

“I LOVED JOE, BUT I HAD TO SHOOT HIM”: HOMICIDE BY WOMEN IN TURN-OF-THE-CENTURY CHICAGO

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INTRODUCTION

During a 1914 murder trial, Chicago’s State’s Attorney Maclay Hoyne observed that “while the honest woman, or the average woman, is less prone to commit crime than men . . . when a woman does become a criminal, she sinks lower and goes further in brutality and cruelty than the other sex.”¹ Like many of his contemporaries, Hoyne believed that women were, by nature, less violent than men.² He felt that a homicidal woman tended to be particularly dangerous precisely because she deviated from her natural role in society. Few modern commentators embrace so biologically deterministic a view.³ More often, scholars have argued that culturally defined roles have discouraged women from engaging in violent behavior and thus account for the modest proportion of homicides, typically between five percent and fifteen percent, committed by women.⁴ According to this view, women have been socialized to suppress anger.⁵ But some social scientists have also suggested that the loosening of traditional

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¹ *Decries Freeing Woman Slayers*, CHI. EVENING POST, Mar. 16, 1914, at 1.

² See CAESER LOMBROSO & WILLIAM FERRERO, *THE FEMALE OFFENDER* (1895); see also ESTELLE B. FREEDMAN, *THEIR SISTERS’ KEEPERS* 111–15 (1984).

³ For more modern and more nuanced treatments of biological inclinations toward violence, see MARTIN DALY & MARGO WILSON, *HOMICIDE* 156–61 (1988), and DAVID T. COURTWRIGHT, *VIOLENT LAND* 9–21 (1996).

⁴ DALY & WILSON, *supra* note 3, at 147–48.

⁵ See Robin S. Ogle et al., *A Theory of Homicidal Behavior Among Women*, 33 *CRIMINOLOGY* 173, 175–76 (1995) (proposing that homicidal behavior among women is a result of their socio-psychological environment); see also DALY & WILSON, *supra* note 3, at 156–57 (noting the frequency with which social scientists have attributed the disparity in the criminal behavior of the sexes to “culture”).

gender roles has produced “an increase in male-like criminality.”⁶ Charting a “rising tide of female assertiveness,” one criminologist has described a “‘masculinization’ of female behavior,” specifically with regard to criminality.⁷ As gender roles have changed, this argument posits, differences in men’s and women’s criminal behavior have narrowed.

Cultural and social conventions about women’s “proper” roles were in flux during Maclay Hoyne’s lifetime.⁸ As Chicago became a major urban and industrial center, economic opportunities for women burgeoned: hundreds of thousands of women entered the city’s factories and shops, tens of thousands entered the growing clerical sector of the local economy, and a small but enormously influential group of Chicago women entered the professions.⁹ Both locally and nationally, women enjoyed unprecedented social, economic, and cultural influence, helping to challenge long-standing assumptions about patriarchy and “natural” spheres. For example, women gained greater property rights, greater power to dissolve marriages, and greater claims to maintain custody of their children during this period.¹⁰

⁶ Margo I. Wilson & Martin Daly, *Who Kills Whom in Spouse Killings?*, 30 *CRIMINOLOGY* 189, 194 (1992). Wilson and Daly, however, conclude that the loosening of gender roles has not caused an increase in female crime. *Id.*

⁷ FREDA ADLER, *SISTERS IN CRIME* 1 (1975). Although this theory has stimulated a good deal of research, it remains controversial. Moreover, the weight of recent scholarship challenges rather than supports the model. See Wilson & Daly, *supra* note 6, at 194 (explaining that the nonspousal homicide rates of women are no greater in America than in other, ostensibly more static, societies); see also Helen Boritch & John Hagan, *A Century of Crime in Toronto: Gender, Class, and Patterns of Social Control, 1859 to 1959*, 28 *CRIMINOLOGY* 567, 593–95 (1990) (concluding that analysis of crime rates in Toronto does not support the thesis that the criminal behavior of women has changed with their social roles).

⁸ See CARL N. DEGLER, *AT ODDS* 298–361 (1980); see also MARY P. RYAN, *WOMANHOOD IN AMERICA* 224–49 (1975); ROSALIND ROSENBERG, *BEYOND SEPARATE SPHERES* 207–37 (1982).

⁹ See LISA M. FINE, *THE SOULS OF THE SKYSCRAPER* 30 (1990) (documenting the mass influx of women into the clerical professions in turn-of-the-century Chicago); see also ELLEN FITZPATRICK, *ENDLESS CRUSADE* xi–xiii (1990) (noting the rise of a select group of women professionals and graduate students in turn-of-the-century Chicago); Maureen A. Flanagan, *Gender and Urban Political Reform*, 95 *AM. HIST. REV.* 1032, (1990) (examining the political influence of Women’s City Club of Chicago at the turn of the century).

¹⁰ See KERMIT L. HALL, *THE MAGIC MIRROR* 166–67 (1989) (discussing the progress of women’s property, divorce, and custody rights); see also JOAN HOFF, *LAW, GENDER, AND INJUSTICE* 190–91 (1991) (documenting a speech by Susan B. Anthony which inventoried the advances made by women by 1902); MICHAEL GROSSBERG, *GOVERNING THE HEARTH* 250–53 (1985) (surveying the development of new divorce and custody rights for women in the late nineteenth century); CARROLL D. WRIGHT, *MARRIAGE AND DIVORCE IN THE UNITED STATES, 1867 TO 1886*, at 152 (1897) (noting an increase in the number of divorces in Illinois from 1071 in 1867 to 2606 in 1886, despite no change in the State’s substantive law); GLENDA RILEY, *DIVORCE* 90 (1991) (documenting the increase in the number of divorces granted to

This essay examines homicidal women in Chicago between 1875 and 1920, a period that saw the city's population soar from 401,081 to 2,701,705.¹¹ It focuses on the circumstances that led women in turn-of-the-century Chicago to use lethal violence. Both the homicide rate for women and the proportion of homicides committed by women rose during this era. The homicide rate for women increased four-fold, slightly exceeding the overall level of increase in the city's homicide rate, while the proportion of homicides committed by women spiked by nearly one-third.¹² The latter figure is particularly significant, since it indicates that women committed a growing proportion of a skyrocketing total. Nor did lethal violence by women move in lockstep with lethal violence by men; the most homicidal years for women were not necessarily the most homicidal years for men. The nature of women's violence, however, changed in two important ways between 1875 and 1920. Although each reflected a shift in gender relations, neither signaled the demise of gender inequality.

I. PATTERNS OF HOMICIDE BY WOMEN, 1875–1920

According to local police records, women committed 9.2% of Chicago homicides between 1875 and 1920, with the proportion rising from 6.7% during 1875–90 to 10% of all of the city's homicides during 1910–20.¹³ Infanticides and deaths from botched abortions, which midwives typically performed, accounted for approximately

women and the growing practice of alimony at the turn of the century); NORMA BASCH, *IN THE EYES OF THE LAW* (1982).

¹¹ See WESLEY G. SKOGAN, *CHICAGO SINCE 1840: A TIME-SERIES DATA HANDBOOK 18–19* (1976).

¹² See *infra* Part I.

¹³ These figures (and all of the quantitative data on Chicago homicides in this essay—unless otherwise indicated) are based on a data set combining information from police records, newspaper accounts of homicides, coroners reports, prison records, court documents, and health department records. A remarkable set of late-nineteenth- and early-twentieth-century police records has survived, making it possible to chart homicide in the city during this period. See *Homicides and Important Events, Chicago Police Department, 1870–1910* (available on microform at the Illinois State Archives, Springfield, Ill.); *Homicides and Important Events, Chicago Police Department, 1911–1920* (available on microform at the Illinois State Archives, Springfield, Ill.). In 1870, the Chicago Police Department established a log of homicide cases. By the mid-1870's, police officials maintained this log systematically. The police ledger is virtually complete when measured against other sources, such as annual tallies by the coroner and the Department of Health, and the year-end figures published by city newspapers. These ledgers, however, contain limited information about the participants in the homicides and about the circumstances that triggered the violence. In order to gather more complete information and more contextualized perspectives on the homicides, I traced each of the 5645 homicides enumerated in police records into a series of Chicago newspapers and other primary sources. This material was combined into a data set and analyzed using quantitative methods.

one-third of the homicides committed by women. Local law enforcers, however, usually ignored such deaths until the early twentieth century, and even after 1900 they pursued these cases erratically.¹⁴ Thus, it is impossible to measure the number of infanticides with precision and hence to chart changes in this kind of homicidal behavior. If the analysis is confined to clearer, less socially constructed forms of violence, police records indicate that women committed 325 homicides between 1875 and 1920, accounting for 6.5% of Chicago homicides. Although the proportion of homicides committed by women rose sharply during this era, increasing from 5.5% before 1890 to 7.2% after 1910, the gap between men's violence and women's violence remained a chasm. But even though men continued to commit the lion's share of the city's homicides, homicidal women were not rare. More than twice as many Chicagoans, for example, died at the hands of local women as died from labor violence in the city renowned for its bloody strikes, and Chicago women claimed more victims than Chicago policemen during this era.

