by woman. If you look at a lot of pornography (and I certainly do) you see that there are more motifs of female domination of men' (Martin 1994:10).

Paglia argues that pornography reflects male ideas that they are dominated by women:

'That's the big reversal I have made on feminist theory. I have said that history is not male oppression and women being victimized; it is women's domination of the universe and men fleeing from the power of women. Most heterosexuals--even the most macho man--would admit that if you talk to them for more than two minutes' (Martin 1994:10).

Paglia asserts that mainstream feminism misuses the term misogyny, but admits to meeting men who have been 'rabidly misogynistic'. However she does not see this misogyny reflected in pornographic images. Russell (1993) distinguishes between 'pornography' and 'erotica', she describes pornography as:

'material that combines sex and/or the exposure of genitals with abuse or degradation in a manner that appears to endorse, condone, or encourage such behaviour' (1993:3).

Her argument that pornography is abuse is furthered by likening the practice to racist publications and media. She criticizes also the lack of a formal definition for what can be considered pornographic. Russell, Dworkin and MacKinnon have protested against pornography as a violation of civil rights for many years and Russell states that those who openly object to pornography are considered prudes, which can significantly undermine the arguments presented.

Feminists like Ellen Frankel Paul and Rene Denfield applaud sexual confidence in women (Le Moncheck 1997). They believe that sexual prudery is being encouraged in women by validating a feeling of victimisation in sex acts. Le Moncheck quotes Paul as saying of sexual harassment:

‘Once men realise that women are not as vulnerable to harassment as men may think, the thrill of the intimidation (and by implication it’s practice) will cease’ (1991:30).

This theory could equally be applied to the offence of rape, it must be considered as MacKinnon posits that the thrill of rape is not so much in the sexual act but in the victim reaction to the act.

MacKinnon sees that masculinity is represented as ‘the enjoyment of violation’ and femininity the ‘enjoyment of being violated’. In the double standard this is the underlying presumption and leads to conjecture that the violence in a rape has to be serious before the woman can be perceived as violated. In defining cultural sexuality MacKinnon (1999) holds that whatever gives a man an erection is sexual and that reproductive sex is not the only scenario that promotes erection, if in fact that scenario does at all. She says:

‘To be clear: What is sexual is what gives a man an erection. Fear does; hostility does; hatred does...Whatever it takes to make a penis shudder and stiffen with the experience of its potency is what sexuality means culturally.’ (1999:38).

She holds that many experiences are capable of precipitating erection and this can be supported by pornography, with much pornography involving dominance, sadism, rape and other victimising practices. The issues of pornography and prostitution are often related in feminism with the argument that women involved in both are stigmatised, abused and marginalised.

Caputi (1987) describes prostitutes as 'professional victims' such is the attention given to them by violent and murderous individuals. She cites West Yorkshire's acting Assistant Chief Constable Jim Hobson, who is quoted four years into the campaign of murder perpetrated by Peter Sutcliffe and as part of an appeal to the killer:

'He has made it clear that he hates prostitutes. Many people do. We as a police force, will continue to arrest prostitutes... but the Ripper is now killing innocent girls. That indicates your mental state and that you are in urgent need of medical attention. You have made your point. Give yourself up before another innocent women dies' (1987:93-94).

Caputi points out that this statement indicates that it is normal to hate prostitutes she says:

'The killer is even assured of solidarity in this emotion. His deeds it seems only became socially problematic when he turns to 'innocent girls'. The logical inference is that the prostitutes are already guilty and thus deserving of the punishments meted out to them by self appointed avengers or street cleaners' (1987:94).

Prostitutes are seen as defying the moral code and their expected gender role behaviour and are thus deserving of negative male attention and violence. Caputi states that prostitutes are seen as the 'archetypal projection of the patriarchal *bad* woman' (1987:95).

Dworkin and MacKinnon argue that most women in the industries of pornography and prostitution have been sexually abused, are poor and uneducated and are presented as victims of the society that created them. Paglia in contrast sees 'whores' or prostitutes as a manifestation of the power of women. She rejects feminist studies that have shown that the majority of prostitutes were victims of sexual abuse as children, claiming that the 'visible' prostitutes are unrepresentative of the industry as

a whole because they are more likely to be addicts or have psychological problems, she claims that feminism has used a bunch of ‘amateurs’ to represent a whole profession (Quan 1993). Prostitutes, she claims, are a pagan form and feminists a Judeo/Christian form that are irreconcilable. Men are excited by both forms she says, but the pagan form holds the real power and to de-stigmatise prostitution would be to attempt to remove its pagan identity. Paglia asserts that men want both forms of sexual stimulation creating a daemonic value in both. She does not see the ‘whore’ as a powerless but a powerful individual in direct opposition to MacKinnon and Dworkin, as well as writers like Lees.

Language of Sex

Arguably, the theory that male sexuality is about ‘dominance’ is supported not only by pornography but also by the language of sex. There are theoretical traditions that see language as constructive (Wetherall 2004) in similar way to discourse. Gibbon cites the Sapir-Whorf hypothesis as critical to this understanding of language use:

‘We apprehend reality through language so that language influences – or even determines – how we think and how we perceive reality... If language can be shown to influence or determine thought, then sexist language will influence speakers in the direction of sexist thought’ (1999:37).

The Sapir-Whorf hypothesis grew out of a systematic comparison of languages that were very different from each other (Fitch 2004). Fitch sees part of the reasoning behind the hypothesis as related to specific words reflecting an experience that was unique to members of particular cultures. Gibbon (1999) uses the varying cultures to illustrate how this might be, citing as an example the Chinese language which has no word for sister, only words to denote older or younger sister, reflecting the importance of age in the Chinese culture. However the hypothesis is not without its critics and Fitch points out a flaw using Japanese language. The Japanese have a word *amae*

which describes the bittersweet love between a mother and her child (Fitch 2004), there is no comparable word in the English language and the hypothesis would suggest that relations between mother and child may be perceived differently by English speakers, however Fitch points out that English speakers are able to understand the kind of relationship captured in the term.

Spender (1980) argues that language is central to the support of patriarchy. In tandem with the Sapir – Whorf hypothesis, Spender holds that the construction of the English language is implicit in the continuance of the male power base. She quotes the ‘male as norm’ theory:

‘One semantic rule which we can see in operation in the language is that of the male – as – norm... While this rule operates we are required to classify the world on the premise that the standard or normal human being is the male one and when there is but one standard, then those who are not of it are allocated to a category of deviation’ (1980:1).

Lees (1997) points out that we have many words to insult and degrade females but very few to insult or degrade males. She also holds that the words that are available to insult males are far less powerful and usually indicate some humour and that there is little language to express powerful vitriol towards a male.

Apart from the actual language we use Gibbon describes how, if we concentrate less on the dictionary meanings of words and more on the perception they promote, a better understanding may be developed. In English, generic terms are commonplace but it is held in feminist argument that generic terms do not work because of the underlying supposition that a generic term is in fact male. The word ‘man’ is a commonly used illustration of this, on one hand man is supposed to refer to all humans; it also refers to the category male. Feminists hold that this leads to

invisibility for women, as Gibbon (1999) puts it a 'people-equals-men-unless-otherwise-specified' tendency in thought and language. Gibbon found that most empirical studies into 'man' as generic have consistently shown that 'man' does not act generically but produces predominantly male images. Gibbon cites a study by Martyna (1980) in which a generic masculine was criticised on three counts: its inequity, its ambiguity and its exclusiveness. Martyna concluded that whilst females do use the masculine generically, males do not. Males perceive it as sex specific, which actively excludes females. Gibbon goes on to cite psychological studies that have shown that 'thought is affected by language and that mental imagery is different according to whether man suffix/ person suffix/ no suffix words are used' (1999:45).

This argument has caused ridicule in contemporary press when moves to eradicate a masculine suffix or prefix were launched. The use of words like chairperson instead of chairman for instance, have been seen as trivial, nonsensical and 'political correctness' gone wrong (Leo 1992). However psychologists and linguists have consistently produced links between male power and language. Gibbon quotes McKay (1983) on the use of the prescriptive *he*, it may:

'Contribute to the feelings of importance, power and superiority, which are common amongst men, and the feelings of unimportance, powerlessness and inferiority, which are common amongst women' (1983:48).

The language employed in our day to day relations is seen by many like Lees (1997), Gibbon (1999), Martyna (1980) and Wetherall (2004) as influential and may be considered as possibly influential in constructing or understanding a victimising experience like, for example, rape.

Femicide and Gynocide

Femicide is a form of homicide perpetrated against women by men where the gender of the victim can be seen as central to her victimisation and includes acts of homicide committed by husbands against wives and male strangers against female strangers. Gynocide is different in that it is the intentional destruction of women in a population, a political form of violence. Dworkin defined gynocide as:

‘The systematic crippling, raping and/or killing of women by men...the relentless violence perpetrated by the gender class men on the gender class women’ (cited in Caputi 1988:3).

This approach includes most acts of violence that can be perpetrated against women by ‘society’ and includes violence like that perpetrated against Afghan women by the Taleban. Depending on your perspective either of these concepts could be used to describe the kind of homicide constructed in the discourse of sexual murder. Caputi (1988) examines the apparently new forms of murder termed ‘lust killing’, ‘rape-murder’, ‘serial murder’ and ‘recreational murder’. She states that these terms obscure the fact that women are the primary victims and men the perpetrators. She sees the crimes as ‘crimes of sexual/political – essentially patriarchal domination’ (1988:2):

‘Serial murder is not some inexplicable explosion/epidemic of an extrinsic evil or the domain only of the mysterious psychopath. On the contrary, such murder is the eminently logical step in the procession of patriarchal roles, values, needs and rule of force’ (1988:3).

Along with the general consensus, Caputi cites the crimes of Jack the Ripper as heralding the emergence of ‘a mythicised criminal genre and ritual of male dominance’ (1988:6). Caputi’s book is crammed full of illustrations to uphold her arguments, and radical as they might seem, the evidence she produces to support them seems overwhelming. Overtly misogynistic comments by powerful men pepper its pages and indemnify her radical position. The book is representative of a particular

feminist discourse of gendered homicide that sees the motivations as both sexual and misogynistic. MacKinnon makes the relationship between this violence and male (hetero) sexuality explicit in holding that for the male, violence *is* sex. Strange says of 'intimate femicide':

'Thanks to a generation of feminist scholarship and activism, the inadequacy of the criminal justice system to protect women from lethal domestic violence has become undeniable. When radical feminists called this crime 'intimate femicide' they diverted attention away from the spectre of 'stranger danger' and raised public awareness of the hidden nature of private violence' (2003:310).

Strange asserts that:

'Feminist psychologists report predictable emotional patterns of despondency, jealousy and possessiveness in men who kill 'their' women, and criminologists have shown that courts tend to consider those same characteristics as mitigating rather than aggravating factors' (2003:310).

Lees (1997) discusses the concept of provocation in homicide trials and how this concept is applied or not, based largely on gendered subjectivities:

'Here (murder trials) evidence that the victim was seeking a divorce or unsubstantiated evidence that she was in any way promiscuous, is cited and frequently accepted as grounds for provocation' (1997:137).

Lees states that 'allegations of precipitation are more blatantly embedded in the defence of provocation' (1997:155) and she cites the research of Nuttall (1993). Christopher Nuttall was director of research and statistics at the Home Office and he analysed 1071 killings of wives by husbands and lovers that took place between 1983 and 1991. Nuttall found that 62% of the men were found guilty of manslaughter, not murder and of that group, 47% used diminished responsibility as a defence, 32% provocation and 21% no intent to kill.

The title of Lee's chapter 'Naggers, Whores and Libbers: Provoking Men to Kill' reflects the feminist position that these types of behaviour are seen as provocation for a male killer. Peter Sutcliffe tried to say that he was cleaning the streets of whores to defend himself from the thirteen charges of murder (Ward Jouve 1988), Jack the Ripper is also credited by some with having a divine mission to kill prostitutes. Research into news reporting of violence against women and sexual violence also shows that these behaviours, (nagging, infidelity and prostitution) are often cited as the cause of a murder (Soothill and Walby 1991, Carter and Weaver 2003).

The discourses of feminism in relation to femicide are significantly pointed to issues of misogynistic patriarchal practice and patriarchal/cultural stereotypes of acceptable female behaviours. Feminism, whether it be first, second, or third wave, revolves around ideas of patriarchal hegemony. Whether this is seen as causal, reinforcing or wrongly accused in issues of sexual violence is a matter for debate. Certainly the second wave ideals are extremely influential, however one thing is certain, the relationship between the genders, the heterosexual dynamic, is the focus for argument.

History, Culture and Sexual Violence

Introduction

The following section discusses and reviews selected counter-discourses to the feminist approach and connects with Foucault's (1998) challenge to the belief that sexuality is natural, fixed and biologically determined. Foucault saw that an immense apparatus for producing 'truth' was constructed around 'sex' and that an 'interplay of truth and sex' (1998:56) was bequeathed by the nineteenth century. He saw that certain sexual practices were demonised by discourses representing them as 'against nature' (1998:101), like for example sodomy. Similarly heterosexual sexual practices and conventions grew out of the discourses constructed about them. By examining historical, scientific, cultural and religious discourses of sexual violence, the 'truths' of sexual violence as they were produced historically and at different periods can be examined as well as the discursive regimes which reinforced 'knowledge' of sexuality and were by and large, unquestioned until the nineteenth century. As Carabine states:

'Some discourses are more powerful than others and have more authority and validity. In the case of sexuality, dominant discourses are the means by which what we know to be the 'truths' of sexuality are established' (2001:275).

Biological theories of raping behaviour

Biological theories have pervaded issues of human sexuality (Potts and Short 1999), tracing the proclivity of men to rape to ancient times (Thornhill and Palmer 2001). Brownmiller (1975) theorises prehistoric rape as an accidental discovery rather than an inherent pre-disposition to reproduce by any means. Claims that rape is instinctive behaviour in males are aggressively contested by many feminist and other commentators (Dworkin 1999, Brownmiller 1975, Lees 1997, Box 1992, Rape Crisis 1999). Feminists perceive this explanation as individual defence for raping behaviour

and have relegated the theories to the annals of discredited rape myths (Rape Crisis 1999). Holloway (1984) identifies three discourses of heterosexual relations produced and reinforced historically, the most dominant and hegemonic in producing meanings of sexuality being what she refers to as the 'male sexual drive discourse'. Holloway states 'this discourse is everywhere in common-sense assumptions and is reproduced and legitimised by experts, including psychologists' (2001:273). The key beliefs are that male sexuality is biologically determined and driven. A second discourse identified was named the 'have/hold' discourse which focuses on Christian ideals, but Holloway notes that this and the 'sexual drive discourse' co-exist and share assumptions about sexuality. The third identified was the 'permissive' discourse which she argues is also an offspring of the 'sexual drive' discourse. All three are interlinked and share assumptions. This sharing of meaning and knowledge makes this particular discursive approach very powerful.

The basis of the most recent and controversial biological notion was that of Darwin's theory of natural selection applied to raping behaviour (Thornhill and Palmer (2001). Thornhill and Palmer (2001) posited that raping behaviour must have evolved through a process of natural selection, necessarily defining raping behaviour as an adaptation or a by-product of an adaptation⁴. Thornhill and Palmer's thesis relies upon the notion of differing male and female mating strategy. Lloyd (2001) states their supposition:

'Because women bear the brunt of the effort in reproduction...they have evolved to be very selective about their mates. Men on the other hand, by virtue of the possibility of being able to produce with the minimal investment of mere ejaculation have evolved to seek out as many mates as possible'(2001:1536).

⁴ Adaptation and by-product of adaptation are human traits that are genetically transmitted because of their usefulness to the species.

This conjecture is implicit throughout the thesis. There are two possibilities, firstly that raping behaviour is an adaptation of a heritable trait and secondly, that raping behaviour is a by-product of a heritable trait. The concept of adaptations and by-products is described thus by Lloyd (2001):

‘The phenomenon of evolutionary by-products is frequent in human evolution. Manual dexterity for example, was directly selected because it was reproductively advantageous to our ancestors for making tools etc and is therefore an adaptation. Our use of manual dexterity in playing the piano is a by-product of the selection on manual dexterity. It is not an evolutionary adaptation itself’.

This raises two very important questions, firstly, is raping behaviour a heritable trait? And secondly, is raping behaviour reproductively superior to non-raping behaviour? Thornhill and Palmer’s work relies on raping behaviour as heritable and this is difficult to establish as fact. They also propose that there are other heritable adaptations or by-products that have arisen out of raping behaviour. One of the most interesting to this research is the existence of psychological anguish as an adaptation to encourage women to resist raping behaviour. This creates an implicit suggestion that women may not find rape a dangerous or inherently destructive assault if it were not for the adaptation that makes them psychologically traumatised. It is also posited that sexual jealousy in men may also be an adaptation, as well as male paranoia about the truthfulness of rape accusations (Lloyd 2001).

Thornhill and Palmer discuss at length the ‘pain and anguish of rape’ (2001:85). They posit that the trauma felt by women after rape is adaptive and that the greater the negative affect on reproductive success, the greater the anguish will be. It follows, they theorise, that a ‘mated’⁵ woman will feel less anguish, the greater the violence in the assault, because injuries would support her claims of non-consensual sex to a

⁵ A mated woman is held to be a woman with a partner, like a married woman in contemporary culture.

paranoid mate. It is held that this type of information would be of particular use to counsellors who should be alerted to the theory that 'mated' females with no injuries will experience more intense psychological anguish. Thornhill and Palmer concentrate unflinchingly on the assumption that rape trauma or any anguish that is the result of being raped is learned. They accomplish this in two ways. Firstly they hold that the anguish is 'biologically' learned in a physical sense to encourage women to resist rape. Secondly they see that social science arguments are premised around the idea that rape trauma is a culturally learned response, so whether speaking negatively or positively the trauma is assumed by Thornhill and Palmer to be learned. This positions the trauma felt by the victim as a sexual trauma, related specifically to the act of rape as a sexual act, and not as a human trauma that could result from any violent assault.

Whilst social scientists, especially feminists (Thornhill and Palmer use the terms to mean one and the same thing) would in most cases refute this claim in the context that it was made, the influence of cultural factors are seen as relevant. What is more perplexing about Thornhill and Palmer's approach is their neglect to consider more 'human' responses to violent physical assaults. Rape is treated as an assault of unwanted sexual intercourse with no more real repercussions than a 'bad' consensual sexual intercourse, except those social or cultural repercussions that include defending one's honour to a paranoid mate who may not believe the females allegations of rape.

This position also pre-supposes that monogamy is inherent in the human species or at least in the females. It is a difficult concept to accept, that women are not particularly traumatised by physical injury, even serious injury, if it will protect their social or

moral standpoint. Thornhill and Palmer do not hypothesise what the female is experiencing at the time of a violent assault, just her reactions to possible stigmatisation after the assault. Physical injury is potentially life threatening - even small injuries that have the potential to become infected. It is difficult to accept that from a biological perspective, females of the species are unconcerned about injury to their physical self, and that a violent assault which could potentially damage her reproductive health would be of so little consequence that it could give her positive feelings because she could defend what could be perceived as infidelity. This position, from a social science perspective, a perspective denounced by Thornhill and Palmer, would have more validity, but they argue this from a biological scientific perspective. Fidelity must only be of consequence when females are engaged in exclusive relationships with a male. This state of affairs is not necessarily the norm for the human species, especially in pre-history. Monogamy and exclusivity are not the only manner in which humans organise their personal and sexual relations.

In a bizarre piece of anecdotal evidence presented to support their theory they tell of a woman raped by an orang-utan who suffered no great stigmatisation or trauma from the event. Thornhill and Palmer hold that because she was not assaulted by a man, there could be no negative repercussions for her reproductive health or choice. It was posited that the male partner of the woman suffered no great trauma either, there being no paternity threat and no particular of the assault to create paranoia or sexual jealousy. They quote the scientist who was using the orang-utan for research purposes, taking the quote from Wrangham and Peterson's (1996) publication:

'Fortunately, the victim was neither seriously injured nor stigmatised. Her friends remained tolerant and supportive. Her husband reasoned that since the rapist was not human, the rape should not provoke shame or rage' (1996: 137-138).

The researcher who used the orang-utan for study – Galdikas - quoted the husband of the victim as saying ‘Why should my wife or I be concerned? It was not a man.’ (1995:294).

Thornhill and Palmer question the validity of social science explanations for rape which they cite as resting ‘on the assumption that a non-sexual motivation (such as a desire for power, control, domination, and/or violence) is both necessary and sufficient for a rape to occur’ (2000:131). They continue that:

‘Not only is the bulk of the social science literature of rape clearly indifferent to scientific standards; many of the studies exhibit overt hostility toward scientific approaches, and specifically to biological approaches. The message of these studies is clearly political rather than scientific’ (2000:148).

They refute entirely the feminist argument that rape is not about sexual desire and see that this position is taken so that the rapist can not be defended. If he is seen to be at the mercy of his biological sexual desire, then this would be defence for rape. However, Thornhill and Palmer also posit that sexual desire should not be equated with uncontrollable lust. They state that they use the term ‘rape’ to mean:

‘human copulation resisted by the victim to the best of her ability unless such resistance would probably result in death or serious injury to her...or others she protects’(2000:150).

They state that the social science explanations of rape rest upon an assumption that women only feel trauma after a rape when their culture tells them to (2000:152). They conversely argue that women only feel trauma after rape because their biology tells them to, as a result of an adaptation to encourage them to resist rape.

The work is entirely at odds with the findings of Wolbert Burgess and Holstrom (1974) that fear of death is a significant element precipitating Rape Trauma Syndrome. Thornhill and Palmer would encourage that women are educated to realise that wearing make up and sexually attractive clothing will increase their likelihood of being raped. It is this kind of assertion that feminist commentators see as victim blaming and excusing men for violence against women (Bevacqua 2000). Thornhill and Palmer do not cite any studies to prove that there are more incidences of rape against more provocatively dressed women than more conservatively dressed women.

It is difficult to reconcile some of Thornhill and Palmer's assertions about raping behaviour with the available statistics. Myhill and Allen (2002) show that 45% of rapes are committed by current partners; only 8% are committed by strangers. If raping behaviour is an adaptation to increase reproductive success why would men in relationships, rape the women to whom they have sexual access? 45% is not an inconsiderable proportion. Would it also follow that because the woman was having sexual intercourse with a partner, that she would feel little psychological anguish not having to worry about, firstly a stranger or undesirable polluting the gene pool and secondly, not having to explain the rape to an irate partner? This assertion could be disputed in work by Culbertson and Dehle (2001) who show that it is marital rape that is associated with more chronic 'psychological disturbance and upset' (2001:993) than other forms of rape. Their study did not include the effects of stranger rapes.

Thornhill and Palmer concur with feminism, in that they do not link serious injury with serious trauma. Quite the opposite, they hold that the less injury, the more

trauma. Feminism holds that the amount of injury is not a yardstick for measuring trauma at all (Rape Crisis 1999) but cultural perceptions seem to link trauma and injury, especially if the criminal justice system's attrition rates (based on likelihood of successful prosecution) are considered (Harris and Grace 1999). It has been found where there is little or no corroborating violence, a conviction is more difficult to achieve (Lees 2002, Harris and Grace 1999).

Statistics do bear out the assertion that young women are in the greatest danger of victimisation. According to Myhill and Allen (2002) women aged between 16 and 19 suffer the highest victimisation. They theorise that this could be a result of mixing with their peers, males under the age of 25, who are statistically more likely by far, to be the perpetrators of crime. It is held by Thornhill and Palmer that the most vulnerable age group will also feel the most anguish and trauma following an attack because of their fertility. If rape is a reproductive strategy then females at the peak of their fertility will feel the most trauma and males at the peak of theirs will be most likely to rape.

Although 'attractiveness' was not tested for, other factors indicating vulnerability to victimisation in Myhill and Allen's research were low income, living in rented accommodation and poor health (Myhill and Allen 1999). These are not indicators of sexual attractiveness, which Thornhill and Palmer hold is an indicator of vulnerability to rape. Rape Crisis (1999) hold that any woman is vulnerable to rape and show that all ages and physical abilities are represented as victims.

Thornhill and Palmer do not say that rape is the result of an irresistible sexual urge, but they do say that it is a biological and natural urge to mate. In Brownmiller's (1974) examination of the case of Albert De Salvo the 'Boston Strangler', she notes that he claimed the 'uncontrollable sexual urge' defence, however when prison officers commented on the behaviour of De Salvo whilst incarcerated (after his murder whilst in prison), they stated that the only problem with him was his drug trafficking. Brownmiller notes that there appeared to be no difficult re-adjustment to life without women for De Salvo, no problems with powerful sex drive evident whilst he was in prison.

Rape Crisis asserts that many rapes are carefully planned in advance and refute the 'uncontrollable sexual urge'⁶ theory because of this. It is difficult to define how immediate an urge is, it could be assumed that if attractiveness is involved in the rapists decision to rape as Thornhill and Palmer assert, then sexual urge may be a factor and not just a biological need to copulate with as many fertile females as possible. If a rapist plans a rape he is using a specific strategy, which may take time to accomplish and an immediate urge might not be satisfied. If attractiveness is important in exciting a male then the male is at least partly established as selective, rather than indiscriminate or using opportunity based strategies.

Thornhill and Palmer's hypothesis is underpinned by the theory that males rape because of the differing mating strategies of males and females, that women are selective and males are not. The theory needs to be significantly established if the plethora of sub adaptations are to be supported. It is also not adequately theorised why

⁶ Uncontrollable sexual urge as a reason for rape has been declared a rape myth (Rape Crisis 2001). Research with convicted rapists has supported the feminist proposition that lust is rarely a motivation in sexual violence and homicide (Burgess, Hartman and Ressler *et al* 1986)

nature would make such an effort to include inferior genes in the pool, which can be assumed from the males' inability to attract mates. Thornhill theorised that men who could not secure a mate would resort to rape. Why couldn't these males secure a mate? Were they physically inferior or less able? There must have been something that repelled the females. It seems that in Thornhill and Palmer's hypothesis, that raping behaviour was enjoying more success than the original mating strategies. Why didn't women evolve an effective strategy to protect their reproductive choice?

It is posited by Campbell and Soeken (1999) that the trauma of rape can negatively affect women's reproductive health; this is not adequately defended by Thornhill and Palmer who posit that any trauma to the woman would have to be balanced in favour of the success of the strategy (raping behaviour). This implies that the trauma suffered by the woman would not be significant, including any physical injury. This is inconsistent with the assertions of Rape Crisis and many others that rape trauma is significant and damaging. Also if males have a biological need to mate with many partners why are the sexes so equally split in the human species when female reproductive capacity is so small? (Potts and Short 1999) Thornhill and Palmer's work leaves so many questions, more than it actually answers. It does however support the cultural assumptions that form the rape myths.

Thornhill and Palmer describe the feminist explanations of rape as those 'whose 'research' has been guided more by ideology driven social arguments than by science' (2000:123). The rift between social science and biological science is made very clear, with the latter being described as more of a religion than a science and Thornhill and Palmer vilify feminists for failing to embrace Darwinian notions of natural selection.

Morgan's (1972) female-centred examination of natural selection is very critical of mainstream androcentric interpretations. Morgan gives her own account of 'human' evolution taking account of the fact that women are human too, an element that she claims is ignored in most evolutionary theorising. Morgan points out that in all their postulations on the reasons for humans being the way they are, women are ignored except as the 'sexual interest' for the male. Morgan states that according to popular anthropologists like Desmond Morris, every 'evolution' in the female has been to sexually excite the male. She claims that the anthropological concentration on 'man' has led them to ignore the female except when it comes to sex:

'Of course, she (woman) was no more the first ancestor than he was – but she was no *less* the first ancestor, either. She was there all along, contributing half the genes to each succeeding generation. Most of the books forget about her for most of the time. They drag her onstage rather suddenly for the chapter on Sex and Reproduction, and then say: 'All right, love, you can go now,' while they get on with the real meaty stuff about the mighty hunter...' (1972:9-10).

Morgan's theories reveal just how androcentric Darwinian theorising is, merely by framing her theories to equally or significantly include the female. Darwinian theory itself is said to be in a state of crisis and has been accused of lacking scientific rigour.

Johnson (1993) states:

'The argument of 'Darwin on Trial' is that we know a great deal less (about evolution) than has been claimed. In particular, we do not know how the immensely complex organ systems of plants and animals could have been created by mindless and purposeless natural processes, as Darwinists say they must have been...In brief, what makes me a "critic of (Darwinian) evolution" is that I distinguish between naturalistic philosophy and empirical science, and oppose the former when it comes cloaked in the authority of the latter'(1993:158).

Orthodox Darwinism is subject to increasing criticism as many new developments in science appear to undermine its theories (Denton 1986). Micro-biologist Denton, sees

that the problems raised by 'irreducible complexity' were recognised by Darwin himself who said:

'To suppose that the eye with all its inimitable contrivances for adjusting the focus to different distances, for admitting different amounts of light, and for the correction of spherical and chromatic aberration, could have been formed by natural selection, seems, I freely confess, absurd in the highest degree' (1859:VI:1).

However, followers of Darwin assert that this particular quote is often taken out of context and does not in fact illustrate a paradox for the theory. Whilst Thornhill and Palmer's theories have the added authority of being an accepted and legitimate form of knowledge, this was not always the case. Darwinian theory when it first appeared, was a direct challenge to the accepted knowledge of the time. Much like feminism, Darwinian theory had few political or academic allies. It was a direct challenge to religious knowledge, a discipline which much science of the time complemented.

Denton notes that:

'As far as Darwin's contemporaries were concerned, few felt anything of the conflict between science and religion which is so characteristic of twentieth century thought. The conflict between science and religion only erupted later in the nineteenth century when it became generally acknowledged that discoveries in geology and biology were incompatible with a literal genesis' (1986:20).

It has been suggested that the new criticisms of Darwin's work, which are seen to come from proponents of 'intelligent design theory' are just the old creationist/religious ideas that have always challenged Darwinism (Shanks 2004).

The religious foundations upon which practically all accepted knowledge has its beginnings, is especially influential in cultural understandings of male/female relationships and sexual violence. There is argument to suggest however, that religious and Darwinian notions of gender were not always entirely at odds and in many ways supported each other especially on questions of gender. King states that

'Darwin did not explicitly address the question of gender until *The Descent of Man and Selection in Relation to Sex* (1871)' (2005:38). She cites Fiona Erskine as presenting 'persuasive arguments to suggest that from 1859, *The Origin of Species* provided a mechanism for converting culturally entrenched ideas of female inferiority into permanent, biologically determined, sexual hierarchy' (2005:38). It seems that in the Victorian era ideals of female inferiority were supported and authorised by the three key 'knowledge' producing agencies of the time, science, religion and medicine. According to King (2005) these three agencies provided definitive answers to the question 'What is a woman?' which had significant repercussions for women in the realm of sexuality and sexual violence. The belief that women were examples of 'less evolved' human subjects who lived their lives through their bodies rather than their minds (as men were understood to do) created a society where women's sexuality and sexual behaviour was monitored and regulated (King 2005), even by women themselves and this is reflected too in Lees (1997) work. The power of the 'knowledge' produced by these historical discourses resonates still in the discourses of gender and sexuality used today. Thornhill and Palmer's work is perhaps an example of science that resists the more modern discourses of Feminism, treating them as ideological political threats to 'orthodox knowledge' and its practices rather than empirically sound positions.

The Prevalence and Meaning of Rape Historically

Historically, sexual practices and custom have been linked to mythology and religion (Denig 1996). Human culture has not always been patriarchal and attitudes to sex and relationships have not always included exclusive male/female couplings. These different approaches to sexuality have also, not always involved the submission of the

woman to the man (Denning 1996). Denning notes that patriarchal culture dates from around 2500 BC. However it is patriarchal beliefs that appear to inform modern society as to what is 'natural' in the male/female relationship. It is very difficult to establish anything definitive about history and rape. As Porter (1986) says:

'Ingrained misogynistic caricaturing has always allowed men to trivialise rape and render it titillating to the pornographic imagination. These stereotypes in turn infect the way men have written its history' (1986:216).

Porter (1986) is in agreement with feminist insistence that rape can not be explained away as the 'individual psychopathology of perverts' or the biological urge to reproduce. Patriarchal attitudes appear to be implicit in the way the offence was criminalized as primarily a crime of theft against men (Porter 1986). Women were seen as the property of their fathers and then their husbands and a means of establishing property rights (Macnamara 2002). Because of this there is little discussion or documentation of rape trauma as women were not the legally wronged individuals in a rape. The major cause of any trauma is only posited as 'dishonour' in most historical texts, this is illustrated well in the Bible, one of the earliest descriptions of rape is found in Deuteronomy:

'When a man is discovered lying with a married woman, they both shall die; the woman as well as the man who lay with her; you shall rid Israel of this wickedness. When a virgin is pledged marriage to a man and another man comes upon her in the town and lies with her, you shall bring them both out to the gate of the town and stone them to death; the girl, because, although in the town she did not cry for help, and the man because he dishonoured another man's wife... If the man comes upon such a girl in the country and rapes her, then the man alone shall die... You shall do nothing to the girl she has done nothing worthy of death... When a man comes upon a virgin who is not pledged in marriage and forces her to lie with him, and they are discovered then the man who lies with her shall give the girl's father fifty pieces of silver and she shall be his wife because he has dishonoured her. He is not free to divorce her all his life long' Deuteronomy 22: 23-29.

This biblical passage sums up a lot of historical approaches to rape. Firstly extra marital sex is considered sinful and in this culture, punishable by death. The notion of

sex as a sinful and dishonouring practice is constant. Rape is only considered to have happened if there is corroborating evidence, as in the example that a girl outside the city walls could be raped because no one would hear her protests. Finally the man who rapes a virgin must marry her as penance and never be divorced, as well as paying her father fifty pieces of silver. That the woman would be traumatised is not considered, if it was she would surely not be married off to her rapist for life who would then be given legal rights to have sexual intercourse with her. The man is the one considered to be suffering, having to stay with the woman he raped for life as a punishment. The notion of women as property is also illustrated in the rapist having to pay the father fifty pieces of silver. The influence of religious ideals can not be overestimated in the cultural approach to gender roles and sexual violence. The Christian church has never celebrated the female and Denning notes:

‘There is no denying that St Paul had no very great opinion of women. In his view, woman had been created for the benefit of man and must therefore defer to him in everything, obedience being the price she must pay for Eve’s sin in leading Adam astray. The early church fathers, whose views were to have a definitive influence on sexual attitudes, were no more enthusiastic about the feminine’ (1996:144).

In English Common Law the offence of rape was defined as:

‘Unlawful carnal knowledge of a female over ten years of age, by a man, not her husband, by force and against her will or without her conscious permission or where permission was extorted by force or by fear of immediate bodily harm’ (Macnamara 2002).

Macnamara claims that in the 1600’s Sir Matthew Hale, the then Lord Chief Justice of England, consolidated English common law with his famous cautionary rule, which has been used through the centuries to direct juries in cases of rape:

‘It must be remembered that (rape) is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho’ never so innocent’ (2002:635).

Also in 1886, in a paper by Charles Routh presented to the Royal Gynaecological Society, on the subject of 'nymphomania' the author is quoted as saying of women who allege sexual assault 'except upon the strongest corroborating evidence, the presumption is that they are liars, plausible liars, cunning liars' (Emsley 2005:106). The paranoia about female dishonesty in regard to sexual violence is an important part of the historical discourse. It is an important part of the 'knowledge' produced about rape, that most allegations are false.

Throughout history, Hickman (1999) claims sex in Eastern cultures was seen as a sacred duty, the path to holiness being via the bedchamber. However in the West Hickman states, the path to holiness was via celibacy. In the fourth Century Saint Augustine followed Christian thinking in declaring that the act of sexual intercourse was fundamentally disgusting (Hickman 1999). Hickman states that:

'Western history remained a tale of Christian repression and Christian guilt which culminated with the Victorians, who all but suffocated in an air that was as thick with degeneracy and hypocrisy as it was with soot' (1999:10).

The Victorians are implicated in theories of the eroticising of rape (Wilson 1984). Wilson states that sex crime was rare before the mid nineteenth century, with only half a dozen cases listed among the hundreds in the *Newgate Calendar*⁷. He claims that the pre-Victorian attitude to sex was far earthier. Pornographic literature was not in high demand because people were less interested in reading about sex than doing it and there were no cultural taboos (Wilson 1984). In the Victorian age, he claims, with an eighteen year old virgin on the throne, public attitudes were changed and with the change came prudery; the subject of sex became forbidden and therefore as he puts it sex was:

⁷ A publication containing stories based on sensational crimes committed primarily during the eighteenth century.

'No longer a matter of straightforward couplings, as in Fanny Hill, but of peeping through doors, surreptitious fingerings and unlikely accidents that provide the excuses for intimacy' (1984:497).

In 1853 the first obscenity legislation was enacted and enabled British customs to seize pornography. Wilson states that this produced an increase in home grown pornography which by the mid 1870's had grown to such a degree that it was able to be indexed in a three volume work by H. Spencer Ashbee called 'Index Librorum Prohibitorum' (Wilson 1984). The natural progression of this naughty and forbidden attitude towards sex, Wilson states, was the use of the developing sexual imagination. This is in opposition to Jeffrey's (1984) position that there is no linear progression of sexuality and Foucault's (1991) position that there is no linear progression for discourses, rather attitudes, beliefs and perceptions that are relevant to a particular time.

Wilson credits Jean-Jacques Rousseau and Samuel Richardson with discovering that when imagination is coupled with sexual desire the result is twice as intoxicating. He posits that the 'imaginary' sex crime was bound to be translated into reality sooner or later and that it began to happen in the middle of the nineteenth century with the likes of Jack the Ripper. Caputi (1987) rejects Wilson's theory that the murders of Jack the Ripper ushered in a new era of sexual violation. She also rejects the concurrence of some historians that the crimes of Jack the Ripper were without precedent. Caputi cites Caligula, Gilles de Rais (the original 'Bluebeard') and Vlad the Impaler as examples of sex killers. She believes that sex crime has always existed as a misogynistic ritual practice.

Brownmiller's (1975) stance that rape is functional (for patriarchy), historically charged with meaning and endemic in traditional society is only partially accepted by some, like Shorter (1977). Shorter claims that historically, rape was a sex offence, a manner of coping with sexual frustration and that to place the political perspective historically is inappropriate. Shorter accuses Brownmiller of back projecting her political theory of rape, but Porter (1986) points out that Shorter does much the same in assuming male sexuality as a constant. Porter cites the work of anthropologist Peggy Reeves Sanday (1981) which reveals contemporary societies where levels of sexual activity are (comparatively) low, as are levels of rape and other violent offences with little evidence of great frustration (Porter 1986), he uses this to demonstrate that sexuality and in particular sexual violence are a product of an individual culture and not a fixed and constant human trait, which is parallel with Brownmiller's position. Porter also points to Foucault's (1998) argument that sexuality is a modern invention highlighting the dangers of projecting modern needs and gratifications back on the past. Shorter sees that the reasons behind raping behaviour historically, have no relation to the current political reasoning of feminists like Brownmiller.

It may appear from historical evidence that rape was not the phenomenon it is held to be today. The courts did not report many cases of rape, though the same could be said of contemporary court lists, most reports of rape being lost in attrition (Harris and Grace 1999). However in assessing whether these claims should be trusted other evidence may be considered. Porter argues that even if a crime of rape was perpetrated against the male (as the owner of the female) and not the female in a legal sense, the male would still have incentive to prosecute (Porter 1986). He also uses

Griffin's (1979) assertion that she has 'never been free of the fear of rape' as inconsistent with the fears of women historically. Porter cites early feminists like Mary Wollstonecraft and Mary Astell who he claims, did not agitate about rape, even though they campaigned against other sexual issues like child prostitution and sexual diseases.

It is inaccurate to say that early feminists did not agitate about rape for as highlighted in the previous chapter the early first wave feminists did in fact campaign against sexual violence which, according to Jeffreys (1984) included marital rape. Porter suggests that rape was not a particularly prominent act in the pre-industrial world and disagrees with Brownmiller's assumption that rape has always been used as a method of intimidating and terrorising women. He does not question that male domination and oppression was a reality, just the means of accomplishing it. Shorter also concludes that male political control of women was already absolute; they had no need of further methods of control. It should be considered however, that rape has not always been recognised as an assault, especially by married women who would have no legal redress anyway.

Rape in Art and Literature

Art and literature are powerful media with which to assess historical cultural life and are institutional sites in which discourses are constructed and reinforced. The discourses reflected or constructed in art and literature have much authority and Foucault (1998) sees this medium as one of the 'great procedures' (1998:57) for producing the truth of 'sex'.

Bryson (1986) re assesses two famous historical rapes depicted in art to better understand the historical context of the rape and to question the contemporary perceptions of rape that may be projected on to the art and therefore onto historical assessments of its meaning. The first is the rape of Lucretia portrayed in oils by Titian and Florentine. Lucretia is forced to have sexual intercourse with an acquaintance of her husband who threatens to kill her and create an illusion that she had had an illicit relationship with her black slave if she does not acquiesce. Lucretia kills herself the next day in front of her husband.

The National Gallery in London (2003) describes the rape in most romantic terms stressing the sexual desire of Tarquin and the beauty of Lucretia. Her death, they claim was the result of shame. Bryson disagrees and sees Lucretia's motivations as far more vengeful. Bryson holds that because Lucretia consented to the sex she became an adulteress and not a victim of rape which, under Roman law constituted a grave offence. Women could not avenge themselves so, Bryson states, Lucretia got her men to do it for her. Bryson does not see it however as personal revenge but a political revenge on the tyrants of another house:

'Her suicide is not in any sense a solitary act...she dies in order to galvanise the men of her household, and to this end she dies before their very eyes. It is not in other words a private matter but an affair of state and its outcome will be the overthrow of the state' (1986:164).

