

WIFE MURDER IN CHICAGO: 1910–1930

CYNTHIA GRANT BOWMAN* AND BEN ALTMAN**

INTRODUCTION

Mrs. Dollie Schneider, 25 years old, was found dead yesterday morning in a shabby room on the first floor of a three-story frame building at 26 North Peoria Street, her body bruised and disfigured. She is believed to have been beaten to death. Charles Schneider, her husband, is being sought. Schneider, who is 30 years old, is said to have quarreled with his wife . . . a week ago. Mrs. Emma Smith, 38 North Peoria Street, went to her flat shortly before 10 o'clock to borrow some oil and heard the woman cry "Help! Help!" Mrs. Smith attempted to open the door, but found it locked, and summoned the Desplaines street police.¹

Between 1910 and 1930, at least 391 women were intentionally killed by their husbands in Chicago.² This is a relatively small subset of all the homicides in Chicago over this period, approximately 7297 in all.³ Nonetheless, it is clear that then, as now, homicide by an in-

* Professor of Law, Northwestern University School of Law. We are grateful to Jeffrey Adler and Leigh Bienen for their research suggestions, encouragement, and helpful comments on an earlier draft of this article.

** Independent scholar, Chicago, Illinois.

¹ *Woman Believed Murdered*, THE CHI. REC.-HERALD, Aug. 19, 1910, at 7; Case No.2391, Leigh Bienen, Chicago Homicide Project, Homicide Cases 1870–1930, Book One (2000) (unpublished manuscript) [hereinafter Chicago Homicide Database]. The database states that the victim was 28 years old. *Id.*

² This number is based on inspection of all the transcribed entries describing cases with female victims in the Chicago Homicide Database record books for those years, excluding those in which the killing was determined to be accidental.

³ This figure is an estimate of the overall number of homicide victims in the Chicago Homicide Database Victim File from 1910–1930, excluding both auto accidents and illegal abortion deaths in order to reduce the totals to what we defined as intentional killings. We relied upon the Chicago Homicide Database Excel Victim File to determine the numbers of auto accidents and abortions to exclude, as well as to count both the total homicides and femicides, that is, those involving female victims.

timate partner⁴ was a leading cause of the premature death of women.⁵ This Article interrogates those 391 deaths for what they can tell us about marital disruption, domestic violence, and the lives of women in early-twentieth century America, and the extent to which they parallel or differ from the recent past. We discuss, among other things, the ethnicity, race, and age distribution of the victims, the apparent motivation for the murders, and the response of the criminal justice system—that is, the verdicts and/or sentences handed out, if any. To understand the implications of this data, we also explore the context in which these crimes occurred—the population changes, broader social and cultural trends that affected both the status of women and the institution of marriage, and the availability of remedies or services for victims of unhappy marriages, including the accessibility of both divorce and assistance for victims of domestic violence. From this examination, we draw a number of broader inferences about the continuing problem of marital violence, including wife murder, and society's response to it.

Not every one of the homicides included in this study reflects ongoing domestic violence, although by definition the killing of a wife is the ultimate act of violence against her. Some of the deaths may represent opportunistic or “instrumental killings,”⁶ that is, ways the husband has chosen to rid himself of his spouse in order to achieve some end, such as to marry another woman—referred to by

⁴ “Intimate partner” denotes a group broader than that under study here, including unmarried intimates, while we have limited our study to those who are married. “Spouse killing,” likewise, denotes a broader group, including husbands killed by their wives as well as wives killed by their husbands; our study is limited to the latter.

⁵ The Bureau of Justice Statistics reports that intimate partner violence accounted for about 30% of female murder victims in the years between 1976 and 1996. BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, VIOLENCE BY INTIMATES: ANALYSIS OF DATA ON CRIMES BY CURRENT OR FORMER SPOUSES, BOYFRIENDS, AND GIRLFRIENDS v (1998). Moreover, a San Francisco study reported that 64% of all solved female homicide cases in 1995–1996 were due to domestic violence. Family Violence Project of the San Francisco District Attorney’s Office, Domestic Terror: Family & Domestic Violence Homicide Cases in San Francisco 1993–1994 at <http://www.pcvp.org/pcup/violence/other/domter4.shtml> (last visited Jan. 14, 2000) (including preliminary findings for 1995–1996). In our database, defined in the Methodology section, *infra* Part I, married victims of intimate homicide constitute 36% of the total female homicide victims from 1910 to 1930, but these are only a subset of a larger group including murders of “girlfriends.” Chicago Homicide Database, *supra* note 1.

⁶ See Carolyn Rebecca Block & Antigone Christakos, *Intimate Partner Homicide in Chicago Over 29 Years*, 41 CRIME & DELINQ. 496, 500 (1995) (distinguishing between expressive homicides, where motive is simply to hurt the other person, and instrumental homicides, where the goal is to obtain something else, for example, money or property).

some nineteenth century writers as “divorce by bullets.”⁷ Most of the data entries do not suggest this type of instrumental murder, however, instead indicating that the death was the result of a “domestic quarrel” or “wrangle,” presumably terms the police employed to describe domestic violence. And a large proportion of the husbands—forty-one percent—either committed or attempted to commit suicide immediately after the murder,⁸ an unlikely event in a murder planned to lead to beneficial consequences for the killer.

From what we know today about the circumstances under which one spouse kills another, these murders are likely to be only the tip of a vast iceberg of wife abuse. Modern police and criminological studies report that the typical case resulting in the death of an intimate partner is the culmination of a history of repeated and escalating violence.⁹ Today, when criminal remedies are more available to victims of such violence, the situation most at risk of spousal murder is marked by a history of calls to the police, arrests, orders of protection, and, for a substantial proportion of offenders, a criminal record.¹⁰ Indeed, in Chicago between 1965 and 1993, forty percent of those who killed an intimate partner had a history of violence toward the victim or others which had resulted in prior arrests.¹¹ This clear

⁷ See Jeffrey S. Adler, “*My Mother-in-Law Is to Blame, but I’ll Walk on Her Neck Yet*”: Homicide in Late Nineteenth-Century Chicago, 31 J. SOC. HIST. 253, 259 (1997) (describing terms used by Chicago writers in local newspapers from 1878 to 1888) [hereinafter, Adler, *Mother-in-Law*]. A newspaper article concerning one of the cases in our database suggests this scenario:

Thomas Wells, 34, . . . confessed . . . that he killed his wife, Edith Wells, whose body was found in a ditch . . . Wells said he had planned the murder in company with Lucy Cross, 35, . . . the night before the murder. Lucy Cross was arrested, and . . . admitted going to the scene of the murder the day before in company with Wells and planning how he should kill his wife.

Admits Brutal Murder, CHI. REC.—HERALD, Nov. 14, 1910, at 9.

⁸ See *infra* text accompanying note 196.

⁹ See, e.g., Laura Dugan et al., *Explaining the Decline in Intimate Partner Homicide: The Effects of Changing Domesticity, Women’s Status, and Domestic Violence Resources*, 3 HOMICIDE STUD. 187, 189 (1999), and studies described therein.

¹⁰ For example, in the 106 cases in which men killed intimate partners in 1994 in Florida, the following were identified as “Red Flags,” or situational antecedents, of impending homicide, in order of frequency: #1: prior history of domestic violence; #4: prior police involvement in the case; #5: prior criminal history of perpetrator; and #7: issuance of restraining orders. See, e.g., Neil Websdale et al., *Reviewing Domestic Violence Fatalities: Summarizing National Developments*, at <http://www.vaw.umn.edu/FinalDocuments/fatality.htm> (last visited Jan. 16, 2003). The 1997 Report to the Governor of the New York State Commission on Domestic Violence Fatalities reported that in 70% of the domestic homicide cases reviewed the perpetrator had a known history of physically abusing the decedent. *Id.*

¹¹ Block & Christakos, *supra* note 6, at 508.

relationship led the authors of one study of intimate homicide in Chicago to comment that "assertions [about a recent and escalating epidemic of life-threatening intimate violence] can be tested best with death statistics, the most reliable long-term trend indicators available on the war between the sexes."¹² In short, we are confident in our assumption that the great majority of the murders included in our database are the result of what we would today call domestic violence and that they represent only a fraction of the violence directed at wives during this period.

In Part I, below, we discuss the methodology we have used to undertake this study. In Part II, we briefly describe the historical context—social, economic and political—that is critical to interpreting the data. Our analysis of the data is then presented in Part III, under a number of topics, including the numbers of victims over time; their immigrant status, race, and age; the weapons used; the apparent motivations for the crime; the possible impact of alcohol upon the crime; the numbers of murder-suicides and other multiple victim cases; and the response of the criminal justice system. We conclude by offering some speculations about insights our analysis of the data may yield for our society's response to the problem of domestic homicide.

I. METHODOLOGY

This study, like others in this symposium volume, is based upon the entries in the Chicago Homicide Database—a transcript of handwritten records kept by the Chicago Police Department. We have chosen to examine the period from 1910 through 1930, as a period that is at the same time varied and yet representative of the early modern period in this country. World War I is often regarded as the point of separation between the Victorian era and the modern age; thus our database draws from both the pre-modern and modern period. The Roaring '20's allegedly represent that break, especially for women, with the world of their ancestors. This was also an era during which the Chicago population underwent numerous changes, producing a metropolis more similar to its modern-day successor than to the city of the nineteenth century. Finally, the records for 1910–1930 comprise the vast majority of the entries in the overall Chicago Homicide Database, taking up more than four of the five

¹² Franklin E. Zimring et al., *Intimate Violence: A Study of Intersexual Homicide in Chicago*, 50 U. CHI. L. REV. 910, 910–11 (1983).

volumes into which they have been transcribed, thus providing us with a substantial sample of murders to examine.

Next, we have limited our study to cases in which the victim was female, out of an ongoing interest in violence against women in our society. Moreover, we have restricted our examination to cases in which the victim was married to the perpetrator. Most simply, this limitation allowed us to define a set of data that was relatively unambiguous—cases in which the two parties were either formally married or were described by the police as either “common law” spouses or living together “as man and wife.” These persons typically shared the same surname and will be referred to herein as “husband” and “wife.” Common law marriage was in fact abolished as a legal status in Illinois in 1905;¹³ thus some of the marriages included may not actually have qualified for that legal status. Even today, however, it is a common misconception that marital status may follow upon a period of living together and representing oneself as husband and wife.¹⁴ Moreover, to exclude these informal marriages would significantly undercount the domestic murders of African American women during this period; fully twenty-five percent of the African American women were murdered by common law husbands or ex-common law husbands, compared with six percent of the European American victims.¹⁵

We excluded murders by disappointed suitors and sweethearts who did not share the victim's residence and also ambiguous cases involving otherwise motiveless murders of a female by a male who then committed suicide—a common pattern in intimate homicide and thus suggestive of it.¹⁶ We also excluded murders of a female by per-

¹³ See *Hewitt v. Hewitt*, 394 N.E.2d 1204, 1209 (Ill. 1979) (quoting 40 ILL. REV. STAT. 214 (1977)) (now known as 750 ILL. COMP. STAT. 5/214 (1993)).

¹⁴ Cynthia Grant Bowman, *A Feminist Proposal to Bring Back Common Law Marriage*, 75 OR. L. REV. 709, 710–11 (1997).

¹⁵ A total of 106 (75%) of the African American victims were formally married to or divorced from their murderers, and 36 (25%) were involved in common law marriages or former common law marriages with their murderers. A total of 233 (94%) of the European American victims were married to or divorced from their murderers, while only 16 (6%) were in either common law marriages or ex-common law marriages with their killers. See also Bowman, *supra* note 14, at 767 (describing the effect upon women of color of abolishing the status of common law marriage), and sources cited therein.

¹⁶ The pattern of homicide followed by suicide in intimate murders was typical in both 19th- and 20th-century Chicago. Nearly 40% of Chicago homicides between 1875 and 1910 involving a male offender and adult female victim ended with suicide, including 48% of the wife murders, 2/3 of the cases in which males killed their lovers, and 70% of all murder-suicides in the city. Jeffrey S. Adler, “*If We Can’t Live in Peace, We Might As Well Die*”: *Homicide-suicide in Chicago, 1875–1910*, 26 J. URB. HIST. 3, 6 (1999) [hereinafter,

sons who had the same address and occasionally the same surname but were not identified by the police as husbands or lovers, because it was impossible to determine whether the offender was instead a brother, father, or uncle of the victim, or perhaps simply a lodger or boarder in the same residence.¹⁷ As noted, we did this in part to emerge with a finite database, which we felt certain represented “spousal” murders, and to avoid problems of classifying cases without adequate information to do so. More significantly, however, we did so in order to examine a larger phenomenon—the stresses placed upon the institution of marriage or a self-defined “marital” relationship in an era when the rules of interaction between men and women were rapidly changing, and to investigate whether these strains are similar to those that lead to intimate homicide today.

To classify the cases in this fashion, we reviewed every transcribed record for female victims of homicide between January 1, 1910 and December 31, 1930 and applied the criteria described above in a consistent fashion. We omitted any cases in which the husband was almost immediately exonerated, by the police or coroner's jury, for reasons that excluded the possibility of intentional homicide. For example, Case No. 8087 was omitted because it was determined soon after that the victim had been shot by an unknown person who escaped, even though the police initially arrested her divorced husband. A larger set of excluded cases is presented by what were determined to be “accidental” shootings—ones in which the husband convinced the authorities in the days immediately following the murder that he either mistook his wife for a burglar or shot her while examining, playing with, cleaning, or loading a gun—either a common occurrence or a common excuse—and was exonerated.¹⁸ These cases

Adler, “*If We Can't Live in Peace*”]. About 65% of the homicide-suicides in Chicago between 1965 and 1990 involved victims who were spouses, lovers, or ex-spouses and ex-lovers; and the vast majority of the victims were female. Steven Stack, *Homicide Followed by Suicide: An Analysis of Chicago Data*, 35 CRIMINOLOGY 435, 446 tbl.1 (1997). The Stack study is based on records of all homicides in the murder analysis file of the Chicago Police Department for the years 1965–1990, provided by the Inter-University Consortium for Political and Social Research, University of Michigan. *Id.* at 443. See also *id.* at 439 (reporting 1980 study finding that 62% of the homicide victims in homicide-suicides in North Carolina were wives, compared to only 8% in non-intimate homicides).

¹⁷ Informal boarding and lodging arrangements were relatively common during this period, providing housing for single persons and newly married couples before the era of large-scale apartment construction and also offering a source of extra income to married couples or single women. See PERRY R. DUIS, CHALLENGING CHICAGO: COPING WITH EVERYDAY LIFE, 1837–1920, at 81–83 (1998).

¹⁸ This includes Case Nos. 5819, 5905, and 9743, in which the husband mistook his wife for a burglar, and Case Nos. 6047, 6094, 6238, 6792, 7808, 9132, 9527, 9670, 9743, and

probably do include some intentional killings, but it is impossible to determine that from the records.

