

From Butch to Butcher's Knife

Film, Crime and Lesbian Sexuality

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1. Introduction: Why Cinema is Jurisprudence

Lesbians and gay men in Australia have been subjected to a vast array of discrimination and oppression at the hands of majority culture, including legal culture. Expressions of hatred, such as discrimination and violence against lesbians and gay men, remain endemic despite relatively recent reforms such as State-based anti-discrimination legislation.¹ Measures of widespread abuse are always difficult, but homicide statistics provide a chillingly "clean" figure: lesbians and gays were victims in at least 25 per cent of the homicides perpetrated by a stranger from 1988 to 1994 in New South Wales.² A more

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1 Sexual orientation discrimination remains lawful in Western Australia, Tasmania and at a federal level. New South Wales led the way in 1982 when it included "bisexuality" and "homosexuality" in its *Anti-Discrimination Act 1977* (NSW). "Sexuality" is the prohibited ground of discrimination in South Australia under the *Equal Opportunity Act 1984* (SA), the ACT under the *Discrimination Act 1991* (ACT) and the Northern Territory under the *Anti-Discrimination Act 1992* (NT). "Lawful sexual activity" is the ground in Queensland under the *Anti-Discrimination Act 1991* (Qld) and in Victoria under the *Equal Opportunity Act 1995* (VIC). Notably, in addition to the huge range of general exceptions in all such legislation (eg, religious schools etc), Queensland (s28), the Northern Territory (s37) and Victoria (s25) all include specific exemptions which apply only to lesbians and gays. The above three States specify that sexual orientation discrimination is lawful when it concerns "work with children" (including the "care, supervision or instruction of minors") if it is "reasonably necessary to protect the physical, psychological or emotional well being of minors". Thus some of the very statutes which are meant to assist in overcoming discrimination are actually busy entrenching it.

2 The percentage may in fact be higher, as these figures reflect recorded hate crimes where the victim's sexuality was apparently the basis for killing. It excludes cases where the motive was not apparent, or where surviving friends and relatives either didn't know the victim was lesbian/gay or did not impart this to the police. See Steve Tomsen, "Hatred, Murder and Male Honour: Gay Homicides and the 'Homosexual Panic Defence'" (1994) 6(2) *Criminology Aust 2*. Also see *Final Report of the Streetwatch Implementation Committee*, ADB, Sydney, 1994. Cases involving the murder or attempted murder of women who were, or were thought to be, lesbian by a man known to them include: *Radford v R* (1985) 42 SASR 266 (Full Court); *McGhee v R* (1995) 183 CLR 82; *R v McGhee* (1994) Unreported, Tas CCA, Green CJ, Wright and Zeeman JJ, 17 March 1994; *Lovec v R* (1987) 27 A Crim R 40 (SA CCA). Also see: *R v Cook* (1995) Unreported, Qld Full Court, Fitzgerald P, Pincus and Davies JJA, 23 March 1995 (stalking by known accused); *Tamayo v Department of Immigration* (1994) AAT, Sydney, 23 December 1994, noted (1994) 37 ALD 786 (malicious wounding of lesbian couple by stranger); and *Question of Law Reserved on Acquittal* (1993) 59 SASR 214 (Full Court) (rape and battery by husband). Cases involving the murder of a gay man by a gang of several unknown boys or men include: *R v Howard and Ors* (1992) 29 NSWLR 242 (CCA); *R v Grmusa and Ors* [1991] 2 VR 153 (Full Court); *Giakas v R* [1988] VR 973 (Full Court). Cases involving the murder of a gay man by a sole male assailant include: *R v Green* (1995) Unreported,

subtle but widespread denial of lesbian and gay personhood occurs in the failure to see lesbian and gay relationships as familial; both statute and common law have generally refused to recognise lesbians and gays as parents or partners.³

Richard Dyer says, "How we are seen determines in part how we are treated; how we treat others is based on how we see them; such seeing comes from representation."⁴ Cinematic images of lesbian characters (or, more usually, caricatures) have a profound impact on how others view lesbians, which in turn influences perceptions of lesbians within the law. In Tania Modleski's words, "... we exist inside ideology ... we are all victims, down to the very depths of our psyches, of political and cultural domination (although we are never only victims)."⁵ This is not to say that images in popular culture simply form what the public and the judiciary think about lesbians and lesbian relationships. Just as judges are influenced by cultural representations (appearing most obviously as "common sense" ideas in case law),⁶ judgments are also texts that represent, and are themselves often translated back into popular culture in the form of news reports and, sometimes, movies. The film *Heavenly Creatures*, to be discussed later, was based heavily on court transcripts. Those transcripts in turn reveal the extent to which the law and legal actors were influenced by popular representation of lesbianism at the time.⁷

NSW CCA, Preistley JA, Smart and Ireland JJ, 8 November 1995; *R v Pritchard* [1991] 1 VR 84, *R v Craggs* (1995) Qld Full Court, McPherson JA, Moynihan and Fryberg JJ, 1 September 1995. (In the above three cases the accused all unsuccessfully argued versions of "homosexual panic" — provocation and/or self defence in repulsing a sexual advance by the victim.) In every case noted above, whether the accused was known or unknown, the sexual orientation of the victim was the substantial or whole motive for the attack.

- 3 For a discussion of exclusions in NSW and federal legislation on issues such as intestacy, guardianship, superannuation and worker's compensation see: Gay and Lesbian Rights Lobby, *The Bride Wore Pink* (2nd edn, 1994). *Brown v Commissioner of Superannuation* (1995) 21 AAR 378, confirms the exclusion of lesbians and gays from legislation which passes superannuation benefits to a spouse or spouse-like relationship on the death of a contributor. See also the child custody cases, *L and L* (1983) FLC 91-353, and *A and J* (1995) 19 Fam LR 260 for stunning invalidations of lesbian relationships. Legislation which does recognise same-sex partnerships tends to do so on other grounds, such as financial dependence: see *Family Provision Act* 1982 (NSW), *Domestic Relationships Act* 1994 (ACT), *Migration Regulations* 1992 (Cth). The ACT provides a recent and notable exception. In 1996 it passed the *Administration and Probate (Amendment) Act* no 15 of 1996 (ACT) and *Family Provision (Amendment) Act* no 16 of 1996 (ACT). In both Acts "spouse" includes same-sex and opposite sex live-in partners on an equal footing, entitled to inherit under intestacy rules, and to contest wills. In the *Family Provision (Amendment) Act* the spouse provision is in addition to a section which gives recognition to "domestic relationships", thereby recognising the broadest possible range of relationships of interdependence.
- 4 Richard Dyer, *The Matter of Images: Essays on Representation* (1993) at 1.
- 5 *Feminism Without Women: Culture and Criticism in a 'Postfeminist' Age* (1991) at 45.
- 6 For a discussion of "common sense" in family law judgments concerning lesbian mothers see my article, "Lesbians, Child Custody and the Long Lingering Gaze of the Law" in Susan Boyd (ed), *Challenging the Public/Private Divide: Feminism and Socio-Legal Policy*, University of Toronto Press, forthcoming. For a discussion of "common sense" as a form of judicial notice see Regina Graycar, "The Gender of Judgments: An Introduction" in Margaret Thornton (ed), *Public/Private: Feminist Legal Debates* (1995).
- 7 The prosecution argued that the girls' relationship evinced their evil natures, while the defence argued that the girls' relationship evinced their insanity, see below n74 and accompanying text.

This article will discuss the cultural fantasies/distortions/reconstructions of lesbians who have killed. First, I will look at Tracey Wigginton and Aileen Wuornos, both of whom were self-identified lesbians who were tried in the early 1990s for killing men to whom they were strangers, in Australia and America respectively. I will then go on to focus on two historical murders involving alleged (assumed?) lesbian couples who jointly killed women they were closely connected to. Christine and Lea Papin were sisters who killed their employer and her daughter in France in 1933. Pauline Parker and Juliet Hulme killed Pauline's mother in New Zealand in 1955. What links all four of these crimes is the manner in which sexuality, specifically lesbian sexuality, was posited as causal in contemporaneous media accounts, as well as later "true crime" and fictional representations. A further point linking the Papin sisters with Parker and Hulme across continents and decades is that both were thought to have acted as sexual/criminal couples and both were the subject of films in the 1990s — being *Sister my Sister* and *Heavenly Creatures* respectively. They thus provide an interesting counterpoint to each other in both contemporaneous and subsequent discourse, and will be the focus of the latter part of this paper.

In discussing these representations this article makes no pretence at knowing what "really" happened. Indeed, whether all of the accused were "really" lesbians is open to some doubt. The Papin sisters appear to have been largely silent throughout the trial process and their imprisonment, with popular belief in their sexual relationship arising from the publicly expressed opinion of others at the time (including their jailer and also a psychiatrist who had not met either of them). When Christine was asked by the judge if the relationship was sexual, she denied it.⁸ Juliet Hulme as an adult (now known as Anne Perry) denied that her relationship with Pauline Parker was sexual, and Aileen Wuornos latterly stressed that her relationship with her partner was "spiritual" rather than sexual. (However both Hulme and Wuornos had undergone "born again" religious conversions at the time they made these claims.⁹) Ruthann Robson makes the point that such denials may be prompted by fear of lack of

8 See Lynda Hart, "'They Don't Even Look Like Maids Anymore': Wendy Kesselman's My Sister in This House" in Hart (ed), *Making a Spectacle: Feminist Essays on Contemporary Women's Theatre* (1989).

