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EXPRESSIONS OF BLAME:

NARRATIVES OF BATTERED WOMEN WHO KILL IN THE TWENTIETH CENTURY *DAILY EXPRESS*

Dedicated to the memory of Percy Hoskins, whose bequest to the Saints and Sinners club made this work possible. Sincere thanks to Prof. Terry Threadgold and Dr Paul Mason, without whom I would not have completed it. Thanks to many other friends, notably Prof. Bob Franklin and Prof. Peter Cole for their help. Of course, all my love to my family, Dr. Derek J. Clifford, Doreen Clifford and Beth J. Clifford, and thanks for their patience and support.

J. Sadie Clifford, M.A

Contents

Abstract

The *Daily Express* reporting of battered women who kill uses framing borrowed from popular contemporary entertainment narratives, which have included melodramatic theatre and silent film, clue-puzzle novels, film noir and reality-crime television. Its representations of the guilt or innocence of the women are shaped by these stories, which accord with the newspaper's political views and express its gender politics. It has preserved conservative, traditional ideologies of womanhood to the extent that the virgin-victim is held as a virtuous figure at both ends of the century. It has supported anti-feminist discourse by remaining a sellable product, during both main feminist social movements, whilst circulating anti-feminist and traditionally gendered images that are viewed from the male gaze. The permanence of this male gaze suggests that attempts to blame feminisation as a cause of tabloidisation are misapplied and the culprit is instead the drive to entertain for monetary gain. The newspaper's orientation towards its dual purpose of information and entertainment has demonstrated its different understandings of its own role in society (its epistemology) at different times.

Introduction

This thesis examines the subject of how 'battered women who kill (their abusive partner)' were reported by the *Daily Express* in order to commentate on the development of the press and gender politics in the twentieth century. Women's status in law and society is far more equal to men's by the end of the century in comparison to the beginning, yet some traditional views on women still remain. The *Daily Express* has maintained a broadly conservative perspective throughout the period, so has been challenged by these reforms of gender politics in law and society. Journalism as a market has seen many newspapers founded and failed, and its own understandings of its role in socio-political life have shifted alongside its economic needs. Case studies in this thesis will show that characterizations of criminal women and the criminal justice system are powerfully shaped by popular entertainment narratives, including melodramatic theatre and silent film, clue-puzzle novels, film-noir and real-crime TV. Despite this continuity, the balance of informational versus entertainment styles has reversed dramatically across the century. The study of these representations of battered women who kill reveals the newspaper's projections about its audience and its morals and its part in the discursive struggle over the meaning of not just criminal women but the press itself.

The original motive for choosing the *Daily Express* crime reporting as the object of study was on the grounds of funding, that came from a bequest by Percy Hoskins, who worked as crime reporter on the newspaper from the early 1930s. By the 1950s he was Chief Crime Correspondent, a well-known figure amongst senior police officers and a favorite of Lord Beaverbrook's (Davis 2004). His most famous case was on the trial of John Bodkin Adams, an Eastbourne doctor accused of murdering his elderly patients after convincing them to alter their wills in his favour. In the midst of a media frenzy, Hoskins was the only British journalist to support the idea of Adams' innocence. When he was found not guilty, Beaverbrook told Hoskins that 'two men were acquitted', that subsequently became the title for Hoskins' book on the subject (Hoskins 1984). Hoskins was one of the founder members of a club for journalists, the Saint and Sinners, who formed a postgraduate scholarship in journalism studies with his donation to them after his death. The subject is thus

chosen in his honour. Yet beyond these considerations, the *Daily Express* provides a fascinating and worthwhile object for a discursive journalism history. It is old enough to have existed through changes in journalistic epistemology, but young enough to have responded contemporaneously (unlike *The Times*, for example, that was fifty years later than the majority of the market in putting news instead of classified advertisements on its front page – which innovation, incidentally, was pioneered by the *Daily Express*). It has historically (re)produced a reasonably stable form of British conservatism, appealing primarily to the aspiring lower-middle classes, enabling the study of the development of a discourse through time. It has therefore consistently been challenged by the 'battered woman who kills' – a woman whose heterosexual relationship does not conform to the conservative norm, and whose response is equally contradictory of the conservative view of femininity.

Studying representations of 'battered women who kill (their abusers)' provides a way of understanding the impact of the feminisms that have swept through British society in the twentieth century. At least two waves (and arguably a third) have aimed to change the position of women in law, culture, work, the family and more... few aspects of life have gone unchallenged in less than one hundred years. The opportunities open to women at the end of the century appear almost limitless in comparison to those at the beginning of this period. Yet throughout there have been men who treated their wives (or partners) violently, and women who have replied with such force as to cause their deaths. These women stand as living contradictions to conservatively traditional discourse, in which women are constructed through their heterosexual relations, as wives, mothers or maidens. Her primary duty is the care of a husband or father, who in return provides her protection. A woman who kills contravenes her feminine purpose, yet how can this discourse handle the case in which she takes on the man's duty - to protect her person - because he is the very threat to her life? The status of both actors is thus problematic, and has been generally absent from public discourse for this reason (Hall, James and Kertesz 1984, Smith 1989, Dobash and Dobash 1992, Lovenduski and Randall 1993, Morrissey 2003, Kitzinger 2004). The criminal history of domestic violence and the extent to which it was accepted as social practice is debated by historians (Dobash and Dobash 1992, Foyster 2005). Some authors (e.g., Emsley and Knofler 1996, Freyd and Johnson 1998) argue that wife-beating was widely permitted and even extolled as

correctional for centuries. Yet jurist William Blackstone pronounced against it in 1778, the age of coverture (Kelly 1994) and Alexander (1779) decried the cruelty of earlier, more savage times[1]. In fact, there was no phrase-term 'battered wife' or 'battered woman' before the 1970s, when the second-wave feminist movement occurred. The Oxford English Dictionary (1989) traces its origin to two references from 1973; one from the *Nursing Times* discussing the campaigns of Erin Pizzey (the earliest and foremost campaigner for battered women in the 1970s) and the second from *The Times (of London)* report on the threatened closure of Pizzey's battered women's shelter. It would appear, therefore, that the dissemination of the term in Britain can be linked back to this one campaigner, who set up the first UK battered women's shelter (Pizzey 1974).

As well as tackling issue of domestic violence, this women's liberation movement began to problematise the figure of the 'battered woman who kills', by campaigning for legal reform. This included the introductions of mitigations such as long-term abuse as provocation and the 'Battered Women's Syndrome' (BWS) as a diminished responsibility defence. The issue of BWS acceded the mainstream public agenda in America earlier than the UK, with made-for-TV movies such as *The Burning Bed* (dir. Robert Greenwald, 1984). Mainstream British media caught up by the 1990s, and the *Daily Express*, along with the rest of the media, reported on causes célèbres such as the trials of Sara Thornton, Kiranjit Ahluwalia and Emma Humphries[2]. One aspect of abuse that battered wives might suffer was marital rape, but under ancient coverture laws, dating from the sixteenth century, a woman was considered to have given her body irrevocably and in perpetuity to her husband upon marriage (his "marital rights"). After a number of rulings in case law, including the Scottish and European courts, the government of the time outlawed marital rape in the Criminal Justice and Public Order Act (1994). Feminist campaigns still continue, however, around aspects

[1] He calls 'shocking' this supposed quote from a woman 'of the banks of the Orinooka' to 'Father Joseph Gumilla' that their men '"get drunk, and in their drunkenness beat us, draw us by the hair of the head and tread us under foot...can human nature endure such tyranny?"' This was written in the so-called 'age of sentiment', and Alexander's history can be seen as a contributing project towards re-making Scottish national identity rather than an accurate assessment of contemporary treatment of women in Britain (Buchan 2003). It is also obviously underpinned by racism – his northern European men have always treated their women with greater respect, apparently – but this evidence is offered against overly simplistic accounts of men's violence by showing a history of controversy around wife-beating.

[2] See chapter 6.

of domestic abuse such as awareness-raising and equalising the defences that are available to men and women. Women's Aid, founded in 1974, launches a new awareness drive in September 2008, entitled the Expect Respect campaign, employing celebrities through posters and women's magazines (Stark 2008). Governmental organisations are also involved, such as the Scottish Executive's 2006-07 campaign; 'Domestic Abuse – There's No Excuse' (The Scottish Government 2007). Justice For Women and the Southall Black Sisters, both instrumental in the 1990s campaigns, continue to provide support for individual battered women and advice to government (Justice For Women nd, Southall Black Sisters nd). Proposals for legal reform that would address feminist concerns about the unequal defences available to men and women by, for instance, deleting the notorious 'nagging' defence[3] and removing the existing need for any loss of control to be sudden, are under consultation until 20th October 2008 (Ministry of Justice 2008). Legal issues that impacted directly on the reporting of the murderous women in this thesis include the above reforms and the debates leading up to them, as well as the anti-hanging campaign in the 1950s.

Crime has long been a popular subject for the press, its sensations used to attract and entertain readers as well as inform for moral purposes. A range of publications in the nineteenth century reported only crime, from the sober *Police Gazette* (founded in 1772 as *The Quarterly Pursuit* by the chief magistrate of the Bow Street Police Court) to the tabloid-style *Illustrated Police News* (1864) (Jones 2002). In the analysis of the *Daily Express* crime reporting, all the cases seem to echo popular entertainment forms. In 1902 it was melodrama of cheap theatre and silent film, in 1934 the 'clue-puzzle' books and games. 1955 featured the cheap glamour of a wannabe 'femme-fatale' film star, whilst the 1990s employed a mix of TV's *Crimewatch* and sexual imagery. These narratives shaped the transitivity of blame (Clark 1998), by which responsibility for the murder was assigned – thus implicating entertainment directly in the construction of gendered morality in the *Daily Express*. The thesis will link the use of entertainment forms and the newspaper's audience targeting and view of its own role in society, as both proprietor's policy and as a (re)production of conservative

[3] By which men have successfully pleaded in court that their wives or partners have provoked them by verbal abuse into a sudden loss of control (which results in a sentence for manslaughter rather than murder). It has been held as a serious breach of equality by feminist campaigners, and they contrasted the case of Joseph McGrail, who received a suspended sentence after kicking his wife to death, with the rejection of Sara Thornton's first appeal just two days earlier (*Daily Express*, 22nd Aug., p.27, 1991).

paradigms. The *Daily Express* news culture produced different versions of epistemology (in other words, their own understandings about how they wrote the 'truth') through the century. In order to analyse this aspect, the thesis will study the context of crime reporting in which reporting of battered women who kill and the balance of its apparent purpose between entertainment and information, as well as the newspaper's politics and what sources it privileged. Every narrative emerged from a 'male gaze', to borrow a phrase from Mulvey's (1999) film work. The writers were mainly male, in a masculine newsroom culture, producing a preferred reading that placed the audience in a masculine position (Allen 1998, Chambers *et al* 2004). This offers a counter-argument to the feminisation critique, because whilst the press may have made more efforts to attract a female audience from the late nineteenth century, the *Daily Express*, at least, was still by and of the masculinist perspective. New Journalism's appeal to 'feeling rather than reason' (Beetham 1996) seems to be a male idea of what the new audience of lower-middle class women with purchasing power wanted. This is apparent in the 1902 case of Emma 'Kitty' Byron, which will show that the melodramatic form enabled the newspaper to take a chivalrous (masculine) stance by making the murderess become the victim through the narrative of the virgin-victim. During the political and economic turmoil of 1934, the clue-puzzle format allowed the newspaper to distract its audience with the game of 'who dunnit', present in the case of Ethel Major. This reporting will also be explained in relation to contemporary films such as *Sing As We Go* (dir. Basil Dean 1934), starring Gracie Fields, which offered reassurance and distraction in its portrayal of class and national cohesion in a light-hearted musical style. By the 1950s, the newspaper was looking towards American film-noir with its gun molls and femme fatales to narrate Ruth Ellis, in the trial of 1955. Ellis even looked a cheap imitation of a film star such as Diana Dors, the "British Marilyn Monroe". Giving increasing status to feature articles, the newspaper elevated an unusual source as expert - Raymond Chandler, author of racy tough-guy detective novels, who purported to know how women handle guns. By the 1990s, the *Express* was drawing on two media types in its reporting of battered women who kill. The first was narratives of criminal endangerment as seen in real-crime TV shows such as *Crimewatch UK*, and the second was sexualised imagery, that reverted to the melodramatic 'virgin-victim' character of 90 years earlier. Twenty to thirty years of financial decline in a middle market that had contracted painfully in the 1960s-70s had forced upon the newspaper the need to both

retain its core, elderly conservative readers whilst appealing to new young families, but each new initiative served mainly to alienate the few readers it had left. Its coverage of the murder cases was both prurient and sensational, and marked the triumph of the entertaining over the informational style. Thus this thesis will demonstrate how each reporting case uses contemporaneous popular forms in order to portray itself as entertaining, and how its choice is linked to its own institutional requirements regarding circulation and sales.

One compelling reason for indulging in the study of media history, and press history in particular, is the comparative dearth of work done in the field so far, according to media historians (Berridge 1986, Catterall *et al* 2000, Hampton 2001, 2004 and 2005, Schudson 2002, Curran 2002b,). This is reflected in the lack of media historiographical debate, as few parts of the field have reached the critical mass of work needed for the development of reflexivity (Briggs and Burke 2002, Cavanagh 2007). According to Cavanagh (2007), the history of communications is also becoming intellectually isolated in reliance on technological inventions as the causes of cultural changes. There is also a lack of journalism history books, as writers such as Williams (1998) and Curran and Seaton (2003) point out. It has been neglected by the traditional historical discipline because it considers the press a secondary, rather than primary source thus playing an ancillary rather than central role in empirical histories (Carr 1964, Marwick 1989, O'Malley 2002) . Conboy (2002) also notes that histories of the popular press are less common than those of the prestigious broadsheets, and the *Daily Express* has always aimed for a popular audience, although in the later half of the twentieth century the market bulged downwards with the weight of tabloids, the new popular form that undercut the *Express* in terms of respectability and, in short order, in circulation. Finally there is also little feminist work about the history of the press, or studies of the representation of women from a feminist perspective such as this one. As Curran (2002a, p.145) states, 'feminist media historians are in the slow lane of research', which appears to be an excellent reason to contribute to the field.

Thesis Structure

The following thesis is constructed through a literature review and methodology, then four substantive chapters in which the primary evidence is analysed, and subsequent conclusion and discussion.

The literature review aims to explain the position of current literature relevant to the subjects of the thesis. However, there are several fields that must be covered because the subject is interdisciplinary, crossing the boundaries of history, media studies and women's studies. Hence the review is split into three parts, examining the literature on press history, crime in the media and women in the media in turn. The press history section outlines the background history of newspapers necessary for understanding the development of the *Daily Express*, but affects a deliberate emphasis on historiography as a lens through which this story is told. This is due to the discursive reasoning through which this thesis is constructed, approaching both newspaper content and the postgraduate writing of media history as (different) forms of discourse. The press history literature review takes a broadly chronological view across the centuries, focusing on the nineteenth and twentieth, as the immediate context of the case studies and the period of the evolution of the modern press. However, much journalism history remains unhistoricised, particularly from the 1970s which may be considered rather more the present than the past. Thus in this thesis, after discussion of the 'educative' period of the early nineteenth century, the 'representative' perspective of New Journalism and the 'propaganda' paradigm of the interwar period, 'tabloidisation' is proposed as the key academic approach to the journalism of the 1970s to the end of the century, despite its emergence primarily from sociology. This use of sociological literature in media history is quite common in the field of media history, assures Nerone (1993). The insights of media studies, an essentially sociological genre, are invaluable in the study of the history of the media. The chapter section will consider the development of objectivity over partisanship and the changing styles of ownership and other economic issues such as the decline of left-wing newspapers twice after the repeals of the Stamp Acts (1836-1855) and the late 1950s-1960s. It will note how other authors have seen links between different platforms such as how TV influenced the press, for example. It will consider the relationship of the press, and specifically of the *Daily Express* to Parliamentary parties. It will draw on sociological work on the culture of newsrooms, such as news

values and routinisation of newswork. The tabloidisation critique can be seen in part as a reprise of the fears about the coarsening effect of New Journalism upon society, although in many academic hands, such as Franklin 1997, Bromley 1998 and Winston (2002) it is more concerned with the concentration of ownership into international cross-media conglomerates and multi-product giants. As this thesis uses only secondary evidence for production, it will not be able to tackle these issues directly, so will draw upon these ideas in order to consider the influence of the changing political economy on content.

The second chapter section concerns crime in the media, a body of work that is mainly sociological. It only briefly mentions the largest topic in this field, which is effects research, because this thesis is a textual study and has no direct research on effects. The section will point out that crime has long been a popular subject, and quantative studies show that it has also long been 'distorted', obeying a 'law of opposites' (Surette 1998) in which the least common crimes such as murder and rape receive far more coverage than the most common crimes such as burglary. Crime news is also constructed as entertaining, seeking to engage the reader's emotions and tell 'moral tales' about social (and as will be shown in the evidence chapters, gendered) norms (Ericson *et al.* 1987, Reiner and Livingstone 1997, Sparks 1992, Chermak 1994, Brown 2003, Greer 2003, Jewkes 2004). It will trace the development of approaches to crime in the news from the hegemonic perspective through pluralism to the culturalist approach. It will cover moral panics and how they produce 'othering', in other words, the demonisation of a criminal or deviant group that seeks to separate them from mainstream society (Becker 1963, 1972, Cohen 2002, Kitzinger 2004). It will discuss sourcing, contrasting hegemonic and culturalist paradigms and explaining that earlier works such as Hall (*et al* 1978) and Chibnall (1977) did not provide an account that is sufficiently nuanced. This thesis goes forward therefore on the assumption that sourcing is a question that should be explored, rather than seeking to prove that powerful sources such as the government and courts are always able to set the primary definition that others, including the media, must follow. News values relating to crime news are also elaborated, including what historical evaluation can be found in this primarily sociological literature. Particularly noteworthy is Jewkes' (2004) identification of violence, and Holland's (1998) of sex as a news values by the end of the century.

The final chapter section is on women in the media, who are over-represented in crime news, both as victims and as criminals (Soothill and Walby 1991, Naylor 1995, Peelo *et al.* 2004). Feminist work has delineated a number of narratives that lead to reductive representations of women in crime reporting, including the 'vamp' who deserves to be raped because she does not conform to the press standard of sexual behaviour, and the 'virgin', who does conform and is therefore not blamed and is reported sympathetically (Clark 1987, Benedict 1992, Walkowitz 1992b, Meyers 1997, Clark 1998, Naylor 2001, Wykes 2001, Berrington and Honkatukia 2002). This binary opposition provides a framework for carrying forward a study of the transitivity of blame; in other words, how the man and woman in a case of a battered woman who kills are made to share blame between them, often unequally. As will be shown, the cases in the *Daily Express* make use of different transitivities of blame in different years, that will be later connected to the entertainment as well as the political function of the paper. This section will also discuss the literature on the criminal woman and the limited ways in which she has been represented (Knelman 1998, Naylor 1995, Rose 1998, Morrissey 2003, Jewkes 2004,Boyle 2005). The criminal woman offends against her gender stereotype by being active and destructive rather than passive and nurturing, and is thus condemned for being 'doubly deviant' (Heidensohn 1996). Feminisation is a key issue in the study of women in media, which argues that from the 1880s the increasing acknowledgement of women as important consumers skewed the reporting of news away from the serious business of politics and finance that male customers had demanded, towards 'fluffy' topics, entertainment and fashion for the ladies. Recent literature will be discussed that rejects this idea due to the socially constructed nature of its categories – objectivity is shown to be defined as 'masculine' and subjectivity as 'feminine', therefore an increase in the latter has been mistaken for 'feminisation'. This section also provides a justification for focussing on women, showing that the study of history has generally ignored women's contribution, whilst equally the media has, according to feminists, ignored the diversity of women and excluded them from newsrooms, representing very limited visions of appropriate 'sex-roles' (Rowbotham 1973, Seggar and Wheeler 1973, Lemon 1978, Davin 1989, Miles 1989, Hill 1993, Davis 1996, Janus 1996, Carter and Weaver 2003, Ross 2005). Early feminist research was limited and short-sightedly, though perhaps understandably, sought to include only women's

experience, ignoring in their turn the experience of men. Whilst this approach has rendered rich results in some ways, such as the development of research into the gynocentric genres and new historical categories, the critique of biological essentialism led to the recognition that both genders are socially constructed in relation to each other (Davis 1982, White 1985, Koditschek 1997). This belief is applied in this thesis, underpinning a study in which the focus is on the changing ways in which the criminal women has been constructed in relationship to battering men within the pages of a male-dominated *Daily Express*.

The methodology will explain how this thesis will approach the analysis of gendered power through newspaper language, how it will look at discourses around the reporting of battered women who kill and the historical changes and continuities in those discourses. Although discourse analysis has informed many disciplines, the methodology will focus on those that directly address the problem of reading the media, such as the discourse-practice approach (Fairclough 1992, 1995, 1998, Chouliaraki and Fairclough 1999,Richardson 2007) and the 'discourse-historic' approach that includes reading media produced in the past – historical artefacts (Wodak 1989, 1997, 2002a, 2002b, 2004, Reisigl and Wodak 2001, Wodak and Meyer 2001, Kendall 2007). As these key approaches emerge from Critical Discourse Analysis (CDA), it discusses the CDA understanding of power, that is based around Foucault's conjunction of power/knowledge and Lukes (2005) conceptualisation of the third dimension of power, which together explain power as not merely oppressive, but also productive. Discourse analysis therefore studies more than simple hegemony but also positive ways in which power circulates. Power/knowledge often works in binary pairs, with one pole subordinate to the other. With discourse analysis, we can see that the asymmetrical power relation is not natural or inevitable, but discursively constructed. It was thus seen by some (Riley 1988, Moi 1990, Purvis 1996, Scott 1996, Brooks 1997, Elam 1997) as offering a way of using historical texts framed through a male gaze, such as the *Daily Express*, to recover past discourses around femininity. It was controversial in women's history, however, because it attacks the unitary definition of 'femaleness' that was essential in the 1970s to the political project of feminism from which women's history grew (Hoff 1994, Purvis 1996, Brooks 1997). The methodology will explain the continuum along which the thesis lies between the critical (functionalist) and constructionist (formalist) perspectives,

that both support ways of doing discourse analysis, pointing out that whilst the critical paradigm demands the relation of the text to its context, the constructionist cannot reject context entirely. However, constructionism promotes interest in the way in which texts are coherent to readers, that is obviously a purpose of newspapers – if they could not be understood they would not be bought. A crucial way in which they do this is through narrative, which is important for understanding the construction of news - as is also clear in the crime in the media section of the literature review. Archetypal crime narratives include the 'folk devil' (Cohen 2002) and the 'moral tale' (Sparks 1992) that seeks to make a spectacle of punishment. Viewing news through narrative reveals the way in which the supposedly realist objectivity produces 'factual' reporting that builds into a body of myth containing stories about values, norms, the social definitions of 'right' and 'wrong' that Sparks (1992) argues is the purpose of crime news. His argument contrasts with that of Foucault (1991) who used the long durée in the style of the Annales school to demonstrate how punishment was moved from the public to the private in the eighteenth and nineteenth centuries. Spark's (1992) work, based on the late twentieth century, argues that the media supports a continued public interest in crime and punishment by showing the inside of court-rooms and prisons.

Following Foucault, the concept of the historically situated discourse - that is, one bounded by and meaningful in relation to its context – is espoused here. The *Daily Express* is the immediate or 'proximate' context of the case studies in this thesis, with the media market and contemporary socio-legal discourses that regulated women's lives such as marriage and divorce, paid work and level of dependence upon men as wider contexts. However, Cavanagh (2007) critiques media histories based upon institutional contexts for their teleological reasoning. The use of the wider context in this thesis is intended to prevent this disaster, as it will demonstrate that the *Daily Express* discourse is historically situated, not eternal or essential. Journalism itself is a historically grounded and changing discursive practice, as the press history literature review shows. The substantive chapters will demonstrate how each woman's case was reported differently, related to not just the proximate context of the crime itself, but also to wider contexts such as the newspaper's purpose and understanding of audience at the time. The methodology will explain how the newspaper reports will be analysed by searching for examples of referential strategies, predication,

transitivity, modality and presupposition that create coherence and argumentation in texts. It will show that the evidence chapters adhere broadly to the discourse-historic approach except for its political project of imposing prescriptive advice to public institutions. The methods chapter will conclude with an explanation of how these ideas above underpin the choices made in the course of gathering and analysing the evidence, as well as the problems.

There are four substantive chapters comprising one case study in each: Emma 'Kitty' Byron in 1902; Ethel Major in 1934; Ruth Ellis in 1955 and the final cases of Elizabeth Line, Pamela Sainsbury and June Scotland that comprise one case study, between in 1991 to 1992. The reason for having more than one case in Chapter Six is the dramatic reduction in the amount of news reported about each case – in the first three instances, the case was followed through inquest and committal trials to sentencing and beyond – reprieve or execution. By the 1990s these cases were no longer considered developing news in the *Daily Express*. Chapter Six will consider why this was the case, in relation to newswork practices and the wider economic context as well as gender issues of the time such as the feminist campaigns for reform of the law pertaining to battered women who kill. Each chapter will contain a brief introduction to the chapter, discussions of the context of the newspaper in the contemporary media market as well as the role of women in society, then a textual analysis of the newspaper reports and conclusions emerging from this cross-fertilisation of primary and secondary evidence.

The analysis of the Byron case of 1902 will reveal the reporting's heavy debt to melodrama, in particular 'bad-girl' melodrama, that allowed the lower-middle class Byron to be represented as a sympathetic and respectable virgin-victim figure despite having left her parental home and living with her boyfriend rather than husband. The chapter will argue that the paper could appeal to the new female typists, telephone operators and clerks by framing its narratives like their favourite stage-plays and silent film. The newspaper appears to support the girl against the criminal justice system, considered as partly its understanding of objectivity and partly an inheritance from Victorian newspapers (Knelman 1992, 1998), which provided a more alternative public sphere than later on in the twentieth century, despite its overt admiration for the monarchy and aristocracy.

The second case study will show that the *Daily Express* became the most popular newspaper in Britain, with a charismatic policy-making owner in Lord Beaverbrook, a former Unionist MP and independently conservative as well as an editor with a flair for human detail and eye-catching layouts in Arthur Christiansen. Its entertainment paradigm was the clue-puzzle novels such as Agatha Christie or Dorothy Sayers, which focus on the game of catching the criminal, which makes heroes of the detectives (and in the reporting, of the judges) who reveal him or her. It engendered a distinct lack of sympathy for Major, and after her conviction the newspaper unleashed a tirade against her supposed lack of femininity, mythologizing her as a monster and a witch. Her womanhood should not, it explicitly pronounced, be considered a mitigating factor now that women had the vote and were equal in the eyes of the law.

The story of Ruth Ellis was taken up by anti-hanging campaigners who used femininity as a natural magnet for sympathy in *Yield to the Night* (dir. J. Lee Thompson 1956) that was later confused as her bio-pic (Chibnall 2006). Although the newspaper refused her that sympathy, it did pick up on her resemblance to Diana Dors, the film star, and portrayed her as a cheap, social-climbing, femme fatale in keeping with the predominant film entertainment of the time. Although it was still the top-selling newspaper, it was about to be beaten by the *Daily Mirror*, a working class tabloid, partly due to its lack of development in the previous twenty years. It still used the same star writers and same lay-out, but the formula was growing tired and the management was becoming indecisive as the aging Beaverbrook father and incompetent son squabbled over control. As a result, it adhered more closely to the Conservative party and thus found the Ellis case a tricky one to report, as it was torn between supporting the Conservative pro-hanging line and the growing anti-hanging sentiment in society, even amongst its own readers.

The final case study will discuss the ways in which the text is coded as entertainment through its co-option of real-crime TV discourses and the lexicon of pornography. It finds both continuity and change in comparison with the past – the rise of sex and celebrity as news values developed appreciably, but the paper also harks back to the beginning of the twentieth century in its invoking of the 'virgin' figure. The chapter will discuss how this might have happened, in relation to the paper's conservative

morality and the new feminist Battered Women's Syndrome (BWS). It will also consider the feminist campaigns on behalf of women such as Sara Thornton, Kiranjit Ahluwalia and Emma Humphries, and their reporting in the *Daily Express* compared with the women who were not campaigned-for, finding that the public relations efforts of women's groups such as Justice For Women and Southall Black Sisters did seem to have some effect in the early 1990s. However it was also clearly significant that at this time an important source, the Conservative government, was consulting with feminist groups (amongst others) on the introduction of statutes against marital rape. Later reports on Sara Thornton (1996), after the Conservatives had dropped the issue, showed a backlash against her, and perhaps the cause of battered women who kill in general.

Chapter 1: Literature Review

This history of reporting about battered women who kill is rooted in three main academic fields – press history, women's studies, and research into crime in the news. Accordingly this literature review will be broken up into these three key sections as each area contributes something of its own to the analysis of the primary evidence in the later chapters. The press history section will sketch a history of British newspapers through a discussion of academic approaches to them, spending the most time on the nineteenth and twentieth century as the backdrop to the case studies in the thesis. It considers five narratives that express different views of the purposes and practices of the press. These were the partisan, educational, representative, propaganda and tabloid eras, thus drawing on both historiological and sociological sources of opinion (Franklin 1997, Raymond 1999b, Hampton 2004,). Whilst all of these could co-exist, the press history section will describe them chronologically, as each idea rose to prominence in turn[4]. More specific information about the *Daily Express* and its role within this market framework will be used in the context sections of the analysis chapters. The crime section of the literature review will consider key issues that illuminate the shift in academic thinking from hegemonic theories of the 1970s through pluralism to culturalism, the paradigm with the greatest impact on this work, as it coheres in perspective and assumptions with discourse analysis[5]. It will review literature on subjects that will stand as categories of analysis in the forthcoming work, in particular sources and narratives. The final section on women will discuss literature from both history and media studies disciplines, and highlight the lack of research into women as a justification for performing some more. It traces the development of feminist thought on undertaking this type of study, highlighting recent findings about domestic violence in the press as well as wider issues about the construction of masculinity and femininity in relation to each other rather than as separate entities. Overall the literature review brings to the fore issues and categories that have been developed by other authors that are relevant and useful for the project in hand.

[4] The 'narrative' form of doing history – see methodology, Chapter 3.
[5] See methodology for discussion of the choice of narrative and discourse studies

Chapter 1:i Press History Review

Introduction to Press History Literature Review

The parent subject of press history, Journalism Studies, is still emerging from Sociology, Media and Cultural Studies departments, and has mainly been located in Social Sciences departments, whilst History has traditionally been considered an Arts discipline[6]. The implications for both History and Journalism Studies are the institutional separation of the two, which according to Hampton (2001, 2005), has hampered the development of journalism history. The history of newspapers has been dominated by simplistic empiricist histories of 'great men' and institutions-as-individuals, whilst historians are taught that journalism products are not primary evidence, only secondary (Marwick 1989, Evans 1997). Journalism historiography is particularly under-developed, and this section will review the key texts that have recently discussed perspectives on journalism history. UK journalism history looks primarily towards the far more developed field in the USA; less towards European countries with developed journalism history traditions such as Sweden (Salokangas 2002), Denmark (Jensen 2002), and Finland (Dahl 2002). This review of press history literature seeks to reflect both the history of British newspapers and its historiography, to explain different approaches that have been taken to the study of the press. However, the final case study, in 1991/2, is not historicized as secondary sources about reporting at the time are contemporary. This being the case, Nerone (1993) points out that often press histories borrow from social sciences approaches such as are utilised by colleagues in the Media rather than History field. This section is similarly melded, as it places the social sciences theory of tabloidisation as if continuing and updating the periodisation of press history. Whilst periodisation is exclusively the preoccupation of historians, it constitutes an academic argumentation, and therefore is seen in a like manner to other forms of argument such as news values and is presented here as such, providing a chronology of approaches to news across centuries.

[6] Although language studies, literary and historical journals also publish examples of journalism history

The Early Press and its Academic Critics

Printing presses began to turn out a wide variety of 'newspapers', defined as regularly-printed news and opinion, around the seventeenth century, building on a history of spontaneous propaganda pamphlets (Conboy 2004). The historiography – philosophy of the history of – newspaper journalism is almost as long, according to Atwood and De Beer (2001). Tobias Peucer in Germany published the first doctoral research into news in 1690. The contents of his thesis were also surprisingly prescient, with chapters on sensationalism and trivia (of which he disapproved), technical advances and news values, as well as the observation, which still holds today, of journalism's twin purposes - both entertainment and information. Journalism history has been studied sporadically in the UK (O'Malley 2002), and this section will briefly discuss partisan, educational, representative, propaganda and tabloidisation paradigms (Franklin 1997, Raymond 1999b, Hampton 2004,), in order to explain journalism issues both current and contemporary to the case studies in this thesis. Key to the development of the twentieth century journalism discourse is its ability to engage its audience through the dissemination of ideas and values; and its twin purposes to inform and to entertain, which have often been considered to clash.

Partisan Imagined Communities

Unfortunately, seventeenth century attempts at journalism scholarship in the UK were frustrated by a forgery, a prank that was mistaken for a document[7] (Raymond 1999b). This is a loss to historical studies because the seventeenth century press bequeathed a legacy of partisanship to twentieth century newspapers such as the *Daily Express* (Barker 1998, Raymond 1999b, Conboy 2004,). The English Civil War was its 'laboratory' (Conboy 2004, p.29) and late seventeenth century newspapers were 'readily identifiable' with political parties in their editorials and letters pages (Barker 1998, p.43). As direct censorship from the Crown faltered under the numbers of printing establishments (licensing laws became redundant in 1695), successive governments sought to control the press's influence with a variety of indirect means, for example by levying duties and paying bribes (Barker 1998). The late seventeenth

[7] Consisting of three printed issues of a purportedly periodical newspaper dated 1588, but written in the 1740s by the Earl of Hardwicke and friends, 'with imperfect attention to old spelling and typography' (Raymond 1999b, p.1).

and early eighteenth centuries saw the rise of a discourse of freedom of speech, trade and combination as the birthright of British men, and newspapers printed for drinkers in coffeehouses became accessible forums for debates within imagined communities (Briggs and Burke 2002, Habermas 1992, Anderson and O'Gorman 2006). Whilst Habermas (1992) argues that the forums created the participants politically as citizens, it also created them consumers (Conboy 2004) and cultural actors (Fraser 1989). Early skirmishes in what would be later framed by Victorian historians as a great battle for the freedom of the press were fought over the right to report Parliament – when this was declared a breach of parliamentary privilege in 1738, proceedings were reported under false names, using only initials or most famously as debates in the 'Senate of Lilliput' (usually attributed to Samuel Johnson) (Raymond 1999b).

The repeal of the 'taxes on knowledge' and the decline of the Unstamped press.

The mid-19th century saw a flowering of writing about the history of journalism in the UK, prompted by the campaigns against the Stamp Acts (1836-1855) (Hunt 1850/1988, Andrews 1859/1998, Bourne 1887/1998). They were written by journalists and editors[8] who were principally preoccupied with the personalities of their predecessors and the popularity of their journals, as well as supporting the campaign to 'set free the iron limbs of the press', i.e., the repeal of the Stamp Acts (Andrew 1859/1998, p.281). The liberal opposition called these taxes on newsprint, advertising and stamps 'taxes on knowledge', as they made newspapers too expensive for most workers. The campaigns were framed in the liberal historiography, a Whiggish progressive story of the triumph of the free press over the oppression of government. This was a story of how the press could serve democracy[9] by criticising government and serving, in the words of Charles James Fox, as 'the means of forming an opinion' for the public at large (Habermas 1992, p.66). From this point of view, any difference between 'fact' and opinion', especially political partisanship, is glossed over, because readers were supposed to take more than one paper and use different points of view to come to their own conclusions (Hampton 2004). So the legacy of

[8] The fields of literature and journalism were then less distinguishable, according to Brake (1994), although the ease with which many writers (e.g., Hastings 1981; Wheen 1999) bridge the gap suggests they are not so separate now either.

[9] The subject of continued debate in nineteenth-century Britain – suffrage was widened in the Great Reform Act of 1832, which enfranchised men owning a household worth over £10; around 1 in 7 of the male population. However it specifically disenfranchised women (Evans 1994). Later, in 1867 and ????, the franchise was further widened, but only for men (Name ????)

partisanship, such as the radical leftist newspapers of the early nineteenth century, and the continued relationships between political parties or trade unions (Koss 1981, 1984), and their papers was also elided. The liberal interpretation of journalism history has been an enduring viewpoint, shown in history titles such as Herd's (1952) 'The March of Journalism', whilst Hampton (2004) describes the period (1830-1880) as one in which an educative ideal was in the ascendant; the press was predominantly thought of as a way of improving and elevating a broader mass of people to become fit for the responsibility of the vote. It is the 'golden age' ideal in which *The Times* became known as the 'Thunderer', yet in its arrogant failure to realise that middle-class liberal belief was not the only 'truth', it could not survive the arrival of mass market journalism.

As a counter to this optimistic picture of an ever-improving press, the radical critique argues that after the repeal of the Stamp Acts, capital and the economics of the press replaced deliberate censorship by the government as the chief restriction on the fulfilment of the democratic potential of the press. The Unstamped press – noisy, partisan papers for the poor and owned mainly by leftists and Chartists– were replaced by penny papers, shorn of partisanship and owned by rich businessmen. Curran and Seaton (2003) and Boyce, Curran and Wingate (1978) describe the change as a development in political economy, linked to technological change, such as the new machinery - web rotary machines and linotypes – that increased production but made capital and operating costs rise. The press became reliant on advertising to cover the cost of production, making it into a *de facto* licensing authority. Elites grew more media-savvy, so became increasingly important as sources and thus more difficult to challenge for journalists (Brown 1985). The growing cost put newspaper ownership beyond the reach of the kind of radical intellectuals such as those in charge of the radical left press of the early 1800s, into the hands of capitalist industrialists.

For the radical press historians of the late 1970s, this is seen as detrimental to the participation of all classes in democratic politics because the voices which will be heard loudest are those of the owners and proprietors, men of means, and it limits access to those of lesser wealth (Boyce, Curran and Wingate 1978, Curran and Seaton 2003). This academic view was apparently first put forward in 1922 by a prescient sociologist called Norman Angel (according to Raymond 1999b), and developed

further from the 1970s (e.g.; Lee 1976, Boyce 1978). Habermas (1992) is the pre-eminent proponent of the 're-feudalisation'[10] of the public sphere, an idea put forward by Habermas in order to describe the way public debate had become less free after the repeal of the Stamp Acts. The public sphere, of which the press was an institution, rested on the separation of public and private, which was threatened by the rise of journalistic practices that were becoming much more interested in the private, such as interviews with personalities (Conboy 2004).

The 'objective' 'New Journalism'

The 'New Journalism' (usually dated from the 1880s onwards, although the *Daily Telegraph*, founded in 1855, is sometimes included) tried to appeal to a mass audience. To do this, it used a more colloquial style than earlier papers, and was criticised for this populism[11]. Hampton (2004) explains commercialisation as creating a different type of relationship between the press and their readers, which built upon previously existing ideas. The continually increasing sales of the press were attributed to the way in which owners and editors could find out what the public wanted, then sold it to them. Thus, in elite circles, these mind-readers of the public were thought to be able to stand in for them and the discourse shifted from the press as a forum for debate to the press as the 'Fourth Estate' – still independent, still critical of government, but representative, rather than constitutive, of the people. This formulation transfers power to the proprietor, whilst showing a humble face – the newspaper is said to simply mirror or reflect the opinions of its readers; for if it did not, the new capitalist orthodoxy stated, readers would surely not buy it[12]. An important characteristic of this 'representative ideal' is the growing emphasis on reporting facts (Brown 1985), which was central to the concept of objectivity.

[10] Although Habermas has been criticised on a number of grounds, notably his neglect of the plebeian and female public spheres, idealisation of the bourgeois and consensual politics, reliance on Adorno and finally a too-wide theoretical gulf between entertainment and information (Gripsrud 1992, Garnham 1997)

[11] See also the case of Kitty Byron for further discussion of the style of New Journalism and the criticism it received at the time.

[12] Certainly the public did buy in large numbers the entertainment, fashion and sport which were now incorporated in daily newspapers; for further discussion on the New Journalism see the chapter on the case of Kitty Byron, 1902.

According to Leps (1992, p.96), objectivity was 'not just a new commodity thrown onto the market by mass journalism, but its most central concept'. The general consensus on the meaning of objectivity in journalistic reporting involves the espousal of values that amount to a separation of the press from party politics (neutrality, impartiality, balance and fairness) and 'four norms: truthfulness, factuality, accuracy and completeness' (Chalaby 1998, p.130). It supported the legitimacy of a representative role for the press by assuring the public of its disinterest in the knowledge it conveyed; any political bias was supposed to be kept separate. It existed in a symbiotic relationship with press commercialism – to be able to promise factual news meant that the audience was potentially wider, whilst advertising, the 'midwife' of press freedom, gave financial independence from political parties, thus enabling that promise. Objectivity as an ideal became a core foundation for the development of journalistic professionalism and integrity, which is only in the late twentieth and twenty-first centuries being challenged (Belsey and Chadwick 1992, Lichtenburg 1996, Schudson 2001, Haas and Steiner 2002). A key impact was on the *style* of writing; for example, Matheson (2000, p.565) notes how Victorian news 'seems to have been able only to *represent* information, while the modern news story *was itself* a piece of information'. The task of the news story had been to simply pass on the information gathered, to be the 'eyes and ears' of the reader at a place where events occurred. But from the 1880s 'journalism became the art of structuring reality, rather than recording it' (Smith 1978, p.168). According to Conboy (2004), it was the system of press production using sub-editors, developed during this boom, which led to the creation of a different kind of fact-centredness, which involved the selection of news, fitting it into a format and using a house style. The new objectivity was a 'textual inscribing' of a 'radically restructured journalism' (Conboy 2004, p.176). For example, the convention of anonymity underpinned the appearance of 'objective' truth telling, the subjectivity of the reporter being hidden with the removal of the personal pronoun (Leps 1992, Keeble 1994).

The 'technocratic' historiography originally had an alternative explanation for the changes in style that journalism was undergoing. Early accounts (e.g., Williams 1957) argued that the focus on facts and move away from long discursive or opinion

pieces was due to the increasing use of the telegraph[13], which by charging by the length of message, constituted a drive for shorter, more concentrated articles. This idea has been much qualified by later writers; only four years later Williams (1961, p.219), also pointed out the anomaly that the telegraphic style survived the longest in local newspapers, 'which use telegrams so very much less'. More recently, Curran (2002b, p.53) condemns this tradition for its 'sweeping generalisations'. It can be too deterministic, seeing every technological invention as the cause of change in culture and society, even in human sense and perception as well as relations. Furthermore, the invention is thought to determine the type of change, for example the atomised, digital communication of the Internet results, according to Negreponte (1995), in atomised people living in digital worlds. To reject a deterministic technocratic view does not, however, mean technology can be dismissed as irrelevant. The idea that new technologies have influences on earlier media forms is widely accepted (Chapman 2005). Nerone and Barnhurst (2001), for example, demonstrate that telegraphed items created a style of miniaturised news, in which unrelated items were simply piled together, in the manner of current 'News in Brief' columns. Conboy (2004, p.179) writes that the boom in investigative newspaper journalism in the 1960s (such as *The Sunday Times*' 'Insight' items and the *Daily Mirror*'s 'Shock Issues') occurred 'under the influence of more intrusive television reporting of politics'. Chancer (1999, p.78) shows how even elite newspapers such as the *L.A. Times* 'had little choice but to cover the [OJ] Simpson story' because of its huge television coverage. And of course the Internet boom has led newspapers to fear the depletion of their audiences and to begin to develop online forms to support their market positions (Rusbridger 2006, Vyas *et al*, 2007).

The new feudalism - Press Barons and the increasing strength of commerce

Despite the new fetishisation of facts as the guarantor of political objectivity and therefore mass appeal, the partisan legacy embedded in press discourse before the nineteenth century, still survived. The commercial model and its 'representative' ideal would come under suspicion, in part because of the actions of the newspaper proprietors themselves. Koss (1981, 1984) documents the varieties of ways links

[13] First patented in the UK in 1837 and nationalised in the Telegraph Acts of 1868 and 1869 (Winseck 1999)

were maintained between papers and political parties, after direct patronage became unmentionable. He writes that 'allegiances [became]...less straight-forward' (Koss 1984, p.5). Relationships grew up between individual ministers and the managing directors of newspapers for mutual convenience, such as Lloyd George (who brokered deals for investment) and United Newspapers (who supported him in his battle against Asquith for his party's leadership). The MP Max Aitken, later Lord Beaverbrook, could gain favour with his Unionist party by saving the *Daily Express* from bankruptcy, from 1911, by way of clandestinely purchasing its support[14] (Taylor 1974, Koss 1984). It also suited some proprietors to own newspapers with a reputation for its close associations with the front benches, for instance; according to Blumenfeld (1933, p.30), the largest pre-First World War newspaper magnate, Lord Northcliffe, bought *The Times* in 1908 as a stable mate for his *Daily Mail*, 'for the power and prestige its possession gave him'. Both Beaverbrook and Northcliffe became directly involved in politics during the First World War, holding ministerial posts (Taylor 1996). After the war investment in the press grew, as did sales. The press market was saturated (Koss 1984) - by 1914 there were twenty-seven London dailies (including the *Daily Express*) (Lee 1978). The advertising industry was growing, and put up to 87 percent of its expenditure into the press (according to Nevett 1986)[15]. The interwar period saw a war over market share and a race for millions of circulation between the old favourite, the *Daily Mail*, the *Daily Express* and the newer *Daily Herald*. This paper had another type of relationship with politics - being owned by the Trade Union Congress (TUC) from 1922 - reflecting the growing power of labour after the Representation of the People Act 1918 in which all men were enfranchised (Williams 1957).

[14] Beaverbrook publicly fudged the date that he bought the *Daily Express*, as Taylor (1974) points out. Commentators (e.g., Koss 1984, Engel 1996, Taylor 1996) agree that by 1916 the Unionists could no longer support the *Daily Express*, and Lord Beaverbrook bought it. According to Driberg (1956, p.139) he wrote himself that he had had 'for a number of years a considerable connection with the *Daily Express* of an indefinite character'. Blumenfeld's biography states that as editor of the *Express*, he accepted cash loans from Beaverbrook (then Aitken) as early as 1908 (Morris, nd). A *Daily Express* article dated his purchase to 1919 (Thursday September 20th, p.1 1934), presumably to avoid any clash with his wartime involvement in government.

[15] Advertising sales and press circulations were industrial secrets at the time, and estimates unreliable, but Nevett (1986) believes the most reliable estimate is that of Dunbar, who calculated a 1912 advertising industry expenditure of £15 million, of which £13 million was spent in the press.

Propaganda and profits

According to Hampton (2004) the end of the First World War marks the end of the naively optimistic 'representation' phase of contemporary thought about journalism. The 'propaganda' paradigm began to emerge which argued that the media had the power 'to overwhelm an audience with irrational "persuasion"' (Hampton 2004, p.136). Propaganda was widely used by all combatants, and in the UK in particular, the role of Northcliffe and his papers in bringing down the Asquith government came to be thought of as an example of the political dangerousness of the power of the Press Baron[16]. According to Smith (1975), it was the creation of Lobby journalism in 1870 that had brought forth the idea that the truth was going on 'behind the scenes', an idea that is also consonant with melodrama (Brooks 1995, Gripsrud 1995, 2000). A circumspect attitude developed over time, but during the interwar years became dominant. Camrose (1947), for instance, relates that before the outbreak of the Second World War there was a conspiracy theory about Jewish ownership – linked, no doubt, to Nazi propaganda, but also to the conspiratorial zeitgeist. The first major work on the influence of the press on public opinion, 'Public Opinion' by Walter Lippmann (1945) was first published in 1922, around the time the practice of Edward de Bernays, the public relations expert and nephew of Sigmund Freud, was also becoming popular (Curtis 2002). Both emphasised the unconscious nature of choices and how an appeal to feeling was more immediate and likely to be bought than an appeal to reason. From the 1930s, by-lines became more important, demonstrating the new significance of subjectivity (Schudson 1978). A letter exchange in 1936 in the *Daily Express* demonstrated that the new by-line conventions held meaning for the journalists (which was not necessarily shared by readers). Under the sub-heading 'Credit Line', J.E. Knott asked 'why all this tripe about *Daily Express* "Staff Reporters"?' (*Daily Express* June 1st, p.8, 1936). The newspaper replied – 'Stories carrying *Daily Express* Staff Reporter line do so because they are either exclusive or news specially covered by our own men'. The 1930s also saw open warfare between the Press barons and the government, over the issue of 'Empire Free Trade' (i.e., protectionism within the British Empire). Two of the most powerful barons, Lords Rothermere and Beaverbrook, joined forces when the Conservative party refused to

[16] The term 'Press Baron' was coined in 1924, according to the Oxford English Dictionary (Accessed 15/10/2007)

take on the idea as official Tory policy (Taylor 1996). They were also against Stanley Baldwin's leadership (Musson 1955) and, sought to 'impose policies on the party and between 1929-1931 depose its leader' (Brookes 1989, p.11). The two magnates formed the United Empire party and put up two candidates in by-elections against Conservatives. The campaign was promoted in the *Daily Express* in the news and opinion columns, and in the logo of the 'Crusader', which still adorns the masthead. Although one candidate did defeat the Conservative candidate (in October 1930) the campaign provoked Baldwin's famous denunciation of the two press lords as wanting 'power without responsibility – the prerogative of the harlot', (Taylor 1974, p.356). Without party political backing, the campaigns petered out.

After the Second World War, as public opinion academics studied the efficacy of Nazi propaganda as well as that of the Allies' (e.g. Doob 1950, Herz 1949), the British government introduced the first of three Royal Commissions on the Press, which, according to Bromley (1995, p.1) have been instituted because of the fear that 'an oligopoly of owners was exercising an undemocratic control'. All three Royal Commissions (Ross 1949, Shawcross 1962 and McGregor 1977) exhibit the political concern that commerce had finally tipped the balance between those two imperatives, entertainment and information, away from what was by now well established as the press's democratic duty. All three failed to ameliorate this concern. According to the third report, all three had been precipitated by economic shifts which were feared to have qualitative content impacts (in 1949 it was the NUJ's fear of monopoly, the 1962 report followed closures of left-wing newspapers such as the *News Chronicle* and the 1977 report followed economic blows to the industry such as the closure of Beaverbrook's Glasgow plant). Lord Beaverbrook notoriously stated that 'I run the paper purely for the purpose of making propaganda' (Ross 1949, p.25), although not all who quote him continue to cite his next statement:

> No paper is any good at all for propaganda unless it has a thoroughly good financial position. So that we worked very hard to build up a commercial position on that account (ibid., p.26)

Newsroom Norms and Values

In this context, researchers began to develop production studies aimed at trying to see 'behind the scenes', to assess the selection of news that it was now accepted was being made. Via early individual-level studies such as White's (1997) research into 'gatekeepers'[17], organisational studies began to look at the values and norms of a newsroom, from how editorial policy shapes news (Breed 1955) to the sociology of news work. Tuchman (1973, 1978, 1999) employs the sociological approach to conceptualise newswork as a set of routinised practices, which helps journalism manage the various and unexpected events it must cover every day. Both she and Breed (1955) note the importance of timeliness, not merely in terms of deadline pressure but also how it shapes the way journalists perceive a story as they use the categorisations of spot/developing/continuing news. Prescheduling is considered a useful tactic to manage the problem of how to allocate resources such as staff in the face of the unpredictability of events. The most important categorisation is a binary division between hard/soft news, which underpins the gendered attitudes of news[18]. The rarest category is what Tuchman (1973, p.185) calls a 'what-a-story!' - the kind of moments portrayed in film when the newsroom erupts and the editor shouts 'stop the presses!' Routine is over-run, not by chaos, but by emergency procedure. However these categories all rely on everybody being able to act and react similarly, for all to share in the same definitions, and this is accomplished through socialisation. For example, a dissenting journalist quoted by Epstein (1973/2000, p.201) described NBC television news training as 'Big Mother'. Journalists learn to see news as a parade of stories to be captured and brought to the waiting reader (Berkowitz 1997)[19]. Yet the socialisation process is a broadly unconscious one; the empirical definition of objectivity relies on truth being inherent in the story (it 'being' a fact). This reliance on supposed 'instinct' and having a 'nose for news' is common even amongst serious, award-winning journalists such as Nick Davies[20], who used the metaphor of the world as a bush from which the journalist plucks the ripest news 'berries', thus, the journalist is considered external to the world of events and his subject is in fact his object (personal communication with the author, 16th June 2001).

[17] Originally published in 1950

[18] For further discussion, see the section on women in this chapter.

[19] Cottle (2000, p.19) regards these 1970s authors as the 'first wave studies of news production'. He makes no distinction between American and British authors.

[20] Personal communication with the author. Davies was the first winner of the Martha Gellhorn award for investigative reporting (*The Guardian* nd)

The first news values research was by Galtung and Ruge (1965), on the reporting in four Norwegian newspapers of three international crises (in the Congo, Cuba and Cyprus). Despite the fact that it is a narrowly focussed study, the idea of news values was enthusiastically taken up by researchers (for example, see the discussion of crime news values in the section on crime, this chapter). In a special issue of *Communication* journal on news values research in Germany, Reinemann and Schulz (2006, p.1) argue that although theory does not yet enable the prediction of newsworkers' decisions, it is still 'one of the most relevant questions of journalism research'. Galtung and Ruge's list of 12 values has been much emulated and elaborated upon (e.g., Gans 1979, Bell 1991, Harcup and O'Neill 2001, McGregor 2002, Poulton 2003). The newsworthiness theory has been tested (and considered valid) on non-Western journalism (Schwarz 2006) and exported to other disciplines[21]. Common values held between the different typologies include negativity; an indication of how important the story is to the social world (which may be called amplitude or significance); a value that shows how culturally specific is national media (the news needs to be meaningful to the reader); how unexpected or unusual is the event (as well as contradictorily); and the involvement of elite people, places and organisations. Particular authors have included values that others do not, for example, Bell (1991) cites 'prefabrication' – i.e., how much the story has already been put together on behalf of the journalist by PR experts.

Other authors have suggested a value within the definition of a wider value; for example, Hall (*et al* 1978) describe personalisation as a value in its own right, whilst Harcup and O'Neill (2001) include it under their heading of 'entertainment'. MacDonald (2003) helpfully demonstrates its use in different contexts, showing that personalisation is applied to both hard and soft news, and imports entertainment opportunities into the text. Personalisation can transform the journalist into subjective eye-witness/hero (like in melodramatic fiction, the audience is invited to identify with the journalist at the centre of their own narrative), whilst eyewitness accounts (by the public) add a powerful emotive capacity to stories. Personalisation also creates the event as 'spectacle', enabling the spectator's 'voyeuristic gaze' (MacDonald 2003,

[21] For example, articles on the newsworthiness of suicide by psychiatrists; Pridmore *et al* (2006), Pirkis *et al* (2007)

p.70). Connell (1992) and Marshall (2005) point to the role of celebrity journalism in shaping ideas about the public sphere; celebrity journalism creates moral tales about privileged people who are nonetheless seen as belonging to the people, from whence they came, a simplified and commodified perspective on representation. News values research is developing, however; Niblock and Machin (2007) contend that niche-marketed journalism in the 2000s is using market research to shape news to fit the criteria required by a particular audience type. This new 'lifestyle targeting' (ibid, p.190) is not part of the traditional news values research, and may represent the beginnings of a new approach to an old subject, and/or new developments in journalism production

Tabloidisation

This final key historical period in press history (relevant to this thesis) occurred between the 1970s and 90s, marked by events such as the 'ironic ending' of the former left-wing *Sun* when it was bought by Rupert Murdoch in 1969 to become the most successful of right-wing tabloids (Curran and Seaton 2003, p.90). Fleet Street as a 500-year old centre for printing collapsed after the 1986 'Wapping revolution' when Murdoch took his newspapers to a cheaper location, and the national press followed. Much of the printing trade also vanished, as new plants at Wapping and Canary Wharf were equipped with microchips and desktop publishing. Literally, tabloidisation refers to the smaller, 'tabloid' size of the *Sun, Daily Mirror, Daily Express and Daily Mail* (Eide 1997), but figuratively means the movement towards further sensation seeking and sexualisation to promote sales identified by critics (Franklin 1997, Sparks 2000, Örnebring and Jönsson 2004). It was driven by an economic struggle between press management and unions which was also the context for the radical journalism historiography about the nineteenth century of Curran and Seaton (2003) and Boyce, Curran and Wingate (1978), as well as radical media schools such as the Glasgow University Media Group (1976, 1980, 1982) and the Centre for Contemporary Cultural Studies at Birmingham University (Wahl-Jorgensen and Franklin 2007)[22]. The 1980s triumph of management over the unions and increasing concentration of press ownership into multi-national companies

[22] For example the work by Hall (et al 1978) on sources (discussed in the section on crime reporting) emerges from this approach

equally interested in selling their jam and soap powder as their journalism, was the context for the rise of 'populist' and 'libertarian' historiographies. According to Curran (2002b), the rise in power of mass over elite media is portrayed as a victory for democracy and de-subordination.

