BOOK REVIEW


I. Introduction

It is entirely possible, albeit unproven, that women who kill their batterers are subconsciously perceived as expressing a collective message from all women to all men: your days of controlling us are over.¹

In When Women Kill: Questions of Agency and Subjectivity, Belinda Morrissey² offers a significant contribution to the fields of both female criminality and agency research by evaluating the treatment of a range of very different female killers. Her book examines the discursive construction of female killers in the United States, the United Kingdom, Australia, and Canada by mainstream legal, media, and feminist legal discourses. Morrissey argues that in these arenas, female killers are depicted as lacking agency.³ They are portrayed as victims at the hands of male abusers, as sufferers of psychological disorders, or as inhuman monsters.

Morrissey convincingly argues that the law, media, and feminists have thus far only been willing to accept very specific and simplified characterizations of women and the forces that drive them to kill. She contends that when feminist discourses fail to take a position regarding a female

² Professor Morrissey is a Lecturer in Sociology at Charles Sturt University, Australia.
³ Morrissey does not explicitly define agency; however, the concept has been discussed within the context of a number of feminist causes:

[Agency rests on the realization that autonomy for subordinated persons is always partial, contingent, and emerging . . . . In contrast to [this] conception[] of agency, law often places human character at polar extremes: either all-agent or all-victim . . . . “[A]gency and victimization are each known by the absence of the other: you are an agent if you are not a victim, and you are a victim if you are in no way an agent.”

killer’s actions, this silence works to deny women agency by limiting the accepted forms of female behavior. Her analysis of a range of very different women defendants is original and successfully demonstrates how agency is consistently denied across a spectrum of female killers. Morrissey concludes that it is imperative that members of the mainstream legal, media, and feminist scholarship acknowledge that not only have these female killers actively decided to kill, but in many cases their decisions were rational.

Morrissey presents the various narratives told to explain each woman’s crime, including those created by the media, feminists, prosecution and defense teams, and the women themselves. She first uses the case of Aileen Wuornos to discuss the use of subjectivity in these discourses’ constructions of female killers. Morrissey then offers case studies to explore specific depictions of women who kill, focusing on victimism and mythification. Morrissey examines the varying degrees to which these women’s agency is stripped from them, arguing that society’s acceptance of their actions “is demonstrated as viable only when their agency is completely denied . . . .” She effectively demonstrates that removing the possibility of a woman purposefully committing a violent act without seeming rational justification reduces the possible spectrum of actions available to women and thus limits accepted forms of female agency.

Morrissey’s book, however, would benefit from a more complete and accurate exploration of her central issues. First, although she persuasively highlights the problematic nature of characterizing women’s actions as a product of their victimization rather than their own conscious and rational choices, she fails to explore the possibility that victimism may be an appropriate narrative for some women. Indeed, prohibiting this explanation of women’s actions may prove detrimental to women’s equality.

Second, while Morrissey advocates increased use of the self-defense doctrine in cases of battered women who kill in order to expand current conceptions of female agency and rational action, she ignores the in-

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4 Morrissey, supra note 1, at 134–36.
5 Id. at 102.
6 Id. at 30–40, 78–133, 140–64.
7 Wuornos’s story was recently dramatized in the critically acclaimed film Monster.
8 “Victimism,” a term Morrissey employs throughout her book, can be distinguished from victimization in that the former involves portraying an abused person as incapable of acting intentionally due to past abuse, whereas the latter is the process of being made a victim by such abuse. Morrissey, supra note 1, at 25. Victimism promotes the idea that female violence is unreal and therefore not a threat, id., a concept that has been used before in the literature on agency. See, e.g., Thomas D. Barton, Violence and the Collapse of Imagination, 81 Iowa L. Rev. 1249, 1251 (1996) (book review) (discussing the use of victimism in the murder case of defendants Erik and Lyle Menendez).
9 Mythification leads to the discussed women’s actions being characterized as those of characters in stories, distant from the society of normal humans, as opposed to those of typical contemporary women. Morrissey, supra note 1, at 25.
10 Id. at 28.
11 Id. at 155–57.
stances in which such a defense might prove detrimental and exaggerates the cases in which it is feasible. Third, she insightfully cautions that focusing on the idea that some female defendants are mentally ill denies women agency by portraying them as irrational actors, unaccountable for their actions. However, her discussion would benefit from exploring the situations in which such characterizations may actually be accurate, and thus appropriate, or be helpful to women in facilitating their acquittal.

