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**The Case of Karla Homolka:
From the (Re)construction of Womanhood In Danger to
Dangerous Womanhood**

This thesis is submitted to the Faculty of Graduate and Postdoctoral Studies, in partial fulfillment of the requirements for the degree of Master of Arts.

Department of Criminology
University of Ottawa
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“What is meant by nonduality, Mahatmi? It means that light and shade, long and short, black and white, can only be experienced in relation to each other; light is not independent of shade, nor black of white. There are no opposites, only relationships. In the same way, nirvana and the ordinary world of suffering are not two things but related to each other. There is no nirvana except where the world of suffering is; there is no world of suffering apart from nirvana. For existence is not mutually exclusive”.

-Lankavatara Sutra

Abstract:

This thesis is a qualitative discourse analysis of the case of Karla Homolka. The purpose of this thesis has been to examine how Karla Homolka was socially constructed within the three data sources: (1) the trial transcripts from *R. v. K. Bernardo*, 1993; (2) her testimony In Chief, cross-examination, re-dress, and re-cross-examination from *R. v. P. Bernardo*, 1995; and (3) *The Report to the Attorney General on Certain Matters Relating to Karla Homolka*, 1997. A critical examination of how Homolka was constructed as being representative of both the two sides of three dichotomies was conducted. The three dichotomies are: (1) angelic / demonic; (2) Madonna / whore; and (3) woman *in danger* / *dangerous* woman.

Evidence supporting Homolka's construction as being simultaneously the two sides of each dichotomy was found. The motives behind the varying claims purported by the different claims-makers were examined. It was concluded that Homolka's characterization as being simultaneously *in danger* and *dangerous* led to the clouding of the comprehension of her character and her role in the crimes she committed. This confusion regarding her persona has demonstrated that there is a newly emerging category of offender, that of the *sexually violent female predator*. It was proposed that this confusion might lead correctional officials to be more oppressive and possibly more punitive with respect to other violent women.

Introduction:

Karla Homolka met her future husband, Paul Bernardo, when she was just 17 years old. Bernardo was six years her senior. The couple became intimate upon meeting, and the relationship quickly became serious and exclusive. Homolka admitted that the relationship was positive in the beginning, but that it became increasingly emotionally, physically and sexually abusive. Over time Bernardo persuaded and coerced Homolka to engage in increasingly deviant sexual activity and persisted in referring to her as his bitch, cunt, slut or cock-sucker. She began to self-identify as his slave or as his sex-slave, and has since described the relationship as one of master and servant. Without the knowledge of Homolka, Bernardo continued to serially rape women in the Scarborough area of Toronto. Bernardo revealed his desire to have sex with Homolka's younger sister and fearing he would rape her, Homolka assisted by obtaining sedatives from the animal clinic she worked at. The couple drugged and raped Tammy on Christmas Eve, 1990. Tammy fell unconscious during the sexual assault, aspirated on her own vomit and died. The death was ruled accidental.

Bernardo's abuse of Homolka continued to increase but Homolka remained loyal to her abuser both out of fear of him, and of fear of the discovery of her involvement in the death of her sister. The couple would later abduct, sexually assault and kill 14 year old Leslie Mahaffy. The couple was married and the remains of Mahaffy's body were found while they were in Hawaii on their honeymoon. The couple then abducted, sexually assaulted and killed 15 year old Kristen French, and sexually assaulted Jane Doe on two separate occasions. The abuse Homolka experienced continued to increase to the point where she feared for her own life. She finally left her husband in December of 1993 after a brutal beating landed her in the hospital.

The Metro-Toronto police were closing in on Bernardo as the Scarborough rapist and interviewed Homolka with respect to those crimes. It was then that Homolka confessed to her involvement in the deaths of her sister, Leslie Mahaffy, and Kristen French. In return for her assistance in obtaining physical evidence to link the couple to the crimes, Homolka agreed to testify against her husband in order to help the Crown secure a conviction.

Karla Homolka was charged and convicted in 1993 of two counts of manslaughter. Taken into consideration in her sentencing was the unintended death of her sister, Tammy, whom they had drugged and raped one year prior to the Mahaffy-French murders. Homolka received a prison term of twelve years to be served concurrently, in exchange for her testimony against her husband. Her testimony helped convict Paul Bernardo of two counts of first-degree murder.

Conflicting images of Homolka have surfaced since she first came forward and told the police about her involvement in the deaths of the two young women. She has since been sanctified, demonized, vilified, and portrayed as both the victim and mastermind behind the murders. It is these images, within the context of the courtroom and legal domain, that will be critically examined within this thesis.

There has been strong public outcry concerning Karla Homolka's plea bargain, which resulted in an inquiry: *The Report to the Attorney General of Ontario on Certain Matters Relating to Karla Homolka* (herein referred to as the Galligan Report, 1996). The images constructed of Homolka within the public and journalistic domains resemble those that have been historically constructed of violent women (McGillivray, 1998). These images created of violent women have been indelibly painted on harsh canvas, and are rooted in the traditionally sexist and patriarchal conclusions drawn by our early theorists since the end of the 19th century (Lombroso and Ferrero, 1895; Thomas, 1923; Pollak, 1950). This research intends to uncover how Karla Homolka was socially constructed within her trial, the trial of her ex-husband and the Galligan Report. The content of these documents and testimonies will be analyzed to determine how Homolka has been presented and re-presented in dichotomized images, characteristic of how violent women have been historically constructed. The aim of this thesis is to undergo an in depth analysis of Karla Homolka. The goal is to understand specifically how Karla Homolka was socially constructed as being representative of these varying thematic characterizations.

Naylor (1995) argues that explanations of female violence are inherently gendered and can be categorized into six thematic descriptions:

- 1.) *Madonna/Whore Complex*

- 2.) *Sexual Passion/love as an 'excuse' for crime*
- 3.) *Reproduction and madness*
- 4.) *The figure of evil – the witch – the monster*
- 5.) *The criminal woman as 'not woman'*
- 6.) *The female as devious and manipulative*

For the purpose of this thesis these categories have been adapted so that they fall into three binaries of analysis crucial to how violent women are portrayed. The three overlapping themes as seen in their binary format are:

1.) The Madonna / Whore division represents how female sexuality is constructed. Female criminality has a long history of being linked to women's sexuality. A conventional approach when trying to explain female violence has been to place blame on women's sexual urges and 'uncontrollable desires' as reason for their criminality (Lombroso and Ferrero, 1895; Thomas, 1923; Pollak, 1950; Hirsch, 1981; Leonard, 1982; Birch, 1994; Schur, 1984; Naffine, 1981; Omodei, 1981; Faith, 1993; Naylor, 1995; Heidensohn, 1995; Lloyd, 1995; Pollock, 1999; DeKeseredy, 2000). Naylor (1995) explains that such explanations operationalize a woman's sexuality so that it becomes her master status, giving credence to her inevitable capability as a criminal. Feinman (1986), argues that the Madonna / Whore dual perception is a result of how female sexuality has affected men. Here the Madonna is the virtuous woman, as she represents life through purity, where the whore represents how women are capable of striking desire and sexual passion in men thus leading them to lose control (Feinman, 1986). This duality was used to create a subservience of women to men as these two powers were unique to women, making them both necessary but dangerous (Feinman, 1986).

2.) The angel / devil dichotomy remains in today's conceptions of violent women. This dichotomized image construction represents the aspect of morality that is so frequently the focal point when analyzing women's crimes. Violent women become "non-women" and are demonized as their violent actions come to define who they are. Their actions are frequently constructed as being more deadly than those of a violent male, because of the transgression from the traditional standard of femaleness (Heidensohn, 1995; Lloyd, 1995; Kershaw and Lasovitch, 1996; McGillivray, 1998; Yeager, 2000).

3.) The third binary is the woman in danger versus the *dangerous woman* (Frigon, 1996, 2003). This construction has evolved out of the victimology literature with much emphasis on Lenore Walker's Battered Woman Syndrome (1979). Many authors point out how many violent women are victims of violence and how this violence then manifests into violence by their own hand (Walker, 1979; Smart, 1977; Datesman and Scarpitti, 1980; Hirsch, 1981; Feinman, 1986; Adelberg and Currie, 1987; Heidensohn, 1995; Lloyd, 1995; Shaw, 1995; Frigon, 2003). Karla Homolka raised the issue of the Battered Woman's Syndrome and it was legally accepted as a mitigating factor used to explain her actions (*R v. K. Bernardo*, 1993; Pron, 1995; *R. v. P. Bernardo*, 1995; Galligan, 1997; McGillivray, 1998). Homolka's dual role as both the woman *in danger* of her abusive and often torturous ex-husband and as the narcissistic *dangerous woman*, will be the focal point of this inquiry and analysis.

There have been many analyses of violent women in criminological, sociological, psychological, and feminist research (Adler, 1975; Klein, 1980; Hirsch, 1981; Leonard, 1982; Naffine, 1987; Faith, 1993; Shaw, 1995). Many conclusions have been drawn with respect to their morality, sexuality, and the meanings behind their criminal activity, although there is a dearth of research that attempts to unmask the reality behind specific cases (Gavigan, 1987; Johnson, 1987). General assumptions have been made with few attempts to go into a deeper understanding of the image construction of women during their actual criminal trials. This research is going to begin filling this important gap within the existing research.

Plan of Thesis:

Chapter one will introduce and review the existing literature surrounding violent women. It will entail a historical overview of theories of women's violence and criminality, dating back to some of our earliest theorists, such as Lombroso, Ferrero and Thomas. More recent analyses of female criminality and feminist explanations of the early theories will also be presented. This literature will be encapsulated into the three binaries outlined above. This chapter will thus serve as a reference to my discussion chapter.

Chapter two will be devoted to the explanation of my theoretical frameworks. The four main strands of feminism will be examined: (1) Marxist/socialist; (2) liberal; (3) cultural; and (4) radical. An exploration of how feminism has impacted the discipline of criminology will be presented. In the second half of theory chapter I will present the main tenets of social constructionism and the key debates between strict and contextual constructionism. Chapter three will encompass the methodology being used in thesis: (1) intertextual deconstruction; (2) case study; (3) discourse analysis; and (4) feminist method (which will also examine the three feminist critiques of science: (1) feminist empiricism; (2) standpoint feminism; and (3) feminist post-modernism).

Chapter four entails the results found from the intertextual deconstruction of the trial transcripts in *R. v. K. Bernardo* (1993), Homolka's testimony, cross-examination, re-dress by the Crown, and re-cross-examination in *R. v. P. Bernardo* (1995), and the *Galligan Report* (1997). This will be followed by a section devoted to presenting my conclusions with suggestions for future research.

Chapter 1: A Review of the Literature

It has been argued that female criminality has traditionally been ignored or represented in sexualized and inaccurate ways (Schur, 1984; Naffine, 1987; Chesney-Lind, 1997; Parent, 1998; Denov, 2001). The idea of the violent woman as a myth or reality is one that has encapsulated authors and audiences, in that there is a widespread belief in an alarming increase in female criminality, with a specific concern surrounding the issue of violence perpetuated by women (Crites, 1976; Datesman & Scarpitti, 1980; Adelberg & Currie, (1987); Heidensohn, 1995). Adler (1975) argued that women have become increasingly involved in crime since they became increasingly involved in the male dominated world of work and life outside the home, which she claims is a byproduct of the women's movements. Most feminist authors have disputed this claim. Adelberg and Currie (1987) demonstrate how Adler's research is faulty as a result of methodological problems inherent within her model¹. Leonard (1982:17) writes:

"Increasing female crime is often mistakenly regarded as a necessary result of women attempting to surmount traditional roles and expectations."

Other researchers have commented on the dual image of women, constructed in extreme praise and in condemnation (Leonard, 1982; Omodei, 1981). Leonard (1982:17) writes of the effects of this phenomenon in criminological research:

"Women are rewarded with all the superlatives when they remain in accepted roles. Yet, in spite of their goodness, piety, and virtue (characteristics that would suggest they play a pivotal role in governing society), we are reminded of their dark side. To contain this, women must be controlled and protected, which is most effectively accomplished when they remain wives and mothers."

Sexist and moralistic arguments continue to surface in research explaining female criminality and suggest that female inferiority appears to be rooted in their *biology or nature*. This argument denies that violent women act out because of their social position, limited opportunities, and restricted roles or social expectations, and subsequently blames their criminality on their gender (Leonard, 1982).

The following overview will chart the evolution of our theoretical explanations of female crime and violence. A feminist critique of the early theories within the structural

¹ Adelberg and Currie (1987) suggest that one of these methodological problems occurs when researchers compare percentage increases when base numbers are too small.

format of the three dichotomies being used for this analysis: (1) the Madonna / whore; (2) the angel / devil; and (3) the victim (woman *in danger*) / victimizer (*dangerous woman*), will then be presented. The last section of this literature review will highlight some of the more contemporary research surrounding violent women.

1: Early Theories of Female Violence

It is important to situate yourself historically, by drawing on earlier work, within the literature, in order to position yourself for entry into your analysis. Lombroso and Ferrero's (1895) *The Female Offender* argued for a biological explanation of female criminality rooted in their earlier work in *The Criminal Man* (1876). Their theory of atavism focused on physical characteristics such as facial structure, skull shape and size, tattooing, one's field of vision, and other physical traits in order to arrive at their conclusions of biological determinism. Lombroso and Ferrero used the concept of atavism to explain that criminals were further down the evolutionary ladder, and were in essence throwbacks to an earlier time. Lombroso and Ferrero (1895: 112) argued that:

"Atavism helps to explain the rarity of the criminal type in woman. Due also to it is the virility underlying the female criminal type; for what we look for most in the female is femininity, and when we find the opposite in her we conclude as a rule that there must be some anomaly."

This argument still persists as violent women are typically cast as having masculine characteristics and are thus penalized for their lack of adherence to femaleness (Hirsch, 1981; Faith, 1993; Heidensohn, 1995; Omodei, 1981; Martin, 1999; DeKeseredy, 2000).

Some of their arguments point to the inevitable conclusion that female criminals are much more deadly than their male counterparts, that there is a "*superiority in the female born criminal over the male that lies in the refined, diabolical cruelty with which she accomplishes her crime*" (Lombroso and Ferrero, 1895:148). Conclusions were drawn whereby women were compared to the likeness of children, with little moral sense or judgment, revengeful, jealous, with an inclination toward "*a refined cruelty*" (Lombroso and Ferrero, 1895:151). They continue by stating that the "born female criminal" is doubly exceptional, as women are the exception among the criminal population and criminals are the exception among the general population (Lombroso and Ferrero, 1895:151). They used multiple descriptions of women offenders, including, *the*

born female criminal, *'the occasional female criminal'*, *'the hysterical woman offender'* (a play on female anatomy as a cause of her criminality, as hystera is Latin for uterus), *'criminal female lunatics'*, and *'epileptic delinquents'* (Lombroso & Ferrero, 1895). Criminal women were also portrayed as liars, denying their involvement in the crime no matter how much evidence there was against them, whereas male criminals would usually confess (Lombroso & Ferrero, 1895). Criminal women were said to fall deeper into their crimes than their male counterparts, whereby their denials and excuses became both elaborate and absurd (Lombroso & Ferrero, 1895).

Women were portrayed as weak and physically incapable of satisfying their innate criminal instincts, where as a result they would become prostitutes (Lombroso and Ferrero, 1895). In the end it was asserted that although there are fewer female born criminals, they were much more ferocious than males (Lombroso and Ferrero, 1895). It was stated that although *"their evil tendencies"* were greater in number to those of male criminals they remained latent, only springing up when excited (Lombroso & Ferrero, 1895:151). The author's suggested that when something intensifies the bad qualities innate in women that they would *"seek relief in evil deeds"* (Lombroso & Ferrero, 1895:151). They conclude:

"When piety and maternal sentiments are wanting, and in their place are strong passions and intensely erotic tendencies, much muscular strength and a superior intelligence for the conception and execution of evil, it is clear that the innocuous semi-criminal present in the normal women must be transformed into a born criminal more terrible than any man." (Lombroso & Ferrero, 1895:151):

This paved the way in the early part of the twentieth century for researchers like Thomas, to continue the patriarchal examinations of violence by women. Thomas (1923) focused mostly on female delinquency, but did make the connection to adult female criminality in his book *The Unadjusted Girl*. Thomas (1923) moved away from the biological determinism of the early Italian theorists and identified female criminality as a result of social pathologies. His main arguments circled around female sexuality as a cause of their delinquency and subsequent criminality. His focus on female sexuality as a means to earn material objects rather than as a means to procreation placed blame, not in the hands of a society that demanded women to use their sex for advancement, but in the women themselves. He noted four human wishes that we all seek to fulfill, but where the

delinquent and or criminal girls seek to fulfill them by means of their sexuality: (1) the desire for new experience; (2) the desire for security; (3) the desire for response; (4) the desire for recognition (Thomas, 1923:4). Thomas (1923) argued that society had created a social sanctity of women's virginity thereby labeling women who sold and or used their sex to manipulate men as criminal. If early sexual activity could be caught and reformed, the young sexual delinquents could thus be 'saved' (Thomas, 1923).

Thomas (1923) focused on reforming female delinquent sexuality as a means to end their criminal activity. This was a moral mission soaked in glorification for those liberal reformers who wrenched these children up from the demons of the lower social order to which they had succumbed (Chesney-Lind & Sheldon, 1992). This movement resulted in the vast incarceration of girls and women for status offences based on immorality, delinquent sexuality or promiscuity (Chesney-Lind & Sheldon, 1992). The goal to 'saving' these girls became their immediate removal from the social environment that was conducive to their sexual deviancy (Thomas, 1923). These young girls were thus removed from their homes and sent to training schools for their "*immorality*", "*unmanageability*", and even for their "*potential for sexual immorality*" (Faith, 1993:258; Kershaw and Lasovich, 1996).

In the second half of the twentieth century, Pollak's work in *The Criminality of Women* (1950) was a precursor to the future women's liberation hypothesis, asserted by Adler (1975). One of Pollak's (1950:5) key arguments was that female criminality is a "largely masked criminality", in that it frequently goes unnoticed and is treated leniently. Pollak was one of the only researchers to address female criminality during this period, making his work extremely important in understanding the prevailing ideology surrounding violent women at that time. Pollak (1950) contended that because it is a culturally accepted norm that men protect women, when men are the victims of women they are less likely to report the incident. Pollak also suggests that female criminals go undetected because of their relative lack of physical and social strength in comparison to men, which leads them into deceit and more obscure methods of crime commission (Pollak, 1950).

Pollak (1950:149) alludes to the duality of images that is so often constructed of violent women, and to some of the reasons for this dichotomous view:

"Suppressing them and needing them at the same time, men have never been completely comfortable in their apparent state of social superiority and have always been apprehensive of the possibility of rebellion or revenge on the part of the women. . . . Basically they have attempted to deny women the ability to do things men do and have either idealized them into a sweetness and purity which made them appear docile and harmless, or they have maligned them in order to be able to condemn them."

Pollak (1950) points to male chivalry and the protective attitude men have towards women as evidence of the existing inequality between the sexes as though it is a problematic result of women's desire to be protected. Pollak too, denies the effects of social position and gendered realities as causal links to female crime, again focusing on what women do and on "how they get away with it" rather than coming to an understanding of the reasons they commit their criminal acts.

More recently, Adler (1975, 1980:150) has introduced the liberation hypothesis contending that *"the second sex has risen with the fall of the double standard."* She argues that traditional theorists have avoided looking to a real understanding of female criminality. Adler contends that a focus on women's inherent differences has served to perpetuate age old myths about women (Adler, 1975, 1980). This was done to maintain the male dominated status hierarchy. This hypothesis rests on the notion that after World War II, when women's liberation began to take hold, women found themselves more equipped with male occupational skills thus equalizing their ultimate strength and "weapons" (Adler, 1975, 1980:151). With all of the positive advancements in opportunities, Adler suggests that women advanced their dark sides (1980). Adler (1980:151) asserts that women are beginning to "emulate" men both in types and dimensions of their criminal activity. She makes a correlation between the decline in economic and social disparity between the sexes and the increase in female crime (Adler, 1975, 1980). Adler suggests that what have been traditionally considered masculine offences, are now being adopted by female criminals as well. Such offences include larceny, homicide, robbery, and extortion (Adler, 1980:155).

Adler's theory is important because it is a more modern theory of female criminality that still focuses on the concept of deviant women adopting male characteristics. This liberation hypothesis uses sex role theory to help explain the propensity for women to commit crime, but ignores the fact that even with the women's movement gender divisions still exist between class, labour, and social hierarchy (Smart,

1976). Smart (1976:72) and others (Parent, 1998) denounce this hypothesis claiming that it emphasizes the idea that female criminals are trying to “*emulate the male sex, or at least converge the two sexes.*” Statistical fallacy and moral panic give explanation to the perceived notion of an increase in violence by women (Smart, 1976; Leonard, 1982; Heidensohn, 1995). There has been a misinterpretation of what female emancipation is supposed to mean, as some have claimed it has freed women so that they can behave like men (Smart, 1976; Leonard, 1982; Heidensohn, 1995). Female emancipation is about freeing oneself from sex role stereotypes and rejecting preconceived myths about what one can and cannot do on the basis of their sex. It is about not limiting oneself or one’s potential (Smart, 1976; Leonard, 1982; Heidensohn, 1995).

2: Feminist Critiques of the Early Theories of Violence and Beyond

Various myths and misconceptions about the criminality of women have been inherited from early criminological research that focused on criminal women as masculine, pathological, or sexually deviant (Frigon, 1994; 1995, 1996). This provides a fertile ground for an examination via feminist critique of early literature. Those myths created and perpetuated by men about female criminality have fallen into distinct binarial couplets and are then solidified into our social reality as functional truths. Malinowski (1926:19), an 18th century cultural anthropologist wrote on the significance of myths in our society:

“Myth fulfils in primitive culture an indispensable function: it expresses, enhances, and codifies beliefs; it safeguards and enforces morality; it vouches for the efficiency of ritual and contains practical rules for the guidance of man. Myth is thus a vital ingredient of human civilization; it is not an idle tale, but a hard-worked active force; it is not an intellectual explanation or an artistic imagery, but a pragmatic charter of primitive faith and moral wisdom.”

The following feminist critique of the early theories will be structured under the format drawing on the three essential binaries (1) the Madonna / whore; (2) the angel / devil; and (3) the woman *in danger/ dangerous* woman.

2.1: The Madonna Whore Duality: Female Sexuality on Trial

Lloyd (1995) writes of the duality of the Madonna and the sexual temptress/whore and suggests that the Madonna is put on a pedestal, as something that all women should

strive to be. This is the wholly good and virtuous woman, serene in her simultaneous roles as both mother and virgin. The sexual temptress is the label that is too often applied to deviant women, and represents the complete opposite of the Madonna idealized image. She is manipulative, deceitful and she uses her sexuality to pull men into her trap. MacKinnon (1982) writes of how female sexuality is stigmatized and states that women's sexuality exists for someone who is socially male. Schur (1984:53, 112) argues that women are encouraged to try and appear sexy, but not too sexy as this will result in an extreme label like "*whore, slut, promiscuous, cheap, cock-teaser, or nymphomaniac*". He writes of the effects of taboos such as menstruation upon the construction of female sexuality, arguing that it has been seen as a curse given to women because of their inferior status. In labeling the female body as deviant, Schur acknowledges how women have historically been constructed as inferior and necessarily *dangerous*. This suggests how female sexuality is constructed as deviant, thereby implying that violent women are thus doubly deviant.

As explained above, many early theorists linked female deviance and criminality to their sexuality, sexual acts, urges, and desires. Heidensohn (1995:94) discusses how offences that have nothing to do with sexuality are "*transformed into expressions of female sexuality or a lack thereof*". Heidensohn (1995:47-48) outlines four central assertions regarding the link between female criminality and their sexuality: (1) there is a double standard within the criminal justice system that serves to punish and control only women for their sexuality; (2) various parts of the criminal justice system serve to sexualize female criminality, thereby exaggerating potential harm and risk; (3) "wayward" girls can come into the system and become stigmatized without ever actually committing an offence; (4) the criminal justice system is more punitive to women who deviate from traditionally accepted gender scripts of femaleness. Lips (1991) concluded that one's sex becomes one's master status, as the result of being socialized into masculine and feminine roles of behaviour and thought. These statuses are then transformed into power relations where the social hierarchy places men into a higher status position, whereby they entitle themselves the ability to give description to women's places and roles within 'their' hierarchy (Lips, 1991).

Shaw (1995) points out the dualism used to examine female criminality with respect to their sexuality as a means to divide those who can be reformed or saved from those who are beyond reformation. Naylor (1995:82) looks to connotations that spring forth in descriptions of violent women, such as “*unwomanly*”, when speaking of women who harm children, and “*too womanly*” for those women who are openly sexual and are therefore also deceitful. Women who wear too much make-up and or dress in provocative clothing are immoral, immodest, and “*artificial*” as women are supposed to be “*natural*” in their appearances (Naylor, 1995:82). Women who commit violent crimes are frequently described as having committed them because they are “*blinded by love*” implying that they have no sense of agency or autonomy with respect to their own sexuality (Naylor, 1995:83).

Smart (1976) contends that Lombroso and Ferrero purport a mistaken fallacy: that because there are biological differences between the sexes, that there are also biological reasons for gender differentiations. Lombroso and Ferrero (1895) argue that normal women are to be sexually frigid and any deviation from that is evidence of their criminal anomalies. They contend that prostitutes are putatively more attractive as a way to entice their prey, again making reference to “the whore” that criminal women are supposed to be. Normal women are supposed to epitomize “*piety, maternity, sexual coldness, and a want of passion*”, all characteristics we associate with the image of the Madonna, both mother and virgin at the same time (Lombroso & Ferrero, 1895:151). Thus, Smart (1976:34) concludes that violent women are “*doubly damned*” because they are criminally punished and “*socially condemned for being biologically and sexually abnormal*”.

While Thomas looked to female sexuality as the reason for female criminality, Smart (1976:44) eludes to his failure to address the fact that as long as women are living in a world where they are economically dependent upon men, they will have to use “*sexual bargaining*”. Thomas disregarded how women are to use their sexual purity in order to secure economic sanctuary. Thomas avoided conviction of male sexuality, as it is not ascribed immoral status like that of female sexuality (Smart, 1976). Thus, it precludes to the normality of male promiscuity by selectively condemning only female sexuality. He ignores sanction for those men who purchase women for sex (Smart,

1976). Crites (1976) reiterates Thomas' position that it is the manipulative and conniving ways of female criminals using their sex to maneuver men into giving them what they desire that makes them sexually deviant. Again the notion of the sexual temptress "perpetuates the myth of a lack of sexuality to justify her responsibility for upholding sexual mores" (Crites, 1976:16). Thomas' conclusion is clear: virtuous women morally maintain their sexuality in its purity, only to sell it in marriage, while deviant women amorally sell and trade their bodies for pleasure (Crites, 1976).

Pollak, like Freud, reduces women's criminality to their sexuality and the act of sex in particular (Crites, 1976; Smart, 1976; Heidensohn, 1995; DeKeseredy, 2000). Pollak blames women's sexuality via their menstruation as evidence of their innate deceitfulness (Crites, 1976). He argues that women seek to conceal their menstruation ultimately to fool men, similar to their ability to fool men by faking orgasm (Crites, 1976). The link from female sexuality and biology to their criminality and violence is made when Pollak states that because of their ability to lie, manipulate, and deceive men with regards to their sexuality they thus attempt the same pattern of behaviour with respect to their criminal activity. Like Thomas, Pollak sees women as extending their sexual role into the criminal realm, where they use their sexuality for alternate goals (Crites, 1976; Smart, 1976; Heidensohn, 1995).

The concept of violent women invoking their sexuality in order to deceive men is an age-old myth, perpetuated by continued reliance on false and dichotomous images of what women and femininity should entail. Blaming female sexuality for causing female criminality arises from the historically male position of explicating a fear of women, especially a fear of violent, dangerous and criminal women. Early theorists based their work on criminal, sexual, and sexist myths with little real or valid evidence to support their claims, while their 'mythical' work has been given credence on the basis that such ideas and myths are still present in today's societal constructions of violent women.

In the next section, the second binary will be examined. A feminist critique of the literature falling within the realm of the Angel / Devil dichotomy will be presented.

2.2: The Angel Versus the Devil: Female Morality on Trial

*“There was a little girl
Who had a little curl,
Right in the middle of her forehead,
And when she was good,
She was very, very good,
But when she was bad, she was horrid”
(Longfellow (1973) as cited in Hirsch, 1981)*

Naylor (1995) writes of the violent women who become the figure of evil, representative of the monstrous and devilish capacities that women must entertain in order to act out violently. This label is one that is used when the crime leaves us so shocked that we are unable to fathom its occurrence, therefore this image is construed as a way for us to come to grips with it happening (Smart, 1976; Naylor, Schur, 1984; 1995; Heidensohn, 1995). Heidensohn (1995) writes of the comparison of violent women to the witch, the ultimate symbol of women's weakness and evil nature, whom could succumb so easily to sexual deviancy and malice. Lerner (1981) points out that the emphasis in a witch trial was not on the act or testimony but on the reputation of the woman, which was always immediately tarnished once accusations of witchcraft were brought forth. People then began to look for characteristics that fit the image of the witch that would solidify her new status as the evil and unnatural woman (Frigon, 1996). Although women are no longer persecuted as witches, the image still remains and is used to describe the evil or monstrously deviant or violent woman (Hirsch, 1982; Heidensohn, 1995).

Frigon (1994, 1996) argues that because women have been characterized as *“heretics, mad, at the mercy of their hormones or suffering from a syndrome”* their *“bodies and minds are simultaneously in danger and dangerous”*. Frigon drew on Szasz's (1971) theory explicating the reasons for the gender-specific attack: these consisted of the witch as a mental patient, the witch as a scapegoat, and the witch as sexually deviant. Frigon's addition of the witch as sexually deviant to Szasz's original hypotheses ties this second binary to the first, whereby women's sexuality then also becomes a signifier of their evil nature. The division between angelic purity and the devilish fall from grace is linked to woman's place as the second sex, bringing with her

the fall of man from Eve's bite of the forbidden apple (Heidensohn, 1995). The devil is then seen to seek out women because they are impressionable and "*innately prone to malice*" due to their weak sexual character and deceitful nature (Lloyd, 1995:48).

Lombroso and Ferrero (1895) argued that women, given their nature, are supposed to behave in ultra-feminine manners including docility and passivity, whereby any venture from the proscribed gender scripts (which are supposed to be innate) makes them deviant. Lloyd (1995) contends that deviant women are therefore "*doubly deviant*". Violent women are seen as emphasizing masculinity whilst they de-emphasize their femininity. Women are not supposed to commit violent crimes, and thus when they do they are not real women (Naylor, 1995; Heidensohn, 1995; Lloyd, 1995). Lombroso and Ferrero's myth that criminal women are more deadly than their male counterparts has survived no matter how much criticism their theory has met. Their argument that criminal women are monsters comes from the belief that women are biologically and sexually abnormal (Smart, 1976). Smart (1976:36) addresses the tautology of their conclusion that "*things are as they are because they are natural and they are natural because that is the way things are.*" Her conclusion rests stating that biological determinism then came to be a way to discriminate against women, perpetuating myths and underlying fears of women who transgress socially constructed roles and expectations, and whom thus challenge male domination in a patriarchal field of research (Smart, 1976). By naming violent women as the 'other', as 'non-women', and as ultimately evil, reason was created for their lack of adherence to proscribed gender norms, helping us 'understand' how a woman could *do such a thing* (Smart, 1976).

Thomas pointedly looks to the unnaturalness of violent women as a denial of who they really ought to be (Smart, 1976). In blaming female sexuality as the cause for women's fall into amorality and, alluding to sexual stratification as the "*normal order of things*", Thomas intertwines sexuality and morality (Smart, 1976:107). This mingling of sexuality and morality is typical of historical representations of female criminality. Like Thomas, Pollak (1950) saw female criminality as a result of their sexual liabilities and inherent untrustworthiness (Gavigan, 1987). He suggests that women are compelled by their physiology implicating that women were like a separate species, destined to be deviant solely on that basis whereby violence by women came to be demonized

(Heidensohn, 1995). Schur (1984) summed this up clearly when he wrote that to be a woman meant you automatically occupied a deviant status.

The next section will explore the third binary of analysis being used within this thesis, that of the *dangerous* woman and the woman *in danger*. Literature engaging in this kind of discourse will be highlighted, as will the prevailing feminist critiques thereof.

2.3: The Victim Versus the Victimizer: Female Behaviour on Trial

The victimizer's attitude toward the victim is very important in trying to understand the dynamics of this relationship. Although, what happens when the individual is both victim and victimizer? According to Fattah (1991), violent women frequently have a history of violent abuse within their own personal lives, often serving to desensitize them to violence. In 1990, The Battered Woman's Syndrome was found to provide expert evidence supporting self-defense law in Canada, when Angelique Lyn Lavallee was found not guilty of murdering her common law husband in her appeal to the Supreme Court (Comack, 1993; Verdun-Jones, 1999). Lavallee was found to be suffering from learned helplessness as a result of years of abuse, and her defense of being a battered woman became the first in Canada to have been accepted, making hers a landmark case. The following will examine what it means to be a battered woman and what it means to take on the label of victim. Homolka constructed herself as a battered woman and it was legally found to be a mitigating factor in the explanation of her actions, thus it is necessary to examine this dual image of the female victim and victimizer.

Walker (1979, 1989) introduced the Battered Woman Syndrome, defined as an examination of the effects of battering on women caught up in violent relationships. Her cycle theory of violence contains three stages: (1) tension building stage; (2) acute battering incident; and (3) honeymoon phase.

(1) Tension Building Stage: During this phase there are a few minor incidents where the battered woman seeks to calm her assailant by resorting to techniques that have served her well in the past. These can include becoming nurturing or catering to her partner. She becomes intent on stopping the abuse, thereby denying her injuries and thus her victimization. Minimization of the battery thus occurs, increasing her batterers'

ideology that the abuse is warranted, and male control is justified. Coping techniques slowly lose their efficacy and the battered woman often withdraws to prevent any conflict. The batterer often moves more oppressively and aggressively toward her as he senses her withdrawal and blames her for their troubles.

(2) Acute Battering Incident: This occurs after a long time build up of tension where once minor incidents become an intense and often life threatening event of abuse. It is frequently an external event or the internal state of the man that starts this phase of abuse and is rarely provoked by the woman. Battered women report anxiety, depression, and several other psycho-somatic symptoms during this phase, as a result of the extreme terror within which they are living. This phase is relatively short in comparison to the other two phases, usually lasting for a day or two. It is during this stage that the police are usually involved, based on the severe brutality of the abusive incidents.