Tabloid newspapers or 'red-tops' (Rooney 2000) are often considered by critics as bad journalism (Örnebring and Jönsson 2004). Tabloidisation means an increase in sport, entertainment, lifestyle and celebrity stories, and a decrease of serious information, particularly international news that the citizen needs to engage in political action (Bromley 1998, McLachlan and Golding 2000, Winston 2002). It uses colloquial, emotive language and large sensational headlines as well as pictures (Conboy 2004) to create a personalised and visual discourse which substitutes spectacle for information (Macdonald 2003). The boundaries set up by the ideal of objectivity were considered to be blurred, with features of 'soft' values creeping into 'hard' news (Henderson and Kitzinger 1999). Radical sociologists such as Franklin (1997) argued that the liberal claims about the media for their 'representative' function (Hampton 2004) – their watchdog role of informing society – are undermined by the economics of the press industry. His 'aetiology of newszak': competition, concentration of ownership, lack of unionisation and lack of public trust (Franklin 1997, p.222), describes the conditions brought about by the 'Wapping revolution'[23]. Contemporary media circulated concerns about the 'dumbing down' of British journalism (MacLachlan and Golding 2000, Rusbridger 2000, MacDonald 2003). In practitioners' journals such as the *British Journalism Review* and books by writers who worked substantially in journalism (Porter 1984, , Snoddy 1992 and Engel 1996) the debate centred around whether the competition for circulation and the high speed of modern newspaper production could result in 'distortion' of the facts in order to create a more exciting story that would sell more copies. However, as Tulloch (2000, p.131) points out in 'the eternal recurrence of New Journalism', this critique over standards echoes the complaints that were made a hundred years ago about the quality of the new mass-market papers. Stephenson and Bromley (1998)

[23] In which the production of the *Sun* and the *Times* was radically switched to new computerised desk-top publishing as well as a new plant in Wapping, and thousands of printing jobs were lost (Leapman 1992, Tunstall 1996). The chapter on the cases in the early 1990s discusses the Wapping revolution more closely as recent history.

and Engel (1996) assert that even serious newspapers have always had to 'tickle the public'.

At the time of both New Journalism (1880s-World War I) and tabloidisation (1970s-1990s) owners replied to this radical critique by celebrating their newspaper's popularity amongst the people. W.T Stead's conception was rather grand, including the idea of 'Government by Journalism' and the newspaper as a 'daily apostle of fraternity' (Stead 1886/1997, p.53). In regard to tabloidisation a hundred years later, populist and libertarian academics such as Carey (1988), and even Hebdige (1988) in his celebration of sub-cultures, began to challenge radical pessimism about the popular turn in culture. They argue that instead of undermining the individual's ability to participate in politics, popular culture is the marginalized person's way of performing their politics, and therefore paternalistic educational prescriptions were patronising and oppressive. Popular newspapers constitute an alternative popular sphere (Örnebring and Jönsson 2004), which help form popular opinion, raise issues important to the people and criticise the government. The colloquial tone cuts through ritual discourse and takes citizen-consumers inside experience (Macdonald 2003). By returning to the partisanship of the early political pamphlets, but creating their imagined communities around shared knowledge of celebrities, and TV shows as well as politics, tabloids empower their audience as consumers rather than political actors (McGuigan 1993). However, in Örnebring's (2007, p.866) evaluation of the critical potential of the *Pall Mall Gazette* in 1885 and the *News of the World* in 2000, the Victorian newspaper 'has a much greater claim to opening up an alternative public discourse in terms of how the issue is discursively framed'. Tabloid language and style is defined by Conboy (2006, p.10) as 'a popular-hegemonic approach to nation-building', showing that a nuanced approach is possible even when the subject - those screaming, shouting tabloids – might seem extreme. This brief history demonstrates how each age has carried with it some of the ideas of the previous era, in its reaction to and reconstitution of these norms about journalism and historical ways of studying it. The *Daily Express* had available to it discourses of the partisan, educational and representative ideals as well as propaganda critiques and the tabloid language and style. One of the discussions in the following thesis will centre on the discourses about journalism that can be seen in the pages of the *Daily Express*.

Chapter 1: ii Crime in the News

Crime News and Its Effects

Crime news has been consistently popular over several centuries, including the century of this study, the twentieth (Pearson 1983, Walkowitz 1992b, Gatrell 1994, Knelman 1998). Lurid descriptions of rapes, murders and executions had formed part of the popular content of pre-newspaper chapbooks, ballads and corantos (Stephens 1997), and continued to serve as a subject for entertainment to the present day. In the early nineteenth-century the most sensational broadsides reported, or invented, crimes involving the most respected and noble in society, but later that century the upper-class morning papers developed a fascination with London's poor, criminal underclass, although some, like George Sims in the 1860s, felt unable to venture into grimy pubs and rookeries without a stout bodyguard (Walkowitz 1992a). This historic link with the popular means that crime news has been considered 'low' fare and called sensationalist by commentators (Williams 1961, Pearson 1983). In the twenty-first century, crime is still a popular topic in the media (Reiner 2007). It alerts us to the potential significance of entertainment in crime news, which will be a significant subject in the forthcoming chapters. It is an issue available for textual analysis, which enables its mobilisation in a historical study such as this one.

Other forms of research such as audience studies are not available through historical inquiry, but as effects studies is a main plank of the crime-in-the-media pantheon, it should be briefly mentioned here. Reiner (2007, p.302) identifies two key approaches to understanding media and crime, 'polar opposites' in their ideal-types. The earliest theories about media and crime focussed on trying to explain the media's role in causing crime, and argued it had immediate, direct effects on the individual or the mass of society. They approached the media with suspicion, framing it as a threat to the individual and to good order (i.e., elite domination, or the status quo). This is the more traditional, 'common sense' perspective (Fattah 1997) and has been levelled against numerous forms of dissemination. Effects research is the largest body of work in media and crime studies - Carter and Weaver (2003) estimate that there have been around 10,000 studies attempting to measure media (including non-news) effects

directly since the 1930s. Research has become more sophisticated, with a wider variety of methods (Gunter 2000) and a shift to theorising on less direct and immediate media influences, and attention to the audience as active subjects and their media consumption choices (e.g., Morley 1980, Hall 1980, Ang 1985, Brown 1994, McQuail 1994, Gauntlett 1995, Barker and Petley 2001).

Hegemony and moral panics

A paradigm shift around the 1960s and 1970s introduced the opposite approach; that the media upholds the status quo, by alarming the public into acceptance of repressive 'solutions' to law and order 'problems'. Studies of media and crime began to look at the media's own active role in the creation and maintenance of cultural ideas about crime, such as 'moral panics' (Cohen 2002). Informed by Marxist and Gramscian thought (Jorgensen and Franklin 2007), this idea sought to frame the media within a model of social power - hegemony, or the control culture – in which the media maintains the interests of the ruling classes. The theory was also drawn upon by important works in both criminology and media studies (Young 1972, Cohen and Young 1973, Chibnall 1977, Hall *et al* 1978, and Cohen 2002). American moral panics research has been dominated by the social construction approach, holding that social problems are constructed, not self-evident (Goode and Ben-Yehuda 1994), whereas the British tradition retained the idea of a difference between 'reality' and representation. Therefore, in this 'mass manipulative' model, as Cohen and Young (1973) call it, the media describes issues via the prism of elite moral beliefs and prejudices. Hall *et al* (1978) took up an even more hegemonic position than Cohen (2002) in terms of their belief in the power of the State and 'control culture', and argued that it was action by the State (specifically, by the police), that provoked the moral panic around mugging in the early 1970s. The American version is far more plural and constructionist, mainly avoiding this hegemonic view, although the 'elite-engineered' version of their attributional model[24] does include an understanding of the attempts of powerful figures to influence the media and society (Thompson 1998, Critcher 2003).

[24] The 'attributional' model is Critcher's (2003) term – it describes a model which delineates the attributes of a moral panic, which he contrasts with the 'processual' UK version, which describes the process of a moral panic.

The original moral panics model, created by Stanley Cohen in 1972 (Cohen 2002) is a sociological concept in which the media is a social actor which could be called partially independent, as it initiates its own actions yet ultimately serves only the Establishment. The media is seen as significant for its role in 'defining and shaping social problems' (Cohen 2002, p.7) by its disseminating information about them. Furthermore it may increase the problem through the 'deviancy amplification spiral'; the demonisation of the (supposedly deviant) group in society, only serves to further alienate them. It predicts that the undesirable events will occur again, and makes symbolic certain words, especially names of groups or locations of important events. Symbolisation is described by Cohen (2002) as a three-fold process by which emotions attach to words, places and objects and there is general agreement over what these mean, such as in British culture the place Dunkirk stands for the rescue of the British Expeditionary Force in the Second World War rather more than the defeat of those same forces when both in fact happened. The media identifies 'folk devils' (ibid, p.28), a group of people who are constructed entirely negatively by the media and characterised by symbols such as their sartorial style and names. Cohen follows Becker's (1963) interactionist 'labelling' theory to describe the media's role in naming certain symbols, acts and people as undesirable and criminal. This leads to the conclusion that deviancy is not inherent in an act, but in the reaction of society to it; labelling is a way of separating those who perform certain acts from society (Becker 1963, 1972, Schur 1971) and so the media participates in this othering when it (re)produces the labels.

The 1980s and 1990s saw many academic disciplines in the UK impacted by forms and variations of post-structuralism and postmodernism, including criminology, history and journalism/media studies. Some theorists argued that society itself had entered a period of postmodernism, or rather, the condition of postmodernity (Lyotard 1979, Baudrillard 1995). Other writers insisted that various characteristics identified as postmodern (such as the scepticism towards grand narratives, consumerism, simalcra and hyper-reality) showed instead that modernity was merely entering another phase in its evolution, 'late modernity' (Giddens 1990). Critical media criminology was challenged, firstly by the new pluralism, then by the various ideas described as emerging from a post-structural, or post-modern perspective (Brown

2003). These have been particularly fruitful interventions in theorising the field of source-media relations.

Pluralism and Sources in Crime News.

Pluralist interventions in debates about source-media relations fleshed out through criticism of the hegemonic theories that had emerged from critical writers such as Hall (*et al* 1978) and Chibnall (1977). The critical contribution was to point out the power of sources to shape the mediatised debate; because journalists ask questions of sources that are considered official, trustworthy and legitimate, they have the ability to define an issue according to their own agenda. These 'accredited' sources are often institutional and will be consulted far more, and be taken more seriously, than non-accredited sources. Hall (*et al* 1978) call them 'primary definers', because their status enables them to be the first to define and describe the issue at hand, whereas the media are only 'secondary definers', who '*reproduce the definitions of the powerful*' (ibid, p.57, original italics). The idea describes unequal power relations between sources as a zero-sum game; for example, a primary definer in crime reporting is the police, who have 'extra ideological weight' (Stevenson 2002, p.36) in comparison to criminals. Similarly, the anti-Vietnam War protests in London in 1968 were framed, according to Murdock (1973) in terms already defined by political actors, rather than protesters. However this theory claims that their media is incapable of raising an issue on its own, and that the primary definition '*sets the limit* for all subsequent discussion' (Hall *et al.*, 1978:59, emphasis in original).

Critiques emerged from the 1990s that suggested the picture was rather messier than hegemonic ideas would allow. Schlesinger (*et al* 1991) and Schlesinger and Tumber (1994) argued that viewing the source-media relation from the perspective of the sources revealed competition between sources, as well as differences in the form of information-sharing which impact on definitions, (e.g., compare the news conveyed in a formal press conference with an informal off-the-record briefing), whilst Hall's formulation does not account for a contested primary definition. Significantly, it is also atemporal, failing to account for changes over time (e.g., why union leaders are no longer primary definers as they were during the industrial unrest of the 1970s).

Even moral panics theory had suggested the media had some measure of autonomy, whilst 'primary definers' theory allowed for none. Furthermore, authors such as Chas Critcher, who had emerged from the critical tradition and co-written primary definer theory, began to acknowledge that moral panics had 'too rigid a conception of the state, primary definers and control culture' (Critcher 2002, p.521). On the other hand, according to Innes (2005), the original moral panics idea contained the germ of the next generation of thought, particularly in its insistence on the importance of perception rather than what 'really' happened.

In contrast, more plural theories cast 'crime news as cultural conflict' (Reiner 2007, p.325). The sources, which, according to Ericson (*et al.* 1987), represent their institutions' concerns, negotiate with journalists for access and control over representation. Ericson (*et al.* 1989, p.378) argue that 'the news media are very powerful, in possession of key resources that frequently give them the upper hand' over the sources, although there are considerable differences depending on contexts of institution and organisation. Journalists are sometimes able to deny access, have discretion over representation, and their expectations of how the story will unfold can lead them to make choices of which sources to use (Ericson *et al.* 1987, 1989, 1991). This paradigm led to a number of studies looking at competition between sources, the comparative success of source organisations with unequal resources and other issues from the point of view of the sources that disturb the uni-directionality of hegemonic theory. For example, Anderson (1997) points out how even the categorisation of 'official' and 'unofficial' (primary and secondary) sources in her study of environmental news can be difficult, as some organisations straddle the boundary.

According to Manning (2001), such studies work from within a culturalist paradigm, in which news is seen as the product of source-media relations, both instrumentally and structurally, but also as located in its historical context. To sum up, Manning (2001, p.54) paraphrases Marx:

> Journalists may make their own news but they do not make it just as they please... but under circumstances directly encountered, given and determined

by the rhythm of the news organisation

According to Cottle (2003), writers such as Altheide have gone beyond even that, into 'postjournalism' in which the issue of access is redundant, and news formats and templates have always-already scripted news content. Yet whilst these 'postist' academics have de-emphasised the power of the source, conversely the industry of public relations has been expanding in the past thirty years (Schlesinger and Tumber 1994, Davis 2000). Chibnall stated in 1977 (p.49) that the history of crime reporting is 'characterised by...an increasing reliance on one major institutional source – the Police'. Since the 1970s they have increasingly employed public relations officers to interact with the media (Reiner 2000, 2003, 2007, Mawby 2002, 2003, Leishman and Mason 2003). They cater for the news workers needs by providing pre-arranged news 'events' such as the photo call, the news conference and press packs, and manage the relations between investigating officers and journalists. They are also increasingly professionalised - the Association of Police Public Relations Officers (APPRO) was founded in 1997 – and respected by police authorities (e.g., an APPRO representative sits on the board of the Association of Chief Police Officers, ACPO).

Culturalism, Narratives and Values

Materialist studies of crime news and research into tabloidisation first attempted to measure the amount of crime news, in order to discover what proportion was devoted to crime or tabloid topics. However, each uses its own methodology and definitions, which of course impacted on the amounts they found. For example, Ericson *et al* (1987, 1989, 1991) used a very wide definition for crime and deviance news, including any kind of deviation not merely from the law but also from institutional codes and social expectations. Unsurprisingly they find high incidences of crime/deviancy news. It would appear that quantative comparison between studies is generally unhelpful; for example, Reiner (*et al* 2003) calculate that 20% of news in the period 1981-1991 was about crime[25], whilst Williams and Dickinson (1993) claim that in 1989 the average was 12.7%. This may point out an anomalous year, or an irreconcilable difference between their methodologies but within each individual study's definition numbers convey more meaning. Roshier (1973) undertook a study

[25] In their two sample newspapers, the *Daily Mirror* and *The Times*.

over 29 years that very nearly spanned two of the cases featured in this thesis. In 1938, (just four years after the Ethel Major case of 1934), the proportion of crime news in the *Daily Express* was around 4.55%, and it had risen slightly to 5.7% in 1955, which was the year of the Ruth Ellis case. The newspaper, in comparison to others at the time, took a typically average interest in crime news. The average proportion of crime news during this period 'seemed to have remained surprisingly stable' (Roshier 1973, p.32)

In contrast to the discord between authors on the above question, quantative studies agree on the 'distortion' of crime news in comparison to crime statistics; i.e., the over-reporting of serious crimes such as murders and rapes, alongside the under-reporting of less serious crime such as burglary (Surette 1998, Schlesinger and Tumber 1994, Jewkes 2004). Authors also demonstrate empirically that crime news is distorted, with an emphasis on 'violent personal street crimes such as murder, rape and assault' (Surette 1998, p.68). According to Schlesinger and Tumber (1994, p.140), violent crime represents between 25% to almost 46% of crime news, varying between the newspaper markets, with the lowest proportion in the quality press and the highest in the tabloid section. Furthermore, Reiner's (2007, p.308) historical study of the press since World War II showed that 'homicide was by far the most common type of crime reported.'

Yet within the context of an over-reporting of violent crime, Peelo (*et al.* 2004:271) find that 'only a minority of homicides are reported' in the national newspapers. This underscores the importance of selection in crime news. Furthermore, the types of stories that are chosen change with time; for example, during the post-war period stories often came from the courts, presenting criminals who have been caught (Roshier 1973). Reiner's measurements (2007, p.309) show that 'the clear-up rate in news stories fell from 73 per cent in 1945-64 to 51 per cent in 1981-1991. Naylor (1995, p.93, emphasis added) also points out that 'stories about violent *women* are extremely attractive to producers of newspapers', with one-third of violent crime stories concerning women offenders, whilst they represent only one in ten of the violent crime statistics. Soothill and Walby (1991) argue that there has been a

significant increase in the reporting of a certain type of crime – rape and sex crime – in the past twenty years. This argument is supported by Ditton and Duffy (1983, p.162), whose analysis of 1981 newspapers (in Scotland) discovered a 'noticeable over-reporting of crimes involving sex'. They suggest that this reflects a 'general cultural change' (ibid, p.164) since the end of the 1960s.

These bodies of work on 'distortion' and the development of academic thinking away from materialism, as previously outlined, lead to approaches to the media which examine the social construction of discourses of crime, rather than dismissing it as an inadequate reflection of 'reality' (Sparks 1992, Chermak 1994, Greer 2003). The role of crime news in society can be explained in terms of its construction of 'moral tales' for spectators of the criminal justice system (Sparks 1992). Attention can be given to the effects of the way in which images and text are manufactured, which are recognised not merely to convey value-free information, but to be framed within norms, patterned by culture and to provoke emotive responses (although not necessarily the emotions that were intended by the writer). As Wykes (2001, p.1) notes, crime news 'mobilises the extremes of value judgements...it is the site of our national conscience and moral codes' whilst writers such as Jewkes (2004) and Chibnall (1977) point to a number of values found in crime news, and Young (1990, 1996, 1998) and others regard it as essentially gendered. The news value of personalisation is most spectacularly embodied in American informational TV such as courtroom scenes (Macdonald 2003). Furthermore, as the distinction between 'reality' and 'representation' is questioned, the argument can be advanced that fact and fiction may 'share the same idiomatic conventions' in crime news (Young 1998, p.161).

As early as 1977, Chibnall (ibid, pp.x/xi) described crime news as a 'symbolic drama' containing 'personifications of good and evil', which 'mythologises', revealing the moral values which a newspaper believes it shares with its readers. This angle on the usefulness of the study of values and beliefs as seen in the pages of the press was continued across eras of grander theory, and Ericson *et al.* (1987, p.347) argue that journalists' interpretations of events into news items 'give their stories a fictive

character. As fiction, news stories...carry the power to imprint particular version of reality as acceptable wisdom.' As fiction, the stories also have the power to engage the emotions and use them to create a more enjoyable reading experience. The journalists' interviewed in Greer's (2003) study of sex crime in Northern Ireland newspapers were clear on their first priority, and it was not information but an emotion well-used in news: shock. On a larger scale, Reiner and Livingstone's (1997) early analyses of the images of crime in the press, film and television since the Second World War characterised three 'ideal-type' periods; from 1945 to the mid 1960s produced images of a consensual society, accepting of the hierarchy of the status quo. The mid 1960s to 1970s saw this motif replaced with one of conflict, and the downfall of the old heroes of the hierarchy, through images of corrupt police. Finally, the late 1970s until 1991 (the year of the Sainsbury case in this study), is described as a 'post-critical era' (ibid, p.10), in which stories either follow the traditional consensual values, or represent a confusion of individual conflicts, a 'Hobbesian war of all against all' (ibid, p.10). Furthermore, Brown (2003, p.44) points to the use of metaphors – 'attack' metaphors such as disease and the body 'give physicality to crime' whilst spatial metaphors 'give immediacy' and metaphorically bring it home to the consumer. At the level of language, myths and metaphors enable the representation of crime to be an emotive affair, evoking the senses (e.g., fear, vengeance, triumph) in an expression of what is considered to be the experience of crime.

As stories, news can be seen as belonging to different media genres, and as being shaped by those genre conventions. Cottle (1995) argues that the extent to which the public is allowed to engage with the issues in political news is dependent on the type of format used – that it is in fact a determinant of the discursive openness (or closure) of a news text. Brown (2003, p.39) states that 'genres plunder each other for techniques of representation', and in crime news, Soothill and Walby (1991) note how the genre/format of each legal processual stage gives rise to different forms of press reporting. In court reporting, for example, the story takes place primarily in court, where the details of the crime are made public. It is, thus, a 'spectacle of punishment', in which the court (representing moral authority) decides the outcome, which in the case of either acquittal or conviction, will restore the social equilibrium

and reinforce moral boundaries (Sparks 1992). Crime (i.e., police-led) news reporting involves a closer relationship with the police, and at different times this century that relationship has been very close indeed – to the extent which the journalist may seen themselves as aiding the police in their investigation (Chibnall 1977, Reiner 2000, 2003, 2007, Mawby 2002, 2003, Leishman and Mason 2003). Equally at other times, the reporter on a crime story may not be specialised, but a general reporter which suggests a down-grading of the newsworthiness of this type of story on the part of the news organisation.

Finally, news values is an important topic which is involved in all three subjects of this study (crime, women and media history), and will thus be discussed as part of the wider debates around tabloidisation and feminisation, but a few factors in particular relation to crime reporting will be considered here. Earlier keys works such as Hall (et al 1978) and Chibnall (1977) include discussion and delineation of news values, whilst Jewkes' (2004) list provides a valuable update on old categories, and in rethinking of the body of work also offers nuanced angles applicable specifically to crime news. For example, the 'threshold' value, which simply means an event must be considered important enough to publish, is refined by 'supplementary thresholds', which enables journalists to fully exploit the topic's fashionability. Derived from her study of news about attacks on the elderly in 2002, she states that these include escalating drama and risk, celebrity, sex, the macabre, an ironic angle and the 'counter-story' in which former roles are reversed – in this case when a pensioner violently attacks a young man (Jewkes 2004, p.41).

Violence is perhaps a defining crime news value, because it is, as Hall (*et al* 1978) point out, it is so close to a fundamental news values – negativity. Violence was described by Hall (*et al* 1978) as a factor that would make any story newsworthy, but Jewkes (2004) argues that by now, violence has become 'so ubiquitous' that it might be reported 'in a routine, mundane manner'. The late modern, or post-modern phenomenon of 'risk' is considered by Jewkes (2004) to constitute a new crime news value, which may be connected to the diminution of the emotive power of violent news. Risk conveys a sense that the crime being reported might very soon be carried

out on the reader; the criminal is 'out there' and about to 'get' us. This fits with the evidence put forward by Greer (2003) that after the 'shock' of the first news, the journalists will sound a 'warning', framed as helpful advice to readers about how to avoid the criminal – risk acting as a supplementary threshold. Another new value that has become important since the rise of television is 'spectacle', or 'graphic imagery' (Jewkes 2004, p.55).

Koch (1990) and Carey (1988) argue that the news media finds it difficult to answer the 'why' question, and often instead replace it with a more general explanation 'how' the event occurred. 'Why' an individual crime happened can also be called motive. In the field of crime journalism, authors (Chibnall 1977, Ericson *et al.* 1991,Schlesinger and Tumber 1994) argue there is also a general lack of explanation of the causes of crime. It seems to be dominated by politics, and the supposedly explanatory arguments that left and right advance for the causes of crime. Authors (Chibnall 1977, Wykes 2001, Jewkes 2004, Rapping 2003,) argue that the past thirty years, in both the UK and US, have been dominated by the political right wing, according to whom the motive for any crime is the fault of the criminal; the individualist, religious explanation. The left/liberal explanation speaks of the criminal in psychological terms; s/he is sick, made wrong by his background and environment, and thus the solution to crime is in structural reform to tackle those environments which breed crime (Fattah 1997). The news media has often used a right-wing approach to the 'why' of crime, emphasising the culpability of the individual, using countering sociological indices to explain a villain's psyche, reducing groups and movements to caricatures (Chibnall 1977, Cameron and Fraser 1987, Jewkes 2004). However, these authors refer to modern times – since the 1970s. Knelman (1998, p.41) demonstrates that there is a tradition of Victorian crime reporting which saw itself as a judge of the justice system. It was not allowed to comment directly on cases that were being tried, but it could depict prisoners in a sympathetic light, as it saw fit, and it could praise or malign a verdict

The case studies of this thesis are situated within different time periods, during different governments and different social concerns. These changes over time are the object of inquiry in such a historical account as this.

Chapter 1: iii Women in History and the Media

This section of the literature review will discuss work undertaken which has women as its subject, which is central to this thesis. It will examine approaches to the study of women in both history and media studies; reasons why such study is valid and pertinent findings, such as those concerning domestic violence in the media. It will point up categories of analysis that can be carried forward, and cognitive bear-traps such as the confusion between tabloidisation and feminisation. It will include at the end a little information about Battered Women's Syndrome (BWS) and its controversial place in feminism in order to support further discussion of the 1990s cases in chapter six.

Background to Feminist Perspectives

Both History and Media Studies disciplines pre-existed before there were feminist approaches to them. Second-wave feminism began around the 1970s in Britain (a few years earlier in the USA), and swiftly impacted on the academy (e.g., Mitchell 1984). This is not to say, however, that before the 1970s there was no feminist criticism of the media. Indeed, the doyenne of first-wave militant feminism, Emmeline Pankhurst, was reported to have 'denounced the leader writers in the newspapers as 'scribblers'. 'They are deliberately trying', she was reported to have said, 'to rouse the worst elements in the population' (*Daily Express*, March 4th, p.1 1913). During the interwar years, Simone de Beauvoir (1953) considered the impact of text – with reference to literature - on the construction of female subjectivity as 'other', defined in relation to male (Moi 1994, Vintges 1996, Mahon 1997). Whilst this period is considered a fallow one for the feminist movement, later radicals put into practice her theory that the individual could will herself free (Evans 1985, Fallaize 1998). Furthermore, one of the founding texts of the Women's Liberation Movement in the USA was deeply critical of the role of media – advertising and women's magazines in particular – in limiting social expectations of girls and women (Friedan 1971). However, any brief outline of literature around the subject of women within the fields of media studies and history might reasonably begin with the impact of second-wave feminist thought on those two disciplines in the 1970s (Mitchell 1984, Baehr and Gray 1996).

Annihilation from media and history

Feminist studies on media and history both began with the argument that there had not been enough study of women within these disciplines – the male was used as the universal standard, the lack of women simply not noticed. The male perspective had erroneously assumed universal validity (Miles 1989, Davis 1996) resulting in women suffering both 'symbolic annihilation' from the media (Tuchman *et al*, 1978, p.8) and being 'hidden from history' (Rowbotham 1974). Even histories of the first-wave feminist campaigns for the vote, such as classic works by George Dangerfield (1936) and Sir Robert Ensor (1936, p.459) argued male Parliamentarians had affected the reform, ignored the long years of non-militant protest by women and even derided the 'psychopathic' Women's Social and Political Union (WSPU: the militants). Archives and records are kept by mainly male institutions (Davin 1988), for example the census, in which the enumeration of 'occupied' females depended on the male definition of work (Hill 1993). Content analyses of media since the 1970s have created a body of work that finds an under-representation of women, and that they are portrayed in a limited number of ancillary roles, such as housewife or secretary, or victim of violence (Seggar and Wheeler 1973, Lemon 1978, Janus 1996, Carter and Weaver 2003, Ross 2005). These feminist media analysts tended to have a political intention (Van Zoonen 1994, Macdonald 1995, Thornham in Jackson and Jones 1998) and placed emphasis on ideas about 'sex-role stereotyping', a form of media effects theory that derives from the popular hegemonic paradigm of the 1970s (Henry 1993). The media is cast as a disseminator of crudely reductionist ideas about men's and women's comparative social roles and value. Feminists in both media and history disciplines attempted to insert women's experience into extant bodies of work. Some media genres proved more amenable to these analyses; for example, Spigel (2004, p.1209) argues that feminism was 'central to the growth of film studies'. Studies on the 'gynocentric genres' (Curti 1998, p.39), such as soap operas, romance novels and women's magazines (e.g., Radway 1984, Ang 1985, Winship 1987, Brown 1994) were important in developing the idea of 'pleasure' in audience work and introduced ideas about the distinction between textual and audience identities (Geraghty 1991, Van Zoonen 1994, Mulvey 1999). Feminist historians also found that adding women into the past created rather different stories than had been written before. Innovations such as new categories of analysis, e.g., reproduction, the family and sexuality were

needed, and new methods such as oral history (Lewis 1981, Gluck and Patai 1991, Midgley 1992, Berg 1993,Hannam 1993). It was discovered that including women alters the original history, for example whilst elite men enjoyed new freedoms during the Renaissance, many women found theirs more restricted than previously (Kelly 1984). Once women's history had emerged from the confines of its theoretical marriage with socialism (Barrett and McIntosh 1980, Samuel 1981, Walby 1986,) it was able to embrace the varieties of female subjectivity, including race, sexuality, disability as well as class (Davis 1982, White 1985, Koditschek 1997). Biological essentialism was overthrown, and even masculinity included as a valid field for analysis in the new pluralistic gender history from the late 1980s.

A critique of feminist media historiography

Curran's (2002a, 2002b) critique of feminist media historiography argues that the narrative of feminist media history is only concerned with women's socio-political progress and the media's role in a 'chequered, incomplete but nonetheless ground-breaking movement towards the liberation of women' (Curran 2002b, p. 14). He notes how the earliest work of the 1970s concentrated on demonstrating a link between patriarchy (the social domination of women by men – literally, 'the rule of the father') and the media. He acknowledges the later work mentioned above concerning women reading the media in resistant and subversive ways, but he argues that this merely presented a revisionist view that still centred on the link between media and gender control. His discussion of women's audience studies is not included in his review of the new reception research of the 1980s and 1990s, to which it contributed. Furthermore, his outline of 'the feminist narrative' (Curran 2002b, p.8) is substantially based on women's social history, rather than media history.

DiCenzo (2004, p.44) challenges his account as 'neither an accurate account of feminist media history research, nor of the history of feminist media'. She points out that Curran fails to acknowledge the numbers of feminist and suffragist newspapers, such as those traced by Tusan (2005) from the mid-nineteenth century. Furthermore, she argues that focusing on women does not exclude one half of the population, as Curran accuses, instead that gender histories since the 1990s do not simply write about women, but develop cultural histories of femininity, in relation to shifting definitions of masculinity. Importantly, it means that feminist gender media

historians are developing a triangular approach - examples include Beetham (1996), whose examination of women's magazines since 1800 considers the role of women's magazines as an engine of the nascent media industry, as well as the changing relationship between the magazine and its imagined readership. Dow (1996) and Lacey (1996) consider respectively the history of the women's movement on TV in the USA and the impact of feminism on media culture, and the way in which German women's radio and mainstream radio for women contributed to the development of the German public sphere. However, Curran's assertion that there is not enough feminist media historiography is a reasonable one. There is no feminist media history journal, for example, and his meager references for feminist work around women's magazines and films indicate that they are indeed limited. Yet since his critique, gendered media history has continued towards an approach that includes men as well as women, race and class as well as gender, in journals as diverse as *Women's History Review* (e.g., D'Cruze 2007) and *Journalism Studies* (e.g., Stephenson 2007).

Key issues in feminist media history

A particular concern of feminist media historians has been the challenge of 'the extent to which tabloidisation is widely understood to be *feminization*' from the late 1970s and especially in the 1980s (Aldridge 2001, p.92, author's italics). As more intimate, feature-like styles, celebrity and tabloid values have become more prevalent (Holland 1998; Van Zoonen 2005), self-appointed guardians of hard journalism such as *Washington Post* editors Downie and Kaiser (2002, p.57) complain that 'melodramatic journalism is bad journalism'. The discursive connection between femininity and emotionalism derives from the nineteenth century, when masculinity and femininity were divided in the separate spheres ideology, and theatrical melodramatic forms became associated with femininity, and realist/naturalist textual forms with masculinity (Gledhill 1987, Gripsrud 1995, Aldridge 2001, Conboy 2002). At the same time, the press was moving towards the representational ideal and objective, hard news was being separated from entertainment (Hampton 2004). This 'New Journalism' was consciously more aimed at women than previously, as the chief household consumers under 'separate spheres', and had a more tabloid style, for which it was criticised at the time (Catterall *et al* 2000, Tulloch 2000). Eighty years later, the logical result was, according to Holland (1998) when the tabloid *Sun* pioneered the publication of women's breasts on 'Page 3' in the 1970s, sexualising

democratic discourse and reaffirming basic sex difference at a time when gender differences were becoming less restrictive for women.

Allen (1998) engages with Bakhtinian ideas that 'truth' arises in dialogue, is always contested and claimed by many voices and so 'facts' and 'values' are inseparable, to unpack these associations. He shows that the 'feminisation as tabloidisation' argument is based on belief in the truth and naturalness of these dichotomies – objectivity/subjectivity, public/private, rational/emotional, masculinity/femininity and hard/soft news. Journalism discourse is an 'androcentric instance of definitional power' (Allan 1998, p.129). It produces hard news coded as masculine, rational, objective and high status, as well as soft news coded as feminine, emotional, subjective and low status (Henderson and Kitzinger 1999). Women in the profession find themselves socialised to accept these engendered definitions, and can be under pressure to prove that they can meet up to masculine standards, particularly in the 1970s, when women entered the newsroom in significant numbers (Van Zoonen 1998, Chambers *et al* 2004). Many women journalists take up a 'neutrality' position arguing women can be just as 'objective' as men (Allen 1999, 1998), such as former BBC journalist, most famously war correspondent, Kate Adie (personal communication with author, 3rd Feb. 2002). For example, feminist reporters have taken a hostile stance to feminist sources to prove that they are not biased (Tuchman 1978). Other studies have countered with surveys of women journalists who say they perform, or would like to perform journalism differently, including more female sources for instance, having more respect for readers and choosing more community-minded issues (Chambers *et al* 2004, Christmas 1997, Van Zoonen 1998). According to Chambers (*et al*, 2004), American Cathy Covert was one of the first to suggest that women have a different approach to news in a speech to the Annual Meeting of the Association for Education in Journalism in 1981. As a feminist journalism historian, she suggested that journalism history was male-oriented, being about 'winning, autonomy and change', whilst a female-oriented one would focus on 'concord, harmony, affiliation and community' (Covert 1981, pp.1, 4). Allen (1999, 1998) describes this as the 'balance' theory which forecasts that when women comprise half the workforce then women will be equally represented. Debates between the 'neutral' and 'balanced' view between women in journalism can be heated, and academic interventions can provoke controversy (e.g., Beasley 2006). When objectivity is seen

as an engendered social construction, from a 'counter' position (Allen 1999, 1998), they are made superfluous. Women in journalism have clearly experienced a tension between the cultural prescriptions of womanhood and the culture of detached, fact-driven journalism (Van Zoonen 1998). But feminisation can clearly be understood from this counter position as describing the increasing desirability in journalism of those attributes culturally coded feminine, rather than actual women journalists debasing the standards of objectivity (Allan 1998, Van Zoonen 1998, Ross 2005).

Key issues in the history of women in crime reporting

Scholarship in this narrowly-focused area is limited and recent, but the body of work sets out a number of issues around how the media polices the borders of innocence and guilt by also policing gender boundaries. Whilst the murder of women by men is far more common, the media find women's violence far more newsworthy (Surette 1998). Feminist academics (Meyers 1997, Naylor 2001, Wykes 2001, Kitzinger 2004, Boyle 2005, Carter 2005) argue that the media reproduces patriarchal structures in its reporting about crime, which generally fail to question the social basis for men's violence towards women, and even ends up blaming women for their own murders at the hands of men. In contrast, the range of vilifying tactics employed by the media when women actively participate in crime such as murder demonstrates how they are seen then as 'doubly deviant'; offending against both the law and femininity - an idea drawn into media studies from feminist criminologist Frances Heidensohn's (1996, Heidensohn and Gelsthorpe 2007) theory on why women can be treated more harshly in law. For instance, the relative rarity of women criminals appears to invite judges to make an example of a case, and they are punished for sexual deviancy where men are not (Stephen 1993). Morrissey (2003, p.2) believes that this because murdering women are 'more traumatic for heteropatriarchal societies' and that both deterrent sentencing and derogatory media stories are the desperate measures to which they recourse to repair the dominant discourse.

Crime reporting about the rape and murder of women focuses on 'stranger danger' and 'othering' – making the male murderer outside of society, unlike other men (Kitzinger 2004). Contemporary narratives conform to one or other side of a binary opposition based on the women's performance of femininity: 'virgin' or 'vamp'

(Benedict 1992). Her past sexual behaviour, her appearance and dress, her class and family status are factors in judging her. According to Clark (1987), the 'virgin' narrative originates in the late eighteenth-early nineteenth centuries, in which news tales were made more populist by extremism; the more bestial and monstrous the attack, and the more innocent and pretty the young victim the better. The 'virgin' kind of report re-states the boundaries of 'appropriate' female behaviour by serving as a warning to other women, in both present-day and Victorian newspapers (Walkowitz 1992b, Greer 2003). Journalists and police issue 'advice' to 'respectable' women to stay at home, to be accompanied by a male protector outdoors, thus reinforcing traditional gender roles. In the opposite 'vamp' narrative, the woman is portrayed as a deserving victim - she 'asked for it' by wearing skimpy clothing, having had several partners or relationships other than heterosexual marriage, especially by being a prostitute – such representations are often eroticised with lingering and intimate details of every sexual angle in each case (Naylor 2001, Berrington and Honkatukia 2002). Clark (1998) shows how, in the tabloid *Sun*, the historical narrative of virgin vs. monster is still reproduced, but in relationship to a reverse narrative that presents the man as blameless if the woman is a vamp. This 'transitivity of blame' ensures the attacker of a respectable mother or virgin is othered as a fiend (protecting 'ordinary' men) whilst intimating that a woman who shuns marriage and domesticity does not deserve safety. It enables sympathy for a domestic abuser in a 'two-victim story' if he has murdered her and then himself, he is portrayed as suffered as much as her (Boyle 2005).

Knelman (1998) provides the only known history of the development of representations of murdering women or 'murderesses'. In the early part of the nineteenth century, before the advent of modern, 'objective' newspapers, half-news, half-fictional accounts known as 'broadsides' depicted them as 'a cold, unnatural, ignorant, coarse, defeminised creature' (1998, p.13). In the mid-nineteenth century the advent of the melodramatic novel promoted a new image – 'female killers were oversexed and highly emotional' (1998, p.14). In the later part of the century, however, there was greater understanding of women killers as 'victims of harsh circumstance' (1998, p.19). Knelman (1998) argues that this development was brought about by the evolving women's movement working to change popular attitudes towards women. Traces of all of these stories – and more - can be found in

late twentieth century reporting. In Naylor's (1995) typology of just six 'common-sense stories', which operate as explanations for murder inside the court-rooms as well as in the media, four condemn the woman, two excuse them, but all conform to typical gender norms. The limited range underscores the lack of available subject positions in socio-judicial discourse about criminal women (Morrissey 2003). The criminal woman as 'not-woman' (Naylor 1995, p.81), coarse and masculinised is apparently the earliest representation and can also be found in Lombroso and Ferrero's (1895) foundational criminological work, *The Female Offender*. The criminal woman was thought to look masculine, since she was thought to 'usurp a masculine position' (Hinds and Stacey 2001, p.168; see also Stephen 1993). Media portrayals might also in extremis draw on figures of ancient evil to cast out a sinister 'witch' or 'monster' such as Myra Hindley or Rosemary West[26] (Naylor 1995, Boyle 2005). Such 'mythic' portrayals confound explanation, making the women incomprehensible, denying their agency and personal narrative (Morrissey 2003). A third narrative is of the female killer as devious and manipulative (Naylor 1995), which idea can also be seen in the criminology of Pollack (1961), who believed that women's ability to hide their crimes was as innate as their hidden fertile phases. Finally, the women's status as innocent or guilty is tied directly to her sexuality; any woman has 'engaged in extramarital sex, or kinky sex, or perhaps is just "sexy", is capable of any deviance' (Naylor 1995, p.81). Jewkes (2004) notes also how frequently female offenders are portrayed as sexual predators – in this representation the women 'usurps' the usual masculine position of active sexual interest.

Explanations which excuse women's violence do so on the basis of their 'typical' femininity, which is, according to Rose (1988, p.10), 'like insanity...a type of mitigating circumstance. Subjects who murder must be feminine and/or out of control'. The 'symbolic recuperation' of violent women is only possible when they are denied agency and reason (Morrissey 2003). Naylor (1995) offers two one original and one other narrative, that of 'reproduction and madness' which is discussed by many authors, especially in the context of domestic murder (Birch 1993, Wykes 2001, Boyle 2005). In a particular British trial of 1992 Susan Christie, who killed her lover's wife, was romanticised as 'doing it for love'; she was 'too

[26] Myra Hindley and Rosemary West were both convicted of killing children, with male partners, in 1966 and 1995 respectively.

womanly', becoming mentally unbalanced with passion (Naylor 1995, p.85). Only some of the newspapers such as the broadsheet *Daily Telegraph* concurred with her successful diminished responsibility plea on these grounds, whilst the tabloid *Sun* vilified her as a *Fatal Attraction* figure[27].

Discourses around battered women who kill involve judgements about her femininity, which can be described by the binary opposition 'victim/virago' (Radford 1993). In newspaper reports and the courts in the UK, USA and Australia, Battered Women's Syndrome (BWS) has stood as the key model of how the murdering woman can be excused by pathologising her (Howe 1998, Boyle 2005). The media has impacted the development of public discourse about the Syndrome itself from the beginning. In response to impatient questions from a journalist, the psychologist Lenore Walker volunteered to defend battered women who kill their abusers – and became their leading advocate (Rothenburg 2003). She medicalised the mental state of a woman who has typically suffered years of abuse, physical and mental, who has accumulated so much rage, frustration and fear that she (sometimes methodically, but always helplessly) murders her abuser (Walker 2000). Associated symptoms such as 'learned helplessness' and becoming trapped in a 'cycle of violence' help explain how the woman is not in her right mind, not responsible for her actions. In the British courts BWS began to be used as a diminished responsibility defence from 1989, and campaigners such as Southall Black Sisters and Justice For Women tried to raise awareness in the media (Boyle 2005). However the idea caused divisions amongst feminists, because to some it seemed like a regression to traditional, safe positioning of woman as victim (Morrissey 2003). There is a long history of women being treated leniently by courts and media when she conforms to traditional definitions of femininity, resembling 'the upper middle class man's ideal bride' who was unable to control her emotions after much suffering (Radford 1993, p.195, Boyle 2005). As a feminist defence, however, it denies women agency and whilst may be a useful strategy for an individual in court to adopt, does not contribute much to social attitudes about women (Morrissey 2003).

[27] The film *Fatal Attraction* (Adrian Lyne, 1987) depicts a woman who becomes obsessed with a married man after their one-night stand.

This literature review has aimed to discuss the three most relevant fields relating to the topic of a history of the reporting of battered women who kill in the *Daily Express* – press history, crime in the news and women's studies in media and history. There is a dearth of press history work in the UK, so this study contributes in a small way to filling that gap. Yet the research that has been carried out shows a trend towards certain key issues such as the understanding the purpose of journalism through the ages, its balance (or imbalance) between entertainment and information, technical revolutions and the politics of news. Whilst the *Daily Express* was founded in 1901, as a popular 'New Journalism' paper selling a supposedly objective reflection of the world to a consumer King (or Queen), it also inherited aspects of earlier conceptions of the press. Political partisanship, passed down from the Civil War, meant that it sought to address itself mainly to right-wing readers, although the extent to which this imagined community was conservative (or Conservative) will be shown to vary throughout the century. Its participation in the propaganda paradigm was equally assured, being owned by one of the most notorious propagandists of all the press barons, Lord Beaverbrook. The *Daily Express* was also one of the newspapers to go tabloid. As was shown above, the tabloidisation debate in academia tends to devolve into two sides; the radical critique often focuses on the impact of economic issues such as concentration of ownership and advertising whilst the libertarian or populist argument centres on how the media gives the audience what they want in accessible language, and conveys its anti-establishmentarianism. The following work will have as part of it purpose the discussion of the extent to which these different motives were put into effect specifically in crime reporting. Where and in what ways does politics appear in crime news, and how is the C(c)onservative view constructed and promoted – or not? Does news that appears to be politically neutral change upon the advent of tabloidisation, and in what ways? The review of historical research into news discussed the development of perspectives such as the sociological approach and news values. The following writing will provide reviews of secondary literature to give some background on the newswork performed at each different era. News values can be tackled more directly, by examining the text of the reporting of each case, and this research will be directed towards understanding the types of entertainment, information and politics that were considered appropriate for crime reporting to perform at different times.

Studies into crime reporting are a distinct field within news research, and furthermore indicate that crime reporting must be treated as a concept within news, having its own norms and values. It has long been used as a form of entertainment, so the nature and development of this entertainment will be considered a key issue in the thesis ahead. Audience effects have been a major type of media research in this area, however like production studies, this work does not have the evidence to delve too deeply – it is primarily text-based. Instead it centres on textual practices, engaging with debates such as whether a right-wing newspaper upholds the status quo, as authors such as Cohen (2002) argue. As crime reporting can be seen as 'moral tales' (Sparks 1992), so the text conveys ideas and values about what is 'right' and 'wrong' for a women to be and do, and these will be discussed historically, i.e., by comparing and contrasting the gendered morals of one case to another. Sources are a key issue within crime news research, because a newspaper's choice to privilege one kind of source over another can indicate its attitude towards authority. This study will be looking in each case who is quoted and whose story is presented as the truth, contributing to discussion of moral tales by examining their tellers. Crime reporting considered as 'moral tales' is also narrative, alerting this author to the possibility of its borrowing from other narratives, which will be an important issue in the following thesis. Any borrowings will be dissertated for what they reveal about the newspaper's gendered morals and attitudes to authority and political direction. Furthermore, crime narratives can construct an emotional impact, such as risk or shock that will be discussed in relation to the purpose of the piece. Crime news has its own specific news values that have changed across the years, and these will be explored with reference to the literature above.

The section on the examination of women in media studies and history showed that from the first wave the media was critiqued by the women's movement, but also that this critique has developed, in both disciplines, away from the study of femininity in isolation from masculinity. Current paradigms argue that they are constructed in relationship to each other, so in my research, the reporting of both the battered woman and her abusive man will be analysed. These triangulating concepts also support my choice to view femininity through the male gaze of the *Daily Express*, rather than, for example, a newspaper written by feminists. This author will be accessing only one form of past thinking about women, a conservative view that no doubt feminists

would term patriarchal. The section reviews a number of useful findings based on present-day media, such as the transitivity of blame (Clark 1998, Boyle 2005) and the excusing or othering of abusive men that refuses domestic violence as a social problem (Meyers 1997, Carter 1998, Naylor 2001, Wykes 2001, Kitzinger 2004). The judgment of women based on their sexual behaviour and emotionality (Radford 1993, Naylor 1995, 2001, Howe 1998) is another feature to use as a category of analysis, as is any form of symbolic recuperation, because it is presently only found where the woman is denied any agency (Morrissey 2003). Furthermore, the section alerts readers to the critique of 'feminisation' as tabloidisation, which denies that the influx of women journalists from the 1970s onwards undermined objective standards by demonstrating that the association between masculinity/femininity, objectivity/subjectivity is false. Armed with this understanding, the thesis can examine how these ideas developed over the century in relation to how battered women who kill were reported by the *Daily Express* in 1902, 1934, 1955 and the 1990s.

sharing a common cultural context. Furthermore it assumes from its reading of history and critical discourse analysis (see below) that there was continuity and change in the media's (re)production of these social – gendered – values. So it places at the centre of analysis battered women who kill, because this was an issue that feminists forced onto the agenda from the 1970s (Pizzey 1974, 1997, 1998, Hall, James and Kertesz 1984, Lovenduski and Randall 1993) and it therefore offers a guaranteed opportunity to examine a change in discourses around gendered morality[28]. This is a difficult topic to analyse, because the 'battered wife' is a recent cultural invention (although a reality for women through the ages). This chapter explains how discourse-historical methods can address the problem of discussing a subject that is modified through the media's lens. It also describes how it will approach the study of the changing discourse of journalism through its contextualisation in its proper place in society as a cultural product. It approaches the newspaper with an understanding of its discursive practices, such as narrative, and its textual practices such as presupposition.

The Hydra - Critical Discourse Analysis

The 'linguistic turn' brought the term 'discourse' into wide usage in historical, cultural and communications fields. It serves as a title for 'discourse' theory or 'discourse' analysis, and its definitions and applications are multiple and contested. Schiffrin (1994) argues that the linguist Z Harris was the first to employ the term in 1951, to describe meaning that came from 'language above the sentence', a break in linguistic tradition. Disciplines using different data forms draw on different discourse traditions appropriate to their researches (Wetherall *et al* 2005). For example, historians of class, gender or race have often associated discourse with Foucault, as their categories of analysis are linked with power (Scott 1988). Foucauldian discourse concerns the rules and practices that produce meaning through language and action (Foucault 1984, 1972). Crucially his definition of discourse is 'radically historicised' (Hall 2001, p.74) so it belongs to time and changes with it (rather than semiotic tradition in linguistics which is essentially ahistorical). In his work on French discourses around crime, for example, he discusses how punishment developed from

[28] Pizzey (1997, 1998) claims herself to be an anti-feminist, because of her support for the heterosexual family. However her campaign on behalf of battered women was taken to the Home Office by feminists and is broadly identified as a feminist aim (Hall, James and Kertesz 1984, Lovenduski and Randall 1993).

an inscription of pain on the physical body to control of the privatised mind through the shift in punishment practice from torture to surveillance in pan-opticon prisons, demonstrating different relationships between the State and the individual in different eras (Foucault 1991).

In media studies the term discourse is widely applied (Richardson 2007) but becomes heuristic for media particularly when used in a Critical Discourse Analysis (van Dijk 1988b, Fairclough 1995, Wodak and Meyer 2001). For this reason, Bell and Garrett (1998 p.6) claim that CDA 'holds a hegemonic position in the field of media discourse', and according to Wetherall (*et al* 2005) it is now a usual method for analysis of media representations. It began around the late 1980s, and the CDA international network was founded at a symposium at the University of Amsterdam in 1991, by Teun van Dijk, Norman Fairclough, Gunther Kress, Theo van Leeuwen and Ruth Wodak (Wodak and Meyer 2001). Yet founding scholars take different approaches to CDA such as the 'socio-cognitive' theories of van Dijk (e.g., 1988a, 1988b, 2001), the 'discourse-practice' of Norman Fairclough (e.g. 1992, 1995), Ruth Wodak's (e.g. 2002a) 'discourse-historic' approach and the 'social psychological' work of the Loughborough group; and Wetherall and Potter (1992). CDA approaches have in common the centrality of language and the three following attitudes towards it. Firstly, language is seen as social; constitutive of society – how humans are able to group together. Any act in society needing the organisation of more than one person – war, business, a date - will necessarily involve language. Secondly, language is considered active – a speech act functions in society for whatever purpose a speaker produces it. Finally language is believed to be political: as a speaker produces language for a reason it has intention, and the speaker often expects the audience to accept the meanings of language according to the preferred reading of the speaker (Richardson 2007). This is a simple way of describing critical discourse analysis, which is often discussed as a very complex and extensive set of debates, because of the large number of subject disciplines in which it has been used (e.g., Schiffrin 1994, Schiffrin *et al* 2001, Wodak and Meyer 2001, Wetherall *et al* 2005). However, this methodology is concerned primarily with discussing the methods used in the following thesis and the reasons for them. The questions this thesis seeks to answer are about newspapers, so this methodology will focus on how to analyse meaning in newspapers with critical discourse analysis.

CDA and Power

Understanding how news texts construct meanings around social power through language requires a qualitative textual study, which was rare in media studies before the late 1980s (Lindlof and Taylor 2002). The origins of CDA's interest in language as political are traced back to Marx and Engels at the structural extreme of this continuum, although they are now considered reductionist (Matheson 2005, Richardson 2007, Mason 2008). Their concept that rulers' ideas are represented as 'the only rational, universally valid ones' (Marx *et al* 1970, p. 66) conceives of power as rather mono-directional. Critical discourse analysts such as Fairclough (1995) and van Dijk (1988b) take from it the political aspect of their work, which is expressed in both their interest in examining the workings of power through news text, and arguments for the political role of the researcher in society (particularly van Dijk). Gramsci (1971) refined Marxian thought to develop the hegemonic approach, which argues that rulers instead must win consent through social and cultural institutions (such as the media). The media is an ideological arena in which ruling ideology gains legitimacy, which must be won and re-won (Fiske 1993, Mason 2008). These ideas catalysed important work in crime media studies, such as Hall (*et al* 1978)'s study of the reporting of 'mugging': the new and terrifying word which legitimised new police powers for an ordinary crime. As was discussed in the literature review, the hegemonic approach was superseded by a culturalist paradigm. It was underpinned by the contemporary shift to discourse analysis, which legitimises study of the various directions of power, but regarding it as something subtler than domination of an arena. Discourse analysis, and especially CDA, considers language as both a conscious speech act *and* society speaking through that individual – *both* structure and agency. Key authors hold different positions along this continuum, this tension or dialectic, as Chouliaraki and Fairclough (1999) term it. It is similar, according to Richardson (2007), to Lukes (2005)'s 'third dimension of power' that argues that hegemonic theory does not go far enough in explaining how issues can be kept off the public agenda. Lukes (2005) explains that in political sociology earliest conceptions about power were simple, e.g. A makes B do something. Next political scientists considered when A had been able to stop B doing something. Lukes (2005) argued that the 'third dimension' of power was when A is able to shape B's ideas, desires and beliefs about the world to such an extent that B agrees with that which is even against his interests,

such as when a soldier volunteers to kill or be killed in war[29]. The 'nation' is commonly reified in current 'real-world' discourse, it is 'common-sense' that an individual 'belongs' to a nation merely by being born on a particular patch of ground, and will 'naturally' wish to defend the idea of that nation (Reisigl and Wodak 2001). Geertz's (1993a) conceptualisation of 'common sense' as a cultural system explains how as ideologies gain dominance, they can become 'taken-for-granted', seen as 'natural' and 'normal'. 'Common sense' contains the values of 'naturalness', 'practicalness', 'literalism' and 'accessibility' (Geertz 1993b, p.76). However, he demonstrates how 'common sense' is neither 'common' (it is specific to a historically situated culture), nor 'sense' (it is often contradictory and fragmented; it is not coherent in the manner of a single-authored ideology). The news is framed by 'common sense', and in crime reporting, Ericson (*et al.* 1987, p.7) note that 'journalists provide a daily "common sense" articulation of deviance'. Discourse is therefore more than ideology, the mere 'will to power' (Macdonald 2003, p.28), and critical media discourse analysis more than the study of hegemony, but of varieties of changing power relations that are contemporarily considered 'common sense', between unequally powerful actors through their inscription in, and absence from, media text.

Power in pairs

The workings of power within a discourse are usefully approached with the concept of binary oppositions, or pairs of opposites that have an unequal relationship (Hall 1997, Murdock 1999, Sonwalkar 2005). The idea that cultural meaning is relational was developed in Derridean philosophy to mean that in a binary, one end of the opposition encompasses and forms the other, in such binaries as man/woman, white/black, adult/child (Derrida 1976, 1981). Although they appear natural, the practice of deconstruction can demonstrate points of closure that a text has placed on the play of meaning (Howarth 2000, Ramazanoglu 2002). In discourses, this power relation can be used to describe the dominant way of thinking, versus marginalised, 'alternative' forms (Macdonald 2003). In a text such as newspapers, organised around a binary 'us/them' (Sonwalker 2005), it may allow 'them' to be heard. Traditional journalistic binarisms can also be problematised, such as the distinction between hard/soft news

[29] At least for all those soldiers not directly defending their own homes. No nation has attacked the British mainland (not including 'Protectorates' and other imperial territories) since 1945.

that was discussed in the literature review. Allen (1998, p.128) critiques objectivity as 'an (engendered) construction', as can be seen in its organisation around the oppositions masculine/feminine, hard news/soft news, facts/values. This is the binary equation upon which the feminisation argument rests (Aldridge 2001), which links the rise of entertainment and fall of information in journalism to the increase of women journalists. The professional ideal of objectivity (in other words, the truth that produces hard news) ignores the processing of raw facts that takes place in the newsroom, even the choice of which facts to gather and thus which sources are consulted. These processes are not value-free, and its product therefore does not correspond with the 'real world' in a value-neutral manner. Journalistic discourse organised around this binary equation is demonstrated to be cultural rather than natural, not inherent in the subject matter, but the product of the news industry's beliefs (Allen 1998). Crime news depends on dramatic binary oppositions such as good/evil, innocent/guilty (Young 1996), and the reporting of violence against women is predicated along the lines of the binary 'virgin/vamp which organises blame for a rape around the woman's sexual history (Benedict 1992, see literature review for further discussion).

