

Accessors After the Fact: The Media as Accomplice to Patriarchal Myths of the Female Offender

Louise Falconer looks at myths concerning the female offender perpetrated by the media and their impact on women and society.

Women do not naturally commit crime. This simple, yet distorted and oppressive notion is fundamental to the perception of the female criminal. Myths concerning the female offender are pervasive in modern society and can be characterised in one of two ways. One concerns the popular explanations for her crime – because she is sexually deviant, biologically different, or because she is “mad”. The other belief manifests itself in the way that she is portrayed, perhaps as a “whore”, perhaps as a “witch” or perhaps as “masculine”. Such prejudices, having arisen from Judeo Christianity, as well as the works of early criminologists, still colour modern society’s beliefs. These antiquated modes of thought have not been laid to rest because they are continually resurrected by the media. The media has immense power to alter public opinion. It is a power that can be harnessed to obstruct, whether intentionally or not, change in society’s norms. For the most part, the media participates as a player with societal institutions to maintain women as “Women,”¹ it is therefore essential for those wishing to debunk anachronistic myths to expose the weaknesses in journalist discourse.

The cases of Lindy Chamberlain and Myra Hindley have been employed to illustrate the links between the media and the continual blurring of myth and reality. These two women have been chosen specifically because both were convicted of child murder. Their crimes disturbed fundamental social constructs and thus exemplify the extent to which prejudices pertaining to the female offender still linger. Myths and their resonances have particular importance for women because myths concerning women’s innate capacities have pervaded every aspect of society.²

“Myth is not an idle tale, but a hard working active force; is not an intelligent explanation... but a pragmatic charter of primitive fear and moral wisdom.”³

Nowhere is this more apparent than in the realm of crime, where fear of the fallen woman still rages.

THE PERPETRATOR: WHY THE MEDIA MATTERS

“The media” is not a disembodied spectre, nor is it a term of art. In this context it is not just an individual journalist, an editorial decision, commercial necessity or a tabloid as opposed to a current affairs programme. It is the nexus of all these factors and the intense force that the conflation produces. It would be negligent to isolate any one of these elements, as while “the media” is not by any means a harmonious collective, the repercussions it induces are not traceable to any ultimate source.

The media serves many functions, not least in keeping the public informed. Yet it has been repeatedly recognised that a self adopted role is to reaffirm the consensual morality of society.⁴

“When such fundamental values are violated, such as the murder of a child, the news media... provide an opportunity for the reaffirmation of the basic moral standards of society.”⁵

It is this function that renders the media a threat to changes in traditional understanding of female criminality. The media’s response to female offenders, and in particular murderers, reaffirms the “phallogentric” culture in the broad sense, defined by Smart as the unconscious and subjective reproduction of patriarchal beliefs.⁶ It participates in the dominant social paradigm, therefore is subscribing to and preserving phallogentrism. Violence and crime is defined in masculine terms so the female offender is of course “unnatural”.

Mass media has developed to become an important socialising agent. It not only selectively reflects aspects of society, but over time actively shapes it.⁷

“One of the areas where the media are most likely to be successful in mobilising public opinion... is on issues about crime and its threat to society.”⁸

The immense power of the media is best illustrated by looking at the issue from two different, yet overlapping perspectives, both grounded in the “fear of crime” mentality. The nurturing of this perception by the media ironically comes at a time when crime rates are in fact declining.⁹

Research reveals the extensive normative impact the media has, not only on thinking patterns but consequentially on a women’s actions and lifestyle choices. Women display a grater fear of crime than men, despite the fact that men are more likely to be the victims of crime.^{10 11} This is linked to media generated images of likely crimes and victims, most notably reporting individual acts of crime by strangers, particularly against white young women.¹² Research has shown that safety, above affordability and convenience, was most important to a women when deciding upon housing, modes of transport and leisure activities. Their movement was impaired by a ‘socialised fear perspective’ of the world. Daly and Chasteens’ conclusion is that the extreme examples of crime against women used to make news has lead to undue restriction on women’s movement.¹³

This kind of reporting also abets overall distortion of the broader picture of crime. Crimes that occur least often are most likely to be reported in the news.¹⁴ The focus on high profile crime means that the statistically prevalent crime is ignored, and its social context and implications become obscured. An example is the focus on “stranger” rape, which overshadows the far more typical cases of rape by partners.

