

The Notorious Woman: Tracing the Production of Alleged Female Killers  
through Discourse, Image, and Speculation

by

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## **Abstract**

This dissertation examines the visual and discursive production of female notoriety through the multi-mediated circulation of five images of Amanda Knox and Jodi Arias, who were both convicted of murder; Knox was eventually acquitted. This project employs visual discourse analysis to trace the movement and cultural use of widely shared and debated photographic images by consulting a broad visual corpus of mainstream American media content produced from 2007 to 2016. I argue notoriety is produced out of a necessary general relation of speculation that is (re)produced in processes of mass mediation. I illustrate the visual formation of notoriety by following the cultural use and spread of the selected digital images. Here I claim contemporary notoriety is fueled by repeated calls to speculate and judge images that seemingly resist full understanding while they are also used as evidence of perceived legal and sexual transgressions. This continual play to investigate, interpret, and define ambiguous imagery are key cultural practices that generate notoriety, for these relations compel further judgment and scrutiny. The dissertation draws critical attention to the cultural and visual practices tied to the creation of notoriety in contexts of digital mass media circulation, and questions the types of knowledge and spectatorship that are encouraged as images circulate over time and medium.

Through the visual discourse analysis, I conclude these five images are continually used to define and assess Knox and Arias relative to shifting norms of acceptable white femininity. Treating the images as performative sites, I outline their compositional and thematic patterns within the visual corpus (e.g. within news broadcasts, newsmagazine episodes, made-for-TV true crime dramas and documentaries, and literary exposés) that constitute discourses of sexual deviancy, inappropriateness, obsession, vanity, and image management. Through these discursive lenses, Knox and Arias are positioned as sexually transgressive, desirable, and excessive – yet remain debatable and highly scrutinized women because they seemingly

transgress middle-class white heteronormativity. Taking an intersectional approach, I explore how this constellation of visual discourses works to uphold sexist, classist, and racist logics while also encouraging viewers to see, judge, and consult the familiarly ambiguous images for meaning.

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## **1 Chapter One - Seeing notoriety through image circulation: An introduction to Knox and Arias**

Was it a compassionate kiss or a kiss between conspirators? A loving embrace or a controlling gesture? A playful exhibitionist dalliance or a deadly lure? These are just a few contradictory speculations produced through the widely circulated images of criminalized women, Amanda Knox and Jodi Arias. Over the past decade, both women have garnered mass media attention through their arrests and trials for murder, inspiring a host of filmic and true crime adaptations, weeks of televised cable news coverage, and an endless array of Internet tabloid articles and literary exposés. These mainstream productions facilitated Knox and Arias' mass visibility in the United States and elsewhere, but how did they become recognizable in a digitally mediated system? How did they acquire notoriety? And what were the material foundations and consequences of this notoriety?

I first became aware of Jodi Arias in the spring of 2013, through televised 'gavel-to-gavel' coverage on Headline News network, HLN. I recall reacting to the ongoing trial news and HLN's punditry with shifting degrees of surprise, indignation, and outrage. Travis Alexander's horrific death at the hands of Arias, who was convicted of first-degree murder on May 8, 2013, often intermingled with sexually explicit testimonies that cast her sexuality – and Alexander's – as suspicious. Sexuality was rendered a sensational and examinable site that intermingled with extreme violence. A few moments stand out in my mind's eye in particular: Arias holding up a 'Survivor' T-shirt to the jury and television cameras during the penalty phase of her trial, a view of Arias watching herself on screen from the defendant's desk as her interview with *48 Hours* ("The mind of a killer," 2013) played and was admitted as evidence. Arias as platinum blonde, posing for the camera in amateur-looking portraits, her hand shaking as she nudged her glasses. Recalling such images is a dynamic process marked by one's subjective experience and

interpretation; however, it also speaks to a complex process of visual mediation that warrants further examination.

This dissertation approaches notoriety as a discursive visual product of mass mediation created and sustained by calls to speculate on familiar and ambiguous imagery. Drawing on and augmenting methods and theories of discourse analysis and media circulation, I explore the cultural situating of highly mediated digital photographs of Knox and Arias as their images were mobilized over a nine-year period, from 2007 to 2016. The wide mediation of these images across media and genres facilitated the production of multiple discourses that constructed the accused using specific lenses of thought while also encouraging particular ways of viewing and engaging with the images. However this is just a facet of the story in the production of Knox and Arias' notoriety. Tracing these images' pluralities, I argue these varied discourses worked to comprise shifting notions of familiarity and incomprehensibility that are integral to the very constitution of these women's notoriety. This sliding dynamic of recognition and understanding carries through these image's life cycles, as they are continually situated in contexts where the viewer is encouraged to look and judge the images as illustrations of various kinds of transgression. The contradictions produced within and between the visual discourses of Knox and Arias' imagery illustrate how notoriety functions as a visual relation of looking and assessment in which still images in particular become essential sources of intrigue, mediation, and intense cultural activity. Conceptualizing images as performative sites, the dissertation brings critical attention to the work images do in creating knowledge and subjectivities for/about these women as transgressive actors, while also questioning the visual practices that are encouraged as the images traffic as familiar and incomprehensible surfaces.

This approach seeks to expand the analytical focus and methodologies used in feminist scholarship focused on violent women's media representations by emphasizing the acts of visualizing that animate women's visibility and contribute to their criminalization. In so doing, the mass public scrutiny to which certain women suspects are subject is interrogated more deeply, a critical eye turned toward the privileging of white, middle-class, young, and able-bodied straight women who garner mass media attention over prolonged periods of time. Knox and Arias' notoriety is therefore interrogated as a visually-oriented and culturally produced phenomenon – their notoriety does not emanate from their alleged violent actions but through the circulation of images that produced a contradictory sense of familiarity and ambiguity. These contradictions fuel speculative searches and assessments of the already known yet resistant image(s) of the criminalized women.

I suggest the recognition produced out of mass mediation is necessarily visual, constructed through the wide circulation of images that transcend and converge with media (Gries, 2015). As a photographic image is mobilized into new genres and media such as true crime film, the image adapts and extends, while its reproductions also create visual familiarity. As visual culture scholar Nicholas Mirzoeff (1999) points out, reality in the modern era is increasingly understood and experienced in visual terms. How we come to know and recognize transgression is part of a complex visual communication process that makes the transgressive visible and recognizable, but also recognizably resistant to full understanding. Contemporary notorious actors, such as Knox and Arias, illustrate that gaining and maintaining mass public interest rests on the continual production of puzzling contradiction and ambiguity rather than a simply defined, singular understanding of the notorious subject. Particularly in a digital, mass-mediated system of communication, this production of multiplicity (in terms of ideas and texts)

helps fuel speculative practices of voyeurism, titillation, investigation, and judgement that generates an enticing sense of familiar ambiguity and transgression. Through the circulation of images specifically, these visual practices are continually in play, helping to construct a sense of recognition of the transgressive subject, while also fueling a deep-seated desire to investigate and acquire the image. By turning attention to Amanda Knox and Jodi Arias' notoriety, we can see this dual production of familiarity and ambiguity through the visual practices that are tied to the circulation of a handful of digital images. Functioning as debatable embodiments of transgression, specific digital photographic images were mobilized across platforms and genres, converging and transforming with other images and texts. Ultimately their cultural use reflected and supported a range of ideas that sought to define and understand incomprehensible actions, but also to traffic in and produce a desire for incomprehensibility. In so doing, speculation abounds, and these women's images are thoroughly interrogated as evidential testimonies of transgressive characters and actions.

The image pathways that I explore in this visual discourse analysis illustrate the incomprehensibility that is continually produced in assessing the legal, social, and visual transgressions of Knox and Arias. The visual practices tied to these assessments are worth drawing out and interrogating, for they often encourage forms of looking rooted in sexual titillation, while they also suggest detective work and critique are at play in the production of notoriously transgressive and ambiguous actors. Notoriety emerges out of these complex, taken-for-granted visual engagements. By focusing on the spread and use of digital imagery in a contemporary context, this dissertation claims notoriety is fueled by recurring calls to see, inspect, know, and desire images that are contradictorily treated as subjective forms of evidence – e.g. of sexual deviancy, legal culpability, and inappropriate behaviour, to name a few. Outlined

in the analysis chapters, Knox and Arias' notoriety emerges out of visual debates over the purportedly transgressive behaviours allegedly depicted in their photographic imagery. Their visual discourses therefore traffic in legal and sexual transgression while their fluidity across time and medium also illustrates ontological plurality – a resistance to singular meanings that defy what is conventionally known and understood about the images and the women therein. While these particular women are made notorious through discourses of sexual and legal transgression, broadly speaking, I understand notoriety as a speculative practice that debates the boundaries of conventional thought and practices.

By tying Foucauldian concepts of discourse to theories of media circulation, I develop the analytic of *image performativity* (see chapter four) to question the power dynamics tied to Knox and Arias' visibility and how their notoriety emerges out of a digital, mass-mediated context of fluid image use. These images flowed through a hypermediated system that facilitated the production of a constitutive ambivalence that provoked their spread, serving to diversify and multiply the image as it also seemingly became more coherent and recognizable. Previously noted, Knox and Arias' notoriety illustrates a cultural propensity to use images as enigmatic truth-telling vehicles that are productive of speculation. The discourses that animated Knox and Arias' notoriety emerged through widely-circulated images that structured ways of seeing and knowing their identities. These formations of discourse undeniably speak to negotiated operations of power that mark these women as criminal. They are treated as suspicious, deviant, sexually excessive and agentic – and importantly, ever-available for mass inspection. With multiple ideas about Knox and Arias' identities generated out of the unfolding images, these women became contestable actors defined by their perceived transgressions and contradictions.

As I highlight in the next chapter, other scholars taking a feminist approach to critiquing the mediation of criminal women have pointed out these women are dually vilified and desired in the press especially because their violent acts are understood as gender transgressive. Violence is unintelligible for a woman, and therefore escapes the bounds of appropriate femininity (Frigon, 2006; Morrissey, 2003; Pearson, 1997). Some of the limitations of this work are its focus on reading press content as evidence of the construction of dominant types, narratives, and frames that cast women into pre-existing gender stereotypes. However, the analytical frame of gender normativity also functions as a norm within this feminist scholarship, for the intersecting modes of racial, class, and sexual inequality that structure these women's visibility is largely unremarked. Understanding the visual construction of these women also warrants analysis, as scholars working in visual culture studies and cultural criminology point out that contemporary reality is increasingly experienced visually, and within this culture, crime stories attract considerable public attention over time, particularly if the crime is extremely violent and rare (Carney, 2010; Hayward, 2010; Jewkes, 2015; Simkin, 2014; Surette, 2007). The expansion of tabloid culture is interconnected to this discussion of the construction and popularity of criminal celebrities (Penfold-Mounce, 2009; Schmid, 2005). There is a lack of attention paid to the definition and formation of notoriety. Here I suggest notoriety emerges out of visual and circulatory practices of mediation. Drawing out the material conditions that structure this ebb and flow is an essential part of understanding how notoriety forms in complex intersections of visual culture and digital mediation. Combining this concern for mediation with Foucauldian discourse theory, this dissertation treats Knox and Arias' notoriety as productive of diverse kinds of knowledge and power relations.

I draw on concepts of discourse, performativity, and media circulation to construct a visual discourse analysis method that accounts for the mobility of images and their constitutive potentials in creating knowledge and viewing practices. As I discuss in chapter three, I consulted discussions and approaches to visual discourse analysis (McAllister, 2010; Renstchler, 2011; Rose, 2007; Simkin, 2014) to generate this analytical design, while also applying broad theoretical concepts from Foucault (1972, 1980) and Judith Butler (1990, 1993) (to which I turn in chapter four). Importantly feminist literature on practices of looking (Sturken & Cartwright, 2001 [2009], 2017; Browne, 2015; Dubrofsky & Wood, 2015; Mulvey, 1975; Berger, 1972) figures prominently in my analytical framework, for I consider how image circulations visually encourage certain ways of looking at the subject, and/or how the image subject looks back on the viewer.

### ***1.1 Defining the subject of notoriety***

I conceptualize notoriety as a visual and cultural relation that applies beyond criminal actors; however, I use the notoriety of Knox and Arias as a contemporary illustration of this broader phenomenon of creating and desiring images that come to embody various kinds of transgression that are simultaneously recognizable and opaque. As these images spread over time and medium, they became both familiar and ambiguous. I analyze these women because they had evidently acquired notoriety: They became well-known through their shocking murder allegations and trials and were hyper visible in American media over the course of eight to ten years. Since Arias' murder conviction, the amount of coverage and speculation about her has dwindled; however, in 2016, American gossip magazine, *In Touch*, ran a feature about her status as a "pregnant bride" in prison (Hitchen, 2016). Overall, her notoriety emerged in 2008 with her arrest for the murder of Travis Alexander, came to a peak in 2013 during her televised criminal

trial and multiple media interviews, and has since tapered off. Amanda Knox's notoriety has continued to circulate widely, from her acquittal in 2015, to Netflix's documentary, *Amanda Knox* (Heide & Morse, 2016) that began streaming in fall, 2016. Knox is still widely visible, and her guilt and/or innocence remains hotly debated.

Knox and Arias' high degree of visibility over time is only part of their notoriety. Their well-known-ness is structured by perceived transgressions – in a legal sense, but also socially and visually. The transgressive dimensions to their identities does not naturally emanate from them, but is actively constructed in cultural productions that make their transgressions visible and legible. I see transgression as one of the fundamental characteristics of notoriety, for it connects with practices of judgement and speculation that are practiced through such highly visible and seemingly negative or 'bad' actors. As I point out through the image proliferations that created Knox and Arias' notoriety, their transgressions are debatable. 'Did they or didn't they' is a speculative question that arises in evaluating their criminal culpability, sexual histories, and a range of theories surrounding specific images. Knox and Arias' initial legal indiscretions served as jumping off points for evaluating their characters, believed to reside within dually emblematic and enigmatic images. Undeniably the 'did they or didn't they' question is one that arises for other actors beyond the criminal justice domain. However, by focusing on the notoriety of these two particular women, this dissertation shines a light on the titillating examinations that are produced in the mobilization of still digital images, and how the notorious criminal woman becomes a social barometer through which transgression is tested and ultimately desired. The production of sexual desire – and the desire for knowledge and truth – is part-and-parcel of Knox and Arias' notoriety, as their image mobilizations recurrently call for more public scrutiny. As murder suspects, this scrutiny is seemingly justified; however, I question the misogynistic,

racializing, classist, and sexist discourses that constitute their notoriety. Additionally, the prolific sexual discourses of rough sex, deviancy, and agency that are created through these women's images often work to sexualize extreme acts of violence. Within these discourses, Travis Alexander's murder in 2008, and Meredith Kercher's sexual assault and murder in 2007 (for which Knox was accused) are sexualized backdrops where violence becomes eroticized. The way Knox and Arias' images circulated between 2007 and 2016 enunciated this sexualization, for in debating and regulating their violent sexuality, there is an incitement to know, see, and speculate on such acts.

The visual practices that are tied to the mediation of imagery are integral to notoriety's very formation. The concept and method of notoriety developed in this dissertation offer a material grounding of the concept's creation in competing logics and practices of speculation. As I explain more thoroughly in chapter four, digital images are considered performative sites where modes of knowing and acting are produced, structuring how one sees and interprets an image. This approach articulates media circulation and discourse theories (Butler, 1990, 1993; Foucault, 1972; Gries, 2015; Hall, 1973) in order to draw out the necessary visibility of notoriety, while turning a critical eye to the meaning and looks of transgression that are created as images circulate, as this highlights how the notorious actor comes to embody shifting definitions of gender, sexuality, race, and class. With this visual discourse analysis of Knox and Arias, my aim is to centre mediation processes that produce notoriety, while also drawing attention to the role images play in making individuals well-known and memorable. The cultural (re)use of a handful of images of Knox and Arias – even though thousands of digital photographs are available online – speaks to a cultural propensity to organize knowledge through the familiar, as an intelligible way of interrogating unfolding ideas and information. However, the familiar is tightly

intertwined with the puzzling, for the images that recur most across mainstream American media are treated as ambiguous surfaces (re)awaiting interpretation. The recurrence of these images that are selected in my analysis also suggest their composition and contexts of production and circulation also matter and inform the discourses that comprise them. As I outline in the methods and analysis chapters, each image – and each image site – performs specific work in constructing knowledge and subject positions for Knox and Arias, as well as for viewers. Each situating of the image constructs the image as discourse, and particular ones, such as sexual transgression, violence, and obsession for instance tended to treat the image as a contradictory source of evidence and latent meaning. The wide proliferation of these images also illustrates a range of cultural uses and associations and a propensity to continually speculate on familiar images.

The analysis that follows shows how Knox and Arias' notoriety emerged out of intense media circulation, with familiar images deployed to convey diverse yet highly normative definitions and theories about their identities. I suggest the repeated circulation of five particular images encouraged viewers to judge and assess them for deeper meanings and truths. Though the images were sometimes treated as truth-telling vehicles (e.g. as evidence of different, suspicious behaviour), they were also simultaneously cast as ambiguous sources of information. The dual treatment of the image as evidential and enigmatic situates Knox and Arias as intriguing murder suspects subject to endless visual critique.

## **1.2 *Setting the murderous (sex) scene***

Noted earlier, Knox and Arias' arrests in 2007 and 2008 for the murders of Meredith Kercher and Travis Alexander, respectively, garnered much mass media attention, in part because these victims' deaths were especially horrific and sexualized. As media coverage of their deaths and investigations circulated, their murders were called a "sex game gone wrong"

(Telegraph, 2007) and tied to an “afternoon of kinky sex” (Breuer, 2013). These were also the theories of crime put forward by the prosecution teams in both murder trials. For instance, Italian prosecutors argued Kercher’s death was part of a Satanic sex game (Nerenberg, 2012), a claim that was sensationally circulated by *The Telegraph*, a British tabloid, on November 9, 2007 – well before the criminal trial in 2009. This theory was drawn from “extracts from the official judge's report on the murder of Meredith Kercher” (Telegraph, 2007).

It is also important to point out that Knox and Sollecito were not the only individuals charged and convicted with Kercher’s murder – Rudy Guede was convicted in a separate fast-track trial and is currently serving a sixteen-year sentence (Brayson, 2016). In 2008, prior to Knox and Sollecito’s guilty verdict in 2009, there was little public interest in Guede or his murder trial (Gies & Bortoluzzi, 2016, p. 6, 11), though he was the sole convicted killer of Kercher at the time (and to this day, as Knox and Sollecito were officially acquitted in 2015 and no one else has been charged).<sup>1</sup> As Nick Pisa, a British freelance tabloid journalist put it in the *Amanda Knox* documentary, “No one was really that bothered about Rudy. [...] At the end of the day, no one was interested in him” (Heide & Morse, 2016, 52:45-53:00). The journalistic and tabloid standards of newsworthiness Pisa refers to here are decidedly racist – Guede is a black man with dual Italian and Ivorian citizenship, and his racialization structures the reasoning that audiences are not interested in speculating on a black suspect. A young white American woman captures public attention however, for the murder allegations (alongside Sollecito) are treated as shockingly transgressive for a woman of her race, class, and age. Knox’s notoriety is, like Arias,

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<sup>1</sup> As Lieve Gies and Maria Bortoluzzi put it, “Guede is the only person who is still serving a prison sentence for the murder of Meredith Kercher, although there is legal authority to suggest that he did not commit the crime on his own” (2016, p. 8).

tied to continual assessments of the perceived transgressions of seemingly ‘normal’ white, straight, middle-class young women.

Jodi Arias’ murder trial in 2013 featured daily confessions about the accused’s sexual relationship with her ex-boyfriend, Travis Alexander, who was murdered in 2008 in an “especially heinous and cruel manner” (Lohr, 2013).<sup>2</sup> Alexander’s death was similarly sexualized, with trial evidence and news reports focusing on the “kinky sex” that preceded and seemingly caused his murder. “[Arias] says the knife was the same one Alexander had used that afternoon when he tied her up for sex” (Breuer, 2013). The recurrent intermingling of sex and death – and specifically rough, violent sex – speaks to a discourse of sexual deviancy that creates pleasure in regulating a seemingly taboo and forbidden subject and practice (Foucault, 1978). The most prolific images of Knox and Arias that I trace in my analysis continually rub up against this discourse that creates desire and titillation through the sexualization of murder.

As Stevie Simkin rightly points out in *Cultural Constructions of the Femme Fatale: From Pandora’s Box to Amanda Knox*, Meredith Kercher’s body was repeatedly sexualized in press coverage of her murder. Descriptions of her body as “semi-naked” (Kington, 2009, April 5; Pisa, 2009, April 23) functioned to titillate audiences (Simkin, 2014, p. 165), as this rhetoric encourages readers to speculate on the victim’s naked body. Meredith Kercher was a twenty-one-year-old British exchange student who was completing her degree in European Studies in Perugia, Italy when she was murdered on November 1, 2007. She had been sexually assaulted and bled to death from a deep gash in her neck. Her body was found underneath a blanket in her

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<sup>2</sup> In the aggravation phase of Jodi Arias’ trial, the prosecution and defense debated whether Arias’ assault against Travis was “especially heinous, cruel, and/or depraved,” as a means of determining her sentence of life in prison or death penalty (Lohr, 2013).

room, in the apartment she shared with Amanda Knox, a twenty-year-old American exchange student, and Italian nationals Filomena Romanelli and Laura Mezzetti. Knox and her boyfriend of a week, Raffaele Sollecito, had originally called the police on the morning of November 2, 2007 after they allegedly discovered the apartment had been broken into after spending the night at Sollecito's apartment (Knox, 2013). The couple had cooperated with police in the days following Kercher's murder, but very quickly they were treated as prime suspects. On the morning of November 6, 2007, Knox and Sollecito were arrested after signing "spontaneous declarations" following their multi-hour police interrogations<sup>3</sup> in which they changed their alibis (Knox, 2013, p. 125).<sup>4</sup> With their arrests, British and Italian news media began circulating an image of Knox and Sollecito kissing outside the crime scene the morning Kercher's body was found. The kiss image, in its video and photographic versions, became one of the most widely circulated images of Knox, and was diversely interpreted as evidence of sexually inappropriate behaviour, criminal intentions, and normal compassion between lovers. Over the course of Knox and Sollecito's lengthy criminal trial (they were tried for Kercher's murder together) and appeals, discourses of sexual deviancy would animate how Knox in particular would be viewed – as suspicious, sexually aggressive and excessive. Such widely circulated images function discursively, they work to visually constitute particular systems of knowledge and practices (Bate, 2007; Foucault, 1972). The kiss image helped constitute these various understandings as its spread would appear alongside other sexually suggestive stories about 'Foxy Knoxy' behaving badly.

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<sup>3</sup> Knox was interrogated for fifty-three hours (Reilly, 2016).

<sup>4</sup> In this declaration, Knox falsely accused Patrick Lumumba of murdering Meredith – he would be released from prison two weeks later (Hale & Pisa, 2007).

Once a nickname Knox gave herself on Myspace, ‘Foxy Knoxy’ “became common currency in tabloid coverage, swiftly putting her sexuality front and centre...” (Simkin, 2014, p. 146). Knox’s own use of the name on one of her social media profiles suggests she “styles herself Foxy Knoxy” (Hale & Pisa, 2007). As Goulandris and McLaughlin point out in their analysis of UK newspapers’ production of the Foxy Knoxy persona, journalists’ expedient “lifting [of] text and images from suspects’ social media sites” (p. 20) made Knox “the primary definer of what kind of person she was” (p. 33). The discourse of sexual deviance structures Knox’s image as the Foxy Knoxy moniker circulated widely over time, repeatedly casting her in the role of a “vilified and eroticized [...] crazed she-devil” (p. 18). But this sexualized discourse also treated the violence against Kercher as sexually titillating inasmuch as it sought to demonize and regulate sexual behaviours that were deemed deviant and potentially dangerous.

Travis Alexander’s murder was similarly communicated through discourses of sexual deviancy that encouraged one to spectate on the couple’s transgressive sexual history, as well as the visible sex scenes (captured in digital photographs) that preceded Arias’ attack on Alexander. Unlike Knox, who has been acquitted, Arias has been convicted of murder and is currently serving a life sentence in Arizona. Regardless, my analysis shows both murders were made intelligible through assessments of sexual practices that were considered risky and transgressive. The speculation invited and created through the circulation of still images especially configured the images as sites of sexual revelation and intrigue. Additionally, Alexander’s murder was a highly visually mediated affair, as digital photographs retrieved from the crime scene showed Arias and Alexander took nude photos of one another up until a minute before he was attacked in the shower. Arias was convicted of stabbing Alexander twenty-seven times before shooting him in the head and slitting his throat (Fredericks, 2015; Martinez, 2016). Three additional photos

were inadvertently taken during this assault, two taken in mid-air, and the last depicts Alexander's bloody head and shoulders as Arias stands over him in the foreground (Martinez, 2016, pp. 220-221).<sup>5</sup> With Arias testifying that she "killed [Alexander] after a day of rough sex" (Fredericks, 2015), with the very knife that was used to tie her up (Breuer, 2013), Alexander's murder is consistently sexualized as the horrific ending of transgressive and deviant sexual practices that were documented through photographic images.

These two murder cases seemingly exemplify so-called standards of newsworthiness, from the horror of the victims' physical trauma to the lengthy murder trials of two young, 'unlikely' female killers. As Cynthia Carter (1998) discusses in *News, Gender and Power*, perceptions of an event's rarity (its extraordinariness) and its proximity to audiences help guide these standards. In broad terms, a shift to – and expansion of – tabloid style journalism over the past two decades has also increasingly focused on sex, bad behaviour, and scandal. Sexually violent and extreme crimes are popular material within this expanding tabloid-style environment (Bird, 2000; Carney, 2010; Jewkes, 2015; Surette, 2007).

However the mass attention and speculation that were generated through Kercher and Alexander's murders also relied on the availability of prolific visual evidence, as violent murders happen daily but only some receive media attention. Additionally the availability of visual and textual content from Knox and Arias' online social media accounts were immediately mined by journalists, allowing for the quick visualization of these women's lives. Freelance journalist Nick Pisa recently remarked in the 2016 Netflix documentary, *Amanda Knox*, that Meredith Kercher's death "was a particularly gruesome murder. Throat slit, semi-naked, blood everywhere. I mean what more do you want in a story? I mean, all you're missing is the Royal family or the Pope or

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<sup>5</sup> Specifically, Arias' foot and pant leg are visible.

something like that” (Heide & Morse, 2016, 12:37-12:50).<sup>6</sup> That same year, Dr. Phil, a popular psychiatrist-turned-self-help TV show host, referred to Jodi Arias’ trial as a salacious and unique “blockbuster” that included an “attractive killer, a handsome victim, a tremendous amount of sex, religion, and all kinds of intrigue” (2016). As alleged attractive white female killers in particularly heinous and extreme acts of murder, Knox and Arias are also positioned as highly rare and thus newsworthy actors.

The extreme violence of Kercher and Alexander’s murders, along with the sexually-explicit explanations that emerged over the course of both trials generated a mass-mediated fervour that spanned genres on cable and network television, film, and mass-market publishing. Knox’s criminal trial garnered global media interest, in part because of the transnational identities of the victim and the defendants – Kercher was British, Knox American, and Sollecito Italian – and the length of the legal saga also ensured protracted media coverage (Jewkes, 2016). Arias’ arrest, trial, conviction, and sentencing also took place over multiple years; however, news coverage was largely localized to American T.V. networks and tabloids. There are important spatial and circumstantial differences between Knox and Arias’ criminalization; however, as my research points out, there are patterns to the way these women are seen and evaluated over time. As I point out in the last chapter of this dissertation, their mutual notoriety stems from repeated encouragements to look, judge, share, and debate these women’s images. While there are multiple discourses that work to organize and structure the meanings and uses of

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<sup>6</sup> In this documentary, Pisa, a freelance journalist who published articles on Knox in *The Daily Mail*, unabashedly boasts of his own fame generated out of the Kercher murder trial, noting the large amount of front page stories he achieved covering this case. He says: “To see your name, on the front page of a story everyone is talking about, is a fantastic buzz. I mean, I’d like to say it’s like having sex or something like that, you know?” (Heide & Morse, 2016, 17:43-17:54). He says later on, “I don’t think I’ve ever had so many front pages” (Ibid., 37:19). Pisa explains he often had direct access to the prosecution’s theories of the crime, breaking the story of Meredith’s murder as a “sex game” (“Judge: Sex Game,” 2009) and also Knox’s “sex-secret diary” (Moore, 2008) that was stolen from her prison cell and leaked to the press.

these images, notoriety emerges from continued visual evaluations and judgments of these women's perceived transgression of acceptable, white, middle-class heteronormativity.

### **1.3 Following images and their circulation**

The images I selected for my analysis were highly prolific in multiple cultural sites and media genres. As I consulted a wide range of sources (outlined in my methods chapter), I continually saw these images used as news items, evidence, and as notorious turning points in the prosecution of the criminalized women. These images were re-embodied through proxy actors in fictional films and were also endlessly explained and revisited by the image subjects themselves or by so-called media or legal experts.

While I endeavour to provide details of the production and early use of the images, my mapping of their circulation over time and genre also indicates their use and meaning shifted with particular contexts (e.g. whether the defendant was a suspect or a convicted felon at the time, or whether the image was used in court) and media sites (e.g. whether it appeared in films, televised sites, or in text-based sources). The overall life cycle of the images in this nine-year period indicate patterned frameworks of knowledge that informed their use, while at the same time, there are also specific mitigating factors and particularities (such as genre, medium, and event) that structured how they were circulated and seen.

#### ***1.3.1 Defining 'The image'***

I envision the image as a recognizable picture that appears in and transcends media. As visual scholar W.J.T. Mitchell points out, "you can hang a picture, but you can't hang an image" (2009, p. 16). To illustrate the distinction and connection between image and picture, I refer to Laurie E. Gries' discussion of the circulatory dimensions of the Obama Hope image in *Still Life with Rhetoric: A New Materialist Approach for Visual Rhetorics* (2015). Obama Hope first

materialized through a digital photograph taken by Mannie Garcia at a press conference in 2006. The image within Garcia's photograph transformed into the widely-circulated and iconic red-white-and-blue Obama Hope poster popularized through the 2008 American presidential election (p. 1). Digital adaptations of Obama Hope abound, appearing in various pictures (e.g. posters, memes, tattoos) but the image is still recognizable and familiar as it stretches in media circulation. As I treat notoriety as a visual product and practice of media circulation, I approach the image as a dynamically formed visual relation: That which is recognizable within a picture and transcends a given image situating, embodying both a material and immaterial quality (Gries, 2015, p. 11). By 'situating' I refer to a given moment when an image appears in a particular picture, becoming momentarily situated before it carries on its way into other media and text(s). By using this term in the dissertation, I encourage understanding the image's cultural use as historically contingent, *situated* within a given text, medium, and time period, performing particular visual practices and constructing knowledge and subjects through these acts of situating. This understanding is tied to a discursive approach to images that I will discuss more thoroughly in the method and theory chapters.

### ***1.3.2 Amanda Knox and Jodi Arias' images***

An example of how I use these terms within my analysis may serve as a helpful illustration: The kiss image first appeared through video footage of Knox and Sollecito kissing outside the crime scene, which then proliferated widely into other remediations of the image: Televised news broadcasts that variously slowed, looped, and froze the kiss image (Simkin, 2014, p. 150), true crime dramas where actors re-enact it (Sutter & Dornhelm, 2011; Parmenter & Winterbottom, 2014), to its oscillation into Amanda Knox's own memoir, in which the kiss materializes through textual descriptions. The definition of image that informs my analytical

concepts of notoriety and image performativity emphasizes the dynamic character of its construction because of their continual materialization in media circulation.

Amanda Knox, Image 1



Source: ITV

Amanda Knox, Image 2



Source: Associated Press

The images I selected for my analysis were – as I highlight above – widely mediated over time and genre. They illustrate the production of notoriety through the speculative practices that are generated in mass media circulation, where they acquired more meanings and uses with every situating. The kiss and glance images of Knox, displayed above, were originally taken by photojournalists – the former a seven-second video, and the latter a digital photograph taken by Antonio Calanni and made available through Associated Press Images’ online database (or AP Images). Jodi Arias’ notoriety emerges through the wide circulation of three images: Her embrace of Alexander in the water (what I call ‘the embrace image’), the blonde bombshell image, and the nude image. In chapters five and six, I show how these images mobilize in specific sites, and in the process, work to encourage particular understandings and spectatorship.

Jodi Arias, Image 3



Source: Myspace

Jodi Arias, Image 4



Source: Myspace

Jodi Arias, Image 5



Source: *48 Hours* (CBS, 2013)

The continual circulation of these images situates Knox and Arias within a wider range of contexts than originally envisioned when they materialized in video footage and/or digital photos, illustrating how certain images become cultural vehicles for making sense of seemingly incomprehensible actions and subjects. The unfolding of these images across media platforms served to change and/or preserve particular modes of thinking about and visualizing these women, illustrating cultural criminologist Phil Carney's assertion that the photograph (or according to my usage, the image) "is not a picture, but a dynamic of power" (2010, p. 31).

Outlined in the next chapter, existing scholarship on media representations of criminal women predominantly focuses on the gendered dynamics of power that stereotypes women according to sexist gender norms. Though the literature persuasively shows the recurrence of narratives, types, and framings that represent women who kill, the analytical scope is on the mainstream press and textual elements such as headlines and captions, with little to no discussion of specific images or the processes of communication (e.g. production, circulation, reception) that structure this content. I discuss how the conceptual lens of gender limits these analyses at the outset, structuring and limiting the knowledge and approaches used to critique the mediation of violent women. The constitutive outside, a concept I refer to in chapter four, connects with my critique of the literature, and informs my theoretical framework and methodology of visual discourse analysis.

The third chapter defines notoriety using a Foucauldian approach to discourse, outlining a unique methodology of visual discourse analysis that combines compositional and thematic tracings with investigations into the images' contexts of production. To combine visual methodologies with media circulation and discourse theories, I draw on Gillian Rose's (2007) outline of methods of visual discourse analysis, Gries' (2015) discussion of image circulation

and Stuart Hall's (1973) circuit of communication. This methods chapter outlines the selection of the five images from a broader cultural collection of photographs of Knox and Arias. These images are part of a longer history and corpus of criminalized women, and I discuss how the archiving of visual materials in online databases for instance structures how one accesses and sees these images. With these archival limitations, I consulted an extensive cultural corpus to determine which images were most widely circulated across media texts and genres.

The theory chapter follows, in which I provide more conceptual details of the framework of discourse (Foucault 1972; 1980), subjectification (Butler, 1993; Foucault, 1985) and performativity (Butler, 1990) that inform my analytical concept of image performativity. The analysis that follows in chapters five and six therefore treat each use of the image as a discursive instance that positions Knox and Arias as particular kinds of subjects, while also positioning the viewer to see and understand the image and its object according to the possibilities and limits of the given discourse. Theories and feminist critiques of spectatorship and surveillance are also important lenses that help inform my analysis of viewer positionings and how Knox and Arias' looks are associated with degrees of power and agency in looking back and being seen. Keeping the limitations of the literature on violent women in mind, I draw on intersectionality as a broad analytical strategy (Collins, 2015) that inflects how I see, understand, and critique the visual discourses that are mapped in chapters five and six. I suggest that drawing out how Knox and Arias' notoriety emerges from and embodies privilege is to make their classed racialization visible. Particularly as their whiteness is unmarked (Browne, 2015; Dyer, 1997; Foster, 2003; Goldberg, 2002), making Knox and Arias' race and class subjectivities visible is integral in understanding the power relations that structure their notoriety.

The next two analysis chapters trace the circulation of Knox and Arias' images respectively, discussing how specific image sites (e.g. cable news coverage, newsmagazine episodes, and made-for-TV true crime dramas, to name a few) create discourses that foster practices of speculation and keep the images oscillating in place and memory. The discourses generated through the sharing, adaptation, and seeing of these images sometimes created contradictory and ambiguous meanings, but they cohere in their assessment and interrogation of understandings of sexual and legal transgressions. I suggest that this discursive proliferation provoked visual assessments and interest that functioned to fuel the production of notoriety through a sense of familiar ambiguity and transgression. The discourses of sexual transgression and sexual desire that comprise Knox and Arias' notoriety narrate a spectrum of understanding these women's (ir)redeemability relative to their racialized sexualities and class. Arias' construction as 'white trash' for instance functioned to racialize her socioeconomic class (Khan, 2014; Newitz & Wray, 1997) and emphasize her perceived sexual difference. Knox's images also worked to construct her as a sexually transgressive, and thus possibly violent, different, and also desirable woman. The visual discourses comprising her notoriety continually treat her image as highly ambiguous and needing further assessment, which ties into her shifting legal status as convict and exoneree. The dissertation concludes by summarizing the discursive tracings mapped in Knox and Arias' image circulations and makes broader suggestions about the key features and functions of notoriety in a digital and mass-mediated context of communication.

## **2 Chapter Two - From textual patterns to cultural sites: A review and critique of literature on media representations of violent women**

This dissertation illustrates Amanda Knox and Jodi Arias are part of a select group of women who have gained heightened visibility and notoriety through their murder charges. In celebrity culture studies, notoriety is commonly associated with negative qualities such as deviance, transgression, and immorality (Gies, 2011; Rojek, 2001). However, in a similar vein to celebrities (Holmes & Redmond, 2006; McDonnell, 2014; Rojek, 2012, 2001; Turner, 2014), processes of mass-mediation are also an essential part of the creation of notoriety for so-called criminal celebrities (Penfold-Mounce, 2009; Schmid, 2005). Mainstream mass media generates heightened visibility for certain women accused of murder.<sup>7</sup> Tabloid news sites, gossip magazines, televised broadcast news, made-for-TV films, and true crime trade publications abound with details of certain criminal women's personal lives, interspersed with news related to their criminal trials (Gies & Bortoluzzi, 2016; Simkin, 2014). Taking a different approach than feminist scholarship on media representations of violent women, my research explores the interconnected cultural processes that are generative of such notoriety. Conceptualizing the notoriety of criminal women as discursively constructed, I am interested in tracing how cultural proliferation and the use of images as sites of visual assessment work to create notoriety for particular women. As I discuss further in the next chapter, this new methodological approach to assessing notoriety's generation out of image circulation and visual discourse emerges out of an engagement with the existing literature.

These content analyses of press representations employ feminist lenses of critique and point out gender normative patterns to the way violent women are mediated. In particular they

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<sup>7</sup> Please note that as a means of narrowing the focus of my project, I do not study the visual discourses constituting women who kill children or infants.

trace repeated themes, frames, and types within the media content that limit how women and their violent actions are understood. Although these approaches differ methodologically and theoretically, they reveal some useful themes that also emerged in my visual discourse analysis, as discussed later in chapters five and six. I ultimately take a different approach to studying criminal women because my research is concerned with understanding the media circulation and visual practices generative of Knox and Arias' notoriety. The approach I develop is also concerned with visuals and discourse as mutually constitutive, and my method questions how power and knowledge are created in discourse. This attempts to combine a macro perspective of power (and a theory of power as dually enabling and constraining) with specific instances of image emergence (discursive statements). Turning to this literature on violent women was necessary however to take stock of their core findings, to understand possible methodological options while also seeing the norms and limitations of this academic discourse.

This chapter reviews feminist and cultural criminological research on violent women's media representations, illustrating the repeated ways women are culturally constructed according to gender and sexual norms. These textual patterns illustrate that well-known violent women are routinely cast into highly stereotypical gender and sexual roles, but the scholarship's almost exclusive focus on press representations excludes a discussion of the complex practices of circulation that generate such texts. Particularly in a contemporary context, criminal women are visible in more genres and media than the daily print press. I ultimately suggest their wide cultural mediation also illustrates their subjectivities are polyvocal, and possibly contradictory, rather than fully encompassed by sexist narratives and binary oppositions.

I begin by outlining how violence is gendered – associated with hegemonic masculinity (Halberstam, 1998) and distanced from femininity (Chesney-Lind, 2006; Schmid, 2005). This

broader gendered understanding of violence feeds into the core analytical findings from feminist critiques of media representation: Norms of feminine respectability often work to define women as monstrous, sexually deviant, or as victims. I also note terminologies used in this literature – narratives, types, frames, scripts, templates – as this highlights scholars’ methodological approaches to reading media content, primarily mainstream daily print news. The chapter then moves into a critical discussion of research limitations and gaps. The analyses confirm gender and sexual stereotypes are routinely upheld in press and legal contexts; however, they do not develop a critique of these women’s classed whiteness. The race of these women is largely unaddressed; however, their evident noteworthiness is tied to cultural stereotypes of whiteness, along with other identity markers like gender, sexuality, and age. As I outline, focusing more attention on notorious women’s race draws attention to whiteness’ construction as an invisible, unmarked and privileged norm (Browne, 2015; Dyer, 1997; Foster, 2003; Goldberg, 2002) and certainly informs Knox and Arias’ perceived newsworthiness. The latter portion of the chapter gestures toward how these limitations in the literature inform my selected method of visual discourse analysis, and the application of feminist theories of subjectification (Gill, 2003; 2009) that I outline further in chapter four.

## ***2.1 Violent women as cultural constructs***

Feminist scholars outline familiar and recurring typologies, narratives, and scripts used in press accounts of alleged and/or convicted violent women in the U.S., Canada, Britain, and Italy (Birch, 1994; Frigon, 2006; Morrissey, 2003; Neroni, 2005; Pearson, 1997; Seal, 2010; Simkin, 2014; Smith Fullerton, 2006; Wright, 2013). Though much of the existing literature focuses on press representations, some research also questions discourses of gender and sexuality that inform legal actions (e.g. what defenses and theories of crime are and are not plausible) (Frigon,

2006; Morrissey, 2003; Pearson, 1997). Integral to this discussion is how women's violence is explained in legal and media discourses, and how these vocabularies and representations are socially-constructed ideas that work to preserve rules of feminine respectability. For instance, as Sylvie Frigon (2006) states in her analysis of twenty-eight Canadian cases of women accused of murdering their romantic partners, women's femininity is largely on trial in court rooms and press coverage. "The femininity of the accused was put into sharp focus and questioned by emphasizing appearance, behaviour, feminine attitude, and mental instability" (p. 9). Hilary Neroni's analysis (2005) of three sensational high-profile American murder trials spanning the past century (the trials of Lizzie Borden, Ruth Snyder, and Susan Smith) also highlights the recurrent emphasis on evaluating the gender identities of women accused of murder. "The public discussion surrounding so many cases of violent women, both past and present, seems to be less about justice or the act in question than about what it is to be a woman – motherly, feminine, wifely, ladylike, and so forth" (p. 60). As previous feminist work in cultural criminology and cultural studies shows, prevailing characterizations of violent women are informed by broader constructions of 'normal' femininity as caring, passive (Frigon, 2006; Morrissey, 2003), and desexualized (Birch, 1994; Neroni, 2005). The identities of women accused of violent crimes are constituted through this prism of gender that ascribes legibility through familiar 'stock' narratives that reaffirm typical gender distinctions and norms.

Importantly the texts I refer to in this review align with my cultural and constructionist approach, which is to say these works also interpret crime and criminal identities as "cultural enterprises," as Keith Hayward (2010) discusses in his chapter, "Opening the lens: Cultural criminology and the image" (p. 3). Cultural criminology approaches crime and criminality as "a richly symbolic endeavour created out of ongoing human interaction and power relations" (p. 3).

In *Crime and Media: A criminological perspective*, David Kidd-Hewitt traces a “rethinking of criminology” in the 1970s (1995, p.11) to consider the role of culture in representing and constituting crime and justice; crime was increasingly critiqued as a cultural endeavour. These fields draw on broader cultural theories common to the communication field, while illustrating the “steady seepage in recent years of cultural and media analysis into the traditional domains of criminological inquiry...” (Ferrell & Websdale, 1999, p. 3).

For instance, Belinda Morrissey’s *When women kill: Questions of agency and subjectivity* (2003) illustrates this disciplinary seepage, as she shows how legal and media discourses are often united in their cultural understandings of criminal women. Certain stock stories recur in and between legal discourses (e.g. in prosecution and defence arguments) and in media accounts of “trial dramas” (Frigon, 2006) because both are situated within a common culture and utilize a common language. This discursive continuity is perhaps surprising since there are clear institutional differences between law and media practices and quite clear differences between instances of murder and those accused of committing these crimes. As cultural and feminist accounts of crime indicate, women who commit especially violent crimes such as murder are often ordered and contained through stereotypical gender scripts (Birch, 1994; Frigon, 2006; Morrissey, 2003; Smith Fullerton, 2006). The gender scripts, narratives, and typologies feminist criminologists pinpoint in their analyses show violent women are constructed through pervasive cultural scripts of femininity. In one sense, these scripts offer legibility; shared cultural references enable communication and understanding. This patterned usage of common stock phrases and narratives is not ‘natural’ or commonsensical however, but culturally derived practices that enable a specifically gendered ‘order of things’ to develop through public perceptions of women’s alleged violence. Though feminist scholars differ in the conceptual

terms they use to critique the way women who kill are constructed, collectively this literature highlights how these cultural practices of examination and discussion work to define femininity through familiar patterns of communication.

The life, motives, and actions of women who kill are examined in a wide range of cultural spaces and institutions; however, the frames of reference used to impart knowledge of their identities are relatively limited. Previous work discusses how *narratives* (Frigon, 2006; Wright, 2013), *scripts* (Pearson, 1997), *frames* (Smith Fullerton, 2006), *themes* (Venalainen, 2016; Simkin, 2014), *types* (Simkin, 2014; Seal, 2010; Birch, 1994), *templates* (Jones & Wardle, 2010), and *ideological fantasies* (Neroni, 2005) construct murderous women's subjectivities through gender norms. Though some of these concepts differ in their methods and theoretical frameworks, they show how criminal identities are produced through well-known cultural references that work to support prevailing ideas about normal femininity and masculinity. Importantly, these gender constructs are also interwoven with shifting cultural understandings of race, class, and sexuality<sup>8</sup> that inform how criminal women are defined, evaluated, and ultimately constituted as subjects.

As scholars in cultural criminology and cultural studies point out, the close, "hysterical" examination of murderous women's femininity (Neroni, 2005)<sup>9</sup> is a recurring practice in

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<sup>8</sup> For instance, Helen Birch (1994) discusses how the notoriety of Myra Hindley, a British woman convicted with the serial murder of children in the 1960s, is registered through multiple social anxieties: "obscene literature, natural and 'deviant' sexuality, class, and the role of the penal system..." (p. 46). Aileen Wuornos, a woman convicted of murdering seven men, also resonates anxieties about sexuality and class – she is predominantly constructed stereotypically, as a "man-hating lesbian" and "white trash" in press accounts and trial discourse (Schmid, 2005).  
<sup>9</sup> Neroni refers to the incessant cultural drive to look and understand female perpetrators of extreme violence as a form of hysterical questioning. She explains: "The character of the media response to the violent woman is, in almost every case, hysterical. [...] Hysteria is a neurotic reaction in which the subject constantly questions the desire and position of the Other. [...] In the manner of the hysteric, the media asks again and again what the violent woman wants, while it also speculates endlessly about the definition of femininity" (p. 60). I return to Neroni's point in order to discuss the concept of notoriety; however, one may question Neroni's language as possibly pathologizing public responses to female-perpetrated violence. As such I find the use of this concept of hysteria problematic, for hysteria has been historically feminized and thus constructed as trivial in its emotionality (McDonnell, 2014).

journalism and criminal trials, and these discourses work to construct the accused in extremely narrow and often stereotypical ways. Though there are a range of recognizable ‘types’ violent women are cast into, they cumulatively point to a limited gender vocabulary (Pearson, 1997) through which women are constructed as victims, monsters, witches, *femmes fatales*, and the like (Morrissey, 2003; Seal, 2010; Simkin, 2014; Smith Fullerton, 2006). Tracking how violent women’s identities are constructed is to draw cultural connections between disparate sites like court and television news by noting the intertextuality of headlines, arguments, and discussions about criminal women. Sometimes motifs and characters from well-known fictional stories like *Macbeth* (Jones & Wardle, 2010) and fairy tales are referenced or “borrowed” (Smith Fullerton, 2006), and other times, iconic criminal women of the past supply template narratives and visions for understanding alleged female offenders in the present (E.g. Maxine Carr and Myra Hindley, outlined by Jones & Wardle, 2010). In casting violent women into familiar scripts in order to render them legible and recognizable, journalists (Neroni, 2005; Simkin, 2014; Wright, 2013), lawyers, and criminal investigators are critiqued (Frigon, 2006; Morrissey, 2003; Pearson, 1997; Smith Fullerton, 2006) for upholding gender stereotypes.

## **2.2 Gender constructions of violence**

According to feminist scholars, the way allegedly violent women are constructed in criminal trials and press coverage often rests on an engrained gendered assumption: Violence is masculine behaviour perpetrated by male-identified individuals. The social construction of women murderers is rooted in a broader assumption that women and extreme physical violence are mutually exclusive domains (Chesney-Lind, 2003; Neroni, 2005; Schmid, 2005). The transgression of this cultural boundary – between women and the realm of violent action –

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However, the incessant questioning that arises in response to female violence is one that feeds into my broader discussion of notoriety in this project.

throws into question the gendered premises of this boundary when women take violent, fatal actions against others. Women's criminal identities are informed by this broader cultural logic that disassociates women from fatal forms of aggression. The recurring narratives and typologies discussed in the literature about violent women thus reflect a cultural belief in violence as masculine. As a result, many scholars note women's femininity and sexuality are often on trial in murder cases and popular press coverage because their alleged violence runs contradictory to social rules of feminine respectability (Seal, 2010). Their suspected criminal actions thus seemingly warrant an evaluation of their femininity (Frigon, 2006). The unintelligible, seemingly senseless actions of Karla Homolka for instance, who raped and murdered Kristen French and Leslie Mahaffy<sup>10</sup> with her husband Paul Bernardo are made legible through the constraints of familiar storylines and character types (Pearson, 1997; Smith Fullerton, 2006). Legal and press narratives of Homolka are critiqued as reductive, overlooking the complexity of her sexual desires and agency (Smith Fullerton, 2006; Morrissey, 2003). Overall, the literature maps out the gender stereotypes that constitute criminal women's identities as (un)feminine, thus reaffirming the assumed masculinization of violence.

Statistically speaking, women commit less crime than men and are less likely to violently offend (Barbaree, 2014, p. 138). According to the United Nations Office on Drugs and Crime (UNODC), in Canada in 2010 for instance, 113,108 adult women were brought into formal contact with the police in comparison to 461,843 men.<sup>11</sup> The U.S.' record is much higher, likely

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<sup>10</sup> Karla Homolka was also linked to Tammy Homolka's death; however, she was never charged with the murder of her sister. At the time of her plea bargain, the facts related to Tammy Homolka's death would be "read into the record and form part of the reasons for the [twelve-year manslaughter] sentence" (Bonnell, 2005).

<sup>11</sup> The UNODC study referenced in Barbaree's chapter, "Women and offending" (2014), includes men and women over the age of 18 who were "suspected, arrested or cautioned," and came into 'formal contact' with the police and/or criminal justice system for all crimes (United Nations Survey of Crime Trends and Operations of Criminal Justice Systems). The UNODC table compares frequency of police contact globally from 2003-2010. While this resource is useful for a longitudinal analysis of data within and between countries, the UNODC notes an important

indicative of differences in population size: 2,855,300 women and 8,612,800 men came into formal contact with the police (United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, 2011).<sup>12</sup> More specifically, quantitative reports from the U.S. Justice department show women are incarcerated at lower rates for violent crimes such as murder in comparison to men. For instance in 2010, 9,400 women and 157,000 men (almost 17 times as many men) were sentenced and incarcerated for murder in state prisons (U.S. Department of Justice, 2012, p. 9).<sup>13</sup> This “gender gap in crime commission” (Barbarett, 2014, p. 138), as it’s called in more traditional criminological accounts, certainly shows women do offend but at lower rates than men.

Criminal justice statistics are helpful for contextualizing scholars’ critiques of the gendered construction of violence informing the typologies so often used to define violent women. Statistics highlight the rarity of women committing violent crimes; however, the numbers are still higher than one may expect given the overwhelming public, mass-media interest in a handful of memorable women accused of murder in the United States.<sup>14</sup> This may be because women criminals are doubly deviant – subject to dual disgust and fascination due to the perceived contradiction in their criminal actions and gender. Belinda Morrissey (2003) explains women who kill are “deviant both in terms of the criminal statistics (which confirms women’s low rates of criminal behaviour) and in terms of sociocultural norms and expectations of

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limitation: “cross-national comparisons should be treated with caution because of the differences that exist between the legal definitions of offences in countries, or the different methods of offence counting and recording.”

<sup>12</sup> According to both countries’ 2010 census data, the U.S. has a much larger population however – 308 million (U.S. Census Bureau, 2011), in comparison to approximately 34 million Canadians (Statistics Canada, 2011).

<sup>13</sup> According to data within Table 9 in the U.S. Department of Justice’s 2011 report (2012, p. 9), of the 34,100 women sentenced for a violent crime in 2010, the number of murder offenses are highest. Other violent offense categories in this report are manslaughter, rape, ‘other sexual assault,’ robbery, assault, and ‘other violent.’

<sup>14</sup> For instance, the trials of Pamela Smart (in 1991), Aileen Wuornos (1992), Susan Smith (1995), Casey Anthony (2011), and Jodi Arias (2013-2015) generated ample televised coverage before, during, and after their trials for murder. Note Smith and Anthony were accused of filicide and the others were charged with adult homicide.

females” (p. 33). When a woman allegedly commits murder, she appears to defy statistics and the gendered ‘order of things.’ In a criminal justice context, defence counsels often rely on “ideological lenses of domesticity, sexuality, and pathology” while prosecutors reiterate familiar tropes of ‘madness or badness’ – mental health issues or sexual deviance (Morrissey, 2003, p. 33; Whiteley, 2012) in order to explain their actions as intelligible or recognizable.<sup>15</sup>

In *Women, murder and femininity: Gender representations of women who kill*, cultural criminologist Lizzie Seal (2010) explains “killing by women violates norms of femininity, such as nurturance, gentleness, and social conformity. It disturbs culturally held notions not only of how women should behave, but also of what a woman is. In this sense, women who kill trouble the masculine/feminine gender binary by transgressing its boundaries [...]” (p. 1). Similarly, Sylvie Frigon (2006) discusses how ideals of femininity / wifeness / motherhood impact trial practices and narrative. They “play a role in the final outcome of the trial and were dominant in the petitioners’ request for mercy, commutation of the death penalty, and sentence reduction” (p. 9). As Seal (2010), Frigon (2006), and Morrissey (2003) show in their analyses, women accused of murder are often evaluated according to their degree of adherence to appropriate feminine behaviour, both in criminal trials and in courts of public opinion.

Men’s maintenance of gender norms is not put on trial like women who are accused of murder, since male-perpetrated violence is culturally constructed as relatively ‘normal’ behaviour. Often, male criminal identity is more diversely represented and understood because male-perpetrated actions are seemingly gender appropriate. Hilary Neroni (2005) puts this well

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<sup>15</sup> In her account of Texan female sex offenders, Whiteley (2012) explains that ‘victim, mad, or bad’ are recurring typologies used in local news discourses covering the interviewed women’s trials and convictions. Perhaps surprisingly, the ‘mad or bad’ trope is also often applied to murdered and/or raped women in legal and media discourses. Benedict’s *Virgin or Vamp* similarly outlines women who experience violence are often constituted through sexual evaluations of their ‘good’ (virginal) or ‘bad’ (promiscuous, ‘deviant’ sexual) identities. Other feminist scholars critiquing media representations of women victims of rape and/or murder (Acland, 1995; Meyers, 1997; Worthington, 2013) show sexual stereotypes inform women’s status and so-called ‘value’ as victims.

in her filmic and press analyses in *The violent woman: Femininity, narrative, and violence in American cinema*. “Violence itself doesn’t entirely make up masculinity, but it is also not possible to entirely erase violence from masculinity” (p. 45). This is because violence “serv[es] as a fundamental signifier of masculinity, [and thus] we not only consider violence more the province of men than women, but it is also an activity that inevitably enhances a man’s masculinity as much as it would conversely detract from a woman’s femininity” (p. 42). On the basis of gender, since violence is one of many possible actions available and perhaps even expected of men, their gender roles and sexual behaviours are not interrogated like they are for women suspects.

