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Fatally Female: A Study of the Treatment Of Women in True Crime Narratives

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FATALLY FEMALE: A STUDY OF THE TREATMENT OF WOMEN
IN TRUE CRIME NARRATIVES

By Jessica Washak

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ABSTRACT

This thesis studies book-length literature from four cases of violent crime—the unsolved murder of Elizabeth Short in 1947, the prosecution of O.J. Simpson by Deputy Assistant District Attorney Marcia Clark, the shooting at Columbine High School by Harris and Klebold, and the trial of American exchange student Amanda Knox for the murder of her roommate in Italy in 2007—in order to analyze the way in which authors characterize the women and events involved in each case. Regardless of their positioning to the crime, the women who are close to these cases are repeatedly criticized by those chronicling their actions for failing to act in ways that preserve orthodox gender roles. To define the way in which gender is constructed and policed within society, the theoretical works of Laura Mulvey, Judith Butler, and Simone de Beauvoir are referenced. Analyzing the literature and theory surrounding each case reveals that true crime literature can suggest a code of conduct for women to follow by linking perceived deviant gender behavior to fatal outcomes and circumstances. Despite the horrible violence that each case contains, disapproval centers around women’s clothing choices, manner of speaking, and bodies.

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Introduction

The Anglo-American fascination with crime narratives has ensured the survival of a large corpus of works for study. As early as the mid-sixteenth century, nonfiction writings about criminal exploits were being distributed by pamphlet to those privileged enough to claim literacy and the financial stability to afford such a luxury. As is the case with contemporary true crime, these leaflets varied in quality and purpose. Some contained illustrations depicting grisly scenes of carnage and thus exemplify the consistent draw of sensationalism, while others provided a more intimate, “sympathetic” look into the lives of those who had strayed from a righteous path, made poor choices, and ultimately paid for these crimes against God and society with their lives (Burger). As literacy rates began to rise over the centuries, criminal accounts continued to circulate both in pamphlet style and eventually in newspapers and more affordable, abbreviated penny papers. Among the most enduring of these were the Newgate pamphlets, which told the stories of the inhabitants of London’s infamous Newgate Prison. These were particularly popular in the nineteenth century, as some of the best-known writers of the time—among them Charles Dickens and William Thackeray—became interested in the environments and ideologies that bred crime (Burger). The same interest in the origin and nature of crime that absorbed the Victorian era lived on well into the twentieth century, as demonstrated by a number of cases that reached the general public by newspaper, radio, television, and, eventually, books.

Despite an extensive tradition of distributing and analyzing crime narratives, there has been great resistance to examining these writings as pieces of “literature.” This no

doubt originates from a basic knowledge of the printed history of the genre, which saw tawdriness and sensationalism in both written and illustrated depictions. Some authors even recount serious crimes in a light, almost gleeful way, aiming to shock their readers with blood and death. As John G. Cawelti, the author of *Adventure, Mystery, and Romance: Formula Stories as Art and Popular Culture*, points out, there also are plenty of undiscerning individuals who enjoy or are entertained by the same basic story structure repeatedly retold. Yet it would be a mistake to discount formulaic narratives without careful consideration. Not every true crime text is written in the same way or with the same intent on the part of the author. An analytical eye can determine distinctions among various accounts' approaches to their subject matter and the reader will gather important insights for having done so.

John G. Cawelti's writings are extremely useful in bridging the gap between formulaic popular culture narratives and works that have been considered part of a higher genre of "literature." Cawelti holds that popular culture writings have traditionally been excluded from scholarly study in part because they often follow such formulaic plot, character archetype, and genre conventions that they actually have the effect of soothing those who read them enough to facilitate feelings of "escape and relaxation" (Cawelti 8). These types of stories have been perceived to bring nothing new into being and only to cater to the expectations a specific culture has created over time. "Real" literature, in contrast, is often perceived as encouraging readers to think, and to examine the ways in which they look at the world and their place within it. What goes unsaid in discussing the difference between these two seemingly opposite types of writing is that each contains

classist implications. In the same way that people within a society are forced into a socio-economic hierarchy, so too are the kinds of reading that each class of person reads. It is as if popular culture literature, because it is accessible to people who would not necessarily define themselves as intellectuals or scholars, has gained a reputation for being lesser than more obviously complex writing. As a result, there has been much resistance to the idea of bringing such writings into formal study.

I do not seek to situate the books selected for this study on a scale ranging from “low” to “high” art or literary merit; to do so would undermine the value of popular culture itself, a type of writing that has had a long history of rejection within the formal study of literature. Cultural studies, which popular culture literature is often thought to fall into, began to emerge as a field of study unto itself around the 1960’s, following the traumatic period from the Second World War to the further cooling of the Cold War (Hartley 2). The new approach primarily aimed to dispel the idea that “education, knowledge, ideas, critique were all...scarce” (Hartley 3). Power hierarchies are dependent on the idea that knowledge and resources are finite; some will be able to possess them while others are forced to go without. The field of cultural studies operates under the Foucauldian premise that culture and power are not limited, but instead are able to be possessed by anyone. Popular culture scholarship is meant to disrupt the classist, racist, nationalist, and patriarchal insistence that texts marketed for and read by the average person are lesser than those intended for the economically or intellectually privileged. Works that are written for the layperson are just as valuable as those written for scholars or the highly educated.

To reject popular culture literature, no matter how formulaic, is to miss an opportunity to gather valuable knowledge. As Cawelti and many other theorists acknowledge, the study of popular culture can offer “a means of making historical and cultural inferences about the collective fantasies shared by large groups of people and of identifying differences in these fantasies from one culture or period to another” (7). The perspective gained from such a study carries implications about time and particular movements that extend far beyond looking at any single genre of writing. These historical and cultural insights are of particular interest to this study, as its cases stretch from 1947 to 2010.

Cawelti’s work focuses on fictional genres like the western, romance, and crime/detective. His insistence that the popularity of these genres is largely due to cultural attitudes, however, also supports the case that nonfictional works that follow conventions like those novels elicit similar responses. People repeatedly read true crime because it contains some of the same familiar archetypes that popular fiction does. This can be damaging because the characters who are being portrayed are real human beings, each complete with their own thoughts, personalities, and unique experiences. The events they are involved in are serious, tragic, and have had mammoth consequences in their lives. In the case of violent crime retellings, there is usually something crucial at stake, such as the freedom of someone on trial for a violent or destructive act, the trust of the community in the ability of their local police force, or the wellbeing of a family still seeking answers to why a loved one has disappeared, been injured, or perished. Yet depictions of women in true crime accounts frequently reduce them to archetypes based

on cultural prescriptions of sex, gender identity, or isolated acts that have been abstracted from their context and magnified to represent something integral to a person's character. Through these archetypes and a system of victim blaming, violence against certain kinds of women is not only highly normalized, but also continues to be perpetuated against their memory postmortem.

Most of the narratives in this study have crucial female characters, each of whom occupies a very specific role. Elizabeth Short was the victim of a heinous crime, while Marcia Clark made a distinct impression on the country as head prosecutor for the Los Angeles County District Attorney's office during the O.J. Simpson case. Sue Klebold and Kathy Harris, on the other hand, occupy slightly less rigidly defined roles, as their sons committed a terrible crime that neither had any reason to think would happen. Yet following the massacre at Columbine High School, these women shouldered the blame for their sons' deeds. Similarly vilified is Amanda Knox, a young American woman studying in Italy at the time of her British roommate's unexplained death. A case was quickly made against her by the local police. These women may seem to have quite different relationships to the crimes with which they are associated, but ultimately their treatment by the texts that focus on their cases is strikingly similar. In order to better understand the drive for control over females in patriarchal societies, this study uses the theoretical work of Judith Butler, who writes about the construction of gender identity through performative acts; Laura Mulvey, a film critic who explores the male tendency to "gaze" at or intimately interrogate women's images and actions; and Michel Foucault, especially his ideas about surveillance and punishment within our societies. Although

each piece of literature demonstrates a different level of awareness of this fact, it seems that the worst a woman can do—whether she is a criminal, a victim, or involved with either of those parties—is fail to perform her gender in the ways that her culture idealizes.

It becomes obvious from a close reading of true crime narratives that one of the primary reasons that these true events are written up is to establish order and chronology in situations that may have formerly been without them. It is often the case that when an author takes on the task of presenting a story in the space of a full length book that—perhaps unintentionally— a code of conduct is suggested for the reader of such an account. In the instance of homicide narratives, for example, readers are not necessarily reading because they want to know *what* happened, but instead because they want to know *why* it happened. Perhaps the hope is that if what led a victim to their downfall can be understood, the reader can establish a mental database of geographies to avoid, ways not to act, or company not to keep, and thus avoid being similarly victimized. When true crime narratives feature women, they produce a sense of urgency for women to act in specific ways or risk a host of horrible things happening to or around them.

Even those who have not committed any illegal acts themselves but have a proximity to them are often scrutinized and expected to follow certain etiquette. Marcia Clark, after accepting the responsibility for trying the *People v. O.J. Simpson*, found herself being followed and critiqued by the media in a way similar to Sue Klebold and Kathy Harris, the mothers of the Columbine Massacre perpetrators. Though Klebold and Harris were in the dark about their sons' intentions, they were characterized as bad mothers for not recognizing the extent of well-concealed behavioral problems and

preventing the shooting from ever happening. We see this behavioral policing blatantly occur in both the Elizabeth Short and Amanda Knox cases as well. Some authors are quick to acknowledge that Perugia, Italy, where Meredith Kercher died, is a college town with a healthy party scene. Amanda Knox's prosecutors hold that this party scene is one Knox was familiar with and that ultimately her hedonistic ways led her to kill Kercher. Decades before Knox was even born, Elizabeth Short's dating life, dubious friends, and transient life became the major focus of that investigation. The more that was learned about her, the less surprised people were that Short died young. Avoid drugs and sexual encounters and no one will die, seems to be the simplistic theme.

Not all true crime narratives are created equal. A survey of such books reveals a host of problems with the genre. Harkening back to the old adage, "If it bleeds, it leads," there are a number of books that seek merely to sensationalize real life, to offer readers a cheap thrill. This is usually evident by a willingness to include details that do not enrich the reader's understanding of what happened within the story (for an example of this, see Barbie Latza Nadeau's frank discussion of Meredith Kercher's sex life in the chapter on the Amanda Knox trial) but are nonetheless intimate and personal. Photographs of Elizabeth Short's dead body and an old Polaroid of attorney Marcia Clark topless serve as visual illustrations of exploitative over-sharing. Some texts are written expressly to corroborate their writer's personal theories on nebulous events; these books can willfully ignore certain facts in order to ensure that all of the evidence relayed fits a particular thesis. Still others are composed with morbid entertainment as the primary intention. In an instance like this, crime could be likened to the horror genre in that studies have

proven that many people like to be scared or thrilled, to have their notion of safety challenged, but in a carefully cultivated scenario that provides them an escape if the experience proves to be too much. At the first registering of nausea or repulsion, a television can be turned off or a book closed. It is a privilege to observe crime rather than to live with it as an everyday possibility or part of a personal history.

There may be relative cooling periods in true crime's popularity, but its longevity is certain. We are currently seeing the topic pervade every medium in which its stories can be told. Writers who have been successful in fiction markets have even begun to write about real crimes. Author James Patterson, for example, has published at least five full-length books on actual events, among them *Filthy Rich*, about pedophile Jeffrey Epstein and *All American Murder*, the story of Aaron Hernandez. Discovery Communications has an entire channel, Investigation Discovery, dedicated exclusively to televising true crime shows. Investigation Discovery is so heavily viewed, in fact, that in 2015 it was ranked 18th most watched of all then-broadcasting channels (Battaglio).

Even new media have quickly taken advantage of their potential audience's predisposition to engaging with crime from a distance. Podcasts, sound files that can be downloaded to mobile devices and function similarly to radio plays or talk shows, have become increasingly popular in day-to-day life. These types of digital audio were first introduced by Apple in 2005 and offer many categories for listeners to choose from, including fictional plays, news broadcasts, and coverage of historical events, releases in new technology, or motivational self-help stories. Despite these rich offerings, podcasts were largely ignored in serious media study up until the 2014 success of the series

“Serial,” which garnered 110 million downloads (Herrman). In this series, host Sarah Koenig retroactively follows the 1999 murder of Hae Min Lee and the controversial arrest of Adnan Syed. The popularity of this show drew many new listeners into the diverse world of podcasts. As of the end of 2015, a study completed by Edison Research found that “at least 46 million Americans listened to podcasts each month” (Herrman). A scroll through the “Top Chart” rankings on iTunes in February 2018 reveals that *a third* of the top 30 podcasts are dedicated to crime coverage.