THE EVIDENCE: THE MYTHS AND HOW THEY ARE PERPETUATED

Both Lindy Chamberlain and Myra Hindley’s circumstances provide a microcosm of the interrelations between crime, the media and social opinions. Academics cite Lindy Chamberlain’s case as a cataclysm of Australian psyche and

culture, a drama that tapped deep in the Australian identity, yet essentially it was "mundane" case of infanticide.¹³ Myra Hindley was also a convicted child murderer, on a different continent, in a different era, her treatment still bears remarkable similarities. As someone convicted of sadistic abductions, rape and torture of several teenagers, her crimes were doubtless horrific. Her male partner in crime, Ian Brady has long since faded from the headlines. Yet Hindley, still imprisoned 31 years later, still frequently makes the headlines. At the heart of these disparities and similarities are the mythologies surrounding women and crime.

Every statistic relating to criminal trends highlights the unavoidable fact that women are typically non criminal. This is a fact that crosses all historical, cultural and national boundaries.¹⁶ Despite the small percentage of women offenders,

*"fear of the non-conforming woman has transcended ethnic, racial and religious bounds in almost all civilisations throughout history"*¹⁷.

Ancient mythology and Judeo Christianity are the origins for what has become the contradictory perception of women, evolving from two opposing ways female sexuality affected men.¹⁸ On the one hand women are regarded a superior beings canonised in the form of Virgin Mary, a woman who is simultaneously a mother and a virgin. But she is also Eve, the quintessential evil woman, the seductress and the temptress.¹⁹ The media construction of Chamberlain exemplifies this duality. Goldsworthy states, they

*"concentrated simultaneously on her sexuality and on her maternity, [she] challenged and violated the largely unconscious but deeply ingrained conviction that motherhood is good, and female sexuality is bad and never the twain shall meet"*²⁰.

At the time of her trial in September 1981, Lindy was six months pregnant. Typical headlines were: "Guilty Mother", "The Young Mother with Far Away Eyes" and "Dingo Baby Mother"²¹. One witness commented that she was a model wife and mother.²²

However at the same time, "Lindy's sexuality became a major point of discussion among journalists"²³.

*"Lindy looked stunning in her off the shoulder apricot dress, her little body faultlessly suntanned as far as the eye could see"*²⁴

*"It's easy to see why Michael is a pastor and not a priest"*²⁵

*"She dressed in a fairly sexy sort of way. She was obviously aware of how she looked. I think that she was aware of her sex appeal."*²⁶

The press was confronted with an unresolvable contradiction – the alternate conceptions of women were collapsed into one. Chamberlain was a mother, and pregnant, but her sexuality could not be denied. Goldsworthy suggests that had she not been pregnant as well as prettily dressed when she stood trial, she may never have been sent to gaol.²⁷

Hindley on the other hand was painted purely as the sexual deviant,

*"hardly the stuff of pin up stereotypes... it was the only mould the press could find for her"*²⁸.

The most pervasive myth, according to Omodei is that female delinquency is predominantly sexual delinquency.²⁹ This can perhaps be traced to the nineteenth century work of Lombroso. In *The female Offender* they located the cause of criminality in the biology of the individual. One of Lombroso's assertions was that a large part of female deviance is sexual in nature. The theory of woman as "deviant" emerged.³⁰ Hindley's unstable sexuality has been implicitly linked with the deviance that led to the murders.³¹ Much was made of the fifty books on sadism and torture found in Hindley and Brady's house. Passages from De Sade's *Justine* were read out at the trial as evidence of their moral corruption.³² Tapes of their own sexual activity and pornography only deepened their depravity and in doing so concreted the link between sexual deviancy and criminality. The press ran headlines like "My Nights of Passion with Myra Hindley" and "Sex Romps with Ex Nun in E Wing"³³. Sexual deviancy is again aligned with depravity, female sexual desire with violent transgression.³⁴

BAD IS MAD

A persuasive assumption is that to deviate in a criminal way is proof of some sort of mental imbalance³⁵. If the criminal act cannot be rationalised logically this is used as a convenient label to explain the inexplicable. It has long been assumed that women are more inclined to sick or made behaviour than men³⁶. Henry Maudsley was one of the first doctors to identify the inherent madness in women's bodies. He believed that the normal

functionings of the female body, an "irritation of the ovaries or uterus" were the cause of deviance and insanity³⁷. It is still a trend in punishment to find more women committed to some sort of psychiatric care than men³⁸. The question then becomes whether the woman was 'bad' or whether she was actually 'mad'. In fact, one headline concerning Hindley actually ran "Mad or bad?"³⁹. The irony in the Hindley case is that Brady was transferred in 1985 to a psychiatric hospital, diagnosed as a paranoid schizophrenic. Hindley on the other hand is quite sane. Birch notes that had Hindley been sent to a psychiatric ward, it is probable that she would have been released by now. The labelling of Brady as "mad" allowed his unfathomable acts to be explained, thus we see his disappearance from public consciousness. But Hindley denies the 'mad', repudiating popular assumptions and explanations for such crime ensures her image is a recurring one in the news.

