

WOMEN, VIOLENCE AND GRAY ZONES: RESOLVING THE PARADOX OF THE FEMALE VICTIM-PERPETRATOR

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Abstract

This article analyses the conflicting narratives surrounding the case of convicted Canadian offender Karla Homolka. As both a victim and a perpetrator of violent crime Karla's actions are positioned precariously between activity and passivity. It is precisely because of this blurring of boundaries - between agency and victimization - that her case has received widespread critical discussion. Despite attempts to 'recuperate' her narrative (Morrissey, 2003; Thompson and Ricard, 2009), Karla still presents us with a paradox. There is a need then to unpack the relationship between Karla's victimization (non-agency) and her criminal culpability (agency). This paper will consider whether or not Primo Levi's (1988) concept of 'gray zones' can resolve this paradox.

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Introduction

In this article I examine the concept of 'victim-perpetrators': individuals who are both victims and perpetrators of violent crime. I do so by drawing upon Primo Levi's (1988) concept of gray zones. Levi (1988) developed the term to describe the circumstances and the relational dynamics between prisoners and guards within Nazi concentration camps. Here, in response to a suggestion made by Murphy and Whitty (2006), I explore Levi's concept through the lens of a single case: that of convicted Canadian offender Karla Homolka. Karla represents the more morally ambiguous of victim-perpetrators: the female victim who then oppresses other female victims.

There is a wealth of critical scholarship within criminology on the relationship between women's agency, victimization and their offending behavior (Allen, 1987; Phoenix, 2004; Batchelor, 2005; Kruttschnitt and Carbone-Lopez, 2006; Wesely, 2006; Pollack, 2007; Ajzenstadt, 2009; Thompson and Ricard, 2009). Described as the 'pathways to crime' literature (Batchelor, 2005; Pollack, 2007) this research has blurred the boundaries of established notions of 'victim' and 'offender' by contextualizing how women's actions are criminalized (Pollack, 2007), and indeed, processed by the criminal justice system. Less, however, has been researched and/or written about cases where female victims commit violent crimes against fellow female victims. Research by Warren and Hazelwood (2002) on compliant female accomplices of sexually violent males provides an exception to this rule.

The central premise of Primo Levi's (1988:32) concept is: 'the mimesis or exchange of roles between oppressor and victim'. Individuals within gray zones are victims who become perpetrators. They are people who decide, having themselves suffered under conditions of extreme oppression, to subjugate their fellow victims. This 'imitation', as Levi (1988) calls it, takes place under ambiguous circumstances, therefore making judgement and punishment difficult. In fact, Levi (1988) asks us to suspend our judgment of these 'gray agents' and acknowledge the extraordinary conditions under which they made their choices. Following on from Levi, Claudia Card (2000:514) argues that gray zones 'are inhabited by people who become implicated, through their choices, in perpetrating on others the evil that threatens or engulfs themselves'. Card (2000, 2002) extends the terminology to talk about 'gray areas' and women's behavior within these spaces in the context of social misogyny. Both of these concepts will be reviewed in more detail in the latter part of this article. The discussion will consider how defences like duress and diminished responsibility might be re-structured to accommodate the more mediated culpability of those acting within gray zones/areas.

The aim and structure of the article

The aim of this article is to theorise what it means for someone to be both a victim and a perpetrator of criminal violence. Using Levi's concept of gray zones to frame the inquiry, the narrative of Karla Homolka will form the basis of the theoretical analysis. The purpose of this article is not to come to a conclusion about the 'blameworthiness' of Karla Homolka per se. Rather, the aim is to provide an analysis which, through using the concept of gray zones, eschews the way in which discourses of victim and offender operate in binary and mutually exclusive ways. Thus the question I hope to answer is this: can Primo Levi's (1988) concept of 'gray zones' resolve the paradox of the victim-perpetrator?

The article will begin by outlining the details of Karla Homolka's case. It will then review existing narratives surrounding the case before moving on to consider Karla's own personal narrative of the events on her life. The limitations of these existing discourses will be reviewed before considering the possibility of using Levi's concept for understanding this type of victim-offender.

A number of commentators have written about this case, some of whom will be discussed in due course (see McGillivray, 1998; Pearson, 1998; Morrissey, 2003; Kilty and Frigon, 2007; Chapman 2008; Thompson and Ricard, 2009). Yet none of the reviews written after 2005 have included details of Karla's post-release interview which was broadcast by CBC news in 2005. In a similar way to others (Batchelor, 2005; Kruttschnitt and Carbone-Lopez, 2006), I think that it is important to place the subjective interpretations of women at the centre of theoretical and methodological debates about their use of violence. Doing so will enable an understanding of the complex and contradictory ways in which victimization and agency feature in their lives. Drawing upon excerpts from Karla's post-release interview, and using Levi's concept of gray zones - which addresses the diminished capacity of those acting in this morally ambiguous space - this article will attempt to resolve the tension between the non-agency and the legal culpability of victim-perpetrators.

