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The Strange Case of Ian Stuart Brady and the Mental Health Review Tribunal

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Abstract

Haggerty (2009) argues that serial killing is essentially a phenomenon of modernity. One of the key features of modernity is the role of mass media and the rise of celebrity culture. He suggests that there is a symbiotic relationship between the media and serial killers. This paper will use the newspaper reporting of the June 2013 appearance of Ian Brady at a Mental Health Review Tribunal hearing to explore the nature of the relationship between the media, high profile cases and notorious offenders. The paper uses bricolage as a research method to explore the inter-connectedness of real events and their media and fictional representations. There is a loop between fictional representations and real life events. The authors argue that the focus of such cultural processes is almost solely on the motivations of the perpetrators of these appalling crimes. The result is to obscure the real nature of these crimes and marginalise the suffering of victims and their families. The MHRT raised very important moral, philosophical, ethical and legal questions about the nature of mental illness, crime and punishment. The consideration of these wider issues was pushed to the margins as the reports of the hearing took on the tone of Gothic fiction concentrating on the “appearance” of Brady. The reporting of the hearing is an example of what Seltzer (1997) termed modern “wound culture” an addiction to violence.

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Introduction

The Moors Murders are one of, if not the, most high profile murder cases in Britain in the 20th Century. In 1966, Ian Brady and Myra Hindley were convicted of the abduction, sexual assault and murder of Lesley Anne Downey (10), John Kilbride (12) and Edward Evans (17). The victims' bodies were buried on the bleak unforgiving Saddleworth Moor outside of Manchester. Two other children Pauline Reade (16) and Keith Bennett (12) had gone missing in Manchester in the period when Hindley and Brady had committed these murders. It was always felt Pauline Reade and Keith Bennett had been victims of the Moors Murderers but despite a huge search their bodies were not found in the initial investigation of the case. In 1985, Brady and Hindley eventually confessed to the murders of Pauline Reade and Keith Bennett. In a huge police operation, they were taken back to the Moors in an attempt to find the missing bodies. Pauline Reade was found, but at the time of writing the body of Keith Bennett has never been found.

Hindley, remained in prison until her death in 2002. Brady was transferred to Ashworth Special Hospital in 1985. He is now Britain's longest serving prisoner. The Moors Murders and its aftermath has been a persistent feature of the media and wider cultural life in the UK for nearly 50 years. The pictures of Brady and Hindley taken at the time of their arrest must be among the most reproduced images in modern media. The picture of Hindley – with her dyed blonde hair part of a tribute to her lover's obsession with Nazi atrocities has become an iconic image. The case has been a stable feature of the UK news media since Brady and Hindley were arrested. There are many contributory factors here: the brutal horror of the murders, the fact that a woman was involved, the continued search for the bodies of Keith Bennett and Pauline Reade and the fact that Hindley and Brady were on remand when the House of Commons effectively abolished the death penalty - mean that this is a story that has never left the news media cycle. This paper will consider the latest element in this process the appearance of Ian Brady in June 2013 Mental Health Review Tribunal. Brady has been subject to Mental Health legislation since his transfer to Ashworth Special Hospital in 1985. He appealed against this hoping to be returned to prison.

Methodology.

This paper uses newspaper reporting of Brady's June 2013 Mental Health Review Tribunal hearing as a means of exploring the symbiotic relationship between the media and serial killers. An initial electronic search of UK newspapers since 2009 was carried out using the search terms, Ian Brady and Moors Murders. The initial number of hits was over 3000: 1000 actual articles were then retrieved. These articles were then searched using the terms appeal, hunger strike and tribunal which produced 314 articles seen as relevant to this research. The authors use bricolage as a research method - the newspaper articles form part of this. Bricolage is grounded in cultural hermeneutics (Kincheloe, 2005). It is an approach that locates a research study within a cultural, social and political context. It thus lends itself to the consideration of the issue of what Greer (2004) terms "*mediatised murder*". Kincheloe (2005) argues that this approach allows and demands that the researcher crosses the boundaries of particular disciplines. This enables the work to engage in the complexity of the

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real world, including the interplay between a material reality and human perception. This is an active construction of a method, which allows for the consideration of a much wider range of sources and texts.

