THE PURPOSE OF THIS PAPER IS TO EXAMINE WOMEN AS OFFENDERS IN THE act of homicide. One should start such a discussion with an acknowledgment of the relative rarity of such events. Overwhelmingly, homicide is a masculine phenomenon, in terms of numbers of persons as offenders or as victims, or perhaps more importantly in terms of the social and psychological constructions of homicide. In Wallace's (1986) study of homicide in New South Wales, for example, it was reported that 85 per cent of homicide offenders, and 64 per cent of homicide victims were male. Comparable figures are found in overseas research, such as that reported by Falk (1990) where in a region of up-state New York males accounted for 88 per cent of offenders and 71 per cent of victims. Turning these figures to a slightly different angle, what this means, as Wilbanks (1982) has observed, is that women are much more likely to be victims, than offenders, of homicide.

There was a time when it was possible to argue that the view of women as offenders was guided by the notion that ‘women were more perfidious by nature' (Rasko 1976, p. 398). An extreme form of this can be found in the writings of Gerald Sparrow:

Women being different from men in their mentality, thought-processes, intuition, emotional reactions and in their whole approach to life and death, when they murder, do the deed in a way that a man often would not contemplate. Their crime does not bear the mark of Cain, it is stamped with that characteristic subtlety and horror that has distinguished the rare evil women of all times (Sparrow 1970, p. 8).

Research over the past few years, in Australia and overseas, has begun to give us a more accurate portrait of situations where women commit homicide. Wallace (1986), for one example, has pointed out that in New South Wales, when women killed, the victim was likely in a great proportion of the cases (81 per cent) to be a family member.
More important are the reasons for such family violence. When women kill within the family circle, previous research indicates that in roughly half the cases the victim is likely to be the spouse of the offender (Wallace 1986). In their examination of incarcerated women who had killed their spouses or boyfriends, Bacon and Lansdowne (1982) reported that in fourteen of the sixteen cases the woman had been assaulted by the male she was subsequently accused of killing. Thus, the violence of such women can be viewed as both reactive and defensive. Consistent with this view is the finding of Wallace that:

Women killed their husbands against a background of violence; they killed in response to and because of violence perpetrated by their husband on them and/or other members of their family (Wallace 1986, p. 108).

The second most common scene in which women have been found to kill is that involving children. Wallace (1986) reported that women were almost as likely to take the life of a child as of their spouse, since child killings accounted for 38 per cent of cases where women were the offenders. Blum and Fisher (1978) have summarised these two trends in the following words:

While murder in general is a very personalised crime, in the vast majority of cases taking place between people who know each other, female murder appears to be an especially intimate act. That is, women are more likely than men to murder another family member . . . particularly a husband or child; outside of husbands and children, the only significant choice for women appears to be a lover (Blum & Fisher 1978, p. 192).

The aim of the present research is to utilise new data to examine with more precision the specific arenas within which women call upon lethal violence. Drawing upon what has been established generally in the available literature, the guiding hypothesis is that such violence in women, in contrast to men, is likely to be confined primarily to intimate relationships, especially those involving either a sexual partner or a child.

The Data

The data for the present investigation of gender and homicide are drawn from an ongoing analysis of homicide in Victoria (Polk & Ranson 1991) which has as its source of data the files of the Office of the Coroner of Victoria. The files contain a number of reports which are collected for the purpose of carrying out the coronial inquest, and include an initial police report of the incident, an autopsy report regarding the cause of death, a toxicology report if such is relevant, a police prosecutor’s brief, and the report of the inquest itself. The most helpful of these documents is the prosecutor’s brief, which typically contains lengthy witness statements as well as transcripts of interview with defendants where these have been taken.

There will be two parts to the present report. First, data for all homicides for the years 1985 and 1986 (N=121) will be examined, drawing upon observations reported in an earlier report (Polk & Ranson 1991). For each homicide in these years, a lengthy case history was prepared drawing upon the material in the coronial files. These case studies were then subjected to a qualitative analysis of the themes which characterised the relationship between the victim and the offender. Second, the replicative phase of
this research covers the years 1987-1990 (N=256). This research, which is still in process, can be drawn upon to establish if the patterns observed in the first phase of the research can be verified in the additional case studies.

