

Imagining the Unimaginable: Psychopathy, (Un)Criminality and the Body

Julianne DiSanto

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Abstract

Many scholars have noted that representations of crime and criminality cannot be divorced from considerations of power relations, especially in the way that they often reproduce derogatory and stereotypical images of socially marginalized individuals and groups. By extension, scholars have also analyzed how these images affect how socially normalized subjects are represented as pre-emptively innocent, ‘normal’, unimaginably criminal or un-criminal. In such instances, normalized subjects who commit violent crimes are often pathologized in the news. This dissertation departs from these observations and joins this conversation by exploring how the unimaginable criminality of the normalized subject becomes imaginable through psychopathy. Scholars in the area of critical psychopathy research and those who study the intersections between crime, identity/difference and representation have not explored how the logic of psychopathy complements and aligns with cultural imaginings of (un)criminality in the contemporary context. This is my contribution to these areas. Historical researchers of psychopathy have noted that psychopathy was imagined in relation to the body, identity and the normative social order (e.g. Rimke 2003; 2005; Lunbeck 1994). Drawing on their methodologies and insights, I explore this relationship in the contemporary context by analyzing the news representations of five Canadian criminal cases—the cases of Russell Williams; Paul Bernardo and Karla Homolka; Lisa Neve; Robert Pickton; and, Charles Kembo. Using a Foucauldian discourse analysis and Alison Young’s (1996) imagination approach to crime and criminality, I demonstrate that psychopathy is amenable to representing the otherwise unimaginable criminality of the normalized subject because of the way that psychopathy is conceptualized through duality: the psychopath appears to be ‘normal’ which hides their underlying pathology/transgressiveness (e.g. Hare 1999; Rhodes 2002; Weisman 2008). I also make the related argument that representations of psychopathy are bound to a series of interlocking bodily contingencies (e.g. identity and difference), relating to both offenders and their victims. These contingencies affect the work that psychopathy does in constructing criminality, as well as the work that it does not need to do as exemplified by its absence. I conclude by detailing the implications of this study and avenues for future research.

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Table of Contents

Abstract.....	ii
Dedication	iii
Acknowledgements	iv
Introduction.....	1
Difference, Criminality and Pathology	9
Un-Criminality and the Body that Conceals	12
Pathologizing an Otherwise Normalized Subject.....	19
Psychopathy.....	23
Central Objectives and Arguments	26
Chapter Overview	28
Significance.....	32
Chapter 1: Making Psychopathy and ‘Normal’ Visible.....	38
Criminality, Moral Insanity and the Origins of Psychopathy: From Demonic Intervention to the Science of Transgression.....	41
Moral Insanity.....	44
Moral Insanity, Class and Whiteness	48
Gender and Sexual Transgression and Psychopathy	53
Contemporary Representations of Psychopathy	60
A Characterological Portrait of the Psychopath	60
“Who are you?”: The Nature of the Psychopath	64
Identifying Invisibility: Psychopathy Checklist-Revised	68
Psychopathy and the Social Sciences.....	69
The Discourse of Psychopathy and Punishment.....	71
Imagining Invisibility and Normalcy: Research on the Social Identity of the Psychopath...	76
Normalization, Criminalization and Representation.....	84
Representing Violence and Hegemonic Masculinity	87
Whiteness, Criminality and Representation	92
Chapter 2: Imagination as Methodology	105
The Approach.....	107
Cultural Criminology.....	108
The Imagination of Crime	109

Discourse, Power and the Subject	112
Bodies, Identities and the Visual	117
The Research Design.....	130
Textual Materials: Crime News.....	130
Selecting the Cases	133
Collecting the Texts.....	136
Reading the Texts.....	138
Interpretation and Ways of Seeing	139
Textual Analysis: Discourse and Imagination.....	140
Chapter 3: Psychopathy and Imagining the Unimaginable.....	142
Pathology, the Biographical Inspection and ‘The Change’.....	145
Williams’ Biographical Inspection.....	149
Bernardo’s Biographical Inspection	150
Enter Psychopathy.....	154
The Vicissitudes of the Psychopath.....	156
Imag(e)ining Psychopathy.....	163
Conclusion.....	169
Chapter 4: (Un)Criminal Women and Psychopathy: The Cases of Karla Homolka and Lisa Neve	175
Contemporary Psychopathy Research and Gender	176
“Her Transgressions Do Not Stain Her Skin”.....	180
Karla Homolka, Un-Criminality and Psychopathy	180
Homolka as a Muse and Battered Woman	184
Homolka’s Appearance is Not ‘Reality’, She is a Psychopath.....	187
How Bad is She?: Psychopathy and the Case of Lisa Neve.....	196
Dangerous Offender Legislation in Canada	198
Lisa Neve’s ‘Biography’: “Criminal’s Past Riddled with Violence”	201
Lisa Neve, “Canada’s Most Dangerous Woman”	204
Conclusion.....	213
Chapter 5: White Trash, Feeble-mindedness and Criminality: Imagining Robert Pickton in the Absence of Psychopathy.....	218
Pickton is of “Weak Intelligence” and the “Village Idiot”.....	224
Feeble-mindedness and Un-Criminality.....	224

Pickton, White Trash and the Criminal Imaginary	227
Whiteness as an Identity and System of Power	228
White Trash and the Limits of Whiteness	230
“He’s Backward, Kind of a Hillbilly Type”	233
“Hierarchies of Worthiness”: Representing Race, Gender, Class and Victimhood.....	236
Whiteness, Femininity and Respectability: Representing Leslie Mahaffy, Kristen French, Marie-France Comeau, Jessica Lloyd	238
Narrating the Lives of, and the Violence done unto Aboriginal Women.....	242
Conclusion.....	250
Chapter 6: Imagining Criminality, Nation and Charles Kembo.....	253
The Case of Charles Kembo.....	255
Criminalizing Kembo’s Biography	256
Revealing Kembo’s ‘Strange(r)ness’ in the Absence Psychopathy	259
Stories of Nation and Nationals: Kembo as an Always Already Transgressive Outsider...	263
Where are Rita Yeung, Ardon Samuel, Margaret Kembo and Sui Yin Ma?	269
Conclusion.....	276
Conclusion	279
Implications, Contributions and Significance	283
Limitations and Directions for Future Research	293
The Logics of Psychopathy Research.....	293
Towards Generalizability	294
Whose Utterance?	295
Beyond Crime and Beyond Canada.....	296
References	301

Introduction

The FBI profile, with its suggestion that the murderer would be a remorseless working-class man, and be knowledgeable about tools, had implied a killer who would be muscular, crude, and inarticulate. The fact that the suspect [Paul Bernardo...] turned out to be arguably attractive rather than 'scruffy', and of white-collar rather than blue-collar background, enriched the mystery about him even as the earlier mystery of what face could be attached to the crime was resolved. (Davey 1994, 38)

The officer who was talking to him [Russell Williams] didn't suspect him because of who he was. (Rankin and Contenta 2010c; emphasis mine)

Davies [Carleton University Professor] says the public's perception of a typical serial killer, odd and separated from society, is another reason [Russell] Williams' crimes went on for so long. 'If you were lost in a back alley and you saw Willie Pickton and Russell Williams, who would you go to for help? You would choose Williams, right?' said Davies. (Long 2010)

In terms of raw numbers, Russell Williams is not the worst serial killer in Canadian history, which does not mean is any less evil than the likes of Willy Pickton, Clifford Olson or Paul Bernardo. Williams' case, however, does stand out as one of the most puzzling. While most serial killers are said to emerge from the lower middle class and to hold marginal jobs, Williams was a full Colonel in charge of Canada's busiest air force base. (Monster Has No Answers 2010)

May 4, 1987 marked the beginning of a string of "savage attacks" that were attributed to the "Scarborough rapist" (P. Howell 1988). Over the course of four years, the 'Scarborough rapist' was suspected in at least eight attacks against women, leading Metro police to form a team of detectives to apprehend the him. During this time, investigators with the help of the FBI, put together a psychological profile of the rapist. They were "hunting" a man "who displays extreme anger toward women", he would be likely return to the scenes of his crimes (possibly with a girlfriend), the cold or rainy weather did not deter him (Mascoll 1988), he would probably show much interest in the case, and that the attacks were precipitated by a "confrontation" with a woman (Mascoll 1989a). In addition to this understanding of the rapist's character, investigators and the public also had a physical description of him: "a white male; aged 18-25; 5 feet, 8 inches; of medium build; clean-shaven, with blond or light brown hair; and with small hands and stubby fingers" (Mascoll 1989a). Despite this, investigators were missing the most important information of all, his face (Mascoll 1989b).

In May 1990, the mystery of the ‘Scarborough rapist’s’ face began to unravel. His eighth victim was able to provide a description of his face, enabling investigators to create a composite sketch. The rapist was a “boy-next-door type” (Mascoll and O’Neill 1990). Although the sketch led to thousands of calls (Mascoll 1990), none immediately led to an arrest and the attacks stopped. More than a year later, Leslie Mahaffy, 14, was found murdered in Lake Gibson, near St. Catherines. It was suspected that there was a link between Mahaffy’s murder and the Scarborough rapist, but there were still no viable suspects. In April 1992, Kristen French, 15, was found dead in Burlington. In February 1993, Paul Bernardo was arrested and charged with over 40 offences relating only to the ‘Scarborough rapes’. He was arrested at his rented home in Port Dalhousie, St. Catherines which he shared with his by then-estranged wife, Karla Homolka.

Upon his arrest, the news reported that it was DNA evidence gathered during the ‘Scarborough rape’ case investigation that broke the case. This raised many questions, since the last known offence perpetrated by the ‘Scarborough rapist’ was in May 1990. According to the news reports, hundreds of DNA samples has been gathered through the investigation (including a sample given by Paul Bernardo in November 1990), but many of these samples “sat on a shelf” (Priest 1993). Once the ‘Scarborough rapes’ and the murder of French and Mahaffy were thought to be linked, the samples made their way to the top of the priority list (Priest 1993). Significantly however, Paul Bernardo was known to Metro police (responsible for handling the ‘Scarborough rape’ case; although it is not clear from the news coverage why this was not followed through) and he was interviewed by the Green Ribbon task force, which was responsible for solving the murders of Mahaffy and French. According to one news article, although Bernardo was a suspect in the murders, he was low on their list because he did not fit the FBI’s psychological profile: “The FBI thumbnail sketch [...] said police should be looking for a blue-collar worker, perhaps someone who worked in a machine shop. ‘They were looking for a labourer, not an upper-middle-class accountant,’ one investigator said” (Duncanson and Pron 1993).

In addition to news discussions about why it took so long to apprehend him, other questions were also being asked right after Bernardo’s arrest: when will he be charged for the murders? Will he be able to get a fair trial given the media frenzy around the case? How are the Mahaffy and French families reacting to the news? Where is Karla Homolka? Should the sudden death of Homolka’s youngest sister, Tammy Lynn, now be considered suspicious? Who is the second suspect that police are investigating? And above all, *who is Paul Bernardo?*

Paul Bernardo is the youngest of three siblings and grew up in a middle-class¹ Scarborough community. The exterior of their home is described as picturesque: “the front lawn was always neatly trimmed. There was a swimming pool in the backyard. From a distance, they were the picture-perfect family” (Pron, Duncanson and Rankin 1995b). Bernardo is generally described as “normal” and “average” by his teachers and “every mother’s dream” by a neighbour (Pron, Duncanson, and Rankin 1995b). He participated in many ordinary activities young Canadian boys engage in like boy scouts and playing street hockey. In his teenage years, he had many girlfriends and sexual encounters ‘as most young men do’. None of these fleeting encounters would keep his interest for very long, until he met one woman in particular. In 1987, Bernardo graduated from the University of Toronto with the hopes of becoming a chartered accountant like his father, Kenneth Bernardo, although this would never come to fruition. Instead, he would turn to cigarette smuggling. In that same year, he met Karla Homolka. Two years later they were married.

At the time of their meeting, Homolka was seventeen years old and in high school. One high school teacher said that Homolka was “wildly” in love with Bernardo so much so that in the yearbook her wildest dream is “to marry Paul and see him more than twice a week” (quoted in Brazao 1993). As a child, reporters note that “her main goal in life was to get married, something she had talked about constantly when she was a child playing with her collection of Barbie and Ken dolls” (Pron, Duncanson and Rankin 1995b). According to her testimony, “the two were soon dating, with Bernardo driving from Toronto to St. Catharines three times a week to visit her, she testified. ‘He treated me like a princess . . . like I was the only girl in the world,’ Homolka said of their courtship” (Pron, Duncanson and Rankin 1995a). Her marriage to Bernardo in June 1991, marked “a storybook ending to a long courtship” (Brazao 1993).

The news articles constantly refer to their marriage as a fairy tale, or at least appearing as such. Accounts of their wedding day buttressed this image:

Blissful smiles and video cameras - that's what guests remember most about the June wedding of Paul Bernardo and Karla Homolka four years ago. The camcorders were rolling when the two exchanged vows of eternal love at the church, drank champagne as they rode through Niagara-on-the-Lake in a horse-drawn carriage, and embraced to thunderous applause at their reception. Toward the end of the evening, the wedding guests lined up in front of a video camera to offer their best wishes to the

¹ Bernardo’s middle-class status was something was often referred to, in passing, in the news (e.g. Boyle and J. Hall 1993; Pron and Millar 1993; Duncanson and Pron 1993)

newlyweds, before they left for Maui on their Hawaiian honeymoon. One of the first people to tape a video message of congratulations was Homolka's younger sister, Lori. 'You're so lucky, Karla,' she enthused for the camera. 'Paul is the best thing that ever happened to you.' (Pron and Duncanson 1995)

As stories about Homolka and Bernardo's fairy tale relationship were told in the news, so too were stories of abuse. According to the news reports, Homolka had left Bernardo before his arrest because he had assaulted her with a flashlight and was charged (Pron and Millar 1993). It would seem that image is not reality.

Appearances are meaningful. They allow us to formulate ideas and stories about people. They help us to (think we) 'know' who people are. Once Bernardo was arrested, we see quite clearly the power of these ideas and stories that we tell ourselves about specific people. For instance, many people who journalists consulted about Bernardo all relay a similar sentiment. They were "shocked", "stunned" and in total disbelief that Bernardo was the person behind the 'Scarborough rapes' (Boyle 1993; Boyle and J. Hall 1993):

Bernardo's friends were shocked over the arrest of the handsome University of Toronto graduate, who always had a smile for everyone and was generous to a fault, often picking up the tab on outings. (Pron and Duncanson 1995)

Paul Bernardo was a 'special' young man whose *innocence* charmed men and women alike, says a man who worked at YMCA camps Bernardo attended in his teens. 'I liked him very much, I thought he was immensely charming,' said the camp staff person, who asked not to be identified. 'Paul had a very quiet way, almost an aura. He was special, he was kind. . . . He'd smile and those dimples would show and everyone would be charmed. This is just *unfathomable*.' (Ritchie 1993; emphasis mine)

Others were also unable to reconcile the news with who they thought Bernardo was. A neighbour is quoted saying: "if you knew this guy, it just doesn't make sense" (Boyle 1993). Another neighbour focuses less on Bernardo's character, and more on physical appearance, noting that Bernardo is "the most ordinary guy you'd ever want to meet. He even looked like an accountant" (Boyle 1993). Bernardo's appearance along with the stories that people told about who he was did not fit, so much so that Bernardo's "first love", Nadine Brammer, told reporters that she was "convinced of his innocence" (Boyle and J. Hall 1993).

In May 1993, Paul Bernardo was formally charged for his crimes against Leslie Mahaffy and Kristen French. Although these charges were not necessarily surprising, an additional

mystery had been solved. From the time of Bernardo's arrest in February, the news had been reporting that there was a second suspect. In the first article written about this second suspect, a Niagara investigator is quoted, saying that "we know who the *person* is", the journalist on the other hand, infers that this 'person' is a *man* (J. Hall 1993; emphasis mine)². The second suspect was Karla Homolka. She was charged with two counts of manslaughter. Much like the reaction that the news of Bernardo's arrest elicited, people were also confounded by Homolka's arrest, especially because she was a woman: "The fact that charges have been laid against a woman makes Michelle Lundy wonder how safe it is to talk to any strangers. 'It feels so weird. You always read about men,' said Lundy, 18, who knew French from public school" (Duncanson and Rankin 1993).

Soon after Homolka was charged, a publication ban was imposed on her trial to ensure a fair trial for Bernardo. In July 1993, she was convicted on both counts of manslaughter and was sentenced for 12 years³. During the course of Bernardo's trial, which began in May 1995, it was revealed that Homolka plead guilty to the charges because she had arranged a plea deal with the Crown. In exchange for a lesser sentence for her involvement in the murders⁴, she "promised full disclosure", which included her testifying against her husband (McGillivray 1998, 257). When the plea deal was being negotiated, the full extent of Homolka's involvement in the crimes was unknown and the infamous videotapes that documented the sexual assault and torture of Leslie Mahaffy and Kristen French were no where to be found⁵. Without the videotapes, it was contended that the plea deal was necessary to gain information from Homolka that would lead to Bernardo's conviction (McGillivray 1998, 257). At trial, the tapes would illustrate that both Bernardo and Homolka participated in the sexual assaults. The plea deal has since become popularly known as 'a deal with the devil', and many believe that Homolka "should have taken her seat beside him in the prisoner's box and seat of ultimate evil" (McGillivray 1998, 257).

²In the news articles that follow, journalists report that it is not known whether the suspect is a man or a woman.

³ Homolka received a 12 year sentence; 10 years for her crimes against Mahaffy and French (5 years each) and 2 years for Tammy Homolka (Kilty and Frigon 2016: 5).

⁴ Anne McGillivray (1998) has noted that in law, Homolka's participation amounts to first degree murder (256-257).

⁵ The videotapes were recovered from Bernardo and Homolka's home and were held by Bernardo's former defence team—Ken Murray and Carolyn MacDonald—and were given over to the Crown more than a year later. According to Jennifer Kilty and Sylvie Frigon (2016), because the videotapes could not be found, Homolka's testimony was crucial for Bernardo's prosecution. It was at this point that Homolka shared the information that she had about the crimes, including her own involvement, with the Crown and received a plea deal in exchange for this information and her testimony at Bernardo's trial (4-5).

Once Homolka and Bernardo were charged, the unimaginable quality of the case went beyond their individual involvement. The question became how could *the couple* be responsible for such horrifying crimes. As one journalist put it, “what has also transfixed Canadians is the wonderment of how such an attractive couple could end up at the centre of the nation’s most sensational murder trial” (Pron and Duncanson 1995). This “wonderment” became arguably more pronounced during the trial as the timeline of the crimes is punctuated by the troubling details of their crimes and their relationship.

On the night of their wedding, Bernardo confessed that he was the ‘Scarborough rapist’. Homolka was not surprised. During Homolka’s testimony at Bernardo’s trial, she explains that their relationship was not as it seemed. Within four months of dating, Homolka said that Bernardo often forced her into sexual acts that she did not want to engage in (including taking pictures of the sexually explicit acts) and/or that she found painful. At the time, Homolka testified that she was not necessarily bothered by his demands because they made him happy and she loved him and wanted him to be happy. After eight months of dating, their relationship took a sharp turn after he hit her for the first time. A few months later, she endured a series of physical beatings, in addition to emotional, verbal and psychological abuse by Bernardo. Homolka reports that she never told anyone about the abuse because she still loved him but she was afraid of him and thought that things might get better over time (Pron, Duncanson and Rankin 1995a). They didn’t. As time went on things got worse and not just in terms of the abuse that Homolka had to endure, but also in what the couple did to others.

On Christmas Eve in 1990, less than a year before their wedding, Homolka gave Bernardo his “Christmas present”; his gift was her younger sister, Tammy. Bernardo had been asking Homolka to have sexual relations with her sister and his relentlessness ‘forced’ her to give into to his demands. Homolka prepared for the night of the attack by obtaining Halothane and sleeping pills that she would mix in a drink for Tammy. Tammy would later ingest the mixture and fall unconscious. Once the couple was certain that she was asleep, they both proceeded to sexually assault her and document the attack on videotape. Soon after, Tammy asphyxiated on her vomit and died. Bernardo and Homolka were never formally charged for the death of Tammy Homolka.

A year and a half after Tammy’s death, Bernardo wanted a ‘sex slave’ and so he abducted Leslie Mahaffy in June 1991, from outside of her home and held her captive. Mahaffy was

tortured and raped by both Homolka and Bernardo, and was later strangled to death by Bernardo. All of this happened before their wedding. While the couple was on their honeymoon (which Homolka dubbed the “honeymoon from hell” because of the abuse that she endured at the hands of Bernardo while on their vacation; Pron 1995), the body of Leslie Mahaffy was discovered dismembered and encased in cement. Less than a year after Mahaffy’s murder, the couple abducted another young woman, Kristen French, from a church parking lot as she was walking home from school. The couple stopped French and deceptively asked her for directions before proceeding to abduct her. French was held captive in the couple’s home, tortured, sexually assaulted and drugged for at least three days before she was murdered. On September 1, 1995, after the ‘trial of the century’ had taken place, Bernardo was convicted on all charges.

Fifteen years after Bernardo’s conviction emerged another sensationalized Canadian serial murder case—that of former Colonel and commander of Canada’s largest air force base, Russell Williams. Born in 1963 in England, Williams and his family moved to Ontario a few years later for his father’s work. In 1970, Williams’ parents got divorced and his mother remarried. Once remarried, the family moved around quite a bit for Williams’ stepfather’s work, but Williams ended up staying in Ontario to finish high school at Upper Canada College where he played the trumpet and was described as “a serious student, hard working and focused but he didn’t stand out, say friends and acquaintances from those years” (Aulakh, Bruser and Daubs 2010). One of his peers describes him in a similar way “He was kind of a diligent, hard-working fellow who was not a high-profile guy here [...] That's how I think most people in the class would probably describe him: a serious student and a really good musician” (*Police Search Ottawa Home of Col. Williams* 2010). Once he graduated from high school, Williams attended the University of Toronto and graduated with a bachelor’s degree in economics and political science in 1986.

In 1987 he joined the military. Rising quickly through the military ranks, in July 2009 he became the commander of Canada’s largest and most important air force base—CFB Trenton. Andy Coxhead, a retired major, tells reporters that “when [Williams] was named commander, one of my first reactions was, ‘hey, he’s going to do well, people like him; he’s a nice, easygoing guy” (Aulakh, Bruser, and Daubs 2010). Others echo Williams’ esteemed reputation: “an elite pilot, a ‘shining bright star’ of the military who has flown the prime minister and Governor General across Canada and overseas in one of four Canadian Forces Challenger jets” (Yang,

Vyhnak, McLean and Daubs 2010). Or, as another said, “he was very dedicated, very hard working, intelligent—all the right words, which is exactly why we selected him as commander of CFB Trenton” (Woods 2010a).

Early in his 23-year military career, Williams married Mary Elizabeth Harriman, who was the associate executive director of the Heart and Stroke Foundation. In 2004, the couple bought a cottage in Tweed, a small town with a population of 6,057⁶ that is known as a hot spot for retirees and is generally considered a safe place where residents feel comfortable enough to keep their doors unlocked. Because Tweed is such a small community, it is also characterized as tightly-knit. Neighbours who knew Williams and Harriman described the couple as both happy and loving. A neighbour says that “[t]hey would walk by and they were always walking hand in hand [...] I really think he really loved his wife” (Rankin and Contenta 2010a). However, in 2010 everything would change. On February 7, 2010, (Colonel) Russell Williams was called into Ottawa Police Services Headquarters for questioning about the murder of Jessica Lloyd. During a ten-hour interrogation Williams confessed to the murder of Jessica Lloyd and Marie-France Comeau. On October 18, 2010, Williams plead guilty to 82 counts of “fetish” home invasion and attempted break-ins, two counts of sexual assault, two counts of confinement, and two counts of murder in the first degree. Harriman knew nothing of her husband’s double life, nor did anyone else.

When the news of Williams’ confession first began to circulate, friends, neighbours, and colleagues all responded with shock:

For Bill Page, who lives two doors down from Williams’ cottage, he *never imagined* his *well-spoken* and *respected neighbour* being involved in any crime. ‘He was the last person I would have thought of...,’ he said. (Yang et al. 2010; emphasis mine)

⁶Tweed can also be considered a white space. According to a 2011 National Household Survey, the vast majority of the population of Tweed are not considered visible minorities (45 people in total) and only 220 people in Tweed identify as Aboriginal. See the census report produced by Statistics Canada in 2011.

<http://www12.statcan.ca/census-recensement/2011/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=3512030&Geo2=CD&Code2=3512&Data=Count&SearchText=Tweed&SearchType=Begins&SearchPR=01&B1=All&Custom=&TABID=1>. Statistics Canada defines a visible minority in terms those people who are not Aboriginal and are not Caucasian in race or who are non-white in colour. See <http://www12.statcan.ca/nhs-enm/2011/dp-pd/prof/details/Page.cfm?Lang=E&Geo1=CSD&Code1=3512030&Data=Count&SearchText=Tweed&SearchType=Begins&SearchPR=01&A1=All&B1=All&GeoLevel=PR&GeoCode=10#tabs1>. Representing spaces as “non-threatening” by highlighting the neighbourhood’s aesthetic and the homogeneity of neighbourhoods affects how offenders are also constructed in the news (Kilty and Frigon 2016, 59). This is something that Kilty and Frigon (2016) discuss in relation to the Bernardo/Homolka case. See below for an brief overview of their work.

‘We can’t believe this. It’s just not Russ,’ White [a neighbour] said. ‘I would suspect the Pope before I would suspect Russ’. (Hurley 2010a)

The most distressing aspect about the arrest, said Mr. Wells, is the esteem with which Col. Williams was held by most on the base. ‘He was very well respected, not just because he was the base commander. He was also a nice person. He was always smiling and shaking hands with people. He was well thought of’. (Kenyon 2010)

The sentiments quoted above generally capture how people responded to the news that Williams was responsible for the crimes: shock, disbelief, and confusion because this is not how people ‘knew’ Williams. In fact, what people knew of Williams was diametrically opposed to who they believed could have committed these crimes. The shock and surprise lay in that the stock image of the serial killer and rapist did not fit reality. The news was “*unimaginable*” (Mallick 2010a).

Difference, Criminality and Pathology

Here we have two cases, three people, and a similar reaction to the perpetrators: it’s unfathomable or unimaginable. What makes this kind of representation possible? How is criminality imagined in such a way that Bernardo, Homolka and Williams are understood to be unimaginably criminal? To understand how Bernardo, Homolka and Williams were described as unimaginably criminal or un-criminal, it is important to detail how assumptions about (*binary* or *cis-*) gender⁷, class, sexuality, and race (and whiteness specifically), allowed them to appear or be perceived as un-criminal subjects. In other words, how their normalized appearances and identities operated as a cloak that veiled the possibility that they could have been suspects, let alone the culprits, in the crimes they committed.

There are a number of ways that criminality is imagined on and through the body, many of which centre around the concept of *difference*. One of the ways that difference is mobilized in imaginings of criminality is through identity. Subjects who depart from the benchmark of the *normalized subject*⁸, who, since modernity and the birth of modern science, has been generalized

⁷ From this point on, when I refer to ‘gender’ I am referring to this privileged meaning.

⁸ When I use the term “normalized subject” throughout this dissertation, I use it to refer to subjects who appear ‘normal’ because of their interlocking identity categories. Normalized identities are those identities that have long been constructed as dominant or superior in western society (e.g. whiteness, masculinity, middle-classness and heterosexuality). I use the term ‘normalized’ instead of ‘normal’ to draw attention to the never-ending social and cultural work that is done to maintain this fiction. I also use ‘normalized’ to both trouble and make clear that no

as the white, heterosexual, middle-class man, have been and continue to be rendered Other: women, the racialized, the colonized, immigrants, the working classes, LGBTQ+ community, and so on (Urla and Terry 1995; Rimke 2003). Importantly, subjects who are thought to represent this difference on the basis of identity, have also been seen as *biologically different* based on biological and scientific accounts of race, sex, sexuality, and class. By seeing identity in terms of biology, difference and the social order itself becomes determined, naturalized and justified (see for example, Halpin 1989). As a result, we continue to see race, gender, class and sexuality playing particularly significant roles in criminalizing marginalized subjects; it is alleged that it is ‘*their*’ inherent difference, or “embodied deviance”, that renders them particularly vulnerable to transgression (Urla and Terry 1995, 2).

Difference, on the basis of identity has, and continues to be mobilized for understandings/imaginings of criminality. Because identity has been historically assumed to be innate and not socially and/or culturally determined, difference is also seen as being inscribed both on (i.e. visible difference) *and* in (i.e. invisible biological difference; for example, genetics) the body (S. Hall 1997c; Alcoff 2006). This understanding of identity, difference and the body has often led to the pathologization of that very difference (Urla and Terry 1995; Rimke 2003). That is, those who depart from the benchmark of the normalized subject are seen as fundamentally different in their bodily features (e.g. skin colour, reproductive organs etc.) as well as their characteristics (e.g. intellectual capacity, capacity for reason, morality, and so on) (Gilman 1985; 1988; S. Hall 1997c). As a result of this so-called ‘departure’ from the norm, the Other is seen as the antithesis of the ‘normal’, healthy subject from which they have been differentiated; the Other is thus, ‘deviant’, abnormal or pathological in their very being (Gilman 1985, 25; Halpin 1989; Urla and Terry 1995). This historically contingent linkage between difference and pathology has not only reinforced the link between criminality and pathology (Olstead 2002; Foucault 2003; Covey 2008; Rafter 2008) but it has also produced a number of stock figures that are pathologized and criminalized on the basis of identity/difference. For example, the “monster-terrorist” (Rai 2004; A. Howell 2007; Razack 2008), “the born criminal” (Horn 2003; Rafter 1997b and 2008), “the criminalblackman” (Russell 1998; see Chapter 6 in her book especially), are racialized figures, “the battered woman” (Shaffer 1997) is distinctly

identity category, and no person is inherently ‘normal’. Describing both social identities and people in this way takes work, and this work is *never* finally finished, which consequently, also means that this work can be disrupted.

gendered and “the criminal sexual psychopath” (Chenier 2003), was a sexual and gender ‘deviant’.

Dominant criminal imaginings (as constructed in the normative imagination⁹) have given rise to stereotypical images of criminals: “our images of ‘ideal criminals’—or those who are more likely to be given the status of criminal—are consistent with a traditional ideology of crime: criminals are poor, minority [sic] men; uneducated; psychotic; or, more recently, immigrants” (Madriz 1997, 343). However, in the process of creating these kinds of images on the basis of identity (and other features a well) we should pay attention to what else these images give rise to: ideas about who is *un-criminal*. Many scholars have observed this assumption about normalized subjects as un-criminal or unimaginably criminal. For example, scholars have noted that dominant criminal imaginings remain focused on the racialized bodies of young, poor men, to the exclusion of white, middle-class men (Philip 1993; Butler 1993; Delgado 1994; Russell 1998; Rome 2004; Welch 2007; Biber 2007; Chan and Chunn 2014; Heitzeg 2015; Eastman 2015). The term “white innocence” is usually used to refer to the assumed un-criminality of subjects who occupy a position of normative whiteness (Eastman 2015). While other scholars have discussed how, when normalized women (white, middle-class, and heterosexual) commit crime, especially violent crimes, it is “culturally unthinkable” (Seal 2010; see also Chesney-Lind and Eliason 2006; Comack 2006a; Kilty and Frigon 2006; 2016). These kinds of assumptions based on identity, difference and the body profoundly influence how criminality is imagined.

In the next section, I unpack how Bernardo, Homolka and Williams’ criminality was represented as unimaginable because they appeared to be completely ‘normal’. In particular, I pay attention to *how* they are *made* to appear ‘normal’ throughout the texts and the kinds of assumptions about identities that are being drawn on throughout the texts by paying attention to the way that their normalcy is communicated in such a way that it “goes-without-saying” (Barthes 1972). We also need to pay attention to the power and privileges accorded to bodies who are read as ‘normal’ and how the assumptions embedded in such a sweeping and powerful characterization enable us to not see or imagine criminality, but its opposite—*un-criminality*.

⁹ I explain this concept in Chapter 2.

Un-Criminality and the Body that Conceals

If we return to the representation of the Bernardo/Homolka and Williams cases, there are a number of telling moments where these assumptions about identities are conveyed. As I noted above, Bernardo was originally a suspect, but he was low on the list because he did not match the FBI's profile, especially in terms of his class-status and occupation. However, a journalist who reflected on the case after Bernardo's conviction, highlights that it was Bernardo's *appearance* that was also significant in duping police officers:

The case made some unsettling points: [...] the public now knows that two police officers interviewed the killer in the weeks after French's battered body was found in a ditch -- and left his home satisfied that the handsome and affable Bernardo wasn't their man (*After Judgement Canadians Reflect on Faults in System* 1995).

Although the journalist is superficial in the description of why the police officers were satisfied with Bernardo's un-criminality, there was something about Bernardo's appearance (i.e. "handsome") and character (i.e. "affable") that enabled him to be seen as unsuspecting, law-abiding and indeed 'normal'. This interpretive feat is accomplished, at least in part, by the way in which a discourse of (un)criminality structures what we can see and how we understand or make sense of what we see. For one, we do not expect serial rapists or murderers to be handsome or affable, but the opposite. We expect to be able to tell the difference between a serial rapist and killer and 'everyman', but in this case the difference was not discernable. According to the journalist, it is this knowledge—that which we imagine we see may only be appearance and not reality—that remains the most unsettling of all.

In December 1989, another telling sentiment was conveyed in the news. The Scarborough community was desperate to put an end to the violence and so a public poster campaign was launched to help the police apprehend the perpetrator. The campaign was designed to provide the public with a way of re-imagining the image of the rapist as a stranger, by appealing to the public's sense of normalcy. The posters contained an image of an incomplete puzzle of a face to convey that the offender still remained faceless. The written text on the posters read: "he could be your co-worker, employer, friend, brother, husband or son" (L. Wright 1989). This strategy attempted to rewrite the image that people had in mind about the rapist as a faceless, stranger, bogeyman-type and replaced this image with an image of your average, white man—the "boy-

next-door-type”, as he was later described by one of his victims (Mascoll and O’Neill 1990)—that hides in plain sight (and is *able* to hide in plain sight because of his normalcy and the expectations that are engendered by the normative community to which he is part). Presumably, the logic behind the campaign was to give the public the resources they needed to re-imagine the rapist as someone who is known to ‘them’, who might exist as part of ‘their’ community, so that the average white man might begin to appear as criminal and suspicious, so that the familiar might be made to re-appear as strange and dangerous.

Describing the ‘Scarborough rapist’ as a “boy-next-door type” was also significant. What boys or men get described in this way? What boys or men don’t? It is perhaps in this description that we see the most vivid description of normalcy shored up. Within this portrayal of the suspect/Bernardo, racial, gendered, classed and spatial logics converge to produce an image of a ‘boy’ that lives in a presumably white, suburban neighbourhood who is wholesome, respectable, neighbourly, and is seen as having a type of innocence about him. He is familiar, friendly and unassuming. It is also important to point out to whom this description was speaking to and the racial, classed and spatial assumptions that are being made about the readers themselves.

Once Bernardo is identified and arrested, journalists tell many stories about Bernardo and Homolka that highlight their apparent normalcy. He is described in the coverage as good-looking, handsome, and popular among the ladies. He has a girlfriend (Homolka) who simply adores him; he has a job and friends. Bernardo also fits perfectly within the frame of hetero-masculinity that valorizes and necessitates the repetitive conquest of female desire. As he played out the scripts of hetero-masculinity, he was able to hide his criminal sexual proclivities under the pretence of the normative:

There were plenty of girlfriends in his teenage years. His first love, when he was 16, was a girl named Nadine. If there was anything aberrant about Bernardo’s attitude toward women, she didn’t see it. The relationship lasted about a year, and they parted on friendly terms. *There were other girlfriends, and other sexual encounters, not unusual for teenaged boys.* (Pron, Duncanson and Rankin 1995b; emphasis mine)

As I mention above, Bernardo and Homolka’s heterosexual marriage is also presented in such a way that their ‘fairy tale’ wedding and relationship categorically excludes them from the discourse of criminality. Both Bernardo and Homolka fit neatly within the “heterosexual familial frame” that comes to inform discourses of crime and criminality (Collier 1997). Serial killers,

like spree killers, are often represented as being beyond the boundaries of the social and thus the familial (Collier 1997). However, in this context, Homolka and Bernardo are fully within the parameters of hetero-masculinity and femininity. As a married heterosexual couple, they are not feared. In fact, they are quite the opposite; they generally represent familiarity, wholesomeness, and the comforts of home. This familiar and wide-spread belief in the safety and comfort of the heterosexual couple is discussed in the coverage as the reason why French did not feel threatened by the couple who pulled over to ask her for directions in a ruse to abduct her:

A woman was in the abductors' car on the day French was taken from a church parking lot in St. Catharines, according to police. As she was walking home from school on April 16, 1992, French walked about two car lengths off the sidewalk toward the abductors' car, leading police to suspect she knew someone in the car. This past weekend, however, police surmised that French walked over to the car *because a woman had called to her and it's possible the teenager didn't feel threatened*, at first. (J. Hall 1993; emphasis mine)

While male strangers are often a reasonable source of discomfort, suspicion and sometimes fear for women, man hinged to the comforting image of heteronormative partnership is seen as less of a threat because of his perceived commitment to family-life. Moreover, “a woman” in the abductor’s car diminishes his dangerousness and signifies, in a very powerful way, that although they are strangers, it is ‘ok’ to approach the vehicle; ‘she’ makes it appear safe and unthreatening. White, middle-class women and the young, attractive, heterosexual couple do not figure in our criminal imaginaries.

The impact of Homolka in this image cannot be understated. A ‘blond beauty’ whose body is attributed with all of the normalized characteristics of white womanhood, stands as the tamer of hetero-masculinity as well as impossibly criminal (recall that before the identity of the “second suspect” was released, one journalist assumed this person was a man; it was unimaginable any other way). Homolka is at first pictured as sweet, and as the stereotypes of ‘proper’ hetero-feminine women go, her main goal in life is to get married (she was part of the exclusive diamond club in high school, which was composed of young women who are awaiting the ceremonial proposal and diamond ring to secure their entrance into marriage), “to have a pretty house with a white picket fence, and a house full of smiling babies” (Pron, Duncanson and Rankin 1995b). Her presence and her appearance help to buttress the facade of Bernardo’s un-

criminality (and her own) and together they appear to us as ‘Barbie and Ken’, unthreatening, unassuming, indeed, reassuring.

After the Bernardo’s trial had ended, Stephen Williams, an author, wrote a true-crime story of the Bernardo/Homolka case, titled “Invisible Darkness”. Upon the release of the book, many journalists wrote reviews of the book and in one review, Williams is lauded for presenting the complex image of ‘invisible darkness’ that characterized the couple. The reviewer notes that the book:

makes eerie reading because it *captures the middle class averageness that, at least on the surface*, defined Bernardo and Homolka. Bernardo, a trim and attractive business school graduate, wore Ralph Lauren shirts and liked to go to Florida for spring break [...] Bernardo was *indistinguishable* from any college party dude who lines up at downtown bars on Friday night. We learn that Homolka belonged in high school to a clique called the Exclusive Diamond Club -- girlfriends all planning to get a diamond and marry [...] *But as Williams thoroughly documents, Bernardo and Homolka were not what they seemed [...] it was a collision of psychopaths.* (L. Stern 1996; emphasis mine)

Their attractive looks, their unremarkable social activities, and their aspirations all attest to their ‘middle class averageness’—they are *indistinguishable*. But, “Bernardo and Homolka were not what they seemed” (L.Stern 1996). Implied in this statement is that their middle-class averageness is not compatible with the violence and horror of their criminality. ‘These’ kinds of people do not do ‘those’ kinds of things. Evidently they do, but their darkness is *invisible, beneath the surface*, concealed by their white middle-class averageness and a discourse of (un)criminality that has produced them as un-criminal subjects.

Scholars who have critically analyzed the Bernardo/Homolka case have made similar observations about how the news (re)produced their normalcy and un-criminality as I have put forth here. For instance, Marlene Nourbese Philip has succinctly argued that it was Bernardo’s whiteness and class that enabled him to carry out his crimes for as long as he did:

the point here is a simple one: because of the veil of protection that whiteness (and to some degree class) offers its devotees and disciples, Paul Bernardo was able to walk around raping and murdering children and women much longer than should have been allowed. Contrast this with the passionate enthusiasm, energy and violence exercised in the policing of Black people. On the streets. In their neighbourhoods. In their homes. And often for minor offences, or no offences at all. Consider the number of Black people shot by the police. Some, like Lester Donaldson and Albert Johnson, in their homes. Then consider again. Paul Bernardo. (1995, 11)

The juxtaposition that Philip creates between how Bernardo and Black men more generally are imagined and treated by the criminal justice system is at once telling and disturbing. In the case of Bernardo his identities interlock to produce a “veil of protection” (11), and at the same time the identities and appearances of racialized men work as a mechanism of hyper-criminalization and violence. This is an observation that Wendy Chan and Dorothy Chunn have made as well, noting that “racialized men and women are widely perceived as being more criminogenic and thus as more credible perpetrators of crime than white men and women overall” (2014, 28). Moreover, Chan and Chunn point out that the “tunnel vision” that enables racialized men and women to be seen as more criminogenic has implications for how white people are seen as non-criminal (29). One of those implications, as they note, is being able to more or less evade suspicion and detection:

many of the most infamous white male serial rapists and murderers in Canada have escaped official scrutiny for prolonged periods of time because they did not fit the image of ‘the criminal’. Paul Bernardo, Russell Williams, and most notably Robert Pickton all escaped detection for much longer than they should have (Oppal 2012) (29).

In their recent book, Jennifer Kilty and Sylvie Frigon (2016) have also observed the kind of un-criminal thinking that informed how Homolka was represented. Kilty and Frigon make the case that although whiteness (as a normalized and privileged identity and a way of structuring thought) affects how crime is represented in the media as well as policing, there is a lack of critical scholarship that has discussed the Bernardo/Homolka case from a critical race/whiteness perspective¹⁰. The reason for this absence, Kilty and Frigon note, is because the offenders and the victims were white (see also Philip 1995). In their analysis of media representations of Homolka, the authors draw our attention to the ways that Homolka’s interlocking identities enabled her criminality to be seen as shocking and enigmatic (48-49). They argue that whiteness was an “absent presence” in the news representations, because it was never explicitly discussed, but was implied in the way that Bernardo, Homolka and their victims were represented as belonging to Canadian society—the white, middle-class national community (51). Focusing on Homolka in particular, Kilty and Frigon observe that Homolka was regularly represented as

¹⁰ For an overview of critical criminological works that have recently begun to subject whiteness to critical analysis see Chapter 1 of this dissertation.

being an inconspicuous, ordinary, and everyday, a tactic that reinforced the normalcy and invisibility of whiteness (52-53). It was Homolka's likeness to other 'Canadians' that propelled the media and the public's curiosity about her and her crimes because it "shattered the illusion that whiteness and being middle-class and female inherently affords a safe identity and thus person[...]" (53). At the same time that her averageness was conveyed, so too was her physical difference from racialized 'deviant' others whom 'we' 'expect' to be criminals (53).

The significance of whiteness in the media's construction of Homolka's "everydayness" and by extension, her unimaginable criminality, cannot be understated (51), but neither can the other subject positions that she occupied. For example, Kilty and Frigon (2016) highlight how representing Homolka within the ambit of hegemonic femininity relied on emphasizing her 'beautiful' physical appearance, her aspirations to be a wife and mother, and her subservience to her husband (55-56). Because this image of femininity is inconsistent with how female offenders are imagined, Kilty and Frigon detail the ways that Homolka's hegemonic femininity was re-written to appear as a "pariah femininity" or a "femme fatale" figure—manipulative, sexually transgressive, deceitful, and resistant to male superiority (57-58). Finally, Kilty and Frigon, also draw our attention to the ways that spatial and class-based logics converged in the representations and how this added to enigmatic character of the case in general. For instance, the crimes against Mahaffy and French occurred inside the couple's home in a white, middle-class suburb. This space is not where horrific crimes are imagined to occur. Instead this space, and those like it, are seen as "safe spaces occupied by a non-threatening homogenous population" (59). Not only is this space defined as un-criminal, but as Kilty and Frigon observe, the description of their home as Cape-Cod like and the neighbourhood as clean, lush, and affluent helped to create "an outward appearance of financial wealth" (59).

The works of Kilty and Frigon (2016), Chan and Chunn (2014) and Norbese Philip (1995), along with my own reading of the case highlight how Bernardo and Homolka's interlocking identities and the logics wedded to these identities produced them as unimaginably criminal or un-criminal. The assumptions and expectations that are embedded in these identity logics also help to explain the shock, disbelief and curiosity that this case inspired (see also Heitzeg 2015). If we shift our attention to the Williams case, we can see how these same logics were put to work in constructing Williams' criminality as unimaginable and how they also allowed him to evade suspicion.

Russell Williams was not an initial suspect in the murder investigation of Comeau and Lloyd. As one journalist put it:

The OPP did not initially question Colonel Russell Williams about a sexual assault he was later charged with, *because he was the commander of CFB Trenton*, a former neighbour alleges. In late September 2009, hours after a Tweed woman was sexually terrorized in her home by a man who had broken in, police knocked on doors in the neighbourhood. When they got to Larry Jones' home on Cosy Cove Lane, an officer asked him a few questions, then asked who owned the home next door, he says. Mr. Jones, 65, said he told him the home belonged to Col. Williams. The police officer thought he was joking. He wasn't. 'So I told him again,' Mr. Jones said, 'that the owner of the house next door was the commander of CFB Trenton, and then he said, *'Well, I guess we don't have to look at him then.'*' In fact, OPP detectives first focused not on Col. Williams, but on Mr. Jones. (Dimmock 2010; emphasis mine)

The belief that is expressed in this passage—that Williams did not need to be questioned because of who he was imagined to be—immediately draws our attention to the types of assumptions that get folded into social and professional identities. In the coverage of the case, the news constantly reproduces images of Williams in his military uniform in an attempt to convey that it was an understandable mistake to skip over Williams because of his status and the moral and character expectations engendered by that very status (e.g. Greenberg 2010; Rankin and Contenta 2010c). The military uniform is symbolic of the 'kind' of person Williams is—brave, courageous, disciplined, strong, selfless, patriotic and a 'good' national (white) subject. By extension, it also tells us what he is not—a serial killer. In addition to journalists discussing the symbolic assumptions his military status engenders and the kinds of conceptual leaps that resulted, they also reference how his military uniform was able to conceal his crimes in literal ways. For instance, we are told that the military uniform hides stolen female under garments: "There were photos of him wearing the stained pink underwear of a girl under what looked like his air force issued pants. Morrison suggested Williams might have worn the stained pink panties to work at the base he commanded" (Rankin and Contenta 2010e). The military uniform accordingly obstructs our vision of his criminality and who he 'really' is by masking the necessary clues.

But it was not simply Williams' military status that enabled him to be 'overlooked' by police. It was also the way his occupation, marital status, appearance, and white middle-class masculinity were made to converge in the representations. Williams appears to be normal,

average, perhaps even *perfectly normal*, and *above average*: “That optical illusion is what makes today’s reality so disturbing. Williams, 47, appeared terrifyingly normal. He did not just blend in, he excelled” (MacLeod 2010). He stands as the complete opposite of our dominant criminal imaginings. Reading Williams’ body as a visibly (and perhaps hyper-) normal(ized) body aids in the concealment of Williams’ criminality. For example, and as one journalist put it: “At the beginning [of the police interrogation], Williams emphasized his military status and kept saying ‘my wife’ to emphasize his normality. ‘My wife and I went out to dinner at a restaurant.’ He’s not a freak, he has Mary Elizabeth Harriman. She is his wife, his mask” (Mallick 2010b). White, middle-class, heteronormative masculinity, in this instance veils criminality; it undermines the possibility of a slippage between the normal body *and* the criminal body. It is the Other’s body that stands in as *The Criminal Body* with its alleged spontaneous and eruptive potentialities for terror, violence and aggression in contemporary western culture (Butler, 1993; Russell 1998; Fanon, 2008; Chan and Chunn 2014). This sentiment is echoed and racially sanitized in the media by the ‘absence’ of race and explicit racial signifiers (in much the same way that Kilty and Frigon, and Philip respectively observe in the Bernardo/Homolka case), but by the presence of the term ‘normal’. One journalist notes that “One reason they [serial killers] evade capture is because they seem so normal [...] serial killing comprises less than 1 per cent of all murders. That said, the killers tend to be more ordinary than fiction would suggest. It is that very ordinariness that allows serial killers to hide in plain sight and evade detection and capture for so long” (Morton 2010). Part of the normalcy which Williams is ascribed is due in part to the symbolic and material power of his whiteness, class position, and heteronormativity. The symbolic capacity of Williams’ racial and military uniform demonstrates the concrete effects and privileges of the meanings and assumptions that get ascribed to Williams’ apparent normalcy. They also demonstrate how cultural signs and signifiers of normalcy coalesce to produce, in a discourse of criminality, the normalized subject as un-criminal.

Pathologizing an Otherwise Normalized Subject

As I noted above, the observation that Bernardo, Homolka and Williams were seen as unimaginably criminal because of how discourses of criminality, identity, and difference produced them as such, is not a novel observation. It is however, where this present study

departs. If Bernardo, Homolka and Williams were imagined as un-criminal, then the question remains: how is their criminality rendered imaginable in the news representations *in light of the ideas, assumptions and expectations that circulated about who they were thought to be?*

Thus far, we have seen how Williams, Bernardo and Homolka's interlocking¹¹ normalized identities and appearances concealed their criminality in such a way that they are seen as unimaginably criminal. We have also briefly surveyed works that explain how criminality is often imagined through difference. This way of thinking about criminality in relation to the body, appearances and identity undergirded the news representations of these two cases. In the process, it makes visible a series of problematic assumptions: that we expect (hope?) people who do bad things to be fundamentally (i.e. biologically) different from an imagined 'us' and we assume that this difference will be visibly discernable on their bodies. But what if there was a way to reconcile both the assumed difference that we believe to be characteristic of people who do bad things and the fact, that more often than not, these same 'bad' people end up not looking as criminal as we imagine them to be? What if there was a specific way to prove that our belief that people who do terrible things are biologically different, indeed evil, when compared to us, 'good' and 'normal' people? What if there was a way to reconcile our surprise that the person who is behind a horrific misdeed need not look different and may in fact look perfectly 'normal' (with all that this entails), but is still different in their very being? *Imagining the Unimaginable* is about a discourse that has the ability to do this: *psychopathy*.

That Bernardo, Homolka and Williams were represented as psychopaths is, of course, not a new insight (see for example, Philip 1995, 11; McGillivray 1998, 258; Rimke 2010, 79; Jalava, Griffiths and Maraun 2015, 47-55; Kilty and Frigon 2016). However, when we think about what is specific about psychopathy that made it amenable to imagining Bernardo, Homolka and Williams' otherwise unimaginable criminality, some additional and interesting insights might

¹¹ I use the term "interlocking" instead of the more commonplace term "intersecting" following the lead of Sherene Razack (2008). In her book *Casting Out*, Razack persuasively argues that the language of "intersecting" is limiting. An intersecting approach assumes that systems of power are discrete and only congeal in specific instances (i.e. the point of intersection). Whereas conceptualizing systems of power as interlocking assumes that they are always intertwined, "that the systems *are* each other and that they give content to each other (62; emphasis original). In other words, we cannot isolate how subjects are seen and understood in terms of only one of their identities (e.g. race or gender or class or sexuality) as this would miss the work that other systems of power are doing at the same time. I should note that at times I will use the term "intersectionality" only because there is no grammatical equivalent in an interlocking approach. When I use this term however, I imply the meaning of Razack's interlocking approach.

emerge. Before moving on to a discussion about psychopathy, I think it is important to first review how other scholars have explained representations of the normalized offender in relation to discourses of pathology in general. These works, in different ways, provide us with an important entry point for thinking about how we make sense of criminality where it appears as unimaginable because difference is not easily and already ascribed. In other words, they provide us with a way to think about how the normalized subject comes to be imagined as criminal. I discuss how discourses of pathology construct normalized women who commit violent crimes in Chapter 4.

Feminist scholars have long pointed out that racial and gendered violence perpetrated by men often results in those men being pathologized, and the problem of violence being reduced to the individual and not a product of “sick social arrangements”, like sexism and/or racism (e.g. Hunnicutt 2009, 556; Razack 2000; Jiwani 2006; Jiwani and Young 2006). Other scholars have observed that when white, middle-class men perpetrate extraordinary violence (e.g. mass shootings, serial murder, and so on), discourses of pathology, and especially mental illness, structure how they are represented or constructed (Kimmel and Mahler 2003; Mingus and Zopf 2010; Heitzeg 2015). Part of the conditions under which such a representation is accomplished, is through a series of assumptions about who this person is. More often than not, these individuals are assumed to be, aside from the egregious harm which they inflicted, ‘normal’. I would suggest that ‘normal’ has a double meaning in this instance: normal in the sense of social identity and normal in the sense of appearing as commonplace, innocent/un-criminal, average, regular. I would also argue that these two meanings cannot be divorced from each other.

In this context, *difference* is not readily observable in terms of social identity, because it is the white, heterosexual, middle-class, male subject who has been normalized, rendered the norm, transformed into the benchmark of normalcy and endowed with all of the characteristics of modernity (Urla and Terry 1995). Simply put, criminality is not grafted onto the social identities of the normalized subject. For example, Mingus and Zopf observed that when it comes to representing mass shootings perpetrated by white men, race is summarily dismissed from news reports, which implicitly denies that race was meaningful in this instance (2010, 65; see also Heitzeg 2015). This runs in stark contrast to the way that race features in news reports of mass shootings which were perpetrated by non-white people. Here, they note “race suddenly become[s] not only an issue, but one of such paramount importance that others who share a

racial identity with the perpetrator became victims of racial interpellation” (66). Instead of criminality being represented in relation to racial difference, Mingus and Zopf suggest that the white perpetrator is represented as an *individual*, a “deviant aberration” and *their actions* seen as “abnormal and pathological” (66).

This way of representing mass shootings, they argue, is a “racial project”—a means of “[creating] and [reproducing] structures of domination based on essentialist categories of race” (Omi and Winant 1994 quoted in Mingus and Zopf 2010: 63). It is able to do this kind of work because it reproduces whiteness as normative by not being seen as a factor in the individual’s criminality. Consequently, the power of whiteness—its invisibility, ‘normalcy’ and hegemony—is cemented. Implied in these representations of mass shooters (constructed no doubt, within what has been called “the white racial frame”; see Heitzeg 2015, 198), is that difference is meaningful for understanding the criminality of racialized shooters, but not white shooters. This buffers the racist stereotype of criminality, where criminality is always imagined as “an-‘Other’” (Ritskes, n.d.). In relying on difference, not only is a racist stereotype reinforced, but so is the mythic idea that white people, and the normalized subject more generally, are innocent or un-criminal (Heitzeg 2015).

Nancy Heitzeg (2015) has explained that this representational practice—“the medical mitigation of whites vs. the criminalization of Blacks” (197)—is one that is relational. That is, whites can only be seen as criminal aberrations against an image of Blackness that posits that Black people are perpetually and intrinsically prone to criminal behaviour. Heitzeg argues that these assumptions come to inform which model of social control seems to fit more readily with the offender. Criminalization, which seeks to punish an irredeemable badness is often applied to “the poor and communities of colour”, whereas medicalization, which seeks to treat a treatable and redeemable condition, is often reserved for the “white middle and upper classes” (199). In other words, in both instances racial identity plays a significant role for how criminality is imagined, however the *way* that identity operates is different.

As representations of an otherwise normalized subject continue to unfold through “the white racial frame” (Heitzeg 2015, 198), we are able to see how the assumptions about this subject’s un-criminality informs representations of them as pathological and individual aberrations. Aside from this kind of representation, scholars have also observed that representations of the normalized subject differ from socially marginalized offenders in other

ways as well. In an attempt to make sense of their unimaginable criminality, Heitzeg (2015) notes that ‘their story’ will be told and these stories individualize the violence, humanize the unimaginable perpetrator, and transform him into a victim of society, mental illness and/or circumstance which works to reinstall their ‘sickness’, not their ‘badness’ (see also Ritskes, n.d.). While pathology works to differentiate this subject, it does so by assuming that this subject could not have transgressed unless something was wrong with them (Daniels 2015); it is this subject who is endowed with morality, intellect, rationality, civility and so on. Here, identity is implicitly guiding how we understand their assumed un-criminality, and no where are these assumptions made explicit. This is in stark contrast to the Other, where they are thought to exist as part of a community of Others who are also supposedly different in the same way, and allegedly more vulnerable to crime (e.g. the criminalization of race; Jiwani 2002). In this instance, the criminalized Other’s assumed difference (their pathological departure from the norm) is used to imagine and make sense of the transgression. Importantly, this way of representing the normalized subject’s criminality reinforces its inverse, the racialized criminal stereotype of the dangerous and threatening “*criminalblackman*” (Russell 1998). As we know, however, and as Heitzeg has said, the *actual* danger of this stereotype is “*to whom it is attached*” (2015, 202; emphasis mine).

Psychopathy

The scholars discussed above have focused on the ways in which a discourse of pathology generally structures news representations of normalized subjects. However, none account for the specific discourses of pathology that surface to construct them as such. I seek to do precisely this by focusing on how psychopathy, as a specific discursive iteration of pathology, constructs the un-criminal or normalized subject as criminal.

Psychopathy is generally characterized as a biologically based personality disorder (and not a mental illness) that is linked to two sets of specific traits: interpersonal or personality traits and socially deviant behaviours. In terms of the former, traits such as glibness, superficiality, egocentrism, grandiosity, remorselessness, deceitfulness, manipulative, lack of empathy and shallow emotions are characteristic (Hare 1999). In terms of the latter, behaviours like impulsivity, need for excitement, lack of responsibility, poor behaviour controls and antisocial

behaviour are often observed (Hare 1999). The psychopath is generally considered untreatable (Hare 1999). One of the hallmarks of psychopathy is that the psychopath appears to others as perfectly 'normal' and even charming and intelligent. However, this is part of the disorder itself; their appearance masks the reality of their being (Weisman 2008; Hare 1999; see Chapter 1 for an extended discussion about psychopathy).

In his doctoral dissertation, Matthew Burnett (2013) explored how psychopathy is represented in Canadian newspapers and his research shows that there are three general themes that characterize the news representations. The first theme reveals that psychopathy or the psychopath features in news articles that discuss extreme forms of violence. Burnett is careful to point out that the presence of psychopathy in these instances does not only show that the disorder is associated in public discourses with violent criminality, but that psychopathy is often mobilized in these instances as a way of explaining horrific behaviour (189). This is significant for Burnett, because without psychopathy the acts would remain senseless or incomprehensible (189).

The second theme is that the psychopath is explicitly and implicitly represented as evil in its biblical sense (190). The connection made between evil and psychopathy, Burnett argues, is conveyed in such a way that it "reads as plainly obvious, clear, concrete, and palpable. Tied as they are to archetypical notions of biblical evil, the criminal transgressions of the psychopath come to be read, perhaps, as darker, more troubling, more sinister and as less forgivable" (191). Burnett also observes that the connection between psychopathy and evil is reinforced by the ways that the psychopath's appearance is described as "monstrous, imposing, menacing, and even ghoulish [...] distorted, deformed or disfigured" (191-192). This attentiveness to appearance, Burnett argues is complementary to the logic of psychopathy because it suggests that the psychopath is so fundamental to who one *is*, their biological difference is visible on the body (192). The final theme that Burnett highlights is "dire prediction" which he uses to capture representations of the psychopath as "persistently criminal, unstopably violent and unrelentingly dangerous" (193). These representations suggest that the psychopath is likely to engage in future misconduct and that they are generally untreatable all of which testify to the psychopath's dangerousness and rationalize various forms incapacitation (193-195).

Burnett's observations, especially theme one, draws attention to how psychopathy operates as a way of making sense of unimaginable crimes. That is, crimes that are so

reprehensible, so violent that they defy sense. However, I also wonder to what extent psychopathy helps us (i.e. the ‘public’) to make sense not only of unimaginable crimes, but the unimaginable perpetrators of those crimes as well. It is the latter that I think seriously about throughout this dissertation. One thing that continually stood out in my reflections on psychopathy was the way that ‘the psychopath’ is imagined in pop culture as “*white, middle class and ‘normal’*” (Rhodes 2002, 257; emphasis mine). For example, a basic *Google Image* search of the term “psychopath”, turns up some of the most iconic psychopaths of our time: Jack Nicolson in “The Shining”; Anthony Hopkins as Hannibal Lecter in “The Silence of the Lambs”; the late Heath Ledger playing the Joker in “The Dark Knight” among others. However, it seemed to me that this way of representing psychopaths as “*white, middle class and ‘normal’*” was also evident in news portrayals of serial murder.

As I began researching psychopathy, it appeared that other scholars had written about the association between transgression, identity and psychopathy. However, most of these studies were historical in nature. I discuss these works in greater detail in Chapters 1, but a cursory note is necessary at this point to help us understand why I have turned to psychopathy specifically. Historians of psychopathy (or moral insanity as it was first termed) have variously observed that psychopathy was historically applied to those who appeared ‘normal’ by the day’s standards, but who transgressed law, custom, and or social norms. While psychopathy was diagnosed in a somewhat diverse group of people, scholars have observed that psychopathy was evaluated in terms of the assumptions and expectations engendered by the individual’s interlocking social identities (e.g. race, gender and class; Rimke 2003; Lunbeck 1994). To put it simply, what the work of these scholars demonstrate is that historically moral insanity/psychopathy was *not a neutral diagnostic category* (Rimke 2003, 253), but was infused with assumptions about morality, normalcy, identity, and the body. For example, in relation to socio-economic class, Heidi Rimke observes that moral insanity was applied to people in the ‘upper’ and ‘lower’ classes, but for different reasons: “moral insanity in the working classes [...] was often explained as the result of coming from ‘bad stock’” (2003, 254). The working classes, Rimke notes, were also seen as “‘filthy’, ‘unruly,’ and ‘disorderly’ or naturally predisposed to moral madness” (254). When moral insanity was seen in the middle or upper classes, on the other hand, the roots of their pathology differed; for them it was an *external force* (e.g. “a fever or blow to the head”; 254) that resulted in a corrupted sense of morality. In terms of gender, both men and women

were diagnosed as morally insane or psychopaths when they transgressed the norms of their gender (e.g. women who behaved in ways that were considered more masculine; men who acted in more feminized or effeminate ways; Lunbeck 1994; Rafter 1997a; Rimke 2003). Sexuality was also important. Tied to conceptions of gender, those who transgressed heteronormativity and thus the sexual expectations of their gender were also diagnosed as psychopaths (Chenier 2003; Lunbeck 1994). Finally, we have the question of race. While in theory anyone could fall victim to moral insanity race was an exception (Rimke 2003, 254). Racialized groups were “categorically disqualified” from moral insanity because it was believed that they, unlike their white counterparts, did not possess a moral sense that could be adulterated by moral insanity (Rimke 2003, 256; see also Lunbeck 1994).

Central Objectives and Arguments

This dissertation departs from the idea that identity, difference and the body are central to how we imagine (un)criminality. Because of the body’s visibility, we imagine that its signs or marks are meaningful determinants of who someone is (S.Hall 1997c; Alcoff 2006). Although this way of thinking is problematic and misleading, it is precisely this way of thinking that enables the normalized subject to be rendered unimaginably criminal or un-criminal in popular/news discourse, as others have noted. In the chapters that follow, I explore how the unimaginable criminality of the normalized subject becomes imaginable as such through psychopathy.

Departing from the observations of others who have explored the pathologization of the normalized subject in the contemporary context, historical representations of psychopathy/moral insanity, as well as contemporary critical research on psychopathy, I think seriously about the relationship or association between news representations of psychopathy and the otherwise normalized transgressor in the contemporary context. In doing so, I try to get a handle on this relationship by exploring *the cultural and sense-making work* that psychopathy does in representations. In other words, I am interested in how psychopathy figures in representations of crime and criminality; the contingencies of its deployment (i.e. when is it/not deployed); and what makes it amenable for representing the normalized subject as transgressive or criminal. To

this end, I explore news media representations of five criminal cases¹², most of which are cases of serial murder and most of which involve the murder of women at the hands of men.

While I was analysing the various cases that I used for this study, it became apparent to me that this project was as much about psychopathy as it was about the assumptions and expectations about bodies, identity and difference that we make manifest every time we convey ideas about (un)criminality. I was thus exploring how psychopathy figures in representations and imaginings of criminality as well as how our imagining of (un)criminality remains tethered (in truly profound ways) to the body. As we move through each chapter, I attempt to convey what I saw happening in each case at the level of representation and the continuities or divergences between the cases. While there are many nuances to my analysis and sub-arguments in each chapter, the central argument is relatively simple and based on what I saw happening in the cases that I analyzed for this study (see Chapter 2 for an explanation of how I chose these cases): *psychopathy is one of the ways that the unimaginable criminality of the normalized subject becomes imaginable in news representations*. I also make the related argument that representations of criminality and psychopathy are bound to a series of *interlocking bodily contingencies*. What I mean by this is that whether psychopathy will be deployed and how it is deployed is contingent on an interlocking reading or understanding of bodies and subjects. For instance, how and if psychopathy will be deployed depends on how each individual offender is imagined in relation to their interlocking subject positions. In some instances, as we will see, criminality is more easily or readily representable because interlocking discourses of identity already constitute certain subjects as potentially criminal—discourses of race, as I will show, are particularly meaningful in this regard. In these instances, psychopathy does not operate in the same way for racialized subjects that it does in instances where the offenders are white, middle-class and heterosexual. From my reading of the cases, I saw a number of interlocking bodily contingencies unfold in the representations and I explain these nuances throughout. It is my contention that *psychopathy is still not a neutral, innocent or apolitical category*.

¹² All of the cases that I explore are Canadian cases and the news representations are from Canadian newspapers. I initially planned to do a cross-national comparison between Canada and the United States, but mid-way through my research this appeared to be untenable given the wealth of information that I had collected and the nuances that required attention. I reasoned that because research on the links between representation, psychopathy and identity had never been undertaken in a Canadian context (or in any other contemporary context) I decided to focus on the Canadian context exclusively before branching out to other national contexts.

Each of the chapters in this dissertation, in its own way, tells a story about psychopathy in a way that is fundamentally different from the way it has been spoken about in the contemporary context, especially in the scientific literature (see Chapter 1). I tell a story about how psychopathy fits into how we think about or imagine bodies, criminality and *un*-criminality. This story has been informed by the following questions: *How do we imagine criminality? How do we imagine the un-criminality of the normalized subject? How does psychopathy render unimaginable criminality (or un-criminality) imaginable? How are contemporary imaginings of (un)criminality as psychopathic connected to historical representations of psychopathy? How does the body, as a text that purportedly offers an assemblage of meaningful signs, figure into this form of representation?*

Chapter Overview

Chapter 1 situates this project in the relevant scholarly literature. I begin the chapter by providing a brief history of the “pathologification of crime” (Foucault 1978, 6), and I explain how psychopathy is positioned in relation to this shift in thinking about crime and criminality. I then provide an overview of secondary historical works that analyze historical representations of moral insanity/psychopathy in relation to identity, difference and the body. In the following section, I move into the contemporary context and begin to paint a portrait of the contemporary psychopath—the features or symptoms of psychopathy, the nature of the psychopath, how psychopathy is identified/diagnosed and its prognosis. Once we have a general understanding of psychopathy, I move on to detail two specific research areas where I see this project making a significant contribution. The first area I review consists of a small and eclectic group of social science scholars that have analyzed psychopathy using a critical and qualitative approach. The second area that I explore pertains to research that discusses the links between representation, criminality and identity. In particular, I examine works that have begun to “unpack the centre” (i.e. whiteness, hegemonic masculinity and femininity, heteronormativity, etc.) by focusing not on the relationship between criminalization and marginalization per se, but rather on the systems of power which radiate from the centre to produce the margins as such (Brock, Raby and Thomas 2012). In other words, while I am very much interested in criminalization and its

relation to power and identity, I do not enter this conversation by exploring its marginalizing effects. Instead, I explore its privileging effects: its normalizing or un-criminalizing effects.

Chapter 2 details the conceptual tools that I use throughout. I begin by providing an overview of the constructivist paradigm or world view from which I enter into this project, and the poststructuralist approach in particular (Jørgensen and Phillips 2002, 6). Poststructuralism has coloured the kinds of questions that I have come to ask about criminality, psychopathy and the body and it is my intention to bring my reader into this view. I then explain how I use Alison Young's (1996; 2008) imagination approach to representations of crime and criminality. This poststructural criminological approach to understanding representations is helpful for thinking about the founding logics or discourses which structure how we think about crime and how these are inseparable from how we imagine 'the criminal' in relation to the body and identity. I also explore key theoretical ideas which are implicitly associated with such an approach such as discourse, meaning and power as elaborated by Foucault (1972; 1977; 1978ab) and Stuart Hall (1997abc) as well as the body, identities and the visual. I then move on to explain the research design: the sites of inquiry, methods of data collection and methods of analysis.

Chapter 3 begins with the news representations of Paul Bernardo and Russell Williams and explores how their criminality becomes imaginable through psychopathy. As I read through the news media of these two cases, there were a couple of similarities. The first is consistent with the observations made above: that in instances of white criminality there is always a backstory or a biographical-like account that is told about who the perpetrators are (Heitzeg 2015). We explore these backstories, the forms they take and how they help facilitate the formation of a narrative of pathology. The rest of the chapter is spent exploring the specific iteration of pathology that was woven into the coverage: psychopathy. In this chapter, I am curious to understand why and how psychopathy was amenable to representing the criminality of these subjects and how it was able to reconcile their assumed un-criminality with the fact they were the perpetrators of violent crimes. I argue that one of the reasons why the unimaginable criminality of the normalized subject becomes imaginable through psychopathy is because of the "paradox of appearance and reality" that is embedded in the disorder itself (Weisman 2008, 199).

In Chapter 4, I continue exploring the bodily contingencies of psychopathy by turning my attention to the way that the (un)criminality of women are imagined through psychopathy. I begin this chapter by reviewing contemporary research on "gender" (read: women) and

psychopathy. In this section, I offer a feminist reading of this research and I note how contemporary scientific representations of psychopathy contain specific gendered stereotypes about masculinity and femininity. I then turn to the case studies. I begin my analysis with how Karla Homolka was represented as unimaginably criminal and how psychopathy was used to render her criminality imaginable. Like Bernardo and Williams, Homolka was represented as a psychopath in order to reconcile her normalized feminine appearance and the reality of her crimes. However, psychopathy did a different kind of interpretive work in this instance and it had to. If we are able to imagine some men and women as criminal, imagining a woman who occupies multiple and interlocking normalized subject positions—white, middle-class, heterosexual—as criminal and violently so, is a bit more difficult for reasons I discuss. Psychopathy then, not only accommodates these dual representations of Homolka as normative and transgressive, but it partially masculinizes her as well thus, making her criminality legible.

I then turn to a fundamentally different case, that of Lisa Neve. Neve is not a serial killer, or even a murderer. She is an Aboriginal woman who was deemed a dangerous offender. Interestingly, her criminality was never represented as unimaginable; instead she was represented as *only* criminal. No backstory is offered, no shock or disbelief is expressed, no attempts are made to understand who she is. All that is conveyed is a story about her criminality. As such, psychopathy is not used to allow us to understand or imagine her criminality, rather it is used to allow us (the readers of the news) to determine just how dangerous she is and how severely she should be punished. When we place these two different cases beside each other, what we are able to see is the different representational and constitutional work that psychopathy does, and how this work is contingent on interlocking readings of identity and difference. In the Homolka case, psychopathy makes the unimaginable criminality of Homolka, a white, heterosexual, middle-class woman imaginable, not only because it reconciles her appearance with reality, but because it is a masculine and masculinizing disorder. Whereas for Neve, an Aboriginal, working class lesbian, psychopathy does not render her criminality imaginable; she is already imagined as such. Instead, psychopathy (among other identity variables) allows her to appear as more dangerous than she is thereby enabling a serious injustice to occur.

In Chapter 5, I continue to explore how the unimaginable is rendered imaginable and the bodily contingencies of psychopathy by reading the case of Robert Pickton, a serial killer convicted for the second-degree murder of Mona Wilson, Sereena Abotsway, Georgina Papin,

Andrea Joesbury, Marnie Frey and Brenda Wolfe. This case is different than the others for a few reasons. Although Pickton's criminality was unimaginable, it was not for the same reasons that we see in the Williams or Bernardo/Homolka cases. Unlike Williams and Bernardo who occupied interlocking normalized subject positions, and whose bodies were constituted in this way, Pickton was seen as embodying a subjugated or subordinate masculinity; a white, working class pig farmer, who was a 'oddball' and the "village idiot" (N. Hall and Culbert 2007b). As a result, Pickton was at first imagined as un-criminal because he was seen as intellectually *incapable* of committing these crimes and to get away with them for so long; he was represented as 'feeble-minded'. Psychopathy was *not* generally used to reconcile this image with the reality of his crimes. Instead a discourse of 'white trash' was summoned to allow us to imagine his criminality, which I argue is the criminalizing other of 'feeble-mindedness'. I begin this chapter by providing a detailed picture of how Pickton was represented as un-criminal and how this representation mutates into one of criminality in the *absence of psychopathy*. This chapter reveals the bodily contingencies of psychopathy and specifically, the significance of normalized identities in imaginings of psychopathy.

Chapter 5 also explores the question of victimhood and the imagination of (un)criminality through psychopathy. Until this point, I explore the offenders exclusively, but the way the victims of each offender are imagined, as we will see, very much informs how the offender is represented and if psychopathy will be deployed at all. In her research, Anne-Marie McAlinden (2014) borrows the concept of the "indissoluble dialectic" to capture the conceptual interactions between offenders and victims (i.e. who the offenders are influences how the victims are understood and vice versa) (Rock 1998 quoted in McAlinden 2014: 182). I also use this concept to explore how the reading and interpretation of the offenders' and victims' bodies as texts are always in conversation, informing and contouring how the other is understood and placed in a hierarchy of victimhood or offenderhood. I also point out the differences in how the victims are represented in each of the cases explored up until this point and how this informed how psychopathy was deployed (if at all).

Chapter 6 is where I discuss the final case: the case of Charles Kembo. Kembo is also a convicted serial killer. In this chapter, I continue to think about the bodily contingencies of psychopathy, the question of relative absence and the "indissoluble dialectic". If it is my contention that psychopathy is a discourse that is amenable for imagining the otherwise

unimaginable criminality of the normalized subject *specifically*, it is necessary to explore serial murder cases where the offender is not constituted as a normalized subject to see if psychopathy is structuring the representation. The Kembo case is used to this end.

Charles Kembo, a Black “Malawian national” and a “refugee” that landed in Canada in the 1990s, was convicted in 2010 of murdering four people: Margaret Kembo, Sui Yin Ma, Ardon Samuel and Rita Yeung. In this case, Kembo’s criminality is not unimaginable because he is always already seen as outsider of the nation; a national stranger (Ahmed 2000). This image of Kembo as a national stranger is constantly reiterated throughout the news coverage, by referring to him as a “refugee” and “Malawian national”, and it is these features which allow him to be imagined as suspect and potentially criminal. Discourses of nation and race thus form the master criminal frame, not psychopathy. The conceptual work that psychopathy does in the other cases does not fit here, nor is it needed.

In the final analysis, I turn to the representation of Kembo’s victims. Much like the discursive struggle that characterized the news representations of Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe—Pickton’s victims—the representations of Margaret Kembo, Sui Yin Ma, Ardon Samuel and Rita Yeung also reveals how ideas about victimhood, identity, difference and ‘grievability’ (Butler 2004) shape how we imagine people. In this final section I explore the (lack of) representations of Margaret Kembo, Sui Yin Ma, Ardon Samuel and Rita Yeung and I argue, as I did in Chapter 5, that the deployment of psychopathy is not only contingent on who the offender is, but who his victims are imagined to be as well.

Significance

While rooted in my own particular reading of these cases, the story I tell here is significant for reasons that extend beyond empirical generalizability, validity and reliability. In popular representations of crime, crime often appears as a problem, a fact, a thing that simply exists in society. This kind of representation encourages us to buy-in to the idea that crime is an ‘ontological reality’, or has a basis in reality apart from human intervention/invention (Stubbs 2008: 6). Critical criminologists have disrupted this view of crime by inviting us to see crime through the lens of criminalization. Criminalization, helps us to see crime as a distinctly social process where something (e.g. act, behaviour or omission) is defined as a crime and then

regulated accordingly (Kramer 2011; Mirchandani and Chan 2002). By examining criminalization, it becomes possible to see how crime is defined according to normative standards of a specific social and historical context and through power relations (Mirchandani and Chan 2002; Kramer 2011; Chan and Chunn 2014). In doing so, it also invites us to see crime not only as a social problem to be solved, but as a process that can be harmful in and of itself. Likewise, we are encouraged to see criminality in the same vein; not as a condition that simply exists (in one's biology, for example), but as a subject position that is produced through processes of criminalization, which are always linked to historical context, social structures, social institutions and social inequalities. This approach has been especially useful for explaining and denaturalizing the links between marginalization and criminalization and it paints an essential picture of the constraints that shape lives of people who are socially disadvantaged in interlocking ways in a context saturated by power relations (Russell 1998; Mirchandani and Chan 2002; Jiwani 2002; Comack 2006ab; Chan and Chunn 2014).

Since the turn to criminalization, as well as the poststructural and cultural turn in criminology, critical criminological inquiry has focused on exposing the very logics upon which social structures and processes function (McLaughlin 2001, 219). Among the many things that this turn invited critical criminologists to think about, a critical awareness about representations of crime, knowledge production and power stands out (Young 1996; 2014; Carrabine 2012; Biber 2006; 2007). Eamonn Carrabine, citing the call of cultural criminologists, Ferrell and Van de Voorde, urges us to end "the distinction made between 'real' crime and the 'unreal' image" or representation (2012, 463). This perspective, encourages us to not see crime as ontologically real and representation as false, but rather as constitutive of each other (Young 2014); how we come to 'know' 'real' crime is a product of how we imagine it to be and such imaginings cannot be divorced from representation (Young 1996; see Chapter 2 in this manuscript for an overview of this idea). If what is 'real' is constituted by representation, and is thus apprehended only through representation (i.e. those structures of thought that make reality thinkable and knowable in particular ways) then we cannot simply reduce, or worse, dismiss, representations of (un)criminality in the news as a certain kind of journalism, which exists partly in reality and partly in the fantastical world of newsworthiness. Nor can we impute a direct or causal effect of representations of crime and criminality in the 'real world'. Instead, the significance in paying attention to representations of (un)criminality and the imaginings which make them possible is

that they show us the very stuff of thought, of knowledge, of how we come to see, frame, know and understand the world and how these ways of thinking organize social relations.

Deborah Brock, Rebecca Raby and Mark Thomas have explained that one way that scholars can “develop a more comprehensive understanding of how social relations are organized” and how this organization both propels and sustains oppressive social relations and through power is by “unpacking the centre” (2012, 4). They define the “centre” as “taken-for-granted, normative features of social organization, distinguished by the ability to confer privilege to those that occupy it” (349). To “unpack the centre” then is to learn about how interlocking systems of power, like whiteness, patriarchy, heterosexuality, capitalism, and citizenship, work (4). It is also, as they note, to focus on the *actual problem*. That is, how whiteness, patriarchy, heterosexuality, capitalism, for example, are central to the organization of the normative social order (Razack 1998b). By focusing on the organizing centre, the problem of criminalization and marginalization, gets reconfigured. In this view, it is not necessarily racism, sexism, homophobia, or classism that are the central problems per se. These are reconfigured as *effects* of a particular way of thinking. The task then becomes to unravel the powerful ways of thinking that makes these effects possible (Brock, Raby and Thomas 2012, 4; see also S. Hall 1997c). One site where we can unravel these ways of thinking is in news representations. Indeed, as Stuart Hall (1997ab) has persuasively argued: representations are never innocent. They are a product of power and they are powerful.

The significance of this project lies in the way that it seeks expose the very logics that undergird the ongoing criminalization of the marginalized who continually suffer under the weight of criminalization and incarceration, and those who reap the benefits of this way of thinking by being seen as ‘normal’ or un-criminal. By focusing on the normative judgements, meanings, expectations and assumptions that are inscribed on the normalized and un-criminal body specifically (e.g. in terms of race, gender, class and sexuality), and how psychopathy reinforces these ideas, we can make these invisible and powerful logics visible and in doing so perhaps, diminish their power.