Kincheloe's (2005) notion of the object of study as culturally inscribed and historically situated is reflected in Nora's (1989) and Rejinders' (2010) work on place and interpretation. King and Cummins (2013) have coined the phrase *lieux d'horreur* to describe the ways, crimes chased a long bleak shadow over where they were committed. These notions are of great importance here. The Moors - wild, unforgiving bleak and holding terrible secrets have become a key feature of the Gothic terror of the reporting of the case. Bricolage as an approach is supported by Levi Strauss' (1972) ideas on the complexity and unpredictability of the cultural domain and Lincoln's (2001) notion of the bricoleur as anthropologist. Wibberley (2012:6) argues "*bricolage brings together in some form, different sources of data*". It is important to consider the process by which the bricolage is built. The reflexive commentary (Wibberley, 2012) offered here, draws on a number of texts and sources. The continued fascination with the Moors Murders means that there is a wide range of material to be considered here, including novels, TV dramas, "*true crime accounts*", Harvey's painting of Hindley and even a book by Brady himself. The true crime accounts included for this study were *Beyond Belief* (Williams:1992), *The Trial of the Moors Murders* (Goodman:1986), *The Lost Boy* (Stafford: 2008), *Topping the Autobiography* (Topping:1989), *Witness* (Smith and Lee: 2012) and *One of Your Own* (Lee: 2011) The commentary is also based on viewing of the TV dramas *Longford* (Hooper, 2006) and *See No Evil* (Menaul, 2006) as well readings of the novels *Myra Beyond Saddleworth* (Rafferty, 2012), *Death of a Murderer* (Thompson, 2008) and *Alma Cogan* (Burn, 2004).

The Mental Health Review Tribunal (MHRT)

Hindley and Brady's trial at Chester Assizes in 1966 was held and in public. The issue of whether Brady or Hindley were insane does not appear to have featured at the trial. Part of the transcript of the trial is now available at the National Archive. As far as we can ascertain, Hindley was never considered for transfer to a forensic mental health institution. Brady spent twenty years in prison before being transferred to Special Hospital. As noted above, Brady is currently detained under the Mental Health Act (MHA 1983). Patients detained under this legislation have the right to appeal to a tribunal. The tribunal essentially has to consider whether the patient still meets the legal criteria for detention under the MHA 1983. MHRT hearings are not usually open to the public. It is important to note here that these are hearings concerned with the mental health of the patient and such matters are normally regarded as private. In fact, Brady's was only the second MHRT to be heard in public. Brady took legal action to ensure that there was a public hearing in this case. The key question for the MHRT was whether Brady continues to "*suffer from a disorder of either a nature of degree or both which makes his continued detention for medical treatment appropriate.*" (MHA1983).

Patients, apart from those detained under "emergency sections" such as section 4 MHA, have a right to appeal to a tribunal. As these are matters that relate to the mental health of the patient, there is a presumption that the tribunal hearing will be held in private. The Brady case is unusual in that his lawyers argued that it should be a public hearing. The first such

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case to be held in public was that of Albert Haines. Haines was detained under section 37/41 (MHA 1983) following his conviction in 1986 for attempted wounding following an assault on medical staff. Part of Haines's motivation for a public hearing was to expose what he saw as the injustices and failings of the system. The effect of section 37/41 is to impose an indeterminate sentence as the patient can only be discharged following a tribunal hearing. Haines argued that if he had been with the prison system, given the nature of the offences, he would have been released many years previously. As was acknowledged in the case, this was almost certainly correct.

The Regional Chairman of the MHRT gave evidence at the hearing that decided that the Haines case should be held in public. He indicated that there had been only ten applications for public hearings over the past seven years. This was from a possible one hundred thousand hearings. There was no evidence that any such public hearings had taken place in Scotland, Northern Ireland or Wales. Legislation in the Republic of Ireland does not allow for public hearings in these cases. It is perhaps, not that surprising that such a small percentage of applicants seek a public hearing. The matters involved are of such a confidential nature. It is important to emphasise that the issues that the MHRT consider all relate to the mental health of the patient. The focus of the hearings is whether the patient continues to suffer from a mental disorder such that they require to be detained in hospital. The MHRT cannot, therefore, be compared to a hearing in a criminal matter where there is a presumption that such matters will be public.

Rule 38 Tribunal procedures (Jones 2012) establish that the MHRT hearing should be in private. However, if it is considered to be in the wider interests of justice then a decision can be made to open the hearing to the public. It is important to note that a public hearing can be imposed against the patient's wishes. Essentially, the patient must argue the case for a public rather than private hearing. In reaching the decision, there must be evidence that the patient has the capacity to make such a decision and that it is his/her wish to do so. The potential impact on the mental health of the applicant is a very important final consideration. The similarities between the Haines and Brady cases is that both patients argued that a public hearing would enable them to highlight, for completely different reasons, what they saw as injustices in their treatment.