Bryson states a second motive as Lucretia refusing to have her name become synonymous with indecency and a justification for shameless women. Her suicide and the manner in which it was done, was to protect her name from dishonour and to arouse her house to vengeance on another house (Bryson 1986). This is in marked contrast to the National Gallery's interpretation of a shamed and humiliated,

victimised woman lying down to die with her grief. Bryson depicts a woman angry and vengeful and determined to wield the political power she has.

The interpretation of the reaction to the rape as shame by the National Gallery reflects contemporary depictions of rape, with shame as a reaction women are said to have (Wolbert Burgess and Holstrom 1974, Rape Crisis 1999). Bryson contends that this may have little relevance in the Roman culture of that time. Lucretia, according to Bryson yields to the rapist and effectively nullifies the offence because she does not wish to be dishonoured, not because she was protecting her life. The National Gallery too implies that shame is a worse fate than death. There is a great linking of rape and death in many depictions, the threat of death is omnipresent when rape is mentioned historically, whether it is by punishment, by the offender's hand, by a husband or by suicide.

The second historical rape discussed by Bryson is that of the Sabine women depicted in oils and sculpture by the likes of Poussin and Bologna named 'The rape of the Sabines'. The Sabine women were apparently carried off by Roman men who needed to pro-create. The Sabine men concocted revenge some years later when they scaled the city walls and attempted to kill the Romans. Bryson notes that the Sabine women were by this time Roman matrons and their spokeswoman Hersilia said:

'Which shall we call worse, Roman lovemaking or Sabine compassion? If you were making war upon any other occasion, for our sakes you ought to withhold your hands from those to whom we have made you fathers in law and grandfathers' (1986:155).

Bryson rationalises the taking of the Sabine women as a political and not a sexual act. He holds that the Sabine women were not raped but married to Romans the next day in a large ceremony. The inference being that the unions were legitimised so that the

women were not raped in a legal sense. The story ends with the women accepting their Roman mates. Bryson sees the question of identity more important to the Sabine women than violation. He posits that they were not convinced of the validity of the marriage ceremony and spoke of their injuries as tied with their legal status, the bigger inference is that they did not suffer rape trauma as we perceive it today. In artistic depictions of this story, of which there are many, the Sabine women look distressed and as the art is titled around the rape aspect of the story, the possibility that the Sabine women are distressed at the thought of sexual violation must be considered. That the Sabine women would be so concerned with their legal status also implies that they had little economic or political power and were subject to the whims or needs of the men. The Sabine women are represented as peripheral to the males in the story, subject to their actions and with their trauma rationalised as related to the societal structures of the day.

Diane Wolfthal (1999) disagrees with Porter's position that rape was not a concern for women in the middle ages and the Renaissance. She notes that the depiction of rape in art is a glorification of the crime and the aesthetic qualities of the paintings mask the reality of what they depict. Brownmiller (1975) sees most rape represented as an 'heroic' act by the rapist, and Wolfthal (1999) shows that after 1500 A.D. an 'heroic' rape tradition emerged that served as erotica for the male viewer. The rape of the Sabine women by Poussin has all the ingredients of a heroic rape depiction, according to Wolfthal, they are, aestheticisation of rape, sanitization of the violence and sexual aspects, focus on the male point of view and the suggestion of a happy ending.

It seems that rape was recorded historically but in an idealised way and containing many of the so-called rape myths. Vitz (1997) discusses the way rape was presented in medieval literature and claims that modern perceptions of rape and morality miss the meaning and cultural context of the times. 'Rape is sometimes ambiguous in the texts, or is treated humorously. The medieval view placed rape among the uncontrollable things that could befall a person' (1997:1). Vitz complains that feminist calls for rape to be more realistically represented as the ugly act it is, miss the 'fundamental aspects of medieval aesthetics' (1997:1). Vitz claims that heroic literature must introduce evil so that its heroes can rescue people from it, and without the menace of evil the true mettle of virtue (male or female) can not be shown to shine. This is a valid point and some historical rape depictions do stress the evil of the rapist, but also it should be considered that heroic rape sometimes depicts the rapist as the hero and not a saviour. Vitz also points out that women were consumers of historical depictions of rape, whilst accepting the feminist assertion that women are wrongly perceived as wanting to be raped and that men use this to assuage their guilt. Vitz nonetheless uses this to defend literary representations of rape.

Detmer-Goebel (2001) in a critique of Shakespeare's *Titus Andronicus* shows how Lavinia is unable to speak of rape, 'Lavinia's chaste refusal to say the word 'rape' reminds the audience that even to speak of rape brings a woman shame' (2001:75). Roiphe (1994) states that Titus Andronicus killed his daughter because she had been raped 'her virtue was so important, so vital, that once she was ravished, her life was worth nothing' (1994:70). Roiphe also says of Lucrece, the subject of the poem *The Rape of Lucrece*, by Shakespeare also, 'the tragic dimensions of Lucrece's personal

trauma have more to do with conceptions of honour, virtue, and chastity than her own visceral experience' (1994:70). Detmer-Goebel states:

'Feminist critique of rape representations often explores 'telling' as a question of authorship or subjectivity. For example the first question that many feminist critics ask of various early modern representations of rape is: Who is really doing the talking: Who is telling this story of rape?'(2001:75).

Detmer-Goebel makes a fundamental point that should be taken into consideration when analysing historical art and literature. Who is telling the story of the rape? If the stories are mainly or wholly male then it is a male picture being created. To argue that women of the time didn't have a problem with rape, or enjoyed the rape literature or even felt shame at being raped, could then be assumed to be a male view. It is not in question that males dominated every sphere of life (Porter 1986) and it is often argued that females have had little input in recording Western cultural historical life (Shlain 1999). It would seem to follow that women would have had little input into representations of rape. The discourses may vary but there is one consistent theme - the representations are male and so can only effectively chart male approaches. Literacy itself has not always been the privilege of the many and because it is the main medium for passing cultural information, it must be considered that those capable of recording history were in a minority. Shlain says of literacy:

'Of all the sacred cows allowed to roam unimpeded in our culture, few are as revered as literacy. Its benefits have been so incontestable that in the five millennia since the advent of the written word numerous poets and writers have extolled its virtues. Few paused to consider its costs. Sophocles once warned 'Nothing vast enters the life of mortals without a curse' (1999:1).

Shlain (1999) asserts that writing has subliminally fostered a patriarchal outlook. His hypothesis is that it is the written word that has caused the gender inequity in modern

cultures and he cites the alphabetic⁸ form as diminishing feminine values and with that, feminine power in the culture. He describes feminine and masculine thinking characteristics as fundamentally different. Feminine being holistic, simultaneous, synthetic and concrete and masculine views as linear, sequential, reductionist and abstract. He holds that both halves are needed to construct a whole, citing the Taoist circle symbol of integration and symmetry; the concept of yin and yang. The alphabet according to Shlain caused a huge yang thrust. He asserts that once literacy is firmly rooted, it eclipses and supplants speech as the principal source of culture-changing information. He posits that in the emerging agrarian nations, archaeologists have discovered strong suggestive evidence that the Goddess was the primary image, not the male Idol. Denning (1996) also holds that Goddess worship and its emphasis on feminine values were stamped out by the church in Europe. Shlain says:

‘The Old Testament is the first alphabetic written work to influence future ages. The words on its pages anchor three powerful religions: Judaism, Christianity and Islam. Each is an exemplar of patriarchy’ (1999:7).

In many cultures and historically, women have been refused basic education or discouraged from following academic pursuits (Green 2001) which would have added to the disadvantage Shlain hypothesises. The lack of female input in the recording of response to sexual aggression makes it difficult to present an argument for what they did experience. One thing is adequately recorded and that is a consistent linking of rape with death. Even though the representations and theories tell of shame, degradation and honour as being central to the emotional aftermath of rape for females, the authenticity of that position can not be established. As Miss Elliott says to Captain Harville in Austen’s ‘Persuasion’:

‘Yes, Yes if you please, no reference to examples in books. Men have had every advantage of us in telling their own story. Education has been theirs

⁸ An alphabet by definition is any form that contains fewer than thirty signs (Shlain 1999)

in so much higher a degree; the pen has been in their hands. I will not allow books to prove anything' (1983:1279).

Whilst it has been suggested from this review that representations of rape are consistently linked with death (either actual or social), art and literature have also been concerned with representing the explicit sexual death of women.

Maria Tatar's (1995) work '*Lustmord*' chronicles the cultural legacy of the depiction of 'sex murder' in Weimar Germany:

'The sheer number of canvases from the 1920's with the title 'lustmord' (sexual murder) ought to have been a source of wonder for Weimar's cultural historians long before now' (1995:4).

Tatar notes that real life murderers and their victims are depicted by artists and authors with regularity and that this suggests a strange bond between murder and art:

'If we reflect on the way in which Jack the Ripper has been featured in so many films, plays, and novels that he is now as much a literary construct as cultural case history or consider the way in which Norman Bates has found his way into legal arguments and psychiatric studies, it becomes clear that the study of sexual murder requires an approach that recognizes the controversial 'textuality of history and historicity of texts' without, however, dissolving the line between historical fact and imaginative construct' (1995:7).

Tatar argues that such is the volume of art dedicated to depicting female sexual death that those images have, to an extent become 'natural'; that women's position as victim has become natural. She quotes Brian De Palma as saying that 'using women in situations where they are killed or sexually attacked' is nothing more than a 'genre convention...like using violins when people look at each other' (1995:8). The normality of depicting female sexual death and its status as a 'genre convention' has, according to Bronfen (1992) caused a cultural blindness to its ubiquity. Such is the proliferation of depictions of female sexual death throughout history that it has

become not only a genre convention but a culture convention, an unquestioned staple of human cultural life that is considered a natural outcome of our culturally prescribed heterosexual dynamic. This position acts to bolster the biological argument that sexual aggression in males and sexual passivity in females is a natural state.

Some of the literature penned by the infamous Marquis de Sade describes truly horrific sexual violation of women. According to Phillips (2005) the hatred expressed for women in these works is exemplified in his approach to his mother-in-law Mme de Montreuil. Phillips states 'Mme de Montreuil ends up as a kind of prototype for all the female victims of his fictions, the principal focus of his venom and hatred' (2005:30). Sade is said to see the female body as 'simultaneously a source of intense fascination and of immeasurable contempt' (2005:41) and to have a desire to 'punish all women for their sexual inaccessibility' (2005:80).

Psychology and Freud's theory of the Unconscious

Rape myths have historical roots and are considered to underpin the difficulties of rape prosecution and add to victim trauma (Rape Crisis 1999). In contrast to the assertions of Paglia (1992) and Roiphe (1994) Rape Crisis holds that none of the prescriptions for avoiding rape will guarantee safety:

'There are all kinds of prescriptions for this (avoiding rape). They range from being a karate expert to dressing 'sensibly'. None of them work completely. Doing a self defence course may make you feel better able to defend yourself physically...but it may not help if the man has a weapon, if you are in an enclosed space or if you 'freeze'' (1999:3).

Many of the 'rape myths' are encompassed in this piece of advice, from 'only certain types of women get raped' to 'women enjoy rape'. It has long been supposed that women who dress in a provocative manner are asking to be raped (Lees 2002) and

this is reflected in criminal trials where the victim will be questioned about her clothing and inferences made from this as to her true character (Lees 2002).

'Freezing' has also been recognised as a common reaction to the threat of rape (Rape Crisis 1999). The connotation drawn from this by some is that subconsciously women want to be raped. This supposition has been supported by the use of Freud's theory of the unconscious, which according to Forrester (1986) has been misinterpreted. He recognised that many feminist writers on rape perceived that psychoanalytic accounts of rape would excuse the rapist and paint the victim as wanting to be raped:

'In this, the feminist writers were in part reflecting the practice of rape defence trials, in which the victim is often imputed to have tacitly consented to intercourse. Such defences often revolve around the folklore wisdom that 'No' sometimes means 'Yes' (1986:57).

Brownmiller (1975) says:

'We may thank the legacy of Freudian psychology for fostering a totally inaccurate popular conception of rape...the serious failure of the Freudians stemmed from their rigid unwillingness to make a moral judgement' (1975:192).

Brownmiller disagrees with Freudian assessments of female sexuality because women are described as masochistic by nature and therefore incapable of being raped because the masochistic nature of the female would accept the male aggression (Brownmiller 1975). She holds that this theory feeds the rape myth 'all women want to be raped'. Freud did not actually consider rape or complete any case histories of rapists. Forrester (1986) states that *The concordance to the standard edition of the complete psychological works of Sigmund Freud* reports only one usage of the word 'rape'. Forrester also discusses Brownmiller's rejection of the psychoanalysis of rapists; she, according to Forrester 'castigates the studies for their moral neutrality' and 'abandons individual orientated, clinical psychopathological studies of rapists' (1986:59).

The basis of Brownmiller's theory is that rape is the act of ordinary men against ordinary women and individualist theories would undermine that proposition and give individuals an excuse for what is political behaviour. Apart from individualist theories, Freud posited the theory of the unconscious which, if misunderstood could appear as portraying rape victims as complicit in their own victimisation (Forrester 1986). The problem is in a footnote by Freud on sexual attacks on women:

'After all, the case is no different from that of a sexual assault upon a woman, where the man's attack cannot be repelled by her full muscular strength because a portion of her unconscious impulses meets the attack with encouragement. It is said, as we know that a situation of this kind paralyses a woman's strength; all we need do is to add the reasons for this paralysis' (1901b:181).

Forrester explains that:

'Freud is proposing a model whereby a conscious desire to repel a man's assault is subverted by an unconscious impulse to meet it with encouragement: hence the well known paralysis of women when sexually attacked' (1986:61).

Forrester describes how the unconscious desire is exactly that, entirely separate from the will and that this makes psychoanalysis irrelevant to rape prosecutions. Freud explains the difference thus:

'The pathogenic conflict in neurotics between mental impulses is not to be confused with a normal struggle between mental impulses both of which are on the same psychological footing...the disputants can no more come to grips than, in the familiar simile, a polar bear and a whale. A true decision can only be reached when they both meet on common ground' (1916-17 p433).

Forrester states that some Freudian followers have seen the discovery of unconscious impulses and their effects as superior to conscious motives. This has given rise to the use of psychoanalysis in the courtroom, though it is entirely inappropriate. The problem with the theory of the unconscious is its inference that the woman, in

meeting the attack with albeit unconscious encouragement, may appear to be less likely to suffer significant trauma. If it is even partly established that there is doubt as to the level of trauma suffered this could mitigate for the offender. Most, if not all of the rape myths seek to undermine the assumption that women suffer significant trauma, and therefore de-value the offence.

The 'freezing' of victims of rape is discussed by Wolbert Burgess and Holstrom (1974) and is theorised to be a more universal reaction to a threat to life and not a particular reaction of women when threatened with rape or sexual violence.

There is an assumption that women often lie about being raped, researchers at the Kinsey Institute in the 1940's and 1950's dismissed the significance of rape in the lives of women suggesting that most rape accusations were the result of women trying to conceal their sexual activity (Segal 1996). This is refuted by contemporary statistics that reveal the amount of false accusations are roughly equivalent to the amount of false reports for other crimes; about 3% (Rape Crisis 1999). Yet paranoia about false claims still persists and is even posited as heritable in males (Thornhill and Palmer 2001). Again it could be considered that in lying about the rape the woman would be lying about the trauma. This may be related to seeking conclusive evidence of the rape occurring, if there is significant physical injury to bolster the woman's claims the charge of lying about the rape could more easily be refuted. The argument that some women may freeze rather than fight and risk injury is not necessarily related at all to Freudian belief of the unconscious being at work. Much of the work of Freud appears to be informed by patriarchal cultural belief and is positioned around the centrality of the masculine (Brownmiller 1975). The theory that the feminine exists as

a deviation of the masculine, that masculinity is defined by its existence and femininity by its difference is somewhat upheld by Freudian discourse. The centrality of the penis in Freudian theory is testament to this (Friedan 1965). It is not only because Freud's theories may have been misinterpreted that they are seen as irrelevant by some feminists, but that freezing may be a universal reaction when fearing a threat to life.

It would not be fair to imply that Freudian theory largely represents psychological theories of sexual offending. Although some feminists see psychology as situating the causes of raping behaviour within the individual, rather than as a systematic cultural problem there are some meeting points. Some of the psychological theories do incorporate cultural factors. I have briefly mentioned Finkelhor's precondition model of child sexual abuse, which considers the prevailing societal attitudes towards children and sex. Ward *et al* (2006) note that Finkelhor insisted that 'any theory worth its salt should be able to explain why the offence is a *sexual* one' (2006:20), he also asserted that most child abusers do not have major mental illness or demonstrate a severe degree of psychological maladjustment. These assertions are complementary to feminist social science explanations. Marshall and Barbaree's integrated theory sees one of the aetiological factors being the early experiences of the male child which may result in anti-social attitudes, like misogyny (Ward *et al* 2006). Polaschek and Ward (2002) propose five implicit theories for rapists which include ideas that Women are fundamentally different to men, therefore heterosexual encounters are adversarial, that women are sex objects and are constantly sexually receptive to men's needs and can not be injured by sexual activity unless physically injured, that male sex drive is uncontrollable and male sexual energy can build up to dangerous levels, that men can have the idea that that their needs should be met on demand, and they are justified as raping women as punishment for not being suitably subservient and that, the world is a hostile and dangerous place. These theories do not entirely dismiss social scientific explanations in the way that Thornhill and Palmer's do. For a more comprehensive explanation of psychological theories of sexual offending which can not be discussed adequately in the context of this research, see Ward *et al* (2006).

Chapter Three: Jack the Ripper

Introduction

The discourse of sexual murder is a key focus for this research and the crimes of Jack the Ripper are believed to exemplify the kind of violence and motivations constructed in the discourse (Boyle 2005), it is also believed to have been constructed and reinforced from interpretation of the crimes by powerful agencies like the FBI (Schmid 2005). The crimes also provide a powerful example of a conflation of the crimes of rape and murder. Examination of the crimes of Jack the Ripper and the discourse of sexual murder that was to emanate from them, is therefore of specific importance. In exploring how the discourse is constructed and reinforced in Jack the Ripper film and TV form, the meaning made of these crimes and the relationship that that meaning has to the hypothesised conflation of rape and murder can be further explored.

Jack the Ripper is often considered the 'archetypal rapist' (Frayling 1986), a killer who committed what seemed like 'the ultimate rape' (Marriner 1992), yet he was never suspected of raping any of his victims and there is no evidence to suggest that any attempts to rape the victims were made or that the killer ejaculated over the bodies. These crimes, in this context, could be considered to exemplify a conflation of rape and murder. The significance of Jack the Ripper's crimes however, extends beyond their being an example of a conflation of rape and murder, the modern dominant discourse of sexual murder is widely regarded as having originated from these crimes (Boyle 2005, Caputi 1987). Jack the Ripper is considered to be a serial killer, and serial killers are now it seems, by definition 'sex killers' (Schmid 2005) the dominant discourses constructing them in this way; the terms are somewhat

interchangeable (Schmid 2005, Tatar 1995). According to Schmid (2005) the FBI have become central in producing the 'official' definition of serial murder and are the 'pre-eminent source of expertise on the subject of sexual homicide' (2005:77). This followed a 1979 FBI sponsored study into the problems of serial murder by such killers as Jack the Ripper. Vronsky also notes that the 'serial killer epidemic' (2004:23) that gathered pace in the seventies coincided with the FBI lobbying the government for more funding. Schmid argues that bringing together the FBI and Jack the Ripper made perfect sense and each further enhanced the fame and authority of the other. Schmid considers that the FBI constructed a discourse of sexual murder based on Jack the Ripper's 'foundational place in the pantheon of serial killers' (2005:67). The FBI's narrow and exclusive 'definition' of serial murder and their practice of investigating sex crimes and constructing 'offender profiles', coupled with their high profile status as 'experts on the phenomenon' has constructed an authoritative and dominant discourse which, to cite Schmid, reinforces an 'extremely limited and distorted image of what serial murder is, who commits it, who is victimised, how they are victimised and why they are victimised' (2005: 79). Serial killers and serial rapists are logically linked in many ways, as noted the crimes have identical constituent elements in public and criminal justice perception, that is a lone male stranger attacks a lone female at night in a public place using violence with a sexual aetiology that is or has the potential to be, fatal.

This discourse, apart from being reproduced in what is known colloquially as 'the Jack the Ripper industry'⁹ has influenced and inspired a whole sub-genre of horror entertainment – the 'Slasher movie' which concentrates on the 'serial killer'. Harper

⁹ Such is the volume of work produced on the subject of Jack the Ripper by all types of media, and the consistency of volume since the 1970's, the subject is said to have produced an 'industry'.

(2004) notes that 'to a greater or lesser extent, the presentation of images of sex and death remains the primary function of the slasher movie' (2004:8). and acknowledges the influence that *Psycho* (Dir. Alfred Hitchcock 1960) has had on this genre:

'The character of Norman Bates has become a template for the standard slasher killer: sexually ambiguous and impotent, subverting sexual desires into violence' (2004:8).

He also sees that the development of the slasher movie over the years has seen a growing concentration on sexual imagery and female nudity, partly because this aspect of serial killing is cheaper and less problematic with censors, than special effects and gore. The ease with which slasher movies were able to mix up sex, in the form of soft porn images, and death, in the form of serial killing, is testament to the way the discourse of sexual murder makes meaning of violence against women. Jack the Ripper film has many of the elements of both slasher and horror films and all three genre's share conventions which mix up sex and death and this 'mix' facilitates a conflation of rape and murder. It is the Jack the Ripper story in film and TV form that is the focus for examination in this chapter. The aim is to explore how the crimes are given their sexual meaning and how a conflation of rape and murder is produced.

Method

The analysis of male/female relations and gendered violence as they are represented in film form has been successfully negotiated in previous research (Clover 1992, Haskell 1987) and analysis of the meaning made of the crimes of Jack the Ripper in this media form too (Caputi 1987, Boyle 2005, Walkowitz 1992, Cameron and Frazer 1987). Clover looked exclusively at sub-genre's of American horror films in which gender issues were prominent. Questions of genre are often important in selecting a research sample for film analysis, however Clover used a very loose definition of

'horror', her focus being less the different cinematic styles or conventions than the public sense of what horror is and the gender issues raised. In this research the films are selected using 'Jack the Ripper' as the unit for definition. Like Clover's analysis, I do not wish to adhere strictly to any defined and particular cinematic style, it was more important to the aims to identify common themes across styles. There are, as Young (1998) comments, clear representational lines drawn between genres and most notably between fictional and factual or fact-based representation. Young's contention that analysis of sexual violence should overcome the line that is continually drawn between fictional and what she describes as 'real' representation, is achieved almost entirely by the selected film sample, which draws from 'real' events, but presents them in dramatic fashion. In one sense, many of the representations attempt to recreate what actually may have happened, (*From Hell* dir. Allen Hughes and Albert Hughes 2001, *Jack the Ripper*, dir. David Wickes 1988), others are merely inspired by the crimes and bear little resemblance to the original events (*Ripper: Letter from Hell* dir. John E. Eyres 2001, *Jack the Ripper* dir. Jesus Franco 1976).

It is also important in some film analysis to consider 'audience' both in a demographic and reception sense. It is not however, the purpose of this analysis to consider how the audience may receive the images and stories or to consider whether certain types of people may be consumers of Jack the Ripper media. Although these questions have clear importance in other contexts, this research concerns itself with identifying common discursive themes in Jack the Ripper film form and film is one medium which, as Haskell (1987) notes, is a clear and accessible looking glass, so is appropriate to the aims.

There are two common and dominant themes noted as present in all Jack the Ripper media – the prostitution of the victims and the sexual nature of the mutilations and violence. It is these two themes that are the focus for this analysis. These two themes were studied in each of the films to establish their importance to the plot and the meaning made of them. They were found to have significant importance in sexualising the story and representing the crimes as sexual in nature. The way in which this is achieved in each theme is discussed separately.

A list compiled by Meikle (2003) was consulted to select films/TV suitable for the analysis. Meikle's list incorporated film/TV with any reference to Jack the Ripper and included 65 separate listings, another list compiled by Kelly and Sharpe (1995) contained film/TV, docudrama style and music and included 124 separate listings. Meikle's list was used as it exclusively contained film 'tellings' of the story. It was decided to limit the amount of data that would be generated by restricting the amount of films to be analysed. The sample was first limited to films produced post 1970, as this is cited as the time when the vast majority of Ripper films and other Ripper media were produced (Ryder 2005) and reflects a growing interest in the crimes, but is also a time when discourses of sexual homicide were being formally constructed by agencies like the FBI (Schmid 2005). Vronsky (2004) states that this time scale represents the 'postmodern age of serial homicide' (2004:3) and a time when the term 'serial killer' was first used. The discourse of sexual murder as it is today was in this way, constructed after 1970 and the meanings and knowledge it produced are back projected onto the events of 1888. This is important in contextualising the analysis and concentrates examination of the power/ knowledge element in the postmodern era, rather than the Victorian era. However, it was decided to include 'The Lodger'

(dir. Alfred Hitchcock 1927), as this is considered to be the first serious interpretation of the events (Meikle 2003). Films that were indicated to be of minor importance to the genre by Meikle were discarded, also films that were part of television serials normally unrelated to Jack the Ripper i.e. Fantasy Island, Star Trek. Of the remaining films in the list half were selected and they represented a fairly even spread across the time scale of the list, that is 1970 to 2001. There were no docudrama style films in Meikle's list so these titles were selected from an online retail agency (amazon.co.uk) which provided the most comprehensive selection available. Four were chosen which equates to half the films listed. It is the commonalities present in the different ways of 'telling' the story that are of importance; the common themes, the discursive strategies and the objects of the discourse. In this way whether the story is being told in a cinema film style, a made for TV style or a docudrama style, is of less importance than the consistency of the techniques, themes, silences and objects used and produced. The seventeen films in the final sample that were available and used are listed in Appendix II. First I offer an overview of the literature concerning the crimes of Jack the Ripper.

The Literature

To illustrate the ever-expanding volume of publications dedicated to, or inspired by, the crimes of Jack the Ripper, I will offer some statistics. Up to 1995 there have been over 470 serious publications, over 60 biographies of individuals involved in the investigations, over 190 fictional publications and over 120 films (Kelly and Sharp 1995). These figures do not include the serial publications like 'Ripperologist'¹⁰ or

¹⁰ *Ripperologist* is published six times a year and is described as 'a journal of Jack the Ripper, London's East End and the Victorian era'. The executive editor is renowned Ripper author Paul Begg.

'Ripper Notes'¹¹ or the web sites dedicated to the killer or magazine articles, or in fact, any of the films and books published since 1995 which are countless. Between 1972 and 1995 it is stated that at least 400 books and articles were published with something to say about Jack the Ripper (Kelly and Sharp 1995). Kelly and Sharp state of Jack the Ripper literature:

'The books devoted to the Ripper are usually characterised by a painstaking build up of facts and theories followed by a vertiginous leap into fantasy in the closing chapters...Theories about the ripper's identity are legion and range from an escaped orang-utan to the poet Swinburne and from Jill the Ripper to most members of the Royal household' (1995:52).

A quote from the publisher of a 2003 book examining Jack the Ripper and crime scene investigation illustrates the nature of the approach of many publications:

'Just the facts Jack! A must read for anyone with a serious interest in Jack the Ripper...A horrific series of sex-lust murders and mutilations in the autumn of 1888...'(Speare 2003).

It is fair to say that many so-called 'Ripperologists' take their investigations and speculations very seriously and often, painstaking and intricate research has informed their work. Whilst the above quote may serve to demean the rigour of their research, its purpose is to illustrate how the discourse, which is creating the meaning made of these crimes, may be constraining serious debate and reproducing Jack the Ripper as a form of sexually motivated rapist, which is wholly inaccurate. Many authors have tried to convince a cynical audience that they have the final solution to this mystery and the identity of Jack the Ripper has been endlessly re-written. Whilst the speculated identities are diverse and sometimes bizarre, the speculated motivations are not. Most authors are reproducing the dominant discourse of sexual murder,

Subscriptions from the web site www.ripperologist.info/magazine.asp subscription includes membership of the 'Cloak and Dagger Club' which meets six times a year. Published since 1994.

¹¹ *Ripper Notes* is published quarterly and is described as 'a publication devoted to Ripperology – the study of Jack the Ripper. Published by Lightning Source UK Ltd since 1999

relying on myths that have emerged from the East End fog as definitive truths and as Odell points out 'Ripperology combines historical fact and pseudo science in ways that blur the truth' (2006:239).

Brian Marriner's (1992) publication '*A Century of Sex Killers*' makes clear the perceived motivations for Jack the Ripper's mutilation of his victims: 'He disembowelled his victims in a mad frenzy to reach the womb' (1992:20) and this is a position reflected both in serious and fanciful re-telling of the story. Marriner speculates further, reproducing the misogynistic and institutionalised sexism apparent in the vast majority of representation of these crimes:

'The secret, morbid interest in sex was exposed when the Ripper committed public deeds which many of those Victorian fathers and brothers, working in respectable offices, perhaps secretly envied. They read with shudders of horrified envy about the maniac who was committing what seemed like the ultimate rape' (1992:26).

Marriner's comments position these crimes inescapably and elaborately within the dominant discourse of 'sexual murder'. The womb, speculated as so central in the killer's desire is almost analogised as genital, and the symbolism of the violence is positioned as sublimation for non-consensual heterosexual sexual intercourse.

This is illustrative of the semiotic practices that have constructed not only the motivations behind these crimes but vicariously, sexual murder in general. The quote is a distorted blending of feminist and cultural/patriarchal positions that fuse rape and murder. What is inescapable is the construction of all male sexuality as veiled violence which mitigates for Jack the Ripper and positions him as a barely extreme example of the ordinary man. This is in contradiction to Marriner's contention however, that Jack the Ripper was a sexual psychopath and deliberately evil. It is

precisely the position of some feminist writing that killers like Jack the Ripper are merely at an extreme point on a continuum of male violence and some argue that it is not misogyny necessarily, that is the common denominator in sexual violence, but constructions of male sexuality (Cameron and Frazer 1987).

A news article in the Daily Mail tells the story of one of the latest candidates, a doctor and obstetrician, Sir John Williams in '*Uncle Jack*' (Williams and Price 2005) and an article in the *Daily Mail* (4th May 2005) tells of the imminent publication of '*Jack the Ripper: The Twenty First Century Investigation*' (Marriot 2005) speculating a 'mad sailor', the *BBC online news* reports on the 13th July 2006 that the notes of Donald Swanson an investigating officer on the case have been recently found to confirm that a polish immigrant, Aaron Kosminski was responsible for the murders . The *Uncle Jack* story begins by describing the finding of Jack the Ripper's (apparent) last victim:

'The 25-year-old prostitute, regarded locally as something of a beauty, was lying lifeless on her blood soaked bed, her body savagely mutilated' (Daily Mail 18th April 2005)

There is little evidence to suggest that the framing of the story in this latest speculation differs in any respect from the framing of previous speculations. Meikle (2003) notes that the screen image of Jack the Ripper has remained relatively constant over 75 years, even though his identity has been reappraised and revisited in many books and films.

The visual image of Jack the Ripper is a powerful one, as are the visual images of the victims, the East End and the other iconic artefacts related to this story. They are as much a part of the discourse as the language employed and their relatively static representation indicates the limitations and conservative nature of this genre.

However there have been some feminist works that seek neither to identify the killer, nor tell his story - Cameron and Frazer (1987), Caputi (1987) Walkowitz (1992). Frayling's (1986) *The House that Jack Built* was a particular influence in examining the crimes of Jack the Ripper, though is not of feminist origin. Perry Curtis (2001) notes that there has been a complete failure in communication between feminist authors and those who wish to reveal the identity of Jack the Ripper.

Boyle (2005) explores how acts of sexual murder are given their meaning and sees the discourse of sexual violence as circulated and shaped in the media. The discourse of sexual murder is seen as productive and Cameron and Frazer (1987) argue that:

'Representations help construct and shape peoples desires by offering them certain objects, certain channels, certain meanings. What aspirations and pleasures are available, what practices, identities and dreams are even thinkable is determined to a very large extent by the culture' (Cited in Boyle 2005:61).

Jack the Ripper's crimes occurred at the same time a popular mass press was emerging and received unprecedented coverage coupled with a highly stylised representation which has obstinately stood the test of time. Diamond (2003) states that the Victorians had more opportunity than their predecessors to enjoy sensations, and that certain legal changes like the abolition of tax on newspaper advertising in 1853, the repeal of stamp duty on newspapers in 1855, and the dropping of paper duty in 1861 aided in the availability of printed news media for the masses. He also sees the development of the railway system as aiding distribution. With the most important newspapers concentrated in London, Diamond also asserts that sensations were easy to create in the city.

The discourse of sexual murder that was to emanate from these events has, similar to the representation of the killer, undergone no great transformation. Having said this, it would not be fair to say that there have been no resistances or counter discourses offered. The feminist work in this area has provided alternative positions from which to approach these crimes (Caputi 1987, Boyle 2005, Tatar 1995) but as will be argued in this project, those alternatives have been partially embraced and diminished. The perceived sexual nature of these crimes significantly steers the narratives reproducing gendered subjectivities and a blending of sex and violence that keeps women tangential in the culture and in dominant constructions of sexuality, as well as in representations of sexual violence and murder.

Identifying the Discourse of Sexual Murder

Schlesinger (2003) notes that it is one of the problems in researching sexual murder that there is no agreed-upon definition. There are however, many interpretations by theorists and researchers¹², for example Kellaher (2004) states that sexual murder is not a clearly defined term even among experts on the phenomenon, in contrast to the clear definition of homicides in general. He points out that some experts see only sexual contact as important, whereas others see the internal feelings of arousal irrespective of whether there was any sexual contact as important. Geberth states:

‘lust murders are homicides in which the offender stabs, cuts, pierces or mutilates the sexual regions or organs of the victims body...It also includes activities such as ‘posing’ and ‘propping’ of the body, the insertion of objects into the body cavities, anthropophagy (consumption of blood and/or flesh) and necrophilia’ (1998:431).

However, as Schmid (2005) notes the FBI definition has the most authority and the various interpretations noted by Schlesinger (2003) remain within the epistemological

¹² For a more comprehensive illustration of different definitions see Schlesinger (2003:4).

umbrella that informs the FBI discourse. Schlesinger points out that presence of sexual assault does not necessarily denote a sexual motivation and conversely, no indication of sexual assault does not preclude assuming the motivations were sexual. It appears that what constitutes a sexual murder is inexact and open to a subjective interpretation. Sexual murders however, are significantly associated with the terms 'serial killing' and 'serial killers'. This association of terms and lack of clarity as to what can be considered sexual links sex and killing. As already noted, Hickey (2001) and Jenkins (1994) state that much of what we know about this type of crime is based upon misinformation and myth construction and Hickey (2001) sees the symbiotic relationship between law enforcement, the media and the public as encouraging that disinformation:

'Because of the wide publicity given to serial murderers, a stereotype of this type of killer has formed in the mind of American society. The offender is a ruthless blood thirsty sex monster who lives a Jekyll and Hyde existence' (2001:3).

This observation encompasses what is commonly perceived to be a sex killer and a sex murder. The defining characteristics of a sexual murder appear to be perceived as: a lone male offender- attacks and kills- a lone female stranger - in a public place- for sexual gratification and this is the Jack the Ripper story. However the defining characteristics are only as important as the meaning ascribed to them. The importance of gender stereotyping and the culturally prescribed heterosexual dynamic noted in the genealogy and present in all three strands, can not be overstated. For example a woman stabbed in the back and the neck and left to die can be considered to have links to sexual motivation (see Chapter Four). It is important then, that the way in which Jack the Ripper's crimes are understood, represented and rationalised as sexual is examined to understand how his violence can be construed as 'the ultimate rape'.

The crimes themselves produced excessive media coverage at the time and have been referred back to in making sense of subsequent and apparently similar crimes, like those of Peter Sutcliffe, the so-called Yorkshire Ripper in the late seventies and early eighties. But also, the Jack the Ripper crimes have been endlessly re-created in an apparent attempt to identify the killer and to create entertainment media. Jack the Ripper has become 'part folk hero, part myth' (Rumbelow 1992). Tatar states that:

'Because Jack the Ripper lacks a stable social and historical identity, he can be reinvented by each age to stand as the most notorious example of male sexual violence' (1995:22).

He has become as Tatar posits, 'more fictional construct than historical figure' (1996:23). A discourse has emerged from the apparent 'reality' of the portrayals of the Ripper's crimes and expert interpretations of his motivations, and this discourse provides a 'well defined profile of the sexual murderer' (Tatar 1995:23). The discourse has influenced construction of a format that has been used and re-used, but is effectively illustrated in the Jack the Ripper films. The format which is the framework for the dominant discourse of sexual murder, not only stereotypes 'stranger' sexual homicide, but reproduces a gendered subjectivity which stereotypes the victim, the killer and the motivations, which has repercussions for our understanding of non fatal violence, rape and domestic violence against women.

Overview of the Events

There is so much confusion, illusion and fiction threaded into the fabric of the story of the crimes of Jack the Ripper and so much conflict and dispute between commentators, theorists and 'ripperologists' that there must be some starting point at which to begin unravelling the discursive conventions that are the story. As part of the

process of 'getting to know' the data as described by Carabine (2001), the events were first explored using historical documents, including post mortem reports and news reports of the time.

The murders of the media christened 'Jack the Ripper' occurred over one hundred years ago in 1888 in an area of the East End of London referred to as Whitechapel, though not all the murders fell within its boundaries. There is a general consensus among so-called 'Ripperologists' that there were five murders though some say only four, there is speculation of many more.

The popular telling of the story is illustrated by use of iconic images that have become synonymous with the crimes, the thick London fog, Hansom cabs, a cloaked faceless stranger with a Gladstone bag (plate one) and poverty stricken whores butchered in the dark streets. The seediness and omnipresent, all encompassing abject poverty and darkness of the East End is juxtaposed with the affluent and light West End, creating a lasting image of the East End as a cess pit containing the worst kind of human low life imaginable. These images are constructed for media effect and are somewhat expected in any dramatisation of the events, and to an extent all the imagery and myth that surrounds the story is probably part of the attraction for viewing Ripper films. These iconic images though, are as much a part of the discourse as the speculations and rationalisations. They have far more meaning than merely creating an atmospheric and sinister setting for a horror film or story, they add meaning to the events. The generally accepted five victims were all killed between the hours of midnight and dawn in the East End of London; all were attacked to various degrees with a sharp knife. It is probably the nature of their injuries that has been subject of

most graphic representation and description, leading to much speculation as to motive.

All the victims were murdered at night or in the early hours of the morning in and around the Whitechapel area of London. All the victims had their throats slashed with some force and this is given as the cause of death on the death certificates of all victims, though there is evidence to suggest that at least one may have been strangled or asphyxiated first. There was no evidence of conventional sexual assault or rape of the victims - they were stabbed and slashed at with a knife. Organs were removed from some of the bodies including a kidney and a uterus; there is some question as to whether a heart was taken from the last victim (Ryder 2005). The violence on the 'post mortem' bodies was extensive and directed at the face and abdomen, except in one case where it is widely argued that the killer was probably interrupted before he could carry out any mutilations.

The Violence and the Dominant Discourse

The modus operandi of the Ripper was then, and has since, been hotly debated but it appears generally accepted now, with a new medical reading of the injuries, that the victim and assailant were facing each other just prior to death and the victims were killed by asphyxiation and then laid, rather than thrown on the ground with their heads to his left, this being established by the lack of injury to the back of the head and the positioning of the bodies. This contradicts the popular notion that the victims were approached from behind and killed by having their throats slashed which has informed the dominant discourse. Their throats were slashed, but apparently whilst they were on the ground, this being indicated by the pooling of blood beneath and behind the neck. Because the heart had stopped beating there would have been no

pressure to spurt the blood and the killer could have been relatively blood free. No sign of sexual assault was ever found, neither did the Ripper ejaculate over the bodies (Ryder 2005).

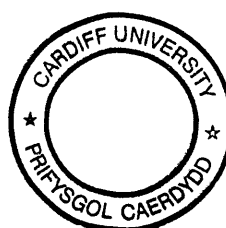
The listed and therefore only known injuries and mutilations which have been used to assess and rationalise the motivation for these offences, do not necessarily fully support the theory that Jack the Ripper concentrated on, or singled out sex organs for mutilation or injury. It is not contested that there were mutilations to the sex organs but these mutilations do not appear to form the substantial part of the listed injuries. It is clear that the mutilations have been focused upon to construct the motivations for the offence. Whilst some of the abdominal injuries listed may be more accurately described as pelvic or genital, these terms were somewhat invisible and as Perry Curtis (2001) suggests, this was probably more to do with protecting the sensibilities of the prudish Victorian public. It is clearly assumed in modern Ripper literature that the sex organs were the target of this killer's violence, though this is not necessarily clear from the reports.