As plausible and imaginable action, male-perpetrated violence is often described in more diverse terms, whereas women who kill are often caught in reductive binaries and the narratives and typologies of mythical lore. For instance, Bronwyn Naylor (1990) notes how violent women are constituted in dual terms. “Whilst male deviance is seen to exist on a continuum, female deviance is polarised: Madonna/whore, the gentler sex or the more deadly species, Snow White/the Wicked Queen” (as cited in Morrissey, 2003, p. 16). Morrissey goes on to expand on Naylor’s point: “...when a man kills he can expect that his crime will be both imaginable and possibly even seen as human. Indeed, male crime in all forums, from the fictional to the factual, is frequently articulated, debated, portrayed, glorified, even fantasized” (2003, p. 17). Male criminals are not necessarily cast as monsters but valued even when their actions are repugnant and extreme, as idolized forms of masculinity are associated with action and acting upon others (Morrissey, 2003; Neroni, 2005).

These perspectives are rather all-encompassing in describing the masculine construction of violence however, for this naturalization is a more complex political process when one

considers how race, class, and sex intersect with masculinity at particular social moments. For instance, Carol Stable's *White victims black villains: Gender, race, and crime news* (2006) highlights how black men are consistently criminalized by law enforcement, while mainstream media coverage continues to rely on racist stereotypes of black criminality. The concept of hegemonic masculinity, which is often performed by white, heterosexual men, foregrounds how a certain version of masculinity "systematically dominates femininities and alternative masculinities" (Ashcraft & Flores, 2000, p. 3). Similarly, Judith Halberstam<sup>16</sup> discusses in the introduction of *Female masculinity* (1998) that white men are all too often conceptualized as the sole bearers of 'heroic' masculinity, a myth that works to ostracize, problematize, and pathologize other masculine embodiments:

Arguments about excessive masculinity tend to focus on black bodies (male and female), latino/a bodies, or working-class bodies, and insufficient masculinity is all too often figured by Asian bodies or upper-class bodies; these stereotypical constructions of variable masculinity mark the process by which masculinity becomes dominant in the sphere of white middle-class maleness (p. 2).

Noting the variability of masculinity – in both its embodiments and politics – is important because it forwards a denaturalizing critique of gender as given, determined by biological sex. In mapping a diverse cultural history of female masculinity, Halberstam shows how masculinity is enacted through multiple subjects, identities, and practices. Masculinity is plural, not the sole provenance of white men, but enacted by women with diverse sexual and gender identities. 'Men and 'maleness' are not mere synonyms for masculinity (p. 15).

This extends Judith Butler's critique in *Gender trouble* (1990), in which she refutes the idea that sex produces unified gender subjectivity. Instead, "gender is the cultural meanings the sexed body assumes" (p. 9). She goes on to theorize how treating gender as independent, as a

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<sup>16</sup> At the time *Feminine Masculinity* was written in 1998, Halberstam identified as Judith and now identifies as Jack.

“free-floating artifice,” means that “*man* and *masculine* might just as easily signify a female body as a male one, and *woman* and *feminine* a male body as easily as a female one” (Ibid.). Accordingly, these influential perspectives in feminist gender theory are relevant in developing a thorough critique of the gender constructions inhering in female criminal subjects accused of violent crimes like murder. As the literature consistently shows, women who kill are scrutinized because their alleged violence is culturally coded as masculine, as antithetical to feminine sensibilities and action. Familiar narratives of the violent woman thus enact gender and sexual stereotypes in order to reaffirm male/female distinctions in the wake of perceived gender transgressive behaviour. This is to say female-perpetrated violence is *culturally constructed* as a transgression of acceptable femininity because it traverses into territory believed to be exclusively inhabited by men practicing masculinity. However, men’s legal indiscretions are rarely cast as a *symptom* of their gender roles like they are for women offenders (Morrissey, 2003, Neroni, 2005). Though feminist scholars discuss how masculinity is a free-floating concept practiced by diverse subjects, as the following literature review shows, violence is firmly engendered as beyond the feminine pale.

### **2.3 Prevailing cultural patterns**

When women are accused of violent crimes like murder, sometimes they are constituted in narratives that serve to other them from normal society, to expel them as dangerous and depraved predators and/or masculine women. Contradictorily, sometimes they are crafted as identifiably feminine types, their behaviours and appearances placed within familiar cultural frameworks. Noted previously in my discussion of cultural studies, feminist literature on violent women applies various terms to map the recurrence of symbolic meaning systems – narratives, types, templates, frames, and themes – as they proliferate in media representations and legal

discourses. Before discussing the prevailing ways murderous women are constructed, I will note how some of these scholars define and use these terms to designate the recurrence of the gendered ‘order of things’ at play in constructing criminal women’s subjectivities. In part, the analytics discussed and applied in this literature are similar to themes some discourse analyses draw out – frames and types for instance are statements that signal a repeated discursive pattern of thought for instance. However, discourse analysis places more analytical emphasis on the power relations and practices tied to the emergence of such statements. I see this as an important means of keeping the analysis open, emergent, and critical of the conditions of possibility and limitation that are built into such statements. After this review of the prevailing findings, I point out that these patterns all speak to a gendering of discourse – within press representations but also the existing feminist literature on violent women.

### **2.3.1 Narratives**

In *Media, Crime, and Criminal Justice: Images and Realities*, Ray Surette (1998) defines crime narratives as providing an “outline [of] the recurring crime-and-justice *types* and situations that regularly appear in the media,” such as the “innately evil predatory criminal” (p. 42, emphasis added). In this formulation, narratives are broader storylines comprised of characters and action sequences or plotlines that have been seen before and thus easily comprehended. While Surette provides a survey of the relationship of media and crime in contemporary legal and popular culture, turning to feminist cultural studies scholarship provides more specific accounts of the use of narrative in tracing the construction of particular gender subjectivities of violent women. In this regard, Morrissey (2003) is particularly helpful in outlining how her method of discourse analysis traces narratives to map the construction of violent women as non-agentic subjects in media and legal discourses. She explains that narrative exists within discourse

and corresponds to specific genres. “Narratives allow us to constitute experience and construct subjectivities [...] [they] provide an important framework for the organization of disparate experience into relatively coherent structures which often invoke cause and effect metaphors for explanatory purposes” (p. 8). The coherence of narrative stock stories, which are comprised of familiar types of characters, themes, and scripts, produce a sense of comprehension or ‘common sense’ (p. 9, 13) that may appear across social domains. Morrissey’s description of narratives as culturally-informed stock stories highlights how ‘types’ comprise the standard, often recurring quality of conventional storylines about violent women.

### **2.3.2 *Frames***

One may further augment Morrissey’s reference to ‘framework,’ for some communication and cultural criminology scholars refer to ‘frames’ as pre-packaged cultural constructions that aid in wide public understanding (Surette, 1998; Entman, 1993). Frames “allow users to categorize, label, and deal with a wide range of events [...] simplifying one’s dealing with the world by organizing experiences and events into groups and guiding what are seen as the appropriate policies and actions” (Surette, 1998, p. 39). In Entman’s influential essay on framing, he explains frames as perpetuating a culture’s beliefs through the repetition or salience of stock phrases and stereotypes (1993, p. 51). These familiar scripts categorize information according to already understood, salient keywords, phrases, and images. Frames employ symbolic forms of communication that gain resonance in cultural circulation, and in so doing, delimit what can be shown and known about a subject. This idea of framing is similar yet distinct from the concept of discourse, for framing analyses suggest there are pre-existing schemas that are used to make sense and categorize information. As I will discuss in the method and theory chapters that follow, discourse analysis is more so rooted in poststructuralist thought,

which configures such schemas as constitutive relations of power and knowledge. It is through these text and image statements that knowledge and practices form, working to (re)create and transform discourse(s). I refer to Romayne Smith Fullerton's analysis of Karla Homolka's press representation to illustrate the characteristics of framing analysis and briefly discuss the method of discourse and media circulation I employ in this dissertation before moving on with key takeaways from this review of the literature.

For instance, Smith Fullerton discusses how Canadian news media framed their stories about Homolka by borrowing narratives that use standard types of good and evil female characters from fairy tales. Homolka's public identity shifted from princess to damsel in distress to witch. These characterizations are highly reductive and 'flat' – they do not afford complexity in understanding women's identities and perspectives. Such narratives seemingly allowed news audiences to easily grasp unintelligible actions and identities through the pre-established outline of female fairy tale characters, which served to “explain, excuse, vilify, [and] punish [Homolka]” (Smith Fullerton, 2006, p. 91). While the familiarity of fairy tale narratives offer legibility in the wake of incomprehensible violence, as frames, they only permit what is already outlined in the fairy tale template. More complex descriptions of Homolka's motivations and identity are not available within the frame of the fairy tale narrative's types and vocabulary.

This critique of the limited vocabularies afforded by prevailing narratives, also noted by Pearson (1997), is comparable to the theory of discourse. As I explain in more detail in chapter four, discourses are knowledge and practice that allow and create particular ideas and norms while disavowing others. This is similar to the linguistic vocabularies highlighted in the literature, for the narrative constraints make certain understandings possible – they must follow the parameters of a pre-existing plotline or script in order to be intelligible. In terms of method

however, discourse analysis takes a deeper scope in considering how such patterns are informed by forms of institutionalized knowledge that is socially and historically constructed.

Comparatively the textual focus on locating frames, narratives, and other types of patterns highlighted in the literature on violent women provide surface readings of media content. A discursive approach aims to locate the dimensions of power that structure and constitute such appearances.

### **2.3.3 *Templates***

Jones & Wardle (2010) and Simkin (2014) also refer to ‘templates,’ another pattern in representational content, to signal the repetitive delineation of violent women’s identities according to familiar stories and social agents. News reports of Maxine Carr<sup>17</sup> illustrate the ‘lunatic template’ is applied and borrowed from media constructions of Myra Hindley, an iconic female murderer from the 1960s. Her well-known mug shot image functions as a visual illustration of feminine evil (Birch, 1994; Wright, 2013). As Jones and Wardle’s content analysis shows, Hindley’s image serves to delineate Maxine Carr’s public identity according to the lunatic template made salient through Hindley. The latter’s image often appears alongside Carr’s in print press coverage. Helen Birch (1994) also notes how Myra Hindley’s longstanding identity as the epitome of feminine evil (p. 35; Wright, 2013, p. 136) is co-opted from a well-worn fictional cliché – the tradition of the “remorseless blonde” of film noir (Birch, pp. 50-52), the femme fatale character type. Simkin (2014) traces this lethal woman type across four discourses of criminal women tried for murder at different time periods. She explains these women’s

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<sup>17</sup> In 2002, Maxine Carr helped her boyfriend, Ian Huntley, murder two girls, Jessica Chapman and Holly Wells in Soham, England. She was first charged with assisting an offender, which were later dropped, while she was found guilty of conspiring to pervert the course of justice. As Jones & Wardle’s content analysis shows, Carr was vilified for her involvement with the victims’ abduction and murder – much more so than Huntley (Jones & Wardle, 2010, p. 53).

appearances and actions are mapped onto a standard template of the femme fatale identity that uses a recurring look and language to impart the lethal woman narrative across a range of ‘cultural intertexts’ (p. 153). In Simkin’s work and many others addressed in this review, criminal women are constructed through a collection of cultural patterns – narratives, types, themes, and scripts – that cumulatively work to constitute women through the gendered lens of seemingly appropriate femininity.

#### **2.3.4 Themes**

Turning to themes, Simkin’s (2014) tracing of the femme fatale offers further discussion, as well as a recent article by Satu Venalainen (2016) on the gender themes of Finnish tabloids covering women accused of murder. The femme fatale type outlined by Simkin is recognizable because of recurrent themes that uphold the overarching idea of female duplicity and sexual entrapment. These themes may appear in visual, verbal, and textual communications; as Simkin illustrates, the femme fatale type’s themes of deception, duplicity, and beauty are imparted through photographic and filmic images of women looking suspicious (interestingly, often when they are being held by men). While Simkin’s research affords a detailed look at the varied visual and textual constructions of a familiar type of criminal woman, Venalainen (2016) refers to broader themes of femininity that appear in Finnish tabloid articles about female murderers. Themes of deception, mothering, emotion, and masculinity circulate across varied criminal trials of women accused of murder in Finland, and there is a consistency in the language used to describe and constitute them as transgressive in their alleged violent and gendered actions. Like other scholars, Simkin and Venalainen critique these themes as constituting women according to narrow understandings of proper feminine behaviour.

### 2.3.5 *Scripts*

Closely related to narratives are *scripts*, which Patricia Pearson (1997) refers to in her discussion of the sexist vocabulary of motive that structures criminal women's subjectivities in press and criminal investigations. Pearson outlines various cultural scripts of femininity that offer acceptable explanations for female-perpetrated violence. Women's experiences as battered women, their mental illness, and even their menstruation are plausible defenses for murder, for these are intelligible scripts that maintain normative understandings of femininity as docile, victimized, and reproductive. Explanations for female violence consistently borrow from pre-established stories that script perceptions and understanding. Gilliam and Iyengar (2000) also discuss the narrative script as "A coherent sequence of events expected by the individual, involving him [sic] either as a participant or as an observer" (p. 561). Scripts "facilitate comprehension by distilling experience and knowledge," enabling audiences to "make inferences about events, issues, or behaviours" even when the script is incomplete or absent (p. 561). Gilliam and Iyengar (2000) go on to interrogate how people's expectations of crime reporting align with their racial prejudices, offering a fairly simplistic argument about media effects. Though their work differs from the other scholarship addressed in this review, it is useful for its illustration of how communicative elements can become scripted—expected by audiences to such a degree that crime reports are 'filled in' with racist preconceived ideas of criminal identity (Gilliam & Iyengar, 2000; Stabile, 2006).<sup>18</sup>

Noted above in discussing the similarities between frames and discourse, these scripts are also similar to discursively constituted knowledge in that they position viewing or reading

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<sup>18</sup> In *White Victims, Black Villains*, Carol Stabile (2006) offers a historical tracing of the racist frames and narratives used to not only report crime, but criminalize African Americans. "African Americans [are] singled out, identified, and criminalized by virtue of skin colour in ways that other racial groups simply have not been over the course of US history" (p. 7).

subjects to acquire knowledge according to pre-existing norms – that which is deemed legible for a given discourse. However, the discussion of scripts by Gilliam and Iyengar (2000) does not afford audiences much agency or negotiation in understanding and potentially adapting these scripts. As Stuart Hall's "Encoding/Decoding" stresses, reception is intimately connected to the production of discourse (as well as media circulation). Audiences are part of the scripting process themselves. This also differs from an understanding of discourse as power/knowledge in a productive sense (Foucault, 1980), that subjects are enabled through discursive constraints but also work to transform the discourse (and its scripts) as they take up positions within them (Butler, 1993; Foucault, 1985).

#### **2.4 Exemplary patterns: Monstrous, 'bad' sexuality and deceivers**

The various cultural patterns scholars trace (by way of narratives, frames, templates, scripts) illustrate how violent women are constructed in narrow gender binaries of good/bad femininity. Often their alleged violence against others (their adult partners, friends, or children) is explained through their 'bad' or 'deviant' sexuality. When an accused woman's sexuality is perceived as excessive (Neroni, 2005) or unusual, she is treated as an inhuman actor. Recurrent narratives and themes of sexual deviancy are communicated through familiar types – the lesbian man hater and the evil femme fatale for instance. Though the contours of these identities differ, both are jettisoned and expelled from the bounds of normal society when their narrative scripts confer monstrosity. One of the primary ways female-perpetrated violence is comprehended is to turn to cultural scripts steeped in sexual stereotype and prejudice. The lesbian man hater type constructed in press and legal discourses pathologizes lesbian identity as dangerous and 'other' to heterosexuality, which is constructed as the supposed norm (Schmid, 2005).

For instance, Aileen Wuornos, a woman accused and convicted of serial murder, was consistently constituted through the lesbian man hater stereotype that functioned to vilify her. Wuornos, a lesbian sex worker, confessed to killing seven white, middle-aged men between November, 1989 and December 1990, was found guilty in 1991, and sentenced to death the following year (Morrissey, 2003, p. 30). In 2002, Wuornos was executed by lethal injection. Throughout her sensationalized trial, Wuornos maintained the killings were justifiable action given her right to exercise self-defence against being raped. In a televised *Dateline* interview, she stated: “Here’s a message for the families: You owe me. Your husband raped me violently [...] You owe me, not me owe you.” Further, “I’m supposed to die because I’m a prostitute. No, I don’t think so” (Hart, 1994, pp. 142-3). Wuornos’ rational vocalization of her motives for violent action, and her cultural critique of the assumed expendability of sex workers, differed from those of her legal counsel, who maintained she was in fact a victim of past traumatic experiences (Morrissey, 2003, p. 39).

The prosecution and mainstream media however demonized her according to the stereotypes of the ‘bad’ lesbian criminal. “Rejecting her claims of self-defence as ludicrous due to the sheer numbers of her homicides, the prosecution framed their assessment of her crimes around the popular and familiar stock story of the vengeful prostitute stalking innocent men” (p. 38-9). The dominant framing of Wuornos as “the world’s first female serial killer” works to construct her as irrational, which limits the challenge her violence and claimed self-defence poses to conventional gendered understandings of violent crime (Morrissey, 2003). “She no longer challenges because she now has more in common with a celluloid or literary icon than with flesh and blood women who harbour legitimate grievances” (Morrissey, 2009, p. 39). Whether cast through the typology of ‘mad’ or ‘bad,’ legal and media discourses of Wuornos

“emphasize [her] irrationality and lack of human agency as the offender is presented either as an insane victim or as a mythical evil, inhuman monster” (p. 65).<sup>19</sup> Like other women accused and/or convicted of murder, Wuornos is constructed in binary terms steeped in stereotype and pre-existing narratives.

Wuornos’ cultural construction as sexually ‘bad’ supports two stereotypes of gender and sexuality – the masculinization of violence, and lesbian identity as masculine. Referencing Barbara Creed (1995, p. 88), Morrissey (2003) notes how lesbians are often understood as “men trapped in female bodies” (p. 125). ‘Butch’ lesbians, as Halberstam (1998) discusses, are gendered masculine through a spectrum of masculine gender performance. Heteropatriarchal discourses however limit how female masculinity and gender fluidity are depicted, understood, and ultimately constituted when this complexity is flattened through stereotypes like the man-hating lesbian. “According to these discourses their charisma, their ‘fatal’ charm, lies precisely in their gender confusion: they are sexed women, yet gendered masculine, which forces them to ‘masquerade’ as though they were actually sexed men, thus denying their female bodies” (Morrissey, 2003, p. 125). This perception of lesbian sexual identity as gender ‘confusion’ is framed as the source and explanation for female-perpetrated violence, again emanating from the essentialist notion of violence as inherently masculine.

#### ***2.4.1 Themes of heterosexual deviance***

While lesbian women are cast as monstrous, straight women accused of murder are often placed on trial for their perceived sexual indiscretions, in being promiscuous (Frigon, 2006;

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<sup>19</sup> Morrissey’s critique of the mad or bad binary is similar to Smith Fullerton’s (2006) critique of Canadian news coverage of Karla Homolka, which first cast her as a victim (a damsel in distress victimized by her ‘beast’ of a husband) and then as an aggressor (a witch who deceives). Smith Fullerton discusses how reporters could not reconcile the apparent contradictions in her identity as victim/offender; she could only be represented as one or the other, never both.

Neroni, 2005) and/or practicing ‘different’ sex (e.g. BDSM, group sex) (Morrissey, 2003; Simkin, 2015). With these accounts, the accused’s sexuality is often cast as salaciously evil, partly dangerous and partly desirable. Violent women’s deception and duplicity are recurring themes in media accounts of criminal trials, and as some scholars discuss (Birch, 1994; Simkin, 2014; Venalainen, 2016), this discourse also emphasizes women’s visual evaluation. In particular, straight violent women are constructed as *femmes fatales* – women who use their sexuality as a lethal and distinctly heterosexual trap. However, their desirability in the eyes of men threatens because their evil rationality is stowed beneath an otherwise suitable (e.g. typically feminine, ‘ideal’) appearance. The emphasis on documenting and interrogating accused women’s appearance has roots in criminal anthropology (Seal, 2010), and is apparent in media coverage of criminal trials from the late 1800s to present day. Women charged with murder, such as Lizzie Borden and Ruth Snyder, were tried in different eras (1893 vs. 1927) but press coverage of their trials was similarly peppered with evaluations of their dress, demeanour, and emotionality in court (Miller, 2011; Neroni, 2005). These visual indicators, such as women’s lack of/put on of emotion, their ‘icy’ stares, hairstyles and dress, are understood to signal their culpability in the alleged murders. Similarly, Frigon’s (2006) wider analysis of Canadian women accused of murder (between 1866-1954) illustrates a preoccupation with women’s bodies and mannerisms. Once again, this practice of evaluating female appearance is a means of structuring violent women’s subjectivities relative to pre-existing gender narratives of women as wives, mothers, and sisters (p. 9) – defined by their relations with men.

This visual preoccupation is also a way of understanding purported differences in seeming and being (Venalainen, p. 270). As Helen Birch (1994) discusses with the iconic ‘evil’ image of Myra Hindley, a British woman known for committing serial filicide with her husband,

photographs signal a gap between what we see and what we know. Hindley's mug shot in particular has, over time, come to embody the definition of feminine evil, as Alexa Wright discusses (2013); however, Birch's comment stresses the inability to fully understand or know an image that defies typical gender understandings.

The press' turn to binary oppositions such as mad or bad is a means of ordering the apparent chaos stemming from female-perpetrated violence (Smith Fullerton, 2006). Part of that ordering process involves visually scrutinizing women for recognizable signs of deviance. Playing into the femme fatale narrative, in press accounts of criminal trials, women primarily deceive through their bodies and appearances. Deceivers "purposefully disalign seeming and being in regard to a person's identity" (Venalainen, 2016, . 270) so as to avoid taking responsibility for their alleged violent actions. An implicit assumption in deception narratives is the visual nature of this process, and that a 'truth' exists beneath or within women's identities. Deception narratives speak to a practice of looking over and over in order to find a core truth or essence beneath bodily surfaces. This sustains the idea that if one looks hard enough – and enough times – truth can be found.

#### ***2.4.2 The victim: 'Mad' and manipulated***

While perceived sexual deviance functions to ostracize violent women as inhuman and or evil deceivers, the literature highlights some women are scripted into the role of victim based on their mental illnesses and/or experiences of assault. Morrissey (2003) is especially critical of the impact victim constructions have in communicating women's violence. She suggests one-dimensional representations of women as victims cast them into familiar gender narratives of feminine docility and powerlessness. In her account, violent women's agency is denied within feminist discourses that produce non-agentic subjectivities in their analyses. Women who kill are

rendered non-agentic when they are described in singular terms – as manipulated by their devious male partners, and/or as battered women. Morrissey explains that these reasons given for female violence often disassociate women from actions they committed of their own accord and in rightness of mind. In displaying evidence of past trauma as a mitigating factor in women’s killing, Morrissey suggests women’s agency is denied through victimism. “Many portrayals of women who kill depict them as so profoundly victimized that it is difficult to regard them as ever having engaged in an intentional act in their lives” (p. 25). Morrissey approaches victim discourses of women who kill as a reinforcement of the *unreality* and exceptionality of female violence. These women cannot be understood as agentic killers when positioned as victims – the discourse exempts them of responsibility, agency, and rationality.

This critique is in conversation with Pearson’s (1997) earlier discussion of sexist vocabularies of motive that worked to deny Karla Homolka’s involvement in raping and murdering two young girls alongside Paul Bernardo. Justifications for women’s extraordinary violence “play into preexisting prejudices about female nature. The operative assumption is that the violent woman couldn’t have *wanted*, deliberately, to cause harm. Therefore, if she says she was abused/coerced/insane, she probably was” (Pearson, p. 42). Pearson rightly points out women’s bodies are integral to this culturally-scripted vocabulary in labelling these women as plausible victims, or not criminally responsible due to perceived hormonal imbalances, amongst other sex-specific defenses. Homolka’s conventionally attractive body (young, white, blonde, middle-to-upper class) gravely limited criminal investigations and discussions about her knowledge of the crime. “Within our culture, we are not taught to view well-mannered, pretty young women as possible criminals” (p. 36). Instead, Homolka was perceived as a damsel in distress (Smith Fullerton, 2006), victimized by her serial rapist husband. “A woman who has

been hit, a good woman, good-looking, white, middle class, cannot possibly be culpable in her own right” (Pearson, 1997, p. 37). Photographs of Homolka’s black eyes for instance were used as evidence to support her battered woman persona – the assumption being she fundamentally lacked the power and agency to *not* rape and murder due to her controlling ‘beast’ of a husband. According to Smith Fullerton, Homolka’s abject identity as *both* victim and perpetrator confounded news reporters – there was no narrative or vocabulary that could encapsulate and sustain the contradictions in Homolka’s testimony and appearance. As a result, Homolka was constructed according to binary types – the oppressed damsel, then the deceitful inhuman witch.

Turning back to Morrissey’s *Women who kill: Questions of agency and subjectivity*, she critiques the very terms and parameters of feminist discourse and its emphasis on women’s violence as a form of victimization. At first glance, evidence of accused/convicted women’s histories of abuse appear discounted; however, looking closer, she is critical of feminist analyses that take a singular approach to understanding women’s criminal subjectivities. Though there is plenty of evidence of oppositional renderings of women in media and legal discourses as either inhuman killers or easily-manipulated victims, Morrissey’s account emphasizes that feminist analyses do not need to reiterate and conform to these narrative scripts and vocabularies. Though they may be unintentionally produced in tracing textual patterns, stereotypes of female criminality are reproduced in many feminist critiques of violent women because their approach exclusively focuses on finding and explaining how women’s identities conform to pre-existing types.

In an attempt to avoid this pitfall of reiterating stereotypes, Morrissey stresses multiplicity in reading and deconstructing violent women’s identities. Using the language of discourse theory and analysis, she states: “There is no room here for an essentialist, naturalized,

‘true’ subject, except insofar as such a subject is constructed within and by a particular discourse at a particular time, in a particular place and for particular political reasons...” (p. 66). With this perspective, noting the complexity and incoherence of violent women’s cultural construction is vital to understanding female-perpetrated killing beyond and in-between binary oppositions like victim and monster. Morrissey deploys a theoretical framework of subjectivity as fragmented and multiple that permits her to trace ‘symbiotic’ and contradictory facets of legal and mainstream news discourses about women who kill.

## **2.5 Taking stock of the literature: Limitations and expansions on themes and types**

Morrissey’s critique expresses one of the core limitations of feminist accounts of women murderers because of their analytical focus on finding familiar ideological gender binaries. Addressed cumulatively, this literature review shows the intertextual dimensions to women’s publicly-informed criminal identities, how this forms in cultural circulation through the borrowing and adaptation of familiar storyline templates that work with the particularities of the offender and criminal allegations. However, I question whether this feminist academic discourse of women’s violence permits a reading of possible ambiguity, contradiction, and transformation in the ways criminal women are constructed in diverse areas of culture. Many of the analyses draw attention to the binaries constituting violent women’s gender and sexuality as ‘mad’ or ‘bad,’ feminine or masculine, human or inhuman. But few discuss how their subjectivities are possibly constituted differently – in ways that confound, complicate, and contradict these familiar narratives, gender binaries and logics.

Romayne Smith Fullerton (2006) discusses how Homolka’s liminality or abjection (as *both* a battered woman and a sexual predator) is lost in the press’ use of strict binary oppositions, and similarly, Helen Birch (1994) notes Myra Hindley is not simply a monster or a victim.

Though both scholars make note of Homolka and Hindley's complex experiences of abuse and predation (that are culturally constructed as oppositional), how their binary representation forms in different domains is not explored.

In order to grapple with the cultural formation of criminal women's subjectivities, the varied mediation processes productive of these identities are important to trace. Although scholars often focus on the high-profile status of particular offenders, their notoriety and popularity is largely taken at face value, as already established and evident. What are the processes through which they are rendered visible and high-profile? Questioning *how* certain accused women become widely known is critical for denaturalizing many of the narratives previously outlined and critiqued. By considering a broader cultural archive than press representation, one may explore how criminal women's imagery and personas form, circulate, and oscillate in multiple cultural spaces.

In addition, traditional mass media such as print are increasingly visual (e.g. celebrity weekly magazines, daily print newspapers), because of the incorporation of digital imaging and editing technologies into their production practices. Andrea McDonnell (2014) for instance explains how weekly tabloid magazines' highly visual format emerged with the digitization of cameras, which allowed for thousands of images to be easily taken, stored, edited, and disseminated (in print and online). Undeniably the notoriety of more contemporary notorious criminal women is tied to the relative ease of producing and proliferating visual and textual content with digital technologies. The contemporary use of digital imaging devices must be taken into account when contextualizing the mobilization of particular images about Knox and Arias for instance. These practices of looking and documenting them in court and elsewhere differs greatly from the visual discourses of Karla Homolka circulating in the early 1990s for instance.

Comparatively, in 2007-2016, the use of digital cameras, specialized macro lenses, video recordings, and the Internet (along with digital storage) have expanded the cultural terrain through which notoriety forms. As such, it is important to expand scholarly research beyond reading the meanings of press representations.

As I will discuss further, developing such a discursive approach in my dissertation (rather than a textual or semiotic approach) allows me to better situate criminal women's notoriety as a cultural construction. The notoriety of particular criminal women is not monolithic, but a complex web that emerges through a constellation of cultural texts, speakers, and institutions. Rooted in a constructionist view of subjectivity<sup>20</sup> that forms in cultural circulation and proliferation, my research suggests criminal women at our current digital historical conjuncture are constituted in multiplicity and not necessarily so easily defined and captured within pre-existing narrative typologies and templates. Throughout the literature, there are clear cultural limitations in representing female-perpetrated violence – scripts of femininity inform and restrict how violent women are described and known. Such fantasies like 'the mad or bad' woman trope provide a familiar outline to female deviance and violence, even when some women's alleged actions clearly fall outside available cultural scripts (Morrissey, 2003; Pearson, 1997; Smith Fullerton, 2006). While mapping this gender vocabulary is useful for highlighting the prevailing ways criminal women are constructed in press and legal discourse, is there more complexity and dissidence to these communication practices and constructions? Is there more plurality in the meanings generated from women's alleged violence? Implicit in tracing the cultural patterns that construct violent women into easily digestible, knowable narratives is the exclusion of other dimensions about the accused that contradict or complicate pre-existing types. The underlying

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<sup>20</sup> This theoretical framework is outlined in more detail in chapter four.

argument for many feminist critiques is the lack of complexity in communicating female-perpetrated violence through the repeated adherence to narrow gender scripts. As much as mainstream press accounts may cast allegedly violent women into familiar shapes, how these templates are founded on discursive exclusions and contradictions is an interrelated and largely unaddressed question. Though the literature maps patterns and continuities, how these templates circulate – and also alter – in multiple cultural sites is largely unexplored.<sup>21</sup> How these narratives about violent women form, disperse, and shift across various cultural planes are questions that afford more nuance and specificity to criminal women’s subjective positioning.

Overall, existing feminist and culturally-oriented scholarship on violent women is certainly detailed and comparative in the patterns they highlight; however, their approach suggests media content such as news is ordered by prevailing codes and ideologies that appear to go uncontested regardless of the medium or historical context. Previous scholarship is limited in its theoretical conceptualization of violent women, which understandably informs and is produced by the textual and interpretive methods selected. By analyzing press discourses through theories of representation, and approaching these narratives as indicators of relatively static gendered meanings, these previous analyses do not consider other sites and discourses constituting their identities. As a result, the context, complexity, and interplay of signifiers of female-perpetrated violence are not considered in much of the literature. The apparent cultural proliferation of their stories and images suggests their subjectivities may enact more varied and contested ideas about gender, sexuality, and violence when considering various lenses such as race as discussed further below.

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<sup>21</sup> Hilary Neroni’s analysis (2005) noted previously does consider the representation of violent women in news and filmic adaptations of criminal events and trials. Simkin’s chapter on Amanda Knox (2014) analyzes similarities between images of criminal women constructed as *femmes fatales*; however, her analysis is primarily focused on reading press photography of Knox circulating in the British tabloid, the *Daily Mail*.

### 2.5.1 *The whiteness of notorious criminal women*

Feminist literature on media representations of violent women discusses the ways in which gender and sexual norms inform how women are perceived and understood. However, little is said about these women's race, especially when they are white. All of the criminal women discussed in the literature are white, which points out the racial stereotypes that inform standards of newsworthiness for reporting on alleged criminal behaviour. Since scholars generally focus on well-known criminal women for their content analyses – those who were covered in the mainstream press in Canada and the US – their evident high degree of visibility is indicative of the valuing of whiteness over other racialized women. Viewing the literature critically, the central place white women occupy in news reports of crime, and also in feminist discourse, illustrates the privileging of white imagery and experience. In intently covering white women's alleged criminality, news reporters and editors make assumptions about the rarity of their actions relative to their gender and sexuality – as well as their race. Some feminist scholarship on the newsworthiness of female murder victims attends to the racist evaluations informing a subject's "worth" (Gilchrist, 2010; Jiwani & Young, 2006; Stabile, 2006),<sup>22</sup> but in the literature on allegedly violent women, the whiteness of noteworthy criminals is largely unremarked.

In not interrogating the race of notorious criminal women, feminist critiques unwittingly support constructions of whiteness as the unmarked, non-raced norm (Dyer, 1997; Frankenberg, 1993; Goldberg, 2002). Karla Homolka's whiteness is explained as part of the reason she was seen as a plausible victim, but how are cultural perceptions of her race also constructing her notoriety? How are other criminal women's subjectivities informed by their whiteness? In *White*

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<sup>22</sup> In Kirsten Gilchrist's article (2010) for instance, worth refers to female victims' degree of newsworthiness – worthiness for news coverage – and worth in the sense of empathy and public acknowledgement.

*Women, Race Matters: The Social Construction of Whiteness*, Ruth Frankenberg conceptualizes whiteness in three interrelated ways: As structural, racial privilege; the way white people view themselves and others (white standpoint); and “a set of cultural practices that are usually unmarked and unnamed” (p. 1). In *White*, Richard Dyer endeavours to “make whiteness strange” by showing its construction in film (p. 4). Doing so “is to dislodge them/us from the position of power,” to make whiteness visible as a racial position (Dyer, 1997, pp. 2-3). The critical marking of white individuals as raced draws attention to the social construction of white as “the human norm” (p. 1) from which other races are seen and defined as other (Foster, 1993, p. 5). These remarks by film and feminist scholars highlight the dangers in not seeing and interrogating white individuals’ racial presence, as this reiterates the ‘unmarked’ status of whiteness.

The recurring presence of select *white* women charged with violent crimes in the United States warrants more critical examination, particularly because their whiteness appears so normalized and idealized.<sup>23</sup> In order to fully map the cultural understandings and practices that produce notorious subjects, feminist work in this area needs to attend to the racist presumptions that produce white women’s heightened media visibility, along with the gendered, sexual, and class constructions at play. The notion that white individuals are racialized through their class positions (Dyer, 1997; Khan, 2014) is also highly relevant in my analysis, for the use of Knox and Arias’ images highlights clear class distinctions that work to racialize and class Arias in particular. Discussed further in chapters five and six, I will outline the concept of whiteness in order to interrogate Knox and Arias’ visibility.

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<sup>23</sup> This is perhaps paradoxical, since these women become well-known for negative actions like murder. However, I suggest they are partly idolized because they are seen as worthy of mass attention and disparagement in a wide range of media and genres over time – quite unlike women of colour accused of violent crimes.

## 2.6 *Transmediation: Notoriety and visual scrutiny in perpetuity*

The literature illustrates how violent women are subject to intense visual public scrutiny in various cultural sites – that there is a continued drive to revisit women’s actions, looks, and life stories when they allegedly commit violent and heinous crimes. This repetitive cultural motivation and desire to investigate violent women even after they are convicted, sentenced, and/or acquitted (in the form of true crime T.V. and filmic adaptations and documentaries, literary exposés, etc.), throws into question whether their subjectivities are actually so easily defined and captured by the narrative types and gender vocabularies outlined by feminist scholars. These recurrent practices of looking and debating the alleged or convicted woman’s gender and sexual identity – not only her legal culpability – seems to suggest her subjectivity is multiple, ‘up for grabs.’ Although there are recognizable similarities between the ways various women accused of murder are represented in press discourses, their cultural presence proliferates widely across multiple genres, media, and institutions. This proliferation situates violent women in a myriad of contexts that generates a much wider range of subjectivities than those described by scholars who find representational patterns in press content.

In response to the prior research outlined, I pose the following question: If violent women are so entirely scripted into pre-existing and patriarchal narratives, types, and themes, why the continued cultural interest to see, uncover, and understand the perceived complexities and contradictions of violent women? Here I claim the notoriety construction of women who kill is especially important to parse out and critique, for their public subjectivities (re)appear in different forms, in different genres and venues. Neroni (2005) discusses how media responses to women who kill are often hysterical, obsessively questioning what the ‘other’ wants (p. 60). Similarly, Morrissey (2003) explains how traumatic events like murder committed by women are

“never narrated only once. Indeed, the need to repetitively narrate such events is their defining feature as traumatic [...] Interpretation of traumatic events is necessarily partial, then, as it is impossible to fix a single meaning to any occurrence, especially in the presence of so many hysterically repetitive explanations” (pp. 10-11). Although there are clear patterns to the linguistic and visual means through which violent women are represented, investigatory practices highlight an impulse to know a subject that possibly defies full understanding. This lack of understanding is, like the literature shows, ordered according to sexist and gender-specific vocabularies of violence and motive that limit how violent women come to *be* in the public eye (Pearson, 1997). However, the apparent high degree of visibility and discussion violent women engender, and also the evident proliferation of cultural productions about them, warrant further analysis.

By expanding the research archive to multiple cultural domains, my dissertation aims to approach violent women in multiplicity, in cultural circulation. In analytical terms, I consider how their cultural construction is formed in pluralities, in ways that are perhaps contradictory and conflictual – not only represented through pre-existing narrative types. This motivation feeds into my constructionist and poststructural theoretical framework that considers how subjectivities form in and between specific discourses. Violent women’s subjectivity is thus not easily encapsulated or explained by tracing reductive binaries and typologies. By pointing to sexist, gender normative types, these analyses also forward ideological critiques, differing greatly from a Foucauldian understanding of power that I employ in this dissertation. While both frameworks are concerned with the creation and maintenance of power relations, Foucault formulates power as diffuse and productive in its constitution of subjects and knowledge (1980). The basis of ideological critique rests on the assumption that a better reality and truth exists that can and

should be implemented. In *Power/Knowledge*, Foucault elaborates on ideological critiques put forward in Marxism:

Far from preventing knowledge, power produces it. [...] The fact that power is so deeply rooted and the difficulty of eluding its embrace are effects of all these connections. That is why the notion of repression which mechanisms of power are generally reduced to strikes me as very inadequate and possibly dangerous (1980, p. 59).

Lois McNay (1992) elaborates in *Foucault and feminism: Power, gender, and the self* that “Foucault rejects theories of ideology primarily because they always imply a pre-existent truth situated elsewhere which can be discerned with the demystification of a given ideological fiction” (p. 25). Though the literature on violent women does not focus on classist media representations in the vein of classic Marxist theory, their critiques forward an ideological analysis focused on locating problematic constructions of women that harbour inequality and gendered power imbalance. By pointing out recurring narratives, types, and scripts, the scholarship treats the media content as having a going-without-saying quality of subjecting women to dominance and repression (e.g. sexism), implying that with different representations, a more valid truth can emerge about women. Implicitly this type of critique also suggests that there is an essential truth about woman that can be found and constructed.

For Foucault however, truths are discursive – they function as conduits of power that produce knowledges and practices that necessarily normalize and regulate a given society. Discussing ideology in *Power/Knowledge*, Foucault remarks: “The problem does not consist in drawing the line between that in a discourse which falls under the category of scientificity or truth, and that which comes under some other category, but in seeing historically how effects of truth are produced within discourses which in themselves are neither true nor false” (1980, p. 118). Discourse analysis therefore brackets the analysis of a certain truth’s validity or politics, because truths are products of particular forms of power that dually enable and constrain.

With respect to the problem of truth, discursive analysis does not seek to pierce a mystifactory realm of ideas in order to uncover an objective truth, rather discursive analysis seeks to examine the particular way power/knowledge complex operate at a micro-social level in order to produce regimes of truth (McNay, 1992, p. 27).

Accordingly, the theory and method of discourse analysis applied in this dissertation should be understood as a reorientation of how power and subjectivity are conceptualized in much of the literature focused on media representations of violent women. Details of this framework are outlined in the next two chapters in which I refer to additional feminist analyses that configure discourse as variously productive (Gill, 2009; Lazar, 2006). Different feminist critiques and theories of postfeminism (Gill, 2007b; Gill, 2009; Lazar, 2006), spectatorship (Berger, 1972; Kuhn, 1985) and surveillance (Bordo, 1986; Browne, 2015; Mathiesen, 1997), which I variously outline in the theory chapter, are more amenable to the framework of discourse and power I employ, as these scholars grapple with the mutually enabling and constraining dimensions of women's visual and bodily scrutiny in various kinds of mass mediation, such as social media (Dubrofsky & Wood, 2015). These lenses connect with the method and concept of discourse, offering critical lenses for tracing the production and use of Knox and Arias' notoriety.

## **2.7 Responding to research gaps and connecting literatures**

Overall the literature reviewed in the chapter provided a useful stock of the cultural and scholarly references used to construct violent women's identities. However like any discourse, academic work on women who kill is delimited by the language and institutionalized logics it deploys. This review signals the relative limitations of feminist perspectives on criminal women thus far, noting how the focus on 'finding' recurring types, narratives, and ideologies in media and legal texts does not necessarily trace possible contradictions and changes in themes and practices related to women's construction as notorious figures. Further, in possibly applying typologies mapped out by earlier scholars, I question whether focusing on these patterns

unwittingly maintains narrow binary understandings of gender.<sup>24</sup> With this critical perspective, I gesture toward developing a different approach that considers the multiplicity of visual practices, sites, and knowledges that work to make Knox and Arias intelligible – not in a singularly repressive sense, but through complex processes of mediation and discourse. Additionally I question how these lenses of intelligibility encourage modes of visual action, such as searching, interpreting, and looking at images and their objects.

In this project, I develop a theory of notoriety as a visual and circulatory concept, which allows for a more critical treatment and exploration of criminal women's multiple subjectivities. In order to denaturalize these assumptions of deviancy residing in the individual, we must consider a wider range of sources and domains that work to position criminal women as multiple subjects. In so doing, one may show how criminal women's notoriety emerges in media circulation (and possibly through dissension and contradictory discourses), which will also illustrate how Knox and Arias' identities are formed in a constellation of imagery and institutions. While a certain discourse's subjectivities may hold more status and visibility in comparison to other discursive constructions, exploring the variance in popular understandings of their alleged criminality helps develop a more thorough critique of their social construction.

Keeping in mind prior research on media representations of women criminals and celebrity culture, my project deploys a suite of interdisciplinary concepts in order to develop a new method of mapping and conceptualizing notoriety as a visual practice. The visual practices that are productive of criminals' notoriety are not singular or monolithic however as criminals are seen in multiple genres and media platforms, and I argue that notoriety is built out of the continual assessment and production of ideas of transgression. Knox and Arias' heightened

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<sup>24</sup> This contradicts a more postmodern and cultural definition of gender, as previously discussed through critical queer scholarship like Butler (1990; 1993) and Halberstam (1998).

visibility signals cultural dispersion, popular debate, and multiple subjectivities, not necessarily a monolithic, singular identity. This discursive complexity also illustrates how these criminalized women are situated in multiple cultural spaces, their notoriety necessarily emerging through competing logics and the creation of impulses to visually speculate. I suggest one template or narrative cannot fully embody or define the notorious, for the production of uncertainty and curiosity is integral to spawning interest and speculation on the allegedly transgressive individual. The circulation of a handful of images produces discourses that position Knox and Arias in plural terms. Collectively these visual discourses encourage visual work – further inspections, definitions, and readings that treat particular images as sources of knowledge. As I will outline in the following method and theory chapters, I draw on the concepts of discourse, subjectivity (Foucault, 1972; 1980; Butler, 1990, 1993), and subjectification (Gill, 2003; 2009) to approach the concept and practice of notoriety as a visual discursive formation.

### 3 Chapter Three – Constructing a visual archive: Applying discourse analysis methodologies

In order to critically assess the notoriety of allegedly violent women, I conducted a discourse analysis of popular imagery associated with Amanda Knox and Jodi Arias over a nine-year period, between 2007 and 2016. Both of these young American women were highly visible murder suspects, widely known for their alleged sexually violent actions toward their adult companions.<sup>25</sup> During this period, they were arrested, charged, and convicted of murder – Knox was only officially acquitted of the murder conviction in March 2015, and a couple weeks later, Arias was sentenced to life imprisonment. Therefore, in terms of historical specificity, these two instances of alleged female-perpetrated murder are comparable. But more specifically exploring the nuances of Knox and Arias' image circulations is important because their notoriety emerged in the extensive visual proliferations of digital mediation and illustrates a constellation of discourses working to construct knowledge about their identities and actions. While other criminal women tried in earlier time periods were certainly judged for their appearances and behaviour, as previous scholarship illustrates (Frigon, 2006; Miller, 2011; Seal, 2010), I suggest the criminalization of Knox and Arias is more extensively *visually* practiced as the spread of their images is often positioned to fuel speculative calls to judgment.

Their arrests, trials, convictions, and personal lives were widely documented and scrutinized in a wide range of cultural sites and genres – in televised true crime dramas, feature-length films, televised and web-based news coverage, tabloid magazines, behind-the-scenes non-

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<sup>25</sup> By 'companions' I am referring to Knox and Kercher's friendship (they were flatmates; however, the state of their friendship was widely debated during Knox and Sollecito's trial) and Arias and Alexander's sexual relationship. It is also important to point out that both murder victims, Meredith Kercher and Travis Alexander, were young adults (Kercher was 21 and Alexander 30) allegedly killed by young adults. Knox, Sollecito, and Arias were all in their 20s when they were tried for murder. Additionally, Rudy Guede, who was convicted of Kercher's murder in 2008 and is currently serving a sixteen-year sentence (Mortimer, 2016), was also in his 20s. My focus is on instances of extreme violence involving young adult victims and perpetrators. As I will illustrate later in the analysis, both murders are also often explained as the result of sex gone awry, which works to sexualize the violence committed against them.

fiction exposés, self-help daytime T.V. programming, and Internet memes. Knox and Arias also produced their own narratives about their literal trials and tribulations through memoirs, art, and ‘tweets’ to their followers. The copious amount of information available about Knox and Arias highlights their high degree of visibility and cultural significance. Despite the thousands of images and headlines published and circulated, I claim a handful of visual moments have come to define specific parameters of their notoriety. Though there are clear differences between these women and their trials, both are young, conventionally attractive white women whose violent actions are often explained through their ‘deviant sexual practices.’ I posit that visual cues of their acceptable and deviant feminine sexuality are part of the reason their images proliferated so widely between 2007 and 2016, and therefore, their similarities are worth drawing out through an analysis of the popular imagery constituting them.

I located the most widely circulated and seen photographs of Knox and Arias during this period and used these as the basis of my discourse analysis and feminist critique. Through a preliminary search in image databases, along with a survey of true crime literature, filmic and televisual adaptations related to their trials, I selected five images (two of Knox, three of Arias) that recur across a broad cultural corpus.<sup>26</sup> Like other feminist Foucauldian research (Rentschler, 2011), I consider my research archive broadly as discourse is constituted and reproduced in various locations. The wide scope of content related to Knox and Arias is important to acknowledge as it illustrates their enduring cultural resonance and high degrees of visibility. Importantly I configure my method as an extension of my broader theoretical grounding in poststructuralist thought. This epistemology questions taken-for-granted phenomena by uncovering varied social and historical practices that animate their constitution. With this lens,

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<sup>26</sup> I explain this selection process in more detail in forthcoming sections within this chapter.

notoriety does not ‘naturally’ emanate from these women or their alleged crimes but has been culturally ascribed through visualizing practices. With this grounding, this discourse analysis researches how certain ideas about women’s notoriety are created through institutionally specific practices that possibly also intersect with other images and logics in other domains in which violent women are seen, discussed, documented. The method allows me to question how the organization and proliferation of particular photographic imagery speaks to a spectrum of rules and assumptions and can be “examined for what they reveal about a discourse” (Bate, 2007, p. 3). At the same time, I also consider prevailing patterns to these rules and assumptions. I suggest violent women are part of a broader production of knowledge about (un)acceptable femininity (Simkin, 2014) – which it must be pointed out, is intersectionally structured by racial and class hierarchies that privilege white middle-class women. Knox and Arias’ image circulations – and the notoriety emerging from this process – therefore speak to discursive rules of race, class, gender, and sexuality.

I called on the works of Simkin (2014), Carrie Rentschler (2011), Kirsten Emiko McAllister (2010), and Carol Payne (2014), who similarly employ discourse analysis of visual sites to adapt my own unique methodological approach. These scholars illustrate how I can approach photographs through multiple layers of analysis, through close readings of specific images that are situated institutionally and historically. This allows for a critical perspective to emerge from cultural sites where photographs emerge and circulate. In so doing, the narratives associated with certain images are diversified by illustrating additional and alternative practices at play in creating these visuals, providing additional theoretical connections and histories. My method employs a similar approach designed to address my specific research questions. I focus on the visual and conceptual themes that recur and diverge between images of Amanda Knox

and Jodi Arias, and how the use of these images encourages one to spectate in particular directions (e.g. as a sexual voyeur, and/or as an investigator or detective). Tracing the proliferation of certain images across genres allows me to question the role digital mediation plays in creating notoriety, along with the cultural function of still imagery in performing familiarity and furthering speculation.

### **3.1 Focus on photography and image circulation**

This project focuses on digital photography in its capacity to capture moments and inscribe them with meaning as they circulate and recirculate through various genres and media. Noted above, there is ample content related to Amanda Knox and Jodi Arias, as their trials (and pre- and post- trial lives or ‘selves’) were highly mediated, not only in news programming, reports, and interviews, but in ‘true crime’ fictional adaptations for television and film. In general, the recurring use of photographs of criminals and their cultural salience also speaks to a motivation to define and know the photographed subject, and specifically a subject whose alleged transgression is potentially ‘unknowable’ and unexplainable. A key question in my work is what cultural functions photography serves in the construction of notoriety, for in a criminal justice context for example photography is used to identify criminals (e.g. through mug shot portraiture and the use of cameras to take photographs and/or digitally scan fingerprints), while nineteenth century criminal anthropologists photographed criminals’ bodies in order to document so-called criminal types (Finn, 2009; Horn, 2003). Those suspected and/or charged with violent crimes are especially subject to public scrutiny, particularly when the individual appears to contradict the conventional profile of a violent offender, who is typically male (Heidensohn, 1995; Neroni, 2005). From a criminological perspective, Rosemary Barbaret (2014) notes how the statistical gap between male and female violent offenders informs their treatment by

investigators and media.<sup>27</sup> “In the relatively rare circumstances that women commit serious or violent crimes, they are much more likely than men who commit similar crimes to appear in the media for these crimes or to be caught by authorities, because [they] are seen as abnormal for women to commit” (p. 138). My dissertation suggests the recurrence of particular still image digital photographs (journalistic and personal portrait photos) of female suspects seemingly encourages viewers to assess the meaning of the image, and to do so time and time again in multiple media formats and contexts. These are speculative practices that produce notoriety – a sense of familiarity that is also rooted in ambiguity, as these images are often situated in ways that encourage one to look and assess again more deeply, as if to peel away layers of the visage to reveal the latent character underneath.

Knox and Arias’ appearances as young, conventionally attractive white women, and the conventional assumptions made about these identity categories, mean they ‘do not fit’ the conventional profile of a murderer. Elizabeth Bird (2000) for instance discusses how the perceived incongruence between an individual’s alleged behaviour and their public, well-known image can fuel scandal and heated debate about a subject’s ‘true’ identity. Still photography encourages viewers to scrutinize this incongruity, and the more popular these photos become through mass-mediated circulation, the more visible and memorable their subjects. For instance, in a short chapter entitled “Child in Warsaw Ghetto, 1943,” Barbie Zelizer (2015) discusses the renown generated out of the circulation of a news image – specifically a Holocaust image – into non-news spaces, and the memorability that is generated out of this circulatory process.

“Holocaust pictures can also teach us about how creatively a photograph stretches across time. Going beyond the issues of accuracy, fidelity, and reliability associated with a photo’s display as

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<sup>27</sup> This point is also raised by Patricia Pearson (1997) in her feminist analysis of Canadian news coverage of Karla Homolka.

news, Holocaust pictures show how news images build renown by moving beyond the news. [...]” (p. 66). But widespread familiarity with the picture was not always the case. The conventions by which it emerged as iconic speak to how memorability can emerge more in conjunction with an image’s recycling into non-news environments than with the news itself (2015, p. 66). The circulation of the image into what Zelizer calls “non-news venues” (p. 67) facilitates broader interpretations and readings of the image – and the boy therein – as emblematic of more universal concerns. As the image “stretch[es] beyond the news environment,” its memorability is enhanced with every display (p. 68). Zelizer’s account of the “neighbouring environments of the news” (p. 68) – the additional genres and media in which news photographs are situated, is important for it highlights how image circulation is an integral part of the generation of image recognition and use.

Particular images promote certain visions and narratives about these women, which questions how still imagery attempts to ‘fix’ subjects’ identities according to certain institutionalized logics. In *Monstrosity: The human monster in visual culture*, Alexa Wright (2013) discusses how Myra Hindley, a notorious British child murderer of the 1960s, is not seen as a living, human subject due to the widespread recognition of her mug shot. According to Wright, the static quality of the image, along with its recurrence, effectively created a criminal subject whose notoriety partly stemmed from the iconicity of her mug shot. “Even though there is nothing particularly abnormal in Hindley’s appearance, in repeatedly seeking to publish a picture that everyone recognizes, news editors have, in fact, created a monster” (p. 139).<sup>28</sup> Mapping the recurrence of certain still images of Knox and Arias – those that were widely

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<sup>28</sup> Wright argues feminine evil is ‘fixed’ to the now iconic mug shot of Hindley, so much so that captions and headlines are no longer needed in defining the subject as deviant and criminal. The meaning of the photograph as ‘evil’ is naturalized.

circulated – enabled me to trace predominant patterns in the visual organization of two female murder suspects’ images, and how these instances of visualizing encouraged modes of seeing and interacting with the image that worked to criminalize them further.

The public also primarily learned of Knox and Arias’ initial arrests through seemingly revealing and memorable photographic moments. Although an array of written and verbal information communicated news of their arrests, trials, convictions, (and in the case of Knox, acquittals), visual texts attracted much attention and focus in news programming and tabloid coverage. Over the course of their trials, the press supplied thousands of digital photographs of their time in court, and often, photographic and video content were ‘lead’ news items. Camera-based reproductions of the accused before, during, and after trial are the primary modes through which Knox and Arias’ new public identities as allegedly sexually violent women were communicated. My focus on the circulation of still images is in part due to their popularity and evident spread across media platforms, but it is also because I seek to denaturalize photography’s perceived transparency, thus extending critiques put forth by John Tagg (2009; 1988) and Jonathan Finn (2009). Both outline how claims to photographic objectivity function as disciplining truth regimes because the photograph is used as a form of evidence in a wide range of domains – in historical criminal anthropology, law enforcement (Finn, 2009; Tagg, 2009), public health and school systems, and in research endeavours (Tagg, 1988). By tracing the construction of criminal women’s notoriety through image circulation, I am illustrating how this logic of photographs as evidence attempts to organize and delimit possible interpretations of the photographed subject’s identity into recognizable and familiar looks, patterns, or figures. At the same time, this visual tracking of popular photographs’ circulation also illustrates how resistant they are to totalizing interpretations and singular cultural uses.