9 It was Pauline's diary entries, including descriptions of the girls bathing and sleeping together and discovering "sin" and "bliss" in the process, which led to a general belief that their relationship was lesbian (although many of the expert opinions at the time added the coda that it was not sexual). Julie Glamuzlina and Alison Laurie extract and discuss in some detail the various diary entries suggesting a romantic and sexual relationship; see *Parker and Hulme: A Lesbian View* (1991) ch4. As an adult, Juliet/Anne claimed that such diary entries were taken out of context. However, two journalists observing the trial at the time noted that when a witness was questioned about how many times Pauline had sex with a man, Juliet, who had been still and silent throughout the trial, flushed and lent across a wardress to hiss something at Pauline and motioned as though to hit her: see Tom Gurr and H H Cox, "Pauline Parker and Juliet Hulme: 'Let's Kill Mother'" originally published in *Famous Australian Crimes* (1958) reprinted in Richard Glyn Jones (ed), *The Giant Book of Killer Women* (1995). The journalists interpreted this action as motherly, but I am more inclined to see it as loverly. Moreover, in the very interview in which Anne/Juliet denied her relationship with Pauline was sexual, she also went to some lengths to deny that Pauline had the heterosexual relationship noted above: see Barbara Wickens, "Haunted by Homicide" (27 March 1995) *Macleans* 61.

public support and harsh sentences as a result of homophobia.¹⁰ I agree with Robson that the women were seen to be, and treated as, lesbians; thus lesbianism is an issue even if the women were not actually lesbian or did not see themselves as such.

Deb Verhoeven, writing about Tracey Wigginton says, "Without clear information ... it was difficult to make a convincing case against the media that was not already reliant on its — albeit contradictory and ambivalent — presentation of the trials."¹¹ Of all the women discussed, only Wuornos gave her own version of events as evidence in court.¹² As legal and cultural subjects, they were thus overwhelmingly spoken *for* and spoken *about*, whilst remaining silent themselves. I am uncomfortably aware that academic inquiry, such as this article, in some ways continues such a process of appropriation.¹³ For this reason I stress that my focus is not on the women themselves, nor the crimes of which they were convicted, but on the manner in which mass culture took their experiences and reproduced them as "lesbian criminality". For this reason, I open with a discussion of cultural representations of lesbians more broadly, before examining the cases specifically.

2. *Seeing is Believing*

"In many minds the leap from the butch to the butcher's knife is but a tiny one."¹⁴

In mainstream cinema, "[t]he representation of women and other oppressed groups was, and by and large still is, a relentless parade of insults".¹⁵ Lesbians have appeared in film in a series of derogatory "types".¹⁶ Typically, lesbians

10 In the USA this fear seems to be borne out; for example in 1992 some 40% of the women on death row were "implicated" as lesbian. See Ruthann Robson, "Convictions: Theorizing Lesbians and Criminal Justice" in Didi Herman and Carl Strychin (eds), *Legal Inversions: Lesbians, Gay Men and the Politics of Law* (1995).

11 Deb Verhoeven, "Biting the Hand that Breeds: The Trials of Tracey Wigginton" in Helen Birch (ed), *Moving Targets: Women, Murder and Representation* (1993) at 102.

12 The Papin sisters gave a factual outline of events to the magistrate upon arrest but were largely silent during their trial (which lasted 14 hours, continuously from 1pm until 3am). Nor did either of them appear to speak thereafter, and both have since died. Tracey Wigginton pleaded guilty and did not speak during her (9 minute) trial. She is currently in jail and has not shed any light on the incident. Parker and Hulme were juveniles and under New Zealand law of the time were not permitted to testify, although their statements to police were in evidence. The case rested almost entirely on Pauline's diaries. After release they both took new identities; Pauline's is still unknown but when Juliet was "uncovered" by the press in 1994 she gave interviews in which her account of events differed slightly to Pauline's: see Wickens, above n9 and Pam Lambert and Ellen Stein, "Blood Memory" (26 September 1994) *People* 57. Aileen Wuornos gave evidence in one trial only (she faced seven charges), although she has since spoken in numerous press interviews.

13 Ruthann Robson thoughtfully discusses this issue, above n10.

14 Lindsay Van Gelder, "Attack of the Killer Lesbians" (1992) 2 *Ms Magazine* 80 at 82.

15 Dyer, above n4 at 1. Vito Russo examined stereotypes of gays and, to a lesser extent lesbians, in mostly Hollywood film in *The Celluloid Closet* (rev edn, 1987). The death of a lesbian or gay character was so common that Russo appended a morbidly funny necrology to his book, listing the manner in which they met their end. With a knowledge of such history, when a nice gay man appeared recently in the English film *Four Weddings and a Funeral* (1994) it wasn't hard to guess who was going to get the funeral.

16 For a discussion of how the representations of lesbians in literature interact with the law see Anne Goldstein, "Representing the Lesbian in Law and Literature" in Susan Heinzelman and Zipporah Wiseman (eds), *Representing Women: Law, Literature and Feminism* (1994).

were, and are, depicted as masculine or "butch" and/or manhating, and lesbian relationships as immature/a schoolgirl phase, as narcissistic, as involving a mother/daughter pairing or as a sadistic/vampiric dynamic.¹⁷ Through representation, lesbian sexuality is inexorably tied to aggression and carnality, with murderous and vampiric lesbians the supreme, and most common, embodiment of these traits.¹⁸ The film *Basic Instinct* (1992) is a succinct case in point, as it contains virtually every pathological lesbian type ever depicted in cinema, often disjunctively.¹⁹ The protagonist of *Basic Instinct*, Catherine (the notoriously knickerless Sharon Stone) is a rich, blond, murder mystery writer; a vampish "femme fatale" with an insatiable (bi)sexual appetite, suspected of murdering a male lover. Importantly, murderousness and lesbianism are deliberately conflated in *Basic Instinct* as all four female characters are bisexual or lesbian and all of them are revealed as suspected or convicted killers.²⁰ When the male detective, Curren (Michael Douglas) confronts Beth and shoots her, his remark, "Do you still like girls?" stands as a simultaneous accusation of murder — as her lesbianism is her undoubted motive for killing her husband.

- 17 I proceed from the assumption that none of these types are "true", in the sense that while some lesbians may be accurately described by them, it would be no more true of lesbians than women in any other section of the population. Such typologies pathologise lesbians qua lesbians and ignore much clinical research showing that lesbian and non-lesbian women are similar in their placement along the entire spectrum of mental health and self identity. See, eg, Noreen O'Connor and Joanna Ryan, *Wild Desires and Mistaken Identities: Lesbianism and Psychoanalysis* (1993).
- 18 For an analysis of lesbians as vampires/killers, see, eg, Andrea Weiss, *Vampires and Violets: Lesbians in the Cinema* (1992); Barbara Creed, *The Monstrous-Feminine: Film, Psychoanalysis, Feminism* (1993); and Shameem Kabir, "Lesbian Desire on the Screen: *The Hunger*" in Liz Gibbs (ed), *Daring to Dissent: Lesbian Culture from Margin to Mainstream* (1994). A number of commentators also argue that fear of lesbianism underlies portrayals of ostensibly heterosexual female killers/criminals, eg, in *Black Widow* (1986) and *Thelma and Louise* (1991), see: Christine Holmlund, "A Decade of Deadly Dolls: Hollywood and the Woman Killer" in Birch, above n11; Lynda Hart, *Fatal Women: Lesbian Sexuality and the Mark of Aggression* (1994) at 67–80; Valerie Traub, "The Ambiguities of 'Lesbian' Viewing Pleasure: The (Dis)articulations of Black Widow" in Corey Creekmur and Alexander Doty (eds), *Out in Culture: Gay, Lesbian and Queer Essays on Popular Culture* (1995).
- 19 Lesbianism as a form of *carnality or animality* is established through Catherine. She uses base language, and in her first encounter with the police asserts her pleasure in impersonal sex (which she calls, to their horror, "fucking"), she rakes her male sexual partners with her fingernails and draws blood, and is shown in riding boots, surrounded by animal trophies after the first killing. Catherine also establishes lesbianism as intended for the explicit *voyeuristic* pleasure of heterosexual men in that she offers up her lesbian relationship visually, and also engineers displays of herself naked on numerous occasions. *Butch/femme* lesbianism is established by the character of Roxanne, Catherine's girlfriend, who is known as Roxy, dresses frequently in black leather, and is called "Rocky" by the male detective Curren (who also addresses her "man to man" and kills her in a driving duel, no less). Lesbianism as a type of *narcissism* is recurrent, both in the visual pairing of Catherine and Roxy in some scenes, and in the story of Beth/Lisa mirroring Catherine in appearance and mannerisms after they had a sexual encounter years earlier. *Mother/daughter* lesbianism is suggested by a sexualised shot of Catherine and a middle aged woman, Beryl, who was earlier shown as a "mother figure" to her. For other recent films in which lesbian desire is semi-repressed, pathological and leads to murder, see *Single White Female* (1992) and *Poison Ivy* (1992). Both also involve metaphorical vampirism.
- 20 Lesbians are frequently shown as criminals on television also; see Rosie Collis, "Screened Out: Lesbians and Television" in Gibbs, above n18.

