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**Lisa Downing, *The Subject of Murder: Gender, Exceptionality, and the Modern Killer* (University of Chicago Press 2013)**

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*Because the lives of the wicked should be made brief.  
For the rest of us, death will be a relief.  
We all deserve to die!*<sup>1</sup>

The epigraph is a lyric taken from *Sweeney Todd: The Demon Barber of Fleet Street*. A well-known musical turned film, *Sweeney Todd* tells the story of one Benjamin Barker who seeks revenge rather indiscriminately by slitting the throats of his barbershop clients. A thoroughly engaging if graphic story, Todd embodies a typically modern view of what murderers look and act like. His skin is pale, his eyes a deep hue, he is well-spoken and mild mannered, except when using his razorblade to slash a victim. At the same time, he is the person ‘no one would expect to be a cold-blooded killer’ and his accomplice, Mrs Lovett – who disposes of the bodies by mincing them into pies – is the more-or-less idealised version of the doting maiden. She is eager to settle down, to spend a life with Mr Todd, who completely ignores her on his quest for revenge. While fictional, *Sweeney Todd* is emblematic of general perceptions about the murdering subject. On the one hand, the murderer is seen as the ‘boy next door’ – kind, gentle, and unassuming. That is until it comes to light that actually the man living next door *is* a murderer. Then the conversation changes: ‘There was always something a bit odd about him’; ‘I never felt comfortable around his property’; ‘He gave me the creeps’. As Lisa Downing points out in her brilliant new book *The Subject of Murder*, this discourse is important as it essentially ‘others’ the murderer. For if the murdering subject is seen as ‘different’ than ‘us’ despite the initial reactions about him being ‘seemingly average’, we can construct murderers as exceptional, aberrations not like the rest of us.

Part and parcel of her methodology, Downing reflects on Foucault’s argument that a murder defendant’s behaviour is made to retrospectively correspond with his identity *as* a criminal (8). The aim of the narratives about the subject – whether in the form of legal testimony or in the form of a story as with Todd – is to show how the defendant resembles the crime and

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<sup>1</sup> ‘Epiphany’ from *Sweeney Todd* (Stephen Sondheim, composer).

fits the profile.<sup>2</sup> The use of the masculine pronoun here is important, for as many feminist legal scholars point out, liberal conceptions of law have painted the picture of the ‘rational’ person as an autonomous, rugged man ‘geared toward maximizing his self-interest effectively, efficiently, and expediently’.<sup>3</sup> This is evident in legal standards such as the ‘reasonable man’ which position rationality akin to masculinity; and as Downing shows, women who murder are often treated particularly harshly or as though they were not really female at all (102). In what follows, I review Downing’s book with particular emphasis on the theoretical and practical attention she draws to the relationship between gender and murder.

## I. Nineteenth Century Europe

Downing begins the first section of the book with a case study of Pierre-François Lacenaire (1803-1836), ‘a murderer, forger, and thief, a dandy, and a poet’ (35). Lacenaire is a particularly interesting subject because of his infamy as a criminal hero. The words ‘egoism’ and ‘individualism’ recur in connection with Lacenaire (43) and suggest a tension that is felt in the murdering subject. This conception of the murderer as ‘artist’ is one that Downing traces throughout Lacenaire’s ‘career’ and indeed throughout the discourses on a number of murderers throughout the nineteenth and twentieth centuries. Laced to this discourse is the equally enigmatic, if slightly more palpable, act of suicide. ‘If killing (oneself or the other) takes on the status of a conscious rejection of the status quo, it seems that it was ripe for appropriation as both a heroic and an aesthetic act’ (46). This is complicated in Lacenaire deliberately dubbing his execution a suicide. Lacenaire himself articulates it in the following way:

A man alone against all others, but a man strong and powerful in his genius, rejected by society since the cradle, who has sensed his power and who has employed it for evil; a man who has studied everything, understood everything in depth; a man who would give his life twenty times over to repay a kindness; a man who feels wrong without being able to express it, but whose soul is no stranger to anything beautiful or noble; a man, in sum, who, while despising his peers, has to do more violence to himself in order to arrive at evil than many who have achieved virtue.<sup>4</sup>

Downing’s concern here is with the degree to which Lacenaire emerged as a *subject* rather than an object of discourse about criminality (52). Permitted to define himself, Lacenaire constructs a singular and consistent narrative whereby he grants himself autonomy by the very act of murdering. Media accounts of the day were polarised: many praised Lacenaire as an artist, while some others demonised him as a symbol of dangerous Revolution and radical Romanticism. In any event, the accounts granted Lacenaire a sense of uniqueness and individuality (54-5).