True crime stories, as a rule, have only a few conventions that must be followed. Someone must become the victim of great bodily harm or die. All characters and events must also be *real*. Despite a lack of inherent rules when writing a work of true crime, the genre does have connections to Cawelti’s formula fiction. By incorporating multiple books written about each case and comparing their style, tone, and content (which information is included or carefully excluded), this study probes the ways in which the writers of such accounts borrow heavily from formula fiction archetypes to depict actual events. Relying on the standards established for fictional detective or crime stories simplifies complex realities in a way that clearly reveals cultural attitudes toward certain behaviors. These writings not only assist in the examination of true crimes, but also enable the recognition of the implications about the environments that each of the crimes actually occurred in.

The following study is both a survey of book-length literature on four high-profile cases and a philosophical and theoretical analysis of the ways in which various authors recount them. First, I focus on Elizabeth Short’s 1947 homicide, tying the fame and

repeated circulation of her brutalized image to the masculine need to interrogate women, especially by looking or gazing at them. Laura Mulvey's *Visual and Other Pleasures* assists in explaining the way that men—unconsciously fearful of castration and its ability to strip away their agency—must comfort themselves while in the company of beings they consider naturally castrated: women. A separation between the two sexes, a perceived distance in experience and being, keeps men from becoming anxious. When a woman's actions do not fall in line with the gender ideologies prescribed by the males around her, however, the gap between the sexes is less defined. To cope with this, the woman is fetishized, turned into a powerfully sexual being for all to see and worship. This artificial power does not actually originate with the deviant female, but is instead provided by the males who observe her. I argue that—in light of the facts that Short lived a very transient lifestyle, dressed extravagantly so as to stand out in a crowd, and kept company with many men at the same time—she did not conform to the prototype of the ideal woman and was as a result fetishized upon her death, turned into a sexual object in works like James Ellroy's *Black Dahlia*. Ellroy's novel (the only fictional text examined in this study), its graphic novel companion, and other visual texts linking the photographs of Short's body with several popular examples of Surrealist art illustrate the pervasiveness of scopophilia in American culture.

In chapter two, I examine the infamous O.J. Simpson case, frequently referred to as the Trial of the Century. Marcia Clark, a woman of power and status at the Los Angeles County District Attorney's Office, was dissected in different ways than was Elizabeth Short. Throughout the time she spent prosecuting Simpson for the murders of

Nicole Brown Simpson and Ronald Goldman, Clark found herself swallowed by the fervor of the media and depicted in ways she was unable to recognize. Through her work on “intelligible” and “unintelligible” identities, gender theorist Judith Butler provides a useful lens through which to better understand the media’s take on Clark. In *Gender Trouble*, Butler advances her earlier stance on gender as a socially and culturally specific action by further establishing how intimately gender influences identity. Humans prefer identities that make sense to them, and thus carefully observe the ways in which people act, speak, and present themselves. We are trained to associate certain traits with specific genders. Men, for example, are often linked with physicality and strength of body. To be stationary, to ultimately be passive, has traditionally been forced on women. People are, however, complex. They possess multiple traits and aspects of identity. If these aspects of themselves are not perceived to match, they are reprimanded by those around them, sometimes blatantly, but more often subtly. For Marcia Clark, a woman, mother, and intelligent attorney, the punishment for being more powerful than passive came in the form of being blamed by the media for Simpson’s controversial acquittal. All the intricacies of the case, including the problems of police corruption and racism in America, were conveniently ignored.

Similarly oversimplified is the role that maternal involvement played in Dylan Klebold and Eric Harris’s mass shooting at Columbine High School in 1999. Like Marcia Clark, emergence into the public eye brought Kathy Harris and Sue Klebold’s mothering skills into question. Though neither of the offenders’ parents had any idea that they were planning to attack their high school, blame for the violent action was forced onto them—

especially the mothers. Chapter three of this study analyzes the ways in which published accounts about the Columbine tragedy speak about Kathy Harris and Sue Klebold convey a coded sense of culpability. Again the work of Judith Butler is helpful. Identity politics in the West have demanded that all individuals act in specific, coded ways. Historically, there has been a patriarchal drive to conflate womanhood and motherhood. In the same way that gender is performed—more accurately, *expected* to be performed—so is motherhood. Cynthia Comacchio maps out the history of the opening of the private domestic sphere (containing patriarch, wife/mother, and children) to public input. She attributes this attention largely to the role of modern medicine. While this influx of medical care has had a largely positive role in people's lives, it has also added yet another level of visual and verbal regulation into everyday women's lives. We see this in the extreme in the case of Columbine and the deluge of authors who have chosen to write about the event as they know it, what led up to it, or its ramifications. The memoir of Brooks Brown, the only individual purposely spared by Dylan and Eric, reveals through carefully-coded language that he blames poor parenting skills for what happened at Columbine, particularly those of the modern, working woman. Also following this train of thought is Doriane Lamblet Coleman, a professor of Law at Duke University, who places blame on working mothers for not having created a better alternative care-giving model when they left the home to seek out professions. This argument implies a general theme of body policing, of making a statement about what women should or should not do inside or outside of the home.

This study's final chapter serves to solidify the tendency to equate a deviation from gender norms with criminality by recounting the trial of Amanda Knox. Knox, an American foreign exchange student studying in Perugia, Italy, was accused of murdering her British roommate, Meredith Kercher, in November 2007. Throughout her incarceration and trial, Knox elicited commentary from the Italian, British, and American press, who criticized everything from her facial expressions, to her open intimacy with boyfriend Raffaele Sollecito, and her athletic, free-spirited dress. Knox's own memoir and several books written about her case illuminate the theory of gender performance and its cultural specifications. Though they were later exonerated for Kercher's murder, both Knox and Sollecito remain criminals in the eyes of many.

While a great deal of insight can be gained by linking cultural theories and contemporary true crime accounts, several crucial questions remain. Who is really most at risk to become involved in crime? Are the texts that make up the genre of true crime reflective of this reality? Do the stories in this genre have the ability to spur their audience into action? Or at the very least the ability to trigger the reader to newly consider their society's power hierarchies? What types of people are charged with enforcing the United States' laws and protecting the individual right to wellbeing? Perhaps most concerning of all, how do we disallow culturally prescribed ideas about women and the ways they conduct themselves from obfuscating the pursuit of justice? As the following case literature shows, these ideas concerning the proper behavior of women in various situations—which are for the most part unwritten, yet still have profound consequences on their lives—are valued to an extent higher than codified law. The way

that women perform within their societies will dictate how much their peers value them. The worth that is assigned to an individual will dictate their treatment in life *and* in death. If the media get involved, there is an observable way that they work to shape our understanding of a particular person. Media, communication, and sociological studies have already made progress in understanding various media's semantics. Scholars like Cawelti have fought hard to bring popular culture into literary studies, but we still have miles to go. Only once we have begun to locate patterns within what we read, to decode the messages that are passed along to us in various literature every day, can we begin to take a hard look at the ideologies inculcated by those around us and realize the harm they have the ability to inflict and what we can do to make a positive change occur.

Chapter One

Blood and Beauty: The Unsolved Murder of Elizabeth Short

She was thought to be a mannequin at first glance, lying supine in a weedy vacant lot in the Leimert Park neighborhood of Los Angeles. Upon a closer look, however, it quickly became apparent to a passing mother out for a stroll with her baby that the shape that lay in the grass had once been a woman. She was in two pieces, bisected horizontally at the waist. Her top half had been carefully posed above her legs, arms raised and elbows bent at near 90 degree angles. While the cut that had severed the body had been neat, showing no signs of the woman's vital organs spilling out or excess blood, several rough lacerations had been inflicted on intimate parts of the body. The corners of the woman's mouth had been widened nearly to the ear with a knife. One of her breasts was removed and there was a small triangle cut just above her pubic area. All of these grisly markings were easily observable, as the body was completely unclothed. The passerby who had first come across this horror quickly ran back to her house and called the police. Before the police arrived, however, reporters caught wind of the gruesome news circulating on the police radio channels and raced to the scene with cameras and notepads in hand. At that time, in January of 1947, they had never seen anything like it. This "it," this body that would eventually come to be identified as twenty-two-year-old Elizabeth Short, was on her way to becoming a national celebrity. The uniformly-male Los Angeles Police Department looked at Short's remains and saw the wreckage of all that could be considered femininity—beauty, even in death, and vulnerability—and provided

her with their attention and the media's, setting the precedent for her story and image to remain highly visible in American culture for a long time.

Despite the hideous condition Short's body was left in, all the Los Angeles newspapers published photos the day following her death. Early airbrushing techniques made it possible to conceal some of the gore—namely the facial cuts and naked pelvis—but that she was bisected and then posed in a purposeful way remained obvious (Nelson and Bayliss 13). Once she was identified by her fingerprints, which had been collected for occupational purposes at an earlier date, the media quickly provided Short the moniker the “Black Dahlia” for her penchant for a dark, dramatic, and polished style of dress throughout her short life. As this name would suggest, the case has long been remembered for its highly visual nature. While various information regarding Short's life, actions, and aspirations has been disputed between invested parties like investigators and journalists, her physical characteristics have long been preserved by a wide swath of media—graphic novels, film, television, novels, nonfiction books, look-alike contests, and art. Elizabeth Short has become a concept more than a woman who once lived. The context of her death, the violence and suffering of it, have largely been abstracted from spheres where only the impact of her looks on a male audience remain. What makes itself plain after a thorough survey of the literature and art dedicated to Short is that what most drew a number of people to her posthumously was the way in which her victimhood defined her as young, beautiful, and ultimately submissive—traits that are prized in females.

Some would argue that the combination of the facts that Short's killer was never found and that the effort to find him became one of the most extensive suspect searches in Los Angeles' history explain why it is that the Black Dahlia has appeared in video games, inspired band names, and become the star of films and television shows. The appeal of a mystery narrative cannot be denied. As an explanation for her popularity, however, this fact neglects one very important factor: as millions of grieved mothers, brothers, sisters, and fathers, all of whom have experienced a violent, unsolved death in the family, would attest, *many* murders remain unsolved. In this, Short is not unique. An overwhelming number of these deaths are investigated with relatively little mass media attention. There were, for example, nine other particularly violent murders within Los Angeles between the years of 1943 and 1949. The victims were all women whose bodies were found in such poor condition that law enforcement and the media tentatively tried to link each case to the Black Dahlia (Geary 66-7). Though their names were never as popularly circulated as Elizabeth Short's, these women are Ora Murray (d. 07.22.1943); Georgette Bauerdorf (d. 10.12.1944); Jean French (d.02.10.1947); Evelyn Winters (d. 03.12.1947); Laura Elizabeth Trelstad (d. 05.11.1947); Rosenda Mondragon (d. 07.08.1947); Viola Norton (d. 02.14.1948); Gladys Eugenia Kern (d. 02.16.1948); and Louise Margaret Springer (d. 06.18.1949). Because Short was not the first victim in this group of ten, many of the killings were initially investigated singularly. No matter what methods law enforcement employed, none of these slayings were ever conclusively explained. Cold cases can often take a back seat to newer or more scandalous murders

that elicit interest from an audience that perceives them to be more pressing. So how, then, do we understand why Elizabeth Short is still infamous?

It is difficult to positively point to the exact moment that what began as an unidentified, hacked up body on the morning of January 15, 1947 became associated with conceptions of beauty and sensuality. Perhaps it was when the unfortunate woman who had stepped out for a walk around her neighborhood and stumbled across Short's body used the term "ivory white" to describe the remains (Nelson and Bayliss 13). Or when the police who responded to this woman's call looked at Short long enough to realize that, aside from the neat cut at the waist that rendered her into two horizontal pieces, all of the lacerations her killer left her were in spots reflective of intimacy: the breasts, the pubic area, the thigh, the mouth. We can hope that very few people saw loveliness in this dead girl until she was positively identified, situated with a name and a number of photographs that depicted what her face actually looked like; without two hideous slashes reaching from mouth to ear, Short was glamorous, with bright eyes and dark curls that served to highlight how spotless her fair complexion was.

The work of film theorist Laura Mulvey can illuminate the unsettling marriage of male desire and female mortality in film and in written narratives. While Mulvey's work on *Visual and Other Pleasures* was written specifically to examine depictions of women in film, its attention to women's visuality is just as applicable to circumstances in reality. Taking a psychoanalytic approach to power hierarchies, *Visual and Other Pleasures* explains representations of women as castrated beings in a world where the penis grants autonomy and a fundamental ability to develop as a human being (Mulvey 14). Because

men fear castration, the loss of their subjectivity, they must deal with the presence of women in certain ways that protect them from feeling as though the two sexes are relatable to each other. Substantial distance from each other produces the sensation of safety. One particular method of creating this divide occurs when men conceive of women as objects rather than subjects, and in doing so feel entitled to cultural superiority and scopophilia, or a type of “controlling and curious gaze” toward females (Mulvey 16). The male gaze sees what it desires to in its object, especially where eroticism is concerned. A dynamic is thus created in which males are exclusively tied to the active traits of power and control and women are cloaked in passivity.