It should be considered at least, that the concentration on what are often described as sexual mutilations, cannot be accepted as fact without taking into account that every part of the female body in the Victorian era was sexualised (Perry Curtis 2001), and the reporting being male dominated, framed discourse in a wholly androcentric way. The scopophilic male view of these crimes drew and still draws, a misogynistic and sexual narrative. To assess these mutilations as significantly directed towards sex organs would necessitate a conceptualisation of the female body as significantly a sexual organ and in reporting of these crimes the implicit suggestion is exactly that. In

this context there is no doubt that the injuries were sexual in roots, however if the female body is to be examined or conceptualised as partially sexual, the speculations must shift in focus to some extent. The abdomen is not entirely a genital area, neither the face nor limbs. Yet it is the abdomen, face and limbs that appear, from the post mortem reports, to have been substantially injured. The abdomen does encompass the female genital and reproductive organs, but it could be argued that had some genital mutilation not been recorded or noted that this would be as significant as if it were substantially opposite.

Much Ripper literature speculates that the killer was obsessed with the womb and it is noted that this organ was targeted in two of the assaults, yet it is a kidney that was the subject of huge media attention when a parcel received by George Lusk, the president of the vigilance committee, apparently from the killer and claiming to be 'From Hell', contained a human kidney. It appears that because reproductive organs could be documented as targeted in the assaults that this is crucial. If five kidneys had been removed and one uterus, one could assume that the uterus would be the most significant.

The point of this discussion into whether there was a concentration on sex organs or genitals, or not, is not to wilfully ignore the sexual components to these mutilations, or to naively deny the possible sexual origins. It is accepted widely that bodily mutilation or extreme violence to females by a male can be perceived as a 'sexual' act (Gerberth 2003, Schlesinger 2003). Whether or not the mutilations were directed at genital or sex organs is, in this sense irrelevant. The concentration on the pelvic or genital mutilations by the media, ripperologists, law enforcement and society may be



indicative of a cultural obsessive curiosity with female sex organs. It may also indicate an attempt to explicitly illustrate *why* the act is sexual. Jack the Ripper mutilated the entire body of his final victim, but when this violence is visualised, what we appear to see is the rape and genital mutilation of the victim.

There are two key 'facts' reproduced in the representation of these crimes that rationalise them as sexual in a more conventional than a complex sense and these are, the prostitution of the victims and the sexual nature of the mutilations. In the following film analysis these two areas are a particular focus.

Jack the Ripper in Film

'I'm always attacked for having an erotic, sexist approach – chopping up women, putting women in peril. I'm making suspense movies! What else is going to happen to them?' (Brian De Palma quoted in Caputi 1987:91).

Representation of these crimes in film has a long history; in 1891 just three years after the Jack the Ripper murders, Thomas Edison demonstrated his Kinetoscope in New York and the cinema was born (Meikle 2003). A European film culture was well established by 1912 when Hollywood emerged. According to a list compiled by Meikle (2003) the first film to star Jack the Ripper was a novelty item released in 1915 named *Farmer Spudd and his Missus Take a Trip to Town* (dir. J.V. Leigh 1915). However the first influential release was in 1927 and was a film version of a story by Marie Belloc Lowndes named *The Lodger* (dir. Alfred Hitchcock 1927), which started life as a short story and then a serial in a magazine. It was said to have been inspired by a conversation heard by Lowndes telling the story of a couple who were convinced they had Jack the Ripper as a lodger in their home at the time of the murders

(McCarty 1993). There were three versions of this story alone (*The Lodger*, dir. Alfred Hitchcock 1927, *The Lodger*, dir. Maurice Elvey 1932, and *The Lodger*, dir. John Brahm 1944). Subsequent titles like *Room to Let* (dir. Godfrey Grayson 1950), and *Man in the Attic* (dir. Hugo Fregonese 1954) indicate the influence of this particular narrative. Since these early productions there have been many attempts to tell the story with many representations merely using the name to frame a 'horror' type story. *Jack the Ripper*' (dir. Jesus Franco 1976) for example, is apparently set in Whitechapel and the killer is called Jack the Ripper, but it bears little resemblance to the original crimes. The individuals involved in the original events (except the killer) are not referred to and the killer is graphically depicted as a rapist who removed the breasts of his victims. Both *Jack the Ripper* (dir. David Wickes 1988) and *From Hell* (dir. Albert Hughes and Allen Hughes 2001) make a serious attempt to recreate the events and engage with history, though *From Hell* began life as a graphic novel. Both have fictitious endings to create some resolution for the viewer, rather than leaving the Ripper's identity unknown which is apparently what actually happened, but claim accuracy in their representation that leads to legitimacy for their speculations. There are a number of films that set the crimes in the present. This is achieved either by a copycat killer as in *Ripper: Letter from Hell* (dir John E. Eyres 2001) and *Jack's Back*' (dir. Rowdy Herrington 1988) or a time travelling machine as in *Time After Time* (dir. Nicholas Meyer 1979). In *Hands of the Ripper* (dir. Peter Sasdy 1971), the killer is the daughter of Jack the Ripper possessed by his spirit. There are versions where the fictional unashamedly meets the real as in *Dr Jekyll and Sister Hyde* (dir. Roy Ward Baker 1971), a storyline that has Dr Jekyll as Jack the Ripper and *Murder by Decree* (dir. Bob Clark 1979) which see fictional detective Sherlock Holmes solving the case.

In addition to the many formats which see the Jack the Ripper story being told there are many documentary/docudrama type films reproduced on DVD, including *The Whitechapel Murders* (1997), *The Jack the Ripper Conspiracies* (2003) and *The Diary of Jack the Ripper* (1999). Like the films, the documentary style is significantly geared towards speculating the identity of the offender. *The Lodger* (dir. Alfred Hitchcock 1927) was slightly different in that the central character is found to be innocent. This is apparently because the lead actor, Ivor Novello, refused to be identified with such a criminal and the ending was written to ensure his continued involvement with the production (McCarty 1993). Though there are many formats to the telling of the Jack the Ripper story, it is the aim of this chapter to examine the extent to which the discourse of sexual murder is used to make meaning of the fictional and factual representations in the films and how the 'sexual' component is constructed.

Discursive Themes:

Prostitution of the Victims

The victims of Jack the Ripper are remembered as prostitutes, this is how they are described and categorised in all Jack the Ripper media and their prostitution is an important part of the discourse and creates some of the meaning for the crimes. They were not however, necessarily, habitual prostitutes. They all had, at some time indulged in prostitution, though Stewart (1939) holds that at least one of the victims had other means of support and was rarely forced to take this option. It should be considered that indulging in acts of prostitution was not unusual for poverty stricken women of the time. Placed in its historical context, it is possible that most women in that particular part of London, at that time in history and at those times of night would

have participated in prostitution at some point in their lives. In 1888 the Metropolitan Police documented twelve hundred prostitutes of low class in a specific area of the East End. According to Meikle (2003) Henry Mayhew and Bracebridge Hemyng, two pre-eminent chroniclers of Victorian life, both disputed the official figures and felt that the true picture required them to be incremented by a factor of ten. This would put the figure at closer to twelve thousand casual prostitutes operating in the area. A killer attacking poverty stricken women who had little means of support, especially in the culture of the time, in the early hours of the morning, in that particular part of London, would have been statistically likely to have attacked a prostitute or a woman who had, at some time indulged in prostitution or even been labelled a prostitute merely because she had been arrested, Emsley (2004) notes that often arresting police would catalogue drunken women as prostitutes regardless of whether they had any evidence to support this. The label 'prostitute' has created a convenient link to sexual matters but is not necessarily as relevant as the discourse suggests and also does not necessarily categorise the women as neatly as the label may suggest. In Victorian England, prostitutes were considered the female equivalent of the male criminal class and offered an 'awful warning of what happened when the natural order of things was broken' (Emsley 2005:96).

The prostitution of the victims has also often led to reading the motivations for these crimes as 'cleaning the streets' (Ward Jouve 1988), giving the killer a kind of moral incentive that may at least partly exonerate him from responsibility. This same discourse was used and still is, to make meaning of the motivations of his namesake, Peter Sutcliffe the so-called Yorkshire Ripper. Sutcliffe was able to use this moral excuse in an attempt to explain his actions. Sutcliffe clearly did not target prostitutes

in particular as not all his victims were prostitutes. The framework was as inaccurate for Sutcliffe as it may be for Jack the Ripper. It is possible that prostitutes were targeted merely because they were available and not because there was any moral incentive. Peter Sutcliffe actually appeared to target available women, as Jack the Ripper may have done. Sutcliffe is actually quoted as saying of his murder of Josephine Whittaker, a 19 year old building society clerk, 'I realised Josephine was not a prostitute but at the time I wasn't bothered. I just wanted to kill a woman' (Walkowitz 1992:232).

It should also be considered that prostitutes have low status in our culture and have even been described as 'professional victims' (Caputi 1987). It may well be less scary for a killer to target prostitutes, there being ready made defences for his acts and a sometimes seemingly ambivalent response to prostitute murders. The victimisation of prostitutes is so commonplace and a sort of 'cultural fact of life' that there is a ready made framework for such violence.

Ripper films do not explore the relevance of the prostitution of the victims, even where the final solution to the crimes speculates motivations in the killer that are unrelated to their prostitution. However this is such a powerful theme in the narrative that not to include significant reference to their prostitution may cause a negative response to the speculations, and would be too powerful a resistance against the dominant discourse.

In many of the films the prostitution of the victims is used to introduce a purely sexual element. In *From Hell* (2002), a film which Meikle notes is 'scripted and dramatised

in the formulaic manner of the typical Hollywood serial-killer thriller' (2003:191), a scene depicting the body of Martha Tabram (not universally considered a Ripper victim) in a mortuary, shows her surrounded by males, a police sergeant roughly lifts her skirts to reveal the groin area and says "he removed her livelihood as a keepsake". The exposing of the genital area of the victim and the accompanying words, spoken with contempt, place female sexual anatomy and prostitution at the very centre of the motivations behind the crime. It should also be considered that although there were some 39 stab wounds to Tabram's body listed in the original post mortem report, no organs were missing and mention of specific injury to genitals is absent, though injury to the groin area is accepted as part of the abdominal injuries, the vast majority of the stab wounds were to her chest. The 'soundbite' comment that the killer had removed her livelihood could be described as artistic licence by the scriptwriters, but the powerful message included in this scene transcends artistic interpretation, it is apparent that the dominant discourse is present. It is clearly stated that the prostitution of the victim is central to her injuries, that her 'unauthorised sex' is implicated in her death and mutilation.

Martha Tabram is speculated, in the film *From Hell*, to be the victim of a gang terrorising prostitutes, and in this film Jack the Ripper is described by the Inspector Abberline character as 'altogether a different breed of killer' from Tabram's assailants, yet the alleged genital mutilation or injury perpetrated by both killers is accepted as central to the modus operandi. The difference in the murders is seen as a matter of approach and method in the killer, not the nature of the injuries or mutilation suffered by the victim. The methodical approach of Jack the Ripper in his disembowelment of the victims is what sets him apart. It is also interesting to note that

although Jack the Ripper is represented as more 'evil' than Tabram's assailants in this film and others, her injuries were documented as 'committed in life' (Post Mortem report sourced in Ryder 2005)) and this is alluded to in the film, whereas the mutilations on Jack the Ripper's victims were committed after death. The method of inflicting the injuries is used to calculate the depravity of the violence and not the sadism involved. It could be considered that a violent and prolonged attack 'in life' would be more sadistic and depraved than the violence perpetrated on a corpse. However the symbolic value in Jack the Ripper's violence transcends the realities of the experience for the victim. The victim is invisible except as evidence of the violence, the killers (both of whom are unknown in these cases) are assessed via the symbolism culturally attributed to their acts.

The victims in much Jack the Ripper film are continually referred to by colloquialisms for prostitute and the contempt of the males from their own and higher classes, is clearly evident in some versions. Insulting and degrading remarks about prostitutes pepper the films, whilst at the same time they are sympathetically portrayed as kind, attractive and gentle individuals. One film that resists the dominant discourse in this respect is *Murder by Decree* a film that sees Sherlock Holmes solving the crimes. The victims are more often described as women than prostitutes and little attention is paid to their activities, the first victim is also shown being killed by asphyxiation with the killer in front of her, in contrast to practically every other representation when victims are seen approached from behind and having their throats slashed. The film concentrates on the power of the men involved in what turns out to be a government level conspiracy and appears to rely on an assumption that the viewer has prior knowledge of the crimes; the main story being told is less 'Jack the Ripper' and more Sherlock Holmes. *Love Lies Bleeding* (dir. William Tannen 1998)

represents the victims clearly as habitual prostitutes whose lives revolve around their prostitute identity. This is a representation common to most of the films. The final victim, Mary Kelly, in many of the films is singled out and given an extra dimension to her character. In *Love Lies Bleeding* she is befriended by a major female character and indulges in sexual intercourse with the male lead who turns out to be Jack the Ripper. She is represented as youthful, beautiful and intelligent.

In *From Hell* Mary Kelly is deliberately presented as culturally beautiful and intelligent. Her prostitution is downplayed though admitted. She is never filmed with a client so her illicit sexual behaviour is invisible, thus allowing her to escape death in this portrayal of events. Her claim to Inspector Abberline (Johnny Depp) that she is still a 'woman' despite her prostitution, and that 'they haven't taken that away from her', firstly separates her femininity from the label prostitute and justifies what is consistently presented as degenerate behaviour, and secondly implies that femininity or femaleness can be removed via the sexual act. Prostitution is presented as a sub-human, or more especially, sub-female behaviour that defines the victims as fundamentally flawed in a criminal and degenerate way.

The intimation that femaleness is negatively affected by illicit sex also removes the burden from the killer of being a killer of women, in the way that female consumers of this product may see themselves. He is killing a breed that have had the femaleness removed, so makes them apart from both ordinary men and women, an alien breed that do not deserve our full sympathy. This is a powerful concept and is raised continually by feminist commentators; that sexual reputation wholly defines women (Lees 1997) and if illicit sex can be proven or suspected then they move into a

separate category that makes them implicit in their own deaths and so removes some of the guilt from the killer (Lees 1997, Soothill and Walby 1991).

Clover (1992) sees the modern horror film as clearly drawing a cause-and-effect relationship between illicit sex and death. 'Killing those who engage in unauthorized sex amounts to a generic imperative of the slasher film' (1992:34). Clover continues that whilst this imperative relates to males as well as females the numbers are not equal; more females than males will die and the scenes relating to female death will be more graphic. It is also noted that males die in the main because of mistakes they make, rather than females dying because they are female.

The victims are rarely described as a generic group 'female' or 'women'. They are continually grouped as 'whores' or 'prostitutes' and it is not stated that Jack the Ripper targets women as a group. Even when agitator and vigilante George Lusk in *Jack the Ripper* is berating the police he says "You can't keep the streets safe for ordinary working people". The Lusk character did not say 'You can't keep the streets safe for ordinary working women'¹³. The narratives do not shy away from accepting that whores or prostitutes were targeted, but they do shy away from contemplating that Jack the Ripper may have been targeting women in general. There is a reticence to admit or acknowledge that the killer is targeting women, the term 'prostitute' is almost hidden behind. Lusk describes the victims or targeted group as 'ordinary working people'. Either the narrative is steering the film away from admitting that prostitutes are women and ordinary, or neglecting to confront deeper social issues that would be raised if the generic group woman was the inevitable and most targeted group.

¹³ It is noted that the term 'working women' is often used to describe prostitutes

The prostitution of the victims is, in a similar way to *From Hell*, presented as central to their victimisation in *Jack the Ripper* and not just because indulging in prostitution would cause them to be easily available, but because of the contempt held generally for their life style. In *From Hell*, even though the prostitution of the victims is central to the story, this is not concluded as the actual reason for their deaths. In *Love Lies Bleeding* a female character asks why the Ripper is killing prostitutes in particular, the reply was:

“Why not? They are easy targets, they walk the streets in the middle of the night when there’s no-one around, they’re defenceless, he was probably making a statement”

This quote appears to resist the dominant discourse and places the victims prostitution as relevant because it makes them easily available, however when asked to elaborate on what type of statement the Ripper may be trying to make, the reply is: “A moral statement, you know, rid the streets of this degrading form of life”. This quote refers the viewer straight back to the dominant discourse. Later in this film the killer himself in answer to the question “What is it do you think that drives a man like that?” replies “Maybe he’s heard the voice of God or perhaps he’s trying to keep the world clean”. This type of rationalisation for the acts is a direct reference to the dominant discourse and exemplifies the relevance of prostitution in many of the films.

Jill the Ripper (dir. Anthony Hickox 2000) is a kind of resistance to the dominant discourse in that the Jack the Ripper character is female and is killing males. However, even in this narrative the importance of prostitution is evident. The killer is a prostitute who kills her male clients whilst they are tied and bound for sado/masochistic sex. She appears to remove their genitals. However the female is a

prostitute, the settings are sexual and the female is very attractive. The male victims are represented as men with 'perverse' sexual desires. The killer turns out to be motivated by revenge. She is not directed by God or acting on her own sexual fantasies when she kills. In this sense, although the genders have been reversed as regards victim and killer, the dominant discourse and the meaning made of sexual murder is significantly evident. The dominant discourse of sexual murder normally prescribes that the victim is female and the killer male. It would appear that this is the only element to be changed, it is not challenged or resisted and this is important. The film does not speculate that the original Jack the Ripper was female, neither does it speculate that a female killer would behave too far outside her expected gender behaviour as characterised in the dominant discourse. She maintains her status as prostitute, she is attractive, she only acts as she does because of the violent treatment of her and her mother (another prostitute) by men. There are no challenges to the meaning made of the violence in the dominant discourse, in that the violence is sexual but not in this case for the killer, it is sexual because of the males' sexuality, as it is in the dominant discourse. The male leads in this film brutally kill at least two other prostitutes senselessly, the killer is also killed. At no point in the film although there are male victims, does the 'female' have the upper hand or any control, as is the case when the killer is male. The dominant discourse is merely 'adjusted' slightly to allow for a coherent story of a female Jack the Ripper. No element of the discourse is reversed except the genders of the killer and the victims.

The docudrama '*Diary of Jack the Ripper*' (1993 Image Entertainment) is a defence of the authenticity of the so-called actual diary of Jack the Ripper. In this version of events the prostitution of the victims is absolutely central to their victimisation and

this is clear. The language employed by the diarist is misogynistic in the extreme and the motivation is apparently the 'whoring' of his young wife. The diary is apparently written by a cotton merchant named James Maybrick who was known for his 'womanising' and abuse of arsenic. To describe his wife's alleged infidelity as 'whoring', when he himself was reputed to be a 'womaniser' is clear example of the gendered subjectivity employed. The double standard, though accepted as part of Victorian morality and used to rationalise the motivations, is not only part of a discursive genealogy - in that it could be said to historically contextualise the comments - the subjectivity transcends this position. Not only are the victims killed because they are prostitutes or whores, but it is also claimed by the diarist that God is compelling him. This construction of events is similar to the defence of Peter Sutcliffe who also claimed he was acting on the word of God. The double standard is as much part of the discourse now, as it was then, even if it is represented as being in context in this film. Ward Jouve (1986) comments on this aspect of the Yorkshire Ripper story:

'But tell me. Why was it that Sutcliffe could believe that God was ordering him to *clean* the streets by *killing* women? It's no good saying 'he was mad'. That explains nothing... and how come the reverse is not true? Why is it that no women go about murdering 'punters', convinced they're on a mission to rid the city of its litter? It's not just that the case is never reversed: we can't even imagine it being reversed' (1986:33-34).

Ward Jouve's point illustrates that this particular aspect of the crimes of Peter Sutcliffe and Jack the Ripper is part of the discourse of sexual murder. There is nothing within the dominant discourse that allows a reversal. Women who transgress the moral code as it applies to female sexual behaviour are able to be represented as immoral, ungodly, dirty, non-feminine, debauched, evil and a danger to the fabric of society. Thus the discourse of sexual murder allows or even encourages inspection of

the sexual behaviour of female victims because it is potentially the reason for their violation. There is powerful resistance, or more particularly a constraint, within the discourse that disallows conceiving of male sexual behaviours in this way, whilst simultaneously encouraging understanding of a defence that is framed to be understood as a result of 'natural' male sexuality or divine intervention. In *Love Lies Bleeding* the hypocrisy of this position is commented on when the character who turns out to be the killer, blames the clients of prostitutes equally for spreading venereal disease in a debate on the badness of prostitution.

In *Jack the Ripper* the killing of prostitutes is central to the motivations behind the killings because of the 'whoring' of the killer's mother and the damage it did to him as a child. In this representation of the crimes, it is clear that prostitutes are the intended victims, but on one occasion, the killer is seen tempted to kill his landlady and stalking a ballet dancer. His final victim is the ballet dancer who acts as a prostitute to attract his attention; she escapes death and mutilation, but is graphically raped.

It was a constant through all the films that the victims were prostitutes first and women second. It was also consistent that the victims were portrayed as wholly defined by their prostitution, they were one dimensional in this respect. Only Mary Kelly, the final victim, was given extra dimensions to her character in some of the films, but having said that, even though she is portrayed as hating her 'work', she, like the other women is portrayed as having a life that wholly revolved around her prostitution. Even where the film is merely inspired by Jack the Ripper, as in *Ripper: Letter from Hell* and the victims are not prostitutes but sexually aggressive students, their sexual behaviour significantly defines them. The victims in *The Lodger* were all

golden haired showgirls who were represented as highly sexual, but naïve. Although they were not prostitutes in the definitive sense, the victims are represented as acting outside their prescribed gender role behaviour. They are sexually aggressive or promiscuous or perhaps they are dancers or showgirls on the stage in provocative costumes. It could be argued that these victims are transgressing the sexual code and are as representative of immoral women as prostitutes are.

If the prostitution of the victims was the direct reason they were targeted, the narratives indemnify the feminist position on sexual violence against women. The double standard premise is seen taken to its ultimate conclusion - the annihilation of women who transgress the cultural code - yet feminist theory of sexual murder is sidelined as politically motivated in this culture. It could be said using this framework, that in destroying those apparent prostitutes Jack the Ripper, acting as guardian of public morals, albeit in extreme fashion, was defending society. Meikle quotes from the film *The Ripper* (dir. Janet Meyers 1997), the character of Prince Eddy, who is the Ripper in this film, is speaking of the killings and this quote illustrates the extent to which prostitutes are represented as 'the enemy' in the discourse:

"I'm not Jack the Ripper; he's a madman! But I understand his madness...These women he's killing are part of an invasion: they carry a disease that is just as much a threat to this country as the Armada was".

To accept that he may have been acting out a hatred of whores is to accept the feminist contention that women are defined by their sexual reputation and the discursive object that is the 'prostitute' is constructed in many inter-related discourses, particularly in the religious gender discourses.

This analysis has examined the significance of the prostitution of Jack the Ripper's victims in the films and established that, to varying degrees it has significance for different reasons. However it is crucially significant within the dominant discourse of sexual murder. This discourse makes meaning out of the violence and motivations using the prostitution of the victims. It is not relevant because the victims would be far more available, and would be in secluded locations with a killer, but because female sexuality and sexual behaviour *causes* men to kill them. The dominant discourse allows that women are killed by men when they transgress a cultural sexual code and this makes the prostitution central and crucial.

Sexual Motivation

The use of female nudity and male sexual menace in the films sometimes borders on pornographic. *New York Ripper* was refused certification by the BBFC (British Board of Film Classification) in 1984 and then certified as '18' with cuts to the original in 2001 (BBFC 2005). The principal objections were to scenes of naked women being graphically mutilated. Even Harper (2004), a fan of the 'slasher' genre berates this film as plunging 'headlong into cruelty against women' with gore and lengthy soft core sex scenes that are difficult to get past. (2004:17)

Jack the Ripper was certified 18 possibly because of the graphic nature of the sexual violence and female nudity it contains. There is an underlying sexual menace in all Jack the Ripper film and documentary and the extent to which that sexual aspect is exploited varies, it is a theme that is consistent but represented in varying ways, for example, on several occasions in *From Hell* the image of a knife put to the breast of a female, or cutting the buttons from the bodice of a dress with the suggestion that the breast will be exposed, is used and powerfully links male violence and sexual

excitement. The character of Abberline, in this film played by the actor Johnny Depp is presented as opium-addicted. It is in the guise of creating his drug induced hallucinations or experiences, that female nudity is again exploited. In one scene, two culturally beautiful women are laid naked side by side on a bed or bench and are viewed by a circle of males; the women are completely still and wholly passive. There seems to be little relevance to this display except that it panders to the scopophilic nature of male sexuality. The scene of a young and attractive female (prostitute) having sex with a prince, similarly uses the female's nudity along with misty shots and accents on her long blonde hair. The entire film exploits male centred sexual desire at the expense of the plot, or more importantly it defines the plot. It is also a convention that attractive women are used to represent the victims. It is clear from the descriptions and histories of the victims that they were not particularly attractive. All, apart from Mary Kelly were in their forties, all had alcohol problems and most had teeth missing. I note this to illustrate how culturally unattractive these women probably were, Douglas and Olshaker describe the victims as 'relatively old, beaten down by life and fairly unattractive' (2000:65). The attractiveness of victims seems to form an important element in their story. In interviews for this research I asked police officers about the murder of a teenager, all commented on her beauty. Several respondents commented that it was unfair that in the *Crimewatch* recreation of the events surrounding her death, that the female cast as her was not as attractive as the victim¹⁴. Whilst the actress playing the victim was perfectly ordinarily attractive, she was seen as not attractive enough, as if the attractiveness was an element that *needed* portraying.

¹⁴ See chapter five, police interviews

Horror film director Dario Argento is quoted:

‘I like women especially beautiful ones. If they have a good face and figure, I would much prefer to watch them being murdered than an ugly girl or man’ (Clover 1992:42).

Not only are the victims sexual in that they are represented as prostitutes, they are sexual because they are culturally sexually attractive. In all the films viewed, all the victims are slim, they all have all their teeth, and usually Hollywood white. In *The Lodger* the victims are ‘showgirls’ rather than prostitutes and are represented as youthful, desirable, feminine and childlike women. An advertising poster for ‘*Jack the Ripper*’ (dir. Robert S Baker and Monty Berman 1959) illustrates graphically in image and words the representation of the victims (see Plate Two). In this poster the victim is seen lying on her back apparently dead or unconscious, but still sexually ‘posed’. The words ‘The swinging purse...the painted lips...the languid pose against the lamp post’ position this victim, or all the victims, as one-dimensionally sexual.

It is also a constant of the films that ‘Jack the Ripper’ is not only socially advantaged but that he is also attractive. What makes a male sexually attractive is not necessarily related to physical appearance as it may be with women. The classic image of Jack the Ripper is somewhat sinister in a possibly attractive way, and is that of a tall, slim ‘gentleman’, wearing a long cloak, face shaded and carrying a Gladstone type bag (See plate 1). The ‘Dr Jekyll and Mr Hyde’ character written by Robert Louis Stevenson in 1885 and often related to the Jack the Ripper character, was said to represent Victorian hypocrisy and was based upon the writers own experiences ‘of middle aged men in London’. The story reflected a world where appearance had dominance over substance and it is noted that:

‘The gap between the film and the print version of the story is also worth noting in the case of Jekyll and Hyde. In every version of the story from 1920 to the present, Jekyll and Hyde's involvement with women has been an essential part of his image. As first-time readers of the story discover, in Stevenson's 1886 narrative such women characters as do appear have little or nothing to do with the plot. Instead, the book is much more of an ‘intellectual’ horror story, having nothing to do with the gruesome details (of which there are few) but instead about the nature of man’ (Gradesaver 2005).

The sexual aspects of this story have, similarly to the sexual aspects speculated in Jack the Ripper's murders, been superimposed onto the character, and were not necessarily part of the original story or events. The Dr Jekyll and Mr Hyde character has been modified to fit with the discourse of sexual murder and thus creates a powerful allegory for Jack the Ripper. Interestingly, the original idea that the character represented hypocrisy in men and was not related to male sexuality, may be a more appropriate reason to liken him to Jack the Ripper, but cultural obsession with sex and heterosexual relations has forever clouded the issues and become such a staple for rationalising violence against women that these characters now embody the discourse of sexual murder, which has primacy over all other discourses, where they might exist.

In trying to make sense of the murders and so speculate a killer, the films make sense of violence to females in a wholly sexual way. What may not be so obvious is the way the directors have appropriated the horror film formula and presented it as fact, appearing to engage with historical data when they are more closely following genre conventions.

In *Jack the Ripper* there are two graphic depictions of rape of victims, the women are seen stripped and raped with the killer clearly excited in a conventionally sexual way during the rapes, clearly linking rape and murder. In one scene a victim is killed as she performs an oral sex act on the killer, with him depicted as clearly enjoying the experience. In *New York Ripper* there is no actual reference to Jack the Ripper, but a male killer is mutilating and killing prostitutes in modern day New York. The sexual framing of this story is inescapably explicit. Although the killer does not attempt to have sexual intercourse with his victims, just mutilate them, the use of females committing sex acts and female nudity throughout the film coupled with shots of naked women being attacked, makes the description 'pornographic' more appropriate than anything else it could be described as and again links sex acts with the violent killing of women. The juxtaposition of extreme gratuitous violence, sexual acts and female nudity, explicitly centre the motivations of the killer in a sexual frame, blurring the line between what is sex and what is violence. Although the sexual messages are clearly there, the sexual act - what we would expect - is not always presented. The sexual act may be in the phallic imagery of the knife and the mutilation of genital organs and the prostitution. Clover (1992) says of slasher films:

'Actual rape is practically nonexistent in the slasher film, evidently on the premise that violence and sex are not concomitants but alternatives, the one as much a substitute and prelude for the other' (1992:29).

New York Ripper easily falls into the category of 'slasher' film. Clover (1992) states that 'slasher' films adhere to a definite model, and the Jack the Ripper films adhere to many aspects of that model. It could be argued that the crimes of Jack the Ripper inspired the modern 'Slasher' film. Clover argues that the film most influential to the 'Slasher' genre was *Psycho*. It is interesting to note that Alfred Hitchcock was the director of the most influential 'Slasher' film, as well as being the director of the first

serious interpretation of Jack the Ripper and his crimes with *The Lodger*. The similarities between the two films are apparent in their adherence to a model now very familiar. It is entirely possible that the making of *Psycho* was influenced by the crimes of Jack the Ripper and the type of violence that influenced *The Lodger*.

In *Ripper: Letter from Hell* the female victims are portrayed as sexually aggressive and a scene depicting one of the victim's indulging in a sex act with the killer, believing him to be someone else (he is masked), highlights two points - firstly we are actually witnessing a rape, and secondly we are also witnessing an act of casual sex in a public place. This could be seen as drawing parallels with the behaviour of prostitutes, who indulge in acts of casual sex consensually with men, with whom, in other circumstances they probably would not. This adds a dimension to the sex act that is distasteful, in the same way that the apparently consensual act taking place in *Ripper: Letter from Hell* has a distasteful element, in that it could be a rape. We suspect he is a killer, she does not.

In *The Jack the Ripper Conspiracies*, there was no dramatised re-enactment of a story or reference to rape. The visual reference to sexual motivation largely consisted of scenes depicting a male hand rubbing and caressing the bloodied and naked abdomen of a female, or caressing internal bloodied organs across the naked abdomen of a female whilst the sound of frantic and heavy breathing getting faster and faster, as if in the throes of orgasm, dominates the soundtrack. This creates a very powerful message, where the bloodied, passive and naked female is a sexual stimulant for the orgasmic male. Clover notes that 'This linking of a normal sexual desire to an

aberrant violent act of murder makes Jack the Ripper a particularly disturbed ‘rapist’.
(1987:14).

Although the victims were not raped in the legal sense, the mutilations and violence to their post mortem bodies is analogised as ‘rape’ such is the concentration on the sexual aspects that are seen to exist, and the graphic representation of the violence as overtly ‘lustful’. Also it must be considered that when violence is done to a female by a male, that that violence is perceived as sexual, perhaps partly because females are conceptualised as ‘sexual’ beings, they are ‘sex’, so what is done to them must also be sex. Horek makes comment on this possibility:

‘As Mandy Merck has noted , representations of rape, ‘in which sex is not so much coupled with violence as equated with it, are present in many contemporary artistic works, as well as in many feminist critiques of heterosexuality’ (2004:5).

Frayling (1986) in discussing film rapists and murderers posits that ‘they are frightening but only in the way that a nightmare is frightening. Everything is fine when you wake up’ (1986:175). This is the construction of the Jack the Ripper story; it is a nightmare that can be distanced from ordinary folk. The victims, presented as prostitutes, dying for their immorality, can be distanced from ordinary women. The killer, presented as a demon or beast, can be distanced from ordinary men; that these images are discarded as soon as the consumption of them stops is questionable.

Frayling quotes the 15th September 1888 edition of *Punch* magazine:

‘We say it most seriously – imagine the effect of gigantic pictures of violence and assassination by knife and pistol on the morbid imagination of an unbalanced mind. These hideous picture-posters are a blot on our civilisation and a disgrace to the drama...’.

Punch at the time, questions the effect of the massive and graphic depictions of the Whitechapel murders, but on an unhinged mind, there is no outcry against the effect this powerful publicity may be having on the minds of the women of the time - the recipients of the violence and assassination - or even the effect on the minds of women in the century since. Even after more than a century of ever more graphic representations of these crimes in cinema, that transcend the telling of the Ripper story, can it still be rationalised that women receive the images as a nightmare they awake from? In the highly stylised settings and imagery, the presentation of male sexual violence is as Frayling states 'a sign of a psychological rather than a sociological problem' (1986:176). All these images refer us to 'virtual' or legally defined rapes that are inextricably linked to the violent death of the female. It is little wonder then, that Jack the Ripper is considered not only a rapist, but the archetypal rapist.

Conclusion

What this analysis of the film representation of the crimes of Jack the Ripper has shown is that the story of Jack the Ripper in whatever form it takes is part of a highly sexual discourse. The film *From Hell* which is the most recent attempt to realistically portray these events uses a quote attributed to Jack the Ripper to introduce the film 'One day men will look back and say that I gave birth to the twentieth century'. This 'quote' perhaps contains an element of truth in that these crimes almost certainly gave birth to a discourse of sexual murder which has been dominant in the twentieth century. The film analysis has helped identify not only the discursive boundaries but how the sexual elements to these crimes are interpreted and rationalised giving meaning to the violence. Sometimes the character overtly rapes his victims before

killing them, sometimes there are sex acts that precipitate the killing, sometimes it is the violence itself that is the sex act, but what they all have in common is that the violence is sexual, the victims and the killer are also sexualised strengthening the ties to lust and sexual motivation. It is impossible to separate the sex and violence and this facilitates a conflation of rape and murder. The violence in this way is logically analogised as a sexual act or a rape and this *is* then, a conflation.

In the next chapter, the news reporting of the rapes and/or murders of women by men is the strand for examination. As with this strand it is the aim to identify common themes across news publications and across different forms of violence which may give the violence a sexual meaning and facilitate a conflation of rape and murder.

Chapter Four : News Report Analysis

Introduction

As with the previous chapter it is the aim of this section to identify common themes within news reports that may give violence against women by men a sexual meaning. This strand began with a twelve month review of all rapes and/or murders of women by men reported in the BBC online news between March 2003 and February 2004 and ended with an analysis of the reporting of six case studies of violence by men against women to explore how news reporting may give such violence a sexual meaning and facilitate a conflation of rape and murder. It was found that news reporting does sexualise such violence to a significant degree, to the extent that where a sexual assault is reported journalists will often speculate a threat to the life of the victim, and where a murder of a female is reported a sexual motivation or aetiology will be speculated. Where one aspect exists the other will be made to exist. This practice keeps the meaning behind rapes and/or murders within a sexual framework, suggests that rapes are potentially lethal, that murders of women by men are sexual and privileges the dominant discourse of sexual murder.

Method

The BBC online news was used for the initial review because of its unique coverage of local as well as national reporting. All reports were examined to gain a sense of how rapes and/or murders were 'spoken of', which is a crucial aspect of FDA (Carabine 2001). Howe's (1998) examination of the reporting of domestic violence in Australia similarly focuses on (Foucauldian) discursive conventions in news reporting. In this case those that inform the reporting of domestic violence by men against women concentrating on a particular series of reports over specific time period. Greer's (2003) examination of the newsprint reporting of sex crime in

Northern Ireland used the key news publications produced in Northern Ireland, a sample which incorporated the key political approaches in news reporting and sought to examine all types of sex crime. I considered using the data from the initial review to, as Greer and Howe did, examine all reporting within the time frame in particular publications, however this approach did not allow me to fully consider how a particular crime is given a sexual meaning. The best way to achieve this was by examining the reporting of particular cases of violence against women by men from a beginning to an end point, tracking at what points and how, sexual meaning was constructed. From the initial data familiarisation stage I found that the amount of data that would be generated from tracking all reported rapes and/or murders of women would be far outside the scope of this research, for this reason it was necessary to limit the data. The most appropriate method for collecting data to meet this aim was the tracking of particular crimes or case studies reflecting different categories of violence against women which included a rape and/or a murder. I selected cases from the data collected from the initial online news review. First it was necessary to choose categories, this was not problematic given that the research specifically focuses on the offences of rape and murder. This produced three distinct offences using the crimes of rape and murder – rape without murder, rape with murder and murder with no rape. I also found in the literature on homicide investigation (Polk 2004, Innes 2002, Dawson 2003) that violence against women more generally is split broadly into two categories, defined by the relationship of the offender to the victim and these are known as stranger and domestic assaults. The limitations of these categories of assault are recognised, however crimes of violence against women are significantly separated by these terms from a professional and journalistic perspective and discourses are evident that rationalise crimes of violence based upon this differentiation. This produced two

further broad categories of stranger or domestic assault and this resulted in six final categories for case study:

1. Murder without rape – stranger assault
2. Murder with rape – stranger assault
3. Rape – stranger assault
4. Murder without rape – domestic assault
5. Murder with rape – domestic assault
6. Rape – domestic assault

It is the selection of cases that is one of the most difficult steps in case study research (Yin 2003). In this strand suitable cases were selected by referring to the initial twelve month news scan using cases that had generated the most interest, in other words higher profile cases were chosen that included the most copy in this publication. These were cases that could be considered typical in both the reporting and the constituent elements of the original offence. This was not problematic for the stranger assault categories; however when selecting case studies for the domestic categories I encountered difficulties. The amount of coverage dedicated to individual domestic assaults was considerably less and in two of the categories I could find no examples, for this reason I modified the selection criteria for domestic assaults. For category 4, domestic murder with no rape, there were numerous examples; however they all generated similar coverage, I chose a case that contained both pre and post trial coverage and so provided extra data and also did not exhibit any elements that could be considered untypical compared to other assaults in the same category that I had studied. For category 5, domestic murder including rape or sexual assault, I did not

find any examples even after expanding the time frame. I found an example from my police interview subjects, which was reported in the online news within the time frame, but the press reporting did not refer to the rape aspect of the violence and so was missed in the initial search, the rape aspect of this murder was only referred to some years later in the Guardian (Dec 10th 2005). For category 6, domestic rape, I found no reports for the time period. I then used the Lexis Nexis database to search more generally, I modified the time period to cover the entire time span of the database (previous 22 years) and still I found no examples with enough coverage. For this reason, for category 6, I used all reported cases of spousal rape in the selected publications for the entire time span of the database¹⁵. Although each case was first identified within the initial time frame, the case study as a whole includes all reports that refer to the case included in the Lexis Nexis database for the chosen publications.

The categories of assault and case studies used were:

| | Murder without Rape | Murder with Rape | Rape |
|------------------|------------------------|----------------------|-------------------------|
| Stranger Assault | <i>Margaret Muller</i> | <i>Hannah Foster</i> | <i>Antoni Imiela</i> |
| Domestic Assault | <i>Vicky Fletcher</i> | <i>Louise Beech</i> | <i>All Spousal rape</i> |

I broadened the press sample from simply online news for the purposes of the analysis and decided to use print news also, this medium having a relationship to previous research (Soothill and Walby 1991, Greer 2003) and providing more opportunity than purely online news for exploring data across different publications so that common

¹⁵ It is acknowledged that a domestic rape would include more categories of relationship than spousal and would encompass acquaintances, colleagues and friends. For the purposes of the research it was necessary to limit categories.

themes could be identified that were consistent both within this strand and across the three strands. This reflects the method of data collection in strand one that looked at Jack the Ripper film across different mediums, not purely cinema. The print publications selected were all national British news publications, and using Tunstall's (1996) classification of broadsheet, middle range and tabloid, I selected two publications from each category to encompass different styles of reporting. The particular style of any specific publication is not the focus for the research, more important, as with strand one, are the commonalities present in all the news publications and the consistency of the discursive themes, silences and objects of the discourse. The BBC online news which informed the data selection is also used but does not form part of the quantitative analysis. The statistical and qualitative data was drawn from the Lexis Nexis Database. The selected sample was:

| Broadsheet | Middle Range | Tabloid |
|---------------------|--------------------------|-------------------|
| <i>The Times</i> | <i>The Daily Mail</i> | <i>The Sun</i> |
| <i>The Guardian</i> | <i>The Daily Express</i> | <i>The Mirror</i> |

The six case studies reflect six different categories of violence related to rape and murder against women, that do not in every case include a sexual assault *and* a death; these aspects only co-exist substantively in two of the cases. An important aspect to this analysis is to identify if, when and how the violence may be given a sexual meaning and the way this may facilitate a conflation of rape and murder.