Gender-based conventions shaped women's violence throughout the period, with most of the homicides revolving around women's roles as mothers and wives. Relatives and lovers accounted for nearly eighty percent of women's victims, compared with only twenty-seven percent of men's victims, and the figure for women fluctuated little over time.¹⁵ While Chicago women gained legal, cultural, and economic autonomy during this era, they continued to kill in gender-specific ways. Put differently, women engaged in homicidal behavior at one-fifteenth the rate of men, but when they resorted to violence, they overwhelmingly killed relatives or suitors. In turn-of-the-century Chicago, men killed a greater number of loved ones than women, committing 3.8 times as many spouse homicides, 3.4 times as many non-spouse relative homicides, and 7.4 times as many jealousy-related homicides as women. But when women engaged in homicidal behavior, they were 3.5 times more likely to kill a spouse, 3.8 times more likely to kill a (non-spouse) relative, and 1.8 times more likely to kill a lover. Reflecting the same pattern, 77% of the homicides committed by women occurred in the home, compared with 27.6% of those committed by men. Local law enforcers could

¹⁴ See Jeffrey S. Adler, "Halting the Slaughter of the Innocents": *The Civilizing Process and the Surge of Violence in Turn-of-the-Century Chicago*, 25 *SOC. SCI. HIST.* 29, 38-39 (2001).

¹⁵ During the closing decades of the twentieth century, the proportion was nearly identical. See Ogle et al., *supra* note 5, at 173; see also Jeffrey Fagan & Angela Browne, *Violence Between Spouses and Intimates*, in 3 *VIOLENCE* 159 (Albert J. Reiss et al. eds., 1994).

take some comfort from the fact that violent Chicago women seldom struck in public settings or preyed on strangers. Chicago husbands, fathers, and brothers, however, no doubt shared Maclay Hoyne's fear of violent women.

Although the city's homicidal women killed loved ones and disproportionately killed in the home, their violence assumed many different forms, depending on the relationships among the participants. In nearly all cases, the homicides resulted from deep emotional attachments, but the violence directed against lovers, not surprisingly, differed significantly from that directed against children or spouses. Most of the killings by women, for instance, appear to have been premeditated. Women typically bought or borrowed weapons, made post-murder arrangements, and some even anticipated the arguments that they would offer to policemen, judges, and juries when planning the murder of their lover.¹⁶ But the weapons, plans, and explanations depended on the victim. Louise Dimick's preparation for the 1920 murder of her lover proved to be particularly meticulous and focused. Fearing that her younger lover would spurn her, the thirty-five year old Dimick worked long and hard to ready herself for the murder of Thomas Schweig. She purchased a revolver, carefully tracked Schweig's movements, and labored to improve her aim. For a month before she killed her lover, Dimick practiced shooting in a vacant lot adjacent to her rooming house, using "one of Schweig's discarded derby hats as a target."¹⁷

II. MURDERING MOTHERS

Children accounted for the second largest category of victims, even when infanticides are excluded from the category. More than one woman killer in five was a murdering mother. The women who killed their children were remarkably similar to one another. First, relatively few poor women killed their children—though poor women probably committed most infanticides. Only ten percent of murdering mothers were from families headed by an unskilled worker, compared with fifty percent of the women whose victims were not their children and forty-one percent of male killers. More than a third of homicidal mothers were from households headed by skilled workers, and an additional fifteen percent were from white-collar-headed households. In short, unlike the women who killed their newborn infants, the women who killed their children were not mired in poverty.

¹⁶ See *Girl Can't Tell How She Got Gun to Kill Intern*, CHI. TRIB., Feb. 17, 1918, at 9.

¹⁷ *Fears Younger Rival; Woman Kills Man, Self*, CHI. TRIB., Apr. 23, 1920, at 7.

Thus, they did not resort to filicide as a family survival strategy in an attempt to marshal scarce family resources for other children as some “evolutionary psychologists” have argued.¹⁸

Second, the Chicago women who killed their children were not particularly young. The average age of murdering mothers was thirty-three. Seventy-five percent were over thirty and forty-two% were over forty. By comparison, the average age for Chicago women whose victims were not their children was 30.2, and the average age for all Chicago killers between 1875 and 1920 was 30.8. Just as poverty seldom drove Chicago mothers to kill their children, these filicides were rarely committed by young women struggling with the new pressures of parenthood.

While murdering mothers tended to be relatively older, their victims were quite young. Most, in fact, were very young children. Nearly two-thirds were under five, and more victims were under the age of one—but not neonatal—than any other single age. The average age for the victims of murdering mothers was 4.7 years, whereas the average age of children murdered by fathers in Chicago during this period was 6.5 years.¹⁹ Forty percent of these women killed only one child, and even when the death toll included more than a single victim, the women often spared the lives of relatively older sons and daughters.

The Chicago women who killed their children during this era typically explained their acts in great detail. A few women, enraged that their husbands favored children from previous marriages, killed stepchildren. One such killer asked her husband, “did not my children have the same rights as yours?”²⁰ “Your children,” the thirty-six year old Annie Grabant roared, “I put away for revenge.”²¹ Although social scientists argue that such a motive is common among modern child killers, the murder of stepchildren in turn-of-the-century Chicago was rare.²²

For most of the women who killed their children, illness triggered the violence. Many women insisted that they mercifully killed sick and disabled children, hoping to spare their beloved sons and daughters years of pain and misery.²³ “I don’t want Olga to suffer,”

¹⁸ DALY & WILSON, *supra* note 3, at 61–80.

¹⁹ Nearly two-thirds of the victims of murdering mothers were under the age of five, whereas almost two-thirds of the victims of murdering fathers were over the age of five.

²⁰ *Charge Murder to Stepmother*, CHI. TRIB., May 10, 1900, at 1.

²¹ *Id.*

²² Wilson & Daly, *supra* note 6, at 199.

²³ Sons and daughters were killed at roughly equal rates.

Augusta Klem reported, just before killing the eighteen month old child.²⁴ Similarly, Wenzel Bertat believed that her one year old daughter's health was so impaired that the girl would never lead an active, joyful life. "I heard the children playing in the snow outside," Bertat explained, "and looked at my child lying asleep on the couch. For several hours I watched her and she did not stir, so I took out my husband's revolver"²⁵ Likewise, Catherine Nichols killed her one-and-a-half-year-old son because she was despondent over his "incurable disease."²⁶

For other mothers, their own illnesses triggered the filicides. Believing that their sons and daughters needed mothers, these women resorted to murder out of concern that they would be unable to provide adequate care for their children. "I fear that I am not going to be strong enough properly to care for David," forty-one year old Sarah Engelberg explained, just before drowning her young son in the bathtub.²⁷ Despondent over a ten-year struggle with tuberculosis, Esther Peterson reached a similar conclusion and asphyxiated her four year old son, Vernon.²⁸ Mary Kamis also suffered from tuberculosis, and, believing she "must soon die," the woman asphyxiated her son.²⁹ Other murdering mothers suffered from mental illness, and relatives and friends typically attributed the homicides to "despondence," "melancholy," "nervous troubles," or to other afflictions that probably described clinical depression.³⁰ "I think I am crazy," Myra Conkling wrote to her sister shortly before Conkling killed her seven year old son.³¹

Not surprisingly, 84% of murdering mothers (and 100% of German murdering mothers) in Chicago between 1875 and 1920 committed suicide.³² Hardly attempting to subvert traditional gender roles,

²⁴ *Mother Turns on Gas, Kills Self and Baby*, CHI. TRIB., Jan. 29, 1917, at 2.

²⁵ *Shoots Baby; Dresses Its Body*, CHI. TRIB., Feb. 12, 1914, at 3.

²⁶ *Finds Mother-Slayer Insane*, CHI. DAILY NEWS, Oct. 25, 1917, at 1.

²⁷ *Mother Drowns Baby in Bathtub; Kills Herself*, CHI. TRIB., Oct. 4, 1918, at 17.

²⁸ *Mother, Ill for Year, Slays Son 4, and Self in Home by Gas*, CHI. EVENING NEWS, Feb. 14, 1917, at 4.

²⁹ *Takes Own Life to Kill Child She Disliked*, CHI. TRIB., Nov. 20, 1917, at 9.

³⁰ *Mother Kills Herself and Baby in Gas Filled Bedroom*, CHI. TRIB., July 6, 1910, at 3; *Mother Takes Life of Baby and Self*, CHI. INTER-OCEAN, Aug. 29, 1911, at 2; *Crazed by Grief, 2 Slay Children in Their Homes*, CHI. REC.-HERALD, Nov. 13, 1912, at 1; *Wife, Ill, Kills Self and Baby by Gas in Home*, CHI. TRIB., Jan. 9, 1919, at 1; see generally DALY & WILSON, *supra* note 3, at 78-79.

³¹ *Woman Kills Her Son*, CHI. TRIB., June 27, 1900, at 3.

³² Except when the woman was German, the sources included little information about ethnicity or religion of the murdering mother. Surviving records probably mentioned the ethnic backgrounds of German murdering mothers because these immigrants had unusually

these women typically left suicide notes in which they insisted that they committed the homicide–suicide as an act of maternal love. Anna Heubraum’s suicide note, for example, explained that “I knew I had to die, and I loved the children, but I thought it best to take them with me.”³³ Having resolved to kill herself, another murdering mother explained that she killed her young son because “I do not want him to live to bear the shame for my act.”³⁴ Similarly, Emma Michel killed her daughter and herself because she believed that the “anticipated disclosure” of her husband’s behavior would forever “blight” the life of her daughter.³⁵

These acts of maternal love, murder, and self destruction were usually premeditated and carefully planned. Some women bought the gas that was often used in the homicide–suicide. “The purchase of a five–gallon can of kerosene in the morning,” a Chicago policeman investigating one homicide–suicide observed, indicated that “the affair was premeditated, as the family uses coal for fuel.”³⁶ More often, women bathed and dressed their young children in special clothing, left detailed instructions about the repayment of loans and the distribution of cherished belongings, provided specific orders for the undertaker, composed and sent letters to distant relatives, and tidied the house before murdering their children and killing themselves.³⁷

Both in the violence itself and in the preparations for the violence, Chicago’s murdering mothers insisted that they were fulfilling their roles as loving mothers trying to protect their children from painful or ominous futures. These women did not confuse their roles as mothers with their roles as wives. Desperate to escape hopeless situations and to find peace for their sons and daughters, the women who murdered their children in turn–of–the–century Chicago did not kill their husbands. Chicago mothers who used gas to kill their chil-

high rates of suicide. For discussions of suicide among German immigrants, see Jeffrey S. Adler, *If We Can’t Live in Peace, We Might As Well Die: Homicide–Suicide in Chicago, 1875–1910*, 26 J. OF URB. HIST. 1, 8 (1999). See also RUTH SHONLE CAVAN, *SUICIDE* 34 (1928).