Basic Instinct was an enormous hit, and grossed US \$385 million at the box office alone. It also drew enormous protest from lesbians and gays. In the USA a copy of the script was leaked during production and protests disrupted both the shooting and various premiere screenings of the film.²¹ "I don't know any lesbian ice-pick killers" said Ellen Carlton of GLAAD, "Do you?"²²

The crux of much criticism of the film (which is, despite all this, kind of fun)²³ was that it was unrealistic, and a cruel reversal of the truth. In *Basic Instinct* all the victims are men, and most are husbands and lovers of the killer women (there are also two brothers killed). Women who desire other women are portrayed as *vagina dentata*, luring men in through sexual means for the purpose of devouring/killing them. In *Basic Instinct*, lesbians court male desire, lesbians kill men. The converse is actually true, in that lesbians are consumed by men through heterosexual pornography (and films like *Basic Instinct*), lesbians are at risk of violence by men, and women who leave men for a lesbian relationship are at particular risk. In the Australian criminal cases, *Radford*, *McGhee* and *Lovec*, the killer/attempted killer was a male ex-partner of a woman in a lesbian couple.²⁴ Child custody cases where the mother is now lesbian are replete with violence by the father towards her and her lover.²⁵

Fictional representations of murderous lesbians are thus a form of cultural attack. By placing lesbians always as anti-social, as a threat to men and "the family", who must be cast out or destroyed for order and safety to be returned, fictional representations encourage hostility and rights denials to lesbians. For instance, in both *Single White Female* and *Poison Ivy*, the pseudonymous interloper is a young woman, admired and desired by the heroine. The interloper is jealous of the heroine's familial relationships (fiance and parents, respectively)

- 21 John Gallagher, "Hollywood Under Fire" (1991) 578 *The Advocate* 46; L A Kauffman, "Queer Guerrillas in Tinseltown" (1992) 56 (7) *The Progressive* 36; Janice Simpson, "Out of the Celluloid Closet" (1992) 139 (14) *Time Magazine* 65. Interestingly, there did not appear to be any protest at the much nastier English film *Butterfly Kiss* (1995) in which Amanda Plummer plays a psychotic, babbling, ugly, sadomasochistic bisexual who bloodily kills a number of people in her travels along the motorways and drags poor adoring Saskia Reeves along with her. However one reviewer drolly noted that, "Psycho lezzie nutters on the lam" may have been a more appropriate title than *Butterfly Kiss*.
- 22 Gay and Lesbian Alliance Against Defamation. Quoted in "The Power and the Pride" (June 21 1993) *Newsweek* at 59. Similar protest was focused on the earlier film *Silence of the Lambs* (1991) because the cross dressing male serial killer was portrayed as bisexual or gay and his social/sexual dysfunction was explicitly posited as his motive.
- 23 Within the film's slick implausibility, Catherine as the metaphorical vampire is the most interesting character. The story is unusual in that it does not close with the typical killed or cured lesbian erasure. Catherine is neither slain by Curren's gun nor tamed by his penis, and there is more than a hint that he is about to cop it in the closing sex scene. Andrea Weiss discusses the camp attraction of lesbian vampires in her book, above n18. Richard Dyer discusses reasons why lesbians and gays may identify with fictional depictions of vampires even if they are negative in "Children of the Night: Vampirism as Homosexuality, Homosexuality as Vampirism" in Susannah Radstone (ed), *Sweet Dreams: Sexuality, Gender and Popular Fiction* (1988). For a truly intriguing lesbian vampire tale, see *The Hunger* (1983).
- 24 See above n2.
- 25 Some of these cases are discussed in my article, "Lesbian Mothers, Gay Fathers: Same-ness and Difference" (1992) 2 *Australian Gay and Lesbian LJ* 21. In addition see the Canadian case, *N v N* [1992] BC J No 1507 (Unreported, QUICKLAW, BC SC, Warren J, 2 July 1992), and American cases, *Diehl* 582 NE 2d 281 (Ill App 2 Dist 1991) and *Williams* 563 NE 2d 1195 (Ill App 3 Dist 1990).

and she sleeps with and kills members of the family in an attempt to destroy it — as well as making a sexual play for the heroine herself. The climax of both films is the heroine's realisation that murder has taken place, and her killing the interloper.²⁶ In the fictional world such destruction may be an extreme fantasy, but it is thematically consistent with conservative rhetoric that lesbians and gay men "threaten the fabric of society" or are a "threat to the family". When lesbians are characterised as a threat in this manner an implicit social and legal agenda is operative — a defence of family and society is necessary by continuing (or stepping up) oppression of lesbians and gays.²⁷ This theme is often implicit in "family values" discourse, but is occasionally made explicit. "You are fifteen times more likely to be murdered by a homosexual than a heterosexual" was one of the catchcries of a Tasmanian group opposing the decriminalisation of gay sex in that State.²⁸

3. "Real" Killers, "True" Crime

When a non-fictional lesbian is accused of killing, the basis of fact gives cultural representation an added measure of authority. Films, books and magazine articles representing the murderous lesbian are justified as "true". The established fact of "real" death, coupled with generally scant information on anything else surrounding it, permits outlandish reconstructions which simultaneously lay claim to authenticity. Sensationalism, often with a salacious tone, is a stock in trade of the "true crime" genre and, to a slightly lesser degree, of news reports. Misrepresentation (including simple factual errors) and a certain lip-smacking enjoyment is not something particular to representation of crimes involving lesbians, but there are elements which are specific. As with fictional representations of murderous lesbians "true crime" accounts posit lesbianism as pathological, violent and necessarily causal — in contrast to cases where a heterosexual man murders and neither masculinity nor heterosexuality are queried or viewed as causal.²⁹ Guy Kerr provides a consummate

26 Lynda Hart argues that the heroine in *Single White Female* is explicitly punished for her desire to live independently of men and her narcissism/lesbianism in seeking "same": above n18 at 113-7. Another, less explicit, example is Alfred Hitchcock's 1940 version of Daphne Du Maurier's *Rebecca*. For discussion of lesbianism as depravity and anti-marriage in the film and book (embodied by both Rebecca and Mrs Danvers), see Mary Wings, "Rebecca Redux: Tears on a Lesbian Pillow" in Gibbs, above n18. Also see Rhonda Berenstein, "'I'm not the sort of person men marry': Monsters, Queers and Hitchcock's *Rebecca*" in Creekmur, above n18. In the book *Rebecca's* husband murdered her, in the film the killing was accidental, and in both Mrs Danvers burns to death.

27 Didi Herman discusses the ideology and legal interventions of the "New Christian Right" in Canada in *Rights of Passage: Struggles for Lesbian and Gay Equality* (1994). A recent example in the USA is the Right's response to interim successes in lesbian and gay marriage claims in Hawaii — a federal Act defining marriage as exclusively opposite sex. It is called the *Defence of Marriage Act*.

28 Quoted in *Toonen* reported in (1995) 69 *ALJ* 600. Notably this very quote was reprinted with no further comment on the cover of that same issue of the journal. Didi Herman also notes the claim in an American publication of the New Christian Right that "out of all the mass murders in the US over the past 17 years, homosexuals killed at least 68% of the victims": id at 88.

29 Of course many feminists have pointed out this silence in mainstream approaches and vigorously interrogated it, see, eg, Jane Caputi, *The Age of Sex Crime* (1988).

example, blending wild reconstruction with equally wild assumptions of causation, when he writes for a Queensland tabloid newspaper,

Quick to spot the nascent depravity that was to later turn her into a killer, [a private school] expelled her for molesting other girls, thereby saving its pupils from the reign of terror Tracey initiated at the nearby Range Catholic School where she was sent instead.

In the quiet cloisters and under the massive old trees of this haven of learning, Tracey Avril Wigginton was honing the aggressive lesbianism that climaxed eight years later when she plunged a knife into the neck of her male victim and drank his blood from the gaping hole.³⁰

Leonard Gribble's florid "true crime" reconstruction of the Papin sisters' crime goes even further. Gribble puts words into the mouths of the Papin sisters, their victims, the investigators, and at times quotes the thoughts of various key people for the reader. Gribble has the policeman exclaiming, "Sacre Bleu!" on discovering the bodies, the Magistrate staring at Christine "in horror, seeing a twenty-eight years-old woman who was a bitter lesbian butch-type female who revolted him" and subsequently wishing for some cognac.³¹ A remarkable feat, indeed, especially writing some 50 years after the event. The plethora of unlikely quotations and lack of any sourcing casts some doubt on his extensive "quotes" of the women from statements of interview, where he has them, among other things, telling the police that they had sex by candlelight after the murders.³² Gribble lingers on descriptions of aggressive animalistic sexuality, returning numerous times to the idea that the sisters had sex after the murder, and using metaphors such as "animal-like", "panthers" and "mongrel bitch in heat" when discussing Christine's well documented distress when separated from her sister in prison. Animal imagery and connections of lesbian sexuality with bestiality are extremely common, both within this genre and without it.³³ (Although in his use of metaphor, at least, Gribble is in accord with the historical record: the prosecution refuted the insanity defence with the remark, "they are not enraged dogs, they are snarling dogs."³⁴)

Claims to authenticity combined with unbridled reconstruction are also a feature of fictionalised accounts. The Production notes of *Sister my Sister*, distributed by Palace Films to reviewers include the following:

[In the production of the play *My Sister in This House*, on which the film was closely based] [w]e added some slides of the real murders at the beginning, which worked extremely well ...