Finally, when discussing female sadists in a later chapter of her book, Morrisey critiques the problematic aspects of nonagency-based explanations, such as vilification and monsterization, for the behavior of female killers but fails to provide thorough suggestions for alternative responses, including suitable punishment for such women.

II. THE NARRATIVE OF VICTIMISM IN THE CONTEXT OF ABUSED WOMEN

A. Battered Women As Victims

Morrisey is at her most persuasive in her critique of the legal, media, and feminist discourses’ responses to battered women who kill. The legal strategies and media portrayals involved in these cases deny women’s agency and rationality by depicting their actions as determined by their victimization. Instead of being controlled by their batterers’ choices or by pathology, however, battered women who kill often make rational decisions based on their partners’ abuse and society’s failure to help them.

Morrisey argues that, in order for women to be equal to men in terms of agency and accountability, women must be seen as capable of the same range of actions as men—from those for which they cannot be held responsible to those for which they are completely accountable. She criticizes feminist legal discourse as focusing on a small number of highly specific violent female actors, usually victims, who are then portrayed as lacking agency. Feminism has typically regarded narratives of female killers that do not rely on victimization theories as outliers unworthy of discussion. Morrisey argues that feminist legal discourse should acknowledge these cases and expand feminist theory to encompass more radical accounts of female agency.

However, when discussing the drawbacks of the victimism narrative, Morrisey fails to acknowledge that such an explanation is sometimes accurate and that forbidding its use could prove detrimental to women’s equality.

12 Vilification and monsterization deny female killers human agency by focusing on their evil, and thus inhuman, natures. Id. at 25.
13 Id. at 67–102.
14 Id. at 84–85.
15 Id. at 21, 23.
16 Id. at 24.
17 Id. But see infra note 71.
For example, a 1991 Bureau of Justice Statistics report stated that 41% of women incarcerated for killing a relative or intimate partner had been victims of physical and/or sexual abuse. A 1996 report likewise explained that while 47.5% of female inmates had ever been victims of physical or sexual abuse, the same was true for only 12.9% of male offenders. Such data implies that male homicide offenders are victims of abuse less often than women. This fact is significant in differentiating male and female killers. Whether such differences could justify varying treatment of the genders rather than a uniform standard such as reasonableness is an important consideration, and one that Morrissey leaves unexamined. Such differential treatment, if appropriate, should also be constructed so as to recognize women’s agency.

**B. Victimism in Abused Women’s Legal Defenses**

Morrissey argues that the specific and simplified characterizations of the forces that drive women to kill, found throughout media and feminist discourses, similarly permeate the legal defenses available to women who kill their abusers. The cases of Mrs. R, Pamela Sainsbury, and Erika Kontinnen, who each killed their husbands after enduring horrific abuse, exemplify legal discourses’ denial of agency. Defense narratives did not

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20 Mrs. R, after decades of abuse, including physical, psychological, and sexual abuse of her and their daughters, Morrissey, *supra* note 1, at 80–82, killed her husband in his sleep by striking him in the head with an axe. *Id.* at 79. At her first trial, Mrs. R was convicted of murder and sentenced to life in prison because she lacked a legally admissible defense. *Id.* However, after a public campaign by her daughters, her defense counsel, politicians, and women’s organizations, she was granted a retrial on the ground that she had been prevented from using the defense of provocation in her first trial. *Id.* Mrs. R was acquitted at her second trial despite the fact that there was no legally admissible evidence supporting her defense. *Id.* at 80. Thus, juries may construe defendants as appropriately defending their lives even if their attorneys do not argue self-defense.