CDA and women's history

In feminist and women's history this capacity of discourse to accommodate the absent ensured that it became legitimated as a research approach (despite resistance from traditional male empiricists, who also disagreed with the project of women's history wholesale). As was discussed in the literature review, a chief problem for historians who were interested in the role of women in the past was the lack of records about them, the way in which their contribution had been under-recognised and ignored. Without evidence, how to produce a 'history of their own'? (Anderson and Zinsser 1999). Many approaches are used but a critical discourse perspective seems to offer the possibility of using the vast mass of archives written through the male gaze (Scott and Keates 2001). As Canning (1994, p.379) argued, studying the

> rhetorical aspects of historical texts, to their contrasts, exclusions, and/or binary oppositions, makes it possible to uncover, for example, the metaphors of female sexuality that might otherwise be difficult to see or interpret.

However, the use of discursive ideas in history was problematic to the traditional conceptualisation of the purpose and nature of the discipline, and furthermore, an acute problem for the political feminists who had pioneered women's history, both inside and outside the academy. An interesting example of the development of these debates is the career of Joan Wallach Scott, who first became eminent in the history field due to her work on women at work, in which she and her co-author operated within 'dual systems theory', that posited both capitalism and sexism as two great driving forces of inequality in history (Tilly and Scott 1978). Her 'linguistic turn' in 1988 was therefore significant for women's historians and opened the debate whether these interpretative methods could support a self-consciously political, i.e., feminist, history of women (Hoff 1994, Purvis 1996, Brooks 1997). The core argument against the possibility was the idea that in arguing that as a socio-cultural construction gender is the site of discursive conflict, they attacked the unitary definition of 'femaleness' and its historic subjection which was a rallying call for feminist historians and political activists (Brooks 1997, Elam 1997, Riley 1988, Moi 1990, Scott 1996). With this important project apparently at stake, the debate was heated; the new approach was accused of 'misogynist origins, implicit racism and politically paralysing aspects' (Hoff 1996, p.25). However, even early discursive feminist historians began to produce noted works of great sensitivity, such as examining how the Victorian ideology of 'separate spheres' contained within it the possibility of its own destruction, by enabling women to be champions and advocates of 'feminine' issues such as charity, children and the domestic (Poovey 1989, Hall 1995). Women's history is still a political project, to analyse 'dominant understandings of gender in the past' (Scott 2001, p.100). CDA analysis is conceived of as political (van Dijk 1988a, Fairclough 1992, Richardson 2007), although different authors hold this aim more or less strongly. Van Dijk (2001, p.96) argues that critical discourse analysis 'not a method, nor a theory...it is a – critical – perspective on doing scholarship...consistent with the best interests of dominated groups'. Furthermore, the past text of the press is analogous to the mass of archives used by feminist discourse historians, in that crime reporting is mainly written by men in masculine newsroom cultures (Chambers *et al* 2004), and it places the reader in 'a textually preferred – that is masculinised – reading position (Allen 1998, p.132).

CDA – Constructive and Critical

In addition to the tension between the active and political aspects of CDA, there is a further tension between the political and social dimensions. Phillips and Hardy (2002, p.19/20) describe CDA as a 'critical' method, i.e., interested in power relations, in contrast to 'constructivist' discourse analysis such as interpretive structuralism, which concentrates more on 'the processes of social construction that that constitute social reality'. Yet as has already been established, CDA analysts assume that discourse is constitutive of social reality. Fairclough (1995) views this contradiction as another dialectic, and argues that critical discourse analyses should explore both sides of the debate. It took place in linguistics between formalism (or structuralism or *a priori* grammar) and functionalism (or emergent or interactive), which represented the two main paradigms on the general nature of language and purpose of linguistics (Schiffrin 1994). Formalists study discourse as a unit of analysis comprised of 'language above the sentence' (Scollon 2001). A simple example is my use of the word 'it' in the antepenultimate sentence, which is 'anaphoric' - referring back to the previous sentence (Cameron 2001). This super-structure helps identify a text, so key issues are about ways in which texts cohere, such as narrative, causality and motivation (Cameron 2001, Richardson 2007). Yet these two paradigms of formalism and functionalism are not entirely contradictory as it is possible to have an interest in both the form and the function of a text, and in the relations between its two aspects (Schiffrin 1994, Cameron 2001). In CDA, the extent to which an author leans towards the critical (functionalist) or to the constructionist (formalist) approach will depend on their own, personal view of the nature of language-in-society and the purpose for which they intend their own research. Macdonald's (2003, p.26) more constructivist interpretation argues how enriching it can be particularly for studies in crime media such as this one.

> ...[I]t invites us to talk about how [female] criminality is perceived and talked about (for example, as a threat to social stability, or as a disease, or as a source of exciting narrative); how it is defined (in relation to offences against the person, or against individual or corporate property); and how these forms of thinking and talking have changed through time

As Cameron (2001) points out, even in the 'purest' formalist analysis, the interpretation has to involve prior knowledge in order to be invested with meaning,

and the meaning of discourse is especially dependent on this prior knowledge, or context. Consideration of context is particularly important for a historical discourse analysis. For example, Wodak (1997) criticises the quantitative-correlative approach in linguistic studies on gender that map fixed ideas of gender onto a biological binary conception of sex. Women's language is said to display emotional expressivity, nurturing and prestige consciousness whilst men's shows competitiveness, toughness and independence – all characteristics of traditional ideas of gender-appropriate sex roles. Wodak's own study on speech between mothers and daughters found differences in their talk based on minute variations in context, such as the quality of the relationship between the interlocutors (Wodak 1997). She concludes that in order to understand ways in which gender is performed, the context-specific nature of the performance must be considered.

Contexts in CDA, Media and History

According to Widdowson (2004) the term 'context' was coined by anthropologist Malinowski to help explain the speech of oral societies, which was very situation-dependent. He draws on early discourse analysts such as Labov (1972) as well as linguistics to construct a definition for context that is suitable for historical discourse analysis, maintaining the understanding that context is meaningful both cognitively and socially, as well as being shared and dynamic. Current discourse analysts such as van Dijk (1988b, p.62) depend on the meaningfulness of context, which differentiates them from textual, formalist studies, arguing that 'what is grammatically ambiguous is usually made clear by text and context'. However, the importance of context in a single discourse work can vary, in fact, according to Phillips and Hardy (2002, p.19) 'the broader social context can be more or less included depending on the interests and motivations of the author.' Context is considered significant in this study, especially because it consists of case studies that occurred at different times during the twentieth century, so they must be situated within their own contexts. Context is considered significant by many discourse authors on the media. As Allen (2005, p.3) points out,

> should the news media be removed, in analytical terms, from the social, economic and political contexts within which they operate, we run the risk of exaggerating their power and influence.

Both early-modern and most recent works of media history (Williams 1961, Cavanagh 2007) critique the failure to situate British research within its changing wider social, economic and political context. This may be a result of an under-valued, under-researched field. In countries in which media history is a larger industry than in Britain, such as Norway, there is now a 'research tradition that is commonly described as "a social history of the media"' (Djerf-Pierre 2002, p.85). In contrast, there has been broad acceptance of the importance of contemporary context in other areas of British history, such as the history of ideas, since Quentin Skinner's (1978) ground-breaking work in the history of intellectual and political thought (Tully and Skinner 1988, Green and Troup 1999). Cavanagh (2007) is particularly scathing of work that is based on institutional contexts, accusing it of teleological reasoning, as well as bring unconnected to its wider context. The problem with having too narrow a context is that 'an essential and eternal nature is imputed to successful forms and institutions' (Cavanagh 2007 p.5). This thesis is based on a single institutional form, the newspaper *Daily Express*, so must answer this charge. The contexts for the case studies are conceived as a way of situating each news event in its time by including the social issues that were relevant to the event itself. They draw on secondary sources to discuss what is known about the newspaper trade in each era, and what role women play in society. It is also noted that a critical-historical position is reasonable and desirable, and examples are extant. Bingham (2002, p.21), for instance, argues that the *Daily Mail*'s campaign against the 'flapper vote' in 1927-1928 made it seem to be 'losing its touch'. The *Daily Express* cannot at all be described as eternally successful, and part of the reason for the choice to study this particular newspaper is its long and chequered circulation. Furthermore, journalistic beliefs about the separation of 'hard' and 'soft' news will be ignored, and all stories of any kind about the cases will be analysed. This thesis thus hopefully avoids the elephant-trap of teleology, despite risking anachrony in its application of the presentist critical discourse approach to texts from the past. This issue arises from this study's straddling of the disciplines of (crime) media studies and (women's) history, which are often established in different institutional faculties – Arts and Social Sciences – that have different approaches and methods (Nerone 1993).

Socio-cultural perspectives - narrative

The formalist perspective contributes an interest in how the text coheres, such as through narrative. As was shown in the literature review discussion of objectivity, sources and news values, journalism is a well-established discursive practice with its own 'realistic' world-view, set of organisational principles and institutional social practices and interacting with other bodies in often-scripted ways. Studies of journalism texts, therefore, must take into account the ways in which the discourse of journalism draws on routinised conventions. The study of narrative emerged from structuralist research into myths, folktales and literary criticism (Frye 1957, Lévi-Strauss 1963, Propp 1968) but impacted strongly on those authors that were embracing reflexivity in the 1970s, as they began to recognise the narrativity in their own disciplines. Narrative became understood as a basic cultural form containing specific elements; characters, their location and what happened - the plot (Burton 1999). Yet it has an epistemological status, it is a way of understanding the world and in a text 'prestructure[s] and delimit[s] the range of likely meanings' (Dahlgren 1992, p.15). Fairclough (1995, p.93) asserts that 'factuality is a property of narratives', giving the story a realistic appearance. It was influential as an explanation for the story-shape of much empirical history (White 1978, 1973, 1996, Jenkins 1995, Munslow 1997). Traditional narrative history relies on periodisation to create stories with a beginning, middle and end, such as the 'eras' that are described in the literature review of press history. In this self-conscious story about stories, the chronological schema acts as a meta-narrative to the case studies, whilst the cases test the validity of the periodisation. According to Clegg (1993, p.15) founding sociologists Marx, Durkheim and Weber 'could all tell a good story'. He compares the use of story in sociology and journalism, claiming that the sociological Chicago school based their style on the city's celebrated investigative journalists, whilst Priest (1996) and Bird and Dardenne (1988) draw parallels between the narrative work of historians and journalists. All are attempting, although to different audiences and with different purposes, to convey 'facts' accessibly and engagingly.

Narrative is a useful way to approach news, highlighting several aspects intrinsic to its character and nature, such as myth, chronicle and positioning or narrative modality. Media scholars such as Michael Schudson, Dan Berkowitz and Elizabeth Bird 'put the story at the basis of journalistic discourse' (Coman and Rothenbuhler 2005, p.7). A

key news narrative, because it produces 'factuality', is the 'objective' hard news report, characterised by an 'inverted pyramid' opening, which by putting all the facts into the first sentence breaks the narrative tension needed for a good story (Fulton 2005). As well as structuring news texts, it also provides a ritualised structure for the management of news production (Silverstone 1994). Narrative can be placed at the centre of a tension in critical discourse analysis between the social and the active. The study of one aspect of news narratives, that of myth, suggests that individuals are to some extent unconscious social actors. The idea of news as myth considers the body of news work to be more meaningful than individual articles. It is seen as a cultural artefact, a way in which members of a society 'learn values, definitions right/wrong, sometimes experience vicarious thrills' (Bird and Dardenne 1988, p.70). The larger myth is created through the repetition of 'chronicles' (Bird and Dardenne 1988) that individually are plain, even boring. Narrative shapes this news, resulting in very similar stories being written about certain events (Manoff 1986).

Much of crime news is taken up with court reports that merely chronicle a crime using the dominant news form, the inverted pyramid, which is a deliberately non-narrative form meant to safeguard objectivity. It is said in journalism that fifteen or even fifty reporters in one courtroom will all write the same story (Keeble 1994). This is held to show objectivity in action, but the study of narrative argues instead that the journalists have learnt to recognise what is newsworthy; i.e., what makes the best news story. The constant repetition of the court-based story that crime is committed but suspects caught and convicted purveys the myth of a just society, and each repetition re-asserts this, as if adding to a 'rut in the road' (Mason 2008). Sparks (1992) argues therefore that whilst myth may be semi- or unconscious, it is still ideological, supporting a conservative (small-'c') view of the world. He challenges Foucault's assertion that 'moral tales' in society, which demonstrate the power of the State to regulate the behaviour of its citizens, were lost when the punishment of criminals was moved indoors to the prison, away from the public gaze. He argues that the media perform this role in society, presenting daily spectacles of crime and punishment in cop shows and crime reports. Thus the crime chronicles provide an illusion of security for readers. However, Schudson (2005, p.124) is cautious of these kinds of explanations of the prevalence and nature of crime news 'as fulfilling deep societal needs for moral order'. This is due to Best's (1999) work on how newly-defined crimes become

established, and his finding that those with institutionalised support are treated more systematically and are more likely to be incorporated into the legal establishment than those that are merely the product of media excitement. It clearly suggests that comparative research into the news reporting of battered women who at the centre of campaigns for their release (e.g., Sara Thornton, Kiranjit Ahluwalia and Emma Humphries) and those who were not (Elizabeth Line, Pamela Sainsbury, June Scotland) might contribute to this argument, and therefore be worth doing. However, it does not mean that Schudson believes narrative to be any more conscious or less conservative than those who argue the case for crime news as a security blanket. He still asserts that 'news stories do not challenge fundamental moral assumptions' (Schudson 2005, p.123), and moreover that 'the whole news process is part of a ritual process beyond the ken of any of its participants' (ibid, p.127).

A narrative approach to discourse lends itself well to historical news research, as the above discussion suggests, because it creates a debate between the 'eternal recurrence' theme of narrative and the 'context specific' argument of critical discourse analysis, which echoes a standard historical discussion – continuity or change? Some archetypal crime narratives include the 'bereavement story' about the family of a murdered person (Wimmer and Dominick 2006) and the 'folk devil' or violent young hooligan (Cohen 2002). Is there a similar archetype in the reporting of women who killed their intimate partners where there is suspicion that he abuses her? Or might there be discontinuity and a variety of unconnected representations? However, the study must take place within a time period in which it is reasonable to expect news narratives. With the introduction of 'New Journalism' which is dated from around the 1880s to about the present day, journalism shifted towards the modern 'representative' paradigm, in which journalists take greater control over their narrative, telling stories rather than showing the reader a record of events (Schudson 1978, 1995, Matheson 2000, Tulloch 2000, Hampton 2004). Therefore the choice of case studies can take place in the post-New Journalism era when narratives can be expected. Hampton (2004) historicized the subsequent 'propaganda' era (1930s-50s), and critical sociologists dubbed the period since the 1970s 'tabloidisation', which promises possible data for case studies within and between periods. Narrative study offers one other practical consideration, to ignore the supposed difference between

hard and soft news and regard them as types of news narrative. Sparks (1992, p.21) also argues that there is even distinct overlap between types, showing that

> fear or horror at particular real events seems to be partly registered by recounting them in a language which assimilates them to fictional and dramatic conventions

He gives the example of the Moors murders retold in news in the language of Gothic horror. This secures the assumptions of narrative analysis that there is less difference between supposedly 'hard' and 'soft' news than journalism would have us believe (Schudson 2005). Moreover, according to Bird (1992, p.5), 'quality' newspapers (supposedly more objective) and tabloids (supposedly more entertaining) now use the same techniques, amounting to 'story-telling continuum'. Both hard and soft news share the narrative characteristic of positioning, or narrative modality (Tyler et al, 2005). Positioning means the narrator's stance within the text towards the subject of the text, so is clearly a useful tool for discussing the attitude of the *Daily Express* newspaper towards the possibly battered murdering women that they report (Montalbano-Phelps 2004, Tyler et al 2005). Furthermore, Sparks (1992, p.40) suggests that:

> moral tales may be conservative and ideological none the less their concerns may stand at some distance from, if not in open contradiction to, the posture of the state.

Thus the study of the positioning of key actors in the text will suggest answers to questions of the newspaper's modality towards the subject, as well as towards its role in society and towards the criminal justice system.

The Discourse-Historical Approach

The 'discourse-historical' approach is dominated by Ruth Wodak and the Vienna School comprising of her PhD students (Kendall 2007). The existence of this method secures the idea that the main project of this thesis, to examine the (re)production of power in past media, is possible. In fact, the discourse-historical approach was designed for a study such as this one, as it was developed in order to analyse prejudice and stereotypes in Austrian reporting about the presidential campaign of Kurt Waldheim in 1985-6 (Wodak 1989, Wodak and van Dijk 2000). During his campaign

there was controversy over his involvement in the Second World War, and thus his fitness for office, and Wodak identified this time of source-disagreement as a profitable one to explore. When sources that journalism would usually treat as authoritative cannot agree, the journalist is forced to make clear, i.e., traceable and analysable, choices about which interpretation to privilege. It suggests that to study gender as power then news events in which there can be source disagreement, such as criminal trials in which there is always a defence and a prosecution argument, might reveal interesting aspects of media selection. Furthermore, as racism and racial relations can be understood as a historical phenomenon, so can gender, which research is supported by a tradition of gender studies in feminist linguistics amongst which Wodak (1997) situates herself. The discourse-historical approach adheres to the ideas of language and discourse as social practice, as illustrated above by better-known 'critical' scholars such as Fairclough and van Dijk (van Dijk 1988b, Fairclough and Wodak 1997, Wodak 2002b). Wodak was also a member of the 'inaugural moment' of CDA at the University of Amsterdam meeting in 1991, mentioned above. For example, it links with the more cognitive theories of van Dijk, because historical discourse is also defined 'as a form of knowledge and memory of social practices' (Wodak 2004, p.199). The *Daily Express* is a form of knowledge and it does take place through the social practice of newswork.

Wodak's discourse-historical approach is particularly useful for overcoming the problem outlined above, of teleological, anachronistic thinking about media history. Wodak (2002a) explains how the problem of anachrony arises from the confusion of a 'historical' argument, with a 'cause-and-effect' argument. Cause and effect is the chief concern of professional historians, their *raison d'etre* and their commonest debate (Copeland *et al*, 2006); it also leads to a great deal of misunderstanding of the past, as historians seek to create causal arguments out of that which is merely co-incidental, concomitant and contingent. Yet as she argues, context is unavoidable in a historical study, even to the extent that she suggests a 'context-dependent normativity' underpins her work (Kendall 2007). Any historical evaluation or judgement loses meaning when it floats free from its contemporary referents, and in addition she argues that the proposition of general norms which do not fit any particular situation are redundant – she does not endorse the 'ideal-model' approach. Any study of language therefore, which does not take context into account, 'would not give insights

into social processes' (Wodak 2004). This thesis agrees with her –judgement that the context is important, because its case studies take place at quite different discursive moments through history, at which contemporary views on journalistic epistemology, the place of the *Daily Express* in the media market and the role of women in society are all subject to variation. Her work thus clearly supports this dissertation's decision to ground each case study in its individual context.

In order that all these ideas can be brought together on a single research project Wodak relies on two essential procedures – triangulation of different genres, and the separation of steps in her analytic procedure. Her triangulation approach is described as a 'symptomatology', which relates phenomena and explains them interpretatively in terms of those relations (Wodak 2002a, p.64)[30]. The steps represent different levels of context, and meaning is produced through the triangulation of these contexts across genres. Her aim is to examine 'the historical dimension of discursive actions by exploring the ways in which particular genres of discourse are subject to diachronic change' (ibid. p.65). To that end she triangulates the various genres of discourse about a specific subject, seeking different kinds of knowledge about the same object of inquiry. One genre is of secondary sources, in other words, other historians' explanations of the discourse event. In this thesis, secondary sources written by historians and media scholars are used to discuss the role of women and of the press within society at the time of each murder trial. Furthermore, the genre of journalist's books such as autobiographies, biographies and institutional histories are used to consider production practices at the time. The method is explicitly self-aware of itself analysing the text, by introducing separate steps of analysis (at the different levels of contexts) that Wodak (2002a, 2004) insists must be introduced one by one, in order that the reader can see the working-out. The first step is the search for internal contradictions in the text, the 'text- or discourse immanent critique', in which meaning is considered to reside in the text (the physical remains of the past). The second is the embedding of discourse in its socio-political context - 'social-diagnostic' stage. After this stage it is possible to produce findings by triangulating the various genres of discourse around the discourse event. However, the third 'prognostic' stage

[30] 'Symptomology' seems to be a useful description of a text-based study method. Like a doctor, the analyst identifies symptoms or phenomena without having direct knowledge of the cause (production). Explaining the symptoms leads to a diagnosis, which is not an infallible process. Several conclusions (or diagnoses) may be appropriate to the set of symptoms observed.

is where the discourse-historic scholar intervenes in public discourse, with a prescription of advice for public institutions, and for the media, on how to communicate better (for example, with anti-racist language).

This thesis is inevitably political, making truth-claims about gendered power and the construction of values/'common sense' about battered women who kill in the pages of the *Daily Express*. Created through language, it is also active - the product of my intent to enter the academy - and also social; emerging from language and thought expressed far before my existence, yet placing demands upon me to couch my words in truth-claim statements, to ape the manner of the academic establishment in order to receive its blessing. If these requirements were not in place, this thesis would be expressed in other terms, which do not make such arrogant truth-claims about the past which is dead and gone and only 'knowable' through its limited remains that are always contingent. To claim, however, a politically normative project on the basis of such 'knowledge' appears to me to be stretching validity to breaking point. This should not be misunderstood as espousing an apolitical position, however. In discourse research fields other than CDA, politically engaged work is frowned upon. Schegloff (1997) makes similar claims for conversation analysis as empiricists like Marwick (1995) and Elton (1987) do for history; that the subject should be studied for its own sake and on its terms; that to approach the subject with an agenda is to be hopelessly 'biased' and will inevitably find what is sought. Yet statements in favour of the apolitical are very obviously themselves political, seeking to order their academic disciplines according to the authors' normative arguments that their way of doing research is 'a worthy analytic aspiration' (Schegloff 1997, p.165).

This thesis is not therefore naively apolitical, but both political and equally against the political project of formulating normative recommendations. It investigates the newspaper practices of power through the social necessity of creating truth-claims about it, but at least refusing that final last step of basing advice to the world on such 'knowledge' that is considered by its producer to only be 'true' to a given value of 'true'. As has been recognised in the field of women's history, the political is not the same as the polemical, and so this author proselytises her beliefs only to the extent that is demanded by academic standards of PhD writing. However, except for the third step, Wodak's (2004, 2002a) definitions of her discourse-historic approach

confirm its usefulness for application to this body of newspaper data. It confirms a role for context and shows how to use it in a 'symptomatology' of different genres. It demonstrates avoidance of cause-and-effect assumptions (teleology). It is designed for the data, not the other way around, as with grand theories, and can be 'eclectic' (Wodak 2004, p.199). It also identifies times of source-disagreement as profitable to explore. Treated as a 'school' rather than a prescriptive method (Meyer 2002, Kendall 2007), it seems to me to form a reasonable discursive platform for launching a study on crime reporting about women who murder their abusive intimate male partners in the *Daily Express*.

Text

Textual analysis bolsters the context and narrative study by providing a systematic examination of crime reporting in the *Daily Express*. There are several discourses within it – about how to perform good crime journalism, about relations between the sexes and the status of women. This author will be searching in the text for evidence of meaning, but different critical discourse analysts highlight variant actions or functions as carrying the most important meaning in their texts. Wodak and Reisegl foreground 'topii' (types of argumentation) (Reisegl and Wodak 2001, Meyer 2002), whilst Fairclough (1995) and Fowler (1991) call attention to intertextuality and Hallidayan transitivity[31]. As discussed, above, this thesis foregrounds narrative as the key driver of news construction, and means by which the journalist encodes cultural meaning in news. The crime report represents a site of cultural struggle over the meanings of blame and mitigation, which in the case of criminal women is further overlaid by gendered norms – crime is a particularly masculine enterprise, so for a woman to act as if 'against her nature' requires a specifically gendered commentary, as the review of literature on criminal women in the news pointed out (Naylor 2001, Jewkes 2004). Furthermore it will show evidence of the changing conceptualisation of crime journalism, its uses and purposes through the century. This thesis will concentrate on searching for textual evidence of these meanings, using methods that speak directly to those issues, i.e., referential strategies, predication, transitivity, modality and presupposition.

[31] Transitivity is 'the aspect of the grammar of a...sentence that relates to its ideational meaning' (Fairclough 1992, p.27) which was first elevated to a significant subject of enquiry in critical linguistics by M.A.K. Halliday (e.g. Halliday and Hasan 1976).

Lexis – in particular naming and referential strategies or describing nouns and adjectives – is a simple but significant subject. Names (both individual and collective) can convey 'connotations of good and bad' (Morley 1992, p.95). The media has considerable power to 'name' its subjects, and thus 'foist identities' upon its subject (Matlock 1993, p.137). Furthermore, it can establish relations between the social actors in the text. Clark (1998) demonstrates how labelling constructs a relationship of blame in the *Sun*'s reports about violence against women. The paper has only two naming choices for a male attacker, describing him either inhuman or not. Where he is called a 'monster' and 'beast' or less hyperbolically a 'thug' or 'kidnapper', the woman is constructed as an innocent victim, framed in familial relations like 'mum' and 'wife' which connote respectability (Wykes 2001). However, if the attacker is not labelled inhuman, the woman is likely to have her identity constructed around her perceived sexual availability, called names such as 'divorcee' and 'blonde'. Such referential strategies construct sympathy for the victim when she is in a heterosexual relationship, but blame where she is not (Clark 1998).

The 'second essential aspect of self- and other presentation' - predication - takes the analysis of description and value meanings further by studying the linguistic allocation of 'qualities' (Reisegl and Wodak 2001, p.54) or 'values and characteristics' (Richardson 2007, p.52). These are direct attributions, predicates that modify the subject, collocations, and forms of comparison such as metaphor, simile as well as more implicit allusion and implication. Bell (1991) also notes that a common predicational strategy found in the press, especially the popular papers, is 'determiner deletion', or removing the definite article, which creates a title for the subject – another way in which newspapers have power over the naming of the subject. Fowler (1991) points out another meaning-making operation with predicates – nominalization, or the practice of making predicates into nouns (called derived nominals). They are common in English, but most found in official discourses, so can often be found in the media where it quotes bureaucratic sources. The process deletes a significant amount of information from the full sentence, such as the participants in the action, any indication of time and the writer's attitude to the proposition (Fowler 1991).

Fairclough (1992) calls nominalization a feature of transitivity, because the essential feature of transitivity is its expression of being carried from the subject to the object of a sentence. Transitivity is the action when X does Y to Z, and so is obviously a significant meaning-making factor in the apportionment of blame in a crime report. When a transitive sentence such as "the woman killed her husband" is turned into an intransitive one by deleting the active agent, e.g., "the husband died", the accusation of murder is also deleted from the text and blame disappears (Fowler 1991, Fairclough 1992, Richardson 2007). According to Richardson (2007), modality is the counter-part to transitivity. It offers a way of thinking about the attitude of the journalist; modal verbs such as "must", "could" or "might" as well as modal adverbs ("certainly") place the speaker closer or more distanced from his/her statement. Two key forms of modality for the media are the truth modality (i.e., how much the writer considers the statement to be true) and the duty modality (how obligatory the statement is considered). This is evidently important for this study, which centres on changing social modalities around battered women who kill as seen in the *Daily Express*. However, as Fairclough (1992) points out, media discourse contains a particular perspective on modality as part of its function, which it usually purports to be conveying the truth. So there is a penchant for categorical modalities, absolute assertions both positive and negative and few of the modalising elements that makes texts less certain. This highlights the problem in performing discourse analysis on media, which is that the political/active and social functions of the media are often indivisible. Presupposition is an element produced by both discourses, for instance (Fairclough 1992). The use of sources is political, but they can be effectively concealed by the presupposition of a favoured source's information, as if what they say is already taken to be true, and presented as such. However, there is also presupposition that is inherent in the news values category of 'follow-up'. It is (currently) considered good practice to return to a news story in order to check whether the story has developed. This type is cued in the text, and speaks to the author's expectations of the reader. How much knowledge is presupposed about each of the case studies in this thesis may speak to how well known the case is at the time, and how much the journalists expect the reader to know. Incorporating the tension between the social and political/active in critical discourse analysis means an interest in both the changing journalistic discourse and the gendered discourse.

In summary, this methodology uses a number of ideas from several disciplines in order to approach the data in a time-sensitive and explanatory way. The question centres on the political aspect of language, studying the way in which the newspaper works through narratives to create meanings around deviant women in society and to also state what is crime journalism. It takes a CDA interest in examining the workings of power through news text as an approach that directly addresses this question. Whilst it is an unusual one for the discipline of history, it is justified here with reference to the narrative view of historiography (White 1973, 1978, 1996) as well as women's history methods. All history is a re-telling of stories using the remains of the past, and it would seem a shame to neglect this vast archive of past values and attitudes when no historian can be certain that they have correctly/accurately interpreted the meanings those artefacts held in the past. Women's historiography also teaches that archives written through the male gaze can be read for men's narratives of femininity (Poovey 1989, Canning 1994, Hall 1995, Scott 1996, 2001, Brooks 1997). It is a reasonable assumption that the majority of articles studied here were written by men, based on the knowledge that women were a tiny minority in British journalism, at least up till the 1970s[32]. Yet even once women began to join the profession in numbers, news culture was substantially masculine (Christmas 1997, Chambers *et al* 2004), and so although written by a woman, any one of these articles may still express the male gaze. However, in the press, circulation works as a restrictive feature of the knowledge/power conjunction – the *Daily Express* cannot try to use its power to create narratives that would be entirely unrecognisable to the general public (including women), and so the articles can be understood as a small part of the history of discursive struggle towards claiming 'common sense', although cast from a politically partial viewpoint (Geertz 1993a, 1993b, Fairclough 1995, Chouliaraki and Fairclough 1999, Reisigl and Wodak 2001, MacDonald 2003, Lukes 2005, ,).

My approach is related to the discourse-historical method, as expounded by Ruth Wodak (Wodak 1989, Fairclough and Wodak 1997, Wodak 1997, Wodak and van Dijk 2000, Reisegl and Wodak 2001, Wodak and Meyer 2001, Wodak 2002a, 2002b,

[32] It is only an assumption, because of the 105 articles studied here, just 21 (20%) have a byline. Of these 21 articles, 2 are under female bylines (Janet Menzies, Nichola Davenport) and a further 4 under unisex bylines (Ashley Walton, Alex Hendry). Thus, a maximum total of 6 of the articles in this corpus (5.7%) were written by women.

Wodak 2004, Kendall 2007,). The method is useful for its 'symptomatology', in which different genres of discourse – here, secondary sources written by academics and non-academics (mainly journalists) are used to triangulate a perspective on the primary data. It recognises that context has a vital explanatory function, which is recognised by many historians of the media and discourse (van Dijk 1988a, Nerone 1993, Bingham 2002, Phillips and Hardy 2002, Cavanagh 2007). However, in order to understand the *Daily Express*'s perspective on the emotive subject of battered women who kill, this thesis uses narrative modality (in other words, what the narrator feels about their subject, and what they are trying to make the reader feel too) as the key analytical object. The construction of narrative modality will be deconstructed by breaking down the narrative structure of the articles into each part, that is to say, characters, location and plot (or narrative). The analysis will focus on textual elements that convey narrative modality, such as naming and describing (referential strategies and prediction), and the relationship between the characters (transitivity). Indications of the newspaper's positioning of their imagined audience are contained with its presuppositions, whilst their own allegiances to their sources can be seen in their textual modality towards quotes. It is hoped that through examination of these aspects of language, it is possible to analyse past narratives about battered women who kill circulated by this particular conservative, right wing and masculine newspaper, the *Daily Express*.

Sample Choices

In order to select cases, criteria were laid down that would ensure the selection served the purpose of the enquiry. As historical development was a research interest, cases would need to have taken place at different time periods or 'eras' in the newspaper industry which could be expected to show differences in news values, practices and epistemologies, of which there were three (see literature review). One of these three broad categorisations of the twentieth century might host two cases, because any historical research that does not compare as well as contrast is half a story. All the cases needed to show some evidence that the woman was subject to physical abuse by the man she killed, in order to maintain the focus on battered women who kill. The research began in periods when political activity by women was high profile, at different ends of the century. 1913 was the height of the militant suffragette 'outrages' (as the *Daily Express* called them), whilst 1983 saw the Greenham

Common women 'embrace the base' - their largest protests against the Cruise missiles sited at the American airbase in Berkshire. However, looking for suitable cases amidst this material was inefficient and no appropriate criminal cases were found, although the research provided valuable insight into the newspaper's rejection of feminist campaigning at both ends of the century. In both eras, the women were reported as either ridiculous or dangerous.

In order to search, the author turned to Palmer's Index to *The Times*, which directed her to criminal cases by name so she could identify prosecutions of women. Not all those listed in *The Times* appeared in the *Daily Express*, and many did not contain the element of domestic abuse, but several emerged that were suitable. Of these choices, she decided on two criteria – the stories with the most material and furthest apart in time (except for the two comparison stories), in order to use contrast as a heuristic tool. There was originally intended to be a third criterion, but as research progressed it was found that it was impossible to find stories of similar lengths, due to the vast differences in average word-lengths across the century. The 1990s cases were the most different in terms of word-length, being usually far shorter than the others. The chapter was far too thin with only one case study, so the author made a more detailed examination of the context to find out what was now considered newsworthy in place of reporting battered women who kill. In the course of this investigation, it became clear that other battered women who kill cases were reported differently, and given that there was plenty of space and in the interest of understanding the decline in newsworthiness, the author considered it worth while to study why this was so, leading to the current comparison between cases that were campaigned-for and those which were not and enabling a more detailed evidence-based explanation of changes in newsworthiness from the earlier cases. The stories were, however, chosen as (temporally) close together as possible in order to gather enough material within a hopefully similar discursive moment (see the 1990s cases chapter for further explanation). Thus were the stories of Emma 'Kitty' Byron (1902), Ethel Major (1934), Ruth Ellis (1955), as well as Sara Thornton (Aug. 1991 – May 1996), Pamela Sainsbury (December 1991), Elizabeth Line (February 1992), June Scotland (March 1992), Kiranjit Ahluwalia (Sept. 1992) and Emma Humphreys (July 1995) selected.

These cases were thought to be appropriate because they offered enough material for the analysis, and took place in different eras – in terms of socio-political as well as institutional context. The 1902 Byron case illuminates an age in which femininity was significantly classed – that is, different classes of women had very different experiences of what it meant to be a woman. The New Journalism, of which the *Daily Express* was firmly a part, reached out to a nascent class: the educated, aspirational upper-working class and lower middle class (Beetham 1996, Baylen 1997, Carter and Thompson, 1997, Curran and Seaton 1997, 2003, , Seymour-Ure 2000). It was launched during a shift in ideas about the press towards mass entertainment, and tried to garner popular appeal by being the first newspaper to put news instead of classified adverts on the front page and by filling its column inches with popular subjects like court reports (Fenn 1910, Walkowitz 1992b, Humphreys 2000), yet still traces of older attitudes might still be found. Symbols of late-Victorian and Edwardian gentility, especially feminine symbols, were often visual and indicated adherence to the separate spheres philosophy – for example, lily-white hands demonstrated that the woman did not work (Huneault 2002, Hartley 2001, Wilcox 2005,). The public world of work was considered the sphere of men, whilst women's duty was to take care of the domestic, private world (Hall 1979, Perkin 1989, Kent 1990, Ware 1992, Hall 1995, McClintock 1995). Byron's retail job placed her in the same class as the *Daily Express*'s intended audience (Laybourn 2002, John 1986, Lewis 1988, Morris 1986). Yet she contravened both laws and norms by stabbing her lover in public outside a central London post office. How do these factors - some contradictory, some looking to the past and others to the future – combine and intertwine to produce press reports about her case?

By the time of the 1934 Major case, the legal context for women was very different – they had won the vote and found by replacing the men who volunteered for soldiers during the First World War that they were capable of much work outside the home for which they had been thought unfit (Taylor 1975, Branston 1976, Miles 1989). Even feminists felt that the sex war was over and the feminist press declined (Lewis 1980, Tusan 2005). Yet in the midst of an economic crisis, social ideology encouraged women to return to the home and pre-war values. Men acted against women in work to protect their jobs – the working class with union dilution agreements (to prevent jobs being 'diluted' with women) and the middle classes with marriage bars, which

forced a woman teacher, for example, to leave her profession upon marriage (Branson and Heinemann 1971, Brookes 1989). The Depression, which reached peak unemployment in the same year as the case (1934), split the British people across class and regional lines. The older, heavy industries of the north slumped, whilst light industries such as chemicals and electricity based in the south began to emerge. Whilst the starving unemployed marched for jobs, middle-class workers bought new white and luxury goods like fridges, radios, and an annual holiday. The press boomed too, fighting a circulation war with offers of free gifts and insurance. Thanks at least in part to the financial acumen of the *Daily Express*'s owner, Lord Beaverbrook, it would become the winner of that battle, although the *Daily Herald* was the first newspaper to reach one million circulation (Camrose 1947, Williams 1957, Wood 1965, Negrine 1998). Newspapers also faced competition from new forms of media – the radio as well as cinema, which was the most popular entertainment (Armes 1978, Richards 1984, Higson 1995, Shafer 1997). The media was more professionalised – the Audit Bureau of Circulation was founded in 1931 and the Scotland Yard Press Bureau in the mid-1920s. The style and look of the *Express* was much more modern under the editorship of Arthur Christiansen (editor 1933-1958). Yet ownership was practically feudal – Beaverbrook issued the orders, and Christiansen obeyed (Christiansen 1961, Koss 1984, Williams 1998). These powerful owners, called press barons, used their newspapers as political influence against a background of Goebbels' propaganda and American ideas about the susceptibility of people to propaganda and stereotypes, in both journalism and advertising (Bernays 1928, Lippman 1945). Hampton (2004) dubs this period the propaganda era, and Beaverbrook was very much a politically engaged owner – he even founded a short-lived independent conservative party to promote a protectionist policy within the Empire (the United Empire Party).

By the 1955 Ellis case this independent conservatism had bowed to the Tory party, although Beaverbrook, now an old man, was still at the helm. Institutionally, it appeared that the paper had changed little since before the war. Christiansen was still editor, his layouts stayed the same, star journalists such as Percy Hoskins, Sefton Delmer and Réné MacColl remained and it was still the most popular newspaper (Williams 1957, Christiansen 1961, Seymoure-Ure 1991, Negrine 1998,). Yet times were beginning to change, not least for women. Unlike the previous war, when World

War Two ended (unmarried) women were encouraged to stay in work to help ease the labour shortage. Divorce became cheaper, sexual mores looser and the ideal of a companionate marriage began to supplant the strict division of spheres (Marwick 1982, Elliott 1991, Finch and Summerfield 1991). Contrarily, the Welfare State was founded on the idea of the family wage (the husband earning enough for wife and children too) and unmarried motherhood considered beyond the pale (Sayers 1991, Colwill 1994, Tomalinson 1998). Unmarried women who did fall pregnant might be confined to a National Home to give birth discreetly, and many were persuaded to give up their children for adoption (Spensky 1992). Events were beginning to move more swiftly in the arena of the press market as well – 1955 was the year of the end of newsprint rationing and the introduction of ITV (two months after the execution of Ellis). Profits and circulation were on the increase, but so were strikes, and the print unions used to their advantage the impermanence of the news product (Murdoch and Golding 1978, Curran and Seaton 1997, 2003). Rationing had spread advertising across all types of paper, but as it drew to a close advertisers were once more at liberty to favour some outlets over others. The government decided that the propaganda issue was a troubling one, and instituted a Royal Commission on the Press to look into concerns such as the commercialisation and profit motive of the press, combines and concentration of ownership leading to the diminution of diversity of opinion, as well as sensationalism and ethical standards (Ross 1949, Taylor 1961, O'Malley 1997).

Selection of the final cases was problematised by the amount of newsprint that was given over to cases of this type by the end of the century. It proved impossible to find any case that was reported as much as the earlier cases: even the most well-publicised, that of Sara Thornton which was in the judicial system for seven years, did not produce enough articles for a case study. Furthermore, feminists began to look specifically at the problems of battered wives and to campaign around the issue. From the early 1970s, refuges were set up to provide women an escape from their violent men; by the early 1980s a legal campaign was started to make rape within marriage illegal and the early 1990s saw this come to fruition, as well as new campaigns for battered wives to plead the defence that long-term battery should be seen as provocation as well as 'battered women's syndrome' (as diminished responsibility). In order to handle these challenges, some cases that were taken up

and campaigned-for by feminists, and the same number that were not, will be studies in order to allow comparison and discussion of the impact (or not) of feminist sources on *Daily Express* reporting. It was further decided that the cases should be concentrated in as short a time-span as possible, so that the analysis focussed on a specific moment in time, because a number of cases over this thirty-year period would have to contend with other shifts, for example in media economics and politics. The early 1990s offered a period of discourse contestation in which cases meeting these criteria could be found; three campaigned-for and three uncampaigned-for cases clustered around July 1991-June 1992.

The dramatic reduction in the amount of newsprint given over to murder trials of battered women who kill is part of the great economic changes and concomitant stylistic shifts seen in the era of tabloidisation. The *Daily Express* had become much smaller and its pictures much larger. It was now corporately owned, but still firmly right wing, especially Thatcherite. Yet its place in the media market was now precarious, as the middle market had lost its left-wing press in the 1960s and under the pressure of 'red-top' tabloids like the *Daily Mirror* and the new *Sun* in the 1970s had contracted to just two titles – the *Express* and the *Daily Mail*, which was by far the more successful paper. The *Express* suffered from management crises and a high turnover of editors through the 1970s and 80s, shedding readers with each reverse of editorial policy. Crime journalism had altered a great deal, focussing no longer on court news but on the police, who professionalized their public relations services from the late 1980s. As a money-saving scheme however, court news had been out-sourced to the agencies, but they also drastically cut back the number of journalists at courts. The press market as a whole was in a long, slow decline, but this had been briefly relieved in mid-late 1980s by the Wapping revolution, when new computerised printing technology allowed owners to significantly reduce costs by dismissing much of the printing workforce and shifting production from Fleet Street to cheaper lodgings in Wapping and Canary Wharf. It was the end of around 500 years of newspaper production on Fleet Street, and proved profitable for some, but the *Daily Express* failed to secure its future and the paper struggled on.

The choice of sample has thus hopefully provided a range of contrasts and similarities that offer opportunities for triangulation (Wodak 2002a, 2004, Kendall 2007). The

bodies of evidence to be analysed are discrete events, connected by their subject matter and their reporting in the *Daily Express*. The 1934 Major case and the 1955 Ellis case both occurred during the propaganda period, but are separated by the Second World War, which impacts are well-studied and especially relevant for women. Thus at each point the ways in which the legal, journalistic and socio-cultural circumstances are interleaved differently will be explained as the vital context to each textual analysis, and the ways in which they impact on each other will be discussed.

Chapter 3: the Case of Emma 'Kitty' Byron, 1902

Introduction

In the case of Emma Byron, the *Daily Express*'s crime narrative constructs gender and morality together, as an increasingly sympathetic representation of the murderer as a victim of battery was intertwined with a growing emphasis on her as an image of traditional Victorian femininity, produced by the journalistic discourse of melodrama as media entertainment. The case took place in the early Edwardian era, a period of time in which the Victorian 'separate spheres' gender ideology was being challenged by the politico-cultural figure of the 'New Woman'. It was just over a year after the foundation of the *Daily Express* newspaper, in the midst of the rise of 'New Journalism'.

Emma, nicknamed 'Kitty' Byron, stabbed to death the man with whom she lived, Arthur Baker, on Monday, November 10th 1902. It took place outside Lombard St. Post Office near the City of London at 2 o'clock in the afternoon, and she was immediately arrested. The Daily Express followed her case from the murder. At the inquest, the coroner's jury returned a verdict of manslaughter rather than murder. However, the magistrate committed her for criminal trial on the charge of murder, at which she was convicted and sentenced to death (December 17th 1902). There followed a campaign for her reprieve, in which petitions were addressed to the King but sent to the Home Secretary. She was granted the reprieve and her sentence was commuted to fifteen years imprisonment. The newspaper reported considerable evidence that Byron suffered physical abuse from Baker, beginning as early as November 13th 1902 (two days after the first story broke on November 11th). The evidence came mainly from the landlady and the landlady's son, both from their testimony to the coroner's court and from interviews undertaken by the journalist.

The period across which the case was reported – the focus of analysis - was between November 11th and December 26th 1902, during which there were 20 items. One was a picture, apparently a sketch, or a sketch of a photograph (Nov. 12th). Another was an opinion column called 'Matters of Moment' on the wider issue of 'Crime and Hysteria' that was clearly inspired at least in part by the Byron case, being explicitly

based on 'the number of sensational tragedies that have been prominent in public notice just recently' (Nov. 17th, p.4). Two stories were on the front page – the arrest (Nov. 11th) and the conviction (Dec. 18th). The period of wider study, for the crime news context, was 1st October 1902 – 31st January 1903.

Women like Kitty: femininity and the role of women in 1902

The early to mid-Victorian era had established 'the split between the public and the private sphere, [and] the subordination of women in the family,' (Hall in Burman 1979 p.30). In ideology, at least, the wife was designated the 'Angel of the House' and the public world of paid work was reserved for men (Kent 1990, Ware 1992, McClintock 1995, Hall 1995). However, only middle and upper class women had fathers and husbands who could afford to maintain them in this lifestyle, which demonstrated male social status. Visual symbols of this type of Victorian womanhood displayed characteristics of weakness, such as a narrow waist and delicate limbs (Huneault 2002). Her fair skin and soft hands demonstrated her lack of need to work. Yet some middle and upper class women resisted the limitations imposed on them, calling the Victorian marriage a 'gilded cage' (Perkin 1989) and agitating for legal rights such as property in marriage, custody of children, women's education, employment and suffrage.

From the 1880s, an alternative portrayal of womanhood began to emerge in popular cultural artefacts such as novels, newspapers, plays and advertising, called the 'New Woman' (Levine 1987, Ledger and Luckhurst 2000, Law 2001, Onslow 2001). She was depicted as an 'anti' figure, the opposite to the 'proper' Victorian woman, contradictorily either 'unsexed' or 'over-sexed'. She was pictured as strong and sturdy as a man, with cropped hair and men's habit of smoking cigarettes, a bicycling intellectual - free from men's control in both physical and mental space - and portrayed as either a bad mother or an embittered spinster (Beetham 2001).

The working woman was made largely absent from, or problematic within, Victorian and early Edwardian cultural artefacts of representation, due to the classed ideals of contemporary aesthetics (Huneault 2002). Despite this, large numbers of women did in fact work for remuneration. In 1901, a year before the Byron case, 4,751,000 women were employed – comprising just under 30% of the workforce (John 1986).

Most were servants - in 1901 42% of employed women were in the field of 'Personal Services', and a further 33% concerned with 'Indoor Domestic' work (Laybourn 2002). The toughest work, performed by the lowest working class women were the 'sweated trades', defined in the 1909 Trade Boards Act as tailoring, box-making, lace-making and chain-making. The 'educated working woman' sought 'white blouse' jobs, including retail, office work and nursing (Anderson 1988, Lewis 1988). Yet since 'the average wage for a woman was still below subsistence' (Morris 1986, p.116), the opportunity to be a truly independent 'New Woman' was limited, even for a middle-class radical proto-feminist. As Tusan (2005) notes, despite the host of journals aimed at women, from the mainstream *Englishwomen's Domestic Magazine* to the proto-feminist *Englishwomen's Review*, in 1881 there were only 660 women employed as 'writers', including authors, editors and journalists. A mainstream paper staffed by and aimed at women was founded and failed within a year – the first edition of the women's *Daily Mirror* was published in November 1903, and by January 1904 many of the female journalists were sacked and the paper became the *Daily Illustrated Mirror* with the tagline 'a paper for men and women' (Wright 2003).

The portrayal of Emma 'Kitty' Byron in a 1902 mass circulation newspaper must be read, therefore, as framed within a false discursive contest, in which male journalists, editors and publishers represented the ideal woman, and also her ugly opposite, the 'New Woman'. In this binary opposition, ideas about beauty and morality are (con)fused as women who challenged the social order were depicted as unattractive. The ideal woman was both pretty and accepting of contemporary gender roles. Yet this results in the association of moral goodness and cultural/aesthetic standards of beauty, which is still, according to Wilcox (2005), a part of British culture. She demonstrates how 'the white, heterosexual, able-bodied, irrational or arational, middle-class, sexed-female body...has been a metaphor for "innocence"' (Wilcox 2005, p.523). The more Byron might be portrayed as 'feminine' (according to contemporary gender ideology), the more she would be associated with innocence and her guilt for her crime expiated. Moreover, as Hartley (2001) asserts, 'the belief that superior physical appearance is the expression of superior moral and mental development was often promoted in mid-nineteenth century Britain'. This means that characterisations of Byron as 'good-looking', i.e., conforming to contemporary aesthetic ideal of feminine beauty, would intensify her association with innocence.

Ideas of morality, gender and class were thus bound up together by discursive associations such as 'respectability'. Yet within these wider societal concerns, the journalism discourse also required that newspaper reports in the *Daily Express* obeyed market imperatives in its news values and culture.

'New Journalism' and the Daily Express

The 'New Journalism' was the conventional collective noun for developments in the newspaper press from the 1880s (Lee 1976). The new style of mass media was aimed at the newly literate, those who had benefited from the Education Acts (1870, 1880) such as clerks and telegraph operators. The number of newspapers purchased *per capita* rose from six copies in 1850 to one hundred and eighty-two in 1920 (Curran and Seaton 1997 p.38). It followed the development of 'Yellow Journalism' in the U.S., and Walkowitz (1992b) claims that W.T. Stead, editor of the *Pall Mall Gazette*, introduced it to the UK in his scandalous series of articles on prostitution (the 'Maiden Tribute of Modern Babylon', *Pall Mall Gazette*, 1885). Koss (1981) argues that a number of editors developed its form, including T.P. O'Connor (*Daily Star*), J.A. Spender (*Westminster*), and H.W. Massingham (*Nation*). It was both a new style, journalistically and typographically, and a new phase in the development of a mass market for newspapers. Seymour-Ure argues that it was Northcliffe's *Daily Mail*, 'whose foundation in 1896 inaugurated the era of a mass circulation national daily press', (Seymour-Ure 2000 p.10). Curran and Seaton (1997 p.28) suggest that the inaugural 'moment' was instead a period, producing a 'new generation of predominantly right-wing national newspapers', including the *People* (founded 1881), the *Daily Express* (1900) and the *Daily Mirror* (in its second incarnation, 1904). Journalistically, the style which made it popular amongst the lower middle and upper working classes also attracted disapprobation from figures such as the well-known headmaster of Rugby school, Matthew Arnold, who wrote in the 1887 edition of *Nineteenth Century* journal that it was 'feather-brained' (Carter and Thompson 1997, p.44). 'New Journalism' topics followed the Sunday newspapers (which had the largest circulations), selling crime reports, sensation, interviews, 'faits divers' and competitions. According to Beetham (1996 p.126) it emphasised 'feeling rather than reason, the personal rather than the authoritative tone, the private or "human" interest of its stories as against their public aspect'. O'Connor wrote in the *New Review* of 1895 that it was characterised by a 'determination to arrest, amuse or startle' with a

'wealth of intimate picturesque detail' and 'that trick of bright colloquial language' (Koss 1981 p. 345).

The *Daily Express* itself can be considered a prime example of the New Journalism, in its aim for a popular mass market and the style it used to achieve it. It was originally the *Morning*, founded in 1892, bought by Cyril Arthur Pearson, a career newspaperman who had begun by working under George Newnes (of the famously popular *Tit-bits*) and who had previously owned *Pearson's Weekly* (Dark 1922, *The Times* 1935,). It was launched as the *Daily Express* in April 1900, and was the first newspaper to have news instead of advertisements on the front page (pages three and eight were devoted to advertisements). The *Daily Express* claimed that it was an 'unprecedented success', a 'world's record', consisting of an 'unparalleled total of One Million and Five Hundred Thousand copies' (April 25th, 1900, p.6). However this number refers to orders from newsagents and vendors, rather than actual sales to the public. The early *Daily Express*, up to the time of the Byron case in 1902, was generally eight pages long, with dense type in seven columns, and according to W.T Stead's 'character sketch' of the 1904 London daily newspapers (Baylen 1997), its political influence was less than its circulation. The first day's editorial claimed that the paper 'will not be the organ of any political party' (*Daily Express*, April 24th, p.4, 1900), however the contemporary norm was to align with, and often receive money from political causes in return for propaganda, which the *Daily Express* duly did (Koss 1981, Curran and Seaton 1997). Pearson was chairman of the Tariff Reform League[33] from 1903, and his newspaper ran tariff reform campaign slogans on the front page (Engel 1996). He was supposedly dubbed the 'Champion Hustler of the Tariff Reform League' (Camrose 1947, Lee 1976), although there is some disagreement about the extent to which his paper became involved in propaganda. A contemporary commentator called the *Daily Express* the 'official organ of the Tariff Reformers' (Symon 1914 p.258), although the historian Lee (1976 p.176) argues that Pearson's political influence was 'exerted at a personal and organisational level, rather than through his newspaper'. The fact that in the same inaugural editorial in which Pearson claims political neutrality, he also writes 'our policy is patriotism, our

[33] The Tariff Reform League was founded by Unionist MP Joseph Chamberlain as a pressure group against free trade and in favour of a system of import duties to protect British goods prices from foreign competition. *Searchlight* magazine calls it the most significant of a constellation of radical right movements which led to British fascism in the 1930s (Hope 2006).

policy is the British Empire' (*Daily Express*, April 24th p.4, 1900) demonstrates the imperial lower-middle class conservatism that has broadly characterised the newspaper's politics throughout its history. Pearson banned the use of long quotations in foreign languages that was a mark of the 'heavy' papers and enjoined his journalists to 'never forget the cabman's wife' (Allen 1983 p.17). Also, despite Pearson's stated commitment to "true news", and two references to honesty in this first editorial, Engel (1996 p.96) accuses the paper of continuing the Fleet Street tradition of 'imaginative fiction' in reporting the Filey Bay drownings in August 1902. Particularly relevant for this study is Pearson's assertion that 'the daily chronicle of the world's doings must include...the crime that is expiated at the scaffold, the paltry misdoing that is dealt with at the police court. But we have no scent for blood, no appetite for horrible detail' (*Daily Express*, April 24th, p.4 1900).

The vast majority of crime reporting in the 1902 *Daily Express* was sourced from the courts. These court reports drew information from all kinds of court, including coroner's courts, assizes, magistrates, quarter sessions, probate, insolvency and debtors courts, and police courts. Court reporting had been a staple of newspapers since the end of the eighteenth century (Humphreys 2000). The case of Byron is the only case that can be found in this period (November 1902 – February 1903) that used police as well as court sources. It suggests that the journalists were reliant on their news beats around the courts, but had not yet established the police as a regular source. There were no by-lines, not even for Parliamentary correspondents, who had been officially named as the Westminster Lobby in 1884. There were specialised court reporters, such as Henry Edwin Fenn, who spent thirty-five years of his career at the Divorce Court. It is possible that his working methods, by which he covered the proceedings at court and sent his short-hand written notes to a number of newspapers for their own journalists to edit for publication (Fenn 1910), may have been the case for criminal court journalists too. The Law of Libel Amendment (1888) had stated that newspapers could print reports of court proceedings, irrespective of the accuracy of the statements made in court, so courts were seen as sources of regular, sensational information (Humphreys 2000).

