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She Shot Him Dead: The Criminalization of Women and the Struggle over Social Order in Chicago, 1871-1919

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LOYOLA UNIVERSITY CHICAGO

SHE SHOT HIM DEAD: THE CRIMINALIZATION OF WOMEN AND THE STRUGGLE
OVER SOCIAL ORDER IN CHICAGO, 1871-1919

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

PROGRAM IN HISTORY

BY

RACHEL BOYLE

CHICAGO, ILLINOIS

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INTRODUCTION

For the first time in Cook County and the second time in Illinois history, a jury sentenced a woman to death on March 25, 1895.¹ The defendant, Maggie Tiller, arrived in Chicago in 1893 with fellow actress and romantic partner, Frieda Hunnington. A year later, Hunnington started a relationship with Charles Miller and moved in with him. A jilted Tiller confronted the couple in their new residence located at the intersection of the burgeoning South Side Levee and nascent Black Belt.² Tiller and Miller engaged in a physical altercation that ended when Tiller shot Miller dead. As a black woman who loved another woman and killed a man, Tiller bore the brunt of a bureaucratizing state intent on enforcing racial, gender, and sexual order. Although a retrial resulted in the reduction of Tiller's sentence from death to 20 years in the penitentiary, her case reveals the complex processes of criminalization in late nineteenth- and early twentieth-century Chicago that resulted in the consistently disproportionate incarceration of black women as well as the expanding power of the criminal justice system to prosecute, convict, and institutionalize women.³

¹ "Execution of Elizabeth Reed," *The Subterranean*, June 28, 1845; "A Woman to be Hanged in Chicago," *The Atchison Daily Globe*, March 26, 1895.

² 2115 S State Street.

³ "Eight Men to be Tried for Murder," *Chicago Daily Tribune*, March 11, 1895; "The Hanging of a Woman," *Atchison Daily Globe*, April 26, 1895; "Homicide in Chicago, 1870-1930," Northwestern University, Case 1460; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 8, Number 4266; "Maggie Tiller Found Guilty," *Daily Inter Ocean*, March 31, 1895; The People of the State of Illinois v. Maggie Tiller, 38319 (Crim Crt Cook Cnty 1894), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 183; "Phi Delta Phi Elects Officers," *Chicago Daily Tribune*, March 19, 1895; "Preparing for Yachting in 1895," *Chicago Daily Tribune*, April 14, 1895; "Takes 100 Grains of Morphine," *Chicago Daily*

Before committing homicide, Tiller earned money as an entertainer on the burgeoning vaudeville circuit and contributed to a flourishing intimate economy in late nineteenth-century Chicago. Historians have richly documented the homosocial worlds and informal economies of industrializing cities, from bachelor subcultures to women's prostitution.⁴ The intimate economy, while intersecting with men's leisure culture and working-class women's labor, constitutes a specific network of mixed-gender transactions. Activities like communal drinking, physical violence, commercial sex, stage entertainment, and thievery all involved women's physical activity or bodily contact with other women and men in closely situated spaces like saloons, brothels, and city streets. "Intimate," then, describes both the physicality of interactions and the nearness of institutions. Furthermore, the intimate economy relied on the exchanges facilitated by public women—whether prostitutes, leisure workers, or thieves—who embodied and

Tribune, May 5, 1895; "Will Co-operate with New Rulers," *Chicago Daily Tribune*, March 27, 1895. The Tiller case is discussed in greater detail in chapter 4.

⁴ Cynthia M. Blair, *I've Got to Make My Livin': Black Women's Sex Work in Turn-of-the-Century Chicago* (Chicago: The University of Chicago Press, 2010); Mark C. Carnes, *Secret Ritual and Manhood in Victorian America* (New Haven: Yale University Press, 1989); Perry Duis, *The Saloon: Public Drinking in Chicago and Boston, 1880-1920* (Urbana: University of Illinois Press, 1983); Nan Enstad, *Ladies of Labor, Girls of Adventure: Working Women, Popular Culture, and Labor Politics at the Turn of the Twentieth Century* (New York: Columbia University Press, 1999); Lewis A. Erenberg, *Steppin' Out: New York Nightlife and the Transformation of American Culture, 1890-1930* (Westport, Conn.: Greenwood, 1981); Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W.W. Norton, 1992); Susan A. Glenn, *Daughters of the Shtetl: Life and Labor in the Immigrant Generation* (Ithaca: Cornell University Press, 1990); Elliott J. Gorn, *The Manly Art: Bare-Knuckle Prize Fighting in America* (Ithaca: Cornell University Press, 1986); Mara L. Keire, *For Business & Pleasure: Red-Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: Johns Hopkins University Press, 2010); Kevin J. Mumford, *Interzones: Black/White Sex Districts in Chicago and New York in the Early Twentieth Century* (New York: Columbia University Press, 1997); David Nasaw, *Going Out: The Rise and Fall of Public Amusements* (New York: Basic Books, 1993); Madelon Powers, *Faces along the Bar: Lore and Order in the Workingman's Saloon, 1870-1920* (Chicago: University of Chicago Press, 1998); Kathy Lee Peiss, *Cheap Amusements: Working Women and Leisure in Turn-of-the-Century New York* (Philadelphia: Temple University Press, 1986); Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1987); Victoria W. Wolcott, *Race, Riots, and Roller Coasters: The Struggle Over Segregated Recreation in America* (Philadelphia: University of Pennsylvania Press, 2012).

performed a transgressive femininity that subverted gender expectations and exploited interactions with men to secure income. Public women also frequently and visibly transgressed the spatial boundaries among public and private institutions of the intimate economy to conduct business and engage in leisure.⁵ Centering public women's economic choices and gender behavior reveals their unique and critical role in conducting the foundational transactions of a broader political economy.

By the end of the nineteenth century, however, moral reformers utilized the legal system to dismantle the intimate economy and remove public women like Tiller from the urban landscape. At the same time, domestic homicides by women began to skyrocket in Chicago.⁶ In cases involving white, heteronormative women of most classes, and eventually middle-class black women, violence stood so at odds with expected femininity that defendants, the press, and the criminal justice system frequently understood and excused women's behavior by framing it in terms of hysteria or insanity. Tiller's lawyers referenced prevailing narratives by emphasizing the romantic betrayal that drove Tiller to violent jealousy and even insanity, but her race, class, and sexuality excluded her from successfully invoking the hysteria defense. In the second decade of the twentieth century, Progressive Era activists successfully limited even white and middle-

⁵ Public women are defined in this dissertation by their transgressive femininity, and thus, their visibility in public and semi-public spaces like streets, saloons, brothels, and dance halls. For the purposes of quantitative analysis, women arrested for homicide in saloons, brothels, the streets of known red-light districts, or in connection with prostitution were all categorized as public women. Public women include cross-dressers and transgender individuals who performed transgressive femininity. For more on gender as performance, see Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).

⁶ The category of domestic homicide includes cases in which women were arrested for committing homicide in a residence or for killing domestic relations like spouses, partners, and offspring. In the first two decades of the twentieth century, domestic homicides increased more than three-fold from the late nineteenth century, constituting up to three-quarters of feminine homicides and affecting a larger percentage of Chicago's population. For more, see chapters 3 and 4.

class women's claims to hysteria by insisting on legal defenses rather than jury nullification and increasingly sending woman defendants to the asylum.

Tiller's trial took place in the middle of a social shift from women committing homicides in public and semi-public spaces like streets, saloons, and brothels to increasing numbers of women arrested for murders in homes or against loved ones. However, the broad movement from public to domestic homicides does not suggest the existence of strict boundaries between public and private for women in Chicago at the turn of the century. For example, Tiller's domestic partner was also a coworker and fellow stage performer. For many prostitutes who resided in brothels, their place of work also functioned as a domestic space. Other women killed their husbands in public thoroughfares over domestic disputes. The private and public spheres never operated as distinct domains like the separate spheres ideology of the late nineteenth century proposed.⁷ Rather, boundaries remained fluid and permeable, and were enforced differently by reformers and the state over time.

Changing conceptions of domestic and public spheres also informed evolving methods of reform. In the late nineteenth century, many middle-class women utilized maternalist ideology and rhetoric of municipal housekeeping to justify their civic work. They also often worked outside local and state government in tandem with ministers and municipal reformers to pressure for political and social change under the mast of moral reform. Over time, Chicago's loosely

⁷ For more on separate spheres ideology, see: Sarah Deutsch, *Women and the City: Gender, Space, and Power in Boston, 1870-1940* (New York: Oxford University Press, 2000); Linda K. Kerber, "Female Worlds, Women's Place: The Rhetoric of Women's History," *Journal of American History* 75 (June 1988); Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley: University of California Press, 1997); Carroll Smith-Rosenberg, "Female World of Love and Ritual: Relations between Women in Nineteenth-Century America," *Signs* 1 (1975): 1-29; Barbara Welter, "The Cult of True Womanhood," *American Quarterly* 18 (Summer 1966): 151-174.

coordinated group of reformers evolved into a Progressive Era coalition of activists. Still a heterogeneous group with sometimes-conflicting goals and motivations, reformers in the early twentieth century often advocated for scientific professionalism and gender equality from within or in coordination with the city and state. A complex and ever-changing group of people, reformers in turn-of-the-century Chicago nevertheless emerged as critical actors in the evolving criminalization of women.⁸

Criminalization at the turn of the twentieth century consisted of four interconnected processes: identifying, prosecuting, convicting, and punishing illegal behavior. At a fundamental level, local, state, and national statutes designated certain actions as criminal. Some categories like homicide remained relatively stable over time, while other offenses like those associated with prostitution underwent more frequent revision in law. The decision by the state to prosecute certain crimes constituted the second stage of criminalization. For example, although police arrested women for the crime of infanticide, the state did not consistently pursue prosecution for the crime. Women who did end up in court faced an especially fraught process of criminalization: conviction. As exemplified in the trials of women accused of killing their husbands and lovers, legal technicalities of women's defenses, jury nullification, press coverage, and popular discourse all operated in complex ways in the courtroom. The final method of

⁸ For more on turn-of-the-century reformers, see: Noralee Frankel and Nancy Schrom Dye, *Gender, Class, Race, and Reform in the Progressive Era* (Lexington: University Press of Kentucky, 1991); Maureen A. Flanagan, *Seeing with Their Hearts: Chicago Women and the Vision of the Good City, 1871-1933* (Princeton, NJ: Princeton University Press, 2002); Cynthia Neverdon-Morton, *Afro-American Women of the South and the Advancement of the Race, 1895-1925* (Knoxville: University of Tennessee Press, 1989); Camilla Stivers, *Bureau Men, Settlement Women: Constructing Public Administration in the Progressive Era* (Lawrence: University Press of Kansas, 2000); Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge: Cambridge University Press, 2003).

criminalization involved the changing approaches to institutionalizing women, whether in a penitentiary, reformatory, or asylum. The four interlocking layers of criminalization alternately allowed and constrained women's choices and behavior over time. "She Shot Him Dead" interrogates the multiple ways of designating certain feminine behavior criminal and specific groups of women culpable for crime.

Chicago offers a rich context to interrogate the uneven and contested criminalization of women. At the turn of the twentieth century, it represented the quintessential industrial city, a hotbed of Progressive Era reform and prominent theater where national modes of labor and business relationships were forged. In seeking to understand how the struggle over the direction of modernity played out in cities like Chicago, historians traditionally focus on masculine working-class culture and political economy in conflict with municipal reformers and business interests.⁹ I challenge histories that center men instead of women in order to expand historical knowledge while also upholding the significance of lives traditionally silenced or relegated to pejorative categories of vice and crime.¹⁰ Furthermore, studying the criminalization of women elucidates how contested categories of crime and gender changed over time and provides insight into broader battles over moral, political, and economic power in the United States.

⁹ See Andrew Wender Cohen, *The Racketeer's Progress: Chicago and the Struggle for the Modern American Economy, 1900-1940* (New York: Cambridge University Press, 2004); Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (New York: Cambridge University Press, 1990); Herbert G. Gutman, "Work, Culture, and Society in Industrializing America, 1815-1919," *The American Historical Review* 78, no. 3 (1973): 531-88; Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," *The Pacific Northwest Quarterly* 55, no. 4 (1964): 157-169; Richard Schneirov, *Labor and Urban Politics: Class Conflict and the Origins of Modern Liberalism in Chicago, 1864-97* (Urbana: University of Illinois Press, 1998).

¹⁰ I build on histories of prostitution in Chicago that center women—especially Blair's *I've Got to Make My Livin'*—but include additional categories of criminalized activity in order to make a more expansive argument about crime and political economy in turn-of-the-century Chicago.

“She Shot Him Dead” employs a three-pronged methodological approach to chart the struggle over women and social order in Chicago. First, it reconstructs the worlds of Chicago’s criminalized women through creative analysis of government sources. In lieu of primary sources created by criminalized women, I traced nearly 1,000 cases of homicide, prostitution, and abortion through police, court, and convict records to build a comprehensive database for quantitative evaluation. Newspapers, journals, and reports frequently supplemented or corroborated details on specific cases. I then employed geographic information system (GIS) technology to map homicides in which police arrested women.¹¹ Quantitative analysis and mapping revealed striking patterns of feminine homicide, facilitated a consideration of the materiality of the spaces that women occupied, and drew attention to the complicated dynamics of public and private space. Recovering the worlds of criminalized women required resisting the restrictive cultural identities that official records imposed on women and resulted in illuminating the social, political, and economic networks that women forged in an industrializing city.

In addition to engaging in bottom-up social history, the dissertation deconstructs the top-down motivations of moral reform efforts and Progressive Era activism. Interrogating journals, bureaucratic reports, and reformer manuscript collections exposes how rhetoric of morality and scientific professionalism often hid economic imperatives. Analyzing professionalizing municipal reformers, women reformers, and moral reformers in conjunction with bureaucratizing local and state government apparatuses demonstrates how the processes of criminalization operated as tools for imposing specific visions of social, economic, political, and social order.

¹¹ More accurately, cases in which police identified women as the perpetrator or accessory to homicide. In some cases, women committed suicide or absconded before arrest.

Finally, I combine spatial analysis and statistical evaluation with an exploration of the cultural and political dynamics of feminine homicide. The dissertation relies upon the post-structural tradition of literary theory to analyze sources as texts that constitute discourses among various participants rather than as transparent evidence of actual events. Newspapers like the *Chicago Tribune*, the *Chicago Inter Ocean*, and the *Chicago Defender* as well as periodicals and books document how journalists, reformers, and public officials talked about women and violent crime. Cultural discourse articulated and contested which women and what behavior should be considered criminal—or not—and why. By drawing out recurring, changing, and competing narratives, this dissertation seeks to understand feminine criminality as a constantly evolving and unstable social construct.

By reassessing the cultural, political, and economic significance of criminalized women, my dissertation challenges longstanding fissures in the historiography of crime, urban reform, and the origins of the modern liberal state. Scholarship on urban reform and criminal justice lends itself to top-down scholarship focusing on middle- and upper-class reformers and the discourses perpetuated by urban courts.¹² Meanwhile, historians of labor and culture demonstrate the resistance and organization of the working classes during the late nineteenth and early twentieth century.¹³ Inspired by the work of Mary Odem and Andrew Wender Cohen, my

¹² Hays, “The Politics of Reform in Municipal Government in the Progressive Era”; Morton Keller, *Affairs of State: Public Life in Late Nineteenth Century America* (Cambridge: Belknap Press of Harvard University Press, 1977); William J. Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (University of North Carolina Press, 1996); Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967); Michael Willrich, *City of Courts*.

¹³ George Chauncey, *Gay New York: Gender, Urban Culture, and the Makings of the Gay Male World, 1890-1940* (New York: Basic Books, 1994); Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939*; Enstad, *Ladies of Labor, Girls of Adventure: Working Women, Popular Culture, and Labor Politics at the Turn of the Twentieth Century*; Glenn, *Daughters of the Shtetl*; Gorn, *The Manly Art: Bare-Knuckle Prize Fighting in America*;

dissertation attempts to emphasize the dialectical relationship among working classes and elites while also challenging narratives that prioritize masculinity when discussing violent urban culture and political economy.¹⁴ By rooting the social history of well-trod categories like prostitution and homicide more firmly in cultural, political, and economic contexts, I join other recent scholars bringing together strong historiographical traditions to argue forcefully for the political and economic significance of the everyday life of marginalized urban subjects.¹⁵

The organization of the chapters reflects the roughly chronological dialectic between reformers, a bureaucratizing state, and the women they criminalized. Chapter 1 begins by excavating the intimate economy in Chicago and exploring the closely situated spaces that women occupied as they engaged in intimate, mixed-gender interactions. Public women performed and embodied a transgressive femininity by crossing spatial, racial, and gender boundaries in order to facilitate transactions that funneled money into the broader intimate economy. Although public women's economic activity rarely translated into expanded wealth, it did provide the foundation for ward bosses to secure personal fortunes and political power as they presided over a decentralized political economy. By fighting, drinking, and providing sex

Gutman, "Work, Culture, and Society in Industrializing America, 1815-1919"; David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865-1925* (New York: Cambridge University Press, 1987); Schneirov, *Labor and Urban Politics: Class Conflict and the Origins of Modern Liberalism in Chicago, 1864-97*.

¹⁴ Cohen, *The Racketeer's Progress*; Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995).

¹⁵ Douglas Flowe, "Tell the Whole White World": *Crime, Violence and Black Men in Early Migration New York City, 1890-1917* (under contract with University of North Carolina Press); LaShawn Harris, *Sex Workers, Psychics, and Numbers Runners: Black Women in New York City's Underground Economy* (University of Illinois Press, 2016).

for money in streets, saloons, and brothels, public women forged violent and tenuous livings in industrial Chicago.

Chapter 2 documents efforts by municipal reformers, women reformers, and ministers to dismantle the intimate economy by targeting public women. The chapter begins by outlining the general contours of reform in Chicago before analyzing how municipal and moral reformers worked to weaken the intimate economy by making the private public and vice versa. By removing public women and their transgressive femininity from the streets of Chicago and exposing the private transactions of the intimate economy, reformers used language of moral reform to alter the city's political and economic landscape. Reformers also experimented with legal strategies to close saloons and brothels and ultimately institutionalize public women. Although consistently contested through the turn of the century, reformers' actions substantially altered the urban landscape so that the thriving intimate economy of the late nineteenth century city visibly disappeared and assumed a new form in the early twentieth century.

The third chapter serves as the hinge of the dissertation by focusing on motherhood and domestic homicide. Women in the intimate economy and beyond faced choices about pregnancy, birth, and child care that often required the services provided by an unregulated reproductive economy in competition with a professionalizing medical field. As with reform efforts directed at the intimate economy, moral campaigns against abortion and infanticide often belied economic motivations. Cultural norms hindered antiabortion campaigns until the early twentieth century when the women of the unregulated reproductive economy faced increasing incarceration and regulation. Meanwhile, women in Chicago frequently took reproductive matters into their own hands by committing infanticide. Although technically illegal, women rarely faced prosecution

or conviction for infanticide through the early twentieth century, demonstrating the de facto acceptance of women's authority over their reproduction.

As Chicago's population skyrocketed in the early twentieth century, the city saw an increase of family homicides in which women killed their children and themselves through gas asphyxiation. Unlike quietly accepted infanticides, family murder-suicides prompted louder cultural discourse about women's desperation and mental instability in an urbanizing city. The insanity narrative explained women's violence against their children, resulting in de facto exoneration until the second decade of the twentieth century when courts increasingly sent homicidal mothers to asylums. Feminine frailty as justification for feminine violence provided a model for understanding other forms of domestic homicide like husband slaying.

The final two chapters explore the rise of and response to husband slaying as domestic homicide. Chapter 4 charts the social and cultural phenomenon of women killing their husbands, lovers, and rivals in love. At first investigating the social causes of the crime as depicted in government sources and in the press, the chapter goes on to demonstrate how an informal hysteria defense resulted in acquittal through jury nullification for white women from the 1880s through the 1910s. Although the black press advocated for middle-class black women's de facto acquittal with some success in the 1910s, public woman, black women, and lesbian women like Maggie Tiller nevertheless faced disproportionate rates of incarceration throughout the turn of the century.

Chapter 5 interrogates the response of court and women reformers in 1910s to challenge jury nullification and constrain women's already limited claims to inculpability. Women reformers invested in suffrage allied with a professionalizing court to increase reliance on legal

arguments instead of jury nullification and advocate for equal punishment for husband slayers rather than de facto acquittal based on gender. Like other reform efforts, the change remained contested and never fully complete yet resulted in the expanded power of a bureaucratizing state in league with professionalizing groups.

Altogether, the chapters chart an empirical shift in Chicago from homicides that took place in the intimate economy to increased domestic homicides. Urbanization did not naturally cause the shift from public to private feminine homicide.¹⁶ The intentional dismantling of the intimate economy resulted in fewer public women in the streets, saloons, and brothels of Chicago in the early twentieth century; consequently, fewer homicides by public women took place in that period. As domestic homicides began to increase at the dawn of the twentieth century, jury nullification and de facto exoneration of midwives, abortion providers, suicidal mothers, and husband slayers eventually gave way to increased conviction and institutionalization by the second decade of the twentieth century. Over the course of nearly fifty years, the cultural and political landscape shifted dramatically for women who employed fatal violence in Chicago. The expanding criminal justice system operated as a tool for imposing the economic and social vision of professionalizing groups like women reformers, medical professionals, and lawyers.

Investigating the arrest, prosecution, conviction, and punishment of women in industrial Chicago reveals the myriad strategies used to physically control women's bodies, the complex

¹⁶ Several historians of homicide note a similar shift to domestic homicide in early twentieth-century cities and emphasize the effects of urbanization. Few discuss homicides committed by public women. See Jeffrey S. Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920* (Harvard University Press, 2006); Eric H. Monkkonen, *Murder in New York City* (University of California Press, 2001); Roger Lane, *Murder in America: A History* (Ohio State University Press, 1997).

cultural conversations that determined women's culpability for violent behavior, and the economic motivations that lurked behind moral law-and-order campaigns. Furthermore, the study reveals how powerfully conceptions of race, class, gender, and sexuality informed legal and public assignment of criminality in turn-of-the-century Chicago and beyond. As the modern liberal state continues to evolve over a century later, it requires a continued reckoning of its legacy of providing unequal access to justice.

CHAPTER ONE

PUBLIC WOMEN AND CHICAGO'S INTIMATE ECONOMY

Arriving in Chicago as a seventeen-year-old in 1876, Ruby Bell embarked on a volatile and violent career on Biler Avenue, the nickname for a two-block stretch of Pacific Avenue notorious for its many houses of prostitution.¹ Bell joined the ranks of “women without husbands” who “got ‘biling drunk,’ and were in a state of constant riot and effervescence,” according to the *Chicago Tribune*.² In addition to consuming alcohol, Bell engaged in physical fights, petty thievery, and prostitution. Within two years, she ran a brothel and gained considerable local notoriety. Newspapers published colorful stories detailing the exploits of “the incorrigible Ruby Bell,” the “belle of Biler,” and “the red-headed pirate of the avenue.”³ On November 9, 1877, the *Inter Ocean* reported that police had already arrested Bell 390 times that year, an average of more than one arrest per day.⁴ During her tenure, Bell was charged on numerous counts of larceny, found guilty in at least two cases of assault, and served more than one sentence in the city’s house of correction.⁵

¹ “Biler Avenue Raided,” *Chicago Daily Tribune*, July 9, 1879; “Biler Street Surprised,” *Chicago Daily Tribune*, August 24, 1875; “Her Own Story,” *St. Paul Daily News*, March 30, 1892.

² “Local Geography,” *Chicago Daily Tribune*, May 21, 1882.

³ “City Brevities,” *Inter Ocean*, November 5, 1877; “Criminal,” *Chicago Daily Tribune*, March 19, 1878; “Feminine Flukes,” *Inter Ocean*, March 13, 1877; “A Queer Character,” *Inter Ocean* April 12, 1878.

⁴ “City Brevities,” *Inter Ocean*, November 9, 1877.

⁵ “City Brevity,” *Inter Ocean*, June 24, 1878; *The People of the State of Illinois v. Ruby Bell*, 7345 (Crim Crt Cook Cnty 1880), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 30; *The People of the State of Illinois v. Ruby Bell*, 10844 (Crim Crt Cook Cnty 1880), Clerk of the Circuit Court of Cook County

Bell's life demonstrated how violence, sexual labor, and robbery pervaded the daily life of women in the streets of Chicago. The press presented Bell as a recurring character in the urban milieu of post-fire Chicago, specifically associating her name with a public thoroughfare. Her activities frequently placed her under the custody of the law, but a constant cycle of arrest and release meant the system never fully engulfed her. Bell's time in Chicago illuminates a historical moment when women worked and fought in city streets, saloons, and brothels to make a living before comprehensive prosecution and institutionalization. In turn, their labor, leisure, and violence defined the intimate economy that shaped public life in Chicago.

Histories of working-class life in the industrializing United States cities offer rich studies of men and women's leisure. For example, Nan Enstad, Kathy Peiss, and others have excavated working women's public culture of cheap amusements and consumerism in turn-of-the-century urban centers.⁶ Meanwhile, historians like Elliott Gorn, Timothy Gilfoyle, Richard Stott, and others explore how working-class men forged an informal leisure economy characterized by drinking, gambling, and violence.⁷ Prostitutes and a broader category of leisure workers

Archives, Criminal Felony Records, Box 46. Box 30 of the Criminal Felony Records also includes multiple larceny cases involving Ruby Bell.

⁶ Nan Enstad, *Ladies of Labor, Girls of Adventure: Working Women, Popular Culture, and Labor Politics at the Turn of the Twentieth Century* (New York: Columbia University Press, 1999); Lewis A. Erenberg, *Steppin' Out: New York Nightlife and the Transformation of American Culture, 1890-1930* (Westport, Conn.: Greenwood, 1981); Tera W. Hunter, *To 'joy My Freedom: Southern Black Women's Lives and Labors After the Civil War* (Cambridge, Mass.: Harvard University Press, 1997); Kathy Lee Peiss, *Cheap Amusements: Working Women and Leisure in Turn-of-the-Century New York* (Philadelphia: Temple University Press, 1986); Victoria W. Wolcott, *Race, Riots, and Roller Coasters: The Struggle Over Segregated Recreation in America* (Philadelphia: University of Pennsylvania Press, 2012).

⁷ Mark C. Carnes, *Secret Ritual and Manhood in Victorian America* (New Haven: Yale University Press, 1989); Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W.W. Norton, 1992); Elliott J. Gorn, *The Manly Art: Bare-Knuckle Prize Fighting in America* (Ithaca:

frequently emerge as key contributors to masculine leisure culture in industrializing cities.

Others reframe prostitution as sexual labor and a metaphor for urban anxieties.⁸ Yet the leisure culture of public women—prostitutes, leisure workers, and thieves who made a living in spaces traditionally defined by sexual labor and masculine leisure—remains obscured in the historical record.

The absence of source material created by public women potentially constrains historical inquiry. Progressive Era reformers produced valuable literature and reports on urban life in the early twentieth century but often framed public women exclusively in terms of prostitution and “vice,” concealing the complexities of the world public women inhabited.⁹ Police, court, and prison records, however, frequently placed women in the streets, saloons, and brothels of Chicago perpetuating fatal violence.¹⁰ Utilized by historians like Jeffrey Adler and Andrew

Cornell University Press, 1986); Richard Briggs Stott, *Jolly Fellows: Male Milieus in Nineteenth-century America* (Baltimore: Johns Hopkins University Press, 2009).

⁸ Cynthia M. Blair, *I've Got to Make My Livin': Black Women's Sex Work in Turn-of-the-Century Chicago* (Chicago; London: The University of Chicago Press, 2010); Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (New York: Vintage Books, 1999); Cheryl D. Hicks, *Talk with You like a Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill: University of North Carolina Press, 2010); Mara L. Keire, *For Business & Pleasure: Red-Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: Johns Hopkins University Press, 2010); Kevin J Mumford, *Interzones: Black/White Sex Districts in Chicago and New York in the Early Twentieth Century* (New York: Columbia University Press, 1997); Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1982); Amy Gilman Srebnick, *The Mysterious Death of Mary Rogers: Sex and Culture in Nineteenth-Century New York* (New York: Oxford University Press, 1995); Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (New York: Knopf, 1989); Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge; New York: Cambridge University Press, 1980); Victoria W. Wolcott, *Race, Riots, and Roller Coasters: The Struggle Over Segregated Recreation in America* (Philadelphia: University of Pennsylvania Press, 2012); Sharon E. Wood, *The Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age City* (Chapel Hill: University of North Carolina Press, 2005).

⁹ This dissertation still utilizes Progressive Era reform literature but attempts to read against the sources and their disparaging language to consider how reformers' observations contain unintended insights into public women's activities.

¹⁰ To conduct quantitative analysis, I compiled a database of nearly 1,000 cases in which police arrested women for homicides or the courts charged women with felony assaults or prostitution. I cross listed each case over three

Wender Cohen to detail masculine worlds of violence, homicide and court records also illuminate the complex and violent realities of public women's lives.¹¹ Additionally, city newspapers offer rich context to government records by detailing the exploits of "notorious" women like Ruby Bell.

Together, the sources reveal an intimate economy dominated by physical mixed-gender activities like communal drinking, physical violence, and prostitution. The intimate economy intersected with illicit, underground, informal, and craft economies in important places like saloons, but economies described by other historians tend to center industrial workers and male leisure-seekers and include male homosocial spaces like gambling dens and bathhouses.¹² The

different archives, then searched for newspaper coverage of each case, primarily utilizing digitized collections of the *Chicago Daily Tribune*, *Daily Inter Ocean*, and *Chicago Defender*. Finally, all data was mapped onto historic maps of Chicago using geographic information systems (GIS) technology for further analysis. Unless otherwise noted, all statistical and quantitative conclusions in this dissertation are based on the resulting database and maps, usually focusing on the 379 cases in which women were arrested for homicide, charged with murder or manslaughter, and/or sentenced to a term in the Joliet Penitentiary. For more information, see Appendix A.

¹¹ Homicides by women represent a small percentage of overall murders in Chicago. For example, Jeffrey Adler states that, between 1877 and 1890, 94 percent of victims and 99 percent of those arrested for homicide in saloons were men. See Jeffrey S. Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920* (Harvard University Press, 2006), 11. The relatively small number of homicides by public women often results in historians overlooking their significance. However, especially considering that men—many of whom were bachelors—outnumbered women in Chicago during the period, the significance of women lies in their foundational roles in the intimate economy that profoundly influenced not only daily life in Chicago, but also shaped political and economic power structures. Reformers' disproportionate response in attempting to control public women more so than working-class or sporting men confirms public women's significance. Furthermore, a smaller sampling of violent crime still yields valuable statistical data and reveals change over time. Finally, while Adler's impressive statistical research remains uncontested, his strategy underemphasizes the constructed nature of the historical record. While Adler uses police records as definitive evidence of the occurrence of murder, this essay accepts that press and police records constituted a cultural conversation about criminal femininity. For more on Andrew Wender Cohen's use of Cook County Felony Records, see *The Racketeer's Progress: Chicago and the Struggle for the Modern American Economy, 1900-1940* (Cambridge, UK; New York: Cambridge University Press, 2004).

¹² For more on histories of masculine culture and the informal economy, see George Chauncey, *Gay New York: Gender, Urban Culture, and the Makings of the Gay Male World, 1890-1940* (New York: Basic Books, 1994); Cohen, *The Racketeer's Progress*; Gilfoyle, *City of Eros*; Gorn, *The Manly Art*; Stott, *Jolly Fellows Male Milieus in Nineteenth-century America*. Notable exceptions to male-centered studies of informal economies in industrial cities include: LaShawn Harris, *Sex Workers, Psychics, and Numbers Runners: Black Women in New York City's Underground Economy* (University of Illinois Press, 2016); Christine Stansell, *City of Women: Sex and Class in*

intimate economy, in contrast, centers women as laborers and consumers and emphasizes how women used their bodies through physical interactions, gender performance, and navigation of the closely situated spaces of the intimate economy. Tracing public women's movement through the intimate economy reveals the interconnectedness of public and private spheres as women transgressed the permeable boundaries between residences, saloons, and streets to make a living. Furthermore, it elucidates how intimate interactions and transactions undergirded the economy in places like Biler Avenue.

The intimate economy expands beyond narrow categories like prostitution to show the range of economic choices made by public women, from sexual labor to thievery to alcohol consumption. Rather than being defined by modes of masculine consumption, public women shared a transgressive femininity in common by visibly occupying space with men and using expectations of femininity to secure money through entertainment, prostitution, or robbery.¹³ Public women's transgressive femininity also included participating in drinking culture and engaging in violent altercations in defiance of enduring cultural imperatives of womanly

New York, 1789-1860 (Urbana: University of Illinois Press, 1987). However, their work focuses on New York City and gives less attention to the physicality that the intimate economy emphasizes. Meanwhile, work by Cynthia Blair focuses on prostitution in Chicago and historians like Victoria Wolcott discuss leisure work in turn-of-the-century Chicago. This chapter acknowledges and expands upon those categories to include other methods of making and spending money. See Blair, *I've Got to Make My Livin'*; Wolcott, *Race, Riots, and Roller Coasters*.

¹³ Transgressive femininity differentiates from masculine femininity insofar as public women's gender performance specifically operated in relation and difference to masculinity. For more on masculine femininity, see Laura L. Behling, *The Masculine Woman in America, 1890-1935* (Urbana: University of Illinois Press, 2001). For more on gender as performance, see Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).

propriety.¹⁴ Often forging lives under dismal economic circumstances, public women created intimate economic networks through their transgression of urban space and gender expectations.

Heyday of the Intimate Economy

Chicago's intimate economy publicly flourished in the last three decades of the nineteenth century. Rapid industrialization and urbanization combined with a persistent localism resulted in a lack of municipal regulation and a culture and economy rooted in close social relations.¹⁵ While the city's elite mobilized to rebuild Chicago as the pinnacle of order and civilization after the Chicago Fire of 1871, the press reported on the persistent violence and perceived disorder perpetuated by a growing group of poor and working-class migrants and immigrants to the city.¹⁶ The *Chicago Tribune* and *Inter Ocean* offered daily wry tales of violent public women, presenting them as familiar, recurring characters to the reading audience. Indeed, homicide records reveal a disproportionate number of fatal assaults by public women in late nineteenth-century Chicago. From 1870 to 1899, police arrested twenty-three women for homicides in saloons or places associated with prostitution (see figure 1).¹⁷ Police arrested

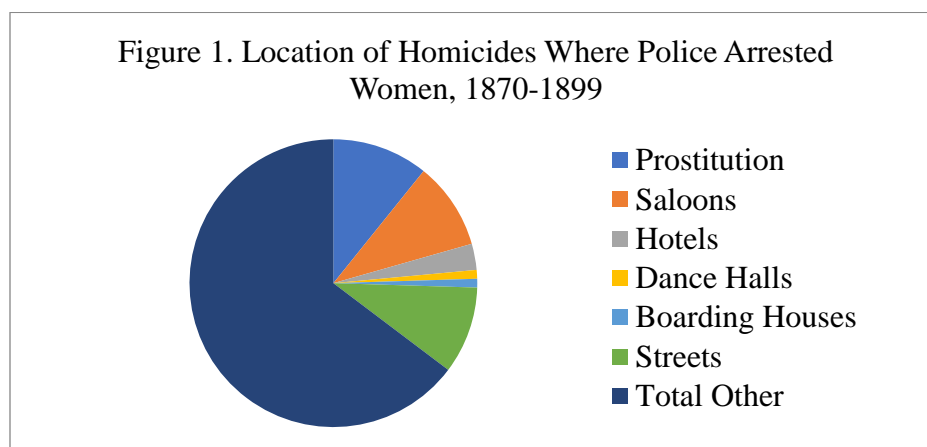
¹⁴ For foundational discussions of contested gender ideals during the time period, see Gail Bederman, *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995); Carroll Smith-Rosenberg, *Disorderly Conduct: Visions of Gender in Victorian America* (New York: A.A. Knopf, 1985), 655-656; Barbara Welter, "The Cult of True Womanhood: 1820-1860." *American Quarterly* 18, no. 2 (1966): 151-174.

¹⁵ Andrew Wender Cohen observes a similar phenomenon in Chicago's craft economy during the late nineteenth century. See *The Racketeer's Progress*.