The methods described above allowed us to define a “clean” and defensible database for our study, but they massively undercount the amount of violence against women during this period. Apart from auto accidents, the main causes of the premature demise of women in these years were illegal abortions and murder by an intimate, whether a spouse or not—both causes inextricably linked with the victim's gender. As noted, our figures underestimate intimate homicide by excluding women killed by jealous or disappointed suitors and boy-friends. We estimate that 104 victims—34 Black¹⁹ and 70 White—would be added to the group, which would then total almost 500 victims, if we included cases involving current or former suitors or sweethearts, murder-suicides suggestive of intimate homicide, and other cases in which the police attributed the killing to jealousy.²⁰ Our body count also omits women who lost their lives indirectly in domestic violence—mothers, sisters, and friends who sought to help or to shelter abused women and were themselves killed as a result of their intervention. Sometimes these women were killed even when the wife was not; for example, in May of 1925 Isabel Scheckley, who had befriended the wife of one William Hauke, was shot to death by him when he came to look for his estranged wife.²¹ These secondary victims of wife murder will be discussed in Part III, below, even though they are not included in our statistics.

We have classified the victims in our database according to whether they are African American or European American. One fact noted consistently by the Chicago police concerning each homicide in the database was whether the victim was “colored;” a victim's being white was simply not noted, apparently being regarded as the absence of any race. Although Asian nationality was noted in other types of homicide, there were no such cases involving the murder of a wife; and only one or two Latino surnames appeared in the database. Moreover, with one possible exception (in which the police re-

10,146, in which the husband was exonerated based on the conclusion that the shooting was an accident involving the handling of a gun. Chicago Homicide Database, *supra* note 1.

¹⁹ Throughout this paper, we use the terms Black and African American interchangeably.

²⁰ A review of the homicide case files from 1910 to 1930 shows that 71 of these 103 killings occurred in the 1920's.

²¹ Case No. 8973. Chicago Homicide Database, *supra* note 1. This also happened in cases not involving married women. See Case Nos. 9100 (friend killed in connection with murder of woman by an unsuccessful suitor), 9452 (sister killed by her younger sister's suitor; the two had “kept company together two years, but following a disagreement she refused to go out with him anymore”). *Id.*

cord that a woman, without noting her race, was killed by her "Negro husband"),²² all of the murders appear to be intra-racial. Thus, we are confident that the figures of Black versus European American wife murders in our database are quite accurate.

Finally, after constructing our database and classifying by race, we coded the following into Excel files we created from the transcribed records: age of victim; murder weapon; motivation (if noted); alcohol use (if noted); murder-suicides; victims other than the wife; escapes; the disposition of the case against the offender; and change in these variables over time.

II. HISTORICAL CONTEXT

In this section, we discuss the historical context in which the wife murders between 1910 and 1930 took place, confining our focus to events relevant to the marital disruption and violence those deaths represent. We examine, very briefly, changes in the demography of Chicago, relevant events in the political, economic and social history of the era, and transformations in the status of women, including the accessibility of divorce and inaccessibility of assistance for domestic violence.

A. THE CHANGING CHICAGO POPULATION.

The years from 1910 to 1930 were ones of continuing growth for Chicago. The population increased from 2,185,283 in 1910 to 3,376,438 in 1930.²³ A large proportion of the population were foreign-born: 2.5 million immigrants came to the city from Europe between 1880 and 1920, most of them from Eastern and Southern Europe.²⁴ While the Irish and Germans had previously constituted the largest immigrant groups in Chicago, they were now succeeded by Poles, Italians, Russian Jews, and Bohemians.²⁵ The Polish population, which had stood at 40,000 in 1890, reached 210,000 by 1910, and almost doubled by 1930, to 401,000.²⁶ The Italian-born popula-

²² Case No. 8160. Chicago Homicide Database, *supra* note 1.

²³ BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 2 THIRTEENTH CENSUS OF THE UNITED STATES TAKEN IN THE YEAR 1910, at 512 tbl.5 (1913); BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 3 FIFTEENTH CENSUS OF THE UNITED STATES: 1930, at 628 tbl.15 (1932).

²⁴ ROBERT G. SPINNEY, CITY OF BIG SHOULDERS: A HISTORY OF CHICAGO 123 (2000).

²⁵ *Id.*

²⁶ *Id.* at 124. For an excellent recent description of the Polish immigrant experience in Chicago, see DOMINIC A. PACYGA, POLISH IMMIGRANTS AND INDUSTRIAL CHICAGO: WORKERS ON THE SOUTH SIDE, 1880-1922 (1991).

tion, while much smaller, increased from 16,000 in 1900, to 45,000 in 1910 and 59,000 in 1920.²⁷ By 1920, when immigration was largely cut off by a series of increasingly restrictive acts imposing literacy requirements and quotas designed to keep out immigrants from Southern and Eastern Europe,²⁸ the composition of the foreign-born population of Chicago had changed substantially. The following changes, among others, took place in the countries of origin of Chicago's foreign-born residents:

TABLE 1²⁹

COUNTRY	1890	1920
Germany	161,000	112,000
Ireland	70,000	57,000
Czechoslovakia	25,000	50,000
Poland	24,000	138,000
Russia	8000	102,000
Italy	6000	59,000

Thus, by 1920—the midpoint of our study—the ethnic composition of Chicago had changed substantially over a brief period.

The cut-off of immigration and labor shortages accompanying World War I resulted in a labor shortage in Chicago, which led local industries to look for a new source of cheap labor.³⁰ The opportunities in the city, which were touted by the influential African American newspaper *The Chicago Defender*,³¹ coupled with oppressive social and economic conditions in the South, resulted in a vast migration of African Americans to the North: 1.5 million Blacks left the South for the North between 1910 and 1930, with 50,000 moving to Chicago between 1916 and 1919 alone.³² Although Blacks confronted intense racism (manifested in the Race Riot of 1919) and se-

²⁷ SPINNEY, *supra* note 24, at 130.

²⁸ The Immigration Act of 1917 imposed a literacy test, while the Act of 1921 limited national groups to quotas tied to numbers of that group in the United States in 1910; in 1924 the quotas were reduced and the 1890 census was taken as the baseline instead. SAMUEL ELIOT MORISON & HENRY STEELE COMMAGER, 2 *THE GROWTH OF THE AMERICAN REPUBLIC* 274–75 (5th ed. 1962).

²⁹ This table is constructed from statistics provided in SPINNEY, *supra* note 24, at 126 tbl.2.

³⁰ SPINNEY, *supra* note 24, at 168.

³¹ *Id.* at 169.

³² *Id.* at 168.

vere discrimination in employment and housing in Chicago, conditions were apparently preferable to life in the South, where *de jure* segregation and lynching restricted their freedom; and even menial jobs in the North held out more promise than sharecropping.³³ Thus, while still constituting a small proportion of the total population, the Black population of Chicago grew rapidly over these years, tripling between 1910 and 1920 and doubling again between 1920 and 1930:

TABLE 2³⁴

Year	African Americans	Percent of Total Population	Males Per 100 Females
1910	44,103	2%	105.9
1920	109,458	4%	104.5
1930	233,903	7%	97.5

Apparently, more African American women than men migrated to Chicago in the 1920's, substantially changing the gender composition of this population. By contrast, the gender composition of the native-born European American population in both 1920 and 1930 was roughly 50/50, while the foreign-born population was lopsidedly male (fifty-four percent) in both years, probably because a substantial number of men immigrated to this country without their families, at least initially.³⁵

The results of these changes, both in immigration from Europe and the Great Migration from the South, are represented in Figure 1.³⁶

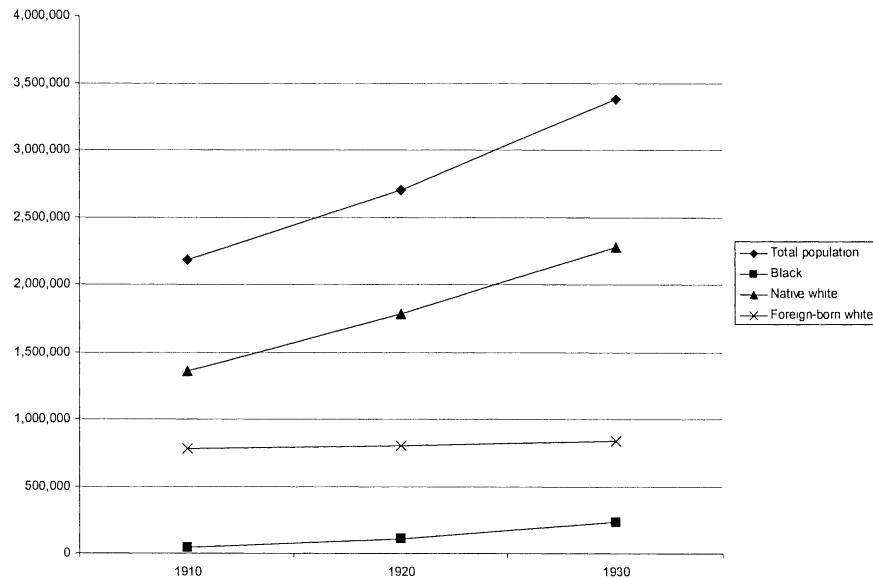
³³ *Id.* at 169, 172–73.

³⁴ The first two columns of Table 2 are constructed from statistics contained in the official census. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 2 THIRTEENTH CENSUS OF THE UNITED STATES TAKEN IN THE YEAR 1910, at 512 tbl.5 (1913); BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 3 FOURTEENTH CENSUS OF THE UNITED STATES TAKEN IN THE YEAR 1920, at 274 tbl.13 (1922); BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 3 FIFTEENTH CENSUS OF THE UNITED STATES: 1930, at 628 tbl.15 (1932). "Males per 100 Females" is taken from 2 HISTORICAL STATISTICS OF BLACK AMERICA 1470 tbl.1689 (Jessie Carney Smith & Carrell Peterson Horton, eds. 1995).

³⁵ In 1920, the total population classified as "native white" was 1,783,687, of which 879,479 were male (49.3%) and 904,208 were female (50.7%); the "foreign-born white" population was 805,482 in total, with 431,764 males (53.6%) and 373,718 females (46.4%). BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 3 FOURTEENTH CENSUS OF THE UNITED STATES TAKEN IN THE YEAR 1920, at 274 tbl.13 (1922). In 1930, "native white" totaled 2,275,674, of which 1,126,207 were male (49.5%) and 1,149,467 women (50.5%); "foreign-born white" totaled 842,057, with 452,037 males (53.7%) and 390,020 females (46.3%). BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 3 FIFTEENTH CENSUS OF THE UNITED STATES: 1930, at 628 tbl.15 (1932). Concerning the tendency of European men, especially Italians, to immigrate without their families, see SPINNEY, *supra* note 24, at 130–31.

³⁶ Figure 1 is constructed from the census figures used in Table 2.

Figure 1:
Population Growth in Chicago: 1910: 1920: 1930



B. POLITICAL, ECONOMIC AND SOCIAL BACKGROUND

With the exception of a brief but intense recession in 1919, the years from 1910 to 1929 were ones of economic prosperity in Chicago; indeed, the 1920's were a decade of unparalleled growth, employment opportunities, and higher wages, raising expectations about living standards and consumption.³⁷ One indication of this prosperity was the jump in automobile registrations in Chicago from 90,000 in 1920 to 400,000 in 1929.³⁸ Although America continued its transformation from the more agricultural nation of the nineteenth century, the startling changes wrought by urbanization and industrialization had already occurred, especially in Chicago. However, these changes were largely new to the substantial populations arriving from agrarian Poland, Southern Italy, or the American South.

World War I, while creating jobs and changing perspectives, created social disruption in its aftermath. The multicultural groups gathered on the shores of Lake Michigan did not coexist comfortably, but

³⁷ SPINNEY, *supra* note 24, at 174.

³⁸ *Id.*

often clashed along lines of nationality, race, and class.³⁹ The year 1919 included perhaps the most extreme manifestations of this unease, with anti-German sentiment high in the wake of the war,⁴⁰ nativist movements merging with the Red Scare and deportation of alleged communists,⁴¹ a major race riot in Chicago,⁴² and numerous strikes and other types of labor unrest.⁴³ Moreover, the prohibition of alcohol from 1920 to 1933 appears to have glamorized the consumption of hard liquor and opened up numerous opportunities for organized crime—the Chicago of Al Capone and gangster violence.⁴⁴

But the “Roaring Twenties” are best known as a period in which a revolution in morals and manners took place, at least in some sectors of society. Frederick Lewis Allen’s popularized contemporary history of the period described the 1920’s as an era when sex and sexual freedom became virtually an obsession, although the majority of the population was not emotionally equipped to live with the changed standards and conventions.⁴⁵ Seen by some as a period of exhilarating freedom from the constraints of their Victorian ancestors, others have assessed this time as one of run-away materialism, disillusion, cynicism, and self-indulgence.⁴⁶ At least one scholar connects the ethos of the 1920’s more directly with domestic violence, opining that the conjunction of the more liberated woman with

³⁹ For example, in 1919 tensions between Poles and Jews bubbled over into violence. See SPINNEY, *supra* note 24, at 171. The Ku Klux Klan also organized activities in the North directed against immigrants, Roman Catholics, and Jews. *Id.* at 175.

⁴⁰ See, e.g., SPINNEY, *supra* note 24, at 165–67. Chicagoans of German extraction adopted a low profile during this period, either abandoning or downplaying institutions (e.g., clubs or celebrations) that would call attention to their national origin; and some Anglicized their names. *Id.*

⁴¹ The Red Scare was a period during which there was a national hysteria about an alleged threat from socialists, communists, and labor organizers, often connecting them with immigrants and “foreign” influence. See ROBERT K. MURRAY, RED SCARE: A STUDY IN NATIONAL HYSTERIA, 1919–1920 (1955); MORISON & COMMAGER, *supra* note 28, at 660–66.

⁴² See SPINNEY, *supra* note 24, at 172–73 (describing the events of the Chicago Race Riot of July 1919).

⁴³ 1919 was a year of spectacular strikes, with perhaps the most dramatic the one at the U.S. Steel plant in Chicago. See MORISON & COMMAGER, *supra* note 28, at 639–40. At one point in 1919, it is estimated that some 250,000 Chicagoans were on strike, threatening to strike, or locked out. SPINNEY, *supra* note 24, at 171.

⁴⁴ SPINNEY, *supra* note 24, at 176–81.

⁴⁵ FREDERICK LEWIS ALLEN, ONLY YESTERDAY: AN INFORMAL HISTORY OF THE 1920’S 96–101 (Perennial Library 1964) (1931).

⁴⁶ MORISON & COMMAGER, *supra* note 28, at 653–54 (characteristic of the latter approach).

the freeing of men from the self-restraints of the Victorian era and the emphasis upon natural impulses and self-fulfillment was a particularly lethal combination.⁴⁷

C. CHANGES IN THE STATUS OF WOMEN

The most dramatic change in the status of women during the period from 1910 to 1930, of course, was the passage of the suffrage amendment on August 26, 1920. The years immediately preceding suffrage were marked by radical tactics on the part of the women's movement—militant marches and hunger strikes, for example—and a great deal of public discussion of women's rights.⁴⁸ After passage of the Nineteenth Amendment, however, women failed to vote as a bloc, and much of the political activity mobilized for the long struggle to gain the vote dissipated.⁴⁹

World War I also opened employment opportunities to women, and especially to Black women, who migrated to the North in larger numbers than men, seeking the first non-agricultural and non-domestic service jobs available to them.⁵⁰ By 1920, European American and African American women worked in the paid labor force at the following rates:⁵¹

	UNMARRIED	MARRIED
European American	45%	6.5%
African American	58.8%	32.5%

⁴⁷ DAVID PETERSON DEL MAR, *WHAT TROUBLE I HAVE SEEN: A HISTORY OF VIOLENCE AGAINST WIVES* 98, 115–17 (1996).