MASCULINISATION

Lombroso believed that the female criminal was a result of a masculinisation process, that the delinquent woman belonged more to the male sex than the female sex⁴⁰. Freud saw female criminal aggression as the failure of to adopt appropriate feminine attitudes⁴¹. In the nineteenth century, evidence that a woman had been properly socialised in her feminine role led to an acquittal of murder charges. A reported at one such trial was disturbed by the accused's failure to weep but could report later that, "womanhood was fully established when she burst into tears"⁴². In a similar vein it has been suggested that Lindy Chamberlain was convicted for her failure to cry⁴³. It was written in the *Canberra Times* that her adherence to the dingo story accounted for her image as a

*"cold blooded, heartless murderer, instead of perhaps a confused, depressed mother in a state of uncontrollable mental imbalance"*⁴⁴.

If she had spilled a teary confession, claiming that she didn't know what came over her, she may well have become the object of pity because she was obviously 'mad'. Yet she defiantly asserted her innocence. Her eagerness to speak to the media raised accusations of self aggrandisement and heartlessness. Her lawyer pleaded with her to be more "demure", to be more feminine.⁴⁵

Hindley was also constructed in masculine terms. The famous brooding

photo of Hindley glaring defiantly at the camera, shows not a glimmer of remorse. Hindley has herself stated the intense scrutiny forced her to cultivate an expressionless face, which was interpreted by most as callousness⁴⁶. At the trial, her sister testified that Hindley "hated babies and didn't believe in marriage"⁴⁷. In her book *On Iniquity*, Hansford wrote of Brady "on the whole her looks ordinary... Myra Hindley does not. Now in the dock she has a great strangeness and the king of authority that one might expect to find in a woman guard of a concentration camp"⁴⁸.

The masculinisation of both women was compounded by the nature of the crime – child murder. Lombroso maintained that strong proof of the degeneration of a female criminal is the lack of maternal instinct.⁴⁹ Both Chamberlain and Hindley were portrayed as the arch 'anti mother'. Chamberlain's defence summed up his case, and popular sentiment, by stating,

*"women do not usually murder their babies, because to do so would be contrary to nature"*⁵⁰.

But in the public's opinion, even if the murder charges were untrue, Chamberlain had still neglected the responsibility for her child's welfare. However stated that by the time Chamberlain came to be tried, "she stood condemned for violating the stereotypes and sanctity of motherhood, of transgressing the boundaries of normal, passive motherhood. Moreover by raising the possibility of having killed her child, she became transformed into an unnatural mother and a witch."⁵¹

DEMONISATION

Portrayal of women as witches is consistent throughout Western history. The witch is a mythical embodiment of the male fear of women⁵². During the notorious witch hunts of the middle ages, it is estimated that 500,000 witches were burned, 85% being women⁵³. The image of the fallen woman as a witch, demon or evil incarnate is still a current one.

The demonisation of Chamberlain is clear from this quote of a forensic expert at the trial:

*"All the time, she was there behind me. Staring. She just stares. She is, you know, a witch. I could feel her eyes burning holes through my back"*⁵⁴.

Johnston illustrates that imagery of witch hunting is still firmly rooted in our society.

*"The spectre of Lindy as a witch was rarely articulated, yet the notion percolated just beneath the surface"*⁵⁵.