Karla Homolka²

Karla, in 1993 along with her partner Paul Bernardo, was sentenced to imprisonment for the abduction and rape of two teenage girls. She was found guilty of manslaughter whilst Paul was convicted of murder. Karla was also found guilty of drugging and raping her younger sister. The couple had met in 1987 when Karla was 17 years-old. He was five years her senior. When they met Bernardo was actively raping women around the Scarborough area in Ontario (Kilty and Frigon, 2007). Within the first six months of their relationship Paul began to physically and sexually abuse Karla. It was not long before Karla participated in a number of 'deviant' sexual activities with Paul. The first sexual assault committed by the couple involved the drugging, rape and sodomy of Karla's younger sister Tammy (McGillivray, 1998; Morrissey, 2003). Karla played an active role in this assault, obtaining the anaesthetic and sleeping pills from the clinic where she worked. In January 1991 Paul Bernardo, with Karla's full knowledge, sexually assaulted a young hitchhiker, Leslie Mahaffy, at the home they shared together. Following this assault both Paul and Karla drugged and sexually assaulted 'Jane Doe', a friend of the late Tammy (Morrissey, 2003). Again, Karla played a significant role in these assaults.

The couple got married in late June 1991 and on their wedding night Bernardo confessed to Karla that he was the Scarborough rapist (Kilty and Frigon, 2007). During the following month they both drugged and attacked Jane Doe for a second time. In April 1992 the couple abducted, sexually assaulted and killed Kristen French. As with the previous assaults, Karla's role was pivotal. Most of the assaults on the young girls were videotaped.

² In order to avoid falling into a sensationalist/journalistic retelling of Karla Homolka's life-story I have provided a very brief overview of her case. For a more detailed account see McGillivray 1998; Morrissey 2003; Kilty and Frigon 2007.

During this time Paul's violence towards Karla escalated, reaching a climax when she was hospitalized. Following this assault Karla finally left Paul in 1993 and contacted a lawyer. Karla negotiated an agreement with the police and admitted to her involvement in the murders of Leslie Mahaffy and Kirsten French (Morrissey, 2003).

At this point the level of her involvement in the sexual assaults was unknown as the videotapes of the attacks had not been discovered. The tapes were not admitted as evidence until 1995. In 1993 Karla was sentenced to two concurrent maximum sentences of twelve years for the manslaughter of Leslie and Kristen, Paul was given a life sentence in 1995 (McGillivray, 1998; Chapman, 2008).

Victim or agent? The dichotomous construction of Karla Homolka

The two narratives used in the Karla Homolka case alternate between the passive innocent dupe - a woman in danger - and the morally depraved dangerous woman. According to Morrissey (2003) and Pearson (1998), Karla should be regarded as a willing and active participant in the rape and murder of young girls. Based on their accounts, her case falls within the narrative of 'bad woman'. This portrayal was substantiated by the recovery of the videotapes of the sexual assaults, shown in the courtroom, which depicted Karla's involvement in the sexual attacks on the young girls. In addition, despite being left alone on two separate occasions with Kirsten French during the three days she was held captive, Karla did not make any attempt to help free her. On the fourth day French was killed by Paul whilst Karla assisted with the disposal of the body (McGillivray, 1998; Morrissey, 2003).

Yet, Karla's agency and her criminal culpability are called into question when her own victimization, of physical, emotional and sexual abuse at the hands of her husband - which, on one occasion, resulted in her hospitalization - is taken into account (Kilty and Frigon, 2007). Under this line of reasoning, Karla's fear of her husband - based on her knowledge that he was actively raping other women and the abuse she herself suffered - is emphasized in order to demonstrate that her involvement in the crimes was far from voluntary: her participation was simply a means of survival. Her legal culpability is therefore mediated. Within this reading of the case, Karla is portrayed as a 'victim' of oppression or, to use Warren and Hazelwood's (2002: 77) term, a 'compliant victim'. They use this term to 'reflect the acquiescent nature of women's cooperation in their own and others' victimization' (ibid: 77). Indeed, if Karla's behavior can be explained away by her victimization, not only is her agency and criminal culpability revoked, the threat she poses to patriarchal society is diminished and '[s]he is returned to her place of passivity and silence' (Morrissey, 2003:170). However, this process of neutralising a woman's criminal responsibility and dangerousness (Allen, 1987) - by portraying her as 'so victimised' she is incapable of making rational decisions - becomes problematic in cases where women, who themselves have suffered oppression, appear to actively take part in sexual violence, as was the case with Karla Homolka. Karla Homolka appears to embody 'two dialectically opposed extremes' (Kilty and Frigon, 2007: 44). She has been rendered both culpable criminal agent *and* compliant victim.

The recuperative narrative provided by Morrissey in the Homolka case is based on reinterpreting her actions as the mimesis of the stereotypical role of 'good wife'. This role, which demands passivity and selflessness, becomes perverted and the wife becomes a monster and a killer. Put simply, the extreme passivity demanded of this role is

transformed into passive aggression (Morrissey, 2003). Whilst this 'recuperative narrative' offers a partial explanation for Karla's role in the crimes, I believe that further investigation of women's role in misogyny is required.

In a similar vein, Thompson and Ricard (2009: 272) contend that Homolka acted in a manner reflective of femininity within patriarchal ideology in that 'she was the lesser partner and it was her duty, as a woman, to please her mate'. In other words, it was her constitution within patriarchy – as 'other' to him, the absolute – that led to her involvement. According to their analysis, Karla regarded the other women as her competitors and was therefore motivated by a need to maintain her relationship with Bernado. Their analysis is short sighted as it dismisses Karla's own account of events and overlooks her victimization.