This is especially the case when digital photographs are remediated (Bolter & Grusin, 1999) in films for instance and when visual-textual components are added, such as the addition of text and associated dialogue. ‘Image macro’ Internet memes (Shifman, 2013), film adaptations, and televised news magazine episodes are examples. The popular reproduction of a handful of still images is perhaps surprising if one considers the wealth of photographs produced and available. On Getty Images’ database for instance, there are over three-thousand photographs of Amanda Knox, while a general search for Jodi Arias returns over seven-hundred photographs on Associated Press’ online image database. With the amount of digital photography available one may expect a corresponding representational diversity; however, the wide circulation of very few images of these women suggests otherwise. Not all images circulate widely and become emblematic of the criminalized woman.

The five images I map in this research appear in multiple sites and contexts, speaking to their salience and also the cultural relevance of Knox and Arias’ murder charges at particular moments in time. As I will show, they are highly mediated – circulating in and between broadcast and web news, tabloid magazines, televised true crime dramas and documentaries, self-help TV show programming, true crime literature, and Knox and Arias’ own productions (e.g. Knox’ autobiography and opinion articles, Arias’ art pieces, and their Twitter posts). Overall, this study specifically focuses on photographs because of their wide proliferation and fluidity – they are replicated and even re-enacted in fictional adaptations for instance,<sup>29</sup> illustrating photographs saturate and pervade other media and genres, and vice-versa (Bate,

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<sup>29</sup> These filmic re-enactments of photographic moments are highly structured however by visual markers present in the original image. In order for the adaptation to serve as a visual reference to the well-known photograph, the actors’ dress and posing must be visually similar. In this sense, filmic remediations of journalistic and personal photos adhere to a pre-existing visual structure or form – they are not necessarily freely or easily constructed, but carefully selected and re-imaged.

2007, p. 6). Questioning how violent women's notoriety is produced out of popular engagements with various kinds of photographs that feature the suspect, the project also denaturalizes cultural assumptions of photographic realism (Sekula, 1982; Tagg, 2009) – a central belief in photojournalism (Payne, 2014; Sontag, 1973/2001), criminal justice (Finn, 2009; Horn, 2003; Lalvani, 1996; Moore, 2015; Wright, 2013), and crime news (Miller, 2011; Rentschler, 2011).

### **3.2 Methodological approaches in visual culture studies**

Some of the debates regarding the subject and scope of visual culture studies provide a helpful inroad into understanding some of the core methodological approaches to studying images and visibility. Depending on their theoretical and disciplinary frameworks, scholars have applied various qualitative methods to the study of visual content, practices, and technologies used in different periods of time and cultures. In the introduction to *Visual Methodologies: An Introduction to the Interpretation of Visual Materials*, Rose refers to the wide range of theoretical and methodological approaches used in visual culture studies:

Much of [this body of work] is concerned to interpret the meaning of visual images, though some focuses more on practices of visibility or on the agency of visual objects; there are many historical studies [...] some studies are more closely aligned with established academic disciplines like art history or cultural studies than others; some are structuralist and others post-structuralist; most of their methods are qualitative. This diversity obviously makes generalizing about studies of visibility a difficult task (p. 8).

There are multiple “emerging genealogies of the discipline” of visual culture studies, as art historian James Elkins pointed out fifteen years ago in the *Journal of Visual Culture* (2003, p. 232). As a site of cross-disciplinary analysis (Guins, Morra, Smith & Cruz, 2002, p. 104), visual culture is infused by theories and methods from fields like communication, film studies, sociology, anthropology, and art history. *October*, a long-running contemporary art journal, has

been especially formative in summarizing and voicing debates about the subject, definition, scope and methods of visual culture, particularly in the mid-90s.<sup>30</sup>

For the purposes of outlining the visual discursive method I employ, and providing a rationale for my method, I will bracket some of this interdisciplinary debate by quickly referencing methods like semiotics in order to highlight how my analysis of notoriety construction is rooted in a different set of questions and epistemologies. At first glance my analysis of images' discursive themes may appear similar to semiotic content analyses that are grounded in structuralist theory, for I discuss the compositional form of an image as it circulates. However as I detail further in this section,<sup>31</sup> the discourse method I use studies image composition in order to highlight how it possibly transforms in use within a given text and historical moment. Tracing compositional changes is part of my analysis of the forms of power/knowledge that emanate from the images' contexts of use, differing from a semiotic and structuralist reading of the 'form' of an image and its meanings. Instead I am concerned with understanding how an image is structured by discourse while also constituting it. Taking a poststructural approach, each image appearance or situating is analyzed for its compositional qualities, always tethered to specific social and textual contexts.

### **3.3 Sites of visual cultural analysis: Image texts, contexts, cultural use**

A highly interdisciplinary field of study, visual culture studies draws from a wide range of epistemologies and disciplinary conventions that inform selections in method and analytical frameworks. In "Mapping Visual Studies in Communication," Kevin Barnhurst, Michael Vari,

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<sup>30</sup> In particular, *October's* "Visual Culture Questionnaire" circulated to a "range of art and architecture historians, film theorists, literary critics, and artists in the winter of 1996" illustrates a perceived fracturing between historical and anthropological approaches to the study of images and visibility – or what is called the "'new art history' with its social-historical and semiotic imperatives and models of 'context' and 'text'" (1996, p. 24). The ensuing responses (pp. 25-70) highlight diverse perspectives and tensions in how images and visual experiences are conceived and studied.

<sup>31</sup> See the headings, 'semiotic approaches to the visual' and 'discursive approaches to the visual.'

and Igor Rodriguez (2004) note how this field is comprised of multiple overlapping fields,<sup>32</sup> and how developments in academic journals (e.g. *Journal of Visual Culture*, *Visual Communication*, *Visual Studies*) and meetings (e.g. the Visual Studies division of the International Communication Association) converge on the broad question of “increasing visibility in culture” (p. 616). Generally speaking, scholars in visual culture or visual studies view the visual mode as a predominant social condition or practice of modern and postmodern life (Mirzoeff, 1999; Jenks, 1995). There are different critical access points to researching ‘the visual,’ as it is approached both as a noun and as a verb. For instance, scholars may study particular image texts and collections for their meanings (Berger, 1972) or consider the practices of looking that images invite – questioning how images are looked at in different cultural spaces or moments (Sturken & Cartwright, 2001 [2009]; 2017). Others investigate the historical uses of visual media technologies, sometimes taking technological hardware as their main site of analysis and other work questions how seeing is institutionalized as part of systems of power (Foucault, 1977).

The wide breadth of approaches to visual culture (as both a research subject and theory) reflect different analytical sites and modalities available to scholars. Rose points out: “Many of the theoretical disagreements about visual culture, visualities and visual objects can be understood as disputes over which of these sites and modalities are most important, how and why” (2007, p. 14). She explains that visual researchers select areas “at which the meanings of an image are made: The site(s) of production, the site of the image itself, and the site(s) where it is seen by various audiences” (p. 13). Researchers also bring select modalities – technological, compositional, and social – to bear on these image sites in order to produce critical viewpoints.

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<sup>32</sup> The authors provide a helpful visual schematic of this cross-disciplinary overlap, mapping the complex disciplinary structure of visual studies in relation to the broader field of Communication (2004, p. 636).

I found Rose's characterization particularly helpful for the design of my visual discursive research method and in motivating me to develop a visual outline of the analytical sites and concepts that inform my overarching research design.<sup>33</sup> Importantly these sites and modalities often intersect, and generating a visual schematic that encompasses and communicates this blurring (or interconnection) is a challenge. I return to this schematic later on in the chapter, but point out it is adapted from this summary Rose (2007) offers of the visual culture field and its prevailing methodologies. In an important respect, my method differs from the framing Rose provides since she refers to these sites and modalities as options for interpreting and reading image *meaning*,<sup>34</sup> whereas a discursive approach situates the image as part of broader cultural practices and thus searches for images' contexts of use and not their meanings.

#### **3.4 Semiotic approaches to the visual**

This difference between a linguistic search for meaning and a discursive search for context and use bears some more discussion, as these distinctions inform how my research corpus is designed and influences the scope of my dissertation analysis. Generally speaking, theories of language like Ferdinand de Saussure's model of semiotics (the study of signs) draw from structuralist theories' focus on uncovering how meaning is symbolically produced through practices of signification. A structuralist theory of culture is concerned with the underlying system of relations that generate language rather than its actual performance or its cultural transformation (Barker, 2012). A semiotic analysis reflects on the constituent parts of a sign, namely the relationship of the form - the signifier (e.g. an image, the marks of a word on a page)

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<sup>33</sup> Rose's model is not visual however but numeric and textual.

<sup>34</sup> This is perhaps surprising since the social modality Rose references is not focused on interpreting the meaning of imagery but focused on broader practices and institutions that "surround an image" (2007, p. 13) and construct it. In this regard the language Rose uses to characterize these visual sites and research modalities relies too heavily on a textual and semiotic form of analysis, as it conflicts with alternative approaches.

– to its concepts and associations – the signified. This type of analysis interprets the meaning of a sign, pointing out the conventional and differential quality of meaning-making. In *Practices of Looking: An Introduction to Visual Culture*, Marita Sturken and Lisa Cartwright (2001 [2009], 2017) note how foundational theories of structuralism from de Saussure, Charles Peirce, and Roland Barthes have been adapted for use in the interpretation of representations like film and advertisements.

Sturken and Cartwright offer an example of how 1950s Marlboro advertising created the sign of Marlboro as masculinity through a combination of linguistic and visual signifiers (e.g. the word Marlboro, images of a cowboy on horseback, cigarettes) with signified understandings like “rugged individualism and life on the American frontier, when men were ‘real’ men” (2001 [2009], p. 29). This understanding depends on shared cultural references and codes (Hall, 1997), that cowboys “are cultural symbols of a particular ideology of American expansionism and the frontier...” (p. 30). With this method, the analyst’s reading of connotations draws attention to the social conventions that generate such meanings. Barthes’ theory and method of myth for instance (1972) generates a method for drawing out signs’ latent ideological qualities, how their construction works to affirm and naturalize the status quo.<sup>35</sup> Though Barthes’ concept of myth helpfully expanded structuralists’ focus to consider the possible political motivations of sign systems, this approach still assumes a text is governed by a singular meaning and cultural use. This conflicts with more poststructuralist understandings of reality as historically contingent and ever-shifting depending on the particular knowledge regimes at play.

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<sup>35</sup> For instance, Barthes’ well-known analysis of the *Paris Match* magazine cover in ‘Myth Today’ (1972) illustrates how his concept of myth expanded de Saussure’s model of the sign. What he calls the first-order of signification, the sign, is ‘filled in’ with connotations that have political effects given the historical context. At a denotative level, the cover features a young black male soldier saluting the French flag, eyes gazed upward. However Barthes suggests this image works to obscure French colonial history by promoting the myth of French imperialism.

### 3.5 Discursive approaches to the visual

Noted throughout this chapter, taking a discursive approach by considering the contexts of an image (e.g. its mobilization within particular institutional sites) affords much-needed historical specificity to the cultural use of images as they circulate. After all, images are continually made, seen, and used in wide spaces – so much so that many thinkers characterize the contemporary period as increasingly visually constituted, not only represented (Jay, 1996; Mirzoeff, 1999; Mitchell, 1994). The (post)modern propensity to construct reality in visual terms – to “picture or visualize existence” (Mirzoeff, 1999, p. 5) – is a core concern of cultural studies-oriented visual analyses (Rose, 2007).

Semiotic analyses tend to read images with a critical lens of ideology, as Barthes’ readings in *Mythologies* illustrate. This offers a critical perspective on the possible political dimensions informing the construction of an image, that it is designed to create a dominant ideology that supports a ruling class’ (or social group’s) ideas and power. While detailing the limits of Marxist ideology as a concept and framework is beyond the scope of this chapter, I point out these conceptual roots in order to highlight the modernist view that reality (encapsulated in media content) can be discerned and assessed as inaccurate in its ideological qualities. While a discursive approach is similarly concerned with the power relations and inequalities that are produced in content (or through discursive statements), the analytical focus turns toward understanding the norms and assumptions that structure what can be said and thought. These images are therefore not representations of a reality, but actively construct that reality through the discourses they enact.

Importantly images are tied to a host of visualizing practices, such as the use of visual media technologies to modes of spectatorship and production in different cultural sites (Sturken

& Cartwright, 2001; Dubrofsky & Hall, 2015). Along these lines, Mitchell notes “the study of the visual image is just one component of the larger field” (2002, p. 178). This cultural turn toward studying *visuality*, “how we see, how we are able, allowed, or made to see” (Foster, 1988, ix) is – I suggest – tied to a more discursive and cultural understanding of vision and visualizing than more formalistic textual approaches to reading media content. This is because a discursive analysis situates images and image practices within particular social contexts, suggesting they constitute varied kinds of knowledge and subjects (Bate, 2007) rather than treating them as static texts or activities with singular, “sealed” meanings (Holly, 1996, p. 43).

Noted in the next chapter on the theory of discourse, this approach reflects its poststructuralist roots, as the method is designed to look for differences and continuity across a broad cultural corpus. Searching for visuals’ intertextuality and historical context is to situate these ‘discursive statements’ (Foucault, 1972) as part of a broader culture, tied to specific visual practices and institutions that shift over time. The discursive method approaches texts as themselves products and productive of discourse and knowledge, defining what can be known, seen, and said at particular moments (Bate, 2007; Hall, 1997). Discourse analysis is thus focused on “the way representational practices operate in concrete historical situations” (Hall, 1997, p. 6). Importantly this configures the research subject pluralistically, emerging through specific and diverse practices of visualizing, documenting, seeing, sharing, and judging imagery for instance.

This type of method thus involves a broader, multilayered scope of analysis that accounts for the material relations of specific images – how they emerge, circulate and adapt in cultural use. A later section of this chapter includes a visual schematic that provides a general outline of this multilayered analysis of image dispersion in and across a broad cultural archive. This expands the analytical focus out beyond the semiotic frame of image appearance and meaning to

consider the historical and social contexts of image circulation. As I claim with my theory of notoriety creation, the cultural pathways images take, and the continual use of images to generate speculation, generates a pluralistic form of notoriety for these select criminal women.

### **3.6 Reflecting on 'the archive'- Consulting and forming cultural corpora**

Before turning to my description of the process I used to select images, some critical reflection on the notion of archives is needed – in terms of how they may be viewed as discursively constructed by institutions but also by researchers who construct their own collection of materials for analysis. In this section I point out that archiving involves practices of collecting, filing, storing, searching, and exhibiting that undeniably structure how and what is seen, and thus follow discursive rules and assumptions. Archives may then be read as forms of power/knowledge in a Foucauldian sense of enacting institutional norms. Given the framework of discourse that I apply in this dissertation, combined with the media circulatory thrust of my theory of notoriety, I suggest a traditional notion of archive (as sealed, contained collections of texts for instance) conflicts with my methodological design and concept of notoriety, for I am concerned with highlighting the mobility of digital images as they circulated. While the five images I trace in this dissertation are certainly situated within particular archives (e.g. press agency databases like AP Images, image collections on criminalized women's social media accounts, cable news channels' online images), I see the images as embedded in a cultural corpus, as these images also work to constitute culture as they were shared, seen, and debated in different sites. I refer to other scholars' perspectives on the need to approach archives as cultural and dynamic (McAllister, 2010; Sekula, 2003) in order to think critically about how the selected images in this project are culturally situated, and also situated as research objects for my analysis. As David Bate discusses in his application of Foucauldian archaeology to the study of

photography, the archive is a culturally constructed corpus, a “product of discourse” (2007, p. 1). This discussion of archive as corpus provides a critical foundation for understanding these images as constitutive of an expansive cultural body of knowledge and visual practices that are continually shifting as the images are used and seen.

By tracing the movement of images and their recurrence in different cultural sites, I also constructed my own research corpus (noted in more detail in the next section) – a body of images that I suggest is continually used to provoke visual inspection and judgment as their content and interpretations form and oscillate. The process of following the appearance and circulation of images in a broad ‘general’ or cultural archive is a discursive process. At a broader level, my exploration of the movement of images of Knox and Arias can function as a dual construction and critique of archival discursivity, for photographs not only indicate the production of knowledge about certain subjects and objects, but their presence reflects the exclusion of certain subjects and knowledges. Niels Andersen (2003) puts this simply in his discussion of discourse analytical strategies:

It is the first task of the discourse analyst [to] carefully outline this body [of discursive statements], in order to construct the *archive* as that which ultimately regulates what has been said and not been said in a given society. [...] As a discourse analyst, it is necessary to travel the long and cautious road via the archive in order to approach the question of the shaping of specific discursive formations (p. 13, italicized in original).

Similarly, in “The Archaeology of Photography: Rereading Michel Foucault and The Archaeology of Knowledge,” Bate discusses how photography is a burgeoning archival practice (2007, p. 3) that can be examined as a discourse with particular rules and regularities that structure what is produced, seen, and known about a subject. He states, “Foucault, like an archaeologist, proposes that objects and documents [within the archive] can be examined for what they reveal about a discourse” (p. 3). Broader social systems make such seeing possible

however, structuring what can be seen, known, or said – and what cannot (Foucault, 1972). Speaking to this point, Foucault calls for a reconstitution of the “inexhaustible speech that animates from within the voice that one hears, re-establish[ing] the tiny, invisible text that runs between and sometimes collides with [discourses]” (1972, p. 27). Through its statements, a discourse permits and forecloses particular language, actions, and subjects from emerging (p. 27). For instance, the visual moments that spread widely and recur over time reveal certain terms, rules, and sentiments of a discourse, which also speaks to the unsaid and unseen. In “Showing seeing: A critique of visual culture,” Mitchell notes “visual culture entails a meditation on blindness, the invisible, the unseen, the unseeable, and the overlooked [...]” (2002, p. 90). Approaching visual images as discursive also importantly configures them as a form of language that supports broader social institutions and their associated versions of common sense.

Importantly, it is through such archival practices of collecting, filing, storing, searching, and exhibiting that knowledge comes to be constituted about the subjects purportedly documented. This knowledge-making is also constructed through the discourse analyst’s own explorations. In this process, the researcher’s archive is constructed in drawing connections between dispersed discursive statements, in finding value in bringing them together in a corpus, a body of knowledge and statements about a topic or subject. While Bate’s (2007) application of Foucault offers a critical lens to viewing archives as constructs - as institutional and thus bound to certain historicized logics and practices – this short *Afterimage* piece does not consider the mobility and transformation of archival accounts over time and place. This is particularly important for photographic analysis as Bate recognizes “the photographic still image saturates other media” (2007, p. 6).

To augment the useful framework Bate provides regarding archives as discursive practice, I also draw on Kirsten Emiko McAllister's analysis of Japanese Canadian internment camp photographs to illustrate her points on the archive as a cultural and expansive domain. Although McAllister's focus on documentary photographic images differs from the type of images I analyze (e.g. they oscillate between being crime, news, social media images) the piece raises germane points on the expansive cultural terrain of archives. In "The Changing Memoryscape of Japanese Canadian Internment Camps" (2010), McAllister approaches photographs within the Japanese Canadian National Archive and Museum (JCNAM) as entering into new "choreographies of meaning" when mobilized beyond the dominant narratives of archival memory (p. 218). Instead of being fixed within the physical or narrative confines of the archive, photos within the JCNAM enter into new social relations with viewers and producers when they circulate beyond the archive's doors or databases. For instance, a photo within the JCNAM archive reappears in a documentary film called *With Our Own Eyes: A Trip to Lemon Creek* – the first time McAllister witnessed the photo. This discussion reconfigures popular concepts of 'the archive' as the primary origin of information, as some of these materials circulate in other cultural spaces and accordingly acquire different valences. The various ways archival materials are used – their various 'choreographies' – diversifies meaning and knowledge associated with the materials. In tracing their contemporary mobility and cultural use alongside historical contexts of their production, archival photography is opened to multiple perspectives. Her claims draw on Allan Sekula's point (2003) that archives are "both residual and potential, the suggestion of the past coexists with a plenitude of possibilities" (p. 445, as cited in McAllister, 2010, p. 223). Though the camera may capture a part of reality that once occurred in front of the lens, this reality is always partial, and the photographs are put into new relations as

they are used. Applying Sekula's (2003) language, photographs bear residues of the past that structure future possibilities of witness. As cultural systems, the value and relevance of archives change as their contents mobilize and come into contact with new audiences and producers. Although archival materials should be contextualized as specific institutional products put into the service of its users' projects and logics, a fuller picture amasses when the researcher traces the mediation of those materials – their use and circulation. As Carole Payne illustrates in her visual analysis of the National Film Board of Canada's Still Photography division for instance, photos are often experienced in multiplicity (2014, p. 6), while Bate also points out “the photographic still image saturates other media” (2007, p. 6). I contend that with digital images in particular, their emergence in a particular cultural site – be it through a photojournalist press database or on social media – is just one sliver of images' cultural makeup and ‘life cycles,’ as they unfold in a wider net of media circulation. The ‘archive’ is therefore an expansive cultural corpus that situates any given image in temporal and spatial multiplicity.

Laurie E. Gries' methodological approach in *Still Life with Rhetoric: A New Materialist Approach for Visual Rhetorics*, highlights the expansive cultural corpus digital images are circulated within and constitute. Focusing on the Obama Hope image, Gries maps its presence in multiple media platforms and genres over time. She suggests that the image materializes in a range of pictures – in posters, tattoos, memes for instance – and through these reproductions, acquires diverse meanings and uses. These proliferations also illustrate how the image maintains its recognizability though its composition and contexts (p. 42) and have – and continue to - change markedly from the original photographic image taken by Mannie Garcia in 2006 (p. 1). Gries' work is especially germane for my research design as she is also concerned with accounting for the “dynamic, distributed, and emergent aspects” of discourse (p. xix) in digital

contexts. The inevitable flux of these images, “in terms of form, medium, genre, and activity,” means that, according to Gries, “it would behoove us to think about visual things as circulating, not some thing to be circulated” (p. 26). Especially for images that emerge and circulate digitally, they “rapidly undergo change in terms of location, form, media, genre, and function” (p. 19). The spatiotemporal image flows Gries discusses and maps highlight how images are continually caught up in multiple cultural sites, and illustrate how ‘the archive’ must be thought of in a dynamic sense, for images themselves are multiple and circulatory. As sites where discourse forms, images themselves can be treated as archives that are “media driven” (Bate, 2007, p. 5). Tying discourse theory to media circulation, I treat the images in my analysis as single multiple images (Mol, 2002) that appeared in multiple media platforms and genres, acquired multiple meanings and compositions, and yet created a sense of “wholeness” through their dispersion (Gries, 2015, pp. 39-40). In this sense the images had various choreographies of meaning (McAllister, 2010, p. 218). The images are singularly recognizable – they are distinct from other images of Knox and Arias for instance, while they are also comprised of multiple singular instances where the image materialized.

As McAllister and Gries’ work illustrates, ‘the archive’ of a particular subject or image is not bound to a particular collection of texts. Instead these collections are multiple and interconnected because their materials move, gather meaning, and become “embodied practice/knowledge,” as Diane Taylor suggests in *The Archive and the Repertoire: Performing Cultural Memory in the Americas* (2003, p. 19). The image is constituted in a body of shifting cultural moments – in particular texts but also in the visual practices these moments of visualizing encourage. Additionally, the digital platforms in which Knox and Arias’ images moved expanded the possibilities for their transformation and spread, facilitating continual visual

engagements that encouraged one to speculate and judge. As the literature review illustrates, women accused and convicted of violent crimes were continually visually assessed – their look and behaviours were surveilled and judged and this was part of their criminalization. However, questioning how their images were produced and circulated is an integral part to understanding these visual assessments – a missing element in the literature. Knox and Arias’ images form and mobilize through multiple digital media platforms and genres, and thus constitute a wide cultural corpus. At first glance, the amount of available imagery of Knox and Arias appeared a challenge. However, in exploring diverse cultural content, I approached the images as ever-unfolding bodies of texts, practices, and knowledge that could be traced by tracking their mobilization and transformation across media and genres. In so doing, my aim was to narrow in on the images that recur most over time, as the heightened visibility that mass circulation affords these images is fundamental to understanding how notoriety forms in contemporary digital contexts.

### **3.7 Sample selection process**

In order to determine the most prolific, dominant images that constructed Knox and Arias’ notoriety, I turned to multiple cultural texts and sites: Online search engine Google (text and image search), press archive databases, American news websites (for televised news programs and press), and a collection of films, made-for-TV movies, and true crime books. A text search for ‘Amanda Knox’ and ‘Jodi Arias’ in Google returned hundreds of thousands of webpage results – approximately two-million for Knox and half a million for Arias. I also found Google’s time period filter useful for locating news stories that circulated alongside particular developments in the criminal investigations and murder trials. I also combined Knox and Arias’ names with other search terms: ‘television,’ ‘film,’ ‘true crime,’ ‘book,’ and ‘meme’ for instance in order to learn the scope of content available and associated with these women. I perused these

pages and made note of any film adaptations and books associated with Knox and Arias so that I could investigate their depictions further. I then ran searches that were specific to mainstream and mass mediated American television channels (e.g. ABC, NBC, CBS, CNN, HLN) and programs (Dateline, 60 Minutes, Diane Sawyer, Oprah, Dr. Phil, Anderson Cooper), as well as press and tabloid outlets, such as: *The New York Times*, *The Sun*, *People*, *Star Magazine*, *The National Enquirer*. Some of these outlets had already appeared prominently in the general searches I had conducted – for instance, HLN figures prominently in results for Jodi Arias, along with an array of tabloid articles from the U.S. and UK (e.g. *The Daily Mail* web tabloid) covering her trial and associated film adaptations based on her murder of Alexander. Knox was also covered extensively in British tabloids but garnered much attention in multiple American media outlets, with news ranging from her convictions and acquittals to her memoir, interviews, and recent efforts as an advocate for victims’ rights.

Wading through this online material was undeniably messy in its emergent and unstructured nature. It was an important preliminary step in understanding the visual and textual content available in the cultural corpus. My aim was to view as much content as possible in order to determine which images were utilized the most across these dispersed sites. I also subscribed to Google’s ‘Alert’ service, which provided email notifications of new webpage content about the search terms, “Amanda Knox” and “Jodi Arias.” From 2014-2016, these weekly updates notified me of an array of news I would not have otherwise known about, for example: Knox’ wedding engagement (circulating in celebrity magazines); the production of a Knox-inspired television show called ‘Guilt;’ a controversial reference to Jodi Arias on the comedy television show, *Family Guy*; a collection of nude photos of Jodi Arias (once used in the criminal investigation) reimagined as classic masterpieces; and many more headlines, images, and web

links. While this content differs in form, genre, and reach, cumulatively it illustrates the proliferation and diversity of content associated with these two criminalized women. The circulation of these images shows how temporal and spatial durability are part of the formation of notoriety.

I also consulted online press archives, for these women were extensively covered by photojournalists and news agencies. I searched for Knox and Arias within image databases like Associated Press Images (AP Images), Getty Images, and Reuters Pictures, which returned hundreds to thousands of images. Depending on the platform, I was also able to filter these results according to ‘popularity,’ ‘relevance,’ and time period. Captions appear with the image along with the photographer’s name, affiliation, and date. The name of the news agency (e.g. Associated Press or Reuters) or photo agency (Getty Images) appears as a watermark across each image until the user purchases rights of use. I consider these commercial image collections important archival spaces that signal the dearth of imagery of Knox and Arias within photojournalism and news editorial discourses, but more specifically, they also signal popularity, as certain filters rank the photos according to purchasing frequency.<sup>36</sup> Pointing out that photographic archives often sell their pictures, Sekula stresses that photos’ meanings are up for grabs when purchasing the reproduction rights to images (2003, p. 444). To this I would add that the use of photographic imagery is a material relation of archival and visual practices of searching, looking, defining, and sharing - not only a question of meaning-making. “Archival potentials change over time; the keys are appropriated by different disciplines, discourses, ‘specialities’” (p. 445). These searchable image archives thus offer a view into the process of

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<sup>36</sup> An important qualifier however is that each database utilizes algorithms that determine such definitions of popularity – these structures are not readily available to the user on the webpage when they click or toggle these filters; however, they structure how and what is seen on these pages.

notoriety construction within journalistic discourse as images enter into and out of such repositories and become situated in new cultural contexts and acts of visualizing.

These digital images circulated widely beyond the confines of these official image databases. Particular ones, such as Knox looking directly into the camera as she was led by three police guards, is widely available through a Google Image search for instance, sometimes situated within a journalistic site and sometimes not. As I will discuss in my analysis, this image – what I call the glance image – is embodied by actors in films (Gleysteen & Pepper, 2009; Parmenter & Winterbottom, 2014), referenced by Knox herself (Knox, 2013), and rather lovingly referenced by a journalist in her own true crime literary exposé (Burleigh, 2011) – along with many other uses of the image. By tracing the dispersion of photographs of Knox and Arias through a broad archive, my overall aim was to question how practices of image circulation (or, dispersion of statements) are possibly regulated by different discursive formations, thus impacting how subjects come to be seen and known.

The popularity of certain kinds of photographic imagery is apparent when approaching the archive broadly, for certain still imagery of Knox and Arias, once taken during trial proceedings for instance, are reanimated and extended into many other cultural sites. News photos and personal photos (e.g. pre-crime/pre-trial photos of the suspect) appear and blend into other mediated genres, thus expanding their reach, audience, and interpretations as they circulated. Tracking their movement was integral to researching the cultural construction of Knox and Arias' notoriety; how it was generated out of practices of seeing and watching that occur in an array of social domains and contexts. I emphasize the importance of cultural circulation as it defines my theory and problematic of notoriety as a product of visual practices – of making suspects highly visible and thus subject to mass, public scrutiny.

I also consulted a diverse sampling of film and T.V. adaptations based on Knox and Arias' criminal trials, and noted how previously circulated photographs appear in these sites. In some scenes, photographs and videos were reproduced through actors' poses, dress, and actions – reanimating still images of Knox and Arias taken before/during/after their trials, originally taken by editorial photographers. In other scenes, personal photos of Knox and Arias (many of which they shared through their social media networks prior to their arrests) were similarly adapted through the recreation of pictorial elements within the original photographs or video clips. The recurrence of these images within other genres and media speaks to their cultural significance, and also highlights how audiences are continually asked to evaluate the suspect according to already familiar imagery. This is apparent in feature-length films like *The Face of an Angel* (Parmenter & Winterbottom, 2014), and made-for-TV crime dramas produced by the *Lifetime* network: *Amanda Knox: Murder on Trial in Italy* (Sutter & Dornhelm, 2011) and *Jodi Arias: Dirty Little Secret* (Alexander, 2013).<sup>37</sup> All utilize photos originally aired on televised news and website news, referencing already visible moments of the trial, arrest, investigation, and their 'pre-crime' personal lives. However, these photographic moments are evoked through visual similarity; the actors' bodies take on the tangible forms of the original image, thus extending the still image into a moving medium.

In written texts like Amanda Knox's memoir, *Waiting to be Heard* (2013), and other written true crime exposé-type materials (Burleigh, 2011; Nadeau, 2010), photographs are interspersed with written content or placed within the middle of the book as an inserted section. In reading Knox's description of her arrest, trials, and imprisonment, it became clear that my analysis should also account for textual descriptions of imagery. Knox refers to key visual

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<sup>37</sup> Lifetime's films are distributed through the American version of *Netflix*.

moments she believes altered public and judicial perceptions of her innocence. For instance, a few times she explains her outward appearance in court -- why she was 'caught' by photographers smiling in court, and the reasons she wore certain pieces of clothing. Both directly respond to well-known imagery that sparked debates in news programming and tabloids about her dress and candour during her trials. Though Knox does not reproduce these photographs in her book, by describing them and providing additional context, the 'hallmark' images are still circulating -- albeit in a different context and medium. Similarly, the self-portrait art pieces Jodi Arias has sketched and sold on [jodiarrias.com](http://jodiarrias.com) (also advertised on her Twitter page) are compositionally similar to court photos widely circulating. These moments in researching the circulation of imagery were important in defining what constitutes the expansive visual corpus of Amanda Knox and Jodi Arias, while also trying to discern the cultural use and spread of these images. Although my primary focus is the circulation and use of still photos, these visual statements are evidently stretched and transformed into other formats and cultural spaces. Noting how images combine with text, speech, and other images is part of understanding their complex and specific situating. In addition, textual references to images, such as Knox's references to 'the kiss,' highlight how well-known they are -- so much so that a photographic reproduction in her book is not necessary.<sup>38</sup> This lack of visual reproduction emphasizes the power of the image -- to 'haunt' viewers or readers' memories through media transcendence (Gries, 2015, p. 10).

From the vast number of images available, I selected the most popular still images that predominantly circulated amongst these wide range of sources noted above. For Amanda Knox, these include: 1) The kiss image -- video and still image versions of Knox and her boyfriend,

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<sup>38</sup> Knox does not include the photographs she describes and critiques because she assumes the reader is familiar with the images and ensuing debates she refers to. The photographic image does not need to be reproduced and included within the written text because it is so notorious.

Raffaele Sollecito, kissing outside of the apartment Meredith Kercher's body was found in on Nov. 2, 2007 (ITV, 2007); and 2, the glance image – Knox walking out of the court room flanked by three police guards, wearing a white top, and looking directly at the camera (AP Photo, 2008). I also analyzed three images of Jodi Arias that are widely remediated across a range of sources: 1) The embrace image – a photo of Arias and Travis Alexander (Arias' boyfriend at the time) embracing in the water, with Arias' hands placed around his neck (Image 3, Arias, "Havasupai"); 2) the bombshell image – a portrait-style photograph of Arias as a blonde, looking directly into the camera (Image 4, Arias, "Sepia"); and 3) the nude image – a crime scene photograph of Arias naked that was originally taken by the victim hours before his death (Dateline, 2013).

### **3.8 The image as resource: Searching for and viewing images**

Noted previously, I utilized online search engine Google for some of my preliminary explorations into the available media content circulating about Knox and Arias. Having determined the images that recurred most, I analyzed these sites of circulation more deeply, noting how their emergence interacted with aural, textual, and visual information and possibly altered in composition through the application of a wide range of visual effects. At times I utilized Google to search for the images themselves, sometimes describing the image with search terms, 'Knox kiss,' 'Arias blonde,' and 'Arias nude image' for instance to locate more image situations than I had previously found in my earlier searches. I was curious to see where and how the images were labelled and used. My role as a viewer, researcher, and producer of knowledge about these images was brought home immediately when I saw the results for my 'Arias nude image' search, in particular. Though I was previously aware that my project was constructing its own visual corpus of materials, I hadn't quite come to grips with my own role as spectator-

analyst, and how such image explorations would work to position me as a voyeur and detective, while also causing unexpected affective and personal reactions.

When I witnessed the visual cornucopia of images apparently tagged to ‘Arias nude image’, I first experienced gut-wrenching feelings of disgust and horror at the intermingling of sexually titillating images with Travis Alexander’s autopsy photos. The visual mishmash on my computer screen - of the extreme violence Alexander experienced, evident through his mutilated body, combined with the display of women’s body parts in various acts of sexual display and intercourse, was a horrific sight to experience and witness. I became aware that in searching for this sexually explicit, transgressive photo of Arias’ photo (as this image is constructed as such through its continual censorship), I was potentially contributing to the salience of these images and their horrific combination. The unexpected sense of disgust at witnessing gory images of Alexander’s body alongside Arias’ nude image, also produced a deep sense of uneasiness in conducting such a search again and navigating their clickable links. This image was not like the others – the repetition of conducting simple searches for Knox and Arias’ imagery was brought to a halt. These image results drew attention to my place in seeing the images and also my ability to analyze them.

As a viewer actively searching for Arias’ full, unedited imagery, I stumbled upon the ‘effect’ of this afternoon of rough sex (Fredericks, 2015) – Alexander’s death. This clearly highlights the sexualization of extreme acts of violence, and how images of sex, gore, and death often intermingle so freely and closely while also offering a rather distanced perspective on this trauma. My sense of uneasiness in navigating these image results again, and more deeply, also speaks to a (now formed) hyper-awareness that I am part of the circulation and reception of these images. As I searched, viewed, and analyzed them, I ascribed them with analytical and emotional

values, while my interactions also extended their reproducibility and cultural presence. I did not wish to maintain this horrific intermingling of Arias' nude image with that of Alexander's bloodied and severed body that was so easily accessed and viewed through a simple image search. The titillating intertexts with which Alexander's autopsy photos appear in this image search is also part of the horror and shame that I experienced when this image spread across my screen. I dealt with this particular obstacle by taking stock of my reaction, in trying to understand the uneasiness I felt in searching and viewing this particular image of Arias nude. With time and distance (e.g. refraining from conducting the search again) I realized that such affective reactions indicate how much power these images have – they are seared into my mind's eye certainly – and also speaks to the process of notoriety this dissertation addresses. For in experiencing the widely available image as a transgressive act of spectatorship and personal investment, it becomes memorable and familiar. Additionally, the combination of sex, violence, and death – what I assume to be separate – are combined in jarring and unexpected ways, and this speaks to a recurring discursive theme in the use of these images of Arias and Knox.

When I was writing the analysis chapter on Arias (in chapter six) I returned to this image search in order to locate the porn sites hosting the unedited version, and this time tried to mentally prepare myself for the images of gore that would appear alongside. This visual return involved a certain degree of distancing as a means of emotional protection – but I am also aware that this *a priori* ethic of distancing functioned to lessen and dull the impact of the image, when I personally believe that Alexander's death and body *should* horrify and cause distress. While I cannot purport to speak for other viewers possibly witnessing such an intermingling of nudity, sex, and physical gore, I share this experience here to highlight the affective complexities and tensions in conducting visual research on highly sensitive subject matter. Being aware of my

own discursive positioning in these moments of research is my own attempt to grapple with the complexities of possible voyeurism and distancing that are experienced while conducting image-focused visual research.

Noted above, my research is a discursive endeavour – it evaluates phenomena according to language and terms normalized within disciplinary fields, and thus makes certain interpretations and judgments that further support and transform the fields of feminist media studies and visual culture. As Tonkiss puts it, “the discourse analyst seeks to open up statements to challenge, interrogate taken-for-granted meanings, and disturb easy claims to objectivity in the texts they are reading. It would therefore be inconsistent to contend that the analyst’s own discourse was itself wholly objective, factual or generally true” (as cited in Rose, 2007, p. 168). Along these lines, my analysis should not be read as wholly indicative of the way sexuality, violence, and power culminate in popular imagery of criminal women. At the core, their identities as ‘notorious’ are continually up for grabs, contested, and debated, and my discursive approach attempts to map some of these contradictions and unities through diverse texts and visual practices. Undeniably the analysis and visual corpus is structured by me – not all women charged with murder are analyzed during this time period, nor are all the available images of Knox and Arias examined. This is necessary in order to conduct a manageable project, but also reflects guiding research questions and epistemologies suitable within my research domain(s).

Overall, it is worth foregrounding that the research makes certain claims and engages particular feminist, social constructionist epistemologies and thus does not purport to function as a ‘truthful’ or completely coherent account of women’s criminal notoriety. This discourse analysis involves piecing together the formation of images through their contexts of use, and to discuss possible rules and logics that animate their presence. That being said, as I began

compiling and analyzing my corpus of images, I was reminded of Foucault's recommendation to disassemble pre-existing categories organizing my perceptions. "One last precaution must be taken to disconnect the unquestioned continuities by which we organize, in advance, the discourse that we are to analyse [...]" (1972, p. 25). While I undeniably bring my research questions and theoretical models to bear on the expanse of imagery available, I kept an open mind about how these images emerged, and how I could envision them as discourses. In particular, I was keen to uncover unexpected connections.

### **3.9 Application of discourse analysis concepts: Generating a visual discursive method**

As I explained earlier in my discussion on methods within visual culture studies, outlining the scope of my analysis helped inform the breadth of the cultural corpus of imagery consulted. Outlining a general visual schematic helped guide my discourse analysis by laying out specific elements or levels within the discursive formation of notoriety, according to these three concentric regions: Sites of image circulation, institutional practices, and historical context. An important qualifier to this diagram is that I envision this static image of concentric rings as a shifting cultural entity caught up in different, intersecting areas of social life. Though each circle is demarcated by a line, these regions flow into one another and overlap, which I attempt to signify by placing them within one another. The circles that are used are intended to signify a dynamic process of flow – an image's various levels of 'life cycle,' which I refer to in this chapter. Viewed as a whole, I conceptualize these areas of circulation, institutional practice and historical context as productive of a subjective proliferation that is inherent to notoriety.

At the centre of my analysis are five images, and at this stage, my analysis follows their mobilization in different genres and media. This involves identifying the visual form of the image and comparing it to the 'original' selected photograph, noting how the formal qualities (its

composition) are duplicated or altered. For instance, I noted the following details: Her placement within the scene, body posture, facial expression, clothing, other subjects in the scene.

Additionally, I looked for the depth of field and resolution as well as the use of words and other phrases close to the image (e.g. captions and headlines). Additional images that appear alongside the image were also important in my analysis, as well as the associated dialogue that was heard as the images appeared – these details were important in televised programs in particular. This analysis of composition was not conducted to forward an interpretation of the meaning of these photos, but to trace their emergence and alteration in particular social contexts (like into feature-length films, Internet memes, televised self-help shows). I therefore tether the compositional qualities of these images to their social domains, investigating how the genre and medium animate the photograph's use, not only how it (re)appears in a compositional sense.

The diagram below conceptualizes this circulatory process by placing duplications or adaptations in orbit around the original popular still image. For instance, the kiss image, also labelled as 'A' in the diagram, circulates widely in different spaces, even being reanimated into feature-length films like *The Face of an Angel* (see 'B' within the diagram). While these two images are discrete discursive statements – they appear in different social contexts and time periods – they are also compositionally similar and blend into one another. The filmic 'kiss' moment feeds back onto the widely circulated photograph, working to reinforce the familiarity of the image while also extending and diversifying its cultural presence. As such these additional images are integral to the popularity of the central photograph. Following their cultural circulation parses out the varied and similar logics and practices these images create. The various image transformations revolve around and contribute to the image's familiarity. The images that appear in the centre of this diagram (see below) are interrelated with other widely-circulated

images and repeated phrases that also continually disperse and adapt as they were used and seen in different domains. Additionally, these images are (re)selected over many other possible photographic options (noted earlier, there are over three-thousands photographs of Knox in the Getty Images database). While the diagram does not visually illustrate this broader body of visual material that features Knox and Arias, it is implied that these images are tethered to this broader collection of images and texts.

**3.9.1 Diagram 1 – Schematic of the discursive formation of notoriety**

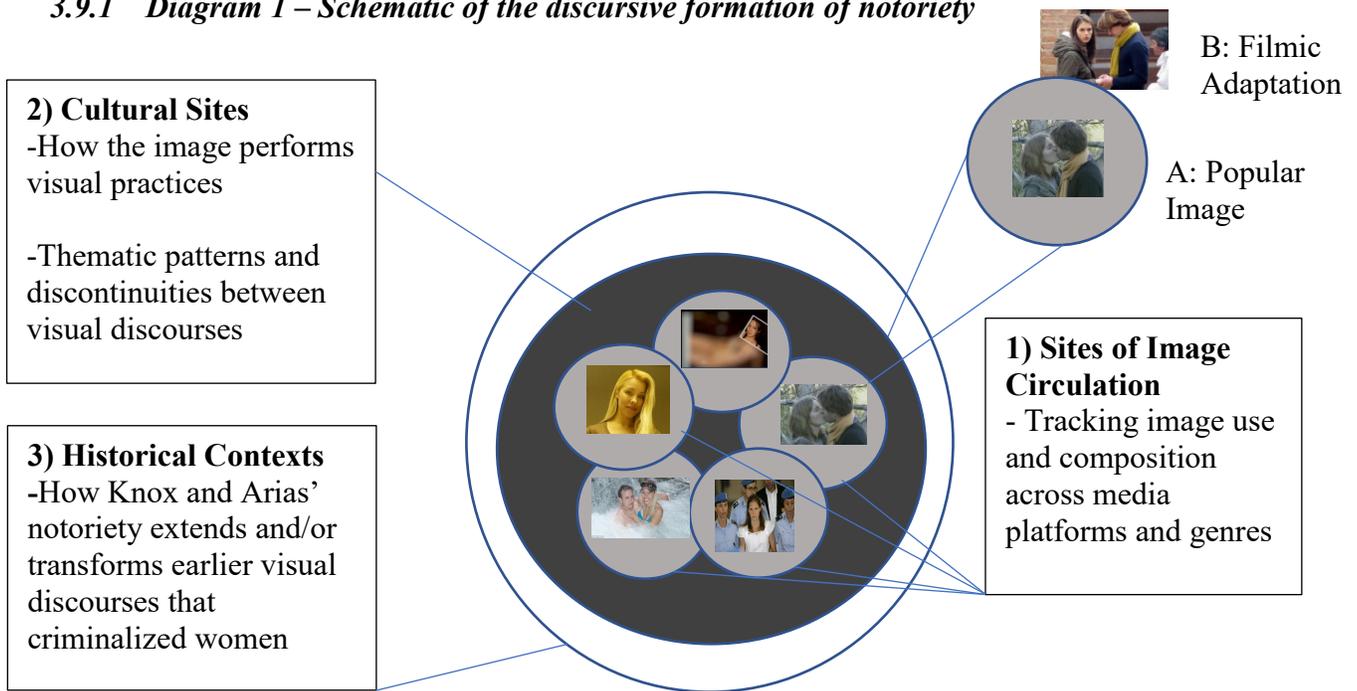


Diagram 1 – This visualization refers to three interconnected spheres of the visual discourse analysis method I employ. My analysis tracks the mobility of five images across genres to map discursive patterns and differences in their cultural use. Here I signal that I approach notoriety as a complex discursive process tied to circulatory, institutional, and historical practices in which the accused is seen and evaluated.

The second ring of my model, cultural sites, builds on the circulatory details I noted while following the mobilization of these five images. Here I consider how visuals constitute broader institutional practices or logics. The process of photographic circulation also indicates they are formulated through institutions like criminal justice, education, health, and religion. The

institutional dimensions to the photographs' use are apparent if one considers the narratives associated with the imagery as they appear. Tabloid coverage of Knox for instance may feature 'the kiss' photo prominently alongside a headline calling Kercher's death a Satanic act; religious metaphors and symbols are quoted from court room proceedings. This institutional situating of the images illustrates how they function discursively by producing particular modes of thinking that work to support and transform existing logics within these fields of practice. This level of analysis is concerned with mapping out the disciplinary rules informing the use of an image; the discursive knowledges that construct what can be said, seen, and known about the accused. Putting Foucault's discussion (1972) of discursive emergences, patterns and contradictions into practice, I looked for repetitions and discontinuities in the way these photographs are used and discussed in the corpus given their variable *in situ* contexts. Later in this chapter I outline these concepts further, noting thematic patterns and interpretive repertoires help guide this portion of the analysis.

The third area, historical contexts, places these popular images in broader conversation with existing literature on violent women (see chapter two) and postfeminist media. Here I question how the visual discourses comprising Knox and Arias as notorious women perhaps extend and trouble other criminal women's notoriety. Scholarship on women charged with murder in the 1990s do not focus exclusively on visual discourse; however, they do refer to prevailing narratives used to represent them. Some critical readings of the popularity of particular photographs (e.g. of Homolka's bruised eyes, see Smith Fullerton, 2006) may extend or contradict with the discourses animating Knox and Arias' visual notoriety. I consider how another burgeoning area of feminist research on postfeminist media possibly connects with the discourses I highlight in my analysis. I conclude by considering how Knox and Arias'

visualizations are tied to the specificities of their digital circulation and how the visual discourses signal a contemporary recurring incitement to know and see sexualized violence and rough sex.

### **3.9.2 Foucauldian concepts of discourse analysis**

With this methodological framework, the repeated patterns within and among photographic images are understood as routinized ways of seeing and ordering female-perpetrated violence given rules of acceptability within specific discourses. In order to apply this, I referred to concepts discussed in *The Archaeology of Knowledge*, in which Foucault describes statements as the constituent ‘building blocks’ of discourse, “A seed that appears on the surface of a tissue of which it is the constituent element” (1972, p. 80). Photographs are discursive statements if they produce objects and subject positions (Andersen, 2003, p. 11). Institutions produce the objects of their domains through “surfaces of emergence” that serve to define and demarcate a given field’s subject matter at a particular moment (Foucault, 1972, p. 41). For example, “discourse finds a way of limiting its domain, of defining what it is talking about, of giving it the status of an object – and therefore of making it manifest, nameable, and describable” (Ibid., p. 41). Linking concepts within Foucault’s text, discursive statements are these ‘surfaces’ that constitute a discourse’s core concerns and values; their objects of knowledge and practices. Important in my application of these concepts is the contingent and irreducible nature of the statement even when duplicated. It may “occupy different places in grammatical groups,” [...] but “it is not necessarily the same statement” (Ibid., p. 89).

To this end, Andersen (2003) provides a helpful illustration of the statement’s specificity as it mobilizes from one cultural domain to others: “The readaptation for the screen of the books of Morten Korck is not an identical transcription of the ‘original’ statements. The statements are repeated, but their materiality and strategic standing is different” (p. 12). Statements are thus

situated within a particular material context that influences how a statement is formed, which makes historical and contextual understandings of their emergence important. Tracing the discursive strategies of statements affords a mapping of differentiated use; however, one must also consider how photographs are conceptually similar and intertwined with other photographs, practices, and knowledges. This methodological approach allows for an analysis that is both specific and contextual.

As I explored the multiple photographic surfaces that seemingly document Arias and Knox, I considered the prevailing tendencies within this image corpus. From a compositional standpoint, I questioned how highly circulated images appeared, if there were patterns to the ‘look’ of Knox and Arias before the camera, and if there were recurring textual markers attached to the photographic moments. While keeping an eye out for continuities between images, I also considered the specific contexts in which images emerge – the institutions and logics they uphold and create. I also began to question how contemporary images reflect and diverge from other visual discourses of criminal women in other time periods, as image-making and viewing criminals are longstanding practices in criminal justice, entertainment, and news. As I will describe below, I drew on prior scholarship of criminal women convicted in the 1990s in order to situate Knox and Arias as possibly part of a discursive continuum of violent sexual notoriety. The methodological concepts Foucault describes – statements, objects, subjects, concepts, and strategies – were useful in approaching the expansive visual archive because it allowed me to narrow in on the specificity of images while also considering their thematic multiplicity and historical contexts.

To further augment Foucault’s concepts, I also drew on the idea of the ‘interpretive repertoire,’ a method for grouping elements thematically according to repeated visual and textual

practices. Potter (1996) discusses the complexity and contingent nature of interpretive repertoires, understanding them as ‘mini-discourses’ that support broader formations: “[They are] systematically related sets of terms that are often used with stylistic and grammatical coherence and often organized around one or more central metaphors. They develop historically and make up an important part of the ‘common sense’ of a culture, although some are specific to institutional domains” (p. 131). Speaking to this point, the repertoire available to news photographers and editors for instance differs from the visual and textual inventory, or vocabulary available to film directors producing a true crime drama. In addition, especially revealing are repertoires that are duplicated given differences in genre and technical affordances. The advantage of referring to repertoires allows for more specific detail to emerge regarding particular discourses’ vocabularies and practices. Rosalind Gill’s analysis of *Glamour* magazine illustrates this detail, as she explains the repertoire as “a unit of analysis that allow[s] scholars to go beyond individual or discrete expressions to begin to identify patterns across and between texts, and to connect these to wider contexts and social formations” (2009).<sup>39</sup> This reflects Foucault’s description of the constituent parts of discursive formations as “a regularity (an order, correlations, positions and functions, transformations” between a “number of statements,” objects, concepts, and “thematic choices” (1972, p. 38). Similar to Foucault’s discussion of discursive regularities, interpretive repertoires are founded on institutional rules and logics that permit and foreclose particular statements from emerging, depending on the historical moment and domain. However, although photographic repertoires are specific, they are also dispersed and acquire patterns of meanings across institutions, which I will draw out in my analysis.

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<sup>39</sup> In her study, Gill (2009) refers to three discourses: intimate entrepreneurship, ‘men-ology,’ and transforming the self that all utilize particular repertoires, language, plans, goals, and strategies to put forth contradictory ideas about feminism.

Overall, by studying the emergence of notoriety through image mobilization, the discursive method also claims photographs are sites through which knowledge of intersecting social formations of sexuality, race, class, and gender form in and through image circulation. As such, images of highly visible violent women are constituted in an ensemble of discursive statements that often produce them as notoriously visible, sexually deviant and desirable subjects.

### **3.9.3 *Historical analysis***

The methodological focus on visual media addresses core research questions about the formation of notoriety in contemporary visual culture, and how high-profile violent women reflect shifting ideas about female power and ‘normal’ sexuality. In particular, their notoriety out of many other possible examples illuminates something about cultural and social values, fears, fantasies, and anxieties related to female identity. Applying a cultural approach, Knox and Arias’ notoriety should be historicized as part of a broader cultural continuum regularly communicating women’s social transgressions, evaluating them, giving them meaning and shape. I question how Knox and Arias’ notoriety is possibly influenced by cultural-technical developments in digital and networked technologies (e.g. digital cameras and improved lenses, the Internet, compressed storage), and the expansion of celebrity and tabloid culture, which intensified greatly in the 1990s (Fox et al., 2007), and also relied heavily on visual spectacle (Carney, 2010). By treating Knox and Arias’ imagery and notoriety as discursive, I draw out possible patterns, divergences, and rules to the way female violence is typically depicted and told in-and-between the early 1990s and mid-2000s.

This period is especially relevant given my focus on understanding how ideas of sexual power, deviance, and gender transgression are formed in so-called post-feminist media, which emerged as a ‘backlash’ against earlier feminist gains of the 1970s and 80s (McRobbie, 2009;

2004). In conjunction with postfeminist sensibilities (Gill, 2007b) about women's sexual empowerment, the 1990s also marked a general intensification in tabloid style coverage that seeped into news programming (Fox et al., 2007), and greatly impacts how women celebrities especially are seen and evaluated (Dubrofsky & Wood, 2015; Gies, 2011; Watkins Fisher, 2011). In addition, although violent crime has been a popular news staple throughout the twentieth century, Court Room T.V. made criminal trials like the O. J. Simpson murder trial a hyper-mediated, 24/7 live event. Importantly, the project's analysis of Knox and Arias is situated in earlier notorious figures who became noteworthy in the early 1990s for their extreme physical violence and perceived sexual deviance: Karla Homolka (Kilty & Frigon, 2016; Pearson, 2007; Smith Fullerton, 2006) and Aileen Wuornos (Hart, 2002; Horeck, 2007; Parker, 2010; Schmid, 2005; Silva & Rousseau, 2013). Thematic connections are drawn within and between popular mediations of these women, noting possible visual and textual patterns that recur and transform as female perpetrators of homicide accrue cultural value. The cultural specificity of these cases is also important to note, for Homolka was tried in Canada for the murder (specifically the manslaughter) of underage girls, while Wuornos was tried in Florida for the serial murder of multiple men. Homolka and Wuornos also embodied different social locations of class, race, sexuality, and gender. Despite these differences however there are recurring discursive themes that emerged in trying to make sense of their incomprehensible violence – efforts to investigate their sexual behaviours, orientations, and appearances for instance.