(3) Honeymoon Phase: This phase consists of kind and loving behaviour on behalf of the batterer as a form of apology in order to convince his partner to remain in the relationship. Batterers often threaten suicide and their partners believe that it is not an idle threat. They then see themselves as "*the bridge to their men's emotional well-being*" (1979:72). Battered women therefore place their partners' feelings, needs, health and safety before their own. The couple feels a sense of bonding during this phase, as promises for a better future are usually made.

Walker (1979:73-75; 1989) suggests twelve similarities that occur across battering relationships. These will be explored more in depth within my analysis, in reference to Homolka's descriptions of the battering incidents she endured. The twelve similarities include:

1. *Initial surprise.*
2. *Unpredictability of acute battering incidents.*
3. *Overwhelming jealousy.*
4. *Unusual sexuality.*
5. *Lucid recall of the details of acute battering incidents.*
6. *Concealment.*
7. *Drinking.*
8. *Extreme psychological abuse.*
9. *Family threats.*
10. *Extraordinary terror through the use of guns and knives.*
11. *Omnipotence.*
12. *Awareness of death potential.*

The Victim's Movement gained much attention in the 1970s and 1980s, pushing for more legal recognition of the impact the abusive incidents had upon the role of the victim. The status of 'victim' is becoming one that holds a negative connotation indicating a lack of agency on the part of the victim (Busch, 1999; Lamb, 1999). Owen (1995) suggests that there is a great deal of resistance resulting from those who do not want to have the label of victim applied to them. Many battered women are rejecting the label of victim and are using the term 'survivor' to describe themselves in relation to the abuse they have endured (Owen, 1995; Busch, 1999; Lamb, 1999). Lamb (1999) suggests that the term 'survivor' is a more positive one, elucidating that the individuals are maintaining some agency and control over what has happened. The term survivor then becomes a step in reducing the shame and self-blame that so many victims feel as a result of having been victimized. A long time fear of labeling theorists has been the fear that the victim may begin to adopt 'the label of victim' into their self-concept, wherein the stigma can then influence the individual's behaviour (Schur, 1984). Once the stigma and the label are adopted the individual may begin to act in that fashioned role, giving it credit as part of their master status (Schur, 1984). This theory then denies agency to the victims, implicating them as unable to distinguish their true selves from the incident in which they were victimized. The label of victim then, is only representative of a small portion of the individual's lived experience and should not be assumed to bargain any more representation of their full persona (Lamb, 1999). Dell (1999:93) argues, "*The identity of 'victim' portrays women as incapable of self-initiated violence and therefore devoid of the masculine character of autonomy*". This perpetuates the characterization of women not only as victims but also as helpless victims, upholding the traditional image of women as weak in character (Dell, 1999).

There is much literature surrounding the issue of abused boys who grow up to be abusive men, whereas the thought of a woman acting out violently as a result of childhood abuse still remains taboo and relatively unexplained (Lamb, 1999). Fattah has been criticized for suggesting that the experience of having been victimized, in addition to the adoption of the role and thus status as a victim, provide both motivation and justification for offending behaviour. This argument then implies that there is a

motivation and a justification for turning a victim into a “*ruthless victimizer*”. Fattah (1991:147) is implying that there is a sort of a “*righting the wrong that has been done to you mentality*”, whereby the victim refuses to lose agency and acts out signaling their independence and autonomy. This argument completely ignores the feminist literature surrounding battered women. It suggests that battered women maintain a high level of agency and lash out against their abuser as a revenge tactic, rather than as a survival technique.

Shaw (1995:117) outlined six reasons for the perpetuation of myths about violent women that must be addressed when looking at women as victimizers. These include: (1) media representations of violent women and their tendency to focus on the early stages of the criminal justice process; (2) simplification of explanation (i.e.: all women are victims, or all women are masculine); (3) conceptualizing violence by women as masculine, or from the perspective of violence by men; (4) misconceptions surrounding the term ‘violence’; (5) linking victimization and use of violence; (6) the effects of labeling women violent and the approach to take with them while they are involved with the criminal justice system. These reasons show how the focus on the dichotomized images perpetuated of violent women and of how these ‘myth/conceptions’ influence how we deal with this population. Shaw (1995) suggests that it is sensationalism and journalistic accounts of female violence that keep perpetuating such myths, but that these myths have been deeply engrained into how we treat and deal with violent woman.

The next portion of the literature review will present more contemporary thoughts surrounding violent women. In following the existing pattern of presentation, feminist accounts of these new analyses will also be recounted.

3: Contemporary Thoughts on Violent Women:

It is not the goal of this thesis to try and deny the female capacity for committing offences, nor is it to placate violent women into the pigeon holed status as victim. The aim of this thesis is to deconstruct the images constructed of one particular “violent woman” with respect to the three aforementioned binaries: (1) the Madonna / whore; (2) angel / devil; and (3) victim / victimizer. Contemporary research on violent women must

therefore be presented, in order to contextualize this area of literature within a more modern and contemporary perspective.

Shaw and Dubois (1995) outline the evolution of feminist literature surrounding violence by women. The authors argue that actual violence by women has largely been ignored or neglected from research within the recent past (1995). They contend that this is so for three reasons: (1) violence committed by women is minor in proportion to that of their male counterparts; (2) most feminist researchers have focused on violence against women in order to "*sensitize society to its extent and seriousness*"; (3) much research on violence by women has focused upon women who kill their abusive partners, thereby "*women's violence has been framed largely as a response to an abusive situation*" (Shaw and Dubois, 1995: 4-5).

In 1968, Frances Heidensohn became the first criminologist to clearly state the need for a theory of female criminality that was sensitive to women's position within society (Naffine, 1981). Much research dealing with female criminality that came after Heidensohn, focused on deconstructing the sexism, patriarchal views, and misrepresentation of women offenders within earlier studies (Smart, 1976; Bertrand, 1979; Klein, 1980; Naylor, 1995; Shaw, 1995; Heidensohn, 1995). Given the richness of early pioneer works, feminist criminologists are now moving toward a more complex understanding of violence committed by women (e.g.: Chesney-Lind, 1986, 1997; DeKeseredy, 2000; Dell, 1999; Kelleher and Kelleher, 1998; Jensen, 2001; McGillivray, 1998; Motz, 2001; Pollack, 1999; Pearson, 1995, 1997; Shaw, 1995; Ward et al. 1980; White and Kowalski, 1994; Denov, 2001; Frigon, 2003). Overall, feminist criminologists are striving to present a clearer picture of violent women. The following charts some of the more recent literature written about violent women.

Smart (1976) and Chesney-Lind (1986, 1997) suggest that female criminality is still being reduced to a single or simplistic cause, thus ignoring women's position in society and the complex life histories of female offenders. This, they contend, has resulted in a resurgence of the liberation hypothesis posed by Adler two decades earlier (Chesney-Lind 1986, 1997; Smart, 1976). A main focus has continuously been to look at arrest rates as a means to indicate an increase in violent crimes committed by women. Again, this ignores gender-related issues and complex situations abound in the lives of

women who commit violent crimes (Chesney-Lind, 1986, 1997). For example, Ward (1980:188) concluded that women could in fact be violent, but that it was simply hard to fathom women transgressing the boundaries of the law and the norms that appropriate what is correct behaviour of "*ladies*". Although Ward does not state that they agree with the sex role stereotypes that women are supposed to oblige, they do not contest them. Importantly, that they did point out that victims of female violence differed from those of men and suggested that there are "*cultural factors relating to sex roles in our society that are of critical importance*" when trying to understand female violence (Ward, 1980:188).

Shaw (1995) has tried to give a more thorough understanding of the circumstances surrounding female violence rather than simply stating that there has been a slight increase in female violence. Shaw (1995) points out that in 1991, in Canada, women were charged with 10 percent to 12 percent of all violent crimes, while they only make up 2 percent of the total federally sentenced population. Shaw (1995:121-122) contends that of the 85 women convicted of murder or manslaughter, there were a variety of mitigating factors to be considered:

- *there were women suffering from the battered woman's syndrome or those who killed an acquaintance after sexual abuse (19 cases)*
- *there were women who killed after a binge with drugs or alcohol, who often didn't remember the incident, and women who committed a crime passionel, or to get back a child (31 cases)*
- *there were women who killed clients or acquaintances, such as 'Johns' or drug dealers, for money or drugs (12 cases)*
- *women who were convicted of murder in the course of a robbery (although none of them had actually done so themselves) (4 cases)*
- *women who killed a child (11 cases).*

Shaw concludes that a large portion of these *most violent women* did not pre-meditate the crime and that the many of the crimes were the result of a complex situation or chain of events (Shaw, 1995:122).

White and Kowalski (1994:1) have taken steps to "*deconstruct the myth of the non-aggressive woman*". They point to five advantages for men of maintaining the myth that women are non-aggressive: (1) by seeing gender differences in aggression we are maintaining the image of the subordinate woman in fear of, and dependant upon, her man; (2) women's fear of male power and men's disdain of female weakness creates a barrier likening women to become more vulnerable to abuse; (3) by linking aggression

and assertiveness, women have been denied access into areas where assertiveness is needed (e.g.: business or politics); (4) women's aggression is seen as irrational and as a personal fault because of her failure to follow gendered norms; and (5) failure to address female aggression within research (White and Kowalski, 1994). These advantages are reasons why the myth of the non-aggressive woman has been perpetuated throughout history. Consequently, White and Kowalski (1994) argue that since women can be aggressive and violent, focusing on women only as victims of crime is an error in research.

Jensen (2001) attempts to provide an understanding of why women kill, and keenly addresses gender relations within her research on homicide. She contends that although women are the minority of homicide offenders, they do kill and we must address this phenomenon. It is important to study women who kill because it gives insight into the women's lives (Jensen, 2001). Victims of female perpetrated homicide are disproportionately representative of the domestic sphere, meaning intimate partners and family members (Jensen, 2001; Ogle et al., 1995; Rasko, 1976; Silverman and Kennedy, 1988). Homicide as a phenomenon is not uni-dimensional despite the tendency to treat it as such (Jensen, 2001; Ogle et al., 1995; Silverman and Kennedy, 1988; Frigon, 2003). Jensen concluded that while economic equality showed less of an effect on decreasing female perpetrated homicide, as compared to social equality, there was a correlation between declining economic equality and increasing incidents of female homicide (2001). Poverty was also found to be linked to increases in female homicide rates (Jensen, 2001).

Ogle et al. (1995) used elements of strain theory, over-controlled personality theory, and angry aggression theory to provide an understanding of female homicidal behaviour. They contend that women who kill feel stress due to women's inferior social position and lack of opportunity. This stress combined with their negative affect toward the gender roles they are meant to subscribe to can lead to strain. It is this strain that is said to influence homicidal behaviour. Silverman and Kennedy (1988) studied women who kill their children and found that the majority of these women do not have the coping skills needed to deal with the strain of having a child. These women tended to be younger and were found to kill their children to try to avoid the shame and stigma of

having a child at such a young age, often out of wed-lock (Silverman and Kennedy, 1988).

In their book *Murder Most Rare: The Female Serial Killer*, Kelleher and Kelleher (1998) look into one of the most infrequent crimes committed by women. According to them, women tend to kill using less violent and less detectable methods, such as poison, which has led female killers to be deemed the “quiet killers” (Kelleher & Kelleher, 1998). These women tend to kill those who are dependent upon them, such as nurses killing their patients or women killing their families. Some female killers do so for profit, killing their husbands or others in order to receive the inheritances (Skrapec, 1994; Holmes, 1998; Kelleher & Kelleher, 1998). Female serial killers are often found to be involved with a male partner, often one who is abusive and domineering (Kelleher & Kelleher, 1998; Skrapec, 1994). The authors use age-old descriptions of their varying categories of female serial killers including “black widows” (who are typically intelligent, manipulative, highly organized and patient) and “angels of death” (who prey upon those who depend on them and who are unable to withstand the assault - particularly the frail, the elderly, and children). Angels of death are described as having an obsession with controlling other people’s lives.

Denov’s research on women sex offenders has shed light on the neglect of research in this area. Her study examined how professionals (police officers and psychiatrists) understand female sex offending by way of a “*transformation process*” (2001:315). Denov writes,

“The notion of a female sex offender posed a significant challenge to the traditional sexual script of female sexual passivity and harmlessness promulgated within the formal and informal culture of both professional groups”(Denov, 2001:315).

Denov suggests that by using the traditional gender script to evaluate the situations and crimes of female sexual offenders, professionals transform the understanding of the crime and the offender so that they remain in agreement with the traditional gender scripts. She contests that this transformation often leads to the conclusion that women are sexually harmless, thus resulting in a denial of female sexual offending. Interestingly, Denov remarks how “*the female sex offender’s gender and femininity became central to the meaning of the offence and could not be conceptualized without it*” (2001:316). The degree of harm was also perceived to be less when the offence involved a female sex

offender. Denov also points out how the victim's were frequently blamed as encouraging or accepting of the sexual advances, which again minimized the gravity of the offence. Denov's analysis strives to express the fact that women sex offenders do exist and how the severity of their criminality is frequently misunderstood and minimized. Her report is clear not to vilify this population of offenders, as she highlights how women commit only a small proportion of all the sex offences.

As an attempt to respond to feminist research, in *When She Was Bad: Violent Women and the Myth of Innocence* (1997), Patricia Pearson writes of women being just as violent as men, thus denouncing the fact that women commit only a fraction of all the violent crimes committed. For example, Pearson criticizes Homolka's plea of victim, sarcastically writing of how our society is taught to dismiss an abused, white, good looking middle class woman as being a possible *dangerous* woman (Pearson, 1997):

"The effect, in the case of Karla Homolka, was startlingly clear in the courtroom. Encouraged to attribute every move, every want, every look on her fiercely intelligent face to the machinations of Paul Bernardo, Homolka renounced her claim to be an adult. She infantilized herself, relinquishing spirit, will, passion, pride, resourcefulness, and rage. Her wheat-blond hair fell across her wan face like a curtain as she sat on the stand for three weeks, and she divested herself of a soul."

Pearson focuses in on the "strange" behaviour of a woman who has just witnessed murder and partaken in acts of sexual violence, commenting on how Homolka continued on with her life's daily events (lunch with her parents while Mahaffy was dead in her basement cold-cellar) (Pearson, 1997). Pearson centres her analysis on the graphic nature of the crimes and on the sensationalism of the events (Chesney-Lind, 1998).

Pearson argues that Homolka needs to take responsibility for her actions, dismissing the abuse that Homolka suffered. Pearson suggests that Homolka constructed herself as the "perfect victim", as a way to gain sympathy and diffuse agency and responsibility (Pearson, 1997). Pearson (1997:52) writes of Homolka's character,

"Karla Homolka, for one, engaged actively and spiritedly in her full-time job, arranged an extravagant wedding for herself, traveled, socialized regularly, raised a Rottweiler dog, moved into and furnished a house, all the while too helpless in one realm only: to make the moral choice not to drug, rape, and kill."

Violent women have been constructed in many ways throughout history and we continue to try to understand them via image construction today. Authors are becoming more willing to acknowledge that women too can be violent. Some authors, like Pearson,

are reverting back to early theories of violent women as devoid of morality, as manipulative of men, and as sometimes more deadly than their male counterparts. Pearson's account of Homolka's case is interesting, as it demonstrates how elements from the early theories, albeit sexist, are still present within literature discussing violence by women today. Pearson does not account for the fact that the strategies employed by the defense are commonplace, suggesting that Homolka is a unique and different type of accused. Although this defense strategy is not new, Pearson argues that Homolka's use of it is somehow inappropriate.

In an attempt to more accurately address the complexities of the case of Karla Homolka, McGillivray (1998:258) argues that the goal of transforming Homolka from the sex killer into the battered woman was to focus on her womanliness and susceptibility as a victim, whereas the female sex killer is "*demonized so that femaleness itself becomes a perversion.*" McGillivray (1998) suggests that Homolka's reconstruction was her defense, used in direct contrast to Bernardo's image as serial rapist and murderer. McGillivray suggests that Homolka, by focusing on her domesticity, attempted to recreate an image of herself as "*normal, as the beautiful bride, the dutiful daughter, and the supportive wife*" (McGillivray, 1998:257). Homolka's status as victim is transformed into survivor, with the retelling of her abusive relationship with Bernardo (McGillivray, 1998). A more in depth analysis of Homolka's role as both the *dangerous* woman (victimizer) and the woman *in danger* (victim) will be examined within the analysis section of this thesis.

This thesis will undergo a critical deconstruction of how the persona of Karla Homolka has been socially constructed within: (1) the transcripts of *R. v. K. Bernardo*; (2) Homolka's testimony In Chief, cross-examination, Crown re-dress, and re-cross-examination in *R. v. P. Bernardo*; and (3) the *Galligan Report*. This literature review has provided an historical overview of how violent women have been portrayed within criminological research. This thesis will build upon this body of literature, by examining the socially constructed images of Homolka under the structural guide of the three binaries of analysis: (1) the Madonna / Whore; (2) the Angel / Devil; and (3) the Victim (woman *in danger*) / Victimizer (*dangerous* woman).

The following chapter will explore the theoretical frameworks being used for this thesis. These consist of feminist theory and social constructionism. The four main strands of feminism (liberal, cultural, Marxist/ socialist, and radical) will be presented. This will be followed by an examination of the role of feminism within the discipline of criminology, as well as three feminist epistemologies (standpoint feminism, post-modern feminism, and feminist empiricism). The key points within each will be covered. In terms of social constructionism, the positions of both strict and contextual constructionism will be presented. Important to this thesis is the ability to position oneself within the feminist and social constructionist literature, in order to accurately delve into the data analysis regarding the subject of the case study: Karla Homolka.

Chapter 2: Theoretical Framework

This chapter will examine the four main strands of feminism, as well as the role and impact of feminism upon the discipline of criminology in order to locate a position of entry for the analysis portion of this thesis. The four main strands of feminism include, Marxist/ socialist, liberal, cultural and radical. The four main strands of feminism must be presented separately as they are not mutually exclusive categories. Following this, an examination of social constructionism will be presented. This thesis will look at how Homolka was socially constructed within her own criminal trial, the Galligan Report, and the criminal trial of her ex-husband. This is a feminist analysis that uses contextual constructionism rather than strict constructionism. The differences and debates between strict and contextual constructionism will be presented in order to position my point of entry and location within the theoretical discourse.

The goal of this research is not to examine the issue of gender with respect to sentencing disparity, nor is it to advocate on behalf of Homolka's guilt or innocence. The purpose of this research is to deconstruct the data in order to uncover the meanings behind the socially constructed images created of Homolka within the three documents. This thesis will attempt to uncover the differing claims made about Homolka, in order to reveal how her persona was created and re-created by the varying claims-makers. It is important to look at who the claims-makers were, and what purposes their claims were serving. In that this is a feminist research project, Homolka will be treated as a subject and agent, in order to allow her standpoint to be heard and valued.

Feminist theory originated out of a desire to account for the positions and experiences of women, as traditional or "malestream" social sciences repeatedly ignored women within their analysis (Daly and Chesney-Lind, 1988). Feminism, as a social movement, tried to eliminate androcentric science by focusing on women as subjects rather than objects of study. This concept of the subject/object dichotomy was brought to light in Simone de Beauvoir's classic text, *The Second Sex* (1949). Feminist theory is used to counter the bias of masculinist research that has left women as an "add on" to existing literature (Smart, 1989). Feminism as a perspective is not unified, but divided into several domains of entry and location. According to Nelson and Fleras (1995), all feminist theory should start with the basic premise that, men

and women are not evaluated in similar or equal ways within the social world. This leads to the second basic tenet of feminist analysis, that because of this difference in experience and evaluation women *"live under conditions of oppression that are neither natural nor inevitable"* (Nelson and Fleras, 1995:214). Each type of feminist theory diverges and identifies varying source causes of this oppression, and thus suggests varying solutions to this social problem.

There are several streams of feminist thought that are continually emerging, including feminism of equality, feminine neo-conservatism, as well as a series of radical feminisms including woman centred, lesbian, and materialist (Descarries-Belanger and Roy, 1991). However, the four basic feminist perspectives remain Marxist or socialist, liberal, cultural, and radical. In order to understand the differing premises of these four feminist perspectives, their main tenets and varying philosophies will be explored. This will assist in demonstrating the advantages of using elements of radical, standpoint and post-modern feminist perspectives, which will create the theoretical frameworks for this research. We will begin with Marxist or socialist feminism.

1.1: Marxist Feminism

*"He is the bourgeoisie and
the wife represents the proletariat"*
(Engels, 1884).

Marxism was a revolutionary theory that analyzed aspects of the human condition, albeit the human condition without any reference to women. Marx's theory concentrated primarily on men and masculine circumstances, which renders its legitimacy and concepts intrinsically suspect when applied to women, for one cannot expect to simply add in women to the existing framework of Marxist theory and expect it to function accordingly (Donovan, 1992). Nonetheless, feminist theorists have adopted Marxist ideology in order to grasp the social experiences of women. Marxist feminism has shifted more toward a socialist feminism via the impact of radical ideology (Descarries-Belanger and Roy, 1991; Donovan, 1992). The main tenets of Marxism/socialism must be outlined if we are to come to some understanding of the feminist stance within this perspective. The three overarching assumptions of socialist analysis are (1) materialist determinism (including the formation of ideology and class consciousness), (2) the idea of alienated labour,

praxis, and the determination of economic value, (3) the feminist position taken in *The Origin of Family*, (Engels, 1884).

Donovan (1992:67), states that class-consciousness forms dialectically in opposition to the ideology of the ruling class. Class consciousness entails seeing the social world from one's true position, rather than through the lens of the oppressor class. A feminist consciousness raising then entails seeing how capitalism and the exploitation of women's labour truly impacts the social position of women. Socialist feminists see women as the essential proletariat or working class and fear the adoption of male identified ideologies, which result in the maintenance of a false consciousness (Descarries- Belanger and Roy, 1991; Donovan, 1992).

Marx's concept of alienation refers to the modern experience of being cut off from oneself and from others, resulting in the loss of a sense of meaning (Donovan, 1992). Socialist feminists argue that it is the alienation of women from the labour force resulting from capitalism that causes this loss of a sense of meaning (Donovan, 1992). The woman then becomes a commodity, losing all individual character as her work is no longer her own, but that which belongs to the capitalist owner, who is predominantly male (Donovan, 1992; Messerschmidt, 1986).

'Praxis' refers to the free and creative engagement within the world by one who is both changed by, and changes the world as a result of this engagement (Donovan, 1992). Women's pre-assigned status as domestic labourer is thus not freely chosen and thus does not represent praxis (Eisenstein, 1979). Eisenstein (1979) continues to argue that because the sexual division of labour in modern society is pre-assigned, it disallows women the opportunity to engage in creative work and in the end only isolates and alienates women.

Marx distinguishes three kinds of theories pertaining to the determination of economic value, "use value", "exchange value", and "surplus value" (Donovan, 1992). According to Donovan (1992), the service industry, which is predominantly female, represents this form of value. Women themselves become "commodified" and thus bought and sold within the service industry (Donovan, 1992).

In *The Origin of Family* (1884), Engels came to identify women as the proletariat and men as the bourgeoisie (Donovan, 1992). Where under the matriarchal society there was an existing division of labour and that division was pronounced equal. In the patriarchal society, the division of labour has lost its status as equal and women were alienated and restricted to the domestic sphere (Donovan, 1992).

Women's domestic labour yielded an exchange value and the surplus value always fell to the man, thereby making women's labour worth less. Within this economic shift, men began acquiring power within the home and a new control of women emerged. The following section examines socialist feminism, which evolved out of Marxist feminism as a way to more accurately examine women's oppression within the overarching realm of a traditional Marxist focus on worker's oppression.

1.2: Socialist Feminism

Socialist feminism can be viewed as the daughter of Marxist feminism, and evolved as a result of the dissatisfaction with the gender blindness of original Marxism and Marxist feminism. Marxism typically dismissed women's oppression as not important enough when compared to worker's oppression (Tong, 1989). Zetkin argued for the necessity of examining women's oppression that occurred in the private realm as well as that which occurred in the public realm (Tong, 1989). Socialist feminists suggest that traditional Marxist feminists have been able to account for the fact that capitalism caused the separation of the workplace from the domestic sphere, but fail to account for why women have been designated to the domestic sphere and men to the workplace (Tong, 1989). Socialist feminists contend that while women continue to make their way into a variety of fields in the workforce, they "*remain in the grip of patriarchy*" (Tong, 1989:174).

Socialist feminists suggest that Marxist feminism was able to acknowledge the fact that capitalism fused the separation of the workplace from the domestic sphere, but failed to explain how and why capitalism assigned women to the domestic sphere and men to work labour (Tong, 1989). Socialist feminism is predominantly divided among those who use the dual systems theory, and those who use the unified systems theory approach. The key differential between the two is that dual systems theorists maintain that capitalism and patriarchy are separate and distinct forms of social relation that intersect to cause the oppression of the woman class. Therefore, dual systems theorists contend that capitalism and patriarchy must be examined as separate phenomena before being examined as dialectically related phenomena. The major complexity within dual systems theory is the fact that relatively all dual systems theorists consider capitalism to be a material structure and as an historically rooted mode of production, while only some dual systems theorists consider patriarchy to be a material culture or an historically rooted mode of reproduction

(Tong, 1989:175). Those who view patriarchy as a nonmaterial structure, describe it as an ideological construct that “*transcends the contingencies of space and time*” (Tong, 1989:175). Unified systems theorists analyze capitalism and patriarchy together as one concept. They contend that, “*capitalism is no more separate from patriarchy than the mind is from the body*” (Tong, 1989:175). From this perspective, because there is one lens with which to examine women’s oppression, it may possible to unite and examine all forms of feminist analysis from one unified theoretical perspective.

More recently, socialist feminist Alison Jaggar has been trying to incorporate radical and psychoanalytical feminism in with the unified systems theory, in order to filter the social concepts of capitalism and patriarchy through the same critical lens. If successfully filtered under one large conceptual umbrella, “*such a feminist theory would resolve the existing differences among the many currents of feminism*” (Tong, 1989:193). The following section examines liberal feminism, considered to be the more “moderate” or mainstream strand of feminism.

1.3: Liberal Feminism

Liberal feminism has had the most impact on policy and practice, because it seeks to obtain equality between the sexes, but does not propose radical restructuring of society or of existing institutions (Nelson and Fleras, 1995). According to liberal feminism, women are oppressed on the basis of their sex and as a result are left out of mainstream domains within modern society, including politics, business, finance, medicine, and law (Messerschmidt, 1986). The solution then, is to get women that have been restricted to the outliers inside the core of these domains (Messerschmidt, 1986). This solution will occur when women leave the private and domestic domains and exercise their value within the economic sphere via the labour force (Messerschmidt, 1986).

According to liberal feminism, women are unequally distributed within the economic realm because of sex discrimination and a lack of equal-equality education (Nelson and Fleras, 1995). They subsequently see the solution to the oppression of women to be equality, reached through equal opportunity. This is a traditional consensus theory, in that it fails to challenge the existing institutions as problematic, and narrow-mindedly accepts them as the natural and correct order of things.

This stream of feminism has been critiqued for its “assimilationist” ideology,

for it does not strive to alter or change the existing structure, but expects women to enter into these male domains and adjust to them in the same ways as have men (Messerschmidt, 1986; Nelson and Fleras, 1995). Liberal feminism advocates for a sameness between the sexes, for gender-neutral categories as a way to stop differentiating and essentially discriminating against individuals on that basis (Nelson and Fleras, 1995). This focus on the sameness between the sexes literally ignores the differences between the sexes and thus ignores the differing experiences of women within the social realm, rendering them docile. In fact, gender blindness neglects the existing hierarchies of power and structure within every domain of the social environment, including the domestic sphere and wage labour. This results in women experiencing an increase in economic and social vulnerability (Nelson and Fleras, 1995).

Kendall contends that "the sameness framework does not recognize experiences that are specific to females" (1992:133). Under this liberal 'sameness' framework, women can achieve equal status when they are able to mimic male standards and practices, wherein their failure to do so may lead to conclusions that women really are inferior (Sheehy, 1987). Gender neutrality, sought by liberal feminists, thus obscures the fact that men and women have very different social histories, social roles, and differing degrees of access to power (Okin, 1989:10). 'Difference' theory has evolved out of a desire to counteract what the 'sameness' discourse has left undone, namely ignorance of the importance of female differences. Difference discourse posits that law and policy must account for the variances between men and women (Kendall, 1992). Some difference theorists contend that because the differences are a result of female subordination, all law and policy must be evaluated to prevent any future female subordination under law (Kendall, 1992). For example, Stoppard (1992:126) argues that when held up against the,

"Male-based standard, female reproductive biology, with its inherent cyclicity, is seen as deviant. Women's biological differences from men are recast in terms of illness or disease. In effect the medical model reproduces women as deficient or dysfunctional men."

Difference theorists must be careful, though, as invoking difference to liberate women, might invite support from antifeminist groups whom may use those differences against women (Kendall, 1992). The acceptance of the difference stance

may also encourage us to define *all* women and *all* women's bodies as differing from the male standard in the same way (Kendall, 1992).

Liberal feminism left the domestic and private spheres of inequality untouched in their analyses, meaning that although women slowly moved out of their homes and into the labour force, they were obliged to maintain the same control over the home environment as they had historically possessed (Donovan, 1992; Evans, 1995). It was not conceived that women's obligation to uphold this domestic world would interfere with their ability to enjoy equal rights amendments. By focusing on "differences" between the sexes, one is only serving to continually reinforce the existing inequality between the sexes in both a practical and symbolic manner (Nelson and Fleras, 1995). The authors suggest that our current social institutions assign women the role of primary caregiver, positioning them into a category that renders them at an economic disadvantage (1995). Liberal feminism seeks reformation without radical revolution. And so, we are left with liberal feminisms' problematic drive to achieve gender neutrality. Without demanding structural change within our existing social institutions, attempts at egalitarian and equal opportunity policies are not going to be effective.

Next, we will explore the foundation of radical feminism and its daughter, cultural feminism. Radical feminism challenges the slow reform ideology presented in liberal feminism and seeks revolutionary change within the existing patriarchal social structures, in order for women to become essential to their functioning.

1.4: Radical Feminism

Radical feminism celebrates the importance of women's differences and uses those differences as a focal point of women's experience, as they see it to be the specific source of oppression they are striving to eliminate (Descarries-Belanger and Roy, 1991). Radical feminism sees the division of the sexes as problematic, where the solution to the oppression of women is to shatter the division of the public and private realms, and to demand the redefinition of social relations outside the constraints of biologism. Radical feminists argue that "nature" cannot serve as an explanation for the subordination and resulting inferiorization of the female sex (Descarries-Belanger and Roy; 1991). In fact, they seek to eliminate the collective and individual appropriation of women for the purposes of biological and economic reproduction (Decarries-Belanger and Roy; 1991).

The aphorism “the personal is the political”, has come to be the slogan of radical feminism and was first coined by Catherine MacKinnon with reference to domestic violence. Rather than maintaining the impartial dichotomies that sustain not only violence against women, but male domination over the lives of women in society, radical feminists lobbied to make the personal domain a part of the political domain (Brownmiller, 1975; Daly, 1978; Dworkin, 1974; Millett, 1970). The goal here was to bring what was being argued as personal issues into the public realm where they were then exposed to debate and possible consensus. In achieving political consensus surrounding the illegality and severity of the issue of violence against women, what was once seen to be a problem to be dealt with behind closed doors, became a social problem that everyone must face together in order to stop (Thompson, 2001).

Radical feminists study the various forms of oppression and those institutions of the patriarchal system that perpetuate that oppression, including the family, marriage, sexuality, maternity, violence, prostitution, and domestic and economic production (Descarries-Belanger and Roy, 1991). However, it should be noted that some feminist authors challenge the discourse surrounding sex work as a means to oppress women. For example, Bruckert and Frigon (2002) write of stripping as an occupation, rather than as a means to control and subordinate women. They examine how women in the skin trades resist the idea of subordination or oppression and how they must “*employ their bodies as an instrument of labour*” (2002:11). In viewing stripping as a job, Bruckert and Frigon position those women into the realm of productive labour. According to Evans (1995), the major structures that determine the female condition are production, reproduction, sex and the socialization of children. Production focuses on physical strength and domestic labour is not seen as productive, thus relegating women into a secondary position (Evans, 1995). Reproduction represents sexuality and the socialization of children, and the entire social structure that reproduction necessitates, has kept women from the productive sphere. The existing patriarchal social structure legitimates and makes inevitable female subordination (Evans, 1995). Patriarchy also ensures that man in effect owns both mother and child because the man is the traditional ruler and owner of the home. Radical feminists seek to challenge and ultimately change this social structure, so women are both independent and free, and thus productive.

Radical theorists refuse to analyze women in reference to men, or to define themselves in relation to men (Descarries-Belanger and Roy, 1991). Radical feminism is quite different from other streams of feminism in that it does not draw directly from previous bodies of mainstream thought, and therefore challenges the public world dominated by men (Beasley, 1999). They strive to stop attempts at assimilating women into arenas controlled by men (Beasley, 1999). For example, sexual oppression is seen as the foundation of the oppression of women, but other forms of power are also included and seen as mitigating results of patriarchy (Beasley, 1999). Beasley continues, stating, "*radical feminists perceive all men without exception as sharing in the benefits of a social system of male supremacy (patriarchy)* (1999:56)." Nonetheless, this does not imply that some men are not able to overcome this system of domination, or that *all* men dominate and *all* women are subordinate *all of the time*. The goal then becomes to eliminate biological sex as a basis for any social action or social response (Nelson and Fleras, 1995).

The next section will explore the main tenets of cultural feminism. Cultural feminism evolved out of radical feminism and holds some of its' revolutionary premises.

1.5: Cultural Feminism

Razack argues, that, "*gender studied in isolation is an abstraction, a rhetorical device that enables us to confine women's daily experiences to a frame in which race and class privilege and many other norms go unexamined*" (1993:44). This quotation suggests that one cannot ignore the various forms of oppression when studying that of women in society, as all types of oppression intersect causing nuances and relational differences. Razack continues by stating, "*gender is clearly not one identity but a set of relations*" (1993:47).