There were many twists and turns in the run to the hearing itself. The hearing was originally scheduled for July 2012. In the early months of 2012, there were articles that provided some more background to the hearing. For example, the Liverpool Echo (10.3.12) quoted Brady's solicitor as stating "*Whilst he is subject to the Act, it is possible for him to be subject to a forced feeding regime, hence his wish to be transferred back to prison and away from the powers of compulsory treatment.*" On the same day, the Independent reported that the hearing was due to begin in July. It also gave some details of the hearing. It would take place in Ashworth Special Hospital but would be relayed to the Civil Justice Centre in Manchester. This would be open to the public. The Tribunal was delayed in July 2012, when Brady collapsed and required hospital treatment. This incident prompted several pieces including the Daily Mail where other patients complained that he had received special treatment whilst they had had to wait in A + E.

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During the summer of 2012, the case took another bizarre twist when Brady's mental health advocate, Jackie Powell, was arrested following her appearance in a Channel 4 documentary *Ian Brady: Endgames of a Psychopath* (Wivell, 2012). She told the filmmakers that she had been given a letter by Brady, which was to be given to Winnie Johnson, Keith Bennett's mother. The letter was only to be passed to Mrs Johnson after Brady's death. This prompted a raft of speculation that this letter contained details of where Hindley and Brady had buried Keith Bennett's body. The documentary was broadcast on 20.8.12. The documentary maker puts it to Powell that the letter, the hunger strike and the MHRT is a "victory dance" by Brady. Winnie Johnson died just before the transmission of the film. At the time of writing, her family and supporters continue to search for Keith Bennett's body. As Burn (1991) notes there is a macabre form of celebrity attached to murder. This extends to the families in high profile cases - for example the Sun hacked the phone of Sara Payne, the mother of Sarah Payne who was abducted and murdered by Roy Whiting in 2000. Obituaries for Winnie Johnson appeared in a number of national newspapers. These are unusual texts as the media tends to provide little or any personal background information about the lives of the families before they are thrust into the media glare by the brutal violence and indignities inflicted on their loved ones. As the Independent (22.08.2012) notes "*Winnie Johnson was an ordinary woman whose life became defined by the tragic death of her son*".

The final stages of the reporting were concerned with the actual tribunal itself and its decision the major event here was the appearance of Brady himself. From the earliest reports, the media gave the impression that somehow the public would be able to see Brady. For example, the *Western Daily Press* (10.3.12) reported that "*The hearing would be a rare chance to the Moors Murderer in public*". No members of the public were allowed into Ashworth Special Hospital so it was only those people who queued for tickets for the link to Manchester who were able to see him. A report in the Daily Telegraph (17.6.13) captures best the way Brady giving evidence became a theatrical event "*the camera relaying the hearing to the public and media panned round and there he was, only **too real** (emphasis added) in his dark glasses, grey hair swept back fully recognisable as that youthful serial killer of another age*". In his evidence, Brady stated that his crimes were "*existential exercises*" and "*petty*" when compared to what he termed the "*crimes*" of politicians. He also claimed that he learnt how to fake the symptoms of mental illness. The tribunal finding was that Brady still met the criteria for detention and should not be transferred back to the prison system. Following this, the newspapers concentrated on the costs of the hearing - nearly £500, 000 all of which came from the public purse.

The MHRT Judgement

As outlined below, the focus of the media coverage was not the issue of whether Brady continues to meet the criteria for detention under the MHA 1983. These issues were hardly explored at all. The wider question of what is the appropriate punishment for those convicted of such crimes was given some consideration. The main focus of the witnesses at the hearing, actually including Brady himself, revolved around these questions. Brady was seeking to prove that he had never been mentally ill but had feigned symptoms so that he could be transferred to a psychiatric facility. This created an odd alliance between Brady and the tabloid press, which has consistently presented the idea that individuals can dupe naïve psychiatrists, social workers and mental health nursing staff.

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The Tribunal verdict examines Brady's mental health over the course of his imprisonment including a discussion of the current position based on the evidence provided by psychiatrists, forensic psychologists and nursing staff. One of the difficulties for all those involved here is that Brady has largely refused to co-operate with any formal assessments for some time. He has taken anti-psychotic medication for periods but has never engaged with psychological approaches. As noted above, there was no attempt at the trial to present a defence of diminished responsibility by Brady's defence. Following his conviction on 5th May 1966, he was assessed by psychiatrists in prison. On conviction, there was no diagnosis of mental illness. The first indication that Brady was experiencing psychotic symptoms is noted in October 1967 when he complained of hearing noises. He was moved cell but continued to hear them. Throughout the early years of his imprisonment, the assessment of Brady was that he was clearly psychopathic but though some of his behaviour was suggestive of a formal mental illness a formal diagnosis was not confirmed. In 1975, Brady's refusal of food was seen as a purely manipulative attempt to engineer a transfer to a Secure Hospital. Brady clearly was and is a very high profile prisoner. Given, the nature of his crimes, there was the constant possibility that he would be violently assaulted by other prisoners. As a result, he spent long periods essentially in isolation for his own protection and was moved from one maximum security prison to another. In 1983, he was a prisoner at Gartree. The history of his mental illness outlined at the MHRT indicates that his mental state significantly deteriorated at this point. It was noted that he became withdrawn and there was some indication that he felt the Home Office was controlling his thoughts. There is a shift in the view of Brady's presentation towards an eventual diagnosis of schizophrenia. He is variously described as withdrawn, depressed, loses weight and unable to concentrate. There is also some elements of bizarre behaviour, for example, he uses unusually large amounts of salt in his food. Brady was eventually transferred to Ashworth Special in November 1985. At that time it was concluded that he had developed a psychotic mental illness.

