

Constructing Whiteness: Identity and Imagery in the Legal Battle of  
*State of Florida v. Casey Anthony*

By  
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## *Dedication*

To the intelligent, beautiful, and sharp West Indian women in my family. We are, indeed, a strong people.

Constructing Whiteness: Identity and Imagery in the Legal Battle of  
*State of Florida v. Casey Anthony*

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I use the articulations of whiteness narrated by the prosecution and defence, in the high-profile, capital murder trial of Casey Anthony, as the focal point from which to begin my analysis, by looking at how both victim and perpetrator statuses were ascribed to (the body of) Casey Anthony.

In particular, I use the courtroom constructions of Casey Anthony to examine how the defendant was framed through discourses of whiteness and femaleness/femininity. These discourses were themselves subject to different interpretations and functions by both counsels in the two prominent texts describing the Anthony case: *Presumed Guilty – Casey Anthony: The Inside Story* by Jose Baez and *Imperfect Justice: Prosecuting Casey Anthony* by Jeff Ashton. Through close readings of these texts, which together form the data set for this thesis, I assess how one narrative upholds an assumed, hegemonic social norm concerning the un-criminalised status of white womanhood, while the other narrative serves to destabilise that norm by “trashing” Casey Anthony’s white, feminine identity.

March 2016

## *Acknowledgements*

I made it to the end without accepting defeat ... and yes, I might even do it again.

Foremost, I am indebted to those who have contributed, at all levels, to this thesis research and to my accomplishment of graduating with a Master of Arts degree in Criminology. This document serves as an extension of all OUR collaborative efforts. The glory does not rest with me alone.

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I begin this project by briefly reflecting on my own experience to offer a situated, critical analysis of American culture and the criminal justice and legal systems in which raced or racialised<sup>1</sup> and gendered identities are decisive factors in placing and assessing criminal accountability, even though these aspects of identity<sup>2</sup> are often left unspoken. More specifically, I look at what the Casey Anthony case tells us about the interrelated dynamics of identity, imagery, and innocence<sup>3</sup> in this high-profile capital murder case. I endeavour to show that while jurors may not have an explicit preference for acquitting particular bodies, they may have instinctive, subliminal, raced, and gendered-based responses that do just that. Not only do we lack the ability to challenge our own mental limitations with more considered, deliberate, and critical evaluations, but we are reminded with the final verdict that a seemingly intangible concept such as “crime” or “criminality” has strong associations with certain (racialised) bodies that often exclude white,<sup>4</sup> female bodies like Casey Anthony’s (Alexander, 2012; Havis, 2013).

I was introduced to Casey Anthony’s story during a vacation in Aruba in the summer of 2011. My grandmother, mother, sister Aqiyla, and I gathered together – three generations of racialised women – to watch the trial of a white woman accused of murdering her child.

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<sup>1</sup> Following Darryl Leroux’s (2011) understanding of racialisation, I consider the definition of being racialised in my own assessment of racialised bodies. Racialisation is a social construct, a process of race-making, attributed to different populations whereby practices of racism, racial identities, and different groups of people are formulated and constructed as “Other.”

<sup>2</sup> Identity goes beyond one’s place of residence and citizenship; it involves a way of being, a sense of place and belonging. More specifically for Stephanie Shields (2008), identity is the social categories in which “an individual claims membership as well as the personal meaning associated with these categories” (p. 301).

<sup>3</sup> A verdict of not-guilty does not indicate innocence. It can mean that the prosecution did not prove guilt to the standard required by law – beyond a reasonable doubt. In my work, however, I use “innocence” to purport “not-guilty” for simplicity’s sake.

<sup>4</sup> I use the term “white” to signify the racially dominant group of persons from Anglo-European descent. Being (deemed) white, given the advantages, dominance, and privileges that whiteness conveys, is white people’s greatest asset and it is from this premise that “white” is explored in this thesis.

Having been born on the Dutch Caribbean island of Curaçao and having lived in Trinidad for a significant period prior to immigrating to New York City many years ago, my grandmother, like millions of Americans, became intrigued and alarmed by this case – giving up pleasant moments on Aruba’s white sand beaches to secure herself in front of the television as she watched the trial unfold. The Casey Anthony trial soon became inescapable for us, with many television stations reporting the case live. Witnessing my grandmother’s unbending fascination with the case, I knew she only wished that she could have been her own jury with the sole power to convict Casey Anthony of murder in the first degree. I can clearly recall the witty nature of my mother’s stern response to my grandmother’s refusal of beach relaxation; with her distinct Trinidadian accent, my mother pleaded: “I did not come all the way to Aruba to watch Casey Anthony; I can watch Casey Anthony when I get back to Montréal.” However, as details of the case continued to be broadcast, and the scandalous behaviour of Casey Anthony became more publicly dissected and scrutinised, my mother, Aqiyla, and I became similarly invested, and alongside my grandmother, we watched the case unfold.

*If Casey Anthony was African-American or Hispanic (a man ... and poor), the verdict might have reflected an entirely different view. Had Casey Anthony only been a young African-American woman on welfare, surely we would have asked: “Where’s your baby daddy at?” Were she anything but white, no doubt, we would have ghettoised, then convicted, AND then executed her. These thoughts, lending themselves to a different conversation altogether, scurried through my mind as we watched the recounting of the crime as well as the*

reiteration of whiteness<sup>5</sup> as a position of cultural privilege within the criminal justice system. My family and I reflected on the racialised human experience, always in contrast to the white experience, which is (and has been) shaped by racial privilege. I am aware that American citizenry is characterised by, and differentiated along, lines of race – whiteness and blackness or “Otherness” – and that those who do not occupy a place of white privilege are treated as lesser: as without value and integrity. Within this white-black/“Other”<sup>6</sup> paradigm which organises racial discourse, the white identity is constructed and the context of whiteness is defined and maintained. This dominant, dualistic paradigm has an enormous effect on American discourses on race, criminal justice, law and order, and the legal system, reproducing what is perceived to be a white privileged nation – one that Casey Anthony clearly embodied.

My family and I briefly pondered our place and space in the world during the trial of Casey Anthony, and, conversely, our ability to imagine what it means to be racialised women and innocent victims in the criminal justice system. The notion of being both “racialised” and “innocent” did not fully converge. Innumerable sources continue to argue that racialised subjects do not hold the liberty of exercising the same benefits and sympathies that are generally given to those who are, simply put, white (Barak, 2004; Barak et al., 2010). Though my family and I anticipated a conviction for Casey Anthony, the habits and general pattern of American culture concerning white subjects, especially

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<sup>5</sup> Whiteness refers to what Matt Wray (2006) defines as the psychological and cultural advantages and the economic, social, and political privileges of having white or light-coloured skin (p. 5). Whiteness is not merely an identity but more of a practice and process, a constantly shifting location that elevates white people (Levine-Rasky, 2002; Wray, 2006). While I do speak of “white” and “whiteness” as somewhat separate categories or terms, I must note that the link between the two cannot be denied.

<sup>6</sup> Only by recognising and addressing the idea of “Otherness” in relation to white bodies can the construction of cultural and social identities come to be understood as factors in defining a person or group as insignificant (Smith, 2010, p. 51).

women of particular family and social backgrounds, reminded us that a guilty verdict in this case was not certain. We recognised that social and legal strategies exist that multiply the privileges of young, attractive white women in their engagement with the law and the judicial courts, particularly in absolving them of criminal responsibility. As we sat together in Aruba, a land once colonised by the Dutch, and watched this capital murder trial, we continued to witness not only Casey Anthony's story transpire, but also the inescapable and systematic reaffirmation of race and gender privileges within the American criminal justice and legal systems.

As my interest in the Anthony case developed, I was increasingly captivated by the way many Americans publicly condemned and convicted Casey Anthony before jurors were empowered to officially render a verdict. The freedom the internet gave Americans to voice their outrage told me that after watching countless interviews and reading web-based blogs, the formal verdict remained (and still remains) incongruent with what many members of the public believed (and still believe) to be the "truth." Though Casey Anthony was found not-guilty, she appears to remain guilty in much of the public's perception. Most people responded to the story with anger, and this rage only elevated as the case aged, reaching its climax with the verdict. This public uproar is an illustration of the passion that erupts when it appears that jurors simply did not "get it right."

As a racialised, Canadian woman with strong family ties to the United States, I see the historical experiences and injustices suffered by other racialised persons in the United States from a unique vantage point. This perspective allows me to develop a critical assessment of the ways in which whiteness and femaleness permeated the body of Casey Anthony to help produce a not-guilty verdict, despite overwhelming public support for her

guilt. My thesis interrogates constructions of whiteness and white femininity and uses such discourses to examine the ways in which Casey Anthony is situated amongst a certain demographic: white women (from particular class and social backgrounds) who have, historically, enjoyed tremendous privilege within existing social hierarchies, including the criminal justice, legal and social spheres (Stabile, 2006).

## **Thesis Introduction**

This thesis explores white supremacy in a criminal justice context to examine how the construction of white femininity as non-violent and non-criminal informs the discourse on victimhood – which is inherently raced – and how this construction, intersecting with other systems of domination such as age, beauty, and (hetero)sexuality, adds to the complex ways in which power and privilege were deployed (in the courtroom) during the trial of Casey Anthony. To support this argument, I address how both “whiteness” and “Otherness” were conflated, revealed, and communicated within the same individual to either support or neglect dominant scripts of white femininity, thereby producing hegemonic ways of seeing, consciously and unconsciously. Because criminality and victimhood are contingent on and conflated with racial identity, we see in the Anthony case that it became crucial for Casey Anthony to remain white, to be identified and seen as white, and to have (access to) the advantages and property<sup>7</sup> that being white brings with it.

My research dissects the multiple and interdependent ways in which whiteness in the case of the *State of Florida v. Casey Anthony* (henceforth: *Florida v. Anthony* or the Anthony case) was constructed, articulated, and put into service by counsels for the prosecution and defence. To do this, I studied the two prominent texts written about the case: *Presumed Guilty – Casey Anthony: The Inside Story* by Jose Baez, the defence attorney, and *Imperfect Justice: Prosecuting Casey Anthony* by Jeff Ashton, the prosecuting lawyer. My analysis of these narratives in relation to Casey Anthony’s social location was framed by an

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<sup>7</sup> Property, in this context, goes beyond its popular usage. Here, the term means intangibility: liberties, privileges, advantages, opportunities and the like. Property is a right, not a thing – metaphysical not physical (Harris, 1993, p. 1725). According to Steve Garner (2007), such rights and expectations are based on membership to the white race, and access to resources and opportunities not always or, particularly, available or offered to people of “Other” races (p. 29).

examination of how intersecting discourses of race and gender operated within an overarching logistics of whiteness.

I have used this thesis as a canvas to deconstruct white supremacist discourse and complicate whiteness by tracing the various ways that legal counsel constructed Casey Anthony through inter-connected and, oftentimes, overlapping raced and gendered discourses. Moreover, I examine systems of privilege by demonstrating how whiteness and power were mobilised across multiple discursive channels throughout this case. To do this, I address the effects of a hierarchically-structured American society that orders race and gender, and how such hierarchies are integral to ways in which constructions of whiteness and femaleness are received in American society. Through this analysis, I reveal how prevailing ideas about womanhood and the mainstream myths of whiteness are used to frame particular ideologies and epistemologies about white women.

This research argues that raced and gendered discourses most often reaffirm existing understandings of identity rooted in white supremacy and retrace existing ways in which we label particular bodies as either “criminal” or “victim.” These bodies and the meanings that adhere to them are then used as legal evidence to corroborate and sustain legal narratives. An examination of American criminal law’s “rootedness in structures of privilege” (Byers, 2010a, p. 44) allows me to ask: how were notions of whiteness (and white femininity) mobilised in the books published by prosecuting and defence counsels after the completion of Casey Anthony’s capital murder trial?

## **Emergence of the Anthony Case & Trial**

Casey Anthony's story gained notoriety in 2008 with the disappearance and death of her daughter. Although an enormous amount of material has been devoted to the case and trial of Casey Anthony, the following synopsis of the Anthony case was developed largely from information gathered through Biography, CNN, and USA Today.

### *Casey Anthony: The Early Years & Background to the Trial*

Born on March 19, 1986, in Warren, Ohio, Casey Anthony<sup>8</sup> was a bright and personable young girl. When Casey was three years old, she relocated to Hopespring Drive in Orlando, Florida with her parents, George and Cynthia ("Cindy"), and her older brother, Lee Anthony. On August 9, 2005, when Casey was 19 years old, she gave birth to her daughter, Caylee Anthony, in Orlando. She and Caylee lived in the Anthony home where Cindy, a practicing nurse, became Caylee's primary caregiver.

Casey was known to fabricate stories. Her friends stated that Casey's interest in telling lies emerged when she was in high school. When she was nineteen, Casey put on weight and her parents suspected she was pregnant. Casey denied it, convincing them that she had not engaged in sexual intercourse and, therefore, could not be with child. Seven months into her pregnancy, she finally confided in her parents. However, the identity of the baby's father remained (and continues to be) a mystery. Casey pointed to various men as the baby's father, and she also claimed several times that her daughter was conceived after she was drugged and raped at a party. However, these allegations could not withstand serious criticisms by the media and the prosecution (Casey Anthony Biography, 2014).

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<sup>8</sup> Throughout this section, I will address Casey Anthony as simply "Casey." This is done to achieve conciseness and fluidity.

In another reported incident of deception, Casey claimed she was working at Universal Studios, a local theme park, as an event planner; investigators later discovered this was a lie. During the two years before “the Anthony case” became a nation-wide sensation, Casey left the family home every morning as if she was employed. Although nobody has ever discovered exactly what Casey did to occupy her time each day while she was away from the home, the evidence suggests that she enjoyed a full social life. After Cindy saw a photo online of Casey at a party in mid-June 2008, she accused Casey of being an unfit mother and threatened to get custody of Caylee. The following day, Casey left her parents’ home, supposedly taking Caylee with her. Reportedly, this was the last day Caylee was seen.

#### *The Anthony Saga: The Case & Investigation*

On June 16, 2008, when Caylee was almost three years old, Casey, then twenty-two, was reported to have left the family home with Caylee to visit the child’s nanny, twenty-five-year-old Zenaida Fernandez-Gonzalez (referred to as “Zanny” throughout the case). When questioned, both Cindy and George Anthony confirmed that their daughter had informed them that she was bringing Caylee to be cared for by Zanny. During the initial interrogation, Casey mentioned she had tried to phone Zanny, but the phone was turned off and later disconnected. That same afternoon, Casey was captured on video surveillance at a Blockbuster store renting a movie with her boyfriend, Anthony “Tony” Lazzaro, whom she had met on Facebook; they later spent the evening together at his home. Telephone records confirm that Casey spent the next several days at Lazzaro’s apartment. On June 27, Casey abandoned her car at the Amscot car lot; it was towed away three days later. Since Casey

was not entirely forthcoming with information, her reasons for disposing of her vehicle were unclear.

For the next thirty-one days, nobody heard from or saw Caylee. Several reports from counsels mentioned that Cindy frequently asked Casey about Caylee, urging and pleading to be allowed to see her granddaughter. Despite the repeated requests, Casey was resistant and refused to allow any interaction between her mother and daughter. Supplying vague excuses, Casey noted that she was too busy to see or talk with her parents each time they telephoned her. Throughout this time, she also claimed that her daughter was being properly cared for by Zanny to reassure her parents that they had nothing to worry about. Her parents were patient for the most part, hoping their granddaughter would soon be brought home. During this time, Casey forged multiple cheques from her friend Amy Huizenga's bank account. This would be an important element in Casey's multiple arrests.

On July 13, George, a former law enforcement officer, noticed a certified letter from Johnson's Wrecker Service attached to his front door, informing Cindy and him that Casey's car was in a tow yard. At the lot, George told the tow yard employee that he feared Caylee was dead inside the trunk, as he and Cindy had not seen her in over a month. His fears seemed to be acknowledged by an offensive and pungent odour emanating from the trunk of the car, a smell later described as that of organic matter decomposing (i.e., a dead body). However, evidence later suggested that the smell might have come from a large white kitchen bag of garbage found in the trunk of the car, decomposing in the Florida heat.

With help from Huizenga, Cindy tracked down Casey at Lazzaro's apartment on July 15 and brought her home. She then telephoned the Orlando Police Department to report

that Casey had stolen a vehicle.<sup>9</sup> Confusing as this account may seem, Cindy's rationale for contacting law enforcement about a "stolen" car was a ploy to get through to Casey "that she meant business," in the hopes of obtaining information about Caylee's whereabouts. Casey spoke to an operator and admitted that she had not seen Caylee for more than thirty days. Later that afternoon, Casey broke down, telling her mother and Lee that she had left Caylee with Zanny in Orlando on June 16, and that the nanny had kidnapped her daughter (Baez, 2013, p. 9). After Casey's admission, Cindy contacted the Orange County Sheriff's Office once again, this time to file a missing child's report. Casey's friends and family had never heard of Zanny, and detectives later discovered that there was, in fact, no nanny.

After a fruitless search and multiple interviews with family and friends, the investigators came to believe that Caylee had been a victim of a homicide – a crime committed by Casey. Casey was arrested on July 16, 2008 for suspicion of child neglect, providing false official statements, and obstruction of an investigation. On July 17, an air sample was taken from the trunk of Casey's car, and a cadaver dog picked up the scent of decomposition. Law enforcement officers also found hair, a stain (the origin of the stain was not confirmed), and a bit of dirt in the trunk. As the search for Caylee intensified, Casey came under increasing scrutiny by the press for her actions in the days prior to Caylee being reported missing, including partying and getting an "irreversible" tattoo that read *Bella Vita* – "beautiful life" – in Italian (Ashton, 2012, p. 280). These actions were interpreted as signs of her guilt, with the tattoo seeming to indicate that she felt she could now live the "beautiful life" unattached her child. Many of the sources discussing the case in

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<sup>9</sup> In fact, the reported "stolen vehicle" was Casey's towed car which she had abandoned.

the media reported that Casey was widely viewed as narcissistic and promiscuous, fuelling the fires of public sentiment against her.

A grand jury convened on October 14 and Casey was indicted on capital murder charges and taken into custody. While Casey was in jail awaiting trial, Caylee's bodily remains were located on December 11 by Roy Kronk, a meter reader, in a forested area approximately a mile from the family residence. Duct tape was discovered covering the mouth of the skull, and the case was immediately ruled a homicide. However, the cause of death could not be determined due to the amount of time the body had remained in the area undetected and the resulting decomposition of the remains. Nevertheless, Casey was indicted on charges of first-degree murder, aggravated child abuse, aggravated child neglect, and four counts of providing false information to the police. In April 2009, the prosecutorial team stated that they would seek the death penalty against Casey.

*Florida v. Anthony: The Trial & Infamous Verdict*

Many newspaper, radio, and television programs like *Geraldo Rivera, True TV*, and *Nancy Grace*, as well as various social media sites, followed this case. It was *the* topic of the day, especially in the United States, almost every day from 2008 to 2011. The case was described as the "trial of the century" by several social media sites. One major cause of the worldwide media attention was the fact that Caylee had been missing for thirty-one days before a police report was filed, but another common thread in the public's fury was that Casey was a failed mother and possibly a murderer. At one point, the media reported that Casey was "the most hated person in America." Because of the case's popularity, it would have been unrealistic, perhaps even impossible, to find jurors who had not heard anything

about the case in the county of Orlando, making a fair trial unattainable. For this reason, the judge and lawyers for both counsels travelled to Pinellas County, Florida to attempt to pick an unbiased jury from a population that would be less tainted by the pre-trial publicity and media coverage. On May 9, 2011, jury selection began. A jury of ten whites and two blacks, seven women and five men, was sworn in after the two-week selection process; they were transported from Pinellas County to Orlando at taxpayers' expense and were sequestered inside a hotel for the duration of the trial.

On May 24, three years after the mysterious disappearance of Caylee, the televised capital murder trial of *Florida v. Anthony* began with opening statements from counsels for the prosecution and defence. Cable news channels aired the trial live; Americans were captivated by "Tot Mom," as Nancy Grace coldly put it, or "Baby Killer" as the protesters labeled her (Bello & Welch, 2011). The burden of proof rested with the prosecution team to prove their theory that Casey suffocated Caylee by placing duct tape over the child's mouth and nose and wrapping her in a Winnie the Pooh blanket. Furthermore, prosecutors argued that Casey placed Caylee's body inside two laundry bags, kept her inside the trunk of her car, and later discarded her in the wooded area near the family home. This circumstantial case hinged heavily on Casey's behaviour during the thirty-one days her daughter was missing. The prosecution argued that Casey was a callous liar who murdered her daughter to remove herself from the responsibilities of motherhood and lead a carefree life. They also presented evidence, such as internet searches for the toxic chemical "chloroform" on the Anthony's home computer, to confirm that the crime was premeditated (Casey Anthony Biography, 2014).

Counsel for the defence iterated a different narrative with the aim of creating reasonable doubt. Casey's attorneys claimed that Caylee had accidentally drowned in the family pool and that George covered up the death so that Casey would not be charged with child neglect.<sup>10</sup> Additionally, defence counsel argued that due to a history of family dysfunction,<sup>11</sup> Casey grew up learning to lie (i.e., cover up secrets) and to live in denial. The defence claimed that Casey was terrified of her father and, consequently, did not report him covering up the accidental death or even her own alleged sexual abuse. George denied both accusations<sup>12</sup> that were made against him; meanwhile, Casey did not testify during the trial because the defence decided it might be too risky during cross-examination. On June 30, the defence rested their case by informing jurors that no one, including the prosecution, would ever be able to answer how Caylee died because the evidence the prosecution had presented could not confirm Casey's involvement in the death of her daughter.