In the instance of Elizabeth Short, death served as the ultimate form of passivity and resulted in a total inability to respond to the male gaze of the men she had dated, the LAPD, or the media. This power paradigm became complicated, however, by what inspectors found in Short’s personal history. It was strongly hinted that she had had relationships with many men, treating them all with varying levels of intimacy (Geary 40-3). Various letters and personal reports from these men hinted that Elizabeth had been the party pushing for a solid relationship, actively seeking her beaux out. This kind of autonomy clashed with the previous ideas of the slain woman as an innocent young girl who observed gender norms. This loss of the monopoly on activity by the masculine parties would have mustered up formerly repressed distress over castration. According to Mulvey, the males are left with a few options to maintain control and confidence within this situation:

The male unconscious has two avenues of escape from this

castration anxiety: preoccupation with the re-enactment of the original trauma (investigating the woman, demystifying her mystery), counterbalanced by the devaluation, punishment or saving of the guilty object (an avenue typified by the concerns of the *film noir*); or else turning the represented figure itself into a fetish so that it becomes reassuring rather than dangerous (hence overvaluation, the cult of the female star). (21)

Understanding these methods of dealing with women who simply do not fall into the humble places that men prefer them to inhabit, we can observe the male sense of authority and gaze at work within many of the diverse written and illustrated depictions of the Short murder. Although these accounts are many, they can be broken down into subgenres of their own. As Mark Nelson and Sarah Hudson Bayliss write in *Exquisite Corpse*, “Three categories of books about the murder have emerged: first, those retelling, from a personal point of view, the alleged facts of the case and the investigation; second, fictional works using the killing as a plot motif; and third, investigative books and web sites professing to identify the killer” (18). Although the first type of narrative, the one that hinges on first-person knowledge of the case, has become less popular—this is for practical reasons, as the more time passes, fewer people with direct experience with the case are in the position to be writing or publishing—the other two categories have continued to thrive.

As far as historical fiction goes, the most successful of novels published on the subject of Short’s murder is James Ellroy’s simply titled *The Black Dahlia*. Forty years

after Short's murder, Ellroy wrote a fictionalized accounting of her demise, the investigation that resulted, and the lives and efforts of the men tasked with understanding the events that lead to the horrific discovery in the weedy lot in Leimert Park. An exemplary piece of literature in the Postmodernist tradition, *The Black Dahlia* follows Bucky Bleichert, a fictitious member of the Los Angeles Police Department, as he becomes involved with the Black Dahlia case. The novel is impressive in its unflinching examination of police corruption, moral ambiguity, and the damaging effects of war. Sex and eroticism are also extremely prominent; Bleichert feels a personal connection to Short that develops into a fetish. He even commences an affair with a woman he does not particularly care for or trust simply because she is Short's doppelganger.

Ellroy's novel was so popularly received by both critical and commercial audiences that in 2006, Brian De Palma turned it into a film. As recently as June of 2016, *The Black Dahlia* was also turned into a graphic novel by David Fincher and an artist who illustrates under the name "MATZ." The existence of this illustrated narrative makes sense, as the Black Dahlia's story has always been one dominated by visual stimulation. In this edition, the reader is able to observe the character of Madeleine Sprague dressing up as Short to satisfy Bucky Bleichert's fetish for the slain girl. This is, of course, in line with Mulvey's theory that men who cannot situate women in the roles that are traditionally prescribed for them will sometimes "overvalue" them and indoctrinate them to the "cult of the female star" (21). Such women become sexual fantasies for men, rare and mythic creatures who can be tolerated because they are meant to be looked at and studied by mankind. In this way, it is as if males perceive that the very power that such

women possess is *granted* by their worship of them. The masculine/feminine power dynamic favored by the patriarchy is preserved.

Ellroy's erotic prescriptions for his version of Elizabeth Short are not limited to Blichert's unquenchable lust for her. Throughout the course of both the classic and graphic novels, he reveals that, at least within the context of his world, Short engaged in sexual relationships with at least two women—in one instance, the same Madeleine Sprague who kindles an affair with Bleichert (Ellroy 87). The possibility that Short may have taken up with a woman is a common thread throughout multiple true crime accounts focused on her case, but Ellroy takes this idea a step further and also depicts Short in an adult film with yet another woman. In its graphic novel medium, this story exposes every aspect of Short's body, not only in the context of the pornographic film the police find, but also in its treatment of the discovery of her mangled body in Leimert Park. A full-page spread is dedicated to illustrating the condition of the Black Dahlia's remains. Like a Surrealist piece of art, the treatment of the body consists of a collage of twelve small pictures that show the horror from various perspectives (Ellroy 50-1). One can observe each of Short's distinctive wounds one shot at a time. While we see the majority of the victim's body, however, if we were to look at the full-page spread from a distance, the small illustrations would not neatly line up to form an anatomically correct woman (see figures 1 and 2). This style of illustration posthumously dismembers Elizabeth Short for a second time. This time there is no recognition of the violence of such an action.

The Postmodern literary movement that Ellroy contributed to, though widely considered to have occurred in the latter half of the twentieth century, bears a striking

ideological resemblance to the Surrealist art movement that gained popularity in the late 1920's. Postmodernism borrows an appreciation for emphasized subjectivity, moral ambiguity, and nonlinear or fractured storytelling from its precursor, Modernism. It often abstracts characters, periods of time, or events and focuses on these abstractions rather than delivering a more holistic narrative. Surrealism, though its origins are difficult to securely pin down, became an officially codified art style with André Breton's 1924 publication of the "Manifesto of Surrealism," which explained that the aesthetic and spirit of the movement should inspire "readers to 'end the reign of logic'; to make the everyday marvelous; to listen to their dreams; and to interrupt the rules of society" (Nelson and Bayliss 31). Like Postmodern writing, Surrealism prized the idea of subjectivity and sought to dismantle popular ideas concerning ethics and propriety. Where this writing dealt with fragmented literary devices, the art Breton encouraged came to be defined by its use of multiple media and the fractured nature of many of its subjects.

A connection between the condition in which Elizabeth Short was discovered and the popular aesthetic of Surrealism was first made by Steve Hodel, a homicide detective-turned-writer who found some decades-old photographs of his late father with a woman who bore a striking resemblance to Short (Nelson and Bayliss 21). It was later established that his father, George Hodel, had actually been a suspect in the investigation of the Black Dahlia murder in 1949, at least partially because he had medical training and most likely possessed the ability to bisect Short as neatly as she had been. In his book, *Black Dahlia Avenger*, Steve Hodel supports the theory that his father murdered Short, further explaining that his father was heavily involved with some of the major players in the

Surrealist art scene—like Man Ray—and had dabbled in photography of that style. The works of such artists, when compared to the crime scene photographs of Short's body, bear distinct similarities to each other.

Some of the most famous Surrealist artworks are depictions of the female form mutilated, disjointed, and murkily altered from the state it organically exists in. For an example of this, one need look no further than the artist René Magritte's 1934 painting *Rape* (figure 3). This piece focuses on the head and neck of a woman with short hair. Instead of seeing what one normally expects from another's face, however—like expressive eyes, or a mouth that can convey thoughts, needs, and other crucial information—the face has a truncated female body imposed over it. A pair of breasts serves as eyes, a navel for a nose, and a pubis replaces a mouth. The face is a center of identity for all individuals, and beyond that, the physiology through which we can use our agency to interact with the world. One sees the things they desire to by training their eyes in one direction or another. One engages with others and asserts oneself by mentally deciding what to say and then verbalizing. In the instance of *Rape*, the subject is without these abilities and barely human. Femininity is abstracted into sexual features alone. Without any limbs, there is no ability to touch, grasp, or carry out other physical interactions. A lack of legs creates a stationary creature. The subject of this photograph is meant purely to be looked at, but can never gaze back or reciprocate any of the ideas that are projected onto her. The appreciation for art done in this style parallels the fascination and consequent sexualizing of Elizabeth Short's own broken body.

It would not be accurate to say that Surrealism intended to objectify women in a violent and predatory way, but the cause of such an unforeseen effect is easily detectable. Before he wrote and distributed the “Manifesto of Surrealism,” André Breton had been a student of psychiatric medicine and adhered to a Freudian model of theory and practice (Nelson and Bayliss 31). Mulvey’s framework for understanding the male gaze and the interrogation and manipulation of the female image is also largely in response to the writings of Sigmund Freud, which hold that all females are inherently lesser than men because of their lack of a penis. The penchant for focusing on female sex organs and distinguishing anatomy even speaks to a phenomenon described by Mulvey: the need for males to constantly focus on what makes women different and inferior to men—in this case, their physiology. One can look at the female form as portrayed by Surrealist artists as an attempt to situate women exactly where the male artists want them in the power hierarchy. It is, after all, difficult to feel threatened by an individual when they do not possess certain body parts—like a head, or arms—or, if they are lucky enough to have all the standard fittings, are represented in a way that disjoints such appendages in an inaccessible way. For reference, another of Magritte’s works, *L’évidence éternelle*, is helpful. In this piece, five separate framed drawings make up the majority of a woman’s body, but are situated with enough space between them to make any kind of unity or communication between the regions of the body impossible (figure 4). One is reminded of Short’s dismemberment in the *Black Dahlia* graphic novel.

Based on the condition of the location the Black Dahlia was discovered in, it became obvious that whoever murdered her did not complete the task there. The area was

conspicuously bereft of the blood that would have been spilled in the severing of torso from pelvis and legs. Investigators suspected that Short had been killed elsewhere, in a private location in which her blood could have been drained without drawing attention. Knowing that she was not killed where she was found, we must next consider why she was moved at all. Clearly, because she was left in a field within close proximity to a street of residences, the intent of the murderer was not to hide the body away. No, the dumping location and the way in which the body was posed, arms elegantly raised, torso neatly above and slightly to the right of the pelvis, suggest that the offender laid out Short with the intention that she would be seen by others, that she would become the object of the gaze of others.

Among the many books and articles that have been published regarding Short's murder, it is unanimously agreed that the person who committed the murder possessed an intense hatred for women and most likely felt a sense of sexual satisfaction from the opportunity to lay the woman out in such a vulnerable, open location. While none of this information is shocking, it is more startling to realize that the Short's fame is indicative of similar attitudes toward women on the part of the men who came into contact with her. Short can be viewed as an embodiment of femininity and her death a result of the womanly propensity toward victimization. Situating her in such a way can be understood to be soothing to those males who suffer castration anxiety. Short is a marker of distance between the sexes, a familiar narrative, for the most part, but one that took some detours—particularly as homicide investigators learned of her agency and lifestyle choices. Without the voyeuristic fascination with her identity, Elizabeth Short might

have been unlucky enough to have vanished into a manila file, forgotten within the depths of an untouched filing cabinet.

Chapter Two

Marcia Clark on Trial in the Court of Public Opinion

Perhaps the 1994 trial of Orenthal James “O.J.” Simpson would never have become as widely observed if it had not taken place in cinematic Los Angeles, or if the individuals involved had no history of celebrity status. O.J., frequently referred to as “The Juice” by his friends and most generous sponsors, had a successful football career in the 1970’s, only to retire into a life of product promotion and bit part roles on television and film. When his younger, white wife was found dead not long after their separation, people were already familiar with the surname Simpson. Nicole Brown Simpson was found dead at her residence along with a male guest, Ronald Goldman, just after midnight on June 13, 1994. As her ex-husband and the known aggressor of prior fights, O.J. was later accused of committing the double homicide, attracting a media frenzy that would not abate over the eleven-month period of trial proceedings nor in the decades following the controversial “not guilty” jury ruling. The *People v. O.J. Simpson* brought to the forefront a number of crucial issues, some of them specific to Los Angeles—such as corruption within their police force—while others resonated well across the country—like race relations, the intricacies of being an interracial couple as O.J. and Nicole Brown Simpson were, and the devastating role of domestic violence in women’s lives. The nation was eager to hear from all involved in this trial and was not disappointed with the large number of first-person accounts that were published during and following the case. Of all of the individuals whose lives entered the public domain, one of the most sought after, blamed, admired, interrogated, and generally gazed at was

Deputy District Attorney Marcia Clark, head of the prosecution during *People v. O.J. Simpson*. That Clark was so diversely represented in magazines and books, in news broadcasts and as a topic of conversation, illustrates the general public's preoccupation with unintelligible gender identities, or those that consist of traits or actions that do not harmoniously relate to one another nor holistically give the impression of conforming to the accepted ideals of the man/woman dichotomy.