In September 1999, began his current hunger strike. He has been fed through a gastric tube since that point. The MHRT has to consider the patient's *current* mental state. However, it was accepted that in cases of personality disorder then the history is very important. The argument put forward by Brady was very straightforward: he had never been mentally ill and had been faking symptoms so that he could be transferred from prison. He now wished to return to prison so that he could be allowed to starve himself to death. The MHRT, after a careful consideration, rejected the notion that Brady was feigning symptoms of mental illness and concluded that he continued to experience hallucinations. The hearing did not accept that his mental state could be regarded as the inevitable outcome of the combination of his personality disorder, his nearly fifty years in custody and his position as the UK's longest serving and most high profile serial killer.

Under section 145 MHA 1983, The MHRT also had to decide whether appropriate treatment was available to treat Brady. Section 145 (4) states that "*medical treatment in relation to mental disorder shall be construed as a reference to medical treatment the purpose of which is to alleviate or prevent a worsening of the disorder or one or more of its symptoms or manifestation*" The issue is not whether the treatment is likely to be effective – as Brady has consistently refused to co-operate with any treatment plans, apart from short periods on medication, the answer to that is inevitably no. It was clear from the evidence from the nursing staff that plans were in place at Ashworth for the management of Brady including his

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relationships with other patients. However, some argued that this amounted to management rather than treatment. Professor Gournay in his evidence (p95) stated that “*Mr Brady is in an environment where there is plentiful available treatment but that is not appropriate to him ... Mr Brady is simply being detained.*”

Professor Gournay concluded that it was not possible to treat Brady because of the level and deeply entrenched nature of his narcissism. However, the reform of the MHA 2007 removed the so-called *treatability test* whereby those diagnosed with a personality disorder could only be detained under mental health legislation if there was evidence that the disorder was treatable in some way. The overwhelming majority of offenders with severe personality disorders remain within the prison system. A transfer to a secure hospital comes about because the individual is suffering from some additional mental illness. The MHRT accepted that the treatment being provided at Ashworth was not tackling the main features of Brady’s personality disorder, as he was not engaging with any psychological approaches that would address these issues, this was impossible. However the Tribunal did conclude that there was evidence that the ward regime was having some beneficial effects in reducing symptoms.

The final question that the MHRT explored was whether Brady had to remain in hospital to receive the limited treatment or could this be provided in prison. The Tribunal did not accept Brady’s evidence. He seemed to think that if his appeal were to be successful, he would be returned to prison and continue his hunger strike to its inevitable conclusion. There was evidence, seized on by the media, that Brady has broken his hunger strike. Even if he was transferred back to prison, it seems somewhat unlikely that the authorities would take no action at all and simply allow him to die. The Governor of any prison that housed the ageing Brady (he is now 76 years old) in the last stages of a hunger strike would be at the centre of a worldwide media storm. Of course, there would be nothing to stop Brady giving up his hunger strike. These questions highlight the fact that any discussion of Brady becomes not only the subject of much media attention but also is inevitably bound up with the nature of the crimes that he has committed. Brady himself is clearly aware of this. It is indicative of his narcissism. Like many other modern celebrities, he manages or attempts to manage his public image very closely. Here he attempted to present himself as the victim of the regime at Ashworth.

The Serial Killer as Modern Cultural Icon

As Haggerty (2009) notes the study of serial killing has almost solely focused on the biography and description of individual offenders. The true life crime section of any book shop is usually one of the largest sections. A search for “serial killers” on Amazon UK produces over 7000 possible titles. The leading titles include: *Serial Killers: Notorious Killers Who Lived among Us* (Murray: 2007), *The Serial Killers: A Study in the Psychology of Violence* (Wilson and Seaman: 2007), *Serial Killers: The World's Most Evil* (Blundell: 2010) *Talking with Serial Killers* (Berry-Dee: 2003) and *Serial Killers: The Methods and Madness of Monsters* (Vronsky: 2004). These works were read as part of the bricolage approach. These titles give a flavour of the long- standing interest in uncovering the psychological traits of individual killers and developing taxonomy of killers. It is claimed that understanding this typology will allow law enforcement agencies to apprehend the offender more quickly. It does not, of course, prevent any offences.