¹⁶ Carl Smith argues that a common narrative in the wake of the Chicago Fire of 1871 consisted of anxiety about the ambiguous and volatile criminal element in the city. See *Urban Disorder and the Shape of Belief: The Great Chicago Fire, the Haymarket Bomb, and the Model Town of Pullman* (University of Chicago Press, 2007).

¹⁷ Figures 1 and 4 strictly show homicides by location (rather than including, for example, a homicide that took place at an unknown location but repeatedly associated with prostitution in the press). In addition to showing 11 homicides in houses of prostitution and another 11 in saloons, it also includes sites like dance halls and hotels.

another eleven women for homicides that took place on the street or sidewalk in or near known red-light districts. Altogether, one-third of feminine homicides in the late nineteenth century involved the arrest of public women.¹⁸



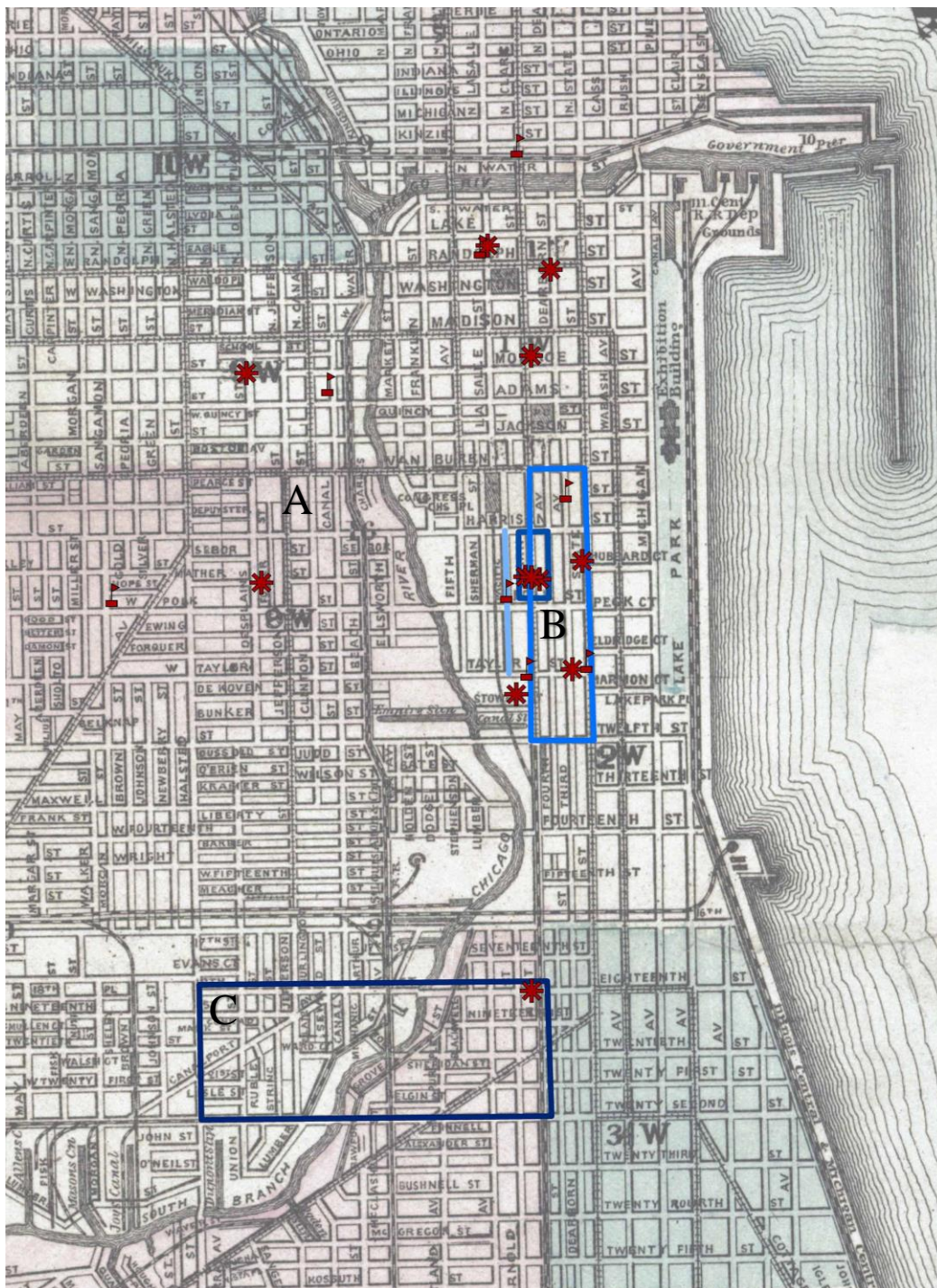
Nearly half of public women's homicides took place near known prostitution districts like Biler Avenue and the Old Levee (see figure 2). Biler Avenue thrived throughout the 1870s and 1880s until the intimate economy shifted east into the Old Levee beyond Clark Street in the last two decades of the nineteenth century.¹⁹ In his famous 1894 expose, *If Christ Came to Chicago*, William T. Stead counted 46 saloons and 38 houses of prostitution within two blocks of Clark Street between Polk and Harrison Streets.²⁰ The Old Levee also included sub-districts with

¹⁸ 34 out of 102 homicides, as compared to less than 20 percent of homicides from 1900 to 1919.

¹⁹ During their respective heydays, both the northern Levee around Clark Street and the southern Levee between 18th and 22nd streets were called the Levee. Although anachronistic, for clarity's sake I employ the "Old Levee" to refer to the Clark Street district and "South Side Levee" to discuss the later Levee that developed in the early twentieth century.

²⁰ William Thomas Stead, *If Christ Came to Chicago: A Plea for the Union of All Who Love in the Service of All Who Suffer* (Laird & Lee, 1894).

Figure 2. Feminine Homicides Associated with Saloons and Prostitution, 1870-1899



Key:

Blue boundaries:
Red-light districts.

A. Biler Avenue
B. Old Levee
C. South Side Levee

Red stars:
Feminine homicides associated with prostitution

Red flags:
Feminine homicides in or outside saloons

Base map:
"Chicago, 1876" G.W. & C.B. Colton & Co., University of Chicago Map Collection.

colorful names like Little Cheyenne or the Bad Lands that evoked the unregulated and rough lifestyle of the West. Meanwhile, neighborhood names like “Coon Hollow” utilized racist language that emphasized the visible presence of black women in the Levee. Then, at the turn of the century, the center of the intimate economy moved yet again to the South Side Levee between 18th and 22nd Streets.²¹ Alternately protected and dislocated by police and city officials, sex districts became strongholds of a resilient intimate economy.

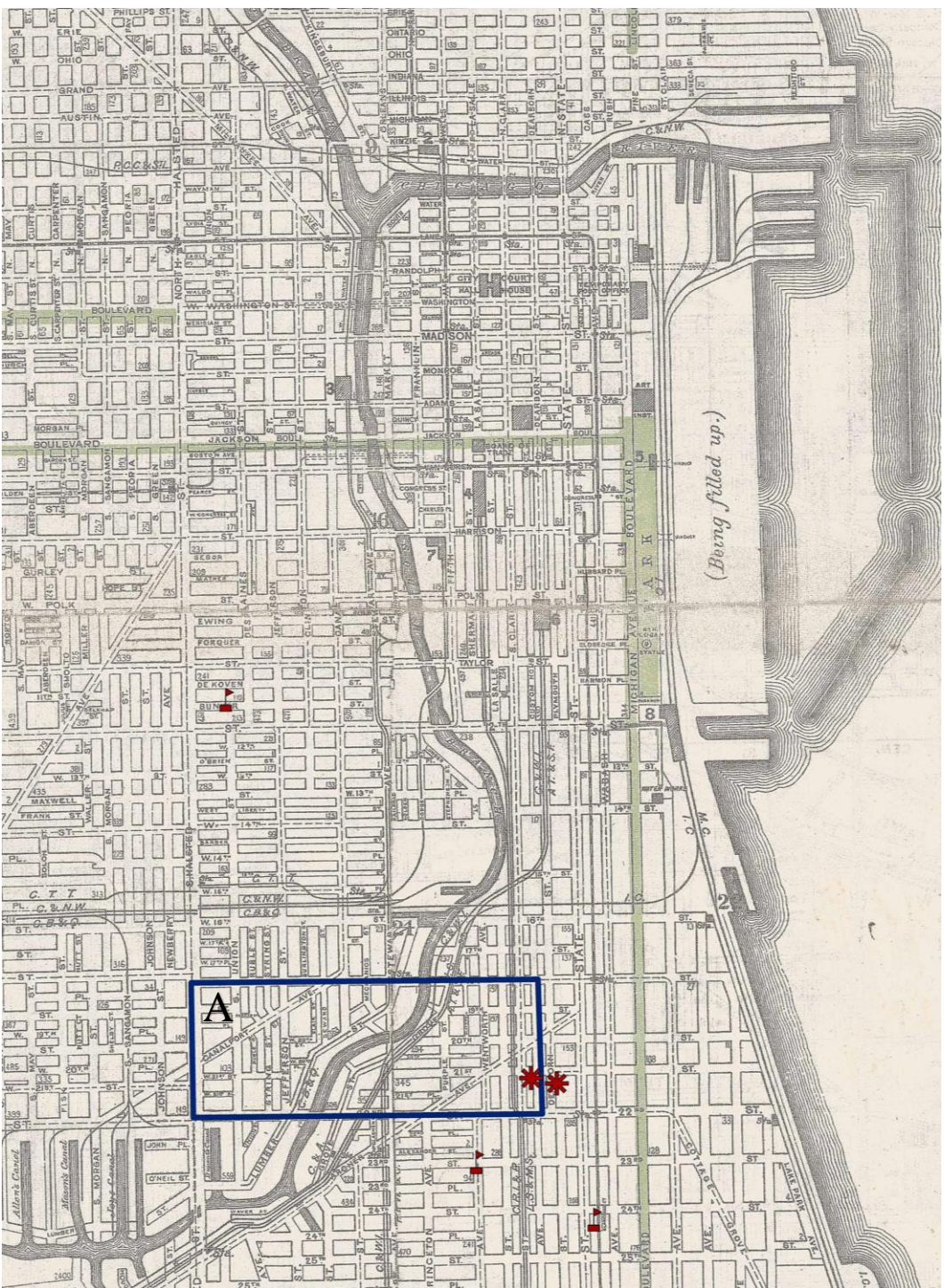
Although concentrated in known sex districts, female homicides associated with saloons and prostitution also took place throughout Chicago, especially to the north and west. The intimate economy in the late nineteenth century, then, operated beyond areas reformers would later deem centers of “vice.” In contrast, the early twentieth century saw a sharp decline in homicides associated with public women despite a significantly expanded urban population.²² In fact, only eleven homicides took place in saloons or houses of prostitution in the first two decades of the twentieth century, many of which took place before 1910 near the South Side Levee (see figures 3 and 4).²³ Before a powerful alliance of municipal officials and reformers targeted public women in the early twentieth century, Chicago witnessed a public, violent, and thriving intimate economy.

²¹ For more on Chicago’s evolving sex districts over time, see: Blair, *I’ve Got to Make My Livin’*; Mumford, *Interzones*; Lloyd Wendt and Herman Kogan, *Lords of the Levee; the Story of Bathhouse John and Hinky Dink*, (Indianapolis; New York: Bobbs-Merrill Co., 1943).

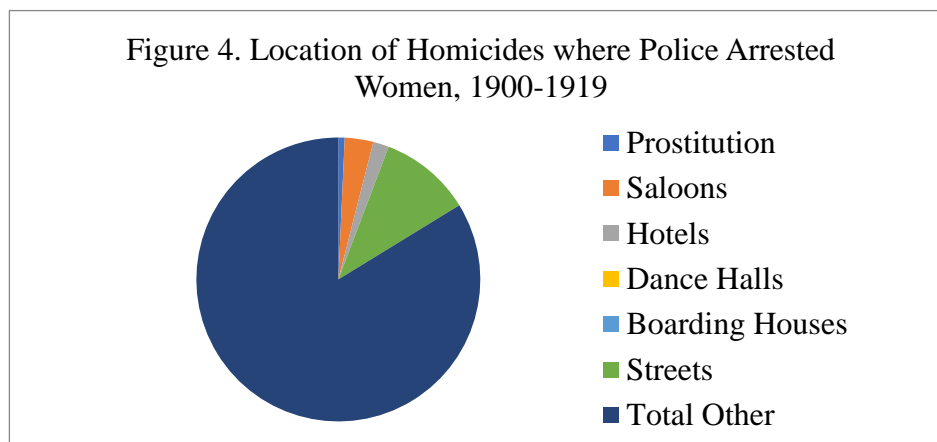
²² According to the United States Census Bureau, Chicago’s population stayed below 500,000 until 1880. In the next decade it more than tripled to 1,700,000 by 1900 and continued to grow to 2,700,000 by 1920.

²³ Notably, street homicides stay fairly consistent from the nineteenth to the twentieth century, but increasingly became associated with domestic homicides like infanticide or spousal assault rather than with the violence of public women.

Figure 3. Feminine Homicides Associated with Saloons and Prostitution, 1900-1919



- Key:
- Blue boundaries: South Side Levee
 - Red-light districts.
 - Red stars: Feminine homicides associated with prostitution
 - Red flags: Feminine homicides in or outside saloons
 - Base map: "Chicago, 1913" Rand McNally, University of Chicago Map Collection.



In an intimate economy defined by close spatial relationship of women's labor, leisure, and domestic arrangements, public women frequently transgressed the permeable lines among streets, saloons, brothels, hotels, and dance halls. Yet each place represented a unique blend of private and public space and facilitated different functions in the intimate economy. Locating women and their activities in the distinct spaces of the intimate economy reveals the dynamic cultural and economic networks they created.

Streets

The street traditionally represented a dangerous place for women in turn-of-the-century cities like Chicago. Fears of white slavery and the immoral forces of the city combined with the enduring ideology of separate spheres created restrictive geographies of safety and respectability for women.²⁴ Yet working women and increasing numbers of middle- and upper-class women

²⁴ For more on white slavery, see Keire, *For Business & Pleasure*; Mumford, *Interzones*; Rosen, *The Lost Sisterhood*; Wood, *The Freedom of the Streets*. For more on separate sphere ideology, see: Nancy F. Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835* (New Haven, Conn.: Yale University Press, 1977); Linda K. Kerber, "Separate Spheres, Female Worlds, Women's Place: The Rhetoric of Women's History," *Journal of American History* 75 (June 1988): 9-39; Carroll Smith-Rosenberg, "Female World of Love and Ritual: Relations between Women in Nineteenth-Century America," *Signs* 1 (1975): 1-29; Welter, "The Cult of True Womanhood."

persistently challenged the gendered boundaries of urban spaces in pursuit of employment, entertainment, and civic work.²⁵ In doing so, women continued to suffer and resist street harassment, from unwanted words and looks to sexual assault, abduction, and violence.²⁶

Risking harassment and assault, many public women like Ruby Bell transgressed boundaries of respectability by occupying city streets and securing clients for prostitution. After all, working-class women faced scarce, temporary, and underpaid job prospects in industrial Chicago.²⁷ An industrial job might pay a woman six dollars per day—hardly enough to sustain a living. Meanwhile, prostitution offered a potentially more lucrative source of income, in which a woman could earn more than four times what she would earn in a factory job.²⁸ May Holland once testified to Chicago’s city council, “I do not believe girls can exist on less than \$10 or \$12 a week.” She asserted that prostitution offered one of the few ways for women like her to

²⁵ Sarah Deutsch, *Women and the City: Gender, Space, and Power in Boston, 1870-1940* (New York: Oxford University Press, 2000); Sharon E Wood, *The Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age City* (Chapel Hill: University of North Carolina Press, 2005).

²⁶ For more, see Peter C. Baldwin, *In the Watches of the Night: Life in the Nocturnal City, 1820-1930* (Chicago: University of Chicago Press, 2012); Molly Brookfield, “Ogling the Girls: Unwanted Looking in Discourses of Street Harassment and Etiquette, 1910-1946,” unpublished manuscript, last modified April 27, 2015, Microsoft Word file; Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation*, (Cambridge, Mass.: Harvard University Press, 2013); Kali N. Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880-1910* (Durham: Duke University Press, 2006).

²⁷ *Annual Report of the Chicago Committee of Fifteen, 1911-1920*, Chicago History Museum; Chicago Vice Commission, *The Social Evil in Chicago: A Study of Existing Conditions with Recommendations by the Vice Commission of Chicago* (Chicago: Gunthorp-Warren Printing Company, 1911) 40-43.

²⁸ Chicago Vice Commission, 43.

survive.²⁹ In an effort to make ends meet, some women worked as prostitutes on a temporary or part-time basis, while others made a career out of commercial sex.³⁰

Successfully securing clients often required public visibility and assertive sexuality. Female prostitutes frequently propositioned men on the streets and led their clients to hotels, saloons, or houses of prostitution.³¹ Women also gained the attention of passersby in the street from nearby windows and doorways, occasionally in various states of undress.³² Public women's transgressive femininity worked in opposition to ideologies of respectability that kept women off streets or justified efforts to make streets safe for women. To secure sexual transactions, public women utilized the same expectations of a women's availability that fueled street harassment. At the same time, public women defied definitions of respectability that prioritized reserved sexuality.³³ Signs, lights, and images displayed on the buildings further worked to entice potential customers into saloons and houses of prostitution.³⁴ Women and the promise of commercial sex pervaded the everyday experience of public streets, especially within the red-

²⁹ "Plans National Crusade on Vice," *Chicago Daily Tribune*, 1913.

³⁰ *Annual Report of the Chicago Committee of Fifteen*, 1917; Chicago Vice Commission, 69-118, 163-234.

³¹ *Annual Report of the Chicago Committee of Fifteen*, 1911, 1913; Chicago History Museum; *Chicago by Day and Night the Pleasure Seeker's Guide to the Paris of America* (Palmyra, Pa.: Diamond, 1892); Chicago Vice Commission, 69-234; Clifford W. Barnes Papers, Chicago History Museum, 1913 Report, Box 1, Folder 4.

³² "Biler Avenue Raided," *Chicago Daily Tribune*, July 9, 1879; Chicago Vice Commission, 73; Clifford W. Barnes Papers, Chicago History Museum, 1913 Report, Box 1, Folder 4; "North Clark Street's Fight Against Vice," *Chicago Daily Tribune*, September 4, 1898.

³³ Cynthia Blair and Kali Gross discuss how this paradox worked for black women in particular. See Blair, *I've Got to Make My Livin'*; Gross, *Colored Amazons*.

³⁴ Arthur B. Farwell Papers, "Rules Governing Regulation of Vice, 1912," Chicago History Museum, Box 2, Folder 4.

light districts of Chicago. By plying their trade in the streets, women's intimate work and transgressive femininity shaped the experience of spaces historically defined by male consumption.

Born and raised in Pennsylvania, Bell joined scores of other rural white migrants who engaged in prostitution on Chicago's streets.³⁵ African Americans constituted the other most visible group of prostitutes in the late nineteenth century.³⁶ Historians like Cynthia Blair and Kevin Mumford persuasively argue that black prostitutes and interracial interaction defined Chicago's sex districts at the turn of the century.³⁷ Indeed, of the thirteen homicide cases located in houses or rooms of prostitution from 1880 to 1905, five involved the arrest of a black woman and another two involved a white woman and a black victim.³⁸ In addition to locating some black women in the intimate economy, the police records also reveal how officers wrote black racial difference into the homicide ledger at the exclusion of other racial or ethnic labels. Late nineteenth-century police records foreshadowed the disproportionate criminal punishment of black people in the city of Chicago as police associated black femininity with prostitution and violence in official municipal documents.³⁹

³⁵ United States Census, Chicago, Cook County, Illinois, June 9, 1880, 14.

³⁶ *Annual Report of the Chicago Committee of Fifteen*, 1911-1920; Chicago Vice Commission, 40-43.

³⁷ Blair, *I've Got to Make My Livin'*; Mumford, *Interzones*.

³⁸ See Appendix A for methodology.

³⁹ See Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, Mass: Harvard University Press, 2010).

Public women perpetrated street violence on men seeking leisure in tandem with commercial sex, thievery, or both. In addition to facilitating commercial sex in the streets of Chicago, Bell and her associates frequently beat up “greenhorns” and “grangers” new to Chicago and stole their money.⁴⁰ The *Chicago Tribune* warned men about the southern stretch of Clark Street, claiming it “unsafe for a man to go at night with any money on him,” and “unsafe for a person to go in the daytime if he wishes to avoid solicitation first, and insult afterward.”⁴¹ Inverted narratives of street danger worked on two levels. For one, men risked losing money. *Chicago by Day and Night*, an unofficial guide for visitors to Chicago for the 1893 World’s Fair, advised men that women on the street usually preyed on a man’s vanity to rob him.⁴² Indeed, public women often relieved clients of extra money during or after a sexual transaction, robbed men on the street while flirting, or initiated romantic liaisons with the intention of blackmailing their paramour. *Chicago Day and Night* went so far as to claim that “no young lady, however irreproachable her appearance, who enters into a street flirtation, can safely be regarded as other than dangerous.”⁴³ Public women subverted expectations of feminine passivity on the streets to their economic benefit and put men at risk of embarrassment and financial loss.

In addition to risking damage to their pocketbooks and egos, men also faced a real threat of physical violence from public women. When Owen Doyle refused to serve Josie Davenport

⁴⁰ “City Brevities,” *Inter Ocean*, October 23, 1876; “Criminal Court: September Business,” *Chicago Daily Tribune*, August 31, 1879.

⁴¹ “Local Geography,” *Chicago Daily Tribune*, May 21, 1882.

⁴² *Chicago by Day and Night*, 88-89.

⁴³ *Ibid*, 96.

and Leona Westgate after midnight in a saloon on Biler Avenue in 1876, Davenport punched and shattered a pane of glass and Westgate fired a gunshot at a lamp.⁴⁴ Later that year in the same neighborhood, Ruby Bell and Lillie Schafer broke the windows of George Wilson's building.⁴⁵ As late as 1880, Ruby Bell faced charges for assaulting Alonzo Stickney with a glass and spittoon.⁴⁶ Certainly, public women never created an environment of physical and sexual danger for men equivalent to the oppressive threat of assault that plagued women who navigated urban thoroughfares. Nevertheless, public women's presence and violence on city streets challenged traditional gender relations by undercutting men's gendered sense of power and safety in public spaces.⁴⁷

Violence also characterized the relationships among the denizens of Biler Avenue. Called "the heroine of a hundred hair-pullings and pocket-knife matinees," Bell once tore off a door handle and slashed the scalp of a fellow prostitute.⁴⁸ Another time, she wielded a knife to lacerate Minnie Kerwin across the face.⁴⁹ Three years later, Kerwin and Nellie Brazel attempted

⁴⁴ "Kilkenny Cats," *Inter Ocean*, February 14, 1876.

⁴⁵ "City Brevities," *Inter Ocean*, June 11, 1879.

⁴⁶ *The People of the State of Illinois v. Ruby Bell*, 10844 (Crim Crt Cook Cnty 1880), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 46. For more examples of women physically assaulting men, see "Criminal," *Chicago Daily Tribune*, May 23, 1877.

⁴⁷ For more on turn-of-the-century visions of masculinity, see Carnes, *Secret Ritual and Manhood in Victorian America*; Mark C. Carnes and Clyde Griffen, eds., *Meanings for Manhood: Constructions of Masculinity in Victorian America* (Chicago: University of Chicago Press, 1990); Gorn, *The Manly Art*; Stott, *Jolly Fellows*.

⁴⁸ "City Brevities," *Inter Ocean*, June 9, 1877; "City Brevities," *Inter Ocean*, September 25, 1877.

⁴⁹ "Criminal," *Chicago Daily Tribune*, September 22, 1877; "Arrests," *Chicago Daily Tribune*, August 22, 1880.

to attack Bell in retaliation for yet another cutting incident.⁵⁰ Shortly after being released from jail for robbery, Teenie Davenport became embroiled in a volatile physical fight with her sister, Josie, and the police arrested both women.⁵¹ As familiar occurrences on Chicago's streets, group fights and violent reprisals regulated relationships between social adversaries and economic competitors in Chicago's intimate economy.

Sometimes women's physical fights ended in death. Ten percent of homicides for which women were arrested in Chicago from 1870 to 1920 took place on streets and sidewalks.⁵² When Rose Bernhardt and Tillie Wolf erupted into a vocal quarrel inside Rindsberger's Saloon on North Clark Street, they concluded it on the sidewalk outside when Bernhardt "jabbed a steel umbrella point through the skull and into the brain of her rival."⁵³ Similarly, Margaret English shot Melissa Logan on Union Avenue after a quarrel over a pint of beer in 1895.⁵⁴ As a group,

⁵⁰ "Arrests," *Chicago Daily Tribune*, August 22, 1880.

⁵¹ "City Brevities," *Inter Ocean*, June 24, 1878.

⁵² Thirty-nine out of 379 cases, which do not include homicides taking place in alleys, open spaces like parks, or liminal spaces like front porches, or infanticides that took place in the streets. Of the homicide arrests from 1870-1899, 10 percent took place on streets and sidewalks, and the same was true from 1900-1919.

⁵³ "Homicide in Chicago, 1870-1930," Cases 2617, 726; *The People of the State of Illinois v. Rosa Bernhardt*, 52488 (Crim Crt Cook Cnty 1898), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 254; "Night Bars Must Close," *Chicago Daily Tribune*, August 26, 1898; "North Clark Street's Fight Against Vice," *Chicago Daily Tribune*, September 4, 1898; "Saloons Defy Law," *Chicago Daily Tribune*, August 25, 1898; "North Clark Street's Fight Against Vice," *Chicago Daily Tribune*, September 4, 1898; "Saloons Defy Law," *Chicago Daily Tribune*, August 25, 1898.

⁵⁴ Illinois State Archives, Secretary of State (Index Division): Executive Section, Box 8, Number 4429; "Margaret English on Trial," *Daily Inter Ocean*, June 27, 1895; *The People of the State of Illinois v. Rosa Scott*, 41618 (Crim Crt Cook Cnty 1895), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 200.

public women killed other women at a higher rate than all women arrested for homicide.⁵⁵ Still, men constituted at least three-quarters of public women's victims. For example, Rosa Scott shot Albert Moore dead outside of 152 Custom House Place—a central street in the Clark Street red-light district—less than two months after Carrie Stewart killed Thomas Holbrook in a similar manner next door.⁵⁶ On the streets and sidewalks of Chicago, women contributed to the intimate violence that shaped social and economic relationships.

The violent lifestyle of Ruby Bell and the women around her also came with periodic suicide attempts and near-constant drunkenness. The press cited intoxication as a factor in nearly half of public women's homicides from 1870 to 1899.⁵⁷ The rough lifestyle of the streets took its toll and women once again turned to violence to end their own lives, often with liquor or morphine.⁵⁸ Jennie Wilson, who worked for Ruby Bell for three months after arriving from Ohio, attempted to shoot herself in February of 1880. When she woke up from the unsuccessful act—likely under the influence of alcohol or morphine—she “raised such a disturbance” that the

⁵⁵ In cases of women arrested for homicides associated with saloons or prostitution, a quarter involved female victims. In comparison, women constituted 23 percent of total victims from 1870 to 1899, and 20% of the victims from 1900 to 1919.

⁵⁶ “Custom House Court Gone,” *Chicago Daily Tribune*, June 10, 1909; “First Witness was Murdered,” *Daily Inter Ocean*, December 7, 1895; “Homicide in Chicago 1870-1930,” Northwestern University, Cases 912 and 1467; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 9, Number 4838; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 10, Number 5571; *The People of the State of Illinois v. Clara Stewart*, 41154 (Crim Crt Cook Cnty 1895), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 198; *The People of the State of Illinois v. Rosa Scott*, 39723 (Crim Crt Cook Cnty 1895), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 191; Stead, *If Christ Came to Chicago*, 257.

⁵⁷ 11 of 23 homicides by women associated with saloons or prostitution involved alcohol. Of the 102 total homicides from 1870 to 1899, 21 involved alcohol, half of which were associated with saloons or prostitution. In comparison, from 1900-1919, 19 of 227 total homicides involved alcohol, with all but two taking place in residences.

⁵⁸ Suicides are not included in homicide statistics unless designated a murder-suicide.

police arrested her for disorderly conduct. While locked up, she attempted suicide again by using her clothing to hang herself.⁵⁹ Similarly, Martha Bowen, a twenty-year-old woman who made her way to Chicago from rural Indiana and went by the alias of Ada Downs, was arrested for prostitution in August of 1876. A few days later, she attempted to commit suicide through a morphine overdose.⁶⁰ Wilson and Bowen's suicide attempts reveal the overwhelming and seemingly insurmountable challenges that faced many migrant women from rural America who labored to forge a life in Chicago.

Even more experienced public women succumbed to death by drugs. Hattie Brooks, known as the "Queen of the Turf," attempted suicide by morphine overdose on Thanksgiving Day, 1871.⁶¹ A well-known madame, Lottie Rantzoug, plied her trade in Chicago for thirty years and was described in the *Daily Inter Ocean* as a hard drinker and morphine addict. She was found in her room in May of 1881, dead of an overdose or of heart disease.⁶² Newspaper reports of women's deaths and suicide attempts reveal the public nature of women's lives in the intimate economy.⁶³ In a particularly salient case in April 1880, Jennie Ives walked into a saloon on the west side and asked for a glass of water. Ives poured an entire bottle of laudanum into the glass and drank it to the last drop. She made her way down the street to another saloon where she

⁵⁹ "Attempted Suicide," *Chicago Daily Tribune*, February 11, 1880.

⁶⁰ "Attempted Suicide," *Inter Ocean*, August 31, 1876.

⁶¹ "Not a Success," *Chicago Daily Tribune*, December 2, 1871.

⁶² "Morphine or Heart Disease," *Daily Inter Ocean*, May 31, 1881.

⁶³ Suicides are not included in homicide statistics unless designated a murder-suicide. More examples of suicides include: "City Brevities," *Inter Ocean*, May 21, 1877; "Criminal," *Chicago Daily Tribune*, May 23, 1877; "Suicidal Mania," *Daily Inter Ocean*, December 27, 1881; "Thrice Cut Down," *Daily Inter Ocean*, July 7, 1881.

collapsed. Unknown people took her back to the brothel where she worked and a doctor attended to her.⁶⁴ Over the course of her suicide attempt, Ives traversed the street, two saloons, and a brothel. Ives' attempt to die reflected the ways in which many public women lived: visibly occupying public space and moving between the closely situated physical institutions of the intimate economy.

Saloons

If streets functioned as the arteries of the intimate economy, then saloons constituted the heart. Saloons served an important role in the economic, social, and political life of the city as privately-owned public space. The owners of saloons ranged from wealthy real estate magnates to low-profile private individuals.⁶⁵ As many as seventy-two percent of saloons were sponsored, owned, or supplied by major brewers in the area.⁶⁶ Some landlords maintained a respectable distance from the business of the saloon while others directly benefitted from the business. In still other cases, the keeper and the owner were the same person.⁶⁷ Saloons represented an entrepreneurial opportunity for working-class men and women, as well as investments for well-established businessmen in the city.

⁶⁴ "Attempted Suicide," *Daily Inter Ocean*, April 13, 1880.

⁶⁵ Elmer Lynn Williams Papers, "Illuminating a Rat Hole," Chicago History Museum, Box 1, Folder 2.

⁶⁶ Arthur B. Farwell Papers, Chicago History Museum, "Open Letter to Mr. Percy Andreae of the International Brewers Congress," Box 2, Folder 4-5.

⁶⁷ *Annual Report of the Chicago Committee of Fifteen*, 1917; Chicago Vice Commission, 119-142.

Saloons functioned as key sites of a broader masculine working-class culture, yet women also populated them.⁶⁸ Women occasionally patronized saloons and drank beer for their own personal pleasure.⁶⁹ Just as saloons operated within networks associated with working-class masculine leisure, they also existed within networks associated with feminine amusement and consumption, including amusement parks, skating rinks, concert and dance halls, and nickel theaters.⁷⁰ For example, *Chicago by Day and Night* declared in 1893 that the carousel surpassed the skating rink as a popular form of leisure, noting the ready availability of liquor for men and women in directly adjacent saloons.⁷¹ The Old Vienna German beer garden located outside of the 1893 World's Fair evolved into an amusement park where men and women enjoyed drinks together.⁷² Even earlier, women traditionally joined their families in German beer gardens throughout Chicago.⁷³ Saloons, then, did not operate as exclusively masculine sites; women poured their hard-earned money into the intimate economy as saloon patrons.

In his quantitative analysis of homicide in Chicago from 1875 to 1920, historian Jeffrey Adler identifies saloons as a common site of nineteenth-century murders. He describes a typical

⁶⁸ Perry Duis, *The Saloon: Public Drinking in Chicago and Boston, 1880-1920* (Urbana: University of Illinois Press, 1983); Madelon Powers, *Faces Along the Bar: Lore and Order in the Workingman's Saloon, 1870-1920* (Chicago: University of Chicago Press, 1998). See also "'North Clark Street's Fight Against Vice,'" *Chicago Daily Tribune*, September 4, 1898, which depicts women and men drinking, dancing, and conversing with each other in a "dive."

⁶⁹ Chicago Vice Commission, 127.

⁷⁰ *Annual Report of the Chicago Committee of Fifteen*, 1911; Chicago Vice Commission, 163-234.

⁷¹ *Chicago by Day and Night*, 126.

⁷² James B. Campbell, *Campbell's Illustrated History* (Chicago: Campbell, 1894); World's Columbian Exposition, *Official Catalogue of Exhibits on the Midway Plaisance* (Chicago: W.B. Conkey Company, 1893).

⁷³ Duis, *The Saloon*, 154-156; Powers, *Faces Along the Bar*, 191.

altercation as involving “young, rough, and poor” men who knew each other, and whose violence “punctuated an evening of drinking and occurred in a saloon.”⁷⁴ Police and court records reveal a similar picture of female homicides. From 1870 to 1920, women were arrested in nineteen homicides that took place in saloons.⁷⁵ As in the murders of Tillie Wolf and Melissa Logan, some quarrels started in the saloon and ended outside. Others settled their personal disputes in the saloon. In 1894, Mattie Moore struck Pearl Sherwood with a poker during an altercation between the two “notorious levee denizens.” Sherwood subsequently purchased a pistol from a Clark Street pawnbroker, encountered Moore at Carlow’s Saloon, and fatally shot her. Moore later asserted, “I said I’d kill her and I kept my word.”⁷⁶ Mollie Mott, an infamous thief and head of several local gangs, shot Frederick A. Hart dead in a saloon on Wentworth Avenue after he threatened to “clean out” her residence.⁷⁷ Hattie Holst similarly confronted her victim in a saloon. After Emma Spelz laughed at Holst’s inquiry into her relationship with her husband, Holst shot Spelz twice and killed her.⁷⁸ Saloons served as social drinking hubs where personal disagreements escalated or where women could count on finding their foes to settle a score.

⁷⁴ Adler, *First in Violence, Deepest in Dirt*, 2.

⁷⁵ See Appendix A for methodology

⁷⁶ “Homicide in Chicago, 1870-1930,” Northwestern University, Case 1457; “Makes Good Her Threat of Murder.” *Chicago Daily Tribune*, June 5, 1894.

⁷⁷ “Homicide in Chicago, 1870-1930,” Northwestern University, Case 1749; “Jury Acquits Mollie Mott,” *Chicago Daily Tribune*, June 26, 1904.

⁷⁸ “Acquit Two of Murder,” *Chicago Daily Tribune*, July 28, 1900; “Homicide in Chicago, 1870-1930,” Case 2227.

In addition to visiting saloons and drinking beer, women worked at saloons. Some managed daily operations. For example, Clara McClusky ran multiple saloons on the West Side before opening a bar at 666 West Madison Street, where she was killed by May Buckley, a business partner and “rival in love.”⁷⁹ Similarly, Minnie Joerndt owned “considerable property,” including a saloon where she lived along with her nephew whom she later shot dead.⁸⁰ At least two other homicide cases involve women who lived above the saloon they or their family operated.⁸¹ Ann Sullivan discharged a drunken sailor from the bar she ran with her husband. Witnesses testified that they saw her throw the man onto the street, pick up an empty beer keg with both hands, and throw it onto the man’s chest, killing him. Her husband explained to the police that the customer owed seventy cents for drinks.⁸² Women like Joerndt and Sullivan held more secure positions in the intimate economy as saloon keepers than public women who depended on the sometimes-unstable jobs of robbery or prostitution. As a result, women saloon keepers had opportunities to more directly challenge male dominance in the space of the saloon.