Throughout the highly publicized proceedings, Marcia Clark's identity was seized by those around her, taken and morphed into the most convenient of archetypes. To attorney-turned-journalist Jeffrey Toobin, she was "a workaholic, and something of a crime junkie" (43). In other circumstances, the term "dedicated" may have better fit Clark's work life, but here Toobin relies on the language of addiction to describe the attorney and as a result builds a character who is enslaved by her compulsions. Although this is a small example, it conveys much about how Toobin views Clark. In painting her in this way in his book, *The Run of His Life*, he fails to depict Clark as an agent in her own life. The reader is to know within the first couple of pages of this narrative that the case will not end in Simpson's conviction. The next most important piece of information that is relayed is that the state's loss is derived from the quality of its representative prosecutors. While he avoids being blatantly hostile or confrontational, Toobin makes it clear that, ultimately, "despite the best intentions, the case was largely botched by the Los Angeles District Attorney's Office. The prosecutors were undone by the twin afflictions most common among government lawyers: arrogance (mostly Marcia Clark's) and ineptitude (largely Christopher Darden's)" (12).

It took nearly a year for this case to be presented, for all arguments to be made, and for every party to have their say. What Toobin has done is abstract the prosecution's loss out of context and find a very simplistic method of explaining it: Marcia Clark's perceived shortcomings were responsible for Simpson's acquittal. This is an elementary logic that fails to take into account any of the situational complexities previously mentioned. How can we discuss the Simpson trial without acknowledging race and persisting injustice in America, which became relevant specifically to O.J.'s trial when it was revealed that one of the prosecution's major witnesses frequently used racist terminology and claimed in a secret conversation to have planted incriminating evidence in past cases involving people of color? How do we review the particulars of the Simpson case without discussing violence against women and the ways in which society trains people to turn a blind eye to what occurs between intimate partners inside of their private residences? Toobin does eventually use *The Run of His Life* in order to explore these topics, but his thorough analysis of the Simpson proceedings never alters his stance that the defeat of the Los Angeles District Attorney's office was triggered by the only major (living) woman present and the man unfortunate enough to work under her. Though he may not realize it himself, the same traits that Toobin negatively attributes to Clark are certainly present in the members of the defense, but go unacknowledged. There is a double standard here that prizes men who exude confidence and certainty, yet portrays women who act similarly as "arrogant" or overconfident.

It is not uncommon to find female attorneys working for the government to either defend or prosecute criminals. As criminologist Ronald Barri Flowers writes in *Women*

and Criminality, women studying or beginning to practice law can easily move into criminal law “because most criminals are poor” and “defending them provides little income and almost no power or status” (172). Women in this line of work are not seen as direct threats to mid-to-upper class masculinity. This is especially true in most governmental positions, where women earn far less than would be the norm in private practice. There are, of course, a select group of defense attorneys who work privately and build their practices into lucrative ventures by amassing a roster of moneyed clients. Clark, with the advent of the Simpson trial, found herself in direct competition with the upper echelon of renowned defense attorneys, all of whom were male. Their roles within the case are well defined and consistent. Johnny Cochran, Robert Shapiro, and F. Lee Bailey were aggressive in discrediting the materials that the prosecution introduced to the jury, ruthless in their criticisms and personal attacks. Despite all of the defense’s antagonisms, it is Marcia Clark who in hindsight receives the harshest scrutiny for her efforts.

Everyone had an opinion on the Simpson acquittal. Toobin’s comments place Clark’s arrogance at fault. Another former attorney who later transitioned into a role as a legal correspondent, Vincent Bugliosi, commented that not insisting that the case be heard in Santa Monica instead of downtown Los Angeles had surely been a mistake, an idea that implies that if there had been less of a black presence on the jury, O.J. would have been convicted (Clark 185). This concept has been similarly confirmed by a slew of other attorneys and journalists who point out that the prosecution never even tried to make a move to Santa Monica happen. This is a nonsensical idea in light of the fact that it

is traditional that the larger a case is, the more likely it is to be pushed to a downtown courthouse in order to best accommodate all of its various involved persons (Clark 184). It was never made a decision of strategy, but instead the trial's location was picked based on practicality. Still, these comments about Santa Monica reveal that there are those out there who wish to point out all of the prosecution's perceived flaws. It is easier to simply state that the District Attorney's office failed to properly take control of the case than it is to take the time to look at all of the case's hang-ups and battles. One can almost sense yet another implication that Clark failed to fulfill the role that is classically interpreted as masculine by not being active or aggressive *enough* with the trial's contents and location. We should note the irony that Clark has been accused both of not being aggressive enough by one party and of being too aggressive and a crime "junkie" by another.

In delving more deeply into why it had to be Clark who took the fall for the lost case, the theories of Judith Butler are helpful. Some years after writing her groundbreaking essay on the performative nature of gender, Butler wrote *Gender Trouble*, which contains a chapter on identity. While she allows that "identity" is a word without a universally codified definition, Butler makes the point that usually an agent's identity is thought to consist of the hallmark traits that are most consistent throughout their life. To understand another subject's identity, we observe their actions and verbalized personality. These two factors will have been impacted by the agent's own experiences with the world around them and the way in which they witness others acting, especially when it comes to gender identity. It is thought that "intelligible identities" are the most preferable to everyone. People within a culture are trained to understand gender

as a coded part of identity and make inferences regarding appearance, presented personality, and actions. To expound, if a young girl were to put on a delicate lace dress and apply her makeup with great care only to go out into her neighborhood and play a rousing game of full-contact football, she would stick out. On one hand, she appears to be feminine, yet the girl's playing is physical and powerful, active in a way that is commonly associated with maleness. The components of her gender identity, as observed by outsiders, do not neatly fit together.

Anyone who cannot be made sense of, who does not possess or exhibit qualities that complement each other harmoniously, is seen as threatening in their obscurity. Those who stand to benefit the most from sharply defined genders, namely the men at the top of the power hierarchy, are at risk of surrendering some of their power if the qualities of gender were to come to be perceived as fictitious or arbitrary. If a female acts like a male, does she then have a claim to masculine privileges? To prevent this line of inquiry from being followed, we are conditioned to provide each other feedback relative to our performances. Usually this is negative feedback, like Toobin's declaration that Clark and Darden singlehandedly lost *The People v. O.J. Simpson* after pointing out that Clark was quite confident in her work in the legal sphere, despite the pervasive idea that ideal women should be modest in all endeavors.

Not every commentator employs Toobin's method of punishment in response to Clark's unintelligible gender identity. Others have demonstrated a willingness to represent her in a way that better fits with their gendered vision, to abstract aspects of her life and mold them into a character worth reporting on. As Clark writes in her memoir:

I've never talked to anyone from *People*, but they seem to like me. Funny—when the media likes you, they can take scraps that your friends toss out, and spin them into flattering fairy tales. (But when they don't like you, they take the scraps from ex-husbands.) God, don't get me started. I look at myself in the *Globe* and see a man-crazy lush. And then I look at *Ladies' Home Journal* and see a serene professional woman at the top of her game. And I look and look and look and don't see myself at all. (1)

This reflective comment serves as a survey of the media's attention to Clark. There are three publications mentioned, with drastically different approaches taken by each. In comparison to her own experiences and vision of herself, Clark looks at the accounts of these periodicals and can easily discern that they have arrived at their conclusions about her based on small pieces of information that have been magnified. To exemplify this phenomenon more concretely, one need look no further than the instance in which a particular magazine went looking around Clark's neighborhood for potential interviewees. They eventually found a young girl who relayed to them a story about an instance where she and Marcia had supposedly made cookies together. While Clark has no recollection of this, the magazine used this statement in order to write a story all about how she was actually "a homebody in a June Cleaver mold" (Clark 152). As Clark acknowledges, however, not all of the images of her that were conjured by the media were as wholesome or innocent as this example.

Other publications were hung up on Marcia's drinking and social habits or her relationship with her children and second ex-husband. The methodology at work seemed to have been for the author to isolate one of Clark's particular comments or actions, and respond to it based on whether or not it seems to correspond with her gender. In the instance of the magazine that reported on Clark allegedly baking cookies with a little girl from the neighborhood, Clark is turned into a model for all women; she is portrayed as a woman who does it all, but is ultimately defined by her domestic labors. She is being rewarded for supposedly acting like an ideal woman. When the opposite is true and a particular source reports on a behavior of Marcia's that is not ladylike—like the discourse on the circulation of topless photos of Clark in the 70's, or the public nature of her struggle to spend time with her two young sons amid a very public divorce—Clark is being punished for exhibiting traits that do not send the “correct” message about her identity.

While the media's habit of attacking a subject's decision-making skills or characterizing them in a less than flattering way may give the impression of being a purposefully malicious action, there is a high likelihood that many never realize exactly why it is that they are adopting a certain tone or opinion. They may have a visceral reaction to an individual's presence, or be able to acknowledge that they do not particularly care for them, but the consistency of gender and gender policing often goes unnoticed. We are conditioned to react in certain ways to what we observe around us and simultaneously convinced that our reactions are inherent, that something about what we do or do not appreciate in the actions of others is based on how our biological systems are

hardwired. It is important to realize the distinction between our perceptions of gender identity being present from birth and being trained by experience to become part of our subconscious cognitive processes.

A subconscious reaction to Marcia Clark's unintelligible gender identity is even discernible in the memoir of fellow prosecutor Christopher Darden. On two occasions, Darden makes odd comments about Clark's attire. He goes out of his way to comment on the length of his coworker's skirt. The two are known to have a strong rapport, to be friends as well as work together; this fact may have changed the way statements made in *In Contempt* were read, had their delivery been different. It is said at one point in the narrative that Clark "was up to her short skirt in the Simpson case" (132). Because Darden treats Clark with admiration and respect throughout his book, this comment seems out of place, a strange addition amid a sea of detail. Perhaps if it had been mentioned just one time, it would have been possible to assume that it was simply poking fun at some people's idea of propriety or maybe even a private joke. The next comment, however, makes it difficult to overlook the strange preoccupation with Clark's skirt. Darden recounts one particular work situation in which "Marcia wore a serious business suit with slightly less skirt than you might want to wear to a board meeting. She wasn't within fifty pounds of any of the men at this meeting, and yet here was this tiny, curly-headed thing, completely in charge. She barked orders with no misgivings about how these men might feel about being ordered around by a woman" (188).

Darden is complimenting Clark, his tone filled with awe at her ability to command their legal team. Despite this, a closer look reveals something interesting about

his diction. We have, of course, the blatant mention of the skirt yet again, but what sticks out even more is his use of the word “thing.” To break down the description with the help of Butler’s framework for intelligible or unintelligible gender identities, we could interpret the only aspect of Clark that agrees with the gender assigned to her sex to be that she is small, more delicate in appearance than the males around her. Her short skirt could be an indication of refusal of the modesty that is often prized in women. To be in control or “bark[ing] orders” is certainly more expected of males in power than women. With these pieces of Clark’s performance in mind and the manner in which they clash with each other, we could label her an unintelligible persona. Is this why she has been reclassified as a “thing”? Not as an insult or a purposeful method of punishing her, but as a genuine expression of confusion or conflict on Darden’s part? Perhaps this scene is symptomatic of Darden’s need to continue looking at Marcia Clark, to continue interrogating who she is and how she presents herself. One could certainly read the situation this way, especially given that the media were so involved and interested in publishing texts and videos regarding every party involved in the case and *they* were all writing articles to push their own positions.

Though two decades have passed, people are still trying to figure Marcia Clark out, to pin her identity down—especially within the context of her most famous case. If any doubt existed as to the continued relevance of the O.J. Simpson case, several recent updates should obliterate that doubt. The first came in 2016, when the producers of the popular *American Horror Story* television show ran a similar anthology series about true crimes: *American Crime Story*. For their pilot season, the *People v. O.J. Simpson* was

selected. This retelling of the story featured such well-regarded actors as David Schwimmer, Cuba Gooding Jr., Sarah Paulson, Nathan Lane, and John Travolta. Nearly a year to date from the premier of *American Crime Story*, a docuseries entitled *Is O.J. Innocent? The Missing Evidence* was aired, narrated by Martin Sheen. After all this time, people are still interested in the case, tracking the major players over time and reiterating all the same questions in different ways. It is difficult to say whether Marcia Clark stepped away from her position at the District Attorney's Office because of public backlash over Simpson's acquittal or because of the level of stress and disorder such a hotly debated case had on her personal life. After giving up practicing law and writing her memoir, Clark turned to fiction writing. She has published nine works of fiction in the last few years (Clark, "Books"). Despite working with fictional material for the past decade, however, Clark will be getting her own show on A&E in 2018. In this production, she will go over the details of a new true crime case each episode, using her legal expertise to examine the narrative of each crime and attempt to lay out arguments over guilt and innocence ("Marcia Clark Talks Casey Anthony Case..."). Clark may have physically left the courtroom behind, but criminal law has remained a crucial part of who she is.