[The writer of the play and film] came to England for the last week or so of shooting, bringing with her photographs of the real scene of the crime, position

30 Guy Kerr, "Cradle of a Demon: Hate-Filled Home Bred a Vampire" (17 February 1991) *Sunday Mail* at 5, cited in Deb Verhoeven, above n11.

31 Leonard Gribble, *Such Lethal Ladies* (1985), esp at 44-7.

32 Gribble also liberally peppers the sisters' speech with swear words, whereas other accounts note their compulsive manners, such that they would even address their jailers in the polite French third person; see Janet Flanner, "The Papin Sisters: The Housemaids Revenge", originally published in 1934 *Vanity Fair*, reprinted in Richard Glyn Jones, above n9.

33 See, eg, Rupert Furneaux, "like wild animals" in "The New Zealand Girl Murderers" in Allan Wingate, *Famous Criminal Cases 2* (1955) at 47. Richard Dyer makes this point about filmic representations also: see Richard Dyer (ed), *Gays and Film* (1984) at 31.

34 Nicole Ward Jouve, "An Eye for an Eye: The Case of the Papin Sisters" in Birch, above n11 at 27.

of the bodies, and some haunting portraits of the two sisters. She found that the production had got all the main details exactly right.

This was a production which erased a husband and a fiance, changed the ages of characters, added an incestuous relationship, and had all four French women played by English actresses. And it's always "a true story".

4. *Killing the Father*

In 1991 the Australian print media named Tracey Wigginton "the lesbian vampire killer". In 1989 Wigginton had stabbed an unknown man to death, assisted by her lover (of one week), Lisa Ptaschinski, and accompanied by her friends (of two weeks), Kim Jervis and Tracey Waugh (themselves a couple). Although the murder was arranged by all four women jointly two days before it occurred, media attention came to be almost exclusively focused on Wigginton. Unsubstantiated claims by her co-accused that Wigginton was a vampire came to be blithely reproduced in both tabloid and broadsheet newspapers without even so much as the query a pair of inverted commas might offer to the term "vampire".³⁵ The prosecutor himself proffered the view in court that Wigginton could not eat food and survived on blood.³⁶ Lisa Ptaschinski claimed that she was so dominated by her lover that she slit her own wrists on a number of occasions to feed her. All three co-accused expressed the belief that Wigginton had drunk the victim's blood.

The co-accused were arrested after Wigginton, and all three effectively claimed to be "victims" of her vampiric powers, afraid of or mesmerised by her. Much of their joint trial was spent on the issue of Wigginton and her satanic powers, as they attempted to exculpate themselves.³⁷ Wigginton herself never publicly claimed anything to do with vampirism, however by the time of the co-accused trial, her own trial was already over. The Queensland Mental Health Tribunal had refused to accept that Multiple Personality Disorder (with which Tracey had been diagnosed) was an "abnormality of the mind" under the Criminal Code, and held therefore that she was sane and fit to plead.³⁸ At that point, Tracey pleaded guilty and received a nine minute trial. Officially guilty and silent by choice, the path was clear for the version of Wigginton's co-accused to enter popular folklore. Domination and sadism were the central elements of the co-accused claims; allegations of "Hitler-like" influence, marriage to the devil, hypnotic eyes and garden variety sexual dominance were reproduced in loving hyperbole by the press,³⁹ without any

35 See, eg, "Woman Gets Life Term for Vampire Murder" (16 February 1991) *SMH* 3; "My Daughter, The Vampire" (17 February 1991) *Sunday Herald* 1 and other examples below n39.

36 Stewart MacArthur, "Three 'Helped Killer Who Drank Blood'" (1 February 1991) *The Australian*.

37 Tracey Waugh, who claimed that she believed herself to be the "reserve victim" was the only one found not guilty.

38 See Ron Hicks, *The Vampire Killer: A Journey Into The Mind of Tracey Wigginton* (1992). Apart from a rather turgid reconstruction of Wigginton's childhood, Hicks argues strongly for the MPD diagnosis.

39 See, eg, Stewart MacArthur, "Accused 'fed lover her blood'" (7 February 1991) *The Australian*; Stewart MacArthur, "Killer was 'devil's wife with power to control minds'" (5 February 1991) *The Australian* at 5; "Vampire controlled my mind, court told" (5 February

question about how three adult women (of lengthy acquaintance with each other) came to be so utterly under the power of someone they had met only one to two weeks earlier. Thank god for the occult, or none of it would have made sense.⁴⁰ Wigginton was characterised as vampirising not only her male victim but her female co-accused. "Lesbian vampire killer" was a claim easily made and gladly accepted according, as it did, with a cultural frame of reference which views lesbianism as carnal, contagious and sadomasochistic.⁴¹

Likewise, claims that Aileen Wuornos was America's "first female serial killer" slipped seamlessly into populist discourse. Wuornos' alleged motive for shooting seven men in Florida was that she was a (lesbian therefore) "man-hater", luring men into the woods to kill them. "There may be an intrinsic hatred of males here, as well as an identification with male violence ..." says an FBI investigator. "You might not expect a woman of clear sexual identity to do this ... If this woman's makeup is such that she takes pride in being masculine, her motivation would be a psychological challenge to the male — 'I'm more masculine than you', " says a psychiatrist.⁴²

Wuornos was a highway prostitute, whose own version of events was that in each case the victim had raped, or attempted to rape, and threatened to kill her in the course of her work. Investigators were so devoted to the "man-hater" theory of events that they believed Wuornos had posed as a hitchhiker or motorist in distress to "lure" men (in their own cars) into secluded areas. The prosecution in the first case successfully argued this version of events and obtained the death penalty as a result of "aggravating factors" such as "cold, calculating premeditation".⁴³

Wuornos was inscribed and re-inscribed as a prostitute in the media, but somehow the victims were not engaged in that prostitution when they picked her up by the roadside. At one stage investigators claimed that condom packets found in the cars were left by Wuornos to "sully" her victim's reputations.⁴⁴ (The victims, as it happens, included two former police and an evangelical missionary.) In popular understandings, Wuornos' prostitution precluded her claims of sexual assault⁴⁵ and therefore self defence, while her lesbianism

1991) *SMH* at 2; "Vampire killer set out to scare" (2 February 1991) *SMH* at 4; "Vampire murderer feared sun and mirrors, court told" (7 February 1991) *Courier Mail* at 3; "Vampire killer had Hitler-like influence, court told" (13 February 1991) *Courier Mail* at 3.

40 Deb Verhoeven notes that a few articles sought explanation in Wigginton's abuse by her grandparents: Birch, above n11. However no explanations, other than Wigginton's influence, were sought for the actions of the other three.

41 It hasn't escaped me that these particular homophobic claims were originated by lesbians themselves. For a discussion of lesbian-instigated homophobia in civil cases see my article, "An Implied Promise to Parent: Lesbian Families, Litigation and *W v G*" (1996) 10 *Aust J Fam L* 112.

42 In "The First Woman Serial Killer?" (September 1991) *Glamour*, quoted in Lynda Hart, above n18 at 184-5. Candice Skrapec also characterises Wuornos as masculine and man-hating in her piece, "The Female Serial Killer: An Evolving Criminality" in a feminist collection, Birch, above n11.

43 The first conviction and sentence were upheld in *Wuornos v Florida* 644 So 2d 1000 (Fla App, 1994).

44 See Carys Bowen-Jones, "Diggin up Bones" originally published in *Marie Claire* (August 1991), reprinted in Richard Glyn Jones, above n9.