Conceptual Analysis

A second aspect to this strand was a small quantitative analysis. This section may be broadly seen as following the method of a 'conceptual analysis', a type of content

analysis as described by Carley (1992) and Busha and Harta (1980). In conceptual analysis, a concept is selected for examination, in this context two concepts, and the number of their occurrence and simultaneous occurrence within the chosen text recorded and counted. I aimed to establish if the concepts of 'rape' and 'murder' were existing simultaneously in the news reporting of the case studies, whether or not there was a speculated rape *and* murder to justify this. However, the self limiting nature of these terms was problematic; the terms refer to a legal definition and in representation, the legal definition is less important than the perception it creates. As Fletcher states:

'Witnesses may know nothing about the definition of crimes, yet they perceive a crime occurring' (1996:56)

I needed to expand the concepts to distance them from the legal definitions as I found that the word 'rape' was often avoided in favour of the term 'serious sexual assault' or 'sexual assault' and that in some instances an explicit denial of any sexual assault would occur early in an investigation. To use the term 'rape' as a concept would, firstly eliminate those reports that were distanced from the specific term and would make invisible, references to other sexual acts or sexual motivations. The term 'murder' is similarly often discarded for more specific terms like 'strangled' or 'stabbed to death' and does not encompass fatal assaults that are considered homicide in a more general sense like manslaughter. For these reasons I used broader conceptual terms. Not all the case studies involve the death of the victim and similarly not all case studies involve a sexual assault. News reports were selected on the basis of an alleged rape or murder, but were coded for existence of the generic equivalent

concepts of 'sex' and 'death'¹⁶ to allow for their rate of co-existence to be assessed. In order to be explicit about what 'sex related' content and 'death related' content are, translation codes were constructed:

Concept 1: Sexual Aspects

Positive or negative reference to sexual assault
Reference to sex offenders/stalkers
Reference to sexual motivation
Reference to sexual acts/affairs
Reference to sexual jealousy
Sexual Language e.g. perversion, fantasies, gratification
Comparisons to previous sexual assaults
Specific warnings to women re their safety

Concept 2: Death related aspects

Death related term e.g. murdered, strangled, killed
Reference to fear of death or serious injury
Threats to kill or seriously injure
Speculation of death or serious injury
Reference to life threatening weapons

The results are presented in tables to show the percentage of reports that contain a simultaneous co-existence of the concepts of sex and death, and the percentage of reports over 200 words that contain a simultaneous co-existence. This was because some of the reports counted were very short updates with minimal information and

¹⁶ It is acknowledged that the crime of rape is argued to be unrelated to sexual motivation or sex more generally, but this position is rarely reflected in news reporting and for this reason the concept of 'sex' will be used to represent rape and sexual matters in general in relation to news reporting of the crime.

containing no speculations about motivation or reasons. Finally, I performed a count to illustrate the frequency with which the terms 'rape' and 'murder' appear within five words of each other for every publication included in the study. The data is presented for twelve month periods covering a time span of five years and relates to the logical association between the two offences.

This type of content analysis is extremely time consuming but makes a small, though very important point. Although presence of a concept is somewhat subjective and cannot in this type of analysis be placed in any kind of context, the findings still support the idea that sex and death are powerfully linked and show that across the six case studies the number of reports containing both sex and death related content was on average 70.5% and this rises to 84.5% of articles over 200 words whether or not there was a substantive presence of sex or death in the original offence reported on to justify the co-existence.

News reporting of gendered and sexual violence – Literature overview

It is held in much research that the news media misrepresent sexual violence against women to a significant degree, (Soothill and Walby 1991, Greer 2003, Carter 1998, Howe 1998) both in the amount of coverage which is dedicated to apparently atypical events and the narrow framing of the discourse. Sexual violence has an increasing dominance in the news (Soothill and Walby 1991) and Carter and Weaver (2003) argue that most journalists operate without a clearly defined framework of ethics when covering violence and as a result of that, reporting may contribute to 'public misunderstandings, of the complexities of violent situations' (2003:22). Carter and Weaver state:

‘Cameron and Frazer (1987) argue that representations of sexual violence are endemic to Western culture, having roots deeply embedded in patriarchy. In their view, the popular press has long drawn upon a traditional (male) fascination with sexual violence symbolized by figures like Jack the Ripper in the nineteenth century and Peter Sutcliffe (The Yorkshire Ripper) in the 1980’s’ (Carter and Weaver 2003:36).

The idea that sexual violence against women in news media is framed by patriarchal discourse is a significant thread in much research (Soothill and Walby 1991, Caputi 1997, Howe 1998, Carter 1998). The problems associated with this patriarchal framing, coupled with disproportionate reporting and concentration on statistically unusual crimes, are seen to be a result of ‘event’ based reporting practice. Greer (2003) notes of his research sample that most sex crime coverage was case based, the reports concentrating on single events and related series of events rather than discussing wider social concerns.

Sexual violence against women that occurs in a public place and is perpetrated by a stranger is the staple of most reporting, whereas it is an academic contention, supported by statistics that much violence occurs in private, perpetrated by friends, acquaintances, relatives and intimates (Myhill and Allen 2002). Stanko (1990) asserts that domestic abuse (of adult women) is somehow seen to be ordinary, though not acceptable. It is long established that women are more likely to experience violence in the domestic sphere (Dobash and Dobash 1988, Mooney 1993, Lockton and Ward 1997), but much research suggests that ‘media consistently alert women to be particularly fearful of violence from men who are strangers to them’ (Carter 1998:222). Crimes that occur in a public place and perpetrated by a ‘psychotic stranger’ form a definite event in the eyes of the press and lend themselves to sensational reporting of a ‘story’. Greer discusses how ‘the event based nature of reporting can be partly understood as resulting from the organisational constraints on

news production' (2003:66). The need to produce news to tight deadlines because the news, as Leishman and Mason (2003) note is about 'now' and more than ever a rolling 24/7 process, can restrict the form that news will take. Greer also considers Chibnall's news imperatives of dramatisation, immediacy, personalisation, speculation and proximity, as particularly reflected in the values that underpin individualist reporting of sex crime which concentrate on specific acts and individuals. Greer states 'It is the combination of these two influences that leads to the constant prioritisation of events over issues' (2003:67).

It is because these crimes are not perceived as issues that a 'story' type narrative is encouraged, concentrating on characters, locations, conflict and resolution. Carter (1998) describes how this approach represents the crimes as extraordinary and sensational, but because of the volume of this type of story they can be seen to be becoming ordinary. The ordinary or extraordinary nature of the crimes reported is a matter for debate in itself.

Carter (1998) illustrates how, what are seemingly extraordinary crimes, can be read as ordinary by examining the social issues that may precipitate their commission. She cites the case of Marc Lepine who, in 1989 entered a room in the Ecole Polytechnique in Montreal armed with a gun. He demanded that women stand on one side of the room and men on the other. He proceeded to shoot the women shouting 'feministes'. Carter states that Lepine was described in the press as a 'monster'. In response, several feminists challenged this characterisation of Lepine. Carter cites Massumi on this position:

'There is only a difference of degree, they argued, between the spectacular deaths of the women at the Ecole polytechnique and the less newsworthy

deaths and injuries suffered by thousands of women who are mentally and physically abused each year by men' (Carter1998:219).

By describing the event as sensational and characterising Lepine as a monster, the underlying issue of cultural misogyny as significant in the motivation for these crimes is hidden. It is this position, that the aetiology of most violence against women is endemic in the culture and that the same culture provides the structure for reporting violence, that forms the basis for a significant amount of criticism of press reporting. The acts themselves are seen in one sense as atypical, but in another sense, typical but extreme. In both senses though, the criticism is that whether these crimes are represented as ordinary or extraordinary, the narrative fails to address the underlying causes of such crimes.

Young (1998), when discussing reporting of 'extreme' examples of rape states 'these types of rape, which should be considered aggravated rapes, tend to be seen as real, at the expense of situations in which victims and assailant know each other' (1998:146). She argues that because of this, events can be de-criminalised as 'non-rape', 'that is seduction gone wrong, or a lovers' quarrel, or a vengeful feminine allegation' (1998:146). Whilst extreme events can on one hand be described as both, 'ordinary' or 'extraordinary' depending on your position, it is a criticism that the normalising of extreme examples may undermine other forms of assault.

This applies equally to representation of offenders, whilst they are represented as 'evil others', issues relating to their similarities to 'ordinary' men can not be addressed. Greer (2003) highlights another dimension, that of the labelling of offenders, and he notes a conflation of offenders and offences. Greer found that terms like 'beast' and 'monster' were consistently used to describe perpetrators of crimes that were

substantively different in terms of deviousness, dangerousness and level of harm done:

‘The indiscriminate use of these stereotypical labels makes explicit a reductionist sentiment underpinning the majority of sex crime stories...Predatory child sex abusers, people who steal underwear and consenting adult homosexuals who engage in sexual acts in a public place are the same – they are all ‘sex beasts’, ‘sex fiends’ and ‘sickos’ (2003:140).

Greer argues that this type of labelling without discrimination removes any distinction between diverse offences and offenders. In this Greer is arguing that there should be a distinction between different types of offenders, especially where it is more than the degree of dangerousness of a behaviour that is being assessed.

Weaver and Carter (2003) discuss the politics of blame and describe how the press often structure news stories using not only individualistic but adversarial patterns. They illustrate this using reported cases of rape. Rather than identifying rape as a social problem, Weaver and Carter show how rape cases are individualised by the press and rely on a ‘her word against his word’ structure. This, they posit leads to a questioning of the victim’s honesty and sexual history. This is an issue raised also by Lees (2001) in her research of rape prosecutions which are largely constructed, similarly.

It can be seen that the individualisation of accounts readily enables concentration on the main ‘characters’ and the report can act as a story using durable stereotypes and popular moral standpoints. The perpetrators of the violence are regularly described as ‘beasts’ or ‘perverts’ and distanced from ‘ordinary’ men who would not wish to be identified with such a character, and many of the news consumers will be those

'ordinary' men. It is easy also, to create a female lead who can be characterised as contributing in some way to her own violation, which may distance her from 'ordinary' women and create a feeling of comfort and distance from the crime.

Carter (1993) illustrates this point in the reporting of the murder of Jill Dando. Dando's 'nice girl' image was called in to question during George's trial for her murder and was highlighted by headlines like 'DANDO SUSPECT: WAS HE DRIVEN MAD BY SEXY POSE?' Carter discusses how the Daily Star speculated that George was 'enraged' by a picture of Dando in 'racy leather gear' but did not however, speculate why George would be 'enraged'. The implications of this type of dialogue are powerful and as Carter notes 'women are much more likely to be blamed for their own victimisation, even death, if it is thought that they somehow failed to contain their sexuality within patriarchal limits' (2003:40).

Both Lees (1997) and Soothill and Walby (1991) found that females can more easily be held to blame for their own murders especially when they can be seen to defy the cultural moral code. Soothill and Walby found that women's alleged infidelity can become a central theme and is cited as the cause of trouble. 'The cuckolded husband gets sympathy' (1991:47). Benedict (1992) notes that sex crimes have a unique ability to touch upon the public's deep seated beliefs about gender roles, she states:

'the press has a long tradition of slighting women, which, compounded by the anti female bias in our language and the myths about rape determine more than any other factor how sex crimes are portrayed by the press' (Benedict 1997:9).

Concept Analysis: Results

Tables

Case study of Margaret Muller:

Percentage of articles containing: sex related content, death related content and both simultaneously, for period March 2003-February 2004

| | <i>Times</i> | <i>Guardian</i> | <i>Sun</i> | <i>Mirror</i> | <i>Daily Mail</i> | <i>Daily Express</i> | Mean |
|--|--------------|-----------------|------------|---------------|-------------------|----------------------|------|
| Sexual References | 50 | 41.1 | 32 | 20.6 | 87.5 | 60.8 | 48.6 |
| Death Related references | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Articles over 200 words with both concepts | 68.4 | 70 | 50 | 37.5 | 87.5 | 90.9 | 67.3 |
| Number of articles | 28 | 17 | 25 | 29 | 16 | 24 | 23 |
| Average number of words per article | 394 | 283 | 185 | 152 | 568 | 288 | 312 |

Case study of Louise Beech:

Percentage of articles containing: sex related content, death related content and both simultaneously for period March 2003-February 2004

| | <i>Times</i> | <i>Guardian</i> | <i>Sun</i> | <i>Mirror</i> | <i>Daily Mail</i> | <i>Daily Express</i> | Mean |
|-------------------------------------|--------------|-----------------|------------|---------------|-------------------|----------------------|------|
| Sexual references | - | - | - | - | 100 | 0 | 100 |
| Death related references | - | 100 | - | - | 100 | 100 | 100 |
| Articles over 200 words | - | - | - | - | 100 | - | 100 |
| Number of articles | 0 | 1 | 0 | 0 | 1 | 1 | 0.5 |
| Average number of words per article | - | 41 | | | 519 | 83 | 214 |

Case study of Hannah Foster:

Percentage of articles containing: sex related content, death related content and both simultaneously for period March 2003-February 2004

| | <i>Times</i> | <i>Guardian</i> | <i>Sun</i> | <i>Mirror</i> | <i>Daily Mail</i> | <i>Daily Express</i> | Mean |
|---|--------------|-----------------|------------|---------------|-------------------|----------------------|------|
| Sexual references | 70.5 | 70 | 65.5 | 59.2 | 63.6 | 84 | 68.8 |
| Death related References | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Articles over 200 words with both aspects | 100 | 100 | 81.8 | 77.7 | 71.4 | 93.3 | 87.3 |
| | | | | | | | |
| Number of articles | 17 | 10 | 29 | 27 | 11 | 25 | 19.8 |
| Average number of words per article | 399 | 242 | 293 | 193 | 405 | 284 | 302 |

Case study of Vicky Fletcher:

Percentage of articles containing: sex related content, death related content and both simultaneously for period March 2003-February 2004

| | <i>Times</i> | <i>Guardian</i> | <i>Sun</i> | <i>Mirror</i> | <i>Daily Mail</i> | <i>Daily Express</i> | Mean |
|---|--------------|-----------------|------------|---------------|-------------------|----------------------|-------|
| Sexual references | 55.5 | 72.7 | 81.8 | 61.5 | 50 | 100 | 70.25 |
| Death related references | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Articles over 200 words with both aspects | 71.4 | 87.5 | 100 | 100 | 50 | 100 | 84.8 |
| | | | | | | | |
| Number of articles | 9 | 11 | 11 | 18 | 8 | 2 | 9.8 |
| Average number of words per article | 317 | 424 | 163 | 188 | 450 | 607 | 341 |

Case study of Antoni Imiela:

Percentage of articles containing: sex related content, death related content and both simultaneously for period March 2003-February 2004

| | <i>Times</i> | <i>Guardian</i> | <i>Sun</i> | <i>Mirror</i> | <i>Daily Mail</i> | <i>Daily Express</i> | Mean |
|---|--------------|-----------------|------------|---------------|-------------------|----------------------|------|
| Sexual References | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Death related references | 64.2 | 54.5 | 51.3 | 37 | 82.3 | 44 | 55.5 |
| Articles over 200 words with both aspects | 100 | 83.3 | 81.25 | 85.7 | 82.3 | 55.5 | 80.4 |
| | | | | | | | |
| Number of articles | 14 | 11 | 37 | 27 | 17 | 25 | 21.8 |
| Average number of words per article | 445 | 368 | 282 | 252 | 956 | 383 | 447 |

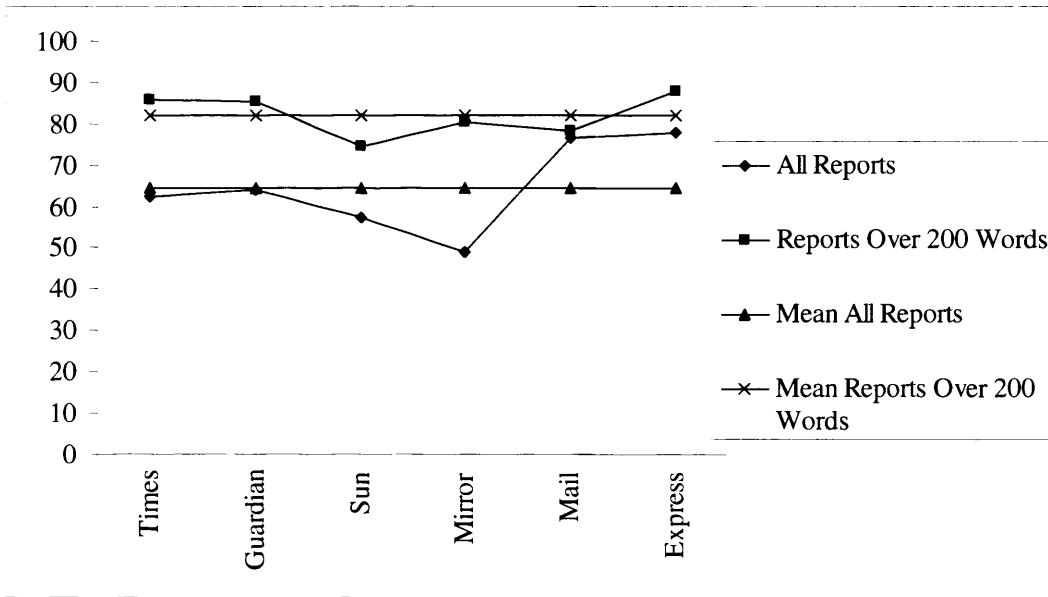
Case study of Spousal Rape:

All reports from 1987 to 2004: Percentage of articles containing: sex related content, death related content and both simultaneously

| | <i>Times</i> | <i>Guardian</i> | <i>Sun</i> | <i>Mirror</i> | <i>Daily Mail</i> | <i>Daily Express</i> | Mean |
|---|--------------|-----------------|------------|---------------|-------------------|----------------------|------|
| Sexual references | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Death related references | 71.4 | 81.8 | 57.1 | 66.6 | 100 | 100 | 79.4 |
| Articles over 200 words with both aspects | 80 | 85.7 | 60 | 100 | 100 | 100 | 87.6 |
| | | | | | | | |
| Number of articles | 7 | 11 | 7 | 6 | 3 | 1 | 5.8 |
| Average number of words per article | 273 | 344 | 281 | 509 | 346 | 305 | 343 |

Graph: Simultaneous Co-Existence of Concepts

Percentage of reports with a simultaneous co-existence of both concepts for all case studies cumulatively

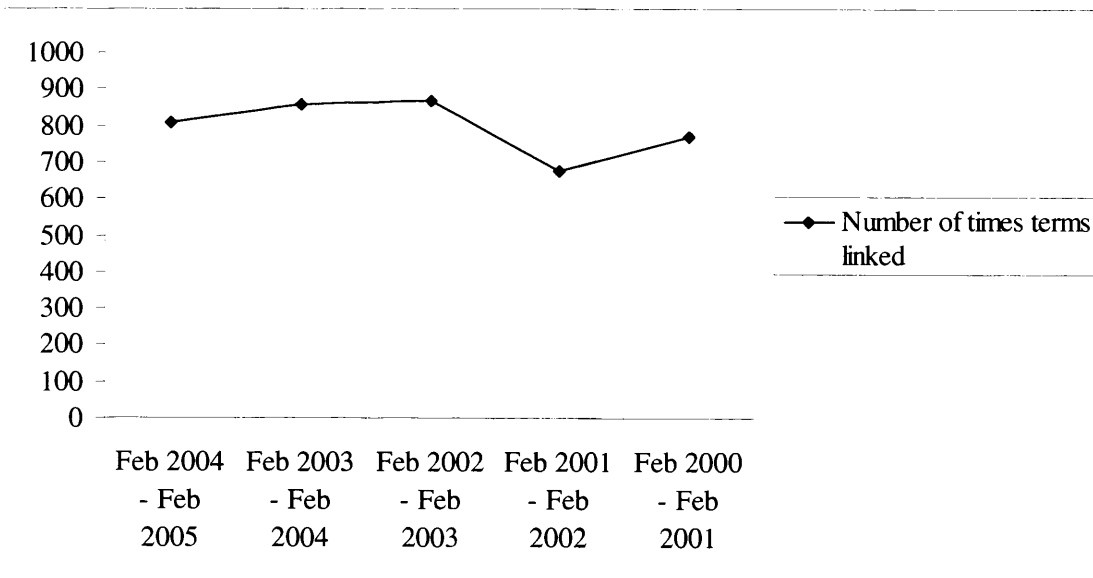


Number of Reports used

| | <i>Times</i> | <i>Guardian</i> | <i>Sun</i> | <i>Mirror</i> | <i>Mail</i> | <i>Express</i> | <i>Total</i> |
|------------|--------------|-----------------|------------|---------------|-------------|----------------|--------------|
| <i>n =</i> | 75 | 61 | 109 | 107 | 56 | 78 | 486 |

Graph: Terms Rape and Murder appearing together

Incidence of the terms 'rape' and 'murder' appearing within five words of each other in selected UK national press - 12 month periods over last five years (to illustrate the frequency with which the terms are directly linked)



n = 3975

Summary

Each case study showed a co-existence of both sex and death related concepts in reports, ranging from a mean of 48.6% of reports in the case study of Margaret Muller and a mean of 100% of reports for the case study of Louise Beech. There were however, only three reports of this crime in total.

These numbers are more interesting when reports containing less than 200 words are eliminated. The shorter reports contain little or no speculation or rationalisations related to the assaults and are often short updates telling of the court appearance or arrest of an offender. If reports over 200 words are examined the mean percentage of reports containing a co existence of both concepts rises to between 67.3% for the murder of Margaret Muller and 100% for the case of Louise Beech. The consistency of reporting can be seen on the graph, and the consistency with which reports of over 200 words show a higher co-existence.

The average percentage of reports showing a co-existence of both concepts is 64.55% for all reports across all case studies. If reports of less than 200 words are eliminated the average across all reports and case studies is 81.9%. In short a simultaneous co-existence of sex and death related aspects were shown in 64.55% of all the reports and 81.9% of reports over 200 words. So in reports where there is speculation and comment, that is those over 200 words, there was an average of 81.9% of them including the concepts of sex *and* death. The simultaneous co-existence of both concepts was consistent across all categories and all average scores are within 1.5 standard deviation points from the mean. The same is found with articles over two

hundred words, all average scores are within 1.5 standard deviation points from the mean.

What these numbers illustrate is that there is a significant simultaneous co-existence of sex and death related aspects in the reporting of the six case studies selected, in the publications selected. The six case studies reflect six different categories of violence which do not all include a death *and* a sexual assault. However what has emerged from this study is that whether or not a death or sexual assault was present it will be speculated. In short, if there is a death, a sexual motivation will be speculated and where there is a sexual assault, a threat to the life of the victim will be speculated, which works to categorise much violence against women as sexual, as well indicating presence of the dominant discourse of sexual murder where it may be inappropriate. Whilst these results can not be generalised to all reporting in any academically valid sense, they do indicate that in the reporting of rapes or murders of women, the discursive scope validates or dictates a relationship between the two concepts of sex and death.

News Report Analysis

The concept analysis has illustrated that the news reports significantly link the concepts of sex and death in their narratives and this is powerful indication of the presence of the discourse of sexual murder. The discourse analysis will expand on this position and deconstruct the narratives of the news reports to examine how the inter-relationship of the concepts works and why, and whether the discourse of sexual murder is providing 'knowledge' to aid in rationalising violence against women in a more general than specific sense. The chapter headings reflect the common themes, strategies and objects of discourse that were identified. As discussed in Chapter One

(Methodology) discourses are powerful systems of representation and a forum for making meaning. Foucault (1972) held that nothing has meaning outside of discourse, it is the means by which we know 'truths' and authorise 'knowledge'. Mills (2003) sees discourse as a system that structures the way we perceive reality. Discourses around sexual violence and homicide then would provide the meaning we make of sexual violence and homicide. The research focus is the relationship between rape and murder or more broadly, 'sex' and 'death', in the context of the meaning we make of these offences when they are committed against females by males. The examination of news reporting to identify the discourses used and the meaning made of the violence in those discourses is critical to further exploring the hypothesised conflation of rape and murder in the discourse of sexual murder. A particular focus in looking at discursive themes is to identify which themes are consistent across the categories of violence and how those themes reflect or reinforce the 'knowledge' we have about violence against women by men. News reports across the six publications will be examined as well as the news reports that formed the initial study in the BBC online news, so news reporting across seven different publications is examined.

Discursive Themes:

Gendered Subjectivity

Both the murders of Margaret Muller and Hannah Foster were perpetrated by individuals unknown to the victim, these were stranger assaults. Hannah was sexually assaulted, though this was not revealed to the press in the early stages of the investigation and could only be speculated, but Margaret was not. Both murders were committed in public places. Both murders also, were described in press reporting to be 'random' attacks, in other words Margaret and Hannah were not selected for any

particular reason and were merely in the wrong place at the wrong time, however it is clear from the reports that ‘random’ actually means ‘random female’ and not ‘random person’. This supposition serves to ‘gender’ the assault making explicit the assumption that both Hannah and Margaret were killed *because* they were female. By this I mean that both these murders appeared to be ‘isolated’ incidents in that they had not at this time been linked to any other offences. They did not form part of a serial of offences where the targeted victims were all female. The police and the press immediately however, speculated that women only should take care. They did not consider that any other group were at risk. This killer, in their opinion, targeted a female and if he were to strike again it would be another female, therefore this is considered a gendered assault in the earliest stages. This kind of immediate supposition also indicates a resistance to perceive adult males as victims of ‘random killers’, a resistance that is significantly present in the discourse of sexual murder and can be identified as a discursive constraint.

On the day after Margaret’s death a report in the BBC online news bore the headline ‘Joggers Warned after Park Murder’ (*BBC online* Feb 4th 2003). The opening paragraph read:

‘Police have advised women to take care after an American artist was stabbed to death in an East London park while she was out jogging’ (*BBC Online* Feb 4th 2003).

Clearly it was not joggers who were deemed to be at risk, but specifically female joggers. Police specifically warned women to take care. The murder was however described as ‘a random attack’ by the *BBC*, *the Times*, *the Sun*, *the Daily Mirror* and *the Daily Express*. Hannah Foster’s murder, like that of Margaret Muller was

described as random and similar to warnings in reporting of Margaret's murder, it was women who were warned to be vigilant and careful:

'It looks like there is every chance that this was a random killing...we would advise women living in this area to exercise extreme caution and not to walk alone in the dark' (Times March 18th 2003).

'Student Hannah Foster found murdered after a night out was probably the victim of a random attack...there is no indication she knew her attacker. It may well be that Hannah was in the wrong place at the wrong time...and he (police officer) warned women to be vigilant' (Mirror March 18th 2003).

'This is the route taken by tragic Hannah Foster on the night she became victim to a random killer...police, who have warned women in Southampton to avoid going out alone at night...' (Express March 18th 2003).

The murder of Marsha McDonnell occurred less than 24 hours after the murder of Margaret Muller and the two events were often linked either positively or negatively in reports. Marsha's murder was also described as 'random' but the Mirror (Feb 8th 2003) states 'Women are warned to take extra caution'. An interesting dimension in the case of Marsha McDonnell was the 18 yr old male who presented himself to the police as a possible victim of the same attacker:

'A few weeks after Marsha's death an 18 yr old boy was attacked by a hooded man who lunged at him with a blunt instrument in nearby Hampton Hill – The boy escaped unhurt' (*BBC online news* March 6th 2003)

The BBC online news followed up this aspect of the story:

'An 18yr old who claimed he was the victim of an attack linked to the murder of Marsha McDonnell has been arrested for wasting police time. The man was arrested by Scotland Yard's specialist crime directorate and bailed to return on Wednesday' (*BBC online news* March 19th 2003).

It is curious to note the change in descriptive of this 18yr old. Whilst considered a victim of a serial killer still at large, he is described as 'a boy'. Once it is established that he is not a victim, he is described as a man. It appears that the scope of the

discourse restricts presenting adult males as victims or potential victims of this type of 'stranger' killer.

In the data analysed, adult heterosexual males were not considered to be victims or potential victims of 'thrill killers', 'random killers', 'serial killers' or 'stranger killers'. In a leader article (*Express* March 20th 2003) Gary Mason laments the problems police have with detecting 'stranger murders'. At no point in the report, even though the word 'random' is used five times, is an adult male victim named or referred to. The murders of Margaret Muller, Marsha McDonnell and Hannah Foster are given as examples, as well as the crimes of Peter Sutcliffe, Patrick Duffy¹⁷ and Robert Black who exclusively targeted females. The report clearly links the term 'stranger murder' to murders of women and children. Whilst these terms are not explicitly gender specific they are used in these examples as synonymous with murders of females.

In a report headlined 'Killed at Random' (*The Sun* March 18th 2003), the Sun chronicles 'the grim toll' by illustrating the growing problem of random killings and cites the cases of Hannah Foster, Margaret Muller, Letisha Shakespeare, Charlene Ellis, Milly Dowler, Marsha McDonnell, Holly Wells, Jessica Chapman and Sarah Robson. All examples given are of female victims.

The infused and inescapable certainty that Margaret, Hannah and Marsha's gender was central to their victimisation in the news reporting is so powerful that terms like 'random' and 'totally indiscriminate' can be used without prejudicing the assumption

¹⁷ This is an error and actually refers to John Duffy the so-called 'railway rapist'. Although Duffy is referred to as the 'railway rapist', he was convicted of murdering three women in his attacks with accomplice David Mulcahy.

that these terms refer only to females. The term 'random' was used in the earliest stages but if these were truly random assaults, then warnings should be more general and aimed at 'joggers' in general for example, or park users in general. It appears that we can assume immediately, because the victim was female, that a female was specifically targeted and not a 'random' person and that she was targeted *because* she was female.

A second attack in a London park some months after Margaret's murder and (wrongly) linked to her killing, made speculation that women were targeted in these 'random' attacks confirmed. The *Guardian* displayed the headline 'Women Warned after Second Park Stabbing' and stated:

'A knife wielding murderer who targets lone women joggers in public parks could strike again' (*Guardian* Dec 8th 2003).

The *Express* similarly gendered the assaults with headlines like - 'Jogger Killer Stalks Women' (*Express* Dec 12th 2003), the *Times* had a substantial report about the fear women have because of the two attacks, it read:

'Women are frightened to run in London parks...A terrifying killer hunts lone women in the parks of North London' (*Times* Dec 13th 2003).

Margaret's murder was a particularly stark example of the gendering of stranger assaults, as was the example of the murder of Marsha McDonnell. Both these women were killed by a stranger, quickly and with no further assault. Margaret was stabbed in the back and neck and Marsha was hit about the head with a blunt instrument. There would appear to be no reason to think that these women were killed because of their gender unless the discourse immediately giving meaning to these crimes is that of 'sexual murder' or 'gendered' murder which appear to be inter-changeable concepts.

In categorising crimes as gendered, the relationship between victim and offender becomes pivotal in making meaning of what may have happened. Where the victim is female and the offender is speculated or known to be male, the relationship appears to be prescribed a heterosexual dynamic. It is the heterosexual dynamic that produces the gendered subjectivity, thus the relationship between the offender and victim is indivisible from, and reliant upon, subjective constructions of gender that are culturally prescribed. In this study it was found that the gender of the victim directed the narrative of the news report, setting in process a particular discourse of sexual murder or violence.

The assumption that Margaret's murder was gender based is illustrated further in comments made by celebrity gardener Tommy Walsh who was jogging with his wife in the park at the time of the assault. They had, at about the time Margaret was killed become separated and both were running alone. Speaking to press on the anniversary of Margaret's death he said:

'It could quite easily be the first anniversary of my wife's death but the killer was looking for a woman on her own' (*Mirror* 4th Feb 2004).

The *Express* gave this story the headline 'Star's Wife Escaped Park Killer' (*Express* Feb 4th 2004). The *Daily Mail* stated:

'(Tommy Walsh) revealed how his wife nearly fell victim to the killer of American artist Margaret Muller' (*Daily Mail* Feb 4th 2004).

No one speculates, not even Walsh himself, that he could have been the victim of this assailant. This precept works not only to homogenise violence against women which gives the violence a very particular meaning and emphasises the gender dynamic seen

to exist, but to represent women as the natural target of stranger killers. The use of the word 'random' in this context actually indicates that the discourse of 'sexual murder' is framing the response. What is more interesting is not so much that the discourse was evident, but that it was immediate. In some respects, and this is crucial, the discourses of gendered and sexual violence have merged, with the term 'sexual' having predominance and sidelining the original political meaning of the discourse of gendered violence. This will be discussed further in the section 'Normative Assumptions'.

The repercussions of assuming that the victim was killed because of her gender are not insignificant. The opposing approaches found in feminist and cultural/historical discourses would both assume this violence to be gendered, but for apparently different reasons which converge in that masculine sexuality is implicated. Once it has been established that the crime was committed because of the gender of the victim and this seems to be established whenever the victim is female, the discourse of sexual murder is employed. The dominant discourse of sexual murder restricts considering adult male heterosexuals as victims; victims are predominantly female and possibly male homosexual or child. In this sense a narrative in a news report that explains the offence by the gender of the victim can not avoid drawing in notions of what constitutes gender. The dominant discourse of sexual murder is related to dominant discourses of heterosexuality which in relation with other discourses, constructs ideals of masculinity and femininity. It is this inter-relation of discourses that makes the gendering of offences so critical to this analysis. If stereotypical notions of masculinity, femininity and heterosexuality are underpinning the way the violence is understood and then explained, then the gender female in tandem with a

speculated male offender, will indicate a heterosexual 'dynamic' existing between the two which will dictate a sexual motivation to the offence.

Polk (1994) states that the factors that are most likely to account for the victimisation of women are sexual intimacy or sexual assault. The power of this 'knowledge' reduces a significant number of assaults against women to having a sexual aetiology and thus her gender can not, in this context, be discounted. However violating a woman because of her gender does not necessarily prescribe the assault a sexual motivation. Young (1998) sees the question of what is, and what is not, accepted by the legal process or the media as constituting rape or sexual assault, as important. Sexual motivation and violent assault in the context of news reporting appear to be concomitants and employing the discourse of 'sexual murder' solely on the gender of the victim blurs any distinction. As Hall (2001) notes, any discourse will govern the way a topic can meaningfully be talked about, and employing this specific discourse merely on the gender of the victim and speculated gender of the assailant will constrain debate as to what happened and why.

Domestic Assaults

Reports of fatal domestic violence are also significantly gendered using constructions of heterosexuality and stereotypes of masculine and feminine roles. The narratives concentrate upon the heterosexual relationship of the victim and the assailant and the assault is perceived through the lens of the individual 'relationship' between the two and not as a phenomenon of violence.

The murder of Vicky Fletcher by her estranged partner is atypical only because a gun was used, though Dawson (2003) notes that where the relationship has ended and the degree of intimacy is diminished, firearms are often the weapon of choice for the offender. The construction of this story and the reporting of the murder of Louise Beech by her (semi estranged) husband, relied upon a narrative identified in much previous research (Soothill and Walby 1991, Lees 2001, Carter 1998, Boyle 2005) which is part of a discourse of domestic violence.

Domestic violence has less status as a criminal event than stranger violence (Dawson 2003) and the 'knowledge' produced in the discourse of sexual murder is not insignificant in manipulating the status afforded to domestic events. Individual crimes of domestic murder received significantly less coverage in my sample, than crimes involving stranger murder, with much of the copy generated at the time of a trial and relying on court dialogue. It is a staple of domestic murder reporting and court narratives that the offender is defended and the victim blamed for the violence (Lees 2001, Soothill and Walby 1991), this mitigation and blame being based upon gendered subjectivities and the double standard proposition. The actions of the male offender are often seen to have resulted from culturally defined male sexuality which makes implicit the 'natural' element credited, which acts to blame the victim. The inclusion of culturally defined male sexuality in the narrative draws a sexual element into the speculations and rationalisations related to the offence and provides some meaning.

Vicky Fletcher was not sexually assaulted, she was shot in a pub car park whilst out with friends by her estranged partner. However, sexual elements are significantly

present. Vicky was described as a 'lover' of Thomas Shanks (her assailant), a descriptive that draws their sexual relationship to the centre of the discourse:

'Thomas Shanks, the doctor whose lover was shot dead outside a pub, told former colleagues he had been in the SAS it emerged last night' (*Times* May 9th 1998).

'The Glasgow-born former SAS man went on the run after gunning down his ex lover in West Yorkshire' (*Sun* Sept 20th 2000).

'Former SAS trooper Thomas Shanks gunned down his ex lover during a bout of depression caused by Gulf War Syndrome, a court heard yesterday' (*Mirror* April 29th 1999).

'A former SAS trooper and doctor machine gunned his former lover to death with a Kalashnikov automatic rifle smuggled home from the Gulf war, Leeds crown court was told yesterday' (*Guardian* April 17th 1999).

Shanks was also described as jealous of Vicky's new relationship with another man:

'He wanted a reconciliation and expressed loving sentiments, but it was clear he was not prepared to accept her relationship with another man' (*Guardian* April 17th 1999).

This report is headlined 'Jealous Doctor 'Machine-Gunned Ex-Lover'' (*Guardian* April 17th 1999).

'Thomas Shanks, 48, shot Vicky Fletcher, 21, after she left him for another man' (*Times* April 20th 2000).

The new relationship that Vicky had started is consistently described as the cause of her death. In some publications it is described as an 'affair'. Shanks himself is quoted:

'I told her she couldn't mess people's emotions about, sleeping with them and then treating them as if they are not there' (*Times* April 20th 2000).

There is also mention in reports, that the man Vicky was seeing was a former patient she had nursed. There is implication in the framing of the narrative that this type of relationship, between a professional and patient is less morally acceptable than a

relationship between two professionals, especially a doctor and a nurse. When the information is presented alongside the moral superiority of a war hero, Vicky's behaviour could appear to lack integrity:

'Shanks, who was mentioned in dispatches, broke down in tears while giving evidence. The attack followed his former girlfriend having a relationship with a patient she had nursed at Pontefract' (*Guardian* May 29th 1999).

The centrality of Vicky's sexual behaviour not only genders, but sexualises the account. The narrative places Shanks' behaviour as a *reaction* to Vicky's *action*. This acts to remove some of his agency as a violent individual and places sexual behaviours and acts on the part of the victim, as causal in this fatal assault. Much previous research into homicide cites sexual intimacy between the victim and assailant as contributory in general homicide data (Silverman and Mukherjee 1987, Easteal 1993). Wallace (1986) concluded that 'the marital relationship provides the context for some of the most violent encounters in our society' (Wallace 1986:83 cited in Polk 1994). In Polk's (1994) examination of male homicidal violence two sub patterns to this type of homicide were identified:

'There appear to be two major distinct sub patterns to the homicides where men kill women, one concerned with sexual possession where violence is employed as a control strategy, the other with a pattern of suicidal masculine depression' (1994:28).

Polk also cites Wallace who observed that:

'...either separation (or its threat) or jealousy were the major precipitating events of homicides where men took the lives of their spouses. This, she argued was a reflection of the ultimate attempt of males to exert 'their power and control over their wives'' (cited in Polk 1994:28).

The research shows that sexual jealousy is perceived as a significant causal element of fatal domestic assaults (of which the perpetrators are predominantly male (Polk 1994)), and the heterosexual dynamic again reproduces a gendered subjectivity that

works against the female. The relationship is seen as crucial in assessing what may have happened; however as Polk notes the relationship hardly provides an explanation for homicide. Shaun Beech used this excuse to explain why he murdered his wife, Louise. He is quoted as saying in court:

‘She said, "I have been seeing Stephen Walton and I'm going to stay with him...I put my hand around her throat to stop her screaming. I just kept my hand there until she stopped screaming. I knew she was dead. I checked her heart' (*Daily Mail* Nov 16th 2004).

Shaun Beech actually beat his wife around the head nine times with a rolling pin before strangling her. The reason is explicitly explained as her sexual affair with another man causing Shaun Beech to become jealous. As mentioned already in this research Beech then, after checking she was dead, had sexual intercourse with her. He told police that he needed to possess her and to be the last man to have had sex with her (interview with police respondent). Shaun Beech despite the violence and nature of the post mortem assault was convicted of manslaughter not murder, and sentenced to seven years. His jealousy and her actions were powerful mitigation for him and the sexual violence used was not reported in the press at the time. Similar to the murder of Vicky Fletcher, military service appeared largely in the court narratives. In the case of Shaun Beech however, the serving reservist was Louise Beech, the victim. Her service in the Gulf War is mentioned but only to frame how she met and started her extra-marital affair, not to represent her as a hero as was done with Thomas Shanks:

‘Mrs Beech flew out last autumn and on the plane she met Mr Walton, a fellow reservist... the relationship soon flourished... Mrs Beech and her lover were spending time together, even having sex at her marital home in Gosport, Hampshire' (*Daily Mail* Nov 16th 2004).

In explaining the violence as precipitated by ‘sexual jealousy’ the discourse provides the news consumer with some answers, though male sexual jealousy is neither defined nor examined, but taken to be a static and fundamental part of male sexuality with

links to biological determinism (Thornhill and Palmer 2001) . At the time of writing this chapter a report appeared in the Times (November 28th 2005) carrying the front page headline 'Jealousy is no longer an excuse for murder':

'Husbands who kill their wives in a fit of jealous rage will face tougher jail terms under new sentencing guidelines to be issued by the Lord Chief Justice today...the move acknowledges that there is a concern that men who kill their wives in a moment of anger are escaping with lenient sentences' (*The Times* November 28th 2005).