**The Homicide Cases**

A major observation that can be drawn from this first phase of research concerns the gender differences in the social patterns of homicide. Analysis of the themes of homicide which emerged from the case studies indicated that there were four major patterns of homicide involving males (Polk & Ranson 1991):

First, there was homicide in situations of sexual intimacy where the violence represented an ultimate attempt of the male to control the life of his female sexual partner. In this instance, a major variation involved male partners reacting to the woman's attempt to move away from his control, while a minor variation consisted of exceptionally depressed male partners who had decided to end their lives through suicide, with the homicide of the woman being a part of the suicide plan.

Second, homicide was a result of a confrontation between males which became a form of honour contest, leading to a fight which in turn resulted in the violence turning lethal. Such events often occurred in public places such as pubs, discos, streets, train stations, parks or reserves, or perhaps at parties or barbecues. Most often they were closely tied to working or underclass masculine scenes of leisure, with alcohol featuring in a great majority of the cases.

Third, homicide flowed out of other criminal behaviour. A common scenario here was one where a robbery turned dangerously violent, and the robbery victim became a victim of homicide as well. These scenes, also, were distinctively masculine, and appeared to involve a willingness on the part of very marginal males to take exceptional risks regarding the lives of others, and often, in fact, their own lives.

Fourth, homicide was a final act in a series of events which start with the intimate bond of friendship. These scenes again most often involved males who are highly marginal in an economic and social sense, and can be defined as a form of ultimate conflict resolution.

These themes accounted for a majority of the homicides observed in Victoria. For present purposes what is distinctive about these is that these scenarios rarely involved women. Women did not kill their sexual partners out of jealousy or their fear of losing control over their mate. In this first phase of the research (1985-86), there was not a single instance where a woman killed her male partner out of jealousy (there was one case where jealousy provoked a woman to take the life of her sexual rival, and another case where a woman killed her woman lover as a result of an argument provoked by her jealousy). Women were highly unlikely to become engaged in the kinds of status contests that lead many men into homicide. As with jealousy, in this first phase there was not one incident where a woman was provoked to kill in an honour contest which so commonly was the setting for masculine homicide. While women, too, experience exceptional marginality, when they as a consequence engaged in criminal behaviour the forms of criminality rarely involved violence and the risk of life.
The scenario of sexual intimacy, masculine violence and homicide

Virtually all homicide involving women in the 1985-86 phase of this research was restricted to two major scenarios, each of which account for about half of the women offenders. First, there is the situation where the woman takes the life of a male with whom she has been involved with sexually (seven cases, or roughly 6 per cent of the total group of homicide offenders). In the great bulk of these cases (six of the seven), the relationship has been characterised by exceptional prior violence on the part of the male.

Illustrative of these is the following case history:

Bob C. (age 29, labourer) could hardly be called an ideal husband. In the six years that he had been married to G.C., there had been numerous occasions of drinking and violence. They, in fact, had separated a number of times, with the duration varying from weeks to months. Finally, G.C. decided she had enough. They were at the time living together, but she thought that it was time to try to convince Bob that there was no future for their marriage. On the evening that this discussion took place, the tone became increasingly heated. Finally, as she later said, Bob: ‘... said he was prepared to leave, and I informed him that I did not care one way or the other’.

The content, and manner, of this conversation enraged Bob. G.C. became fearful for her life. Bob ordered her into the bedroom, forced her to disrobe, and then compelled her to engage in a number of sexual acts which she found degrading and offensive (all the while, Bob was threatening to kill her if she did not participate).

Bob left the following morning, but returned that night, saying to G.C. that if she did not want him to stay with her, ‘... there was nothing in life for him,’ and he would ‘slit his wrists’. He was very drunk, and when the argument turned abusive, G.C. punched him in the mouth. Since Bob was very drunk, the argument wound down as he finally fell asleep.

The next morning, G.C. left to run errands. When she returned, Bob was unconscious, with an empty bottle of rum at hand, and an empty packet of pills close by. G.C. called for help, and he was taken to a nearby hospital.