What I attempt to do in the pages that follow is dismantle the structures of thought—discourses, assumptions, judgements, expectations— that make some people *appear* less suspect than others and that also make some less vulnerable to criminalization than others (Chan and Chunn 2014). Critical criminologists have done an exemplary job highlighting how racism,

sexism and classism interlock to produce the criminal(ized) subject. However, what we must also keep in mind is that the imagined criminal body is never imagined in isolation but in relation to its opposite—the un-criminal or normalized body (Urla and Terry 1995, 5; Young 1996; Heitzeg 2015). Criminology, by definition, is concerned with ‘the deviant’, ‘the criminal’, ‘the abnormal’. It is *their* acts, *their* motives, *their* nature, *their* social and historical conditions, *their* representation that concerns the criminologist. But what haunts criminology in its quest for knowledge *of*, in its desire to conquer, the question of crime and criminality, is ‘the normal’, ‘the innocent’, ‘the *un-criminal*’ (Young 1996). This subject is the bearer of the privileges of these interlocking systems of power and part of the privileges accorded to those who have been normalized is that they are able to appear as invisible and not part of the problem (Dyer 1997). Furthermore, the normalized subject, although very much foundational to criminology and discourses of criminality, has not, until relatively recently, been taken up by criminology (see Chapter 1 for an overview of these works).

If criminality, or deviance more generally, is continuously being imagined as young, dark, feminine, poor and abnormal, as Alison Young (1996) and others have argued, then in the act of representing criminality in this way we “ruin our capacity for imagination”, we fail to see criminality *otherwise*:

in seeing these [criminal] events, we construct frames for their interpretation which block out other interpretations, erase other memories, obliterate the nuances. Imagination [...] is always doubled: in including one vision, it rules out another. All our understandings of crime exist in a tense relation with these *other* stories, sights, voices, which are now *beyond* the narrative, the frame, the listening ear. (212; emphasis original)

As a result of this way of imagining, we fail to be able to imagine Bernardo, Homolka and Williams as criminal because they are beyond the criminal frame. And that’s *the point*. Following the lead of Alison Young (1996), *Imagining the Unimaginable* attempts to see “*otherwise*”, by making the normalized body, which always haunts representations of criminality, but is rarely seen within the criminal frame, *visible*. When we do see this body as a criminal subject, as the representations of Bernardo, Homolka and Williams attest, we are jarred, stopped in our tracks, upset, but it also tells us that there is something else to be seen; while criminality is constantly imagined on the body as ‘young, dark, feminine, poor and abnormal’, *this is not all that there is to be seen* (Young 1996). We have simply limited our field of vision to

confirm how we have already come to imagine ‘the criminal’. Thus, I attempt to shatter our frame of vision, by examining and disentangling the very assumptions, characteristics, expectations, stories and images that get grafted on to, and constitute the *normalized body* as a body that is innocent, unsuspecting and indeed, seen as *un-criminal*, so that the criminal frame can no longer remain fixed on marginalized bodies.

From the outset, it should be noted that my intention in focusing on the normalized subject is not to imply that it is only this side of the dualism that should retain our focus because this would only “invert” the hierarchy of the normal/criminal binary (Young 1996, 112). Nor am I suggesting that our imagining of criminality should be revised so that it is the normalized subject who comes to stand as the criminal body—again, this is a mere inversion of an already problematic way of seeing and knowing. Instead, I focus on this largely unseen, but always present subject, to make visible the two-way flow of meaning—its relationalities and contingencies—to make visible the ways that the bodies of the marginalized and criminalized constitute the normalized body as un-criminal and vice versa. I do this so that we may begin to unfix the way we imagine criminality in terms of identity and difference and to reveal and then trouble the ways that criminality is implicated on the body in general, and marginalized bodies in particular, so that we may be able to see that *no(-)body* bears the stigmata of criminality.

Being seen, understood and thus represented as un-criminal is privilege conferred by a racially saturated criminal landscape (Butler 1993; Russell 1998) and a landscape produced by power relations more generally. This also makes it political. Part of what I attempt to do here is to politicize contemporary representations of psychopathy despite its appearance otherwise. By now, it is commonplace to criticize representations of pathology in the context of transgression because of the way it depoliticizes social issues by reducing these problems to the individual ‘deviants’ thereby negating the larger conditions, contexts and dynamics at play (Conrad and Schneider 1980, 250). Furthermore, because these medicalized labels are constructed as scientific labels, we often think that they are objective, neutral and value-free because they are a product of positive, objective and disinterested science (Conrad and Schneider 1980, 249). Both of these ways of thinking effectively divert our attention away from a much more complex and historically specific picture. I wish to make this picture visible and to show that representations

of psychopathy in the context of violent crime *are political*¹³. Taking my lead from historians of psychopathy, I suggest that psychopathy in its *contemporary* conceptualizations structures representations of the normalized, un-criminal subject and that its deployment is indeed predicated on reading this subject, and his victims, *as such*. In other words, psychopathy, as a way of imagining (un)criminality, as we will see, remains political precisely because it depends on the logic that it is “an-Other” (Ritskes, n.d.) who commits crime and *not the normalized subject*. If we are to break the criminalizing frame, we must reckon with the representational complicity of psychopathy in reaffirming the devastatingly potent myth that criminality lies in “an-Other” (Ritskes, n.d.) and develop a more ethical way of seeing bodies and criminality¹⁴.

¹³Critical social science scholars have begun to politicize psychopathy in different ways. I review these works in the next chapter.

¹⁴ It should be noted that this dissertation is not a critique of scientific accounts of psychopathy or the *Psychopathy Checklist-Revised* per se. Instead it is about how the ‘cultural life’ of psychopathy; that is, how we imagine (un)criminality on the body and how psychopathy as it is *generally* understood is deployed culturally to reconcile the un-criminality of the normalized subject.

Chapter 1 Making Psychopathy and ‘Normal’ Visible

This project grew out of my engagement with two research areas: psychopathy and cultural and critical criminology. In my mind, these detached areas of research when combined tell an interesting and important story about the relationship between criminality, psychopathy and the identity categories (or categories of difference) that “give content” to our contemporary criminal imaginings (Razack 2008, 62).

This project began to develop during the research that I conducted for my Master’s degree which focused on criminal sexual psychopath laws in post- World War II Canada. My research objective at the time was to explore how these laws were applied in criminal cases and the types of narratives of identity and difference that the application of these laws relied on and subsequently reinforced. During the course of this research, it became apparent to me that stock narratives and dominant discourses of gender and sexuality were determining how criminality and transgression were imagined as pathological. These findings reinforced the existing critical literature on the criminal sexual psychopath and its corresponding Canadian laws. Over the course of the research however, I felt a constant intellectual tug; it felt like the project was being haunted by something that was so very present in the cases and in my analyses of the cases, but was not explicitly present. By the time I was ready to wrap up the paper, I had realized that the ghost was *race*.

In the two Canadian criminal cases I analyzed for the project, there was a striking similarity: each of the cases involved white men. While I acknowledged this, the explanation which I borrowed from Estelle Freedman (1987) seemed to miss something for me. Freedman, writing in an American context, suggested that Black men were not regularly labelled criminal sexual psychopaths or held in mental health institutions unlike white men, because as the racist reasoning went, “white men who committed sexual crimes had to be mentally ill; Black men who committed sexual crimes were believed to be guilty of willful violence” (1987, 98). While I do not reject this explanation, there seemed more to the story.

Upon beginning my doctoral studies in 2010, I began to read the research of scholars who had discovered the same historical ‘whitewashing’ of psychopathy that Freedman (1987) noticed; this is when the work of Heidi Rimke (2003; 2005) and Elizabeth Lunbeck (1994) came to my attention (I review their work in detail below). Despite the fact that each of their works

used different historical sites of investigation, explored different historical periods and employed different conceptual frameworks, they arrived at one of the same conclusions—psychopathy/moral insanity was a disorder applied exclusively to white people. More than this however, their work highlighted the ways in which readings and understandings of bodies, identity and difference interlocked in the ways that psychopathy was imagined in the clinic and in theories of psychopathy more generally. While these works were historical in nature, it seemed to me that similar assumptions and expectations about bodies, identities and difference were surfacing in contemporary representations of psychopathy in different ways.

Although these kinds of studies of/approaches to psychopathy are underrepresented in the field, they invite us to think about psychopathy in a way that fundamentally departs from mainstream academic conversations on the topic (its etiology, the validity, reliability and the legal implications of the *Psychopath Checklist-Revised*, and the alike). In particular, they invite us to consider how stock cultural knowledge of bodies, identities, and difference get enveloped into the psychopath category and how this is expressed in representations of psychopathy.

My interest in the kinds of questions and insights that these historical analyses offered was complemented by my interest in critical criminological works that examined the links between representation, marginalization and criminalization. As I engaged with the research in this area it became apparent to me that the field was rife with theoretical and empirical works that delineated the intricacies of the criminalization process and the very material effects of these processes on the racialized, the colonized, the poor, women, sexual minorities, immigrants, refugees and other socially marginalized groups. However, in the course of engaging in these works it became apparent to me that critical criminology had not yet fully accounted for the normalizing systems of power that have and continue to play a significant role in the plight of the marginalized in the Canadian and American criminal justice systems and at the *same time* have and continue to shield very specific (read: normalized) bodies from the force of criminalization. Therefore, I began to research criminological works that attended to the relationality between marginalization and criminalization *and* normalization. In other words, I was interested to see how critical criminologists conceptualized the normalized subject who offends, but who is seldom explicitly discussed in the literature, and how they brought this conceptualization to bear on representations or imaginings of criminality.

During the course of this research, I found other scholars who also recognized this absence in critical criminology and have begun to investigate it. My research joins these scholars (whose work I discuss below) who question the processes and practices of normalization and the ways that these are implicated in fomenting social injustice and the ongoing disparities that exist in criminal justice imaginaries, practices, administration, and institutions. My pathway into this conversation is through psychopathy.

In this chapter, I take you through my journey through these two areas of research—psychopathy and critical criminology, especially those works that take a feminist and critical race perspective to the question of crime and representation—to show you the cleavages that exist in these areas; the points that I think are particularly ripe for intervention; and, to mark out my small area of contribution. To get us started, I begin by providing an historical overview of psychopathy (or moral insanity as it was called prior to the 1900s). While my project *does not* contribute to the historical literature on psychopathy or moral insanity, I include it here for two reasons. First, while I have not undertaken systematic primary research on psychopathy and therefore I do not contribute to our historical knowledge of psychopathy, this area of scholarship has to a great extent, *contributed to and inspired my own thinking* about psychopathy in the contemporary context. I also include this information because it affords an opportunity to understand the backdrop in which psychopathy emerged and the significance it had at the time as well as how psychopathy and moral insanity were conceptualized in theory and in practice in relation to cultural knowledge of bodies, identity and difference. In the second section, I jump into contemporary research on psychopathy. Here, I provide a brief account of some essential information about psychopathy (which has largely been developed in the fields of psychology, psychiatry and neuroscience) such as the characteristics that psychopaths are said to possess, the ‘nature’ of the psychopath or the etiology of the disorder and the *Psychopathy Checklist-Revised*, which has come to be synonymous with the disorder since its invention (Jalava, Griffiths and Maraun 2015). Again, although I do not contribute to the scientific literature on psychopathy, I provide this information to allow us to get a handle on what psychopathy generally means today.

The third section is where I begin reviewing social scientific research on psychopathy and also where I begin outlining where my project fits in. Drawing primarily on the literature in sociology, critical criminology, anthropology, and socio-legal studies, I provide an overview of how social scientists have subjected psychopathy to critical, social scientific critique. Most of the

social scientific studies have analyzed and critiqued how psychopathy is used in criminal justice contexts (particularly in the context of sentencing and punishment). However, in the course of these explorations, some of these scholars have raised provocative questions about identity and psychopathy. This entire critical landscape has also been essential to my own thinking. In the final section of this chapter, I provide a brief overview of the critical criminological landscape as it relates to questions of criminalization, representation and identity, and I point to a relatively recent shift in the area towards examining the unmarked, normalized centre (especially masculinity and whiteness) and how my research contributes to these burgeoning conversations.

Criminality, Moral Insanity and the Origins of Psychopathy: From Demonic Intervention to the Science of Transgression

A villain that goes around with crooked speech and winking eyes, shuffling the feet and pointing the fingers with perverted mind devising evil and continually sowing discord. On such a one calamity will descend suddenly in a moment damage beyond repair. There are six things the lord hates and seven are an abomination to him. Haughty eyes and a lying tongue and hands that shed innocent blood. A heart that devises wicked plans, feet that hurry to run to evil. (Old Testament quoted in Stein 2009, 33)

According to George Stein (2009), this passage from the Old Testament raises the question of whether the ‘Scoundrel of the Book of Proverbs was a Psychopath?’ Here, the biblical figure of the scoundrel is framed as an abomination, a wretched soul who has an affinity for evil. Stein cites this passage because of the way that the description of the scoundrel embeds an uncanny similarity to the way the DSM-IV describes antisocial behaviour. For Stein, the passage represents both the existence of, and the “major problem” posed by, the ‘psychopath’ in ancient Israelite society (33). However, the passage also represents a distinctly theological way of thinking about the psychopath in terms of their ‘being’ (e.g. an “abomination”; a sinner; visibly identifiable and as having a “perverted mind devising evil”) and their characteristic behaviours (e.g. “lying tongue and hands that shed innocent blood”).

This way of thinking about deviant or transgressive behaviour was not exceptional at the time. According to Stephen Pfohl (1985), deviance, from the Middle Ages until the eighteenth century Enlightenment, was largely recognized as a sign of sinfulness (Pfohl 1985, 33). During this time, religion, and Christianity in particular, structured European imaginaries of deviance resulting in what would become known as a demonic perspective of crime and deviance. As one

of the oldest explanations of deviance, the demonic perspective sees all forms of deviance as sin or “a transgression against the will of God”, where “the human world is but a battleground for the forces of another, more powerful world—the world of the supernatural. We humans are pictured as constantly torn between the supernatural forces of good and those of evil. When we succumb to the influence of evil forces we are drawn into deviant behaviour” (21). Deviance, according to this perspective, is the result of either succumbing to the temptations of evil or the devil or being possessed by the devil (21-20). In either instance, it is the realm of the supernatural is that is the “cause and cure of deviant behaviour” (20)

As explanations of the world began to shift to a more secularized paradigm in the eighteenth century (Rafter 2004; Rimke 2010), so too did conceptions of deviant behaviour. Rejecting religious ideas of transgression, eighteenth century theories of crime and punishment, developed by the classical school, turned to utilitarianism and Enlightenment ideas instead (Rimke 2010, 81). The classical school conceptualized criminals not as sinners who transgressed the will of God, but as rational and hedonistic subjects, acting on free will who were guided by a cost-benefit calculus (i.e. they weighed the risks and benefits of their actions in general and their decision to commit crime was no different) (Rimke 2010). The classical school, therefore, did not directly study criminality, because it was assumed that the nature of the criminal was no different than other humans—all were assumed to be rational actors (Rafter 2008, 76). Instead, the school was primarily concerned with crime and punishment and how best to minimize the rewards or benefits of committing crimes (Walsh and Ellis 2007; Rafter 2008; Rimke 2010). Thus, punishment had to be levelled at the rationality of the (potential) criminal and had to operate as a deterrent “by making a lasting impression on the minds of offenders and others, with the least necessary torment to the body of the offender” (Rimke 2010, 82). In sum, the classical school contended that if punishment was to be effective it must appeal to a calculated rationality (i.e. cost must outweigh the benefit); the outcome must be certain (i.e. if you do X, Y will occur; think of criminal codes which list not only things that are prohibited but also the punishments associated with those transgressions); and, the punishment must be proportionate to the crime (Walsh and Ellis 2007; Rimke 2010).

Built on the insights of the classical school, the legal system was designed to evaluate the crime (who is responsible for the crime) and to punish the offender responsible. However, Michel Foucault (1978) draws our attention to how this model of adjudication was troubled by

the appearance of particularly heinous crimes that did not fit this model of criminality, criminal responsibility and punishment because their crimes appeared to be *motiveless*, or *without reason*. The cases that Foucault (1978) cites as exemplary all have a number of elements in common; they are cases that involve brutal murders directed at someone known to the offender; in each case there is no discernible motive for the crime and, each offender seemed to not be suffering from insanity, but their acts seemed to (paradoxically) defy rationality. These cases, where offenders committed heinous crimes, where those offenders were not suffering from traditional forms of insanity (characterized in large part by delusions or furor; Foucault 1978), where they acted without any identifiable reason (i.e. the crime committed “without profit, without passion, without motive”, Foucault 1978, 5) and where they did so with full cognition of the acts legal and moral wrongfulness, ‘jammed the machinery’ of the legal system (Foucault 1978).

According to Foucault, the appearance of motiveless crime in the courts was troubling precisely because these criminal actors did not fit into the binary of criminal responsibility that the legal system rested upon: the offenders were not insane because they did not suffer from delusions and therefore could not be considered not criminally responsible by reason of insanity. However, their crimes did not fit with the image of the criminally responsible rational actor that the legal system was based on (e.g. all humans act on rationality, free will, hedonism). Prior to a decision about punishment being rendered by a judge or jury the unresolved questions of the offender’s nature had to be determined, a feat confounded by motiveless crime. As a result, Foucault suggests that psychiatry had to account for the motiveless crime—“the great criminal event of the most violent and rarest sort” (5)— in order for penal law to act. These curious cases prompted psychiatrists to get to work redrafting their previous ideas about insanity in order to account for those offenders who appear to evade traditional conceptions of insanity in their cognitive lucidity, but who at the same time cannot be considered rational actors. Psychiatric disorders like, moral insanity and homicidal monomania were the fruits born from this reconceptualization of insanity (Foucault 1978; Weisman 2008).

While this context is certainly significant for understanding the shifting relationship between law and psychiatry in the nineteenth century, it is also significant because it marks what Foucault has termed the “pathologification of crime” (Foucault 1978, 6). It is at this juncture, where criminality and pathology are linked and a series of unending attempts are made in psychiatry and criminal anthropology to begin to unravel the pathologies that lie *behind criminality*. It is no

longer the crime that is solely of concern in the criminal justice arena, but rather the *nature of the criminal*; the administration of justice requires that the person who committed the act be identified, but also that law must come to *know* the person (their nature, their being) whom they are punishing (3). It is within this context that criminology emerges, armed with the tools of positivist science, to unravel the mystery of the nature of criminality (Rafter 2004, 985).

Moral Insanity

The development of moral insanity was, in part, a way to explain the behaviour of seemingly rational criminals (i.e. were not affected by insanity) who acted without motive and seemed to be lacking a moral sensibility. Nicole Rafter credits Benjamin Rush, an American physician, the founder of American psychiatry, and a signer of the Declaration of Independence, as the first person who attempted to explain the origin of madness and immoral conduct as mental disease, rather than just sinfulness (2004, 986). According to Rush, humans are born with a moral capacity to choose good or evil, and it is our moral faculty that causes us to act one way or another (986). Rush explains that the cause of criminal behaviour lies in some kind of impairment to the individual's moral faculty which then results in "moral derangement" (Rafter 2008, 24). For Rush, moral derangement can be an innate "defect" or one that develops later on in life because of "fever, poor diet (eating meat or overeating), immoderate consumption of fermented liquors, extreme hunger and too much sleep" (22). Rush also, classified moral derangement into two distinct types: partial and total. For those suffering from partial moral derangement "the offender remains conscious of wrongdoing" (Rafter 2004, 986). Whereas, for person whose moral faculty is totally absent, "the conscience and sense of deity as well as the moral faculty stop operating, producing people who commit crime repeatedly and without remorse" (988). Rush, Rafter (2004) notes, remained torn on the question of criminal responsibility.

Instead of 'moral derangement' representing a complete shift to a scientific paradigm, it has been suggested that it might better be understood as an explanation of immoral and criminal behaviour that *merges* or *hybridizes* science and theology because of the religious threads that run through his work (Rimke and Hunt 2002; Rafter 2004). For example, Rafter notes that Rush's work emerged from "18th century concerns and religious premises. Some of his examples originated in firsthand experience, but others came from the Old Testament and Shakespeare"

(2004, 990). Despite the fact that Rush's work was not a total reformation of how deviance was thought about and discussed, Rafter insists that the significance of his work "lay in the way he took insanity, including moral derangement—conditions still widely viewed as signs of sin or demonic possession—and redefined them as mental diseases" (2004, 988). More than this, Rafter explains that because Rush was interested in the relationship between immoral behaviour and "physical influences", his theory of moral derangement "can be considered one of the first formulations (perhaps the first) of a biological theory of crime" (986). Therefore, Rush's work, while still relying on a theological sensibility to an extent, was one of the first attempts "to remove criminality from the clergy's hands and incorporate it into the psychiatrist's domain" (988)¹⁵.

Close behind Rush, was Philippe Pinel, a French physician who was one of the first "European physicians to insist on treating insanity as a disease" (989). Pinel remains widely cited in the literature on moral insanity as being the founder of the idea of moral madness, instead of Rush. One reason for this, as Rafter explains, is that "in contrast to Rush's approach, which had appealed for authority as much to the bible as to direct observation, Pinel's approach was closer to what early 19th-century thinkers defined as science" (989). For Pinel, insanity did not necessarily constitute an elision of the intellect or the onset of delirium as then-dominant understandings of insanity suggested. Rather he proposed (in a similar vein as Rush) that those "maniacs" "who at no period gave evidence of any lesion of the understanding" were suffering from *manie sans delire* (insanity without delirium) (Pinel 1806 quoted in Rafter 2004, 989). At the time, this way of conceptualizing madness as distinct from, and without delirium, was novel because most "authorities [...] taught that mania or madness is always accompanied by delirium (hallucinations, delusions)" (989). *Manie sans delire* was able to account for those cases where individuals engaged in otherwise inexplicable and motiveless criminal acts that were otherwise

¹⁵ A significant feature of Nicole Rafter's (2004) argument is that the emergence of moral insanity in the eighteenth century is one site where we can locate the origin of criminological thought which she defines as "efforts to study crime scientifically that occurred before the discipline took shape" (982). However, as Rafter points out, it was not at this juncture where theological theories were totally replaced by scientific ones. Instead, these early interventions in theological perspectives of crime, were hybridized accounts (see also Rimke and Hunt 2002). Interestingly, Jalava, Griffiths and Maraun, in their recently published book on contemporary psychopathy research, suggest that the modern conceptualization of psychopathy "has never managed to break free from its roots in the Judeo-Christian theory of morality" (2015, 4; see Appendix A, 185-191).

beyond legal, psychiatric and cultural intelligibility because the act lacked reason, but where the reasoning faculty was intact (Weisman 2008).

Like most new radical ideas Pinel's re-drafting of insanity did not escape criticism. Nicole Rafter suggests that James Cowles Prichard, an English psychiatrist who was writing in the 1830s, criticized Pinel's formulation because it neglected those cases of insanity where "a morbid perversion of the affections [were present] and moral feelings exclusively" (2004, 991). As such, Prichard revised Pinel's *manie sans delire* in such a way that took into account the *perversion of the affects* and *lack of morality* that this decidedly 'insane' individual experienced and exhibited, but where the reasoning and intellectual facilities remained undisturbed. The inability of medical professionals to explain this type of behaviour using the medical taxonomies then available "gave rise to a new species of mental disease, one in which the diagnostic focus was upon the pathology of the individual's moral faculty" (Rimke and Hunt 2002, 70). Prichard termed this *moral insanity*. In Prichard's rendering of moral insanity, the morally insane transgressor was seen as a victim of their affliction (Weisman 2008) who was overcome by "irresistible impulses that functioned outside the person's control led to the moral insanity classification [...] it follows that moral insanity reduced criminal culpability" (Arrigo and Shipley 2001, 331).

This is an important shift because until the beginning of the 19th century, Hannah Augstein notes that explanations of insanity were couched in a "Lockean philosophical framework of enlightened rationality" (1996, 311). Accordingly, insanity was thought to manifest in the intellectual faculty. That is, the presence of madness was indicated by some form of total delirium—a complete detachment from reality. However, Augstein suggests that with the social, cultural, and scientific changes inspired by the French Revolution and Industrial Revolution, there was a shift in how madness was understood (311). For Prichard, the Lockean based understanding of insanity was not applicable in all cases, especially those instances where there was a "perversion of the emotive faculties" (316). This led Prichard to rethink moral insanity in a way that accounted for "morally offensive behaviour" (Rimke and Hunt 2002, 70) that did not demonstrate a defect in the intellect. Nor did patients "dwell in some delusive state", rather, they seemed to display "deep sullenness, unmitigated fury, utter shamelessness, seemingly without purpose or motivation" (Augstein 1996, 311).

Prichard's theory of moral insanity enjoyed an enormous amount of success and became part of psychiatric vocabulary after he published *A Treatise on Insanity* in 1835. Rafter (2004) suggests that the reason that Prichard's re-working of moral insanity received the acclaim that it did was because of the way that he recast questions of mental disease in terms of emotions; moral insanity was henceforth considered a type of emotional madness. A theory of disease that accounted for moral depravity and transgressive affect, while the intellect remained intact, had been created, and it amended the notion of a total insanity into the possibility that insanity may be partial and thus only affect certain faculties while leaving the others unscathed. It is also notable however, that Prichard's theorization of moral insanity has not escaped criticism. For instance, John Ellard argued that Prichard's conceptualization of moral insanity as the result of a perverted moral faculty was poisoned at its source: "he [Prichard] attributes what he observes to a faculty, and asserts that the faculty is deranged. He offers no proof that there is such a thing as an intellectual faculty, and no description of its attributes" (1988, 385). Ellard continues,

by the middle of the 19th century or thereabouts the whole disaster had been assembled. Faculties could be invented as causes of any behaviour you choose, without assuming the burden of describing where the faculties were, how they came to be there and what their qualities were; moral and mental aberrations were inextricably mixed; the whole of human behaviour could be encompassed in psychiatric classifications, the criteria of which were both imprecise and derived from more than one universe of discourse; and above all, the evidence for the existence of moral insanity was so subtle that ordinary mortals were unable to see it. Only psychiatrists could perceive and unravel its mysteries. (386)

In addition to the critiques levelled against the earliest formulations of moral insanity and especially the science that it was based on, scholars have also been critical of the way that moral insanity was imagined and applied (e.g. Fee 1978; Freedman 1987; Lunbeck 1994; Rafter 1997a; 2008; Chenier 2003; Rimke 2003; 2005). As interest in moral insanity began to proliferate in the nineteenth and twentieth century and as experts wrestled with understanding the nature and cause of deviant and motiveless acts, iterations of moral insanity and images of the morally insane individual were not neutral or innocent. Rather, moral insanity (and later, psychopathy) was distinctly tied to particular bodies and social identity categories and the assumptions and expectations that these bodies and identities engendered.

Moral Insanity, Class and Whiteness

Although Prichard's work on moral insanity was undeniably important for how insanity was thought about at the time of his writing (Rafter 2004; 2014), Hannah Augstein (1996) has observed that Prichard's work did more than create a new way to think about insanity: his work also decisively constructed moral insanity as "a disorder of the affluent" (339). As such, moral insanity was conceived as a condition that was not found among "brute men—savages as well as peasant folk" or in "barbarous countries", but was a disorder that was "characteristic of civilization" (340). Moral insanity, then, was "a polite form of madness" (340), "a disorder which was a lot more respectable than other ideas about the unsoundness of mind. In a way, moral insanity served to create a class of patients who were not liable to be confounded with beastly imbeciles and the debilitated" (339).

By the end of the nineteenth century, theories of moral insanity underwent a significant transformation on the basis of degeneration theory, evolutionism and somaticism (Rafter 2004, 997). Degeneration theory posited that evolution occurred through inheritance or heredity; when good traits were passed on, the human species would evolve, whereas, when bad traits, or the traits of degeneracy were passed on, the lineage would degenerate (Rafter 2008, 98-99). The origins of the seed of degeneracy lay in some type of disavowal of virtuous living— "those who drink heavily, fornicate frequently, become slothful, or fail to discipline their minds are in danger of devolving or going backward on the evolutionary scale" (98). The result of degeneration was a "morbid deviation away from normality that leads to criminality, madness, sterility and early death" (99). The theoretical assumptions of degeneration were integrated with moral insanity, where the first incarnation of a degenerationist moral insanity is credited to Dr. George Savage, though Savage's ideas were derived from the earlier work of degenerationist psychiatrist, Henry Maudsley (Rafter 2004, 997).

In Savage's revision of the concept of moral insanity, there is one notable amendment for my purposes here; the *origin* of the disease. Moral insanity was no longer simply innate, rather "its innateness [was explained] in hereditarian terms" (997). But moral insanity was more than a hereditary disease that afflicted numerous members of a specific family throughout generations, it was also a degenerative one. Henry Maudsley, defined degeneration as the "undoing of a kind...used exclusively to denote a change from a higher to lower *kind*" (Maudsley 1884 quoted in Rimke and Hunt 2002, 74; emphasis original). The morally insane were thus seen as inferior

biological deviants and *degenerates*—individuals who had “fallen from grace” and suffered for “the sins of the father” (Rimke and Hunt 2002, 74).

Heidi Rimke argued that this degenerationist shift in theories of moral insanity led to reading the external body as a “representation of abnormal, inferior, dangerous, or deranged interiorities” (2003, 249). In her interpretive analysis of nineteenth century texts on moral madness, she suggests that a series of signs were read off the body to both explain and identify moral insanity. Such signs included, but were not limited to gestures, bodily movement, facial characteristics and bodily physique. This recourse to the body as a text that symbolized or represented an abnormal interior disposition had important implications for not only how moral insanity was conceptualized, but as Rimke points out, *how it was applied*.

Many formative figures who generated theories of moral insanity, often noted the significance of a *change* in character and in conduct that was evident in the morally insane individual (Rimke 2003, 254; Augstein 1996, 312). Rimke has explained that when psychiatrists were evaluating moral insanity in patients, one criterion that they used was whether they “transgressed dominant social codes of conduct and desire” (2005, 284). Whereas, the other criterion had to do with what was usual for this subject. In other words, they evaluated the subject in relation to the subject herself: “she is no longer herself” (284). When a ‘change’ occurred, the once ‘normal’ and moral subject became a subject who is immoral and abnormal (284). Rimke’s research tell us that this change was a significant feature of how moral insanity was diagnosed (284) and that it involved a “double movement”: “first the subject was pathologized in relation to reigning cultural standards and thus rendered socially abnormal, and second, the subject was appraised in relation to its established interior because the strongest and most reliable form [sic] evidence was the change which took place in the individual’s character and habits” (285). Therefore, the ‘change’ is a highly visible and identifiable way that the internal disease reveals itself externally, in the form of dispositions, actions, character, interactions, expressions, manners and so on (285).

What is particularly interesting about the notion of change in Rimke’s (2005) work are the conditions of its possibility. Because the ‘the change’ is seen as a negative movement away from normalcy towards abnormality, “it presume[es] a ‘normal subject’ prior to the course of illness or degeneration” (289). Nicole Rafter (2008) also provides insight on the significance of ‘the change’ to degenerationist versions of moral insanity. She observes, that psychiatrists

explained moral insanity “as a reversion to a primitive state” (97). Degeneration theory generally held that certain populations (primarily women and ‘inferior’ races) were ‘less evolved’ and thus their ‘fall from grace’ was significantly less than the ‘more evolved’. Accordingly, these ‘less evolved’ regressive changes were less perceptible and considered to be less problematic as certain forms of deviance were *already expected* from these ‘inferior populations’. The notion of reversion plays an interesting role in theories of evolution and degeneration because it essentially provided doctors with a scientifically grounded theory that could account for deviation and regression among the most ‘civilized’ members of the society—the white middle-class population—to a “savage state” (96). Such a process, it was argued by social Darwinists such as Herbert Spencer, was only able to occur in the already cultivated classes where the result is a lapse “into a comparative barbarianism: adopting the moral code, and sometimes the habits, of savages” (Spencer 1864-1867/1898 quoted in Rafter 2008, 97). In other words, in order to be able to revert back to an earlier evolutionary and ‘savage’ state, it must be assumed that one has already experienced the full benefits of evolution and civilization and has, as a result of disease, *become like* the ‘uncultivated’ Others, which Rimke notes was a prominent “bourgeois fear” (2003, 254).

This understanding of ‘change’ or ‘regression’ had important implications for who was able to be diagnosed as morally insane. Thus far, it is rather clear that moral insanity was imagined and applied as a disorder that affected the normalized subject who transgressed. However, unlike Prichard, who saw moral insanity as a “disorder of the affluent” (Augstein 1996, 339), Rimke (2003) has shown us that moral insanity, in its degenerationist iterations, was no longer only applicable to the affluent and respectable classes. What is significant about class, according to her analysis, is how the cause of the disorder or the ‘change in character’ was explained (254). For the middle and upper classes, moral insanity was caused by an *external factor*, such as “a fever or blow to the head” (254). In contrast, hereditarian (e.g. “bad stock”) explanations were put forth to explain the moral insanity among those of a lower socio-economic class: they were seen as “‘filthy’, ‘unruly’, ‘disorderly’ or naturally predisposed to moral madness, which indirectly also served to legitimate their poorer lot in life” (254). Therefore, the notion of change and the conditions under which moral insanity could affect the normalized subject were made quite clearly on the basis of a classist iterations of ‘common sense’ and served to further ‘naturalize’ the differences between the classes.

As we have been able to see from this brief overview, moral insanity generally served (at least) two important social functions: on the one hand, it was used to explain social and moral transgressions of norms, social rules and/or convention (Fee 1978; Lunbeck 1994; Rimke 2003; 2005), while on the other hand it was also used to explain an otherwise unexplainable transgressive change. The wide net that moral insanity cast posed an important practical question about how those deemed morally insane and criminal ought to be treated: should they be treated as insane or as criminals? In her social history of moral insanity in Victorian society, Elizabeth Fee (1978) demonstrated that the answer to this question is anything but straightforward. According to Victorian bourgeois ideology, which operated as a form of moral and social control of both the propertied classes as well as the ‘dangerous’ classes, how moral insanity was viewed depended upon the individual’s social location. Fee notes that moral insanity as a form of insanity was often a ‘privilege’ (insofar as they were saved from “the clutches of the law”; 638) conferred to middle and upper class peoples, where theories of evolution helped to justify this preferential treatment:

The conviction that hereditary patterns of mental organization were inborn and inbred provided some rationalization of the fact that, for the same actions, members of the ‘lower orders’ were likely to be convicted and sent to prison, while members of the ‘higher orders’ were more likely to be acquitted on the grounds of insanity. Behavior seen as normal criminality in the working class was seen as aberrant, and redefined as insanity, in the upper classes of society. (p. 638)¹⁶

In addition to class, race and racial thinking was also significant for the way that moral insanity, and the change it engendered, was imagined. By presupposing that in order to become morally insane one had to first be a ‘normal’ and ‘moral’ subject, the non- white races were excluded from moral insanity (Rimke 2003, 256). Much like moral insanity in its non-hereditarian form was reserved for the upper classes, moral insanity was generally a disease that was said to only befall white people (Rimke 2003, 256). The reason for this exclusion is that according to degenerationist conceptualization of moral insanity, in order for one to be afflicted

¹⁶ Elizabeth Fee (1978) has also observed that it was women, more than men, that were ‘successfully’ medicalized (i.e. rendered insane rather than criminal) through moral insanity: “female crime, especially violent crime, directly challenged the familiar characteristics of ‘woman’s nature’, and it was therefore easier to interpret female violence as evidence of insanity than as ‘normal’ criminality” (638). Thus, “criminality constituted the masculine form of antisocial behaviour, insanity often seemed to be the feminine form. Both criminality and insanity showed a failure of the mental and moral control by the higher centres of the brain [...]” (639). Fee demonstrates that in the Victorian era, femininity and criminality were mutually exclusive; unimaginable without a classificatory system that was able to explain the abnormal normalcy of female offenders.

with moral insanity the individual must first have a moral sense for the perversion of this faculty to ensue thus, ‘inferior races’ were pre-emptively and “categorically disqualified” from moral insanity (Rimke 2003, 256). In other words, moral insanity was applied to those individuals who belonged first and foremost to the white respectable population where morally transgressive behaviour was evidenced because for this population moral capacity was *assumed*. It was believed that because they had such a capacity in the first instance, that their morality could be perverted by disease (Rimke 2003).

The relationship between reversion and moral insanity, and more specifically the way that moral insanity was often articulated by psychiatrists as a form of reversion (Rafter 2008), draws our attention to the ways that moral degenerationists tried to account for slippages or anomalies within the ‘cultivated’ classes. The racialized and immoral figure of the ‘savage’ is essential to this degenerationist formulation of moral insanity, just as it was for Lombroso in his explanation of criminality as atavism (see Chapter 2). Paraphrasing Maudsley, Rimke highlights how the morally insane were likened to ‘savages’ because the morally insane, like the ‘savage’, was locked into a process of regression and was on the verge of entering into a more ‘primitive’ state (2003, 256). The link being drawn by Maudsley between the morally insane and the ‘savage’ demonstrates how the white morally transgressive individual becomes not only thinkable but intelligible by relying on racist discourses already in circulation. Importantly, the perceived link between immorality and the so-called inferior races was not an idea unique to psychiatrists of moral insanity. David Theo Goldberg (1993) suggests that prior to race entering modern and scientific vernaculars and discourse in the 15th century, exclusion, discrimination and overall differences between human beings were rooted in morality and not race. The medieval figure of the ‘*Savage Man*’—a figure represented as “naked, very hairy though without facial or feet fur, apelike but not an ape”—was a precursor to the modern racial formation of social subjects (Goldberg 1993, 23). Accordingly, the figure of the ‘savage’ was *not* first and foremost constituted on the basis of race (this would happen later), but on the basis of a perceived immorality—violent, sexually promiscuous, and lacking in civility and restraint.

The immoral figure of the ‘savage man’ arguably bleeds into, and informs modern conceptions of race and sets normative boundaries between racial subjects: the racialized Other is a naturally immoral subject, whereas the respectable, middle-class white population are credited with morality (Rimke 2003). Rimke’s (2003) reading of Maudsley’s theory of moral

insanity highlights, not only the racial and class-based character of moral insanity (e.g. who can possibly be morally insane, and in relation to the etiology of the disorder), but also how moral insanity, was constituted, in part, by incorporating racialized and classist traits (e.g. immorality, primitive emotional capacities, unrestrained behaviour) as well as other social and cultural markers of difference as symptomatic of moral insanity itself (Rimke 2003; 2005). Rimke's (2003; 2005) reading of moral insanity highlights how white middle and upper-class subjects who deviate from the prescriptions of respectable whiteness are reproduced, not only as different, immoral, and Other, but pathologically so; whereas racialized subjects, within the logic of moral insanity, are positioned as *inherently* deviant, inferior and immoral. This production of whiteness as pathological is made possible through the integration of racist discourse with moral insanity and leads to the explicit assumption that to 'be' morally insane is to resemble, in character and conduct, the racialized 'underclass'.

What we can conclude from Rafter and Rimke's respective readings is that Maudsley and Spencer left us with two divergent explanations of transgression that are based on an interlocking reading of social subjects: transgression is an obvious, innate *expectation* of Othered groups (especially on the basis of race and class) and the pathological *exception* for normalized groups, where race and class were pivotal signifiers of how individuals would get enveloped and constituted in the discourse of transgression. Their work also points to why moral insanity was particularly amenable for explaining the transgressions of white subjects.

Gender and Sexual Transgression and Psychopathy

In her work, Rimke is careful to point out that it was not simply class-based and racial readings of the body that informed diagnoses of moral insanity, but it was rather "the intersection of 'race', class and gender that informed and constituted the visual terrain of moral madness" (2003, 257). In effect then, "anyone who transgressed the limits of (Anglophone) bourgeois civility and morality" could be considered morally insane should their conduct warrant such a diagnosis (257). For example, Rimke argues that in addition to the role that race played in defining the parameters of moral insanity, moral insanity was also "genderized" particularly at the level of corporeal interpretation/inspection (255):

the representations of immoral Others relied on bourgeois appraisals of masculine and feminine exteriorities that provided a grid for recognizing pathological interiorities. Whereas morally mad boys and men were often inscribed and

described with traits such as ‘cowardly’, ‘small’, ‘emasculated’, ‘solitary’, or by ‘a want of manliness feeling’, morally insane females were described as ‘vulgar’, ‘insubordinate’, ‘indelicate’, ‘aggressive’, or ‘obstinate’, or her habits ‘unwomanly and offensive’. The feminization of males and defeminisation of females was read off the body as symptomatic as moral madness. (255)

This quote indicates that both white men and women who transgressed the acceptable boundaries of their gender, were pathologized through moral insanity. Unfortunately, the significance accorded to cultural knowledge and bodily markers in diagnosing moral insanity/psychopathy did not abate in early-mid 20th century theorizing. In fact, many scholars have revealed the ways in which dominant understanding of sex/gender and sexuality actually came to be the cornerstone of theories of psychopathy in the twentieth century (Lunbeck 1994; Rafter 1997a; Chenier 2003). Before detailing this continuity, it bears mentioning that language that was used to describe moral insanity shifted in the early twentieth century from moral insanity to psychopathy. Jalava, Griffiths and Maraun (2015) have noted that the construct of moral insanity was fraught with controversy from the moment of its emergence. This controversy ranged from what to call the disorder to what caused it (32-33). Despite these issues, Julius Ludwig August Koch, a German psychiatrist, is generally credited with introducing the term “psychopath(y)” in the late nineteenth century (Arrigo and Shipley 2001, 331-332; Jalava, Griffiths and Maraun 2015, 32)¹⁷.

While psychopathy was conceptualized differently depending on which twentieth century text is being consulted¹⁸, Elizabeth Lunbeck (1994) told a story of psychopathy that places its twentieth century popularity squarely within the ambition of American psychiatry to become a discipline and profession of the everyday. In order to secure its professional significance, psychiatry refashioned its image and speciality from a profession and discipline solely concerned with insanity, into a profession that was concerned with ‘normal’ people, ‘normal’ problems and indeed, with normalcy itself—“the psychiatry of everyday life”. Thus, psychiatrists were no longer strictly concerned with insanity and abnormality, but the everyday problems that anyone

¹⁷ Neither Arrigo and Shipley (2001) nor Jalava, Griffiths and Maraun (2015) provide an explanation as to why “psychopathy” was preferred over “moral insanity”.

¹⁸ See Arrigo and Shipley (2001) for a clear historical overview of the different ways that psy experts conceptualized psychopathy (in terms of nomenclature, cause, treatability and degree and/or type of social condemnation) from its early-nineteenth century origins to the present.

might experience: “poor marital relations, temperamental oddities, failed ambitions, heightened sensitivities, a proclivity for lying, a nervous disposition” (46).

Psychopathy played a key role in this sedimentation of psychiatry into the everyday. Lunbeck explains that its usefulness lay in the broad and innate defects to which it referred: it “encompassed incarcerated criminals and dissipated high-livers, promiscuous girls and lazy men, deficiencies so various, so numerous, and, in the end, so elusive that some wondered if it referred to anything at all” (65). Although psychiatrists could not, with any precision, define psychopathy (save for a number of loosely defined traits—impulsive, irritable, unstable, irresponsible, lacking in decency, rule breakers, and so on; 65), Lunbeck makes the case that it was psychopathy’s “indeterminacy” and thus “malleability” that allowed psychiatrists to use it to rewrite the discrete divide between normalcy and abnormality. More specifically, it was through psychopathy that psychiatrists fashioned the notion of “personality” and by extensions, “personality disorders”. This entry into the realm of personality helped psychiatrists to secure their everyday necessity because *everyone* has a personality, and personalities can be adjusted (with a little help from psychiatrists) (69). Additionally, the psychopath of the early twentieth century much like its nineteenth century predecessor, was not wholly abnormal, but straddled the liminal space between “psychic health” and “mental disease” (66). In many ways, psychopathy helped psychiatrists to ‘pathologize the normal’ and even render normal a rarity (70):

only with respect to psychopathy did psychiatrists conceive of symptoms as quantities, amounts or exaggerations, premising diagnoses on too little of one thing—honesty, reliability, emotional control, loyalty—and too much of another. And only in psychopathy could they argue that behaviour indicative of the condition did not ‘differ strikingly from normal human behaviour’, or, in a similar vein, that persons branded by it ‘lie exceedingly near to what we conceive as normal. *Psychiatrists pathologized the normal*, a quantity as ill defined as the psychopathy to which it was juxtaposed, in the process of attempting to apprehend it [...]. (1994, 70; emphasis mine)

Not only did psychopathy help the profession to enter into the new domain of everyday life, of normalcy, the significant role that it played also helps to explain why psychopathy, with all of its many issues, was ‘enduringly significant’ (67).

Despite the persistent ambiguity of the concept, psychiatrists who wrote about psychopathy and who diagnosed individuals in hospitals were remarkably consistent in their imagining of *who* the psychopath was. While the concept first emerged to account for motiveless

(unexplainable) crimes and criminal behaviour, and in the twentieth century, to capture those more elusive behaviours that were not quite ‘normal’, how the condition is conceptualized and applied in terms of identity and difference during this time is similar to the century that preceded it.

Nicole Rafter observed in her analysis of early twentieth century criminological texts, that psychopathy was the preferred theory of crime from about 1915-1920 (1997a, 239). During this time, she notes that psychopathy was often mobilized to characterize individuals who did not simply break the law, but also deviated from heterosexual masculinity. Rafter explains that the late nineteenth century and early twentieth century works of two German psychiatrists—Richard von Krafft-Ebing and Emil Kraepelin—in developing the concept of psychopathy made distinct associations between psychopathy and gender and sexual deviancy and both referred to psychopaths as “savages”¹⁹ (241). Using an approach termed “anthropological psychopathy” which refers to a “body of thought related to criminal anthropology which portrayed the psychopath as biologically deviant, a degenerate with physical and mental stigmata” (241), Krafft-Ebing and Kraepelin were able to make their observations. These works, similar to mid-nineteenth century works on moral insanity discussed above, continue to conceptualize psychopathy as a biological and degenerative condition and where the body remains configured as a text or a sign of a “transgressive interiority” (Rimke 2003).

The works of these German psychiatrists were profoundly influential for American psychiatrists and criminologists (Rafter 1997a). For example, William Healy²⁰, like most criminologists and psychiatrists at the time, saw criminality as an expression of an underlying degenerative biological condition and mental disorder that was visually discernible by some type of stigmata (245). It is important to note that Healy does not differentiate between psychopathy and criminality it is as if they are one in the same (245). Despite this, Rafter notes that he focuses on social deviance and “sex-gender abnormalities” specifically, rather than law breaking. Focusing on juvenile psychopaths, Healy, Rafter reports, observed that the female psychopath is

¹⁹ Rafter does not offer a commentary on their use of “savage” and its potential links to dominant racial logics and discourse at the time.

²⁰ William Healy was a trained American neurologist and the first director of the prominent court clinic, the Institute for Juvenile Research in Illinois. Because of his extensive clinical work, he was later referred to as a psychiatrist (Rafter 1997b, 170). His book, *The Individual Delinquent: A Textbook of Diagnosis for All Concerned in Understanding Offenders*, published in 1915, “became the period’s most respected criminological treatise, one of the switches that rerouted criminology from the explanatory track of feeble-mindedness theory onto that of mental deviation” (Rafter 1997b, 177).

a “relative rarity” because they “are passive and immobile, whereas the more restless male psychopaths actively explore the world and hence get into more trouble” (245-246). His reliance on then-dominant sex-gender scripts of heterosexual femininity and masculinity, is quite clear in his description of the female psychopath—she is a “sluttish” figure who belongs to the “low prostitute class” because of her sexual engagements and living arrangements with a various “low class of men” (246). The logical extension of the female psychopath then, is the effeminate male psychopath and the homosexualization of the male psychopath (246). Rafter cites one case from Healy’s text, *The Individual Delinquent* (1915), that offers us a stark image of who the male psychopath was for him. The case is of a juvenile male psychopath (16 years-old) “whose delinquencies include truancy and petty theft” (246). Healy describes him as follows: “voice high and weak for his age. Stammers a little. Backward in signs of puberty...very few manly traits...got into bad sex habits when he was 10 or 12 years old” (Healy 1915 quoted in Rafter 1997a, 248). In another example, he cites the case of a 17-year-old male:

arrested for truancy and ‘sex perversions’, is physically weak, with ‘unusually long, delicate hands’ and prominent hips [...] ‘uses his eyes in most peculiar way; drops the eyelids and snaps them in girlish fashion’. Always regarded as a ‘sissy’, as a child he played with dolls, loved to sew and iron, and avoided athletics. In adolescence, he adopted the name Hattie and began cross-dressing. Soon he was engaging in ‘the most effeminate type of sexual perversions and earning his living by female impersonation. (quoted in Rafter 1997a, 247)

Each of the examples that Rafter (1997a) provides, builds a clear picture of the role heterosexual gender norms played in imagining who the psychopath was.

Similar to both Rimke (2003; 2005) and Rafter (1997a), Elizabeth Lunbeck’s (1994) research provides us with additional evidence regarding the links between gender and sexual deviance and psychopathy in the twentieth century. Lunbeck notes that the way in which psychopathy was applied to both men and women at the Boston Psychopathic Hospital was rather consistent when we look to the gender and sexual logics informing the diagnosis: men who failed to live up to hegemonic prescriptions of heterosexual masculinity became the “stock male psychopath”, whereas the immoral and hypersexual woman was identified as psychopathic because of her turn away from virtuous womanhood (238)²¹. In sum, for the psychopathic

²¹ A similar understanding of ‘failed’ masculinity made its way into mid-twentieth century understanding of psychopathy and criminality and was evidenced in the hybridized medico-legal concept ‘criminal sexual psychopath’. See for example, Freedman (1987); Kinsman (1993); and Chenier (2003).

women, it was her deviant hypersexuality that became a focal point for psychiatrists as “the real social menace” and the “spectre of the prostitute” haunted imaginings of the female psychopath (188), whereas “the spectre of unachieved manhood haunted” the male psychopath (236).

In addition to Lunbeck’s (1994) research highlighting the gender and sexual logics that were contouring how psychopathy was imagined, she also draws our attention to the role of race and psychopathy in twentieth century conceptualizations and applications of psychopathy. Lunbeck notes that this psychopathic image of immoral womanhood was evidently only applicable to white women. When Black women came under the gaze of psychiatrists they were treated much differently. For white women and girls, promiscuity, passion, immorality, and sexual desire were seen as a pathological departure from normalcy—a symptom of psychopathy—while “they [psychiatrists] deemed that of Black girls entirely normal” (204). Psychiatrists’ reasons for this are consistent with Rimke’s (2003) observations regarding the “disqualification” of racial Others from moral insanity: “the dangerous psychopathy that psychiatrists so confidently perceived in the immorality of white girls became, at worst, a conduct disorder—a manifestation of conduct that did not match the conduct prescribed by society—and at best a manifestation of normality when the girl in question was black” (Lunbeck 1994, 204). Thus, Lunbeck highlights that the benchmark for diagnosing hypersexual behaviour in females was based not only on dominant narratives of respectable or normative femininity, but were also determined by what was “normal for her race” (205). Here, the sexual behaviour of young Black women was not deemed to be inexplicable to the extent that medical or psychiatric discourse needed to be introduced to render her sexual behaviour intelligible, for the ‘hypersexual’ behaviour of the Black young woman was not “symptomatic of disease but [seen] as the natural, expected expression of the immorality of the race” (205). One of the many contributions of Lunbeck’s research, is that she allows us to see how, even in the early twentieth century, psychopathy remained a disease solely applicable to the white race because of dominant racial logics and discourses that posited that immorality was only possible if a moral sense was present in the race in the first instance²².

²² Will Jackson (2011) similarly observed this practice of applying psychopathy to white women in the Kenyan settler colonial context during and immediately after the Second World War. He notes that poor white women who were single, independent and sexually active were often diagnosed as psychopathic. While their transgression of social norms was integral to this diagnosis, it was not the only motivation. Jackson argues that psychopathy was used in this context to make manifest an interior flaw in this group of people—poor white women— and to

Although the research that I undertake for this dissertation is not historical in nature and therefore I do not make any contribution to this literature, I have examined these secondary historical works in such detail because the empirical and methodological insights of Fee (1978), Lunbeck (1994), Rimke (2003; 2005) and Rafter (1997a) *have contributed to this project* in a number of ways.

The first contribution that these texts have made to this project is that they have largely informed my own thinking about representations of psychopathy in the contemporary Canadian context. The approaches that these scholars take in studying psychopathy historically as well as their empirical observations, are significant to the form and content of this project. Each of their respective works have, in different ways and in different contexts, drawn out the social, cultural and political logics that have informed how moral insanity or psychopathy was imagined and who was imagined to be morally insane or psychopathic. Each of their works demonstrate how dominant discourses surrounding identity and difference, and specifically around gender, race, class, and sexuality played a significant role in who was diagnosed as morally insane and how moral insanity became a disease most readily attributed to those who occupied normalized social positions and who transgressed the assumptions and expectations of their identities. The insights of each of these scholars encouraged me to think about how ideas about bodies, identity, and difference might still be informing how psychopathy and criminality are imagined in our contemporary context and their historical contingencies.

The second way that these scholars have contributed to this project is methodological. As we will see below, much of the contemporary research on psychopathy is largely derived from a positivist methodology and seeks to determine the etiology of the disorder, variables which affect the disorder, how the risks posed by the disorder might be minimized and so on. This project is differently oriented to the question of psychopathy. As such, the critical and constructivist orientation of these critical historical scholars was incredibly influential in designing this project especially in providing me with templates for how research on psychopathy could be done in ways that go against much of the other literature that saturates the field. For these two reasons, I am very grateful for the contributions that these scholars have made to this project. Indeed, I am not sure that this project would have been possible without their work.

segregate/exclude them so as to isolate their potential for contaminating ‘white prestige’, which was formative in the development and management of the colony.

Contemporary Representations²³ of Psychopathy

As conceptions of psychopathy mutated throughout the twentieth century, psychiatrists and psychologists became increasingly skeptical of psychopathy. While the disorder first emerged to explain immoral and unintelligible heinous crimes, over the course of the nineteenth and twentieth centuries it came to represent a wide array of socially transgressive behaviours. This led to charges that the term had become “an over cluttered wastebasket” (Karpman 1948 quoted in Genter 2010, 140) that referred to eclectic behaviours and characteristics ranging from masturbation and ‘homosexuality’ to petty crimes and excessive violence, and individuals who lacked guilt, motive and remorse for their transgressions (Genter 2010, 140). Despite skepticism surrounding the concept, Hervey Cleckley (1964), an American psychiatrist, did not give up on the diagnostic utility of the concept because he believed that understanding psychopathy could ameliorate its negative effects on the social body as well as the experiences of individuals who interact with psychopaths.

A Characterological Portrait of the Psychopath

Hervey Cleckley is widely regarded as the founding father of modern psychopathy research. His work on psychopathy is still used, for the most part, today (Arrigo and Shipley 2001, 224). In his influential book *The Mask of Sanity*, first published in 1941, Cleckley (1964) attempts to grapple with the vagueness accorded to personality disorders and psychopathy in particular. Cleckley (1964) notes that where individuals came to the attention of psychiatrists for one reason or another, and where these individuals who did not seem ‘normal’ but did not demonstrate mental disease, it was often concluded that they were psychopaths. What he finds curious about this clinical practice was its prominence as a diagnosis despite the fact that psychopathy was a poorly explained category. The primary objective of his book is to provide modest clarity to the concept.

²³ I characterize these conceptualizations of psychopathy as “representations” following the lead of Richard Weisman who suggests that the term “representation” draws our attention to “the interpretive work that is involved in developing these formulations while bracketing their correspondence to veridical reality” (2008, 197).

Importantly, for Cleckley psychopathy does not manifest in visual corporeal signs such as stigmata or “gross brain changes” (243). Rather the psychopath is made visible by his actions (362). The psychopath’s actions are said to demonstrate a series of characteristics such as:

Superficial charm and good intelligence, absence of delusions and other signs of irrational thinking, absence of nervousness or psychoneurotic manifestations, unreliability, untruthfulness and insincerity, lack of remorse or shame, inadequately motivated antisocial behaviour, poor judgement and failure to learn by experience, pathologic egocentricity and incapacity for love, general poverty in major affective reactions, specific loss of insight, unresponsiveness in general interpersonal relations, fantastic and uninviting behaviour with drink and sometimes without, suicide rarely carried out, sex life impersonal, trivial and poor integrated, failure to follow any life plan. (363)

Robert Hare (1999), one of the leading experts on psychopathy and creator of the *Psychopathy Checklist-Revised* (hereafter PCL-R; discussed below) relied on Cleckley’s traits of the psychopath to develop the checklist. For Hare, “psychopathy is a personality disorder defined by a distinctive cluster of behaviours and inferred personality traits, most of which society views as pejorative” (ix). More provocatively, he describes them as:

Social predators who charm, manipulate, and ruthlessly plow their way through life, leaving a broad trail of broken hearts, shattered expectations, and empty wallets. Completely lacking in conscience and in feeling for others, they selfishly take what they want and do so as they please, violating social norms and expectations without the slightest sense of guilt or regret. (xi)

The modern representation of psychopathy hinges on two general facets: “emotional deficits”/ “personality traits” as well as behaviours that are largely considered deviant by society (Glenn and Raine 2014, 3). Because the psychopath is understood to be lacking in “moral emotions” which enable people to engage in ethical interpersonal relationships with others (Weisman 2008, 198), they often, and with greater ease, engage in socially transgressive behaviour (to varying degrees). Together, these two facets of the psychopathic profile form a “comprehensive picture of the psychopathic personality” (Hare 1999, 57). Hare (1999) organized the PCL-R based on these two general symptom clusters which he explains in his book. In terms of *emotional deficits*, the psychopath is said to possess the following traits:

- **Glib and superficial:** Psychopaths are able to present themselves as articulate, ‘smooth’, charming, intelligent, knowledgeable and agreeable. However, these presentations of self are superficial and insincere as the psychopath is merely “mechanically reading their lines” (Hare 1999, 35). A true, authentic self is thus presupposed (Jalava, Griffiths and Maraun 2015, 185).

- **Egocentric and grandiose:** “Psychopaths have a narcissistic and grossly inflated view of their self-worth and importance, a truly astounding egocentricity and sense of entitlement, and see themselves as the center of the universe, as superior beings who are justified in living according to their own rules” (Hare 1999, 38). Additionally, Hare notes that psychopaths will often appear as “arrogant, shameless braggarts—self-assured, opinionated, domineering, and cocky” who love power and control (38).
- **Lack of remorse or guilt:** Psychopaths lack ‘real’ remorse and guilt for their misdeeds. Not only can they not feel these emotions, but they often try to rationalize their misdeeds, blame their victims for their ill fate or think of themselves as the victim and not the perpetrator (40-44).
- **Lack of empathy:** Psychopaths “seem unable to ‘get into the skin’ or to ‘walk in the shoes’ of others, except in a purely intellectual sense. The feelings of others are of no concern to psychopaths. In some respects they are the emotionless androids depicted in science fiction, unable to imagine what real humans experience” (44). In essence, they are indifferent to the suffering of others, often seeing others as simply objects (44-45).
- **Deceitful and manipulative:** Related to their glib and superficiality, psychopaths are con artists, liars, cheats and swindlers and they are able to do so because of their impeccable ability to deceive and manipulate their victims by appearing to be otherwise (46-51; see also Weisman 2008).
- **Shallow emotions:** Psychopaths are cold, calculated and generally unemotional. They are unable to feel that which they purport or perform. They “seem to suffer from a kind of emotional poverty that limits the range and depth of their feelings” (Hare 1999, 52). While they may be able to leave some (naive) people with the sense that they can deeply feel a range of emotions, this is mere (inauthentic) performance for “they are play-acting and [...] little is going on below the surface” (52).

In terms of *social deviance* (or lifestyle traits), the psychopath is said to possibly exhibit the following according to Hare (1999):

- **Impulsive:** Psychopaths are spontaneous, focused only on the present and are pure behaviour, all of which is guided by self-interest (satisfaction, pleasure, or relief; 58). They are, as Hare notes, “unlikely to spend much time weighing the pros and cons of a course of action or considering the possible consequences” (58). The psychopath, in other words, is the antithesis of the rationally calculated actor that the classical school imagined. This is further evidenced in the words of a convicted murderer that Hare cites “[...] the murders were without reason. Don’t try to understand murder by using reason” (Gilmore quoted in Hare 1999, 58).
- **Poor behaviour controls:** This basically refers to the psychopath’s inability to control their behaviour (lack of inhibitions), and in particular their high level of reactivity (especially in the form of anger or verbal abuse) to “insults or slights”, failure, punishment, disapproval, blame among other things (59). As such, psychopaths “take offense easily and become angry and aggressive over

trivialities, and often in a context that appears inappropriate to others. But their outbursts are short-lived, and they quickly resume acting as if nothing out of the ordinary has happened” (59).

- **Need for excitement:** Related to impulsivity and poor behavioural control, psychopaths need excitement, which often involves some kind of social or legal transgression (e.g. drug use, crime, engaging in risk taking etc.; 61)
- **Lack of responsibility:** Psychopaths are both ‘irresponsible and unreliable’, “obligations and commitments mean nothing [...]” (62-63).
- **Early behaviour problems:** “Psychopaths begin to exhibit serious behavioural problems at an early age. These might include persistent lying, cheating, theft, fire setting, truancy, class disruption, substance abuse, vandalism, violence, bullying, running away, and precocious sexuality” (66). What differentiates the psychopath from the non-psychopathy, is that in the psychopath these misbehaviours will be more frequent and more serious than their ‘normal’ counterparts. Early behavioural problems, especially antisocial behaviours, are considered to be a “good predictor of adult behavioural problems and criminality” (68).
- **Adult antisocial behaviour:** Antisocial behaviour refers to illegal, unethical, immoral and/or harmful behaviours (i.e. those behaviours which run in contrast to social norms, rules, laws and/conventions). “Psychopaths consider the rules and expectations of society inconvenient and unreasonable, impediments to the behavioural expression of their inclinations and wishes” (67).

Consistent with earlier accounts of psychopathy and moral insanity, Hare clearly states that psychopathy is not a mental illness²⁴, and that psychopaths are *not insane* for “their acts result not from a deranged mind but from a cold, calculating rationality combined with a chilling inability to treat others as thinking, feeling human beings” (5). As such, this transgressor remains “intellectually cognizant” but morally and emotionally inept (Weisman 2008, 198). Therefore, psychopaths are generally regarded as acting on free will despite the presence of the personality disorder (Hare 1999, 22). Because the intellectual abilities of the psychopath remain intact and their theoretical ability to differentiate right from wrong unadulterated, when they do commit crimes they are held to be fully culpable for their actions and in some instances, psychopathy may even operate as an aggravating factor at sentencing (see below).

Hare decouples psychopathy from insanity as his predecessors did, but he is also clear to point out, as Cleckley did, that the psychopath, need not be a criminal either (although these are

²⁴ Geoff Hamilton (2008) explains the distinction between illness and disease in the context of psychopathy nicely. He notes that one of the things that differentiates psychopathy from other forms of mental illness is that the ‘patient’ does not experience distress, emotional suffering or “subjective discomfort”, but rather they are usually at ease—“it is from wounded others that complaints arise” (232). The absence of subjective suffering disqualifies the psychopathy from the definition of illness since it refers to “the subjective response to suffering”. Whereas, disease or disorder refers to “the objective classification of suffering” (232). Hence, “psychopaths are apparently diseased but not ill” (232).

the ‘types’ of psychopaths that readily come to the attention of the public). He also distinguishes psychopathy from antisocial personality disorder (ASPD). The latter he suggests “refers to a cluster of criminal and antisocial behaviours” whereas psychopathy “is defined by a cluster of both personality traits and socially deviant behaviours” (Hare 1999, 25). Moreover, ASPD is regarded as a more general category and more readily affected by environmental factors, whereas psychopathy is seen as a more specific manifestation of ASPD, largely biologically based and a more severe condition (Pickersgill 2009; 2011; Freedman and Verdun-Jones 2010; Jalava, Griffiths and Maraun 2015).

“Who are you?”: The Nature of the Psychopath

As noted above, Michel Foucault (1978) observed that a significant feature of the modern criminal trial is the need to know *who an offender is* in advance of punishment. The answer to this question can dramatically affect how offenders are subsequently treated by the criminal justice system. In the context of guilt, this question—who are you?—is usually framed within the mad or bad binary, where the presence of ‘madness’ will likely result in some kind of differential treatment and vice versa. The way that this question is answered in relation to the psychopath is therefore of enormous significance. We have already seen that the psychopath is generally regarded as having certain traits and behaviours that characterize their disordered personality and that they are generally credited with free will. However, we have not yet explored the very nature of the psychopath—what are the roots or causes of the disorder (e.g. nature versus nurture; or an interplay of both)? And, by extension, how might the disorder be remedied?

According to Hare (1999), psychopathy is caused by a complex interplay between biological and environmental factors. Despite his view that psychopathy is the result of an interplay of biological and environmental factors, Hare is much less convinced that environment (i.e. familial context, upbringing, childhood trauma etc.) plays a primary role in the development of the disorder: “I can find no convincing evidence that psychopathy is the direct result of early social or environmental factors” (170). However, he does note that “social factors and parenting practices help to shape the behavioural expression of the disorder, but have less effect on the individual’s inability to feel empathy or to develop a conscience. No amount of social conditioning will *by itself* generate a capacity for caring about others or a powerful sense of right

and wrong” (174; emphasis original). In other words, the environment may ameliorate or exacerbate how psychopathy will express itself in the individual person, but the fact remains that the individual is a psychopath by birth²⁵.

Furthermore, Hare notes that there are several biologically grounded theories of psychopathy that try to locate or isolate the biological bases of the disorder. The most favoured of these theories speculates that the origin of the disorder lies in the abnormal development of the brain structure (168). This understanding of psychopathy as located in the brain is consistent with, or rather characterizes the contemporary literature on the etiology of psychopathy derived from neuroscience (Pickersgill 2009). For example, James Blair suggests that the source of psychopathy lies within a dysfunctional amygdala (which helps to process emotion) and this helps to explain why psychopaths do not experience anxiety (see Pickersgill 2009)²⁶.

The focus of contemporary research on psychopathy remains firmly rooted in the body. However, the specific site of psychopathy is no longer written on or discernible on the external body, but rather “*within the body*” (i.e. the internal body), and especially within the brain (46; emphasis mine; see also, Freedman and Verdun-Jones 2010). While earlier theories of psychopathy attempted to account for the disorder in terms of biology, heredity and somaticism, contemporary understandings take a modified approach. Unlike degenerationist accounts that posited that psychopathy could be revealed from physical appearances (Rimke 2003), the contemporary psychopath “shatters our complacency that comes from not knowing that dangerousness cannot be detected by body type or by a psychological interview; psychopathy reveals itself by a sudden eruption of the will that exists in a hybrid mental state between sanity and madness (but not insanity or mental illness)” (Federman, Holmes and Jacob 2009, 40). The approach that neuroscientists take to research on personality disorders is characteristic of “contemporary scientific research into psychiatric disorders” more generally (51). Pickersgill

²⁵Martyn Pickersgill’s (2009) study affirmed that although neuroscientists suggest that personality disorders, like psychopathy, are a result of the interplay between biology and environment, they emphasize the salience of biological and genetic factors (51). What is significant about the how neuroscientists discuss the role of biology, is that their explanations are usually “couched in risk” rather than biological predisposition, meaning that the presence of certain genes makes individuals more “vulnerable to personality disorder, rather than determining it” (51).

²⁶Freedman and Verdun-Jones (2010) make the case, citing the Canadian legal defence of “not criminally responsible by reason of mental disorder” and Canadian case law, that because contemporary neurobiological research on psychopathy suggests that the condition is beyond the willful control of the individual, the disorder should serve as a mitigating factor at sentencing and not an aggravating factor.

terms this somatic/biological perspective (the brain is considered within the realm of the soma) a “techno-somatic ethic” which

engenders, for instance, a perspective on psychiatric research that privileges studies into neurotransmitters and genes over epidemiological and sociological investigations into the social determinants of psychopathology. Such an orientation both legitimizes, and is legitimized by, an understanding of psychiatric disorder as being in some way localizable within the body (including the brain). (46)

This shift from the exterior body to the interior body as the way in which psychopathy is identified—made visible—requires the use of special technologies that are able to render the interior body visible, such as functional magnetic resonance imaging (fMRI) and positron emission tomography (PET) (Pickersgill 2009, 46).

The emphasis of the biological in contemporary understandings of psychopathy is perhaps most significant for the reason expounded by Richard Weisman (2008). In his work on the role of psychopathy in building a case for the death penalty at the penalty phase of capital trials, he chronicles the conceptual shift from moral insanity to psychopathy. As discussed above, moral insanity emerged in the nineteenth century to account for the motiveless crime of an offender who appeared to not be suffering from an intellectual impairment and where the only evidence of insanity was the ‘insanity’ of the brutal crime itself (192). Within this early understanding of moral insanity, the change in character that this otherwise normal individual evinced became a sign that some type of pathology had set in because of the discrepancy between the individual’s character and their crime (192). Weisman points out that this way of thinking about the role of pathology (and moral insanity in particular) in the criminal act suggests that the onset of pathology was alone responsible for the crime and not the offender’s being, character and/or personhood: “the act, however despicable, does not define the person [...] the perpetrator’s being is still separated from their doing” (194). However, twentieth century representations of moral insanity paint a much different picture of the lucid, but insane transgressor. Drawing largely on biological and degenerationist understandings of behaviour, psychiatrists like Richard von Krafft-Ebing, suggest that moral insanity is the result of either heredity or neurological defects (195). Significantly, Weisman observes that within this redefinition of moral insanity as a biologically-based disorder, “the wrongful deeds of the morally insane have become an expression of their essence. In this new approach to moral insanity, act and person are now shown to correspond” (195). In this context, the pathology of

immorality is “a congenital abnormality that penetrates to the nucleus of the person”, adulterating their entire being, their “essence”—their emotions, their personality, their character (195). As such, *criminal acts are transformed into a powerful signifier of not only, pathology, but also of personhood*; indeed, as Weisman puts it, “[f]or the psychopath, action is a reflection of being” (198; emphasis mine). It is perhaps for this reason why psychopathy, in our contemporary context, has more “cultural appeal” than the DSM’s antisocial personality disorder. It has come to “signify *identity*: you have an antisocial personality disorder, but you are a psychopath” (Jalava, Griffiths and Maraun 2015, 14).

In addition to psychopathy being represented as a biological disorder, it also represented as an incurable one. Among the many debates that characterize the field of psychopathy research there seems to be relative consensus that psychopaths are resistant to treatment. For example, Hare writes: “Indeed, many writers on the subject have commented that the shortest chapter in any book on psychopathy should be the one on treatment. A one-sentence conclusion such as ‘No effective treatment has been found,’ or, ‘Nothing works,’ is the common wrap-up to scholarly reviews of the literature” (1999, 194).

The nature of the psychopath is therefore unequivocally characterized as biologically ‘bad’ and is fated to remain that way. The inherent ‘badness’ or evil of the psychopath is something that Janet Ruffles (2004) provides insight on in her study which explored how Australian criminal courts characterize offenders who committed heinous crimes. She notes that there is an important distinction to be made between mad offenders and bad offenders: “the concept of evil is much more likely to be evoked when confronted with an individual who understands the difference between right and wrong, yet proceeds to commit a heinously wrongful act without any clear motivation and which, therefore, defies rational explanation” (116). On occasions, such as these, where the courts are confronted with this intellectually unimpaired offender, the courts are not able to resort to the language of evil as such terminology runs counter to the rational logic the legal system is predicated on. Instead, she notes that psychopathy (and antisocial personality disorder) accomplishes the same ends in the legal context—psychopathy is a “legal synonym” for evil (117). Ruffles makes this claim, based on the ways that evil and psychopathy in essence do the same conceptual work and have very similar legal implications: they are labels of moral condemnation. Both terms connote that the person behind the deed is, in their very essence, fundamentally different and therefore destined to

a life of evil or criminality (i.e. recidivism); and, both the evil individual and the psychopath are irredeemable (i.e. untreatable). We could also add that defining behaviours through psychopathy or as evil has become, as McKeown and Stowell-Smith have noted, indicative of “our powerlessness to adequately explain: evil becomes shorthand of incomprehension” (2006, 110).

Identifying Invisibility: Psychopathy Checklist-Revised

Psychopathy, in a sense, makes evil visible by reducing it to a psychopathic individual. It allows us to transform the abstract, metaphysical concept of evil, and reconfigure it in such a way that it may be located within the psychopathic individual’s biology—the psychopath is inherently evil. However, as discussed above, psychopathy remains invisible to the naked eye. Unlike traditional forms of insanity, which were exclusively defined by delirium or furor which manifested in highly visible signs and symptoms of insanity (so much so, that Foucault notes that doctors were rarely summoned to diagnose or “authenticate” what was being witnessed; 1978, 4) and unlike early biological and degenerationist accounts of moral insanity which read internal moral pathologies on the external body, modern accounts of psychopathy locate the disorder in the internal body (e.g. the brain). This modern biological rendering of psychopathy results in psychopathy being largely *invisible* without ‘technological aids’ (Pickersgill 2009; Jalava, Griffiths and Maraun 2015), the PCL-R, and/or through transgression (legal or otherwise; Weisman 2008).

According to contemporary representations of psychopathy, the psychopath, like the origin or cause of the condition itself, is notoriously difficult to identify. In fact, it is likely that the psychopath will not be identified as such until they have done something to someone that raises suspicion into their mind-state (Federman, Holmes and Jacob 2009). The *Psychopathy Checklist-Revised* (PCL-R) was developed by Hare to respond to a diagnostic need to be able to identify psychopaths reliably—or as he puts it, “to help clinicians and researchers distinguish with reasonable certainty *true* psychopaths from those who merely break the rules” (1993, 32; emphasis mine). Prior to the advent of the PCL-R psychiatrists and psychologists relied primarily on psychological tests that used a ‘self-report’ style survey. Hare notes that these types of tests are ineffective when dealing with psychopaths because of their ability to ‘mold and distort the truth’ and engage in impression management (1999, 30). Indeed, this is something that Cleckley, too, observed:

little or nothing of this sort that is reliable [oral testimony from the patient that can provide clues about the disorder] can, by ordinary psychiatric examination, be obtained from the [psychopath]. Only when we observe him not through his speech but as he seeks his aims in behaviour and demonstrates his disability in interaction with the social group can we begin to feel how genuine is his disorder. (1964, 40)

The psychopath cannot, with certitude, be revealed by what he says but rather by what he does: “action is a reflection of being” (Weisman 2008, 198). Hence, the PCL-R does not rely on what the suspected psychopath *says* to identify them as such, but on their (allegedly more reliable/truthful) *case file* (e.g. court transcripts, police reports, psychologist reports, and victim-impact statements) and detailed interviews done by those who are trained in forensics and in the assessment tool specifically. Using Cleckley’s litany of emotional/interpersonal traits and deviant social behaviours that characterize the psychopath, Hare developed a checklist that enumerates these criteria. In order to diagnose someone as a psychopath, trained professionals use the above data to rate each of the twenty characteristics on a scale of 0-2, if the overall score is 30 and above, the individual, according to the checklist, is a psychopath.

Psychopathy and the Social Sciences

Psychopathy has been regarded as a “truly interdisciplinary” research area (Jalava, Griffiths and Maraun 2015, 5). Transcending its ‘home’ in the psy disciplines, psychopathy is now a concern for a number of different community safety practitioners (e.g. social workers, psychologists, forensic nurses, correctional officers and the like), applied researchers as well as academic researchers in the fields of neuroscience, criminology, biology, law, sociology, history, the humanities, among others. Given the widespread interest in psychopathy it is not surprising that psychopathy and the PCL-R have been subject to sustained critique across these fields. These conversations, debates, and critiques are ongoing and prolific. However, instead of reviewing the conversations internal to the psy disciplines, I would like explore how the social sciences have approached psychopathy (namely, sociology, criminology, socio-legal studies and anthropology) since this project will be primarily contributing to these conversations and not to conversations about the ontology of psychopathy, its construct validity, issues with definition, concerns about PCL-R criteria, the science behind the disorder nor the causes of the disorder (and the like). Instead, I am interested in the *idea* of the psychopath, how this *idea/discourse*

informs how we think about and represent crime and criminality and what representations of criminals as psychopaths can tell us.

Part of what differentiates the work of social scientists from their scientific/positivist counterparts, is their critical interest in both the context under which psychopathy as a crime category and cultural category continues to flourish, as well as a deep curiosity and concern about the social, legal, political and cultural implications of psychopathy and the PCL-R. Social scientific research on psychopathy, especially works that take a *critical* and *qualitative* approach to the topic is relatively modest in comparison to the abundance of psy research (especially post/positivist and quantitative studies) that exist in the field. In fact, in 2009, Federman, Holmes and Jacob observed that within the field “few have looked at psychopathy from a critical and discursive standpoint” (2009, 37). In my view, this remains accurate.

Departing from a Foucauldian and discursive approach, Federman, Holmes and Jacob, approach psychopathy with a poststructuralist ‘suspicion’ which is well-suited to “any idea that tries to prove that concepts (or persons) exist in an unmediated space, without reference to context, language, and social effects” (2009, 39). Their critique of the field highlights the lack of critical scholarship which engages in a “discussion of the social, legal, and historical elements that constitute the core meaning of psychopathic behaviour, as developed by Hare and Hervey Cleckley” (39). To attend to this gap, the authors conceptualize the psychopath as a discursive artefact: the psychopath is a “reality created by certain discursive contexts based on shifting behavioural classifications that try to meet criminological theories of deviance and dangerousness” (38). By focusing on psychiatric texts on psychopathy, they demonstrate how psychopathy is a product of historical shifts, professional, discursive/epistemic contexts and biopolitical power relations which ultimately produced the psychopath.

Similarly, in their recent book *The Myth of the Born Criminal: Psychopathy, Neurobiology and the Creation of the Modern Degenerate*, Jarkko Jalava, Stephanie Griffiths and Michael Maraun (2015) argue that psychopathy is a *construct* made possible by the context in which it has flourished. Since the 1990s, psychopathy has also been a rather popular term with both lay and expert audiences and they attribute its popularity to a combination of social and cultural factors as well as a number of changes within the field of psychopathy itself: the publication of the PCL-R in 1991; neuroimaging techniques became available; violent and property crimes increased in both Canada and the United States from the 1960s-early 1990s;

growing cultural interest in serial murder; the reappearance of biological theories of crime; the rhetoric embedded in psychopathy discourse; and, an all around fear of crime which psychopathy research purports to solve by ameliorating the effects of the psychopath and thus, crime (see Chapters 4 and 7 in their book especially). What made psychopathy so popular within this climate, according to the authors, was the way that it “offered an intuitive and empirically feasible solution to a set of serious social problems” (5).

What the respective works of Federman, Holmes and Jacob (2009) and Jalava, Griffiths and Maraun (2015) reveal is that psychopathy is socio-cultural and discursive artefact or construct specific to its historical, geopolitical, intellectual and social context. It is psychopathy as a construct, that I am interested in exploring here.

The Discourse of Psychopathy and Punishment

The dearth of critical social science research on psychopathy is particularly striking given the deterministic and moral undertones that are fundamental to psychopathy and which run counter to critical social scientific and qualitative sensibilities. For example, Jalava, Griffiths and Maraun (2015) reveal not only the biological thinking that characterizes modern psychopathy research and how it is a distinct construct born from a ripe context, but they take this a step further. They argue that contemporary psychopathy theory and research is “a modern theory of born criminal theory” which primarily emerged from nineteenth century degeneration theory and is indebted to Lombroso. According to the authors, the parallels between degeneration and psychopathy are most clearly seen by focusing on the five basic tenets of degeneration theory, which are: “1. different types of disorder and deviance are interconnected; 2. These connections are caused by a biological ‘defect’; 3. The biological defect is inheritable; 4. Individuals afflicted with degeneration are evolutionary throwbacks; 5. The degenerate may be identified by physical and psychological signs, which are often subtle” (41). Accordingly, the modern psychopath fits each of these basic tenets. Psychopathy, they argue, satisfies the first tenet in two ways. The first is the way that the criteria for psychopathy relies on a series of moral and social deviations, whereas the second, relies on the comorbidity of psychopathy (i.e. studies have shown that psychopathy coexists with other disorders such as, mood disorders, schizophrenia, alcoholism, among others; 42). The second tenet is satisfied by virtue of psychopathy largely being conceptualized as a biological ‘defect’ (43). Third, the authors note that psychopathy has

recently been studied in relation to heredity and genetics in particular (43). Fourth, the authors note that while modern psychopathy research does not use the language of ‘atavism’ explicitly, some researchers, such as Robert Hare and J. Reid Meloy, have represented psychopaths as “throwbacks” or “as evolutionary less evolved species” (44). Finally, psychopaths, like the ‘degenerate’ is a “type” of person that may be challenging to identify without the use of identification techniques (45).