⁴⁸ See, e.g., ELEANOR FLEXNER & ELLEN FITZPATRICK, *CENTURY OF STRUGGLE: THE WOMAN'S RIGHTS MOVEMENT IN THE UNITED STATES* 255–62, 269–85 (enlarged ed. 1996). At the same time, women's rights were often depicted in rather conservative terms by the late suffrage movement, which pointed to women's role as mothers and special moral insight as reasons to bring them into political life. See AILEEN S. KRADITOR, *THE IDEAS OF THE WOMAN SUFFRAGE MOVEMENT, 1890–1920* (1965).

⁴⁹ See WILLIAM H. CHAFE, *THE PARADOX OF CHANGE: AMERICAN WOMEN IN THE 20TH CENTURY* 25 (1991). Nonetheless, continued activities of women reformers, resulting in passage of a number of social welfare acts of import to women and children, provided a bridge between the Progressives and the New Deal. *Id.* at 26–27, 34–42; NANCY F. COTT, *THE GROUNDING OF MODERN FEMINISM* 85–89 (1987).

⁵⁰ See PAULA GIDDINGS, *WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA* 141–45 (1984).

⁵¹ See TERESA AMOTT & JULIE MATTHAEI, *RACE, GENDER AND WORK: A MULTICULTURAL ECONOMIC HISTORY OF WOMEN IN THE UNITED STATES* 300 tbl.9–2 (1991).

As one can see from these statistics, a woman's marital status and her race were important factors in whether or not she worked: relatively few married European American women worked, and African American women worked in much larger numbers whether married or not. With the return of the veterans, Black women were pushed out of the industrial workforce and relegated once again to menial jobs.⁵² All women worked in sex-segregated jobs and for unequal pay, facing both job discrimination and unappealing conditions of work.⁵³ Despite the popular characterization as "pin money" (to pay for non-essentials),⁵⁴ the wages of working women were critical to their families' standards of living.⁵⁵ At the same time, the ideology of this period did not support work by married women, which was regarded as reflecting negatively upon their husbands.⁵⁶ Yet the proportion of married women employed doubled between 1900 and 1930, reaching thirty percent of all working women.⁵⁷

While the 1920's are touted as the great age of economic prosperity and sexual liberation, neither had much effect upon the average woman.⁵⁸ The world was shocked by women who wore short dresses, smoked, drank, and had premarital sex.⁵⁹ Yet, ironically, the age of sexual liberation was characterized by a renewed devotion to monogamy, with women marrying at younger ages.⁶⁰ In other ways as well, the era was one of contradictions for women. The ideology of companionate marriage had long prevailed, yet sociological studies reported that women and men existed in separate subcultures.⁶¹ A falling birthrate (perhaps due to the increased accessibility of infor-

⁵² GIDDINGS, *supra* note 50, at 145.

⁵³ See, e.g., COTT, *supra* note 49, at 130.

⁵⁴ CHAFE, *supra* note 49, at 75-76.

⁵⁵ COTT, *supra* note 49, at 205 (describing publications by the Department of Labor's Woman's Bureau during that period).

⁵⁶ *Id.* at 206-09.

⁵⁷ *Id.* at 129.

⁵⁸ WILLIAM L. O'NEILL, EVERYONE WAS BRAVE: THE RISE AND FALL OF FEMINISM IN AMERICA 302 (1969); Estelle B. Freedman, *The New Woman: Changing Views of Women in the 1920s*, in *DECADES OF DISCONTENT: THE WOMEN'S MOVEMENT, 1920-1940*, at 21, 36 (Lois Scharf & Joan M. Jensen eds., 1983).

⁵⁹ See ALLEN, *supra* note 45, at 74-77.

⁶⁰ COTT, *supra* note 49, at 147. Indeed, women remaining single became suspect during this period. Joan M. Jensen & Lois Scharf, *Introduction* to *DECADES OF DISCONTENT: THE WOMEN'S MOVEMENT, 1920-1940*, *supra* note 58, at 3, 13. However, African American women did not join the trend to marry at a younger age. GIDDINGS, *supra* note 50, at 137.

⁶¹ CHAFE, *supra* note 49, at 107 (describing ROBERT S. LYND & HELEN M. LYND, *MIDDLETOWN: A STUDY IN MODERN AMERICAN CULTURE* (1929)).

mation about birth control) and labor-saving devices like sewing and washing machines freed women to some extent.⁶² Nevertheless, working women faced tedious and low-paying jobs, followed by what we now call “the second shift” in the home.⁶³

The most glaring contradiction was presented by the clash between the new public assumption of sex equality⁶⁴ and the renewed cult of domesticity.⁶⁵ Psychologists and women’s magazines alike urged a return to the home, emphasizing the complexity of household management (the new “domestic science” or “home economics”) and the importance to children of having a full-time mother.⁶⁶ Even the curriculum of women’s colleges was infected by this message, and professional women heeded the message, marrying young and leaving their jobs outside the home.⁶⁷ Thus, married women who wanted or needed to work were given very contradictory messages about their roles—a confusion that must have troubled their husbands as well.

D. DIVORCE

Not surprisingly, the rate of divorce in the United States climbed during the 1920’s—from 8.8 in every 100 marriages in 1910 to 16.5 in every 100 marriages by 1928, or one divorce for every six marriages.⁶⁸ In Cook County, where Chicago is located, the divorce rate rose from 1.1 per 1000 population per year in 1900 to 2.3 per 1000 per year in 1930; about three-quarters of the divorces were granted to women.⁶⁹ With this increased frequency, the disgrace associated with

⁶² COTT, *supra* note 49, at 166–67 (describing falling birthrate and dissemination of information about birth control); ALLEN, *supra* note 45, at 79–80 (describing change produced in the nature of housework by new labor-saving devices). Historically, African Americans have been suspicious of birth control because the call to control population growth has typically focused upon controlling the birth rates of non-white women, but Black women also worked to educate their community about birth control and to establish birth control clinics. See, e.g., DOROTHY ROBERTS, *KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY* 82–88 (1997); see also ANGELA Y. DAVIS, *WOMEN, RACE & CLASS* 202–15 (1981).

⁶³ ARLIE HOCHSCHILD, *THE SECOND SHIFT* (1989).

⁶⁴ Freedman, *supra* note 58, at 36.

⁶⁵ O’NEILL, *supra* note 58, at 308–09.

⁶⁶ *Id.*; COTT, *supra* note 49, at 162–64; CHAFE, *supra* note 49, at 112–13.

⁶⁷ CHAFE, *supra* note 49, at 112; GIDDINGS, *supra* note 50, at 185.

⁶⁸ ALLEN, *supra* note 45, at 95.

⁶⁹ NAT’L CENTER FOR HEALTH STATISTICS, U.S. DEP’T OF HEALTH, EDUC. & WELFARE, *100 YEARS OF MARRIAGE AND DIVORCE STATISTICS, UNITED STATES, 1867–1967*, at 34 tbl.9, 38 tbl.11, 50 tbl.21 (1973). In 1997, the comparable national divorce rate was 4.3 per 1000

divorce declined,⁷⁰ although it was still accompanied by considerable stigma and was totally unacceptable in most immigrant groups of Roman Catholic faith.⁷¹

Many have speculated about what gave rise to increased divorce rates during this period, often attributing this increase to changes such as women's entry into the workforce or changed expectations of marriage.⁷² Most of these changes had already taken place, however, by the period under study, at least for persons who had been residing in Chicago continuously. Immigrants, on the other hand, typically were entering a new economic relationship within the new country, affecting the division of labor within marriage—from agricultural production in the Old World to a system where the husband worked in a factory and the wife worked either at home or in another place from her husband. These groups were thus experiencing the effects of industrialization and urbanization for the first time. Moreover, many came from cultures that emphasized the authority of the husband, which was challenged by the mores of a new society.⁷³

Other writers attribute marital disruption to the materialism and consumerism of the 1920's; indeed, one study of divorce complaints filed both before and during this time period reveals that disputes about monetary matters as grounds for divorce changed as time went on.⁷⁴ Fewer wives seeking divorce alleged a failure to provide basic needs, and more divorce complaints reflected disagreements about an adequate standard of living, even in the middle class.⁷⁵ Consumption and status issues were particularly acute for the lower middle class, where the wife might aspire to a standard of living that the husband could not in fact afford.⁷⁶ Still others argue that the divorce rate had been rising steadily and consistently from the mid-nineteenth century

population per year and marriages 8.9 per 1000. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES, 1999, at 110 tbl.155 (1999).

⁷⁰ ALLEN, *supra* note 45, at 95.

⁷¹ Elizabeth H. Pleck, *Challenges to Traditional Authority in Immigrant Families*, in THE AMERICAN FAMILY IN SOCIAL-HISTORICAL PERSPECTIVE 508, 511 (Michael Gordon ed., 3d ed. 1983) [hereinafter Pleck, *Challenges*].

⁷² RODERICK PHILLIPS, PUTTING ASUNDER: A HISTORY OF DIVORCE IN WESTERN SOCIETY 589 (1988).

⁷³ Pleck, *Challenges*, *supra* note 71, at 512.

⁷⁴ Elaine Tyler May, *The Pressure to Provide: Class, Consumerism, and Divorce in Urban America, 1880-1920*, in THE AMERICAN FAMILY IN SOCIAL-HISTORICAL PERSPECTIVE, *supra* note 71, at 155-58.

⁷⁵ *Id.*

⁷⁶ *Id.* at 159-64.

through the early part of the twentieth century, and that divorce had simply become affordable for the masses.⁷⁷

Studies have shown that the availability of divorce may bear an important relationship to rates of domestic homicide, providing a non-violent means to terminate a threatening relationship.⁷⁸ If a wife was physically abused in Chicago during the period from 1910 to 1930, how difficult was it for her to obtain a divorce? While Illinois had been a virtual divorce mill during the nineteenth century,⁷⁹ by the end of that century the divorce statutes had been limited to a series of precise and restrictive grounds, repealing the “omnibus” clause that had allowed a court to grant a divorce “for all causes for divorce not provided for by any law of the state.”⁸⁰ Physical cruelty had long been a ground for divorce,⁸¹ but the woman was required to show that the cruelty was in fact extreme and repeated and that she had neither provoked nor condoned it (both of which were defenses to an action for divorce), leading one author to comment that the divorce law thus assumed that a certain amount of violence was a normal part of married life.⁸² By the 1920’s, however, the grounds—particularly that for “extreme and repeated cruelty”—were interpreted more broadly by the courts,⁸³ so that it was easier to obtain a divorce despite the restrictive laws. If the parties agreed, moreover, collusive divorces (where the parties cooperated to establish grounds by perjury) were

⁷⁷ See Martin Schultz, *Divorce in Early America: Origins and Patterns in Three North Central States*, 25 SOCIOLOGICAL QUARTERLY 511, 523–24 (1984); KERMIT HALL, *THE MAGIC MIRROR: LAW IN AMERICAN HISTORY* 166 (1989).

⁷⁸ See, e.g., Richard Rosenfeld, *Changing Relationships Between Men and Women: A Note on the Decline in Intimate Partner Homicide*, 1 HOMICIDE STUD. 72, 80 (1997) (describing A.R. Gillis, *So Long as They Both Shall Live: Marital Dissolution and the Decline of Domestic Homicide in France, 1852–1909*, 101 AM. J. SOCIOLOGY 1273 (1996)). Indeed, Rosenfeld thinks that recently declining marriage rates and increased divorce rates may account for a substantial proportion of the decline in domestic homicide over the past twenty years in the United States. Rosenfeld, *supra* at 73–75.

⁷⁹ See Schultz, *supra* note 77, at 518–20; NELSON MANFRED BLAKE, *THE ROAD TO RENO: A HISTORY OF DIVORCE IN THE UNITED STATES* 118–19 (1962).

⁸⁰ See GEORGE ELLIOTT HOWARD, 3 A HISTORY OF MATRIMONIAL INSTITUTIONS 119 (1904); ILL. REV. STAT. CH. 40 § 1 (1924). The grounds for divorce in Illinois during this period were: impotence; bigamy; adultery; desertion; habitual drunkenness; an attempt on the life of the other; extreme and repeated cruelty (usually interpreted as physical cruelty); conviction of a felony; infection of the partner with a venereal disease. *Id.*

⁸¹ Extreme and repeated cruelty constituted grounds for a full divorce in Illinois from 1827 on. HOWARD, *supra* note 80, at 119.

⁸² Reva B. Siegel, *The Rule of Love: Wife Beating as Prerogative and Privacy*, 105 YALE L.J. 2117, 2133–34 (1996). On defenses to an action for divorce under a fault-based system, see D. KELLY WEISBERG & SUSAN FRELICH APPLETON, *MODERN FAMILY LAW* 559 (1998).

⁸³ PHILLIPS, *supra* note 72, at 597.

common, even in states with the most restrictive laws.⁸⁴ If not, it was possible to get divorced during the 1920's by going to another state or even country (Mexico was popular) with more liberal divorce laws and brief residence requirements.⁸⁵ If one were without funds, however, it could be difficult to obtain a divorce. Although the Legal Aid Society in Chicago had initially assisted with obtaining separations and divorces for victims of family violence, by the 1920's the policy was to discourage divorce and urge reconciliation upon the couple.⁸⁶

Finally, both because of religious objections to divorce and from fear of the economic consequences, particularly if the couple had children, many women preferred to seek a legal separation rather than divorce, which could be accompanied by the equivalent of a modern protective order and also an order of child support.⁸⁷ Probably the most common solution to marital discord, however, was for the couple simply to live apart without any change in legal status—either because one party abandoned the other or by mutual agreement.

E. SUPPORT FOR VICTIMS OF DOMESTIC VIOLENCE

Apart from separation or divorce, what remedies would have been available to a wife who was a victim of domestic violence in early twentieth-century Chicago? Unfortunately, interest in “wife-beating” as a social problem, stimulated by the early women’s movement,⁸⁸ the temperance movement,⁸⁹ and the late-nineteenth century “whipping post laws” (designed to punish men who beat their wives with flogging),⁹⁰ had disappeared by the end of the century.

⁸⁴ IRA MARK ELLMAN ET. AL., *FAMILY LAW* 194–98 (3d ed. 1998) (describing the business of collusive divorce in New York State, where the grounds for divorce were extremely limited).

⁸⁵ See LAWRENCE M. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 502–03 (2d ed. 1985); PHILLIPS, *supra* note 72, at 532–33 (describing divorce “tourism” to Mexico).

⁸⁶ ELIZABETH PLECK, *DOMESTIC TYRANNY: THE MAKING OF SOCIAL POLICY AGAINST FAMILY VIOLENCE FROM COLONIAL TIMES TO THE PRESENT* 97–98 (1987) (hereinafter PLECK, *DOMESTIC TYRANNY*).

⁸⁷ *Id.* at 141–42. See also LINDA GORDON, *HEROES OF THEIR OWN LIVES: THE POLITICS AND HISTORY OF FAMILY VIOLENCE: BOSTON 1880–1960*, at 274 (1988) (describing similar preference of battered wives in Boston during this period).

⁸⁸ See Siegel, *supra* note 82, at 2127–29; PLECK, *DOMESTIC TYRANNY*, *supra* note 86, at 101–06.

⁸⁹ See Siegel, *supra* note 82, at 2127; PLECK, *DOMESTIC TYRANNY*, *supra* note 86, at 98–101.