As *Florida v. Anthony* unfolded, many believed Casey was guilty; however, the jury evidently had a different opinion. Legal analysts and court watchers suggested that, despite the seemingly endless sensationalism surrounding the investigation and trial, the prosecution's case simply did not prove Casey's guilt "beyond a reasonable doubt" because no forensic evidence – DNA or fingerprints – directly linked Casey to her daughter's death. With nearly one hundred different witnesses and a few hundred pieces of evidence presented during trial, the entire case took roughly one month to be heard and only half a day for a verdict to be rendered. To be more accurate, ten of the twelve jurors rendered a

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<sup>10</sup> Defence counsel argued that George disposed of Caylee's body in the wooded area near the family home.

<sup>11</sup> It was alleged that Casey had been sexually abused by George since she was eight years old, and that her brother Lee had made sexual advances towards her. This was never confirmed. The possibility that George may be the father of Caylee was considered; a DNA test quickly ruled this out.

<sup>12</sup> The sexual abuse allegations, and discarding Caylee's body.

verdict within ninety minutes of deliberation; the remaining hours were spent convincing the two “holdout” jurors to acquit the defendant (Ashton, 2012, p. 318).

Hundreds of people gathered in front of the courtroom for the verdict. Many court watchers were expecting Casey to be convicted of murder and were stunned by the verdict rendered by the jury. Still loathed by the American public, with some comparing the surprising verdict to that of the O.J. Simpson case (Bello & Welch, 2011), Casey Anthony was found “not-guilty” for the murder of her daughter, Caylee Anthony, on July 5, 2011, in the Court of the Ninth Judicial Circuit, in and for the state of Florida.

### **Overview of Chapters**

This thesis is organised into nine chapters, each of which addresses a compelling area of discussion, research, and/or analysis of the raced and gendered underpinnings of the Anthony case. In chapter three I begin with a review of major scholarship on criminalisation, race, racism, and the legal system to situate my own work within existing research. I synthesise the literature on the adversarial trial system in the United States by challenging and making observations on the more orthodox approaches to law. Subsequently, I discuss the discourses surrounding the white trash narrative, using my research to examine how this narrative works to identify, catalogue, and marginalise “different” white individuals.

The theoretical framework that guides my research is explored in chapter four. I employ a critical discussion of theories in critical race and intersectionality, alongside a discussion of white supremacy and white privilege – which uses an interlocking framework. Furthermore, since I use (and refer to) the discourse of white trash in many

ways as a theoretical frame, the white trash narrative is further examined to help me put the prosecutorial narrative into perspective for closer analysis.

Following a theoretical discussion to establish the premise for my analysis of Casey Anthony, chapter five explains the research methodologies and methods employed in this study. My data-collection section describes the research process to highlight how each step in the process contributed to my critical discursive understanding of the Anthony case, the reasons for choosing my data set, and how I organised my data.

Chapter six, "Contradicting Discourse: Whiteness," (re)positions whiteness within particular spaces of privilege. The task in this section is to trace how the narratives for prosecuting and defence counsels are linked to discourses of whiteness. Moreover, by discoursing whiteness, I complicate notions of race by demonstrating how whiteness is a socially constructed variable. I argue that counsels' constructions build two distinct stories of the defendant: one in which Casey Anthony's ownership to whiteness is reinforced and reproduced, and another in which her alleged claim to whiteness is undermined or altogether neglected.

In the next chapter, "Contradicting Discourse: Femaleness," I examine the discourse on hegemonic femininity and its subscription to dominant gendered ideologies. By acknowledging that gender is a construct that operates with(in) discourses of race and privilege, I contend that the construction of the white woman casted as "victim" pervasively intersects with notions of patriarchy, (hetero)sexuality, and white supremacy.

In chapter eight, "The Un-criminalisation of White Womanhood," I argue that Casey Anthony's non-criminal identity is shaped around hegemonic definitions and illustrations of white womanhood, which has helped position her within a place of intersecting white

privileges. I further contend that truly understanding this case requires addressing and examining systems of white domination, and how racism and sexism have functioned symbiotically to create the context in which Casey Anthony's "innocence" can be explained. Suitable directions for future research are also highlighted.

I conclude this research with a postscript that explores "Researcher Situatedness." I discuss the category of race as a lived, dynamic identity that, in many cases, requires constant performance, and I address my concerns with discursing race as a racialised woman. Finally, I pay acclamation to the scholars who have advanced my knowledge of whiteness in support of hegemony so that I can offer my own robust and sophisticated critique to the Anthony case and its sociocultural legacy.

This chapter reviews the literature on the legal processes of the adversarial criminal trial. I devote a section to a review of scholars whose writings focus primarily on white trash culture to help address the roots of white supremacy and the racial politics that (re)shape and destabilise the status of whiteness.

### **The American Criminal Trial and the Mythological “Rule of the Law”**

I engage with different literatures that address and focus on the law; in particular, I discuss two sets of scholarship that “imagine” the law quite differently. For more traditional approaches to the law, the criminological literature appears to accept the “myths” the law tells about itself: the court decides matters of “fact,” the law is just, not embedded in systems of oppression, and determined by persons who are fair, justice is blind, the law proves guilt and innocence, conclusions are based “beyond a reasonable doubt,” and we are all accorded equality before the law “with no privileged or subordinated castes” (Kennedy, 1997, p. 136). Critical socio-legal scholarship, in contrast, calls out the law by arguing these myths root the law in the maintenance of systems of privilege and oppression so that we come to understand the law, like most things, as not an absolute “truth” and that there is no “law” outside the stories we tell about the law.

Writing from a more traditional lens, Cotton (1955) argues that the legal process is a performance that depends wholly on the mechanics of the prosecution and defence’s presentation and is “designed to extract a story about an event that took place in a previous time and space” (p. 4). The practice of telling “two sides to every story” is reflective of the American adversarial prosecution-versus-defence legal framework. In Goodpaster’s (1987) study of the American trial system, he concludes that the most common view of the

American trial system is that, in matters relating to human conduct, it is the “best truth-finding system we can devise” assuming that the “principal issue of an adversary trial is to discover ‘what happened,’ ... and that a competitive contest over what happened is the best way to accomplish this goal” (p. 122).

As Rapping (2003) claims in her research on the politics of representation, the courtroom is a dramatic arena in which the questions asked and answered give very particular “spins” to those whose voices are represented, and those whose voices are marginalised or silenced (p. 159). The power exercised in the courtroom is governed by the way stories told by lawyers are transmitted through normative discourses rooted in particular “truths.” The stories, argues Riessman (1993), are constructed, “creatively authored, rhetorical, replete with assumptions, and interpretive” so that they correspond to a specific way of *telling* truth (p. 4–5). Moreover, in analysing high-profile crime cases, Chancer (2005) explains that in the interest of discovery, “the side of the defence is divided from that of the prosecution” (p. 116). Chancer (2005) writes that “evidence starts to be amassed, and merits/demerits to accrue” on either side (p. 116). “‘Facts’ are ‘proven’ dialectically through a complex process of persuasion,” explains Goodpaster (1987); this generally takes the form of a “dramatic contest aimed at shaping two mutually inconsistent interpretations of common data” (p. 119).

Cotton (1995) describes how counsels attempt to construct competing perspectives of the defendant to persuade (or manipulate) jurors, judges, and, less directly, the general public to accept their constructions (p. 3). Similarly, Chancer (1998) outlines how all high-profile trials are “structured around the taking of antagonistic sides” (p. 101–02). The trial, Chancer (1998) explains, is organised along the presupposition that only one side can “win”

and the other must “lose” as “verdicts of guilt or innocence are routinely expected” (p. 102). Since public attention and interest is focused not only on the crime, but also on the trial itself, perceptions are structured around this antagonistic “either/or” outcome and justified given the rules of the game by which these cultural institutions operate (Chancer, 1998, p. 106).

Critical race scholarship denounces the supposed “truths” and “facts” of the current legal system – such as the law is a contest of equal adversaries. Nunn (2000) is one scholar who criticises the law as a Eurocentric enterprising system. He explains that the law creates “a particular *type* of culture” which is seen as the “driving force behind racism, colonialism, and group-based oppression” (p. 429). Therefore, the legal system, more than a simple “battle” between counsels, is designed to criminalise those who do not fit particular cultural standards. A contrasting African-centered perspective reveals the intrinsic, “hidden relationship between white supremacy and law in the Western cultural context” (429–30). In light of critical race theory, Nunn’s work illustrates three concrete ways in which law contributes to Eurocentric hegemony:

First, law ‘controls the beast,’ by organising and directing white institutions and cultural practices. Second, law ‘polices’ white culture. That is, it operates to help determine which ideas and practices are valued in that culture and which can be identified as threats subject to the use of coercion or force. Third, law works to legitimate white institutions and practices by helping to place the imprimatur of universality on European practices and champion the desirability and inevitability of white dominance. (p. 432)

By analysing the Eurocentric approach, Nunn demonstrates that when the white majority in the United States wants to “ostracize, control, or mistreat a group of people perceived as different”, laws are passed to make the act “legal” – i.e., an immigration law, a zoning law, or a criminal law (p. 433). What is then perceived to be the “instrumental function of the law”

ensures that “the world is structured and organized according to Eurocentric principles” (p. 433). In the same breath, Nunn (2000) argues that Euro-centricity is ingrained throughout the law, spreading white ideology in order to organise and maintain white society and white privilege. Visano (2002) buttresses this point nicely by writing that the law “allows particular understandings of whiteness to materialize” so that we can appreciate that the law is used, negotiated, and enacted in cultural form (p. 211).

Alexander’s (2012) “The New Jim Crow: Mass Incarceration in the Age of Colorblindness” offers one example of critical race scholarship that looks at the inherent “biases” and “privileges” within the legal system while arguing that the system “bears little resemblance to what happens on television or in movies” (p. 59). The rules of the law concerning “guilt beyond a reasonable doubt,” “probable cause,” or “reasonable suspicion” can readily be located in court cases and textbooks but are much harder to find in real life (p. 60). Alexander writes that America is *still* not an egalitarian democracy, and the judiciary courts and legal system remain true to this testament. In fact, Alexander argues that mass incarceration illustrates how laws, policies, customs, and institutions are “tightly networked ... to ensure the subordinate status of a group defined largely by race” (p. 13). Furthermore, many racialised defendants in the United States are denied meaningful legal representation, argues Alexander, making it incredibly difficult to access quality attorneys willing to effectively advocate on the defendant’s behalf.

While nobody could say with certainty who the defendant *is* or what the truth *actually is*, Cotton (1995) argues that we can infer from the verdict which argument or “truth” the jury believed to be more deserving of acceptance and credibility (p. 5). In short, Cotton (1955) argues that the prosecution typically focuses on what the defendant *did* on

the day of the crime, while counsel for the defence focuses on who the defendant *is*, and why the defendant's criminality developed. Such competing images of the defendant weigh heavily on the outcome of the verdict and highlight how decisions are made about people who stand trial in the criminal justice system (Cotton, 1955; Kaplan, 2012). However, according to Davis (2000), this purported "truth" about defendants and the notion of reasonability which determines the guilt or innocence of a defendant means "one thing for white defendants and another for blacks" (p. 147). In other words, black people cannot and should not expect impartial consideration before the courts for, as Haney-Lopez (2000) asserts, "no body of law exists untainted by the powerful astringent of race in our society" (p. 164). So while the images produced of a white defendant can say something about what he or she did and why an event possibly took place, a black defendant would *also* have his or her race to answer for (in addition to the crime committed).

The importance of the jury in the justice process is linked to a conception of the criminal trial as a "dispute between the individual and the state" demanding that those who "arbitrate between the disputants are entirely unconnected with the state" (Jackson & Doran, 1997, p. 760). With that in mind, the modern jury, argues Langbein (1978), is impanelled for a single case; the prosecution and defense play an active hand in winnowing prospective jurors through the use of challenges on *voir dire*<sup>13</sup> (p. 272). In reality, however, attorneys are not seeking unbiased, neutral jurors. Both counsels have adversarial reasons for excluding jurors. Counsels for the prosecution and defence are permitted to "strike" people they believe will not respond favourably to the evidence or witnesses they intend to

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<sup>13</sup> Essentially meaning "to tell the truth." *Voir dire* is a scientific process of jury selection whereby questions are used to elicit responses from prospective jurors about their background to help counsel determine if they are biased to the case or the defendant and unable to be objective (Mahoney, 1982, p. 482).

present at trial (Alexander, 2012, p. 121). Therefore, counsels are seeking those who will be sympathetic to their point of view – this makes the ideal of recruiting jurors from all walks of life (and races) unachievable. Abramson (1994), like many critical legal scholars studying the American criminal law, writes of the inherent “views and biases” built into the race, religion, age, and gender of potential jurors (p. 143). This means that seeking jurors sympathetic to each counsel’s point of view oftentimes correspond with the already-embedded biases within each juror so that these preconceptions weigh more on the overall case than the evidence itself (p. 143).

As Alexander (2012) explains, until 1860 no black person had ever sat on a jury in the United States. Following the Reconstruction era, blacks began to serve as jurors in the South for the first time; however, this progression was not fully realised. Soon blacks began to be stripped of their right to vote and their right to serve on juries by the Democratic conservatives who “sought to ‘redeem’ the South” (Alexander, 2012, p. 121). For years thereafter, the Supreme Court increasingly upheld systematic convictions of black defendants by all-white juries in situations where exclusion of black jurors was blatant. Prior to the 1985 legal ruling in *Batson v. United States*,<sup>14</sup> prosecutors were able to strike blacks from serving on the jury, “provided they did not *always* strike black jurors” (Alexander, 2012, p. 119). The jury system and the rules governing jury selection is yet another powerful illustration of the complete abdication of the judiciary courts to guarantee racial minorities in the United States equal treatment under the law (Alexander, 2012, p. 118). In theory, peremptory strikes may seem to promote fairness by eliminating

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<sup>14</sup> The Court holds that the Fourteenth Amendment prohibits the state from using its peremptory challenges to exclude potential jurors solely due to their race, an important safeguard against all-white juries.

jurors who could be “biased”; in practice, however, peremptory challenges are “notoriously discriminatory,” explains Alexander (2012, p. 118). Alexander writes that “lawyers typically have little information about potential jurors, so their decisions to strike individual jurors tend to be based on nothing more than stereotypes, prejudices, and hunches” (p. 118). And, in many cases, that means ending up with a jury that is all white or almost all white. In other words, excluding all blacks or excluding *almost* all blacks.

Attorneys invite jurors to make what Kaplan (2012) calls a “zero-sum decision” about the defendant, “forcing them to take sides in the culture war over whether people’s behaviour can be explained entirely by their will or partially by the influence of social forces” (p. 95). In Cotton’s (1995) analysis of jury deliberations, he argues that since potential jurors are not offered classes in the legal process, decision-making is typically based on common-sense logic. The narratives discussed throughout the trial and the images constructed of the defendant are meant to appeal to the common sense of the jurors “or at least to what they already know about human beings and their behaviour” (p. 153). However, the common-sense logic that Cotton indicates advances the law in a different way since blacks do not figure in legal discourse as part of the collective “we” that often comes to mind when we determine common-sense logic (Butler, 2000, p. 147): how people govern themselves in and around the world, and how people relate to one another.

### **Trash-Talk: White Trash Culture**

In his book chapter “Behind Blue Eyes: Whiteness and Contemporary U.S. Racial Politics,” Winant (1997) states that since different groups of white individuals fit into different places in the United States’ racial order, the meaning of whiteness is problematic. According to Winant, it is not only blacks or other racialised minorities who experience a

division in their raced identities, but also whites. As a result, white people are not exempt from, nor invulnerable to, subjugation and discrimination partly due to tactics employed by white people to make Other white people appear “less white,” thereby producing social difference and inequality.

Hartigan (1999a) argues that whiteness is constructed in similar ways to other racial categorisations, shaped by social-class dynamics, geographical location, and cultural labels. Henderson and Tickamyer (2009) support Hartigan’s point by suggesting that, even as a dominant identity, whiteness does not always result in (full) privilege and power. One can lose his or her white “status”; so while race may define whiteness, distinctions in class and culture determine boundaries of privilege (p. 59). Due to this transgressive boundary identity, whiteness can be displaced and interrogated via class so that it becomes disempowered, imperfect, “Othered”: trashed. Hill (1997) asserts that within the process of interrogating whiteness, the white identity “threatens itself with becoming something else again, a subject of difference: white difference – ‘white trash’” (p. 159). Consequently, white trash enters the “postmodern critique as an unwanted agent of white remarkability” (p. 160).

When putting the two terms together – “white” and “trash” – a type of symbiotic, contradictory, and paradoxical relationship occurs. “White trash” is a boundary term distinguishing between whites and revealing itself as “an expression of fundamental tension and deep structural antinomies” (Wray, 2006, p. 2). The antinomies that situate the white trash discourse within scholarship on whiteness exist between the sacred and profane, purity and impurity, cleanliness and dirt. Aside from those opposing categories, the label itself proves difficult to dissect as one often questions whether the white trash

narrative is about a despised racial group or a disposable class – a contradiction in itself since white individuals are treated as non-disposable, and white lives have meaning, purpose, and inherent value. The term is a “puzzle with two pieces,” one that may serve to undo the racial supremacy embedded within whiteness, and speaks to the hybrid, multiple forms of white identity, or the ways that white identity continues to be subject to the same racialised differences that produce it. As Wray and Newitz (1997) assert, the utility of identifying white trash culture is a “naming practice that helps define stereotypes of what is and is not acceptable or normal for whites in the [United States],” but also a critical tool in thinking about cultural identities and the social power that is (dis)associated with them (p. 4).

“White trash” entered common parlance after a few short decades of its introduction and became an area of interest and research during the early 18<sup>th</sup> century in the Southern United States (Wray, 2006, p. 72). The introduction of the term followed public knowledge and commonplace usage of the term “cracker.” Descriptions of white trash subjects conjure myths of promiscuity and violence, and accumulate negative, stereotypical images of a Southern, rural-based poor person, an ignorant, good-for-nothing, low-life, socially-downcast, racist white: “trailer parks and wife beaters” (Wray, 2006, p. 1). Similarly, Squire (1997) illustrates that representations of this type of trailer-park white denote images of a “low-class, deviant ‘colour’ analogous to ‘project black’” (p. 245). This very lurid typecast remains with us today and applies to those whites whose subordination – based on class, crude conduct, and lack of social worth – are too extreme. These behaviours go beyond the civility and decency of more refined whites. Such whites were implicitly and explicitly labelled in comparison to black servants and slaves, American

Indians, and Hispanics, and were similarly regarded as lazy, immoral, and dirty, or alternatively, dangerous, threatening, sexually perverse, and dishonourable (Wray, 2006, p. 23). Rural, poor, white-trash individuals had only themselves to blame for their low level of social respectability; moreover, they “remained undeserving of democratic privileges and unable to bear the rights and responsibilities of other white privileged American citizens” (Wray, 2006, p. 49).

Wray (2006) explains that “*white trash* rolls off the tongue with such condescending ease” (p. 1, emphasis in original) and argues that Americans of all races use the term “white trash” to demean and stigmatise white individuals in order to name those people “whose very existence seems to threaten the symbolic and social order” (Wray, 2006, p. 2). The label became so commonplace that both black and white individuals used it to discriminate and distinguish low-status, unworthy whites from progressive whites – the “good whites” who used the term to detach their own racial and classed group from that of the “Other” white group (Newitz, 1997; Wray, 2006). Hartigan (2003) notes the “highly emotional response of loathing and disgust the image generates among the white middle class” (p. 105). Interestingly, Wray (2006), along with some other scholars, argues that while blacks have used “poor white trash” as an act of “symbolic violence and micropolitical protest” about white claims to superiority, it was the white, literate, elites “who invested its meaning with social power ... enforcing its discriminatory effects with regard to labor” (p. 43). We learn that black slaves did not occupy the positions of power necessary to diminish the quality of life of white servants, but higher status whites most certainly did. Despite the differences and, perhaps, the doubts of the term’s origins, one thing is for certain: the label has sustained a demeaning racial element since its inception.

Acknowledging whiteness as a contested and heterogeneous category, Garner (2007) explains that the enterprise of marking whiteness as some form of racialised identity reflects the examination that is commonly applied to other racialised identities. Therefore, whites are closer to the ideal while the white trash, like black and brown bodies, border on the polluting and the dangerous. In the social and political constructions of whiteness as “racialised,” the ambiguity of whiteness generates those labelled “so-called whites,” “off-white,” “not quite whites,” “semi-racialised,” or “conditionally white” among others (Preston, 2007, p. 2). While being white trash suggests that one is “not quite-“ or “so-called white,” being “so-called white” or any of the other aforementioned designations does not always- or necessarily imply trashiness.

The ever-shifting nature of whiteness tells us not only that the category “white” is flexible but that what it means to be a white person is changeable and inconsistent. Whiteness as trashed offers a compelling narrative that posits whiteness as being malleable, fluid, and questionable – encompassing a varied population of whites. Analysing the situation of white trash individuals provides not only a critical basis for grasping the effects of “race” and why race and class divisions are crucial identity markers, but, as Wray (2005) explains, gives us a reason to “move beyond generalised statements about whiteness and blackness” (p. 147).

Persons labelled “white trash” identify with and operate from a different positionality within whiteness than those regarded as esteemed/privileged whites. White trash individuals threaten the symbolic richness – *literally* – of whiteness. We see that, while these individuals are white, their white privilege is under threat; their disordered way of being in the world does not grant them the full advantages associated with

whiteness. Seeing an individual as white trash devalues that person's white status and their merit. As Wray (2005) illustrates, the "imagined boundary between whiteness and blackness is undermined" so that the label white trash is used to typify those white bodies that have transcended their own raced space – "exceed[ing] the class and racial etiquettes required of whites" (p. 115). We can easily see how one term can encompass multiple aspects of identities but only some of the benefits and privileges that traditionally accompany whiteness.

Theories that address hierarchical arrangements of power and privilege are examined in this chapter. The theoretical base employed in my research draws on the theories of critical race, intersectionality, and white privilege to examine how systems of power are part of American legal discourse.