The report acknowledges that domestic murder is treated as less serious than stranger murder and proposes that three new categories of killing are to be introduced based on the degree of provocation and factors such as 'whether a body was dismembered or mutilated'. The differences in approach to domestic and stranger murder are, in this report acknowledged as a problem, one of the problems being, that domestic violence and murder are seen as less serious offences. They are approached as having different aetiologies with different types of offender, however despite, or even because of, these differences, there is indication of the presence of a unifying framework of knowledge that 'explains' violence against women by men and it is this framework that makes these apparent differences visible and explainable. It allows that differences can be identified using the relationship between victim and offender. What appears to happen in these news reports is that the model of violence that is constructed in the discourse of sexual murder is used as a standard for assessing other scenarios of violence against women. Offences are categorised using a spectrum of violence that is equated to the defining characteristics of a sexual murder. The closer an act of violence against a woman correlates to those defining characteristics, the more sympathy the victim will have, the more press attention the crime will receive, the more status as an act of violence it will have and the more severe punitive response it will receive. The relationship between victim and offender in the sexual

murder discourse is stranger/stranger, domestic violence by definition, does not involve this category of relationship and so, is perceived to be, not as serious. However, once a crime of violence against a woman is explained by her gender, that is she was killed because she was a woman, the discourse of sexual murder is in evidence whatever the category of relationship.

Normative Assumptions

The gender female appears to be the catalyst for the normative assumption of *presence* of sexual motivation or assault in news reporting of violence against women. The assumption in news reporting seems instant and is not so much established in reports as *re-established* and this is an important distinction. There appears little need to establish sexual motivation in the first instance; it is already established by the gender of the victim and this is noted as one of the ways in which discourse works, it tells us what is the norm and what is not (Carabine 2001). The discourse of sexual murder very powerfully dictates that women are killed for sexual reasons and the assumption that there is a presence of sexual motivation is therefore merely re-established or proved. Larcombe (2005) notes that there is a legal standard assumption of 'presence of consent' in rape law so that absence of consent must be proved; Larcombe argues that this assumption prompts legal officers to adopt the accused's point of view. Although the presumption in rape law is part of the legal construction of the language, the presumption in the news reports is just as strong, though not definitively prescribed. It comes from 'knowledge' and 'truths' provided by the discourse of sexual murder and inter-related discourses, and is perhaps, less easily resisted than a prescribed position which can more easily be challenged because of its undeniable and static presence. The presumption of presence of sexual motivation prompts the reader to understand the offence in a particular way and must

be disproved if the crime is to be re-assessed or re-conceptualised. There is no effort in any of the reporting to undermine the assumption and this makes it very difficult to perceive the offences in any other way than sexually motivated, the language does not exist to reconstruct or re-define how these offences could be understood within this discourse of sexual murder.

When Hannah Foster's body was found in undergrowth by the side of a road the state of dress of her body was the subject of much comment in the news reports:

'Her fully clothed body was found in undergrowth' (*BBC online* March 17th 2003),

'Miss Foster's body was found fully clothed' (*Times* March 17th 2003),

'(A) walker found Hannah's fully clothed body next to Allington Lane' (*Sun* March 17th 2003).

'Her body, still clothed, was found dumped in bushes' (*Mirror* March 18th 2003).

'A passer-by out walking found her fully clothed body in the undergrowth of a country lane' (*Guardian* March 17th 2003).

'Her fully clothed body was discovered three miles away' (*Express* March 18th 2003).

'Their daughter's fully clothed body was found by a walker' (*Daily Mail* March 17th 2003).

Hannah's body was not found, her *fully clothed* body was found and this is a critical distinction. It reveals more about the scope of the discourse than it does about the crime. By this I mean, the fact that Hannah's body was clothed does not inform the reader of anything, but its consistent mention does reveal that this piece of information is relevant within the discourse. The implication is that the reader would

expect that her body would be unclothed, or her clothing in disarray. Coupled with this piece of information was negative reference to sexual assault:

‘There was no evidence of sexual assault’ (Times March 21st 2003).

‘There was no evidence she had been sexually assaulted’ (Sun March 18th 2003).

‘There was no evidence that she had been sexually assaulted’ (Guardian March 18th 2003).

These two statements, that the body was fully clothed and that there was no evidence of sexual assault would seem to delegitimize further speculation that the murder was sexually motivated. However sexual motivation is a fundamental part of the dominant discourse and these negative statements are built upon in further reporting:

‘There were no signs that she had been sexually assaulted but police have not ruled out that the killer’s motive was sexual. They have contacted known sex offenders in the area’ (*Times* March 18th 2003).

‘A sexual motive has not been ruled out and cops have been studying sex offences in the area’ (*Sun* March 20th 2003).

Similarly there were no indications that Margaret Muller had been sexually assaulted:

‘Even though there was apparently no sexual motive behind either attack (Margaret Muller and another female jogger) experts believe the killer might indulge in sadistic sexual fantasies’ (*Daily Mail* Dec 8th 2003).

The Express speculates possible sexual assault as the motive, and then denies any sign of a sexual assault, but this is followed with:

‘Investigators say it is possible he was disturbed early in the attack and fled’ (*Express* Feb 8th 2003).

This intimates that the true motivations were not apparent because the offender fled before the true motivation became apparent. The *Daily Mail* quoted the officer leading the enquiry:

‘There was no obvious sexual motivation for the murder...the only motive for this murder was the killer’s self gratification’ (*Daily Mail* March 3rd 2003).

In stating that the sexual motivation was not *obvious*, the narrative is leading the story to less obvious sexual motivations which are indicated by use of the words ‘self gratification’.

The use of official and professional sources and quotes in the reports adds authority and legitimate ‘knowledge’ to the speculations. The police provide much of the information and their ‘knowledge’ of these crimes provides a legitimating voice for the inclusion of sexual elements in the narrative; the police are ‘experts’ who are authorised to speak, they are what Hall *et al* (1978) describe as ‘primary definers’, thus the truth of these crimes is being institutionally structured. Detective Chief Superintendent John Shatford is quoted as saying:

‘We believe this killer is turned on by the act of stabbing’ (*BBC online* July 11th 2003).

Other reports include the voice of ‘experts’:

‘Criminal profilers have suggested the killer is a loner with low self esteem who has difficulty maintaining relationships with women’ (*BBC online* March 3rd 2003).

‘Detectives are investigating a possible link between the murder of Margaret Muller and the killing 11 years ago of Rachel Nickell...and in both cases criminal profilers described the offender as a risk taker who hated attractive women’ (*Daily Mail* June 16th 2003).

‘Experts believe the killer might indulge in sadistic sexual fantasies. He could be singling out victims who remind him of a woman he believes mistreated him’ (*Daily Mail* Dec 8th 2003).

There is evidence in these quotes of a counter-discourse, that misogyny is apparent in the motivations. There is also an apparent resistance to participate in the wider discursive scope of this approach. Whilst it is acknowledged in selected quotes from

criminal profiling experts that hatred of women or difficulties in relationships with women may form part of the motivation, this is under explored. The crimes are clearly 'events' rather than 'issues' in the context of the news reporting, an element highlighted by Greer (2003), and the presence of this information seems more to bolster the sexual angle than to indulge in debates that may undermine the discourse being used. In the last quote for example, though the killer may be acting out of hatred, this is manifested in 'sadistic sexual fantasies'. When comparing the crime to the murder of Rachel Nickell, a hatred of 'attractive' women is specified. In the first quote, the superintendent uses the words 'turned on' which have clear sexual connotations. The standard assumption of sexual assault or motivation is not always established in fact, but is still not discarded, as in the case of Margaret Muller, the assumption remains stubbornly and is justified by conceiving of 'sexual' in alternative ways.

Within the discourse what can be understood as sexual is expanded and feminist counter discourses drawn in, thus partially embracing them and in doing so eliminating their status as 'challenging', so in effect nullifying their influence as an alternative to the dominant. For example, second wave insistence that gendered violence isn't about sexual desire (Brownmiller 1974) used to be an alternative and a challenge to the patriarchal hegemony, but in embracing some of those ideas and re-defining more concepts than 'sexual lust' as sexual motivation, those alternative ideas have become another manifestation of sexual lust, they have been included in that discourse. Whilst this could be seen as constructing a serious challenge to the knowledge produced in the discourse of sexual murder, the sexual conventionality of those statements now undermines them, and they too reproduce the gendered

subjectivity. MacKinnon (2001) stated that for the male, violence *is* sex and whilst she was proposing to re-define perceptions of male sexuality, the result may be that violence and sex are reduced to the same thing. The second wave of feminism was saying that rape was not a sexual act, yet in the same breath they say that violence is sexual to the male; this is paradoxical and possibly destructive. Second wave radical feminism was saying that a pre-disposition to violence may well include engaging in acts like rape as part of a violent psyche but that does not necessarily make the act sexual, however, when this argument is embraced by a predominantly sexual, powerful and dominant discourse, the sexual dynamic then reverses the proposition and misogyny becomes sexual. Instead of understanding rape as a form of violence, we understand violence as a form of rape when it is committed against a female.

The confusion that exists in defining ‘stranger’ offenders who murder women as rapists or potential rapists, which occurs via the standard assumptions of presence of sexual assault or motivation in the dominant discourse, has repercussions for investigations. Antoni Imiela was convicted of raping women and girls who were strangers to him and an example of the confusion that often exists between rapists and murderers can be seen in a quote from the *Crimewatch* online web page advertising cases solved with the aid of the *Crimewatch* programme, and specifically related to Imiela’s crimes:

‘In October 2002, following one of the biggest hunts for a serial rapist since the Yorkshire Ripper, police appealed on *Crimewatch* for help to catch a man who became known as the M25 rapist’ ([Crimewatch cases solved www.bbc.co.uk/crime/crimewatch/anniversary/casessolved.shtml](http://www.bbc.co.uk/crime/crimewatch/anniversary/casessolved.shtml))

The Yorkshire Ripper was not a serial rapist, he was a murderer. The murders are not mentioned in this piece, the rape aspect having equal status to a murder and perhaps

indicating that the rape was the cause of death either as a direct result or a logical conclusion. The following passage is taken from the Rape Crisis website and further illustrates the way in which serial murderers of women are represented as rapists:

‘Fact: Many rapists appear perfectly normal. They often have steady jobs and consensual relationships with wives and girlfriends. Many people believe that men who sexually assault women are loners, incapable of forming relationships or leading normal lives. The popular image of a rapist is of someone who spends all his time lurking in bushes ready to pounce on lone women. The police interviewed Peter Sutcliffe nine times before they discovered that he was the Yorkshire Ripper. He didn't fit their image of a mass rapist and murderer because he was married, had a steady job and a nice home. This is how it is with many attackers. When a woman suffers rape from her husband or a man she may have known for a long time, it is hard to call him a rapist because she will feel that no one will believe her. She fears people will accuse her of corrupting a respectable man. This is because people don't realise what rape involves’ (Rape Crisis www.rapecrisis.org.uk/myths.html).

In the London Rape Crisis Centre publication ‘*Sexual Violence, The Reality for Women*’ (1999) it is stated in the ‘myths and realities’ chapter that:

‘The crimes of Peter Sutcliffe, the ‘Yorkshire Ripper’, in 1975-80 only became truly shocking when he moved from ‘just raping prostitutes’ to attacking ‘nice girls too’ (1999:13).

Peter Sutcliffe is clearly being portrayed as a rapist, he did not rape his victims¹⁸ and this is either confusion between rape and murder, or a reference to the symbolism attached to acts of violence that allows them to be seen as ‘virtual rapes’. It is not mentioned that he murdered most of his victims and attempted to murder the others, the term rape, supplanting the term murder.

It is also interesting that during Imiela’s trial, the prosecution barrister referred to him, mistakenly, as a serial killer. Imiela was reportedly incensed:

¹⁸ Sutcliffe was charged with thirteen counts of murder and seven counts of attempted murder. A charge of theft was withdrawn. There were no charges of rape although it is believed that he had sexual intercourse with one of his murder victims, Helen Rytka.

‘During his questioning of Imiela at Maidstone Crown Court, Mr Dennis had referred to the attacks as being the work of a serial killer. Mr Dennis said it was a ‘slip of the tongue’ and told the jury: ‘There is no suggestion that Mr Imiela has killed anyone’. Imiela flanked by four guards, mouthed the word b****cks and then leaned forward and yelled: ‘why don’t you tell them I have no sexual offences either you b*****d’ (*Mirror* Feb 26th 2004) (Omissions as original).

It is noteworthy that Imiela wished it to be known that he had no previous record for sexual offences. Whilst his reason for this may have been to distance himself from the crimes, it is common practice to search for known sex offenders when ‘stranger’ rapes or murders of women occur. Experts and professionals make a link between these offences and sex offenders in particular. When Imiela was first arrested his friends and family were interviewed for their reactions and his brother is quoted as saying: ‘I can’t believe anyone could think this of my brother. He is just not like that. He has a good sex life with his wife...’ (*Times* Dec 4th 2002). This indicates that the motivation to rape was perceived to be part of a sexual need by Imiela’s brother. An article in the *Times* describes how criminal profilers will have to re-write their books because of their failure to identify Imiela as a suspect:

‘Experts trawled through thousands of criminal records and medical files for a year trying to match the Trophy Rapist but police concede that Imiela ‘ticked none of the boxes’. Detective Superintendent Colin Murray, of Kent Police said ‘Imiela is in a category of his own’ (*Times* March 5th 2004).

Imiela had a criminal record for violence and lived near the location of the first assault, but because he wasn’t a known sex offender he was discounted. Det Supt Murray continues: ‘There were other potentially more interesting subjects who had previous sexual offences who scored higher’ (*Times* March 5th 2004). The importance of previous sexual offending in predicting serious sexual offending is addressed in Soothill *et al* (2002) and is discussed in Chapter Five, police interviews.

The same kinds of problem existed in the Yorkshire Ripper investigation. Nicole Ward Jouve's (1986) feminist examination of the manhunt for, and trial of, Peter Sutcliffe identifies overt sexual discrimination and assumptions on the part of the police and the journalists reporting the crimes. The police failed to identify Sutcliffe over a period of six years of criminal activity. One of the reasons for this was seen to be the concentration on a (hoax) tape recording of what was thought to be the killer's voice. Ward Jouve states:

'But the whole enquiry began to go hopelessly astray when the Ripper squad received, and decided to consider as authentic, letters and a cassette tape from a man who called himself 'Jack' (1986:9).

The similarities to the case of Jack the Ripper are crystal clear. Sutcliffe had already been dubbed a 'Ripper', he had apparently, at least in the early stages, appeared to single out prostitutes for victimisation and he had used a sharp instrument to violate the bodies of the victims. The tape and letters, similar to correspondence received by the police during the investigation into Jack the Ripper's murders, may have received so much attention because of their links to the original Jack the Ripper, and the (hoax) offender called himself Jack, he had even copied extracts from Jack the Ripper correspondence of 1888. It is not only that the discourse of sexual murder was employed by the detectives, but that they must have believed that they were dealing with a set of crimes so similar to the original that their assumptions were wholly justified. However the discourse was of little help in identifying Sutcliffe or understanding his motivations:

'There was considerable surprise at who the now self confessed killer turned out to be. He had been imagined as an unmarried social outcast, a monster' (Ward Jouve 1986:10).

Maninder Pal Singh Kohli who was arrested for, and has confessed to, killing Hannah Foster¹⁹, did not have a record for sex offences and was identified despite the assumption that sex offenders should be targeted. None of the offenders identified in this sample and from the police interviews were listed as sex offenders. The standard assumption and subsequent centrality of sexual motivation and assault does not appear to aid in understanding violence against women or apprehending offenders.

Gekoski (2005) states that:

‘However, when we look at research done into the backgrounds of serial killers we see that if they have any past convictions they are hardly ever serious and usually not sexual’(2005:11).

Whilst in a murder investigation there may be a standard assumption of presence of sexual assault or motivation, in reporting rape assaults there is a presumption that the rape could have ended up as a murder and this is noted by Brownmiller (1975).

‘...One could almost get the idea from reading the tabloids that a rape can easily wind up as a murder’ (1975:197).

The reporting of Imiela’s crimes included significant referral to death related aspects.

This was achieved by describing the fear of death felt by the victims and quoting

Imiela’s threats to kill:

‘She told police officers she thought she would die during the horrific attack’ (*Guardian* Oct 31st 2002).

‘You overwhelmed your victims with brute force. Most thought that they would die by your hands’ (*Times* March 5th 2004).

‘Afterwards he bound her feet with her bra and said ‘don’t move for five minutes or I’ll come back and slit your throat’...She later said ‘I thought I was going to die’’ (*Daily Mail* March 5th 2004).

‘He was holding me so tightly, I could hardly breathe let alone scream. I felt certain I was going to die...I thought if I disobeyed, he would kill me’ (*Daily Mail* March 8th 2004).

¹⁹ It is noted that Kohli now declares himself innocent of this crime as extradition proceedings continue

The reporting of the spousal rape assaults similarly included fear of death or grievous violence:

‘After she said she would not sleep with him (her husband) that night, he began to strangle her. He ripped off her underwear and raped her’ (*Express* Nov 19th 2003).

‘He also subjected his wife to a violent rape and beat her senseless’ (*Mirror* June 21st 2003).

‘The 46-year-old man forced himself on his bleeding wife just weeks after she had given birth to their fifth child’ (*Mirror* Oct 26th 2002).

This was also found from the initial scan to be the same for a considerable number of reported non-stranger rapes. The inclusion of significant violence as present in rape assaults not only links the concepts of sex and death but undermines what a rape assault is. In selecting rape assaults that include severe violence, as Carter (1998) notes, the standard is set for what a rape is. A perceived ‘real’ rape appears more closely aligned to the discourse of sexual murder than the legal definition. A letter to the Sun newspaper illustrated this position:

‘First up was a man who raped his wife after she refused to give him his conjugal rights. While no rape can ever be justified, no real violence was used. Nevertheless the judge thought it sufficiently serious to warrant a five year prison sentence’ (*Sun* Oct 30th 2002).

Columnist Sue Carroll makes her feelings clear in an article about date rape:

‘A distinction must be made between the violent sexual attacks by the likes of the Trophy Rapist pouncing on women in secluded woodlands, and confused sexual encounters where the lines are blurred’ (*Mirror* Oct 30th 2002).

Ms Carroll calls for a distinction between ‘stranger’ assaults and ‘acquaintance’ or ‘partner’ assaults. Real rape is thus perceived to have occurred where extreme violence is used and maybe incorporates an explicit threat to the life of the victim. This position, part of the discourse of sexual murder, seriously undermines what the

offence of rape is and ignores legal definitions. This position on rape necessarily utilises a perception of the offence that is so closely linked to perceptions of murder or attempted murder that the original definitive part of the offence is invisible. Legal rape definitions would have to be re-written to match the perception of what a rape is in this discourse.

Comparisons and Links

The dominant discourse of sexual murder allows or encourages comparison of offences. Any other offence that could be conceived as ‘stranger’ sexual violence may be compared or linked to any other offence of stranger sexual violence. The similarities only need be the gender of the victim and the speculated gender of the offender and their relationship. This allows for comparison with any other offence fulfilling those two criteria. However the converse is true of domestic violence. Different offences are rarely, if ever (I did not find any) compared. Domestic violence is actually seen as a phenomenon by feminist writers and comparison of offences would indemnify this position, yet it rarely, if ever happens. Domestic offences are individualised and it is one of the limitations of the discourse of domestic violence as used in news reporting, that comparisons are restricted. Comparisons would in effect raise social issues that are outside the scope of the discourse, and would undermine the primacy of the discourse of sexual murder. In stranger violence, comparisons are within the scope not only because the stranger killing of a female is seen as a phenomenon (a growing one) with the offender represented as an aberrant form of male heterosexual, but because stranger assaults are often assumed to be the work of a serial offender.

Domestic violence is too common to represent the offender as aberrant and this would raise issues that would criticize harshly, male sexuality. As Barthes stated in his discussion of modern myth making 'A little confessed evil saves one from acknowledging a lot of hidden evil' (2001:122). For 'society' to confess to the evil of male violence against women, which would be achieved in the comparison and linking of offences of domestic violence and murder, would not be to confess to 'a little evil'. Society admits to the evil of predatory stranger killers, a very small proportion of males represented as 'different' from the ordinary male. But as Barthes notes, there would be benefit to the social elite in acknowledging his existence:

'In admitting the accidental evil of a class bound institution the better to conceal its principal evil. One immunises the contents of the collective imagination by means of a small inoculation of acknowledged evil; one thus protects it against the risk of generalised subversion' (2001:123).

Fairclough (2001) in his discussion of Critical Discourse Analysis sees an important consideration in any discourse analysis to be whether the social order or network of practices *needs* a particular identified social problem, or has an interest in the problem *not* being resolved. Brownmiller (1975) identified sexual violence as a social problem that benefited the elite, in systematically failing to address any kind of gendered violence, except stranger sexual murder, as an acknowledged evil, it could be argued that the current social order is protected. In examining discourse and considering that knowledge is not objective and dispassionate but always working in the interests of particular groups (Mills 2003) the possibilities of Brownmiller's proposition are given clarity.

Similar to comparisons, links are used in news reporting in stranger discourse but not domestic discourse. Links seek to turn the killer into a serial killer, a really dangerous psychopath which gives the story more longevity and takes events to their ultimate

conclusion ‘another Jack the Ripper’, the ultimate cultural demon who produces great copy and sales potential. Links and comparisons are a staple of stranger violence reporting. At one point the *Sun*, the *Express*, the *Daily Mail* and the *Mirror* referred to Margaret Muller’s assailant as the ‘Park Ripper’ an allusion to Jack the Ripper and the Yorkshire Ripper, both of whom are considered sex murderers. These links also highlight the potential for a ‘serial’ type story which may attract higher readership.

The links and comparisons are an effective way of re-establishing the links to sexual motivation. Offences against women that include no sexual assault are compared or linked to offences where there was presence of a sexual assault. The links are rarely confirmed and the comparisons are not justified beyond the gender of the victim and her relationship to the offender. These comparisons and links work to constrain the explanations within the scope of the discourse and seek to place all offences against women within a sexual framework. Hannah Foster’s murder for example, was linked to that of Milly Dowler. Headlines in the *Daily Mail* illustrated this:

‘Was Strangled Girl Victim of a Serial Killer?’ (*Daily Mail* March 18th 2003).

‘Has Milly’s Killer Struck Again?’ (*Daily Mail* March 20th 2003).

The *Daily Mail* also quoted criminal psychologist David Canter:

‘If Milly was taken by a complete stranger who happened to see his chance, then that stranger will have been thinking about the possibility, and looking for the opportunity, to steal someone’s life for a long time. It is very unlikely to have been a whim. Such a man will have learned that he can get away with this terrible crime and will be sorely tempted to do it again’.

The article continued:

‘It is even possible that Canter’s terrible forecast may already have come true. Southampton schoolgirl Hannah Foster, 17, was abducted and killed at the weekend and the similarities between the cases are striking’ (*Daily Mail* March 20th 2003).

Margaret Muller's murder was compared to another stabbing, a gang rape, a rape, a bludgeoning and sexually motivated murders.

'...it was such shocking crimes as the 'wilding' gang rape of a jogger in Central Park in 1989 that resulted in a wave of public support for zero tolerance. The comparisons between that crime and the murder of a woman jogging in a London Park are uncomfortably clear' (*Express* Feb 6th 2003).

The comparisons may not be as uncomfortably clear as the author suggests. If one woman is stabbed to death by a lone male stranger and one is gang raped by a number of males, the comparisons are not crystal clear unless *all* violence against women has a common denominator. Feminist theorists have suggested that there is a common denominator (outside of the gender of the assailant) and that is misogyny, whilst Cameron and Frazer (1987) cite the common denominator as constructed male sexuality, though it should be noted that 'culturally constructed male sexuality' and 'misogyny' are not necessarily mutually exclusive terms.

When Brownmiller (1975) argued that rape was a process of intimidation used to maintain patriarchal power, she exposed the 'knowledge' of sexual violence produced in the dominant discourses that she saw as exercising power over women, and she challenged the knowledge of male sexuality as static and biologically driven. An alternative discourse of male sexuality was constructed and built upon. However this discourse was sidelined as politically motivated with the 'feminist' becoming a negatively represented discursive 'object' which undermined feminist discourse. In describing or representing the 'knowledge' produced by feminist discourse as purely and radically political, its claims to truth were seriously undermined and the 'feminist' had less authority in producing legitimate 'knowledge' and 'truths'. That is not to say that this approach has not had influence or created positive change, but to

use the discourses of 'feminism' in assessing sexual violence can undermine the 'truth' of the statements in certain spheres.

Evil, Hunters and Prey

It is a staple of news reporting that offenders are represented as hunters, and victims as prey. This binary division alone reproduces a gendered subjectivity, and the hunter metaphor links itself to sexual predation in this context. The hunter is strong and controlling, the victim weak and vulnerable, very similar to the dynamic seen as present in male/female heterosexual relations. Whilst the relationship between a hunter and prey is pretty self explanatory even in this context, the subtleties present should not be overlooked. The culturally prescribed heterosexual dynamic represents females as the 'natural prey' of males. This is reproduced in the perceived passive/aggressive nature of heterosexual relations. It is also reproduced in professional approaches to the investigation of sexual murder. Rossmo (2000) describes a 'hunting typology' when assessing serial murderers in geographic profiling. He describes 'search and attack' methods using the terms 'Hunter, Poacher, Troller, Trapper, Raptor, Stalker and Ambusher' (2000:167) these terms relate to specific typologies of serial killer. Green (1993) is quoted:

'Throughout accounts of serial murders run themes of adventurous risk in the stalking of human prey by stealth or deception, the excitement of the kill...The egoism of the hunter permits the degradation of potential victims to the level of wild game. The planning, excitement, and thrill of the hunt overrides all other considerations except eluding capture' (2000:166).

Rossmo also sees this typology as 'remarkably similar to Schaller's (1972) description of certain hunting methods used by lions in the Serengeti' (2000:167). The description of the recipients of serial murder, as human prey avoids the necessity to acknowledge the fact that they are predominantly women. The dominant discourse of

sexual murder however, dictates the victims gender as female (and possibly male homosexuals and children of either gender), without the need to explicitly state this as definitive, thus generic terms like 'victim' and 'prey' can be used masking the reality that the term 'man' is not relevant.

That a man would be described as 'hunting' for a woman is not unusual in the normalised cultural perceptions of securing a mate. Hunting for a victim is perhaps an extreme example of this behaviour but is within normally accepted male sexual behaviour patterns. Also, although the actions of a hunter usually end in the death of the prey, hunting is sanctioned as a normal and necessary behaviour, especially amongst animals. Human evolution too is explained relying on a construction of early 'man' as a hunter (Darwin 1859, Morgan 1972), the human male has a long history where the hunting instinct is represented as normal or even desirable, human women conversely, have never been represented as hunters. That women are the 'hunted' is the perceived natural state of affairs, especially in the socially constructed double standard of the heterosexual dynamic (Box 1992, Lees 1997). Tatar (1995) quotes film director Brian De Palma who states 'Using women in situations where they are killed or sexually attacked is nothing more than a genre convention...like using violins when people look at each other' (1995:8). The banal regularity of this scenario normalises women's position as prey. Carabine stresses that 'discourses convey messages about what is the norm and what is not' and 'in effect they establish the norm' (2001:277). The 'genre convention' that De Palma notes, in representations of sexual murder, is also a discursive regime of truth. This is a 'truth' apparent across many discourses, but explicitly so in the discourse of sexual murder. Tatar asks 'What makes women's position as victim, either in cinema or real life, 'natural'?' (1995:8)

Tatar argues that our interpretive habits prevent us from facing the full implications of what is represented. Interpreting the hunter/prey division as natural to the male/female relationship is an interpretation that has a long cultural history but is acutely reproduced in the dominant discourse of sexual murder. The male hunting down the female prey is a familiar explanatory framework for the dynamics present in a gendered murder as exemplified in these news reports:

‘...and he went hunting for Vickie in May 1998 after loading the boot of his car with the rifle, an axe, knife and baseball bat’ (*Mirror* March 20th 2003).

‘A nurse who dumped her doctor lover for a former patient paid with her life when he hunted her down and shot her, a court heard yesterday’ (*Daily Mail* 17th April 1999).

‘Resentful that Vicky Fletcher, a nurse aged 21, had left him for a patient at Pontefract general infirmary, West Yorkshire, Thomas Shanks, a consultant anaesthetist, assembled the weapon and hunted her down at a pub on May 7 last year, it was alleged’ (*Guardian* April 17th 1999).

‘There are also similarities in the parks themselves in that both have deer enclosures, which offer an element of cover as well as providing open landscape.’ (*Guardian* Dec 7th 2003).

The offender may also be described as a ‘beast’, an allusion to hunting animals:

‘Stranger murders give the police their toughest detection problem, leaving us...; haunted by the beasts who kill for the thrill.’ (*Express* 20th March 2003)

The killer is constructed as an ‘evil’ individual whose ‘natural’ hunting behaviour has been perverted by psychological disturbance, and this term is another that produces debate:

‘Trevor Foster, 53, and his wife Hilary, 46, describe their daughter as ‘a gentle and graceful girl’. And they appeal for help to catch the 17-year-old’s ‘evil and brutal’ killer’ (*Mirror* 25th March 2003).

Neff (2005) states that:

‘psychiatry eschews use of words like ‘evil’ as a way of avoiding a dangerous slide from clinical to moral judgement...and obscure understanding of violent criminals’(2005).

Neff is taking a moral stand and argues *for* the use of words like ‘evil’ to describe serial killers. There is, according to Neff, a move on the part of some forensic psychiatrists to think of predatory killers as ‘not merely disturbed but evil’, this is at odds with a more traditional psychiatry because the discourses and vocabulary of evil are said to lack precision and analytical clarity.

Flemmer (2004) argues that the concept of evil must be tackled by the psychoanalytic community, and that the reducing of ‘evil’ to known psychiatric disorders and cleansing frightening and mysterious behavioural events by rationalising the irrational have not provided meaningful answers. These behaviours, I have argued, have been rationalised by referring to ‘sexual’ elements as an explanatory factor by many agencies, thus an alternative language to define and make sense of these acts is restricted. The language of ‘evil’ is illustrative of what Foucault might describe as a counter discourse if it were not constrained by the dominant sexual discourse employed. What may be described as ‘evil’ may be as arbitrary as what can be described as ‘sexual’. Stranger offenders are regularly described as evil, but their evil is linked with sadism as a sexual paraphilia. Domestic offenders, by contrast, are not necessarily constructed as evil and are perceived as less dangerous.

Research by Dawson (2003) shows that the degree of intimacy between victim and offender in domestic murder cases affects the criminal justice sanction applied to the offender. Where it can be shown that a woman has left her partner or is in the process of leaving, the penalties on conviction are more severe. The inability of the discourse to embrace domestic offenders as ‘evil’ distracts attention from the brutality of their acts. The dangerousness of the ‘stranger’ offender is aligned with evil sadistic

sexuality and *not* a general pre-disposition to commit violence. Imiela, Kohli and Sutcliffe, for example were not identified using techniques or procedures linked to their perceived sexual depravity i.e. they were not known sex offenders, they were identified *despite* this assumption. If 'evil' was quantified differently, identifying these offenders could be a more efficient procedure. I make this point to illustrate that offences of violence against women are judged to be 'evil' or not, more by referring to the relationship between offender and victim and not by the violence or depravities present in the attack. For instance Imiela, a serial rapist who killed no-one is considered evil because he targeted females he did not know, he received a life sentence. Conversely Shaun Beech, husband of Louise Beech, who killed his wife violently and raped her as she was dying or after she was dead with her body covered in blood from the beating of her head with a rolling pin (Daily Mail Nov 16th 2004) , was convicted of manslaughter and will serve less than eight years.

It appears to be the victim/offender relationship that measures the evil or dangerousness of the offender, rather than the scale of violence or depravity of his acts. In implicating the relationship and differentiating between 'stranger' assaults and 'domestic' assaults we appear to be not only assessing seriousness but assessing potential dangerousness, and when the male takes his pathological sexuality out of a domestic relationship this is considered far more dangerous, he has crossed a theoretical line. This approach serves to undermine the seriousness of domestic homicide and domestic rape. The term 'evil' may be inappropriate for assessing the actions or behaviours of domestic *or* stranger offenders, but its 'essence' is an alternative to 'sexual' and in this context is more inappropriately applied via victim/offender relationship than if it was applied as a term lacking analytical clarity.

Culpability and Defence

Salmon (2003) discusses whether reasons can be causes of behaviour, this is a philosophical argument. Salmon argues that reasons are logically connected with behaviour in that reasons give the behaviour a meaning, the logical connections between intentions and behaviour is more a matter of reason than of fact.

When talking of gendered homicide, especially domestic, the actions of the offender are presented in the news reports, as a reaction to the actions of the victim. In short the actions of the victim were the cause of the violence, or at the very least were the reason why the victim was violated. Whatever way this is approached the reasons, that at the very least are seen to explain the behaviour (violence), must be acceptable to a wide number of people.

In the news reporting, the reasons for rapes and murders of females are represented as sexual in origin. If the reason for the behaviour is rationalised as, in the case of domestic violence, insubordination, and in the case of stranger violence, sexual lusts, then this reason can become a defence, both in the context of news reports and in legal terms. Both 'reasons' are in effect defences because masculine sexuality is represented as biologically determined. In the case of stranger murders this 'defence', that it is uncontrollable, but biologically determined sexuality that caused the violence, actually acts to defend 'normal' male sexuality or at least leave the concept unchallenged. The insubordination of the female in domestic murder also defends the male by representing his reaction as 'natural'. Research has shown that this defence works much more efficiently for male violence than female violence (Lees 1997). Lees (1997) holds that men are considered rational while women are considered

emotional and this creates inequalities in the system between males and females. It is considered in legal terms she says, that men can temporarily lose their rationality when provoked and this leads to murder charges being reduced to manslaughter charges. Lees sees that women are much less likely to be afforded this defence. She also shows how a woman's insubordination can be seen as the basis for a defence of provocation for the male; this insubordination includes actions like promiscuity or ending a relationship.

This position is found in the narratives of news reporting, for example in the case study of Vicky Fletcher's murder, her killer was defended using his military service. He was presented as a good and brave man suffering from the effects of Gulf War Syndrome. Her relationship with another man was put forward as reason for him losing his rationality temporarily and killing her. (This defence was (eventually) not successful at the court stage). His service in the SAS was a staple in describing his character and he is consistently referred to as a 'hero' and a brave man:

'SAS HERO DOCTOR IS HELD AFTER MURDER' (Headline *Daily Mail* 9th May 1998) (Capitalised as original).

'Former SAS trooper Thomas Shanks gunned down his ex-lover during a bout of depression caused by Gulf War syndrome, a court heard yesterday. It was claimed the Glasgow-born doctor killed Nurse Vickie Fletcher, 21, after suffering a 'Jekyll and Hyde' personality change as a result of the 1991 war' (*Mirror* 29th April 1999).

'An SAS veteran who turned a Kalashnikov assault rifle on his girlfriend became a Jekyll and Hyde character because of Gulf war syndrome, a jury was told yesterday. Hospital consultant Thomas Shanks, who won a bravery citation and glowing battle reports on service with the Special Forces, was plagued by short temper, memory loss and mood swings after the invasion of Iraq, Leeds crown court heard' (*Guardian* 29th April 1999).

Shanks was eventually convicted of murder, but only after a second trial, the first jury failed to reach a verdict. Similarly Shaun Beech used the fact that his wife, Louise

wished to leave him for another man as defence; this was successful and he was convicted of manslaughter at the court stage.

When offenders plead to a lesser offence the prosecution does not have a chance to put its full case and slurs on the character of the victim are left unchallenged. This significantly causes the female victim to be represented as blameworthy in her own violation. In the small amount of news reporting of the murder of Louise Beech, the fact that her husband raped her is not mentioned, however Louise's sexual behaviour prior to her murder was extensively commented on in the *Daily Mail*:

‘(her affair) became sexual, it became intense and Shaun Beech got to hear about it...Mrs Beech and her lover were spending time together even having sex at the marital home...’ (*Daily Mail* 16th Nov 2004).

The first and only mention of Shaun Beech's sexual assault of his wife during the murder is not until 2005 and is in a piece in the Guardian documenting domestic murders of women that occurred over a twelve month period and citing eighty cases in an incomplete list. The Guardian, in reference to the sexual assault states ‘He stripped and had sex with her body’ (Guardian Dec 10th 2005). It is not known why this aspect of the assault was not mentioned at the time, especially given the negative attention paid to Louise's sexual behaviour.

In cases of rape it is often put forward that the victim precipitated the rape by arousing the male and then withdrawing consent, similar to the allegations embedded in the defence of provocation in murder (Lees 1997). Even in cases of stranger attacks, ways of making the victim partially culpable are discussed. In one of the police interviews (Chapter Five discussing the murder of Hannah Foster and others) it was said that journalists will ask questions to assess ‘whether she should have been there, whether

she should have known better'. Comments on whether the victim had been drinking or acting immorally at the time (or any other) will be present:

'Police said she had only one alcoholic drink during the night.' (*Daily Mail* 18th March 2003).

'The girls had been socialising in the Bevois Valley area of the city, but had stuck mostly to non-alcoholic drinks and remained sober, the police confirmed' (*Guardian* 17th March 2003).

The reporting of the murder of Margaret Muller also included speculation that she may not have been careful enough. The area in which she lived was the subject of much comment at the beginning of this case and the 'bohemian' nature of her lifestyle. The *Times* (Feb 5th 2003) includes a report headlined 'Dangers of the Bohemian life'. The author infers that the cheap area in which Margaret resided may have contributed to her victimisation and that 'it is dangerous living on the artistic edge'. A separate article is headlined 'Dangerous Dirty, Neglected...and still the place I'm happy to call home' (*Times* March 3rd 2003). The author speaks of the dangerousness of the area and that Margaret's reasons for living there were no less rational because of that, he stated:

'Her father said she knew hers was 'not a terribly desirable area' but, for the most part, she liked it and she felt safe, or safe enough. She was wrong, but that doesn't mean her decision was not rational' (*Times* March 3rd 2003).

The dangerousness of the area is commented on in many publications and the fact that Margaret knew it was dangerous but still continued to live there. In one report it is said that:

'Artists who shared Ms Muller's studios told police yesterday that she usually carried a small backpack, which was not found with her body. One colleague had warned her to take care in the area. Peter Burke, 44, said 'I told her 'you want to be careful around here' because I noticed that she always seemed to have this bag with her' (*Times* Feb 6th 2003).

The comments that the victim knew the area was unsafe but still continued to live there and despite warnings, continued to carry her bag, infer that the victim was not careful enough.

Phenomena, the Ordinary and the Extraordinary

The extraordinary and the ordinary are also a matter for debate as discussed in the literature review. Young (1998), when discussing reporting of 'extreme' examples of rape states that:

'These types of rape, which should be considered aggravated rapes, tend to be seen as real, at the expense of situations in which victims and assailant know each other' (1998:146).

If 'extreme' events are prioritised, this may well undermine less sensational cases. This is reflected too, in the concentration on extreme forms of killing i.e. serial killers and stranger killers. Lees (2001) states that this concentration leads to a perception that the typical murderer is a psychopathic killer. In cases of sexual assault and murder the offender is far more likely to be someone known to the victim and not typically psychopathic. For example of the 2839 murders committed between 1984 and 1988 only 14% of women were killed by strangers (Cowdry 1990). Feminists have also said that it is only a matter of degree that separates the likes of Peter Sutcliffe from a domestic murderer and that characterising the offence as 'extraordinary' masks the cultural misogyny seen as significant in the underlying motivations for these offences.

Whilst extreme events can on one hand be described as both 'ordinary' or 'extraordinary' depending on your position, it is a criticism that the normalising of extreme examples may undermine other forms of assault as well as giving them 'ordinary' status as a result of the sheer volume of stories dedicated to these 'extreme'

cases. Greer (2003) highlights another dimension in the labelling of offenders, that of the conflation of offenders and offences. Greer found that terms like 'sex beast' and 'sex fiend' were consistently used to describe perpetrators of sex crimes that were substantively different in terms of deviousness, dangerousness and level of harm done. This makes the offender extraordinary in a significant amount of cases. As noted, Greer found that this type of descriptive was used for child sex abusers, people who steal underwear and consenting homosexuals. In distancing the offender from ordinary men in this way, cultural issues are again masked as this type of label is rarely applied to heterosexual offenders who use domestic violence.

Stranger violence also, is seen as a phenomenon of modern society, a real cultural issue with women represented as being in real danger. Conversely domestic violence is not always represented as a phenomenon in the news media. A report in the *Express* by a former editor of *Police Review* describes the growing number of stranger murders and the difficulties for police in solving them:

'So-called 'stranger murders' represent the most challenging cases for detectives - a fact reflected in the low detection rate of little more than 30 per cent for such crimes. Their inquiries are often protracted, frustrating and ultimately unsuccessful, with cases sometimes languishing on police books for several years as unsolved crimes... alarmingly, stranger murder cases are on the increase. Senior detectives in all parts of Britain report that they are struggling to deal with the growing number of murders and rapes carried out by strangers' (*The Express* March 20th 2003).

The *Times* further discusses the apparent phenomenon of 'thrill killing' in an article one year on from Margaret Muller's murder and marking the anniversary of her death:

'It is, nevertheless, a phenomenon that is on the increase. In 2002 only one killing involved the motiveless murder of a woman by a stranger in London. Last year there were four' (*Times* Feb 4th 2004).

It is not always the case that stranger crimes will be explicitly described as a 'phenomenon' in the context of the reporting of one assault, it is often in the context of a general discussion about stranger perpetrated assault that these descriptions of the problem are used. However as has been discussed, links and comparisons imply a serious and recurring problem.