Personal narratives and lived experience

As highlighted by others (Pearson, 1998; Morrissey, 2003), much of what we know about Karla is based upon her version of events and how she interpreted and recounted her experiences. Indeed, the narrative of victimization and acquiescence was constructed by Karla after she went to prison in 1993. Karla testified that she had frequently been beaten by her husband. However, it was reported that during her time in prison Karla studied texts on spousal abuse (Morrissey, 2003). This led some to question the authenticity of her account (Pearson, 1998; Morrissey, 2003).

As noted by Presser (2009) feminist criminologists have emphasized the importance of listening to women's subjective interpretations of their use of violence (Batchelor, 2005; Kruttschnitt and Carbone-Lopez, 2006). In the past mainstream criminology has ignored, misrepresented, or marginalized women's accounts of their offending behavior (Morrissey, 2003; Wesely, 2006; Ajzenstadt, 2009). Yet, this commitment to privileging women's own narratives was compromised in this case as most commentators (Pearson, 1998; Morrissey, 2003; Thompson and Ricard, 2009) struggled to accept Karla's version of events. Rather than simply questioning the authenticity of Karla personal account of her life – as many other commentators have done (see above) - I believe that this should form part of the critical analysis of her case.

Presser (2009:178), in her article entitled 'The narratives of offenders', builds a case for a 'narrative criminology'. The aim of such narratives is to 'clarify the nature of both criminal behavior and criminalization' (ibid.). For Presser (2009) narratives are important to criminology in two main ways. Firstly, on a practical level, they have shed light on the etiology of criminal conduct and, secondly, they have drawn attention to the impact of lived experiences on offending behavior.

Personal narratives are based upon capturing the subjectivity and 'human lived experience' of individuals based upon their own accounts of events, actions or certain episodes in their lives (Bloom, 1998; Presser, 2009). Subjectivity is at the heart of personal narratives and '...it is precisely because of their subjectivity - their rootedness in time, place, and personal experience, in their perspective-ridden character - that we value them' (Personal Narratives Group, 1989: 263-264 cited by Riessman, 1993: 5).

Undoubtedly personal narratives '...are never able to represent either an absolute truth or a lived experience' (Bloom, 1998: 146). They will, of course, reflect how individuals want

to be viewed in certain situations. Indeed, we can never really know what happened in these incidents (Kruttschnitt and Carbone-Lopez, 2006). Yet, despite these limitations, personal narratives provide an important indication of individuals' subjectivity and identity (Kruttschnitt and Carbone-Lopez, 2006). As such we must '...address not only the narrative self-stories of individual women, but also the contexts within which they offend' (Batchelor, 2005:371). This forms the basis of the argument put forward by Kilty and Frigon (2007) who state that if victimization features within the lived experiences of women who commit violent crimes we cannot simply ignore the abuse that the woman has suffered. It is useful then to provide a critical review of Karla's own subjective account in order to determine whether her 'lived experience' can be placed in the gray zone.

Limitations

Karla Homolka appears to represent two disparate extremes: that of passive victim and culpable perpetrator. One account focuses on the abuse she suffered and how it, in conjunction with her increasing fear of Bernado, impacted upon her ability to judge and act according to her own free will (Frigon and Kilty, 2007). Conversely, the other regards her as having freely chosen to engage in the acts of violence. An analysis which focuses exclusively on her victimization is no more helpful than one which denies or ignores the victimization she suffered. What is needed is a more nuanced account of Karla's actions, one which acknowledges both her criminal behaviour and her victimization.

This case demonstrates the ineffectual use of either/or binary classifications: Homolka's victimhood and criminality are interdependent and not mutually exclusive categories (Kilty and Frigon, 2007). This polarized view of violent women - as *either* victims who fight back (thus making their actions legally justifiable) *or* culpable perpetrators (thus rendering them legally responsible) - is problematic. Scholars have highlighted the deleterious effect of such binary and reductive constructions both at the theoretical and operational level (Phoenix, 2004; Batchelor, 2005; Peter, 2006; Dunn and Powell-Williams, 2007; Sjoberg, 2008; Ajzenstadt, 2009).

By adopting a 'relational autonomy approach' (Sjoberg, 2008), which recognises that women can be *both* 'victim' *and* 'perpetrator', these scholars provide a more complex account of women's use of violence. This work has been particularly prominent within discourses of battered women who kill; which frames women's motivations for using violence as either in self-defence or for self-preservation (Radford, 1993; Howe, 2002; Morrissey, 2003; Dunn and Powell-Williams, 2007). Women, like Karla Homolka, who commit sexual violence against young girls cannot be placed within this category: Karla does not inspire sympathy as a victim nor celebration as a powerful avenger (Morrissey, 2003).

This agency/structure nexus reformulates the concepts of choice and obligation when analysing women's offending behavior. It accepts that individuals make choices, but is also recognises that choice is not something which is given completely freely. As Sjoberg (2007:98) argues '...relational autonomy is the recognition that freedom of action is defined and limited by political and social relationships'.