Foregrounding Knox and Arias' cultural notoriety through earlier notorious women is not providing “a total description [that] draws all phenomena around a single centre,” or to treat notoriety teleologically or monolithically, but to trace what Foucault calls a “general history” of dispersion (1977, p. 10). This general history of women's sexuality points out moments of

recurrence and contradiction in recent visual accounts of violent women, and considers the social conditions that animate these practices – how images are possible/permissible, given technological affordances and shifting cultural norms about normal/abnormal sexuality and gender distinctions related to violent offenses. Comparatively, visual accounts of Karla Homolka, a young Canadian woman convicted of manslaughter in 1993 (Pearson, 1997; Smith Fullerton, 2006), and Amanda Knox, a young American convicted of murder in 2009 and 2014 (Simkin, 2014; Nerenberg, 2012) and definitively acquitted in 2015, differ in the amount of imagery available. The latter has been photographed thousands of times, whereas there are relatively few images of Homolka before, during, and after her trial. Despite this disparity, both are well-known and infamous for their involvement in heinous, sexually violent crimes.

Importantly, this twenty-five year period is also particularly inflected with ‘new’ ideas about female empowerment through sexual agency and neoliberal personal choice –recurring sensibilities noted by feminist scholars (Gill, 2009; 2008; 2007b; Lazar, 2006; McRobbie, 2004). In *Gender and the Media*, Rosalind Gill (2007a) provides a helpful distillation of the feminist threads comprising perspectives on postfeminism, referring to three overarching frameworks: Theorizations of postfeminism as an “epistemological break within feminism,” as an indication of a distinct historical shift, and as a reactionary antithesis to feminism (p. 249). The latter is exemplified through Angela McRobbie, who refers to the 1990s as an antifeminist backlash (Faludi, 1991; McRobbie, 2009). She writes that the “feminist gains of the 1970s and 80s [came] to be undermined. It proposes that through an array of machinations, elements of contemporary popular culture are perniciously effective in regard to this undoing of feminism [...]” (McRobbie, 2004, p. 255). In advertising, women’s magazines, and films, feminism is entangled in antifeminist registers. Gill takes a more nuanced approach and reconfigures some of these

critiques into a concept of postfeminism as a sensibility (2007a; 2007b, 2009) that is enunciated by contradictory idea(l)s and practices of sexual empowerment, the body, and personal choice. Gill's use of discourse theory infuses her conceptualization of postfeminism and the prevailing themes she traces as repeated, yet diffuse and adaptable components of contemporary postfeminist media culture. I will return to these applicable discursive themes in the next chapter; however, note here that some conceptualizations of postfeminism embody a theory of discourse and power that is productive, not exclusively negative or repressive.

A continued question throughout my analysis is how Knox and Arias' notoriety is part of postfeminist and highly contradictory machinations of sexual empowerment for instance, in which one's success and power arises out of self control and regulations of the body, perceived looks and image management, and the control and regulation of men through sexual(ized) means. By drawing on Gill's characterization of postfeminist sensibilities, which is grounded in an understanding of discourse as power (and power as productive in its regulations), my analysis of Knox and Arias questions how discourse creates the possibilities for transformation and contradiction while also structuring thought, subjectivity, and practice.

Foucault's concept of discourse is particularly attuned to the "reciprocal functioning" (1972, p. 37) to such contrary elements within a group of statements, which enables one to locate contradiction and ambiguity within the formation, instead of treating its discursive practices as monolithic and uncontested. This mode of thinking about discourse reflects Foucault's continued discussion and treatment of power as productive and disciplinary, not wholly repressive and all-encompassing (which differs greatly from traditional Marxist thoughts on ideology) (Barrett, 1991). For instance, the Victorian era is generally understood as a time of sexual repression; however, Foucault outlines how institutional desire to control sexuality actually functioned as

incitements to discourse, to know its sexual limits and behaviours and to speak it into being (1978, p. 18). This “endlessly proliferating economy on sex” (p. 35) did not prohibit sexuality but contradictorily produced sexually-knowledgeable subjects and spawned sexually-charged (albeit secretive, medicalized, pathologized) discussions.

While discourse analysis offers more nuance and depth in analysis, this approach is necessary since violent women’s notoriety appears founded on a perceived contradiction in appearance and behaviour (Simkin, 2014; Venalainen, 2016). In addition, it is worthwhile to examine how notorious women of the past twenty-five years are subjects of highly contradictory postfeminist discourses -- of sexual power and danger, of personal freedom through discipline. Applying a feminist framework to the study of notoriety as a visual discourse extends critiques of voyeurism and the sexualized female body, and augments this with recurring postfeminist sensibilities of power femininity (Lazar, 2006) and sexual empowerment (Gill, 2008). In addition, as scholars illustrate (Bordo, 1993; 1986; Berger, 1972), looking often functions as a disciplinary regime, and in treating criminal women’s notoriety as an ensemble of visual relations, this research considers how women’s identities as ‘notorious’ are formed in practices of looking.

#### ***3.9.4 Piecing together feminist methodological foundations***

Though I would not suggest there is one coherent feminist method or methodology, feminist research is generally motivated by concerns of power inequality, considering “how power influences knowledge production and construction processes” (Doucet & Mauthner, 2006). Similarly, Beverly Skeggs (1994) describes feminist sociological research as “begin[ning] from the premise that the nature of reality in western society is unequal and hierarchical” (as cited in Doucet & Mauthner, 2006, p. 40). Contemporary feminist critiques increasingly focus on

the intersectional nature of inequalities – how hierarchies of gender, sexuality, age, class, race, and ability intersect. Though not all of the following texts explicitly refer to their feminist framework, they critique symbolic orders through which women are marginalized, and do so through visual means of analysis.

Consulting work within feminist media studies, criminology, and art history, scholars outline how to map female subjects as social constructions. Through visual media like painting (Nead, 1988; Berger, 1972), portrait photography (Rentschler, 2011; Simkin, 2014), films (Simkin, 2014), and surveillance technologies (Hall, 2015), scholars illustrate how women are constituted and ‘ordered’ in ways permissible in/for different institutional logics. Simkin illustrates criminal women are historically and contemporarily constituted as *femmes fatales* in *Cultural constructions of the femme fatale: From Pandora’s box to Amanda Knox* (2014). Drawing visual and linguistic continuities between four American criminal women over a century, Simkin illustrates female-perpetrated violence is ordered according to the familiar trope of the *femme fatale*. In the chapter on Amanda Knox, Simkin focuses on three notable moments of Amanda Knox that cast her within this frame: two photographs (the still imagery of the video of Knox and Sollecito kissing; a photo of Knox in court with a halo of lights around her head) and a statement Knox made in trial about her use of a sex toy. Simkin’s work is an exemplary model to build upon, for it illustrates how images of criminal women may be analyzed and compared across historical periods and genres to draw out continuities in the way violent women predominantly look and purportedly behave – in keeping with the broader typology of the *femme fatale*. Where Simkin’s discourse analysis of Amanda Knox could be strengthened is in the breadth of sources consulted. Although the *Daily Mail Online* circulated an astonishing amount of content related to Knox’s arrest, imprisonment, and trials, it is one source among many that

perpetuated Knox's criminal celebrity status, and the weight of Simkin's analysis is on the UK tabloid's discourse. Related to this point, I question how Simkin selected the three 'hallmark moments' defining Knox as a femme fatale, as it is not clear in the description of her methods if they were considered iconic. If so, did the author consult a broader archive that traced the circulation, popularity, and visibility of these moments? Granted my curiosity about Simkin's selections is primed by my own research interest in making the processes of notoriety production visible. I am concerned with understanding the visual practices that are produced at the site(s) of images, and how these work to produce particular positions for the viewer to see and understand those constituted within. In this regard Simkin's work is limited in its capacity to critique the mediation processes that structure mass mediated forms of visibility, as the thrust of her work focuses on the meaning of such images and not necessarily the production of knowledge and practice these acts of visualizing create.

Simkin's overarching conceptual framework of the femme fatale also narrows the analysis considerably to 'fit' prior descriptions of this identity type. Although Simkin draws impressive connections and parallels between criminal women by pointing out recurring linguistic and visual markers used to communicate the accused's deviancy, I question if there were contradictory statements that did not fit this overarching narrative of the femme fatale. Were there moments and illustrations that countered this well-known archetype? Keeping the strengths and limitations of Simkin's work in mind, I felt it important to keep the broad themes open in order to trace out a detailed discourse analysis that could recognize the possible contradictions and shifts in the use of statements like photographs.

Carrie Rentschler's discourse analysis (2011) of Kitty Genovese's murder also outlines how a dominant narrative emerges through imagery (e.g. photographs and infographics of the

street), and textual accounts in different time periods and media. In newspaper coverage, police photography and sketches of bystanders' locations circulated, and these served to "spectate the crime scene and murder victim" while reflecting/supporting moral panics associated with city living (p. 310). In outlining the dominant news discourse defining Kitty Genovese's murder as *the* case of bystander effect, Rentschler's method outlines how prevailing imagery and discussion produce particular knowledge and subjects while making other forms of knowing invisible. Perhaps surprisingly, the assailant, Winston Moseley, was not a central figure or focus within bystander effect discourse, nor was Genovese. The image most widely circulated of Genovese was a 'mug shot' portrait taken years prior, and frames her as a suspicious, seemingly 'unworthy' victim. Rentschler goes on to show how the murder discourse relies heavily on imagery to know the crime according to bystanders' perspectives, thus constructing Genovese's death as an effect of neighbours' inaction. This discourse analysis looks to the composition and circulation of particular images, considering how subjects are framed and how audiences are positioned to see the scene as an alleged bystander. Lastly the imagery Rentschler analyzes are historically situated – she notes how *The New York Times*' editor influenced image selection, and more broadly, outlines cultural concerns and anxieties in New York in 1964. This historical lens reflects discourse methodology, which treats particular statements (e.g. photographs) as institutional practices conducted at particular moments in time. Rentschler treats the still image not just as a fixed artifact that can be analyzed in a vacuum, but as gaining meaning and salience through its circulation in wider social and cultural contexts, and she situates the image as part of a larger visual/discursive archive.

Lynda Nead's exploration of the prostitute's visual constitution in *Myths of Sexuality: Representations of women in Victorian Britain* (1988) takes a similar approach to Rentschler

(2011) in situating imagery of women historically within broader social domains, but looks to religion, law, medicine, literature, and art to do so. First discussing how these institutions created norms of ‘respectable femininity’ through their communications (e.g. through ‘official’ health advice, reviews of artwork, religious doctrines), she outlines how the ‘fallen woman’ was constructed in opposition to the ideal Victorian woman. Within these discourses Nead outlines how prostitution is often ordered visually and linguistically according to narrow typifications such as social victim and social threat. However, this is not to say prostitution was approached monolithically, it was “multiple, fragmented and frequently contradictory” (p. 91). Definitions of femininity produced during this time period reflected complex power relations within and between “a range of social, legal, political and cultural practices which restricted women and limited their pleasures,” however at the same time, “respectable femininity was also actively produced around definitions of pleasure” (p. 24). Approaching visual culture as a site through which women’s sexuality is defined and regulated (p. 8), Nead analyzes the varied meanings and interpretations of specific art pieces relative to institutional rules and norms. Through varied forms of visual representation (painting, illustration, prints), the research locates patterns in the way female sexuality is defined through codes of appearance. These repeated markers within art (such as a woman’s ‘showy’ dress/cosmetics/jewellery, and location) support social rules and debates circulating in fields discussed earlier in the analysis.

John Berger (1972) discusses how visuals in art, advertising, and pornography invite voyeurism and titillation, which functions as a disciplinary mechanism across historical, European influenced contexts. In *Ways of Seeing*, Berger makes explicit compositional similarities between nude women in European paintings (from the 1400s – 1800s) and 1970s print advertisements. For instance, Berger positions “La Grande Odalisque” by Ingres, an

eighteenth-century painting of a nude woman, alongside a photograph of a topless female model “in a girlie magazine” (n.d.) and asks the reader to compare their expressions (p. 55; see Image 8). These “remarkably similar” (Ibid.) images illustrate repeated patterns of visualizing women as sexual objects. In two very different cultural domains and time periods, women are rendered comparable through the form of their looks – they both similarly acknowledge they are being sexually surveyed and adopt or are modeled in similar bodily positions as influenced by media form and patriarchal panopticism. The visual placements Berger provides throughout clearly illustrate how desirable female sexuality is often visualized, and his approach relies on the reader’s visual recognition of these codes in order to see compositional similarities between texts. Through the wealth of imagery provided, Berger positions the reader as part-voyeur, suggesting we see the images as they are conventionally read (as ‘art,’ as ‘sexy’) and then rearticulates this perception through critique.

For the purposes of my project, this side-by-side visual display shown in *Ways of Seeing* (Berger, 1972) is a useful technique for pointing out compositional similarities and transformations in visualizing criminal women through forms of photographic circulation. I conceptualize notoriety as constituted through gendered visual formations; the project highlighted the relationship between particular popular images and notoriety-in-the-making. For these reasons, when viewing the most popular imagery of Knox and Arias, I considered compositional continuity or discontinuity within or across particular photographs or film sequences in order to identify repeated visual language and what it reveals about discourse (Bate, 2007, p. 3). Noted earlier, situating contemporary examples of notorious criminal women alongside earlier renditions from the 1990s draws out what Foucault calls “interdiscursive regularities” and contradictions (1972) that inflect how sexually active, allegedly violent women

are known. Berger and Nead both illustrate this knowledge of female sexuality and pleasure is formed in practices of looking within and between discursive domains that appear far-removed.

There are certain limitations however in side-by-side comparisons, since such a positioning appears sequential, as if structured or viewed with a linear perspective. A discourse analysis needs to account for “the regularity of statements” within and between domains – in visual archives of news photography and fictional true crime adaptations for instance. Both produce criminal women as notorious, rendering them as desirable and dangerous subjects; however, the visual contour through which this is communicated is not always duplicated. In noting the possible drawbacks or limitations to presenting images side-by-side, when I viewed the visual archive, I considered how images reflect the particularities of genre and medium but also adapt and seep into other cultural spaces, other discourses. Photography for instance pervades other media; it is “polymorphous, ever-present” (Bate, 2007, p. 6) and remediated in a wide body of visual material.

The analyses noted illustrate how particular images are discursive in that they are practices that reflect and produce forms of knowledge that come to define and thus delimit its subjects. Rentschler and Nead’s work in particular outline how imagery is both singular and multiple. By this I mean individual images offer up specific definitions of ‘good’ white femininity and sexuality, and at the same time, these specific texts are inter-related with others that are compositionally and thematically similar and/or different. Berger’s visual comparisons illustrate the intertextual and archaeological dimension to understanding image practices, in drawing attention to recurring looks and logics that repeat across far-flung social domains. At the same time, it is worthwhile considering the specificity of image productions, their “social locations” (Rose, 2007, p. 166), in order to outline the rules and conventions of a particular

discourse, such as in editorial news photography. According to Foucauldian principles of discourse, these grammars and logics, however specific, are also sometimes reflected in the language and practices of other domains. This aligns with comments Bate makes in conducting an archaeology of photography, which “would register the various and different surfaces of emergence of photography – from the complex of institutions across which photography emerged [...]” (2007, p. 4).

In conclusion, mapping violent women’s notoriety as a visual discursive formation allowed me to question the grammars and logics such popular imagery reflects, permits, and limits; how this produces particular knowledges of sexual power and difference; and what subject positions are created (e.g. as spectators, objects, agents). In using this method of visual discourse analysis, the aim is to show thematic patterns or “regularities” (Foucault, 1972, p. 141) and contradictions between image sites in order to understand how notoriety emerges through this visually mediated process. Configured as an archaeology rather than an official and static historical analysis, this research approached a plenitude of possible sources in order to ‘dig’ in multiple cultural spaces to gesture toward institutional rules and specificities that animate how the public sees and understands criminal women as notorious actors.

#### 4 Chapter Four – Theorizing the mediation of notoriety: Image performativity

Though sensational tabloid headlines may seek to define them as ‘femme fatales’ or ‘deviants,’ Amanda Knox and Jodi Arias’ visual mediation suggests they are not so easily defined or encapsulated by any one image or understanding. This dissertation claims Knox and Arias’ notoriety was produced in continuous calls to speculate on the meaning of their imagery and the multiple identities seemingly illustrated through them. The wide circulation of particular digital still images facilitated a spectrum of understandings about Knox and Arias – as criminalized women, but also as young, white, seemingly desirable and transgressive straight women. While there are evident patterns to the use and meanings generated through the images, the constellation of discourses produced through their circulation also positioned Knox and Arias as tantalizingly *unknowable*. This is because they are continually treated as subjects worthy of further inspection and judgment, particularly as their images – the ideas associated with their identities – are so often treated as contradictory, ambiguous, and potentially revealing. The continual ‘making of’ Knox and Arias, embodied through the return to familiar yet ever-morphing images, illustrates how notoriety is generated out of a concept and practice I call *image performativity*. In its most basic sense, the image functions as a discursive site where subjects, ideas, and visual practices are produced.

As I point out in the previous chapter, I approach the notorious image as a cultural site continually in process, a mediated becoming created in the various knowledges that animate its use and meaning at any given time and location. The image is also productive in the sense that it is continually supporting and creating particular ideas, bodies, and practices while disavowing others that seemingly ‘do not make sense.’ Particularly in the context of digital networks and computing, images flow widely across media platforms and genres (Gries, 2015), expanding

where, when, and how they appear – in material entities like digital photographs, film re-enactments, memes, or true crime books. In this regard I agree with Rose who, in her latest edition of *Visual Methodologies* (2016), recognizes the “agency of images” (p. 21) that can have “[their] own visual effects; these effects, through the ways of seeing mobilised by image[s], are crucial in the production and reproduction of visions of social difference...” (p. 22). Citing Christopher Pinney (2004), she writes: “The important question is ‘not how images look, but what they can do. An image has its own materiality, if you like...’” (Ibid., p. 21). The materiality of the image’s flow is critical to understanding the formation of notoriety through what Rose discusses as intersecting sites of production, circulation, and reception (p. 25).

Mitchell’s discussion (2009) of picture and image also offers a conceptual lens for understanding this materiality. The image is continually (re)produced through the picture’s materiality. The image is an “immaterial entity, a ghostly, fantasmatic appearance that comes to light or comes to life [...] in [such] material support” (p. 18, as cited in Gries, 2015, p. 9). An image is therefore that which is pictured through a photograph for instance, but not necessarily bound to a frame, object, or location. Instead, the image *transcends* media (Mitchell, 2009, p. 16) even as it is also caught up and constituted by it. As I suggest more specifically through my visual discourse analysis of criminalized women, individuals’ contemporary notoriety *is* the products of mass visual mediation, emerging out of on-going image creations and uses that produce a sense of intrigue and debate that calls on one to speculate and judge the familiar yet strange image. The fluidity of the digital image, illustrated in the visual tracings analyzed in forthcoming chapters, highlights the various knowledges brought to bear on understanding and identifying Knox and Arias through their ambiguous imagery. Additionally, the theoretical and practical turn to performativity questions the visual practices tied to this contemporary form of

image circulation – how are the images shared, adapted, and judged? How are viewers encouraged to look at these images and engage with them?

The image performative concept is an analytical strategy that combines frameworks of discourse and subjectification with media circulation, as I see both practices and theories at work in the production of notoriety in a contemporary digital context. This conceptual dialectic questions how each image use in the cultural corpus, or what I call *image situating* (noted in chapter three), generates various kinds of knowledges and subject positions as the image circulates in particular visual media and sites. By drawing on performativity theory (Butler, 1993) and materialist approaches to visual rhetoric (Gries, 2015), my analysis considers how mass mediation produces Knox and Arias' notoriety through the image multiplicity facilitated by the use of digital technologies. While this theoretical framework of discourse and performativity shows the limited ways criminalized women are understood, their notorious status nonetheless emerges out of the ontological rupture produced through their discursive multiplicity. With multiple ideas about Knox and Arias' identities generated out of the unfolding images, these women become contestable actors defined by the transgressions and contradictions that their familiar, yet ambiguous imagery helps construct. The image performativity concept thus approaches 'the image' as a cultural space where Knox and Arias gain different kinds of legibility (e.g. subject positions) that cumulatively create their notoriety in the different kinds of speculation generated out of image circulation. As I address in later chapters, Knox and Arias' notoriety emerged out of the circulation process and the similar practices of speculation that rendered the images and their women recognizable but also notoriously fluid.

Arias posing nude on Travis Alexander's bed, Knox kissing her then-beau, Raffaele Sollecito – these are well-known images of the criminalized woman's seemingly visible – yet

still debatable – transgressions. Diversely treated as sources of evidence and intrigue, the cultural corpus of imagery indicates the most widely circulated images of Knox and Arias were continually revisited (in various media genres and formats) to judge the women’s identity alongside emerging information and other images. Arguably without mass, visual, and digital mediation, their faces and stories would not have become as familiar and enticing, and without different (and sometimes competing) normative systems of knowledge animating them, their images would not have spawned such intrigue and heated debate and use over time. The handful of digital photographs I treat as visual discourses of notoriety are images that perform visual actions and constitute visual subjects. In their mediation, these images became more emblematic, familiar, and yet inscrutable as they proliferated and transformed in different spaces, connecting with different viewers, images, and information. The images thus come to mean in ever-unfolding and dispersed ways, particularly in digital and networked contexts.

While the images certainly worked to construct Knox and Arias’ identities, they are also discursive in their capacities to generate visual action, positioning viewers to occupy roles as voyeur, investigator, or judge for instance. I therefore developed this theory and analytical device that approaches the image as a site where various visual practices are performed, and through these actions, the depicted subjects acquired meanings. The situating of the image – its use in a news broadcast or film drama for instance – are moments where the image performs particular logics on the depicted subjects, as viewers are also positioned to act – primarily in visual and investigatory ways. By tying Foucauldian concepts of discourse to theories of media circulation, image performativity questions the power dynamics tied to Knox and Arias’ visibility and how their notoriety emerges out of a digital, mass-mediated context of fluid image use.

The following outlines the broader framework of discourse I used to trace the themes and subject positions that were produced in the pathways these images took in American mass media sites. I approach discourse analysis as a method fundamentally connected to the theoretical premises of discourse theory, as conceptualized and implemented by Michel Foucault, especially in his early work, *The Archaeology of Knowledge: And the Discourse on Language* (1972). I agree with Marianne Jorgensen and Louise Phillips for instance, who write in *Discourse Analysis as Theory and Method* that discourse analysis is a “theoretical and methodological whole – a complete package” in which researchers “accept the basic philosophical premises” (e.g. ontologies and epistemologies) of discourse theory as a means of conducting their analyses (2002, p. 5). Accordingly, the concept of discourse, drawing on its social constructionist roots, offers a non-essentialist theory of the subject.<sup>40</sup> With this perspective, the individual is situated in discourse(s) that render them knowable according to the norms and practices permitted in the respective field.

Important to my theory of notoriety as a visually-constituted, multimediated product of judgment and ambiguity is this notion of the subject as socially and historically-situated. As I will outline, the framework of discourse positions the individual in what is called a process of ‘subjectification’ (Butler, 1993; Foucault, 1985; Gill, 2003, 2007b, 2009) and ‘performativity’ (Butler, 1993, 1990). At a broad level, discourse, subjectification, and performativity are my key theoretical concepts informing my critical analysis of the visual discourses creating Knox and Arias’ notoriety. I draw from Judith Butler’s discussion of gender performativity (1993) to consider how a subject is limited by and enacted in discourse, noting that every iteration is a

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<sup>40</sup> In *Discourse and Identity*, Benwell & Stokoe for instance describe the constructionist approach to identity as “fluid, fragmentary, contingent, and crucially constituted in discourse” (2006, p. 17). The anti-essentialist roots of poststructuralist theory approach identity in plural terms, ever-positioned within and from the logics and practices that discourse makes available.

structured opportunity to transform the rules of the discursive game, so to speak. Though my research does not focus on Knox and Arias' own perspectives as gendered subjects, Butler's use of performativity offers a nuanced and useful example of discourse producing subjects who work to support its functioning while also gaining structured potentials for transforming the discourse.

Applied to the subject of digital image circulation, I am concerned with how the images function discursively – how they produce logics, bodies, and practices that 'make sense' for their knowledge systems. But I am also turning an eye to the terms of engagement that change as the images circulate, in considering how their circulation possibly facilitates discursive transformation as they are consumed and produced. Images thus exist within a complex communicative process, as Stuart Hall points out in "Encoding/Decoding" (1973) that communication articulates forms of production, circulation, consumption, and reception that are intimately tied to discursive knowledges. In order to gain recognition and legibility, the image must be made meaningful at various points along this communicative chain; however, the prevailing discourse structured into an image's production and circulation is not necessarily guaranteed, as audiences may shift its terms and uses. Although I do not conduct a study of audience reception of these images in this dissertation, I am interested in exploring how their modes of circulation (via image situatings) work to hail viewers and position them as types of seeing subjects, who are encouraged to practice particular types of visual work on and through the image. Following Hall, the use of these images does not necessarily guarantee viewers will interpret them according to the dominant discourse, but a critical analysis of their use can point out how viewers are possibly encouraged to see and understand the imagery. I suggest this visual encouragement is part-and-parcel of the production of notoriety, and thus approaches the image as a site where visual practices are performed that are conducive to its very creation. The dual

sense of familiarity and intrigue associated with these images does not naturally emanate from them, but is instead actively produced and performed in a circulation process tied to discursive acts of production, reception, and reproduction. Coming full circle, the image performativity concept treats the image as the ever-unfolding subject, where visual actions are continually performed and enacted in mediation.

This chapter begins with a description of Foucault's theorization of the subject as a discursive product (1972; 1982), drawing on Hall (2000; 1997) and Butler (1993) to further explain the inter-related notion of subject positioning. According to Foucault, since subjects form within discourses that allow and disavow particular ideas and practices, discourse is productive of power/knowledge (1980). I note the "docile bodies" concept from *Discipline and Punish* (1978) to illustrate and complicate how this theorization of subject positioning is rather totalizing, leaving little room for subject agency (Hall, 2000; McNay, 1994). From here I discuss later theorizations of the discursive subject that are concerned with how the individual acts upon themselves (Foucault, 1985, 1986), but still 'performs' within normative structures (Butler, 1993, 1990). By approaching the subject discursively, my analysis traces how Knox and Arias' image proliferations diversely positioned them, and how these positions worked to create their notoriety through acts of visual return, assessment, and judgment. The practices of speculation, sharing, and judgment tied to an image's situating within a given broadcast or film are important to draw out, as these acts structure the social conditions in which the image appears and is used. While such visual practices make images meaningful, they also facilitate the transcendence of the image beyond particular media. Combined with mass mediation, these practices create a sense of mental familiarity that renders the image knowable and memorable over time.

While the mediation of these particular images of Knox and Arias is integral to their construction as notorious actors, discourse theory is helpfully attuned to locating and critiquing the power dynamics tied to these images – in terms of the diverse meanings ascribed to them, as well as the politics of their production and circulation. In particular I question how the intense circulation of an image, and the heightened visibility and speculation that emerges with this mediation of criminalized women’s imagery, functions as a racialized and classed project (Razack, Smith, & Thobani, 2010), not only as sexist and gender normative media representations, as the existing literature on violent women suggests (noted in chapter two). The power/knowledges (Foucault, 1980) produced and supported through the circulation of Knox and Arias’ imagery speak to what Butler (1993) calls the “constitutive outside” of discourse – the unseen and unsaid structuring what is and is not known and practiced. Providing a cultural map of the visual discourses constituting Knox and Arias’ notoriety is not enough in terms of advancing a critical perspective of these discourses. Considering the constitutive outside allows me to consider the power relations structuring Knox and Arias’ visibility and the type of notoriety that arises through this intense media circulation.

For example, this framework of the constitutive outside raises a set of intersecting questions missing in the existing literature on violent women’s media representations: How are criminalized women’s mass-mediated visibility and their notoriety embodying and/or contesting racial and classist assumptions? How is the overt discussion about their sexuality tied to unsaid assumptions about their race, class, nationality, and religion? I thus use the constitutive outside concept as a critical response to the literature, utilizing it as a method of advancing a critical, intersectional analysis of Knox and Arias’ notoriety. In doing so, my later analysis questions how the prevailing discourses of gender and sexual transgression for instance implicitly racialize and

class these women. For instance, I ask: How does Knox and Arias' notoriety emanate from and/or challenge intersecting systems of oppression like race/class/gender/sex? How are these discourses, conceptualized as systems of power, possibly creating and supporting forms of social inequality? Intersectionality is – drawing from Patricia Hill Collins– used as an analytical strategy (2015, p. 11) in my dissertation, a means of querying the constitutive outside of the prevailing discourses and subjectivities that created Knox and Arias' notoriety out of image circulation.

Before I outline the theoretical framework discussed above in more detail, it's also important to point out how the interrelated concepts of discourse, subjectification, performativity, and intersectionality grounded the first stage of my analysis, which involved tracing the cultural use of these still images and plotting the discursive themes and discontinuities between and across the images of Knox and Arias. However, I found these broad concepts – while helping to structure my analysis and methodological choices – were not specific enough to sustain the intersectional critique I aim to produce. The inductive approach to this discourse analysis required me to investigate additional theoretical lenses that connect with the cultural patterns I traced in the circulation of Knox and Arias' imagery, allowing me to critique the presence and use of these images from a more deeply critical standpoint. Theories of racialization, class, and postfeminism for instance were highly relevant lenses for thinking through the intersecting dimensions of power that structured Knox and Arias' visibility and the types of knowledge that continually speculated on their identities. The third portion of this chapter thus focuses on outlining intersectionality as a theory and practice, and how I use it as an overarching analytical strategy that informed my selection and application of concepts to discuss the themes and practices that emerged in tracking the circulation of these images.

#### 4.1 Theories of identity and the discursive subject

Some discursive theories of identity consider subjects as agentic – self-aware, self-fashioning selves - or as the products of institutional structures and historical practices (Benwell & Stokoe, 2006). The latter is illustrated by Foucault’s theory of discourse outlined in *The Archaeology of Knowledge* (1972) - subjects are ever-subjected to the regulations and ideas permissible within a given domain or episteme. With this view, the subject cannot stand outside of discourse; they are only ever constituted through the language and practices available at any given historical moment. Conceptualizing the subject as a product of discourse clearly challenges the essentialist idea of identity as singular and coherent, as individuals may occupy multiple discursive subjectivities (Benwell & Stokoe, 2006, p. 9). “In his archaeological work [...], discourses construct subject positions through their rules of formation and ‘modalities of enunciation’” (Hall, 2000, p. 23). Foucault’s analyses of particular discursive domains, such as the prison and asylum for instance, indicate how subjects are constructed and positioned within these discourses (e.g. as prisoners, as ‘mad’ individuals, as medical experts, as psychologists) in order to sustain the respective field’s core logics and practices.

“Critically Queer,” a chapter in Judith Butler’s *Bodies that Matter* (1993), explains that subjects’ actions and positions are ever-shaped through discourse conventions. “This is less an ‘act,’ singular and deliberate, than a nexus of power and discourse that repeats or mimes the discursive gestures of power” (p. 108). The discursive gestures of power “precede and enable that ‘I’” – its actions, knowledge, and place within discourse. “The ‘I’ only comes into being through being called, named, interpellated, to use the Althusserian term, and this discursive constitution takes place prior to the ‘I’...” (p. 108). With this formulation, “discourses

themselves construct the subject-positions from which they become meaningful and have effects” (Hall, 1997, p. 40). Subjects identify with the positions discourse constructs.

The discursive subject also cannot initiate action independently or outside of positions already formed in discourse. While discursive positions are “filled by virtually any individual when he [sic] formulates the statement” (Foucault, 1972, p. 94), the individual is not considered the statement’s author – which may signal intent and autonomous freedom to act. The subject only ever embodies the knowledge and practices of a discourse, supporting its functioning, while discourse also “produces a place for the subject from which its particular knowledge and meaning most makes sense” (Hall, 1997, p. 40). Subject-positioning thus involves a dual sense of ‘subject’: “Subject to someone else’s control and dependence, and tied to his [sic] own identity and self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to” (Foucault, 1982, p. 212). Subjects are therefore constituted when they identify “with those position[s] which the discourse constructs, subject[ing] themselves to its rules, and hence becom[ing] the subjects of its power/knowledge” (Hall, 1997, p. 40). With this theory, the criminal, for instance, personifies discourses of justice, discipline, rehabilitation, deviance; however, these various subjectivities are historically constructed according to the forms of knowledge available in these domains at any given time.

In *Discipline and Punish: The Birth of the Prison*, Foucault (1977) outlines that a criminal acquires their “docile” subjectivity through their subjection to disciplinary rules. The self-internalization of these regulations, perhaps best exemplified by the concept and practice of panopticism, illustrates how individuals submit to the logics and practices of a discourse (of surveillance and self-discipline), becoming its effects and subjects. Controlling the operation of imprisoned subjects’ bodies – for example, by controlling their movement, space, and visibility –

produces individuals who are part of a greater disciplinary mechanism of power. An integral part of this production is subjects' awareness and adherence to normative practices like panoptic surveillance, what Foucault calls a "generalizable model of functioning" in modern disciplinary societies (p. 205). Though this specific architectural device used in the late eighteenth century – Jeremy Bentham's panoptic prison design – functions as a metaphorical "panoptic schema" (p. 205), Foucault suggests the modern impulse to observe, quarantine, and normalize those deemed abnormal stretches across domains into other hierarchical institutions.

In panoptic prisons, the prisoner is subject to a permanent field of visibility, the watchperson in the central tower may or may not be observing them. Separated into cells, each individual's confinement denies communication: "He [sic] is seen, but he does not see; he is the object of information, never a subject in communication" (p. 200). Turning the prisoner into an object of sight also "induce[s] in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power" (p. 201). Ever subject to potential observation, the inmate self-disciplines: "...he [sic] inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection" (pp. 202-3). In these key passages of 'The Panopticon' chapter, Foucault suggests imprisoned individuals become disciplinary subjects through their own watchful gaze, self-conditioning their behaviour. Though one may question whether panopticism *automatically* assures the functioning of discipline in all subjects, the concept highlights how power (e.g. disciplinary rules, norms) produces subjects who occupy positions that support its functioning. In this project, interrogating how image situatings work to encourage viewers to take up particular kinds of viewing positions is a question of power – the power an image has to compel visual actions, form subject positions,

and recreate ideas. However, as I point out in the following discussion, I conceptualize discourse's positioning of subjects as more negotiated than what Foucault outlines here.

For instance, in the next chapter, I discuss how some of this negotiation is visible in the mediation of Amanda Knox's gaze image. Her stare into the camera functions as an ambiguous 'turning back on' the viewer rather than a docile adherence to it – Knox's image resists easy categorization as a docile subject of panopticism. In fact, the stare image is often used to draw attention to Knox's perceived lack of docility, her lack of compliance with visual norms of being *subject to* onlooker's scrutiny. By staring into and back at the camera, Knox can be said to be a subject in communication with those who look, and not necessarily a passive object of others' sights. The types of notoriety that arise from the mass-mediation of Knox and Arias' imagery also illustrate practices of synopticism – what Thomas Mathiesen (1997) refers to as the many watching the few, an "inversion" of panoptic surveillance (cited in Browne, 2015, p. 38). Both women are certainly aware of being watched by 'the many,' but the various ways their images are used, via mass-mediated circulation, complicates the notion that in all mediated instances they are simply or singularly configured as docile bodies. Foucault's account of panoptic surveillance provides an important foundation upon which to build and augment, for his discussion of docile bodies connects with continued – yet more nuanced, detailed and intersectional discussions in feminist surveillance studies (Dubrofsky & Wood, 2015; hooks, 1992) and critical race studies (Browne, 2015). These scholars complicate the notion that power is unilaterally exercised (Browne, 2015, pp. 39-40), particularly as individuals are differentially surveilled as gendered, classed, and racialized subjects. For instance, in *Dark Matters: On the Surveillance of Blackness*, Simone Browne points out that surveillance is always ever racialized, though the field of surveillance studies does not account for race. Historically and

contemporarily, black subjects are made legible through an unmarked white gaze (Browne, 2015; Goldberg, 2002; Fiske, 1998; Williams, 1997).

Knox and Arias' notoriety emerges from practices of looking that are undeniably structured by a racializing lens that obscures its whiteness (Goldberg, 2002; Williams, 1997). As I discuss in the analysis chapters, the visual discourses constituting these women are also classed, and these judgments also serve to racialize and stratify whiteness. Turning to scholarship on so-called white trash in American and British pop culture (Newitz & Wray, 1997; Sweeney, 2001; Tyler, 2008) also helps me draw out the classist, racist, and sexist machinations structuring the types of notoriety produced through these women. According to Newitz & Wray (1997), white trash is a "classist slur" and "a racial epithet" that variously stereotypes white working class individuals – as "incestuous and sexually promiscuous, violent, alcoholic, lazy, and stupid (p. 2). The stereotype also directs hostility toward "rural poor whites" (Ibid.). Sweeney refers to white trash as a distinctly American "underclass" embodied by an aesthetic trashiness, tied to tabloid culture and Hollywood film (2001, p. 143). However white trash is a stereotype used elsewhere in the world, as Tyler (2008) points out in her analysis of 'the chav' in British media texts, pointing out that poor white mothers are the subject of intense disgust and contempt.<sup>41</sup> There is a rich cultural lexicon and history of describing the "libidinal lower classes" (Tyler & Bennett, 2009, para. 15) as the great unwashed, as debauched, dangerous, and uneducated with a "perceived incontinence and excess of (bodily) materiality" (Ibid.). As a vocabulary of social class, the white trash concept refers to the demarcation and stratification of particular bodies and populations through a matrix of oppressions and social hierarchies that work to racialize. Accordingly, I agree with Newitz & Wray who assert that as an analytic, white trash questions

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<sup>41</sup> Here Tyler (2008) refers to the chav as "a ubiquitous term of abuse for white working-class subjects" (p. 17).

“how the construction of whiteness varies across lines of class, gender, and sexuality and how these constructions vary according to the politics of place and region” (1997, p. 4). I consider these characterizations of white trash when I critique the visual discourses of Arias in particular. The discourses of transformation, obsession, and sexual deviancy are made legible through classed assessments of her career, mobility, and socioeconomic status within her relationship with Travis Alexander. Cumulatively she becomes a hypervisible and readable subject who seemingly warrants ridicule and condemnation for her efforts to manage her body and image in particular. Knox’ sexually excessive and inappropriate image is also infused with classed and nationalistic interpretations of American culture as trashy (Burleigh, 2011), as I highlight in the next chapter. However Knox’s middle class status, particularly in American media, is relatively invisible and at times allows her to be seen as potentially ‘one of us’ in ways that Arias is not.

Knox and Arias’ image circulations certainly illustrate that mainstream media function with a white gaze, privileging these women on the basis of their perceived normalcy (e.g. their whiteness, straightness, perceived desirability). It is on this racial, classist, and sexist foundation that they are foisted into the spotlight – for why would such seemingly normal (e.g. white, young, attractive, sexually active) women transgress the bounds of white womanhood? I turn to these critical assessments and rearticulations of panoptic surveillance in my analysis to draw out an intersectional critique of Knox and Arias’ notoriety and how their image circulations enact forms of examination, debate, and sharing that are informed by gendered, classed, and racialized understandings. As I discuss below, Butler’s gender performativity concept (1990, 1993) also helpfully extends and rearticulates Foucault by focusing on the relative constraints and enablements to act within discourse.

Hall's "Who needs identity?" (2000) provides a critique of Foucault's discursive subject and highlights a shift in his thinking about power and subject formation. Hall notes the docile bodies concept does not consider "why individuals occupy some subject positions rather than others" (p. 23). This question calls for the subject to be viewed with more potential power in identifying with their discursive positions than Foucault's initial configuration. Lois McNay also states: "Foucault steps too easily from describing disciplinary power as a tendency within modern forms of social control, to positing disciplinary power as a fully installed monolithic force which saturates all social relations" (as cited in Hall, 2000, p. 25). Hall (2000) explains that in Foucault's *Discipline and Punish* and *The History of Sexuality* (and *The Archaeology of Knowledge*, I would add), "what might in any way interrupt, prevent or disturb the smooth insertion of individuals into the subject positions constructed by these discourses" is not fully detailed in these earlier works (p. 25). The processes in which the individual self-fashion or self-identifies through their use of discursive statements is not encompassed in Foucault's theory of discourse here since subjects are only ever occupying and supporting pre-existing modes of thought and action (p. 24). This critique challenges Foucault's earlier conception of the subject as a discursive effect easily positioned into knowledge systems, but his later works on the subject of power and techniques of the self turn attention toward individuals' self-productive strategies, particularly in regards to sexuality. In *The Use of Pleasure* (1985) and *The Care of the Self* (1986) subjects turn themselves into objects of knowledge. For instance, Foucault questions how subjects of desire are "led to focus attention on themselves, to decipher, recognize and acknowledge themselves" as sexual subjects (e.g. as ethical, moral subjects) (1985, p. 5).

This is not to say that these practices of self-making are necessarily freely chosen and authored however – they are still within the historicized realms of discourse and power. As such,

the subject is not the sole author of their destiny, but is continually constructed in the possibilities and constraints of discursive action as the individual is interpellated into various historical institutions. In *The Politics of Truth*, (1997) Foucault explains this shift in his perspective on subjects' abilities to "perform, by their own means, a certain number of operations on their own bodies" (p. 181), whereas he refers to his earlier focus on prisons, asylums, and hospitals as concerning how "subjects became objects of knowledge and at the same time objects of domination" (p. 179). Techniques that allow the individual to "act upon himself" overlap with technologies of domination (p. 181), such as forms of panopticism.

Here Foucault recognized, as Hall points out, that "discursive practice cannot work without the constitution of subjects" (2000, p. 26). Discourse also involves "practices of subjective self-constitution" (p. 26) on the part of individuals, or their 'subjectivation' (Foucault, 1985, p. 29). Hall sees this as "a significant advance, since it addresses for the first time in Foucault's major work the existence of some interior landscape of the subject, some interior mechanisms of assent to the rule, as well as its objectively disciplining force [...]" (2000, p. 26). The subject's practices of reflection and self-constitution do not dispense with the regulatory, normative structures of discourse but are nonetheless structured or conditioned through its generative capacities. Overall, Foucault "displaces the subject from a privileged position in relation to knowledge and meaning" (Hall, 1997, p. 39). In *Power/Knowledge*, he states, "One has to dispense with the constituent subject, to get rid of the subject itself, that's to say, to arrive at an analysis which can account for the constitution of the subject within a historical framework" (Foucault, 1980, p. 115). Tracing the various historical mechanisms that work to produce individuals draws attention to their constructed nature, as their constitution emerges out of specific practices and knowledge systems.

In the context of criminalized women, this dispensing of the privileged position of the unified subject is integral to historicizing their notoriety, in making the social mechanisms of notoriety-generation visible. In my analysis, I endeavour to show how Knox and Arias' notoriety emerges out of various discursive positions that are created in media circulation. Some of these texts cohere in their logics and narratives, while others diverge and conflict as the popular imagery circulates and takes on multiple meanings and uses. The images become meaningful in multiple spaces as they entangle within particular media platforms, genres, and viewers. The proliferation of their images, and the varied – and often contradictory meanings ascribed to them fuel the speculative practices of seeing, sharing, and evaluating that in turn produce the visualized subject's notoriety.

#### **4.2 The subject's performativity and subjectification: Butler and Gill's theoretical approaches**

Like Foucault, Butler forwards a decentred view of the subject that is useful for locating and critiquing the construction of subject positions within particular discourses, while also considering subjects' relative agency to act. I used parts of Butler's discussion of performance and her application of discourse theory in *Gender Trouble* (1990) to tie the frameworks of subjectification and mediation (Hall, 1973) together in what I call the *image performative*, noted earlier. Utilizing aspects of Butler's theory of gender performativity also resituates the theory of discourse and subjectification into more explicitly feminist terrain, as Butler questions how gender acts upon – and is embodied – by individuals in ways that are simultaneously normative and empowering. Gill's more recent discussions of sexual subjectification (2003, 2006, 2009) also take discursive approaches to the subject, but focus attention on the contemporary construction of female sexual agency as a form of disciplined self-empowerment – a sensibility

she suggests is a hallmark of our current postfeminist media context. While these two scholars' theoretical frameworks helpfully apply discourse theory to the realm of gender and sexuality, they do not necessarily account for the matrix of power relations that undoubtedly structure individuals' positions and their power to act and become within a given space and time period. What social constructions of identity inform who is and is not part of a given discourse and its normative practices? Who – and what – falls outside?

The following sections describe the concepts of gender performativity and sexual subjectification that inform parts of my analysis of Knox and Arias' image circulations. I review male gaze theory (Mulvey, 1975) below to show how Gill's sexual subjectification concept offers a more nuanced approach to power as productively constraining. By introducing both concepts, I also position them as potentially useful in my analysis, particularly in considering how every use of an image positions the viewer to see and know the image subject in particular directions – e.g. through a desiring masculinist gaze. Additionally, utilizing critiques of sexual subjectification, one could see how Knox and Arias are possibly positioned as sexual agents – but ones that gravely overstepped their desiring roles by becoming violent and deviant. I am therefore interested in seeing whether postfeminist sensibilities such as sexual self-discipline and sexual empowerment are encouraged in the uses of the images as they circulate. Possibly the mobility and the appearance of these images encouraged viewers to adopt a sexually investigatory lens, one that gains pleasure in looking at the (allegedly) sexually agentic subject, while also learning the limits and dangers of this agency. The simultaneous generation and disciplining of sexuality discussed in feminist critiques of postfeminism (Dubrofsky & Wood, 2015) is an avenue for drawing out the contradictory ways Knox and Arias are viewed, and how the circulation and interpretation of their images reflect and create this contradiction.

I also suggest in the following that these theoretical lenses are limited by their exclusive gender and sexuality focus. How are constructions of race, class, ability, and nation for instance intersecting with these gender and sex positionings? Additionally, what other gazes are produced in the visual moments the image provokes? While I utilize these perspectives to discuss the contradictory discourses of gender and sexual transgression that often constitute Knox and Arias, I consider performativity and sexual subjectification jumping-off points for my intersectional analysis of the discourses enacted in the circulation of Knox and Arias' images.

#### ***4.2.1 Gender performativity to image performativity***

Butler's account of gender performativity in *Bodies that Matter* (1993) and *Gender Trouble* (1990) provides an additional view of Foucauldian principles of subjectification. The non-essentialist theory she puts forward provides another lens of critiquing the gender normativity created through the image evaluations and constructions created as Knox and Arias' still images mobilized into new pictures, genres, and media platforms. While Butler's notion of performativity helpfully applies Foucauldian concepts of discourse and subjectification to the domain of gender, I will be adapting her theory by considering the image as one of structured agency – the site where performances are continually generated and unfolding as their pictures and discourses mobilize. With this formulation, the image is treated as a discursive practice that creates the subject's notoriety through a structured range of visual practices and narrativizations available with every image situating. In this regard Gries' rhetorical analysis of the Obama Hope image (2015) is helpful in illustrating how images themselves are “active actants” that have consequences and effects (p. 11) as they move in the social world. Though my dissertation does not focus on Knox and Arias' perspectives on their abilities to self-fashion and constitute, I refer to Butler's account of gender performativity here to draw out applicable elements that inform my

understanding of the image as a performative site that sparks a range of visual actions and positions subjects according to discursive modes of legibility.

Butler's account focuses on the subject's ability to act through the constraints and enablements of gender discourse specifically, explaining that individual performances of gender are not freely chosen, for the subject is ever-situated in gender discourses. With this perspective, subject constitution emerges in gender performativity, as the individual enacts particular scripts and positions available within gender discourse. Ever-situated in discourses that make positioning possible, she explains: "Sex not only functions as a norm, but is part of a regulatory practice that produces (through repetition or iteration of a norm which is without origin) the bodies it governs, that is, whose regulatory force is made clear as a kind of productive power..." (1993, p. 1). "As with theatrical roles, discursive roles are open to individual interpretation: Performatives, for instance, delimit one's actions within a certain script, but also allow for one's own individual enactment of those actions" (Morrissey, 2003, p. 56). Butler's account of subject formation affords agency within structure as she discusses how gender iterations may shift the terms and actions permissible within a discourse. "Each new performance may entail the introduction of new elements: Intertextual borrowings, resignification, reflexivity, and disruptive tropes such as irony" (Benwell & Stokoe, 2006, p. 33). In Butler's analysis, these new elements draw on and shift the terms and practices of conventional femininity and masculinity for instance; however, these actions are still partly structured or informed by pre-existing gender conventions. In this way, subjects are not fully determined by discursive power nor do they act and 'become' self-determining subjects by standing outside of discourse and acting unilaterally (1993, p. 32). Instead, performativity signals the "reiterative power of discourse to produce phenomena that it regulates and constrains" (p. xii). Therefore, Knox and Arias are continually

constructed as legible subjects of juridical, journalistic, tabloid, and melodramatic discourses for instance. They are transgressive in a sense but still legible – and clearly still visible and examinable. The continued use of a handful of still images to narrativize, understand, and evaluate these criminalized women according to repeated cultural norms is a structured opportunity to transform the knowledges and practices within a given discourse.

The theatrical analogy of performing from a script in part highlights the structured agency of performativity theory: The individual delivers and embodies narratives and actions that are in part determined by the pre-existing script, but the script is generated out of discursive norms and historical practices. However, Butler is clear the subject does not self-consciously perform or self-define. The performer reiterates the discursive norms that precede, constrain, and exceed them, and are not necessarily the product of the individual's free will or self-conscious actions (Morrissey, 2003, p. 56). Instead, performativity is a historically “specific modality of power as discourse” that “enacts what it names” (Butler, 1993, p. 139). Overall, it is important to stress that in approaching gender as a performance, as a ‘doing’ rather than a ‘being,’ Butler does not suggest the subject takes up a gender script and performs it voluntarily. Rather “the subject is ‘done’ by gender; it is the effect rather than the cause of a discourse which is always there first” (Salih, 2004, p. 91). Even potentially subversive activities are in part prescribed by what is considered normative.

For instance, in “Critically Queer,” Butler (1993) uses the example of drag to illustrate how highly stylized signifiers of femininity may in part function as a form of gender subversion while also maintaining gender normativity. “What is ‘performed’ in drag is, of course, the sign of gender, a sign that is not the same as the body that it figures, but that cannot be read without it” (p. 113). As a dense site of signification, gender performatives are discursive productions that are

normatively informed: “The reach of their signifiability cannot be controlled by the one who utters or writes, since such productions are not owned by the one who utters them. They continue to signify in spite of their authors...” (p. 116). Here Butler’s theoretical framework draws attention to the structuring of subjects’ performances by discursive norms. Within these positions, discursive lines can be redrawn; however, individuals do not fully control how their actions or intentions are understood.

With this line of thought, if one reorients the theoretical focus and considers images as areas of performance, one can see the cultural contingencies structuring how an image is used and understood in a given domain. With this perspective, images are undeniably structured by systems of knowledge and conventional practices of looking, but their wide mobility in digital networks for instance suggests they take on multiple uses and meanings, as their spread reproduces and transforms the objects and subjects of discourses. In treating images as the source of discursive performativity, I question how the apparent singular multiplicity of these images (Mol, 2002) creates a dual sense of wholeness and divergence integral to the treatment of the images – and the bodies therein – as notorious. Inasmuch as these images may alter in form and mediated context, their spread facilitates their cultural familiarity and partiality, as the image is ever-in-transit, coming into contact with other images, viewers, and ideas. Adapting Butler’s performativity concept forwards the discursive grounding of the image, considering how images come to “produce the phenomena [they] constrain” (Butler, 1993, p. xii). While the intense circulation of these images produces their wide recognition and familiarity, their spread is also tied to a host of practices that continually render them elusive and multiple.

#### ***4.2.2 The performativity of the image***

Mitchell once referred to pictures as “complex individuals occupying multiple subject positions and identities” (2005, p. 47). Coming into contact with a multitude of viewers and other images, the intense circulation of the digital photographs of Knox and Arias illustrates how a range of ideas and identities were embodied within the same – but multiple – image, while they also sparked viewers to act and become the image’s subjects. Instead of approaching the image as a static object from which representational themes can be interpreted, I draw from performativity theory and discourse to consider how the image functions culturally – how their mediations create particular kinds of knowledge and visual actions as they are mobilized. While many feminist scholars focus on critiquing images of women (Kuhn, 1985), my focus is not necessarily on Knox and Arias’ performativity through their images, but how the images themselves perform in a digital, hypermediated context. Further, my aim is certainly not to forward a deterministic view of visual technologies, but to question the external relations tied to an image – its situating within mediated moments and the broader communicative process in which it is a part (Hall, 1973).

Noted above, there are elements to Butler’s gender performativity theory that I use to analyze the productive and structuring capacities of images. In particular, applying the notion that one’s actions are always structured by the affordances of a discourse (its norms, logics, practices), turns an eye toward the historical contingencies that inform the production, appearance, and understanding of an image. Additionally, every use of the image – or every situating – is a moment where subjects and knowledges are produced. In a sense the image constructs and compels a range of visual actions, positioning audiences as particular types of viewers who understand the images and their subjects through specific lenses (e.g. of forensic examination or of sexual titillation). Another applicable point raised in discussing gender

performativity is the notion that subjects are ‘done’ by pre-existing gender discourse.

Accordingly, in treating the image as a performative vehicle of discourse, the ideas and uses that arise from and with the image support a range of discourses that pre-existed the production/circulation/consumption of the image at hand.

### ***4.3 The constitutive outside***

In my discourse analysis, clear pictures emerge about the prevailing themes’ logics and practices that work to characterize and construct Knox and Arias’ notoriety. Taken cumulatively, these discursive themes intertwine, contradict, and complicate one another, further feeding into impulses to routinely look, evaluate, and judge the image further. While I point out the presence of these themes in photographic circulation, these patterns are also shadowed and semi-structured by the unseen, unheard, and unquestioned. I see this part of my analysis – a discussion of the constitutive outside – as an integral part of my argument of notoriety’s historical and contingent nature. In considering the excluded dimensions to Knox and Arias’ notoriety, I employ a broad perspective of the discursive mechanisms at play in producing notorious subjects. My forthcoming discursive analysis illustrates this concept and practice of exclusion that animates Knox and Arias’ notoriety, for their subjectivity is formed out of what is and is not seen and discussed – what is and is not admissible given discursive norms.

At a broad level, Butler’s discussion of the abject spectres informing discursive objects and subjects is one of the key concepts I use in my analysis to question the prevailing discourses and media circulation practices that produce Knox and Arias’ notoriety. Butler’s comments on what she calls the “constitutive outside” of discourse (1993) enables a critique of the constructed and exclusionary knowledges and practices that structure individuals’ presence (how they are viewed, understood, positioned) within discourses. Knox for instance must be made legible as a

dangerous suspect in order to be positioned as part of criminal justice discourse, or as a sensationally titillating deviant in tabloid press discourse. There are however particular ideas – and bodies – that do not enter into these conversations about extreme acts of female-perpetrated sexualized violence. Knox’s almost decade-long presence in mass-media was constituted by diverse ideas about her image, but this cultural map also illustrates very clear ontological limits – that which is inadmissible and illegible given norms that racialize and sexualize those tied to socially, legally, physically transgressive actions. I first grappled with this idea of discursive (in)admissibility in my critique of literature on violent women (found in chapter two), as the gender frame of these analyses foreclosed an intersectional view and critique of criminal women’s complex identities. For example, the gender normativity of these feminist analyses did not question how the women criminals of their studies were racialized, or how their class also intersects with their gender and sexual depictions.

Turning back to details on this concept of the constitutive outside, Butler theorizes that the specificity of a discourse permits and excludes particular subjects from becoming part of its knowledge systems. Subjects’ identities are ever-situated within the dual constraints and possibilities of discourse, which is to say some bodies and actions are rendered inadmissible and unspeakable. Butler (1993) discusses how certain sexual identifications for instance are enabled within discourse while others are disavowed: “This exclusionary matrix by which subjects are formed thus requires the simultaneous production of a domain of abject beings, those who are not yet ‘subjects,’ but who form the constitutive outside to the domain of the subject” (xiii). Importantly, that which is disavowed constitutes what *is* permissible within a given domain.