Conclusions

The conceptual analysis showed that the concepts of sex and death are co-existing in a significant amount of the reports of domestic and stranger violence against women. The co-existence is steady across all the selected publications with no statistical outliers, all averages falling within 1.5 standard deviation points from the mean, this shows considerable consistency. The dominant discourse of sexual murder not only allows for this co-existence, it dictates it. The sex and death is, within the dominant discourse, creating the meaning of the criminal event.

The discourse analysis examined the common themes that give the offences their meaning and established that the heterosexual dynamic between the genders is indivisible from the meaning that is made, it *is* the meaning. There is a powerful assumption that the apparent antagonistic relationship between the genders and their opposite but complementary status is natural and when social actors deviate from the prescribed limitations of their gender behaviours, the result is the acts of violence reported on. This is very similar to the construction and presentation of events in the Jack the Ripper film analysis. The reports, in this way, not only reproduce the gendered subjectivities and reinforce the dominant discourse, but perhaps act as a kind of moral axiom.

In brief, in the reporting of rapes and murders in the my sample, what appeared to happen is that when a murder of a woman is reported, sex related aspects are speculated and conversely when a women is reported raped, death related aspects are speculated. The dominant discourse dictates that both aspects are present because of the meaning it makes of the violence. It is the sexual meaning given to the violence that facilitates the conflation of rape and murder.

In the next chapter, police operational practice, I will again identify common themes across the interviews that construct, reinforce or rationalise male violence against women as sexual. Building upon the findings from the previous strands the investment of the police in the dominant discourse of sexual murder will be explored.

Chapter Five: Police Interviews

Introduction

This chapter examines police narratives constructed to rationalise and explain what happened around the rape and/or murder of females via interviews with officers from the major crime team of a county police service with the aim of exploring discourse and discursive practice. This is achieved from a general discussion about the rape and/or murder of females with the officers: I then offer a case study of the murder of Hannah Foster. This is discussed from two perspectives, firstly the police approach to the investigation and secondly, the police/press nexus. In discussing the relationship with the press, an exploration of shared discourses exemplified the importance of the discourse of sexual murder in investigative terms and as a common framework of knowledge across institutional sites. It was also found that the police assume sexual motivation or aetiology in male perpetrated violence against women and are caught up in the discourse of sexual murder.

Interviews were particularly chosen because in looking at other potential methods, which included an examination of case studies or official data, methods utilised by Polk (1994) in his examination of masculine violence and Jenkins (1994) in his examination of the social construction of serial homicide, I did not feel that the personal approaches and beliefs of operational homicide investigation officers would be adequately discernible. Arksey and Knight (1999) state that it is the world of beliefs and meanings that may be best explored via the interview. This research is based upon meanings and understandings related to discourse and I felt that obtaining personal information from officers would best suit the aims, this method was used successfully by Innes (2002, 2005) in his examination of police homicide

investigations and allowed an insight into the way that officers make meaning of the information they have and the way they interpret that information to construct plausible cases for prosecution. Innes also used ethnographic observation of homicide investigations in progress, which would have been a suitable method for this research. This access was offered but suitable cases for investigation did not occur during the time frame and in hindsight would have provided an excess of data for a project structured such as this one, with multiple methods and multiple areas for examination.

As I have noted earlier my previous police service may have influenced the responses of the subjects and this was a concern, however in interview research many facets of the interviewer could influence responses. I was what Reiner describes as an *outside insider* (2000:222), and this can impact on the information discovered. It was felt that my previous service would not have a detrimental affect and would possibly put the subjects more at ease. I had not personally met with all of the respondents and had not had any contact with those I did previously know for some fifteen years.

The interviews were semi - structured, officers were encouraged to speak freely about their feelings and to comment on their relationship with the press when dealing with rapes and/or murders of females, and their personal views of offenders, victims and the sexual and violent aspects of the crimes. I used a semi-structured style with the intention of allowing the interviewee to lead the dialogue. I wanted to allow the interviewees to give their own sense of what was important, but I needed to be able to guide the subject areas to reflect what I had established as important without dominating the interview. Arksey and Knight (1999) assert that this type of format for one-to-one interviewing is preferable to an unstructured or rigid survey type format of

structured questions. I recorded the interviews contemporaneously in writing and transcribed the notes to computer immediately after the interview. I felt that tape recording the interview would inhibit the interviewees, especially given the way tape recorders are used by the respondents themselves in prosecutions. Reiner (2000) notes the use of tape recorders is particularly problematic in police interviewing. I did not however find contemporaneous note taking to be problematic, it did in fact help to exclude me from the interview and allowed the officers to speak freely whilst I wrote. This meant I did not have to rely on memory when writing up the data. I was not limited by the organisation to any specific areas for discussion but had to ensure anonymity for the officers. I did have to make decisions as to what information was reproduced in the research or even included in the transcripts, partly on ethical grounds and partly to, as Reiner (2000) experienced, maintain a working relationship with the organisation. However none of the information excluded related to political concerns, all excluded data was related to extremely sensitive information that may have been traumatic to victims and their families.

The data was examined to identify the importance given by individual respondents to sexual aspects of gendered violence and any common themes across the data that relate to sexual aspects or interpretations of the violence spoken of. An extra dimension explored was the relationship between the police and the press, which directly links this strand with strand two, news reporting. Common themes across the two strands were discussed that may sexualise gendered violence and facilitate a conflation of rape and murder.

The major crime team has responsibility for investigating all murders and serious sexual assaults committed in the force area. All officers will have their identities protected, some victims and their families also, will have to remain anonymous. It is a noted problem with semi structured and unstructured interviews that respondents might be identifiable via their responses (Arksey and Knight 1999) but every precaution has been taken to minimise the possibility that this could happen.

Police Culture and Discourse: Literature Overview

Police culture has been the subject of some serious criticism with accusations that the predominantly white male heterosexual culture promotes racism and sexism. The police services were described as 'institutionally racist' after the Macpherson Report (1999) which investigated police handling of the murder of Stephen Lawrence. There has been a significant amount of criticism also with regard to police handling of sexual assault cases (Lees 2002, Gregory and Lees 1999) which began spectacularly in 1982 when police investigation of an allegation of rape was broadcast in a documentary 'Police' (broadcast 18.01.1982) which focused on the Thames Valley force (BFI 2005). The episode was third in a series of nine entitled 'A complaint of rape'. The female victim was seen bullied and cajoled by three male officers who were openly sceptical of her allegations, with one famously stating to the victim 'This is the biggest bollocks I've ever heard'. There was a significant reaction to this episode and Thames Valley Police set up an all female rape investigation squad as a result (BFI 2005). Police handling of sexual assault allegations is still the subject of much criticism which is largely backed up by their high attrition rates and failure to achieve convictions or prosecutions.

In her book *No Way up the Greasy Pole* (1993) Alison Halford documents her time as a serving police officer with the Metropolitan Police over thirty years from 1963. The sexism evident in her accounts is truly shocking and there is no doubt that things have had to change in the police service since that time. Gregory and Lees (1999) see the changes that have occurred since the 1960's and 1970's as a direct result of legislation rather than perhaps, a willingness borne out of reflexivity within the police hierarchy. They also state that a number of studies have shown that a strong male culture still exists in the police service and is manifested in many different ways. Smith and Gray (cited in Lees and Gregory 1999:28) highlight the cult of masculinity that exists in the police services and the glamour attached to violence, these attitudes, they hold influence their behaviour towards women and sexual offenders. Gregory and Lees conclude that despite official acknowledgement of the problems with sexual and domestic violence, little in the police approach has changed with 'cop culture' still being dominant.

These observations are concerning for many reasons, not least of all is that the police are not only charged with investigating crimes but have a lot of power in determining how offences and offenders are perceived. The authority of the police and other criminal justice personnel may significantly influence public perceptions of a crime or crime issue and reinforce meanings constructed in dominant discourses. De Lint (2003) sees that the police could be better characterised as 'knowledge workers rather than a coercive force because they have so much power over the 'facts' of cases that are 'funnelled through the system' (2003:383).

The police, as noted by De Lint, are strategically positioned so that their sole access to the 'facts' of crime or a crime mean that they provide the information about a case, or

type of crime or population to a number of agencies, including court agencies and the press, they can patrol the 'facts'. De Lint notes however that a distinction between what is information and what is knowledge must be maintained. The police in this sense are concerned with the 'social construction of meaning' (2003:686) and De Lint holds that what are referred to as the 'facts' of the case are incrementally constructed.

This construction of meaning is an endeavour shared by the police and the press, though it may be the police in this relationship that have more ability to impart meaning as knowledge. However Leishman and Mason (2003) note that there are a number of parallels between the job of a journalist and the role of an investigating officer.

'Each is under considerable pressure 'to get results' – in the case of the reporter to file the story, in the case of the detective to resolve the case' (2003:31)

Leishman and Mason document the 'professionalisation' of police/media relations which have resulted in most British police services employing dedicated media relations departments which are supplementary to the force complement of trained police officers. They note that police sources feed journalists with 'deep background' prior to trials so that stories in the press will be able to run immediately in the event of a guilty plea. It is also noted that so-called 'primary definers', those 'authoritative experts with privileged access to the media' (2003:42), like MPs, judges, chief police officers and spokespersons of other staff associations can, in relation with 'secondary definers' (the media) define and reproduce the parameters of a discourse and transform controversial topics into issues of 'major public and thus political concern.' (2003:43)

Whether or not issues are defined as concerning, is perhaps less important in the context of this research than the police and the press having the power to construct or reinforce discourses relating to crimes or crime issues and produce particular accounts of criminal events. The investigation then, may not be a method for discovering the absolute truth about an event or crime but as Innes posits, rather 'a mechanism that produces an account sufficiently reliable to meet evidential standards of reasonable doubt' (2002:680).

In this Innes reconstructs the process of investigation as less a simple matter of uncovering facts, but about construction of information so that it forms a reliable and valid status. The narratives constructed by police officers will be organised to meet the demands of the legal process and will 'tie people, places, objects and phenomena together in a plausible chronology' (2002:682) that will explain the crime and the reasons why it occurred. Innes states that in his research he found that care was taken to make sure that the case the police assemble 'tells the right kind of story'.

The press also try to make meaning out of the events on which they report and in this sense the police and the press share a function. They both attempt to make meaning of criminal events, either for their readers or for criminal justice personnel. The process of case construction then is more about creating an account that will enable a conviction, which means the events and motivations must be plausible to criminal justice practitioners or juries. Both agencies then are caught up in the dominant discourses.

This structured process is described by Innes (2002) as substantively different for what he referred to as 'self solvers' (domestic) and 'whodunits' (stranger), which are broad categorisations of homicide events. 'Self solvers' which constitute the majority of police homicide investigations are those homicides where a suspect is immediately visible. Innes sees that the work of the police in this type of homicide is reflected in McConville *et al's* (1991) model of 'case constructionism', which entails putting together a coherent narrative. Whodunits on the other hand have a different investigative structure as a suspect is yet to be identified, but the case construction will still necessitate officers formulating a plausible sequence of events to enable a prosecution. It is the police role in making meaning of the homicide that is central to this chapter. As stated by Innes, crime investigation involves the social construction of meaning, or more importantly interpreting the meaning so that the case presented is plausible to professional and lay personnel in a prosecution setting. The police must 'get a result' and their interpretation of events must satisfy the CPS who will decide whether to prosecute or not, based on the likelihood of a successful outcome. The 'facts' of a case must then be made meaningful. It is this aspect of police investigations and case construction that is examined in the analysis. The discourses that make meaning of sexual violence or gendered violence, especially those that are dominant, may provide the framework for a coherent narrative. Mills (2003) explains how discourse is a 'system that structures the way we perceive reality' (2003:55) and this is critical to the way discursive regimes of truth provide meaning. The focus for this chapter is to establish if the police use the dominant discourse of sexual murder to provide the meaning when constructing their cases, and to what extent it is used in rationalising crimes of violence against women more generally. The analysis will also examine how the police and the press share the discourse.

The murder of Hannah Foster is a clear example of a sexual murder constructed in the dominant discourse, as is the murder of Camilla Petersen, both of which will be discussed in this chapter. The crimes are examined via a police perspective, but also including, in the second half, the police perspective of the press involvement to explore how these two powerful agencies share information and discourses and can promote their perspective as the 'truth'. The discourse of sexual murder, as found in the previous strands, facilitates conflating the crimes of rape and murder so the extent of police investment in its 'truths' and the 'knowledge' it produces is of particular importance. If police construct cases based upon the knowledge produced they too will reinforce that knowledge and further the conflation.

The Rape and/or Murder of Females: A Police Perspective

The press conference so common on television news now, is far more than a forum for letting the press know the facts of an event. The press conference is a negotiated access for journalists and reporters to key individuals and information. The police and the press could be described as having diametrically opposed agendas in some respects, despite the parallels that may exist. The police, for example often wish to suppress information whilst the journalist aims to publish information and this creates a relationship between the two, full of compromise and strategy; the press conference is often an example of that compromise. The police and the press are not necessarily seeking the same information and do different things with information when they get it. The excerpts from the interviews below will tell the story of the converging paths of a murdered girl, the police and nation's media in March 2003. However a discussion of how the police perceive the murder and/or rape of females more

generally is documented first to explore the officers' own sense of what is important when investigating and making meaning of such crimes.

Discussion with police on rape and/or murder of females

The gendered subjectivity discussed in the news report analysis is evident in police approaches to the murder of Hannah Foster and other assaults and murders of women discussed. I asked officers, as an opening question, if the assumption that most murders of females were sexually motivated was correct in their experience, there was a general agreement that this was the case:

“This accurately reflects the case load we have, I’m trying to think of one that falls outside, no not in (force area), but nationally, yes there are others, drug and gang related very occasionally – women are not necessarily the intended victims though” (Int 1).

“In my experience it’s always been sexual whether domestic or because they want sex” (Int 4).

“They suspected sexual motivation from the outset, it usually is the reason, very rarely is the victim not sexually assaulted” (Int 5).

From these quotes it appears that the murder of women is seen as predominantly sexually motivated with an assumption that when there is no obvious sexual motivation, the woman may not have been the intended victim. However in discussing domestic assaults specifically, some respondents concurred that sexual jealousy on the part of the offender was more often used to mitigate his actions or to serve as an excuse for the violence rather than being a direct causal factor:

“Well there’s always a history there, always a background of violent abuse it gets worse and worse. If only we could tell them before, if only they could be told, we could save their lives, if we could say look this is where this is going, he’s going to kill you, we could save some lives” (Int 5).

“The sexual affair thing is probably an excuse, it’s about violence, not sex. They are bullies, they get more and more aggressive, what gives them the right just because they are stronger physically, what gives them the right to do it?” (Int 3)

“Affairs and endings are not the most common cause but they get dragged in to the story, they will drag in an affair to mitigate what they have done. Mainly it is arguments and possibly drink fuelled, that have nothing to do with an affair and an escalation of domestic violence” (Int 3).

“It might give the offender sympathy, get him manslaughter instead of murder. Mitigation is usually in sentencing I have never seen a barrister go over the top on that score, they just want to create sympathy” (Int 1).

There was clearly a lot of sympathy from the police officers towards the victims of murder, but a feeling that victims of domestic murder were in some respects contributing to their victimisation by failing to see the signs that they could be murdered or possibly accepting that it could be the end result, however when discussing rape victims the approaches were mixed. The perception of what constitutes a ‘real rape’ has been discussed earlier in this research and the academic contention that cases of stranger rape or those rapes where there is aggravating violence are setting the standard for what a rape is, may more often be attributed to a cultural, rather than a professional perception. It is concerning then that one officer said:

“I haven’t dealt with many genuine rapes, most rape accusations are questionable. It’s not often we get a real rape, a stranger rape, because usually they get murdered. There was this one, she had been out, she hadn’t been drinking she was respectable and she got grabbed in (location of offence). She was punched and controlled, she was raped and then he let her go. That was a nasty genuine rape, the victim was distraught” (Int 3).

This one statement contains every indication that the police officer is employing a gendered subjectivity backed up by some of the so-called rape myths. First, that a real rape should involve a stranger or aggravating violence, second, that the genuine victim was ‘respectable’ and third, a myth that I am proposing in this research, that rapes are perceived to end in murder.

Kelly *et al* (2005) found that there is an over estimation of false allegations by the police and prosecutors which feeds a culture of scepticism. Bufkin and Eschholz (2000) state that several researchers have found that there is a relationship between a belief in rape myths and an inability to identify sexual victimisation (Estrich 1987, Varelas and Foley 1998). Bufkin and Eshholtz (2000) describe the dominant rape myths as being: rape is committed by men who cannot resist their sexual urges, the rape was brought on by the victim, women lie about being raped, victims want to be raped and victims aren't hurt by the attack. Kelly *et al* (2005) also cite, as previously stated, a belief that 'real' rapes occur in public places, are committed by strangers and involve extreme violence.

Such confusion over what constitutes rape is clearly the discourse in practice, rather than what legally defines the offence. If genuine rapes are perceived to end in murder, a conflation of the offences is possibly only at a further point on a continuum of beliefs about rape and murder. Police officers must prepare evidence to meet the legal definition of offences, in this respect there should be no confusion for officers about legal definitions. However, when preparing case files for a prosecution there is consideration of the lay element's perceptions, as with a jury. If the lay element and the professional element have similar perceptions, the legal definition may be less important. Proving lack of consent has long been held to be the biggest problem in achieving a conviction for rape and this element of the legal definition has been modified in rape law reform. However as Larcombe (2005) notes rape law in this respect works on an assumption of 'presence of consent' which must be disproved. If the standard assumption is presence of consent then evidence will be sought to

explicitly counter the assumption, this is often seen to be evidence of a struggle and physical injury to the victim. Evidence to bolster the standard assumption of presence of consent may be much easier to find, especially when a gendered subjectivity is employed to assess the credibility of the victim. This links to issues of culpability and defence, as discussed in the Chapter Four previously. A rape victim may need to establish not only that she did not precipitate the offence in any way, but counter any defences the assailant may raise. This is not a position that victims of other criminal offences find themselves in.

The officer distinguishes between ‘genuine’ rapes and ‘questionable’ allegations. Such discrimination based upon whether the offender was a stranger to the victim indicates that a particular discourse is in use and that it is the dominant discourse of ‘sexual murder’, as the officer clearly states that genuine rape victims are usually murdered.

When discussing the offence of rape and its effects on the victim there was agreement that the effects were devastating:

“I was involved recently with a series of sexual assaults on (location of offence). The worst assault was on a (victim age and occupation) she was dragged up a hill and hit, she thought she was going to die, most rapes seem to have a common thread, what was happening they were almost oblivious to, they thought they were going to die, but at the time it is a fear of death” (Int 1).

This position has been borne out by research which identified and named Rape Trauma Syndrome (RTS) by Wolbert Burgess and Holstrom (1974). They found that the key precipitating factor in onset of RTS was a profound fear of death prior to or during the assault. The research was carried out in the emergency department of a

hospital, which could indicate that the victims were injured, however the researchers documented both stranger and non stranger assaults, the victims were aged between 3 and 73 and the amount of injury varied (personal communication with Anne Wolbert Burgess 01/05/04). The key factor that precipitated RTS was fear of death, even where the victim and offender were known to each other. This indicates that a rape experience can be perceived as life threatening, perhaps even where there is no threat to life. It is possible that the powerful links between rape and murder produced in the dominant discourse of sexual murder influence the perception in a wide variety of sexual assaults, that the victim could lose her life.

In the discussions about rapes of females, the examples given to me and perceived by the officers to be genuine, contained a real or imagined threat to the life of the victim. In this sense rape is more than simply the legally defined offence but is an aggravated rape or more importantly, a potential sexual murder; there appeared to be a belief among the officers that the threat to life was a constituent part of the offence of rape. However in cases of incest or familial sexual assault where the victim was not adult, there appeared to be more sympathy and an assumption that the accusation was genuine

“Most interviews I’ve done have been family assaults, incest. They have a devastating effect on the victim. Unfortunately they are rarely reported at the time which makes prosecution very difficult as it’s his word against theirs. It’s very common, frightening really. They generally deny it, it’s always someone else’s fault. They are usually genuine” (Int 3).

In discussing a case of spousal rape that included an attempted assault on the daughter of the victim, many interesting points are evident. I will document a significant amount of the comment on this case to illustrate the points:

“There was this one interesting case where this bloke had been drugging his wife for sex. We only found out because ten years on he was with a new partner and started drugging her so he could sexually assault her daughter. He was using temazepam to knock them out”.

Q. “Didn’t they know?”

A. “Well his first wife suspected after a while. She couldn’t understand why she was so tired and waking up so disoriented. She couldn’t remember getting to bed or undressing herself. She would be naked then she started noticing marks on her body. Anyway it got to the stage where the relationship was breaking up and they went to counselling. He actually admitted to it, to the counsellor. She went to a solicitor and was advised not to prosecute because there was no evidence”.

Q. “How did it come to police attention?”

A. “Well the new partner, her daughter. He had drugged the woman’s wine and she had gone to lie down. He had drugged the daughter’s Sunny Delight but obviously hadn’t put enough in because she struggled and ran to tell her mother. The mother went straight to the police and we got the evidence of the drugs from the drinks. We got the wine and the Sunny Delight. The woman said he must have been at it for years she had thought she was going mad. You know he could have killed them, if he had put too much in the girls drink, it’s so dangerous”.

Q. “Why was he drugging her, his first wife?”

A. “He was bugging her because she wouldn’t agree to anal sex. He got nine years. There was no trial because he coughed to it in the end. His friends and family think he is innocent”.

Q. “Even though he admitted it they still think he’s innocent?”

A. “Well he’s fed them some story, why he had to admit it and they all think he is innocent. Even the wife said ‘he’s my husband he would never do that to me, he would never drug me’. We went back to his first wife to ask her if she wanted to pursue the charges and she said yes definitely” (Int 3).

This case of spousal rape is on first inspection, extraordinary. Had the Temazepam not been found in the drinks this case would probably not have achieved a conviction or even a prosecution. The officer refers to the fact that the victims could have died as a result of the Temazepam, that it was because of this, a very dangerous thing to have done, this potential threat to the life of the victims may have given them more

credibility. Using drugs to commit rape or sexual assault has become the subject of much news reporting in recent years and young women in pubs have been targeted by various agencies with warnings to be especially vigilant when they are socialising. In December 2005 the Lucie Blackman Trust launched a campaign to warn young women in pubs of the dangers of 'rape drugs'. They offered kits that detect drugs in drinks and can be carried in a small handbag (Lucie Blackman Trust 2005). The drug Rohypnol has been cited as the drug of choice for the rapist. It would seem then, that drug assisted rapes are not unusual or extraordinary and represented as becoming far more common. What may be more extraordinary in this case is that the victim and assailant were married, but the attempted victimisation of the daughter is what made the assaults visible. The adult victim said he had 'been at it for years' but she had not approached police before her daughter was involved. It is perhaps not necessarily because she would not have been believed, but because she didn't really believe it herself. It is also stated that the family of the assailant didn't believe her either. The issue of 'believing' the victim is absolutely central. Part of the discursive regime of sexual murder and rape dictates that women often lie about being raped so should be treated with suspicion and this has a long discursive history. Historical discourses are evident (see Chapter Two) that share this 'truth' stretching back to women's apparent natural deceitfulness constructed in religious discourses around the story of Adam and Eve (Genesis Chapter Two). The believability of the victim is linked also to the issues of culpability discussed in Chapter Four. Victims are either disbelieved or at least culpable, the discourses of sexual violence that construct the perpetrator as innocent, mad or unable to resist biological urges are reinforcing 'truths' about both the male and female gender 'essence'. When examining domestic sexual assault or homicide the victim is assessed for her believability and blame, in stranger assaults more often

the victim is assessed for blame and both these assessments would appear to seek to minimise the responsibility of the alleged perpetrator and are part of the discourse.

In cases of sexual assault there are two evidential points for the victim to establish, firstly that the sexual act occurred and second that she did not consent. In the case discussed the victim was not even sure the act had occurred.

The police approach, perhaps understandably, is to assess the credibility of victims via the amount of evidence that is available to secure a conviction. However this may be relevant from an operational perspective but it is possible that the police officers not only need that evidence before they will proceed with a prosecution, but are also using it to assess whether the allegation is genuine. It appears that when women make an allegation of rape the officer receiving that complaint is initially sceptical but searches for the evidence to remove the scepticism. Whether or not the victim is treated with understanding or respect, or if the police take time and effort to investigate the allegation is irrelevant in this context, it is the default position of scepticism that is concerning. It is a scepticism that pervades even the psyche of the victim.

When interviewing a paramedic²⁰ who is often called when an allegation of rape is made immediately after the event, she commented that she was told in one case to ‘find out what you can from the victim, see if she’s genuine or not’. This was a request from a male colleague, *not* the police. There was scepticism even from the health professionals that the trauma being exhibited by the victim was genuine and that dealing with the possible innocence of the uninjured offender was a priority. It

²⁰ Interview with paramedic officer 28.10.04

was even suggested that the injuries to the victim were self inflicted. The consultation document *Convicting Rapists and Protecting Victims* acknowledges that perceptions of what constitutes rape trauma are based on a single model of trauma in which victims are visibly crying and distressed.

Victims of rape are categorised by their perceived 'believability' and this has little to do with professional concerns about prosecution, it appears more fundamental than that, when interviewing a judge²¹ about rape trials, he stated that in his experience the jury needed to see physical harm before they would believe an allegation of rape.

'Really there needs to be some kind of physical injury... juries they find it hard to see great harm where there has been a previous sexual relationship and no injuries are noted. Juries are not really buying the feminist argument'

Q. 'Are you ever surprised when a rape prosecution fails?'

A. 'No. I always know why. It is down to the witnesses. Sometimes it is difficult to establish whether there was consent. For instance I adjudicated a case where two sisters alleged rape by their brother. One sister was believed and he was convicted, they did not convict for the other sister. It rested upon whether that sister had allowed the brother to babysit for her. The jury did not believe that he had not babysat for her especially when a credible witness was produced to corroborate his story that he did. She lost her case at that point... Not all of society considers acquaintance rape as a serious offence. If there are no injuries some people will say 'What's the harm?' They can not comprehend it as a serious offence, especially where consensual sex has taken place on a previous occasion. One woman lost her case even though she had bruises to her arms and shoulders because the boyfriend was able to establish that on previous occasions she had enjoyed that type of violence and had asked him to be rough.'

It appears to be less important whether the offender is believed or not because the benefit of the doubt is with him both legally and culturally. In this example even where the jury had established that the offender had committed rape upon one woman, they, at this point, must have perceived him as a rapist, they did not believe the

²¹ Interview with Crown Court Judge with direct experience of high profile serial killers and rape trials
14.01.04

second victim and her credibility was more important than his. So even where the offender is a known rapist, the victim still must establish her credibility to the standards of the discourse to be believed. It is also clear from this judge's experience that there needs to be evidence of physical injury at the trial stage. Epstein and Langenbaum (1994) found that jurors in rape cases often rely on popular conceptions of rape rather than legal definitions and these popular conceptions minimise the harm done to rape victims. As the judge stated, evidence of harm is central, the more harm, the more believable the victims story and this likens the offence of rape to an offence of grievous bodily harm which has a wholly different evidential criteria and more importantly for this research could even be a potential sexual murder. As noted in Chapter Four sexual assaults reported in the news often included reference to life threatening injury and if jurors need to see substantial injury before they can perceive an assault as rape, then they are also in the discourse of sexual murder. Interesting also is the comment that an offender was able to allege that the victim had on previous occasions enjoyed and encouraged 'rough aggressive' sex, which the jury believed and this relates to the perceived masochistic nature of women, a presumption which inhibits rape prosecutions.

The police officer talking about the spousal drug rape case clearly believed the victim and this could have been because of the evidence secured, the corroboration of the daughter or the current high profile status of drug assisted rapes. Considering that this was the same officer who stated that there were hardly ever any genuine rape allegations, these other factors may have influenced the assessment of the victims. It is interesting to note that the offender did not have any previous record for sexual offences.

Camilla Petersen

When 15 yr-old Camilla Petersen was murdered in Hampshire, whilst on a school trip to the Isle of Wight, there was a lot of press attention, both in the UK and in her home country of Denmark (police respondent). The officers involved in this investigation did not experience a drawn out manhunt for the offender as he ‘gave himself up’ some 24 hours after the offence. The offender himself was the subject of most attention rather than the victim, and his callousness and lack of remorse for his actions were traumatising for some of the officers involved. This was ostensibly a ‘classic’ sexual murder as constructed by the dominant discourse. The victim was approached by a male stranger in a secluded area, she was sexually assaulted and she was killed. This offender, Richard Kemp had in fact served many years in Broadmoor for previous sexual offences against children but was not a registered sex offender.

When discussing the murders of both Camilla Petersen and Hannah Foster²² officers stated that they believed there was no intention to kill on the part of the offender, the central motivation being sexual gratification with the murder a result of panic or a method to prevent the victim identifying the offender:

“There are very few pre meditated murders of males or females it’s a kind of ‘stop her talking so I’ll kill her’. I don’t think the guy who killed Camilla had planned a murder or the guy who killed Hannah Foster” (Int 2).

“It was sexual he said he had no intention of killing her. It was the only reason, he gave a full and frank confession, it was indecent assault for sexual gratification. Perhaps in the beginning it was going to be a minor assault and to stop her identifying him he killed her” (Int 3).

“He said he meant to rape and not to kill, he raped her twice. He said to her that she mustn’t tell anyone, but she said she was going straight home to tell

²² Hannah Foster’s murder has been discussed in the news report analysis and is further discussed in the second half of this chapter

her parents, then he strangled her. He showed no remorse, within 24 hrs he left the country and started a new life” (Int 3).

“Camilla was very pre meditated he was waiting for the opportunity, not necessarily to murder but to sexually assault, he would have been prepared to murder, he would have done it. It’s a lot to think of on the spur of the moment and he must have prepared and when the opportunity presented itself, disposing of the body may not have been something he thought of. With Hannah the suspect has been on TV admitting it, he was probably an opportunist he was someone who had the potential to abduct and rape and having taken the first step, well the rest is history” (Int 1).

There is a reticence to believe that the murders could have been part of the plan from the beginning, for these officers the crimes are all about the sex; the sexual aspects having more significance and importance than the violence. However in following comments on the subject of Kemp his predilection for violence was made clear:

Q. “Were the urges to have sex or violent urges?”

A “His urges seemed to always involve violence, punching and kicking. He tied up the children, one boy he tied his hands and his feet together before assaulting him. It was never rape, it was always masturbation and looking and touching”.

Q. “He says that he did not have an erection, he said it was non sexual”

A. “Well that’s what he said, whether it’s true or not we don’t know but when he was in prison he went into a great deal more detail about the assault with the psychiatrists, he says the assault went on for about twenty minutes and he spoke to her during the assault. He says that he has masturbated over the events whilst he has been in prison, whilst remembering them, he shows no remorse whatever, almost as if it was her fault, not his” (Int 3).

Firstly, the officer here is clear that this offender had a history of using violence in his assaults, it was part of the urges and there is acceptance that violence was part of his modus operandi, not just to subdue, but as part of the assault. Secondly there is admission from the offender that he had masturbated over the events since they occurred, whilst he was in prison. These comments make it clear that violence and murder were part of the appeal. Whilst the use of violence and murder are rationalised

as sexual by the officers there was still, amongst all the respondents, a belief that the murder was accidental or driven by panic. In Kemp's case the officers stated that he was very forensically aware, that he had been convicted on DNA evidence previously and knew to dispose of any item that might incriminate him. Kemp approached Camilla only wearing a pair of socks and underpants and meticulously disposed of all the forensic evidence. If the man had no intention of killing Camilla as the officers suggest why did he approach her making no effort to disguise or hide his appearance? Kemp stated that (documentary source) he approached Camilla only wearing socks, shoes and underpants and that he sexually assaulted her (not rape- documentary source). He stated specifically that he did not kiss her or allow himself to ejaculate because of the forensic evidence that would be left behind had he done so. It is also stated that after the assault Kemp made the decision to kill Camilla because she had seen his face. He knew before he approached her that she would see his face and because of this it is entirely possible, if not probable that the meticulous approach to not leaving forensic evidence was because he did not want to be implicated in a murder. He managed to stop himself ejaculating despite having admitted to ejaculating whilst walking naked in the area earlier that day:

“He had carefully gone through her things to destroy any forensic evidence. He deliberately went through her things and destroyed them he was very forensically aware” (Int 3).

“He was very forensically aware, he offered a plea of diminished responsibility but he rationally disposed of the evidence, he shredded a lot of evidence in Gosport. He says he didn't know what he was doing. He had been previously convicted on semen evidence. The DNA got him. He probably just walked up to her and punched her” (Int 1).

These comments would seem to indicate that the officers perceive this offender to be extremely violent and rational. It was also considered that the professional psychiatrists could not agree on whether he intended to kill:

“Well because of the diminished responsibility plea we had three psychiatrists examine him, the first believed he knew exactly what he was doing and that this was definitely a case of murder, the second one was sort of 50/50 he said that although he knew what he was doing, at the time he couldn’t control his urges, the third one said that his sexual urges had laid dormant for a long time and because he wasn’t on any medication to control them, it was out of his hands so it was diminished responsibility”.

Q. “So the psychiatrists went with a sexual urge theory?”

A. “Yes he had had medication from Broadmoor to control it, urges to have sex with children. He hadn’t ever had a relationship with women, not ever” (Int 3).

There seems little agreement on the part of any respondent as to whether Kemp intended to kill Camilla, his sexual urges clouding the issues. The sexual aspects again, appear to take precedence over the violent aspects:

“The thing is he knew when he was a danger and this time he wanted the urges, he was not mentally impaired at the time, he wanted the urges this time, he had a system after Broadmoor where he could speak to someone and get help as soon as he felt the urges. He didn’t do that. He knew he was a danger” (Int 3).

The belief by police officers that Kemp or Maninder Pal Singh Kohli (suspected of the murder of Hannah Foster) didn’t intend to kill, indicates that the police believe the motivation for these assaults was purely sexual in the conventional sense. The offenders had sexual urges that did not include gratification from an act of murder or extreme violence but more from looking, touching or sexual intercourse. The death of the victim was a result of the rape or sexual assault. It is not thought that the death of the victim was inevitable as a result of the violent pre-disposition of the offender, more that they would be prepared to kill where no other action would prevent their identification. This leads to the assumption that the respondents believe that the offender loses his rationality temporarily when under the influence of his sexual urges, but kills, when his rationality returns, perhaps after the sexual urge is satiated.

Research by Lees (1997) concluded that men are perceived as rational whilst women are perceived as emotional, and that a belief that men can lose their rationality temporarily often leads to murder charges being reduced to manslaughter. Kemp was apparently mentally ill (police respondent) and had previously been treated at Broadmoor, Kohli was not and had lived and worked in the community supporting a wife and children. Both men were perceived to have killed out of panic after satiating a sexual urge. In this context the murders were separate from the sex, a different but related act with rational motivations. The officer's perception is that the offences are purely driven by sex, the sex the motivation, the murder the conclusion. The assumption is that a 'real' rapist would cover his tracks by any means and this assumption may have significant repercussions when assessing possible rapists.

It appeared from these interviews that police officers are, as Foucault would suggest, caught up in the discourse. Murders were perceived as sexually motivated and 'real rapes' as life threatening or at the very least involving aggravating violence. The stranger-stranger relationship between victim and offender and constructed by the dominant discourse did appear to give status to offences of rape and/or murder as real acts of violence, with domestic offences having less standing. The importance that the co-existence of sex and death related aspects were given indicates that the dominant discourse, for these officers provides the meaning for a lot of violence against women.

The Murder of Hannah Foster: A Police Perspective Case Study

This is an account of a sexual murder from the perspective of the police and focuses on the sharing of discourses with the news media in the early stages of the investigation and the investment the police have in the knowledge produced in the dominant discourse of sexual murder. The structure of this section examines how and

what information is disseminated between the two institutions and what aspects of the crime are seen to make meaning for the case construction and news consumers. The relationship between the police and the press is an example of the discourse in practice and connects with the previous chapters in exploring discursive regimes and practices around sexual murder and violence against women. This section is presented as a chronology of events to enable exploring how and when the discourse of sexual murder is practiced by police officers in investigating the crime and the importance of the common themes, noted in Chapter Four, to the investigation.

When Hannah was reported missing by her parents on Sunday March 16th 2003, it could have been a standard missing person enquiry with every expectation that the teenager would turn up safe and well having thoughtlessly stayed with a friend without informing her worried parents. However, having investigated the background of the missing girl the police decided that this enquiry warranted special attention as Hannah's disappearance was out of character:

“We have to assess how much at risk she is and balance the stereotype with accounts from friends, with this it was clearly out of character. Concerns were raised after the background checks. The most likely scenario was that she had been abducted and raped, there is no other potential motive. If it was a Michael Stone²³ type, her body would have been at the scene of the last sighting” (Int 1).

The stereotype referred to by this officer would appear to be a stereotype of the type of a girl who might be expected to stay away from home, either because she had a history of such behaviour, or because she was sexually active – “she could have been a seventeen year old out shagging” - as one officer put it. The officer speaking of stereotypes states that there is *no other potential motive* than abduction and rape, and

²³ Michael Stone was convicted of the murder of Lin Russell and her six yr old daughter, Megan who were killed on 9th July 1996 in Kent. There was no indication of sexual assault.

whilst in this case the police were correct, the immediate assumption, based only on a brief history of the girl which is based on general stereotypes, indicated the power and complete acceptance, of the knowledge we have of violence against women provided by the discourse of sexual murder. By this I mean that a sexually motivated murder is immediately assumed as this is represented as the 'spectre' threatening all women, and possibly, teenage girls in particular.

What makes a motive sexual is not fully understood by everyone, as noted there is no single useable definition. The offence of rape may be an immediate point of reference for a sexual motivation in a murder and links the two offences.

Q "If there was a murder of a female like that of Margaret Muller in a park with no obvious sexual motivation, do you consider the act of killing a kind of sexual motivation?"

A. "We don't really understand the things that may make something like that sexual...they surmise it was sexual but it's not necessarily the case, it's sexual because of an historical link. I can't think of any murders that are not sexual" (Int 1).

Despite the lack of a clear definition of what makes a sexual motivation, murders of women, especially by strangers seem to be immediately considered by the police as sexual in a very conventional sense. The last respondent stated above that the 'sexual' motivation' is surmised by the police because of an historical link, not because there was any evidence at the scene for making such an assumption and here is the discourse of sexual murder in practice.

On the day that Hannah was reported missing the police received crucial information that confirmed their fears that they were dealing with an abduction. A '999' call from Hannah's mobile phone had been received, Hannah had not spoken directly to the

operator but an automatic system had recorded what was believed to be a silent/malicious call for some two minutes before cutting off. The contents of that recording were subsequently recovered and made it clear that Hannah had been abducted and was threatened with rape:

“She (Hannah) said in the phone call, he said he wants to rape her and she is saying ‘just take me home’ and then she said she was going to call the police as soon as she got home. It’s all on the tape, she rang 999 and her phone was on in her handbag but you can’t trace it and if there’s no talking it’s treated as malicious and the thing cuts off after about 20 seconds. She was saying ‘I only live here take me home to my Mum’ (Int 4).

For operational reasons the police did not wish to release any information about the phone call. If the information of the phone call had been released the police would probably have received much more interest from the press but it would have been impossible to then, suppress that information. At this time it was suspected but not known, whether Hannah’s life was in danger.

In contradiction to the kind of press interest witnessed at Soham, which was subject of an investigation by the Attorney General, Lord Goldsmith (*Guardian* 17th Dec 2003), if the ‘event’ being sold is not of sufficient interest, press attention can be difficult to attract. The editors and publishers have enormous power over defining what is newsworthy and what is not (Greer 2003). At this stage of the Hannah Foster case, it was just a missing girl enquiry as far as the press were concerned:

“We weren’t getting too many calls and the media weren’t really interested, at this stage usually they just wouldn’t be involved... Also you know it was a Sunday evening, it is really difficult to sell stories on a Sunday, they all buy news in on a Sunday, Meridian and BBC News South is all magaziney at the weekend. No nationals would be interested at that stage” (Int 5).

“We had our media strategy and statement prepared. We were very cagey though, no info about the phone call we could have blown our hand- we had to believe she was still alive. We had to be careful with what we could release and could not release” (Int 5).

Feist (1999) conducted research into the effective use of media by the police in serious crime investigations and found that the age and background of the victim and the location of the offence were important in determining the amount of media attention given to the crime. In cases where media attention is difficult to sustain there are clearly different challenges for the officers dealing with the crime. Feist also noted that decisions about whether or not to disclose information were seen to be crucial, especially the timing of information release to enable management of the situation and to allow the police to take the lead.

It was possible that if Hannah was alive and being held, that information about the phone call could have put her life in danger. This was at least part of the police perspective. The police could not know, but Hannah was already dead by the time they received this crucial information. They went ahead with the press conference despite the lack of interest:

“We had a press conference set up for 2.30 at Hulse Road. There were about 6 press reps there, if that, hardly anyone, just as we were preparing there was a telephone call, they had found a body. The conference was postponed. Within half an hour it was confirmed it was Hannah’s body. Things started to escalate with the media the next morning. There was a conference at Allington Lane (location where body was found) this side of the cordon, all the local media were there and the nationals and the TV news” (Int 5).

“With Hannah they (the press) wanted the press conference at the scene (where the body was found), it manages the press snooping at the scene. They love pictures of uniformed PC’s. We will do that to give them the footage” (Int 1).