³³ *Woman Tries to Die, Kills Babe With Gas*, CHI. EVENING POST, Nov. 30, 1915, at 5; *Mother Kills Three Children and Herself*, CHI. EVENING POST, July 1, 1920, at 1.

³⁴ *Mother Drowns Baby in Bathtub; Kills Herself*, *supra* note 27, at 17.

³⁵ *Dies with Family, Fearing Disgrace*, CHI. TRIB., Aug. 2, 1909, at 1.

³⁶ *Charge Murder to Stepmother*, *supra* note 20, at 5.

³⁷ *Woman Kills Her Son*, *supra* note 31, at 3; see also *Crazed by Grief, 2 Slay Children in Their Homes*, *supra* note 30, at 1; *Accordion Tune Drives Wife to Suicide, 3 Dead*, CHI. TRIB., Aug. 23, 1915, at 8; *Mother Turns on Gas, Kills Self and Baby*, *supra* note 24, at 2.

dren did not put the lives of their husbands at risk.³⁸ Instead, Chicago's murdering mothers typically opened gas jets at times when their husbands were away from home or in rooms far from their slumbering spouses. Chicago's murdering fathers, on the other hand, sometimes killed their entire families, including their wives.³⁹ Murdering mothers also killed their children in relatively loving ways, largely eschewing bloody or painful methods of causing death. According to a newspaper account, thirty-five year old Mrs. R. C. Davison "spent all but her last cent to purchase a white suit for her baby's funeral; then took her child upon her knee and rocked him to sleep while two gas jets, opened wide, slowly asphyxiated them."⁴⁰ Many other mothers cradled their children until everyone in the room lost consciousness. Murdering mothers, in fact, relied on gas at twice the rate as murdering fathers, and the former used knives at one-third the rate and firearms at one-fifth the rate of the latter. In short, there is little evidence to link the homicides committed by women against their children to expanding or loosening gender roles or to "masculinized" criminal behavior.

The rate at which Chicago women attempted to save their children—by murdering them—did not increase between 1875 and 1920, unlike other forms of homicide by women, which rose sharply between 1875 and 1920. Except for 1882, when Mary Syebolt poisoned her four children, instantly accounting for eight percent of the city's homicides for the year, the death toll by murdering mothers never exceeded five percent of the city's total homicides and rarely exceeded two percent.⁴¹ Put differently, although child killing represented the second largest category of homicide by women, it neither rose over time—relative to other forms of lethal violence—nor contributed to the overall surge in the rate of lethal violence committed by Chicago women between 1875 and 1920.

III. MURDERING WIVES

Husbands formed the largest category of victims for homicidal Chicago women. More than one hundred local women killed their

³⁸ Cf. DALY & WILSON, *supra* note 3, at 216, (also finding that murdering mothers opt not to include their husbands in their "rescue fantasies").

³⁹ For every child-killing woman who also murdered her husband, six child-killing men murdered their wives.

⁴⁰ *Mother and Baby Die; Parent Turns on Gas*, CHI. REC.—HERALD, Apr. 19, 1913, at 1.

⁴¹ It exceeded two percent of the total for the city in only eleven of the forty-five years included in the data set. For the case of Mary Syebolt, see Homicides and Important Events, Chicago Police Department, 1870–1910, *supra* note 13.

spouses during this era, accounting for nearly one-third of all homicides by women and producing a body count roughly comparable to the death toll from labor violence in the city during the period. Furthermore, the rate of husband killing spiked between 1875 and 1920, increasing considerably faster than the overall homicide rate for Chicago; husbands also comprised a growing proportion of all homicide victims.⁴² Simply put, husband killing rose sharply during the early decades of the twentieth century.

The local women who killed their husbands formed a distinctive group, different from other homicidal women and from homicidal men. Husband killers were relatively wealthy, particularly by comparison with other Chicago murderers.⁴³ Only one husband killer in three was from a household headed by an unskilled worker, compared with nearly one-half of all female killers and 41% of male killers. Moreover, almost a quarter of Chicago husband killers were from white-collar families, and one in seven was from a household headed by a merchant, physician, or lawyer. By comparison, 7.4% of all Chicago killers were from white-collar-headed households, and 2.3% were from households headed by merchants or professionals. Whereas murdering mothers disproportionately came from families headed by skilled workers, murdering wives disproportionately came from wealthy families. Just as poverty did not account for most child killings, dearth did not account for most husband killings.

The Chicago women who murdered their spouses also tended to be relatively older. The average age for these women was 33.4 years, making them slightly older than child killers and three years older than the average for all female killers in the city.⁴⁴ Sixty percent were over thirty, and nearly a quarter of these women were over

⁴² Disaggregating the data into precise categories can produce misleading figures. In order to minimize the effects of annual fluctuations, I have used five-year groupings. Until the late 1880's, the number of husband killings in the city was too modest to permit the meaningful calculation of rates. Thus, I compared 1888-92, 1898-1902, 1908-12, and 1920 data and determined that the husband-killing rate increased more than three-fold, whereas the overall rate for the city doubled for the same period. In calculating the increase in the proportion of husband killings, I compared 1875-84 with 1915-20 data and determined that it rose by 147%.

⁴³ Although surviving records provide data on the class backgrounds and ages of murdering wives, the sources include little information on the ethnic or religious backgrounds of these women.

⁴⁴ One recent study found a similar pattern, with the age of female killers averaging thirty-two years. See Coramae Richey Mann, *Female Murderers and Their Motives*, in *INTIMATE VIOLENCE* 75, 73 (Emilio C. Viano ed., 1992); see also Franklin E. Zimring et al., *Intimate Violence: A Study of Intersexual Homicide in Chicago*, 50 U. CHI. L. REV. 910, 918 (1983).

forty. Even more than their child-killing counterparts, husband-killing Chicagoans were not young women facing their first experiences with the stresses of marriage or the weight of patriarchal authority. Just as poverty was not typically the spark that triggered this violence, youthful rashness fails to account for husband killing in the city.

Like murdering mothers, homicidal wives explained their motives in unequivocal terms. Husband killers announced far and wide that they killed out of desperation, though they defined desperation in very different terms than child killers.⁴⁵ Women who killed their children acted to end suffering from illness, either physical or mental illness, but women who killed their husbands overwhelmingly acted to protect themselves from abusive spouses.⁴⁶ In social-scientific terms, these were “victim-precipitated homicides.”⁴⁷ Chicago women rarely killed their husbands to protect their children from domestic violence and seldom acted out of jealousy—a common motive in wife killings.

In most cases, the homicide followed months or years of physical abuse. Joseph Camilla was a typical victim in turn-of-the-century Chicago, and Mary Camilla told the police a familiar story, stating that she shot her husband in “self-defense.” Mrs. Camilla explained:

He threatened my life and whipped me time and again. Last night when he came home I saw that he had been drinking. As soon as he entered the house he began to curse me and threaten to kill me. I did all I could to quiet him . . . I loved Joe, but I had to shoot him.⁴⁸

Similarly, Mary Frank told local law enforcement officials that her forty-five year old husband “would surely have killed me had he not

⁴⁵ See, e.g., *Kills Wife Beater*, CHI. REC.-HERALD, Mar. 3, 1902, at 9; *Hit By Wife, Man Dies*, CHI. EVENING POST, July 23, 1903, at 2; *Shoots Spouse After Causing His Arrest*, CHI. INTER-OCEAN, July 20, 1911, at 3.

⁴⁶ See ELIZABETH PLECK, DOMESTIC TYRANNY 222–23 (1987). Studies of modern husband killers report the same motive. See MARVIN E. WOLFGANG, PATTERNS IN CRIMINAL HOMICIDE 217 (1958); see also RICHARD J. GELLES & MURRAY A. STRAUSS, INTIMATE VIOLENCE 90 (1988); ANGELA BROWNE, WHEN BATTERED WOMEN KILL 10 (1987); DALY & WILSON, *supra* note 3, at 199; Noel A. Cazenave & Margaret A. Zahn, *Women, Murder, and Male Domination*, in INTIMATE VIOLENCE 91, 83 (Emilio C. Viano ed., 1992); Richard B. Felson & Steven Messner, *Disentangling the Effects of Gender and Intimacy on Victim Precipitation in Homicide*, 36 CRIMINOLOGY 407 (1998); Fagan & Browne, *supra* note 15, at 163; Wilson & Daly, *supra* note 6, at 206; Mann, *supra* note 44, at 73–81.

⁴⁷ MARVIN E. WOLFGANG, PATTERNS IN CRIMINAL HOMICIDE 245–65 (1958).