⁹⁰ See Siegel, *supra* note 82, at 2137–39; PLECK, *DOMESTIC TYRANNY*, *supra* note 86, at 108–21; PETERSON DEL MAR, *supra* note 47, at 72–96 (describing whipping post law in effect in Oregon from 1905 to 1911). The whipping post laws were almost exclusively applied

Inattention to family violence as a social issue continued virtually unabated until it was reawakened by the second wave of the women's movement in the 1970's.⁹¹ The result was that, although wife beating was no longer condoned by the law, the problem was shielded by legal doctrines protecting family privacy, with the result that few effective remedies were available to its victims.⁹²

We do know that the problem itself persisted. Chicago, remarkably, was the only city with a protective society that explicitly included wife abuse within its mission—the Chicago Protective Agency, founded in 1885.⁹³ Elizabeth Pleck studied thousands of case records from this and other agencies in Illinois over the period from 1880 to 1940, and these records show that family violence was a persistent fact of life.⁹⁴ Similarly, Linda Gordon's review of 1500 cases brought to child protection agencies in Boston between 1880 and 1940 reveals that thirty-four percent of the cases involved wife-beating, despite the agencies' inclination not to acknowledge the problem.⁹⁵

By the first decades of the twentieth century, the systemic response to domestic violence was to avoid criminal intervention and require (at most) counseling for the couple.⁹⁶ Domestic relations courts faced with complaints of wife beating would urge reconciliation and family preservation, and would emphasize that both parties were at fault—often focusing upon the wife's "extravagance," failure to keep house well enough, or complaints to her husband as provocation for the physical violence.⁹⁷ Thus, a wife coming into the Domestic Relations Court in Chicago between 1910 and 1930, seeking her husband's arrest,⁹⁸ would have been cautioned to keep her home

to immigrant or African American men. See Siegel, *supra* note 82, at 2139; PETERSON DEL MAR, *supra* note 47, at 81.

⁹¹ See PLECK, DOMESTIC TYRANNY, *supra* note 86, at 4, 18, 26, 182.

⁹² See Siegel, *supra* note 82, at 2165–67 (describing how the earlier legal condonation of wife beating was replaced by a regime of family privacy, with the result that legal remedies were effectively unavailable even though the conduct was unlawful).

⁹³ PLECK, DOMESTIC TYRANNY, *supra* note 86, at 95–98. Protective societies on behalf of children had arisen on the model of previous societies established to protect the welfare of animals, but complaints of wife beating often arose in the course of proceedings over child welfare. GORDON, *supra* note 87, at 34, 252.

⁹⁴ PLECK, DOMESTIC TYRANNY, *supra* note 86, at 12.

⁹⁵ GORDON, *supra* note 87, at 303–04, 252.

⁹⁶ PLECK, DOMESTIC TYRANNY, *supra* note 86, at 125–42.

⁹⁷ *Id.* at 125, 137–39.

⁹⁸ The Domestic Relations Court was a criminal court. Pleck, *Challenges*, *supra* note 71, at 506.

clean and have meals ready on time, then sent home without any protection, and asked to return five days later with her husband for a conference with a social worker.⁹⁹ Family court judges avoided issuing warrants for arrest; if the woman insisted upon filing charges with the police, most cases were quickly dropped, often at the urging of the judge or prosecutor.¹⁰⁰ As noted above, moreover, indigent women were unlikely to be offered assistance in obtaining a divorce.¹⁰¹ Given the lack of appropriate response on the part of the criminal system and social service agencies, what is surprising is that abused wives persisted in bringing complaints throughout this period.¹⁰²

III. THE 391 WIVES KILLED IN CHICAGO: 1910–1930

With this essential context, we turn now to the 391 cases in the Chicago Homicide Database in which a husband killed his formal or common law wife during the period from 1910 to 1930. The individual case reports are themselves fascinating to read. However, when the set of data is analyzed, several issues stand out—most notably, the distribution of the victims by race, the prevalence of murder-suicide, and the similarity of the killers' motives and apparent psychology to that of abusive husbands studied today. We present and discuss our findings under the following rubrics: Section A examines the numbers of victims over the period of our study and compares those statistics both to the general homicide rate at that time and to intimate homicide rates from the late nineteenth century and in the recent past. Sections B through D then discuss both the immigrant status and race of the victims and explore possible correlations (or lack thereof) with historical and economic changes during this period. Sections E and F present information about the age distribution of the victims and the weapons used to kill them. Section G discusses the apparent motivations for these wife murders, as reported by notations in the Chicago Homicide Database, and compares those motivations to precipitating factors noted in recent studies of domestic violence and scholarly commentary about the psychology of domestic violence

⁹⁹ PLECK, DOMESTIC TYRANNY, *supra* note 86, at 138–40.

¹⁰⁰ *Id.* at 137, 142.

¹⁰¹ See *supra* text accompanying note 86.

¹⁰² Linda Gordon maintains that battered women's persistence in this respect constituted a form of resistance and resulted in keeping the problem alive over decades during which it was ignored, thus providing pressure for remedies that were forthcoming only in the latter part of the 20th century. GORDON, *supra* note 87, at 251, 288.

offenders. Section H speculates briefly about the relationship between alcohol abuse and wife murder during this period. As seen in other studies of intimate homicide, wife killers in the period of our study committed suicide at rates many times those typical of other homicide offenders, a phenomenon we examine in Section I. Section J then discusses the nature and incidence of multiple-victim crimes—those in which, for example, a mother or brother of the victim was killed at the same time she was. Finally, we report, in Section K, the response of the criminal justice system to these murders.

A. NUMBERS OVER TIME

During the period of our study, the overall homicide rate in Chicago grew rapidly and remorselessly.¹⁰³ For most of the population, by contrast, the rate of wife murder was almost constant, and even showed some decrease in the later 1920's. The group which did not conform to this pattern, however, was the African American community. Rates of wife murder within this community were notably higher than in other groups in the city, and they increased strongly as large numbers of African Americans arrived from the South.

The raw numbers of wives intentionally killed by their husbands in Chicago from January 1, 1910 to December 31, 1930 ranged from a low of eight in 1913 to a high of thirty-six in 1924. Because the population grew from roughly 2.2 to 3.4 million over this period,¹⁰⁴ it is important to view these figures as rates. The following Table presents this data, averaged over five-year periods, per 100,000 persons in the Chicago population (or population segment, as appropriate), along with the overall homicide rate in Chicago for the same period and the rate of female-victim killings, or femicides.¹⁰⁵

¹⁰³ The overall homicide rate increased from an average of about 8.4 per 100,000 per year during the years 1910–1915 to an average of about 16.4 per 100,000 per year during the years 1926–1930, an increase of about 95% during the two decades under study. *See infra* tbl.3.

¹⁰⁴ *See supra* text accompanying note 23.

¹⁰⁵ The yearly numbers of victims are translated into rates per 100,000 population, using the census data provided in WESLEY G. SKOGAN, CHICAGO SINCE 1840: A TIME SERIES DATA HANDBOOK 19–20 tbl.1 (1976). The tabulated rates have then been averaged over five-year periods (six years for the first period). The “Black per Black Population” is the rate of African American wife murders per 100,000 persons per year in the African American population, based on numbers derived from SKOGAN; the “Non-Black” rate is all other wife murders per 100,000 non-Black population per year, also based on SKOGAN.

TABLE 3

Homicide, Femicide and Wife Killing Rates per 100,000 Population in Chicago: 1910-1930

	1910-1915	1916-1920	1921-1925	1926-1930
All homicides	8.37	10.4	13.4	16.4
All femicides	1.33	1.41	2.29	2.13
WIFE KILLINGS:				
All races	0.51	0.59	0.77	0.76
Non-black	0.42	0.45	0.44	0.40
Black	0.08	0.14	0.33	0.36
Black/Black pop	3.03	3.43	6.80	5.89

What do these numbers tell us? First, the rate of wife murder increased substantially (over fifty percent) during the period, but not as much as the femicide rate (up about seventy percent) or the general homicide rate, which almost doubled. Looking more closely, we see that these three rates increased proportionally until 1925, but that both wife killing and femicide rates leveled off for the last five years of our period, while the overall homicide rate kept heading upwards. However, for the vast majority of Chicagoans, outside the African American community, these averaged rates of wife killing throughout the period were remarkably constant, varying by no more than twelve percent.

Moreover, for European Americans, the rates we found during this period were quite similar to those from other periods, both prior to the years we studied and in more recent years. For purposes of comparison, we reviewed the records in the Chicago Homicide Database for the years 1880 to 1899, using the same criteria as in our study, and found rates of wife killing that varied between 0.3 and 0.5 deaths per 100,000 population,¹⁰⁶ which are similar to those reported in Table 3 for non-Black victims. (Out of the eighty-seven cases in this earlier period, there were only four where the victim was described as "colored," so no useful analysis of African American rates was possible.)

Comparison with data contained in modern studies of intimate murder is complicated by the variety of ways in which the data are

¹⁰⁶ *Id.* at 18-19 tbl.1. The yearly numbers of victims are translated into rates per 100,000 population, using the census data provided in SKOGAN. The tabulated rates have then been averaged over five-year periods.

presented in those studies.¹⁰⁷ Some comparisons can nonetheless be made. One recent study by the Department of Justice, for example, reports that in 1990, 952 “white” females were killed by intimate partners, amounting to a rate per 100,000 non-Black persons in the 1990 census of 0.44.¹⁰⁸ This is comparable to the non-Black rate presented in Table 3 above, although the modern statistics are not limited to the “married” victims included in our database. A recent study of intimate murder in Chicago reports murder rates for non-Latino “white” women of 0.9 per year per 100,000 from 1991–1993—again including girlfriends as well as wives or common law wives.¹⁰⁹ In order to obtain a clearer comparison to the era of our study, we added rates of apparent “girlfriend” killings to the wife murder rates from Table 3.¹¹⁰ The resulting rates for each period in the table were between 0.55 and 0.6 victims per year per 100,000 European American population. In short, the rates of wife murder in the European American community during the period from 1910 to 1930 are reasonably consistent both with those from the late nineteenth century and from recent years.¹¹¹

Second, however, the experience of the African American community with regard to intimate homicide was very different from that of other Chicagoans. The data contain a total of 29 Black victims of wife killing for the 11 years from 1910 to 1920, but then almost 4 times that number, or 113 victims, for the next 10 years, 1921–

¹⁰⁷ For example, the Bureau of Justice Statistics reports rates of intimate homicide per 100,000 persons in the categories “wives,” “girlfriends,” etc., instead of per 100,000 population. See BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, VIOLENCE BY INTIMATES: ANALYSIS OF DATA ON CRIMES BY CURRENT OR FORMER SPOUSES, BOYFRIENDS, AND GIRLFRIENDS 41 (1998).

¹⁰⁸ The number of “white” victims was derived from BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, HOMICIDE TRENDS IN THE U.S.: INTIMATE HOMICIDE, at 2, <http://www.ojp.usdoj.gov/search97cgi/s97.cgi> (last visited Dec. 14, 2000) (data underlying chart denominated homicides of intimates by gender and race of victim, 1976–98). This number, 952, is typical of the number of victims during the 1976–98 period, which ranged from 1007 to 761. The total non-Black population for 1990 was derived by subtracting the total Black population (29,930,524) from the total population (248,709,873) in the 1990 census. BUREAU OF THE CENSUS, U.S. DEP’T OF COMMERCE, 1990 CENSUS OF POPULATION: CHARACTERISTICS OF THE BLACK POPULATION 1 tbl.1 (1994).

¹⁰⁹ Block & Christakos, *supra* note 6, at 503.

¹¹⁰ See *supra* text accompanying notes 19–20 for description of methodology used to arrive at our estimate of thirty-four Black and seventy non-Black “intimate” murders of non-married females.

¹¹¹ There is an obvious gap in the data from 1930 to the 1970’s, which remains for future research.

1930.¹¹² This change reflects not only a substantial increase in the Black population of Chicago but also a rate of wife killing, already high within that population, that doubled during this period, from a low of 3.03 per 100,000 of the African American population per year in 1910–15 to 6.80 per 100,000 of the African American population per year in 1921–25. However, in common with the trend in the broader population of the city, this rate slowed somewhat in the last five years of our database, 1926 to 1930, to 5.89 per 100,000 per year.¹¹³

These rates of wife killing appear to be historically unique. Recent Department of Justice studies report that intimate homicides of Black women in the U.S. have fallen during the past 25 years from 714 in 1976 to 338 in 1999.¹¹⁴ In 1990, there were 490 such victims, which amounts to a rate of approximately 1.6 per 100,000 per year in the African American population at that time.¹¹⁵ A study of intimate partner homicides (again, not limited to wives as defined in our database) in Chicago from 1991 to 1993 shows that 3.9 African American females were killed per 100,000 population per year, higher than the national rates but still considerably lower than rates in the 1920's. Thus it can be seen that the rates of wife murder among African Americans in Chicago in the 1920's are historically in a class of their own. In Section C, below, we explore possible explanations for this phenomenon.

Finally, what is the relationship between the numbers of wives murdered in Chicago from 1910 to 1930 to the total numbers of homicides in general, and of female-victim homicides in particular? The results are presented in Figure 2, below.

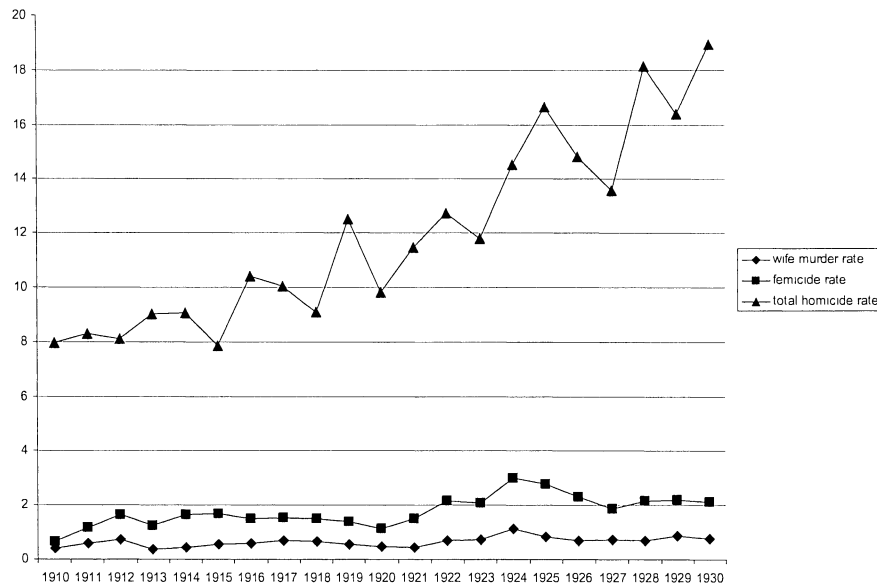
¹¹² In addition, 34 African American women who were not married to their killers but appear to fall within the broader category of "intimates" were killed, amounting, again, to an over-representation of African Americans—who constitute 33% of the 104 intimate victims killed but who made up at most 7% of the total population over the period from 1910 to 1930. See *supra* tbl.2.

¹¹³ See *supra* tbl.3.

¹¹⁴ The number of Black female victims was derived from BUREAU OF JUSTICE STATISTICS, *supra* note 108.

¹¹⁵ *Id.* The total Black population (29,930,524) is derived from the 1990 census data. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 1990 CENSUS OF POPULATION: CHARACTERISTICS OF THE BLACK POPULATION 1 tbl.1 (1994).