An additional parallel that we might draw between Lombroso’s born criminal and the modern psychopath is the way punishment is conceptualized and enacted based on these theories. Nicole Rafter has shown that Lombroso believed that punishment should be determined by a psychiatrist or forensic expert’s evaluation of the offender’s degree of dangerousness (2008, 83). Thus leading Lombroso to argue “for probation, juvenile reformatories, and other intermediate punishments that would keep offenders who were not particularly dangerous out of ordinary prisons” (83). Since the born criminal, according to Lombroso, was both incorrigible and the most dangerous of the criminal types, it was this kind of criminal that was suitable for the most profound form of punishment: “lifelong incarceration in special institutions for the incorrigible” (83). Moreover, Rafter notes that it was in the context of the born criminal and punishment where Lombroso espoused a eugenic solution to the problem of criminality (which was rare for Lombroso): these special prisons “would gradually reduce that not inconsiderable proportion of criminality that stems from heredity factors... there would be a return to the process of natural selection that has produced not only our race but the very justice that gradually came to prevail with the elimination of the most violent” (Lombroso 1878 quoted in Rafter 2008, 83). Below, I review the work of number of social scientists who argue, in different ways, that the modern psychopath category has similar punishment effects on those so designated. Arguably, the most significant social science contribution to the interdisciplinary field of psychopathy has been by those scholars who have revealed, in no uncertain terms, that the psychopath designation has detrimental affects on how offenders are treated by the criminal justice system (especially at the level of sentencing). While this is the main thrust of the works that I explore, what is particularly relevant for this research is how these scholars provide us with an opportunity to understand how psychopathy comes to structure how crime and criminality are thought about and acted upon.

Richard Weisman, in his analysis of the role of remorse and psychopathy at the penalty phase of the capital trial in the United States, illustrates how offenders’ performances of

remorse(lessness) can help paint them as “someone worthy of life in spite of his grievous crime [or] someone for whom only death is the appropriate penalty” (2008, 202). Psychopathy as pathologization of remorselessness, operates as a discourse which structures and instructs how the character of capital offenders is represented and interpreted by the jury (201). Since psychopathic offenders enter into the penalty phase of the capital trial under the weight of assumptions and expectations that psychopathy carries with it (e.g. habitual offenders who are resistant to treatment; as individuals who are fundamentally/biologically different from non-psychopaths; and, as individuals who can perform expectations and emotions they do not truly experience), Weisman reveals that performances of remorse(lessness) and, by extension, the offenders’ character, are interpreted in light of the designation.

For example, an ‘authentic’ demonstration of remorse by the non-psychopathic offender might represent to a jury that the offender is not, in his very essence, his heinous deed. However, in the context of psychopathy, “action is a reflection of being” whereby the wrongful deed is synonymous with who one is (198). Remorse, in a context coloured by psychopathy is tricky business, because the performance is interpreted in light of pathology. For instance, a suicide attempt in a non-psychopathic offender can be interpreted as an unequivocal sign of suffering and mental anguish. In the context of psychopathy however, this expression is “reinterpreted as ‘gestures’ that are variously ‘feigned’ or designed to ‘manipulate their environment’ or to ‘gain sympathy’” (209). Through this interpretation, and others like it, Weisman demonstrates that the psychopath is expelled not only from the moral community, but also from humanity more generally because he lacks the very moral emotions that enable ethical human connection and bonds. By recasting the offender as fundamentally different from and outside the moral community, the offender becomes worthy of death²⁷.

Similarly, Lorna Rhodes (2002), in her ethnographic study of psychopaths in a maximum security prison in the United States, explores the effects of the psychopath designation (officially or informally designated as such) on how offenders’ behaviours are interpreted and how they are treated in prison. The crux of her argument is that “psychopathy complements the exclusionary logic of control” upon which maximum-security prisons rely (443). Her ethnographic observations and analysis reveals that psychopathy is used to justify the exclusion, segregation

²⁷ John Edens (2001) in his case study also notes that psychopathy can be used as an aggravating factor at the penalty phase of the capital trial depending on how the clinician represents the information derived from the PCL-R.

and confinement of psychopaths in solitary cells for extended periods of time. Psychopathy rationalizes these practices by positing that danger lurks in the individual's essence (where this essence punitively places him outside the bounds of 'the human') and can erupt at any moment. Furthermore, danger resides in the psychopath because of his ability to present himself in a fictive manner. When combined these presumably immutable personality traits warrant punitive, indeterminate preventive punishment/separation from the general prison population. The effects of this form of segregation are weighty; confinement to solitary cells consists of remaining in the cell for 23 hours per day without contact with other inmates. Many inmates who have lived in this kind of unit "speak of feeling 'broken' or 'dead'" (445).

Rhodes concludes her analysis by arguing that prison expansion relies on rhetoric and public opinion concerning crime and criminality where the psychopath plays an important role in "naturalizing long-term confinement" (457). The image of the psychopath stands as "the proper target of a punitive individualism" which serves to justify the creation of more prisons to contain the threat of crime, where the exclusionary logic of prison (especially maximum security prisons which are said to house the "worst of the worst"; 443) also shapes how we think about this 'kind' of prisoner/criminal contributing to an image of the psychopath as exceptionally dangerous (Rhodes 2002)²⁸.

In addition to psychopathy justifying highly punitive and inhumane punishment and treatment within prisons, scholars have also considered another function of "dangerous personality" designations (McKeown and Stowell-Smith 2006). Mick McKeown and Mark Stowell-Smith argue that although psychopathy and other "dangerous personality" disorders have had their "clinical value called into question", they continue to serve collective psychological functions (2006, 109). Not only do they explain the otherwise unexplainable through "authoritative explanatory devices", dangerous personality categories along with high security institutions which these conditions justify, separate and contain those whom are considered dangerous, while at the same time containing and moderating our collective anxieties about the object (i.e. those things or experiences that "threaten the integrity of the self and engender feelings of horror, abomination and revulsion"; 109-110). Together, they purify and

²⁸ There are a number of other scholars who have also supported the claim that a diagnosis of psychopathy warrants exceptionally punitive forms of punishment. I discuss some of these studies in Chapter 5 (e.g. Zinger and Forth 1998; Lloyd, Clark, and Forth 2010) and others in Chapter 6 (e.g. Ruffles 2010).

reconstitute our sense of ‘us’ by reaffirming the symbolic and material boundaries between ‘us’ and ‘them’.

When taken together each of these works highlight a number of significant aspects of psychopathy: it is a socio-cultural and discursive artefact and it is well suited to justifying and legitimizing dehumanizing methods of punishment based on the assumption of inherent dangerousness and public good/safety. They also raise significant ethical, political and moral questions about the use of psychopathy in criminal justice contexts. In effect, each scholar demonstrates the effects that our thinking/imagining of who people are can have on how we treat them. Indeed, as Deborah Brock has pointed out, citing Judith Butler: “ ‘how shall I know you?’ implies ‘How shall I treat you?’” (Brock 2012, 24). As we have seen thus far, who we imagine the psychopath to be, is largely based on the criteria set out in the PCL-R (Jalava, Griffiths and Maraun 2015; Edens, Skeem, Kennealy 2009, 189): someone who, in their very essence, is manipulative, conning, criminal, remorseless, etc.; in short, someone who is fundamentally bad or evil. We, as a society, see these traits as dangerous and ourselves (the ‘normal’, non-psychopathic population) as particularly vulnerable to the dangers wielded by ‘their’ nature. Henceforth, they are criminalized and punished. This is not because punishment will operate as a deterrent or as a remedy to their disorder/potential dangerousness, but because it moderates and contains societal fears (McKeown and Stowell-Smith 2006). In this way, psychopathy operates as a *discourse*, that provides us with a way to make sense of and talk about evil and transgression, while also constructing a particular kind of subjectivity (i.e. someone who is beyond human, evil by nature, and worthy of moral condemnation, segregation and punishment) all of which provide us with grounds on which we can act to solve the problem of both the dangerous individual and crime (Jalava, Griffiths and Maraun 2015).

We might then ask *who* are these people whom we imagine to be dangerous, born criminals? This is not to repeat what I have outlined above, but it is to ask a different kind of question. I am not asking what personality or character traits we imagine to be dangerous or who we imagine embodies this dangerousness (i.e. psychopaths), but rather I am asking: *how do they appear to us? What do we imagine they look like?* As I have mentioned in passing above, and as I will expand on below (and throughout this project), the psychopath is imagined as a split subject: a person who is at once normal (appearance) and abnormal (reality). Below I review works that have begun to flush out this distinction.

Imagining Invisibility and Normalcy: Research on the Social Identity of the Psychopath

The psychopath is not just a chameleon but a kind of Janus figure, disrupting the factual certainty of everyday life [...]. (Hamilton 2008, 236)

The fiction of 'homicidal mania' entails that the spectre of dangerousness permanently inserts itself into social life in that visible normalcy ceases to be a guarantee against the presence of monstrous pathology. (Owen 1991 quoted in McKeown and Stowell-Smith 2006, 127)

The literature on psychopathy is peppered with implicit and explicit references to the apparent normalcy of the psychopath (e.g. the spectre of the 'normal' always haunts the psychopath as a 'biological other'; Weisman 2008, 199); indeed, normalcy is constitutive of the disorder, insofar as it is a "psychopathic fiction" (Babiak 2007 quoted in Hamilton 2008, 236). If we return to Cleckley for a moment, he too noted the apparent normalcy of the psychopath. Echoing the title of his book, Cleckley, explains that:

The observer is confronted with a convincing mask of sanity. All these outward features of this mask are intact; it cannot be displaced or penetrated by questions directed toward deeper personality levels [...] The thought processes retain their normal aspect under psychiatric investigation and in technical tests designed to bring out obscure evidence of derangement. Examination reveals not merely an ordinary two-dimensional mask but what seems to be a solid and substantial structural image of the sane and rational personality. (1964, 405)

The metaphor of the mask is, as Richard Weisman has observed, "grounded in the paradox of appearance and reality" meaning that while the condition manifests as normalcy, it hides a deep seated affective and personality abnormality (2008,199). Jalava, Griffiths and Maraun suggest that the very way that psychopathy is conceptualized actually resolves this paradox by making normalcy a symptom of the disorder itself; the problem or the paradox is made into a "partial explanation—it is the nature of psychopaths to pretend normalcy" (2015, 132). Henceforth, the psychopath is a "consummate social performer" (Weisman 2008, 200); "a simulacrum of emotion and connection" (Rhodes 2002, 254) who uses his skills of impression management to put on a performance of normalcy. If the psychopath is characterized by a mask or a facade then, he is simply a one-dimensional copy, an image of a 'real' human being where the appearance of 'normalcy' is but a "misleading surface" (Cleckley 1964, 411).

When normalcy is invoked in the context of psychopathy, it is largely in reference to *character*. Character, in this context, is used in reference to those moral or mental traits or qualities that constitute one's personality and individuate a person (Oxford English Dictionary). These internal qualities are often signified through behaviour, allowing us to make links between human exteriors and interiors to 'know' who someone really is on the inside (Rimke and Hunt 2002, 62). The psychopath appears in character to resemble normalcy in their ability to manage the impressions of their audience through performance: "they have charming smiles on their faces and a trustworthy tone to their voices, but never—and this is a guarantee—do they wear warning bells around their necks" (Hare 1999, 104). Additionally, *appearance* is also significant; Hare notes that psychopaths possess "universal door openers—good looks and the gift of gab" (110) and when coupled with their social or professional status, their connections, education, and their unique skills they are able "to construct a façade of normalcy" to carry out their will to the detriment of others (113). In the parlance of psychopathy, this is called charm, manipulation and deceit.

While psychopaths are able to superficially adopt the socially accepted rules, conventions and scripts and act these out, they are unable to truly understand, feel and experience the emotions that are central to ethical human interaction and connection (Hare 1999; Weisman 2008): the psychopath "knows the words but not the music" (Johns and Quay 1962 quoted in Hare 1999, 53). These traits when coupled with the psychopath's intelligence, enable his pathology to remain concealed until it's not; until their behaviour (crimes, social transgressions) reveals their 'true' nature. A passage cited by Jalava, Griffiths and Maraun, captures this sentiment perfectly:

For many of us in law enforcement, psychopaths are an enigma. They walk like us and talk like us, and sometimes cry during an interview or laugh with us as though they were our best friends. Their kids appear normal, and their wives seem to love them. If they are really good actors, they seem to be offended by violent crimes as we are. It is their appearance of normalcy that is so unsettling (FBI special agent, O'Toole 2007 quoted in Jalava, Griffiths and Maraun 2015, 71).

Jalava, Griffiths and Maraun trouble this paradox by drawing our attention to the production of the abnormal normalcy of the psychopath:

At the root of the problem is the classic mythological assumption—and guiding principle of much of Lombroso's work—about moral deviance and its reflection in

outward appearance: the moral deviant should *look* and *sound* like a moral deviant, whether by physical deformity or by visible insanity. However, since there is no necessary relationship between appearance and evil, there really is no puzzle to solve either. Psychopaths blend in not because they have a superior ability to fake normal, but because they look and sound normal by definition (that is why only trained personnel can make psychopathy diagnoses). The appearance-reality puzzle, in other words, is a pseudo-problem. In rhetoric, it is called a red herring [...] Hare produced a paradox by looking for obvious signs of evil—as Lombroso had done—but not finding them. Although there is no evidence that evil people look anything but normal, the paradox idea is rhetorically powerful. It reproduces and updates mythological assumptions about signs of evil by framing the signs as real, yet subtle, and detectable only through modern scientific instruments. (2015, 133; emphasis original)

One way that we can read the appearance/reality paradox is, as Jalava and colleagues do, being derived from an erroneous premise. However, I think that if we follow the appearance/reality logic of psychopathy we might be able to think about it differently. For example, if this paradox is one of the features that is especially unique to psychopathy, what kinds of things enable the psychopath to appear as ‘normal’? The examples I provide above gesture to some of these: intelligence; happy marriage; good looks; conversational, trustworthy, friendly and charming faces; professional status and the having the same moral principles as ‘normal’ folks. However, I think that we could also ask about how interlocking social *identities* (i.e. race, gender, class and sexuality) also enable some people to appear as more ‘normal’ or less threatening than others. This is something I will examine in the following chapters by thinking about how this appearance/reality logic gets mobilized in representations of certain crimes and how it links up dominant discourses around criminality, which make it possible to imagine that some bodies are supposedly more suspicious than others.

Another thing that I think is particularly interesting to explore is how psychopathy is imagined as an invisible disorder that is made manifest through transgression. I think this feature of psychopathy is an important pivot point given my interest in how criminality is imagined. This way of thinking about psychopathy as an invisible disorder, affirms the idea that people who appear ‘normal’ are not suspicious, or criminal until they actually do something to betray this imagined idea that we have of them. It is at these two junctures, where I think a critical exploration seems most ripe: *psychopathy is a disorder that at once mimics normalcy and is visible only through transgression* (Weisman 2008). I think that exploring representations of

(un)criminality alongside representations of psychopathy can us tell something fascinating and unique about how the normalized subject enters into the criminal imagination as a transgressive subject. As we move through the chapters, this point will become much clearer.

Remarkably, the critical social science literature has generally not deconstructed the notion of normalcy as it pertains to psychopathy. This is a rather curious absence since normalcy is such a highly contested and theorized term in the social sciences. In sociology and in critical criminology, ‘the norm’ and the process of ‘normalization’ are often discussed and analyzed on the basis of both identity and difference; that is, qualities, characteristics and behaviours that individuals are thought to possess *by virtue of their interlocking identities or social locations*. Normalcy is defined in relation to how much an individual or the social group to which one belongs approximates or deviates from the idealized and normalized subject of modernity. In this construction of apparent normalcy, the psychopath and their “cloak of *respectability*” (Hare 1999, 109; emphasis mine), and the bodily contingencies of this notion are generally not substantively queried. How character and appearance—normalcy and respectability—are understood and evaluated are not done so objectively, but rather in relation to other variables, such as the identity of the individual. Critical and historical analyses of psychopathy, as I noted above, have drawn our attention to the ways in which determinations of psychopathy were usually contingent on how the individuals in question were diagnosed in relation to dominant cultural knowledge of their social identities. Often, these determinations of character, personality and pathology were based on the traits and qualities that were considered ‘ab/normal’ for particular groups of people (Lunbeck 1994; Rimke 2003). In most instances, it was individuals who were located in normalized social locations (e.g. white, middle-class, men, with important exceptions) that deviated in small or profound ways from the socially acceptable rules, norms or laws that were generally pathologized through psychopathy (although, again, with important exceptions).

Contemporary critical social science research has however, gestured towards the double meaning of the normalcy of psychopathy which I am attempting to get at: normal in appearance and occupying a normalized social position. For example, Lorna Rhodes has noted that the way this ‘normal looking’ subject is imagined more specifically is as “*white, middle class and ‘normal’*” (2002, 257; emphasis mine). Along similar lines, Paulina García-Del Moral (2014) has argued that ‘psychopathy’ is deployed in cases of gendered and racial violence against sex

workers as means of pathologizing deviant white men and white women. She suggests that the function of psychopathy at the level of representation to “protect the status of whiteness” by evicting transgressive individuals from the national and normative community and thereby absolving that very community in the commission of violence (51; I discuss García-Del Moral’s work further in Chapter 5). Rhodes and García-Del Moral’s respective works signal that psychopathy and the normalized criminal offender are linked in some way at the level of discourse and imagination. This signal becomes particularly acute in the work of Stowell-Smith and McKeown (1999; 2001).

Mark Stowell-Smith and Mick McKeown (1999) begin their article by presenting readers with a curious problematic: while Black males are disproportionately represented in the prison population in the United Kingdom, the number of Black males diagnosed and thus admitted into secure psychiatric facilities as psychopathic are not proportionate to these numbers. In other words, the authors seek to render curious why, given the large number of Black offenders in the criminal justice system, their representation among the psychopathic classification is not commensurate since psychopathy is often mobilized as an explanation of criminal behaviour. They suggest that one way this might be explained is by the bleak prognosis of psychopathy as generally untreatable (therefore there is little reason to admit these people into hospitals). However, they observe that white offenders are often remanded into custody for this very reason suggesting that there are other forces at work.

Focusing exclusively on psychiatric reports of men confined to a maximum-security hospital in the UK, Stowell-Smith and McKeown seek to understand the discursive structure of the admission reports of both white and Black men who are incarcerated as psychopaths. Their empirical material revealed two discursive structures that they describe elsewhere as the discourse or narration of “white psychopathy” and “black psychopathy” (2001, 162). The first discursive structure contoured how white male psychopaths were shaped in the reports and they describe this discourse as being “characterized by a narration of the patient’s life events and history concurrent with a commentary upon his internal experience of, and relationship to these events. The internal experience is located as something that determines dangerous behaviour” (1999, 463). They observe (1999; 2001) that experiences such as trauma, divorce and death and the patient’s emotional reaction to these experiences were pivotal in shaping the patient’s reality, and, are in large part seen as contributing to their criminality. In this way, criminal behaviour

was seen as “the outer expression of the patient’s internal chaos” [read: psychopathy] (1999, 468).

In contrast, the discourse of “black psychopathy” is broadly characterized as ‘external’ and as focusing on “outer” experiences. Here, they note, there is very little (if any) concern with emotional turmoil brought on by past experience as contributing to their present criminal behaviour. Instead Stowell-Smith and McKeown describe these reports as “flat descriptions of behaviour”, that do not provide “insight into the patients’ mental life” and especially the psychological context that made these Black inmates vulnerable to criminal behaviour (1999, 465); “dangerous behaviour is made to appear from out of nowhere” (466). In sum, they argue that “with respect to understandings of mental health, the white factors were largely anti-biological, and tended to emphasize notions of individuality and internally experienced psychopathology. In contrast, the Black accounts de-emphasized the importance of individual psychological phenomena, with one supporting a biological understanding of causation of mental disorder, linking this with race” (2001, 161).

The disparity that they observe in the reports of white male offenders and Black male offenders is explained by how stereotypical conceptions of race infiltrate forensic and psychiatric contexts and inform how patients and offenders are constructed within these types of institutions. The emphasis on the “inner chaos” of white male offenders and the pure behaviour of Black male offenders, they argue, is part of a “wider cultural tradition within the west in which there is, on the one hand, a focus upon the physicality of the Black man and, on the other, a post-Enlightenment representation of the thinking, rational white male self” (1999, 469).

The findings of Stowell-Smith and McKeown are interesting because their research doesn’t explore the correlation between race and psychopathy as much of the psychological literature in this area does, but rather they use a critical and discursive approach for reading psychiatric practices and documents by exploring the differences in how Black and white male offenders are conceptualized in relation to psychopathy, with keen attention being placed on how race and racial perceptions come to inform this pathologization process. Their study certainly sheds light on their opening problematic by acknowledging that racialized offenders, and Black offenders in particular, are less likely to be admitted into secure psychiatric facilities under the category of psychopathy. Their analysis also invites a certain curiosity about how imaginings of psychopathy rely on socio-cultural signposts, visible on the body (i.e. identity and difference), in

order for psychopathy to be a consideration in the first instance and how identity and difference affect how criminality is imagined in the context of psychopathy.

Despite the fact that the popular image of the psychopath is “a white man” (Rhodes 2002, 457), and despite the fact that Hare has clearly noted that psychopathy is *not* a condition that discriminates, rather “psychopathy is found in every race, culture, society and walk of life” (1999, 1), there is a paucity of research that investigates how discourses of identity and difference are enveloped in contemporary imaginings of psychopathy and ‘the psychopath’ in the same way as critical historical scholars have. Stowell-Smith and McKeown’s (1999; 2001) work is the only work that I have been able to find that has unpacked how discourses of identity and difference affect how contemporary psychopathy is imagined and deployed. Their work provides me with a critical entry point into thinking about a number of different aspects of psychopathy that are not readily discussed in the literature.

The first is that to my knowledge, there are no studies which attempt to bridge historical insights about how psychopathy is imagined *through the body* in the contemporary context. As I mention above, there is a small, but significant group of historical scholars who have carried out truly eloquent and critical analyses of moral insanity and psychopathy and whose works have demonstrated that diagnoses of psychopathy as well as key historical figures in psychopathy research have relied on expectations, assumptions, narratives, and discourses about identity to constitute the psychopathic subject. As a case in point, Jalava, Griffiths and Maraun’s (2015) social scientific critique of psychopathy, which is, to my knowledge, the most recent social science work on the topic, does not question how discourses of identity and difference come to contour modern psychopathy research. The authors conceptualize modern psychopathy research as an extension, in some respects, of degeneration theory which Lombroso’s born criminal theory was based on. Interestingly the authors highlight that the characteristics of the ‘degenerate’ and the born criminal were historically defined “in contrast to prevailing middle-class ideals of conduct, dress, company, occupation and physique” (9). They also recognize that gender and sexuality have been significant for the way in which psychopathy was historically diagnosed, where ‘homosexuality’ was considered a symptom of psychopathy in the twentieth century and why women who engaged in sexual behaviours that were deemed inappropriate according to prevailing early twentieth century middle-class gender norms were diagnosed as psychopaths (166-167). Highlighting that “psychopathy and sex is as much of a *cultural tradition*

as the belief in the biological cause of evil is” (166; emphasis mine), the authors have an appreciation for the bodily contingencies of psychopathy (at least historically), but they do not question how these very same logics/links play out in contemporary representations of psychopathy.

Second, no one has questioned how contemporary psychopathy, as an *invisible disorder that manifests as normalcy* and which only becomes visible through transgressive acts, *might already imply a certain subject*—an otherwise normalized subject— which is not routinely associated with crime (Stowell-Smith and McKeown get at something similar in their study, but they do not enter the conversation from this standpoint). This is especially interesting given our current context where criminality as a sign remains firmly, and sometimes, fatally wedded to racialized bodies, and yet racialized subjects, as Stowell-Smith and McKeown (1999; 2001) have demonstrated, are rarely labelled psychopaths. Exploring this cornerstone of the psychopathic personality—the psychopath’s deceptive normalcy in relation to the bodily contingencies that affect how we come to imagine criminality— is to suggest that the normalcy of the psychopath may be conceptualized as having a double meaning: the psychopath does not simply appear normal in their character, appearance, intelligence and so on (as the research on psychopathy makes abundantly clear), but also occupies a normalized subject location for which dominant discourses and stereotypical images of criminality do not apply.

Finally, and relatedly, psychopathy continues to be the way in which unintelligible transgressions, and ‘evil’ are explained (McKeown and Stowell-Smith 2006, 110). Historically, as Foucault (1978) has explained and as I noted above, the unintelligible transgression or motiveless crime has referred to a transgressor who was/is not ‘mad’ in the ‘proper’ sense of the term and who is also not normal because their acts lack reason. This kind of unintelligible transgression (i.e. that defied common understandings of insanity and rationality) could not be apprehended or explained until the birth of criminal pathologies, like moral insanity, that were designed to account for or explain precisely this kind of transgression. Following this thread of thought (i.e. psychopathy as a means of explaining that which otherwise exceeds explanation) we might also wonder to what extent, psychopathy is ushered in to explain crimes and criminals whose acts do not fit into traditional and problematic narratives or discourses of crime and criminality that usually focus on race, gender, class, sexuality and foreignness. By this I mean those subjects, especially those normalized subjects, who do not have stock discourses or

narratives of criminality readily available to explain and denounce their transgressions and social group(s) to which they belong (e.g. think of the work that the criminalization of race does). In this way then, we can see how criminal acts by normalized subjects can also be relegated to the realm of unintelligibility and we can question how psychopathy comes to render the unimaginable imaginable.

In sum, these are some of the gaps that I see in the social science literature on psychopathy and therefore, they are the dynamics that I explore in this dissertation. The contribution that I hope to make *is to make the imagined invisibility/normalcy of psychopathy visible* by exploring how psychopathy is represented and the kinds of assumptions and expectations that inform its deployment.

Normalization, Criminalization and Representation

In addition to this project being born from my interest in research on psychopathy, it has also been inspired by a specific strand of critical criminological research that attends to the intersections between crime, representation and interlocking identities.

In contrast to orthodox criminology which is centred upon the individual and seeks to determine the nature and cause of criminality, critical criminology generally emerged in the 1960s and 1970s as a direct critique of this orientation by looking to the historical, social, political and economic context and contingencies of crime, criminality and punishment. While critical criminology refers to a diverse collection of theoretical orientations, what binds these approaches under the banner of critical criminology are a number of core propositions, namely they reject the idea that individual flaws are behind criminality and instead look to the larger context whereby crime is defined, acted out, identified and punished (Brooks 2008, 54).

Of particular salience to the critical school are the linked processes of marginalization and criminalization and the power relations on which these processes depend. Thus, identity and difference—one's social positions in the larger social order—informs how these linked processes play out and, crucially, how they effect the lived experiences of individuals or groups and their interaction with the criminal justice system. Critical criminologists then are interested in “examin[ing] how some individuals or groups come to be defined as ‘criminals’—as immoral or abnormal or simply ‘bad’—and conclude that this stigma is often not because of what they have done but because of *who they are* and where they fit into Canada's social and economic system”

(Schissel and Brooks 2008, 6; emphasis mine). This concern with the interlocking nature of both marginalization and criminalization has led to studies which have documented the ways in which race, socio-economic status, age, sexual marginalization and gender have been criminalized and punished for not abiding to legal and social norms and the social structures and systems of power that make these experiences possible (e.g. Mirchandani and Chan 2002; Jiwani 2002; Comack 2006ab; Chesney-Lind and Eliason 2006).

Of the many things that critical criminological research has shown us are the ways that discourses, images, narratives and ideologies come to constitute not only subjectivities but our ideas about transgression. In general, we have learned that definitions of crime are contingent upon, not an 'objective' criteria of harm, but are sensitive to historical context, social, political and economic factors and cultural norms specific to a place and time (Kramer 2011, 4). And, that definitions of crime "reflect and reproduce power relations within a given society" and its differential effects on individuals and groups based on their positioning within existing power relations (4). Criminalization and marginalization are often intertwined (Brooks and Schissel 2008).

What has not been explicitly attended to (until recently) are the ways in which these very same discourses, images, narratives, ideologies and systems of power which criminalize the marginalized, also simultaneously, construct other individuals and groups as 'normal'. Such an exploration is important given that "the specter of the normal body, be it a white, heterosexual, healthy, or male body, is always simultaneously present—even if in shadow form—in discourses of deviance" (Urla and Terry 1995, 5). Taking stock of the mutual contingency of both the margins and the centre recognizes that criminalization and normalization are relational processes that enable subjectivities to form in particular kinds of ways (Razack 1998b).

In recent years, we have seen somewhat of a small, but important, shift in critical criminological research concerning gender and race. Instead of researchers simply focusing on how criminalization occurs at the margins, criminologists have begun to question how the normalized centre organizes the margins and vice versa. This shift follows the lead of the social sciences more generally in an effort to make visible the dominant and largely invisible systems and identities that have evaded critical scrutiny because of the normalizing and hegemonic power they wield (Brock, Raby and Thomas 2012). Making these systems of power visible is incredibly important because it is the norms or ideals of these systems of power (e.g. whiteness,

heteronormativity, patriarchy, middle-classness) that structure or organize social relations in profound ways (Brock, Raby and Thomas 2012). While the focus on marginalized groups and identities has long made sense given the ways in which social scientific thought, including criminological thought, have suppressed marginalized histories and profoundly contributed to experiences of oppression and social injustices, scholars now realize that to exclusively investigate conditions of oppression, discrimination, marginalization, and criminalization is to miss part of the very conditions that make these oppressive realities possible (S. Hall 1997c) and, which keep the criminal frame centred on the marginalized, as though these are the only subjects who participate in crime (Brock, Raby and Thomas 2012, 4).

It is important to recognize from the outset, however, that this intellectual move to the centre is not meant to deprioritize the lives, histories and experiences of those who have been systematically relegated to the margins or to negate the resiliency of those who struggle to rise against the systems of power and conditions that continually render them 'Other'. Nor is it to re-centre the white, middle-class, heterosexual male. Instead, this move is meant to do precisely the opposite—to make visible those dominant, taken-for-granted, largely unproblematized identities and systems of power which constitute the normalized subject as such, impact social relations and ways of seeing/knowing, and which have historically not been subject to examination and critique (Brock, Raby and Thomas 2012, 4). By focusing our attention on the systems of power that interlock to produce normalized and marginalized subjects (e.g. whiteness, patriarchy, middle-classness, heterosexuality and so on), we can begin to gain a deeper and possibly a more comprehensive understanding of the conditions, ways of thinking and relationalities that make certain subjectivities and experiences at the margins possible and that give them their form in an attempt to dismantle it (Brock, Raby and Thomas 2012, 4; Razack 1998b).

Below I review some of the literature in critical criminology that has sought to examine how these systems of power inform how normalized subjects are represented as criminal and/or transgressive. Thus far, these studies have predominantly focused on whiteness and masculinity. I pay particular attention to works that have focused on representations since this is how I am methodologically oriented to the research (see Chapter 2).

Representing Violence and Hegemonic Masculinity

To a large degree the well-documented public 'fear of crime' is, in effect, a fear of men: of men as potential burglars, of men as physical attackers, of men who steal, deceive and kill, men who abuse, injure, harm and maim. It is a fear of the slow drip of men's violences against women, children, and other men, the unforeseen (and foreseen) consequences of men's business and corporate actions. Most crimes remain unimaginable without the presence of men (Jefferson 1992). (Collier 1998, 2)

Men and masculinity have long been a problem for criminology, although this is not something that would be immediately apparent. Despite the fact that men commit the majority of crimes and the majority of more serious crimes to the extent that sex (and age) are “the strongest predictor of criminal involvement” (Collier 1998, 2; see also Ruthann Lee 2014), gender analyses of crime have tended to focus exclusively on ‘deviant’ women (Comack 2006a) and have consequently rendered the ‘maleness’ of crime invisible (Collier 1998; Tomsen 2008). In other words, the association between masculinity and criminality has become so normalized, so commonplace that we often fail to recognize that crime and representations of it are largely dominated by men.

This is, of course, not to suggest that men in general have been historically ignored in criminology. Indeed, quite the opposite. It was on these grounds, among others, that feminists intervened in criminology and provided a scathing critique of the “decidedly male-centric” discipline in terms of both *who* was conducting research and *who* the central research subjects were (Comack 2006a, 22). Despite the centrality of men to the discipline and to research, the gendered nature of men’s offending had until the 1990s gone unremarked: “criminology has failed to address what has been come to be known as the ‘gender of crime’ itself. It has failed to address the ‘masculinity’ or ‘maleness’ of crimes, the crimes of men *as men*” (Collier 1998, 2-3). These feminist-inspired critiques of criminology, “hitherto” gave the ‘problem with no name’—the criminalized behaviour of men—a name at last: the problem of masculinity” (Collier 1998, 6), thus, marking the beginning of “criminology’s masculinity turn” (5).

Feminism was a formative feature of this turn and as such intersectionality became a key feature in how masculinity was conceptualized. According to R.W. Connell and James Messerschmidt (2005), masculinity is a relational and an historically contingent social construct that is never fixed. As a dynamic concept, masculinity may not be embodied or enacted in one way; that is, it has different meanings and expressions depending on context. Intersectionality is

particularly important to the concept, as its meaning and expression is contingent upon other social locations (i.e. it is relational) and is affected by them. Therefore, to capture the contingencies of masculinity as well as the hierarchies between men and the plurality that it gives rise to, masculinity is often rephrased as *masculinities*. Given that masculinities are plural and ranked hierarchically, the terms *hegemonic masculinity* and *subordinate masculinities* are often used. According to the authors, hegemonic masculinity refers to an *idealized* and *normalized* configuration of masculinity which is usually unattainable (846), whereas subordinate masculinities refers to those manifestations or expressions of masculinity which do not adhere to the prescriptions of normative or hegemonic masculinity. Exploring masculinity in criminology is certainly significant, but can only be reasonably done using an intersectional approach that recognizes *masculinities* because as Tomsen wearily remarks, a “gender-centric analysis of criminality [...] could overlook a skewed criminali[z]ation process that frequently targets, criminali[z]es and punishes men and boys from disadvantaged and marginal social settings” (2008, 94).

One of the reasons that Stephen Tomsen (2008) has provided to explain why gender in the context of masculinity has largely been ignored, is that criminologists, operating from the premise of ‘male as norm’, overlooked the question of gender and consequently naturalized or degendered male offenders (see also Collier 1998). What was often prioritized instead, and this is the problem that Collier is gesturing at in the above quote, is that criminologists have not only failed to address the problem of masculinity specifically, but that it has instead focused on the marginalized identities of men who offend *instead* of discussing gender (e.g. such as male *youth*, *racialized* men, and *poor* men; e.g. Collier 1997; Comack 2006a; Tomsen 2008). That is, when attention is paid to men’s identities in relation to crime, what is often emphasized is the difference of these subjects to the ‘average white male’, while the norm itself seems to escape our attention. The danger posed by criminality has always been and continues to be framed in such a way that the potential dangerousness of men is framed in opposition to male-as-norm whereby dangerous men are construed as men who are Other (Collier 1997). For example, Elizabeth Comack has pointed out that general theories of crime have not only taken gender for granted when studies are primarily about men, but they have also taken the fact that most of these studies were about “poor inner-city black men” for granted (2006, 23). While social structural theorizing came to replace biological theorizing about crime, the fact remains that the

lens changed, but the direction in which criminologists looked remained the same, leaving the criminal frame focused on poor, people of colour, and disorganized neighbourhoods. This emphasis on so-called ‘deviant’ or ‘subjugated masculinities’ has left hegemonic masculinity, and especially *white* hegemonic masculinity unacknowledged in criminological conversations (until relatively recently) and outside of the dominant criminal frame. This is, of course, not to deny the important work that is being done in critical criminology and its emphasis on interlocking structural oppressions that contour the lived experiences of marginalized groups in profound ways. It is instead to ask that we disrupt the image that these kinds of studies help to maintain—an image of criminality focused on the socially marginalized and a recognition that crime is phenomenon that exists beyond these peoples and communities. Additionally, this way of seeing the criminal potentialities of men is incredibly problematic because it reaffirms racialized and gendered stereotypes of criminality as well as white, male middle-class privilege.

According to Mia Consalvo (2003), analyses focused on how masculinity (especially in its hegemonic iterations) is represented in the context of violence has only recently gained attention. What unites these scholars’ interest in representation, criminality and masculinity is their interest in how hegemonic masculinity as a benchmark from which all men are judged and as a structural force is rarely discussed in the news media. Rejecting an essentializing approach to sex and gender, scholars like Collier (1997), Consalvo (2003), and Kimmel and Mahler (2003) question how hegemonic gender norms structure (but do not determine) action, the ways that these actions are represented as well as how gender and hegemonic masculinity is enacted and reconstructed through violent crime.

Richard Collier (1997), in his analysis of press discourse of a spree killing perpetrated by Thomas Hamilton in Dunblane, Scotland in 1996, encourages us to think about how masculinity is readily absent from popular accounts of crime. Instead, he notes that in the wake of horrific episodes of violence questions surrounding the problem of guns, for example, usually emerge as a pressing social problem. As a result, what is often missed in cases that involve spree killings is reporting that appreciates the crime is a “gendered and distinctly masculinized phenomenon” (178). It is Collier’s objective then, to re-read press accounts of the crime in light of this glaring omission.

In general, Collier highlights that Hamilton was represented in the press as “inhuman”, “evil” and a “monster” and Collier argues that these constructions effectively “robs the act of the

murders and the body of the murderer of its sexual specificity” (180). In an attempt to counter this individualizing and degendering representational tactic, Collier’s analysis seeks to position Hamilton and his crimes in a gendered social context. To anchor his analysis, Collier focuses on the how discourses of hetero-masculinity and the “heterosexual familial frame” are contouring how Hamilton and his crimes were understood and portrayed. The notion of the family was central in making Hamilton appear as outside the boundaries of the “noncriminal community” of Dunblane (182). Collier explains that Hamilton was regularly referred to as a “loner” and constructed with the “iconography of male otherness” as a “single male outsider” who was without friends and without a family of his own. Collier argues that the image of the lone gunman, spree killer also relies on heavily gendered ideas; that is, discourses of masculinity *are present* but only insofar as they *evict him from the noncriminal community* through his *perceived otherness* (i.e. single male). Although gender is far from apparent in this construal, Collier suggests that it is undergirding it nonetheless.

Furthermore, Collier argues that gender continues to be erased through psychological theorizing or profiling about the killer’s nature. The psychological profile of the spree killer also encompasses ideas of subjugated masculinity by suggesting that there is something about the psychic life of subjugated men in particular —“masculine failure or crisis”— that explains their murderous rage (185). Gendered notions like “failed man” (i.e. sexually, financially, academically, athletically and so on), “resentment”, “angry”, “lonely” explain the cause of their behaviour, as well as the effects—“specifically masculinized forms of violence as a response” (186). Collier suggests that one of the issues with framing Hamilton’s criminality as a failed man is that it “ultimately [...] serves to normalize (if not excuse) men’s criminality. It does so because it remains within the positivist and modernist crimino-legal frame which seeks causes in terms of ‘maleness’ [biological/essentialist]; but *it does not make the sexed specificity of crime explicit*” (186; emphasis original).

In order to move away from this essentializing narrative that seeks to render biological sex as the ultimate explanation of men’s violence, Collier is curious not about what made Hamilton different from noncriminal men, but rather what he shared with them. In order to account for this, Collier focuses on the “performativity of masculinity” whereby Hamilton “sought to constitute himself as a man” (186). This shift brings Collier to highlight the spate of activities that Hamilton was engaged in to “masculinize himself within the ideals of heterosexual

masculinity”: being a member of a gun club, participating in a boy’s youth club (e.g. “surrogate father-figure”; 192) and through his crimes (i.e. murdering sixteen primary school children and their teacher where the primary school is seen as the “embodiment of a ‘feminized’ social space”; 187). By drawing our attention to how gender is implicitly structuring how we are being made to know Hamilton, and how the performative ideals of gender are structuring Hamilton’s life, Collier invites us to ask critical questions of the link between masculinity and crime. For instance, what might it mean to look at cases where men perpetrate extraordinary violence as an issue of the ideals of hetero-masculinity (and *not* issues with the so-called inherent deviance of subjugated masculinity)? And, what does Hamilton *share* with other men (194)?

Similarly, in her analysis of the news coverage of Dylan Klebold and Eric Harris (Columbine High School shooters), Consalvo (2003) reveals how the two white, middle-class boys were represented. She notes that gender informed their construction as criminals in a number of ways. Similar to Hamilton, Klebold and Harris were generally represented as “monsters” or “deviants”. This portrayal, she argues, differentiates them from ‘normal’ or ‘good’ boys, where the latter use violence for ‘heroic’ purposes. More than highlighting the ‘kind’ of boys that Klebold and Harris were thought to be, Consalvo suggests that this discursive strategy is also employed to individualize the offenders, so as not to implicate or reflect “society at large” (33). Although gender informed why and how the boys were represented as monsters, Consalvo also highlights how this representation is distinctly degendered—the boys are made to appear as genderless creatures who are importantly beyond human—and thereby “displac[ing] gender and its attributes from examination or potential culpability” (33). In focusing on the two boys, the media, Consalvo suggests, ignored the ways in which social hierarchies in high schools (especially between ‘jocks’ and ‘geeks’) contributed to their subordinate status without unpacking how the ideals of hegemonic masculinity contribute to this school culture. Consalvo concludes that this way of representing the boys leaves little room for exploring the problems with “school culture, whiteness and the hierarchic structure of masculinities” and instead refocuses the problem on individual boys who don’t fit in to idealized standards, and renders these ‘kinds’ of misfits potentially dangerous “monsters-in-waiting” (40).

Both Collier and Consalvo’s work emphasize a number of common themes: how representations of violent men as monsters or evil seek to individualize, degender and remove these actors from the realm of the social. They also highlight how profoundly gendered

norms/ideals structure how we see, think about and represent criminality. But more than this, they also encourage us to think about how violent transgression (i.e. crime and/or deviance) may be caused by an impossibly attainable normative aspiration—hegemonic masculinity (see also Kimmel and Mahler 2003). While hegemonic masculinity is certainly significant for understanding how we come to imagine, represent and act on crime (especially violent crime), our imagination of crime is never done with gender alone. In the last year or so, critical criminologists have turned their attention to whiteness in an explicit and substantive way.

Whiteness, Criminality and Representation

We had to develop a methodology that taught us to attend, not only to what people said about race but...to what people could not say about race, it was the silences that told us something; it was what wasn't there, it was what was invisible, what couldn't be put into frame, what was apparently unsayable that we needed to attend to. (Stuart Hall 1992 quoted in Smith 2014, 107)

Racial and ethnic inequality is, after all, a white problem. (Barken 2010 quoted in Smith 2014, 107).

Race has long been a source of interest, conversation and debate within the field of criminology and for good reason. Countless scholars have revealed the historical roots of the criminalization of race in the American context (Russell 1998; Davis 2003; Muhammad 2010) in addition to explaining how these processes unfold in contemporary criminal justice practices and in representations of crime and criminality (Russell 1998; Davis 2003; Rome 2004). If race and crime have become inextricably linked in images and imaginings of crime, the young Black male, in contemporary North American society, becomes the general, undifferentiated body that signifies violent crime—the “criminalblackman” (Russell 1998; Rome 2004). In our time, “talking about crime *is* talking about race” (Barlow 1998 quoted in Welch 2007, 276).

Wendy Chan and Dorothy Chunn (2014) explain the significance of race in a Canadian criminal justice context. Drawing on the work of David Tanovich (2006), they note that “the colour of justice in Canada is white. To be non-white in the Canadian justice system is to be more likely viewed as a crime suspect than a crime victim, to experience higher levels of policing and surveillance, to receive harsher penalties if criminally convicted, and most alarmingly to be at a far greater risk of being shot by the police” (xiv). In their book, Chan and Chunn (2014) detail the structural and institutional conditions under which social policies and criminal justice practices are carried out and how these negatively affect how marginalized groups are treated by the criminal justice system and how they, in turn, become seen as ‘the

problem'. Importantly, as Chan and Chunn note, the conditions and practices that powerfully create this reality, is in no small part due to the normative social order, which is ordered by middle-class, neo-liberal sensibilities, whiteness and the “maleness” of the criminal justice system (xv-xvii). This order, they note, not only recreates a hierarchy among people and groups but it is also used as the measuring rod by which behaviours are judged (xv and 30-32). For example, they note that racialized men and women are much more likely to be viewed as criminals than victims when variables other than race are controlled for (e.g. class status; 2014, 28). Furthermore, and as a case in point, they remind us of the case of Donald Marshall, an Aboriginal man who was wrongly convicted of murder, even though a white man—Roy Ebsary—had admitted to the murder to people other than the police. Here, they note, we have “a graphic illustration of how readily criminal justice agents and the general public presume guilt when a suspect is racialized” (29). Additionally, they note how this same racial logic that allows racialized individuals to perpetually appear more criminally suspect, translates into being seen as uncreditable victims when racialized individuals are victims of heinous crimes (29-30; I discuss this in more depth in Chapters 5 and 6).

Many differently racialized groups have become symbolically and, as a result of implicit and explicit racial biases (such as racial profiling policing techniques), physically associated with certain crimes. Colin Webster (2007) argues that the persistence of this link between race and crime can be explained, in part, by the enduring influence of criminal anthropology. He states that this tradition “assumed that social deviants in general, and criminals in particular, were biologically and culturally inferior to ‘normal’ populations, and their inferiority was *visible* in their physical appearance. Comportment, body shape, dress and physical looks continue to have popular salience in stigmatizing groups, especially the poor and criminal ‘underclass’, often in racialized ways” (12). Thus, the body has been, and continues to be a site where criminal imaginaries are grafted, produced and reproduced. These criminal imaginaries are buffered by the assumed visibility of race and racial difference.

Images of crime are but one site where the process of racialization occurs. Images of crime and criminality do not simply represent crime and criminality they construct it and in so doing they also construct race (Mirchandani and Chan 2002). Thus, as social processes, racialization and criminalization are relational. This leads to two common representational and material practices that Yasmin Jiwani (2002) has termed the “racialization of crime” and the

“criminalization of race”. The racialization of crime refers to “how particular crimes are attributed to specific groups” (Jiwani 2002, 69). As an example, we might variously cite the explicitly racial narratives that come to define and render visible certain crimes such as, terrorism which is often associated with Arabs and Muslims (Razack 2008) drug trafficking which is often attributed to Latino/as, and vice-related crimes with Aboriginal peoples (Rome 2004). However, it is not simply that the crimes themselves become racialized in representation and reality, racialized groups also become criminalized, meaning that these groups are often “perceived as being prone to committing crimes” because of some type of imagined biological difference that comes to characterize the racialized group as fundamentally different from, and more predisposed to committing crimes, than “us”, the dominant racial group (Jiwani 2002, 69).

Importantly, whites are often left out of, or their actual and potential criminality is abated in representations of crime (Russell 1998) and in how we think about crime more generally (Delgado 1994). Katheryn Russell notes that this is an interesting occurrence:

Interestingly, as a group, whites have managed to escape being associated with crime. This would not be so odd if whites were not responsible, in raw numbers, for most of the crime that is committed [...] When the media does connect someone white with a crime, for example serial murderer Jeffery Dahmer, it does not implicate the entire white race. It is notable that phrases such as ‘white crime’ or ‘white-on-white’ crime are not part of our public lexicon on crime. (1998, xiv)

In critical iterations of criminology and critical sociological accounts of race and crime, there seems to be an implicit bias in the use of the term ‘race’ in that the invocation of the term seems to refer exclusively to racialized populations (Smith and Linnemann 2015). This practice of prioritizing the derogated term of the race binary is an important critical practice and one that must continue. However, it is similarly important to have an understanding of the ways in which the dominant term of that opposition—white/ness—structures how criminal imaginaries picture racialized subjects as perpetually criminal and white subjects as pre-emptively ‘innocent’ (Eastman 2015). In other words, it is imperative that we understand how the racialization process both criminalizes *and normalizes* certain subjects.

In recent years, sociologists and criminologists who are interested in representations of race and crime have highlighted this practice of white erasure from discussions of race and crime as Delgado (1994), Russell (1998) Rome (2004) do. However, until recently, none have seriously or systematically attended to it. In 2014, Justin Smith published an article entitled *Interrogating*

Whiteness Within Criminology and called for critical criminologists to do just as the title of his article suggests, *interrogate whiteness* and to de-normalize and de-naturalize whiteness in how we think about crime, criminal behaviour and the administration of justice (108). Grounded in a critique of the discipline for failing to integrate the theoretical insights of critical whiteness studies into criminological research, Smith argues that criminologists must examine the ways in which “White identities and whiteness shape and are shaped by perceptions of justice, crime and social control” (107). The integration of whiteness in criminology is “necessary” given the significance of race in the way that crime and criminal are imagined as well as the ways in which criminal justice is carried out (Smith 2014) because “we are less equipped to explicitly address the causes and consequences of white privilege and how they are wrapped up in criminal justice processes and the social construction of crime” (Smith and Linnemann 2015, 102). A critical attentiveness to whiteness does not suggest that, as Smith and Linnemann note, whiteness should be “push[ed] to the forefront of criminological analysis—far from it” (2015, 101). Instead it means to recognize that race is “a dialectically constructed social phenomenon in order to apprehend the ways in which whiteness and white identity help to perpetuate disparate social relations” (p.101).

Since Smith’s call to critically interrogate whiteness in criminology, there has been a slight increase in the scholarship in this area (namely a special issue on the topic in the journal *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*). Thus far, there seem to be at least two themes that continuously emerge in critical studies of whiteness and crime. The first theme makes manifest the widespread *dis*-association between normative whiteness and criminality. That is, unlike the uniform criminalization of Blackness for example, whiteness confers the privilege of *not* being seen/known as criminally suspect. “White innocence” engenders the assumption that (normalized) white people, in general, do not usually engage in criminal activities and positive prejudices are imputed (e.g. morally upstanding, professionals, successful, benevolent, considerate and so on; Eastman 2015). However, this assumption also implies that when normalized white people do commit crimes they are seen as *individuals*, as *exceptions* to the norm. In these instances, Jason Eastman has argued that the frame of “white innocence” is used “to rationalize, excuse and overlook the white deviance that occurs” by attributing it to a “few bad apples” (2015, 239).

The second theme is connected to the first. Whiteness in the context of crime is preemptively imputed with innocence and this assignment *protects* or *shields* normalized white bodies from the stigma of criminality. What follows then, are discursive strategies that explain and reconstitute the subjectivities of normalized white subjects so as to render them deviant, but also as exceptions. This process facilitates their eviction from the normative white un-criminal community so as to secure the symbolic boundaries of normative whiteness (Webster 2008; Mingus and Zopf 2010; García- Del Moral 2011; Linnemann and Wall 2013; Eastman 2015; Heitzeg 2015; Dirks, Heldman and Zack 2015). This has been shown to happen in a couple of ways: through ‘white trash’ and pathologization. As we will see, both of these discursive strategies—‘white trash’ and pathologization—can be considered what Danielle Dirks, Caroline Heldman and Emma Zack have called “white protectionism” which refers to “the work that whites engage in to protect the ‘set of social and symbolic boundaries that give shape, meaning and power to the social category *white*’ (Wray 2006, p.6)” (2015, 162). ‘White trash’ and pathologization both work, in different ways, to not only explain white criminality, but also to guard and protect the boundaries of whiteness by exceptionalizing and evicting those groups or individuals who threaten its normative image and dominance. In so doing the ‘social and symbolic boundaries’ of whiteness are re-inscribed and reaffirmed through the process of differentiation and expulsion.

‘White trash’

One of the earliest critical studies of whiteness in criminology which dealt with whiteness explicitly and substantively, to my knowledge, is the work of Colin Webster (2008). Webster, in his article, questions why whiteness has not been taken up by criminologists in their discussions of race and crime, given that “whites disproportionately offend compared to other ethnic groups and obviously commit the vast bulk of crimes” (294). In postulating a potential reason for this omission, Webster notes that the issue has largely been how to think about whiteness as something other than “privilege, power and superiority” (294). Although he does not deny that whiteness confers privilege, this does not hold true in all instance as was/is the case for Jews, ‘Gypsies’ and the Irish; therefore, he asks what could be gained from understanding whiteness in a less reductionistic way (i.e. as only conferring privilege) (294)? Thus, Webster focuses on

instances where white identities intersect with working class identities, to construct a marginalized white ethnicity, and how these ‘marginalized white ethnicities’ are seen as both deviant and criminal.

Tracing what he terms “marginalized white ethnicity” through the racial sciences that emerged in the nineteenth century, which were mostly influenced by theories of degeneracy and heredity, Webster highlights the precariousness of whiteness, using ‘white trash’ as a case in point. ‘White trash’, which includes whites who are seen as far from the image of respectability that is idealized as characterizing the race, emerges as a figure who embodies “pollution, excess and worklessness” (298). Importantly, this discourse combines and resolves two seemingly contradictory characteristics: being “both white and degenerate” (298). In order to distance this group of ‘degenerate’ whites from their more respectable white counterparts, Webster notes that racial scientists ‘got around this’ conundrum of being similarly characterized as ‘white’ by suggesting,

That despite the fact that these families were obviously white; poor whites were ‘the worst of the race’ through their hereditary. Hereditary degeneration was seen in the physical markers of race—although emphasizing ‘stature’ and ‘comportment’ rather than skin color—ensuring that class distinctions were encompassed by racial discourse. (298)

This process of differentiation on the basis of class and comportment helped scientists to explain why poor (marginalized) whites were more prone to deviance and criminality.

Turning to the contemporary context, Webster argues that these same stereotypical images of poor and ‘degenerate’ whites (‘white trash’) remain firmly intact. While part of his argument is to demonstrate the hierarchy of whiteness (whiteness does not always simply signify privilege or power), he also demonstrates that the ways in which marginalized white men are criminalized in ways that are distinct from, but also similar to, the criminalization of Black men. The policing of white youths in Edinburgh, is an example of the ways in which “the police make distinctions about the respectable and the unrespectable based on social class status—that do not always take account of serious and persistent offending—to construct a population of permanent suspects” (306). In this example, and characteristic of Webster’s argument on the whole, is a confluence of class contempt and racism which he argues enables the “drawing [of] distinctions between different sorts of ‘whiteness’ deemed inferior or superior according to attributions of

‘degeneracy’, ‘respectability’, anti-social behaviour, criminality, the body, appearance, hereditability, class contempt is shown to be social and racial” (308).

Travis Linnemann and Tyler Wall (2013) also explore representations of whiteness and crime through the trope of ‘white trash’. Focusing exclusively on a contemporary anti-meth campaign called ‘Faces of Meth’, which relies principally on mug shots of offenders who are known to use meth (i.e. crystal methamphetamines), the images depict the physical changes that bodies undergo while on meth which is depicted by using before and after images. Linnemann and Wall characterize this as a “pedagogical policing” tactic for the way in which it combines powerful and grotesque visual imagery of the effects of drug use on the body’s physical appearance as well as the intention of deterrence (317). An important feature of the mug shots that are used is that they all represent white bodies, helping to bring visibility to white crime (323). However, the authors are critical of the representational association made between ‘white trash’ and meth, arguing that such a link works to “provide penal spectators very specific photographic evidence of the criminality lurking in their community—threatening its stability” (324). Here, the producers of the campaign seek to use the images as a punitive spectacle to elevate anxieties (intended as a mechanism of deterrence) not only about meth, but also, racial anxieties about the ‘white underclass’ and their ability to defile hegemonic whiteness. Their study, like Webster’s (2008), highlights the precariousness of whiteness in the context of this specific campaign.

While these were some of the earlier studies which sought to critically examine whiteness in criminology, what remains to be seen from these discussions of representations of whiteness and criminality, is how normative or hegemonic whiteness fits into questions of criminality. While I would not deny that these kinds of analyses are certainly revealing of the limits or precariousness of whiteness, I simply wonder why it is so difficult to speak of crime and whiteness without recourse to other historically marginalized social identities that question the status of whiteness (e.g. class). Yes, Webster’s attempt to treat whiteness in a less reductionistic way more accurately represents the lived realities of specific white ethnic communities in specific places and at specific points in time, but I think a glaring issue remains. Studies, like Webster’s and Linnemann and Wall’s, while they bring whiteness into conversation with criminology and they tell an important aspect of the larger, more complex story of race in the west, the issue remains: the dominant/ ‘normative’ or the white, heterosexual male subject

remains largely invisible in criminological discourse and discourses of criminality. Consequently, this is also how this subject position remains both privileged and a powerful signifier of normalcy. It is precisely at this juncture that the next ‘wave’ of research arguably seeks to intervene.

Pathologization

Another discursive strategy that is often used to explain white criminality is by pathologizing the individual behind the crime. This is a cultural practice highlighted by William Mingus and Bradley Zopf (2010) in their study of mass shootings in the United States. Their research is a comparative study of four cases of mass shootings where two shootings were perpetrated by whites and two by non-whites. Their argument is that in the instances where the perpetrators were white, race undergoes a type of systematic erasure in the representation of the event. The perpetrators, instead of being racially identified, or race serving as an explanation for their actions, they are rendered pathological or anomalies within the white racial community. They argue that this individualizing move, allows the white community to distance themselves from the violence as well as the perpetrator. In explaining/representing criminality in this way, race (i.e. whiteness) is not implicated as a relevant or causal factor and the hegemony of whiteness is sustained (see also García- Del Moral 2011). They place this practice in stark contrast to representational practices of racialized offenders. In this context race is not erased, but is hyper-visible. Here, the entire racialized community is implicated in the violence and to some extent are held or made to feel culpable.

Similar to Mingus and Zopf’s study, Nancy Heitzeg (2015) has also observed the different ways that white and Black criminality are constructed and represented and how these differences are mutually constitutive, where the former is usually pathologized. In her intersectional analysis, Heitzeg highlights quite clearly how normative white offenders are regularly constructed as mentally ill, while Black people (whether they have committed a crime or not) are habitually criminalized. Her explanation for these divergent accounts of transgression is summed up in the concept of the “white racial frame” (198) which she suggests operates as a “cultural lens” (200) for how we see crime and criminality. Accordingly, this way of seeing/knowing “largely denies white criminality” and as a result, when confronted with it, it is

largely explained through the individualizing narrative of pathology (i.e. the criminal act only represents the person who committed the crime, not the community to which they belong). Not only do narratives of pathology individualize white criminality, they also help to “divorce suspects/offenders from normative whiteness”, thereby maintaining the denial of white criminality in general (201). In contrast, the white racial frame has, for centuries, recycled and revised the powerful figure of the “criminalblackman”, criminalizing entire racialized groups by virtue of race:

Post slavery, the criminalizing narrative has been a central cultural feature of ongoing efforts at oppression; from convict lease/plantation prison farms to the contemporary prison industrial complex, the control of Black bodies for profit has been furthered by the criminal justice system. ‘Slave codes’ became Black Codes, Black Code became gang legislation, three-strikes, and the War on Drugs. This is an uninterrupted centuries-old project devoted to the Condemnation of Blackness. (202)

The crux of Heitzeg’s argument is that these constructions of criminality—medicalized vs. criminalized—made possible by the white racial frame, leads to very different outcomes (or modes of social control) for these two groups in general: for Black offenders, this helps to explain their overwhelming incarceration, whereas for white offenders they are often redirected to treatment centres for illness/disorder or addiction. This highlights the contingency/relationality between (the pathologization of) normative white criminality and (the criminalization of) Blackness in the context of crime: the *dis*-association between whiteness and crime is made possible by the *very association* between racialization and crime and vice versa—“it is the normalized, ‘invisible weight’ of whiteness that provides meaning for the differences and crafted inferiority of the other” (Smith and Linnemann 2015, 101). Thus, the normalized white subject is largely rendered *innocent* or their criminality is mitigated through discourses of pathology (Heitzeg 2015; García- Del Moral 2014). These representational practices affect not only the differential treatment of offenders on the basis of race, but also serve to secure and protect the boundaries of normative whiteness.

Additionally, Kimberley Tyrell (2007) has explored how stereotypes of (un)criminality are both represented and reinforced in movies involving serial killers and she focuses specifically on the white, male, heterosexual, middle-class subject. Exploring representations of monstrosity in particular, Tyrell argues that while representing the normalized offender as a deviant subject is no easy task, she has observed three modes of representation that transform the normalized

subject into a deviant and monstrous figure (139). The first way is by creating a serial killer character that has features or characteristics that have already demonised or marginalized in contemporary culture, such a femininity, racialized and/or ‘foreign’ signifiers, or someone who is gay or a lesbian (140). In this instance, discourses of difference along identity lines allow us to imagine the deviancy/criminality of the normalized subject. The second way that the normalized subject is represented as deviant is by “fracturing and demonis[ing] conventionally valorised categories of dominant identity such as whiteness, heterosexuality, or masculinity” (141). Examples of this strategy might include, portraying men as “effeminate” or, as discussed above, as “poor white trash” (141).

The third and final way of representing the normalized subject as deviant “involves the hyperbolisation of the killer’s very ‘normality,’ of his remarkable unremarkability and seeming blandness; paradoxically, it is precisely this quality of normativity that marks him as monstrous” (144). What is significant about this representation, according to Tyrell, is that the serial killer of cinema “do not look like killers, both in the sense of broad stereotypes concerning criminals (which tend to be class and race-based), and in terms of their overwhelming apparent ordinariness as individuals” (149). This third monster-figure then, is the person that no one expected, whose criminality was totally concealed under the banner of his normalized identities and is only revealed at the end of the movie (145). Importantly, however, and as Tyrell points out, there are specific normative assumptions that inform the representation of the serial killer both in the literature and on screen. The image of the serial killer as a white, middle-class, heterosexual male—“someone who can hide in plain sight”—according to Tyrell, has become a “recurrent trope” that is often seen in serial killer movies (145). However, this subject, she notes, is never particularized even though it is these qualities that allow him to be seen as ‘normal’ (i.e. normalized, not a serial killer and not suspicious) and as “anyone, anywhere” (150). As a result, Tyrell, similar to those discussed above, points out that the hegemonic, interlocking identities are reaffirmed as invisible, normative and thus, meaningless or inconsequential in the representation of crime.

What makes Tyrell’s insights relevant to this study, even though she focuses on fictional representations, is the way that she thinks about the normalized subject in relation to serial killer discourse, and how the idea of the serial killer as both abnormal and normal or banal is given expression in representation through the normalized subject. Additionally, what I found

particularly interesting about her argument is how, following the lead of Judith Halberstam, she encourages us to think about this form of cinematic representation in more abstract terms by seeing the “norm *as* monstrous” (63; emphasis original):

The serial killer, then, may be seen to function as a critique or comment on contemporary standards or forms of representation, particularly of racial stereotyping. The depiction of the serial killer as banal offers an implicit criticism of the identity that has been enshrined as normative through its capacity to approximate it so closely. The way in which the serial murderer serves to reinscribe certain types of identity as normal, even *when* violent and homicidal [...] offers a chilling account of broader societal tendencies and standards. (164)

For Tyrell, not only does this mode of representing the serial killer function as a way to make the norm visible, strange and open to critique it also, “undermines the notion of whiteness as neutral and invisible” which is so often taken for granted in serial killer discourse as well as discourses of criminality more generally (i).

Tyrell’s typology is not only helpful, in that it highlights specific techniques used to represent the normalized subject as a criminal subject and how this relies on identity and difference, but her argument also sheds light on the importance of shifting our perspective, which is, in part what I am trying to do here. Instead of focusing on the socially marginalized as criminal and monstrous, her analysis encourages us to think critically about the normalized subject position and the norms, assumptions and expectations that make certain forms of criminality more shocking, and more difficult to imagine than others.

In sum, what unites scholars who have examined whiteness critically in the context of crime is that in one way or another they have revealed (1) the notion of ‘white innocence’ that undergirds criminal imaginings and practices as well as (2) the ways in which criminal white subjects are individualized, differentiated and exceptionalized from the normative white community through ‘white trash’ (Webster 2008; Linnemann and Wall 2013) or pathologization. (Mingus and Zopf 2010; García- Del Moral 2014; Heitzeg 2015; Tyrell 2007). I use these two themes, drawn from the literature, to structure this study.

There are a couple of things that are worth mentioning in terms of what I have found to be absent from these works and where my research will make a significant contribution. The first is that all of these studies are based in the American context (excluding Stowell-Smith and McKeown’s work which was based in England), while the Canadian representational terrain has

yet to be thoroughly explored (although, García- Del Moral does examine the Canadian context and compares it to the Mexican context; see Chapter 5 for an overview of her work). Second, each of these studies approach the discourse of pathology *generally*. That is, they do not focus on the specific ways that pathology is represented²⁹. Given that pathology has become one of the dominant ways in which the criminality of the normalized subject is represented and explained, and indeed one of the ways that the normalized subject enters into criminal imaginaries, a more detailed study of these processes and practices is warranted. It is for this reason, along with the reasons that I expounded earlier in this chapter, that I focus on psychopathy specifically.³⁰ Psychopathy represents a critical entry point for thinking about the normalized, un-criminal subject in relation to criminality

To summarize, my hope is that this project will contribute to critical social scientific studies on psychopathy and to conversations among critical criminologists interested in the relationship between criminalization, representation and identity. In terms of the former, I hope to bring the methodological insights of critical and historical analyses of moral insanity/psychopathy to bear on the contemporary context and to bring greater nuance to the ‘normalcy’ that is embedded in contemporary representations of psychopathy. In terms of the latter, I hope to join others who have begun to examine how the centre shapes imaginings of criminality at the margins. As a whole, what is particularly unique about my project, is not that I discover something new, but in the way that I braid all of the threads (observations, arguments and points of discussion) that already exist in the literature to create a space for each of them to be explored and discussed together (see Figure 1).

²⁹ The only exception to this would be García- Del Moral’s research which I discuss in detail in Chapter 5. However, her study, like the others, does not detail why psychopathy is particularly well suited to representing normalized offenders. Instead, she simply points out that Robert Pickton *was* labelled a psychopath in the news and that this served to protect the boundaries of whiteness, although, again, why psychopathy specifically was able to do this work was not discussed.

³⁰ Although Tyrell’s (2007) study resembles my own work in her focus on the normative assumptions that enable the serial killer to be constructed as both monstrous (i.e. pathological and aberrant) and “anyone, anywhere” (i.e. normative; 150), she does not focus on psychopathy in particular, which has been so closely associated with serial murder (Jalava, Griffiths and Maraun 2015).

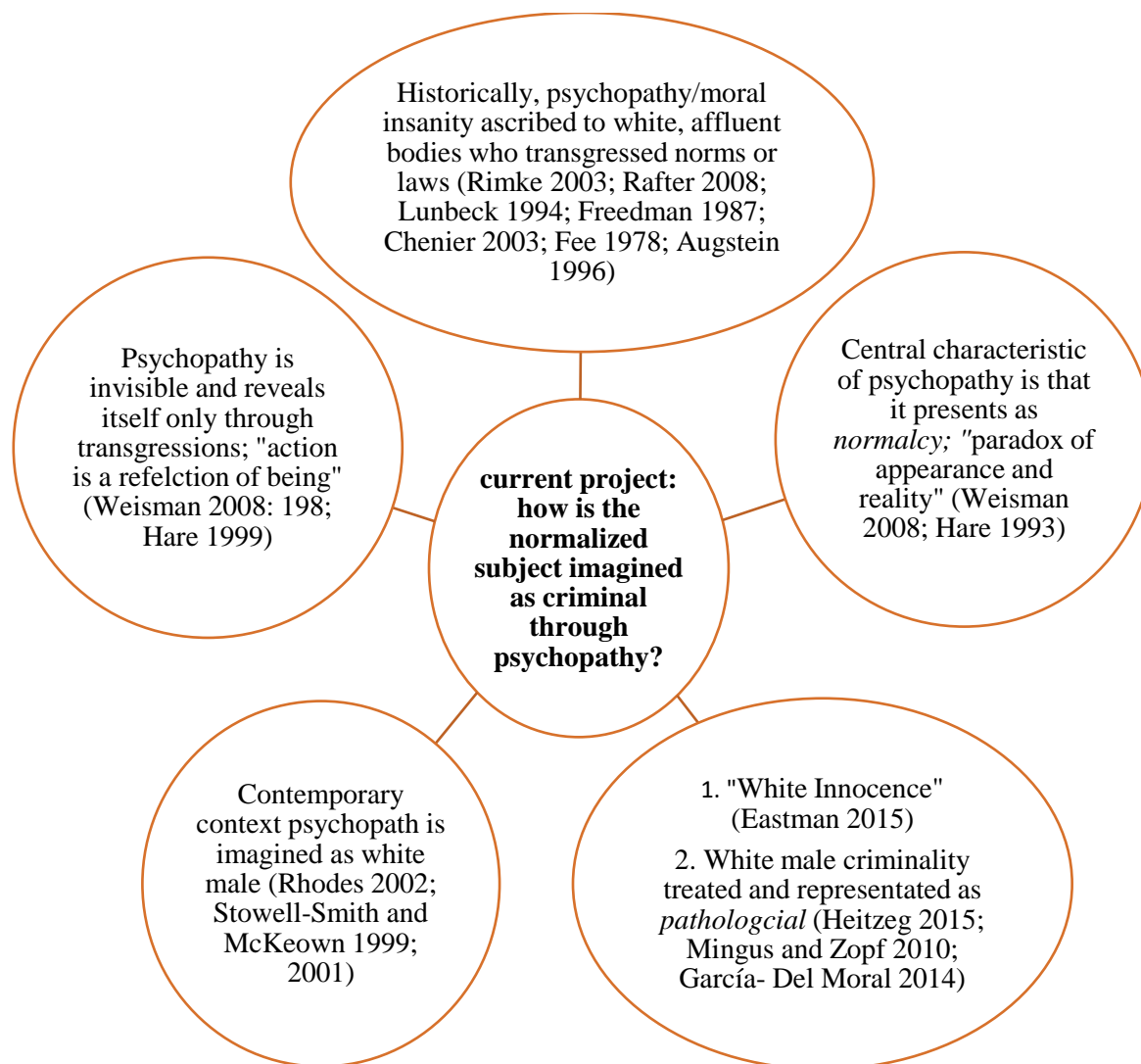


Figure 1. A visual rendering of the insights from the literature that I braided together for thinking about contemporary representations of psychopathy and un-criminality.

Chapter 2 Imagination as Methodology

How do we imagine criminality? How do we imagine criminality which is unimaginable? How does psychopathy render unimaginable criminality, or un-criminality, imaginable? How are contemporary imaginings of (un)criminality as psychopathic connected to historical representations of psychopathy? How does the body, as a text that purportedly offers an assemblage of meaningful signs, figure into this form of representation?

In the last chapter, I ended by providing a rather simple image of the strands that I weave together in this research so that we might be able to see something new. In this chapter, I attempt to explain the approach that underwrites how I am thinking about the relationship between psychopathy, (un)criminality and the body, on what grounds I brought these strands together, and how I came to ask the questions that I do (reproduced above). This way of thinking has allowed me to think differently about psychopathy and criminality in comparison to other critical researchers who explore *contemporary* psychopathy (see Chapter 1) and it is this way of thinking that I try to make as transparent as possible in this chapter.

When researchers bring together different research strands and tools to form an integrated whole, this practice/process is often called interdisciplinarity or bricolage (Denzin and Lincoln 2000; Kincheloe 2001). Using this kind of an approach for thinking about psychopathy involves wrestling it away from post/positivist research designs that dominate the field, and then using different tools and different kinds of thinking that are at hand to create something new(ish). Bricolage implies this practice (Lister and Wells 2000 quoted in van Leeuwen 2005, 8). The bricoleur “describes a handyman or handywoman who makes use of the tools available to complete a task” (Kincheloe 2001, 680); “a kind of professional do-it-yourself person” (Denzin and Lincoln 2000, 4). Interdisciplinarity or bricolage, is one of the artefacts of what Joe Kincheloe has termed “the great implosion” of modern science:

Once understanding of the limits of objective science and its universal knowledge escaped from the genie’s bottle, there was no going back. Despite the best efforts to recover ‘what was lost’ in the implosion of social science, too many researchers understand its socially constructed nature, its value laden products that operate under the flag of objectivity, its avoidance of contextual specificities that subvert the stability of its structures, and its fragmenting impulse that moves it to fold its methodologies and the knowledge that they produce neatly into disciplinary drawers. (2001, 681)

As an approach to knowledge production and a characteristic of qualitative research (Denzin and Lincoln 2000, 4), interdisciplinarity rejects the idea that disciplines are autonomous, having their own distinctive theory, methods and subject matter (van Leeuwen 2005); it “refused disciplinary claims to political neutrality and objectivity” (Parker and Samantrai 2010, 6); and powerfully challenged the Truth claims that were born from systematic scientific study (Parker and Samantrai 2010). As a result, qualitative research no longer needs to take place within the disciplines, make claims to truth, or parade as objective, apolitical or neutral. Instead, it is now possible to bring an assortment of perspectives, theories, methods to bear on a diversity of subjects—like psychopathy—which have been largely dominated by discipline-specific research programs. It is through this fusion that the object of study may be understood and constructed anew (van Leeuwen 2005) in a way that would have not been possible “within the terms of the modern disciplines” (Parker and Samantrai 2010, 14).

To approach psychopathy and criminality through an interdisciplinary approach is to approach knowledge and knowledge production as “inherently political” (Parker and Samantrai 2010, 1) and bring it into “productive crisis” by asking how we have come to know and make sense of the world as we do (11). Such an undertaking is in alignment with the current landscape of qualitative research which “ask[s] that the social sciences and the humanities become sites for critical conversations about democracy, race, gender, class, nation-states, globalization, freedom, and community” (Denzin and Lincoln 2000, 3).

This chapter is not intended to be a procedural manual that will detail step by step how this research was undertaken (although, at times I will do something that resembles this). Instead, this chapter should be seen as the conceptual machinery behind this research where I detail not only what I did and how I did it, but the thinking that was undergirding these practices. I have organized this chapter into three major sections. In the first section, I explain the paradigm that structures my own world view and, consequently, how I approach the subject matter of this project. I detail Alison Young’s (1996) imagination approach to crime and criminality, and how this approach links up with general ‘tenets’ of Michel Foucault (1972; 1978b; 1979) and Stuart Hall’s (1997ab) approach to discourse, representation and power. I also discuss the works of Stuart Hall (1997c) and Jacqueline Urla and Jennifer Terry (1995) among others to explain how they have used these kinds of approaches to think about the body as a text. In the following two sections I turn to ‘method proper’—methods of ‘data’ collection and analysis. I first explain my

research design and in particular, why I focus on news representations as my site of investigation, how I selected the cases, and how I gathered the textual materials. In the final section, I explain how I read the textual material, reviewing the tools that guided my reading as well as the questions that these approaches invited me to think about in my analysis of representation.

The Approach

Theory has thoroughly informed my orientation to this project from the kinds of works that I have read, to the kinds of questions I have asked; my thinking has never left theory to the wayside, only to be returned to once I was ready to begin my analysis as the conventional research process (based on the scientific method) implies (Guba and Lincoln 2004). Theory has been *entangled* with every aspect this research. Sometimes this entanglement is explicit and at other times it is implicit, in either instance my research is informed by a constructivist paradigm, and a poststructuralist³¹ approach in particular (Jørgensen and Phillips 2002, 6). This view understands that questions of ontology and epistemology are blurred. Ontologically, poststructuralists do not reject the existence of a material reality, but argue instead that this reality is only knowable through language and discourse (i.e. epistemology; Hall 1997b; Jørgensen and Phillips 2002). Stuart Hall, in my view, explains the blurring or interrelationship between ontology and epistemology best:

Let me try and make a very simple distinction about two statements which sound as if they're exactly the same, which in my view are absolutely different. The first statement is, 'Nothing meaningful exists outside of discourse.' I think that statement is true. On the other hand, 'Nothing exists outside of discourse,' in my view, that statement is wrong. The statement, 'Nothing exists outside of discourse,' is a sort of claim that, as it were, there is no material existence, no material world form, no objects out there, and that is patently not the case. But to say that 'Nothing meaningful exists outside of discourse' is a way of summing up what I think I've been trying to say to you. As far as meaning is concerned, you need discourse, i.e., the frameworks of understanding and interpretation to make meaningful sense of it. (1997b, 12)

³¹ The definition of poststructuralism that I am working from is borrowed from Ben Agger (1991) who differentiates between poststructuralism and postmodernism in the following way: "poststructuralism [...] is a theory of knowledge and language, whereas postmodernism [...] is a theory of society, culture and history" (112).

One of the methodological implications of this view is that when poststructuralists study the world they do not seek to uncover ‘truth’ or ‘reality’, but instead the ways of thinking that have created reality in a particular way (S.Hall 1997ab; Rosenau 1992). Indeed, as Foucault (1981) has suggested: “We must not imagine that the world turns towards us a legible face which we would have only to decipher. The world is not an accomplice of our knowledge; there is no prediscursive providence which disposes the world in our favour” (quoted in Mills 2004, 47).

Cultural Criminology

Imagining the Unimaginable is about teasing out and making visible some of the ways that we think about and come to know (un)criminality—both criminality and normalcy. One of the ways that these ways of thinking can be made visible, is by exploring and unravelling representations of crime and criminality and paying attention to the kinds of logics and assumptions that help to construct them as such. Those familiar with cultural and/or poststructuralist criminology will recognize, straightaway, that the interests that propel this research can be loosely located within these criminological approaches.

Cultural criminology emerged as a theoretical and methodological orientation to criminology in the 1990s that “situates crime, criminality, and control squarely in the context of cultural dynamics” (Hayward 2010, 3). This approach, while broad in name, in practice, it tended to refer to a much more specific orientation to crime and culture. As I engaged with this literature trying to find the language to explain my own work, I was immediately disappointed to find that their³² orientation was actually quite specific. I, apparently, am not alone in this frustration. Alison Young has pointed out that this approach to culture and crime was actually a concern with “sub-*culture*” and crime (2008, 19; emphasis original):

[...] subsequent elaborations of the paradigm constitute more of a nostalgia for radicalism in place of any wholesale theorisation of culture as a signifying process and the imagination of crime. Thus, contemporary sub-cultural criminology writings tended to fall into one of two genres: first, the ethnographic documentation of a sub-cultural group, event or activity; and, secondly, the manifesto, in which terrain is staked out and terms of engagement specified. (20)

³² It appears that the founders of cultural criminology are a small group of colleagues such as Jock Young, Jeff Ferrell, Keith Hayward among others.

Since ‘cultural’ criminology’s inception, other criminologists have also explored the relationship between culture and crime and have not solely focused on sub-cultures (e.g. Young 1996; Yar 2010; Hayward 2010). Instead, they have widened their approach to consider how images, the visual, textual and media meditations of crime might also be a ripe site to explore questions of meaning, representation, power, resistance and subject positions (e.g. Young 1996; 2008; Hayward 2010; Yar 2010). “Opening the lens” of the cultural criminological approach, as Keith Hayward (2010) has remarked, invites us to engage with different cultural products and poststructural methodological tools “[...] to keep ‘turning the kaleidoscope’ on the way we think about crime, and importantly, legal and societal responses to rule-breaking” (Hayward and Young 2007 quoted in Hayward 2010, 4). From this perspective then, it is essential that we understand “the various ways in which crime and ‘story of crime’ is imaged, constructed and framed within modern society” (9). This attentiveness to the way that crime is constructed and framed is essential, as Majid Yar points out, because it call tell us about the ways that “collective, socially shared understandings of crime and deviance, justice and punishment are generated and sustained through the practices of mediated meaning-construction and textual reading” (2010, 68). It is only once we have developed an understanding of how these deeply cultural meanings or understandings contour how we think about crime and criminality that we can also begin to understand how they are linked to the “matrix of domination”, power/knowledge and the punitive social order itself (P. Collins 1990).

Stuart Hall (1997c) oriented himself to his research in this way as well. Sut Jhally has noted that while Hall was keenly concerned with questions of racism, he entered into the fight against racism by “first understand[ing] the logic of how it works. He wants to understand how racism is cultivated in our imaginations, of how it works in our heads, so that we can better combat it on the streets” (quoted in S. Hall 1997c, 1). It is for these reasons, that I use an approach to crime that can help us get at *imagination* and *discourse*, or how come we come to ‘know’ or think about crime and criminality.