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Serial killing, stands apart from other murders as it is not only planned but this process appears to form part of the motivation of the killer (Wilson:2007). The victims are seen by the killer as simply a means to an end. That end being the creation of the killer's or fulfilment of his or her own desires. This combined with the anonymity of modern life allows for the creation of the category of the serial killer. In the modern urban "society of strangers", the serial killer is able to operate in the depersonalised modern environment, preying on strangers. This is an environment, in which, there are greater opportunities to commit such crimes. As both Wilson (2007) and Egger (2002) both note the victims of serial killers tend to be drawn from marginalised groups. This partly explains why the initial murders in such cases are often not adequately investigated or given a great deal of media coverage. In Egger's (2002) phrase these victims are the "*less dead*"

Greer (2004) notes that one of the features of the modern reporting of crime is the "*foregrounding of victims*". This is a particular feature of the press across the political spectrum. This has clear political and policy implications. This includes the passing of legislation such as Megan's law but also the expansion of the use of imprisonment. Simon (2007) has demonstrated the ways, in which, this impacts on the wider society. He terms this process "*governing through crime*". As Garland (2001) notes there has been a shift from seeing offenders as fellow citizens in need of support and rehabilitation. Offenders are now viewed through the wider prism of risk as individuals who require management and surveillance so that the wider society can be protected. This is a reflection of the wider ontological insecurities highlighted by Beck (1992). There is a paradox outlined by Bauman (2001) that whilst we now enjoy unparalleled levels of freedom these are accompanied by similar levels of insecurity. Crime and fear of crime has a particular place in these modern, particularly urban, notions of insecurity. Within this context, concerns about offences against children have a particular resonance. For the tabloid press, in particular, the paedophile and child sex killer are key figures.

It is important to state that all cases of child sexual murder are horrific. However, we need to consider why not all cases receive the same media attention as others. Jewkes (2004) illustrates this point in her consideration of the case of Milly Dowler who was abducted and brutally murdered by Levi Bellfield. At the same time, Hannah Williams who was also 14 disappeared. Her body was found in a quarry. As Jewkes (2004) notes the media essentially operates a hierarchy of victims. In this case, the contrasting backgrounds of the two teenagers, who were both subject to horrendous sexual violence, are used to explain the contrasting media coverage. Greer (2004) argues that these idealised victims have "bright futures and stable pasts". This is not in any way to diminish the appalling impact of such crimes; rather it is ask what this coverage reveals about wider societal attitudes

The media also operates a hierarchy of perpetrators. The case of Trevor Hardy which is discussed by Wilson et al. (2010) will illustrate this. Hardy died in prison in 2012 having been sentenced to a whole life tariff for the murders of three young women, Janet Stewart (15), Wanda Skalia (18) and Sharon Mosoph (17). Wilson et al (2010) outline the nature of Hardy's crimes. All three of his victims were subjected to the most appalling and degrading violence. As Wilson et al (2010) note when sentencing him, Judge Caulfield described Hardy as "*hopelessly evil*". As the authors point out this case had a number features in common

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with other high profile cases such as the Moors Murders and the Soham murders. These features include a female accomplice and appalling sexual violence. The question that needs to be considered is why Trevor Hardy and his crimes have not received the same level of attention and coverage. Using Jewkes (2004) "*news values for a new millennium*" one would expect that the Hardy case would have received much wider coverage. It clearly crosses Jewkes' threshold of interest and it includes elements of sexual violence. The fact that these acts were not linked until Hardy confessed to the murder of Wanda Skalia adds another of Jewkes' criteria as these random acts of violence give the impression that all of us are at risk when in reality very specific group in society faced this.

The paper interviews four journalists based in Manchester, who covered the case to seek an explanation for the apparent anonymity of Hardy. The journalists suggest the fact that Hardy was only identified as a serial killer at his trial will have reduced the impact of his crime. This is linked to the second point that the journalist raise. Hardy did not have a "catchy nickname". In addition, there were no photographs of Hardy that could be used thus denying the tabloid press of its favourites – "the face of evil" portrait of an individual convicted of a series crime. The interviewees go on to suggest there was (is still) a clear North/South divide. In the mid-1970s, Manchester had a strong newspaper industry and northern editions of the major tabloid newspaper were produced. The appalling murders that Hardy committed did not make it across this divide into the national consciousness. Jewkes highlights that the media highlight crimes involving particular victims. Cases involving children will always be given a high profile. This is explicitly acknowledged by the journalists in the Wilson paper. The victims were essentially young working class women in Greater Manchester and their "ordinariness" seems to have been factor in the limited coverage of the case. The fact that this led to their brutal deaths and mutilation of their bodies was not sufficient to make them interesting to the tabloid press.