This comment indicates that there has already been compromise, with the press at least partially dictating their access, but the police allowing some access in their own interests. This interplay has little strategic significance for the police at this time. The police see themselves as providing what the press want; pictures of uniforms, blue

tape around a crime scene and officers giving information about the crime thus, allowing access to their world.

Once the police confirmed they were conducting a murder enquiry of a young girl, possibly by a stranger, press interest escalated dramatically, the circumstances fulfilling the definition of 'sexual murder'. A sexual murder is a high profile newsworthy event (Greer 2003), especially one that is constructed by the dominant discourse, and attracted the full complement of media both local and national (police respondent). The police appointed a senior officer immediately to manage the press interest and deflect attention from the Senior Investigating Officer (SIO) and this has now been implemented by this police service as best practice (police respondent). The press attention in a high profile case seems from the interviews to be overwhelming and needs specific dedicated police resources. The officers spoke of managing the press as a priority with a media strategy formulated at the outset. Police accountability is very high profile²⁴ and they are accountable to a great many agencies, the press can have powerful influence over the perceptions of police competence and this is significant reason to create a working relationship with them. The appointment of dedicated press liaison resources is testament to their power and influence. There is a need also, to manage the perceptions created and this is seen as a political task. Apart from police 'detective' skills, new skills of information management are necessary and these are provided by the higher ranking officers:

“We deal with all murders in (force area) and as far as (a Supt's) role is concerned its 'What is the potential damage to the organisation? It is about damage limitation as with the murder of the Afghan, it was potentially damaging to the organisation because of the amount of publicity. You need a Superintendent to deal with the political ramifications” (Int 2).

²⁴ For example see Bichard Enquiry www.bichardinquiry.org.uk/ arising out of the Soham investigation and Macpherson Report as noted earlier.

The press involvement is managed from operational and political positions. The ramifications of the Macpherson Report²⁵ (1999) still fresh in the minds of the organisation, as well as the murders that occurred in Soham and the overwhelming press and media presence experienced there:

“You can manage the press but you can’t control them...we have to drip feed them information. The press will print information anyway and their story could become destructive so we use them as a strategy to identify key lines of enquiry. We have media management for critical incidents. Soham were led by the media and lessons were learned” (Int 1).

The management of the press is seen from two very different perspectives in the last two statements, an operational and a political perspective. The first shows how the senior officers are concerned with ‘damage limitation’ of the police image, and the second officer is concerned with identifying means by which the investigation can be progressed using the press interest. A third impact of press attention is in the personal reactions of the officers:

“They literally trailed me down the road, following me, badgering me. We closed the press office at night though, because there’s nothing in it for us except to serve the media. It could have been resourced better, I must have done 50 press releases you know, it’s quid pro quo, we want goodwill with the media and by feeding them we ensure their goodwill next time” (Int 5).

The press conference held at Allington Lane was attended by the nation’s media and this was at the very earliest stages of the investigation. The police prepared their statement being very careful to only impart information that would appease the press and not compromise the operational agenda. By this time both the police and the press were openly ‘in’ the discourse of sexual murder, its practice clearly visible:

“I was taken aback at the amount of media there, there were 50 or more journalists. Of course what you can’t do at that time is ‘no questions’ you have to go armed with an agreement of what to release and a number of bog standard replies, we put in appeals and warnings whilst playing down fears and giving reassurance, and of course an undertaking to the family that we

²⁵ The Macpherson Report inquired into police handling of the racist murder of Stephen Lawrence on 22nd April 1993 and began in 1997.

will do everything to apprehend the killer. They will ask everything from 'how are the family coping?' to 'was she promiscuous?'" (Int 1).

Feist (1999) found that although police could dictate what information was released and when, they had no control over the way the press portrayed that information, this was considered important by SIO's who felt that the way victims and communities were portrayed could affect the investigation and the willingness of witnesses to come forward.

At this stage the police felt that they should pre-empt the questions that would be put to them by the press so that what was released would be carefully managed. The immersion in the discourse of sexual murder of both the police and the press meant that the police already knew what questions would be asked and what the framing would be, there being a shared discursive regime. In a political sense information is managed to create the right perception or even to reproduce dominant perceptions that are positive for those managing the information but information that is managed by the police has a relationship to knowledge. The press are seeking information that will underpin the 'knowledge' they already have about events, and the police are giving information that they construct as 'knowledge'. De Lint states that:

'Indeed the police enjoy a pivotal position as gatekeepers of the criminal justice process: they provide information to the courts and other institutions...knowledge is actionable information that has undergone validity checking' (2003:385).

The officers knew that the press were seeking certain information and this was related to the sexual aspects of the crime and the victims life. The officers remarked that this was irrelevant and distasteful and there was an apparent resistance on their part to give this information:

“They wanted details on how the body was found and by whom and personal details about the victim...they ask the same question 10 or 15 different ways to get the answer though. The rep from the (force area) Chronicle was the worst, really salacious, wanted all the details of her sexual behaviour” (Int 5).

“They ask ‘was there a sexual motivation or a rape, was there an affair or any sexual motive?’ ...they kept shouting out ‘was she promiscuous?’ and ‘should she have been there, should she have known better?’ ...and anything at all to do with sex” (Int 1).

Q. “What type of information do you release when the murder of a female occurs?”

A. “They want details of a sexual nature mainly, they always want a photo and some background”

Q. “Do they ask for specific information?”

A. “Yes, ‘Was it a sex crime?’” (Int 2).

These quotes indemnify much academic criticism of the nature of press reporting of the murder of females (Carter and Weaver 2003). The journalists were pro-actively seeking information of a sexual nature, not only with reference to the offence, but with reference to the sexual reputation of the victim, an aspect of our culture so vividly highlighted in the work of Sue Lees (1997). The police were, according to this officer, deliberately deflecting this type of question but the journalists continued asking the same questions in a number of different ways determined to get the response for their own agenda which would appear to be less reporting the salient facts, than framing their reports to fit the existing dominant discourse. This murder actually fitted the criteria of a sexual murder but the information sought reflects that the press were seeking to explain what had happened by scrutinising Hannah’s sexual behaviour. Even at this stage Hannah was being assessed for her potential culpability in her own murder. Even though the police actively did not get drawn into these areas, the importance of sexual reputation was not absent in the police approach to the victim, neither was the importance of Hannah’s beauty:

“It’s rare to hear but she was without a secret history. She was very normal, gifted and bright. Because she was so nice you wouldn’t want to release that anyway. I mean she really was exceptional, she was clever and beautiful it was such a waste” (Int 5).

“She was very beautiful you know, a very beautiful girl. She was not promiscuous at all what you could call the perfect daughter” (Int 4).

“When they did the Crimewatch reconstruction the girl they got to be Hannah wasn’t good looking at all, I would have been really upset about that if I had known her, she was a lovely looking girl, it was a shame”(Int 1).

“If she hadn’t been so pretty she would probably be alive today” (Int 5).

These comments show an approach to female and male sexuality in patriarchal terms. Firstly, a belief that Hannah may have been selected for her beauty rather than her availability which places sexual lust at the centre of the motivation for abducting her. And secondly, the importance of her sexual behaviour prior to this incident in assessing her worth. Brownmiller notes that Albert De Salvo, the Boston Strangler stated to police ‘Attractiveness has nothing to do with it, she was a woman’ (1974:204).

The discourse of sexual murder is very much in evidence here and there is a focus by the police on sexual motivations and the sexual reputation and desirability of the victim. Bufkin and Eschholtz (2000) note that the contention that rape victims are stereotypically cast as virgins or whores persists (Benedict 1992) and details of a victim’s sexual history will aid categorising her using this binary division. They cite two dominant ‘rape scenarios’ (2000:1323), firstly a crazed attacker and an innocent victim who doesn’t adequately protect herself and or she is a whore who gets what she deserves so it’s not really a rape.

Part of the media strategy was to prioritise local news services and keep the local news high profile. The police knew the offender was a local man and if they were going to get help with the enquiry that help would probably come from a local person. This in itself was problematic. All the journalists were looking for exclusives and if they could not get the information they needed or wanted from the police, could seek it from alternative sources. The police felt also that alienating certain factions of the press would be detrimental to the overall investigation with information from alternative sources and bad feeling feeding a negative perception of the police efforts.

“The (Southampton) Echo revealed stuff we didn’t want released there was a police leak (of information to the Echo). There was an inquiry, the information could only have come from a police source. All the reporters have their sources, the big papers they have very powerful and influential sources. A lot of the time the press already have the story they just contact us to confirm facts and get more information. It’s as much about what I do say as what I don’t. They don’t like getting no for an answer” (Int 5).

An officer told me how one media source obtained information about the telephone call and that it was crucial that this information was not revealed as Hannah’s assailant would have been unaware that the police had this information and a recording of his voice. The team had to negotiate with that source to suppress the information:

“We need the ability to bargain and persuade. (BBC) Radio 5 found out about the phone call- we didn’t want it out- we promised them we wouldn’t give the info to anyone else, we promised that when the time came we would give it to them first, in that way we managed to sit on it for a couple of days” (Int 5).

This of course compromised the exclusivity promised to the local press and was potentially damaging to the ongoing police need for positive relations with the local media. The release of this new information though stalled for a short time, was promised to Radio 5 and not the local reporters whose goodwill was so crucial.

Another important point is that Radio 5 already had the information about the phone call, they did not need to be given the information by the police. The officer states that they promised to *give* the information to the source first. It must be considered that in 'giving' the information to Radio 5 (who already had it anyway) that the police would be cited as the source, this would be beneficial to both organisations. The police appearing to have maintained control of the investigation and the media able to legitimate their information. In this context the suppression of the information and the 'giving back' of that information to the press was critical for the police and their public image and not necessarily only for operational reasons cited.

The phone call was potentially an explosive piece of information for the press, for it confirmed the sexual nature of the offence. This was an aspect that the police had deliberately decided to downplay in the early stages. The police had confirmation that this was a sexual crime, the press assumed it, but in drip feeding the press to keep the story current, this information needed to be 'handled'. The press were told that there was 'no evidence to suggest that Hannah had been raped'. This information was potentially more attention grabbing than Hannah's death:

"The rape was found straight away but it wasn't mentioned because of strategy that was down to (SIO) he didn't want it mentioned" (Int 4).

"There was no 'physical' evidence, had we found semen? Had she been sexually assaulted? We found a way round those questions, we didn't want them to know she'd been raped...they suspected sexual motivation from the outset, it usually is the reason, very rarely is the victim not sexually assaulted" (Int 5).

This was not an issue that the press were willing to leave, despite the police clearly stating there was no evidence. Hannah's body was also found fully clothed and this was of interest to the press:

“State of dress is very important, it is unusual for the victim to be dressed in the kind of case of Hannah. The classic victim has her upper clothing pulled up and legs asplay. A high proportion of rape/murders the victim is killed during the assault, Hannah was raped and allowed to dress afterwards” (Int 1).

Despite the apparent lack of evidence or information from the police to support a sexual assault as having been central to this murder, the press included the negative information. In nearly every report in every publication there was the information that Hannah’s body was fully clothed when found and that the police had no evidence of sexual assault. However comments from the police reported in the press stated that they were interviewing sex offenders in the area. Even though the sexual assault was denied, the press reports made it clear that sexual assault was at the top of their speculations as to motivation. The police did not appear to be denying sexual assault, rather leaving it open for speculation. They did not state that there was no sexual assault, just that there was no evidence.

Q “Was the fact that Hannah was sexually assaulted deliberately kept from the press?”

A. “No. I used the words ‘there is no evidence to suggest a sexual assault’”
(Silence for some time)

Q. “It was said by the BBC that there was no reason to suspect a sexual motive was this suppressed information?”

A. “It was not strategic. We were hoping it was rape, we were hoping she had been raped so there would be some DNA. There was no DNA in the Petersen (Camilla Petersen) murder it makes it much more difficult” (Int 2).

However the police did also state that that they would be contacting known sex offenders in the area clearly again locating Hannah’s murder with the discursive formation of sexual murder. The police knew and speculated the sexual aspects to this case and just because these thoughts were not revealed explicitly to the press does not mean the police were any less focussed on the sexual aspects. The police were exemplifying the discourse in practice, their media strategy and the type and timing of

information used to drip feed the press was not ‘accident’, this was an ‘event’ where everyone ‘knew’ what had happened, why it happened, how to report it, how to keep it current, how to investigate it, what suspects to look at and what needed to be known about the victim.

The sexual assault aspects in a case like this are particularly traumatic for close relatives. Sexual and salacious details published in the press serve little purpose other than to sensationalise the crime and reproduce the discourse, and of course in the middle of all this activity were Hannah’s family. Police know that the press desire for footage of grieving relatives is tremendous. The trauma and devastation felt by relatives at this time makes them very vulnerable and family liaison officers are placed to aid the family through the difficult early days of the investigation. These officers do not always end contact with the family even after investigations have ended and provide a continuum of support that can last sometimes, for years after the events:

“The family wanted no media contact at all so my advice was to do the conference and keep them at bay... it’s a sick game really, the coverage of a murder for the press” (Int 5).

“The press definitely have an agenda they want an in with the family, they will try and trick them into saying something, the nitty gritty, it adds spice to the story” (Int 4).

“When you are an FLO (Family Liaison Officer) you can’t be given information that could be passed on to the family, there is specific information they can’t have” (Int 4).

“...because the releases were structured we kept them (press) away from the door. Some did use aggressive tactics they say stuff like ‘if you don’t tell us we’ll have to speculate’ it’s a veiled threat but they are the minority” (Int 1).

This indicates another political structuring of the information available to certain people, the family are excluded and the Family Liaison Officers, just in case sensitive

information is leaked out of the investigation team's control. There are obviously crucial operational, evidential and sometimes legal reasons for this. The releasing of some information into the wrong hands could prejudice the outcome of a criminal prosecution or cause the offender to abscond before capture. The type of information that can usually be gleaned from friends and relatives however will be of a personal nature about the victim and this shows again the importance of female reputation. Unguarded comments from friends and relatives who are less experienced in the ways of the press have the potential to be far more titillating and salacious than structured information from police sources. The police will deliberately hold back sexual detail and acknowledge that the sexual detail inevitably printed in news reports aggravates the grief of the relatives:

“We choose the information we give and what detail to go into, it was very difficult with Hannah and we deliberately held the sexual element back”(Int 1).

“Most parents want all the details, one or two fathers don't want to know. (murder victim not Hannah) mum wanted to know everything, she wanted to see the coroners report, she wanted to view the body at the scene, she just needed the information but we can't give information that could prejudice the trial” (Int 1).

“A sexual motivation definitely aggravates the grief, parents are distraught ...it is the fear before death, the fear the victim would have had and the way she might have thought ‘where is my mum, why isn't she here?’” (Int 1).

“Rape is a terrifying experience and it means a whole extra assault and the fear prior to death” (Int 2)

“It's strange but (victim name, not Hannah) Mum almost had a kind of relief that she hadn't been raped, even though she was still murdered. She was glad that she hadn't been raped”(Int 3).

It is acknowledged by the officers that the experience of being raped for the victim would be terrifying and this is linked to the potential death of the victim. Even grieving relatives can obtain some small amount of solace from knowing that a rape

did not occur before death. It appears that it is rape specifically that causes great distress. One officer stated that the term 'sexual assault' was used to avoid stating that a rape had occurred.

It was decided to make an appeal on the BBC *Crimewatch* programme to speed up the process of identifying the offender. Police procedures had already identified a number of individuals who could be suspect, but this process of elimination was time consuming. The *Crimewatch* appeal raised issues for the police, again of what information to release to the press and problems of exclusivity:

“The *Crimewatch* programme put the police under tremendous pressure to provide something new like DNA evidence. It was really hard for (name), he did it and they used every trick to get him to give them something extra. But he was really strong he didn't. First of all they sent over the girl presenter to flirt with him and try to get him to give something over, when that didn't work they sent Nick Ross over as the hard man, to get something, saying that it would produce better results etc. The trouble was if we had given an exclusive to *Crimewatch* that would have put the local press nose out of joint and they may have been less manageable. It is a very political process with the press” (Int 1).

It was as a result of the *Crimewatch* programme that the offender was identified. There was clearly some irritation at this by certain officers and a feeling that *Crimewatch* had beat them to it:

“We would have got there, we already had identified a number of suspects the media just speeded up the process, they only beat us by a couple of days. We would have had him without their involvement” (Int 2).

There is clearly some professional pride at stake. Comment is often made in academic work of the differing agendas of the police and the press but Leishman and Mason (2003) note that there are also many parallels. In some cases the roles of the police and the press may converge in that both seek to 'solve' the crime. Reiner (1997) and Innes (2002) speak of press/police collusion for their mutual benefit but in this

instance there appears to be an insecurity in the police investigating team, or more crucially in certain individual officers that the press might 'beat them to it'. This competitive nature in investigating teams has been highlighted in the cases of Peter Sutcliffe and Jack the Ripper, but has been seen to occur between forces or police investigating teams and not between the police and the press (Ward Jouve 1988).

There was some level of resentment from the police that the *Crimewatch* programme identified the offender and it was stressed that they (the police) were only a couple of days behind the programme in identifying Maninder Pal Singh Kohli as the prime suspect. It was unfortunate for them in this case, that Kohli was not only identified, but located and arrested as a result of media and family 'interference'. There is much at stake for the police in a high profile investigation of this nature, it is not only their image that needs protecting but their methods, knowledge and process structures. If the press appear to be ahead of the police this would threaten both procedures and knowledge.

Kohli had left the country and disappeared to his native India leaving behind his wife and children by the time he was identified. The police were not hopeful of locating him in such a vast country. This created further problematic issues for the investigating team. Hannah's parents had decided to travel to India and appeal directly to the Indian people for information about the murder of their daughter:

“ (We) didn't want them to go to India, for a start (officer) was worried about exclusivity with the press you can't do that. (officer) couldn't have them going out there on their own talking to the Indian press so we had to go with them. ...(officer) was worried about the damage that could be done with the visit, but we were stuck in the middle between the Fosters and the press” (Int 4).

The visit although difficult, produced the result the Foster's desired. The man suspected of killing their daughter was located in India near the border with Nepal. He had married a Nepalese woman and it was thought he was about to cross the border. He was taken into custody by the Indian police and at the time of writing extradition proceedings are being followed. There are still a myriad of problems to be faced by the investigating team, the offender has appeared in the Indian press, on the television, confessing to the crime and admitting to the rape. There may be evidential and political ramifications because of this:

“He coughed to it in India, to them. He said he meant to rape and not to kill, he raped her twice. He said to her that she mustn't tell anyone, but she said she was going straight home to tell her parents, then he strangled her. He showed no remorse, within 24 hrs he left the country and started a new life” (Int 3).

“With Hannah the suspect has been on TV admitting it, he was probably an opportunist he was someone who had the potential to abduct and rape and having taken the first step, well the rest is history” (Int 1).

Conclusions

It appeared from the police interviews conducted that it is not only the media that use the discourse of sexual murder when assessing violence towards women. Even though the murders of Camilla Petersen and Hannah Foster could be defined as sexual murder, the discourse itself limited professional responses to the crimes.

Police 'knowledge' of sexual murder could be argued to be produced in an atmosphere of what could be described as institutional sexism, which may limit its status as 'knowledge'. Individual police officers 'knowledge' of these crimes is partially at least, borne of a police culture of reverence for 'experience' in the field. The police approach to a gendered stranger homicide works from a standard assumption of *presence* of sexual assault or motivation rather than this being a *possible* motivation, and it could be argued that this distracts the investigation. Kohli

was not apprehended via knowledge that this was a sexually motivated offence, he was arrested and identified *despite* this knowledge and not because of it. The same was so in the case of Antoni Imiela and Peter Sutcliffe. Kohli, Imiela, Sutcliffe and Kemp were not on the sex offenders register or known to be sex offenders by any other means (except Kemp who had previous convictions but was not registered as a sex offender). Searching for known sex offenders on the basis of presence or speculation of, a sexual assault does not always appear to be helpful. Research by Soothill *et al* (2002) examined what criminal histories can tell about future serious offending and in particular looked at serious sexual assault (of adult women) and homicide. The research established that 36% of serious sexual offenders have no previous convictions and of those who do have previous convictions, only 7% had a conviction for a sexual offence. The only offence found to significantly increase the risk of murdering a female stranger was 'robbery' or 'assault with intent to rob'. It appears from this research that convictions for violent offences were more significant in predicting future serious offending (serious sexual assault and murder) than convictions for sexual assault.

However, in investigations for serious sexual assault and stranger murders of females in my sample, the sex takes precedence over the violence and it appears that a certain type of sexual offender is focused on. If the sex offenders register was to be used to identify those individuals who pose a risk to adult women or to search for suspects this would take resources away from other aspects of the investigation. Whether the sex offenders register is useful in this context is a matter for debate. Soothill *et al* (2002) recommend that the amount of 'trigger' offences for inclusion on the register should be broadened to include more minor criminal acts. However even if this were

implemented the sex offenders register may still be a poor tool for identifying possible suspects. The criticisms levelled at the police after the crimes in Soham are testament to the problems inherent in the criminal justice system. Ian Huntley was not on the sex offenders register and not because he had never been suspected of committing sexual offences. No convictions were ever secured, and this says much about the system. If the previous allegations against Huntley had resulted in successful prosecutions he would not have been able to secure a job working with children, but that is not to say he would never have murdered anyone. It is so very difficult to achieve convictions in the criminal justice system for sexual offences against women, that the sex offenders register is not representative of the individuals in society who are potentially sexually dangerous.

Kohli, Imiela, Sutcliffe, Shaun Beech, the offender in the spousal drug rape case discussed earlier in Chapter Four and Thomas Shanks, the offender in the murder of Vicky Fletcher discussed earlier also in Chapter Four, were not known sex offenders. There was shock and disbelief from their family, friends and colleagues when they were arrested and even though this sample is very small it may still indicate that the sexual aspects in these cases were distracting. In all these cases the sexual aspects were less important from an investigative and 'meaning making' perspective than was speculated; the concentration on sexual aspects creating a skewed perception of the offences and the offenders.

The police know what the press want, what type of information or detail they seek to sell the newspapers and will provide this information in the name of good relations and with apparent bad grace. However in releasing this type of sexual detail, either

negatively or positively the press are not only kept at bay, but the public can feel assured that this is a crime they are familiar with. Targeting sex offenders and awaiting results of post mortems to ascertain whether or not sexual assault has occurred may give the police valuable time and deflect attention from what is going on behind the scenes. This type of information was strategically used to 'drip feed' the press in the case of Hannah Foster, apparently to keep them interested and keep the investigation high profile, but it also gives the police a forum and procedure for releasing what is in fact irrelevant information. It will not aid the press in identifying the offender and makes it appear that the police are dealing with a known quantity, a sexual murder. Release of this type of information confirms that the police are dealing with a certain type of offender and offence and keeps speculation within the scope of the dominant discourse, a discourse which sells newspapers and can construct plausible cases for prosecution.

The dominance of the discourse in police psyche and practice, and its use in rationalising offences against women appears widespread. Officers appeared to assume a natural co-existence of sex and death related aspects when assessing violence against women, and it is also evident there is a perception that 'real rapes' are potential murders and murders, sexually motivated at some level. This is similar to the findings in Chapter Four of news reporting. Also it appeared that police and press relations in Hannah's murder investigation were dominated by the discourse of sexual murder.

Many of the important themes in this strand are common to important themes noted in strands one and two and indicate a shared or common epistemological foundation for

the knowledge they reflect. A conflation of rape and murder is not only facilitated in analogising violent acts as 'rapes', it is also furthered by assuming that rape and murder are logically and powerfully united, that there is always a sexual reason for gendered violence.

In Chapter six which follows, all the data are drawn together to consider the inter-relationship of the strands and the effects that a conflation of rape and murder may produce.

Chapter Six: Discussion

The Dominance of the Discourse

The preceding chapters have examined discourses related to rape and sexual murder across some institutional sites of media and law enforcement. A dominant discourse of sexual murder was identified and examined in the context that it conflates the crimes of rape and murder. Such is the dominance of this discourse that it could be argued to be absolute, there being no counter discourses or alternatives to the 'knowledge' produced within it, evident. Part of the reason for this could be that many related and unrelated discourses share the same 'episteme'; a common framework of 'truths' and 'facts'. Foucault suggests that within any period there are 'ways of thinking', a sharing of 'certain presumptions about the nature of the world' (Mills 2003:63). This, according to Mills, is not a kind of 'world-view' or 'spirit of an age' but more a set of discursive relations that 'condition how people think, know and write' (2003:63). Mills cites Eribon's description of an 'episteme':

'every period is characterised by an underground configuration that delineates its culture, a grid of knowledge making possible every scientific discourse, every production of statements...' (1991:158).

The notions of gender that inform us about male on female violence, are evident in many other discourses that are the product of many different authoritative disciplines including science, religion, law, history and medicine. It is not that the discourse of sexual murder alone, reproduces this 'knowledge', but its reproduction by so many disciplines and discourses is testament to its status as a kind of 'episteme'.

From the outset of this research process it has become clear that ideas of gender significantly influence how assaults against women are rationalised and perceived by

the media and police. Simon Blackburn (2004), in his essay on lust, makes clear the importance of gender in our lives and this observation encapsulates the broad theme of this thesis:

‘Apart from anything else, what a culture makes of ‘masculinity’ or ‘femininity’ spills into every corner of life. It determines how we grow up. It determines the script we follow, what people become proud about, and therefore by contrast what they are ashamed of or hostile toward. Our anxieties produce fantasies and distortion, aggression and ambition, violence and war’ (2004:11).

The centrality of gender, or more importantly notions of ‘masculinity’ and ‘femininity’ appear to be the governing justification for most, if not all, deductions, conclusions and rationalisations made in relation to much violence against women in our culture. The thesis examined both historical (the genealogies and Jack the Ripper) and modern (news and police) discourses of sexual violence against women and it appears that both use dominant cultural constructions of masculinity and femininity to rationalise and explain male/female relations and antagonisms. In the context of this research, the ‘knowledge’ produced by the discourse of sexual murder about masculinity and femininity and shared with other dominant discourses across many institutional sites, is inextricably linked to sexual relations and sexual dynamics.

The analysis strongly supports the hypothesis that the offences of rape and murder have become conflated within the discourse of sexual murder. There appears to be a close association of the terms and a shared meaning. The power of the discourse in making meaning of violence against women has made the terms ‘rape’ and ‘murder’ virtually interchangeable in many ways. What has become clear during this research

is that rape can be both a legally defined act²⁶ as well as a symbolic act and it is this dual 'status' that is, not only creating a conflation by representing rape as two different things, but also, may be creating many of the problems associated with the prosecution of, and perception of, rape as an offence.

The power of the discourse is in the 'knowledge' it produces, for it not only provides a framework for understanding and making meaning of all violence against women, it also makes meaning of heterosexual dynamics. It is problematic for both genders and the culture that such an extreme example of the tensions seen to exist between males and females should be used to rationalise and make meaning of more mundane events. I use the term 'mundane' in the context of rape being reported to be a commonly occurring offence, and because it is perpetrated by ordinary men against ordinary women. It is not my intention to suggest it is not one of the most brutal human acts. Domestic violence too could be considered 'mundane' for the very same reasons. Focussing on rape as a symbolic concept and using that symbolism to strengthen an argument or position is to abuse the concept, to, as Foucault might argue, do a violence to it. There is a danger that this will take away from victims of rape, a language to rationalise their experience and remove from the culture the ability to recognise sexual violence or gendered violence in all but the most extreme cases.

The discourse of sexual murder is a violence to the concept of rape and I feel it appropriate to repeat at this stage that the initial feminist proposition that rape is violence has been reversed by the 'knowledge' produced in the discourse, instead of

²⁶ The legal definition of rape is from the Sexual Offences Act 2003. I will use the term 'legally defined rape' or 'ordinary rape' to refer to an assault that meets the documented legal criteria for definition as rape, that is penetration of the vagina, anus or mouth by the penis with no consent and no reasonable belief of consent. Full text of the act can be accessed online at www.opsi.gov.uk/ACTS/acts2003/20030042.htm

understanding rape as a form of violence; we have come to understand violence against women as a form of rape.

Key Observations

I would like at this point to make five key observations that have arisen out of the research to clarify this position:

1. Perceptions of rape and sexual murder

The perception of what constitutes a ‘real rape’ appears more closely aligned to perceptions of a ‘sexual murder’ as constructed by the discourse, than a rape assault or an aggravated rape assault.

The most recent research in the area of rape and the criminal justice system has concluded that perceptions of rape are more closely aligned to an aggravated rape assault than that legally defined, and this view is held by criminal justice personnel as well as victims and society more generally (Kelly *et al* 2005). More importantly, what is given as an example of what constitutes a perceived ‘real rape’ by Kelly *et al*, is a scenario that very closely reflects what could be a potential sexual murder. Kelly *et al* state, and this has been noted earlier in this project, that a ‘real rape’ is perceived to occur in a public place and is committed by a stranger using aggravating violence. Arguably this scenario does not only reflect an aggravated rape assault as posited by Kelly *et al*, but more closely reflects what could be perceived as a potential sexual murder. An aggravated rape assault could potentially include gratuitous violence and maybe the use of weapons, but does not necessarily occur in a public place and is not necessarily committed by a stranger. These components could *all* be described as ‘aggravating’ by themselves, but when all taken together the proximity to a sexual murder as constructed by the dominant discourse cannot be ignored. The point of this

observation is to highlight how a situation, that is clearly one that would put the victim in fear for her life, is still called a rape, albeit aggravated. There is no language to call it anything else, the rape is perceived as the most visible and heinous part of the offence. The threat to the life of the victim may be realised, but as I have argued in this thesis, a threat to the life of the victim may be seen as a constituent part of the offence of rape, so is not given any separate consideration.

Certainly it appeared that when rapes are reported in the press, death related aspects are significantly present, either speculated, implied or included as part of the narrative. In the study of the news reporting of the crimes of Antoni Imiela in Chapter Four, the reports significantly contained reference to the victim's own fear for her life, the use of weapons and/or serious physical violence, the examination of the spousal rape reports gave the same findings. This may not reflect the experiences of most rape victims, but these are the assaults that are considered newsworthy. It also does not appear that physical injury is enough when representing rape, the injury must be potentially life threatening, for example it was commented in the police interviews in Chapter Five, that bruising could be the result of consensual aggressive sex and prosecutions have failed because of this contention. Similar notions of rape were evident in other police interviews, with officers considering that a 'real rape' involved a fear for life in the victim or actions that could constitute a potential threat to the life of the victim, whether perceived or actual. A 'real rape' victim is almost seen as escaping a potentially fatal assault.

A rape, as legally defined, is not necessarily perceived by society, male or female, as a particularly serious assault. As the Judge in chapter five noted, juries are asking

themselves ‘what’s the harm?’ This would be contrary to the ‘real rape’ perception noted by Kelly *et al* which is considered serious. It could be argued that the offence of rape, as legally defined, does not enjoy *Malum in Se* status, it appears more a *Malum Prohibitum* offence. For an act to be considered *Malum in Se*, it must be perceived as inherently immoral or evil, whether or not this is prescribed by law, whereas a *Malum Prohibitum* act is prescribed ‘illegal’ status. It is immoral because it is illegal and not illegal because it is considered immoral. Durkheim said:

‘We must not say that an action shocks the *conscience collective* because it is criminal, but rather that it is criminal because it shocks the *conscience collective*. We do not condemn it because it is a crime, rather it is a crime because we condemn it’ (cited in Giddens 1972)

It is possible that the legally defined act of rape does not fit with the collective perception of what rape should be, and because of this there is little support, culturally, for prosecution of an ‘ordinary’ rape. Rape, with no aggravating violence and committed by an acquaintance, friend, relative or intimate may be seen as an act of sex, with no more real repercussions than a ‘bad’ consensual sexual act. Roiphe stated ‘Everyone agrees that rape is a terrible thing, but we don’t agree on what rape is. There is a gray area in which someone’s rape may be another person’s bad night’ (1994:54). Roiphe is referring to the differing subjective assessments made of personal experiences by individual women, however when this distinction between what is a ‘bad sexual experience’ and what is ‘rape’ is being made by a jury, there are wider reaching problems. The consultation document *Convicting Rapists and Protecting Victims – Justice for Victims of Rape*²⁷ has acknowledged that visible psychiatric trauma and a visible stereotypical victim reaction to rape are crucial in

²⁷ Consultation paper can be accessed in full online at www.cjsonline.gov.uk/downloads/application/pdf/Rape_consultation.pdf

securing convictions. This trauma and any injuries must be visible and verifiable for police, juries and other criminal justice personnel. For this reason there are reforms suggested that would see videos of victim's first interviews with police shown in court, as well as expert testimony on the differing reactions of individual victims to rape. This may be so that a jury can use the evidence of psychiatric trauma to differentiate between 'bad sex' and 'rape', and what one police respondent in Chapter Five described as 'questionable allegations' and 'genuine rapes'. This approach leaves open the possibility that a rape assault can only be a real 'rape' if the victim has an extremely adverse and negative *visible* response to the experience.

It may appear that as a culture we are offended by rape, there are severe penalties, a strong negative response to offenders and support services for victims; it appears that there is a very strong *conscience collective*. However the strongest support appears to be for the type of rape that is constructed in the dominant discourse of sexual murder. If it is not, support is far more patchy. An Amnesty International (2005) poll published on 21st November 2005 showed that at least 25% of people think that women are partly to blame if they are raped, if they had been drinking or dressed provocatively (BBC News 21st Nov 2005). It is this kind of approach to rape that reveals how uncertain the *conscience collective* is. It appears that a rape that can be equated with a potential sexual murder as constructed in the dominant discourse enjoys much higher status than one that does not. Our belief that there is a strong cultural revulsion for this offence is built upon the revulsion felt for only certain types of rape and therefore may be a deceptive belief. The public, criminal justice personnel and jurors appear to have an extremely ambivalent response to a legally defined rape (Kelly *et al* 2005). In this sense the proximity of rape and murder as offences is

extremely pertinent. In my research the police respondents equated rape with fear for life or extreme physical violence and the news reports significantly linked sexual assaults and death. What emerged from the analysis of Jack the Ripper in film was that rape assaults, sex and death were more than merely co-existing in the discourse, their co-existence was dictated as crucial.

2. Sexualising of Murder

Murders of women are routinely gendered and sexualised by the police and the media.

When a woman reports being raped it is perhaps unsurprising that the police may assume a gendered motivation; that is that she was assaulted because she was female. More problematic, in the context of this research, are crimes of homicide where the female victim cannot give an account of the circumstances or the offender and a gendered motivation is merely assumed. When a woman is found dead in suspicious circumstances it appeared from my data that there is often an assumption on the part of police officers and journalists that her death was the result of her gender and because of this, sexual aspects are immediately speculated. This assumption is stated explicitly in the police interviews I carried out and is evident in the framing of news reports in my sample. Even where the crime scene indicates no immediate evidence to suggest a gendered motivation, as in the cases of Margaret Muller and Marsha McDonnell, the assumption prevails.

There are of course many reasons for this assumption, one being that statistically, the offender is likely to be male (Lester 1995). Where the offender is known or

speculated to be male and the victim female, cultural constructions of gender and heterosexual dynamics appear to frame the response. It has been established by Polk (1994) that the relationship between the offender and victim is defined or categorised as a 'stranger' or 'domestic' assault for legal, procedural, investigative and statistical reasons. The relationship in male/female violent assaults is usually assessed by criminal justice agencies using the degree of intimacy between victim and assailant (Dawson 2003). Even where it is established that the victim and offender knew each other, this relationship is re-assessed and further measured by the degree of intimacy in that relationship. Dawson (2003) found that in criminal justice terms the penalties are more severe the more intimate distance there is between victim and offender, or where a once intimate relationship had been severed or was in the process of being severed. In other words there is a spectrum of intimacy from complete strangers to married co-habiting couple and the position of the relationship on this spectrum will dictate the criminal justice response to the violence. Acts of equal violence will attract different responses according to this spectrum.

This delineation of offences by police, criminal justice agencies and media is a direct result of assuming a gendered motivation and also indicates that it is not necessarily the violence used in an assault that is being used by police and media to assess the seriousness of the offence or the dangerousness of the offender, but how much the offender is held to blame for the violence. Males who, for example, brutally kill their spouses using gratuitous violence will not necessarily be assessed as dangerous by the police or courts by quantifying the amount of violence or sadism involved in the assault. They are more likely to be assessed as dangerous or not, by using the degree of intimacy between them and the victim as a frame of reference. The Fawcett

Commission²⁸ report that the conviction rates for domestic violence are very similar to those for rape with only 5% of recorded violence ending in a conviction. A recent (April 2006) consultation document by the Sentencing Guidelines Council²⁹ aims to address minimising any disparity between sentencing for domestic and non-domestic violence, but has caused controversy because it suggests that non-custodial sentences may be used in cases of domestic violence where the offender shows remorse for their actions. This has been seen by some organisations like Refuge³⁰, as a 'licence for men to batter women' (*BBC online news* 12th April 2006). Using the intimate relationship between victim and offender in assessing the violence is giving the relationship and often, the sexual dynamics in that relationship, priority over the actions of the offender.

The inability of the media and the police to conceive of male violence against women as motivated by anything other than sex or sexual dynamics, limits how they approach male/female violence. The murder of Margaret Muller was approached by the media as a gendered murder which was potentially the work of a serial killer. The media response and, from the press quotes, the police response, was to represent this crime in a sexual frame. Lees (1997) argued that females are defined by their sexual reputation, it could equally be argued when considering the data collected in both the news analysis and the police interviews, that men as suspects in certain crimes, especially those that have been gendered, are defined by their sexuality, that is, that their sexuality is either controlled by the individual or not. When it is perceived to have been inadequately controlled and an assault occurs, the female victim is assessed

²⁸ Full report *Justice and Equality* by the Fawcett Commission can be accessed at www.fawcettsociety.org.uk

²⁹ Full consultation document can be accessed online at www.sentencing-guidelines.gov.uk/docs/draft-guideline-domestic-violence.pdf

³⁰ Refuge is a national charity dedicated to helping victims of domestic violence

for her contribution in the male offender losing control. This makes the relationship between offender and victim crucial. If she can be constructed as 'intimate', the male loss of control can be explained using the intimate relationship, as exemplified in the media coverage of the murder of Vicky Fletcher and Louise Beech. If the female victim is represented as distant, it appears that the male is perceived to be unable to control his sexuality and should be censured. This is reflected in police and media responses to the crimes of Antoni Imiela and the murders of Hannah Foster and Camilla Petersen. Males appear to be classed as dangerous or not using this one dimensional assessment.

In this analysis of news and police discourses of male on female violence, an assumption was found to exist concerning gender. Whenever the victim was female and the offender known or speculated to be male, the violence was motivated by the gender of the victim. In this sense gendered violence is by association, sexual violence, which reduces many acts of violence against women to being sexual in origin, either by motivation or a sexual history between victim and offender.

3. Virtual Rapes and Murder

Murders of women could be considered 'virtual rapes' by referring to the symbolism attached to the acts of violence as constructed in the police and media discourses

In some respects all gendered violence could be considered sexual with the male/female relationship producing the links to sexual acts and motivations. There is a further question to ask at this point, namely whether it is the act itself, or the

intention of the offender that is more important? For example, when Margaret Muller was killed there were stab wounds noted to her back and neck, eliminating speculation that the stabbing was directed at sexual organs. Margaret was not reported as sexually assaulted in any conventional sense either. The offender has still yet to be identified so has not given an account of the motivations. In effect we have a victim who has been stabbed to death in a park. If the gender of this victim was male it is difficult to imagine that such a scenario would lead to speculation of a sexual motivation. Because Margaret was female and we can speculate that a male offender has committed the act, it is stated in news reports that the offender may be 'turned on' by the act of stabbing. Does this mean the act of stabbing or the act of stabbing a female? Because warnings about safety were directed at females *only* in the news reports and from the police, it is clearly assumed that a female was the intended target and if there were any further assaults by the same perpetrator they would be directed at females. In this sense the act of stabbing, this turn on, is sublimation for a heterosexual sexual act. The act of stabbing a female specifically is the turn on. Marsha McDonnell was hit on the head with a blunt instrument, again women were warned about safety in the news reports and the police were reported to be checking sex offenders in the area. Is the act of bludgeoning a sexual act or is it only sexual when committed against a female? Or is it because it was committed against a female that made it sexual, because what is done to women by men is sex? This is a point made by Jeneffsky (1999) in her examination of Andrea Dworkin's reconstruction of pornography. She states 'Within the governing logic of 'woman as whore', anything done to women is presented *as sex* in pornography, despite the absurdity or the violence of the act' (1999:134). Murders and violent assaults of women by men are not pornography, but there does appear to be a similar governing logic that anything done to the female

victim is 'sex'. There is an important distinction between the acts being experienced as sexual by an offender and the act being assumed to be sexual because the victim was a woman. It is a dangerous slide to move from interpreting the motivations of an offender via potential symbolism and perceiving anything done to women as sex. In this sense any act of violence against a woman by a man can be considered sexual. This is amply illustrated in the example of the crimes of Jack the Ripper and Peter Sutcliffe, the Yorkshire Ripper, as discussed in Chapter Three. Jack the Ripper's acts of stabbing and mutilation are explicitly described in books on the subject, as sublimation for heterosexual sexual acts. As stated earlier Marriner (1992) described the violence as 'the ultimate rape'. Arguably, these two offenders are Britain's most famous serial killers, they are defined as serial killers and are part of the discourse of sexual murder. Wilson (1995) states that the dividing line between definition of what is a serial killer and what is a mass murderer, is in the question of motivation. He states that the serial killer's motivation is to rape and the mass murderer's motivation is gain (1995:106). This is a sweeping statement and although it may not be empirically sound, it does reflect the epistemological basis for the discourse of sexual murder.