⁴⁸ *Why She Killed Her Husband*, CHI. NEWS REC., Dec. 5, 1892, at 2.

received the fatal wounds.”⁴⁹ Lena Musso shot her husband after he told her “it is a good time for you to die” and approached her with a razor in his hand.⁵⁰ “I was unable to stand his abuse any longer,” thirty-five year old Rosie Guszck explained to a Chicago policeman who was investigating the death of Mrs. Guszck’s husband, “and I picked up the knife and struck him.”⁵¹ Again and again, husband killers recounted years of physical abuse, repeated episodes in which neighbors interceded to stop beatings, numerous separations and trial reconciliations, and even cases in which battered wives had reported the violence to the local police, filed assaults charges, and sought restraining orders.⁵²

Many Chicago women killed their husbands in response to immediate threats to their own lives, but others responded in anticipation of additional battering.⁵³ Grace Doyle insisted that her action was “self-defense in advance.”⁵⁴ “If I had not put an end to him this morning, he would have killed me to-morrow [sic].”⁵⁵ Annie Olsen killed her forty-six year old husband, August, after years of threats. “I was so frightened,” she later explained, “for he said many times he would cut me up and boil me into potash. He made the threat so often I grew to believe that some day he meant to carry it out.”⁵⁶ On the night of the homicide, Mr. Olsen, already drunk, repeated the threat. “So when he was asleep,” Mrs. Olsen told the police, “I shot him.”⁵⁷ After two years of marriage that resulted in repeated beatings, five separations, and an unsuccessful effort to secure legal protection, Minnie Smith resorted to self-help. “He always said if I ever had him arrested he would kill me, and I know he would do it,” Smith explained.⁵⁸ “So I shot him—and then I shot him some more.”⁵⁹

⁴⁹ *Wives at Husband’s Bier*, CHI. EVENING POST, Oct. 10, 1903, at 1.

⁵⁰ *Slayer Facing Trial Smiling*, CHI. TRIB., Sept. 9, 1912, at 3.

⁵¹ *Christening, Then Tragedy*, CHI. TRIB., Sept. 14, 1916, at 15.

⁵² See, e.g., *Kills Wife Beater*, CHI. REC.-HERALD, Mar. 3, 1902, at 9; see also *Wife Slays in Struggle*, CHI. TRIB., Jan. 2, 1905, at 1; *Widow By Shot As Quarrels End*, CHI. TRIB., Aug. 16, 1908, at 5; Netty George Speedy, *Marital Woes of Couple Aired in Crowded Court Room—Mrs. Minnie Smith to Ask for New Trial*, CHI. DEFENDER, Sept. 7, 1918, at 1.

⁵³ See Felson & Messner, *supra* note 46, at 413.

⁵⁴ *Shot Dead By His Wife*, CHI. TRIB., July 3, 1899, at 2.

⁵⁵ *Id.*

⁵⁶ *Says She Slew Her Husband*, CHI. TRIB., Feb. 12, 1904, at 4.

⁵⁷ *Id.* The specific threat to “boil me into potash” was a reference to a sensational Chicago murder case from 1899 in which a husband murdered his wife, chopped her body into small pieces, and then boiled away the remains. For an account of this crime, see *Says Body Was Burned*, CHI. TRIB., Mar. 15, 1899, at 8.

⁵⁸ *Shots End Marital Woe*, CHI. DEFENDER, May 18, 1918, at 1.

⁵⁹ *Id.* See also Speedy, *supra* note 52, at 1.

Murdering wives acted purposefully, intending to kill their abusive spouses. Most planned the act, though often they did not carry out the violence until the next episode of abuse. Many of these battered wives procured weapons, expecting the battering to continue. Mary Wiley pawned a skirt to obtain the revolver she used to shoot her husband, and Jessie Hopkins borrowed a gun from her father in order to protect herself from her husband of eight years.⁶⁰ Mary Shea hid her gun under the bed, while other women concealed revolvers in the folds of their dresses, in kitchen cabinets, or in clothing chests, wanting the weapon to be readily available when the need arose.⁶¹ Iva Barnes's efforts proved to be particularly complicated. Planning to kill her husband, she obtained a small gun, packed a satchel with clothes, and arranged to meet her spouse on the street in front of the apartment building where she intended to shoot him. After descending the stairs of the building, however, Iva discovered that she had forgotten to place the weapon in her purse. When James Barnes arrived, she asked him to wait for her, raced back to the apartment, secured the gun, returned to the street, and then shot four bullets into his skull, two of which were fired after he had fallen to the sidewalk.⁶²

Murdering wives overwhelmingly used firearms to kill their husbands. Over three-quarters of husband killers, for instance, shot their victims. By comparison, two-thirds of wife killers (and two-thirds of all male killers) used firearms. Some battered women probably chose the weapon for its stopping power. Guns, particularly handguns, could compensate for any disadvantage in size and physical strength battered women had. But because many wives, unwilling to subject themselves to additional abuse, shot sleeping husbands, knives or even clubs would have accomplished the task. Similarly, women might have opened gas jets and fled to other rooms while their sleeping husbands slowly asphyxiated. Yet only six percent of murdering wives employed such a strategy.⁶³ Moreover, only a minority of women whose victims were neither husbands nor lovers re-

⁶⁰ See *Wife Kills M.J. Wiley*, CHI. TRIB., Aug. 15, 1899, § 1 at 12; see also *Wife Slays in Struggle*, CHI. TRIB., Jan. 2, 1905, § 2 at 13.

⁶¹ *Shoots Husband Who Rebukes Drink Habit*, CHI. INTER-OCEAN, July 11, 1912, at 5; see also *Kills to Save Lives*, CHI. TRIB., Oct. 7, 1899, at 7; *Shot Three Times By His Wife*, CHI. TRIB., Sept. 22, 1899, at 13; *Kills Husband in Row*, CHI. REC.-HERALD, Nov. 27, 1907, at 3.

⁶² See *Woman to Tell Jurors How She Killed Spouse*, CHI. EVENING POST, Sept. 6, 1916, at 1; see also *Mrs. Barnes Shot Husband After He Fell*, CHI. TRIB., Sept. 7, 1916, at 1.

⁶³ Murdering husbands committed homicide using gas at the same rate as murdering wives.

lied on guns, using other weapons in sixty-one percent of homicides. In short, for homicidal women in turn-of-the-century Chicago, situational factors—not an aversion to guns—determined the instrument of death. They chose weapons that insured that the violence would be decisive.

Husband killers' post-homicide reactions provide additional evidence of their assertive, purposeful use of lethal violence. Like the women who killed their young children, those who killed their husbands viewed their actions as the solution to a terrifying problem.⁶⁴ In every other way, however, the reactions were different. First, husband-killers rarely took their own lives; shooting their husbands, after all, resolved the crisis. Whereas the overwhelming majority of murdering mothers immediately committed suicide, fewer than one murdering wife in eleven killed herself. By comparison half of murdering husbands committed suicide.

Second, women who killed their husbands seldom expressed remorse. Instead, they often expressed relief and occasionally expressed joy after killing their spouses. In contrast, murdering mothers characterized their actions as solemn, desperate expressions of love and maternal affection and usually committed suicide. Mary Wiley, for instance, emptied the revolver's cartridge into her husband's body and then announced that she wanted another bullet to use on him.⁶⁵ Fearing that her husband would survive, Harriet Burnham told the Chicago policeman on the scene that "I only feel sorry I didn't kill him."⁶⁶ In the police wagon taking the fatally injured forty-eight year old Herbert Burnham to the hospital, Harriet roared "die, you dog, die."⁶⁷ Emma Nolan, who "put five bullets into her husband," also lamented that "I am only sorry that I did not succeed in killing him. He is a despicable character, better dead than alive."⁶⁸ Upon learning that Barney Nolan had indeed died, she commented "he got what he deserved."⁶⁹ Jeanette Wall simply "expressed satisfaction with the shooting."⁷⁰ Still more pleased with her efforts was Emma Simpson, who shot her husband in a crowded Chicago courtroom. When the court reporter screamed "you've killed him," Simp-

⁶⁴ See *Wife Slays in Struggle*, CHI. TRIB., Feb. 2, 1905, at 1.

⁶⁵ *Wife Kills M.J. Wiley*, *supra* note 60, § 1 at 12.

⁶⁶ *Wife Describes to Jury How She Killed Husband*, CHI. TRIB., Dec. 28, 1912, at 1.

⁶⁷ *Id.*

⁶⁸ *Shoots to End Abuse*, CHI. REC.-HERALD, Apr. 10, 1905, at 2.

⁶⁹ *Glad Her Shots Killed*, CHI. REC.-HERALD, Apr. 11, 1905, at 9.

⁷⁰ *Wife in Despair Slays Lax Mate*, CHI. TRIB., Feb. 9, 1918, § 1, at 1.

son replied "I hope so." She then "waved and smiled" at onlookers.⁷¹ In view of the physical and emotional abuse that usually preceded the homicides, such reactions are not entirely surprising. But in an age when women who killed non-spouses (or non-lovers) seldom used guns, usually expressed sorrow for their actions, and often committed suicide after committing murder, the actions of turn-of-the-century Chicago's murdering wives stood apart.

Some husband killers went so far as to plan and announce their defense strategies. One battered woman told the police that "I look upon my act as a morally justifiable killing."⁷² Other husband killers quickly asserted that no jury would convict them. "I knew that when I divulged the story of my wrong treatment, of the suffering that I endured for ten years in silence," one woman explained, "that I would be sustained in my action."⁷³ Another murdering wife carried a purse to the shooting which contained a newspaper article describing the acquittals of fourteen husband killers.⁷⁴

Unwilling to submit to continued abuse, these Chicago women killed their husbands. "When he threatened to beat me again," Jessie Brown explained, "I told him he would never do it."⁷⁵ She shot and killed her husband after he threw an ink well at her.⁷⁶ But perhaps Chicago husbands were becoming more violent, and thus a growing number—and proportion—of wives felt compelled to resort to aggressive self-help. In other words, perhaps it was an increase in the level of violence against women that caused the surge in early twentieth-century husband killing. Although it is impossible definitively to eliminate this possibility, evidence from police and court records does not support such a theory.⁷⁷ Rather, it suggests that women were becoming less submissive and more violent toward abusive husbands. Especially revealing in this regard was the defense strategy employed by many of the husband killers whose cases went to trial.