### **Critical Race Theory: Racial Privilege and American Law**

Derrick Bell, Kimberlé Crenshaw, Richard Delgado, and Patricia Williams are only few of the key critical race theorists who have foregrounded racism and power in American criminal law (Delgado & Stefancic, 2012). Critical Race Theory (henceforth: CRT), commonly associated with American black feminist theory, emerged as an academic movement within American legal scholarship as a way of addressing not only the subtle and deeply entrenched varieties of racisms at play today (Delgado & Stefancic, 2012, p. 2), but also the legislative practices that work to privilege and oppress certain groups of people within a legal context (Schur, 2002; Delgado & Stefancic, 2001; Seiler, 2003; Henderson & Tickamyer, 2009). Furthermore, CRT was developed in the 1970s as a critique to features of the law that did not address racial discourse particularly in the judicial system and its application in the real world (Seiler, 2003; Barak, 2010). To buttress this point, Delgado & Stefancic (2001) argue that CRT helps contextualise how individuals are categorised and hierarchised based on power and social dominance, and that there is a hidden, ingrained relationship between white supremacy and law in the American cultural context.

According to Delgado & Stefancic (2012), a number of “basic insights” serve as the pillars for CRT: one especially useful insight for my research is the premise that racism,

more subtle in form, is an “ingrained” and normal, not an aberrant or exceptional, feature of American society that has been naturalised overtime and across space (p. 2–4). Another feature of CRT acknowledges that civil rights law has been (more) beneficial to all whites than to other racialised groups (Delgado & Stefancic, 2012, p. 4), so even those whites “who lack wealth and power are sustained in their sense of racial superiority by policy decisions that sacrifice black rights” (Delgado & Stefancic, 2012, p. 13).

While CRT has gained traction within the legal field, many scholars in various other disciplines employ aspects of this theory to study the relationship between race and racism in the United States. With the work that I do, I use CRT as an analytical lens to help me think through the privileges that are often left unspoken but nonetheless embedded within whiteness. To do this, I consider how “race” as a category (of membership) is mobilised in ways that accord substantial benefit to white people while sacrificing or neglecting those same privileges and advantages to racialised groups within a legal context. Applying CRT to my research is undoubtedly crucial as it further allows me to illuminate and operationalise tactics of white supremacist ideology by examining the centrality of race, how the law sustains white hegemony, and how whiteness intersects with other identities of privilege (i.e., gender, class, age, and (hetero)sexuality).

### **Intersectionality Theory: The Interlocking of Identities and Other Forms of “Isms”**

To understand a system of intersecting privileges, it is imperative to address the hierarchical relations of power that are maintained through different and multiple forms of identity. I employ an intersectional analysis to this research, which adds a crucial perspective at such converging power hierarchies. Using intersectionality allows me to engage with the inherent complexities of the American legal system and to characterise

precisely how power operates through a series of intertwined and interdependent channels and variables.

Coined by Kimberlé Crenshaw in the early 1990s, intersectionality – which comes out of the critical race movement – has gained recognition in its study of various systems of inequality and oppression. Racial minority scholars have used the idea of “intersections” to explain their lives and to critique the exclusion of their experiences, needs, perspectives, and voices from white, Eurocentric, middle-class conceptualisations of both feminist and male-dominated spheres (Dill, 2009; Dill & Zambrana, 2009a; Henderson & Tickamyer, 2009).

Intersectionality, as a theoretical template, allows for openness and creativity to understand identities and social locations. One of the most promising aspects of this theory is its opposition to single-identity-based theories and approaches that can reduce individuals to one category at a time and limit scholarship to a narrow, impaired perspective (Crenshaw, 1991). Similarly, single-axis approaches do not penetrate deep within to allow for a complex interrogation of how identity is multi-layered and intertwined, and how systems of privilege are all interconnected.

Intersectionality encompasses a range of discourses and practices whereby we come to understand how individuals live at the crossroads of various terms of difference with regards to age, ability, race and ethnicity, gender and sexuality, class and occupation, and education amongst other variables (Fiske, 1996; Byrne, 2006). An intersectional approach can help reveal privileges, “especially when we remember that the intersection is multi-dimensional” (Wildman & Davis, 2000, p. 662). By using intersectionality as a theoretical frame, I understand how race and gender “work as systems of power – systems

that differentially advantage and disadvantage groups depending on their social location” (Andersen & Collins, 2007, p. 62). As such, I am better prepared to investigate the configuration of lived identities which “affect[s] how people act, the opportunities that are available to them, and the way in which their behaviour is socially defined,” as one is never solely raced, or gendered, or heterosexed, or classed, or able-bodied at any given time (Burgess-Proctor, 2006, p. 39).

Examining privilege in its operative state is one of the principal reasons intersectionality has been favourable for my research. By understanding different forms of identity and lived experiences, I acknowledge that Casey Anthony is not one identity (i.e., just raced or just gendered) at any given time, as lived experiences are certainly much more complex than that (Jiwani, 2006). To study race or gender on their own platforms is insufficient and unnecessarily limits the scope of my analysis, resulting in a “hollow vision that cannot do justice” (Wildman & Davis, 2000, p. 662). These categories of membership for Casey Anthony, working to reinforce, buttress, and naturalise one another, must be integrated so that their relationship to privilege is properly contextualised – deployed from many different locations and social venues – and not centralised or reducible to an independent, single-structural source.

### **The Theorisation of Whiteness: White Supremacy and White Privilege**

Many studies confirm that to be white in the United States is to be the recipient of numerous advantages, benefits, basic rights, and *futures*, especially in treatment from law enforcement, the criminal justice system, and the judiciary courts (McIntosh, 1988, 1998; Frankenberg, 1993; Lipsitz, 2006; Stabile, 2006; Levine-Rasky, 2012, 2013).

One crucial focus of studying whiteness as theory examines how “transparent forms of ‘whiteness’ reinforce the existing racial understandings and racial order of society” (Doane, 2003, p.10). My research engages with notions of white supremacy and white privilege to help deconstruct the “transparent” features of whiteness prevalent in race scholarship.

White supremacy, as Graham (2012) suggests, gives us a set of institutions, practices, patterns, and social settings that maintain a cultural system in which conscious, deliberate and unconscious ideas of white domination and superiority are reinforced through the privileging of whites over non-whites. Jensen (2005) supports this notion, explaining that white supremacist societies have ongoing ideological belief systems rooted in the “inherent superiority” of whites (p. 3) – so that benefits are granted to those who, by race, hold positions of power in the institutions that comprise a white racist society. Preston (2007) argues that the notion of white supremacy is “operationally” more satisfying than white privilege as it works to commonly identify the “conscious and dysconscious racial strategies” that permit and legitimise the continuation of racial hierarchies (p. 82).

However, white supremacy cannot exist without white privilege, for white privilege, an important feature in studies of whiteness, is white supremacy unchallenged and thoroughly reinforced in all parts of American society. Therefore, while white privilege and white supremacy are distinct terms, they are, indeed, fused together and have been important concepts for my interrogation of the Anthony case. It would, essentially, be unrealistic and unattainable to discuss the privileging of white femininity in a case that

does not make reference to the supremacy of whiteness and the benefits/privileges that are afforded to white people.

My theorisation of “race” complicates notions of whiteness to include how “whiteness” is a lived-out, social construct. While focusing on white subjectivity is an important endeavour and a critical aspect of this project, I run the risk of “categorical thinking,” which obscures “our vision of the whole, in which multiple strands [of identity] interrelate with each other” (Wildman & Davis, 2000, p. 662). To avoid such categorical thinking, intersectionality theory keeps the focus on white femininity while still analysing depictions of white superiority in its base.

### **Theorising the White Trash Identity**

The contradictory nature of whiteness, explains Leroux (2010), centers on raising queries regarding whether “whiteness is simply organised around some sort of un-named, invisible group solidarity” (p. 25). Ruth Frankenberg (1993), one of the first scholars to address the cultural significance of whiteness, explains that there are “two kinds of whites ... those who are truly or only white, and those who are white but also something more – or is it something less?” (p. 198).

The term white trash is used in racialised contexts where class and race distinctions become conflated or, as Hartigan (1997b) phrases it, “overlapping rather than remaining clear and distinct” (p. 47). The racialisation of white trashed individuals is fundamentally a classed phenomenon, so that while white trash emphasises a certain class threat, it does so in a setting where the boundaries of race – precisely, blackness and whiteness – become unstable and intermixed. In chapters six and seven, I use the notions of whiteness and white trash to explore the muddiness of Casey Anthony’s identity as it was

presented through counsels' narratives. On the one hand, Casey Anthony is characterised as a white, innocent woman, and on the other, she is branded as a criminal who (should be) without white privilege.

White trash, argue Newitz and Wray (2013), is not just a classist slur, but also a “racial epithet that marks off, or marks out, certain whites as a breed apart, a dysgenic race into themselves”: as social outcasts (p. 2). Hartigan (1997b) states that this process of “marking out” certain whites illustrates the social differences that matter most to Americans. White trash identity, he proceeds, is a “means of inscribing social distance and insisting upon a contempt-laden social divide” (p. 49–50). White trash denotes taking a historically unnamed race, often synonymous with opulence and status, and coupling it with an insult that literally means economic waste: discarded material and pollution (Hartigan, 1997b, p. 51). For working-class or impoverished whites, the class variable is exercised in relation to being typified as lacking social worth, capital, and credibility. That is, privileged whites evaluate the behaviours and opinions of Other whites, particularly those of a lower social and class status, and scream “we are not that!” (Hartigan, 1997b, p. 51). Newitz (1997) asserts that when these distinctions are laid out, as in, between the lower classes and the middle-upper classes, the differences that exist showcase the opposition between civilised and primitive bodies, between the demeaned and the respected (p. 134). The features of white trash that Wray (2006) explores include the “effects of symbolic distancing and social exclusion through moral disapproval, resulting in ‘us/them’ dichotomies that both enable and enact different forms of inequality, prejudice, and discrimination” (p. 134). The terms “inequality,” “prejudice,” and “discrimination” “serve to establish thresholds of inclusion and respectability” for privileged whites (p. 134).

Although the central claim in this thesis reinforces the interlocking privileges of white womanhood, in no way do I (further) suggest that Casey Anthony is a “white trashed” woman according to familiar discourse. However, orienting a discussion on “white trash” in my analysis of the prosecutorial narrative felt necessary for the time when writing this research. I have used terms such as “racialised,” “Other,” or “inferior white” throughout the thesis to help complicate whiteness by simultaneously positioning Casey Anthony inside and outside spaces of white privilege. I am particularly cautious because my use of these terms engages a tension between the subjectivities of “racialised individuals” and “inferior whites.” In no way do I (wish to) suggest that the two groups are equally situated and maintain the same place of disadvantage on the social hierarchy. The two racial categories differ greatly, though “lower status,” “not-quite,” or “inferior” whites are often ascribed with many of the same attitudes, beliefs, character traits, mind sets, and morals of those individuals that constitute the “racialised” category. Through narration, the prosecution not only calls into question the integrity of Casey Anthony’s whiteness but also relies (indirectly) on such racialising discourses to displace her from a space of white privilege. Herein conceives the white trash dialogue.

Without any theoretical consideration for how the white trash discourse is conceptualised, much of the function and argument of this thesis gets lost. Using elements of white trash as a theoretical lens allows me to develop a more robust argument around the category “white” and the boundary that marks the edges of that racial category – thereby making Casey Anthony’s inferior subjectivity all the more lucid from the prosecution’s perspective.

My thesis offers a critical discursive analysis of the texts written by the prosecution and defence in *Florida v. Anthony*. The texts which serve as my primary data sources are: *Imperfect Justice: Prosecuting Casey Anthony* written by Jeff Ashton – Orlando state prosecutor and second chair to the prosecutorial team (with Lisa Pulitzer) – and *Presumed Guilty – Casey Anthony: The Inside Story* written by Jose Baez, lead lawyer (with Peter Golenbock) for the defence counsel.

### **The Art behind Critical Discourse Analysis**

Critical discourse analysis is the study of spoken language, conversation, or narrated speech perceived to be purposeful (Brown, 1983; Jørgensen & Phillips, 2002). McHoul and Grace (1997) explain that critical discourse analysis is “geared towards a counter-reading of historical and social conditions and offers possibilities for social critique and renewal” (p. 27). The aim of those who use discourse analysis is to interpret meaning and map out the processes in which discourse structures the social to the point where its meanings become so conventionalised that we think of them as real and natural (Jørgensen & Phillips, 2002, 25–26). As Van Dijk (1985) argues, discourse analysis is a method that contributes to our understanding of “social processes, strategies, and contextualisation of discourse acts as a mode of interaction in highly complex socio-cultural situations” (p. 1). This approach is useful for examining how specific discursive constructions of race and gender are related to the dynamism of power and dominance, and how these discourses constitute and are constituted by the particular groups and individuals who employ power.

My textual analysis employs a critical discursive approach to study the language and narratives used to construct Casey Anthony as both a criminal and victim through

discourses of race and gender. A critical discourse approach helps to deconstruct the ways in which whiteness and femininity were re-defined and how they were contested.

Language is the medium by which Casey Anthony is constructed through these social discourses; through language I studied the meanings that inform the texts and analysed the language beyond the sentences to explore what each narrative is designed to tell us. In this way, I could view the issues from a critical perspective and gain a comprehensive understanding of the narratives articulated from both counsels' perspectives. By uncovering what is hidden or not immediately obvious within these stories, I have been able to expose the relations of power and privilege that underlie them.

Critical discourse analysis is more than a method of data analysis, rather, it incorporates both theoretical and methodological questions by exploring, in my case, the ways Casey Anthony was subjected to different and competing narratives of guilt and innocence, and how her status as a white female was used to articulate those narratives (Jørgensen & Phillips, 2002, p. 4). Theory and method are intertwined, working together to provide tools and strategies through which I can analyse the language used to construct and describe Casey Anthony, while helping me to interrogate the discourses at play. My questions centred around how discourses of whiteness and femaleness are constructed and portrayed, how whiteness is (re)produced and contested, how white femininity gets explained so as to maintain hegemonic discourses, and who is/are the subject(s) that these discourses are constructing. In addition, I examined how events are presented, how these narratives are being articulated, and how these narratives contribute to the difficulty of naming white women's criminality. I focused on *what* things were said, *how* they were said in relation to why the story was told in *that* particular way, and the significance of those

articulations to my overall research. With these questions in mind, I discuss some of the underlying themes in the literature on whiteness looking at how sets of discourses inherent in each narrative for counsels operated throughout this case to (re)produce or challenge those same ongoing themes.

### **Engaging with the Data for *Florida v. Anthony***

My project examines the narratives of the prosecution and defence, and analyses the arguments that are drawn up, the cultural and contextual resources as recounted in their books, and the methods each narrative uses to persuade its readership of its authenticity. To achieve this, I approached the two stories as relevant materials from which to read, interpret, flesh out, and de-construct the discourses of whiteness and femaleness by both counsels in the Anthony case. The texts used for this research provide salient perspectives on how the Anthony case developed and offer insight into the construction of the defendant by both legal parties.

To explain how notions of whiteness (and white femininity) were mobilised in the books published after the completion of the Anthony trial, I coded my data by organising multi-layered and raw data into categories, themes, and concepts based on my methodology (Neuman, 2011). Coding enables the researcher to reduce large bodies of text into more contained, manageable pieces of information (Neuman, 2011). A few broad concepts, ideas, and themes emerged in my initial reading; more conspicuously, the images of the defendant constructed by each counsel stood in stark opposition to one another. From the quite-telling photograph of the defendant on each text's cover, revealing a particular ideology conducive to each counsel's goal of an acquittal or conviction, down to the selection of words in relation to the construction and deployment of whiteness

portrayed in counsels' works, these narratives "bring together a number of character evaluations" that render the defendant either "worthy of mercy or death" (Cotton, 1955, p. 154).

Reading the texts a second time consisted of a more engaged and elaborate examination of the explicit and implicit references that were made about the defendant, as these held the most significance to the research. Moreover, references to whiteness and femaleness as they pertained to the defendant were noted for further analysis in assessing how white femininity was constructed and how the centrality of whiteness operated throughout this case. To do this, essentially, I "jumped through many hoops," fleshing out alternative and more concealed meanings, and looking for hints in language that spoke to and for whiteness and femaleness. "Whiteness" was a profoundly intricate discourse that required numerous discussions with my committee members in addition to many required readings of not only my data, but also works theorising whiteness.

On the third read of my two primary texts, I designed a spreadsheet in which I coded and focused on two distinct elements: [1] the construction and mobilisation of whiteness in speaking about the defendant; and [2] emerging themes that incorporated implicit and explicit raced and gendered discourses, along with how the enmeshing of those tropes worked to produce a particular epistemology about white femininity. I became more liberal in how I interpreted and recorded what the discourses meant. Working with a spreadsheet helped to organise my findings so that upon reviewing my concepts, using the "find" tool allowed me to confine the time it would have taken for me to flip through jottings on paper. After I recorded notes about what the terms and concepts told me in relation to their contexts, I moved into a deeper level of engagement with the texts during a

fourth reading. Specifically, I looked at how those same concepts and meanings were used to articulate different constructs about Casey Anthony. During the coding process I repeatedly read the texts to draw out new and more elaborate information on each re-reading. This extensive review of my data ensured that I was able to not only thoroughly understand the discourses, but also make connections between the discourses and their social meanings.

The two most prominent categories that emerged from the data involved the ways that counsels constructed Casey Anthony as either a criminal or a victim by using her “whiteness” to articulate their points. What surfaced was a story about the hegemonic power to either accept or resist particular accounts and dominant American ideologies about white womanhood. Kaplan (2012) argues that defendant stories often use and rely on the “same dominant and repressive ideologies” so that the stories told by legal actors can only present “alternative versions *of* dominant ideologies, *not* by directly challenging the dominant ideologies themselves” (Kaplan, 2012, p. xix, emphasis in original). I revealed how racism and sexism were co-constituted and employed to provide alternative constructions of Casey Anthony’s criminal and victim, “white” and “feminine” statuses. I believe that devoting a chapter to these alternative constructed versions of identity reflects the adversarial nature of prosecuting and defence counsels and is the foundation upon which this entire thesis is based: Two narratives. Two characterisations. Two voices. Two theories of the crime. But only one verdict that ultimately brings us back to the normative and hegemonic view.

## Introduction

This chapter addresses and interprets the conflicting narratives that pertain to Casey Anthony's<sup>15</sup> "white" identity. By applying theories of whiteness and race, I will not only explain how the prosecution and defence's legal accounts work to counter one another, but also highlight how whiteness was deployed by all actors in Casey's placement within and removal from spaces of whiteness. Furthermore, this chapter includes an explanation of how the prosecution and defence attempted to identify Casey as both a criminal and victim through her whiteness and access to white privilege.

Since my analysis is rooted in understanding the United States as a particular kind of colonial space, and the law as a kind of "white" space residing within it, examining whiteness is a necessary part of my critique. Whiteness, argues Byers (2010a), "needs no descriptors" (p. 36); the idea of "no descriptors," Nayak (2007) reminds us, comes from whiteness' ability to remain a "taken-for granted category, something so ordinary it can pass without remark" (p. 738). An ideological and hegemonic belief system exists that allows advantages, allocates benefits, and grants privileges to whites solely due to race. Whiteness is, therefore, a position of structural and systematic advantage and race privilege (Frankenberg, 1993, p. 1). The white subject, Leroux (2010) informs us, "has been assumed as a universal and natural subject position" (p. 21). This historically-constructed "*position* privileges those who are constructed as white in any given social and historical context" (Leroux, 2010, p. 22, emphasis in original). In my analysis, being able to locate cultural, institutional, and systemic illustrations of white privilege is imperative. By

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<sup>15</sup> Throughout this chapter and the preceding analytical chapter, I will address Casey Anthony as simply "Casey." This is done to achieve conciseness and fluidity.

understanding how race is taken up in discussions of privilege and power throughout the Anthony case, I can thoroughly examine situations where the white subject continues to receive advantages and benefits regardless of the context.

### **Prosecutorial Narrative**

In a discourse of intraracial difference, deployed to decide what counts as whiteness, the prosecution challenged the status of Casey's white identity on multiple occasions, while the defence sought to salvage her whiteness through arguments of their own. The way in which Casey's raced identity was constructed suggests that the prosecution spoke of Casey's debased "whiteness" by illustrating how she neglected white hegemony.

#### *Emphasised Whiteness: Humanising Caylee Anthony*

Ashton's use of racially-coded language to describe Caylee as an "angelic, bright-eyed baby girl," as well as his repeated endeavours to "whiten" Caylee, showcases the raced undertones in the prosecution's argument (p. 25). Calling her an incredible "light and joy" (p. 186), Ashton adopts terms such as "angelic," "bright-eyed," and "baby girl" to suggest whiteness, purity, and innocence. His expression of Caylee's discursively white racial features which, on their own, are highly privileged, signifies that she was a white little girl who was born to a white mother. Additionally, his description of Caylee's attire the last day that she was reportedly seen – a blue jean skirt, pink top, white tennis shoes, white-rimmed sunglasses, and a backpack "decorated with little monkeys", with her brown hair pulled back in a ponytail – serves to humanise and normalise the white child. Throughout the trial it was the prosecution's:

hope to bring the jury back to the toddler by humanising her, to get them to see her as someone they would ultimately care about ... she was a real person, a little girl, and hopefully, she would take center stage long enough to make an impact and capture some hearts. Knowing Caylee would help the jury truly understand the case. (p. 248)

The prosecution persistently reinforced Caylee's whiteness by employing language that had "force, power, and credibility," which are commonly used to argue the victim-status of white girls and women in America (Stabile, 2006, p. 168). By indicating that Caylee was a "real person" and a "little girl" who needed to be "humanised" and "cared about," the prosecution presented her to the jury as a child deserving of sympathy. This characterisation was used to convince the jury to convict Casey (the purported killer) of murder on the premise that our guardianship and loyalties are owed to our most precious resources: children – notably white children.