21 Pamela Sainsbury pleaded guilty to manslaughter due to diminished responsibility for killing her abusive husband. *Id.* at 80. Sainsbury’s husband subjected her to prolonged and heinous abuse, including forcing her to eat from a bowl on the floor and to perform degrading sexual acts. *Id.* at 82. On the night that she killed her husband, he had beaten her for two hours for speaking to another man at a club earlier in the evening. *Id.* Sainsbury killed him while he was sleeping by strangling him with a nylon plumb line. *Id.* at 82–83.

22 Erika Kontinnen killed her partner Edward Hill, who was also in an intimate relationship with another woman who lived with them. *Id.* at 80. At Hill’s hand, Kontinnen suffered a broken jaw, cracked ribs, and a knife wound to the head, and was forced to work as a prostitute. *Id.* at 84. When contacted, the police were reluctant to intervene and refused to assist during several violent episodes. *Id.* On the night that Kontinnen killed Hill, Hill had beaten both women and told them that when he woke up they would be dead. *Id.* While Hill was sleeping, Kontinnen shot him in the head. *Id.* at 84–85.
focus on the rationality of the women’s killings, instead portraying the defendants as good wives trying to make their relationships work but prevented from doing so by either their husbands’ violence or their own psychological abnormalities. The most frequently used legal defenses in these cases—diminished responsibility, provocation, and Battered Woman Syndrome (“BWS”)—deemphasize women’s agency and rational decisionmaking capabilities. BWS in particular denies agency by implying that battered women’s actions are determined by men.

Morrissey does not, however, explore the possibility that these defenses may be appropriate and beneficial for some women killers, nor does she articulate alternatives in cases where she deems those defenses inappropriate. For example, she fails to consider fully the fact that without BWS,
many battered women who kill may be found guilty by juries searching for an explanation for these women’s actions. She does not explore whether by explaining some seemingly irrational actions of battered women, BWS could be used in tandem with other accounts of the rationality of these women’s actions to provide a more compelling and thorough depiction of battered women’s rational choices.

III. **The Capabilities and Limits of the Self-Defense Justification**

**A. The Potential of Self-Defense As a Narrative for Battered Women Who Kill**

Morrissey persuasively argues that increased use of the defense of self-defense in cases of battered women who kill would expand current conceptions of female agency and rational action while preventing unwarranted punishment. To demonstrate the rationality of some women’s decisions to kill their batterers and the applicability of self-defense to their cases, she analyzes the factual backgrounds of several high-profile cases in Australia and the United Kingdom. Two of the defendants previously discussed, Mrs. R and Kontinnen, employed the doctrine of self-defense somewhat successfully.\(^{30}\)

Morrissey argues that several recent changes in self-defense law in Australia,\(^{31}\) some of which have also been incorporated into the American version of the defense,\(^{32}\) increase its likelihood for success in such cases. Thus, she considers self-defense as the most promising avenue for the acknowledgement of women’s accountability, agency, and rational decisionmaking in killing while avoiding imprisonment where appropriate.\(^{33}\)

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\(^{30}\)See *supra* notes 20 & 22. Kontinnen’s case best exemplifies effective use of self-defense in conjunction with other defenses. She was charged with murder and acquitted at trial after pleading provocation, self-defense, and BWS. *Morrissey*, *supra* note 1, at 80, 86, 87–90.

\(^{31}\)In Australia, the traditional requirements of the defense have been modified to (1) allow consideration of a particular woman’s characteristics in whether or not she made a reasonable judgment in killing, (2) require only the imminent likelihood of an attack rather than that self-defense measures take place during or immediately after an attack, (3) make the proportionality of a defendant’s response to battering only one factor for juries to consider, and (4) abrogate the duty of retreat when defendants are attacked in their homes. *Id.* at 73.