Cultural feminism evolved in the mid-1970's out of the radical feminism that took a foothold in the 1960's. Cultural feminism focuses on the area of sexuality, its key, differentiating factor from other predominant streams of feminism (Nelson and Fleras, 1995). It is here that lesbian feminism first found its voice (Donovan, 1995; Evans, 1995). Early cultural feminists wrote about the importance of female emancipation and control over themselves, which includes control over one's body and sexuality. Early writers examined birth control, abortion, and lesbianism as methods of combating the oppression exerted over women within modern patriarchal

society (Brownmiller, 1975; Daly, 1978; Evans, 1995; Millett, 1970). Cultural feminism strives not to eliminate male – female differences, but to examine the differences in order to elucidate a female culture, or what has been described as a female consciousness (Evans, 1995; Nelson and Fleras, 1995). A standard point of entry, then, resides in viewing *all women* as having been oppressed as a result of patriarchy. Some cultural feminists argue that women must become separatists, from men, in as many facets as societal arrangements allow (Evans, 1995). This stream of feminism has its foundation in difference theory, as it sees women as biologically and socially different from men.

Cultural feminists have tried to “*revalue and reclaim women’s heritage, and women’s pride*” (Evans, 1995:76). Cultural feminists are fearful of the essentialist argument that to be a woman is innate and thus static. Essentialists that label innate characteristics of womanhood as static, run the risk of promoting a single womanhood to which we all must adhere to, thus deeming women who do not adhere to those characteristics as inferior or as not “true women” (Evans, 1995:77).

Gender is a socially constructed phenomenon, historically divided and associated with the biologically based division of the two sexes. In that gender is a dichotomy of the masculine and the feminine, it becomes a question of power, wherein under the patriarchal regime of modern society men have obtained supremacy over women who have remained subordinate (MacKinnon, 1991). Cultural feminism is incompatible with the other streams of feminism in that it does not seek to eliminate the differences between the sexes, but seeks to celebrate and maintain those differences. It has been criticized as maintaining several of the gender stereotypes constructed on the basis of those sex differences (Nelson and Fleras, 1995). Again, there is a fear of slipping into an essentialist argument, wherein gender stereotypes are presented as innate and unchanging. What cultural feminists seek to do is create a woman centred culture to reclaim pride and value in being a woman (Evans, 1995).

The next section will examine the impact feminism has had on the discipline of criminology. Because this thesis is a feminist criminological analysis, it is imperative that the relationship between the two be explored.

1.6: Critique of Feminist Theory

The varying streams of feminist thought have been criticized for different reasons. Marxist feminism was originally questioned by the emerging division of socialist feminism for failing to account for women's oppression as a separate and distinct forum of analysis from worker's oppression. Liberal feminism has been critiqued for adopting and accepting male values as human values. Liberal feminists suggest that other more radical streams of feminism focus too much on individual freedom and fail to recognize the common good. Radical feminists contend that this argument is a liberalist acceptance of male standards of practice, which push women to try to fit into the already established patriarchal roles within society, rather than celebrating the differences that make women unique and strong. It is this acceptance of male standards that has led other streams of feminism to claim liberal feminism to be the movement of the white bourgeois class. Tong writes that, *"liberal feminists are moving away from their traditional belief that almost every woman can liberate herself 'individually' by 'throwing off' her conditioning and 'unilaterally' rejecting the traditional sex roles"* (1989:38).

Cultural feminism evolved out of radical feminism and focuses on women's sexuality and biological oppression. It has been criticized for its' extreme revolutionary approach, which can divide rather than unify women. One of the major criticisms has been its' suggestion that women think of lesbianism as an alternative practice in which to combat patriarchy. This denies heterosexual women as possible members in the forum of revolutionary change, and is thus exclusionary by definition. Socialist feminists, while not denying the impact of patriarchy on women's sexuality, have criticized the lack of concern of the material and capitalist influences on women's oppression (Evans, 1995).

So while the many streams and divisions of feminist thought criticize and examine the benefits and failures of one another, feminism as a unified theoretical perspective has been critiqued for different methodological and theoretical reasons. Feminism has been criticized by some criminologists for its failure to examine violence committed by women. The focus of women as victims of crime has clearly dominated feminist criminological research. Shaw and Dubois (1995) suggest that this was originally done in order to consciousness raise the arena of public knowledge surrounding the issue of violence against women. Part of the result of this focus on domestic violence research, has been an overemphasis on women as victims, causing

a shift in the victimology literature which addresses women as strong survivors rather than as helpless victims (Lamb, 1999).

Increasingly, feminist authors are looking to examine violence committed by women in an attempt to ameliorate this overemphasis on women's victimization. While feminist authors are striving to present accurate portrayals of violent women, there are still some 'feminist' authors who revert back to the dated theories that demonized and vilified violent women. Patricia Pearson's (1997) book, *When She was Bad: Violent women and the Myth of Innocence* focuses on women's dangerousness and on the possibility of their 'evil' behaviour. Pearson's book goes to the other extreme in the realm of victimology literature, as she criticizes and denies the claims of victimization by women who commit violence. However, some research has clearly depicted the violence committed by women, whilst deconstructing the images of demonization and vilification that have historically dominated this area of analysis. In particular, Birch's (1993) work on Myra Hindley and Farran's (1987) work on Ruth Ellis have demonstrated that in fact women do engage in violent behaviour, yet both of these examinations make a point of critically examining the image constructions that have historically been created surrounding violent women.

Feminist theory has also been critiqued for its 'science', because feminist researchers strive to eliminate the hierarchical division between the subject of inquiry and researcher (Harding, 1986). Feminist researchers have also tried to personalize their research by giving a face to the issue being studied. In this attempt to humanize the issue at hand, feminist researchers have been accused of losing their objectivity (Reinharz, 1992). Feminist theory has also been critiqued for its lack of unison, in that it comes across as splintered, chaotic and possibly confusing. I suggest that Rosemarie Tong's opinion offers the most accurate explanation of the diversity of feminism,

"What I most treasure about feminist thought, then, is that although it has a beginning, it has no end, and because it has no predetermined end, feminist thought permits each woman to think her own thoughts. Apparently, not the truth but the truths are setting women free" (1989:238).

2: Feminism within Criminology

Feminist researchers working within the discipline of criminology have attempted to critically document and analyze the positions of women in conflict with

the law, as well as women as victims of crime. Leonard (1982:1-2) explains her vision of theoretical criminology with respect to the role of gender and crime:

"it is simply not up to the analytical task of explaining female patterns of crime. Although some theories work better than others, they all illustrate what social scientists are slowly recognizing within criminology and outside the field: that our theories are not the general explanations of human behaviour they claim to be, but rather particular understandings of male behaviour."

Here, feminist theory intersects with criminology, in that it has tried to explain crime committed against and by women. Messerschmidt (1995:171) suggests that we must refrain from *"abstracting gender from its social context"* while still respecting agency. MacKinnon (1982:638-640) states that the job of feminist researchers is to strip down the *"foundations of the male orientation to knowledge"*. This male orientation has continually produced knowledge about women that is both inaccurate and incomplete. Feminism then must try to expose *"the male point of view as fundamental to the male power to create the world in its own image"*, wherein feminism *"comprehends that what counts as truth is produced in the interest of those with the power to shape reality"* (MacKinnon, 1982:638-640). Male-oriented knowledge has historically constructed images and accounts of women and their behaviour in manners that do not correspond with their true reality, but in ways that strive to *"devalue the other sex"* (Naffine, 1987:106). Women have traditionally appeared in criminological works as a chapter on their own, wherein they are depicted as a special type of offender, and are thus excluded from the men's pages, which make up the entirety of the book (Naffine, 1996). This is changing substantially as feminist authors are writing more and more on women as subjects of inquiry, rather than as an add on to previously examined topical areas.

Naffine (1996) suggests that traditional criminologists have failed to consider the fact that their own sex may influence what and why they study what they do, or that their own subjectivity might influence their understanding of the meaning of the object of inquiry. Feminist researchers clearly identify this influence as possible within their research, and in essence make it part of their research (Naffine, 1996). In fact, according to Naffine, *"a willingness to engage in self-conscious, self-critical scholarship has been one of the manifest strengths of feminism"* (1996:12).

Many feminist criminologists focused on women as victims of crime, in an attempt to both politicize and reach consensus surrounding the issue of violence against women, and thus to effect change. This is not meant to deny women the status

of victimizer within criminological research, although there has been little research surrounding violent women. Faith (1993:57) suggests that *"to concentrate solely on crimes consistent with traditional femininity is to deny women's diversity and to promote gender-based objectification and stereotyping."* By this, Faith is arguing that women can be both victim and victimizer. She suggests that women can and do commit violent crimes and, that if we ignore this fact, we are contributing to the traditional sex-based stereotypes surrounding female offenders. Naffine contends that, criminologists, who have historically studied criminal man, do so without studying the maleness of their subjects.

"Criminology was simply the study of criminal man, but criminal man could be studied without reference to his gender. By necessary implication men were beings whose gender was not crucial to their identity; it was only women who constituted a particular sex." (Naffine, 1996:20).

Some strands of feminism within criminology attempt to return subjectivity to women offenders and women victims, in so much as their discourses are understood and their agency is still maintained.

If men have traditionally been studied without reference to their gender, women have been studied on the basis of their gender. This means that women have been frequently left out as subjects of scientific research, as their criminality was explained away as a result of innate causes related to their gender. Also, bad science was rampant in early criminological research, as findings from one population were applied to another, or in other words, from men to women. This has been described as the 'generalizability problem' (Daly and Maher, 1998). Therefore, much of the early feminist criminological works focused on the fact that women had been left out of this area of scientific research.

The next section will explore social constructionism as a theoretical framework. Social constructionism is being used in conjunction with radical and standpoint feminisms in deconstructing the data. This thesis will attempt to demonstrate how Homolka was constructed into varying binary oppositions, in accordance with who was constructing her image and persona. The two defence teams, the two teams of crown attorneys, and the Solicitor General have all focused on varying points of entry and location when discussing our subject, and these points of entry and location have served to create differing images. This thesis is attempting

to deconstruct those socially constructed images, in accordance with feminist philosophies.

3: Social Constructionism

Social constructionist theory evolved out of both phenomenology and ethnomethodology (Holstein and Miller, 1993). They suggest that because human life and existence are concerned with the *creation of meaning*, it is important to make the connection to phenomenology, which brings as its task the understanding of how we create meaning (Holstein and Miller, 1993). Being an abstract term, phenomenology comes to be an interpretive approach to social life. Ethnomethodology is the practice of studying 'practical activities' (methods) of a folk (ethnos) (Loseke, 1999:197). Holstein and Miller also ground social constructionism in macro Durkheimian theory (1993). Durkheim's collective representations come *to be* social structure, as they are shared systems of meaning (Loseke, 1999). If claims-makers are successful, the meanings purported become socially shared and part of that existing social structure and thus part of the collective conscience (Loseke, 1999). Therefore, claims that are socially constructed via the claims-making process assist in producing and expanding culture. Feminist insight is often used to deconstruct the claims presented and to present interpretive and critical analyses of the gender blindness so often found in social constructionist examinations. Feminist analyses are a method of critically revising the existing theory surrounding socially constructed phenomena.

Social constructionism evolved out of objectivists' failures to adequately define and explain social problems (Best, 1989). Spector and Kitsuse (1975) coined the term claims-making, when describing how the constructionist viewed social problems. To the constructionist, the analysis of social problems became the analysis of the claims-making process and activities (Spector and Kitsuse, 1975). They go on to say:

"Social problems are the activities of individuals or groups making assertions or grievances or claims with respect to some putative conditions" (Spector Kitsuse, 1975).

Social problems then are not social conditions as the term 'condition' implies an unresolvability. It implies that what *is* will remain regardless of attempts to change or modify the situation (Best, 1989). The word *condition* indicates two competing opinions surrounding one issue, leaving the question and its possible solution

uncertain. This implies that social conditions are in essence only claims presented by the claims-makers. Without the claims surrounding the social problem as a condition, there would be no condition. According to social constructivist analysis, it does not matter, then, whether or not those 'conditions' exist, it only matters that there are claims being made about them, because in reality there is no condition until the claim has been presented that the condition does exist.

The task for the researcher is to examine what the claims-makers say about the social problem at hand. In describing a topic as a social problem, there is an implication that a solution may be formulated and effectively applied (Best, 1989; Spector and Kitsuse, 1987, 2001). Social constructionism highlights a process of claims-making activity that in turn can lead to new rhetoric and policy creation surrounding the social problem. The claims-making process is cyclical in nature, although each social problem that is ensconced in the claims-making procedure flows to the beat of its own drum. No two cycles are exactly the same, but are similar in effect (Best, 1989). The natural history of a social problem is that it is reverberated over and over again. Issues reoccur numerous times and are brought back from the social problem graveyard, when new claims-makers revive and breathe life into them once more. The result, then, can be seen in the resurgence of various crime waves. The cycle flows as follows: (1) claims-makers state their claims (2) the audience responds to the claims presented (3) new ownership of the social problem ensues, whereby new definitions are created (4) policy change as a result of the new experts and their claims about the social problem at hand (Spector and Kitsuse, 1987, 2001; Best, 1989).

Next, we will examine the differing claims-making techniques used when creating a social problem. This is the method used when making claims and constructing a social problem. These steps and techniques enable you to name, make claims, and award value to your social problem.

3.1: Claims-making Techniques

Claims-makers utilize a number of techniques when creating and spreading their claims. The first is the actual naming of the social problem. The name of the social problem at hand represents the stance of the claims-maker. Best (1989), argues that the claims-makers inevitably choose to focus on particular aspects of the social problem. Best (1989), uses the example of 'teen promiscuity' which elicits the

claims-makers stance as the *name* of the social problem highlights *morality* in sexual activity among young people, indicative of the claims-maker's position advocating abstinence (Best, 1989). Whereas another claims-maker may name the issue 'teen pregnancy' espousing the focus of the issue as one of pregnancy *not* morality, indicative of their position of advocating for the availability of contraceptives for young persons (Best, 1989). This issue of promiscuity and female sexuality will be examined with reference to Homolka, as claims surrounding both her sexuality and morality were highlighted as factors influencing her criminality.

Claims-makers shape our sense of the problem by the methods in which they present their claims. Typification occurs when those making the claims attempt to characterize the problem's nature (Best, 1989). One way to do this is by orienting the problem, or by explaining that the problem is best understood when approaching it from a particular perspective (Best, 1989). Each possible orientation locates the problem in a specific area and thus affects the possible solutions (Best, 1989). Typification then emphasizes some aspects of the social problem while essentially ignoring others. An example of typification is the medicalization of deviance. By orienting the social problem to be a medical problem we see the emergence of a new panel of experts with solutions to the social problem found within the realm of their newfound expertise. The DSM-IV, the *Diagnostic and Statistical Manual of Mental Disorders*, used for assessing, diagnosing, and treating mental health has become closely associated to the problem of serial homicide. The image that the serial killer is a psycho or sociopath leaves the solution in the hands of the newly claimed mental health experts.

Another form of typification involves illustrating the social problem through the use of examples (Best, 1989). The use of the case study is often one of the best ways to present the most effective examples (Holstein and Miller ed., 1993). Pfohl was of the first to use the case study method within social construction analysis, as he deconstructed the claims-making process of how the issue of child abuse came to be. Radiologists, studying fractures in hospitals, formulated the 'discovery' of child abuse. Links in continuous child abuse went undetected, as what seems to have been a purposeful blindness on the part of doctors, perhaps in an attempt not to steal from the hand that feeds you. The new experts rose and with them rose notoriety and respect for uncovering a new social ill. Their claims created a new ownership of the issue of child abuse, and new meaning was thus created.

The use of dramatic examples is the best way of seeking the attention of a variety of audiences. The sensationalistic media and the news press are the most common method for claims-makers to reach those audiences (Barak, 1994). Journalists use 'grabbers' as a way to begin a story, and then link it to the larger problem or image (Best, 1989; Surette, 1998). Dramatic examples are used because we encounter them right away, they are attention grabbing, and they shape our understanding of the claim being presented (Best, 1989; Surette, 1998). Journalists often use statistics where bigger numbers are desired, as they are most likely to persuade the audience into believing the claim (Best, 1989; Surette, 1998). Claims-makers numbers are rarely accurate as they seldom come from an official agency, and when they do they are often extrapolated from small scale studies (Best, 1989).

In the next part of this chapter the varying types of claims-makers will be examined, in order to explore those individuals whom seek ownership over social issues. The individual or group who claims ownership of a social issue or problem is important, as it slants our opinions of the issue at hand, in accordance with how they present their claims surrounding the topic.

3.2: Types of Claims-Makers

There are several different types of claims-makers. Victim claims-makers' rhetoric often focuses on personal experience, showing their audience that they are the key to understanding criminality as they have experienced it first hand (Spector and Kitsuse, 1987, 2001). Feminism has been said to use this same type of rhetoric, in that the key to understanding female criminality is to understand the female experience. Claims-makers can also become fashioned as activists motivated by ideology, whereby the strength in their claims lays in their campaigning (Spector and Kitsuse, 1987, 2001). Pro-life activists are a perfect example of how campaign manipulation is used in order to gain the attention of policy makers. Professionals who act as claims-makers are those who become experts in their area of work (Spector and Kitsuse, 1987, 2001). These persons lend their authority from their discipline for claims-making purposes. New definitions and claims are presented as new experts emerge and create new discourse surrounding the social problem.

Pressure or lobbyist groups can also act as claims-makers, as they seek to gain the attention of the policy makers in order to change the existing conditions to their favour. Pressure groups can include religious groups and morally based arguments

(Best, 1989; Spector and Kitsuse, 1987, 2001). Finally, official groups often act as claims-makers, as they try to protect their 'turf' and expand their influence (Best, 1989). Officials often make sure aspects of their bureaucratic conflicts are well publicized in order to add to the pressure and help sway existing opinions which may lead to policy amendments (Best, 1989).

Due to the fact that this thesis is focusing on the concept of dangerousness as applied to Homolka, it is important to examine the differing ways in which this term has come to hold varying meanings. The next section will investigate the concept of dangerousness, and the manner in which it has been socially constructed. We will outline how this term has developed differing meanings, as well as what those meanings entail.

3.3: Dangerousness and the Duality of its Claim

The concept of dangerousness has been socially constructed. It is a method not only of encouraging personal risk management, but also of claims-making. Dangerousness can be closely linked with the socially constructed duality of images created of women in society. Historically women have been divided into a split of images, which are often dialectically opposed. Contemporary examples of the evil woman depict the female character as pathologically manipulative and violent, but with beauty and charms that mask their evil natures (Faith, 1993). Faith (1993), goes on to argue that *"the characters are shown to possess 'male power' (threat, force, violence) as a means of investigating and experimenting with female power."* When women are depicted as strong they are depicted as possessing male characteristics, and are thus shone in the light of the dangerous woman, a force to be leery of because she will manipulate and devour you for her own ends (Faith, 1993; Frigon, 1995; Surette, 1998). Women are frequently described as dangerous if they adopt traditionally masculine characteristics, as they are transgressing the gender scripts of society. This transgression leads us to believe that women are unable to handle being threatening, forceful or violent; that somehow it is not in their nature, that somehow they are biologically weaker than their male counterparts.

On the opposite side of the spectrum, women are also portrayed as the innocent, the complacent and nurturing. Women are socialized into gender typed roles from the time of birth (Renzetti and Curran, 1992). The other side to the dangerousness coin is that of the woman in danger, the battered woman (Frigon,

1995). Those who claim they are battered have to deal with the scrutiny of countless agencies, the mental and medical health officials, the criminal justice system, as well as the media images. Stanko (2000) argues that women, as part of active citizenship, must self-govern in the form of acting like appropriate 'feminine' women.

Historically, a negative stigma has surrounded the claim of wife assault, which has ensued victim-blaming labels such as masochists, castrators, and flirts (Pearson, 1997). Women are socially constructed and reconstructed to suit the needs of the claims-makers. With respect to women who are both deviant or violent (*dangerous* woman) and yet also suffer from abuse (woman *in danger*), the myth of female innocence is shattered leaving the woman as a non-woman or as a non-entity. She falls through the cracks of understanding. She is a substitute, lacking the gendered and socially constructed sex-role stereotyped characteristics that are supposed to envelop the 'ideal' woman. This duality of images will be critically examined as this thesis questions: What happens when the woman is both *dangerous* and *in danger*?

There is a clear divide among social constructionist theorists, as to the most appropriate method and practice of social constructionist analyses. The debate surrounding strict and contextual constructionism will be presented, in order for me to position myself within the appropriate method for the purposes of data analysis for this thesis. The following section will outline the main arguments and the debates between strict and contextual constructionism analysis.

3.4: The Strict/Contextual Debate

The debate between strict and contextual constructionism runs right through the heart of the social construction theory, dividing its practitioners and dividing their methods of practice. Strict constructionists include Spector and Kitsuse who were among the first to approach the theory of social constructionism and aided in its subsequent evolution. The strict constructionist does not believe that there is any such thing as the "objective" dimension, therefore, there is nothing that can ever be presented as concretely defined or explained (Goode, 1997). The observer that utilizes concrete definitions and analysis is thus simply engaging in the pre-existing claims-making activity. The key to any condition becoming a social problem is subjective, as no objective qualities can exist (Best, 1993). The strict constructionist thus defines a social problem as claims-making activity wherein those claims can be located in their social context, which can invariably change with the emergence of

new claims surrounding that social problem (Best, 1993). Goode (1997) continues by pointing out that no single claim can earn special status in defining reality, *"all are equally subjective, all are special pleadings for a certain cause, ideology, or political view."* Therefore, all claims are relative and when analyzing claims as social problems *"analysts must achieve the distance needed to focus on the definitional process, rather than unknowingly participate in it"* (Spector and Kitsuse, 1975). One must avoid any objectivism and dismiss all assumptions about the empirical world, and so one can never in fact know the 'truth' of any claims about social problems (Best, 1993).

Spector and Kitsuse's (1975) original outline of social constructionism denounces the reigning objectivist stance, as they claimed social problems do not actually exist objectively but are created by the claims-maker, and are called into being or constituted by the definitional process. This strict position has been held fast by many constructionists as the basis of the theory. The objective condition does not even have to exist for claims to be made about it. An example of this is the witch persecutions that claimed the lives of thousands of women. This 'claimed' social ill was so well defined and believed that the end resulted only in death, in what several have called the 'female holocaust' (Barstow, 1994).

Contextual constructionists focus on the subjective when studying social problems, and they deviate from strict constructionism as they argue that it is possible to examine the discrepancy between objective seriousness and subjective concern (Goode, 1997). Goode (1997) outlines three ways that this discrepancy can be examined. The first is that some objectively serious conditions generate significantly less public concern than conditions that are far less serious, as measured by the objective criterion of the deaths they cause (Goode, 1997). Goode's example clearly demonstrates this discrepancy: the contextualist would wonder why illegal drug use which claims far less deaths per year is one of the nations major concerns, while smoking which claims many more deaths attracts far less drastic attention (Goode, 1997). The second discrepancy is that the condition occurs over time (Goode, 1997). This means that the objective seriousness of an issue remains relatively stable over time, while the subjective concern it generates fluctuates over time. How does the same issue waver in the concern it raises while it's consequences are unchanging? Trends within crime waves are a clear example of this discrepancy.

The third and final discrepancy lay between the claims made by those persons who wish to define social problems as well as what the 'facts' say (Goode, 1997). This often occurs when the media is involved in the claims-making process, as sensationalized crimes are highly publicized resulting in generalized statements being presented as fact (Surette, 1998). The newsworthiness of a story is determined, where unique or violent individual cases are presented as the norm for that specific type of crime. A moral panic often results from the concentration on unique or individual cases. A moral panic suggests that the condition becomes blown out of proportion and the public falsely believes themselves to be in immediate danger (Surette, 1998). This can be said about Homolka, who was constructed not only as an abnormality because she committed violent crimes, but also as the newest growing threat to society: the serially violent, sexual female predator. What can also occur in this objective-subjective discrepancy, is that a number of harmful conditions are not defined as such or have existed for extensive periods of time before being defined as such (Goode, 1997). Therefore, contextualists find that there is a measure of independence between the objective and the subjective dimensions for "*certain specific concrete or putative conditions*" (Goode, 1997).

An important aspect of contextualist constructionism, is that the contextualist is not interested in 'debunking' or disproving claims that certain social problems should or should not be seen as serious (Goode, 1997). The goal, then, is to understand how social problems become defined as such, how those definitions are formulated, and how they are accepted. Alone, a 'social problem' is non-existent, what makes the social problem is the definition assigned to it, and the reactions held by the various audiences. The end goal of the contextualist constructionist is not an investigation into how to improve the situation but an understanding of society's intricacies and mechanics at work.

The following section will present a brief critique of Social Construction theory, in order to highlight its limitations. While social construction theory is essential to this thesis, it is important to be aware of the weaknesses of the frameworks being used within your analysis, in order for it to be more factually accurate and representative of the whole picture.

3.5: Critique of Social Constructionism

Critics of social constructionism argue that there is too much division between strict and contextual construction. The greatest criticism surrounding strict constructionism arises out of Woolgar and Pawluch's (1985) response to Spector and Kitsuse's arguments. Woolgar and Pawluch argue that it is impossible to examine claims about social conditions without referring to the empirical world. They argue that strict constructionists repeatedly violate their own restrictions by focusing exclusively on claims without any analysis to the concrete world (Goode, 1997). Woolgar and Pawluch dispute that while strict constructionists deny the possibility of *"verifying the objective reality, in fact, they base their observations about the objective status of aspects of the material world"* (Goode, 1997). Woolgar and Pawluch accused constructionists of practicing what they called ontological gerrymandering, which can be defined as a practice of analytically manipulating a boundary, *"making certain phenomena problematic while leaving others unproblematic"* (Loseke, 1999). They explain that there are three basic assumptions to constructionist empirical arguments:

"(1.) Authors identify certain conditions or behaviours (2.) they identify definitions (claims) made about those conditions or behaviours (3.) the authors stress the variability of the definitions vis-à-vis the constancy of the conditions they relate" (Loseke, 1999).

The key feature to this three-step process is the assumption that the condition itself does not vary. Woolgar and Pawluch claim that while making assumptions about the constancy of conditions completely violates the mandate to ignore such objectivist elements (Loseke, 1999).

Ibarra and Kitsuse (1993) tried to locate social constructionism in rhetoric or persuasive language, rather than in the broader 'claims-making activity' as well substituting the term 'condition category' for 'putative condition' in order to allow the constructionist to return to the original and objective intent of the constructionist position (Loseke, 1999). Loseke, (1999), suggests that this adaptation is simply a change in language use, where the effect remains the same. Many strict constructionists are still confounded by the use of objectivist elements, and thus the question remains: Is a strict constructionist analysis possible?

A second problem with strict constructionism lays in the argument that it ignores the fact that much discrepancy exists between subjective concern and

objective seriousness, and that this discrepancy is of itself an interesting sociological process to be analyzed (Loseke, 1999). This then, is where the strict and contextualist constructionist part ways, as the contextualist would examine the objective-subjective discrepancy with much scrutiny. A final criticism of strict constructionism remains in the realm of its gender blindness. If no objective condition can thus be realized as true, than no examination of gender can ever be seen as relevant. This, then, suggests that any feminist analysis is mere claims-making, a simple and clever use of rhetoric in the advances of a pressure group in order to try and claim ownership over specific social problems. Without feminist analyses, social constructionist theory ignores the sexism that *is* present in society, and addresses it as mere claims. It seems to be that some things presented as objective facts must be accepted as such, or nothing will ever surmount to anything. While I am using social constructionism as a foundational and analytical framework for my thesis I must make it clear that I am using contextual constructionism. Feminist discourse is context rich in its analyses and strives to enlighten its audience on the meanings surrounding the issue at hand. Gender impacts all social relations, and thus, should be considered a significant aspect of all sociological inquiry.

4: Conclusion

Feminism is being used as the critical lens of this research, in conjunction with contextual constructionism. Although the different streams of feminism cannot be mutually exclusive, elements of the varying strands will be incorporated as needed within the analysis. Specifically, elements of radical, standpoint and post-modern feminisms will be incorporated into the analysis. Early radical feminism proposed giving a voice to women, making them subjects of inquiry on an equal plane with the researcher. This is also where the study of binary oppositions began, with Simone de Beauvoir's analysis of the 'One' and the 'Other'. The study of concepts organized into dichotomized thought is key to this thesis, as the socially constructed images of Homolka will be examined in accordance with the three aforementioned hierarchical and dialectically opposed binaries. However, radical feminism opposes the post-modernist belief that there can be no one universal understanding, as radical feminists celebrate the differences created by patriarchy and accept those differences as true.

Standpoint feminism is also critical to this thesis as it espouses a necessity to understand and value the position of the female subject of inquiry. Standpoint

feminism is based on the acceptance that women's view is superior as it allows us to understand and engage with the knowledge of and about both the oppressors and oppressed. It should be noted that while trying to give voice to Homolka as a subject of inquiry, we are bound by the confines of the power of law and the court system where her discourse has been unveiled. Her voice is therefore somewhat constrained by the politics of law, and this must be recognized as a possible limit to this study. Post-modern feminism traditionally opposes standpoint epistemologies as they fall under the modernist stream of thought. I suggest that elements of the two can be complimentary, particularly when using deconstruction as the method of analysis. Deconstruction, a typically post-modern technique, will assist in grounding the standpoint theoretical stance by avoiding universalizing the results. This study can recognize the truth in the discourse in the life of Karla Homolka, but cannot suggest that it should be recognized as truth in the lives of other women convicted of violent crimes.

As a feminist, I quickly slide into the contextualist counterpart of social constructionism. My position as a feminist may be questioned, when using social constructionist analysis, because it implies an acceptance of the impact of gender within social relations as an objective criterion that is factually 'true'. This question is dutifully defended within contextual constructionism as one of the objective-subjective discrepancies to be critically discussed with much examination. For example, and more specifically related to my thesis, the concept of dangerousness, as a social construct, can be examined in its binary format represented with the constructs of the *dangerous* woman and the woman *in danger*. The conflict that arises out of this dichotomy characterizes two distinctly different, yet similar images of women. These two images are different as they are opposite sides of a very distinct coin, the violent woman and the woman who is subjected to violence. Although, the images are similar in that they are both socially constructed as failures in the appropriate development of femininity.

Social constructionism is a very important theory, especially when studying media claims and rhetoric. My position as a contextualist constructionist will aid the development of my thesis and will guide my discussion surrounding the claims made about Karla Homolka. The trial transcripts and the Galligan report will provide context rich material that will be grounded in a feminist discourse analysis. The claims presented about Homolka will be deconstructed in order to understand their

purpose and impact within the trials. The claims made about Homolka will be critically analyzed within the format of the following three binaries of social construction: (1) the Madonna/ Whore split; (2) the Angel/ Devil split; and (3) the Woman *in danger/ Dangerous* woman split.

The next chapter will begin to delve into the analysis and results of the intertextual deconstruction of the three documents under examination: (1) the trial transcripts from *R. v. Karla Bernardo*; (2) the trial transcripts from *R. v. Paul Bernardo*; and (3) the *Galligan Report*.

Chapter 3: Methodology

The methodology being used within this thesis consists of a feminist intertextual deconstruction of three main legal documents related to the case of Karla Homolka: (1) the trial transcripts from *R. v. K. Bernardo* (120 pages); (2) her testimony, cross-examination, re-dress, and re-cross-examination from *R. v. P. Bernardo* (2242 pages); and (3) the *Galligan Report* (342 pages)¹.

This is a qualitative research method and as such, depends upon interpretive social science research methods. These interpretive methods analyze documents in order to uncover meaning within their text (Hodder, 1998; Stake, 1998; Neuman, 1997). Using an interpretive approach is ideographic in that it induces a symbolic description of the matter being studied (Neuman, 1997). Specifically in this thesis, those images of violent women that are constructed in terms of the aforementioned binaries of Madonna versus whore, angel versus devil, and victim versus victimizer, will be examined using Karla Homolka as a case study. This exploratory study, seeks to reveal how Karla Homolka was constructed as both a victim and a violent woman during her own trial, during the trial of her ex-husband Paul Bernardo, and throughout the Galligan Report. In the next section we will examine the case study method used, in order to outline the strengths and importance of engaging in a case study of the persona and the trials of Karla Homolka.

1.1: The Case Method

This thesis is using the case study method, and is focusing on the case of Karla Homolka. Rather than focusing on personal documents such as diaries or autobiographies, three legal documents will be used as the data source: (1) the official trial transcripts from *R. v. K. Homolka*; (2) the official trial transcripts from *R. v. Bernardo*; and (3) the *Galligan Report*. This is an instrumental case study, as the case itself is serving “as a background against which the actual research is conducted” (Berg, 1998:216). The ultimate goal is not to analyze sentencing disparities between K.

¹ Gathering the trial transcripts has been an extremely long and arduous process, which has taken just over a year. The costs for the transcripts totalled nearly fifteen hundred dollars. This cost was generously subsidised by the law and arts libraries, as well as the Graduate Students Association at the University of Ottawa. Verbal permission was required from both the presiding judges and the court reporters who, have copyright on the transcripts.

Homolka and P. Bernardo, nor is it to call into question the guilt or innocence of either of the two parties. Rather, my intention as a researcher is to use the case of Karla Homolka to develop a comprehensive understanding of the following external theoretical questions (Berg, 1998):

1. How do we examine the persona of a woman who has been constructed to represent both sides of the dichotomy?
2. What are the differing claims made about Karla Homolka within the three different legal documents? How is she socially constructed?
3. How does a woman constructed in such a way transmit elements of what are supposedly opposing values? In other words, how can she be constructed as both:
 - a. *The Madonna* and the *Whore*?
 - b. *Angelic* and *Demonic*?
 - c. A *Dangerous* woman, and a woman *In Danger*?
4. Can woman's knowledge be seen as rational, where man is still associated with reason, and woman with intuition?
5. Does our subject's understanding of her own experiences come to be defined as valid, or is her understanding disqualified under a patriarchal legal regime?
6. Is our subject constructed under the 'sameness discourse', using traditionally masculine characteristics, or is she constructed as different? How do these constructions play out within the trials?
7. How do those differing claims affect her status as subject within the trials?
8. What purpose do the varying claims serve the claims-makers?

This case was chosen because it will provide an opportunity to advance the knowledge and understanding of the conceptual frameworks I will be critically analyzing.

Homolka's case received a great deal of media attention through which her moral character was, constructed and reconstructed by those who were 'reporting' on her case. Due to the extensive media coverage and its emphasis on her character and image, it is important to closely examine Homolka's case in order to understand her persona more clearly and to identify and understand the role of the constructions created at different points during her process with the legal system.

The case study methodology is of particular value to this research, as it will allow a more thoroughly detailed outline of the social constructions surrounding our subject. This case study encourages the researcher's immersion into the vast amount of data contained in the three documents. *"Immersion gives the researcher an intimate familiarity with people's lives and culture"* (Neuman, 1997:331). Once assimilated, the data will be interpreted by assigning significance and meaning to it. Qualitative researchers interpret data by giving it meaning, and by making it understandable (Neuman, 1997).