When prosecuting counsel made their argument for the death penalty against Casey, they stated quite powerfully that:

Caylee was almost three when she died with duct tape over her nose and her mouth ... any child of that age should have had the physical ability to remove the duct tape covering her airway and preventing her from breathing, and the evidence in this case would show that Caylee was, if not average, above average in that regard ... if she was physically restrained, her killer would have to restrain her arms by some means, applying tape while she was conscious as her killer looked into her face. Maybe her killer even saw her eyes as the tape was applied. (p. 175)

This description employed a strategy of humanising and, in the process, (all the more) whitening Caylee. Her "human," victim status was strongly emphasised, and never disputed by the prosecution, law enforcement, or the media; she could only and always be a white little girl who died too soon.

### *An Embodiment of Whiteness*

Despite being objectively white, Casey's whiteness was symbolically and strategically deconstructed and negotiated. Throughout the prosecution's narrative, the distinction between "being white" and "embodying whiteness" was clear. Casey's whiteness was not concealed; rather, the construction of her personhood, her debased subjectivity, did not correlate with "real whiteness."<sup>16</sup> The prosecutorial team degraded Casey's white personhood by constructing her outside of such rigid boundaries of whiteness. Through this exclusion from white space, the white-Other binary is realised.

One way that the prosecution portrayed Casey's debased white identity was through a description of her as someone who "seemed to have an excuse or an alibi for everything" (p. 34). Constructed outside of real whiteness, which emphasises honesty, Casey was not to be trusted, as she provided "various excuses why she and Caylee could not return home, including a twelve-day stay in Jacksonville, Florida, with a male friend" (Ashton, 2012, p. 17). Moreover, Laura Shultz, a psychotherapist studying the Anthony case, revealed that:

Throughout [Casey's] taped interviews and conversations with police, not only did her version of the facts repeatedly change, but more telling is the fact that she spoke of her child in the past tense *even before* the body was discovered. This type of behaviour gives very specific clues to a clinician. (as cited in Walker & Filia, 2011, p. 520, emphasis mine)

Casey's dishonesty is implicitly linked to the stereotypical white trashed or racialised individual whose word is always open to mistrust, dispute, and scrutiny. Her description of events and her questionable behaviour warranted criticism by not only the prosecution, but also law enforcement and the media. By linking Casey's behaviour to those taken up in

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<sup>16</sup> In many ways, Casey is constructed as "not quite white" to further illustrate that she was not a "pure" white woman.

discourses of deviance and criminality, her demeanour became central to strategies that enforced her Other status.

Much of the prosecution's construction of Casey amplified the image of her as dishonest, thereby challenging her claims to whiteness. Casey's "composure was not the only suspicious thing; the story [of her missing daughter] itself grew increasingly more preposterous" (Ashton, 2012, p. 30); eventually, her narrative went "from implausible to impossible" (p. 56). The representation of Casey's dishonest conduct betrayed white hegemony and marked her as a debased white woman, especially since caring for and protecting her white child were not her primary foci. In mainstream America, "only when the body is perceived as being out of place, either from its natural environment or its national boundaries" do we understand a foreign body: a pathological body (Mohanram, 1999, p. xii). An inferior white body is a foreign body in white spaces. Casey's apparent lack of concern about the welfare of her white child, evinced by her seemingly calm and detached demeanour, tells us that she is not a moral and benevolent white person; Casey did not maintain the decorum that white motherhood routinely depends on.

According to Ashton, Casey remained unmoved by the ordeal of her missing daughter so that "it seemed that no appeal – not to Caylee's safety, not to the damaging impact this was having on her family – could stir a reaction in Casey" (p. 46). In fact, "she remained emphatic about her original story" (p. 48). Even Lazzaro, Casey's boyfriend, confirmed that "during the time Casey was living with him, she'd told him on multiple occasions that Caylee was with the nanny, either at Disneyworld, Universal Studios, or the beach" (p. 57). Casey "was far from [a] normal" white person, as the prosecution's narrative suggests, and as a result she should not receive the privileges that whiteness demands or

embraces (p. 46). While Ashton claims white privilege due to his race (as well as his gender and class), he attempts to remove Casey from accessing that same white privilege on the basis of her race (and arguably even her class status) – which were the antithesis to his. The prosecution worked hard to bring this narrative to fruition by demonstrating that/how whiteness does not, and should not, always guarantee privilege to all white people. Displacing Casey to the margins of whiteness can be viewed as a way of diminishing and discrediting her white status, thereby making her “lesser than” so that, in the end, she would be vulnerable to conviction and execution.

*The Social Distance between “Us” and “Them”*

To assert that two or more things (or individuals) do not belong in the same category is to argue that they do not share a common property, characteristic, or identity (Wray, 2006, p. 7–8). Ashton’s narrative of Casey complicates notions of whiteness to include not only the processes of attributing difference, but also how whiteness and its associated privileges can be socially contested. Moten and Jenkins (2001) describe white trash identity as a failed, “tarnished whiteness” (p. 152). This “contaminated identity” is consumed by “troubling ... problematic white bodies” who are on the “edge of sociality” and exhibit a trait of “backwardness” or “unruly behaviour” (Hartigan, 1997c, p. 317–18). In support of this argument, Henderson and Tickamyer (2009) argue that the white trash discourse positions certain whites as “aberrant anomalies” (p. 58).

Casey’s behaviour and falsified “truths,” which were argued to be not merely habitual, but also purposeful, were used as a reference to her odd and unconventional ways and further reiterated the intra-white difference inherent in white trash narratives. Casey’s

status as a white individual did not seem to fit her behaviour – she was certainly “different” (Ashton, 2012, p. 49). Furthermore, within the Anthony family “it was Casey alone that appeared to be the anomaly,” and “without Casey they were really quite normal” (Ashton, 2012, p. 186). This description of intra-racial difference creates a sense of distance and dislocation between Casey and her family, but also more specifically between the prosecution and Casey, thereby reinforcing the binary of “us” (Ashton/prosecution) versus “her” (Casey).

From the beginning of his narrative, Ashton notes he was always most suspicious about Casey’s “calmness” since “most parents would be in hysterics if their child was missing” (p. 22). He compares her reaction to his own emotions when he briefly lost his own son on a crowded beach. Within minutes his child was safely returned, but Ashton could still recall “those few moments of paralyzing panic ... eternally etched in my memory,” unlike Casey who lived carefree for over a month “without any sense of urgency or emotion” (p. 22–23). Employing this discourse of difference addresses the white space that makes the behaviours and morals of Ashton markedly different from Casey’s. Throughout the prosecutorial narrative, Casey was never spoken about in a realm of “sameness” or “we-ness,” which is generally used in discourses about white people; rather, she was differentiated based on conduct, morals, and principles commonly employed to signal distance when describing criminals, inferior whites, or racialised bodies. To cement her exclusion and division, the defendant was not constructed as an all-American white woman who could be easily relatable. Casey was characterised as though she was “not like us” and, in a circuitous way, not like white people since the most honoured position for white people is having the privilege of representing the standard of humanity.

During the trial, the three prosecuting attorneys told each other stories of “the panic that arose from even momentary loss of contact with one of [their] kids” (p. 128). Reflecting on Casey’s behaviour while her daughter was missing, the co-counsel members simply could not imagine “as a prosecutor, as a parent, as a person” that any individual could hold such little regard for her own child (p. 128). Casey’s unashamed and uncaring behaviour “didn’t even hint at the hysteria one would expect ... her demeanor just didn’t make sense” (p. 30). This appeared to be a vivid manifestation of her alleged involvement in the crime; her sense of disregard allowed her to avoid taking responsibility for what had occurred. In fact, her main concern when she did contact her family was only to retrieve her boyfriend’s telephone number. It appeared that “while Caylee was missing (and perhaps dead at that point) Casey’s concerns appeared to be solely about her own welfare and comfort, and her connections with people (even her own parents) seem[ed] to be shallow in nature” (as cited in Walker & Folia, 2011, p. 520).

Ashton constructs Casey as someone who could never inhabit the same space of white privilege and morality that he and his co-counsel occupied. This signalled the dearth of Casey’s whiteness (in contrast to its presence). Rather, his reading of her intimated that she rightfully belonged to an “omnibus category for everything that is out of place” (Hartigan, 1997c, p. 20). The general tone of the prosecutorial narrative reaffirmed the great social distance between “them” and “her” – despite all actors in this scenario being white. Furthermore, to buttress Ashton’s remarks, Casey’s father expressed his own distance from his daughter, thereby employing his own whiteness in the narrative. He told Ashton that “Casey lives on the edge. You know that from all the lies. All the contradictions. And like my daughter takes things as far as she can take them. And then she piles on some

other stuff" (p. 68). George's admission demonstrates an execution of his perceived "real whiteness" from Casey's "so-called whiteness." Casey's moral compass, pointing outside of her race, leads us to believe that she did not belong – not even within her own family.

The Anthony family maintained a close relationship, especially when Casey was out of the picture. Prosecutors portrayed Casey's parents as caring, committed individuals who were well-liked in their neighbourhood and had steady employment for many years as a nurse and a law enforcement officer. "Nobody came forward with any horror stories about either one of them," Ashton (2012) stated; in fact, "they were the picture of a loving and committed couple raising two children into young adulthood" (p. 186). While the prosecution argued that Casey came from a fairly stable home, she did not fit the expectation that a child growing up in a loving, stable home will "be good" and "do good works" (Byers, 2009, p. 44). Her weak work ethic could be perceived as a "badge of resistance" or a sign of her uncaring nature, but it also underscored her failure to own (or live up to) her family upbringing (Byers, 2009, p. 49). For his part, Ashton could only imagine "just how hard it was for [her parents] to accept the reality of what their daughter had become" (p. 320). In this sense, Casey was Othered and perceived as a "threat from *within* the very nationalist vision [she] is said to disrupt" (McElya, 2001, p. 157, emphasis in original). We see that the divide between the prosecution and the Anthony family, as part of a white civilised, normal space, and Casey, far removed from such space(s), was all that it took to have that division narrated.

Ashton (2012) notes that it was "hard to say what it was about Casey that impacted everyone in the family so dramatically," but "Casey infected the entire family" (p. 186). The intentional use of the verb "infect" to describe Casey's influence in her family assigns her to

an “atypical” white woman’s status. An example of Casey’s disordered ways was her decision to “implicate someone beyond herself as a way to deflect blame” regarding her daughter’s death (p. 207). Indeed, Casey herself attempted to use the discourse of whiteness and Otherness in her description of Caylee’s nanny as a “half black and half Puerto Rican, twenty-five year old [woman] originally from New York” with “dark brown curly hair and brown eyes” who had kidnapped her daughter (p. 28). Relying on the ideology of white supremacy, Casey, as a white person, had permission to deflect blame to the racially-prescribed Other. However, from Ashton’s perspective, “Casey had nowhere else to go with the mysterious abductor story, so she needed a new narrative” (p. 206) – namely, blaming her father for Caylee’s death. When Cindy and George were notified of her accusation that George had sexually abused her, Cindy reassured her husband that “nobody believes this ... I don’t know what’s wrong with her!” (p. 219). As the story went, “everything was on George. Casey took no responsibility whatsoever. That was always her position” (p. 208). The allegations of abuse bolstered Ashton’s claim that Casey was abnormal, different, and clearly “marked”; even Cindy “was finally willing to admit that there was something not right about Casey” (p. 219).

Ashton, as a white expert – and an embodiment of the American law – employed his own white privilege by painting Casey as destructive and flawed, thereby exposing her failure as a respectable white woman. Since Casey’s parents had certain expectations of her, they could not understand why Casey could not or chose not “to work and contribute to the household,” though she could have: “maybe she was just lazy ... or maybe she felt entitled and didn’t want to work” (p. 241). This type of indolent behaviour and mentality reaffirms already prevalent stereotypes in discourses about welfare recipients or Indigenous people

who are viewed as lazy and greedy people who do not engage in any form of economic activity for self- and social betterment. According to Ashton, “lying about what Casey did during the day was easier than explaining to her parents why she was unemployed” (p. 241). In addition to her lazy ways, when Casey claimed to be working full-time, she did not have a babysitter and her then-fiancé “decided to give up his only days off from work to watch Caylee on Mondays. Soon other people in his family were watching the child two other days a week” (p. 116). Casey expected – and received – what she was not qualified to have and did not want to work hard for. She was known to have stolen thousands of dollars from her family, including her grandmother. Perhaps to add to her desperation for a “normal” white status, “Casey even wore a laminated ID card around her neck, reinforcing the image that she was on her way to a job” (p. 120–21). Casey’s failed virtuous whiteness speaks to her rebellious and deceitful ways: she simply had to wear an ID card to deceive the world that she was a working, respectful, contributing white member of society. Within the white American imagination, racialised and poor, white people are regarded with contempt and animosity for these same reasons.

In his narrative, Ashton iterates the message expressed by one of the protesters who called Casey “trash” while trespassing on the Anthonys’ lawn. This could be interpreted as his agreement with and avowal of Casey as “trash” – using the protester’s message as a way to reinforce his own (p. 109). That Ashton blamed Casey, “the sexually-abused child trained to lie” (p. 297), for her own misfortunes was part of a discourse imbued with racism, similar to the one haunting trashed (or racialised) women as liars and cheats. When reports that Casey sold photographs and videos of her daughter were made known, Ashton says he was “so disgusted by her at that moment. At the time when the sale

had taken place, [he] was confident that Caylee was already dead and that Casey knew it” (p. 192). Consider Ashton’s question: “what kind of mother would sell pictures of her dead child for profit?” (p. 192). The implied answer: certainly not one who is part of refined white society.

Perhaps one of the most interesting accounts of mobilised whiteness appeared in the perceived social distance between Ashton’s whiteness and Casey’s alleged debased whiteness. Casey was isolated from the rest of proper bourgeois society; “at one point the defence requested that Casey not be required to appear in court when the motions were heard,” but according to Ashton, “we objected, and her presence was required ... why should we care if she did not want to hear her own attorney’s motions? ... part of me felt that if I had to sit and listen to him blather on, then she should too” (p. 134–35). This example is telling of white privilege in that white people have the power to decide how, in what ways, and under what conditions they would allow themselves to be comfortable. We see through the prosecution’s narrative, however, that Casey should not be entitled to – or seen as worthy of – the same respect and comfort typically bestowed on white people (especially within the legal system), thereby making her attendance in court mandatory. This relation of difference is highly reflective of the “real” world power dynamics between different “shades” of white bodies.

#### *Casey Anthony as a Disordered, “White” Woman*

As I have demonstrated above, Casey did not match the cultural stereotype of a moral white person. Her deviant, mischievous ways and her past histories of lies only confirmed her

guilt, according to the prosecution. Casey was suspicious, pushy, loud and foul-mouthed, hot-blooded, ever-sassy, quick-with-the-comebacks, and an incomprehensible, sexual deviant. It was the inferior status of her “white” subjectivity that Casey was somehow attached to, wherein every piece of her whiteness (and its claims to white privilege) was discounted. A “real” white woman would never be depicted as controlling, fake, and manipulative, as someone who would steal “in times of desperation” (p. 74) with almost “every excuse in the book” when she could not repay the money (p. 59). A “real” white woman would never be without steady employment, have multiple sexual partners in a relatively short time span, gallivant and flaunt her body across town, and end up with a bastard child. Casey, as a debased white woman, was an object of property without value, a type of “lay-about” who consumed space without purpose. As a woman who could not say with certainty who the father of her daughter was, Casey displayed almost every trope of trashiness conceivable. Casey was, therefore, a disturbing alternative to hegemonic white subjecthood and the refined whiteness that accompanied it.

Casey continued to operate without scruples; she was neither graceful nor classy.<sup>17</sup> For example, during the day Cindy located Casey at her boyfriend’s house, “Casey sat in the front seat of the vehicle with her arms crossed, giving glaring looks, ‘like a sixteen-year-old who’d been caught doing something bad’” (p. 267). She grew more and more angry, clenching her fists and taking on an aggravated tone, fuming and pouting that nobody was there to comfort her. That same day when Cindy contacted law enforcement concerning Casey’s behaviour and the whereabouts of Caylee, Casey sounded dismissive and bothered by not only the intrusion of the call, but about the entire event. While addressing the

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<sup>17</sup> I utilise “class” here to convey tact and manners, where one engages in discreet and diplomatic demeanour.

operator, Casey answered the telephone, “casual, almost uninterested,” with a “‘Hello?’ ... as if ‘hello’ were a question”, and then “deliberately answered ... as if she were letting someone know about a missed manicure appointment” (Ashton, 2012, p. 21, emphasis in original). Casey was dishonest and angry; she had no civility and violated core principles of whiteness related to sincerity, and, as a result, she was framed as a criminal.

Casey’s inability to take responsibility was also illustrated by her suggestions that she was the real “victim” in all of this, that she had nobody around to comfort her, and that her parents were the ones allowing her to “[get] truly angry about all of this” (p. 79). Everything about Casey was scrutinised and “marked”: from her “smart-ass” responses, to her numerous lies, as well as her hostility toward her parents (Baez, 2013, p. 333). The anger Casey demonstrated throughout the investigation and proceeding case carried over to her time in jail awaiting bail. According to the prosecution, “she appeared adversarial because her family seemed to care more about Caylee than they did about the fact that she was in jail” (Ashton, 2012, p. 52). The prosecution substantiated this claim by using Casey’s harsh confrontations with her family: “if I knew where Caylee was, do you think any of this would be happening? No” (p. 54). This character portrayal informs us that a white woman with such hostility and anger towards anyone who dared question her, simply because she “got arrested on a fucking whim today” and had law enforcement “blaming [her] for stuff that [she] never would do” (p. 54), could not possibly be innocent and trustworthy in the eyes of the law.

Casey’s behaviours did not seem at all fitting for a white woman who was concerned about her white child. In fact, she demonstrated a lack of consideration about what her child could be going through, the opposite sentiment of most parents during such

an ordeal (as cited in Walker & Filia, 2011, p. 520). Articulations of her aggression were most vivid during Casey's jailhouse conversations with her family after her arrest in which she had referred to them as all just a "waste":

I don't fucking know where she's at ... do me a favour ... I don't want to talk to you right now. Forget it ... I don't want any of you coming up here ... Like don't even fucking waste your times coming up here... There's absolutely nothing to find out ... Oh, my God. Calling you guys, a waste. A huge waste. (p. 52-54)

To the prosecution, "these conversations show[ed] that true, unvarnished Casey, Casey at the core" (p. 267). This white woman clearly did not embody whiteness; at her core was a white woman of a lesser status. While recounting Casey's lies during the period when her daughter was missing, the prosecution reported that while trying to locate the young child, Casey "was nasty to her brother, blew him off, and hung up" the telephone (p. 91).

Moreover, Casey often complained that "the investigators had misconstrued and twisted her words and had not bothered following up on any of the leads<sup>18</sup> she had given them" despite the fact that following up on the leads early on in the case had resulted in a rather fruitless venture (p. 74). Casey lacked what Garber (2001) would call "moral gravitas" and did not exhibit white social nicety and diplomacy in the eyes of the prosecution (p. 176).

Despite the fact that Casey urged her parents to consider posting her bail, as this way she could "do something other than sit on [her] butt," Casey fumed and angrily bemoaned that "people expect me, having been in jail for a month, to be able to give helpful information ... there is nothing more I can do till I am home, and even then I don't know what I can do from that point" (p. 79-80). When Casey's mother plaintively stated that "we need something to go on," Casey snapped back, almost yelling, "Mom, I don't have anything

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<sup>18</sup> Casey's version of events and witnesses' stories.

... I've been here a month, a month today. Do you understand how I feel? I mean, do you really understand how I feel in this?" (p. 78). Casey "was not fazed" by her family's emotional anguish; in actuality she only "persisted with her rant" in which she moaned "everything is out of my control" (p. 80).

References to Casey's attitude as insolent in combination with her use of curse words and frustrated speech contributed to the characterisation of Casey as being far removed from sophisticated whiteness: "no one is letting me talk. I am not in control. Everybody wants to know things, but I have nothing to tell" (p. 79). During the trial, while Ashton was arguing his case for the death penalty before the judge, "the courtroom was silent as a tomb; all I could hear were movements at the defense table ... where I referenced someone administering the chemical substance, Casey looked angry. Her jaw locked in a scowl" (p. 176). Additionally, in an incident when Cindy informed Casey that someone had theorised Caylee might have drowned in the family swimming pool, Casey sarcastically replied: "surprise, surprise" (p. 78). And in another similar episode when George told his daughter that she was the "boss, and not [Baez]," Casey bemoaned (again) that "the police are not helping us" and complained that "the cops hadn't even given her twenty-four hours to help find Caylee" (p. 79). Casey grew more infuriated even when her parents tried to reassure her by "telling her that she was in charge" (p. 79). Casey's traits were unnatural to her status as a white woman (but conformed to the image of (her as) a trashed woman). White women do not allow their presence (be it by their mouths or with their bodies) to be known, but trashy white women do (Gilman, 1985; Moten and Jenkins, 2001).

Only by understanding that Casey did not embody the refined qualities of a white person could the possibility of Casey's removal from whiteness be argued. In a visible

deployment of whiteness, Ashton emphatically states: “I allowed myself to hate [her] ... There was work to be done that required me to keep my emotions out of it [but] I will never forget what I felt in that moment, and how then, just as now, there was no doubt in my mind that Casey had killed this beautiful little girl” (p. 145). Here, as elsewhere in Ashton’s narrative, the contrast is clear: on the one hand, we have the beautiful little girl, the bright-eyed baby, who needed to be “humanised” and “cared about” throughout this case – and on the other, we have Casey’s flawed character which needed to be accounted for, condemned, punished, and marked for death.

*The Racial and Spatial Differences between Ashton and Baez*

The process of Othering is about distances and boundaries of difference and gives whiteness the power to deploy itself from an “undefined position of superiority” (Fiske, 1996, p. 46). As a criminal case commonly involves two sides, opposition and discord will typically emerge. Within the prosecution’s story, Ashton was stern in his assessment of not only Casey, but also her defence attorney, Jose Baez. Consequently, if whiteness is seen as superior and advantaged then we most certainly see the limits of this in Ashton’s analysis of Casey and, to a similar degree, in his racialisation of Baez.