The journalists' process of selection is difficult to read from the text, because all seven columns on each page were the same size, and there were only two size fonts

for the lists of headings, which were always arranged large-small-large. Therefore, the importance of individual cases can only be judged by the length (in column inches and days) and page number. There was no dedicated page for court reports, so they were alongside a variety of other news on all pages (although the editorial and sports pages had already established a home on the final pages). The location of the trial was a major factor on coverage, due to the location of all the national daily newspapers in London and that reporters were dependent on trains and telegraphs for communication. All trivial cases (e.g., breach of promise) and nearly all developing stories (i.e., cases whose development was followed day-by-day) were from London courts. Even sensational cases from elsewhere, such as the kidnap and nine-month-long abuse of a six-year-old handicapped girl in Scotland (February 4th p.5 1903) was only reported on the last day of trial in the inside pages.

The only other developing story in the period studied which was followed for a similar length of time as the Byron case (over a month) was the 'Baby Farm' case, in which two women were charged with murdering the illegitimate babies they had been paid to have adopted (Nov. 20th, p.7 1902; Nov. 22nd, p.5 1902; Nov. 28th, p.7 1902; Dec. 3rd, p.5 1902; Dec. 12th, p.7 1902; Jan 16th, p.7 1903; Jan. 17th, p.5 1903; Jan. 19th, p.4 1903; Jan. 31st, p.5 1903; Feb. 3rd, p.5 1903; Feb. 4th, p.5 1903). Cases in which men killed their wives (e.g. *Daily Express*, November 15th p.5 and November 13th p.5 1902) received only a single day's reporting in a small single-column paragraph on an inside page. Thus, at least one of the factors that made the Byron case especially newsworthy was that the perpetrator was female.

Characterisation: Melvillian 'good-bad girl' melodrama

The construction of the characters of Emma 'Kitty' Byron and her victim, Arthur Baker, draws heavily on melodrama, the dominant entertainment discourse of the time on stage and silent screen. Melodrama has become central to Western understandings of entertainment since its popularisation around the turn of the nineteenth century by French playwright Pixiérécourt, and is considered to still exist in the form of soap operas and films, especially 'women's films' (Elsaesser 1987, Gledhill 1987, Brooks 1995, Gripsrud 1995, 2000, 2002, Gerould and Carlson 2002). In broad terms, it is a Manichean paradigm in which characters stand for good and evil, a spectacle of stereotype that fitted contemporary views on the relationship between moral worth

and physical beauty. Not only in characterisation, but 'at all levels' melodramatic texts are 'marked by a thoroughgoing play upon contrasts' (Gripsrud 1995, p.243) and there is a focus on quick moving and dramatic, even unlikely, plots (Neale 2000). As might be expected in such a long-lived genre, it evolved and was declared dead in each incarnation a number of times. Pixiérécourtian melodrama was falling out of favour by 1850 (Aston and Clarke 1996) but in 1918 melodrama fell out of favour again with producers and directors on Broadway (Kramer 2005). There have been many sub-species of melodrama, and a particularly popular type at the time of the Kitty Byron case was about the 'bad-girl' (Mayer 2006) or, more accurately, the 'good-bad girl' – 'a heroine who appears at the beginning of the story to be wild and even immoral but who is eventually revealed to be a truly chaste and loving woman' (Landy 1991, p.43).

The Melville brothers were especially associated with this type of heroine, featuring her in their cheap East End and provincial touring company shows (Aston and Clarke 1996, Mayer 2006). They appealed to the rising numbers of lower-middle class girls who worked the new office machinery such as telephones and typewriters but still lived with their parents, due to the pressures of limited finance and respectability. According to Mayer (2006), this audience could identify with a heroine who might reject her father's choice of suitor, or turn to crime in a desperate situation. Home was 'a place to escape from' (Mayer 2006, p.582), but the woman who followed her lover was generally betrayed: he abusing, exploiting and then abandoning her. One play, 'The Girl Who Broke Her Mother's Heart' even featured a heroine indicted for murder (Mayer 2006). Yet her misdemeanours do not lead to punishment and chastisement, for she repents and is saved by the hero for a standard happy ending. Despite such shockingly criminal women, then, the plays conformed, in the end, to heteropatriarchal orthodoxy and ultimately catered to the male gaze by displaying pretty, vivacious girls (Cooper 1993, Aston and Clarke 1996). The characterisation of Emma 'Kitty' Byron, her lover Arthur Baker and the reporting of her trial for his murder demonstrate strong associations with the 'good-bad girl' melodrama. This suggests that the newspaper drew on a sub-genre of entertainment that already appealed to the new lower-middle class female audience that New Journalism targeted. Frederick Melville attributed the success of his good-bad girl melodramas to

their 'bright snappy intonations on serious subjects' (Aston and Clarke 1996, p.34), which description could be used equally well for the New Journalism.

The construction of Emma Byron

One of the most important factors in the *Daily Express* construction of Emma Byron is appearance, the description of which centres around gendered norms. In all the reports in which she is seen in public, the newspaper commented on her appearance and her demeanour. In the reports that did not include these details, the absence was explained: the newspaper stated that she had not appeared in court (Nov. 13th, p.5 and Nov. 15th, p.4). As will be shown, the way in which she was described changes over the course of the case, demonstrating that it is one of the means by which gendered perceptions and moral attitudes are constructed and conveyed.

The gendered nature of the description of her appearance was constructed along traditional Victorian lines of femininity, and this discursive representation becomes more closed as the case continues. In the first article, when the only 'facts' known about her were her partial name (Kitty Byron) and that she had killed a man in public, her appearance was called 'young and attractive', 'neatly dressed in black', 'apparently about twenty-three years', 'has dark hair and eyes and strongly marked features', (*Daily Express*, Nov. 11th p.1). Her demeanour, however, was described in less attractive terms – before and during the murder she 'exhibited some emotion', was 'nervously handling her muff' (in which the knife was concealed) and 'quarrelling' with Baker (ibid). At the police station she was said to be 'maintaining a sullen composure', and in a cell 'sat there unmoved by the hilarious singing of half a dozen prisoners' (ibid). This may resonate with popular images of the sour 'New Woman', the anti-feminine contradiction to Victorian/early Edwardian femininity. The murder itself was reported to have been carried out 'suddenly'; she 'dealt the man a terrific blow in the back' then 'withdrew the weapon and struck again' finally 'leaning over the prostrate form as though preparing to strike a third blow' (ibid.). This characterisation is fragmented; her appearance and demeanour descriptions do not collocate into a singular image but contain both the traditional and its antithesis; yet both revolve around definitions of femininity thus creating her as essentially gendered.

Collation of the appearance and demeanour aspects of the portrayal began in the next article, when Byron appeared at the Mansion House police court. It was revealed that she 'comes of a highly respectable family' and that she worked 'as a milliner's assistant...at Mme Timorey's dressmaking establishment', (*Daily Express*, Nov. 12th p.5). A French name was a common conceit to gentrify a sewing shop (Hall 1979). She is described as 'young and pretty', 'slender', 'she looks younger than her age', and is 'decidedly prepossessing in appearance...very neat, and her features, though somewhat thin, are attractive' (ibid). The writer is clearly comparing her to an imagined ideal of womanhood (which has a less thin face), and judges her approvingly. Her actions, though restricted by the court room context, are now described in terms which suggest delicacy, tenderness, refinement – those qualities which connote traditional ideas of femininity and can still be found in thesauri as similes for feminine (Roget 2006). She 'came timidly' into court, 'shrinking a little when she saw the dense throng' (Nov. 12th, p.5). When the gaoler gave her a chair she 'gave him a grateful look' and later 'an apologetic gesture' (ibid) when he indicated she was not quick enough to leave the dock.

On the same day was printed a sketch of a photograph (*Fig 1*), the source of which was not given. The full-length picture of Byron is posed in an apparently relaxed manner, in neat, modest clothes (full-length sleeved, high-necked shirt and full-length skirt), her hair tidied underneath a small-brimmed hat. Most significant is that the photograph's background was included – Byron is contained within a domestic setting, standing next to a fireplace with an ornamental fireguard and a carriage clock on the mantelpiece. On the other side is the corner of a bedstead and an embroidered coverlet. The metaphor of containment, as Huneault (2002 p.119) discusses, was an aesthetic standard for the female body, and in art in the period 1880 – 1914 was employed to gentrify the lower class female subject, to make them look 'like young ladies'.

In the negotiations of early twentieth century class and gender norms, these indications of lower middle-classness – the domestic sphere, the 'respectable' family, the delicate needlework at a shop with a French name – bring Byron closer to the Victorian ideal of femininity, which was imaged as middle-class (Hall 1979). It is

Fig. 1: Emma 'Kitty' Byron (*Daily Express*, November 12th, p.6, 1902)

also *not* coarse, *not* working class (a sweated trade, for example), and thus does not coincide with Lombroso's (1895) discourse on the atavistic, virile criminal woman. These conjoining notions of class respectability, moral propriety and femininity may be the difference between her description in the first article as 'sullen' (*Daily Express*, Nov. 11th p.1) and in the second, and subsequent articles, as 'composed' (*Daily Express*, Nov. 12th p.5; Nov. 19th p.5).

The way in which the newspaper names Byron supports the reading of its change from a negotiated position to a decidedly (traditional) feminine construction, and reveals a connection between notions of traditional femininity and morality, specifically the idea of victimhood. In 80% of articles about the case before the criminal trial, between 60 and 100% of names for Byron were apparently denotational – 'Miss Byron' is the commonest, then 'Kitty Byron' and 'Emma Byron'. However, on the day when it was reported that she was sentenced to death, the most common name for her became 'girl'. This was collocated in phrases such as 'the condemned girl' (*Daily Express*, Dec. 18th p.5; Dec. 20th p.5; Dec. 23rd p.5) 'the suffering girl' (Dec. 18th p.5) and 'the unhappy girl' (Dec. 19th p.5). These adjectives clearly connote victimhood, the 'girl' as the subject of misfortune, rather than its author, a murderess. To call this twenty-three year old a 'girl' emphasises her youth and consequent vulnerability – which was also an imagined attribute of the traditional Victorian middle-class female. Interesting to contrast are the first day of reporting, in which she is most commonly referred to as a 'woman' (Nov. 11th p.1) and the report of her condemnation to death, in which she is most often called a 'girl' (Dec. 18th pp.1, 5). After the sentence, the percentage of non-emotive naming drops from a median average of 80% to only 34%. Naming by the media can provoke sympathy for the represented subject (Matlock 1993), and here it seems to (re)produce victimhood and a form of femininity, shifting the character of Emma Byron from an active (murdering) to a passive (victim) subject.

As the naming shift demonstrates, the reporting of Byron's death sentence is a significant hinge-point after which her victimhood becomes a key theme. This day's reporting significantly involves melodramatic expression, even the description of her clothes. Where they were once 'neat' (Nov. 11th, p.1), thirty-seven days later they were 'shabby [and] well-worn' (Dec. 18th, p.1). Byron was described as a

'pathetic...figure', who 'looked thin and ill', 'trembled violently', 'seemed about to collapse' and 'was shaken with weeping' at the evidence of the murdered man's injuries (Dec. 18th, pp.1, 5). This portrayal uses the language of melodrama, suggesting the intent to entertain on the part of the journalist and the possibility that the reader would be entertained. The 'good-bad girl melodrama', with its female 'saintly sinner' role (Aston and Clarke 1996, p.33) - a girl trapped by her own mistakes and driven to hysterical despair and self-sacrifice - was also evoked by the defence argument that Byron had bought the murder weapon, a hunting knife, in order to kill herself in front of Baker (*Daily Express*, Dec. 18th). The 'good-bad girl' in one of the first melodramas of this type ('Driven From Home', 1885) also attempted suicide after being abandoned by the villain with whom she had eloped and it became a recurring motif (Mayer 2006). Her defence lawyer explicitly positioned her as melodramatic, claiming that 'she is a girl of hysterical disposition, of dramatic instincts' (*Daily Express*, Dec. 18th p.5). He also reassured the jury that she was no villainess by inserting the 'counter-acting note of penitence' that was necessary in the 'good-bad girl' melodrama (Aston and Clarke 1996) which the newspaper conveyed to its readers –

> he [the barrister] laid stress on her "sticking to him although she was beaten, half-strangled, treated brutally". There was not a single word of ill-will uttered against him' (*Daily Express*, Dec. 18th p.5)

This remorseful motif had also been put forward earlier in court testimony by a wardress who said Byron had been inconsolable in jail, threatening suicide and crying 'Oh my poor Reggie' (Nov. 21st, p.5). The barrister even positioned himself in the masculine hero role (the 'rescuer') in his final plea to the jury – 'I trust I have spoken to you with the feeling not only of an advocate, but a man' (ibid). Thus a melodramatic trope in the reporting of the trial may work to support the defence case and elicit sympathy from the reader, positioning Byron as a victim.

The melodramatic effect also works to reinforce her construction as feminine. As Webb (2006, p.253) points out, in contemporary psychology 'the dominant view [was] that girls, as a result of their bodies, were inherently dangerous, unstable, and prone to nervous disorders'. Traditional ideas about femininity included hysteria, weeping, and nervous collapse - just how Byron was described in court. Her mental

state is described in apparently realist phraseology, yet outlines a clearly melodramatic representation:

> Throughout the trial her emotion was constantly apparent. For a few moments she would seemingly follow the evidence, wrinkling her brow as though trying to fix her mind on the subject. Then her gaze would wander over the court-room while her head constantly swayed from side to side (*Daily Express*, Dec. 18th p.1).

Taken as a simple description, this would be empty observation, but understood with the melodramatic imagination, which insists that 'gestures recorded in the text must be metaphoric' (Brooks 1995, p.199) it signifies a woman who might easily have succumbed to 'temporary insanity' and should be convicted of manslaughter rather than murder. At the least, the journalist is clearly not describing an assertive, strong-minded 'New Woman' (Beetham 2001, Law 2001, Onslow 2001), thus reinforcing her portrayal as feminine by closing off its (opposite) alternative.

The construction of Arthur Baker

The reporting of the victim, Arthur Baker is, like that of Byron, intrinsically gendered and classed. The melodramatic stereotype of the male villain in the 'good-bad girl' plays were also typically classed as aristocratic, identifiable by wearing the indexical evening suit at any time of day (Aston and Clarke 1996, Mayer 2006). Gripsrud (1995, p.245) argues that the villain's treatment of the heroine could be seen as 'metaphorical representations of class conflicts: sexual exploitation and rape were drastic images of socio-economic exploitation'. The high-class villain was also seen in other cultural forms as well as this sub-genre of melodrama; for example, in George Eliot's *Daniel Deronda* (published in 1876), the tyrannous husband, Grandecourt, represents 'what she perceived to be the contemporary decadence of the English aristocracy' (Machann 2005). Furthermore, the notorious murderer 'Jack the Ripper' was suggested to have been an aristocrat or a doctor by the press in 1888 (Walkowitz 1992b). The *Daily Express* demonstrates a somewhat ambivalent stance towards the upper-middle class Baker, reporting both sympathetically in relation to his stockbroking friends but also as a melodramatic villain in relation to Byron.

He was introduced in the article body first as 'a well-dressed man, about forty years of age', subsequently revealed to be 'Arthur Reginald Baker, a member of the Stock Exchange...since 1891' (*Daily Express* Nov. 11th p.1). The newspaper thus follows the gendered naming convention in which men are identified by their occupation, almost as if their work is a part of their names, whilst women are not, as Farran (1992) demonstrates in an examination of newspaper crime reporting from the 1990s. This convention has evidently existed since 1902. It is thought to convey respectability by placing him in is gender-appropriate role, and moreover is bound up with notions of class, as occupation reveals income level and status. Stockbroking is a high-status profession and it was at first foregrounded - the subheading of the first day's report calls him a 'stockbroker' (Nov. 11th p.1), and the information is repeated throughout the article – twice in the third paragraph, once in the fourth, and again in the sixth and the twenty-fifth paragraphs. It was also thought worth publishing that Baker's landlady was 'quite in ignorance as to Baker's occupation' (ibid) suggesting that she might be expected to know. He was portrayed as 'well-dressed', 'well known on the Stock Exchange', 'always well-furnished with means' and 'like many another man "in the City"', 'he wore tweeds, and 'was a typical City man in appearance' (ibid) all of which stressed his class credentials. Whilst this also told the reader that he was rich, and therefore typical of a melodramatic villain, the newspaper did not at first construct him as such. He was at first the subject of sympathy from other 'City men' and his 'personal friends' who attended the coroner's trial immediately after the trial – '"Poor chap", said one member of the Stock Exchange' (Nov. 12th p.5). In this company, which the emphasis on his belonging to a high-status community, the reporting appears to connote solid respectability, good manners and propriety. Journalistically, it is important to point out his status, because it is unusual for a member of the socio-economic elite to suffer a public murder, thus carrying the news value of unexpectedness, which is a basic news value (see literature review).

Baker's portrayal is not, however, entirely positive even in this first report. It is revealed that documents found on his body showed his wife had filed for divorce. It was unusual, owing to the high cost and social stigma attached to it - the highest number of annual divorces since the 1857 Divorce Act had been 583 (Fredman 1997). It was also reported that Baker's wife lived in Torquay, whilst he lived in London with another woman, 'together as man and wife' (Nov. 18th p1), another social

scandal – the landlady stated that the couple called each other Mr and Mrs Baker. In terms of discourses around morality, therefore, it was an undecided end to the first day's article, in which the representation of Baker had both respectable and disreputable characteristics.

The negotiated construction continued in the next day's reporting, which reports first, in the third (final) headline – 'a divorce citation' (*Daily Express*, Nov. 12th p.5). The condolences of Baker's high-status friends at the Stock Exchange are reported next, then that the landlady had been 'forced to give the couple notice to leave on Friday owing to their bitter quarrelling' (ibid), and finally further details of the divorce. Moral judgement was further dislocated and postponed by the testimony of the policeman against Byron and the approving portrait that was painted of her. This negotiated stance began to stabilise during the reporting of the inquest and committal trial, however, as more space began to be given to negative perspectives on Baker, consisting of his drunkenness and his brutality towards Byron.

The testimony about Baker's drunkenness had in fact begun in subtle form, in his description as 'a man of convivial habits' (*Daily Express*, Nov. 12th p.5) by stockbroker friends, but in the following day's report Baker's landlady gave a statement:

> Half a dozen empty bottles bearing the label of a public house nearby were found in the room... Mr Baker was in the habit of sending Mrs Baker out for whiskey. She was a teetotaller and she did not want to visit the public houses. Mr Baker forced her to, however (*Daily Express*, Nov. 13th p.5).

The landlady's son gives further evidence later on at the inquest, stating that Baker was 'a shocking drunkard' whom he had witnessed 'drink half a tumblerful of whiskey "neat"', (*Daily Express*, Nov. 18th p.5). His mother also gives this evidence to the coroner's jury, speaking of the night before the murder, 'Mr Baker was quite drunk, but Miss Byron...was perfectly sober' (*Daily Express* Nov. 21st p.5). The temperance movements of the nineteenth century had framed the debate about the role of alcohol in Britain as a public problem (Kneale 2001), whilst Lombroso had claimed that in 1899 around half of all convicts 'were believed to have been drawn into crime by frequenting disreputable public houses' (Hibbert 1963). This evidence, therefore,

produces a negative construction of Baker's morality, and one which may have had some considerable impact on the lower-middle class readers of the *Daily Express*, whose values included 'respectability, temperance, self-help and mutuality', according to O'Leary (2005). Moreover, the temperate morality is gendered - as Warner (1997 p.97) discusses, in sixteenth and seventeenth century England temperance came to be 'viewed as an appropriate virtue for women', whilst men's 'right to drink was never seriously challenged'. Byron's virtuous image of traditional femininity is thus supported by her teetotalism, whilst Baker's drinking does not disturb the discourses around his masculinity, even as he is associated with criminality.

As the inquest and committal trials continued, further 'evidence as to ill-usage of Miss Byron' was given, as stated in this second-tier headline (*Daily Express* November 18th p.5). Both the Liards, (Baker's landlady and son), give details of Baker's mistreatment of Byron, in terms which are described by the newspaper as 'pitiful' (Nov. 21st p.5).

> 'Mr Baker forced her to...he was worse than usual...[She] said "I cannot go in...I don't care what he does to me" (Nov. 13th p.5);
>
> 'Often Mr Baker gave Miss Byron "a good hiding"...he often heard Baker say "Well, I'll kill you" and heard her screaming' (Nov. 18th p.5);
>
> a 'quarrel...so violent that Miss Byron fled and was found...shivering in her nightdress in the hall' (Nov. 21st p.5).

The wardress at Cloak Lane police station also testified that Byron had bruises on her body, and that she had said Baker had inflicted them.

The criminal trial report was the final day of reporting in which the character of Baker figured in the plot. Yet he did so almost barely, even though it was the culmination of the criminal process investigating his murder. He was entitled 'Arthur Reginald Baker' (twice); 'Baker' (three times) and 'the murdered man' (twice) (*Daily Express*, Dec. 18th pp.1, 5). There were no expressions of sympathy for him, or his family, from the newspaper, even though it was reported that his brother gave evidence. There was considerable testimony as to Baker's brutality towards Byron, yet no

condemnation of his actions from the newspaper: it is as if abusive behaviour could be recognised as terrible for the abused but without any concomitant blame for the abuser. It appears as if it is the situation of living with an abusive man that is Byron's misfortune. This makes sense within the structure of a melodrama; the villain represents evil, but has not, as a conscious human being, made that choice or could be persuaded to change his mind. He is a mere expression of the dark side of the eternal struggle between good and evil (Brooks 1995, Gripsrud 2002) and is in effect not responsible for his mistreatment of Byron.

Scene: grim courts and Mansion Houses

The reporting of the final day of the criminal trial, at which Byron was sentenced to death, is loaded with melodramatic language constructing her as a helpless victim, but as shown above, less as the victim of a deliberate agent but merely in the role of the virgin-victim. The court-room appears to replace the abusive man as the source of her troubles, and in fact the indictment of the heroine for murder was a story line in a 'good-bad girl' play (Mayer 2006). Descriptions of the courtroom in this report support the melodramatic representation of the event so strongly it is worth extensively quoting the opening passages:

> In the dingy crowded Old Court of the Old Bailey, at the close of a cheerless winter's day, Emma Byron was sentenced to death... Many tragedies mark the grim history of the Old Court, but none more pitiful than the tragedy of Emma Byron. Few who witnessed it last night will ever forget the picture of that slender, trembling girl as she leaned on the railing of the dock, her face pale in the flickering gaslight, her hands clasping and unclasping convulsively and her quivering lips framing words of protest as she turned her gaze from the black-capped judge... (*Daily Express*, Dec. 18th, p.1)

In the melodramatic tradition, the invocation of bleak scenery bodes ill for the characters, and climactic scenes often involved intense weather such as snowstorms and wintry thunder (Aston and Clarke 1996, Mayer 2006). This was a common device in Victorian art and literature, called the 'pathetic fallacy' by art critic John Ruskin in 1858 (Barry 2002). The use of this trope for the reporting of the conviction of this key character, Kitty Byron, frames the event as one which is intended to be emotional, fulfilling a dual role in provoking sensation (making the copy more readable), and stimulating sympathy for the heroine who is now in danger of

imminent death. The passage above sites the virgin-victim in her own climatic scene that echoes the defence's closing speech in highlighting a collocation between grim scenery and grim circumstances for the girl. Mr H. F. Dickens, K.C, Byron's counsel, told the jury that:

> The court in which we stand is soon to be demolished. Many tragic scenes, many terrible scenes, have been enacted here, but I doubt if there was ever one so tragic, so piteous, as the spectacle of this young girl... (*Daily Express*, Dec. 18th, p.5).

Gibbs (2002) credits Elsaesser's (1987) pioneering work with the finding that mise-en-scène, or staging, is particularly important in melodrama to convey meaning. Melodrama's origins were in illegitimate theatres that were not licensed to use spoken dialogue (Brooks 1995), which case persisted in Britain until the Theatre Regulation Act of 1843 (Gibbs 2002). So the setting had to convey much of the meaning of the piece, and the defence lawyer appears to appeal to that convention when his commentary places Byron within an oppressive setting. Baker, as either abuser or victim, is nowhere to be seen - his part is done and the scene has switched, in the fast-moving manner of melodrama, to the tragedy of a pretty young woman threatened with hanging. Byron's guilt and responsibility are simply ignored in favour of a melodramatic portrait of a suffering woman.

Descriptions of the courtrooms are also used in the creation and reinforcement of the trial events as newsworthy. Spectators were described as being so numerous that they filled the police court 'almost to suffocation' (*Daily Express*, Nov. 19th p.5) whilst half a dozen constables were needed to keep clear the footpath outside. Even before the criminal trial, it was reported that 'the under-sheriffs have been overwhelmed with applications for [spectator] seats in the court' (Dec. 17th p.6). The subheading 'fashionably dressed spectators' (Dec. 18th p.1) and reports of the 'long line of people [who] waited patiently all day' (ibid.) recalls reviews of the opening nights of theatre plays. Instead of promoting a drama, however, the reporting of the crowds at the trials works to construct the event as newsworthy and make the copy itself more interesting to read. By portraying the event as popular, the newspaper sites its own report within the realm of that same public interest. It is an example of what authors (e.g., Evans 1972, Bagnall 1993, Howard 2000) call 'journalese'; the breathless, over-

inflated language of an article trying to draw attention to itself in the belief that if the event is characterised as significant, then some of that shine transfers to the report itself.

The first report of the murder and its subsequent naming indicate the newspaper's regard for elite places, just as the reporting earlier about Baker's status as a stockbroker had intimated a certain reverence for such a wealthy class of gentleman. The murder took place outside Lombard St. Post Office near the City of London (*Daily Express*, Nov. 11th p.1). Yet the very first sentence written about it in the newspaper does not use this denotational description. Instead, it is described in terms of its proximity, in time and place, to aristocratic elites:

> While the City was celebrating the coming of the new Lord Mayor, a man was stabbed to death almost within a stone's-throw of the Mansion House' (*Daily Express* Nov. 11th, p.1).

There is an official link: as the chief magistrate of the City, the new Lord Mayor will preside over the police court at Mansion House where Byron's committal trial will take place (*Daily Express*, Nov 12th p.5). The phrasing is, however, notable for its backgrounding of the murder to the second clause of the sentence and its foregrounding of the proximity to the elite event and place. The time of the murder is linked to the Lord Mayor's ceremony, whilst the fact that that it had occurred in the early afternoon on a busy street did not appear until the end of the second paragraph. The naming of the case also shows the elite news value. The first article is headlined 'City Tragedy' (Nov. 11th p.1) and six subsequent articles use this, or 'City Murder' (Nov. 19th p.5) as the title for the case. Other names based on location that might be journalistically appropriate, such as 'Post Office murder' are not selected. As Sparks (1992) points out, poorer areas are expected to have more crime, so the newspaper is also maximising the surprise news value by repeating that the crime took place in an unexpected area.

Plot: The Trials.

The 'plot' or action of the *Express* articles may be conceptualised in three 'acts', of which the first is the murder - the initiating event, taking place in public and the reports of which are therefore sourced mainly from eyewitnesses. It also portrays the

characters differently to how they subsequently develop, for instance, Byron is not yet the melodramatic heroine. The second act comprises the investigations and trials pursuing the cause and manner of Baker's death – the inquest, committal and criminal trials, in which the newspaper was reporting two main sets of action – one in the courtrooms, and one in the past tense of Byron and Baker's life together and the events leading up to the murder. The third act constitutes a coda to the denouement of the second act, in which Byron is convicted; it revolves around the death sentence and the petition that is sent to the King to plead for mercy. If the amount of articles on any given subject is considered indicative of its perceived importance, then the discourses of journalism differ from the discourses of the criminal justice system. The criminal trial at the Old Bailey out-ranks the inquest and committal at Mansion House and the City Mortuary. Yet there is only one article for this trial, as it only lasted one day. Timeliness and duration are thus key aspects in the *Daily Express'* 1902 journalism that result in its discursive discord with the system on which it reports.

There was an unusual technical aspect to the case, in that the coroner's jury returned a verdict of manslaughter against Byron, a finding described as 'remarkable, and which 'created some surprise' (*Daily Express* November 21st p.5). A feature article was dedicated to explaining the legal consequences of the decision, as a result of the 'extraordinary amount of discussion' (November 22nd p.6) on the subject. Readers were informed that the coroner's jury verdict did not necessarily have any bearing on Byron's criminal trial, since the magistrates' committal trial may (and did) send her for trial for murder anyway. Yet this was clearly not the reason for the large number of 'second act' articles, since the unusual verdict was, of course, at the end of the trial, although it did raise the profile of the Byron case, producing the feature article. The decision marks an important division between the legal system and the people, represented by the coroner's jury. The jury was clearly sympathetic to Byron's circumstances and convinced that the murder happened on the spur of the moment:

> The coroner's jury yesterday returned a verdict of "Manslaughter".... "Do you mean unlawful killing without malice?" asked the coroner. "Yes" replied the foreman, "killing on the impulse of the moment. We do not believe she went there with the intention of killing him." "Do I understand there was no

> malice?" repeated Dr Waldo. "Exactly; she did not go there with the intention of killing. We are unanimous." (*Daily Express*, Nov. 21st, p.5)

The juridical discourse here is similar to that of the *Express*'s editorial, printed four days earlier concerning the supposed rise in 'passionate' crime and its putative causes: 'Are we not all more or less losing our balance, and is not the increase in suicide and "passionate" crimes just one symptom of this?' (*Daily Express*, Nov. 17th, p.4)

Whether or not the jurors had read and agreed with this editorial is not the point however, it is that their verdict and the opposite verdict by the magistrate that Byron should be sent for criminal trial for the capital charge enabled the newspaper to apparently support the coroner's jury decision over that of the magistrates court. Tellingly, there was no mention of any jury in the report of the magistrate's trial, placing responsibility for the decision at the door of the representative of the criminal justice authorities. The manslaughter defence reappeared later as a key reason for the petitions for Byron's reprieve, which attracted a great deal of public sympathy.

In the second act's courtroom drama, the lawyers, judges and jury were the real-life key actors; the lawyers as narrators, introducing the witnesses and constructing the story of the causes for the murder, and the judges as arbiters of morality and with the juries, the ultimate decision makers. They are, in Hall *et al*'s (1978) theory of sources, 'primary definers' – those with the power to frame the event and decide what the story is about. Their names are reported (except the juries', for legal reasons) and the business names of the lawyers, and there is that rare reported exchange between the coroner's jury foreman and the coroner when the former returned the unexpected verdict of manslaughter rather than murder (above). However the lawyer's questions are mainly conspicuous by their absence. They are reported on only two occasions – Byron's representative's questions to the brother of the murdered man, and again her lawyer's questions to the prosecution's witness, Inspector Fox. The testimony, which formed the major part of the second act reporting, was thus elicited by the lawyers' questions that were mainly absent from the text. According to Hall *et al*'s (1978) theory, this invests the primary definers with considerable hidden power over the journalistic text.

However, there were some ways in which the newspaper contested these power relations, creating the crime report more as a 'site of cultural conflict', as Ericson *et al.* (1987, 1989, 1991) conceptualise it. Firstly, there is some textual evidence that the journalists employed selection when reporting testimony. The criminal court report, for example, described testimony from many witnesses but not all – some were noted in a single sentence; 'Six post-office clerks and a diminutive messenger boy followed', (*Daily Express*, Dec. 18th p.1). More significantly, because it indicates greater independence, is when in the reporting of the final criminal trial, the paper notes that: 'Mrs Affleck...who testified at the coroner's inquest regarding a long conversation...was not called', (ibid). Mrs Affleck was the wardress who had testified to the inquest that subsequent to the murder Byron was in a suicidal state of mind, repentant for the killing and emotionally overwrought. Further evidence of the journalists' contestation of primary definitions are their adverbial comments (although rare) on the work of the legal professionals – the defence summing-up was '*touchingly* presented', for example, but '*deftly* pulled to pieces' by the judge (*Daily Express*, December 18th p.5; my emphasis).

The ways in which parts of speech are used in the journalistic writing also construct a text that is not merely stenographic. The vast majority of second act reports are written with the newspaper as the dominant voice – it tells the reader what events occurred and what people said. It is grammatically in the third person, passive voice, and its textual effect is authoritative – it reads as if it were true. Another way of reporting is direct quotations – the voice of the reported person speaks directly to the reader, in inverted commas. This makes the textual claim that the words between the inverted commas were truly spoken by the reported individual, but not necessarily that what they say is true – the commas distance the newspaper from responsibility for the words. It also has a dramatic effect, as the quotes are often in the active tense and the first or second person grammatically, using colloquial speech. For example: 'Miss Baker seemed much "put out"' (*Daily Express*, November 15th, p.5). The third key style is that of indirectly reported speech, which is used far more extensively than quotations in the court reports. It is this style that is most subject to confusion over attribution and authorial voice. There are no quotation marks to indicate the difference between testimony from a trial witness and commentary from the newspaper, and it uses the grammar (person and voice) of the first type of writing.

Some sentences are clearly attributed (i.e., 'she said that') but unattributed ones could have been authored by a witness or the journalist. The effect is to endow some witness statements (which, as the 1888 Law of Libel amendment stated, could be reported irrespective of accuracy) with the authoritativeness of newspaper commentary. For example, in the sentences: 'Mr Baker was quite drunk, but Miss Byron, who was perfectly sober said, in an evident attempt to shield the man, "Oh, there is nothing the matter"' (*Daily Express*, November 21st, p.5) it is impossible to tell whether the witness or the newspaper had said that Byron's quote was an attempt to shield Baker. The journalistic choices made between these styles construct different effects within the text when different actors speak (Fairclough 1995, Richardson 2007).

The least common parts of speech used are quotations: of a total of 9877 words in the second act reports (November 12th – December 18th), only 1128 (11.4%) are in quotation marks. The rest of the articles are constructed in the other two ways, which cannot be accurately counted due to the confusion of authorial voice. The quotations are used to add drama to the text. For example, six people are quoted giving eyewitness evidence of the murder and the longest quotation is from Arthur Stewart Wieland, an accountant who witnessed the scene (*Daily Express*, Nov. 15th p.5). The judge's death sentence and the foreman's single word of 'guilty' are also quoted, which are moments of the highest emotional tension. Yet other dramatic quotations can also be seen as contributing to the construction of a sympathetic portrayal of Byron. The landlady's son is quoted when he used colloquial, dramatic words, for example that Baker was a 'shocking drunkard' who often gave Byron 'a good hiding' (*Daily Express*, Nov. 18th p.5). The quotations foreground the terms (which already furnish the text with the rhetorical shock of a different register), drawing attention to evidence that supports the interpretation of Byron as a long-suffering melodrama heroine. In two reports her defence lawyers were quoted, whilst the prosecution was only quoted once. Only the defence's summary was quoted from the criminal trial, and it was described as 'a powerful speech' by the newspaper (December 18th p.5). Byron herself was quoted, when she objected to police testimony that she confessed to intending to murder. Furthermore, the witness, Police Inspector Fox, was only quoted when being challenged by the defence lawyers.

Moreover, testimony in passages whose attribution is unclear - where witness statements are confused with the seemingly authoritative reportage - strongly supports the sympathetic construction of Byron as melodrama heroine. Most significant is the wardress Affleck's account of Byron's melodramatic demeanour in prison and Byron's story of the murder. In these lengthy passages, it is sometimes unclear whether Byron, Affleck or the Daily Express is telling the story. Byron is portrayed as unable to control her emotions, both in prison and at the time of the murder. One loaded sentence, whose attribution is impossible to be certain, claims that immediately prior to the murder Byron 'went out, half wild with grief, drank some brandy, bought a knife and drank some more brandy' (*Daily Express*, Nov. 21st p.5). This suggestion that she may have been drunk whilst committing the crime had first been raised by the defence counsel at the same inquest (Nov. 15th, p.5) even though it contradicts the landlady's evidence that she was teetotal, it offers a differently sympathetic portrayal. Other testimony that also confuses authorial responsibility is that of the landlady and her son, Ralph Liard. The passages in which their testimonies are described are about Baker's cruelty to Byron. The sympathetic landlady appears in 75% of all second act reports, compared with Inspector Fox (the witness most prejudicial to Byron who insisted that she confessed to intent to murder), who appears in only 55%.

Finally, there are small traces of the journalists' search for sources of information left in the text, showing that they did not rely solely on court and police/prison sources. The most clear example is – 'Mme La Laide who keeps lodgers in Duke-street, stated to an 'Express' representative that...' (*Daily Express* Nov. 12th p.5). Other, weaker evidence includes these statements: 'A representative who called at the house...', and 'Inquiries made at the house...' (Nov. 11th p.1). This evidence of independent research on the part of *Express* journalists demonstrates that they have some power over the selection of the sources they use.

Coda: the reprieve plot

The final act of this drama occurs after the sentencing of Byron to death for the murder of Baker (December 17th 1902). There are seven articles written on Byron in this period, compared with thirteen before the final day of trial so they are quite a significant portion (35% of the total number of articles), although none of these 'coda'

reports are on the front page or are written across more than one page, as can be found with the earlier ones. They provide evidence of the news values of the *Daily Express*, including monarchism and 'follow-up' (Harcup and O'Neill 2001), further evidence as to the newspaper's independence from the courts and inferences about journalistic expectations about the gendered norms of their readers.

The articles have two distinct themes. One is Byron's life in prison, the other concerns the petition to have her sentence commuted from hanging to life in prison. Five out of the seven also include parallel stories on other women who are under sentence of death at the same time, so the Byron case has undoubtedly reduced in news value, although there is far more copy about Byron than on the other condemned women, and the other women's names are not headlined as hers is - suggesting that her case was considered more newsworthy. The other women are maids Ethel Rollinson and Eva Eastwood who were convicted of smothering their employer, Mary Anne Spillane whose death sentence for killing her illegitimate child was commuted the same day that Byron was convicted and Amelia Wieland who was found insane and committed to Broadmoor for the murder of her child (*Daily Express*, Dec. 19th p3).

Rollinson and Eastwood were reprieved at the same time as Byron, but the focus of the article about the three reprieves was on Byron. One sub-heading promised information on 'Emma Byron's Future' (Dec. 24th p.5), and 82.7% of the copy concerned her case, describing the conditions she will face in prison and her probable parole date. This supports the interpretation that the Byron case was the most newsworthy at the time, and suggests that the newspaper believed that the public had a sympathetic interest in Byron's welfare. This is supported by the final article (December 26th), which details her Christmas dinner in jail, and is clearly an example of a 'follow-up' story (Harcup and O'Neill 2001), as well as being an example of pathos inviting sympathy for her. The newspaper seems to imagine that its audience cares enough about her to want to know how she fared, although it may also have been filling space because Christmas Day was a slow news day.

The *Daily Express* supported the monarchy by disguising the King's lack of real political power. The Home Secretary could order a reprieve from the death sentence

to be granted, with the King's assent, but in the newspaper it was presented as a decision for the King, and the petition was addressed to him. King Edward's authority was as constrained in this legal sphere as any other that required his signature to become law. Yet it was highlighted in the first article on the petition that no woman had been hanged in England since he had ascended the throne (in 1901), and stated – 'unless the royal clemency is extended she will be hanged' (Dec. 19th, p.3). When Byron's death sentence was commuted to life imprisonment, the newspaper ascribed this turn of events to 'the King's mercy; 'His Majesty the King, exercising his merciful prerogative, has decided that...' (Dec. 24th, p.3). The narrative is interrupted by the reprinting of the letter from the Home Secretary's office to Byron's lawyers that shows that the decision does not emerge from the throne – 'that the Secretary of State has felt warranted...in advising His Majesty to respite the capital sentence...' (ibid) – but this framing by a primary definer was simply ignored by the *Daily Express*.

Reports about the petition to reprieve Byron are notable because they re-introduce the defence argument that was rejected at the criminal trial - that Byron was so (melodramatically) over-wrought that she could not be held responsible for her actions. The petition stated that she was 'almost incapable of actually knowing what she was doing' (*Daily Express*, Dec. 20th p.5), and that her purchase of the knife shortly before the stabbing was with suicidal rather than homicidal intent - the same defence that was put forward (and rejected) in court. A letter from a Byron supporter re-stating this claim was also printed – 'If the unhappy woman had stabbed herself instead of the wretch who betrayed her, the verdict would have been one of "Temporary Insanity"' (Dec. 23rd, p.5). The newspaper chooses to show great support for this claim, put forward by Byron's legal team, rather than support the judge who had explicitly stated that law did not provide for any mercy in the circumstances of this case (*Daily Express*, Dec. 18th).

The main way in which the newspaper demonstrates support for Byron's reprieve is to portray as fact a widespread public support for it. A re-printed letter from a member of the public stated 'the sympathy of the entire public is with this poor girl' (Dec. 20th p.5). Numbers of signatures were reported, along with terms such as 'alone' which frame the numbers as large ones, e.g., 'from Aldershot alone came 1,000 names'

(Dec. 23rd p.5), yet no genuine evidence such as a comparison between the number of signatures for this and for other cases was given. Support was also portrayed as widespread in terms of both geography and social status; signatures came from 'all classes of society' (Dec. 20th, p.5) and 'from all parts of the country' (Dec. 22nd, p.5). The extremes of society were juxtaposed in lists of types of people signing the petitions, which suggested the social breadth of support, e.g., 'clerks, commissionaires, grey-haired business men, a clergyman, half a dozen pretty typists and an African law student' (Dec. 20th p.5). The *Daily Express* reports no hint of disagreement with the petition's signatories, although the argument is available from the court. The defence barrister placed himself in the male hero role of the criminal trial melodrama, presenting himself as Byron's attempted rescuer. It may be fanciful to suggest that there is a similar impulse from the newspaper in these coda articles, a campaign for her reprieve in which readers may join, emulating more well-known campaigns such as the *Pall Mall Gazette*'s against child prostitution. There is not enough evidence here to assert that the campaign is newspaper-led or is indeed a widespread public response of its own volition as it is represented. What does appear to be supported by enough evidence is that the newspaper conveys the petition's argument whole-heartedly, and both cast Byron's situation as one understandable through the melodramatic imagination in which the characters also cohere with the popular entertainment trope of 'good-bad girl' melodrama.

Conclusion

This case study has shown how the *Daily Express* clearly drew on a popular entertainment medium to frame its characterisation of a battered woman who killed, Emma Byron. This character of a 'good-bad girl', a 'saintly sinner' who defied social norms to leave her parental home and live with her boyfriend before marriage but found herself beaten, discarded and indicted for murder echoes so precisely elements from 'good-bad girl' stage plays that were performed around the period (Brooks 1976/1995/, Elsaesser 1987, Gledhill 1987, Gripsrud 1995, 2000, 2002, Aston and Clarke 1996, Mayer 2006). This type of play also aimed for the same kind of audience as the New Journalism, of which the *Daily Express* was a part. Both sought to appeal to members of the modern aspiring lower middle classes, and especially women who were newly recognised as important household consumers. The narrative allows for a sympathetic understanding of this Edwardian woman – one who might

not obey all social rules, but is still deserving of sympathy because of her middle-classed femininity, that she proves through her appearance, and through her excessive emotion. In contrast, it has much less to say about the man, instead the woman becomes the centrepiece as soon as the melodramatic narrative is adopted.

Its portrayal of Arthur Baker is also wrapped up in its class preoccupations, in which the newspaper reveals its conservatism. It does not whole-heartedly endorse the available melodramatic stereotype of the wicked evening-suited gentleman-villain, and instead of condemning the man who has abused Byron, allows him to slip from the story unnoticed. This seems to cohere with its exaggerated regard for the aristocratic elites, the Mansion House and the King, to whose dignity they pay deference by pretending that he has power of reprieve and that it is due to his chivalry that there had been no women hanged in his reign. Baker and his stockbroking friends were the kind of men whom the newspaper would have taken as primary definers, in other circumstances.

Yet alongside this deference, the *Daily Express* appears to be distinctly democratic in the way it revealed its sources, quoted long verbatim transcripts of ordinary people speaking and most importantly chose to give repeated space to the coroner's jury's verdict that Byron should be convicted of manslaughter not murder. When the journalist made his own inquiries at the couple's lodgings, he gave lengthy quotes from the witnesses found there. Vox populi was a credible source. It was also independent, making its own inquiries and pointing out where witnesses were absent, in line with Ericson *et al*'s (1989, 1990, 1991) theory of journalism as a site of cultural conflict. In the light of Knelman's (1998) analysis of how the mid-Victorian press saw themselves as a judge of the criminal justice system, and Örnebring's (2007) argument that the *Pall Mall Gazette* (1885) spoke the voice 'of the people', the evidence of the case analysis suggests that the early Edwardian mass market press continued with a tradition of some independence, despite a concomitant respect for the 'deft' judge, Mansion House and King.

As a historical document on the meanings around the issue of battered women who kill, the 1902 *Daily Express* speaks through its usage of the metaphors of melodrama, which tell archetypal stories about a triangle – the heroine, the villain and the hero.

The defence barrister tried to place himself in the latter role in his summation, when he failed, the newspaper reported and supported the public's attempt to save her, suggesting that its news was constructed through the male gaze and it saw for itself the role of rescuer, the securer of reprieve. It also suggests that the public were reluctant to see a young pretty woman put to death for killing a man who had abused her. Blame for the murder was shifted out of sight, along with Baker, and the imminent hanging, rather than the criminal justice system was the situation from which Byron needed rescuing. Her cliff-hangar was no changeable than a snowstorm in a melodrama's climatic scene, it did not inspire revolution against the criminal justice system and could therefore live alongside deference for the authorities. As a piece of journalism, its news values and definitions of newsworthiness, such as journalese, interest in elites and follow-up are still recognisable today. Its narrative of classed femininity, a 'virgin-victim' (Benedict 1992, Walkowitz 1992a, Naylor 1995, Clark 1998, Greer 2003, Boyle 2005) is equally recognisable as the traditional but still current notion of womanhood. Byron's femininity proved mitigating, and that is how the case narrative developed from being 'the tragedy of Arthur Reginald Baker' (*Daily Express*, Nov. 21st p.5) to just a month later 'the tragedy of Emma Byron' (Dec. 18th p.1).

Chapter 4: The Case of Mrs Ethel Major, 1934

Introduction

The reporting of the case of Ethel Major (1934) is recognised here as influenced by and related to popular entertainment forms of the 1930s, in particular clue-puzzle novels of the sort written by Agatha Christie, Dorothy Sayers and Ellery Queen, but also the type of cheery films made for home consumption epitomised by *Sing As We Go* (dir. Basil Dean, 1934). All three are constructed from a standpoint of social conservatism, portraying the maintenance of social order and traditional class relations, which was a powerful political statement in the context of times, which were economically and socially divisive. The General Strike (1926), the Wall Street Crash (1929) and the Depression (which peaked, in terms of unemployment, in 1934) all took their toll on social cohesion, but the Britain portrayed in *Daily Express* crime news and these popular entertainment forms was united, traditional and stable. The paper's image of the criminal justice system and contemporary morality was distinctly patriarchal, focussing on the figure of the judge and the magistrate, and through him 'Old Father Law' (*Daily Express,* Aug. 2nd, p.7, 1934). This stern yet human character is effortlessly in control of the court. Yet in its representation of women, specifically Ethel Major herself, the newspaper draws on myths of feminine evil – the 'witch-monster' (Naylor 1995) in order to argue that women should be equal to men in receiving the punishment of execution. It drew on a popular conception that by winning the vote women had achieved equality and therefore argued that, where a man would be executed, so should a woman. Yet it posited at the same time, with similar force, that this particular woman did not deserve the commutation of her death sentence into a life one because she was an especially bad female, without the feminine qualities of compassion and warmth.

Ethel Major Biography

Ethel Major poisoned her husband, Arthur, with strychnine at their home in Kirkby-on-Bain in Lincolnshire, and he died on May 24th, 1934. His funeral was stopped by Scotland Yard and an inquest held; news of the case first appeared in the *Daily Express* on July 4th, 1934. During the committal and the criminal trials the couple's youngest son was called to give evidence against his mother about the violence and

jealousy that characterised his parents' relationship. The newspaper gave vastly greater news space to Mr Major's apparent affair with a neighbour rather than his violence towards his wife. Of all the case studies, this one has the least evidence in the newspaper text that Mrs Major was a battered woman. The couple had been married for 17 years, and in the months leading up to the murder both had consulted a solicitor about their marriage. It is likely that they discovered divorce would be too expensive for them (Mr Major was a lorry driver and following his death Mrs Major was forced to take poor relief). She was sentenced to death on November 1st, lost her appeal on December 17th and was hung in Hull on December 19th, 1934.

Women in the 1930s

At the time of the Major case (1934), women had enjoyed an equal franchise with men for six years (1928). Political and economic historians (e.g. Wood 1978, p.75) tend to argue that 'it was the recognition of their contribution to the war effort that gave women the vote'; feminists (e.g., Miles 1989) prefer to credit women's campaigns for suffrage, but both acknowledge the First World War as the cause of a massive dislocation in the ordinary expectations and opportunities of the mass of British women. It had taken them into clerical work, the Civil Service, light engineering, ambulance driving and even mining. Yet by the 1930s, of the 14.5 million women voters, only 5 million were in work, and of these only 7.5% were 'higher professionals', i.e. barristers, architects and so on (Branson 1976, p.209). The ending of war-time union dilution agreements pushed women out of the heavy industries, whilst a series of marriage bars were implemented in professional work such as teaching, the Civil Service and council work in the 1920s. According to Taylor (1975, p.220), 'in almost every occupation women were paid less than men for doing the same work'. Women were more likely to do seasonal, low paid jobs, unprotected by unions - less than one-sixth of women workers were organised, compared to two-fifths of male workers (Branson and Heinemann 1971).

A 1936 feminist review of women's position in law and society, called 'Our Freedom and Its Results' is 'subdued' in tone, according to Lewis (1980, p.208). Some equalities existed mainly in principle rather than in practice, for example the equal divorce law (1923) which was not subject to Legal Aid and therefore remained out of

the reach of most women. Divorce was probably too expensive for housewife Ethel Major, who had received parish relief after the death of her truck-driver husband (*Daily Express*, July 10th, p.2, July 11th, p.7). The feminist press went into decline in the 1930s, producing a more mainstream product to a more 'muted' response (Tusan 2005, p.233). According to Branson and Heinemann (1971, p.163), for the enfranchised young women of the 1930s 'the ideological battles seemed largely over'. The declining birth rate hit its lowest point in 1933, and remained below 19 live births per 1000 in the population throughout the 1930s. Co-op Guilds and Labour Women's Societies promoted birth control amongst working-class women. Yet Parliamentary authorities considered the decline in birth rate potentially unfavourable, and during the debate on the Population Statistics Act (1938) declared that the dissemination of contraception information should not be encouraged. The 'ideology of motherhood' stressed the importance of staying at home to bear and raise children as the natural fulfilment of womanhood (Lewis 1980). This also left them vulnerable to what Brookes (1989, p.22) calls the 'informal restrictions imposed by individual men of all classes on their wives in the name of respectability'. Ethel Major's life as a married housewife with two children would seem in this context to have been perfectly respectable.

Interwar Journalism and the Daily Express.

During the interwar years the press became recognisably modern, in terms of ownership and perhaps purpose. The period saw the rise of a type of newspaper owner recognisable today – the 'entrepreneurial proprietor for whom newspapers were primarily a commercial proposition' (Murdock and Golding 1978, p.142). The total circulation of the national daily press rose by 16.1% from 8.9 million in 1930, to 10.6 million in 1939 (Williams 1957, Curran and Seaton 1997,). Although the increase in the 1930s was less than half of that of the 1920s, it was more hard fought. Under the ownership of Lord Beaverbrook the *Daily Express* began to make a profit for the first time in 1921. An astute investment in the rival The Daily Mail Trust underwrote the expansion of Beaverbrook Newspapers until 1933 (Taylor 1996). Between 1929 and 1939 the *Daily Express* circulation rose from 1,590,000 to 2,543,274 (Camrose 1947), an increase at 37.5% - more than twice the total market value growth. The advertising industry was now a major source of revenue, and the

Audit Bureau of Circulation was established in 1931 (Brookes 1989) to provide it with independent circulation figures. When the official Labour newspaper, the *Daily Herald*, was re-launched in 1929, it developed the already-existing 'free offer' idea and the leading popular dailies - the *Daily Mail*, the *News Chronicle* and the *Daily Express* - were drawn into the competition, despite the expense. These 'circulation wars' were conducted by battalions of canvassers armed with gifts of fountain pens, tea sets and the complete works of Charles Dickens. At its peak in 1933, it cost £50,000 to £60,000 a week to buy readers (Williams 1957). The *Daily Herald* was the first newspaper to reach two million circulation. However, it was overtaken in 1936 by the *Daily Express*, which continued to be Britain's most popular paper until 1961 (Wood 1965, Negrine 1998). According to Williams (1957, p.203), the reason for this success was 'its policy of spending money on news services as well as on silk stockings'. Beaverbrook considered the free gifts method of sales-building unsound for long-term growth, even as he participated in it (Koss 1984). This concern is evident in the pages of the *Daily Express*, which in a 1934 front-page 'progress report' claimed a circulation of 1,785,000:

> a record in net sale, excluding a short period when the *Daily Express* demonstrated by free gifts and money competitions that the unsound methods of other newspapers could be emulated and surpassed (*Daily Express* Aug. 3rd, p.1).

The press industry was also facing external competition as new technologies such as radio became available for mass consumption. The British Broadcasting Corporation was instituted by royal charter in 1926, forming a monopoly of radio broadcasting companies. On 1st January 1927, the day that the British Broadcasting Company became the British Broadcasting Corporation, it employed 773 people and 2,178,259 households held wireless licences. By 1st Sept. 1939, 9,082,666 households had licences and it employed nearly 5,000, 'catering for the majority of the British public (Briggs 1995, p.5). News was a particularly important battleground in the competition between the press and the new radio (Chapman 2005). The BBC became a great British institution, described by the press as a 'safe depository of the nation's cultural capital' (Williams 1998, p.88).

Cinema was already a major competitor for the attention of the British public: in 1934 903 million admissions were recorded (Shafer 1997). According to Richards (1984, p.11), 'cinema-going was indisputably the most popular form of entertainment in Britain in the 1930s'. The astute Lord Beaverbrook had opted into film distribution with the purchase of a controlling share of Provincial Cinematograph Theatres (PCT) after the First World War (Williams 1998). Both radio and cinema carried mostly entertainment with some news, and one effect upon newspapers was that, according to social historian AJP Taylor (1975, p.300) 'the news, to appear novel, had to be presented in a more lively, sensational way'. Cinema in the 1930s was subject to censorship that discouraged contentious social commentary and was dominated by entertainment product from Hollywood (Richards 1984). The 1930s saw an economic Depression where the declining staple industries of the North suffered whilst the new light industries of the South prospered. The unemployed were means-tested whilst the middle classes enjoyed the introduction of white goods such as fridge-freezers with the new Hire Purchase, and the Holidays With Pay Act (1938). Despite famous protests by starving men such as the Jarrow March (1934), cinema during this time would 'organise the audience's experiences in the sense of fostering social integration and the acceptance of social constraints' (Armes 1978). Whilst abroad British cinema became renowned for costume drama and literary films, at home the public preferred musical comedy stars such as Gracie Fields and George Formby (Higson 1995). The Depression-era classic, *Sing As We Go* (Basil Dean, 1934), starred Gracie Fields as a factory lass indomitably cheerful in the face of the closure of her plant, which is saved by a new invention whilst the film follows Fields' misadventures in alternative employment. The film ends with a triumphal return to the status quo with workers linking arms and singing as they return to work. Shafer (1997, p.237) describes how importantly the working classes valued their thrice-weekly escape to the cinema, but argued that it 'oriented [them] toward the *status quo*...the films they saw were reassuring and therefore not socially disruptive'. They saw themselves portrayed as co-operative, hard-working, and achieving cheerfulness through self-sacrifice.

In 1933, one of the most famous Fleet Street editors, Arthur Christiansen, began his twenty-five year-long editorship of the *Daily Express*. He considered that 'the policies were Lord Beaverbrook's job, the presentation mine' (Christiansen 1961, p.144). Yet the tone and pitch of the writing were set by him through daily bulletins

to his staff, the most commonly quoted of which urged them not to forget 'the man on the Rhyl promenade' and 'the man on the back streets of Derby' (ibid., p.166/167). He also assisted his leader writers maintain some independence from the Beaverbrookian line –

> I helped him [Tom Driberg] rewrite in suitably 'implied' form more Left Wing stuff than I ever put on my spike...in the belief that it would attract readers (ibid, p.143).