The first step in qualitative interpretation is to learn about the meaning as seen by those being studied. In this case study of Karla Homolka, the goal is to understand the motives and reasons why each party has participated in the social construction of the various images of Homolka. This thesis must look at the possible reasons the defence and Crown counsels had for socially constructing specific images of Homolka, as well as the motives Homolka may have had for doing so herself. This is what is referred to as a first order interpretation (Neuman, 1997). Second order interpretation occurs when the researcher reconstructs, or in this case deconstructs, the first order interpretations. The researcher's goal, then, is to elicit an underlying understanding and sense of meaning or comprehension to the data (Neuman, 1997). A feminist researcher takes this one step further by conducting a third order interpretation which links the second order interpretation to a general theory (i.e. feminism and social construction). It is during this last phase that theoretical significance is assigned to the interpretations of the data. The data used for this research will be critically evaluated under feminism's theoretical framework and according to its principles.

In the next section we will explore what is involved in conducting an inter-textual deconstruction. The principles of deconstruction as a methodological tool will be explored with reference to how feminists have used this method in research.

1.2: Inter-textual Deconstruction

An inter-textual deconstruction is a form of latent content analysis (Reinharz, 1992). Whereas a content analysis is primarily a quantitative method, a latent content analysis focuses on deciphering underlying and implicit meanings within the context of a

text (Neuman, 1997). A feminist inter-textual deconstruction is a multi-text analysis that looks for contradictions within and between several texts, which demonstrate the effects of patriarchy and capitalism (Reinharz, 1992). The coding system consists of analyzing the data within the framework of the three binaries of analysis. The *Galligan Report*, the transcripts from *R. v. K. Bernardo* and our subject's testimony and cross-examination from *R. v. P. Bernardo*, will be reviewed in order to determine if and to what extent the text contains socially constructed images of Homolka that correspond with the three aforementioned dichotomies. The validity of latent coding can actually exceed that of manifest (quantitative) coding, "*because people communicate meaning in many implicit ways that depend on context, not just in specific words*" (Neuman, 1997:276).

Deconstruction is an analytical tool that strives to expose ideological limits, which constrain texts and actions (Feldman, 1995). Feldman argues that ideology imposes limits on language and thus on text, which requires authors to write from their ideological perspective whether consciously or not (1995). Deconstruction, then, is a research tool used to uncover the sometimes hidden meanings behind text and to understand the effects of "*changing contexts on meaning*" (Manning, 1992:202). Deconstruction is accomplished by looking at the text in different ways or through different 'moves' (Feldman, 1995). Feldman's 'moves', refer to the techniques being used when conducting a deconstructive analysis. Some of the most common 'moves', those that we will be primarily using with respect to this thesis include "*looking at what is not said or looking at silences and gaps, dismantling dichotomies, and analyzing disruptions*" within the text (Feldman, 1995:51).

In any written or verbal communication, e.g. a text, what the author explicitly presents is only a selective and or partial representation of the overall meaning of the text (Manning, 1992). The text can then be interpreted according to both what is written or said as well as what is implied or omitted. Feldman uses the example of "*damning with faint praise*" to demonstrate this 'move' (1995:52). This occurs often in letters of recommendation, wherein the referee does not openly criticize the candidate by stating that he or she is not suited for the position, but rather implies this message by omitting praise. In dichotomous thought only two categories are possible. By allowing for only two categories the possibility of a grey area is ruled out. We also commonly award

privilege or value to one side of the dichotomy over the other, when we feel that the dichotomy is relevant (Feldman, 1995). This may restrict our ability to see that people in different categories may have very similar characteristics. Deconstruction, then, is a tool that can be used to reverse these relevant dichotomies, to award value to the opposing or devalued category, and subsequently to understand each end of the spectrum as well as the possible grey area that had not been previously examined (Feldman, 1995).

Radical feminists have utilized the concept of dualisms, or binaries of analysis, to uncover the hierarchical relationships between the two terms under study (Thompson, 2001). Traditionally, the male has been regarded as the norm, while the female has been described as abnormal, so that the female is compared to the natural, male standard (Thompson, 2001). As Simone de Beauvoir (1971:253) wrote, "*Woman is to pose the absolute Other, without reciprocity, denying against all experience that she is a subject, a fellow human being*". De Beauvoir's analysis of the subject (male) / object (female) dichotomy, created a new form of feminist analysis. She argues against biological determinism and suggests that it is socialization that creates *woman* (de Beauvoir, 1971). *Woman* then is created, not born (de Beauvoir, 1971). Hekman (1999:2) writes of de Beauvoir's 'Other',

"Woman is, thus, both a negative and a lack – both something that, by opposing "the One," is necessary for its definition and at the same time nothing at all, because she fails to measure up to the standard defined by "the One"."

De Beauvoir questions the possibility of overcoming the subject / object dichotomy, allowing women come to be 'liberated' and thus equal. If *woman* remains the 'Other', she cannot become a full subject herself. Rather, she is used as a vehicle to provide and define the subjectivity of man, the One (Hekman, 1999). By defining *woman* as 'Other', de Beauvoir defines her as a tool used to attain man's transcendence. In order for *woman* to be seen as a subject and thus as equal, "*social evolution*" must occur (Hekman, 1999:3). Since the masculine / feminine dualism is thus both hierarchical and gendered, the dividing differences between the two must be erased if equality is to be achieved (Hekman, 1999).

Derrida refers to this as the play of differences (Naffine, 1996). Language functions as a result of comparison for the purpose of distinction, where concepts are relational because they adopt their meaning from their opposing constructions. Derrida

suggests that concepts develop meaning from that which they differentiate themselves from (Naffine, 1996). *Man* then comes to hold meaning by being in opposition to *woman*. The concept (man) is defined by what it isn't (woman) (Naffine, 1996). Derrida suggests that because of this technique of development, the two concepts are not oppositional, but relational and thus conditional upon one another (Naffine, 1996). It is part of the tradition of Western thought to create binary oppositions and moreover to create them in a hierarchy where differing values are awarded (Naffine, 1996). Where *man* is the norm or standard, *woman* is the aberration and is thus awarded inferior value to the dominating status of man. Derrida has referred to such dichotomous conceptualization as 'violent' because the creation of a hierarchy for binary concepts means one concept is always excluded, denigrated and ultimately repressed (Naffine, 1996). In order to effect changes in how concepts are understood, we must reverse the existing hierarchical order between the concepts so that what was subordinate (woman) is now dominant. In giving priority to the traditionally subordinate term, two new concepts emerge as it becomes evident that the two are interdependent and thus central to one another's existence and understanding, rather than outside and opposing one another's existence (Naffine, 1996). This method of deconstruction allows us to see how the lesser term is absolutely essential to the more highly valued term.

"Deconstruction exposes the problems which reside in the endeavour to keep meaning pure, to say 'just this' and not 'that', because 'just this' always depends on 'that' which it is not " (Naffine, 1996:89).

Thus, deconstruction is a tool used to come to some understanding of how concepts, formatted in binaries of opposition, come to work and espouse meaning.

Although Derrida and de Beauvoir aided in the development of a crucial method of feminist analysis, de Beauvoir's subject/ object analysis must be taken even further. Feminists must not only examine the binaries that contribute to the division of the two sexes, they must also examine the binaries that compartmentalize women alone. Women are constructed and placed in opposing categories that are not complementary, nor inclusive. In addition to having yet to be freed from their status as 'Other', women have been further marginalized in constructions of what it means to be a "virtuous" and "good woman" (Boritch, 1994; Hooks, 1984; McConney, 1999; Thompson, 2001). Often times, white middle class women are considered to be a benchmark, comparable to de

Beauvoir's, the One. In constructing binaries such as the Madonna versus the whore, Jeffreys (1985) argues that male supremacy is maintained. It becomes a way to divide women, their solidarity, and their subjectivity, thus ensuring the continued practices of patriarchy.

There are three important studies that have used similar methods to those being used for this thesis. These studies provide validity and support for the research methods used herein. Although not a feminist deconstruction per se, Michel Foucault's *I Pierre Riviere, having slaughtered my mother, my sister and my brother* (1975), delves into one particular case of parricide in the 19th century. Foucault investigated several themes of this particular case as a way to study the link between psychiatry and criminal justice (Foucault, 1975). He focuses on exhibit evidence, the official trial transcripts, newspaper accounts, as well as Riviere's memoir while examining how his subject was constructed within the psy-disciplines (Foucault, 1975). Foucault recognised the importance of analyzing the trial transcripts as a method of understanding the case more completely. His insightful method supports the use of the three dichotomies as the framework around which the critical analysis of how Karla Homolka was socially constructed within the three data sources will be conducted. Foucault's study also provides support for the use of the case method, a tool used to explore and provide evidence surrounding a topic where there is little existing literature.

A second example, that of Denise Farran (1987) focuses on an examination of Ruth Ellis, the last woman to be hanged in Britain. Farran used newspaper accounts, police reports and the official trial transcripts from both her original trial and her appeal (Farran, 1987). Farran's study is very similar to this thesis in that it looked at how Ellis' sexuality was exploited within her trial, resulting in a 'mad versus bad' discussion of her socially constructed identity (Farran, 1987). Farran (1987:18) argues that using a "thematic approach" avoids "glossing over" the material and generalizing in the way that is prevalent when coding for specific words or phrases. Therefore, the more thematic approach of discourse analysis is used by Farran to provide clarity to the case by more thoroughly delving into the analyses. Farran examines how the life of Ruth Ellis was "excavated" during the trial, as a means to construct her as a "mad, bad, or possessive

woman” (1987:2-3). These are the socially constructed images that interest Farran.

Farran (1987:1) writes:

“The three books that have been published have all concentrated on her ‘life, murder and trial’, with great emphasis being paid to excavating her ‘life’ and what kind of woman she was, as a sufficient as well as a necessary explanation for the murder and trial. In one sense this is completely to be expected, for this is usual practice carried out by a wide range of people involved in or with such cases (for example, the police, lawyers, journalists, etc.) in trying to account for such activities as murder. However, in another sense the form such biographies have taken is unexpected, for they are actually primarily concerned with her ‘sexual life’; and this seems dependent in their constructions of events on the ‘fact she was a woman of a particular ‘type’”.

This project will similarly proceed with an exhaustive examination of the official trial transcripts to elucidate and explain how and why Karla Homolka was socially constructed into dichotomous images within the Canadian legal process. Of particular importance, following Farran, this study will critically assess how Homolka’s sexuality was both scrutinized and used to socially construct her as being characteristic of the Madonna or the whore and ultimately as *dangerous*. Farran specifically examines how Ellis was constructed as unreasonable, totally blameworthy, ruthless, sexually deviant, and immoral (1987). She discussed the purpose behind these social constructions and suggests that, they served to portray Ellis as abnormal because she was a woman who had killed. Farran’s analysis is similar to this thesis and thus supports the methodological processes used herein.

More recently, Colleen Anne Dell’s (2001) Ph D. dissertation used two data sources to analyse the treatment of federally sentenced Aboriginal women while in prison. Her critique of the Arbour Report consisted of both the trial transcripts of the public hearing proceedings of *the Commission of Inquiry into Certain Events at the Kingston Prison For Women*, and the transcripts of the public consultation processes of *The Commission of Inquiry into Certain Events at the Kingston Prison for Women* (Dell, 2001). Dell also used a feminist objective when critiquing the transcripts and argues that in research concerning the welfare and treatment of female offenders it is of crucially important to do so (Dell, 2001). While the case method has been criticized because of its subjective approach, Dell’s dissertation supports the methods used in this thesis. Dell contends that when there is little information surrounding a topic, it is important to use the case analysis method as a way to immerse oneself in the data in order to reveal more

comprehensive conclusions regarding that specific topic. Considering the paucity of information regarding women who have committed violent or sexual offences, the existing literature would benefit from an in depth analysis of how Homolka, branded as Canada's most notorious violent female offender, has been socially constructed within the realm of legal discourse. Following Dell's methodology, this thesis uses few documents as data sources. While the number of documents may not be great, the context rich material provided in the twenty-six hundred pages of has presented us with a vast amount of quality material to interpret.

The three examples of research presented provide the support for the methods of research and inquiry dealt with within this project. In the next section, we will outline the basic tenets of discourse analysis as an analytic method. While discourse analysis provides the backbone of this research project, it is via qualitative interpretation that the discourse analysis will be completed.

1.3: Discourse Analysis

Discourse analysis is an analytic method that has come to be used by several different disciplines as a way to understand human communication through language (Brown and Yule, 1983). Sociolinguistics are concerned with the structure of social interaction that takes place within conversation (Brown and Yule, 1983). *"They are concerned with generalizing across 'real' instances of language in use, and typically work with transcribed spoken data"* (Brown and Yule, 1983:viii). Language is the most elaborate method of human communication. In use, *"linguistic communication is not achieved by individual units of language such as sounds, words or sentences"* (Georgakopoulou and Goutsos, 1997). Linguistic communication, then, comes to be created through combinations of these individual language units, which interact to create meaningful expressions (Georgakopoulou and Goutsos, 1997). These meaningful expressions are holistically called 'texts'. It is thus said that when people use language they communicate through 'texts'.

Discourse analysis is a form of social science research based on the analysis of recorded speech (Silverman, 1993). Similar to conversation analysis, discourse analysis

seeks to analyse the activities that are present within talk or dialogue (Silverman, 1993).

Silverman (1993) points out three main features of discourse analysis:

- “1.) It is concerned with a far broader range of activities often related to more conventional social science concerns (e.g. gender relations, social control etc.
- 2.) It does not always use analysis of ordinary conversation as a baseline for understanding talk in institutional settings.
- 3.) DA works with far less precise transcripts than CA.”

Reinharz (1992) suggests that feminist scholars of cultural texts often see meaning within the texts as mediated and thus frequently examine not only the text itself, but also the processes by which the text was constructed. In a way, feminist researchers thus examine the processes that arrest or alter the production of texts. She contends that there is no consensus surrounding the terminology of this method of conducting research (Reinharz, 1992). In fact, Reinharz lists several varying terms that are used to describe the same method of analysis: content analysis, archival research, text analysis, and literary criticism (1992:148). She goes on to explain that there are several different types of interpretive frameworks to the analysis of cultural artefacts, including: “*discourse analysis, rhetoric analysis and deconstruction*” (Reinharz, 1992:148).

Meaning does not reside in the text itself, but in the interpretation of the writing itself (Hodder, 1998). As the text is read and reread in different ways, it is awarded different meaning. All texts must be examined with the knowledge of the context in which they were constructed, realising that the conditions of their production can alter the meaning they may hold (Hodder, 1998). Hodder (1998) suggests that in examining material culture, we are able to examine multiple and often times, conflicting voices, and differing or interacting interpretations of text. It is of particular importance when studying a topic or subject that endures a subordinate position, especially because much of the subordinate experience is silenced or hidden from language and thus from text (Hodder, 1998). This principle is of great importance to this thesis since studying from a feminist perspective and allowing Homolka to express her own subjectivity will allow us to come to a more complete understanding of the underlying thematic representations of her personas.

This thesis will attempt to deconstruct the existing patriarchal legal discourse and the hierarchical dichotomies surrounding our subject in order to challenge and change the relationships between the dualisms. With that goal in mind, language comes to be of the

utmost importance, as it is used to create images and symbolized meaning of our subject. Bruckert (1991:23-24) suggests,

"It is important to recognize the gender of the speakers. Men have the power to create language that is consistent with their experience of the world, reflecting and reinforcing woman's status as object and denying her the status of subject."

Bruckert (1991:24) continues, demonstrating how women's experiences and discourses are trivialized because of their inability to *"name the female reality and experience"*.

"Language's androcentricity must be exposed and new symbols created that are consistent with the female experience" (Bruckert, 1991:24-25). In order to avoid falling prey to the androcentricity of the language within the documents, it is critical that we focus on Homolka's testimony and cross-examination at Bernardo's trial. It is only through this text that she herself is given a voice and is able to directly influence the construction of her character and her actions, and thus demonstrate her subjectivity.

The next section will outline the principles of feminist methodology and epistemology. An explanation of the importance and value of using a feminist methodology and epistemology, as well as an examination of what constitutes using this kind of analytic method will be presented.

1.4: Feminist Methodology and Epistemology:

While standpoint epistemologies generally fall under the guise of modernism because of their acceptance of differences and truths in the lives of individuals, postmodernists generally reject any acceptance of truth. Modernism thus accepts that there are power differentials between groups. Standpoint feminists accept that women have a privileged understanding of the social hierarchy because they are of the oppressed class. Post-modernists link this hierarchical thinking with the historical tradition of patriarchal control and dominance. This thesis is using elements from radical, standpoint and post-modern feminisms. These three streams traditionally do not compliment one another, however I suggest that *elements* from all three streams can work together to assist in giving a more accurate critical examination of the data. It should be acknowledged that radical feminism is only relevant to this thesis in that it was here that the feminist analysis of dichotomous thought first found its voice. Although standpoint feminism is the key component to this study, methods that are generally accepted as post-

modern research techniques are being utilized. Rather than accepting that standpoint epistemologies and post-modernism are contradictory, I suggest that one can incorporate the post-modern method of analysis, deconstruction, while engaging with standpoint feminist ideology. The two streams of thought do agree that women should not be classified under one grand or universalizing theory. In adopting deconstruction as the method of analysis, one can enhance the standpoint position by critically examining the discourse of Karla Homolka as well as the other social agents she engages with. Although, one must keep in mind that her discourse is confined by law and the courtroom.

Postmodernism is generally identified with a rejection of the notion of a foundation of truth, thus accepting the notion that a truth is not a reality but rather is constructed through exclusion and repression (Beasley, 1999). Postmodernists look to plurality and multiple determinants as the sources of explanation of social issues, as opposed to a singular underlying explanation (Beasley, 1999). Feminist postmodernists suggest that there can be no one interpretation or privileged reading of a text (Evans, 1995). Postmodernists assert that it is not always necessary to look to some deep underlying analysis of social context. Rather, they posit that it is just as important to examine issues at their surface or appearance (Beasley, 1999). Postmodernism challenges modernism, which is defined as "*characterized by universalizing and totalizing pretensions*" (Beasley, 1999:85).

Feminist postmodernists link modernist thought with the conception of masculinity and the male biases of a universal truth (Beasley, 1999; Crotty, 1998; Evans, 1995). They suggest that claims to know 'the truth' are not neutral, but are sexually specific and linked to power. Because modernism is associated with humanism drawn from Enlightenment thought, it then assumes that human nature is founded in reason. Feminist postmodernists suggest that because of the hierarchical duality of western thought, where man represents reason, woman then represents intuition and furthermore, that man is subject where woman is object. Modernism is thus complicit in presenting certain groups as lesser human beings, suggesting a sexual hierarchy (Beasley, 1999; Evans, 1995). Feminist postmodernists tend to disfavour the identity politics founded in radical feminism, as the latter invokes a sense of belonging to a disadvantaged group.

They claim that this practice recreates those identities, which have been produced by the operations of power and repression, and can therefore never be emancipatory (Beasley, 1999; Evans, 1995). Post-modern feminism is therefore similar to standpoint feminism, in that it is essential to give a voice to all women rather than trying to formulate one universal truth or theory regarding women.

Post-modern feminist researchers have repeatedly made this point, suggesting that it is just as harmful for feminist researchers to ignore the vast differences between women if they are seeking to come to a universal theory (Beasley, 1999; Evans, 1995). Post-modern feminists link modernism with the historical *"male bias of (supposedly neutral) claims of universal truth"* (Beasley, 1999:86). Beasley (1999:86) continues, stating,

"Overly unified conceptions of power and the subjects of power within feminism are regarded as being dangerously authoritarian because they repress / exclude the possibility that oppression is not the same for all women. Accordingly, post-modern feminists assert that universalist assumptions could ironically produce in feminism a repetition of the very procedures of oppression feminism hopes to undermine. Their concern here is that making assumptions about Women as a group (regarding them as all the same) simply replaces the universal standard in traditional thought with another (feminine) controlling norm, against which some women are bound to be marginalized."

Standpoint feminism agrees with this premise of feminist post-modernism; that women cannot and should not be classified into one category or under one universal theory. Standpoint feminism posits a separate and superior female knowledge and way of knowing, which comes as a result to the oppression women experience (Evans, 1995). Where women are situated in a subordinate position, they are able to see and understand more clearly, the position of the repressed and the repressor. The difference, then, is that standpoint feminists are able to take the accounts of their female subjects and accept them as truths in the lives those women. While careful not to bridge consciousnesses across all women, and allowing each woman her own consciousness, standpoint feminists seek to 'consciousness raise' by understanding the differences between women. Beasley (1999:82) identifies the key differential feature of post-modern feminist thought:

"There is nothing that is essential to the category 'women' in post-modern thought: it has no intrinsic qualities (no given content) that can be the subject of feminism. Post-modern / post-structuralist feminists concentrate upon destabilizing the manifold operations of power, rather than mobilizing political struggle around identities like women, gay or black. These feminists are ambivalent about any search for and celebration of a (positive) distinguishable group identity."

In contrast, standpoint feminism, which is a modernist epistemology, implies that who does the knowing affects what is known (Naffine, 1996; Olesen, 1999). Standpoint feminists,

“..... ground a distinctive feminist science in a theory of gendered activity and experience. They simultaneously privilege women or feminists (accounts vary) epistemically and yet also claim to overcome the dichotomizing that is characteristic of the Enlightenment/bourgeois world view and its science... .. in significant ways they aim to reconstruct the original goals of modern science” (Harding, 1986:141-142).

Standpoint feminism strives to shift the viewpoint from men to women in all facets of inquiry surrounding female offenders:

“The effect of this male-centred view of crime was both to obscure the criminal injuries done by men to woman and place the female offender in an untenable position. If the offender was a particularly masculine man, then the offending woman was of necessity a freakish female, or a would-be-man. Carlen, like Heidensohn, criticized criminology for its identification with the offender as well as its characterization of women as the objects of the knowledge of offenders, rather than as subjects in their own right” (Naffine, 1996).

In seeking the experience of women as subjects, feminist criminologists allow them the rationality that had historically only been allotted to the male offender.

According to standpoint feminists, there is a crucial link between male power and the ability to control the scope of criminological inquiry, and so to control what constituted knowledge (Naffine, 1996). For this thesis it is important to note that while the goal is to give Homolka a voice, one must be conscious of the fact that the data being used consists of trial transcripts and Justice Galligan's inquiry. Harding (1986) points out that when doing studies like this one, it is not fully possible to give voice to your subject as her voice is confined and constrained by the power of law and the courts where she is testifying and being judged. Therefore while one can give weight to her testimony and one can deconstruct the discourse of the social agents, one cannot completely absolve the fact that Homolka's discourse is constrained by the power of law. While we cannot offer “a” feminist standpoint, in using the post-modern ideology of no one universal truth, we can come to a more in depth understanding of Homolka's personal standpoint.

Sumner (1990) suggests that there is a highly gendered nature to the relationship between power and knowledge in the Foucauldian sense of the terms. Power and knowledge are seen as operating upon men and women, and subsequently on the

masculine and feminine in different ways, thus producing different bodies and different understandings of the subject (Naffine, 1996). Heidensohn (1995) suggests that women can be both the oppressors and the oppressed, and that we must be careful not to absolve women of agency and paint them solely as victims of patriarchy, whereas Naffine argues that the legal system seeks to both “*contain and control the female offender by classifying, defining, and so domesticating her behaviour*” (1996:79). Through attempts at normalizing the violent woman, the defendant is re-presented in the courtroom as a normal and thus feminine woman (Naffine, 1996).

Smart (1990:80) explains her vision of standpoint feminism:

“The epistemological basis of this form of feminist knowledge is experience.... Feminist experience is achieved through a struggle against oppression; it is therefore, argued to be more complete and less distorted than the perspective of the ruling group of men. A feminist standpoint then is not just the experience of women, but of women reflexively engaged in struggle (intellectual and political). In this process it is argued that a more accurate or fuller version of reality is achieved. This stance does not divide knowledge from values and politics but sees knowledge arising from engagement.”

Following this premise then, a woman’s view is superior in that it allows us to understand and engage with knowledge of and about both the oppressors and the oppressed. It is this binocular vision that provides women this insight into the behaviour of both the ruling group of men and that of subjugated women. “*To standpoint feminists, criminology’s continuing preoccupation with the viewpoint of men was a function of power*” (Naffine, 1996:61). In a similar but distinct way, Smart (1990) focuses more on the power to define and redefine oneself, and thus to regulate oneself, rather than on the subjects power to resist. Standpoint feminism is thus essential to the task of critically analyzing Karla Homolka as a subject of inquiry as it is imperative to engage with the information and knowledge that she presents herself, rather than with that, that others have presented that about her and her experiences. It is her voice that is essential to this study, in that it provides us with the knowledge of her situation, and of her involvement with the criminal activity that which she has been implicated in.

Harding (1987:142) suggests that standpoint epistemologies represent a “*successor science*”, as they “*aim to reconstruct the original goals of modern science*”. By contrast, feminist empiricism suggests that both sexism and androcentrism can be corrected by following the existing methods within social science more strictly than has

been done historically (Harding, 1987). Harding (1987:25) suggests that social and liberation movements provide the opportunity to “*remove the blinders that obscure knowledge and observation*”, and where the women’s movement “*produces not only the opportunity for such an enlarged perspective but more women scientists, and they are more likely than men to notice androcentric bias*”. This epistemology makes it easier for feminist claims to be accepted, in that it challenges only bad science, not science as a whole (Harding, 1987).

According to feminist empiricism, a central source of androcentric bias resides in the selection method used to choose an area of research interest, as well as in how the problematic is defined by the researcher (Harding, 1987). Feminist empiricism generally accepts that it is possible to be objective and neutral while studying women offenders (Naffine, 1996). Harding suggests that feminist empiricism challenges three assumptions of traditional empiricism (1986). Firstly, feminist empiricism challenges the notion that the social identity of the researcher is irrelevant to the results of the research, meaning that androcentrism is both “*visible and damaging*”. Secondly, it questions the methods of science, and their ability to eliminate androcentrism. Thirdly, it “*challenges the belief that science must be protected from politics. It argues that some politics - the politics of movements for emancipatory social change – can increase the objectivity of science*” (Harding, 1986:162).

Feminist researchers often adopt traditional social science research *methods*, but adapt them to feminist principles, and offer a critique of the original androcentric method (Harding, 1987). In her attempt to explain what it means to adopt a feminist method or methodology, Harding (1987:2) makes the insight that,

“The ‘less’ is that it seems to introduce a false sense of unity to all the different ‘little things’ feminist researchers do with familiar methods to conceptualize these as ‘new feminist research methods.’ However, the ‘more’ is that it is new methodologies and new epistemologies that are requiring these new uses of familiar research techniques. If what is meant by a ‘method of research’ is just this most concrete sense of the term, it would undervalue the transformations feminist analyses require to characterize these in terms only of the discovery of distinctive methods of research.”

A methodology entails both a theory and analysis of how research should be conducted. Proponents of feminist methodology have argued for the elimination of sexist bias within research, and in doing so have often opted for less structured methods of analysis,

wherein the subject is allotted more agency, and ultimate subjectivity. It is often the case that feminist researchers put themselves on the same plain as the subject and try to learn from the subject through engaging with them, at the expense of forfeiting traditional scientific objectivity (Harding, 1987; Olesen, 1998).

Feminist researchers first tried to 'add women' to existing research and analyses in an early attempt at trying to improve androcentric science. By doing so, research of, for, and by women began to be re-appreciated (Stanley and Wise, 1983; 1993). Over time, feminist researchers have broadened their research horizons, and have attempted to examine women's contributions to social life, rather than simply studying the pre-existing domains of male research (Harding, 1987). Feminist researchers have actively promoted the study of women as victims of male dominance, whether in the form of violence against women, or in state reproductive policies (Harding, 1987). The goal of this research was to raise the consciousness of the public at large to the position of men and women in society (Stanley and Wise, 1983; 1993). The danger of focusing on this form of research is that it may create a false sense of women being victims *only*, and thus not successful social agents in of themselves (Harding, 1987:5).

Feminist research has moved into a domain that focuses on the experiences of women in the social world, rather than on those of men alone. "*One distinctive feature of feminist research is that it generates its problematics from the perspective of women's experiences*" (Harding, 1987:7). Harding continues stating that it "*must be stressed that it is women who should be expected to be able to reveal for the first time what women's experiences are*" (1987:7). In expressing women's experiences in the plural format we are suggesting that there is no one experience to explain the position of all women, wherein the concept of 'woman' dissipates and the concept of a multiplicity of women's experiences emerges to circumvent the concept of the man / woman dichotomy (Harding, 1987). In locating a plurality of women's experiences, we more clearly examine the needs and wants of all women in society. It is agreed by feminists that, traditional mainstream or 'malestream' research has "*explained*" women in so far as they have sought to silence, or "*pacify, control, exploit, or manipulate women*" (Harding, 1987:8).

Feminist researchers also try to put themselves on an equal level as the subject of inquiry, valuing their own experiences as well as the individuals' (Harding, 1987; Olesen,

1998). In doing so, feminist researchers have begun to “*study up*”, by critically examining those persons who possess social positions of power and how they assist in the formation of our societal experiences (Harding, 1987:9). This implies a subjectivist rather than an objectivist stance since an individual’s beliefs are treated as a unit of analysis rather than abstracting them from the research. This allows the subject to inform and in fact, enrich the interpretation or analyses. Harding suggests that in introducing this element of subjectivity, feminist researchers are actually increasing the overall objectivity of their research (1987).

Using a feminist approach is important to this research, as it demands sensitivity to the role that gender plays within society (Eichler, 1988; Reinharz, 1992). Feminist researchers read through their data and texts in “*subversive ways*” by continuous re-reading, while looking for clues and themes (Eichler, 1988; Reinharz, 1992). This study intends to deconstruct the images formed of Homolka within the three legal documents mentioned earlier. This involves engaging in a qualitative interpretation of the data while at the same time, looking for underlying and implicit meanings within the text (Hodder, 1994; Stake, 1994; Neuman, 1997). There are three themes that will be coded for. These consist of binaries, or dichotomized images that have been historically constructed of violent women.

- 1.) The issue of female sexuality (seen in the dichotomy represented by the Madonna versus the whore).
- 2.) The issue of female morality (seen in the dichotomy represented by the angel versus the devil).
- 3.) The issue of violence by women (seen in the dichotomy represented by the victim (woman *in danger*) versus the victimizer (*dangerous* woman)).

In looking at how Karla Homolka, as a female character, was socially constructed within the legal discourse, and considering how her trial, Paul Bernardo’s trial, and the Galligan Report have been gendered, we are allowing Karla Homolka a voice with which to exert her agency and to claim some control over her own subjectivity. In critically examining the legal discourse surrounding Homolka, we are, as Harding suggests is appropriate, “*studying up*” by examining how legal professionals came to make claims

surrounding our subject, and how those differing claims served differing purposes for the varying claims-makers. For example,

- 1.) The defence attorneys at Paul Bernardo's trial may have wanted to vilify her and present her as evil in order to place blame on her in attempts to redeem the character of their client.
- 2.) The Crown attorneys, both at her trial and at Bernardo's trial, may have more readily accepted her discourse as true, in order to validate the plea bargain she was awarded, and in hopes of securing a strong conviction against Bernardo.
- 3.) Homolka herself may have wanted to remove some of the blame or responsibility for the crimes in order to make her character look less damaged and in doing so, may have relinquished some agency. On the contrary, she may have wanted to vilify Bernardo in order to secure his conviction, for fear of his violent reaction toward her were he to be released.

It is clear that elements of standpoint and post-modern feminism are the most beneficial for this analysis. Moreover, it is essential to allow Homolka to present and characterize herself by giving her a voice and awarding her the credit of any subject or agent, assuming that her own accounts of her character are true for her. At the same time, we must be aware of the possible underlying motives that not only she, but the defence and Crown attorneys may have had, in order to ascertain most accurately how all of the claims-makers participated in socially constructing images of Homolka and her character as both the 'One' / agent / subject or as the 'Other' / non-agent / object. Recognizing the importance of allowing Homolka's voice to be heard, one must be conscious of how her voice is confined by law and the courtroom setting.

The last section will briefly outline some of the general limitations of conducting a qualitative content analysis. These limitations, while not significantly undermining the value of qualitative content analysis, should be taken into account in order to minimize their possible effects on the study.

1.5: Limitations

It has been argued that latent content analyses are not objective because the coding categories and procedures are developed representing the researcher's subjective

interpretation of the issue (Neuman, 1997). The researcher's subjectivity will obviously affect the pre-determined categories of analysis, and will subsequently influence how the data is interpreted (Reinharz, 1992; Neuman, 1997). However, Dell (2001) and Reinharz (1992) both contend that it is exactly this subjectivity that is critical to feminist qualitative research as it presents a more human understanding of the subject of inquiry. Neuman (1997) also suggests that because of researcher bias and subjectivity, and because of the difficulty in maintaining consistency with respect to identifying themes within the research, the latent content analyses are less reliable. With respect to this particular research topic, a feminist inter-textual deconstruction still remains a valid and important method of inquiry into the image construction of violent women. The goal of this research is not to define all "violent women". Rather, it is to most thoroughly understand Homolka's experience with Canadian criminal justice system. That said this thesis could also serve as a case study for examining the social construction of the category "violent female offender", and even more precisely, the category "sexually violent female offender".

At first glance, the choice of limiting the analyses to three data sources may seem restrictive. However, this criticism seems unsubstantial when the size and quality of these documents is taken into account. The nearly twenty-six hundred pages of data have provided a very context rich data set, by which a thorough critical assessment of the data was conducted. As precedent for our decision, Dell (2001) found that only two data sources were necessary to successfully complete her dissertation precisely because of the quality, rather than the quantity, of the material she analyzed. Moreover, because this thesis is focusing on how Homolka was socially constructed within the realm of legal discourse, the choice of the three data sources becomes all the more appropriate.

The next chapter will begin the analysis and discussion of the results that were revealed by the analysis. It will be structured under the division of the three aforementioned umbrella binaries, and as new sub-themes emerge from the data, they will be added as headings under which the analysis will be presented.

Chapter 4: Analysis

The following section will cover the analysis portion of this thesis. The analysis will be structured under the three binaries developed from the literature review: (1) the Woman in Danger / Dangerous Woman; (2) the Angel / Devil; and (3) the Madonna / Whore. New sub-themes have emerged from the three data sources: (1) the transcripts from *R. v. K. Bernardo, 1993*; (2) Homolka's testimony In Chief, cross examination, re-dress, and re-cross examination from the transcripts from *R. v. P. Bernardo, 1995*; and the *Galligan Report, 1997*. I will present the analysis under the framework of these umbrella and sub-themes to most accurately examine the complex relationships and nuances between them. It will enable me to explore how Karla Homolka, was socially constructed within the three data sources, as well as how those constructions served to impact my understanding of her persona and her criminality. It is important to examine the intricacies within the differing social constructions and how they mingle to form the consciousness of this subject.