⁷⁹ “Homicide in Chicago, 1870-1930,” Case 1694; “Jealous Woman Owns to Murder,” *Chicago Daily Tribune*, October 21, 1905.

⁸⁰ “Braun Killed at His Bar,” *Chicago Daily Tribune*, December 28, 1890; “Charged with the Murder,” *Chicago Daily Tribune*, January 1, 1891; “Homicide in Chicago, 1870-1930,” Northwestern University, Case 117; *The People of the State of Illinois v. Minnie Joerndt*, 26288 (Crim Crt Cook Cnty 1891), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 127.

⁸¹ “Homicide in Chicago, 1870-1930,” Northwestern University, Cases 2169 and 1915; *The People of the State of Illinois v. Gertie Somers* 2169 (Crim Crt Cook Cnty 1892), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 145.

⁸² “Murderer’s Row,” *Chicago Daily Tribune*, November 17, 1889; *The People of the State of Illinois v. Ann Sullivan*, 10975 (Crim Crt Cook Cnty 1880), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 47.

However, women did not own bars in large enough numbers to challenge the collective political power of brewers or a broader saloon culture that fostered masculine entrepreneurship.

Saloons offered other ways for women to secure income. Edna Brown and Mary Smith attempted to rob Samuel Grimes as he sat in a North Clark Street saloon, spiking his drink with an accidentally lethal dose of drugs.⁸³ Aside from robbery, women also provided entertainment in saloons for pay. A woman might play a musical instrument—usually the piano—for money.⁸⁴ In other places, women performed bawdy or burlesque acts on a stage.⁸⁵ Historically, low-brow concert halls and playhouses fulfilled similar functions as saloons, sometimes even occupying the same space.⁸⁶ Women in saloons, concert halls, and playhouses navigated space in similar ways to secure money. For example, performers, prostitutes, or women otherwise affiliated with a saloon might join patrons at the bar or in common areas to contribute to the enjoyable experience of male patrons.⁸⁷ In many cases, women would gain a commission on the beer they sold to customers.⁸⁸ At Edward Weiss' saloon in the South Side Levee, for example, women

⁸³ "Homicide in Chicago, 1870-1930," Northwestern University, Case 814; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 8, Number 3630-3631; *The People of the State of Illinois v. Mary Smith and Edna Brown*, 36130 (Crim Crt Cook Cnty 1894), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 172. For another example, see Chicago Vice Commission, 126.

⁸⁴ Chicago Vice Commission Report, 125-126; for more on leisure workers, see Tera W. Hunter, *To 'joy My Freedom*; Victoria W. Wolcott, *Race, Riots, and Roller Coasters*.

⁸⁵ Chicago Vice Commission Report, 125-126; *Chicago by Day and Night*, 50-57.

⁸⁶ Gilfoyle, *City of Eros*, 127-141. For more on the role of theater in nineteenth-century American culture see, Claudia D. Johnson, "That Guilty Third Tier: Prostitution in Nineteenth-Century American Theaters," *American Quarterly* 27, no. 5 (1975): 575-84; Lawrence W. Levine, *Highbrow/Lowbrow: The Emergence of Cultural Hierarchy in America* (Cambridge, Mass.: Harvard University Press, 1988).

⁸⁷ *Chicago by Day and Night*, 60.

⁸⁸ Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4; *Chicago by Day and Night*, 50; Chicago Vice Commission, 126-127.

received forty percent commission on the beer they sold.⁸⁹ Women might invite men to wine rooms, or more secluded areas in the back or on a different floor to enjoy each other's company and increase the man's bill.⁹⁰ Public women found that flaunting their femininity in defiance of rigid ideologies of gender propriety created opportunities for securing income. In 1912, Chicago Vice Commission reasoned that many women who drank at saloons primarily did so for the purpose of leisure, and over time learned that they could "hustle" and earn a commission to "make so much more" of drinking.⁹¹ Whether violently curtailing masculine pleasure, as in the cases of Joerndt, Sullivan, Brown, and Smith, or facilitating leisure by managing saloons and providing entertainment, women conducted themselves as visible and central actors in saloon life and a broader intimate economy.

Notably, the Vice Commission pointed out that some public women at saloons were "men who impersonate females" and "solicit men at the tables for drinks the same as the women."⁹² Public women included a range of transgender and queer folk who occupied public space as women and often used conventions and expectations of femininity to secure income.⁹³

⁸⁹ Chicago Vice Commission, 110-142; Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4.

⁹⁰ *Chicago by Day and Night*, 51; Chicago Vice Commission, 119-142; Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4.

⁹¹ Chicago Vice Commission, 126. For more on "hustle" as a motivating ideology in an underground economy, see Sudhir Alladi Venkatesh, *American Project: The Rise and Fall of a Modern Ghetto* (Cambridge, Mass.: Harvard University Press, 2000).

⁹² Chicago Vice Commission, 126.

⁹³ Here I use Joanne Meyerowitz's definition of "transgender" which includes: "'fairies,' 'queens,' or feminine gay men ... heterosexual crossdressers as well as those who identify as transsexual." See Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge, Mass.: Harvard University Press, 2004), 10.

By using the term transgender woman, then, I am referring to males who dress or live as women. Notably, the time period I study here largely predates transsexuality, which involves sexual reassignment surgery. Meyerowitz also

Crossdressers who wore women's clothes, "female impersonators" who performed on stage and then solicited clients for commercial sex afterward, or feminine gay men like fairies and queens all contributed to the intimate economy through their labor and leisure.⁹⁴ While often hard to find in government records and newspapers, the Vice Commission described communities of males who pursued same-sex encounters in saloons and concert halls, noting a large number of "men who are thoroughly gregarious in habit [and] who mostly affect the carriage, mannerisms, and speech of women."⁹⁵ Like other public women, transgender women and queer men navigated the permeable boundaries between the stage, saloon, and rooms of prostitution to make and spend money. They also facilitated social interactions and economic transactions by creating networks of intimate knowledge. The Vice Commission noted that transgender women and feminine gay men "have a vocabulary and signs of recognition of their own, which serve as an introduction into their own society."⁹⁶ Although less legible to an uninitiated observer and thus less visible in the historical record, transgender and queer femininities expanded the kinds of transgressive transactions available in the intimate economy.

importantly points out that categories like fairy or queen "are not hermetically sealed, and to a certain extent the boundaries are permeable" (Meyerowitz, 10). For that reason, I also include the term queer (i.e. queer men) to include categories like fairy and queen that do not map easily on the gender binary. While I argue for including transgender and queer folk into the category of women, their transgressive femininities are unique in that they risked more severe criminal punishment, which I discuss in more depth in chapter 2.

⁹⁴ Chauncey, *Gay New York*; St. Sukie De la Croix, *Chicago Whispers: A History of LGBT Chicago before Stonewall* (Madison: The University of Wisconsin Press, 2012); Meyerowitz, *How Sex Changed*.

⁹⁵ Chicago Vice Commission, 297. The identification of woman defendants in police, court, and convict records relied on assessments of the gender of names, which easily hid transgender women whom the state misgendered. Scott Herring argues that confusion in expositional narratives like in the Chicago Vice Commission speaks to the ways in queer culture itself denied easy categorization. See Scott Herring, *Queering the Underworld: Slumming, Literature, and the Undoing of Lesbian and Gay History* (Chicago: University Of Chicago Press, 2007).

⁹⁶ Chicago Vice Commission, 297

Whether transgender, queer, or otherwise, public women working in saloons often engaged with customers as a prelude to commercial sex. To draw a crowd of men or to gain a percentage of the proceeds, many saloons encouraged or tolerated prostitutes to ply their trade there.⁹⁷ Strategies for securing clients ranged from the subtle to the overt. Sometimes women who kept male patrons company and encouraged liquor consumption would continue the liaison by inviting them elsewhere for commercial sex.⁹⁸ The women could continue to earn a commission on the alcohol served during the encounter.⁹⁹ Sometimes waiters and bartenders served as middlemen, probing patrons to gauge their interest and then either directing them to a back room or bringing women to the men's table.¹⁰⁰ Other women might loiter at the bar, either relying on their celebrity to entice men to approach or waiting for a "professional escort" or "cadet" to procure customers.¹⁰¹ A more aggressive approach utilized in "low saloons" or "dives" involved women lingering near the restroom and grabbing men as they exited.¹⁰²

Public women's varied approaches to securing clients elucidates the complex ways that gender and knowledge interacted in saloons. Visitors or newcomers to a bar might need a more intimate familiarity of the subculture's norms in order to differentiate between women engaging

⁹⁷ Arthur B. Farwell Papers, "Open Letter to Mr. Percy Andreae of the International Brewers Congress," Box 2, Folder 4-5.

⁹⁸ *Chicago by Day and Night*, 52; Chicago Vice Commission, 129-130; Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4.

⁹⁹ Chicago Vice Commission, 130-131.

¹⁰⁰ Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4.

¹⁰¹ Chicago Vice Commission 124-125; Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4.

¹⁰² Chicago Vice Commission, 129; Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4.

in leisure and those soliciting for commercial sex. Encounters with transgender women and queer men also necessitated insider knowledge. On the other hand, the press and advice literature often pointed out that saloons and public women took advantage of visitors' ignorance in order to secure their money.¹⁰³ As in the streets, transgressive femininity in saloons meant women brazenly occupying public space by drinking, fighting, and using expectations of femininity to make money. The promise of commercial sex in saloons, however, was regulated by different levels of required knowledge particular to the establishment.

By occupying saloons in high numbers, public women profoundly shaped saloon culture through their transgressive femininity and facilitated the foundational transactions of the intimate economy. Whether enjoying beer, selling drinks, or soliciting clients, the number of public women in a given saloon ranged from one or two to as many as twenty.¹⁰⁴ A survey conducted by the Chicago Vice Commission in 1911 counted 928 unescorted women in 445 saloons.¹⁰⁵ Collectively, Chicago's substantial population of public women were responsible for the sale of large quantities of alcohol by purchasing it themselves or encouraging sales on commission. One saloon manager who worked in the intimate economy for fifteen years beginning in 1896 reported that most saloons that facilitated prostitution could not survive six weeks without public women, and that by opening his own saloon catering to prostitution he gained significant income in a short amount of time.¹⁰⁶ While public women stood to make more money in the intimate

¹⁰³ *Chicago by Day and Night*; Blair, *I've Got to Make My Livin'*; Gilfoyle, *City of Eros*.

¹⁰⁴ Chicago Vice Commission, 110-142; Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4.

¹⁰⁵ Chicago Vice Commission, 122.

¹⁰⁶ Chicago Vice Commission, 131.

economy than in an industrial or domestic job, landlords and the brewers often accrued the most wealth by relying on public women and wielded significant political power as a result. Even reformers noted that prostitutes in particular constituted “the foundation of the entire system” yet received “the smallest financial returns.”¹⁰⁷ Although public women’s labor and leisure defined the intimate economy, they did not gain proportional economic and political power.

Houses of Prostitution

Public women’s labor not only contributed to the saloon economy, but also geographically expanded the intimate economy into houses of prostitution. After securing clients in saloons, prostitutes frequently brought men back to brothels and private residences. Whereas saloons primarily served as liminal sites of mixed-gender leisure and a wide range of leisure work, sexual labor defined houses of prostitution. Yet saloons and houses of prostitution maintained close political, economic, and spatial relationships. Hotels and brothels frequently stood adjacent to or in close proximity to saloons and held mutually beneficial economic arrangements. Concerned observers often exclaimed that “low saloons” or “dives” usually operated as gateways to prostitution.¹⁰⁸ Sometimes only a door separated a saloon from a house of prostitution; other times, a saloon might operate on the first floor with rooms of prostitution on the second floor (see figure 5).¹⁰⁹ In fact, the Chicago Vice Commission reported in 1911 that,

¹⁰⁷ *Annual Report of the Chicago Committee of Fifteen*, 1920.

¹⁰⁸ Arthur B. Farwell Papers, “Open Letter to Mr. Percy Andreae of the International Brewers Congress,” Box 2, Folders 4-5.

¹⁰⁹ Arthur B. Farwell Papers, Chicago Law and Order League to Chicago Council of Social Agencies, February 16, 1924, Chicago History Museum, Box 1, Folder 5; Elmer Lynn Williams Papers, “Illuminating a Rat Hole,” Chicago History Museum, Box 1, Folder 2.

of the 236 times women solicited investigators in saloons, nearly sixty percent of the time they invited the men to rooms, hotels, or brothels located directly above the saloons.¹¹⁰ The spatial proximity of saloons and houses of prostitution demonstrated the thin, permeable boundaries between public and private in the intimate economy.

Figure 5. “Saloon and Brothel. Showing Intimate Relation of Liquor and Vice.”



Photograph of The Casino saloon adjacent to an entrance for a house of prostitution.

Arthur B. Farwell Papers, 1852-1936, Chicago History Museum, “Open Letter to Mr. Percy Andreae of the International Brewers Congress,” Box 2, Folder 4-5.

Even houses of prostitution not adjacent to saloons frequently maintained special relationships with local bars. In one instance, a woman living on La Salle Street owned a “call flat” from which she could telephone a number of available women who lived nearby.¹¹¹ She purchased liquor from a local saloon to which she referred customers, and vice versa. As the

¹¹⁰ Chicago Vice Commission, 122.

¹¹¹ Elmer Lynn Williams Papers, “Illuminating a Rat Hole,” Box 1, Folder 2.

telephone proliferated throughout the city by the turn of the century, such call flats became a common fixture in neighborhoods dominated by the intimate economy.¹¹² Even earlier, the expected cultural connection between saloons and rooms of prostitution helped Nellie “Battle Ax” Ryan successfully entice a man in a saloon to return with her to a room at Desplaines and Monroe streets in 1897. There, she restrained him while her associate fired multiple bullets into the young man’s abdomen and robbed him.¹¹³

Ryan’s violent robbery highlights the close relationship between robbery and prostitution in the intimate economy. In call flats, “panel houses,” and other “houses of ill fame,” public women relieved patrons of additional money through force, deception, or intoxication. Although the phenomenon of shoplifting at the turn of the century associated women with thievery, public women’s robbery proved more intimate and prone to violence or death.¹¹⁴ *Chicago by Day and Night* described “birds of the night who prowl the streets in search of victims whom they may lure to the dens of their male accomplices, there to be vulgarly drugged or ‘slugged’ and robbed of portable valuables.”¹¹⁵ In panel houses, women engaged in commercial sex with a client while a third party hidden behind a panel in the wall could sneak out during the act and rob the

¹¹² Chicago Vice Commission, 81-83.

¹¹³ “‘Battle Ax’ is Nabbed,” *Chicago Daily Tribune*, September 24, 1897; “Homicide in Chicago, 1870-1930,” Northwestern University, Case 2182.

¹¹⁴ Elaine S. Abelson, *When Ladies Go a-Thieving: Middle-Class Shoplifters in the Victorian Department Store* (New York: Oxford University Press, 1989); “Mother of Thieves,” *Daily Inter Ocean*, May 2, 1881.

¹¹⁵ *Chicago by Day and Night*, 91.

client.¹¹⁶ Other women might ply clients with alcohol in order to rob them, sometimes even tainting the drinks with drugs. The *Chicago Tribune* claimed that “Queen of the Turf” Hattie Brooks “robbed more countrymen and sailors than any other outcast woman in the city” by “enticing strangers into her den” on South Clark Street, “drinking them drunk and relieving them of the weight of whatever they had in their pockets.” Within four months in 1871, police arrested Brooks twelve times for robbing men.¹¹⁷

Brooks, like Ruby Bell and public women in saloons, targeted naïve men new to the urban environments that public women so intimately knew. Visitor assumptions of nonthreatening femininity easily blinded uninitiated men to the violent and exploitative realities of public women’s transgressive femininity. By describing public women’s victims with disparaging names like “sight-seeing rustic” and “greenhorn,” the press at once ridiculed rural and other unexperienced visitors to Chicago for their lack of knowledge while also using wry humor to cope with the seemingly backwards situation of women victimizing men.¹¹⁸ Although women aimed to gain money from robbery, they stood to lose more than their victims. For example, when “greenhorn” William Gleary lost \$55 at a brothel run by Abbie Blanch, police arrested Blanch and fined her \$400.¹¹⁹ As in their saloon work, women’s robbery through

¹¹⁶ Blair, *I’ve Got To Make My Livin’*; *Chicago by Night and Day*, 95; “Mollie Holbrook,” *Inter Ocean*, July 20, 1874; “The Panel House Robbery,” May 12, 1871; “The Panel Game,” April 9, 1881. Timothy Gilfoyle discusses similar panel house activity in New York City during this time period. See Gilfoyle, *City of Eros*, 173-174.

¹¹⁷ “Not a Success,” *Chicago Tribune*, December 2, 1871.

¹¹⁸ Ibid; “City Brevities,” *Inter Ocean*, September 6, 1876.

¹¹⁹ “City Brevities,” *Inter Ocean*, September 6, 1876.

prostitution secured small personal fortunes and funneled substantial money into the intimate economy but did not easily translate into expanded wealth or political power.

Women similarly robbed men in assignation hotels. Like houses of prostitution, assignation hotels often operated as sites of female sexual labor. Additionally, however, hotels served as discreet sites for romantic liaisons.¹²⁰ Observers noted that unmarried couples could easily register in hotels as husband and wife and engage in illicit sex.¹²¹ For example, one minister noted that Clark Street housed several hotels patronized by both prostitutes and couples engaging in extramarital affairs.¹²² As semi-private places, hotels provided privacy for sexual labor as well as sexual encounters that fell outside the parameters of work or marriage.¹²³ When prostitution frequently took place at a hotel with the keepers' knowledge, the front desk usually maintained two sets of registers. One public register provided a public veneer of legal legitimacy and the other included an accurate tabulation of the money due to working women and to the sponsoring brewer.¹²⁴ The register served an important function of documenting the daily economics of commercial sex, maintaining privacy, and providing legal protection for hotel owners, prostitutes, and their clients. As in other areas of the intimate economy, assignation hotels facilitated public mixed-gender encounters regulated by insider knowledge.

¹²⁰ Gilfoyle, *City of Eros*, 245; A. K. Sandoval-Strausz, *Hotel: An American History* (Yale University Press, 2007), 203.

¹²¹ *Annual Report of the Chicago Committee of Fifteen*, 1911.

¹²² Elmer Lynn Williams Papers, "Illuminating a Rat Hole," Box 1, Folder 2.

¹²³ *Annual Report of the Chicago Committee of Fifteen*, 1911-1920; Clifford W. Barnes Papers, 1913 Report Box 1, Folder 4.

¹²⁴ Elmer Lynn Williams Papers, "Illuminating a Rat Hole," Box 1, Folder 2.

Privacy served to protect two unknown women, identified by the *Chicago Tribune* only as “frequenters of La Salle street at night,” who visited an assignation hotel in March 1899 with John Steiner, a county constable from Wilmette, Illinois. The group rented a room, drank wine, and became quite “boisterous” so that “their loud talking could be heard throughout the house.” After the second bottle of wine, the two women left briskly. When the keeper of the house—who claimed to not know the women to the suspicion of police—visited the room the next morning, he found Steiner dead from morphine poison and robbed of his cash and watch. The *Tribune* ascertained that Steiner was “lured into the house by the two women,” who put too much morphine in the wine in an attempt to rob him.¹²⁵ Police never found the two women.

As the Steiner case demonstrates, murders and assaults were not uncommon in hotels and houses of prostitution. Nearly three-quarters of homicides involving public women from 1870 to 1899 took place either in houses of prostitution or involving known prostitutes.¹²⁶ For example, in 1882, Sadie Holbrook fought with Adelia Wiley and killed her with a hammer. Both women lived and worked as prostitutes at 167 South Clark Street.¹²⁷ In a similar incident in 1898, Addie Dickinson stabbed Callie Grant with a knife during a fight in a State Street brothel.¹²⁸ The violence that characterized social and economic interactions in other sites in the intimate

¹²⁵ Police case 2214, “Steiner Dies in Stupor,” *Chicago Daily Tribune*, March 29, 1899.

¹²⁶ See Appendix A for methodology.

¹²⁷ “Died of Her Wounds,” *Chicago Daily Tribune*, March 20, 1882; “Felled by Fellow Woman,” *Daily Inter Ocean*, March 16, 1882; “Homicide in Chicago, 1870-1930,” Northwestern University, Case 510 and Case 2562.

¹²⁸ “Bill in Tilly Case,” *Chicago Daily Tribune*, May 29, 1898; “Homicide in Chicago, 1870-1930,” Case 825; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 12, Number 6306; *The People of the State of Illinois v. Addie Dickenson*, 51469 (Crim Crt Cook Cnty 1898), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 248.

economy permeated the business of prostitution as well. In particular, fatal fights broke out between women who often spent significant time in close quarters or in the same neighborhoods and competed for a similar clientele.

Some places carried particularly infamous reputations for deadly encounters. The assignation hotel at 395 South Clark Street, for example, was known for several “murderous affrays” and for renting rooms to “lewd women and street-walkers and their foul companions,” according to the *Daily Inter Ocean*.¹²⁹ In 1880, a young man in the company of Lizzie Stackley gave Isom Williams fifty cents to rent out a room in the basement at that address. Sometime later an altercation broke out between the three parties over a disagreement about the length of the rental. While the two men wrestled on the floor, witnesses saw Stackley strike Williams on the head with a lathing hatchet.¹³⁰ In the homicide record, police described Stackley as a “low white prostitute,” and Williams as “an old negro.”¹³¹ Race represented another turn-of-the-century boundary frequently transgressed by both white and black public women as they engaged in prostitution and initiated deadly fights with other participants in the intimate economy.¹³²

In other cases, public women employed violence to protect their establishments from belligerent men seeking pleasure and usually ended up in the penitentiary. For example, in 1876, John O’Neil visited Margaret Scott’s “lewd house” to “get a cigar.” According to O’Neil’s

¹²⁹ “Pecked with a Hatchet,” *Daily Inter Ocean*, December 14, 1880.

¹³⁰ “Homicide in Chicago, 1870-1930,” Northwestern University, Case 2560; “Pecked with a Hatchet,” *Daily Inter Ocean*, December 14, 1880; “The Williams Homicide,” *Chicago Daily Tribune*, December 19, 1880.

¹³¹ “Homicide in Chicago, 1870-1930,” Northwestern University, Case 2560.

¹³² Blair, *I’ve Got to Make My Livin’*; Mumford, *Interzones*.

deposition, Scott told him to leave and pushed him away. O’Neil responded by striking her. Scott produced a revolver, threatened to shoot O’Neil, and fired a warning shot into the window sill near him. A jury convicted Scott—a white woman who shot at a white man—of assault with intent to kill and she was sentenced to a year in the penitentiary.¹³³ In a similar case on the evening of July 2, 1888, a group of sailors landed in Chicago and prowled the city looking for a drink only to find most saloons closed. They made their way to Buffalo and 91st streets on the South Side where Fannie Jones kept a brothel. The sailors raised a racket, waking Jones, who demanded that they leave. They refused to depart, so she brought out a revolver and threatened to shoot them. The sailors laughed at Jones, so she fired a shot that struck and killed one of them. Jones—a black woman who killed a white man—was convicted and sentenced to twelve years in the penitentiary.¹³⁴

Scott and Jones faced the penitentiary for defending not only their places of work, but also their homes. Many houses of prostitution functioned as boarding houses where women lived in exchange for a portion of their income going to the keeper or owner of the brothel. The press frequently identified the “keepers” who ran brothels, using the same term to describe women who managed boarding houses. At the intersection of public space and private residence, brothels and boardinghouses involved commercial interactions between keepers, boarders, and

¹³³ The People of the State of Illinois v. Margaret Scott, 5866 (Crim Crt Cook Cnty 1875), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 23.

¹³⁴ Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 6, Number 9262; “Miscellaneous,” *The Daily Inter Ocean*, January 6, 1889; “On Trial for Murder,” *The Daily Inter Ocean*, January 2, 1889; The People of the State of Illinois v. Fannie Jones, 22060 (Crim Crt Cook Cnty 1888), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 106.

clients.¹³⁵ Bringing market transactions into the feminine domestic sphere created an ideological tension for the press and reformers, heightened by the immoral associations of prostitution. To distinguish brothels from boarding houses, the press wielded a lengthy list of euphemisms like den, ranch, resort, and dive. The terms marked houses of prostitution as dwellings while also invoking pejorative connotations of vice.

As places of work, houses of prostitution contained internal hierarchies from the keeper to the “inmates” who lived there. Newspapers’ use of the term “inmates” suggested incarceration and played on fears of white slavery that drove reformer rhetoric in the nineteenth and twentieth century. The terms also eschewed women’s role as laborer and resident. The labor hierarchy in a brothel also included paid servants who did not reside onsite, such as Frances Gillette, a chambermaid for a Clark Street brothel who committed suicide in her home several blocks away in 1881.¹³⁶ Owners of brothels also sometimes lived offsite, benefitting from the economic transactions taking place while retaining a respectable distance from the moral reputation of prostitution.¹³⁷

Houses of prostitution also served as homes containing the attendant range of loving and discordant relationships. Some of public women’s fatal violence stemmed from strained romantic relationships with men or women.¹³⁸ Oftentimes public women’s lovers or partners lived with

¹³⁵ Wendy Gamber, *The Boardinghouse in Nineteenth-Century America* (Baltimore: Johns Hopkins University Press, 2007).

¹³⁶ “Suicidal Mania,” *Daily Inter Ocean*, December 27, 1881.

¹³⁷ Arthur B. Farwell Papers, “Open Letter to Mr. Percy Andreae of the International Brewers Congress,” Box 2, Folder 4-5; Chicago Vice Commission, 69-134.

¹³⁸ Although the press rarely discusses same-sex love, other categories of feminine homicide include women killing same-sex romantic partners. It is reasonable to guess that the same applied to cases of public women’s homicide.

them in houses of prostitution. Men in particular worked as solicitors or prostitutes themselves, or they subsisted on the income of a female prostitute with whom they lived. After all, men also struggled with unstable employment in industrial Chicago with insufficient wages. Working-class men, then, not only consumed commercial sex, but also occasionally lived off the proceeds. Observers often criticized the role reversal of men who depended on women for income, calling them “vagrants” or “degenerate.”¹³⁹ Understanding houses of prostitution as sites of sexual labor and domesticity rather than merely of masculine leisure reveals how everyday efforts by women and men to make a living in Chicago depended on the geographic mobility and social fluidity of the intimate economy.

When police raided or shut down brothels, residents faced unemployment and eviction from their homes. When a police captain raided brothels on Desplaines Street, one woman pleaded to stay, arguing that she liked Chicago and wanted to remain in the city where she lived.¹⁴⁰ The loss of their homes occasionally drove women to mobilize politically. At one point, a Chicago newspaper declared “1,000 Levee Women to Parade to City Hall” in protest of recent raids.¹⁴¹ When police raided brothels on the South Side in 1905, women protested and threatened

See chapter four for examples of public women like Mollie Cosgriff, Madeleine Sturlata, and Alice Muffert killing male romantic partners.

¹³⁹ *Annual Report of the Chicago Committee of Fifteen*, 1917; Arthur B. Farwell Papers, “Rules Governing Regulation of Vice,” 1912, Box 2, Folder 4; Chicago Vice Commission, 69-118; Citizens’ Association of Chicago, *Annual Report of the Citizen’s Association of Chicago* (Chicago, 1909).

¹⁴⁰ “Brevities: Effect of the New Broom,” *Daily Inter Ocean*, May 26, 1887.

¹⁴¹ Clifford W. Barnes Papers, Unidentified Newspaper Clipping, Box 3. Wendt and Kogan describe women protesting eviction in the streets in 1912, as well. See *Lords of the Levee*, 301. Sarah Deutsch references a similar protest in Boston in 1894. See *Women and the City*, 84.

to take legal action.¹⁴² Proprietors and residents of brothels utilized gendered claims of domesticity in order to defend their residences. However, the historical record reveals little evidence of women successfully protecting their homes. When Margaret Scott and Fannie Jones defended their brothels with deadly force, they received sentences in the penitentiary. Ultimately, public women's attempts to assert their right to domestic security inadequately competed with ideologies that positioned commercial sex at odds with respectable feminine domesticity.

Dance Halls and Chicago's Political Economy

In the landscape of Chicago's intimate economy, the dance hall best exemplified how leisure and labor intersected with city politics. As privately-owned public places of amusement and leisure, dance halls provided a venue for men and women to gather and enjoy music and dancing. As with other sites in the intimate economy, dance halls maintained a close spatial relationship with saloons, either located nearby or sometimes occupying the same building.¹⁴³ Although slightly more public than saloons and boasting a more mixed-gender crowd of consumers, dance halls presented another opportunity for prostitutes to solicit clients.¹⁴⁴ In at least one murder case in 1898, a prostitute shot a man while at a dance.¹⁴⁵ Dance halls

¹⁴² "Women Warned to Leave," *Chicago Daily Tribune*, August 7, 1905.

¹⁴³ Chicago Vice Commission, 126.

¹⁴⁴ *Annual Report of the Chicago Committee of Fifteen*, 1917; Chicago Vice Commission, 69-118, 126; Clifford W. Barnes Papers, 1913 Report, Box 1, Folder 4.

¹⁴⁵ "Homicide in Chicago, 1870-1930," Northwestern University, Case 1045; *The People of the State of Illinois v. Jennie Louwnz*, 51262 (Crim Crt Cook Cnty 1898), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 247. Police records list the defendant as Jennie Louronz, while the court record is incomplete and the defendant's last name is possibly listed as Louwnz, although the name is fairly illegible.

represented the most visible site of mixed-gender leisure and, to a lesser degree, women's sexual labor.

The most infamous cases of dance hall festivities took place at the city's First Ward Ball from 1896 to 1908. An annual political and raucous social event sponsored by local aldermen "Bathhouse" John Coughlin and Michael "Hinky Dink" Kenna, the First Ward Ball brought together many of the residents and frequent customers of the South Side Levee. By 1908, more than five thousand men and women attended, including many prostitutes and proprietors of houses of prostitution. Liquor flowed freely, fueling a raucous crowd of intoxicated, fighting, and swearing women and men. The women at the dance included some of the most prominent proprietors of houses of prostitution, prostitutes, and presumably women attending solely for fun. Observers noted women simulating sex acts with each other and with men as they wore revealing and sometimes gender-bending clothing. Some of the madams offered free alcohol; other women were treated to top shelf liquor by their escorts.¹⁴⁶

Whether working as prostitutes or generally contributing to the revelry, women's leisure and labor defined the First Ward Ball experience. Importantly, an event intended to celebrate and consolidate political power featured women drinking and performing transgressive femininity. The political economy of the First Ward in the late nineteenth and early twentieth century demonstrated the power of the intimate economy. Containing the businesses of the Loop and the Old Levee and expanding southward along with the intimate economy, the First Ward represented two sides of Chicago, containing some of the wealthiest and most poverty-stricken

¹⁴⁶ Arthur B. Farwell Papers, 1908 Reports, Box 2, Folder 4.

areas of the city from 1870 into the first decade of the twentieth century. At first dominated by gambler “King” Mike McDonald after the Civil War through the 1880s and then by Bathhouse Coughlin and Hinky Dink Kenna in the 1890s and into the twentieth century, the leaders of the First Ward capitalized on the intimate economy and its workers and customers to secure municipal and state offices, pass profitable legislation, and ultimately participate in national politics.

At the turn of the century, Freiberg’s dance hall in the South Side Levee served as the central node where the intimate economy intersected with Coughlin and Kenna’s political machine. Men and women patrons, women dancers, and prostitutes populated the hall, and prostitutes brought their clients next door to Buxbaum’s hotel.¹⁴⁷ Freiberg’s also held an office where bookkeepers totaled the protection money collected from brothel keepers, saloon owners, and gamblers in the First Ward.¹⁴⁸ With the money, Kenna established a defense fund that provided legal fees and services to the denizens of the First Ward when they faced arrests and fines.¹⁴⁹ The collection of protection money constituted one of the key mechanisms that shielded the intimate economy and bolstered Kenna and Coughlin’s political popularity.

The intimate economy fired on all cylinders on election day. Hinky Dink Kenna in particular coordinated with saloons, brothels, and boardinghouses to open their doors to a great influx of voters promised food, drink, shelter, and payment in exchange for voting—usually

¹⁴⁷ Wendt and Kogan *Lords of the Levee*, 201-202.

¹⁴⁸ *Ibid.*, 201-202.

¹⁴⁹ *Ibid.*, 79.

multiple times—for the designated candidate. Observers in the First Ward saw men voting as many as thirteen times in exchange for money, cigars, or alcohol.¹⁵⁰ In 1909, ninety-six percent of the names on the poll list of a precinct in the First Ward were registered from three adjacent lodging houses.¹⁵¹ The next year, investigators found 4,300 illegal names registered in the First Ward along with thousands more who did not reside at their registered address.¹⁵² By catering to a hungry and thirsty transient population and guaranteeing poll numbers, the politicians of the First Ward wielded substantial power in determining the results of city and county elections.

In exchange for thousands of guaranteed votes, the First Ward gained political favors and power. Bathhouse Coughlin served as the First Ward alderman from 1892 until his death in 1938 and for many years enjoyed the steadfast support of Mayor Carter Harrison II.¹⁵³ Coughlin and Kenna secured the placement of allies in key police appointments, negotiated with competing political factions in closed-door meetings to financially benefit from lucrative city contracts, and consistently challenged attempts to close down saloons on Sundays.¹⁵⁴ Newspapers, reformers, and ministers alike pointed to the obvious links between red-light districts, graft, and voter fraud

¹⁵⁰ Arthur B. Farwell Papers, “Open Letter to Mr. Percy Andreae of the International Brewers Congress,” Box 2, Folder 4-5.

¹⁵¹ Arthur B. Farwell Papers, “A Quarter of a Century of War on Vice in the City of Chicago,” December 1918, Box 2, Folder 1.

¹⁵² Arthur B. Farwell Papers, “Open Letter to Mr. Percy Andreae of the International Brewers Congress,” Box 2, Folder 4-5.

¹⁵³ When the First Ward received two seats in the city council, Kenna also served as alderman. Kenna also served as the ward’s sole alderman after Coughlin died. See Wendt and Kogan, *Lords of the Levee*.

¹⁵⁴ Annual Report of the Chicago Committee of Fifteen, 1920; Wendt and Kogan, *Lords of the Levee*.

in the First Ward and beyond.¹⁵⁵ The politicians who benefitted from business of saloons and brothels advocated for a “wide open town” in which the intimate economy could flourish.

The power of the intimate economy shaped state and national politics, as well. The alliance between breweries and saloons in particular yielded substantial legislative power. By 1911, seventy-two percent of the saloons in the City of Chicago were owned by breweries, who in turn lobbied the state legislature.¹⁵⁶ Groups like the United Societies for Local Self Government and Liberty League, with future Chicago boss Anton Cermak at the helm, successfully organized to advocate for liquor interests and oppose prohibition legislation.¹⁵⁷ At the national level, politicians like Coughlin participated in the unofficial conventions of urban bosses who determined the Democratic nominee for President.¹⁵⁸ Women’s labor and leisure in the intimate economy carried significance in the broader political world of Chicago, Illinois, and the United States (see figure 6). Public women’s social and economic interactions created a foundational network that made money from a transient urban population to power strong political machines like that in the First Ward.