Figure 2:
Rates of Homicide, Femicide, and Wife Murder per 100,000 Population per Year.



First, one should note that the number of male homicide victims outnumbered females by almost seven to one. Second, the number of wife murders closely tracks the overall female-victim homicide rates in Chicago—not a surprising result, given that these crimes, the murder of other, non-married intimates, and murders of multiple victims in connection with spouse murder comprise a substantial portion of the overall homicides with female victims. The 391 wives murdered constitute thirty-six percent of the 1075 female homicide victims between 1910 and 1930. If other murders apparently involving potential “love” relationships are included, this rises to forty-six percent. By contrast, recent studies show that intimate partner violence in the United States accounted for about thirty percent of female murder victims over the period from 1976 to 1996.¹¹⁶ This provides addi-

¹¹⁶ BUREAU OF JUSTICE STATISTICS, *supra* note 107, at v.

tional confirmation of our point that the period under study contained an unusually high level of intimate homicide.¹¹⁷

On the other hand, wife murders constitute only about five percent of the approximately 7297 total homicides from 1910 to 1930—seven percent if one includes the 104 other killings that are suggestive of “love” relationships not involving marriage. This ratio is higher than that in the late 1870’s, when the killing of spouses, male and female, amounted to less than five percent of Chicago murder victims, but less than that in the 1880’s and 1890’s, when spouses accounted for thirteen percent of murder victims.¹¹⁸ In addition, the ratio of wife killing to total homicides from 1910 to 1930 was higher than that in Chicago in more recent years: in 1981, spouse homicide made up only 2.6% of the total homicides in Chicago.¹¹⁹ However, these ratios, although commonly noted, do not tell us much at all, because they are based upon a total homicide rate that changes dramatically from era to era—during the explosion of violence in Chicago in the 1920’s, for example.¹²⁰ Indeed, comparison of these ratios across time disguises what may in fact be relatively constant rates of spouse murder. At most, therefore, the ratio of spouse murders to total homicides can only tell us something about the relative prevalence of this social problem at a particular point in time.

B. IMMIGRANT STATUS

As we described above,¹²¹ the population of Chicago not only increased but also changed substantially in composition over the years under study, particularly as a result of the changing sources (and ultimate elimination) of immigration from Europe, on the one hand, and the Great Migration of African Americans from the rural South to the cities of the North, on the other. We discuss the relationship of

¹¹⁷ Indeed, the group of murders among intimates rather than spouses was likely to be smaller in the period from 1910 to 1930 than it is today, given that relationships outside of marriage have become much more common in recent years. Census data show that the numbers of cohabiting couples grew from 1.1 million in 1977 to 4.9 million in 1997, from 1.5% to 4.8% of all households. LYNNE M. CASPER ET AL., HOW DOES POSSLQ MEASURE UP? HISTORICAL ESTIMATES OF COHABITATION, U.S. BUREAU OF THE CENSUS, POPULATION DIVISION WORKING PAPER NO. 36 (1999). (POSSLQ is an abbreviation for Persons of the Opposite Sex Sharing Living Quarters.)

¹¹⁸ Adler, *Mother-in-Law*, *supra* note 7, at 259.

¹¹⁹ See Zimring et al., *supra* note 12, at 916.

¹²⁰ See *supra* Part II.B.

¹²¹ See *supra* Part II.A.

immigrant status and wife homicide in this section, and the racial composition of wife murder in the next.

The percent of Chicago's population that was foreign-born declined from 35.7% to 24.9% from 1910 to 1930,¹²² as a result of federal legislation virtually cutting off immigration from Southern and Eastern Europe.¹²³ Unlike race, the ethnicity of the victims is not provided in the Chicago Homicide Database. Although neither of the authors felt qualified to classify victims by nationality in a systematic fashion, based upon their names, our review of the entries did confirm that all of Chicago's nationalities were well represented. There were large numbers of German, Irish, Polish and Russian surnames, but plentiful Anglo names as well (some may of course have been Anglicized). There is no way to tell if foreign surnames represent foreign-born, first- or second-generation immigrants, of course.

It is nonetheless reasonable to assume that large numbers of immigrants were among the 249 non-Black wives who were killed by their husbands during this period. This is clear not only from their proportion of the overall population, but also from what we know about domestic violence in Chicago at that time. From her review of case records, Elizabeth Pleck reported that almost half of those arrested and brought before the Chicago Court of Domestic Relations in 1911 on the charges typically brought in wife or child abuse cases were foreign, with the largest single group being German, followed by Irish, Russians, and Poles.¹²⁴ Her review of the unpublished case records of the Illinois Humane Society for 1930, moreover, showed that ninety-four percent of the case records dealing with family violence involved either foreign-born persons or their children; Poles represented thirty-two percent of that total.¹²⁵ These percentages surely overrepresent the proportion of domestic violence victims belonging to these groups, however, because immigrant women were more likely to complain about domestic violence to the police or other agencies than native-born European American women were. Native-born women, especially those in the middle class, had more to lose, in terms of both income and stigma, from the arrest of their

¹²² SKOGAN, *supra* note 105, at 19–20 tbl.1.

¹²³ See *supra* text accompanying note 28.

¹²⁴ Pleck, *Challenges*, *supra* note 71, at 504. The Court of Domestic Relations did report the ethnicity of those brought before it, as did the Illinois Humane Society. *Id.* at 504–05.

¹²⁵ *Id.* at 505–06.

husbands; they also had more ample resources (money and family) and thus alternatives to public intervention to remedy their plight.¹²⁶

One can speculate about the causes of wife murder in a city with a large population of recent immigrants. As one classic study of Polish immigrants argued, many of them came directly from cultures in which wife beating and other forms of spousal abuse were socially normal, even sanctioned.¹²⁷ In the United States, their wives discovered that such conduct was neither legally nor socially sanctioned and also that it was possible to bring a complaint against their husbands for it.¹²⁸ Moreover, as discussed above, in Chicago their wives lived more independently than they had in more agrarian economies, perhaps working themselves or taking in boarders, while men went to factories for long hours—a situation that apparently bred jealousy on the part of immigrant husbands and a feeling that the control they had previously exercised was lost.¹²⁹ In short, women's growing independence and knowledge about their own rights appears to have been threatening in and of itself, placing them at risk of violent attack.

In a sense, the immigrants in this period may have been confronting for the first time many of the conditions that native-born residents had already absorbed—an urban, industrial lifestyle in which labor was separated from the home, and a society in which women not only worked but also challenged the authority of their husbands in various ways. Many of their attitudes were generational. One study of Italian attitudes toward male dominance in the family in New York in the 1920's, for example, shows that sixty-four percent of women under the age of thirty-five questioned the traditional authority of the husband within the family, while only thirty-four percent of those over thirty-five did so.¹³⁰ American-born wives also objected to wife beating by immigrant husbands in a way that first-generation women did not.¹³¹ In short, one possible explanation for the wife murders in our study may be that they were a symptom of the shock of acculturation for a new generation of immigrants. Such

¹²⁶ See GORDON, *supra* note 87, at 273 (discussing Pleck, *Wife-Beating in Nineteenth-Century America*, 4 VICTIMOLOGY 60, 65 (1979)).

¹²⁷ Pleck, *Challenges*, *supra* note 71, at 505 (discussing FLORIAN ZNANIECKI & WILLIAM I. THOMAS, 2 THE POLISH PEASANT IN EUROPE AND AMERICA 1143, 1742 (Transaction Books 1974) (1918–1920)).

¹²⁸ *Id.* at 504.

¹²⁹ *Id.* at 509.

¹³⁰ *Id.* at 511 (describing findings in CAROLINE WARE, GREENWICH VILLAGE, 1920–1930, at 193 (1932)).

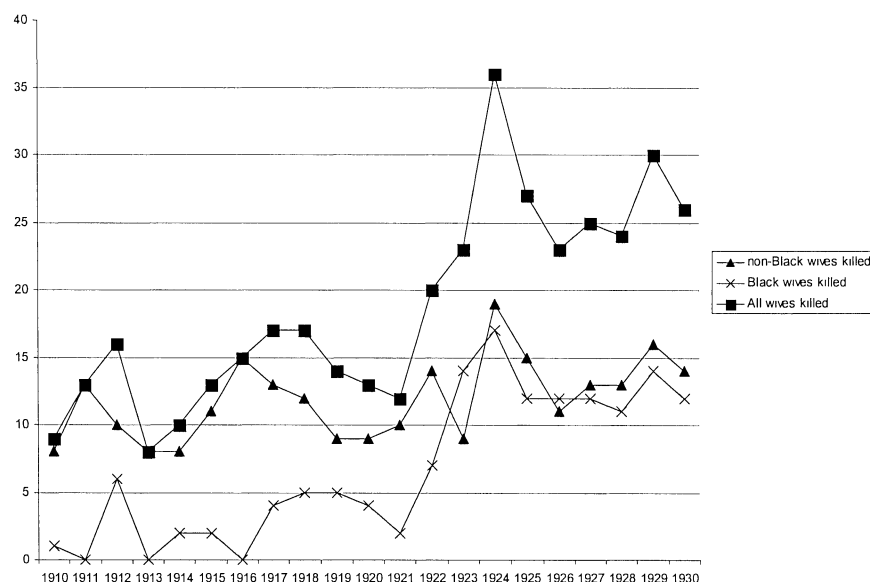
¹³¹ *Id.* at 512.

an explanation of the spouse murders from 1910 to 1930 in Chicago would also be consistent with that offered by Jeffrey Adler for similar cases, involving earlier waves of immigrants to Chicago (particularly Germans) in the period from 1875 to 1899.¹³²

C. RACE

The factor most strongly correlated with the increasing number of wife killings in Chicago over the period from 1910 to 1930 is the race of the victim. African Americans increased from 2.02% to 6.9% of the Chicago population over this period,¹³³ but accounted for 142, or thirty-six percent, of the 391 cases in which a husband killed his wife, 113 of these falling between 1921 and 1930.¹³⁴ The following graph shows the break-down of these homicides, over time, according to the race of the victim:

Figure 3:
Number of Wives Killed in Chicago, 1910–1930; Total and By Race



¹³² Adler, *Mother-in-Law*, *supra* note 7, at 266–67.

¹³³ SKOGAN, *supra* note 105, at 19–20 tbl.1.

¹³⁴ Linda Gordon has also found that African Americans were overrepresented in domestic violence rates in Boston, but not in proportion to rates among groups who were similarly impoverished. GORDON, *supra* note 87, at 11.

This figure demonstrates the impact of the Great Migration upon wife murders in Chicago, as they increased sharply with the influx of African Americans during and in the years immediately following World War I. Why was this group so different from other Chicagoans in this respect?

In a sense, the groups who migrated north were yet another immigrant group entering a somewhat foreign culture; that is, Black Americans, like the Poles, were leaving a rural economy and an oppressive social and political system for a very different lifestyle in an urban industrialized setting. When they arrived in Chicago, Blacks encountered a reception of discrimination, poverty, and unemployment. Except during wartime, they were systematically excluded from occupations and workplaces, encountered discrimination in housing that resulted in crowded ghettos and substandard apartments from which they could not escape, and faced ugly and open racism during this and succeeding periods. In this way, the African American experience was different from that of other groups, who were not systematically devalued and excluded from opportunity to the same degree. Even if conditions in Chicago were better for African Americans than in the South, they were still bad—and very probably produced anger for which there was no safe outlet.

Modern studies show an apparent inter-generational transmission of violence in violent families—sons who see their fathers batter their mothers, for example, are more likely to batter their own wives, and children with histories of abuse are more likely to be violent as adults.¹³⁵ By analogy, African American men were historically subjected to brutal and violent treatment—to slavery, the backlash to Reconstruction, lynchings, and all the indignities of Jim Crow laws. If it is true, as it appears to be, that many persons treated violently themselves learn violent behavior from the experience, the elevated rates of domestic homicide in the African American community are not so surprising.

In addition, African American women appear to have fought back against their husbands to an extent that European American

¹³⁵ See, e.g., NEIL S. JACOBSON & JOHN M. GOTTMAN, WHEN MEN BATTER WOMEN: NEW INSIGHTS INTO ENDING ABUSIVE RELATIONSHIPS 94–95 (1998) (finding batterers more likely than others to have grown up in violent homes); Cathy Spatz Widom, *Child Abuse, Neglect, and Adult Behavior: Research Design and Findings on Criminality, Violence, and Child Abuse*, 59 AM. J. ORTHOPSYCHIATRY 355, 364 (1989) (reporting that physical abuse as a child significantly increases risk of adult males committing violent crimes).

women apparently did not. Jeffrey Adler's article in this symposium reports that Black women committed a disproportionate number of the husband killings—nearly twenty-five percent—in Chicago from 1875 to 1920.¹³⁶ He opines that a number of factors may account for this imbalance, including that African American women were more independent of their husbands and less passive in a variety of ways: they had a sense of equality not shared by immigrant women; they were employed at much higher rates than European American wives; and they had strong networks of other women upon whom to rely.¹³⁷ Their very independence and strength may have placed African American women at risk of murder, as they stood up to husbands who tried to control them and were punished for their resistance.

Finally, one cannot ignore the possibility that culture in some Black communities has to some extent and at some times supported the use of violence against women. African American feminists have written about the "love and trouble" tradition in Black women's relationships with Black men, by which Black men have demonstrated their masculinity, in the face of multiple assaults to it by the white world, by beating the women they love.¹³⁸ Whatever the cause, whether the legacy of slavery or importation of Eurocentric ideology, as Patricia Hill Collins opines,¹³⁹ the result of all these factors has been a very high rate of domestic violence and spouse murder in the Black community.

This pattern of risk has continued into more recent years. A study of intimate partner homicides in Chicago in the early 1990's reported that African American women faced a much higher risk than other groups—3.9 per 100,000 population per year versus 0.9 per 100,000 whites.¹⁴⁰ However, national statistics report that these rates are converging, possibly as a result of the attention given to domestic

¹³⁶ Jeffrey S. Adler, "I Loved Joe, But I Had to Shoot Him": *Homicide by Women in Turn-of-the-Century Chicago*, 92 J. CRIM. L. & CRIMINOLOGY 867, 888-89 (2002) (forthcoming in this issue) [hereinafter Adler, *I Loved Joe*].

¹³⁷ *Id.* at 890-91.

¹³⁸ See, e.g., PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 183-89 (1990) (discussing depictions of this tradition in the literature of ALICE WALKER, *THE COLOR PURPLE* (1986), NTOZAKE SHANGE, *FOR COLORED GIRLS WHO HAVE CONSIDERED SUICIDE* (1975), and ZORA NEALE HURSTON, *THEIR EYES WERE WATCHING GOD* (1937).

¹³⁹ Collins, *supra* note 138.

¹⁴⁰ Block & Christakos, *supra* note 6, at 503 fig.4.

violence since the 1970's and the provision of more effective remedies for it.¹⁴¹

D. A SEARCH FOR HISTORICAL AND ECONOMIC CORRELATIONS

One might expect domestic homicides to have decreased sharply over the years when the United States was an active participant in World War I, a total of fourteen months in 1917 and 1918, because men in the armed forces were absent from the city. The overall figures do not show such a decrease, however. In order to understand this data more fully, it is critical to analyze it according to race. As Figure 3 above reveals, there was in fact a decline in wife murder in the non-Black population in Chicago during the war years, but this decrease was counterbalanced by an increase in murders of African American women, as this group came North to take up jobs left vacant by the men in uniform. Thus the decrease one would anticipate as a result of the war was counterbalanced by the increased rates in the African American community.