\(^{33}\) *Morrissey*, *supra* note 1, at 96–97, 99–100.
However, as Morrisey admits, to employ self-defense successfully requires convincing jurors of the reasonableness of battered women’s actions. Women who kill threaten the heteropatriarchal social fabric, including traditional roles of women and the family, and therefore often offend jurors’ notions of the appropriate actions of a woman. These women are so threatening to heteropatriarchy because their actions make it all too clear that the family can be the site and source of violence. Consequently, it seems a clear weakness emerges from Morrissey’s failure to consider fully the positive aspects of BWS, as well as the improbability that juries will find battered women who kill not guilty without a sufficient rational explanation for their actions.

B. Limitations of the Self-Defense Doctrine

In contrast to Mrs. R and Kontinnen, Aileen Wuornos, a prostitute who killed seven “johns” whom she claimed raped or attempted to rape her, was sentenced to death after her defense counsel argued that she killed as revenge for past abuse by others rather than as self-defense. In Wuornos’s case, the legal system alternately demonized her and portrayed her as a victim out of control. Once portrayed as a monster, Wuornos was distinguishable from women with legitimate grievances. Morrisey uses Wuornos’ case to exemplify a female defendant denied agency by both

\[\text{Footnotes}\]

34 The concept of Euro-American heteropatriarchy includes “favor[ing] the white European-identified male who is heterosexual and masculine, as well as able-bodied and financially secure in conventional capitalist terms.” See Francisco Valdes, Identity Maneuvers in Law and Society: Vignettes of a Euro-American Heteropatriarchy, 71 UMKC L. Rev. 377, 387 (2002).

35 Morrisey, supra note 1, at 97; see also Elizabeth M. Schneider, Self-Defense and Relations of Domination: Moral and Legal Perspectives on Battered Women Who Kill: Resistance to Equality, 57 U. Pitt. L. Rev. 477, 503–04 (1996) (noting that in cases of battered women, “[t]he determination of reasonableness is . . . where we have seen the greatest resistance on the part of judges in these cases . . . . It is simply impossible for many lawyers, judges, legal scholars, and the public at large to imagine that women are acting reasonably when they kill their intimate partners.”).

36 Morrisey, supra note 1, at 67. Female violence demonstrates this notion more than does male violence because of commonplace stereotypes that women are caregivers, and men typically commit violence.

37 Id. at 30.

38 Id. at 39. Wuornos was eventually sentenced to death for murder, Wuornos v. Florida, 644 So. 2d 1000 (Fla. 1994), and executed in 2002. Morrisey, supra note 1, at 30.

39 Morrisey, supra note 1, at 65. The prosecution depicted Wuornos as a “vengeful prostitute stalking innocent men,” id. at 38–39, and media outlets ignored any facts or narratives that conflicted with the prosecution’s depiction of Wuornos, weaving a dominant narrative describing her as a woman who lured in her victims, manipulated them, and killed them for money and cars. Id. at 37, 39. Legal and media outlets thus both vilified, see supra note 12, and victimized Wuornos, see supra note 8, wholly denying her human agency. Id. at 38–40. This reaction likely occurred in part because Wuornos “reverse[d] many of the assumptions by which women are expected to live in Western societies,” id. at 38, particularly through insistence on her own agency and rationality as well as the fact that she was a lesbian. Id. at 30, 32, 38.

40 Morrisey, supra note 1, at 39.
the discourses’ mischaracterization of her motivation for killing and the legal system’s refusal to allow her to assert self-defense. However, Morrissey misconstrues Wournos’ ability to use such a defense.

Morrissey tends to omit details of Wuornos’s actions that support the prosecution’s perspective or hurt Morrissey’s theory that self-defense would have been the most appropriate defense. For example, in its opinion, the Florida supreme court described various inconsistent statements made by Wuornos, including one that she shot a victim because he was going to rape her, because he put a cord around her throat and threatened to kill her, and because “she could not afford to be arrested” and had to “eliminate [him] as a witness.”41 Additionally, Morrissey omits the fact that Wuornos shot some of her victims repeatedly after they were dead and no longer posed a threat to her.42 Acknowledging such facts would not hurt Morrissey’s argument that it would be most beneficial to all women to recognize Wuornos’s agency rather than monsterizing her, though they do tend to undermine her claim that Wuornos acted completely rationally and in self-defense.