When Bob came out of hospital, he and G.C. talked, and he agreed that it was best that he left, which he did, saying that he was ‘... going to Queensland’. This was as empty as any of another of Bob’s resolves, for he returned to the household two days later, informing G.C. that he had decided to return to his home for good.

Fed up, G.C. insisted that Bob leave. When he refused, she called the police for help. Since they were living in a small country town, the local sergeant knew them reasonably well (including knowing of their troubles). He attempted, unsuccessfully, to talk Bob into leaving. The sergeant then left, feeling that while the situation was uncomfortable, that G.C. could call on her parents or another policeman for help, as they lived virtually within shouting distance. Later that night, after the couple had put the children to bed, Bob filled up the bathtub and closed the doors to the bedrooms of the children. He then approached G., who was seated on the couch in the lounge room, and announced that he was going to kill her, but that she had to choose whether it was to be by being drowned, stabbed or strangled. Bob then went to the kitchen, returning with a knife. He then proceeded to poke and prod at G. with the knife, taunting her and repeating...
over and over that he was going to kill her. He kept this tormenting behaviour up for some time, dragging her from room to room.

At one point, as Bob was attempting to try a shift to a new form of torment, he jabbed the knife point down into the floor. G. immediately grabbed it up, and they started to struggle over the knife. As she said later to the police: 'I realised that it was me or him'. G. gained control over the knife for a brief moment, and stabbed Bob once in the stomach. When Bob slumped back into a chair, G. was able to escape from the house and summon help.

Bob was first conveyed to a local hospital, then transferred to Melbourne where he died one month later from complications resulting from his wounds. Before he died, Bob acknowledged that G.'s account of the events leading to his wounding was accurate, and the Coroner found that G. had caused her husband's death '... in lawful defence of herself' (Case No. 3945-85).

This case fits the pattern Wolfgang (1958) termed 'victim precipitated homicide,' where the victim was the first to engage in violence in the interaction which leads to the killing. It should be noted as well that the violence of the male was provoked by the intention of the woman to separate, so that masculine possessiveness, and violence, arise even in homicides where men become the ultimate victims.

An important feature of this case is that the precipitating violence on the part of the male immediately preceded the lethal violence, and the action of the woman was clearly proportional to the violence she was threatened with. There were cases, however, where there was a significant lapse of time between the masculine violence and the killing of the male, as in the following account:

Kevin O. (age 42, truck driver) had been married to Belinda O. (age 40) for over twenty years, and the two had produced six children. Over the years, Kevin apparently became increasingly violent toward his wife and children. One witness close to the family said later that: 'Over the years of knowing Belinda and Kevin I became aware of the fact that Kevin was violent towards Belinda and their children. Belinda would often confide in me of the bashings Kevin would give her and the children. I have seen Kevin actually violently hit Belinda and the two eldest boys'.

That the relationship was violent is well documented. Belinda had gone to the police, and on one occasion a report was made which indicated that she had suffered a severe beating that left injuries over most of her body. The report indicates that she had gone to the police because he '... believed that one day he would go too far and hit her and probably kill her'. At the time of this report, she was several months pregnant.

The mother and the two eldest sons reached the point where they felt they were desperate. The two sons quietly entered their father's bedroom one night, and shot him in the head with a .22 rifle. The mother, sons, and a friend then took the body and buried it in remote bushland. For several weeks afterwards, whenever they were asked about Kevin, the three would claim that there had been an argument, and Kevin had 'gone to Queensland' where he had a job driving a truck. A few months later, Belinda let slip a few hints to a family friend who had been close to Kevin. This friend then informed the police, and their investigation resulted in the Coroner's finding that Kevin had been murdered by Belinda and the two sons (Case No. 1633-85).
There are some complications in this case that need to be highlighted. While there is a single victim, in fact, that victim occupied the roles of both husband and father with respect to the offenders. The person who actually fired the gun was one of the sons. The key events of this homicide appeared to evolve around the violent relationship between the husband and his wife, however. It should be noted that while there was an exceptional amount of violence in the treatment of the wife, in the immediate scene of the murder itself the husband had not exhibited violence. Further, the wife not only participated in the crude attempt to cover up the crime, she as well apparently helped in the planning of the killing itself and spoke words of encouragement and support to the son immediately prior to the shooting. It is unlikely, in fact, whether the son would have killed his father without the collaboration of his mother.

