

# Courtroom

## portrayal of women who kill is too narrow

By Debra Robertson-Stainsby  
 PhD researcher, Queensland University of Technology

**W**omen charged with homicide are more likely to be found innocent or be sentenced leniently if they showed remorse and concern for the person immediately after the crime, a QUT criminology researcher has found.

Debra Robertson-Stainsby, a PhD researcher from QUT's School of Justice, analysed the transcripts and judges' comments in 19 Queensland cases in which women were on trial for homicide - i.e. they were charged with either murder or manslaughter.

Ms Robertson-Stainsby concluded that how a woman reacts immediately after the event appears to have an effect on the verdict. If her defence can point out that she made admissions to police and showed concern for the victim, this increases the defence's ability to highlight her 'domesticity' and her caring nature.

Highlighting a woman's domestic, emotional nature was one of two

stock stories told in court about accused women - the defence portrays the woman as a victim and the prosecution portrays her as an angry, vengeful, self-serving person.

The two stories compete in court. The woman who can be painted as a homely, nurturing, stereotypical woman is the one who is less likely to be convicted, or receive a shorter sentence.

When there are equal stories of victimisation and volition told to describe the accused woman and her actions, the fall back story for the defence tends to pathologise the woman's actions and argue that she was depressed or had some form of mental illness.

Most criminology research has focused on men's patterns of offending and there is a ready acceptance of men's rationality but the dominant theories on women's offending suggest that they are victims and offend as a reaction to

being victimised.

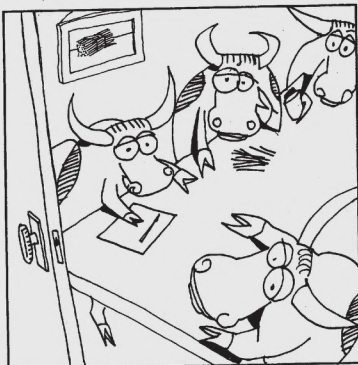
My research examined the 'stories' used to explain women's complex offending and also looked at the anger and intent that can occur with or without victimisation.

The tendency to portray women as victims and therefore less culpable came about as a reaction to the era when domestic abuse was not recognised as a potential mitigating factor in women's violence.

But it is time to move on from that and realise we can't use that dichotomy; it's much more complicated than that, and we have to gain a more realistic and informed understanding of what is happening in the courtroom for women who kill.

Mainstream criminology needs to widen its thinking on women's offending as it is these theories which help determine the policy that guides law making. ↓

### The Muster Room



Amusing happenings from within the legal profession, weddings, births, firm changes; tell us all about it!

SEND YOUR NEWS TO MUSTER ROOM -

[publicrelations@lawsocnt.asn.au](mailto:publicrelations@lawsocnt.asn.au)

Contributions can be printed anonymously on request.