A few years after Lacenaire’s ‘suicide’, another prominent murderer would rise to fame. But her case (and indeed her identity) would be treated very differently than Lacenaire’s. Marie Lafarge (1816-1852) was found guilty of poisoning her husband and sentenced to life imprisonment, despite widespread doubt regarding the evidence used to convict her. As with

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<sup>2</sup> Michel Foucault, *Abnormal: Lectures at the Collège de France 1974-1975* (Graham Burchell trans, Verso 2003) 19-20.

<sup>3</sup> Rosemarie Tong, ‘Feminist Perspectives on Empathy as an Epistemic Skill and Caring as a Moral Virtue’ (1997) 18/3 *Journal of Medical Humanities* 153, 154.

<sup>4</sup> Pierre-François Lacenaire, *Mémoires de Lacenaire avec ses poèmes et ses lectures* (Monique Lebailly ed., Albin Michel 1968) 95.

Lacenaire, Lafarge's case intrigued the media. One newspaper reported that a government could keep its people from unrest if it provided 'a firework display every evening for the masses and a Lafarge trial every morning for the educated classes'.<sup>5</sup> Unlike Lacenaire, however, Lafarge was treated very differently by virtue (vice?) of her gender, even though she worked perhaps harder to create an autonomous identity, producing 6,000 letters, countless articles, two volumes of memoirs, and a three-part book entitled *Heures de prison* (54).

Downing argues that it should come as no shock that Lafarge felt the need to write so prolifically (62). Without a public defence or an identity as a 'criminal hero', Lafarge would have felt compelled to defend herself and her innocence. Unfortunately, her attempts would mostly be in vain, the discourse on femininity generally labelling women who committed crimes as hysterical and unfeminine. An article appearing more than a decade after Lafarge's death from tuberculosis sums up the sentiment:

[A] woman's crime, a feminine crime, has something particularly odious and more perverted about it. Women kill more readily for revenge, and therefore they bring to their killing a sort of refinement. And the female poisoner has a thirst like a drunkard – with this difference – she pours her drink down the throats of other people.<sup>6</sup>

As Downing points out, such descriptions paint 'the woman criminal as more wily and deceitful than the male' (69). It is assumed that Lafarge would profess innocence because 'of an innate feminine deceptiveness, not because in a cultural climate in which femininity bore the burden of signifying passive, gentle, maternal care, the acceptance of one's own nonconformist violence would result in a monstrous self-identification that was ontologically impossible to assume' (69). I would also argue, in line with Martha Nussbaum, Nicola Lacey,<sup>7</sup> and Anthony Trollope, that we think about *why* women commit crimes in the first place (assuming that Lafarge was guilty). Surely some of them do so for the 'normal' reasons – greed, anger, jealousy, and insanity – but do they also do so as an act of subversion, to 'raise themselves above the quagmire of what we call love'?<sup>8</sup> If this were true, it would certainly explain why female criminal behaviour has been sanctioned so much more strictly than male.

Downing picks up on this line of thought in her case study on Jack the Ripper (72). This chapter is particularly engaging as Downing takes a non-traditional view in discussing the still unidentified Jack. As with Lafarge and Lacenaire, it can be argued that the widespread press surrounding the ripper case led to its infamy (89). But rather than focusing on the gender and occupation of Jack's victims (women prostitutes), Downing suggests that a focus on the gender of the murderer is more important to elucidating the social dynamics. It is the male subject who is 'commonly culturally encouraged to identify as transcendental, [an] agentic subject, and to find heroism in an idea of freedom enacted at the expense of an "other"' (94). In the few cases where the sex killer is a female (two of which will be discussed below), 'public condemnation wholly replaces the jokey, hero-worshipping discourses provoked by the cases of male Rippers' (94).