Ashton’s analysis of Baez highlights a paradigm in which whiteness symbolises law, order, and morality, and racial-ness represents deviance and lawlessness, disorder, and nonconformity. Ashton begins his assessment of Baez “with a disclaimer, an admission of bias” in which he openly confesses that he “genuinely dislike[s]” Baez (p. 187). According to Ashton, he was “the person to do battle with [Baez]” as he was Baez’s “main adversary” (p. 187). Baez, a Hispanic man (contrasting with Ashton’s race-less identity), born to a single

mother in New York City, was markedly singled out for his under-par background and experience: a high school dropout who was married and with a child by the age of seventeen, he was denied admission to the Bar for eight years (p. 188). “The system” should not sympathise with, care about, or work for Casey any more than it did for Baez for they are the “undeserving” Others. In Ashton’s background-dig on Baez, the attempt to “blacken” Baez (even more) is apparent as he informs his readers that Baez was denied admittance to the Florida Bar after difficulties with his background investigation, namely for financial irregularities (i.e., being unable to pay child support – a prevalent stereotype in impoverished communities and discourses of blackness regarding the “poor, broken family”) (p. 188). Much like Casey, Baez is portrayed as dishonest, showing us that Ashton remained on the side of the (privileged white) law, while Baez was marginalised from it.

Racialised persons in white social spaces are regarded as invasive species that need to be carefully monitored, controlled, and possibly uprooted (Hart, 2013, p. 94). The construction of Baez as a foreign and deviant body demonstrated that he was (and had justification to be) excluded entry into that space of privilege that Ashton had the benefit of entering and enjoying. Additionally, Baez tried a few unsuccessful business ventures that included two online bikini stores; Ashton felt it was necessary to include the web addresses of Baez’s failed bikini businesses in his book (p. 188). Perhaps Ashton chose to publicly dishonour Baez because there was “an unearned air of arrogance about [Baez] that [was] incredibly frustrating to witness” and, according to Ashton, “[Baez] claim[ed] the right to that arrogance without the accomplishments to back it up” (p. 189).

A part of Ashton’s discussion remained focused on portraying Casey and her association with Baez very unfavourably. Similar to his assessment of Casey as deceitful,

Ashton viewed Baez's "appearance" in the media as "unethical and unprofessional" and his lawyering skills as "reckless." He proclaimed that Baez, with his "great deal of superficial charm," never seemed to be concerned about the "accuracy of what he was saying" (p. 187–89). This recklessness came from "frequently filing motions he had not adequately investigated and that were not true" (p. 189). For that reason, Ashton believed Baez "deserve[d] to be exposed," and referred to him as "smarmy: somebody who is slick, underhanded, and doesn't shoot straight" (p. 188–89). Another illustration of Ashton's attempt to "expose" Baez proceeded after the case ended when Baez told him, "you're the toughest motherfucker I've ever been up against," and Ashton felt urged to comment that "the list of 'motherfuckers' [Baez] had been up against was pretty short" (p. 311).

The distance between Baez and Ashton was evidently great, as illustrated in Ashton's remark: "even if you're on opposing sides [with a lawyer], you can't work with someone you don't trust" (p. 189). Baez was barred from entering the space Ashton could only see in himself from an early age: an eight-year-old, self-admitted nerd from a middle-class home with all the "makings of a lawyer" (p. 12). As Ashton proudly describes, while he was in high school, he was captain of his High-Q team and a member of the drama club, performing alongside *the* Angela Bassett, who was only a year behind him (p. 13). Baez's Otherness – his racialised status – is accentuated by the fact that he received his GED diploma after much struggle, served in the United States Navy, and later attended a community college, prior to attending law school where he was just a "C" student; these minor accomplishments stand in stark contrast to Ashton's completion of a J.D. degree in two and a half years (p. 188). This illustration reinforces common perceptions of whites as superior, knowledgeable, and authoritative and stereotypes of racialised individuals as

incompetent and poorly educated. Moreover, in his thirty years as a prosecuting lawyer, Ashton had taken seventy homicide cases to trial and all but two returned guilty verdicts; he also prosecuted twelve death penalty cases and won convictions in all of them (p. 10).

Baez, on the other hand, was a “rookie lawyer,” as the media referred to him, with an office in what was described as a “strip mall” (Baez, 2013, p. 57–58). He was a “man of rather pedestrian accomplishments,” argued Ashton (2012), “with precious little experience or knowledge to back up his [unearned] swagger” (p. 188). Compared to Ashton’s “solid” record of – “twenty-eight years of service, an unblemished record, and a near-perfect conviction rate” – Baez’s experience was rather inadequate; indeed, Ashton was “the go-to man,” even “doing trials that [he] was way over-qualified for” (p. 11–12). In contrast, Baez’s “paralegal/investigator role was where he got his exaggerated trial experience” (p. 189). Here, the very mention of the word “exaggerated” becomes code for “unqualified,” “under-accomplished,” and “inferior,” and operates in ways to negate the expertise and accomplishments of Baez and further reinscribe him as Other, thereby making it difficult to view him on an equal footing. To Ashton, “there are many lawyers who I’ve done battle with in court, but when we step out of the courtroom, we are friends. Baez was not one of them” (p. 189). This type of racial coding, in support of critical race theory, sustains white supremacy and plays an essential role in the establishment and maintenance of racial inequalities (Bonilla-Silva, 2006). By positioning Baez as the Other, Ashton was demarcated by a “pervasive pollution ideology through which white, middle- and working-class Americans evaluate the behaviours and opinions” of Others whereby Casey and Baez are undoubtedly symbols of what Ashton most certainly was not (Hartigan,

1997c, p. 319). In the end, Ashton's characterisation of Baez serves as a reminder of the unwilling co-mingling between white and racialised bodies in America.

As I have argued in this section, Ashton's socio-raced positioning reiterates white racial sentiments towards racialised bodies – especially those “invading” white spaces and institutions. The racial coding of Baez, especially in comparison to Ashton and his superior white status, further sustains white hegemony. We also see the attempts made by the prosecution to reduce or obscure Casey's white privilege based in part on her affiliation with Baez – which only amplified her inferior status. The prosecution's narration emphasises the potential “rubbing off” of Baez's inferior status onto the body of Casey; keeping her at a distance from whiteness – thus reducing her status as a legitimate white person and further attempting to restrain her claims to white privilege.

### **Defence Narrative**

McIntosh (1988) sets out to show that whiteness is not simply about abstract privilege, but to be (read as) white means, literally, to have a birthright to a broad array of policies and practices employed for one's benefit and through which that privilege is enacted in the most subtle and mundane ways. McIntosh describes this constellation of raced privilege and white advantage as an “invisible knapsack” – something that white people carry around and use unthinkingly (McIntosh, 1998). According to Frankenberg (1993), whiteness has multiple dimensions: whiteness is a *location* of “structural advantage, of race privilege”; it is a *standpoint* from which white people look at “ourselves, at [racialised] others, and at society”; and it relies on a set of cultural *practices* that are typically unnamed. As Leroux (2010) puts it, these cultural practices are politics that shape normative

understandings of race (p. 22). This set of practices is the point of origin from which I situate my understanding of mobilised whiteness in the defence's narrative.

*Enforcing Whiteness: Casey Anthony and her White, Middle-class Family*

The Anthony family epitomised true Americanness and newsworthiness, for they were the image of what the public liked to see and read about; this partly explains why Caylee's story seized the interest of many Americans for three years. This nuclear, suburban, white, middle-class family is a popular staple of the American dream. The Anthonys lived in a two-hundred-and-fifty thousand dollar "typical middle-class home ... it was impeccably kept. Nothing was out of place, and it was spotlessly clean;" in addition, the family owned three or four vehicles (Baez, 2013, p. 28). George, the father, was described as a "well-built man ... with a full shock of neatly kept white hair", and Cindy, Casey's mother, was portrayed as "middle-aged, tanned, blonde ... intelligent and strong-willed" (p. 1-2). These identifiers were used to "soften" and whiten the image of Casey's parents and were attempts to emphasise their similarity to the model white, American family in the United States. Descriptors such as "well-built," "white hair," "tanned," "blonde," and "intelligent" help us recognise the parents' white status and what it means to be a respected and privileged white family in America. Like Casey, the Anthony family was not familiar with the criminal justice system: they had no prior criminal records, they contributed to society as upstanding citizens, and they did not ask nor expect much from the community (p. 75). The Anthonys appeared to be an all-American family: mother and father, older brother and younger sister, and a little baby girl growing up in a quiet suburb in Florida.

McIntosh (1998) argues that whites continually benefit from “inherited systems of system over-advantage;” that is, a system exists that gives advantages, opportunities, rights, and liberties to white people. An articulation of a white privileging system speaks to us when defence counsel described Casey as a “*girl [who] could have been anything she wanted to be in life*” and whose writing was more intelligently crafted than what a “seasoned lawyer” could have produced, but “*instead she’s here in jail and in the running for Most Hated Person in America*” (Baez, 2013, p. 50, emphasis in original). We can extract the raced undertones in this passage: whiteness implies “knowledge,” “opportunity,” and “liberty.” This statement tells us that Casey is a white woman with wisdom, plentiful opportunities, and rights, and these rights and advantages ought to be acknowledged and respected. The relationship here between whiteness and societal advantage informs us that many doors open for certain people; anything that obstructs that sense of privilege, such as America’s hatred for Casey, is perceived as something that simply cannot be; it is a malfunction, a “hiccup,” or a violation of the system and what it was designated to do (McIntosh, 1988, p. 3). These are claims that could not have been (easily) made about Casey if she were not a white woman. The fact that Baez, a lawyer himself, enlightens us on the wisdom of a “seasoned lawyer” to describe Casey’s intelligence suggests that Casey, as a white woman, rightfully deserves all opportunities and advantages because of who she is.

Unlike a lot of young, single, unemployed, and especially racialised, mothers, Casey had access to her friends’ homes, their cars, and bank books, and she was able to enter nightclubs whilst assisting and promoting the club venues. Her access to elite spaces of white, middle-class life (i.e., vehicles, homes, jobs, bank accounts, and the “nightlife”) and the resources and opportunities that came with it, speaks to Casey’s white privilege; Casey

had an undisputed right to go anywhere and do anything if she chose. In essence, no doors shut her out. Not only did Casey have access to those items, she was able to freely use and enjoy them for her own benefit without difficulty. Casey remained unmarked from accessing items and spaces that would be prohibited to, say, a poor black man, since the marking and over-policing of a black man denies him access and results in his static and immobilised body. Of Casey's twenty-plus friends and acquaintances called to testify during the trial, most were white professionals and/or university students. This portrait tells us that while Casey was neither a "professional" nor a "student", her class and raced standing and her access to resources welcomed those individuals into her life – she was associated, had access to, and identified with race and class privilege, even if she alone did not conform to the middle-class script. So while we see that whiteness granted Casey with a particular type of privilege, in a novel way, classed-whiteness worked to magnify that privilege.

*Treating Whiteness as the Human Ordinary*

Often in racialised scripts, descriptors or references to cultural or ethnic practices or behaviours are used to denote Otherness – to make it clear that one is dealing with "those who are not like us." The same philosophy affirms how whites often use tropes of sameness to frame the white narrative – to reaffirm a universal interpretation and cultural understandings of whiteness as "there and everywhere." Baez (2013) articulated race in a very subtle way at Casey's bond hearing. With a vision of exonerating the defendant, Baez urged the judge to "treat her like anyone else ... she's not a danger to anyone" (p. 44). A criminal, in popular discourse, is not one that resembles the people closest to "us" (i.e., white people): our parents, siblings, spouses, friends, and children. As Stabile (2006)

reminds us, white women are hardly ever constituted as a threat and thus no cause for moral panic or concern gets attributed to the “province of whiteness” (p. 155). Because white people are not threatening and do not activate the same fearful reactions that black or racialised people do, only a white person can be treated “like anyone else” because he or she is “not a danger.” We do not commonly refer to racialised people “like anyone else,” as we do not attribute a racialised face to represent universality, normativity, and the human collectivity. Nor are we hesitant to accept that “those people” are not inherently dangerous. Indeed, the core of white privilege here is the ability to be seen and treated as “human” and as “individual” in a white-dominated society. Referred to in this way, Casey remains invisible and unmarked, similar to white people described in discourses of whiteness who rightfully claim their universal status. As long as Casey is invisible, she remains “like us.” It is within this same narrative that Baez (2013), despite the obvious racial differences between himself and Casey, was still able to see her as a sort of daughter figure and maintain a state of fatherly protection over her. Drawing heavily on ideologies of whiteness in concert with dominant discourses of masculinity, patriarchy, and perhaps hetero-sexism, Baez believed that if Casey had been his own daughter “there’s no way I wouldn’t fall on my sword for [her]” (p. 190). That Casey could be regarded in that way speaks to her privileged, universal position of “sameness.”

The more the prosecution attempted to make Casey vulnerable to conviction, the more defence counsel had a strategic recourse for her whiteness; through their narrative, we see their eager and successful attempts to whiten her. The endeavour most certainly came as no easy task, as most Americans publicly scrutinised him (and her); had Baez been a white man, the effort might have been less problematic and forced, since deploying

whiteness would have seemed more natural to his identification as a privileged white man. His association with Casey would have resembled a daughter-father relationship and would have shown Casey to be in company with “good” people of her own race. As a Hispanic man, as we understand in popular discourses, his voice is not necessarily given the currency and significance that is commonly attributed to the white voice. Whiteness from the defence’s standpoint is deployed to protect Casey and to neither exclude nor marginalise her.

A fierce battle ensued between the prosecution and defence as the defence heavily argued Casey’s “sameness,” demanding that she be treated like “one of our own” by arguing her innocence – that “she’s the mother of a missing child, and she’s someone’s daughter, and she’s human” (p. 88). This strategy was promoted within the context of white supremacy and in a manner that maximised racial sameness. “Mother,” “daughter,” “human” are strong codified words that stand in for whiteness and are meant to help us “connect the dots” about white females – so that treating them like “one of our own” appears natural and common sense for us. Similar to the discourses used by the prosecution to humanise Caylee and underscore her whiteness, the same tactic was employed by Baez to emphasise Casey’s whiteness. It might have been easier to relate to Casey as a figure of empathy if she was viewed as a white American, as the mother of a white missing child, and *possibly* as America’s (i.e., the jury’s) daughter.

White people continue to be in a distinct majority position; like most social arenas and institutions in North America, the legal sphere and the jury, specifically in this case, hold true to this account and are controlled and dominated by whites. Dyer (1997) agrees that white people are overwhelmingly and disproportionately the dominant group in the

criminal justice and legal systems, as they occupy the central positions in these major entities. These systems work to protect white people and make white understandings normative, since most of the decision-makers are white. The same whites that rendered a not-guilty verdict for Casey. This unnamed, structural advantage of white people ensures that they will be in the presence of an overwhelming and powerful majority who are, by the same token, white. Constructing Casey as a person of our “kind” (i.e., as a white person) tells us that she too can be normalised, humanised, and, ultimately, deemed innocent because white females have the benefit of appearing virtuous and credible even when they are altogether unknown to us (Madriz, 1997; Stabile, 2006; Parrott & Parrott, 2015). Furthermore, white people can enter social spaces/environments that “protect” them and, more often than not, they have the benefit of facing “peers” of their race (McIntosh, 1998; Alexander, 2012, p. 194). As Russell-Brown (2006) states, “as a group white Americans do not have to act as black Americans do to protect their own – the justice system does it for them” (p. 6). Facing a jury of her peers (literally, her peers) gave Casey the ability to exercise her white privilege to a community in which she finds herself included. Casey was served in a public venue that, by and large, privileges people (that are, and look) like her. That Casey stood on trial before a jury comprised of ten whites and two blacks, seven women and five men, bestowed on her a skin-colour and gender advantage; it might have been difficult for the jury to convict Casey based on system over-privilege.

Under white supremacy, Americans have been taught to regulate their negative projections away from white bodies, trained to be kind to white people, and socialised to believe and favour white (female) faces. We openly subscribe to that dominant racial, feminine ideology despite this belief frequently being treated with silence. Baez (2013)

explained: “I believed Casey. It was a unique moment between the two of us. I had a gut feeling she was telling me the truth” about not knowing the whereabouts of Caylee (p. 34). Here is a representation of the power of the white voice to not only be heard but more significantly to be legitimised and deemed reliable and credible. The words, voices, and testimonies of white females are viewed as gospel (Stabile, 2006, p. 164). At least implicitly, the defence drew attention to Casey as a deserving and legitimate woman by making her whiteness central to that characterisation.

It is no wonder this case became so widely publicised; it is unusual to see an attractive white woman charged with murder, especially of her own child, but it is even more uncommon to have the public vilify her for it. And, though Casey was publicly criticised almost every day for three years by law enforcement, the media, and the prosecution, we can be almost certain that her race did not work against her. A racialised defendant would not have shared that same benefit or luxury of being unmarked in that way. Surely a racialised defendant would have his (or her) race to speak for in connection with the crime he (or she) allegedly committed.

#### *Caylee Anthony and the Anthony Family as Apparatuses of White Privilege*

Prior to Caylee being found dead, “all the national TV shows came calling” (Baez, 2013, p. 36). The disparity between how white victims are treated in mainstream news compared to the overall dismissal of black victims is astounding (Stabile, 2006, p. 1). *People* magazine, a widely-known and reputable “tabloid” magazine, did a full article, including a front page cover-spread, with details of the investigation as it was underway in the hopes of enlisting help from people all over the United States to find the young white child. Partnering with

several charity organisations for support, many news agencies set the reward for finding Caylee at \$225,000 – which was reportedly half of Casey’s bail (Baez, 2013). Byrne (2006) reminds us that white individuals and particularly white victims play a central role in articulating national identity so that we know exactly who these “victims” are by name and face. Moreover, during closing arguments, Baez reiterated that it was “such a difficult thing for you to push aside. Caylee was a beautiful, sweet, innocent child who died too soon” (p. 391). Language often works to mask privilege so that references to beauty and innocence do not need to explicitly mention ideologies about gender and race; nevertheless, the hierarchy implicit in words such as “beautiful,” “sweet,” “innocent,” and “child” signify that Caylee was a deserving and worthy white victim who needed the support of many across the United States. Caylee, as a “beautiful” child, was spoken about at great lengths, further illustrating and cementing her whiteness and the genuineness of her victim-status (p. 392). This illustration of white privilege can be linked to Caylee’s status as a deserving white victim, thereby making her mother “deserving” as well. So, while Casey was not perceived to be a “victim” by the general American public, her “beautiful, dead white” child garnered tremendous support and sensitivity from across the nation that consequentially included Casey in that “deserving victim” bracket (Stabile, 2006, p. 17). As a “darling,” innocent child (Baez, 2013, p. 193), Caylee’s whiteness acted in the service of Casey’s own white status and thereby her innocence.<sup>19</sup> Because the media viewed Caylee as a victim, she was able to “lend” her whiteness and unquestionably her white privilege to her mother.

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<sup>19</sup> Caylee was able to “whiten” her mother quite effortlessly, a task that would not have come so easily had Caylee been a biracial child. Caylee’s biraced-ness would have been a reminder (and an embodiment) of Casey’s identification with black culture and her transgression of racial boundaries so that she could not be easily read as white.

The Anthony family was also able to invest in their white privilege by positively representing Caylee since white victims, as Stabile (2006) reminds us, “provide one of the most emotional and effective representational modes for mobilizing sympathy” (p. 2). The Anthony family secured a spot on all the major national television shows, including *Nancy Grace* on HLN, *Geraldo at Large* and *On the Record with Greta van Susteren* on Fox News, and also *Larry King Live* to garner attention for the young child. Casey’s mother also went to visit Meredith Viera to discuss the goings-on of the case. As Stabile (2006) demonstrates, white supremacy is inherently “built into the very bricks of ... commercial news” (p. 4). All of the Anthonys’ meals, accommodations, and transportation were provided for them, and they were able to raise a considerable amount of money to assist with the search for Caylee. Notably, Casey was paid up to \$200,000 from a national news organisation for the sale of her daughter’s photos. Counsel later stated that most of it was used for her legal costs and to acquire the proper professionals to mount their defence. This powerful and remarkable deployment of whiteness is buttressed by Baez’s testimony:

One of the networks wanted to fly me up to do an interview and meet its executive. I was using the trip to build a defence team *on the media’s dime* ... I realized that this case was going to be expensive to defend and I had to be creative and use the media to my advantage. And that’s exactly what I did. Each and every time I did an interview in New York or someplace else, I used the trip to see and work with my experts and build a defense. (p. 51, emphasis mine)

Baez and Casey were able to secure some of the most distinguished experts in the field to help with the case, one of whom was Dr. Henry Lee, forensic scientist and one of the “stars” of the O. J. Simpson murder case who was “kind enough to sign onto the case for [only] a \$5,000 donation to his institute” (p. 92). Dr. Lee also testified and assisted in the John F. Kennedy assassination case, and the murder cases of Martha Moxley and Laci Peterson.

What is more, charity organisations offered five thousand dollars to criminal lawyer Mark NeJame for his aid in assisting and representing the Anthonys throughout the course of the case.

Casey's mother and father benefitted from Caylee's white status as well and were treated to dinners at five-star restaurants and stays at swanky hotels such as The Ritz-Carlton Orlando "on the media's dime while crime scene investigators were on their hands and knees in the rain searching the woods for their granddaughter's bones" (Baez, 2013, p. 120). Adding to that, the steady current of funds, and reportedly \$20,000 from CBS for obtaining photographs of Casey and her daughter, allowed both Cindy and George to go on a "lavish cruise" without spending a penny to save their daughter who was facing the death penalty, unlike Baez's other clients, some of whom were "migrant farmworkers who [didn't] have a decent place to live" (p. 171). Casey had even "received donations from people who were outraged over how unfairly she was being treated" (p. 231). So while Casey did not have money herself, she was *always* able to access it when required and *always* able to deploy white privilege when most needed. According to Baez:

It's a darn good thing Casey was able to do this. Without that money, we wouldn't have been able to do a lot of the things we needed to do to fight her case. Without that money, we would not have been able to hire the experts that were needed to mount a viable defense against the barrage coming at us from the police, the prosecution, and the media. (p. 77)

These examples reiterate how white privilege and the ongoing protection of white femininity were manifested through Casey's (and her daughter's) raced and gendered identification. Casey's ability to secure help and acquire money through her relation to her family, and most certainly her daughter, was a deployment of white power in itself. Casey, through no action of her own, had unmerited rewards and benefits available to her. Her

gateway to these benefits was offered through collective inheritances that she ultimately received as being part of a recognisably privileged group.