According to Engel (1996 p.133), he 'transformed the whole look of the paper', using massive headlines, horizontal stress (breaking up the vertical columns with headlines across columns) and a variety of cases and fonts, resulting in a brighter, more eye-catching newspaper. A typical example of a 1934 front page (*Daily Express*, July 10th p.1) carried thirteen stories, four advertisements and four pictures (all of the people in the news). There were seven columns, as in the earlier case study of 1902, but the headlines, stories and pictures cross column boundaries. The highest and longest headline ('Australians: Throat Tests Last Night') goes across the whole of the front page, but its four subheadings, are progressively shorter. It competes for the eye's attention with larger, though lower headlines – for example 'Widow Accused of Murder' (the Major case). There are a great variety of fonts - bold types, italic types, headings of different sizes; even a variety of fonts and cases within the headings of a single story. The same font is used for the headline of a small story (e.g., 'Beatrice Lillie Ill') as for the sub-heading halfway down a larger story ('Cabinet Statement'). This format creates a more visually exciting page than the 1902 format of seven block columns of type. Yet it also minimises the impact of the lead story, thus undermining the newspaper's power to highlight its own choice of the day's most important story.

Beaverbrook was an independent right-wing supporter of Empire. His support for the government against the Trades Union Congress (TUC) in the *Sunday Express* was one of the catalysts for the General Strike of 1926 as printers and compositors refused to publish anti-TUC articles (Koss 1984). Most national newspapers portrayed the dispute in a manner damaging to the unions, as the work of communist militants opposed to the democratic government (Curran and Seaton 1997). For example, the poorly laid-out 'scab' or 'black' editions of the *Daily Express*, clearly suffering from strike shortages, proclaimed 'the strike will fail' (May 10th p.1 1926, May 12th p.1

1926). But in the early 1930s Beaverbrook departed from the Conservative government line to pursue a more aggressively pro-Empire policy. He went so far as to found a political party - the United Empire Party - with his friend and rival, Lord Rothermere, the proprietor of the *Daily Mail*. As an attempt to influence Conservative policy, however, it failed, earning only the ire of Stanley Baldwin and two seats in the Commons, which quickly reverted to the Tories (Williams 1998).

Proximate Context: Crime Reporting.

Crime news was an important part of the newspapers in 1934. In the mid-twenties Scotland Yard had established their first Press Bureau in order to manage previously informal relations between the police and the press (Chibnall 1977). They replied with the specialisation of their trade that culminated in the foundation of the Crime Reporters Association in 1945. It not only had growing status, but was also popular - a study for the *News Chronicle* in 1934 revealed 'above average reader interest [about] accidents, court and divorce news' (Tunstall 1983, p.118). The *Daily Express* not only carried a great deal of crime news itself, but also printed news supporting the use of crime as entertainment, assuring readers that '"Thrillers" Do Your Boy No Harm' (Nov. 3rd, p.3). This was the opinion of the president of the National Union of Teachers who could see 'no harm in allowing children to read "bloods" [murder stories] and "thrillers"'.

In this regard, Christiansen's policy of giving the consumer what they wanted is evident in the pages of the *Daily Express*. There were a number of regular columns, the vast majority of them court reports. Only murders were treated as police stories, and were always (with only one exception) headlined. Page seven was the usual home of the regular serious column 'In the Courts Yesterday'. There was court news in the 'Brief Glances' column, (which generally listed around five or six different cases in short factual detail). There was also a daily humorous column 'Shorts From Courts', and entertaining features, both authored and without by-lines. An atypical example of the 'Brief Glances' column demonstrates that it was occasionally used to quietly release difficult news. One of these small boxes (Aug. 4th p.7) of news-in-briefs contained five cases, including cruelty to a cat, a theft of £100 and that of the 'fourth Baronet Sir John Lancelot Hungerford Pollen, 50', who was sentenced to 6 months hard labour 'for an offence against a school boy'. Christiansen (1961)

claimed that he favoured no one by keeping any police or court matter out of the paper, even the friends of Lord Beaverbrook. Either his assertion was equivocal and crimes by the titled were buried on inside pages, or the nature of the crime was considered inappropriate to draw attention to, though not to omit from the newspaper altogether.

Reports from 'In The Courts Yesterday' were mainly headlined factually, and contained a degree of seriousness, such as 'Nurse Strikes Mental Patient' (*Daily Express*, July 3rd p.7) and 'Girl Who Went Housebreaking' (Sept. 8th p.7). In contrast the 'Shorts From Courts' headlined 'humorous' quotes such as 'Motorist at Tottenham: The amber was green when I passed it' (Aug. 3rd p.7). The wit and humanity of judges and magistrates was regularly featured in small-sized articles, such as the 'Magistrate Who Likes Muffin Bell' (Nov. 2nd, p.7) and the registrar to whom 'the mysteries of permanent waving were explained' (Aug. 2nd, p.7). Two named correspondents used court events as the basis for their features columns. Mortimer Durand filed on the subject of petty crime in his column 'I Tour the Courts', such as: '"Lies!" Said Cornelius: And They Fined Him 40s Or A Month' (July 12th p.3) and 'What Lucy Did Was All For Her Children – And Never For Beer' (Sept. 14th p.3). They take up a considerable space (several columns, centre page) on an important page (the third). 'Pop' Wright also detailed petty cases in court reports such as those in his smaller sized daily column entitled 'Today's Human Story'. These were 'feel good' stories, such as the minor charges dismissed because it was the defendant's wedding day ('A Sergeant Decides'; Aug. 6th p.7), and a marriage licence granted ('When Mother Said "No"'; Sept. 4th p.7). These support Beaverbrook's idea of the *Daily Express* as 'the sunny side of the Street' (Engels 1996, p.89) whilst using crime reporting as a staple of both hard and soft news.

Murders were clearly considered highly newsworthy and the *Express* seemed to follow Lord Rothermere's dictum to his *Daily Mail* staff – 'Get me a murder a day!' (Williams 1998). Only one reported murder in all the period of study was not on the front page, but in the 'In the Courts Yesterday' column, and that was when the killer was arrested and admitted guilt at the same time the body was found (July 2nd p.7). Murder headlines were a curious admixture of the typographically sensational but linguistically neutral, as front page splashes, with large font headlines, but sober

descriptions, such as 'Woman's Body In Flat' (*Daily Express,* July 26th p.1); 'Major Shot Dead In a Piccadilly Taxi' (Aug. 4th, p.1); 'Midnight Murder In London Cinema' (Aug. 8th p.1), and 'Stabbed Man Dies In London Square' (Sept. 19th p.1). This 'flat writing' is, according to Hark (1997, p.111) characteristic of the style of murder mysteries such as those written by Agatha Christie, which were a highly popular form of entertainment during the interwar years.

Also reminiscent of this style is the most newsworthy case of the studied period, a developing story that lasted from July to Dec. 1934, called the 'Trunk Mystery' (July 5th p.9), or 'Trunk Murder' (July 6th p.1). When a female torso was found in a suitcase, the *Express* followed the 'Trunk Murder Hunt' (July 3rd p.11) via police statements and by participating in the search itself. It offered a £250 reward for 'the first clue that will solve the Brighton trunk murder mystery' (July 10th, p.2) and invited readers to send in pictures of missing girls with similar physical features to help with identification. The reporting echoed the narrative development of a detective story, and when a man was arrested, he became a celebrity, with front-page, personalised headlines such as 'Mystery Girl Sees Mancini in Gaol' (Aug. 2nd p.1) and 'Laughing Toni Mancini' (Aug. 16th p.1). This context of crime reporting demonstrates the importance of crime news for entertainment in 1934. It was used for its shock value (e.g. murders), for enticing the reader to buy again (the serial detective story quality of the 'Trunk Mystery'), and for features as well as news.

Narratives: The Trials

The reporting of the case of Ethel Major in 1934 seems to have discursive similarities with a popular contemporary entertainment form - detective stories, or as Knight (2004) usefully describes them; 'clue puzzle' novels. 'Clue puzzle' fiction was hugely popular during the interwar period, a time that is often called the 'golden age' of crime fiction (Symons 1992, Delamater and Prigozy 1997, Knight 2003, 2004, Scaggs 2005). According to Symons (1992:131) most writers "had at least implicit right-wing sympathies. Their policemen were all good...they took the existing order for granted". The presentation is 'unemotional' and the murder will eventually be solved by the piecing together of circumstantial evidence (Knight 2003, p.78, see also Hark 1997). The reader is challenged to play the 'game' and solve the murder – an American writing duo, Ellery Queen, issued a formal 'Challenge to the Reader' and

clue-puzzle board games cashed in on the trope (Knight 2004). The Detection Club, founded in 1929, included amongst its members 'most of the major authors of the Golden Age', who swore to adhere to 'Fair Play', meaning the reader should have as good a chance as the detective at solving the clues[34] (Scaggs 2005, p.27). As well as the canonic 'whodunnit', there were also sub-genres of the form – the 'whoizzit' or 'howdunnit', for example (Merrill 1997, Thompson and Thompson 1997).

The reporting of the case of Ethel Major in the *Daily Express* reads rather as a 'didshedoit?' The trial narrative included plotting elements of a clue-puzzle book – opportunity, method, and clues pointing to the identity of the murderer (evidence). The court reports either focus mainly on one topic (splash) or list several different events in the court, often under a description of the court itself, e.g,

> "Stopped Funeral" Murder Charge: Wife in Dock
> Strychnine Bottle Produced in Court
> Young Son Tells of Parents' Quarrels (*Daily Express* Aug. 1st, p.7)

These focus on circumstantial evidence, all jumbled up together like a clue-puzzle, with no logical narrative progression from point to point. The same issue can be mentioned several times with no authorial attempt to link it, equally threads are dropped and the narrative takes up a different issue immediately. For example, one article (Aug. 1:7) contains five paragraphs: the first concerned the significant facts of the case (in inverted pyramid style) and evidence that Arthur Major had been poisoned by strychnine. The second was on Ethel Major's hatred of her husband, the strychnine evidence and her access to strychnine. The third was partially about her motive - her hatred of her husband and love letters sent to her husband - then statements she made to police. The fourth: her statements to police, the son's evidence of an unhappy home life, the love letters and her opportunity for murder and the final paragraph concerns this opportunity, and evidence that the victim had been poisoned by strychnine. The reporting thus built a case against Ethel Major through the gathering of circumstantial evidence – they are not thematic paragraphs and it appears that they follow the structure of the day in court, as the prosecution put forward his case and witnesses were examined in court. It appears as if the journalist

[34] Although there were of course disagreements over books, such as Agatha Christie's *The Murder of Roger Ackroyd* which were seen by some as breaking these rules (Delamater and Prigozy 1997)

acted as a stenographer, writing the subjects in the order they were aired in court. The repetition of subjects seems to stem from their repetition in court, as witnesses were examined and cross-examined. The style thus constructs a claim to truth-telling, through its plainness and adherence to chronological event, whilst prosecuting the woman in the dock and mimicking the 'fair play' rules of the clue-puzzle game that lay down that the reader should see all the detective – in this case the court – sees.

The interest in the mechanics of the trial is further shown by the newspaper's creation of a 'court duel' – its way of describing the witness testimony of a 'famous Home Office poisons expert', giving evidence for the prosecution (*Daily Express* Oct. 31st, p.11). The duelling metaphor description of the doctor's cross-examination by the defence counsel, Mr. Norman Birkett, K.C. makes the courtroom scene exciting. The headline reads:

> Poison Expert and K.C. in Court Duel
> Strychnine Death Agony Described.
> Opium Suggestion at Trial of Wife for Murder (ibid).

The defence argued that the death was actually due to opium, in the medicine given to Arthur Major when he first fell ill. The expert dismissed this possibility, and showed the strychnine that was extracted from Mr Major's body to the court. The *Daily Express* describes the exchange as 'a two-hour duel' and 'a dramatic exchange of question and answer' (ibid.). Mr Birkett is said to have 'hammered out question after question' (ibid.). Its focus on exchange, rather than simply on the evidence, makes the court action appear more dynamic than static, and its characterisation as a 'duel' increases this impression. This conflict, and the grim detail of the content of the exchange are likely to have been the grounds on which its newsworthiness was decided.

However, as a consequence the refutation of one of the defence arguments was highlighted. Largely because the defence did not call any witnesses, the prosecution and defence sources are not equally privileged sources in the text. Thus, the prosecution's action featured far more heavily than the defence's, advancing the main story in five out of the eight court reports, compared to only one out of eight. The form and shape of the trial coverage privileges the prosecution as a detective-type

mechanism that introduces clues into the story. The fact that these are not clues as to 'whodunnit' but are presented as pointing towards Major's guilt makes this a 'didshedoit' narrative. Both lawyers are editorially accorded respect – Mr Birkett's hammering out of questions, for example, portrays him as a forceful lawyer. On other occasions the prosecution also garners these admiring comments, such as his 'dramatic' opening speech (October 30:11). It appears that the paper attempted to be even-handed during the trial (afterwards was quite a different proposition), even favouring the defence by printing a picture of their leading lawyer, Mr Birkett, K.C and not one of the prosecutions. Yet overall the prosecution's case dominated the coverage.

Another illustration of the prosecution's dominance of the case, and the coverage, was the fact that the domestic abuse that Mrs Major suffered was used as a prosecution argument, rather than a defence one, and did not produce any sympathy for her from the *Daily Express*. The first reported words of Mr. O'Sullivan, opening the prosecution case, were that '...Major and his wife were married unhappily...Mrs Major herself says...he quarrelled with her and threatened her' (*Daily Express* October 30th, p.11). After his framing of this motive narrative, the subsequent elicitation of evidence of abuse in cross-examination by the defence maintained and reproduced it. In response to the question: 'Did he make very violent threats against Mrs Major?' a solicitor's clerk was reported to have replied: 'He did...he said: "I'll wring her _ neck". I gathered that their home life was unhappy' (Nov. 1st, p.3). Yet backgrounded on two separate days quotes in the paper showed that abuse did elicit sympathy from some of the public. Lord Hewart, the Lord Chief Justice of the court that rejected her appeal believed that the jury had recommended her to mercy because 'the home life of Mrs Major was very unhappy. At times also she suffered violence at her husband's hands' (Dec. 19th, p.10). Furthermore, two letter writers pointed out that she had lived a difficult life, as Mrs T. V. Thornton of Kilburn, London expressed:

> How can others know and judge what punishment life had already meted out to Mrs Major before her agony drove her to the heinous crime of poisoning her husband? (Dec. 21th, p.8).

Yet the newspaper did not explore this interpretation during the trial at all, and did not portray it as a significant point of view after the trial either. In its narrative, domestic abuse was a clue to the motive of the murderer and therefore supported the prosecution's case against her. Here it reproduces the trait seen in the clue-puzzle books, which aim to discover who carried out the crime, rather than to reflect, for example, on psychological issues and their bearing on justice.

Whilst the court was clearly a privileged source, it was not the only one. The links between the police and *Daily Express* reporters were evident at the very start of the coverage. The paper reported inquiries made by Inspector Young and Sergeant Salisbury of Scotland Yard at Horncastle, including an interview with Mrs Major, after strychnine was found in the bodies of Mr Major and a dog that ate food from Mrs Major. The article focussed on the hard work of the police, reporting that they 'did not go to bed all last night', 'had a nine-hour conference' then 'motored to see Mrs Major' (July 4th, p.11). This focus was even in the headline, whilst the case at this early point was named in the style of a clue-puzzle book: '9-Hour Talk on Poison Mystery' (ibid.). Days later the journalist was waiting outside Ethel Major's house in Kirkby-on-Bain (Lincolnshire) for the arrest to take place. The names of the arresting officers, from local police stations as well as Scotland Yard, were also provided, and the information that Major was later taken from Horncastle to Louth to appear before the magistrates in the morning whilst her house was searched (July 10th, p.1,2). These strongly suggest that the journalist was being fed information from the police, and in particular was tipped off about the arrest in order that they might be in place to provide an eyewitness account and take a photo of the arrest, which was subsequently published. Whilst there was no adjectival description of the police like the lawyers, the focus on their hard work and the naming of senior police officers, with full titles, suggests that they are accorded respect. Moreover, the symbolic significance of their work is the carrying out of the law, in full view of the public – justice seen to be done. The newspaper thus upholds the kind of values that can be seen in films of the period – the status quo maintained by solid institutions, public reassurance (or control) through the securing of socially disruptive elements. If, as it is claimed by many (e.g., Symons 1992, Knight 2003, 2004, Scaggs 2005) the clue-puzzle books also can be seen as portraying a cosy world in which order is restored when the perpetrator is

unmasked, then it might be argued that all three media are drawing on a similarly conservative trope.

The topics that the newspaper chose to 'splash' about - i.e., display obviously with several tiers of headlines on the same theme and to devote a large part of the day's article to discussing - is revealing about their 1934 news values. These splashes do not use the 'inverted pyramid' style, suggesting a link to features rather than hard news. The love letters produced by the prosecution in order to furnish a motive for murder is one of these topics. Headlines included:

> Love Letters To Husband Found By Wife Who is Accused of Murder.
> To "Sweetheart" From a Writer Named Rose (*Daily Express* Aug. 2nd, p.7)
>
> Denials of a Woman Neighbour
> Says She Did Not Write the Love Letters (Aug. 3rd, p.7)

The majority of the 2nd Aug. article was occupied with two love letters that were read out in court by Mrs Major's doctor, giving evidence that she had consulted him about them. Mrs Major had framed them as the hidden cause behind her 2-year ill health, but her doctor had 'reasoned' with her to make certain that 'her suspicions of another woman' could be substantiated (ibid.). Despite their banal nature, apparently the entirety of both letters is transcribed in the newspaper, including such deathless comments as 'the postman was late. I was waiting a long time for him' and 'I hope you will be able to make out my bad handwriting, darling' (ibid.). The love letters were just one of the pieces of evidence that the prosecution put forward to argue that the Majors had an unhappy marriage, and further strong evidence came from their son, the doctor, a solicitor and the arresting police officers, to whom Mrs Major made such comments as 'he was a detestable man, and I am in very much better health since he has gone' (Aug. 1st, p.7). Yet the paper does not splash this evidence like it does for the love letters. It is possible that this indicates the presence of sex as a news value, albeit in a euphemistic manner. It was not obvious and overt as it would be from the 1970s onwards (Holland 1998), but merely suggested. As well as sex, murder appears to be another news value. The *Daily Express* clearly followed Lord Northcliffe's well-known enthusiasm for crime news. The effects of the strychnine were described minutely in a court report headlined

Boy Tells of His Father's Last Agony
As His Mother is Tried For Murder (Oct. 30th, p.11)

In this, Major's son 'described his father's death agony' and his last words: 'I am going to have another fit. Don't leave me yet. You have been good to me. I am going to die.' The report of the 'court duel' (Oct. 31st, p.11) also contained a great deal of description of the 'strychnine death agony', and the construction of this piece of evidence as a duel served to emphasise its importance further. The pain and suffering that the dying man underwent was an important focus, and the writing about this was built up with many parallel phrases, mixing medical and lay terminology for the symptoms such as 'suffocation' and 'convulsion' to 'tightness of the chest' and 'jerking' (ibid.). Thus the journalist made the doctor's testimony accessible to the general public, whilst at the same time repeating, and therefore emphasising, the gruesome details of the 'dying agony' (ibid.). The newsworthiness of sex and murder seems covert but identifiable in these examples.

Narrative: The Appeals

In common with the earlier case of Byron in 1902, the final act of Mrs Major's drama took place after the sentence of death had been passed upon her. Yet it differed considerably from the previous case, in large part due to the construction of her character[35], but also reflecting societal changes in attitudes towards women and the monarchy. There was no immediate outcry in favour of a petition for reprieve, as there was for Kitty Byron, but later there were a number of features on her appeal and the effect on the case on relatives and others involved in the case, such as the 'wronged wife' (Nov.3rd, p.3) who was accused of having an affair with Mr Major. The sentence was, in Mrs Major's case, a more definite conclusion to the trial than for Kitty Byron, whose petitions and reprieve were supported by the newspaper. There was no news for a month about Mrs Major, demonstrating that she was no longer considered newsworthy, after the follow-up story, the day after the sentence, on the supposedly wronged wife.

[35] See section on the characterisation of Mrs Major.

On Dec. 3rd there was a brief notice on page 11 (just before the sports pages) that Major's appeal was to be held that day. The next day came the news that her appeal was lost and she would hang. Whilst in 1902 the newspaper wrote as if the King made this decision, in 1934 it is clearly the prerogative of the appeals court and the King takes a much lesser role. The appeal judges were 'puzzled by the recommendation to mercy' and although her defence lawyer 'spoke brilliantly', he failed in the 'last legal fight to escape the gallows' (*Daily Express* Dec. 4th, p.7). The article was thus firmly anchored in the legal process and the mechanism of the courts. A second article on the possibility of reprieve, nearly two weeks later, again omitted any mention of the King. It said that 'the Home Secretary had declined to grant her a reprieve' (Dec. 18th, p.1). Other members of the prison service featured in the article, such as the prison governor who gave her the news and the prison chaplain who visited her to give comfort, again anchoring this power of life and death in the criminal justice system rather than the monarchy. Finally, on the day of execution, the King was invoked in a sensational front page, four-decker headline:

> Mrs Major: Dramatic Plea to the King
> Lord Mayor of Hull Wires to the Palace
> Home Secretary Will Not Act
> 'Distress of Thousands of Our Women' (Dec. 19th, p.1)

It detailed for the first time what civilian efforts had been made to save her from the gallows, from telegrams to the King, the Queen, and the Home Secretary, to a petition by a neighbour in Kirkby-on-Bain. The telegrams to the King were described as 'a last resort' and that the Lord Mayor received the reply from Buckingham Palace that it had been 'transmitted to the Home Secretary' (ibid.) who had already rejected it. The newspaper went on to say that

> It was pointed out by a high authority in London that the King does not intervene personally in these matters, which are the Home Secretary's prerogative (ibid.)

This is a clear shift in the newspaper's portrayal of the mercy prerogative. Yet although there had been changes in the constitutional framework, such as the Parliament Act (1911), in which the power of the Lords was curtailed by the Commons, laws on reprieve remained unchanged since the earlier case in 1902

(Bradley and Ewing 2007). This shift in sentiment is therefore produced by societal changes that perceive the King as more distant from any business of government than earlier. It may support historical interpretations of the post-First World War world as more democratic and less bound by the aristocratic order (e.g., Wood 1978).

The marked lack of (comparative) newsworthiness in Mrs Major's appeals may have been partly due to the opinion, expressed on the same day her conviction was reported, that they would be successful:

> She Will Not Hang
> People ask, what is the point of sentencing Mrs Major to death? For nobody believes she will be hanged...it is eight years since the last woman died on the scaffold in this country... Women are not hanged here any more. Whether they should be or not is another question (*Daily Express* Nov. 2nd, p.10)

It is later repeated, in the hard news columns, that Mrs Major 'had been confident that she would be reprieved' and the news that she would not be shown mercy 'was received with much surprise in Hull and Horncastle', since 'a reprieve was generally expected' (Dec. 18th, p.1). This belief would make news of petitions un-newsworthy as it would be unsurprising. Yet if there had been any campaign on her behalf by the newspaper it should have been launched at the latest after the appeal foundered, before the execution; from 4th Dec. to 19th Dec. There was none. Instead there were articles, and opinion and letters after the execution, arguing that she should not be extended chivalry. The Secretary of the National Council for the Abolition of the Death Penalty was quoted as saying 'I personally take a strong view against opposing the death sentence simply because the condemned are women' (Dec. 6th, p.13). James Douglas echoed this view in an opinion piece strongly condemnatory of Mrs Major on the day of her execution. Citing examples of feminine courage from Joan of Arc to Mary Queen of Scots, he argued that women are as capable of facing death on the scaffold as men. He stated that 'the very fact that women are as capable as men of cruel and deliberate murder is an argument for equality of punishment' (Dec. 19th, p.10). The theme was taken up in following letters to the editor. The headline of the letters section the next day posed the question: Should Women Be Hanged? (Dec. 20th, p.8). The following day went under the headline 'One Law for Both Sexes', in

which Mrs N. White agreed that 'sex is no reason for sparing the life of a cold blooded poisoner' (Dec. 21st, p.8). 'E.S' argued that:

> Women today stand on an equal footing with men in all phases of life. They should not cry out for inequality where the sanctity of life is concerned (Dec. 20th, p.8).

This belief, expressed by columnist, abolitionist and public, was not shared by everybody. The letter-writer B.J. Goodchild declared 'women should not be hanged' because it is 'barbarous', yet these opinions were in the minority, and it seems that after winning the franchise women were seen substantially as equal with men and therefore no longer deserving of special treatment because of their sex, yet it was equally believed that they still benefit from the chivalry of men, and the contradiction in this case is thought to be untenable.

Characterisation: Mrs Ethel Major

The clue-puzzle novel's narrow focus on the puzzle and the detective resulted in only shallow characterisations of the murderer. Motives did not run deeper than the obvious such as inheritance or love rivalry, and they are conservative in their idea that "the criminal is simply aberrant" (Knight 2004, p.101). The limited description of Mrs Major conforms to this clue-puzzle template, by offering little explanation of why a woman who has taken her problematic marriage to both doctor and solicitor should suddenly decide to murder her husband. There is little sense in the court reports about who she is in comparison to the earlier Byron case in 1902. The newspaper uses a classic journalistic formula for naming her – 'She is Mrs Ethel Lillie Major, of Council Houses, Kirkby-on-Bain, Lincolnshire' (Aug. 1st, p.7). The tag 'aged forty-two' is also frequently included in the formula. This journalistic phraseology packed the factual information about her into a line, offered in any opening paragraph, but did not provide characterisation or a feel for the person she was. There was equally very limited physical description of her, in great contrast to the earlier 1902 case study. There were two pictures – one more than in 1902 – but this probably reflects improved printing techniques rather than greater interest in her appearance, because one was not printed until as late as Dec. 19th 1934. So for most of the story, the only clear visual evidence of Ethel Major is a photograph (*Fig 2*), cropped close to show only her face and neck in a high collar. She is wearing spectacles and a round, close-

fitting small hat. It is possible that the small plain hat could be read as a marker that Mrs Major is not a wealthy woman, because a different photograph captioned 'a rich woman' (July 6th, p.3) shows a similar style hat, but much larger and with more decoration. Within the context of very limited physical imagery, it is notable that the

***Fig 2*: Ethel Major (*Daily Express*, July 10th, p.1, 1934)**

***Fig 3*: The arrest of Ethel Major (*Daily Express*, December 19th, p.1)**

majority occurred during the committal trial, with virtually none during the later criminal trial. In the earlier reports, she was described as 'frail' (July 11th p.7, October 30th p.11) and 'pale' or 'pale-faced' (July 10th p.2, July 11th p.7). She was called 'diminutive' (July 10th p.2) and 'short' (October 30th p.11).

In the earlier committal trial reports Mrs Major is also contextualised within her family. Her father and son were called as witnesses against her, which drew them to the attention of the newspaper. The *Express* chose to emphasise their role, probably because their relations with the accused heighten the emotional content of the reports, and because the judge noted their presence (see next section on the characterisation of the judge). The son was mentioned in the article on the arrest of Mrs Major because he cycled past the waiting journalist and arrived home just as detectives were taking his mother away. This attracted no editorial comment, but the next article, in which the committal trial opened, described a 'Court Talk with her Son of 15' as 'a long and touching interview' (July 11th p.7). Subsequently there was further comment by the paper such as a glance shared between mother and son – 'A smile lit up her face. That smile was answered by another smile from the boy' (October 30th p.11).

It evokes pity for both and, as the paper itself says, strikes a 'human chord' (ibid.). The effect on the representation of Mrs Major is a humanising one, and in this context the respectable titles of 'widow' (July 10th p.1, July 11th p.7, Nov 1st p.3) and 'wife' (Aug. 1st p.7, Aug. 3rd p.7, October 31st p.11) were conferred upon her. Yet after the conviction, news about the family focuses on the son and the father and their emotions, rather than on the relationship with Mrs Major. 'Her Son's Last Visit', 'Her Father's Grief' (Dec. 18th p.1) and 'Ordeal of Mrs Major's Father' (Dec. 20th p.1) all portray sympathy for the family but not for Mrs Major. That her death can be seen as tragic for the family without raising questions about its necessity is addressed during an interview with the father. He is quoted to be concerned about the welfare of the family and his ability to support them in his old age, which may infer that Mrs Major has abandoned her duty, but also to be grief-stricken for the death of his daughter, which 'every father and mother in the world will understand' (Dec. 18th p.11). Thus it is possible in this discourse for the murderess and her family to be cognitively separated in a way that was not possible in the 1902 Byron case, in which the respectability of Byron's family supposed her own reputability. It is notable that

there is no suggestion that he might be responsible for raising a murderess, which also secures separation of emotion; sympathy for him and the family does not mean sympathy for her.

The distraction of the clue-puzzle game covers the gap in understanding about why she carried out her crime, enabling her vilification as a mythical witch-monster, which as Naylor (1995) and Boyle (2005) point out is still a common media story about deviant women. In fact more than one story from Naylor's (1995) typology of six representations of criminal women can be seen in the reporting of the character of Mrs Major after her conviction. She is portrayed as devious, cold and calculating as well as evil, because her method of murder was poison. The characterisations are once again very thin, with little description; these post-conviction articles are mainly concerned with conveying the intellectual argument noted above, that women had equality, so should also suffer equality of punishment. The characterisations are evoked primarily through consideration of the murder weapon as a sadistic one: it is pointed out in the editorial immediately following the conviction; by the feature author, James Douglas[36] and some of the letters in response to his feature article. Douglas asserts that:

> In the history of murder by poison the part played by female poisoners is notorious. Poison is the most diabolical form of murder, because it is the most subtle, the most secret and the most pitiless. (*Daily Express*, Dec. 19th, p.10)

Major is called 'callous and calculating' (Nov. 2nd, p.10, Dec. 19th, p.10). Strychnine poisoning is called 'atrocious agony' 'the most cruel death' and contrasted with a life in a 'comfortable' prison (Dec. 19th, p.10). Douglas and letter writers use these reproaches as part of a 'deterrent' argument, but they connote vengeance, a visceral need for punishment and, as one letter put it, 'an eye for an eye' (Dec. 20th, p.8). This sentiment follows the framework set by the judge, who called Major's crime 'one of the cruellest crimes that could have been committed', which is also underlined by being re-printed as a quote in one of the reader's letters (ibid.). Whilst some of the reader's letters do argue that she should not be hung, they only answer the primary definitions set by the paper, by asking merely 'why could not our justice have been

[36] It is unclear whether this is James Douglas, former editor of the Sunday Express from 1920-1931.

tempered with mercy?' (ibid.). Mercy recognises the original wrongdoing and forgives it; it does not explain why the crime was committed. Thus the newspaper works within a frame in which it is fair and just that she should be hanged, and mercy is the weakness of 'well-meaning but misguided sentimentalists' (ibid.) that undermines the death penalty's effectiveness as a deterrent. The paper portrayed this conservative viewpoint as widespread by stating that 'there is no overwhelming sentiment against the hanging of Mrs Major' (Dec. 20th, p.8). Thus, like the clue-puzzle books it so resembles, 'the crime is unexplained' (Woods 1997, p.110) and the story works towards a 'goal-oriented approach' (Ackershoek 1997, p.122) in which the goal is conviction, providing a safe resolution and a return to security, but rather than by the actions of the fictional detective figure, by the gift of the criminal justice institutions of State.

Characterisation: The Men

The principal male character in this case is primarily the judge; to a lesser extent the lawyers and even detectives, but the least valued by the newspaper, in terms of both column inches of news-space and depth of characterisation is the victim himself, Mr Arthur Major. He was almost as mute as the typical dead body in a clue-puzzle novel, whose role is usually as catalyst to the narrative rather than as character (Ackershoek 1997, Knight 2004,). The news offered about him was based around his observed actions and facts such as his job (lorry driver and part-time gardener for the vicar's wife), his stopped funeral, and his visit to a solicitor's regarding his marriage (the motive for which was unexplained). The only affecting use of information about him was the publication of his words to his son whilst dying, but since the son reported them to the court, the newspaper's sympathy went to the boy more than the father. James Douglas's attention to the victim, in order to justify execution, illustrates the absence of an *Express* characterisation, despite the expanse of detail on the death agonies of strychnine. He did not even name Arthur Major, even whilst urging the reader to 'pity the murdered person' (Dec. 19th, p.10) and garnished his arguments with an anecdote of his dog's death from strychnine to evoke that emotion. There was no imagery of Mr Major to draw upon to evoke the pity that was necessary to his argument.

Much more important in the coverage were the men associated with the machinery of justice: the lawyers, judge and detectives. The *Express* image of the criminal justice system is essentially patriarchal – one of the crime columnists, '"Pop" Wright', even called it 'Old Father Law' (Aug. 2nd, p.7). So the men involved are accorded the kind of respect due to patriarchs. The newspaper's editorial remarks upon the performance of the lawyers is pointed out above; as key figures in the court-room drama they (particularly the prosecution) reveal clues to the court like the detective reveals clues in clue-puzzle book. Even the defence is reported with deference for their professional standing and adorned with adjectival and adverbial praise. Although he was shown to have lost his argument with the Home Office pathologist, there was no loss of respect – there was even a small photograph of him (surprisingly, not the prosecution) in full authoritative lawyerly regalia. Detectives are limited in the role they can take in the story, because it is primarily court reporting, but the newspaper's portrayal of them through their actions suggest determination and hard work (their long hours are emphasised), and it clearly needed them as sources (as discussed above).

One decision by the paper is potentially revealing about their attitude towards Scotland Yard. The tip-off that led to the eyewitness copy of the arrest also gave the opportunity for a candid photograph of the detectives' moment of triumph (*Fig 3*). Yet the picture was not printed until months later, on the day of execution, accompanying the article regarding last-minute attempts to save her (Dec 19th, p.1). It shows Mrs Major in the grip of a plain-clothes detective, so bent over and diminutive she reaches only his chest height. His body almost completely obscures hers, dominating her, and she seems to struggle to keep up with him. The sight of this small woman being dragged away by a large man evokes pity for her, rather than the detectives' triumph. Unless there is some hidden production reason for the delay in publishing this photograph, it is possible that it was withheld because it disturbs the narrative of successful police work. It could only be published at a time when the paper has admitted (the weaker, secondary definition of) mercy into its pages, after her death. It suggests that the 1930s were little different, in this respect, to the post-Second World War era (Reiner and Livingstone 1997, Reiner, Livingstone and Allen 2003, Reiner 2007) in which the police were represented as heroes.

Of all the men involved in the case, the most fleshed-out character is that of the judge. There was a small head-and-shoulders photograph of a smiling Mr Justice Charles in a long judicial wig and stock, wearing glasses. His remarks were headlined - 'Judge Said "No"' (Nov. 1st p.3); 'Judge "Puzzled" by a Crown Strychnine Allegation' (Nov. 2nd p.7) and sub-headed. His summing-up was quoted at length, taking up the majority of the inside-page article on the conviction (Nov. 2nd, p.7). His arrival in the narrative was highlighted with a piece of dramatic prose: 'the shrill blast of silver trumpets heralding the arrival of Mr Justice Charles at the court' (Oct. 30th p.11). This reporting takes place within a context of extensive coverage of judges' and magistrates' courtroom action, their decisions and whimsical quotes such as the 'Shorts from the Courts' (as discussed in the proximate crime context). The figure of the judge is already a feature in the *Daily Express*, chosen as newsworthy before the Major case. There is no room for jokes in this most serious of crimes, yet the way in which the judge is reported suggests that he is the closest parallel to the clue-puzzle novel's brilliant detective that the coverage can offer.

Detectives were not as hero-worshipped in 1930s literature as in the earlier Holmesian age when the 'detective-as-superman' (Rzepka 2005, p.137) ruled the world of fictional crime (Symons 1992, Knight 2004). Yet the more human literary detectives such as Poirot and Lord Peter Wimsey are still the heroes of their novels, the solvers of the clue-puzzle, the men who unmask the murderer. This role is portrayed in the *Daily Express* partly by the judge and partly the court itself, as the mechanism by which clues are unearthed and laid bare before the reader. The judge's summing-up might be compared to the clue-puzzle novel denouement in the way in which it enumerates the clues in this 'didshedoit?' narrative. He argued that Mrs Major was 'bitterly jealous' of her neighbour and jealousy was 'one of the most potent causes' of an attack by a woman upon a man (Nov. 2nd, p.7). Referring the testimony that after Mrs Major gave a dog scraps of meat it died of strychnine poisoning, he said 'criminals do amazingly stupid things but you may think this was transcendental stupidity' (ibid.). Most characterised as detective-like were his own questions in court, highlighted by the paper as investigations revealing further evidence, which were quoted and paragraph headlined. Under the heading 'Spelling Point', the judge 'interrupted to draw the attention of the jury' to the same spelling mistake in a letter Mrs Kettleborough admitted to writing as in one she had denied (Nov. 1st p.3). This

also portrays him as an independent intelligence, a directing mind, like the clue-puzzle detective's role in a novel. This independence is also demonstrated through his criticism, in the summing-up, of both the prosecution and the defence conduct of the case. He complained that Mrs Major herself should have been put on the stand, and that the Crown had insufficiently explained how Mr Major received a second dose of strychnine. Finally, his character was rounded with illustrations of his human side. He was reported to commiserate with Mrs Major's son for having to give testimony against her, calling it a 'terrible ordeal' (Nov. 2nd, p.7) and 'a horrible position for the boy to be in' (Oct. 30th, p.11). He is thus portrayed as a patriarchal figure, authoritative but with enough humanity to seem trustworthy, in keeping with the context of judicial representation and the tradition of strong male leads in clue-puzzle novels, as well as the newspaper's independently conservative ideology.

Place/Time: 'Here Today'

The most important news and features in the case study carry a statement of date and place above the body of the text purporting to be the location of writing. These include the articles on the arrest, sentencing, and execution, as well as the interview with Ethel Major's father on the day the reprieve was refused. The date is a day behind the newspaper's date, and the place is where the story was happening, indicating that it marks the place and time of writing, i.e., the journalist's location. It is apparently intended to highlight the immediacy of the text, as well as acting as a stamp of the newspaper's exclusive reporting. Articles with a place/dateline are a small majority of the corpus, suggesting that this immediacy and exclusivity is important in a high-profile case such as this, which has clearly required journalistic travel outside London. This new convention speaks to the context of circulation wars that have raged in the 1920s and 30s, the increasing importance of exclusive news and growth of 'star' journalism (see Chibnall 1977, Hampton 2004). By-lines were now more important (in comparison to the previous case in 1902 which carried none). Of the twenty-five stories that cover the events of the Major case, nine carried the by-line of the '*Daily Express* Special Correspondent' (36%). This indicates that a staff member wrote the article. On one occasion a reporter was named (Joseph Meaney, Nov. 2nd p.1), and also designated a 'special correspondent'. There are two articles by-lined '*Daily Express* Special Representative'. These terms show that the *Express*

saw the case as significant enough to send its own journalists out of town – one of Beaverbrook's policies to produce bright, interesting and exclusive news.

The place/dateline would appear to serve a similar exclusivity function. It also has an anchoring function to ensure that the immediacy of the writing could be understood. In many of these articles there were textual touches indicating time, place and duration of events, which concretise events within their location for the reader, making them more immediate. For example, in one piece the journalist spoke to the reader, saying 'I witnessed the whole drama of the arrest today' (July 10th p.1). The length of time that key events took was recorded, such as 'ten minutes later' (July 10th p.2) and at the close of the third day of the criminal trial the defence lawyer 'had then been speaking for an hour' (Nov. 1st p.3). Small, informal touches such as this emphasise the reporter's presence at the scene of the news. Phrases such as 'here today' (October 30th p.11, Nov. 2nd p.1), 'here this afternoon' (October 31st p.11) or 'this morning' (Dec. 20th p.7) reinforce the immediacy of the event. However, the time needed to file reports, print and distribute the newspaper means that all the events occurred the day before. It can give rise to confusion in the text such as the occasion on which the headline read 'Village Murder Trial Verdict Today' but the very first line of the report says 'The jury will tomorrow give their verdict in the Lincolnshire village murder trial drama' (Nov. 1st p.3). By referring to the place/dateline, the reader can make sense of this confusion. So these phrases agree with the place/dateline, i.e., the events described take place on the date printed above the article, and not on the date of the newspaper and the day on which it would be read.

Yet these place/datelines are not applied in all cases of apparent 'eye-witness' copy. Of four reports from Horncastle police court, only one (the first) was place lined from there (July 11th p.7). Moreover, the article in which the journalist improbably purports to be at the Court of Appeal in London and Hull Gaol at the same time, observing that the judges 'whispered' and then 'the telephone bell in Hull Gaol rang...the governor lifted the receiver' (Dec. 4th p.7) is not place-lined. Does this suggest that a place-line was a more reliable guarantor of the journalist's location than their copy? Sadly there is no other evidence here and so this question cannot be decided. However what the place-line does reveal about the production of the

newspaper is the extent to which journalists in 1934 would travel for news, gathering it from a variety of locations, including courts at Horncastle and Lincoln, the villages of Kirkby-on-Bain and Roughton, the gaol in Hull and the appeal court in London. This variety reflects also the newsworthiness of the case.

Conclusion

The popular clue-puzzle trope of the 1920s and 30s constituted a game of deduction, even producing board games that foreshadowed Cluedo[37] as well as still-famous writers such as Agatha Christie and Dorothy Sayers. It was clearly an entertainment trope first and foremost, so the extent to which the *Daily Express*'s crime reporting of the case of Ethel Major conforms to its characteristics can be seen as its response to the circulation wars of those same decades, the drive to reach a mass audience requiring more and more entertainment in the news. Yet this particular game also appears well suited to the 'New Journalism' conception of hard news. The focus on events, the authors' notions of 'fair play' that made revealing all a moral duty and the 'flat', uninflected style of writing (Hark 1997, Scaggs 2005), all conform to ideas about objectivity that had been developing in British journalism since the previous century. Moreover, it is a form that accords with Conservative principles on criminality. Starkly put, a crime demands punishment, and a victim must be avenged: a murderer should be caught and consideration of motive restricted to the concrete and immediate to the crime, for any larger question of why it was committed is simply due to the wickedness of the criminal (Fattah 1997).

Clue-puzzle fiction offered the reader the comfort of solving the puzzle, giving the reassuring illusion that murder can be resolved, the status quo restored (Knight 2004). As reporting, the form includes the reader into the jury by inviting them to solve the puzzle and thus to (pseudo-)participate in the maintenance of social order, placing the reader on the side of the criminal justice authorities. All the criminal justice actors – detectives, lawyers, magistrates and judges – are depicted with respect, even when losing like the defence lawyer in this case. By portraying a wide range of court reporting, from the whimsical to serious murders and all points in-between, it appears to create a reassuring sense that these authorities are competent to deal with the

[37] First published by Waddingtons in the UK in 1949

pervasive disruption to the social order that crime represents. The independently Conservative *Express* proprietor, Lord Beaverbrook, was also a film distributor at this time, showing films to the provinces that promoted Conservative values such as the maintenance of the status quo (Armes 1978, Richards 1984, Shafer 1997). They offered their working-class audiences distraction from Depression-era conditions, and also a vision of a socially coherent Britain, in which the classes maintained their positions instead of the class war that was the great fear of much of the upper class since the General Strike (1926). This was the trope of the court reports – maintenance of order and respect for the court elites. It is also recognisable as coherent with clue-puzzle novels whose pleasures usually included a patriarchal character (the detective) closing the story with the solving of the puzzle and thus the figurative restitution of order performed by a member of the elites.

From a gender perspective a significant difference between this case and others in this study, such as the 1990s cases and the Byron case of 1902, is the use of the domestic abuse issue as evidence for the prosecution rather than the defence. It undoubtedly impacts on the reporting by removing the main means by which other battered murderesses have accrued sympathetic coverage. The defence sought a rational argument (that guilt was not proved) rather than an emotionally sympathetic one. Yet the existence of the mercy argument in which rare quotes show glimpses of sympathy for a woman trapped in an unhappy home demonstrates that the newspaper chose to withhold sympathy. The *Express* decision to follow the preferred reading of the court, and to reject a sympathetic approach was its own, and accords neatly with its conservatism and that of its proprietor. In contrast to the earlier 1902 Byron case, the court's primary definition of guilt is explicitly supported and mercy relegated to a secondary definition. The newspaper draws on an explicitly gendered argument to justify its position. There is a contemporary discourse shared by many feminism supporters that with the achievement of the franchise women became equal to men. Despite a distinctly unequal picture in terms of treatment under the law and in employment, the suffrage social movements had disbanded and the feminist press dispersed (Branson and Heinemann 1971, Lewis 1980, Tusan 2005). The paper works with this discourse to frame the debate whether Major should be executed as one between 'just deserts' and undue chivalry. Immediately after the conviction the editorial believed that she would not hang but when her appeal was turned down it

supported the judges' decision. Again, this is another example of the newspaper supporting the authorities. Yet it made an interesting impact on the gender argument. In order to represent Mrs Major as undeserving of a chivalric response, it drew on gendered images of the 'witch-monster' (Naylor 1995) and the supposedly particularly feminine callousness of poison. Poisoning was stated by the newspaper to be 'the most dreadful form of murder' (Dec. 20th, p.8) due to both the secrecy with which it is administered and the agony that it causes to the victim. The opinion writer, James Douglas made allegorical connections between Ethel Major and infamous historical females, mythologising her as a personification of evil. She was defined not merely as wicked, but as a 'bad woman' to whom were attributed the opposites of 'normal' femininity – coldness instead of caring; calculating rather than emotional. Thus the newspaper made a gendered argument in support of its assertion that women were equal - she deserved to be punished like a man because she had behaved like an especially bad woman.

Chapter 5: The Case of Ruth Ellis

Introduction

The 1955 trial and execution of Ruth Ellis was the first of this series of case studies to have been seriously challenged by the movement against the death penalty. The reporting in the *Daily Express* appears to bury debate on this issue and to promote the Conservative party law and order agenda. Its gender values were also conservative, demonstrated by its use of traditional ideas such as motherhood being good womanhood and sexual availability meaning a bad girl. Yet the newspaper turned to film, the most popular form of its day, to characterise Ruth Ellis in a commercial manner. She was constructed as a film noir "femme fatale" who had lured her victim to his death, despite the evidence given in court regarding his violence. Yet the *Daily Express* also responded to public concern about the execution by flattering portraits of the public's efforts and sympathetic features on Ellis's life in jail. Crime was being used increasingly in features and the increase in other kinds of entertainment, such as pictures and sex as a news value demonstrates that despite still being at the top of an expanding press market, the *Daily Express* was feeling commercial pressure from rivals and the approach of commercial TV.

Ruth Ellis Biography

Ruth Ellis murdered her lover, David Blakely, on 10th April 1955 and was executed three months later on July 13th. After stalking the house where he was partying with friends over the Easter weekend and refusing to answer her calls, she shot a full round of six bullets into him when he went to a local pub for more beer. One missed, one hit the thumb of a passer-by, but four found their target (*Daily Express*, April 29th, p.7). She pleaded not guilty on grounds of provocation, and according to Kennedy (1992) it is likely she would have been acquitted today. The provocation to which her lawyers referred was Blakely's behaviour in leaving her for another woman, rather than his beating of her. Evidence of Blakely's violence towards her was given in court, including the occasion when he caused her to miscarry, but was ignored by her own lawyers. After the murder, when confronted by police, Ellis had said "I am guilty, I am rather confused" and later made statements about her intention to kill him (Kennedy 1992). Her lawyers' foundations for their defence, which sought to

introduce a new ground for manslaughter due to jealousy or a 'crime passionelle' were therefore weak. They made a gendered argument, that women in particular were more susceptible to jealous rages than men. The trial itself was extremely short. The prosecution case was over in a morning because the defence did not cross-examine any of the prosecution's witnesses. The 'new' defence of jealousy was then put to the judge without the jury's presence. The next morning, the judge ruled that there were not sufficient grounds for the manslaughter charge, so the defence refused to make a closing speech. The judge summed up that it was not possible to convict of manslaughter, and the jury took 14 minutes to decide that Ruth Ellis was guilty of murder (Kennedy 1992).

Ruth Ellis and Gender Roles in 1950s Britain.

The 1950s were a period of contestation between the traditional and the modern over the meanings of sex-roles, as the traditional political economy of marriage was enshrined in the Welfare State. Yet the modern ideology of companionate marriage made greater social demands on husbands, and the labour shortage encouraged married women to work outside the home.

During the Second World War, women rose to the challenge of replacing fighting men in paid work outside the home; for example, in 1943 one in three engineers were female (Fielding 1998). Due to the labour shortage after the war, 'women were actually encouraged to stay in the labour force' (Lewis 1984 p.152). Women comprised 30.8% of the workforce in 1951, and the number of married women in the workforce increased by 51.6% between 1950 and 1963 (Elliott, 1991). The Labour government introduced the 'Welfare State', part of which enshrined the idea of the 'family wage', in which it was thought that a man's income would support a wife and children too. This government apparently supported the notion of equal pay for women, but 'nothing was done to implement it (Tomalinson 1998 p.96). A contributory national insurance scheme further enforced the dependence of wives upon husbands, allowing them only a share of his benefits and pension (Colwill 1994). As Spensky (1992 p.115) notes, these provisions 'reconstructed the traditional sexual division of labour'. Despite the supposedly democratising effects of the war, notions of class, voiced in terms of morality – i.e., 'respectability' - appear to have changed little in relation to gendered labour. Lewis (1984 p.185) discusses the way in

which unemployment benefit officials classed female jobseekers into 'high and low' types according to social class signs and symbols thought to connotate 'moral character'. This example cites symbols worn by Ruth Ellis as 'low' type: 'peroxide hair, plucked eyebrows and make-up. Large paste earrings. Very poor and unsatisfactory type' (A Birmingham unemployment official quoted by Lewis 1984 p.186).

Despite the reinforcement of the traditional political economy of marriage, ideas about its nature were in conflict. Finch and Summerfield (1991) note the post-war rise of the ideology of 'companionate marriage' - even the Beveridge Report[38] adopted the term 'partnership' to describe marriage. According to Marwick (1982), the war accelerated changing social attitudes. In a survey in the *People* newspaper, 43% admitted to sex outside marriage, although just over one half of men and two-thirds of women disapproved of sex before marriage (Gorer 1951, quoted in Marwick 1982). The Legal Aid Act (1949) made divorce cheaper, and by the mid- fifties there were about 25,000 divorces a year (Marwick 1982). Yet Spensky (1992) asserts that during the 1950s unmarried motherhood was so stigmatised that it was 'pathologised', and a national scheme of Homes for Unmarried Mothers was established in 1953. The belief in the necessity of full-time mothering was promoted by post-war psychological studies on evacuated children, 'widely publicised through women's magazines and the radio' (Spensky, 1992 p.107, see also Sayers 1991). According to Elliott (1991), the ratio of illegitimate to legitimate births was steady around 5% throughout the 1950s, alongside a gradually rising trend towards earlier marriage. Both of Ellis's children had been born in wedlock, but she had undergone a divorce (from the second husband – the first died in the war).

Post-War Journalism and the Daily Express.

The press during the Second World War had experienced its greatest demand at the time when its ability to meet it was at its most limited. Newsprint rationing reduced the number of pages in each edition of every newspaper, and the shortages lasted until 1955. It had the unintended result of forcing advertisers to place their advertisements wherever there was space, rather than where they chose, thus supporting economically

[38] Entitled 'Social Insurance and Allied Services', the report is known after its author, Sir William Beveridge. Published in 1942, it was the blueprint for the British Welfare State after the war.

weaker (often the more radical) newspapers (Curran and Seaton 1997). Circulation continued to rise after the war – Williams (1957) notes that sales rose nine times as fast as the population. The post-war press, especially after 1955, was run by many of the same faces as before – Beaverbrook prominent among them. The men who worked in the industry performed specialist jobs and belonged to strong trades unions such as the National Union of Printing, Bookbinding & Paper Workers (NUPB&PW) and the National Union of Operative Printers and Assistants (NATSOPA). As sales rose, the unions began to strike for a greater share in the proceeds, and with a product that grew stale in a single day, owners often thought it easier to increase wages (Murdoch and Golding 1978).

The *Daily Express* participated in this rise, its sales growing from 3,239,000 in 1945 to 4,036,000 in 1955 (Seymour-Ure 1991). Its sales would peak after the total market peak, in 1961 (Negrine 1998). As newsprint rationing and shortages eased, the number of pages slowly increased, though in the period of this study it had not yet returned to the pre-war average. In 1955 the average number of pages was the same as it had been in 1913 - around eight to ten per copy (Christiansen 1961, Seymour-Ure 1991). In fact, a strike at the time of the Ellis murder enabled the stockpiling of paper and the *Express* advertised the news that subsequent issues would be twelve pages long (the spare paper lasted about a month).

The press was judged to have been the 'chief agency for instructing the public' (Negrine 1998, p.131), and the first Royal Commission on the Press (1947-49), chaired by Sir W.D. Ross, was prompted by concern over the 'monopolistic tendencies' of the industry (Taylor 1961, p.75). In 1948 the Lords Beaverbrook, Rothermere and Kemsley controlled 43% of the national press. Beaverbrook's testimony to the Royal Commission is notorious for his announcement that 'I run the paper purely for the purpose of making propaganda, and with no other motive', (Royal Commission 1947-49, p.25). The extent to which this propaganda was effective, however, is debatable. According to Smith (1975 p.157), the 'thematic continuity' of the *Daily Express* was apparent. It upheld its 'notions of freedom, tradition, and a hierarchical society in which individual enterprise, not class conflict, is the principle of progress'. Blackwell (1971) agrees, demonstrating the use of these

themes in the coverage of the 1955 election, which ran contemporaneously with the Ruth Ellis case.

Yet despite Beaverbrook's political motives, he also recognised that 'no paper is any good at all for propaganda unless it has a thoroughly good financial position' (Royal Commission 1947-49, p.26). The press was beginning to face serious competition from other forms of media. BBC radio 'emerged from the war with immense prestige and popularity', (Seymour-Ure 1991 p.70). Television, too, began to impact the post-war media landscape from the Royal Coronation in 1953. It provided a stimulus to TV set purchasing. 417, 247 more licences were bought in 1953/54 than the previous year (Curran and Seaton 1997). The fifties were boom time for TV - in 1950 there was only one channel, broadcasting 3.75 hours a day to 340,000 licence holders, but by the end of the decade, there were two channels broadcasting 17.5 hours a day to 10.5 million licence holders (Currie 2000 p.35). The second, commercial, channel (Independent television – ITV) opened on 22nd September 1955 – two months after the execution of Ruth Ellis.

In this competitive media atmosphere, Beaverbrook was reluctant to cede power to his son, 'Young Max', who took the title of Chairman in 1955, but in name only (Allen 1983). Beaverbrook maintained the successful pre-war policy of investment in newsgathering, and pursued its promotion vigorously. 'There's more news in the *Daily Express*' boasted one 1955 headline (*Daily Express*, Sept. 13th p.1). It particularly advertised its prestigious foreign news service, comparing the number of foreign news items (thirty in one day, it claimed, to only eighteen in the *Daily Mail*, although the *Daily Mirror*, their closest circulation rival, is absent from their table of September 14th, p.1). Other self-promotion articles claimed that the *Daily Express* foreign news staff cost £196,345 a year, thirty-four men were employed in the department and they had travelled 204,616 miles in eight months (*Daily Express*, Sept. 15th p.1). Beaverbrook and his editor Christiansen continued to work together in much the same way as they had pre-war, and other pre-war star journalists, such as Sefton Delmer and Percy Hoskins remained with the newspaper.

The achievability of Beaverbrook's propaganda began to be called into question by developments in audience research, such as Hulton Readership surveys and Mass

Observation, which revealed a pre-existing lack of direct and immediate effect of the press upon their readers. In fact, according to one Mass Observation survey (1949, p.88) 'nearly [one-fifth] of the readers of the *Daily Express* do not know what are their paper's politics'. The paper's readership was distributed fairly evenly amongst income and age brackets, though there were more male readers than female and 48% voted Conservative, 28% Labour (Mass Observation 1949). Driberg (1956, p.311) argues that after the *Express*'s 1945 election campaign 'intelligent readers came to disregard *Express* campaigns'. The Labour Party had been slurred as 'National Socialists', a clear reference to the Nazi Party. Even Christiansen (1961, p.238) admitted it had been the 'dirtiest election campaign of all time'.

The death penalty began to come under serious debate after the Second World War, and the case of Ruth Ellis became a cause célèbre for the movement for the abolition of executions in Britain (Rawlings 1999, Chibnall 2006). In the contemporary criminal justice system there grew a liberal progressivism epitomised by the Criminal Justice Bill of 1948 that, for example, sought to view prisons as places of rehabilitation rather than punishment (Rawlings 1999). The National Council for the Abolition of the Death Penalty had been founded in 1925, and inspired a Select Committee on Capital Punishment that had recommended temporary abolition in 1929. A clause for permanent abolition in the 1948 Criminal Justice Bill was dropped by the Lords (Dawtry 1966). According to Rawlings (1999, p.140), however, 'it was a series of highly publicised cases which created the groundswell of opinion against capital punishment'. These cases were Bentley (1953), the wrongful hanging of Evans (1950) for a murder committed by Christie (convicted 1953), Ruth Ellis (convicted 1955) and Hanratty (convicted 1962), all 'subjects of tempestuous controversy at the time they occurred' (Hitchens, 2001 p. x). Since the end of the World War II, abolition had become a regular topic of debate in the correspondence columns of *The Times* (Block and Hostettler 1997) and had gone beyond a minority interest to a mass debate.