Morrissey’s discursive analysis of Aileen Wuornos’ subjective construction provides an illustration of how inadmissible ideas worked to constitute her legal subjectivity as a sex worker

and a “lesbian man hater” (2003, p. 30). Due to her positioning as a crazed sexual deviant, Wuornos could not be constituted as a responsible, agentic subject because her claim of self-defence was an unintelligible claim. According to Morrissey, expelling Wuornos’ reasoning as inadmissible or inconsequential within the trial rendered her a non-agentic subject (her defence counsel never raised her claim of self-defence). Noted in the second chapter, this illustrated Wuornos’ own ambivalent social subjugation and her refusal to accept her counsel’s advice. Wuornos’ sex worker subjectivity was a gender performative that exceeded her individual practices, since sex work discourse preceded her. As Butler points out in “Critically Queer” (1993[2000]) for instance, the performance of gender, as a “bounded ‘act,’ is distinguished from performativity insofar as the latter consists in a reiteration of norms which precede, constrain, and exceed the performer...” (pp. 111-112). Bronwyn Davies’ description of Butlerian theory is particularly apt in describing this structured agency: “[The subject] does not construct its own conditions of possibility separate from its performance of itself within those conditions” (2006, p. 426). Therefore, Wuornos did not self-define her subjectivity – and performance – of sex work outside of already existing discourses at the time.

Morrissey’s application of performativity to the mediation of Wuornos illustrates how every so-called gender performance holds the possibility of shifting the constitutive lines of discourse, while also supporting normative behaviours. Though Morrissey outlines how Wuornos’ subjectivity was pre-defined by the gender discourses of sex work, she was also stereotypically positioned as a lower-class, white lesbian woman who killed men – clearly othering her along many intersecting planes of difference. Overall, Morrissey’s analysis of Wuornos highlights how subjects’ performances are discursively regulated, since a subject must be intelligible in order to become part of the formation. This highlights how the discursive

positioning of subjects rests on demarcation (Butler, 1993; Foucault, 1977), permitting particular actions, logics, and bodies while disavowing others. Here the constitutive outside comes full circle in structuring the bounds of discourse.

An important, if not integral part of this discourse analysis is an interrogation of the ideas and practices performed with the circulation of digital images that foreclose other kinds of knowing and being from arising. While any given image appearance is not determined in terms of its meaning, use, or reproduction, perhaps their emergences are visually and textually structured to “pre-fer” (Hall, 1973) particular readings of the subject, and position viewers to see and act on and through the image in particular ways. The prevailing discourses enacted through an image thus speak to what is seemingly outside of its understanding or reception, and thus highlight the discursive rules structuring its use as meaningful.

#### **4.4 Intersectionality as analytical strategy: Core themes and my usage**

I consider the constitutive outside concept folded into the intersectional approach I use in my analysis of the prevailing discursive themes discussed in following chapters. Noted above, the emergent quality of the discourse analysis involved accounting for the mobilization of the images, in tracing the mediated topography that produced particular visions and understandings while limiting other bodies and knowledges from arising. Taking a feminist intersectional approach, experiences are understood as “constituted in overlapping, ‘interlocking’ systems of oppression and subordination” (Crenshaw, 1991, p. 484). The mass-mediated visibility afforded to Knox and Arias, along with the dispersed meaning systems that constituted them, are indicative of social hierarchies and the reproduction of inequalities. With this critical lens, their notoriety is intimately connected to the silencing of other women’s experiences of violence and perpetration, on the basis of interconnected dimensions of race, class, ethnicity, sexuality,

gender, and age for instance. As well, the prevailing discourses constructing their notoriety can be read using an intersectional lens, as a reflection and reproduction of these inequalities.

Intersectional feminism has a lengthy and debated history and practice over the past thirty years, and cannot be fully elaborated in the following section of this chapter; however, I refer to its key characteristics to explain how I use intersectionality as an analytical strategy to draw out the forms of discrimination and power at work in the production of contemporary notoriety.

In “Intersectionality’s definitional dilemmas,” Patricia Hill Collins reviews core characteristics of intersectional approaches to feminist research – a challenge, as she notes it is an ever-changing knowledge project (2015, p. 1). Feminist scholars working in race/class/gender studies for instance offered a “malleable framework for future growth” (Andersen & Collins, 2012, as cited in Collins, 2015, p. 10), a framework Collins explains as providing the necessary conceptual building blocks for later theories of intersectionality (Crenshaw, 1989; 1991). Though there are certainly different modes, methods, and theories of intersectionality, its primary orientation is in understanding how various kinds of oppressions (such as racism, sexism, homo/transphobia, ageism) interlock with one another. Sexism for instance cannot be critiqued and overthrown if thought to be separate from racist and classist practices. Kimberlé Crenshaw, the first to introduce the term (1991), explains how approaching racism and sexism as separate entities were what Crenshaw later called “intersectional failures” (Southbank Centre, 2016) to see and address women’s lived experiences with discrimination. Intersectionality emerged out of criticism of much preceding feminist scholarship and its use of a white, middle-class standpoint that failed to consider or address the multiple axes of power marginalizing lower-class women of colour (Crenshaw, 1989; 1991; Collins, 2000). Diversely understood and implemented as a concept, paradigm, methodology, and/or theory (Collins, 2015), intersectionality “references the

critical insight that race, class, gender, sexuality, ethnicity, nation, ability, and age operate not as unitary, mutually exclusive entities, but as reciprocally constructing phenomena that in turn shape complex social inequalities” (p. 2).

Recognizing that these various identities and oppressions interlock (Collins, 1990) embodies what Himani Bannerji (1993) calls an “integrative analysis” that attempts to “disclose how power is concrete in actuality, and operates as constructive social and cultural relations of ruling coded as gender, race and class” (p. xxii). Sherene Razack, Malinda Smith and Sunera Thobani introduce their edited collection, *States of Race: Critical Race Feminism for the 21<sup>st</sup> Century* (2010), by explaining that tracking the racialization of gender and class is also tethered to other relations of difference and discriminatory practices, such as colonialism. Overall, following Collins’ characterization of guiding principles, intersectional projects generally treat “race, class gender, sexuality, age, ability, nation, ethnicity, and similar categories of analysis” in “relational terms rather than in isolation from one another” (2015, p. 14). Particular themes and combinations are more salient in intersectional feminist work however. Studying and locating the complexities of all these axes of experience and identity is one of the challenges in conducting an intersectional analysis. Using intersectionality as a guiding principle and analytical strategy however lends credence to the basic concern for understanding power relations and inequalities, as Cho, Crenshaw, and McCall (2013) describe: “...what makes an analysis intersectional [...] is its adoption of an intersectional way of thinking about the problem of sameness and difference and its relation to power” (p. 795). Applied to the visual discourses constructing Knox and Arias’ notoriety, an intersectional sensibility questions their mass-mediated presence – the visibility afforded to them on the basis of their gendered and sexualized whiteness for instance, and how their notoriety is also marked by their perceived class distinctions. On these intersecting grounds,

Knox and Arias' visually-formed notoriety is a site where power/knowledge is continually performed, and the type of knowledges supported through their notoriety uphold normative understandings of race, gender, class, and sexuality. As Browne (2015) states, panopticism is not a monolithic relation of power, as people of colour and women are not situated within its gaze. By drawing on approaches to whiteness, sexual agency, and white trash, my aim is to rearticulate this relation of power by conducting a more intersectional analysis of Knox and Arias' visibility as a form of white heteronormative privilege also tied to class status. As I conduct my analysis in the following chapters, the intersectional strategy I note here informed the 'kaleidoscopic' lens I used to combine critical lenses that helped articulate a critical, feminist perspective on the notoriety generated from Knox and Arias' image circulation.

#### **4.5 Postfeminist Concepts and Context**

I now turn to one of those central critical lenses I deploy in my analysis, feminist critiques of postfeminism, in part because of the temporal context in which Knox and Arias' notoriety emerged, and also to explain and trouble a well-known feminist theory of objectification – the male gaze. Though I remain open to considering how Knox and Arias' images are used to encourage a titillating, masculine gaze, the postfeminist sexualized subject (Gill, 2009) is especially relevant in my analysis. Knox and Arias' notoriety emerged in the postfeminist period, and the overt sexualization of their alleged violence made considerations of their sexual agency – and look – important. Namely I am concerned with understanding how the use of their images possibly support contradictory understandings of women's sexuality as an empowering vehicle of self-control. How are postfeminist sensibilities built in to the notoriety created out of the continued speculation Knox and Arias' images provoked?

#### ***4.5.1 Objectification to subjectification: Debates on female imagery and power***

As I pointed out earlier in this dissertation, both Knox and Arias were accused of murders that were sexually violent in nature. In part, details of Meredith Kercher's and Travis Alexander's deaths – and coverage of Knox and Arias' criminal trials – are structured by this sexualized violence. Both accused women were – and continue to be – subject to salacious sex scandal-type stories in tabloid discourse and elsewhere. In this section I specifically turn to Gill's work on sexual subjectification (2003, 2007b, 2009) as an extension of the Foucauldian concepts previously outlined. With this theory, the construction of women's sexual aggression and self-disciplining practices are questioned as discursive norms of postfeminist culture. In contrast to the male gaze theory of objectification (Mulvey, 1975; Berger, 1972), I suggest the sexual subjectification lens is more aligned with my broader framework of power as discourse, an understanding of power as generative in its constraints. Some of this work on sexual subjectification augments Foucault's arguments of panopticism and techniques of the self, as scholars consider how women's sexual identities form through practices of self-display in advertising (Gill, 2009) or on Twitter for instance (Dubrofsky & Wood, 2015). These feminist approaches on sexual subjectification and practices of self-surveillance connect with the broader ocular framework of panopticism and modern discipline (Lalvani, 1996), while also integrating and adapting male gaze theory (Mulvey, 1975).

The sexual subjectification concept illustrates Foucault's exploration of techniques of the self that lead subjects to “focus attention on themselves” as sexual subjects (1985, p. 5). Contrary to the idea that sexual empowerment can be achieved through individual choice, sexual subjectification arises through the subject's adherence to discursive norms and constraints. The feminist critiques (Gill, 2003, 2007a, 2007b, 2009; Lazar, 2006; McRobbie, 2004) from which I

draw part of my analysis also configure subjectification as an historically-specific moment of postfeminism. As the subjects of a postfeminist regime, sexual subjectification questions how such discourse dually incorporates and repudiates feminist discourse (Gill, 2007b, pp. 268-9; McRobbie, 2004). This is important to my discursive analysis of Knox and Arias' notoriety, for their multiple subjectivities are positioned with feminist *and* anti-feminist registers.<sup>42</sup> The historical context of the sexual subjectification concept aligns with my focus on contemporary constructions of notorious subjectivity, while it also interrogates the regulatory and generative capacities of discourse. Gill's discussion of 'subjectification' extends Foucauldian concerns of the self-disciplining subject to discourses of postfeminism. Many feminist scholars have characterized and critiqued postfeminism as an historical period in which feminism is dually repudiated and incorporated (McRobbie, 2004; 2009). However, Gill takes a broader perspective by treating it as a *sensibility* with recognizable themes apparent in contemporary media. As a sensibility, postfeminist discourse flows in many cultural spaces and genres. Through recurring themes of self-governance, sexuality, and personal choice, women are invited to become 'sexually empowered,' self-aware subjects. In a short commentary in *Feminist Media Studies* in 2003, Gill explains that women's sexual objectification is increasingly 'resignified' as sexual subjectification. The young female subject seemingly acquires agency through her choice to self-discipline as a desiring subject.

Unlike the passive women sex objects of Hollywood film (Mulvey, 1975) and advertising (Lazar, 2006; Goldman, 1992), contemporary constructions often position women as "knowing,

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<sup>42</sup> For instance, in tabloid and juridical discourses, both are positioned as desiring, sexually active subjects, but this sexual activeness is often demonized as deviant and questionable. However, Amanda Knox has been especially vocal in questioning her sexual objectification – how the public viewed her as a sex object (e.g. as 'Foxy Knoxy). In interviews and her memoir, she voices a feminist critique of the visual and sexual scrutiny she was subjected to. Jodi Arias' murder trial also incited heated discussions of the definitions of sexual consent – what is and is not legal sexual activity.

active, and desiring sexual subjects” (Gill, 2003, p. 103). With this discourse of sexual subjectification, traditional feminist concerns in women’s *subjection* to a disciplining male gaze are seemingly resolved. However, sexual subjectification signals the internalization of disciplinary regimes, signalling a shift in power: “A shift from an external, male judging gaze to a self-policing narcissistic gaze” (Gill, 2006). According to Gill, women and girls are invited to become particular kinds of desiring subjects “endowed with agency on condition that it is used to construct oneself as a subject closely resembling the heterosexual male fantasy that is found in pornography” (Gill, 2006). With this sensibility, women’s empowerment is seemingly in women’s hands – one only has to choose the right look and practices of sexiness. In advertising, empowerment derives from what Michelle Lazar (2006) calls power femininity, a “sexual power to bring men to their knees” through the “possession of a slim and alluring young body” (Gill, 2007b; Goldman, 1992). Power femininity compliments Gill’s assertion that women’s sexuality is increasingly configured as empowering terrain through which sexual subjectivity is personally formed and selected. Feminist concerns of sexual exploitation and objectification are seemingly irrelevant with such a sensibility since “it paints a world in which power relations have become reversed: it is women, who through their sexual prowess, wield power and control over men” (Lazar, p. 512). In the context of advertising, feminist critiques are “ironically incorporated” (and depoliticized) through postfeminist discourses of sexual subjectification (Gill, 2003, 2006, 2009).

#### **4.5.2 *Male gaze theory and the subjectification concept***

Feminist scholars similarly concerned with images of women and practices of looking often apply the concept of the ‘male gaze’ developed by Laura Mulvey (1975) to show how women are *subjected to* patriarchal discipline. As the *subjects of* male voyeuristic pleasure, Mulvey explains women in Hollywood films are cast as sexual objects to-be-looked-at. Adapting

Freudian Oedipal concepts, Mulvey maintains theatre-going audiences are positioned with a male gaze – they see women in films uniformly as desirable sex objects. Many feminist scholars have critiqued and expanded the male gaze concept to consider audiences’ and filmmakers’ differential perspectives, sexualities, and races (Doane, 1982; Foster, 2003; Kaplan, 1983). Others quite rightly point out the generative potentials of such depictions, in being constituted as a subject within the filmic discourse, and/or returning the gaze in pornographic material – acknowledging one’s subjectivity as an object of desire (Kuhn, 1985). In a much different context, Dick Hebdige (1979) explains how women in the 1980s punk movement “turned being looked at into an aggressive act” (p. 28), parodying and interrupting the “image flow” of traditional femininity. “They skirt around the voyeurism issue, flirt with masculine curiosity but refuse to submit to the masterful gaze” (p. 27). In these contexts, scholars suggest women are constituted in processes of subjectification, actively resisting sexual objectification to a seemingly ‘masterful’ male, heterosexual gaze. Importantly this process involves women – the watched – recognizing they are being viewed and evaluated, and using these terms to challenge the viewer, in part.

While well-known theories of the male gaze (Berger, 1972; Mulvey, 1975) advance critical perspectives of the way women are constituted as sexual objects of male, heterosexual viewing pleasure, they do not allow a complex sexual subject to form in practices of looking. The feminist lenses of subjectification (Dubrofsky & Wood, 2015; Gill, 2003, 2007b, 2009) and power femininity (Lazar, 2006) are more suitable tools to use in my research than theories of the male gaze. The approach maintains a binary understanding of looking as an objective/subjective relation, and does not consider the cultural circulation of imagery that generates a wider range of subjects – and modes of viewing – than the male gaze concept allows. Contrary to Mulvey’s

male gaze theory, subjectification suggests objectification is a self-initiated practice of discursive regimes – it is not necessarily external to the subject. For instance, in “Gender, race and authenticity: Celebrity women tweeting for the gaze,” Dubrofsky & Wood (2015) discuss how women celebrities use Twitter to self-constitute as desirable and desiring sexual subjects, and how tabloid coverage of their posts frames them as agentic and authentic. Their “sexualized bodily displays” are sites of subjectification rather than necessarily fully dominated by an external male gaze: “They control the means of objectification and willingly self-objectify” (p. 94). Referring to the male gaze concept, Dubrofsky and Wood explain that this male subject position in Hollywood film especially fully determines woman as the “bearer of meaning, not maker of meaning” (as cited in Dubrofsky & Wood, 2015, p. 97). However, they question “what happens when the ‘objects’ of the gaze are also producers of the gaze,” presented as dual “subjects and objects of their own desiring, ‘owning’ the gaze and explicitly aiding and reproducing it” (p. 97). Not only does this application of sexual subjectification offer more nuance to the male gaze concept, but it recognizes how women use digital, networked platforms to produce, share, and manage their visual display. In this way their subjectification is both self-imposed, inculcated from discursive norms while also possibly transforming these regulations through their performances.

With this perspective, the typical critique of being entirely *subjected to* regimes of objectification is complicated, for the subject ‘signs on’ and adopts this practice as their own means for self-production. Amanda Knox and Jodi Arias also produced and shared digital photographs on social networking sites prior to their arrests, and over the course of their arrests and lengthy trials, much discussion focused on the meaning of these acts of self-display and image sharing, not only on what the content of these images were. The ways these self-made

image productions were evaluated and understood often connect with contradictory postfeminist understandings of beauty for instance as one of women's defining marks, yet as a debatable source of power, labour, narcissism, and/or disguise. These readings tap into hopes for certain kinds of female-produced action, but that sexual activity, visibility, and independence for instance are also met with anxiety. Knox and Arias' notoriety certainly stems from the dual desire to see and understand these women as sexualized bodies or objects, but to simultaneously see them as self-aware, even partly normal agents whose sexualities are risky and aggressive forms of empowerment.

Gill is especially critical of the turn in popular culture from objectification to subjectification as one of complete emancipation and empowerment. Instead, these sensibilities cast women as "active, desiring sexual subjects who choose to present themselves in a seemingly objectified manner because it suits their liberated interests to do so" (2007). The sexually agentic women Gill points to in contemporary advertising quite clearly uphold white, ageist, heteronormative constructions of desirability that define a postfeminist sensibility. Alluding to Foucauldian theories of power and discourse, Gill states: "Power works in and through subjects, less by modes of domination than through discipline and regulation" (2008, p. 53). Sexual agency thus becomes a regulatory project of a new postfeminist culture, "itself part of the apparatus that disciplines and regulates feminine conduct, that gets 'inside' and reconstructs our notions of what it is to be a sexual subject" (2008, p. 53).

One of the advantages of this concept of sexual subjectification is its approach to power as a general social relation, in a way Foucault would call "a more-or-less organised, hierarchical co-ordinated cluster of relations," rather than emanating from a singular point (Foucault, 1980, pp. 198-199) such as the masculine gaze. Utilizing a more nuanced understanding of the

formation of power is important in this dissertation, because images disperse and move in unexpected ways and generate different kinds of visual relationships as they circulate. As such, power cannot be said to emanate in a closed manner from a singular point, origin, or actor, but is negotiated as the images are seen, interpreted, acted upon, and connect with other images, text, and viewers, before it loops and expands into another context. Additionally, the sexual subjectification lens has the capacity to point out apparent contradictions in the use and understanding of women's supposed power emanating from entanglements of 'sexy' violence, male subordination, and bodily display. Applying subjectification as a core analytical frame in this research allows me to consider the techniques that produce Knox and Arias' notoriety, and also how the circulatory process possibly functions as a disciplinary mechanism, maintaining particular logics and practices by encouraging one to think and view the image in certain ways.

#### ***4.6 Integrating theoretical intersections***

The theoretical framework I employ in my analysis weaves conceptual threads between Foucauldian understandings of discourse, subjectification, and performativity in order to locate the practices and subjects created in particular moments of image use. These moments are part of a larger, complex, and highly dispersed mass mediation process, in which the image expands and diversifies in meaning (and sometimes in form) as it also becomes more familiar. Orienting these theories toward the image, and treating it as a discursive and performative site allows me to question how images work to encourage particular understandings and actions, and how their very form of mediation structures the type of notoriety emerging from them. Image performativity grapples with the structured creation of subject positions for those within the image as well as those external to it. As the images change in composition and are in continual conversations with other images, textual components, and viewers, their contexts of use shift;

however, I suggest there are thematic patterns to reading and using them that crosscut their contexts. Additionally, these readings coincide with a positioning of the viewer, to perform particular modes of viewing that ‘make sense’ for a given discourse. Importantly, in treating the image as a performative site of discourse, the analysis is attuned to the ways the image acts within its communicative situation, having particular logical and visual consequences.

The prevailing discourses located in the following chapters are also critiqued using an intersectional lens. This lens helped guide my selection and application of additional concepts that I see are tied to these discourses. The intersectional analytical framework functions as a means of interrogating the ‘constitutive outside’ that structures the visual actions and ideas brought to bear on and through the images as they circulated. As I aim to illustrate in the following analysis, the visual discourses creating Knox and Arias’ notoriety are undeniable productions of white femininity that are distinctly classed. The various meanings seemingly emanating from the images suggest gender, race, and class assumptions closely intertwine, and the way the images are situated also encourages viewers to adopt racialized and classed views. The roles of investigator, voyeur, and judge that viewers are sometimes encouraged to occupy when interacting with these images (via a film drama, documentary, or news broadcast) also reproduce social inequalities, as these views employ sexist, racist, and classist logics. With these conceptual intersections at top of mind, we now turn to my critical mapping of the visual discourses that created Knox and Arias’ notoriety.

## 5 Chapter Five – The creation of inscrutability: Amanda Knox’s visual notoriety

On a brisk November morning, Raffaele Sollecito gently touched Amanda Knox’s arm as the two embraced in a kiss. Amanda, hair slightly mussed, stood to the left as she stretched her head slightly upwards to meet Sollecito’s lips. The two were casually jacketed and bundled, dressed for the late fall chill. Raffaele wore a yellow scarf as they stood in front of a treed landscape. Arguably this scene could depict a romance drama, the couple possibly saying heartfelt goodbyes to one another and kissing one last time. Or perhaps it is an ordinary and mundane moment – a quick ‘hello’ and peck of encouragement before departing for the day. What is unusual about the image however is the couple had learned that Meredith Kercher, Amanda Knox’s roommate, had been sexually assaulted and murdered the night before in her bedroom. Just moments before this image was taken. With this context, do we now understand the image as a tender moment between lovers? An indication of shock or heartache? Or rather, a sign of sexual excess? Arousal? And/or callousness?



Part of a video taken by ITV on November 2, 2007, this image of Knox and Sollecito kissing outside the crime scene has been broken down into various still parts, endlessly looped in news and documentaries, re-enacted by proxy actors in crime film dramas, and referenced in true crime books and autobiographies. Over time and space, this image – and Knox especially – has been treated as suggestive and potentially readable. However, the temporal longevity and wide proliferation and interpretation of the image and its female subject indicate they are resistant to totalizing definitions and identities. The intense circulation of this image encouraged continued

speculation, while some sites also incorporated new views and information into the familiar image of Knox kissing her then-boyfriend, Raffaele Sollecito.

The following chapter tracks the spread of two widely seen, shared, and adapted images of Knox: 1) The kiss, and 2) Knox walking from court in a white blouse, flanked by police officers. Both images are treated as suspicious and intriguing, in particular in their capacities to seemingly visualize Knox's supposed sexual difference. Additionally, American news and film content used these images to dually adopt and critique Italian criminal justice and British tabloids. This produced a nationalistic discourse that often sought to demonize foreign depictions of Knox, while also hypocritically dabbling in these sensational perspectives.

Contrary to Jodi Arias, Knox's parents used considerable financial capital to support their daughter during her trial and incarceration. Between travel and accommodation expenses and legal fees, the family spent over a million dollars to support Knox ("Amanda Knox's family," 2011). A few days after her arrest, the family also hired Seattle publicist David Marriott, of Gogerty Marriott Public Relations Inc. According to a *New York Times* piece, initially Marriott was to assist in "dealing with the barrage of media calls," but soon effort was made to remake Knox's public image to counter the negative "image being shaped by British tabloids and Italian prosecutors" (Cooper & Rafferty, 2011). Her parents and sister had considerable presence on popular televised news and daytime programs like *Larry King* and *Oprah*.

Knox and Arias' notoriety are clearly informed by different class dimensions, which I will discuss further in chapters six and seven. In this chapter, however, I point out a discursive theme of family that structures Knox's image and positions her as a relatable American white woman. The lens of normalcy offered by Knox's family casts Knox as an admirable daughter and sister who pursued her education and desired personal betterment. This discourse of

relationality is intimately tied to middle-class whiteness and the American dream. Through the wide circulation of the kiss and court appearance imagery, Knox's relatability often combines with nationalist sentiments that simultaneously critique and revisit discourses of sexual deviance and desire. The perceived sexual transgressions tied to both images – and Knox's widely known moniker of 'Foxy Knoxy' – continued to circulate in American contexts however, even though the prevailing messages are often supportive of (and yet still intrigued about) Knox.

### **5.1 *Filming the kiss: Its contexts of production and early circulatory pathways***

When the video footage was taken, Knox and Sollecito were outside the cottage, number seven Via della Pergola, as the Perugia police conducted their investigation of the crime scene. They were standing apart from the victim's friends who were also gathered outside (Knox, 2013; Parmenter & Winterbottom, 2014). News crews and photographers were positioned high above the cottage, looking down on the crime scene from behind a high stone wall. The video and its still versions began circulating with news of Knox and Sollecito's detainment on November 6, 2007 following Knox's confession to police.<sup>43</sup> The UK tabloid website the *Daily Mail* referred to the moment as being "caught on TV camera," the "couple look[ing] nervous as they kissed in the late autumn chill" (Fernandez & Hale, 2007). As I will show, this interpretation of the kiss image as a source of evidence carries through its use in the criminal investigation and trial in Italy but also in its later mobilization in other American cultural spaces like true crime films, documentaries, and in ongoing news coverage.

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<sup>43</sup> During a 53-hour police interrogation, Knox named Patrick Lumumba as the killer and placed herself at the crime scene. Lumumba was also detained on November 5, 2007 but later released on November 20. Knox made a statement on November 22 that she was uncertain of the "verity" of her confession because she was "hit on the head when [she] didn't remember a fact correctly" and "told [she] would be arrested and put in jail for 30 years" (Reilly, 2011; Timeline: Meredith, 2011).

As this is a still image taken from a seven-second video, it is one of a sequence of images that are sometimes combined or isolated depending on the cultural site and context. In his chapter on Knox's depiction as a femme fatale in the *Daily Mail's* tabloid coverage, Simkin explains: "Still images from the video freeze in time the kiss and (as frequently) Knox's slanting gaze; in this context, they resonate much more powerfully. There is considerable space for many different readings of the images that make up those seven seconds" (2014, p. 150).



Screenshot sources: Sky News' "Amanda Knox and Raffaele Sollecito Guilty of Murder" (Amanda Knox and Raffaele Sollecito Guilty, 2009) and "Amanda Knox: My Reaction was Stunned" from CNN (2013), both accessed on *YouTube*.

Simkin likens the image of Knox's slanting gaze to a "noir thriller" like the poster art for *Basic Instinct*, with Catherine Tramell (Sharon Stone) looking deviously away from the man (Michael Douglas) embracing her (p. 153). The kiss video was widely dispersed in part because its various still forms encouraged visual assessment relative to ongoing gossip and trial revelations. As it was broken down into parts, looped, and/or played in sequence over time the image was treated as suggestive, a source of evidence but also a source of immense debate and intrigue.

The evidential colouring of the image is also tied to Knox and Sollecito's ever-changing legal standing. Whether they were considered suspects, convicted killers, or wrongly accused exonerees at the time the image circulated influenced its treatment and use. In addition, American news coverage of Knox's trials often attempted to counter the prevailing and existing narratives of sexual deviance and guilt associated with Knox in the British and Italian press,

creating a highly nationalistic understanding of the subject and crime relative to this image. As I will discuss later in this chapter, this use of the image to forward a critique of Italian justice was not necessarily divorced from these early discourses of sexual excess, promiscuity, and deviance. Instead, they continually returned to the kiss as an embodiment of these sexual perspectives.

In an Italian criminal justice context, the couple's kiss was first interpreted as a legitimate source of suspicion, as necessary cause for further investigation on behalf of the prosecutor and investigator, Giuliano Mignini. The Italian and British press also largely treated the image as incriminating, an indication of abnormal sexual or social behaviour. As I will discuss in the next section, the kiss' intense circulation in European media was also tied to other salacious stories that emerged within days of Knox and Sollecito's detainment: Knox and Sollecito shopping for red underwear a day after Kercher's death (which was recorded on CCTV) (Hale, 2007) and later, the leaking of Knox's prison diary (Moore, 2008).<sup>44</sup> The early and rampant use of the 'Foxy Knoxy' moniker also intertwined with interpretations of the kiss as a mark of deceit and/or inappropriate sexuality. As Simkin rightly points out, "the footage of the kiss and the glance provided a very solid and most importantly in our visually oriented culture, a visible foundation for that narrative" – that narrative of Knox as a manipulative and deceitful figure (pp. 152-3). The process of selection in newsrooms for instance is therefore important to the production and circulation of the kiss and other images. The kiss and sideways glance, which were heavily circulated in the tabloid press, also appeared alongside the full video clip on television. The kiss image was therefore drawn out and constituted across media -- by the video clip and its frozen moments. This allowed for various visual engagements with the image in still and moving forms.

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<sup>44</sup> Knox gave her diary to investigators but it was leaked to the Italian newspaper, *Corriere della Sera* (Moore, 2008).

Knox and Sollecito's guilty verdicts on Dec. 4, 2009 were also covered extensively in American televised news, and the kiss image was prominently featured and/or discussed on these programs (on television and on news programs' websites). However, unlike British and Italian televised and print tabloid news, the image was often displayed to trouble existing assumptions that Knox and Sollecito's kiss was indicative of sexual deviance and/or remorselessness, the prevailing narrative produced in European media. Overwhelmingly the American coverage of the guilty verdicts is critical of "Italian justice," the prosecutor, and the British and Italian press. Guests and experts on *Larry King Live*, *Anderson Cooper 360*, and *Diane Sawyer* for instance made it clear that the defendants were wrongly accused and convicted. After hiring a publicist, Knox's parents, Edda Mellas and Curt Knox, along with Knox's sister, Deanna, were especially prolific in giving exclusive primetime media interviews on cable and mainstream news networks that reach millions of viewers (through television broadcasts, online streaming). With their presence and narrative, news of Knox and Sollecito's convictions – and later their acquittals – is filtered through an emotive family lens. In American journalistic sites, the image of the kiss thus resonates quite powerfully still as a source of evidence, but primarily as a source of persecution and Italian justice gone awry. As I will explain in this chapter, the condemnation of the guilty verdict and the use of the kiss image to supply this critique also encourages one to find pleasure in seeing and evaluating the image as an act of sexual transgression (e.g. as sexual excess, inappropriateness). While the discourse suggests critical distance from the kiss image, it also traffics in the salacious sexual voyeurism purportedly condemned.

Returning to the image following Knox and Sollecito's acquittal in 2015, American documentaries and news sources continued to treat the image as an incriminating turning point, implicitly referencing its wide media circulation. Sometimes this content reflected on the

prosecution’s negative speculation about the kiss, critiquing this as a form of persecution, while in other moments the image continues to be interrogated for meaning and context. With Knox and Sollecito exonerated and free to comment on their experiences from October 2011 onward, news and true crime documentaries provided additional layers and views to the image.

Overall the lifecycle of the kiss image from 2007-2016 illustrates a shift in the positioning of the couple as suspect (which was mainly produced in a European context) to unfairly persecuted and misunderstood by the police and by the Italian and British press. The post-acquittal circulation of the image in American news and documentaries often interpreted the kiss as a notorious moment that would change everything for the accused. For instance, *48 Hours* refers to the kiss as the origin of Knox’s legal trouble, displaying the image with the narrator stating: “Her troubles began with a kiss” (Longhini, Friedland, Larosa, & Hulse, 2011, 7:20). Over the next minute, the program would loop the image, zoom in, and use additional effects to once again speculate on this moment in time that defined Knox as suspect.



“Her troubles began with a kiss...” (7:20).



[No audio, two of three kisses shown]



“That would be played over and over again”



“On Italian TV”

Screenshot images from the hour-long CBS News special, “Amanda Knox: The Untold Story,” by *48 Hours* (Longhini et al., 2011).

While *48 Hours* appears to use the image as a vehicle for critique, the program still uses the kiss as a moment for deep speculation, a practice not unlike the European press and prosecution’s (re)use and interpretation. *48 Hours*’ episode seeks to distance itself from the idea and imaging

of Knox as a sexual deviant by revising the kiss image with visual effects for instance. By changing the image colour to black and white and pairing the image with a voiceover noting its mobilization on “Italian TV,” the image is constructed as a distinctly foreign and iconic entity (Longhini et al., 2011, 7:25). By zooming in on the kiss, viewers are offered a close-up, personal look at this moment popularized “on Italian TV,” but ultimately the impulse to judge and inspect the kiss remains in these programs as well as in other cultural intertexts that feature the image. This maintains the kiss’ historical use as a source of evidence, if not for different ends. For example, in this version, to return and reflect on key moments in the trial, recreates the treatment of the image as suspicious, while the image is believed to be ‘seen’ differently through the exonerees’ eyes. Additionally, through digital editing techniques, visual attention is directed at Knox, as the camera zooms in on her face and not his, though Sollecito is certainly an equal partner in the kiss and is also visible in the original frame of the video footage. This compositional change recurs in other versions, and visually illustrates how Knox – and not Sollecito – was the subject of mass scrutiny, the subject whose face and actions would be intimately assessed and magnified for inspection time and time again. Quite clearly the compositional changes and audiovisual effects made to the image (e.g. zooming) are gendered practices of looking and visualization, structured by a desire to see and assess women’s behaviours, movements, and appearances – but not men’s. Particularly as Knox and Sollecito are imaged within the frame of the video clip, the compositional adaptations made connect with the ensuing visual inspections of Knox – her perceived inappropriateness and her dominance over Sollecito for instance that I will discuss further below.

Though the image is now seen as an integral moment in the prosecution and persecution of the suspects, in true crime documentaries and news this critical discussion still positions Knox

and Sollecito as examinable subjects, and thus potentially intelligible. The image is therefore treated as a readable document or record of the past subject to further inspection and understanding given the defendants' current innocence. In these contexts, the notorious image is not only a place to revisit the facts of Kercher's murder and the trials and appeals process, but a means of further examining the production and use of the image as a source of evidence. These critical viewpoints offer more context than the earlier prevailing interpretations of the kiss as evidence of sexual permissiveness and so-called "callousness" (Longhini et al., 2011, 7:40) or "inappropriate" behaviour (Heide & Morse, 2016, 11:40) that circulated in British and Italian media sources but were nonetheless widely known in American media content. However, in recounting the history of visual judgment that marked this image and its subjects as suspect, later circulations of the kiss similarly assess and examine the image for latent meanings, and they continually seek to understand the feelings and viewpoints of Knox and Sollecito at that moment on November 2, 2007. This continues to treat the image as an important and revealing source of information but one that is difficult to fully and definitively apprehend. Its recursive looping (Simkin, 2014) is therefore maintained over time, as indicated in the broader cultural corpus I analyze, as the discussions and meanings brought to bear on the kiss shifted with the defendants' verdicts as well as the genres and national borders through which it moved.

## ***5.2 Early circulations: A source of suspicion and difference***

For Guiliani Mignini, the lead investigator into Kercher's rape and murder (and the prosecutor in the criminal trial), seeing Knox and Sollecito "comforting each other" outside the crime scene the morning Kercher's body was found was an "affection inappropriate for the moment" (Heide & Morse, 2016, 11:40).<sup>45</sup>

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<sup>45</sup> Please note Netflix productions do not allow users to take screenshots when streaming content on a computer. This image was captured by taking a photograph of the computer screen.



In *Amanda Knox*, a Netflix-produced documentary released in 2016, Mignini recalls this moment as highly suspicious (Heide & Morse, 2016). Officer Monica Napoleoni, head of the Division for Homicide Investigation, also expressed this suspicion when she was called as a witness in the 2009 trial. Referencing the morning Kercher’s body was found, she said: “Amanda Knox and Raffaele Sollecito kept their distance from the others, kissing, caressing each other” – a statement Knox quotes in her 2013 memoir, *Waiting to Be Heard* (Knox, p. 305). Napoleoni then refers to their “indifference to everyone” at the police station, “not[ing] their behaviour because it seemed impossible that these two kids thought to kiss each other when the body of their friend had been found in those conditions” (p. 305). Other witnesses called to the stand commented on Knox’s “strange and upsetting” behaviour hours after Kercher’s death. Robyn Butterworth, a friend of Kercher, also testified to the couple kissing, laughing, and cuddling at the police station. “Everyone was crying but I didn’t see Amanda cry” (Gregory, 2009).

This illustrates how allegedly violent women’s emotions, dress, and behaviours are continually judged in relation to standards of appropriate femininity, as previous scholarship noted in chapter two points out (Frigon, 2006; Miller, 2011; Simkin, 2014). More broadly it signals the continued visual inspection of women’s bodies (Bordo, 1993) and also provokes anxiety about what possibly constitutes women’s appropriate behaviour, as too much/not enough emotion for instance are interpreted as grounds for criminal culpability – a ‘different’ character that requires assessment (Morrissey, 2003). Feminist critiques of postfeminism have also

remarked on the deeply contradictory experiences of appropriate and desirable femininity (Gill, 2009; McRobbie, 2004), as one's power rests on a personal investment in controlling and empowering oneself through sexuality in particular. This discourse of inappropriateness and excess speaks to a postfeminist sensibility of failing to self-regulate one's emotions and comportment, an ideal that is rife with contradiction and idealism. Elsewhere in this chapter I will discuss how the visual discourses constituting Knox's notoriety are possibly supporting contradictory postfeminist logics of sexual agency and aggression. In so doing, Knox becomes a suitably contradictory emblem – of the intermingling dangers and desires of acting upon these postfeminist ideals.

For additional context, at the time of the murder, Knox and Kercher had known each other for approximately six weeks. Both women moved into the apartment in early-to mid-September 2007. In her memoir (2013) and in court, Knox called Meredith her friend. However, Kercher's friends testified Meredith told them she felt uncomfortable with Amanda's bathroom habits, loudness, and penchant for bringing men home (Simkin, 2014). Quite clearly this supports stereotypes about American women as promiscuous and overbearing (Burleigh, 2011). Promiscuity is configured in such statements as a source of latent deviance, and works to construct a so-called Madonna/whore binary between Knox and Kercher (Simkin, 2014, p. 166), distancing the victim from any potential unworthiness.<sup>46</sup> The sexual deviancy discourse constructed here is enacted through notions of sexual excess and aggression, and thus configures Kercher as a sexually pure, virtuous victim, and this works to enhance Knox' perceived sexual otherness. Richard Dyer points out that white women often convey sexual innocence in film, a

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<sup>46</sup> Here I refer to Gilchrist's (2010) notion of worthy and unworthy victims – that white, able-bodied, attractive, young women are often cast as worthy of news attention and empathy whereas non-white victims are racialized in coverage or invisible in news altogether.

“purity, cleanliness, virginity” (1986, p. 70). Knox’s perceived sexual depravity in murdering Kercher in a “sex game gone wrong” (“Judge: Sex game,” 2009) and in acting promiscuously are salacious details that construct a contradistinction between Knox’s whiteness (e.g. her purity, goodness) and her alleged actions, while also positioning Kercher as virtuous. This contrast is at the very heart of Knox’s heightened visibility (why she is deemed newsworthy) but it also works to structure her notoriety.

Filomena Romanelli, one of the other roommates who shared the apartment with Knox and Kercher<sup>47</sup> also told the court the two “got on very well” at first but then their relationship changed:

There was tension over the cleaning roster in the house.” [...] Then she would also bring strangers home – both her and Meredith were young and pretty and made friends easily. Meredith never brought men home. [She] said she was not interested in boys, she was here to study (Squires, 2009).

The fourth apartment roommate however, Laura Mezzetti, told the prosecutor she thought the relationship between Amanda and Meredith was positive; they related well to one another because they both spoke English. They often went out to town together (“Laura Mezzetti’s Testimony,” n.d.).<sup>48</sup> Some of the witnesses’ comments about Knox’s inability to properly emote or behave before and after Kercher’s death illustrate how she purportedly falls outside of normal behaviour – that several people could not understand or identify with Knox.<sup>49</sup> Robin Butterworth’s comment for instance that Knox shockingly failed to cry casts her outside the bounds of gendered normalcy especially. Meredith’s friends, the prosecutor, and other investigators saw the kiss as one (now familiar) illustration of Knox’s perceived difference and

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<sup>47</sup> Another woman, Laura Mezzetti, also lived in the apartment with Filomena, Amanda, and Meredith.

<sup>48</sup> Please note portions of this testimony were translated from Italian into English using Google’s Translate feature.

<sup>49</sup> However, through discourses of family, Knox was also positioned as a normal, loving sister and daughter – she became relatable in being plausibly ‘one of us.’ I will discuss this further in a later section, questioning how and why she was positioned as representative of normalcy and the prototypical American girl next door.

indifference (and as I will show, the kiss was often understood as a mark of sexual excess).

However, this understanding of difference is also founded on a distinct inability to relate to Knox as a young *American* woman. As I will later discuss, these interpretations of Knox's behaviour as strange and suspicious rely heavily on gender stereotypes and intersect with nationalist discourses of foreignness and patriotism.

To further illustrate how the kiss image was treated as evidence of potential strangeness, another police witness, Domenico Profazio, also commented on Knox and Sollecito's "strange behaviour" when brought in for police questioning ("Kercher suspect," 2009). "Turning cartwheels" and "sitting on Sollecito's lap," the officer told them they were behaving "inappropriately" ("Kercher suspect," 2009). Though Profazio and Butterworth don't refer to the image of Knox and Sollecito kissing outside the crime scene, their testimony is thematically related to the widely publicized, seemingly incriminating kiss from that morning.

Following their detainment and official arrest, the footage of Knox and Sollecito outside the crime scene was endlessly looped on Italian national TV news and accompanied British and Italian web-based news stories (Burleigh, 2011, p. 37). By the time witnesses were called to remark on Knox's perceived impropriety in court in 2009, the idea – and vision – of her as an abnormal subject was already widely recognized. According to Mignini, these actions – kissing, petting, and cuddling - illustrated "murder-lust" (Burleigh, 2012, p. 312) and a "callousness" indicative of someone who could commit such violence (Longhini et al., 2011). One can see these in American productions like *48 Hours*' "Amanda Knox: The Untold Story" (Longhini et al., 2011) and *Dateline*'s "The Trial of Amanda Knox" (2009), which recounted key pieces informing the Italian prosecution of Knox. The evaluations of Knox's behaviour with Sollecito as inappropriately sexual and/or emotionally lacking assumed grief could be properly displayed,

seen, and evaluated. From an investigatory standpoint, the kiss image was treated as suspicious. But in the broader context of the criminal trial and its mediation, it served as a means of creating disciplinary borders between right and wrong forms of conduct, which consistently trained attention on Knox's body, face, and perceived sexual actions. With this accusatory treatment of the image, Knox is positioned as a 'different' individual who warranted further investigation due to her visibly "strange" behaviour with Sollecito (Gregory, 2009).

The prosecution's theory of the crime, a Satanic sex game orgy gone wrong (Popham, 2008; "Judge: Sex Game," 2009), unsurprisingly positioned Knox as a sexual deviant – that she was aggressive, dominant, and revengeful against Kercher, and this culminated in "an unstoppable game of violence and sex" (Knox, 2013, p. 352). This theory of vengeance was deeply rooted in a whore/Madonna binary (Simkin, 2014, p. 166) – Kercher as a virginal "buttoned-up Brit" (Heide & Morse, 2016) who apparently disliked Knox's alleged promiscuity – as discussed by Kercher's friends in court (Gregory, 2009; Simkin, 2014). In his closing argument, Mignini recounted that Knox and Sollecito (and Guede, who had already been found guilty of murdering Kercher in a separate fast-track trial), "demanded [Meredith's] submission to the hard-core sex game" (Knox, 2013, p. 352). "Kercher was killed when she resisted, with Guede restraining her, Sollecito holding a knife to her throat, and Knox responsible for stabbing her in the throat with the murder weapon" (Nerenberg, 2012, p. 245). According to the prosecution, Knox was the primary orchestrator of the physical violence against Kercher, allegedly slitting her throat while Sollecito restrained her and Guede sexually assaulted her.

These allegations fit with a broader narrative circulating in court and the British and Italian tabloid press that Knox held a manipulative sexual power over men. This configures her sexuality as partly desirable and dangerous, illustrating a tension over the meaning and use of her

sexuality. The prosecution alleged Sollecito and Guede were under Knox's spell because of her allegedly aggressive and 'loose' sexuality (Simkin, 2014) – so much so they would commit crimes for her. According to Mignini, Knox had a “tendency to dominate” her partners, while Sollecito was “cold, dependent and with a fear of losing the support of others” (Pisa, 2009). Knox's alleged sexual dominance is understood as a latent source for and cause of the murderous rage inflicted on Kercher. The prosecution's theory that Knox was the primary orchestrator of the sexual assault and murder relies on a familiar narrative of alleged women killers as sexually dominating master-manipulators. Noted by Lizzie Seal (2010), when women allegedly commit violent crimes with men, they are caught in a “muse or mastermind dichotomy” (p. 38), either submissive to their dominant romantic and criminal partners (e.g. the prevailing narrative of Homolka and Bernardo as well as Myra Hindley). Or they are understood as “cunning, dominant women who are able to make men do their bidding” (Simkin, 2014, pp. 163-4).

In feminist scholarship on postfeminist media culture, women's sexual power is often configured as an empowering, personal, and self-fashioned means of acquiring equality. As desiring sexual subjects with active – not submissive – sexualities, this theme of sexual empowerment is structured by practices of self-discipline and the liberations of personal choice. Women's bodies are, according to Gill, increasingly treated as the site where femininity is cultivated and assessed (2007a, p. 255), while women's bodies are always ever “available to be coded sexually” (p. 257). Sexuality therefore becomes the primary site and practice where power, control, and femininity can be cultivated and assessed. Women's sexual agency should be understood as a productive form of regulation, “a technology of discipline” (2008, p. 35).<sup>50</sup> The

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<sup>50</sup> Following Foucault's notion of power, Gill suggests that the theme of sexual agency represented in contemporary advertising is productive of sexual subjectivity. Power – as discourse and knowledge – is therefore not merely repressive but is necessarily productive in its regulative and structuring capacities.

kiss image is therefore put into conversation with contradictory ideas about the desire and anxiety of wielding sexual power and dominance. In this discourse of sexual power and manipulation, I did not find that feminism was directly referenced per se.<sup>51</sup> However, the striking references to Knox's sexual power and control over men that emerged with the circulation of the kiss, which I detail below, served as a cautionary tale of the dangers of excessive sexual power when women dominate their male partners. When women are too sexually desirable and desiring for instance, the gendered order of things violently erupts.

This theme also connects with Lazar's (2006) discussion of women's portrayal in advertising, and the figure of the vengeful woman who dominates men through her sexuality:

Another popular postfeminist scenario of sexual power exaggerates the gains of the women's movement to suggest that women's struggles for equality with men are a thing of the past, for women now have come into their own. In fact, it paints a world in which power relations have become reversed: It is women, who through their sexual prowess, wield power and control over men (p. 512).

Further, the "perpetuation of such images of female sexual dominance [in advertising campaigns] can have a backlash effect upon women and the women's movement because of the symbolic threat they represent to men" (p. 513). Certainly when the subject of scrutiny is a suspected murderer, the threat their sexual dominance poses is not a positive one; however, this is not to say that the discourse is entirely prohibitive and disciplining as desire to look and learn about Knox's allegedly elicited behaviours are also tethered to the uses of the kiss.

According to Simkin (2014), this idea of Knox as a sexually dominant and overpowering woman – and thus harbouring 'different' violent tendencies – is seemingly "epitomized by the footage of the kiss and Knox's sidelong look" (p. 164), a familiar devious look often seen in *film*

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<sup>51</sup> However feminist critiques of Knox's treatment by the prosecution and press would emerge over time, and Knox herself forwards a feminist critique in interviews and in her memoir (2013). She questions why her status as a sexually active woman was treated as a sign of her deviancy ("Amanda Knox: My Reaction," 2013).

*noir*. Though the footage shows both Knox and Sollecito seemingly equally participating in the kiss, it is Knox's image and behaviour that drew the most scrutiny on behalf of the police and public. With this narrative of sexual dominance, Sollecito was a passive recipient of Knox's inappropriate advances. Nina Burleigh, author of the true crime book, *The Fatal Gift of Beauty: The Trials of Amanda Knox* (2011), recalls how a local photographer captured images of Sollecito and Knox in the back seat of the police car, Raffaele "looking sick" while Knox appeared "poised and grim" (p. 23). The photographer later said these images showed that "He [Sollecito] makes the perfect slave." In a statement made in court, Sollecito eventually denounced this portrayal, stating he "was not a dog on a leash" (Pisa & Hale, 2009). These statements are sexually evocative particularly as they circulated alongside multiple sexualized stories – e.g. Kercher's murder as a sex game, Knox and Sollecito shopping for panties, Knox's 'sex secret diary.' Similarly, in a televised interview on *CNN* primetime in 2013, Knox was repeatedly asked about "rumours of her sexual deviance" ("Amanda Knox: I was not," 2013). Responding to host Chris Cuomo's question about her sexual experiences, Knox says: "I was not strapping on leather and bearing a whip" (Ibid.).<sup>52</sup> The linguistic contrasts established through these statements construct Knox as a dominatrix and Sollecito as a slave-like submissive who was seemingly led astray by his girlfriend. The descriptions clearly support a prevailing discursive theme of sexual deviance that cast Knox in the role of sexual aggressor, and her sexuality as the excessive and inappropriate reason for the violence committed against Kercher.

Additionally, in its coverage of Knox and Sollecito's detainment, *The Daily Mail* reported "'Foxy Knoxy wanted to go shopping' after Meredith's murder" (Daily Mail, 2007), with a more detailed story of the couple's shopping for "sexy lingerie" reported a week later

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<sup>52</sup> This is also CNN's main headline for this clip on YouTube and on their website.

(Hale, 2007). CCTV video footage of Knox and Sollecito shopping for red underwear together the day after Kercher's murder circulated after they were detained. A store clerk testified to the couple's in-store discussion about "having wild sex" (Hale, 2007), further positioning Knox and Sollecito as an excessively sexually active couple. Readers are positioned to see the couple as 'caught' in an inappropriate act, as the CCTV cameras and the clerk identified them in the shop. The references to the redness of Knox's new "sexy" underwear (Hale, 2007) is important to note, for the Foxy Knoxy moniker also emerged at this time in tabloid coverage. It was first used in a *Daily Mail* headline on November 6, 2007, the day after Knox and Sollecito were detained: "Foxy Knoxy: Inside the Twisted World of Flatmate Suspected of Meredith's Murder" (Fernandez & Hale, 2007). Though the shopping story emerged after this, it seemingly offers a window into her "twisted world," in which sexual exploits have taken place of grieving for Kercher (Ibid.). Once again there is a lack of focus on Sollecito, as these stories reference Foxy Knoxy in the headline and turn their attention toward Knox's underwear purchase, which is coded as an overtly sexual garment choice and an inappropriate action for the circumstances.

As Simkin points out, *The Daily Mail* was especially prolific in its use of the Foxy Knoxy label: "Out of 145 headlines on *The Daily Mail's* website, Mail Online, between November 2007 and September 2009, for example, 94 contain the epithet Foxy Knoxy" (2014, p. 146). In a chapter within the edited book collection, *Transmedia Crime Stories: The Trial of Amanda Knox and Raffaele Sollecito in the Globalised Media Sphere* (2016), Goulandris and McLaughlin discuss the emergence of the Foxy Knoxy nickname in the UK national press on November 7, 2007, noting this is the day "an iconic criminal master status [was] fabricated by the news media [...]" (p. 20). Through a comparative content analysis of textual and visual coverage, the authors conclude that Foxy Knoxy emerged through a femme fatale narrative, a visual evaluation of her

looks as ‘killer,’ and journalists’ ability to access spectacular photos from Knox’s social media accounts (p. 21). The latter point that journalists had accessed the suspects’ accounts and gathered significant amount of visual and textual material is key to the emergence of Knox’s Foxy Knoxy persona, for she gave herself this nickname on Myspace. “Plucking text and visuals out of context for full impact” (Ibid., p. 32), the tabloids were able to combine Foxy Knoxy with other photographs that appeared disturbing (in the context of Knox’s murder allegation): “One of her pretending to fire a Gatling gun [...]; another of her smiling to the camera, holding up a little teddy bear in a transparent bag; and a third of her fully made up and dressed in black, in a clearly staged ‘model pose’” (p. 33). It is important to note the circulation of these images alongside the kiss image during this time period. The Foxy Knoxy image tied to the kiss is therefore enmeshed and oscillating with these other images that were widely circulated during this early point in the image life cycle. The placement of the Myspace images (of Knox with a gun, bear, and as a sultry model) are situated alongside captions and Foxy Knoxy headlines that “compelled the reader to make associations” (p. 37). Knox was “cool, sexual dangerous, in other words, ‘foxy’” (Ibid.). According to Goulandris and McLaughlin, on November 7, 2007, the *Daily Mail* and *Daily Express* were the primary purveyors of the nickname. However, the authors rightly point out that by utilizing a label Knox used to define herself, she becomes the primary definer (p. 33) and this functions to mask the press’ sexualization and sensational treatment of the nickname.

Knox’s Foxy label also certainly seemed to work hand-in-hand with the news coverage of Kercher’s rape and murder, which was overtly sexualized in news media. For instance, Kercher’s body was repeatedly described as “semi-naked” (Kington, 2009; “Meredith Kercher: Remembering,” 2015; Pisa, 2009, April 23) rather than ‘semi-clothed,’ which is “far less titillating” language to use for a rape victim (Simkin, 2014, p. 165). As other scholars focused on

news representations of sex crimes point out, women's rapes are often reported using titillating language, or the reports are situated alongside other materials that encourage one to voyeuristically look at women as objects of sexual pleasure.<sup>53</sup> These rhetorical choices treat experiences of sexual violence as sexy and arousing acts rather than horrific and traumatic. In the sexualization of violence such as rape, victimization is trivialized and made into a sensationalized commodity (Gill, 2007a, p. 135).

In part, the sexualized tone of the coverage was structured by the prosecution's decision to share its theory of the crime – a sex game gone wrong – with the press well before the trial began. Additionally, noted by Goulandris & McLaughlin, the sensational British press coverage also emerged because “reporting restrictions that apply after arrest under the Contempt of Court Act 1981 (CCA)” did not apply in Perugia, Italy (2016, p. 20). As a result, “many of the British newspapers bypassed inconvenient concepts of presumed innocence and due process” (Ibid.). This allowed papers to freely “reproduce prejudicial ‘evidence,’ leaked by the Italian police, which enabled [the press] to transform Knox into a plausible suspect” (p. 31). The connections between police, the prosecutor/investigator, and the media were undeniably working in concert to propagate a particular image of the suspect(s). Doing so was not breaching the CCA's provisions under British law (p. 41). As I will discuss later in this chapter, the public scrutiny

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<sup>53</sup> For instance, Carter (1998) shows how press articles about rape are often placed beside the page three “Sunshine Girl,” a topless ‘pin-up’ within *The Sun*, “indicating a clear strategy to use reports of rape as part of a sexualized ‘news’ package” (as cited in Gill, 2007a, p. 136). Also referring to her experience reading British tabloids, Gill also notes that more broadly and consistently, news articles on rape are placed in close proximity to sexualized advertising content (p. 136). This consideration of the visual placement of crime news within print tabloid content is also important in an online context, where a wide range of thumbnail images of women celebrities (e.g. paparazzi photos at the beach, or ‘flashing’ photographers while getting out of cars) appear alongside sensational and often sexualized headlines about Knox and Arias and their alleged victims. In this regard, *The Daily Mail*, or *Mail Online*, the website version of the British tabloid, is particularly illustrative of this sexualized atmosphere in which news of sexual violence is often communicated.

was continually placed on Knox as Foxy Knoxy, and not Sollecito, who was also charged (and later convicted and acquitted) alongside his girlfriend.