Stabile (2006) explains that the “consistence and historical continuity” with which the media decides which group of persons count as “victims” informs us that the relation between white victims and “worthy victims,” which have long excluded black individuals, is quite profound and reflective of the white supremacist society in which we live (p. 1–3). Casey was able to benefit in many ways because of her white privilege; Caylee, as a victim, also benefitted from white privilege. During the quest to locate Caylee’s body, despite the fact that many individuals volunteered their time and efforts with many organisations to assist with the search, “each volunteer had to pay twenty-five dollars. A lot of people joined ... the searchers were good people who were just concerned about Caylee and wanted to find her” (p. 99). It was an effortless venture to invite the media in “to get word out that Caylee was missing” (p. 34). Some of the principal investigators in this case claimed that “they were going to launch the biggest search in [United States] history”; more than thirteen hundred volunteers devoted their time and energies to locate the missing white child – one man in particular, who followed the case religiously on the television and over the internet, offered his services for free to the Anthony family (p. 103). Such examples reiterate how Casey benefitted from the victim-status of her missing child; as she was Caylee’s mother, she *literally* profited from all of the support. The dead child’s white status had a cash value. Representations of white victims affect us beyond mere publicity; the emotional responses we render to white victims radiates from deep within us. In a way, we feel almost compelled to reach out and help. To contest or deny this sentiment and reaction

means that we deny their victim-statuses and, most importantly, their statuses as white people.

White people can be self-assured that, when the public needs to be informed, one can turn on the television or open the front page of the paper and see people of their race widely represented (McIntosh, 1988, p. 2). Countless reports of Caylee being the front-page headliner throughout the summer are described in both the prosecution and defence's narrative. Caylee's (and Casey's) story even attracted the interest of former Los Angeles Police Department Detective, Mark Fuhrman, the "star witness" against O. J. Simpson in his murder trial, who "found" the bloody glove and was accused of being a racist when tapes emerged of him uttering "Nigger." In addition to Fuhrman's interest in the case, Casey's story appealed to Geraldo Rivera, who had covered the O. J. Simpson case and "had done battle with defence attorney Johnnie Cochran" making Cochran's life "difficult" (p. 60). What is profound about the translation of white privilege in this episode is that Geraldo offered counsel, and made Baez privy to, "some of the mistakes that Cochran made, warning [him] not to make the same mistakes" (p. 60). This support for Baez, and even more for Casey, was essential as it truly helped the defendant's case; whenever things became unbearable or unpredictable, "[Baez] always remembered Geraldo's words" (p. 60).

In her analysis of national media responses to white and black victims, McCants Lewis (2013) supports Stabile's (2006) argument by highlighting the "media storm ... when a white person is reported as being kidnapped, missing or murdered, [while] the death of black children is often ignored" (p. 156). Reports of endangered white people are at the forefront of national headlines; as George once suggested to Casey: "your little girl, my

granddaughter, has captivated the world” (Ashton, 2012, p. 77). So while the narrative of Casey had already begun and the story for Caylee had abruptly ended, Baez firmly declared that “Caylee had so quickly become a huge part of my life, and I didn’t even know her,” and while being a lawyer requires one not to be emotional, “I am not, however, bulletproof” (p. 118–21). In Baez’s narrative, Casey and arguably her daughter never lost their statuses as white people/females.

*The “Whitening” of Mother and Daughter by Cindy Anthony*

In both the defence and the prosecution narratives we see the lending of whiteness by Cindy to her daughter and her granddaughter. The role of Cindy in this story is quite significant and is further discussed in this section.

George and Cindy became Caylee’s public face while Casey was awaiting bail, and campaigned for the search for Caylee and the innocence of their daughter. However, even if Casey was there assisting her parents with the public search, her presence as the white mother would have been neither threatening nor problematic. Furthermore, Cindy’s role as the white (grand)mother served both Caylee and Casey. Cindy fought hard for her daughter and granddaughter, even working to maintain the innocence of her daughter regardless of her doubts about Casey’s parenting choices (Ashton, 2012, p. 240). This whitening of her daughter extended to the point where Cindy perjured herself on the stand to protect Casey when she stated that she searched for chlorophyll (or chloroform?) on the home computer, despite her work records indicating otherwise. As Baez later explained, “You can certainly say what she was doing was lying to protect [her daughter] ... maybe she was trying to save her daughter” (p. 368). Cindy was willing to salvage her daughter’s virtues, and risk

imprisonment, by lying under oath before the jury in order to cast her daughter as a victim. And as a mature, white woman in a respected profession, Cindy mobilised white privilege in service of her quest

During the initial introduction of Cindy when the first police officer arrived at the family home, she was described by prosecuting counsel as a woman with “short blondish hair ... she was pale, her blue eyes bloodshot and swollen” (Ashton, 2012, p. 26). References to her “blondish hair,” “pale” skin, and “blue eyes” are racially-insinuating, telling us that Cindy is white. Racial coding was thus employed to activate our sincere sentiments towards this white, middle-class woman. Cindy, a recognised professional and white woman, was first to inform law enforcement of Caylee’s disappearance; therefore, she brought Caylee into the conversation, and by keeping Caylee in the conversation (i.e., in front of the media), she gave the little girl a name, a face, and a “voice.” Having Cindy present and publicly advocating for Caylee meant that the child could be identified, recognised, and sympathised.

Cindy’s response to Casey’s behaviours was often ambivalent, and many reports suggested that tensions existed between Cindy and her daughter. She initially was furious with Casey for stealing money, lying about being employed, and being irresponsible as a mother; however, during Casey’s bond hearing, “Cindy was far more protective and defensive” of Casey, stating that: “I know Casey as a person. I know what she is as a mother ... I believe ... someone is holding [something] over her and threatening her in some way” (Ashton, 2012, p. 63). Cindy’s denial and “change of course” was odd given the circumstances of her relationship with her daughter; however, it further reinforced Casey’s white victim status. According to Ashton,

the claims of Casey being a loving mother was an area where a more complete and candid testimony from Cindy could have been really beneficial. As Cindy's coworkers had shown in our interviews with them, Cindy had her doubts about Casey as a mother. Because these interviews were based in hearsay and therefore inadmissible, Cindy alone had the power to show this to the jury ... we might have been able to use Cindy's testimony to make a stronger case for Casey as an irresponsible parent with more of a motive for murdering her daughter. (Ashton, 2012, p. 316)

In one incident, a woman criticised Casey by calling her a "bitch," and Cindy responded: "if you call [her] a bitch again..." thereby making her fight for her daughter not just metaphorical but possibly even more literal (Baez, 2013, p. 83).

Prior to Caylee's body being found, Cindy was determined to believe that Casey "was only lying and holding back to protect Caylee's life" and she continued to believe her, even floating a new possibility of Caylee's whereabouts to the media and to law enforcement, but she "never offered any possibilities of real substance" (Ashton, 2012, p. 65-66). Ever in denial, when reports identified the remains of a child found a block from the family home, "apparently she thought there was another missing child who no one had reported missing on that corner, as insane as that may have sounded" (Baez, 2013, p. 120). Moreover, in spite of the evidence that Casey was a liar, Cindy "was unreceptive to either the possibility of Caylee being dead or her daughter having any role in that matter" (Ashton, 2012, p. 140). The remains in fact was that of little Caylee.

Even after the discovery of Caylee's body, Cindy never attributed guilt to Casey and was always steadfast in her belief that Casey did not (and could not) commit such a heinous act. When the trial was over, Cindy (alongside George) gave an interview with Dr. Phil McGraw in which she continued to defend her daughter by suggesting that Casey might have developed post-partum schizophrenia or a hormonal issue that would have affected

her ability to discern reality from fiction. Dr. McGraw notes Cindy's ability to trivialise events and situations. Cindy was "as rooted in her denial as ever" (Ashton, 2012, p. 321); this could suggest that Cindy was subconsciously attempting to make her daughter more secure in her white victim status by "painting an idealistic picture of Casey as a mother" in addition to criticising investigators for persecuting her daughter (Ashton, 2012, p. 268). As far as Cindy was concerned, "yes, Caylee was dead, but their daughter didn't do it ... [the Anthonys] were still of the opinion that a stranger had killed their precious angel" (Ashton, 2012, p. 178). According to Ashton, Cindy and her daughter were purportedly the "best of friends" as Cindy's (deceptive) narrative went, so that when she claimed in her deposition that "the night before Caylee went missing, the three of them curled up on the sofa together to watch TV", it seemed convincing (p. 178).

Because of who she was, Cindy had considerable power to appear credible by enforcing whiteness and advancing white privilege before the jury. Cindy was not willing to deny the sympathies and benefits owed to her daughter and granddaughter. Doing so would indicate that Caylee was not a worthy white child and that Casey is not a good white mother. By having access to white privilege, Cindy was able to justify both Caylee and Casey's white feminine statuses based largely through racial and gender ideology.

### **Conclusion**

The recourse to Casey's status as an inferior woman tells us that her white body remains a clear, logical portrait of a privileged body within popular discourse. The American legal system worked well (or simply, it *worked*) in Casey's favour – reinforcing white superiority so that white privilege worked inside the courtroom, as it does outside in the world.

Casey's white privilege remained dominant – as the mother of a worthy white child, the daughter of respected white parents, and the recipient of the white privileging media. Consequently, Casey's whiteness provided her with innumerable benefits that consistently triumphed throughout the case.

## **Introduction**

This chapter addresses and interprets the conflicting narratives produced by the prosecution and defence as they pertain to Casey's white femininity. It includes an explanation of Casey's femininity as it was negotiated by counsels in order to pinpoint how feminine standards are not only reflective of gendered identities, but also very much race-specific.

Batacharya (2010) writes that "femininity" is a "racial contract" integral to colonialism and white supremacy (p. 44). Proper femininity, Batacharya argues, has depended on white women as being "guardians of [bourgeois] morality" (p. 44). By the same token, the category of "normal femininity" is based on a generic construction of womanhood which refers to a female subject who is white and heterosexual (Barak et al., 2010), "inherently weaker than men, needy of protection" (Stabile, 2006, p. 155), who can maintain a petite stature, is passive and non-aggressive, and has a body that "can and does attract the attention of boys and young men" (Jiwani, 2010, p. 120). Jiwani (2010) explains that the notion of femaleness emphasises (and carries with it connotations of) thinness, beauty, sexuality, and a "certain look." A feminine body is a "delicate, white, Anglo" body, one that seems to "fit ... like the girl next door," argues Byers (2009, p. 43). Equally, the feminine body remains "gentled," of a "fragile nature," and only attainable by those girls and young women whose identities are truly legitimised (Byers, 2009, p. 50).

The attempts to discursively construct Casey's white femininity (or lack thereof) by legal counsel reiterate raced standards of "gender" executed throughout the body. Either subtly implied or explicitly referenced, feminine subjectivity is highly considerate of

women embodying certain characteristics and shows a concern for different ways of negotiating or resisting those feminine characterisations.

### **Prosecutorial Narrative**

Casey's guilt was argued based, in large part, on her resistance to embody (proper) white femininity. Throughout the trial, Casey was often referenced, though implicitly, as unfeminine despite several descriptions of her as "young," a very gentling characteristic. From the onset of their narrative, the prosecution set out to prove that the defendant was impenitent, highly promiscuous, and vicious, conventional traits that are not commonly used in discoursing white womanhood.

#### *Casey Anthony's Maternity on Trial*

The prosecution raised grave concerns about Casey's lack of emotional expression during the course of the case. Unlike most mothers who experience a tragic event, such as the disappearance or death of their child, Casey did not exhibit the appropriate emotional responses that Ashton believed would/should constitute grief; her behaviour from the onset continued to be the "polar opposite of frantic ... no sense of panic, just ... a dash of annoyance" (Ashton, 2012, p. 21). In fact, when Casey told her brother and mother that Caylee was missing, her "story stayed calmly consistent" as she "sat stone-faced, not revealing anything" (Ashton, 2012, p. 27–28). That she appeared to be so calloused was enough evidence to construct her as a criminal. The prosecution argued that Casey acted out of concern for her own welfare, uninterested in anything that was neither self-serving nor self-promoting; this reduced her credibility and made her appear less moral and sincere (Ashton, 2012, p. 48–55).

Casey's inability to express the necessary emotions of a grieving and distraught mother contradicted what most would expect from a mother who suddenly lost her child. In fact, for Ashton, "Casey didn't seem like someone who cared about ... her daughter" (p. 45). When Casey spoke of Caylee, her tone contradicted her "words of concern" and her answers remained "flat and unembellished" (p. 30). Even more, Ashton noticed that there was a "sense of relief in Casey's voice when she realised the interview with the detective was drawing to a close" during the initial investigation (p. 48). The fact that a woman's emotions (i.e., the visibility of her tears) is such a determining factor emphasising true motherhood is structured around the discourse of hegemonic white maternity, which is commonly expected of all white mothers. Casey's obvious lack of emotion "combined with her actions, [showed] that the most important thing to Casey was Casey" (Ashton, 2012, p. 79). Casey failed to make the sacrifice that all American white mothers must be, or should be, willing to make; she was neither selfless nor maternal. As a result, her femaleness was challenged in a society where a display of our most sincere feelings extend outward to children.

In Casey's world, you didn't call 911 when your child drowns ... you didn't frantically bring your child to the hospital to try and revive her ... you didn't grieve for weeks and months on end. Instead, you stuffed your little girl in a laundry bag, threw her in a swamp, and went out partying with your new boyfriend. (Ashton, 2012, p. 306)

As the above passage demonstrates, the arguments presented by the prosecution centred on critiquing Casey's maternal instincts. According to Ashton, "she did not cry or give any indication that she was legitimately worried" about her child (p. 48). This behaviour was indicative of her role as a bad mother who did not have the civility to properly mourn the loss of her child (Ashton, 2012).

The reality of Casey's strange behaviour was further supported by Dr. Jan Garavaglia, a chief medical examiner, who pointed out that "in all the records of drowning children, in one hundred percent of the cases, rescue was called. 'No matter how stiff that body is, [mothers] always call 911 in the hopes that the child could be saved'" (as cited in Ashton, 2012, p. 278). As a result, Ashton was "left incredulous by Casey's reaction," questioning whether "it was even possible for a loving, caring parent to take that long to report a missing child" (p. 22). The prosecution reported that "her behaviour did not reflect how a mother would react to the 'accidental' death of her child" (p. 303). Regardless of Casey's reasons for not reporting her daughter missing, the prosecution claimed that "her failure to do anything to find her child would have constituted child abuse ... Casey was, at the very least, guilty of neglect" (p. 49). The prosecution believed that "Casey took no responsibility whatsoever" for what happened to Caylee, and "that was always her position" (p. 208). Arguably, Casey's guilt, as it was outlined, preceded her child's death and began the moment she failed as a mother by not notifying authorities of her daughter's disappearance: a crime in and of itself. A woman is believed to possess emotional and sympathetic qualities so that she would *at least* contact authorities in the event that something was truly wrong. The absence of Casey's emotions effectively labelled her as morally flawed, a woman who disobeyed the fundamental requirements of femininity.

One of the few times that Casey *actually* displayed emotion during the trial was when George adamantly dismissed getting rid of Caylee's body, to which "Casey was shaking her head and rolling her eyes, directing her theatrics at the jury. She glanced at her father only long enough to cast him a glare" (p. 257). Casey was an unsympathetic, unfit mother, "completely unemotional," more concerned with gallivanting and partying than

properly caring for her child (Ashton, 2012, p. 30). Since Casey did not conform or resort to conventional behaviours of motherhood, she was slandered in many different ways, particularly for being concerned with only “myyyyy boyfriend” (p. 267). In a reported incident when Casey spoke with Cindy, “Casey lamented about her disappointment with [Lazzaro], who had not come to visit her in jail [and] her ex-fiancé [who] was also on her bad side” (p. 74).

As the prosecution described it, “even as everyone worried about her daughter, Casey seemed more preoccupied with trying to sustain her fledgling relationship” with men, and was unmoved by the waning connection with her family; as Ashton put it, “her sense of priorities was baffling” (p. 55). In the end, “this only added to the portrait of her as callous and uncaring” (p. 55). Taken together, these reflections created a very telling sketch of “where her thoughts were as her daughter was missing with presumably the entire Orlando area looking for her” (p. 51). In Walker and Filia’s text (2011), Shultz argues that “Casey’s casual demeanor and detached statements as well as her party lifestyle while her child was missing are indicative of someone who has a callous and unstable nature i.e., not the normal grief pattern experienced by a mother who has lost her beloved child” (p. 520). The evidence offered by counsel created a narrative that seemed unlikely of a white woman: that Casey planned to begin a new life without Caylee. The prosecution firmly maintained that Casey “knowingly and consciously” engaged in these behaviours so as “to live the ‘beautiful life,’ and the only problem was the beautiful life did not include a two-year-old daughter” (p. 304). The fact that she was now living a good life independent of worry or concern was used to construct an image of a heartless, manipulative:

She got a tattoo expressing ... a beautiful life ... She blamed her daughter's disappearance on a babysitter who did not exist ... There was no scenario we could imagine in which a mom could experience the accidental death of her child and then proceed to drive around with the dead body in her trunk, watch a movie, and spend the night with her new boyfriend. Those did not seem like the actions of someone whose daughter had died in a freak and tragic accident. (128–29)

The construction of femininity as dependent on vivid and publicly displayed emotions creates a firm boundary within which a good white woman is produced, lest she not be considered feminine. Women (mothers) cry. Therefore, because Casey did not cry, she could not be read as a good white woman. Through this narrative, the prosecution challenged a set of very conservative and static definitions of femininity that continue to define and structure our cultural views of white femininity and womanhood.

*The Avail(able) Trashed Body*

Casey's body was a telling indicator of her lifestyle choices, which, by default, allowed for discussions about her deviant ways and over-sexualisation, as well as her alleged involvement in the murder of her daughter. Caylee's body portrayed (if not unleashed) a deviant sexual force. The prosecution publically marked Casey's body and specifically made it an object of inquiry by noting what she wore and how she offered and used her body with men. When Ashton described the day that Caylee was last seen, he made a concerted effort to note that Casey and Lazzaro "watched a video, went to bed, and – wink-wink – didn't leave the bedroom until late the next day" (p. 83). Her body, as a legible text, became part of a discourse on normative raced-gendered behaviour so that her constructed perverse femininity would become more tangible for the jury and therefore make her more susceptible to conviction. A visual example is presented when Casey visited Target and a

local grocery store to buy “lingerie, oversize white sunglasses ... and a six-pack of Bud Light” (p. 93). The construction of Casey’s femininity became part of a “broader morality tale” about what her body communicated and how it occupied its own space of “immoral privilege” (Byers, 2009, p. 43). Pictures of her surfaced, including photos of her “peeing in public, and mooning one of her friends, her ass bare to the wind” (Baez, 2013, p. 228). There seemed to be little dispute over the fact that Casey had been enjoying a life of parties and wild adventures, and the prosecution used this photograph, amongst others, to confirm her unruly, tainted image in addition to using these images as part of the narrative through which Casey should be condemned. The prosecution brought up an incident where Casey attended an “anything but clothes” party the night before Caylee was last seen, and was described as wrapped in just an American flag and holding a beer, with no cares in the world (p. 242). Casey’s shortcomings as a mother, evidenced by her love of bars and boys, were persistently reflected in her irresponsible ways (p. 122).

According to the prosecution, Casey simply could not get enough; she was always ready and able (available?). Even though for the defence, “the party photos had *nothing* to do with the murder of Caylee Anthony. Nothing,” Casey’s promiscuity was still heavily voiced by the prosecution (Baez, 2013, p. 318, emphasis in original). Casey’s sexually-loose ways were “manifest[ed] not only in her morals, but in her manner of speech and quite literally in the free and easy way she move[d]” (Bartky, 1997, p. 30). Her body was reflective of the trashed woman’s body that always lacks humanity and is therefore only property to be used and discarded. Casey was not only sexualised, but also vilified for the way she used and moved her body. Unlike the passive, chaste white woman, the loose,

trashed woman is always “out there,” unable to be kept in its place for others to see and scrutinise.

Casey’s body and femininity were highly scrutinised by the prosecution and the public, from images caught on video surveillance the day Caylee was last seen, to images of her in the nightclubs, and to her appearance during the trial. These were perhaps the most important elements put forward by the prosecution as they argued for Casey’s conviction. For instance, the prosecution noted on one occasion that Casey “wasn’t wearing any makeup, and she had her puss on, lips pursed like she was annoyed and ready to rail into somebody” (Ashton, 2012, p. 247). The prosecution’s description suggests Casey’s appearance was a reflection of her resistance to femininity and a failed gender performance (i.e., she is not considered fully feminine) and etiquette. Casey was not genteel and sophisticated and, more importantly, not a model white woman – one who always looks and acts decent. “Beauty *itself* is white” (Harris, 2000, p. 269, emphasis in original); as such, a woman must always be “made up” and her beauty should always be offered, for if she does not comply, she is not a proper white woman.

One remarkable aspect of Casey’s body that generated much attention and criticism was the infamous tattoo, *Bella Vita*, that she received on the back of her left shoulder during the period when her daughter was missing (p. 90). The tattoo was a major part of the prosecution’s attempt to prove Casey’s guilt. According to Ashton, “the tattoo artist told the police that ... Casey seemed happy when he met her, he assumed she was living a *Bella Vita*” (p. 91). The prosecution argued that “it was a verification of our theory and Casey’s most vivid expression of life without Caylee” (p. 257). The prosecution and the defence presented contrasting arguments about the symbolic meaning of the tattoo, with the latter

stating that it was a juxtaposed symbol to the good or normal life that Casey never had but always desired. However, most people, as it was reported in Ashton's text and from discussions in the media, sided with the prosecution and believed it to be a strong and definitive sign of Casey's guilt, a type of "badge" or statement celebrating a beautiful life without her child, and even more, without the responsibilities that a child brings (p. 280). Not only was her sexual behaviour closely monitored but the fact that her body could be so over-evaluated and scrutinised meant that Casey lost the right to privacy and ownership over her own (supposed white, female) body.