Chapter Three

The Columbine Tragedy: Motherhood and Uninterrupted Masculinity

There are many places that the media has taught us to associate with violence and crime. Until April 20, 1999, Littleton, Colorado (a suburb of Denver), had never been considered such a place. On this date, senior students Eric Harris and Dylan Klebold carried out an attack on their high school. They killed thirteen and wounded many more before ultimately taking their own lives. Their primary weapons were supposed to have been a series of homemade explosives, but because of Harris's ineptitude for manufacturing them, the boys were forced to rely on illegally purchased assault rifles. The young men had attempted to rig several propane tanks and similarly composed bombs to explode throughout Columbine High School; had they been successful, these devices would have driven the number of casualties dramatically higher. The students' devastating violence not only left their community descending into a state of panic, confusion, and concern, but also spread emotional responses across the nation. Columbine High School became infamous, the tragedy that occurred there prompting difficult discussions in many circles. What had driven Harris and Klebold to such a dark place? What had contributed to the loss of thirteen lives? Americans everywhere tried to parse this out, watching developments on their televisions and reading attention-grabbing headlines on the newsstands as they purchased their groceries and passed by street vendors. Every psychologist, politician, and member of the clergy seemed to have something to say, a passionate answer to give. While opinions were not unanimous, a trend quickly began to emerge. Western society's penchant for policing the role of

motherhood became obvious when Sue Klebold and Kathy Harris were placed at fault and their poor child-rearing skills (past and present) were declared to be the cause of their sons' deviancy and hostility.

Given that the media spent so much time and energy following the survivors of Columbine around, it is hardly surprising that there were many books published on the topic. The sheer breadth of the subgenres that these books span is stunning. There are journalistic approaches by individuals who committed themselves to recounting the events precisely, like Dave Cullen's salient *Columbine*. There are also personal accounts written by both survivors and the parents of those who perished, among them Misty Bernall's *She Said Yes: The Unlikely Martyrdom of Cassie Bernall, No Easy Answers*, by Brooks Brown, and *Rachel's Tears*, by Beth Nimmo and Darrel Scott. Like many other significant historical events, Columbine has even been portrayed as the backdrop to fictional narratives like Wally Lamb's *The Hour I First Believed*. The most common of all, however, are texts written by psychologists and sociologists seeking to diagnose the causes of Harris and Klebold's seemingly random violence and to propose preventative solutions for the future. Among all of these nonfiction sources, a picture of the idealized parental figure begins to emerge, revealing what these texts' authors believe a proper family should look like and rigidly defining each member's role within it.

As Cullen's recounting of the aftermath of the attack goes, Jefferson County Sherriff John Stone was the first to take the opportunity to attack the Harris and Klebold families. Before television cameras and microphones, Sherriff Stone pointedly asked, "What are these parents doing that are letting their kids have automatic weapons?"(91).

This question, asked in this particular way, gives the impression that the Klebolds and the Harrises were not only aware of their sons' possession of fire arms, but also that they had been content with this knowledge. Stone might as well have declared that the guns were actually Christmas presents selected specifically for each of the boys. He does not even entertain in this first mention of Klebold and Harris's attack the possibility that the parents might not have known at all. There is an implicit belief that any parents properly present in their children's lives *should* know what kinds of objects are in their homes. The comment made an impact on the grieving populace. In order to orchestrate the Columbine massacre, Eric and Dylan must have given immense effort to thoroughly plan their attack, take the time to acquire their guns (two automatic weapons and two pump rifles), gather the ingredients to manufacture explosive devices, and reflect on when the optimal date to carry out the attack would be. How, in the length of time that it took for this to occur, did the Harrises and Klebolds not notice what was going on under their own roofs? A shocked America shook their heads bitterly in the days following the attack; one poll showed that 85 percent of the people who participated blamed the parents (Cullen 107).

Although many sources used the blanket term "parents," much of their language was used in a way that subtly allocated more blame to the mothers than to the fathers. Brooks Brown's memoir is an excellent example of the mother-blaming attitude at work. Brown has the distinction of being the only person that Harris and Klebold deliberately spared. The three boys had a long history of friendship dating back to elementary school. Though Harris fought with Brooks about trivial matters and even made online death

threats against him at one point, the two boys had made up by the day of the April shooting. When Harris and Klebold rolled into the school parking lot late for classes, Brooks was outside smoking. Harris, concealing his weapons in a duffle bag slung over his shoulder, told him to go home (Brown 4). Brown followed the directions given to him, ignorant of what his friends were in the process of orchestrating. His insight into the shooters' lives and his own proximity to them compelled him to write his book in 2002.

While Brooks, who grew up close to the entire Klebold family, is wise enough to see the futility of blaming the Harrises and the Klebolds for the deaths at Columbine, he perhaps unintentionally reveals some fairly contradictory beliefs regarding the state of modern humanity. Within the opening pages of *No Easy Answers*, Brooks comments, "I can't speak for Eric Harris; I didn't know his family well enough to comment one way or the other. But I know Dylan Klebold came from a good home, with two loving parents who were far better to him than many other parents" (Brown 19). He vouches here for what many others who are close to the Klebolds have also said; the entire family was kind and caring. One of his next passages, however, completely undermines this reprieve for the families:

Kids today are growing up in a world that can only be described as the "blind leading the blind." It's a world where parents, *both of whom are working outside of the home* and wrapped up in *their own lives*, are leaving the upbringing of their children to public school teachers—who are unprepared both emotionally and

logistically for such a feat—and television... (19; emphasis here is mine)

That Brown felt compelled to point out that *both* parents within the family unit are a part of the workforce sticks out. It is not the case that he says that parents are working too frequently or that they fixate on money more than they should, but instead that both of them are physically outside of the domestic sphere throughout the day. Logic says that in American society, unless one is born into tremendous amounts of money, someone within the family must procure labor and a satisfactory wage. Brown seems to be hinting here that perhaps *only one* parent should do this while the other concentrates on rearing the children. Historically, we know which party would have been responsible for labor inside of the home and which for that in the public sphere. Although he fails to directly say it, we are left wondering just how Brooks Brown would advocate we go about selecting who within the family gets to complete which task.

It becomes obvious as *No Easy Answers* continues that Brown has a personal bias on the issue of separation of labor. From both his own rosy accounts of his upbringing and the details that Cullen covers in *Columbine*, it appears that Brown's own mother was a homemaker. While this possibility has nothing inherently negative about it, it may go far in explaining some of Brown's own predispositions. While we can only theorize about his personal life, his language solidifies his investment in the concept of stay-at-home-mothers. In one passage where Brooks is talking about what he and his generation witnessed growing up, he comments, "We saw our classmates being beaten by their parents, who were supposed to love them and nurture them. We heard our friends talking

about how much their mommies hated their daddies...kids turned into bargaining chips” (40). How unnerving it is that in this passage a woman who no longer loves her child’s father is as bad as a parent directly beating their children. How interesting it is that the crime here is the woman not getting along with the man when there is no mention of the reverse. Brown demonstrates that he believes in gender roles, especially as they pertain to motherhood.

Although the emphasis on the role of motherhood throughout childhood development can operate subtly in many instances, there are moments when a conversation about the role of the mother emerges. Writer Andrew Solomon, whose work often contains relevant commentary on social or political topics, arrived in Littleton in February 2005 to interview Dylan Klebold’s parents, Tom and Sue, for a book he was writing on “challenging offspring” (Klebold xvi). Nearing the close of the interview, Solomon turned to the Klebolds and asked them what, if they had the impossible opportunity to do so, they would want to ask their son. Their replies were as follows:

Tom said, “I’d ask him what the hell he was thinking and what the hell he thought he was doing!” Sue looked down at the floor for a minute before saying quietly, “I would ask him to forgive me, for being his mother and never knowing what was going on in his head, for not being able to help him, for not being the person he could confide in.” (xxi)

As Solomon describes it, Tom Klebold is performing a more traditionally masculine role. His instinct is to interrogate, to convey his despair with demanding vehemence. “I am

your father,” he seems to be saying, “so explain yourself to me!” In sharp contrast, Sue’s body language gives away her submissiveness before her language does. She is vulnerable. She averts her gaze and speaks very softly when she replies that her own question would concern her son’s ability to forgive her for not being able to do the impossible and understand the mental unrest he kept hidden. When Sue apologizes for not “being the person [Dylan] could confide in,” she is lamenting her mothering skills, that she was unable to know her child truly and thus never possessed an unfiltered awareness of his needs. It seems not to occur to her that it is hopeless to try to comprehend the internal life of an individual who does not wish it to be seen. Sue is full of regret for not being able to do the impossible, to *be* the supernaturally empathetic, aware, and nurturing mother she has been taught to aspire to. This guilt that she feels, very likely magnified following the onslaught of media accusations post-Columbine, maneuvers her into a passive and deferential imagined conversation with her late son. It is clear that she has absorbed a great deal of the responsibility for Dylan’s actions and that she perceives him to be an extension of herself and her abilities as a mother.

In order to establish where some of these problematic visions of motherhood originated, one can look to Cynthia Comacchio’s essay on how both the post-WWI medical community and industrialism each impacted Western constructions of motherhood. Although this essay, “Motherhood in Crisis,” focuses primarily on Canadian history, its most important factors—involvement in the First World War, number of birth rates in the first half of the twentieth century, and the ever-increasing role of industry—apply to other Western countries of the same time period. Comacchio refers to such

locations as Britain and America as Canada's "counterparts in other industrial democracies" (307). She theorizes that in such places, the "modern mother" was created by a highly intricate system of cause and effect. Because the war took a significant number of men from their positions in their local economies, women had to step into the labor force, into factories and other places of business, in order to ensure that the national economy did not collapse and relevant wartime resources could be produced in the necessary quantity.

This female-fill-in model achieved its goal, supplying all the materials needed to support the Allies to victory. When soldiers returned to their communities, however, two problems arose. The first was that men returning home suffered a crisis of masculinity that was triggered by the horror of war on a mass scale combined with the knowledge that the women in their lives had left the domestic sphere in order to occupy (and occupy successfully) jobs that they had previously been considered unfit for. Secondly, women were confronted with the demand to return back to the home that they had performed so well outside of. Within this period of time, shell shock, a large number of casualties of war, and a pervasive national identity crisis contributed to the ossification of reproductive rates. Reactions to this situation varied, but among the most frequently circulated was that "the decreasing birth rate represented not only the selfishness of modern woman, but also manly failure to perform the requisite manly duty" (Comacchio 309). Although this sentiment acknowledges the role of both parties in the failure to reproduce, on the whole, it was considered unthinkable to approach men who were traumatized and perhaps more fragile than was ideal about how they should perform their national obligations. Even in

the worst of times, masculinity and the autonomy built within it are valued too highly to be interrupted.

Instead of risking that men would feel responsible for the inability to produce children, the state shifted to looking to mothers to provide new citizens. Taking into account the “progressive” types of jobs that women had completed during the war, the image of a modern, scientifically-backed prototype of motherhood was created. The nation’s scientists and medical professionals would become instrumental in women’s health, particularly so throughout their pregnancies. Doctors were expected to teach women how to care for themselves and their children in a healthy way. Their formal knowledge was thought to make them experts on the maternal—despite the fact that doctors were overwhelmingly male at the time—and thus made their position in women’s lives that of the regulator. Doctors’ orders penetrated the domestic sphere, opening females up to critiques of their mothering skills in a whole new way. The frequency and repetition of this dynamic had the effect of enforcing the internalization of a specific set of medical practices and conceptions of motherhood in women and produced a mistaken feeling of the inherent nature of these ideas. As will be discussed in further examination of Butler’s work in Chapter Four, the belief in “naturalness” is crucial to keeping people from questioning or deviating from gender roles. The operation of this institution also produced the thought that the nation would benefit because “modern citizens borne by modern mothers would be healthy, fit, productive, and content with their places” (Comacchio 309). A relationship was created in which the general well-being of the child was seen as solely dependent on his or her mother.

The expectation that Western women would act out their motherhood in highly coded ways thrived well past the Second World War and into the new millennium. This is not to say, however, that there were no complications. In 1970, for example, 30 percent of mothers with children just starting their school experiences were employed outside of the home; by 1995, this number had more than doubled to 65 percent (Coleman 57). Again, the trope of the selfish modern mother surfaced. How, critics asked, could a woman properly raise her child when she physically spends so much time away from home? In the present moment, a pattern has arisen that blames working mothers for an extensive list of societal ills. In fact, Doriane Lambelet Coleman has claimed—in a book brazenly entitled *Fixing Columbine*—that because women have moved into the workforce in such large numbers *and* failed to create an alternative model of caregiving for their children, American youth are growing up dysfunctional, emotionally void, and prone to violence.