The Imagination of Crime

Imagining the Unimaginable is indebted to Alison Young’s (1996) work, especially her book, *Imagining Crime*. Young’s work, in no uncertain way, structures and informs how I am thinking about and approaching crime and criminality through representation. Throughout her

book, Young (1996) writes against the realist assumption that crime is objectively knowable and solvable. She cites endeavours to objectively know, understand, predict and solve the problem of crime to no avail as the centre of a crisis that is occurring within which she terms the criminological complex. The term *crimino-legal complex*, is what Young uses to refer to

the knowledges, discourses and practices that are deemed to fall under the rubric of criminology, criminal justice and criminal law [...as well as] the popular discourses that are manifested in the media, cinema and advertising, in order to convey that 'crime' has become (been made?) a potent sign which can be exchanged among criminal justice personnel, criminologists, politicians, journalists, film-makers and, importantly (mythical) ordinary individuals. (1996, 2)

Within criminology, criminal law and criminal justice, this crisis, the inability “to solve the conundrum of criminality”, has affected how crime is imagined (3).

For Young, and in contrast to a realist position, crime and criminality cannot be made to appear in an unmediated way. In order for them to enter into meaning they have to be *interpreted as such* (112) by filtering the event through an array of sense-making devices such as language and discourse to make sense of the event *as crime*. Every time we represent crime as crime to our self or to others, we are actually constituting crime, making it meaningful and knowable in some ways while excluding others (16)³³. However, every representation of crime relies on imagining it in a particular kind of way. We do not represent or communicate about crime and criminality as it *is*, but rather as it appears to us and how it appears to us will depend on the subject position that we occupy (Young 2014, 60). This poststructural rendering of crime, approaches crime not as an objective fact, but as a product of imagination, a particular way of thinking or conceiving of crime. Young defines imagination as “the process by which we make images [or other kinds of representations] of crime” (1996, 15). The result from this process is not an objective representation of crime, but a limited, partial representation; a product of how we have come to *imagine* it to be. Her objective in her book then is to understand “how crime is imagined” by paying attention to “the written and pictorial: the linguistic turns and tricks, the

³³ This move is characteristic of poststructuralism more generally. For example, a positivist position holds that that appearance is not reality and reality is not reducible to appearance; reality is ‘real’ and it can be represented as such. Here, reality is seen as prior to representation: “that something was there already and [...] has been represented” (S. Hall 1997b, 6). It is in this context where we can make claims about whether a representation distorts or misrepresents the reality it purports to depict (S. Hall 1997b, 6-7). Young’s approach, in contrast, troubles this opposition or distinction by abolishing it: “reality is an appearance and appearance is our reality” (Young 1996, 20). In this poststructuralist move, “representation doesn’t occur *after* the event; representation is *constitutive* of the event”; it is the only way that the event becomes meaningful (S. Hall 1997b, 7-8; Young 1996, 16).

framing and editing devices in and through which crime becomes a topic, obtains and retains a place in discourse” (16).

How crime is imagined is never innocent for Young; not in the kinds of logics it rests on nor in its effects. For instance, Young notes binary oppositions are a central to the representation of crime: “Crime’s images are structured according to a binary logic of representation. Oppositional terms (man/woman, white/black, rational/irrational, mind/body and so on) are constructed in a system of value which makes one visible and the other invisible” (1). The premise here is that meaning is accomplished through difference and Otherness (see also S. Hall 1997a, 234)³⁴. This view of meaning suggests that things—words, sounds, images—only become meaningful in relation to another thing that is thought to be opposite or different from it (S. Hall 1997a, 234). Moreover, binaries are rarely neutral; they involve a ranking and value-based system that holds one in higher esteem (i.e. dominant, hegemonic or commonsensical) than the other: “there is always a relation of power between the poles of a binary opposition” (235). As a result, and as Elizabeth Grosz has put it: “the subordinated term is merely the negation or denial, the absence or privation of the primary term, its fall from grace; the primary term defines itself by expelling its other and in this process establishes its own boundaries and borders to create an identity for itself” (1994, 3). While this way of thinking is crude, oversimplified and reductionistic (S. Hall 1997a, 235; Grosz 1994, 7), it is on precisely *this* kind of thinking that the imagination of crime relies (Young 1996). The logics that form the basis of our imagining of crime are thus conceived by Young as a form of violence in the way that it makes certain ways of thinking, and certain people visible as criminal and victims, and others invisible (1). As a result, another crime is committed: “the crime embedded in representations of crime is always one of *sacrifice*” (16; emphasis original).

The notion of sacrifice is the foundation of community and its maintenance in Young’s approach. Young defines ‘community’ in broad terms, referring to a spatially delimited area and/or as a group of law-abiding people who need to be protected from crime/victimization (9). It is this ambiguous definition of an imagined community that plays a significant role in how crime is discussed and imagined in the crimino-legal nexus (e.g. ‘community safety’ and ‘community policing’). The criminal is thus always imagined as a “threat to the community”, who must be plucked out from the community and represented as outside of the community.

³⁴ For those unfamiliar with these ideas, I cite Stuart Hall’s work (1997a) for an accessible overview of them.

Once the criminal is identified as a threat to, and outside of, the community they are “represented as deserving violence in some way, as having brought the community’s violence upon it through some fault or flaw of its own. For these purposes, the designation of some individuals as ‘criminals’ enables them to be viewed as outside the community, and thus outside the law” (9). The community is imagined as law-abiding and potential victims of crime (this is the “commonality” that brings them together), a community from which the criminal has been expelled (10-11). The communal fear or experience of victimization is a precondition to being part of the community; “a criminal cannot be offended against” (10). Necessarily, the criminal is expelled from and sacrificed by the community in order to maintain its imagined sense of itself as un-criminal victims (11).

In Young’s approach, the victim can be understood in two ways: the fear or experience of the community’s victimization and the violence (e.g. expulsion and sacrifice) inflicted on the criminal who becomes “the victim of our desire for community” (9). Importantly, as Young notes, the victim of the community’s sacrifice or ‘the criminal’ is already predetermined or identified—the criminal is always “sexed, aged and raced” (17): “The body of crime is continually being reconfigured as feminine, Black, young, homosexual, maternal and so on. Such a process does not and cannot end” (19). In examining the ‘common sense’ conflation of bodies and criminality in the imagination of crime, we are able to begin to unravel the language and imagery (‘written and pictorial’) that are used in sense-making, the stories that get told, the points that are highlighted, the labels deployed in the creation of the representation of crime itself. In doing so, what we are also doing is denaturalizing, unfixing the representation and suggesting that it could be “imagined otherwise” (Young 1996).

Discourse, Power and the Subject

As discussed above, one of the ways that crime becomes meaningful is through imagination. How crime can be imagined or represented is determined by the discourses that are available to conceptualize it in a particular way. In this dissertation, when I use the term ‘discourse’ I am using it in its Foucauldian sense. In his book, *The Archaeology of Knowledge*, Michel Foucault encourages us to look beyond what is literally said or represented and to look at what is “never said” (1972, 27). By focusing on what is not said, Foucault is not interested in discovering the intentions, meaning or unconscious motivations of the subject who uttered a

particular statement or as he puts it: “what was being said in what was said?” (30). Instead, he is interested in discourse, that silent relationship (i.e. the “never-said”) that links statements together. For Foucault, as Stuart Hall has explained, discourse supplies meaning, it provides us with a way to think about and represent a topic (1997a, 44; see also Jørgensen and Phillips 2002; Cheek 2004). In providing us with a way to think about and represent that topic, discourses are *constitutive* of the very thing that they have made thinkable, knowable or representable (S. Hall 1997b): “[discourses] systematically form the objects of which they speak” (Foucault 1972, 54). By providing us with a particular way of thinking about a topic, discourses serve as a structure which defines and delimits what is thinkable and sayable in relation to a topic; it “rules in” a particular way of thinking at the same time as it “rules out” or excludes other ways (S. Hall 1997a, 44). This operation of discourse brings us squarely within the field of power.

In *Discipline and Punish*, Foucault explains how he conceptualizes power. For him, power is not “possessed” or “appropriated” by a particular person or a cluster of people who are dominant, instead he encourages us to look at the “micro-physics of power” (Foucault 1977, 26). This “micro-physics of power” Foucault argues, is the *effect* of domination. This effect can be attributed to “dispositions, maneuvers, tactics, techniques, functionings” that do not emanate from a single source but are circulated throughout the social body (1977, 26). In this way, Foucault does not think of power as “[...] obligations or a prohibition on those that ‘do not have it [power]’”, instead power is something that “invests them, is transmitted by them and through them; it exerts pressures on them, just as they themselves, in their struggle against it, resist the grip it has on them” (26). In this sense, power is dispersed and it is akin to a silent or invisible domination which is not easily perceived because it has been naturalized.

Additionally, Foucault insisted that power was not simply repressive, negative or a system of prohibitions, it also had a productive role (1978b, 94). He is able to make this argument about the productive function of power by linking power to knowledge and discourse (Foucault 1978, 100-101). As I mentioned above, discourse, in the Foucauldian sense, does not simply provide meaning or knowledge about a topic it also constitutes that very topic in a particular kind of way. In providing this meaning, discourse links power and knowledge together: “it is in discourse that power and knowledge are joined together [...] discourse transmits and produces power; it reinforces it, but also undermines it and exposes it, renders it fragile and makes it possible to thwart it” (Foucault 1978, 100-101). Power, therefore, cannot be

separated from discourse or knowledge. If discourses allow topics to become meaningful, and it is only through discourse that knowledge about a topic can be produced, how we come to ‘know’ a particular topic (i.e. the ‘Truth’ about that topic) is linked to power. This is how power manifests as power/knowledge. For example, if we represent/imagine some forms of criminality as being a product of biological vulnerability to crime, it does not matter whether this is true or not. Stuart Hall (1997a) has said that the power of this discourse, this knowledge, this way of thinking or understanding, lies in its effects: in using this discourse to come to know criminality, it will come to bear on our actions. It will also block out other ways of thinking and doing (Hall 1997a, 49). Therefore, we cannot separate the way we come to understand/know/represent/imagine the world from power and vice versa.

Stuart Hall (1997a) has noted, that because power does not reside in a specific person or groups of people, and because knowledge and meaning are not produced by, and cannot be guaranteed by, an individual person (e.g. the author of a text, an utterance, or the author of some another form of representation), but through discourse, Foucault does not centre the subject (54-55). However, Foucault was concerned with the subject insofar as “the ‘subject’ is *produced within discourse*. The subject *of* discourse cannot be outside discourse, because it must be *subjected to* discourse” (Hall 1997a, 55; emphasis original). Hall (1997a) suggests that, for Foucault, there are at least two ways that the subject is produced in discourse. The first focuses on how discourses produce subjects: “[...] figures who personify the particular forms of knowledge which the discourse produces. These subjects have the attributes we would expect as these are defined by the discourse: the madman, the hysterical women, the homosexual, the individualized criminal, and so on” (56). We should also add those who are ‘personified’ or come into being in opposition to these figures of discourse such as, the rational man, the normal woman, the heterosexual, the law abiding/un-criminal and so on. The second way that discourse produces subjects is by “produc[ing] a *place for the subject* (i.e. the reader or viewer who is also ‘subjected to’ discourse)” (56). What Hall means by this second discursive practice is that because we only gain understanding, knowledge and meaning *through* discourse we *must* be subjected to the very discourses that constitute meaning. If we are not subjected to discourse, then we will not be able to access understanding or meaning, and the representation will not make sense to us. Therefore, Hall suggests that “all discourses, then, construct subject-positions from which they alone make sense” (56).

If we return to Alison Young's work for a moment, we will realize that her imagination approach also takes into account how the way that crime is imagined also constructs specific kinds of subjects. As efforts to 'crack the code' or 'find the source' of crime and criminality are carried out by politicians, criminal justice personnel, criminologists, and other crime-related individuals and/or agencies, the fact remains that crime persists (1996, 8). Rather than seeing these efforts as futile, Young offers a different perspective. In the process of 'fighting the battle' over crime, something productive *is* occurring; the battle reproduces a split between the noncriminal community (who are broadly conceived of as the victims of crime—those whom crime affects at the level of fear, experience, trauma etc.) and the criminals or outlaws who have been sacrificed or expelled from the community (9). As noted above, the imagined criminal(ized) subject is always imagined in bodily terms, especially in relation to identity and by extension so too is the imagined law-abiding community.

The imagination of crime and criminality thus becomes central not only in the maintenance of community, but it also constructs subjectivities and subject positions: "in looking at or for the other (the criminal), we represent ourselves to ourselves" (15). In process of representing crime (i.e. talking about it, studying it, visualizing it, writing about it and so on) we are not only reaffirming the status of the criminal as outside of 'our' community, but we are also differentiating ourselves from the criminal. Young notes that because the self is never finally accomplished, this exercise must be constantly repeated (15). Conceptualizing the relationship between subjectivity, subject positions and the imagination of crime in this way, rests on the notion of aesthetics and affect. Young (2008) sees the "imagination of crime [as] an affective process, which does things to the bodies of individuals [...]" (22). When we engage with or respond to images of crime (broadly defined to include the 'written and pictorial') we are being connected to other bodies in the way that we share a common experience in our engagement (e.g. disturbed, fascinated, condemnation, empowered, etc.) (23). In this process, subjectivity, subject positions and community are being reconstituted.

It is important to keep in mind that these images and imaginings of 'suspect' or 'criminal' bodies and the discursive and historical conditions which make these images or subjects possible in the contemporary context are also derived from a particular subject position. For example, Franz Fanon (2008) has shown us how the racialization process relies on a visual encounter between a white gazer, and the 'object' of their vision—the Black body. This visual encounter

simultaneously produces a white subjectivity as well as Black subjectivity, or more accurately constructs the Black body into a “crushing objecthood” (2008, 109). The process of racialization, as Fanon explains it, is an example of the ways in which subjectivities are discursively created through specific subject positions. Fanon’s work also highlights how subject positions are relational: “for not only must the black man be black; he must also be black in relation to the white man” (110). It is the *white gaze* that structures the field of vision, (re)producing the Black man as a symbol of danger and nonbeing, and it is this same gaze that (re)produces the humanity, anonymity, invisibility and un-criminality of the gazer—their subject positions (see also Butler 1993 and Alcoff 2006). The white gaze, or the “white eye”, as Stuart Hall (1990) has termed it is “the unmarked position from which all these ‘observations’ and from which, alone, they make sense [...] the ‘white eye’ is always outside the frame—but seeing and positioning everything within it” (14). Perspective is important, not least because it was and remains white imaginaries that continue to reproduce the racialized male body as a criminal body, but it is these same imaginaries that have enabled and continue to allow white people to “escape being associated with crime” (Russell 1998, xiv). Indeed, as bell hooks (1992) has noted, violent, terrorizing, and terrifying representations of whiteness have, since colonialism, slavery, apartheid, Jim Crow, mass incarceration and so on, been part of the Black imagination³⁵. However, representations of whiteness have taken on (been given) a different form in white imaginations. As Richard Dyer (1997) has noted, whiteness has been used to signify goodness, light, purity, innocence and by association white people have taken on the symbolic content of whiteness as representative of their racial character. Importantly, the power of whiteness to both appear and be interpreted in this way is premised on a particular kind of discourse, representation, imagination and subject position. In imagining crime and criminality in racial, gendered, and class-based terms, not only

³⁵ Bobby Wright (1984), a self-identified Black clinical psychologist, has made a similar point in his book, *The Psychopathic Racial Personality and Other Essays*. Wright argues that from the Black perspective, whites in their genocidal treatment of blacks can be characterized as psychopathic. He notes that “Europeans (whites) are psychopaths and their behaviour reflects an underlying biologically transmitted proclivity with deep roots in their evolutionary history” (2). Wright supports this position by drawing on countless examples of legally sanctioned and/or medically rationalized violence that white people have carried out against Black peoples with impunity (e.g. colonization, slavery, lynching, underfunding of community mental health programs as well as lack of Black professionals working in these centres, ensuring the lack of educational opportunities that keep Black peoples out of powerful and influential positions). For Wright then, the racial perspective from which one sees and experiences and thus comes to know the world is fundamental. Accordingly, the psychopathic personality is not racially neutral: psychopathy is a *racial* personality that both characterizes and explains the immorality of the white race in their relationship with black people.

are subjects produced through these discourses in our imagining of them as such, but these representations only make sense when we are “subjected to” the discourses in which they rely (S. Hall 1997a, 56). Therefore, when I discuss imaginings of (un)criminality I am referring to the dominant or hegemonic view, which is constructed by/in the *normative imagination*.

Thus, discourse—the way we come to imagine—not only produces the ‘reality’ of crime and criminality, but it also constructs subjects, subject positions and the community. These productive practices are political, sacrificial, and wedded to bodies and identity/difference. The way that Young’s approach is able to braid all these ideas together, has provided me with a way of thinking through the processes by which crime and criminality are imagined, the effects of this imagination, as well as how the marginalized, the excluded, the demonized, are vital to the imagination of crime and criminality. This approach is also particularly well-suited for my own interest in exploring what happens when someone from this imagined community of victims/un-criminal becomes the perpetrator of crime: how is their criminality imagined? In what ways does this representation help to maintain the imagined community? Such a concern, pays attention to the ‘other side’ of the criminal binary—the unsuspecting, law-abiding, un-criminal, normalized subject—and by doing so, it invites us to consider *who*, in the midst of ongoing sacrifice in the name of the community, is *not* pre-emptively sacrificed? Who is *refused* or *held on to* in the imagination of crime? And, how is this reconciled at the level of representation, when a crime has been identified as being perpetrated by this un-criminal subject?

Bodies, Identities and the Visual

The body is a text. And we are all readers of it. And we go around, looking at this text, inspecting it like literary critics. Closer and closer for those very fine differences [...]. (S. Hall 1997c, 15)

Since the emergence of criminal anthropology in the nineteenth century, the body has, and continues to play an important role in how criminality is imagined (Urla and Terry 1995). In this section, I provide, using the works of Lombroso scholars, a look at how Cesare Lombroso (popularly referred to as the ‘father’ of criminology) imagined criminality on the body and the significance that discourses of race and gender had in his work. Using these works to historically contextualize contemporary myths about the body’s ability to tell us about who someone is or is

not, I then explain how contemporary scholars have approached the body as a text in a way that I think is methodologically useful.

Lombroso believed that criminality was inherent or biological and that this internal difference expressed itself on the external body. More than this however, Lombroso believed that the born criminal was atavistic or a throwback, “a revival of the primitive savage” (D’Agostino 2002, 322; see also Horn 2003; Rafter 2008). In attempting to prove this notion, Lombroso illustrated the connections between the body, criminality and atavism by constructing the body as a text that that could be read as evidence of their inner criminal essence (Horn 2003). He did this by isolating the peculiar features that these ‘kinds’ of criminals were thought to possess such as “jug ears, thick hair, thin beards, pronounced sinuses, protruding chins, and broad cheekbones” (Lombroso 2006, 53). Essentially, these markings or stigmata were said to reveal the roots or origins of criminality and they were also said to provide a means of detecting it (Rafter 2008; Horn 2003).

Lombroso, Race and Gender

The criminal body that emerged from Lombroso’s work was not based on simple “*looking and seeing*” (Horn 2003, 32). Far from a ‘natural’ product of objective and disinterested positive and empirical science, David Horn persuasively argued that Lombroso’s thinking and seeing was structured by the “political and historical context” that “[made] it possible to see in certain ways and not others” (2003, 33). Lombroso’s thinking was informed, in large part, by “popular prejudices of his day”, particularly along the lines of race, gender and class (Gibson and Rafter 2006, 15):

Instead of breaking traditional stereotypes of criminals, criminal anthropology tended simply to give supposedly scientific support for popular prejudices, as expressed in adages. Lombroso admitted as much when he boasted that ‘the knowledge of a criminal physiognomic type....is often instinctive among the common people,’ giving rise to epithets like ‘a thief’s face’ and ‘the look of an assassin’. (Gibson 2002, 29)

Race was a significant feature of Lombroso’s understanding of criminality especially in his view of the born criminal as atavistic (Gibson and Rafter 2006; Gibson 2002). To understand the racial significance of this way of thinking about criminality, we need to address how race was

conceptualized in both biological and evolutionary terms at the time. In terms of a biological understanding of race, Lombroso used a definition of race that was usual in accounts of scientific racism where race is defined as “an inherited and measurable trait that determined the biological, psychological and intellectual profiles of discrete human groups” (Gibson 2002, 98-99).

Additionally, Mary Gibson suggests that Lombroso’s understanding of race was also influenced by Darwin, who explained race through monogenesis (i.e. all humans can be traced back to the same ancestry; 2002, 99). Although this view of race suggested that all humans originated from the same ancestors, Lombroso also believed that through the course of evolution, humans became racially differentiated on the basis of how far they evolved from this origin point: “from monkeys descended the Negro [...] As it migrated, the Black race evolved into the yellow and, finally white races” (99). The white race thus represented the most fully evolved in his eyes.

The born criminal that appeared in a modern European context was perceived by Lombroso as an anomaly, a failure of evolution. As an evolutionary throwback, the born criminal was imagined as being akin to “savages living in the middle of flourishing European civilization” (Lombroso 1876 quoted in Gibson 2002, 25). Lombroso came to this conclusion because of the distinct similarities that he supposedly observed between born European criminals and the ‘inferior races’ or ‘savages’³⁶ of the past *and* present who, according to his understanding of race, had not evolved. Those ‘resemblances’ which he ‘observed’ between the born criminal and the ‘savage’ took a number of forms. I have found David Horn’s (2003) explanation of Lombroso’s readings of bodies to be particularly helpful for understanding how he imagined criminality on the body through race. Horn eloquently argues that in Lombroso’s readings of bodies and the meaning they were thought to hold, he actually transfers the meanings of one ‘type’ of body (e.g. the bodies of women, and ‘savages’) to another (i.e. the European criminal; 33). This transference allowed him to explain born criminality in relation to Othered, ‘less evolved’ and ‘inferior’ bodies. For example, one of the ways that Lombroso drew out the similarities between the born criminal and racialized others, was by pointing to the similarities

³⁶Mary Gibson and Nicole Rafter (2006) have explained that when Lombroso used the term ‘savage’ he was referring to “primitive people” both past and present: “individuals in an earlier state of evolution than white Europeans. Conceiving of savages as the ancestors of contemporary Europeans, Lombroso pictures them as dark-skinned, uncivilized and animalistic in their desires and habits. In the same category, he places contemporary peoples—Australian Aborigines, Africans, some Asians, and Native Americans—who in his view continue to exhibit these primitive traits” (408-409).

between the abnormal skulls of criminal men and the skulls of men from ‘inferior’ or ‘coloured’ races (Gibson 2002, 24).

In addition to the skull, the body in general was also an important point of comparison as Horn notes: “the bodies of savages were imagined to be homogenous and biologically monotonous, exhibiting very little variation. By contrast, the body of the modern born criminal *was* distinctive, precisely in its resemblance to the body of the unvarying savage” (2003, 44; emphasis original). However, it was not simply the body of the ‘savage’ and the modern born criminal that bore similarities. Horn explains that Lombroso compared the modern European criminal to the ‘savage’ on the basis of other of similarities as well, such as cultural practices (e.g. their use of oral and written language; 46-48) and the way they decorated their bodies with tattoos (48-51). These resemblances ‘proved’, according to Lombroso, that the “most dangerous criminals”, like ‘savages’, “were atavistic throwbacks on the evolutionary scale” (Gibson and Rafter 2006, 1) and the “stigmata of the body were ancient ‘savage’ remnants inherited from an earlier stage of development” (D’Agostino 2002, 322; Horn 2003).

One of the legacies of Lombroso’s theory of atavism lies in the links he forged between race and criminality, and more specifically, as Colin Webster says: “Lombroso’s innovation was to equate white criminals with non-white races” (2007, 13; see also Horn 2003, 42). That is, from the very inception of the idea of ‘criminality’, which was introduced to the west by the positive school, it is intimately tied to ideas about race. Specifically, and as Webster (2007) and Horn (2003) works reveal, European criminality could only be accounted for or imagined through recourse to *racist ideas* (e.g. atavism and scientific racism) and *pathology* (as we will see in the following chapters, this way of conceptualizing white male criminality has not changed very much). To put this idea differently, in Lombroso’s work whiteness is only imaginable as criminal *through the ideological transformation of the white European criminal subject into an atavistic figure* (which obviously relies on more familiar racial and racist sensibilities)³⁷.

In this brief summary of scholars’ readings of Lombroso’s work on the criminal man, it is clear that the way Lombroso thought about criminality was not just dependent on anomalous bodily signs, his work also relied on specific assumptions about the racial identities of the bodies

³⁷ The absent presence of whiteness in thinking about criminality generally holds true in the contemporary criminological landscape as well, although this is beginning to change (see, for example, Webster 2007; Linnemann and Wall 2013; Heitzeg 2015; Smith 2014; Dirks, Heldman and Zack 2015; Henne and Shah 2015; Eastman 2015; Smith and Linnemann 2015).

of the men that he was observing as well as conjecture about ‘deviant’ bodies—characteristics, appearance and behaviours—that were deemed different, Other or ‘inferior’. These assumptions helped him to demarcate the bodies of ‘normal’, ‘good’, law-abiding people and those who were ‘abnormal’, ‘atavistic’, and criminals where difference from the white European middle-class adult male was the benchmark from which the normal and the pathological/criminal was determined. While Horn (2003) and others emphasize the racial logics that helped Lombroso to construct the theory and image of the criminal, and while there is a plethora of research that testifies to the ways in which crime continues to be racialized, we also need to be attentive to the ways that the image of criminality was (and remains) gendered in particular ways as well.

Lombroso was not ignorant to gender and gender difference in thinking about the origins of criminality (Gibson and Rafter 2006, 16). Lombroso had much to say about women and criminality and how women’s biological differences from men had import for the way in which their criminality manifested. Like the ‘savage’, the child, and the born criminal, women too were atavistic according to Lombroso and Ferrero (Horn 1995; 2003). According to David Horn, when Lombroso and his son-in-law Guglielmo Ferrero studied European women in relation to crime, the ‘normal woman’ which was so central to their thinking about female criminality, “had no real counterpart in Lombroso’s studies of male criminality” (2003, 52), in that Lombroso rarely discussed ‘normal’ men (see Horn 2003, 52n118). Perhaps one of the reasons why this figurative ‘she’ lacked a counterpart was because the ‘normal woman’ for Lombroso and Ferrero was not quite ‘normal’, in comparison to ‘normal’ men. According to the evolutionary hierarchy that Lombroso and others used in their thinking, which posited that white, European middle-class men were the most evolved, the ‘normal’ woman, unlike the ‘normal man’ was not as evolved (52); the ‘normal woman’ was pathological (Horn 1995, 121) and atavistic (115). Horn (2003) details the pathological and atavistic qualities that Lombroso and Ferrero said she possessed, noting that they “rang[e]d from an underdeveloped moral sense, to a predisposition to cruelty, to a ‘physiological incapacity’ for truth” (52).

Despite Lombroso and Ferrero’s ‘proof’ of women’s natural inferiority, they were faced with a couple of problems when it came to question of female criminality (Horn 1995; 2003). The first problem was trying to account for the fact that women committed less crimes than men even though Lombroso had already characterized them as naturally atavistic and similar to “criminals, savages, primates, and children” (Horn 2003, 52). The second problem had to do

with their appearance. If women were innately atavistic how was he to account for the fact that women, in comparison to men, “presented fewer signs of degeneration” (Horn 2003, 53)? Horn (1995) has suggested that Lombroso was able to overcome the first problem by including prostitution in his definition of criminality. By widening the definition of female criminality to include prostitution (which he defined quite broadly; see Horn 2003, 54), which was apparently a much more common form of female criminality, Lombroso and Ferrero were able to account for why women *appeared* to commit less crimes. Despite the fact that the introduction of prostitution helped to ‘resolve’ Lombroso’s ‘female question’, the fact remained that both ‘normal’ women and criminal women failed to present degenerative markers of criminality on their bodies.

According to Horn, Lombroso and Ferrero explained that ‘normal’ women lacked degenerative markers because women were not as evolved as men, and therefore they, as a group, were less diverse (Horn 2003, 53-54). Here, diversity/variability is a key component of both evolution and modern civilization (54). Through this interpretive move to account for women’s lack of degenerative markers, Lombroso and Ferrero transformed this lack (which, according to their logic, could have been interpreted as women being superior; Horn 2003, 54) into “a sign of inferiority and weakness” (54). Moreover, they explained that even though criminal women appeared to have fewer signs of degeneration, her appearance was a ruse:

In addition to the fact that true female criminals are much less ugly than their male counterparts, in prostitution we have women of great youth in whom the ‘beauty of the devil’, with its abundance of soft, fresh flesh and absence of wrinkles, masks anomalies. Another thing to keep in mind is that prostitution calls for a relative lack of peculiarities such large jaw and hardened stare, which, if present, might cause disgust and repulsion; it also requires that such peculiarities be concealed through artifice. Certainly makeup—a virtual requirement of the prostitute’s sad trade—minimizes many of the degenerative characteristics that female criminals exhibit openly [...]. (Lombroso and Ferrero 2004, 143)

This way of explaining the lack of apparent degenerative markers on prostitutes explains why it may appear that female criminals have less markers, as it also reinforces the idea that women have a supposedly latent immorality and are deceptive (Horn 1995, 120).

Apart from the two pathological figures that Lombroso’s work created—the normal woman and the prostitute—there was an additional criminal and pathological figure who was “an entirely exceptional being”, the born criminal woman (Horn 1995, 120). Unlike the prostitute

and the ‘normal woman’, the born criminal woman bore traits that “are almost more marked and numerous than in male criminals” (Lombroso and Ferrero 2004, 182). Although the female born criminal was rare, their “evil is inversely proportionate to their numbers” (182): she is always a prostitute, erotic and lustful (185); she is exceptionally and diabolically cruel and ‘savage’ (183); she lacks maternal affection (185), is vengeful (186) and varies in intelligence (189). In short, she is a ‘true monster’, a ‘gendered inversion’ who appears to be more similar to men than women, and whose criminality is much more disconcerting (Horn 1995, 120).

Much like the way that the European criminal was only imaginable by comparing him, in body and conduct, to male ‘savages’, the same is also true for the way born criminal women were imagined in relation to both ‘savages’ and men to make their criminality legible (Horn 1995; 2003). Importantly however, women were also imagined to be always already transgressive because of their sex (Horn 1995; 2003). All of this is to highlight how historical imaginings of criminality centred on the body and social identity/difference in particular. What we can also see from Lombroso’s work and from the insights of those who have rigorously studied it, is that the problem of crime was largely framed as a problem of the socially marginalized—women and the racialized—where the ‘normalized’ subject (i.e. the modern European man) only comes to be imaginable as criminal in relation to already deviant bodies and subjects.

Approaching the Body as a Text

Although Lombroso’s ideas about criminality are no longer adopted uncritically, the idea that the body speaks a truth about who someone is still remains a relatively popular (and problematic) idea. Colin Webster has noted that this is one of the legacies of biological theorizing of criminality which

assumed that social deviants in general, and criminals in particular, were biologically and culturally inferior to normal populations, and that their inferiority was *visible* in their physical appearance. Arguably, although perhaps less explicitly than in the past, comportment, body shape, dress and physical looks continue to have popular salience in stigmatizing groups, especially the poor and the criminal ‘underclass’, often in racialized ways. (2007, 12; emphasis original)

As Webster points out, part of this legacy has resulted in the popular notion that we can tell who people are by simply inspecting their bodies: its marks, its gestures, its physical features, its gait, means of adornment, and other kinds of meaningful signs, what Rimke calls a “hermeneutics of the body” (2003, 247).

This way of thinking about the body continues to make its way into various domains. For example, this way of thinking is particularly evident in cultural representations of crime where it is assumed that social transgression manifests *in* and *on* the body (e.g. think about how fictional villains are sometimes represented as biologically different and physically/visually discernable). Although, the assumption that the exterior body reflects an interior reality and vice versa is a problematic conflation for a number of reasons, it is the *persistence of this conflation*, which is historically specific, that continues to inform how criminality and difference more generally is imagined—as something that is visibly reflected on the body and that aligns with specific ideas about who one is, their abilities, their character and ultimately their place in the social hierarchy (Hall 1997c). One of the objectives of this project is to unravel these kinds of assumptions as they are given expression in representations, to show in no uncertain way, how this conflation continues to inform how we imagine crime in relation to bodies. To do so, I take an approach to the *body as a text* (Urla and Terry 1995; Rimke 2003; Grosz 1994; S. Hall 1997c). This approach engenders an appreciation that the body is significant in reproducing our oppressive social order because of its *signifying power*, and not because of its ability to reveal the ‘truth’ about who someone is in terms of criminality or otherwise. To approach the body in this way, is to work from the premise that the body is a discursive artefact that only becomes meaningful when subjected to discourse (Urla and Terry 1995; S. Hall 1997c). Let me briefly explain.

Many scholars have pointed out how the body has and continues to not only operate as a meaningful sign in the context of crime, but in our culture more generally. In fact, the stubborn persistence of racism and sexism, for example, can be traced (at least in part) to our ideas about bodies and identity and difference (S. Hall 1997c; Alcoff 2006). For example, Stuart Hall (1997c) has explained how human classification, like sex/gender and race more specifically, historically relied on physical or bodily differences that were alleged to be tied to biology. It is through classification that things become meaningful in any human culture (2). However, in the context of race and gender, these classifications also “become objects of the disposition of power” (2) whereby those classifications invite different understandings of who people are. Hall

terms the additional meanings that classifications produce “equivalences”, which he uses to refer to the ascription of

[...] characteristics to these different groupings [racial and ethnic] and to assume a kind of normal behavior or conduct about them. Because they are this kind of person, they can do that sort of thing [...], Everything is kind of inscribed in their species being, their very being because of their race. So, I think that ones seeing there [sic] is a kind of essentializing of race and a whole range of, diverse characteristic ultimately fixed or held in place because people have been categorized in a certain way, racially. (3)

The essentializing thrust of racial classification on the basis of biological and/or physical or visible difference is at the centre of scientific racism. Despite the fact that racial difference at the level of biology has been proven to have no scientific currency, these ideas have not disappeared from our culture (S. Hall 1997c). One of the reasons for this, Hall explains, is that racial difference although not biological, remains *visible on the body*—“as a badge, a token, a sign” (7)— and therefore remains *discursively meaningful*.

Hall (1996), in his reading of Franz Fanon, has explained the process by which the body and the skin in particular becomes racially meaningful (i.e. racialized), by using the term “*epidermalization*”—“literally the inscription of race on the skin”. This term is meant to highlight that there is nothing inherent or stable about the concept of ‘race’, nor are there natural—‘genetic or physiological’— racial characteristics (S. Hall, 1996, 16). Instead, he draws our attention to the cultural weight and significance of the body and skin in particular by arguing, as Fanon does, that human skin embeds a cultural and discursive ‘corporeal schema’ (S. Hall, 1996,16) that transforms skin into a racial signifier, a ‘*uniform*’ (Fanon 2008), that covers the body and is perpetually imbued with meanings. However, it is not only the corporeal schema that structures how racialized bodies are seen and imagined, there is also “a historic-racial schema...woven...out of a thousand details, anecdotes, stories” (Fanon 1952 quoted in S. Hall 1996, 16). The body is thus a text constituted within a discourse of race. The meanings which come to be ascribed to bodies will rest on using the body as sign of difference to figure out how to classify people and then using a whole regime of knowledge (e.g. stories, images, metaphors) to know who that person is, what they are good at, what they aren’t good at, what we can expect from them and so on. It is these logics or grammar—racial, bodily—that allow racism to continue to function (Hall 1996; 1997c). Indeed, as Fanon notes “I am given no chance. I am

overdetermined from without. I am the slave not of the ‘idea’ that others have of me but of my own appearance” (2008, 116).

For Fanon (2008) and for Hall (1996; 1997c), epidermalization is a corporeal process of attributing meaning to Black skin in particular, transforming Black skin into a marker of both difference and ‘savagery’, a denigrating process that seals Black bodies into a “crushing objecthood” of “nonbeing” (Fanon 2008, 109). Take for instance Fanon’s oft-cited encounter with a white child: “Look, a Negro! [...] Mama, see the Negro! I’m frightened!” (112). In her reading of Fanon along side the case of Rodney King, Judith Butler says that the white child or the “infantilized white reader”, when confronted with a Black body, has already identified himself as being in danger and “helpless in relation to that Black body, as one definitionally in need of protection by his/her mother, or perhaps, the police” (1993, 18). If the white child is positioned as being in danger, the “racist indicative” also circumscribes the Black body “as dangerous, prior to any gesture, any raising of the hand” (18). Furthermore, Fanon (2008) argues that this perceptual encounter and the epidermalization that results from the white child’s ‘(mis)recognition’ of the Black body as dangerous is made possible by a ‘historical-racial schema’. This schema traps the Black body in system of signification that posits the Black body as singular and homogenous, as a signifier of danger, violence and aggression in the white colonial imagination (Fanon 2008, 111). It is important to note that for Fanon the process of racialization is a dehumanizing process as well as a dialogic process, as Yasmin Jiwani has explained, “for the Black body to be constructed as different and inferior means that the white body retains its pristine, innocent and valorized status [... racialization] rests on the centrality of whiteness—its normativity and invisibility” (Jiwani 2006, 6). This understanding of racialization as a dehumanizing (for those read as non-white) and dialogic social process is one that I share and apply in this study.

Fanon’s insights draw out the important relationship between race, racism, the body and the visual. This example highlights how our seeing is never simple or innocent vision. It is a tainted racial vision, tainted by what we imagine we see (Butler 1993; Biber 2007)³⁸. In the

³⁸The idea that bodies are a privileged site of sight in relation to race has also been explained by others. For example, Katherine Biber has argued that ‘Race [is] a visual genre’ (2007, 45) and, Judith Butler has noted that the visual field is a racial formation (1993, 17).

context of crime, race is an integral optic in our collective imaginings of crime (Russell 1998; Welch 2007; Chan and Chunn 2014).

Sex/gender work through the body in a similar way. Bodily differences have long been used to render the sex/gender binary natural, but also the perceived differences between the two sexes/genders and their place in the social hierarchy. In western culture, humans come to be persons/subjects, according to Judith Butler (1990), through normative classifications based on sex. Such classifications, Butler argues, work on the body, sexing it and constituting it as an intelligible subject. According to the normative, regulative and punitive functions of gender intelligibility (or gender discourse), this sexed subject is coerced into enacting gender in a way that is congruent with the binary system (e.g. male=masculine; female=feminine) (Butler 1990). Although this system compels us to believe that sex and gender (and sexuality) are aligned, Butler has famously shown us that gender and sex are an effect of discourse not nature. As an effect of discourse, and not a thing that is intelligible outside of discourse, gender needs to be repeatedly enacted on and through the body and in doing so it propels the fiction of gender as natural. The body plays a significant role in legitimizing the argument that sex/gender differences are natural, and it does so “ [...] through a *stylized repetition of acts*. The effect of gender is produced through the stylization of the body and, hence, must be understood as the mundane way in which bodily gestures, movements, and styles of various kinds constitute the illusion of an abiding gendered self” (191). Although I do not believe that Butler explicitly characterizes the body as text, I do think that her way of thinking about gender invites us to consider the ways in which bodily ‘gestures, movements and styles’ are read and enacted in gender specific ways within dominant and hegemonic conceptions of gender intelligibility. These things which constitute gender are meaningful signifiers which are enacted on and through bodies to produce (the illusion) of sex/gender.

When taken together, each of these works show us how the body becomes meaningful in relation to discourses of identity and difference. When bodies are constituted through these discourses, bodies and identities become signs that summon, as Hall (1997c) suggests, a series of “equivalences” within human classificatory systems. It is this idea—the body as a text—that is central to how I think about the way that criminality is imagined³⁹. I also follow this line of

³⁹ To be clear: I am *not* suggesting that bodies are biologically meaningful, but that they are, as Hall (1997c) and others have noted, discursively and culturally meaningful.

thinking—that we can know what people are by their bodies or appearances—in contemporary representations of crime and criminality to explore how the outward appearance of the body remains meaningful for how criminality comes to be ‘known’ or understood. This way of approaching the relationship between the internal and external body in the imagination of criminality is borrowed from Jacqueline Urla and Jennifer Terry (1995) who trace

the idea of *embodied deviance*, which we define as the historically and culturally specific belief that deviant social behaviour (however that is defined) manifests in the materiality of the body, as a cause or an effect, or perhaps as merely a suggestive trace. In short, embodied deviance is the term that we give to the scientific and popular postulate that the bodies classified as deviant are essentially marked in some recognizable fashion. (3; see also Rimke 2003)

Conceptualizing the body as text rejects the essentializing logic that posits the body’s signs as Truth and that has pervaded representations of the body and which has justified and legitimized the inferior status of women, racialized groups, indigenous peoples, differently abled, and the LGBTQ+ community among others. Instead of tethering the body to Truth, this approach emphasizes how bodies are not pure matter—innocent, ahistorical and neutral—but rather artefacts, effects or products of constitutive, regulatory, discursive and punitive regimes of power that construct bodies in particular ways (Urla and Terry 1995, 3; S. Hall 1997c). To recognize that the body does not merely exist but undergoes representation to become meaningful, is to also recognize as Young (1996) has noted, that we cannot differentiate between a ‘real’ body and a representational body, to do this would negate the fact that “the body is both real *and* a sign. These are not two separable conditions but rather they demonstrate the corporeality of the sign and the signifiatory powers of the body. As Grosz states: ‘representations and cultural inscriptions quite literally constitute bodies and help to produce them as such’” (18). To approach bodies as sites of cultural inscription is to recognize the significance of the body as a sign as well as some of the most significant matter which informs the imagination of crime (Young 1996).

When discussing bodily inscriptions, we can be referring to a number of socially and culturally significant signs, symbols, and markings that are etched into bodies through social and cultural practices. For my purposes, I will be focusing on bodily inscriptions of identity, mainly because imagining deviance and criminality—transgression—has historically and continues to be centred on interlocking readings of identity and difference on the body (Rimke 2003; Urla and

Terry 1996; Young 1996). Additionally, the identities which are read onto bodies often structure, in a profound way, how the body is perceived and people judged (S. Hall 1997c; Alcoff 2006). This is particularly true in the context of crime (Biber 2007).

Linda Martín Alcoff has noted that the term “social identities” or simply “identity” bear a visual meaning insofar as “they operate through visual markers on the body” (Alcoff 2006, 6). This is not to suggest that identities like gender and race are Real in a biological sense because we can *see* them, nor is it to suggest prioritizing the visual in determining one’s ‘actual’ identity. Instead, to prioritize the body as a visual text is to assert that gender and race have been made to carry significant visual signs and these signs carry context specific meaning. Often, in the representation of subjects, bodies come to play a key role in telling us about the person, and identities aid in representing people in particular kinds of ways. Importantly, in the imagination and interpretation of bodies, it is not simply one identity that is informing who we think they are, but it is an *interlocking reading* of bodies that guide our understanding within a “matrix of domination” (P. Collins 1990; Rimke 2003). Certainly, some identities will be more visible than others in some instances, and thus might carry greater weight in the moment, but it is also the case that even when these others identities/signs are not present we make certain assumptions or conceptual leaps based on those identities which are not explicitly present. For example, and as I expand on throughout this dissertation, scholars have used an interlocking approach to reveal the ways in which subjects come to be produced as Other depending on a reading of their identities and how this affects how we understand victimhood and whose body is read/legible as a victim (Razack 2000; Jiwani and Young 2006; Chan and Chunn 2014; Kilty and Frigon 2016) and criminal (Russell 1998; Biber 2007; Chan and Chunn 2014; Kilty and Frigon 2016).

In addition to approaching bodies discursively and as a text, I am also interested in how bodies gain meaning in *relation* to other bodies (Sekula 1986; Razack 1998b). If we return to Young’s suggestion that the criminal body is constantly being imagined in specific bodily terms—young, Black, feminine, ‘homosexual’ and so on—undergirding this representation are a series of largely absent, but implied, oppositional terms which these identities are formulated *in relation* to—masculine, white, middle-aged, heterosexual (Sekula 1986). Scholars have referred to this naturalized, universalized, normalized, idealized homogenous and general body as the centre of humanism’s conception of ‘the human’ (Grosz 1994, 20; Urla and Terry 1995, 4). One of the effects of this idealized template is violence; those bodies who ‘deviate’ from this norm or

who cannot or do not want to aspire to it are rendered Other, inferior, marginalized, pathologized, criminalized and so on, while the “bodily fiction” of the normalized subject maintains its invisibilized and idealized position (Urla and Terry 1995, 6; Rimke 2003).

The Research Design

So far, I have sketched out how I am thinking about the relationship between imagination, criminality and the body as well as the constructivist underpinnings of this approach. If Young’s approach (and a poststructuralist approach more generally) holds that knowledge and reality cannot be divorced from one another in that knowledge constitutes how we come know (imagine) reality, the ‘methods’⁴⁰ that I use to understand/analyze the ways that criminality comes to be represented in particular ways (e.g. through psychopathy) must respect that knowledge and reality *blur*. Additionally, in the context of poststructuralist research, the purpose of research is to unravel or ‘deconstruct’ knowledge itself; to show the “radical contingency” of how things are (or, have been made to be) and how they might be otherwise (Haraway 1988; Young 1996). In the process of unravelling how things have come to be, what is present is just as important as what is absent or “never said” (Foucault 1972, 27). It is for these reasons that I turn to discourse, imagination and representation. In this final section, I turn to the more technical questions that I had to attend to in designing this research. Ultimately, these questions stemmed from the much more general question: what kinds of materials are suitable for exploring questions of imagination, (un)criminality, psychopathy and the body?

Textual Materials: Crime News

This was the first question I had to answer. When we begin from the premise that “our understanding of crime is a consequence of our imagination of crime” (Young 1996, 48), the ‘proper’ site of exploration becomes one that can tell us something about how crime is understood and the ways of thinking/imagining that make this understanding possible. Out of the many possibilities that exist to explore the way crime is imagined, I use news representations of

⁴⁰ I bracket this term because as Pauline Marie Rosenau (1992) argues, this is not the preferred term to use because of its grounding in foundational and positivist epistemologies—Truth about the world is attainable as long as the researcher abides by the rules and procedures (i.e. methods) of modern science— which is precisely what poststructuralism attempts to subvert (116-117).

crime as my textual material⁴¹. I focus on news representations because of the important role that the news media plays in the representation and imagining of criminality. Following the lead of Foucault, Lindsay Prior (2004) notes that although qualitative researchers often prioritize the ‘knowing subject’ as a way to access the social world, this is not always necessary. Qualitative social researchers are usually not interested in what individuals say and then replicating this point of view, instead they are interested in how this point of view fits into some “broader target”, like discourse or cultural imaginings (Prior 2004, 318). This “broader target” is important for the critical and sociological researcher (among others) because studies which centre the knowing subject can sometimes take for granted the discursive conditions that enable the subject to speak in a particular way by getting caught up in the intention or motivations of the subject. In this way then, the larger context and conditions of the utterance can easily be ignored (Prior 2004).

Additionally, Foucault, as Prior (2004) points out, showed qualitative researchers that research can be focused on “the investigation of things (rather than persons), but can also examine links and connections between objects that cannot speak, yet nevertheless bear messages” (332). Texts⁴² are a useful site for an exploration like this one because they offer us one site where we can investigate how a specific representation of reality was made possible by teasing out the kinds of thinking that were brought to bear on a situation or event (Prior 2004; Hesse-Biber 2004). Thus, we can turn to texts, like crime news, as representations of the social order in which they were constructed and to account for the way the text has come to be represented in the way that it has and to think about how the text embeds, reflects and reinforces a particular way of seeing and knowing (Prior 2004).

As “public texts” (Jiwani 2006), news representations are one of the sites where we gain information about the happenings around us. As an important site of information, news

⁴¹ This method is considered ‘unobtrusive’ which refers to using materials that pre-exist the research process and thus do not depend on direct researcher-participant interaction (Hesse-Biber and Leavy 2004, 303; Raymond Lee 2000). I mark this concept as problematic, because of the distinction that this term gives rise to. The term ‘unobtrusive’ methods is used to distinguish itself from ‘obtrusive’ methods whereby the latter is defined as such because it requires the researcher to insert herself or ‘intrude’ into one’s life for the purposes of research. While, the ‘unobtrusive’ researcher does not *directly or physically* insert herself into the lives of others, she still, arguably, does so by virtue of *discussing, theorizing, describing or analyzing* the cases in which someone’s life is being represented in some kind of fragmented form. And so I wonder, to what extent is this form of ‘unobtrusive’ research *differently* obtrusive and how might we account for this in ethical terms? I thank James Williams for encouraging me to trouble this dualism.

⁴² Broadly defined to include anything that is meaningful (see, for example, Rosenau 1992, 35).

representations, like all texts, are communicated through language and discourse and “provides a framework with which its consumers may construct representations of the world in which they live” (R. Collins 2014, 2). The frameworks used to encode the meaning(s) of the event are what gives representations an aura of intelligibility. For example, Yasmin Jiwani (2009) notes that news media often rely on ‘common sense’ to represent crime news stories because this form of knowledge is often more “intelligible than others”, it “makes sense” (2). In order for the event to make sense, representations “entail[] selecting and highlighting some facets of events or issues, and making connections among them so as to promote a particular interpretation, evaluation, and/or solution” (Entman 2003 quoted in Jiwani 2009, 2).

One way that mass mediated events are represented ‘commonsensically’, according to Stuart Hall (2000), are through dominant discourses. The use of dominant discourses in representation encodes the representation in such a way that it relies on “dominant and preferred” meanings (57); it relies on and further sediments ‘common sense’ knowledge (Jiwani 2011). This is not to imply that only one meaning exists and that this meaning is always hegemonic. Instead, it is to suggest that not all meanings are equal: “the different areas of social life appear to be mapped out into discursive domains, hierarchically organized into *dominant or preferred meanings*” (S. Hall 2000, 57). These kinds of encodings and the representations which they make possible, may appear natural and sensible, but for Hall they represent or are constitutive of the “dominant cultural order” (57). It is always possible for the reader to reject and reassemble this meaning in their decoding or interpretation of the representation because meaning is always tenuous in poststructuralism. However, it is also possible that the dominant, preferred or hegemonic meaning/discourse will guide the reading, especially since these meanings/discourses have likely become naturalized through repetition and institutionalization (e.g. power/knowledge; 57).

I look to crime news representations to gain a deep understanding of the dominant discourses that are being used to render each crime event meaningful. In exploring the discourses that circulate in the news representations, I do not make claims that my reading of the representations are Truth or that my reading of the representations are the only possible interpretations. I would argue, though, that the way I am reading/interpreting news representations can tell us something about the way that crime, criminality and the body are being imagined in these *specific instances*. Surely, others may interpret these representations

differently, and the inclusion of other cases which are not presented here may trouble the kind of reading I am putting forth. Therefore, I make no claims to objectivity, finality, Truth or generalizability. I am simply offering a partial and situated account based on what I see and understand happening in these representations based on the materials I assembled as a corpus of data.

Selecting the Cases

The second decision that I had to make was more specific: how would I limit the vast terrain of ‘crime news representations’ while also ensuring that the materials I used were able to help me to think through my research questions? In order to help me narrow down this terrain, I employed a case study strategy. That is, instead of exploring crime news representations in general, I chose to focus on specific cases for specific reasons (see below). Linda Mabry (2008) argues that the case study approach is particularly well suited for deep, qualitative investigations that are concerned with complexity, meaning and contingency (Mabry 2008). This research strategy seemed to complement the kind of detailed and nuanced readings that are necessary for getting at the kinds of research questions that interested me. Although there are different ways that case study research can be designed and there are many ways that case studies can be used, I thought that a contrastive approach would be the most valuable. Indeed, as Mabry suggest, contrastive case studies can provide a “fuller picture” of what is being studied because attention is being directed at the many contexts and circumstances that have a bearing on the cases and how these, when taken together, might be meaningful for the larger topic of study (2008, 217).

When it came to selecting the cases, I did so ‘purposefully’, meaning that I included cases because of specific features of the story, its popularity, how its features linked up with my central research questions, and what they could tell us when they were read along side each other by way of comparison. Below I detail how I came to select the cases.

From the outset, it should be acknowledged that I focus on cases of serial murder, not because I am interested in serial killing as a specific type of crime phenomenon, but because this is one site where we can examine how psychopathy is used as a discourse that structures how we imagine certain forms of criminality. Given that the terms “serial killer” and “psychopath” are often used interchangeably in both popular and academic representations of serial killers and

given the extensive coverage that is given to these kinds of crime, I assumed that this would be a good place to begin to understand how psychopathy structures our imagination of criminality. The other reason I think that these kinds of cases are well suited for this particular project is because the victims are identifiable and play a more or less significant role in the representations of these crimes. This provides us with an opportunity to explore not only the contingencies of the offenders' identity in representations of psychopathy and criminality, but also how the victims' identities inform these representations.

When I was selecting the cases, I began by gravitating to popular or iconic Canadian criminal cases where psychopathy was a significant feature in the representation. I began with the case of Russell Williams. This case was unfolding as I began my doctoral studies. I followed it closely and engaged with it in different ways through course work. In many ways, my earlier engagement with this case was one of the starting points of this project and inspired many of the questions that I have come to ask about psychopathy and the imagination of un-criminality more generally. It is also a relatively recent case and one that garnered a lot of media attention. The second case that I looked into was the Paul Bernardo and Karla Homolka case. Despite the fact that this case is relatively dated, it is one that is still seared in the memories of Canadians (including my own). Moreover, Paul Bernardo is usually imagined as the archetypical psychopath. I assumed that by placing this case alongside the Williams case, conceptual and representational commonalities in the way that psychopathy is represented would be revealed as would the gender contingencies of psychopathy.

One of the issues with focusing almost exclusively on serial murder to understand the relationship between (un)criminality, psychopathy and the body is that women are, by design, almost completely written out of such conversations. To avoid this, the third case was chosen to give more space to the question of gender. To do so, I needed to move away from serial murder since women are very much underrepresented as perpetrators in this type of crime. To find such a case, I began investigating cases where women were deemed dangerous offenders because of the links between psychopathy and this designation (see Chapter 4). In Canada, there have been five women designated as dangerous offenders: Lisa Neve, Renee Acoby, Krista Walker, Marlene Moore, and Michelle Erstikaitis. Out of these five women, two were labelled as psychopaths: Neve and Acoby. I chose to include only the Neve case because there was very little coverage of Acoby's case in the news (my search returned only 10 results and many of

these were duplicates). Neve's case was also significant because she is not only a woman, she is an Aboriginal woman and a lesbian. This case provided me with an opportunity to explore different dynamics of representations of psychopathy and (un)criminality. While psychopathy is generally not attributed to women or racialized groups (Stowell-Smith and McKeown 1999), how psychopathy and criminality were imagined through Neve's signifying body seemed important to explore.

The next two cases were chosen because they were "atypical" in comparison to the Williams and Bernardo/Homolka cases (Mabry 2008, 217). In many ways these cases 'defied expectations' and 'conflicted with the ordinary' because of psychopathy's absence in constructing the serial killer's criminality (Mabry 2008, 217). The fourth case that was chosen was the Robert Pickton case. During my doctoral studies this case was widely discussed in both popular media and in academic circles because it highlighted the violent realities that many women of colour, and Aboriginal women specifically, face in a white settler society like Canada. I followed this case carefully, and having done some research on it for a course paper, the absence of psychopathy (when compared to the representation of Williams) was one of the things that I found particularly interesting, especially in light of the sheer horror and magnitude of Pickton's crimes. At the time, I explained these divergent representations of Williams and Pickton in relation to motive and constructions of Pickton's victims as 'disposable' (Jiwani and Young 2006) and Williams' victims as 'ideal victims'⁴³, but upon doing a closer and more extensive reading of the news representations for this study, it appeared that something else was also happening here (see Chapter 5), specifically when each of the cases explored are read across each other.

Finally, in order to build my argument that psychopathy is the means by which the unimaginable criminality (or un-criminality) of the normalized subject is rendered intelligible, I wanted to explore cases of serial murder where the offenders were racialized to see if psychopathy played a role in these cases. In order to find such a case, I consulted Lee Mellor's (2012) encyclopedia of Canadian serial killers. It appears that from 1979-2012, Sukhwinder Dhillon and Charles Kembo were the only non-white convicted serial killers in Canada.

⁴³ I still maintain this position in this dissertation (see Chapter 5), however, I offer a more nuanced reading of psychopathy's absence based on a closer and much more comprehensive reading of the news landscape than I was able to provide at the time.

Interestingly, both of these cases were not extensively reported, and neither were regularly referred to as psychopaths. Because the Kembo case did receive more coverage than the Dhillon case, I decided to select the Kembo case.

The news media's representation of these five Canadian criminal cases constitute the textual materials that I use for this study. Choosing the cases, for these reasons, allowed for a deep exploration of the central questions of this project as they relate to these specific representations. They also provided an opportunity to explore and *compare* many different dynamics and bodily contingencies that are at play in the way that criminality and un-criminality/normalcy are imagined and the different, context specific work that psychopathy does. In sum, these cases provided an opportunity to explore more deeply the 'context', 'complexity' and 'conditionalities' of representations of psychopathy (Mabry 2008, 217).

Collecting the Texts

Because all of the cases are Canadian cases, I used the "Canadian Newsstands" database to retrieve the textual materials. The collection of these texts took place at different times, but all of the texts were collected at some point between April 2015-October 2015⁴⁴. To collect the texts, I searched each offenders' full name. The Williams, Bernardo/Homolka and Pickton cases were extensively reported so I searched for news articles that were published from the date when the offender became a suspect to about a month after a conviction was rendered⁴⁵. For the Charles Kembo and the Lisa Neve cases, I did not use date parameters because there were comparatively fewer articles written about these two cases, so I wanted to collect as many articles as possible. For the Kembo case, I attempted to collect additional articles by using a different search strategy. I searched each victims' name and imposed date parameters in my search—from the time each were reported missing until Kembo was arrested⁴⁶—to see if

⁴⁴ At some point after I finished collecting these texts, York University stopped subscribing to this database and replaced it with "Canadian Major Dailies" which ProQuest says is the "core of the Canadian Newsstand". I am not sure why this change occurred. However, I did have issues retrieving the same number of articles each time I conducted the same search when using the Canadian Newsstand database.

⁴⁵ In addition to searching Paul Bernardo and Karla Homolka's full name, I also searched the term "Scarborough rapist" as this is how Paul Bernardo was referred to before he was identified. The date parameters of this search began when the first 'Scarborough rape' occurred.

⁴⁶ Margaret Kembo date parameters: December 1, 2002 (she is suspected missing)- August 1, 2005 (a couple days before Kembo was arrested)

Ardon Samuel date parameters: November 1, 2003 (month when he was found dead)- August 1, 2005

additional news articles were written⁴⁷. These four separate searches returned only one hit when I searched the only male victim—Ardon Samuel.

For some of the cases my search returned an overwhelming number of articles, so I imposed additional restrictions on my search to pare down the results. For example, the Bernardo/Homolka search returned almost 2900 results. To limit the number of articles I focused only on the Toronto Star's coverage because this newspaper had the most number of hits⁴⁸ and it is the major daily newspaper of the area. Because I was using only the Toronto Star, I retrieved the articles from their database directly so I would also have access to news images, which are not available through the Canadian Newsstands database. I also did an additional search using Canadian Newsstands for the Bernardo/Homolka case where I searched their names, along with “psychopath”, with no date parameters to ensure that in the process of excluding so many articles I was not excluding articles directly related to psychopathy. I pared down the results that were returned for the Pickton case using this same logic. The Pickton case returned over 3000 results, so I focused on newspapers that were local to Vancouver (The Vancouver Sun and The Province) and the Toronto Star because this was the only news source that I consulted for the Bernardo/Homolka case. I summarize the final searches I performed and the results of these searches below⁴⁹:

Russell Williams Case

Database: Canadian Newsstand

Search term: Russell Williams

Date parameters: Jan 1, 2010-Jan 1, 2011 (identified as a suspect in February 2010; trial ended at the end of October 2010)

Newspapers included: All

Number of hits: 333

Paul Bernardo and Karla Homolka Case (search 1)

Database: Pages of the Past (Toronto Star database)

Search term: Scarborough rapist OR Paul Bernardo OR Karla Homolka

Date parameters: May 4, 1987 (date that the first rape by the Scarborough rapist occurred)-October 1, 1995 (Bernardo convicted on September 1, 1995)

Newspapers included: Toronto Star

Sui Yin Ma date parameters: October 1, 2004 (month when she was found dead)- August 1, 2005

Rita Yeung date parameters: July 1, 2005 (month when she was found dead)-August 1, 2005

⁴⁷ I did not search beyond the arrest when conducting this second search because my first search would have covered articles written about the victims after this point.

⁴⁸ The Toronto Star returned 769 results; the next leading newspaper was the Ottawa Citizen with 284 results.

⁴⁹ The final number of articles that I report for each case does not necessarily represent the number of articles that I used in my analysis. I skipped over articles that were duplicates or appeared to be irrelevant to the case.

Number of hits: 558⁵⁰

Paul Bernardo and Karla Homolka Case (search 2)

Database: Canadian Newsstand

Search term: Paul Bernardo OR Karla Homolka; “search within results”: “psychopath”

Date parameters: none

Newspapers included: All

Number of hits: 88⁵¹

Robert Pickton Case

Database: Canadian Newsstand

Search term: Robert Pickton

Date parameters: February 1, 2002- January 1, 2008 (the Pickton brothers first came under police suspicion in February 6, 2002 for possession of firearms; sentenced on December 11, 2007).

Newspapers included: The Vancouver Sun, The Province and the Toronto Star

Number of hits: 1089

Charles Kembo Case

Database: Canadian Newsstand

Search term: Charles Kembo

Date parameters: none

Newspapers included: All

Number of hits: 77

Lisa Neve Case

Database: Canadian Newsstand

Search term: Lisa Neve

Date Parameters: none

Newspapers included: All

Number of hits: 199 results, of those 105 were directly relevant to her case

Reading the Texts

My reading of the textual material was premised on the theoretical approaches that I outlined in the first section of this chapter. In this final section, I provide a loose sketch of the

⁵⁰ The Pages of the Past database returned scanned newspaper pages. This means that some of the hits contained more than one article.

⁵¹ I should point out that I had a number of issues with ProQuest’s databases (i.e. Pages of the Past and Canadian Newsstands) especially returning the same number of hits for the same search parameters. For example, when I performed an open search of the terms: Paul Bernardo OR Karla Homolka AND psychopath I received over a 1,000 hits. Once I began reading through the articles many of them did not contain the word psychopath. This is why I turned to the “search within” function. I consulted the research librarian and showed her how I was performing the search and she said that there must be a problem with the database. I did not investigate this issue further and used the information that I collected from these searches.

kinds of questions that informed my interpretation or reading of the cases. Before moving on, however, I would like to make a few important comments about how I approaching the analysis.

Interpretation and Ways of Seeing

Making the many meanings that reside in the text visible through interpretation is a key methodological strategy for poststructuralists. However, because meaning is always polysemous, subjective and context specific, interpretations of the text will not be objective: “every reading of a text will be to some extent a misreading, a version that selects certain details, meaning or structural features at the expense of other details which could just have well figured in the critic’s account” (Norris 1988 quoted in Rosenau 1992, 119). Not only does this view reveal the impossibility of revealing the objective meaning of the text, but feminist poststructuralists have also fictionalized of the objective gaze of the researcher/observer. Donna Haraway famously argued in her critique of modern science, that the notion of an objective, innocent and impartial researcher is nothing more than a “God trick”: “the conquering gaze from nowhere. This is the gaze that mythically inscribes all marked bodies, that makes the unmarked category claim the power to see and not be seen, to represent while escaping representation. This gaze signifies the unmarked positions of Man and White [...]” (1988, 581). Instead of reproducing this ‘gaze from nowhere’, Haraway calls for a different kind of objectivity, that does not claim to see the world as it supposedly ‘is’, but as it appears to the embodied and subjective viewer: “feminist objectivity is about limited located and situated knowledge, not about transcendence and splitting of subject and object. It allows us to become answerable for what we learn how to see” (583). This epistemological move towards situated knowledge production, allows us to see the world from our critical positioning within it, and in turn, makes this way of seeing open to *conversation*. Such a position does not prioritize relativism, but *partiality*; every line of vision provides us with access to the world, but this access is limited.

What follows in the forthcoming chapters is a product of my own vision—partial and limited— born from my own position as a white, heterosexual woman who sees the world from the standpoint of her experiences, history and training. I make no claims that what I see is ‘Truth’, but is truthful from my partial vision. This is a point that Laurel Richardson (1994) made nicely by noting that this way of seeing:

[...] does allow us to know ‘something’ without claiming to know everything. Having a partial, local, historical knowledge is still knowing. In some ways, ‘knowing’ is easier, however, because postmodernism recognizes the situational limitations of the knower. Qualitative writers are off the hook, so to speak. They don’t have to try to play God, writing as disembodied omniscient narrators claiming universal, atemporal general knowledge; they can eschew the questionable metanarrative of scientific objectivity and still have plenty to say as situational speakers, subjectivities engaged in knowing/telling about the world as they see it. (518)

It is through this lens that I offer my analysis, and it is my hope that the reader, will read my work with this in mind.

Textual Analysis: Discourse and Imagination

As I mentioned at the beginning of this chapter, theory figured heavily throughout this project. Throughout this chapter, I have explained how theory informed my way of approaching this research, and now I would like to explain how theory has coloured my analysis. Instead of generating a theory from my ‘findings’, I have instead used *theory as method* of reading, seeing, interpreting. I have done this with the intention of making representations and imaginings of (un)criminality and psychopathy visible. This approach to theory and methods transcends the either/or dichotomy, and implies that the entire research process is a product of particular way of thinking and doing.

As I have elaborated on throughout, I approach representation through imagination. The term ‘imagination’ captures the relationship between appearance and reality. The *Oxford English Dictionary* defines imagination as “An inner image or idea of an object or objects not actually present to the senses; often with the implication that the idea does not correspond to the reality of things”. In this definition of imagination, there is no assumed correspondence between appearance and reality. While this may be interpreted as imagination being distinct from and separate from reality, we could also interpret this lack of correspondence in a poststructural sense—whereby knowledge or what we (think we) know of crime/reality will never reflect the other. There is only imagination, and that is the closest that we can come to knowing crime.

To construe representations of crime as *imagination* is significant because imagination draws our attention, not only to the content of what is said about crime or ‘criminals’ or what appears in images of crime or ‘criminals’, but the form of the representation itself—“the *process* by which we make images of crime” (Young 1996, 15; emphasis mine). The emphasis on the

process by which crime and ‘criminals’ becomes representable, prioritizes the ways of thinking that go into the representation, that structure it, and that make it appear in one way and not another (Young 1996). By emphasizing how crime and ‘criminality’ is imagined we are focusing on the conceptual machinery that makes crime appear in all of its many guises—discourses, images, narratives, language, and the assumptions or expectations that these ways of thinking give rise to.

I have also discussed how I am approaching discourse through a Foucauldian lens. This approach to discourse fits well with a more general poststructuralist approach in that it understands discourse as constitutive of the objects, subjects and reality to which it refers. It maintains that discourse not only makes the world meaningful to us, but also structures our knowledge in profoundly important ways; and, it recognizes the inseparability of discourse and power. Therefore, in my analysis of the texts, I focus on specific questions that are guided by the insights I have discussed above regarding imagination, discourse, subjectivity and the body:

- How is the story being written or framed? What kinds of information is (re)presented? What kind of information is comparatively absent?
- How do the texts represent the crime and criminality? How are we being made to think about this crime and the people involved? In other words, what discourse(s) are structuring these representations?
- Are these same discourses operating across all of the texts? How does this affect how the crimes or criminality is imagined?
- How are subjects constituted throughout the representations (i.e. victims and offenders) and in relation to each other? How are discourses of identity and difference operating here?
- How is the body (i.e. the body of the specific perpetrator, the bodies of the specific victims, and the template of ‘The Criminal Body’) constructed as a meaningful text? How are their appearances talked about? What kinds of assumptions on the basis of interlocking identities are underwriting the representation? How does this inform how we come to see/know/imagine them?
- How has the social and historical context helped to construct the utterance/text (Cheek 2004)? What historical traces of meaning are surfacing in this representation? What are the historical contingencies of the representation?
- What continuities, contingencies, and departures are taking place across the cases? How does discourse facilitate this?

What I hope to accomplish by asking these kinds of questions is a productive political challenge and intervention into how we think about (un)criminality, the body and psychopathy by ‘laying bare’ the textual underpinnings of this form of imagination.

Chapter 3 Psychopathy and Imagining the Unimaginable

If the discourses of criminality that circulated in the news coverage of the cases (re)produce Williams and Bernardo as always already un-criminal, and once they were identified they were seen/known as unimaginably criminal, then the question becomes: how did the news media make their normalized bodies legible as criminal? Or, in other words, how did the news represent the unimaginable criminality of the normalized subject in such a way that their criminality becomes imaginable? This is the question that this chapter takes up.

Once the extent of their involvement in the crimes became known and the nature and scope of the crimes revealed, we see two popular understandings of criminality informing attempts to make Williams and Bernardo's criminality legible. The first, following the insights of the classical school of criminology, is to locate the motive and/or rationale behind the act. According to this school of criminological thought, criminals are calculated, utilitarian actors. What was quickly surmised by journalists is that each of these actors did not act with a discernible motive—they did not act out of revenge, greed, provocation or any other rational response to some external stimuli; the crimes were *motiveless* and therefore senseless. In the absence of a discernible reason for the act, their acts were doubly transgressive—transgressive of law and transgressive because they stood outside of and exceeded classification—and were thus, “culturally unthinkable” (Seal 2010).

In an attempt to make these crimes and their criminality thinkable and explainable, the news relied on a second popular understanding of criminality which presupposes that their acts were guided by some type of pathology (i.e. a “pathological approach”; Rimke 2010). Accordingly, if their acts were not guided by reason or motive, they must have guided by or motivated by some internal mechanism, a ‘sickness’—biological, psychological or a combination of the two—that was opaque or invisible to those around them. Whether the pathology lay in their biology or psychology, it was clear that the only possible explanation was that Williams, and Bernardo, are not ‘right’; they are *sick*.

For instance, on the day that Williams was sentenced to two concurrent life sentences, the presiding judge in the case is quoted saying that Williams is “sick and dangerous” (Cobb 2010; co198). Family members of the victims shared this view of Williams' acts being the product of illness as they were listening to the damning evidence against him; one is quoted as straight

forwardly saying that “he’s sick” (Rankin and Contenta 2010e). When journalists interviewed forensic experts about Williams, their postulations were much more specific. Journalists, Rankin and Contenta (2010d) suggest that “Williams is what experts call a paraphilic — a sexual deviant. He stole lingerie and took pictures of the women he sexually assaulted, and of those he tied up, raped and murdered. He forced Lloyd to put on lingerie and pose for pictures before killing her”. To buttress this postulation, they consult Vernon Quinsey, professor emeritus of psychology at Queen’s University, who locates the root of Williams’ pathology in his psychology: “Deviants like Williams [...] get ‘turned on’ by ‘hyper-dominance, sexual coercion and rape.’” (Rankin and Contenta 2010d). Quinsey goes on to suggest that Williams is likely ego-dystonic—“someone who finds his own impulses distressing and unacceptable” (quoted in Rankin and Contenta 2010d).

Similar sentiments surfaced in the Bernardo case, although the search for a pathologically-grounded explanation was not as prolific as it was in the Williams case. Unlike Bernardo, Williams was a high-ranking and well-respected military official; his career success and his ‘normal’ private life do not suggest violent criminality⁵². In addition to his violent crimes not fitting who he appeared to be, Williams was also a secret cross-dresser. His ‘gender transgressions’ together with his crimes not only shocked the public, they also inspired a deep-seated curiosity about him and his nature. Bernardo, on the other hand, was not an esteemed figure in the same way Williams was. As a result, once Bernardo was found guilty, the pathological mechanisms that were allegedly guiding his behaviours are not ‘brain stormed’ in the same kind of way they are in the Williams case. Instead the answer is assumed: Bernardo is a sexual sadist who belonged to a more general group of ‘sick’ and predatory offenders (e.g. Duncanson and Rankin 1995b; Pron, Duncanson and Rankin 1995b; Steed 1995). We might assume, based on the research of others, that one of the reasons why there was not much interest in disentangling Bernardo’s nature was because journalists and, presumably, the public, were far more captivated by Homolka and unraveling her psyche (McGillivray 1998; Comack 2006a; Kilty and Frigon 2006; 2016).

The representations of Homolka were far from clear-cut. Although one thing was certain: her actions, too, were guided by pathology, but what that pathology was remained unclear and a

⁵² The news coverage readily explained that while Bernardo appeared to be successful, he was not. He was in fact, a cigarette smuggler (and was unemployed beyond that), in debt and eventually went bankrupt.

source of ongoing discussion and speculation. Indeed, as Dr. Angus McDonald, one of Homolka's psychiatrists wrote in his report: "Karla Homolka remains something of a diagnostic mystery [...] Despite her ability to present herself very well, there is a moral vacuity in her which is difficult, if not impossible, to explain" (quoted in Blackwell 1995). I discuss the 'curious' case of Homolka in the following chapter.

In the absence of the 'usual' clues of criminality, visual or otherwise—such as 'deviant' identity markers or difference—the criminality of each offender remained concealed and imperceptible from an external reading of the body; they appeared to be 'normal', un-criminal subjects. Scholars, as I pointed out in Chapter 1, have argued that when normalized subjects (read: white, middle-class, heterosexual men) commit violent crimes discourses and images of mental pathology are ushered in to explain their transgression (Mingus and Zopf 2010; Garcia-Del Moral 2011; Heitzeg 2015). Based on my reading of these two cases I think that this argument must be pushed further and nuanced. I make this argument because it was not the case that pathology was invoked in a generic form (e.g. they are 'sick'), their *motiveless acts* coupled with their apparent normalcy (apart from their horrific crimes, of course) set the stage for a *specific kind* of pathological representation: Williams and Bernardo were represented as *psychopaths*. In this chapter, and in the ones that follow, I begin to build my central arguments: that psychopathy is one of the ways that the unimaginable criminality of the normalized subject becomes imaginable; and, that this form of representation is bound to interlocking bodily contingencies. However, I also put forth a chapter-specific argument: that the logic of psychopathy (i.e. the way that it is imagined in contemporary psy-literature) makes it amenable to representations of criminality where the subject behind the act appears 'normal' (not just in their biology and psychology, but also in that they inhabit a normalized subject position on the basis of identity). In short, this chapter tells a story of how the unimaginable criminality of the white, middle-class, heterosexual male subject becomes imaginable through psychopathy⁵³.

The first section of this chapter explains how the discourse of pathology structured the news narratives and made it possible to see the offenders as sick and their criminality as a product of sickness. Of particular significance were the biography-like stories that were spun

⁵³ This chapter explores Bernardo and Williams almost exclusively. Homolka is discussed in this chapter insofar as her biography and criminality are intertwined with Bernardo's in the representations. I discuss the particularities of psychopathy and the female offender in the following chapter. Bernardo will also be present in the following chapter for the same reasons that Homolka is present in this one.

about Williams and Bernardo that encourage an interpretation of their criminality as pathological. I present these biographies and I explain the significance of them to constituting a pathological criminal subject. The following section and the remaining sections all focus on psychopathy specifically. In the second section, I explain the contemporary understandings of psychopathy, while underscoring the cornerstone of the psychopathic personality—“the paradox of appearance and reality” (Weisman 2008, 199)— and I provide a series of examples of the ways that psychopathy was literally ascribed to Williams and Bernardo (and Homolka). In this section, following the lead of scholars who have critically analysed psychopathy in its historical and contemporary formulations, I also make the argument that each offender was also symbolically represented as a psychopath through the linked notions of duality and change (e.g. Rimke 2003; 2005; Rhodes 2002; Weisman 2008). These notions are not only central features of the psychopathic personality, but they are also, I suggest, what makes psychopathy amenable for imagining the normalized subject as criminal.

Pathology, the Biographical Inspection and ‘The Change’

As I read through the coverage of the cases, one of the first things that jumped out was the biography-like stories that were told about each offender. The level of detail and space that were given to these stories was notable, as was the effort that went into writing them so that we might begin to understand who they were before they committed their crimes and to see if there was something peculiar or, retrospectively, a clue hidden in the condensed story of their life. For the sake of simplicity, I call this practice the biographical inspection⁵⁴ which, in a crime-news context, is conducted by journalists who research the offender’s past to try to make sense of the current crimes. As we will see, the story(s) that results from the biographical inspection are structured by a discourse of pathology and constitute the offender as pathological. The ‘biography’ is able to do some of this conceptual work because it encourages the reader to try to make connections between the offender’s life history (e.g. their experiences, internal life, traumas, upbringing, behaviours and so on) and their ‘criminal nature’ so we might be able to comprehend how the unimaginable offender becomes criminal.

⁵⁴ I use this term as a shorthand for a process that Michel Foucault (2003) explained in his *Abnormal* lectures. I discuss his work below.

It should be noted, that the media does not always provide this in-depth historical information in all crime narratives. Nancy Heitzeg (2015) points out that this practice (e.g. consulting family members, neighbours, friends, and other people who have an opportunity to engage with the offender to learn about who the offender is) *is a practice that occurs most often in instances of white criminality*. In other words, it is a practice of the unimaginable. There are a couple of assumptions that underpin this practice. The first assumption is that the offender's criminality is unimaginable because the image of normalcy does not fit the reality of their violent criminality. The second, which follows from the first, is that if the image does not fit reality then there is a belief that these normalized subjects turned criminal offenders "have a story" beyond their criminality (Heitzeg 2015; Daniels 2015). Furthermore, by presenting their history, their story, through quotes and an eclectic compilation of pictures (such as graduation photos, childhood images, images of the offender with family and friends and so on) the media also accomplishes the task of "humanizing them", showing that they are not only their criminality⁵⁵(Heitzeg 2015, 201). This is a practice, as Heitzeg notes, and as we will see in Chapter 4 and 6, that does not generally occur in cases where offenders are racialized.

The biographical inspections that I saw taking place in the news reminded me of Michel Foucault's (2003) observations about psychiatric expert opinions at trial. Foucault (2003) suggested that when psychiatric discourse enters the domain of criminal justice, particular and peculiar things occur. In his *Abnormal* lectures, he discusses the function of psychiatric expert opinion at trial. Of particular significance is the way that psychiatric expert opinion rests on ushering in biographical elements "that do not in any way explain the action in question but are kinds of miniature warning signs, little scenes of childhood, little childish scenes that are presented as already analogous to the crime" (33). Foucault terms the effect of psychiatric expert opinion at trial *doubling* because it "allows the offense, as defined by the law, to be doubled with a whole series of other things that are not the offense itself but a series of forms of conduct, of

⁵⁵ For an example of how racialized peoples are criminalized even when they are the victims of crimes committed by white men, look up the recent use of the hash tag #ifiwasgunnedown. This hash tag was used to criticize how mainstream media criminalizes black men who are victims of crime by drawing on hegemonic racial imagery of these individuals. Often the images that are used depict young black men in singular and stereotypical ways by using images that connotatively portray the victims as 'thugs' or 'gangsters'. This type of portrayal not only makes it clear that images of victimhood do not easily assimilate to young, black men, it also does not represent them in a way that accurately captures the complexity of their personhood. The creation of this hash tag can be seen as a political intervention in this all too common practice of criminalizing racialized victims of crime (see also Heitzeg 2015).

ways of being that are, of course, presented in the discourse of the psychiatric expert as the cause, origin, motivation, and starting point of the offense” (15). What the discourse of psychiatry produces is a second character (in addition to the offender or the ‘author’ of the crime), an individual who must be known and accounted for in his way of being, “to show how the individual already resembles his crime before he has committed it” (19).

Henceforth, any oddity, abnormality or misdeed found in the biography will come to stand in as a sign of the offender’s double, their biological or psychological predisposition to criminality, a sign of the crime itself (Foucault 2003). In bringing in this information, what is trying to be made clear is that the offender has always been possibly *dangerous* in their *nature*, that they have a *criminal potentiality*: “the value of psychiatric expertise is often, if not always, that of demonstrating potential criminality, or rather, the potential for the offense the individual is accused of” (22). As we will see below, when the potential for criminality is made to exist in the biographical representation, what we see is a kind of slow, gradual or incremental transition into criminality. While Foucault’s objective in discussing psychiatric expert opinion is different than my purpose here, I think that his way of thinking about the belief that criminality is a potentiality that is discernable through one’s biography is helpful for thinking about the ways that the unimaginable criminal becomes imaginable as such. If the crimes and the criminal who committed them are shocking and unfathomable, constructing a biography of the individual’s criminal potentiality allows their criminality to be imaginable by inserting the offender and the crime into discourse of pathology. The *incremental criminal biography* then, is the first type of biography that can begin to make unimaginable criminality legible.