⁷¹ *Taunted Wife Shoots Husband in Courtroom*, CHI. TRIB., Apr. 26, 1919, § 1, at 1.

⁷² *Shot Dead by His Wife*, CHI. REC.-HERALD, July 3, 1899, at 2.

⁷³ *Kills Spouse; Is Free*, CHI. REC.-HERALD, Mar. 21, 1905, at 5.

⁷⁴ *Can't Hang Woman for Murder; Kills Husband*, CHI. TRIB., Nov. 21, 1914, at 1.

⁷⁵ *Coroner's Jury Finds that She Was Justified in Killing Her Husband*, CHI. EVENING POST, Apr. 10, 1920, at 1.

⁷⁶ *Id.*

⁷⁷ The rate of uxoricide in Chicago peaked between 1900 and 1905, and then it dropped, falling by twenty-nine percent between 1905 and 1920.

IV. THE NEW UNWRITTEN LAW

Murdering wives “constructed” a specific image to present to local policemen, judges, and especially jurors. To be sure, defense attorneys played an important role in this process and helped to shape their clients’ images.⁷⁸ But many husband killers during the early twentieth century revealed their strategies to the Chicago policemen who arrived at the crime scene, explaining their behavior well before defense attorneys were involved.⁷⁹

The husband killers brought to trial in early twentieth century Chicago typically invoked the “new” unwritten law. The “old” unwritten law recognized the right of a man justifiably to “kill the alleged libertine who had been sexually intimate with the defendant’s wife, daughter, or sister.”⁸⁰ This fact pattern, however, did not fit husband killing in early twentieth-century Chicago. The overwhelming majority of the women who looked to this affirmative defense did not claim that adultery had occurred, and none of these killers had caught her spouse *in flagrante delicto*. The new unwritten law gave a woman the right to use lethal force in resisting an abusive husband. In order to secure an acquittal (on the ground of self-defense), the woman had to demonstrate that she had been the victim of wife beating. Having established a history of abuse, she was then legally justified in killing her husband, according to this theory. Chicago husband killers explicitly invoked the new unwritten law. One Chicago woman announced, immediately after killing her husband, “I will need no attorney—the new unwritten law will save me. I will tell my whole story to the jury and they will free me.”⁸¹

Such a legal strategy enraged local prosecutors, who reminded jurors that an unwritten law was not, in fact, a law. In his opening statement to the jury in a 1919 husband-killing case, Assistant State’s Attorney Edward Prindiville pointedly told jurors that “you men are representative of all of the forces of law and order. Do you want the law enforced?”⁸² In his closing argument in another husband-killing

⁷⁸ HENDRIK HARTOG, *MAN & WIFE IN AMERICA* 218–41 (2000).

⁷⁹ See *Shot Dead By His Wife*, *supra* note 72, at 2; see also *Taunted Wife Shoots Husband in Courtroom*, *supra* note 71, at 1.

⁸⁰ Robert M. Ireland, *The Libertine Must Die: Sexual Dishonor and the Unwritten Law in the Nineteenth-Century United States*, 23 J. OF SOC. HIST. 27 (1989); see generally Hendrik Hartog, *Lawyering, Husbands’ Rights and “The Unwritten Law” in Nineteenth-Century America*, 84 J. OF AM. HIST. 67, 67–96 (1997).

⁸¹ *Taunted Wife Shoots Husband in Courtroom*, *supra* note 71, at 1.

⁸² *Wife Tells Jury How She Stabbed Mate to Death*, CHI. TRIB., Jan. 16, 1919, at 11. One judge, Frank Johnson, Jr., argued having women serve on juries would solve this problem.

trial, the frustrated Assistant State's Attorney Hayden N. Bell chided the jurors, asking if they intended "to join the great army of boob ex-jurors who have acquitted women of murdering their husbands, although they were absolutely guilty."⁸³ "The manner in which women who have committed murder in this county have been able to escape punishment," State's Attorney Maclay Hoyne lamented, "is a scandal."⁸⁴

Local prosecutors feared the effects of the new unwritten law. Some recognized that it chipped away at men's prerogatives as husbands. J. R. Newcomer, an assistant state's attorney, defended a man's right to use physical force against his wife, if she deserved it. "Like any man of honor," Newcomer argued in a 1906 trial, "he [the victim of a husband killing] was trying to get her to live up to her contract and to behave herself."⁸⁵ "Besides," the prosecutor added, "if this jury sets the precedent then any woman who is attacked or is beaten by her husband can shoot him, there won't be many husbands left in Chicago six months from now."⁸⁶ More often, prosecutors focused their concerns on the larger social effects of this defense strategy, though these men surely recognized the potential impact of arming wives with the idea that they could—justifiably—defend themselves from abusive spouses. Hoyne feared that "the existing belief [is] that a wife may murder her husband in Cook county [sic] with impunity,"⁸⁷ while Prindiville worried that the new unwritten law would result in "murderesses [being] turned out on the streets."⁸⁸ At stake, Prindiville argued, was "law and order."⁸⁹

Jurors, however, embraced the new unwritten law. Cook County prosecutors convicted 16 of the 102 women who killed their husbands in the city between 1875 and 1920, and 9 of the convicted

They would not be influenced by "mere sentimentality," he contended. "Women jurors will vote to convict a guilty woman every time." *Woman Jury to Make Lives of Husbands Safer*, CHI. TRIB., Aug. 22, 1920, at 2.

⁸³ *Woman is Found Guilty of Slaying Her Husband*, CHI. TRIB., Nov. 3, 1917, at 5.

⁸⁴ *Decries Freeing Woman Slayers; Drops Dietz Case: State's Attorney Hoyne Denounces Juries Which Are Moved by the Tears of Pretty Defendants*, CHI. EVENING POST, Mar. 16, 1914, at 1 [hereinafter *Decries Freeing Women Slayers*].

⁸⁵ *Finds Mrs. Troupe Guilty of Murder; Gives her 14 Years*, CHI. INTER-OCEAN, Jan. 10, 1906, at 1.

⁸⁶ *Id.* For a brief discussion of similar modern concerns, see Laurie J. Taylor, Comment, *Provoked Reason in Men and Women: Heat of Passion Manslaughter and Imperfect Self-Defense*, 33 UCLA L. REV. 1679, 1705 (1986).

⁸⁷ *State Finally Convicts Woman in Murder Case*, CHI. TRIB., Jan. 17, 1919, at 13.

⁸⁸ *Wife Tells Jury How She Stabbed Mate to Death*, *supra* note 82, at 11.

⁸⁹ *Id.*

wives were African American women, for whom this defense clearly appeared subversive and dangerous. Jurors returned guilty verdicts for only seven of eighty white husband killers (8.8%), and the judge quickly “remitted” the sentence and released one of the seven. Of the remaining six white women convicted for killing their husbands, two were found to be criminally insane, and two were sentenced to prison terms of one year. Every white woman who killed her husband between August, 1905 and October, 1918 was exonerated or acquitted, totaling thirty-five consecutive cases.⁹⁰ In short, of the eighty white husband killers in the city from 1875 to 1920, only two were found guilty and sentenced to prison terms of more than one year.⁹¹ Jurors even acquitted Iva Barnes, the Chicagoan who asked her husband to wait for her on the street while she fetched her gun and then shot her forty-nine-year-old spouse four times, including twice after he had fallen to the ground.⁹² Echoing the concerns of local prosecutors, one newspaper reporter expressed horror at the “march of liberated gun-women from the Criminal Court.”⁹³ Another observer explained that the “new ‘unwritten law’” provided a “protective wing over the heads of the weaker sex.”⁹⁴

The two white women convicted of murder for killing their husbands represent the proverbial exceptions that prove the rule. Virginia Troupe, a nineteen-year-old dressmaker from Mississippi, was convicted and sentenced to serve fourteen years at Joliet Prison for the 1905 shooting of her husband. Troupe’s age and socio-economic background no doubt hurt her in the trial, for she lacked the dignity and respectability of older, wealthier defendants. Far more damaging, however, was the prosecution’s assertion that the woman killed “not in self-defense, but because she was angry at him [her husband].

⁹⁰ During this period, two husband killers escaped arrest (and thus were never charged or tried) and a third committed suicide.

⁹¹ After 1910, as more and more murdering wives invoked the new unwritten-law defense, the conviction rate for white husband killers dropped to 5.4%—compared with 14.3% from 1875 to 1910.

⁹² According to Illinois case law, such homicides should not have been treated as justifiable, since self-defense required “that the slayer endeavored to decline any further struggle before the mortal blow was given.” *People v. Forte*, 110 N.E. 47, 49 (Ill. 1915).

⁹³ *Free Another Woman Slayer*, CHI. TRIB., Jan. 23, 1915, at 1. See generally *No Chicago Woman Convicted of Murder*, CHI. INTER-OCEAN, July 22, 1912, at 3; *Decries Freeing Women Slayers, Drops Dietz Case*, CHI. EVENING POST, Mar. 16, 1914, at 1; *Another Woman Freed of Charge of Murder*, CHI. TRIB., Sept. 20, 1916, at 5; *Held as Slayer Girl Cites Baby in New Defense*, CHI. TRIB., July 9, 1919, at 5; *Women Freed, 3 Convicted as Slayers Here in 12 Years*, CHI. TRIB., Sept. 26, 1919, at 7.

⁹⁴ *No Chicago Woman Convicted of Murder*, *supra* note 93, at 3.