Celebrity culture is broad and diverse, and sufficiently flexible to include psychopathic sexual killers like Brady and boy bands like One Direction. As noted above, violent crime has become a cultural and entertainment product. The boundaries between true crime and fiction have become so porous that, at times, they seem to have disappeared almost completely. As Corner (2002) notes the "celebrity frame" is used to make sense of the increasingly mediated world. In this process, the origins of that fame often become lost so that it is possible for individuals such as Jade Goody or Kerry Katona to become "*celebrities*" without anyone really remembering or possibly even caring why they became well-known in the first place. Celebrity thus becomes a category in and off itself with its own rules and culture. A category that is increasingly subject to academic analysis

In exploring the work of the late novelist Gordon Burn, Lea (2012) rightly emphasises that for Burn it is the essentially tawdry nature of fame that forms part of its essential enduring appeal. In the post-modern late capitalist world, fame has been commodified and monetised. It is traded across the worlds' media markets. Media interest has become akin to the FT index with the stock of celebrities rising and falling as the market / interest from the wider society dictates. The expansion of media outlets, including social media, means that the demand for celebrities has increased. The outlets that produce a supply of celebrities have increased to meet this demand. Within this commodified and mediated world, it becomes impossible to follow everything. Therefore the "*frame of celebrity*" is a mode of sorting these competing

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interests. In his novel, *Alma Cogan*, Burn explores the way that the media – in this case print journalists – will exploit violent crime to boost circulation. He coined the term “*murder leisure industry*” as a short-hand for this set of symbiotic relationships. In his article on the Trial of Rosemary West (Granta, 2008), Burn notes the similarities between a trial and a theatrical production. In terms of the competing demands of the media, he includes this fascinating insight into the media/celebrity process;

At 11.44 a.m. on Monday 20 November, ten hours before the interview was due to be broadcast, the judge sent the West jury out. If they arrived at a verdict quickly, news of it would be swamped by the Diana coverage in the papers the following day. When they hadn't agreed by 4.30 p.m., the judge sent them to a hotel, and the journalists tried to disguise their relief. The Diana story was still dominating the headlines forty-eight hours later when Rosemary West was found guilty on all ten counts of murder and jailed for the rest of her life.

The media saturation has other important implications for the relationship between consumers of and actors in the news cycle. Bolten and Grusin (1999) argue that with so many competing interests for our attention as media consumers, we apply what they term “*the aesthetics of the glance*”. Crime competes with a whole range of other items for coverage. The work of David Peace, particularly the “Red Riding novels 1974, 1977, 1980 and 1983, clearly influenced by Gordon Burn, examines the way that a constant tension exists between the way that we are drawn towards stories of violent crime and our willingness to examine the brutal reality of these offences and their impact. The result is that violent crime can become “*just another story on the news*” Peace has a very individualistic style characterised by short sentences or paragraphs with a number of repetitions of the same scene or line. In addition, Peace mixes clips from radio and TV news into the text. This has the effect of locating the action in a very specific period. The news headlines also show that the way one person or families trauma is, for the media simply news.

“Out in the kitchen the six o'clock news came on the radio.

Eighteen dead in an old people's home in Nottingham, the second such fire in as many days. The Cambridge Rapist had claimed his fifth victim and England were trailing by 171 runs in the Second Test”.

In the media celebrity crime market, the serial killer has carved out a huge, in economic terms monopoly, share. The serial killer as an archetype seems to move between popular cultural and psychological discourses to an extent that it is often difficult to distinguish between them. This celebrity status is based is the result of what Lea (2014) has termed the “*disturbing attraction-in –repulsion of the transgressive celebrity*”. In addition, crime and particularly violent crime has become a site for the expression of much wider concerns about the nature of modern communities. In addition, as with all celebrities, there is a need for serial killers to reproduce their commodity value. This is something that has happened in the Brady and Hindley case at regular intervals since 1965 when they were arrested.