There were, as noted above, six such cases where a woman took the life of her male sexual partner as a response to precipitating violence on the part of the male. There was one additional case where a woman killed her male sexual partner where the motive was quite different. In this instance, the woman wanted to discard her husband.

After a few short years of marriage to George S. (age 23, truck driver), Sally S. tired of the relationship. She met and fell in love with someone else. For a period of time, the lovers were content with an illicit relationship, but ultimately decided that they wanted something more substantial.

For apparently financial reasons, they decided that the best way to be free of George was to arrange to have him killed. Sally then approached D.W. and asked if he could find someone to 'knock someone off' for a fee of $10,000. D.W. decided to take the task on himself. Sally arranged for a shotgun and rental car to be delivered to D.W., and then made careful plans so that he could gain entrance to the house when George was sleeping. D.W. entered the house early one morning, and fired two shots from the shotgun into George, killing him instantly. There were suspicious aspects to the stories concocted by Sally and her boyfriend, and they had underestimated the psychological pressure they would be under as a result of the murder. Their stories quickly became unstuck, and the three conspirators were charged with George's murder (Case No. 1366-86).

In these homicides where the relationship between the victim and the offender was one of sexual intimacy (which made up just under one-third, 31 per cent, of all homicides), it is worth noting that men far outnumbered women as offenders (twenty-nine of the thirty-eight cases, or 76 per cent). Thus, masculine homicide in relationships of sexual intimacy was different both in its greater frequency and in its different motivational structure.

Lethal violence with children as victims

The second theme of homicide involving female offenders was that where mothers took the lives of their children, which accounted for a total of eight homicide victims (or 7 per cent of the total of 121 victims, and 47 per cent of the seventeen victims of women offenders). These child killings displayed considerable internal complexity. Some were infanticides, which in the current day most often involved young women who were unable to face the facts of their pregnancy, as illustrated in the following account.
Except for a brief period at college, Joan M (age 29) had lived in one small country town all her life. She worked as a clerical assistant at two part-time jobs. With the coming of the new year in 1985, several of the townsfolk suspected that Joan was pregnant, but she denied such allegations (the townsfolk had held the same suspicion in 1980).

One day in early February, Joan came home from work, and as usual started to watch T.V. She had felt 'fine' throughout the day. Feeling uncomfortable, she retired to her room, and then went into labour for an hour and a half. As soon as she gave birth, she covered the baby with a towel and put it in a plastic bag, and hid it in her clothes basket. Joan then changed and washed her bedding, had a shower, and then started reading a book. Later that night Joan's house-mate noticed that Joan had almost completely lost her voice.

Five days later, friends found the body in Joan's room. She had unsuccessfully tried to conceal the smell with air-freshener. They notified the police. When the police officer carrying out the investigation approached Joan and stated: 'I've checked your bedroom and I've seen what's inside the basket,' Joan's response was: 'Yes, what's wrong?' The police describe her as 'extremely confused' and she indicated that the incident had occurred 'a long time ago'. When asked why she did not tell anyone about the pregnancy, she replied: 'I didn't think it was true,' saying at another point that she '. . . just hoped it would go away'.

Joan volunteered that a similar death had taken place some five years previously. She stated that she had placed a pillow over the child's face, and then buried it in the back yard. As with the first death, Joan had little recollection of the event. She did not notice the sex of either baby. When asked by police if she wanted the babies to die, she stated: 'I don't know if I did nor didn't . . . I didn't know what else to do, I suppose. I was worried about what the people in town would have said . . .' (Case No. AG960668 and AG860669).

Some of the cases involved women who were unable to cope with marital breakup, and then they decided to take their own life. The homicide of the children then became part of the plan, with the woman believing that the children were thereby protected from further pain and suffering.