Perhaps more importantly, although Wuornos’s defense counsel ultimately did not argue self-defense, the court clearly considered whether self-defense was appropriate. In his concurring opinion, a judge stated, “I believe that Wuornos’s later statements to law officers and in-court testimony, viewed alone, established a colorable claim of self-defense . . . . However, the believability of Wuornos’s statements is seriously undermined by her initial confession and other inconsistent statements.”43 Therefore, Wuornos’s case can be used most effectively to argue against vilifying women who kill rather than to support using self-defense strategies.

IV. The Impact of Mental Illness Narratives on Female Agency

Pathology has frequently been used to explain the actions of female killers, including battered women and others, removing any reasonableness or agency from these women’s decisions to kill. Tracey Wigginton, the subject of one of Morrissey’s chapters, was known in her native Australia as “the notorious lesbian vampire killer.”45 This characterization stemmed from her accomplices’ claims that Wigginton was a vampire who

41 Wuornos, 644 So. 2d at 1003, 1004, 1009, 1011.
42 See, e.g., id. at 1012.
43 Id.
44 Pathology is defined as “deviations from the normal that constitute disease or characterize a particular disease.” Webster’s Seventh New Collegiate Dictionary 618 (7th ed. 1967)).
45 Morrissey, supra note 1, at 103–33. Wigginton pled guilty to murder after stabbing a male stranger to death, almost decapitating him. Id. at 104–05. Wigginton and three of her friends lured the drunken man into their car by promising sexual favors. Id. at 104. Wigginton’s case did not attract much attention until her accomplices’ later trial began. Id. at 105.
enjoyed drinking her girlfriend’s blood and had told her friends that she craved an amount of blood so large that it could only be obtained by killing someone. As explanation and an excuse for her crime, Wigginton’s psychiatrists argued that she suffered from Multiple Personality Disorder ("MPD").

Morrissey argues that, while the media portrayed Wigginton as an inhuman, irrational actor, psychiatric and feminist discourses attempted to redefine her as an understandable and sympathetic subject. Based on the media’s wholehearted enthusiasm for Wigginton’s portrayal as a vampire, feminist theorists focused on the case as an example of the media’s response to female sexual deviance and women who kill, demonstrating the limits of ‘‘acceptable’’ female behavior in heteropatriarchal society. Even the legal discourse surrounding the case focused on the vampirism explanation of Wigginton’s actions, largely because of its centrality to the accomplices’ defense.

Morrissey contends that reliance on explanations of pathology such as MPD suggests that Wigginton and other similarly situated women who kill are irrational actors, unaccountable for their actions, and victims themselves. Although her arguments are insightful, the goal of female equality does not require that all female killers, even those plagued by serious psychological illness, be considered rational agents, fully culpable for their actions. In fact, utilizing the pathology of a defendant to demonstrate a lack of responsibility for her actions in applicable cases may increase the spectrum of available constructions of women killers and further emphasize female agency when women truly behave purposefully.

46 Id. at 105. After six years, Wigginton finally spoke out, explaining that she had snapped as the result of years of earlier childhood abuse and denying that she was a vampire or drank blood. Id. at 110, 119.

47 Id. at 112. Wigginton’s psychiatrists claimed that she had five personalities created to cope with earlier abuse and that only one was responsible for the murder. Id. The diagnosis of MPD presented Wigginton as a victim of childhood trauma, unable to control her impulses and her own personalities, of her past abusers, and of herself. Id. For a discussion of the use of multiple personality disorder as a defense in the criminal justice system, see Robert F. Schopp, Multiple Personality Disorder, Accountable Agency, and Criminal Acts, 10 S. Cal. Interdisc. L.J. 297 (2001).