They had been quarreling over some man.”⁹⁵ No one denied that W. C. Troupe was shot while attacking his wife, but the Assistant State’s Attorney successfully argued that Virginia Troupe could not claim self-defense if she was being beaten for an appropriate reason—for accepting “the attentions of other men.”⁹⁶ The prosecutor did not directly address the authority of the new unwritten law. Instead, he challenged Troupe’s attempt to use this affirmative defense and thus won a conviction. Hilda Exlund, a forty-six-year-old Swedish immigrant, also failed to secure an acquittal on the grounds of the new unwritten law. Exlund stabbed her husband Frank after he attacked her with a knife. Edward Prindiville, the assistant state’s attorney, argued that this was not a case of self-defense, even though he did not dispute the specific facts leading to the fatal stabbing. Hilda Exlund, he explained, was a woman “of powerful physique,” whereas her husband was a “small man.”⁹⁷ Moreover, neighbors and friends testified that Hilda “often cursed” her husband and “had once poured boiling water upon him.”⁹⁸ In fact, she had been “a husband beater for years.”⁹⁹ Only a few weeks before the fatal stabbing, neighbors had seen Frank running out of his house with a bloody handkerchief held to his face.¹⁰⁰ “She tried to kill me,” the forty-three-year-old man explained.¹⁰¹ After a jury comprised entirely of married men found her guilty of murder, Exlund exploded: “I suppose if I had been young and beautiful, I would have been turned loose just as other women who have been tried for killing their husbands.”¹⁰² As with the Troupe trial, Exlund’s prosecutor challenged the invocation of the new unwritten law but not the legal authority of the new unwritten law.

In some ways, the failure of prosecutors in all but the Troupe and Exlund cases is not surprising, and the new unwritten law hardly entailed a powerful attack on patriarchal authority. Defense attorneys, after all, played on male jurors’ sense of chivalry and their inclination

⁹⁵ *Finds Mrs. Troupe Guilty of Murder; Gives Her 14 Years*, *supra* note 85, at 1.

⁹⁶ *Wife Kills Her Husband as Result of Quarrel*, CHI. TRIB., Aug. 10, 1905, at 3. Some sources identify the defendant as “Virginia,” some as “Regina,” and others as “Mrs. Troupe.”

⁹⁷ *State Finally Convicts Woman in Murder Case*, CHI. TRIB., Jan. 17, 1919, at 13.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Wife Murdered Exlund Women Testify in Trial*, CHI. TRIB., Jan. 15, 1919, at 9.

¹⁰¹ *Id.*

¹⁰² *State Finally Convicts Woman in Murder Case*, CHI. EVENING POST, Jan. 17, 1919, at 13.

to protect weak, fragile women.¹⁰³ Moreover, the new unwritten law proved to be persuasive with jurors at the same time that local policemen, coroners, and prosecutors argued that the criminal law must protect the innocent from the violence around them. Typically this crusade focused on using the courts to punish reckless drivers, abortionists, and medical quacks, though the same sentiments must have encouraged jurors to view habitually battered wives as sympathetic defendants who deserved legal protection.¹⁰⁴

The explicit use of this affirmative defense, however, pointed to larger changes in gender roles. Such a carefully scripted argument was unnecessary. Turn-of-the-century killers seldom landed in prison. Only twenty-three percent of homicide cases in the city ended with a conviction between 1875 and 1920. The figure for cases with women killers was sixteen percent, and the figure for white women was under ten percent. In 1914 a Chicago reporter observed that “women can’t be convicted of murder in Cook County,”¹⁰⁵ and a state official, writing three years later, reached the same conclusion, noting that “in certain communities a woman can not [sic] be convicted of murder.”¹⁰⁶ Explaining this phenomenon, a local journalist remarked that to secure an acquittal, “she must have killed a man.”¹⁰⁷ “No matter how strong and convincing the evidence on the part of the state in the case may be,” another Chicago reporter complained, “the average jury at this time is refusing to treat the prisoner as it would a male.”¹⁰⁸ Unless the homicide was particularly grisly or the killer challenged established social mores, as did the brawny husband beater Hilda Exlund, conviction was unlikely in turn-of-the-century Chicago. In view of this low conviction rate, it is apparent that invoking the new unwritten law represented more than merely another winning or convenient argument. Defense attorneys could have refrained from offering any affirmative defense or they could have relied on the vague, generic self-defense arguments that nearly always persuaded jurors.¹⁰⁹ In other words, they need not

¹⁰³ For an interesting discussion of related themes, see Hilary Allen, *Rendering Them Harmless: The Professional Portrayal of Women Charged with Serious Violent Crimes*, in *CRIMINOLOGY AT THE CROSSROADS: FEMINIST READINGS IN CRIME AND JUSTICE*, 64, 64–66 (Kathleen Daly & Lisa Maher eds., 1998).

¹⁰⁴ See Adler, *supra* note 14.

¹⁰⁵ *Don't Look for Jim, I Killed Him*, CHI. EVENING POST, November 21, 1914, at 3.

¹⁰⁶ Annie Hinrichsen, *The Criminal Statistics of Illinois*, 8 INSTITUTION Q. 94 (1917).

¹⁰⁷ *Held as Slayer, Girl Cites Baby in New Defense*, *supra* note 93, at 5.

¹⁰⁸ *No Chicago Woman Convicted of Murder*, *supra* note 93, at 3.

¹⁰⁹ For Illinois case law on self-defense, see *Illinois v. Stapleton*, 133 N.E. 224, 226 (Ill. 1921); *Illinois v. Forte*, 110 N.E. 47, 49 (Ill. 1915); *Illinois v. Williams*, 88 N.E. 1053, 1056

have formulated a gender-specific defense that, to some observers, both challenged a man's time-honored rights as the head of his household and posed a threat to "law and order."

Rather, the husband killers who invoked this affirmative defense—and the attorneys who represented them—were indeed claiming a new right for women. Those who looked to this defense demanded a right—the right of self-defense—formerly only available to men (or to women who killed non-spouses). Put differently, they explicitly claimed the right to resist their husbands and even to use lethal force in doing so, under prescribed circumstances. Nor was this point lost on local jurists. In instructing the jury in Jessie Hopkins's 1905 murder trial to return a "not guilty" verdict, Judge George Kersten affirmed that

a woman by marrying does not become the slave or chattel of her husband. She has a right to kill her husband in self-defense if she is in imminent danger of bodily harm. If a woman is unfortunate enough to marry a brute whose favorite pastime is to mistreat her, she has the same right as her husband.¹¹⁰

Other local judges publicly endorsed Kersten's position. Judge Axel Chytraus explained that he also believed that "a woman has the same right of defense as the man. There is no distinction in her rights," he added, "and there is no distinction between the rights of the husband and wife as to the other."¹¹¹ Judge A. C. Barnes agreed, noting that "the wife has the same right of self-defense as any other person."¹¹² For a local judge to declare from the bench that a woman "has the same right as her husband," and for other judges to support such a view, reflected a shift in attitudes toward gender and marital relations.

Demographic data on husband killers shed additional light on the significance of the new unwritten law. Relatively older and relatively wealthier women in turn-of-the-century Chicago—more often than poorer Chicagoans—embraced the ideal of a companionate marriage, in which spouses viewed marriage as a partnership based on a shared

(Ill. 1909); *Foglia v. Illinois*, 82 N.E. 262, 264 (Ill. 1907); *Steiner v. Illinois*, 58 N.E. 383, 384 (Ill. 1900); *Healy v. Illinois*, 45 N.E. 230, 234 (Ill. 1896); *Enright v. Illinois*, 39 N.E. 561, 562 (Ill. 1895).

¹¹⁰ *Court Says Woman Had Right to Kill*, CHI. INTER-OCEAN, Mar. 21, 1905, at 3.

¹¹¹ *Kills Spouse; Is Free*, CHI. REC.-HERALD, Mar. 21, 1905 at 5.

¹¹² *Id.*

emotional bond.¹¹³ Thus, it is not surprising that more mature, middle-class women in increasing numbers refused to submit to extreme domestic abuse. One Chicago killer explained that “I killed him. It would have been all right if he had used me right last night.” A local journalist concluded that the woman had killed him “because he didn’t use her right.”¹¹⁴ Both the definition of the “proper use” of a wife and the response to the ill use of a wife shifted during this era, helping to account for the upturn in both the rate of divorce and the rate of husband killing in Chicago.¹¹⁵ In her book on domestic violence in Boston, the historian Linda Gordon argues that, particularly after the 1930’s, women demanded a “right” or “entitlement” to protection from abusive husbands.¹¹⁶ The surge in husband killing and the new justification for husband killing in early twentieth-century Chicago suggest that the process may have begun earlier for women in the Illinois metropolis. Although the increasing rate of husband killing did not represent a “masculinization of female behavior,” or even a sea change in marital relations, this pattern nonetheless indicated a shift in gender roles.

V. RACE, GENDER, AND HOMICIDE

Another change in early twentieth century Chicago, this one both demographic and social, contributed significantly to the increase in husband killing in particular and to homicide by women in general. African American women committed a disproportionate number of husband killings in the city.¹¹⁷ These women never made up more

¹¹³ For a thoughtful discussion of companionate marriage during this era, see KAREN LYSTRA, *SEARCHING THE HEART* (1989). See also ELAINE TYLER MAY, *GREAT EXPECTATIONS* (1980).

¹¹⁴ *A Wanton’s Revenge*, CHI. TRIB., July 11, 1882, at 3.

¹¹⁵ For a discussion of this issue, see Pamela Haag, *The Ill-Use of a Wife: Patterns of Working-Class Violence in Domestic and Public New York City, 1860–1880*, 25 J. SOC. HIST. 447 (1992). The Chicago divorce rate more than doubled between 1900 and 1920. See SKOGAN, *supra* note 11, at 31.

¹¹⁶ LINDA GORDON, *HEROES OF THEIR OWN LIVES* 258–59 (1988). See also DAVID PETERSON DEL MAR, *WHAT TROUBLE I HAVE SEEN: A HISTORY OF VIOLENCE AGAINST WIVES* 132 (1996).