The sexual persona seemingly embodied by the Foxy Knoxy name also thematically ties in to the overwhelming focus on investigating the defendants' and victim's sexual practices and supported a persona of sly, devious sexuality. Time and time again, Foxy Knoxy appears alongside the kiss image, and the nickname is interpreted as a sexual indicator. 'Fox' however is rhetorically associated with cleverness and cunning. Though the rhetorical emphasis of Foxy Knoxy is its overt casting of Knox as 'sexy' and perhaps excessively playful and/or deviant, the Foxy Knoxy headlines also infer a fox-like trickiness and cunning. Tabloids for instance used the Foxy Knoxy moniker when Knox falsely accused Patrick Lumumba of murdering Kercher. For instance, *The Daily Mail's* headline, "'I'll never forgive Foxy Knoxy,' says suspect cleared Meredith [sic] murder" (Hale & Pisa, 2007, November 22) casts Foxy Knoxy as a deceitful character who cannot be trusted. The continued lack of knowledge about Knox's guilt and innocence over time, and her multiple stories about Kercher's murder (e.g. her false accusation and 'confession' to being at the crime scene at the time of the murder) also cast Knox as an imperceptible, debatable, and potentially deceitful character. The lack of trust about Knox's statement and her culpability in Kercher's murder are important overarching themes that inflected how Foxy Knoxy was read, for it was also linked to a continued sense of perceived cunning. This theme of deceit – and the notion that viewers could possibly read and discern this trickery through assessing the look and movement of the body (e.g. the woman's appearance, expressions, and conduct) is a practice displayed in historical news coverage of accused women like Lizzie Borden and Ruth Snyder (Miller, 2011; Seal, 2010). The circulation of the kiss image also highlights a propensity to find and recreate imperceptibility, and this process is integral to

the creation of Knox's notoriety. The kiss' diverse interpretations – as an indicator of sexual deviance, inappropriate behaviour, and normalcy – invite further speculation that propels the generation of notoriety. As I will explain later in this chapter, the varied and at times contradictory ways Knox is positioned involves a continual interpretation and interrogation of normalcy and transgression that are essential elements to notoriety creation.

Knox's sexuality was questioned, evaluated, and problematized early in the British and Italian press, interrogated in court, and consistently referenced and debated over time as new scandalous information was unearthed. For instance, early allegations Knox was promiscuous and thus sexually aggressive and potentially violent were seemingly proven when her prison diary was leaked to the tabloid press. The portion that was treated as most damning was a list of Knox's sexual partners (a list she had compiled at the request of her doctor, who had falsely told her she was HIV positive) (Heide & Morse, 2016; Moore, 2008). This episode within the tabloid press especially treated Knox' sex life as dirty and unhealthy, functioning to pathologize her sexual history (Gies & Bortoluzzi, 2014). Though the HIV positive test was eventually found to be false, the circulation of Knox's sex partner list indicates how her sexual practices were treated as risky and unsafe, in need of containment – but also in need of public scrutiny.

These additional narratives, images, and labels are important because they also interweave with the meanings of sexual deviance and inappropriateness ascribed to the kiss image in European media. However, how was the image circulated elsewhere? Looking at a broader cultural corpus, the image recurred in American news and true crime dramas, particularly from 2009 to 2016. These appearances in American media sources both diverged and upheld prevailing discourses of Knox's sexual deviance and the status of the image as evidence.

### 5.3 *American cultural contexts and uses of the kiss*

In American-produced media content, the kiss image is intimately connected with the prevailing discourses of sexual deviance already widely circulated in Italy and Britain that positioned Knox as a visibly suspicious subject. Though my project focused on American sources that propagated the selected imagery, sharing and scrutinizing this imagery of Knox occurred in multiple geographic and cultural locations. My analysis of the American cultural corpus of Knox imagery indicates the images were continually referencing, adapting, and reinforcing pre-existing understandings circulating in European news and tabloids illustrating the complex pathways images and narratives take.

As I will discuss, though much cable news programming seemingly offered a distanced and critical perspective on Knox's incarceration and media portrayal, their use of the kiss image also positioned viewers to see and adopt the discursive lens of sexual deviancy these programs seem to be textually denouncing. This created speculation, investigation, and offered a critical and distanced view of Knox's innocence, while also offering up voyeuristic pleasures by revisiting the kiss image. In filmic and televisual true crime drama adaptations, the kiss image is also revisited from the prosecution's standpoint – and/or that of 'the Italian media.' The American cultural sites in which the kiss image moved from 2009-2016 created a visual retrospective on the image as a notorious visual turning point in the prosecution of Knox. Interestingly the contexts of the kiss' production – its close temporal and spatial proximity to the crime scene – endured as the image circulated. This served as an enigmatic yet evidential residue that continued to structure how the image was seen and understood.

Though the kiss image had already circulated widely in Italian TV and UK tabloids, in an American context, the kiss was most visible after Knox and Sollecito's first conviction on all six

counts. Results from a Google search for ‘Amanda Knox’ that was filtered according to time period – to 2007 (Nov-Dec), 2008, and 2009 – showed mainstream cable and broadcast news like CNN, ABC, CBS, and NBC did not widely cover Knox’s detainment in November 2007 or formal arrest in 2008.<sup>54</sup> Instead coverage spiked over the course of the criminal trial, which began January 16, 2009 and concluded December 4, 2009. There is a surge in coverage tied to news of the guilty verdict, with popular shows like *Larry King Live* and *Oprah* providing interviews with Knox’s parents, who also appeared on cable (CNN), national (CBS, ABC, NBC News’ Dateline), and local news programs (e.g. Seattle’s King 5 News) following their daughter’s first conviction. As Knox and Sollecito’s case moved through the Italian courts, American-produced true crime dramas and documentaries emerged (e.g. *Amanda Knox: Murder on Trial in Italy*, *The Face of an Angel*), as well as longer news magazine episodes (e.g. *48 Hours*, *Dateline*). When their convictions were overturned in 2011 and they were released, Knox and Sollecito began giving high-profile television interviews (e.g. Diane Sawyer obtained Knox’s first interview after her release).

Knox’s decision to talk to Sawyer was also facilitated by a professional publicity and legal team. According to *New York Times* journalist Brian Stelter for instance, Robert Barnett, a “Washington lawyer who represents many authors, politicians and television reporters,” was hired by Knox to negotiate a book deal and her first television interview (Stelter, 2013). Knox’s memoir, *Waiting to Be Heard*, was published by HarperCollins for four-million dollars (Battiste, 2012) and was released the same day, April 30, 2013, as this prime-time interview with Sawyer. ABC offered Knox a “package” of interview teasers circulated across its various programs and

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<sup>54</sup> However, ten days after Knox was detained feminist website *Jezebel* foresees the murder trial unfolding like a made-for-TV movie. Jessica G writes: “This Meredith Kercher murder is a *Lifetime* movie waiting to happen” (G. J., 2007). Much of the early coverage of Knox and Sollecito’s arrest in allegedly killing Kercher came from more local sources.

timeslots. These interview “teasers” appeared on “‘World News,’ the newly first-place morning show ‘Good Morning America,’ ‘Nightline,’ and ABC’s local TV and radio affiliates; and [on] Yahoo through ABCNews.com’s alliance with that popular search engine” (Stelter, 2013). Knox was not paid for her interview with Sawyer (Stelter, 2013); however, the primetime coverage certainly provided mass publicity. Understanding how Knox’s visibility was and is tied to a professional promotional apparatus, highlights the considerable financial capital and networked resources that produced Knox’s image.

Throughout 2013, Knox continued to give televised interviews, and that same year the Italian Supreme Court ruled she and Sollecito would stand trial once more. The now notorious kiss was once again questioned, described, and explained, but this time through the eyes and voices of the photographed subjects. The ongoing legal process in Italy would generate continued speculation and debate about Knox and Sollecito’s involvement in Kercher’s murder. Surfacing across American cultural sites and genres over this time, the kiss continued to be a popular and recursive means for speculating-in-hindsight on this moment’s meaning from multiple vantage points. This highlights a visual multisituatedness that shifts the look and frame of the image, expanding its perspectives to those purportedly on the scene (e.g. journalists) and from the visual perspective of Knox and Sollecito.

As I will show, recurrent themes of sexual violence and visual evidence emerged as the image circulated in American visual media content. However, the treatment of the image is also influenced by the conventions of genre – whether the image appears in a journalistic site or that of a feature length film for instance influenced how the image was used and seen. The following thus draws thematic connections between the dispersed “surfaces of emergence” (Foucault, 1972) of the kiss image, while also specifying their composition and associated audio/visual

content. This aims to illustrate the expansive visual proliferation comprising Knox's notoriety, and how this proliferation is patterned and organized.

### ***5.3.1 The kiss as critical turning point***

The kiss is often revisited in American televised news, news magazines and documentaries as a central moment in Knox's prosecution. Hosts and interviewees refer to the kiss footage as a turning point that would raise the authorities' suspicions, converting her from a witness to a suspect (Longhini et al., 2011). Barbie Nadeau, an American freelance journalist who covered the investigation and criminal trial extensively (and also appeared in film cameos) commented in multiple programs about the Italian prosecutors' views of the couple's behaviour as "fishy" and "suspicious" (Sutter & Dornhelm, 2011). In a *Dateline* episode, investigators are described: They were "watching them. A lot of people testified to the fact that Amanda Knox didn't cry" ("The trial of Amanda Knox Part 3," 2009). *Dateline's* use of the image in its Dec. 4, 2009 episode, which was aired on NBC the night of Knox and Sollecito's conviction, illustrates how the kiss image was visually adapted to support a discursive theme of surveillance and suspicion. In this case, the audio narrative supplied by Nadeau regarding the police "taking a hard look at Amanda and Raffaele" (Ibid., 1:15) was visually supported through an edited version of the kiss image. Shown in the screenshot below, parts of the image are obscured with a fade or spotlight effect that darkens the outer portions, bringing Knox and Sollecito into greater focus for viewers.



With this compositional adaptation, more visual emphasis is placed on Knox and Sollecito and their embrace. In so doing the viewer is encouraged to occupy the Italian perspective summarized by Nadeau in the *Dateline* episode. The Italian prosecution's "suspicious" view of Knox also repeats in other American news magazine episodes and news segments from 2009-2016 especially, while film dramas also used this 'notorious' scene to recount how the accused was seen and investigated at the time. The kiss is often used to revisit the place and perspective of investigators who are critiqued as overzealous and wrong in their persecution of Knox based on her "la bella figura" image (Gleysteen & Pepper, 2:03).<sup>55</sup>

In the true crime film drama, *The Face of an Angel* (Parmenter & Winterbottom, 2014), a 2014 feature-length film by Michael Winterbottom, journalists take centre stage in dramatically narrativizing Kercher's murder and key visual moments like the kiss that would define Knox (or Jessica Fuller, the Knox-like character in the film). The film follows a Hollywood-based writer who hopes to turn the notorious murder case into a film. He obtains the advice and perspective of an American journalist based in Italy, a fictionalized character (played by actress Kate Beckinsale) based on the real-life Barbie Nadeau. Blurring fiction and non-fiction further, Barbie Nadeau appears in a short cameo in which she reports from the crime scene (Parmenter & Winterbottom, 2014).<sup>56</sup>

This particular scene revisits the journalistic perspective behind the iconic moment as Nadeau and Nick Pisa appear high above the crime scene behind the Villa's high wall. The scene then shifts to a multi-camera look at the journalistic production placing Pisa within the frame and

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<sup>55</sup> Nick Pisa goes on to translate "la bella figura" as having a "beautiful image, a beautiful impression" (2:03).

<sup>56</sup> Nick Pisa, a freelance journalist for British tabloids like *The Daily Mail* also has a cameo in this scene. In addition, *The Face of an Angel* is based on Nadeau's true crime book based on the Knox trial, *Angel Face*.

offering views of the crime scene. In voice-over, Nadeau’s character also points out a homicide investigator on the scene before the perspective shifts to Knox and Sollecito, embodied by actors.



Barbie Nadeau’s cameo (7:20)



Nick Pisa’s cameo (7:50)



Nick Pisa points down to the recreated crime scene (7:55)

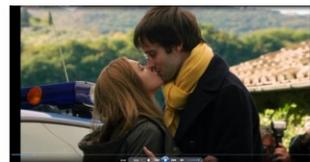


Actors embody Knox and Sollecito’s kiss (8:04)

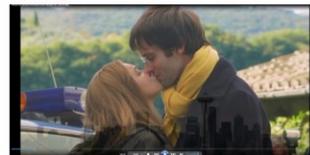
Recreating their position, dress, and movements, the actors play out the well-known embrace and kiss with no narration. The recreated kiss also appears in the film’s trailer; however, in this version dramatic audio is added: A camera shutter sound that resembles a gunshot is paired with every kiss, linking the image to intermingling themes of violence and photographic permanence. A similar audio-visual treatment of the image appears in a made-for-TV movie that aired on the *Lifetime* network in 2011, called *Amanda Knox: Murder on Trial in Italy* (Sutter & Dornhelm, 2011) that was produced and televised before Knox and Sollecito were acquitted. The actors playing out Knox and Sollecito’s kiss in this adaptation also adopt the dress, position, and three kiss gesture featured in the original footage.



Knox (Panettiere) to Sollecito (Romio): “This is unreal. I can’t believe this is happening.” Sollecito, patting her arm, says “I know” (5:36).



[No audio]



[Camera shutter sound]

Screenshot images from a scene from *Amanda Knox: Murder on Trial in Italy* (2011), a made-for-TV movie produced and aired on the Lifetime cable network.

The film's use of sound brings attention to key moments of the interaction: No sound during the kiss while a camera shutter sound is added as the scene fades. This brings extra audio-visual attention to the act of picture-taking re-enacted in this particular moment of the film. The camera is also made transparent (Bolter & Grusin, 1999) at the beginning of this scene. Through these added effects, viewers are reminded that they are witnessing an important visual moment of Knox and Sollecito's story. Overall, in these two film examples interest is first generated out of the silent treatment of the image, and a extra camera sound (which sounds very similar to a gunshot) subtly reminds viewers of the iconic quality of the image just generated. However, in the Lifetime version, additional dialogue is added, suggesting what could have been said between Knox and Sollecito at that moment. The recasting of the image with extra imagined dialogue repositions the couple and their actions as stemming from shock, grief, or compassion. In *The Face of an Angel* (Parmenter & Winterbottom, 2014), viewers are offered a closer glimpse of the subjects' possible perspectives – by way of imagined dialogue.

Like other cultural sites featuring the kiss, the film adaptations use the image to signal its well-known and familiar quality, thus reproducing its recognizability even further. However, the film adaptations are distinct from journalistic sites like cable news and news magazines because they offer multiple and shifting perspectives on the making of the image. *The Face of an Angel* offers viewers the journalists' perspective above the crime scene, whereas Lifetime's TV movie more so focuses on Knox and Sollecito's perspective from the crime scene, displayed below.



Screenshot from a scene in *Amanda Knox: Murder on Trial in Italy*, aired on Lifetime TV network in 2011 (Parmenter & Winterbottom, 2014, 5:21).

The filmic contexts display circulatory movements around and *in* the image, situating its construction within various fictional and non-fictional perspectives. By envisioning what Knox and Sollecito – and others on the crime scene – may have seen as they looked up and saw journalists snapping photos and videos, the perspective of the image shifts. This places the viewer as the image subject – the viewer as viewed. This image context thus places the viewer within the scene, alongside Knox and Sollecito, in distinct ways than other image versions. However, the compositional structure of the kiss image is reproduced, taken from an onlooker side-profile. Though the contexts of the kiss image are envisioned from another perspective, this situating of the image maintains the viewers' status as onlooker.

### **5.3.2 *The kiss and American nationalism***

The return to investigators' perspectives and thoughts about Amanda Knox's behaviour, made visible with this now well-known kiss, helps support a broader vilification and distancing of the Italian judicial system and media as irrational and unjust. The discourses of American nationalism that circulated in news interviews and magazine programs often relied on statements of Italian otherness to support a view of Knox as a wrongfully convicted subject. Notably, much American news coverage of Knox's trials and verdicts often turned to Knox's family for comment, an indication of their publicist's effectiveness.

This coverage sought to distance Knox from the discourse of sexual deviancy circulating through the Foxy Knoxy moniker and instead position her as a relatable woman. By hearing from her family members, Knox's role as a daughter, sister, and friend comes into view as more details emerged about her experiences as a successful soccer player and student, along with her enterprising drive to self-fund her International exchange trip to Italy (Hattenstone, 2009; Hooper, 2009; Knox, 2013). The discourse of family that positioned Knox as a good daughter

and sister stressed her admirable pursuit of higher education and personal self-betterment, while also being “naïve and not street smart” (according to her mother) (Hattenstone, 2009). From a critical perspective, this familial discourse is enmeshed with ideas of American nationalism that are distinctly neoliberal, in the sense that Knox and her family are relatable and thus ‘good’ because they continually expressed their roles as self-governing, disciplined American citizens (Gill, 2008; Oullette & Hay, 2008). The discourse of family that emerged with the circulation of the kiss image often directly critiques the foreign (e.g. Italian and/or British) discourses of sexual deviancy that irrationally marked Knox as Foxy Knoxy, thus repositioning Knox’s image as admirable in her relatability.

In the *Dateline* episode (Gleysteen & Pepper, 2009) previously referenced, viewers see Sollecito patting or rubbing Knox’s arm, the latter half of the full seven-second clip. The kisses – three short pecks – are not shown. This omission assumes viewers can conjure up the vision of the kiss themselves, while the editing choices also support the critique of investigators as unreasonable in their persecution of Knox based on such an image. *Dateline*’s use of the image does not offer proxy vision for the perspectives of Italian investigators, unlike how other news, documentaries, and film dramas circulated the kiss. In American mainstream content, the circulation of the kiss image in televised sites was often tied to aural statements emphasizing the Italian context of the original perspective that treated the kiss as suspicious. In *48 Hours*’ episode (Longhini et al., 2011) for example, the investigator and prosecutor was called “a staunch Catholic with a medieval mindset,” the narrator stating that the series of kisses worked to “demonize” Knox “in the Italian mind.” These statements situate the prevailing initial interpretation of the kiss image – as sexual deviance – as the product of Italian irrationality and ‘backwardness.’ Like much of the American news coverage of Knox’s multiple verdicts, *48*

*Hours* used the kiss image to critique Italian justice and media coverage as a form of persecution or “character assassination,” as Curt Knox called it on *Larry King Live* following the first guilty verdict in 2009 (CNN, 2009, 1:35). This critique of Knox’s character assassination is also critical of Italian stereotypes of Americans as promiscuous, endlessly ‘up for it.’ For instance, journalist/true crime literature authors Nina Burleigh and Barbie Nadeau both explain how Italians viewed Knox as comparable to young American sex-crazed, drug-fueled pop stars. This sexualized stereotype and image of Americanness is also a classed construction – it infers that this sex-crazed, “drug-fueled sex game gone wrong” (Heide & Morse, 2016, 53:05) is ill-mannered and dangerous.

The combative edge to the discussion following Knox’s conviction rests on assumptions of the Italian justice system as fundamentally different from American justice. Some clear examples of this arose on televised interviews following the 2009 conviction. On CNN’s *The Situation Room* for instance, Judy Bachrach of *Vanity Fair* comments on the use of an animated film in court: “This is the stuff that would not be allowed to be shown in an American court room in the summation. This invented scenario” (CNN, 2009). In *Dateline*’s special on Amanda Knox, the narrator questions the soundness of the Italian perspective as the case moves to an appeal: “Is the view from an Italian courtroom as clear as the view from Seattle?” (Gleysteen & Pepper, 2009, 7:28).

The nationalist discourse that carried through American news on Knox often created a binary logic between foreign (Italian) and domestic (American) investigatory practices. This positioned Knox as ‘one of us’ who was unfairly persecuted by a “medieval” (Longhini et al., 2009) foreign state. In these contexts, the image is seemingly synonymous with a distinctly Italian mindset (which is coded as irrational and overly sexual) that the American programming

seeks to critique and rectify. This sense of ‘in-group’ relatability is produced out of the continual familial perspective offered through interviews with Knox’s parents and sister who position Knox as a loving and normal daughter, sister, and friend. As such in many programs there is a continual back-and-forth between the false perspective of Knox that unfairly persecuted her (often attributed to Mignini or ‘Italian justice’) and those who *really* know Knox – her family members. By encouraging viewers to know and occupy the position of the Italian prosecutorial team vis-à-vis the recurring kiss, these programs do not necessarily cast off the discourse of suspicion informing the image but further support its circulation and viewing. There is a continual call to see and judge this moment, a speculative practice that is not entirely divorced from ‘foreign’ depictions of Knox as a sexually inappropriate young woman. As I will point out, the prevailing discourse of sexual deviancy and visual ambiguity created through this kiss image (and its wide circulation in European media) do not necessarily disintegrate in American cultural sites but is continually referenced and played with as a desirably transgressive practice.

Additionally, by positioning Knox as an ‘every woman’ through the discourse of family, her racial and class privilege is obscured. As I note throughout this dissertation, Knox and Arias’ presence in mainstream American mass media sites is tied to their whiteness. The extreme acts of violence they allegedly committed are especially rare for women – as I note in the second chapter, female-perpetrated violence is statistically rare. Extraordinary events like murder are deemed especially newsworthy (Carter, 1998; Carney, 2010), and those occurring in close geographic and cultural proximity to audiences are also considered newsworthy (Penfold-Mounce, 2009). As Knox’s kiss image was made legible through the lens of her family, she is brought into closer proximity with audiences as personal stories were divulged and the sexualization of her image was critiqued by her father for instance (CNN, 2009). This family

discourse positions Knox as a potential proxy for viewers' daughters and sisters, and crucially emphasizes that she is just like one of us. However she is not representative of every viewer. Knox's high degree of visibility signals how her newsworthiness was informed by a privileging of her race – her whiteness – and her youthful appearance. These identity markers are at play, for her incomprehensibility is at the very heart of her alleged transgression of good, specifically white, middle class womanhood. While the family discourse seeks a view of Knox as a normal individual, it is important to point out that this normalcy assumes a nuclear family makeup, middle class status and an education. As Knox was charged and convicted of murder and sexual assault however, her perceived normalcy is up for debate, and undeniably this fuels the fan of collective speculation attempting to make sense of her alleged actions. The incorporation of the Italian perspective on Knox within American texts is an example of this continual assessment of Knox's imperceptibility, in attempting to see and understand her normalcy *and* her transgression of that normalcy (while also positioning Italian justice as sexist and corrupt). Additionally, Knox's prolonged presence in American and global media sites also suggests racial privileging while her whiteness does go unremarked. John Fiske, cited in Simone Browne's book, notes that "public spaces are shaped for and by whiteness (2015, p. 17). Since Knox's notoriety emerges through such public spaces, it is integral to mark that which goes unnamed and unseen (Frankenberg, 1993; Goldberg, 2002) - her whiteness.

#### **5.4 The kiss and sexual violence**

In other moments still, the kiss is used in news magazines like *Dateline* and *48 Hours* to create discourses of sexual violence. For instance, on *Dateline*, the image appears with Nadeau's comment that "[journalists] got sex" (Gleysteen & Pepper, 2009), followed by Nick Pisa noting the brutality of her death. Similar textual linkages between sex, death, and killing are made

throughout the episode as the image appears. For example, the narrator states Knox was “already convicted in the court of public opinion,” in which she was seen as “the heartless killer with the face of an angel with ice cold eyes.” In another instance, the voiceover questions Sollecito at the moment the photo was taken: “Did Raffaele know a brutal crime had been committed?” (Gleysteen & Pepper, 2009, 6:12). The aural use of “brutal” and “killer” alongside the kiss image tethers it to the violence and trauma Kercher sustained while also positioning the photographed subjects as potentially violent. In a bonus feature called “Beyond the Headlines: The Amanda Knox Story,” the kiss is once again associated with violence and killing as the voiceover asks, “Is Amanda Knox a cold-blooded killer?” With “killer” the image of Sollecito and Knox kissing is illuminated in black-and-white (Matthews-Patrick & Lewis, 2011).



“Is Amanda Knox...”



“...a cold-blooded killer?”

In another instance, *Dateline* refers to Knox’s status as a femme fatale and “sexual aggressor” as “more tidbits were concentered into her image” as the tabloid press accumulated information (e.g. of Knox as ‘Foxy Knoxy’). By linking these audio clips to an image of two young people kissing at the crime scene, the moment is imbued with an overtly sexual tone that ties into already circulating discourses of sexual deviancy in the British and Italian press and television. *48 Hours* (Longhini et al., 2011) also similarly uses the kiss in its episode on Knox as it recounts Mignini’s view that her behaviour “showed callousness.” The voiceover states: “...and if Amanda could be so cold, prosecutor Guiliano Mignini thought, that meant she could also be involved” (7:55). Like the “Beyond the Headlines” example included above, *48 Hours* emphasizes “involved” by zooming-in to the kiss at the exact moment of saying the word

(Longhini et al., 2011). In this context, ‘involved’ refers to Mignini’s idea of Knox’s criminal responsibility, but the use of the image in this instance also circulates the now rampant idea of Knox as a sexually *involved* woman – as ‘Foxy Knoxy.’

### 5.5 *The kiss as romantic alibi*

The idea of Knox as a sexually ‘involved’ woman again circulates near the end of *Dateline*’s 2009 special on Knox’s guilty verdict, positioning her in the context of a straight, monogamous relationship. This theme of straight romance carries through some other journalistic uses of the image. The discourse of straight monogamy reproduced through the kiss’ circulation is surprising given the allegation against Knox and Sollecito emphasizes their alleged sexual deviancy (that they, along with Rudy Guede, raped and killed Kercher when she would not participate in the “sex game”) (Popham, 2008). For instance, *Dateline*’s (2009) episode is a notable example. In order to explain Knox and Sollecito’s alibi, the kiss appears as an edited gold image in *Dateline*’s episode (2009). An additional frame slides over top of the couple, ‘boxing in’ Knox and Sollecito’s embrace for the viewer.



*Dateline*’s hour-long episode on Amanda Knox cropped the kiss image and placed it on top of apartment imagery. narrator says: “The final alibi for the two was that they spent the night together at Sollecito’s” (1:57-2:01). The display of the image against a blue apartment background shifts the kiss into a new social domain, supplying a visual of the alibi that Knox and Sollecito had sex the evening Meredith was murdered. By attaching the image to a visually dark and private apartment space,

the public kiss stands in for other hidden sexual activity that may or may not have happened. Importantly one cannot discern what happened at the apartment, behind closed doors, leaving the alibi and storyline up for interpretation. *48 Hours'* program on Knox, which aired on the CBS network after Knox and Sollecito's convictions were overturned in 2011, also situated the image in a discourse of heterosexual, monogamous romance. For instance, the episode refers to Knox and Sollecito as "lovers" when they air a video of them holding hands at the crime scene, "[on] that fateful day" (Longhini et al., 2011, 40:05). By calling Knox and Sollecito lovers, the underlying tone is that they are a sexually active couple.

This differs from the prosecution's theory of the crime that positioned Knox and Sollecito's alleged violence as the result of their perceived sexual deviance - e.g. in allegations they had a dangerous sex orgy. By placing the kiss in a new context, the viewers can see where more sex possibly occurred, while it also conflicts with the well-known theory of the crime that identifies Knox as a lesbian who practiced violent group sex. The kiss image oscillates between these evaluations and theories of Knox's sexuality – that the kiss is an indicator of sexual deviancy and depravity, and a partly secretive sexual liaison as a couple.

Knox and Sollecito's testimony in court about the kiss moment is also referenced on *Dateline* (2009), while Knox also repositions the meaning of the kiss as a normal act of compassion in her memoir. For instance, *Dateline* included a video segment from the trial in which Knox explains the meaning of the kiss in Italian: "I was shaking. He embraced me." Before this clip however the editors refer to Knox as "the ice queen of the tabloids [who] took on those first suspicions about her," reinforcing the prevailing narrative of Knox as a suspect subject to visual scrutiny. In *Waiting to be Heard* (2013), Knox describes the moment she learned

Meredith had been killed, and in so doing, provides her own context and meaning to the widely seen kiss:

Nothing felt real except Raffaele's arms, holding me, keeping me from collapsing. I clung to him [...] He pulled me closer, stroked my hair, patted my arm. He looked at me and kissed me, and I kissed him back. These kisses were consoling. Raffaele let me know that I wasn't alone. [...] Later, people would say that our kisses were flirtatious – evidence of our guilt. They described the times I pressed my face to Raffaele's chest as snuggling. Innocent people, the prosecutor and media said, would have been so devastated they'd have been unable to stop weeping (pp. 74-75).

Later in the memoir, Knox revisits the image and its wide circulation when she sees it on T.V. from her prison cell, looped ad nauseum. "They acted as though our affection showed such a flagrant disregard for Meredith that it was obvious Raffaele and I were hiding the truth. The commentators pointed to our consoling kisses as proof that we were capable of murder. [...] What I see then – and see now – is a young girl and guy in shock" (p. 206). Knox's statements textually link the kiss image to non-aggressive and non-sexual terms such as consolation and affection in an effort to recast how the image is seen (while also noting the prevailing interpretation of the kiss as a form of deviance and callousness).

In particular, this discourse of straight, 'normal' coupledness seen in some news programming and in Knox's memoir differs greatly from discourses of sexual deviancy used to display and know the kiss in European and American media content. Noted earlier in the analysis, the discourses of sexual deviancy that circulated through the kiss image focused more on the prosecution's theory of Knox as a promiscuous and sexually aggressive woman whose inappropriate inclinations caused Kercher's death. The more romantic, 'normal' view of Knox and Sollecito's relationship and their kiss at the crime scene appears oppositional to the discourse of sexual deviance often constructed through it; however, this 'original view' of Knox as deviant is still referenced in Knox's account and *Dateline's* narration choices (e.g. Knox as ice queen).

## 5.6 Image 2: The gaze at pretrial court

When Knox appeared in court for her pre-trial hearing on September 16, 2008, photojournalists took images of her exiting the courtroom flanked by penitentiary guards. Knox wore a white blouse while two female guards stood on either side of her, wearing blue and looking downwards or away from the camera. A male guard stood behind and similarly looked away. Knox on the other hand stared directly into the camera without a smile or a discernable expression. Like the kiss image previously discussed, Knox's pretrial court appearance was intensely photographed and videotaped by photojournalists, in part because it was the first day the defendants had been seen by the press for a year (Burleigh, 2011, p. 247). The image therefore appears in both moving and still forms; however, my analysis of its circulation in the cultural corpus shows that the image shown below, of Knox staring directly into the camera, is exceedingly popular. Noteworthy are the slight and overt revisions made to the image as it circulated, such as changes in size, perspective, or colour of the original image, which was taken by Antonio Calanni on behalf of AP Photo.



Like the kiss image, this image of Knox's court appearance in 2008 circulated widely in journalistic sites – on 24/7 news programming, in web-based print articles, and televised news magazine episodes. Nina Burleigh, a journalist and editor for *Elle* magazine also wrote in her true crime book, *The Fatal Gift of Beauty: The Trials of Amanda Knox*, about this particular moment when Knox stepped into the press' view once again at her pretrial. Additionally, the

image travelled into fictional true crime adaptations as the moment was played out by actors embodying Knox, the police, and journalists. As the filmic adaptations of the kiss offered additional perspectives on the production of the image, films revisiting Knox's walk out of the courtroom combine additional elements to give a fuller, dramatized picture of that widely circulated journalistic moment. Overall the circulation of this image creates and supports two interrelated discourses of visual inspection and suspicion. Though they manifest in different contexts, these discourses are tied together by an overarching impulse to judge the criminalized woman and uncover the 'real' Amanda Knox.

### **5.7 The gaze image as moment of inspection**

Focusing on televised news magazine episodes from *48 Hours* and *Lifetime*, the widely circulated image of Knox being whisked out of the court room on September 16, 2008 was repeatedly used without audio, and it was often the first image shown after commercial breaks. Relatively speaking, these programs usually use a wide variety of audio and visual effects to accompany photographs and video clips, which help dramatize and sometimes contextualize the visual information. When these additional elements are removed and the program displays a photograph and/or video clip 'as is,' viewers are encouraged to assess the image without this additional commentary. For instance, in *48 Hours*' "Amanda Knox: The Untold Story," aired October 8, 2011, the clip of Knox walking away from the courtroom wearing a white blouse is the first image seen and without an accompanying voiceover. Similarly, after the first commercial break the clip reappears with no voiceover but with instrumental background music. This also occurs in a Knox-focused documentary called *Beyond the Headlines: The Amanda Knox Story* that aired on the cable channel Lifetime on Feb. 21, 2011 (Longhini et al.). A video clip of Knox being led into court, flanked by guards (though not the iconic image of her dressed

in white) is the first image selected, and no audio commentary is used. By choosing this clip first, both programs situate the image in a place of recognizability, as the image had been already circulated on televised news widely from the fall of 2008 on. The lack of audio effects or voiceover commentary also produces a heightened sense and practice of visual inspection in the viewer. Without a commentator framing the image in a particular way, the viewer's attention closes in on the familiar image of Knox being led away from the courtroom. The subtle techniques that draw attention to the subject produce inspection – a discursive practice that informs how the image is used and seen in other media contexts.

Another notable example from Lifetime's "Beyond the Headlines" episode highlights the recurring propensity to use the image as a means of deeply inspecting the subject. As the commentator says, "And tell us who is the real Amanda Knox?" the camera zooms in on Knox considerably over the next couple of frames as the audio commentary stops (Matthews-Patrick & Lewis, 2011).



The design of these frames allows the viewer to be directly addressed as someone who may know – or be compelled to answer this ambiguous question. By changing the image size (e.g. 'cropping' the image), viewers are positioned to see Knox more intimately as she is brought into closer visual proximity while other components of the image (e.g. the police officers) are

excluded. One could say the choice in selecting still images of Knox staring directly into the camera functions as a form of visual arrest, suspending the action of the documentary momentarily by inviting viewers to look more closely at the image before the commentary and storyline continues. Though this could arguably be an illustration of Laura Mulvey's male gaze concept (1975), I see this use of the image as a means of criminalizing the subject by making her more visible and subject to scrutiny. By zooming in and offering time to inspect the image more closely, the program also positions Knox as a suspicious subject. Though one could also interpret Knox's gaze into the camera as intense or aggressive, as she meets the viewer directly with little discernible facial expression, I see this situating of the image – and the inspection it invites through its image effects – as productive of suspicion. Additionally, by looking directly at the camera, Knox subverts male gaze convention by meeting onlookers' gaze with her own. Though in a different context, this is comparable to Dick Hebdige's discussion (1979) noted in chapter four about women looking back at the viewer as an aggressive and subversive act.



Screenshot from CNN's "Crimes of the Century: Amanda Knox" episode, aired August 18, 2013. In this segment, Anne Bremner, a lawyer and advocate for Knox's acquittal discusses her tendency to stare directly into the camera.

The static quality of these images may envision Knox more closely – bringing her closer in proximity – in order to know and understand her more fully. However, this look into the camera is highly ambiguous and also invites seemingly endless interpretation and speculation.

Knox's "uncanny ability to stare piercingly into the camera" (CNN, 2013, August 18) has been noted by journalists and other commentators – for instance by Anne Bremner, an attorney

who is the main spokesperson for the “Friends of Amanda Knox” campaign and appeared on CNN’s “Crimes of the Century” episode devoted to Knox. In this context, Bremner’s statement about Knox’s “uncanny ability” draws attention to the visual patterns associated with Knox’s image – often photos and video of Knox looking into the camera surface and circulate widely. Bremner’s comment suggests Knox’s propensity to stare directly into the camera is part of the reason her image and identity is so well-known and hotly debated. The recurring selection of ambiguous imagery like this on televised news programming provides a visual provocation to look and assess the image for meaning. The ambiguity of the image serves the purposes of continually challenging the viewer to uncover the answer and ‘secret’ of Knox’s hidden identity, which in this instance, is seemingly supplied by a closer, silent look at the accused. The provocation, “who is the real Amanda Knox?” is a continual question narrativized and created by this particular image in the cultural corpus, and is integral to Knox’s construction as a criminalized, suspicious subject.

The quest to discern Knox’s real identity was also mentioned by journalists covering Kercher’s murder and trials, and this image of Knox in a white blouse often accompanied the discussion. Nick Pisa for instance commented that “there was a hunger to figure out who Amanda Knox was...” (Matthews-Patrick & Lewis, 2011) while the video clip of Knox exiting the courtroom is displayed. Importantly this hunger Pisa refers to is a desire to see and visualize Amanda Knox. This theme of uncovering the real connects with the narrative Burleigh (2011) weaves of seeing Knox unveiled again for the press after a long hiatus of (relative) surveillance free time in prison, at least by the press. It also suggests that a ‘real’ identity exists for Knox, and that it can be unearthed and discerned through visual inspection. The way the glance is mobilized in documentaries and interactive web pages for instance encourage viewers to inspect the real

underneath the veil of the image. As I will show below, the image is used as a source where viewers would ostensibly lift the image off of the page, or scroll and touch the image in order to see more. Though these inspections are not overtly sexual, the encouraged actions – lifting up underneath the image, in touching it with a mouse for instance – speak to a more intimate situating. Its ambiguous form and composition also seemingly compel such interactions. In these contexts, the drive to understand the accused woman is intimately tied to a visual impulse to see and judge a woman’s unexpected gaze. The unexpected quality of Knox’s gaze – her ability to piercingly stare into the camera – transgresses how ‘good’ women are typically viewed (as passive subjects looking away from the camera, per Mulvey, 1975; Berger, 1972). For instance, Knox’s stare into the camera appears to meet spectators’ gaze rather than necessarily inviting sexual allure by looking back at the viewer in an alluring manner – though this is certainly open to interpretation and debate.

In *USA Today*’s web article entitled, “Amanda Knox: ‘I have a life that I want to live,’” (Mosemack & Hagro, 2013) the image of Knox staring into the camera is combined with other visual and textual content, offering dual visions and theories about Knox. The user can roll over the image and unveil key contradictory arguments from the trial, as well as additional images that appear to the left or right of Knox’s face as the user scrolls. Here Knox’s image is isolated from the original background and placed within an interactive visual experience the reader explores. By moving the cursor over the prosecution or defense sides of the image, page visitors unveil additional images and information.



A screenshot image taken from *USA Today*’s interactive webpage outlining the prosecution and defense’s key arguments (Mosemack & Hagro, 2013).

In this context, the image of Knox staring back at the camera is yet again used to tie into a narrative about Knox's imperceptibility. Placed in the centre of the webpage, with associated content emerging out of and around it, Knox's ambiguous gaze is used as a vehicle for interrogating the competing arguments and evidence used during the criminal trial. This site, like the other examples, invites continual speculation and judgment in and through the familiar yet ambiguous image of Knox staring into the camera. Treated as a dual source of revelation and intrigue, the image is continually situated as an enticingly mysterious puzzle to be solved. As the central origin where interaction takes place, in this situating the glance becomes the site where other images and information are organized and unfold through the viewer's interaction with the image. For instance the viewer places their mouse over top of the dividing lines of Knox's face, to reveal contrary perspectives and new images. This understanding and situating of Knox's gaze as the site for visual action and virtual touching encapsulates the theory of notoriety in this dissertation: The image is used as a continual source of intrigue and speculation that the viewer is encouraged to recognize, act upon, and judge. The interactive dimensions of this image site highlight the productive visual activity associated with viewing these familiar images, their fluidity and durability in telling multiple stories over time. Through the surfaces of her imperceptible face, Knox's gaze image is treated as the source where potential understanding can emerge; however, the image remains narrativized through sliding 'either/or' distinctions, thus perpetuating the perceived need to judge the image again and peel back even more imperceptible layers to her image and story.

Highlighted above, this image was consistently used to provoke moments of deep visual inspection. This suggests "the real" Amanda Knox can be discerned through these evaluations of a now familiar – yet still ambiguous – image. As Gies & Bortoluzzi discuss, the more Knox

contributed to and managed a transmediated image of herself, in the hopes of presenting her ‘true’ self, the more “elusive Knox became” (2016, p. 6) and ever-subject to scrutiny. Perhaps one of the best illustrations of this drive to visually inspect and reveal the surfaces of Knox’s image appeared in the opening sequence of Netflix’s *Amanda Knox* documentary (Heide & Morse, 2016).



Screenshot image taken from the opening sequence of the *Amanda Knox* documentary produced by Netflix (2016). After showing highly-stylized video edits of Knox speaking to Diane Sawyer and Chris Cuomo, viewers see two close-up images of Knox’s face, overlaid on top of one another. One of the images then lifts upwards, as if pulled away like a sheet of paper. To me, this artful combination and animation of Knox’s imagery cuts to the core of the discourse of visual inspection that produced her notoriety: Practices of return and visual reference that seemingly uncover the criminalized woman’s identity but continually play with paradox and ambiguity in order to fuel this drive to judgment.

### 5.8 *Seeing and desiring the virtuous white body*

Closely tied to the discourse of inspection is the logic of assessing the body that was often attached to this image as it circulated. “Who is the real Amanda Knox?” is undoubtedly a recurring question tied to shifting legal circumstances that define Knox as a suspect, guilty convict, and as a wrongly accused/exonerated woman. But this image appeared at an intense moment of suspicion and also intrigue about Knox’s identity, as she had been officially charged

with Kercher's murder but had not been seen for several months as she and Sollecito awaited the pretrial hearing. Journalist Nina Burleigh (2011) captures the thrill of seeing Knox once again.

No one knew if Amanda might have chopped off her hair in prison, contracted a skin disease, grown fat and saggy. Then the door opened to reveal the face, photogenic without makeup, clean, straight hair pulled softly back, small body encased in a virginal white peasant blouse [...] She was held at the elbows by two female guards whose light blue uniforms complemented her eyes and whose middle-aged frown lines only augmented her youth and apparent purity. The fact the girl was now even prettier than she'd been arrested gave the *cronaca nera* new energy (p. 274).

Clearly Burleigh's excitement in seeing Knox's appearance in court that day was tied to inspecting her body relative to earlier time periods, and comparing her to other women. The capture and evaluation of the criminalized woman treats the body as a site of inspection but also anxiety and suspicion that it may have changed and no longer has 'value'. Burleigh's description highlights the close scrutiny women are under and the emphasis placed on thin and young bodies especially (Bordo, 1993). The surprise that Knox maintained her youthful beauty without makeup, in prison, is cause for celebration in this journalistic account. Additionally, her remarks also raise an important rhetorical recurrence in the way the glance image is often assessed: Knox's "purity" and "virginal white peasant blouse" (Burleigh, 2011, p. 274) position her as virtuous. The white colour of Knox's top drives this point home, as white is, as previously mentioned, associated with "purity, cleanliness, and virginity" (Dyer, 1997, p. 71). White women's whiteness – their privilege, standpoint, and unmarked racial status (Frankenberg, 1993) – "conveys sexual innocence, overtly displayed for symbolic value" (Dyer, 1997, p. 71). The description Burleigh provides, of Knox being held by the guards, her "small body" that was "encased in a virginal white peasant blouse" constructs Knox as docile and child-like in the hands of authorities. Quite clearly the visual field offered by this image structures how one

perceives and understands Knox's agency and power, depending on whether the guards are visible or whether they are 'cropped out' (e.g. parts of the image are digitally cut).

The white blouse is also a visual code for Knox's sexual purity and whiteness, seemingly invisible but an undeniable part of her heightened visibility and perceived inscrutability. Through this image, Knox embodies an idealized vision of white, sexually 'pure' womanhood that conflicts with the knowledge of Knox as Foxy Knoxy, the sexually cunning and deviant murderer. This back-and-forth between an idealized white woman image of Knox and other images and narratives that position her in oppositional terms helped produce an inscrutability and contradiction that ultimately fueled her notoriety. One can see the admiration of Knox's so-called good and 'worthy' white womanhood (Gilchrist, 2010; Stabile, 2009) through Burleigh's admiring narrative noted above. Evidently she is considered attractive and valuable to journalists and global audiences, worthy of attention and speculation.<sup>57</sup> In part this is because of her white, young, conventionally attractive appearance, but the use and circulation of this image also show that intrigue is continually produced through contrasting images, interpretations, and definitions of her that position her as worthy of further speculation. Noted earlier, this image often appears with the "who is the real Amanda Knox" question (Matthews-Patrick & Lewis, 2011) and is part of this matrix that attempts to define and see Knox time and time again. These examples also illustrate that the female body is treated as a contentious site of visual inspection.

This discussion connects with the literature on violent women's representation, for the female body must be read, compared, and 'made intelligible' according to available scripts and

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<sup>57</sup> Barbie Nadeau, a freelance journalist stationed in Italy also explained Knox's popularity emanated from her beauty and the disconnect the public had with admirable qualities like youthful beauty with the charges of alleged violence levelled against her. For example, she said on Dateline's 2009 episode: "They [the public] look at this girl and they think, wow. Beautiful eyes, beautiful young face, beautiful hair. Could she have done this? And I think that keeps people interested ("The Trial of Amanda Knox Part 4," 2009, 0:10).

patterns. But what this literature does not describe or map (per my critique outlined in chapter two), is the actual visual practice that subjects the accused woman to scrutiny and suspicion and the mediated process that creates her notoriety through visual practices of speculation.

### 5.9 *The gaze as past and current reference*

Similar to the circulation of the kiss image, the footage and still imagery of Knox's court appearance on September 16, 2008 became a well-known visual reference point for looking back on the case, particularly in news magazine episodes, documentaries, and true crime fictionalized films. This retrospective treatment resituates the image relative to ongoing developments in the trial and tabloid coverage, and continues to construct the image as a central and recognizable moment in Knox's prosecution. In *48 Hours*' episode for instance, the kiss image appears while the narrator explains how the prosecution viewed Knox as a "sex-crazed she-devil" (Longhini et al., 2011, 20:09). The program zooms in on Knox, distancing her from the prison guards while the camera rotates slightly to the left. Like some uses of the kiss image, in this instance the viewer is positioned to see Knox as a suspicious and deviant subject, occupying the prosecution's perspective. Lifetime's *Beyond the Headlines* documentary similarly uses the image to see Knox through the police's perspective: "Her help only fueled the suspicions of the Italian police," while the camera again zooms in on Knox's stare (Matthews-Patrick & Lewis, 2011). Here the visibility of the police in the original photo is central to communicating this narrative of the police's perspective. In filmic contexts, the image of Knox entering/exiting the court room took centre stage through familiar-looking lead actresses. In *Amanda Knox: Murder on Trial in Italy*, Lifetime's TV movie (2011), Knox's (Hayden Panettiere) first arrival in court is dramatized with additional 'colour commentary' from a journalist.



Screenshot images from Lifetime TV movie, *Amanda Knox: Murder on Trial in Italy* (2011).

A record symbol is overlaid over top of the image, as if the viewer is looking through a recording camera. The reporter says: “Foxy Knoxy swept into court like an invitee to a gala event. She waved and smiled at friends and reporters as she sat before Judge Micheli, who will decide later today if there is sufficient evidence to send her to trial” (1:03:35). Though actress Hayden Panettiere is not dressed in Knox’s familiar white fluttery top, her windswept hair, direct glances into the camera, and the surrounding police presence make the scene a familiar one – albeit not a direct visual duplication or embodiment that is seen in other film adaptations. What is striking in this example however is the narrative focus on the media coverage of the Knox character (Panettiere) through the journalist covering the fictional trial. The reporter’s reference to Knox’s smiles and celebrity-like status also evoke a sense of retrospective knowledge on the creation of Knox’s notoriety, which is also supported by the recording perspective overlaid onto the image (e.g. The ‘REC’ symbol). Additionally the journalist’s narrative and Panettiere’s ‘sweeping’ into court like a gala invitee could signal criticism of Knox, and an interpretation of her comportment as desiring attention.

The knowledgeable retrospective look back to Knox’s memorable court appearance continues to have currency as well, as it was used throughout an interview in fall 2016 with Knox on ABC’s *Good Morning America* and taps into the discourse of sexual deviancy that circulated widely through the kiss image and the Foxy Knoxy moniker.



A publicity spot tied in to news of the *Amanda Knox* documentary (released in October, 2016), precedes an interview with Knox on Good Morning America's broadcast on ABC, September 26.

The short video includes a cropped version of Knox in her white peasant top as the narrator says, "At the center of it all is Knox, branded Foxy Knoxy" ("Amanda Knox Speaks Out," 2016, 1:25). Knox is 'the centre' of attention in a literal sense (appearing in the middle of the screen, in between guards), but is also the object of scrutiny. Three minutes later, when Knox herself is interviewed however, in studio, the image reappears in a different context, alongside the live interview feed of Knox – now exonerated - responding to questions. This illustrates how such popular images traffic rather freely, and are continually-used reference points to the past – and to current and future projections about Knox's identity relative to new (sometimes 'exclusive') information. Even in 2016 when there are more images available of Knox, this particular still shot continues to circulate in and with new media content, illustrating its cultural adaptability and durability in defining Knox.



Screenshot image from *Good Morning America's* segment called, "Amanda Knox Speaks Out on Netflix Documentary," aired on September 29, 2016 and accessed on ABC News.com.

In other sites, the image is situated in a space of overt critique, as was the case following Knox's conviction in 2009 when her parents appeared on *Larry King Live*. Throughout the hour-long broadcast, the footage of Knox being escorted out of the courtroom back in 2008 is played on loop in the lower right-hand corner of the screen. Underneath the small video is the caption, "Knox trial guilty." Though subtle, the caption connects with the program's overt message that Knox's conviction is wrong and unjust – the *trial* is guilty, not Knox. Using the video clip of Knox's appearance also differs from the previously mentioned still image close-up shots of Knox staring into the camera. The video footage positions Knox as a living, humanized subject whose movements convey normalcy than a suspicious kind of look or behaviour. In this vein, the discourse of family created through her parents' comments on Knox as an innocent child position her as a normal individual who was victimized by the injustices of the Italian prosecution and justice system – a core discursive theme organizing the use of the kiss image.

#### **5.10 Oscillating as evidence and ambiguity: Knox's notoriety as contradiction**

By tracking the cultural use of these two images of Amanda Knox, one can see a general propensity to evaluate the accused visually, and in so doing, to criminalize her for her seemingly inappropriate or deviant behaviour believed to be 'caught on camera.' On the flipside, the kiss image was especially subject to scrutiny in an American context, where the image was closely associated with the belief Knox was unfairly prosecuted. This discourse often ran counter to Italian prosecutors' and British tabloid's interpretation of the image as a suspicious indication of her sexual deviance and latent violent tendencies – and also Sollecito's relative powerlessness as a sexually-manipulated man. The image of Knox walking from court, which circulated a few months after the kiss, also had longevity over multiple years and media genres. In American cultural sites, Knox's stare into the camera was similarly used to explain the Italian prosecution's

sexually violent theories of the crime. In these contexts, the sex-crazed media fervour encapsulated by the Foxy Knoxy moniker was also seemingly critiqued as unreasonable in its sensationalism. However, this nationalist perspective also trades in the same sexualized views and labels of Knox, using the image to produce and support a discourse of sexual deviancy that appears more distanced and enlightened in looking back on this (now well-known) visual moment. Over time, both images were diversely contextualized and discussed, but both became well-known visual reference points for reflecting back on the trajectory and ongoing debates related to Meredith Kercher's murder. Both images were evidently treated as (in)decipherable texts. Sometimes they were indicators, as evidence. In others, ambiguous surfaces.

The critical discussion of the kiss' use in foreign media and by the Italian prosecution also supported nationalist discourse that sought to distance foreign governments and justice systems as corrupt and irrational. The repeated appearance of Knox's family on primetime TV also encourages viewers to see Knox as a relatable, normal woman who successfully occupies her roles as daughter and sister. The personal side to this family discourse is supported by considerable financial capital however, as the family supported Knox with legal and public relations teams. The way Knox is positioned, by way of discourses of family and nationalism, relies upon and produces a hierarchy of race and class. She is relatable for instance because she is white, middle class, and traditionally beautiful – and therefore embodies key facets to the American image of the “attractive girl next door” (Stelter, 2013).

The circulation of Knox's imagery continually beckons viewers to take pleasure in seeing and potentially understanding her perceived inscrutability. The circulation of the kiss and gaze image recurrently treated the images as ambiguous and enigmatic, offering a continual provocation to uncover Knox's actions and identity by investigating the image more deeply.

There are a variety of visual, audio, and textual techniques that created this speculative call for closer visual scrutiny. For instance, in news magazine episodes by *Dateline* and *48 Hours*, the kiss and gaze images are positioned so as to arrest the viewer's attention – by freezing the kiss video, zooming in on Knox's face, and/or using silence as a subtle device for gaining attention. In these moments, the images invited the viewer to make their own conclusions about the meaning of the image before moving on with the narration and other images.

These audio/visual effects occur multiple times over these episodes, halting the program for viewer's attention and assessment. Close-up versions of these images sometimes use additional filters that blur the lines of her face, softening it, as is the case with the *Amanda Knox* documentary's opening sequence (2016). Or sometimes, attention is drawn to "Italian TV's" construction of Knox with a high contrast black-and-white filter (*Dateline*, 2009). These techniques literally obscure Sollecito from the frame of the image (e.g. 'cropping' him out) or they thematically reduce his presence within the image as Knox is brought into the foreground, visually dominating more space on the screen and drawing eyes in. Like Arias, whose images also feature Alexander (both in and outside the frame), Knox is the primary object of visual attention and is positioned as warranting more inspection.

The familiar yet inscrutable images of Knox staring directly into the camera and Knox's kiss with Sollecito were diversely understood as evidence of sexual deviance (as excess, inappropriateness), aggression, and agency. Particularly in American media circulation, these images were treated as contradictory and opaque surfaces, and I suggest fed speculative practices that saw Knox in a voyeuristic light. This voyeurism, while often sexually-tinged, was also enticingly unresolvable, particularly as the image was continually used to simultaneously show and contest the prevailing discourse of sexual transgression animating her imagery. Though the

discourse of American nationalism sought to critique Italian justice and European media as painting an unfair sex-crazed picture of her (Garcia, 2016), Knox's image continued to be situated through these lenses of sexual deviancy. The preferential reading of Foxy Knoxy as sexually cunning and thus different and suspicious was replayed through the kiss image by adopting the perspectives of tabloid journalists and Italian investigators, while Knox's propensity to stare into the camera was revisited and directly discussed as part of the reason she held public attention (CNN, 2013, August 13) and in turn invited more speculation.

The continued return to the kiss and glance images – multiple times within the same news programs or documentaries – and their mobilization in more recent content like *Amanda Knox* (Heide & Morse, 2016) and Knox's own memoir (2013), illustrate these images are sites where inscrutability is ritualistically performed. While the proliferation of these two images enacted logics of sexual deviancy, agency, or normalcy, these discourses are united in their use of the image as a readable text awaiting further speculation. The recurring question that often appears alongside the gaze image, “who is the real Amanda Knox?” (Matthews-Patrick & Lewis, 2011) is one that hails audiences as voyeur-inspectors, primed to uncover and potentially reconcile Knox's contradictory claims and status as convicted murderer and persecuted exoneree. By offering up the gaze image for instance as the site where ‘the real’ could be potentially uncovered, viewers are positioned to look deeply at and under the surface of Knox's glance, as if to retrieve hidden facets of her character or experiences. Ultimately the image remains necessarily enigmatic, as this fuels a speculative hysterical questioning (Neroni, 2005) that keeps these images and debates flowing.