Connie H. (age 24) had been married to George H. for six years. It was a marriage marred by tragedy. When their eldest child was only four months old, he had suffered severe head injuries in a traffic accident, injuries which resulted in extensive brain damage. The child was quite disabled, and not responding to treatment in Australia. The couple travelled to the United States on three occasions to seek further treatment. The two in fact did not have the finances to cover the costs of the medical treatments, although they did receive help from volunteers and public appeals. The financial pressures mounted, and they were compounded by the fact that the exceptional disability was not showing significant improvement, and required a high level of care. The birth of the second child created further demands on their time and resources.

Both parents began to feel immense stress. Both underwent courses of psychiatric treatment, with George being admitted to mental hospital once, and Connie three times. Connie had attempted to commit suicide twice, and had herself admitted to hospital on the third occasion because she began to hit the children and feared that she might injure them. After two brief attempts at separation, George decided that it would be best for all if he left the household. Connie felt an exceptional sense of isolation. She refused to discuss her problems
with a psychiatrist, because she feared being committed again to psychiatric hospital. She felt that his parents were constantly interfering in family matters, while her parents (from Europe and firmly opposed to divorce or separation) did not care.

One night George came over to see the children. Connie asked him to spend the night, but he refused. A day or two later, he informed her that he intended to move into a flat with a fellow worker who was female. This was enough to tip Connie over the edge. She confided to the baby sitter that she intended to commit suicide, and that she ’. . . loved the children too much to leave them behind'.

After the baby sitter left, Connie wrote out several long suicide notes. She left extensive instructions regarding their funerals, stating she wanted her son buried to her left, the daughter to her right. She had purchased new clothes for the children's funerals, and laid them neatly on the couch. In the note to her parents, Connie wrote: 'I don't feel I am murdering my children, but saving them from sorrow and pain without their father . . . it's the only way out . . . all I ever wanted in life was a happy marriage and happy, healthy children . . . I have tried very hard . . . I cannot leave my children behind . . . At least with God there will be peace and happiness and no pain, so I will take them where they will be happy, and I will be there to care for them' (Case No. 2886-85).

Other cases involved classic patterns of 'battered children.'

Maria was a 26-year-old recent migrant from Europe with almost no command of English. She had five children ranging in age from 9 years to 9 months, and received little help with the child-rearing from her husband who worked full-time. All of the children were described as 'difficult'. Although the norm in the old country from which they came was that the father has the responsibility of disciplining the children, the task was delegated to Maria. He states that he never witnessed her use physical punishment.

Maria felt extremely isolated. No one nearby other than her husband spoke her language. Further, the neighbours had often complained about the crying of the children, adding the pressures placed on Maria. She was also frightened of her husband. Added to all this was the fatigue she experienced because the incessant crying of the baby deprived her of sleep. One evening all these pressures boiled over. Molly kept vomiting as Maria tried to feed her, then once again began her ceaseless crying. The two-year-old was also crying, requiring feeding and changing. The other children acted up as well, resulting in their being sent to their rooms by their mother.

Although Maria tried ' . . . all sorts of calming methods,' Molly would not stop crying (the others also joined in). It became too much to bear. The doctors believe that Molly was struck with a heavy, flat object. Maria immediately tried to revive the baby, and when she was unsuccessful she ran to a neighbour who summoned an ambulance. Molly died from a fractured skull, subdural haemorrhage and brain damage. The autopsy also revealed fractures and trauma that were estimated to have taken place months ago. Maria in her later testimony stated that: 'I have dreamed before that the child was going to die, so I understand it was God's will' (Case No. 2754-86).
Follow-up data

When an examination is made of the 1987-90 follow-up data, from the overall distribution it might appear that the results are comparable. In the 1985-86 phase, there were fourteen homicide victims (12 per cent of all homicides) who had been victims of women offenders. In the follow-up phase, there were twenty-eight such cases (these comprising 11 per cent of all homicides in the 1987-90 period).

Closer inspection revealed, however, that there were differences in the patterns in the replication phase from those observed in the initial period. While in the first phase there had been no examples of female offenders where the homicide arose out of another crime, there were six such cases in the follow-up period. All of these involved situations where there were multiple offenders. In four of the six, while the woman played an active part in the planning and execution of the events which led to the killing, the actual lethal violence was carried out by one (or more) male accomplices. Typical is the following account.