¹¹⁷ Scholars studying modern America have also found a significant racial disparity. See Mann, *supra* note 44, at 75; Wilson & Daly, *supra* note 6, at 202–04; Deann K. Gauthier & William B. Bankston, *Gender Equality and the Sex Ratio of Intimate Killing*, 35 CRIMINOLOGY 577, 594 (1997); CAROLYN REBECCA BLOCK, *LETHAL VIOLENCE IN CHICAGO OVER SEVENTEEN YEARS: HOMICIDES KNOWN TO THE POLICE, 1965–1981*, at 21, 43 (1985); MARC RIEDEL & WAYNE WELSH, *CRIMINAL VIOLENCE* 157–60 (2002); Zimring et al., *supra* note 44, at 923.

than 4.2% of Chicago's female population during this era, but they comprised nearly a quarter of the city's murdering wives.

African American husband killers differed in most respects from white husband killers. Chicago's African American population surged during this period, increasing from 14,271 in 1890 to 109,458 in 1920, as hundreds of thousands of African Americans left the South and migrated to northern industrial centers. Largely a community of newcomers, Chicago's African American residents struggled to find work and housing and to establish families in a setting rife with racial hostility.¹¹⁸ Like the city's African American population generally, Chicago's African American murdering wives were young and poor. On average, for example, these husband killers were more than four years younger than their white counterparts; nearly two-thirds of African American husband killers were under thirty (compared with forty-three percent of white murdering wives), and only two percent of African American husband killers were over forty (compared with twenty percent of white murdering wives). Differences in socio-economic backgrounds were still more significant. African American husband killers, like other African American Chicagoans, struggled with poverty. Eighty percent came from households headed by an unskilled worker, compared with 28% of white husband killers. Moreover, no African American murdering wives came from households headed by a skilled or white-collar worker, compared with forty-two percent of white husband killers in the city.

These differences are important for two reasons. First, when the data on husband killers are disaggregated by race, the social profile of white husband killers becomes even more pronounced; Chicago's white murdering wives were mature, relatively wealthy women who resorted to violence when their husbands violated the shifting bounds of a husband's prerogative. Second, African American women relied on lethal violence in different circumstances than their white counterparts, though among both groups of women wife beating usually preceded husband killing.¹¹⁹ Just as African American women killed their lovers at a far higher rate than white women, these residents also tended to kill their husbands during the early years of marriage, and

¹¹⁸ See ALLAN H. SPEAR, *BLACK CHICAGO* (1967); WILLIAM M. TUTTLE, JR., *RACE RIOT* (1970); THOMAS LEE PHILPOTT, *THE SLUM AND THE GHETTO* (1978); JAMES R. GROSSMAN, *LAND OF HOPE* (1989).

¹¹⁹ Because prosecutors and journalists considered African American women to be less sympathetic than white women, surviving sources seldom include the voices of African American defendants—at least by comparison with their white counterparts. As a result, it is more difficult to explain how African American women understood or came to use violence.

jealousy played a particularly prominent role in the homicides. In addition, whereas white murdering wives appeared respectable and seemed, at least in the eyes of judges, prosecutors, and jurors, to have been driven to violent behavior, African American husband killers, according to white law enforcers, typically appeared “cool and deliberate.”¹²⁰ In other words, these women seemed to flout traditional—white—gender norms. Thus, jurors often rejected the self-defense pleas of young, poor African American murdering wives, convicting them at nearly five times the rate of white husband killers. During the span in which jurors exonerated or acquitted every white husband killer, half of African American husband killers were convicted and sent to prison. Similarly, juries sentenced African American murdering wives to longer prison terms than their white counterparts.¹²¹ Put differently, the white men serving as law enforcers and jurors were unwilling to extend a “new right” to African American women, who seemed more dangerous and less sympathetic than white husband killers.

The combined effects of poverty and racism sparked much of the violence in Chicago’s African American households.¹²² Discrimination at the workplace, for example, challenged the authority of African American husbands in myriad ways. African American wives were employed at more than three times the rate of white wives.¹²³ As a result, African American women were less financially dependent on their husbands and hence better able to resist patriarchal authority. Many social scientists have argued that as women’s employment opportunities have increased in the United States, their sense of equality has increased as well, making them less willing to submit to their husbands and more willing to use force to resist abusive spouses.¹²⁴ In turn-of-the-century Chicago, African American

¹²⁰ This phrase recurred in descriptions of African American husband killers. See, e.g., *Kisses Dying Man “Good-bye” in Patrol*, CHI. DEFENDER, Aug. 4, 1917, at 1; *4 Shots End Marital Woe*, CHI. DEFENDER, May 18, 1918, at 1.

¹²¹ Excluding the two white women found to be criminally insane and a third whose sentence was remitted, two white husband killers received one-year prison terms and two received fourteen-year sentences. By comparison, fifty-five percent of convicted African American husband killers received sentences of fourteen years or more (for murder), and thirty-three percent received “indeterminate” sentences for manslaughter (and served, on average, fourteen months in prison).

¹²² See Jeffrey S. Adler, *The Negro Would Be More Than An Angel to Withstand Such Treatment: African-American Homicide in Chicago, 1875–1910*, in *LETHAL IMAGINATION: VIOLENCE AND BRUTALITY IN AMERICAN HISTORY*, 295 (1999).

¹²³ *FOURTEENTH CENSUS OF THE UNITED STATES, 1920*, at 801 (1923).

¹²⁴ Wilson & Daly, *supra* note 6, at 208. DeAnn K. Gauthier and William B. Bankston, however, suggest the opposite. They argue that greater relative equality, particularly in earn-

women faced relatively fewer gender-based constraints in part because racism dramatically undercut the economic roles of their husbands. Patriarchal authority was hardly absent from African American households; racism, however, may have affected African American men in ways that simultaneously challenged their authority as husbands and increased their wives' sense of independence. Exaggerated by the disproportionate number of single young adults in the city's "Black Belt," these forces probably made African American men quick to attempt to rein in their wives and made African American women quick to resist such efforts.¹²⁵ More than four white wives were killed by their husbands for every white husband killed by his wife. Among African American Chicagoans, the ratio was a more modest 2.5:1, even though rates of wife killing among African American men were high.

Other factors, also linked to poverty and racism, contributed to the high rate of homicide by African American wives. During the early twentieth century, the death rate in the African American community was thirty-four percent higher than that experienced by white residents.¹²⁶ This factor fueled spousal violence in three indirect ways. First, it exacerbated the economic struggles of local African Americans, as death undercut income-pooling strategies and thus weakened an important hedge against economic crises. Battles over the control of household resources, therefore, became particularly charged. Second, poverty encouraged African American women to rely on social networks involving other women, and social-scientific studies suggest that such support networks often make women less willing to submit to the demands of their husbands.¹²⁷ And third, the proportion of children in African American households was very low

ing capacity, threatens patriarchal assumptions and hence results in greater husband-on-wife violence, as insecure men struggle to re-establish control over their spouses. Gauthier & Bankston, *supra* note 117, at 580. David Peterson del Mar finds that increasing equality generated both reactions, as insecure husbands used violence to maintain their authority and increasingly independent wives offered greater resistance to such efforts at domination. PETERSON DEL MAR, *supra* note 116, at 133-34.

¹²⁵ For a brief discussion of age structure and violence in Chicago's African American community, see CHICAGO COMM'N ON RACE RELATIONS, *THE NEGRO IN CHICAGO: A STUDY OF RACE RELATIONS AND A RACE RIOT* 331 (1922).

¹²⁶ This figure was calculated from data in the 1900 census. See BUREAU OF THE CENSUS, *ABSTRACT OF THE TWELFTH CENSUS OF THE UNITED STATES, 1900*, 187 (1904). During the 1920's the average age at death for African American residents of Chicago was eleven years lower than the average age at death for white residents of the city. See ARNOLD H. KEGEL, *DEPARTMENT OF HEALTH, CITY OF CHICAGO, REPORT FOR THE YEARS 1926 TO 1930, INCLUSIVE* 683 (1931).

¹²⁷ See Wilson & Daly, *supra* note 6, at 208.

during this era, which often contributed to domestic violence; rates of spousal homicide, for instance, tend to be higher in childless families, as an important source of solidarity is absent.¹²⁸

Hostility or indifference from legal institutions added to the problem as well. African American women experienced particular difficulty persuading law enforcers to protect them from abusive spouses. Walter Smith, for example, threatened to kill his wife if she had him arrested for beating her. After suffering yet another beating, Minnie Smith filed a complaint against her husband. But shortly after the arrest, a local judge dismissed the case. Believing that she had no alternative, Minnie Smith resorted to self-help and shot and killed her husband before he had an opportunity to retaliate for having him arrested.¹²⁹ Witnesses to the shooting testified that after Minnie Smith fired the gun—and Walter Smith collapsed to the ground—she remarked “I didn’t get you this morning, but I got you now.”¹³⁰ At her trial, the prosecution used this comment to demonstrate that Minnie Smith was a “cool and deliberate” killer, rather than to indicate that she had sought—and failed to secure—legal protection from her violent spouse.¹³¹ In spite of the history of abuse, Walter Smith’s threats, and Minnie Smith’s effort to rely on the courts for protection, a Cook County jury convicted Minnie Smith and sentenced her to an indeterminate term in prison.¹³² In short, even more so than white women in turn-of-the-century Chicago, African American women were left to defend themselves against abusive husbands, and then they were disproportionately convicted and incarcerated for doing so.