Uluru, an inherently mysterious place was one element contributing to the witch construction:

*"The spinifex rustles and the brown hawks and black crows wheel overhead. At night the dingoes howl."*⁵⁶

In this context, it is unfortunate the Chamberlains were Seventh Day Adventists:

*"Some talked of sorcery. Others told of fearful rites carried out in the desert."*⁵⁷

There was speculation that Azaria meant 'Sacrifice in the Wilderness', that Lindy was prone to dressing her in black, that police had found a child's coffin in the Chamberlain's home.⁵⁸ Bryson captures the mood, quoting a tax driver who said to him, "they ought to burn the bitch".⁵⁹

Myra Hindley's crime against children took her outside the realm of other explanatory devices, and thus she could only be a devil. She was labelled by the *Sun* as: *"The most evil woman in Britain"*. She has been consistently used as the yardstick of what is truly evil. At her trial, Hindley refused to take the oath on the bible, preferring instead to affirm, in "keeping with the faithless monster image she later acquired."⁶⁰

THE DEFENCE

There is some evidence to suggest that the extent of influence on the public's beliefs isn't absolute, and that the media effects is severely limited.⁶¹ It is arguable then that the media is only the messenger. It is merely holding up a mirror to society in an obtrusive manner, revealing what we do still really believe? This perspective defines the media the as passive spectator. Extensive empirical research, as cited earlier, as well as common sense indicates that this is not the case.⁶²

John Slee, a journalist with the *Sydney Morning Herald* concedes that some parts of the media are prone to exaggeration. But he states that to leap from exceptional cases to generalised condemnation of the media is to fall into the same error of

which the media itself is accused.⁶³ His assertion is legitimate and is given credence by an example provided by Rhode. She believes that the media coverage of the OJ Simpson murder trial was a watershed in coverage of domestic violence. The media blitz resulted in positive changes, among them new legislation and heightened awareness.⁶⁴

There are traditional assertions which validate mass media's role in society. An example is that it provides the public with knowledge and protection, "an informed citizenry is an armed citizenry".⁶⁵ This and other assertions like it however lose relevance when the actual manner of reporting on women and crime is scrutinised. There are few valid justifications for perpetuating myths that women are trying to eradicate. What is potentially of deep concern is apparently the media is yet to concede the skewed view it can present. Despite Justice Morlings inquiry into the Chamberlain trial, Slee writes,

"a confident view on how prejudicial the media coverage of that case was just isn't possible".⁶⁶

CONCLUSION: CASTRATING PHALLOCENTRISM

Female offenders are seen to be doubly deviant, they have breached the law of the land, and more fundamentally, 'natural law' relating to their femininity.⁶⁷ Clearly myths about female crime predate any media involvement, but clearly an important issue to resolve is the ways in which the media, such a potent force in modern society still perpetuates myths that ought to have disappeared into the annals of time. It is essential to engage in such a debate because the media validates the dominant phallogentric beliefs about female criminality. A major strategy for disrupting this construction is to persistently challenge the terms on which it is lodged. The trials by society of Chamberlain and Hindley reveal the deeply rooted beliefs that continue to undermine the polemics of female criminality, and reveal the discourse to be truly defined in masculine terms. As Birch states.

"The mythology of Myra reveals about all that we do not have language to represent female killing and that a case like this disrupts the very terms that holder gender in place".⁶⁸

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- 37 *Id.*, p106
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Louise Falconer is a student at ANU completing a Combined degree in Arts (Asian Studies) and Law. This essay was highly commended in the CAMLA essay competition.

Australian Telecommunications Policy in the New Millennium: A Global Perspective

Valerie McKay looks at the way in which key global regulatory and technological developments rather than domestic considerations will play an increasingly stronger role in the shape of future telecommunications regulations and legislation in Australia.

INTRODUCTION

The Australian telecommunications industry has undergone significant changes in the last decade, from government owned monopolies to an environment of open competition. Broadly, the communications industry has evolved into its present state via three major reform phases. The most recent of these phases, which captures the present arrangements, is the 1997 package of legislation that entered into force on 1 July 1997. This included the *Telecommunications Act 1997* (TA) and

Parts XIB and XIC of the *Trade Practices Act 1974*, (TPA) enacted specifically to address competition issues arising in the newly liberalised Australian telecommunications industry. The object of the TA is:

...provide a regulatory framework that promotes the long-term interests of end-users of carriage services or services supplied by means of carriage services; and the efficiency and international competitiveness of the Australian telecommunications industry'

During the next decade, it is believed that international trade agreements and technological developments will transform telecommunications into a globally focused industry underpinned by a supranational regulatory regime. This paper discusses a major international telecommunications agreement, administered by the World Trade Organisation (WTO) and suggests that it will form the basis of a future global regime. It then considers which organisation(s) could be a suitable global regulatory body to administer a supranational regime. The global nature of the industry is being further entrenched