Gail (age 25) was an employee of M.S. (age 45). M.S. arranged that the two of them would spend the night at a motel room in the country town where they lived. Gail arranged with a male friend, Robert (age 23), that she would leave the door of the room open, so that he could come in so that they together would steal his money. After spending some time together, M.S. went into the bathroom to take a shower. Robert came into the room, and then attacked M.S. as he came out of the shower. They tied him up, and securely bound up his mouth in the process. They then took the money and left the room. When found the next day by motel staff, M.S. had died from asphyxia (Case No. 1425-89).

In two of the cases, the homicide was carried out by two women working together to carry out the crime. Both instances involved prostitutes who were drug abusers.

A second major difference concerned the pattern of 'confrontation'. This form of homicide was definitively male in the first phase of the research, and involved situations where what was initially a fight had boiled over to the point where lethal violence resulted. In the first two-year period, these homicides constituted just over one in five (21 per cent) of all homicides. In the follow-up period, there were four such events which involved females as offenders. The first of these is almost a classic 'confrontation'.

While walking to the local supermarket nearby her council flat, Carrie (age 31) ran into Dana (age 21) and Toni. An argument developed between them, apparently because Carrie was blamed for gossiping about them, and for local graffiti reading 'Toni is a lesi bitch'. During the argument, Dana punched Carrie and threw her to the ground. Since at the time Carrie had her six-month-old baby with her, she decided that she would leave the scene.

After leaving her child at home, and talking the matter over with some friends, Carrie went over to the flat occupied by Dana and Toni, arming herself with a small baton. Carrie called out to them to come out and fight, now that she did not have the baby. Dana came out of the flat carrying a knife. Carrie was heard to say, 'Hey, you don't have to use the knife,' and tried to walk away. Dana shouted 'I'm going to fuckin' kill you,' running after her, and stabbed her in the chest. The knife severed the right pulmonary artery, and Carrie died at the scene shortly afterward (Case No. 4202-88).
Women and the Law

Others involved elements which have a mix of the patterns which in the earlier study were called either 'confrontation' or 'conflict resolution on the margin' killings. This later group consisted of homicides involving friends who found themselves in a dispute, as was the case involving Kylie and Sally:

Kylie (age 29) and Sally (age 26) had known each other for many years, first as youngsters growing up in Broadmeadows, and later when they served time together at Fairlea, the women's prison. While in prison, Kylie had started a letter writing friendship with Lyle, who was also serving time in prison. Kylie lost interest in the friendship, and over time the letters from her stopped. Lyle then began writing to Sally, a fact of which Kylie was unaware.

After they had been out of gaol for some time, the two women were spending an evening together in Kylie's flat. Both women had taken a variety of drugs that evening, including heroin and multiple doses of various tranquillisers. Sally began to brag about the many letters she had received while in prison, and when challenged, brought out the letters to prove her point. When Kylie looked through these, and found letters from Lyle, an argument developed, which quickly became an abusive shouting match. A knife was produced, the two fought, and Kylie received two stab wounds which proved fatal (Case No. 2174-87).

In this account the two were both highly marginal and had been friends for a long period, and in this regard it resembles the pattern which in the first phase was referred to as 'conflict resolution on the margin'. At the same time, the killing itself involved a dynamic of conflict which runs parallel to the confrontational theme observed in the first phase. In terms of the violence, this began as a fight and then escalated rapidly to the point where the killing resulted (there is no evidence available which suggests that as the two entered into the argument, and then the fight, that there was any prior plan for one to kill the other).

In the initial 1985-86 data, however, both the confrontation and conflict resolution patterns were distinctly masculine in terms of the offenders. In this case, and two or three like it, we find upon replication both that the events can involve women as offenders, and that it may not be possible to draw a neat dividing line in some cases between confrontational and conflict resolution homicides.