Some recent quantitative studies and anecdotal evidence indicate that there may be a link between domestic violence and unemployment.¹⁴² Unemployment clearly creates a source of stress for a marriage; and, if the wife enters the labor force for the first time as a result of her husband's unemployment, a substantial change in the marital balance of power may take place as well. On the one hand, families may stick together in times of economic hardship,¹⁴³ but staying together may only exacerbate the tensions in an unhappy marriage. On the other hand, as Linda Gordon points out, in a period of high male unemployment there is no particular economic advantage for a woman to stay with an unemployed husband; everyone is presumably on the same insecure economic footing.¹⁴⁴ As we discuss below, however, the threat of a wife's leaving the marriage is often a precipitating factor of wife murder.¹⁴⁵ In short, either way, one might expect some sort of relationship between unemployment and spouse killing.

¹⁴¹ See *supra* text accompanying notes 114–15.

¹⁴² See PETERSON DEL MAR, *supra* note 47, at 151.

¹⁴³ For example, divorce rates in Illinois did decrease during the Great Depression, from 2.0 per 1000 population in 1930 to 1.6 per 1000 in 1940. U.S. DEP'T OF HEALTH, EDUC. & WELFARE, NAT'L CENTER FOR HEALTH STATISTICS, 100 YEARS OF MARRIAGE AND DIVORCE STATISTICS, UNITED STATES, 1867–1967, at 34 tbl.9 (1973).

¹⁴⁴ GORDON, *supra* note 87, at 260.

¹⁴⁵ See *supra* Part II.G.

Is this effect present in the Chicago data above? One period of sharply increased unemployment during our time period was 1919 to 1921,¹⁴⁶ presumably the effect of veterans returning from Europe and displacing others who had performed their jobs while they were overseas. Yet, as Figure 2 above demonstrates, wife murders appear to have declined over this period.¹⁴⁷ On the other hand, one is struck by the sharp rise in spousal murder in 1923–24 when unemployment figures rose in Chicago, from 2.4% to 5%.¹⁴⁸ Yet this rate of unemployment pales in comparison with the increase in unemployment from 1929 to 1930.¹⁴⁹ However, as the Great Depression began, wife murders declined.¹⁵⁰ Thus, our data does not appear to demonstrate a general correlation between rates of unemployment and domestic violence, insofar as it is represented by spousal murder.

E. AGE

The average age of a murdered wife in our database was 31.6. This varied by race, however, with the average age for African American women being 28.9 years, and for European American women 33.2. The age distribution by race is illustrated in the following bar chart:¹⁵¹

¹⁴⁶ Unemployment rose from 1.4% in 1919, to 5.2% in 1920, and peaked at 11.7% in 1921. SKOGAN, *supra* note 105, at 24–5 tbl.2.

¹⁴⁷ See *supra* Part III.A fig.2. The rate per 100,000 population decreased from .54 in 1919 to .48 in 1920 and .42 in 1921.

¹⁴⁸ SKOGAN, *supra* note 105, at 25 tbl.2.

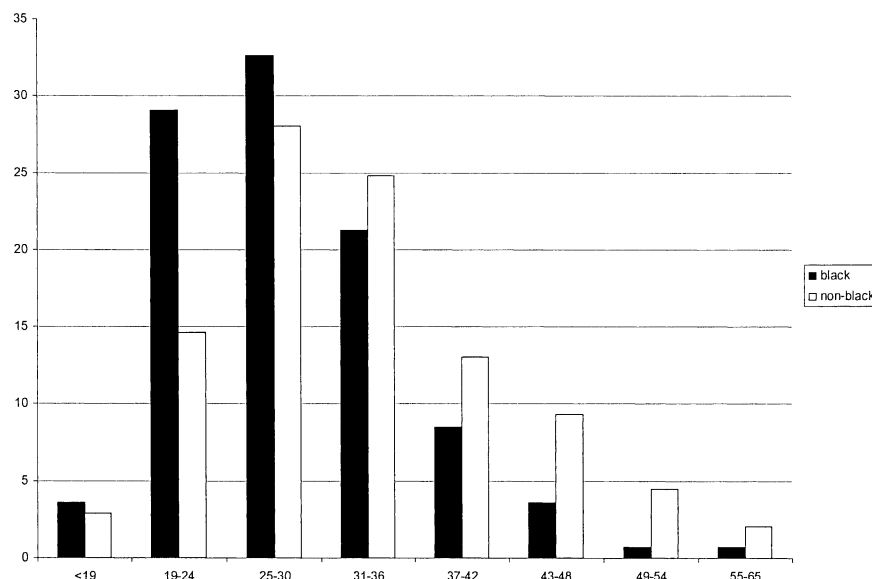
¹⁴⁹ Unemployment in Chicago rose from 3.2% in 1929 to 8.7% in 1930, and reached 15.9% by 1931. *Id.*

¹⁵⁰ See *supra* Figure 2. The rate of wife murder decreased from .89 per 100,000 population in 1929 to .77 per 100,000 in 1930.

¹⁵¹ The vertical axis represents a percentage of the total number of victims within each age bracket on the horizontal axis. Thus, each vertical bar represents the percentage of victims of a particular race who fall within the particular age bracket on the horizontal axis. (For Blacks, 100% equals 142 victims, and for non-Blacks, 249 victims.)

Figure 4

Age Distribution of Wife Murder Victims by Race as a Percentage of Total Such Victims in Each Group



These findings are consistent with those of Jeffrey Adler concerning wife murders in Chicago in the late nineteenth century. Adler found that the average age of victims of spousal homicide was thirty-two (at a period when very few African Americans were victims or offenders).¹⁵² These patterns may also be compared with patterns in contemporary Chicago. One study of intimate partner homicides in Chicago from 1965 to 1993 found that the peak age for African American women was 30 to 34 and 35 to 39 for non-Latino white women (with the peak age for offenders being 35 to 39 in all racial/ethnic groups).¹⁵³ This is comparable to the age distribution in our study given that the average age of marriage has risen since that time.¹⁵⁴

¹⁵² Adler, *Mother-in-Law*, *supra* note 7, at 259.

¹⁵³ Block & Christakos, *supra* note 6, at 503. This is also similar to the mean age of victims and offenders in homicide-suicides in Chicago from 1965 to 1990, which was 35 years for victims (versus 32.2 in other homicides) and 39.7 for offenders (versus 28.7 in other homicides). Stack, *supra* note 16, at 446 tbl.1.

¹⁵⁴ The median age at first marriage in 1920 was 21.2 for women and 24.6 for males. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES: 1960, at 70 tbl.79 (1960). The median age at first marriage in 1990 was 24 for

Adler also found that the average age of spouse killers in late-nineteenth century Chicago was thirty-five—considerably older than others who committed homicide during that period.¹⁵⁵ No information is found in the police records concerning the age of the offenders in our database. However, given social mores dictating that women marry men who are older than they are, it is likely that the husbands who killed their wives were older than their victims. Noting the decline in the age of marriage among many groups during this period,¹⁵⁶ the older average age of victims (and, implicitly, of offenders) in wife murder cases supports our hypothesis that the wife murders were the product of domestic violence that had escalated over the period of a marriage.

F. WEAPON

In almost every instance, the Chicago police records include a description of the weapon used in the homicide. Wives were killed over this period overwhelmingly—sixty-eight percent—by guns. The following details the method by which the 391 women in our database were killed:

<u>Weapon</u>	<u>#</u>	<u>%</u>
Gun	264	68%
Knife/razor	62	16%
Other	65	17%

Demonstrating the extent of violence in these attacks, “other” includes, *inter alia*, scalding, strangling, throwing out of a window, setting afire, striking with an ax or hatchet, a hammer, a baseball bat, and a coal shovel, kicking or striking in the abdomen (including when the wife was pregnant), assaulting with a chair, milk bottle, or cuspidor, and various forms of poison.¹⁵⁷ Although it is clear that men

women and 25.9 for males. U.S. CENSUS BUREAU, U.S. DEP’T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES: 1999, at 111 tbl.158 (1999).

¹⁵⁵ Adler, *Mother-in-Law*, *supra* note 7, at 259.

¹⁵⁶ See *supra* text accompanying note 60.

¹⁵⁷ Scalding (Case Nos. 2382, 8273), strangling (Case Nos. 4277, 10,591, 8999, 10,297, 11,128), throwing out of a window (Case Nos. 4874, 6284, 6319), setting afire (Case Nos. 3566, 4831), striking with an ax or hatchet (Case Nos. 4270, 4119, 3076, 3897, 4959, 6379), a hammer (Case Nos. 5512, 7506, 10,200), a baseball bat (Case No. 5104), and a coal shovel (Case No. 8829), kicking or striking in the abdomen (Case Nos. 5072, 6781, 9169 (pregnant wife)), assaulting with a chair (Case No. 7366), milk bottle (Case No. 6599) or cuspidor (Case No. 6727), and various forms of poison (Case Nos. 313, 5296, 4755, 11,201).

who wanted to kill their wives could use a variety of instruments that were at hand, then, as now, a large proportion of these deaths might not have occurred without the ready availability of guns.¹⁵⁸ In fact, recent Chicago statistics show a close relationship between intimate partner homicide and gun ownership or the presence of a gun in the house, in part because the use of a gun rather than another weapon is much more likely to result in death.¹⁵⁹

G. APPARENT MOTIVATION FOR THE KILLING

In many of their entries in the homicide log, the Chicago police entered a description of the apparent reason why the husband killed his wife.¹⁶⁰ We have classified these descriptions and grouped them into a number of categories:

<u>Description</u>	<u>Number of Cases</u>
"Quarrel"	44
Jealousy	38
Wife threatens separation or refuses reconciliation	23
Quarrel over money or property	12
Quarrel over "another woman" ¹⁶¹	4
Self-defense	4
Quarrel over sex	1
Other ¹⁶²	7

¹⁵⁸ The most recent Department of Justice statistics show that guns were used in about 71% of intimate murders in 1976 and in about 61% in 1996. BUREAU OF JUSTICE STATISTICS, *supra* note 5, at 42. According to Jeffrey Adler, guns were readily available in late-nineteenth century Chicago as well, whether owned, borrowed, or purchased for the occasion, and were used by 62% of spouse killers between 1875 and 1899. Adler, *Mother-in-Law*, *supra* note 7, at 260–61.

¹⁵⁹ Block & Christakos, *supra* note 6, at 504–05. See Arthur L. Kellerman et al., *Gun Ownership as a Risk Factor for Homicide in the Home*, 329 NEW ENG. J. MED. 1084 (1993) (describing the connection between guns in the home and increased risk of homicide by a family member or intimate). See also Arthur L. Kellerman et al., *Suicide in the Home in Relation to Gun Ownership*, 327 NEW ENG. J. MED. 467 (1992) (describing correlation between gun ownership and elevated risk of suicide).

¹⁶⁰ The source of the description is unclear; it may have been the perpetrator himself or the police may have based it on the report of neighbors or relatives present. Chicago Homicide Database, *supra* note 1.

¹⁶¹ "Another woman" denotes lethal quarrels that erupted over the husband's seeing another woman. See, e.g., Case Nos. 6314, 7826, 8410, 8868. *Id.*

¹⁶² "Other" includes cases in which the husband is described as killing his wife in a fit of temporary insanity (Case No. 3846), or in a "drunken rage" or "drunken stupor" (Case Nos.

The largest category, domestic or family quarrel—or, as it is often more quaintly stated in the entries, “domestic wrangle”—appears to have been the police’s general catch-all category describing some kind of domestic dispute that erupted in violence. It does little more for our analysis than to identify the case as one involving domestic violence. One may only speculate on the substance of these quarrels. We do know from other sources that a wife’s housekeeping, meal preparation that was deemed inadequate or not timely, or her failure in other ways to fulfill the traditional role of a wife within the family were frequently the excuses attached to domestic violence.¹⁶³

Other descriptions of apparent motivations are more enlightening. The single largest category of cases, apart from the catch-all “quarrel,” was explained by the husband’s jealousy of his wife. This included cases in which the police indicated, for example, that the husband killed his wife “in a jealous fit”¹⁶⁴ or that he suspected her of infidelity, either in general or based on specific facts, such as that she had talked to or danced with another man.¹⁶⁵ From what we now know about the nature of domestic violence, these cases are very revealing. Abusive husbands tend to show an extreme possessiveness of their wives and are irrationally jealous of their interactions with other persons, especially men.¹⁶⁶ Indeed, they are likely to suspect infidelity where it is clear that none exists. Psychologists studying abusive relationships report that:

[A large majority of abusive husbands] are emotionally dependent on their wives. What they fear most is abandonment. Their fear of abandonment and the desperate need they have *not* to be abandoned produce jealous rages and attempts to deprive their partners of an independent life. They can be jealous to the point of paranoia, imagining that their

7860, 10,905), or because he was in poor health and “didn’t want to leave his [23-year-old] wife behind” (Case No. 6727), or because they were poor and one of them had cancer (Case No. 8660). *Id.*

¹⁶³ See, e.g., GORDON, *supra* note 87, at 260, 268 (describing abusive husbands’ complaints about their wives’ housekeeping or failure to conform to the wife’s role in a traditional marriage).

¹⁶⁴ See, e.g., Case Nos. 3468, 3716, 4484, 5586, 5603, 6251. Chicago Homicide Database, *supra* note 1.

¹⁶⁵ See, e.g., Case Nos. 7855 (danced with another man at a party), 10,042 (talked with another man). *Id.*

¹⁶⁶ See, e.g., JACOBSON & GOTTMAN, *supra* note 135, at 38; ANSON D. SHUPE ET AL., VIOLENT MEN, VIOLENT COUPLES: THE DYNAMICS OF DOMESTIC VIOLENCE 35–38 (1987).

wives are having affairs based on clues that most of us would find ridiculous.¹⁶⁷

Historically, as well, jealousy or accusations of immorality apparently played a central role in domestic conflict. In Linda Gordon's study of family violence in Boston, wives reported that their husbands were so intensely jealous that they attempted to seclude or imprison them.¹⁶⁸ On the other hand, as Gordon points out, women who are so dominated by their husband may also be most likely to break out of his control only under the influence of another man¹⁶⁹—which may account for some of the “other men” killed along with wives murdered in our Chicago study.¹⁷⁰

The event next most commonly cited by the police as precipitating the wife murders in our database is the wife's separation from the husband, or threat to do so. A total of twenty-three entries noted that the husband had killed his wife either because she was threatening or preparing to leave him (eight) or had already done so and refused to return to live with him (fifteen). Cases involving threats to leave included ones in which the wife made a verbal threat to leave or to file for divorce or separate maintenance, was packing her bags, or had in fact filed for divorce and refused to withdraw the suit (though the couple was still living together).¹⁷¹ Cases involving refusal to reconcile, on the other hand, were ones in which the couple had already separated and, in some cases, the wife had either filed for a divorce or even obtained one; the husband then went to where the wife was living, attempted to get her to reconcile, and killed her when she refused.¹⁷² These cases demonstrate the now-conventional wisdom that the most dangerous time for an abused wife is when she attempts to leave.¹⁷³ For a batterer who is psychologically dependent upon the

¹⁶⁷ JACOBSON & GOTTMAN, *supra* note 135, at 38.

¹⁶⁸ GORDON, *supra* note 87, at 270.

¹⁶⁹ *Id.*

¹⁷⁰ *See infra* note 217.