Rupert Thomson's novel *Death of a Murderer* (2008) examines the ways, in which, the power of celebrity remains or even increases after death. In the novel, a police officer, Billy Tyler is sent to guard the body of Myra Hindley. Tyler initially sees it as just another job but it quickly becomes something else as disturbing memories come to the surface including a case involving a missing child and a school friend who claimed to be abducted by Brady and Hindley. Tyler never sees the body. Hindley becomes, as she is for the wider public, an

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almost mythic figure. His wife is so concerned by the power that she turns with crystals to perform an almost shamanistic style ritual to ensure that Hindley's spirit is removed. In reality, Hindley was cremated in a private ceremony held at night to avoid protests. BBC News reported on 21.11.2002 as follows;

Hospital officials said everything that could be burned was incinerated because they were "sensitive" to the feelings of future patients using the room. "The room has been cleared of everything that was used during her care and the room has been redecorated," a spokesman said. Local funeral directors refused to handle Hindley's body. Instead, a company based 200 miles away looked after her body. (<http://news.bbc.co.uk/>

The Tyler character sums up our own ambivalent relationship with such figures as Hindley as he concludes "*You did something people couldn't bring themselves to think about. You forced them to imagine it. You rubbed their noses in it*"

In his seminal work, *Wound Culture: Trauma in the Pathological Public Sphere*, (Selker, 1997) argues that public culture, particularly in the USA, has become addicted to violence. He uses the term *wound culture* to refer to this fascination with the public display of defiled bodies. Trauma is used here in both a physical and psychology sense. *Wound culture* is thus extended to our fascination with the public display of distress. One of the key feature of the modern celebrity narrative is the point at which they publicly address their own traumas – be it that alcohol or drug addiction, childhood sexual abuse or an eating disorder. A Stewart (1991) notes the consistent examination of the *wound* is a key feature of post-modern culture. In the film and literary serial killer narrative, she argues, there is a consistent theme of a return to the original trauma. This traumatic event is then used to explain the serial killing that subsequently occurs. She concludes this assumption that the explanation for the brutality of these sadistic crimes can ultimately be found in childhood trauma that the perpetrators have endured is a key constitute of both popular, psychological and criminological discourse. In 1995, Hindley herself presented just such an explanation of her involvement in these crimes (The Guardian 18.2.1995) suggesting that she had been brutalised by Brady and then threatened into participating. A cursory examination of TV drama schedules, film listings and best sellers lists will quickly show that serial killing is a huge cultural industry. This prompts the question as to why and how the genre is able to sustain and reproduce itself. The answer lies as with any product finding and developing new markets or improving the original one.

Simpson (2000) argues that Gothic fiction provides an earlier model of the modern serial killer narrative. It is important to note that the serial killer is Foucault's terms "a *new specification of individuals*". Prior to the coinage of the term, there were clearly multiple murderers. However, current usage reflects not only society's obsession with classification but also the development of a new academic and popular discourse – *profiling* – which allegedly explains the motivations of serial killers. Psychological profiling makes that the claim that by the analysis of crime scenes and a series of other factors, it can provide a detailed psychological portrait of an offender that will either assist the police. Virtually all cop shows now include either a profiler as a many character (Law and Order: Special Victims) or a scene where a detective outlines the main features of the offender that the profiler thinks the team should look for or can use to exclude possible suspects. In the academic world, offender profiling has become a recognised subsection of forensic psychology – with all that entails in terms of research funding, academic status and prominence.

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Caputi (1988) argues that the Whitechapel murders represent the start of what she terms the “*age of sex crime*”. The case of the Whitechapel murders seems not only to represent the start of the phenomena but also contains many of the features that have occurred since. These include sensationalist and racist reporting, the marginalisation and denigration of the victims, failures in police investigation and providing the killer with a memorable nickname. The modern crime package is then complete when the scene of crimes – real or fictional – becomes a tourist destination (Cummins and King: 2013). These murders also highlight a particular aspect of response to urban modernity – the dangerous individual who is able to hide in the disconnected community emerging to commit violent crimes before returning to the shadows. An important theme in Gothic fiction is the relationship between the subject and space. The external is also seen to explain the internal and motivations of individuals. This has echoes in psychology profiling where it is claimed that the crime scene can be read in such a way as to give an explanation not only of the motivations of the offender but also to identify key characteristics.

The ongoing fascination with the crimes of Brady and Hindley – of which this article is clearly part – has to be seen within the context outlined above. The Tribunal hearing became another chapter in this Gothic obsession.

Discussion

The coverage of Brady’s tribunal hearing is an example of the symbiotic relationship between the media and serial killers (Haggerty 2009) regards as. Ironically, Brady himself pointed this out in his own evidence when he said that the case has been “*running longer than Coronation Street*” (it has not as the long running soap began in 1960) and that part of our obsession was the dramatic location of the Moors - or as Brady put it “*Wuthering Heights and all that*” The reports of the case are still usually accompanied by the picture of Brady taken at the time of his arrest in 1965. When he gave evidence, the reports were accompanied by a Court room artist sketch of him. Brady has become a cipher for evil. The focus on his physical appearance seems redolent of Lombroso and biological positivism. It is also as if the sight of Brady now will offer some explanation of his appalling crimes.