As the name of her book would suggest, Coleman utilizes Columbine as her prime example of poor parenting producing unhealthy individuals. Coleman, although her own background is in law, bases her argument that parental neglect is responsible for children without morals or appropriate values upon data collected by scientists. Much of her initial work consists of the reiteration of studies on early childhood development by psychologists interested in how the behaviors of parents influence who their children grow up to be. She points to the absence of moral guidance and direction from parent to child as a cause for seemingly increased childhood criminality and “self-destructive thoughts” (4). The massacre at Columbine High School is used as an extreme example of

this line of thought. While this position on the matter is commonsensical in its abstract logic, it is complicated by Coleman's rhetoric that women in the workforce constitute neglectful parents who do not have the means to provide adequate care for their children mentally or emotionally. She specifically places women at the center of the problem by employing the outcomes of paternal behavioral studies. Research reveals that men have not been observed to adequately rise to the task of teaching and nurturing their offspring in the absence of the women in their family. Coleman thus excludes men from being significant in the caregiving model. The solution preferred is to ask women to fix the problem rather than highlight and remedy the shortcomings of men.

Although Coleman effectively cites working women as the most influential factor in the rearing of healthy children, her work is complicated by the following proclamation: "In my argument there is thus no call to 'return to a time when women had fewer [legal] rights on the pretense of saving the family.' Rather, it suggests that the evidence of a national crisis not be ignored simply because it may be difficult politically and personally to face it" (89). *Fixing Columbine* will not hold that women need to return to the domestic sphere to prevent the problem of unhealthy children. Instead it offers a tangible replacement solution in the establishment of a federally mandated school reform that would encourage young pupils to explore themselves and develop the context to grasp morality and necessary self worth. The positioning of this solution, however, makes it impossible not to feel that the effort necessary to implement it must be expended because mothers are failing to carry out their ideal, orthodox roles in their children's lives. Rather

being a morally sound idea, it is an emergency measure to prevent children from suffering their mother's "neglect."

One of Coleman's shortcomings is her inability to recognize how heavily her conceptions of proper motherhood rely on visibility and physicality. She states, for example, that because women spend so much of their time outside of the home, they do not contribute enough to the wellness of their children. How much time is necessary to do so properly? Surely it would be a mistake to prize quantity over quality. Coleman's refusal to recognize the conflation of the two as misguided advances the theory that what she really wants regulated is the physical location of the female body and how its presence should be felt in various spheres.

Much of what Coleman asserts as necessary to end the violence she sees in contemporary children has already been discussed by feminist theorists. She sees communal caregiving as a last resort to putting children on the right path, a measure only suggested because so many mothers have already left the home in order to pursue occupations. As Simone de Beauvoir writes in *The Second Sex*, however, communally raising children is in everyone's best interest. Returning to the same Freudian lens that proved illuminating in the Elizabeth Short case, we can conceive of women in patriarchal societies as "others" in relation to men, who assert themselves as the standard form of humanity. Many traditional psychoanalysts hold that for females, castrated beings, having children is an opportunity to get closer to being complete, to having a penis. In the event that a woman gives birth to a boy, she can live vicariously through him, as traditionally

women and their children are seen as extensions of each other. This completion that mothers seek comes at a high cost. As Beauvoir states:

Some mothers make themselves slaves of their offspring to compensate for the emptiness in their hearts and to punish themselves for the hostility they do not want to admit; they endlessly cultivate a morbid anxiety, they cannot bear to let their child do anything on his own; they give up all pleasure, all personal life, enabling them to assume the role of victim; and from these sacrifices they derive the right to deny the child all independence; the *mater dolorosa* turns her suffering into a weapon she uses sadistically; her displays of resignation spur guilt feelings in the child, which he will often carry through his whole life. (559)

Beauvoir draws attention to the fact that a mother who does not have a life or autonomy of her own will inflict her own dissatisfaction on her child, holding him to impossible standards and never managing to actually feel fulfilled through him. The mother's malaise will be felt by her child and cause a situation in which "it is natural for him to rebel" (560). Rebellion and frustration over the constant presence of guilt in his life can cause violent tendencies and an inability to relate to other agents around him. Beauvoir holds that any civilized society will establish communities willing and capable of contributing to the wellbeing of its children. By doing this, "motherhood would absolutely not be incompatible with women's work," (568). Rather than allowing the

onus for the mental fortitude of children to be heaved onto the backs of their mothers, Beauvoir redistributes the weight of this responsibility to the societies in which young people grow up. The failure to “ensure children’s health, care, and education outside of the home,” she makes it plain, “is social neglect” (Beauvoir 568-9).

Social neglect is apparent in the events that led up to the shooting at Columbine. Dave Cullen reports that in the time leading up to Harris and Klebold’s shooting, there were several instances in which other agents in the community of Littleton had the opportunity to intervene in the boys’ bad behavior. Perhaps the most important of all of these situations involved Eric Harris making online death threats while in a fight with Brooks Brown. Brown’s parents had already taken the time to speak to the Harris parents about the escalating feud between the boys, but Eric, a master manipulator, was able to convince his parents that the Browns were exaggerating and that nothing was seriously wrong (Cullen 162). Not knowing what else to do, the Browns printed off the pages of Eric’s venomous blog and handed them to the police. At the time, however, technical expertise was not commonplace on police forces. It took the police too long to locate Eric’s website for them to take any real action. Even the dean of Columbine High School had an idea that Eric was behind several instances of vandalism and did nothing more than make a half-hearted threat about future police involvement if Eric failed to stay clean and out of trouble (Cullen 163). No one ever took legitimate action against either Eric or his shadow, Dylan. It is difficult to agree with Coleman’s parent blaming when so many other individuals had an idea that Eric and Dylan were walking a dangerous path and did so little to keep an eye on them or intercept their plans.

The rhetorical gaps in Coleman's theories are also apparent in their application to the Columbine tragedy. While Sue Klebold was known to be a working mother—a loving, attentive one, by many accounts, including Brooks Brown's—no records can be turned up that Kathy Harris was employed outside of the home. It is very likely that she was a stay-at-home mother. How, then, would Coleman rationalize that Eric Harris is actually seen to be the more violent of the two shooters, the driving force behind the attack? In this way, Coleman has been lucky that Kathy Harris has put so much effort into being invisible, and has avoided any public display or speech beyond a few well-worded addresses and a small batch of personal letters. Sue Klebold, on the other hand, has prominently asked questions and regularly reached out to the community for insight since April of 1999. Her visibility has opened her up to wider scrutiny.

Coleman and Comacchio's work illustrates the way in which the patriarchal spirit can subtly and systematically manipulate the public's perception of reality through the media. It likely never crossed Brooks Brown's mind that men can assert their dominance over women more easily if the women have no income of their own and are isolated within their own homes. Coleman probably believes that stay-at-home motherhood can curtail unnecessary tragedy. As this study has repeatedly shown, in times of uncertainty or trauma people latch on to their belief systems, externalizing and clinging to all of the subliminal messages their culture has inculcated within them.

Chapter Four

Luciferina: The Kercher Murder and Subsequent Knox/Sollecito Trials

News of the death of Meredith Kercher spread like a sickness, first darkening the Italian city of Perugia where the murder occurred, then migrating to the rest of the country, traveling to her home in Britain, and finally across the Atlantic to the United States. The twenty-two-year-old had been enrolled in a foreign exchange program that offered college students the opportunity to study in universities across the world. She had been doing well in her studies and was soaking up the rich offerings of Italian culture. Many even noted that Perugia made for an ideal city in which to study because it was quieter than Milan or Florence, with a smaller population and a less bustling party scene. None of these things, however, spared Meredith's life.

On November 2, 2007, Meredith Kercher was found murdered and possibly sexually assaulted in the apartment that she shared with three other women. Two of her roommates were out of town. The third, the American Amanda Knox, was at the start of a relationship with an Italian man, Raffaele Sollecito; from the time of their initial meeting, she spent most of her days with him in his apartment. On a trip back to her own lodgings for a shower that morning, Knox found it seemingly empty. She noticed a few odd things, like a few spots of blood and a toilet left uncharacteristically used, but went on with her morning, oblivious. It was only later, after departing and returning again—this time with Sollecito in tow—that she noticed Meredith's door was locked from the inside, but calling out to her had no effect. The police arrived a short time later and broke down the door to reveal a grisly crime scene and Meredith's body, her throat cut. As the Elizabeth

Short case establishes, when a pretty young woman dies, people take notice. The key difference between the Short murder and the death of Meredith Kercher, however, is that with the indictment of Amanda Knox on murder charges, Kercher and her image disappeared from the public gaze. The socially uninhibited Knox, as many published accounts of the case prove, made a much more interesting personality to focus on in news broadcasts, newspapers, and gossip magazines. Many people went on to write books about the Kercher case that overwhelmingly show that Amanda Knox was not punished—convicted of murder, jailed, and attacked by the press—because of the likelihood that she killed Meredith Kercher, but instead because she performed her gender incorrectly. Her open sexuality and eccentricity rankled those who scrutinized her.

The Italian prosecutors' case against Knox took a few days to take root, but once it did it grew rapidly. Those with close proximity to Meredith were gathered by the authorities to answer a host of questions about her life. They wanted to know Meredith's temperament, which people she spent her time with, and how she spent her free hours. Amanda's name came up frequently during initial interviews with roommates and friends. As Candace Dempsey notes in *Murder in Italy*, even the most polite of "Meredith's friends found Amanda's behavior so outrageous that they nearly dropped their reserve" (82). They recounted Amanda's unusual habits preceding Meredith's death—her penchant for breaking into song at random, her loudness, the slovenly way in which she lived in the shared apartment, and her casual sexual encounters—as well as the activity they witnessed following the discovery of Meredith's body. It was unanimous among the interviewees that Knox had acted strangely, cuddling up to Raffaele

affectionately and blatantly flirting with him while everyone around her solemnly mourned. Most of them had not seen her cry and were convinced that she never had shed a tear for her roommate. Homicide Chief Monica Napoleoni was particularly struck by this, despite the fact that the man who Meredith had been seeing at the time of her death and most of her (predominantly English) friends “also stayed dry-eyed” (Dempsey 85). Chief Napoleoni’s double standard often goes unaddressed in texts on the case, but further illustrates the complexity of the way in which those who are restricted by gender roles also enforce them.

More doubts came when investigators considered that Amanda had been in the apartment by herself for a period of time on the morning of November second. How, everyone wanted to know, had Knox managed to go about her business that morning and failed to note the signs that something unusual had occurred there? Was she not curious as to where Meredith was and why there were traces of blood in the bathroom that the two students shared? Amanda answered their questions with her intermediate grasp of the Italian language, breaking into English at times when her Italian vocabulary failed her. As the police studied her, they became increasingly certain that she was guilty of murdering Meredith Kercher.

The press across the world took an interest in these happenings in little Perugia. Not only was the victim aesthetically pleasing, but so too was her accused killer. No bit of information about either of the two women became off limits, as is exemplified by the book *Angel Face*, by Barbie Latza Nadeau. As this title would suggest, the media became obsessed with Amanda Knox, her big blue eyes and her pale hair contributing to a wide-

open and innocent look. These looks resulted in a comradery with the male sex that did more damage to Knox's case than any scientific evidence that was eventually gathered. Before long, investigators theorized that sex had been the motivation for Kercher's murder. Amanda and Raffaele had tried to invite Meredith to have sex with them, it was speculated. When Meredith refused their advances, Amanda encouraged Raffaele to help her kill Meredith. This rhetoric should have given pause to rational individuals, as there was no proof of Knox ever engaging in relationships—sexual or otherwise—with more than one person at a time. There were similarly no rumors, whisperings, or confirmations of bisexual tendencies. With the excessive level of scrutiny toward Knox's sex life, this would no doubt have been brought into the open during the trial period.

In order to best comprehend the intensity of the judgments leveled at Knox—both on a social and a judicial level—one must have an understanding of the way in which the idea of gender is constructed and policed. The theories of Judith Butler are again crucial in doing so. In “Performative Acts and Gender Constitution,” Butler argues that gender is nothing more than a cultural prescription established for each of the biological sexes. While this idea itself has long been popular in feminist criticism, it is the next part of Butler's work that maps new territory. Overwhelmingly, she says, gender is established through a subject's observable acts. All of these acts will correspond with the ideologies surrounding their sex and are so widespread within the subject's everyday experience that they falsely produce the sense of a universal gender coded within an individual's biology. This drive to understand gender as inherent rather than socially constructed effectively reproduces its cultural conceptions from generation to generation. The survival of these

ideas about gender is tantamount to the preservation of a wider patriarchal hierarchy of power.