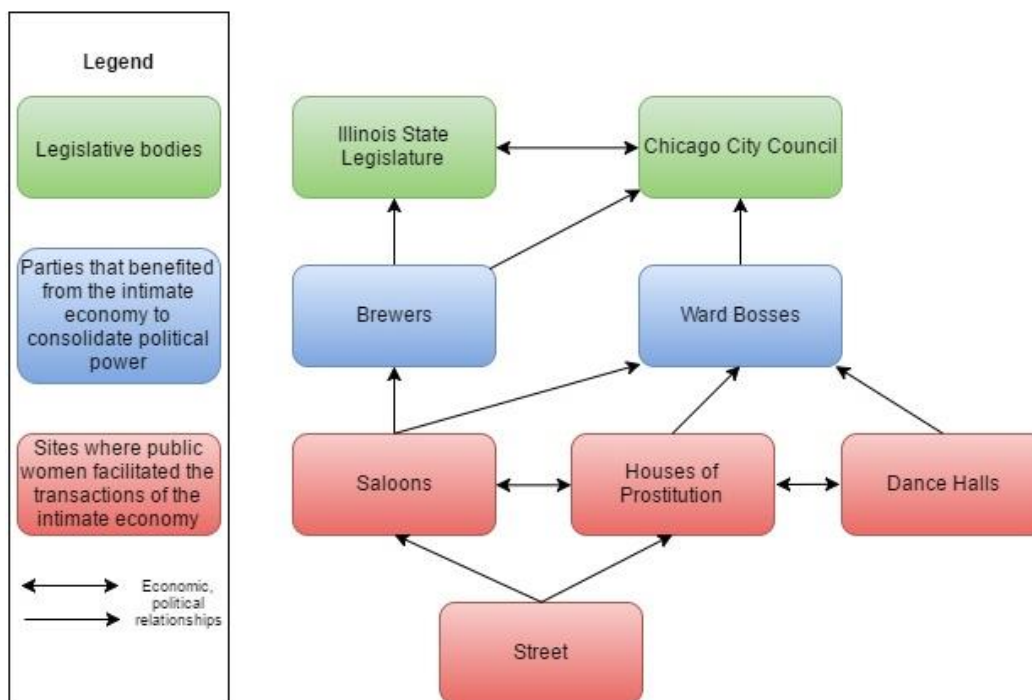
¹⁵⁵ Arthur B. Farwell Papers, Chicago Law and Order League to Chicago Council of Social Agencies, February 16, 1924, Box 1, Folder 5.

¹⁵⁶ Arthur B. Farwell Papers, “Open Letter to Mr. Percy Andreae of the International Brewers Congress,” Box 2, Folder 4-5.

¹⁵⁷ Arthur B. Farwell Papers, “A Quarter of a Century of War on Vice in the City of Chicago,” December 1918, Box 2, Folder 1; Alex Gottfried, *Boss Cermak of Chicago: A Study of Political Leadership* (Seattle: University of Washington Press, 1962).

¹⁵⁸ Wendt and Kogan, *Lords of the Levee*.

Figure 6. The Intimate Economy within Chicago's Broader Political Economy



In an industrializing city with limited employment opportunities for working-class women, many utilized the uniquely gendered opportunities of the intimate economy. Public women repurposed domestic and private space to secure income from intimate encounters of prostitution and robbery. In public places like streets and saloons, women subverted ideologies of femininity to obtain money through deception or force. Even if not securing income, public women participated in the intimate economy by drinking for pleasure and regulating economic and social relationships through physical altercations. Public women's strategies helped them forge violent and tenuous lives by transgressing public and private space, but did not translate into broader political power. Although public women facilitated the foundational transactions of Chicago's urban political economy, ward bosses and brewers garnered greater economic benefits to their political advantage.

Recognizing the critical role that public women played in funneling money and political power to brewers and ward bosses, an emergent alliance of reformers targeted public women and their transgressive femininity as part of a broader effort to dismantle the intimate economy in twentieth-century Chicago. Public women faced more consistent prosecution and institutionalization over time, and reform efforts ultimately rendered public women invisible in the urban landscape. Even Ruby Bell eventually left the streets of Chicago and moved to Saint Paul, Minnesota, where she assumed a new name and identity. By 1892, she was acquitted for the murder of Samuel Blackstone, a black porter, outside her home.¹⁵⁹ Bell's transition from a public life of transgressive femininity to domestic violence exonerated on the grounds of white feminine respectability foreshadowed broader historical trajectories. Into the twentieth century, urban feminine violence in Chicago shifted from the public sphere to the domestic realm while race and class increasingly defined the boundaries of acceptable feminine violence. Reformers' attempts to eliminate the intimate economy limited the range of economic choices for women like Ruby Bell but did not prevent violence from continuing to shape women's lives in industrializing cities.

¹⁵⁹ "Answer for a Life," *St. Paul Daily Globe*, March 29, 1892; "Her Honor was Safe," *St. Paul Daily Globe*, March 31, 1892; "Her Own Story," *St. Paul Daily News*, March 30, 1892; "Katie in a Pickle," *St. Paul Daily Globe*, November 19, 1891; "Saint Paul," *The Appeal*, March 19, 1892; "The Davis Trial," *St. Paul Daily News*, March 24, 1892.

CHAPTER TWO
CRIMINALIZING PUBLIC WOMEN AND DISMANTLING OF THE INTIMATE
ECONOMY

In 1881, the Republican-leaning *Chicago Daily Tribune* lambasted the mayoral office of Democrat Carter Henry Harrison for protecting “the gamblers, the houses of prostitution, the bunko-dens, the low concert-saloons, the confidence men, and criminals of all classes” in Chicago.¹ Disgruntled observers criticized the city’s status as a “wide open town” throughout the late nineteenth century and into the twentieth century. Minimal municipal regulation of prostitution, drinking, and gambling fostered a decentralized but lucrative political economy. By the 1890s, however, the intimate economy that fueled political power in Chicago became a shared target of an emergent alliance of reformers beginning in the 1890s. Municipal reformers and ministers joined middle- and upper-class women to dismantle what they saw as an immoral culture and corrupt political economy. Specifically, reformers in Chicago concentrated on reducing the public visibility of transgressive femininity, surveilling and exposing the intimate economy, and ultimately punishing and reforming public women. Because of public women’s centrality to the intimate economy, they became a core focus of reformers’ expanded efforts into the twentieth century. By the 1910s, the ascendance of the reform agenda successfully removed women from the public center of the intimate economy.²

¹ “Harrison’s Eulogy of His Acts,” *Chicago Daily Tribune*, March 27, 1881.

² See chapter 1 for definitions of public women, transgressive femininity, and intimate economy.

In the wake of the Great Fire of 1871, upper-class Chicagoans perceived the world around them in disarray. In addition to the expansive physical damage wrought by the conflagration, the Chicago Fire served as a metaphor for the overwhelming changes transforming life in the late nineteenth century.³ The growth of the market economy and industrialism throughout the nineteenth century undermined traditional structures of community regulation and destabilized localized systems of governance throughout the United States.⁴ Disparate warring political factions defined Chicago politics as multiple ward bosses consolidated local power by serving their transient, immigrant, or working-class constituencies. Once elected to office or absorbed into the auspices of the Republican or, more often, the Democratic party, politicians made tremendous amounts of money by negotiating patronage and passing ordinances to secure substantial kickbacks.⁵ The political landscape of Chicago offered little transparency and resisted centralized control.

³ Carl Smith identifies two main and interrelated “clusters of belief” that dominated discourse after the Great Fire. One stressed the opportunity for Chicago to “cleanse its soul and devote itself to an enlightened moral discipline that would be a vital step forward in the march toward final and perfect civilization” while the other warned that Chicago’s “social order would have to be carefully guarded since the city was a tinder-box ready to break out in crime, debauchery, and anarchy.” Carl Smith, *Urban Disorder and the Shape of Belief: The Great Chicago Fire, the Haymarket Bomb, and the Model Town of Pullman* (University of Chicago Press, 2007), 34.

⁴ Morton J. Horwitz, *The Transformation of American Law, 1780-1860* (Cambridge, Mass.: Harvard University Press, 1977); Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007); Morton Keller, *Affairs of State: Public Life in Late Nineteenth Century America* (Cambridge: Belknap Press of Harvard University Press, 1977); John Lauritz Larson, *The Market Revolution in America: Liberty, Ambition, and the Eclipse of the Common Good* (New York: Cambridge University Press, 2010); Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967).

⁵ Andrew Wender Cohen, *The Racketeer’s Progress: Chicago and the Struggle for the Modern American Economy, 1900-1940* (Cambridge, UK; New York: Cambridge University Press, 2004); Alex Gottfried, *Boss Cermak of Chicago; a Study of Political Leadership* (Seattle: University of Washington Press, 1962); Samuel P. Hays, “The Politics of Reform in Municipal Government in the Progressive Era,” *The Pacific Northwest Quarterly* 55, no. 4 (1964): 157-169; John R. Schmidt, *“The Mayor Who Cleaned Up Chicago”: A Political Biography of William E. Dever* (DeKalb: Northern Illinois University Press, 1989); Lloyd Wendt and Herman Kogan, *Lords of the Levee; the Story of Bathhouse John and Hinky Dink* (Indianapolis; New York: Bobbs-Merrill Co., 1943).

Meanwhile, the city's elite largely concerned itself with making money. Many industrial tycoons made their fortunes in Chicago in the late nineteenth century: Gustavus Swift perfected his meatpacking business, Marshall Field erected a legendary department store, and George Pullman established a company town to produce luxury sleeping cars. Businessmen and city boosters also concentrated on rebuilding the city in the wake of the Chicago Fire, erecting the nation's first skyscrapers and impressive cultural structures like theaters and museums.⁶ Optimistically envisioning Chicago as the pinnacle of western civilization and industrial power, city leaders hosted the Columbian Exposition in 1893 and built the "White City" to awe visitors. While maintaining a healthy disdain and fear of the poor and working class, the elite did not organize a cohesive movement to challenge the power of the intimate economy, powerful ward bosses, or savvy aldermen. A few businessmen and politicians opposed to Democratic power found common ground in the Republican Party and called for reform, but more often, businessmen like traction magnate Charles Yerkes benefited from the graft at city hall.⁷

Into the 1890s, however, a nascent and messy alliance among politicians, business interests, ministers, and women reformers emerged to challenge the power of the intimate economy in Chicago. Despite differences among self-proclaimed reformers, many shared the common goal of destabilizing existing networks of money and power, which necessitated the

⁶ For example, the Auditorium, Field Museum, Art Institute, and Chicago Cultural Center. For more on Gilded Age Chicago, see Chicago Historical Society and Newberry Library, *Encyclopedia of Chicago*, www.encyclopedia.chicagohistory.org; James Green, *Death in the Haymarket: A Story of Chicago, the First Labor Movement and the Bombing That Divided Gilded Age America* (Anchor, 2007); Smith, *Urban Disorder and the Shape of Belief*.

⁷ John Franch, *Robber Baron: The Life of Charles Tyson Yerkes* (Urbana: University of Illinois Press, 2006); Schmidt, "The Mayor Who Cleaned Up Chicago," 19; Wendt and Kogan, *Lords of the Levee*.

dismantling of the intimate economy.⁸ Three key strategies stand out among reformers' attempts to weaken the intimate economy in Chicago: 1) removing transgressive femininity from public view, 2) surveilling and exposing the private transactions of the intimate economy, and 3) utilizing the legal system to directly attack the sites of the intimate economy and prosecute public women. By 1919, these strategies helped reformers effectively erase public women from the urban landscape of Chicago, not only reducing the power of those who benefited from the intimate economy but also constraining the already limited choices of women trying to make a living in an industrializing city. Identifying key groups of reformers begins to elucidate the significant transformation of Chicago's political economy, revealing a complex network of people with overlapping and occasionally competing motivations.

Municipal Reformers

A central challenge to the status quo in Chicago originated from politicians—and the businessmen who backed them—who desired more representation in the decentralized political systems that dominated Chicago.⁹ While businessmen like Yerkes benefited from the machinations of city hall, other executives grew dissatisfied with deals that excluded them from very lucrative profits. For example, in 1895, a small group of Democrats headed by West Side boss Roger Sullivan rushed two lucrative ordinances through the city council that awarded city

⁸ Recent historiography emphasizes the complex and competing goals of people and organizations often lumped under the label of reform. I cite this historiography in the following pages and respond by outlining various reform impulses in Chicago and the ways in which the rhetoric of reform often contained conflicting political motivations and racial visions. However, I find also find common mission among many reformers to target the intimate economy and public women, making “reformers” a useful analytic category in this chapter.

⁹ Cohen, *The Racketeer's Progress*; Hays, “The Politics of Reform in Municipal Government in the Progressive Era,” 157-169.

contracts to companies for 50 years, double the usual length of time guaranteed by the city. One ordinance awarded all electric power, including heat, power, telephone, and telegraph, to a fictitious company called the Cosmopolitan Electric Company. The other measure similarly granted all rights for making, piping, and selling gas to an Ogden Gas Company. The coup sparked an uproar across the city, infuriating utility companies who found themselves forced to buy up the ordinance. Meanwhile, Sullivan became president of Ogden Gas and made thousands of dollars along with his compatriots.¹⁰

Early municipal reform groups like the Civic Federation (later the Municipal Voting League) publicly spoke out against the council's actions, shaming the shady aldermen or "Gray Wolves" who passed such flagrant "boodle."¹¹ Calls for reform utilized language of "cleaning up" a corrupt government and advocated for political transparency rather than politics governed by closed-room consensus building.¹² While some municipal reformers earnestly sought a more honest and fair government, others disapproved of their exclusion from the intimate conversations and negotiations that produced financial and political power. For example, historian Andrew Wender Cohen has demonstrated how the corporate elite employed the political rhetoric of reform to identify tradespeople as corrupt and violent racketeers in attempts

¹⁰ "Ordinance Granting Gas Franchise," *Chicago Daily Tribune*, February 27, 1895; "Rage at Evil Work," *Chicago Daily Tribune*, February 27, 1895; "Through in a Flash," *Chicago Daily Tribune*, 26 February 1895; Wendt and Kogan, *Lords of the Levee*, 118-119.

¹¹ "The Civic Federation," *Chicago Daily Tribune*, May 4, 1895; "Civic Federation Enters Politics," *Chicago Daily Tribune*, March 4, 1894; "Civic Federation Lays Its Plans," *Chicago Daily Tribune*, December 8, 1896; "Harlan Huntin 'Gray Wolves,'" *Chicago Daily Tribune*, March 22, 1902; "To Talk of Civic Evils," *Chicago Daily Tribune*, February 18, 1899; "War on Boogie Gang," *Chicago Daily Tribune*, June 28, 1895.

¹² "Cases for Clean Council," *Chicago Daily Tribune*, December 15, 1901; Citizen's Association of Chicago, *Annual Report of the Citizen's Association of Chicago* (Chicago, 1909); "Opposes Segregation Plans," *Chicago Daily Tribune*, October 17, 1910; "Praise Work of Voters' League," *Chicago Daily Tribune*, April 9, 1902.

to break the unity of craftsmen.¹³ The refrain of “reform,” then, often belied the ambitions of business interests. Regardless of motivation, municipal reformers worked together to advance a new industrial order that undercut a political economy driven by public women, immigrants, and the working class.

In the wake of the 1895 electric and gas scandal, the Municipal Voters League (MVL) organized to cleanse the city council and fill seats with their own candidates. Many Democrats lost their seats and the Republicans secured a majority of the council, reflecting how early reform groups like MVL often allied with the Republican Party.¹⁴ Still, stalwart “Gray Wolves” who protected and benefited from the intimate economy like Bathhouse John Coughlin of the First Ward and Johnny “De Pow” Powers of the Nineteenth Ward maintained power through the early upheavals. In upcoming years, they continued to consolidate power and elect allies like Carter Harrison II to the mayor’s office. Noting the cachet and power of reform rhetoric, ward bosses often fashioned themselves as reformers while continuing to participate in election fraud and graft.¹⁵ The old order proved strong and deeply rooted, and easily co-opted or drowned out calls for municipal reform. Teaming up with moral crusaders, however, offered a more useful and effective way to undercut political power by targeting the intimate economy.

¹³ Cohen, *The Racketeer's Progress*.

¹⁴ “The Civic Federation,” *Chicago Daily Tribune*, May 4, 1895; “Civic Federation Enters Politics,” *Chicago Daily Tribune*, March 4, 1894; “Civic Federation Lays Its Plans,” *Chicago Daily Tribune*, December 8, “War on Boodle Gang,” *Chicago Daily Tribune*, June 28, 1895.

¹⁵ For example, see “Senator Powers’ ‘Reform’ Bill,” *Chicago Daily Tribune*, March 6, 1903; “Powers in Reform Field,” *Chicago Daily Tribune*, April 2, 1904; “Recruits in Reform,” *Chicago Daily Tribune*, January 19, 1895.

Ministers

The municipal reform movement in many ways manifested as a secularization of the social gospel movement, which gained momentum in the wake of the Civil War as a form of evangelical Protestantism that sought social, rather than individual, salvation.¹⁶ By the late nineteenth century, the social gospel impulse expanded into a broader reform movement united by concern that the local community regulation that typified the early republic proved inadequate in the wake of transformative industrialization and urbanization.¹⁷ In cities like Chicago where many Germans, Irish, and Italians practiced Catholicism, the social gospel reform movement appealed to a Protestant elite who aimed to challenge the power of growing immigrant communities.

Protestantism remained a driving force of urban reform into the twentieth century, personified by zealous and high-profile ministers and working hand-in-hand with municipal reform. For example, Chicagoans organized the Civic Federation cum Municipal Voters League as a direct response to a visit by William Thomas Stead, a London journalist who resided in the city for six months from 1893 to 1894. During his stay, Stead delivered a sermon and published a book entitled *If Christ Came to Chicago* that documented and preached against the city's debauchery and immorality in terms of Christian duty and morality.¹⁸ Early secular rhetoric of municipal reform drew heavily on the lessons of the social gospel. Even official reports on

¹⁶ Ronald C. White and Charles Howard Hopkins, *The Social Gospel: Religion and Reform in Changing America* (Philadelphia: Temple University Press, 1976).

¹⁷ Keller, *Affairs of State*; Wiebe, *The Search for Order*.

¹⁸ William Thomas Stead, *If Christ Came to Chicago: A Plea for the Union of All Who Love in the Service of All Who Suffer* (Laird & Lee, 1894).

prostitution and the intimate economy utilized the term “social evil” to emphasize the moral battle at stake.¹⁹

Meanwhile, Protestant ministers of the social gospel often operated within their local communities to effect change from the bottom up, usually in alliance with municipal reformers. For example, Protestant minister Graham Taylor established the Chicago Commons settlement house in the Seventeenth Ward as an exercise in applied Christianity. He also knew Stead and helped found the Civic Federation. Beginning in 1895, Taylor and his nonpartisan reformist Seventeenth Ward Council attempted to elect aldermen who did not have ties to the intimate economy or the Democratic machine.²⁰ The Council successfully put an independent in one of the alderman seats in 1896. Then, in 1900, Taylor and the Municipal Voters League endorsed future reform mayor William Dever as alderman. Although he lost in 1900, he successfully secured the seat in 1902 and later in the 1920s became known as the mayor who attempted to “clean up” the city of Chicago.²¹

While some ministers organized on the local level, others launched more directed “anti-vice” crusades that specifically aimed to dismantle the intimate economy in Chicago. They acted as gadflies, using newspaper coverage and mass meetings as well as direct political and legal action to attack what they considered the depravity of urban life. Methodist minister Elmer Lynn

¹⁹ Jane Addams, *A New Conscience and an Ancient Evil* (New York: The Macmillan Company, 1912); Chicago Vice Commission, *The Social Evil in Chicago; a Study of Existing Conditions with Recommendations by the Vice Commission of Chicago* (Chicago: Gunthorp-Warren Printing Company, 1911).

²⁰ Schmidt, “*The Mayor Who Cleaned Up Chicago*,” 23; Louise Carroll Wade, *Graham Taylor, Pioneer for Social Justice, 1851-1938* (Chicago: University of Chicago Press, 1964).

²¹ Schmidt, “*The Mayor Who Cleaned Up Chicago*,” 23-25.

Williams, for example, allied with reform organizations like the Hyde Park Protection Association and the Chicago Law and Order League. Contemporaries called Williams “the fighting parson” because of his zeal in combatting the intimate economy.²² Through their individual actions as well as their participation in an emergent network of reform organizations, ministers combined longstanding rhetoric of Christian morality and civilization with a strong emphasis on social politics to battle the perceived moral ills of the intimate economy and urban life more broadly.

Women Reformers

Women reformers emerged as a third critical group on the Chicago reform scene. Throughout the nineteenth century, middle- and upper-class women in the United States participated in the political sphere through church work and antislavery activism. By the late nineteenth century, many women continued their activism in the political sphere by advocating for women’s rights and suffrage.²³ Others participated in civic, literary, and social clubs like the Chicago Woman’s Club, dedicated to “the higher civilization of humanity.”²⁴ Meanwhile, African American clubwomen also advocated for racial uplift and challenged the white supremacy inherent in dominant discourses of civilization.²⁵ Ida B. Wells, for example, famously

²² Arthur B. Farwell Papers, Chicago Law and Order League to Chicago Council of Social Agencies, February 16, 1924, Chicago History Museum, Box 1, Folder 5; Elmer Lynn Williams Papers, Chicago History Museum, Box 1, Folders 1-2.

²³ Catherine Clinton, *The Other Civil War: American Women in the Nineteenth Century* (New York: Hill and Wang, 1984); Howe, *What Hath God Wrought*, 164-202; Wendy Hamand Venet, *Neither Ballots nor Bullets: Women Abolitionists and the Civil War* (Charlottesville: University Press of Virginia, 1991).

²⁴ Chicago Women’s Club Records, 1877-1998, “History of the Chicago Women’s Club,” 1888, Women and Leadership Archives, Loyola University Chicago, Box 15, Folder 1.

²⁵ Anne Meis Knupfer, *Toward a Tenderer Humanity and a Nobler Womanhood: African American Women's Clubs in Turn-of-the-Century Chicago* (New York: New York University Press, 1996); Cynthia Neverdon-Morton, *Afro-*

launched a tireless anti-lynching campaign from her headquarters in Chicago beginning in the 1890s.²⁶ Across race, clubwomen often represented the well-educated middle and upper classes.

Starting in the late nineteenth century, Chicago women started channeling their civic labor into local urban affairs. The Chicago Woman's Club, for example, began embracing "practical work" to improve conditions in the city, often by establishing social services for women and children.²⁷ Women reformers like Lucy Flowers and Julia Lathrop played a critical role in establishing the nation's first juvenile court in Chicago with the intent of caring for the welfare of children.²⁸ Some groups dedicated themselves to the cause of temperance, most notably the Woman's Christian Temperance Union led for many years by Frances Willard in Chicago's northern suburb of Evanston.²⁹ As in antislavery and early suffrage political work, women emphasized their feminine respectability and maternal morality as the guiding

American Women of the South and the Advancement of the Race, 1895-1925 (Knoxville: University of Tennessee Press, 1989).

²⁶ Linda McMurry Edwards, *To Keep the Waters Troubled: The Life of Ida B. Wells* (New York: Oxford University Press, 1998); Paula Giddings, *Ida: A Sword Among Lions: Ida B. Wells and the Campaign against Lynching* (New York: Amistad, 2008).

²⁷ *Chicago Women's Club Records, 1877-1998*, "Annual Announcement," 1886-1887, Women and Leadership Archives, Loyola University Chicago, Box 1, Folder 9; *Chicago Women's Club Records, 1877-1998*, "History of the Chicago Women's Club," 1888, Women and Leadership Archives, Loyola University Chicago, Box 15, Folder 1.

²⁸ Elizabeth J. Clapp, *Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America* (University Park, Pa: Pennsylvania State University Press, 1998); Anne Meis Knupfer, *Reform and Resistance: Gender, Delinquency, and America's First Juvenile Court* (New York: Routledge, 2001); Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995); Nicole Hahn Rafter, *Partial Justice: Women, Prisons, and Social Control* (New Brunswick: Transaction Publishers, 1990); Franklin E. Zimring et al., eds., *A Century of Juvenile Justice* (Chicago: University of Chicago Press, 2002); David Spinoza Tanenhaus, *Juvenile Justice in the Making* (Oxford: Oxford University Press, 2004).

²⁹ Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800-1933* (Chicago: Ivan R. Dee, 1998).

framework and justification for their activities. The maternalist approach lent itself to establishing protective agencies and services for women and children and upholding dry initiatives by emphasizing the harm alcohol inflicted on families.

An important aspect of clubwomen's "practical work" included funding, administering, and working with settlement houses. In addition to the Chicago Commons, Chicago served as home to a robust settlement movement including the Northwestern University Settlement House and Jane Addams' Hull House.³⁰ Like Taylor, female settlement house leaders such as Harriet Vittum and Jane Addams challenged the power of entrenched aldermen in their neighborhood. For example, Addams unsuccessfully challenged Johnny Powers' hold on the Nineteenth Ward in her early years at the Hull House.³¹ She discovered that Powers maintained substantial power in the local Italian communities through concrete acts of generosity like paying for funerals or philanthropic donations at church bazaars. In contrast, Addams observed how reformer rhetoric that embraced bureaucracy and condemned municipal corruption sounded hollow and abstract to people struggling with poverty on a daily basis.³² Addams' assessment identified how ward bosses' roles as benefactors for their constituents positioned reformers as aloof or even malicious

³⁰ Mina Julia Carson, *Settlement Folk: Social Thought and the American Settlement Movement, 1885-1930* (Chicago: University of Chicago Press, 1990); Ruth Crocker, *Social Work and Social Order: The Settlement Movement in Two Industrial Cities, 1889-1930* (Urbana: University of Illinois Press, 1992); Elisabeth Lasch-Quinn, *Black Neighbors: Race and the Limits of Reform in the American Settlement House Movement, 1890-1945* (Chapel Hill: University of North Carolina Press, 1993); Camilla Stivers, *Bureau Men, Settlement Women: Constructing Public Administration in the Progressive Era* (Lawrence, Kan.: University Press of Kansas, 2000); Judith Ann Trolander, *Professionalism and Social Change: From the Settlement House Movement to Neighborhood Centers, 1886 to the Present* (New York: Columbia University Press, 1987).

³¹ Humbert S. Nelli, "John Powers and the Italians: Politics in A Chicago Ward, 1896-1921," *The Journal of American History* 57, no. 1 (June, 1970): 67-84.

³² Jane Addams, "Why the Ward Boss Rules," *Outlook*, Vol. 57 (April 2, 1898).

in attacking the political dealings of men like Powers. By engaging in practical work, women reformers attempted to more effectively address political issues through social programs.

Indeed, Addams' social and political work constantly overlapped. Her 1912 book, *A New Conscience and an Ancient Evil*, noted the "historic connection between commercialized vice and alcoholism" as well as the "close relation between politics and the liquor interests, behind which the social evil so often entrenches itself."³³ Addams argued that allowing women access to the political process would inevitably help curb prostitution. For Addams, women's suffrage, political corruption, alcohol, and prostitution all operated as interlinking social issues.

Addams' view on prostitution and politics illustrates how women's reform work quickly evolved to include a vested interest in municipal reform. Utilizing gendered discourse of housekeeping, women reformers vowed to clean up city institutions that ran amok under men's leadership. Clubs published pamphlets like "City Ordinances You Ought to Know" to inform the public about municipal laws. Before suffrage, they endorsed and lobbied for candidates for city and county offices.³⁴ After Illinois affirmed women's right to vote in 1914, women ran for office themselves on reform platforms. For example, Harriet Vittum, the president of the Woman's City Club and head resident of the Northwestern University settlement, sought a city council seat on the west side.³⁵ Julia Agnew of the Chicago Political Equality League campaigned to represent

³³ Addams, *A New Conscience and an Ancient Evil*, 42.

³⁴ Chicago Woman's Club Records, "Report of the President," April 25, 1914, Chicago History Museum, Box 23, Folder 3; Chicago Woman's Club Records, "Reform Department Report," April 22, 1914, Chicago History Museum, Box 23, Folder 3.

³⁵ "All Classes Go To Drake Rally," *Chicago Daily Tribune*, March 22, 1914; "Miss Vittum Asks Open Door to U.S.," *Chicago Daily Tribune*, April 1, 1914; "Miss Vittum's Career is One Long Crusade," *Chicago Daily Tribune*, November 25, 1934.

the 31st ward.³⁶ Marion Drake even challenged the undefeated Bathhouse Coughlin for alderman, proclaiming that “we’re turning the searchlight on the First Ward!”³⁷ Notably, Vittum and Drake both adopted the Progressive Party platform, demonstrating the limits of the Republican Party’s alliance with reform candidates.³⁸ Eager to assert their moral and political legitimacy regardless of party, women reformers proved valuable allies in the fight for reform.

Like all reformers, women reformers constituted a heterogeneous group with internal tensions. Most glaringly, women reformers held competing racial visions of civilization as exemplified by public disagreements between Willard and Wells or the sometimes patronizing approach of settlement houses to immigrant populations.³⁹ On a broader level, “reform” included actors with a wide range of motivations and purposes that sometimes competed. More than once the goals of municipal reformers, business interests, women reformers, and ministers came into conflict.⁴⁰

Overall, however, Chicago’s nascent reform movement generally worked to advance the intertwined goals of political power, moral salvation, and social uplift in industrializing cities.

³⁶ “Campaign in City Ending,” *Chicago Daily Tribune*, April 5, 1914; “Fail to Oust Du Charm,” *Chicago Daily Tribune*, April 16, 1914; Wendt and Kogan, *Lords of the Levee*, 305.

³⁷ “All Classes Go To Drake Rally,” *Chicago Daily Tribune*, March 22, 1914; “Campaign in City Ending,” *Chicago Daily Tribune*, April 5, 1914; “Coughlin Called Vice Exploiter,” *Chicago Daily Tribune*, March 29, 1914; “‘Ward on Trial,’ Says Miss Drake,” *Chicago Daily Tribune*, April 3, 1914; Wendt and Kogan, *Lords of the Levee*, 307; “Women Pledged to Miss Drake,” *Chicago Daily Tribune*, January 21, 1914.

³⁸ Other women reformers joined the Democratic Party, like Elizabeth Bass discussed in the beginning of chapter 5.

³⁹ Anita August, “Rival Radical Feminists Frances Willard and Ida B. Wells: The Rhetorical Slugfest of Two Nineteenth-Century Queen Bees over Lynching” (PhD diss., University of Texas at El Paso, 2009); Edwards, *To Keep the Waters Troubled*; Giddings, *Ida, A Sword Among Lions*.

⁴⁰ For examples, see Maureen A. Flanagan, *Seeing with Their Hearts: Chicago Women and the Vision of the Good City, 1871-1933* (Princeton, N.J.: Princeton University Press, 2002).

The intimate economy, usually lumped under the category of “vice” by reformers, represented a mutual target of municipal reformers, ministers, and women reformers. It operated as the source of political and economic power for a decentralized city council as well as the local, state, and national Democratic Party. The intimate economy also demonstrated what reformers considered the moral decay of industrial society with its transgressive gender and sexual mores. Dismantling the intimate economy would mean a victory for those who hoped to impose a new social order based on the moral imperatives of Christian civilization and political and economic access to “clean” government.

Multiple interlocking strategies undertaken by various groups of reformers in turn-of-the-century Chicago worked together to dismantle the intimate economy by reversing the relationship of the public and private. In the intimate economy, women publicly displayed their transgressive femininity, while the mechanisms of the political economy took place in private, intimate settings. Reformers, in contrast, attempted to remove expressions of transgressive femininity from the public eye while at the same time exposing the internal transactions of the intimate economy. Finally, reformers looked to the legal system to permanently close saloons and brothels and institutionalize public women.

Controlling Transgressive Femininity

Chicago’s intimate economy operated throughout the city but thrived in concentrated areas like the Old Levee along Clark Street from the 1870s through the 1890s. Early police raids on the Old Levee usually proved perfunctory or political. In some cases, a political faction orchestrated raids in areas governed by their enemies. Other times, leaders responded to the clamor raised by reformers and instructed police to descend upon an area known for prostitution,

gambling, or saloons open past curfew. Often, the local ward boss received a tip from a political official or police captain in their pocket. The police would arrive to find few to no people breaking the law.⁴¹ Occasionally police rounded up and charged a token group of lawbreakers, but the incarcerated likely benefited from the protection of ward bosses and saw their fines paid or the charges dropped. In fact, nearly three-quarters of the 180 prostitution cases brought to the Cook County Criminal Court from 1873 to 1899 ended in fines or being stricken from the record.⁴² Notably, police often played into the hands of whoever paid them, enforcing the edicts of political leaders rather than acting as representatives of the state imposing law and order.

As with any economy, pockets of the intimate economy ebbed and flowed throughout the nineteenth century. When activity declined in a given area, police and political officials took credit. For example, Captain Michael Schaack oversaw a series of raids along Meridian Street in the Levee during 1887 and proclaimed that all “low houses” were closed. The visibility of public women constituted the barometer to determine whether an area was “cleaned up.” According to the *Daily Inter Ocean*:

Meridian Street is no longer a danger to night pedestrians and darkness dwells in the notorious lodges of Rotten Row. There is a slight change in the down town streets.

⁴¹ Most reformer literature comments on the cycle of police raids. See: *Annual Report of the Chicago Committee of Fifteen*, 1920, Chicago History Museum; Arthur B. Farwell Papers, Chicago Law and Order League to Chicago Council of Social Agencies, February 16, 1924, Chicago History Museum, Box 1, Folder 5; Arthur B. Farwell Papers, “Open Letter to Mr. Percy Andreae of the International Brewers Congress,” Chicago History Museum, Box 2, Folder 4-5; Chicago Vice Commission, 143-162; Henry Barrett Chamberlin, *50-50: Fighting Chicago’s Crime Trusts* (Chicago, 1916); Citizens’ Association of Chicago, *Annual Report of the Citizen’s Association of Chicago* (Chicago, 1909), 3-6. For more on police and industrializing cities, see Roger Lane, *Policing the City: Boston, 1822-1885* (Atheneum, 1971); Eric H. Monkkenon, *Crime, Justice, History* (Ohio State University Press, 2002); William J. Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996); Joseph Gerald Woods, *The Progressives and the Police: Urban Reform and the Professionalization of the Los Angeles Police* (University of California, 1973).

⁴² Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Boxes 2-286. No court records are available after 1899.

Women are not so frequent in the shadows of the side streets and they are less bold in their operations. Very many of the women have gone to plague other towns, south, north, east, and west, and those who remain are compelled to resort to new devices to extort a living from the young bloods and the visiting delegates. In the levee saloons women will not be furnished with their drinks unless the proprietors are sure of the visitors. In the New Haven, the principal resort in the central part of the city, women are no longer admitted unless they are accompanied by gentlemen.⁴³

Whether occupying city streets or patronizing saloons, public women's transgressive femininity and vital economic role positioned them as the most visible evidence of the intimate economy and, ultimately, the primary target of reformers.

At the turn of the twentieth century, a new Levee emerged on the South Side between 18th and 22nd Streets while the Old Levee dwindled. A series of raids by Mayor Carter Harrison II in 1903 signaled the death knell of the Old Levee. As the South Side Levee grew with vigor, reformers and city officials argued over the best way to regulate the intimate economy or "vice." A common perspective held that segregation contained commercial sex within designated boundaries and out of "respectable" neighborhoods.⁴⁴ Municipal reformers, women reformers, and ministers countered that segregated districts merely encouraged illicit and illegal activities and contributed to the power of ward bosses and liquor interests.⁴⁵

⁴³ "Brevities: Effect of the New Broom," *Daily Inter Ocean*, May 26, 1887. Two years later, Schaack published a comprehensive book on the Haymarket affair. See Michael J. Schaack, *Anarchy and Anarchists* (Chicago: F. J. Schultz & Company, 1889).

⁴⁴ Chicago Vice Commission, 1-49; "Harrison Favors Vice Segregation," *Chicago Daily Tribune*, April 7, 1911; "Reformers Split on Segregation," *Chicago Daily Tribune*, February 4, 1911; "Segregation of Vice," *Chicago Daily Tribune*, March 17, 1904.

⁴⁵ "Attack Regulation of Vice," *Chicago Daily Tribune*, November 2, 1909; "Brundage Wants Vice Segregated," *Chicago Daily Tribune*, September 8, 1910; "Ministers Attack Vice Segregation," *Chicago Daily Tribune*, December 28, 1909; "Opposes Segregation Plans," *Chicago Daily Tribune*, October 17, 1910.