The 'Golden Age' of Crime Reporting in the Daily Express.

Christiansen's autobiography does not reveal whether the *Daily Express*'s management was influenced by reader surveys, but it was certainly aware of them. It used results from Hulton's Readership Survey of 1955 on its front pages, to advertise

its pre-eminent circulation position around the 1.4 million mark (*Daily Express*, June 21st, p.1, *Daily Express* Aug. 3rd, p.1). It was increasingly aware of the importance of securing a lucrative demographic as well, for example – 'more car owners read the *Daily Express* than any other national daily newspaper' (ibid, June 21st p.1). However, as the most popular newspaper at the time, it unsurprisingly was one of the more sensationalist, according to the first Royal Commission on the Press (1947-49). The Ross Commission (1949, p.261) showed that in 1947, 45% of *Daily Express* news was in their category 'law, police and accidents' – the highest of all nine national daily papers. It described crime news as a most obvious type of sensationalism -

> In the first form sensationalism consists in publishing prominent and detailed stories which, as a witness put it, "minister...to the imaginative personal gratification of the reader", news of crime, of the relations between the sexes, of extraordinary or scandalous behaviour, or of the private affairs of individuals who are the victims of some misfortune (Royal Commission 1949 p.132).

The 1950s are sometimes described as the 'golden age' of crime reporting (Chibnall 1977, Tunstall 1983). Large sums were spent on securing an exclusive story, and staff reporters were sent to the scene of crimes around the country for weeks at a time, becoming 'an integral part of the police inquiry – supplying investigative expertise and acting as confident and companion to the detective' (Chibnall 1977, p.66). The *Daily Express*'s Chief Crime Correspondent, Percy Hoskins, kept a Mayfair apartment on expenses for the purpose of entertaining the Chief Constable and other high-ranking law officials (Robert Edwards, personal communication with the author, 14th Oct. 2000). Tunstall (1983, p.122) describes the typical stages of coverage:

> the theatrical ritual of the Judge putting on his black cap for the sentencing; then the appeal, and the confessions either before, or immediately after, the execution.

By 1955 crime reporting in the *Daily Express* had become less domestic as it reported crimes that happened anywhere across the globe, yet it was still parochial in that the stories mainly had a focus on British people. For example, crimes committed by members of the British Armed Forces abroad were regularly reported, even when the crime was fairly minor such as fraud and stealing Army supplies: 'Officer gave £620

cheques' (*Daily Express*, Singapore, May 6th, p.5); 'Gangsters peel off notes to bribe call-up boys' (*Daily Express*, Ismallia, May 20th p.2). Crime reports not involving British nationals were of a more serious nature, suggesting that foreigners were considered to have lower news value – 'Daddy has killed Mummy says Girl' (*Daily Express*, Paris, Brussels, April 21st, p.2). The significant exception to this was America. The daily 'America Column' included American domestic crime news (i.e., involving Americans alone), as well as American politics and economics.

In 1955 divorce trials were a regular type of domestic court report. This conforms to the Royal Commission's definition of sensational, with headlines highlighting sexual deceit and the disapprobation of the judge. For example, 'This husband is a liar, says divorce judge' (*Daily Express*, May 26th, p.7) and 'Wife "a flirt" – other man "a cad"' (ibid, July 9th, p.5). There is also coverage of custody battles, highlighting damaging effects on the children, which took an even more disapproving approach to divorce. On the other hand, court reports were still used as light entertainment as they were in the 1930s, with whimsical light-hearted reports such as 'The bride who was not a bride' (on a wedding mix-up, ibid, May 14th, p.1).

The only trial that received more coverage than the Ellis case at the time was that of a British Army sergeant, Emmett-Dunne, who was accused of killing his wife's former husband. It also has an angle of sexual intrigue (and was also a lengthy trial and uninterrupted by the strike). Like the divorce and wedding court reports, this suggests a growing use of sex as a news value. Celebrity was also growing in news value. The other longest-running case was that of a claim for damages by a television celebrity, Hughie Green, against the BBC in the High Court. This relatively trivial matter garnered seven large size articles - the third largest court report (after Ruth Ellis and Emmett-Dunne). The rise of the by-line also ensured the celebrity of the journalists themselves, though only a select few. The most promoted were the political reporter, Derek Marks, and the foreign news writers Sefton Delmer and René MacColl.

The subject of crime had also broadened further into a 'feature' topic. In fiction, this was also a golden age for the image of the police, as both bobby and detective were portrayed as heroes (Leishman and Mason 2003, Reiner, Livingston and Allen 2003). The emblematic figure of fictional community policing, *Dixon of Dock Green*, began

on television in 1955, building on a popular film character from *The Blue Lamp* (Basil Dearden, 1949). In the *Daily Express* there were thriller and detective fiction serialisations, and most interesting for this study, a series of features on Scotland Yard detectives written by Percy Hoskins. Each focussed on an individual detective and told in fiction-like form the story of his greatest case. Although unreferenced, they appear to have been based on personal interviews and demonstrate the extent to which the author had access to, and was trusted by, the Scotland Yard hierarchy. He was in a privileged position, since all but the most senior officers risked their careers by talking to the media, and the majority of crime reporters had to obtain information covertly in 'dive bars' around Scotland Yard (Burden 1981, p.1). Robert Edwards, the editor of the *Daily Express* in the early 1960s, called Hoskins an 'invaluable' member of staff (Edwards 1988, p.75). However, Percy Hoskins is not named as one of the journalists on the Ellis case. The only named reporter is Arnold Latcham, who was by-lined on the three articles (*Daily Express*, June 21st, p.1; June 22nd, p.1, and June 24th, p.1). Nearly all the other reports are by-lined '*Express* Staff Reporter', except for two, written by the '*Express* Parliamentary Correspondent'.

The Ruth Ellis Case

The *Daily Express* considered the Ellis case to be very newsworthy, dedicating thirty articles to it, including three opinion pieces, between April 21st and July 22nd 1955. Technical advances since the 1934 Major case were clear to see in the much larger number of photograph printed, 33 in total. The largest number (ten) was of Ruth Ellis herself. The murdered man, Mr David Blakely, was pictured five times, and a photograph of the woman injured during the shooting, Mrs Gladys Yule, was printed twice. Next, a series of ten photographs, each printed only once, including the judge, two witnesses, and the 'Magdala' pub (outside which the murder took place, with labels where the shot man fell and where Ruth Ellis stood). After the trial, a woman collecting petition signatures was pictured, and a friend of Ruth Ellis was shown alongside a photograph of the letter he received from her. A second letter, written on the eve of her death, was printed the day after her execution. Finally, there was a photograph of the death notice on the gates of Holloway and another of people outside the prison.

Importantly, the arrest phase of the reporting is missing, because on the day of the murder (10th April 1955) a strike by newspaper printers and engineers was continuing. All national newspapers were affected by the strike, which had begun on the 26th March and ended 26 days later. The printers and engineers secured a pay increase and the *Daily Express* reappeared on April 21st. News of the Ellis case appeared on the front page that day, with the headline – 'Model Is Accused' (April 24th p.1).

Characterisation: Mrs Ruth Ellis

The dominant characterisation of Ruth Ellis foregrounded glamour and sex, containing echoes of two popular forms of entertainment – film noir and pulp fiction, which according to Krutnik (1991 p.40), have 'a close affinity'. The genre of detective story was giving way to the more psychological crime novel during the 1940s and 50s, a preoccupation it shares with film noir, (Symons 1992). The 'gun moll' of crime fiction by authors such as Raymond Chandler, and the 'femme fatale' of film noir have in common the portrayal of 'women exploiting sex as a weapon tantalising doomed crime victims', (Biesen 2005, p.11). There was even a contemporary noir-ish film, *Yield to the Night*, (dir. J. Lee Thompson, 1956) which became confused in the public memory as a Ruth Ellis biopic, although the making of the film (which was intended as an abolitionist intervention in the death penalty debate), and the hanging of Ruth Ellis were merely co-incidental (Chibnall 2006). In the context of a wider range of opportunities for scopophilic engagement in popular culture (e.g., film, TV), the *Daily Express* construction of the character of Ruth Ellis cast her as a 'gun moll', or 'femme fatale' of popular film and pulp fiction.

The ten photographs of Ruth Ellis are significant in setting the frame of her characterisation. There are in total twenty-five pictures about the case in the *Daily Express*, 96% more than the 1902 Byron case, and 80% more than the Major case (1934). This probably reflects changing print technology and the increased capability of the newspaper to pay for the process. However it may also suggest a growing consideration of the importance of the visual image, at a time when commercial television was about to start and the market penetration of TV licences was rapidly increasing. According to Fenichel (1999, p.329), the 'scopophilic instinct' was first discussed by Freud as an erotic impulse in which the subject finds pleasure in looking. Whilst it is beyond the scope of this thesis to discover whether scopophilia increased

in the 1950s, both the rise in the number of photographs and the links between the type of photographs printed and other forms of contemporary visual culture suggest that the *Daily Express* was developing a greater appreciation of the power of images to attract audiences and to convey meanings.

The first photograph (*Fig 4)*, accompanying the first article about the case, appeared on the front page on April 21st 1955. It is not sourced, but gives the impression of a professional studio shot in which the female subject is made a sexualised object of gaze. It is a head and shoulders shot in which Ellis's clothes are not visible, her naked shoulders and neck posed in an open, vulnerable position with her gaze directed outside the frame, not meeting that of the viewer. An apparently pearl 'choker'-style necklace draws attention to her naked throat; she wears full make-up, matching pearl-drop type earrings and her hair is styled into a wave. This appearance is remarkably similar to the advertising poster for *Yield to the Night*, starring Diana Dors, with her hair waved high over her forehead, exposed neck and shoulders, even her pose to the same right side. The similarities between the film and the murder case - a murder on a London street, an embittered relationship, a blonde woman with a gun - led to accusations of exploitation against the producers (Chibnall 2006). As late as 2003 (on the occasion of a High Court appeal against Ellis's conviction), journalists still confused the two such as this comment: 'Ellis's portrayal by Diana Dors in 1956's *Yield to the Night* (Pepinster, *Independent on Sunday*, September 21st 2003, p.23)

The newspaper has good source(s) of pictures (never referenced), as only two are repeated. This retains visual interest in the picture of Ruth Ellis, supporting an interpretation of her construction as a sexualised object of the reader's gaze. On one occasion, three different photographs are published side by side (*Fig 8*), above the caption 'Ruth Ellis...The model...the mother...the girl who liked motoring' (April 29 p.7). The pictures are notable for their fragmentation of her body – they are close-ups of her face only, against a dark background, in the manner of a child's cutout doll. Whilst none of the descriptions are negative, or mutually exclusive, their juxtaposition suggests that she had several identities - led not merely a double but a triple life. Laura Mulvey (1999, p.384) argues that in film, a close-up on 'one part of a fragmented body...gives flatness, the quality of a cut-out or icon, rather than verisimilitude...' These pictures thus create Ellis as a spectacle, as a cardboard cut-

Fig 5: David Blakely
(*Daily Express*, April 21st, p.1, 1955)

Fig. 4: Ruth Ellis (*Daily Express*
April 21st, p.1, 1955)

Fig. 6: Ruth Ellis (*Daily Express*
April 29th, p.1, 1955)

RUTH ELLIS—She got these flowers

Fig 7: Ruth Ellis (*Daily Express*, June 22nd, p.1, 1955)

Fig 8: Ruth Ellis triptych (*Daily Express*, April 29th, p.7, 1955)

out of a 'gun moll' with a double or triple life, a crime mystery rather than a human being to be understood.

The naming of Ruth Ellis also supports an interpretation of her construction as a symbol of glamour, particularly before the death sentence was passed upon her. In seven different headlines she was named by her job – yet not even the job she held at the time of the murder, but one of her previous occupations, that of a model (*Daily Express*, April 21st p.1; April 29th p.1; June 21st p.1; June 21st p.5; June 21st p.7; June 22nd p.1; June 22nd p.5). The job of a model is to be the object of (an often sexualised) gaze; it connotes glamour and beauty. In this period she was also headlined as a 'Little Club girl' (ibid, April 29th p.7). However, examining the written text, it appears that the pictures are thought to do much of the work of description, for in comparison to the case of Kitty Byron in 1902 (who was also considered attractive, something which was made clear by authorial comments), there is very little physical description of Ellis. According to Zelizer (1995 p.143), the editor of Associated Press's News Photo Service said in 1937 that images 'often tell the story better than words...they inform the reader more succinctly, and more vividly and more completely than words'. Associated Press were the owners of the *Daily Mail*, an important rival of the *Daily Express* in the 1930s, so it may be surmised that news workers on this newspaper also knew this attitude too.

There is just one physical attribute that is significantly reported on – her dyed hair. It is in the first article as 'dyed silver-blue' (ibid, April 21 p.1) then in the headline the next day as 'ash-blonde' (ibid, April 29 p.1) and repeatedly referred to throughout the court reports (ibid, April 29 p.7; June 21 p.1; June 21 p.5; June 22 p.1). The significance of the dyed hair demonstrates an extension to the meaning of the glamour model presented by the photographs alone. Ellis did in fact freshly dye her hair during her trial, as Tweg (2000 p.5) asserts, in order to 'keep up appearances', but that she 'fatally misjudged' the effect this would have on a conservative, middle-class jury who were 'clearly alienated by such a show of vulgarity'. Whilst the photographs of Ellis convey a spectacle of film star glamour, the writing undermines this status by positioning her as lower class. In particular, a pseudo-biographical narrative which purported to tell her life story; 'This is Ruth Ellis' (ibid, June 22nd p.1) presents her career and her love-life in terms of her social ambition:

> She was born...of humble parents...Her opportunities were few. She had little money...She thought of modelling to reach for the bright lights...she met men with money, improved her accent, added glamour...moved up to a better-class night-spot. There she met a dentist...but the whirlwind marriage ended in divorce...The hard night-club life went on. Ruth Ellis achieved one ambition and became a club manageress...the girl from Manchester had really reached the bright lights. But at once her story began to dim (*Daily Express*, June 22nd p.1).

Thus, when the images are read in conjunction with textual traces of class – her job, her class ambition, her 'peroxide hair, plucked eyebrows and make-up' can be seen as recognisable to the Birmingham unemployment official referred to by Lewis (1984). Tweg (2000 p.4) argues that 'the kind of glamour she favoured is still instantly recognisable and fatally easy to stereotype as "cheap"'. The reporting of the *Daily Express* seems to have played up to the stereotype, and the entertaining spectacle it provided.

A week after the death sentence, as controversy increased and there was a 'groundswell of opinion against capital punishment' (Rawlings 1999), the newspaper began to reverse its position, presenting a de-bunking of the 'gun moll' stereotype. In a front page article (continuing onto page two), the crime fiction author Raymond Chandler is presented as an authority on females who kill, and his opinion on the Ruth Ellis case offered as that of an expert in her defence – in his own words, 'I know quite a lot about crime, the law and policemen, and I am certain that no other country in the world would hang this woman' (*Daily Express* July 1st p.1). He argues that the murder was a crime passionelle – 'the phrase cold-blooded doesn't come into it. This woman was hot-blooded' (ibid). He combines an 'expert' positioning with defence of Ellis in his explanation of her use of the gun, the totemic device – 'women fire guns like Chinese. They point the thing and keep on firing until it doesn't fire any more' (ibid). According to Knight (2004, p.119/20) in Raymond Chandler's novels the villain is 'as a rule...a woman whose physical attractions are only matched by the depths of her infidelity and depravity'. Chandler's defence of Ellis therefore effectively challenges the stereotype of her that had so strongly echoed one of his fictional characters. Notably, this is the first article that used the respectable title 'Mrs Ellis' (ibid) in the headline.

Unlike in the earlier case of Kitty Byron, the passing of the death sentence on Ruth Ellis did not trigger an immediately sympathetic response from the paper. The day after her conviction, the headline read 'Model's jealousy may be put to appeal' (*Daily Express*, June 21st, p.1) rather than focus on the death sentence. The following day the announcement from Ellis's solicitor that she would not appeal was backgrounded on page 5 below the fold. It was not until the 24th, when the execution date was fixed, that the 'gun moll' stereotype was questioned, in the bewildered headline: 'Has Ruth Ellis lost the will to live?' (June 24th p.1). The article says it cannot answer why she has 'appeared completely indifferent to her fate' (ibid.). Previously, this has been confidently presented as part of the cool stereotype, for example in headlines such as 'Ash-blonde model never looks at the gun' (April 29th p.1). Her absence of emotional demonstration had been dwelt upon, the newspaper reporting that she 'showed the poise of a mannequin' (April 29th p.1) and when convicted 'she did not even shake her head' (June 22nd p.1). Slowly this composure was re-interpreted as evidence of despair, not sang-froid. By July 2nd the opinion column concluded that she was 'the picture of a woman without hope' (*Daily Express*, July 2nd, p.6).

Characterisation: David Blakely

The characterisation of the murder victim, David Blakely, appears to be significantly dependent on the construction of Ruth Ellis as a femme fatale. The dominant description of him is as a racing-car driver, which was mentioned in all of the court reports, and a number of details were given, including that he was due to drive at Goodwood the Easter Monday after his death (April 21st p.1; April 29th p.7), that he was an official Bristol works driver at Le Mans (April 29th p.7), and that he was building his own car (April 29th p.7; June 21st p.5). Motor-racing was a glamorous and popular sport in the 1950s, with a number of British teams such as Cooper, Jaguar, Brabham and Lotus drawing crowds to famous-name courses in the UK and abroad. A modern *Daily Express* article on a motor-racing revival festival at Goodwood described the hey-day of the track – 'the last days of rationing, powdered milk, demob suits and wonderful, glorious motor racing', (Bradshaw, *Daily Express*, August 24th, p.65, 2006). Even now, motor racing has a reputation for glamour owing to the large amounts of money spent on the cars, the high status of the manufacturers,

the speed at which the 'dare-devil' drivers ride, and the reputed sexual availability of the 'pit stop' girls. Thus, this repeated description of Blakely as a racing driver enhances the glamour quotient of the Ellis story, and also perhaps suggests (tangentially) that Ruth Ellis was one of those girls.

The biographical detail given about Blakely in 'This was David Blakely'[39] (*Daily Express*, June 22nd p.1) emphasised most his class and wealth, comparing his public school (Shrewsbury) background and doctor father with Ellis' less privileged background. It talked of his racing driver trophies, his wealthy family (given £90,000 from his step-father for a racing car venture) and his earlier engagement to a 'well-to-do' woman, 'announced in the social columns of *The Times*' (June 22nd p.1). It further enhances the associations of glamour, wealth and status made in the story.

The construction of Blakely is dependent on Ellis in a way not seen in earlier cases, as he is significantly defined by his relationship to her, e.g.; her 'race-driver lover' (*Daily Express* June 21st p.1; June 23rd p.5; June 24th p.1), 'racing-driver lover' (June 29th p.1), and 'racing motorist lover', (July 5th p.1). His potted biography manifests this narrative dependence explicitly in its construction of Ellis as a femme fatale, and Blakely her 'tantalised, doomed crime victim', as Biesen (2005) earlier described those film noir characters. His attraction to her was called 'one of those mysteries' (June 22nd p.1). 'She fascinated him...he could never explain why'; he 'tried to get away...but always went back to her' (ibid). Thus he was portrayed as the victim of her rapacious sexuality, but rather than as a character in his own right, more a supporting role to Ellis's femme fatale in the film noir-ish narrative of their story.

Yet as the story changed from the court trial to the execution, it was used less. After the announcement that she would not appeal, there was an absence of the description where David Blakely's name was mentioned (July 14 p.7, July 12 p.1, July 6 p.1, July 4 p.7, July 2 p.1). This would be partly due to the fact that the reporting had moved on from the murder; he was no longer a key part of the story and thus needed less description. However, it may also be part of the de-glamorisation of Ruth Ellis. As

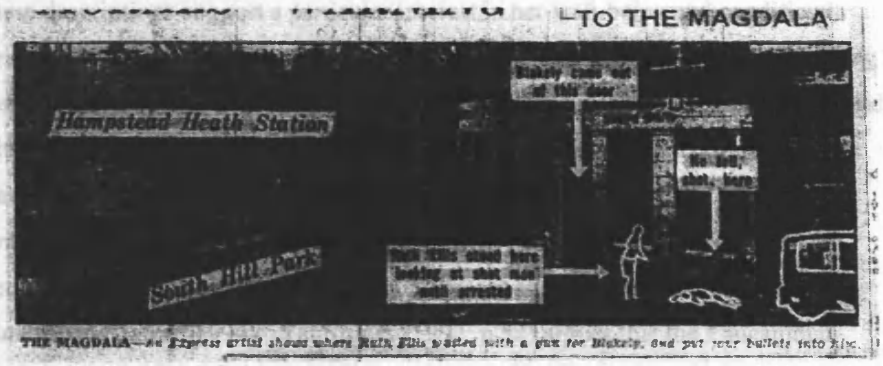
[39] The companion piece to 'This is Ruth Ellis' (*Daily Express*, June 22nd p.1)

her stereotypical 'gun moll' image began to falter, her association with the glossy world of motor racing was also de-emphasised.

Place and Time: the Mundane, the Hidden and the Countdown

The reporting of spatial and temporal locations in the case of Ruth Ellis shows overall a strong element of facticity. The names of the places where characters lived were repeated throughout the reports, such as Egerton Gardens, Kensington (the home of Ruth Ellis), Goodwood Court, Devonshire Street, Marylebone (where Desmond Cussen, and for a short time, Ruth Ellis lived) and Penn, Buckinghamshire (David Blakely's weekend home). They do not add to any explanation of what happened. However, they also bring an element of the mundane into the murder story. They locate a shocking event in an ordinary setting, providing the thrill of proximity for the reading public. Analysis of the modern media's use of mundanity like this (Brunsdon et al 2001, Biressi and Nunn 2003, Leishman and Mason 2003, Jermyn 2004, Jewkes 2004), usually based on television, tends to argue that it brings crime closer to the viewer, disturbing their domestic cosiness and raising the thrill of criminal endangerment. The naming of streets does not seem to be a threat so intimate or so close to home as it would later become, but perhaps was the origins of these tropes. You can imagine that locally these places would become briefly notorious. There was also a photograph of the scene, with labels indicating Hampstead Heath station and South Hill park, that underline the ordinariness of the location. This is consistent with the increased use of the visual in news, but also gives readers who do not live locally the chance to engage through identifying with this ordinary sight.

The scopophilic tendency discussed above (see 'character') is also evident in the descriptions of Holloway, the prison to which Ruth Ellis was remanded and where she spent her remaining life before execution. It appeared in eleven articles, and was described adjectivally. It had 'rows of iron-studded steel doors...dirty yellow walls...[and] barred windows' (*Daily Express*, June 27th p.7). The condemned cell was 'carpeted' and had a 'highly polished long table (ibid, June 23rd p.5). The condemned prisoner was also allowed 'flowers' and 'unframed photographs' (ibid, June 22nd p.1, June 23rd p.5). These special conditions for condemned prisoners were



THE MAGDALA—an Express artist shows where Ruth Ellis waited with a gun for Blakely, and put four bullets into him.

***Fig 8*: Sketch map of the scene of crime (*Daily Express*, June 22nd, p.5, 1955)**

outlined in the final court report, which included the sentencing, and repeated again the day after (ibid., June 23rd). It would seem to be more difficult to report what the condemned cell looked like than the courtroom, for example, as the information would have had to have been collected from sources rather than being independently observed by the journalist. The special lengths to which the newspaper went to obtain these descriptions suggest a particular interest in her well-being and condition in prison, like in the 1902 Byron case, and a keen desire to know what was happening behind the stone walls. Foucault (1991) argued that punishment in the eighteen and nineteenth centuries shifted from the public to the private, from the tortures of the body to the control of the mind. For example, executions were moved inside the prison by the Capital Punishment (Amendment) Act (1868) in order to prevent spectators demonstrating against the punishment and by extension, the punishing authorities (Gatrell 1994). Yet Sparks (1992, p.52) argues that the Foucauldian perspective on the decline of the importance of punishment as public spectacle must also 'note its vicarious survival in narrative'. Whilst there is no description here of the execution of Ellis, these descriptions of part of her punishment seem to suggest that the newspaper attached some importance to the inside of the jail that was not the case for the inside of the public courtroom, which was not described. This may be linked to voyeurism, an extension to the scopophilic tendency that is particularly excited by the hidden. The descriptions of the inside of the jail, therefore, seem to serve a sensationalist purpose that may be linked with scopophilia and/or voyeurism.

Time locations were used for adding drama to the narrative. The court report in which the admission of Ruth Ellis that she 'intended to kill' (*Daily Express*, June 21st p.1) was headlined, timing was used for dramatic effect. The article began 'Twenty words in five tense seconds' (ibid), introducing the leading feature of the report. Early in the article it was stated that the question that elicited that answer was put to her at '3.8pm' (ibid). At the end of the article, the beginning was recalled again, creating a literary 'flashback' device that distorted the natural timing of events to allow a greater sense of drama: 'It was 3.8pm, and Mr Humphreys rose to ask his one question' (ibid). The most significant use of time markers appeared after the sentencing. Of the nine published after the date of the execution was announced, eight include the date, counting down the time that Ruth Ellis has left to live. The

time to the half-hour was counted till the deadline to appeal, even forming the headline on the inside page article – '4.30 Appeal open till then but after that - reprieve?' (*Daily Express*, July 1st p.2). On July 11th (p.1), she had 'less than three days to live' and the next report states how 'she must die tomorrow' (ibid, July 12th p.1). This increases tension in the text. Yet in the report of the execution that would reach readers after the death of Ruth Ellis, the language reverted back to the more impersonal, Latinate construction of 'impending execution' (ibid, July 13th p.1). Although this is only one phrase, it may support the theory that time locations were used for dramatic effect, since it would no longer be possible to do that once she was dead.

Plot: the Grammar of Moral Judgement and Prison Pathos

There were only four court reports (*Daily Express*, April 21st, April 29th, June 21st and June 22nd), but they take up a considerable amount of newsprint on those days. Court reporting was the only genre of news in which a single story was given an entire page, and contained large amounts of verbatim, transcripted court talk. The court report transcripts used two distinct ways of attributing court talk. One was direct citation in a question and answer format that positions the reader as a spectator to court action, lending the excitement of immediacy to the newspaper copy. The back-and-forth sentences read like a screenplay, suggesting the reader could 'visualise' the action, suggesting a link with scopophilic engagement and securing the newspaper's claim to truth-telling by appearing to 'show' rather than 'tell' the reader what is happening (Matheson 2000). The other type of quotation is an 'integrated citation' (Calsamiglia and López Ferrero 2003, p.155) in the form of long quotations, which are usually, though not always, in quotation marks. They are often, though again not always, preceded by linguistic signs to quotations, such as 'he said'. They are more integrated with the usual newspaper text as there is only one deictic centre and the tenses agree – it is as if the newspaper is speaking the voice of the witness, lawyer or judge. This format lends more authority to the words themselves – they are presented as if they are fact. The difference between the two is that the first seems to offer the opportunity for the reader to evaluate the speaker in their own words, whilst in the second there is no room for doubt as veracity is also secured.

There is a pattern to the choice of which topics are reported in question-and-answer 'evaluative' format and which in authoritative long quotations. Subjects that are crucial to Ellis's defence, such as the violence done her by David Blakely, his other relationships, his possible causing her to miscarry by his violence are in the weaker, evaluative form. The prosecution's examination of defence witness Desmond Cusson on his relationship with Ruth Ellis was reported in this format, throwing possible doubt over his supporting words about her. In fact much of the (albeit thin and extremely short) defence case was reported in this fashion. In contrast, those subjects reported with integrated citation, reading as if they were definitely true, were those that were damaging to Ruth Ellis. These included the lead-up to the murder, when Ellis stalked him, watching the house where Blakely was for hours on end, her attack on his car, and allegations that she had a concurrent relationship with Cusson and Blakely. The prosecution's opening speech was reported in very long, almost continuous quotes on April 29th, and the judge's summing-up is also reported with integration citation (June 22nd), aligning the newspaper with the criminal justice authorities and against Ruth Ellis.

The narrative structure exemplifies how the *Daily Express* had moved towards the position of the authorities and the status quo. As discussed above, the Ellis case was a significant cultural moment for the popular movement against hanging, which was already a well-established minority stance (the 1948 abolition clause was carried 245 votes to 222 in the Commons, but defeated in the Lords by 181 to 21 votes – Templewood 1951). Yet there is very little sign of this in the *Daily Express*'s reports about the Ellis case. After Ruth Ellis was sentenced, the newspaper was immediately concerned with the already-legal method of avoiding her execution – the appeals process. The article on the sentencing actually privileges this question over the news of the sentencing itself, by looking forward in its headline: 'Model's jealousy may be put to appeal' (*Daily Express*, June 22nd p.1). In the following ten days there were eight articles on the case, six specifically about the appeal.

This first article reporting the death sentence had been passed, assumed that it was not final. Its first sentence reads: 'only one question remains in the riddle of the jealous woman: will Ruth Ellis hang for the murder of her lover David Blakely?' (*Daily Express*, June 22nd p.1). Yet its expectation of an appeal was based on the manslaughter defence put forward by the counsel for Ellis (itself part of the status quo as it did not challenge the law as it stood). Furthermore, the newspaper positioned itself against this new defence, alongside the judge and jury who rejected it. First it wrote: 'Lawyers believe that the new manslaughter defence put forward for 28-year-old Mrs Ellis – that jealousy is enough provocation for a woman to kill – may be tested in the Court of Criminal Appeal' (ibid, June 22nd p.1). However, it then explicitly disagreed, taking the words of the judge as its own: 'the jealous fury of a woman scorned is no excuse for murder. That is the law of England as Mr. Justice Havers put it to the jury...' (ibid, June 22nd p.5). In the next ten days there were six articles about whether or not Ellis would appeal, and the earlier stereotype of her as a 'femme fatale' or 'gun moll' began to break down. Yet none of these articles mention any public debate about hanging, or why George Rogers ('Socialist MP for N. Kensington' – ibid, June 29th p.1) was trying to help her.

The paper's explicit position, as outlined in its opinion column, bypassed completely the question of the morality of the death penalty, and placed the whole weight of the challenge onto the gender question (whether it is right for a woman to hang) which it answers with the equality argument – 'the penalty for murder must be the same – whether the crime is committed by a man or a woman' (July 2nd p.6). The *Express* took care not to challenge directly the movement for reform; the case, it said, 'stirs the hearts of thousands of good and sincere people' (ibid). It also expressed sympathy for the Home Secretary's 'awesome responsibility' in deciding whether to grant reprieve without an appeal, which also suggests its own imagined alignment with the authorities of the day. After the decision not to reprieve was released, it strongly supported the Home Secretary, and again portrayed the opposition not as arguing against the death penalty, but for an unequal reform on behalf of women. The subheading commanded:

> Respect this man. The agonising decision is made... The Home Secretary has refused to be influenced by the prejudice in favour of women. Lloyd George should be supported... There should be sympathy with Lloyd George in facing this disagreeable decision. He has performed his public duty and should receive public respect (*Daily Express*, July 12th p.4).

The post-court reports also show a marked commitment to the 'feature' angle. There are some that have no 'hard' news at all, such as 'Ruth Ellis in death cell hears laughter and song' (*Daily Express*, June 27 p.7) and the interview with Raymond Chandler. There was a 'row over Ruth Ellis effigy as 3,000 queue to see it' in Blackpool (ibid, July 15th p.7). Another 'follow-up' type article, about whether or not Ellis would be reprieved (with no new information) described the Home Secretary's walk in 'sunny Welsh lanes...to sniff the roses' (ibid, July 11th p.1), contrasting it with the condition of Ruth Ellis, waiting in her cell for the Home Secretary's decision. Like the article on the concert at Holloway, it relies on pathos for its entertainment value, conveying sympathy yet containing no plea for action on Ellis's behalf. The audience is positioned as a spectator to a tragic scene; it is hard to escape the conclusion that there is more bathos than pathos in these articles. Reports and photographs of the two letters she has sent to a friend from prison focus on the sensation of their provenance – 'amazing letter from the death cell' (ibid, July 12th p.1) and her state of mind. 'The last letter of Ruth Ellis' (ibid, July 14th p.7), was the first article of any kind found in this period to have been 'trailed' (advertised) by means of a headline on the front page without an attached article, referring only to the 'full story on page seven'. This kind of trailing was not used in the earlier case studies, but is widely used by the 1992 case study. The introduction of 'teasers', could be seen as part of the same commercial instinct that looked for the 'soft' or feature angle on this crime reporting.

Like the 1902 Byron case study, there was news about petitions, although the petition genre now also contained a 'feature' type of report – a personalised story in which a '"woman with past" gets up a petition' (*Daily Express*, July 5th p.1). The woman, who had stabbed her husband (non-fatally), was, she said, 'one of the few who can understand the overwhelming emotion that must have gripped Mrs Ellis' (ibid, July 5th p.1). The focus of these articles is on the sympathy of the public in attempting to

secure a reprieve. 'Dozens of letters' were reported to have been sent to the solicitor for forwarding to the Home Secretary, and petitions 'all over the country by people making a spontaneous effort' (ibid, July 4th p.7). This silences news of any organised protest against the death penalty. The only hint that there may be more than enthusiastic support for Ellis is the mention that 'special patrols have been set up outside Holloway Jail "to stop any demonstration"' (ibid, July 11th p.1).

Conclusion

The 1955 newspaper appears in some respects far more similar to the 1934 newspaper, than that 1934 paper did to its 1902 counterpart. In other words, the Second World War, so often taken in history as a natural breakpoint, did not produce a significant change in journalism history. This coheres with Hampton's (2004) view that the 1930s-1960s constituted the 'propaganda era' in journalism epistemology. The *Daily Express* in particular became more and more popular with the same formula as before the war – the same owner, same editor, same star journalists, same layout. There was also still fierce competition, despite the ever-expanding market, as the self-promotional material from Hulton's Readership Surveys on the front pages attest. Court reporting seemed to have changed little. It even looks nearer to the older, 1902 style, with its considerable acres of transcript, than 1934. Perhaps the nature of this case, which was so short, encouraged the use of transcript to wring as much commercial value out of it as possible. However, crime reporting had developed somewhat, with more features on heroic detectives, and less news about minor crimes from local courts. There were far more pictures, and a visual element to many articles that perhaps suggest the scopophilic influence of film and television, and an attempt to face the challenge of the upcoming launch of commercial television (September 1955), which would create a rival advertising outlet. The template for the stereotype of Ruth Ellis as a femme fatale was borrowed from the big screen. The construction of the character of Ruth Ellis seems to play to a well-known entertainment stereotype, the 'femme fatale' or 'gun moll'. The construction of David Blakely also casts Ellis as the leading lady in her own film noir. As well as this emphasis on features, and feature-led style, this case study notes the rise of sex as a news value (Holland 1998, Harcup and O'Neill 2001). The *Daily Express*'s strong

emphasis on the sexuality of Ruth Ellis was echoed in the rest of the court reporting, such as the divorce cases and the Emmett-Dunne case all involved sex.

However, it would be easy to overstate the apparent dominance of feature material in the corpus of data, because of the fact there were no newspapers at the time of the arrest of Ruth Ellis. The strike, which stopped twenty-six days of production, began before the murder. In common with many other strikes in the newspaper industry at this time, the printing unions secured their pay increase and returned to work after the inquest. The first article about the case concerns the committal trial and Ellis having been remanded at Hampstead. The criminal trial itself was also a very short one, lasting only one and a half days (a 'feat', according to Kennedy 1992). Some highly newsworthy events are, therefore, unavailable in the case study.

One issue on which thinking does seem to have developed is in the area of gender and the death penalty. In the 1934 newspaper there was still some argument, often in the letters page, concerning the undesirability of hanging a woman. Although there were counter arguments that the crime was as bad as a man's and since women had the vote they were equal, for some it seemed to stick in the chivalric craw. In contrast, by 1955 the argument that women should be treated with greater leniency received no printed support from the paper or its readers. However, the circumstances of this case are somewhat different to the former. Ruth Ellis's defence attempted to introduce a new defence of jealousy or "crime passionelle" to British law, but the judge rejected it. The newspaper's rejection of any gender differentiation may have been, therefore, simply following the judge's lead rather than championing gender equality. In the opinion columns that lauded the Home Secretary's decision not to commute her sentence, the paper celebrated that he had 'refused to be influenced by the prejudice in favour of women' (*Daily Express*, July 12th p.4) which appears unequivocal in its statement of gender equality. Yet in the context of a Conservative government that wished to bury the death penalty debate for fear retaining it was unpopular in the Commons and the public, to focus on the gender dimension was also probably a neat way of avoiding that very debate. Concerning gendered morality on broader terms, however, the earlier characterisation of Ellis as a cheap glamour girl critiqued her for

her working-classness and for her sexual availability, whilst the later one was more sympathetic chiefly through its evocation of her status as mother. The traditional Victorian idea of femininity was clearly alive and well in 1955, at least in this conservative newspaper.

The newspaper had a number of moral directions in this story depending on their several ideological masters. The court transcript suggests that the prosecution and the judge were followed as the primary sources during the court reporting. Perhaps if there had been a closing speech by the defence the judge's summary, directing the jury towards a murder conviction, might not have been transcribed at such length, but as the grammar showed, the paper aligned itself more closely, in integrated quotations, with the prosecution than the defence. The characterisation of Ruth Ellis as a scheming femme fatale supported this inclination, heaping approbation upon her during the trial. After the judgement, during the period of appeal, the *Express* clearly feels it has a duty to do by the Conservative Home Secretary, supporting him overtly and commanding its readers to do the same in the opinion columns – 'Respect this man!' (ibid, July 12th p.4). Yet in other columns, such as news about petitions to commute Ellis's sentence and features about her jail conditions and letters from jail, the newspaper appears to have taken a more sympathetic view. The damning stereotype of the gun moll was lifted and readers reminded of her motherly status. Petitioners who sympathised with her such as the '"woman with past"' (ibid, July 5th p.1) were quoted and petitions characterised as numerous and from all over the country, indicating widespread sympathy for Ellis. The emphasis the newspaper put on the "spontaneous" nature of the petitioning may have been in order to ignore the work done on Ellis's behalf by anti-death penalty campaigners. This finding suggests that whilst the paper sought to support the Conservative line on one hand, it also needed to support popular audience feeling with the other. It is supported by Beaverbrook's testimony to the 1947-49 Royal Commission on the Press, that his news columns were commercial and opinion columns political. Yet his comment does not explain the finding that during the trial the paper seemed to take a right-wing stance on law and order. The overt support of the Conservative party is also something of a shift for a proprietor who had in the early 1930s so spectacularly challenged that party over the issue of Empire Free Trade. Yet Beaverbrook was also

a former Unionist MP, as well as a minister in his great friend Churchill's wartime government, so it was perhaps less of a change than a maturation, an acceptance of the limits of his independence and a personal support for the party of his friend who retired due to ill-health in April 1955.

Chapter 6: The 1990s Cases

Six different cases are chosen in this research for 1989-1996, of which three were the subject of campaigns by feminist reformers of laws concerning battered women who kill, such as the legal status of the idea of cumulative provocation and 'battered wives syndrome'. The other three were not, and this gives the analysis the opportunity to discuss what impact, if any, these social movements were able to have on the still conservative *Daily Express*. Sources will be especially important to this study, to show what influence, if any, feminist sources might have but also assessment of the impact of the larger economically driven shift from court sources to police sources that had taken place in the twenty years previous to these cases. The context is also particularly important to this study, as it takes place across a period in which reform was being enacted. It will examine how cases of battered women who kill were imbued with contemporary news values, and how those news values prized the tropes of entertainment that could be seen on the nation's most popular medium, television. Its perspective on entertainment will also enable discussion of the debate around tabloidisation (which is further elaborated in the literature review).

This chapter is somewhat different in approach to other chapters, because the following explanations will rest more in the context than the court reports as the previous narratives used. The amount of newsprint expended on cases of battered women who kill had changed radically by the 1990s, necessitating different handling of the data in comparison to the earlier case studies. It was no longer possible to gather enough evidence from a single case study to comment on the *Daily Express*'s attitude at a given moment of time, because there is so little published about most of the cases. The case with the most written about it, the Sara Thornton case (1989-1996), lasted for seven years, but only nine articles were found during all that time (of which three were on the same day, when her appeal was successful). The Ahluwalia, Humphreys, Line and Sainsbury cases had only one article each. It was decided that several cases should be examined, but a further difference was anticipated between women whose cases were taken up by feminist campaigners for reform of the laws applying to battered wives, such as rape within marriage and the new defences of cumulative provocation and 'battered wives syndrome'. It was decided that some of

the cases to be studied should be those that did not receive this campaign support as fairer comparisons to earlier case studies, because they were original trials rather than appeals procedures. However, it was also considered worth looking at both the context of the campaigns and the *Daily Express* reporting of them, as important to the explanation and understanding of the uncampaigned-for cases. The much longer timeframe necessitated a modified approach to how closely the material could be studied. The relevant period was chosen between May 1989 and May 1996 – the start selected in order to look for whether Thornton's killing and conviction for murder had been reported (it wasn't) and due to the 1989 Scottish court ruling that the modern marriage did not assume the woman's consent irrevocably and in perpetuity to sex with her husband upon marriage, thus catalysing a series of reform movements in the British Parliament regarding rape within marriage. May 1996 is chosen because Thornton's appeal was finally successful at the end of that month. The whole seven years was not studied with equal intensity, but each of the six cases were, and their crime context, which was considered to be the cluster of three or four months surrounding the case. Due to the proximity of the Sainsbury, Line and Scotland cases, (reported in December 1991, February 1992 and March 1992) a large cluster was studied carefully between July 1991 and June 1992. The following chapter will thus lay heavier emphasis on the crime context, as well as campaigns context, as explanatory for the type of reporting found in the case studies. The context sections will outline some of the changes in the role of women in society and the purpose of journalism, particularly the *Daily Express*, since the last case study of Ruth Ellis in 1955.

Case Biographies: Kiranjit Ahluwalia

Kiranjit Ahluwalia murdered her husband, Deepak, by setting fire to him in May 1989, after a 10-year abusive marriage (Gupta 2003 and Southall Black Sisters: www.southallblacksisters.org.uk/). She was imprisoned for life, with a tariff of 10 years. The Southall Black Sisters, a campaigning group that had been founded in November 1979, revealed misdirection on the part of the judge to the jury, on which grounds Ahluwalia was given leave to appeal in September 1991. At the appeal in July 1992 under Lord Chief Justice Taylor, the defence argued both provocation and diminished responsibility. The former was rejected, although a significant legal advance was made by the court's acceptance of the idea of 'cumulative provocation'.

The law as it stood assumed a male model of violence of a sudden, temporary loss of control, for example in the midst of an argument; any intervening period between the provocation and the violent act is considered a 'cooling off' period. Cumulative provocation explains far more accurately the experience of battered women, whose 'slow-burn' accumulation of anger and despair over what may amount to many years of abuse, in which the 'cooling off' period acts instead as a 'boiling over' period (Baird 2002). Ahluwalia won her case on grounds of diminished responsibility and was released in September 1992.

Sara Thornton

A month after Ahluwalia's crime, June 1989, Sara Thornton killed her husband by stabbing. Her first appeal, in July 1991, on the grounds that she was provoked by years of abuse, failed due to the lack of legal acceptance of cumulative provocation. A second appeal in September 1992, with new evidence on the extent of her abuse was also rejected, but the third attempt at appeal was granted in May 1995. In July 1995 Thornton was freed on bail, pending the appeal. In December 1995 Lord Chief Justice Taylor quashed her murder conviction on the grounds of misdirection by the original trial judge and ordered a retrial. In May 1996 Thornton was found not guilty of murder, but guilty of manslaughter, and as she had already served more than 5 years in jail she was released (Justice For Women, nd).

The cases were very similar, but it took Thornton far longer to achieve the same result as Ahluwalia. Part of the reason for this may have been the different public perceptions of the two women. Gareth Pierce, Thornton's solicitor, surmised that she was one of 'a significant number of wrongfully convicted individuals [who] have been marked out by the prison service...as troublemakers in permanent confrontation with the prison system' (Hattenstone 2001, p.2). In contrast, Kiranjit Ahluwalia 'was the archetypal, virtuous housewife who had tried everything in her power to make the marriage work... [the Southall Black Sisters] found taxi drivers very supportive...The women of Southall came out in support and demonstrated that they could identify with her plight' (Johal 2003, p.35). In the reporting of the two cases by the Daily Express, these differing public attitudes can be seen, still based on the calculation of the woman's 'deservedness' as a 'good wife'.

Emma Humphreys

Emma Humphreys had endured a long history of abuse before she met the man she would kill (Bindel and Wistrich 2003). Parental problems with alcohol and abuse at home resulted in her being taken into care from the age of 12, from which she absconded regularly, took drink and drugs and began working as a prostitute. Aged 17, she stabbed and killed her boyfriend/pimp Trevor Armitage on 25th February 1985. After a four-day trial in December 1985, she was sentenced to be detained "at her Majesty's pleasure". Justice for Women took up her case in September 1992 and after winning leave to appeal by January 1995, her murder conviction was quashed on 7th July 1995. It was replaced by a manslaughter conviction by reason of provocation, and having already spent 10 years in jail, she was released (Bindel and Wistrich 2003, Justice for Women, nd)

Pamela Sainsbury

According to Morrissey (2003, p.79), the case of Pamela Sainsbury 'was considered crucial' to the Ahluwalia and Thornton appeals, because it indicated that by 1991 there had been 'a change in judicial thinking'. Shortly after this case, Battered Women's Syndrome evidence was admitted in English courts (Morrissey 2003). Pamela killed her husband Paul by throttling him with his plumb line on 29th September 1990, whilst he was asleep, some hours after he had beaten her. She dismembered and hid the body, but later confessed to a friend and was arrested. However, she was not charged with murder because after four psychiatrists gave evidence for her diminished responsibility, her plea of manslaughter was accepted by the prosecution (Morrissey 2003), resulting in an uncontested trial.

Elizabeth Line

Elizabeth Line was found innocent of murder and convicted of manslaughter, despite having stabbed her husband 17 times (Kennedy 1992). She had immediately confessed to a neighbour. She was acquitted on grounds of provocation and received a probationary sentence on February 3rd, 1992. According to Kennedy (1992, p.216) her case 'was seen by the press as evidence of the law's lack of bias'. However, the *Daily Express* failed to contribute to this apparent consensus, as it did not even report Elizabeth Line's plea.

June Scotland

According to Kennedy (1992), the Crown pursued the charge of murder against June Scotland due to the lengths she went to kill her husband, first with an attempted poisoning then battery in August 1987. With her daughter Caroline, who was 18 at the time, she buried his body in the back garden, where it was discovered by a neighbour digging for new fence posts in early 1991 (*Daily Express*, April 2nd, p.2, 1991). Her trial took place in March 1992, whilst Caroline pleaded guilty to preventing lawful burial, for which she received two years probation (*Daily Express*, March 24th, p.7, 1992).

The Daily Express *post-Wapping Revolution*

In the 1980s, the press had broken with its past and left Fleet Street. The dramatic 'Wapping revolution' (Tunstall 1996) happened in an overnight coup in which Rupert Murdoch, the proprietor of the *Sun*, *News of the World*, *The Times* and *The Sunday Times* offered journalists £2000 each to go to Wapping, or immediate dismissal (Chippendale and Horrie 1990). New technology, such as the computerised newsroom and updated printing presses (Williams 1998), combined with Thatcherite anti-union legislation[40], enabled Murdoch to switch production of his newspapers to the £67 million new plant at Wapping (Leapman 1992), cutting 6000 printing jobs and raising profits from £11.7 million in 1986 (including the cost of the new plant) to £111.5 million in 1987 (Leapman 1992). Murdoch was not the first to use the new technology to cut staff costs (a local free sheet production plant in Warrington owned by Eddie Shah had pioneered the cheap production method in 1985) but he initiated Fleet Street's demise - within three years, the rest of the newspaper industry followed Murdoch to the Docklands and Canary Wharf. Profits made from Fleet Street property sales to developers and reductions of up to 50% of printing jobs (Tunstall 1996) led to a brief flurry of entrepreneurial activity in the press industry. Banks and shareholders were willing to invest on the strength of the new low cost formula, after decades of the newspaper industry being virtually a closed shop, due its capital start-up costs (Glover 1993). According to Chapman (2005) the privatisation and deregulation of the 1980s represented a new era of globalised media headed by multi-

[40] Between 1980 and 1993 six Employment Acts restricted the rights of trade unions by banning secondary action, restricting picketing and requiring pre-strike balloting, as well as giving injunction-seeking rights to employers (McIlroy 1999)

national corporations. Ten newspapers were launched between 1986 and 1990. However, the drop in costs was soon offset by a drop in advertising at the end of the economic boom in late 1989, and five new papers closed within a year of their foundation. This left the *Independent*, the *Independent on Sunday*, *Today*, the *Sport* and the *Sunday Sport* as the only survivors into the 1990s.

However, the *Daily Express* found it difficult to prosper even in brighter economic circumstances, coming close in 1985 to being out-sold by its down-market stable mate, the *Daily Star*, and being surpassed in circulation by its old rival, the *Daily Mail*, in 1987 (Edwards 1988). The owner of the *Daily Express*, Lord Matthews, sold the group (which was now in a new company called Fleet Holdings), to United Newspapers in 1985. United was also a major owner of regional newspapers, and the acquisition made it one of the top three newspaper chains. None of the short-term editors (including Sir Larry Lamb, who had launched the *Sun* to almost immediate success) could halt the slide in circulation. It had stood at 2,594,000 in 1976, but was only 1,637,000 in 1988 (Seymour-Ure 1991). In 1989 the company sold its home in Fleet Street and invested in new premises at Blackfriars Bridge, opened by Margaret Thatcher (*Daily Express* 30th June 1989). The chair of United, David (later Lord) Stevens was not the outright owner of the papers, but a chairman who could be dismissed by the United board (Allen 1983); although according to Tunstall (1996, p.90), he interfered in editorial policy like an old-style press baron. Lord Stevens' personal two-page *Daily Express* article in defence of Margaret Thatcher at the time of her leadership challenge (1990), also imitates the self-aggrandising tactics of a contemporary newspaper magnate such as Robert Maxwell. When Thatcher resigned, Leapman (1992) argues that the attacks by the *Express* and other Conservative newspapers prevented the succession of Heseltine to the leadership, the post instead going to Thatcher's favourite, John Major. According to Williams (1998, p.230) the newspaper's support for the Conservative party was considered 'in the best interests of United Newspapers in terms of its profits and shareholders'.

Public Fears and the Daily Express

By the 1980s and 90s, the media was habitually circulating contemporary concerns about itself, an almost reflexive discourse around issues of sex and violence, in which often one form of media accused another of an unhealthy impact on the audience (Hay

1995, Macdonald 2003). Television had now fully penetrated the media market: in 1990 61% of British households had more than one set, and in 1992, 77% also owned video recorders (Cumberbatch 1999 p.14), enabling a wider range of viewing and greater choice over the time of consumption than ever before. The apparent intrusiveness of television, which brought crime scenes previously only seen at cinema to the corners of living rooms provoked concern in 'moral entrepreneurs' (Cohen 2002) or 'claims makers' (Goode and Ben-Yehuda 1994) such as Mary Whitehouse and her Listener's and Viewer's Association. They, and some Conservative politicians, argued that young children were especially at risk, using 'the rhetoric of sickness and corruption' (Hill 2001, p.211) to create a moral panic in the media, about the media (although by one section - the news - about other sections, for example horror videos or 'video nasties'). In 1993 two eleven-year old boys were convicted of the murder of a two-year old, James Bulger, and moral panic again focussed around the capability of the videos to cause violent behaviour in children, provoking a debate between politicians, audience academics and journalists that reiterated many of the themes of earlier debates (Barker 1984, Cunningham 1992, Bignall 2002).

Yet the image that became most iconic of the Bulger murder was the CCTV shot of the two killers leading their victim away from a shopping mall and his mother's side. It recalls not so much the gory schlock-horror of a video nasty, but the 'aesthetics of realism' (Biressi and Nunn 2003, p.279) used by reality-crime TV shows such as *Crimewatch UK*. Throughout the 1980s and 1990s British and American television saw the rise of reality-crime programmes centred on moments of emotional tension such as a crime captured on CCTV (e.g. *Crimestoppers*) or car chases (e.g., *Police, Camera, Action*). Reality-crime shows are crucially located in the everyday, juxtaposing the mundane and 'a highly attractive trope in media culture – criminal endangerment' (Biressi and Nunn 2003, p.288). Whilst they argue that in all types of reality-crime TV 'the law is seen generally to be re-established' (ibid), many authors (e.g., Brunsdon *et al* 2001, Leishman and Mason 2003, Jewkes 2004,) point out that reality-crime programmes such as *Crimewatch UK* have been accused of spreading the fear of crime. According to Mawby (2003, p.227) the format has become known as 'the crimescarer'. One aspect has been how they often focus on 'unusually violent, out-of-the-ordinary crime, but with a direct, ordinary, 'it-could-be-you' address to the

viewer' (Brunsdon *et al* 2001). Another facet has been the use of CCTV; a 'spectacle of actuality' that the programme makers believe shows the common sense "real", and an important part of their appeal to audiences (Jermyn 2004, p.74). *Crimewatch UK* is also characterised by the use of family pictures of the victims, which is the 'pre-eminent means of documenting the domestic' (Jermyn 2003, p.181), and so another device bringing the violence almost literally 'closer to home' to the viewer. Crime TV discourses around the time of this case study were thus using the binary oppositions between safe/dangerous, home/other in creating an emotional appeal to audiences, using the mundane and domestic as a symbol of the victim.

Contemporary discourses around the press focussed mainly on their treatment of sex and the privacy of celebrities. The tabloids, particularly the *Sport*, the *Sunday Sport* and the *News of the World* were accused of purveying 'bonk' or 'junk' journalism (Stephenson 1998). The latter two titles represent the extreme end of the 'erosion of the values of popular journalism' (Williams 1998, p.224). The tabloid *Sun* led the sexualisation of the British press after Rupert Murdoch purchased it in 1969 and introduced topless models on Page 3 from 1970. According to Holland (1998), it was similar to the feminisation of the New Journalism, because despite claims that it was a democratising move, it still worked within a heterosexual male frame. Both Murdoch and Northcliffe welcomed female buyers, but decided what would be defined as feminine themselves – neither were inclined to hand over that power to women. As Holland (1998 p.24, emphasis in original) argues, whilst the smiling semi-naked woman might look as if she is enjoying herself, '*this* women's pleasure is above all a pleasure for men'.

Tabloid journalism was as contentious as New Journalism had been before it. There was cross-party Parliamentary concern over an increasing press emphasis on sex, celebrities and sport, and greater privacy intrusion and story fabrication (Franklin 1997, Rooney 2000). The Press Council appeared to be impotent, and only those with the wherewithal to launch expensive libel actions[41] found redress (Tunstall 1996). In 1989 the Calcutt Committee was appointed to examine the possibility of the introduction of regulation to protect privacy. Its report highlighted the widespread

[41] such as Elton John, who won £1 million from *The Sun* in 1988.

concern over intrusion, but recommended that no new statutory regulation be imposed but that existing self-regulation be improved. The Press Council was duly replaced by the Press Complaints Commission in January 1991 under the chairship of the editor of the *News of the World*, Patsy Chapman (Calcutt 1990, 1993). An independent Press Standards Board of Finance levied its finance and a majority of the Commission were lay members (Jempson and Cookson 2004). It created a formal 16-point Code of Practice, which, in relation to crime reporting, sought to give greater privacy protection to children and relatives, and in general sought to prevent excesses of intrusion (Press Complaints Commission 2004). Yet a 1991 public survey still found that confidence in the press had dropped to a new low of 14% (Williams 1998) suggesting that whether or not the academic debate concluded that the newspapers around the time of the Sainsbury, Scotland and Line cases were sensationalist, there was anyway a contemporary lack of public trust in the press.

The Newswork of Crime Reporting.