If the belief in the naturalness of gender traits is not strong or convincing enough to dictate an individual's code of conduct, a much more sinister method of enforcement is deployed. In this instance, those who act in ways that are not coded to their biological sex are punished. There are some necessary clarifications about punishment that must be made in order to properly understand the experiences of Amanda Knox. The first is an exact definition of what "punishment" is meant to convey. This will vary from situation to situation based on the perceived severity of the imagined offense. In some cases, an individual who does not wear clothing interpreted to be directly linked to their gender might receive a harsh comment from another. This verbal punishment can extend to harassment, a more severe type of behavioral correction. There are also types of punishment that restrict the offender's access to resources or desires, like job or housing opportunities. Worse still is the most forceful of the types of punishment: direct violence. Butler makes this point by using the example of men or women in drag. If they are on a stage putting on a performance, they can be looked at and enjoyed as folly, nothing more than a show, separate from reality (907). In other contexts, like walking down the street or shopping at the grocery store, a man in a dress would attract a different kind of attention. History is riddled with examples of people who have been beaten or killed because of transexual (homosexual, as well) tendencies. At present, the Human Rights Campaign cites 23 transgender deaths in 2016 and 28 in 2017; the majority of these

deaths can be traced back to the victims' gender identity ("Violence Against the Transgender Community in 2017").

The second aspect of punishment that must always be noted is who the subject or agent of a larger institution is that is carrying it out. This, too, varies. For example, in some countries homosexuality is illegal. To be implicated in carrying out a same-sex romance is to stand trial and possibly be thrown in prison, or worse, in very extreme cases to be put to death. The death penalty for homosexuality is common in nations like Saudi Arabia, Sudan, and Yemen (Duncan). In such locations, homosexuality—which is by some considered to be a failure to perform gender, as masculinity “should” be paired with femininity—ranks high in the hierarchy of societal offenses and speaks volumes about cultural values. It is the agents of the nation itself, like the police officers and so on, who are vested with the power to charge homosexuals with legal punishments. In other cases, a member of the community can instigate the punishments as well. It has been documented that in Syria and Iraq, among other locations, parties who are not directly employed or sanctioned by the state have carried out horrendous public executions of offenders with no ramifications; under Sharia law this code of conduct is admissible by the righteous layperson (Duncan). The approval of the state toward such actions is implicit.

Amanda Knox was subject to each of the punishments that are typically employed *and* was punished by official agents of Italy as well as individuals responding to her based on their socially-informed opinions. Verbally, Knox was attacked by the British *Daily Mail* and other newspapers, in books like the aforementioned *Angel Face*, and in

social situations. Her right to freedom was suspended when she was jailed and awaiting trial. During an interrogation by the police, she also claims that she was struck twice on the back of her head, which Chief Napoleoni denies (Nadeau 69). All of these efforts to transform Knox into an object of study produced her guilty verdict.

Although males may benefit the most from the enforcement of gender roles, they are not the sole enforcers. Understanding the model of self policing societies that Michel Foucault famously builds with his example of the Panopticon illustrates the way in which entire populations may become involved in reproducing the rules of their societies. Foucault's original depiction of the Panopticon describes what happens *after* a subject has been removed from the general population. In this scenario, someone who has acted improperly, in some way failing to observe the ideology of their culture, is placed within a circular piece of architecture that holds them confined. Although they cannot determine at which points in time they are being surveilled, there is always a chance that an authoritative power watches over them (Foucault 553). This possibility of being watched at any moment prevents those isolated offenders from further acting in unacceptable ways. To behave improperly is to risk punishment. There is also a way in which this model operates in diurnal life as well. The thought that we may be caught acting in the wrong way keeps all of us from doing so. The threat of punishment is enough, in many cases, to persuade us to act as is deemed culturally appropriate. We do not, for example, simply take items we may want from a particular store without paying; the threat of getting caught and charged with theft are constantly present thanks to camera surveillance. The role of female reporters like Barbie Nadeau and Chief Napoleoni in

policing gender roles that are incorrectly performed by fellow females can be explained by such a model. The immense power of the patriarchy as an institution is enough to not only dictate the ways in which women act, but also to ensure that they believe in the righteousness of everyone acting similarly. In calling out examples of how *not* to act, those who do the accusing highlight the ways in which *they* are behaving correctly. They separate themselves from those who are going to be punished so as to spare themselves suffering.

The frequent publication of personal information by the press worked against Knox two-fold. Not only was it embarrassing, harmful to her image, and, in most cases, retrieved and distributed without her consent, but it also carried her offenses against the idea of womanhood across national borders. It was both proof of offense and the resulting punishment morphed into one. Dempsey astutely frames the dichotomy between Amanda Knox's personality and public presence and the more orthodox conception of women of a certain status in Italy so that we may begin to understand the root of the friction between the two:

Amanda saw herself as a free spirit, a trait perfect for the West Coast of America, but jarring in the deeply Catholic *Bel Paese* [Italy, the "Beautiful Country"], where rules about how to cut a *bella figura* (how to look and act properly) were drummed into *bambini* [children] at birth. In Perugia, Amanda dressed just as she did in Seattle, where tech billionaires showed up for work in fleece jackets and hiking boots, looking like they'd just scaled Mount

Rainier... She looked neat and clean, but seldom wore makeup or fussed with her hair. (8).

Although she might not employ the same language as Butler, Dempsey is describing the gendered education of young subjects, the transmission of prescribed values. Given that Knox failed to subscribe to the importance of these traits, she became uncomfortable to those around her. She served as a challenge to their conception of the pivotal nature of gender. While the Italian public and the media that broadcast Knox's every move so diligently may not have consciously realized that they were doing or why, they punished the young American by speculating about her guilt, exposing intimate details about her life, and giving her the status of Other. They attempted to salvage their belief in inherently coded gender by giving Knox epithets like *Luciferina* (the feminine form of Lucifer—the devil), murderess, and monster in order to convey that her lack of adherence to a proper code of conduct is because she is in many ways unnatural herself.

Much in the same way that lawyer Marcia Clark's appearance and specific actions were abstracted from her personality, desires, verbalizations, and the multitude of factors which amalgamate complexly into what is simply referred to as identity, the prosecution and the journalists who aimed to depict Knox's guilt searched for information that would negatively impact her public image. Perhaps the most heinous of all of these efforts occurred while Knox was imprisoned and awaiting trial. In her prison journal, Amanda writes about an experience in which she "was taken down to see yet another doctor who [she hadn't] yet met before" (Dempsey 229). This mysterious doctor informed Amanda that one of the blood tests they had run on her had indicated that she was positive for

HIV. Understandably, Knox was upset and scared by this diagnosis. She was encouraged to make a list of all of the people she had sex with in order to figure out where the virus had originated. She was unaware, as she drafted this list, that she was not actually HIV positive. The names of seven total sexual partners were quickly leaked to the press, appearing in many English and Italian tabloids (Dempsey 230). A short time later, she was told that a “mistake” had been made and that her blood sample had actually been proven to be HIV negative. It was too late, however, to take back the intimate details concerning her past partners. When Knox’s trial officially began, prosecutor Giuliano Mignini—the originator of the twisted sex game theory for Meredith’s death—focused on what he interpreted to be Amanda’s deviant sexuality. He mainly used a vibrator belonging to Amanda, the list of her sexual partners released by the prison doctor responsible for her confidential care, and well-documented public intimacies between Knox and Sollecito as isolated artifacts that conclusively illustrated Knox’s deviance (Dempsey 279). Open sexuality became Amanda’s crime, not murder.

Raffaele Sollecito, despite managing his personal image in a much tidier manner than Knox ever did, did not escape similarly harsh treatment. Where his girlfriend was criticized openly for her clothing choices, manner of speaking, and general presentation to the masses, Raffaele was usually observed to be polite and well put together. At one point in their joint trial, he even assisted in fixing a technical problem with the court’s computer and projector system (Nadeau 130). Despite this, Sollecito has been repeatedly punished, likely for his perceived subordination to his girlfriend. As a man, he would have also been expected to act in ways that best expressed his masculinity. Instead, as

Knox herself recounts in her memoir, *Waiting to be Heard*, Sollecito proved to be incredibly tender and expressive following the discovery of Kercher's body. Knox describes lingering outside of her apartment while the police descended on the crime scene in the following way:

Raffaele's voice was calm and reassuring. "*Andrà tutto bene*"—"It's going to be okay," he said. He pulled me close, stroked my hair, patted my arm. He looked at me and kissed me, and I kissed him back. These kisses were consoling. Raffaele let me know that I wasn't alone. It reminded me of when I was young and had nightmares. My mom would hold me and smooth my hair and let me know that I was safe. Somehow Raffaele managed to do the same thing. (74)

Here Knox literally describes Sollecito as maternal, attentive to emotional well being in a way that men in patriarchal societies are seldom expected to be. This particular moment, captured by local journalists and mass-produced on television and in the courtroom, would become infamous in the Knox/Kercher case. It was later utilized in order to make the argument that Knox and Sollecito were unmoved by Kercher's murder and that the only thing the two cared about was each other. Their constant intimacy became a crucial factor in the prosecution's case against the defendants. Although the prosecution's theory held that Amanda and Raffaele both killed Meredith during a twisted sex game gone wrong, he was sentenced to 25 years in jail, in comparison to Amanda's 26. It can therefore be deduced that Sollecito was in some way considered to be less responsible for

Meredith Kercher's brutal murder than Knox was. While Sollecito had to be punished for his effeminate devotion to Knox, to whom he was thought to be so dedicated that he was willing to kill, he was considered by the public to be a less active agent in the crime. This furthers Knox's image as a cunning spider-woman willing to control men with her sex appeal. In his closing argument, prosecutor Mignini even insisted that there were two knives used in Meredith's assault and that "Raffaele flashed the small knife; Amanda the great big one" (Dempsey 306). Knives have long been phallic symbols and Mignini's insistence that Amanda's was bigger clearly states who he pictures as dominant in the relationship.

Knox's treatment by the press is reminiscent of the way in which Elizabeth Short was fetishized following the discovery of her many boyfriends and transient lifestyle. While Short paid close attention to the dark clothing she often wore—the reason for her Black Dahlia moniker—she was said to be a messy housemate, just like Amanda. When she was staying with Dorothy and Elvera French, who kindly took her in, Elizabeth's quarters had "lacy black underclothes strewn" about and the entire house was often saturated with the smell of her perfume (Eatwell 34). Short, like Knox, was a strong presence in her living quarters.

A picture of the two American women, side by side, reveals a certain lack of domesticity. Both moved around a lot and put little effort into establishing one neat, clean household that could meet the needs of roommates or the men in their lives. Both women even became known for their many relationships with men, very few of which appeared to have been serious. This is decidedly at odds with the idealized version of femininity.

Laura Mulvey's theory that making such women into fetishes reassures men who suffer from castration anxiety seems to fit in Amanda Knox's case as well. Although she was criticized so frequently—hated, even—her face made appearances regularly on the covers of magazines and on television. Amanda even reveals in her prison diary that in the first couple of weeks in jail, she received upwards of 35 personal letters from men complimenting her looks, wishing to marry her, and “want[ing] to get to know ‘the girl with the angel face’”(Nadeau 97-8). These letters are all symptomatic of a group of men trying to conceive of a woman who does not fit the popularly accepted idea of femininity in such a way that would protect their masculine egos.

It took the involvement of many parties from across the Atlantic to eventually acquit Knox and Sollecito. Italy's judicial system has three levels of courts—“the lower court, the Court of Appeals, and the Corte Suprema di Cassazione” or Supreme Court (Knox 397). When a case rises through the rankings of these separate powers, it is never considered a retrial of the first trial, but instead an introduction of new evidence or knowledge that impacts the circumstances of a particular case. In Knox's first trial, the prosecution disallowed particular details about the mishandling of evidence from being brought to light (Knox 444). Mistakes that were made during the initial testing of the crime scene DNA samples were declared as new information in the second trial. The prosecution's earlier narrative no longer made logical sense and both of the accused were exonerated. While the former couple was freed from prison and allowed to go on with their lives, much of the damage that had been done by their first trial was irreversible. The world is still more familiar with Knox and Sollecito than either of them would like.

Enough time has passed between the murder of Meredith Kercher and the acquittal of the first and second suspects in the case that those with only passing knowledge of the case may well have forgotten that there was and remains a third suspect in the Kercher killing. Rudy Guede, a twenty-one-year-old African-Italian man originally from the Ivory Coast, first appeared on the police's radar after one of Knox's male downstairs neighbors listed him as a friend of theirs and an infrequent visitor to the upstairs apartment shared by Kercher, Knox, and their two other roommates (Dempsey 102). In the early days following the discovery of Meredith, the authorities sought the names of *everyone* who was familiar with the habitants of the villa with two distinct flats. Guede was proven to have been in Perugia until November 3rd, but left the city after that date. He then traveled to Milan, where, despite having an aunt nearby, he broke into a nursery school he was later found sleeping in with a large knife (Dempsey 103). At this time, he was taken into custody. It was found that he possessed shoes that matched bloody prints left in Meredith's room and a small cache of stolen technology from Perugia.