¹⁷¹ *See, e.g.*, Case Nos. 9928 (threat to sue for separate maintenance), 10,755 (packing to leave), 10,360 (had sued for divorce), 6357 (refused to withdraw divorce suit). *See also* Case Nos. 8508, 11,074, 11,368, 11,408. Chicago Homicide Database, *supra* note 1.

¹⁷² Case Nos. 6291, 6606, 7385, 7485, 7644, 8685, 9300, 9529, 9585, 9745, 10,374, 10,915, 11,291. *Id.*

¹⁷³ *See, e.g.*, Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. 1, 65–66 (1991) (describing as “separation assault” the more intense violence that greets women who attempt to leave).

wife he abuses, as so many are,¹⁷⁴ her attempt to leave is the ultimate crisis, calling forth not only homicide but in many cases suicide as well.¹⁷⁵ Indeed, a study of domestic murders in this period in Australia revealed that men were increasingly likely to cite women's "desertion" as a precipitating factor for killing them—fifty-six percent did so in the 1900–1909 cases studied, seventy-seven percent in the 1920's cases, and eighty-one percent in the 1930's.¹⁷⁶

Linda Gordon indicates that two frequent causes of quarrels leading to domestic violence in her study were money and sex.¹⁷⁷ Sex only figures explicitly in one case in the police entries we studied, in which the husband killed his wife after she "refused to cohabit."¹⁷⁸ Money and property provided more fertile sources of conflict, including cases in which one spouse refused to give the other money for some purpose or in which they quarreled about items of property, such as furniture.¹⁷⁹ There are no indications of the sort of standard-of-living and/or consumption disputes that one might expect from other studies of marital conflict in the 1920's,¹⁸⁰ but these may be masked in the catch-all category of domestic quarrels.

Finally, self-defense was cited as the motivation for four killings, all involving African Americans.¹⁸¹ These include cases in which the husband alleged that his wife appeared to be about to attack him or that they were struggling over possession of a weapon; these allegations did not always exonerate the husband at trial, however.¹⁸² Fighting back is a common response to violence; and Linda Gordon points out that many poor and/or immigrant wives simply used violence to defend themselves against violence.¹⁸³ As we discussed above and as both our study and the statistics indicate, this appears to be particularly true of African American women.¹⁸⁴

¹⁷⁴ JACOBSON & GOTTMAN, *supra* note 135, at 38; SHUPE ET AL., *supra* note 166, at 35–38.

¹⁷⁵ See *infra* Part III.I.

¹⁷⁶ GORDON, *supra* note 87, at 271 (describing unpublished study by Judith Allen).

¹⁷⁷ *Id.* at 266–69.

¹⁷⁸ Case No. 9236. Chicago Homicide Database, *supra* note 1.

¹⁷⁹ Case Nos. 9473, 9520, 10,253, 10,903, 11,128. *Id.*

¹⁸⁰ See, e.g., *supra* text accompanying note 74.

¹⁸¹ Case Nos. 6907, 8458, 11,375, 11,435. Chicago Homicide Database, *supra* note 1.

¹⁸² The husband in Case No. 8458 was sentenced to fifteen years in prison despite his allegations of self-defense. *Id.*

¹⁸³ GORDON, *supra* note 87, at 274–76.

¹⁸⁴ See Adler, *I Loved Joe*, *supra* note 136, at 891. In fact, both at that time and until very recently, African American women have also been much more likely to kill their husbands or lovers than European American women, presumably at least part of the time in self-

H. ALCOHOL

A frequent theme, from the days of the temperance movement to the present, is the connection between alcohol and domestic violence.¹⁸⁵ Numerous studies show that it is common for one or both parties to have been drinking at the time of the violent incident that led to domestic homicide.¹⁸⁶ Although the Chicago police did not note intoxication in a large number of the cases in our database, some entries did indicate a connection between excessive alcohol consumption and wife murder.¹⁸⁷ These cases included some of the most violent homicides described: in one 1924 case, Mary Janci, age fifty, took refuge from her drunken and abusive husband on a window ledge, from which she either fell or was pushed to her death.¹⁸⁸ In another, in December of 1927, Anna Carlson, also age fifty, was killed by her husband who “stabbed, choked and finally beat her with a shovel during a violent drunken rage.”¹⁸⁹

The relationship between alcohol consumption and wife abuse appears to be a complex one, with little hard evidence of a direct connection between the physiological or chemical effects of drinking and violence.¹⁹⁰ Lenore Walker reports that abusive men attack their wives when they are drunk or sober, but that the most violent physical abuse occurs where the men are consistent drinkers.¹⁹¹ Alcohol may also be connected with domestic violence and homicide in indirect ways. Linda Gordon reports many precipitating quarrels that involved alcohol use—fights over whether the husband spent money on drinking rather than on the household and fights over whether men went out to taverns while women remained at home, for example.¹⁹²

defense. *Id.*; BUREAU OF JUSTICE STATISTICS, *supra* note 5, at 40 (reporting 16.51 Black male victims per 100,000 persons aged 20–44 in 1976, versus .89 White male victims; by 1996, these figures had dropped to 2.83 Black male victims and .36 White male victims).

¹⁸⁵ See PLECK, DOMESTIC TYRANNY, *supra* note 86, at 49–66 (concerning the temperance movement as an early anti-domestic violence movement).

¹⁸⁶ See, e.g., Block & Christakos, *supra* note 6, at 508–10; Websdale et al., *supra* note 10 (listing alcohol or drug use that often escalates prior to the fatal episode as a situational antecedent of male killings of intimate partners in Florida in 1994; also reporting that the 1997 Report of the New York Commission on Domestic Violence Fatalities showed that 47% of offenders had a history of alcohol abuse and 30% had a history of drug use).

¹⁸⁷ Case Nos. 6319, 7860, 10,905, 11,415. Chicago Homicide Database, *supra* note 1.

¹⁸⁸ Case No. 6319. *Id.*

¹⁸⁹ Case No. 7860. *Id.*

¹⁹⁰ GORDON, *supra* note 87, at 265; see also LENORE WALKER, THE BATTERED WOMAN 25 (1979); JACOBSON & GOTTMAN, *supra* note 135, at 39–42.

¹⁹¹ WALKER, *supra* note 190, at 25.

¹⁹² GORDON, *supra* note 87, at 265–66.

In our database, one murder was precipitated by a violent quarrel over moonshine liquor.¹⁹³

Finally, one may note that Prohibition was certainly not the antidote to domestic violence, as the temperance movement had argued. Rates of wife murder in fact increased sharply during the part of our study that fell within the years when the sale or consumption of alcohol was prohibited in the United States (1920–1933).¹⁹⁴ On the other hand, despite Prohibition, liquor was easy to get in Chicago in the 1920's, as the bootleggers paid off law enforcement officials; one historian reports that “the quickest way to get a drink was simply to ask a policeman for directions to the nearest speakeasy.”¹⁹⁵ So the experiment was far from a controlled one.

I. MURDER–SUICIDES

A large proportion of the husbands who killed their wives in Chicago between 1910 and 1930 also committed suicide—34% of the total did so successfully and an additional 7% made a suicide attempt.¹⁹⁶ This tendency varied by race: fully 51% of white offenders either committed suicide (43%) or tried to do so (8%), while 22% of Black offenders did so (18% successfully, 4% unsuccessfully).¹⁹⁷

As noted above, suicide by the offender is a very common occurrence in spouse killings.¹⁹⁸ Adler found that 48% of the men (predominantly German) who killed their wives in Chicago between 1875 and 1910 also committed suicide, versus 8% of homicide offenders in general.¹⁹⁹ A more recent study of Chicago homicides found that spouses are five times as likely to be killed in homicide–suicides than in homicides per se, that ex–spouses are at the most risk, and that the typical victim is female.²⁰⁰ Similar results are reported for other cities. For example, in intimate homicide cases in San Francisco from

¹⁹³ Case No. 8458. Chicago Homicide Database, *supra* note 1.

¹⁹⁴ The rate of wife murder increased from .48 per 100,000 in 1920 to as high as 1.14 per 100,000 in 1924, and was .77 per 100,000 when the decade ended in 1930. See *supra* Part III.A. fig.2.

¹⁹⁵ SPINNEY, *supra* note 24, at 177.

¹⁹⁶ A total of 133 men committed suicide out of 391 cases, and 26 men made unsuccessful suicide attempts. Chicago Homicide Database, *supra* note 1.

¹⁹⁷ Out of 248 white offenders, 107 committed suicide at the time of the crime or immediately after, while 21 more tried to do so but failed. Twenty-six out of a total of 142 Black offenders committed suicide; an additional 5 made suicide attempts. *Id.*

¹⁹⁸ See *supra* note 16.

¹⁹⁹ Adler, *If We Can't Live in Peace*, *supra* note 16, at 3, 6.

²⁰⁰ Stack, *supra* note 16, at 445–46 tbl.1.

1995–96, forty–three percent of the murderers killed themselves after killing the woman.²⁰¹

The relationship between intimate homicide and suicide is very complex and not completely understood. First, this appears to be a male phenomenon; women rarely kill themselves after killing a spouse.²⁰² Indeed, as Jeffrey Adler's article in this symposium suggests, women are likely to have killed to defend themselves after a long history of abuse and frequently express relief rather than remorse after the killing.²⁰³ Adler attributes the high rate of murder–suicides among male German spouse–killers in late–nineteenth century Chicago to a combination of economic circumstances, cultural backgrounds, and family circumstances particular to that immigrant group in the changing Chicago economy and society of that period.²⁰⁴ But this theory cannot explain the similarly high rates of murder–suicide in the much more diverse group of husbands in our database, which took place decades later, or in the other, more recent studies discussed above. Many of the husbands who committed suicide after a wife murder in our database had Polish, Southern or Eastern European surnames.²⁰⁵ Italian and Irish husbands are also well represented in this group.²⁰⁶ Moreover, although the Black murder–suicide/attempt rate is much lower than that for non–Black husbands, twenty–two percent is still quite high, indicating that African Americans who killed their wives also committed suicide at much higher rates than perpetrators of other types of homicides.²⁰⁷ At most, one can analogize the types of strains these later groups were confronting to those of the earlier period, such as changes in the nature and expectations of marriage, fears of abandonment in an age of rising divorce rates and more independent women, and the like.

²⁰¹ Family Violence Project of the San Francisco District Attorney's Office, *supra* note 5.

²⁰² See Adler, *I Loved Joe*, *supra* note 136, at 880; Adler, *If We Can't Live in Peace*, *supra* note 16, at 6.

²⁰³ See Adler, *I Loved Joe*, *supra* note 136, at 880.

²⁰⁴ See Adler, *If We Can't Live in Peace*, *supra* note 16, at 10, 15–18.

²⁰⁵ See, e.g., Case Nos. 4047, 4159, 4645 (attempt), 4984, 4993, 5586, 9023, 9565 (attempt). Chicago Homicide Database, *supra* note 1.

²⁰⁶ Case Nos. 4496 (attempt), 5680, 7593, and 9138 all appear to be Italian; Case Nos. 4654, 5507 (attempt), and 6061 have Irish surnames. *Id.*

²⁰⁷ Indeed, viewed as a rate per capita, the Black rate was higher than that in the non–Black community, due to the much higher overall rate of wife murder among Blacks. Including suicide attempts, average per capita rates of homicide–suicide by wife killers for the decade 1921–1930 were: for Blacks, 0.99 per 100,000 Black population per year; and for non–Blacks, 0.22 per 100,000 non–Black population per year.

Guilt is often mentioned as a possible explanation of suicides following upon the murder of an intimate partner; indeed, murder-suicide is much more common in other cultures with stronger cultural constraints upon interpersonal aggression than in the United States.²⁰⁸ In this respect, one may also speculate that African American husbands may in some instances have felt less guilty about killing their wives in what they perceived to be self-defense because African American women were more likely to fight back.²⁰⁹ Explanations based on guilt seem too simplistic, however, and fail to explain the vast disparity in rates of suicide among different types of homicide or, indeed, among different types of relationships in intimate homicide.²¹⁰

Others offer more sophisticated psychoanalytic theories of the murder-suicide phenomenon among wife killers, positing that the killer is in a state of extreme ambivalence, both hating and loving, while feeling intense dependence upon the object of his love; when that relationship is then threatened by jealousy or potential or actual separation, the enraged but impotent male strikes out at both his victim and himself.²¹¹ These explanations are consistent with the recent literature on the psychology of domestic violence offenders described above.²¹² As this literature describes, abusive husbands are pathologically dependent upon their wives and fear abandonment desperately—a combination that leads to rage.²¹³ When this dependent relationship is threatened by jealousy or the wife's attempt to assert herself and break free of the relationship in some way, the husband may strike out and in some cases destroy the very thing he feels he cannot live without. Unable to distinguish himself from that other person or to see his wife as an independent source of meaning and consciousness, he is left with no alternative to suicide.

J. MULTIPLE VICTIM CRIMES

In addition to offenders who committed suicide, a total of forty-eight other victims were either killed or wounded in connection with the wife murders included in our database. The couple's children (of-

²⁰⁸ See Stack, *supra* note 16, at 440–41, 449, and sources cited therein.

²⁰⁹ See *supra* text accompanying notes 136–37.

²¹⁰ Recent studies show, for example, that “[t]he structural relationship that increases the odds of homicide-suicide the most is that of ex-spouse/lover.” Stack, *supra* note 16, at 447.

²¹¹ See *id.* at 438–40, and sources cited therein.

²¹² See *supra* text accompanying notes 166–67.

²¹³ JACOBSON & GOTTMAN, *supra* note 135, at 38; see *supra* Part III.G.

ten very young children) were a frequent target, accounting for twenty of these victims in fourteen different cases.²¹⁴ The most common source of protection for the wife appears to have been her family of origin: six mothers, two fathers, four brothers, and five sisters were killed or wounded at the time of a wife murder.²¹⁵ In several of these cases, the wife had moved to the home of her relative or some other safe place (for example, one was living with her sister in the Lincoln Hotel); her husband sought her there and killed the relative as well.²¹⁶ Finally, in six cases, another man—sometimes referred to as “other man”—was killed or assaulted with the wife; in some cases the man may have been a new object of the wife’s affection and in others simply a friend (or boarder) who was protecting her.²¹⁷

In a sense, the fact that only seventeen members of a wife’s family of origin were killed or wounded in connection with her murder is surprising. This is the group to which a woman in an abusive marriage was most likely to turn for aid. In her study of the history of domestic violence in Boston, Linda Gordon found that a woman’s relatives, especially female relatives, were the most likely to intervene and to give a variety of types of assistance to domestic violence victims.²¹⁸ The sources of third-party intervention may in fact have changed over time, however. In Oregon, for example, the following change occurred over the period under study here:

SOURCE OF INTERVENTION: DATA FROM OREGON STUDY²¹⁹

Year	Family of origin	Children	Neighbors/friends	Police
1900–1911:	21%	12%	36%	31%
1924–1945:	10%	16%	23%	51%

²¹⁴ Case Nos. 1624, 3897, 4241, 4496, 4984, 5104, 5265, 5512, 6247, 8683, 8735, 9682, 10,521, 10,641. Chicago Homicide Database, *supra* note 1.