This work is encouraging but has been limited in its application. Whilst notions of women as both victims and perpetrators have featured within narratives of victim-precipitated or self-defensive violence (Dunn and Powell-Williams, 2007) analyses remain stymied when

the target of a woman's aggression is another female victim (Morrissey, 2003). As Allen (1987:93) argues, '...something of a veil tends to be drawn over those more uncomfortable cases where the victim is a child or another woman, or where the circumstances of the offence seem more unambiguously discreditable'. In order to address this agency/structure debate this article will discuss the usefulness of Levi's (1988) concept for exploring the relationship between offenders' victimization and their culpability/agency.

Gray Zones

In this section the terms 'victim-perpetrator', 'gray agent' and 'collaborator' will be used to refer to those individuals who are transformed from victims into perpetrators or oppressors. They are people who under conditions of extreme domination subject their fellow victims to the same or similar levels of cruelty. The terms 'agent', 'oppressor' or 'persecutor' will refer to the individuals who are responsible for coercing victims into collaborating against their fellow sufferers. I will begin by outlining the principles of gray zones or gray areas before considering the rehabilitative capabilities of these concepts for cases like Karla Homolka.

One of the greatest evils threatening victims of oppression is the danger of becoming evil oneself, at least of becoming somewhat voluntarily complicit in evils perpetrated against others (Card, 2000:512).

This is precisely what occurs in gray zones.

Primo Levi (1988) used the term gray zones to describe the situation, as he saw it, within Nazi concentration camps, or the Lager as he refers to them. For Levi (1988: 41), gray zones were spaces of 'ambiguity' born out of 'regimes based on terror and obsequiousness'. In his chapter on gray zones, Levi provides an account of what occurred in the death camps. He describes how the harsh conditions and intolerable levels of deprivation led many prisoners to conspire with the guards by accepting positions of authority and responsibility over other prisoners. In other words, the victims became the persecutors. He explains: 'the network of human relationships inside the Lager's were not simple: it could not be reduced to the blocs of victims and persecutors' (Levi, 1988: 23).

Levi (1988) refers to those individuals who collaborated with the Lager authorities as 'privileged prisoners'. For the most part the functions they carried out were innocuous and gained them very little. However, judgment becomes more 'delicate and varied' Levi (1988: 29) argues, for those prisoners who assumed more commanding positions: the chiefs or the Kapos. The Kapos were given permission to inflict the worst kind of punishments on disobedient prisoners. Non-compliance with these duties would result in their own punishment and/or dismissal. As Levi (1988) explains: '...the harsher the oppression, the more widespread among the oppressed is the willingness to collaborate with the power' (Levi, 1988:28). It was not unusual then, Levi argues, for a Kapo to beat a fellow prisoner to death.

In terms of the responsibility of those who colluded with the 'enemy', Levi's position is firm: the greatest responsibility lies with the system itself. The guilt and culpability of the collaborators is harder to measure. If we were to decide that the collaborators are guilty, Levi (1988: 29) does not know of any 'human tribunal to which one could delegate the judgement'. Moreover, if he was forced to judge he 'would light-heartedly absolve all of

those whose concurrence in the guilt was minimal and for whom coercion was of the highest degree' (Levi 1988: *ibid*).

Women Misogyny and Gray Areas

Drawing upon Levi's (1988) notion of gray zones, Claudia Card (2000) analyses women's involvement in gray areas within the context of misogyny. Card prefers to use the term gray areas rather than gray zones as this suggests situations which are more open-ended than gray zones which, for her, imply enclosure (Card, 2000:514).

Based on Levi's account of the gray zone – he does not explicitly define it himself - Card (2000) believes that gray zones have three striking features:

First, their inhabitants are victims of evil. Second, these inhabitants are implicated through their choices in perpetrating some of the same or similar evils on others who are already victims like themselves. And third, gray-zone inhabitants act under extraordinary stress (Card, 2000: 517).

The ambiguity of these gray areas is implied not only because the individual is both a victim and an agent, but because of the 'extraordinary stress' they are under. This makes judging their guilt and responsibility even more problematic (Levi, 1988; Card, 2000). This 'grayness' according to Card has multiple sources. Firstly, there is the blurring of boundaries between evil and innocence. There are victims who have clearly suffered at the hands of their persecutors who, at this point, are regarded as passive/innocent. Yet, these 'victims' inflict harm and suffering onto others, who also did not deserve to suffer. Given the circumstances or context, however, their behavior is not judged or understood as comparable to that of their persecutors. This is because '...gray agents lack the same discretion and power to walk away (Card, 2002: 225).

As mentioned above, Card (2000:512) uses Levi's gray zone to discuss women's use of violence in a 'social context of misogyny'. Misogyny within this context refers to practices, behaviors, and socially created environments that are hostile to women and girls (Card, 2000). By drawing upon Levi's notion of gray zones, Card is not suggesting that it is possible to compare women's experiences of misogyny with the situations facing concentration camps prisoners. Card (2002: 221) accepts 'that the choices facing most victims of misogyny bear no comparison with choices that confronted camp or ghetto prisoners'. Her point, however, 'is not to compare degrees of suffering or even evil but *to note patterns in the complexity of choices and judgements of responsibility under severe moral stress*' (*ibid* emphasis added). Using Karla as an example, the aim here is to decide whether 'patterns' of restricted options and mitigated culpability are present within the lived experiences of victim-perpetrators. Further, should these constraints be taken into account when deciding upon the legal culpability of these gray agents?