It is important to discuss the differing discourses within the three data sources, their nuances, and their purposes, because each of the claims-makers has a different rationale for why they have chosen to construct Homolka in certain ways. It is important that we bring to light the possible reasons behind these claims-making processes in order to more clearly understand the socially constructed images of Homolka. For example, the defense counsel for Paul Bernardo will obviously attempt to discredit Homolka's testimony by questioning her character, in order to try and make Bernardo seem less culpable. By emphasizing Homolka's role in the homicides, Bernardo may be spared a first-degree murder conviction, and the criminal justice system is thrown into disrepute by the suggestion that the truly guilty party was given a "sweetheart deal" and is not being punished appropriately. In this way, Bernardo's defense team levers public opinion by focusing much public debate and sensationalism on the question of the justness of Homolka's plea bargain. As a result of this public outcry, Justice Galligan was called in to inquire and to report on Homolka's case and sentencing.

Conversely, Homolka's account of the events was more readily accepted by Crown counsel at Paul Bernardo's trial, in order to give her testimony more credibility

and to try to secure a conviction against Paul Bernardo whom they evaluated to be the more dangerous of the two. Obviously, Homolka had several reasons to promote the discourse that she was less culpable because of her forced submission and subordination to Bernardo. Because of the success of this discourse, she was able to secure a plea agreement that warranted a sentence half as long as Bernardo's. Her extensive testimony attesting to physical, sexual, and emotional abuse at the hands of Paul Bernardo allowed her to mitigate some of the responsibility she shares with respect to the deaths of Tammy Homolka, Leslie Mahaffy, Kristen French and the sexual assault of Jane Doe. Her testimonies of the abuse she experienced were constructed as the explanation for her participation in the sexual torture and violent death of their victims. Homolka's construction as victim was especially pertinent with respect to the sexual assault and ultimate death of her younger sister Tammy Homolka. The shock surrounding her involvement in the sexual assault and death of her own sister seems to be the most troubling and the most difficult to understand. Uncovering any factors that assist in the comprehension of the occurrence of such a crime seems necessary. Although abuse cannot completely negate her responsibility or agency, it was clearly important to Homolka that she explains *away* her actions regarding her sister in particular.

Justice Galligan offers the most impartial position of the claims-makers. Justice Galligan is an independent party, with no vested interest in harming Homolka's character or blindly accepting her abuse discourse and thus subscribing to the image of the domestic woman beaten and forced to comply with her abuser. Galligan does look at Homolka's case from all angles; the police's, the Crown's and the defense teams', as well as those who wished to vilify her and who sought to appeal her plea agreement. It should be noted however, that Justice Galligan, being a prominent member of the Canadian legal system, is not exempt from a certain partiality. He, through his vocation as judge, represents the Canadian legal system. As such, Justice Galligan must ensure that the utmost confidence and respect for the administration of criminal justice in Canada is maintained. I suggest that this goal would be aided by confirming that the police and lawyers involved in prosecuting Homolka did so with confidence and that ultimately, the actions they took were the most correct. This reality could have lead Justice Galligan to

be more readily accepting of the socially constructed images of Homolka that were created by the team of Crown attorney's.

The necessity of constructing Homolka according to a specific character is clear, as those images had the ability to sway her credibility as a witness, as well as sway her status as victim and victimizing agent. Thus, it is important to consider all possible factors that may have influenced how the different claims-makers socially constructed Karla Homolka. I will now briefly highlight the chronology of certain relevant events having to do with this case¹.

Chronology of Events²

October 17, 1987: Karla Homolka and Paul Bernardo meet in the restaurant of a hotel in Scarborough, and engage in sexual intercourse for the first time.

December 25, 1987: Paul Bernardo gives Karla Homolka extravagant Christmas gifts.

Late Spring/

Early Summer 1988: Paul Bernardo prevails upon Karla Homolka to allow him to have anal intercourse.

Summer, 1988: Paul Bernardo begins beating Karla Homolka.

1989: Paul Bernardo increasingly becomes more verbally and physically abusive toward Karla Homolka.

Summer, 1989: Karla Homolka meets 13 year-old Jane Doe at the pet store where she is employed. They become friends.

December 5, 1989: Karla Homolka begins working at the Martindale Animal Clinic and becomes familiar with Halothane and Triazolam (Halcion).

December 24, 1989: Karla Homolka and Paul Bernardo become engaged to be married.

Spring, 1990: Paul Bernardo calls Karla Homolka his sex slave and she refers to herself as such. She is subjected to an increasing cycle of physical and psychological violence.

¹ Please refer to the appendix of the Galligan Report for a more detailed chronology of events relating to cases of Paul Bernardo and Karla Homolka.

² This chronology was taken from the appendix in the Galligan Report. Please see the bibliography for the full reference.

- Late Spring, 1990: Paul Bernardo tells Karla Homolka he wants sex slaves brought to him at her parents' home.
- July/August, 1990: Paul Bernardo asks Karla Homolka to pretend that she is her sister, Tammy, during sex.
- Autumn, 1990: Paul Bernardo tells Karla Homolka that he wants to have sex with Tammy, and asks her to obtain drugs to stupefy her.
- November 20, 1990: At the request of Metro Toronto Police, Paul Bernardo is interviewed regarding the Scarborough rapes. He voluntarily gives blood, saliva and hair samples. He tells Karla Homolka about the incident, but assures her he is not the rapist.
- December, 1990: Karla Homolka obtains Halcion and Halothane.
- Dec. 23-24:1990: Paul Bernardo and Karla Homolka drug and sexually assault Tammy Homolka; she dies.
- December 28, 1990: Paul Bernardo demands that Karla Homolka obtain more Halcion.
- January 12-16, 1991: While Karla Homolka's parents are out of town, Paul Bernardo brings a young woman to the home and has sexual relations with her.
- Mid-January, 1991: Paul Bernardo is asked to leave the Homolka residence.
- February 1, 1991: Paul Bernardo rents 57 Bayview Drive, Karla Homolka moves in with him shortly after.
- March 25, 1991: Karla Homolka obtains more Halcion for Paul Bernardo.
- June 6-7, 1991: Jane Doe spends the night at 57 Bayview Drive and is drugged, anaesthetized and sexually assaulted by Paul Bernardo and Karla Homolka.
- June 15-16, 1991: Paul Bernardo abducts Leslie Mahaffy and brings her to 57 Bayview Drive. She is sexually assaulted by both Paul Bernardo and Karla Homolka and strangled by Paul Bernardo.
- June 17-18, 1991: Paul Bernardo dismembers the body of Leslie Mahaffy into ten pieces and encases them in concrete. He and Karla Homolka dispose of the concrete blocks by throwing them into Lake Gibson.
- June 29, 1991: Paul Bernardo and Karla Homolka are married. The body of Leslie Mahaffy is discovered.

- August 10, 1991: Jane Doe is drugged and sexually assaulted by Paul Bernardo and Karla Homolka. She stops breathing, and 911 is called. Jane Doe starts to breathe on her own and Karla Homolka cancels the 911 call.
- Late August, 1991: Jane Doe goes to Toronto with Paul Bernardo and Karla Homolka for the weekend.
- April 16-19, 1992: Paul Bernardo and Karla Homolka abduct Kristen French and bring her to 57 Bayview Drive. They both sexually assault her repeatedly and Paul Bernardo strangles her. They wash her body and leave it on the side of a rural road in Burlington.
- April 30, 1992: Kristen French's body is discovered.
- June 19, 1992: Karla Homolka leaves Paul Bernardo, but returns on threat of exposure.
- December 22, 1992: Jane Doe visits 57 Bayview Drive, but leaves after refusing to have intercourse with Paul Bernardo. She never returns to the house.
- January 5, 1993: At the urging of her family and coworkers, Karla Homolka leaves Paul Bernardo. She tries to locate the incriminating videotapes but is unsuccessful.
- January 9, 1993: Karla Homolka is discharged from the hospital and goes to stay with her aunt and uncle, in Brampton.
- July 6, 1993: Karla Homolka pleads guilty to two counts of manslaughter and is sentenced to 12 years imprisonment.
- September 1, 1995: Paul Bernardo is convicted of two counts of first degree murder and other related offences. He is sentenced to life imprisonment without eligibility of parole for 25 years.
- November 3, 1995: Paul Bernardo is declared a dangerous offender.

We will now begin our analysis of how Karla Homolka was socially constructed within the realm of legal discourse. We will begin with the examination of the woman *in danger* / *dangerous* woman dichotomy.

1 Woman In Danger / Dangerous Woman

This section will include an analysis and discussion of the data compiled under the framework of the woman *in danger* and *dangerous woman*³ dichotomy. Four sub-themes emerged from the three data sources that fall under this umbrella theme. The sub-themes allow us to explore the data in a more complex and thorough way. The four sub-themes that emerged are: (1) Homolka's criminality is inexorably linked to her own endangerment; (2) Homolka placed her own welfare and that of her abuser ahead of the innocent victims; (3) Homolka presents unique challenges to CSC; and (4) Homolka is constructed as having received a "sweetheart deal". We will begin the analysis with the first sub-theme.

1.1 Homolka's Criminality: Linked to her own Endangerment

During his initial submissions, Mr. Segal, Crown counsel in Homolka's trial, presents how Homolka's participation was inexorably linked to her own endangerment,

"Some months prior to Christmas, 1990, Paul Bernardo had approached Karla indicating his interest in having sexual relations with Tammy. The request was repeated a number of times. Karla said no but eventually relented after abuse" (R. v. Bernardo, 1993:15).

Bernardo continued to physically, sexually, and psychologically abuse and isolate Karla Homolka, ultimately to have her become more involved in the abduction of the next sex slave.

"The Bernardo's discussed abducting another young woman and developed a plan... .. As prearranged Karla Bernardo enticed Kristen French over to their car on the pretext of asking directions. Karla Bernardo held a map up as part of her role-playing. Paul Bernardo came around the car and forced Kristen French into the vehicle with a knife. Kristen French suffered a small knife wound in the process. Karla Bernardo jumped in the back of the car. Paul Bernardo drove holding a knife and threatening Kristen French. Karla Bernardo grabbed a hold of Kristen's hair to help secure her. As prearranged, Karla placed a blanket over Kristen on the way home" (R. v. Bernardo, 1993:20).

Mr. Segal's description of the events surrounding the abduction of Kristen French suggests that Homolka was more than an involuntary and forced participant. The Crown constructs her as being simultaneously *dangerous* and *in danger*. While the Crown has

³ This concept of the woman *in danger* and the *dangerous woman* was first conceptualized in relation to criminalized women, by Sylvie Frigon in 1996. Please see the bibliography for the reference.

accepted, as per the plea agreement, Homolka's narrative of forced participation they still present the facts of the case in a manner that suggests her involvement is more voluntary than Homolka suggests. In saying that "*the Bernardo's discussed abducting another young woman*", Segal paints the picture of a partnership of equals, one that requires voluntary participation pre-meditation and careful planning on her part. However, Homolka being clinically diagnosed as suffering from the Battered Women's Syndrome, and subsequently learned helplessness, suggests quite the opposite of this picture. According to such a diagnosis, any type of equal partnership is lost and the man comes to dominate and ultimately subjugate the female party. Walker (1979) suggests that this would be a part of the tension building stage, where the battered woman may become more nurturing and catering to her partner in the hope of preventing further acute battering incidents. It is also during this phase that the concept of male control and domination and of female submission and subordination are justified in the minds of both the victim and the abuser.

In the later part of his submissions, Crown counsel states it's position with respect to how they viewed and wanted to deal with Karla Homolka. They list both mitigating factors and aggravating factors that influenced Homolka's behaviour and thus how she should be dealt with in the criminal justice system. Mr. Segal starts:

"I have stated and I will state again that it is the position of the Crown that murder charges could be laid, based on what this accused has provided to the authorities, subject to a trier of fact's findings, that after a trial on charges of murder. However, as a matter of prosecutorial discretion the Crown has presented an indictment charging manslaughter" (R. v. K. Bernardo, 1993:61).

In the opening of this quote, Segal suggests that they could have, in fact, successfully charged Karla Homolka with first degree murder, and that they would have, had it not been for her assistance to the police. The basis for this position arose from the discovery of the videotapes, which had been obtained and detained by Paul Bernardo's first lawyer. Had the tapes been presented to the authorities when they had been found, Karla Homolka would not have received a plea bargain, and would have been charged alongside Paul Bernardo, with first-degree murder.

Crown counsel's statement suggests that their acceptance of Homolka's narrative of abuse is necessary in order to secure a conviction against Paul Bernardo, who was seen

as the more *dangerous* of the two. In other words, Crown counsel refuses to endorse her narrative as valid by suggesting that they could have disregarded her statements and charged her with murder. Segal thus negates his acceptance of her discourse; or rather he suggests that it is not important enough to consider it a mitigating factor. Segal goes on to clearly construct Homolka as a *dangerous* woman by suggesting that a conviction of first-degree murder would have been the ideal way to punish Homolka. From the Crown's perspective, the plea bargain was a necessary but unfortunate means used to secure a conviction against Bernardo but could not be interpreted as an acceptance of Homolka's abuse discourse.

In support of the Crown's plea arrangement with Homolka, Segal submits:

"Tammy Homolka's death was previously considered accidental. But for the accused's voluntary admission the Crown would not be in a position to prove what has been advanced in respect of her..... On her admission this accused was not the originator of the plan to drug and sexually assault Tammy Homolka and she played a somewhat lesser role in the assaultive behaviour. Yet at the same time, she bears full responsibility. Indeed, in her capacity as Tammy's sister she will bear the continuing shame of violating all the trust that anyone, especially a younger sister, would have assumed" (R. v. K. Bernardo, 1993:63).

In this portion of Mr. Segal's concluding statements, he highlights the fact that without Homolka's assistance, the true nature surrounding the death of Tammy Homolka would never have been known. The police were not investigating Tammy's death when Homolka confessed her involvement in that crime. This fact may be seen as a sign of remorse, something an 'evil' woman would never exhibit. Segal is careful, however, to point out the breach of trust Karla Homolka committed when she facilitated the sexual assault against her younger sister. Segal implies that it is only an evil and indifferent woman who would be capable of participating in the drugging and sexual assault of her younger sister. By this technique, the Crown paints a vicious image of Homolka, while justifying the formulation of the plea agreement. The Crown purports that through her participation, Homolka "*callously*" condoned the sexual assaults and murders, and yet they still accepted her testimony that she did not kill either Leslie Mahaffy or Kristen French. By relegating her role as secondary, the Crown legitimizes its decision to accept a shorter sentence for Homolka than the life sentence it could technically have sought. Again, this rationalization is indicative of how violent women are simultaneously constructed into a variety of sometimes conflicting images.

Segal presents Homolka as being a woman who is callous, self-serving and *dangerous*, but not *dangerous* enough to independently commit murders. She is only a counterpart of Bernardo's dangerousness who ideally, should have been prosecuted alongside him. From my readings of the transcripts, I suggest that had it been possible, Crown counsel, would have made every effort to ignore or minimize the medically documented abuse and psychological trauma Homolka was subjected to in order convict her as the most *dangerous* woman in Canada⁴.

George Walker, Homolka's defense counsel during her trial, submitted Homolka's psychiatric and psychological evaluations, highlighting the key clinical diagnoses of dysthymia (reactive depression), post-traumatic stress disorder, alcoholism, battered woman syndrome, and learned helplessness. The physical abuse included severe beatings, both with his fists and feet, as well as with other household objects Bernardo used as weapons. Hospital photographs indicate that she was also strangled with a ligature. Mr. Walker submits that,

"She would have been the fourth victim. It's a classic case of wife beating. It starts with the verbal abuse, the demeaning, taking away your self respect, isolating from – isolating you from those persons who may have been able to exercise some degree of control over her – over her, other than Mr. Bernardo. Then it moves on to the occasional violent, physical assault, the promises of not doing it again and it continues on a gradual scale, and ultimately it, in my submission, it would have followed that my client would not have escaped Mr. Bernardo. It was only a matter of time. Again, I do not make these submissions to deter from the horrific nature of the offences, but I point out to this Court, that given my client's psychological make up in the beginning, she was exactly what he needed. She was the conduit, she was the vehicle. She does not seek to minimize her involvement, it's right there. Mr. Segal has read the facts in. She does not take exception to the facts. She was there. She was there when both Kristen French and Leslie Mahaffy died and she was there when her own sister died. But, once the sister died, Paul Bernardo had her. But from that point on, as the doctor said, indicated, there was very little that she could do in her own mind" (R. v. K. Bernardo, 1993:78-79).

Walker gives more of an explanation of her behaviour than Segal did, as he was trying to explain Homolka's actions, rather than openly vilifying them. He again quotes Dr. Malcolm, stating that, *"in addition, there are all of the factors that constitute psychological torture as defined by Amnesty International"* (R. v. K. Bernardo, 1993:81). Walker continues to refer to the doctor's reports and submits that, *"the doctors are*

⁴Paul Bernardo has since been declared a dangerous offender, wherein if Karla Homolka was prosecuted alongside him, Crown counsel could have sought dangerous offender status for her as well.

unanimous that she is not a dangerous person" (R. v. K. Bernardo, 1993:80). Although, Mr. Segal stated the same conclusion, he negated that conclusion by continuously constructing her as *dangerous* and evil. Walker is adamant that Homolka will need continued and lengthy psychological and psychiatric assistance but suggests that Karla Homolka will be able to be rehabilitated by getting that type of treatment. The statement that with treatment, Homolka may become a productive member of society maintains the construction of her character as *in danger*, while balancing it against the construction of her character as *dangerous*.

Justice Kovacs, presiding judge at Homolka's trial, referred to the psychological and psychiatric reports, using them as part of the basis and reasoning for his sentencing. Justice Kovacs submitted that,

"From about six months after their meeting, Paul Bernardo commenced a systematic, physical and psychological abuse of the accused according to the report of Dr. Arndt. The beatings escalated. He strangled her, threw knives at her, hit her with firewood, hit her with his shoes and finally with a flashlight. He stabbed her with a screw driver, pulled out handfuls of hair from her head, punched her, kicked her, and raped her. He pushed her down stairs. On one occasion her foot was punctured when he pushed her onto a board with a rusty nail. He systematically made her feel unworthy and cut the contact with her family down" (R. v. Bernardo, 1993:97).

Justice Kovacs constructs Karla Homolka as a severely battered woman, a woman obviously *in danger*, whose life is at risk. He submits that Bernardo treated Homolka in much the same fashion as his victims acknowledging Mr. Walker's suggestion that Homolka was destined to be the next victim.

Justice Kovacs quotes the reports of Dr. Malcolm (psychiatrist), Dr. Long (clinical psychologist) and Dr. Arndt (psychiatrist) in an attempt to explain Karla Homolka's psychological mindset at the times of the crimes and to give some explanation to her actions. He quotes Dr. Malcolm,

"She knew what was happening but she felt totally helpless and unable to act in her own defence or in anyone else's defence. She was in my opinion, paralysed with fear and in that state of she became obedient and self serving.....Karla is not a dangerous person. In my opinion, Karla has a good prognosis, but she will require much assistance.....I had no doubt that Karla was a passive, non-violent person... Even in her extremity she was unable to attack Paul in a final attempt to protect herself from what seemed certain death" (R. v. K. Bernardo, 1993:98-100).

Dr. Long and Dr. Arndt both agreed with Dr. Malcolm's diagnosis and made comments similar to these. All three agreed that Karla Homolka is not a *dangerous* woman and

suggested that her participation in the crimes was the result of how, in her own mind, she felt unable to defend herself, let alone others, as she was suffering from the fear of realizing her “death potential”. Dr. Long goes as far as to suggest that she should be detained in a low security institution because she is not a danger to herself, or anyone else.

Bernardo used an isolationist strategy by gradually exerting more and more control over Homolka so that she no longer had contact with her friends. Bernardo, twenty-three, encouraged the seventeen year old Homolka her to consume alcohol during most of their encounters as a way to both lower her inhibitions and to make her dependent on him (*R. v. P. Bernardo, 1995*). The incidents of physical abuse began six months into the relationship. Houlahan questions Homolka extensively about the verbal abuse,

“Q: So you’ve given us three incidents of physical abuse up until some time in August of 1988. Did he do anything to you verbally before then and up until then?”

A: Yes, he – the accused used to tell me the reason I looked the way I did was because of him, that I was nothing without him. Um, he would call me names: Slut, bitch, cunt, things like that. And he just – made me feel like I was totally dependent on him.

Q: Some of these names that you just referred to, you say he called you these. Would that be just in private or in public or both?

*A: Both” (*R. v. P. Bernardo, 1995:45*).*

This kind of verbal degradation both in public and in private was aimed at diminishing her self-esteem and increasing her dependence on him. Houlahan demonstrates how Bernardo gradually tore down Homolka’s self-esteem and confidence, only to rebuild it in the form of dependence upon him, as a way to control her.

The sexual assault of her younger sister, Tammy Homolka, was presented In Chief and demonstrates how her characterization as the woman *in danger* comes to affect her characterization as the *dangerous* woman. Bernardo threatened both she and her family and indicated that if she did not assist him, that he would commit the rape on his own. Her compliance in committing the sexual assault arose out of her desire for those threats to end. She had hoped that Tammy wouldn’t remember the assault due to the drugs they administered. Houlahan questions her involvement in the sexual assault in order for the jury to fully comprehend the role both she and the accused played,

“Q: Did you engage in any sexual acts yourself?”

A: Yes. He told me to suck on her breasts, and I did, and he told me to lick her vaginal area, and I said, ‘NO.’, and he made me do it and - -

Q: What was your emotional state at this time, if anything?

A: I was crying. I felt absolutely horrible. I felt guilty and scared.

Q: And when you had this act of oral sex to your sister, what was he doing?

A: He was videotaping, pushing my head down to do it.

Q: And did you perform any other type of sexual acts?

A: He told me to put my fingers in her vagina and to lick my fingers.

Q: Did you?

A: Yes, I did.

Q: In this regard to this act of oral sex, cunnilingus you performed, was anything said about that?

A: Yes. He asked me how I liked it, and I told him it was, 'Fucking disgusting'.

Q: After you told him that, what happened, if anything?

A: He shut the video camera off and hit me in the head".

(R. v. Bernardo, 1995:174-175).

Soon thereafter, the assault ended because Tammy vomited causing her to choke and lose consciousness. The two tried to resuscitate her and called emergency 911. While the sexual assault was planned, Tammy's death was not. In this line of questioning, Houlahan constructs Homolka as both being *dangerous* and *in danger*. It shows Homolka as the victim of domestic abuse, so fearful of her partner that she put the life of her own sister in harms way. Although she never considered the fact that the sexual assault would lead to Tammy's death, her inability to envisage that possibility is indicative of her emotionally upset state of mind at the time. According to the Battered Woman syndrome she was diagnosed with, her compliance in the attack served two purposes; to stop the beatings she was receiving for her refusals to participate and to stop the threats of violence to her family.

Although she complied with Bernardo to sexually assault Tammy, this did nothing to stop the abuse. Because of her 'disobedience' to his demands that she not only participate in helping him drug Tammy, but also that she become involved in the sex itself, he beat her repeatedly. Houlahan (*R. v. P. Bernardo, 1995:185-186*), explains,

"Q: And what else happened because of your response of him asking you that and what happened in the future in that regard?

A: He never let me forget that I had ruined his only videotape of Tammy, and he constantly beat me for it right up until the very time I left him. So whenever he made other videotapes in the future I smiled and acted happy so I wouldn't ruin another videotape and give him another excuse to beat me. This is the only tape that is in existence that shows my true feelings"

Houlahan is presenting this information in order to prepare the jury for the cross-examination, where it was suggested that because she is smiling and acting up for the

camera Homolka enjoyed her participation in the sexual assault. Homolka indicated that she would forever remember to smile in order to prevent another battering incident from occurring.

Later in the examination, Houlahan asks Homolka why Kristen is waving and smiling to the camera.

“Q: Can you comment on what just happened? In other words, why is Kristen smiling and waving at the camera?”

A: Because by now she knew that she had to make a good video for Paul.

Q: How did she know that?

A: Because of things that he had told her throughout the period of her confinement. I don't think, I don't think he told her to smile and wave at the camera, but she, she tried to do everything she could to make herself seem, to make him, to make it look like she was enjoying herself”. (R. v. P. Bernardo, 1995:815)

Houlahan demonstrated that Bernardo demanded the same types of behaviours from both Homolka and their victims, as a way to corroborate Homolka's claims that she did not enjoy participating in the sexual assaults but acted as though she did in order to appease her abusive spouse, similarly to how Mahaffy and French behaved on camera.

Homolka also testified that the battering incidents occurred more frequently and with greater severity following Tammy's death. When asked about the effect Tammy's death had on her relationship, she stated; (R. v. Bernardo, 1995:230),

“A: Paul had something that he could hold over my head for the rest of my life. He threatened – if I complained, he threatened to show it to my family, and he told me that they would hate me forever, and I would go to jail for the rest of my life, and I was terrified that my family would hate me.”

The emotional abuse and fear of losing her family was great enough that she stayed with him. She stated that as a result of Tammy's death, she felt trapped, that she could not leave him despite her desire to do so.

During the In Chief examination, Houlahan questioned Homolka about their day-to-day life. She confessed that it was her duty to treat him like a king and that she in fact called him “the King”. This symbolically partitioned the couple, placing him on a higher plane of existence similar to de Beauvoir's the ‘One’. By addressing Bernardo as the “King”, Homolka's status in the relationship was solidified as being inferior, wherein Bernardo's position in the relationship was similar to de Beauvoir's the ‘Other’.

Houlahan examines this concept;

“Q: You say he wanted to be treated as a King?”

A: Yes.

Q: How did he want to be treated in that respect?

A: He wanted me to do whatever he wanted. He wanted to be served on a silver tray. Just he wanted everything done for him.

Q: How did you react to that, if anything?

A: I did what he asked" (R. v. P. Bernardo, 1995:233).

Homolka's fear of abuse permeated her every thought. All of her actions came to serve the purpose of avoiding punishment. Bernardo would warn her about "*nightly terrorist attacks*" when she went to sleep, meaning that he may come in during the night to beat her while she slept. He followed through on that threat one night because she failed to stay awake with him.

During Houlahan's interrogation, Homolka admits that she wanted Bernardo to find someone else, as she felt that it would have been the only way for her to be rid of him. She stated that she would never have been able to leave without him allowing her to go, as she feared not only for her own life but also for the lives of her family. In one of her letters to him, she describes how he hates her and wants to date other women, stating that she is aware that "*I make you sick*" (R. v. P. Bernardo, 1995:261). Houlahan reads another quote from this particular letter,

"Q: The letter -- the next sentence in the letter, you say to him: "You tell me to eat shit and die." You're saying he said that to you?

A: Yes, he did.

Q: Now, we know you didn't die. Did you ever eat what he suggested?

A: Yes, I did.

Q: Tell us about that?

A: Um, one night, sometime I believe it was in 1992, um we were having some kind of an argument and he was just -- he was just really angry, and he told me that he wanted me to eat a piece of his faeces. And I asked him, you know, to change his mind. I told him I didn't want to do it, and he said: "No, you're doing it, you have to do it." And I knew that I could either do it and get it over with, or I could be beaten and have to do it anyway. So I did it" (R. v. P. Bernardo, 1995:262).

Houlahan uses this example to demonstrate the environment of torture that she was living in. By forcing her to eat his faeces, Bernardo reinforced his beliefs about women, namely, that they are inferior and should be controlled. The act of eating his faeces clearly represents the decisive degradation of her as a person. Her obedience served, in his view, to legitimize his negative feelings toward women.

Houlahan continually emphasizes the agonizing physical abuse she endured.

Houlahan asks her about the state of the relationship during the first half of 1991 and

Homolka responds,

"A: Um, yes. There were various other types of abuse going on. Um, mostly punches, kicks, things like that. Um, at this time Paul started taking my dinner; we'd be arguing about something at the dinner table and he would take my plate of food and dump it on the table, and yell at me to clean it up quickly before it went all over the place. And then he made me eat it. Um, he would also spit in my face and spit in my food and make me eat my food afterwards (R. v. P. Bernardo, 1995:273).

Houlahan is constructing Homolka as a battered woman and as another one of Bernardo's victims in an attempt to raise her credibility with the jury. Spitting on someone is a way of separating yourself from the other person. In this case Bernardo spat on Homolka in order to demonstrate her inferiority. It was a way for him to identify her as worthless and beneath him. This only decreased Homolka's already low self-esteem and validated her worthlessness to him as well as to herself. Homolka goes on in the letter to say things like *"I must remember here that I am stupid"; "I'm a no good fucking idiot" and "I want to show my lover respect"* (R. v. P. Bernardo, 1995:262-263). Regardless of how terribly he treats her, she continued to blame herself for the problems within their relationship.

Examples of his cruelty towards her are abound in the text. He stabbed her in the thigh with a screwdriver, repeatedly threw knives at her and chased her around the house with a stun gun, threatening to electrocute her. Homolka also had x-rays confirming broken ribs and a broken finger. After finding out that he had broken her finger, Bernardo blamed her because she had put her hands up to protect her head while he was hitting her. Bernardo then began hitting her with objects, ostensibly because his hands were getting sore from hitting her so often. Homolka states that he hit her with firewood, dress shoes, keys, a crystal wine decanter, a flashlight, as well as whipping her with his belt. When he whipped her he would make her kneel on the floor in the nude and beg to be whipped. If she showed any emotion he would whip her harder. Homolka indicated that he used to try to find more and more excuses to beat and punish her, in an attempt to exercise control over her. She stated that her fear of him only increased, leaving her feeling ever more trapped and as though she was going to be his fourth victim. In clinical

terms, Homolka realized her own death potential and as a result submitted to whatever Paul Bernardo asked of her.

Throughout the course of Houlahan's examination In Chief, Homolka describes her feelings of "numbness". She indicated that the feeling increased after each offence because, *"I felt extremely bad about what we were doing. And it's my body's way of protecting itself. It's just everything numbs right out"* (R. v. P. Bernardo, 1995:658). She admitted to thinking about suicide on several occasions, but that Bernardo hid the sleeping pills from her once he found out. Homolka testified that she felt guilty and ashamed and stated that she hated both herself and Paul. Crown counsel asked Homolka why she participated in these crimes if she felt badly about what was going on,

*"Q: And why did you perform these sex acts and allow them to be performed on you?
A: Because I was told by Paul, and I knew from past experience that if I didn't do what he told me to do I would get beaten and have to do it anyway. It wasn't a case of saying "no" and just taking a beating, it was a case of saying "no" and being beaten until I did it"* (R. v. P. Bernardo, 1995:661).

Homolka's statements indicate that she attempted to pre-empt the beating by going along with whatever Bernardo said without questioning him.

Lastly, Houlahan asks why Homolka finally decided to leave her abusive partner:

*"Q: What were your reasons, if any?
A: I thought that I was going to be the next victim, and that thought was made clear in my mind when Paul tied me up and put the cord around my neck like he did to Kristen. He was talking about doing it again, about kidnapping and raping and killing another young girl, and this time he said that he was going to make me do the killing, and I would not do that.
Q: Was there any other reason that, why you thought you might be the next victim? That is be killed?
A: He also told me that if he ever accidentally killed me, that he would put me in the car and crash the car, and make it look like a car crash, and I believed that he would get away with that.
Q: When he said he wanted to get another girl, he wanted you to do the killing this time was there any mention as to what type of girl?
A: He, he talked about getting a girl as young as the age of 12 because he said that he wanted a virgin and he was willing to go very young to get one.
Q: In view of what happened to Leslie and Kristen, was there any other reason why you left him?
A: I couldn't stand to live with him anymore. I hated him, and I hated myself, and I could not live with him or myself for staying with him."*
(R. v. P. Bernardo, 1995:1005-1006).

Here, Houlahan constructs Homolka as being a woman *in danger* who feared for her life during her relationship with Paul Bernardo. Karla Homolka tried to demonstrate

to the jury her fear as well as the shame she felt for her participation in the crimes, to show that she is remorseful. While the abuse she experienced has been accepted legally as a mitigating factor, that has thus influenced her sentence, it cannot completely absolve her behaviour. Houlahan provides the jury with the knowledge of the abuse Homolka endured but while it can be used to help explain her actions, it cannot be used to excuse them. When her own life was jeopardized, Homolka was able to leave her abuser but failed to do so when other's lives were at risk. In this sense she is legitimately characterized as simultaneously *in danger* and *dangerous*.

Emphasising now the *dangerous* woman construction, Bernardo's defence attorney, John Rosen, later suggested that Homolka's testimony of abuse should not be believed, that her letters contradict her claims of abuse and rather, tell of how much she loved and wanted to be with Bernardo. In his questioning, he suggests that she had a large support system to confide in; that she lived with her parents and had a family doctor that she was comfortable with, thus implying that she could not have been abused.

Q: Yeah. You had professionals to deal with, you had parents to rely on, you had all your support system that was with you in St. Catharines, right?

A: Yes.

Q: Okay. And the person who you say was being abusive and pushing you around was the one who lived in Toronto, an hour and a half away, right?

A: Yes.

Q: He's the one who had no connection to St. Catharines, did he?

A: Yes.

Q: He's the stranger in that group? It isn't like he lifted you out of your support system and isolated you in a strange city, among strange people, and no support system? He didn't do that, did he?

A: You don't have to be physically isolated to feel emotionally isolated."

(R. v. P. Bernardo, 1995:1323)

Rosen ignores the literature surrounding battered women which documents the feeling of emotional isolation felt by abused partners. In trying to discredit her, he suggests that the abuse she was experiencing did not occur, or that if it did, that she had the resources and support to remove herself from it. Rosen attempted to demonstrate the ease with which a battered woman should be able to leave her abuser. His efforts aim not only at discrediting Homolka, but at discrediting the Battered Woman defence as well. His insistence on the ease with which she should have been able to leave Bernardo suggests that one of the foundational premises of the Battered Woman's Syndrome is false.

During his cross-examination, John Rosen makes clear his belief that it was Homolka who killed Leslie Mahaffy, not Paul Bernardo. He explains that Bernardo wanted to free Mahaffy, but that Homolka feared she would be able to identify them. He contended that while Bernardo left the master bedroom to get the black electrical cord in order to strangle Mahaffy, Homolka killed her. While Homolka stated that Bernardo beat Mahaffy, Rosen contends;

"Q: And the evidence of the pathologist that we heard was that there was no evidence pathologically that Leslie Mahaffy had suffered any kind of beating, particularly one that you described. Do you understand that, Miss?