In 1910, a federation of local clergy called on the city of Chicago to convene the Vice Commission to interrogate the extent and nature of the intimate economy and whether or not segregation offered the best strategy to contain commercial sex in the city. Combining moral language with social scientific methods of quantification and evaluation, the Commission issued a report entitled *The Social Evil in Chicago*. Recommendations provided by the Commission resulted in the passage of various ordinances to regulate the visibility of prostitution in Chicago. However, the Commission never evolved into a sustained bureaucratic office. Instead, the report and ordinances that developed from the Commission served as a legal basis for a network of individual reformers and private groups to combat the city's intimate economy. For example, local wealthy men formally established the privately-run and funded Committee of Fifteen the same year that the publicly-supported Vice Commission published its report with the intention of aiding "public authorities in the enforcement of all laws against pandering and to take measures calculated to suppress the white slave traffic."⁴⁶ Other private organizations like the anti-saloon Law and Order League predated the Vice Commissions report but continued their work with renewed energy after its publication.⁴⁷

The Vice Commission and associated organizations like the Committee of Fifteen and the Law and Order League explicitly aimed to decrease the visibility of prostitution and transgressive femininity. In a 1918 retrospective report, the Committee of Fifteen explicitly

⁴⁶ Clifford W. Barnes, "The Story of the Committee of Fifteen of Chicago," *Journal of Social Hygiene* Vol. 4 (1918): 145-156.

⁴⁷ A.T. Andreas, *History of Chicago* Vol. 3 (Chicago, 1886); Charles Carroll Bonney, *The Present Conflict of Labor and Capital* (Chicago: Chicago Legal News Co., 1886).

declared that “secret or clandestine vice is not the object of attack” but rather “flagrant outward expression of vice” to be “eliminated from public gaze.” The committee framed its work as part of a broader moral war against “pimps, panderers, keepers of houses of prostitution, owners, agents, police and political grafters, and all others who make money by promoting vice.”⁴⁸ Even as it flattened the dynamics of the intimate economy into a monolithic morally corrupt culture that could only thrive if it consumed more victims, the Committee recognized the interconnectedness of the intimate economy and sought to cut off the demand of patrons and supply of laborers by controlling public space.

Middle-class businessmen long complained that the visibility of prostitutes, vulgar language, and lewd images deterred “respectable” consumers from visiting the area.⁴⁹ The intimate economy threatened to both compete for customers or interfere with desired clientele. In particular, businessmen and reformers alike expressed concern for women shoppers and commuters. In 1898, railroad companies and the Young People’s Christian Temperance union joined forces to rid Dearborn Station of “its criminal surroundings” in part because the hundreds of girls and women who commuted to the city for work were “compelled to overhear the rough language of the denizens of the dives.”⁵⁰ Reformers not only expressed concern for the moral safety of women exposed to lewdness, but also harbored serious fears of “white slavery.” A driving narrative of anti-vice crusades reasoned that corrupt urban men seduced white women

⁴⁸ *Annual Report of the Chicago Committee of Fifteen*, 1917, Chicago History Museum.

⁴⁹ “Dives Not to be Tolerated,” *Chicago Daily Tribune*, September 26, 1898; “North Clark Street’s Fight Against Vice,” *Chicago Daily Tribune*, September 4, 1898.

⁵⁰ “Dives Not to be Tolerated,” *Chicago Daily Tribune*, September 26, 1898.

into sexual impropriety, ultimately trapping women in a life of prostitution. That otherwise respectable white women would fall down a slippery slope to prostitution after exposure to the intimate economy resolved the dilemma between ideals of white feminine respectability and realities of white public women. White slavery rhetoric also drew on strains of abolitionist language that elevated reformers to white saviors of a weaker population. Notably, fears of white slavery eschewed any concern for the conditions of black women participating in commercial sex. Additionally, while some women may have felt trapped or deceived into prostitution, the white slavery narrative ignored the agency and economic choices of women making a life in an industrializing city.⁵¹

To help protect women and valuable customers from the intimate economy, the city passed “Rules Governing Regulation of Vice” in the wake of the Vice Commission’s report in 1912. The ordinance included eliminating outdoor signage, restricting street soliciting, and removing “swinging doors that permit of easy access or a view of the interior.” The statute also declared “no women without male escorts shall be permitted in a saloon” and that “short skirts, transparent gowns, and other improper attire shall not be permitted in the parlors or public

⁵¹ Examples of reformer literature that utilize narratives include: *Annual Report of the Chicago Committee of Fifteen, 1911-1920*; Arthur B. Farwell Papers, “Open Letter to Mr. Percy Andrae of the International Brewers Congress,” Chicago History Museum, Box 2, Folder 4-5; Chicago Vice Commission, 163-288; Clifford W. Barnes Papers, Chicago History Museum, 1913 Report, Box 1, Folder 4. For more on white slavery, see Cynthia Blair, *I’ve Got to Make My Livin’: Black Women’s Sex Work in Turn-of-the-Century Chicago* (Chicago: The University of Chicago Press, 2010); Mara L. Keire, *For Business & Pleasure Red-Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: Johns Hopkins University Press, 2010); Kevin J. Mumford, *Interzones: Black/White Sex Districts in Chicago and New York in the Early Twentieth Century* (New York: Columbia University Press, 1997); Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1982); Sharon E. Wood, *The Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age City* (Chapel Hill: University of North Carolina Press, 2005).

rooms.”⁵² Dismantling the intimate economy meant restricting public signs of the intimate economy as well as the visible performance of transgressive femininity. Controlling women’s behavior, dress, and mobility in public and semi-public spaces represented a critical strategy for weakening the power of the intimate economy.

Surveilling and Exposing the Intimate Economy

Along with removing transgressive femininity from public view, reformers also focused on weakening the intimate economy by surveilling and exposing its internal activities. Many of the internal functions of the intimate economy depended on privacy and intimate knowledge, from the double set of books at assignation hotels to distinguishing between thieves and prostitutes in a saloon to backroom political deals and election fraud. By surveilling and exposing the transactions of the intimate economy, reformers attempted to remove the veil that protected workers and their benefactors.

Moral and municipal reformers went undercover and visited red light districts, saloons, and dance halls to surveil and document immorality. The Vice Commission made recommendations based on evidence from “trained expert investigators, both men and women, highly recommended for their efficiency and reliability.”⁵³ The Law and Order League sent men and women to witness and document the activities at the First Ward Ball.⁵⁴ Elmer Lynn Williams, “the fighting parson,” hired a photographer to take pictures of people exiting hotels of

⁵² Arthur B. Farwell Papers, “Rules Governing Regulation of Vice, 1912,” Chicago History Museum, Box 2, Folder 4.

⁵³ Chicago Vice Commission, 31.

⁵⁴ Arthur B. Farwell Papers, 1908 Reports, Box 2, Folder 4.

assignation on Clark Street.⁵⁵ In another instance, unnamed “morals inspectors” attempted to bring notorious brothel owner Violet Phipps to court by monitoring her house, looking through her windows from the house next door.⁵⁶ As a member of the Committee of Fifteen, Clifford Barnes frequented saloons and documented the number of times he observed or was solicited by prostitutes.⁵⁷ Investigators employed their gaze, legitimized by their presumed moral superiority, to document improper behavior by women in sex districts.⁵⁸

Reformers’ willingness to participate in the intimate economy in order to dismantle it reveals an ironic dynamic to surveillance. Transgressive femininity’s social and economic power rested in its visibility, and self-proclaimed moral observers reinforced that power by searching for public women, looking at them, and being scintillated by them. Reformers like Williams and Barnes experienced the pleasure of the intimate economy while condemning transgressive behavior and upholding their own moral superiority. Despite asserting the moral high ground, undercover reformers still engaged in the same behavior as the men they condemned for seeking leisure in a red-light district.

⁵⁵ Elmer Lynn Williams Papers, “Illuminating a Rat Hole,” Chicago History Museum, Box 1, Folder 2.

⁵⁶ “Violet Phipps’ Window Proves Accusers Erred,” *Chicago Daily Tribune*. July 22, 1917; “Violet’s Rays Melt Jurors at Raid Trial,” *Chicago Daily Tribune*. July 18, 1917.

⁵⁷ Clifford W. Barnes Papers, Chicago History Museum, 1913 Report, Box 1, Folder 4.

⁵⁸ Jennifer Fronc and Timothy Gilfoyle utilized rich archival sources in New York City to observe strategies of surveillance and cultural policing in the late nineteenth and early twentieth century. Fronc goes on to argue that extralegal surveillance became incorporated into efforts on behalf of the federal government during WWI. While limited archival resources suggest that reformers undertook similar strategies of surveillance in Chicago, I do not undertake a full excavation of Progressive Era cultural policing here. Rather, I focus on analyzing the political and economic implications of surveilling and exposing public women as part of a broader set of strategies aimed at dismantling the intimate economy. See Fronc, *New York Undercover Private Surveillance in the Progressive Era* (Chicago: University of Chicago Press, 2009); Gilfoyle, “The Moral Origins of Political Surveillance: The Preventive Society in New York City, 1867-1918,” *American Quarterly*, Vol. 38, No. 4 (Autumn, 1986) 637-652.

To differentiate themselves from leisure-seekers, many investigators employed early social scientific methods by taking pictures and keeping notes. Whether employing photography like Elmer Lynn Williams or writing meticulous notes for the Committee of Fifteen or the Law and Order League, reformers evoked the imperialist nineteenth-century science of ethnology by observing the behavior of the “other” in its natural habitat.⁵⁹ By sharing and disseminating their evidence in the form of official observations and reports, reformers reproduced the experience for a broader audience under the auspices of sharing information and stopping the intimate economy. Once again, the reformer’s gaze produced pleasure compounded by the observer’s assumed superiority.⁶⁰

In their zeal, observers rarely differentiated between women’s leisure, nonsexual labor, and sexual labor in saloons, brothels, and hotels. Reformers effaced women’s labor and leisure, as well as the distinction between the two, by exclusively documenting women in terms of impropriety. Self-appointed morals inspectors or those working for organizations like the Vice Commission, the Committee of Fifteen, and the Law and Order League discussed prostitution as an identity rather than an occupation. While the line between work and play certainly blurred for public women, prostitution nevertheless functioned as a source of income. Displays of transgressive femininity did not always directly correspond to sexual labor.⁶¹ By conflating the

⁵⁹ Ella Shohat and Robert Stam. *Unthinking Eurocentrism: Multiculturalism and the Media* (New York: Routledge, 1994).

⁶⁰ For more on gaze and pleasure, see Laura Mulvey, *Visual and Other Pleasures* (New York: Palgrave Macmillan, 2009).

⁶¹ See chapter 1.

two, moral and municipal reformers branded the intimate economy as “vice,” public women as prostitutes, and disguised the political and economic dynamics of their morality campaign.

After surveilling and documenting women’s labor and leisure as immoral behavior, the next common step was exposure. The element of privacy served as a protective shield in the intimate economy, especially for owners and patrons of houses of prostitution. By attempting to undermine the privacy afforded by semi-public places, reformers advocated for accountability via bureaucracy, rather than through the interpersonal and informal regulation utilized in the intimate economy. The Committee of Fifteen routinely published “the owners of record of property used for immoral purposes” and gleefully reported that the strategy yielded a “tremendous effect.”⁶² Elmer Lynn Williams in particular expounded on the benefits of exposing the goings-on in the intimate economy. In a document entitled “Illuminating a Rat Hole,” he wrote:

Light is a good policeman. The fear of publicity is not the highest motive but it is a motive. It should be counted on as an effective weapon by citizens waging war on protected vice. “If you want reform, tell the people,” said Jacob Riis. That strategy is particularly effective in dealing with rich men who draw revenue from property being used to immoral or other illegal purposes while the owners are accepted as worthy citizens and sometimes as prominent pillars of the church.⁶³

Indeed, Williams held public meetings to display the photographs he took of hotels, saloons, and houses of prostitution.⁶⁴ Williams’ crusades exemplify how anti-vice efforts vilified the intimate economy as morally dirty and corrupt and attempted to expose it to the light of bureaucratic

⁶² *Annual Report of the Chicago Committee of Fifteen*, 1915.

⁶³ Elmer Lynn Williams Papers, “Illuminating a Rat Hole,” Box 1, Folder 2.

⁶⁴ Elmer Lynn Williams Papers, “Illuminating a Rat Hole,” Box 1, Folder 2.

municipal regulation. The trope of “shining a light” recurred throughout reform rhetoric, as with Marion Drake’s campaign for the office of alderman in the First Ward. The metaphor associated light with morality and transparency and darkness with privacy and depravity. Not only did such language contain classist undertones, but it also spoke to a racist ideology that associated darkness with black skin and vice with public African American women.⁶⁵

Another recurring theme in reformer literature involved presenting public women as passive victims of corruption and immorality, rather than as active contributors to everyday life in the intimate economy. Exposure aimed to indict corrupt men and reveal corrupted women in order to vilify the intimate economy, hiding the myriad ways in which men and women participated in a complex political economy and culture.

Closing Brothels and Prosecuting Public Women

Even though reformers claimed to indict patrons in their strategies of surveillance, the owners, residents, and workers in houses of prostitution often bore the weight of the punishment. Most often, prostitutes and proprietors received fines for conducting commercial sex or running a brothel.⁶⁶ In places like the First Ward, women could depend on the legal defense and fees in exchange for the protection money paid to ward bosses like Kenna and Coughlin. Women without protection faced serious financial hardship, demonstrating how the value and necessity

⁶⁵ Blair, *I’ve Got to Make My Livin’*; Cheryl D. Hicks, *Talk with You Like a Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill: University of North Carolina Press, 2010); Mumford, *Interzones*.

⁶⁶ Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Boxes 2-286; Michael Willrich characterizes state prostitution laws until 1915 a “vaguely defined status offense.” See *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge: Cambridge University Press, 2003).

of services offered by organizations like Kenna and Coughlin's contributed to their growing power over time.

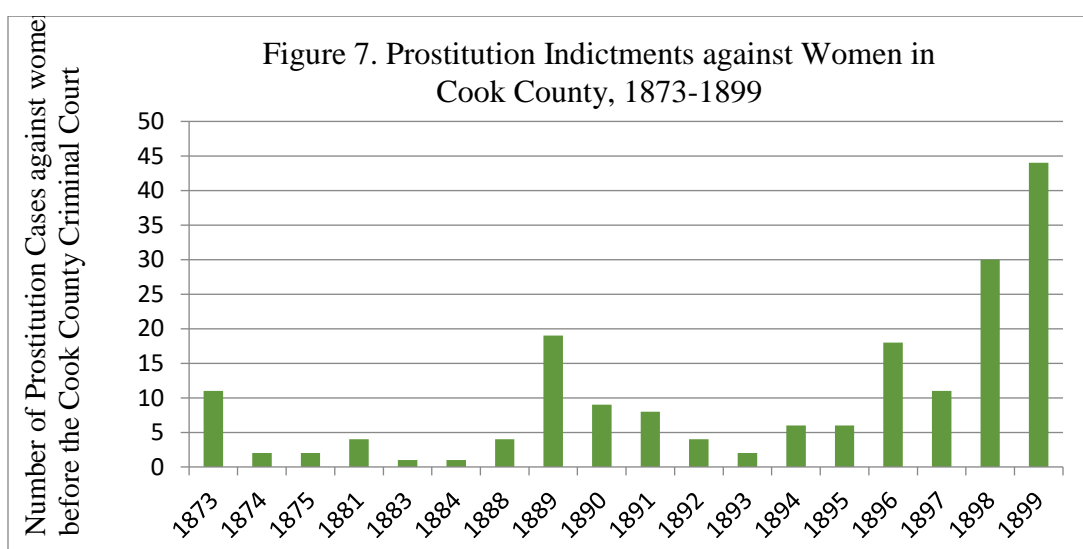
Prostitution cases usually charged women with keeping a "lewd house," "house of ill fame," or increasingly a "disorderly house." The indictments emphasized the criminal nature of a house that contained the activities of the intimate economy. Occasionally, couples faced "abduction" charges for keeping a girl in a house of prostitution. Beginning in the 1890s, however, reformers more aggressively utilized charges of child prostitution as a legal attack against brothels.⁶⁷ Throughout the late nineteenth-century United States, reformers—especially women reformers—organized to pass laws that protected the innocence and propriety of children like age of consent laws or outlawing saloons within a certain radius of schools. As manifestations of maternalist reform, the efforts often characterized teenage girls in particular as victims of male lust and exploitation.⁶⁸ By vigorously pursuing indictments that charged brothel owners with harboring underage children, reformers upheld white slavery narratives and continued to emphasize that prostitution created victims.

The strategy produced a noticeable uptick in prostitution indictments beginning in the 1890s (see figure 7). In 1889, court records started including indictments for "feloniously suffering and permitting an unmarried female under the age of eighteen years to live in a house of prostitution." Other iterations of the indictment in following years replaced the terms

⁶⁷ Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Boxes 2-286.

⁶⁸ Addams, *A New Conscience and an Ancient Evil*; Arthur B. Farwell Papers, "Open Letter to Mr. Percy Andreae of the International Brewers Congress," Chicago History Museum, Box 2, Folder 4-5; Clapp, *Mothers of All Children*; Knupfer, *Reform and Resistance*; Odem, *Delinquent Daughters*.

“suffering” and “permitting” with “keeping” or “harboring.” In 1894, two indictments charged defendants for “enticing a female to enter house of prostitution.”⁶⁹ Rather than penalizing those who kept houses of prostitution, the state increasingly criminalized the act of bringing or holding girls in the houses of prostitution. By emphasizing action over place, the court reflected reformers’ framing of prostitution as insidious white slavery rather than a manifestation of urban disorder.



Source: Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records.

Even as indictments increased, the Vice Commission, Committee of Fifteen, and others quickly discovered that fines largely failed to inhibit the intimate economy.⁷⁰ Increasingly, reformers associated with the Committee of Fifteen and the Chicago Law and Order League publicly shamed owners of houses of prostitution by publishing names of houses in the

⁶⁹ Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Boxes 2-286.

⁷⁰ *Annual Report of the Chicago Committee of Fifteen*, 1911-1920; Chicago Vice Commission, 57, 130; “Says Vice Will Be 1915 Issue,” *Chicago Daily Tribune*, October 21, 1911.

newspapers.⁷¹ The strategy attempted to subvert the intimate knowledge people used to navigate sex districts and negotiate private payoffs to publicly document the city's response to known brothels. Yet the intimate economy still held remarkable power within the municipal structures and political culture of Chicago into the twentieth century and reformers met with limited success. As a result, moral and municipal reformers continued to experiment with new legal approaches to punish houses of prostitution.

One promising legal strategy involved bringing injunctions against brothels. After the Illinois Supreme Court allowed the Hyde Park Protective Association to secure an injunction against a saloon in their neighborhood, the Chicago Law and Order League attempted to accomplish the same against a house of prostitution on Armour Avenue.⁷² After their success, the League and other reform organizations worked together to try to pass an injunction and abatement law in the state legislature. The effort failed in 1910 and then again in 1913. In 1915, with the added support of women reformers like Harriet Vittum and Dr. Effa V. Davis, the first female faculty member at Rush Medical College, the state legislature finally passed the law. Consequently, reformers presented their surveillance evidence and utilized the bureaucratizing legal system to combat the intimate economy. Successful injunctions closed houses of

⁷¹ *Annual Report of the Chicago Committee of Fifteen*, 1911-1920; Arthur B. Farwell Papers, Chicago Law and Order League to Chicago Council of Social Agencies, February 16, 1924, Chicago History Museum, Box 1, Folder 5.

⁷² Arthur B. Farwell Papers, Chicago Law and Order League to Chicago Council of Social Agencies, February 16, 1924, Chicago History Museum, Box 1, Folder 5.

prostitution and evicted residents.⁷³ For all of reformers' concern for victimized women, they rarely considered the aftermath women faced after losing their homes. Instead, reformers celebrated the closing of houses of prostitution as a victory for a cleaner, more moral city.

Slowly, the municipal structures that once protected the intimate economy began to implement reform instead. The final term of Carter Harrison II highlighted the changes taking place in City Hall. After an eight-year hiatus from the mayor's office, Harrison returned in 1911 to encounter a political landscape substantially altered by the forces of reform. Harrison faced severe criticism for his historical support and protection of intimate economy in the First Ward.⁷⁴ The publication of the Vice Commission's report in 1911 amplified criticisms of the city's intimate economy, and the city's Civil Service Commission began investigations into gambling and commercial sex.⁷⁵ At the same time, Harrison found himself losing power to his rival, Democratic boss Roger Sullivan, who successfully outmaneuvered him in determining the Democratic Party presidential candidate, Woodrow Wilson. To make matters worse, Sullivan made overtures at swaying the valuable allegiance of Bathhouse Coughlin and Hinky Dink Kenna of the First Ward. Harrison responded by increasingly joining with the leagues of reformers bent on dismantling the intimate economy. In one of his first public gestures, he closed

⁷³ *Annual Report of the Chicago Committee of Fifteen, 1911-1920*; Arthur B. Farwell Papers, Chicago Law and Order League to Chicago Council of Social Agencies, February 16, 1924, Chicago History Museum, Box 1, Folder 5.

⁷⁴ "Dunne Men Rush to Aid Merriam," *Chicago Daily Tribune*, March 12, 1911; "Over 2,000 Men at Meeting Applaud Praise of Merriam," Wendt and Kogan, *Lords of the Levee*, 291-293; "Who Got \$40,000? Merriam Demand," *Chicago Daily Tribune*, March 25, 1911.

⁷⁵ "Aldermen Found in Net of Graft," *Chicago Daily Tribune*, September 21, 1911; Chicago Vice Commission; "Gambling Zones Ruled by Trio," *Chicago Daily Tribune*; "Police Face New Evidence," *Chicago Daily Tribune*, October 13, 1911.

the high profile Everleigh Club, a glamorous house of prostitution in the South Side Levee.⁷⁶ That the stalwart protector of the First Ward defected to reform bode poorly for the intimate economy.

Meanwhile, a flurry of reformer activity coalesced to successfully shut down the South Side Levee in 1912. In particular, the Chicago Law and Order League and the Committee of Fifteen began putting pressure on State's Attorney John E.W. Wayman. Elected on the Republican ticket in 1908, Wayman's campaign relied on his support for keeping saloons open on Sunday.⁷⁷ An unexpected ally to reformers, Wayman nevertheless caved to mounting pressure. After the Chicago Law and Order League gained the Illinois Supreme Court's support for securing injunctions against houses of prostitution, one of the justices told supposedly told Wayman to "close the segregated districts of Chicago" or else one of the Chicago Law and Order League's attorneys would get his license revoked.⁷⁸ Around the same time, the Committee of Fifteen successfully pressured the mayor to revoke saloon licenses for several infamous sites on the South Side. The Committee claimed that their efforts compelled Wayman to launch a crusade against commercial sex in the city.⁷⁹ Less a direct result of a single catalyst than a response to overwhelming public insistence, Wayman declared his intention to clear the city of all "vice." In October of 1912, Wayman directed policemen to close all houses of prostitution in the South

⁷⁶ "Mayor Says Shut West Side Levee," *Chicago Daily Tribune*, October 31, 1911; "Starts Vice War," *Chicago Daily Tribune*, October 25, 1911; Wendt and Kogan, *Lords of the Levee*, 295-302.

⁷⁷ "Healy Defeated; Wayman is Victor," *Chicago Daily Tribune*, August 9, 1908.

⁷⁸ Arthur B. Farwell Papers, Chicago Law and Order League to Chicago Council of Social Agencies, February 16, 1924, Chicago History Museum, Box 1, Folder 5.

⁷⁹ *Annual Report of the Chicago Committee of Fifteen*.

Side Levee. The *Tribune* declared that “for the first time since the establishment of the segregated vice district every resort had darkened windows and closed doors.”⁸⁰

The raids effectively displaced thousands of women from their home. Women reformers at the Catholic Woman’s League, Florence Crittenden Anchorage, United Charities Association, Life Boat Home, and Chicago Rest Cottage organized to provide homes for women.⁸¹ The Committee of Fifteen also offered homes to displaced women and guaranteed money to transport women to homes outside the city.⁸² Some women appreciated the opportunity to leave the intimate economy. One woman wrote to Wayman reporting that after a raid she went to work for \$7 per week and “led a respectable life,” showing her ability to succeed when no longer given the option of prostitution. Others resented dislocation and protested in the streets of Chicago, even parading in the residential streets of Hyde Park.⁸³ Grace Monroe testified to the city council that reformers “ought to leave us alone” and that “nothing could induce me to quit” prostitution. She argued that many public women continued to solicit clients throughout the city, and would rather “work where there would be no danger to innocent girls.”⁸⁴ Clifford Barnes of the

⁸⁰ “Wayman Clamps Lid on Levee; All Resorts Dark,” *Chicago Daily Tribune*, October 6, 1912. See also “Wayman Men Raid Resorts,” *Chicago Daily Tribune*, October 5, 1912.

⁸¹ “Offer Homes for Levee ‘Refugees,’” *Chicago Daily Tribune*, October 8, 1912.

⁸² Clifford W. Barnes, “The Story of the Committee of Fifteen of Chicago,” *Journal of Social Hygiene* Vol. 4 (1918): 150.

⁸³ Wendt and Kogan, *Lords of the Levee*, 301. An undated, unidentified newspaper clipping in Box 3 of the Clifford W. Barnes Papers describes a similar protest.

⁸⁴ “Plans National Crusade on Vice,” *Chicago Daily Tribune*, January 12, 1913.

Committee of Fifteen similarly surmised that most women went into hiding after the raids with the expectation of returning to the Levee after the excitement subsided.⁸⁵

Despite resistance from public women and other proponents of the intimate economy, reformers continued to enjoy a series of successes. In 1913, Chicago opened a Morals Court that specifically dealt with cases of prostitution, obscenity, adultery, and other challenges to public morality.⁸⁶ In 1915, in addition to passing an injunction law, the state of Illinois passed the Kate Adams Law. The statute provided “for the commitment of persons who are convicted of being inmates of houses of ill-fame or of soliciting to prostitution.”⁸⁷ Named after the superintendent of the Coulter House for Wayward Girls, the law not only criminalized women who either lived in a house of prostitution or solicited in public but also expanded the ability of the state to institutionalize public women. Convicted women could choose between incarceration or commitment to reformatory institutions. Through the Kate Adams Law, reformers legally characterized sexual laborers as victims of immorality who could be trained to perform proper femininity. The law also represented the culmination of efforts to prosecute and permanently remove public women from the streets of Chicago.

Reformers’ obsessive targeting of prostitution evidenced the critical role that women’s everyday labor and leisure played in Chicago’s intimate economy. Yet the mechanisms employed to target commercial sex relied on a gendered discourse of respectability that denied

⁸⁵ Clifford W. Barnes. “The Story of the Committee of Fifteen of Chicago,” *Journal of Social Hygiene* Vol. 4 (1918): 150.

⁸⁶ Willrich, *City of Courts*, 174.

⁸⁷*Annual Report of the Chicago Committee of Fifteen*, 1917.

women's sexual labor by framing prostitutes as symptoms of a morally bankrupt culture. Furthermore, it ignored women's nonsexual labor and leisure by identifying most women in the intimate economy as prostitutes. By targeting transgressive femininity, moral and municipal reformers united to strike at the heart of an intimate economy that powered political leverage on a local, regional, and national level.

The Demise of the Intimate Economy

Even though reformers secured the upper hand by 1915, the intimate economy did not immediately or permanently disappear. As late as 1918, the South Side Levee underwent a quiet revival that quickly gained attention from reformers. Freiberg's Dance Hall and Buxbaum's Hotel opened their doors along with other infamous saloons and brothels.⁸⁸ Attempts to shut down the revival met with resistance. For example, an effort to close McGovern's Saloon at 61 Clark Street quickly escalated into a tiresome war of affidavits within the county courts. Ultimately, the respectability politics won out as the judge invested more credibility in the affidavit of Harriet Vittum over that "of a night-robed singer in the defendant's saloon."⁸⁹ In another case, the Committee of Fifteen managed to close a house of prostitution on 22nd Street which housed nearly ninety prostitutes, only for it to reopen in a year and resume its business.⁹⁰ The constant contestation of reformers' attempts to "clean up" sex districts demonstrated the persistent resiliency of the intimate economy.

⁸⁸ *Annual Report of the Chicago Committee of Fifteen*, 1917.

⁸⁹ *Annual Report of the Chicago Committee of Fifteen*, 1918.

⁹⁰ *Ibid.*

By 1920, however, the power of the intimate economy in Chicago substantially declined. The Committee of Fifteen boasted in 1918 that, within the last five years, they “moved directly against thirteen hundred seventy-nine houses of prostitution.” They claimed that “street soliciting has been reduced at least eight-five per cent [and] houses of prostitution have been reduced at least seventy per cent.”⁹¹ The Committee’s emphasis on street soliciting confirms that reformers’ successes against the intimate economy in Chicago primarily focused on public visibility of transgressive femininity. With the removal of public women from concentrated sex districts, prostitution moved to more residential and racially segregated neighborhoods.⁹² The growing Black Belt became home for many African American prostitutes while emergent syndicates engulfed much of the remaining prostitution business in ethnic neighborhoods.⁹³

By the end of the second decade of the twentieth century, transgressive femininity was conspicuously absent from Chicago’s landscape. In addition to fewer interracial sex zones, fewer homicides took place involving public women.⁹⁴ From the 1870s through the first decade of the twentieth century, police arrested twenty-one women for homicides associated with prostitution. In the second decade of the twentieth century, despite an increased city population, police did not

⁹¹ Ibid.

⁹² Blair, *I’ve Got to Make My Living*; Mumford, *Interzones*.

⁹³ Chicago Commission on Race Relations, *The Negro in Chicago: A Study of Race Relations and a Race Riot* (Chicago: The University of Chicago Press, 1922); James R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: University of Chicago Press, 1989).

⁹⁴ See figures 2 and 3 in chapter 1.

arrest a single woman for a homicide directly linked to prostitution.⁹⁵ The number of women sentenced to prison on charges of prostitution similarly decreased in the second decade of the twentieth century.⁹⁶ The intimate economy that once transgressed the public and private spheres became more hidden. An increasingly transparent and reformed city government meant less political power for the politicians who protected and benefited from public women.

The fight against transgressive femininity evolved in the 1920s to primarily focus on obscenity and cabarets, which the Committee of Fifteen determined to be “the legitimate heir of the old concert saloon with all its vice and villainy made more dangerous by a camouflage of respectability.”⁹⁷ Furthermore, the reform victory of state prohibition of alcohol in 1919 and nationwide Prohibition in 1920 catalyzed the growth of a more masculine underground economy that looked very different from an intimate economy in which women played a critical and public role.

While reformers waged battle against perceived vice and corruption throughout the twentieth century, by 1919 they dealt a critical blow to the intimate economy in large part due to their focus on women’s everyday labor and leisure. Beginning in the 1890s, municipal and moral reformers in Chicago challenged a decentralized political economy dominated by ward bosses who benefited from the intimate economy. Although an informal and complex alliance, reform efforts in Chicago succeeded in dismantling the intimate economy by removing transgressive

⁹⁵ “Homicide in Chicago, 1870 – 1930,” Northwestern University; Clerk of the Circuit Court of Cook County Archives, Boxes 2-286. For more on quantitative methodology, see Appendix A.

⁹⁶ Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register. The register lists 10 prostitution-related convictions from 1890-1899, 7 from 1900-1909, and 3 from 1910-1919.

⁹⁷ *Annual Report of the Chicago Committee of Fifteen*, 1918.

femininity from view and exposing the private transactions of the intimate economy. Reformers also increasingly utilized a bureaucratizing legal system to close saloons and brothels and send public women to prison or reformatory institutions. By targeting public women's activities as immoral and illegal, reform efforts succeeded in weakening the power of the intimate economy.

Meanwhile, reformers' characterization of prostitutes as victims and symptoms of a dysfunctional urban environment continues to influence historical and contemporary narratives of prostitution. Observations of today's transgressive femininities often devolve into "slut-shaming" or regulation of public space like bathrooms.⁹⁸ Additionally, public discourse continues to struggle to consider prostitutes as consumers, laborers, and political actors in their own right.⁹⁹ The historical development and intentional dismantling of the intimate economy demonstrates the need for continued reassessments of the ways in which transgressive femininities and sexual labor shapes space, culture, and political economy.

⁹⁸ Leora Tanenbaum, *I Am Not a Slut: Slut-Shaming in the Age of the Internet*, 2015; "Transgender Bathroom Hysteria, Cont'd.," *New York Times*, April 18, 2016.

⁹⁹ "A Personal Choice," *The Economist*, August 9, 2014, <http://www.economist.com/news/leaders/21611063-internet-making-buying-and-selling-sex-easier-and-safer-governments-should-stop>; "Is Prostitution Just Another Job?," *The Cut*, March 21, 2016, <http://nymag.com/thecut/2016/03/sex-workers-legalization-c-v-r.html>; Emily Bazelon, "Should Prostitution Be a Crime?" *The New York Times*, May 5, 2016.

CHAPTER THREE

MOTHERHOOD AND DOMESTIC HOMICIDE

In 1868, Elizabeth Cady Stanton published “Infanticide and Prostitution” in *The Revolution*, a feminist newspaper she co-founded with Parker Pillsbury and Susan B. Anthony. Stanton highlighted how daily newspapers decried “the fearful ravages on the race made through the crimes of Infanticide and Prostitution” and asserted that “the cause of all these abuses lies in the degradation of woman.” Stanton affirmed the contemporary assignment of immorality to the uniquely feminine “abominations” of prostitution and infanticide, emphasizing how the crimes harmed the white race. At the same time, she critiqued society’s double standard that blamed women but not men. Along as women “are slaves to man’s lust,” Stanton argued, “man will be the slaves of his own passion.” She concluded by proposing that proper food, fashion, exercise, and maintenance of medical health constituted the surest methods for cultivating morally strong women.¹

Prostitution and infanticide both represented affronts to nineteenth- and early twentieth-century visions of proper femininity. Typical of women reformers in her period, Stanton believed that training women—especially public women—proper behavior could lift them out of the circumstances that fostered prostitution and infanticide.² Yet Stanton also defended women

¹ Elizabeth Cady Stanton, “Infanticide and Prostitution,” *Revolution*, Vol. 1 No. 5 (February 5, 1868), 6.

² For example, from 1876 through 1920, the Chicago Woman’s Club held at least twenty-two programs on the civic and moral power of recreation, environment, and dress. See Chicago Woman’s Club Records, Annual Announcements of the Chicago Woman’s Club, 1876-1920, Loyola University Chicago Women & Leadership Archives, Boxes 1-5. See also Sarah Deutsch, *Women and the City: Gender, Space, and Power in Boston, 1870-*

whom she believed victimized by seduction and wrongfully punished by a legal system that charged women for the crime of infanticide instead of men. For example, later in 1868, Stanton vocally defended Hester Vaughn who faced the death penalty for committing infanticide in Philadelphia.³ Stanton invoked a familiar motif of women falling victim to the wicked influences of men in the city. The narrative paralleled white slavery rhetoric three decades later, but played a unique role in the popular and legal response to domestic homicide—including infanticide—in the late nineteenth and early twentieth century. Whereas the white slavery rhetoric framed reformers as saviors of the race and justified the removal of public women from Chicago’s streets and dismantling of the intimate economy, the seduction narrative justified a de facto system of exoneration for domestic homicides committed by women based on race, class, and sexuality.

As municipal authorities and allied reformers removed public women from public space in the early twentieth century, the home became an increasingly lethal place in Chicago. Domestic homicides—including women arrested for killing in the home as well as those held for murdering family members, spouses, and lovers—increased substantially over the turn of the twentieth century. From 1871 through the 1890s, domestic homicides comprised slightly more than half of all homicides in which police arrested women. Some involved public women for

1940 (New York: Oxford University Press, 2000); Maureen A. Flanagan, *Seeing with Their Hearts: Chicago Women and the Vision of the Good City, 1871-1933* (Princeton, N.J.: Princeton University Press, 2002); Noralee Frankel and Nancy Schrom Dye, *Gender, Class, Race, and Reform in the Progressive Era* (Lexington: University Press of Kentucky, 1991); Sharon E. Wood, *The Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age City* (Chapel Hill: University of North Carolina Press, 2005).

³ Elizabeth Cady Stanton, “Hester Vaughn,” *Revolution*, Vol. 2 No. 20 (November 19, 1868), 312. See also Tracy A. Thomas, “Misappropriating Women’s History in the Law and Politics of Abortion,” *Seattle University Law Review*, Vol. 26 No. 1 (2012).

whom domestic and public spheres often overlapped.⁴ In the first two decades of the twentieth century, however, homicides associated with public women decreased while domestic homicides increased more than threefold. Domestic homicides constituted up to three-quarters of feminine homicides and affected a larger percentage of Chicago's population (see table 1).⁵ As with the destabilization of other social relationships in industrializing cities, ideals of marriage and family often proved incompatible with the realities of urban life. Finding themselves in untenable situations ranging from domestic abuse, financial destitution, and romantic abandonment, some women chose to kill their spouses, lovers, children, and newborns.