The newswork of crime journalism changed as police sources became more professionalised at managing the news and the traditional journalist's role of court reporter declined in number and status. Before 1972 only the most senior officers were supposed to speak to the press (Burden 1981, Boyle 1999, Reiner 2000), but by the late 1980s, as Mawby (2003, p.229) notes, the police had become 'engaged in activities to promote and project the police image as never before'. Sir Peter Imbert, appointed Metropolitan Police Commissioner in 1987 invited a brand consultancy firm, Wolff Olins, to 'give the force a corporate identity makeover' (Leishman and Mason 2003, p.40). The Association of Chief Police Officers (ACPO) founded a national media advisory group in 1993 (ACPO-MAG), which holds regular meetings and annual conferences to disseminate best practice and ensure standardisation across the UK service. The local groups are staffed by civilian communications experts, who, whilst working to protect individual police officers and the reputation of the force in general, do not share the 'fortress mentality' which earlier uniformed press officers were liable to adopt[42]. According to Mawby (2002, p.315/317), the professionalisation of police media relations work demonstrates 'a clear concern with promoting favourable images of policing and with controlling the flow and content of

[42] Personal communication with the head of South Wales Police Authority's media operations (who was also at the time a representative at ACPO-MAG), 10th March 2003.

communications'. In handling the media during serious crime investigations, Feist (1999, p.vii) shows, 'the aim was to "over-provide" information for reporters to discourage "journalistic investigations"'. This explains why these developments, which are ostensibly beneficial to the busy journalist, have sometimes come under fire from newsworkers. For example, Johnston Press complained of the 'battalions of press officers to manage the news' (Holdthefrontpage.com 2002). Radical authors such as Franklin (1997) have contributed to the source-access debate by focussing upon the undoubtedly vast increase in resources for news management, which has also occurred across many corporate sectors (Davis 2000). More pluralist authors (see also the literature review) point to the rise in pressure groups that seek to put alternative ideas into the public sphere via the media, using similar public relations techniques (Schlesinger and Tumber 1994). Furthermore, they find that where authoritative sources are divided, there is more scope for the intervention of unofficial voices (Ericson *et al* 1987, 1989, 1991, Davis 2000).

On the other side of the police-media relationship is the history of crime reporters, and most importantly the steep decline in court reporting, which had been a major source of news. During the late 1970s and 1980s, the number of courts covered by reporters vastly reduced – in the late 1970s, for example, the PA news agency had 20 reporters at the Royal Court of Justice where the major criminal and civil hearings take place. By the late 1990s, there were only 5, and one reporter covered all the London crown courts, plus all 180 magistrates' courts and around 40 daily county court hearings (Davies 1999). This, Davies (1999, p.5) states, was due to cuts in editorial budgets in the competitive climate of the 1980s, and the rise of tabloid values that reduced interest in the courts, unless a celebrity was involved, or there was 'some particularly eye-catching angle'. The other key sources of trial coverage, the local newspapers, were also suffering from competition and in response cut editorial and production staff (Glover 1998). Levi's (2006) study of white collar crime shows how by the 1980s and early 1990s only the largest trials of major executives, such as the Guinness case, would be covered long-term. At smaller trials, he asserts, 'there are unlikely to be any reporters present (especially since the death of the "court reporter" role on local newspapers, due to financial cutbacks), so they are dependent on press statements or "inside tips" from police or other interested parties' (Levi 2006, p.1047).

Crime reporting in the *Daily Express* around the time of the cases studied in this chapter had become less about the coverage of trials and more about activities of the police. The long transcripts of court speech that characterised the previous case study disappeared entirely. The front-page crime stories (often those involving celebrities) were first sourced from the police, although necessarily if the star was committed for trial it was then also a key source. One case, the kidnapping of Stephanie Slater, depended entirely on police sources, with headlines about the on-going investigation such as 'Kidnap police quiz Panther' (*Daily Express*, Feb. 4th, p.1, 1992). In cases such as these, according to the former head of South Wales police public relations, the media and the police work in mutually beneficial ways. The media get front-page headlines whenever the senior investigating officer (SIO) releases a statement, whilst the police seek unknowing witnesses who might have information that leads to solving the crime (Innes 1999). According to Feist (1999), by the end of the twentieth century this relationship was so important that media handling was seen as an important skill for any SIO, because they would be occupied with public relations for 20-40% of the first two days of a serious crime investigation.

The New Crime News Values

The crime news context around the case study articles confirms that the police had become the major accredited source superseding the courts in importance and that celebrity, sex and ultra-violence were presented as 'eye-catching'. It goes some way towards explaining the most notable feature of the 1990s 'women who kill' stories in comparison with the earlier case studies, which is their general back-grounding and lack of length. This must be in part due to the widespread shortening of articles, for ease of reading and to make way for photographs that took place during tabloidisation. Yet this was off-set at the same time by an increase in pagination – according to Davis (2000, p.44), between 1984 and 1994 the *Daily Express* increased from 36 to 64 pages, although a large part of these were non-news sections to 'expand their consumer bases'. Where the newspaper considered a story to be strongly newsworthy, they could print several short stories instead of one long one, as they did on the occasion of the release of Sara Thornton (*Daily Express*, May 31st, pp.6/7, 1996). There is considerable evidence on which to base the argument that the

'battered woman who kills' type of case had become far less newsworthy than it had previously been considered. There are instead several other types of cases that are granted far more news-space and apparent status.

One measure of status is the by-lines that were now commonplace across the paper. Any item that did not merit a by-line was a small one or, for example, in a 'News in Brief' column. Of the 138 crime reports between December 1990 and April 1991 (the immediate context of the Line, Sainsbury and Scotland cases), 110 (79.7%) had by-lines. However, of 20 reports about battered women who kill, only 12 (60%) had by-lines. The Line case study carried no by-lines at all. Examining the by-lines gives some clues as to the status of the reporters that wrote the pieces. There were evidently a number of journalists who specialised in crime, but a greater number were more general reporters. Of the total of 31 journalists whose by-lines appeared above crime news during this period studied as context, 18 (58.1%) wrote just one or two crime stories. Moreover, just 5 reporters wrote 33% of the crime news in that period, indicating a considerable gap in output, and therefore presumably crime news writing experience, between the dedicated crime reporter and the generalist.

The amount of printed material per journalist is merely an indicator of status because it was not solely based on news values. The most prolific writer, Philip Finn, was based in America so his reports from New York, Palm Beach and Indianapolis cost more than the average overhead and were therefore more expensive to waste if they were not published. Finn's reports centred on two trials that represent two core news values: celebrity and sex. One was the trial of Mike Tyson (the champion boxer) for rape, and the other the trial of William Kennedy Smith (of the Kennedy political dynasty and nephew of Senator Ted Kennedy) for the same crime. Celebrity stories were usually found on the front pages, signifying their importance to the newspaper. Harcup and O'Neill (2001) separated the 'elite persons' category of Galtung and Ruge (1965) in two, in order to reflect the rise of celebrities (who were well-known but unimportant, in comparison to political elites who were powerful but not necessarily well-known). As Greer (2003) and Jewkes (2004) note, celebrities are important in crime news values, as a story is made newsworthy due to the presence of celebrity.

Sexual deviance 'dominates the news agenda of the tabloids' (Jewkes 2004, p.50), so the *Daily Express*'s front page headline; 'The peer and the £12,000 a night vice girls' (Dec. 16th, pp.1,3, 1991) suggests that the newspaper borrowed tabloid news values when choosing the treatment of this story. Sex and celebrity was also found in the story of the libel trial prosecuted by Sarah Keays (the mother of an illegitimate child of the former Conservative government minister, Cecil Parkinson) against a newspaper that called her a 'bimbo'. This evidence seems to support the arguments made by Holland (1998) and Soothill and Walby (1991) on the sexualisation of news and the rise of news about sex crime in particular. They are clearly important to the newspaper in a way that the ordinary battered women who kill stories are not, appearing on the front page, being developing stories (i.e., followed through the length of the trial) and also being reported from early on in the criminal justice process. As Soothill and Walby (1991) note, there are a number of entry points at which the media begin to report the process, and the reporting of pre-trial hearings were by the 1990s a rare occurrence, signifying a particularly newsworthy case. The Kennedy trial, for example, was reported as early as March 1991, and again in December 1991. Another case that was clearly spotted as newsworthy and reported early was the Allitt case in which a nurse was eventually convicted of murdering children in her care.

The Allitt case contained another of the key news values for crime news – shock, or as Harcup and O'Neill (2001, p.279) define, 'surprise and/or contrast'. The contrast here is in the horrific contradiction of the expected caring behaviour of a nurse (Jewkes 2004), and this kind of contrast is found in many of the reports involving ordinary people, that were usually on inside pages. For example; 'Shock too much for jury in cannibal murder trial' (*Daily Express*, Feb. 10th, p.10, 1992), 'Farmer "crucified" raider' (*Daily Express*, March 18th, p.7 1992) and 'Terror as race thugs hit schools' (*Daily Express*, April 3rd, p.17, 1991) all report on, or use the extremes of language to infer that they report on ultra-violent crimes. The language of the second and third headlines is more hyperbolic than that describing the truly horrific crime of cannibalism, suggesting that the sub-editors feel a need to raise the emotional pitch to screaming-point. This evidence supports Reiner (*et al* 2003)'s contention that crime

news has become progressively more violent since the end of the Second World War, increasingly threatening, pervasive and frightening for the individual.

The 'moral panic' describes another way in which the media raises the emotional temperature when dealing with an issue (Cohen 2002, Critcher 2003, Innes 2005) and a short-lived one is found here in this case study context. The newspaper bundled together several reports from across the country, applied a new name label - 'joyriding' – to an old crime, and identified young men as the 'folk devils' who perpetrated it. These features were also characteristic of the 'mugging' moral panic that Hall (*et al* 1978) described. It is not the purpose here to trace the origins of this moral panic nor measure it against either ideal-type model, of Cohen's (2002) or Goode and Ben-Yehuda's (1994). Yet it is illuminating to note that the *Daily Express* used composite features such as 'Joyriding: Special Report on the Scourge of Modern Britain' (Feb. 13th, p.13, 1992), exercising its own representational power over the information in order to create more shocking stories. There are shades of the moral panic around the rash of battered women who kill stories that were published in the early 1990s. The newspaper was alerted to the issue by claims-makers in government and feminist campaigns during the 1989-1990 debates around reform of rape within marriage laws. However, it is not a clear-cut moral panic, as the identity of the 'folk devils' was unclear and therefore opinion could not be mobilised against them at that time. If a moral panic can last seven years then the backlash against Sara Thornton might be considered as evidence that the battered women themselves had finally been chosen as the folk devils – yet classic moral panics such as mugging (Hall *et al* 1978) were much shorter. Furthermore, according to Gareth Pierce, Sara Thornton made herself notorious within the prison system, so should be considered as an individual rather than representative of a group (Hattenstone 2001). Hence the inadvisability of attempting here to define these cases in comparison with moral panics, beyond noting the clumping of cases in the early 1990s and role of moral entrepreneurs.

Second-wave Feminism and its Impacts for Ordinary Women

The second wave feminist movement that had begun in the late 1960s and 1970s inspired a host of campaigns for changes in the law to ensure women's rights, which

meant that Line, Sainsbury and Scotland, Thornton, Ahluwalia and Humphreys were in the most enabled position of all the women in this study to leave their husbands and support themselves, as many did. Between the end of the 1970s and the start of the 1990s, nearly three-quarters of divorces were initiated by women, and of those 52% were on grounds of unreasonable behaviour, *excluding* adultery (Elliott 1991, my emphasis).

The external legal framework was in place for them - unlike for the earlier women, Ellis, Major and Byron - the Divorce Reform Act of 1969 had introduced 'open' divorce (Leeming, Unell and Walker 1994), and also in 1969 married women were granted the legal right to enter into contracts independently of their husbands (Finch and Morgan 1991). Abortion had been legalised in the same year, and by 1993 around 170,000 were carried out (C.O.I. 1996). They were able to seek work, although they may only have had low-paid opportunities. Second-wave feminist campaigns resulted in the Equal Pay Act (1970, which came into force in 1975), the Equal Pay (Amendment) Regulations (1983) and the Employment Act (1989), which made it illegal for women to receive lower wages than a man for the same work. Similarly, the 1975 and 1986 Sex Discrimination Acts made it illegal to discriminate on grounds of sex in employment, education or services.

However, women could not be said in practice to have *equal* rights to men up to 1992 – traditional attitudes amongst politicians, employers, husbands and wives meant that the traditional status of women was not completely overturned. For example, by 1990, women's earnings were only 77% of men's average pay, a small rise from 63% in 1970 (Central Office of Information 1996). According to Lonsdale (1992), this was due to socio-cultural beliefs that women should shoulder a larger burden of child-care, and that separate women into lower-status areas of work, such as nursing and teaching, which supposedly suit their 'natural' abilities. In this period, women undertook more low-paid shift work and home working, to fit around child-care responsibilities (Crompton 1997). Conversely, women were under-represented in professional and managerial occupations: in a survey of the top 200 CBI firms in June 1989, 0.5% of executive directors were women, and 3.9% of non-executive directors (Hansard Society Commission 1990). Women could also suffer sexual harassment at work, which may have hindered their career progress (Adkins 1995). There were

conservative concerns about the rising divorce rates, which had increased by more than 600% between 1961 and 1991, according to Leeming, Unell, and Walker (1994). Significantly, just after the Line, Sainsbury and Scotland cases the Conservative party leader and Prime Minister, John Major, launched what could either be described as a moral initiative or moral panic against young unmarried mothers supported by State benefits. In his Conservative party conference speech in 1993 he announced that his 'back to basics' plan would ensure individuals not the State shouldered family responsibilities. It resonated with the Conservative ideology of 'family values' (Cohen 2002), although it foundered over the subsequent series of Conservative sex scandals.

Battered wives, marital rape and the campaigns against abusive husbands

A discursive (legal, practical, civil, media) struggle took place in the middle of the 1980's as feminist groups attempted to put battered women, marital rape and the legally subjugated position of wives onto the mainstream agenda for change. The feminist movement had spawned a series of campaigns against violent behaviour by husbands towards their wives that had not been part of discourses around gender at the time of the previous cases. From the 1970s different groups had begun to offer practical help to battered wives, and later others campaigned against laws sanctioning rape within marriage. Erin Pizzey set up the first home for battered wives at Chiswick in 1971 (Pizzey 1974). By 1990 there were nearly 200 refuges in England alone (Lovenduski and Randall 1993). By this time 25% of recorded violent crime in Britain was domestic violence, indicating both that it was a significant problem and that women were growing in confidence to report abuse (Lovenduski and Randall 1993). In 1981 the Women Against Rape group submitted evidence to the Criminal Law Revision Committee on "the rapist who pays the rent" (Hall, James and Kertesz 1984), but the Committee's final report in 1984 had chosen to retain the existing laws. In 1983, the Labour MP John Tilley's Private Members Bill to criminalise rape in marriage 'did not have the backing of government or opposition' (Hall, James and Kertesz 1984, p.xii), but six years later, after sustained feminist campaigning by groups such as Justice for Women and the Southall Black Sisters, the machinery of government began to move.

In 1989 a ruling in Scotland held that 'it is not an incident of modern marriage that a wife consents to intercourse by her husband in all circumstances' (Stallard v Her Majesty's Advocate 1989, Farmer 1992). Two Home Office Research Studies on rape including marital rape (Smith 1989 and Lloyd and Walmsley 1989) and a Private Member's Bill in the House of Commons by Labour MP Jack Ashley (*Daily Express*, May 29th p.2 1989) followed the Scottish ruling. The Conservative government's ministerial group on women's issues, chaired by John Patten, subsequently ordered a criminal law review by the Law Commission (*Daily Express*, Feb 12th, p.7 1990; Law Commission 1990). Before legislation was in place, it was first made illegal in common law in 1991. In the case of R *v* R (1991), judgement against a man who tried to strangle and rape his estranged wife was upheld in both the House of Lords and European Court of Appeal. It was, however, seen as controversial as it was a judge-made law, rather than from elected government (Westmarland 2004). In 1994 it was put into statute in the Criminal Justice and Public Order Act, finally ending the legal sexual subordination of women within marriage that had existed since 1736[43] (Bennice and Resick 2003, Westmarland 2004).

The Feminist Campaigners' View of the Media

The views of campaigners for Sara Thornton, Kiranjit Ahluwalia and other battered wives on the way in which the media addressed their campaigns is relevant as an evaluation by contemporaries with full knowledge of the cases themselves as well as a clear political standpoint (their feminist support for the women). They tend not to differentiate between television and press, broadsheet and tabloid, and define 'positive' as supportive – these examples appear in 'quality' news or documentary programmes, or on channels with a more than populist remit.

'Positive' action by the media, i.e, raising awareness of the problems of battered wives and marital rape, was patchy and in the early years apparently reliant on personal relationships. For example, Pizzey (1974, p.123) mentions the producer of the BBC Radio 4 programme, *The World At One*, 'who helped us whenever we asked'

[43] Coverture - the legal concept that at her wedding a woman gave up her right of legal existence, becoming a non-autonomous part of her husband - was developed since the sixteenth century (Fredman 1997). In 1736, the first documented legal statement on sex within marriage was Sir Matthew Hale's opinion, that on marriage the wife gave irrevocable consent to sex with her husband. Two hundred and fifty-eight years later it was finally overturned.

despite a lack of interest from any other of the channel's news programmes. When the television did take a serious interest, such as on the related topic of the police treatment of rape victims, it could be a powerful agent for change. Roger Graef's (1982) *Complaint of Rape*, in the BBC documentary *Police* series, showed the way rape victims were treated by the Thames Valley police creating a 'public outcry' (Kilborn and Izod 1997, p.237). It was even described as 'one of the strongest impetuses for changes in policy about rape' by a Home Office Research Study (Smith 1989, p.5). From 1989 to 1995 several soap operas ran storylines with abusive husbands and fathers. *Coronation Street*'s Rita Fairclough was smothered with a pillow by her husband, who accidentally died in December 1989 whilst trying to kidnap her, having followed her across the country. *Emmerdale* followed in October 1992 with Lorraine Nelson's revelations of her childhood abuse at the hands of her father, but was apparently cured of her rebellious symptoms with a place at arts college. In 1993 *Brookside* on Channel 4 offered a sympathetic treatment of a family with an abusive husband and father. Lasting two years, it showed the impact on the wife and eldest daughter (Mandy and Beth Jordache) as a 'slow burn' build-up of tension in the house that ended in the murder of the abuser by the mother and daughter. Although noted particularly for its support from incest survivors, whose media presence had previously been even less visible than battered wives, it presented the issue in a human, emotional way that clearly many viewers were able to identify with and understand (Kitzinger 2004).

In contrast, there are other instances where the behaviour of the media has been unhelpful, indeed negative for campaigners. One issue is the sexualisation that the media underwent in the 1980s and 1990s (Wykes 2001, Holland 1998, Soothill and Walby 1991). Although it may have enabled open discussions, for example, of incest, which survivors found helpful, it also stressed a sexual element in abusive relationships such as Pal Kaur's, whom campaigners maintain was raped and murdered by her brother-in-law in October 1999. Johal (2003, p.37) says that 'the media were more interested in whether she was having an adulterous relationship with her brother-in-law...[her] family was deeply distressed by the press 'sensationalising' the sexual dimension of the case'. There is also a negative racial aspect in the media's treatment of campaigners, according to the Southall Black Sisters. They found that 'when we were running the Free Kiranjit Ahluwalia campaign, in tandem with the

Free Sara Thornton and Free Amelia Rossiter campaigns being run by Justice for Women, we found that the press still tended to go to JFW for quotations on domestic violence even where black women were concerned' (Johal 2003, p.41). The Southall Black Sisters (SBS) and Justice For Women (JFW) were forced to hold discussions on the matter and formulate policy that the JFW would refer these questions to the SBS. Even when covering pickets outside courts, 'the media tended to get a quotation from white women rather than the Asian women' (ibid), although the author acknowledges the media may have feared Asian women would have needed an interpreter. Overall, then, the argument from the feminist point of view is that the media has its own agenda when dealing with campaigns around these issues.

Coverage of the Campaigned-for Cases

The *Daily Express* approaches to issues of marital rape and battered wives appear to be wide-ranging, conflicting and influenced by a number of factors. The newspaper had taken a strong line against earlier manifestations of the second-wave feminist movement, such as the Greenham Common women, and printed opposing or trivialising articles portraying stereotypes of lesbian in dungarees in a secret Communist International and/or New Age cult (Cook and Kirk 1983, Blackwood 1984, Porter 1984, Liddington 1989). However, as the rape in marriage issue was pushed into the mainstream, there were more elite sources – the Conservative announcement that the law would be reviewed (*Daily Express* Feb 12th, p.7 1990) was made by a government minister able to access all the press relations resources of his Parliament and party. By this time, even a few feminist voices were treated as authoritative if they held important social positions, such as the magistrate Wendy Smart or Judge Elizabeth Fisher, who spoke of the "ordeal of women in fear" of abusive husbands (*Daily Express*, July 31st p.15 1991).

There were nine articles about Sara Thornton between August 1991 and May 1996, of which three were within the same double-page spread about her release. There was only one article about Kiranjit Ahluwalia and one about another campaigned-for case, that of Emma Humphries. One significant similarity between them is that none were reported when they were first jailed prior to 1990; a strong indicator that in fact the feminist groups were correct in their assertions that it was a hidden problem, and their campaigns had put the issue on the agenda. In the timeline of reports, however, there

seems to be a change in the tenor of the narratives, from an early sympathy towards the women as victims, to a later suspicion of Thornton in particular as undeserving and "getting away with it". Earlier reports also include the feminists' most radical campaign claim, that "long-term provocation" should be accepted as a defence for murder whilst later ones do not.

The reports on Kiranjit Ahluwalia (26th September 1992) and Emma Humphreys (July 8th 1995) were sympathetic, presenting the women as victims of battery and the law. The report on Ahluwalia is, on one hand, framed within the traditionally authoritative structures – for example, the headline 'Judge frees wife who killed brutal husband' (*Daily Express* September 26th, 1992, p.17) legitimises her release through the authority of the judge and the traditional moral transitivity of gender relations (he is "brutal" and she is "tiny"). However it also pictures 'her cheering supporters', quotes from Ahluwalia and the Campaign Against Domestic Violence (CADV) and most importantly allowed 'campaigners claimed a victory for "battered wives syndrome" to be accepted as a case for murder' (ibid). Yet there is evidence for the Southall Black Sisters' complaint of lack of access – they ran Ahluwalia's campaign, but the newspaper's named quote is instead from a predominantly white organisation. The reporting of the Emma Humphreys case also featured some elements that seem to support the feminist campaigners. Her picture on the front page was captioned: 'the judgement was heralded as a victory by campaigners fighting on behalf of scores of other women' and that Humphries herself was 'pledging to help in the fight to change the law so long-term provocation can become a defence to murder' (*Daily Express*, July 8th, 1995, p.1). The inside headline read 'woman driven to kill is freed' (ibid, July 8th, p.13). Most importantly there was a box inset headlined 'Fight to reform domestic murder law' (ibid) which explained the campaign to change the provocation law and included mention of both Justice for Women and that '84 MPs from all parties...backed a motion calling for reform' (ibid.). However, she was also named a 'violence victim' who needed 'intensive therapy', who emerged from jail 'dazed and shaking' and looked 'pale and painfully thin' (ibid.). The legal appeal was described as 'her pleas for mercy' and she was pictured 'in tears' and said to have 'clutched a pale pink rose' (ibid.). The reporting is framed more like a pathologisation of Humphreys as a damaged and vulnerable young woman, a case of diminished responsibility rather than provocation, despite the inset box.

The earliest report on Sara Thornton was a feature on which was clearly sourced, and possibly inspired by the campaigns for her release. 'Hungry for justice' by Janet Menzies (*Daily Express*, August 22nd 1991, p.27) described Thornton as 'tragic' and 'victim of a legal fine point'. It situated her problem as the law's inability to take account of different male and female reactions to provocation – the most radical of the feminist arguments – and quoted two feminist campaigners. When she was given leave to appeal, the *Daily Express* headlined 'New appeal for wife who killed cruel husband' and wrote that the case 'highlighted the issue of women driven to kill by repeated abuse' (*Daily Express*, May 5th, p.10, 1995). That appeal was inconclusively resolved, however, and two court reports (December 5th, p.15 and December 6th, p.16 1995) were small and buried below the fold. Unusually, it was the earlier one that was by-lined (Alex Hendry), not the climax of the trial – the reverse would be expected because the reporter's name confers a little status. It suggests the newspaper was moving away from a sympathetic stance due to the ambivalence of the authoritative sources. The first article reported emotive testimony from Thornton's counsel, and that he told the court she had 'battered-wife syndrome', but did not explain what that meant. In 1996, however, the newspaper began to highlight more damning testimony. The article headlined 'Sara told me she had killed him says friend' (May 16th, 1996, p.25) did not call her a battered wife or refer to any defence but did include details of her sexual behaviour ('sometimes going around topless when there would be people around – males') that is considered damaging according to traditional conservative morality.

The final articles interpreted the result of the trial, in which Thornton's conviction was reduced from murder to manslaughter on grounds of diminished responsibility, as 'convicted again, but Sara goes free' (May 31st 1996, p.6/7). It was the result Thornton was hoping for, although she had finally relied on a defence of diminished responsibility instead of achieving the most radical feminist aim, the establishment of a manslaughter defence of long-term provocation. This was the real story for the feminists (Gupta 2003). Unlike Ahluwalia and Humphries, Thornton's release was not portrayed by the *Express* as a victory for feminists. This time the release was said to have 'cast in a new light the coalition of women's groups, lawyers and politicians who had turned her into an icon for the feminist cause' (May 31st 1996, p.6).

Thornton's defence was also misrepresented having claimed that 'months of abuse were sufficient defence for a premeditated murder'. There were several claims over the meaning of the result, and the family and ex-wife of Malcolm Thornton were given particular prominence. Two journalists, Alex Hendry and Stephen Gray worked on the three stories; Hendry's headlines read 'Malcolm was a monster, but she is wicked says his ex-wife' and Sara's 'privileged childhood in a South Seas paradise' (May 31st, p.7). She was branded a 'killer', and was reported to have 'escaped conviction for murder,' (May 31st, p.6). Gray quoted the judge, Mr Justice Scott-Baker, who said she 'must bear Malcolm Thornton's family considerable responsibility for taking his life' (ibid). This reversal in the portrayal of Sara Thornton, from victim of miscarriage of justice on hunger strike to getting away with murder is the result of a number of factors. The influence of women's groups weakened, from key source, through ever-diminishing quotes, to the claim they were split. There were competing reform claims from "battered wife syndrome" and "long-term provocation", the legal establishment leaning away from the latter (Smith 1989). There is also the notoriety of Thornton herself. She did not receive the favourable coverage by the end of her case that she had at the beginning, signalling the change in the newspaper's attitude towards her.

Coverage of Uncampaigned-for Cases

Narrative:

The Lines

In all three of the case studies, the narrative, or action, is clearly the most important element of the writing and conveys far more meaning than any characterisation or scene setting found in nouns and adjectives. The character of the actors is substantially created through descriptions of their actions (and adverbial modifiers of those actions, indicating the newspaper's preferred attitude to them). Perhaps the most important aspect of the narrative in the case of the Lines is what was not explained to the reader. According to Kennedy (1992), Mrs Line contested the charge of murder on grounds of (cumulative) provocation and was acquitted, receiving a suspended sentence for the manslaughter conviction. Kennedy (1992, p.216), who was Mrs Line's lawyer, argued that the press used this 'as evidence of the law's lack of bias'. She was clearly not reading the *Daily Express*, which failed to note the

importance of action by the court to the reform of laws around battered women. Instead, the headline said that she 'walks free' (*Daily Express*, Feb. 4th, p.18, 1992) which was not precisely the case – although her sentence was suspended and she therefore left the courtroom rather than proceeding to jail, she was still convicted of a serious charge. Why the *Express* chose not to emulate other newspapers by discussing the significance of the case is without evidence, unfortunately. Speculation can include a political desire to downplay reform that was not undertaken by the government to production issues such as a possible lack of knowledge on the part of the un-named author or a preference for an exciting crime story over a convoluted legal narrative.

In the article, the actions performed by Mr Line were presented as violent and cruel. He 'raped and beat' his wife, 'threatened to kill her' and 'pinned' her to a wall (*Daily Express*, Feb. 4th, p.18, 1992). He had 'even killed her cat by throwing it from their tower block' (ibid.). All (but one of) his actions were in the active tense, but Mrs Line's are not. She is written sometimes in the passive tense, as his victim – she 'had suffered' and 'long endured torture' (ibid.). Other information about her actions emphasised her religiosity, such as 'she came to London as a holy order novice' (ibid.). After the murder, it was reported that Mrs Line "ran screaming" to her neighbours. An overwrought emotional state can operate as an explanation for out-of-character behaviour, for example, in the legal defence of 'diminished responsibility'. Thus, she was portrayed as being the opposite of a 'cold-blooded killer', so avoiding that sinister overtone, and as not fully in control of herself when she committed the murder. As many authors (Rose 1988, Naylor 1995, 2001, Morrissey 2003, Boyle 2005)[44] have noted, the femininity of the woman murderer is used as mitigation for her crimes, and only when she can be discursively presented as lacking agency - overcome with emotion, not knowing what she was doing - that she can be excused. So Mrs Line was reported to have 'knifed' and 'lashed out' but not to have killed or murdered. Furthermore, the blame for the murder is firmly laid at Mr Line's door with the preposition 'after', used twice in two different places in the report. It was written that she stabbed him *after* he raped and beat her, that she lashed out *after* he threatened to kill her. So grammatically the representation of the plot was that the

[44] See Chapter One, the literature review

man was the architect of his own downfall, that his own actions brought upon him his end.

The Sainsburys

The cases of the Sainsburys and the Scotlands are far less clear in their attribution of blame, primarily because the plot focus is on the gruesome details of the murders. The emphasis is on conveying the full horror of all the violence and murder actions, with little distinction between characters as to who is the victim and whom the persecutor. In this way the newspaper avoids assigning blame, which may have become too politically difficult as the Conservative party sought to contain reform within their traditionally moralistic 'law and order' stance. It also seems to support Reiner and Livingston's (1997, p.10) contention that by the end of the twentieth century there was a dearth of moral codes in the media, a collapse into a 'Hobbesian war of all against all'. It was certainly a contemporary complaint of the *Daily Express* about other forms of media, such as TV. For example, the TV reviewer, Compton Miller, headlined his complaint above his column: 'police image bruised in violent drama' (*Daily Express*, Sept. 28th, p.39 1992). Accusing a BBC1 drama of holding 'a totally nihilistic attitude towards our society', he declared it left him 'confused whether justice would finally be done'. This problem of judging where blame lies is equally applicable to the reporting of the Sainsbury and Scotland cases in the *Daily Express*.

In the case of the Sainsburys, the newspaper headlines again failed to accurately describe the sentence placed on the wife, which was a conviction of manslaughter on grounds of diminished responsibility leading to probation. The headlines screamed that she was 'set free' or 'freed' (*Daily Express*, Dec. 14th, pp.1, 4, 1991), which does not explain the full story. It would appear that the newspaper sub-editors chose hyperbolic language over a precise depiction. The case was judged newsworthy enough to place an advertisement or 'teaser' on the front page, which was also headlined with this inaccurate language. It provided a summary of the story in three sentences, which information was presumably chosen for its appeal to readers, so it offers a rough guide to the newspaper's news values through its condensing of the appeal of story. This information was: 1) that a woman who had killed and dismembered another person had been 'freed', 2) She had been abused and 'forced to

take part in degrading sexual acts' (ibid.) by the murder victim and 3) a quote from the judge explaining why she was 'freed' – because she killed out of fear as well as anger. It suggests that the primary news value of this story was considered to be sex and violence, described in lurid detail.

The focus of the main article was on Pamela Sainsbury, as both doing and done to: her actions in killing her husband, disposing of his remains, noting his death in her diary, making excuses to neighbours regarding his absence, being kept prisoner, being terrified of him, fearing for her children and admitting manslaughter. In contrast Paul Sainsbury was attributed only two action sentences. In total, twenty-eight different actions were associated with her, yet only four to him (14.1%). It demonstrates that he was clearly not an equal lead in the story. This grammar attributed far more agency to Pamela than Elizabeth Line was granted, however it is negative agency, the power to kill and dismember, which was presented early in the article and before the description of the husband's agency to abuse. Again unlike Mrs Line, Pamela Sainsbury's crime was described in gruesome language. She 'killed', 'strangled' and 'throttled' Mr Sainsbury, 'chopped up his body' and 'chopped him into pieces' (ibid.). This word 'chopping', unpleasantly reminiscent of choppers, cleavers and butchers, was also used in the headline although the actual tool used for dismemberment was not revealed. It was in fact a saw (Morrissey 2003), a somewhat less dynamic weapon. The newspaper appears to have chosen the most shocking language available instead of the most precise, supporting an interpretation of the contemporary importance of the 'shock-horror' news value. 'Chopping' evokes the horror film genre, serial killers and the 'video nasties' moral panics of both the early 1980s and 1990s. Furthermore, the details that Mrs Sainsbury killed him with 'the plumb line from his tool kit' and 'put his severed head in a meter cupboard' (*Daily Express*, December 14th, p.4, 1991) juxtaposes this horror with the domestic, as in the 'aesthetics of realism' that Biressi and Nunn (2003) define in connection with television tropes and what entertainment meant in the 1990s.

In some ways the article appears to support Pamela, quoting only the defence case and sympathetic remarks from the judge. The two sentences attributing action to Mr Sainsbury were his sexual humiliation and abuse of his wife: he made her 'crawl around naked wearing a dog collar' and 'forced' her into 'degrading sexual acts'

(ibid.). Mr Justice Auld said: "'You killed him as much out of fear and hopelessness as anger'" (ibid.), which quote was also produced on the front page (abridged). At the end of the main article (the least important place), the judge was quoted as saying "'His domination of you mentally and physically was such you lost the nerve to even run away'" (ibid.). The defence lawyer, Helena Kennedy, was also quoted arguing that "'There probably can be few cases as bad as this in documenting one human being's abuse of another'" (ibid.). The newspaper did overtly accept this framework by taking on this voice. It claimed that she 'feared and hated' her husband, 'was so terrified she could only speak in monosyllables' and 'feared for her children' (ibid.). She kept his severed head in her cupboard 'to reassure herself' that he would never come back (ibid.). These pieces of information, probably from the defence argument, were not attributed but instead presented in the voice of the newspaper, indicating its acceptance of, and support for the court result. Yet there are also ways in which this is undercut and left open for other interpretations. The framework provided by the headlines set up a question-mark over whether the court result was just, for example with an exclamation point or 'screamer' – 'Freed! Wife who chopped up husband' (ibid). The claim that she was monosyllabic with fear was undercut by the information that she had 10 O-levels and 2 A-levels, and her ability to lie to neighbours and friends about her husband's whereabouts. Another reason for the newspaper's interest in Pamela's sexual humiliation may be the rise of sex as a news value (Holland 1998). At the broader level, the article's focus on Pamela as an active individual resulted in a disparity between the overt quotes representing her as helpless and the grammatical effect of sentences that produce her as the main protagonist, the heart of the action. The discrepancy opens up a gap in which alternative interpretations – that the judge and jury were hoodwinked by a smart, pretty woman; that Pamela got away with murder – are possible. Further evidence as to this capacity for more than one interpretation can be found in the examination of nouns and adjectives that describe the actors, which will be discussed in the section on characterisation.

The Scotlands

The case of the Scotlands is the only one of the un-campaigned-for cases that was a developing, rather than a spot (single) story. It was first reported in a 'NIB' (News-in-Brief) column, when the body of Thomas Scotland was discovered by a neighbour putting up a new fence. Although it was headlined 'woman is charged over body in garden' (*Daily Express*, April 2nd, p.2, 1991) it connected the daughter to the body in the 'shallow grave' by sentence adjacency:

> Mr Scotland disappeared four years ago. Last night, his daughter Caroline, 22, was still being questioned by detectives (ibid.).

The whole family were named, including the youngest child, a student aged 19. This did not precisely contravene the letter of the Press Complaints Commission Code of Practice as it stood at the time, because it was not until June 2004 that it was made specific in words that newspapers should not identify the relatives of those accused of crime. Yet the clause stood in spirit and it would appear from today's standpoint to be a contentious practice. More serious disregard of the Code is evident in later articles. It was stated in Clause 13 from the inception of the Code (in January 1991 – just four months before the first news of the Scotland case) that the term incest should not be used, to spare the child victim from further pain. During the court case in 1992, however, it was revealed that Thomas Scotland 'had sexually abused his daughter for years' (*Daily Express*, March 20th, p.17, 1992). The newspaper said: 'Thomas Scotland started "touching" his daughter Caroline when she was 11 – and eventually forced her to have sex with him, it was claimed' (ibid.).

It was also reported that Caroline had told her mother of his abuse when she was 15 years old. The paper repeated the news in the following day's article. Although the offences against Caroline were carried out from when she was just 11 years old, she had turned 18 at the time of the murder, and was 22 at the trial. It might charitably be described as a borderline case for the newspaper to decide whether to report the incest, as the question of whether she was a minor is thus confused. It is therefore important to note that its choice was not to err on the side of caution to prevent further

damage to the girl, but to publish in intimate detail, alongside her name and photograph. The only concession was to omit the word 'incest', but this made no difference to the information conveyed, as the quote above demonstrates. The point demonstrates a commitment to shock their readers despite the issue being clearly marked in the Press Complaints Commission Code (PCC online) as one in which sensitivity should be shown. It further suggests a certain disregard for the Code that can also be inferred by PCC committee's need to tighten its language periodically since its inception, such as in the case of incest. In September 1995,

> Where it had previously read the term incest where applicable should not be used it now said the word incest should be avoided where a child victim might be identified (ibid.).

This feature cannot be discussed at length without more direct evidence of the newspaper's intentions in the kind of production studies that are not available to this thesis. Largely, the question of why this particular case of the three uncampaigned-for cases is a developing rather than spot story must also rest on speculation, due to the lack of production study evidence. However there are a few points to make. The origin of the case as a nib was quite possibly from police sources, as the final sentence said that police were 'trying to trace' the murder victim's sons. Police sources are privileged over court ones by the 1990s, so may be considered to have more status by *Daily Express* newsworkers. The nib is also in the same column as news about the case of Susan Christie, which was to become notorious as the 'fatal attraction murder' (Lane 1994, Naylor 1995), after the 1987 film (dir. Adrian Lyne, 1987). Private Christie confessed to killing her lover's wife on 31st March 1991, so the nib 'quiz for girl soldier' (*Daily Express*, April 2nd, p.2, 1991) comes from police sources. This case may have sensitised the newsworkers to other cases involving murder by women. Furthermore, once the case had been reported early on, it might be easier to pick up later at the court – follow-up was, according to Harcup and O'Neill (2001) considered a virtue, and the newsroom was bureaucratically organised to deliver it, with their schedules of upcoming events. The timing of the case is also important in regard to the legal reforms of rape within marriage, part of the feminists' campaigns for battered women. The Scotland case news emerged in the busy period of negotiation between the Scottish ruling that the marriage contract did not require irrevocable

acquiescence on the part of the wife (Stallard v Her Majesty's Advocate 1989, Farmer 1992) and the English ruling of the same in October 1991.

The newspaper printed at least six articles on the politico-legal manoeuvres about the reform in this period, as well as showing evidence that it was a topic to which the media including television was sensitised by publishing two TV reviews about programmes including battered women (including 'Battered women lose their impact', *Daily Express*, June 1st, p.39, 1989). Some of the politico-legal articles were written by the chief political correspondent and the home affairs correspondent, and reveal the heart of the newspaper's difficulty in reporting this issue – its privileged source, the Conservative party, was split. In 'rape law guards wives' (*Daily Express*, Feb. 12th, p.7, 1990) the Home Office Minister John Patten supported reform. However, in 'Wife rape case set to test new legal ground' (*Daily Express*, Feb. 26th, p.32, 1990) it was reported that 'a battle on the issue is certain, with strong opposition to reform from Tory MP Tony Marlow'. A final note on the reasons for the Scotland case to be a developing story whilst later uncampaigned-for cases were not (that might not be statistically significant) is that the case with the least sex news value of the three cases received the least coverage, whilst the Scotland case with the most transgressive and shocking sex received the most coverage. If it is significant it indicates the importance of the sex news value in a shock-horror context.

As a developing story, it offers the opportunity to study whether the angle of the case had changed, as the Thornton case had moved from sympathetic to unsympathetic reporting. However, it is, like the Sainsbury case, rather difficult to judge whether the newspaper defended or attacked Mrs Scotland, especially in the first three articles, as there is contradictory evidence. The focus is again on the murder and gruesome details associated with it, and much of the condemnation of Mr Scotland is found in the nouns and adjectives by which he was described (see the passage on characterisation). The narrative is again left significantly open even in the last article that reported the conviction of Mrs Scotland for manslaughter, that resulted in probation on condition that she live in a women's hostel (Kennedy 1992). For example, the headline framed as a surprise that 'Judge frees the wife who beat her husband to death' and the first, most important sentence read: A wife who poisoned and beat her husband to death walked free from court yesterday and said: "I feel

great" (*Daily Express*, March 24th, p.7, 1992). These discordant sentences open up the possibility that justice was not done. Yet later in the article it quotes two of the judge's sympathetic comments; that punishment would serve 'no good whatsoever' and that Caroline suffered an 'impossible, almost intolerable burden' (ibid.). Again, like the Sainsbury case, the newspaper demonstrates a stronger commitment to the publication of shocking detail than it does to the presentation of a coherent condemnation or support of one or other protagonist. It could also be seen as the *Daily Express*'s understanding of servicing objectivity's requirement for balance.

The fact of this story's development offers one final noteworthy insight into the differences between reporting in the 1990s and earlier cases. Each article presupposes very little knowledge of the case on the part of the reader, and explains the key plot points anew in every report. The repeated plot points are the details of how the murder was carried out (with a poisoned stir-fry followed by battery with a rolling pin), the disposal of the body and the daughter's role in it as well as its discovery by the neighbour, and the denial of murder. In the second court report the only new information regards allegations of child abuse by Mr Scotland on his daughter, and in the last article there is the news that Mrs Scotland 'walked free' (*Daily Express*, March 24th, p.7, 1992). All other topics have been reported before, relieving the reader of any need for prior knowledge of the case and therefore making these reports accessible to those who have none. It suggests the casual reader was considered an important reader who must be catered for, or that regular readers were no longer expected to remember yesterday's news.

Characterisation:

The Lines

The characters of the four women and three men involved in these case studies are necessarily not as well developed as those of earlier cases, due to the paucity of articles. Yet the writing demonstrates a number of features that contributes to the creation of the *Daily Express*'s contemporary discourse around battered women who kill, some of which have been observed before. One such is the transitivity of blame, which is most clear in the case of Elizabeth Line. The headline's description of her as an 'ex-nun' (Daily Express, Feb. 4th, p.18, 1992) set up the association between her and virtue, which was contrasted against Mr Line's vice. The report also informs that

she was 'a holy order novice when 22' (ibid.), but does not tell what she was doing at the time of the murder, when 29. Clearly, having married Mr Line, she was no longer a Bride of Christ, but the newspaper chose to emphasise her former sacred occupation, in contravention of 'current' affairs norms, and casting her in a pure light of holy innocence. As well as suggesting her blamelessness, of course, this emphasis created a greater and thus more exciting contrast between her former and present life. The woman's 'double deviance' of being female and a murderer might be considered tripled when that woman was also a nun. The article presented her as a respectable victim, with the two photographs graphically demonstrating the measures of sympathy due to each – Mrs Line's picture was approximately three-quarters larger than her former husband's. The caption under hers called her 'tortured' (ibid.). She was named four times in the article, once as 'Elizabeth Line' and the other three times as 'Mrs Line', a respectful form of address that established her conventional relationship and concomitant lack of any kind of sexual irregularity that might have risked her innocent status.

Ronald Line's descriptions contrast sharply with his wife's. He was called a 'drunken husband', a 'Jekyll and Hyde husband' and a 'lout' (*Daily Express*, Feb. 4th, p.18, 1992). He was referred to by surname twice, but neither time was he dignified with the usual courtesy title, 'Mr'. He was described as older than his wife ('51') and overweight ('17-stone'), suggesting his physical dominance over her (ibid.). His photograph is a close-cropped full frontal headshot, reminiscent of a mug-shot (*Fig. 8*). Whilst Elizabeth's was an outdoor shot (*Fig 9*) showing her formal, knee-length skirt-suit, probably snatched outside the courthouse (where it is permissible), Mr Line is metaphorically imprisoned in his tightly cropped picture that connotes guilt. His identification as a 'lout' and also as 'drunken' (ibid.) recalls the common collocation 'lager lout', a contemporary term for a violent and irresponsible young hooligan. The most evocative term, 'Jekyll and Hyde husband' (ibid.) drew on the gothic melodrama *The Strange Case of Dr Jekyll and Mr Hyde* by Robert Louis Stevenson (1886). In that story, the 'good' Dr. Jekyll invents a potion that releases his inhibitions and overthrows his civilised mind; as the 'evil' Mr. Hyde he is brutal to women and commits a savage murder. In the newspaper report, it might be believed that the alcohol imbibed by the drunken Mr. Line is analogous to this potion, but the metaphor is rarely used with such exactitude. According to Saposnik (1971, p.715) 'Hyde so

dominates the popular mind that Jekyll's role has been all but obscured' and the story now stands for Gothic horror and the wickedness that men do when not held to account for their actions by civilisation.

STABBED: Ronald Line

Fig 8: Ronald Line (*Daily Express* 4th February 1992)

TORTURED: Mrs Line yesterday

Fig 9: Elizabeth Line (*Daily Express* 4th, February 1992)

The Sainsburys

The study of descriptions of the Sainsburys supports the findings of the narrative section (above) that reveal that Mrs Sainsbury was the focus of the report. There was only half the total number of descriptions for Mr Sainsbury as for Mrs Sainsbury. Mr Sainsbury was only given his first name (Paul) on the front page and not in the main report. However, the descriptions were somewhat confused, presenting a mixed picture of her and her motives and failing to condemn his violence. As was mentioned earlier, this section continues to show how the transitivity of blame that was evident in the Line case has broken down in this one, and left interpretation far more open to the reader. The reader was confronted immediately with a conundrum on the front page. The headline 'Killer wife is set free' (*Daily Express* December 14th, p.1, 1991) was followed by the opening name 'A BATTERED wife...' (ibid).. The capitals were a layout convention at the time but also appear to make the first words rival the headline in significance, leading to two possible blame-states. In the feminist interpretation, a battered wife is not a murderer but only guilty of manslaughter, so these names are contradictory. The *Daily Express* thus rejected this interpretation, even whilst using the feminist formulation of 'battered wife'. In this newspaper, it is evidently possible to be both killer and victim of abuse, resulting in uncertainty as to where blame for the death lies but highlighting all the violence of the story.

Other naming of Pamela Sainsbury conformed to the traditional mode of respect, giving her either her full name or, more often, the title 'Mrs'. She was furthermore called a 'mother-of-two' (*Daily Express* December 14th, p.4, 1991) and no employment was given for her, suggesting that she was a traditional stay-at-home mother. In contrast, Mr Sainsbury was not once referred to as a 'father-of-two', nor given the respectful title of 'Mr'. Yet he was named as 'husband' and his job was given, as a builder, which Farran (1992) argues conveys status by showing him performing his proper masculine role in the public sphere. There was only one negative character description of him, as 'violent' (December 14 p.1). This seems limited when compared with the Line case in which there were several negative associative nouns for the abusive husband in a shorter article. 'Violent', although an undesirable state, is comparatively denotative, and thus less damning than, for

STRANGLED: Sainsbury DEGRADED: Wife Pamela

***Fig 10*: Paul and Pamela Sainsbury (*Daily Express* 14th December, p.4, 1991)**

example, Mr Line's description as a 'drunken lout'. In terms of nouns associated with either character, then again newspaper refused to comment.

There were also two photographs of the married couple (*Fig 10*); both on page four, side-by-side. They were very similar in pose, with both faces angled towards the camera but slightly to the left, neither meeting the camera's eye directly. Both were closely cropped close-ups, showing the face and no other part of the body, and no identifiable background. Mrs Sainsbury was perhaps smiling a little more than Mr Sainsbury. The pictures were both the same size, such equivalence perhaps suggesting a moral equivalence. The caption under Mr Sainsbury's photograph (which is on the left, thus being 'read' first) says 'STRANGLED: Sainsbury' and on the right it says 'DEGRADED: Wife Pamela'. They are both passive tenses, saying they were both subject to violent actions, and again perhaps drawing a moral equivalence in a similar way that Boyle (2005) found where men who have committed suicide after killing their wife are excused in media 'two-victim' reports.

The Scotlands

In contrast to the Sainsbury case, in which the characterisation followed the plot in making ambiguous the question of blame and guilt, the Scotland case characterisation instead makes this question rather clearer, as it is mainly in the naming that condemnation from the newspaper was conveyed. It also shows a little development in the way the descriptions were used by the *Express* from the defendants, the mother and daughter who carried out the murder. In the first trial report (*Daily Express*, March 19th, p.19, 1992), Mrs Scotland was quoted as describing herself to police as a 'zombie' as a result of her husband's treatment of her. In the third court report, (*Daily Express*, March 24th, p.7, 1992) the newspaper called Mrs Scotland a '"zombie" mother' in a subheading, with the quote marks but without any indication of where the quote came from, and followed this by agreeing with her assessment entirely in the second paragraph in which it reported that she had killed her husband 'after 22 years of married hell, which reduced her to a servile zombie'. So the description of Mrs Scotland as a zombie (with therefore diminished responsibility, her plea in court) moved from attributed quote, to unattributed quote, to 'fact' spoken by the newspaper

itself. However there was clearly some sympathy for the women from the outset, with Mrs Scotland being described variously as a 'bullied' and 'tormented' wife (*Daily Express*, March 19th, p.19, 1992), and Caroline described as a 'victim' in the article about the court evidence that her father had sexually abused her (*Daily Express*, March 20th, p.17, 1992). The transitivity of blame appears to have been put into action again, as in the Line case, with descriptions of Mr Scotland including a 'bullying husband' in juxtaposition with 'bullied wife' (*Daily Express*, March 19th, p.19, 1992). The device of the 'split personality' was again used as it was in the Line case to explain how Mr Scotland was at work 'friendly and out-going' but 'dictatorial' at home (ibid.). In both cases, the story was used by the defence to explain how a man might behave very differently to his workmates than to his wife behind closed doors. It creates the men as different from others due to a sickness; Mr Line's was the alcohol that changed him into a monster, in Mr Scotland's case the phrase 'split personality' was a popularised term supposed to describe psychological and psychiatric diseases such as dissociative identity disorder and schizophrenia (although these are not the same in medical terms).

The photographs of the protagonists support the plot's finding of a focus on the women rather than the man, as well as the significance of the shock-horror news value embedded within the aesthetics of realism (Biressi and Nunn 2003). Mr Scotland was pictured once, in the final report, Mrs Scotland was shown twice and the daughter was pictured three times, which would certainly today be considered under the PCC Code of Practice as adding further pain to her ordeal of defending her mother from the charge of murdering her father who had sexually abused her (*Figs 11, 12 14, 16*). Her face is clearly identifiable in all three pictures, and two are three-quarter length shots also revealing her figure. There is another photograph (*Fig 15*), captioned 'Burial ground: Police examine Mrs Scotland's back garden' (*Daily Express*, March 19th, p.19, 1992). The faintly absurd yet nonetheless sinister intrusion of the space-age forensic tent and crouching, serious figures wedged in between a shed and a washing line creates a strong visual impression of the disruption of the domestic by the crime and its consequences.

CAROLINE: Helped bury her father

CAROLINE: 'Victim'

Fig 12: Caroline Scotland
(*Daily Express*, March 20th, p.17, 1992)

Fig 11: Caroline Scotland
(*Daily Express*, March 19th, p.19, 1992)

FACE OF EVIL: Mr Scotland

Fig 13: Thomas Scotland (*Daily Express*, March 24th, p.7, 1992)

FINALLY FREE: Caroline followed by her mother, June, yesterday

Fig 14: Caroline and June Scotland (*Daily Express*, March 24th, p.7, 1992)

***Fig 15*: Garden (*Daily Express* March 19th, p.19, 1992)**

***Fig 16*: June Scotland (*Daily Express*, March 19th, p.19, 1992)**

Scene:

The Lines, Sainsburys and Scotlands

The scenery of all three cases is common to all and stresses the major point that these supposed court reports are in fact far more about the murder than the trial itself. In the Line case, the scene is set in their 'tower block home' (*Daily Express*, Feb. 4th, p.18, 1992) in White City, London, where the murder took place, whilst the location of the courtroom was not even mentioned. Similarly, the Sainsbury case described far more of the murder, corpse disposal and the husband's sexual abuse of his wife at home than it did of any court action, although in this case there would have been little court argument because her manslaughter plea was accepted by the prosecution (Kennedy 1992). The Scotland case too is about the abuse that the husband visited upon his wife and daughter, the act of murder, the disposal of the body and its subsequent discovery 'in a shallow grave in his back garden' (*Daily Express*, April 2nd, p.2, 1991). The 'grim secret of her garden' (*Daily Express*, March 19th, p.19, 1992) was mentioned in every article and was deemed newsworthy of a photograph, which made powerfully visual the shattering of the domestic ideal that had taken place at their home. All the murders were carried out at home, which is unsurprising given Smart's (1976) finding that this is usual for murder by women. However, the focus upon it by the newspaper was likely prompted by the shift in source status from the courts to the police, which devalued court action and elevated the earlier stages of crime. Yet the textual effect of it requires recourse to the explanatory narratives of Brunsdon (*et al* 2001), Biressi and Nunn (2003), Jermyn (2003, 2004), and Mawby (2003) who describe contemporary crime entertainment as aiming to produce an emotional charge by threatening the TV viewer with the imagined loss of their own personal safety and that of their families, by showing the domestic destroyed and horror in the midst of mundanity. This contrast between that which is supposed to be most safe and that which is most dangerous produces a melodramatic tenor to the articles that belies its realist-effect surface language.

Conclusion

The 1990s cases come at the end of twenty years of tabloidisation (Franklin 1997, Sparks and Tulloch 2000, Conboy 2004, 2006) of the British press, which expressed

itself very obviously in the *Daily Express* through layout - the reduction in newspaper size, much greater use of pictures, far larger size of headlines and far smaller length of articles. This is the denotative use of the term 'tabloidisation'. Yet this chapter finds that there have also been substantive changes to the newspaper's style and attitude to news that amount to a reduction in the informative purpose of news production in favour of an increase in the emotive one, which is more closely linked to the pursuit of commerce. By the 1990s, the newspaper requires practically no knowledge on the part of its readers about the cases it reports, whilst this was a regular assumption in past cases. This is partly because there are now few developing cases, but even cases about which there are more than one article a lack of knowledge seems to be the presupposition. This is clearly evident in the Scotland case, for example, in which large parts of each later article was taken up with simply repeating information that had been reported earlier. There is furthermore none of the peripheral information that was available in earlier cases about the criminal justice system. In the court reports, the machinery of law was no longer evident; the cases were shorn of explanations about the defence and prosecution arguments or the stages of trial (such as committal etc), even where there is unusual activity such as in the Sainsbury case when the prosecution did not contest her manslaughter plea – this was not explained. This lack of information and presupposition of a lack of case knowledge on the part of the reader suggests that the casual reader was considered important, and catered for by this widening of access.

The newspaper's appeal to the emotions of their readers was as obvious as its layout changes, although it was not a 'red-top' tabloid – like the *Daily Mail*, its fellow mid-market paper, it eschewed 'carnivalesque' punning and was rather 'less raucous' than the most popular papers of the 1990s (Conboy 2006, pp.19-20). Yet the news values it displayed, its focus on using the entertainment rhetoric of TV 'crime-scarers' (Mawby 2003 p.227) and the intimate details of sexual violence indicate the tabloid development of its own history. It detailed the sexual humiliation that Pamela Sainsbury suffered and described the sexual abuse that Caroline Scotland endured at the hands of her father, despite the self-regulatory Press Complaints Commission Code that had already identified incest as a highly sensitive topic. Holland's (1998) sexualisation argument suggests that the arrival of the *Sun*'s semi-naked pictures in

the 1970s had introduced sex as a popular news value to the press market, and whilst the middle-market *Express* would not print such photographs it has clearly travelled a considerable distance in its own terms along a sexualised route. In comparison the 1955 case study's crime context, in which divorce was considered scandalous, is somewhat pale. The brief, well-buried note in the 1934 paper concerning the fourth Baronet jailed for 'an offence against a school boy' (*Daily Express* August 4th p.7, 1934) would in the 1990s undoubtedly attract front page headlines, just as the 'peer and the £12,000 a night vice girls' (ibid, Dec. 16th, pp.1, 3, 1991) did.