A: I understand that.

Q: But what we do know is that these tow little red marks on 84A are consistent with a pair of knees about the size of your knees on that back at the deepest layer, pushing the deep muscle against the ribs while you held her head down on a pillow and suffocated her, isn't that right?

Mr. Houlahan: I am objecting. There is no evidence that they are consistent with the size of her knees" (R. v. P. Bernardo, 1995:1824).

In constructing the murders to be of Homolka's hand, Rosen is attempting to secure a lesser sentence for his client. He is trying to plant a seed of doubt in the minds of the jurors. To do so, Rosen constructs Homolka as evil and *dangerous*, suggesting that she was in fact the murderer. According to Rosen, Homolka actively and willingly participated in the dismemberment of Leslie Mahaffy, while Homolka herself submitted that she told Bernardo that she could not be a part of the dismemberment and that he never brought it up to her again. Ironically, Rosen uses this assertion to demonstrate that she was capable of standing up to Bernardo and to his demands and questions why she didn't stand up to Bernardo at an earlier point. In stressing her involvement and criminal responsibility to the jury, Rosen is trying to shift the focus of the trial away from Bernardo's actions onto hers, in order to paint her as the mastermind of the crimes. This clearly constructs Homolka as *dangerous*; a woman capable not only of harming others but also sufficiently devious to successfully manipulate the evidence so as to be awarded a resolution agreement.

Rosen suggests that Homolka killed Kristen French on the Saturday evening while Bernardo had left the house to get dinner. He submits that she tried to escape and that Homolka struck her head with a rubber mallet. Rosen suggests that as a direct result, Kristen French was strangled by the restraint she was tied to, an explanation of the events

Homolka vehemently denies. Similarly to the defence used regarding the death of Leslie Mahaffy, Rosen constructs Homolka as being the most *dangerous* of the couple. His insistence that Bernardo is 'innocent' of the actual killing implies that Homolka is more *dangerous* because she committed the actual murders.

To respond to this characterization of his witness Houlahan presents the videotape of Leslie Mahaffy who appears to be asking for help.

Q: And Leslie appears to say: "Please help me." To whom was that directed, do you know?

A: It would have to be to me.

Q: And why didn't you help her?

A: I didn't think – I didn't feel like I was able to help her.

Q: And why is that?

A: Because I was too afraid of Paul" (R. v. P. Bernardo, 1995:469).

Houlahan questions Homolka about this, in order to demonstrate to the jury that while Homolka should be looked upon as a victim under the control of Bernardo, she remains a *dangerous* woman who assisted in sacrificing the lives of innocent victims for her own welfare. His dilemma, which mirrors our own, is clear: How do you characterize a woman as being simultaneously *dangerous* and *in danger*. Houlahan wanted the jury to understand that while she is the less *dangerous* of the two, the Crown wishes it could have dealt with her more harshly.

In an attempt to outline the process involved with respect to spousal assault, Galligan strived to show the long and gradual process, which is comprised of both kind and abusive behaviour. Galligan writes,

"Karla Homolka said that Paul Bernardo began beating her during the summer of 1988. After the first beating, he apologized to her. Nevertheless, she felt guilty, and thought that she had brought it upon herself by arguing with him. On three occasions that summer he used physical violence upon her. She would take the blame for these incidents. She said that between the incidents he would treat her nicely and that they had 'some fun times'. He began periodically to call her names like slut, bitch and cunt. At first he would say those things to her in private. Later, he began saying them in public. On other occasions he would call her affectionate names like 'princess'. She said that calling herself disagreeable names seemed to be a turn-on for him and that he began ordering her to do so. As time went on, she said that she became more and more under his control" (Galligan Report, 1996:26).

This excerpt describes quite accurately how the cycle of violence is often times a slow and gradual process, beginning with violent outbursts that are very far apart and which culminate into more frequently occurring battering incidents. This passage demonstrates

how Homolka, as a victim, learned to blame herself for the problems in her relationship and for the abuse she suffered at his hand. Slowly he pushed her to self-identify with the sexually degrading names that he was calling her, in order to become sexually aroused by her self-degradation. In the end, *"she became more and more under his control"* and as a result became more likely to abide by his demands. Initially, by mitigating the abuse with terms of endearment, like calling her 'princess' and by apologizing Bernardo was able to slowly groom Homolka into a submissive woman, from whom he would demand assistance in committing the sexual assaults and murders.

Galligan accepts Homolka's well documented accounts of the abuse. He stated that, *"there can be no doubt that Paul Bernardo's treatment of her through the last half of 1992 is nothing short of a horror story. It is somewhat a surprise that she is still alive and sane"* (Galligan Report, 1996:41). This demonstrates just how severe the abuse was and of the fear that she must have felt. At the same time, Galligan is surprised that she is still sane after all the abuse, suggesting that he regards her ability to live in that environment as extraordinary. It becomes clear that she would do whatever it took to arrest the abuse and to come out a survivor. Galligan illustrates that she was simultaneously *in danger* and *dangerous*, that her dangerousness is correlated to her endangerment, in so far as the two cannot be separated or understood independently of each other. The two constructions are dependent upon one another for their existence and definition.

Galligan also quotes Homolka's medical report of the last acute battering incident she endured before she left Bernardo. This was the first time in their six-year relationship that she was permitted to see a physician following a battering incident. Karla Homolka's attending physician described the outcome of her examination,

"On examination today, Karla is in distress, quite anxious and understandably so. Her eyes reveal raccoon's eyes, bruising all around the orbits, large contusion to her head with what feels almost like a depressed fracture, although x-rays have ruled this out. She has a subconjunctival haemorrhage in the left eye, which was seen by Dr. Marriott, and she was re-assured. She has several bruises down the left side of her neck, along her arms, with a very large bruise in the upper right arm which is about three centimeters by three. About 75% of her legs from mid-thigh down are bruised, quite dramatically and swollen to touch. She cannot move them due to pain. On the right thigh, about 3 cm. above the right knee, there is a puncture wound which she says was caused by Paul Bernardo when he punctured her with a screwdriver. On the left leg, there is a large

isolated contusion about 6 inches by 3 inches, quite warm and tender" (Galligan Report, 1996:42).

Homolka's "raccoon eyes" were the result of beatings to the back of her head with a flashlight. The evidence supporting Homolka's claims of abuse are clear, and her construction as a victim and woman *in danger* are validated therein. This medical report supports Homolka's claims of abuse and validates her construction as a victim and as a woman *in danger*.

Later, Galligan refers to the reports of Dr. Arndt, Dr. Malcolm and Dr. Long, to describe the environment of abuse in which Homolka was living. In presenting the detail of the three diagnoses, Galligan shows his belief that Homolka's testimony was truthful. She was *in danger* and there is much medical evidence to support her claims. Dr. Malcolm explains the impact that living with a sexual sadist had upon Karla Homolka. Homolka was treated in the same fashion, as were Leslie Mahaffy and Kristen French, in that she was raped, beaten, strangled and emotionally abused over the course of their relationship.

"Karla was subjected to repeated sadistic sexual attacks. She was humiliated, beaten, tied up, and raped over a period of years. She was manipulated into being a participant in what eventuated in the death of a much loved sister. She was advised on her wedding night that her new husband was a rapist. She was told that if she ever tried to leave her husband he would track her down and kill her. Or else he would kill her remaining sister and her parents. She was living with a sexual sadist and she was convinced that from this bewildering fate there was no escape" (Galligan Report, 1996:80).

Dr. Malcolm argues that this environment fostered Homolka's fear of her husband and resulted in her psychological inability to leave or to stop the events from happening. This excerpt demonstrates how the sub-themes overlap, as the idea of Homolka being a victim of a sexual sadist is mentioned. The quote also highlights how Homolka's endangerment is linked to her sexuality, wherein both are linked to her criminality.

The well documented physical, emotional and sexual abuse that Homolka experienced was considered to be a mitigating factor and ultimately assisted in her reception of the resolution agreement. In discussing his feelings toward Karla Homolka's plea agreement, Galligan quotes Dan Mahaffy, who stated that he and his family were disappointed that she "*only*" received twelve years, but that it was "*the lesser of two evils*" (Galligan Report, 1996:88). He also cites his conversation with Crown counsel,

Murray Segal, who stated that if the authorities had had the videotapes at the time the plea agreement was being considered, they would have chosen not to enter into the plea agreement. The plea agreement was thus made only out of necessity. Galligan writes,

"Moreover, everyone involved in the process disliked the deal and disliked the result. They have confirmed to me that Murray Segal would not have made the agreement if the circumstances had not demanded that he do so. All of the persons who were involved told me that if the videotapes had been available at the time, Karla Homolka would have found herself in the prisoner's box beside Paul Bernardo" (Galligan Report, 1996:89).

This statement completely negates the acceptance of Homolka's status as victim and as a secondary party to the offences. It implies that she is as equally culpable as Bernardo and that the reduced sentence she received is not the Crown's ideal or desired sentence. This statement suggests that Homolka is equally *dangerous* as Paul Bernardo, who has since been given dangerous offender status. Again, it implies that her status as a *dangerous* woman overrides her status as a woman *in danger*. What have been legally considered to be mitigating factors in explaining her actions and sentencing, are pushed aside in this statement, as Segal suggests that they are not valid.

Mr. Segal's submissions included as an aggravating factor, a description of the actions taken by both Bernardo and Homolka regarding the destruction of evidence they engaged in:

"Using gloves, the Bernardo's washed Kristen French extensively in their jacuzzi. A douche, which had been purchased for the purpose of using on a victim, was used. At Paul Bernardo's suggestion, Kristin French's hair was cut by Karla to avoid carpet or other fibres being found... .. The couple went to great efforts to eliminate traces of their crimes. Karla Bernardo washed down walls, wiped the car for prints, fingerprints. She vacuumed the car. She vacuumed the house incessantly. The contents of vacuum bags, and the victim's clothing were burnt. The gloves worn by the Bernardo's and the cardboard boxes used to help form the concrete blocks were all burned" (R. v. K. Bernardo, 1993:22).

Segal suggested that Homolka's willingness to 'clean up' after the homicides indicated her fear of being apprehended by the police. However, this author maintains that it was part of Homolka's role within her union to Paul Bernardo that she be responsible for the domesticities. In fact, it was revealed that it was her job to maintain the household, and that failure to do so to Bernardo's satisfaction resulted in physical and mental abuse. Segal does acknowledge the fact that Paul Bernardo was the one to suggest Kristen French's hair be cut, but he does not acknowledge whether or not it was under Bernardo's

instruction to clean “*incessantly*” and in such detail. His failure to indicate this, alongside his acknowledgment of only one aspect of Bernardo’s instruction, implied that Homolka took it upon herself to clean so meticulously. Segal does not indicate who burned the evidence, but it is clear in the transcripts from Paul Bernardo’s trial that it was Paul Bernardo himself who burned all of the evidence and who instructed Homolka to clean certain areas of the home more thoroughly (*R. v. K. Bernardo, 1995*).

Kovacs includes the “*confinement, sexual assault, torture, and wanton cruelty*” of the events as aggravating factors (*R. v. K. Bernardo, 1993:105*). He continues, and submits that,

“*The careful attempt to cover up the circumstances of the death of Tammy Homolka and the meticulous and planned attempts by the accused to eliminate evidence of the deaths of Leslie Mahaffy and Kristen French, all are aggravating factors. It goes to the consciousness of evil thought processes of the accused*” (*R. v. K. Bernardo, 1993:105*).

While Homolka did attempt to destroy evidence of the crimes, Justice Kovacs’ insistence that these actions are evidence of Homolka’s evil thought processes goes beyond outlining the aggravating factors. His editorial comments construct her as evil, manipulative and thus as *dangerous*. It suggests that she had no conscience; that her only concern was for herself and her freedom. He also uses the fact that on two occasions, Karla Homolka failed to free Kristen French while being alone with her. This statement comes after his inclusion of Dr. Malcolm’s remark that because of the abusive situation that she was in, she was unable to defend herself or anyone else. Although there is a clinically explained reason for why she was unable to free French, Kovacs still counts it as an aggravating factor, implying that the clinical explanation is not valid.

We will now examine the third sub-theme, which demonstrates how Homolka was constructed as *dangerous* by placing her own welfare and that of Paul Bernardo, ahead of their victims.

1.2 Homolka: A Selfish and Narcissistic Woman

As Mr. Segal continues his submissions, he makes clear the irony behind the discovery of the remains of Leslie Mahaffy:

“*On June 29, 1991, as the Bernardo’s were celebrating their wedding and on the plane to Hawaii for their honeymoon, the blocks were discovered because the water level on Lake Gibson had been lowered. By the time the couple was married, Karla Bernardo*

had been told by her husband that he had raped numerous women" (R. v. Bernardo, 1993:19).

Bernardo was careful not to disclose this information to his new bride, until after the wedding had taken place, in order to make her feel even more trapped and fearful. In revealing his identity as the Scarborough rapist only after the wedding, Bernardo sought to obtain the legal security the wedding vows provided. Now his wife could not be forced to testify against him in court. This connection increased Homolka's bind and loyalty to him and at the same time, decreased her ability to either leave or stand up to him. Although acquired through terror and coercion, Bernardo now had a new accomplice.

"Homolka accompanies her husband as he prowled in his car in search of women. She was brought along for cover in case the police stopped him. Her mistreatment at his hands continued. Karla Bernardo acceded to her husband's demands and found young female friends to help satisfy Paul Bernardo's urges" (R. v. Bernardo, 1993:20).

Segal's explanation of why Homolka didn't free Kristen French when she had the chance indicates an incongruity. He hints at Homolka's guilt in a way that preserves her image as being both a woman *in danger*, and a *dangerous* woman. Segal posts Homolka at both ends of the victim / victimizing spectrum. Her character is thus created as being in conflict, as being at once both of the two extremes. Segal's reasoning that Homolka's failure to free French was a result of her fear of being apprehended by the authorities, suggests that Homolka only cared for her own well-being and that of her abuser. I propose that she was unable to rationally compare the gravity of her own situation to that of Kristen French's. She was unable to evaluate what an outsider would understand as a choice between her incarceration and the death of a third innocent victim. Segal minimizes the fear Homolka perceived of Bernardo. While accepting her testimony that the abuse occurred, Segal's submissions nonetheless indicate a questioning of its influence on Homolka's behaviour and actions.

With respect to Kristen French's confinement, Houlahan questions why she did not release her on either of the two occasions during which Bernardo was absent. While she admits to contemplating releasing French, Homolka decided against it *"because, first of all, I was scared because I was so involved in it. And, second of all, all I could picture was the two of us walking down the stairs and Paul coming in and freaking and killing"* (R. v. P. Bernardo, 1995:669). This statement is at odds with her previous testimony

where she admitted that she was aware that French would eventually be killed. Her testimony suggested that she was afraid of what Bernardo would do to her, not of what he would do to French. Notwithstanding her desire to prevent Bernardo from harming her, this fact suggests an important discrepancy in Homolka's construction of herself as a woman *in danger*. This conflicting testimony suggests that her concern was limited to her personal welfare, in that she feared her husband would lash out and possibly kill her.

According to Segal's construction, the list of aggravating factors demonstrates how Homolka "helped" to commit these crimes, suggesting that she did so willingly. By saying that she had "*ongoing opportunities to withdraw; she placed herself and her husband ahead of the victims; and she came to know the victims but was not moved to prevent this conduct*", he paints the picture of an individual operating at her full capacity, both mentally and emotionally (*R. v. K. Bernardo, 1993:104*). He stipulated that she should have been able to leave her abusive husband, despite her psychological state. Segal proposes that she is indifferent and uncaring, that she understood the fate of the girls and that even after befriending them she was unwilling to risk helping them. Segal's comments construct Homolka as amoral, evil, and *dangerous*. The most striking point made by Segal, is stated thusly: "*all the while she continued to work, to socialize, to carry on; where would it stop?*" (*R. v. K. Bernardo, 1993:104*). This declaration constructs Homolka as apathetic toward to the situations of their victims and as not desiring to stop. By this provocative statement Segal fails to accurately characterize Homolka's mindset at the times of the homicides. He constructs her as *dangerous* because of this supposed apathetic attitude and because of what he sees as her indifference to the events going on around her. He portrays her as manipulative, deceitful, narcissistic and evil as he questions what it would take for her to remove herself from the situation.

Justice Kovacs compiled his own list of aggravating and mitigating factors, deriving several from those submitted by Crown counsel, Mr. Segal. In formulating these aggravating factors, Kovacs stated that the Homolka's conduct has been "*nothing short of monstrous and depraved*", and that the "*acts leading to the abduction of Kristen French were coldly and calculatingly planned, with full participation of the accused*" (*R. v. K. Bernardo, 1993:104*). He also claims that the "*the facts leading to the death of her*

own sister indicated planning on her part" (R. v. K. Bernardo, 1993:104). By these statements, Justice Kovacs focuses on the horrific nature of Homolka's involvement in the sexual assaults and homicides. He chooses to construct her as evil or "*monstrous*" in order to emphasize both her guilt and the severity of the crimes. By declaring that she was an active part of the planning of the crimes, Kovacs suggests that she was more than a forced participant. This nuances his earlier construction of Homolka as the woman *in danger*, as he is clearly implying her status as a *dangerous* and evil woman.

Justice Kovacs mentions the role Karla Homolka played in luring Kristen French to the car, stating that she was "*willingly the cover*", and that "*without the accused's participation, the trust of that victim would less likely have been obtained*" (R. v. K. Bernardo, 1993:106). Kovacs persists,

"The accused placed her own interest and that of Paul Bernardo Teale ahead of the interests of the victims. That is the greatest crime against charity. Throughout all these events and over a considerable period of time afterwards the accused continued to carry on her normal activities, apparently unconcerned for other potential victims. She came forward only when her own life was in danger" (R. v. K. Bernardo, 1993:106).

This excerpt constructs Homolka as a selfish and narcissistic woman who was unwilling to put the lives of innocent victims before her own. In support of his view, Kovacs suggested that she only came forward when her own life was threatened, again constructing Homolka as being simultaneously *dangerous* and *in danger*.

Houlahan questions Homolka about her involvement in stalking young women. She stated,

"A: He had told me, um, at some point that he used to do this without me. Um, once – once we were married, and he knew that he had me under his total control, he decided that I should go with him because, as I said, I made a 'good cover'" (R. v. P. Bernardo, 1995:463).

Due to the fact that she participated in the stalking of potential victims, Homolka is constructed as a *dangerous* woman. She admits to finding young victims, including Jane Doe. Houlahan asks why she would knowingly befriend young women, to bring them to Bernardo, knowing the consequences of her actions for the women,

"A: Because I was afraid of him, and because this would make him happy. And I was a lot better off with him being happy than him being angry with me.

Q: Didn't you care, him having a relationship with another woman?

A: Basically, I wanted to him to find somebody else and to leave me alone, to let me go." (R. v. P. Bernardo, 1995:463-464).

Homolka constructed herself as being fearful of her abusive spouse but also as self-serving and willing to sacrifice other young women to Bernardo if it meant that she might be freed of him. While desiring to leave Bernardo, she continued to write love letters, begging him to remember the love he used to have for her. She suggested that she did so because she was hoping that if she told him enough times and reminded him often enough of how things used to be, that he would remember and begin to treat her that way again.

The next section examines the fourth sub-theme under the woman *in danger/dangerous* woman dichotomy, the idea that Karla Homolka will present unique challenges to the Correctional Service of Canada.

1.4: Homolka: A Unique Challenge to the Correctional Service of Canada

Segal constructed Homolka as presenting unique challenges to CSC by his agreement that a twelve-year sentence would be a sufficient amount of time to “control” and punish Homolka for her crimes:

“At the outset the total length of the sentence was of utmost importance to the Crown. It is submitted that a sentence of twelve years, should you agree to such a sentence, is of such a duration that it serves to control the accused for a considerable amount of time.

In light of the specific psychiatric evaluation of this accused it is apparent that continued treatment will be required. I would venture that that is a lifetime proposition. This accused’s special needs may present unique challenges to the penitentiary service over the course of what in all certainty will be a lengthy sentence” (R. v. K. Bernardo, 1993:64).

Segal stated that because of the nature of her crimes, Homolka would present “*unique challenges*” to Correctional Services of Canada (CSC). The phrase “*nature of her crimes*” refers to her status as a female who is being convicted of sexually violent crimes. This designation places her, by definition, into a very small portion of the criminal population. Her “*special needs*” may present a challenge to CSC as it is likely that programming which targets the specific needs of such a small population of offenders is either incomplete or fails to account for the differences between male and female offenders. Homolka’s status as a *dangerous* woman remains foremost in the reader’s psyche, as only the most *dangerous* and ‘evil’ of women would not have programs targeting their particular needs. This statement isolates Homolka from other violent

women, showing her as being different in some way, as unexpected, leaving our correctional services unable to adequately deal with her. She is then pushed into a new category of existence within criminological literature, that of the *sexually violent female predator*.

The list of mitigating factors submitted by the Crown counsel suggest that Karla Homolka's actions such as pleading early, waiving of the preliminary hearing, and electing a trial by judge alone, should be considered indicators of remorse. By identifying these actions as mitigating factors to be considered in her sentencing, Mr. Segal constructs Homolka in a more positive light. He describes her willingness to assist the police as "genuine", and points out that she desires to testify truthfully, all the while providing an editorial, about his negative feelings towards the facts of the case. When pointing out that there will be questions about why the Crown isn't seeking a more severe penalty, "*in virtue of the horrendous facts*", Segal opts to darken the image of Homolka yet again, by stating that, "*without her statements the true state of affairs may never have been known. But with her assistance comes the unsettling accounts that causes one to recoil*" (R. v. K. Bernardo, 1993:98). Segal acknowledges the necessity of the plea agreement, while at the same time showing his distaste for her as a person. While plea bargaining has long since been an accepted legal practice within the Canadian criminal justice system, it is clear that it is not always the Crown's most desired practice⁵.

The sixth factor in the joint submission, and one of the most crucial facts of this case, suggests that Karla Homolka is unlikely to re-offend, so long as she is absent the influence of someone like Paul Bernardo.

"The psychiatric evidence which canvasses whether she represents an ongoing danger to the public, without minimizing for one moment the grave conduct that she has been involved in, in past.

The Crown's assessment, based on a review of such psychiatric evidence, is that absent the influence and association of someone whose behaviour bears the characteristics of what truly may be one of this country's most feared individuals, she is unlikely to re-offend."

Segal admits that Homolka's role was "*somewhat secondary*", but it is unclear whether or not he believes this to be true. It would have been more effective to say that her role

⁵ The practice of plea-bargaining has been used in Canadian and British law for over three hundred years. It is recognized as a legitimate legal practice, used daily in courtrooms across Canada, as a strategic tool to aid in securing a conviction against the party deemed to be the more dangerous or culpable.

was secondary, as describing it as "*somewhat secondary*" weakens his statement. When prosecuting Homolka, the Crown had to balance her criminal conduct against the psychiatric evidence of her status as a battered woman. In trying to conjugate these two realities, we can see how easy it would become to construct Homolka as being simultaneously *in danger* and *dangerous*. That she is correctly defined as both ends of the spectrum clouds our image of her, making her character more and more difficult to comprehend. This confusion leads to the creation of a new realm of understanding, a new category of her own, since she does not fit into these pre-existing categories of social construction. She must be moved into this new realm of understanding, thus isolating her from both categories.

In order to show how Homolka presents unique challenges to the correctional system, Houlahan questions her regarding her status within the Kingston Prison for Women. By doing so, he demonstrates how the correctional system is treating her like she is one of the more *dangerous* female offenders.

Q: And speaking of prison, where, where – what's your status there and where are you kept?

A: I am kept in Administrative Segregation.

Q: What does that mean?

A: It's for – it's a place where I live for my own protection.

Q: And are you allowed to mix with the general population?

A: No.

Q: And are you allowed to participate in programs that are available for the general population?

A: No.

Q: And are you kept in a lock-up area for 23 hours a day?

A: Yes.

Q: And you're in segregation; you eat with plastic utensils instead of real utensils?

A: Yes, and we eat in our cells as well" (R. v. P. Bernardo, 1995:994-995).

It is clear that Houlahan is trying to demonstrate to the jury that although Karla Homolka received a plea bargain, she is being treated as a *dangerous* woman, in need of being placed in administrative segregation. Homolka's testimony suggests rather that she is *in danger* in prison, as she states she is in administrative segregation for her own welfare.

With respect to the sexual assault on Jane Doe, Galligan notes that there is no legal barrier impeding the Crown from reversing its decision and now charging Karla Homolka with aggravated sexual assault and first degree murder. However, Galligan submits that neither he nor any of the counsel with whom he spoke had ever heard of

such a situation occurring and suggested that it was "*unthinkable that it should happen*" (Galligan Report, 1996). Galligan (1996:210) writes,

"If a charge were now laid, and the only change is that the Crown has obtained the benefit it sought by not charging her, can Karla Homolka not say, with some justice, that the Crown in Ontario is capricious if not devious? Can the Crown put itself in a position where someone like Karla Homolka can, with justice, accuse it of being capricious or devious?"

By referring to her as "*someone like Karla Homolka...*" Galligan implies that he regards her as a different sort of woman. His implication alludes to Homolka's status as deviant and as the 'Other'. This statement segregates Homolka from other women and demonstrates what Galligan sees as *dangerous*: That no person as 'evil' as Homolka should be put in a position where they can with justice attack the righteousness of the Crown. Galligan connotes Homolka's deviancy in this statement, in order to prove the seriousness of his point, of how devastating it would be for the Crown to be constructed as devious.

With respect to the range of sentence considered for Karla Homolka, Galligan suggested between ten to fifteen years, admitting that range to be high for a first time offender in Ontario in a manslaughter case; "*because there is no doubt that it is the worst case of manslaughter which one could imagine.*" He goes on to say, "*The range cannot reach or approach the maximum sentence of life imprisonment because, as Mr. Justice Kovacs found, Karla Homolka is not the worst offender*" (Galligan Report, 1996:112). Here Justice Galligan submits that although Homolka is *dangerous* and party to the worst case of manslaughter imaginable, she is not as *dangerous* as Paul Bernardo. With respect to the sentence and the plea bargain, he ultimately concluded that "*in the hopefully unique circumstances of this case, for which no known precedent exists, that the resolution agreement entered into by the Crown counsel with Karla Homolka on May 14, 1993 was appropriate*" (Galligan Report, 1996:113).

Interestingly, Galligan has thus far constructed Homolka as being simultaneously *dangerous* and *in danger* and clearly suggested that regardless of her status as a battered woman, she would have been punished as harshly as Bernardo had the tapes been found earlier. This contradicts his own conclusions and those of Justice Kovacs, since the maximum punishment of life imprisonment given to Bernardo was designed for the worst

offender, which she was deemed not to be. This contradiction implies that she would be punished more severely than Bernardo for her part in the offences. One must question if this desire to punish Homolka as severely as Bernardo, is the result of her status as a 'violent woman'. Does her femininity incite harsher sentencing than those prescribed by law? Is Homolka considered to be more *dangerous* because she is a woman?

We will now look at the fifth and final sub-theme exploring the concept of how Homolka's dangerousness influences her construction as having received a lenient sentence, or a "sweetheart deal".

1.5: Homolka: The "sweetheart deal"

In the conclusion of his report, Mr. Justice Galligan addresses the commonly held belief that Karla Homolka was shown favouritism by the court system. He writes,

"This sentiment is expressed in different forms. It can be summarized in two contentions: that Karla Homolka got a 'sweetheart deal' and that she was given 'preferential treatment'

The first decision, to agree to a twelve year sentence, was driven by sheer necessity and not by a desire to treat Karla Homolka differently than any other criminal. I have no doubt that the Crown would have preferred that Karla Homolka appear in the prisoner's dock with Paul Bernardo facing first degree murder charges. However, without her evidence, at the time the decision was made, the police did not have the evidence to charge Paul Bernardo with the offences arising out of the deaths of Leslie Mahaffy and Kristen French, much less convict him of them" (Galligan Report, 1996:215).

This quote negates Galligan's earlier claim that he would remain open minded with respect to Homolka's testimonies of abuse as reasoning for her participation in the offences. It is problematic to only partially accept Homolka's discourse of abuse, for the convenience of trial strategy. Galligan compares Homolka's case to the MacDonald case because it set a precedent regarding the procedures for carrying out the dissolution of a plea agreement. The MacDonald⁶ case differs from Homolka's, as new evidence was uncovered which proved MacDonald's testimony had been false. Homolka told the truth throughout her cooperation with the authorities and while still culpable for actions, her

⁶ *R. v. MacDonald (1990), 54 C.C.C. (3d) 97*: The MacDonald case set precedent regarding the dissolution of an existing plea agreement, for failure to comply and tell the truth regarding one's involvement in a homicide. MacDonald told the police that he had no knowledge the murder was going to take place, but that he was an accessory after the fact for assisting the real killer in the destruction of evidence. It was found that MacDonald had played an integral part in organizing the murder, and his failure to provide a truthful statement negated the resolution agreement, allowing the Crown to prosecute him for first degree murder.

explanations for her behaviour should be considered as mitigating factors in her sentencing. Galligan stated that he completely rejects the argument that Homolka got a “sweetheart deal”. Nonetheless, Galligan implies that it was only because of the necessity of trial strategy that she was given a plea bargain.

Justice Galligan writes that there is a widely felt sense of unease regarding limiting Homolka’s sentence to twelve years, “*for her part in the most despicable crimes which I have seen in over forty years of working in the criminal courts of this province*” (Galligan Report, 1996:109). Here Galligan constructs Homolka as *dangerous*, in fact, as the woman responsible for the most horrific crimes in Ontario’s history. In that he argues that the plea agreement would have been nullified had the videotapes been in the hands of the authorities, Galligan constructs Homolka as an evil woman. Galligan suggests that it is not fair to criticize the plea bargain since the necessary proof was not available at that time. Galligan concluded by stating that, “*as distasteful as it always is to negotiate with an accomplice, the Crown had no alternative but to do so in this case*” (Galligan Report, 1996:111).

Rosen asks Homolka about the finalities of her plea bargain, in an attempt to set up a line of questioning in which he indicates that she was the killer.

Q: Okay. You testify, this Jury comes to the conclusion or have a reasonable doubt as to who actually did the killing, nothing happens to you, does it?

A: I’m not the one who actually did the killing.

Q: But if the Jury in this case or any other case, at any other time, finds that, in fact, you did, nothing happens to you?

A: But I didn’t, and I am in prison serving my sentence.

Q: Oh, yeah, serving your sentence — long sentence?

A: No, it’s not a long sentence” (R. v. P. Bernardo, 1995:1046-1047).

Rosen is implying two things in this series of questions. First, that it was Homolka who actually did the killing and secondly, that the jury should be angered by her lenient sentence. He mocks her response saying, “*oh, yeah, serving your sentence – long sentence*”. Rosen is impressing to the jury that Homolka got off ‘lightly’ and that she is the truly guilty party, in order to shift the blame from his client in the eyes of the jurors. Rosen again points to Homolka as being narcissistic and self-serving:

Q: It wasn’t until you were guaranteed a deal that you could live with to look after yourself, Karla Homolka, that you ever spoke to the authorities about this murder?

A: I followed my lawyer’s advice.

Q: That may be, but it took him three months to negotiate that deal, and in that time, especially the six months from January of '93, five months, to May of '93, you held your silence until you were looked after, right?

A: I followed Mr. Walker's advice.

Q: Isn't that really what this is all about, is that, is that your whole demeanour from the time you left your husband until today, even when you gave your evidence was to say:

'Not me. I didn't do it. I was forced to do it. Everybody believe me. I'm looking after Karla', right?" (R. v. P. Bernardo, 1995:1050).

Rosen is mocking Homolka's testimony by suggesting that her discourse of abuse is an excuse rather than an explanation and mitigating factor in her actions. He is suggesting that she was only concerned about her own well-being, not her victims' nor of Paul Bernardo's. Because she followed her lawyer's advice Rosen is suggesting that she did not want to assist the police, and her assistance was contingent upon securing plea agreement. While plea-bargaining has been a legal tool used for hundreds of years in Canadian and English law to the benefit of the Crown as much as the accused, Rosen is suggesting it is indicative of her self-absorbed nature. Rosen is constructing Homolka to be a *dangerous* woman, as he paints a picture of a woman who only looks out for her own well-being.

Moving into our second umbrella theme, the angel / devil dichotomy, we will critically assess how Karla Homolka's morality was represented within the realm of legal discourse.

2 Angel(angelic) / Devil(demonic)

The concept of a "violent woman's" morality will be presented here under the rubric of the angel / devil dichotomy. The morality of "violent women" is frequently constructed in a way that is intertwined with their construction as a *dangerous* woman. These two umbrella themes are linked, wherein Homolka's morality will be shown as being connected to her capacity as a dangerous woman. Three key sub-themes emerged within this dichotomy: (1) Homolka's character was constructed as narcissistic and deceitful; (2) She was constructed as more humane than Paul Bernardo; (3) she was constructed as the "*Super Bitch Killer Beauty*". We will now examine the first sub-theme, which looks at how Homolka was constructed as self-serving and thus indifferent to the crimes she committed.

2.1: Homolka: Deceitful and Untrustworthy

Defence counsel John Rosen opened his questioning of Karla Homolka by showing her graphic post-mortem photographs of her victims in order to provoke a reaction from her. He questions whether these images bothered her conscience, and when she responds that they did bother her, he asks her again, “*did they?*”, suggesting that it is difficult to believe that she would be bothered by the pictures. He questions her remorse and her honesty. Rosen minimizes the abuse Homolka experienced at the hands of his client, in order to try and discredit her and her claims that she participated in the sexual assaults and homicides because of the fear she felt of her husband,

“Q: Well let’s see what actually happened. In the latter part of 1992, it’s obvious that your husband over here was punching you out the odd time, right, if not everyday?”

A: Not the odd time.

Q: Oh, right, every day, every day, as you told us for nine days. And on December the 27th he beat you about the head so you wound up with these raccoon eyes that we see you at the hospital a week later, right?”

A: Yes.

Q: And on the night of January the 4th, you tell us, anyways – because we don’t have any evidence except from you, that he raped you, bound you, gagged you, threatened to kill you, right?”

A: Yes.” (R. v. P. Bernardo, 1995:1020).