A second form that a biography might take is to show how the otherwise normalized subject *abruptly shifts* into criminality. That is, the biographical information that is presented is used to show how the offender *did not always resemble the crime*, but rather that ‘something went wrong’ for this individual (Foucault 2003, 124; Daniels 2015). This ‘something’ could be a triggering event like a trauma, fight, unemployment or the onset of an illness. We might call this second biography, the *transformative criminal biography*. Underscoring this biographical representation is the belief that the crime committed does not represent who they are and who they have always been (or at least how they have appeared to others). In other words, at some point something was assumed to be *right* about this individual and then something went *wrong* (Daniels 2015); there was a *profound change* in their way of being. Within this understanding,

the crime itself is the only sign or symptom of pathology (Weisman 2008, 192). Indeed, as Foucault (2003) explains: “a crack appears and there is no resemblance between the act and the person. Even better, one person does not resemble the other; one phase of life does not resemble the other. There is a break, the onset of illness” (Foucault 2003, 127). As a result, this biographical narrative pictures the offender as undergoing a sudden *transformation* from ‘good’ to ‘evil’.

It also bears mentioning that while both of these biographical forms are amenable to building a representation of psychopathy, the transformative biography is consistent with the historical and contemporary logic of psychopathy. First, and in regards to historical representations of moral insanity (as discussed in Chapter 1), Heidi Rimke (2005) observed how diagnoses of moral insanity were premised on a ‘normal’ subject and individuals diagnosed with moral insanity were seen as undergoing a negative and transformative change from normalcy to abnormality (285-289). The change, evidenced by the subject’s transgression(s), was seen as “an indicator” of moral insanity (286). In the contemporary context, psychopathy is largely construed as an invisible disorder because it “resembles normalcy” (Weisman 2008, 199). Within this context, transgression(s) are similarly seen as evidence of a condition—psychopathy—that was present, but concealed all along (Weisman 2008). In a sense then, the transformation implied in this biography is not necessarily a ‘true’ change, but a ‘making visible’ of a condition that had otherwise remained hidden.

The biographical inspection is central to writing a narrative of pathological criminality. In the first biographical narrative—the *incremental criminal biography*—the crime is slowly woven into the nature of the person, because it is believed, as Foucault (2003) noted, that the crime and the person are one, insofar as the person who carried out the crime is seen as biologically similar to the crime itself; that criminality is an attribute that one is born with. In the second type of biography—the *transformative criminal biography*—the biographical information is used to demonstrate that this is not who the individual always was, ‘something’ went wrong for this individual (e.g. “the onset of illness”; Foucault 2003, 127), or that the transgression made an invisible condition—psychopathy—manifest (Weisman 2008). While I have presented these biographies as separate, in practice they are much more fluid (e.g. the way that the biographical information is presented may be congruent with one or both of these forms). Regardless of how the biographical information is presented, in essence, both forms of biographical representations

enable us to begin to imagine Bernardo and Williams' criminality as psychopathic by representing them as *changing* (incremental) or *changed* (transformative) figures. In either instance, and as Rimke (2005) has noted, the notion of a negative change relies on a normalized subject (289).

Williams' Biographical Inspection

Journalists scoured Williams' biography for motives, causes, clues that could either explain his behaviour or that could have predicted his criminality. Underpinning this biographical search was the belief that was expressed in one of the articles, and which echoes Foucault's point about the role that psy experts play in the trial: "People don't just wake up one day and say, 'I'm going to abduct someone and murder them' [...] I'm sure there's a history." (Dale 2010). As media, along with military personnel, psychologists and psychiatrist relentlessly canvassed his biography, his military record, interviewed old friends, peers, colleagues, and neighbours they did not find behaviours or misdeeds that could have operated as 'warning signs' of Williams' way of being. No such "history" was found. There was no motive, no trauma, no history of mental illness, no discernible or definite reason. This however, did not stop journalists and the various individuals that they consulted from speculating why Williams committed these crimes. Speculations which ranged from the death of Williams' cat to his struggle with chronic pain (McArthur 2010). Despite these attempts, no concrete explanation was provided in the news and Williams' criminality remained beyond intelligibility: How could the man that "would reportedly examine the lawn for frogs, dragging his feet through the grass so he wouldn't harm them" (Yang et al. 2010), now be confessing to the most heinous of crimes? How could a man who occupied a position of status and prestige in the military, who also excelled at his job and who was reported as friendly, kind and compassionate, suddenly commit crimes of the most violent sort?

The asymmetry between his biography and his crimes was evidently puzzling. More than this however, it was the *sudden change* in Williams' behaviour, marked by Williams' first crime (i.e. the "fetish home burglaries"; Rankin and Contenta 2010d), which he committed not long before his quick escalation to sexual assault and murder, that some journalists and experts found particularly baffling:

‘This guy is quite unusual,’ says psychologist Vernon Quinsey [...] ‘We’re learning from this case,’ adds an informed source, who requested anonymity. ‘We haven’t seen guys like this in the past and we don’t expect to see a lot of them in the future.’ Williams had a successful career and a long, apparently loving marriage, and didn’t embark on a life of crime until he began a series of fetish home burglaries in September 2007, at the age of 44. ‘It’s very unusual for a guy who’s got his act together like that ... to all of a sudden start committing crimes at a late age,’ says Quinsey [...] ‘The guys you typically see start earlier,’ he adds. ‘Almost nobody starts a life of crime when they’re in their 40s.’ Equally unusual was his escalation from panty fetish to sex assault to murder. Most serial killers assault and kill in tandem, right from the start. (Rankin and Contenta 2010d)

In focusing on, and trying to make sense of this sudden change (i.e. his apparently sudden turn to crime), the sentiment quoted above—that people do not simply wake up and decide to start committing crime—was reiterated in pathological terms. One journalist, quoting the former RCMP behavioural sciences director, suggested that “It’s kind of like some forms of mental illness or depression, it’s lying dormant and either a physical or psychologically traumatic event occurs that provokes someone who is predisposed to start acting out” (Glenn Woods quoted in MacLeod 2010). Implied in this construal of Williams is that the onset of pathology or the ‘awakening’ of a predisposition is responsible for his shift in behaviour, morality and character and the only ‘solid’ evidence of pathology is “the crime itself” (Weisman 2008, 192; Foucault 2003). The other way we can read this representation is that at first, Williams’ criminal pathology was invisible, hidden by his normalcy whereas it is now apparent through his crimes. A representation of psychopathy is beginning to form.

Bernardo’s Biographical Inspection

The journalists’ biographical inspection of Bernardo (and Homolka) is a bit more complicated. The coverage of Bernardo’s biography was very detailed and oscillated between accounts that represented his childhood and familial context as ‘dysfunctional’ and completely average. In one of the articles that explores these differing accounts, journalists capture this sentiment in their headline: “Bernardo a Man of Many Faces” (Boyle and J. Hall 1993).

As a young child, journalists report that Bernardo had speech difficulties; first, he was tongue tied and then later he developed a stutter. The latter, was something that he was teased about: “he got tagged with the moniker ‘barnyard’, a play on his surname. Other children always found it fun to pick on the stammering young boy with a baby face” (Pron, Duncanson and

Rankin 1995b; see also Boyle and J. Hall 1993). Journalists also note that although the Bernardo family looked idyllic from a distance, upon closer inspection there were “smudges in the Bernardo family portrait” (Pron, Duncanson and Rankin 1995b): “Marilyn [Bernardo’s mother] had put on weight from her child-rearing days. When it stayed on, her husband began to ride her out about it in front of the children. While the Bernardo children often played at neighbours’ houses, neighbourhood children seldom came to their home especially when Paul’s father was around” (Pron, Duncanson and Rankin 1995b). Furthermore, journalists note that when Bernardo was as young as 5, Bernardo’s father began sexually assaulting a woman. Although the family tried to keep these ‘troubles’ a secret, in 1993 the woman came forward about the assaults and he was convicted. When his father’s “sexual deviations” began, Bernardo had no idea, but he would find out by the time he was 10. In addition to learning about his father’s proclivities to sexual assault, Bernardo also learned from his mother, during a fight, that the only father that Bernardo had ever known was not his biological father; he was a “bastard”: “The effect was devastating. Bernardo ran out of the house crying [...] *the cruel disclosure* drove a wedge between mother and son” (Pron, Duncanson and Rankin 1995b; emphasis mine). Emphasizing the psychological context of Bernardo’s hatred towards women because of his “cruel” and inadequate mother, this article attempts to demonstrate how a sexual sadist whose desire to dominate, humiliate and torture women is made through bad mothering. What follows from this information, is evidence of Bernardo’s mounting hate towards his mother:

Bernardo never had anything good to say about her, telling friends he hated her cooking and didn’t like how she treated him, yelling at him for even the slightest boyish mistake. The strained relationship with his domineering mother only solidified what Bernardo was secretly feeling about women as early as age 16. They were all lying, contemptible creatures, not worthy of his respect. ‘We are all organisms,’ he once told a friend, ‘and some are more superior than others’. (Pron, Duncanson and Rankin 1995b)

As a narrative of a misogynistic, sexually deviant serial killer is beginning to take form, Bernardo’s mother stands as being the trigger for an already present predisposition. It was her bad mothering—domineering and cruel—that was responsible for his acts of femicide. Once we are clear on the role that Bernardo’s mother played in his life and in his abnormal psychological development, we are then told that Bernardo’s deviant sexuality began to “explode”.

In proper narrative succession readers are encouraged to read one set of events as causing the latter. The news account tells us that Bernardo's deviant sexual acts began with voyeurism and then "homosexuality", but as his "prowess" developed in high school he turned his attention back on women: "he referred to himself as a 'Stud', and in his graduating yearbook he said his main ambition in life was to meet women" (Pron, Duncanson and Rankin 1995b). One of Bernardo's high school girlfriends recalls that their sexual relationship was anything but normal, which included being strangled by twine and sodomized. However, Bernardo's first love, Nadine Brammer, said that was not how she knew Bernardo. She tells journalists that Bernardo was a normal guy, "I've spent intimate time with him there is nothing abnormal about him [...] you don't go out with someone and not know what they're capable of"(quoted in Boyle and J. Hall 1993). A former neighbour, Barbara Boorman, shares Brammer's impression of Bernardo:

He had lots of girlfriends, he was good-looking and he was smart. He was a nice, clean-cut young fellow... he was quiet and polite [...] He was the kind of guy most mothers would be quite pleased to see their daughters bring home, [...] he was an all-round nice-looking guy who kept himself dressed up really well at school. He was a lovely boy. It comes to us as a dreadful shock. (quoted in Boyle and J. Hall 1993)

Other neighbours, however, counter this representation of Bernardo and his family:

'All of the kids played together on the street, but the Bernardos were losers. They didn't always play with us [...] no one wanted to go to their house to play. We rarely got invited into their house and when we did it was dirty' [...] the family was odd and kept to themselves. 'They were all kind of strange. The father was passive, submissive.' And far from being proud of her son, Bernardo's mother was mean and overbearing, the neighbour said. 'She never talked nicely to them or about them,' she said. 'You could hear the mother screeching 20 houses away for her kids'. (Boyle and J. Hall 1993)

Part of what these representations are attempting to do is to constitute the thing that they are representing—Bernardo's criminality. As biographical information surfaces, journalists represent it in narrative form attempting to demonstrate that these divergent accounts of 'who Bernardo is' all testify to the potential or inherent criminality embedded in his biography. For the most part however, the elements that are highlighted in the news are non-serious transgressions so they do not tell us much by way of explaining why Bernardo escalated to rape and murder. Much like the techniques used by journalists in the Williams case, the journalists in the Bernardo

case also focused on the change in his behaviour—the moment where understandable routine familial oddities and sexual curiosity became unintelligible violence.

The moment of irruption or change—when Bernardo is identified as becoming aggressive, sexually demanding, domineering, controlling and self-serving—is often located by journalists as being after his relationship with Homolka began. During her testimony at Bernardo’s trial, Homolka made the change in his behaviour abundantly clear, noting that at the beginning of their relationship everything was good, and their sex life was “normal”. He treated her “like a princess”, buying her flowers and visiting her in St. Catherines a couple of times a week, even though he lived in Toronto (Pron, Duncanson and Rankin 1995a):

The change in his attitude toward her started slowly, Homolka said. She wasn't allowed to wear a mini-skirt to school or talk to other boys. He wanted her to dress more preppy and she was no longer allowed to change her hairstyle, Homolka said. When Houlahan [prosecutor] asked why she didn't refuse his demands, Homolka replied: ‘They didn't seem important to me.’ Bernardo didn't like her friends, so she stopped associating with them, court was told. He encouraged her to drink more and then began making sexual demands, such as making her perform fellatio. ‘He wanted me to perform fellatio and I didn't want to,’ she testified. At times he wanted her to pretend she was someone else or say degrading things during sex. (Pron, Duncanson and Rankin 1995a)

It is at this point that the facade cracks, and we are made to see how all the little details of his biography connect to this moment where everything changes—his illness has surfaced and its/his full criminal potential begins to unravel. While Williams’ pathology is made to appear as though it lay dormant until 2007, in the case of Bernardo we see both types of biographies being intertwined. In the first instance, we are made to think that the pathology revealed itself at telling moments—similar to a whack-a-mole game—and then retreated and the guise of normalcy restored at least on the surface, while Homolka’s account tells that there was a significant change in his behaviour that did not match up with the man that she had initially met. The notion of change—whether construed as an *abrupt* change or as a more gradual *change* that occurred over time—in relation to both Williams’ and Bernardo’s biography, is an important point of similarity. As we will see in the following sections, the idea that an individual can move between ‘abnormal’ and ‘normal’ is a significant feature of representations of psychopathy in general and Williams and Bernardo in particular.

Enter Psychopathy

In the process of attempting to identify the biological, psychological and/or environmental variables that could have precipitated the behaviour of Williams and Bernardo, one specific iteration of pathology surfaced—*psychopathy*⁵⁶.

References to Williams as a psychopath⁵⁷ peppered the media coverage of his crimes. Heather Mallick (2010c) in her news article, “A Psychopath’s Monotone Act of Contrition” says bluntly that “Williams is a psychopath. Humans are mere digits to him. He’s told what he’s supposed to feel about them so he does a passable rendering, a sketch”. In a number of articles, certain features of psychopathy are used to characterize Williams such as a lacking empathy, remorse, or emotion (Rankin and Contenta 2010b; Appleby and McArthur 2010; Mandel 2010b; Cobb 2010; *Monster Has No Answers* 2010). Others draw attention to his anti-social behaviour, an important element of contemporary understandings of psychopathy (MacLeod 2010; Rankin and Contenta 2010d). In other articles, the premise is that Williams is a psychopath and the question becomes one of treatment—how can Williams’ psychopathy be treated, if at all (Kirkey 2010)?—or of prevention—how can psychopaths, like Williams, be screened out from the military (Khan 2010; Hurley 2010c)?

Bernardo and Homolka too were labelled psychopaths by psy-experts that were interviewed by journalists: “some experts suspect that both Karla Homolka and Paul Bernardo are psychopaths—people who aren't mentally ill but lack any conscience and single-mindedly pursue their own pleasure” (Blackwell 1995). Psychiatrist and leading scholar of psychopathy, Robert Hare (he was not involved in the trial) said that Homolka and Bernardo have psychopathic tendencies, he says:

What bothers me about him, and her, too, is the casual way these horrific things are described on the witness stand [...] When a psychopath commits a violent act, they're

⁵⁶ It is perhaps significant that, in both the Williams and Bernardo/Homolka cases, the offenders are generally not labelled psychopaths until they either confessed or were found guilty of the crimes.

⁵⁷ In their recent book on psychopathy and in Chapter 3 specifically, Jalava, Griffiths and Maraun (2015) discuss the Russell Williams case and note that psychopathy was a regular feature of the Canadian news coverage of the case. They also observed the strategies of duality that I outline below. Despite these similarities however, our arguments are fundamentally different. Jalava, Griffiths and Maraun use the Russell Williams case to demonstrate the significance of psychopathy in the case and to the public (49-50), the implicit assumptions that are embedded in how psychopathy was used to try to explain Williams’ behaviour (e.g. it allowed Williams to be transformed into a ‘object of moral condemnation’; it was deterministic; it reduced his central identity to psychopathy; 51-52); and finally, they used the case to demonstrate both the power and the problems associated with biological accounts of behaviour.

not doing it because they're malicious or malevolent or evil. They're doing it because they don't give a damn. (quoted in Blackwell 1995)

While the “horror-show Barbie and Ken” are often labelled psychopaths together, Bernardo is also labelled a psychopath as an individual (King 1996). For example, that Paul Bernardo is a psychopath is sometimes suggested as something that is obvious or a matter-of-fact: “Paul Bernardo. Jeffrey Dahmer. Clifford Olson. Ted Bundy. All serial killers. All psychopaths. They are the heart of darkness. They have no moral conscience. They show no anxiety, no guilt, no fear, no remorse. They want, therefore, they act” (Black 1995). In another news article, the label is applied and its suitability for Bernardo explained by Robert Hare:

Psychopaths tend to be egocentric, lack remorse or guilt and constantly seek excitement, said Hare. They're also unable to empathize with others and tend to be deceitful and emotionally shallow. Only a small percentage are physically violent, he said. ‘They are predators -- emotional and physical and sexual predators’. Bernardo's cool, confident and sometimes condescending demeanor in the witness box was typical, Hare said. ‘A psychopath who has committed a crime and is caught is now on stage. He doesn't see himself as any sort of pariah, he sees himself as a victim of the system . . . He's on stage, he's enjoying it, he's loving it [...]’. (Blackwell 1995)

Interestingly, Homolka is usually labelled a psychopath *with* Bernardo during the news coverage that my research covered (which spanned from the first ‘Scarborough rape’ to the end of Bernardo’s trial). However, in later years it seems that the psychopath label became more pronounced. For example, Donna French’s (Kristen French’s mother) sworn affidavit is quoted once Homolka is released from prison. In the passage from her affidavit, Homolka’s behaviour is interpreted as being congruent with psychopathy:

Ms. Teale's [Homolka’s] inability to apologize or express any remorse to us confirms that she takes no responsibility for her conduct, has no insight into her culpability, and remains dangerous. Some had described Ms. Teale [Homolka] as having a borderline personality disorder. One doctor concluded that she was a psychopath, while most doctors agree that she is narcissistic. Whatever the description, Ms. Teale [Homolka] is extremely intelligent, incredibly strong-willed and a master at deceit and deception. (Hanes 2005)

I discuss the representation of Homolka as psychopath in greater detail the next chapter⁵⁸.

Each of these literal ascriptions of psychopathy is telling of how Bernardo and Williams’ unimaginable criminality came to be imagined through a discourse of pathology, and

⁵⁸ Although the psychopath label was not as prominent in its literal sense with regards to Homolka, symbolically it was quite explicit. I discuss this in the next chapter.

psychopathy in particular. What I would now like to consider is *how* and *why* psychopathy became the way that their criminality was explained and represented in the news. In other words, what makes psychopathy amenable to representations of otherwise normalized subjects as criminal?

The Vicissitudes of the Psychopath

As I discussed in Chapter 1, in the contemporary context, psychopathy is generally defined as “a personality disorder describing individuals with a specific set of traits” (Glenn and Raine 2014, 3). More specifically, a psychopath is the combination of a series of emotional/interpersonal features (e.g. deceitful and manipulative, egocentric, glib and superficial, lack remorse, empathy etc.) as well as features that lead to social deviance (e.g. impulsivity, the need for excitement, the repeated violation of social norms etc.) (Hare 1999, 34). What is particularly interesting about this formulation of psychopathy is that many of the interpersonal traits that Hare cites as symptomatic of psychopathy are circumscribed around deception or *duality*: the psychopath has “chameleon-like abilities” (Hare 1999, 2); psychopaths are conning and manipulative, presenting themselves as charming but this is superficial and representative of his/her glib charm; and, the psychopath is also a pathological liar. These traits all allude to the duality of the psychopath in their ability to appear as someone other than who they *really are*, which is accomplished by the various traits that they possess. While most researchers are of the view that psychopathy is caused by both biological and environmental factors (Hare 1999; Raine and Glenn 2014), the biological factors which contribute to the disorder are often favoured (Pickersgill 2009).

Richard Weisman has described this modern representation of psychopathy as the embodiment of the “*paradox of appearance versus reality*” (2008, 199; emphasis mine). When using this phrase, Weisman is referring to the commonly held belief that psychopaths, because of their very condition, are able to mimic normalcy in their outward appearances—the psychopath is a “*consummate social performer*” (200; emphasis mine). However, this appearance of normalcy is easily disrupted because in the context of psychopathy “action is a reflection of being”; that is, deviant acts reveal the psychopath’s biological condition that is otherwise masked by their social performance of normalcy (198). Therefore, the psychopath is characterized by duality, a paradox, that is not immediately perceivable to the layperson because the disorder

manifests through an impeccable ability to manage one's impressions and "contro[l] the impressions of their audience" (200).

Jalava, Griffiths and Maraun have also commented on this paradox, which has been so important for how psychopathy has been thought about since the nineteenth century (2015, 132). They make the argument that the very basis of this paradox or problem is, following Lombroso, based on the myth that people who do immoral things must look different as well (132). What makes the psychopath different from the born criminal is that they do not immediately appear different or evil, but rather 'normal' and this, they note, is made part of the condition itself "it is the nature of psychopaths to pretend normalcy" (132).

This is also a characteristic that Hervey Cleckley observed in *The Mask of Sanity* (note how the title also alludes to masked or alternative appearance; Weisman 2008):

[...] we are dealing here not with a complete man at all but with something that suggests a subtly constructed reflex machine which can mimic the human personality perfectly. This smoothly operating psychic apparatus reproduces consistently not only specimens of good human reasoning but also appropriate simulations of normal human emotion in response to nearly all the varied stimuli of life. So perfect is this reproduction of a whole and normal man that no one who examines him in a clinical setting can point out in scientific or objective terms why or how, he is not real. And yet we know or feel we know that reality, in the sense of full, healthy experiencing of life is not here. (1964, 406)

Robert Hare (1999) also sees the psychopath as a performer of normalcy. In the epigraph to his widely read and cited book, *Without Conscience*, he cites a passage from William March's (1954) novel, *The Bad Seed*. The passage reads:

Good people are rarely suspicious: they cannot imagine others doing the things they themselves are incapable of doing; usually they accept the undramatic solution as the correct one, and let matters rest there. Then too, the normal are inclined to visualize the psychopath as one who's as monstrous in appearance as he is in mind, which is about as far from the truth as one could well get....these monsters of real life usually looked and behaved in a more normal manner than their actually normal brothers and sisters; they presented a more convincing picture of virtue than virtue presented of itself—just as the wax rosebud or the plastic peach seemed more perfect to the eye, more than the mind thought a rosebud or a peach should be, than the imperfect original from which it had been modelled. (William March quoted in Hare 1999)

For Hare and for March, the psychopath presents themselves as more perfectly normal, virtuous than the 'normal' person. They have the chameleon-like ability to appear as normal, to blend in

but, they are not normal or virtuous. Their “mask of sanity” hides their condition. This passage is, however, also saying much more than this. Hare’s book was written for a lay audience so that they could understand and identify psychopaths in their everyday dealings and not fall victim to their predatory ways. This epigraph could therefore also be read as speaking to the sensibilities and assumptions of ‘good people’ (in contrast to ‘bad’ people or psychopaths), the reader. The ‘good people’ that are referenced at the outset are those who are honest, innocent and who assume that others are also honest and innocent—they cannot see the truth behind normal-like appearances. ‘Good people’ are thus innocent to a fault in their perceptions of others; they are naive, unable to see the monstrosity that lies under the appearance of normalcy. We could also read this opening line in a different way to mean, not that good people rarely question the ‘normal’ or ‘good’ appearance of others, but that normal/good people rarely *appear* as suspicious to others; for it is assumed that they too are un-criminal.

As I discussed in Chapter 2, binary thinking is central to meaning (S. Hall 1997a), and part of the poststructural project is to disrupt binary thinking. Interestingly, the way that psychopathy is characterized as a paradox seems to, in some ways at least, shatter dualistic thinking by paying attention to the fluidity and interaction between the two terms of the binaries it calls forth: appearance/reality; real/fake; normal/abnormal; good/bad. The psychopath is not either/or but is *both at the same time*. Additionally, the terms in each of these pairs are mutually constitutive. For example, if we take the appearance/reality binary, the psychopath’s appearance of normalcy is constitutive of the reality of their condition and that reality is only possible if the appearance of normalcy is present.

This highlights the significance of *duality* and *dualisms* for imagining psychopathy. Psychopathy relies on two conflicting images of personhood—one where the offender appears absolutely normal, unsuspecting as well as an image that forsakes the former. This latter image or representation seeks to fracture a veneer of normalcy found in their appearance and in so doing, reorganizes meaning so as to pathologize (and, in some cases, criminalize) the very appearance of normalcy. Given that psychopathy is a condition grounded in these dualisms, and the “paradox of appearance versus reality” (Weisman 2008, 199) in particular, the fact that the psychopath, according to the logic of psychopathy, is only a ‘clone’, ‘copy’ of a ‘normal’ human in the way that s/he can ‘mimic the human personality’ then it might be useful to think of

psychopathy as a condition that *pathologizes those who appear 'normal'*⁵⁹ (Lunbeck 1994, 70) and *transgress*. That is, to appear 'normal' and yet to do things that transgress social convention or law, is to be psychopathic; for it is action that is a reflection of being in the contemporary understanding of psychopathy, not appearance (Weisman 2008). The ability of psychopathy to rewrite apparent normalcy as abnormality is how a narrative of criminality of the normalized subject is formed in these cases.

Taking all of this into consideration then, symbolic representations of psychopaths (in contrast to the literal representations discussed above) rely on presenting the individual as a dual figure or a changed/changing figure in written and/or pictorial representations. This observation does not only come from the very structure and logic of psychopathy itself, but was one of the themes that was apparent in my analysis of the cases: each offender was represented as two, normal and abnormal. The images of Williams and Bernardo as good, respectable and so on is mere appearance; the image of them as sex offenders, serial killers and criminals reveal is the hidden reality of *who they are*—morally and sexually transgressive psychopaths. It is this second image that enables their performance of normalcy to be seen and known as a fabrication of normalcy. It is through these *dual/duelling* images that an image of psychopathy is formed and the criminality of the normalized subject revealed. Indeed, as one journalist wrote: “[...] he was Jekyll and Hyde. Psychopaths can seem normal, it’s part of the sickness” (Mcrae 2010).

Lorna Rhodes has discussed the ab/normal duality of the psychopath in a different context. She suggests that the idealized image of the psychopath is a split image; on the one hand, the image depicted is of a ‘predatory’, ‘savage’, and ‘monstrous’ criminal, while the other image betrays the former by representing psychopaths with much more humanity—as embodying a “deceptive normalcy”, able to blend in/be anonymous everywhere he goes because he is “white, middle-class and ‘normal’” (2002, 457). These two images, Rhodes argues are contradictory but converge to produce the image of the psychopathic criminal as predator *and* ‘normal’ human. Importantly then, in the context of psychopathy representing an offender as a double or a changeable figure implies that the subject is *able to appear as* normal, unsuspecting,

⁵⁹ In order to understand the argument that I am making in this chapter it essential for me to note that I am using the terms ‘normal’ and ‘normalized’ to refer to on the one hand, to the fictive subject that the psy-disciplines use to construct notions various conditions, illnesses and diseases—the ‘normal’, healthy subject. But, I am also using the words ‘normal’ and ‘normalized’ to refer to those subjects who do not figure as criminal or suspicious in criminal imaginaries. In the context of my analysis in this chapter, this means the white, middle class heterosexual man.

and un-criminal in the first instance (Rimke 2005). Psychopathy relies on this presupposition insofar as it is one of the cornerstones of psychopathy is that the psychopath must be able appear as ‘normal’ (with everything that this entails, including a normalized social location) all the while having the most violent criminal proclivities. The ability of the psychopath classification to envelop both normalcy/humanness/goodness and abnormality/savagery/criminality through duality and change is what I would argue makes the deployment of psychopathy both possible and sensible in the representation of normalized offenders who are not often imagined as criminal.

One of the things that was most distressing about Williams and Bernardo was that they were complex figures that did not easily map on to our moral taxonomies of good and evil, because they embodied both simultaneously; they were able to appear as normal because of their social location (i.e. ‘normal’ white, heterosexual, middle-class men) in addition to the fact that they were known as good people. But, they were also “imposter[s] of a man”, violent serial killers and rapists (Mandel 2010a). The inability to pigeon hole these men led to a technique of representation that would enable journalists to capture their contradictory character and appearance—psychopathy.

The idea that Williams and Bernardo can be characterized as a modern-day, real-life double was a prominent feature in the news coverage. In the Williams case, we see the following sentiments routinely emerge:

Stunning double life. Williams has been portrayed by his comrades as an upstanding, bright and focused commander and loving husband by day. The legal saga that is unfolding in Belleville, a short drive from the Trenton base he ruled until early February, has cast him as a serial killer and sexual predator by night. (Woods 2010b)

Williams seems a walking Jekyll and Hyde: by day, commander of CFB Trenton, the biggest air force base in Canada; by night, a sexual predator. (Rankin and Contenta 2010d)

The terrifying ease with which the murderous colonel could resume his pose as a normal human being on the heels of committing two savage sex killings only underscored hours of searing court evidence so graphic and disgusting that it left many in the packed courtroom weeping. (Appleby and McArthur 2010)

Canada’s prince of darkness; the Jekyll-Hyde pilot who jetted the prime minister, governor general, and even the queen of England to and fro when he wasn’t on his quick march to hell lived at the zenith of human nature’s duality, the fine line

between good and evil. (*Leave 'Sick' Out of It* 2010; see also Duffy 2010 for references to Williams as a Jekyll-Hyde figure)

The imagery here is clear. Not only is Williams being represented as a double, but the double metaphors rely further on analogies and imagery of good and evil; this is racially significant. By day, Williams is light/good/human/bright/normal and by night, Williams is dark/evil/sexual predator/serial killer/savage/abnormal. Richard Dyer in his seminal text, *White*, notes that white people are categorized as white despite the fact that “white people are neither literally or symbolically white” (1997, 42). To call a group of people white, means to “ascribe a visible property to a group” (42). This racial ascription does not only rely on skin colour, but on the collection of visible bodily signifiers that have come to help people categorize people into racial groups, such as, lips, nose, hair, eyes and skin. However imprecise it is to classify people in terms of physical features, like skin colour, the racial ascription process remains a significant social process because of the symbolic capacity of colours. Dyer notes how the colours white and black are often seen as opposite colours with opposing meanings, but in both instances, the colours are intimately linked to ideas surrounding morality. The symbolic meaning of whiteness as a colour and the symbolic meaning of whiteness as a racial attribute are readily able to slip into one register and seamlessly back again into the other, so much so that “for a white person who is bad is failing to be ‘white’, whereas a black person who is good is a surprise, and one who is bad merely fulfils expectations” (63). If we return to the dual image of Williams; when Williams is ‘good’ (a good neighbour, a good commander, intelligent, white, middle-class, respectable, and un-criminal man) he is represented by the light of day; “the shining bright star”. Whereas, the metaphor of darkness conveys his criminality, his ‘tainted whiteness’, his ‘savagery’ and ultimately darkens his light/white by likening him to evil; “Canada’s bright shining lie” (Mandel 2010a). Or as Mallick (2010a) puts it: “for everything about Williams is dark and disgusting, from the black zip ties he used to tie them up to the grey duct tape that silenced them to the dark cloth that covered Comeau’s eyes to the grey blanket that wrapped Lloyd’s corpse”.

Bernardo too, is represented within the “paradox of appearance versus reality” (Weisman 2008, 199). For example, and as I discussed in the introductory chapter, when Bernardo was finally apprehended and his identity revealed to the public, the public expressed surprise that Bernardo was in fact the perpetrator. One woman noted that:

The one thing that keeps dancing around in my mind (and it scares me to death) is at the time I was attending school there, this ‘monster’ would not have appeared that way to me or to my friends. If they were walking home from class, walking to a party or hanging out at a local pub or club and this guy approached them and began talking and batting his ‘baby-blues,’ a lot of girls wouldn't think twice. Or, if his sidekick began talking to you in a mall or at the bus stop, again, you wouldn't think twice about being friendly back. That is the part that scares so many of us to death, the fact that these two are a lot like you and me - on the outside. (quoted in Tucker 1995)

Of import is that the stark appearance of normalcy of both Bernardo (and Homolka) operated as a guise of sameness which carried the assumption that they, and people like them (‘us’), could not have committed the crimes. But more than their normalcy concealing their criminality, *their normalcy becomes part of the representation of criminality itself*. That is, the representation of Bernardo (and Homolka as we will see in the following chapter) is premised on these two seemingly conflicting images, where the figures of Bernardo as “boy-next-door type” or the “monster” are positioned together—he is both. However, the former is only mere appearance, the latter image tells us this within the context of psychopathy. Indeed, as one journalist notes, Bernardo is “A man seen differently in the eye of each beholder”: “A quiet, failed accountant, who is remembered by some Scarborough neighbors as a helpful, lovely boy. A self-described stud and heartthrob. A California dreamer. A cub scout. A chameleon. The boy next door. A suspect in two grisly murders, charged with a string of brutal sexual assaults” (Boyle and J. Hall 1993). The ability to appear as normal, unsuspecting, or, to appear as a dynamic person in the flat representations that are usually constructed in news formats is a product and a privilege of being read as a normalized subject (Stowell-Smith and McKeown 1999; Heitzeg 2015). Furthermore, the ability of psychopathy to account for appearances of normalcy *and* transgressiveness is part of its discursive power in these types of instances.

The connection between psychopathy and Bernardo’s duality is further sedimented in the coverage. In addition to the following examples constructing Bernardo as a dual figure, they also use terms that are commonly associated with the disorder like: ‘no conscience’, ‘anti-social personality’, ‘charm’ and ‘chameleon’. Journalists describe Bernardo as:

Showing one face to public, while hiding the demons in his head that had driven him through most of his then 28 years. The man with a choir boy face had deceived everybody into believing he was nothing more than a fun-loving, skirt chasing ‘party

animal,' probably a bit wider than most men, but otherwise normal. His overly-polite manner, his boyish good looks and easy charm were traits he used like a cloaking device to hide his true character: a depraved and merciless predator with an insatiable sexual appetite, and, of course, no conscience. (Pron, Duncanson and Rankin 1995b)

While the experts had trouble analyzing Homolka, apparently they had no problem labelling Bernardo as someone with an anti-social personality disorder. To the outside world, he looked normal and successful. It was an image that would keep him out of jail, for almost a decade. (Pron, Duncanson and Rankin 1995b)

After French's murder, detectives questioned Bernardo; journalists describe this encounter thusly:

Bernardo showed the two detectives the face that he had shown the world, the polite, friendly, respectful accountant. It was an image he had perfected over the years. The detectives questioned him for 20 minutes and left, convinced he couldn't be their man. Once again, Bernardo, the smooth-talking chameleon, had charmed his way out of trouble. (Pron, Duncanson and Rankin 1995b)

It is important to keep in mind how specific ideas of normalcy are underwriting this dual representation. That is, a collection of social, cultural and political assumptions about bodies, identity and difference are being shored up in the invocation of normalcy⁶⁰. Indeed, the terms 'polite', 'respectful', 'boyish good looker', 'successful', 'friendly', and 'charming' all summon the image of the normal, unthreatening and idyllic image of the white, middle-class man. Psychopathy is able to disrupt and reconcile these two differing readings of the same normalized subject because of the very premise of the condition itself. Furthermore, because Bernardo and Williams' criminality is being imagined in the individualizing terms of pathology, the normative communities to which they belong are not implicated in their criminality (as is so often the case when racialized offenders commit crime; Nourbese Philip 1995; Russell 1998; Jiwani 2006) and the non-association between these normative communities and criminality is subsequently reinforced (Heitzeg 2015).

Imag(e)ining Psychopathy

In the representations of Williams and Bernardo, it was not simply the use of the written word that helped to construe them as double figures, images were also an important feature. The

⁶⁰ Kilty and Frigon (2016) make a similar observation in relation to how Homolka was represented.

use of visual ‘evidence’ has long been a mode of representation used in criminology. David Horn, for example, discusses the use of photographs in Lombroso’s criminal anthropological writings noting that Lombroso’s objective in publishing masses of photographs was to “offer the reader the means to verify, on his own, the truth of [his/Lombroso’s] assertions” (2003, 17). Indeed, as Nicole Rafter notes: “seeing can lead to believing. We do not believe everything we see, but persuasive images can encourage us to accept the validity or reality of the object that is being represented” (2001, 73).

According to this sensibility, it is believed that images are objective, truth-speaking artefacts of the things that are being captured. It is thus commonly believed that the image speaks truth about reality and that reality is knowable through the image (i.e. what is visible or observable). The relationship between the body and crime-news images is an important one. If one of the ways that we think about criminality is on and through the body, we often expect criminality (or the offender’s difference) to be discernable *on the body*. Terrance Wright (2011) has argued that one of the ways that we gain information about our world is by looking at someone’s face; we believe it can tell us something about who they are and this affects how we make sense of the story: “the face in western culture...is central to building a picture of who one is, and it is through expressive features of the face that we gain access to a perception of who someone ‘really’ is” (Howson 2004 quoted in T. Wright 2011, 319). This is why images of faces and people are often used in news sources: it is believed that images of faces and bodies tell a story about who someone is. For example, Wright notes that when something terrible happens, like a mass murder or an act of terrorism we want to know “what kind of person could do such a thing?”, The image of the offender is a response to this question: “this sort of person” (319).

While the photograph is only a remnant of a moment captured in time, we expect the photograph to do important work for us. The image and the response to it, reveal the belief/hope that there is *something in the body* that differentiates ‘us’ from terrorists/criminals/‘them’, and this ‘something’ can unquestionably be *seen on the body*. The images that I explore below of course do not tell us the Truth about the offenders’ being, but rather the choice of including certain images can tell us something about the ways that ideas about their normative identities/appearance, criminality, and alleged psychopathy were connected and visually expressed. For instance, Kathryn Fraser (1998) has noted the significance of the dual image in visual representations in the context of madness. Referencing the visual representation of

Christine and Léa Papin (they were domestic workers and employees of one of the people they murdered in 1933) who were depicted using before and after pictures, Fraser argues that the choice of images “are intended to represent the sisters at a time first, of mental stability, and then, of extreme psychic trauma. The interval between the two images is therefore supposed to designate a transformation from apparent normalcy to visually perceptible deviance” (140). Fraser notes that what was particularly interesting about these images is that they were used to suggest that the insane are visually different from sane individuals. But if this was the case, Fraser asks, then why weren’t the victims of the sisters able to prevent their murders? The answer to this is that the images do not represent madness itself, but the “photographic code or schema of madness” (141). Similarly, in the images of both Bernardo and Williams, what is being represented is not psychopathy, but rather how we imagine psychopathy to ‘look’—its aesthetic.

With this sensibility in mind, the duality and psychopathy of Williams was not just present in the way that the media represented him through their written descriptions, but also in the way that Williams was visually represented in the images that the press chose to use. In fact, images of Williams played an enormous role in the media’s construction of him as a psychopath. On October 19, 2010, the day after Williams confessed to his crimes, *The Toronto Star* (hereafter ‘the *Star*’) published two seemingly telling images of Williams on their front page⁶¹. The image that was placed to the left (hereafter referred to as ‘the image on the left’) is a self-portrait of Williams wearing a hot-pink, floral print bikini; he is standing agilely with his arms at his side posing for the camera. Williams’ white skin enables a perceivable contrast between his skin and his dark body hair; his facial expression is lock-jawed and stern. The image on the right (hereafter referred to as ‘the image on the right’) is of Williams saluting (the recipient of the salute is not captured in the image) in a navy blue, decorated military uniform. His military colleagues are faintly visible in the background; again, Williams’ facial expression is stern. Above the images and the accompanying news article is a headline that reads: ‘Depraved Double Life’.

Despite the extraordinary amount of controversy that the ‘graphic imagery’ (read: gender transgressions) of the image on the left elicited in the *Star*’s readership, the *Star* defended their

⁶¹ The images/front page can be viewed here: <http://torontolife.com/city/should-graphic-russell-williams-photos-go-on-the-front-page/> (last accessed December 10, 2016).

decision to publish the images on their front page because of the *story* that the two images, when combined, told about *who Williams was* (English 2010). Following the publication of the images, Kathy English (2010), public editor for the *Star* and member of the Canadian Journalism Association Ethics Panel published an article reflecting on the newsroom debates about whether to publish the images on the front page. She concludes that the publication of the images was ethical and provided the “most honest portrayal of the story”, despite the fact that the images were “shocking, disturbing and deplorable” (English 2010). She remarks that “[t]aken together, the photos depicted the monster in our midst, a predator who snuffed out the lives of two women, raped two others and terrified dozens of other women and girls whose homes he broke into, photographing himself posed in their most intimate garments” (English, 2010).

Interestingly, narrating the crimes through written text could not tell the same story of criminality that the images could; the images were needed because they, as English (2010) notes, “conveyed the stark truth of the *savage sickness* of the serial killer who has dominated Canadian news this week [...] what Canadians were confronted with was the horrific truth about the ‘depraved double life’ of the former commander [...]” (emphasis mine). The images were not simply ‘needed’ to tell the story of the crimes, but more than this they were needed because they spoke the *truth* of who Williams was. They provided visual evidence of his difference, of his criminality; and more importantly that he was, in mind and body, adulterated by a “*savage sickness*”. In other words, it was assumed that by reading the juxtaposed and seemingly contradictory images of Williams’ body, a lucid story of Williams’ character, motive and criminality would become intelligible as being caused by a “*savage sickness*”⁶².

I would argue that representing Williams as a psychopath, without always explicitly using the term, relies on the use of two images instead of just one. The images of Williams are not simply used for identification (i.e. to provide the ‘face’ of the crime; T. Wright 2011). The images are also used to help anchor an interpretation of criminality. Williams disrupted dominant criminal discourses. So, in order to answer the question of *who Williams was*, a discourse of difference—like pathology and psychopathy—was ushered in via the crime-images to render

⁶²It is also important to note that the images that were used both in the *Toronto Star* and in other Toronto news sources all relied on similar iterations of these images—representing Williams in his ‘regular’ ‘normal’ life and publishing the self-portraits of Williams in women’s lingerie and swimming attire. These dichotomous images generally represent the visual landscape of the news’ portrayal of the case. To get a general idea of this landscape perform a basic Google Image search of “Russell Williams”.

criminality both visible and intelligible where meaning and understanding were seemingly absent. The juxtaposition of the images accomplishes this by representing a movement between Williams' normalcy and his embodied abnormality, all of which is assumed to be revealed by capturing his body and his 'gender transgressions' in the images. Williams is not who he *appears* to be.

The image on the left of Williams wearing a women's bikini immediately connotes gender transgression. Williams' physical masculinized characteristics—his chest, leg and groin hair distends beyond the fragmented cloth; his stance is agile; his muscles bulge through his skin; and, he looks sternly at the camera—when coupled with an image of his body adorned with unequivocally feminized garments disrupts the normative image of Williams as a hyper-masculine military commander. This image of 'gender transgression' can be read as an attempt to make visible, in bodily terms, his 'deviance'. That is, it invites us to notice and then conclude that Williams was not as 'normal' as he seemed. This visual 'evidence' or construal allows for Williams' 'abnormality', and transgressiveness to be imaginable in the normative imagination by appealing to punitive and normalized/binary sex/gender logics (Butler 1990).

The visual representation of Bernardo was not as stark as it was for Williams. The reason for this is that the most telling visual evidence of Bernardo's criminality were the videotapes that recorded him sexually assaulting his victims, but the public was banned from viewing these tapes out of respect for the victims and their families. Despite this, journalists did still rely on the visual in representing Bernardo. What I found to be interesting about the visual strategy of representation of both offenders is how both techniques are congruent with the ways that their biographies tried to convey their pathology. For Williams, the change in his 'way of being' was abrupt and dramatic marked by the onset of pathology, a "savage sickness"; the use of two highly contrasting images depict this abrupt change. Whereas for Bernardo his transition into criminality was sometimes represented as slow and gradual and then after meeting Homolka, abrupt; the images of him convey this gradual change.

Throughout the coverage, the *Star* publishes many different types of images of Bernardo ranging from images of him smiling as a child, to images of him handcuffed. The nuances of the visual representation of Bernardo are neatly summarized in one of the last articles that was analyzed for this project. The images come from a five-page spread that chronicled Bernardo's life and crimes (Pron, Duncanson and Rankin 1995b). As I moved through the pages, it

appeared that the journalists were attempting to tell a visual story about Bernardo that coincided with the written narrative. At first, a small image of Bernardo from his grade 8 school picture is provided; he appears to have a sweet, child-like smile on his face. Below this image, is a photo of Kenneth Bernardo (Bernardo's father) being taken to a detention centre after he was convicted of sexual assault in 1993. To the right of the images, there is another picture of Bernardo, but this one is from his high school yearbook. Bernardo has long hair, a faint smile and a direct stare. The image appears sinister, odd. On the following page there are two images, one of Bernardo smiling, holding "Bunkie" the teddy bear that Homolka would give to Mahaffy to hold before she was murdered and the other picture is of Homolka and Bernardo sitting next to each other with their arms around each other, smiling. On the following page, we see images of Homolka and Bernardo on their wedding day—Bernardo is looking at Homolka admirably while she looks ahead. Above this picture is a photograph of the couple's picturesque home. On the final page, is an image of Bernardo in a sweater with the hood covering his face; at the bottom of the page is a handcuffed Bernardo being walked into a police transport van; he is wearing a suit and his head is down. The images when taken together depict the precise moments, as the journalists understood it, that led to the present.

Of all the photographs of Bernardo that were recycled in the news coverage, there are two types of images that predominated: images that highlighted either his normalcy or criminality. In terms of the former, we are shown images of Bernardo from his childhood, of him 'dressed up' at special events, and of him with Homolka appearing happy and in love⁶³. In terms of the latter, there were many different photographs that conveyed his criminality, for example, images of him handcuffed, attending court in a suit, and an ubiquitous head shot that seemed to have been taken from different angles⁶⁴. Interestingly, none of these photographs capture his face head-on (i.e. his head is either bowed or his face slightly off to the side⁶⁵). Additionally, once Bernardo was found

⁶³ There were a few different types of images that were used to convey this: their wedding pictures, photos of the couple kissing or with their arms around the others' shoulders smiling for the camera. This last image can be found here: <http://www.allthingscrimeblog.com/2013/03/08/canadas-most-notorious-serial-killer-case/> (last accessed on December 10, 2016). I have not been able to find links to the other images that the *Star* published, however, a Google Image search of "Paul Bernardo" will provide a general idea of the visual landscape of the representations.

⁶⁴ The head shot that was used can be found here: <http://www.mississauga.com/news-story/3922082-schoolgirl-killer-paul-bernardo-won-t-get-cushier-cell-public-safety-minister/> (last accessed December 10, 2016).

⁶⁵ This is in stark contrast to the iconic headshot that was recycled of Homolka. This one image was constantly used and it pictures her looking directly at the camera with 'dead eyes'. This image is visually significant from the perspective of psychopathy. According to Robert Hare it is often the "predatory stare of the psychopath" and the

guilty the *Toronto Star* published a photograph of Bernardo handcuffed with shackled legs in a police van. The caging in the van, that separates the police officer(s) who is driving from Bernardo, dominates the photograph. Bernardo is faintly visible in the background, behind the cage⁶⁶. It seems that the image is taken from the perspective of someone who is front of/not in the cage. This image appears to be a ‘perfect’ ending to a narrative which began with a faceless “animal” and “savage”⁶⁷, and whose danger has been neutralized through capture and confinement.

Taken together, this entire visual landscape conveys a similar sentiment as psychopathy: ‘normal’ appearances can be deceiving. They can hide criminality and psychopathy.

Conclusion

Throughout this chapter, I have sought to build the first piece of my central argument which is that psychopathy is one of the ways that the normalized subject becomes imaginable as a criminal subject and that this form of representation is contingent upon interlocking identities. I built this argument in a few ways. First, I explained how a discourse of pathology was structuring the representation of both Williams and Bernardo by looking to how their ‘biographies’ were written in the news. While these in-depth backstories are not written for all criminalized subjects, especially those who are racialized (Heitzeg 2015), the presence of these stories in these contexts were significant for representing them as pathological figures. Both of the biographical forms we saw emerge out of the ‘biographical inspection’ —the incremental criminal biography and the transformative criminal biography— alluded to a notion of change. Underpinning the notion of change, was the idea that the subject underwent a profound change caused by pathology, evidenced by their atrocities or that the individual was underwent a slow and gradual change over time because of a latent pathology that escalated to rape and murder

discomfort it engenders, that alerts laypeople to the possibility that this person may not be as ‘normal’ as they seem (1999, 208). It seems that her eyes reveal something fundamental about who Homolka is. This image can be viewed here: <http://www.cbc.ca/news/world/karla-homolka-a-mom-of-3-living-in-caribbean-ebook-says-1.1159838> (last accessed on December 10, 2016).

⁶⁶ This image can be found here: <http://www.ctvnews.ca/canada/families-of-bernardo-victims-devastated-as-day-parole-hearing-set-1.3140852> (last accessed on December 10, 2016).

⁶⁷ These terms did not simply operate as nouns throughout the coverage, they also operated as adjectives used to describe Bernardo’s actions and crimes (e.g. “savage slayings”; “savage attacks”; “savage assault”; “savage killing”; “savage crimes”). Even when these terms operate as adjectives for his actions, they are still, within the ambit of psychopathy, also describing his being (Weisman 2008).

over time. This is a crucial framing device because it suggests that a force was acting on the otherwise normalized individual in order for them to commit their violent crimes. As I've noted, the notion of change has long been an important feature of moral insanity/psychopathy (Rimke 2003; 2005; Rafter 2008; Augstein 1996, 312).

I then moved on to demonstrate how psychopathy literally and symbolically figured in the representation. While the literal ascription of psychopathy to Williams and Bernardo may seem insignificant insofar as serial killers and psychopaths are often imagined to be closely related (Jalava, Griffiths and Maraun 2015, 66-71), as we will see in Chapters 5 and 6, psychopathy does not surface in all instances of serial murder, especially when the offenders are constituted outside of the bounds of a normalized subject position. This difference is key to my central argument—that psychopathy is the way in which the normalized/un-criminal subject becomes imaginable as criminal as well as the bodily contingencies of psychopathy. Once we established that psychopathy was one of the specific ways that Williams and Bernardo were pathologized, I then explored how the logic of psychopathy—especially the “paradox of appearance versus reality”—was used in the representation to render their criminality imaginable. Here, I made the argument that the psychopathy's recourse to duality is what renders it particularly amenable to representing the normalized subject as criminal because it can accommodate for the offenders' normalcy, abnormality and criminality without disrupting the hegemonic status of their interlocking normalized subject location. This is what I think makes psychopathy unique.

In their explorations of general representations of pathology (see Chapter 1), many scholars pay attention to how discourses of pathology individualize the violent transgressions of the normalized subject and that this way of representing the offender as different and as an aberration reaffirms the hegemonic status of normative communities to which they belong—masculinity, whiteness, middle-classness, and heterosexuality. While we can make the argument that psychopathy does the same work, such an argument would miss what I think is specific about psychopathy, which is a condition that embeds a logic of duality and more importantly a logic that can accommodate and explain the transgressions of the normalized subject because the condition is predicated on the presence of an apparently normal(ized) subject. In other words, it is able to explain their criminality *in light* of their apparent normalcy.

In addition to the work that psychopathy was able to do in rendering Bernardo and Williams' criminality imaginable, there are also some continuities in how psychopathy was represented in these news representations and how it was historically imagined. The first is the significance of the notion of change, and regressive change in particular. Much like how the morally insane were imagined as a changed subject—a normalized subject, turned 'bad'—(Rimke 2005), both Bernardo and Williams are similarly understood within this frame. Such a frame, as I have tried to demonstrate throughout this chapter, presupposes a normalized subject and places this subject on a pedestal. As a result, the conceptual machinery of psychopathy is deployed to help resolve the conundrum of their criminality, while also accommodating for their normalized appearance.

This rendering of criminality fractures and doubles—it fractures the white criminal subject from the community and then doubles that subject so that he appears as a changed figure: both normal/civilized/respectable *and* abnormal/'savage'/immoral. This doubling is what enables the normative imagination to reconcile their assumed normalcy and sameness to the community, as well as their fundamental difference from that community. Notably, even in this historical context, the normalized and especially, middle-class, white bodies are rendered not inherently transgressive, and when their acts betray this 'Truth' moral insanity becomes the way to imagine the unimaginable transgressions of this normalized population (Lunbeck 1994; Rimke 2003; 2005).

Just as this historical work enables us to see how the notion of change was and continues to be significant to imaginings of psychopathy, I would suggest that this is historical research is meaningful in a different way as well. The research of Rimke (2003; 2005) and Lunbeck (1994) has shown us that historically, dominant gender, race, class, and sexual logics informed how psychopathy was diagnosed. For example, and as I discussed in Chapter 1, many scholars have pointed out that psychopathy has long been used to pathologize individuals who transgress gender and/or gender norms (e.g. Lunbeck 1994; Rafter 1997a; Rimke 2003; 2005; Chenier 2003). The link between gender transgression and psychopathy in the Williams case was made quite clear and visible (i.e. texts labelling him as a psychopath and the visual landscape being saturated by photographs of him in women's attire). Within the written and visual news representations, not only does Williams appear to be 'normal' while he is really a sexual offender and serial murderer, but he is represented as perfect image of hegemonic masculinity—a married, high-

ranking, powerful, respected military commander. On the other hand, he is also represented as a ‘failed man’, a man who finds ‘perverse’ pleasure in adorning himself in women’s lingerie. He stands as the ideal image of historical imaginings of psychopathy—white, inadequately masculine, middle- class, transgressive, normal, but abnormal.

In terms of race, Rimke’s (2003; 2005) work has highlighted how the morally insane individual was likened to the racialized Other, but that the non-white races were exempted from moral insanity diagnoses. Given the racial/racist logics that have historically informed moral insanity, it is perhaps unsurprising that denigrating and racially charged language was used to describe Bernardo (e.g. “predatory”, “animalistic”, “savage”) and Williams (e.g. “savage sickness”). This point—that moral insanity was infused with racial logics that enabled the white transgressor to be seen as pathological, like the racialized Other—is not only a logic that we saw to be incredibly influential in how Lombroso explained European criminality, but it is also a point that Nourbese Philip (1995) makes in relation to the representation of Bernardo. In her critical analysis of the news coverage, she observes that the representations were void of race for the most part. The only time that Bernardo’s middle-class (normative) *whiteness* was mentioned was in relation to his aspiration to become a *white* rap musician (Norbese Philip 1995, 8). For this to be the only context in which his whiteness was articulated is significant to Philip’s analysis for at least two reasons. First, the absence of whiteness is based on a racist ideology which equates whiteness with ‘normal’, not criminality (9). Whiteness is thus not significant for understanding the criminality of white people in the same way race and culture are significant for understanding crimes committed by people of colour. Second, by identifying Bernardo racially only in relation to rap music, which has its roots in Black culture and is often used as technique of resistance to, and critique of whiteness and racism, his whiteness is further concealed (8). Philip explains that not only does this veil his whiteness, it repositions the racial frame on Black culture as a contaminant of whiteness:

in suggesting that it is only through rap that we come to understand Bernardo’s crime’s the media foster an image of whiteness whose qualities of innocence, wholeness and purity are contaminated only when they come into contact with Black life, in this case rap music [...]. Once again Blackness is pathologi[z]ed: it becomes the contaminant of whiteness—Bernardo himself—as well as the only way into his disturbed mind. (11)

Through Philip's analysis, we see that representations of Bernardo are infused with an all too familiar and racist logic whereby his white criminality is only imaginable in relation to difference and Blackness in particular.

Psychopathy, in its contemporary iterations, does not necessarily contain an explicitly racist logic as it did historically. However, this does not mean these logics do not still circulate within the construct implicitly. If one of the central touchstones of psychopathy is the "paradox of appearance versus reality" and if, as I have shown here, this depends on the presence of a normalized subject who is seen pre-emptively as un-criminal, to what extent does a racist logic still circulate in how psychopathy and the psychopathic subject are imagined in the research? While I do not explore this question in this project, I think it is an important question for further investigation.

In sum, what I hope to have accomplished in this chapter is to have shown how, in these specific cases, where the normalized subject perpetrates extraordinary violence against 'undeserving' victims (I discuss this in Chapter 5 and 6), they and their crimes are configured anew in the absence of interpretive schemas that, in other situations, would allow us to make sense of violence (e.g. the victims precipitated the attack; this type of behaviour is expected by the perpetrator because of his character; discourses of identity/difference that have been made to link up with criminality; there is a discernible and understandable, although not agreeable, motive and so on). Because the normalized subject is not represented as a criminal within the discourse of criminality (the normalized population is already seen as un-criminal or unimaginably criminal in the normative imagination), their criminality must be represented in a way that can capture their perceived normalcy as well as their 'evil nature'. The logic of psychopathy fits this end well. What I am suggesting then, is that whiteness along with our normative and hegemonic assumptions about gender, class, physical appearance and sexuality are all privileges that operate to block and conceal the normalized body from being seen as potentially criminal in cultural criminal imaginings and instead enable this subject to materialize in the normative imagination as 'normal', unsuspecting, un-criminal. Psychopathy is then made to enter these representations to *render the unimaginable criminality of the normalized subject imaginable in the normative criminal imagination*. What follows from reconfiguring normalized subjects as psychopathic through representation is that their behaviours and 'being' *become explainable because of the psychopath's purported ability to change or to appear as other than*

what they appear to be. The way that psychopathy relies on duality to explain the behaviour and appearance of the psychopath, also *relies on a normalized subject—a subject that first appears normal and un-criminal and then, transgressive, criminal because of that very psychopathy.*

Chapter 4

(Un)Criminal Women and Psychopathy: The Cases of Karla Homolka and Lisa Neve

In the previous chapter, we saw similarities in the ways in which the unimaginable criminality of Bernardo and Williams was rendered imaginable through psychopathy. I argued that the “paradox of appearance and reality” (Weisman 2008, 199), which is linked to notions of change (Rimke 2005) and duality, make this kind of representation both possible and sensible. In this chapter, I continue to explore the interlocking bodily contingencies of psychopathy, but I change my focus from criminalized men to criminalized women by reviewing two cases where we see psychopathy emerge as a routine feature of the news coverage: Karla Homolka (Bernardo’s accomplice in the crimes) and Lisa Neve (an Aboriginal woman and ‘prostitute’ who was labelled a dangerous offender in 1994). My central concern in this chapter is to gain an understanding of the representational work that psychopathy does in these two cases, and what similarities and differences we can discern between these two cases and in the representations of Bernardo and Williams.

To this end, I begin by exploring the contemporary research on “gender” (read: women) and psychopathy. In the next section, I turn to the case of Karla Homolka and I explore how Homolka’s criminality was rendered imaginable (much like Bernardo, but with important differences) through psychopathy. Following the Homolka case, I explore the very different case of an Aboriginal woman named Lisa Neve who was designated a dangerous offender in 1994 and was labelled a psychopath in the news. In contrast to Homolka, Neve’s criminality was never represented as unimaginable; instead, she was represented, from the very beginning of the coverage, as *only* criminal. As the representations continually criminalize Neve, psychopathy is used to create an image of her as particularly dangerous. While the inclusion of this case might seem to trouble the central argument of this project—that psychopathy operates as a mode of representing the unimaginable criminality of the normalized subject⁶⁸—what I will demonstrate is that while psychopathy was deployed in the Neve case and although she was not constructed nor read as a normalized subject ‘gone bad’, psychopathy does different work in constructing her criminality than it does in the Homolka (/Bernardo and Williams) case.

⁶⁸ I am including Homolka in this categorization insofar as apart from her gender, she occupies interlocking normalized subject positions. I account for the gendered specificity of the representations of her in this chapter.

Contemporary Psychopathy Research and Gender

Despite the fact that historical medical texts had much to say about women and psychopathy, contemporary research on psychopathy has only recently come to take up the question of “gender” (read: women) (Rogstad and Rogers 2008, 1474). It is widely acknowledged in the scientific literature that modern psychopathy research has attended exclusively to the male population, although this has begun to change (Rogstad and Rogers 2008, 1474; Wynn, Høiseth, and Pettersen 2012, 257). Thus far, research on men, women and psychopathy has consistently revealed that psychopathy is more prevalent in men (Rogstad and Rogers 2008, 1475; Wynn, Høiseth, and Pettersen 2012, 259-260). However, what is not ‘known’ is whether research on psychopathy can be applied to women without modification and to what extent the differences in frequencies of psychopathy between men and women can be explained in relation to ‘actual’ gender differences in the disorder itself (i.e. is psychopathy more likely in men) or in the male/masculine biases of the psychopathic construct (including the PCL-R) because men have been the principal focus of research (Rogstad and Rogers 2008, 1474; Wynn, Høiseth, and Pettersen 2012, 259).

These questions have led researchers to consider the kinds of assumptions and biases that have contoured psychopathy research, the PCL-R and how this impacts how psychopathy is diagnosed in men and women. For example, in their often-cited article, Elham Forouzan and David Cooke have observed that most studies that have investigated the relationship between women and psychopathy operate on “the implicit assumption that the male template of the disorder can be superimposed upon females: studies have evaluated the core traits and the behavioural expression of psychopathy as recognized in men in an attempt to understand the disorder in adult females. Potential gender differences in traits and expression of the disorder have been ignored” (2005, 766). Operating on this masculinized template of psychopathy, they argue can be misleading when applied to women.

To gain an understanding of the relationship between psychopathy and women, Forouzan and Cooke (2005) explore how clinicians interpreted the symptoms of psychopathy in female detainees. In their analysis of 25 clinicians’ notes of psychopathy in incarcerated women in Canada, the researchers argue that there is reason to believe that psychopathic traits may express themselves differently in men and women. They observe, that the “behavioural expression” of

psychopathy differs for men and women. For example, the researchers report that manipulation in male psychopaths is generally linked to conning behaviour; however, in women this trait is ‘expressed’ as flirtatious behaviour (768). They also observe that impulsivity and misconduct in women is expressed in behaviours like running away, self-harm, manipulation, and committing theft and/or fraud, whereas in men impulsivity and misconduct are generally manifested in the commission of *violent crime* (768). Differences in psychopathy not only exist in the behavioural expression of the condition, but also in relation to the interpersonal expressions of psychopathy. For example, interpersonal traits like, glibness, superficial charm and grandiose are “more muted” in female psychopaths, which can be explained by cultural norms around gender (768). Finally, Forouzan and Cooke note that gender norms may affect how psychopathic traits are assessed in men and women: “some material dependency may be socially and culturally acceptable for women, whereas similar behaviors are perceived as “parasitic” in men” (768). As a result of these gender norms, certain traits may be ranked differently and can affect how diagnoses of psychopathy are made. In sum, the crux of their argument is that psychopathy may express itself differently in men and women. Because psychopathy has been masculinized, this may lead to women being over or under diagnosed, which is as they note, an important ethical question (774).

While Forouzan and Cooke are attentive to the ways in which culture and norms affect the behaviours of men and women, what remains odd to me about this study is that they do not reflect on how psychopathy also structures how the behaviours of men and women are interpreted. That is, they take the observations (or interpretations or better yet, the “contestable construals”; Butler 1993) of the clinicians as *incontrovertible evidence* that psychopathy manifests differently in men and women, particularly in its behavioural and interpersonal expression, and that clinicians need to be attentive to these differences. What they do not ask, is how clinicians are reinterpreting the masculinized symptoms of psychopathy to *make them fit* the female population. The ontology of these women as *psychopaths* is both assumed and constructed by the clinicians. Psychopathy is assumed in how the women’s behaviours are being interpreted in light of the PCL-R. They are not simply flirtatious women, they are *manipulative*; they do not simply engage in various ‘mis-behaviours’, they are impulsive and exhibiting a conduct disorder. They also rationalize the more muted characteristics of psychopathy in relation to gender norms. For example, they rationalize the absence of a ‘parasitic lifestyle’ in women as

a product of social and gender norms, not as an indication of an absence of psychopathy. Therefore, it becomes easy to see how psychopathy is already structuring the clinicians' observations and interpretations. These discourses (psychopathy and gender) are being made to congeal in such a way that although these women do not exhibit traditional/masculinized signs or symptoms of psychopathy, their behaviours can still be made to appear as psychopathic by relying on stereotypical renderings of the behaviour of men and women.

Although psychopathy is a masculinized template of pathology, it is still able to accommodate women, but not only for the reasons that Forouzan and Cooke (2005) point out. As a sign, 'woman' often appears as always already deviant and pathological in relation to the masculinized average person (recall, for example, Lombroso's construction of the 'normal' woman). In this sense, women are already imagined as embodying the 'malady of being female'. While her difference from the male norm positions her as deviant, white, middle-class women are not often imagined as the criminal Other of this norm (Chesney-Lind and Eliason 2006). Instead, violent criminality in normalized women remains, at least at first sight, unimaginable. This does not mean that women have not been made to figure in criminal imaginaries. Importantly, gender stereotypes which inform discourses around femininity and womanhood also inform discourses of women's criminality. Within these discourses, women are often positioned as not only pathological criminals, but as uniquely feminized ones—liars, manipulators, cunning, and sexual provocateurs—who have the ability to conceal their criminality under the pretense of normative femininity (Kilty and Frigon 2006, 56). These negative and stereotypical sensibilities about, on the one hand, the so-called inherent deviance of womanhood and femininity, and female offenders on the other, reverberate in modern representations of psychopathy in that *the 'malady of being female' embeds the characteristics so central to psychopathy* (and vice versa; e.g. liars, manipulators, cunning, and sexual provocateurs). In other words, while psychopathy remains a disorder usually applied to men, *it also engenders a series of 'deficiencies' that already exist as alleged 'deficits' of femininity.*

For example, this link between negative stereotypes of women and psychopathy is reinforced by forensic clinician and researcher, Dr. Caroline Logan (2011) in her exploration of psychopaths in fiction. She begins her article by telling us that female psychopaths are generally not a point of discussion or concern because she is not as feared as the male psychopath (118-119), her potential harm appears to be less, and she is often more readily seen as a victim than a

perpetrator (120). The lack of concern over the female psychopath, according to Logan, is due to the fact that her condition results in important differences. Women in general, she notes, are not as physically aggressive or violent as men and when they are violent, it is usually self-directed instead of being directed towards others (120). Additionally, when women do express anger towards others there are two important characteristics: 1. It is directed at people who are closest to them (e.g. children, partners, friends) (120); and, 2. Their aggression is more likely to be relational, “that is the deliberate manipulation of or damage to relationships such as by actual or threatened withdrawal of love or friendship, refusing to talk to the other person, excluding or banishing the other person from the in-group [...] (e.g. the family, circle of friends), telling lies about the other person to promote their rejection by other members of the in-group, and so on” (120). Logan concludes her explanation of psychopathy in women by suggesting that “the principal tools of domination among psychopathic men are physical mastery and control while among psychopathic women, it is *the manipulation of the minutiae of their close relationships*” (120; emphasis mine).

In light of these differences, she then reads fictional accounts of ‘bad women’ and observes that while women in fiction are usually not directly referred to as psychopaths, upon closer inspection the ways in which women are described link up to psychopathy. She argues that characteristics such as “a pattern of relationships with others that demonstrate a lack of care and empathy regardless of their closeness; a tendency to dominate and manipulate others in order to get one’s own way; the presence of deceitfulness and insincerity; an absence or a deficiency of remorse for hurting others; self-centredness; a sense of entitlement; and a pattern of self-justification” (121) are often used to describe ‘bad women’ and are psychopathic traits. Logan suggests that scientists of psychopathy can use these fictional portrayals to begin to understand psychopathy in females and the “subtle ways in which the genders differ in the expression of the core features of the disorder” (124). One of the problems here is that Logan is merely perpetuating stereotypical representations of transgressive femininity (e.g. the ‘sneaky mean girl’ that Chesney-Lind and Eliason (2006) have critiqued especially for the way that it erects a binary between the white ‘sneaky mean girl’ and the dangerous and violent woman of colour) and pathologizing these behaviours by linking them to psychopathy. Despite the very real issues with this, what I think she makes visible (perhaps unintentionally) is how psychopathy, within

contemporary understandings of the disorder, engenders stereotypical sensibilities that often circulate around femininity (e.g. women are naturally deceptive, liars, manipulators).

If the majority of individuals that have been diagnosed as psychopaths are men, and the question of whether the criteria of psychopathy can be applied to women is still up for debate, it makes the actual labelling of certain female offenders as psychopaths curious: if we are not sure that psychopathy can be applied to women in its current form, why is it sometimes applied to women? While I cannot answer this question definitively, I have found the observations of Boysen, Ebersole, Casner and Coston (2014) interesting. In their recent study, they explore how gender stereotypes get applied to mental disorders, resulting in some disorders being generally perceived as more masculine or more feminine than others (see also Forouzan and Cooke 2005, 766-767). Their study revealed that anti-social personality disorder is often stereotyped as masculine. However, what I found to be particularly interesting about their research was the way in which stereotypes are correlated to the prevalence of the disorder among men and women. For example, antisocial personality disorder is seen as a more masculine disorder and it is also more prevalent in the male population⁶⁹. To this observation we might ask: is psychopathy ascribed to women who are seen as more masculine in their behaviour? Additionally, given the gendered (and racial) entanglements of psychopathy—it is a masculinized disorder, that also contains negative stereotypes about femininity—we could surmise that when psychopathy is deployed in representations of (un)criminal women, it brings all of these sensibilities (and others) with it and it might end up doing a different kind of work.

“Her Transgressions Do Not Stain Her Skin”:

Karla Homolka, Un-Criminality and Psychopathy

The insights of feminist criminologists allow us to speculate that one of the reasons why Bernardo’s criminality was more straightforwardly represented and understood in comparison to

⁶⁹ Another thing that is particularly interesting is that there exists a personality disorder, that is usually referred to as the ‘female version of psychopathy’. For example, Hamburger et al. (1996) note that antisocial personality disorder (ASPD) is more common in men and histrionic personality disorder (HPD) is more common in women and *both disorders pathologize traditionally gendered-specific deviations*; ASPD refers to those individuals which have “a history of antisocial, criminal or otherwise irresponsible behaviours” (42) and HPD is more feminized: “HPD is defined by such features as self-centredness, self-dramatization, attention seeking, emotional lability, reactivity to minor events, shallow affect and sexual provocativeness” (43). See also Boysen et al. (2014).

Homolka, is that Homolka seemed to defy dominant criminal imaginings and assumptions more so than Bernardo. That is, while white masculinity does not often appear *directly* as criminal or transgressive in cultural representations, we are more willing/able to accept the potential dangers and criminality that can arise from extreme embodiments of hegemonic masculinity (e.g. toughness, aggression, anger, repression of ‘soft’ emotions, etc.). This suspicion of masculinity is supported by the statistical reality that men are responsible for the vast majority of violent and sexual crimes (Collier 1998; Ruthann Lee 2014). As a result, our collective criminal imaginations cannot easily accommodate the violent and sexual criminal transgressions of white, heterosexual, middle-class femininity. This is why, at least in part, it was Homolka that was rendered the enigma of the couple, not Bernardo⁷⁰ (Kilty and Frigon 2016). Indeed, as Lizzie Seal has observed:

All types of murder by women are relatively unusual, but when women do kill, the victims are most likely to be their own children or a male partner. Other sorts of killing by women are rare and arguably have the potential to be even more shocking [...] whereas ‘violence is an accepted attribute of most recognized masculinities’, killing by women violates norms of femininity, such as nurturance, gentleness and social conformity. It disrupts culturally held notions not only of how women should behave, but also of what a woman is. (2010, 1)

Perceptions of white, middle-class, heterosexual femininity centre on gendered myths and stereotypes of women as nurturers, compassionate, self-sacrificing, maternal, passive, submissive, unthreatening, and indeed, un-criminal. Faith and Jiwani have suggested that the “the closer a woman is to the ideals of femininity, the more shocking it is when she violently betrays her gender role” (2008, 143). Female-perpetrated violence is thus unimaginable to the extent that it is unexpected based on these misguided and sexist assumptions about women’s nature. According to the gender binary, it is men that stand as aggressive, violent and criminal. Patricia Pearson has noted that:

Women from all walks of life, at all levels of power [...] have no part in violence. It is one of the most abiding myths of our time. The notion that women are a homogenous species of nurturant souls has myriad wellsprings, but the deepest, perhaps, has to do with our basic conception of the body. Violence [...] is implicit in the construction of the male: the chest-beating ape evolved into a soldier, the rapist.

⁷⁰ This is holds true for both public and academic discourse on the case (e.g. Kilty and Frigon 2006; 2016; McGillivray 1998; Comack 2006a; Faith and Jiwani 2008).

Men are propelled into conquest by a surge of testosterone, and build their blocks of power on the strength of their physique. [...] Literature rejoices in the docility of female flesh, its yielding form, its penetrability. The female body fosters life itself. Women do not physically thrust and strut and dominate, to picture women's aggression, men would have to picture women's bodies bereft of the erotic, the maternal, the divine. No such sacrifice is required in conjuring male aggression. Muscle and hormone are the twin pillars upon which all our darkest human urges stand: lust, rage, jealousy, revenge, the craving for power, the quest for control. (1997, 8)

In the coverage of the Bernardo/Homolka case we see these tensions regarding mutual exclusivity of white, middle-class, heterosexual femininity and criminality play out and attempts are made to reconcile them. As a result, news images of Homolka's criminality are a bit more complicated than the image of Bernardo (and Williams). While Bernardo plays an important role in the narratives and representations of Homolka (and vice versa), it was Homolka that became truly captivating (McGillivray 1998; Comack 2006a; Kilty and Frigon 2006; 2016). As one journalist put it:

At the core of the incomprehensibility is Karla Homolka. The psychiatrists agreed that Paul Bernardo was a psychopath, but as one said in 1995, Karla is 'something of a diagnostic mystery. Despite her ability to present herself very well, there is a moral vacuity in her which is difficult, if not impossible, to explain.' Partly it's her appearance: Except for that one photo with the dead eyes, Homolka's mask of wholesome beauty never slipped (Robson 2000).

For Robson, it is not necessarily Homolka's acts (or failure to act) that makes her a cultural and diagnostic mystery; it is this along with her feminized, beautified and normalized appearance that renders her violent criminality incomprehensible. Homolka's physical appearance was a distinctive feature of the news coverage (Fullerton 2006), and it was her appearance (i.e. her 'mask') that allowed her to 'willfully' appear as 'wholesome'. Interestingly, a point of discussion in the news coverage focused on the courtroom artists' inability to visually represent her in an accurate way:

There are, among the multitude of journalists covering the Paul Bernardo trial, five courtroom artists. And they all have the same complaint: They cannot draw Karla. Intent on capturing not just the physiological, but some suggestion of character, they valiantly put pen or pencil or chalk to blank sheet of paper, each day hoping to convey the essence of the person in the witness stand. But she eludes them. There are no distinguishing qualities, they say, no shadings of personality etched on her

delicate, symmetrical features, no detail of emotional permutation, no hint of the internal life on the external countenance. It is as if Karla Homolka is beyond definition or description or the one-dimensional depiction of an illustrator. If not for the infamous videotapes and the dozens of photographs already submitted into evidence, one might actually suspect that Homolka - like the poltergeists who spook haunted houses - cannot be arrested on film. Most significantly, this convicted killer, this self-admitted sexual predator - a woman who assaulted not just strangers but her own youngest sister - does not wear her crimes like a stigmata. *Her transgressions do not stain her skin* [...]. (DiManno 1995g; emphasis mine)

Homolka's body thus exceeds representation. She is a spectre-like figure who cannot be pinned down or visualized as criminal. More than this, her body does not bear signs or stigmata that can be used (or exaggerated) to re-signify her "delicate, symmetrical features" that signal her *internal* criminality—"her transgressions do not stain her [white] skin" (DiManno 1995g). Homolka's criminality remains unseeable, unthinkable, and resistant to artistic renderings because her normalized body cannot signify the types of crimes in which she was complicit—sex crimes and murder. Surely there is something questionable about her; her crimes and more importantly the videotapes of her crimes tell us this, but her body does not relay this 'truth'. Instead her body conceals, providing "no hint of the internal life on the external countenance" (DiManno 1995g).

In the face of her known, but unimaginable criminality, the news media engages in similar representational practices as I highlighted in Chapter 3— a discourse of pathology comes to structure the way Homolka is written into the crime. While there was much ink spilled telling readers about Bernardo's life history, there was much less interest in Homolka's biography⁷¹. Apart from learning that Homolka's primary aspiration was to create a picture-perfect family-life with Bernardo, what we learn about Homolka's past are a series of very specific things that occurred *while she was dating Bernardo* (not before). The emphasis on this stage in her life is not necessarily strange, because up until she met Bernardo, she appeared to be an idyllic, cis-gendered, heterosexual female—an attractive, white, blond woman that aspired to be both a wife

⁷¹ One explanation for this is that we do not learn of Homolka's full involvement in the crime until she begins testifying in June 1995, whereas as Paul was the primary suspect in the murders from the time of his arrest in May 1993 for rape-related offences. Interestingly, we don't learn anything about her childhood (e.g. her upbringing, her childhood familial context, what she was like etc.) from the coverage as we do with Bernardo (and Williams). Similar, to the way that Bernardo's history was presented in such a way as to highlight how he always contained criminal and violent potentialities, Homolka's (much shorter) narrative was structured in a similar fashion. From what is written about her it is clear that journalists had a more difficult time connecting the crimes (via the biographical inspection) to Homolka than they did with Bernardo.

and mom. Additionally, one of her high school teachers echoes Homolka's ordinariness: she was "just a regular kid nothing outstanding" (Brazao 1993). Homolka's boss, the veterinarian who hired her to be his assistant at the animal clinic, notes that she "was a pleasant, quiet young lady [...] She got on well with the staff and did a very competent job. She was quiet and kept to herself but she wasn't a recluse in any sense" (Rankin 1993). Journalists also note that for Homolka "there had been no shortage of boyfriends for the attractive blond" (Pron, Duncanson and Rankin 1995b).

Before Homolka met Bernardo and in the early months of their relationship, she is generally described as 'cheerful' and all-around 'normal;' however, soon after things began to *change*. The cause of this change is generally described in two ways. The first, which was generally present in the earlier coverage of the case (before the videotapes were shown and before the full extent of Homolka's involvement was known), explains that Homolka's change in character was the result of her being severely abused by Bernardo. While in another, later interpretation, her change is really not a change at all; her appearance is all a performance—the result of her psychopathy and especially here feminized proclivity to lie, deceive and manipulate. Below I will outline how each of these interpretations, when combined produced an image of Homolka as pathologically criminal and psychopathic in particular.

Homolka as a Muse and Battered Woman

Once she began testifying at Bernardo's trial, and the full extent of her involvement in the crimes revealed, meditations on Homolka's character, nature and appearance took centre stage. The way that Homolka was represented in the news has also been the subject of much scholarly interest (e.g. Morrissey 2003; Fullerton 2006; Comack 2006a; Kilty and Frigon 2006; 2016; Faith and Jiwani 2008; and, Seal 2010). Many of these works highlight the two competing narratives that were present at Bernardo's trial and in the news: Homolka as a "woman in danger" and Homolka as a "dangerous woman" (Kilty and Frigon 2006; 2016; Faith and Jiwani 2008). Additionally, Lizzie Seal (2010) has argued that one of the most prominent discourses that frame women who are complicit in murder with their male partner is the "muse or mastermind dichotomy". Within this discourse, "women are open to dichotomous construction as either assistants heavily under the influence of their husbands or boyfriends, or as cunning, dominant women who are able to make men do their bidding" (38). Importantly, Seal notes that

the dichotomy relies on the “constitution of femininity according to the norms of heterosexuality” (38). What this means is that, when the woman is constructed as a muse, she is being constituted within the ambit of normative (white, middle-class, cis-gendered, heterosexuality) femininity which suggests that women are less powerful, less intelligent and unable to protect themselves, and also that women are also more passive and supportive than men. The muse construction supports this widely approved and hegemonic version of heterosexual femininity (39). When these muse-like women do commit violent crimes with their male partners, they are often represented as ‘normal’ women (as opposed to deviant) because they “are frequently perceived as either having been duped, brainwashed or coerced into participation” (39). According to Seal’s (2010) reading, this is how Homolka came to be known (at least at first).