The newspaper also lingered over the body in the garden in the Scotland case and the dismemberment of Mr Sainsbury. All the articles were centred around the plot or core narrative, and all the cases show examples of hyperbole in headlines at the expense of accuracy, such as when the women were said to have 'walked free' from court when they had in fact been convicted of manslaughter. It used hyperbolic descriptions such as 'evil' (*Daily Express*, March 24th, p.7, 1992), 'chopped up' (ibid, Dec. 14th, p.4, 1991) and 'torture' (ibid, Feb. 4th, p.18, 1992). These seem to work hard to make an emotional impact on the reader, to evoke the thrill of criminal endangerment (Biressi and Nunn 2003). Within this trope, the paper uses details that locate the murders at home, such as that June Scotland put poison made from ground-up travel sickness tablets into the dinner, which was stir-fry, and Pamela Sainsbury's hiding place for her husband's decapitated head was in the meter cupboard. This serves to increase efforts to reach the reader's emotions by evoking the image of the domestic sphere, a supposedly safe place, shattered and sullied by death, poison and dismemberment. It thus mimics the trope of TV crime entertainment that makes its images as realistic as possible in order that the viewer identify with it and experience a visceral reaction to it (Brunsdon et al 2001, Jermyn 2003, 2004, Leishman and Mason 2003, Mawby 2003, Jewkes 2004). The text is created using themes and tropes identified by Reiner (*et al* 2003) as more frightening than before. Where there is no celebrity, the selection of stories such as the 'crucified' thief (*Daily Express*, March 18th, p.7 1992) headlined and foregrounded hyper-violence and the 'terror' of victims (*Daily Express*, April 3rd, p.17, 1991). The newspaper also took part in 'moral panics' (Cohen 2002) around joyriding and is clearly sensitised to the issue of battered wives who kill in the early 1990s. The study suggests an increase in these stories, although it is not a complete

audit, and the newspaper appears to police moral boundaries when it argued that Sara Thornton, who was unpopular in the prison service, might be getting away with murder.

However, its moral boundaries appear to have been substantially impacted by the campaigns on behalf of three of the women, which may have also produced a mitigating effect for the other three – certainly none was as excoriated as Thornton later on. Sources account for a considerable amount of the change in the reporting of battered women who kill stories in two ways – the shift since the 1970s away from court sources towards police sources; and the deliberate efforts of feminist law reformers to access the news agenda. Crime reporting had substantially changed as a job from one of transcribing statements made in court to one of consultation with police public relations officers and taking notes at press conferences (Glover 1998, Davies 1999, Mawby 2002). This can be seen in the crime context of the case studies through the considerable increase in stories deriving from police sources, especially arrests, far more quoting of the police, and also many more stories where the culprit is not found and the story is that a crime has happened. Court sources also seem to have declined in status in relation to police stories, as they appear rather less often on front pages and in smaller articles, whereas the police worked hard to keep stories such as the Stephanie Slater kidnapping on the front pages in order to help with their inquiries. Police stories more obviously support long-standing news values such as 'immediacy' – a crime can be reported as soon as it happens, rather than after the lengthy wait for the courts. Furthermore, within the text of the court reports, the murder rather than the trial was by the 1990s the focus, which demonstrated the news values of violence and immediacy. There were no long transcripts of court statements nor depictions of court procedure as could be found in earlier studies, indicating these were no longer newsworthy – the story is no longer a report of the court, but of the crime.

Sources from the campaigning groups had clearly also affected the reporting of several of the cases, and had perhaps indirectly (and temporarily) created a new space in which cases such as Sainsbury and Scotland were treated rather sympathetically. Their impact on the campaigned-for cases - Ahluwalia, Humphreys and Thornton – is

evident; quotes from campaigners and the women supporting reform were used, the articles (for the two former women) framed within the understanding that their campaigns had been successful and that this was a good thing for them and for other women in their situation. The feminist coinage, 'battered women' is used by the paper in articles for campaigned-for cases, uncampaigned-for cases, even in TV reviews. It has clearly entered into popular discourse. The feminists seemed to have some power to shape the agenda in the early 1990s, and this was probably partly due to their own efforts and partly due to disarray and source competition amongst the newspaper's primary definers, the Conservative party. The newspaper overtly supported whatever announcements the government made on the subject of reform of laws around marital rape, such as 'Rape law guards wives' (*Daily Express*, Feb. 12th, p.7 1990). Yet this was clearly support for the Tories not for reform, because the Labour attempt to reform the law after the Scottish ruling was smaller than the news-in-brief items on the same page, at the very bottom and on the outside corner of page 2 – a distinctly backgrounded piece. Yet whilst the Home Secretary, John Patten, announced support for the Law Commission (1990), there was opposition from Tory MP Tony Marlow (*Daily Express*, Feb. 26th, p.32, 1990), and whilst debate continued amongst the Conservative party, it left the newspaper without a strong lead on how to report it. It would appear that to some extent, the feminist campaigning groups were able to step into the breach on this matter. However, the newspaper did still have its traditional conservative attitudes, and feminists were most able to access its agenda when the cases they championed could be treated in a traditional manner.

The newspaper's representations of these women and its opinions on the morality of their situations were often conveyed using transitivity of blame between the man and the woman. It was broadly constructed in three different ways – in support of the woman to the detriment of the man, vice-versa and finally, in support of neither. Furthermore, the political morality of the verdicts in each case was also constructed substantially through transitivity of blame, conveying the newspaper's comment and opinion on the developing judicial reform. Yet the feminist's argument offered two ways in which judgements could be made to ameliorate the women's condition, in 'battered women's syndrome' and 'cumulative provocation'. These are qualitatively different, the former working with the same framework as the chivalry of old, by positing that these poor women were so overcome with emotion (like hysteria, a

woman's curse) that they were not in effect responsible for murder, merely of manslaughter by reason of diminished responsibility. The latter was, however, an argument that allowed the woman some agency and equality with men – it is a parallel to the men's provocation by which an ordinarily sane and sensible man might lose his mind for only the time taken to commit the crime. The articles that are most sympathetic to the women - the Ahluwalia, Humphreys and Line cases - are framed within the former, chivalric understanding of the transitivity of blame. All three women pleaded cumulative provocation (although Ahluwalia also pleaded diminished responsibility, according to Kennedy [1992]). Yet the articles tend to confuse these defences (Line's did not report her plea at all), and all create sympathy for the women by showing them to have been victims. For example, the Scotland case became more sympathetic the more details were revealed about the father's sexual abuse of his daughter. The earliest reporting of this case had been distinctly neutral, as if the paper had not made up its mind which way to lean, which was also their position with the Pamela Sainsbury case. That article gives the impression that the sex was considered rather more important than moral comment. The newspaper directly addressed cumulative provocation in the reporting of just two cases – the Humphreys and Thornton cases. In the Humphreys article the information was in a separate box from the main article, which constructed her as a vulnerable victim, with traditionally 'feminine' characteristics such as thinness, paleness and lack of assertiveness. The Thornton case shows a progression over time, which may suggest some backlash against the feminist campaigns by 1996, but is also strongly tied to this one individual person, who clashed with prison authorities and whose first appeal failed. The earliest feature on her case was strongly in her favour and provided a coherent explanation of the problem, as feminists saw it, with the legal defence of provocation. Yet by the end it was clearly against her by framing her as 'privileged' rather than a victim, and by arguing that Malcolm had not been so bad a husband as she painted him (*Daily Express*, May 31st, p.6/7, 1996). Significantly, where Line, Sainsbury and Scotland were described imprecisely as walking 'free' when they had been convicted of manslaughter, when the same thing happened to Sara Thornton the newspaper headlined 'Convicted again but Sara goes free' (ibid.), demonstrating its control over how facts were presented to give its power of representation.

Conclusion

This thesis has demonstrated that the representation of battered women who kill in the *Daily Express* calls upon specifically gendered narratives, that are created in relation to not just masculinity, but also to the newspaper's view of its own role in the public sphere – its epistemology - which involves its twin purposes of entertainment and information. In its reporting, it (re)produces social ideas about what reactions (blame, shock, fear, sympathy) are appropriate for its readers in response to the crimes, by coding actors and actions according to its own, conservative perspective. Each case that has been discussed provides a character of the female (and male) protagonists, narrates a plot across several key events (e.g., the murder, the arrest, the trials and any reprieve petitions) and locates these narratives at particular places, all of which lend different, even contrasting meanings to the whole.

The following summary will collate the key findings of each case study before the main part of the conclusion discusses them in the light of debates that were laid out in the literature review. The main part will be divided into the three key arguments that emerged from the analysis, that focus on 1) the development of the *Daily Express*'s gender politics, 2) entertainment, feminisation and its reporting of specifically *criminal* women and 3) its epistemology and politics. The first part will review the way in which the newspaper adhered to a Victorian understanding of female virtue throughout the century, unaffected by feminist attempts to redefine women as equal to men. The second part discusses the consistent use across the century of entertainment tropes that narrate the news from a distinctly male perspective, producing moral tales that uphold heteropatriarchal norms. This finding is held as evidence that the feminisation argument, which posits that the press increasingly catered for its female audience, cannot be considered applicable to the *Daily Express*. The third part will discuss the newspaper's changing understanding of the meaning of truth in news and its role in society relating to the promotion of party politics. It will show how it abandoned some important characteristics of objectivity, such as the separation of information and entertainment, and re-evaluated its relationship with both popular audience and elite sources, moving from an identification with the former to an

affinity with the latter. Now, however, as an aide-memoire to the reader, will come a brief introductory summary of all four case studies.

Case Study Summary

The case of Emma 'Kitty' Byron was notable for the newspaper's adoption of the melodrama trope, in which Byron was represented as the archetypal middle-class virgin-victim – vulnerable, pretty and in need of rescuing. Yet what she was represented as requiring rescuing from, by the time of her sentencing, was the criminal justice system rather than her abusive partner, who received courteous treatment for his elevated social status then disappeared from the narrative. The inquest jury had found her not guilty, but she was sent onto further trial nonetheless, and the paper portrayed a wave of public sympathy with many spectators and petitioners, in which the *Daily Express* took the people's part on behalf of Byron. Despite its reverence for aristocratic elites, it was distinctly more 'of the people' than in later case studies, in this and its extensive quotation of ordinary witnesses at the trial. It saw its role as acting as the eyes and ears of the reader and epistemologically aligned itself with them, rather than with the criminal justice system that was allied with social elites, inheriting this trait from earlier Victorian newspapers.

By the Major case in 1934, the criminal justice system - police detectives, lawyers and judges – was 'hero' rather than villain in a 'clue-puzzle' form of game that precluded sympathy for the murderer in the manner of an Agatha Christie novel. At a time of great unemployment and Fascist vs. Communist unrest, the independent conservative Lord Beaverbrook, at the height of his powers, filled his paper with whimsical court reports that appear both a distraction and reassurance of security. After the trial, the paper sentimentalised the Major family's loss whilst damning Ethel Major as a monster, witch and Lucrezia Borgias figure. Her femininity was portrayed as no longer necessitating differentially gendered treatment, in contrast to the 1902 Byron case, so an alternatively conservative paradigm had taken the place of Edwardian chivalry.

Ruth Ellis was characterised as a 'glamour girl', a cheap imitation of a 1950s Hollywood starlet, with a tart's bottle-blonde hair and big dangling earrings, who was the femme fatale to David Blakeley's unlucky upper-middle class victim. Whilst

society had stabilised and was heading for a period of prosperity, the *Daily Express* was about to begin its long circulation fall with the first of its management troubles and a commitment to the Conservative party rather than independent conservative values. This meant it resolutely blocked any mention of the growing anti-hanging movement and exhorted its readership to support the Home Secretary. Yet its features after the verdict accorded pathos to Ellis's situation. This suggests a contradictory attempt to cater to the growing call for mercy, in order to not to fall out of sympathy with its readers, whilst supporting the government line. It split the newspaper's narrative coherence, reducing its realistic-ness, and therefore its persuasiveness and credibility as a truth-claiming entity, so may have contributed to its decline in circulation.

By the 1990s the *Express* was struggling financially and court reporting had been out-sourced to agencies. In comparison to the other case studies it reported many more cases about battered women who kill. These were no longer important stories followed through the trials, but brief reports on the final days of trial. There were no ordinary people as sources any more, only professionals, but for a few high-profile cases, the campaigners and women were quoted. For the first time the newspaper used the feminist term, 'battered woman', coined in the 1970s, but in its direct responses showed clear antagonism to feminist movements such as the suffragettes and the Greenham Common women. Some of murderesses are reported with the inference that the criminal justice system has become too lenient, that these women evade their just desserts (most notably in a backlash against Sara Thornton from 1996). Others receive a sympathetic portrayal according to traditional values, returning to the 1900s morality of the respectable virgin-victim (e.g., the former nun Elizabeth Line). This theatrical melodramatic characterisation resonates with the heavy reliance on the contrast between mundane settings and horrific actions to provide shock value, which in turn coheres within a wider discourse of criminal endangerment, derived from the popular entertainment frame of reality crime TV such as Crimewatch. The discourse is also the most sexualised, exposing the intimate details of sexual violence, including incest.

1) The development of the Daily Express's *gender politics*

The history of feminist criticism of the media, which has been discussed in both the literature review and the methodology, has tended to decry the effects of 'malestream' media on women. Women are still objects of display, signifying sexuality, for example in much of advertising, films or computer gaming, despite some 30 years or more of feminist criticism (Friedan 1971, Baehr and Gray 1996,Gallagher 2003). These versions of femininity co-opt feminist ideals, such as the freedom to work for pay, into 'acceptable fantasies of individual middle-class achievement' (van Zoonen 1994, p.72). The *Daily Express*'s responses to feminism are varied, and study of it is limited here to that which is signified through the crime cases. Political movements such as the suffragettes and the Greenham Common women were generally treated with condescension, hostility, even childish abuse – for example, one cartoon compared the middle-aged and not-conventionally attractive Mrs Drummond, a suffragette leader, with 'Eoanthropos Dawsoni...the face of what scientists describe as 'a missing link' between humanity and the apes' (*Daily Express,* February 25th, p.1, 1913). After a (failed) suffragette attempt to bomb St. Paul's Cathedral, one frontpage headline demanded 'Enforce the Law or Deport Them' (May 8th, p.1, 1913). Seventy years later, the newspaper had apparently resorted to outright defamation in order to discredit the Greenham Common movement. Headlines such as 'Red mole shock at Greenham' (August 20th, p.1 1983) and 'Moscow link with bomb protestors' (May 4th, p.6, 1983) were subsequently investigated by the Press Council and found to have no basis in evidence, but editor Larry Lamb (formerly the launch editor of the *Sun*) refused to apologise (Porter 1984). Both Porter (1984) and Young (1990) connect these stories to propaganda units within British intelligence, dedicated to spreading 'disinformation' about the Soviets.

The 1991 case studies are the most obviously impacted by feminist campaigns around the reform of laws about rape within marriage, the provocation defence and the recognition of Battered Woman's Syndrome (BWS). Whilst the *Express* reporting of the cases of Ahuwalia and Humphries did use feminist sources and accepted at least BWS (less radical than battery as provocation), other cases such as Thornton and (to a lesser extent) Sainsbury were framed as evasions of justice, as if the women were getting away with murder. The problem with BWS is that, as feminists at the time pointed out (Smith 1989), it is discursively consonant with the traditional view of

femininity in which women are incapable of action. Thus even their murders were agentless, carried out by their overwhelming emotions rather than consciously self-directed. This resonates most closely with the view of women as victims and virgins evident in the 1902 Byron case. This construction allowed the *Daily Express* to respond in a sympathetic manner during a time when there was public sympathy for battered wives and law reform put forward by the Conservative government, but by falling back on old melodramatic styles that denied agency to women and did nothing to progress the representation of women onto a more equal footing with men. This reporting of the virgin-victim stereotype may be seen as a similar mechanism to the 'good-bad girl' silent plays and films, which flirt with the idea of a transgressive woman as heroine, but return to heteropatriarchal standards of femininity by showing her as punished, conforming and forgiven by the end (Landy 1991, Cooper 1993, Aston and Clarke 1996, Neale 2000, Mayer 2006). One of the celebrated Kitty Byron's attractions was that she was the opposite of an assertive New Woman, whilst the nun Elizabeth Line and delicate, blonde Emma Humphreys received the most sympathetic coverage whilst being presented as utter victims in the 1990s. The *Daily Express* used melodramatic tropes to frame these criminal women, despite that their cases were nearly a century apart. It depicted overt support for agent-less women by using the melodramatic trope. It circulated and thus empowered stories in which transgressive women are shown to suffer, repent and reaffirm the heteropatriarchal norm.

However, the 1902 and 1990s responses to gendered context are not the same, unsurprisingly as neither is the context. In 1902 there was no equivalent for the 1990s 'getting away with it' narrative, the newspaper's reproof to some of the battered women who killed. This narrative posits that leniency on the part of the criminal justice system towards battered women who kill has gone too far. This is only a possible response after many years of feminist action and female visibility in all manner of enterprise and profession, so would not make sense in 1902. It may also be in response to feminist involvement in the process of legal reform, but the newspaper is not consistent in censuring women who are supported by feminist campaigners. For example, Justice For Women (JFW) supported both Emma Humphreys and Sara Thornton, yet whilst Thornton was strongly criticised, Humphreys was represented as a classic victim and received favourable coverage. Yet her appeal had been based on

the most radically feminist argument of long-term provocation, not the Battered Women's Syndrome defence. Clearly the newspaper's decision over whether to represent these criminal women positively or negatively was not only in response to feminist campaigns. Other factors that seem important include the individual's looks and story. For example, Sara Thornton was not 'tiny' like both the *Daily Express* and her biographers described Humphreys[45] (July 8th, pp.1, 13 1995, Bindel and Wistrich 2003, p.161). Furthermore, the newspaper's decisions need to be contextualised within its entertainment tropes. The peculiar time location of the 1990s court reports, which are concerned with describing the murders as much as the trial, foreground thoughts of the dead victim and coheres with the wider discourse of criminal endangerment, the threat to the home (Biressi and Nunn 2003, Jermyn 2003, 2004). It appears that the 1990s *Daily Express* used positive representations to shore up traditional conceptions of agent-less femininity and negative ones to attack law reform, casting the battered woman who kills as a proxy-feminist, and agent of family destruction. This throws new light on its overt support in its political columns for the Conservative government's reforms, showing this support to be the result of the paper's advocacy for the Conservative party rather than its support for reform on the issue.

The idea that the *Daily Express* reached for characterisations that reaffirmed traditional gender values is also shown in the way they represented the women they attacked, as well as those they supported. The domestic abuse suffered by both women in the Major case of 1934 and the Ellis case of 1955 was backgrounded by the newspaper, tucked away in transcripts and unlinked to the murder. The evidence that the Majors' 'home life was unhappy' (Walter Holmes, solicitor's clerk, quoted in the *Daily Express* Nov. 1st, p.3, 1934) was put forward by the prosecution as a clue pointing to her guilt, and represented as such by the newspaper. The narrative framing, related to the 'clue-puzzle' novel entertainment form that it borrowed, was judgemental, narrowly focussed on the question of whether she carried out the murder or not. The trust placed in the patriarchially constructed criminal justice system throughout the newspaper could also be seen as inferring suspicion upon Mrs Major. The domestic abuse suffered by Ruth Ellis, resulting in a miscarriage, was revealed at

[45] Humphreys suffered from anorexia for much of her adult life (Bindel and Wistrich 2003), whilst photographs of Thornton show her as an average-sized woman (*Daily Express*, May 31st, p.6/7, 1996).

trial but both in court and in the newspaper it was not considered significant and was not used to explain her behaviour. The *Express* drew on gun-moll imagery borrowed from American film noir to paint Ellis as a femme fatale, assigning her a dangerous and guilty characterisation at the very beginning of her trial. Using a representation of her as sexually non-traditional (two children by two different fathers, two men in her life at the time of the murder) enabled the *Daily Express* to infer her guilt. It is notable that after the conviction, one of the ways the paper sought to demonstrate some sympathy for her was by re-representing her sexuality as more traditional, giving her the title of mother as if it were a feminine honorific. Mrs Major was also depicted as a perversion of specifically female nature, not merely human; she was the 'witch-monster' of myth.

Thus the gender politics found in the characterisations of the women support the findings of research into the present-day press, as discussed in the literature review (Soothill and Walby 1991, Naylor 1995 and 2001, Clark 1998, Berrington and Honkatukia 2002, Greer 2003,Boyle 2005). They find contemporary reproductions of traditional views on femininity in many different ways, such as the use of the sexually active female as a sign of wrongfulness (guilt, immorality) and warnings issued to 'respectable' women (those defined as sexually unavailable by their relationship to a man, such as wives and daughters) after well-publicised rapes. This thesis finds that same espousal of traditional femininity in the *Daily Express*, in depictions of links between conformity to these values and innocence, and conversely, departure from them signifying guilt across nearly a century of reporting. It also supports Holland's (1998) theory of a 'sexualisation' of news discourse, but finds that this had earlier roots than the *Sun*'s introduction of 'Page 3' in the 1970s. Sexual deviancy was a part of the 1950s crime discourse, enabling covert references to sex under a prurient cloak of shocked respectability and impacting on the representation of the specific women analysed here. For example, divorce trials were a frequent subject in domestic court reporting, highlighting sensational cases of sexual deceit, especially where the judge gave headline-making quotes such as 'Wife "a flirt" – other man "a cad"' (*Daily Express* July 9th, p.5 1955). The paper's disapprobation of Ruth Ellis was indicated through its reporting of her irregular sexual behaviour, and the sexual element of her representation such as the seductively-posed photograph reminiscent of a Diana Dors pin-up. In the 1934 case, the 'love letters' between Mr Major and Mrs

Kettleborough were particularly foregrounded, and printed in entirety. It is fair to note that, in the clue-puzzle format, they were a significant 'clue' to possible motive, but the grammar of the splash stories, in which the journalist takes greater control over the emphasis, suggests a particular interest in this evidence of illicit liaison. The use of sex in crime news has been important, therefore, in constructing blame and as a discursive link to entertainment. Walkowitz (1992b, p.197) shows this link in analyses of the reporting of the Ripper murders (1888), which draw on Gothic stories of the '"man-monster" motivated by "bloody-thirsty lust"'. So perhaps even the melodramatic narrative of the 1902 case could be seen as lending the story 'sex appeal'. Holland (1998) argues that the smile of the semi-naked Page 3 girl invites women to read the *Sun* as well as the directly addressed male audience. Similarly the 1902 melodramatic heroine might be seen engendering support and recognition from a female audience (Mayer 2006), in addition to its main role of providing a spectacle of vulnerable desirable femininity as the object of male chivalry. However, the use of sex in crime reporting in the 1990s cases is far more overt, such as the Sainsbury case that is eroticised with pornographic details of the sado-masochistic ways in which the husband mistreated his wife, and the use of sex as a news value more broadly in the wider crime news context.

The thesis also adds a historical dimension to Clark's (1998) notion of transitivity of blame in modern reporting of crimes of sexual violence. It shows that only monsters attack virgins, whilst men who attack vamps are not portrayed as guilty – the blame attaches to the woman. That mechanism is shown here, for example, in the Line, Thornton, Sainsbury cases (1990s) and the Ellis case of 1955. However, the 1934 cases is a little more complex, in that the main masculine-feminine relationship was portrayed as existing between the battered woman and the criminal justice system, rather than the victim, who barely featured at all. It was the detectives, lawyers and judge who were framed as Mrs Major's opposite characters, and the praise heaped upon them by the newspaper placed her on the 'bad' side of the good/bad binary. Later, in the 1955 case and especially the 1990s cases, that the victim was a significant character. This would broadly cohere with the rise of 'victim culture' and the conservative use of the fear of victimhood to promote crime control measures from the 1970s (Reiner and Livingstone 1997, Rapping 2003, Reiner, Livingstone and Allen 2003), although again the 1955 study may indicate there are deeper roots, as is

the case with sexualisation. Thus the thesis finds in reporting about women who killed men, transitivity of blame was not always based on the relationship between the murderer and victim, as Clark found with men who killed women. Yet most importantly, the measure of blame still holds throughout the century. Just as in Clark's (1998) findings on murders of women by men, the key to blame-assignation is dependent on the woman's behaviour and looks. She is judged against a Victorian measure of virtue, decided on her display of heterosexual conformity in both her relationships and her desirability to men. Even though all of the women in the case studies have carried out the act of killing, a forgiven woman is represented agentless, helpless and heteropatriarchally conventional. Thus, in the *Daily Express*, throughout the century, forgiveness and gender conventionality are presented as coterminous; a 'feminine' woman is not a murderess, and a murderess is not feminine.

2) Entertainment, feminisation and reporting about female criminality

Entertainment has been a significant aspect in each of the chapters of this thesis, and performed similarly in each case. The newspaper drew on contemporary popular entertainment forms for themes to shape its narratives and characters in all the case studies. It reached for fictions that depicted criminals, using the 'good-bad girl' sub-genre of melodramatic theatre and silent film (1902), the 'clue-puzzle' murder novel (1934), film noir (1955) and 'reality-crime' TV (1990s). All the cases thus took place within a period during which it was thought necessary to include entertainment in news, in order to attract an audience, which is expected as the *Daily Express* was founded after the decline of the radical papers and the advent of New Journalism. The different styles of entertainment that the newspaper employed relate not only to what forms were most popular at the time, but also to the perceived needs of the producers' imagined audience. As critical discourse analysts point out, the language and topii of newspapers are a projection of their target audience, the readers to whom they imagine they are speaking (Bell 1991, Fairclough 2001, Conboy 2006). The 'good-bad girl' narrative found in the Byron case of 1902 enabled the *Express* to reach out to an imagined aspiring lower-middle class readership in which young women were newly considered significant as consumers. By 1934, the 'clue-puzzle' novel format was employed, offering a discourse about the maintenance of security and social order, at a time when Britain was suffering economic depression and social disorder as well as increasing threats from abroad. It enabled the *Daily Express* to offer their

readers the distraction of playing the 'did she do it?' game. By the time of the 1955 case, readers' needs had changed again. The country was beginning to look forward to a new era of prosperity after war and austerity. Newsprint rationing was ending, and in two years time the Conservative Prime Minister, Harold Macmillan, would declare that Britons had 'never had it so good'. America, the dominant partner (at least materially) in the wartime Alliance, was now a source for crime news for the *Express* and its culture, especially its films, were increasingly popular in the UK. The femme fatale of film noir and the gun moll of gangster movies provided themes for the characterisation of Ruth Ellis, who even seemed to play the part with her dyed hair, monosyllabic answers and unresponsive demeanour in court. In the last case study on the 1990s, television dominated popular entertainment and the reality-crime show, exemplified by the BBC's *Crimewatch*, was the model for the *Daily Express* reporting. It enabled the creation of the shock of the immediate, and emotional impact in portrayals of threat to the mundane domestic environment, demonstrating the newspaper's need to seek fresh audiences as well as entertaining jaded regulars in a declining market. Its narratives conform to Reiner and Livingston's (1997, 2003) idea of the 'post-critical' era, which they describe as both following a traditional conservative consensus and equally the complete absence of these values, in which not even the sacred space of the family is safe.

Whilst these news entertainment frames may seem quite different, there is an underlying theme of melodrama. It is responsible for some of the news values of modern reporting, shaping it as a character-led form, using stock characters (stereotypes), with a Manichean perspective that both demands strong emotional responses by framing every story as life or death, and simplifies stories making them accessible. Press historians (Berridge 1978, Humphreys 1990, Conboy 2002,) date the development of melodrama within news to the nineteenth century, as part of the move towards commercialisation and large-scale industrialisation of the press. Melodrama was originally a sensational theatrical form of the early nineteenth century that eventually lent its sense and meanings to TV soap operas and 'weepie' films of the mid-late twentieth, which were particularly associated with women and femininity (Elsaesser 1987, Gledhill 1987, Landy 1991, Brooks 1995, Gripsrud 1995,). In journalism, the co-option of melodrama was declared by some press critics to mean the debasement of objectivity and hard news through the introduction of 'feminine'

styles of subject and writing, in order to attract women buyers, perhaps exacerbated by the increase in women journalists. It was levelled at the press in both the late nineteenth and late twentieth centuries (Tulloch 2000), for example by former *Washington Post* editors (Downie and Kaiser 2002) and cultural critic Matthew Arnold (1887, quoted in Carter and Thompson 1997). Media scholars with an interest in discourse such as Allen (1998) and Gledhill (1987) deny the veracity of the binary oppositions upon which the feminisation argument rests, of realist/melodramatic, rationality/emotionality, objective/subjective, all overlaid across gender - masculine/feminine. They are not descriptions of natural phenomena, but culturally constructed to describe socio-cultural norms about appropriate masculine and feminine behaviours and demeanours. Yet the 'feminisation' critique lives on, particularly in industry voices in the obloquy aimed at the media over tabloidisation.

The evidence offered by this thesis (although derived only from the *Daily Express* crime reporting), concurs with those who suggest the feminisation critique is problematic. Every case study incorporated elements of contemporary entertainment forms, which consistent journalistic behaviour might be seen as motivated by the constant need to amuse the reader, rather than a particular desire to attract a female audience or use female journalists, which ebbed and flowed. Moreover, the subject positioning of the murderesses in relation to the audience suggests that throughout the twentieth century, the newspaper was employing a 'male gaze' (Canning 1994, Allen 1998, Mulvey 1999, Scott and Keates 2001,). Reporting about sex, that potent symbol of both entertainment and morality, was mainly concerned with the sexual behaviour of the woman, rather than the man. The 1902 Byron case reporting wrote the woman as a figure in need of chivalrous rescue. First it portrayed her as a lady deserving of such rescue, then picked up from where her lawyer had failed in his attempt at playing the knight. His desire to save her – 'with the feelings not only of an advocate, but a man' (*Daily Express* Dec. 18th, p.5 1902) was transmuted into the newspaper's campaign against her execution, offering readers a chance to ride the white horse to her rescue. This invitation to a chivalrous reader response suggests that they may be imagined male, or assumed to accept a masculine subject position, despite the new commercial realisation of the importance of women as consumers. The filmic representation of Ruth Ellis in the 1955 case also held significations of the 'male gaze' by which much cinema has been produced (Mulvey 1999). Her pictures,

for example, so reminiscent of cinema billboard advertisements, posed the crime starlet, dripping with diamonds, with naked shoulders and a come-hither incline of her head. This was a view from the male perspective; with none of the smiling, 'girl-next-door' appeal that Holland (1998) argues is supposed to include a female as well as male audience. With the re-appearance of the figure of the victim-virgin in the 1990s, the newspaper demonstrated its approval of 'deserving' woman (measured along the scale of traditional femininity, as discussed above). Furthermore, it now catered to a 'backlash' (Faludi 1991) against feminism by positing some of the women - specifically the sexually active ones – as 'undeserving' and thus when treated by courts similarly to the other cases, symbolic of the damage feminism did to criminal justice, from a conservatively gendered point of view. The Major case of 1934 focused considerable attention on the criminal justice system, personified through the trust-worthy and patriarchal figures of the judges, detectives and lawyers. Justice was portrayed as under the command of these strong fathers who could put right criminal disorder. It is also notable that the newspaper was only able to construct masculinity as bad in the 1902 case, and that was not a property of masculinity but of class, in the stereotype of the moustache-twirling, top hat-sporting upper-class villain. Whilst some of the men in the 1990s cases received negative coverage (such as Mr Line, the former nun's husband), they were 'othered': portrayed as monsters (*Daily Express*, Feb. 4th, p.18, 1992). A feminist argument posits that this deflects blame from the patriarchal structure of society that is the real cause of violence against women (Kitzinger 2004). Thus in each case, entertainment was constructed from a masculine point of view, seeming to support heteropatriarchal moral tales.

This evidence would appear to contradict any contention that the use of entertainment in crime news can be called feminisation. There was apparently little change in the employment of entertainment tropes in the *Daily Express* across the century – in each case a contemporarily popular form was imitated, and in no case was any predominantly of and by women, for all that they may have been about and aimed at women – by men. The re-occurrence of fears of a decline in journalism upon the re-emergence of melodrama (tabloidisation) in the 1990s cases suggests that concerns are strongest when the entertainment form is closely associated with femininity. Forms that laud patriarchy (the Major case 1934) and objectify women (the Ruth Ellis

case 1955) did not generate such anxieties. However, this section should not be understood as disagreeing with claims that the 'quality' of journalism has declined over the century. It argues instead that women consumers or women journalists were not the cause of any deterioration, but became scapegoated due to cultural connections between femininity and the trivial, sex and entertainment. Feminisation is the erroneous argument that journalism is diminished by a relationship with an imagined femininity that was not the creation of women themselves, if theirs at all. There are, however, many measures of 'quality' in journalism, about which this thesis has no evidential basis to discuss. These include, for example, influential production-based and politico-economic analyses of cross-media ownership and the concentration of media power into fewer hands, which are a key part of academic tabloidisation critiques (Glasgow University Media Group 1976, 1980, 1982, Franklin 1997). If another measure is the extent of separation of entertainment from information, seen in the distinction between tabloids and broadsheets, hard and soft news, then the relationship in the 1990s cases has been shown as far closer than in earlier cases. There is a drastic decrease in the amount of information, the location of the reporting is fictionalised as if the journalist were at the murder rather than at the trial, the grammar of melodramatic contrast is embedded within sentences, stereotyping is no longer off-set by sheaves of transcription. They all converge into an agglomeration of infotainment. Instead of an increasing regard to a female audience, the thesis finds a constant use of entertainment from a male perspective in crime stories, and the recurrent construction of moral tales that uphold heteropatriarchal norms. These findings relate to changing newspaper politics, in terms of both the party political but also wider issues of power, such as the newspaper's imagined relationship with its audience and its perceptions of the nature and production of knowledge. The next section will consider this further as a historical process across the century.

3) Daily Express *epistemology and politics*

The developing usage of entertainment through the century is one way in which this thesis supports the argument that the press (specifically in this case, the *Daily Express*) shifted their understanding of what constituted journalism across the century. The other side of this issue is their shifting understanding of the meaning of truth telling to their audience, how they made and guaranteed their truth-claims in print. This thesis begins in the early light of a new era in press thinking about truth as a

saleable commodity, a move away from the partisanship of the eighteenth and mid nineteenth century (Curran and Seaton 1997, 2003, Williams 1998, Conboy 2004, Hampton 2004) and towards the late nineteenth and twentieth century espousal of the objectivity model. The *Daily Express* represented itself, on its inception in April 1901, as free from political influence, an independent voice. Yet it had at the time and would always in future have connections with Conservative and Unionist politics, as auto/biographies of owners and editors, as well as histories of the paper show (Dark 1922, Baxter 1935, Driberg 1956, Williams 1957, Christiansen 1961, Wood 1965, Blackwell 1971, Taylor 1974, Chester and Fenby 1979, Allen 1983, Koss 1984, Edwards 1988, Brookes 1989). However, the extent of the veracity of this claim is not the point here: this section is dedicated to discussion of ways in which the paper's rhetoric can be read as emerging from shifting assumptions about its own epistemologies and the imagined expectations of the audience.

Around the time of the first case study (1902), the major epistemological shift towards objectivity was expressed in the shift from opinion-based to 'fact'-based journalism, including new discursive practices such as shorthand, anonymity (for the source as well as the journalist) and sub-editing (Hall *et al* 1978, Leps 1992, Matheson 2000, Conboy 2004, Hampton 2004). Simply put, the press had previously been considered a forum for ideas, a stage upon which public figures strode, whilst now it was a conduit for information, free from 'bias'. The New Journalists did not have the authority to 're-present' events – descriptions by reporters were simple eyewitness accounts because journalists did not have special status above the general public as truth-tellers. Words spoken by actors in a scene such as a trial were the facts of the scene, epistemologically, the reporters had only to accurately transcribe in order to tell the 'truth' of what happened, so the court reports printed a great deal of verbatim transcript. Source-media relations (Ericson *et al* 1987, 1989, 1991, Chibnall 1977, Manning 2001) can thus be seen as a measure of the epistemological status of the press and the extent to which it laid claim to its own representational capacity and made its own truth-claims. The 1902 case study contained many traces of 'objective' discursive practices – there was a great deal of transcription of court testimony, far more than words authored by a journalist, that are also in the same chronological order as were presented to the court, as time-linking words such as 'then' reveal. The hard and soft news were broadly separated (in different articles), except for the

particularly melodramatic report of the emotionally charged conviction. Even the editorial, clearly inspired by the case, did not explicitly use it as a 'news hook', omitting the name of the case. There was also a great deal of description in the manner of eyewitness accounts - how places and people looked. Importantly, the journalist revealed his own investigations at Byron and Baker's rented flat, quoting the landlady and describing their room, full of empty whiskey bottles. This was done specifically without the use of the personal pronoun; journalists were not yet news. The depersonalised narration of the journalist's activities at the scene reads like the other scenes – as a comprehensive description of the events as they occurred in front of one set of eyes. The absence of the personal pronoun gives the reporting a feeling of omnipercipience, a God's eye view. This era's 'objectivity' means infrequently straying into description of intangibles, such as states of emotion. (In this case they were mainly used for Byron's character, although even then many emotional states were conveyed by their external, observable characteristics, for example paling of the face.) It is this concreteness that gives the sense of the writing as a reflection of reality, as trustworthy as if the readers had been there to see for themselves.

By the 1934 case study, although there were of course considerable similarities, the differences signify developments in journalistic understanding of their meaning and usage of objectivity in relation to the audience's perceived needs. The reporting was more self-assured, and the newspaper as a whole looked a lot less like a miscellany; for example, different types of news (e.g., home, foreign) were no longer mixed up together so it appears more controlled. There was a large increase in features and soft news, with a prominent category of soft crime news that came in different sizes. 'Shorts from the Courts' were one-liners, petty crime and civil cases appeared as items of a couple of column inches, including 'Pop Wright's' regular column on 'Today's Human Story', whilst Mortimer Durand's regular column was far larger, taking up the majority of a page, also on a regular basis. This large body of soft crime news supported the construction of the character of the judge (or registrar, magistrate – no distinction seems to have been drawn) as an avuncular figure, providing strong, serious but kindly leadership. In the case of Mrs Major, there was still a large degree of transcription and direct quotation, but reports did not always follow the chronology of the court action, as they had previously. The journalists and sub-editors exercised greater control over the presentation of the order of events, so that they could

highlight certain of those that they considered especially appealing to the audience, such as the love letters and the witness-box 'duel' over strychnine evidence. In stories that were not 'splashed', the structure was fractured, with none of the chronological linking phrases that had appeared in 1902, indicating an increase in the power of the journalist to re-present events. Significantly, the rhetoric of journalistic presence at a scene had evolved to include the emphatic presence of the personal pronoun, at two emotionally charged moments – the arrest and the execution. The arrest in particular was written in a breathless, 'right-before-my-own-eyes' style that suggests it signalled excitement and entertainment. The execution reporting was rather more sober, probably due to the nature of the occasion, but presence was treated even more cavalierly, as the writing was located at both the governor's office at Holloway and the Court of Appeal. These findings argue that eyewitness presence had become employed by 1934 as a signifier of entertainment rather than a guarantee that the reader sees all that the journalist saw, suggesting a relative decline in the news value of objectivity in favour of entertainment. This arrest was also an important occasion because Scotland Yard had clearly tipped off the newspaper about it – the journalist was waiting for the police to arrive. The newspaper's close relations with the police were evidently well developed by this time, a decade of increasingly professionalisation of crime reporters. The system of expenses-paid Park Lane entertainment for senior Scotland Yard officers that was in place under Percy Hoskins in the 1950s had begun in the 1930s (personal communication with Robert Edwards, 14th Oct. 2000). Further evidence that newspaper had good relations with Scotland Yard is revealed in its having been informed right at the start of the case when the forensic tests revealed cyanide. In a circulation war, in which journalistic presence had already been co-opted for entertainment purposes, access was now a valuable commodity that the newspaper paid for by positive representation of a calm, strong and authoritative force[46]. Presence in this case was also a rhetorical device that located all the anticipation and excitement in the journalist, leaving the police free to be portrayed as dispassionate.

The difference in the use of sources between the 1902 and 1934 cases also indicate a shift in the newspaper's orientation towards the public sphere. In contrast to the focus

[46] For discussion of this access mechanism based on post-World War Two research, see Leishman and Mason 2003, Mawby 2002, 2003, Innes 2005, Burden 1981

on ordinary people, such as transcripts of witnesses and quotes from the court audience and landlady in the 1902 Byron case, the 1934 Major case privileged the authorities, such as quotes from the lawyers and judge, making them the most important sources. Ornebring's (2007) analysis of sex crime journalism, comparing the *Pall Mall Gazette* (1885) and the *News of the World* (2000) shows the earlier paper's use of sources allowed prostitutes and procurers to speak, its voice was of the people. This coheres with the New Journalistic notion that reporters had no more authority than ordinary people to tell the truth. But when journalists began to adopt the power of representation for themselves, vox populi was de-valued. News now meant more than that which any ordinary person could have witnessed, so the idea of appropriate sources has changed. Instead authority figures, such as the judge, lawyers and medical expert were quoted and foregrounded as sources - epistemological authority resided newly in the judicial process. This supports Hall *et al.*'s (1978) classic 'primary definer' thesis, based on contemporary sociological research, that the press allowed the powerful to set the terms of debate. Equally it contributes support for Hampton's (2004) argument that press epistemology shifted during the interwar years towards a concentration of power in the hands of elites and concomitant reduction in the authority of members of the public to define and shape what was taken to be true. His typology is also supported by the finding that the differences between the 1934 and the 1955 cases in this regard are lesser than those between these two cases and the others, as might be expected of reporting from the same epistemological era (Hampton 2004).

This process of a transfer of power from the public to statutory authority continued to develop in 1955. There was still a large amount of court transcript, which included the lawyer's questions to the person in the dock, whereas in 1902 the focus was on the answers given by witnesses. Moreover, some of the transcript was re-shaped by the journalist using integrated citation, in which the journalist spoke the words of the source, aligning them in power relations. These were marked by an absence of linguistic signs of quotation, such as "he said", and were long enough to allow a confusion of authorial voice. The *Daily Express* did show increasing confidence, in comparison to 1934, to narrativise the story of Ruth Ellis, in the film noir-ish comparisons it strikes. She was made a notorious celebrity in its pin-up pictures, and articles such as 'This is Ruth Ellis' and 'This was David Blakely' read as celebrity

biographies of these very real and tragic characters (June 22nd p.1, 1955). There were more features based on the case than in 1934, such as the interview with Raymond Chandler, the author of crime thrillers (July 1st p.1, 1955), but as in the earlier cases, they were still separated from the hard news of events in court.

Post-World War Two reporting does, however, differ from the earlier cases in terms of its far more obvious espousal of party politics. Whilst the *Daily Express* has always supported Conservative-Unionist policies, this did not become evident in its crime reporting until after the war. A significant reason for this is, of course, that prior to the anti-hanging debate there was little difference between the parties that related specifically to the cases studied in this thesis. The 1934 Major case demonstrates an adherence to a more broad-based, independent, small-c conservatism, which reflects the newspaper's (and Lord Beaverbrook's) envisioning of a social role for the press. It sought to reassure the public and suppress conflict by portraying a strong and trustworthy criminal justice system. It is clearly a political, but not specifically a *party* political epistemology[47]. The 1902 Byron case has even less connection to party politics and in terms of more general political perspective might even be considered contradictory[48]. Whilst supporting Chamberlain's protectionist Tariff Reformers in its political columns and showing deference to the King in its discussions of the execution of females, its narrative of Byron as a victim, placed the court in the position of being a cause of her suffering. It imitates the theatre and silent films of the era, in which courts were shown causing suffering to the 'good-bad girls' melodrama – there was even a play, 'The Girl Who Broke Her Mother's Heart' which featured a heroine indicted for murder (Mayer 2006). Furthermore, its independent view on the criminal justice authorities is likely to have been underpinned by an inheritance from the earlier Victorian popular press, which saw itself as a judge of the criminal justice system (Knelman 1998, Walkowitz 1992a). It could be highly critical

[47] The government in 1934 was a National Government, formed to deal with the economic crisis, comprised of predominantly Conservative MPs under the Labour Prime Minister, Ramsay MacDonald.
[48] Although a Liberal newspaper might not be hugely different, because governmental parties were less polarised than later in the twentieth century. For instance, it was progressive Conservative governments that introduced the Fee Grant Act of 1891 and the Education Act of 1902 that made universal elementary education *de facto* free and fully funded by rates. Also the Liberal government of 1905-1914 enacted considerably less strong reforms than were advocated by the fledgling Independent Labour Party (ILP), often merely allowing rather than enforcing improvements in social conditions, and leaving local authorities the choice of whether to pay for them without providing central government funds.

of the courts, drawing on a pool of anti-officialdom sentiment from the previous era, such as the execution broadsides that were popularly sold at public executions (which ceased in 1868). In defiance of a State that could hang a man for petty theft, these celebrated 'drink, devil-may-care heroism and bleak endings at Tyburn' (Gatrell 1994, p.123). The *Daily Express* critique of the court therefore appears a logical perspective for a newspaper seeking to attract a popular audience rather than an elite one. This legacy enabled a narrative in which a critical position could be taken on the legal establishment, despite the newspaper's broader adherence to the status quo, such as patriotism. Although the system of commutation allowed it to turn to another authoritative figure, the King, in seeking mercy for Byron, the terms of the petition reintroduced the defence argument that had been rejected by the judge. Thus both pre-World War Two cases display evidence that their conservatism, at least in crime reporting, was independent of party.

In contrast, the post-Second World War cases demonstrate a concern for party politics that shaped and directed their reporting of the studied cases of battered women that killed. The 1955 case was impacted mainly by the issue of abolition and although the leading campaigning group, the National Council for the Abolition of Hanging, was a non-party organisation, the Conservative government rejected any change in the law at that time. The Conservative Home Secretary, Major Gwillym Lloyd George, was even criticised in Parliament for suppressing a Royal Commission report that recommended an experimental suspension of the punishment, which had been ordered by the previous Labour Government and submitted two years previously. In the ensuing debate, which drew attention to the distasteful role of the cheaper newspapers in sensationalising hangings, the abolitionists had considerable support (Dawtry 1966, Block and Hostettler 1997, Rawlings 1999, Chibnall 2006). Close personal friends of Beaverbrook such as Winston Churchill were firmly against the abolition of hanging, and the paper behaved like the government in its strong reluctance to debate the issue. When Ruth Ellis's death sentence provoked a wave of public sympathy, the *Daily Express* evinced a little sentimentality about her fate, presumably to appease its possibly pro-abolition readers, yet clearly supported the government line that execution is an unpleasant necessity. It exhorted its readers to respect the Home Secretary ('Respect this man' - July 12th p.4, 1955) and dwelt on the difficulty of his decision. Public sympathy for Ellis presented the newspaper with contradictory

purposes - to show mercy yet still support execution – which resulted in this clumsy political harangue as well as an awkward post-conviction shift from the representation of Ellis as a woman of dubious virtue to a mother - a distinctly respectable label, especially at that time.

By 1991/2, *Daily Express* epistemology, as shown in its crime reporting, was strongly influenced by both its support for the Conservative party and by the need to attract readers through entertainment. In these years in which it was least popular of all the case studies, the newspaper exhibited sex and violence as news values, for example, lingering over details of the sadistic sexual torture meted out to Pamela Sainsbury by her husband. It demonstrates the least separation of all the cases between entertainment and information, embedding extreme contrast into its grammar, producing the effect of melodrama even within single sentences. The mundane and the horrific were juxtaposed so closely as to construct a roller coaster of emotion for the reader. In this, it seemed also to follow 'true crime' TV shows in frightening the audience into buying more information about the threat - using an audience's need for news as surveillance to boost circulation. Even its plainest court reports can be described, in comparison with the earlier cases, as entertainment-focussed rather than information-focussed - 'soft' rather than 'hard' news. Moreover, it used stock characters - virgins, vamps and monsters - melodramatic stereotypes in a supposedly realist discourse. Its journalism exercised total control over the time location of every story, writing about the murders far more than about the trial that the reporters had actually witnessed. It hid the direct source of much of its knowledge, for example when Mrs Line 'ran screaming' from her house after the murder (*Daily Express* February 4th p.18, 1992), it is impossible to know whether a lawyer or the newspaper had described her thus. It offered no rhetorical proof of veracity, suggesting a self-assured epistemology that expected to be believed; yet this was a time when public surveys showed a lack of trust in the press. Those sources that were quoted were the authorities (lawyers and judges), and ordinary voices were excluded to the extent that only PR campaigns such as those for Sarah Thornton, Kiranjit Ahluwalia and Emma Humphries could access the pages and attempt to frame their own stories[49]. This clear difference between 1991/2 and the previous case in 1955 provides support for changes

[49] For discussion of the relationship of PR to the press see Franklin 1997, Davis 2000, Feist 1999, Motschall and Cao 2002, Boyle 1999.

in epistemology between those years, which many authors (Eide 1997, Franklin 1997, Henderson and Kitzinger 1999, Rooney 2000, Macdonald 2003, Conboy 2004, Örnebring and Jönsson 2004) describe as the characteristics of tabloidisation.

In terms of party politics, however, the 1991/2 cases show similarities to the 1955 Ellis case, as in both its adherence to a party line produced incoherencies and contradictions in the narrative. Law reform around rape within marriage had in the 1980s been a left wing issue, but after the 1989 Scottish ruling and subsequent House of Lords and European Court rulings (1991), the Conservative government moved towards making marital rape illegal, enacting it in 1994. Most of the cases, therefore, were reported in the small window in which the Conservative party line was in favour of reform. However, it subsequently lost interest, and this history and development can be seen in the reporting, especially in Thornton's case (which extended to 1996). Many of the cases during the short period of Conservative reform (Sainsbury, Ahluwalia, Scotland, Thornton) demonstrated one overt and another suppressed meaning. The suppressed judgement was measured against the recent conservative (and Tory) morality that a tough stance on law and order is necessary to prevent crime and ensure that murderers do not get away with their crime. The overt meaning resurrected the melodramatic 'virgin-victim' stereotype, last seen in the 1902 Byron case, in order to excuse the women and conform to the new Conservative morality.

The success of this counter order depended on the newspaper's ability to fit the woman into the stereotype, and so Elizabeth Line, the former nun, received the most unambiguously supportive coverage. In keeping with the melodrama imperative, Emma Humphrey's delicate appearance - 'pale and painfully thin', a 'violence victim' and holding a pink rose on release – also accrued her positive coverage (July 8th, p.13, 1995). Moreover, as the party drifted away from reform of laws on battered women who kill, the newspaper reverted to its hardline stance. It was affirmative about Sara Thornton's appeals when one was granted by the Home Secretary (May 5th, p.10, 1995), but when the government later stalled its reports grew less supportive and it finally reverted to attacking her for getting away with murder (December 5th, p.15 and December 6th, p.16 1995, May 31st p.6/7, 1996). This uncertainty from their key sources would seem to have contributed to the ambiguity in the paper's narratives around battered women who kill. Their conservative and Tory discourse was

fractured when Tories acted other than conservatively. Thus, across the century, *Daily Express* crime reporting moved away from its original understanding of popular news as 'of the people' and towards a perspective in which its job was to convey elite standpoints to mass consumers. Furthermore, it positioned itself more and more alongside those elites, taking for itself greater representational powers and abandoning its need to write transparently. This came in conjunction with an increase in support for one political party, on whose behalf it was contradicting itself by the end of the century. As sources, members of the public declined in status to nothing whilst elites - the criminal justice professionals, politicians and latterly PR campaigners – accrued that power. Comparing the newspaper's prose at the beginning and the end of the century shows a sharp contrast. Where formerly it focussed on showing the audience a concrete and panoramic view of what the journalist saw, it latterly concentrated on telling its readers what it (and its elite sources) considered the most important aspects of each case, which were moreover those it thought most entertaining.

Reading 'battered women who killed' in the Daily Express

This thesis balances on a thin bridge between women's history and media studies with comparatively little literature for close company. It therefore draws on a fairly wide range of research fields to understand the development of press – specifically *Daily Express* - representations of battered women who killed in the past. In the case of women who have been 'hidden from history' (Rowbotham 1973), to reach for non-traditional sources of historical insight is validated by previous work that found new ways of working with pre-feminist sources which had not directly addressed women (e.g., Rowbotham 1974, Lewis 1981, Kelly 1984, Midgley 1992, Berg 1993, Hannam 1993, Hill 1993). As a woman, this author makes no apologies for a research interest in femininity, but the literature indicates that since it is constructed in relationship with masculinity, it cannot be studied in isolation from it. Newspapers are not considered an adequate source in traditional History (the discipline), because it is 'cooked', not raw information, a 'secondary' rather than 'primary' source (Collingwood 1961, Carr 1964, Elton 1967/1987, Marwick 1989, 1995). However for the study of femininity, this thesis, in common with critical discourse studies[50], argues

[50] For discussion of media in relation not just to the discursive production of femininity but other key social divisions such as class and race, see van Dijk 1988a, 1988b, Wodak 1989, 1997, Fairclough 1995, 1992, 2001, Reisegl and Wodak 2001, Richardson 2007

that the newspaper is an excellent source, because it circulates meanings about events such as battered women who kill, which are embedded in wider discourses about 'good' and 'bad' femininity and masculinity, and taken-for-granted assumptions about each of these. The newspaper's claims to 'truthfulness' restrict it, moreover, to the limits of what is contemporaneously journalistic, in other words, to within the boundaries of journalism discourse in the past. The *Daily Express* does not express all that could be said on the subject, it has instead its own version of reality that it constructs each day, changing over time. It is a primary source for conservative middle-market press representations of criminal femininity, whilst remaining only a secondary source for legal changes or social movements such as women's liberation.

Curran's (2002b, p.14) significant review of feminist media history criticises the body of work for viewing the development of media in terms of 'movement towards the liberation of women', and also for excluding the male half of the population from their analyses[51]. DiCenzo's (2004) counter-critique of Curran (2002), argues that it is rather feminist histories of the law and society that have found evidence that women's condition became more liberated, than media histories. This study supports DiCenzo (2004) by demonstrating that the *Daily Express* did not take part in any movement towards the liberation of women (at least in reporting of battered women who kill) that nonetheless occurred to some extent in law and society. Nor does this study exclude the male half of the population, showing instead the history of the representation of developing gender relations between the battered women who kill, their male victims and the criminal justice system. Cynically, in terms of positive media coverage, the best time to be a battered woman who kills would have been in the early 1900s, provided perhaps that you were young, pretty and of high enough class. Emma 'Kitty' Byron was portrayed more sympathetically – receiving compassionate coverage over a far longer period of time - than any of the later cases. Yet in legal terms this was not the case, because Byron was sentenced eventually to fifteen years hard labour, whilst many of the 1990s cases had only suspended sentences and Thornton herself spent only 6 years in jail.

[51] Curran (2002b:44) also argues that feminist media history is 'in the slow lane of research', which is understood here to mean that the field is under-researched, and in this respect I concur, and contribute this thesis towards its augmentation.

This history reports instead that the *Daily Express* discourse has always supported a conservative perspective, and a Victorian view of femininity. In law and society, women's role and status became more equal with men across the century, not least due to feminist efforts by the suffragettes and women's liberation movement. Yet the 'virgin-victim', a traditionalist image of helpless femininity, was used for the characterization of battered women who kill by the *Daily Express* at both the beginning and the end of the twentieth century. That this narrative has survived so long in the supposedly fast-moving world of newspapers is historically significant, demonstrating continuity around a deeply conservative gendered form. It argues for both the inability of contemporary social movements to effect whole-sale changes in culture and equally for the capability of certain attitudes, born out of circumstances far removed from late twentieth century gender politics, to retain social relevance.

This can be seen as a discursive struggle in which the *Daily Express* has never wavered from its traditionalist position, and in so doing it maintains the existence of this standpoint in society. This evidence disagrees with the feminisation argument, demonstrating that the *Daily Express* did not create a newly feminised rhetoric in order to appeal to a female audience. In fact, it exhibited a distinctly male gaze throughout its history, not least in its failure to respond to any of the new constructions of femininity placed in the socio-cultural sphere by feminists. Its moral tales were specifically gendered, for instance where the women were portrayed negatively, they were considered 'doubly deviant' – not merely bad people, but also bad women. Its entertainment frames reinforced its perspective, in which it revisited the theme of woman as sexual spectacle in 1902, 1955 and the 1990s. The increased role of entertainment in the reporting across the century indicates the newspaper's continued re-evaluation of the importance of objectivity and information. It has always reached for a popular entertainment trope to frame its crime news about battered women who kill. However, in each report, markers such as the use of sources, separation of information and entertainment as well as the journalist's exercise of control argue for the steadily growing importance of entertainment in place of information. Alongside this evolving epistemology, independent conservatism was abandoned after the Second World War in favour of Conservative party political support, creating a scenario in which representational power was at the same time siphoned from the masses and ceded to political and judicial elites, with

whom the newspaper increasingly aligned. These findings on epistemology and politics are perhaps unsurprising in the light of powerful tabloidisation critiques, and would seem to add evidence, and a somewhat longer history, to their argument. More unexpected is the survival of hundred year old gender attitudes in defiance of social, political and legal changes, especially considering the commercial setting in which they are framed. It suggests that feminism has not yet won the discursive battle in this corner of the conservative mindset, and must struggle on to secure equality - if only of censure - for battered women who kill.

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