45 Lynda Hart notes the incredulity of interviewers regarding the idea that prostitutes can be raped: above n18 at 141.

provided the motive for premeditated murder. A lesbian serial killer story was too immediately accessible, too eminently sellable to resist: several investigators and the central prosecution witness had signed movie deals before the arrest was even made, and two of Wuornos' own defence lawyers simultaneously negotiated with film companies on her behalf.⁴⁶ Thus far some 15 different production companies have involved themselves in the case, two films and two books have already appeared and more are on the way.⁴⁷ A critical evaluation of this media frenzy, and its perversion of the course of justice inspires a sense of outrage but surprisingly little to say. Lynda Hart, in her eloquent piece, says that Wuornos' story is "banal" and the coverage of it "an all-too-ordinary repetition in a culture of paranoid male fantasies that eroticize their worst nightmares".⁴⁸

What links Wigginton and Wuornos, and goes some way to explaining their vilification in the media, is that they both killed in "male" ways, attacking strangers in public places. They also both killed male victims 20 to 30 years older than themselves. Lesbianism thus provided popular and readily accessible explanations for their behaviour. They were lesbian, so were "like" men and killed like men. They were lesbian, so they hated men and killed men. They were lesbian, so they hated society and the family — represented by "the father" — so they killed men who were father figures. Notably the victims were often represented in the press as "fathers" and "family" men and the relationship between both accused and their own fathers and (father figure) grandfathers⁴⁹ was the subject of much reporting. The Papin sisters and Parker and Hulme, in contrast, killed women with whom they were intimately connected in the domestic realm. They also killed jointly, and may have killed to protect their relationship. The coverage of these two crimes, and subsequent fictionalised representations are far more complex, nuanced, and have varied over time.

5. *Killing the Mother*

Christine and Lea Papin were sisters in their 20s, who worked as live-in maids in provincial France. In 1933, they spontaneously bashed their employer and her adult daughter to death and mutilated their bodies.⁵⁰ Upon discovery, they confessed their actions but never apparently offered any explanation beyond the fact that they had blown a fuse in the house which had angered their employers. Pauline Parker and Juliet Hulme were friends, and possibly lovers, who had met at school in New Zealand. In 1954 (aged 16 and 15 respectively) they planned to, and did, bash Pauline's mother to death.

46 Details of these and numerous other examples of spectacular injustices in the investigation and prosecution of Wuornos, including failures to call crucial defence witnesses, are discussed in Phyllis Chestler, "A Woman's Right to Self Defence: The Case of Aileen Carol Wuornos" (1993) 66 *St John's LR* 933.

47 Including: *Overkill: The Aileen Wuornos Story* (1992, US TV-movie); *Aileen Wuornos: The Selling of A Serial Killer* (UK documentary actually about media and legal exploitation); Dolores Kennedy, *A Killing Day* (1994).

48 Hart, above n18 at 141.

49 Both women lived for large parts of their childhoods with their grandparents.

50 I have omitted details of the violence in all cases as much as possible, not from a desire to exculpate the perpetrators, but in an attempt to avoid becoming a salacious "true crime" writer myself.

Both girls claimed the death was accidental; when this was clearly disbelieved Pauline at first took the blame for the murder. Under subsequent questioning, Juliet confessed to also taking part.

The coverage of the two joint trials, some 20 years apart, provides some contrasts and also some fascinating comparisons in terms of how the crimes were linked to sexuality both within and without the court room. Such connections are apparently unconscious ones, as at no stage in Parker and Hulme's trial or the available coverage does it appear the Papin sisters were ever mentioned (instead all parallels were drawn with Leopold and Loeb, two young gay men who as a couple had committed a kidnapping and murder of a young boy in America in the 1920s).⁵¹ The omission of any mention of the Papins is particularly startling when it is noted that both trials heard an identical insanity defence. The defence was *delire a deux* or *folie a deux* — a largely unsupported theory of communicated or joint madness, such that each party is individually sane if separate but acts insanely when together. This theory, and the insanity defence generally, were rejected in both cases — but nevertheless deeply influenced popular understandings of the crimes as an expression of, or result of, a lesbian relationship. It also influenced the state's decisions about incarceration and punishment; the Papin sisters were separated in prison and Christine starved herself to death as a result. Pauline and Juliet were sent to separate prisons, permitted no contact whilst there and subsequently released on the condition that they never have contact again in their lives. Indeed, Pauline's release was specifically delayed so that Juliet had left the country by the time they were both free. New Zealand authorities actually considered revoking Pauline's parole when it was discovered, some years after her release, that she was socialising with lesbians.⁵² The parole revocation, although ultimately not carried out, belies an implicitly homophobic reading of the *folie a deux* theory, that it is not a relationship which makes one murderously insane, but a lesbian (or gay) relationship, possibly *any* lesbian relationship.

In the case of the Papin sisters, the fact of their crime was held sufficient evidence in itself that their relationship must be sexual. Their crime — double murder — was explained as an outcome of their already extant double criminality; incestuous and lesbian sexuality. What is amazing is how quickly this idea arose from many separate sources, and how universally it was accepted. In the trial itself, the sisters' defence psychiatrist made a "delicate allusion to the girls [sic] as a 'psychological couple'" and the chief of the insane asylum where they were held made reference to Sappho.⁵³ The psychiatrist had never

51 The major defence expert, Dr Medlicott drew this comparison. The press adopted the parallel with vigour: see, eg, Rupert Furneaux' opening gambit, "We have to go back to Chicago in the early nineteen-twenties to find a murder case as shocking", above n33 at 33. Leopold and Loeb differ from Parker and Hulme in that they killed a relative stranger to them, apparently for pleasure. Both prosecution and defence agreed that Parker and Hulme killed because they were going to be separated and could think of no other way to prevent it. The only connection between the crimes is that they acted as a (probably homosexual) couple. Hitchcock based *Rope* (1948) on Leopold and Loeb. *Swoon* (1991) is based far more closely on the incident and differs from the other films under discussion in that it is made by a gay film maker.

52 Glamuzlina and Laurie, above n9 at 107–8.

53 Flanner, above n32 at 311–2.

met them, and based his opinion on the fact of their crime alone. The asylum chief appears to have based his opinion on Christine's excessive grief at being separated from Lea, Christine's reference to being her sister's husband in a former life (other sources say a clairvoyant had told Christine this) and Christine's cry when she was briefly permitted to see Lea after six months of incarceration, "Say yes, Lea, say yes to me."⁵⁴ Additional speculation seems to have arisen from the fact that the sisters shared a bed, and spent much of their scarce leisure time together in their room⁵⁵ — although bed sharing among the working classes was surely common in that era, and leaving the house rarely could be explained by the fact that the sisters had no money of their own (as for much of their working lives their wages had been paid to their mother and not to them).⁵⁶ Jaques Lacan, like the defence psychiatrist, did not require any of this slight evidence to come to his conclusion — he knew at once the cause of their evil. How did he know? Why, because it fitted in so nicely with a thesis he had just finished on another female criminal where he first posited the "mirror stage".⁵⁷ Lacan's thesis was that female violence was a manifestation of suppressed homosexual urges arising from narcissism and the failure to separate self from other. Lacan's version of the *delire a deux* was that the sisters wanted (but did not have) each other sexually, and displaced their anxiety and aggression (necessarily generated by such improper closeness and involving sadistic/masochistic urges) to attack the "other" couple, the mother and daughter.⁵⁸

The circularity of Lacan's argument — that female crime is caused by suppressed lesbianism, the existence of which is proven by the crime — does not end there, however. Because the other couple were a mother and daughter, Lacan supposed that Christine and Lea were too; Christine as the oldest was placed by him as the "dominant" one, or mother.⁵⁹ Lacan was pleased to announce a correlation of abnormality in homosexuality and sado-masochism, and the Papin sisters were the proof of it.⁶⁰ Thus the way was firmly paved for later psychoanalytic theory, subsequent pop-psychology, and mass media representation, to (re)present lesbianism as inherently narcissistic, immature, likely to involve power imbalances such as dominant/submissive or mother-daughter role play, and likely to lead to violence and criminality. If all of this sounds dreadfully familiar, it is. It is *Basic Instinct*, *Poison Ivy*, *Single White Female* etc & etc. It is the history of lesbianism in mainstream cinema.⁶¹ In a final, dazzling moment of circularity, these themes — arising from the speculation around the kernel of the Papin sisters, to become so common in post-1940s filmic representation of lesbians — are pervasive in *Sister my Sister*, the 1996 film of the Papin sisters' crime.

Lynda Hart contends that there were two reasons why contemporary coverage of the Papins, both within and without the court room came to be so focused on

54 Ibid. See also Jouve in Birch, above n11.

55 Lynda Hart, above n8.

56 See Jouve in Birch, above n11.

57 See Hart, above n18 at 144–8; also Jouve in Birch, above n11.

58 Ibid.

59 Ibid. See also Hart, above n8 at 135.

60 Hart, above n8 at 135.

61 See introduction; also Russo, above n15; Weiss, above n18; Dyer, above n4.

their sexuality. As alluded to above, the crime coincided with the bloom of modern psychoanalysis; indeed Hart stresses that the crime occurred in the very year that Freud wrote "Femininity".⁶² They were thus timely fodder for a new industry. Hart also eloquently argues that there was a powerful class motive for viewing the crime as a product of sexuality:

The issue of the sisters' guilt was resolved by their mutual confession. But the apparent absence of a motive (they had said the murder was prompted by Madame's unexpected return and reprimand for blowing the fuse) led to extensive exploration of the sisters' sanity, which in turn depended on affirmation of their sexual 'normality.' In the provincial town of Le Mans, there were powerful incentives for proving the maids insane. Virtually every family employed domestic servants. The right-wing newspapers were full of warnings about the 'Red Terror.' ... The courts were eager to suppress any analysis of the Papin murders as a class insurrection. If the 'pearls of Le Mans,' as Christine and Lea were called, could revolt, then all bourgeois employers were in grave danger.⁶³