The lack of access to legal institutions contributed to violence in other ways as well. Hostility from clerks and government officials discouraged African Americans from obtaining marriage licenses. As a result, local African Americans continued to form common-law unions, and many modern studies have found that rates of violence tend to be higher in such marriages.¹³³

¹²⁸ According to census data, the proportion of the African American population comprised of children under the age of ten was between one-third and one-half that of the white population of the city. For childlessness and family violence, see DALY & WILSON, *supra* note 3, at 198.

¹²⁹ *Shots End Marital Woe*, *supra* note 58, at 1; Speedy, *supra* note 52, at 1.

¹³⁰ *Id.* at 1.

¹³¹ *Id.*

¹³² Smith served nearly two years at Joliet Prison.

¹³³ Because hostility from government officials encouraged African Americans to form common-law unions, I combined common-law and legally-sanctioned unions into a single “married” category. For discussions of spousal homicide and common-law marriage, see DALY & WILSON, *supra* note 3, at 197. See also Cazenave & Zahn, *supra* note 46, at 88.

But the lethal violence within Chicago's African American community was not confined to spousal murder, and African American women were overrepresented in every category of homicide except child killing. Just as these women committed twenty-two percent of husband killings, they comprised twenty-four percent of all female killers in Chicago between 1875 and 1920, even though they made up only a few percent of the city's female population. The homicide rate for African American women fluctuated at ten to twenty times the homicide rate for white women, and it increased throughout this period. Thus, as the number (and proportion) of African American women in Chicago increased, rising from 6350 in 1890 to 53,515 in 1920, and as the African American female homicide rate rose, the number of female killers spiked. African American women, in fact, accounted for two-thirds of the increase in homicide by women in Chicago between 1875 and 1920.

African American women also committed homicide in less gender-specific ways than white women in the city. African American women, for example, killed non-intimates considerably more frequently than their white counterparts. Only sixty-one percent of the victims of homicidal African American women were lovers or relatives, compared with eighty percent of the victims of homicidal white women. Reflecting employment patterns and other activities that brought African American women into greater contact (and greater conflict) with non-relatives, these women killed co-workers at more than three times the proportion of white women, killed strangers at more than twice the proportion of white women, killed other women at almost three times the proportion of white women, and committed homicides on the streets of the city at nearly twice the proportion of white women. Even though they never comprised more than 4.2% of Chicago's female population, African American women committed 37.5% of all non-intimate killings by women between 1875 and 1920.

In other ways as well, patterns of lethal violence point to looser gender roles in the city's African American community. African American women and African American men killed in remarkably similar circumstances, in stark contrast to gender-specific trends among white killers. Weapon use among African American women and African American men was nearly identical; women, for example, used firearms in 65.9% of homicides, and men used them in

63.9% of homicides.¹³⁴ African American female killers and African American male killers (as well as their victims) shared similar socio-economic backgrounds, reflecting the high level of poverty in the community. By contrast, white female killers tended to be considerably wealthier than their male counterparts, in large part because the white women who killed spouses and children were relatively wealthy. Finally, the average victim of African American women killers was 2.1 years younger than the average victim of African American male killers. Among the victims of white killers, the gap was 6.1 years. To be sure, African American women and men did not commit homicide or employ violence in identical circumstances, though the gender-based differences were far narrower than those within the community of white killers.¹³⁵

Underscoring the discrimination that fueled African American violence in Chicago, prosecutors, judges, and jurors also saw scant difference between the African American women and the African American men who appeared before them in court. Whereas white men were convicted at more than twice the rate of white women in homicide trials, the conviction rate for African American defendants in Chicago proved to be very similar for men and women.¹³⁶ Slightly over forty-five percent of men were convicted, compared with forty percent of women.¹³⁷

In sum, killings committed by African American women accounted for two-thirds of the increase in homicide by Chicago women between 1875 and 1920. They killed their husbands at far higher rates than white women. African American women, however, also killed non-intimates at substantially higher rates and committed homicide in less gender-specific ways than white women in the city during this era.

CONCLUSION

Two trends produced the surge in violence by Chicago women between 1875 and 1920. Although children were the second most common victims of homicidal women in the city, neither the rate nor the proportion of these filicides rose. Rather, husbands comprised the

¹³⁴ By comparison, white women relied on firearms in 54.2% of homicides between 1875 and 1920, whereas white men used firearms in 66.7% of homicides during this period.

¹³⁵ For a related discussion, see BLOCK, *supra* note 117, at 43.

¹³⁶ The one notable difference was that 3.3% of African American men were executed, whereas no African American woman was sentenced to death.

¹³⁷ These figures are adjusted to exclude homicide-suicide cases. See also CHICAGO COMM'N ON RACE RELATIONS, *supra* note 125, at 330, 332.

largest target for homicidal women in Chicago and were killed by their wives in increasing numbers.¹³⁸ Two unrelated shifts in gender roles, however, triggered the rise in husband killing in Chicago between 1875 and 1920.

First, white Chicago women, in small but growing numbers, killed their abusive husbands. Wife battering, of course, was not new in this era, but Chicago women, especially those in their thirties and from skilled and white-collar-headed households, increasingly resisted such violence. In some respects, the women who shot their husbands in self-defense did not appear to be challenging gender roles. They used lethal force, after all, in a desperate response to years of physical abuse. Moreover, these Chicagoans believed that they acted as responsible women—and particularly as responsible, even “dutiful” wives.¹³⁹ Scholars studying modern husband killing argue that such “defensive behavior” stands in sharp contrast to the more violent, brutal, and aggressive actions of male killers, especially wife killers, and that violent women tend to embrace traditional gender roles.¹⁴⁰

But in other respects, turn-of-the-century Chicago husband killers challenged gender roles. By comparison with modern murdering wives, the women who killed their husbands in Chicago between 1875 and 1920 were remarkably purposeful and violent. According to recent studies, modern husband killers typically act spontaneously, use whatever weapon is at hand at the moment of crisis, and employ modest—but still lethal—levels of violence.¹⁴¹ Their counterparts of a century ago differed in every way. Their violence, though undertaken in response to abuse, was premeditated. Moreover, and again unlike modern murdering wives, turn-of-the-century Chicago husband killers usually procured guns for the occasion and fired many shots, often emptying cartridges, into their lifeless spouses; they shot to kill not to disable, and thus their use of violence represented a particularly instrumental and aggressive form of self-defense—unlike their modern counterparts. Similarly, where modern husband killers

¹³⁸ In modern Chicago (and in modern America generally) wives kill their husbands nearly as often as husbands kill their wives. Even though men still commit the lion's share of homicides, women have achieved “near parity” in spousal murder in the United States. See Cazenave & Zahn, *supra* note 46 at 83; PLECK, *supra* note 46, at 224.

¹³⁹ *Court Says Woman Had Right to Kill*, *supra* note 110, at 3.

¹⁴⁰ Cazenave & Zahn, *supra* note 46, at 84, 89–95; Mann, *supra* note 44, at 80; Ogle et al., *supra* note 5, at 173–74.

¹⁴¹ Cazenave & Zahn, *supra* note 46, at 89–95; Ogle et al., *supra* note 5, at 173; Zimring et al., *supra* note 44, at 921; BROWNE, *supra* note 46, at 40, 135. Browne, however, found a higher rate of gun use than did other scholars. See *id.*

most often express grief, sorrow, and even horror at their actions, turn-of-the-century murdering wives voiced relief and sometimes joy.¹⁴²

The aggressive, purposeful actions of turn-of-the-century Chicago husband killers continued long after their husbands had died. These women simultaneously reinforced and challenged gender norms, defending their homicidal behavior with a blend of traditional and subversive arguments.¹⁴³ On the one hand, they played to the chivalrous impulses of judges and jurors, portraying themselves—not inaccurately—as victims of male brutality. On the other hand, however, these murdering wives explicitly claimed the “right” to use lethal violence while resisting their husbands. As Judge Kersten noted, a woman demanded the “same right as her husband.” Although the new unwritten law extended this new right only to white battered wives and thus remained grounded in traditionally gendered (and race-specific) social relations, the increase in husband killing by white Chicagoans reflected changing assumptions about both the proper “use” of a wife and the justifiable response to the ill use of a wife.

The second, and largest, source for the increasing violence among Chicago women was African American women, particularly African American husband killers. These women committed homicide at rates ten to twenty times those of white women. Moreover, as African American women settled in Chicago in skyrocketing numbers, the female homicide rate in the city spiked.

African American women committed homicide in less gender-specific ways than did white women. In many respects, such as weapon choice, African American women and men killed in comparable ways. Since African American women more often worked outside of the home and more often headed households than either native-born white women or immigrant women, this is not surprising. Furthermore, gender roles were probably more relaxed for African American women, as their levels and methods of violence would suggest. But far from reflecting the relative absence of gender discrimination, such trends in homicidal violence point to the virulence of racial discrimination, as African American women, mired in pov-

¹⁴² For the reactions of modern husband killers, see BROWNE, *supra* note 46, at 141.

¹⁴³ For a related argument that emphasizes the blending of older and emerging notions of gender roles, see Gwen Hoerr McNamee, *Social Justice and the Chicago Courts: The Work of the Protective Agency for Women and Children, 1886–1905* (paper presented at the annual meeting of the Social Science History Association) (Oct. 26, 2000).

erty, struggled to establish and to preserve families. In turn-of-the-century Chicago, racial inequality trumped sexual inequality.

In sum, levels of female violence rose in Chicago a hundred years ago because gender roles loosened for two groups of women. First, approximately one-third of the increase reflected the actions of a small group of white murdering wives, who resisted abusive husbands and claimed the legal right to resist habitually abusive husbands. This represented a modest but still important shift in marital relations. Second, African American women in growing numbers committed homicide. Confronting racism and poverty, these Chicago women used violence in ways similar to African American men. For neither group of women, however, was the increasing use of homicidal violence an indicator of a rapid shift toward social or gender equality.