Importantly the practices of viewing tied to these image situatings elicit a desire to see and acquire understanding through the assessment of ambiguous imagery. The viewer-speculator

may find pleasure in being hailed, and feel personally involved in assessing the meaning of Knox's kiss, relative to unfolding new information. Quite clearly the intertwining of Foxy Knoxy narratives with these two images produced a sexually voyeuristic standpoint, but it's important to consider how the modes of spectatorship created through these images may pleasure through their acknowledgement of the audience as aware consumer-producers, in needing them to look beyond and under the image surface. Positioned as the potential readers of Knox's inscrutable visage, the audience does not merely perform a passive looking or objectifying desire, as Laura Mulvey (1975) theorized with the male gaze. Instead I suggest this voyeurism emerges out of the contradictions crafted through these ambiguous images, in the creation of a deep curiosity and desire to understand their meaning and 'work' on the image. The moments of stillness and closeness created through the gaze and kiss suggest these answers can be found and discerned from visual assessment – in lifting the veil so to speak. Ultimately, there are multiple discourses animating these images, and they remain resistant to one totalizing understanding. As such they embody and continually perform an inscrutability that works to feed Knox's notoriety through discursive themes and practices of viewing oriented on understanding social, legal, and visual transgressions.

As chapter six will show, though Jodi Arias may appear similar to Amanda Knox (since she was granted considerable American media coverage), the visual discourses producing Arias' notoriety supported a different class and racializing currency – namely of a so-called white trash construction (Khan, 2014; Newitz & Wray, 1997). Though their images and identities were shaped by different geographic contexts and class logics, both Knox and Arias' notoriety undoubtedly emerged out of their race – and the consistent unmarking of their whiteness in mainstream American media texts. However the ridicule and assessment of Arias' body signals a

perceived evaluation of her fall from appropriate white femininity. As I show in the next chapter, the visual discourses shaping Jodi Arias' notoriety similarly invoked speculation and judgment as she was simultaneously seen as desirably deceptive and dangerously deviant.

## 6 Chapter Six – Desiring an image: Jodi Arias’ visual notoriety

In the summer of 2007, Jodi Arias and Travis Alexander took a trip to the Grand Canyon with two of their friends, stopping in Havasupai to see the waterfalls and take a dip. The happy-looking couple embraced in the water, Jodi smiling broadly in a bright blue bikini and gray ballcap, balancing on top of Travis’ knee as she placed her hands around his neck. Jodi and Travis both looked toward an unseen camera as the water pooled and rushed around them. One would think this image depicts a contented couple who enjoyed travelling together and taking travel photos. The image doesn’t appear to allude to the violent event that would change both of their lives forever – or does it?



On June 4, 2008, Travis Alexander was repeatedly stabbed with a knife in his walk-in shower. He stumbled to the bathroom mirror as his attacker continued to stab him from behind – twenty-eight times. He was then shot in the face. Eventually collapsing in the hallway, the murderer committed one last final assault against Travis: She slit his throat from ear to ear. His on-again, off-again lover, Jodi Arias, was convicted of first-degree murder on May 8, 2013. On April 13, 2015, the state of Arizona sentenced her to life in prison.

Jodi Arias and Travis Alexander had originally met in Las Vegas during a work convention for a company called Prepaid Legal Services in September 2006. News reports, true

crime literature, and news magazine episodes covering Travis' murder repeatedly referenced this moment, specifically from Travis' imagined viewpoint. Jodi stood out to Travis, he was immediately attracted to "the pretty blonde who came into his eyeline" (whatchutalkinabout, 2013). In *Picture Perfect: The Jodi Arias Story*, true crime author/journalist Shanna Hogan describes their meeting as one of immediate physical attraction on behalf of Travis: "Walking around the MGM Grand, he saw her – a gorgeous blonde with almond-shaped brown eyes, pouted lips, and a single dimple on her right cheek. Like an arrow, Travis shot straight toward her, his gaze unflinching" (Hogan, 2013, p. 50). What is especially striking in such descriptions is Alexander's visual assessment and pursuit of Arias. Hogan and Jane Velez-Mitchell, who I will mention shortly, both describe their meeting from Travis Alexander's perspective, configuring Arias as the one to be viewed, assessed, and ultimately desired.

They exchanged contact information, and it would not take long for them to strike up a long-distance relationship. Jodi often drove from Palm Desert, California to Mesa, Arizona to visit Travis on weekends. By November, Arias had been baptized into the Church of Jesus Christ of Latter-Day Saints. The couple broke up in June 2007; however, the two continued to "meet for sex," and Arias moved to Mesa, Arizona to "wait tables and clean Alexander's home" (Fox News, 2013, May 8). As I will discuss later in this chapter, the couple's sexually-charged and clandestine relationship was also structured by Alexander's relative wealth – he is consistently portrayed as highly successful in his career as a motivational speaker and sales person. Such statements emphasize Arias' financial dependence on Alexander, a discursive theme that interweaves with the discourse of obsession created through the mobilization of the embrace image in particular. References to Arias cleaning and waiting tables signal a lower class position, and one must question how descriptions of her employment are used to position and explain her

relationship and murderous actions. Their friends and family were unaware the two continued to travel together, or that they had a sexually-charged, clandestine relationship – the details of which were thoroughly investigated and discussed during Arias’ televised murder trial.

Alexander was also in a relationship with another Mormon woman, Lisa Andrews Diadone, while he was secretly having sex with Arias in 2008.

Over the course of her trial, Arias alleged multiple claims against her victim, Travis Alexander. For instance, she claimed he continually abused her during their relationship, and that ultimately her lethal actions against Alexander were committed in self-defence.<sup>58</sup> Additionally, the defense portrayed Travis as sexually deviant in his desires and practices (these details I return to later in the chapter). On the flipside, the prosecution, led by Juan Martinez, alleged Jodi Arias was dangerously obsessed with her ex-boyfriend, repeatedly threatening him and his new girlfriend, before finally killing Alexander in a jealous rage (“Self-Defense,” 2013). Martinez would argue Jodi was a jealous and manipulative woman who was not a victim of her boyfriend’s alleged sexual deviancy, but an equal sexual participant and temptress. As is clear in the following analysis, Arias’ trial and pop cultural adaptations continually showcased and debated the meaning of the couple’s sex life and relationship. The three images selected for my analysis were repeatedly used to weave together narratives of sexual difference, intrigue, desire, physical violence, and romance.

### **6.1 Contexts of production and early circulations of the embrace image**

Turning back to the image at hand, in the summer of 2007, Arias uploaded this photo to her Myspace account with the caption: “Havasupai, Grand Canyon.” At the time of writing, this

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<sup>58</sup> Arias had originally pled not guilty on September 11, 2008 but changed her story to self-defence in August 2010 when she claimed Arias was forced to defend herself when Alexander allegedly lunged at her after she dropped his camera on the ground (“Jodi Arias Found Guilty,” 2013).

image is available on Jodi Arias' Myspace account, filed under a collection entitled: "In Loving Memory of Travis Alexander." This page also includes the tag, "photos migrated from Classic Myspace on 2/24/2014 10:26:08 PM" (Arias, n.d.). Since the image is derived from social media, it does not appear in photojournalism databases like AP Images or Getty Images. However, in a Google Image search, it consistently ranks in the top five results when using the "Jodi Arias and Travis Alexander" search term. In general terms, this ranking indicates Google users searched and clicked on this photo most frequently in comparison to other images tagged with these search terms that are circulating on the web. However, there are also search engine optimizations that can be added to a website or image that 'boost' rankings on Google, which in turn promotes more clicks. My Google image search results are thus not necessarily determined purely by the frequency of clicks. With this important qualifier in mind, I explored additional mass-mediated content focused on Jodi Arias and Travis Alexander, such as made-for-TV movies, newsmagazine episodes, and true-crime literature. This image – like the other two selected for this analysis – appeared frequently in journalistic contexts but also in true crime dramas that played up the couple's romance and forbidden sexual past before re-envisioning graphic scenes of Alexander's murder.

### **6.1.1 *Televised circulations***

My analysis, using a visual discourse approach, indicates the image circulated most repeatedly in televised programs – on news magazine shows and cable news covering the phases of the trial in 2013 and the penalty retrial in 2015. However, the image also appeared in other news formats – in print and online tabloids especially. On the *Daily Mail Online*, the photo of Arias and Alexander was consistently used in any story related to Arias' trial over this two-year period. The original image was used with various captions, some referencing the couple's "rough

sexual relationship” (Warren, 2013) and the “obsession” Jodi had with her former lover, Travis Alexander (Warren & Farberov, 2013). Following Arias’ conviction for first-degree murder, the captions were more descriptive in explaining Travis’ murder: “Jodi Arias was found guilty of the murder of Travis Alexander in 2008 after slitting his throat so deeply she nearly decapitated him and shooting him in the forehead” (“All I can think about,” 2014). In another *Daily Mail* article covering the sentencing retrial, the photo reappears with the caption: “Together: The secret testimony included questions about Arias’ time with Alexander, whom she repeatedly stabbed, then shot” (Corcoran, 2015). *The Daily Mail*, like in televised news like HLN (once called Headline News), uses the photo to communicate knowledge of Arias and Alexander’s sexually-charged relationship, while the photo is also used to construct Arias as a criminal and physically aggressive subject.

The photograph also appeared in the print version of *Star Magazine* (Star Staff, 2014) alongside news of a rapper’s song based on Arias as a battered woman.<sup>59</sup> After her life imprisonment sentence in 2015, the web-based tabloids *Radar Online* (Radar Staff, 2016)<sup>60</sup> and the *Daily Mirror* (Shortland, 2015) used the image beside news of Arias’ time in jail.<sup>61</sup> By placing the photograph alongside one of Arias’ mugshots and referring to her as a “monster,” *Radar Online* clearly situates Arias as criminal. The *Daily Mirror*’s headline and caption emphasize Arias’ heterosexuality – that she, a “boyfriend killer,” was part of a “dark and stormy” relationship (Shortland, 2015).

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<sup>59</sup> The song by Kareem ‘Lefty’ Williams focuses on Arias as a subject of domestic violence, which draws on the claims of self-defence she made in the trial (Tereszcuk, 2016).

<sup>60</sup> No photo caption is provided but the montage image is placed under the headline, “Exclusive: Burn in hell! Travis Alexander’s sister rips ‘Monster’ Jodi Arias for Prison Payoff” (Radar staff, 2016).

<sup>61</sup> The *Daily Mirror* for instance refers to the relationship as stormy: “Jodi killed her Travis Alexander after a stormy relationship” (Shortland, 2015)

### **6.1.2 *Techniques of alteration***

The embrace image was especially prevalent on American televised news and news magazine programming in which the original photograph was altered using visual effects, placed alongside additional photographs and displayed with narration. In true crime dramas and documentaries, photographs and video clips were used in conjunction with dramatic re-enactments. These additional elements highlight the multimodal use of these photographs, more directly associating the image with specific speakers, meanings, and modes of thinking that positioned Arias as dually desirable and dangerous in her alleged transgressions to the social order. In this regard, the visual discourses comprising Arias' notoriety were fueled by a continual evaluation of social norms – embodied by the images and Arias herself.

Arias' arrest, trial, and conviction were prominently covered on satellite TV channel HLN, a sister network of CNN ("2013 Annual," 2013). With its focus on "news and views" (Ibid.), HLN's core daytime and primetime shows focused extensively on Jodi Arias in 2013, from the opening days of her trial in January to the conviction and penalty phase retrial in May. The sentencing retrial (October 2014-March 2015) also garnered dramatic media attention on Arias as the jury determined whether she would face life in prison or the death penalty. HLN covered the trial across its daytime and primetime shows – hosts Nancy Grace and Jane Velez-Mitchell discussed trial news daily in their regular programs and in 'web extra' videos. I consulted many segments that are available on YouTube,<sup>62</sup> uploaded by HLN and other users, as the televised content from the four months of coverage is not currently available on HLN's website. When the trial was underway, HLN provided 'gavel to gavel' coverage of the courtroom proceedings during the day, pressing 'pause' for commercial breaks.

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<sup>62</sup> One of the advantages of consulting YouTube videos is being able to see the number of times a video has been viewed since its posting.

### 6.1.3 Coverage on HLN

In particular, I analyzed videos with HLN hosts Nancy Grace and Jane Velez-Mitchell, because these primetime hosts also ‘headlined’ other popular Jodi Arias-related content. For example, Velez-Mitchell authored *Exposed: The Secret Life of Jodi Arias*, a 2013 *New York Times* bestseller that features a foreword by Nancy Grace. I also looked to other videos that had evident popularity on YouTube (as indicated by number of views): *Dr. Drew On Call* and *HLN After Dark: The Jodi Arias Trial* have 100,000 views or more. The former, *HLN After Dark*, differs from the other shows because it was explicitly produced to cover and re-enact various angles and arguments from the Arias trial in primetime. The show regularly deployed mock juries and legal teams that would walk through proxy crime scenes in order to summarize, critique, and *see* the various theories of the crime presented in court that day (HLN, 2013, May 29). On each show, mock juries indicated their verdicts by holding up coloured paddles signifying ‘guilty’ or ‘not guilty.’ They were encouraged to read Arias and associated mediations of her as a text to determine her guilt through traces of devious behaviours.

Overall, this televised HLN content deploys the photograph of Arias and Alexander in similar discourses circulating on televised news magazine programming: Arias is cast as a devious and violent sexual partner. For instance, Velez-Mitchell’s “Secret Lives” episode used the photograph when speaking of the couple’s seemingly “G-rated courtship” (Whatchutalkinbout, 2013, May 31). “Behind closed doors” was a different story, viewers learn, because the couple was sexually active and practiced non-normative, forceful sex. By placing the image in the middle of the screen then cutting to a video clip of the court and defendant listening to an audio recording of phone sex that was used as evidence, the photograph situates Arias as a sexually active and secretive partner. This video clip shows Arias sheepishly looking down on

the witness stand as parts of the audio recording were heard – the court, jurors, and “Secret Lives” audience can hear Arias breathing heavily as she masturbated on the phone with Travis Alexander. The episode also included parts of the audio recording with Arias’ and Alexander’s sexual banter, textually showing this speech in censored captions. Though this clip shows Arias looking embarrassed, she had secretly recorded and saved the audio file without Alexander’s knowledge and then used the recording as part of her defense strategy in order to try and tarnish the victim’s reputation. The placement of the image right before the audio-visual clip of an especially sexually-charged portion of Arias’ trial associates the travel photo with sexual activity deemed illicit (illicit in that it is repeatedly treated as shocking and graphic, and needed censoring on televised networks).

The theme of secrecy and deception created in the “Secret Lives” episode continued in another HLN clip called, “Jodi Arias: What she was thinking during phone sex” (HLN, 2013, Feb. 14). The image reappears after the display of a courtroom video clip of Arias on the stand, debating with the prosecutor whether or not she was “faking it” – e.g. her apparent sexual enjoyment in masturbating with her then-boyfriend Travis Alexander over the phone. By placing this image after Arias’ confession of ‘faking it’ on the stand, the program invites audiences to inspect the image for signs of this alleged deception. For instance, the couple who travelled together and embraced each other in the water appeared happy; however, as Arias now describes on the stand, this was not the case. With this example, the image is used to represent Arias and Alexander as a sexually active couple (as further illustrated through the audio clip recording) *and* seemingly shows how deceptive Arias was in this relationship. This reading aligns with the prosecution’s arguments about the audio recording as evidence of Arias’ hypocrisy in claiming she was abused during the relationship (“Self-Defense,” 2013).

#### 6.1.4 CBS and ABC news magazine circulations

HLN's use of the image interweaves with the prevailing discursive themes created in other popular primetime television circulating the photograph. In televised news magazine episodes aired on CBS and ABC – *Dateline Mystery* and *48 Hours*, the photograph and associated intertextual elements (such as audio voiceovers and film clips) similarly position Arias as a sexual partner, sinner, and violent subject. Coinciding with a “lull” in trial proceedings (Daily Mail Reporter, 2013), CBS News' *48 Hours* aired an hour-long episode in January 2013 called “Picture Perfect: The Trial of Jodi Arias” (Bodaan, 2013)<sup>63</sup> and NBC's *Dateline* aired “Along Came Jodi” (Dateline, 2013, March 1; Ibid., May 1) in March. Both episodes feature the image of Arias and Alexander using a wide range of visual effects and voice-overs throughout. The timing of these episodes and assumption that the audience already knew “Jodi” by first name suggests they catered to a television audience knowledgeable about Arias' criminal trial.<sup>64</sup> *48 Hours*' opening credits for instance frame the episode as revealing and enticing, the narrator stating, “We will take you inside the mind of an accused killer” (Bodaan, 2013). *Dateline* also offers “the story from [Jodi's] friends, and his” (Dateline 2013, 0:32), perspectives not heard previously in court or in other media reports. In May, CBS also aired another *48 Hours* episode, “Unravelling the Lies of Jodi Arias” (Dateline Mystery, 2013), that reviewed key moments from the guilt phase of the trial prior to the penalty phase, and repeatedly used this image throughout.

In this *Dateline* (Ibid.) episode and in “Picture Perfect” (Bodaan, 2013), *48 Hours* emphasizes its status as an exclusive source for never-before-heard information when it replays

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<sup>63</sup> This video is on *48 Hours*' website; however, due to restrictions placed on the file (e.g. location restrictions), I was not able to view the video on their webpage.

<sup>64</sup> HLN's statistics from early 2013 show a marked increase in viewership that coincides with Arias' televised trial. In the first three months of the trial, TV Newser reported HLN had “triple-digit growth” in comparison to 2012's first quarter (Weprin, 2013).

its own *48 Hours* prison interview with Arias from 2008<sup>65</sup> as a means of summarizing the various twists and turns the trial had taken. Notably this prison interview was later used as evidence by the prosecution and defence teams during Arias' trial ("The mind of a killer," 2013), whereas other interviews conducted by *Inside Edition* and HLN that same year were not used in court as evidence.<sup>66</sup> This context is important because the use of *48 Hours*' interview in court imbues the program's future content as especially revealing and factual, a point they also advertise on their website ("The Mind of a Killer," 2013). However, the recurring use of the vacation photograph of the accused and Travis Alexander in the "Picture Perfect" episode (Bodaan, 2013) illustrates how the show's content is open to multiple interpretations, since the photograph's use casts Arias in different subjective lights. As I illustrate, the use of the image in this program positions Arias as a 'normal' romantic partner, while she is also seen as a sexually desirable, obsessive temptress.

In terms of recurrence, the image appeared five and six times in the respective hour-long episodes from *48 Hours* and *Dateline*'s "Along came Jodi." The photo appears only once in the May episode of *48 Hours* (*Dateline Mystery*, 2013); however, its use conforms with the prevailing logics of sexual obsession and dominance seen in the other newsmagazine episodes. As I viewed the programs, I noted how the image altered in colour, size, and orientation, and how it appeared relative to other images or graphic effects on the screen. Narration on behalf of the shows' hosts and their interviewees also structure how the image is seen and how Arias' subjectivity is produced. Within this particular televisual cultural site, the narration, other

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<sup>65</sup> *Inside Edition* and the HLN network also recorded interviews with Arias in prison in 2008.

<sup>66</sup> In a round of juror-initiated questions, one juror asked Arias a specific question about her interview with *48 Hours*: "Why were you afraid of the consequences if you killed Travis in self-defence? You said that one of your worst fears was for everyone to find out what was going on in your relationship. So why did you talk to *48 Hours* and other TV stations?" *48 Hours* included this background in "Unravelling the Lies of Jodi Arias" (*Dateline Mystery*, 2013), further situating its programming as providing and initiating a pursuit of truth.

sounds, and the composition of the photograph are key elements in my analysis for they provide context and specificity to the circulation of the image. Its placement relative to other photographs on the screen, or in relation to photos and videos that proceed or follow it highlight how the image comes to embody particular logics and subjects through its intertextuality. The blending of audio-visual, filmic, and photographic media in these TV news magazine programs expanded my analytical site, for the still image photograph is continually enmeshed with these other techniques and texts that structure how the visual is understood and how Arias' subjectivity is defined.

## 6.2 *Prevailing themes: Seeing and uncovering transgressive sex*

As I discuss further below, the image of Arias and Alexander in the water creates knowledge of the couple's sexual history, which in both programs is explained as a sinful and thus transgressive experience. For instance, in one segment, *48 Hours* displays the image, explains the couple travelled regularly, and the host, Maureen Maher says, "But it turns out Travis and Jodi were doing a lot more than just sight-seeing" (Bodaan, 2013) implying that their true illicit actions were hidden from view. Sexual secrecy is an apparent theme in HLN's use of the image, in particular on Jane Velez Mitchell's program (whatchutalkinbout, 2013) noted previously. Over the next two minutes, the *48 Hours* narrator explains the couple are "devout Mormons, and sex outside of marriage is taboo." A warmer-toned, close-up version of the photograph then reappears and zooms outward after Arias explains, "no one really knows what goes on behind closed doors except him and I," once again signalling that the couple's relationship was secretive and illicit. The truth was hidden behind closed doors.<sup>67</sup> Following this,

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<sup>67</sup> In addition to changing the original photograph's colour and size, the editors rotated the image to the right, as if floating, and then zoomed out (Bodaan, 2013, 10:51-52). This is a subtle technique of revision and mobilization but it does allow viewers to see the photograph in more detail and in part 'moves' the still image.

Maher asks Jodi: “This relationship was about sex?” To which Arias replies, “It eventually became sex” (10:51-52).



Screenshot images taken from *CBS News*'s “Picture Perfect: The Jodi Arias Trial,” a *48 Hours* episode aired Jan. 19, 2013 (Bodaan, 2013). This one-second clip (Ibid., 10:51-52) illustrates how the original photograph is adapted in this televisual, news magazine context. By zooming in, rotating and zooming out, viewers see more of the photograph. This mimics the themes of sexual secrecy revealed throughout.

The theme of sexual secrets and moral transgression continues as the narrator explains there was a “difference between what Travis said and what Travis did,” with the original photograph reappearing on the screen after this statement. Here the narrator is referring to Travis’ actions in pursuing other relationships, and telling friends he had split with Jodi but had continued a sexual relationship. This portion of the episode uses the photograph of Arias and Alexander in the water to visualize and seemingly reveal the couple’s hidden sexual history at the time the image was taken, and offers the viewer a perspective of what their friends would have seen of them – as they took this particular photo. At the same time, the interview clips with Jodi emphasize a lack of knowledge about ‘the truth’ of their relationship and who to believe.

Airing on NBC a couple months after, *Dateline*'s “Along Came Jodi” episode (Dateline, 2013) also uses this image to constitute Arias as a sexual partner who committed morally transgressive acts and manipulated her boyfriend, Travis Alexander. More so than *48 Hours*' piece, *Dateline* uses religious iconography (e.g. images of Christ, Mary, and church steeples) in

between audio-video clips of friends and ‘experts’<sup>68</sup> discussing the Mormon vows of chastity Travis (and also Jodi) had taken but transgressed. In addition, the episode title, “along came Jodi,” refers to this transgression – a direct quote from an interview with one of Travis’ friends. The image oscillates between other travelling snapshots, religious imagery, discussions of chastity, and Jodi as a source of sexual temptation not unlike Eve in the Garden of Eden. In the screenshot below, the original image appears alongside another as the host explains their actions as sexually and morally transgressive: “It turned out that despite her religious conversion and their shared vows of chastity, Jodi and Travis were having sex. [...] it apparently meant to Travis that Jodi wasn’t the one to take as his wife because she represented the sin he was trying to avoid” (1:25-1:35). Not only is Arias positioned as an object of Alexander’s uncontrollable desire, here the image is contextualized and used to seemingly illustrate Arias as a problem.



Interestingly Alexander’s sexual desire for Arias is referenced, but the narration does not attempt to blame Alexander for his sexual history with Arias, or to emphasize his part in the relationship. In a similar fashion to the Christian story of Adam and Eve, the overt themes of religion and shame in this portion of the program position Arias as a temptress who caused her boyfriend’s moral downfall. The program did not venture into considering how the couple’s sexual relationship compromised *Jodi’s* religious convictions (as she had converted to Mormonism). However, elsewhere in the episode Arias’ religious conversion is treated as an act

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<sup>68</sup> True-crime author Shanna Hogan is interviewed about Mormon dating practices. She published a *New York Times* bestselling book similarly entitled *Picture Perfect: The Jodi Arias Story* later in 2013 (Hogan, 2013).

of manipulation and/or desperation. For Jodi, religion was a means to a (hopefully married) end. Further, the image is not used in this episode to further a discussion of the hypocrisy of religious fundamentalism, but is used to place blame on Jodi especially for tempting Travis sexually and compromising his deep-seated values of chastity. This upholds a view of Alexander as a victim of Arias' sexual lure and aggression. His desire for Arias could be critiqued or problematized as pathological (e.g. as an 'obsession'), but the show emphasizes that it was Arias' physique and aggressive sexuality that tempted Alexander down a morally transgressive and dangerous sexual path. Quite clearly one has to question the sexist narrative here and the assumption Arias' desirability, power, and unruliness stems from her sexuality. As Gill points out (2007a), these contradictions are repeated discursive themes in a range of postfeminist media texts. What is particularly interesting in this example is the attempt to occupy Alexander's perspective as Arias' sexual partner, and to distance a reading of him as a desirous participant who willingly chose a sexual relationship with Arias. Doing so would cast Alexander as an agentic and responsible subject, and would complicate the discourse of manipulation and temptation circulating about Arias.

### **6.3 The embrace image as obsessive desire**

Intertwined with this temptress subjectivity is Arias' allegedly manipulative identity, as Lester Holt, host of *Dateline*, says: "Jodi Arias joined the Mormon Church to get closer to Travis Alexander, a man she decided was 'the one'" (Dateline, 2013, March 1, 0:10-0:15). The photo of Arias and Alexander in the water appears after, alongside other travel photos, with the statement, "The two seemed to be having a great time" (0:16). With this context, the image constitutes a discourse of visual veracity, that the photograph seemingly reveals evidence of this 'great time' -

a sexual yet transgressive relationship. Additionally, the visuals also illustrate *how* Arias was “get[ting] closer to Travis” (0:10-0:15).

By explaining Arias’ Mormon conversion as a means of “get[ting] close,” this forwards the theme of manipulation that recurs in other parts of the episode – and also informs much coverage and popular analysis of Arias elsewhere. Cutting to the image of the two in the water, one of Travis’ friends explains, “I see it as ‘you’re my ticket to a wonderful husband, a rockstar lifestyle, a nice house, nice cars, and I’m not going to let you get away this easy.’” In this moment, the image constitutes Arias as a manipulative, domineering subject interested in money and social status – this use of the image explicitly classifies her as lower-class and financially dependent on her male partner. With this audio context, her gesture of holding Alexander’s neck takes on a new duplicitous meaning. Similarly, in the *48 Hours* episode that aired in May – after Arias’ conviction – the photograph reappears as another friend of Travis’s says: “She would not let that go, and she would not let Travis go. Lots of people told her to move on. She said, ‘I can’t. [...] She was obsessed’” (Dateline, 2013, May1). These video clips from interviews define Arias as an obsessive woman, and this photo helps constitute the criminalized woman as domineering. With this logic, bodily cues are revisited and interrogated – a seemingly loving embrace is reconfigured as a controlling, obsessive, and deadly grasp. Through references to her conversion as an indication of her obsession, viewers also see how Arias is positioned as a working class woman who depended on Alexander. As I will discuss in the next image, Arias was cast as ‘different’ on the basis of intersecting notions of gender/class/race.

#### **6.4 The embrace as latent violence**

*48 Hours* also uses this image – edited using various effects – to produce this logic of duplicity that appears to manifest physical violence. For instance, a high-contrast black-and-

white version of the photo appears with audio and video clips from the trial in “Unraveling the Lies of Jodi Arias.” Juan Martinez, the prosecutor, says: “She’s the one who did the stabbing, she’s the one who slit his throat, she’s the one that shot him” (Dateline, 2013, May 1, 3:33-3:37). The show also concludes with the original Myspace version of the image as one of Travis Alexander’s sisters says, “Don’t be fooled by Jodi’s sweet demeanour and her public speaking skills. She’s a liar and she’s evil.” At ‘evil’ the camera cuts to this image and the camera zooms in (40:48), offering the audience another moment to inspect the now familiar photograph of the couple embracing, and Arias’ placement of her hands.

Similarly, HLN’s use of this image – in broadcasts and in web-based videos – created Arias’ violent subjectivity by using additional audio-visual elements that explicitly define her as an aggressor. For example, in a ‘web extra’ video featuring Nancy Grace’s personal views of the trial, the photograph appears with Grace’s voiceover: “Their brother that they grew up with, Travis Alexander, [was] completely mutilated, murdered, in a horrific fashion...”<sup>69</sup> The photograph is used to refer to the physical violence Alexander experienced at the hands of Arias, and the form of the image – with Arias gripping his throat – seemingly exemplifies this assault.

The photograph was similarly situated in the debut episode of *Murder Made Me Famous*, an hour-long series produced in 2015 on Reelz Channel, a celebrity and entertainment cable channel. Midway through the program, the original photograph appears with a voice over explaining Arias’ decision to move away from Alexander in 2008: “It’s an attempt to leave Travis Alexander, the man she has been obsessed with for the last year and a half (Reelz Channel, 2015). The screen then zooms in, focusing in on Alexander and Jodi’s hands. The narrator says: “But she will find letting go of Travis to be impossible.” With “letting go,” the

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<sup>69</sup> Please note the HLN webpage that originally displayed this video content is no longer available, and I have not found other versions of this video elsewhere online.

camera zooms in on Arias' hands. Noted earlier with the zooming techniques applied to Knox's kiss image, this situating of the embrace still keeps Alexander in the field of view, as this visually supports the discourse of violence that emerged with Arias' guilty verdict. The embrace therefore offers a view of a 'sign' that Arias was controlling of her partner.



*Murder Made Me Famous*' use of the embrace image in their debut episode focused on Jodi Arias (July 24, 2015).

Similarly, on an HLN show called *Dr. Drew*, an episode titled "Did attraction turn fatal?" includes the image with the voice-over: "There were reports of obsessive texts" (HLN, 2011). The embrace has been similarly used across different genres – from news reports, news magazines, and true crime dramas – to make visible the alleged physical threat Arias posed to Alexander due to her history of obsessiveness in the relationship.

Collectively, these visual examples illustrate how the photograph's use creates knowledge of the couple's sexual past. This is visually and aurally configured so as to produce Arias' morally transgressive and manipulative subjectivities. Through the photograph's circulation, Arias is positioned as a temptress-manipulator who used her sexuality to control her lover and to ultimately kill him. One can see a narrative connection and repetition within this image site, for Arias killed Alexander after an "afternoon of kinky sex" (Breuer, 2013). The composition of this particular image seemingly illustrates both subjectivities, reinforced through the use of audio-visual clips and quotations. As the original photograph circulated, discourses of sexual temptation, transgression, manipulation, and obsession were created. Changes in the

colour, tone, size, and sharpness of the image, and its placement alongside a host of other images (e.g. of the couple, of religious iconography) structured these narratives and positioned Arias as a sexually alluring and calculating subject who used sex and religious conversion for the purposes of her own desires.

Importantly the photograph's use in these programs was interrelated to ongoing developments in court, from the airing of audio-recorded sex tapes to forensic reports of Alexander's body and Arias' claim of self defense that she made on Jan. 2, 2013. The discursive production of Arias as a sexually manipulative, obsessed, and violent subject is intimately tied to these events. The photograph is therefore situated with this unfolding information and the narratives used to make sense of them, and as the trial was televised, the image became interrelated and enmeshed with these new audio clips and perspectives.

#### **6.5 Emblematic of a type: The loving couple photograph**

Though this image of Arias and Alexander embracing in the water was widely circulated in televised and tabloid contexts, its intertextual relationship with other images is important to discuss. It was continually placed in close visual proximity to other similar photos of the couple – of which there are many. The wide breadth of photos available of Arias and Alexander is referenced in the TV movie, *Lifetime's Jodi Arias: Dirty Little Secret* (Alexander, 2013) when the actors re-enact the couple's photography hobby. The well-known image of the two hugging in the water is visible in the below screenshot (see the middle image in the top row) alongside other photographs of the couple that are likely familiar to news-watching audiences. Interestingly this re-enactment offers a fictionalized view into the production of the imagery – how Alexander and Arias possibly felt taking and looking at the photos – a perspective not seen in news reports.



Screenshots from *Jodi Arias: Dirty Little Secret*, a TV movie aired on the Lifetime channel in 2013. In this scene, Alexander (Jamie Lee Soffer) and Arias (Tania Raymonde) lay in bed together, reviewing the photos they took during vacations. Alexander says, “Look how cute you look. You take a good picture” (Alexander, 2013, 19:46-19:47).

By tracing the appearance of this photograph as it moved into new cultural sites highlights its interrelationship with the broader visual archive constituting Arias as an accused (and now convicted) murderer. The photo of Arias and Alexander embracing in the water is similar in form and theme to other photos of the couple (e.g. it is a travel portrait), but it is also distinct in its recurrence and discursive effects. Rather consistently the photograph is selected over many other options to produce knowledge of Arias’ dangerous obsession with Alexander. The way the image has been used to describe the physical assault Arias committed against Alexander also casts the photograph as a seemingly visible indicator of Arias’ controlling behaviour. In part this is due to the composition of the image – Arias’ hands are around Alexander’s neck and can be diversely interpreted (e.g. as a controlling, violent, or loving gesture). However the photograph was taken by their friends, and not only offers us their perspective of the couple (via the camera), but also imbues the photograph with a documentary quality. Contrary to the other widely circulated images of Arias, which were photographs she or Alexander took, this one offers the viewer a seemingly objective or distanced view of the couple in a way that is not staged like the other two images I discuss in this chapter. The photographic contexts matter, for it structures the image’s composition and the discourses that work through it as it circulated. With cultural use, the

photograph supported discourses of image veracity – that the image can be read and interrogated to reveal an inner truth – in this case of a future violent action.

### **6.6 Image 2: The blonde bombshell**

Like the other images analyzed in this chapter, this portrait photograph has similar features to other available images of the accused with blonde hair, but it is unique in its recurrence across multiple cultural sites and its production of contradictory subjectivities for the accused. Jodi Arias posted this photograph to her Myspace profile and tagged it as part of a collection of images she called “Blondie” (Arias, n.d., ‘Sepia’). While there are 126 photographs uploaded to her profile in total, 18 of them are part of the “Blondie” album and feature Arias as the sole subject. This undated photograph displays Arias in the middle of the shot, wearing a tight brown top, looking down slightly into the camera lens with her head tilted to her left.



It’s unclear whether Arias took this photograph – unlike some other images in her Myspace collection it is not captioned as a self-portrait. I consider this particular photo a portrait because of its stylistic conventions – namely it presents a singular subject, posed, with visual attention placed on the subject’s upper half (in this case Arias’ torso and face). The camera is evidently placed below Arias’ eye level and angled upwards. Appropriate for the album name, Arias is blonde in the photograph, her long hair tucked behind one ear. The background of the image is indistinct and bare while the overall tone is yellow in colour – or “sepia” – as Arias describes it

in the photo caption. This context indicates Arias' direct involvement in the production and dissemination of this and other photographs prior to her arrest, a history that connects with the prevailing discursive themes of deception, sexual desire, and vanity that came to define Arias with this portrait's circulation. Additionally, I found these themes created discourses of self-construction and image management that supported classed and racialized understandings of 'good' (e.g. normal, desirable) heterosexual femininity. Specifically Arias both plays into and transgresses these ideals. The circulation of these visual discourses illustrates Arias' notoriety stem from her 'fall' from desirable white femininity. The discourse of transformation for instance offers a 'pre' and 'post' view of Arias' body and image management efforts, offering a window onto – and the production of – this fall from white desirability and 'normalcy.'

#### **6.6.1 *Early circulations of the blonde bombshell image***

Noted previously, when Arias' first trial was underway in 2013, cable TV networks – especially HLN – covered the trial extensively in its daytime and primetime programming. At the time, I was struck by the number of times the image was used in televised coverage. Though I was not formally studying the Arias trial in May, 2013, this photograph became especially familiar and memorable through my casual consumption of HLN coverage. Beyond my personal experience seeing this photo on TV, the image circulates widely online. In Google image searches for 'Jodi Arias' throughout 2015, 2016, and early 2017 this photograph (in its varied versions) consistently ranks in the top ten of all results. The *Daily Mail Online* ("All I can think," 2015) for instance has circulated the image as well as the online news site *The Huffington Post*.

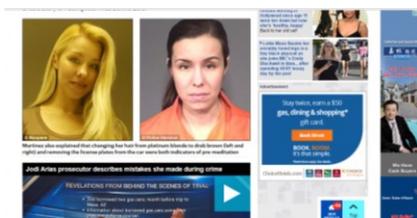
While there are numerous portraits of Arias with blonde hair, this photo is consistently used in news coverage to detail court discussions about Arias premeditating Alexander's murder. For instance, prosecutor Juan Martinez referred to Arias' hair colour change (from blonde to

brunette) as one of the key pieces of evidence of Arias’ premeditation; in trying to disguise her appearance she planned the murder and tried to evade police. According to Martinez, “it would later become clear that dying her hair was part of her plan to enter and leave Arizona undetected” (Martinez, 2016, p. 55). When this argument of disguise was raised in trial in 2013, there was ample discussion on 24/7 cable news channels like HLN about whether Arias’ hair was a “disguise or a disorder” (whatchutalkinbout, 2013, May 1) and if she was a “femme fatale” (HLN, 2013, February 27) – someone who uses her sexual appeal to trap men (Simkin, 2014).



This incriminating argument about Arias’ hair colour reappeared when Martinez appeared on the *Dr. Phil* show in 2016 to market his new book, *Conviction: The Untold Story of Putting Jodi Arias Behind Bars*. Reports on the episode in the *Daily Mail* (Genova, 2016) featured the blonde portrait alongside her mugshot, in which she has brown hair (see the left image below).

Placing two dissimilar images of Arias side-by-side was a popular display technique in HLN programming covering the criminal trial in 2013, a means of visualizing Arias’ physical transformation. This placement of the images also treats the transformation linearly, offering a temporal representation of Arias’ bodily transformation in pre and post-murder periods.



The above left image is a screenshot of a *Daily Mail* article covering the *Dr. Phil* episode (Genova, 2016). On the right, HLN coverage with host Jane Velez Mitchell featured the blonde myspace photo with the caption, “Jodi Arias: Femme fatale?” (HLN, 2013, February 27).

This theme of transformation also carries through an investigatory crime podcast episode focused on Arias' criminal trial. On an Instagram post for "Once Upon a Crime Pod," the blonde portrait appears alongside a court image of Arias as a brunette. The post includes the caption: "Arias look[ing] very different while on trial," contrary to her prior "blonde bombshell" look (@onceuponacrimepod, 2017). In a televised context, this image was sometimes combined or placed ahead of a photo or video clip of Arias in court. The visual dissimilarity between Arias' portrait and her court appearance – as a bespectacled brunette – supports recurring debates about her criminal motivations and claims of victimization. In this regard, Arias' "very different" look (Ibid.; ABC News, 2013, May 22) before her trial is often treated as a desirable, sexually attractive look designed to attract male attention. The focus on Arias' before-and-after hair transformation could also reflect critical sentiments about Arias' claim she was a battered woman, and that she supposedly does not 'look' like a victim.<sup>70</sup> The image of Arias as a blonde – as a so-called 'bombshell' – does not seemingly comport with her (allegedly self-crafted) victim image, thus highlighting visually-oriented assumptions about the right/wrong look for female victims. As I discuss below, Arias' brunette in-court look was often derided as false, as a deception designed to support her claim of victimhood. Further, the prosecution interpreted her hair colour change as a means of disguise following Travis' murder, a calculating and self-interested action that allowed her to evade being caught and charged by police.

The recurring side-by-side, before-and-after technique of displaying Arias' physical transformation provided visual description of the arguments laid out by the prosecution regarding Arias' attempt to hide her identity. This side-by-side treatment also shows Arias' physicality

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<sup>70</sup> I use 'look' in a critical sense here to signal the problematic assumptions that are often made about who appears to be worthy of public sympathy and support – and those who are deemed "unworthy" of attention or empathy (Gilchrist, 2010).

over time in a highly expedient way. By looking at the portrait's wide circulation, the image also supported discourses of deception and sexuality that constructed Arias as a desirable, dangerous, and vain woman. This indicates the circulation of the image constructs Arias' subjectivity diversely depending on the institutional framework or domain. In a legal context, the Myspace photo has been used to discuss Arias' appearance as an indicator of her alleged criminal motivations. The photo also appears in tabloids, blogs, and social media (in particular, on Instagram and Twitter) as an indicator of Arias' heterosexual desirability as a "bombshell" or a "femme fatale" (HLN, 2011). In more critical contexts, the photo is seemingly emblematic of her vanity and narcissism, a narrative that carries through much of the popular discussion about Arias' conduct during TV interviews and interrogations – a discursive theme I return to shortly.

The photo is diversely used therefore to construct Arias as deceptive, sexually desirable, and vain. Though the discursive spectrum this image constructs is diverse, its various subject positions all involve the same practice: the assessment of Arias' body and the evaluation of her perceived amateur attempts to construct and manage her image. Importantly these evaluations are informed by racial, classed and gendered assumptions about admirable and normal conduct to self-fashion one's image – and what (and who) is appropriate. Audiences are also positioned as knowledgeable spectators who can seemingly discern the criminalized woman's perceived strategies and devices by evaluating this imagery in conjunction with emerging information.

### **6.7 Discourse of transformation**

During the criminal trial, the prosecution laid out several pieces of evidence of Arias' premeditation of Alexander's murder. Her hair colour change was a central piece of this argument, indicative her attack was planned. With this legal context, the familiar, widely-circulated blonde Myspace portrait takes on an evidentiary status. In cable news accounts of

these portions of the trial, this image was used to illustrate Arias’ “svelte” (Breuer & Smolowe, 2013) pre-trial “sex-kitten” look, contra her “mousy-haired,” spectacled appearance in court (Lempert, 2013) - a visible transformation that supports the prosecution’s argument about pre-meditating her attack. For example, on April 30, 2013, a popular primetime show on HLN, “Dr. Drew on Call,” aired a particularly lengthy yet rambling discussion of Arias’ hair that tied in to questions and evidence put forward at the trial. The “Behaviour Bureau,” a panel of psychologists and criminal ‘experts,’ hypothesized broadly about the meaning of the accused’s hair colour. Danine Manette, a criminal investigator, suggested Arias may darken her hair “when she’s feeling sinister” and “when she’s feeling playful she lightens it up a bit” (whatchutalkinbout, 2013, May 1). This same show also featured a “hair timeline” presented by the prosecution, blending video clips with photographs and overlaid text.



Screenshots of a sequence from *Dr. Drew on Call* on April 30, 2013. In this segment, the ‘Behaviour Bureau’ discuss the prosecution’s ‘hair timeline’ presented during the trial (20:42-25:40).

In the first screenshot above, a contradiction is drawn between the composite mugshot imagery of brunette women (Arias is shown in the bottom row, middle) and the yellow overlaid text, “BLONDE.” Viewers are invited to recall images like the blonde portrait photo shown earlier in the show (see below), while they are encouraged to evaluate whether Arias’ hair is a “disguise or a disorder” based on the imagery and arguments presented in court and on the program. On this show, Arias’ hair colour change is treated as an indicator of pathology

supportive of the discourse of mental health on the show and the witness testimony presented in court.<sup>71</sup>

Interestingly the blonde Myspace portrait circulated in this show illustrates different editing techniques: the photo is doubled – projected onto the background and the original image is placed in front as the camera slowly zooms in (whatchutalkinbout, 2013, May 1).



With these techniques, the photograph takes on an ominous quality, particularly when paired with friend Chris Hughes' recollection of a time Arias was eavesdropping on him, his wife, and Travis: "There's someone at the door. It's Jodi" (Ibid., 10:20). The doubling technique captured in the screenshot above, and the zooming-in feature mobilize the image as if Jodi is moving outwards towards the viewer. This visually supports the account of Arias looming in the doorway and helps the audience envision this past scene of eavesdropping. I reference this use of the image to illustrate how editing techniques like this place the image into new narratives. This indicates how the wide circulation of certain images facilitates their continual adaptability, cultural relevance, and discursivity. As I will discuss in a later section, this image continually changed in size, orientation, and tone as it was deployed in TV news, movies, magazine coverage, and social media. The mobilization of the blonde portrait into these sites constructs

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<sup>71</sup> Arias' mental health was discussed in the trial – psychologists and social workers shared their varied diagnoses with the court. Recordings of this testimony appeared on HLN and are accessible on YouTube; however, much of the news content overall does not necessarily focus on Arias' perceived mental health issues (as having a personality disorder for instance). Arias was fit to stand trial – perhaps this is why there was less attention paid to her mental health.

Arias in a wider range of subject positions than the deceptive, guilty subject position posited by the prosecution.

The previously mentioned discourse of pathology on *Dr. Drew On Call* also circulated in court when psychologists for the defense and prosecution presented their determinations of Arias' mental fitness. Janeen DeMarte, a clinical psychologist, was called by the prosecution to testify in rebuttal of the defense witnesses' claims. She suggested Arias has a borderline personality disorder, an "unstable sense of identity" (whatchutalkinbout, 2013, May 1). DeMarte references the changes Arias made to her appearance when she was dating another ex-boyfriend as an example of this instability: She dyed her hair blonde and got breast implants in an attempt to look more like his ex-wife according to DeMarte.

HLN host/journalist Jane Velez-Mitchell also details this change in appearance in her book, *Exposed: The Secret Life of Jodi Arias*. "Those who knew Jodi back then said she seemed very intent on mimicking Darryl's ex-wife, an attractive blonde [...] Darryl's ex had blond hair. Jodi soon dyed her hair bleach blond. After Darryl's ex got breast implants, so did Jodi" (Velez-Mitchell, 2013, p. 49). The competing claims put forward by the psychologists in Arias' trial also spawned additional commentary and debate on 24/7 news channels like HLN, with additional psychologists weighing in on the diagnoses or offering their own hypotheses. In court, Arias' hair colour – in this instance its bloneness – is seen as one of the indicators of a personality disorder. In this context, Arias' perceived mental health – explained using the term 'disorder' - is also intimately tied to a desire to please her lovers and adapt her body accordingly.

Highlighted above, in cable news coverage of trial proceedings, Arias' hair change, from blonde to brunette, is examined further by circulating well-known images of Arias as a blonde alongside labels like 'femme fatale' and 'bombshell.' Sometimes Arias' attractive looks and

alleged violence are compared to Glenn Close's *Fatal Attraction* character – she is called a “bunny boiler” for instance (whatchutalkinbout, 2013, May 1), connecting with the discourse of obsession circulating about Arias. The discursive lines constituting Arias' deceptive subject position rely on a particular form of trickery: One that is achieved through the continual manipulation and management of the body. In these contexts, the photo supports a discourse of deception that informs the prosecution's line of inquiry and argument in Arias' trial. For instance, throughout his memoir on the case, Juan Martinez consistently characterizes Arias as a deceiver, liar, and performer, and over the course of the trial, illustrated how she was inconsistent in her testimony and actions over time. The transformations Arias made to her body – namely her hair colour – are therefore interpreted as a broader manifestation of her duplicity.

Taking a critical stance, this discourse of transformation also assumes Arias *has* a core identity or self, since Arias' hair colour change is often explained as an act of deception and disguise. With this logic, the accused is designing her outward self strategically in an attempt to hide her ‘true self’ and actions. In a criminal justice context, the state alleged this was part of her design to kill Alexander; it was a means of trying to commit a violent act with impunity. In some contexts, her change in hair colour was interpreted as just another indication of her unreliability, her continual manipulation of the truth.

For instance, in *20/20*'s episode following Jodi Arias' guilty verdict (ABC News, 2013), changes to her appearance are explained as an extension of her deception. “Jodi Arias: Guilty,” opens with host Elizabeth Vargas stating: “By now, you know her as the one-time blonde bombshell who transformed herself into a mousey brunette, wearing glasses in the trial. Nearly everything about Jodi kept changing, especially her version of the murder of her on-and-off boyfriend, Travis Alexander” (Ibid., 0:07-0:23). In films and true crime docudramas like *Jodi*

*Arias: Dirty Little Secret* (Alexander, 2013) and *Murder Made Me Famous* (Reelz Channel, 2015), audiences also witness this hair transformation as the actresses playing Arias dye their hair dark prior to attacking the Travis Alexander character. These dramatic re-enactments support the existing discourse of deception put forward in the trial and circulated in news media.

Though the material production of the blonde portrait photo is not re-enacted in these film examples, the actresses' long blonde hair and tight clothing visually reference already well-known images of the accused's pre-trial, pre-murder look and photography. In *Lifetime's* TV (Alexander, 2013) movie, there are several scenes in which Arias (Tania Raymonde) strikes sexual poses for Travis (Jesse Lee Soffer) that mimic the portraits posted to the "blondie" Myspace album. The Reelz Channel's *Murder Made Me Famous* uses a cropped version of the blonde portrait image twice, in its promotional trailer and the episode. In the trailer, the image appears and zooms in while the narrator states: "Just another broken heart. Until murder made her famous" (2015, 1:01-1:06). In the full episode, Maricopa County Sheriff Joe Arpaio discusses Arias' celebrity that emerged from the murder allegations. "[The case] had sex and vicious murder, so people like to look at this type of thing." A zoomed in version of the portrait photograph appears when Arpaio makes this statement, also suggesting that people like to look at Arias as well.<sup>72</sup>

### **6.7.1 Rhetorical uses of 'bombshell'**

In this true crime drama and elsewhere in the broader corpus of imagery, the photograph is seemingly emblematic of Arias' previous bombshell status. Bombshell was often used in news headlines and by anchors or hosts throughout news programming (e.g. HLN and ABC) in 2013,

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<sup>72</sup> Sheriff Arpaio's comment is unsurprising because he granted Jodi Arias media access to *48 Hours* less than a month after she was taken into custody in Yreka, California (Martinez, 2016). This interview and one she had with *Inside Edition* helped create mass public interest in the case. As prosecutor Juan Martinez puts it: "...her initial decision to tell her story to the media had elevated the case and her account to almost mythical heights" (p. 117).

when Arias' first trial was underway. During a news interview with ABC's *Good Morning America*, Arias is called a bombshell by correspondent Ryan Owens, and directly questioned about her change in appearance. Owens says, "You went from blonde bombshell to the church librarian" (ABC News, 2013, May 22, 3:55) Arias answered: "They don't sell Clairol hair dye in jail. So, this is my natural hair colour" (Ibid., 4:04).<sup>73</sup> Arias' comment confirms she is not a natural blonde, and that the aesthetic regimen requires obvious financial investment and access to dye. The discourse of bodily transformation utilizes before-and-after imagery to emphasize Arias' unnatural bloneness. The ridicule that emerges about Arias' physical upkeep before and after Alexander's murder (outlined in more detail below) I suggest highlights the production of a classed and racialized form of idealized beauty. As Dyer explains, "Bloneness, especially platinum (peroxide) bloneness is the ultimate sign of whiteness. Blonde hair is frequently associated with wealth" (1986, pp. 42-43). However, Arias is not a middle or upper-class woman. This is clear in documentaries and news magazine episodes in which narrators describe her life before she met Alexander as one of "aimless" travel along the West coast (Fuchs, 2015), and that she had an unsuccessful career as a "waitress / aspiring photographer" (whatchutalkingabout, 2013, May 31), "cleaned Alexander's home" ((Fox News, 2013, May 8), and lacked a high school education (Dateline, 2013, May 1). All of these textual and narrative fragments draw attention to Arias' class, and feed into discourses of obsession and deception circulating through the blonde bombshell image.

Arias' previous blonde look was deemed 'fake' – it is often seen as a bodily manipulation that reveals an inner truth. Here we can see a rhetorical move to tie the woman's bodily makeup (and the labour she puts into it) as an indication of her other perceived manipulations in

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<sup>73</sup> Note that parts of the *Good Morning America* interview were shown on the Nancy Grace Show later that evening.

perpetrating Alexander's murder. This rhetorical device casts Arias as a classed subject— that she was not 'naturally' wealthy (Dyer, 1986) for instance or hyper-white (signified through her peroxide bloneness). Instead she was 'putting on' these social markers by dying her hair and occupying a deceptive physical persona. Implicit in this discussion of the problematization of Arias' hair colour is the ridicule certain women are subject to if their bodily labours are too obvious or deemed 'too fake.' While Arias' brunette image in court is also derided as fake, as 'putting on' the look of innocence, her blonde bombshell image is also often evaluated as deceptive. On both ends of the hair spectrum, Arias' bodily transformation is visually evaluated and derided time and time again as being too transparent in her image management efforts.

Some Twitter users posting between 2013 and 2015 (when the trial and retrial were conducted) interpreted Arias' bloneness as an indicator of her phoniness and manipulative personality, once again creating a discourse of deception but one that was enunciated in sometimes comical, ironic, and deriding tones. For instance, YankeeGirl1 states: "Travis met a devil chameleon when he met #Jodiarias That fake&phony blond bombshell doesn't exist. JA is a fraud at life!" (2014).<sup>74</sup> Another replied to Dr. Drew's tweet: "You mean the blonde bombshell she NEVER was! You're not allowed to get your roots done in jail!" (Nora\_McManus, 2014). "Goes to show you that keeping up the fake persona of Blonde Bombshell was a part-time job for her! #jodiarias #nancygrace" (Lrod1952, 2014), another user remarks. In comparison to mass media coverage, these comments have a limited audience and impact. However, tweets from members of the HLN audience are important because they indicate how this discourse of deception maintains an understanding that female beauty is ideally 'natural' looking – one's beauty regimes and techniques should ideally remain hidden. Bombshell was also used to refer to

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<sup>74</sup> Please note these tweets have not been edited.

a ground-breaking revelation, particularly in the context of 24/7 cable news and tabloid content about Arias and her sexual activity. In 2016 for instance, gossip magazine *In Touch* published a story that Arias was getting married behind bars. The original portrait photo of Arias as a busty blonde appears alongside Alexander Hitchen, the editor of *In Touch*, who describes Arias' most recent artwork. He describes the drawing as featuring “a topless Jodi, with this gentleman Ben on top of her” (Hitchen, 2016, 5:00-5:07). The viewer is encouraged to assess Arias' body relative to Hitchen's story, possibly encouraging viewers to envision her topless – while also encouraging them to purchase *In Touch*.



Screenshot image of Nancy Grace's interview with Chris Hitchen of *In Touch* magazine, aired on HLN on August 15, 2016. He discusses “bombshell” information about Arias' sexual life in prison.

Here the full-size version of this image helps render – in part – the described vision of Arias' nude bust. The combination of the “bombshell” headline, blonde portrait and Hitchen's comments produce a sexually desirable image of Arias – a discursive theme that runs through the visual archive and the various uses of this photo in the cultural archive. Interestingly my analysis of tweets circulating about Jodi Arias' bombshell status indicates users often sarcastically critiqued HLN for their overuse of ‘bombshell’ news about the Arias trial.

Some Twitter users also critiqued Nancy Grace's use of the bombshell label in reporting on Arias' trial, some responding to HLN's tweets about bombshell news and/or the description of Arias as a blonde bombshell. For instance, on January 2, 2013, the Nancy Grace show tweeted, “Bombshell beauty murder trial begins.” Some users disagreed with the term because of

the gravity of her alleged offence against Alexander, while others (mainly users who seem to identify as men, as indicated by their Twitter handles) critiqued it because they found her unattractive. “#JodiArias isn’t a blonde bombshell beauty she is avg on a good day, w bad implants, bad teeth, & meat flaps” (S\_Teccei, 4 May 2013). ‘Mr. Sensitivity’ (pithyandwitty) drew attention to the visual dissimilarity between Arias’ photography before and during the trial by sharing two photos side-by-side, stating: “#Jodiarias went from blonde ‘bombshell’ to being bombed out” (March 1, 2015). Although these Twitter users assess Arias as physically undesirable, elsewhere on Twitter and Instagram her looks are fondly viewed and described.