Tatar holds that 'one could assert that any murder has a sadistic, hence erotic component to it.' (1995:20) and whilst this may be possible, similar acts of violence are perceived by the police and the press to have erotic components based solely on the gender of the victim and assailant. The discourse of sexual murder, as noted earlier, denies male adult heterosexuals as victims or potential victims of a sexual murder. This is illustrated by the male who claimed victimisation by the same killer as

Marsha McDonnell and Peter Tomy³¹ who claimed to be the first victim of Peter Sutcliffe but was, and is still, not taken seriously. It could be assumed that the act of bludgeoning an adult male to death would lead to speculation of a host of different motivations that may be represented as non-erotic, such as expressions of masculinity, revenge, anger, violent psychosis or accident. If the male offender bludgeons a female, what he has done is constructed as sexual in the discourse. In this sense not all murder is considered to have an erotic component, even though as Tatar suggests, the philosophical ground is there to interpret it this way if any murder can be constructed as erotic.

4. Violence as a Form of Rape

Instead of understanding rape as a form of violence, there exists a discursive regime which constructs violence against women as a form of rape.

From the analysis it appears that rape can be as much a 'symbolic' act as a legally defined one: the symbolic acts having increasingly more validity as 'rapes' than the legally defined acts of rape. A veritable parade of authors and directors have employed acts of violence that are symbolically equated with acts of rape to represent sex killers. The symbolic act is more often than not a method of killing or annihilating the female victim. For example violence that is symbolic of rape can be seen in *Psycho*, (Dir. Alfred Hitchcock 1960), *From Hell*, (Dir. Albert Hughes and Allen Hughes 2001), *New York Ripper*, (Dir. Lucio Fulci 1981), *The Texas Chainsaw Massacre*, (Dir. Tobe Hooper 1974), *Dressed to Kill* (Dir. Brian De Palma 1980). Rape here is not an act of non-consensual sexual penetration, it is constructed as

³¹ Claimed in documentary *Surviving – Peter Sutcliffe* aired on 5th May 2006 (Sky One 10pm)

symbolic of death. In this sense murder is not constructed as the result of rape, murder *is* rape and rape *is* murder. If the violent stabbing to death of a woman can be construed as a rape then there is no degree of separation, the act itself has fatal consequences, and it is an act symbolic of rape, that is at the same time a murder. Therefore the symbolism attached to rape and to violent acts construed as rape, within the discourse, have created a conflation of the offences of rape and murder.

As I have explored earlier, it is argued that the manner in which men satisfy or channel the lusts they do have, can be culturally and historically influenced and that desires can be shaped and channelled, a point made by Cameron and Frazer (1987) when talking of sexual murder. This is not universally accepted with some believing that biological issues and a natural antagonism between the genders have more importance (Thornhill and Palmer 2001, Marriner 1992). Even though the biological argument is widely refuted, especially within feminism (Brownmiller 1974, Lees 2002) it persists obstinately within the culture. It was stated in the police interviews for example that the officers did not believe that Maninder Pal Singh Kohli (arrested for the murder of Hannah Foster) or Richard Kemp (convicted of the murder of Camilla Petersen) intended to kill. It was also stated by police officers that most murders were not the result of much premeditation. These comments are interesting and indicate that the sexual aspects are given significantly more importance than the violent aspects in murders of females. Officers expressed a belief that both Kohli and Kemp were motivated by an overwhelming sexual lust and that the murders were the result of panic or a desire to hide their identity. The belief appeared to be that the death element of a sexual murder was a *result* of the sexual urge and not a constituent and essential part of it.

The death of the victim is constructed as a logical result of the rape or sexual assault and not a manifestation of the same act. Officers seem ready to believe that most murders of women are sexually motivated, yet unwilling to believe that the offender foresaw or intended the death of the victim from the outset. Ressler *et al* (1992) interviewed convicted sex killers and one, when questioned about victim resistance, is quoted as saying 'The victim did not have a choice. Killing was part of my fantasy' (1992:201). An act that is symbolic of rape is accepted to have potentially fatal consequences, like for example Jack the Ripper's stabbing and mutilation. An actual act of rape, a sexual penetration, is so powerfully linked to 'ordinary' sexual lusts that the offender may be perceived as more 'ordinary' than an offender whose acts of violence are interpreted as symbolic of rape. An ordinary man who is overcome with a biologically determined passion that demanded an immediate outlet, an ordinary man who, realising the gravity of his actions panicked and killed to try and hide his identity, is distanced from the 'psychopath' whose violent acts are symbolic of rape.

There was a willingness in the police respondents to believe that murders where an 'actual' rape occurs are committed by rapists who had no intention to kill. If rapists are not to be considered as foreseeing the death of the victim in their plan to assault this would be powerful mitigation in any prosecution. The two offenders in my data, Kemp and Kohli, both claimed no intention to kill, just to sexually assault and to an extent they were both believed³². Because the sexual acts are seen by the police as the sole motivation and the biological inability to resist the sexual urges seen as dominant, the murder of the victims can easily be seen as accidental. If we were to

³² According to more than one police respondent

eliminate biological and overwhelming urges to indulge in conventional sex acts, such as sexual intercourse, which is poor excuse considering the avenues open to these men to satiate a need for sexual contact, then we may assume an urge to have sexual contact with an unwilling partner and everything that entails. These men were not only willing, but did abduct young women from or in public places; these men were not only willing, but did commit sexual acts upon an extremely unwilling victim who was clearly terrified; these men were not only willing, but did murder their compliant³³ victims. Kemp has openly admitted to masturbating over his murder of Camilla Petersen during his time on remand (police document); hardly a behaviour that indicates remorse or repulsion at his acts of violence and murder. The amount of detail given by Kemp of the murder part of the assault indicates no reticence whatever to re-live the killing of his victim according to police respondents. Kohli apparently did not dispose of Hannah's body immediately after her murder, he drove around with her body in the back of his sandwich delivery van (police respondent), hardly the act of a man full of remorse over the accidental killing of his victim, her body a constant reminder of his panic-stricken accidental act.

Chene (2003) conducted research into the 'process of aggravating rape to sexual murder' which concerned the offender's intentions. It was concluded that 'there are very few sexual assaults in which the victim dies because the assailant had firmly resolved to commit murder' and 'some sex murders appear more like instances of manslaughter in which the assailant struck one blow too many'. It could be argued that the willingness to believe that sex murders are accidental is due, in some part, to the belief that biologically determined and uncontrollable sexual urges are what

³³ According to police respondents both Hannah and Camilla were probably terrified and compliant

precipitate sexual murder as constructed by the discourse. Brownmiller also puts forward the idea that 'It is a rare rapist who intends to kill' (1974:206) and in the vast majority of rapes, there is no killing so this assertion is clearly accurate, however where a homicide does occur we should not necessarily be assessing the crime entirely as 'a rape gone wrong'. One could speculate that if Kohli had not raped Hannah it is quite probable that he would have been labelled a 'premeditated killer', if Kemp had not spoken of his desire for Camilla, his act of killing her may have been seen as premeditated. The actual presence of conventional sexual acts, far from further censuring these offenders, are constructed within the police and media discourse as offering an excuse.

Within the discourse of sexual murder, symbolic acts of violence appear to have as much status as 'rapes' as acts of rape. These symbolic violent acts are called 'rapes' and this raises the bar for what can be considered rape. It also allows violence against women by men to be construed as sexual. As discussed earlier, there is a governing logic constructed in the discourse that encourages this perception of the violence, when there is violence against a woman by a man what we see is sex and ultimately, rape.

5. Fear of Rape / Fear of Death

Fear of rape could realistically be associated with fear of death due to the meaning made of rape in the discursive regime of sexual murder

Fear of rape appears, from previous research (Gordon and Riger 1989), personal experience and this research to be almost universal amongst women. Women are

taught to fear rape from childhood, as Lees (1997) research suggests. MacDonald (1991) interviewed convicted female terrorists about their experiences of incarceration. All the women interviewed had murdered and were used to extreme violence. What was interesting in the context of this research was in a quote from one of the terrorists:

‘Of course the police use the fact that we are afraid of rape, and threaten us with it. Unfortunately it is not simply a threat, women have been raped during torture, even raped with a truncheon’ (1991:27).

Even though this woman had experienced and witnessed brutal acts of torture and had committed brutal acts of violence herself, a significant fear for her was the threat of rape. In a news report of the trial of Bradley Murdoch, the man charged with killing backpacker Peter Falconio in the Australian outback in July 2001, Joanne Lees, Falconio’s girlfriend who was also attacked by Murdoch, stated ‘When I asked him if he was going to rape me, I was just so frightened. I was more scared of being raped than I was of dying and being shot by the man’ (Times 19th Oct 2005). The power that the threat of rape has over women is clearly significant.

It is almost common knowledge now, thanks to research that a woman is in most danger of being raped by friends, acquaintances or partners (Myhill and Allen 2002). Research also shows that when protecting themselves from rape, women adopt procedures and behaviours that will protect them from rape by a stranger (Scott 2003). Possibly, women do not perceive male intimates and friends as potential ‘rapists’, or perhaps the fear that a rape could be life threatening is far more pressing and this is perceived as more likely to occur at the hands of a stranger. Kitzinger (2004), in her examination of child sexual abuse and the media, shows how newspaper articles focus on the threat from strangers. She found that although people realise that the threat of

sexual abuse from non-strangers is possible, most of her participants denied knowing an abuser, 'this assumption that they cannot possibly know any child abusers is often accompanied by a sense that, if they did meet an abuser, they would instinctively know' (2004:130). This response indicates a belief that sexual danger comes in the form of strangers, and strangers who are recognisably dangerous.

Scott's (2003) research shows that women experience higher levels of fear than men and that this is largely due to fear of sexual assault. Scott also found that it was fear of assaults by strangers and threatening experiences with strangers that were significant in increasing levels of fear. For example women who had previous experience of a situation that 'posed even the threat of sexual assault; such as being followed, getting obscene phone calls or indecent exposure, all elicited high fear responses'. This kind of harassment, according to Scott, is more often committed by strangers and a male friend, acquaintance or relative gives the woman a false sense of security and enables her to feel more in control, and able to predict any potential danger. Despite women reporting fear levels much higher than men as a result of potential stranger assaults research by Cotton (2003) showed that as far as homicide is concerned, men are far more likely to be killed by strangers than women, 72% of female homicide victims knew their assailant compared to just 40% of male homicide victims.

One thing is clear, the fear women have of rape is complex, but the fear may be more clearly linked with fear of death than sexual vulnerability. This makes a conflation of rape and murder a concept that has significant repercussions for women. Women are reported to restrict their behaviour to avoid the possibility of a stranger assault, they will, for example, avoid walking near boys or men, avoid walking alone at night or

avoid public transport at night (Scott 2003). When women adopt procedures to protect themselves from stranger rape but treat the threat of acquaintance or intimate rape with much less or no significance, this is one of the results of the institutional practices of the discourse. Foucault asserted that discourses should be seen as 'practices that systematically form the objects of which they speak' (2005:54). This behaviour by women that sees them avoiding being alone at night is part of discursive practice. Edley (2001) sees that discursive practices etch themselves on the body in such a way that they are not thought about. Men, for example will perform 'masculinity' as if it were completely natural. Likewise women will perform femininity, however the avoidance techniques employed by women to protect themselves from sexual assault by strangers are more than a performance of femininity, they are a performance of the potential 'female victim' produced by the discourse of sexual murder.

Female students have consistently reported to me that they would rather die than be raped, and research by Ferraro (1996) showed that women perceive the seriousness of rape as exceeding the perceived seriousness of murder. This would appear to contradict the beliefs and experiences of the police respondents in my sample. They stated that generally, when a woman is raped by a stranger, the sexual assault was of *less* concern to her than the threat to her life: a feeling she was not going to survive the assault. Wolbert Burgess and Holstrom (1974) in their research which identified and named Rape Trauma Syndrome, found that the key precipitating factor in onset of the syndrome was a fear for life in the victim. However these seemingly divergent beliefs are not at all contradictory if it is considered that the discourse of sexual

murder dictates an equation of rape with murder and what would be a particularly brutal death. To fear rape can be to fear death.

The discourse of sexual murder in cultural forms, such as television dramas, documentaries, series, serials, films, books, magazines and art is so dominant that there appears to be no other discourse of sexual murder that exists. Because the discourse ignores male heterosexual adults as potential victims and constructs a relationship between violence and rape, the fear produced is a female one. This is not always acknowledged in writing about sexual murder and serial killers. Jenkins (1994) discusses the 'manipulation of fear' but frames his discussion of serial killing in films and books around the fear generated in the 'audience'. He also states that the fear provoked in these representations is 'temporary and reversible' (1994:107). Frayling (1986) too, sees the fear as a nightmare that is awoken from. These authors and many others do not examine that it is women who are the 'natural' victims of serial killers and their fear may be structurally very different from the kind of fear an adult heterosexual male may experience. It is also quite possible that this fear that is apparently suspended when the film is finished, is actually still present and evident in the discursive practices that see women employ behaviours to avoid meeting with such killers. Although it is not always explicitly stated that it is females who are likely to be the most fearful of serial killers, it is understood all the same that they are the natural target. This is illustrated in Chapter Four when news reporting of murders of women consistently assumed targets of serial killers to be female without ever qualifying the assumption. Because the knowledge we have of sexual murder, produced by the discourse, dictates female victims and sexual motivation, the fear will be female. Consequently the trauma may be perceived by criminal justice agencies

and the media as uniquely female. Rape trauma may be considered to be a very specific female response. For a victim to be able to exhibit trauma, her femininity may then be assessed; how female is she? If the trauma could be seen as a natural and human response to a potentially life threatening situation the femaleness of the victim would be partially irrelevant, but this would resist the knowledge produced in the discourse and undermine the meaning made of the sexual elements seen to exist. The trauma is constructed as female within the discourse because this is almost exclusively a crime committed against women, or at least those who can be represented as 'other' than an adult male heterosexual.

When Roiphe (1994) argued that women could potentially sail through a sexual assault without fully grasping the gravity of their humiliation were they not reminded of it by political feminism, she was assessing the victims as 'women' and in a manner that assumes that women perceive themselves as weak and vulnerable. This assessment fails to assess the human element of trauma. The 'knowledge' produced in the discourse of sexual murder so intimately associates rape, murder and extreme physical violence that rape is constructed as more than non-consensual sexual penetration. Roiphe states that some experiences should be considered as 'bad sex' and nothing more. In this context Roiphe is encouraging women to accept rape as a bad sexual experience, but this assumes that rape is experienced as sex. It may be that the victim would have to wholly re-define her experience as sexual in this case. Violence is violence no matter how it is expressed, Roiphe may be better understood if she counselled women to re-define violent assaults as merely 'a bad beating, move on', but one could speculate that this approach would not be so acceptable. Vulnerability to sexual trauma is not necessarily an inherent gender weakness, the

discourse of sexual murder not only produces and preys upon human fears, it re-defines those fears as female sexual vulnerability.

These key points all reflect areas of 'knowledge' that are produced in the dominant discourse of sexual murder. The power of the discourse is that it defines the 'truth' about rape, sexual murder, murder, women, male/female relationships and sexual dynamics. The 'truth' that rape and murder can be the same thing could not be so universally accepted without the significant quantity of supporting knowledge provided by the discourse and its practice by such authoritative agencies as law enforcement and media institutions.

Discourse as Practice

In Geberth's (2003) *Sex Related Homicide and Death Investigation*, a publication intended to be a tool for American law enforcement personnel, he states that:

'The sexual pervert can go into chat rooms and meet other perverts. Therefore, this person is able to validate perversion by discovering that there are others 'just like him', and what he does is quote/unquote perfectly normal and acceptable behaviour' (2003:xiii)

It is worth discussing Geberth's book briefly for it is written by and intended for law enforcement personnel, it represents itself as a 'manual' for those investigating and prosecuting sexual murder. It should also be considered that the Americans are perceived to be 'experts' on this subject. As noted in Chapter Three the FBI are considered to be the pre-eminent source of expertise on the subject of serial murder (Schmid 2005). Schmid also notes that 'the equation of serial murder with sexual homicide is especially common in law enforcement work on the crime...(and) public discussion of other forms of serial murder is largely absent' (2005:78). Hickey (1997)

notes that ‘although many offenders actually fall into the serial killer classification, they are excluded because they fail to meet law enforcement definitions or media generated stereotypes of brutal blood-thirsty monsters’ (cited in Schmid 2005:78).

Geberth’s book is truly horrifying and includes documentation of crimes committed by those stereotypical ‘brutal blood-thirsty monsters’. It is full of in-depth case studies and at times one wonders how the collection of photographs and material were selected. There are transcripts and documentation of, murders and tortures, selected excerpts of rapist’s diaries and a huge number of monochrome and colour photographs of predominantly female murder victims who have been mutilated and tortured. Arguably, there are too many close up photographs of female genitalia, especially given the books moralistic tone which is censoring of pornography and sexual freedom. Geberth claims ‘...my personal philosophy as a murder cop is ‘Remember: We Work for God’ (2003:xix) (capitalisation as original). Interestingly Peter Sutcliffe also claimed that he was working for God (Ward Jouve 1988).

This book is an example of the dominant discourse in practice. The gratuitously sexual selection of photographs and the rapist’s diaries concentrate on what could be described as the pornography of female violation. That these truly awful crimes occurred is beyond doubt, but the manner in which they are presented and represented reflects the importance of ‘sex’ in assessing the crimes. The book is perhaps an extreme example of media’s and law enforcement’s obsession with sexual murder and the voyeuristic, androcentric nature of reporting it. It significantly illustrates and describes male sadistic sexual fantasy that fuses the rape, torture and murder of the female victims. It differs negligibly from more ‘artistic’ interpretations of the meaning

of violence against women that can be found in fictional films, art and books. The power of discourse is in its claims to truth and producing knowledge and Mills (2003) states:

‘It is difficult, if not impossible, to think and express oneself outside these discursive constraints because, in doing so, one would be considered to be mad or incomprehensible by others.’(2003:57)

Having read through Geberth’s book it would be easy to see this thesis as naive or unsophisticated. My own hypothesis, that the conflation of rape and murder is problematic and based on flawed interpretations of what is sexual, began to appear a little, what Mills might describe as, incomprehensible in the light of Geberth’s book. Written by experienced law enforcement officers with its veritable avalanche of evidence that the offenders in these cases were experiencing and expressing *sexual* violence and murder, and the myriad of photographs of genitally tortured female bodies has both the official stamp of ‘truth’, as well as the documentary evidence. How could anyone present an alternative to this ‘knowledge’ or attempt to puncture its validity? Foucault did consider it important that there should be a reflexive criticism of one’s own position, that one should resist assuming that ‘one has ever reached a position where one has discovered the final ‘truth’ about a subject’ (Mills 2003:3). The book forced me to be reflexive and to consider my analytical position, but the power of those representations in creating meaning and reflected in practice, only illustrates the dominance of that particular discourse of sexual murder and its presence in the psyche of our culture. To undermine its authority, one only need give consideration to the sexual aspects. Why are acts of violence constructed as sexual expression? How do we define what is sexual? Is the term applied so liberally that it can no longer be used definitively? Is the term ‘rape’ used so liberally that it can no

longer be used definitively? Is the term 'sexual' so multifaceted and filled with symbolic, historical, medical, scientific, legal, religious and cultural resonance, that it can never have any academic clarity and is the term 'rape' similarly confusing? This discourse can be undermined merely by asking these questions.

I have commented on the institutional practice of the discourse, but its practice does not begin and end with the police or the criminal justice system, or even with journalism. It cannot be ignored that some murderers, especially those defined as 'serial killers' are also evidence of the discourse in practice. Schmid (2005) highlights Foucault's discussion of 'the significance of the moment when a new 'type' of individual is generated from acts that previously could potentially have been committed by anyone' (2005:68). Similar to Foucault's description of the emergence of the 'homosexual' or the 'criminal' as a 'type' (Foucault 1998), the serial killer, personified by Jack the Ripper, is 'a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form and a morphology with an indiscreet anatomy and possibly a mysterious physiology' (1998:43). Jack the Ripper is often described as perhaps the 'most famous serial killer of all time' (Schmid 2005), he has been created by the discourse as a sexual serial killer or rapist, he has an existence within the discourse, as does Peter Sutcliffe, the Yorkshire Ripper.

The power of this discourse is such that Peter Sutcliffe's speculated paranoid schizophrenia (Ward Jouve 1988) seemed to be enacted by him as a discursive practice. He brutally murdered random females stabbing and slashing at their bodies with a hammer, a screw driver and a knife and he claimed to be on a divine mission. The similarities speculated between his crimes and those of Jack the Ripper even saw

him given the name 'The Yorkshire Ripper'. It was not only Sutcliffe that may have been caught in the web of the discourse of sexual murder, an individual named John Humble, who became known as 'Wearside Jack',³⁴ sent communications to the police claiming to be the killer and taunting them. Bizarrely Peter Sutcliffe wrote to him after his arrest for this crime and blamed him for the murders of the last three (Yorkshire Ripper) victims (The Sun April 3rd 2006), Humble has also expressed a desire to write to Sutcliffe to apologise for impersonating him and wants to sign himself 'Wearside Jack' (The Sun March 23rd 2006). These two men are clearly caught up in the network of the discourse and are 'performing' discursive roles. The police themselves were accused of being caught up in the Jack the Ripper (sexual murder) discourse. The myths that were produced around Jack the Ripper's crimes created evidence and 'knowledge' still drawn upon in contemporary police responses to the murders of women. Walkowitz notes that 'mythmaking of this sort had its material consequences. The murder hunt (for the Yorkshire Ripper) was hampered by the investment of police themselves in the Ripper fantasy' (1992:230). Peter Sutcliffe murdered thirteen women and left seven more for dead. He claimed at his trial that he had heard the voice of God telling him to 'clean the streets' (Ward Jouve 1986). He saw that killing women he apparently thought were prostitutes would 'clean' the streets, that women who sell sex were 'dirty'. As noted earlier in Chapter Three, Sutcliffe stated that he knew that some of his victims were not prostitutes and that he just wanted to kill 'a woman'. However the discursive framework of serial killing allowed Sutcliffe to rationalise his actions in this way. It is difficult to speculate how deeply Sutcliffe identified with his status as a 'killer of prostitutes' or whether he was

³⁴ 'Wearside Jack' is now known to be John Humble a 50 year-old alcoholic from Sunderland. He was jailed for 8 yrs on March 21st 2006 for perverting the course of justice. His letters and tape to the police are widely regarded as distracting the police investigation and being implicated in the deaths of the last three victims because of this.

‘playing a part’, investing fully in the ‘type’ of killer that was generated by the discourse of sexual murder. In a documentary *Surviving – Peter Sutcliffe* aired on 5th May 2006 (Sky One 10pm) it was alleged that Peter Sutcliffe’s first victim may have been a man. In 1967 taxi driver Peter Tomy was hit eight times about the head with a hammer by a man fitting Sutcliffe’s description in Leeds. According to this documentary the police refused to link this crime with the Yorkshire Ripper attacks merely because the victim was male and they were convinced the Yorkshire Ripper exclusively targeted females. It was asserted that this belief and the belief that he targeted prostitutes were flawed theories that wouldn’t die. One thing is quite clear, whatever his true motivations he was a subject of the discourse of sexual murder, practising its foundational ‘truths’.

What has emerged clearly from this research is that rape is a multifarious concept, it is an offence that is legally defined, but it is also a term that is used to describe acts of violence that are seen as symbolic of rape. Rape is also what Schmid (2005) would describe as ‘multiaccental’ in that it can be used to support a wide variety of ideological agendas and is adopted by a wide variety of groups. Rape has a powerful symbolic resonance. Because the knowledge produced by the discourse is constructed as the ultimate ‘truth’ of male/female relations, the extreme conclusion of the antagonisms seen to exist naturally between males and females, it allows evaluation of other forms of gendered violence against its own criteria. The meaning made of male on female violence in the discourse is related to the dynamics produced in a heterosexual relationship - of which the double standard and the passive/aggressive nature of the ‘masculine’ male and the ‘feminine’ female is integral .

If we are to accept that Jack the Ripper was a rapist, what does that say about the act of rape? The act of rape in this context was a 'symbolic' act of violence; it is both artistically, politically, socially and culturally interpreted. If we are to accept that the brutal mutilation or physical destruction of a woman is at some level a rape, we are re-defining a legal term. Whilst accepting that rape is a violently brutal act, it must also be accepted that it is separate to murder. Acts of violence that are symbolic of rape and acts of rape, may be perceived by some to be at different points on a continuum of gendered violence, but the term itself is acting as an umbrella. The conflation of rape and murder in the dominant discourse of sexual murder has fused acts that are symbolic of rape with acts of rape. To call Jack the Ripper a rapist, is to call rape, murder; to think that Jack the Ripper was a rapist is to think that rape is murder. If women can be killed by what is supposed to be exclusively an act of sexual penetration (outside of acts that explicitly cause death in this manner) their perceived sexual vulnerability is confirmed. This is not the same argument posited by Roiphe that women should not be encouraged to perceive themselves as sexually vulnerable. Women, police, jurors, journalists, indeed everyone, should be able to recognise rape and call it what it is, they should not however see rape only where there was physical violence of a nature that could be fatal.

The term should be used with caution, if it is to be used at all, when referring only to an act of murder or any violence where a rape did not occur. Ferraro's (1996) research that shows that women perceive of rape as a crime more serious than murder, may indicate the extent to which rape has become symbolic of, or associated with, a particularly brutal death. Treating rape as equal to, or more serious than murder, only creates another forum for terrorising women. No woman should consider death

preferable to rape. Women in contemporary society are virtually encouraged to be terrified of this assault and this terror is compounded by ubiquitous images of female death as a result of rape in art and media (Tatar 1995). Discourse is productive and as Cameron and Frazer (1987) argued, sexual murder provides a powerful framework for what could be seen as extreme but fundamentally normal sexual appetites. When Roiphe posited that women should resist sexual vulnerability she placed much blame for encouraging sexual vulnerability at the doorstep of second wave feminism, but perhaps failed to fully consider the implications of the symbolism of rape on individuals or women as a group. However, Roiphe's accusations against feminism are not without merit. As discussed, the adoption of rape by different groups has given the subject of rape high visibility, but that visibility has included and involved representing rape by extremes.

The discourse of sexual murder is dominant to the point that there are no visible counter discourses. The 'knowledge' produced by the discourse has been proliferated with impunity by numerous powerful and diverse groups like the police, politicians, journalists, authors, artists and filmmakers and its seemingly absolute domination in law enforcement practice, exemplified by the FBI (Schmid 2005), is testament to the acceptance, culturally, of the 'truths' it produces. I acknowledge that historical and patriarchal discourses of what causes a rape assault have been the subject of fierce resistance, especially by feminism, as have the reasons for murders of women by men. However those counter discourses have been partially embraced and re-interpreted using the knowledge produced by the dominant discourse and the result seems to be that counter discourses and resistances have been absorbed and treated as 'ideological debates' that are existing inside the discourse, rather than having their own separate

existence outside of it. Hall states that 'subjects may produce particular texts, but they are operating within the limits of the *episteme*, the *discursive formation*, the *regime of truth*' (2001:79). For example there are the historical/cultural positions on what causes gendered violence, positions that have been resisted by the feminist arguments as discussed earlier. However the discourse allows that any of these arguments can support its 'knowledge' because any can be embraced by the umbrella term - 'sexual motivation'- whether that sexual motivation is biologically determined or whether it is culturally produced. Feminism has produced many resistances to the 'sexual urge' theory, however because Jack the Ripper's violence did not include any sexual acts or evidence of ordinary heterosexual lusts, his crimes have been interpreted as misogynistic or political, but expressed *sexually* as violence that is symbolic of rape. This construction of motivation embraces any theory that includes sexuality, misogyny, politics, heterosexual dynamics, culture or biology. This allows for divergent debates about motivation to exist within the framework of knowledge produced by the discourse. The meaning made of the violence within the discourse allows that any motivation can be rationalised or interpreted as 'sexual' because of the multifarious nature of the term, it is almost impossible to resist the discourse without explicitly resisting use of the term 'sexual'.

In this sense the knowledge produced by the discourse has dominion over any violent act against a female and can define the motivation as 'sexual' or 'sex'. To try and re-define the frenzied stabbing of a female as a non-sexual act would probably be seen as incomprehensible such is the broadness, within the discourse, of what can be considered sexual. It is perhaps because of this 'knowledge', and the multifarious

nature of rape within the discourse, that a conflation of the offences of rape and murder has been produced and is, by and large unquestioned.

Conclusions

This research began with the hypothesis that the offences of rape and murder have become in some contexts and in popular perception, conflated. To a degree this was supported during the initial exploratory stages of the research with the case of Jack the Ripper providing a clear example of a conflation. The aims were concentrated around examining the extent to which the conflation is produced and reinforced within the discourse of sexual murder and the extent to which the linking of rape and murder in this way affects the way we approach violence against women by men, more generally. A third and final aim was to examine the effects of the conflation on women and the prosecution of rape and gendered violence. The use of Multiple methods to collect data across the three different strands made the structure of the thesis complex and this aspect created many difficulties both in its presentation and in its analysis. It would have been an easier project to negotiate as a researcher and perhaps as a reader, if the focus had been on just one of the strands using a single method. This approach however would not have provided such rich data which enabled illustrating not only the extent to which the conflation exists but how it has embedded itself in the cultural psyche. The inter-relationship between the three institutional sites and the way each reinforces the conflation allowed more powerful enunciation of the possible effects. This approach also made it possible to offer an informed speculation as to the relationship of the conflation to the real problem of rape attrition rates and rape trauma. An added benefit of using multiple methods is also that of triangulation, although this was not an aim in itself. The different methods of data collection produced similar results which indicated that the conflation is

produced and reinforced in many institutional settings, all three of which, in this study have both authority and power. The unifying framework that was a Foucauldian discourse analysis provided consistency in the analysis, although multiple methods of data collection were used, all that data was analysed with a common theoretical and methodological approach. In future research on this subject I would probably not attempt such a complex project, but having said that because of the breadth of this research, future research can build upon findings that have the benefit of being consistent across different sites.

Further Research

This research complements previous work in the field (Innes 2002, Lees 1997, 2002, Gregory and Lees 1999) it does however raise and address new issues. The conflation of rape and murder could have significant influence on perceptions of rape as an offence, and also on the psychological impact to the victim, especially immediately prior to, or during an assault. The findings are consistent with Wolbert Burgess and Holstrom's (1974) study that fear of death is a key factor in the onset of rape trauma syndrome, this particular study focused upon the effects on the victim after an assault. The findings and observations from this research indicate that there could be benefit from studying the effects of our perceptions of rape on women, both prior to and during an assault, aspects of rape that are not given as much attention as the aftermath but are aspects that should be considered as having a relationship.

A second key area that is raised is the use of the discourse of sexual murder in rationalising and making meaning of violence against women more generally, the knowledge it produces seems to have little positive effect both in investigative and prosecution terms. The government consultation document on rape prosecution, the

publication of the Fawcett Commission Report and Kelly *et al*'s (2005) research into rape and the criminal justice system, is evidence of the importance given at policy making levels to cultural and criminal justice perceptions of rape and rape trauma. This research contributes new perspectives and information to the debate but also new questions that should be examined; it has established that there are new dimensions to explore in rape research.

Finally the findings indicate that the subject of police murder and sex assault investigations and prosecutions is worthy of further examination. The work of Sue Lees has addressed some of the gender issues involved in prosecution of gendered murder and sex assault and the continuing work of Martin Innes in the area of case constructionism is furthering knowledge of police processes, however a clear focus on the way murders of women by men in particular are understood by the police and the criminal justice system more generally is worthy of academic attention building on the knowledge we have of the way cases are constructed for prosecution, which in itself is reinforcing the conflation of rape and murder. It has been raised in the work of Sue Lees (1997) that murders of women are often reduced to charges of manslaughter, especially if gendered themes can be brought in to rationalise the violence. In approaching murders of females by males as sexually motivated, the police and criminal justice system are offering an excuse for the violence, an excuse so powerful that murders of women can be understood and justified, seeing offenders serving very short jail terms and escaping life licence and monitoring. With the proposed changes to the classification of murder being the subject of consultation in 2006 – the adoption of a more American style of first and second degree murder is proposed – this particular aspect of homicide should be examined. The mandatory life

sentence may also be abolished giving juries far more choice to reflect mitigation. It may be that murders of women will routinely become second degree and this may further reduce the gravity with which these offences are viewed.

Appendices

Appendix I

Plate One: *The classic image of Jack the Ripper (London Dungeons Souvenir post card)*

Plate Two: *Jack the Ripper (Baker and Berman 1959) publicity poster. Reprinted from Meikle (2003)*

Plate One: The classic image of Jack the Ripper

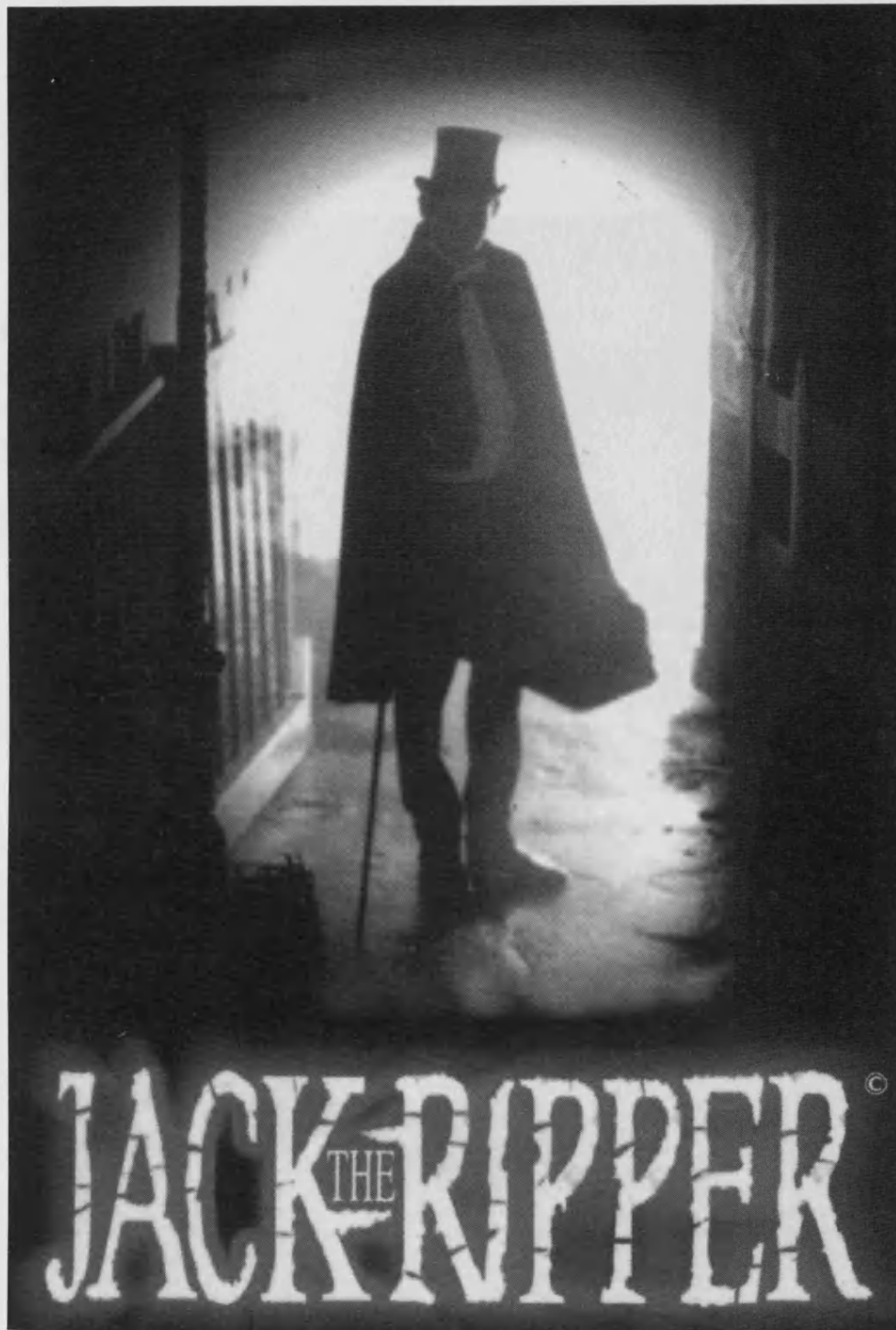
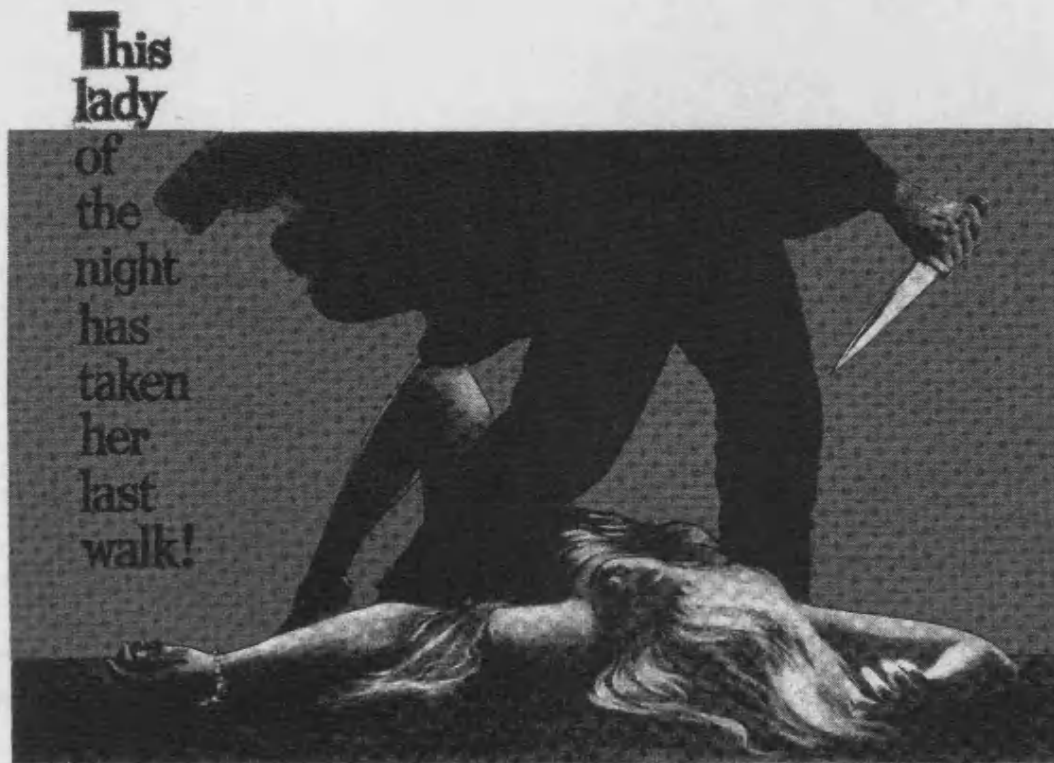


Plate 2: Jack the Ripper (Baker and Berman 1959) Publicity Poster



The swinging purse... the painted lips... the languid pose against the lamp-post... then, the sudden glint of a knife... a choked scream... fleeing footsteps and over and over he would repeat his brutal, compulsive act of killing!

THE MOST DIABOLICAL MURDERER IN ALL THE ANNALS OF CRIME! HE RAFFLED THE GREAT SCOTLAND YARD, THE CELEBRATED ARTHUR CONAN DOYLE AND ROBERT LOUIS STEVENSON... THE FILE ON JACK THE RIPPER HAS NEVER CLOSED.

JOSEPH E. LEVINE PRESENTS

JACK THE RIPPER

starring LEE PATTERSON • EDDIE BYRNE • BETTY McDOWALL • EWEN SOLON • Screenplay by JIMMY SANGSTER • From an original story by PETER HAMMOND and COLIN CRAIG
Produced, Directed and Photographed by ROBERT S. BAKER and MONTY BERMAN • A Mid-Century Film Production • A PARAMOUNT PICTURES RELEASE



SEE IT SOON AT YOUR FAVORITE THEATRE

Appendix II

Film Sample

The Lodger (dir. Alfred Hitchcock 1927)
Dr Jekyll and Sister Hyde (dir. Roy Ward Baker 1971)
Hands of the Ripper (dir. Peter Sasdy 1971)
Jack the Ripper (dir. Jesus Franco 1976)
Murder by Decree (dir. Bob Clark 1979)
Time after Time (dir. Nicholas Meyer 1979)
New York Ripper (dir. Lucio Fulci 1981)
Jack's Back (dir. Rowdy Herrington 1988)
Jack the Ripper (dir. David Wickes 1988)
Love Lies Bleeding (dir. William Tannen 1998)
Jill the Ripper (dir. Anthony Hickox 2000)
From Hell (dir. Albert Hughes and Allen Hughes 2001)
Ripper: Letter from Hell (dir. John E Eyres 2001)

Docudrama Style:

The Whitechapel Murders (1996 Marshall Cavendish-Murder in Mind)
The Diary of Jack the Ripper (1993 Image Entertainment)
The Jack the Ripper Conspiracies (2003 Delta Entertainment)
The Secret Identity of Jack the Ripper (2003 Harmony Gold USA)

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