Prior to the trial, Homolka is often spoken about sympathetically. For example, upon hearing of Bernardo’s arrest, Homolka’s boss says that she was a “compassionate animal lover” and a victim, incapable of the cruelty Bernardo was capable of: “Somebody who works with animals, and particularly, someone who wants to make it a profession - I think one can use that as a measure of her sense of caring for life. Regardless of what happened, Karla Bernardo is another victim.” (quoted in Rankin 1993). A long-time family friend also shared this sentiment, stating that it is Karla who she really feels sorry for (Rankin 1993). At trial this muse/victim construction was also significant. The news’ abstracted version of the Crown’s case, showcases how the Crown, in an attempt to secure a conviction against Bernardo, sought to construct Bernardo as the sole mastermind behind the crimes and Homolka, although his accomplice, as his helpless, passive victim suffering from battered woman syndrome. The Crown held that while Homolka was involved in the sexual assaults of Mahaffy, French and Homolka’s younger sister, Tammy, she was forced into it by Bernardo. For Homolka’s defence went that, if she didn’t do as she was instructed, Bernardo would beat her because he was the one that was “calling the shots” (DiManno 1995d).

Journalists, Duncanson and Pron (1995b), note that on the seventh day of the trial, photographs and videotapes played an important role in painting two different portrayals of Homolka that were key to the Crown’s case. On the one hand, Homolka is depicted as cheerful, happy—denoted by images and videos of her joking around with her family and other tape of Homolka and her sister, Lori, dressing up in Homolka’s wedding dress. At this point in her life,

Homolka's mother, Dorothy, said that the couple appeared happy, bubbly, and Homolka had a glow about her that she had never had before (Duncanson and Pron 1995b). Dorothy then tells the court that in June 1992, she began to notice that things may not have been as they seemed, something had changed: "her daughter appeared to have a broken finger, claiming she suffered the injury after being bitten by her dog, Buddy. Shortly after, she said, Karla had what looked like a black eye" (Duncanson and Pron 1995b). Despite Homolka's parents attempt to remove her from Bernardo's house in June 1992, they were not able to convince her to leave. This image is darkened by the growing severity of the abuse that she endured; the effect being a hospital image of Homolka with "raccoon-like bruises around her eyes, and welts on her neck, back, arms and legs" (Duncanson and Pron 1995b). DiManno (1995e) summarizes these dual(ing) images of Homolka:

On the outside she [Homolka] was this gay, cheerful, love-besotted bride-to-be, attending bridal showers and Jack-and-Jill parties, moving out of her parents' home in solidarity with Paul [...] But she said she was hiding her emotional and physical abuse, the bruises on her arms covered by longsleeved shirts, her degradation hidden from family and friends. The pretence of happiness, normalcy, entailed scribbling love-notes and apologies to Bernardo in her cramped, loopy script; smiling and pretending to be Tammy while sexually pleasing her fiancé, again captured on videotape. Because, she says, he had punished her already for ruining his 'Tammy tape.' She had resisted his specific commands to sexually assault her sister, to put her mouth here and her finger there, she had called it 'f----g disgusting.' He'd hit her in the head, she said [...] She slept on the floor, because Bernardo wanted the bed all to himself. [...] She ate his excrement.

Homolka's testimony, as it was portrayed, buttressed the victim image as she told countless stories of the physical and psychological abuse that she endured, as early as four months into their relationship. At the same time, she outlined in vivid detail the role that she played—recounting every moment with lucidity and an explanation (i.e. 'it was Bernardo's idea'; 'I didn't have a choice'; 'he would beat me'). This image of Homolka as Bernardo's muse/victim, Seal (2010) notes, helped to support the notion that she had little control over the crimes that were transpiring and in which she was allegedly reluctant to play a part. The fact that she was portrayed as less responsible for the crimes, and that she did not gain any gratification (sexual or otherwise) from her participation, helps to paint Homolka as a pathological figure. She was a battered woman, but not a criminal one (Seal 2010).

Homolka's Appearance is Not 'Reality', She is a Psychopath

Constructing Homolka as a victim was an important feature in the Crown's case because it not only justified or legitimized her plea bargain, but it also fits well within a discourse of normative femininity (e.g. woman as victim, not aggressor; McGillivray 1998; Seal 2010; Kilty and Frigon 2016). This legal narrative of victimhood was accepted, at least initially, and its discursive force was laid bare. The defence, on the other hand, deployed a different rhetorical strategy in an attempt to persuade the jury that there was reasonable doubt that Bernardo was the mastermind and thus, guilty of first degree murder. Here the defence argues that Homolka was just as, or more, sadistic than Bernardo. John Rosen, Bernardo's defence attorney didn't 'buy' Homolka's battered woman narrative. It was generally surmised that Homolka cleverly and manipulatively spun this story to evade responsibility for the crimes: "Homolka schooled herself on new terms: battered spouse syndrome, post-traumatic stress disorder. They fit her nicely, the Crown psychiatrists agreed. They were terms usually applied in court to women who, feeling they had no way out of an abusive relationship, had taken the life of their batterer. They were "defence" terms." (Duncanson and Rankin 1995b). Seal (2010) also observes that while Homolka was never portrayed as the mastermind of the crimes, she was regularly represented as deceptive and manipulative in the way that she navigated the criminal justice system (i.e. not providing any information about the crimes until she secured her plea deal and the way she spun her narrative of the crimes within a battered woman frame).

These duelling representations of Homolka as "woman in danger" and Homolka as a "dangerous woman" (Kilty and Frigon 2006; 2016; Faith and Jiwani 2008) are significant for how her criminality became imaginable through psychopathy. Within the ambit of psychopathy, (re)constructing Homolka's narrative of abuse as a defence tactic and not the reality of her experience is reasonable because psychopaths are generally manipulators, pathological liars and experts in impression management as well as intelligent, self-serving narcissists. Because these are core features of psychopathy, the construct of psychopathy allows for everything that is presented in its wake to be transformed and/or re-interpreted as a symptom of the psychopathic condition itself. We might call this interpretive practice *the psychopathic construal* which transforms the communications and actions of an alleged psychopath into a symptom itself. More than this, in transforming the utterance into a symptom of psychopathy (as a lie, deceit and the alike), the utterance, whether true or false, can only be possibly understood as a false

statement within the parameters of psychopathy (e.g. they do not really think or believe X, they are just telling us this because they believe this is what we want to hear). Because the psychopath is believed to be a “consummate social performer”, every act, every utterance, every gesture is believed to be a contrived performance (Weisman 2008). This inauthentic performance is at once *not a reflection of their ‘true’ being* as well as *a reflection of their ‘true’ being*. In terms of the former, within the scope of psychopathy any well-intentioned act, utterance or gesture is not a reflection of their personhood, for they (psychopaths) are actors on a stage performing for all those who care to pay attention. While in terms of the latter, their false and contrived performance, when taken as such, is a display of who they ‘really’ are (Weisman 2008). In his book *The Psychopath Test*, Jon Ronson (2011) also observes the workings of this interpretive practice. In an interview with a man (Ronson names him Tony) who has been labelled a psychopath and who is serving time in the infamous Broadmoor hospital, Tony articulates the way in which a diagnosis of psychopathy structures others’ perceptions of him: “They say psychopaths can’t feel remorse [...] I feel lots of remorse. But when I tell them I feel remorse, they say psychopaths pretend to be remorseful when they’re not. [...] it’s like witchcraft [...] they turn everything upside down” (62).

Robert Hare (1999) cites an interesting passage which includes an ‘ex-con’s’ opinion of the PCL-R. In the passage, the ‘ex-con’ notes how the checklist transforms common and sometimes positive traits into evidence of psychopathy:

“deceitful and manipulative—“why be truthful to the enemy? All of us are manipulative to some degree. Isn’t positive manipulation common?” [...] Impulsive—“can be associated with creativity, living in the now, being spontaneous and free”. Poor behavioral controls—“violent and aggressive outbursts may be defensive mechanisms, a false front, a tool for survival in a jungle.” Need for excitement—“courage to reject the routine monotonous, or uninteresting. Living on the edge, doing things that are risky, exciting, challenging, living life to its fullest, being alive rather than dull, boring and almost dead.” Lack of responsibility—“shouldn’t focus on human weaknesses that are common.” (69)

Hare does not take this opinion as a legitimate critique of the subjective nature of the checklist. Rather, Hare takes this opinion to be evidence of psychopathy, a construal which is made possible by signalling his ‘ex-con’ status and thus his self-motivated words.

If we return to Homolka, we can see how the introduction of psychopathy at Bernardo’s trial and in the news coverage enables Homolka’s narrative to be re-interpreted in light of the

condition. The interpretive flexibility or the ability for psychopathy to capture and reorganize the meanings that are provided as an additional symptom of the condition itself is partly how Homolka's battered woman narrative was represented at trial and in the news. In the coverage of the case, Homolka's battered woman narrative is interpreted through the lens of psychopathy as not being the 'real' reason why she acted as she did, but as a plausible rationalization uttered by a psychopath.

Rosen also latched on to the interpretive flexibility of psychopathy and used it as a tactic to counter the details of Homolka's narrative by suggesting that every failure to act to help or protect the women or to report the crimes to police was followed by an act that was both rational and self-serving (signs of her psychopathy, not battered woman syndrome). For Rosen, Homolka was not, as she claimed: fearful, irrational, helpless or the like; she was just as criminally responsible for the crimes. In an attempt to diminish Homolka's passivity he highlights her *hypersexuality*. In doing so, Rosen draws on iterations of "bad femininity" which "will permit the demonization of some girls and women if they stray from the path of 'true' (passive) womanhood" (Chesney-Lind and Irwin 2008, 14). As a journalist who was present at the cross-examination notes:

He [Rosen] drew a portrait of Karla Homolka as immoral and unperturbed by the odious crimes to which she had been witness and participant: Karla Homolka, the hussy; Karla Homolka, the slattern; Karla Homolka, the sexual *provocateur*. [...] As the day wore on, Rosen continued to paint Homolka as a sexual predator, dating back to even the early days of her relationship with Paul, a man she bedded with within hours of their meeting [...] it is perhaps a quaint Victorian image of womanhood—that only bad girls would be so sexually bold. But Rosen hammered away at Karla as horny and rutting. (DiManno 1995f)

Drawing on familiar cultural stereotypes surrounding deviant sexuality which have been historically significant in pathologizing and criminalizing women, Rosen and DiManno use Homolka's sexuality to disrupt her feminine appearance and the assumption of innocence and victimhood that it engenders. Homolka's 'abnormal' sexuality became an important discussion point in constructing her as a severely pathological woman, and a psychopath in particular. Terms like 'hussy', 'slattern', 'horny', 'rutting' and 'sexual provocateur' and the images they give rise to are used to disparage and slut-shame Homolka. More than this, they are offered here to allow us to begin to see Homolka as a 'bad woman' and make the logical leap that the same

sexually ‘immoral’ behaviours that she engaged in with Bernardo would have enabled her to participate in rape and other forms of sexual torture. Interestingly, although not surprisingly, Bernardo’s prior consensual sexual encounters with his wife and other consenting adults are never problematized. In fact, they are normalized as not being unusual for young men. What is also enacted in this representation is the old-age ritual of applying gender stereotypes to the actual behaviour of women, and using their deviation from this ‘norm’ as the benchmark for which they are understood and subsequently, condemned. *This gendered double standard is what aids the shift in the representation of Homolka as a feminized, passive, battered woman to a dangerous and masculinized criminal psychopath*⁷².

Rosen’s defence tactic, then, didn’t rest on the same dual and criminally sanitized images that the Crown relied on—happy, cheerful Homolka versus Homolka the severely battered wife. Instead, Rosen insisted that the victim image that she tried to present was part of her criminal pathology; it was a facade, a role that she played to get a plea deal. The image that she presented of herself was thus further evidence of her psychopathy: “A woman could hide behind the guise of a battered wife to cloak her role in the rapes and murders of her sister and two schoolgirls, Paul Bernardo's defence lawyer has suggested” (Rankin and Pron 1995). The logic of psychopathy is all but literally present.

In another article, the image of Homolka as psychopathic is similarly accomplished by describing Homolka’s testimony of her abuse as a performance of victimhood, which Rosen uses to mold her into a psychopath:

After the morning break, Rosen continued to question Homolka's credibility. He called her an actor in the ‘first order who can play the victim, deliver the lines.’ What you see, he told the jurors, is ‘an enigma.’ He asked them to think back to the first time they saw her on the stand - a nondescript, good-looking woman. And then asked them to remember her ‘crocodile tears’ during her examination-in-chief. But there was something was missing: she was flat, low-key, showing *no real emotion* during

⁷² To buffer this image of Homolka as a sick, sexual sadist, Rosen employed the biographical strategy I discuss above to show that even before Homolka met Bernardo she had morbid proclivities: “Homolka then admitted she took a discarded puppy tail, cut from a four-day-old schnauzer, and cat claws from the clinic and sent them with letters to one of her friends. ‘Debbie was a real animal lover and I told her it was a joke,’ Homolka said of the claws from a declawed cat she enclosed in the letter. In another correspondence, Homolka included the puppy's tail and wrote: ‘Boy, you thought the cat claws were gross, here's a tail from a puppy.’ The tail was taped to a picture of a dog, court was told. ‘What's this attached to the dog, a real tail?’ asked Rosen. Homolka again replied: ‘It was just a joke.’ Rosen read out the rest of the letter in which Homolka writes: ‘God, they (your friends) must think I'm sick. How am I going to top this one?’” (Rankin and Duncanson 1995).

prosecutor Houlahan's 'pre- printed' question-and-answer period, Rosen said. Then a different Homolka emerged when he began his cross-examination, Rosen said. It was *the real Homolka - cold- hearted, callous and calculating* - he said. (Duncanson and Rankin 1995a; emphasis mine)

In this passage, interpretations of Homolka as a psychopath and a pathological woman are weaving in and through each other endlessly. Homolka *used* her femininity, her display of emotion, her good looks to seduce those around her into sympathy. The instrumentalization of her femininity in accord with well-established and accepted cultural scripts allows her to hide her 'real' self. The way in which her actions are interpreted are therefore inserted within a discourse of psychopathy, and enable her symbolic transition into the antisocial, masculinized ontology of the psychopath:

Yesterday's decision summarized some of the most chilling aspects of Homolka's case and offered some revelations. The board said Homolka's crimes demonstrate 'your difficulty in *controlling your violent sexual impulses* to the point of putting in danger the safety of others.' The board said Homolka had an 'elevated degree of indifference when it comes to the consequences of [her] acts,' and noted how she and Bernardo referred to the planned Christmas rape of Homolka's sister, Tammy, that led to the girl's death 'as a real Christmas present' offered to 'your partner [Bernardo].' According to her psychological reports, Homolka is described '*as an intelligent person, polite, courteous, but superficial ... with a tendency to control.*' Some specialists said Homolka had 'battered woman' syndrome, but some were concerned about her 'superficiality and indifference to her victims.' While her abuse may have played a role in her participation in her crimes, more recent analysis points to Homolka possessing either '*an antisocial personality or that of a psychopath.*' (Mofina and Aubry 2001; emphasis mine)

The way that psychopathy is deployed in this case resonates with the way that psychopathy was historically applied to white women who strayed from normative femininity, especially in their sexuality. More than this however, my reading of how psychopathy plays out here to render Homolka's criminality imaginable, confirms what others have observed about the way in which violent femininity is represented in two ways. First is that it has generally been observed that there is very little space in discourses and narratives of female criminality for woman to stand as an agent (Morrissey 2003; Kilty and Frigon 2006; 2016) and psychopathy is no exception. As a condition, foremost rooted in biology, the pathologization of criminalized women through psychopathy removes the subject from the social, and denied an active subject

position, insofar as their violence is guided (determined) by their biological penchant to antisocial and criminal behaviour⁷³.

Second, gender stereotypes of women have and continue to render them harmless, innocent, victims, passive and generally un-criminal. This is why, as Kilty and Frigon note, the construction of Homolka as a “woman in danger” was largely accepted until the videotape evidence was released (2006, 51). Importantly, they argue that it was through Homolka’s endangerment that her criminality became imaginable insofar as it was understandable why a woman who endure abuse and live in fear might comply with her husband’s wishes (49-50). For Kilty and Frigon the duality that characterized the construction of Homolka—“woman in danger” and a “dangerous women”—cannot be seen as mutually exclusive because they were informing each other: her endangerment/victimization impacted her dangerousness/criminality (see also Kilty and Frigon 2016). However, they also note that when the videotapes were released, “Homolka’s construction as a battered woman was transgressed and even erased by her definitive dangerousness” (2006, 51). Her narcissistic and manipulative tendencies came to construct her criminality and her endangerment was forgotten (54).

Psychopathy is able to cradle both of these duelling constructions of Homolka at the same time and in a certain sense it has to, since part of the psychopath’s dangerousness is their very sameness to the normative community, their invisibility. In joining these constructions together, psychopathy does more than just construct Homolka as a dangerous and pathological figure, it allows her to be seen as both dangerous and ‘normal’ or perhaps even ‘dangerously normal’. In other words, psychopathy is able to reconcile Homolka’s liminality because of the “paradox of appearance and reality” the category relies on. Although Homolka appears like a ‘normal’ woman—white, middle-class, heterosexual, passive, a victim and innocent—her appearance and the ‘reality’ of her crimes do not ultimately fit; she ‘is’ a psychopath. Much like the representations of Williams and Bernardo relied on dual and changing images of their personhood and their criminality, so too did Homolka’s, with an important difference. Bernardo and Williams wavered between normalcy and abnormality, whereas for Homolka, these binaries unleashed additional chains of signifiers: normal/victim/’good’/passive/in danger/feminine/un-

⁷³ This point may be contentious because it has, until recently, been suggested that psychopaths break the law or social convention *wilfully* because they are affectively impaired, not intellectually impaired. However, contemporary psychopathy research coming out of neurobiology is suggesting that this might not be the case (See Freedman and Verdun-Jones 2010).

criminal and abnormal/criminal/evil/active/dangerous/hypersexual/masculine. In the construction of Homolka as a psychopath, these dichotomous images of Homolka circulate at the same time, and are what enable her to be represented as a psychopath.

However, psychopathy did additional work in constructing Homolka, that it did not do in the constructions of Bernardo and Williams. Ascribing a psychopathic personality to Homolka *partially* re-genders her. As a woman who occupies normalized and interlocking subject positions—normative femininity, whiteness, middle-classness and heterosexuality—it was at first difficult to imagine her as all of these things *and* violent. Women who have been Othered in relation to the template of ‘normal’ women, namely racialized women, poor women and lesbians, are constructed more easily as criminal because they are also *masculinized* in relation to interlocking stereotypes (and are more likely to be sentenced harshly because of these interlocking stereotypes; Chesney-Lind and Eliason 2006). In order for us to be able to imagine Homolka as a violent criminal figure, she was transformed into a masculinized figure through psychopathy. In the context of psychopathy, anti-social characteristics which are regularly ascribed to criminal men are transferred on to her, thus allowing her to stand as a severe threat to public safety. In the representation of Homolka, traditionally masculinized traits are ascribed and problematized for the way they manifest in Homolka. For example, she is often described as calculated, intelligent, strong, disingenuous, emotionless, unwilling to accept blame, sexually perverted, and self-serving (especially in how she chose to protect herself rather than helping her own younger sister or Mahaffy and French; Kilty and Frigon 2016). Each of these characteristics are not only masculinized traits, they are also psychopathic traits. So while, psychopathy helped to recuperate the unimaginability of Homolka’s criminality (in a way similar to Bernardo and Williams)—that is, it made her imaginable as a criminal—psychopathy also masculinizes her actions. Importantly however, as we saw in Chapter 3, this representation of psychopathy requires her external appearance (with all that this entails) to be read as ‘normal’. So, while scholars have discussed the ways in which violent female offenders have historically and continue to be masculinized in their appearance and their conduct when they transgress normative femininity, especially when they are women of colour, do not conform to the norms of heterosexuality and are working or of a lower socio-economic class (e.g. Aileen Wuornos; Chesney-Lind and Eliason 2006; Seal 2010), this is *not* the way that masculinization worked in this case and in the context of psychopathy. Instead of transforming Homolka into a completely

masculinized figure (and a lesbian which is so central to masculinized representations of violent women and girls; Chesney-Lind and Eliason 2006), she is constructed as a normalized/feminized figure with masculinized proclivities, behaviours and personality.

Once Homolka completed her 12-year sentence, the “media frenzy” around her “reignited” (Kilty and Frigon 2016, 86) and in the process, psychopathy became more literally pronounced in the news coverage (as opposed its symbolic or discursive presence outlined above). In this context, however, instead of psychopathy being used as a conceptual and representational tool to resolve her unimaginable criminality and contradictory constructions her, it is situated within the context of remorse and whether she felt *genuine* remorse for her role in the crimes (Kilty and Frigon 2016).

Remorse, as Kilty and Frigon (2016) among others (e.g. Weisman 2008) have noted, is an important emotion for an offender to show after the commission of a serious misdeed, but it is also a difficult one to evaluate. Because remorseful performances are heavily weighted and can have (dis)advantageous outcome for the offender (e.g. a remorseful performance can be a mitigating factor at sentencing or the absence thereof, an aggravating one), the ‘truthfulness’ of the emotions shown versus those which are actually felt are often a source of suspicion or doubt (Weisman 2008; Kilty and Frigon 2016). Complicating evaluations of remorse is the fact that such evaluations go beyond the mere presence of an apology (or lack thereof), and often evaluate other performatives which are connected to remorse such as paralinguistic cues, admitting guilt, taking full and unmitigated responsibility for one’s actions, cooperation with authorities, and evidence that the offender is committed to change or “self-transformation” (Kilty and Frigon 2016; Weisman 2008).

Homolka’s behaviour, in certain respects, did align with “traditional signifiers of remorse” such as, providing information about Bernardo and providing key evidence against him, admitting to her involvement in the crimes, apologizing and conveying the internal distress she will continue to experience for the rest of her life because of what she did (Kilty and Frigon 2016, 91 and 95). However, Kilty and Frigon (2016) contend that because Homolka’s criminality was often situated and contextualized within a narrative of victimization, this impacted how remorse was evaluated and was one of the reasons why it was so difficult for her to be seen as remorseful (91-93). The implicit requirement of remorse to take full and unmitigated responsibility for one’s actions is gendered in instances like this one, where the criminalized

woman's actions cannot be separated from their ongoing abuse (93). Although Homolka's experience and narrative of victimization significantly influenced how people came to judge her as remorseless, other factors also played an important role in constructing her as a remorseless subject such as "the categorical heinousness of the facts and details of the case—namely, the taboos that were broken and the disgust they elicited amongst the collective moral public" (93) as well as postulations that she was a *psychopath* (96).

According to Richard Weisman (2008), in order to fully understand the significance of remorse in a crime context, we must first recognize that the remorseless offender is not simply seen as someone who has transgressed the emotional and moral norms of the community by failing to express remorse for a heinous deed. Instead, the absence of remorse—understood as a feeling that the individual does not feel and/or a social performance that suggests that the emotion is not present or not genuinely felt—is interpreted as evidence or a symptom of something that is much more foundational to who that person 'is' and which separates them from the 'normal' and moral community: psychopathy (190). Because psychopaths are said to not be able to genuinely feel remorse and can only do a superficial rendering of the emotion (Hare 1999), psychopathy became a powerful way to interpret Homolka's 'true' personhood (Kilty and Frigon 2016). Recognizing the discursive power of the psychopathic construal, Kilty and Frigon (2016) observe how Homolka was transformed into a 'performer' of normalcy and her demonstrations of remorse as insincere and a self-motivated attempt to elicit sympathy from the public (98). Homolka's expressions of remorse were also evaluated against other modes of expression that supposedly revealed her remorseful performance as fraudulent. For instance, in addition to Homolka's victim narrative aiding in the discrediting of her as a remorseful subject, the way that she was able to "hold her own" during an intense cross-examination by Rosen, revealed that she was much less passive and helpless than the victim image she (and others) presented of herself suggested (99). This interaction showed "the 'real' Karla, whose 'true' self was emotionally invulnerable, strong-willed, independent-minded", clever, and "defiant toward hostile men" (99)—an image that clashed with that of a 'battered woman' and called it into question. Moreover, Kilty and Frigon (2016) note, in a similar way as I do above, that Homolka's 'beautiful' appearance and enactment of hegemonic femininity was presented in the news in such a way that she used her appearance conceal her dangerousness. The duplicity, instrumentalization of her appearance and her apparent narcissism (i.e. caring more about herself

than her victims; e.g. Kilty and Frigon 2016, 100) is also what enabled to her to be seen as remorseless and psychopathic (100).

If women are assumed to be “more emotional, compassionate, and nurturing than are men”, the apparent absence of these gendered emotions and characteristics, coupled with her violent sex crimes, signify Homolka’s personhood, her psychopathy (100). Importantly, it is also her psychopathy that explains, albeit tautologically, her emotional ineptness and her transgressions. In reading Homolka’s performative of remorse(lessness) through the gendered lens of psychopathy⁷⁴(100) and the psychopathic construal, Kilty and Frigon (2016) demonstrate that Homolka is only able to stand as a remorseless subject, a subject who is transgressive of law and social norms, a subject who is duplicitous by nature, a woman who lacks core femininized characteristics and as someone who is ultimately biologically dangerous. We will never know who Homolka ‘really’ is and what she ‘truly’ feels, however, cases like this one can reveal how normalcy, identity, the body and (un)criminality are entangled with psychopathy and remorse.

How Bad is She?: Psychopathy and the Case of Lisa Neve

Thus far, I have tried to demonstrate the way that psychopathy was used (in a similar fashion as it was used for Williams and Bernardo) to render Homolka’s (un)criminality imaginable. What is particularly interesting about the news media’s construction of Homolka as a psychopath is the way in which discourses of normative and transgressive femininity along with duality/change were used to construct Homolka as a criminal, pathological and masculinized figure through psychopathy. I would now like to turn to a Canadian criminal case where an Aboriginal woman, named Lisa Neve was designated a dangerous offender and was also labelled a psychopath. It is important to keep in mind, as Elizabeth Comack (2006b) and Faith and Jiwani (2008) have reminded us, Homolka is an anomaly among criminalized women—most criminalized women have not committed violent crimes (and when they do it is usually common assault), but property crimes, prostitution and/or drug offenses and most criminalized women in Canada are racialized (i.e. women of colour or Aboriginal women) and

⁷⁴ Kilty and Frigon (2016) suggest that psychopathy’s reliance on the absence of traditionally feminized traits in psychopaths (e.g. empathy, emotional, nurturing, and an overall “ethic of care”) “genders” psychopathy (100). To render this same idea more specific, we could also say that the disorder engenders masculinized characteristics (e.g. lack of empathy, shallow emotions, antisocial, criminality, narcissism and generally lacking an “ethic of care”), as well as traits of *deviant* femininity (as I discuss at the outset of the chapter).

economically marginalized (Comack 2006b, 58). The case of Lisa Neve more closely resembles the reality of criminalized women in Canada (Comack 2006b). Importantly though, Neve also departs from this reality in one important respect—the severity of the punishment she received (Comack 2006b).

From a ‘basic’ keyword search, it appears that out of the five women who have been designated dangerous offenders in Canada to date, Lisa Neve and Rene Acoby are the only two who have been labelled psychopaths in the media. However, at the time of Neve’s (i.e. 1994) trial, she was only the second woman in Canada to be designated a dangerous offender; the first woman was Marlene Moore. At first, it might seem curious to include this case since on the surface it seems to fly against the central argument of this dissertation since Neve is in many ways, and as I will show below, is not constructed as a normalized subject. She is a woman that did not have the same class privilege as Williams, Bernardo and Homolka, she is a racialized woman, a ‘prostitute’ and she is a lesbian. However, I would still contend that the Neve case is significant insofar as *how* she was represented as a psychopath. As a woman who is marginalized in interlocking ways, she is not afforded the representational privileges that Williams, Bernardo and Homolka were, specifically in regards to the one-dimensional image of her we will see surface. This flies in the face of the complex, and variegated images of the others. Including Neve’s case in this present study then, adds to the central argument. As I will show below, while Neve was labelled a psychopath, the way that psychopathy is deployed in this construction of her personhood is very different than what we have seen in the construction of normalized offenders. That is, psychopathy is not deployed to construct an otherwise unimaginably criminal subject imaginable as such, but rather, the news constructs Neve as always already criminal, and psychopathy enters the representation as a means to determine the *extent* of her criminality and ultimately the *severity* of punishment she ‘deserves’. Thus, I continue to build the argument that the way that psychopathy is used is contingent upon an interlocking reading of identity and difference.

Dangerous Offender Legislation in Canada

Before moving on it is necessary to provide some context and to explain Canada's dangerous offender provisions as they pertained to Neve's case⁷⁵. Dangerous offender legislation, which are sentencing provisions, emerged in Canada at two distinct junctures in Canadian history. In 1947, the habitual offenders provision (HOP)⁷⁶ was introduced into the Canadian *Criminal Code*, Part XXI⁷⁷ and was followed by criminal sexual psychopath legislation (CSP) in 1948⁷⁸. The HOP was designed to protect the larger society from particularly 'dangerous' offenders, especially those who offended 'habitually' and did not respond to rehabilitation by imposing an -indeterminate sentence (Price and Gold 1976, 157-159). The CSP provision on the other hand, was aimed specifically at repeat *sex* offenders who were believed to be not insane, but suffering from some type of "disease of the mind" that resulted in uncontrollable and undeterrable sexual urges (Chenier 2003, 78). This latter point, is what Elise Chenier (2003) notes was especially interesting about CSP laws as they represented "an epistemological shift in the way Canadians thought about sexual danger and human sexual behaviour in general. In the years following WWII, sex offenders were viewed as more mentally disturbed than criminally responsible, and sex crime was regarded as a major mental health problem waiting to be solved" (76). CSP laws thus represent a significant moment Canadian legal history, for as Chenier has pointed out, these laws represented the "apex of the 20th century marriage of psychiatry and law" (77).

In an attempt to keep the general public safe from this otherwise uncontrollable and unpredictable sex offender, CSP laws provided judges with the authority to impose an indefinite/preventative sentence on those found to be criminal sexual psychopaths. However, Chenier (2003) notes that at the time when CSP laws were enacted, the definition of sex crimes was different than how we would define a sex crime today:

⁷⁵ Since 1997, the dangerous offender provisions have been revised. These changes did not immediately affect how Neve was prosecuted. Because I have largely focused on the coverage of the case that ranges from when a dangerous offender application was put forward until a month after she was declared a dangerous offender, these changes are not significant to my analysis and therefore I do not review them. If you are interested in the changes that have since taken place, you may consult the following sources: <http://www.parl.gc.ca/content/LOP/ResearchPublications/prb0613-e.htm>; <http://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/protctn-gnst-hgh-rsk-ffndrs/dngrs-ffndr-dsgntn-eng.aspx>.

⁷⁶ An Act to Amend the *Criminal Code*, S.C., 1947 c.55, s.18.

⁷⁷ R.S.C. 1970, Ch. C-34, s.687.

⁷⁸ An Act to Amend the *Criminal Code*, S.C., 1948 c.39, s.43.

the crimes covered by sex psychopath laws generally included the full spectrum of sex-related offences from sexual assaults against children to sex between two consenting male adults. Sexual assault against females was not often included under criminal sexual psychopath laws since the object of perpetrator's desire—an adult female—was not abnormal or 'deviant' and therefore was simply a violent assault and not the product of a mental defect. (Chenier 2003, 78-79).

While the advent of these laws were intent on absolving sexual danger (where children were the primary concern), what the CSP laws also did was further criminalize and pathologize sex acts between consenting adult males. As a result, Gary Kinsman has argued “during these years homosexuals were often viewed as more ‘dangerous’ and less ‘normal’ than heterosexual rapists” (1993, 18).

Both the HOP and CSP laws received harsh criticisms on a number of different fronts and resulted in reform (see, for example, Price and Gold 1976)⁷⁹. In 1977, both laws were withdrawn and replaced with a new dangerous offender regime⁸⁰ as part of Part XXIV of the *Criminal Code*⁸¹. These provisions, to some extent, combine the intentions of the HOP and CSP by targeting violent and/or sex offenders and imposing an indeterminate sentence if the offender is found to be a dangerous offender. The specific purpose of the dangerous offender (DO) provisions according to Wayne Renke “is the protection of the public. These provisions permit an extraordinary remedy—indeterminate detention—for an extraordinary class of criminals—‘dangerous offenders’” (1995, 653). Indeterminate sentencing is a preferred mode of punishment in these cases because of the belief that this offending population constitutes “a small minority of offenders (the ‘residue’ of the criminal class) who are not specifically deterred or reformed by ordinary punishment and who pose a serious risk to the mental or physical well-being of other members of society” (654). As such, in the context of criminal law, dangerousness is not about determining if the individual is at fault for a crime (this has already been determined prior to the DO application being submitted), but rather “the risk of criminality that their personality constitutes” (Foucault 1978 quoted in Petrunik 1982, 228). In other words,

⁷⁹ Habitual offender provisions were amended in 1961 (S.C., 1961 c.43 ss.33, 35-40) and in 1969 (S.C. 1968-69 c.38 ss.77, 79-80) (Price and Gold 1976, 159). CSP provisions were amended in 1961 (S.C. 1960-61 c. 43 ss.32, 34-40) (Price and Gold 1976, 163). According to Price and Gold (1976), among the evidentiary and procedural changes, the name of the law was changed to “danger sexual offender” (217, fn.39). The law was amended again in 1969 (S.C. 1968-69 c.38 s.76) (163).

⁸⁰S.C. 1976-77, c. 53; <http://www.lop.parl.gc.ca/content/lop/ResearchPublications/prb0613-e.htm#fn11>

⁸¹ R.S.C. 1985, c.C-46.

it is the nature of his or her 'being' (i.e. the 'kind' of person that one 'is') that is in question at the level of dangerousness that is as significant as the crime that was committed. By extension, punishment is levelled not at the offence (as is usually the case), but at the offender's dangerousness and his or her potential or probability to do harm (Petrunik 1982, 229). As a result, dangerous offender legislation incorporates indeterminate sentences, a form of preventative detention, to allay the risk of dangerous individuals (Petrunik 1982).

While the concept of psychopathy is not a formal requirement or feature of the dangerous offender provisions as it was when it was in its infancy, psychopathy does often play a formative role at trial, and particularly at sentencing. Ivan Zinger and Adelle Forth have noted that the introduction of a diagnosis of psychopathy during Canadian sentencing hearings "is considered an aggravating factor [...] which has serious repercussions on the length of the sentence handed down by the courts" (1998, 242). In the context of DO hearings, they observe that "the diagnosis of psychopathy was used on numerous occasions both to support the position that an offender is likely to re-offend violently, and to justify an indeterminate sentence. In one instance, the absence of psychopathy has facilitated the release of an offender who had been detained since 1953 under the criminal sexual psychopath legislation (the former dangerous offender legislation)" (242-3). What these findings suggest is that while psychopathy is not formally required to find an individual a dangerous offender, it is often used as means for determining an individual's dangerousness to the extent that when psychopathy is absent, the offender is considered *less* dangerous.

In a more recent study, Lloyd, Clark and Forth (2010) found that when the psychopath label is used in a criminal justice context, perceptions of the riskiness of the offender increase, largely because it is believed that psychopathy is an internal cause of adult criminal behaviour and thus more difficult (if not impossible) to ameliorate (325). Furthermore, their research reveals that psychopathy is readily used in DO hearings and that PCL-R scores are "moderately related to trial outcome" (332). More significantly, however, is that their "results indicated that experts' ratings of treatment amenability, but not risk to reoffend, were related to trial outcome" (335). The authors also note that while psychopathy is used to demonstrate the individual's inability to be effectively treated, the research on this relationship is very limited and these types of opinions (which lead to life-altering decisions) are overzealous (327).

In addition to the role that psychopathy plays in sentencing individuals as dangerous offenders, it is also important to note the demographic features of those designated as dangerous offenders. The vast majority of those who have been declared DOs in Canada are males. Since the advent of the first DO regime in 1947, only 5 women have been declared DOs. It is also important to bear in mind, that Aboriginal men are vastly overrepresented in this category of offenders. In 2011, there were 458 dangerous offenders in Canada, and 26.4 percent of them were Aboriginal, whereas they constitute only 4.3 percent of Canada's population (Milward 2014, 620). David Milward (2014) has explained Aboriginal peoples overrepresentation as DOs by examining how the historical legacy of colonialism continues to impact the daily and detrimental realities that Aboriginal communities face. Of particular import, Milward explains, are the *interrelated* affects of intergenerational trauma, mental illness, poverty, substance abuse, lack of educational and employment opportunities, physical and sexual abuse, and the residential school system.

Lisa Neve's 'Biography': "Criminal's Past Riddled with Violence"⁸²

Reading the coverage of the Lisa Neve's case was a very different experience than reading the coverage of Williams and Bernardo/Homolka's cases. From the outset, and in contrast to Williams, Bernardo and Homolka, what we learn about Neve pertains strictly to her 'criminal career'; a discourse of criminality is already structuring how we can know her. In one of the first articles written about Neve we are told about an incident whereby Neve, along with others, beat up a woman named Jennifer McNalley (Jimenez 1994ab). According to the news record published in March 1994, on November 20, 1992, Neve along with her friends were at a bar in Edmonton and accused McNalley of stealing clothes and lying about it and then "coerced her" into the washroom and began beating her up (Jimenez 1994a). The news reports say Neve cut McNalley's neck with an exacto knife and McNalley required stitches (Jimenez 1994ab). Neve was charged with aggravated assault and assault with a weapon, and was convicted for the former charge and was sentenced to two years in prison (Jimenez 1994b).

Aside from the details of the crime itself, it was immediately noted that Neve was under the influence of alcohol and cocaine at the time the assault took place (Jimenez 1994b). This

⁸² This was the headline of one of the news articles (see Jimenez 1994e).

information—her violence and struggles with addiction—is noted as being characteristic of Neve more generally: “Neve has been on the street since she was 12 and has 20 convictions, many for violent offences. She became involved with drugs and prostitution at a very young age and developed serious addiction problems” (Jimenez 1994c). Lists of her youth and adult convictions are also provided on many different occasions (e.g. Jimenez 1994e) and her violent crimes are described in detail in others (e.g. Jimenez 1994abd).

When we do learn about Neve’s un-criminal life, it is only in passing and couched in her transgressions. Take the following two excerpts, where Neve’s life and her very personhood are bizarrely summarized in these point form lists:

- * 21 years old, five-foot-seven, 110 pounds, long brown hair, with blonde tips.
 - * Prostitute, heavy drug user. Also a heavy drinker. Binge eater, with wild fluctuations in weight. “She would brag about how many Big Macs she could eat," said one police officer.
 - * Grew up in Calgary. Moved to Edmonton. Worked 97th Street drag area.
 - * Loves kids. Would skip working to babysit other prostitutes' kids.
 - * Juvenile crimes included hostage-taking in jail.
 - * Adult crimes include uttering death threats and Exacto-knife slashing. Two close street-friends murdered.” (McKeen 1994d)
-
- * Lisa was adopted by the Neve family at three months.
 - * She was five pounds, three ounces at birth.
 - * Learning difficulties were noticed in Grade 1.
 - * She liked to ski; involved in jazz dance and Brownies.
 - * Her aggression was revealed in Grade 5. (McKeen 1994g)

It is also important to point out, I think, that the term “prostitute” often was used to refer to Neve instead of using her name or gender pronouns. For example:

But a supervisor at the Calgary Young Offenders Centre described *the former prostitute* to fellow inmates and jail workers as probably the most notorious youth criminal of her time. (McKeen 1994a; emphasis mine)

Robertson first met Neve in the summer of 1991 and said he'd encountered *the street prostitute* probably 150 times over the following years. (McKeen 1994b; emphasis mine)

The day featured the testimony of a police officer who had dealt extensively with Neve and had seized *the former prostitute's* secret diaries. (McKeen 1994b; emphasis mine)

Davison also suggested Neve had broken up Paull's marriage and Const. Robertson, as a friend, was angry with *the prostitute*. (McKeen 1994d; emphasis mine)

In each of these references to Neve, her name or the pronoun “her” could have been easily used. Instead we are reminded of Neve’s transgressiveness and her criminality and are made to see her in a more pejorative and denigrated manner as “the prostitute”. Indeed, as one editorial put it: “Lisa Neve could never be mistaken for the girl next door” (*Another Chance Deserved* 1999).

That Neve is a violent, convicted criminal, has a long criminal history, has an addiction to drugs and alcohol and is a ‘prostitute’, is how we are made to know Neve in the first half of the coverage. Providing this information without context and a critical perspective, is not only problematic for the way it obscures the conditions of criminalization, but it also produces a singular story of Neve as simply ‘bad’. Although at times, small bits of information about Neve’s non-criminal life are presented (e.g. about her family and that she was adopted as an infant) or information that may contextualize her crimes (e.g. that Neve was sexually assaulted by a teacher when she was in grade 5, and that she was removed from her family home by social services when she was 12 for drinking alcohol; Jimenez 1994e), this is never dwelled on or substantively elaborated.

Neve’s ‘biography’, therefore, was largely written as *a criminalized biography* and Neve constructed as *purely criminal*. This was characteristic of the first half of the news coverage which chronicled Neve’s DO proceedings and was one of the most startling features of the coverage. This interpretive feat was accomplished by outlining her criminal career, her struggle with addiction, her street life and the fact that she was a ‘prostitute’. In other words, most of the information contained in the articles detailed not the story of her life, but her criminal story.

The dangerous offender (hereafter DO) application was initiated, according to the news record, following Neve’s last three crimes (Jimenez 1994e). One of those three crimes was the assault of Jennifer McNalley and the other involved Neve threatening to kill a lawyer (Sterling Sanderman) and his children. The third crime was for the robbery and assault of Rhodora Nicholas. The crime against Nicholas is described in detail:

[N]eve picked up Nicholas, a city prostitute, in May 1991 and suggested they go for a drink. They drove off in Neve's truck to a deserted parking lot in Abbottsfield. There, Neve pulled a knife with a 12-centimetre blade. She slashed Nicholas's black jacket, red top and skirt and threatened to slice her throat, too. Then Neve took off, leaving Nicholas naked, without even her underwear or purse. Sobbing, Nicholas

stumbled down Highway 16, covering herself with a piece of pink Fiberglas insulation she'd found on the side of the road. (Jimenez 1994d)

It was after this conviction that the Crown decided to launch a dangerous offender application against Neve who was 21 at the time.

Lisa Neve, "Canada's Most Dangerous Woman"

Neve's criminality was not unimaginable, but rather it was the only thing that we were made to imagine about her. The only thing that was up for discussion was *exactly how dangerous Neve was* to the general public and to corrections personnel and therefore *how severely she should be punished*. It was in the midst of these stories, and only in this context, that psychopathy was deployed. This is important. Unlike the other two cases that we have explored, where psychopathy is deployed in the news and where it is sometimes unclear if the label was presented during the trial and what its affects were, in Neve's case the role of psychopathy in the news is clear. It is used to describe what happened during her DO hearing. In this way, it is descriptive and literal: "By law, the Crown and the defence must each call a psychiatrist to testify about a person's likelihood to commit further crimes. *Are they psychopathic? Do they have an anti-social personality disorder?*" (Jimenez 1994d; emphasis mine). While psychopathy is not necessarily a formal requirement, it is often an important way that *future* dangerousness is assessed in a criminal justice context, as I discussed above. The stakes in a DO hearing are high, as one journalist notes: "this is *the harshest punishment imaginable*. Those who receive it are among Canada's most vicious and unrepentant criminals" (Jimenez 1994d; emphasis mine). Below, I retell the story that was told in the news about Neve's personhood to show how psychopathy and her interlocking identities enabled her to be seen as particularly and inherently dangerous. In doing so, I attempt to show the different work that psychopathy does in this representation as well as how her interlocking identities complement this work.

The coverage of the trial begins with testimony from police officers who knew Neve. The first of these articles conveys the presumably fractured testimony of Constable Brian Robertson (McKeen 1994b). The news representation of his testimony centred around several things that Neve had said to Robertson including that she had a severed hand that that she wanted to send him, along with pictures of a dead girl and telling him that she had taken a girl out of town, wrapping her in duct tape and leaving her there (McKeen 1994b). The representation of the

testimony of another officer, Sergeant JoAnn McCartney, also conveyed a picture of Neve as violent, either in her actions or her fantasies:

Lisa Neve's body language changed when she described the finer points of killing to her friend the cop. Her voice slowed. She visibly relaxed. Her pupils dilated. It was as if she were visualizing it all. "She talked about the feeling of power it gave her," said Sgt. JoAnn McCartney, an Edmonton police officer known for her undercover work catching johns. "She talked about how neck wounds were better because they spurted blood." Chest and back wounds weren't as good, because they only oozed, Neve told McCartney. With arm wounds, there wasn't enough blood. She liked neck wounds. (McKeen 1994c)

Neve told McCartney she killed dogs and cats as a child, on a farm in Saskatchewan. She said how, with people, they'd all beg God for help at the very end. She said it made her feel like God, because in that last few moments of time she was the only one who knew whether they'd live or die. (McKeen 1994c)

Although Neve has never been charged or convicted of murder, she is represented as often discussing murder either in her diary or to police officers; none of the incidents that she described to police have been found to be truthful. Importantly however, by relaying this information, we are given a particular image of Neve as someone who thinks and talks about doing terrible things and we are made to be suspicious of her. This information, when taken with her criminalized biography, convey an image of Neve as a criminal and woman who had departed from normative femininity. We are thus invited to ask ourselves: *What kind of woman would have 22 convictions by the time she is 21? What kind of young woman would think and say these kinds of things?* Neve's defence lawyer argued that these kinds of stories were "shock talk" and nothing more, but the Crown had a different explanation that would show that this talk coupled with her criminal record was indicative of the *kind of person that she was*. (McKeen 1994d).

The first time in the news coverage where Neve is explicitly labeled a psychopath⁸³ was during the coverage of the trial and specifically when the Crown called psychiatrists to testify. The Crown called four psychiatrists to provide expert testimony regarding Neve's "mental

⁸³ There was one earlier reference to Neve as possibly having an "antisocial personality disorder". The context of this utterance was in relation to a news report on Neve's sentencing for the crime against Jennifer McNalley. The news article states that the trial judge "recommended Neve get treatment for a possible antisocial personality disorder and for her substance abuse problems" (Jimenez 1994c). This recommendation was apparently made based on a psychiatrist's report that was read at the trial that "describe[ed] Neve as having several traits of someone suffering from antisocial personality disorder" (Jimenez 1994c).

condition” (McKeen 1994c). In each news report of their testimony, psychopathy was presented as the most important feature of the psychiatrist’s testimony (whether other kinds of information were presented at trial is not clear from the news portrayal) and the tie that binds Neve’s long criminal history (i.e. repeat offender) with her proclivity to violence.

Although the purpose of the trial was to determine if Neve was a dangerous offender, the coverage seems to be about psychopathy as much as it was about her dangerousness. For instance, one journalist writes “the defence of Lisa Neve, the *accused psychopath*, begins today” (McKeen 1994i; emphasis mine). Importantly, Neve’s trial is about determining if she is a dangerous offender, not if she is a psychopath, but psychopathy is being made to stand in for dangerousness, as though the two are synonymous. In other words, if the Crown can prove that she is a psychopath, they have also somehow proven that she is dangerous, despite the fact that not all psychopaths are violent criminals (Hare 1999) and despite the fact that psychopathy is not formal legal requirement of dangerousness (Renke 1995).

Each psychiatrist for the Crown agreed that Neve was a psychopath. The first psychiatrist, Dr. Pierre Flor-Henry, determined that Neve was a “dangerous psychopath” and described her threatening behaviour as “cold, callous and sinister” (McKeen 1994e). His testimony, which both explains psychopathy and illuminates the similarities between the psychopathic profile and Neve’s traits, is summarized in the following way:

Psychopaths, testified Flor-Henry, live impulsively, cannot set goals and have no plans for the future. They are sensation seekers, are often bored and therefore often turn to drug and alcohol abuse, like Neve did. They are also completely indifferent to the suffering of others and blame the world for their problems. ‘They lack the empathy that other people have,’ he said. Flor-Henry said Neve’s ‘criminal versatility’ and record for intimidation were other hallmarks of a psychopath. (McKeen 1994e)

Dr. Flor-Henry’s PCL-R assessment of Neve is also provided to the reader, listing each psychopathic trait and the score Neve received for each: “the tests confirmed the diagnosis” (McKeen 1994f). Threatening. Intimidating. Callous. Without empathy. Cold. Sensation seeker. Violent criminality. As I discussed in the case of Homolka, these traits which are so central to the psychopath’s profile are not associated with normative femininity, but are imaginable as an extreme manifestation of hegemonic masculinity. I also noted how psychopathy is a masculinized disorder. We can see how representations of Neve’s criminality when it is

articulated through psychopathy masculinize her and pathologize her criminality and her gender transgressions and enable her to begin to appear as especially dangerous.

The significance of Dr. Flor-Henry's testimony about psychopathy in general and the implications of this diagnosis for Neve is clear: not only is past behaviour the best predictor of future behaviour, but "the effect of treatment was to make psychopaths better psychopaths" (Flor-Henry quoted in McKeen 1994f). A picture of Neve is being drawn; she "a very dangerous threat" for which indeterminate incarceration is the only viable option (Flor-Henry quoted in McKeen 1994f). The testimony of the third psychiatrist, Dr. John O'Mahoney concurred that Neve's prognosis was bleak because she has an extreme manifestation of the disorder (she's "a psychopath's psychopath" as the journalist put it; McKeen 1994h), and therefore, "she's incorrigible" (O'Mahoney quoted in McKeen 1994h). In O'Mahoney's opinion, she is not only incorrigible, but he predicts that her violence is likely to escalate (McKeen 1994h).

Neve's dangerousness was not only articulated in relation to psychopathy and her criminal history, but in relation to her sexuality. For example, Dr. Flor-Henry's testimony painted Neve as "a psychopath who is into homosexual sadism [...] in light of evidence that Neve taped up and planned to kill a fellow hooker" (McKeen 1994e). While the logics that made this construal of Neve possible are not explained beyond this in this article, we get a better sense of the kind of thinking that made this articulation possible in a later piece when Neve is put on the stand. During her cross-examination, the Crown prosecutor asked Neve about her "sexual preference": "her principal attraction was to women" (McKeen 1994k). This line of questioning allowed the Crown prosecutor to make a link between her sexuality and her violence by bringing up "two incidents where she had either assaulted or planned to assault other prostitutes" (McKeen 1994k). The point that is trying to be made here is that "Neve was getting some kind of sexual pleasure out of the violence" (McKeen 1994k). In other words, Neve is being constructed in the news not only as a psychopath and a violent criminal, but also as a sex offender. This way of framing and constructing her criminality through her biology (i.e. psychopathy) and sexuality (i.e. lesbian) allow for her to be made into a particularly dangerous criminal, if only we know how to look at the significance of her actions in relation to criminal pathology and more importantly, her sexual identity.

This image of her as both criminal and transgressive was further articulated in the news coverage and in Dr. Flor-Henry's expert testimony: "She is homosexual and sadistic. She is a

female equivalent of a male lust murderer” (Flor-Henry quoted in McKeen 1994f). Although Dr. Flor-Henry did not have much to say about this analogy between Neve and ‘male-lust murders’ (what he meant by this was not explained, according to the journalist; McKeen 1994f), others have. For example, in the following excerpt from one of the news articles, the commentator is critical of how Neve’s dangerousness was partly determined by the way her crimes were re-written as sexual crimes because of her sexuality:

‘Ninety per cent of these dangerous-offender cases are based on people who are sexual predators,’ said Carol Hutchings, executive director of the Elizabeth Fry Society of Edmonton. ‘They have put her in that category despite the fact that her crime was not sexual in nature. I believe the reason they’ve done that is because she is a lesbian.’ Hutchings said that Neve was compared to a male lust murderer in the judge’s deposition, despite the fact that Neve is not male and has not murdered anyone. ‘They said it was based on lust because she is a lesbian. They made that assumption and that assumption was allowed to stand in court’. (Metella 1995)

Legal scholar, Wayne Renke (1995) is also critical of the way Neve’s gender and gender transgressions come to inform this analogy and how her gender transgressions and the cultural meaning they hold render her dangerous:

Neve was said to be the equivalent of a “*male* lust murderer”. Female lust murderers are, no doubt, rare. Nevertheless, what is the significance of the gender reference? What difference does it make that Neve was the equivalent of a *male* lust murderer? One might infer that part of her crime was to act as a man. Her gender transgression was so significant that it transmuted her deeds into the equivalents of murder. Perceiving Neve’s acts as gender transgression may explain or be a factor in the explanation of the apparent arbitrariness of her selection for the dangerous offender proceedings. (673)

It was these more explicitly gendered and sexual characterizations of Neve— “homosexual sadist” and her equivalence to “male lust murderer”, coupled with the fact that there are men who have committed much more serious and violent offences that have not been labeled dangerous that became points of discussion for whether Neve deserved to be labelled “Canada’s most dangerous woman” (McKeen 1994m). It’s all of these strands (e.g. her gender transgressions, her ‘deviant’ identities and psychopathy) that are woven together, that provide a particularly clear image of Neve as dangerous.

After Neve was found to be a dangerous offender the coverage suddenly became critical and sympathetic. Many articles, as well as scholarly critiques, discussed how the decision and

the events that led up to the decision (including initiating the hearing in the first place) arbitrarily criminalized Neve in the most extraordinary way possible because she did not conform to standards of femininity (McKeen 1994n; Dolik 1994; Renke 1995; Yeager 2000). It was at this point in the news coverage that we are presented with additional perspectives on Neve's life and, in particular, ones that contextualize her criminality. For example, we learned that Neve was a victim of sexual assaults, exploitation, and other forms of violence while working as a sex worker and living on the streets (and that perhaps she acted as she did because of the street culture which she was trying to survive in; McKeen 1994o). In the scholarly literature, we learn that she was constantly institutionalized as a youth for acting out and in attempts to 'manage' her behaviour instead of understanding it and that she struggled with her mental health (Neve and Pate 2005). This more contextualized narrative allows us to see Neve and the criminalization process in a different light, a light that never shone in the early coverage. The interlocking social and structural conditions in which Neve lived and survived were not discussed in the judge's DO decision either (Renke 1995; Yeager 2000). As such, it was not possible to consider how living under these conditions might lead to behavioural issues and/or decisions that may seem unreasonable to those outside of it (McKeen 1994o; see also Yeager 2000; Renke 1995). Instead, as Matthew Yeager has noted, she is characterized in a number of different ways as transgressive: "as a diagnosed psychopath and 'anti-social personality', Neve violated white, middle-class norms of femininity. She had fantasies about committing murders and doing violence' she was a lesbian, Aboriginal prostitute with a history of threatening violence, taking hostages, and strong-arming people" (2000, 16).

Neve's case was certainly anomalous for many reasons, but for other reasons it was not. Women, like Lisa Neve, who are young, racialized, economically marginalized "are the fastest growing prison population in Canada and worldwide" (Neve and Pate 2005, 19; Comack 2006b). In addition, Lisa Neve and Kim Pate note "that women and girls who have cognitive and/or mental disabilities are more likely to be criminalized and jailed" and the criminal justice system works as one more way in which the state attempts to control poor, racialized women without remedying the conditions that lead to these issues (2005, 19). Indeed, as Elizabeth Comack (2006b) has noted, it is Neve that can be seen as the archetypical woman whom the Canadian state has come to routinely criminalize and incarcerate. As one news article put it: "The thought that Karla Homolka was sentenced to 12 years for aiding in the sex slayings of two Ontario

teens, while she faces life, makes Neve seethe. ‘This woman will be out in seven years, and I will be in for the rest of my life,’ Neve laments” (Henton 1995).

We can summarize the representation of Neve in the following ways. At the outset, Neve is always already imagined as a criminal figure, not “the girl next door”. This is conveyed most clearly in the kind of criminalized biography that is written about her. The way in which a story of Neve’s dangerousness is built relies heavily on psychopathy as well as her departure from normative femininity: she constructed as a woman who is violent in her actions and fantasies, a woman who desires women, a woman who is not chaste and sells her sexuality, and a woman who is a sexual predator; she is, within this construal, an abomination who has taken flight from the norms of femininity in the most profound ways. Her criminal transgressions as well as her interlocking marginalized identities make it possible to see her as a pathologically dangerous and masculinized figure.

Moreover, and perhaps most importantly, the emphasis placed on psychopathy and expert opinions at trial and in the news, together with her marginalized interlocking identities *made it possible to imagine Neve as more dangerous than she was*. While the trial judge did not find Neve to be a psychopath, he did find that she had an antisocial personality (although these terms are not clearly differentiated; Renke 1995, 670-671). Despite this, psychopathy was a significant feature of the news reporting and how Neve’s criminality was imagined as particularly dangerous and untreatable. This is in stark contrast to the Homolka case where her apparent normalcy concealed her criminality and it was only by deploying psychopathy later in the coverage that we were able to see her as criminal. Whereas for Neve, psychopathy was present from the outset, framing how she came to be known. Instead of psychopathy resolving the “paradox of appearance versus reality” (Weisman 2008, 199) by transforming her ‘normal’ appearance into a fiction, it did the opposite. It invited us to see Neve only as a dangerous psychopath and every attempt that she and her defence made to call the label into question was transformed into a ruse—the lies, deceit, manipulation so characteristic of a psychopath. For example, Neve’s personal diary (which she kept with her in prison, knowing that it would be read by staff) was also significant for psychiatrists in determining if she was a psychopath. Neve often wrote about killing in her diary. The Crown argued that the diaries were “rife” with “sadistic fantasies” and these fantasies revealed her dangerousness/psychopathy (McKeen 1994i). However, meaning is a tenuous thing. While the psychiatrists read her diary as evidence

of her dangerousness and psychopathy, Neve argued that the meaning of what she said was not in the words themselves, but in her intentions in writing those words:

Neve said the diary was a ruse. It was written in 1988 while in the Calgary Young Offender Centre as part of her case plan. As she knew, it was being read each day by staff. Neve said she pretended to be fixated on murder and death so that psychologists wouldn't ask her about things which really bothered her, like her life as a prostitute. Neve said she hates opening up to people and even preferred being thought a murderer than talking about her deep-seated feelings. 'The things that really bugged me, I'd never talk about. I'm not good at that. I hate crying, I hate showing people that something's wrong.' Neve said she realized people were starting to take her seriously about the homicidal talk. 'I absolutely liked it. No one would ask me about things that hurt me.' (McKeen 1994j)

The contestation over the literal and symbolic meaning of Neve's words is particularly significant in the context of psychopathy. Because psychiatrists were already convinced that Neve was a psychopath, and psychopaths lie and manipulate, her text is not read objectively, but is read within the context of psychopathy. As a result, whatever Neve utters is filtered through *the psychopathic construal*. So in this instance, Neve's words cannot be interpreted as a defence mechanism which shields her from discussing feelings and memories that are painful, but rather as evidence of her proclivities to lie, manipulate because of her pathology and her inherent criminality. In other words, Neve's pain is construed as a psychopathic performance in an attempt to look 'normal' by defending herself in way that we might understand. This is further exemplified when Neve is accused by a psychiatrist of 'playing the system':

Crown Prosecutor Brian Peterson finished his case Tuesday with the last of four psychiatric witnesses. Dr. Vijay Singh agreed with the previous three, who diagnosed Neve as being a psychopath. Davison [defence lawyer] again attempted to show there were other possible diagnoses, and that Neve had actually been making progress, by admitting herself to Alberta Hospital in 1993 when she was having homicidal thoughts. But Singh said another possible explanation is Neve, knowing the justice system well, was merely trying to manipulate it by trying to put herself in a favorable light. (McKeen 1994i)

In addition to the psychopathic construal hijacking everything Neve uttered or wrote, the context of her actions, which could have made her crimes appear less psychopathic and more 'normal', was ignored and viewed through a lens of the 'average', 'reasonable' person: " 'We come from two separate worlds Mr. Peterson. Where I come from, this is normal' - Neve, explaining to the

Crown prosecutor why she planned to seek revenge on another hooker by taping her up and beating her” (McKeen 1994l). Unfortunately, the psychopathic construal does not allow for contextualization, it merely enumerates socially undesirable traits and behaviours as they appear in the normative imagination and reduces them to individual pathology.

The stories that were told about Neve and the way that these stories were couched in science and psychopathy, and in relation to her transgressions of normative femininity, made Neve appear as especially dangerous and therefore, ‘deserving’ of the DO label and an indeterminate sentence. Not only did psychopathy affect how Neve’s criminality was imagined in the news, it also had powerful and disconcerting material effects. In 1999, the Alberta Court of Appeal allowed Neve to appeal the dangerous offender ruling and removed the dangerous offender designation. Neve was released from prison days later after serving six years in prison. While, the appeal judges had many reasons for removing the label from Neve, one reason stands out among them. Part of the reason why the trial judge decided to sentence Neve to an indeterminate sentence even though he had the option of meting out a determinate sentence, was because of the psychiatrists’ testimony regarding the poor treatment options for psychopaths. The appeal judges note that, the trial judge did not find Neve to be a psychopath, but that she did have an antisocial personality (the judge does not explain what the differences are between these two designations). The issue here is that:

To decline to find Neve to be a psychopath, but to sentence her as if she were one, constitutes reversible error. Since the sentencing judge did not find Neve to be a psychopath, it follows that he could not assess her treatment prospects as if she were one. Because this is precisely what happened, it cannot be said that this error falls into the harmless error category. Were this the only error, the appropriate disposition would be to order a new hearing. But again, given other errors and their effect, this is not necessary.⁸⁴

This decision highlights the power of psychopathy in a DO context. That she was not found to be a psychopath radically changes her fate. Despite this decision, we have still been able to see the force of psychopathy at her trial and in the news: it allowed her to be imagined as “Canada’s most dangerous woman” (McKeen 1994m). Of course, however, it wasn’t psychopathy alone that did this representational work. It was how psychopathy linked up with her interlocking marginalized identities that allowed her to be imagined as far removed from the normalized

⁸⁴ *R.v. Neve* [1999] ABCA 206 at 247.

community. The work that psychopathy does at the level of imagination cannot be removed from subjects that become implicated in its discourse.

Conclusion

When we look at the Homolka case and the Neve case alongside each other, I think a few things become quite evident about the way in which (un)imaginable criminality gets expressed through psychopathy. The first thing that becomes evident is that, much like in Chapter 3, there are historical continuities in the ways in which Homolka and Neve are represented. As I have noted, most women who were diagnosed as psychopaths were historically labelled as such when they transgressed the cultural expectations of their gender particularly surrounding sexuality (Rimke 2003; Lunbeck 1994). We see these same ideas and practices mirrored almost perfectly in Homolka and Neve's case.

The second thing that becomes evident, especially when these cases are thought about in relation to the analysis in Chapter 3, is that the social location of the offenders plays a significant role in how criminality is imagined both generally and in relation to psychopathy. This is particularly evident when we look closely at meanings, assumptions and expectations that get formulated around bodies, interlocking identity categories/difference and criminality. These meanings, assumptions, and expectations not only inform how certain individuals are imagined as and thus represented as (un)criminal, but they also affect the work that psychopathy does in the representation revealing some of its bodily contingencies.

For example, in the case of Homolka, we witnessed how psychopathy was ushered in to resolve the mutual exclusivity of normative femininity and criminality. While normative femininity and Homolka's victimhood fit well together, Bernardo's defence lawyer sought to transform Homolka into an equally or more culpable actor in the case and this involved rewriting her narrative of abuse. Rosen, rewrote this narrative by framing her narrative of abuse within a discourse of psychopathy which enabled her to be seen as a *performer of victimhood* and not a 'real' victim. This feat was also accomplished by the defence zooming in on her transgressive sexuality (or her hypersexuality). This move was an important discursive move because it fundamentally changed how Homolka appeared. She was no longer viewed within the ambit of normative femininity and victimhood, instead, she appeared as a masculinized criminal psychopath.

Importantly then, much like the way that representations of Williams and Bernardo's (unimaginable) criminality relied on dual representations, so too did the representations of Homolka. However, in the representations of her, things went a little further. Because all women stand as a deviant in relation to the normalized male subject, and because white, middle-class, heterosexual women do not necessarily stand as criminal in dominant criminal imaginings, the representation of Homolka's criminality needed to accommodate for this and the masculinized condition of psychopathy did so; it was able to accommodate her normative femininity, as well as her criminality by rewriting the former as an appearance which conceals her 'true' masculinized nature.

The Neve case also signals, though in a different way, the significance of interlocking identity categories for imagining criminality and the role that psychopathy plays. Unlike Homolka, who was a white, middle-class, heterosexual woman, Neve was an Aboriginal lesbian and sex worker. From the outset, the way in which Neve was represented was very different, particularly in how her criminality was understood as inherently part of her being—the importance of race, class and sexuality in this punitive criminalization of Neve cannot be understated. In this instance, psychopathy did a different kind of work than in the Homolka (/Bernardo and Williams) case. Instead of operating as a mode of representing and thus, constituting the (otherwise unimaginable) criminality of the normalized subject, Neve is constructed as always already criminal and psychopathic, along with her gender transgressions, are used to make her *appear as particularly dangerous* whereby only the most severe punishment is the appropriate criminal justice response to her dangerousness. The criminalization of Neve and the interlocking logics that make this reality possible have been well accounted for. For example, scholars have noted that “degrading stereotypes of women of color, particularly black women, have long *served to masculinise them in order to justify harsh treatment*. Such masculinising stands in stark contrast to white women, who have been placed on pedestals via sexist chivalry” (Dirks, Heldman and Zack 2015, 164; emphasis mine). Again, we see interlocking racializing and gendering process at work in the Neve case through the use of psychopathy and how they informed the representation, the different role that psychopathy played in this case and how it effects the workings of the criminal justice system itself.

I think that there is at least one last significant observation that we can make about these two cases. Despite the differences in how psychopathy is used, there is also at least one

similarity. In both instances, psychopathy reinforces the normative expectations and assumptions about bodies by leaving the logic that was informing the representations intact. For example, psychopathy did not disrupt the expectations of normative femininity in the Homolka case. It was simply used to account for her departure from this norm. Similarly, psychopathy did not in any way rupture the assumptions or expectations engendered by Neve's body. Instead, it reinforced a series of interlocking stereotypes about Aboriginal women, lesbianism, social class and criminality by reproducing these in a different register (i.e. psychopathy). What we can take from the readings that I have made in relation to these two cases is that at the level of representation *psychopathy is not only a means of imagining the criminality of the normalized subject, but it also sustains and reproduces bodily imaginings of (un)criminality.*

At this point, I would like to leave you with some thoughts/questions that occurred to me while I was reading the news coverage of Neve's case. First, race was largely absent from the news representation. In fact, I only learned that Neve was Aboriginal by reading secondary sources. One of the things I have learned through my engagement with critical race research is that although race may be explicitly absent, it is always present (Goldberg 1993). This got me thinking about how race was being imagined in relation to psychopathy or, to put it differently how we might think about psychopathy as engendering racist/racial logics.

When I first read the article where Neve was likened to "a male lust murderer" I, like others was jarred by logics of gender, sexuality and her class (signified by the term 'prostitute') that were enabling this analogy. However, it also seemed to be racially significant as well and so I wondered how Neve's race, class, sexuality and gender interlocked in ways that made it possible to construct her as emotionless, lustful, aggressive, and promiscuous. By focusing in on the interlocking systems of power that are at play in the representation, we can begin to see how likening Neve to a masculinized and criminalized figure (i.e. the 'male lust murderer' and psychopath) recalls familiar racist, colonial and sexist images of Aboriginal women, namely the 'squaw' figure.

Sherene Razack has argued that this figure is the feminized version of the "Aboriginal male 'savage': "she has no human face; she is lustful, immoral, unfeeling and dirty" (Emma Laroque quoted in Razack 1998, 69). The 'squaw' stereotype is also the masculinized counterpart of the 'Indian Princess/Pocahontas' figure, "who was lauded for being cooperative with colonial efforts to settle/usurp Native lands, easily 'assimilated' into Christian Euro-

Canadian settler culture, and for possessing idealized virtues of middle-class white womanhood such as delicacy and submissiveness” (Gilchrist 2010, 384). When the ‘squaw’ image is placed against the ‘Indian Princess/Pocahontas’ image it becomes very easy to see how the stereotype of the ‘squaw’ involves “such grotesque dehumanization has rendered all Native women and girls vulnerable to gross physical, psychological, and sexual violence” (Emma Laroque quoted in Razack 1998, 69). It is on *her* body, Razack argues, “that violence may occur with impunity” (69); and that violence may also be the law’s own violence through forced and indeterminate imprisonment. This makes me wonder: how does this stereotype map on to the way that Neve was represented? How does this stereotype which is not necessarily explicitly present allow us to see Neve as less than a woman and as dangerous? And, in what ways does it align with the logic of psychopathy?

In terms of this last question, it seems that the psychopath and the colonial and racist ‘squaw’ stereotype share some core characteristics, namely they are both represented as inherently depraved, callous, impulsive, promiscuous and incorrigible. This is precisely the way that Neve was represented. Can we think about psychopathy as a mode of extraordinary criminalization and punitive punishment *as well as*, in certain instances, implicitly invoking a sanitized version of the sexist, racist and colonial stereotypes of the ‘squaw’ and the ‘incorrigible savage’? What I am getting at is that perhaps, in an era of race-blindness, how might we think of psychopathy as one manifestation of what Bonilla-Silva (2003) calls the “new racism”. This new racism, in contrast to more traditional or common sense notions and practices of racism, is a subtler racial structure in that racial discourse and practices are more covert, racial terminology is carefully avoided, and most of the mechanisms which reproduce the racial social order are largely invisible (272). In other words, it is discrete, insidious, but just as effective as more overt forms of racism at reproducing racial inequality (272). If the news representation of Neve allowed us to only see her criminality, and the discourse of psychopathy helped to construct an image of her criminality as a particularly dangerous kind (i.e. biological, untreatable, and only containable through incapacitation), can we think of psychopathy as discursively performing the same racializing, criminalizing and regulatory effects as overt racial discourse and practices have done in the past (e.g. renders her biologically inferior and immoral, criminalizes her, confines and contains her dangerousness) in the explicit *absence of race*? Can we see psychopathy reproducing stereotypes of ‘deviant’ Aboriginal women in a different discursive register that is

on its face is racially insignificant (anyone can be a psychopath), but in its effects accomplishes the same ends?

Chapter 5

White Trash, Feeble-mindedness and Criminality: Imagining Robert Pickton in the Absence of Psychopathy

In the last two chapters, we explored cases where psychopathy was used as a way to explain and represent the criminality of the normalized subject (Williams and Bernardo) and normative femininity (Homolka). My readings of these cases highlight how psychopathy is not only used to explain their ‘departure’ from normalized subject positions, but I also explained why psychopathy is conducive to representing the criminality of the normalized subject. In the previous chapter, I also provided a reading of the case of Lisa Neve where psychopathy did a different kind of conceptual work because of how she came to be imagined as criminal and the bodily contingencies of this imagining. Despite these differences, I suggested that what united these cases was that in each instance the deployment of psychopathy and the discursive work that it does is similar—psychopathy, as a mode of representing criminality, reproduces the normative social order by leaving the normalized expectations, assumptions and logics about particular bodies and identities intact. In this chapter, I take a bit of detour. Instead of focusing on cases where the discourse of psychopathy is present and then unraveling how it informs the imagination of criminality, I explore the case of Robert Pickton and the “conspicuous absence” of psychopathy (Chandler 2002, 99). Daniel Chandler explains that conspicuous absence is what we expect to be present, but is not and where this absence makes a statement or delivers a message (2002, 99). My task in this chapter is to query this absence in an attempt to understand what message(s) it carries.

Since the late 1970s, women from Vancouver’s Downtown Eastside, described as one of Canada’s poorest neighbourhoods, have been disappearing. While missing person cases are generally immediately acted upon with urgency, this was not the case here (Hugill 2010). Before 1998, the attention paid to these disappearances was sparse, disorganized and of demonstrably low priority because many of the women were seen as ‘throwaways’, ‘disposable’ sex workers who struggled with drug addiction, many of whom were Aboriginal. It has also been noted that the delayed response from police enforcement “demonstrates that brutality and predation had become a norm in the neighbourhood” (Hugill 2010, 9).

In the summer of 1998, the *Vancouver Sun* published a series exposing the gravity of the issue (Hugill 2010; Jiwani and Young 2006). The police responded to the coverage by publicly

declaring that they were seriously investigating the growing epidemic of missing women in the Downtown Eastside by developing a working group to investigate the missing women cases (Hugill 2010). However, from 1998 to 2001 no headway had been made on the cases, and the number of missing women continued to swell. In 2001, the *Vancouver Sun* released another series of reports which,

[...] unveiled a damning series of revelations. They determined, among other things, that the official police figure of twenty-seven missing women was woefully inadequate and that at least forty-five cases should have been part of the investigation. They also concluded that while police had taken pains to maintain the appearance of ‘aggressive, concerned investigation,’ their work has been devastatingly tainted by petty in-fighting, the absence of coherent leadership and a distinct lack of resources. (12; this series initiated the Missing Women Joint Task Force, which included the Vancouver police department and the RCMP)

The Vancouver Police Department was heavily criticized by not only the Canadian media, but also various interest groups for their inaction on the case.

In February 2002, Vancouver police began searching a farm in Port Coquitlam, British Columbia (a 45-minute drive from Vancouver’s Downtown Eastside) on a firearms search warrant, which was owned by the Pickton family. During their initial search they discovered the IDs of two of the missing women among other items. The task force applied for a second warrant to search the property (along with other properties owned by the family) and the farm quickly became the site of the largest police investigation in Canadian history.

On February 22, 2002, Robert ‘Willy’ Pickton was charged with two counts of first degree murder. As the search of the properties continued, the murder charges began to mount. By 2005, Pickton was charged with 27 counts of first degree murder for the murder of: Sereena Abotsway, Mona Wilson, Jacqueline McDonell, Diane Rock, Heather Bottomley, Andrea Joesbury, Brenda Ann Wolfe, Jennifer Lynn Furminger, Helen Mae Hallmark, Patricia Rose Johnson, Georgina Faith Papin, Heather Chinnock, Tanya Holyk, Sherry Irving, Inga Hall, Marnie Frey, Tiffany Drew, Sarah de Vries, Cindy Feliks, Angela Jardine, Diana Melnick, Debra Lynne Jones, Wendy Crawford, Kerry Koski, Andrea Borhaven, Cara Ellis and Jane Doe⁸⁵. In June 2005, pre-trial arguments begin. A year later, presiding judge, Justice James Williams,

⁸⁵ The charge against Pickton for the murder of Jane Doe was later quashed because the evidence failed to meet the minimum requirements of the Canadian Criminal Code.

decided to split the trial into two (one cluster of 6 and the other of 20) because the length of the trial would place an unreasonable burden on jurors and could potentially result in a mistrial. Justice Williams decided to hear the cluster of six murder charges first, representing the killing of Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe. Almost a year later Pickton was found guilty of six counts of second degree murder. The remaining 20 counts of murder will not be heard.

While the interlocking social location of the victims was one of the most cited reasons why the police failed to take the reports of the missing women seriously and by, extension why Pickton was able to continue to murder these women over an extended period of time, Michael Petrie (Crown Prosecutor) in his closing arguments offered a different perspective as to why Pickton was able to carry out these murders as long as he did. For Petrie, it wasn't simply that the victims were 'disposable', but the fact that Pickton was able to remain concealed, not because of his normalcy (as was the case in the Williams and Bernardo/Homolka cases) but because he was a pig butcher by trade:

The Port Coquitlam pig butcher, living on his isolated farm, had been in an ideal position to avoid apprehension, Petrie said. 'Who could do these things over and over and over again, without detection, repeatedly, yet invisibly?' Petrie said. 'Someone who was a butcher, who was covered in blood all the time . . . whom no one would suspect, because he's just a poor old farm boy, low intelligence, a hillbilly. The person who's been putting that over on the police and others for so long is Mr. Pickton'. (Baron 2007h)

Unlike Williams and Bernardo who were able to evade suspicion because of their invisibility (e.g. whiteness, middle-classness, heterosexuality, marital status, occupations and so on), Pickton's ability to evade suspicion was due, in part, not because he blended in with the crowd, but rather the opposite. He stood out in the community as someone who was different in appearance (e.g. "dirty", "unkempt" and "rank") character and conduct (e.g. pig butcher, "hillbilly" with "low intelligence"). For Petrie, these qualities and characteristics operated as a mask or a ruse to detract attraction *away* from Pickton as a suspect.

Additionally, Petrie argued that Pickton was not a man of 'low intelligence' despite the fact that his defence presented him as such. Instead, Petrie argued that Pickton was a capable, strategic, calculated, cunning and chameleon-like figure. Although this statement gestures at the idea that Pickton may be a psychopath, the term itself is interestingly *almost never* used in the

coverage. The only occasion in which psychopathy is mentioned is in *one* article where the author refers to Pickton as a “psychopathic killer” (Alan Young 2007). Here, “psychopathic” operates as a stand-in for “serial [killer]” and this use of language is telling of the ways in which psychopathy is often associated with, and made synonymous with “serial murder” (especially in the popular imagination).

Academic research on psychopathy and serial murder has also attested to this link. For example, in one publication by the Federal Bureau of Investigation from a Symposium that was held on serial murder, the authors note that “all psychopaths do not become serial murderers. Rather, serial murderers may possess some or many of the traits consistent with psychopathy”, such as “sensation seeking, a lack of remorse or guilt, impulsivity, the need for control, and predatory behavior” (Federal Bureau of Investigation 2008; see also Jalava, Griffiths and Maraun 2015). Given the common conflation of serial murder and psychopathy, one could reasonably expect that the media would reproduce this link in their coverage of Canada’s ‘most prolific serial killer’; however, this did not occur. And so, the purpose of this chapter is to identify and analyze the way in which Pickton’s criminality was represented in *the relative absence of psychopathy* and to provide a tentative explanation for this absence.

I qualify this absence as a *relative* absence not only because psychopathy emerges only once in the news coverage, but also because it is never literally ascribed to Pickton in the news. As I mention above, there are few occasions where psychopathy is symbolically gestured to, but the language of psychopathy is itself not used. Take these three excerpts as an example, where terms associated with psychopathy, either culturally or with the actual disorder itself, are used:

It's a *different person*, though, who appears on the two videotapes, alternate Pickton manifestations. With police he's lumpen, palpably dimwitted, acknowledging little until the very end, when he granted that investigators will find the remains of some women at the farm - but denying that he killed them. In the jail-cell tape, by comparison, an animated Pickton portrays himself as *cunning, running the interrogation show, toying* with his inquisitors and, critically, as the pig farmer who killed women. (*Performance Made for the Camera* 2007; emphasis mine)

As a child, his younger brother Dave told him when to go to sleep; as an adult friends reminded him to bathe. His family held back joke punchlines because he never seemed to get them. The Crown argued he's *more intelligent than he lets on, a calculating killer who was able to cover his tracks in gruesome ways*. (Fong 2007c; emphasis mine)

I say potato, you say spud. A *monster*. A simpleton [...] *Put the two tapes together and the totality of Pickton's cunning emerges*, Petrie said, basking in the charges with one audience and attempting to barter out of them in the other. 'If anything, what Mr. Pickton depicts in these two statements is that he's a bit of a *chameleon*. He's able to adjust.' (DiManno 2007b; emphasis mine)

In each of these passages, we see the duality of Pickton surface as well as terms that are often associated with psychopathy: cunning, calculated, manipulative, intelligent, chameleon. However, the fact remained that psychopathy was not literally present. When we think about this relative absence in comparison to the other cases where psychopathy was explicitly rendered, I think it is important to pay attention to how his criminality was generally framed.

Stuart Hall noted that meaning is relational in that it is derived from "what you expected to find in the first place, which is nowhere visible in the image, contrasted with what is actually in the image" (1997b, 15). In this instance, absence is meaningful because it subverts our collective cultural expectations. The recognition of absence then, draws attention to not only what is present, but the kinds of assumptions and expectations we hold and project onto representation which allows us to identify absence and be taken aback by it. The fact that psychopathy is nowhere present in the representation of Pickton, but we expect serial killers to be psychopaths, raises a couple of important points of inquiry: what *is* present? That is, how is Pickton being marked as different and as a criminal/serial killer in the absence of psychopathy? And, second, what does the way in which Pickton *is marked* tell us about the relationship between psychopathy, identity, difference and criminal imaginaries? These are the questions that structure this chapter.

While psychopathy was largely absent in the coverage, discourses of difference surfaced immediately and began constructing Pickton as a subject of a different 'sort'—strange, bizarre, creepy, eerie, an oddball—suspicious perhaps, but not necessarily criminal. Although Pickton was manifestly different, his difference was not perceived as threatening to the community. In fact, he is often cited as quite the contrary—generous, naive, and often financially victimized by 'friends'. One woman described Pickton as eerie, but insisted that "no one was scared of him, we all thought he was harmless" (Fournier 2002a).