Feminists have highlighted the historical and global victimization and sexual oppression of women in a patriarchal society (Beasley, 1999, see also Chesney-Lind, 2006). Yet women have been complicit in, and have routinely maintained, misogynist environments (Card, 2000). To put it differently, they have been involved in oppressing those who are already oppressed. The details of such atrocities are beyond the scope of this article (see Card, 2000, 2002 for a more detailed discussion).

Women's participation in these environments is not, according to Card (2000) always voluntary, but rather the result of oppressive and coercive situations. Gray zones emerge, then, when women who find themselves in oppressive and coercive situations with men (both on a structural and individual level) go on to abuse and subjugate other women. Put simply, '[w]omen...do patriarchy's dirty work' (Card, 2002: 219). Card (2000) is not suggesting that the majority of women are involved in misogynistic practices. In fact, she believes 'women's strongest bonds are with other women' (Card, 2000:512). However, notwithstanding women's solidarity, there are times when female victims are complicit in perpetrating evils against other women.

It is important though to distinguish between those women who face morally ambiguous circumstances, in which the choices available to them are complex and women who perpetrate acts of violence against other women whose choices are not gray (Card, 2000). Gray choices, Card (2000) argues, should not be extended to include the choices facing all individuals who are both victims and perpetrators of evil. To do so would mean including 'the choices of those who survive to take revenge...by doing to former torturers what was done to themselves, even though the retaliators are no longer in danger of suffering torture' (Card, 2000: 523). This behavior, as Card understands it, is not ambiguous nor is it 'morally difficult or complex' (Card, 2000: 524).

Morrissey (2003: 67) argues that battered women who kill are 'deeply perplexing'. This is because they are viewed as both victims and perpetrators. It is not clear in legal terms whether they are the responsible agents or individuals who have been forced to kill. Yet, they are not gray agents according to Card (2000). Their violence is not directed towards other victims of oppression. The target of their violence is their oppressors. The choices made by women in abusive relationships may not be clear cut. However, this uncertainty 'does not give us a gray zone in which the agent victimizes someone who, like herself, is already a victim or already a target of oppression' (Card, 2000:524) In a similar vein to Levi (1988), Card (2000, 2002) understands gray zones to consist of victim-perpetrators who are responsible for perpetrating atrocities against other victims.

Feminist criminologists have argued that the choices and options available to women are often limited by the material reality of their lives and this has obvious implications for their decision making process (Batchelor, 2005; Wesely, 2006; Ajzenstadt, 2009). For Card (2002), misogyny is one element which complicates women's decision making. Gray zones therefore complicate our understanding of the decisions people make under conditions of oppression (Levi, 1988; Card, 2000, 2002). For Levi (1988) gray zones also confuse our understanding of the moral position and legal responsibility of the victim-perpetrators. Indeed, as outlined earlier, under the conditions of state oppression, escape was not an option. The culpability of those acting under this type of oppression is therefore mitigated.

Gray Areas: A Recuperative Narrative?

The question I asked at the beginning of this article was this: can Primo Levi's (1988) concept of 'gray zones' resolve the paradox of the more complex of victim-perpetrators: the female victim who then victimizes other female victims. It was argued that an analysis which only takes into consideration Karla's position as a victim of male violence and oppression is every bit as reductive as one which dismisses the abuse she suffered at the hands of her abusive partner, as is the case in Thompson and Ricard's (2009) analysis.

Kilty and Frigon (2007) in their discussion of the case came to the conclusion that Karla's agency needs to be placed along a continuum, instead of simply constructing her as dangerous and autonomous.

'Grayness', according to Card's (2000) thesis, is based upon the blurring of boundaries between oppression and culpable wrongdoing. In the first instance there are victims (Karla) who have suffered at the hands of their oppressors (Paul Bernado). At this point the victims can be regarded as passive/blameless. However, these 'victims' then go on to subjugate other undeserving victims (Tammy, Jane Doe, Leslie Mahaffy and Kirsten French). These victim-perpetrators are not to be judged as harshly as their persecutors, as they have acted under conditions of extreme duress. The first two notions resemble Karla's situation: she was a victim who then victimized other female sufferers. The issue of the diminished responsibility of the victim-perpetrator is, however, slightly more problematic and requires further discussion.

To this end I will draw upon the work of Nancy Hirschmann. Hirschmann (1989: 1227) argues that obligation theory is based on voluntarist principles. Within this framework, '...obligation is a limitation on behavior, a requirement for action or nonaction, that the actor or nonactor has chosen or agreed to'. This uncritical interpretation of obligation theory, Hirschmann (1989) argues, is problematic and ignores the gender bias inherent within obligation theory. Here Hirschmann is referring to the '...cultural biases against women, which deny women opportunities for consent and pervert consent theory as a result' (Hirschmann, 1989: 1229). Under this line of thinking, obligation represents the limitations which can be placed upon an individual's behavior. Indeed throughout history women have been bound to a series of obligations and oppressions and have been denied opportunities to choose and create their own lives (Mackinnon, 1997). For Hirschmann (1989: 1241) then, "[o]bligation needs to be reformulated to account for...the very human experience of choicelessness, and for the fact...that choice exists in contexts".