48 Morrissey, supra note 1, at 120, 133.

49 Id. at 118. According to Morrissey, Wigginton’s crime represents a “primal threat” to Western heteropatriarchy. Id. at 103. As a lesbian, Wigginton did not fit into socially constructed, non-threatening gender roles and thus threatened to “disrupt comfortable gender and sexuality binarisms.” Id. at 127, 128. Indeed, Morrissey notes one feminist scholar’s discussion of the connection in the media, historically and in Wigginton’s case specifically, between lesbianism and violence towards men. Id. at 116–17. As a vampire, however, Wigginton’s actions were removed from those of the human realm. Id. at 103–04. Morrissey’s argument implies that women are more likely to be monsterized, and thus denied agency, because of heteropatriarchal responses to female violence.

50 Id. at 108.

51 Id. at 120, 133.
In cases like Wigginton’s, where a female killer has been the victim of past abuse but kills someone other than her abuser, it would be desirable, if possible, to express sympathy for the abuse but punish the killing of a stranger. The court may have been attempting to do this in recognizing that Wigginton’s MPD was a coping device but not a reason to allow Wigginton to escape facing prosecution for her crime. If Morrissey is correct that Wigginton’s diagnosis of MPD denied her agency in her crime, the court’s determination that Wigginton’s MPD should not prevent her from standing trial was proper, according to Morrissey’s analysis, in acknowledging Wigginton’s agency and perhaps her humanity.

V. CHANGING NARRATIVES OF SADISTIC KILLERS

Sadistic killers, such as Karla Homolka and Valmae Beck, are the final group of female killers studied by Morrissey. Both women kidnapped, raped, and killed alongside their husbands, defying typical notions of femininity with their extreme brutality. Morrissey explains that while the media vilified Homolka and Beck, characterizing them as “inhumanly evil,” it often also “rew[r]ite their tales as ones of loving self-sacrifice.”

Morrissey demonstrates that the media and public responded to the women’s male accomplices very differently than they did to either Homolka or Beck. She persuasively argues that this difference was based mainly on the fact that women are seen as life-givers, whereas the pur-

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52 Id. at 112.
53 Id. Concerns about the validity of the diagnosis of MPD in any case, see, e.g., Nicholas P. Spanos, *Multiple Personality Disorder: A Sociocognitive Perspective*, 116 PSYCHOL. BULL. 143, 143 (1994) (arguing that the “disease perspective of MPD is fundamentally flawed” in part because multiple identities are socially constructed, childhood trauma is not necessary for multiple identities, and multiple identities are altered through social interaction), also support Morrissey’s reluctance to use this diagnosis at trial. The possibility that MPD does not in fact exist, at least as currently conceptualized, combined with the fact that the disorder is diagnosed more commonly in women, see id. at 143, triggers further concerns about women’s behavior being pathologized, perhaps erroneously.
54 Under American law, a verdict of guilty but mentally ill would further contribute to an acknowledgement of Wigginton’s agency (or that of defendants like her) despite a diagnosis of mental illness.
55 Homolka pleaded guilty to abducting, raping, and murdering two teenage girls and drugging and raping her younger sister, who then accidentally died, all with her husband at her side. Morrissey, supra note 1, at 140–41.
56 Beck, herself a mother, pleaded guilty to murder, rape, and deprivation of liberty after she and her husband lured a twelve-year-old girl into their car, drove her to a forest, and then raped and murdered her. Id. at 141.
57 Id. at 134, 140–41; see also Andrea Shapiro, *Unequal Before the Law: Men, Women and the Death Penalty*, 8 AM. U. J. GENDER SOC. POL’Y & L. 427, 459 (2000) (“[W]omen are most vulnerable to attack by the judicial system when they step outside the bounds of normative femininity.”).
58 Morrissey, supra note 1, at 145.
59 Id. at 145–55.
poseful termination of life is more commonly attributed to men.\

Though both Homolka and Beck were active participants who enjoyed committing their crimes, the mainstream legal and media discourses invoked narratives that denied their humanity, agency, and accountability. Homolka and Beck represent a notion very threatening to heteropatriarchal society: women, even those who are mothers, sometimes act out sadistic fantasies on people less powerful than themselves, including even their own family members. To the media, the women’s deviance made them inhuman, while their husbands were merely “sick” and sexually obsessed. That the women even committed such typically masculine crimes was seen as a demonstration of their “sin of hubris.”