²¹⁵ Case Nos. 3563, 3716, 4169, 4836, 7593, 9138 (all mothers); 1624, 10,755 (both fathers); 3996, 7644, 8859, 9300 (all brothers); 3996, 8726, 10,122, 11,291, 11,399 (all sisters). *Id.*

²¹⁶ Case Nos. 7644 (brother with whom sister was staying was wounded when she was killed), 11,291 (sister with whom victim staying was also killed), 11,399 (sister with whom victim was staying at Lincoln Hotel was also killed). *Id.*

²¹⁷ Case Nos. 3716 (boarder), 5214, 5792, 10,042 (wounded), 11,194, 11,411 (assaulted). *Id.*

²¹⁸ GORDON, *supra* note 87, at 277–78.

²¹⁹ Statistics are taken from PETERSON DEL MAR, *supra* note 47, at 161. Peterson del Mar’s study was based on the unique detailed written records of divorce cases maintained by the courts in Oregon, including transcripts of witness testimony, from settlement of the Oregon territory in the mid-1800’s to the present. *Id.* at 2.

Thus, in Oregon there was a shift over the years of our study, from relying upon one's family of origin or neighbors for assistance, to relying upon the police. In our study, many immigrant women or women recently moved to Chicago from the South may also have been separated from the mothers, sisters, and brothers who might have otherwise come to their aid.

K. RESPONSE OF THE CRIMINAL JUSTICE SYSTEM

How likely was it that a man who murdered his wife in Chicago between 1910 and 1930 would in fact be brought to justice for his crime? In this section we consider the dispositions of those cases in which the offender actually entered the criminal justice system. For this purpose, we exclude both those cases in which the offender committed suicide (133 out of 391) and those in which the offender escaped.

Forty-three husbands escaped immediately after the crime and never stood trial—in eleven percent of the total cases, but twenty-two percent of the Black cases.²²⁰ The rate at which non-Black offenders escaped (five percent) is consistent with crime statistics for the city in general from 1910 to 1913, as reported by the Chicago City Council Committee on Crime.²²¹ Black offenders escaped at rates that are widely disparate from those averages, however. It was obviously much more possible for a Black man to disappear into a Black neighborhood or perhaps into the South and thus escape the Chicago police than it was for European American offenders to escape. On the one hand, the Black community may have been more hostile to the police and protective of community members being sought by them; on the other, the police may not have cared as much about the murders of Black women and thus not have put as much effort into the search for their killers. Readers of the newspapers reporting on the deaths of European American women²²² perhaps felt

²²⁰ Thirty-one out of 142 Black offenders escaped, and 12 of 249 non-Black offenders escaped (5% of the non-Black cases).

²²¹ Of the total criminal cases in municipal court in 1910 through 1913, the defendant was not apprehended in 4.7% of the cases in 1910, 6.4% of the cases in 1911, 5.1% of the cases in 1912, and 3% of the cases in 1913. Edith Abbott, *Statistics Relating to Crime in Chicago*, in REPORT OF THE CITY COUNCIL COMMITTEE ON CRIME OF THE CITY OF CHICAGO 25 tbl.7 (1915).

²²² A brief foray by one of the authors into the newspaper archives revealed that the murders of Black wives were likely to be reported only in *The Chicago Defender*, an African American newspaper.

more threatened by these deaths than by those of women who lived in circumstances perceived to be quite different than their own, and the Chicago police may have been more sensitive to political pressure coming from Anglo and white ethnic groups. For whatever combination of these or other reasons, Black men stood almost a one in four chance of escaping the Chicago police and never being held accountable for the murder of their wives.

Excluding cases in which the offender either escaped or committed suicide leaves 215 cases that entered the criminal justice system. To the extent that we have been able to classify the ultimate disposition of those cases based on the entries in the Chicago Homicide Database (which typically included some information about the disposition), which we have done in 200 of the 215 cases, these were the results of their consideration by that system:



<u>Disposition</u>	<u>Total</u>	% of		Black as % of		White as % of	
		<u>Total</u>	<u>Black</u>	<u>Total Black</u>	<u>White</u>	<u>Total White</u>	
Acquitted	21	10.5%	8	10%	13	11%	
Insanity ²²³	14	7.0%	2	3%	12	10%	
Dismissed ²²⁴	40	20.0%	15	19%	25	21%	
Prison, Term of years	90	45.0%	42	53%	48	40%	
Life sentences	29	14.5%	10	13%	19	16%	
Death Sentences ²²⁵	5	2.5%	2	2%	3	2%	
Fine ²²⁶	1	0.5%	0	0%	1	0.1%	

Overall, 62.5% of the men who murdered their wives and whose cases were adjudicated were convicted and received sentences ranging from a \$100 fine to the death penalty. It appears that it was easier for a European American than for an African American offender to be adjudicated insane, perhaps because they embraced the insanity defense more often, or had better lawyers, or because juries were more likely to accept that a white man must have been mad while a Black man was seen simply as bad.

The offenders receiving the death penalty do not seem to share any important characteristics that would lead one to classify them as

²²³ "Insanity" represents the police indication that an offender was sent to Chester (or in one case to Kankakee), an institution for the criminally insane, presumably in connection with an adjudication of not guilty by reason of insanity under Ill. Rev. Stat. ch. 38 § 621 (1924). Several were released fairly soon after the crime; for example, the defendant in Case No. 4600, who shot his wife in 1911 and then attempted suicide, was sent to Chester but then acquitted a month later, and the defendant in Case No. 5291, a 1915 case, cut his wife's throat, was sent to Chester, but acquitted one week later. The test for insanity was whether the accused was capable of knowing right from wrong as to the particular act in question and of exercising the power of choosing either to do or not to do the act, and of governing his conduct in accordance with such choice. *People v. Lowhone*, 126 N.E. 620, 625-26 (Ill. 1920).

²²⁴ Cases classified as dismissed include cases that were listed in the police records as "no bill," meaning that the grand jury decided not to indict, and as "stricken," "s/o," or *nolle prosequi*, meaning that the state had decided not to proceed, all indicating that the case was dismissed at a very early stage.

²²⁵ Two of the death sentences were commuted to life (Case Nos. 4119, 7892); the remaining three individuals were hanged (Case Nos. 3901, 4959, 8438), in all cases within a year of the crime and often on the very day of sentencing. Chicago Homicide Database, *supra* note 1.

²²⁶ In one case, No. 4566, in which the wife died during an operation for a broken jaw caused by injuries inflicted upon her by her husband, the court imposed only a fine of \$100 on the husband. *Id.*

especially egregious. Three were from the first decade of the period under study, and two were from 1925.²²⁷ Three of the offenders sentenced to death were white and two black; the death sentences were commuted to life by the governor in the case of one white man and one black man.²²⁸ Only one case among the five stands out as particularly violent. In this case, the husband killed his thirty-four year old wife with a hatchet, dismembered her body, and buried it with the help of an accessory in the rear of their house under the "L" at 3658 Wabash.²²⁹ One only has to review the section on weapons above, however, to see that many of the murders in our database were effected in ways that were quite brutal.²³⁰ Moreover, many cases involved multiple victims yet did not result in death sentences.²³¹

The prison sentences meted out may be broken down further, as follows:

Prison Sentence	Number	% of Total	Black	Black as % of Total Black	White	White as % of Total White
< 15 Years	18	9.0%	10	13%	8	7%
15–20 Years	19	9.5%	10	13%	9	7%
21 or More Years	10	5.0%	5	6%	5	4%
Life	29	14.5%	10	13%	19	16%
Joliet, no term ²³²	43	21.5%	17	21%	26	22%

There are several ways in which this data may be interpreted.²³³ On the one hand, the 62.5% conviction rate is high, and serious sen-

²²⁷ Case Nos. 4119 (1916), 3901 (1919), 4959 (1919), 7892 (1925), 8438 (1925). *Id.*

²²⁸ The offenders in Case Nos. 3901, 4119, and 8438 were white, and in 4959 and 7892 were Black; the sentences were commuted in Case Nos. 4119 and 7892. *Id.*

²²⁹ Case No. 4959. *Id.*

²³⁰ See *supra* Part III.F.

²³¹ In 50% of the multiple victim cases, the offender committed suicide, but that still left seventeen offenders who killed one person and killed or wounded another but did not receive the death penalty.

²³² In these cases, the entry in the police reports simply noted that the offender was sent to Joliet prison and did not include the specific time period of the sentence.

²³³ Because of the large proportion of cases (21% for whites and 22% for Blacks) in which no term is given in the police records, we hesitate to draw any conclusions about sentencing and race, except to note that African Americans were more likely to receive a prison term but that the sentences they received may have been for shorter terms (13% were sentenced to less than 15 years and 13% to 15–20 years, while 7% of European Americans were sentenced to each of those categories).

tences were handed out for this crime. The typical sentence was for fifteen-plus years. On the other hand, 41.5% of the men who were arrested for killing their wives and did not commit suicide experienced no criminal consequences, whether because they escaped, because the case was dismissed prior to trial, or because they were acquitted.

In his article in this symposium, Jeffrey Adler says that “[o]nly twenty-three percent of homicide cases in the city ended with a conviction between 1875 and 1920.”²³⁴ The 124 men convicted and sentenced for wife killing between 1910 and 1930²³⁵ account for thirty-two percent of the total wife killings that occurred, and forty-eight percent of those in which the offender did not immediately commit suicide. Thus, a significantly higher proportion of wife killers was convicted than those who committed other types of homicide.

CONCLUSION

What conclusions can be drawn from analysis of the cases in our database of the wives murdered by their husbands in Chicago from 1910 to 1930? First, it is obvious that domestic violence culminating in homicide has been a serious and continuous problem in this city, in the late nineteenth century, in the period under study, and at the present day. Further research is clearly needed to analyze trends during the period from 1930 to the 1970’s, before domestic violence in general was rediscovered as a social problem. Moreover, the underlying attitudes and motivations of offenders seem quite similar across time: their intense desire to control their wives, possessiveness, and jealousy, combined with extreme dependence upon and ambivalence toward them, all of which appear to be linked to the persistently elevated murder-suicide rates in this group.

However, the extraordinary prevalence of wife murder in the Black community in the 1920’s shows that this problem cannot be analyzed as a whole; instead, particular conditions in different communities, both ethnic and racial, must be considered. Perhaps a certain quotient of domestic violence and homicide is attributable simply to the psychopathology of individuals; even then, the form this disorder takes will reflect the values of the community in which the individual lives. More importantly, elevated levels of this violence seem to be attributable to the particular stresses placed on different com-

²³⁴ Adler, *I Loved Joe*, *supra* note 136, at 886.

²³⁵ This figure includes all those who served prison sentences or were executed; it excludes those adjudicated insane or fined.

munities—by immigration, for example, or by a culture of violence directed at that community, such as the slavery, lynching, discrimination, and dislocation suffered by Blacks in the United States. This suggests that further research on the incidence of wife murder and other forms of domestic violence in other highly stressed communities could be helpful in understanding the problem more fully. Further, it suggests that the reduction of poverty and of discrimination against minorities may help to address the problem, although only in part.

Second, it seems clear that a culture that condemns violence against wives is a necessary (although probably not sufficient) condition for decreasing domestic homicide. We have seen, for example, how immigrants from cultures that did not value the rights of women, but instead saw them as devalued, dependent, and destined to serve and obey the male head of family, encountered substantial shocks during their first generation in this country.²³⁶ While the second generation of women apparently no longer supported the tradition of the strict patriarchal family,²³⁷ from what we now know about the inter-generational transmission of violence,²³⁸ at least some of the abusive husbands' sons were likely to repeat the pattern of violence against their own wives. Moreover, if second-generation immigrant wives absorb the notion that they have rights and become more assertive as a result, it is important to remember that this in fact may increase the danger to them. It is thus vital that the society also ensure them the means and conditions of safety.

Today, Asian American immigrants are the group that appears most at risk, like the Italian or Polish immigrant wives in the 1920's.²³⁹ Indeed, we have even seen cases in which a cultural defense was raised to charges of wife murder, arguing that the crime should be excused because it was condoned in the country of origin.²⁴⁰ As a counter-example, however, Latinos appear to become

²³⁶ See *supra* text accompanying notes 127–29.

²³⁷ See *supra* text accompanying notes 130–31.

²³⁸ See, e.g., JACOBSON & GOTTMAN, *supra* note 135, at 94–95.

²³⁹ See Karin Wang, *Battered Asian American Women: Community Responses from the Battered Women's Movement and the Asian American Community*, 3 ASIAN L.J. 151, 166–71 (1996).

²⁴⁰ See, e.g., *People v. Dong Lu Chen*, No. 87–7774 (N.Y. Sup. Ct. Dec. 2, 1988), discussed in Holly Maguigan, *Cultural Evidence and Male Violence: Are Feminist and Multicultural Reformers on a Collision Course in Criminal Courts?*, 70 N.Y.U. L. REV. 36, 77–79 (1995), and Leti Volpp, *(Mis)identifying Culture: Asian Women and the "Cultural Defense,"* 17 HARV. WOMEN'S L.J. 57, 64–77 (1994).

more violent toward their wives or lovers as they become acculturated to American society and lose their cultural taboos against using physical violence against women.²⁴¹ This difference, however, only underscores the basic point about the importance of cultural disapproval of violence against women—and demonstrates the persistence of a culture of violence against women in our own society as well.

Another aspect of the cultural condemnation of violence against women, of course, is the manner in which it is treated by the criminal justice system. In the period from 1910 to 1930, as we have seen, wife murder was punished quite severely; but modern studies reveal that wife killing is typically the culmination of a history of domestic violence.²⁴² Prior to the 1970's, police and prosecutors in the United States did not take domestic violence seriously; police did not respond to domestic violence calls or arrest offenders,²⁴³ and criminal agencies saw their goal as reconciling the couple rather than punishing a man who had committed a serious battery.²⁴⁴ Since that time, however, the problem of domestic violence has garnered a good deal of popular attention: police and prosecutors have changed their policies so as to emphasize the arrest and prosecution of batterers, and both public and private agencies have focused attention upon the provision of supportive services to abused women.²⁴⁵ This appears to have had an impact upon the rates at which wives and girlfriends are murdered, particularly in the Black community.²⁴⁶ A victim of abuse in Chicago today could go to criminal or civil court, swear out a complaint under expedited procedures, receive an emergency hearing on an order of protection, be accompanied by a victim advocate throughout the process, and receive broad-based support from a variety of shelters and other agencies. None of this was available to women who were beaten by their husbands between 1910 and 1930; apart from their families of origin, who were far distant in many

²⁴¹ As Latinos become more acculturated to American life, domestic homicides rates are rising in that community, apparently as the taboo against striking or physically attacking a woman weakens. Zimring et al., *supra* note 12, at 925–26.

²⁴² See *supra* text and notes at notes 9–12.

²⁴³ See Joan Zorza, *The Criminal Law of Misdemeanor Domestic Violence, 1970–1990*, 83 J. CRIM. L. & CRIMINOLOGY 46, 54–59 (1992).

²⁴⁴ See *supra* text accompanying notes 96–100.

²⁴⁵ See MARY BECKER ET AL., *FEMINIST JURISPRUDENCE: TAKING WOMEN SERIOUSLY* 384–86 (2d ed. 2001).

²⁴⁶ BUREAU OF JUSTICE STATISTICS, *supra* note 5, at 7. Ironically, the one group of victims for whom rates of intimate murder have not fallen from 1976 to 1996 is white women. *Id.*

cases, they had few sources of support. Perhaps it would have saved Dollie Schneider, of 26 North Peoria Street, on August 18, 1910.²⁴⁷

²⁴⁷ See *Woman Believed Murdered*, *supra* note 1.