Using Karla's narrative as an example, the choices available to her and the decisions she made need to be placed within the context of her lived experience of violence and abuse.

Coercion and relational autonomy

According to Hirschmann's analysis, obligation is based upon a relationship of power and domination, not simply one of voluntary consent (Hirschmann, 1989). This resonates with Levi's argument regarding the relational dynamics in the concentration camps. Hirschmann (1989: 1239) argues that: '[i]f obligation is viewed as a power relationship, being placed in such a relationship without active control over one's placement would seem to make such a relationship double coercive'. However on the issue of coercion Chapman (2008: 15) argues that '...the accused who seeks to use the established and recognized defence of duress must show that they were not complicit in bringing the coercion upon themselves'.

Perhaps the question that needs to be resolved, however, is whether escape - as opposed to avoidance - from oppression is an option for these victim-perpetrators? This was certainly the focus of Levi's (1988) analysis: the structure of state oppression experienced by the prisoners offered them no opportunity or avenue for escape. I will return to this issue shortly.

According to Chapman (2008), then, women have to prove that they were not responsible for bringing about the situations they find themselves in. In order to accept his argument we must adopt the feminist 'relational autonomy approach' (Sjoberg, 2008), which suggests that the choices and options available to women, living in a male dominated society, are constrained, thus impacting upon their autonomy (Wesely, 2006; Sjoberg, 2008; Ajzenstadt, 2009).

In line with Hirschmann's proposal, this approach reformulates the concepts of choice and obligation within such analyses thus recognising that voluntary consent does not work in everyday life. Indeed, there are many obligations in human lives that people do not choose, actively or passively (Hirschmann, 1989; Sjoberg, 2007).

For some it might be questionable whether this heteropatriarchal social structure impacted profoundly on Karla's life when she was 17 years-old. At this time Karla was a young, middle-class woman living at home with her parents in a non-abusive and stable environment. The material reality of her life at this point conflicts with our latter image of her as a trapped and vulnerable victim. However, Warren and Hazelwood (2002: 79) found that the characteristics of compliant female victim-perpetrators they interviewed suggested that 'the women were living conventional, stable and noncriminal lives before the initiation of the relationships that culminated in rather radical changes in their behavior'. This is how Karla characterized the development of her relationship with Paul Bernardo.

To deliberate on whether or not Karla could or could not have avoided the gray zone is not the point of this article. The aim is to evaluate if and how the concept of the gray zone may assist us in understanding the decisions victim-perpetrators make within these morally ambiguous spaces. Further, to evaluate whether this schema allows us to reframe defences like duress and diminished responsibility to accommodate the particular circumstances of those acting within gray zones. What we need to be asking is: should individuals be held accountable for the actions they take within gray spaces? What constraints are placed upon them within these morally gray spaces? Is complicity their only option?

It is possible to agree that by assisting Paul in the rape and murder of young girls Karla was complicit in maintaining misogyny. Going back to Hirschman's (1998) ideas about choice and autonomy, in order to understand the contradictory positions ascribed to Karla perhaps we need to place Karla's actions within a social structural and historical context of gender inequality and power imbalances within heterosexual relationships. Karla's involvement in the crimes is an example of the strategic ways women negotiate their survival in abusive relationships with men. Indeed, as mentioned earlier, Karla used her fear of Bernardo, her knowledge that he was the Scarborough rapist, and the abuse she herself suffered, to explain how and why compliance and complicity became her battery prevention techniques (Kilty and Frigon, 2007).

Feminist scholars have also questioned women's agency within the context of domestic violence and the options available to them if and when they decide to leave their violent partners (Howe, 2002; Radford, 1993; Dunn and Powell-Williams, 2007). Within the context of a patriarchal social structure battered women often lack the resources to just walk away. Not only does this resonate with Card's claim that gray agents lack the freedom to leave the situation. It also reminds us of Levi's (1988: 41) argument that gray zones are characterized by regimes of 'terror and obsequiousness' and the harsher the subjugation the more likely the victim is to collaborate with the authority.

The difficulty with Card's assertion that victim-oppressors lack the ability to walk away, when applied to the case of Karla Homolka, is that Karla did eventually leave. How is it that Karla managed to leave? Why did she not leave after the tragic death of her sister which occurred two years into their relationship? The use of the gray zone/area requires some degree of seeing the victim-perpetrators as unable to escape their situation. Of course it is equally necessary to consider how Karla viewed her position and why she felt unable to leave, this will be done in due course.

Whilst it may not be possible to compare women's experiences of misogyny with the experiences and the choices facing prisoners in the death camps, this does not mean that such an analysis is not useful. Applying the concept of the gray zone allows us to appreciate that sometimes the choices facing women are morally complex and that under conditions of extreme duress, women will engage in misogynistic practices. It is the 'grayness' of the situation which mitigates the legal culpability of the woman and speaks to her diminished capacity.

Drawing upon Karla's reconstruction of events, both at the time of her trial in 1995 and in her post release interview with CBC news in 2005, this next section will consider the 'gray choices' available to Karla and her own explanations for the choices she made. Does her behavior fit with the models described by Levi and Card?