In light of all circumstances discussed thus far, it is hard to imagine the sisters getting any positive press at all, but intriguingly, it was this class element which gave the sisters a number of vigorous public defenders, particularly among the Parisian intelligentsia. Simone de Beauvoir, among others, wrote sympathetically of the sisters.⁶⁴ Prominent leftists and anarchists argued that the maids had killed in response to their life of slavery and oppression at the hands of their mistresses, and some went so far as to argue that, "[i]his trial should not have been only that of the sisters, but also that of the sacrosanct bourgeois family".⁶⁵ Even among the mainstream press of the day, more than passing comment was made about the petty tyrannies of domestic service generally and in the Lancelin house in particular.⁶⁶ The Surrealists took a somewhat different bent, and championed the maids as launching a poetic, symbolic emancipation from "the mother".⁶⁷ A huge volume of descriptive, critical, analytical and creative material grew from the Papin sisters' crime. In subsequent years there appeared, among others,⁶⁸ a short story by Jean-Paul Sartre, a play by Jean Genet, *Les Bonnes/The Maids* (also produced as an opera and later filmed),⁶⁹ a film inspired by the play,⁷⁰ a novel,⁷¹ and then the play that led to the film *Sister my Sister*.⁷²

62 Hart, above n8 at 131 and Hart, above n18 at 147.

63 Hart, above n8 at 133-4.

64 Discussed by Jouve, in Birch, above n11.

65 Hart, above n8 at 132.

66 Particularly in *Paris-Soir*. The Tharaud brothers wrote, "God knows the Madame Lancelins exist on earth. ... As good servants, the girls had been highly contraried." These views are reproduced and gently parodied but not altogether departed from in Janet Flanner's 1934 piece, above n32.

67 Jouve in Birch, above n11.

68 Much of this material is analysed by Jouve, *ibid*.

69 Originally Genet denied the connection with the Papins, as his play is quite a symbolic reading of events — and, for example, there are two maids but only one mistress. Later Genet recanted and acknowledged the inspiration: see Edmund White, *Genet* (1993) at 349-52.

70 *Les Abysses* (1962), was originally to be based on Genet's play, but Genet withdrew the rights. The director therefore returned to the original event. When released the film was attacked for its violence, and was defended, as the sisters were, by de Beauvoir, Sartre and co: see White, *id* at 528-9.

71 Paulette Houdyer, *Le Diable dans la paeu*. There appears to be no English edition.

72 See n81. Furthermore, the Ruth Rendell novel, *Judgment in Stone* (and subsequent West End play and 1996 film by Claude Chabrol) also concern a french maid who kills her employers.

Parker and Hulme were received very differently. Their relationship was also universally presumed to be lesbian, although this was based on Pauline's diaries and so was not without substantial foundation.⁷³ Opinion was only divided as to whether the relationship had been consummated. The defence experts proffered that it was not, because of course repressed homosexuality was an integral part of the insanely paranoid *folie a deux* defence which they were running.⁷⁴ The prosecution expert countered that, "... there was nothing repressed about the homosexuality",⁷⁵ so there was no paranoia, no insanity, just depravity. This was a view put most forcefully in the Crown's opening address, when it was argued that they were "highly intelligent and perfectly sane but precocious and dirty-minded girls".⁷⁶ There appears to have been little reflection, then or later, on the irony of this particular medico-legal construct: that the girls were mad if they didn't have sex with each other, but sane if they did.

Unlike the Papin sisters, whose double murder had been significantly more brutal, Parker and Hulme do not appear to have had any sympathy in the extensive press coverage at the time. But then New Zealand in the 1950s didn't have Simone, Jean Paul and an avant guard intelligentsia prepared to read the crime as an interesting anti-bourgeois statement or as a revolt against the symbolic mother.⁷⁷ In fact New Zealand at the time was so firmly bourgeois that Juliet's disbelief in god and the girls' decision not to go to see the Queen when she visited the country were used *as evidence* in Court that they had no idea of right and wrong and must be insane.⁷⁸

Moreover, whereas the Papin sisters had killed a metaphorical mother and their crime could be celebrated as a symbolic act, Parker and Hulme had killed a real mother who was by no means tyrannical. There was frankly no one prepared to see their act as anything other than evil or insane. Defence and prosecution claims were jumbled in together in the press, combining "dirty minds" with insanity, to give the most salacious account possible. Some articles went so far as to connect the illnesses which both girls had suffered as children with their sexuality, to give an overall picture of disease.⁷⁹

In the context of the post-war concern over the "breakdown of the family" and juvenile delinquency, Parker and Hulme were to be viewed as a salutary lesson indeed. Many press and "true crime" reports noted the fact that Pauline's parents had never married (though no one had known of this until

73 See above n9.

74 See the evidence of defence psychiatrist Dr Medicott, discussed in Glamuzina and Laurie, above n9 at 88-91, substantially agreed with by Dr Bennett, 92-4. Dr Medicott based much of his later work on Parker and Hulme, continuing to argue *folie a deux* and a connection between repressed homosexuality and violent paranoia, see Glamuzina and Laurie, *id* at 110, 120-33.

75 Glamuzina and Laurie, *id* at 95.

76 *Id* at 84. This remark is ubiquitous in all subsequent newspaper and true crime coverage.

77 And, obviously, there was no gay liberation movement yet, in NZ or elsewhere, prepared to sympathise with the stress which the girls must have faced at the level of parental and medical intervention in their relationship.

78 I'm not kidding. See Glamuzina and Laurie, above n9 at 92-3.

79 See, eg, Gurr and Cox, "Juliet Hulme's tuberculosis (a disease often found in cases of sexual divergence)", above n9 at 335.

the arrest), and that Juliet's mother was in the process of leaving her husband for another man. A committee into degeneracy among teenagers, focusing upon "sexual delinquency", was set up a month after the murder, partially as a response to it.⁸⁰

Subsequent re-presentations of the two crimes in 1990s film versions provide further reinterpretations, revisions and contrasts.

6. *Back to the Scene of the Crime: Sister my Sister and Heavenly Creatures*

[The play on which *Sister my Sister* was based]⁸¹ would make a good film, bursting at the seams as it was with good cinematic ingredients: suspense, incest and violent murder ...

From the Production notes of *Sister my Sister*, distributed by Palace Films to reviewers

I thought, 'After 40 years, who cares?' The Berlin Wall has come down, Communism has fallen, the whole world has changed since then.

Anne Perry/Juliet Hulme, on the release of *Heavenly Creatures*⁸²

All of the publicity for *Heavenly Creatures*, the 1994 film about Parker and Hulme, foregrounded the "true-crime" element, with the large print subtitle, "The true story of a crime that shocked a nation."⁸³ The lesbian part of the story was more subtle but equally present: several of the advertisements contained the surtitle "Not all angels are innocent", and almost all of them displayed one of the many frames from the film of the girls in smiling embraces, or with faces close together. (Although the video jacket went further: "Two teenage schoolgirls whose obsessive friendship leads to an unspeakable crime.") Interestingly, this choice of foregrounding and backgrounding was reversed in the publicity for the 1996 film *Sister my Sister*. The poster and advertisements for *Sister* did not make direct mention of the crime, although the surtitle reads, "Bound by love ... and blood."⁸⁴ Lesbian sexuality and incest are highlighted by the picture, which shows the sisters in a passionate embrace behind a cupboard. Lea has her head back, mouth open, and Christine is kneeling, with her face pressed, at crotch level, against Lea. This photo still is from the conclusion of a sex scene in the film, and there is no way it could be mistaken for a friendly cuddle in the way the *Heavenly Creatures* pictures could.

Within the films themselves the visual and textual claims to authenticity and truth are established by strikingly similar devices. Both films open and close with the "scene of the crime". The opening sequences allude to the murder without showing how it came about — *Sister* shows a bloody banister and

80 Id at 58–60.

81 Wendy Kesselman, "My Sister in This House" in Gillian Hanna (ed), *Monstrous Regiment: A Collective Collaboration* (1991).