Table 1. Domestic Feminine Homicides by Decade

Decade	Number of Domestic Homicides	Domestic Homicides Percent of all Feminine Homicides	Domestic Homicides Percent of Chicago Population
1870s	5	62.5 %	.002%
1880s	15	57.7 %	.003%
1890s	41	60.3 %	.004%
1900s	62	73.8 %	.004%
1910s	145	75.1 %	.007%
Total	268		

Historians like Jeffrey Adler note the domestication of homicides in Chicago into the twentieth century and rightly point to unattainable ideologies of marriage, motherhood, and domesticity in an industrializing city as a major underlying social cause.⁶ Other historians

⁴ Five domestic cases, all from the 1870s through 1905, involved public women.

⁵ For quantitative analysis and methodology, see Appendix A.

⁶ Jeffrey S. Adler, *First in Violence, Deepest in Dirt: Homicides in Chicago, 1875-1920* (Cambridge: Harvard University Press, 2006), 112-113; Adler, "Halting the Slaughter of the Innocents': The Civilizing Process and the Surge in Violence in Turn-of-the-Century Chicago," *Social Science History* 25, no. 1 (2001): 29-52; Adler, "I

identify the late nineteenth and early twentieth century as a time of heightened anxiety about women—especially white women—killing husbands and rejecting motherhood through abortion and infanticide.⁷ Yet the increasing numbers and concern of women killing their offspring and partners did not correspond to soaring rates of conviction. Popular acceptance of narratives that framed women as victims of seduction, the wickedness of the city, or of their own fragile mental health kept most women out of the penitentiary through jury nullification, acquittal, or lack of prosecution. In the late nineteenth and early twentieth century, the press, juries, and doctors viewed women’s violence as a product of their inherent weakness and thus did not designate violent domestic women as a threat to social order. Importantly, however, the boundaries of the de facto system of exoneration shifted over time, often excluding women based on race, class, and sexuality.

Mothers and would-be mothers constituted the most consistently exonerated group of women despite vocal anxiety about infanticide and de jure criminalization of abortion.⁸ Historically, republican motherhood in the United States asserted the importance of women’s role in raising citizens for the benefit of the nation. Into the late nineteenth century and even the early twentieth century, the Victorian ideal of moral motherhood remained powerful,

Loved Joe, But I Had to Shoot Him’: Homicide by Women in Turn-of-the-Century Chicago,” *Journal of Criminal Law and Criminology* 92 no. ¾ (2002), 867-898; Adler, “We’ve Got a Right to Fight: We’re Married,” *Journal of Interdisciplinary History*, 34 no. 1 (2003), 27-48; Roger Lane, *Murder in America: A History* (Ohio State University Press, 1997).

⁷ Nicola Beisel and Tamara Kay, “Abortion, Race, and Gender in Nineteenth-Century America,” *American Sociological Review* 69, no. 4 (2004): 498-518; James C. Mohr, *Abortion in America: The Origins and Evolutions of National Policy, 1800-1900* (New York: Oxford University Press, 1978); Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973* (University of California Press, 1998).

⁸ Chicago Criminal Court arrested 43 women for killing infants and only convicted one woman.

maintaining that women inherited righteousness, civic responsibility, and the ability to bestow unyielding love to their progeny upon giving birth.⁹ Despite the importance of dominant ideologies of motherhood to nation building, the state did not consistently regulate reproduction into the early twentieth century. Popular discourse that positioned women as victims of the chaos of urban life generally outweighed concerns that women disrupted social order through their violent rejection of motherhood.

When burdened with unwanted or untenable motherhood, women in late nineteenth and early twentieth century Chicago made a range of choices from abortion and infanticide to giving infants up for adoption or sending them to child boarding houses.¹⁰ Some women committed murder-suicide. This chapter explores women's choices with attention to cases in which police arrested women for felony homicide.¹¹ Parsing out the historical distinctions and intersections between infanticide and abortion offers a useful way to begin to understand how antiabortion campaigns often conflated the two in attempts to regulate the reproductive economy.¹²

⁹ Rebecca Jo Plant, *Mom: The Transformation of Motherhood in Modern America* (Chicago: The University of Chicago Press, 2010); Jodi Vandenberg-Daves, *Modern Motherhood: An American History* (New Brunswick, New Jersey: Rutgers University Press, 2014).

¹⁰ Child boarding houses were usually called "baby farms," and were places where women housed and fed children for days, months, or even years in exchange for payment from the child's guardians.

¹¹ For more on sources, see note 10 in Chapter 1.

¹² The circulation and exchange of money for women's reproductive health services defines the reproductive economy. Important laborers who made money in the reproductive economy included midwives, abortion providers, doctors, and even keepers of child boarding houses. Notably, the reproductive economy intersected with the intimate economy as discussed throughout the chapter, but the intimate economy remains a distinct political economy that relied on public women's transgressive femininity to facilitate economic transactions. Although historians and economists have defined reproductive labor as an important element in understanding women's unpaid domestic work and others have analyzed the professionalization of medicine, few consider the economy inherent in competing medical practices in the late nineteenth and early twentieth century. See Mignon Duffy, "Doing the Dirty Work: Gender, Race, and Reproductive Labor in Historical Perspective," *Gender and Society* 21, no. 3 (2007): 313-36;

Antiabortion voices also frequently linked unregulated midwives, abortion providers, and child boarding house proprietors to the intimate economy in an effort to delegitimize professional physicians' competitors. Meanwhile, the press, the courts, and antiabortion advocates largely ignored women who committed infanticide as a reproductive choice without the assistance of a third party.¹³ The persistent de facto exoneration of infanticide in the late nineteenth and early twentieth century reveals how moral campaigns against abortion and infanticide belied a desire to regulate the reproductive economy to the benefit of medical professionals.

In the second decade of the twentieth century, Chicago's press highlighted women who committed infanticide out of desperation or insanity rather than as an act of reproductive control. Medical and legal professionals responded by sending more women to asylums. At the same time, Chicago witnessed an increase in family homicides committed by women in the early twentieth century. Overall, the methods and locations of women's maternal violence conveyed important cultural messages that elicited different institutional and cultural responses in turn-of-the-century Chicago. Antiabortion campaigns advocated for regulation of the reproductive economy, the courts allowed de facto exoneration of infanticide, and the press fostered cultural anxiety about feminine frailty and victimization in industrializing cities. The discourses

Evelyn Nakano Glenn, "From Servitude to Service Work: Historical Continuities in the Racial Division of Paid Reproductive Labor," *Signs* 18, no. 1 (1992): 1-43.

¹³ Infanticide as a reproductive choice includes cases in which women killed their newborns as a rejection of motherhood, similar in motivation to the reproductive choice to terminate an unwanted pregnancy. In fact, Linda Gordon contends that both operated as forms of birth control. See Linda Gordon, *The Moral Property of Women: A History of Birth Control Politics in America* (Chicago: University of Illinois Press, 2002), 13-14, 23-24, 37. Infanticides as acts of reproductive control contrast with cases in which women committed infanticide out of desperation or in conjunction with a suicide attempt.

surrounding women's infanticides provides an important template for understanding other forms of domestic homicide in industrializing Chicago.

Abortion v. Infanticide

In the late nineteenth and early twentieth century, abortion and infanticide held similar cultural significance as acts that directly rejected motherhood. Both asserted women's ability to limit her reproductive capacity in defiance of patriarchal expectations that women bear men's children. In the words of literary scholar Nicola Goc, abortion and infanticide symbolically "spoke to a fundamental loss of the power of the male sex act and a loss of male power over the birthright to control lineage."¹⁴ The circumstances that motivated a termination of a pregnancy or the killing of a newborn often mirrored each other, as well. For example, women who did not want or could not support an infant might turn to infanticide or abortion. In other situations, women sought to conceal proof of extramarital sex. Both infanticide and abortion, then, frequently functioned as a method of controlling reproduction.

Despite the many similarities between abortion and infanticide, historians traditionally segregate their discussions of the two acts, with far more attention paid to the history of abortion than infanticide.¹⁵ The unique etymologies of infanticide and abortion in part explain the uneven and separate discussions. Infanticide generally refers to the killing or fatal abandonment of a

¹⁴ Nicola Goc, *Women, Infanticide and the Press, 1822–1922: News Narratives in England and Australia* (Burlington, VT: Routledge, 2013), 6.

¹⁵ The foundational works on abortion in the United States include Mohr, *Abortion in America* and Reagan, *When Abortion Was a Crime*. Less work has been done on infanticide in the United States. British scholarship offers a more rich tradition of studying the topic. See Goc, *Women, Infanticide and the Press, 1822–1922*; Anne-Marie Kilday, *A History of Infanticide in Britain, C. 1600 to the Present* (New York: Palgrave Macmillan, 2013).

child under one year of age, most often a newborn.¹⁶ The practice took place with some regularity and acceptance from prehistoric times through many subsequent societies.¹⁷ Most western European nations passed legislation by the early twentieth century that distinguished infanticide as a distinct category of murder with more limited punishment. The United States, on the other hand, did not pass laws differentiating infanticide from other forms of murder. If a woman killed or fatally abandoned her newborn, she faced murder charges and the accompanying sentences.¹⁸ As a cultural and material act, infanticide predated the United States as a recurring human phenomenon. As a legal construct, the United States uniquely equated the killing of a newborn with the murder of any other legal person.

Abortion, on the other hand, stands out as a more historically contingent and politically fraught concept in United States history. Until the mid-nineteenth century, abortion remained legal until quickening, when a woman experienced fetal movement, usually in the fourth or fifth months of pregnancy.¹⁹ The termination of a pregnancy before quickening did not even qualify as abortion, but rather constituted a restoration of menses. Women's experiences defined

¹⁶ Thomas A. Crist, "Babies in the Privy: Prostitution, Infanticide, and Abortion in New York City's Five Points District," *Historical Archaeology* Vol. 39 No. 1 (2005), 19-46; Kilday, *A History of Infanticide in Britain*.

¹⁷ Gordon, *The Moral Property of Women*, 8, 14-15; Kilday, *A History of Infanticide in Britain*, 2-5. Historians of slavery document infanticide as an act of resistance among enslaved people in the United States and beyond. See J.M. Allain, "Infanticide as Slave Resistance: Evidence from Barbados, Jamaica, and Saint-Domingue," *Inquiries Journal* 6 no. 4 (2014); Darlene Clark Hine and Kathleen Thompson, *A Shining Thread of Hope: The History of Black Women in America* (New York: Broadway Books, 1998), 98-99; Amrita Chakrabarti Myers, "'Sisters in Arms': Slave Women's Resistance to Slavery in the United States," *Past Imperfect* 5 (1996), 141-174.

¹⁸ Janet McShane Galley, "Infanticide in the American Imagination, 1860-1920," (PhD dissertation, Temple University, 2007), 1-2.

¹⁹ Anthony M. Joseph, "'The Pennsylvania Model': The Judicial Criminalization of Abortion in Pennsylvania, 1838-1850," *American Journal Of Legal History* Vol. 49 No. 3 (July 2007): 284-320; Mohr, *Abortion in America*, 3-5; Reagan, *When Abortion Was a Crime*, 8-10.

pregnancy and the beginning of fetal life, and restoring the menses before quickening did not incur criminalization by the state or condemnation by institutions like the Catholic Church.²⁰

Under common law, induced miscarriage after quickening remained illegal throughout the eighteenth and nineteenth centuries, but the law did not consider the fetus a legal person.

Therefore, abortion was a misdemeanor and resulted in less severe punishment than a felony like murder or manslaughter.²¹

In the mid-nineteenth century, physicians jostling for cultural legitimacy argued for an understanding of pregnancy according to scientific concepts of conception rather than a woman's identification of her quickening. Professionalizing "regular" physicians advocated for the criminalization of abortion at all stages, at once asserting their scientific views while undercutting the work done by midwives, homeopaths, and other "irregular" physicians. Regular physicians' alliance with the state yielded results: by the 1870s, most states banned abortion.²² For example, the Illinois Homicide Statute of 1871 outlawed attempts to "procure or produce" a miscarriage as a misdemeanor. If a midwife or unlicensed physician attempted to induce a miscarriage and caused the death of the woman, they faced murder charges. A notable exception to the ban on abortion allowed for cases with "bona fide medical or surgical purposes."²³ A

²⁰ Ibid.

²¹ Illinois Homicide Statute of 1871, Stat. 30 Div.5, R.S. § 33; Anthony M. Joseph, "'The Pennsylvania Model': The Judicial Criminalization of Abortion in Pennsylvania, 1838-1850," *American Journal Of Legal History* Vol. 49 No. 3 (July 2007): 284-320; Mohr, *Abortion in America*, 3-5; Reagan, *When Abortion Was a Crime*, 8-10.

²² Gordon, *The Moral Property of Women*, 26-37; Mohr, *Abortion in America*, 86-94; Reagan, *When Abortion Was a Crime*, 11, 48; Clinton Sandvick, "Enforcing Medical Licensing in Illinois: 1877-1890," *The Yale Journal of Biology and Medicine* Vol. 82 No. 2 (2009): 67-74.

²³ Illinois Homicide Statute of 1871, Stat. 30 Div.5, R.S. § 33-35.

common feature of abortion laws, the exception for “bona fide” medical purposes demonstrated the ascendant authority of medical professionals to determine the justification for an abortion. The successes of antiabortion campaigns in the late nineteenth century marked a break from a past in which women’s experience and autonomy defined pregnancy, particularly in its early stages. Unlike infanticide, the modern legal category of abortion in the United States emerged from a historically specific alignment of professional physicians and the state.

Despite physicians’ assertion of their superior medical knowledge, they struggled to differentiate between the remains of a fetus and a neonate. The legal definition of personhood required complete separation from the mother, making the difference between the misdemeanor of abortion and the felony of infant murder. Doctors could not easily determine if a child was stillborn or viable upon birth, nor they could they conclusively confirm whether or not an infant died of intentional neglect.²⁴ The messy boundaries between abortion, miscarriage, stillborn delivery, and infanticide in part propelled antiabortion campaigns. Antiabortion leader Dr. Horatio R. Storer quipped that “many women never quicken at all though their children are born living,” suggesting that preexisting definitions of pregnancy and abortion as rooted in women’s experiences excused infanticide.²⁵ Others expressed concerns about the potential legal loophole for those who killed an infant during birth, thus neither qualifying as abortion nor infanticide and proving nearly impossible to prove. In general, physicians pushed for legal, scientific, and cultural recognition of life before and after birth, regardless of women’s experiences and in

²⁴ Galley, “Infanticide in the American Imagination,” 3-4, 39; Simone Caron, “‘Killed by Its Mother’: Infanticide in Providence County, Rhode Island, 1870 to 1938,” *Journal of Social History* 44, no. 1 (2010): 227.

²⁵ Quoted in Reagan, *When Abortion Was a Crime*, 12.

defiance of women's power over their own reproduction. In doing so, proponents of the nineteenth-century antiabortion movement frequently equated abortion and infanticide.²⁶

Moral and racial motivations also informed arguments that conflated abortion and infanticide. Medical articles and newspaper articles decried “child murder,” “baby killing,” and “slaughter of the innocents” not only as serious felonies or murder, but as assaults on dominant ideologies of motherhood, family, nation, and race.²⁷ For example, the *Chicago Times* ran a 25-issue exposé in the winter of 1888-1889 boldly entitled “Infanticide” that documented the availability and methods of obtaining abortion in the city.²⁸ None of the articles addressed the issue of postpartum murder. On December 16, the series laid out a traditional view of gendered separate spheres with “fathers the bread-winners, and mothers the nurses and care-takers of their suckling children,” asserting that “we all have duties to perform, and each in his or her own sphere ... so to live as not to endanger each other's lives.”²⁹ Women who committed abortion or “infanticide in utero” were accused of forsaking their sacred and civic duty of motherhood.

The Times explicitly blamed “the damnable business of child-murder” for “degrading motherhood” and “encouraging vice among the women of this country.”³⁰ As practical

²⁶ “Infanticide,” *The Chicago Times*, December 16, 1888; Storer quoted in Reagan, *When Abortion Was a Crime*, 12.

²⁷ Adler, “Halting the Slaughter of the Innocents”; “Alderman to Ask Probe of Quack Homes,” *Chicago Daily Tribune*, May 30, 1915; “Infanticide,” *The Chicago Times*, December 16, 1888; “The Slaughter of Innocents,” *Chicago Daily Tribune*, September 6, 1879; Storer quoted in Reagan, *When Abortion Was a Crime*, 12.

²⁸ Leslie Reagan discusses this series in *When Abortion Was a Crime* but does not connect discourses of abortion and infanticide.

²⁹ “Infanticide,” *The Chicago Times*, December 16, 1888.

³⁰ *Ibid.*

reproductive choices, infanticide and abortion both separated sex from procreation and undercut expectations of marriage and family. Antiabortionists frequently associated birth control with prostitution as activities antithetical to respectable femininity. In fact, the investigative techniques used by the *Times* to investigate access to abortion mirrored those of “vice” reformers as women went undercover to pursue known channels to find abortion providers and document the cost, safety, methods, and location of services.³¹ Like Stanton in “Prostitution and Infanticide,” the *Times* positioned prostitution, abortion, and infanticide as manifestations of the same social evil: deviant femininity. The crimes subsequently warranted similar analysis and solutions. Even at a national level, legislation like the Comstock Law criminalized abortion and contraception advertisement by categorizing them as obscene, fearing they led women down a slippery slope into prostitution.³² By conflating aspects of the reproductive economy with the intimate economy, antiabortion campaigns deemed a broad swath of women’s economic choices immoral and criminal.

Enforcing gender expectations also tied into a broader project of nation building and white racial dominance. The *Chicago Times* claimed that abortion threatened national security through race suicide that would “give full control of our government and country to the foreigner in less than a score of years.”³³ Antiabortion campaigns in the late nineteenth century explicitly

³¹ Ibid.

³² Anna Louise Bates, “Protective Custody: A Feminist Interpretation of Anthony Comstock’s Life and Laws” (Ph.D., State University of New York at Binghamton, 1991); Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W. W. Norton & Company, 1992), 161-162; Janice Wood, “Physicians and Obscenity,” *Journalism History* 36, no. 1 (Spring 2010): 36-44.

³³ “Infanticide,” *The Chicago Times*, December 16, 1888.

worked in opposition to increasing immigration from eastern Europe, using xenophobic language to compel white women to choose reproduction over abortion. Gender control and white supremacy intersected in regulating the reproductive capacity of white women.³⁴

Historians of abortion have demonstrated how antiabortion laws did not always reflect popular opinions or realities.³⁵ In fact, physicians frequently provided abortions and jury nullification consistently absolved abortionists. The limited arrests of women for providing abortion or committing infanticide demonstrate how this was especially true in the late nineteenth century. From 1871 through 1919, police arrested 145 midwives or female doctors for abortions after the death of their patient. Less than 20 percent occurred before 1900, and only one woman was sentenced to Joliet in 1899.³⁶ The de jure criminalization of abortion did not yield immediate or thorough results in nineteenth-century Chicago.

Infanticide remained largely uncriminalized in practice even longer. Only twenty arrests for infanticide occurred from 1870 through 1909, with only one conviction and a sentence in the penitentiary.³⁷ Chicago reflected a nationwide trend of decreasing prosecution rates for infanticide from the eighteenth century through the end of the nineteenth century.³⁸ Historians

³⁴ Beisel and Kay, “Abortion, Race, and Gender in Nineteenth-Century America”; Gordon, *The Moral Property of Women*, 72-104; Reagan, *When Abortion Was a Crime*, 13.

³⁵ Leslie Reagan specifically argues that “popular morality” excused abortion and stood at odds with antiabortion campaigns. See *When Abortion Was a Crime*, 5-7. See also Gordon, *The Moral Property of Women*, 36-37.

³⁶ The 145 abortions are not included in the 379 total homicides that constitute the foundation of my quantitative analysis because the homicides took place as an unintended result of women providing medical services.

³⁷ For quantitative methodology, see Appendix A.

³⁸ Crist, “Babies in the Privy,” 26-27; Roger Lane, *Murder in America*, 119.

argue that, despite lack of prosecution, the number of infanticides actually increased through the nineteenth century into the turn of the century, particularly in urban centers like Chicago.³⁹ Even the climbing numbers of infant remains found only accounted for a limited percentage of infanticides, as the crime proved more easily concealable and less dependably documented in historical records than other forms of homicide.⁴⁰ Decreasing infanticide did not explain decreasing prosecution; rather, an informal cultural and legal system of exoneration kept women accused of infanticide free from official state regulation and incarceration into the first decade of the twentieth century.

When histories of abortion in the United States disassociate abortion from infanticide, they uncritically accept legal distinction as cultural difference. Menstruation, miscarriage, abortion, birth, and infanticide all constituted bloody and violent processes with contested, imposed boundaries. Antiabortionists' attempts to conflate the two stemmed from the challenges of imposing scientific distinctions on the complex process of reproduction and revealed how professional legitimacy, gender control, and racial supremacy shaped the moral arguments against both abortion and infanticide. Meanwhile, many women treated abortion and infanticide as practical reproductive choices and did not face consistent prosecution despite the illegal status of both acts.

³⁹ Caron, "Killed by Its Mother"; Crist, "Baby in the Privy"; "Infanticide," *The Chicago Times*, December 16, 1888; Lane, *Murder in America*; Michelle Oberman, "Understanding Infanticide in Context: Mothers Who Kill, 1870-1930 and Today," *Journal of Criminal Law and Criminology* (2002), 707.

⁴⁰ Crist, "Babies in the Privy," 27; Kilday, *A History of Infanticide in Britain*; Lane, *Murder in America*, 309-310; Eric H. Monkkonen, *Murder in New York City* (University of California Press, 2001).

Midwives, Women Physicians, and Nurses

Midwives played a critical role attending to the complex processes of women's reproduction in the nineteenth century, whether providing abortifacients, performing abortions, or assisting with childbirth. A large part of regular physicians' antiabortion campaigns directly targeted the work of midwives, claiming that unregulated midwifery put women's safety in jeopardy. Despite the de jure criminalization of abortion, midwives and other physicians continued to provide abortifacients and procedures through the nineteenth century.⁴¹ The *Daily Times'* investigation in 1888 counted more than three hundred midwives in the city and claimed that most of them offered abortion services when requested. The few who waived expressed a desire to stay out of trouble, leading the *Times* to hyperbolically conclude that the law operated as the "only check" against a "universal practice of abortion."⁴² Like anti-prostitution reformers, antiabortion investigators navigated the private realm of midwifery to conduct their inquiries. Before committing to performing an abortion, midwives usually required a private conversation with the woman in question. In the early nineteenth century, newspapers routinely advertised various abortion services, but procuring an abortion later in the century required personal, informal knowledge of who to visit.

The informal network of abortion providers and women's other reproductive health services included male and female physicians. In general, however, professional doctors were more often male and catered to the middle class and wealthy. Working-class women often went

⁴¹ Gordon, *The Moral Property of Women*, 35-37; Mohr, *Abortion in America*, 46-85; Reagan, 19-79.

⁴² "Infanticide," *Chicago Times*, December 14, 1888.

to midwives and unregulated physicians, including women.⁴³ Historian Leslie Reagan has emphasized the ongoing availability of abortion through the period of criminalization and the associated danger that arose from unregulated practices and the complications of childbirth.⁴⁴ Indeed, women died from abortions gone wrong. For example, Dr. Louise Hagenow repeatedly faced charges for women who died from an abortion while in her care. The *Chicago Tribune* claimed that police arrested Hagenow on at least seventy-five occasions, which resulted in eight trials for abortion-related murder or manslaughter between 1896 and 1907. Hagenow was convicted and sentenced to Joliet in 1899, but secured parole in 1902. Five years later, she returned to Joliet with a 20-year sentence.⁴⁵ While an extreme example of the potential harm incurred by abortion providers, Hagenow's practice at the turn-of-the-century nevertheless demonstrated the continuing practice of abortion without consistent prosecution until enforcement expanded into the twentieth century.

⁴³ Gordon, *The Moral Property of Women*, 35-37; "Lucy Hagenow Exposes Girl Murder Ring," *Chicago Daily Tribune*, May 31, 1915; Reagan, *When Abortion Was a Crime*, 10-11.

⁴⁴ Reagan, *When Abortion Was a Crime*. See also Wood, "Physicians and Obscenity."

⁴⁵ She received a final 14-year sentence again in 1927. "20-Year Term for Midwife," *Chicago Daily Tribune*, December 1, 1907; "Dies Accusing a Woman," *Chicago Daily Tribune*, March 3, 1906; "Dr. L. Hagenow is in Custody," *Chicago Daily Tribune*, September 1, 1899; "Homicide in Chicago, 1870-1930," Northwestern University, Cases 940, 1932, 1561, 983; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 13, Number 7000; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 20, Number 1100; "Grand Jury Begins Its Work," *Chicago Daily Tribune*, July 21, 1896; "Lucy Hagenow Exposes Girl Murder Ring," *Chicago Daily Tribune*, May 31, 1915; "Man and Woman Are Held for Causing Girl's Death," *Chicago Daily Tribune*, March 17, 1905; *The People of the State of Illinois v. Louise Hagenow*, 30743 (Crim Crt Cook Cnty 1892), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 145; *The People of the State of Illinois v. Louise Hagenow*, 31288 (Crim Crt Cook Cnty 1892), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 148; *The People of the State of Illinois v. Louise Hagenow*, 44384 (Crim Crt Cook Cnty 1896), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 215.

In prison, a reporter for the *Chicago Tribune* interviewed Hagenow about her experience as an abortion provider in Chicago. Hagenow's story started in Berlin, where she studied medicine before coming to Chicago and securing a physician's license. She struggled to make a living without providing abortions, and eventually partnered with three other doctors to create a practice. She worked out of her home and established relationships with neighboring midwives, some of whom brought her patients when their procedures went awry. From this network she learned that most midwives and abortionists paid approximately \$100 monthly in protection money to the coroner's office, health commissioner's office, the police, and a lawyer.⁴⁶ In many ways, Hagenow's experiences in the reproductive economy paralleled life in the intimate economy. To overcome the challenges of making a living as a woman in late nineteenth century Chicago, Hagenow engaged in illegal work in her homes that relied on intimate networks of knowledge and legal protection.

To the *Chicago Tribune*, Hagenow emphatically denied ever paying the expected bribes to law enforcers and city officials, and declared that the police routinely harassed her patients by threatening that "if she did not get another doctor he would cause her lover to be arrested, or would expose her condition."⁴⁷ Hagenow admitted to paying lawyers to keep her out of "trouble," however, and for a time made a comfortable living. In 1906, the *Tribune* noted that during the early years of her practice she possessed a "large fortune" and always "employed

⁴⁶ "Lucy Hagenow Exposes Girl Murder Ring," *Chicago Daily Tribune*, May 31, 1915; see also "Lucy Hagenow Bares Cause of Abortion," *Chicago Daily Tribune*, January 15, 1922; "Dr. Hagenow, 82, Convicted Again as Murderess," *Chicago Daily Tribune*, November 20, 1927.

⁴⁷ "Lucy Hagenow Exposes Girl Murder Ring," *Chicago Daily Tribune*, May 31, 1915.

money freely in defending herself.”⁴⁸ After multiple murder trials, Hagenow’s coffers ultimately dried up and her luck ran out.⁴⁹ While Anna Horavitch was dying in her care from an abortion in 1907, Hagenow convinced her and her husband to sign a statement that Horavitch had attempted the abortion herself. Hagenow also called a “reputable” male doctor to witness the woman’s death. When the coroner arrived, he allegedly told Hagenow he could “fix it” for \$1,000, but she refused. The state’s attorney charged Hagenow with murder, and just before the trial offered her freedom for \$1,000. Hagenow refused again, and, despite her trust in her lawyers, she received a guilty verdict and a stint in Joliet. Hagenow’s testimony revealed that an informal system of bribes regulated access to abortion in Chicago. She argued that her crime was not providing an abortion, but failing to pay off the necessary officials. Her perspective corroborated other criticisms of Democratic ward boss control in Chicago that appeared in the Republican-leaning *Chicago Tribune*.⁵⁰

In her interview, Hagenow described a dark portrait of abortion in turn-of-the-century Chicago. She watched women die from “ignorant” midwives who bribed undertakers and health commissioners to dispose of their bodies. She warned that it was “as easy to bury a body in Chicago without a permit and with no danger of anyone getting wise as it is to roll off a log.”⁵¹ Hagenow claimed that a quarter of Chicago women regularly visited abortion providers, and that

⁴⁸ “Dies Accusing a Woman,” *Chicago Daily Tribune*, March 3, 1906.

⁴⁹ “20-Year Term for Midwife,” *Chicago Daily Tribune*, December 1, 1907: “Hagenow ... is now impoverished and has been in jail for four months unable to find a bondsman. The money for her defense has been raised by friends.”

⁵⁰ See introduction to Chapter 2.

⁵¹ “Lucy Hagenow Exposes Girl Murder Ring,” *Chicago Daily Tribune*, May 31, 1915.

a third of women who disappeared in the city died from the illegal procedure. She emphasized that women—usually working-class women who could not afford to pay a professional doctor for the operation—only visited doctors like herself as a last result after a disastrous attempt to perform the abortion themselves. As a solution, Hagenow asserted that “if the disgrace were taken away from the birth of an illegitimate child it would cut down the crime of abortion one-half.” For the other half, she suggested education for women to avoid the “pitfalls of ignorance.” The sensationalism inherent in turn-of-the-century journalism aside, Hagenow’s story confirmed the widespread practice of abortion in Chicago, often unofficially protected by city officials and occasionally ending in women’s deaths.

Even when a midwife or physician’s work did not result in the death of a woman, she still risked a felony charge for committing infanticide. For example, in 1891, a couple brought their 15-year-old pregnant daughter, Rosie Mendelsohn, to the home of Amelia Epstein, a professional nurse. Epstein allegedly performed a “criminal operation” and then smothered the resulting infant between two pillows.⁵² The *Tribune* claimed that Epstein was implicated in similar cases in the past, but the state’s attorney ultimately dismissed the case due to insufficient evidence.⁵³ In the case of midwife Martha Miller that same year, caring for her patient, Anna White, meant

⁵² “Criminal,” *The Daily Inter Ocean*, September 26, 1891; “A Horrible Crime,” *The Daily Inter Ocean*, October 15, 1891; “Smothered the Infant,” *The Daily Inter Ocean*, September 25, 1891. Press accounts used the term “criminal operation,” but are unclear whether Epstein attempted abortion or an induced delivery. Newspapers also make clear that the infant was viable and crying before Epstein smothered it.

⁵³ “In Police Circles,” *The Daily Inter Ocean*, December 4, 1891; “Smothered the Infant,” *The Daily Inter Ocean*, September 25, 1891; *The People of the State of Illinois v. Amelia Epstein*, 28520 (Crim Crt Cook Cnty 1891), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 134.

arrest as an accessory to the poisoning death of White's three-month-old daughter.⁵⁴ Attending to women's reproductive needs implicated midwives, nurses, and physicians in the ambiguous and potentially violent acts of abortion and infanticide.

Child Boarding Houses

If a woman did not successfully pursue abortion or infanticide and could not provide for an infant, she might give her infant to another third party who occasionally appeared in court records: proprietors of baby farms. The pejorative term "baby farm" referred to sites where women boarded infants and young children for a profit. Child boarding emerged as a uniquely urban phenomenon that built on women's informal neighborhood networks of child care.⁵⁵ Despite voluminous press, multiple municipal investigations, and several court cases that discussed the phenomenon of baby farms in Chicago around the turn of the century, the topic usually constitutes a footnote in the limited histories of domestic violence and child care.⁵⁶ Yet child boarding houses facilitated important transactions in the reproductive economy. Like proprietors of adult boarding houses, brothels, and private abortion offices, women who boarded children used their domestic sphere to make money. Often over 50 years old, an age with few other job prospects for women, proprietors housed infants and children often in addition to their

⁵⁴ "The City in Brief," *The Daily Inter Ocean*, July 12, 1891; Homicide in Chicago, 1870-1930," Northwestern University, Case 2588; "Mrs. White's Black Child," *Daily Inter Ocean*, July 16, 1891"; *The People of the State of Illinois v. Martha Miller*, 28168 (Crim Crt Cook Cnty 1891), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 132.

⁵⁵ Sherri Broder, "Child Care or Child Neglect?: Baby Farming in Late-Nineteenth-Century Philadelphia," *Gender and Society* 2, no. 2 (1988): 130.

⁵⁶ Broder, "Child Care or Child Neglect?"; Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence: Boston, 1880-1960* (New York: Viking, 1988), 43-45; Kilday, *A History of Infanticide in Britain*.

own children or other boarders.⁵⁷ Proprietors frequently framed their work by utilizing narratives of moral womanhood, claiming to help unmarried and struggling mothers when they had nowhere else to turn.⁵⁸

Indeed, the clientele who relied on boarding houses for children usually consisted of wage-earning mothers, public women, and unwed or abandoned mothers who paid a lump sum or weekly price for a woman to house, feed, and care for their offspring.⁵⁹ Women who brought their children to boarders evenly represented the black, white, and immigrant working-class communities of Chicago.⁶⁰ Children often arrived at a boarding house when they lacked the financial security of a two-parent home. For example, in a 1917 study of seventy-two unlicensed child boarding houses in Chicago housing a total of 337 children, nearly a third of boarded children arrived as a result of separated parents. In another quarter or so cases, the mothers sought infant boarding to hide an “illegitimate” child or a baby born out of wedlock. The next largest group of children came from homes in which one or both parents fell ill or dead.⁶¹ In a city with tenuous employment for men and even less financial stability for women, the departure of a father or the illness of a mother wrought serious economic hardship for a family. In some cases, delivering an infant to a boarder might represent a humane option for some mothers who

⁵⁷ Arthur Alden Guild and Juvenile Protective Association of Chicago, *Baby Farms in Chicago: An Investigation Made for the Juvenile Protective Association*, 1917, 6-7.

⁵⁸ Guild, *Baby Farms in Chicago*; “A ‘Home’ for Babies,” *Chicago Daily Tribune*, May 16, 1885; “Mrs. Hunting’s Trial,” *Chicago Daily Tribune*, July 10, 1885.

⁵⁹ Broder, “Child Care or Child Neglect?,” 133; Guild, *Baby Farms in Chicago*.

⁶⁰ Guild, *Baby Farms in Chicago*.

⁶¹ *Ibid.*, 11-12.

could not easily support an infant or who needed to work to pay the board for their child. In other instances, child boarding offered a solution for women with limited or failed access to birth control who faced personal danger, social ostracism, or even criminal charges for breaching a culture of compulsory monogamy.

Nellie Howard's life represented a typical route that compelled women to seek out child boarding. The nineteen-year-old Howard arrived in Chicago after a New York stock-broker "seduced her and told her to give the child to the care of Mrs. Hunting," who ran a child boarding house on Wood Street. The stock broker left Howard with money for the care of the infant and promised to send more, but Howard never heard from him again. Rather than give up her infant for adoption, Howard secured employment and residence in a "disorderly house" in order to continue to pay for her child's board.⁶² Howard's narrative followed the well-worn archetype of the fallen woman. A common fixture of newspaper articles and popular literature, the trope of the fallen woman repeated stories of otherwise respectable white women succumbing to the dangerous elements of urban life and descending the slippery slope of extramarital sex, prostitution, and sometimes even violent death.⁶³

⁶² "A 'Home' for Babies," *Chicago Daily Tribune*, May 16, 1885; "Mrs. Hunting's Trial," *Chicago Daily Tribune*, July 10, 1885.

⁶³ Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (New York: Vintage Books, 1999); Emelyne Godfrey, *Femininity, Crime and Self-Defence in Victorian Literature and Society: From Dagger-Fans to Suffragettes* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2012); Katie N. Johnson, *Sisters in Sin: Brothel Drama in America, 1900-1920* (Cambridge: Cambridge University Press, 2006); Andrew Mangham, *Violent Women and Sensation Fiction: Crime, Medicine and Victorian Popular Culture* (Basingstoke: Palgrave Macmillan, 2007); Amy Gilman Srebnick, *The Mysterious Death of Mary Rogers: Sex and Culture in Nineteenth-Century New York* (New York: Oxford University Press, 1995).