Karla's court testimony

During her trial, after she had researched battered woman syndrome, Karla testified to her involvement in the crimes but claimed to have been acting under extreme duress. She stated:

Because I was told by Paul, and I knew from past experience that if I didn't do what he told me to do I would get beaten and have to do it anyway. It wasn't a case of saying "no" and just taking a beating, it was a case of saying "no" and being beaten until I did it (R. v. P. Bernardo, 1995: 661 cited by Kilty and Frigon, 2007:49).

As previously stated, on two separate occasions, Homolka was left alone with Kristen French. Homolka admitted that while she had contemplated releasing French, based on her fear of Bernado, she had ultimately decided against doing so.

The post release interview

In an interview with Joyce Napier (2005) following her release from prison, Karla maintained her claims of victimization and coercion:

I didn't initiate the crimes. I followed. What I did was terrible and I was in a situation where I was unable to see clearly, where I was unable to ask for help...I regret it enormously because now I know I had the power to stop all of that. But when I was living through it, I thought I had no power (CBC News and Napier, 2005).

Returning to the point made by Chapman (2008) regarding victims' roles in their own oppression. Karla may concede in retrospect that she could have taken control of the

situation. The point is, however, she did not view her position in this way at the time. At the time Karla did not believe that she had the power or 'free agency' to save the girls or to leave the situation.

Guilt and Responsibility

Murphy and Whitty (2006) believe that gray zones necessitate a consideration of different levels of responsibility. Given her secure and stable upbringing and the lack of any evidence of familial abuse, the consensus seemed to be that Karla would not have committed the crimes if she had not been under the influence of Paul. Does this mean then that her culpability should be mitigated? (Warren and Hazelwood, 2002 came to this conclusion with regards to the female accomplices in their research).

Levi's (1988) position on this is that the greatest blame lies with the persecutors. The guilt and accountability of the collaborators is harder to measure. Karla admitted to her involvement in the sexual assaults and the murders. By Kilty and Frigon's (2007) estimate, her actions are accounted for. However, in a rather different reading of the case, Pearson (1998) and Morrissey (2003) contend that, despite admitting to her involvement in the crimes, Karla presented herself as a masochistic victim who had been forced to participate and was therefore not as legally responsible as Paul. This is clearly illustrated in the following interview excerpt taken from her post-release interview in 2005.

Napier: When you think about it today, do you still see yourself as having been a victim back then?

Karla: First of all, everybody who says I had a role equal to him do not know the case. That's the first thing. And secondly, yes I was under his influence (CBC News and Napier, 2005).

Being a victim involves exoneration from responsibility. It also requires passivity and helplessness (Holstein and Miller, 1997 cited by Dunn and Powell-Williams, 2007). Karla was not simply passive and helpless. She was also active and sadistic. Does the acknowledgement of the offenders' coercion and victimization render him/her blameless? Levi (1988) argues that the behavior of the collaborators within the gray zone is not to be measured against the behavior of the persecutors. This is because these victimized agents have acted under conditions of 'extraordinary stress'.

Despite the 'extraordinary stress' facing women within gray areas these women are not blameless (Card, 2000). As a direct result of their actions other women have and will suffer. These women, in Card's (2000) opinion should be held responsible for inflicting harm onto others and for betraying their trust. It is precisely because of her gender that Karla's betrayal of other women is regarded as more appalling.

Oppressors...don't betray us because we don't trust them. Real betrayal comes with hard treatment from those we expect to be able to trust and count upon for assistance (Card, 2000: 516).

Speaking of the choices facing gray agents more generally, Card (2000: 523) suggests that such individuals '...may have little or no control over how one's life or one's power is used'. If we are to successfully use the concept of gray zones in cases like this we have to

believe that individuals have no control over the situation and that they have no option but to comply. In this instance, this means accepting Karla's version of events.

Conclusion

Notwithstanding the physical evidence of the final assault on Karla, much of what we are presented with is based upon Karla's own subjective interpretation of her situation. Our concerns regarding the authenticity of her testimony are exacerbated by reports that Karla spent time studying battered woman syndrome before appearing in court. Indeed, not everyone (see Pearson, 1998; Morrissey, 2003) was convinced by Karla's claims of oppression and victimization.

Yet, if we question Karla's subjective account of her victimization and complicity this then begins to suggest that there is an 'objective' standard of victimization and complicity against which individuals' actions and experiences can be measured.

As mentioned earlier, feminist criminologists have highlighted the importance of listening to women's subjective accounts. The result of feminist standpoint epistemology is that: 'we cannot impose an explanation upon women; and we must listen to her account with respect' (Pearson, 1998: 55). However, in this instance acceptance of Karla's subjective account was not entirely forthcoming (Pearson, 1998; Morrissey, 2003; Thompson and Ricard, 2009). The reliability of her narrative is compromised by her reconstruction of events. This transformation or reinterpretation of her role - from perpetrator to victim - was fundamental for the rehabilitation of her story. However, this recuperative narrative of victimization and endangerment did not suffice and Karla's actions remain positioned precariously between activity and passivity. This woman appears to occupy both positions - that of coerced victim and that of culpable agent - simultaneously.