82 Quoted in Barbara Wickens, above n9.

83 This was uniform across posters, print media advertisements and also the video jacket.

84 The review on the reverse side of the publicity flier mentions that a crime "inspired" the film, but immediately leaps to the film's "potent mix of intrigue and incest".

stairwell, panning across the feet of two dead women, *Heavenly Creatures* has a blood spattered Pauline and Juliet screaming and running up a hill, at the summit of which Pauline cries out, "It's Mummy, she's terribly hurt."⁸⁵ The films thus set out to solve, or perhaps, explain, how the murders came about. Both then close with the actual sequential conduct of the murders missing from the opening scenes. Both films also frame their narrative within opening and closing text windows, the opening one stating that the story is "true"⁸⁶ and the closing one noting the sentences passed and what subsequently "became" of the women.⁸⁷

Sister my Sister is based on an American play which was in turn based on contemporaneous media accounts and trial transcripts.⁸⁸ *Heavenly Creatures* was not based on prior theatrical renditions, nor on press reports, but almost entirely upon the trial transcripts (which reproduced large sections of Pauline's diary) supplemented by interviews with former schoolmates of Pauline and Juliet.⁸⁹

While *Sister my Sister* was meticulous as to the details of the murders themselves (location, method, time of day), it altered two crucial aspects of events.⁹⁰ Notably, the writer Wendy Kesselman entirely removed Mme and Mlle Lancelin's husband and fiance, in order to make it a story about women, and to enhance a mirroring of Christine and Lea as a pair with their mother and daughter employers. She also included an explicit sexual relationship between the sisters, although much contemporary opinion regarded the relationship as unconsummated, and she herself admitted that she didn't know whether they had been lovers.⁹¹ Nevertheless the film was received by reviewers as factual.⁹²

Factual material was neatly fitted into the story to support its own hypothesis; for instance, the suspicious shared bedroom of history becomes even more pointedly evidence of a sexual relationship in the film. Madame tells her daughter that she offered the maids two rooms (how likely? she was a noted miser) and they wanted only one. So viewers are told that the sisters *chose* to share a bed. Likewise the handmade lingerie found in the maids' room is

85 This is intercut with brief black and white shots of the girls running, laughing, along the deck of a ship, calling out "Mummy" to a woman we later learn is Mrs Hulme.

86 *Heavenly Creatures* makes a more direct claim to truth, reading, "During 1953 and 1954 Pauline Yvonne Parker kept diaries recording her friendship with Juliet Marion Hulme/ This is their story/ All diary entries are in Pauline's own words." While *Sister my Sister* reads, "A small town in Provincial France 1932/ Based on true events", *Heavenly Creatures* also includes, towards the end of the film, clocks in numerous of the frames of scenes depicting the day of the murder, emphasising the exact time of events (as recorded by Police).

87 *Heavenly Creatures* also noted the time of arrest and pleas entered.

88 See Hart, above n8.

89 See Howard Feinstein, "Death and the Maidens" (15 November 1994) *Village Voice* 60.

90 A third, more minor but still pointed, alteration was that while the Papin sisters retained their names, their victims were given pseudonyms: the surname Lancelin became Danzard.

91 Hart, above n8 at 142.

92 For example, "When the sisters' security is threatened hot incestuous passion busts into maniacal frenzy. ... The film is ... a case history, not a drama, with nothing ultimately to offer other than a chronicle of breakdown, the fracturing of two minds under psychosexual pressures," Stanley Kauffmann, "Cry Havoc" (17-24 July 1995) *New Republic* 34 at 35.

made, in the film, by Christine for Lea alone (rather than to sell or for herself), and becomes a means by which she seduces her.⁹³

Christine and Lea's conflict with their mother is subtly reconfigured in the film such that it is Christine who wants to separate from her, and not Lea (where in fact they both wanted to). Christine is thus firmly placed as a mother to Lea from the very outset of the film. Christine is shown feeding and dressing Lea when they were children (in flashback), she competes with her own mother for Lea's devotion, tries to prevent Lea from seeing their mother, and calls Lea a "baby", infantilising her both in anger and in love. The scene in which Christine finally convinces Lea not to see their mother any longer is, not coincidentally, the very scene in which they realise their sexual desire for each other. Only with the rejection of the "real" mother can Christine finally take her place as mother in their role-play.

The relationship of Christine and Lea (who in fact were only six years apart in age) is also explicitly depicted as mirroring that of their mistresses in intercut scenes.⁹⁴ There are numerous parallels of the mother berating, manipulating or dominating her daughter and Christine doing likewise to Lea. One scene cuts back and forth between the two "couples" several times, stressing both their sameness and their difference. As the Lancelins are shown to be unhealthily sexually repressed, fighting it out in a frenzied card game downstairs, Christine and Lea are shown to be unhealthily sexually expressed, tearing each other's clothes off upstairs. Although Kesselman gives the Papins a sexual relationship in a way Lacan never did, she seems to have been highly influenced by his theory, as the film chooses to stress an interpretation of Christine and Lea's relationship as mother/daughter, "like" the Lancelins, and as emotionally sado-masochistic.

It is notable that the sisters' sexual relationship is not completely gratuitous in that it provides the basis for the other major addition in the film; which is to actually give the sisters a rational motive for their crime. When the fuse blows, the film has Lea react hysterically and Christine calm her — the sisters then leave their work undone for the first time in their years of service and go to their room. The murders occurred on a landing in the house, and the film portrays the Lancelins advancing up the stairs, towards the maids room, an unprecedented invasion of the only private space the sisters had. Christine is shown to intercept the advance and Madame taunts her viciously at this point, telling her that she will never get another job, that they smell of sex, are not children of God, are filthy, are "scum sisters". Madame is particularly degrading in her references to Lea. It is at this point that Christine is shown to lose her temper and attack, closely followed by Lea.

93 Long hair and lingerie being staples of titillating film representations of lesbian sex. This is a marked contrast to the white singlets and no-nonsense Bonds cottontails the girls wear in *Heavenly Creatures*.

94 For example, the famous and rather glamorous photo which the sisters had taken of themselves in life is made into a mimicry of the mistresses. In the film Madame gives her daughter such a photo of themselves for her birthday, and Christine is shown being inspired by this to go and get one of her own. There is no evidence the Lancelins ever had such a photo.

Sister my Sister resists, through this penultimate scene, the contemporaneous "lesbian therefore insane" presumption. It serves to reconfigure the widespread assumption of a sexual relationship into something which provides a rational motive, rather than an irrational basis. Within the film logic if the sisters had not killed Madame (and her daughter, a more or less passive witness to the scene), they would have had to face exposure of their doubly taboo relationship, the loss of their livelihoods and most likely the ruination of their lives. The sisters' choices are constrained, within this scenario, and they choose to go down fighting.

However, Christine and Lea's relationship is so frankly pathologised so early in the film that it belies the proffered rationality of their actions. The sisters quiver with hysteria almost from the first; they simply must kill someone.⁹⁵ The film offers the view that they were forced to protect themselves and their relationship — but it portrays the relationship as so extremely dysfunctional and destructive that it can hardly be seen as worth protecting. Moreover, by pathologising the sisters' relationship to such an extent it is easy to overlook Madame's provocation and to return to the historical view that saw the murders as a simple and inevitable result of the sisters' twisted and aggressive sexuality. It is in this aspect that *Sister my Sister* and *Heavenly Creatures* differ so markedly.

The attention to detail and efforts at factual correctness are stunning in *Heavenly Creatures*, as is the use of perspective.⁹⁶ The film soundtrack is in fact peppered with the girls' favourite music; "the world's greatest tenor" Mario Lanza. Although filled with period detail, the film is in no way wedded to realism or to a documentary stance, as it mixes in surreally filmed fantasy sequences depicting the inner world of Pauline, and to a lesser extent, Juliet. The girls wrote several novels and plays together, and invented between them a fantasy world called "Borovnia", peopled with a lineage of royal characters whom they acted out (even writing letters to each other in character). The film brings this world to life in numerous vividly filmed sequences where life sized plasticine figures appear and Borovnia becomes real. Various occurrences in Borovnia parallel the action and as time goes on and the fantasy world becomes more important, the two worlds overlap increasingly.

The soundtrack, made up of music that the girls themselves loved and listened to, becomes itself an important part of the film's subtext. Early in the film as the girls' friendship is established there are a series of sequences of them playing together (over an unclear period of time) with Mario Lanza singing, such that the action is largely unheard.⁹⁷ This series includes scenes of the

95 To be fair, the play on which the film was based was received as very thoughtful, complex and feminist: see Hart, above n8.

96 Down to where the girls spent their holidays, the childhood illnesses both had suffered, how Mrs Hulme's extra marital affair began, the length of the Hulmes's absences from their daughter, the films the girls saw and the stars they admired, and the doctor Pauline was sent to when the parents felt that the girls' attachment was becoming "unwholesome".

97 This device in itself suggests romance to me, being commonly used as a cinematic shorthand for falling in love. Moreover, the sequence begins when Pauline sees Juliet standing in golden light on a bridge in her garden, dressed as a princess. Pauline's face is shown, awed, even lovestruck, and cuts to a shot which rushes toward the radiant Juliet. (One is at first unsure whether this vision of Juliet is Pauline's fantasy or reality, until Juliet's brother appears and it is clear they are playing dress-ups.)

girls laughing, singing along to the song and taking off their clothes as they run hand in hand through woods. They eventually collapse in their underwear on the ground, whereupon they hug and quickly kiss, still laughing all the while. Viewers may read this as platonic if they care to, but the scene closes with Mario Lanza singing the last line of the accompanying song — "You're the one for me!" Likewise, much later in the film when the girls dance together in a playful high spirited waltz, Mario Lanza sings, "When you're in love". Lastly, in an ironic or sympathetic postscript, "You'll never walk alone" is sung over closing credits which tell the viewer that the girls were never to see each other again.⁹⁸ The use of this music highlights a sense that the film is in many ways more a romance than a murder mystery.