Mary Hunting's connection to prostitutes like Howard proved common in turn-of-the-century Chicago where certain child boarding house proprietors maintained close relationships with brothels. For example, one woman worked as a prostitute in the South Side Levee until it shut down in 1912. Afterward, she ran a boarding house for the children of her former coworkers.⁶⁴ In one South Side neighborhood, a home operated as a combination maternity hospital, brothel, and child boarding house. The proprietor took in pregnant women who then worked as prostitutes in the home in exchange for housing them and their children. Alternatively, the proprietor offered to "dispose of the child for a sum of \$25 or more."⁶⁵ Prostitution, infanticide, and child boarding overlapped as women navigated the harsh sexual realities of surviving turn-of-the-century Chicago.

Howard's fallen woman narrative did not culminate with her violent demise, but with the death of her daughter. After Howard failed to pay the child's board on time, Hunting brought the infant to the police station. At first, Hunting claimed the infant was left on her doorstep, but later admitted that she was unable to provide for the child after failing to receive Howard's payments. This was not the first time Hunting brought a suffering infant to the police station; in fact, she recently brought five other infants to the police station when their board and subsequent welfare was no longer secured. Upon Hunting's visit with the Howard infant, police called the Humane Society and "raided" her establishment. Notably, the press employed the same language for the investigation of child boarding that they used when police raided houses of prostitution,

⁶⁴ Guild, *Baby Farms in Chicago*, 7.

⁶⁵ *Ibid.*, 8

demonstrating the parallel concern of women exploiting innocents by running homes for profit. The investigators found that 47 children lived at Hunting's in the past year. In addition to the infants brought to the police station, another twelve died under her care. Hunting explained that "the summer season was very hard on babies."⁶⁶ She told the police her house was not a baby farm, but the "Home for Christ's Children," touting the support of Dr. Shipman of the reputable Foundlings' Home orphanage.⁶⁷ Nevertheless, Hunting was charged with manslaughter for the starvation and death of infant Lilly Pearl Howard while under her care. The court ultimately struck the case off the docket.⁶⁸

Hunting's establishment highlighted the potentially dire conditions for children in child boarding houses, particularly when beyond capacity or when parents could not dependably produce payment. In 1917, just over 10 percent of boarded children did not have paid board.⁶⁹ Newspaper exposés told countless gruesome stories of women knowingly giving their infants to boarding house proprietors who subsequently killed or neglected children to death and then secretly buried them.⁷⁰ For example, when police investigated Nellie Campbell for the starvation of an infant under her care, they found she boarded multiple children in her Grand Avenue home.

⁶⁶ "A 'Home' for Babies," *Chicago Daily Tribune*, May 16, 1885; "Mrs. Hunting's Trial," *Chicago Daily Tribune*, July 10, 1885.

⁶⁷ *Ibid.*

⁶⁸ *The People of the State of Illinois v. Mary Hunting*, 17548, (Crim Crt Cook Cnty 1885), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 80; *The People of the State of Illinois v. Mary Hunting*, 17757, (Crim Crt Cook Cnty 1885), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 82.

⁶⁹ Guild, *Baby Farms in Chicago*, 13.

⁷⁰ Guild, *Baby Farms in Chicago*, 24; "Mrs. Graves and Her 'Baby Farm,'" *Chicago Daily Tribune*, August 6, 1887.

The *Chicago Tribune* suggested that part of her operation involved disposing of unwanted infants, noting that she owned “three separate lots in Calvary cemetery” for that purpose.⁷¹ Campbell’s charge eventually downgraded from murder to criminal negligence, and she ultimately secured an acquittal.⁷² Despite cultural anxiety about child boarding houses’ role in facilitating infanticide, Chicago courts did not consistently prosecute proprietors like Hunting and Campbell.

Meanwhile, police also held Mary Dietrich, a woman doctor, as an accessory to Campbell’s crime. The *Tribune* noted that Campbell frequently took in children from woman doctors like Dietrich.⁷³ Midwives, nurses, and physicians often served as a liaison between women giving birth to unwanted children and child boarding houses that could profit from disposing of an infant or putting one up for adoption. Stories told of doctors and nurses who collected unwanted babies for a fee and then used child boarding houses to sell them to families who wanted to adopt.⁷⁴ For example, when Martha Miller went on trial as an accessory to the death of Anna White’s infant, she unwittingly revealed her role in providing White with multiple unclaimed babies from her boarding house.⁷⁵ Proprietors of child boarding houses frequently had experience as nurses, usually with backgrounds in maternity and abortion. Others were

⁷¹ “Alleged Baby Farmer Makes Some Admissions,” *Chicago Daily Tribune*, August 6, 1902.

⁷² “Homicide in Chicago, 1870-1930,” Northwestern University, Case 206.

⁷³ “Alleged Baby Farmer Makes Some Admissions,” *Chicago Daily Tribune*, August 6, 1902; “Two Held to Grand Jury in the Baby Farm Case,” *Chicago Daily Tribune*, August 13, 1902.

⁷⁴ “Thinks It a Baby Farm,” *Chicago Daily Tribune*, July 16, 1890; Report 24

⁷⁵ “Mrs. White’s Black Child,” *Daily Inter Ocean*, July 16, 1891.

nursemaids when they were younger, such as a freedwoman who was an enslaved nursemaid in the South before the Civil War or an immigrant who provided child care in Holland.⁷⁶ Child boarding houses, then, not only lodged children but sometimes interacted with the broader reproductive economy by offering adoption services or, less likely, commercialized infanticide.

Critics saw the worst abuses of child boarding houses and decried transactional child care and commercialized infanticide. Newspaper articles, doctors, and reformers disregarded proprietors' claims of moral motherhood and demonized women for making money in the home. They also denied the realities of women's constrained child care choices that created the demand for child boarding. Instead, critics utilized the fallen woman narrative to frame women as victims of men's seduction and the cunning of midwives, physicians, and baby farmers.⁷⁷

Although proprietors of child boarding houses did not face routine prosecution and conviction for the deaths of infants in their care, reformers increasingly advocated for municipal oversight of transactional child care. As with antiabortion campaigns, critiquing child boarding served more to increase economic regulation than enforce moral and legal punishment for infanticide. Efforts to moderate child boarding emerged in urbanizing cities like London, New York City, Boston, and Philadelphia throughout the nineteenth century. Societies for Prevention of Cruelty to Children organized in many cities in part to address issues like child abuse in boarding houses.⁷⁸ In Chicago, a loose network of organizations including the Humane Society,

⁷⁶ Guild, *Baby Farms in Chicago*, 6.

⁷⁷ "A 'Home' for Babies," *Chicago Daily Tribune*, May 16, 1885; Broder, "Child Care or Child Neglect," 145; "Mrs. Hunting's Trial," *Chicago Daily Tribune*, July 10, 1885.

⁷⁸ Broder, "Child Care or Child Neglect"; Gordon, *Heroes of Their Own Lives*, 41-43.

the Women's Protective Association, and the Foundlings Home worked together to place abandoned children in safe, healthy environments.⁷⁹ By 1899, Cook County established the nation's first Juvenile Court in part to protect neglected and abused children that might live or end up in child boarding houses. In the early twentieth century, the Juvenile Court and the associated Juvenile Protective Agency led a campaign for the municipal regulation of transactional child care and the bureaucratization of services for neglected children in Chicago.⁸⁰ In 1902, the city responded by passing an ordinance regulating child boarding houses, requiring a license for any person feeding and housing more than three infants longer than one full day for hire.⁸¹

Despite the ordinance, child boarding continued to thrive without intensive oversight as Chicago grew in population. In 1917, the Juvenile Protective Association officially conducted research on the state of child boarding houses in Chicago.⁸² They employed strategies similar to investigations into prostitution and abortion by sending mostly women undercover to solicit information and report on conditions. Indeed, investigators uncovered connections to both the

⁷⁹ "The Chicago Baby-Farm," *Chicago Daily Tribune*, December 30, 1883; "Thinks It a Baby Farm," *Chicago Daily Tribune*, July 16, 1890; "A 'Home' for Babies," *Chicago Daily Tribune*, May 16, 1885.

⁸⁰ "For War on Baby Farms," *Chicago Daily Tribune*, August 3, 1900; "Baby-Farms a Menace: The Remedy," *Chicago Daily Tribune*, August 12, 1900. For more on the Juvenile Court, see Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: The University of North Carolina Press, 1995); Victoria Getis, *The Juvenile Court and the Progressives* (Chicago: University of Illinois Press, 2000); Anne Meis Knupfer, *Reform and Resistance: Gender, Delinquency, and America's First Juvenile Court* (New York: Routledge, 2001); David Spinoza Tanenhaus, *Juvenile Justice in the Making* (New York: Oxford University Press, 2004).

⁸¹ "Defeats a Law to Save Paving," *Chicago Daily Tribune*, November 25, 1902.

⁸² Guild, *Baby Farms in Chicago*.

intimate economy and to the midwives, nurses, and doctors who attended to women's reproductive needs, including abortion.⁸³

The report also delivered damning evidence of the worst abuses taking place in the city's child boarding houses. The cramped conditions in many homes meant that multiple children shared a bed, increasing the risk of spreading disease.⁸⁴ Several houses did not have access to water and others had inadequate heat during the winter.⁸⁵ The Juvenile Protective Agency ascertained that as many as 50 percent of homes were "unfit for habitation" and that "many children died without medical attention because of the ignorance of the caretakers."⁸⁶ The report emphasized the moral depravity of proprietors, whether referencing their "immoral" criminal records, citing histories of alcohol or tobacco use, or describing personal appearance and environments as "extremely untidy" or "positively filthy."⁸⁷ The language employed when discussing child boarding reflected broader Progressive Era discourse that associated criminal and deviant behavior with unhealthy environments.⁸⁸ The report also noted that others who lived in the boarding houses were often "a prostitute or drunkard, or was suffering from tuberculosis or from a venereal disease."⁸⁹ In some of the cases, investigators found evidence of child rape by

⁸³ Ibid., 6.

⁸⁴ Ibid., 7

⁸⁵ Ibid., 8

⁸⁶ Ibid., 26.

⁸⁷ Ibid., 6-7.

⁸⁸ See Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge: Cambridge University Press, 2003).

⁸⁹ Guild, *Baby Farms in Chicago*, 9.

adult residents.⁹⁰ The Juvenile Protective presented their social scientific report of dismal conditions in child boarding houses to call for further regulation of child care in the city.

Some of the same forces that propelled antiabortion campaigns after the Civil War and again in the twentieth century informed concern over child boarding. The declining birthrate among white middle-class Americans spawned fears of women abandoning their motherly duties by paying for child care, adoption, or, worst of all, infanticide. The cultural frenzy over baby farms spoke at once to the fear of middle-class decline and assumptions about the destructive culture of the working class.⁹¹ The report explicitly broke down the children in boarding homes based on the “nationality” or race of their mothers. African Americans, white Americans, and immigrants from Ireland, Poland, and German constituted the three largest groups.⁹² The occupations listed of children’s parents indicated a largely working-class population.⁹³ As in other reform efforts, reporters brought up serious concerns about child boarding like abuse, but often made moral judgments based on class, race, and sexuality rather than considering the political economies that made child boarding a viable and sometimes necessary avenue for child care among those struggling to make a living in a city hostile to feminine labor and punishing of extramarital sexuality.

⁹⁰ Ibid.

⁹¹ Broder, “Child Care or Child Neglect,” 134.

⁹² The report listed 33 black, 31 immigrant, and 28 white children. Guild, *Baby Farms in Chicago*.

⁹³ Ibid.

Infanticide as Reproductive Control

Women whose unwanted pregnancies reached full term frequently turned to infanticide as a reproductive choice without the assistance of a third party. They faced arrest and criminal charges for violently rejecting motherhood but significantly less scrutiny than the midwives and child boarding house proprietors responsible for the death of individuals under their care in the course of illegal but common work in the reproductive economy. To make sense of mothers who killed their infants, a specific narrative of seduction and victimization emerged that offered a de facto justification for the crime. The narrative not only resulted in very low rates of prosecution and conviction for infanticide, but also offered a blueprint for cultural discourse that sought to explain other forms of violent domestic femininity.

In lieu of sources from women declaring their motivations behind infanticide, police and court records on infanticide in Chicago reveal patterns of newborn killing that demonstrate a telling relationship between space and method. How and where women committed infanticide often indicated their intention to commit suicide. For example, in more than a quarter of infanticides, women used active force to smother or strangle their infant. Nearly half of smotherings and strangulations took place in the intimate space in the home, and none ended in suicide.⁹⁴ Physical asphyxiation with no apparent intention of suicide suggests an intimate, violent act of reproductive control. By committing infanticide firmly within the private realm of

⁹⁴ The other cases took place in a range of places, often near homes. For example, Lillie Watson gave birth at the residence where she worked as a servant (1904). Stasick (1911) and Prosser (1914) infanticides took place in the rear of residences; Comiskey (1897) found outside a residence; Fox (1916) in boarding house where the mother rented a room; Schwartz (1906) in hospital; Bak (1907) in vacant lot; three unknowns.

the home, women subverted dominant ideologies of domesticity by using space traditionally associated with womanhood to reject motherhood.

Almost another quarter of infanticide cases cited abandonment as the cause of death and none took place inside the living space of a residence. Rather, the infanticides took place in liminal spaces at the intersection of public and private spheres. Liminal spaces like porches and alleys existed near or adjacent to the home but remained subject to outside elements and visible to neighbors and passersby. For example, in three cases women left infants in the rear of a residence; in another, a woman left a newborn in a basement.⁹⁵ Mrs. Daniel Long disposed of a deceased infant in a manure box in the alley outside of a home.⁹⁶ Liminal space also included private partitions in a public area, such as lavatories. In two instances, the remains of neonates were found in public restrooms: one in a store and another at a train station.⁹⁷ Elsie Sarkody similarly left her infant in an outhouse.⁹⁸ By abandoning newborns in liminal space, women literally and symbolically disposed of an intimate matter in a semi-public space, not unlike disposing of waste. As with residential smotherings and strangulations, women's abandonment of infants constituted a reproductive choice in which women intended to keep living after decidedly killing or discarding their infants.

⁹⁵ Rear of residence cases include Swanson (1884), Poltrock (1913), Walsh (1914). The basement case involved unknown parties in 1914.

⁹⁶ "Homicide in Chicago, 1870-1930," Northwestern University, Case 1275.

⁹⁷ Royers (1901); Unknown (1915).

¹⁴ "Homicide in Chicago, 1870-1930," Northwestern University, Case 2307; "Pardoned Slayer Sees Holiday Joy," *Chicago Daily Tribune*, December 21, 1911.

The press rarely covered cases of newborn strangulation, smothering, or abandonment, suggesting a tacit understanding of infanticide as women's reproductive choice. The few cases that made it to trial yielded a small number of buried news stories and usually ended in acquittal. For example, Joseph Dohs and Anna Poltrock lived together in Chicago when Poltrock became pregnant and gave birth in 1913. The defense claimed the child was stillborn, while the state argued that the couple stuffed the infant's throat, resulting in death. The trial exemplified the challenges of scientifically determining the causes of a newborn's death. The jury acquitted the couple and the judge instructed Dohs to be "a decent man" and marry Poltrock.⁹⁹ By presenting Poltrock as an unmarried, unsupervised woman in the city taken in by a romantic encounter or "indecent" man, the Dohs case invoked the familiar refrain of the fallen woman that underpinned the quiet acceptance of infanticide as a reproductive choice.

Dohs and Poltrock received absolution from the dominant ideologies of gender and sexuality that created the conditions for the crime of infanticide. Whereas forces converged to control public women, abortionists, and child boarding house proprietors who made money in the intimate and reproductive economies, infanticide as a reproductive choice did not spark a public crisis or a concerted reform and institutional response.¹⁰⁰ Rather, infanticide flew under the radar as an excusable result of otherwise respectable single women victimized by the wicked influences of the city. Furthermore, the relative weakness of infants vis-à-vis women did not

⁹⁹ "Booked as Double Slayers," *Chicago Daily Tribune*, August 26, 1913; "Homicide in Chicago, 1870-1930," Northwestern University, Case 3368; "Tells of Justice Bribery," *Chicago Daily Tribune*, August 28, 1913.

¹⁰⁰ 32 infanticides from 1900-1919 compared to at least 30 cases involving public women from 1870-1899. For more on methodology, see Appendix A.

require additional cultural acrobatics to explain how women could employ enough force to physically kill their victims. In many ways, infanticide represented an unthreatening feminine crime that affirmed women's frailty and subsequent inculpability, thus concealing the subversive violence of killing newborns.

Dominant ideologies of urban femininity as affirmed by the press and the county court did not extend inculpability to all circumstances, however, as evidenced by the only conviction for infanticide from 1871 to 1919. Elsie Sarkody lived in Hungary with her husband, Garko, until he immigrated to the United States in 1903. When he sent word for her to join him two years later, she was pregnant by another man. She gave birth two months after arriving stateside, and subsequently abandoned her newborn infant. Newspapers reported that she left the infant on a stranger's doorstep, while police and court records showed that she left the infant in a privy vault or outhouse. All sources agreed that the infant died of exposure. Police arrested Sarkody for murder. Newspaper articles emphasized Sarkody's married status, leaving out details like the abandonment of the newborn in a privy vault. The public narrative, then, associated criminality with infidelity rather than with the distasteful methods of infanticide. At a time when prosecutors regularly charged people with adultery, an infraction against marriage represented a more grievous threat to law and order than infanticide.¹⁰¹ As a married immigrant woman, then, Sarkody could not successfully utilize dominant ideologies to secure her acquittal. The jury

¹⁰¹ Many cases of adultery appear in Cook Count Criminal Felony Records. Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, 1871-1899, Boxes 1-286. For more on adultery and law, see Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Harvard University Press, 2002); Ursula Vogel, "Whose Property?: The Double Standard of Adultery in Nineteenth-century Law," in *Regulating Womanhood: Historical Essays on Motherhood and Sexuality*, ed. Carol Smart (London: Routledge, 1992), 147-165.

found her guilty and the judge sentenced her to a fourteen-year term in Joliet. From 1871 to 1919, Sarkody was the only mother sent to the penitentiary for child murder in Cook County.¹⁰²

Twentieth Century: Institutionalization and Infanticidal Insanity

Increasing numbers of midwives and abortionists joined Sarkody in the penitentiary in the twentieth century. Both arrests and convictions of women for felony abortions rose: arrests quadrupled in the first two decades of the twentieth century and convictions soared from zero between 1871 to 1898 to fourteen from 1899 to 1919.¹⁰³ An increasingly professionalized medical community renewed its antiabortion efforts in collaboration with an expanded criminal justice apparatus to enforce the criminalization of abortion.¹⁰⁴ Although never complete due to the public's continued de facto acceptance of abortion, the product of physician and court efforts nevertheless manifested with the increased arrest and incarceration of women whose patients died in their care.

Racial and gender anxieties remained at the heart of the antiabortion revival. As the New Woman increasingly asserted sexual independence and political autonomy and waves of African American migrants began arriving in Chicago as part of the Great Migration, many Progressive Era professionals espoused Social Darwinism and eugenics to encourage white reproduction. As in the nineteenth century, gender control and white supremacy spurred efforts to regulate the

¹⁰² "Homicide in Chicago, 1870-1930," Northwestern University, Case 2307; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 17, Number 9609; "Pardoned Slayer Sees Holiday Joy," *Chicago Daily Tribune*, December 21, 1911. Illinois Governor Daneen commuted her sentence five years into her 14-year term.

¹⁰³ For more on methodology, see Appendix A.

¹⁰⁴ Mohr, *Abortion in America*; Reagan, *When Abortion Was a Crime*.

childbearing capacity of white women and control the flow of money through the reproductive economy in the early twentieth century.¹⁰⁵

While abortionists and midwives faced increasing rates of incarceration for abortions that ended in a mother's death, infanticide cases rarely resulted in conviction.¹⁰⁶ Some historians surmise that infanticides started decreasing in the early twentieth century as more women gave birth in hospitals and gained access to pasteurized milk.¹⁰⁷ Other scholars point out that coroners in fact made more concerted efforts to indict suspects of infanticide.¹⁰⁸ Yet women charged with infanticide did not endure the amount of attention and pressure that abortion providers and midwives faced.¹⁰⁹ Women who committed infanticide were not held to the same standard as women whose adult patients died in their care, demonstrating that the concern over abortion and infanticide had more to do with the financial and medical regulation of the reproductive economy than moral concern for the death of fetuses and infants.

Although women who killed their infants did not generally face incarceration in the penitentiary in the early twentieth century, the heightened legitimacy of the medical profession resulted in the criminal courts increasingly deeming infanticidal mothers insane and placing them

¹⁰⁵ Beisel and Kay, "Abortion, Race, and Gender in Nineteenth-Century America"; Gordon, *The Moral Property of Women*, 72-104; Reagan, *When Abortion Was a Crime*, 13.

¹⁰⁶ Of the 42 cases of infanticide from 1884 to 1919, only one ended in conviction (Sarkody). Seven cases involved the woman committing suicide, three women were sent to the Kankakee Asylum, and the other thirty-one cases ended in acquittal or lack of prosecution. For more on methodology, see Appendix A.

¹⁰⁷ Crist, "Babies in the Privy"; Lane, *Murder in America*, 190.

¹⁰⁸ Adler, "Halting the Slaughter of Innocents."

¹⁰⁹ Together, the *Chicago Tribune* and the *Inter Ocean* only documented 18 of the total 42 infanticides from 1884 to 1919, usually devoting minimal attention to the cases.

under the care of physicians at state asylums. Insanity cases differed substantially from the de facto exonerated cases in which women employed infanticide as a reproductive choice. In the latter situations, women used force in the home or abandoned newborns in liminal space with the purpose of returning to life without an infant. In insanity cases, however, women usually killed their infants through drowning, poison, or gun violence, and frequently attempted to commit suicide after the act. Infanticide signaled desperation in insanity cases in contrast to the practical use of infanticide to control reproduction.

Cases of infanticide involving white women struggling with insanity garnered considerably more press coverage than other types of infanticide, largely because they sensationally fit prevailing gender expectations of white feminine frailty and motherly love. Like narratives of fallen, seduced, and abandoned women, infanticidal insanity spoke to anxieties about white women's victimhood and desperation in a dangerous urban environment. Furthermore, it incorporated the cultural value of mother love in which women killed their offspring out of maternal affection. When women could not care for their children due to financial destitution or illness, a quick death represented a humane choice.¹¹⁰ For example, in 1914, Amelia Bertat shot her child out of concern for her daughter's poor health. The press and her husband described Bertat as a despondent but loving mother who even dressed her daughter in her best clothes after the shooting.¹¹¹ Infanticidal mother love at once upheld both a woman's maternal instinct and her emotional weakness.

¹¹⁰ Plant, *Mom*; Vandenberg-Daves, *Modern Motherhood*.

¹¹¹ "Shoots her Baby; Dresses Its Body," *Chicago Daily Tribune*, February 12, 1914.

Associations between women and mental instability or insanity extended well into the past. For centuries, the ancient Greek concept of the wandering womb explained women's physical ailments and mental instability, especially after childbirth.¹¹² The medical definition of hysteria continued to evolve in the late nineteenth century as a uniquely feminine affliction that manifested as loss of physical and emotional control.¹¹³ Some physicians asserted that sexual deviance caused hysteria, while others like Sigmund Freud began offering psychological assessments by the turn of the twentieth century. Medical and popular obsession with hysteria tended to correlate to increasing urbanization, as hysteria offered a symbol of the fragility of human bodies and precariousness of traditional femininity in the chaos of industrializing cities.¹¹⁴ Most theories of hysteria agreed that women proved more susceptible to their environment and less culpable than men for losing control of their body or their mind. Legal and popular discourse expected men to control a natural propensity toward violence, and thus more quickly assigned criminal responsibility to men who failed to control the animal within. Women's hysteria, on the other hand, constituted an affliction or deviance, a medical issue to be treated by medical professionals.

By the late nineteenth century, puerperal insanity emerged as a version of feminine hysteria linked directly to recently pregnant women. A predecessor to modern concepts of

¹¹² Cecilia Tasca, Mariangela Rapetti, Mauro Giovanni Carta, and Bianca Fadda, "Women And Hysteria In The History Of Mental Health," *Clinical Practice and Epidemiology in Mental Health* 8 (October 19, 2012): 110–19.

¹¹³ Andrew Scull, *Hysteria: The Biography* (Oxford; New York: Oxford University Press, 2009), 87-98; Carroll Smith-Rosenberg, *Disorderly Conduct: Visions of Gender in Victorian America* (Oxford University Press, 1986).

¹¹⁴ Janet L. Beizer, *Ventriloquized Bodies: Narratives of Hysteria in Nineteenth-Century France* (Ithaca: Cornell University Press, 1994), 8-9.

postpartum depression, puerperal insanity manifested as despondency, lack of emotion, or an absence of emotional control in women who recently gave birth.¹¹⁵ While in the depressive state, some women committed infanticide. For example, in 1907, Mary Lappala drowned her newborn child in a lake. At her trial, experts argued that she suffered from puerperal insanity, and the jury subsequently acquitted Lappala on the grounds of temporary insanity. Upon hearing the verdict, Lappala “broke into tears” before recovering her composure and personally thanking each juror.¹¹⁶ Lappala’s actions in the courtroom affirmed both her emotional instability and feminine respectability.¹¹⁷ In another case of insanity, Elizabeth Florin held her newborn in her arms and jumped to her death from a fifth story window of a west side hospital in 1917. She had previously attempted suicide by gas inhalation while pregnant. The coroner’s jury held that she was temporarily insane.¹¹⁸ Like in cases of mother love, puerperal insanity justified infanticide as an act of desperation rather than an intentional reproductive choice. The narrative of insanity drew more sympathy to women considered to have fallen victim to the ills of urban life and the failings of the feminine body.

While infanticide as a method of reproductive control continued to evade the criminal justice system as women quietly solved the problem of their assumed victimization, infanticidal insanity cases garnered more attention as women’s lack of physical and mental control remained

¹¹⁵ Hilary Marland, “Getting Away with Murder?: Puerperal Insanity, Infanticide, and the Defence Plea” in *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000*, ed. Mark Jackson (Burlington: Ashgate, 2002), 168-192.

¹¹⁶ “Girl Who Killed Baby Free,” *Chicago Daily Tribune*, September 7, 1907.

¹¹⁷ More on courtroom performances of hysteria in Chapter 4.

¹¹⁸ “Leaps to Death with Baby to Escape Fears,” *Chicago Daily Tribune*, October 20, 1917.

a problem to be controlled and solved by the court and medical professionals. Cases of desperation, whether mother love or puerperal insanity, usually involved a range of methods but ended either in suicide or, by the second decade of the twentieth century, commitment to an asylum. From 1913 to 1915, the Cook County Criminal court sentenced three women, including Amelia Bertat, to the Kankakee Insane Asylum.¹¹⁹ Committing desperate infanticidal women to the asylum solidified women's weakness without designating them as criminal. Importantly, it also affirmed medical professionals' role in identifying and controlling deviant women.

Asylums rose to prominence in the nineteenth century, in tandem with the rise of psychiatry, which, according to historian Gerald N. Grob, "enjoyed a symbiotic relationship for more than a century [as] each reinforced and conferred legitimacy upon the other."¹²⁰ Psychiatrists asserted that they could cure insanity through proper moral treatments in asylums. After the Civil War, however, the persistence of chronic mental illness weakened psychiatrists' claims to curative expertise.¹²¹ Built in 1880, the state of Illinois built the Kankakee Insane Asylum at a moment when psychiatry still held professional legitimacy but recognized the necessity of long-term care for perpetual patients. The architecture of the site reflected the dual realities of psychiatry: the towering main building reflected the form and function of traditional asylums while the grounds also contained multiple smaller cottages to house the chronically mentally ill.¹²² Although at the cutting edge of medicine in the nineteenth century, by the early

¹¹⁹ "Shoots her Baby; Dresses Its Body," *Chicago Daily Tribune*, February 12, 1914.

¹²⁰ Gerald N. Grob, *Mad Among Us* (New York: Free Press, 2011), 55.

¹²¹ *Ibid.*, 64-65.

¹²² *Ibid.*, 103.

twentieth century psychiatry hit its professional nadir as neurologists asserted their primary authority to understanding mental health. Nevertheless, patients continued to pour into the state asylum. By 1912, nearly 2,900 patients lived in accommodations designed for 2,200.¹²³

Although asylums no longer epitomized the legitimacy of the medical profession nor sought additional patients to fill their rooms, they nevertheless presented a way for the Cook County Criminal Court to institutionalize women without incarcerating them in the penitentiary. Committing infanticidal women allowed the court to accommodate enduring narratives of women's hysteria and victimization while embracing the Progressive Era impulse toward scientific professionalism. The ascendance of the medical profession in the early twentieth century resulted in the court more consistently placing desperate infanticidal women under the care of physicians and psychiatrists.

Family Homicides

In the second decade of the twentieth century, another distinct type of maternal homicide emerged in staggeringly high numbers: women killing themselves and their children at once. From 1870 to 1899, homicide records do not report any cases of women killing children beyond infanticide. However, starting in 1900, newspaper and police records began documenting women who killed their children, not as newborns, but as older children often in conjunction with suicide attempts. By 1919, more than thirty cases of family homicides by women occurred, usually through gas asphyxiation. Over half involved the mother committing suicide, and a third

¹²³ Ibid., 115.

involved the killing of multiple children.¹²⁴ In a time when women reformers, women's rights advocates, and social scientists began proclaiming new standards of modern motherhood and femininity, the increase in family homicides reveals that domestic life in an industrializing city remained increasingly insurmountable for many women.¹²⁵

The gas that many women used to kill themselves and their children originated in the city's manufactured gas plants (MGPs). As a potentially profitable public utility, gas routinely sparked fierce battles among companies and politicians over contracts, pricing, and quality standards. For example, the infamous gas wars of the 1890s culminated with the fictitious Ogden gas company securing a lucrative city contract in 1895 that made several city bosses very wealthy.¹²⁶ Two years later, the state governor signed a bill consolidating all Chicago gas companies into the People's Company. Their MGPs produced water gas by passing steam over hot coal or coke, creating a gas of hydrogen and carbon monoxide.¹²⁷ The Peoples Company then pumped the water gas through the city's pipelines to homes where it was used for heat and cooking appliances. Unlike contemporary forms of natural gas comprised primarily of methane, the high levels of carbon monoxide in water gas proved lethal when inhaled in substantial

¹²⁴ For quantitative methodology, see Appendix A.

¹²⁵ Plant, *Mom*; Vandenberg-Daves, *Modern Motherhood*.

¹²⁶ "Ordinance Granting Gas Franchise," *Chicago Daily Tribune*, February 27, 1895; "Rage at Evil Work," *Chicago Daily Tribune*, February 27, 1895; Wallace Rice, *75 Years of Gas Service in Chicago* (Chicago: The Peoples Gas Light and Coke Company, 1925), 37-38; "Through in a Flash," *Chicago Daily Tribune*, 26 February 1895; Wendt and Kogan, *Lords of the Levee*, 118-119.

¹²⁷ Joel A. Tarr, "Toxic Legacy: The Environmental Impact of the Manufactured Gas Industry in the United States," *Technology and Culture* 55, no. 1 (2014): 107-147.

quantities. By turning on a gas stove, the carbon monoxide filled the domestic space inhabited by a woman and her children, causing them to pass out and expire.

The press covered family homicides at a comparable rate to infanticides, but tended to devote more headline space and emphasize the desperation of women. Once again, newspaper narratives framed women as victims of urban life and paragons of motherly love. Although sometimes emphasizing their hysteria, the press employed a sympathetic tone with mothers. The passive act of gas asphyxiation often represented a motherly and benevolent method of homicide and suicide, saving her family from probable destitution. For example, when Josie Panzella's husband left her "almost penniless" for another woman, the *Chicago Tribune* reported that Panzella "dressed three of her five children carefully and then turned on the gas in her home."¹²⁸ In another case, the *Chicago Tribune* declared that "mother love led to a triple tragedy" when Minnie Branum used gas to end the lives of herself and her two children.¹²⁹ Branum feared she would lose her children to neighbors who threatened to take them after she wounded her husband with a gunshot during a quarrel. Domestic violence and financial destitution frequently appeared in the sparse accounts of family homicides. The press favorably presented women who demonstrated motherly affection by protecting their children from extraction or financial ruin by peacefully ending their lives.

Another refrain among family homicides involved mothers committing murder-suicide from depression over the loss of a child. In 1915, Josie Sipla killed herself and two children from

¹²⁸ "Four Lives Pay For His Love of 'Other Woman,'" *Chicago Daily Tribune*, January 24, 1918; "Kills Self and Three," *Chicago Daily Tribune*, January 24, 1918.

¹²⁹ "Mother, Fearing Children's Loss, Kills Two, Self," *Chicago Daily Tribune*, November 24, 1919.

gas asphyxiation while her husband was at a movie. Her husband believed that his accordion-playing music “made her melancholy over daughter’s death” two months prior.¹³⁰ Similarly, Catherine Nicholl was “despondent over the prolonged illness of a child, said to be suffering from an incurable malady” and killed herself and three of her children using gas.¹³¹ Inconsolable depression over a sick child fit existing ideologies of mother love, even when ending in children’s death.

Notably, none of the family homicides involved women killing their husbands. In contrast, when men killed their children during this time period out of financial desperation, they usually killed their wives, too.¹³² The differing approaches to family homicide demonstrates the distinctly gendered realities facing men and women in industrializing Chicago. A man killed his entire family on the belief that they would not be able to survive without his support. In contrast, a woman chose death for herself and her children out of desperation while sparing the husband, who could ostensibly continue to survive without a family. The uneven gendered opportunities for securing income in early twentieth century Chicago carried lethal consequences for families.

Women’s family murder-suicides not only demonstrated the unbearable strain that many women felt in industrial Chicago but exemplified the kinds of feminine domestic homicides that the press and courts responded to with sympathy. Courts rarely incarcerated women who committed infanticide or domestic homicide and fit the narrative of a woman victimized by the

¹³⁰ “Accordion Tune Drives Wife to Suicide; 3 Dead,” *Chicago Daily Tribune*, August 23, 1915.

¹³¹ “Mother Kills Self and Three Small Children,” *Chicago Daily Tribune*, October 25, 1917.

¹³² Adler, *First in Violence, Deepest in Dirt*, 40-79.

wickedness of the city or the frailty of her own body and mind. For a time, the de facto exoneration of feminine domestic homicides even extended to white and middle-class women who killed their husbands. Yet the institutionalization of infanticidal women deemed insane foreshadowed a new way for the state and medical professionals to control women without deeming them criminal. Meanwhile, the medical profession and court continued to work together to regulate the reproductive economy by incarcerating midwives, irregular physicians, and abortion providers. The moral language of antiabortion campaigns bolstered their efforts with consequences that reverberate to the present day.

In July 2013, Purvi Patel, a 32-year-old woman living near South Bend, Indiana, allegedly purchased abortifacient drugs online and attempted to induce a miscarriage while approximately 25 weeks pregnant. She subsequently disposed of the fetus in a dumpster. In the spring of 2015, the state charged Patel with feticide, a crime previously reserved for third-party actors rather than pregnant women. The feticide law also excluded legal abortions, but because Patel purchased pills from Hong Kong outside of the United States' regulated reproductive economy, prosecutors argued that she conducted an illegal abortion.¹³³

Additionally, the state challenged the defense's claim that the infant was stillborn, instead claiming that Patel gave birth to a live infant and neglected it to death. The medical expert's

¹³³ Emily Bazelon, "Purvi Patel Could Be Just the Beginning," *The New York Times*, April 1, 2015, <http://www.nytimes.com/2015/04/01/magazine/purvi-patel-could-be-just-the-beginning.html>; Associated Press, "Purvi Patel To Be Released After Overturned Feticide Conviction," *NBC News*, September 1, 2016, <http://www.nbcnews.com/news/asian-america/purvi-patel-be-released-after-overturned-feticide-conviction-n641271>; Eesha Pandit, "The Case of Purvi Patel: How Mike Pence Won His Crusade against Abortion in Indiana," *Salon*, August 3, 2016, http://www.salon.com/2016/08/04/the_case_of_purvi_patel_how_mike_pence_won_his_crusade_against_abortion_in_indiana/.

testimony for the state included the results of the historically controversial lung-float test to prove that the infant survived birth.¹³⁴ Other medical professionals emphatically told the press that physicians had discredited the lung-float test over a century earlier. Indeed, as early as 1863 medical experts disagreed on the test's validity.¹³⁵ Nevertheless, a jury convicted Patel for both feticide and child neglect in March 2015 and the judge sentenced Patel to twenty consecutive years in prison. In July, the Indiana Court of Appeals overturned the feticide conviction while upholding that the state provided sufficient evidence that the infant was not stillborn. Two months later, an Indiana judge reduced the neglect charge and Patel was released from prison.¹³⁶

Despite living a century later in a nation that legalized abortion, Purvi Patel faced complex reproductive decisions remarkably similar to those of women in turn-of-the-century Chicago. Places like Indiana under the governorship of Mike Pence remained hostile to abortion and fostered women's distrust of a reproductive economy regulated by the state.¹³⁷ Doctors

¹³⁴ The idea that if a lung floats, it has oxygen inside and is evidence that the infant drew breath. Used in El Salvador for abortion cases. See Leon Neyfakh and Leon Neyfakh, "False Certainty," *Slate*, February 5, 2015, http://www.slate.com/articles/news_and_politics/crime/2015/02/purvi_patel_feticide_why_did_the_pathologist_use_the_discredited_lung_float.html; "Report: 'Scientific' Test Used to Convict Women in El Salvador Is Anything But," *Rewire*, October 17, 2014, <https://rewire.news/article/2014/10/17/report-scientific-test-used-convict-women-el-salvador-anything/>.