*Once Again: The Blue Dress is the Reason for Condemnation*

Respectability is deeply imbricated in constructions of race, gender, and sexuality; to attain a moral identity, one must conform to respectable and socially approved codes of white feminine behaviour (Seal, 2010, p. 63–4). Surprisingly, however, as an attractive female, Casey's "looks" might have made her case all the more complex as her image and identification as a white woman are not commonly associated with criminality. In fact, white femininity and criminality are incompatible, mutually exclusive terms. Casey is a white female, yet her performance was distanced from conventional constructs of white femininity and innocence, and the prosecution highlighted this persistently so that she could not be the beneficiary of white feminine privilege – attempts that ultimately failed.

Photos of Casey's infamous, short blue dress and black calf-high boots worn at Fusion nightclub during a "Hot Body" contest four days after her daughter was reportedly last seen were widely publicised; these images substantiated claims about her white trash nature and "marked" her body with guilt and shame. Casey failed to conform to white

feminine norms of dress and behaviour: “[she] spent the evening showing off her body ... grinding and dancing with others on the dance floor” (p. 86). Monica Lewinski’s sexual scandal with President Bill Clinton and *her* infamous blue dress, by the same token, reminds us that the trashed white body is unable to “stay in its proper place” (Byers, 2009, p. 42). The trashiness exuded throughout the body and shaped by the trope of uncontrollability is quite “legible not just in how our bodies look, but in what they do” (Byers, 2009, p. 42). Casey’s trashiness was “always hanging out”; to borrow a phrase from Garber (2001): “it became the cause behind the cause, the story behind the story” for the prosecution (p. 177).

Commenting on Casey’s body was a way to shame and condemn her inferior white female body – rendering guilt with or without criminal conviction. All of the characteristics of Casey’s body were presented within discourses of a deviant femininity, in opposition to orthodox lines depicting white womanhood. What Casey wore, the way she applied her makeup, the position of her lips, and the hairstyle she sported were all observed and reported by counsel, as if these were any significant indications of her guilt. Her (un)femininity was manifested in a style that was structured precisely on the betrayal of the chasteness that is grounded on the ideology of hegemonic white womanhood. The fact that Casey never disclosed, or did not know, who Caylee’s father was demonstrated that she was sexually out-of-control and overly-utilised (in terms of body) and proved her unfit as a good mother and as a respectable white woman. Based on this construction, Casey, in the end, became just an over-sexualised body for the prosecution. Her exposed perverse sexuality and lack of femininity, linked to discourses of promiscuity, prostitution, and criminality, leads to the conclusion that a young female who is promiscuous and

provocative does not conform to white hegemony and therefore cannot, in the least, be a good white mother – and a proper white woman. In a way, Casey did very little to sacrifice her pleasures. These qualities were “evidence” of the prosecution’s claim and justified their pursuit of a first-degree murder charge.

The prosecutorial narrative, at times, appeared less interested in Casey’s failure to report her daughter missing to authorities, and more concerned with her sense of priorities and her failure as a white woman and mother. In other words, her failure, in many ways, came not (only) from her inability to appropriately raise and care for a child, but in her scandalous escapades, her cunning tactics, and her beyond-life attitude, which appeared unbecoming for someone of her race and gender. The white trashed body remains “without [its] social graces”; it is figuratively and symbolically just “too loud” (Byers, 2009, p. 42–43). Casey’s failure to meet the requirements of white femininity tells us that she was deviant and uncouth, her behaviour was unbridled, her morals were misplaced, and her body was expendable; disposable – literally, like trash.

### **Defence Narrative**

Through a discourse of hegemonic hetero-femininity, the defence feminised Casey by emphasising her child-likeness and naïvety in a very explicit way: Casey was described as a “tiny, attractive, hip-looking girl with short dark hair and greenish-gray eyes in her early twenties ... *no more than* five feet tall, weighed 105 pounds soaking wet, and looked totally out of place in the jail. She wasn’t your typical inmate” (Baez, 2012, p. 23, emphasis mine). Despite being in “jail blues,” Casey looked “very well kept” (p. 23). Identifiers, like the ones used by Baez, “both the words and their visual display” such as: “tiny,” “attractive,” “greenish-grey eyes,” “five feet tall,” “105 pounds,” and “well kept” are employed to “gentle”

and accentuate Casey's victim-status as these characteristics simultaneously construct the "victim" in victim narratives (Byers, 2009, p. 35). Since historically white women have been positioned as the gentler sex, white women who conform to a stereotypical set of feminine characteristics are treated with more compassion than those who are "rougher around the edges, more street-wise ... [and] much more hardened" – women who are ultimately perceived as unabashed and un-feminine (p. 23). Due to the position of Caylee's body, Baez proclaimed that "the person ... had to be pretty strong to lift it up ... Did anyone think 105-pound Casey had the strength to be able to do that?" (p. 155). For a fragile, feminine body like Casey's, it was virtually impossible, as the defence argued, for the interference of Caylee's body to have been achieved by Casey. We "still have a somewhat unchanged societal viewpoint towards women" as physically weak so that these women are thought to be incapable of such "horrendous brutality" (as cited in Walker & Filia, 2011, p. 519). Consequently women are less often constructed as, or suspected of being, the perpetrator in (the) murder (of their own children), and more likely to be the victims in crime stories.

"Feminine" women, Bartky (1997) writes, are "small and narrow ... [who] appear tense and take up little space" (p. 30). In an attempt to alleviate Casey's image as a criminal, the prosecution observed (and reported) that "the defense counsel had lowered Casey's adjustable chair more than what was normal for a person of Casey's height. Only her head and shoulders were visible above the table making her appear smaller and meeker than she was" (Ashton, 2012, p. 250). This illustrates the stereotype of hegemonic white femininity that defence counsel relied on to portray Casey as a good and innocent white woman, as her physical appearance was enhanced to emphasise her helplessness – which intersects with notions of sexism, patriarchy, and subordination. With the discursive construction of

Casey as “tiny,” “attractive,” “five-feet tall,” and “105 pounds,” the defendant was not only “gentled” but gendered and firmly located within familiar and “finer” discourses (and obsessions) of white womanhood in North American culture. This highly raced perspective of women as the gentler sex eclipses white women’s criminality and hinges on the notion that such women are innately non-aggressive, non-threatening, and therefore non-criminal. Expanding on that, these descriptions contribute to key aspects of hegemonic femininity so that we understand from the defence, women who, like Casey, conform to a collection of conventional feminine/female characteristics can only be perceived as “finer,” non-violent (i.e., harmless), and more deserving (of compassion). These stereotypes of white women have long persisted; they have been “interpreted, understood, and reinscribed within larger social and historical narratives that have a long history in [United States] society” (Dill & Zambrana, 2009b, p. 10).

In discourses on white femininity, white women’s bodies are much more confined and their behaviours remain more polished than that of their racialised female counterparts. According to Baez, during the trial, Casey “would get angry and would become more and more animated ... she’d make facial expressions, and I would constantly be on her about [that] ... I want you to sit there and not react to the evidence ... ‘People don’t like it,’ I would tell her. ‘They’re watching you.’ ... ‘You need to stop that shit’” (p. 312–13). The idea behind a legal system that protects victims tends to favour white women who are feminised and fragiled (Belknap, 2007, p. 152). The defence’s legal and social strategies helped to retain Casey’s white feminine virtues and to convince the jury of her innocence – and never did it falter.

### *The Sanctity of White Femininity*

Through defence counsel, we come to understand Casey as a white woman who possessed those characteristics inherent in “normal” feminine subjectivity. The implication of those identifiers, used by defence counsel to promote an image of Casey as ultra-feminine and innocent, compose the normalising discourses of femininity and power that white women are expected to uphold. Byers (2010a) argues that the public identifies with the image of young, white masculinity or femininity and slim and attractive bodies (p. 43). Feminine girls are “regular girls” who remind us which types of gendered identities “fit” and which do not (Byers, 2010a, p. 39). Casey, represented by counsel, was one of “those girls”: an attractive, able, heterosexed body.

As we recognise from the prosecutorial narrative, discursive constructions of femininity, for the most part, centre on (particular parts of) the body and the characteristics they maintain. Through defence counsel’s construction, a petite feminine body is not strong; it is fragile, weak in comparison to bigger bodies, especially compared to men and black women, who tend to be built bigger and have a different body style and texture. That Baez made an effort to reiterate Casey’s height and weight spells out quite intelligibly that being petite, thin, inexperienced, and even childlike/youthful is central to white supremacy. This construction of Casey positions her as “soft,” incompetent and without agency, like a pubescent child (in a word: innocent), a young girl with whom jurors might feel compelled to express sympathy. In fact, it was precisely for this reason that defence counsel preferred to have a jury comprised of all males “over the age of forty-five, closer to fifty and sixty [so] they would look at Casey as a *young girl*, and they’d have sympathy for her” to ensure Casey’s innocence and youth would be met with consideration

and support (Baez, 2013, p. 283, emphasis mine). The preference for male jurors was not unintentional; indeed, Baez stated that “if we were going to get a parent with small children, it should be a male” (p. 291). This hegemonic construction of Casey’s youth and femininity positions her, a “young girl,” as the fairer and gentler sex within systems of patriarchy so that the individual who appeared before the jury seemed worthy of mercy and sympathy.

The ideal white, feminine body is delicate; yet indirectly it must also be desirable and exhibit subtle appeal and eroticism so that adult men feel inclined to take notice and want to protect. We see a clear example of this in the jail when Baez hugged Casey; when he was cautioned heavily against doing so by a female guard, he coldly replied: “she’s a human being, and if I want to ... hug her, I will” (p. 59). This illustrates Casey’s humanness and her white femininity – she is a white woman worthy of love and affection. In another reported incident by Baez, “Casey had her hair up in a little ponytail. It had grown while she was in jail. When she was arrested, she had a short bob” (p. 73). Describing Casey’s hair style in this way validates her beauty and attractiveness, and therefore her white feminine traits. Everything considered, being an attractive and desirable white woman means that one is not (or could not be) a murderer. So while we see that whiteness granted Casey an overwhelming amount of privilege, gendered (and sexualised)-whiteness worked to magnify that privilege exponentially.

### *Protecting the Virtues of White, Innocent Womanhood*

To put a finer point on the concept of womanhood, with the help of Bartky (1997), I assert that having a body that is deemed “feminine,” is in most cases crucial to a “woman’s sense

of herself as female and ... to her sense of herself as an existing individual" (p. 39). In a heavily masculine arena such as the law, women may often perceive themselves as inferior and weaker "especially ... someone 'young' like Casey," Baez explained. However, he argued: "I needed her to trust me, and to do that I needed to demonstrate that I was on her side, that I was going to do whatever I could under the law to help her through this process" (p. 25). Casey's victimisation was emphasised by her loneliness: "Casey knew a lot of people ... [however] she wasn't close to one of them" (p. 171). Defence counsel challenged the prosecutorial narrative of the manipulative murderer by offering a narrative about a tender, naïve victim, a young woman who remained "unbelievably loyal ... for a girl who never had anyone show her any loyalty, she was incredibly loyal" (p. 173). However, despite this loyalty, it was evident that the prosecution wanted to "kill the most hated woman in America ... they would destroy her – and *me* – to win this case if they could" (p. 190, emphasis in original).

As public hatred for Casey intensified prior to and during her trial, maintaining her "innocence" on her own might have seemed like an unrealistic endeavour – until Baez "rescued" her. He was willing to confront the injustices she was facing and battle the system for her, particularly since "her very own family was throwing her to the wolves" (p. 171). The prosecution's narrative was "based on the impermissible evidence of Casey's supposed lack of remorse that [they] kept jamming down the throat of the jury" (p. 322). According to Baez, the prosecution had "put on a case solely dealing with the bad character of Casey, or the attempted character assassination of her past conducts, boyfriends, people she slept with, things that have absolutely nothing to do with the crimes charged" (p. 322).

From the outset, the police and prosecutorial team were convinced that Casey had murdered her daughter, placed her body in the trunk of her car, and disposed of the body. Because of that, “they had a well-orchestrated plan” to ensure a conviction for Casey in the first-degree, “no matter what facts or evidence got in the way of their version of reality” (Baez, 2013, p. 54). The circus continued and intensified throughout the case, so when Casey was first released from jail after having her bond paid, it came as no surprise when one protestor instructed her to “burn in hell, bitch,” while another stated: “I hope you die!” (p. 74). These examples contribute to the cultural discourses that showcase a white female victim in constant need of security; therefore, Casey became a familiar figure with whom mainstream Americans could sympathise and identify. Like most white women, she needed a man to define and protect her. Baez emphasises his role as Casey’s hero by acknowledging “how much I had sacrificed for Casey ... and how it took something away that I may never be able to get back, including my life savings, my home, and nearly my practice” (p. 405). His rescuing efforts also implicitly underline Casey’s vulnerable white femininity in contrast to Baez’s own (masculine) position, as well as the police and the prosecution.

That Casey was a white woman in a grossly white, male-dominated space might have compelled Baez to protect her, seeing as “she didn’t have a soul in the world that was there for her ... early on, after seeing she was fighting this world all alone, I decided I would be there for her ... *I’m not going to abandon her, no matter what*” (p. 171–72, emphasis in original). A fallen white woman in need of rescuing, Casey literally required “defending” “from the shadow of the death penalty” which was described as “a huge and awesome responsibility” (Baez, 2013, p. 261). But as the case was proceeding, it became increasingly

difficult to persist in the fight, as it was impeding on Baez's personal life and professional practice (Baez, 2013). Defending Casey (i.e., securing and flying in forensic experts from across the world, travelling across the world to meet experts, and building a defence) became incredibly taxing. Though Baez was unable to pay his mortgage and his home went into foreclosure, he persistently assured Casey that he would not abandon her "not for a second ... *I will try this case out of a cardboard box before I quit,*" thereby underpinning the discourse of a protected and virtuous white femininity (Baez, 2013, p. 233, emphasis in original).

Defence counsel's narrative relied on stereotypical character traits of the "common" woman: naïveté, immaturity, and in many cases, "insanity." Even to the prosecution, Baez's:

attempt to address [those stereotypical perceptions] included what was perhaps his most amusing linguistic flourish, rebranding Casey's lies as 'fantasies' ... her lies somehow did not carry the sinister nature that the word 'lie' implied. Instead, these were Casey's fantasies; a playful, almost innocent way of describing the delusions that justified Casey's repeated attempts at deception. (Ashton, 2012, p. 306)

Casey was characterised as being unable to trust others rather than simply choosing not to trust others. During Casey and Baez's initial encounters, Baez (2013) could not help thinking: "*What are the secrets she is hiding?*" (p. 24, emphasis in original). "This is a person with some serious trust issues," Baez remarked, "she didn't trust people for a reason" (p. 25). The theory that was forwarded by defence counsel indicated that Casey was ill-adjusted to her life, and especially to life at home, where she often had to lie and keep secrets in order to seek out normalcy. Casey, they argued, compartmentalised different aspects of her life and acted as though everything was right and proper. Ever since Casey was a young girl, her state of mind allowed her to enter into deep denial, prompting

defence counsel to argue that “this poor girl desperately needs some professional help” (Baez, 2013, p. 47).

Defence counsel attacked claims that Casey was deceitful and sinister, and replaced them with the portrait of a young woman who grew up being sexually abused in a dysfunctional household, isolated and terrified; having learned to lie about what her father was doing to her, “she was masking her web of deep, dark secrets that she was too afraid to reveal [she] seemed to be able to keep secrets” (p. 85). As Baez explained, “[the prosecution] had no idea why she was lying, and quite frankly, it seemed to me that they really didn't care” (p. 85). On the Anthonys' computer, there were “a slew of searches on topics like self-defence for women and how to use household items as weapons for self-defence ... indicating someone who didn't feel safe at home”; Baez questioned: “why is she so afraid of being home? Why does she feel safe in jail?” (p. 162). Casey, it was reported, was frightened to be in the home alone with her father and was equally afraid to leave Caylee alone with only her father. For the past few years she had spoken about Zanny, a woman who most certainly never existed, and she had told her family she was going to work at a job she never had “like clockwork, for two years, five days a week ... and not a soul noticed. Clearly she was masking her web of deep, dark secrets that she was too afraid to reveal” (p. 85).

As discussed above, the prosecution exploited Casey's sex life as a focus of interest and inquiry. According to Baez, they “paraded witness after witness to the stand to talk about [her] spending the night with men, her sexual partners” to showcase her sexually-deviant ways (p. 229). The prosecutors asked her former boyfriends: “what was she like in bed? What was she like afterwards? Was she cold, a wham-bam, thank-you-ma'am type or

was she warm and cuddly?” and made their testimonies public (p. 229). The boyfriends were further asked: “did you wear a condom? Did she tell you she had any diseases?” Though these questions were quite damaging, in actuality, “the incest would ... explain so much of her behaviour and her promiscuity” (Baez, 2013, p. 167). Baez goes on to explain:

Casey ... was embarrassed. What girl was ever comfortable talking about having sex with her father? ... slowly she would tell me more and more, how it first started with inappropriate touching when she was eight years old, he touched me, and then it went a little bit further than touching ... he made her touch his penis, and then he made her jerk him off ... Casey’s father started having intercourse with her, three and four times a week, until she was twelve. (p. 164)

The defence challenged the prosecution’s theory that Casey’s behaviour hinted at her scandalous, promiscuous, and brazen attitude. For defence counsel, “like most victims of sexual abuse, Casey didn’t know the sexual boundaries with men ... it was all about sex ... the relationships were superficial ... when she spoke of them, she didn’t speak highly of them. It’s as if they all reminded her of her father” (p. 167). The prosecution presented “two weeks of testimony that was completely irrelevant”; however, the defence argued that it “served only one purpose ... to paint Casey as a slut, as a party girl, as a girl who lies, and that had absolutely nothing to do with how Caylee died” (Baez, 2013, p. 392). Herein lies a two-pronged defence: Casey is a nice, trusting, white woman, and because of this we should also see her as a victim (especially) within her family. We all (i.e., her father, friends, the police) failed her – not the other way around.

#### *Casey Anthony as a Good, White Mother*

The first line of counsel’s legal defence argued that Casey was a good mother: in a “unique moment,” defence counsel stated that he felt Casey’s love for her daughter and that

sincerity was displayed when Casey said, 'I don't know where she is'" (p. 34). While the prosecution claimed that Caylee was neglected, the defence attempted to convince the jury that Casey's maternal skills were impeccable. Defence counsel argued, along with outside witnesses, that Caylee never went without food, clothes, or shelter; she also never suffered from broken bones, diaper rashes, and the like (p. 264–65). In cases of real child abuse or neglect, "you almost always see a progression of abuse. You see a bruise, a black eye or a visit to the hospital with a broken arm. The child will be malnourished ... there are always numerous documented incidents as the abuse progresses, until the actual death of the child" (Baez, 2013, p. 265). This was not the case with Casey and her daughter. According to Dr. Danzinger, a psychiatrist called as an expert witness by the defence, "Casey does not fit, in my opinion, into any of the categories of maternal filicide. The history is not consistent with an altruistic or mercy killing, a mentally ill or psychotic mother, the accidental death of a batterer child, spousal revenge, or an unwanted child" (as cited in Baez, 2013, p. 236). Solidifying this point, defence counsel argued that "I can't tell you how many people testified about what a wonderful mother Casey was"; this "not only bolstered the accident theory but also counterbalanced all the outrageous behaviour Casey was accused of exhibiting" (p. 265). Casey's love for her daughter was one of the "strongest and biggest" pieces of evidence counsel argued before the jury (p. 264).

Casey's bedroom was reportedly a shrine to Caylee: "the room oozed of her love for her daughter" (p. 177). These testimonies lent integrity to counsel's defence: "a person just doesn't all of a sudden wake up one day and think, *I'm going to kill my child, whom I loved and doted upon for the last three years*. People just don't do that. Where there's abuse, there's always a progression of violence ... other people notice these things. There was

*nothing* like that in this case” (p. 38, emphasis in original). Casey devoted her time and energies to her daughter’s welfare; “she was never the partier the prosecution contended she was.” In fact, according to the defence, Casey’s tattoo inscribing *Bella Vita* was truly “a tribute to Caylee” (p. 245). Dr. William Weitz, a psychiatrist who met with Casey to take her deposition, stated that “Casey showed ‘absolutely no motivation to want to do that in any personality, behavioural, or emotive capacity ... if she did kill her child ... then I almost would be tempted to think of some psychotic reaction. Because I can find and see no motive, no baseline for why’” (as cited in Baez, 2013, p. 244). These claims were substantiated by stories of Casey being very protective of her daughter; she bought protective locks for the doors and showered and slept with Caylee so that she was always free from danger or harm. These actions supported the idea that she was a good white woman and mother who subscribed to the ideological norms of white femininity and maternity and, therefore, could never harm her child.

The discourse of femininity in this case is almost exclusively defined and designed around gendered characteristics and the feminine body: what it does and what it tells us. The power imbued within patriarchal constructions of Casey’s femaleness while she stood accused for murder illustrates the power of white femininity in constituting subjectivity and, more precisely, universal notions of white womanhood, especially from a hegemonic patriarchal, sexist, and oppressive viewpoint.