As I suggested earlier, and keeping in mind Presser's (2009) notion of a 'narrative criminology', rather than dismiss Karla's personal narrative altogether we should draw upon it as an object of analysis in its own right, albeit as a reconstructed 'text' which may not correspond to an 'objective' reality. In order to accommodate the indeterminate and equivocal nature of human lived experience, as (re)presented and (re)constructed, writers (see Kohli, 1981; Rosenthal, 1991; Freeman, 1993) have developed the notion of a *verstehen hermeneutics*. Through *verstehen hermeneutics* individuals' meanings can be placed within a hermeneutic understanding thereby allowing us to broaden the phenomenological approach (Erben, 1998). In its crudest form, the phenomenological approach assumes that individuals have a complete understanding of their lives.

Verstehen hermeneutics, however, recognises the limitations inherent in individuals' abilities to have full or complete knowledge of their lives in some absolute or fixed format. The aim is to generate awareness of the ambiguity and incompleteness of individuals' interpretations of their lives by recognising that these are: tentative, fluid, and contextual; as opposed to fixed, universal or absolute (Riessman, 1993). As highlighted earlier, personal narratives - which are based upon individuals' subjective understandings of their lived experiences - do not produce an absolute or objective representation of reality/truth. We must remain cognizant of the numerous distortions and falsifications inherent within recollections and how individuals confer meanings on experiences that did not possess these meanings at the time of their occurrence (Freeman, 1993). Recollections, as Freeman (1993) argues, will be weaved into 'a whole pattern, a *narrative*, perhaps with a plot,

designed to make sense of the fabric of the past' (Freeman, 1993: 8 emphasis in the original).

In response to his own ponderings on narrative reconstruction, Freeman (1993: 11 emphasis in the original) argues that rather than viewing the fact that there is no absolute truth or objective reality out there to capture '...as an *impossibility* - a failure, or a stopping short, we should treat it as a *non-possibility*'.

We must remember that:

...when talking about their lives, people lie sometimes, forget a lot, exaggerate, become confused, and get things wrong. Yet they are revealing truths. These truths don't reveal the past 'as it actually was', aspiring to a standard of objectivity. They give us instead the truths of their experiences... (The Personal Narratives Group, 1989:261 cited by Riessman, 1993:22).

It is my contention that these issues need to be taken into account when we consider Karla's own narrative of her life. To simply rebuff her interpretation of events is problematic and unreasonable. It is important to remember that this account (of victimization and acquiescence) was accepted by both the medical and legal professions.

Final comments

By taking into account Karla's 'grayness' her culpability and her agency for her crimes are not being revoked. Rather, they are mitigated by her victimization and her coercion. This case illustrates the difficulty in trying to attribute violent women with complete responsibility for their actions or conversely, absolving them of any accountability (see Peter, 2006). It is not completely apparent where coercion ends and agency begins. By utilizing the concept of gray zones, we are able to develop a more nuanced understanding of the complicated relationship between victimization and agency.

The aim of this article was to consider whether or not Primo Levi's (1988) concept of 'gray zones' offers an alternative 'recuperative' narrative in cases of victim-perpetrators. In response to the question I posed at the outset, I do not feel that Levi's concept provides a *complete* rehabilitative story. Levi's (1988) analysis dealt with the structure of state oppression which offered prisoners no opportunity or avenue for escape. Thus their complicity is accounted for. However, this was not necessarily the case for Karla. She could, and did, escape her situation. So whilst it may not be possible to fully compare women's experiences of violence and oppression with the experiences of concentration camp prisoners, using Karla as an example, I believe that 'patterns' of restricted options and mitigated culpability are present within the lived experiences of victim-perpetrators. I also contend that these constraints should be taken into account when deciding upon the legal culpability of these gray agents.

Drawing upon the concept of gray zones helps us to understand the complex relational dynamic between criminal victimization and oppression on the one hand, and agency and criminal responsibility on the other. Gray zones imply that individuals can be held legally culpable for their actions, whilst their moral agency is mitigated by their coercion. Gray zones move us away from focusing of whether or not victim-perpetrators could have

avoided their oppression (Chapman, 2008) towards dealing with choices/options facing victim-perpetrators in these morally ambiguous spaces.

In line with Hirschmann's (1989) recommendation, gray zones reformulate the concepts of consent and obligation and highlight that choice exists in particular contexts. Hirschmann argues that we need to examine the conditions in which choices are made but also the construction of choice itself. Accordingly, the questions we need to be asking are 'what choices are available and why, what counts as a "choice", who counts as a "chooser", and finally, "how is the choosing subject...created and shaped by social relations and practices' (Hirschmann, 2003:202).

Using this case as an example, the choices available to Karla were limited, according to her own narrative her consent was not given freely: Karla felt obligated to comply with her husbands' demands. Gray zones help us to determine how the choosing subject is created and shaped by social interactions and institutions. Gray zones also necessitate a revision of the defences of coercion and diminished responsibility to accommodate the more exceptional behavior of those acting in gray zones.

Perhaps we should follow Mahoney's (1994: 62 cited by Hirschmann, 2003: 131) advice and redefine the meaning of agency from viewing it as the 'absence of oppression' to regarding it as 'acting for oneself under conditions of oppression'. This is what occurs in gray zones.

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