Around the 18th of November, a friend of Guede's came forward to express concerns about Guede's behavior and possible link to Meredith's death. This time, the police took DNA samples from Guede that were compared to a bloody handprint left on Meredith's wall and foreign skin cells found inside of her vagina. They were a match to Rudy's. Despite this new information, the prosecution failed to adjust their theories or reposition their general focus. Instead, they forced Guede into the preexisting Knox and Sollecito narrative. The prosecution insisted that Guede had had a crush on Meredith

since he had been introduced to her by his friends. He was present at the time Raffaele and Amanda supposedly tried to convince Meredith to have group sex with them and he was invited to join in on the rape and killing that the lawyers held happened as a result of Meredith's refusal. While Sollecito and Knox received joint trials, Guede received his own and was only brought into his white codefendants' courtroom to give testimony once (Dempsey 269). Racial segregation was alive and well within the Kercher case. Not only was Guede frequently underrepresented and silent, upon conviction he received a life sentence (30 years) in prison (312). His role was purported to have been secondary in comparison to Knox's, yet she originally received four fewer years in prison than he did. Further, and most damning, Guede's requests for a new trial were ignored—even after Amanda and Raffaele were both acquitted. As of January 2018, he has not received a new trial. Despite the presence of DNA evidence linking Guede to Meredith's room, it was established that certain aspects of the Kercher trial had been poorly handled. At the very least, Guede is owed a fresh day in court dedicated solely to his own role within the greater scheme of the murder. That he has not been provided this much speaks to the pervasive nature of racial identity in the Western world. Like many people of color, Rudy Guede has been allowed to disappear from the public eye; he has been forgotten in prison, serving a sentence based on an account of a serious crime whose forced narrative has already been proven unreliable and ill-conceived.

Although officially released from Italian prison and back at home in Seattle, Amanda Knox's trial is far from over. The scandalous nature of the accusations leveled against her and the blatant way in which her intimate life was exposed and treated as

criminal have left a lasting mark on her life. Anyone with access to a computer, newspaper archives, or television can become familiar or reacquaint themselves with aspects of Knox's life that were never meant to be public. This is her lasting punishment for being a "bad" woman, a poor representation of the traits most valued in her sex's corresponding gender identity. Similar wounds still mar Raffaele Sollecito's life, though both he and Knox were officially cleared of any involvement with the crime in 2015.

Conclusion

Crime nonfiction is not just for melodramatic entertainment, but also serves a multitude of other purposes. It informs people about significant occurrences from across the world. It has the ability to both honor and exploit the memories of complex human beings. Most darkly of all, it has the ability to rationalize violence against women who do not act in ways that are accepted by their societies and to convince others that the same could happen to them. Though previously unaccounted for in the academic sphere, the pervasive nature of crime narratives in everyday American life supports the idea that someday this genre will become more valued, if for no other reason than the glimpses of history that it provides.

Even outside of the literature for the cases that I examine within this study, many of the most infamous true crime accounts feature women as either victim or perpetrator. The podcast “Serial,” which revisited the murder of Hae Min Lee in 1999, helped to advertise podcasts in a way that dramatically increased their number of listeners. *The Stranger Beside Me*, journalist Ann Rule’s book about Ted Bundy’s victims and her own acquaintance with him, is cited by *The New Yorker* to be “consistently ranked as one of the most significant true-crime books ever written” (Beale). Despite the contributions of Rule and other female journalists writing within the genre, female authors are still in the minority. *The Economist* reports that in America men write 63 percent of print journalism and a slightly smaller 58 percent of digital publications (K.C.S.) These figures are increasingly startling when considering that crime content in podcasts and on film or television is often aimed toward a female audience. Some of the most popular ads

companies have paid to have play during audio or video media are for hair color, dating websites, and food delivery services. True crime is written about women and for women, but not by them. The preference of the public appears to be to keep females in passive roles: as readers and as victims within their reading material.

The true crime genre gives the impression that women are the most likely to be victimized. This is simply not reality. The Federal Bureau of Investigation's Uniform Crime Report for 2016 notes that nearly 80 percent of the homicide victims for that year were male (United States Department of Justice). This collection of data from around the United States also shows that men were the perpetrators of such crimes in roughly 90 percent of cases (United States). Although true crime featuring the murder of men is certainly published, such murders are often handled very differently than are accounts featuring female victims. One of the most popular subgenres of true crime, for example, consists of gangster/organized crime narratives. Instead of men being helpless victims at the mercy of fate, gangsters are often portrayed as fierce competitors who use muscle and physicality to lay personal claim on money, territory, and drugs. They die doing what men are expected to do—attempting to conquer.

That females are so popularly depicted as victims not only speaks to patriarchal society's will to reinforce their position on the bottom of the power hierarchy, but also to the insidious tendency to fear monger in an attempt to force women into behaving in specific ways. Victims are frequently made into examples of how not to act. This is often the case when it comes to sexual assault. While true crime stories offer a skewed picture of who is most likely to perish between men and women, it depicts the truth about sexual

violence more accurately. It is difficult to grasp the number of rapes that occur every year—primarily because sexual violence often goes unreported—but the FBI’s 2013 data reflects that 97 percent of encounters that are legally defined as rape happen to women (United States).

The results of this study should raise further questions about the ways in which this genre depicts people of color as the victims, perpetrators, or parties involved with violent crime. It is disheartening to observe, for example, the way in which victim Meredith Kercher—who was half-Indian—was eclipsed by Amanda Knox. In many other cases, a conventionally pretty victim is one who sells. Elizabeth Short is the epitome of this concept. The Black Dahlia case sends a clear message to the world. White, pretty victims will be looked after, even upon their deaths. The mainstream media has realized that they may profit from these victims, that their stories—and more importantly, their faces and bodies—will sell newspapers and periodicals, earn the eyes of afternoon talk show and evening broadcast viewers alike. Currently, a term exists for this type of problem: Missing White Girl Syndrome. This phrase explains the phenomenon of young, attractive, white females from middle class backgrounds (usually who have gone missing) being so prominently featured in the news that any given person would perceive them to be the most at-risk demographic. Research indicates otherwise.

Race is a factor that pervades crime. A study found, for example, that in the period between 2000 and 2005, 76 percent of the child abductions covered by CNN featured white children (Stillman 492). This number is not representative of the children who were abducted as a whole. During this period only 53 percent of the children who

were kidnapped were white (Stillman 492). Nearly half of the total population of those abducted was represented less than 25 percent of the time. On the other hand, the case that is colloquially known as The Trial of the Century, one of the most popularly recognized cases in the modern age, features a black man in the role of an accused murderer. As detailed in the chapter that examines the trial of O.J. Simpson, race was essential to the defense's argument that Simpson was being set up by the Los Angeles Police Department, an institution with at best dubious interactions with people of color. The question is not whether or not O.J. Simpson killed Nicole Brown Simpson and Ronald Goldman, but instead whether his story became so popular in part because it was eagerly received by a public all too willing to believe a black man capable of savage violence.

Recent events demonstrate the continued importance of discussing the way multiple parties go about engaging in dialogue with each other following an act of violence or tragedy. This study has featured cases old enough to have been immortalized by print media. If it has shown anything, it is that some events demand the meditative probing that results from book publication. At present, the news is filled with the faces of the survivors and family members of the victims of the February 14, 2018 shooting at Parkland, Florida's Marjory Stoneman Douglas High School. On this date, a male shooter entered the high school with an AR-15 rifle and killed 17 people, wounding many more (Segarra et al.) The parallels to Columbine are startling. Nearly twenty years stand between the two school shootings, but each event featured male aggressors and has haunted the nation. Many have made the comment that all of the bloodshed could have

been avoided if only people were nicer to the shooter (Robinson). As many have testified, however, this sentiment allocates blame toward the victims of the violence and refuses to approach the toxic messages that are given to males everyday or to correctly label the shooter as a terrorist—which he is by definition—because of the protections that his white masculinity affords him. North Americans cannot bear to make their ideal citizens the problem any more in 2018 than they could in the early twentieth century. In fact, just as Sue Klebold became a greater target for criticism the more she appeared in public, the more the Parkland survivors make their voices heard on the topic of gun control, the more backlash they receive. Emma Gonzalez, for example, is a poignant, impassioned, and well-spoken sixteen-year-old who has been called everything from “skinhead lesbian” to a “communist” to “an anti-American traitor” (Olmstead). No matter what the content of Gonzalez’s message is, a critical crowd cannot seem to get past her appearance, which consists of a shaved head, an absence of makeup, and clothing featuring punk-style wear and tear. Gonzalez’s treatment reiterates the same message that young girls have been hearing for too long: what you look like is important and what you say is considerable less so. If we hope to alter this message, we must keep vigilant and keep studying the public response to those whose lives have been marred by violent crime. The “survivor” subgenre of true crime is a significant one that continues to gain popularity, especially given publications like those written by long-term abduction survivors Jaycee Dugard, Amanda Berry, and Michelle Knight. These accounts are written by the former victims themselves, preserving their struggles and strengths. The power of such voices and others like them demands our further study.

While the picture of the way that women are regulated and punished that emerges from this study is less than rosy, there is hope. To illustrate, one could compare two of the books on Amanda Knox. One, Barbie Latza Nadeau's *Angel Face*, critiques Amanda Knox's inability to perform womanhood rather than the veracity of the Italian prosecution's evidence of her guilt. Candace Dempsey, on the other hand, uses *Murder in Italy* to provide a comprehensive look at the Knox trial from both sides. Dempsey draws attention to both the prosecution's and the defense's arguments while at the same time pointing out each side's faults. When she sees instances of the defense judging Knox on character traits irrelevant to the murder of Meredith Kercher, Dempsey is unafraid to point them out. She does so, however, without manipulation or trying to convince the reader of Knox's guilt or innocence. Work like Dempsey's reflects a move toward more critical and analytical true crime journalism rather than a further perpetuation of violence against women and the patriarchal will to preserve power hierarchies as they have existed for centuries. As long as there are people willing to speak up about the patriarchal oppression of others, there is the possibility of making moves to dismantle this oppressive institution.

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Appendix



Figure 1. The first (left) page of the full page spread depicting Short's body in the graphic novelization of James Ellroy's *The Black Dahlia*.



Figure 2. The second (right) page of *The Black Dahlia* graphic novel, again showing Short's dismembered body.

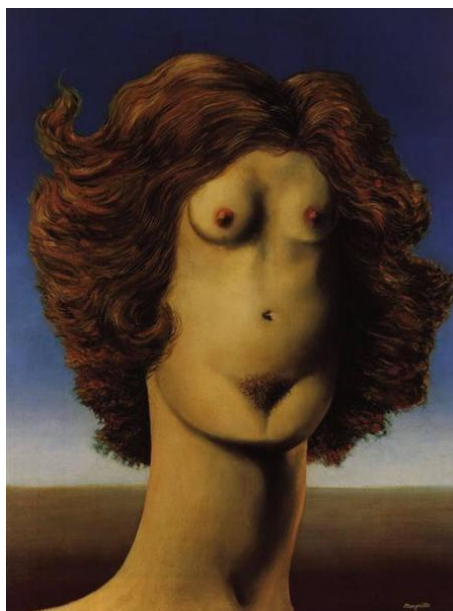


Figure 3. The controversial *Rape*, painted by Magritte in 1934.

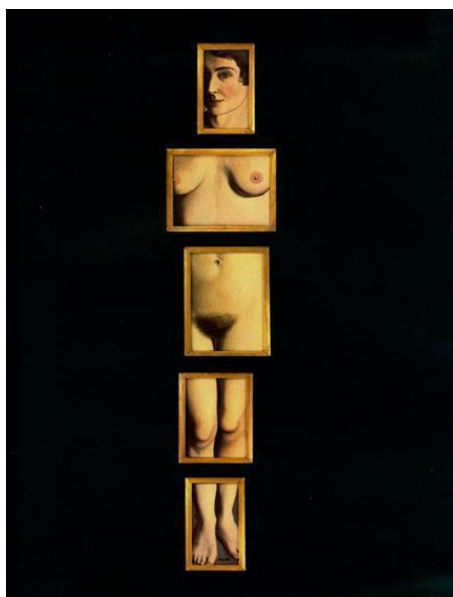


Figure 4. Magritte's piece, *L'évidence éternelle* (1930).