At the same time, in the replication phase a majority (eighteen of the twenty-eight, or 64 per cent) of the killings where women are the offenders, involved, as before, situations of intimacy. Eight involved sexual intimacy, and there were ten situations where a mother took the life of her child. Slight differences were noted in both of these groupings when compared with the first phase of the research. In the killings involving sexual intimacy, only a minority (at most three of the seven cases) involved situations where the woman was, or appeared to be, protecting herself from the violence of her male partner. Further, at least three of the killings were provoked by threats on the part of the male to leave the relationship (a pattern which most often was virtually definitively masculine in appearance in the first phase of the research).

When all of the cases from both phases of the research are added together, however, the earlier pattern whereby most often women who kill their sexual partners are responding to precipitating masculine violence would still hold as the predominant one. This observation is only slightly diluted by the replication cases.

While most of the types of homicide initially found where mothers kill their children were also present in the replication phase, as is to be expected when
frequencies are very low, the relative distributions were somewhat different. This time there were five cases where the children died of some form of traumatic injury (there was only one such case in the first period), and there were four child victims where the mother's plan was murder followed by her suicide. In general, then, the conclusion remains when the data are combined: women offenders are most likely to pick as the victim of homicide a person with whom they have an intimate relationship. At the same time, the follow-up data make clear that, while it is much less common than among men, women in a few cases were led into homicide by the same confrontational or conflict dynamics that are much more common among men, especially marginal men. As well, in the replication phase, there emerged a few cases where women (most often in concert with men) became involved in the exceptional risk taking whereby a killing results in the course of other criminal activity.

The Court Response

What is the response of the criminal justice system to women who commit homicide? In seven cases of homicide involving situations of sexual intimacy with male victims in the 1985-86 phase, five cases proceeded to trial, with four of the five being found guilty, and three receiving prison sentences. By way of comparison, of twenty-six cases involving males in 1985-86, fifteen went to trial, with twelve of these being found guilty, all twelve receiving prison sentences. Roughly comparable gender proportions (three of seven, twelve of twenty-six), therefore, of the initial cases have the ultimate result of a prison sentence. In the replication phase, however, of seven cases involving women offenders, only two went to trial, resulting in two convictions, both of which resulted in non-custodial sentences. Overall, then, the probability of receiving a custodial sentence was somewhat less for the women offenders.

The results were rather different in cases of homicide where children were the victims of their mother's violence. Of the eight cases, four went to trial, resulting in four convictions with none being sentenced to prison (three received good behaviour bonds, one a community based order). Where the offender was the father or step-father, of the five cases observed, three proceeded to trial, resulting in three convictions, with all three receiving prison sentences. In this case the replication phase repeats the pattern of the initial phase, since only two of the offenders went to trial, neither receiving a prison sentence (although one, mentally ill enough to satisfy the McNaughton rule, was institutionalised 'at the Governor's Pleasure'). While men killers of children, if convicted, are likely to serve custodial sentences, in this 1985-90 period in Victoria no mothers who killed their children were sentenced to prison.

In sharp contrast was the legal response to the other forms of homicide. Of the four confrontational/conflict resolution homicides observed in the 1987-90 period, all went to trial, resulted in convictions, and each was sentenced to prison. Of the six homicides which took place in the course of another crime, four resulted in trials, in which the women offenders were convicted, and they, too, were sentenced to prison.

Concluding Observations

In general, these findings support the conclusion reported in research elsewhere that when women kill, they are most likely to take the life either of their sexual partner or of their child. Even in these two arenas important observations needed to be added.
For one, the motivation for killing by women in situations of sexual intimacy was different from men. Women rarely killed out of either jealousy or depression (the dominant themes for males), and instead most often were responding to precipitating violence from their partner. Further, women were much less likely than men to kill their sexual partner, an indication of some difference in this form of homicide from what is observed in the United States, where often virtually identical numbers of women as men kill their partners (Campbell 1989, Zimring et al. 1983). On the other hand, when it comes to parents taking the lives of children, this is the one domain in which women in the present case studies were as likely to be offenders as men.

The present data confirm earlier research suggesting that the criminal justice system response is less severe when the homicide offender is a woman. A large percentage of women convicted of homicide (most often in the form of manslaughter) were likely to receive some form of non-custodial sentence, a disposition rarely handed down to male defendants convicted of homicide. This was especially notable in cases where the victim of the homicide was a child.