There were very few articles in this sample that considered the wider philosophical and ethical issues raised by the tribunal and Brady’s detention in a mental health setting. The diagnosis of personality disorder is a very controversial one within psychiatry. The tone of the majority of the media reports was that the tribunal should be regarded like the alleged letter to Winnie Johnson as a deeply cynical manipulative tactic by Brady. The most detailed discussion of the wider issues of punishment and how society should respond to the case came in a piece in the Daily Telegraph (25.6.13) written by Peter Stanford. Stanford was a close friend and biographer of Lord Longford (Stanford: 2006). Longford campaigned for years for the release of Myra Hindley on parole. Longford was driven by his very deeply held religious beliefs and appears to have genuinely believed that Hindley had shown remorse. As Stanford (25.6.13) argues Brady has never claimed to have re-formed or accepted treatment. To do so would indicate that he was not the existentialist follower of Nietzsche he portrayed himself as in the *The Gates of Janus* (2001) and in his evidence. Stanford sees the hearing as one final attempt for Brady to obtain a victory over authorities.

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Grover and Soothill (1999) noted that the serial killing industry was booming. The boom has continued in the fifteen years since. The development of new media seems to have given it a new boost. For example, Psychopedia is an App that is described as *follows Psychopedia is an encyclopaedia of serial killers and unsolved serial murders. From the Axe man of New Orleans to the Zodiac Killer, Psychopedia is an extensive compendium of the world's most prolific and notorious serial killers and the most captivating unsolved serial murder cases.* There are also a number of websites which claim to enable listeners to be able to hear the tape that Brady and Hindley made of the sexual assault and murder of Lesley Anne Downey (n.b. the authors did not access the recordings in researching this article). Part of this boom is the profile in the academy and the media of leading “psychology profilers” The main focus in this field has been to try and understand the motivations of the killers rather than the wider impact of their offences.

As Stanford (25.6.13) argues society needs to “better *than Brady*” by this he means that despite the nature of the crimes, he should be entitled to the same rights of appeal under the Mental Health Act as other patients. The tribunal process clearly demonstrated that this was the case. The ruling in the tribunal (<http://www.judiciary.gov.uk/Resources/JCO/Documents/Judgments/ian-brady-mh-tribunal-240114.pdf>) emphasised this point stating that “*His views must be taken into account as he will spend the rest of his life in prison or hospital with no possibility of being discharged.*” “However, the newspaper reporting was disappointed by the fact that the hearing did not provide an opportunity to “retry” the case. Brady was never going to be asked any questions on the murders. Much of the reporting gave the clear impression that the tribunal might provide a final opportunity for Brady to reveal the whereabouts of Keith Bennett’s body.

Haggerty (2009) argues that serial killing is essentially a phenomenon of modernity. One of the key features of modernity is the role of mass media and the rise of celebrity culture. The modern mass media provides many more opportunities for the construction of an identity or personality. Serial Killer thus becomes one of the forms of identity that can be created. This is not to suggest that the media coverage is the cause of serial killing rather it has a key role to play in the creation of the category of “serial killer”. Brandy (1986) notes the modern celebrity does not have a heroic status, s/he is simply someone who is talked about – often for reasons that are not wholly clear. Egger’s analysis (2002) of seven US serial killers concluded that they all seemed to enjoy their celebrity status. There is little doubt that Ian Brady has become a modern media celebrity. The tribunal hearing was another example of the way that the media reporting helped him to maintain his position as Britain’s most high profile serial killer a status he clearly wants to maintain for as long as possible.

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This paper was subject to open peer review

Open Peer Review Comments

I am pleased to provide the open peer review of the enclosed article and commend the journal on this innovative process.

This is a very high quality article that deserves to be published and widely cited. It is littered with critical and informative insights into conceptual and methodological issues relating to the mass media and increasing (almost voyeuristic) interest in serial killers.

The paper is very well written and exceptionally well structured. It synthesises its research sources into a diligent and original narrative.

More specifically, the paper packs an intellectual wallop into delving into the newspaper reporting of Ian Brady in June 2013 at a Mental Health Review Tribunal. Hence, the paper explores the nature of the relationship between the mass media and “high profile notorious offenders”.

The methodology of bricolage is particularly innovative in assessing the media, real life events and fictional representations. The authors utilise the MHRT and news reporting of Brady as a sliced case study which raised questions relating to mental illness, crime and punishment in contemporary Great Britain as a case study.

The paper is beautifully written with clear implications for understanding the contradictions between dualities of truth and fiction as represented by the media relating to serial killers.

I recommend publication without correction.

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