Rosen taunts Homolka, making light of the testimony she has given thus far. By commenting, “*as you told us for nine days*” and “*because we don’t have any evidence except from you*”, Rosen suggests that the severity of the verbal, physical and sexual abuse, if it even occurred, is exaggerated by Homolka, in order to gain sympathy. Rosen repeatedly suggests that Homolka was more than a forced participant and that she willingly engaged in the sexual assaults.

Rosen proceeds to question Homolka as to why, once she had left Bernardo, she didn’t immediately tell the police about the crimes. He constructs her as being selfish and self-serving in her thought processes and in her actions, by pointing out she only confessed to the crimes after the police questioned her regarding her husband’s possible involvement in the Scarborough rapes.

“Q: And after making a few phone calls they drove you to Brampton to be with the Segers, right?”

A: Yes, so Paul would not know where I was.

Q: And you would be safe to think about yourself, to heal, to mend and to determine what to do, isn’t that right?”

A: Yes, that’s right.

Q: Right. And when you got to the Segers did you pick up the telephone and call the Niagara Regional Police or the Green Ribbon Task Force, or any other police officer and say: I want to speak to you about Kristen French, Leslie Mahaffy, and my sister Tammy Homolka. Did you do that?

A: No, I didn't do that.

Q: No, you didn't. What you did do was you had a heck of a time, right?

A: No, I did not have a heck of a time.

Q: Well, as soon as you left them, you were so happy you couldn't believe how happy you were, isn't that right?

A: That's how part of me felt yes.

Q: You told the police and I quote your words: 'As soon as I left him I was in the hospital. I was so happy I couldn't believe how happy I was. I felt like I was 17-years old again, and I locked everything I had with Paul away to a corner of my mind. I forgot about Tammy, I forgot about Leslie and Kristen, I forgot everything, and like I made myself forget and I went out and I had a great time.' Did you say that under oath to the police who were interviewing you?

A: Yes, I said that. But there's more to it than that."

(R. v. P. Bernardo, 1995:1022-1023)

Rosen is taking her statement to the police out of context in order to construct her as being callous and indifferent with respect to her involvement in the crimes. While Homolka did state that she tried to forget the events that had occurred over the course of the past six years, but as a way to help her heal from the abuse she experienced not as a way to forget her involvement in the crimes. Homolka's self-reported happiness is properly understood as the natural and normal reaction to being removed from an abusive environment wherein your life was at risk on a daily basis. It should also be noted that the police questioned her about Bernardo's involvement in the Scarborough rapes, not about the deaths of Leslie Mahaffy and Kristen French. It was at this point that she went to them with the knowledge she had of the crimes, and also told them about her involvement in the death of her sister, a crime they were not even investigating. Rosen constructs Homolka as being *dangerous* because of what he constructs as her callous indifference to her crimes and her desire to escape punishment.

Rosen questions Homolka about her thought processes and about how she came to call upon George Walker to be her lawyer. Rosen suggests that Homolka had planned all along to solicit Walker's services. Rosen points out that Homolka was given a series of intelligence tests while hospitalized and indicates that her scores put her into the top two percent of the population. Mr. Rosen is implying that she had the intellectual capacity to have resisted becoming involved in these crimes unwillingly and/or, that she is smart enough to know how to get herself out of a *dangerous* or abusive relationship. Here,

Homolka's intelligence is being constructed an attribute which increases her effectiveness as a "violent woman".

Mr. Rosen repeatedly questions Homolka about why she stayed with Bernardo if he was being so abusive towards her. He presents several letters that she wrote to her friends over the course of her relationship with Bernardo and points out that in none of them does she indicate even a hint of abuse or problems within the union. Homolka responds in a way similar to that of other battered women; that she did not want anyone to know about the abuse, that she was embarrassed and that she kept hoping that he would stop and return to how he had once treated her. Rosen's negative construction of Homolka's abuse discourse does not sufficiently take into account the medical realities of battered woman syndrome. Rosen makes the unfortunate mistake of blaming the victim. While Homolka did participate in a series of very serious crimes, Rosen's discourse, of blaming the victim is indicative of a more severe problem within the realm of legal discourse.

As a way to construct Homolka as deceitful and narcissistic, part of Rosen's defence plan was to construct Homolka as a woman preoccupied with having a perfect wedding and the image of the perfect life and relationship. He again uses letters she wrote to her friends to demonstrate her preoccupation with her wedding plans and he claims that this preoccupation is indicative of her indifference towards the violent crimes she was involved in.

"Q: And I suggest to you Miss Homolka, as I'll be able to demonstrate in cards and letters, that from the time of that engagement ring that was slipped on your finger you were preoccupied with that wedding right?"

A: No, I was not preoccupied with it, I was planning my wedding.

Q: You wrote about it and you kept cards about it and kept lists, and you went shopping and you did everything from December 1989 until June the 29th, 1991, 18 months that wedding preoccupied you and your time, didn't it?"

A: It did not preoccupy me. And there's nothing strange about a girl doing the wedding plans.

Q: Unless, of course, in the interim, there is the death of her sister, including the sexual assault and drugging; and the deaths of a stranger her house, meaning Leslie Mahaffy; the molestation of a young girl in her basement, meaning the girl brought in, in January. And I suggest to you the molestation of another girl "Jane Doe" in your house, all of which occurs from the time – from 1990 right after you're engaged until your wedding, doesn't it?"

A: No, that's not what happened".

(R. v. P. Bernardo, 1995:1292-1293)

Rosen has constructed Homolka as being so obsessed with her wedding and the picture perfect life that she was indifferent to the sexual assaults and homicides she was participating in. Rosen slyly creates the image of her as being a very *dangerous* woman, to discredit Homolka and to disparage her in the minds of the jurors. By successfully discrediting Homolka's persona, the jurors may believe that she was more involved in the homicides than she claims, and thus find Bernardo guilty of a lesser sentence.

In order to combat the narcissistic image that Rosen attempted to construct of Homolka, Houlihan questions her about how she felt following the murder of Leslie Mahaffy,

"Q: Can you tell us what you were thinking at the time that these acts were committed?"

A: I find it very difficult to put my feelings into words, because putting them into words trivializes the whole thing."

(R. v. P. Bernardo, 1995:471).

Here Homolka contends that her feelings and fear of Bernardo's abuse do not equal the feelings she felt for her victims or their families. She is making clear to the jury that she is aware of the seriousness of her actions and their repercussions, by expressing agency and accepting responsibility for her participation in the death of Leslie Mahaffy. These are not the words of a woman who is callous in her testimony, or who feels no remorse for involvement in crimes as serious as these were. Homolka clearly portrays herself as remorseful and ashamed of her involvement in these crimes.

In support of her testimony, Galligan declares that while Homolka suggests that she participated in the crimes because Paul Bernardo coerced her to, she has never *"attempted to deny her role or evade her complicity in those atrocities"* (Galligan Report, 1996:58). He also admits that the suggestion that she *"withheld any vital information about her critical role in those horrible crimes is simply unsustainable"* (Galligan Report, 1996:58). Galligan suggests that Homolka has told the truth and has not concealed any information since the beginning of her involvement with the authorities. In pointing this out, Galligan challenges constructions of Homolka as *dangerous* or evil. From the literature review, we have seen that 'violent women' are typically constructed as being liars, eschewing their involvement in their crimes, notwithstanding the weight of evidence. Homolka differs from this theoretical

description, in that she not only admits her involvement, but also assists the police in finding real physical evidence with which to prosecute Bernardo and incriminate herself.

After the original videotapes had been recovered, a second incident and a more revealing scene of Homolka sexually assaulting Jane Doe, was uncovered. Police considered charging Homolka with perjury and with aggravated sexual assault. Homolka claimed that she had no recollection of the events and stated that she had admitted everything that she had remembered regarding her involvement in the sexual assault on Jane Doe prior to the resolution agreement. It became the duty of the police to uncover whether or not her memory loss was genuine. In addition to the reports of Dr. Malcolm, Dr. Long and Dr. Arndt, the police solicited the analysis of two other psychiatrists and two other psychologists in order to examine Homolka's claims of amnesia. They unanimously concluded that she was telling the truth and thus suffered from a genuine memory loss. Galligan quotes psychiatrist Dr. Brown,

"This memory loss could be a result of various factors, either singly, or more probably in combination, and these factors include: 1. Psychological repression of events that are too painful for the individual to bear. This is a completely unconscious defense mechanism over which the individual has no control. 2. Damage due to head injury, which may be temporary or permanent. 3. The misuse or abuse of alcohol and/or drugs.

In conclusion, I am of the opinion that Karla Homolka has been consistently truthful in her recollections of the past events in this case. She continues to show a natural concern about the areas for which she has amnesia and is aware that predictions regarding complete or partial recovery are not possible. She continues to have no memory for her own involvement with Jane Doe, and this is consistent with her participation having occurred against her will and under the empowered direction of her ex-husband" (Galligan Report, 1996:153).

The police were concerned that Homolka had not disclosed this second assault on Jane Doe, in an attempt to protect herself from further prosecution. They feared that she had lied to them and in doing so may have jeopardized their case against Paul Bernardo. Despite the assistance she gave to the police, they initially refused to believe her claims of amnesia. It took diagnoses by eight different psychiatrists and psychologists, unanimously crediting Homolka's testimonies as truthful, before the police turned down any further charges in this regard.

Justice Galligan submits that he would be hard pressed to say that it would be appropriate to take any further proceedings against Karla Homolka regarding the deaths of Leslie Mahaffy and Kristen French, even if it were feasible to do so. In that he found

the resolution agreement to have been appropriate in all of the circumstances, it would be very difficult to find evidence supporting the idea of further litigation involving Homolka in these cases. He cites that the news media expressed the opinion that the newly found videotapes should now play the role of a new witness, able to verify Homolka's involvement as "*substantially greater than she had originally claimed*" (Galligan Report, 1996:193). He again compares Homolka's case to the MacDonald case. The first distinction between the two cases is that Homolka did fulfill what was required of her by the resolution agreement. She gave full and truthful accounts of her participation in the homicides as well as other criminal activities she was involved in, or had knowledge of. The videotapes did graphically portray her involvement in the sexual assaults, but they did not provide any new information that Homolka had not already divulged to the police. Secondly, Galligan points out that in the MacDonald case, the Crown's withdrawal from the plea agreement occurred before he had been tried as an accessory after the fact. The third distinction was that Homolka had already been found guilty of manslaughter; whereas MacDonald had not been convicted or acquitted of the homicide at the time he was prosecuted for murder⁷. Galligan concludes by stating that Karla Homolka complied with the resolution agreement and that it would be clearly inappropriate to take any further proceedings against her in the deaths of Leslie Mahaffy or Kristen French.

Galligan states that the second opinion expressing an interest in securing more proceedings against Karla Homolka came from Dr. Alan Young, professor at Osgoode Law School. He suggests that, "*Homolka was less than forthright with respect to the information which she provided to the police in her induced and cautioned statements*" (Galligan Report, 1996:197). Galligan quotes from the letter Alan Young wrote,

"However, I also believe that Ms. Homolka manipulated and misled the Ministry of the Attorney General and was therefore able to secure a sentence which did not take into account her full involvement regarding the deaths of T. Homolka, L. Mahaffy, and K. French. In addition, there were other sexual assaults committed by Ms. Homolka which were not disclosed prior to her being sentenced in July 1993" (Young, 1995 cited in Galligan Report, 1996, Appendix G: 341-342).

⁷ The *Canadian Criminal Code* [s. 610 (2)] specifically sets out that one cannot be charged for murder after having been either acquitted or convicted for manslaughter with respect to the same homicide.

Dr. Young argues that Homolka deliberately hid the full extent of her involvement in the crimes. However, Young did not have full knowledge of Homolka's documented amnesia, without which it would have been easy to reach the conclusion that she was fraudulent in her claims. Due to her medically diagnosed amnesia, it is accurate to state that Homolka did disclose all of her involvement and knowledge truthfully. Especially pertinent to support this, is the fact that before,

"the resolution agreement was entered into Karla Homolka had disclosed the full details of her sister's death and of the roles which she and Paul Bernardo played in it. Until that disclosure, the police did not know that they had caused her death or that Tammy Homolka had been sexually assaulted by both of them" (Galligan Report, 1996:199).

The amnesia, which prevented the charge of perjury, also prevents a finding of fraud with respect to her disclosure of the sexual assault on Jane Doe. Galligan submits that *"fraud connotes an element of deliberate dishonesty"*, which is countered by her documented amnesia (Galligan Report, 1996:200).

We will now look at the second sub-theme under the angel / devil dichotomy. It is here that I will present evidence supporting the construction of Homolka as being more humane in her treatment of the victims when compared to Paul Bernardo as being a mitigating factor in her understanding her actions and in her sentencing.

2.2: Homolka: More Humane than Paul Bernardo

Segal concedes that while Leslie Mahaffy was confined in the couple's home, Homolka began to ask Mahaffy a series of questions by whispering questions to Bernardo who would repeat them for Mahaffy to hear and answer. This indicates that Homolka showed interest in Mahaffy as a person rather than simply as the object of sexual domination, which is how Bernardo regarded and treated his captives. This more humane side of Homolka was again demonstrated when she requested that Mahaffy be sedated with sleeping pills, before Bernardo strangled her. Homolka also gave Mahaffy a stuffed animal to hold onto, in a minor attempt to comfort their victim. While Homolka's criminal conduct cannot be ignored, it should be noted that her treatment of the victims did differ from Bernardo's. In a sense, she regarded them as human and although she participated in the attacks, did not desire for them to suffer, as did Bernardo. This attempt at humaneness during the perpetration of violent crimes softens the construction

of her character as that of the categorically evil and *dangerous* woman. It would however, be inappropriate to construct her as a humanitarian or even sufficiently empathetic to the situation of her victims, but it is clear that her actions provide evidence against the social construction of her character as wholly unfeeling or indifferent.

Houlahan tries to highlight how Homolka treated the victims as persons rather than as sexual objects by pointing out that Kristen French stood up to Bernardo on Homolka's behalf.

Q: The accused appears to be asking you for something, he called you a, "F'n idiot"?

A: Yes.

Q: Can you comment on that?

A: He told me to bring him a Kleenex, and when I brought him one that wasn't enough so he called me a "fucking idiot". And Kristen said: "I don't know how your wife can stand being around you." And he told her "shut up", and she said "okay" and did. And then he told me to turn the camera off" (R. v. P. Bernardo, 1995:824).

This suggests that even Homolka's victim differentiated between she and Paul Bernardo with respect to who was the more *dangerous* and threatening individual. While there is no doubt that Kristen French disliked Homolka and loathed her participation in the sexual assaults, she does acknowledge the abuse Homolka experienced. This is reminiscent of Jane Doe's position; she believed Homolka to be involved only because of the influence of her abusive spouse⁸. It is difficult to accept the social construction of Karla Homolka as a *dangerous* woman when two of her victims recognize her participation as being forced or coerced rather than willing.

Tellingly, Justice Galligan submits the wishes of Jane Doe herself. Jane Doe is quoted as saying that she did not want further charges to be laid against Karla Homolka. Galligan presents the two reasons she gave for why she didn't want Karla Homolka to be charged,

"The first was that, in her heart, she knew that Paul Bernardo was the bad person. She told us that Karla Homolka was her friend and then said, 'she had to do what she did, not because she wanted to, but because he made her do it.' Her second reason was that now she just wants to be left alone" (Galligan Report, 1996:211).

Doe recognizes the abuse that Karla Homolka endured and does not blame her for the sexual assaults; in fact, she still refers to Homolka as her friend. While legal

⁸ Please refer to the analysis of the Galligan Report for a more extensive explanation of Jane Doe's feelings toward Karla Homolka's involvement in the sexual assaults perpetrated against her.

professionals, journalists and much of Canadian society wish to equate Homolka's behaviour with Bernardo's and socially construct her as Canada's most *dangerous* woman, one of her victim's forgives her and does not assign equal blame for her participation in the sexual assaults. Some may argue that Homolka has manipulated her victim in an effort to demonize Paul Bernardo. I submit that Jane Doe is an active agent, and is fully capable of evaluating the roles played by Homolka and Bernardo.

The third and final sub-theme under the angel / devil dichotomy is that Karla Homolka was constructed as a "*Super Bitch Killer Beauty*". This term is used to describe how violent women are socially constructed as manipulative with respect to their femininity. This sub-theme is used as an aggravating factor, linking Homolka's femininity to her criminality.

2.3: Homolka: The "*Super Bitch Killer Beauty*"⁹

Mr. Segal presented aggravating factors to be considered when sentencing Homolka and took this as an opportunity to submit that,

"What Your Honour has before you in my respectful submission, is conduct that represents the depths of human behaviour. Three young innocent lives have been ended in a shocking fashion. It is submitted that you have before you an entire breakdown in the basic moral code by which society operates. What sort of person would agree to placing her sibling's life at risk. The cumulative destruction is unprecedented. Unfortunately whatever immediate hope the victims had must have centered on Karla Bernardo. In this respect she totally failed, which brings us here today" (R. v. K. Bernardo, 1993:68).

Segal describes Homolka's conduct as representing the "*depths of human behaviour*". He contrasts the purity of the "*innocent victims*" against Homolka's evil nature. Segal's statement that this case is an example of "*an entire breakdown in the basic moral code by which society operates*", removes Homolka as a legitimate member of society. By this process, she becomes inhuman and a non-woman, incapable of morality and 'appropriate' feminine behaviour. In that she is constructed as without morals, she is constructed as evil and without conscience. This construction of the woman as the personification of

⁹ The term "*Super Bitch Killer Beauty*" was conceptualized by Karlene Faith, in 1993. Please refer to the bibliography for the full reference.

evil and as not-woman, coincides with Naylor's six thematic descriptions of female violence explored in the literature review (Naylor, 1995).

Segal again implies that Homolka is a non-woman when he questions "*What sort a of person would agree to placing her sibling's life at risk?*". His statement that "*the cumulative destruction is unprecedented*", suggests that Homolka's actions and the crimes themselves, are the most vicious and destructive in Canadian criminal history. While one cannot deny the severity of the crimes, it seems unrealistic to state that they have been *the most* destructive in Canadian history.

Is it because there was a female accomplice in a series of sexually motivated homicides that made this case more distinctive and more destructive? Is it Homolka's participation in the crimes, which has indicated her transgression of the traditional gender scripts of what it is to be a woman and to be feminine, that has made this case more destructive? In stating that all the hope the victims may have entertained rested on Karla Homolka, and that "*in that respect she totally failed*", Segal presents Homolka as morally bankrupt, indifferent and narcissistic. Her inaction regarding her victims' plight, all the while knowing their fate, shows Homolka's character to be narcissistic. Segal paints her as the only possible lifeline the victims had, and goes as far as to suggest that Homolka's failure to save or free the girls is worse than Bernardo's actions of abduction, rape, and murder.

Interestingly, during Homolka's sentencing, Kovacs considers the constant publicity surrounding the case as an aggravating factor. Kovacs proposes that while it was not the accused herself who engaged in the publicity, she is ultimately to blame for it since her actions solicited it, increasing the traumatic impact that the publicity has had on the victim's families. I suggest that, although the very nature of the crimes has attracted the media attention, the fact that a woman was involved in a series of sexually motivated homicides, accounts for the increase in coverage. It is still regarded as more shocking when a woman commits a crime of this nature, because she is transgressing the traditional and thus normalized gender scripts. Sensationalistic media attention may be a common result of a woman's involvement in traditionally male crimes. By assigning guilt to Homolka for a third party's actions and including this as an aggravating factor, Justice Kovacs is *de facto* punishing Homolka more severely because of her sex.

In order to construct Homolka as the “*Super Bitch Killer Beauty*”, Rosen describes how Homolka lured the unsuspecting Kristen French to the car.

Q: Okay. And you didn't just call her over to the car, but when she got there, she was greeted by that blond hair and smiling face that we've seen on these videos, isn't that right?

A: No that's not right.

Q: That friendly face, isn't that what happened you greeted her with a friendly face, didn't you?

A: Yes, I did.

Q: Yes. And a sweet voice asking innocently for directions, right?

A: That's your interpretation.

Q: I mean that's what you – as far as this poor girl knows, when she approaches that car, that's what she's greeted with, a honey voice asking innocently for directions behind a smiling blond hair, right?

A: I'm not going to agree to honey voice or innocent anything I asked her for directions, yes, and that's it.”

(R. v. P. Bernardo, 1995:1995-1996).

Rosen describes Homolka using phrases such as, “*honey voice*”, “*innocently*”, “*smiling face*”, and “*blond hair*” to construct Homolka as manipulative and deceitful. He is describing her acting sweet and nice in order to lure Kristen French, so she and Bernardo would be able to abduct her more easily. His description of her behaviour as smiling and innocent, with a ‘honey sweet voice’ is then compared to her construction as the evil and dangerous woman capable of abduction, rape and murder. He is suggesting that she is using her ‘ultra-feminine’ ways to lure an innocent victim. Rosen is implying that she was more easily able to lure an unsuspecting victim because of her attractiveness and feminine wiles. Therefore, he leaves the reader questioning, Would French have gone over to the car had she not been so attractive, or had she not used her “*honey voice*”? Rosen then constructs Homolka to be even more dangerous because she is able to manipulate and deceive others by using her femininity for evil.

The next section entails the third umbrella theme, the Madonna / whore dichotomy which has been used to examine how the concept of female sexuality is constructed in light of their criminality.

3 Madonna / Whore

The three sub-themes that emerged under the Madonna / whore dichotomy are:

(1) Homolka was constructed as not-virtuous; (2) Homolka's sexuality is constructed as deviant and as linked to her criminality; and (3) Homolka was constructed as the

"Compliant Victim of the Sexual Sadist". We will begin by examining how Homolka was constructed as not virtuous as a result of her sexuality being construed as deviant.

3.1: Homolka's Sexuality: Not Virtuous

Homolka states that Bernardo started referring to her as a slave and she too would begin referring to herself as both his *"little slave"* and as his *"sex slave"* (R. v. P. Bernardo, 1995:79). Homolka testified that she was his 'slave' because she did everything for him and that failure to do so led to verbal abuse, threats or physical abuse. Houlahan presented some of the love notes that Homolka wrote to Bernardo, questioning the validity of her account of the sexual relationship being coerced,

"Houlahan: It says: Upon redemption of this coupon the bearer will receive one cute blond seventeen year old girl to put on her knees between his legs to pleasure him as he has never been pleased before. This coupon is good from now until forever. No limit on redemptions....."

Another coupon: When presented you indicate your name and you'd ...perform sick perverted acts upon Paul Kenneth Bernardo. These acts maybe [sic.] chosen by the recipient of the coupon."

(R. v. P. Bernardo, 1995:107).

Homolka admits that in the beginning she enjoyed the sexual aspect of their relationship, but that over time it became coercive and abusive. She stated that Bernardo's increasingly deviant sexual desires troubled her, as she was forced to engage in sexual activity that she did not enjoy solely for his satisfaction. Houlahan quotes another one of her letters,

"Q: You say: You know what I love? Having you make love to me on my bedroom floor with my parents in the next room. Having you ram it inside me making me gasp for air...Now why are you saying these things?"

A: Um, again, he wanted to hear things like that, and it was also true at the time.

Q: What was true?

A: That I loved him, and I loved having sex with him."

(R. v. Bernardo, 1995:112).

Homolka stated that she would write letters of this nature because it sexually aroused Bernardo and because she was beaten if she did not write them. In this sense, she is defining her sexuality in accordance with his sexual fantasies. Her actions and words are planned to appease Bernardo. In this line of questioning, Houlahan constructs Homolka as a woman who succumbed to her sexual urges and who engaged in increasingly deviant sexual activities, becoming the archetype of the 'whore'.

John Rosen constructed Karla Homolka as sexually deviant and as a woman who would use her sexuality to get what she wanted from men. Upon leaving Bernardo, Homolka went out dancing with her aunt and ended up meeting a man. Rosen uses this to portray Homolka as being a 'whore', implying that no good or virtuous woman would engage in sex with a mere stranger.

"Q: There it is in your calendar: Saturday, February the 6th, 1993, Sugar Shack. You were back there at that bar looking for Mr. Hutton, weren't you?"

A: Yes.

Q: And he was there lookin' for you, wasn't he? Because it bothered your conscience so much that after you left the Sugar Shack you went to O'malley's till closing time, and then you went to his friend's house and you spent the rest of the night with him and you had sex with him, right?"

A: Yes."

(R. v. P. Bernardo, 1995:1031)

While having nothing to do with either her involvement in the crimes or with Paul Bernardo, Rosen questions Homolka with respect to her sexual history. By constructing Homolka in the model of the 'whore', Rosen seeks to discredit her testimony. In the end, his reasoning suggests that a sexually active woman is not to be trusted.

John Rosen's cross-examination of Karla Homolka seriously questions the appropriateness of her sexuality. He constructs her as a sexually rapacious woman and implies that because of this she is a *dangerous* woman.

"Q: Okay. Well, let's do that. Now, your relationship with Paul Bernardo was founded on sex, wasn't it?"

A: I would not say that.

Q: It was founded on sex and it was driven by your desperate desire to marry the man that you thought was a good catch, and that you were sexually compatible with; is that right?"

A: No, that's not right.

Q: That's not it?"

A: No, that's not it. There's a lot more to it than that."

(R. v. P. Bernardo, 1995:1051)

Mr. Rosen is suggesting that it was Homolka's sexually deviant nature that drove her to remain in the abusive relationship. Rosen's vague suggestions that Homolka enjoyed the sado-masochistic sexual encounters that she claims were forced on her, also imply that she willingly participated in the sexual torture of Tammy Homolka, Leslie Mahaffy, Kristen French and Jane Doe. Rosen highlights specific incidents where she and Bernardo engaged in sexual intercourse while others, such as her friends or parents, were

close by or in the next room to support his construction of Homolka as a sexually deviant woman, who is not to be trusted.

At one point during his cross-examination Mr. Rosen questions Homolka about how often she and Paul Bernardo engaged in sexual intercourse during the beginning of their relationship.

“Q: This is a guy, this is a guy who every single date ended up in the car or in the bedroom, your bedroom?”

A: Not every single one. The majority of them, but not every single one.

Q: Well maybe when you were incapacitated; you had that monthly cycle, but every other time, every time he came down, sometimes two and three nights a weekend you’re in bed with him right?”

A: Yes.

Q: And you’re trying to tell us with this mad passionate romance going these letters being written, your expression of your undying love that you and he aren’t exploring each other’s bodies and seeing what turns each other on, and how you can make better love to each other? Do you really expect us to believe that?”

A: I was 17. I was 17 years old and I was afraid to do it.

Q: Oh, are you sure you didn’t do it with Doug Liddel when you were down in Kansas?”

A: Yes, I’m sure.”

(R. v. P. Bernardo, 1995:1113-1114)

Rosen’s assertion that she and Bernardo engaged in intercourse upon every meeting unless she was “incapacitated” and had her “monthly cycle” is at best inappropriate and demeans her femininity by equating her menstruation as a debility. Homolka stated that she was young and afraid of performing fellatio upon Bernardo at the beginning of their relationship, but Rosen mocks her response by questioning her sexual history and her sexual relationship with her ex-boyfriend.

Rosen proposes that Homolka deceived Bernardo by telling him that she was a virgin and that this deception caused a rift between the couple. Homolka denied ever telling him that she was a virgin, but Rosen arbitrarily refused to accept her testimony. The importance of knowing whether or not she was a virgin when she became involved with Bernardo is unclear, but Rosen’s persistent questioning constructs her as both untrustworthy and as a characteristic of the ‘whore’. His insistence that she lied about being a virgin suggests that she was trying to construct herself as the Madonna. The focus on her virginity, during Paul Bernardo’s trial shifts the gaze of the jury away from Bernardo and onto Homolka.

In one of her letters to Bernardo Homolka writes that she wants him to “abuse her” and “dominate her the best he can” (R. v. P. Bernardo, 1995:). Rosen presents this

as evidence that she desired the sexual relationship to be violent and that she had sado-masochistic tendencies. Rosen is continuing to question Homolka's morality through her sexuality, constructing her as sexually deviant implying a willingness to participate in the sexual assaults. While Homolka stated from the beginning of the trial that she willingly engaged in sex with Bernardo early on and that she wrote many letters that demonstrated that sexual aspect of the relationship, she also wrote several letters to appease Bernardo and to prevent beatings. It is clear within the literature that battered women tend to adopt survival strategies in order to prevent beatings. This includes adopting the philosophies and the language of their abusers in order to verbally agree with them and appease them. Self-degradation and acceptance of her submissive role obviously appeased Bernardo, explaining Homolka's adoption of this discourse as a proactive battery prevention strategy.

In the next section we will examine the second sub-theme, that Homolka's sexuality was socially constructed as deviant and as inexorably linked to her criminality.

3.2: Homolka's Deviant Sexuality: Linked to her Criminality

John Rosen constructs Homolka as being a *dangerous* woman and refuses to accept her testimony that she was "bludgeoned" into participating in these sexual assaults and homicides. While Homolka has insisted that the only existing videotape showing her true feelings is the one of the sexual assault on Tammy, Rosen disregards this as untrue:

Q: You take the hand out, and you wipe it on the bed because it has blood on it, and he's telling you to lick it, and you don't want to lick your sister's menstrual blood, right?

A: That's not why I wiped it off.

Q: And that's why you said, "Fucking disgusting" when he forced you to put your face between her legs because you knew she had her period, and the one thing you weren't going to do was lick her if she's bleeding even if it is at the beginning or the end of her period?

A: That is a lie.

Q: Yes?

A: That is a lie.

Q: Thank you for – because you see, Miss Homolka, your whole story, the whole basis of your evidence is based, is founded on your assertion that you were forced to commit these perverted acts on your sister, right?

A: That's the truth.

Q: But that's the whole basis of your position?

A: That's the truth.

Q: And that you were forced to do it, that you said, "fucking disgusting" that he beat you for it, and that, therefore, everything that follows has to be looked at with that explanation, right?

A: Yes, that's the truth.

Q: Okay. But if it turns out, as we analyze the video, that the real reason that the kinky sex that you and he were into soured because your sister had either the beginning or the end of her period, and you didn't want to taste her vaginal blood, that's a different complexion, isn't it?

A: That's not the truth."

(R. v. P. Bernardo, 1995:1448-1449)

Here Rosen constructs Homolka as both a liar and as *depraved*. This line of questioning seeks to undermine the basis of Homolka's testimony and plea agreement. Rosen constructs Homolka's testimony as phoney and instead suggests that the tape demonstrates her appetite for "kinky sex". In his mind, the only reason for her outburst was the fact that her sister was menstruating. Rosen is shifting the focus of concern from the accused, Paul Bernardo onto Homolka so that she becomes the centre of the case. By making Homolka the centre of attention, Rosen hopes to paint Homolka as being, at the minimum, equally guilty of the crimes.

In terms of the sexual assault on Leslie Mahaffy, Rosen submits that Homolka was not a forced participant but rather a very willing and active agent. In that Homolka had been instructed to remain quiet and hidden for the first portion of Mahaffy's confinement, Rosen suggests,

"Q: And you know that while you're waiting she's being vaginally and possibly anally assaulted, correct?

A: Yes.

Q: And you know that the last thing in the world that you would want to do would be to have sex, oral or otherwise, with another woman who had been vaginally and or anally penetrated, isn't that right?

A: The last thing I would want to do would be to have sex with a woman period.

Q: Because that's when you went off to make your chicken and broccoli while she went into the bathroom to clean up so she wouldn't be yucky for you. Isn't that right?

A: No, that's not right."

(R. v. P. Bernardo, 1995:1753)

Again, Rosen associates what he sees as Homolka's *dangerousness* and sexually deviant behaviour. Rosen is preparing a defence for Bernardo, depicting him as secondary and Homolka as the one in charge. Rosen is implying that it was Homolka who was calling the shots and ultimately that she was the more *dangerous* and sexually deviant of the two.

Among the most damaging pieces of evidence was a videotape Bernardo and Homolka made of them engaging in sexual intercourse, after Tammy's death. In it, Homolka plays the role of her younger sister. During part of the video, Homolka is quoted as saying "I loved it when you fucked my little sister. And I loved it when you

took her virginity." (*R. v. P. Bernardo, 1995:278*). When asked why she said that, Homolka responded that it was because she knew Bernardo desired her to and that she did not want to be punished for ruining another videotape. There is a portion of the videotape where Homolka looks unhappy, but when she notices that the camera is still on, she looks and smiles. Her claim has been that Paul Bernardo had trained her to do so, under the pain of being beaten. Homolka relinquishes her agency in these responses, clearly positioning herself as a battered woman doing and saying whatever she judged necessary to survive.

Houlahan asks Homolka directly about how she felt about participating in the sexual assaults on Leslie Mahaffy,

"Q: Did you ever derive any physical or sexual pleasure from anything that occurred in this segment?"

A: Not at all.

Q: And why do you say that?

A: Because I don't enjoy doing things like that."

(R. v. P. Bernardo, 1995:279).

Homolka responded concisely to Houlahan's very direct questions. She is attempting to separate herself from Bernardo and from his desire to sexually assault young women. Throughout the In Chief examination, Houlahan asks Homolka if she enjoyed engaging in the sexual assaults of her sister Tammy, Leslie Mahaffy, Kristin French, and Jane Doe. Her answers remain consistent as she categorically denies deriving any pleasure out of these acts. His focus on her sexuality and the possibility of her sexual pleasure as a result of the assaults is problematic. While it is not Homolka who is on trial, her sexuality remains the object of repeated questioning. In anticipation of what the defence was going to propose, Houlahan may have been trying to put it to the jury that it was not for Homolka's sexual appetite that these crimes were committed.

Rosen presents part of a dialogue taken from one of their videotapes, to associate his construction of Homolka as sexually deviant and as evil and *dangerous*:

"Q: And just to finish this part off, you see, it wasn't just a script or a fantasy that you were dealing with in January of 1991 when the two of you talked about Tammy. Down in the rec room the fire is going, you're naked; you're having sex and you say, "I have something special for you." And he says, "Yeah." You say "Mm Hmm." He says, "Like what." You say, "Like this." And then you take out Tammy's underwear and say Tammy's underwear and say, "Tammy's underwear. To rub all over your body. Make you feel so good." Do you remember that part?"

A: Yes, I do.