From the outset, Pickton is also constructed as being situated outside the bounds of hegemonic masculinity and embodying a subjugated or subordinate masculinity, in relation to his working-class status and his off-whiteness, as well as his alleged intellectual disability (I explain

these constructions below). Representing Pickton as an individual who profoundly departed from the ideals of hegemonic masculinity and normative whiteness required that various characteristics that could testify to his departure be emphasized repeatedly such as Pickton's 'low intelligence', his lack of hygiene, and that he was farmer who lived in squalor. In this chapter, I explore how these characteristics culminated in constructing Pickton's criminality through the linked discourses of 'feble-mindedness' and 'white trash'.⁸⁶

To this end, I begin by detailing representations of Pickton as a "simpleton" or "feble-minded". Here, I explore how these characteristics initially made it nearly impossible to imagine Pickton as the individual who was responsible for such a large number of crimes. Instead of criminalizing Pickton, the discourse of feble-mindedness constructed Pickton as an infant-like and innocent figure who inspired sympathy and required paternalistic attention. In the following section, I demonstrate how his assumed un-criminality was transformed and criminalized through the deployment of a discourse of white trash. What I attempt to reveal is how Pickton's criminality came to be imagined not only through recourse to the biological, but through his social location. In this representation, the discourse of white trash is not unrelated to feble-mindedness in that the former *operates as the criminalizing other of the latter*, or so I will argue. It is within the discourse of white trash that Pickton's criminality becomes imaginable as such. In the final section of this paper, I focus on Pickton's murder victims—Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe—as well as Williams' murder victims—Marie-France Comeau and Jessica Lloyd—and Bernardo and Homolka's—Kristen French and Leslie Mahaffy. So far, I have focused exclusively on how the offenders were represented. While the way that these offenders are represented in relation to psychopathy is a central concern of this project, they are never represented in isolation. That is, there are a variety of elements structuring and informing how offenders are represented in the news, and of particular importance is how their victims are portrayed. In this final section then, I discuss the dialectic between representations of victims and offenders (McAilden 2014). More specifically, I compare the way that the victims came to be framed and known and I offer a

⁸⁶ When I use these terms hereafter, I will not signal them as problematic or derogatory terms through the use of scare quotes, as this is implied in my usage and understanding of them. It should be noted that the term "feble-minded" was used in the news coverage.

reading as to how the constructions of the victims affected how each offender was represented as psychopathic or not.

Pickton is of “Weak Intelligence” and the “Village Idiot”:

Feeble-mindedness and Un-Criminality

From Pickton’s arrest onwards, the news coverage was replete with narratives that told stories of Pickton’s feeble-mindedness. This story and its attendant images of Pickton were regularly conveyed in the news. This is apparently how those who knew Pickton best, knew him. For instance, one neighbour who had known the Picktons for more than two decades is quoted saying: “As far as I know he's like a high- functioning handicap. He's a slow learner.” (Joyce 2003). Another neighbour simply notes that Pickton “didn’t get far in school and didn’t know how to read” (Joyce 2003). Pickton’s sister, Linda Wright, is also quoted commenting on her brother’s intellectual capacity noting that “He was in a special class in Coquitlam. He dropped out [of school] about the age of 15” (*Some Things You Didn’t Know About the Pickton Case* 2003). It is also suggested in the coverage that Pickton’s mother, who is deceased, also recognized that her son had some type of ‘intellectual impairment’ evidenced by her will. According to journalists, the will contained a special clause that stipulated that Pickton was not to receive his inheritance until he was forty and in the meantime, the estate’s trustees—Pickton’s brother, Dave and sister, Linda—were to pay him annually. It was surmised that “Helen Pickton, now dead, included that clause in her will because she thought Willie Pickton was simple” (Culbert 2007e). Sandy Humeny’s, Pickton’s ex-sister-in-law, trial testimony is quoted extensively in the news. Her testimony aids in the further development of the image of Pickton as “slow” and a “simpleton”:

‘When we would talk, it would have to be very plain and clear. None of the words could be too elaborate or too above. His vocabulary was very minimal [...] Many times I would actually see that he would get a look on his face that he didn't understand the conversations, even with co- workers. ... Either he would go back on a different topic about work,’ or just walk away. ‘Even if they [the co-workers] were joking around, he did not get the joke. He did not get the punchline’. (Culbert 2007c)

While this image of Pickton was a significant aspect of the representation, the chain of meaning that this image unleashed in popular sensibilities is also significant. Pickton was not simply 'slow' or 'simple' he was also known as good hearted and pleasant:

[Pickton] was too simple and goodhearted to be capable of murdering the women he's accused of killing. (Fournier 2002d)

According to those who know him, Robert William Pickton is a tirelessly hard worker who has limited social skills and intelligence but a pleasant demeanour. One neighbour even called him 'a good-natured little bastard.' It's an image that clashes starkly with allegations Pickton may be Canada's worst serial killer. (Joyce 2003)

Willy is kind of slow. I'm not going to say he's retarded. He's not retarded and he'd give you the shirt right off his back. (Joyce 2003)

He projects, on the tape, as agreeable and unthreatening and rather dim. Just a man and his hogs and a small circle of friends, not discontented with life, enjoys his brother's company, little to complain about, really. (*Jury Gets a Glimpse of Pickton's Mind* 2007)

Each of these passages demonstrates the link that is being drawn between Pickton's level of intelligence and the alleged characteristics and qualities that are seemingly related to this: he is *too simple* to be *capable* of murder; he is dim and unthreatening; he is 'slow' *but* 'good' and it is this image of the 'slow' but 'good' Pickton that "clashes" with the image of him as a serial killer which usually presupposes that the killer is smart/clever and 'bad.' This image of the so-called feeble-minded as incapable of crime and an innocent victim of biology, is similar to the ways that feeble-mindedness was understood prior to the advent of eugenic criminology (Rafter 1997b).

To buffer this image and interpretation of Pickton as 'slow' and thus incapable of murder, there are also many stories that invoke sympathy for Pickton because of his 'slowness'. For example, Dave Pickton is cited in the early coverage of the case noting how he often had to take care of Pickton because he had a child-like naivety about him saying that "Willie is too trusting" and that he has,

[...] always been taken advantage of by losers. If someone wanted to borrow \$30, Willie would give them his last \$20. A woman would call him from New Westminster and tell him she needed money and she'd take a cab out to the farm to see Willie and get money. Now that's a loser. 'I'd get mad at him. I'd say, 'Willie, we have all these losers coming around the farm. It bugs the s - - - out of me'. (Fournier and Tanner 2002)

This passage demonstrates the belief that Pickton was too naive, good-hearted and perhaps even infantile to perpetrate such heinous crimes over an extended period of time without being caught; for it was *Pickton* who was often victimized by neighbourhood bullies and freeloaders. This construal of Pickton also inspires sympathy for Pickton and transforms *him* into victim while negating the violence he perpetrated. In this way, Pickton's responsibility, much like the other white men who have murdered Aboriginal women, is diminished (Razack 2000).

Not only was this image of Pickton one that was constantly recycled in the news, it was also the crux of the story that Pickton's defence attorneys told about him. The position of the defence was straightforward: Pickton is "feeble-minded and innocent" (Baron 2007h). The fact that these two terms often appear together either literally or conceptually highlights the popular ideology the defence case hinged upon: there is an apparently obvious incompatibility between criminality and feeble-mindedness. Or, to put it differently, there is a relationship between innocence and feeble-mindedness.

In forming Pickton's defence, Peter Richie (defence) often characterized Pickton as "slow" and "simple" (Baron 2007b) with a limited mental capacity and thus a "limited ability to understand" (N. Hall and Culbert 2007a) and who "plateaued" intellectually at Grade 5 and was weak-minded and naive (Fong 2007b). Journalists, Neal Hall and Lori Culbert (2007b) also note that the defence painted Pickton as a "yokel" and the "village idiot". Richie supported this characterization by explaining that Pickton had failed grade 2 and was subsequently put into special classes, his *younger* brother Dave often took care of him, and he was not allowed to receive his inheritance until the age of forty.

To legitimize the testimony of friends, family and acquaintances of Pickton's intellectual capacity, the defence also relied on the expertise of a psychologist and specialist in intelligence testing and interpretation, Larry Krywaniuk and education expert, Gordon Cochrane, to demonstrate Pickton's 'cognitive (in)capacity'. Their testimony 'proved' that Pickton had some kind of "cognitive disorder" (Baron 2007g; see also Culbert 2007d and Fong 2007a)

Ritchie also explained the Pickton made statements during the interrogation and during the cell plant video that were "odd" and "weird" (Baron 2007a). During the formal and undercover interrogation, it was noted by many that Pickton made a series of incriminating statements that amounted to a confession. Perhaps the most famous statement that he made was when Pickton had said that he was 'going to do one more' to make it an even fifty (thereby

implying that he had killed 49 of the women and intended to commit at least one more). While this was the position of the Crown, the defence argued to the jury that what they had heard in the footage was not a confession, but “a ‘weakminded’ man ‘parroting’ to police what they had already told him” (Culbert 2007g).

The defence also suggested that Pickton was “prone to spinning outlandish yarns” (Baron 2007d). For example, “he claimed to have lived in a chicken coop at age two, and said that he was offered a job as a male model in his 20s” (Baron 2007d). Additionally, it is oft-cited that in the footage shown of the interactions between the cell plant and Pickton, Pickton was clearly unaware that the small structure hanging in the corner of the cell was a camera; Pickton insisted that the camera was an ornament. Pickton’s “mental capacity”, the defence argued, showed that he was not capable of killing or participating in the murder of the women. By relying on this story and the explicit assumptions the story rests upon, the defence invites the jury and the public to sympathize with Pickton, to see him as incapable of murder, and as a simple man who has unjustly found himself in deep water of which he is too ‘simple’ to even understand.

The Crown however, rejected this construal of Pickton. Arguing instead that Pickton is “not a dumb ox; [...] there’s cunning there” (*Pickton Planned ‘One More’ but Got ‘Sloppy’* 2007). This statement further illustrates that the figure of the ‘simpleton’ is in some ways categorically incompatible with dominant and popular criminal imaginaries, and thus requires some revision in order for Pickton to be transformed into a criminalized figure. This leap from Pickton as ‘feeble’ and a ‘simpleton’ and thus incapable of murder, to Pickton as criminalized subject and serial murderer was made possible not by constructing him as a psychopath, but as white trash.

Pickton, White Trash and the Criminal Imaginary

While Pickton’s intelligence was one of the reasons why he could not initially be imagined as a criminal subject, it also became central to the way his criminality was later constructed and imagined. Furthermore, the emphasis on his intellectual capacity could have also been one of the reasons why psychopathy was not deployed in this case. In contemporary representations of psychopathy in the psychological and forensic literature, psychopaths are

assumed to have either average or above average intelligence (Hare 1999). This characteristic of psychopaths may have henceforth excluded Pickton from this form of criminalization, although I will explore other reasons why as well. Instead of criminalizing Pickton through psychopathy, white trash was deployed as a discourse which structured how Pickton came to be known as a criminal. As a reified stock figure and discourse, “white trash” encapsulates transgressive subjects, like Pickton, who seem to defy the normative expectations of their white subject location by being characterized as backwards, dirty, ignorant, uncouth, and residing in spaces of squalor.

Before detailing the content, operation and significance of white trash in the representation of Pickton, it is first necessary to provide a brief overview of whiteness. When I use the term ‘whiteness’, I am using it as a critical and anti-racist lens to read how whiteness as a social location or identity interlocks with other social identities. However, whiteness is much more than simply a social location, it is also a system of power that informs how we come to know and understand criminality and also as an organizing principle of social and racial relations more generally. To conceptualize whiteness as a lens is to suggest that an examination of whiteness in a particular context “enables particular aspects of social relationships [to] be apprehended” (Garner 2007, 1). In this way, whiteness can be used to both “name and critique hegemonic beliefs and practices that designate white people as ‘normal’ and racially ‘unmarked’” (Hartigan 2005 quoted in Garner 2007, 5).

Whiteness as an Identity and System of Power

While whiteness is generally referred to as an unmarked racial identity, its invisibility is premised on a white gazer—an individual or system that fails to see the privileges that this identity confers on individuals and groups designated as white (hooks 1992; Dyer 1997). However, when whiteness is approached from the perspective of those who have been racialized as non-white and who have experienced marginalization, discrimination, violence and oppression based on race, whiteness is anything but invisible. Instead it is *hyper visible* from this social location, as a source of terror and domination (hooks 1992; Garner 2007). It is through these concrete experiences of racialization that has allowed (some) white people to come to view whiteness as a system of power and domination that organizes contemporary race relations, that works to *racialize and normalize* those characterized as white, and which dehumanizes and

renders inferior those who are racialized as Other. As a system of power and domination then, whiteness exerts its pressures and influences on two different fronts: on racialized Others and on those who may be conceptualized at a certain point in time and in a particular location as ‘off white’ (Wray 2006; Webster 2007).

This latter point brings us to the other way that I have come to understand whiteness. It is not simply a system of power or domination, but it is also (like all racial classifications) a socially constructed racial identity that confers privilege to those so classified by constructing those read as white as the invisible or the (unmarked) racial norm. Because whiteness, like race more generally, is “fluid and contingent rather than an essential or reified category” (Webster 2008, 296), it remains “relational, productive and active in social relationships” (Webster 2008, 295). Through this relational, active and productive process whiteness becomes an object or signifier that becomes attributable to individuals or groups. In this critical perspective of whiteness, whiteness is not a natural object or ‘real’ thing, but *becomes* treated in this way through the very social relations that are organized according to various racial ideologies that posit whiteness as normative (Garner 2007).

As a racial identity, whiteness is both like and unlike other racialized identities (Garner 2007). It is like other racial identities because it *is* a racial identity—those who are marked as white are not racially unmarked or raceless as it is sometimes implied in popular discourse. Importantly however, Garner notes that whiteness is unlike other racialized identities “because it is the dominant, normalised location” (2007, 6). Much like other race categories, the boundaries of whiteness are constantly being drawn and redrawn, including some individuals or groups within its borders and excluding others; or, in other words, racializing/normalizing some individuals or groups as ‘whiter’ than others. Whiteness, like race more generally, is not solely a process that ascribes or racializes in relation to the body or phenotype alone. Rather, to be racialized as white usually incorporates many signifiers of race, including (but not limited to) culture, values, space, intellectual ability, and so on (Webster 2008). What is important to realize about whiteness however, is that the boundaries and privileges of whiteness can be somewhat more permeable than other racial classifications which are dominantly characterized by phenotypic features. For example, an individual whose body has the potential for being read as white in its normative and privileged connotations is able to ‘become’ white depending on the social circumstances that surround this reading. Denigrated whites or ‘off-whites’, like the Irish,

were historically able to come into whiteness and the entitlements afforded to whites because of their visible whiteness (which was often an entitlement that was codified in law). The same is not true of other racial groups whose bodies are read as a visible deviation from whiteness (e.g. bodies read as Black, East Asian, South Asian, South American, Mexican, Middle Eastern, Aboriginal etc.) (Garner 2007).

Studies, like the above, that demonstrate the limits and liminality of whiteness, allow us to move away from a monolithic and essentializing view of whiteness as being solely characterized by a racial subject position of the dominant and the privileged (see also Wray 2006). Instead, these studies highlight the nuances of whiteness by exploring how whiteness interlocks with other systems of power (e.g. class and citizenship). By understanding these nuances and the liminality of whiteness, we can get a better sense of how whiteness, in its liminal form, figures in contemporary representations of criminality (Webster 2008; Linnemann and Wall 2013). It is through this interlocking lens of whiteness that I read the coverage of Pickton.

White Trash and the Limits of Whiteness

Matthew Wray (2006) famously argued that the phrase ‘white trash’ brings together two seemingly opposed terms ‘white’ and ‘trash’. Symbolically, the phrase summons a series of oppositions “between the sacred and the profane, purity and impurity, morality and immorality, cleanliness and dirt” (2). However, when we think about this phrase in relation to identity categories, we are confronted with a derogatory term that weds race and class (3). Whiteness is ideologically wedded to these positive terms “sacred”, “purity” and “morality” whereas ‘trash’ is linked to the negative side of the dualisms and engenders ideas about *poor* whites in particular (3). In linking these two identity categories along with their opposing meanings, Wray argues, a liminal, transgressive and monstrous identity is formed (2)—“poor white trash”. That is, those who appear white, but do not have class privilege and therefore do not fit within the symbolic boundaries of normative whiteness. It is this group of white people that are rendered transgressive because their “very existence seems to threaten the symbolic and social order” (2). White trash then becomes not only a stigmatizing label, according to Wray, but it also does ‘boundary work’. It expels whites that do not fit with the symbolic boundaries of normative whiteness, and in doing so protects and reaffirms its borders by constructing poor white peoples

as liminal figures, “not quite white” (Wray 2006). White trash is thus one of the ways that we can observe the limits of whiteness (Wray 2006).

John Hartigan (1997) has also noted that the label white trash does boundary work in how it constructs and maintains white racial and middle-class normativity. For instance, he writes that white trash is used “in a disparaging fashion, inscribing an insistence on complete social distance from problematic white bodies, from the actions, smells and sounds of whites who disrupted the social decorums that have supported the hegemonic, unmarked status of whiteness of whiteness as a normative identity in this country” (317). As such, those white bodies who seem to disrupt normalized whiteness are branded as white trash. This process of differentiating between whites is integral to the formation of normalized white identities as well as the maintenance of the exalted status of white, middle-classness as a system of power. However, white trash does not simply operate as a “rhetorical identity” in discourses of difference where the “marks of otherness are read on ill-fitting white bodies”, it is also a “pollution ideology” that establishes, organizes and maintains the cultural order (319-320). Drawing on the work of Mary Douglas, Hartigan argues that those elements of culture that appear to be out of place are rendered garbage, trash or dirt for the way that they disrupt the existing order. White trash, he suggests fulfils this same function:

Out of place, these materials rupture the smooth decorum of conventionalized existence. In this regard, instances of the name ‘white trash’ should be read as inscriptions of racial pollutions, moments when the decorum of the white racial order has been breached and compromised. ‘White trash’ is used to name those bodies that exceed the class and race etiquettes required of whites if they are to preserve the powers and privileges that accrue to them as members of the dominant racial order in this country. (320)

White trash then serves as both a liminal identity and serves the function of expulsion or ‘dumping’ in an effort to secure the normalized and dominant class and racial order.

What makes these white trash bodies visible, despite the appearance of whiteness, are a number of physical and metaphysical signifiers of race and class, such as, morality, intellect, personal hygiene, character, appearance, behaviour, lifestyle and so on, as Hartigan (1997) and others have observed (Wray 2006). In the cultural ordering of things, these signifiers are given value-based meaning and purportedly offer clues about who one is and where one belongs in the cultural order. Gael Sweeney has observed that in cultural products, like film, subjects who are

characterized as white trash are usually depicted in two ways, as “idiot savants” or “amoral criminals” and in both instances the white trash figure is assumed to have inherited this inferiority (2001, 143). Embedded in this construal of white trash is the belief that those designated as such are not like the normative/dominant white community. Instead they are regarded as *like* the racialized Other in their alleged inherited disavowal of the values, morals, intellect, character and conduct of normative or middle-class (hegemonic) whiteness.

To label someone white trash or to imply that they are white trash is to unleash a chain of race- and class-based signifiers and apply them to a person. Of salience to this configuration of subjectivity are notions of incivility, immorality, vulgarity, bigotry, poverty, ignorance, backwardness or any other signifiers that attest to the rupturing of a “white [middle-class] social decorum” or “a class and racial etiquette” (Hartigan 1997, 324). These configurations of both body and personhood are also often linked with a certain spatial configuration. Indeed, in this passage written by Matthew Wray (2013), space and subject are intertwined:

White trash. For many, the name evokes images of trailer parks, meth labs, beat-up Camaros on cinder blocks, and poor rural folks with too many kids and not enough government cheese. It’s a put-down, the name given to those whites who don’t make it, either because they’re too lazy or too stupid. Or maybe it’s because something’s wrong with their inbred genes. Whatever the reason, it’s their own damn fault they live like that.

The aesthetic of white trash is observable on the body (in the way it ‘looks’ or ‘acts’ via physical decorum, behaviour, mannerisms, language, gestures, intellectual capabilities and so on) as well as where it resides, where it frequents, where it is ‘in place’. Tim Cresswell (1996) has argued that “place clearly refers to something more than a spatial referent. Implied [...] is a sense of the proper. Something or someone *belongs* in one place and not in another” (3; emphasis original). For Cresswell, notions of ‘place’ engender normative assumptions about the ‘proper’ and he extends this idea to people (i.e. where are people imagined to be ‘in place’ or ‘out of place’). In this way, space and bodies are co-constitutive, in that to belong to a particular place means that one is a type of person that fits with the ideological expectations engendered by that space and vice versa. Sherene Razack (2002) has also made the argument that space and place are not innocent, but rather social products that come into being through ideologically and discursively charged practices. By approaching space as a social product, Razack argues that we can begin to

understand and uncover “how bodies are produced in spaces and how spaces produce bodies” (17).

Sweeney has noted that space is particularly significant when discussing the aesthetic of white trash. In the United States, she argues, the South is one significant space where the white Other is continually located, “especially the rural, backwoods south, is one of those liminal spaces where mainstream culture locates the marginal elements of society: where people are strange or in-bred or homicidal maniacs, where the veils between reality and the Other are thin, where laws are arbitrary, and the uncanny is commonplace” (2001, 146). These spaces of white trash are also well known, they are “the backwoods or the swamps, in mountains or slums, or in trailer parks” (147) and their properties are easily identifiable, they are (we assume) “those people down the road with the washing machine and broken-down truck in the front yard” (Wray 2006, 1). It was this spatial imagery as well as through a combination of class and race-based identity signifiers, which were drawn from a white trash aesthetic, that helped to paint Pickton not only as ‘feeble’, but as a criminal and white trash figure.

*“He’s Backward, Kind of a Hillbilly Type”*⁸⁷

Pickton was not simply a self-identified “plain old pig farmer”, he also resided on a pig farm. While the image of the farm does not necessarily need to have derogatory connotations attached to it, ‘the pig farm’ was given such an image in the coverage. The images constructed of the farm as a place where not only horrific crimes took place, but a place of horror in its very aesthetic:

It was a creepy-looking place, all those outbuildings and vehicles, heavy equipment everywhere, and I have to admit they had this 600-pound vicious pig that I was pretty scared of [...] I never saw a pig like that, who would chase you and bite at you. It was running out with the dogs around the property. (Fournier 2002b)

In addition to the pig farm being described as ‘creepy’ and ‘scary’ (see also Fournier 2002c) it was also described as a dilapidated, polluted, and defiled space: “[...] the ramshackle property, cluttered with a house, trailer, several out-buildings, farm machinery, abandoned vehicles and mounds of landfill” (*Some Things You Didn’t Know About the Pickton Case* 2003; see also

⁸⁷ This quote comes from an article written by Baron (2007e).

Girard 2002d). Another article notes that nothing on the farm “had an order or a place” (Joyce 2007b). Defining the space in relation to its physical characteristics—littered, garbage-ridden, disorderly—highlights that the space in which Pickton resides is the antithesis of white middle-class respectability. This image of incivility, impropriety and pollution is given further expression in the description of Pickton’s actual living quarters—his “old”, “grungy”, “filthy” and “cluttered trailer” (Culbert 2002; Joyce 2007a; N. Hall and Culbert 2007b). Pickton lived in “squalor” (Baron 2007i).

In one article, parallels are drawn between Pickton’s living conditions and his personal hygiene. The article notes that beside Pickton’s trailer was a livestock trailer, behind the livestock trailer there was an “aborted litter” and wandering around were many animals that appeared to be severely neglected by their physical signs of distress, including one pig who seemed to have a rotting foot (Joyce 2007b). The article then abruptly shifts focus from the poor condition of the farm and the inhumane treatment of the animals to Pickton’s own hygiene. One of the ways this link can be read is that a thematic connection is being drawn between Pickton’s character and the characteristics of the space in which he resides. That is, Pickton is much like the space that he occupies (and vice versa)—dirty, morbid, inhuman. Indeed, we are made to see Pickton as an “oddball” who inhabits a “peculiar world” (*Pickton Unmoved by DNA Evidence* 2007).

These descriptions of Pickton’s space emphasize a stark dichotomy between respectable space and degenerate space (Razack 2000). Pickton, accordingly, belongs to or inhabits a degenerate space. This construal is significant to the constitution of a particular type of subjectivity for Pickton; the ideological expectations of a space of ‘squalor’ suggest that the subject who inhabits this space is similarly a ‘degenerate’. This idea reverberates in the news, not only when Pickton is directly labelled a “backward” “hillbilly” (Baron 2007e; see also Baron 2007i) and a “yokel” (N. Hall and Culbert 2007b), but also in how space is constructed. Both helped to construct Pickton’s off-whiteness and the image of him as white trash in particular.

More than this, his appearance and especially his hygiene and intelligence also served to buttress the image of white trash. Pickton’s appearance is often a point of discussion in the coverage. Pickton is often described as “unkempt” (*Cellmate Listened to Boasts and Whines* 2007), ‘dirty’, ‘dishevelled’, and ‘filthy’ (Baron 2007c) and uttering “quaint hick expressions” (*Performance Made for the Camera* 2007). For example, one statement notes the condition of

Pickton's hands: "grime-encrusted cuticles and calloused palms". In the same article, Pickton is also described as "dirty and rank" (*'Cellmate' Denies Steering Jail Talk* 2007). Pickton's hair is given significance through constant references to his balding scalp, and his long dirty blond hair which is often described as 'stringy' and 'straggly' and his 'scruffy', unkempt facial hair. People who knew Pickton are also cited referencing Pickton's dirty and filthy appearance and noting how Pickton made people feel "grossed out" (Baron 2007c). In addition to being portrayed as dirty and the like, he is also continually infantilized not only in his mental abilities (as I noted above), but also in terms of his observable behaviours. One journalist describes how Pickton appeared on the video footage from his prison cell: "he burps. He picks his nose and eats it. He strips down to skivvies and undershirt. He often titters, a sinister hee-hee-hee. Sometimes he sighs, admonishes himself for stupidity, for being Mr. Sloppy" (*Performance Made for the Camera* 2007).

Taken together, these representations of Pickton, invite a reading of Pickton as an abject body inhabiting an abject space that is detached or beyond the boundaries of normative middle-class whiteness. Such a representation facilitates the condemnation, repudiation and criminalization of off-whiteness (Webster 2008; Linnemann and Wall 2013). This reading clearly aligns with and supports the observations of others by showing how the practice of separating Pickton from the normative and respectable white middle-class community by invoking a white trash aesthetic denigrates the individual, erases the gendered and racial/colonial context in which he murdered his victims and ultimately protects the sanctity of the normative community (Jiwani and Young 2006; García-Del Moral 2011). What the details of this analysis reveal are the historical and bodily contingencies that contour the imagination of crime and criminality. In particular, we are able to see the specific ways that whiteness and class play in the imagination of crime and criminality and the ideological practices that ensue to maintain the supremacy of normative whiteness as both a system of power and a racial identity. In order for the overriding narrative of "the 'naturalness' of white innocence and of Aboriginal degeneracy" to be countered, Pickton was racialized as off-white through the discourse of white trash (Razack 2000, 95). For it was only through this discursive move that the representation of Pickton moved from sympathy to condemnation, from incapability to criminality.

“Hierarchies of Worthiness”: Representing Race, Gender, Class and Victimhood

This chapter, and the ones that have come before it, have centred on the ways in which offenders are represented through psychopathy or in the absence of it. While this focus on the representations of offenders has been deliberate, it is also incomplete. What I have not included in my analysis until this point is the way in which the victims were represented in the telling of these violent crime stories and how their representation affected how each offender was represented and vice versa. Therefore, I would like to turn my attention to the victims of these crimes and explore how the media came to know each of these women and how this, in turn, informed how we came to know their perpetrators. In this section, and much like I have done thus far, I will explore the interlocking bodily contingencies of the representations to better understand how “hierarchies of worthiness” on the basis of victimhood were being enacted and reproduced in the representations and how this affected how each offender was represented (Jiwani 2011).

The cases explored for this project have, thus far, been high profile Canadian cases that were widely and extensively reported. There are a number of reasons why these cases may have garnered so much attention, each linked to the concept of newsworthiness. It has been observed that the standard of newsworthiness is expressed in a number of different ways. The first, is that newsworthy stories are often unconventional or uncommon stories. Crime events, while not necessarily immediately newsworthy, come to be so when the crime is particularly uncommon and/or violent (Gruenewald, Pizzaro, Cermak 2009, 263), such as stranger homicide (Greer 2007). However, it is important to note that not all homicides are equally newsworthy and not all are given the same amount of attention in news media. Specific features of the homicide will impact if the crime is reported in the news at all and how much space is allocated to telling the story. For example, Gruenewald, Pizzaro and Chermak, have noted that when a homicide involves multiple victims, white victims, vulnerable victims (e.g. children or the elderly) or takes place in a wealthy neighbourhood, the homicide is much more likely to be extensively reported (2009, 264). Furthermore, they note that when offenders are of a higher social status (e.g. white, middle-upper class male) the homicide is more likely to be reported. However, in instances where the case was more stereotypically familiar, for example, where the offender was Black and the victim was a white woman the news coverage would also increase (264).

The importance of ‘who victims are’ is thus significant not only in determining if the story will get told and how much space it is given, but also how the story gets told. It is now a commonplace observation in the academic literature that not all victims are represented in the same qualitative or quantitative way (Jiwani 2006 and 2011; Greer 2007; Gilchrist 2010; R. Collins 2014). This uneven distribution of space and thus, concern, has largely been attributed to discourses surrounding victimhood that enable certain victims to be seen as more “vulnerable, defenceless, innocent and worthy of sympathy and compassion” than others (Greer 2007, 22). This way of thinking about undeserving victims is often based on the template of the “ideal victim” which is defined as a “person or category of individuals who—when hit by crime—most readily are given the complete and legitimate status of being a victim” (Christie 1986 quoted in Greer 2007: 22). Part of what makes a ‘victim’ an ‘ideal victim’ is that the normative community can see themselves, or someone they care about in the victim. This makes it easier for the normative community to empathize with the victim and their family (R. Collins 2014). However, in order for the community to empathize with the victim, it also needs to be widely perceived that the victim was defenceless, innocent and certainly not believed to be complicit in, or culpable for their victimization (R. Collins 2014).

It is quite easy to see the problematic effects that this way of thinking about victimization can have on those individuals who do not clearly or perfectly fit the ideal victim template. These individuals are usually judged in relation to this template and can be perceived as ‘bad’ victims or ‘deserving’ victims. The reasons why individuals or groups are relegated into this category varies. Commonly however, they are cast as unworthy victims because they in some way (or ways) defy narratives of ‘true victimhood’ (e.g. drug or alcohol users, past criminal activity, uneducated, poor, racialized, sexually promiscuous, especially for women and so on). Perceptions of victimhood then are the result of a complex arrangement of variables that enable some victims of crime to be seen as more worthy or deserving of our attention, empathy and support. The way in which identity categories as well as individual character, life story, and the sense of the family’s loss affect not only our ability to empathize but relatedly how these individuals or groups of individuals are represented.

The way that each offender is represented is not the only notable dynamic operating in the construction of the narrative of psychopathy. The offenders’ representational transition into evil and the pathological is aided by the way in which the victims of their crimes are also

represented under the conditions of white supremacist, capitalist, patriarchy (hooks 1992). In other words, hierarchies of victimhood are enacted through a dialogic reading and interpretation of victims and offenders. The way that violence and victimhood comes to be understood depends on who we believe the offender and the victims to be and these beliefs then come to inform how each are, and *can be*, represented. In other words, the hierarchy of victimhood shapes and informs the hierarchy of offenderhood and vice versa (McAlinden 2014).

In order to outline the interplay between victim and offender in the news media, I have found Anne-Marie McAlinden's (2014) work useful, particularly her use of the term the "indissoluble dialectic" (Rock 1998 quoted in McAlinden 2014, 182). In her paper, McAlinden explores how offenders and victims are constructed relationally in sex crimes against children and how these constructions often lead to differential assignments of blame. For example, she highlights how the victim of these kinds of crimes are often constructed as innocent, vulnerable, pure, sacred, blameless and deserving of help. Usually, age has much to do with this construction because of our overreliance on discourses of childhood which hold that children are inherently pure, innocent and blameless. The sex offender is often constructed as the fundamental opposite of the 'real' sex crime victim; as an adult male who randomly preys on children who are unknown to him thus rendering him particularly evil and monstrous other, who is deserving of contempt. McAlinden illuminates that these two images are ideal archetypes are very much sensitive to each other—"indissoluble dialectic" (182). So, for instance, she cites a case of a teenage male who is charged and sentenced for a sex attack on a 9-year-old girl whom he was babysitting, but is later freed on probation because the girl, according to the judge, was "no angel" (185). In sum then, I think that McAlinden's work allows us to pay attention to the ways in which the construction of the offender and the victim are always in conversation with the other, informing how we see or imagine the culpability of each actor involved.

Whiteness, Femininity and Respectability: Representing Leslie Mahaffy, Kristen French, Marie-France Comeau, Jessica Lloyd

In the Williams case, the news media spends much time carefully painting a very clear picture of Jessica Lloyd and Marie-France Comeau's character and personality. These images buttressed the image of Williams as a motiveless, "evil", "monstrous" and pathological "creature" (Duffy 2010; Hurley 2010b; Mallick 2010b; Mandel 2010a; *Monster Has No Answers*

2010; Poisson and Robson 2010). Jessica Lloyd, a 27-year old white woman, was generally described as “bubbly and outgoing” (Vyhnak 2010), caring, fun-loving, who always put her family and friends first and who was generally a “fantastic person” (Vyhnak 2010; Kenyon and Barrera 2010). Similarly, Comeau, a 37-year white woman and corporal, was described as nothing short of a “pure angel” (McLean 2010). She was a hard worker, loved to travel, a fun, friendly and overall lovely person who was liked by everyone (Kenyon and Barrera 2010). The enormous and inconvertible impact that Lloyd and Comeau’s murders had on their families and friends was also recounted in vivid detail.

In the Bernardo/Homolka case, we see a very similar construction of the victims. Leslie Mahaffy and Kristen French are always present in the coverage, and the horrors they were forced to endure while in captivity were regularly communicated in lurid detail. The young white women are also routinely infantilized, being referred to as “schoolgirls” and other child-like descriptions to illustrate their innocence and vulnerability to strangers like Bernardo (see also Kilty and Frigon 2016). In the coverage, the lives of Mahaffy and French are not narrated in detail, but despite this, it remained apparent throughout that these women were indeed, ‘ideal victims’. The weight that the lives of these women carried was signified by the “Green Ribbon Task Force” (which was initiated almost immediately after the disappearance of French to aid in the search for her and then, later to find the person who murdered both Mahaffy and French), the weekly vigils that were held by various groups in honour of them and the specific quotes from family members or friends that emphasize each women’s personality. For example, Leslie Mahaffy’s friends emphasize that she was a “good person” who was very funny and friendly and never took chances (DiManno 1995a)⁸⁸. Kristen French is also described affectionately—a “social butterfly” who always had friends over and an honours student, who was heavily involved in extra-curricular activities like rowing, choir and figure skating. She was also a responsible young woman—she was always punctual and made taking the family dog out of its

⁸⁸ In his book, *Karla’s Web: A Cultural Investigation of the Mahaffy-French Murders*, author Frank Davey (1994) explains that Mahaffy was not always depicted in this way. His observations of the *Hamilton Spectator* suggest that when Mahaffy first went missing her case received scant media attention, because her disappearance was discussed alongside her history of running away from home, therefore her disappearance was reduced to another teenage runaway despite the fact that her parents protested that something was different this time. In the earliest coverage, Davey notes that the news media often recounted how she refused to go to school, and that her social circle was similarly comprised of “school drop-outs and runaways” (13). However, the way Mahaffy was depicted began to change once French had been reported missing and the search underway; both women were now perceived to be “everyone’s girls” and innocent victims of a violent and predatory offender (9-20). I thank Richard Weisman for bringing this shift in representation to my attention.

backyard pen a daily ritual (Duncanson and Pron 1995a). DiManno says that French was “so obviously, a joy. Well-behaved enough that being an hour late coming home from school would provoke anxiety in her mom and her dad. It was so unlike her” (DiManno 1995b)

While the specific details of French and Mahaffy’s lives were absent, what was present was a clear sentiment that they were both loved and that their murders marked a profound loss for their families and especially, their mothers. For example, Rosie DiManno (1995c) conveys in vivid detail what she observed of Mahaffy’s mother in court while videotapes that depicted the captivity assault and horror her daughter was experiencing:

Leslie Mahaffy's voice, from four years ago, reverberating through courtroom 6-1. Heard for the first time yesterday by all of us who never knew her. Heard again by the one person who probably knew her best, who gave her life, her mother. It was arguably an act of self- flagellation for Debbie Mahaffy to sit in that room and listen to her dead daughter [...] Debbie Mahaffy appeared like Michelangelo's Pieta, probably the most eloquent depiction of sorrow. With one white- knuckled fist pressed against her heart. Chin lowered into her chest, eyes downcast. As pale as marble. The force of will this required was written on her face, in the quiver of her jaw, and in the coiled tension of her body. Visibly crumpling. But not, as might have been expected, through some of the more lurid episodes.

While this written representation conveys each woman’s humanness and innocence, it also draws our attention to the gravity of loss, of the potential that these women will never be able to realize and the profound suffering that those who were closest to them must be feeling.

In Kilty and Frigon’s (2016) analysis of the representation of French and Mahaffy, they argue that depictions of ‘ideal’ victimhood cannot be separated from considerations of hegemonic femininity, whiteness, middle-classness and space. Noting that ‘ideal’ victimhood often, though tacitly, entails “discursive descriptors of whiteness” (such as innocence and purity) (50-51). It was through these descriptive and visual portrayals of French and Mahaffy’s young age, femininity and whiteness and hence, their “likeness to mainstream (white) Canadian society”, enabled them (at least in part) to be cast as legitimate victims, vulnerable to violence, and blameless for their victimization (51).

Importantly, the authors also recognize the spatial and temporal logics that allowed them to be seen in this light. The crimes against each of their victims, did not occur in spaces that are regularly imagined as ‘criminogenic’ or ‘dangerous’, such the city, ‘slums’ or ‘ghettos’, or obscure rural places (58). Instead, the crimes occurred in a “safe space”: a white, middle-class

suburb and, more specifically, in a well kept, picturesque “Cape-Cod-style home” (59). The imagery that this setting brings forth, is not an aesthetic of horror or violence, but rather a space of community, serenity, and friendliness, which contributes to a narrative of ‘ideal’ victimhood.

Drawing on the work of Nils Christie and his notion of ‘ideal’ victimhood, Kilty and Frigon (2016) show how space and time are used to evaluate the actions, activities or the behaviours of victims. For instance, at the time of the crime, ‘ideal’ victims must not be in a place where she can be “blamed for being” (Christie 1986 quoted in Kilty and Frigon 2016, 60), nor engaging in a “disreputable or unrespectable” activity (60). Kilty and Frigon (2016) explain that these ideas impacted constructions of Mahaffy and French’s victimhood. Mahaffy was often depicted in the news as being a “rebellious youth” who sometimes had an uneasy relationship with her parents, engaged in underage drinking, and broke her curfew (61). Since she was abducted in the middle of the night, outside of her home after being ‘locked out’ by her parents for failing to return in time for her curfew, she was pictured as the ‘bad girl’ (62-63). Although, the reasons for her tardiness in some ways ‘saved’ her from the full clutches of this representation—her and her friends were grieving the loss of a schoolmate who had recently passed. In other words, she was engaged in “an understandable and ‘respectable’” activity (62). French, on the other hand, was pictured as a ‘good girl’ from the outset, having been abducted in “broad daylight” from a church parking lot, while walking home from school (62). This, they argue, is why French, and to a lesser extent, Mahaffy, were seen as ‘ideal’ victims’.

Pictorial images also helped to secure this image of the women as ‘ideal’ victims and the moral outrage and ‘public grieving’ that followed (63). Chris Greer has suggested that the visual has come to have an important place in crime news because of the ability of the pictorial to “depict immediately, dramatically, and often in full colour what it may take several paragraphs to say in words” (2007, 30). This visual practice is particularly powerful when the enormity and sombreness of violent victimization is being represented because the images “present an idealized personification of innocence and loss. At the same time, they serve indirectly to highlight the monstrosity and evil of the offender” (31). In the articles that centred exclusively on Lloyd and Comeau, one image is used of each woman to help to convey the sense of loss. Both images memorialize the women by depicting them as smiling, full of life, and happy. Additionally, there are a number of images in the *Toronto Star’s* coverage of the case that include Lloyd’s grief-stricken family members attending the trial, always with the photo of

Lloyd smiling framed and in hand. The same is true of the images that are used to depict Mahaffy and French. In both instances, the media repeatedly used (the now iconic) school photos of Mahaffy and French to signal their beauty, innocence and youth.

As the news media writes the story of the life and loss of these women and in doing so fitting their lives and personhood into a narrative of the ‘ideal victim’ they are also writing a narrative of the ‘sick’, ‘predatory’, ‘evil’, ‘sadistic’ offenders who negated these lives. As I demonstrated in Chapter 3, the criminality of each offender in these two cases was represented as pathological through psychopathy. If we return to the “indissoluble dialectic” between victims and offender, psychopathy, as a mode of representation, fits well with this construction of the victims and vice versa. Each woman was constructed within the bounds of normative femininity as well as completely innocent/blameless, a victim of stranger danger and thus vulnerable to the dangers ‘harboured by’ their perpetrators. Within the dialectic, it is this offender who is placed at “the top of the offending hierarchy” (McAlinden 2014, 187) and seen as completely culpable, evil, monstrous and Other. Psychopathy fits this representational landscape well because psychopaths too are rendered biologically depraved, culpable actors, evil and monstrous (Ruffles 2004). Frank Davey highlights this dialectic succinctly in his book about Bernardo and Homolka’s crimes: “the victims were rapidly ceasing to be the actual young women they had been and were becoming as innocent as their attackers had been depraved. Their lives were becoming as saintlike as their killers’ lives had been evil” (1994, 29).

Narrating the Lives of, and the Violence done unto Aboriginal Women

Much of the scholarly attention given to the Pickton case has rightfully focused on a much larger and dire social problem, that is, the 1017 Aboriginal women or girls that have been murdered in Canada between 1980-2012 and the 105 Aboriginal women or girls that remain missing under suspicious circumstances (Amnesty International, n.d.). Accordingly, much of the academic literature on the case focuses on the historical, sociological, legal and cultural context of this systemic and disturbing reality. One of the most prevalent forms that this discussion takes in the academic literature is through a critical analysis of the representation of the missing and murdered women as well as how gendered and racialized violence against racialized women is enacted on these women’s bodies and through representation (Culhane 2003; Jiwani and Young 2006; Jiwani 2009; García-Del Moral 2011). Because the Pickton case has been and continues to

be of enormous interest to scholars, many of my own observations of the representation of the victims are already present in this literature. Therefore, I briefly explore this literature and offer some insight into the “indissoluble dialectic” and why it was the case the psychopathy remained relatively absent in this representation. There are at least three interconnected points of discussion that cut through the literature: (1) the portrayal of the women as particular ‘kinds’ of victims, (2) the lack of critical and contextual analysis in the news coverage and (3) the portrayal of Pickton as a ‘deviant’ man. I explore each of these themes in turn.

As I mentioned in the introduction of this chapter, many of missing and murdered women that Pickton was suspected of murdering (he was only convicted of 6 whereas as he was suspected for 49) were regularly labelled and referred to collectively as ‘drug addicts’, ‘prostitutes’ and Aboriginal women from the Downtown Eastside in the news. Each of these terms (including the loaded signifier ‘Downtown Eastside’) are terms that contain much meaning on their own, but their meanings proliferate and congeal when they are repeatedly placed alongside each other in an effort to form an image of who Pickton’s victims were in life—“invisible as victims of violence and hypervisible as deviant bodies” (Jiwani and Young 2006, 899).

In addition to the women being homogenously represented as ‘drug addicts’ and ‘prostitutes’, referencing their spatial location—the Downtown Eastside—was equally significant in how they came to be known. Dara Culhane has reminded us that “the city of Vancouver was built on land owned and occupied by the Coast Salish peoples for at least 10,000 years. In 1923, the last Aboriginal village was relocated across Burrard Inlet to a reserve north of the new city. Aboriginal people from Coast Salish and many other First Nations have maintained a continual presence in what is now called the Downtown Eastside” (203, 595). What is also significant is that Aboriginal peoples are “disproportionately located in the poorest neighbourhoods of Canadian cities, at the bottom of the socioeconomic hierarchy” (596). These figures bear the scars of an ongoing colonial project through the segregation of racialized bodies in racialized spaces (Razack 2000).

It is not only the actual disproportionate presence of Aboriginal peoples in one of the Canada’s poorest neighbourhoods that is of import, but also the symbolic properties of the space itself. The Downtown Eastside is described as a “poor, drug-infested neighbourhood” (Girard 2002a; see also Bolan 2002; Fournier 2002e), “one of Canada’s poorest neighbourhoods” (Girard

2002b), “skid row” (Middleton 2002; Girard 2002c), “goulish” (Jones 2002) or “destitute”, “sordid”, and “menacing” (DiManno 2007a). These terms when taken together, paint a vivid picture of the moral decay, degeneracy, and criminality of this space. However, these adjectives were not just used to describe the Downtown Eastside, they also prescribe the *types* of people that *belong* to this space as similarly amoral, degenerate and criminal (Cresswell 1996). The way that images of space and personhood combined in this case, creates a specific image of Pickton’s crimes and his victims—their murders are regarded as banal, as an outcome which is characteristic of the body and space they inhabit (Razack 2000; Hugill 2010). Indeed, as Razack notes, “we do not ask what the spaces of prostitution enable nor what happens in them. There are simply designated bodies and spaces where so-called contractual violence can happen with impunity” (1998b, 358).

Ignoring the relationship between space, race, violence and sex work negates the historical and social conditions which have enabled them in the first instance. For example, Sherene Razack (2000) observed that by ignoring how history, space and bodies are connected, an utterly colonial encounter between Aboriginal women and white men is negated. That is, Razack has argued that it is through ‘degenerate spaces’ and the enactment of racialized and sexualized violence in these spaces whereby the white male subject comes into being (96). The erasure of the conditions that render white, middle-class male subjectivity possible is what allows an additional violence to occur. Often-times, where Aboriginal women, who are also sex workers, are murdered the police do not intervene because of the pervasive belief that these women “simply got what they deserved” (Razack 2000, 99). Equally significant is when there is police intervention, the white men who enact violence on Aboriginal women are at the receiving end of either legal or communal sympathy for the plight that *they* (the doers of violence) are in (Razack 2000, 100).

In order to counter this far too typical representational practice of criminalizing sex workers and negating (through blaming the victim) the violence that they endure, scholars have identified the way in which these dehumanizing narratives were countered in the Pickton coverage through various humanizing tactics (Jiwani and Young 2006; Hugill 2010; García-Del Moral 2011). One of these tactics involved journalists telling the stories of family members and friends who did not view their dead loved ones as “disposable”, but as people they love dearly and will miss immensely. These stories often highlight that the women were sisters, mothers and

children, who were full of love for their families and who tried their best despite their personal struggles and troubled lives. Anna Draayers remembers her foster daughter, Sereena Abotsways fondly, noting how she would call everyday and speak to her in Dutch, a language she learned during a family trip back to the Draayers home country (Culbert 2007b). Draayers also remembers Abotsway for her big and generous heart: “In her final years, Abotsway owned nothing more than the clothes on her back. Anything the Draayers gave her, she would either lose or share with others, with little regard for her own needs. On one birthday, her foster parents took Abotsway out for dinner downtown and gave her some cigarettes because they were something practical she could use. She turned to the waitress and asked, ‘Do you want part of my present?’ Draayers recalled” (Culbert 2007b).

Marnie Frey is also remembered affectionately: “‘a carefree loving girl . . . [who] loved the simple things in life.’ The girl with the bright smile and light-hearted spirit enjoyed spending time with her family and small animals, and was praised for being trustworthy and generous” (Culbert 2007b). Frey’s generosity is echoed in a memory that Reverend Bill Rasmus shared. He notes that family members told him that “she would take her shoes off and give them to someone else and walk home barefoot.” (quoted in N. Hall 2006). Georgina Faith Papin, a mother of five, is also remembered warmheartedly by Elaine Allan, a worker at a drop-in centre for sex workers: “She was just so well respected. People just always said the nicest things about Georgina -- she was fun, she was beautiful, she was kind, everyone loved her [...] From the time she went missing, everyone just talked about it because she was so popular” (quoted in N. Hall 2006).

Elaine Allan also remembers Brenda Wolfe, a “polite, kind and soft spoken woman”: “Brenda was a very quiet person, but she was a well-liked quiet person. She wasn’t Georgina Papin, who was outgoing and gregarious, but she was well-liked and she always had a friend with her [at WISH] [...] She had a boyfriend and she was a very gentle soul. She had a very affable nature. You liked having her around. She had a nice presence about her” (quoted in Culbert 2007b). Mona Wilson is characterized as a “dreamer” and a believer in unicorns (N. Hall 2006) who hated putting on dresses for church and ribbons in her hair (Culbert 2007b). Greg Garley, Wilson’s foster brother remembers their childhood and in particular how Wilson would try to “smuggle chicks [baby chickens] into her bedroom to sleep with them” (Culbert 2007b). He also notes that “She’d lay right down in the mud with them, and play with them, and have them in her pockets. You had to check her when she came in the house because in her coat

pockets there would be a couple of chicks, and in her boot you'd have another” (quoted in Culbert 2007b). Andrea Joesbury was “a beautiful young woman [...] with an engaging smile who went to Vancouver in search for love” (N. Hall 2006). The last phone call that Josebury made is said to be to her grandfather, Jack Cummer, who that she was “upbeat on the phone because she was completing a methadone program to kick her heroin habit and was hoping to move back to the island. ‘She was a very happy young lady whose life was in a starting mode.... Our conversation ended with our love to each other,’ Cummer wrote in a recent e-mail to The Sun. ‘I did say goodbye.’” (Culbert 2007a).

At first glance, this way of representing Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe seems empathetic and humanizing, and the loss of these women palpable. Some scholars have taken issue with this form of representation, not because these narratives of life and love should not be shared, but because of the way that it reproduces hegemonic ideologies about worthy and unworthy victims (Jiwani and Young 2006; Hugill 2010; García-Del Moral 2011). For instance, Jiwani and Young note that conveying the women’s familial status not only challenges their status as simply ‘drug addicts’ and ‘prostitutes’ but that it also re-enacts a “gendered, racialized, and class-based understanding of the missing women [...]” by relying on a “dominant hegemonic frame that made these women more intelligible, and hence acceptable, through their positioning in ‘respectable’ societal roles—as mothers, daughters and sisters” (2006, 903; see also García-Del Moral 2011 and Hugill 2010). This method of well-intentioned representation, they add, “serves a twofold function” that reproduces hierarchies of victimhood and deservingness:

On the one hand, it makes these women more like ‘us’. It rescues them from a place of degeneracy to a zone of normality. On the other hand, it conforms to the dominant hegemonic values, in that the only women who can be rescued or are worth saving are mothers, daughters, and sisters—women like us. Making them like ‘us’ is a discursive move designed to privilege their deservedness both in terms of police intervention and social recognition. (Jiwani and Young 2006, 904)

In other words, it is only through this form of representation that the lives of Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe actually become “grievable” (Jiwani and Young 2006), and in so doing the very conditions which make

this practice necessary remain robustly intact. This form of representation was *needed* in this case if their lives were going to *become grievable* through this counter-discursive strategy.

Among the many silences and exclusions that binary representations and thinking make possible, Yasmin Jiwani (2009) among others has observed that what is explicitly silenced in representations of violence against Aboriginal women are the conditions under which drug and alcohol addictions, poverty, and mental illness become a common reality. In other words, the emphasis on these women as Aboriginal ‘drug addicts’ and ‘prostitutes’ minimizes not only the physical violence that is routinely enacted on Aboriginal women in white settler societies, but it also erases the structural and colonial violence that their communities continue to survive through. García-Del Moral (2011) has termed this practice of representation a “technology of violence” which functions by negating or erasing the historical conditions and the relations of power that render racialized women more vulnerable to violence. It also “institutionalizes discourses that construct these women as social waste and in doing so, creates the expectation that the violence to which they were subjected was inevitable or even deserved” (55).

By referencing the erasure of the various forms of violence that contour and constrain the lives of Aboriginal peoples, and Aboriginal women in particular, I do not wish to lock the fate of Aboriginal communities within a socially deterministic frame which negates agency. Rather, recognizing these macro conditions provides an important context to the colonial legacies and interlocking power relations that constrain choice and action, but do not fully determine it (Jiwani 2006). This larger context also allows us to understand more fully the conditions that made their initial disappearance unable to inspire urgency and action in the same way that the disappearance of Bernardo/Homolka (Kilty and Frigon 2016) and Williams’ victims did, and the reasons why hundreds of women were able to disappear (Jiwani and Young 2006).

Another element that is discussed in the literature is the way in which the perpetrators of racial and gendered violence against women, and racialized women in particular, are represented. Each work, in one capacity or another, suggests that Pickton was pathologized and rendered a ‘deviant’ in the representations (Jiwani and Young 2006; García-Del Moral 2011). This practice of exceptionalizing white men who perpetrate violence against women is well documented in the literature. Such representations, scholars argue, suggest that Pickton embodies an “aberrational masculinity” insofar as only a man who is inherently ‘deviant’ is capable of such extraordinary violence against women. “This positioning of Pickton”, Jiwani and Young argue, “calls on

audiences to make a number of conceptual leaps that reinforce masculine hegemony, in that only deviant males commit such heinous sexual acts” (2006, 905). Additionally, Jiwani notes that,

[...] the focus on individual white men as singular perpetrators of sexual violence against Aboriginal women abstracts them from the larger historical patterns of sexual violence as an inherent part of the conquest of Aboriginal peoples. It also removes the focus from the larger societal patterns of gendered violence such that these men become signified as aberrant and pathological individuals. (2009, 9)

This mode of representing Pickton as anomalous or as an *exception* to white hegemonic masculinity, “protects the status of whiteness” by suggesting that he is a white man *of a different sort* and that this enactment of white masculinity is not an implicitly sanctioned colonial practice and one of the ways in which white masculine subjectivities come into being (García-Del Moral 2011, 51; see also Razack 2000). White trash serves this same function.

While I am in full agreement with these critical, nuanced and rigorous observations, there is something more specific occurring in this representation. What we have been able to see thus far in my comparison of the construction of the victims in the Pickton and Williams and Bernardo/Homolka cases is that the victims were represented differently and this had much to do with the social location of the victims as well as the larger social and historical context in which all of women lived and were murdered. However, I would also make the argument that while Pickton, Williams, Bernardo/Homolka were all represented as exceptional figures (e.g. through psychopathy or white trash) what remains unclear is why psychopathy was not used to frame Pickton’s criminality and the role that constructions of his victims played in this absence.

I have argued that one of the reasons that psychopathy may have been absent was because the discourse of white trash fit more readily into the narrative, but I would also argue that who his victims were thought to be was also significant. If Pickton’s victims were made to appear as human through the deliberate, concerted, and counter-discursive process of placing them within a discourse of normative femininity, the fact remains that this work *needed to be regularly performed in the news* to allow them to be humanized because they do not fit this idealized template as well as Williams and Bernardo/Homolka’s victims do. The signifiers, ‘drug addicts’, ‘prostitutes’, and the ‘Downtown Eastside’ still litter the pages of the news. Therefore, while the women are able to access a semblance of humanness through narratives and discourses, the attempts to reposition them in “‘respectable’ societal roles”, are in a constant struggle with

signifiers that seek to evict them from the category of victim and human (Jiwani and Young 2006, 903).

Kristen Gilchrist (2010) has noted that white femininity is an ideological construction and as such it engenders meanings about what it means to be feminine and these meanings then come to define and order women's appropriate place. It is within this site that Otherness comes into being and it is "within this ideology poor and/or racialized women are pre-packaged as 'bad women' regardless of their actual behaviour" (376). The ideological implications of white femininity are given expression in how Pickton's victims were regularly portrayed as deviant women, not only because of the types of behaviours that they engage in, but also because of ways in which their bodies are both constituted and read through a lens of racial, gender and class Otherness. This positioning in the representations is made possible by ideologies of white, middle-class, heterosexual femininity which structure how Pickton's victims may be seen and the violence against them understood: "in order for there to be a 'bad', 'unworthy', 'impure', 'disreputable' woman/victim there must simultaneously be a 'good', 'worthy', 'pure', and respectable woman/victim against whom she is judged" (375). It is white, middle-class, heterosexual women that then make up the idealized template of who a victim is, because it is this woman who is worthy of our attention and our protection because she, unlike the Other, cannot be blamed for her ill fate. It is within the binary framework that Pickton's victims were framed and known as deviant women and Bernardo/Homolka and Williams' victims known as virtuous and innocent.

These differential constructions could be another reason why psychopathy was not deployed as a way to render Pickton's criminality intelligible. Psychopathy was not fully compatible with the discourses of victimhood that were already circulating and constructing the representations. If those at "the top of the offending hierarchy" (McAlinden 2014, 187) are placed there because they prey on the innocent and the sacred, and if psychopathy is one of the ways that those at the top of this hierarchy are portrayed, Pickton could not have been represented as such. Thus, we see a discourse of white trash framing the story of his criminality instead. White trash is able to do similar work as psychopathy by evicting Pickton from normative whiteness and hegemonic masculinity. Significantly however, white trash is a cultural designation and not a scientific one, it is not able to criminalize him as forcefully as psychopathy can, nor does it enable him to appear as dangerous as a psychopathy does. Psychopaths are

dangerous by their very being, whereas the white trash label implies that while these figures can be potentially violent and dangerous, their danger lies in their “racist or violently misogynistic beliefs” (Hartigan 1997, 324). Therefore, the targets of his potential violence is not *anyone*, but rather people of colour and women in particular, and as a result he is not placed at the top of the “offending hierarchy”. It would appear then, that Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe were “unequal in life” and “unequal in death” (*Unequal in Life, Unequal in Death* 2006).

Conclusion

Despite the fact that scholars have remarked that Pickton was constructed as a psychopath in the news coverage (García-Del Moral 2011), this was not the case⁸⁹. Psychopathy was *almost never* explicitly used in the over one thousand news articles that I canvassed for this chapter. While one can make the argument that psychopathy was implicitly gestured at by using terms commonly associated with the condition (e.g. cunning, manipulative, remorseless, chameleon-like), or by the narrative struggle between the Crown and the defence which, when taken together, emphasized his dual nature (i.e. Pickton as “just a plain little pig farmer, a simple fellow who is mentally slow” versus Pickton as “a wily killer who acted alone and was cagey enough to elude capture for years”; N. Hall and Culbert 2007b), the fact remains that psychopathy and its counterpart anti-social personality disorder were never used (barring one exception) explicitly to characterize or explain Pickton’s actions or being.

As I have been trying to argue throughout, and as we have seen in previous chapters, psychopathy is readily deployed in instances where the offender appears as normalized subject and thus, as unimaginably criminal. In these cases, the invocation of psychopathy enables us to imagine the otherwise un-criminal subject by splitting that subject into two figures. This sense-

⁸⁹ García-Del Moral (2011) argues that Pickton was represented as a psychopath/serial killer in the Canadian news. In the first instance, it is not clear why she chooses to use these terms interchangeably because the evidence that is provided does not explicitly suggest that Pickton was labelled a psychopath. Paraphrasing the *Toronto Star*, García-Del Moral argues that Pickton “is described as being dirty, unstable, sinister, evil, psychotic, and devoid of feelings of guilt or shame for what he did, let alone compassion for his victims’ relatives” (50). While some of these characteristics are certainly terms that are directly associated with psychopathy (e.g. ‘devoid of feelings of guilt or shame’ and ‘compassion’) and other terms that are implied with the condition (e.g. ‘sinister’, ‘evil’), there are other qualities that are not associated with the disorder (e.g. ‘dirty’ and ‘unstable’) or are diametrically opposed to psychopathy itself, such as a state of psychosis which can be a symptom of mental illness (Rhodes 2002, 446). It therefore remains unclear on what basis this observation is being made.

making exercise was not required in this case (or in the one that follows in the next chapter). What the absence of psychopathy in the Pickton case reveals, in part, is that psychopathy is a mode of representation or a discourse that is deployed when dominant criminal imaginings do not fit with the identities of the criminalized subjects, or in other words, when the criminalized subject appears as a normalized subject and thus un-criminal in these imaginings. While Pickton was at first represented as an un-criminal and sympathetic figure, he was never constituted as a normalized figure because of the ways in which the discourse of feeble-mindedness was deployed at trial and in the coverage of the case. In this way, Pickton was already represented as a different 'kind' of person than the normative community and a different kind of criminal than Homolka, Bernardo and Williams because of his very 'strangeness'. The deployment of white trash as both a discourse and an aesthetic helps to make his transgressive status hyper visible and his criminality imaginable.

The absence of psychopathy in this instance does not counter the arguments that I have made in the previous chapters, but rather affirms them. The absence of psychopathy in Pickton's case tells us that there may be a distinct relationship between psychopathy and the normalized subject at the level of representation. The Pickton case also provided us with some more insight about the interlocking bodily contingencies of psychopathy and the importance of a normalized subject for this kind of representation. Pickton was not constituted as a normalized subject whose criminal transgressions were unimaginable.

The other significant observation that I made in this chapter is that the deployment of psychopathy is not only contingent on how the offender's subjectivity is constituted, understood and rendered deviant, but it is also contingent upon how his victims are imagined in the news. In the Williams and Bernardo/Homolka cases, Leslie Mahaffy, Kristen French, Marie-France Comeau, and Jessica Lloyd fit hegemonic prescriptions of normative femininity and this allowed them to be represented as 'ideal' victims. This way of framing their personhood and subsequently the crimes that took their lives invited a representation of their perpetrators that clearly expressed their dangerousness and their evil and also enabled moral condemnation under the veil of scientific objectivity. By contrast, in the representation of Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe there is continual struggle and effort in the news to paint the women as mothers, daughters, sisters and friends and as women who were loved and gave so much love to counter the representations of them as

merely ‘disposable’ Aboriginal ‘drug addicts’ and ‘prostitutes’. The representation of Pickton was also affected by this representation. While Pickton was represented in similar individualizing terms as Williams and Bernardo/Homolka, the nature of his transgression was differently articulated in the news—he was feeble-minded and white trash. The absence of psychopathy in this case highlights not only the discursive work that psychopathy does—representing and rendering intelligible the normalized and un-criminal subject—but also highlights that the deployment of psychopathy as the scientifically rooted personification of ‘evil’ is a label, discourse and image that is contingent upon who we imagine the victims of heinous crimes to be and how “grieveable” their lives are.

Chapter 6

Imagining Criminality, Nation and Charles Kembo

Aided by a never-ending stream of fictionalized cultural representations of serial murder, our collective criminal imaginary would have us believe that the majority of, if not all, serial killers are white men. However, criminological research tells a different story about race and serial murder. Philip Jenkins (1994), in his study of the social construction of serial murder has observed, like others (Walsh 2005; Branson 2013), that racial statistics of serial murderers are proportionate to the larger racial composition of the United States. Despite this fact, the names and faces of Ted Bundy, Jeffery Dahmer, and David Berkowitz (among other white male serial killers) remain seared in our collective imagination as the archetypal modern serial murderer. Why? Jenkins suggests that one reason why there is a disconnect between the image and the reality of serial murder on the basis of race is because of the vocabularies and discourses used to construct serial murder. For example, Jenkins notes that serial killers are invariably referred to and constituted within a biological and pathological frame which posits that serial killers are “primitive atavistic monsters” (172). These terms, and the racist histories and connotations which are invoked by them, are likely, according to Jenkins, one of the main reasons why racialized serial killers are underrepresented, for they would immediately be condemned as overtly racist.

If popular representations of serial murderers are abidingly white then, thus far, this dissertation has perpetuated this myth by focusing by and large on white male offenders. One of the main reasons I focused so heavily on white serial killers was to make manifest that which is often ignored in criminological conversations: representations of normalized subjects and criminality. In doing this, I have attempted to tease out the various logics, assumptions and criminalization processes that go into constituting representations of criminals who appear as normalized subjects and the significance of psychopathy to this end. Focusing exclusively on representations of dominant and interlocking subject positions (e.g. whiteness, middle-classness, heterosexuality, masculinity) and criminality alone has clear methodological limitations. For example, one might suggest that because I have only focused on white serial killers, how are we to know that psychopathy is not deployed in cases where serial killers are racialized to aid in the imagination of criminality?

This chapter focuses on another Canadian case of a serial murder, the case of Charles Kembo who was convicted in 2010 for the murder of Margaret Kembo, Sui Yin Ma, Ardon Samuel and Rita Yeung. However, this case is different from the others because it is not part of our national memory, and Kembo does not occupy a normalized subject position—he is a Black refugee. To be clear from the outset, my intention in this chapter is not to return our criminal frame to racialized subjects, or to claim that the image of the stereotypical serial killer is wrong, or that we must also pay attention to serial murders committed by racialized subjects, because they commit serial murder too! I have no interest in perpetuating these kinds of derogatory and fatal stereotypes of criminality and Blackness. Instead, I focus on this case to tease out the interlocking logics of criminality, which are always bound to systems of power, that are operating in this case and how these logics, along with the logic of psychopathy, preclude Kembo from being represented as psychopathic. In other words, this case is the last building block of my central argument, that psychopathy is a way of imagining the un-criminality of the normalized subject.

Before proceeding, I first want to be clear on what I will not attempt to do in this chapter. Jenkins' analysis can shed light on *why* whiteness maintains a chokehold on iconic representations of serial murder. However, this insight does not offer much by way of explaining *how* racialized serial murderers are represented when their crimes are reported especially when this more usual way of presenting serial murderers is 'off limits' as Jenkins notes. Jenkins' reasoning may also provide some insight as to why psychopathy is explicitly absent in this case. As I have discussed in the previous chapters, psychopathy is conceptually and historically linked to 'primitiveness', 'savagery' and atavism and in the contemporary context psychopathy can be understood as the "the modern degenerate" (Jalava 2006; Jalava, Griffiths and Maraun 2015). Given these links between psychopathy and atavism as well as the links between atavism and scientific racism, it may make sense that psychopathy might remain absent in the interest of avoiding charges of racism. However, I remain unconvinced that this is one of the reasons why racialized serial killers are absent in news representations because it has been well documented that it is precisely this type of coded racial language that is most prominent in news discourse about race (see for example Chan and Chunn 2014; Jiwani 2006). I also remain unconvinced because this type of sanitized and subtle racist language *does* feature in representations of racialized serial murder. For instance, in the case that I analyze in this chapter, racialized and

dehumanizing terms like ‘bloodthirsty’, ‘soulless animal’ and ‘predator’ *are used*. Instead of attempting to explain why the serial murderer is stereotyped as a white man as Jenkins does, I am more interested in the question of *how* Kembo is represented and how psychopathy is/not deployed in such instances.

When I first began reading the coverage of the Kembo case, it appeared that the terrain was ripe for the invocation of psychopathy. Many of the terms associated with the disorder (e.g. remorseless, lack of conscience, promiscuous sexual behaviour, manipulative, liar and so on) were used and images of Kembo’s duality surfaced at times. However, Kembo, like Pickton, is only labelled a psychopath *once*. Much like in the case of Pickton, where he was constructed as ‘white trash’ and ‘feeble-minded’ in the explicit *absence* of psychopathy, this chapter continues to dwell on the question of absence. Similar to the Pickton case, psychopathy is largely absent, and in its place is a more pervasive or master narrative and discourse. In the Pickton case, the narrative and discourse of ‘white trash’ structured how we were made to see and make sense of Pickton, whereas in the Kembo case, he is constructed as a ‘national stranger’ (Ahmed 2000). This chapter is guided by the following questions: *How is Kembo’s criminality constructed in the absence of psychopathy? What other discourses are being deployed that can do similar conceptual work as psychopathy? And, how do Kembo’s victims figure in the coverage?* I take up each of these questions in turn.

The Case of Charles Kembo

December 31st, 2002 was the last time that Margaret Kembo was seen. Since that day, no one has heard from her except for her husband, Charles Kembo, who maintained that she was alive and well, living overseas. In November 2003, a person walking their dog through Vancouver’s Quilchena Park stumbled across a body partially buried under autumn’s fallen leaves. The “corpse” was later identified as 38-year-old Ardon Bernard Samuel, who was a long-time friend and business associate of Charles Kembo. According to investigators, Samuel’s body was found mutilated and his penis was dismembered and stuffed down his pants along with a note “which contained crude messages with racist overtones: Samuel was black” (N. Hall

2009a)⁹⁰. Exactly one year later, while two road maintenance workers were eating lunch at a park in a Richmond park, British Columbia, they discovered a hockey bag tied to a tree in a nearby slough. After releasing the bag from the tree and cutting the bag open, the workers discovered a dead body and immediately reported their discovery to police. The body was identified as Sui Yin Ma, 55, who was Charles Kembo's mistress. On July 27, 2005 the body of Rita Yeung, 21, Margaret Kembo's biological daughter and Charles Kembo's stepdaughter, was found by police wrapped in garbage bags in Richmond's Fraser River. Soon after finding Rita Yeung's body, Charles Kembo was arrested and charged with four counts of first degree murder. His trial began on October 13, 2009 and less than a year later he was found guilty by a jury on all four counts. In only one article, was 'shock' expressed by neighbours that Kembo had been arrested for murder: "Most assumed it was a happy family that moved in in the spring. 'He was a real sweetheart,' said one neighbour yesterday. 'It sounds completely out of character,' said another" (Ramsey and Luymes 2005).

Criminalizing Kembo's Biography

In Chapter 3, I discussed the ways in which discourses of pathology invite a particular construction of offenders. Of salience was the way in which these discourses invite a biographical inspection to discern if the pathology was transformative or incremental or both. In the Kembo case, the content of the biography is very different. One of the reasons for this difference is that discourses of pathology are *not* structuring the limited⁹¹ representations of Kembo. The absence of discourses of pathology is not necessarily surprising. Nancy Heitzeg's (2015) research demonstrates that when white offenders commit crime often a medical model is used to understand their criminality, whereas when the offender is racialized they are criminalized.

⁹⁰ During the trial, the Crown argued that these notes left by the perpetrator (Kembo) were intended to be a "red herring" to mislead investigators in thinking that the person responsible for the murder was white (N. Hall 2009a). In other words, Kembo attempted to orchestrate a 'racial hoax'.

⁹¹ It is significant to note, that when compared to the other cases that I have examined for this project, the Kembo case did indeed have limited coverage especially when we consider the number of deaths he was responsible for (Kembo was convicted of four counts of first degree murder, which was only surpassed numerically by Pickton). The Kembo case received the least amount of coverage by returning only 77 results on the database *Canadian Newsstand*, whereas the Williams case received the second least number of hits (333) on the same database *with date restrictions imposed*.

From the information conveyed, one is made to imagine that Kembo's life began when he arrived in Canada from Malawi in 1989 as a Convention refugee; this is where Kembo's biography begins. The articles that tell us about Kembo's personal history, all tell the same story. The following excerpt is exemplary:

Kembo received his first criminal conviction within two years of arriving in the country as a government-sponsored refugee from Malawi [...] he was convicted of theft twice within a four-month period in 1991 and made three different refugee claims within a year from 1991-1992 using three different names [...] in 1993, he was convicted of several counts of fraud and one count of uttering a forged document [...] he received a three-year sentence. In 1994, Mr. Kembo was given a confidential deportation order, which he appealed. [...] Between 1991 and 1993, he used at least 22 aliases to apply for welfare [...] in 1997, he was convicted of breaking and entering and theft and received a 12-month sentence. (Fong 2005; see also Ramsey 2005a; O'Brian 2005ab)

Unlike the Williams and Bernardo cases, where their criminality was, from the outset, rendered unimaginable, which thus required biographical information to make sense of their criminality, no such information was presented about Kembo. Kembo, like Lisa Neve, is imagined as only criminal. Despite the fact that both Williams and Bernardo had criminal histories, *additional* information was still needed and journalists dug deep into their histories to uncover this information to make sense of their crimes. This is not the case here; there is no 'criminal' origin story that is constructed and then offered. While one article briefly discusses why Kembo may have turned to a life of crime, citing the accidental death of his two older brothers as such a tragic event that "he dropped out of school and embraced a life of drugs and petty crimes" (Mulgrew 2010a), the article remains centred on detailing Kembo's criminal history as opposed to trying to explain the reasons for it. It would seem that all Kembo is, is criminal.

In the process of telling stories about Kembo's criminal history, we learn that Kembo's crimes are financially motivated:

Crown counsel Jennifer Oulton said Kembo used the identities to obtain credit cards, open bank accounts, set up companies and take out a life insurance policy, raking in hundreds of thousands of dollars. 'Mr. Kembo either benefited or was poised to benefit financially from the murders, and these situations or opportunities for Mr. Kembo to profit were set up ahead of time by him,' Oulton told the jury at the beginning of Kembo's trial on four counts of first-degree murder Tuesday. (Ferguson 2009)

Even though Kembo's motivations are 'revealed' and this helped to make his crimes legible (at least somewhat), his motivations are not flushed out in any greater detail than this. Few articles attempted to probe beyond this. It appeared that the fact that Kembo murdered four people whom he was closest to for financial gain, was a reasonable and sufficient motive to not ask anymore questions about who he is and what his story is.

The way that Kembo's biography is narrated resembles the observation of Stowell-Smith and McKeown who note that medical accounts of criminalized Black patients fail to query the intentions of the subjects, and therefore offer "little insight into the patient's mental life. Few connections are made between seemingly traumatic events and their possible emotional sequelae" (1999, 465). Instead, they note, Black patients "are constructed as people who act [...]" and those actions are evaluated within a type of legal discourse concerned with an appraisal of innocence or guilt" (467). In much the same way, Kembo is similarly constructed as a criminalized and racialized subject 'who acts', who is reduced to his actions and where the affective and psychological dimensions of his life are made to appear insignificant to or disconnected from those actions. In other words, we see the Cartesian split being reinscribed in this representation that Stowell-Smith and McKeown observe in their research, whereby the Black man is reduced to his 'mindless' body, and juxtaposed against "the post-Enlightenment representation of the thinking, rational, white male self" (469).

The meanings that are derived from this textual encounter with Kembo's biography are already providing a rather clear and familiar image of Kembo—he is imaginable as the "criminalblackman" (Russell 1998)—because all we are made to see is that criminality was present long before the murders. Indeed, as one article put it, Kembo, two years after arriving to Canada, "began to show what he is made of" (*Refugee Screen Lets in Bad Bugs* 2005). The article then goes on to explain his litany of fraud and theft-related crimes. What he is 'made of', according to this selective and flat biography, is criminality, nothing more and nothing less. This way of imagining Kembo as criminal, and not pathologically so, does not attempt to deconstruct the symbolic and material associations between Blackness and criminality as either "precriminal or morally suspect" (Covington 1995, 547). Rather, the representation relies on it, and in doing so reinforces that very association to represent Kembo. He is not able to be imagined as un-criminal and then experiencing some type of pathology to explain that criminality. He is made to exist as perpetually suspect. It is the processes of racialization and criminalization that enable

this image of Kembo to take form. Importantly, and as Wendy Chan (2013) has shown, this way of representing national ‘outsiders’ is commonplace in the Canadian news media. For example, she notes that in news texts relating to crime and immigrants and/or refugees, the most dominant narrative found in these texts is “immigrants as individual criminals” (31). Within these stories, there is little information about the individual immigrant, aside from their crime, immigration status and criminal history (31).

Revealing Kembo’s ‘Strange(r)ness’ in the Absence Psychopathy

Constructing Kembo’s criminality as an entity that was already constitutive of who he was is a pronounced thread throughout the texts. In many ways his criminality is conveyed in a similar way as Neve’s—it is a matter of fact. This, of course, runs in stark contrast to the ways that Williams, Bernardo and Homolka were represented as unimaginably criminal and where psychopathy helped to resolve their ‘normal’ appearance and the reality of their crimes. Of the many differences between Kembo’s case and the cases of Bernardo, Williams and Homolka, is that Kembo’s crimes were financially motivated whereas the crimes of the others were seen as *motiveless*. At first glance, this might be seen as one of the reasons why Kembo was not labelled a psychopath. For example, Matthew Burnett (2013) has argued that one way that psychopathy is deployed in the media is to make sense of otherwise inexplicable behaviours, and especially violent crimes. This was also, as I discussed in Chapter 1, part of the impetus for the development of a diagnostic category like moral insanity—to account for violent crimes that appeared to be without motive and otherwise unintelligible at the time (Foucault 2003). Despite the historical and cultural links to motivelessness, motivelessness is not a necessary condition of psychopathy’s deployment in the news or other settings.

In Jalava, Griffiths and Maraun’s (2015) critical evaluation of contemporary psychopathy, they argue that part of psychopathy’s power and popularity is due to its flexibility. Part of its flexibility can be seen in how it has been applied to non-criminals and non-violent criminals, such as the ‘corporate psychopath’. Although criminal behaviour forms a significant part of the PCL-R, Jalava, Griffiths and Maraun (2015) observe that the scope of psychopathy is much wider than the PCL-R itself. The idea of psychopathy has been applied to situations where non-criminal features of the disorder can be seen in social life more generally, like in the corporate world (80-81). Within this context, psychopaths or people with psychopathic

tendencies, can use their traits to manipulate, lie, con and callously and remorselessly steal from others for their own gain (e.g. to acquire money, success and power; Hare 1999, see his chapter on the “white collar psychopath” in particular). That Kembo would murder four innocent people, and then planned to exploit those murders for his own selfish ends, links up quite clearly with psychopathy. It’s absence then, is even more curious.

Additionally, it seemed that the representational terrain was ripe for the invocation of psychopathy because of the way that Kembo and his criminality were described through reference to common psychopathic traits (e.g. pathological lying, conning, manipulative, remorseless, shallow affect, promiscuous sexual behaviour, criminal versatility, impulsivity, many short term relationships, and failure to accept responsibility for actions, and so on). However, as we will see below, these traits are not used to build a picture of him as a psychopath, but as a criminal. More specifically, they are used to either describe him as a criminal figure or to pronounce him as such.

Kembo’s *criminal versatility* was implied throughout the texts, especially in detailing his criminal history from fraud to murder:

The Crown alleged Kembo also used his missing wife's name to file a false ICBC claim, false UIC claims, false GST claims and false income tax returns. The prosecutor said the Crown will prove the accused also paid for and took out an \$850,000 life insurance policy on his business partner, Ardon Bernard Samuel, 36, whose body was found in Quilchena Park at Maple and 29th Avenue on Nov. 5, 2003. (N. Hall 2009a)

Although criminal versatility is a psychopathic trait, in this instance it is used in a way that accomplishes the same work as his criminalized biography: it invites us to see criminality as part of who Kembo is. This image is bolstered by the use of other criminality-related *nouns*, such as “liar”, “manipulator” and “con man”, which help to paint a picture of *the ‘kind’ of person* that Kembo is:

Kembo is a skilled *manipulator* and *liar* whose movements are hard to track. (Ramsey 2005b; emphasis mine)

A *con man* with no violent convictions. (Ferguson 2009; emphasis mine)

[...] He was a *con man*—an admitted and unmitigated *liar*, *cheat* and *thief*. (Mulgrew 2010a; emphasis mine)

The judge said Kembo adopted the persona of a sophisticated, cultured man ‘that belies your character as a greedy, selfish, corrupt *criminal*. The image you projected was as a pure victim. In reality, you are completely devoid of any moral compass.’ (Keith Fraser 2010c; emphasis mine)

Although conning, manipulative and lying are psychopathic traits, here they are not used to describe the disorder and the possibility that Kembo might be a psychopath, but instead they refer to his personhood, his criminality⁹². In the latter passage above, the judge draws our attention to Kembo’s *lack of morality/conscience*. This trait is further discussed throughout the texts, and are often entangled with Kembo’s *lack of remorse* and *unwillingness to take responsibility* for his misdeeds:

The only time he acknowledged feeling a pang of conscience [...] the only time he felt real remorse during police interrogations he said, was when they mentioned his stepdaughter Rita Yeung. [...] He would have the jury believe her death, like the other three, was just another odd coincidence in his unique life. (Mulgrew 2010a)⁹³

While Kembo never admitted to the murders, he often blamed the murders of Samuel, Ma, Yeung and Margaret Kembo on happenstance and his other misdeeds, including his incestuous relationship with Yeung, on a drug and alcohol problem (Keith Fraser 2010a; Mulgrew 2006). This *lack of conscience* and *remorse*, along with his *shallow affect* more generally, are all expressed in the judge’s and a journalist’s scathing condemnation of Kembo’s criminality and their interpretation of his demeanour:

‘You are a serial killer, a very dangerous man. The public deserves protection from you.’ Kembo -- who came into court with a jaunty stride, similar to the upbeat attitude he adopted during much of the trial -- had little reaction at the verdict and declined an offer by the judge to make any comments. (Keith Fraser 2010c)

Implied in much of the coverage was also reference to Kembo’s many (and at times confusing) sexual dalliances by referring to his victims in relation to the sexual and/or intimate relations he had with them. In March 2002, two years after Kembo’s first son, Grant was born, Kembo

⁹² It also bears mentioning that Kembo’s defence tactic did not rely on denying his history of fraud-related criminality, but on denying that he was a murderer.