To reduce the threat posed by these women, the media portrayed both of them as self-sacrificers and masochists acting under the control of their husbands. Notably, it omitted mention of Beck’s conviction for rape or Homolka’s participation in videotaped sexual assault. Though this information was certainly newsworthy, it demonstrated the women’s active participation in sex crimes, further threatening “heteropatriarchal conceptions of femininity.” According to Morrissey, such censored reports “render overt the banality of male violence towards women, while hiding female abusiveness.”

Feminist theorists, on the other hand, remained silent about Homolka’s and Beck’s crimes. This is likely because these women do not inspire

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60 For example, Homolka’s partner’s defense counsel depicted him as a “regular guy” who is “just like the rest of us.” Id. at 148. Men are also hurt by stereotypical expectations. For instance, they are often criticized when they exhibit nurturing behaviors. See Joan Williams, Unbending Gender: Why Work and Family Conflict and What To Do About It 25 (2000) (commenting on “[t]he association of masculinity with breadwinning, so that manhood became contingent on success in market work . . .”).

61 Id. at 145.

62 Id. at 140.

63 Id. at 149. Although Morrissey acknowledges that Homolka’s husband suffered from antisocial personality disorder, extreme sexual sadism, and several paraphilias, she does not discuss whether any of these could be seen as inappropriately denying him agency or whether they would be a suitable basis for mitigation or acquittal. Id.

64 Id. at 147, 149.

65 Id. at 150.

66 Id. at 145.

67 Id. at 153.

68 Id.

69 Id.

70 Id.
sympathy as victims, often the impetus for feminist response in cases involving female criminals, and because the women do not fit feminist constructions of the violent female subject. However, such silence is damaging to all women because, in failing to recognize the possibility of women taking intentionally harmful actions, the purposeful choice to engage in or abstain from such destructive behavior remains unacknowledged.

Although Morrissey’s analysis of the legal, media, and feminist discourses' treatment of cases such as Homolka’s and Beck’s is compelling, she does not fully articulate how the judiciary, the public, and legal and sociological scholarship could more productively respond to such women killers, including determining suitable punishment. For example, these sadistic killers could hardly have claimed self-defense, but Morrissey does not suggest what defense strategies would have been more successful or at least more agency-proffering.

VI. Conclusion

*When Women Kill* is an original and successful illustration of how agency is consistently denied to women who commit violent crimes, including homicide. While other studies of female violence and its various constructions have included research on the victimism of female killers, the differential treatment of male and female defendants in the criminal justice system, and the social significance of female violent crime, Morrissey’s study integrates these concepts. Specifically, though an article by Chimene Keitner notes the problems inherent in demonizing or victimizing violent women and the threat that deviant women pose to traditional society, her work examined cases of women who received the death penalty, while Morrissey applies her analysis to diverse and varied categories of female offenders. Morrissey’s work adds support to some of Keitner’s theories and extends the analysis, demonstrating the prevalence of the denial of female killers’ agency across varying profiles of offenders.

The violent actions of women, and the response they elicit from the media, feminists, and the legal system, significantly impact society’s efforts for gender equality. When female killers are depicted as monsters,
“[t]he agency denial which takes place . . . is specifically that of human agency. The murderess is considered to have acted, but not as a human woman.”⁷⁶ Morrissey is clear and forceful in her message: it will only be possible for all women to attain full human agency and citizenship when female killers are recognized as playing active roles in their crimes.⁷⁷

—Tracy L. Conn

⁷⁶ Morrissey, supra note 1, at 25.
⁷⁷ Id. at 177.