Q: And, "so glad you took her virginity Paul." 'I wish I had four hands.' And he says, "Yes, that's good." And you say, "Oh it feels so good. I never want to forget the time that you took her virginity. When you popped her hymen." He says, "Best orgasm ever." "What did it last sixty seconds?" He said, "Oh, yeah so intense.", and you say, "You loved her. She loved you. She loved it." He says "I'm dying to fuck her more." And what do you respond to that? "Do you remember that. Taking her virginity in July. And again in December. When you fucked her again only I was with you this time. And the things that I did. You know I loved it."
(R. v. P. Bernardo, 1995:1345)

This excerpt clearly constructs Homolka as being *dangerous* as a result of her sexual deviancy. Rosen is trying to discredit Homolka by stating that she consistently lied about the first sexual assault that was committed against her younger sister. Homolka states that this narrative was only a story used for his benefit as part of the fantasy they engaged in during sex. She contends that she only picked the July date because it was a time that Paul and Tammy were alone. While it is not the purpose of this thesis to attempt to assign innocence or guilt, it is very difficult for any sceptical individual to accept Homolka's account of the events. If she is indeed lying, her motives remain unclear since her plea agreement offers her protection from further prosecution. Homolka's narrative, if untrue paints a very different picture than she has presented throughout the case, it suggests that she willingly engaged in the sexual assault on Tammy, giving weight to Homolka's character as evil and *dangerous*.

Dr. Long was of the opinion that it was Homolka's belief that she would be the next to die. Dr. Long opposes the construction of Karla Homolka as sexually deviant by nature or desire. He indicates that she would not of her own volition react aggressively toward others as a result of the abuse Bernardo expressed against her. He writes that,

"Neither was there evidence of masochistic tendencies in terms of finding pleasure by being hurt herself nor her observing the suffering of others. It is believed that she was sufficiently hoodwinked and intimidated by Paul Bernardo that she found herself in a compromising position as a result of a sequence of experiences with him that escalated in the intensity of their deviousness and severity. This reached a climax with the death of her sister and, from that point on, she believed that she was trapped in the same manner that an abused wife considers herself to be trapped and then having to fend for her life. It is not intended to excuse her morally for the part she played in the illegal acts they carried out" (Galligan Report, 1996:80-81).

Dr. Long stated that Homolka had developed submissive rather than passive coping techniques, which is why Bernardo was able to manipulate and gain control over her (Galligan Report, 1996). Dr. Long's diagnosis supports Homolka's claims that she was

forced to participate in the crimes. This excerpt demonstrates the legitimacy of Galligan's construction of Homolka as being Bernardo's victim. Dr. Long concludes his assessment by stipulated that although the abuse she experienced explains her actions and should be considered a mitigating factor therein, it cannot be used as a mitigating factor to excuse her morally for what she has been party to. In that her morality is questioned and brought into the analysis, it is referent to how the morality of violent women is traditionally questioned, suggesting them as evil because of their participation in violent crime.

The third and final sub-theme under the Madonna / whore dichotomy explores how Karla Homolka was constructed as the "*Compliant Victim of the Sexual Sadist*".

3.3: Homolka: The "*Compliant Victim of the Sexual Sadist*"¹⁰

Hazelwood's (1993) study on "*The Compliant Victim of the Sexual Sadist*" was included in the appendix of the Galligan Report and assists in explaining Homolka's participation in the crimes. Hazelwood (1993:477) suggests that,

"Having met, seduced, and transformed a 'nice' woman into a sexually compliant and totally dependent individual the sadist has validated his theory of women. The woman is now a subservient, inferior being who has 'allowed' herself to be re-created sexually and has participated in sexual acts that no 'decent' woman would engage in, thereby confirming that she is a 'bitch' and deserving of punishment."

Hazelwood's study proposes that although rare, Homolka's behaviour and compliance with Bernardo's wishes is not the first of its kind. According to Hazelwood's theory, Homolka's compliance constitutes a technique of self-defense. Her ability to harm others in order to try and protect herself is linked to this technique of self-defense. Hazelwood concludes by indicating that where the Battered Woman's Syndrome should be recognized as evidence supporting the claim of self-defense when the victim murders their abuser, the compliant victim of the sexual sadist can only claim a diminished responsibility for their criminal activity.

In his list of aggravating factors, Segal constructs Homolka as an active agent in the pre-meditation of the crimes. Her agency is constructed as fully developed and it suggests that she was in an equal partnership with Bernardo. This view again denies her

status of victim. In trying to balance Karla Homolka's actions against the psy-explanations, Crown counsel admits that she did not act alone and "*was under the influence of powerful influences*" (*R. v. K. Bernardo, 1993:*). This statement shows that the Crown recognizes Bernardo's influence on Homolka, in so far as her actions were recognized as the result of his control over her. As Hazelwood (1993) has stated, the compliant victim of the sexual sadist cannot be treated in the same fashion as a battered woman who lashes out against her abuser. It is not a defense, but an explanation that warrants a slightly diminished criminal responsibility.

Homolka's account of her role within the union is especially in that she describes her role as one for "*providing sex, serving him, and treating him well*" (*R. v. K. Bernardo, 1993:244*). Through physical, psychological, and sexual torture Bernardo was able to mold Homolka into a sexual and domestic slave. She was not in a partnership, occupying an inferior position in an unequal and violent relationship. She describes her sexuality as being his possession, suggesting she has lost ownership of her own body. The sexual aspect of their relationship became focused on fulfilling Bernardo's increasingly deviant sexual fantasies, thereby ignoring Homolka's sexual desires or needs. Homolka is suggesting that her body became a vacuous entity for Bernardo to control and use at will.

Homolka describes the beginning of their sexual relationship as being normal, involving only vaginal intercourse. After a few months he began demanding that she call herself degrading names during sex, in order to arouse him. Homolka describes how he scripted her,

"A: He made me call myself – um, specifically what he would say, or what he wanted me to say was: My name is Karla. I'm 17-years old. I'm your little cock sucker. I'm your little cunt. I'm your little slut, and I would have to repeat that until he told me to stop." (*R. v. Bernardo, 1995:31*).

He would also demand that she say that she hated her ex-boyfriend during sex, while professing love for him. In presenting this information to the jury, Houlahan is attempting to characterize Homolka as a victim similar to Mahaffy and French. Bernardo required that they both repeat similar scripts and express hatred for their boyfriends during the sexual assaults. In the beginning of their relationship she complied

¹⁰ The term "Compliant Victim of the Sexual Sadist" was first conceptualized by Hazelwood, in 1993.

voluntarily. In this sense, Houlahan constructs her as a woman who willingly engaged in deviant sexual fantasies and who used her sexuality to appease her man. Shortly thereafter, Homolka describes how their sexual interaction became one sided, wherein he *"stopped caring about what I wanted, and how I felt and what I needed sexually, and it was all for him. We would do what he wanted, when he wanted it, how he wanted it"* (R. v. P. Bernardo, 1995:31). Bernardo became very angry and jealous that she was not a virgin for him and this caused problems over the course of their relationship and resulted in several beatings for Homolka. Bernardo wanted Homolka to be the Madonna because it aroused him to pretend that he was able to sexually corrupt her and turn her into the whore. In that Homolka is described as being both the Madonna and whore, we can see how the sexuality of 'violent women' is still used to explain their behaviour.

Houlahan questions Homolka about anal intercourse, knowing that it was a method Bernardo used to instill fear in Homolka and both of their young victims.

A: Yes, um, he had decided that he wanted to perform anal intercourse on me.

Q: And what did he say about that and why he wanted that, if anything?

A: He told me that because I wasn't a virgin for him this would be a good way to make up for it and that he had never done it either, and this would be something that he and I could do together that neither of us had ever done with anybody else.

Q: How far into your relationship did he ask you to do this?

A: Probably approximately six or seven months...

Q: How often did this occur?

A: Um, it varied. He -- approximately once a month or so. It wasn't always regular, it became more frequent in the end of the relationship and he used it as a threat a lot of times.

Q: Why would he use it as a threat?

A: Because he knew it was very painful and I didn't like it.

Q: What about your -- your role in this sexual relationship, was he always satisfied with your role or not?

A: Um, no, he wanted me to -- started wanting me to pretend to other people later on in the relationship."

(R. v. P. Bernardo, 1995:32-33).

Homolka's testimony that *"he decided that he wanted to perform anal intercourse on me"*, separates what should be a joint decision and activity into one that is one sided and demonstrative of his power over her. She explains that although the act was painful for her, he continued to want to do it and, in fact, wanted to do it more frequently. Anal sex became one of his tools to instill both fear and compliance in her. Houlahan presents one

of her letters in an attempt to understand why she engaged in anal intercourse if she didn't want to,

"Q: That second last paragraph from the bottom, you say, 'Speaking of presents I have some really great things planned for your belated birthday celebration. I really don't like the one thing I'm going to do for you, but that's what birthdays are about. Doing things for the birthday person whether you like it or not.' What are you talking about there?"

A: Anal sex.

Q: Were you gonna perform – allow him to perform anal intercourse with you as a birthday present for him?"

A: Yes"

(R. v. P. Bernardo, 1995:153).

In the beginning she was coerced into participating in anal sex, but it quickly turned into a defense mechanism, wherein she would participate in order to prevent a beating. Bernardo would also use it as a punishment and would make her thank him after he had finished. His sexual appetite continued to grow and deviate and he pushed her to engage in role-play. This included demands that she pretend to be her sister Tammy Homolka, Leslie Mahaffy and Kristen French. Homolka, as a result of her compliance, became a tool to help satisfy his sexual appetite and as a result she is constructed as being sexually deviant and thus as non-virtuous.

Foreshadowing the grim events that were to come, there were also photos of them having intercourse while he was holding a cord tight around her neck. Homolka describes the pictures,

"A: There's also a photograph where I'm lying on my back, my hands are handcuffed and I'm gagged.. His idea again.....he's hold it tight behind my head, like he's choking me and as he's having sex he's holding a knife at my head".

(R. v. P. Bernardo, 1995:38).

Homolka testified that the pain the choke collar caused her, aroused him. She stated that he would often punch her during sex, if she were not arching her back as much as he wanted her to. Houlahan elicits an image of Homolka as the compliant sexual slave, willing to do whatever her partner asked of her in order to keep him happy and to prevent a beating. In this sense, Houlahan constructs Homolka as sexually deviant, but in a way where she is using her sexuality not to manipulate but in a proactive attempt to arrest the physical abuse she is experiencing.

During his cross-examination, John Rosen interrogates Homolka about her daily sexual activity with Bernardo and about her ability to exercise control over that domain.

"Q: Did you ever say to him, you know, in this period from December the 24th of 1990 until this video is made, did you ever say to him. 'You know, honey, no sex, I'm not in the mood'?"

A: I never denied Paul.

Q: No?

A: I was his property."

(R. v. P. Bernardo, 1995:1498).

In trying to construct Homolka as a sexually deviant woman, Rosen is garnered with the response that Homolka viewed herself as the property of Paul Bernardo. She is clearly constructing herself as woman with no agency and no control over her own sexuality and, in fact, that her sexuality is the possession of another. Rosen counters Homolka's claims by showing a video-clip of her nude and smiling at the camera, attempting to look seductive. He stated that in all of the videotapes, Homolka looks as though she is happy, as enjoying herself and as very willingly engaging in the sexual activity. Rosen constructed Homolka as characteristic of the sexually deviant woman, who by definition is *dangerous* in order to make her the focus of the trial, thus removing Paul Bernardo's actions from being that focal point.

Galligan presents the abuse that Karla Homolka experienced as fact, yet questions how that fear of her abuser would enable her to become an accomplice to a series of sexually motivated homicides. He asks the question that most Canadians must have asked:

"I must digress to say that I was very skeptical about her statements that she was subjected to violence and threats to the point where she was in such fear of him that she would do his bidding, no matter how monstrous, yet still loved him and would not rid herself of him. I was skeptical for two main reasons. The first is that help was in her home. She lived with her parents and could have gone to them for help. The second is that she gave the appearance to others, even intimate friends, that everything was wonderful between her and Paul Bernardo. It will be necessary to return to this issue later in my report but, for the moment, I will simply note that during the course of the inquiry I read a paper entitled "Compliant Victims of the Sexual Sadist". That paper has caused me to have an open mind on this issue because it documents similar phenomena occurring to women other than Karla Homolka" (Galligan Report, 1996:32).

This excerpt highlights a common feeling among Canadians, but Galligan differs in that he is willing to keep an open mind regarding Homolka's testimony of abuse as a mitigating factor that influenced her actions. In the end, Homolka did comply with his bidding and made every effort to keep the abuse secret. The article Galligan refers to describes seven different cases, where women became compliant victims of their partner,

whom were found to be sexual sadists. Bernardo has since been designated as a sexual sadist (*Galligan Report, 1996*).

In this article Hazelwood writes,

“One sexual sadist defined sadism in the following way: Sadism: the wish to inflict pain on others is not the essence of sadism. One essential impulse: to have complete mastery over another person, to make him-her a helpless object of our will, to become her God, to do with her as one pleases. To humiliate her, to enslave her are means to this end, and the most important radical aid is to make her suffer since there is no greater power over another person than that of inflicting pain on her to force her to undergo suffering without her being able to defend herself. The pleasure in the complete domination over another person is the very essence of the sadistic drive” (Hazelwood, 1993:478).

This passage is extremely important when trying to understand how Karla Homolka was socially constructed by different claims-makers within the legal realm. In realizing that Homolka was constructed as being simultaneously *dangerous* and *in danger*, one must question how a person can represent two images that are dialectically opposed to one another. This passage sheds light on the behavioural mindset of a sexual sadist like Paul Bernardo. His desire to dominate both his victims and his wife explains her construction as a victim, while her compliance in being a part of the sexual assaults and homicides, posits her as a *dangerous* woman.

4: Overview of the Analysis

Throughout this analysis, we have seen how Karla Homolka has been socially constructed into a myriad of ways by the different claims-makers, for various purposes. Those prosecuting her and those defending Bernardo were more likely to construct her as evil, *dangerous*, and as morally vacuous. These constructions came across as aggravating factors to be considered. Defense counsel for Homolka, Crown counsel prosecuting Bernardo, the presiding judges, and Galligan were more likely to submit mitigating factors to be considered when sentencing Homolka. In terms of our umbrella themes, several sub-themes emerged which support these conclusions. Under the woman *in danger / dangerous woman* theme, four sub-themes emerged: (1) Homolka's criminality is linked to her own endangerment; (2) Homolka was constructed as selfish and narcissistic; (3) Homolka is a unique challenge to CSC; and (4) Homolka was constructed as having received a “sweetheart deal. Under the angel/ devil dichotomy,

three sub-themes emerged: (1) Homolka was constructed as deceitful and untrustworthy; (2) Homolka was constructed as more humane than Paul Bernardo; (3) Homolka was constructed as a "*Super Bitch Killer Beauty*". Under the Madonna / whore dichotomy, three sub-themes emerged: (1) Homolka was constructed as not virtuous; (2) Homolka's sexuality was constructed as deviant and as linked to her criminality; and (3) Homolka was constructed as the "Compliant Victim of the Sexual Sadist".

From a feminist perspective it is important to acknowledge and respect the diversity across women. In terms of Homolka's discourse, we must be conscious of two key elements; first, that her discourse is confined by the power and politics of law and the courtroom setting, and secondly, that because of the nature of the crimes we must be aware of the possibility that she may deny or mitigate some of her responsibility. In other words, we must contextualize her status as both victim and victimizer. Although, as a feminist researcher it is imperative to recognize and accept her status as victim, which was denied by several other social agents within the three data sources. From a standpoint perspective we must listen to Homolka's discourse in order to come to a clearer understanding of the crimes and of her and Bernardo's roles in them.

Radical, and to a greater extent, cultural feminists look at how female sexuality is used to oppress women under the control of a patriarchal society. It is clear from the three data sources that Karla Homolka's sexuality was used to try and silence and discredit her testimony. The focus of Paul Bernardo's trial centered on Karla Homolka's sexual history and sexual deviancy, in an attempt to construct her as manipulative, deceitful and thus as untrustworthy. This fact must be addressed within the criminal justice system if women are going to be treated equally within the administration of criminal justice. If we allow women's sexual history and sexuality to be used as a point of contention within their testimonies then the patriarchal overtones of law will remain.

Another example of prejudice within this case occurs when Segal suggests that the Crown wishes it did not have to deal with Homolka in terms of the resolution agreement. This was corroborated by defense counsel's suggestions that Homolka received a 'sweetheart deal'. Rather than acknowledging the fact that resolution agreements are entered into every day across the country, the point is made that Homolka's resolution agreement is somewhat different and thus troubling. From a

feminist perspective, this factor highlights how under a patriarchal legal system, a female Crown witness who holds a resolution agreement for the crimes she is testifying about is by definition described as having received a sweetheart deal. It implies that although the male offender is deemed to be the more *dangerous*, and is thus not offered the resolution agreement, that the female offender is somehow equally as *dangerous*, regardless of the context of the situation. In this case, the result was an increase in the vilification of the female offender, Karla Homolka.

The next chapter will highlight the major findings and conclusions of this thesis. Suggestions for future research will also be presented.

Conclusion

The final chapter of this thesis will entail an overview of the major findings in order to position this research within the existing literature. This will be followed by a section devoted to linking the findings of this analysis to both the theoretical frameworks used as a guide for the critical examination, as well as the existing literature. The concluding portion of this chapter will be committed to presenting suggestions for future research, which will provide ideas as to how to continue to address the social construction and criminality of "violent women". The first section will begin by presenting an overview of the major findings and results of this thesis. An examination of the sub-themes will also be presented.

The Crown and defense counsels at both Karla Homolka's and Paul Bernardo's trial, Justice Kovacs and Justice Galligan all socially constructed Karla Homolka as representative of both of the two sides of what are supposed to be mutually exclusive categories or dichotomies and thus assisted in blurring our comprehension of her character. As a result, she becomes simultaneously the *dangerous woman* and the *woman in danger*. She is both innocent and evil, and she is both the Madonna and the whore. As suggested in the theory and method chapters, the categories within each dichotomy are not mutually exclusive, nor dialectically opposed to one another, but are dependent upon one another for their existence and definition. In reversing the power between the dominant and subjugated categories, the researcher is able to more accurately understand the social construction of Karla Homolka. These categories are dependent upon one another, in that we cannot understand the Madonna without comparing her to the whore.

Karla Homolka, within her own criminal trial, in Paul Bernardo's trial and in the Galligan Report was socially constructed as being simultaneously the two sides of each of the three dichotomies used as structural guideline for this analysis. In that she is constructed as both, we lose the clarity proposed by the idea of socially constructing her as representative of mutually exclusive categories. Our comprehension of her thus falters and she is pushed aside and isolated into a new third category of social construction. This means that Karla Homolka now comes to be representative of the newly emerging category of the *sexually violent female predator*, one that embodies each of the two sides

of these three dichotomies. In isolating Homolka by definition and understanding, from other 'violent women' we construct her as 'not-woman'. She is first isolated and differentiated from the general population as the result of her criminality. She is again isolated and differentiated from the population of federally sentenced violent women because of her participation in *sexually* violent crimes. She has been constructed as "monstrous" and "depraved" and thus as evil. She has been constructed as a non-woman because of her involvement in sexually violent crimes, as she has transgressed all social norms of femininity. Homolka has also transgressed the acceptable norms found within the 'inmate code', as sexual offenders are usually considered by other offenders to be on the bottom rung, within the institutions.

It is important to note chronologically, when these differing representations predominated. When we look at the time line we can see that Homolka's construction, as being *in danger* was predominant during the earlier stages of the investigation and within the media. As time passed, Homolka's construction as the *dangerous* woman began to dominate both the media representations and the investigation opinions of Karla Homolka. One must question why the social construction of her character shifted. One reason is clear; the police discovered the videotapes depicting her involvement in the sexual assaults against Tammy Homolka, Leslie Mahaffy, Kristen French and Jane Doe. They had been missed during the original police search of the home, and had been held for over a year by Paul Bernardo's first lawyer. By the time they had been turned over to the police, the resolution agreement between the Attorney General and Karla Homolka had already been entered into. Although Homolka had disclosed all of the information seen on the videotapes, physically viewing the images of her involvement in the sexual assaults would easily have influenced how the police viewed their witness. Of special concern was the image of Homolka smiling for the camera while engaging in the sexual assaults. While Homolka explained this was a trained reaction and a battery prevention technique, the police, the courts and media focused on this as symbolic of her guilt and *dangerousness*.

It can also be argued that the early acceptance of Homolka as being *in danger* coincides with traditional gender scripts. The 'victim status' appears earlier on because we are uncomfortable with the thought and reality of a woman being a sexual aggressor.

Denov's (2001) research on professional perspectives of female sexual offenders supports this notion. We initially disregard and try to explain away the actions of female sexual offenders as being less serious because of our inability to accept women in the role of the sexual aggressor. This coincides with the discovery of the videotapes mentioned above. Once investigators actually watched Homolka participate in the sexual assaults, they were forced to accept her involvement. The shift in the predominance of her representation from *in danger* to *dangerous* demonstrates how once we accept that a woman has participated in a sexual crime; we demonize her for her participation. Her status as *dangerous* comes to override her status as *in danger* thus causing us to deny her victimization.

The social construction of Homolka's character as representative of both the two sides of each dichotomy has resulted in a subsequent clouding of our understanding of her character as well as her role within the crimes. Therefore, we must pose several questions:

- 1.) How should corrections manage, detain and control this newly emerging category of the *sexually violent female predator*?
- 2.) More importantly, does or will corrections come to assess and manage other violent women more oppressively because of the fear of this new type of female offender?
- 3.) Is the case of Karla Homolka now being used as a yardstick or measuring rod, against which to compare other convicted violent women?
- 4.) Is this newly emerging category simply another way to construct violent women, one that falls in accordance with Naylor's six thematic descriptions outlined in the literature review? Is the category *sexually violent female predator* the seventh thematic description under which violent women are going to come to be classified?
- 5.) Will abused women who participate in violent crime continue to lose their status as victim, as was done in the case of Karla Homolka? Will the image of the *dangerous* woman override the image of the woman *in danger*?

- 6.) What are the implications for treatment and corrections when considering Homolka's status as a woman *in danger*? How do we manage and effectively assist women as victims, while trying to simultaneously treat them as victimizers?
- 7.) If we lend more weight to the construction of a violent woman as *in danger*, do we face the possibility of removing her agency and accountability? How do we balance these constructions, rather than allowing one to absolve the other?

When thinking about these questions, one must consider the fact that Homolka is very different from the "typical" female offender. The majority of women in prison are not convicted of violent crimes and even less are convicted of sexual crimes. The one similarity between Homolka and the typical female offender is that she is a victim of emotional, physical and sexual abuse. While not all women offenders are victimized, it is important to note that 86% of women in prison have experienced some form of victimization (). While Homolka can be considered a very atypical female offender her case is nonetheless recognized because of media sensationalism, which may impact how other women convicted of violent or sexual crimes are treated and managed within the correctional system. When one considers how atypical Homolka's case really is, it becomes *dangerous* to begin comparing her case with others and even more *dangerous* to use her as a yardstick to aid in managing other female offenders.

As proposed by Crown counsel, Murray Segal, had the Crown had in their possession the videotapes of the sexual assaults before they had made the resolution agreement with Karla Homolka, the deal would not have been entered into. Segal's statements suggest that the Crown did not accept Homolka's account of the events as she described them as factually true, wherein they believed she was more involved than she readily admitted. Despite the fact that Homolka provided forensic and other physical evidence with which to convict Bernardo, as well as evidence of her own involvement in crimes the police were not even investigating, her narrative of the events was not accepted as truthful or as validly deserving of a lesser sentence. Although her role was ultimately secondary, the desire was for Homolka to be punished at the minimum, as equally severely as Bernardo.

Homolka's status as a battered woman was also repeatedly questioned and dismissed as exaggerated or untrue. The fact that Homolka's claims of battery were

dismissed is unfortunately symptomatic of a major flaw in the criminal justice system. Women's accounts of abuse have historically been ignored, and although Homolka's crimes must remain the centre focus of her case, her status as a battered woman should not be ignored. The image of Homolka as a narcissistic liar was prevalent throughout Paul Bernardo's criminal trial, which resulted in a shift of the focus of the trial from Bernardo to Homolka. As a result Bernardo's trial focused more on her activity and behaviour than on his. Also problematic, was the fact that her sexual history was questioned and used in a strategic attempt by Paul Bernardo's attorney's to discredit her testimony. Although it violates the *Criminal Code of Canada* [s.276(1-3)] to enter in and question the sexual history of a complainant or witness (unless pertinent to the case at hand), Homolka's sexual experiences with men other than Bernardo were questioned and evaluated, in an attempt to discredit her as a witness and to characterize her as promiscuous. This was done in order to make Homolka's testimony seem less trustworthy, but also to keep the focus of Bernardo's trial on her rather than on him. This is symptomatic of a flaw in the administration of criminal justice, where a case involving a woman charged or convicted of a violent or sexually violent crime, cannot be evaluated without reference to that woman's gender and sexuality. In this case, the core of Paul Bernardo's trial focused on the sexuality and sexual history of Karla Homolka.

Each of the three overarching dichotomies represent opposing images of femininity, wherein the blurring of Homolka's character and persona also leads us to a blurring in the understanding of her femininity. Homolka's persona was constructed as being representative of both sides of each of the dichotomies and so she became removed from understanding as a woman. The construction and re-construction of Homolka's femininity became a tool with which the differing claims-makers attempted to either credit or discredit Homolka's testimonies. For example, defense counsel at Paul Bernardo's trial continuously tried to re-construct Homolka's character as being a sexually deviant and manipulative woman, whom could not be trusted. This was done in an attempt to portray her as a liar, whose testimony could not be trusted or believed.

Important to note is the age difference between Karla Homolka and Paul Bernardo as well as the age of the couple when they met. Homolka's 17 years compared to Bernardo's 23 years would make for a clear power differential between the two.

Homolka's youth and inexperience led her to be more susceptible to falling into a submissive role within the relationship. This combined with Bernardo's pattern of control and abuse of women created a master and servant dichotomy, which fuelled Bernardo's abuse of Homolka. Defence counsel for Paul Bernardo tried to focus on Homolka's sexual history as a way of discrediting her and as a way to combat the fact that she was susceptible to being coerced by her older boyfriend, to engage in increasingly deviant sexual activity. A young high-school girl dating a university graduate would clearly try to impress him by being submissive in order to be agreeable. Frequently, battered women report having begun dating their abusive partners at a young and impressionable age, wherein they report the relationship began with coercion before it graduated to abuse (Walker, 1979). A future research study should investigate this concept of age and power between men and women in abusive relationships, in order to more clearly present the effects of youth upon a woman's criminality.

Various sub-themes emerged from the data, which characterized more accurately how Homolka's persona was constructed as representative of the three umbrella themes or dichotomies. The woman *in danger / dangerous* woman was the main binary of analysis, under which five new sub-themes emerged: (1) Homolka's criminality is inexorably linked to her own endangerment; (2) Homolka placed her own welfare and that of Paul Bernardo's ahead of their victim's; (3) Homolka will present unique challenges to the Correctional Service of Canada; and (4) Homolka is constructed as having received a "sweetheart deal".

In terms of the second umbrella theme, the angelic / demonic dichotomy, which assessed how Homolka's morality was constructed in light of her participation in the crimes, three new sub-themes emerged: (1) Homolka's character was constructed as being deceitful and narcissistic; (2) Homolka's character was constructed as more humane than Paul Bernardo's; and (3) Homolka was constructed as a "*Super Bitch Killer Beauty*". With respect to the third and final umbrella theme, the Madonna / whore dichotomy, which assessed how Homolka's sexuality was constructed in light of her participation in the crimes, three new sub-themes emerged: (1) Homolka is constructed as a not virtuous woman; (2) Homolka's sexuality is constructed as deviant and as

inexorably linked to her criminality; and (3) Homolka was constructed as the “*Compliant Victim of the Sexual Sadist*”.

Important to note, is that all of the over-arching or umbrella themes as well as the sub-themes that emerged from the data, are interconnected and linked to one another. The fact that Homolka’s sexuality was constructed as deviant and linked to her criminality, her sexuality is ultimately construed as *dangerous*. Similarly, Homolka’s morality is constructed as being evil and devilish as the result of her participation in the sexually motivated homicides. Therefore her morality is constructed as *dangerous* because of her ability to commit this type of crime. Especially pertinent here is the fact that she was able to engage in a sexual assault upon her own sister, where as a result she was constructed as lacking any morals at all. Her involvement in luring and recruiting young women for Bernardo to sexually assault also gave credence to the construction of her character as being indifferent and as lacking any morals.

It was of the utmost importance to give weight to Homolka’s testimonies in order to allow her to maintain her subjectivity while engaging in the case study. Although it must be noted that while trying to give Homolka a voice, the context of that voice is clearly going to be constrained by law and courtroom where she was testifying. According to standpoint feminism, maintaining the subjectivity of the person you are examining allows you to give voice to the subjugated female party, whom has historically been studied without being listened to. Standpoint feminists use the narratives of the women under study and accept them as truths in the lives of those women (Evans, 1995). Rather than trying to generalize to all women, standpoint feminists attempt to account for the diversity of women. Smart views women’s expressions and opinions as superior to men’s because of female subjugation (1987). She contends that because of female subjugation, women are more accurately able to highlight the positions of both the oppressors and the oppressed. With respect to this thesis, this author had to read through the transcripts in order to try and accurately understand the life Karla Homolka was living, in order to understand her testimony regarding her participation in the crimes. In this particular case, Karla Homolka’s testimonies were not accepted but questioned because of her status as a “violent woman”.

In terms of claims-making techniques, a series of legal officials socially constructed Karla Homolka as a *sexually violent female predator* and it was they who have now shaped our sense and understanding of this new 'social problem'. The second step in the cycle of social construction theory indicates that the audience must respond to the claims. The public outcry at Homolka's plea bargain and the media sensationalism represent audience response. Next, new ownership of the social problem occurs, which in this case comes in the form of the Correctional Service of Canada, whom now claims ownership and determines how to manage this new type of offender. These new experts then in turn create new policy and determine methods for action. Within the correctional system, this would come in the form of harsher sentencing for sexually violent offenders, such as long term and dangerous offender statutes within the criminal code that result in either an additional ten year supervision period for the offender post-release, or an indeterminate sentence for the latter.

In terms of programming, the Women Offender Sector and the Women Offender Research Branch of the Correctional Service of Canada have pulled together to create programming specifically for women that target ameliorating the desire to sexually re-offend. Programming that specifically targets female sexual offenders is new to the system, with previous programming being based upon programming developed for male sex offenders (Syed & Williams, 1996). Often times, programming designed specifically to target female sex offenders is not available, especially if the woman is in a provincial institution. With respect to the case of Karla Homolka, the stance that the Correctional Service of Canada is taking is quite clear. Despite this being Homolka's first sentence, she has not been granted parole or temporary absence from her institution. The message coming from the public is one of fear and anger at her plea bargain. The correctional system is clearly responding to the pressure of the public, and as a result is reacting more oppressively toward our subject. One can only fear that Homolka's case will be used as a measuring rod or benchmark with which to compare other women convicted of violent or sexually violent crimes, which in turn may contribute to harsher penalties and treatment of this population of women offenders. The next section will present recommendations for future research. It is important to be cognizant of your limitations in order to be able to effectively suggest ways to avoid submitting to those limits in future projects.

As a follow up to this thesis, it would be interesting to do a similar study using media accounts of Karla Homolka. Rather than focusing on how she was socially constructed within the legal discourse, a qualitative latent content or discourse analysis should be conducted using newspaper articles and television news reports. A comparison between this study and the media analysis should be used to explore the relationship between and, the effects the media has upon the administration of criminal justice and the practice of law within the Canadian criminal justice system.

In that the topical area of violent women has only begun to be addressed by feminist researchers in depth, there is still much to do in order to more fully understand this population and their criminality. In particular, more case analyses should be conducted in order to examine the differences between these women, so as to prevent from clustering them together into one group and failing to acknowledge their distinctive characteristics. In that this is a relatively new classification of women offenders, it is best that this group be examined thoroughly so as to prevent these women from being constructed as representative of one of Naylor's six thematic descriptions, or our additional seventh themed category, which have traditionally been used to describe women who have committed violent crimes. It is important to consider a more general study to assess the commonalities between this group of offenders, so as to be more readily capable of addressing their needs within the institutions.

The Correctional Service of Canada published a brief study in 1996, which looked at the nineteen official cases of female sexual offenders serving federal time in a Canadian institution. Homolka was not included in this study, because as a result of her plea bargain, she was not charged for the sexual assaults. This study outlined the offences committed by each of the nineteen women, gave a profile of each woman and their victims and, used a typology to try and classify the female sex offenders. The study was more exploratory in nature, being used to identify the fact that there *are* female sex offenders so as to pose the questions: *Now that we know they exist, what do we do with them? How do we manage them? What are their needs?* This study did not attempt to answer any of these questions and, only briefly presents the basic information from each case. An in depth study assessing the aggravating factors and predisposed characteristics within these cases would help identify commonalities across this population. It is

important to try to and generate a more specific profile of these women and their differing characteristics in order to develop programming to address their needs more accurately and effectively. Interviews with women identified as female sexual offenders would help give more context rich material. This would aid in understanding the criminality of this particular population of female offenders, as well as providing a better understanding of the motives for participating in sexual offences.

This thesis has examined how violent women have historically been constructed into dichotomous images as a way to divide women and to construct them as more mysterious and thus as more *dangerous*. As has been demonstrated, Homolka was initially constructed as a woman *in danger* but after the discovery of the videotapes, that image shifted toward the construction of her character as *dangerous*. The focus of the courts, police, lawyers and the media on Homolka's *dangerousness* has remained prominent since her trial in 1993. And while this thesis has tried to give weight to Homolka's characterization as being *in danger*, an in depth analysis of violent women and their *dangerousness* should be conducted. Feminist researchers have begun to criticize existing feminist literature for not acknowledging, and for avoiding the critical examination of violence committed by women (Shaw and Dubois, 1995). For the case of Karla Homolka, the letters that she wrote to her friends demonstrate her capacity for narcissism and *dangerousness*. I refrained from presenting some of those letters because while they were entered in as evidence they were not fully read before the court. It would therefore be unethical to critically examine a portion of a letter, which may have been taken out of context. A future research project should focus on engaging with the *dangerousness* discourse from a critical feminist perspective, in hopes of examining women's capacity for violence. If one could gain access to the letters Homolka wrote a more in depth analysis of her *dangerousness* could be examined.

Finally, an exemplary idea for a future research project would be to engage in an in depth interview with Karla Homolka herself. While highly probable that she would deny any such interview, if one could gain access it would serve extremely useful in coming to understand her involvement in the crimes as well as the social construction of her character. It would be interesting to see how she viewed the different social constructions of her character, to see if she had any insight into the reasons for them and,

how she viewed herself in light of her involvement in the sexually motivated homicides. While I used the approach of standpoint feminism while reading the transcripts and the Galligan Report in order to allow Homolka to maintain her subjectivity, a complementary method of doing so would be to interview her.

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