Though these accounts do not reach a mass audience like cable television channels, it is important to point out the photograph’s circulation on these social media platforms because they produce a similar discourse of desire for the accused. Searching Instagram with the hashtag, #JodiArias, the blonde portrait appears multiple times in the archive with various captions. These tweets and posts are more overtly sexual and sometimes profane than mass media news coverage, speaking to differences in gatekeeping, uses, and audiences. For instance, one Twitter user posts the image with the caption, “I love this crazy bitch” (vanilla\_vixen\_h60d\_bkitch, Nov. 17, 2016) while another adapts the image by darkening, flipping, and cropping the original picture and adding two emojis – a knife and a gun – over top of the photo (creezintentions, Feb. 18, 2016). Sometimes users liken Arias to Casey Anthony, another young American woman who became well-known through her murder trial.<sup>75</sup> Social media users’ sharing and adaptation of the photograph diversifies its composition in unexpected directions, sometimes positioning Arias as the subject of humour or playful admiration. These posts also signal users’ previous knowledge

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<sup>75</sup> Anthony was tried for the murder of her daughter, Caylee Anthony in May-June of 2011. Anthony was found not-guilty of first-degree murder, aggravated child abuse and aggravated manslaughter of a child (“Casey Anthony,” 2017). HLN provided on-going trial coverage, and their viewership increased during Anthony’s trial. In comparison to July 2010 for instance, total viewership increased 146% in July 2011 (“July 2011 ratings,” 2011).

of the case, while they also position Arias as a sexually desirable subject. This discourse of heterosexual attractiveness circulated via imagery, captions, and comments on porn sites, while it was also created in televised interviews on HLN. In one interview with Nancy Grace for instance, Jamie Simko, a friend of Travis Alexander and Jodi Arias attempts to “set the record straight” by explaining just how attractive she is: “When I first laid eyes on her I thought, wow! This girl is smoking hot” (HLN, 2013, January 22). These examples help support the idea and image of Arias as a blonde bombshell, a sexually desirable, heterosexual woman.

### **6.8 The discourse of vanity**

Closely tied to popular uses of the blonde bombshell portrait are discourses of vanity that perceive Arias as self-absorbed and exceedingly image-conscious. For instance, there are two well-known video clips of Arias requesting and applying makeup before her TV interviews in 2008 that were looped ad nauseum on HLN broadcasts as new information from the investigation and/or trial emerged. In one video clip recorded before her interview with *20/20*, Arias holds a mirrored compact up to her face as she says, “I guess I’ve seen better days, but that’ll have to do” (ABC News, 2013, May 13. 0:30). The edited clip of this moment circulated in May 2013, days prior to her sentencing, on daytime television shows like *Good Morning America*. The narrator/journalist calls Arias “the notoriously vain femme fatale” (Ibid., 0:36), therefore positioning the footage of Arias looking at herself in the mirror as evidence of her vanity. In the *48 Hours* episode, “Picture Perfect: The Trial of Jodi Arias,” investigator Esteban Flores recalls how Arias asked for her purse, “so she could get her makeup on” for her booking photograph (Bodaan, 2013). A two-minute edited clip of this episode circulates on YouTube with the title, “Jodi Arias’ Vain Moments after she’s Arrested Revealing How Shallow she is – Requests her Makeup” (PK Report, May 19, 2013), which has garnered 88,000 views. In another notable

example, Arias also chastised herself for not wearing makeup during her interrogation, saying “why didn’t you wear makeup, Jodi? Gosh” (TheTawniDilly, August 25, 2013, 2:24:23).

Interviewers have also discussed Arias’ requests to control the angle of the camera lens in order to obscure her prison garb and shackles (ABC News, 2013, May 13; May 22). A *New York Daily News* piece titled, “Jodi Arias allowed jailhouse interviews only after demands were met,” reported that Arias stipulated “they couldn’t record her combing her hair or putting on makeup,” while she also “told 12 News [they] had to bring foundation and waterproof mascara” (Taylor, 2013).

These video clips and quotes focused on Arias’ vanity have become lead news items, fodder for HLN and CNN’s legal pundits especially. Noted previously, much has been made of Arias’ alteration of her appearance prior to Alexander’s murder, and her hairstyle and glasses worn in trial. Critical discussions of her “mousey” new “Church librarian” look drew attention to the labour and control Arias put into her appearance, while they also implicitly referred to her pre-trial, pre-murder blonde portraiture as embodying a different look and demeanour (ABC News, 2013, May 22).



Screenshot images of Arias’ makeup application prior to an interview in 2008, shortly after her arrest. Five years later, this footage was revisited by ABC News prior to her sentencing for murder. The video clip is captioned, “Arias seemed confident years before guilty verdict” (ABC News, 2013, May 13), while the narrator refers to the interview as revealing “a very different side to the woman seen in court” (0:10). This refers to her physical look as different - she wore glasses and a different hairstyle during her later trial. Noted above, this footage circulates widely on YouTube or is referenced in interviews as an indication of Arias’ self-absorption and concern with her image.

These recurring discussions about Arias' vanity also provide important contextualization for the way the blonde portrait image was mobilized as an indicator of the accused's deceptive subjectivity. The portrait is thus intertextually connected to other visual texts seemingly indicative of Arias' overwhelming concern with her own image, which is perceived to be her primary vehicle for crafting her innocence. Collectively these visual materials are treated as revealing the thought processes of the accused (her desire to look a certain way) and the amateur labour that goes into this self-construction.

The themes of obsession and control that inform the discourse of vanity also highlight the contradictions in constructing desirable and desiring female subjects. In *Ways of Seeing*, John Berger (1972) for instance discusses how viewers are encouraged to deride women who look at themselves – to see them as vain – while also expecting women to internalize the 'ideal' male spectator's discerning view (p. 64). Taught to continually watch themselves, women are surveyed and their own surveyor: "Women watch themselves being looked at" (p. 47). In Renaissance art, women holding mirrors embodies this internalization of the spectator. The mirror "makes the woman connive in treating herself as, first and foremost, a sight" (p. 51). The critical view of vain women is hypocritical however, for the woman's image (and her own self-surveillance) is in part designed for the viewer's assessment and pleasure.

This discussion of contradictory beauty ideals connects with the prevailing postfeminist sensibility that women's bodies are sources of sexiness, power, and potential unruliness that require "constant monitoring, surveillance, disciplining, and remodelling..." (Gill, 2007a, p. 255). Arias' concern with her appearance and her desire to make herself over illustrates a gendered hyper-awareness of being surveilled by others. Her applications and requests for makeup are derided and trivialized and sometimes fed into discourses of obsession, duplicity,

and pathology that worked to position Arias as exceedingly different from ‘the normal.’ Her vanity is therefore a broader theme that infuses how the bombshell image created discourses of transformation and deception.

Arias’ consistent positioning as a vain woman obsessed with her appearance and image ties into these contradictions in female spectatorship and surveillance. The circulation of Arias’ blonde portrait illustrates how the image is used to encourage viewers to assess Arias’ body, her ‘before-and-after’ looks. This vain portrait of Arias trivializes her look and labour, but this vanity construction also works to obscure the visual pleasure tied to seeing and evaluating her image for latent clues about her character and perceived devices to evade justice. In one sense, Arias’ efforts to be visible (e.g. organizing her own interviews) and to manage her exterior indicates she continually interiorized the spectator’s view, not only in terms of her femininity but in surveying her own ‘look’ of innocence alongside her multiple alibis and stories about Alexander’s murder. The derision and intense scrutiny she received in attempting to manage her image (e.g. by being blonde *and* brunette, wearing makeup, and organizing her own interviews) supports an ironic knowingness that circulates in many postfeminist media texts (Gill, 2007a).

Gill explains that audiences are hailed “as knowing and sophisticated consumers, flattering them with their awareness of intertextual references and the notion that they can really ‘see through’ attempts to manipulate them” (p. 266). Arias’ bodily efforts are seemingly too transparent, visible, and labour-intensive – her actions and body must tell the story of manipulation. The ridicule Arias’ image-making generated highlights a public desire to ‘have it both ways’ (Gill, 2007a, p. 266), to see, desire, and judge her bodily image for upholding and falling from idealized notions of female beauty.

There are also clear parallels between the use of this blonde portrait image and another that circulated widely: Arias as a brunette in pigtails, lying nude on Travis Alexander's bed hours before he was murdered. Importantly I suggest the continual revisitation to these photographs worked to construct Arias' subjectivity as a sexually active woman keenly aware of managing her body. Her image as a blonde bombshell, which is dually desired and repudiated, indicated a desire to see her transformational efforts to manage her image and body under the spotlight. As such her notoriety is directly tied to the visual practices that make her a highly visible subject – and one that is continually open to debate and (partially) illicit viewing.

### **6.9 Image 3: The nude image: Contexts of production and early circulations**

The circulation of the blonde Myspace portrait created a visual discourse of sexual desire for Arias that was similar in theme to another popular image of the accused: A nude photo of Arias posing on Travis Alexander's bed the afternoon he was murdered. The image depicts Arias lying on top of burgundy sheets, her body exposed from the knees up, slightly turned to the left towards the camera. Arias looks fairly expressionless but looks directly into the camera. Her pigtails are pulled forward, one resting between her breasts. The prosecutor in the criminal trial provides a similar description: The photo “showed Arias, propped up on her elbows, turning her body to the camera as if to show off her breasts and vaginal area, her left pigtail cascading over her shoulder onto the bed” (Martinez, 2016, p. 40). Martinez goes on to interpret Arias' body language in these photographs as indicative of her sexual experience: “In all of these photos, Arias appeared extremely uninhibited in her poses [...] indicating that perhaps she had engaged in this type of sexual foreplay in the past, perhaps even with Travis” (p. 41).



Online, the uncensored image of Arias reclining on Alexander's bed circulates widely on message boards and porn sites. When searching on Google Images with the search term "Jodi Arias nude" for instance, this image pops up repeatedly alongside autopsy photos of Alexander as well as screenshots from other porn videos.<sup>76</sup> This particular image version is from a forum posted on f169.bbs.com, with the image link and page appearing on other sites.

Quite unlike the other two popular photographs of Arias selected for my analysis, this image emerged out of the criminal investigation and was not already circulating on social media prior to the trial. Instead, the accused attempted to destroy this image by deleting the images and throwing the camera into Alexander's washing machine after he was killed.<sup>77</sup> Investigators eventually found the camera and retrieved the deleted images, uncovering this photo along with other nude images taken the day of Alexander's murder. The photo is therefore part of a collection of crime scene photographs that have been used in court as evidence of Arias' guilt. With the accused clearly shown, the prosecution used this image and the other "sexually explicit" photos (Martinez, 2016) to prove Arias was with Alexander on the day of his murder, and that she photographed him in the shower a minute before the attack. During Arias' interrogation, she admitted to having a "classy photo shoot" with Travis (p. 220), taking photos of him bathing in the shower. Later in the trial, the prosecution would use this admission to link

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<sup>76</sup> I discuss the personal and affective challenges these search results posed to my research process in chapter three.

<sup>77</sup> The images had been deleted from the Sony camera prior to being dumped in the washing machine with bleach, going through a wash cycle with blood-soaked bedding (Martinez, 2016, p. 39; p. 220).

Arias' photo-taking to the next series of unintended images showing the aftermath of the attack. In one, Travis' bloody head and shoulders are visible.

The photograph was also pointedly shown to Arias during her interrogation in 2008. The investigator, Detective Esteban Flores, commented: "I wanted to cover you up... 'cause that's you. *All* of you." Jodi responded in surprise, "Oh! That looks like me," and leans in to inspect.



Portions of Arias' interrogation were aired in primetime on Nancy Grace's HLN show on Jan. 4, 2013, days into the trial. In this segment, police show Arias the photo of herself naked on Travis Alexander's bed (whatchutalkinbout, 2013, May 28).

It's important to note Flores covered the bottom half of the photograph during this exchange, obscuring portions of Arias' naked body when he showed the image to her. Arias lifted the paper that was covering the photograph. From early on in the investigation, the full original image was obscured and censored in mainstream mass news outlets – and in this case the image was even obscured to the woman depicted in the photo.

### ***6.10 The discourse of graphic content***

This practice of obscuring Arias' nudity continued over time in multiple media contexts; however, the original uncovered image was leaked online, while over a hundred other images from the investigation (e.g. crime scene photos and autopsy photos) also became available online and some circulated on news broadcasts. Though HLN for instance refrained from showing Travis Alexander's full autopsy photos on air, they did show parts of his bruised and cut body, such as the screenshot image taken from a segment of Jane Velez-Mitchell's show, uploaded by

the network on January 24, 2013. This particular video is one of the most popular videos available (tagged with ‘Jodi Arias’), with close to 400,000 views.



On Jane Velez-Mitchell’s show, a photo of Travis Alexander’s body is displayed in close up alongside a salacious headline about Arias as a deceiver and temptress (HLN, 2013, January 24).

HLN also regularly looped crime scene images of Travis Alexander showering, nude from the waist up, taken moments before his death. The hosts also reminded audiences the full collection of crime scene photos is available online (with the warning they are graphic and disturbing).

HLN’s online visual collections show “bloody” (HLN, 2013, March 20) and “gruesome” crime scene and autopsy photos (HLN, 2013, May 3) but Arias’ uncensored nude image is consistently excluded from this seemingly vast visual corpus of the crime scene. The physical trauma Alexander sustained – communicated through images of the scene and his body – are not considered too graphic for online and televised news circulation, whereas Arias’ nudity is treated as incredibly transgressive and in need of censorship.

As this image is part of a series of images taken by the victim, Travis Alexander, mere hours before he was murdered, often the nude image is visually, spatially, and temporally connected to other horrific photos of the crime scene and Alexander’s body. On HLN broadcasts for instance, parts of Alexander’s body – his blackened, deeply wounded hand for instance, are part of a visual loop of bloody images from the crime scene, all uncensored sights of the violence

inflicted on the victim.<sup>78</sup> If the nude image was not already sensationalized enough through its censored display and othering rhetoric, its contexts of production – specifically its temporality – haunts this particular image as it circulated. The nude image worked to visualize the sexualized violence of Alexander’s murder, not only the perceived sexual excess and deviancy of Arias. The time and space of the digital photograph is an unshakable residue of the nude image, with its censored depiction creating a horrific kind of sexual voyeurism that encourages one to find pleasure in witnessing extreme physical violence, and/or to normalize the pursuit of these intermingling images of sex, porn, and violent death.

As I will illustrate, by obscuring parts of the image and treating it as obscene (through language use), more visual attention is drawn to Arias’ hidden ‘bits,’ possibly leading one to personally envision and find what is underneath the digital veil. The condemnation of Arias’ sexual behaviours with Alexander – as ‘rough’ and uncontrolled – often appeared with the nude image and incited more speculation because the image became a hidden resource of sexually transgressive action. Additionally, HLN in particular was able to create titillation through its circulation of Arias’ partial nudity in this image, for it positioned the network as distant observers of the sexually-charged criminal trials and not the untasteful disseminators of erotic images. By censoring, curiosity and a desire to peek under the edited versions and ‘have’ the original image were created, while the revision techniques also positioned Arias as visibly and apparently shockingly sexual. The physical transgressions embodied within this nude image are concealed but in no way deferred.

The circulation of Arias’ image as elicited and transgressive also brings attention away from Travis Alexander’s male gaze - how he had a hand in producing this seemingly indelible

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<sup>78</sup> It bears repeating that these are not censored on mainstream television whereas Arias’ image is altered and obscured.

image. The nude image offers a visual provocation to look and imagine the ‘secret’ (Velez-Mitchell) of Arias’ body, orienting the sexual lens towards her and not on Alexander, who is seemingly detached from the sex scene but quite clearly visible in the other photos taken that afternoon. Quite clearly this image is one produced with – and encourages – a masculine gaze, as Arias’ positioning within the photo suggests a desire to pose for the man behind the camera, and functions as a visual pose of submission (Berger, 1972). Additionally she meets his look directly and communicates her own sexual desire, a ‘come-hither’ look is visible and thus works to affirm her positioning as a sexual subject aware she is the object of the gaze (Berger, 1972). This certainly makes Arias’ sexual agency visible. Utilizing a postfeminist understanding of sexual agency (Gill, 2009; Lazar, 2006), Arias willingly self-objectifies by putting herself on display for Travis, and thus is cast as responsible for her own actions and desires. Arias’ conventional posing, as if a pin up in a girlie magazine or classic painting (Berger, 1972) conflicts with the gruesome violence she committed against Alexander – an act that is highly gender transgressive. With such violence, Arias is clearly an agentic actor capable of taking another’s life with physical aggression and weaponry, while also conforming to traditional sexual expectations (to make oneself into a desirable sight). The visual juxtaposition between the nude, in which Arias conforms to the conventions of the masculine gaze and is constructed as desirable, and the visual evidence of Alexander’s assault, ultimately generates intrigue and the drive to speculate on Arias’ motivations and actions.<sup>79</sup>

By blurring, pixelating, and otherwise obscuring parts of Arias’ body, mainstream news programs treat the body as a transgressive and unruly site where technology must be used in a

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<sup>79</sup> The discourse of transformation is also at work here and in the circulation of her other images. In trying to make sense of the incomprehensible combination of murderous sexual desirability, the discourse of transformation urges viewers to assess Arias’ perceived duplicity and manipulative character through images that feature visual contradiction – Arias as a blonde and as a brunette, side-by-side for instance.

corrective and disciplinary manner. What is left, post-censoring, is a focus on Arias' face, pigtailed, and the outline of her body – suggestive in its placement toward the camera. By heightening the visual spectacle of this image by obscuring it, attention rests on Arias, who appears a willing participant in her own sexualized image-making. Arias' willingness to self-manage and display herself is a source of criticism and ridicule through the cultural use of the blonde bombshell image as well. Arias' image can thus be read with a postfeminist sensibility, that she willingly practiced 'shocking' sexual behaviour as a source of sexually dangerous power. Once again the victim's involvement in producing the image, his masculine gaze, *is* present but downplayed as Arias took centre stage.

One could also interpret the wide circulation of this image as supporting and visualizing Alexander's straight masculinity – in desiring a conventional 'pin-up girl' image of his sexual partner. In part, this seemingly contradicts Arias' allegations that Alexander had a pedophilic desire for boys, an unfounded claim she raised during her trial, and "central to the defense's claim that Alexander was a sexual deviant..." (Curry, 2013). Arias' nude image also circulated with others in this series of images from that afternoon, and show Alexander as a willing sexual participant and image taker. He is both an image object and subject of a voyeuristic gaze. This collection of images, in which Arias' nude photograph is a part, can also be read as positioning Alexander's heterosexuality as conventional in its male gaze and operation of the camera, possibly conflicting with the discourse of sexual deviancy constructed in Arias' defense.

The nude image, following multiple conventions, continually acted as a peep show, calling on viewers to speculate on the contours of the visible body and construct (or find) the withheld image. In terms of its contexts of production, the nude photo of Arias emerges out of an afternoon of "kinky sex," some of it documented through nude photographs (Jane Velez-

Mitchell, 2013) and discussed by the defendant during direct and cross-examinations. As my own search process online indicated, the relative ease with which viewer-voyeurs can find and assess this image on search engines like Google feeds into the positioning of Arias as a transgressive subject in need of censorship – but also in need of viewing. Cast as an overtly sexual woman who partook in “graphic” and “shocking” behaviour, the nude image functioned as a titillating opportunity to envision the couple’s dangerous sex, and to find titillation in seeing the ‘full picture’ of Alexander’s interaction with Arias before his murder.

In total, five photographs were taken during this early afternoon period on June 4, 2008 – three of Arias and two of Alexander reclining naked on the bed, timestamped hours before his murder (Martinez, 2016, p. 40).<sup>80</sup> The other two nude photos of Arias are close-up shots of her vaginal and anal areas, also presented in court as evidence but not widely circulated on mainstream news or re-enacted in true crime films like the full-body nude of Arias posing on Alexander’s bed. In addition to these five images, twenty-three additional photos were retrieved from the digital camera’s memory card: Shots of Alexander in the shower (the last was taken forty seconds before he was stabbed) and three inadvertent photos taken while the attack was happening. Two of these accidental images are mid-air snapshots of the ceiling. The last image was taken on the ground, and shows a striped pant leg in the foreground (Arias’ pant leg) with Alexander’s bloody head and shoulders laying in the background (Martinez, 2016, pp. 220-221). According to the prosecutor, these photos were a “virtual flipbook of the crime itself, a series of images that showed how the events actually played out” (p. 43). In his account of the criminal trial, Martinez explains his reasoning for admitting all the photographs as trial evidence, including the “explicit” ones: “By introducing all the photos – including those of a sexual nature

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<sup>80</sup> Images from the nude photo session are timestamped around 1:40 PM on June 4, 2008 and the later set of images of Alexander in the shower were taken from 5:22-5:30:30 the same day (Martinez, 2016, p. 220).

[...] I wanted to establish that Travis and Arias had spent a substantial amount of time together that day” (p. 220). As such, the photos’ temporal context – their production the day Alexander was murdered – is just as important to the prosecution’s case than what is visible in the retrieved digital images.<sup>81</sup> However, the full-body nude image of Arias posing on Alexander’s bed accumulated multiple meanings as it was circulated. In part this was because the photograph’s production is tied to a particularly “heinous” sexual murder -- and according to the defense, sadomasochism.

The spectacle of sexual murder, when allegedly committed by a seemingly ‘normal,’ even desirable looking woman, provokes heightened social investigation into the sexual practices that led to such excessive violence. According to Arias, “the simple answer” to Travis’ death “is he attacked me, and I was defending myself” (Martinez, 2016, p. 276). In order to support this claim, the defense presented details of Arias and Alexander’s sexual relationship, complete with audio sex recordings, thousands of ‘sexts’ in photographic and text-based formats. These materials were intended to support the argument that Arias was sexually and emotionally abused by Alexander over the course of their tumultuous relationship.<sup>82</sup> The couple’s sexual activity was consistently characterized by news outlets as “kinky” and “rough” (Breuer & Smolowe, 2013; HLN, 2013, February 5; McLaughlin, 2013; Whatchutalkinbout, 2013, May 31), sparking debates about consensual behaviour in sadomasochistic and non-monogamous relationships. Accordingly, this particular nude image of Arias was consistently used alongside these sexually-charged discussions, while the photograph was also consistently treated as an explicit image

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<sup>81</sup> Combined with Arias’ admissions to taking photographs of Alexander in the shower (Martinez, 2016).

<sup>82</sup> According to the prosecution, there was inconclusive evidence that Arias was sexually or physically abused by Alexander, as there is no written or verbal evidence of this – e.g. she did not file a police report, write about it in her diary, or discuss it with friends or family. However, there is written evidence Alexander was angered by Arias’ actions to stalk and threaten him after the relationship was over, and used sexualized epithets. For example, he called her a “three-hole wonder” and a “whore” by text message (Lohr, 2013, January 29).

subject to visual censorship. Overall, the circulation of this image trades in discursive currencies of sexual deviance and incrimination, while this logic also functions to titillate and position Arias as a subject of desire – not only a subject of reproach, disgust, or fear.

### 6.11 The discourse of titillation

In mainstream mass media coverage like ABC news, CNN, and HLN, the image was censored using a variety of editing techniques that obscured Arias' breasts and pubic area: Often black rectangular shapes were strategically added to the image using digital editing software, or sometimes the image was blurred or pixelated. At times it was cropped, or flesh-coloured dots and shapes were added as if with a digital paintbrush (see below). Consistently the image appeared with these revisions, intending to obscure parts of Arias' body. Captions, headlines and verbal statements such as “XXX” and “dirty” circulated on televised broadcasts alongside this image,<sup>83</sup> casting Arias in explicit, deviant, and incriminating lights. These textual and verbal statements work hand-in-hand with attempts to obscure the image while making it memorable.

Examples from Cable News: HLN, CNN



Contrary to their supposed purpose, this discourse of sexual explicitness does not obscure the image but marks it, encouraging one to look and inspect the subject's body (Farrimond, 2013). It

<sup>83</sup> These textual markers position Arias as desirable and alluring in her bodily display (and thus subject to transgression). Words like “vulnerable” do not appear alongside the image, which distances the image from Arias' own claims she was victimized by Alexander.

also provokes the viewer to reveal what is absent, either in one's imagination or through online investigation.

Running an image search for "Jodi Arias nude" through Google's search engine, I found porn and entertainment websites sometimes host the uncensored image.<sup>84</sup> It's unclear whether these versions are original (in the sense that it is the unedited digital image taken from the camera found at the crime scene, and then submitted as evidence during the trial). Since my project focuses on the visual construction of contemporary notoriety, I turned most of my attention toward the circulation of the censored adaptations because they are the images that consistently appeared in mainstream mass media and generated prevailing constructions of her. Additionally, the act of censoring the photograph and labelling it "pornographic," "dirty," "explicit," and "X-rated" in headlines, captions, and discussions created discourses of sexuality that are salacious and pleasurable while also seemingly disciplinary. In other terms, they are meant to titillate as much as to chastise. It's undeniable that these discourses are coloured by sexual desire inasmuch as they also cast Arias as a sexually deviant 'other.' This desirability seems to emerge from her alleged sexual difference, from the very activities that are deemed allegedly dangerous and lethal.

The continual exposure of Arias' and Alexander's sex lives in the trial led cable news channels to discuss a range of "kinky" sexual behaviour (Velez-Mitchell, 2013, p. 3) rarely discussed in criminal trials let alone broadcast during daytime and primetime television.

According to Arias' testimony, the couple had sadomasochistic (s/m) sex, Alexander exerting

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<sup>84</sup> I discuss some of the personal challenges in conducting this portion of my research in the methods section, as the results of this image search were highly graphic and upsetting. The relevant images of Arias nude are interspersed with evidence photos of Alexander's body at the crime scene and multiple autopsy images. These photographs also appear with screenshots of pornographic material from other websites. This culminated in a visual panoply of sex, gore, and death that I did not expect when I first conducted this search. With additional distance and time to reflect on these results, there is a thematic connection between these image results and core narratives defining Arias.

various forms of sexual dominance over Arias, and that she was “not able to say no” to his advances and desires (Martinez, 2016). When these parts of the trial were covered in mainstream news, the image of Arias nude circulated alongside. For instance, in a now well-known audio sex tape recorded by Arias and played in court on February 12, 2013, Alexander expressed a “shocking” sexual fantasy: He wanted to have anal sex with Arias while she was tied to a tree wearing a Little Red Riding Hood costume (Grace, 2013; HLN, February 5, 2013). In this same recording, the court heard both climaxing over the phone and Alexander saying to Arias, “Baby, you moan like a twelve-year old girl. It’s so hot” (Grace, 2013). Though the defense intended to use the recording to cast a negative, sexualized light on the victim, the prosecution would point out Arias also sounded enthusiastic, not like a woman who was abused. Additionally the prosecution pointed out Arias recorded the exchange herself. When portions of the audio recording were aired on news channels, the already well-known image of Arias lying on Alexander’s bed was positioned with this new sexually-charged content.

Though the aural recording is certainly clear in its capture of the couple’s masturbation and kinky discussion, the nude image of Arias in pigtails makes this history *visually* intelligible and familiar to audiences. Since the photo had already widely circulated in news when it was presented in court on January 14, 2013, returning to the sexily incriminating photo of Arias lends recognition and continuity to the new audio materials. Like the nude photographs, the audio sex recording is treated as explicit censored material, as local ABC television viewers (in Phoenix) for instance were warned the content and imagery were graphic and “not suitable for all viewers” (ABC15, 2013), while HLN’s cable news content also provided content warnings of the audio recording (Velez-Mitchell, 2013, January 4).

In *Vicarious Kinks: S/M in the Socio-Legal Imaginary*, Ummni Khan (2014) outlines varied discursive productions of s/m, showing its instability as a subject of knowledge (p. 15). Sexual sadism and masochism are included in mental health handbooks and pathologized as perversities and anomalies, a classificatory understanding of sexuality that emerged in the nineteenth century (p. 16). This construction of s/m as perverse (which continues in more contemporary contexts) associates giving and receiving pain during sex (broadly defined) as non-normative and abnormal; however, this is not to say that this othering of s/m necessarily prohibits or expels it from the cultural imagination or from institutional frameworks like law, medicine, or psychology. Instead, sexual ‘others’ incite discussion and knowledge-creation (p. 17, 19; Foucault, 1978). Some of the “lurid” activities (Martinez, 2016, p. 313) described in Arias’ criminal trial circulated through verbal testimony and audio/visual evidence and certainly incited speculation and debate in court and in mainstream news accounts about the definitions and boundaries of rough, kinky straight sex. The retrieved digital photograph of Arias nude on Alexander’s bed for instance was one of many photos presented in court as evidence of the defendant’s whereabouts. However, its wide circulation over time and consistent use during sexually “graphic” and “explicit” moments of the trial – such as the airing of the audio recording – illustrate it incited a sexually deviant image for Arias, but one that was also debatable. This image seemingly connects and visualizes existing debates in court about the couple’s sexual history in such a way that is both palatable (hiding her nudity) and transgressive (talking about a taboo yet titillating sexual subject).

Since Arias claimed she was a battered woman who killed Alexander in self-defence, in-court testimony focused on whether Arias consented and enjoyed the sexual activity she had with her former lover. Through this continual discussion of consent and participation vis-à-vis Arias’

relationship with Travis, the prosecution created regulatory frameworks and assessments of their sexual pleasure that placed Arias in the position of experienced seductress and initiator.

According to prosecutor Juan Martinez, the nude photos of Arias did not support her claim that Alexander abused her, but that she willingly participated (Martinez, 2016, p. 312) in activities that she found “debas[ing]” but ultimately “like[d]” (Grace, 2013). In a particularly heated exchange with Arias on the stand, Martinez asked if she had “introduced KY Jelly into their relationship,” and if it had “made their sex more enjoyable,” to which she agreed (Velez-Mitchell, 2013, February 26). The jelly – visible on the bed in some of the images of Alexander from that afternoon – made this line of questioning possible, while Arias’ braided hairstyle in the selected image also came under scrutiny for being possibly interconnected with Alexander’s sexual fantasies described on the audio recording aired in court. Overall, this image is situated within a range of sexually-charged discussions: The ‘explicit’ sex the couple had, what role Arias played (e.g. was she a willing participant or was she abused?) and how sexual activity is used as an explanation for Alexander’s gruesome death.

Illustrated above, the blonde portrait of Arias smiling coyly into the camera positioned her as a vain deceiver, particularly in a criminal justice context in which her hair colour change was entered into evidence by the prosecution. This deception discourse relies on a practice of continual visual assessment of the accused’s body. In the process, Arias’ body is constructed as a contentious site of desire, deception, and manipulation – embodying contradictory notions of bodily femininity. Through the circulation of the blonde portrait and the nude crime scene photo, Arias is positioned as a desirable and desiring subject. Her perceived deceptions seemingly demand visual inspection and further circulation. In the process, various ideas about Arias’ sexual desire – as deceitful, dangerous, vain – emerge and oscillate in and through these images

and their continual circulation and view. Popular understandings of Arias' sexual desirability are seemingly diverse; however, I will suggest these logics of desire depend on a 'constitutive outside' (Butler, 1993) that racializes and classifies Arias in predictable ways.

The notoriety of both women, created through image circulation, is comprised of similar themes and generated out of practices of speculation and judgment that seemingly demand audiences (re)assess and judge their images, while they the images are also defined (variously) through the discourses enacted through them. The forthcoming discussion draws together the apparent similarities between the visual discourses constructing these two criminalized women as notorious subjects. The broader visual practices animating Knox and Arias' notoriety however are specific manifestations of a larger contemporary practice of notoriety construction in an age of hypermediated flow. Producing and sharing still images that are ambiguous (or that are culturally *treated* as ambiguous) encourages an enticing call to visual and ontological judgement that is never fully answered. The seemingly transgressive, partially telling *and* vacuous image continually demands the viewer's assessment. Both Knox and Arias' notoriety are informed by visual incitements to know, see, and trace the dangers and pleasures of sexual deviancy. I understand the contemporary notoriety of criminal women like Knox and Arias signals the multimediated generation of a more intensely surveyed subject whose image is necessarily stretched in many different directions. The multi-directional visual construction of notorious actors like Knox and Arias feeds the contradiction and intrigue inherent to their continued visibility.

## **7 Chapter Seven – Performing speculation: How notoriety emerges in familiar transgressive images**

The construction and circulation of the five images discussed in this dissertation – the kiss, gaze, embrace, blonde bombshell, and nude – were structured by a few prevailing discourses that continually mobilized the images to promote practices of speculation, intrigue, and judgement centred on Amanda Knox and Jodi Arias respectively. In the instances where the image was held up as evidence – of the woman’s criminality, deviant sexuality, vanity, or persecution for instance – the image requested inspection and (re)use. These situatings seemingly demanded a material effect take place: Prosecuting or acquitting the criminalized woman, subjecting her to ridicule and/or more visual inspections. These same images also perform ambiguity and contradiction in other situatings as they are used to embody a shifting – or lack – of knowledge about the criminalized woman in question. In both types of engagement with the image – as transparent and opaque – the image is the site where attention is continually placed, and where subjects, knowledge, and visual action coalesce to produce notoriety.

In the last two chapters, I illustrated how five images of Knox and Arias mobilized across media and cultural sites, adapting in composition and interpretation in ways that often traded in sexual titillation and speculation about violence and perceived deviancy. The fluid situating of these images within multiple media sites caused a discursive proliferation to form with their circulation; however, this discursive plurality was clearly patterned and worked to organize the images and their subjects in particular directions. In specific image mobilizations I discuss how viewers are encouraged to look, act on, and perceive the images in ways that cohere with the discursive norms that are being supported in the image and its supporting context – e.g. through headlines, captions, narration, and added visual effects. The techniques of adaptation that are continually applied to an image visually structure the modes of viewing that are possibly

performed at these image sites. You may be encouraged to take a closer look, come up with your own theories about the meaning of an image, or to find the image online on your own time.

By pointing out discursive themes produced through these images and their circulation, I question what types of looking and spectatorship are encouraged. This connects with the concept of image performativity I discussed in chapter four, through which I suggest images are sites where ideas about the image subject are produced alongside visual practices of speculation. From there one is encouraged to see and judge the image for new meaning. Cast into multiple discourses, Knox and Arias are positioned in plural terms (e.g. as sexual deviant, temptress, manipulator, obsessive, desirable, relatable, victim). The discursive variance produced through image circulation produced contradiction and debate, and these images are continually held up in mainstream American media as ambiguous surfaces awaiting more speculation, particularly in their simultaneous use as evidential and enigmatic. This was determined by consulting an expansive visual corpus where these images circulated in multiple genres and media over a nine-year period (2007-2016). The images transformed in sometimes unexpected ways (e.g. in composition, meaning, social context) while they were also consistently treated as revelatory and opaque sources.

The specific instances in which the image materializes is where I conceptualize discourse playing out – in theme and in visual practice. Knox and Arias gained legibility in this process, as do viewers, audiences, and producers. This visual discourse analysis endeavoured to show how the multiplicity of discourses acting on and through these images as they spread produced a general relation of speculation that induced notoriety. This contemporary form of notoriety is necessarily diverse because it emerged out of circulatory contexts that positioned viewers as active participants in the creation of knowledge about the image. While I point out how an

image's compositional and contextual elements structure the relationships audiences have with an image, they in no way determine how a given viewer sees or understands it, as this process is negotiated.

However, I suggest that the continual reuse of these images, in ways that are designed to evoke a sense of intrigue and lack, functions as a means of involving audience members who are likely engaged in consuming and producing vast quantities of content. As such, the imperative to produce eye-catching material, and sustain users' interest and involvement is crucial. Crime is already a spectacular, or festive arena for tabloid journalism to navigate and construct (Carney, 2010, p. 19). However, even with such sensationalized tales of physical violence, desire and interaction must be repeatedly created in the eye of the viewer, through shifting and contradictory images and knowledge. Through this discourse analysis of Knox and Arias' images, we can see they were ever in-transit, continually creating contradictory forms of familiarity that often trafficked in desire for seeing and judging the image – its perceived latent meanings, evidential status, and transgressive dimensions. Employing a visual discursive approach to the image in this dissertation drew out the acts of looking, assessing, searching, and sharing that were encouraged in particular instances of image mobilization – and the familiar ambivalences that this mediation process created.

Though their images and perceived actions appear to transgress the bounds of acceptable white female heteronormativity, Knox and Arias' notoriety worked to support these intersecting yet obscured norms. The transgressions these women seemingly embodied – and the transgressions their images invited in viewing them - worked to obscure their race as white women while their gender and sexuality were continually marked as salaciously transgressive and thus hypervisible. Certainly these identity constructions intertwine in their casting of Knox

and Arias as newsworthy and tabloid-worthy criminals; however, their whiteness is part-and-parcel of their heightened visibility and perceived deviance, but is not overtly discussed like their gendered, sexualized identities.<sup>85</sup> In the preceding analysis chapters, I referred to scholarship on the unmarking of whiteness (Frankenberg, 1993; Dyer, 1997; Browne, 2015) and the racialization of class through the white trash concept (Sweeney, 2001; Tyler, 2008; Newitz & Wray, 1997) to read these discourses critically. As I discuss in the literature review in chapter two, existing feminist scholarship on criminal women is limited by its own discourse of gender normativity. While there are compelling illustrations in these works of gender stereotypes informing how female-perpetrated violence is understood, femininity is also imbricated in racial, class, and sexual constructions and inequalities. Explained in chapter four, I use intersectionality as an analytical strategy that attempts to interrogate the shifting discursive borders of these images. In this regard, I found Butler's discussion of the constitutive outside (1993) conceptually useful, particularly as it further extends the theory of discourse I use as my method and theory of notoriety.

Hall's "Encoding/Decoding" also informs the concept of image performativity that feeds into my theory of the production of notoriety. This approaches notoriety as an effect of the communicative process (understood in complex, cultural terms), and not necessarily residing within the scrutinized individual (Knox or Arias) or within these digital photographs. Instead, the mobility and use of these photographs as images function to create notoriety in the communicative process:

But it is in the discursive form that the circulation of the product takes place, as well as its distribution to different audiences. Once accomplished, the discourse must then be

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<sup>85</sup> As I discuss in the literature review in chapter two, their perceived gender and sexual transgressions are intimately connected to their alleged violence, as female-perpetrated violence is often 'made intelligible' through the domain of masculinity. However, their transgression of acceptable femininity and heteronormativity – through their alleged crimes and personal histories - is inherently connected to other social axes like race, class, ethnicity, age, and ability.

translated – transformed, again – into social practices if the circuit is to be both completed and effective. If no ‘meaning’ is taken, there can be no ‘consumption.’ If the meaning is not articulated in practice, it has no effect (Hall, 1973, p. 128).

Image circulations like Knox and Arias’ thus became pluralistically meaningful as they proliferated and adapted in composition and meaning, while their recognizability was maintained and extended. Sometimes the images are reimagined through the look and movements of film actors for instance. But there are certain residual elements from the contexts of the photographs’ production that often endured as they circulated. The kiss and nude images for instance were repeatedly structured by their status as crime scene photographs, an indelible mark that was continually performed as the images circulated.

In a digital, networked context as well, the discursive dimensions of the image are even more tightly enmeshed, as traditional audiences (e.g. such as in broadcast models of communication) are now interacting with media as audience-producers, continually accessing, evaluating, and/or (re)producing content online for example with relatively few barriers. Though Hall refers to broadcast television messages in the 1970s, his discussion still connects to this contemporary digital moment however, as his conceptualization of the communication process emphasizes its cultural and dynamic nature:

The consumption or reception of the television message is thus also itself a ‘moment’ of the production process in its larger sense [...] Production and reception of the television message are not, therefore, identical, but they are related: They are differentiated moments within the totality formed by the social relations of the communicative process as a whole (1973, p. 130).

Viewers are notoriety-producing subjects, for they are necessarily involved in the circulation process of understanding and possibly reworking and producing messages as they consume them. At the same time, these perceptions and interactions are structured by the message and its discursive possibilities and constraints. The knowledge that arises through an image is therefore

a complex and negotiated process of communication. These points from Hall (1973) add an additional layer to Foucault's discussion and application of discourse and subjectification. This suite of concepts that comprise my theoretical framework allow for a discussion of negotiated agency – the notion that power enables through its constraints (Foucault, 1980). This understanding of discourse is pertinent in conversations of visibility and surveillance in feminist critiques of postfeminist culture (Dubrofsky & Wood, 2015; Gill, 2009). I see Knox and Arias' subjectivities are often made intelligible through what Gill calls postfeminist sensibilities – through contradictory discourses of sexual agency, personal choice, and the simultaneous concern about the display and management of a desirable feminine body (that is also white, middle-class, and young).

The contradictions mapped through this visual discourse analysis can also be interpreted as an embodiment of postfeminist media culture. As desiring and desirable subjects, Knox and Arias both embody and transgress ideals of sexual empowerment in ways that make standards of appropriate femininity seemingly up-for-grabs. While the discourse of sexual deviancy may appear to shift what can be discussed on daytime and primetime television (e.g. rough sex, group sex, anal sex, and masturbation), these 'transgressive' topics serve to regulate and discipline while they also produce sexual knowledge and perspectives. The scrutiny and ridicule both women were subjected to (and subjects of) highlight a desire to see and judge their alleged legal and sexual transgressions. This highlights a recurring visual encouragement to test, play with, and reinforce normative boundaries through the assessment of accused women and their familiar and ambiguous imagery. In this vein, the positioning of Knox and Arias as transgressive subjects (through various discourses) indicates a contradictory propensity to both critique and endorse gender and sexual norms.

### 7.1 *The creation of transgression and speculative practices*

Though there were multiple discourses that worked to configure Knox and Arias as notorious actors, I found that all visual paths led back to – and from – the idea and practice of transgression. Voyeurism, detection, and criticism were continually cultivated in the circulation of these images, from the visual techniques used to bring viewers closer to (or farther from) the image, to calls for viewers to investigate the image themselves. The discourses previously outlined produced ways of viewing and understanding images that inflected their spread and durability. Though there are different spectatorship modes created through these images, often they were treated as opportunities to navigate the murky waters of transgression – from their alleged legal and social transgressions to the transgressions invited through seeing, searching for, and assessing these images.

Discourses of sexual deviancy animated the images of Knox and Arias across the cultural corpus, and had a hand in encouraging voyeuristic titillation. With this lens, the images continually trafficked in ideas and practices of perceived visual transgression. The treatment of these images as evidential, ambiguous, and illicit created moments where transgressive viewing and knowledge could possibly emerge. For instance, sometimes the images were used to encourage the viewer to envision – or in some cases find – the uncensored image of Arias nude, or to learn, see, and hear about “graphic” testimonies about rough sex or group sex (ABC15, 2013). As I point out, these warnings and labels serve to mark the image and the discussions of sex and/or violence as desirably deviant (note sex/violence are often treated as interchangeable in the mediation of these cases). Sex is not expelled from discourse but actively created through modes of regulation and its casting as ‘different,’ in need of regulation and control.

The use of the gaze and nude images in particular illustrates a cultural desire to reveal the truth residing in or under the image, as if one can easily peel away the imperceptible and/or censored layers and discern their meanings. For example, the altered nude image of Arias produces a pornographic form of titillation and desire for the ‘original’ image, and the gaze image of Knox compels a voyeuristic search underneath the image for her character. As Gill points out, “the female body in postfeminist media culture is constructed as a window to the individual’s interior life [...]” (2007a, p. 256). Tying into a conceptual shift that women are increasingly positioned as sexual, desiring subjects and not simply sexualized objects, Knox’s notoriety can be said to emerge through this rotating prism that attempts to make sense of her gaze, her actions, and her legal status.

This production of desire through the transgressive image – whether deemed resistant to understanding or too explicit to fully see – exists on a spectrum of understanding however. The speculation generated through the gaze image emphasizes how Knox’s notoriety stems from an incessant drive to make sense of her inscrutability. Her gaze is one such resistant embodiment of this ambiguity. Arias’ notoriety arises out of desiring and sometimes ridiculing her deviant yet attractive body. One must question the class judgments that are embedded within these discourses as her images circulated. The types of notoriety embodied by Knox and Arias are intimately connected to their perceived sexual value as white, classed subjects. Arias’ class is problematized whereas Knox’s middle-class status is – especially in American media – made invisible. Though the discourse of sexual deviancy – of Foxy Knoxy – positioned Knox as a ‘trashy’ American, the discourses of family and victimization that circulated in American programs partly complicated these earlier visions of Knox.

Arias' official circumstances as a convicted murderer and the classed gaze constituting her image produced a 'white trash' form of notoriety that offered little nuance for understanding her motivations or experiences. For instance, she was a woman who was an "aspiring photographer trolling for a career" (whatchutalkinabout, 2013, May 31) before she met her boyfriend (and future victim), Travis Alexander. Her alleged violence was configured through discourses of obsession and manipulation, along with sexual deviancy, that sought to explain and define her actions and relationship. Arias' notoriety stems from a classed and racializing ridicule that treats her murder (and her arrest, trial, and conviction) as a fall from white, blonde femininity. This is seemingly visible through her vain and manipulative bodily transformations and transparent image management efforts. Though their notoriety can be said to exist on a spectrum of transgression, both women's images continually created titillation by creating moments where the image could be examined and also transgressively desired.<sup>86</sup> In such scenarios, the viewer is placed as the potential purveyor of knowledge about the meaning of the image and the woman therein. By using ambiguous and hidden images, news programs and true crime dramas for instance can entice viewers with the offer that answers can be found.

Drawing out the creation of speculative positions of detection, titillation, and judgement that are encouraged in image circulation was essential to understanding how Knox and Arias' notoriety emerged. This also conceptualizes the image as a performative site of discourse and visual practices. Knowledge of sexual deviancy, family, and obsession that were created in the use of these images, to name a few, were also tied to viewers acting on the images – in materializing and practicing particular logics of seeing and sense-making. While this project did

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<sup>86</sup> The transgression resides in desiring an image that has been deemed 'graphic' or 'dirty,' as in the case of Jodi Arias' nude image. Additionally, finding pleasure in looking at – and wanting more of – these allegedly violent, sexually deviant women is also a transgressive desire.

not conduct an audience analysis, I quickly refer to the reception side of the communicative equation here in order to highlight and question the situating of these images over time and media. How did they possibly encourage specific and patterned modes of spectatorship and engagement with the images, and how are such visual encouragements productive of notoriety more broadly?

## **7.2 The mediation process: Notoriety in digital context(s)**

Despite clear differences in these women's criminal trials, the wide circulation and interpretation of the same still images of Knox and Arias illustrate they are consistently positioned as tantalizingly transgressive surfaces whose notoriety emerged in the modes of examination and speculation their images seemingly invited. The images that were most widely shared, revisited, and hotly debated over time and media genres were necessarily ambiguous, stoking the fires of viewer interest through competing theories and interpretations about the criminalized woman's character and motivations. The routinized visual practices of sharing and judging such still imagery highlights an essential part of the production of notoriety in a contemporary transmediated context: The continual creation of competing logics of recognition (iconicity, familiarity) and uncertainty (ambivalence). The broad circulatory pathways five digital images of Knox and Arias took in American mainstream media highlighted how still images served the performative purposes of seeing and interrogating the terms of social transgression while crafting subjects that seemingly demanded continual judgment. To this end, still images are culturally treated as latent indicators awaiting further circulation, interrogation and revisitation. The notorious individual's subjectivities are produced out of this visual constellation that encourages judgment in the name of coherence and understanding – but in actuality, feeds on contradiction and the deferral of meaning.

While my analysis indicates that Knox and Arias' identities are organized into prevailing visual themes, a full answer – or picture – of the notorious individual is endlessly cycled and deferred, awaiting further speculation and adaptation. As such, Knox and Arias' criminal notoriety is emblematic of a contemporary form of notoriety that is more intensely visualized and paradoxical in its production of familiar yet transgressively enigmatic subjects. In order to gain and maintain attention over such a prolonged period of time,<sup>87</sup> their stories and identities were tied to the continual performance of subjective, highly emotive, and speculative practices that attempted to make sense – but ultimately produced – transgression in the act of circulating relatively enigmatic images. Certainly the horrific murders of Meredith Kercher and Travis Alexander attracted public interest due to the rare and extra-ordinary quality of their deaths. The sexualized portrayal of the violence committed against them – particularly for Kercher - was continually produced through discourses of sexual transgression that facilitated the spread of intrigue and titillation. This titillation and curiosity about Knox and Arias' involvement in the crimes centred on a visual juxtaposition of their appearances and the allegations of murder.

The continual creation of contradiction through these women – or more specifically through their images – facilitated a discursive proliferation in which still images functioned as primary sites where Knox and Arias' identities were created, assessed, and organized alongside unfolding information and other images. Over time, in the process of multimediated circulation, particular images acquired more visibility and thus familiarity. However, far from becoming static or one-dimensional, the five images traced in this dissertation are comprised of multiple

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<sup>87</sup> Knox has been part of international news coverage for approximately ten years, and throughout 2016 was subject to renewed interest with the release the Amanda Knox documentary. Arias' lengthy trial and sentencing also attracted mass visibility in the U.S., particularly in 2013 and 2015 when her trial was televised all day on the HLN network, and Alexander's murder was made into a made-for-TV movie in 2014, while her story also appeared in a recent Reelz network episode of "Murder Made Me Famous" (2015). At the time of writing, Arias has filed a lawsuit against her lawyer, Kirk Nurmi, and every few months tabloid papers run stories on Arias' behaviour in prison and her commissary purchases.

visual discourses. Through this discursive mapping of the performance of notoriety in digital image circulation, I claim that the multiplicity of appearances, uses, and understandings of these images highlighted the complex discursive interplays at work in creating a discursive system of familiar transgression. This contradictory sense of familiar strangeness is embodied within these single – yet multiple – images of Knox and Arias and their various choreographies. I conceptualize notoriety as a form of visual recognition of the idea and composition of highly-circulated digital photographs that transcended media (Gries, 2015). However, heightened visibility is just one part of the equation at work in creating notoriety in and through digital imagery. I suggest the digital and cultural form of these images, and their situating within other digital media, fueled the necessary creation of speculative practices of seeing and assessing these images in contradictory terms – as evidential and enigmatic. The creation of speculation through these images is fundamental to their media circulation over time and genre, particularly in online and social media contexts in which these images flow and compete with innumerable other stories and images for attention. The spread of this collection of images in American-produced mass media indicated producers and viewers were compelled to see, interpret, find or revisit these images time and time again because they were continually constructed as transgressive and in need of judgment.

This two-pronged understanding of notoriety as a mediated and discursive product considers how visual familiarity arises out of imperceptible visuals and debatably transgressive behaviours. This is not to say that the images acquired any and all interpretations. They were very clearly informed by sexist and racist perceptions, for the women therein were evaluated on the basis of their physical appearances – namely their white heteronormativity and the degrees to which they exhibited and transgressed middle-class American values. As the literature on violent

women's representation points out, women's bodies are intimately scrutinized by the press because of their 'doubly deviant' legal and gender transgressions embodied in female-perpetrated crime. However how and why they acquire visibility based on their race for instance is unaddressed in work focused on women criminals. Drawing attention to the racialized ways of looking that train attention on white female bodies is necessary in order to see and critique whiteness. The initial imperceptibility of Knox and Arias' extreme violence arose out of racial stereotyping and an obscured white gaze that sees whiteness as pure, sexually and morally innocent (Dyer, 1997). Additionally, the provocations of normalcy used to make sense of both women's images also speak to a white, straight, middle-class normativity. Understanding how transgression is created out of this play with acceptable white femininity is essential in seeing how notoriety is structured by intersecting power relations.

For instance, I consider how these visual discourses of sexual transgression, enacted through notions of excess and agency (re)created racial and class inequalities that were ultimately obscured through assessments of 'rough sex' and the women's looks and bodies. Rather consistently, the images of Knox and Arias are treated as ambiguous surfaces subject to further visual examination, thus spawning the circulation and intrigue needed to support news, documentary, and tabloid viewership. Knox and Arias' multimediated presence however speaks to and supports an unspoken, seemingly unseen class-informed whiteness, with Knox positioned as a 'normal' middle-class woman and Arias admonished as an obsessive gold-digger who was "trolling for a career" when she met Travis (whatchutalkinabout, 2013, May 31). Both women's images oscillated however in the assessment of sexual difference and normalcy through visual means. As the still images travelled into filmic adaptations and literature, they remained recognizable in composition and temporality even as they shifted and transformed with the genre

and medium. In particular, the images taken at the crime scene retained an evidential residue that continued to mark the image even as it morphed, for the temporal and spatial contexts of the crime scene tended to permeate into these new contexts. Additionally, who took the photograph also mattered for some of these images, for they continually marked the subject (e.g. Arias) as vain or image-conscious.

The lack of singular, definitive meaning associated with these images further propelled their circulation as they were continually put into the service of ‘making sense.’ Viewers are encouraged to see and invest in the ever-shifting digital image, to become familiar with it as a site where incongruity and contradiction are performed and even celebrated. I suggest the digital form of these images facilitated a continual adaptation and play required to sustain mass public interest. Additionally, the cultural use of these five images illustrated an enduring propensity to titillate through extreme acts of violence – to recurrently use these images to revisit other interrelated stories of sexy, dangerous, and difficult-to-define encounters. Particularly as the images encouraged one to participate as a voyeur or as a detective evaluating the surfaces and meanings of Knox and Arias’ faces and bodies, the violence committed against Kercher and Alexander was largely obscured in the service of bringing the sexualized image closer to viewers. In the process, audiences’ role in producing notorious actors is obscured and subsumed while Knox and Arias remain the focus of intense visual examinations. As murder suspects, the scrutiny they were subject to and constituted by seems appropriately justified; however, one must question why and how their alleged violence is sexualized and even cast as a desirable source of entertainment, particularly as real lives have been lost and families traumatized.

These provocations to discern the reality of the notorious woman through still yet mobile digital images offers a tantalizing promise to producers and audiences that the offender’s

character or truth can be identified and known. This sense of ontological security enacted through the highly visible yet opaque image constructs a media system in which knowledge is rooted in contradiction, paradox, and visual assessment. As Yasmin Jiwani explains,

The mass media constitute a primary vehicle for making visible that which is regarded as a potential threat or for using the threat as an exemplar to discipline, regulate, and control those who are perceived as threatening the social, cultural, and political order. (Jiwani, 2015, p. 80)

As murder suspects, Knox and Arias pose a tangible threat to the health and wellbeing of society, while their actions and images conflict with traditional knowledges about crime perpetration (in a gendered and racial sense). However, the transgressions they seemingly embody and exhibit through their images are not necessarily expelling or distancing them as monstrous others. Their transgressive sexual practices – in staring back into the camera for instance – do not warrant symbolic expulsion or demonization, contrary to how some criminalized women (e.g. Myra Hindley, Aileen Wuornos) have been textually and visually treated (Birch, 1994; Schmid, 2006; Wright, 2013). Instead, their alleged social transgressions like rough sex are treated as “shocking” (Grace, 2013; HLN, 2013, February 5) incitements to discourse that the viewer is encouraged to see, learn and assess relative to their unfolding criminal trials. While Phil Carney (2010) refers to the photographic spectacles of crime as branding the criminalized subject with shame (pp. 23-24), in the digital context of Knox and Arias’ image circulation, shame was often treated as a sexily devious moment in which transgressive material could be freely accessed and assessed.

The continued presence of these images across time and media indicated how dually resistant and adaptable they were to cultural desires and anxieties, and thus served as important social barometers for understanding the creation of notoriety through digital image circulation. As cultural constructions, these images reflect and transform systems of knowledge that are

rooted in assumptions about sexuality, gender, race, and class that not only serve to represent Knox and Arias as criminals, but are used to perform, see, and interrogate their perceived criminality as well as their transgression of social norms. The continual visual encouragements to take another look, lift the veil, share and find the original image, are taken-for-granted yet essential elements to the creation of notoriety, particularly in a mass-mediated and digital context where ambiguities and contradictions fuel a need to speculate on and define the nature of perceived transgressions. This dissertation has endeavoured to show that notoriety is the product of various discursive and circulatory trails that continuously make subjects and knowledges both visibly familiar and strangely opaque. Through the method and concepts developed in my project, I encourage further research that treats notoriety as a complex visually mediated practice requiring the continual creation of judgment. Making such visual practices visible is key to understanding how and why notoriety emerges as it does, and who becomes caught in its speculative midst.

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