<sup>5</sup> Edmond and Jules de Goncourt, *Les homes de lettres (Charles Demailly)* (E Dentu 1860) 151.

<sup>6</sup> Georges Claretie, 'Femmes criminelles' (23 July 1994) *Le Figaro*.

<sup>7</sup> See: Jeremy C Bradley, 'The Public Intellectual Finds Her Public: Martha C Nussbaum's *Philosophical Interventions*' (2013) 14/1 *International Public Management Review* 57.

<sup>8</sup> Anthony Trollope, *The Way We Live Now* (Chapman and Hall 1875).

## II. Twentieth Century Anglo-America

Downing does well to argue that the creation of the female murdering subject is culturally (and therefore normatively) different than that of the male. While there may be general disgust as to the crimes of both, public disgust is magnified with the female. Seen to be shirking her role(s) *as* woman and all that comes along with that, the female subject is often treated more harshly – this is true not only in public perception but in actual criminal sentencing procedures as well (153).

Nowhere is this more evident than in the case of Myra Hindley (1942-2002). Hindley, along with her partner Ian Brady, enacted the Moors Murders between 1963 and 1965 near Manchester. The victims were five children between the ages of 10 and 17. As with the other subjects examined in Downing's book, the media took a keen interest in the case. The crimes were reported in nearly every English-language newspaper in the world,<sup>9</sup> not least in part because of the 'concatenation of circumstances' that brought together a 'young woman with a tough personality' who had been 'taught to hand out and receive violence from an early age', with a 'sexually sadistic psychopath.'<sup>10</sup>

The dominant narrative of Hindley as a 'monster'<sup>11</sup> has also been retold outside media reports and legal proceedings. Children living in England in the late 1960s and throughout the 1970s were advised not to stay out too late playing in the streets lest 'Myra should get them'.<sup>12</sup> This view of Hindley as a bogie (wo)man, as well as the more potent media and political forces, ignore the possibility that Hindley was, in at least some ways, a victim in her own right. The dominant narrative further denies any conceptual possibility of Hindley's redemption or rehabilitation (133). But what if Myra Hindley had not met Ian Brady? Would she still have turned out to be England's most notorious serial killer? Furthermore, had she looked 'ordinary' in her mug shot would the same revulsion be felt against her? The perceptions of Hindley having violated traditional gender role stereotypes are countered by a narrative of her as a victim of both her upbringing and of Brady's influence (118). On my view, a promising response to violent crimes such as Hindley's is to flip the script on the standard narrative of victim and perpetrator, in order to disrupt the 'woman-as-victim' paradigm. This paradigm, while certainly useful in many respects, draws a strict line between those who commit crimes and those who are the victims of such crimes, making it difficult to talk about cases like Hindley's that seemingly defy these roles (122). The ability to see Hindley as *both* a victim and a perpetrator may make it more palpable to consider the influence her family, Brady, and the media had on her. In this vein, research on the role of victims in oppressing other victims might be particularly useful and Downing's book is an effective starting place.

But what of the 'traditional' male murdering subject in the contemporary age? Are there derisive myths surrounding him? Downing examines this possibility in a case study of Dennis Nilsen (1945 –). Nilsen proceeds along a continuum similar to that of Lacenaire and Lafarge by conceiving of himself as an artist. This is a striking thought because it underscores the

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<sup>9</sup> Duncan Staff, *The Lost Boy* (Bantam Press 2008) 7.

<sup>10</sup> Malcolm MacCulloch as quoted in Staff, *ibid*, at 294.

<sup>11</sup> B Morrissey refers to the 'monsterisation' and 'mythification' of the stories told about Hindley in: 'Crises of Representation, or Why Don't Feminists Talk About Myra?' (2002) 16 *Australian Feminist Law Journal* 109.