### **Conclusion**

Interlocking systems of privilege help to construct notions of white femininity so that the familiar woman in such discourse is a raced construct. In this interlocking of hegemonic white power, even when Casey is (constructed as) an alleged murderer, her white female

body still represents vulnerability. This scenario (re)defines the norm of white womanhood and is consistent with how white women are viewed in the judiciary courts. The ways in which Casey Anthony's alleged criminality was attributed to her "lesser than" subjectivity challenges discourses on maternity, sexuality, and whiteness. The prosecution framed their arguments as rebuttals to conservative, essentialist assessments of white women as the gentler sex incapable of malice and crime. Nevertheless, with the not-guilty verdict, we see that racist and sexist hegemony ultimately reaffirmed that the white, female body embodies cultural power that can repel criminal designation for the ideal *gendered* victim.

## **Introduction**

The Anthony case has broader implications, as it exposes the interactions of racisms and sexism within a legal framework that can never divorce itself from these “biases,” or from a history of white supremacy and colonialism. That whiteness is central to feminist discourse is a demonstration of white supremacy and has allowed me to complicate whiteness for analytical consideration.

I used *Florida v. Anthony* to centralise whiteness, by positioning it as an axis of power and using it to think through differently-constructed narratives. This re-positioning ultimately expands a discussion of competing discourses of whiteness and femaleness. Whiteness and femaleness both acted in this research as an interlocking, coercive arrangement of power and privilege. In other words, by engaging in an analysis of white supremacy and white femininity, I examined Casey Anthony’s identity, as both white and female, as “technologies of power” that situate her within a field of privilege (Tomlinson, 2013, p. 994). These “technologies of power” worked to tell an uncanny story: who the defendant *is* and how the reinforcement of her raced and gendered identity became just as (or more) significant to this research than the crime she was alleged to have committed. According to the legal narratives that opposing counsels used to construct Casey Anthony, she undoubtedly embodied a position of privilege, while simultaneously representing the potential loss or failure of such privilege. Through the narration of this white, female body as both privileged and failed, I unearthed the complexities of whiteness and femininity in this case by positioning Casey Anthony both inside and outside spaces of white privilege.

In my work, I looked at the powerful ways in which whiteness provides a method of “constructing” and “seeing,” and also explored how the construct of white femininity, used to advance notions of a perceived “innocence,” supports white supremacy. I further examined not only the different ways that the white identity can remain within – and be removed from – whiteness, but also how particular gendered articulations are bound up in white subject identities. Each construction offered by the lawyers gave voice to multiple, nuanced images of white femininity, thereby allowing me to elaborate on discourses based on those same nuanced constructs.

### **Main Findings and Implications: An Interconnected Web of Power and Privilege**

Throughout this research, I identified how the defendant’s alleged criminality was constructed and discourses, arguing that hegemonic narratives of whiteness and white femininity are central to strategies that maintain systems of privilege. Individuals are victimised each day by occupying the raced space of whiteness and the gendered space of femaleness; it is within this intersection that we witness Casey Anthony’s story and understand how multiple particles of identity work in concert to constantly revisit racist and sexist ideologies that perpetuate the notion of white supremacy and permit privileging within a legal context. Understanding how racism and sexism interlock is crucial to studying how this meshing contributes to “reconciling” white women’s criminality (Dirks et al., 2015). And, because white women are “unmarked,” their alleged criminality is difficult to fathom or conceptualise.

The narrative of the prosecution strategically referenced race and was meant to counter references to a refined white femininity. Using Levine-Rasky’s (2002) expression to bolster my point, I argue that “not all whites are white in the same way” (p. 4). Terms

such as “different,” “murderer,” “liar,” and “selfish” were only few of the words used as racist rhetoric and employed to challenge Casey Anthony’s merit and white status. An intense resistance to the term “white” was made vivid in the prosecution’s construction of the defendant so as to destabilise her white female victim-status and remove her from a place of whiteness – “punishment” for transgressing racist and sexist “codes of conduct.” Understanding the prosecution’s narrative reveals how gender and sexuality reinforced conservative, bourgeois ideals of what it means to be and act “white” – and thus, what it means to be a victim. This seemingly “white” “woman” did not fit the mould of the ideal victim who is *always* white and *always* female, for the movements of Casey Anthony’s body, her mode of speech, and her lack of scruples contradicted this characterisation and “marked” her as not fully white and female. Despite this alleged “marking,” the aim to dismantle Casey Anthony’s white privilege did not make exercising white supremacy futile. In other words, because whiteness is salvageable in a way that black, Asian, Indigenous, or Hispanic ethnicity are not, the defendant was able to rely on white supremacy to advance her claims of innocence; for that reason, she was never close to embodying a position of white inferiority. This depiction of white privilege allows us to appreciate the undisputed advantage in being white that any attempt to question or oppose it will probably be unsuccessful, especially given the multiple ways and the many individuals who were employed to whiten Casey Anthony as a means of emphasising sameness and innocence. As such, Casey Anthony was not/never abstracted from a history of racial privilege (in the legal system).

The defence’s narrative teaches us how whiteness can be rescued, “defended” and salvaged when signs of resistance by the prosecution are made manifest. I argue that the

defence construed race and gender in both subtle and not-so-subtle ways by emphasising stereotypes, and reinforcing the historical cultural superiority of white females. Casey Anthony's narrative, as told by defence counsel, is rooted in notions of "victimhood as something only truly and tragically experienced by white women" (Kilty & Fabian, 2010, p. 133). The racist and sexist discourse that elevates and empowers such women solidifies social knowledge as normalised and historicised in the fabric of United States society. I surmise that alleged criminals who do not fit the image of a white, conventionally attractive female cannot be so easily relatable and sympathised and will not enjoy the same level of "whitening" and protection that Casey Anthony's beauty, femininity, and whiteness permitted.

Both of Casey Anthony's subject positions – criminal (inferior white) and victim (privileged white) – were highly contested throughout the trial, and the reproductions and negotiations that were made about Casey Anthony can be understood within brackets of whiteness and femaleness. Much of the evidence illustrates that Casey Anthony's claims to whiteness (and as a result, her white femininity and maternity) was strengthened in the courtroom by her daughter's and parent's own claims to that racial category, making Casey Anthony's behaviours particularly difficult to condemn. We certainly cannot discount the role that whiteness by all "actors" played in the protection of Casey Anthony. The identity of the Anthonys played a large role in how the case was shaped; their white identities were constantly intersecting and collaboratively working together from all avenues. Being white and female bestowed onto Casey Anthony a number of privileges that she was able to rely on, and afforded her with an undeniable advantage to escape many kinds of penalties or punishments because of who she was and her attachments to whiteness.

Similar to the conclusions drawn by Dirks et al. (2015), I have also argued that white women's criminality is "generally protected, neutralized, trivialized, and excused" (p. 170) – especially when these women have access to sites of whiteness that confer privilege. Seeing that the "protection" that was afforded to Casey Anthony was highly raced, I considered how discourses and dominant ideologies of femininity combined to provide a more complex sense of the multidimensional nature of power and privilege for Casey Anthony. Her experience mirrors the everyday narrative, translated into familiar discourse about identity, victimhood, and their interconnectedness (Madriz, 1997, p. 343). The element of privilege within the realm of criminality makes it particularly impossible to view white women who support hegemonic discourses of femininity as criminal. It was the over-dependency of the victim discourse/narrative of the white woman that meant Casey Anthony was not to be subjected or held up to a degree of criminalisation despite intense public support for her conviction. The visibility of Casey Anthony's white, female body told us exactly who she was. Her skin clearly marked (or is it unmarked?) her as a white privileged woman.

Whiteness was mobilised in cultural, societal, and systematic (or institutional) form throughout this case: both counsels' engagements with each other and Casey Anthony's story, their construction of Caylee as a vulnerable, dead, white, little girl, the parents who "whitened" their daughter, the white media's response to the crime and portraits of Caylee as a white victim who also helped to "whiten" her mother, the support and funding that was given to the Anthonys thereby making them credible white people, and the experts that were involved in the case to help secure a plausible defence and maintain Casey Anthony's whiteness and innocence. Undeniably, Casey Anthony benefitted from her affiliations with

the dominant side of the white power structure. The mobilisation of whiteness as both rhetoric and legal strategy proved incredibly effective for the defence. Casey Anthony's acquittal was not an aberration of the American legal system, regardless of intense public opinion, outrage, and protest; the verdict was the result of a system that knew how to "do the morally right thing" for the "white ..." I mean, "*right* type of person." It is, however, crucial to remember that "as unsatisfying as this may be ... that doesn't mean the system is broken ... this is how the system works" (Ashton, 2012, p. 321-22).

### **Formulating an Explanation: The "Not-Guilty" Verdict and "Reason-ability"**

My research uses an interlocking approach and illuminates that white supremacy operates to excuse or justify the criminal behaviors and actions of certain white people "privileged" by gender, beauty, and whiteness (Dirks et al., 2015). Furthermore, my research cements the ways whiteness is seen and lived as an identity "that negative attributions cannot destabilise" (McIntosh, 1998, p. 210). By demonstrating how discourses invade the body, and how aspects of white identity are inextricably linked with gender, I knew the racial dialogue with my grandmother, mother, and Aqiyla about a white woman standing trial for murder would be substantial in my endeavour to deepen our understanding of the way bodies are (un)criminalised from particular identity standpoints.

Depicted from a critical socio-legal lens, the Casey Anthony story is a prime example of the reality of how the social significance of race at the intersection of gender, and the system of justice (i.e., the court of law) that is affected by it, are relational to how whiteness can effectively "reconstitute itself and rebuild its defences" in the process (Fiske, 1996, p. 41). This case illuminates the power of race and the ways in which one defendant's alleged offence was discussed, treated, and reconciled in light of major demographics. If we

are to understand ourselves and our society in part through Casey Anthony's story and through our connection to her as a white person who accessed "whiteness" from different vantage points, then surely we need to assess and critique the verdict. For not doing so would be to support racial dominance (i.e., white hegemony) and the values of white privilege inherent and persistent in our legal and social systems.

More broadly, my findings demonstrate another way that white protection and gender privilege operate in the courtroom. The court of law emphasises being "reasonable": behaviours of a *reasonable person* – standard of proof beyond a *reasonable doubt*.<sup>20</sup> As Ashton (2012) contends, "reasonable doubt is not a speculative, imaginary, or forced doubt"; rather, it only works by jurors applying common sense, "that knowledge of how people act by having lived in the world, to reach their own conclusion" (p. 319). Indeed, reasonability in the court of law is having the "ability to reason" rationally and hold everyone accountable to the same "reasonable" standard of behaviour under the same or similar circumstances. Still, this notion of "reasonability" is often horribly difficult to conceptualise, despite seeing that justice ought to be done in a manner that fits the "reasonable person." From a feminist standpoint, Jiwani (2002) explains that the law's conception of the "reasonable person" is one who is universally seen and constructed from a white, male, middle-class perspective (p. 77). I support Jiwani's argument by addressing how claims of reasonability support systems of white superiority, patriarchy, and classism by intersecting with "normative standards ... around the notion of an ideal typical [American] who is always seen as white or the notion of a reasonable person defined in

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<sup>20</sup> A reasonable doubt as to the guilt of the defendant "may arise from the evidence, conflict in the evidence or lack of evidence" (Walker & Folia, 2011, p. 501). If there is reasonable doubt, the jury should find the defendant not guilty. If the jury has no reasonable doubt, the defendant should be found guilty.

terms of race, class privilege, and hetero-normativity” (Jiwani, 2006, p. 88). To interrogate notions of hegemonic femininity, I argue that in the court of law, male and female defendants, fathers and mothers specifically, are seen and treated differently in cases involving infanticide or filicide, perhaps even murder. We do not want to, or we choose not to, look at how white women/mothers could possibly be implicated in criminal activity – which once again highlights the positions of dominance that white women hold.

Because white women do not generate public anxieties and are, by and large, agents of moral uplift and order or, what Mohanram (1999) calls, “keepers of the imperial hearth ... part of the colonial project and ... potential settlers” sympathy is extended, more often and openly, towards mothers than towards fathers so that the primary social subject – in these cases, the “reasonable person” – shifts towards the white female (p. 167). Madriz (1997) cements Mohanram’s argument by stating that the “image of white women as victims is closely related to the ideal of ‘white womanhood’ and the need to preserve it” (p. 350). Because of the un-nameable criminality of white, “feminine” women, I assert that the female role is more privileged than the male role. When applied to women, the “victim” label is affixed rather quickly and securely, and carries with it more considerate reactions. This is a crucial component in understanding the discursive workings of criminal justice as it applies to what we (think we) know about a group that holds a secure place of privilege and considerable power; in a sense, they hold *the most* power in a criminal and legal setting – more powerful than racialised women, less conventionally “feminine” (i.e., unattractive) women, and even their white, male (middle-class) counterparts. These women help reproduce and maintain the white, hetero-normative, nation-state, thereby making the systems of privilege that sustain their narratives persistent.

Despite the prosecution's attempts to "trash" Casey Anthony so that she would be unable to access white privilege, their efforts did not result in a conviction – the status quo remained firmly in place. My basic contention is that Casey Anthony's innocence is, in part, what it means to be a privileged white woman in the United States of America under the artifice of white supremacy – and remains integral to the framework through which this case could be truly heard and understood. Alas, I am compelled to philosophise that Casey Anthony "beat the system" and escaped the white American imagination as a(n) (alleged) murderer; this might never have happened had she been a racialised woman. Now, it might be said that, similar to Monica Lewinski's evident trashiness, Casey Anthony's debased whiteness was clearly legible, if only the jury was willing to accept the clues. It seems apparent, however, that Casey Anthony was able to redeem her white status – being able to access *just enough whiteness* for the jury to find her not-guilty.

### **Future Research**

This thesis touched on a number of concepts and theories that could be pursued with further research. For example, a comparative study would be quite useful for revealing common descriptions and formations of defendants of the same or different raced and gendered (and classed) backgrounds to better understand how they are framed by legal counsels. In addition, given the extensive, high-profile nature of this story, a critical analysis of the media attention of the Anthony case would be revealing, particularly to examine how (and to what effect) the media was able to construct (the whiteness of) Casey Anthony within news discourse. Alternatively, scholars might offer theories about how differently constructed narratives may have changed the way the case was handled and articulated if Casey Anthony's daughter was biracial. It is possible that an entirely different

story (with somewhat “different” characters) could incite alternate views about the alleged crime and how it was interrogated.

Due to the love and support rendered by my mother and father, who have continuously encouraged me to speak and write intelligently and provocatively, I have come to proudly and proficiently situate myself in my academics.

For me, at least, race is an extremely complex concept, or as Frankenberg (1993) refers to it: “dynamic, transformable, [and] lived” (p. 191). Certainly, the concept of discrimination based on race is something that has to be lived and experienced to be truly understood. After attending a multi-racial elementary school in my home city of Montréal, Québec, with children from all cultural and social backgrounds, I was “introduced” to (and made aware of) the notion of my “blackness” while attending a white private high school. The student body was comprised largely of white children from middle to upper-income families: children who did not, in the very least, look anything like me. Despite growing up in Montréal, an increasingly racially diverse and very multifaceted city (be it by religious faith, social status, cultural upbringing, ethnic background, and so forth), it was not easily conceivable by my non-white friends for a black child to attend a “white school,” and in many cases I was often described as becoming too white or “bougie.” While this label could be conceived as “positive,” meaning one is of the privileged, upper classes, the intention to stigmatise and alienate me was negative and crippling. However, I always tried to maintain hope, and I was reassured by my parents who informed me that this would all ensure greater security and bring many future prospects into realisation. Sadly, in this society, that sort of advantage typically comes with being able to access certain resources and benefits customary to whites alone, and having the ability and mobility to operate successfully in white spaces.

Being placed in a white landscape made me think that while my race, by default, positioned me out of the school's whiteness, at the same time, I was being condemned and chastised within it by my very own peers. My desperate struggle to effect blackness (i.e., this sense of "acting black" that was always readily enforced and sustained through attitude, conduct, dress, and speech), while still trying to preserve the strict cultural values and standards of my "white" high school, proved to be quite challenging. My identity began to seem foreign to me; much like an artifice, something I felt I had to successfully achieve or do rather than simply be. And yet, amidst everything else, it appeared to be a constant performance that never seemed to be done quite right according to the standards of my intimate circle. This struggle manifested itself when I discussed the need to see a therapist with the boy I liked. The conversation led him to ask me in all seriousness: "are you white?" and before I could offer a ready, intelligible-enough, and well-crafted response, one that seemed sensible to even myself, he proceeded to interrogate me harshly and more loudly: "... but are YOU white?"

I noticed how incredibly difficult it was to underplay this white-washed image whereby I was abandoning much of who I was to identify with whiteness, while trying to display the characteristics with which blackness, alone, is commonly associated. Speaking and doing blackness, but acknowledging that this is still a world governed by white principles, I simultaneously tried to fit into these two distinct environments. Attempting to blur the strict division between these two worlds, I tried to conceptualise the matter and meaning of race, figuring out how to, in turn, appropriate a sense of whiteness in one place, and an honest manifestation of blackness in another.

I imagine that as a second-generation Canadian from Afro- and Chinese-Trinidadian descendants, the conception of race or more precisely, blackness, should mean everything to me, owing to the generosity of white people who have constantly reminded me of such “fact.” As a graduate student pursuing an advanced degree in criminology, I often felt that it would somehow be a responsibility of mine to produce scholarship and speak up against the many injustices and oppressions of those who are racialised within the North American context, especially from a criminal justice standpoint. But race-based inequality originates from white supremacy – “white created and white sustained and white perpetuated” as Juárez, (2013, p. 42) designates it. Therefore, in order to critically dissect the issues of criminality, I wished to attain a firm comprehension of white supremacy, thus equipping myself with the acumen to measure the scope of crime from the views of white society. Adequately critiquing whiteness required an invested discursive focus on the white majority to understand the insidious ways whiteness operates and maintains its dominance in a white world. I strongly believe that only with a well-informed understanding of the theoretical and empirical nature of whiteness would I be able to carefully assess and discuss whiteness at an attempt for greater consideration.

Perhaps endeavouring to join in on this important dialogue about whiteness strays from what would commonly be expected of me, meaning that as a racialised person I ought to gear my efforts solely towards the study and theorisation of blackness. However, I will not appease such an expectation or obligation. It is not to say that I am far too “bougie,” superior, or beyond the study of “my people,” but I will not accept any biased expectations generated about me, nor give anyone the privilege of reducing or ghettoising me. I also do not need to purposely write or speak about blackness to prove that “I get it.” I get it.

Moreover, I felt that I ought not to overstep my bounds by generating talk about race in a respected, professional, regulated, and, yes, a historically white academy that continues to be rooted in the power structure that upholds this same system of racial domination that this work mentions. I often sensed that white people disliked acknowledging race speech, especially when oppressed people speak about white privilege and openly of their struggles, and this subsequently gave me the conviction that what I hope to communicate would be challenged or disregarded – especially since we live in what is often purported to be a colour-blind, post-racial society. Maybe. Possibly.

Despite this earlier reservation, I remained incredibly intrigued by the everyday expressions of whiteness and situations of white lives. From high school onwards I noticed that, historically, race and ethnicity, and white and black spaces or faces are telling indicators of societal considerations and expectations. My experiences and overall interest in the generalisation of behaviours based on race and, presumably, space, spurred my curiosity and inspired me to venture into this particular sector of criminology. I have, ever since, been fascinated and advantaged to step onto a platform, with the collaboration of my supervisory committee, where I can openly discuss race by accepting and embracing this discussion about whiteness and white supremacy to investigate, and, more importantly, to interrogate it.

Throughout this journey I realised that race and racial differences are ever-prevalent and cannot be overlooked; we must accept the uncomfortable, yet undeniable, truth that racism is still pervasive and persistent (unveiled or not) and continues to work in the shaping and underpinning of many social institutions and structures. Indeed, it has been white scholars, the same white people who I imagined would not care enough to

vouch for or invest in my pursuit of discoursing the dynamism of race and research, who have helped me to appreciate all of this while advancing this work on a more meaningful scale. They have allowed me to fathom what the white race is in understanding not only race and colonialism, but also in how race gets articulated in relation to (almost) everything else. It is the intellect and passion of these scholars that gave me reasons to believe that this has to matter; we need “not pretend that it has never or ceased to matter,” according to Leroux (2010, p. 22), while bridging the gap between what the mainstream anticipates and what academia requires, and amending my own doubts about race relations so that I could benefit from their support and ensure the success of this research.

While I chose to evade writing a thesis directly reinforcing or attending to blackness by maintaining a sustained focus on white privilege in the area of the law, this is no way an attempt to obscure discussions of blackness nor minimise or dismiss the importance of study and articulations of the black experience in America. On the contrary, I could not have profoundly positioned whiteness as a primary lens and examined the way whiteness operates in the legal system without asserting and referencing, perhaps subtly, the way racialised subjects have traditionally been constructed and treated in American culture.

It was imperative that I locate myself within this study to articulate not only how race is lived, but also how it is especially contested or destabilised from different (a)venues. This stemmed from some of my earlier recollections in a different way, one in which the grand narrative surrounding race can be deconstructed and the raced identity can always be scrutinised. In the process, I was brought back to many memories during my upbringing as a young girl of biracial Trinidadian ancestry, who often considered whiteness in

opposition to my own racialisation. Consequently, I have considered the various ways that this narrative about race and whiteness addresses even my own insecurities about the expectations of race and how it invites me into different sorts of discussions and relations to untangle or dislodge, and, most certainly, to complicate whiteness.

Under the assumption that race is understood as a way of doing and achieving identity, I appreciate that one can enter into, and exit out of, blackness in the same fashion that one can dispute whiteness from particular social locales, so that whiteness, can, similarly, be “racialised” just as blackness can, in a way, be “whitened.” I have used this logic for a critical examination and representation of whiteness by temporarily positioning it outside of its privileged location and looking at the effects of that destabilisation and relocation, but also fully, and most importantly, acknowledging the ever-pervasive investment, sustained power, and property value inherently built into whiteness itself.

At the very end of all of this, I am delighted to see how my work situates itself within social conflicts and cultural trends that work to build knowledge within the areas of criminology and whiteness studies to help generate further dialogue and study. What a profound experience this endeavour has brought me; it was all worth doing and I could not be more proud.

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