For women who kill their sexual partners, a major fact of the homicide itself tended to be the prior violence of the male. What in turn tended to have a major impact on the court response to the homicide was the nature of the timing between the violence of the male, and the reactive violence of the woman. In the two cases where the women were confronted with what could be construed as an immediate threat of bodily harm, the homicide was not deemed to be 'unlawful,' and the case did not go to trial. The presumption in these cases was that the homicide was seen as a legitimate act of self-defence, and a charge of criminal homicide was not laid.

One of the sexual intimacy cases which went to trial resulted in an acquittal on the charge of homicide by the jury. Of the cases where a conviction was obtained, one (a case in which the woman had been struck by her de-facto husband just prior to her stabbing him in retaliation) resulted in a community based order.

Three cases involving sexual intimacy resulted in a prison sentence. One was the situation where the woman arranged a 'contract' to kill a husband she wanted to discard for a new lover. The remaining two constitute an important sub-group for the analysis of the legal response to feminine homicide. These were cases of women who had suffered from a long history of exceptional violence by the male partner who became the homicide victim. The major factor which seemed to be operating to produce the prison sentence was that there was a considerable time lapse between the most recent beating by the male, and, as well, in carrying out the killing the woman had called upon help from accomplices.

The situation which provoked a conviction and a prison sentence was one in which killing was: (1) not an immediate response to presenting violence; and (2) accomplices became part of the homicide. There is a wide literature on the question of 'battered women' and the law, and one feature of this tends to focus on the question of the nature of 'imminent danger' as a feature of legitimate self-defence (Mather 1988, Gillespie 1989). Persuasive arguments have been advanced for a less gender biased construction in the law which recognises the particular circumstances faced by women who are persistently victimised by masculine violence.

This research underscores the diversity of patterns found in homicide generally, and among women specifically. This diversity of forms, and the response to this variety, can help inform the growing debate on the justice system response to the criminality of women. Allen (1987), for example, has argued that there are
problematic features in the way the courts 'render harmless' women who have committed violent crimes:

Successive Home Secretaries and numerous pronouncements by senior judges have emphasised the need for severe custodial sentences in cases of serious violence against the person, and in the case of male offenders this policy is routinely followed. In the case of women convicted of such crimes, however, the commonest practice is to impose non-custodial sentences . . . (Allen 1987, p. 82).

Allen examined the reports prepared for the courts by psychiatrists and probation officers, which she argues portray the violence of women in distinct and sexually specific patterns which tends toward the exoneration of the defendant. Her concern is that feminist discourse which emphasises the way in which criminal women are more victims than aggressors, or more sinned against than sinning results in a refusal to permit female offenders to appear as 'morally guilty or personally discreditable' (Allen 1987, p. 93).

The present investigation has not examined in detail the reports that provide the information for Allen's research. The direct observations of the nature of the court's response are suggestive, however, of ways that Allen's conclusions might be sharpened. In Victoria, at least, the leniency seems to fall in specific arenas. These courts were not likely to render harmless women who engaged in predatory crimes, or who became involved in the forms of confrontation/conflict resolution so characteristic of masculine homicide. Quite the contrary, in such circumstances the women were viewed as dangerous and culpable, and, like men engaged in similar crimes, they were when convicted, convicted to prison terms.

The most striking pattern of leniency was that shown to mothers who killed their children, none of whom received a custodial sentence. Similarly, women who killed in an immediate response to the violence of their male sexual partner were not likely to pay the price of a prison sentence for their violence.

In combination, what these findings suggest is that there is a specific arena within which the process works to render women killers 'harmless,' that domain being focused on violence that is connected with the woman's role within the family as either mother or wife. While the present investigation lacks the language of the professional reports which would be needed for ultimate confirmation, the fact of the lengthy sentences handed out for homicides which occur in the course of other crimes, for one example, suggests that the Victorian courts are likely to see these offenders as both dangerous and culpable.

References


Campbell, J.C. 1989, 'If I can't have you, no one can: Power and control in homicide of female partners', paper delivered at the annual meeting of the American Society of Criminology, Reno.