<sup>12</sup> As told to the author in personal interviews and as reported in Claire Valier, *Theories of Crime and Punishment* (Longman 2001).

codification of murder within Western culture. It is assumed that the experience of killing is one that cannot be easily represented. While a number of books, films, paintings and the like seek to depict murderous scenes, few do so with the viewpoint of the murderer firmly in mind. Nilsen breaks this third wall by constructing his own works of art in a way that calls forth a cultural dialogue on homosexuality, love, lust, and blood (136-44). A gay man himself, Nilsen would attract his victims at bars in the Soho neighbourhood of London, taking them home and then murdering them. He would clean the bodies and take photos of his victims, whom he claims to have found both erotic and beautiful. As Downing argues, there are important repercussions for patriarchal society in Nilsen's crimes and the depictions of them (145). Linking Nilsen's crimes to 'the homosexual' reinforces a gendered and homophobic stereotype of the abnormal, sexually aberrant gay man. Similarly, Myra Hindley's sexual relationships with women whilst she was in prison have been the subject of much discourse. These narratives 'of the exception and of the monstrous, projected on to the figure of the killer, are used to shore up the comforting façade of social normality. The use of these discourses keeps the majority righteous, and isolates the deviant few' (145).

A further act of public isolation occurred in the case of Aileen Wuornos (1956-2002) whose victims were men that had attempted to or succeeded at raping her whilst she worked as a prostitute. Downing contends that Wuornos' particularly harsh treatment by the media and by the general public (her 'story' about killing rapists is generally doubted, for example) can be attributed to class and gender norms which would demonise not only Wuornos' identity as a prostitute, but also her sexuality in her personal life – she was a lesbian. As one of the few women to be sentenced to death for her crimes in recent years, Downing questions the assumption that the courts treat women more leniently. Her research shows, in fact, that women's punishments are considerably *more* punitive in violent female homicide cases 'especially when the murdering woman can be seen to flout blatantly other cultural expectations of femininity' (153), a point that is no doubt reflected in Myra Hindley's case as well. That feminists have been slow to jump to the defence of either Wuornos or Hindley is of particular concern here. Those that do evaluate the cases through a feminist lens tend to do so with the idea of the female murderer as a victim of abuse and patriarchy. While elements of this surely exist, Downing argues that there is unwillingness on the part of many feminists to accept women's capacity for violence. Downing's position here is an odd conundrum given the rhetoric of anti-essentialism where women ought to be seen free of generalised and overarching identity characteristics (163). As I mentioned in relation to the Hindley case, seeing female violent offenders as both victims *and* agents may be a way forward, a point that Downing does pick up on later in the text. This reversal in treatment of violent offenders can potentially disrupt the ominous message inherent in Claudia Card's statement on Wuornos' sentencing: 'The message to other women is clear: violent women are abnormal, criminal, and will not be tolerated.'<sup>13</sup>

The final chapter in Downing's book (168) is an expose on child killers in the twentieth and twenty-first centuries. While the chapter in itself is interesting and informative, I found it ultimately the weakest in the book. Downing is right to point out that non-adult murderers are dealt with especially severely, at least in the public perception, but the cases she uses to

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<sup>13</sup> Claudia Card, 'Review of Lynda Hart, *Fatal Women: Lesbian Sexuality and the Mark of Aggression*' (1995) *Journal of the History of Sexuality* 150, 52.

demonstrate this point (Columbine in particular) do not seem to me to be as gripping or compelling from a feminist standpoint as do the others. This could be in part because I grew up in the United States at the time of such incidents, where we constantly lived in apprehension that a fellow classmate might blow up or shoot up our school at a moment's notice. Perhaps this is Downing's point – the child killer has been constructed in such a way as to be feared before he even emerges.

All-in-all, Downing's book is a timely and relevant examination of the roles public perception, the construction of class and gender norms, and the socio-political, play in shaping our understanding of and response to murder and murderers. By de-othering the murderer, Downing offers a startling conclusion: perhaps we all have the innate capacity to kill. If so, what does this say about the way we punish those who have crossed that line?

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