In focusing largely upon the developing relationship between the girls, *Heavenly Creatures* appears at first to accord with conventional wisdom of *folie a deux*, in that the explanation for the crime is the relationship. However, I believe that the film radically departs from this tenet by presenting the relationship as a positive thing in itself. Sequence after sequence depict the girls' delight in each other, and the scene which shows the girls kissing in bed together is both tender and humorous. Mr Hulme, and Dr Bennet, in interrogating the sexual nature of the relationship, are depicted as prurient, even lip smacking, and voyeuristic. The film suggests that the murder is a result, not of the relationship, but of the girls' distress at their imminent forced separation (the Hulmes were to leave the country and in any case both sets of parents were eager to separate the girls upon Dr Bennet's "diagnosis" of Pauline as homosexual).

A dream/fantasy sequence on the night before the murder adopts an internal perspective, wrenchingly romantic and naive. In this sequence, Juliet is singing on the balcony of her home, drenched in a rosy light. This cuts away to a black and white shot of Pauline and Juliet laughing and running towards the Hulmes on the deck of a large ship. Mrs and Mr Hulme embrace both girls, and, importantly, look proudly on as the girls kiss each other. The next scene shows the girls waking, pale, miserable and frightened as their alarm clocks ring in the morning. It is this dream, of their joyful union, overseen by approving parents, which appeared, almost subliminally intercut in the opening shots of the murder. The closing scene of the murder is also intercut with a black and white scene on the ship, but this time Juliet is on board and Pauline is left behind on the docks. The girls' sobbing and screams of distress from the boat scene blend seamlessly in with those of Pauline's mother as she is killed. The murder is in no way excused (and in fact is portrayed bloodily with matter of fact brutality), but it is established, with all the short sightedness of teenage logic, as an "us or them" scenario.⁹⁹

98 "Keep your chin up high and don't be afraid of the dark. At the end of the storm is a sweet sun ... walk on through the wind, walk on through the rain, though your dreams be tossed and blown, walk on, walk on, with love in your heart, and you'll never walk alone."

99 Pauline and Juliet had sold belongings, stolen money and goods and discussed prostitution as a method of raising sufficient funds to be able to go overseas together. These plans were thwarted when Pauline applied for a passport and was refused, as she was a juvenile. Pauline appears to have believed she would carry the entire blame for the murder, be declared insane and be released into the care of the Hulme family: See Glamuzina and Laurie, above n9.

The film thus steers an entirely different course from the stories which appeared at the time. While the prosecution argued the girls were evil, the defence claimed they were insane, and the media produced a loving hybrid, *Heavenly Creatures* depicts them as immature, inflated, tragically misguided but also misunderstood and desperately in love. Mandy Merck has written, in the context of English film and television, that lesbian and gay romance is more likely to be presented positively in "white flannel" drama: historical narratives of young, upper class characters.¹⁰⁰ She argues that the youth and the historical distance in such narratives are of crucial importance,

making homosexuality a sort of phylogenetic phase on the way to a more mature culture. This, together with the remote class location of its characters and ... museum mise en scene, puts its homosexual romance at what is often seen to be a safe distance from contemporary appropriation.¹⁰¹

The largely positive and empathetic tone of *Heavenly Creatures* could be a result of some of these factors. However, this is not to say that it embodies all of these traits, or that they are sufficient explanation for its approach. While the film is firmly historical,¹⁰² with the youth of the characters and school setting playing firmly into an established genre of lesbianism-as-a-schoolgirl-phase,¹⁰³ class is not used as a distancing marker. Rather, class is pervasively explored within the film, as Juliet's upper middle class professional family is valorised by lower middle class Pauline.

By the time of the murder in the film, as in life (at least in her diary), Pauline was referring to the Hulmes as "Mother" and "Father". Pauline's mother is shown in their small house, often in the kitchen or cleaning, careworn and catering to the needs of the boarders they took in for income. Pauline's family are low, and she is mortified when a new boarder arrives while Juliet is over for tea. Juliet's family live in a grand house on large grounds provided by the university where her father works. They are elegant, give garden parties, and travel overseas. The Hulmes' emotional neglect of Juliet — for instance going on a trip overseas for several months while Juliet had tuberculosis and was hospitalised — is countered by Juliet's, and thus Pauline's, fervent idolisation of them. It was Dr Hulme's idea to separate the girls, it was Mrs Hulme who was the "neglectful" mother, yet it was Pauline's mother who was killed. The film suggests that class had no small part to play in this, not only in the symbolic manner in which Pauline and Juliet transferred aggression to the less powerful mother, but in a very concrete sense. The film shows that

100 Mandy Merck, *Perversions: Deviant Readings* (1993) at 112.

101 Id at 113. I see this point as particularly true concerning historical narratives and applicable to films from various countries. For instance, see the generally positive portrayal of a romantic relationship between women in the US film *Fried Green Tomatoes at the Whistle Stop Cafe* (1992 — set in the 1930s). Also see the 1970s Australian films *Picnic at Hanging Rock* and *The Getting of Wisdom*, both set in turn-of-the-century girls' schools.

102 Down to an ironic establishing sequence of 1950s file footage promoting Christchurch as a tourist destination, including the contemporary voiceover, "Christchurch gardens are gay and colourful".

103 This view arose from the work of Havelock Ellis, Freud and Lacan positing lesbianism as a form of arrested development (see Noreen O'Connor and Joanna Ryan, *Wild Desires and Mistaken Identities: Lesbianism and Psychoanalysis* (1993)) and has ensured the place of lesbianism as an immature, titillating and ultimately passing phase in popular film.

it was Pauline who was taken off to the doctor to be diagnosed, at Dr Hulme's suggestion; implicitly it was she who was viewed as the contaminating agent. It was Pauline's mother who took her. Class privilege thus made it easy for the Hulmes to blame Pauline, prevail upon Pauline's parents to believe it so, and produce a situation where Pauline in turn blamed her own mother for it. This layering of meaning, and failure to posit either a sole cause or an insane irrationality, makes *Heavenly Creatures* very much an anomaly in the filmic representation of both lesbians and "true crime", although it does at times veer into more usual conventions.¹⁰⁴

7. *Conclusion: Unhappy Endings Are Not All Alike*

Both *Heavenly Creatures* and *Sister my Sister* offer interpretations of real crimes which differ significantly from those which appeared contemporaneously. As such, they are examples of the ways in which popular cultural forms re-present, reinterpret and recreate commonplace understandings of crime and sexuality. Against a cultural backdrop in which lesbian sexuality has been, and often still is, used to signify aggression, irrationality and carnality, these two films both defy and comply with such popular reductionism.

In terms of defiance and complexity, *Heavenly Creatures* is by far the more successful film. It displays an unprecedented empathy for the difficulties of being a teenager in a lesbian relationship in the repressive 1950s, and pervasively interrogates issues of class as well as sexuality. In doing so it offers a series of paradoxes; the girls' relationship is lovely, but they kill as a couple; they are powerless as children whom their parents are determined to separate, yet they are powerful as murderers. Their imaginative world is vivid, gorgeous, filmed in a technicolour whirl, but also full of make believe violence which seems inestimably more sinister in retrospect. In contrast *Sister my Sister* shifts away from the contemporary focus on class to fully embrace sexuality as the central motif. Paradoxically it offers a motive to an apparently wildly irrational crime, but undermines it through the pathology of the motive itself.

However, despite their complexities, *Heavenly Creatures* and *Sister my Sister* still comply to some extent with the cultural context of film as a "relentless parade of insults". This is because the very choice of stories which are told in a mass medium such as film is indicative of a society which views lesbians as anti-social, aggressive and dangerous. True stories of jolly nice, non-murdering, or even heroic lesbians don't tend to appear in film and, if they do appear, the character's lesbianism is almost always muted or erased.¹⁰⁵ Whereas when lesbians are killers, or killers are presumed to be

104 Notably the extreme gruesomeness of the murder, and the fact that the girls both get paler in the latter part of the film, with dark rings around their eyes and lank hair, adopting a distinctly sinister and vampiric appearance. This could well be justified by the fact that Juliet was recovering from TB and Pauline was not eating properly but nevertheless suggests a vampiric aesthetic. This is mirrored in the depiction of Christine and Lea as pale and bloodless with dark sunken eyes on the day of murder in *Sister my Sister*.

105 For examples of "true non-crime" stories re-written for the screen see: Gertrude Stein and Alice B Toklas stilted and asexual in *Waiting for the Moon* (1987), bisexual George Sand as straight in *Impromptu* (1990), likewise Dora Carrington in *Carrington* (1995), likewise Janis Joplin in *The Rose* (1979), Vita Sackville West appearing to "get over" her life long

lesbian, the story is told and retold and their sexuality is always central to the tale. In the context of filmic representation of lesbian characters generally, and of lesbian killers in particular, *Sister my Sister* is standard fare despite its efforts at originality and *Heavenly Creatures* is unusually positive. But as "true stories" they speak volumes about the kind of story which is spoken and heard about lesbian lives; moreover their authenticity validates by extension an entire genre of fictional lesbian killers which continues to flourish.

lesbianism at the conclusion of *Portrait of a Marriage* (1990), Margarethe Cammemeyer looking like she had to be subpoenaed to hug her live-in lover in *Serving in Silence* (1994), and anything at all representing the life of Florence Nightingale.