⁹³ See also Mulgrew (2010b) for an additional example of how Kembo was seen as not taking responsibility for his actions because of his refusal to give “straight answers” or admit to damning inconsistencies in his testimony during the cross-examination. Instead, he turned the tables around and accused the prosecution for manufacturing evidence or simply suggested that he misspoke in some instances.

married Margaret Kembo (the biological mother of Rita Yeung). During this time, Kembo is said to have had an affair with his “mistress”, Sui Yin Ma, all while living with his girlfriend, Genevieve Camera. In the same year that Kembo married Margaret Kembo, Camera, gave birth to Kembo’s second child, Claire (Keith Fraser 2010c). It was also frequently noted that Kembo had incestuous sexual relations with his 21 year-old stepdaughter, Rita Yeung. Although promiscuous sexual behaviour is part of the psychopath’s profile, here we are made to see these sexual encounters as further evidence of his transgressiveness, not his psychopathy.

Each of the sentiments I have cited rely on psychopathic traits. While we might read this construal of Kembo as an attempt to construct him as a psychopath, such a construction is only literally expressed in *one* article. In this article, the journalist collects each of these sentiments—Kembo as jaunty, gregarious, manipulative, a con man, a liar and fraudster, charming, without conscience, having a cool and relaxed demeanour, an easy smile and a performer of success and riches all while being accused of murder—and ultimately calls Kembo a psychopath:

Still chipper after a year in jail, Kembo acted like My New Best Friend. He was ingratiating. He was chatty. He was attentive. He immediately struck me as a psychopath [...] Kembo exhibited all the traits and his biography bore all the hallmarks of this psychological impairment: delinquency, promiscuity, a parasitic lifestyle....He was impulsive, irresponsible, egocentric, callous, boastful, patronizing and antagonistic. At the same time, he displayed indifference to or rationalized the pain and suffering he had caused others by hurting or stealing from them; he condescended to women and had no interest in bonding. He lacked a conscience. [...] Kembo's history, his demeanour, his blank obliviousness to the outrageousness of his explanations: It all gave him away. (Mulgrew 2010c)

To the exclusion of this one article, psychopathy remained absent. Given that the deployment of psychopathy makes perfect sense in this instance, *why is it absent? Why is it not used to construct his criminality?* One of the ways that we can read this absence is in relation to imaginability. Psychopathy did not need to be explicitly manifest for Kembo’s crimes to be imaginable—his criminalized biography along with the way that his criminality was assumed to be a matter of fact allowed his criminality to be imaginable. However, in order to fully understand why his criminality was imaginable in the absence of psychopathy, we need to explore the other kinds of thinking that made this representation possible and ‘commonsensical’. In particular, we need to understand how discourses of criminality, identity and difference made it possible for Kembo to already be ‘known’ as criminal.

Stories of Nation and Nationals: Kembo as an Always Already Transgressive Outsider

One of the ways that criminality becomes stuck to Kembo is in the way in which the texts tell not only a story of his criminality, but also how they simultaneously tell a story of nation. This story becomes the master narrative of Kembo's criminality. I attempt to retell the story of nation, national subjects and race that animates 'who Kembo is' here, by illuminating the ways in which Kembo is posited outside of not only the moral community (because of his crimes), but also the national community.

In every article published about Kembo and his crimes, the terms 'refugee' and/or 'Malawian national' are *permanent racial*⁹⁴ signifiers:

He is now charged with three counts of first-degree murder, the latest and most serious charges the onetime *refugee* has faced in his 16 years in Canada. (Fong 2005; emphasis mine)

Kembo, a *Malawian national* who came to Canada in 1989 as a *government-sponsored refugee*, has now been charged with first-degree murder in the November 2003 death of Arden Samuel, his business partner and long time friend. (Fowlie 2005; emphasis mine)

From the outset, we are made to imagine that Kembo is already different in so far that he is not imagined as a member of the normative community—both nationally and racially. That difference is not only articulated in relation to his violent criminality (e.g. he is different from the law abiding community by virtue of his crimes), but his difference is also expressed in a more general way that *precedes his crimes* as signified by his 'foreigner' status: he is not part of, and was *never really* part of, the national community. Benedict Anderson has famously argued that nations come into existence through imagination and it is through a process of collective imagination and storytelling that the nation comes to be imagined as a community that is bound together by an "image of their communion" (2006, 6). This image of communion is accomplished, in part, by imagining the nation as a community that despite "the actual inequality

⁹⁴Following Yasmin Jiwani (2006), I would characterize these terms of citizenship and nationality as racial terms because as she notes "there is an increasing tendency within hegemonic institutions to signify race by using terms such as 'immigrants and 'foreigners,' to refer to those who are constructed as racial Others in terms of their language, ethnic origin and practices, or religion" (91). The use of these types of signifiers work to deny the presence of race and race thinking in the news by transforming race into culture and thus enable the deniability of the persistence of race and racism.

and exploitation that may prevail in each, the nation is always conceived as a deep historical comradeship” (7).

These imaginings of nation as community which form around fraternity, but also shared values, ethics, morals and qualities (a metaphorical family, as Sharma (2012) notes) are given expression in national stories or mythologies of white settler societies, like Canada. Sherene Razack (2002) characterizes these stories as primarily about “a nation’s origins and history”. These stories are also constitutive of national subjects’ subjectivity in that “they enable citizens to think of themselves as part of a community, defining who belongs and who does not belong to the nation” (2002, 2). Razack (2002) recounts the unfolding national mythologies that have come to animate the national subjectivities of Canadians, Canada’s national character as well as those who stand in relation to the nation as its ‘strangers’. This “master narrative of nation” (Thobani 2007), is developed in three installments which are premised upon a racial hierarchy and regenerate the white racial character of the nation. The first installment tells the story of conquest and it is based on the doctrine of *terra nullius*, which held that Canada was ‘uninhabited’ land prior to white European settlement (Razack 2002, 3). The second part of the story picks up where the first part leaves off: the arrival of more Europeans and thus when “the settler colony becomes a nation” (3). In this part of the story we are told who the national subjects of the new nation are: The white European man who is robust and “of grit”, the bearer of civilization, independent and committed to democracy (3). In the third part of the story of the nation, we are told that: “The land, once empty and then later populated by hardy settlers, is now besieged and crowded by Third World refugees and migrants who are drawn to Canada by the legendary niceness of European Canadians, their well-known commitment to democracy, and the bounty of their land” (4).

Within this mythos of nation, and among the variety of ways it gets told and retold in different contexts and for variegated purposes, it is not simply the white national subject that is being constructed; national outsiders, strangers, and/or foreigners are also being written into the story. The relational nature of definitions of nationhood and the character of national subjects is explained by Sunera Thobani, in her book *Exalted Subjects*, where she notes that “the national is law-abiding where the outsider is susceptible to lawlessness; the national is compassionate where the outsider has a tendency to resort to deceit to gain access to valuable resources [...] (2007, 5). It is thus the white national subject that is “a much venerated one, exalted above all others as the

embodiment of the quintessential characteristics of the nation and the personification of its values, ethics, and civilizational mores, in the trope of the citizen, the subject is universally deemed the legitimate heir to the rights and entitlements proffered by the state” (3).

The imagined benevolence of both the nation and the national subject is a thread that runs throughout the coverage. The signifier ‘Convention refugee’ is the first way in which we see the mythos and characteristics of the Canadian nation implicitly expressed and the qualities of the national subject constituted. The 1951 Convention relating to the Status of Refugees along with the 1967 Protocol⁹⁵ inform the international signatories as to who may be deemed a Convention refugee and under what circumstances. A person may be deemed a Convention refugee if they fear persecution on the basis of race, religion, nationality, political group or by virtue of their membership to a social group (e.g. women and/or people of a particular sexual orientation). Canada, as one of the signatories to the Convention, is made to appear in the representation of the Kembo case. Through a discourse of humanitarianism, Canada is constructed as a goodwill nation that will accept and provide refuge or “safe haven” (*Refugee Screen Lets in Bad Bugs* 2005) for those who suffer under the weight of state prosecution of presumably more ‘backward’ states. This enables the image of Canada, and its nationals, to appear as progressive, compassionate, heroic, tolerant and hospitable. But in order for Canada and Canadians to appear as such, there also there needs to be countries that do not have these characteristics so that the nation and its nationals can differentiate themselves, and there needs to be opportunities where Canada and Canadians can demonstrate their good will in order to uphold the national mythologies it tells. Indeed, as Eva Mackey has noted, racial and cultural Others “are necessary players in nationalist myths: they are the colourful recipients of benevolence, the necessary ‘others’ who reflect back white Canada’s self-image of tolerance” (2002, 2). Therefore, at the same time as the term ‘Convention Refugee’ is signifying the compassion of Canada and its nationals, Kembo is being imagined as outside of the nation, the “colourful recipient[t] of benevolence” (MacKey 2002, 2) by the continual reference to him as a refugee and “Malawian national”; He is a “guest of the state” (*Refugee Screen Lets in Bad Bugs* 2005).

⁹⁵ The 1951 Convention was created at a meeting of the international community in Geneva after World War II in an effort to assist European peoples who were fleeing their countries in search of refuge. In 1967, the Protocol was designed to widen the scope of the Convention to include those who were non-European, in recognition that issues around state violence, displacement and prosecution were not isolated to Europe.
<http://www.unhcr.org/4ec262df9.html>

As I mentioned above, Kembo's criminal history since arriving in Canada was frequently discussed. Throughout these discussions it was not only his citizenship status and criminality that was highlighted, but also the fact that the state had tried, unsuccessfully, to remove him through deportation.

Accused triple murderer Charles Kembo was a government-sponsored refugee with a lengthy criminal record who was ordered deported from Canada eight years before his alleged killing spree. (Ramsey 2005a)

Lower mainland resident Charles Kembo—a refugee charged with murdering his wife, her daughter and a girlfriend—was ordered deported more than a decade ago, long before he allegedly began killing people close to him. (O'Brian 2005b)

Kembo is a Malawi national who has claimed refugee status although ordered deported a decade ago. He has been imprisoned for fraud and impersonation after Canadian welfare authorities found he had used 22 aliases to claim benefits between 1991 and 1993. (Bellett 2005)

In these passages, we begin to see that Kembo was no longer welcome in Canada, but because of a 'generous' immigration policy, the state could not legally deport him: the "refugee screen doesn't keep out the bugs, only the butterflies" (*Refugee Screen Lets in Bad Bugs* 2005). Here, the nation's goodwill is criticized as being *too welcoming and too trusting of Others* despite early signs (e.g. his criminal history) that Kembo was never going to be one of 'us' Canadians.

In this next passage, there is a clear separation or difference between 'us', the 'victims' of criminals and immigrants, and 'them', who are imagined as both immigrants *and* criminals:

Canada immigration critic MP Randy White says the Kembo case proves the deportation system is not working. 'The system virtually guarantees your permanence in Canada,' he said. 'Until we wake up and realize this is not a racial issue, but a safety and security issue, nothing is going to change. The immigration boards and the refugee boards have become obstacles to deportation as well as the stupid rules that allow criminals to *abuse our system*. They know every rule and *they* know how to break them.' (Ramsey 2005a; emphasis mine)

It is also interesting to note the work that is being done in the below passages through reference to the deportation order that was issued long before Kembo began to murder. Kembo's criminality and the potential danger that he posed was never overlooked. As Janis Fergusson, a spokeswoman for the Canadian Border Services Agency is quoted saying to the news media:

Kembo has been in a sort of ‘limbo state’ for the past decade because there is a removal order against him, but he can't return to his home country. ‘If we're seeking to remove somebody that's designated as a convention refugee it's much more difficult to return them to their home country, because we've identified them under the Geneva Convention as being a person that needs protection,’ Fergusson said. According to Human Rights Watch, life under the rule of the former Malawi president was ‘synonymous with torture, extrajudicial killings, detentions without trial and severely circumscribed civil and political liberties.’ (O'Brian 2005b)

All this information is positioned in defence of the nation. Officials knew Kembo was ‘a problem’, but could not act to remove him; the threat to Canada’s ‘safe haven’ was already inside its borders (Ahmed 2000). The relational understanding of national subjects and outsiders, together with the mythos of nation, is something that Sara Ahmed (2000) explores in her book *Strange Encounters*. Ahmed (2000) makes the argument that one way that identity is formed is through our ‘encounters’⁹⁶ with strangers—both the identity of stranger and the individual who recognizes the stranger as such are formed through the encounter. For Ahmed, this encounter is not one in which the stranger is someone who “we fail to recognize, but as that which we have already recognized as ‘a stranger’” (3).

By questioning the ways in which the ontology of the stranger comes into being through social and material relations and especially through regimes of difference, Ahmed (2000) explores how techniques of reading the body allows us to differentiate between strangers and those who belong in/to a bounded space or community. This reading of the body as a sign to achieve recognition, is also an historical encounter because in every encounter past encounters are reopened and broader social relations (e.g. identity and difference) are brought to bear. So the stranger is not someone who we do not know, but is someone that we know *as a stranger*, as someone who doesn’t belong. In rendering some people as strangers, we are also implying that other subjects are more familiar and that they do belong.

Space is central to the recognition of strangers, according to Ahmed: “others are recognized as strangers by those who inhabit a given space, who ‘make it’ their own” (25). This applies to the nation as well. Those who are understood as national subjects and who claim the nation as their own, are able to recognize strangers through the perceived differences of the

⁹⁶ When Ahmed (2000) uses the term ‘encounter’ she is referring not only to a face-to-face meeting with another, but also the more general “coming together of at least two elements” (p.7). In this understanding, a ‘strange encounter’ may also include the interaction or encounter between a reader and a text.

stranger. This attachment or tethering of subjects to nation enables Kembo's crimes be perceived as *personal injuries and personal threats*. That is, Kembo's crimes were not only interpreted as crimes against his specific victims, but as acts that injured the nation: "we've let *people like* Kembo abuse *our* hospitality" (*Refugee Screen Lets in Bad Bugs* 2005; emphasis mine). Here, it is 'good Canadians' that have been hurt, victimized, abused or take advantage of by Kembo. Somehow the nation and its subjects have also become Kembo's victims. Furthermore, the notion that it is not *just* Kembo, but also *people like* Kembo (i.e. immigrants/refugees/foreigners/strangers/racialized Others) that are a threat to the nation and its generosity and hospitality. It is interesting to note that in none of the other cases that we have looked at were the crimes represented in this manner. This is one of the (many) consequences of the criminalization of race (Covington 1995). It is not simply the individual who perpetrates the crime that is indicted; it is also the entire community to which they belong (Russell 1998; Mingus and Zopf 2010; Thobani 2007).

Sara Ahmed's (2000) work also points out how danger is often imagined as coming from difference and 'outside' the national community (i.e. the stranger). This belief reinforces the idea that community is safe as long as outsiders do not penetrate its borders: "the projection of danger onto that which is already recognizable as different—as different from the familiar space of home and homeland—hence allows violence to take place: it becomes a mechanism for the enforcement of boundary lines that almost secure the home-nation as safe haven" (Ahmed 2000, 36). The image of the nation as a safe haven and the construction of nationals as law abiding gives rise to a pervasive narrative whereby the nation is constantly under threat and vulnerable to outsiders. This historically derived idea helps to construct the boundaries and the limits of the nation, especially in regards to who may pass through its borders. The figures responsible for such feeling of vulnerability in the national subject may be captured under the general rubric of the stranger (Ahmed 2000).

This idea of the nation and its citizens in danger was a theme that was constantly revisited in the news media. Despite the fact that it was *Kembo* who was in danger, which is why he was in Canada as a Convention refugee, the conditions he was fleeing were never explored. In the coverage, Kembo was imagined only as a dangerous figure, and not the one that was once in danger. Given this absence of information about the conditions of danger he was once in, coupled with the dearth of information regarding his finically motivated crimes, we are made to

see Kembo as a ‘bogus refugee’, that is a fake refugee who conned his way into Canada by making himself appear to be a victim of the Malawian state and thus ‘jump the queue’ of the ordinary immigration process. This sentiment, which hovers over many of the texts, is finally made explicit:

He has always been a hustler, a grifter, a fraud artist: He has been conning people, insurance companies, credit-card firms and banks his entire adult life. Kembo dropped out of high school, left home and sweet-talked his way into Canada via the *U.N. refugee process*. He has never been *straight, milking the student-loan program upon arrival* and then trafficking in narcotics, petty theft and extortion until he learned more sophisticated legerdemain. [...]. (Mulgrew 2010c; emphasis mine)

In many ways Kembo is represented as the personification of the national fears and anxieties surrounding strangers. Such ‘bogus refugees’ betray the imagined benevolence of the nation that was ‘graciously’ offered to them by passing through its borders and wreaking criminal havoc. When taken together, these images of Kembo as a national stranger, a violent criminal, a danger to the nation and its subjects, already casts Kembo as an imaginable criminal figure because he stands as already outside the imagined boundaries of the nation and his transgressions already fit within the stories that ‘we’ (national subjects) have told about ‘them’, and which our national identity relies. Evidently, the work of psychopathy is not necessary here.

Where are Rita Yeung, Ardon Samuel, Margaret Kembo and Sui Yin Ma?

Thus far we have explored a some of the conditions which made it possible to represent Kembo as imaginably criminal in the absence of psychopathy. His criminalized biography, constructing him as a criminal figure and stories of nation and race made it possible to see Kembo as already suspicious and a criminal outsider. I have made the argument that it was these features of the representation that made Kembo imaginable as a criminal and, by extension, foreclosed the entrance of psychopathy because its discursive work wasn’t necessary here. I would like to continue to build this argument in this last section by exploring how the representations of Yeung, Ma, Samuel and Margaret Kembo made this representation of Kembo possible and vice versa.

The aforementioned constructions of Kembo were not only made possible by the way in which he was positioned as already outside the nation and as an already transgressive subject, it was also accomplished by who his victims were. It was immediately apparent to me that

Kembo's crimes were not met with the same type of moral outrage. In contrast to Williams and Bernardo, Kembo was not routinely referred to as evil, monstrous or psychopathic (the latter usually links the former two terms of moral opprobrium; see for example Ruffles 2004; Stowell-Smith and McKeown 2006). While I have argued that the absence of psychopathy was in part readable in relation to the narratives and discourses of nation, national subjectivities and 'strange(r)ness', I would also suggest that this was also accomplished by the ways in which his victims' lives were negated throughout the coverage and rendered "ungreivable" (Butler 2004). But to suggest that it was simply these registers that made the negation of their lives affect the image of Kembo as a national stranger and already transgressive subject would be to ignore the "indissoluble dialectic" (2014) that was taking place between victims and offender. For it was also the way in which Kembo's transgressions were framed as injuries to the nation and its subjects that removed the *focus away from those whose Kembo's violence was actually directed at*. This interpretative and dialogic practice had enormous implications for the way that we were made to come to know Yeung, Ma, Margaret Kembo and Samuel as without personhood and as only dead bodies.

The lack of 'newsworthiness' of Kembo's crimes and his victims was most clearly evidenced in the ways in which the news media came to discuss the three "Asian" women (this is how they were referred to) Yeung, Ma, Margaret Kembo and Samuel, "a black man"⁹⁷. Where Yeung, Ma, Samuel and Margaret Kembo are featured in the news, their representation mirrors the typical and stereotypical ways in which racialized peoples are portrayed in news media (Jiwani 2006) and it is their victimhood that is emphasized and their personhood is negated. This happens in two different, but interrelated ways. The first way, which is starkly different from the ways in which Mahaffy, French, Lloyd and Comeau were represented⁹⁸, paints a flat, one-dimensional image of Yeung, Ma, Samuel and Margaret Kembo as victims. As we saw in the preceding chapter, all of the victims were humanized via the deployment of (problematic) discourses that sought to render each victim as more than just a victim by referring to them as

⁹⁷ Significantly, explicit racial and ethnic markers were absent in the other cases where offenders and victims were white.

⁹⁸ I am not including Pickton's victims in this statement. Although Pickton's victims were humanized as 'real' victims throughout much of the coverage, I cannot convincingly argue that this would have been the case if police did not garner the criticisms they did for not formally and seriously attending to the disappearance and murder of the women from as early as the 1970s. I think the air of condemnation inspired the kind of deference shown to the victims in the representations, although this was not always the case (see, for example, Jiwani and Young 2006).

mothers, daughters, sisters and so on. Importantly however, although this discursive tactic was deployed in the representations of Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe, it was used to *counter* the negative portrayals about the women that were circulating in the news, which highlights how identity and difference informs constructions of both personhood and victimhood. We also learned, albeit to varying degrees, about the personal elements of each of their lives such as their personality traits, the people they unwillingly left behind, their hobbies, how they touched the lives of those around them and so on. In this present case, we are told *nothing* about what makes Yeung, Ma, Margaret Kembo and Samuel, like every individual, unique or who they were before they become victims of homicide. The only things that we are told about Yeung, Ma, Samuel and Margaret Kembo are their names, ages, affiliation to Kembo and the way that their *corpses* were discovered.

Coupled with this one-dimensional understanding of who they were in life, they are also made to exist in the news as only dead bodies. When each of the victims is discussed they are largely referred to not as people, but as bodies, material objects, lifeless corpses, and/or remains. The following excerpts were typical of the way in which Yeung, Ma, and Samuel⁹⁹ are portrayed:

In July [Kembo] was arrested for the murder of his wife who disappeared in 2003, his girlfriend whose *body* was found in a hockey bag in a Richmond slough in 2004, and his daughter-in-law whose *body* was found in the Fraser River two days before his arrest. (*Refugee Screen Lets in Bad Bugs* 2005; emphasis mine)

[H]er [Rita Yeung's] *naked corpse* was found wrapped in garbage bags. (Hutchinson 2009; emphasis mine)

Rita's *body* was found in the Fraser River on July 27, 2005. She was clad only in a bra and wrapped in several garbage bags. She'd been strangled. (Keith Fraser 2010b; emphasis mine)

⁹⁹While Margaret Kembo was never found, she is often also reduced to her body and not her personhood. Phrases similar to her “body was never found” (N. Hall 2009b) were common place alongside the references to, and descriptions of Yeung, Ma, Samuel’s dead bodies. Within this crude mode of representation, we are implicitly invited to see the absence of her body as a significant barrier to the workings of the criminal justice system or as an indication of non-coincidental nature of the Kembo’s crimes. In either instance, we are not invited to see the absence of her body as the absence of a life.

A woman walking her dog in Vancouver's Quilchena Park in November 2003 stumbled across the *remains* of Kembo's former business partner, 38-year-old Ardon Bernard Samuel, partly buried in leaves. (Ramsey and Luymes 2005; emphasis mine)

Ardon Samuel's *strangled corpse* was discovered in a Vancouver park in November 2003. (Hutchinson 2009; emphasis mine)

Ma's *remains* were found stuffed in a hockey bag and dumped into a Richmond slough. (Ramsey and Luymes 2005; emphasis mine)

It was the *corpse* of Sui Yin Ma. She had been either drowned or suffocated. (Hutchinson 2009; emphasis mine)

The excessive attention given to the condition of their bodies in death and not to their lives, echoes Judith Butler's (2004) essay *Violence, Mourning and Politics*. In this essay, Butler discusses the vulnerability inherent in the human condition—we are all vulnerable to death—and we rely on others to avoid, as best as we can, this inevitable fate. She is also careful to point out that vulnerability to violence and to death is not distributed equally—some humans are more vulnerable to violence and death than others because some people are more protected than others. When vulnerability is realized in the most horrific of ways—through the imposition of the will of another on the body via violence and maybe death—not all lives are grieved and indeed not all lives are grievable for there is a “hierarchy of grief” (32). This hierarchy of grief is tied to a “restrictive conception of the human” that has been naturalized in its “western mold” where this mold excludes and expunges (without grief) those who fall outside it (32-33). When violence is done to those who come to exist through discourses of dehumanization, then “from the perspective of violence, it fails to injure or negate those lives since those lives are already negated [...] they cannot be mourned because they are always already lost or, rather, never ‘were’” (33)

By way of example, Butler explores the genre of the obituary—“where lives are quickly tidied up and summarized, humanized [...]” (32)—where some lives are collectively grievable in this genre and others are excluded all together, such as the thousands of Palestinians who have been killed by the Israeli military or Afghan people killed by the US military. These deaths are not “tidied up, summarized and humanized” in the obituary because the loss is not seen as a loss at all and therefore we do not need to ask “if they have names, faces, personal histories, family, favourite hobbies, slogans by which they live” (32). Indeed, as Butler notes: “if there were to be

an obituary there would have had to have been a life, a life worth noting, a life worth valuing and preserving, a life that qualified for recognition” (35).

While Butler’s analysis is specific to the obituary, I think it is possible to think about her observations here in relation to the way that Yeung, Ma, Samuel and Margaret Kembo’s lives were narrated in the news and especially in relation to the other lives lost that I have discussed here, namely the lives of Kristen French, Lesley Mahaffy, Tammy Homolka, Marie-France Comeau and Jessica Lloyd. We learned their names, their hobbies, what they were like and who they left grieving their lives. No such information is given here. There are no humanizing narratives of life being written or told upon which their lives may become ‘grievable’—“there will be no public act of grieving” over Yeung, Ma, Samuel and Margaret Kembo (Butler 2004, 36).

Instead of narratives, discourse and images that seek to humanize Yeung, Ma, Samuel and Margaret Kembo all we find in their place are that which make them appear as less than human and ungrievable. In addition to rendering the victims’ bodies and the violence done to them central to their representation, these portrayals also sexualize and eroticize their dead bodies in gendered and racially specific ways, which is not uncommon when victims are socially marginalized (Gilchrist 2010; Greer 2008). For instance, in reporting the condition under which Samuel’s body was found, his dismembered genitalia are constantly referred to alongside references to his race: “The man’s penis was cut off and put in his pants along with four notes, which contained crude messages with racist overtones: Samuel was black” (N. Hall 2009a). This crude, graphic and derogatory image of the deceased bears traces of the historical, but familiar images and practices of the torture and lynching of black men in the United States. Furthermore, the association between Blackness, masculinity and male reproductive genitalia has, as Saint-Aubin (2002) shows, since the nineteenth century been both a fantasy and narrative central to constructions of the inferiority of Black masculinity. Saint-Aubin has argued that physicians and scientists centred their gaze on the on the Black man’s sexuality and in particular, his “virile organs” (262). These white men of science, through their observations, unanimously held that what differentiated the white man and the Black man anatomically was the greater size of the Black man’s penis in contrast to the average white man (Saint-Aubin 2002). This physical difference, they argued was indicative of the Black man’s excess sexual passion and appetite and thereby ‘confirming’ that Black men more “bestial” and “had not evolved significantly as a race

much beyond their ‘animal subhuman ancestors’” (263). In the current case, I would suggest that the invocation of this crude imagery could be read as an attempt to racialize and further dehumanize Samuel by reducing the violence that led to his death to his dismembered body parts.

Ma is similarly racialized and sexualized. From the outset, Ma is identified as Kembo’s mistress and the only other thing that we learn about her is that she immigrated to Canada from Hong Kong and her petite body size: “Ma, also known as Elvie, was a quiet woman who lived alone after moving to Canada from Hong Kong a dozen years ago. She worked as a labourer for a Richmond business. Her tiny, four feet eight, 100-pound body was found [...]”. (Ramsey and Luymes 2005). In this exemplary passage, Ma is constituted within an orientalist frame that reproduces racial and gendered stereotypes of East Asian and Chinese women in particular as quiet, submissive, hardworking, and petite, the ‘model minority’ so to speak. Rita Yeung is similarly sexualized in life and in death. All we learn about Yeung is that she is Kembo’s stepdaughter, Margaret Kembo’s biological daughter, a student at the University of British Columbia, and that she had an “incestuous” relationship with Kembo. We are told that when she was found murdered she was only wearing a bra. Margaret Kembo whose body was never found is the least grievable—she is erased in the news altogether, barring when she is part of the body count or when her presence in the story is demanded for narrative coherence.

The ungrievability of the lives of Ma, Yeung, Samuel and Margaret Kembo was made clear from the outset. Upon reading the news coverage of the case, I immediately realized that not much had been written about the victims, so I used an additional search strategy: I searched each victims’ name to capture articles that were written before Kembo was identified¹⁰⁰ (my first search strategy captured all the articles written after this point). Interestingly, all of the articles except for *one* were published *after* Kembo was arrested. This means that *four people* who were living in relative close proximity to each other and who were all found brutally murdered and another had been missing for an extended period of time and none of this was considered newsworthy. This, of course, is not surprising since news reporting of violent crimes is deeply racialized, classed and gendered (Gilchrist 2010, 375). This remains troubling no less.

¹⁰⁰ In both the Bernardo/Homolka and Williams cases, as soon as their victims were reported missing the news began covering and following the case.

One journalist offered an explanation as to why it was the case that Kembo “was able to fly below the radar for so long: the victims were generally ‘low net worth people’ whose values were elevated only when their identities were stolen and used by Kembo” (Burgmann 2009). Kembo was able to evade suspicion for so long, not because he blended in or because he wasn’t suspicious, as was the case with Williams and Bernardo/Homolka (Philip 1993; Chan and Chunn 2014), but because his victims are barely able to exist as *grievable* victims, as humans in the first instance. Perhaps it is for this reason, that this case evades our national memory; Ma, Yeung, Samuel and Margaret Kembo were not ‘our own’. Additionally, we could also surmise that because Kembo was not a stranger to Ma, Yeung, Samuel and Margaret Kembo and therefore he targeted them in particular, his danger, in some ways at least, was not generalizable to everyone or anyone. It is perhaps for this reason that the most severe form of moral condemnation (i.e. psychopathy) was reserved for people like Williams, Bernardo and Homolka who betrayed societal expectations of them and were seen as posing a danger to any and every white, middle-class woman.

Finally, we might also recognize the bodily contingencies upon which the deployment of psychopathy may rely on, not just in terms of the offenders, but also in terms of who the victims were imagined to be. Kembo did not occupy normalized subject positions and he never appeared as unimaginably criminal, we could argue that this may be a reason why psychopathy was never brought to the fore. However, we could also partly attribute psychopathy’s absence to the ways that Yeung, Ma, Margaret Kembo and Samuel were made to fit into the crime narrative. Similar to the way in which the personhood and victimhood of Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe were constructed and informed how Pickton was represented as not at the “top of offending hierarchy” (McAlinden 2014, 187), neither was Kembo. As I noted in the previous chapter, psychopathy in many ways represents the pinnacle of criminality because psychopaths are rendered irredeemably and biologically evil and are thus well suited to occupy the “top” position of the offending hierarchy, as we saw in the case of William and Bernardo/Homolka. This, as we’ve seen, was not the case for Kembo. The ungrievability of the lives of Ma, Yeung, Samuel and Margaret Kembo, as it was portrayed in the news, suggests that Kembo need not be placed on the same level as Williams, Bernardo and Homolka. It also suggests that Kembo did not defy collective imaginings of criminality in such a way that his criminality required a construal that evicted him

from the normative and moral community because he, like his victims, were never truly part of that community in the first instance.

On a final note, it is important to situate this representation of Ma, Yeung, Samuel and Margaret Kembo in a larger social context. Wendy Chan observes that while immigrants regularly feature in crime stories as perpetrators, the news rarely focuses on immigrants as victims and “fails to adequately recognize the extent to which immigrants are victimized by other immigrants and by non-immigrants” (2013, 32). Moreover, this kind of representation reaffirms the imagined association between immigrants and criminality in Canada (32) and the ‘threat’ that ‘outsiders’ pose to the nation and *its* subjects (41). The violence that ended Ma, Yeung, Samuel and Margaret Kembo’s lives was not the only violence they experienced. The way they were represented is also a form of systemic violence (García Del-Moral 2011) and is part of a much larger and disturbing Canadian reality.

Conclusion

From a purely technical perspective it would have made sense for journalists to label Kembo as a psychopath, but they didn’t. Given the way that the psychopath label was casually used in the cases of Bernardo and Williams, makes its absence striking and significant. However, once we began unpacking the representation of Kembo and his victims, this absence is consistent with my reading of the other cases. When taken together, we can begin to see how psychopathy operates as a method of representing the unimaginable criminality of the normalized subject. Kembo’s body and acts already figure in our criminal imaginaries in a number of different ways. His criminality does not need to be repackaged in order to become intelligible. Like Pickton, he exists as ‘strange’, ‘foreign’ and outside *already*, albeit for different reasons. The conceptual work that I argued psychopathy does, is not necessary here. There is no puzzle or paradox to solve or account for.

The “dialectic” between Yeung, Ma, Samuel and Margaret Kembo and Kembo was also significant. Yeung, Ma, Samuel and Margaret Kembo were barely present in the news and when they were present their lives and deaths are portrayed as ungrievable. The importance of the way their race, class and gender interlock cannot be understated in a context, like the Canadian news media, which routinely diminishes or erases the violence that is done to marginalized subjects

(Jiwani 2006; Gilchrist 2010). This enables Kembo to be seen as a ‘run of the mill’ type of criminal, and not an exceptional criminal psychopath. Moreover, the way that Kembo was represented as a transgressive outsider also allowed for his crime against Yeung, Ma, Samuel and Margaret Kembo to be met with a less severe mode of representation. His crimes were framed as injurious to the nation, while at the same time Yeung, Ma, Samuel and Margaret Kembo were largely erased from the news.

While my reading of the absence of psychopathy here confirms my central argument, there is something that still haunts me about this analysis. As I have noted throughout, this research has been largely inspired by those who have subjected historical conceptualizations of psychopathy/moral insanity to critical analysis. The works of Fee (1978), Rafter (1997a), Lunbeck (1994) and Rimke (2003; 2005) have explained how discourses of identity and difference played a significant role for how psychopathy and moral insanity were imagined. More specifically, Lunbeck (1994) and Rimke’s (2003; 2005) work has highlighted the racial significance of moral insanity/psychopathy, by demonstrating how people who were racialized were not diagnosed with the disorder. What haunts me, then, is the absence of psychopathy in *this case in particular* and whether the same racist logics are being reproduced here in the absence of psychopathy in representing Kembo and if this finding, along with the findings of Stowell-Smith and McKeown (1999; 2001), are indicative of a much larger pattern. Although I cannot answer this question, I do think that this is an area that requires further research.

I also wonder to what extent the idea of psychopathy is already embedded in racist discourses and representations. For example, in his brief history and description of the brute caricature, David Pilgram (2000) explains that “the brute caricature portrays Black men as innately savage, animalistic, destructive, and criminal—deserving punishment, maybe death. The brute is a fiend, *a sociopath, an anti-social menace*. Black brutes are depicted as hideous, terrifying predators who target helpless victims, especially white women” (emphasis mine). Similarly, Donald Bogle in his book *Toms, Coons, Mulattos, Mammies and Bucks: An Interpretive History of Blacks in American Films* notes how the figure of the “brutal black buck” is not only innately ‘animalistic’, but is also a psychopath (2001, 14). These similar and pervasive racist tropes for representing Black deviance *assume* that the ‘black brute’ and the ‘brutal black buck’ are anti-social psychopaths. Such representations are explicit in their racist connotations, but do not need to explicitly suggest that the ‘deviants’ are psychopaths because

such a condition is assumed in the way that race is understood and portrayed. In this context, racist discourses do the work that discourses of pathology do in cases where offenders are white. So I wonder, but I cannot say for certain, is this another reason why psychopathy is absent in this representation of Kembo? Is psychopathy always already implied in the criminalizing and racializing processes that are occurring? It seems to me that there may be a bigger story about race (including whiteness) that psychopathy has not yet been made to tell.

Conclusion

What seems necessary here is an acknowledgement that we make errors in our perceptions, we imagine things that are not there. What is important is not to stop looking, but to continually look again, to see afresh, and to remain open to new interpretations, new conclusions. (Biber 2006, 22)

The historically derived, and enduringly popular idea that ‘criminals’ *look different* than ‘normal’ people has been at the centre of this project. This idea about bodily appearance coupled with the notions of difference/identity and in/visibility are entangled with ideas of criminality, deviance, and normalcy. Throughout this dissertation, I have demonstrated, in a similar way as others have, that these ideas have implications for who we *imagine* to be criminal or suspect and who we are *unable to imagine* as such. However, I also showed how, in the case of the latter, psychopathy works to render appearances of normalcy pathological and unimaginable criminality, imaginable.

I began this study by tracing ideas about bodies, difference/identity, in/visibility (un)criminality, by looking to the works of others who have explained how criminality, difference and the body have long been implicated in how criminality is imagined in distinctly racial, gendered and class-based terms. I followed these ideas and used them to read the cases to understand the mechanisms that allowed Bernardo, Williams and Homolka to be read as unimaginably criminal, and Neve, Pickton and Kembo to be already imaginable as such. It seems that imaginings of criminality remain tethered to bodies and visible difference. It was this observation that that led us to question how psychopathy is able to render the un-criminality of the normalized subject imaginable as criminal.

As I discussed throughout, psychopathy is a personality disorder that is often explained biologically. Within our contemporary context, psychopathy is not understood as a condition which expresses itself on the external body (as it was historically, see Rimke 2005; 2003), but as a condition “localizable within the body” (Pickersgill 2009, 46). As a condition that is generally invisible to the naked eye, one of the ways that psychopathy is rendered visible is through “doing”: “for the psychopath action is a reflection of being” (Weisman 2008, 198). Aside from the clusters of personality and behavioural traits and tools that allow trained professionals to “identify” psychopaths or make their condition visible (Jalava, Griffiths and Maraun 2015, 45), a hallmark of the contemporary psychopath is “the paradox of appearance and reality” (Weisman

2008, 199). This paradox is significant because it tells us that aside from the psychopath's transgressive doings, their condition remains concealed under the mask of their appearance, their apparent normalcy. It was within this contemporary understanding of psychopathy that we were able to begin to see how psychopathy is amenable to representing the unimaginable criminality of the normalized offender, as well as the bodily contingencies of this kind of representation.

In Chapter 3, we explored how Williams and Bernardo, two serial killers who occupied dominant/normalized and interlocking subject positions, were represented as psychopathic criminals and how this helped to resolve the conundrum of their imagined un-criminality and reality. The discourse of pathology, and psychopathy in particular, gave rise to the biographical inspection and their pathological criminal biographies. These biographies I suggested, following the lead of others, sought to construct them as “changed” or “changing” figures, who were beginning to or had already departed from the expectations and assumptions their normalized subject positions (Foucault 2003; Rimke 2005; 2003; Heitzeg 2015; Daniels 2015). I also argued that the “paradox of appearance and reality” (Weisman 2008, 199) was central to their representation as psychopaths and was expressed through duality—they were made to appear as ‘normal’ as well as transgressive and criminal. Psychopathy enabled them to be represented as both. In other words, psychopathy was able to render their criminality imaginable *in light of their normalized appearance/identities*. This is what I think makes psychopathy a unique discourse in comparison to more general discourses of pathology which are often analyzed in the literature.

In Chapter 4, I explored how psychopathy was a way of imagining the unimaginable criminality of a normalized woman—Homolka—as well as its bodily contingencies. Since psychopathy is not readily diagnosed in women and this has been explained in a number of different ways, we took the respective representations of Homolka and Neve as curious. We began with the case of Homolka. While other scholars have recognized that Homolka was represented as a dual figure, we sought to explore this representation in relation to psychopathy specifically. Not only did psychopathy help to resolve the competing constructions of Homolka as a ‘normal’ woman (e.g. a “woman in danger”; Kilty and Frigon 2006; 2016) and a ‘criminal women’ (e.g. a “dangerous woman”; Kilty and Frigon 2006; 2016), by transforming her appearance (with all that that entails) into a ruse which hides the reality of her personhood (i.e. psychopathy), it also did additional work that was specific to normative femininity. As a masculinized disorder, psychopathy not only accounted for the misfit between appearance and

reality, but it also masculinized Homolka's actions. By inserting her actions and proclivities into a gendered/masculinized paradigm of psychopathy, her appearance was rendered a fiction, and her actions were construed as the truth of her being. Significantly, because psychopathy is understood as manifesting as normal(ized) appearance, her re-gendering is only partial. She must, within the ambit of psychopathy, be seen as normal(ized) in appearance because this hides her 'true' criminal and abnormal nature.

We then turned to a fundamentally different, but important, case—that of Lisa Neve. Neve is a gay, Aboriginal woman and sex worker, from a working-class background who struggled with addiction. Her crime story is also very different. The crimes that Neve committed were violent (although not nearly to the same extent as the crimes Homolka participated in) as well as transgressive of the norms of femininity. In this case, Neve's criminality is never seen as unimaginable and therefore, psychopathy does not aid us in imagining the unimaginable. Instead, it is used to build a picture of how dangerous she is. As a result, Neve is made to *appear as more dangerous than she actually is* and is sentenced as a DO to an indeterminate sentence (although this decision was later overturned). Constructing Neve as a 'deviant' woman who profoundly transgressed normative femininity in both her interlocking subject locations and her crimes, led, as others note, to her being harshly punished (Renke 1995; Yeager 2000; Neve and Pate 2005). My reading of Neve's case, along with Homolka's, showed us how contemporary representations of psychopathy (much like historical accounts) rely on and reproduce the normative social order in more ways than one. However, they also demonstrated the different work that psychopathy does in different contexts—its interlocking bodily contingencies—as well as that psychopathy, in case of normalized offenders, aids in the imagination of their unimaginable criminality.

In the final two chapters, we explored cases where the perpetrators of serial homicide did not occupy normalized subject positions to gain a better sense of the interlocking bodily contingencies of psychopathy and whether there is some kind of imagined relationship between psychopathy and the normalized offender. The tentative answer to this latter question (as far as my readings of these specific cases go) is *yes*, there is a relationship at the level of imagination or representation. As we saw in both the Pickton and Kembo cases, psychopathy is relatively absent and the discourse of psychopathy is not used explicitly to construct their criminality. Instead what we see are other discourses that construct their criminality *through their alleged difference* from a normalized subject position—the discourse of 'feble-mindedness' and 'white trash' in the

Pickton case and discourses of race and nation in the Kembo case. Neither Pickton, nor Kembo, are seen as ‘normal in appearance’ where this normalcy is hiding a deep-seated and invisible pathology. They are already imaginable as different, and potentially suspect. These observations told us (again, insofar as these cases are concerned) that representations of unimaginable criminality are contingent on identity and difference and that representations of psychopathy are also contingent on how bodies and subjects are constituted and read within discourses of (un)criminality.

However, the reading that I put forward in these last two chapters also brought our attention to an additional set of interlocking bodily contingencies that contour imaginings of psychopathy—that of the victims. In no uncertain way, the representations of victims also informed how each offender was represented as psychopathic or not. As I discussed in relation to McAilden’s (2010) work, psychopaths are constructed at the “top of the offending hierarchy” and in order for an offender to be constructed as such, their victims need to be seen as completely innocent and worthy of being seen as ‘real’ victims where the identity of the victims, as others have shown, play a significant role in how we see/know victimhood (Jiwani and Young 2006; Jiwani 2009; 2011; Gilchrist 2010; García-Del Moral 2011; R. Collins 2014; Kilty and Frigon 2016). However, it is not simply that representations of offenderhood are dependant on imaginings of victimhood, the reverse is also true. When the victims are pictured in this way, we are forced to see the offenders as purely evil (McAilden 2010). What we saw in the news coverage was Jessica Lloyd and Marie-France Comeau—Williams’ victims—and Kristen French and Leslie Mahaffy—Bernardo/Homolka’s victims—being constructed as ‘ideal’ victims. These representations were accomplished because of their interlocking identities—normative femininity—along with the fact that they were victimized/murdered by strangers. This construal enabled Williams, Bernardo and Homolka to be seen as offenders of the worst kind—evil, psychopathic— and vice versa. In contrast, Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe—Pickton’s victims (or, the women he was convicted of murdering)—and, Margaret Kembo, Sui Yin Ma, Ardon Samuel and Rita Yeung—Kembo’s victims were not represented as ‘ideal’ victims. Instead, in the news coverage, as others have pointed out, Mona Wilson, Sereena Abotsway, Georgina Papin, Andrea Joesbury, Marnie Frey and Brenda Wolfe struggled to be seen as women and undeserving of the violence that took their lives (Jiwani and Young 2006; Jiwani 2009;). Their struggle into personhood in life

and in death (i.e. the news coverage), has been situated within a social and historical context that sees Aboriginal women, sex workers, and people who struggle with addiction as less than human and as bodies that can be ‘violated with impunity’ (Razack 1998b; Jiwani and Young 2006). Attempts to render Margaret Kembo, Sui Yin Ma, Ardon Samuel and Rita Yeung as *people* (and not simply dead bodies) was never something that was attempted in the news. Instead, they were pictured as bodies and objects—not subjects, not people. The significance of their race and class in blocking their entrance into personhood and ‘ideal’ victimhood cannot be underestimated. While this reading of the victims, certainly reveals, how representations of violence are also a technology of violence themselves (García-Del Moral 2011) as well as how race, class and gender inform representations of ‘worthy’ and ‘unworthy’ victims (Gilchrist 2010; Jiwani 2011; R. Collins 2014; Kilty and Frigon 2016), I would also add that it showed us that there is a pattern or contingency in representations of violence and psychopathy. When the victims are represented as ‘ideal’ victims, the offenders are represented as evil and psychopathic, whereas when the victims are represented as ‘less than ideal’ and ‘less than a person’, the offenders are not represented as psychopaths.

Implications, Contributions and Significance

The insights that we have collected throughout these pages have a number of important implications. The first is that *by reading each of these cases individually and against each other we were able to uncover how bodies, appearances, identity and difference are implicated in cultural imaginings of (un)criminality*. While this is by no means an original observation, it is a significant one insofar as it reaffirms that how we think about people affects how we come to know and treat them (Brock 2012). This is especially true in a criminal justice context. For example, imaginings of criminality on the basis of identity are reflected in the demographic composition of Canadian federal prisons. The Annual Report of the Office of the Correctional Investigator¹⁰¹ for 2014-2015 presents a startling picture of the reality of criminalization in Canada. Howard Sapers, Correctional Investigator, reports that while Aboriginal peoples

¹⁰¹ The Office of the Correctional Investigator “provides independent oversight of the Correctional Service of Canada and serves as an Ombudsman for federally sentenced offenders” (<http://www.oci-bec.gc.ca/cnt/bio-eng.aspx>).

represent 4.3% of the Canadian population, they represent 24.6% of the prison population, with Aboriginal women representing 35.5% of all incarcerated women (2015, 2). Additionally, between 2005-2015 the “Black inmate population grew by 69%. The federal incarceration rate for Blacks is three times their representation rate in general society” (2). In the case of female inmates, Sapers (2015) notes that “close to 70% of federally sentenced women report histories of sexual abuse and 86% have been physically abused at some point in their life. Their life histories of trauma cannot easily be separated from their conflict with the law” (3). The picture of Canadian federal prisons is not only racialized and gendered, it also represents other forms of inequalities found in Canadian society (which interlock with each other) including ‘unemployment or chronic underemployment’ or educational needs (2). As Sapers points out: “prison has always shone a spotlight on the problems and inequalities of the larger society in which it functions. This remains true today as substance abuse and addiction, poverty and deprivation, discrimination and social exclusion, mental health and stigma continue to define and shape modern Canadian correctional policy, practice and populations” (2)

I present this information not to suggest that there is a causal relationship between news media representations and the reality of criminalization (i.e. the news conveys stereotypical images or ideas that are then acted upon by police, for example), or that the news simply reflects the ‘reality’ that these populations are more ‘prone’ to crime and are therefore ‘inherently’ more likely to be incarcerated. Instead, I present it to show the continuities between (un)criminal imaginings and the lived realities of racialized groups, women, and those who are economically marginalized and the criminal justice system. These realities are a product of many variables including, historical legacies of colonialism, racism and sexism and current structural and institutional inequalities and discrimination (Chan and Chunn 2014). I think it is fair to suggest that these realities come to impact how (un)criminality is imagined and that the impact of these imaginings cannot be divorced from these lived realities. If image and reality cannot be divorced from one another (Young 1996; 2014; Carrabine 2012), then any vision of social change, of social justice, needs to account for the power and persistence of imagination, of how we come to think, know and represent the world around us.

Although psychopathy appears to be a neutral scientific term to capture a group of biologically ‘evil’ people, the idea of psychopathy engenders and reproduces many assumptions that are formative to the normative social order itself. This is the second implication of this

study. Part of what makes this research different from the works that have come before it, is how I have brought the insights of critical psychopathy research (past and present) together with the insights of critical criminological works to explore how criminality is imagined in relation to psychopathy (or not). I think this is what makes this study unique. By paying attention to when (i.e. absence and presence) and how psychopathy is deployed (i.e. imagining unimaginable criminality; imagining the extent of criminality/dangerousness) in criminal imaginings, I was able to untangle the assumptions and interlocking bodily contingencies of psychopathy as well as how these reflect, and reproduce, cultural criminal imaginings as well as the existing social order.

Reading the representations of the cases in this way revealed a number of consistent logics across the texts in regards to crime and identity/difference. In general, we saw how social difference, especially in relation to race, class, gender, sexuality and citizenship, is linked to imaginings of crime. The cases of Neve, Pickton and Kembo drew our attention to how the criminality of those rendered Other or different, are easily and readily imaginable as criminal. The case of Homolka demonstrates the difficulty of imagining normative femininity as violently criminal. Whereas Neve's case highlighted that when a female offender occupies marginalized interlocking subject locations in terms of race, class and sexuality imagining her criminality was much more straightforward because she is already imagined to have taken flight from normative femininity in important ways. Finally, in the cases of Bernardo and Williams we saw how their interlocking subject positions and appearances made them appear as both unsuspecting and un-criminal. Although, men's violence is not anomalous, it has been so normalized in our culture that we often fail to see male perpetrators as gendered subjects (Collier 1997; 1998; Consalvo 2003). Arguably then, it was the way that their other subject positions interlocked and their appearances coalesced—whiteness, class, heterosexuality and occupational status (Williams) or attractiveness (Bernardo)—that made them appear as un-criminal and that required this be reckoned with.

In looking to the way that psychopathy moved through these cases (or didn't) we were able to see the work that it did (or didn't need to do) to account for these assumptions about who each subject was thought to be. In the cases, of Bernardo, Homolka and Williams psychopathy was used to render their unimaginable criminality imaginable and was able to account for all of the assumptions therein because of the way that the condition is conceptualized through duality:

appearance of normalcy and abnormality/transgressiveness. In the case of Neve, psychopathy did a different kind of work. It was not used to imagine her criminality, but was used to paint a picture of just how criminal/dangerous she was. In the cases of Pickton and Kembo, psychopathy was absent largely because the work that it did in the other cases was in some ways redundant here. Pickton and Kembo, in different ways, were already imaginable as criminal. In essence, by tracking psychopathy's movement and paying attention to its nuances, I showed how cultural (un)criminal imaginings *align with* and *complement* contemporary imaginings of psychopathy. This alliance however, is both political and profane.

Although, it can be argued that representations of violence that rely on explaining or reducing violence to a pathological individual when there are other more holistic and contextualized perspectives available could also be rendered political (I discuss this below), I would insist that there remains something distinctly significant about psychopathy. In looking closely at how psychopathy is imagined (e.g. as an invisible, biological condition that is not readable from the external body and which relies on a 'normal', but deceiving appearance) and then how this is relayed in the representations, what we begin to see is how our ideas about normalcy (what constitutes it; the assumptions that it engenders; who we picture and so on) are intimately tied to criminalization and the practices, processes and power that circulate around it. These are not merely ideas without effects. These ideas point to an entire structure of thought and power that are at the very root of the criminalization process. It is these ideas that help to reproduce some subjects as more 'normal' or, more criminal than others.

Third, *the way that psychopathy is imagined in relation to cultural imaginings of criminality is premised on the idea that it is only within the context of psychopathy that appearances betray reality*. As I noted above, at no point in my analysis of these cases did psychopath *disrupt* the social order, instead it reproduced those ideas in a number of ways. One of the other ways it did this was by constantly reaffirming the Lombrosian myth that criminals look different than 'normal' people. As I have discussed throughout, critical scholars of psychopathy and psychopathy researchers themselves often discuss the "paradox of appearance and reality" (Weisman 2008, 199). What has gone unremarked about this way of imagining the psychopath, and what I hope to have implied in my reading of these cases, is that the presence of this paradox tells us that psychopathy is exceptional in that *it is only within the context of psychopathy that appearances betray reality*. This suggests that outside of psychopathy, looks or

appearances are not misleading, they are reality or tell a truth about who someone is (e.g. that people who appear ‘normal’ *are* ‘normal’; or, to invert this statement, that people who appear to be ‘abnormal’/‘suspicious’ probably are).

By conceiving ‘normal’ appearance within the ambit of psychopathy as part of the condition itself and then also rendering the misfit between appearance and reality a pathological exception to the rule, we end up returning to the idea that the body is an objective text that tells us the truth about who people are, what they are like and what they are capable of. It is precisely this kind of thinking that renders the normalized subject as unimaginably criminal, while at the same time constructing marginalized subjects as perpetually suspect or criminal. This idea about visible bodily appearances and difference has stood at the centre of racism and sexism and continues to do so (Alcoff 2006). It is these ideas which continue to inform ‘criminalizing’/‘normalizing’ thinking, and the “abusive systems of power” (Gordon 2008, xvi) which make them possible that I have sought to disrupt, make visible, and subject to critical scrutiny in these pages. It is my hope that in doing so I have allowed us to begin to see criminality otherwise (Young 1996): that we were able to see that criminality is not only perpetrated by “an-Other” (Ritskes n.d.); that our assumptions about bodies, appearance, difference/identity, normalcy, and criminality are unreliable and problematic for the way they support the existing social order; that there is a fuller, more complex picture that remains to be seen; and, that our imagination of criminality may not be as it seems.

The fourth implication of this research is that *the deployment of psychopathy not only aligned and complemented cultural imaginings of (un)criminality, it also aligned and complemented imaginings of victimhood*. By tracking not only when and how psychopathy is deployed in relation to offenders, but also in relation to victims, we saw how psychopathy was used to represent those perpetrators who negated the lives of those who were seen as most worthy of the ‘ideal victim’ label (Greer 2008). Others have noted that representations of racial and gender violence affirm “hierarchies of worthiness” in relation to victims and these hierarchies are maintained through interlocking identity categories (Jiwani 2011; Gilchrist 2010). Others have also demonstrated how our understandings of victims and offenders cannot be divorced from each other (McAilden 2010). My readings of the cases confirmed these observations and extended them, by revealing how imaginings of the psychopath as a figure of ‘ultimate evil’ links up with images of ‘ideal’ victims. When all of these observations are taken

together, we can see how representations of violence can be a form of violence themselves when they maintain the ideas so formative to the social order (Jiwani and Young 2006; García-Del Moral 2011)

The final implication of the readings that I have put forth, is that *psychopathy, like discourses of pathology more generally, reduces gendered and racial violence to an individual problem and exceptionalizes the subjects who perpetrate this violence*. One way that we can think about each of these cases of gendered and racial violence is by looking to the ways that psychopathy is deployed to render this violence legible by transforming into and reducing it to an isolated act, by a psychopathic individual (e.g. Williams, Bernardo and Homolka). In looking at this form of representation in this way, as others have done, we can see how discourses of pathology turn our attention away from the social conditions in which physical, structural and symbolic violence takes place (Jiwani 2006; Jiwani and Young 2006; García-Del Moral 2011). Within this kind of pathology narrative there is no room to discuss how interlocking systems of power, such as whiteness, colonialism, hegemonic masculinity, heterosexuality, and capitalism are conditions that make racial and gendered violence possible, that make some people more vulnerable to violence than others, and that make some people able to commit these kinds of violent crimes (e.g. Jiwani 2006; Jiwani and Young 2006; García-Del Moral 2011). It should also be noted that it wasn't only representations of psychopathy that did this work. In fact, this issue of ignoring the social conditions of violence and criminality was present in every case, in different ways. For example, by representing Kembo's crimes as symptomatic of a supposedly 'generous' and 'compassionate' immigration system, and Pickton as 'feebleminded' and 'white trash' the news portrayals do not invite us to consider the interlocking violence of sexism, racism and classism which are the social conditions under which the physical and lethal violence of these racialized women occurred (Jiwani 2006), nor does it invite us to ask what conditions produced the criminality of Kembo and Pickton. As a result, these representations themselves turn out to be a "technology of violence" (García-Del Moral 2011; see also Jiwani 2009 and Jiwani and Young 2006).

Additionally, the lack of critical discourse in the earliest coverage of Neve's case and the coverage of Homolka more generally, failed to capture the complex reality of criminalized women, and their lived experiences. In the case of Homolka, and as Kilty and Frigon (2016; 2006) have demonstrated, the news failed to seriously consider the links between Homolka's

experience as a victim of intimate partner abuse and her crimes, choosing instead to focus on one of those ‘personas’ to the detriment of the other. This is in spite of the fact that many criminalized women have histories of abuse. In the case of Neve, the details of her past and especially her history of sexual abuse was never a context that was explored in a meaningful way, nor were the interlocking systems of power that impact and constrain the lives of racialized and economically marginalized women, like Neve (Yeager 2000; Neve and Pate 2005; Comack 2006ab).

We should also think about the ways that psychopathy exceptionalized the violence of white, middle-class, heterosexual, masculine subjects who occupy these powerful and dominant subject positions, as others have done (e.g. Jiwani and Young 2006; García-Del Moral 2011). By rendering Williams and Bernardo’s violent transgressions as exceptions to the rule, the boundaries of the imagined normative community were reaffirmed as where the characteristics that are ascribed to these subjects (Jiwani and Young 2006; García-Del Moral 2011). This was in contrast to the cases of Kembo and Pickton, where their criminality was not exceptionalized, but was seen through the problematic and ‘common sense’ lens that criminality is perpetrated by members of groups who are ‘deviant’ and/or Othered. By looking at the ways that Bernardo, Homolka, Neve, Williams, Pickton and Kembo’s criminality was constructed, we can see the different kinds of “boundary work” each configuration accomplished in how it redrew the lines between the normalized community and Others (Hartigan 1997; Wray 2006).

Taken together, each of the implications of this research points to a dire need to know, think about and imagine people, criminality and victimhood “otherwise”, to develop a more ethical way of imagining (Young 1996). In Chapter 2, I discussed the work of Stuart Hall (1997c) and how he conceptualized the work that he did. Hall, Sut Jhally explains, entered into his research by not exploring effects of power (i.e. racism, sexism and classism), but the logics that constitute their existence: “how racism is cultivated in our imaginations, of how it works in our heads, so that we can better combat it on the streets” (Jhally quoted in S. Hall 1997c, 1). This is how I approached this project. I sought to understand and make visible the very logics that congeal to produce imaginings of (un)criminality and the very logics that make psychopathy amenable to this end. It is my hope that this dissertation has revealed these logics and has also made a case for why we, as a collective, need to understand and unpack how we imagine, so that things might be different in the future.

At the outset of this project, one of the ways that I framed the novelty of this study was in terms of the way that it brings insights from different scholars and different fields of research into conversation. Keeping this in mind, I would now like to review what I believe are the most significant contributions of this project. The first contribution is methodological. As I have discussed throughout this dissertation, the way I have come to question and analyze representations of psychopathy in our contemporary context is inspired by historical works on psychopathy/moral insanity (e.g. Fee 1978; Lunbeck 1994; Rimke; 2003; 2005; and Rafter 1997a). In different ways, these studies sought out the discourses of identity/difference that were informing how psychopathy/moral insanity conceptualized, how it was diagnosed, and the significance of bodies, identities and differences to this end. In this study, I borrowed this methodology and applied it to contemporary representations of psychopathy. According to my review of the literature, contemporary critical scholarship on psychopathy has not employed this methodology nor have the kinds of questions such a methodology invites been substantively explored (see Chapter 1). This application provided me with an opportunity to rethink psychopathy in relation to bodies, appearances, identity and difference and provided a different perspective on contemporary psychopathy than what is often discussed in the critical and scientific literature. It was also able to reveal that the way that psychopathy is culturally imagined remains political.

By designing this study in a way that mirrors these insightful historical works, we were also able to see some of the continuities between historical imaginings of psychopathy in relation to the body and contemporary ones. Although critical scholars of psychopathy historically contextualize their research, none have explored the (dis)continuities in the kinds of identity logics contemporary representations of psychopathy engender in comparison to its historical representations. In being attentive to these logics, my research suggests that there are continuities in how psychopathy is imagined culturally (i.e. in the news) and how it was historically imagined by doctors who wrote about the disorder or who diagnosed it: those who occupy normalized subject positions and who deviate from cultural expectations and assumptions surrounding their identities are pathologized in ways that reflect these expectations and assumptions (Fee 1978; Lunbeck 1994; Rafter 1997a; Rimke 2003; 2005).

The second contribution is also methodological. As I discussed in Chapter 1, critical criminologists, along with other interdisciplinary scholars who have explored the intersections

between crime, representation and identity/difference, have recently turned their attention to the normalized identity categories, which have historically been an ‘absent presence’ in disciplines like criminology (Collier 1998). These works have attended to the relative silence on the question of masculinity (and hegemonic masculinity specifically) and whiteness. Despite this relatively recent critical intervention, by in large the normalized subject has escaped the criminologist’s gaze, it has been the Other whom criminologists and the public have imagined as criminal (Young 1996). Although the normalized subject has largely been explicitly absent from critical criminological conversations, it has never been completely absent. Indeed, as Urla and Terry have put it: “the specter of the normal body, be it a white, heterosexual, healthy or male body is always simultaneously present—even if in shadow form—in discourses of deviance” (1995, 5).

In the introduction to her book, *Ghostly Matters*, Avery Gordon (2008) uses the concept of ‘haunting’ to refer to an experience,

[...] in which a repressed or unresolved social violence is making itself known sometimes very directly, sometimes more opaquely. I used haunting to describe those singular yet repetitive instances when home becomes unfamiliar, when your bearings on the world lose direction, when the over-and-done-with comes alive, when what’s been in your blind spot comes into view. (2008, xvi)

Methodologically, haunting allows us to consider both absence and presence by calling our attention to social violence that is “unresolved” or has been “blocked from view” and that has now made itself known and somewhat visible. While these moments of haunting can be produced by social violence, Gordon also explains that hauntings also have the capacity to make the very conditions of this social violence visible by tugging at us to pay attention to that which has largely been absent, invisible or taken-for-granted, but is no less present, such as the “abusive systems of power” (xvi). In other words, the social violence(s) that haunt the representation of crime and criminality are also the conditions or contexts that produce the haunting in the first instance (xvi)—the “spectre of the normal body” (Urla and Terry 1995, 5). If, for Gordon, the context or conditions of haunting is a past social violence that has yet to resolved or made visible, we can think about the social violences that the normalized subject represents, not only in relation to the actual crimes the normalized subjects of this study committed, but also in terms of the systems of power that construct them as un-criminal or un-

imaginably criminal. It is these same interlocking systems of power that also produce some marginalized subjects, such as Neve and Kembo as always already criminal¹⁰².

Ghosts, Gordon explains, often appear at moments of trouble, they “appear when the trouble they represent and symptomize is no longer being contained or repressed or blocked from view. The ghost [...] is not the invisible or some ineffable excess. The whole essence, if you can use that word, of a ghost is that it has a presence and demands its due, your attention” (xvi). I would like to think that this moment, this dissertation, is a sign of trouble; a time when the social violence of criminalizing the Other and the normalization of historically valorized subject positions are being disrupted, called into question, made visible. Although, the ghost of the normalized subject has visited before, I think that what makes this moment unique is that we are able to discern its presence perhaps more than before because we have seen, in each preceding chapter, the work that it does across these cases. For one, we saw the significance of psychopathy for imagining a subject that does not often appear as criminal and how, when faced with this reality, the conceptual logic of psychopathy was put to work to resolve the conundrum of the normalized subject who does not appear as criminal. By making this other, often ignored or invisible subject visible we have gained a deeper understanding of how the (un)criminalizing process works in the context of power and it has allowed us to notice that in the midst of stereotypical representations of Pickton, Kembo and Neve, there is also something else happening; there is a normalized, un-criminal subject who only becomes imaginable as criminal through psychopathy.

By making this ‘ghost’ visible and engaging with it, I joined others who are doing this work and helping to create a more holistic picture of the effects of these processes by looking at both the privileges they confer, as well as oppressions they help to reproduce. The way that I designed this study, and especially the case studies used and its comparative focus, helped to reveal this relationality.

The third contribution that I have made is linked to the second. In the literature that I reviewed for this study, it seemed that many scholars have observed that discourses of pathology

¹⁰² Nick Sciuillo (2015) has made a similar argument in relation to white supremacy and Black criminality. He suggests that we can look at white supremacy as a ghost which haunts our “post-racial” context, invisible to everyone but “its targets” and structuring contemporary race relations, law and criminal justice (1398). The haunting presence of white supremacy is made visible by the all too pervasive notion of “Black criminality”.

are often used in representation to constitute and explain the criminality of an otherwise normalized subject (e.g. Mingus and Zopf 2010; García- Del Moral 2014; Heitzeg 2015; Tyrell 2007). Although these studies have demonstrated the significance of these forms of representations in general, none explore the specific way that this image and discourse is represented through psy labels. My research attempted to fill this gap, by looking at the specific way that the criminality of the normalized subject is represented as pathological. I did this by focusing on psychopathy. By focusing specifically on psychopathy I was able to arrive at different, and more specific interpretations of this form of representation by asking what is specific about psychopathy in particular that makes it amenable for imagining the un-criminality of this subject? Hopefully, in drawing out the ways that psychopathy complements and aligns with imaginings of (un)criminality, scholars will see this as a significant insightful, provocative direction for further study with regards to psychopathy or otherwise.

Limitations and Directions for Future Research

There were many things that I tried to shed light on by undertaking this project in the way that I have; and, of course, in prioritizing some things other things were ignored. I would like to end this project by pointing out some of the shortcomings of this research and using these gaps as a springboard for potential research directions.

The Logics of Psychopathy Research

One of the things that I have tried to demonstrate is that although theories of psychopathy no longer ‘in theory’ imagine the disorder in relation to specific bodies as they did in an historical context (Fee 1978; Lunbeck 1994; Rafter 1997a; Rimke 2003; 2005; Chenier 2003), the disorder is still imagined in bodily terms in popular or cultural imaginings of (un)criminality. One of the things that I did not explore, and which is glaringly absent from my analysis (in my opinion), is an exploration of the ways in which the interlocking logics of whiteness, patriarchy, hegemonic masculinity, heterosexuality and the ‘middle-class measuring rod’ are implicated in scientific psychopathy research itself. I think a more sustained and substantive critical exploration will be useful, especially since psychopathy is often rendered a politically neutral

condition insofar as identity/difference is concerned, and since it has the effect of facilitating some of the most extreme and punitive forms of punishment.

What I have in mind here is an updated approach akin to how historical scholars teased out the logics that were informing doctors and researchers' understanding and diagnoses of moral insanity/psychopathy (Fee 1978; Lunbeck 1994; Rafter 1997a; Rimke 2003; 2005), or how Lombrosian scholars critically analyzed his texts (Gibson 2002; Horn 2003; 1995; Rafter 2008), or how Stowell-Smith and McKeown (1999; 2001) uncovered a distinct racial logic that informs how psychopathy is applied in a contemporary forensic setting using case files.

This kind of exploration of contemporary scientific psychopathy research, retrospectively seems to be quite significant given how psychopathy is usually explained and represented in these texts. As an example of where I could see this kind of approach heading, we could take the point of Jalava, Griffiths and Maraun that the modern psychopath is conceptualized in such a way that its formulation includes the “basic tenets of degeneracy” (2015, 42; see Chapter 1 in this dissertation) and one of these tenets is how the psychopath is conceived of as an “evolutionary throwback”, similar to ‘the degenerate’, ‘the born criminal’, animals and ‘primitives’ (43). Future critical researchers might then ask: How do racial/racist discourses and logics inform, or even make possible this conception? What other kinds of logics, especially on the basis of identity and difference, interlock with race? What are the continuities between what Lombroso did when he imagined ‘the born criminal’ in relation to Others (Horn 2003, 33)— as “closer to dark-skinned [‘]savages[‘] than to lawful, white Europeans” (Rafter 2008, 211) or through “female inferiority” (244; see also Horn 2003; 1995)—and scientific imaginings of the contemporary psychopath? One could also ask about the kinds of sexist and/or gendered assumptions that are embedded in psychopathy research (see Chapter 4) or the ways in which racist stereotypes incorporate ideas of psychopathy (or vice versa; see Chapter 4 and 6).

Towards Generalizability

My intention in designing this research in the way I have was never done with the intention of producing generalizable research findings and so, I do not claim that the readings that I offer here are generalizable in any way. Instead, I see the observations that I have made as a product of a specific kind of reading/perspective and therefore as only a partial account. I read these cases as a situated reader, from a specific point of view, with a particular purpose in mind,

paying attention to certain things and not others. It is entirely possible and very likely that another researcher may read these cases individually or together and see something completely different; I invite others to do this, indeed, I think it is important. What I do hope that you take from my reading is a suspicion of representations of psychopathy—the logics, contexts and contingencies that make its deployment possible in certain situations and not others, the work that it does when it is deployed, why it doesn't emerge when you think it might/should, and whom it is used to label and why.

In saying this, researchers who are interested in the kinds of readings that I have put forward might be interested to see if these readings are generalizable (e.g. is the psychopath label predominantly applied to normalized subjects in representations?), by creating a research design that has a different or a larger sample and that explores the interlocking bodily contingencies as I do here. This could be done in the news media or in different site, such as judicial decisions. An additional point of inquiry might to be to qualitatively explore news representations of psychopathy generally (i.e. a general search of psychopathy, not searching for the term in relation to a specific case). This is something that Matthew Burnett (2013) did in his dissertation. However, in his study he only paid attention to common themes in the news (e.g. that psychopaths are usually described as evil, dangerous and untreatable and it is often used to explain unintelligible violence). Given the insights that I have put forth here, other researchers might be inclined to pay attention to other dynamics, such as: who is labelled a psychopath? How is the designation structuring the representation? What kind of work is it doing in different instances? Why are they labelled in such a way? And, what kinds of assumptions about transgression and personhood are facilitating such a representation?

Whose Utterance?

In my reading of the cases, I did not prioritize where the psychopathic label emanated from. The first reason for this is that I was interested in understanding the role of psychopathy in representations of (un)criminality *in general*, and not tracking the specific discursive domain of the utterance. The second reason, which is related to the first, is that the textual materials that I was using for this analysis did not lend itself to this kind of exploration across cases. That is, the kinds of observations that I was able make about how psychopathy was being invoked was limited to what was made available in the news articles. So on the one hand, in the coverage of

Neve's case which detailed the trial proceedings and given that psychopathy played a large role in the trial, it was clear who was invoking the label and why and how it was being invoked. On the other hand, however, in the Williams and the Bernardo/Homolka case, the label was being used by people who occupied different subject locations: journalists, lawyers, doctors/'experts' and laypeople. Usually it functioned as a way of giving language and meaning—classifying—to the 'kinds' of people they were thought to be. Whereas at other times it was being used in passing and in a matter of fact way. In other words, my analysis of psychopathy was limited to what was provided. Therefore, it was not always clear what work psychopathy was doing in different contexts (outside of the news representation of course; e.g. medical and/or legal domains).

My focus on how psychopathy helps to imagine the unimaginable criminality of the normalized subject, then, does not account for the different kind of discursive work psychopathy does in different domains/contexts. Although the Neve case alerted us to the fact that psychopathy did a different kind of discursive work in a legal sense, I cannot speak to the different work it does outside of a news/representation context. This is certainly a limitation of this project. However, it would be interesting to track not only the representational significance of psychopathy, but to explore the different domains in which the label emerges and the different kinds of work it does in these contexts. For example, Richard Weisman (2008) explored the work that psychopathy does in the capital trial. Lorna Rhodes (2002) did an ethnography in a maximum security prison and explored the work that psychopathy does in this context. And, Stowell-Smith and McKeown (1999; 2001) discursively analyzed forensic reports of Black and white inmates who were deemed psychopaths and their results revealed that psychopathy does different conceptual work on the basis of race. Each of these studies considered the medico-legal work that psychopathy did in a specific domain (e.g. criminal trial, prison, forensic hospital), but it would be equally interesting to compare the different work that psychopathy does in these contexts (as either a cultural label or medico-legal one) and, how interlocking identity categories impacts the work that it does.

Beyond Crime and Beyond Canada

Another limitation of this study is that I focused specifically on *criminal* and *Canadian* cases. This involved making two significant decisions about the textual materials that I would

use. First, I focused exclusively on cases that were of a *criminal* nature. I focused on these kinds of cases because I was not simply interested in understanding how psychopathy was imagined or represented in the news, but I was also interested in how (un)criminality is imagined. Not only did I focus on criminal cases specifically, but for the most part I focused on cases of serial murder. Serial murder cases seemed to me to be a good place to begin given the way that serial killers and psychopathy are often imagined in relation to each other. Furthermore, because I wanted to get a sense of the contingencies of psychopathy by comparing cases, I figured that choosing cases that were similar in terms of the crimes committed would be important. While I still see these decisions as sensible and suitable, this decision was not without its own limitations. For instance, I did not focus on other kinds of crimes or social transgressions and how psychopathy is deployed/or not in these instances. This gap obfuscates the flexibility of psychopathy (Jalava, Griffiths, Maraun 2015). For example, Jalava, Griffiths and Maraun have thought about psychopathy in relation to Ian Hacking's concept of the "adjustable degeneracy portfolio", and revise it to: "adjustable psychopathy portfolio" (2015, 46). The authors use this term to account for the enduring popularity of ideas and theories, like degeneracy and psychopathy, which are empirically problematic but persist no less. The argument here is that these ideas persist because they are flexible enough to capture the sources of social fear and anxieties of the day (46). The flexibility or adjustability of psychopathy, is evident in the way that it has come to be applied to a series of criminal and non-criminal people such as, the corporate psychopath, politicians, professionals, concierges, internet predators, law enforcement, serial killers as well as the different ways that psychopathy is thought about in different contexts (e.g. it's not always considered a bad thing; see Jalava, Griffiths and Maraun [2015] Chapter 5, especially). Given these observations, along with my own, it would be interesting to explore how psychopathy is used in other crime or non-crime contexts and if it has the same interlocking bodily contingencies. Exploring how psychopathy is used to explain or imagine corporate transgression (in the media or in the scientific literature on psychopathy) might be a particularly interesting or revealing given the observations I have made throughout regarding appearances, normalized identities and criminality/transgression. I think that this avenue would be especially interesting since the image of the 'corporate psychopath' is someone who is outwardly wealthy, educated, intelligent, successful, and charming and is also often tacitly pictured as a white man.

In addition to exploring how psychopathy is used and understood in different contexts, it might also be interesting to replicate my study in another national context or perhaps even conduct a cross-national comparison. When I was designing this research, I initially thought that I would do a cross-national comparison between Canada and the United States. The United States seemed to be a good point of comparison because much of the information that Canadians have about serial homicide whether in the academic literature, or in fictional representations come from an American context. In other words, for Canadians our knowledge and imaginings of serial homicide cannot be easily divorced from an American context. The other reason why I thought that the American context would be a good point of contrast is because serial homicide seems to be much more prevalent in United States than in Canada, or any other country (Aamodt 2013). Additionally, according to the FBI, serial murder in the US is mostly committed by men and the racial distribution of these crimes are proportionate to the general population; this would have given me an opportunity to explore imaginings of (un)criminality and psychopathy in relation to differently racialized offenders¹⁰³. However, once I began writing it became clear that it would be most efficient to focus on Canada exclusively in order to keep the project manageable.

In preparing to undertake this cross-national research, my preliminary research suggests that this might be a significant research direction. For example, using the Factiva database¹⁰⁴, I conducted a simple search of American news articles and serial murder and the results appear to mirror (at least superficially) the same historical continuities and contingencies that I was seeing in the Canadian context. I conducted this search again on August 18, 2016 to ensure that I provided the most up-to-date information and this is a snapshot of the results of this quick search.

Using the Factiva database, I began my search by looking up the news coverage of the four of the most notorious American serial killers—John Wayne Gacy, Charles Manson, Jeffery Dahmer and Ted Bundy. These serial killers are white and male. Using their name, no date restrictions, the connector “AND” and the term “psychopath”, my search returned the following: John Wayne Gacy AND psychopath returned 99 hits; Charles Manson AND psychopath returned 266 hits; Ted Bundy AND psychopath returned 382 hits. Interestingly, Jeffery Dahmer AND

¹⁰³ See <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-july-2008-pdf>

¹⁰⁴ This database covers worldwide information sources.

“psychopath” only returned 6 hits, however the database would not search earlier than 1999 for this particular case only. Given that he began committing these crimes in the 1970s this could explain why this number is significantly less than the others.

In contrast, using the names of notorious racialized offenders who committed serial homicide in the United States with the same search formula “AND psychopath”, did not garner nearly as many hits. For example, the case of Anthony Sowell returned only 14 hits (this number excludes duplicates identified by Factiva). Interestingly, of these 14 hits, 7 of the articles were returned because they discussed another case where the perpetrator was labelled a psychopath and reference was also made to Sowell in the article. In other words, Sowell was not labelled a psychopath here, but was associated with one in the articles. In the remaining articles, the term psychopath appears usually only once; these articles all cite a statement made by the assistant prosecutor who calls Sowell a psychopath. In the case of Derrick Todd Lee, I received only 1 hit that contained his name and psychopath. This one hit was in reference to a *Cosmopolitan Magazine* article, not a news paper article. Finally, I conducted the same search in relation to the case Rafael Resendez-Ramirez; when coupled with “psychopath”, his name garnered two hits, and neither article directly labelled him a psychopath. Although I did not read or analyze these articles, it seems at first sight that there might be a similar and telling absence of psychopathy in these cases which I think would be interesting and important to account for using a critical perspective. However, a detailed, thoughtful, critical and comparative analysis of these cases would be required before we could say anything more about this potential disparity.

Despite the value of conducting a cross-national comparison, focusing exclusively on the Canadian context was important in its own right. Aside from the fact that there are very few critical analyses of psychopathy in general, and even fewer contemporary studies that critically explore the relationship between psychopathy, identity and the body, none of this research is exclusively Canadian-based. Furthermore, although critical Canadian criminological research continues to thoroughly document and explore the links between marginalization and criminalization, and especially how imaginings of criminality are abidingly gendered, raced and classed, there is a paucity of research that explores the other side of this relationship—how our imaginings of criminality enable those who occupy normalized subject positions to be seen and known as un-criminal (this tide however, is beginning to turn; see Chan and Chunn 2014; Kilty and Frigon 2016).

Focusing exclusively on the Canadian context was also significant from a more general perspective as well. As I have noted, part of my intention in conducting this research was to uncover how whiteness, patriarchy, nation, heteronormativity, and ideas surrounding middle-classness inform how we imagine (un)criminality in powerful and insidious ways. Throughout this dissertation, I attempted to counter the wide-spread denial that racism, sexism, and classism are not ingrained in the fabric of Canadian society. Indeed, as, Yasmin Jiwani (2006) has noted “[...] Canada, as a nation practices denial when it comes to issues of sexism, classism and especially racism” (xv). Canada’s national identity is premised on the idea that Canada is a multicultural, diverse, tolerant democracy characterized by equality and where racism, sexism and classism supposedly do not exist. The readings that I have put forth here tell us, as Jiwani’s (2006) research does, that such stories and images of nation conceal or deny what remains a potent reality.

In tracing the Canadian news landscape of these cases, I made the more insidious aspect of this reality visible, by drawing out the seemingly banal and various logics that undergird oppression and privilege and that structured how we were able to see and know each subject, through psychopathy or in its absence. This reading further alerts us to the fact that the logics and ideas that are so formative to racism, sexism and classism continue to persist in Canadian public discourse, and that psychopathy is culturally entangled with these troublesome and persistent ideas. However, because the identity-based logics embedded in cultural representations of psychopathy are largely tacit, the existence and persistence of these ideas are obscured, powerfully contributing to our (mythic) national image.

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