¹³⁵ "Medical Annotations," *The Lancet* Vol. 2 (London: George Fall, 1863), 168.

¹³⁶ Emily Bazelon, "Purvi Patel Could Be Just the Beginning," *The New York Times*, April 1, 2015, <http://www.nytimes.com/2015/04/01/magazine/purvi-patel-could-be-just-the-beginning.html>; Associated Press, "Purvi Patel To Be Released After Overturned Feticide Conviction," *NBC News*, September 1, 2016, <http://www.nbcnews.com/news/asian-america/purvi-patel-be-released-after-overturned-feticide-conviction-n641271>; Eesha Pandit, "The Case of Purvi Patel: How Mike Pence Won His Crusade against Abortion in Indiana," *Salon*, August 3, 2016, http://www.salon.com/2016/08/04/the_case_of_purvi_patel_how_mike_pence_won_his_crusade_against_abortion_in_indiana/.

¹³⁷ Monica Davey and Michael Barbaro, "How Mike Pence Became a Conservative Hero: Unwavering Opposition to Abortion," *New York Times*, July 16, 2016, <http://www.nytimes.com/2016/07/17/us/politics/mike-pence-conservative-abortion.html>; Hannah Levintova, "Pence Signed a Law Requiring Burial or Cremation for Aborted Fetuses," *Mother Jones*, July 15, 2016, <http://www.motherjones.com/politics/2016/07/trumps-vp-pick-passed-law->

continued to struggle to identify the distinctions between miscarriage, induced abortion, and infanticide through neglect. If Patel attempted to induce abortion or abandoned a breathing infant, her choice reflected that of many women before her to take reproductive matters into her own hands and reject reproduction. But rather than facing de facto exoneration like most women in the late nineteenth century, the alliance between the courts and medical professionals that solidified in late nineteenth and early twentieth century Chicago set the foundation for today's courts to attempt to prosecute pregnant women for their role in inducing abortions and participating in the unregulated reproductive economy.

requiring-funerals-aborted-fetuses; Mitch Smith, "Indiana Governor Signs Abortion Bill With Added Restrictions," *New York Times*, March 24, 2016, <http://www.nytimes.com/2016/03/25/us/indiana-governor-mike-pence-signs-abortion-bill.html>.

CHAPTER FOUR

HUSBAND SLAYING AS DOMESTIC HOMICIDE

Just after seven o'clock in the morning of July 10th, 1882, Carlotta Theresa Sturlata, alias Madeline Stiles, entered the Palmer Hotel through the Ladies' Entrance on State Street and instructed the elevator attendant to deliver her to the sixth floor. She knocked on the door of Room 663 and identified herself as a messenger boy in a masked voice. After Charles Stiles opened the door and admitted her, several minutes passed behind closed doors until shouts and a pistol shot rang out. The police found Stiles dead upon arrival, and they promptly arrested Sturlata for murder.¹

A press storm broke out shortly thereafter. The Stiles Murder had all the elements of a media sensation in the late nineteenth century. As a public woman of "manners and personal beauty" living in the high-end brothel of Carrie Watson, Sturlata embodied a fascinating combination of respectability and scandal.² The victim similarly represented both the better and lesser elements of the city. Stiles held a reputable job at the Chicago Board of Trade yet many Chicagoans knew of his propensity for gambling on horses. Debt, deceit, and violent quarreling plagued the torrid relationship of Sturlata and Stiles. To the press, the disorderly influences of

¹ "Palmer House Tragedy," *Chicago Daily Tribune*. July 16, 1882; "Shot by His Mistress: Tragic End of a Chicago Caller's Fast Life," *New York Times*. July 11, 1882; "The Stiles Murder Case: Trial of Carlotta Sturlata for the Crime," *New York Times*. December 10, 1882; "The Stiles Murder," *Chicago Daily Tribune*. July 11, 1882; "The Stiles Murder," *Chicago Daily Tribune*. July 12, 1882. Sturlata was alternately named as Teresa Sterline, Madeline Stunia, Madeline Sturla, and Madeline Stiles.

² "Shot by His Mistress: Tragic End of a Chicago Caller's Fast Life," *New York Times*. July 11, 1882.

the city contributed to the deterioration of a fraudulent and abusive affair that ultimately ended in murder.

Several respectable women's groups came to Sturlata's financial aid and moral defense. Temperance worker and women's club leader Hortensia Black exclaimed that "the young woman did the natural, if not the right, thing when she shot her oppressor!"³ Other Chicagoans criticized the justice system's lenience toward female criminals, declaring that the "resources of sentimentality are boundless" in cases of women committing murder.⁴ In the subsequent court case, the press documented in rich detail how Sturlata recounted her story on the stand with increasing anxiety until, at the climax of her story, "she rose sporadically from her seat, clutched wildly at the air for a moment, and fell with a dull thud to the floor . . . suffering from a severe attack of hysteria."⁵ Her performance in front of the jury appeared to confirm the defense's claim—corroborated by expert physicians—that Sturlata suffered from temporary insanity at the time of the murder, a product of the corrupted life she led and the blows she received from her lover. Ultimately, the court reduced her charge from murder to manslaughter, for which she was sentenced to one year in the penitentiary.⁶

Sturlata's case ushered in an era of increased romantic and spousal homicides by women in Chicago, reflecting the overall increase in feminine domestic homicides in the last decade of

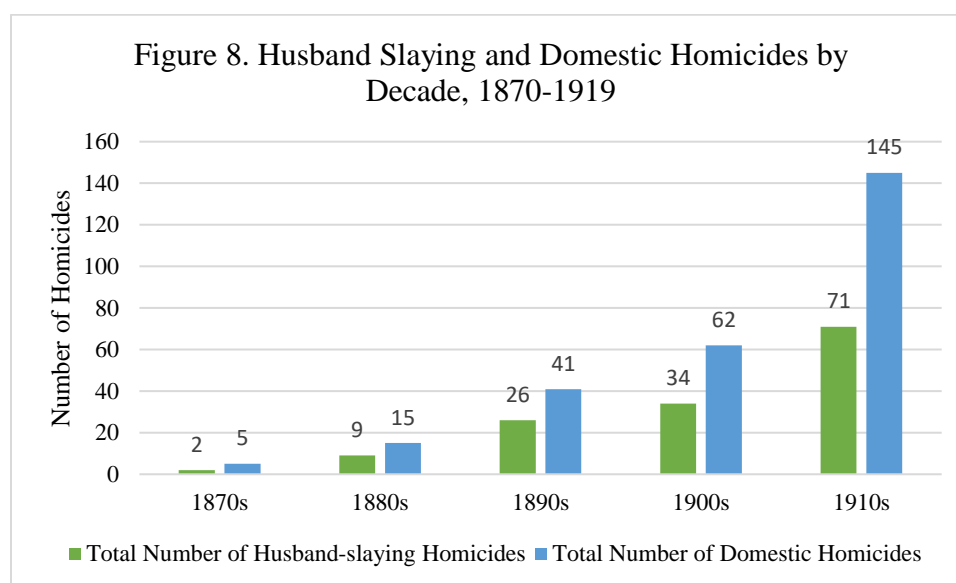
³ Lloyd Wendt, "The Trial of Madeline Sturla," *Chicago Daily Tribune*. April 22, 1951.

⁴ "The Stiles Murder," *Chicago Daily Tribune*. July 11, 1882.

⁵ "The Stiles Murder Case: Trial of Carlotta Sturlata for the Crime," *New York Times*. December 10, 1882.

⁶ "The Stiles Murder Case: Trial of Carlotta Sturlata for the Crime," *New York Times*. December 10, 1882; Lloyd Wendt, "The Trial of Madeline Sturlata," *Chicago Daily Tribune*. April 22, 1951.

the nineteenth century and the first two decades of the twentieth century (see figure 8).⁷ It also anticipated recurring themes that emerged in subsequent murder trials: the fascination of the press with seemingly respectable white women falling prey to toxic relationships, murder as a product of hysteria, and the complex interaction of lawyers, experts, and women reformers in trial proceedings. In many ways, Sturlata’s case marked the beginning of a unique period in the criminal and cultural history of Chicago and the United States in which a specific articulation of modern violent femininity emerged: husband slaying.⁸



As a social phenomenon and cultural category, husband slaying invoked narratives of feminine hysteria, frailty, and domestic discord similar to those invoked in other cases of

⁷ The numbers used here include all women who killed husbands, lovers, and romantic rivals, not just the middle-class husband slayers covered in the press. For more on methodology, see Appendix A. Husband slaying maintains a consistent proportion of all feminine homicides throughout the period.

⁸ Government records and newspapers constituted a cultural conversation about criminal femininity rather than serving as an unmediated documentation of reality. Consequently, the terms “husband slaying” and “husband slayer” in this essay refer to an elastic cultural category of women believed to have killed their lovers and spouses, rather than a quantitative category of women proven to have murdered their legal spouses.

feminine domestic homicide. Unlike infanticide and multiple family homicide, however, husband slaying involved the killing of adult men and thus constituted a more substantial threat to the patriarchal social structure. Whereas ending the lives of children under their care upheld women's cultural and physical domain over children, women killing husbands upended gender expectations about men's physical superiority and domestic role as proprietor and protector. Consequently, husband slayers gained significantly more attention in the press than other domestic homicides as symbols of the deleterious effect of urbanization and industrialization on the social order. At first using the fallen woman narrative to tell stories of husband slaying, press accounts increasingly highlighted the domestic discord that ended in murder, reflecting the declining visibility of the public woman in Chicago and an increase in domestic homicides no longer associated with a dismantled intimate economy.

Through the first decade of the twentieth century, a feminine hysteria defense secured acquittal via jury nullification for white, heteronormative women of most classes, and eventually middle-class black women.⁹ The courts more routinely sentenced working-class black women, lesbians, and immigrants who killed, demonstrating how shifting gender, class, and sexual boundaries profoundly shaped the development of the modern criminal justice system. The late nineteenth century through the first decade of the twentieth century constituted a cultural

⁹ Historian Robert M. Ireland identified a similar phenomenon in his study of 12 high-profile United States cases of women killing husbands and lovers from 1843 to 1896. See "Frenzied and Fallen Females: Women and Sexual Dishonor in the Nineteenth-Century United States," *Journal of Women's History* 4, no. 2 (Fall 1992): 95–117. However, whereas Ireland takes a broad sample of cases from across the country in the nineteenth century to establish the common features of cases in which women kill to avenge sexual dishonor, this chapter covers a larger sample size in a single urban setting to facilitate deeper analysis and demonstrate change over the turn of the twentieth century. See also Robert M. Ireland, "Insanity and the Unwritten Law," *American Journal of Legal History* 32, no. 2 (April 1988): 157–72; Ireland, "The Libertine Must Die: Sexual Dishonor and the Unwritten Law in the Nineteenth-Century United States," *Journal of Social History* 23, no. 1 (1989): 27–44.

moment in which the press and juries understood an increase in romantic and spousal homicides as products of women's hysteria and frailty under the stress of urban environments and volatile romantic relations, especially for white heterosexual women. The already limited cultural justification of husband slaying at the turn of the century eventually set the stage for shrinking the grounds on which women could secure cultural and legal exoneration for killing their husbands and spouses in the second decade of the twentieth century.

She Shot Him Dead

Hysteria offered a useful way to understand a wide range of violent and seemingly deviant behavior from women at the turn of the century, from infanticide to multiple murder-suicide to husband slaying. Nearly a third of all feminine homicides discussed by the press referenced hysteria.¹⁰ As a cultural and medical concept, hysteria upheld middle-class and white women's claim to respectability and morality while explaining how the wickedness of the city, an unfaithful lover, or an abusive husband could drive a proper, frail woman to murder.¹¹ In contrast, the press rarely described public women as hysterical; rather, public women's violent actions and transgressive femininity seemed to confirm their poverty, "vice," and criminality. Although no medical subset of hysteria applied to husband slayers the way that puerperal

¹⁰ Cases include: Sturlata (1882), Gardner (1884), Hall (1886), Burke (1899), Doyle (1899), Wiley (1899), Snowden (1903), Troupe (1905), McLeod (1906), Quinn (1911), Blackwell (1912), Musso (1912), Van Keuren (1913), Ciemerowski (1913), Barnes (1916), Jaros (1917), Eisenbradt (1917), Polk (1917), Plotka (1918). For more on methodology, see Appendix A.

¹¹ A parallel feminine affliction, kleptomania, similarly explained middle-class women's deviant behavior—specifically shoplifting—by emphasizing even respectable women's inherent emotional and mental weakness. See Elaine S. Abelson, *When Ladies Go a-Thieving: Middle-Class Shoplifters in the Victorian Department Store* (New York: Oxford University Press, 1989).

insanity explained certain infanticides, popular conceptions of hysteria offered a familiar blueprint for understanding if not excusing women who killed their husbands and lovers.

Although applied to most feminine domestic homicides, hysteria did not fully conceal the threatening social implications of women's violence. Whereas infanticide and mother-love murders represented a subversive but ultimately exonerated exercise of women's domestic prerogative, husband slaying signified a more aggressive assault on social order through the rejection of marriage. In the late nineteenth century and beyond, Victorian ideals of marriage influenced dominant ideologies of love and matrimony that upheld the ideal of a legal, consensual union of a man and woman based on shared romantic love.¹² Marriage also embodied a patriarchal mandate for men to provide a home and financial stability to protect their wives from the danger and vulgarity of public life. Women, then, resided in the private sphere, raising children and offering a moral compass and safe haven for their husbands. White women in particular played a critical role in upholding the moral tenets of civilization.¹³ Although constantly contested and rarely perfectly reflected in reality, nineteenth-century marriage ideals created expectations of domestic tranquility maintained through rigid gender roles. By killing their husbands, women radically violated cultural and often racial imperatives of morality and gentility.

¹² Jeffrey S. Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920* (Harvard University Press, 2006), 76-77; Stephanie Coontz, *Marriage, a History: How Love Conquered Marriage* (New York, NY: Penguin Books, 2006); James A. Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life* (London; New York: Routledge, 1992); Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2002).

¹³ For more on race, gender, and civilization, see Gail Bederman, *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995).

Women's lethal violence against men also unsettled expectations of men's physical power vis-à-vis women's feebleness. To overcome the potential strength differential, women often used guns to kill their paramours. In fact, nearly three-quarters of husband slaying cases involved the firing of a gun (see figure 9).¹⁴ The increase in husband slaying over the turn of the century correlated to the development of firearm technology and the proliferation of guns in cities like Chicago.¹⁵ Police and the press quickly associated guns with husband slaying, frequently listing victims as "shot dead" by wives or mistresses.¹⁶ In contrast to the physical altercations that characterized violence in the intimate economy, the use of guns by wives and lovers represented a more passive approach to homicide insofar as pulling a trigger required less brute force than beating person to death with hands, a blade, or a blunt object.¹⁷ At the same time, woman subverted gender ideologies by utilizing a phallic symbol to kill men.¹⁸ The most

¹⁴ 105 out of 142 husband slaying cases involved the use of a gun.

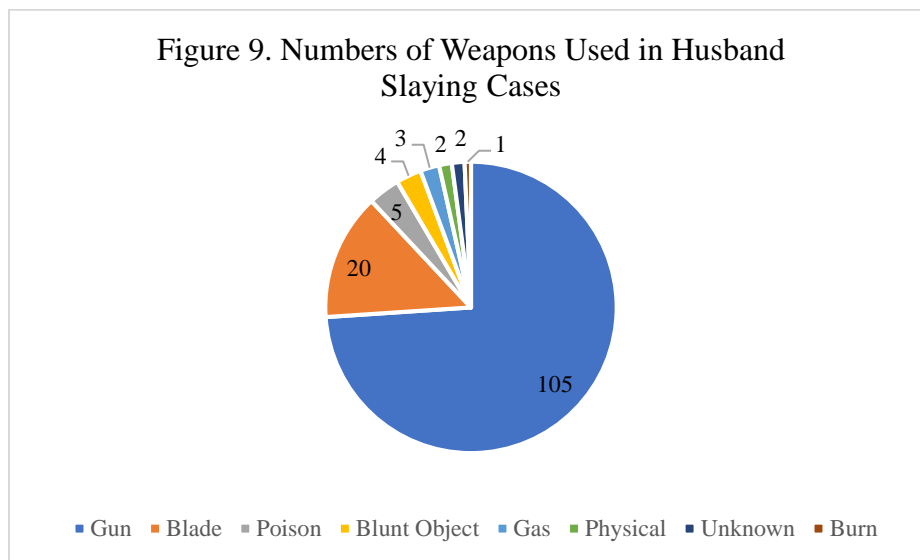
¹⁵ Roger Lane, *Violent Death in the City: Suicide, Accident, and Murder in Nineteenth-Century Philadelphia* (Harvard University Press, 1979), 61-62; Eric H. Monkkonen, *Murder in New York City* (University of California Press, 2001), 28-29.

¹⁶ Nearly a quarter of police records (33 of 142) documenting husband-slaying use the term "shot dead." For more on methodology, see Appendix A. 55 cases use the term "shot dead."

¹⁷ Guns were used in less than 2/3 of feminine homicides associated with prostitution or saloons from the 1870s through 1899. Except for two cases of drugs or poison, the other methods usually involved blunt objects used in physical fights. See Appendix A for more on methodology. For more on women and feminine passivity in using firearms, see Matthew Sawicki, "Ladies Don't Argue With a Burglar": Gender, Race, and Class in Firearms Advertisements, 1880-1918," unpublished manuscript, last modified December 7, 2012. Microsoft Word file.

¹⁸ Psychoanalytic tradition associates the gun with the phallus, but many scholars emphasize that firearms' cultural symbolism is contingent on historical and situational context. See Laura Browder, *Her Best Shot: Women and Guns in America* (Chapel Hill: University of North Carolina Press, 2006); Raymond L. Neinstein, "Loaded Guns: Place and Women's Place in Nineteenth-Century New England," *European Contributions to American Studies* 33 (March 1996): 85-94; Henri Myrntinen, "'Pack Your Heat and Work the Streets': Weapons and the Active Construction of Violent Masculinities," *Women and Language* 27, no. 2 (Fall 2004): 29-34.

common method of husband slaying served as a metaphor for the paradox of husband slaying itself: at once affirming feminine weakness and assaulting gender expectations.



As an unsettling social phenomenon, homicidal women found themselves in the center of frantic press storms in the late nineteenth and early twentieth century. Anxiety about the destabilizing effects of life in industrializing cities corresponded with increased attention to women who upended expected feminine behavior by killing lovers and spouses. The *Chicago Daily Tribune* in particular reserved the most space for the trial proceedings involving middle-class white women accused of killing men. Articles relayed transcripts of the defendant and key witnesses, took statements from lawyers, and richly described courtroom scenes.¹⁹ Prolific

¹⁹ Major court cases include the following defendants: Mollie Cosgriff (1866), Louisa Boyce (1872), Carlotta Sturlata (1882), Rosie Sherwood and Minnie Heweitt (1893), Carrie Wendell (1894), Emma Williams (1902), Lucille McLeod (1906), Virginia Troupe (1906), Estelle Stout (1908), Rena Morrow (1912), Jane Quinn (1911), Louise Vermilya (1911), Florence Bernstein (1912), Lina Musso (1912), Harriet Burnham (1913), Louise Van Keuren (1914), Iva Barnes (1916), Doris Eisenbrand (1917), Paulina Plotka (1918), Margaret Seithamier (1919), Emma Simpson (1919). For more on methodology see Appendix A.

newspaper accounts offer a rich opportunity to chart the shifting cultural discourse surrounding husband slaying.

Fallen Woman to Victimized Wife

Newspaper fascination with husband slaying built on existing cultural anxieties about fallen women in the late nineteenth century. The graphic murders of women like Helen Jewett and Mary Rogers in New York elucidated fears of an urbanizing society and changing gender roles.²⁰ Into the late nineteenth century, however, homicidal women inverted the narrative of the fallen woman by unleashing lethal violence on men. As the first major female homicide on the books in Chicago, Mollie Cosgriff's murder of George Trussell in 1866 evoked familiar narratives of the fallen woman.²¹ The *Chicago Tribune* described Cosgriff as a woman "possessing more than ordinary beauty" who "had been seduced from the paths of virtue" and consequently worked at a "house of ill-fame." There, Cosgriff met and became enamored with George Trussell, a notorious gambler who "adopted her as his own." When Trussell grew tired of Cosgriff and attempted to separate, she grew desperate, confronted Trussell in Seneca Wright's saloon, and shot him dead.²² As a beautiful white woman descended from virtue into the world of vice and prostitution, Mollie Cosgriff personified the fallen woman.

²⁰ Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (New York: Vintage Books, 1999); Amy Gilman Srebnick, *The Mysterious Death of Mary Rogers: Sex and Culture in Nineteenth-Century New York* (New York: Oxford University Press, 1995).

²¹ "Homicide in Chicago, 1870-1930," Northwestern University, Case 2403. Although the murder took place in 1866, it is entered in the police records under the year 1870. All quantitative calculations include the Trussell murder.

²² "Midnight Murder: A Gambler Shot by His Mistress," *Chicago Tribune*, September 5, 1866; "The Trussell Manslaughter," *Chicago Tribune*, December 17, 1866. Newspapers commonly referred to Mollie Cosgriff as Mollie Trussell.

Yet Cosgriff's story diverged from the traditional narrative when a "sudden blaze" of rage, jealousy, and drunkenness induced her to commit murder. Upon killing her lover, the *Tribune* reported that Cosgriff "became quite hysterical, and threatened to commit suicide."²³ Although drawing on preexisting narratives of the fallen woman, the Trussell murder presented the cultural conceit that explained female homicide in terms of hysteria. By framing feminine murder as a product of the overwhelming forces of jealousy, rage, and hysteria, newspapers recognized the fatal violence of the act while still confirming the passive role of the victimized fallen woman.

The case of Carlotta Theresa Sturlata in 1882 further developed the cultural narrative that associated feminine homicide with hysteria, while retaining aspects of the fallen woman refrain. The *Tribune* noted the similarities between Sturlata and Mollie Cosgriff, citing their work as prostitutes and their involvement with a "man about town" who "tired of the woman with whom he had been living."²⁴ Yet newspapers put more emphasis on the fact that Sturlata financially supported Stiles and his gambling habits, despite his frequent physical abuse. On the day of the murder, the *New York Times* recorded Sturlata stating that, although she "didn't mean to kill him . . . if he had only treated me decent this morning all might have been well with us."²⁵ Sturlata's case represents a decisive transition away from the established narratives of the fallen woman

²³ "Midnight Murder: A Gambler Shot by His Mistress," *Chicago Tribune*, September 5, 1866; "The Trussell Manslaughter," *Chicago Tribune*, December 17, 1866.

²⁴ "The Stiles Murder," *Chicago Daily Tribune*, July 11, 1882; Lloyd Wendt, "The Trial of Madeline Sturla," *Chicago Daily Tribune*, April 22, 1951.

²⁵ "Shot by His Mistress: Tragic End of a Chicago Caller's Fast Life," *New York Times*, July 11, 1882.

into a uniquely late nineteenth- and early twentieth-century cultural formation of women driven to hysteria and slaying their paramours.

The trope of the romantic prostitute largely disappeared from the major press stories of the early twentieth century. In one exception as late as 1906, the *Chicago Tribune* referenced Virginia Troupe's past working in "a house of ill repute" before meeting her husband, whom she later killed in the midst of a violent quarrel.²⁶ Like Sturlata, Troupe was one of the few women convicted for her crime, indicating the fading cachet of the fallen woman and the waning cultural visibility of public women.²⁷ The archetype of the formerly respectable but victimized and desperate woman, however, continued to evolve with strong cultural resonance. Rather than being trapped in prostitution, homicidal women of the late nineteenth century and especially the early twentieth century like Troupe were trapped in unhappy, dangerous, and dishonest marriages.

Newspapers frequently pointed to violations of marriage as the tragic prelude to a murder, particularly domestic abuse and financial quarrels. Many reports asserted that marital violence and unhappiness drove women to hysteria and ultimately murder. For example, the *Tribune* reported that Mrs. Wiley shot and killed her husband outside of their residence on the evening of August 14, 1899. Friends and neighbors reported that Wiley's "present condition is bordering on insanity" because her husband failed to financially support her and frequently beat

²⁶ "Acts Scene of Killing," *Chicago Daily Tribune*, January 9, 1906.

²⁷ "Woman Guilty of Murder: Mrs. Virginia B. Troupe Convicted by Jury," *Chicago Daily Tribune*, January 10, 1906.

her.²⁸ Physical violence similarly plagued Elizabeth Brown Delaney's marriage. After receiving blows to the face for "her real or fancied shortcomings as a wife," Delaney shot her husband while he slept in bed.²⁹ Nearly a third of the murder cases documented by the press told similar stories of marriages disintegrated by domestic violence and financial struggle.³⁰ Living in an industrializing city with limited ability to divorce an abusive husband or secure a livable income outside of marriage raised the stakes for married women. Homicide offered the opportunity to escape a marriage that failed to keep women physically or financially safe.

Temperance advocates at the time vociferously pointed to alcohol as a cause of marital disintegration. They reasoned that frequent consumption of spirits quickly consumed men's meager industrial wages and destined a family to financial ruin while also contributing to domestic violence.³¹ In an address to a gospel temperance meeting in 1893, Dr. Leslie E. Keeley asserted that "if the inebriate is brutalized by liquor the wife is the object of his brutality."³² Dr. Tennyson Smith, an evangelist from London visiting Chicago in 1906, conducted a mock trial to convict whiskey of "thousands of murders" and for robbing "little children of their mothers and

²⁸ "Wife Kills M.J. Wiley: Fires Four Bullets After Being Beaten by Him, It Is Said," *Chicago Daily Tribune*, August 15, 1899.

²⁹ "Shoots Husband, Then Kills Self," *Chicago Daily Tribune*, November 24, 1906.

³⁰ Cases include: Sturlata (1882), Gardner (1884), Hall (1886), Doyle (1899), Wiley (1899), Troupe (1906), Delaney (1906), Morrow (1911), Musso (1912), Bernstein (1912), Burnham (1913), Dietz (1913), Sing (1913), Willis (1914), Barnes (1916), Sterrett (1917), Eisenbrandt (1917), Wall (1918), Smith (1918), Exlund (1918), Simpson (1919). For more on methodology, see Appendix A.

³¹ Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800-1933* (Chicago: Ivan R. Dee, 1998).

³² "Drunk in the Cradle," *Chicago Daily Tribune*, September 14, 1893.

fathers, and wives of their husbands.”³³ Whether contributing to the inebriation of a husband, wife, or both, alcohol did play a role in at least twenty-one mariticides from 1870 through 1919.³⁴ However, alcohol-related homicides by women actually decreased in the first two decades of the twentieth century, suggesting a limited causal relationship between husband slaying and alcohol consumption.³⁵

Even in cases without a clear connection to alcohol, abuse, or financial distress, women turned to homicide to leave an undesirable marriage. Some women killed their husbands in order to pursue an extramarital affair. For example, police arrested Emma Williams for killing her husband by gas asphyxiation. The press asserted that Williams desired to leave her spouse for a younger man.³⁶ In a similar case, police held Augusta Dietz and George Nurnberg on suspicion that Dietz killed her husband to be with Nurnberg, with whom she was having an affair.³⁷ At least four other cases involved women resorting to lethal means to escape marriage and pursue a romantic interest.³⁸

Other cases involved women killing their husbands and lovers for their infidelity. In a particularly unusual case in 1893, police arrested sisters Rose Sherwood and Minnie Hewitt for

³³ “Try Whisky and Kill It,” *Chicago Daily Tribune*, June 19, 1906.

³⁴ Whether one or both parties inebriated.

³⁵ From 1870 to 1899, 21 of 102 total feminine homicides involved alcohol. From 1900 to 1919, 19 of 277 total feminine homicides involved alcohol.

³⁶ “Jests at Murder Charge,” *Chicago Daily Tribune*, January 12, 1902; “Woman Scored By Court,” *Chicago Daily Tribune*, June 4, 1902.

³⁷ “Coroner’s Jury Holds Mrs. Dietz and Nurnberg,” *Chicago Daily Tribune*, April 18, 1913; “Hunt New Man in Dietz Case,” *Chicago Daily Tribune*, April 19, 1913.

³⁸ VanKeuren (1913), Higgs (1914), Ananka (1916), Culpeper (1918).

the murder of John Russell, a man with whom both women “were on terms of intimacy.” He was found dead in his shooting gallery with a bullet in the back of his head.³⁹ Other examples include Josephine Schmidt, who shot her husband after being “goaded by taunts that she had grown old and unattractive and that another woman had taken her place in his affections.”⁴⁰ Annie Jaros killed her baby, her husband, and herself after discovering his mistress.⁴¹ Jeanette Wall shot her husband, who had recently “been running around with a chorus girl named Myrtle Howard.”⁴² Caught in unforgiving love triangles, romantically abandoned women employed violence to escape marriages that failed to meet expectations of romantic love and faithful companionship.

Fatal jealousy and betrayal did not require three parties; on several occasions, women killed romantic partners because of their perceived deceit and failure to marry them.⁴³ In 1918, young designer Pauline Plotka shot and killed Dr. Anton J. Jindra, whom she claimed “flaunted other women to me; told me of children by other women, and refused to marry me.” The *Tribune* reiterated that “insults and shame drove her to slay.”⁴⁴ When one of the defense’s witnesses declared that Jindra was a “dirty cur” for betraying Plotka, the courtroom erupted into cheers

³⁹ “No Light on Russell’s Death,” *Chicago Daily Tribune*, January 22, 1893; “Shot From Behind,” *Chicago Daily Tribune*, January 16, 1893.

⁴⁰ “Taunt Causes a Murder,” *Chicago Daily Tribune*, November 12, 1900.

⁴¹ “Friend Tips off Love Bungalow,” *Chicago Daily Tribune*, June 12, 1917; “Motive Sought for 3 Deaths in Happy Home,” *Chicago Daily Tribune*, June 11, 1917.

⁴² “Wife in Despair Slays Lax Mate,” *Chicago Daily Tribune*, February 9, 1918.

⁴³ Wendell (1894), Swan (1912), Czemerowska (1914), Sterrett (1917), Polk (1918), Plotka (1918), Simpson (1919)

⁴⁴ “Girl – Can’t Tell How She Got Gun to Kill Interne,” *Chicago Daily Tribune*, February 17, 1918.

and applause.⁴⁵ In addition to romantic betrayal, jilted women also faced devastating financial insecurity. For example, Carrie Wendell “in her rage” shot P.J. Clark in front of the National Hotel, after being wronged “in money matters and in a breach of promise to marry.”⁴⁶ The homicides by Plotka and Wendell illustrate how a breach of a promise to marry rivaled violations of legal marriage through betrayal and abuse.

The language employed in press accounts of women murdering their lovers and spouses firmly positioned women as victims of failed marriage and the wicked influences of the city. From utilizing the fallen woman refrain to describing husband slayers as overcome by rage and jealousy or driven insane by frequent beatings, newspapers conveyed fear of the immoral elements of the city and the instability of gender relations. Newspapers even frequently noted the aliases of women and their use of hotels for extramarital affairs.⁴⁷ A modern city like Chicago facilitated illicit behavior and fluid identities because little local community surveillance existed compared to that of the country or even an antebellum city. Until modern urban institutions of law and order could sufficiently organize to identify and control disorder, women would continue to fall prey to shady forces that undermined the success of marriage and set the stage for feminine homicide.

⁴⁵ “Girls’ Collapse Halts Her Own Story,” *Chicago Daily Tribune*, June 22, 1918.

⁴⁶ “How Did She Escape?” *Chicago Daily Tribune*, July 28, 1894; “Kills in Her Rage,” *Chicago Daily Tribune*, May 16, 1894.

⁴⁷ Examples include but are not limited to: “Await Testimony on Killing,” *Chicago Daily Tribune*, April 17, 1900; “Coroner’s Jury Holds Mrs. Dietz and Nurnberg,” *Chicago Daily Tribune*, April 18, 1913; “Is Killed By Wife,” *Chicago Daily Tribune*, July 3, 1899; “Kills in Her Rage,” *Chicago Daily Tribune*, May 16, 1894; “Lucille M’Leod Victim or Fiend?” *Chicago Daily Tribune*, November 18, 1906; “Shot by His Mistress,” *Chicago Daily Tribune*, July 11, 1882; “Woman Gives Murder Tip,” *Chicago Daily Tribune*, January 24, 1916.

Defending Husband Slaying

Before Chicago's newspapers ran headlines about women killing their lovers and spouses in the late nineteenth century, juries consistently exonerated the masculine equivalent to hysterical husband slaying throughout the nineteenth century. Husbands accused of murdering their wives' lovers out of rage could invoke the "unwritten law" to secure acquittal through jury nullification.⁴⁸ Historian Robert Ireland has demonstrated how a temporary insanity plea allowed attorneys to introduce evidence of sexual betrayal that in turn helped the defense invoke the unwritten law and encourage acquittal through jury nullification. In a particularly notorious case in 1859, New York congressman Daniel Sickles successfully pled not guilty by temporary insanity after killing his wife's lover, District of Columbia District Attorney Philip Barton Key.⁴⁹ The unwritten law set a cultural and informal legal precedent that maintained that violations of love and marriage justified or at least excused violent behavior.

Notably, the wives whose honor the defendants claimed to protect did not bear the same level of responsibility for their adulterous conduct as men's victims. Rather, the press and the court usually painted women as the victims of a libertine's seduction. Similarly, when a handful of women less successfully attempted to lay claim to the unwritten law in the mid-nineteenth century, their defense emphasized an innate feminine susceptibility to emotional instability. For example, when a woman from Chicago killed her lover in the District of Columbia for marrying

⁴⁸ Hendrik Hartog, "Lawyering, Husbands' Rights, and 'the Unwritten Law' in Nineteenth-Century America," *The Journal of American History* 84, no. 1 (June 1, 1997): 67–96

⁴⁹ Ireland, "Insanity and the Unwritten Law"; Ireland, "The Libertine Must Die"; Ireland, "Frenzied and Fallen Females." See also Hartog, "Lawyering, Husbands' Rights, and 'the Unwritten Law' in Nineteenth Century America."

another woman, physicians defended her plea of dysmenorrhea-induced insanity, noting that women proved particularly prone to nervousness and hysteria when romantically abandoned.⁵⁰ As women faced trial for killing their husbands and romantic partners in the late nineteenth and early twentieth century, they continued to appropriate the unwritten law and successfully utilized narratives of husband slaying hysteria. Just as Daniel Sickles' temporary insanity affirmed his masculine rage at discovering his wife's corruption, hysteria affirmed women's frailty amid the instability of urban life and love. For a wife killer, the unwritten law upheld patriarchal strength; for a husband slayer, it confirmed feminine weakness.

Many women reformers vocally defended women's claims to the unwritten law. Often organizing their efforts through church or club work, women reformers held meetings in support of women on trial and raised funds for defendants. For example, in 1891 the Woman's Christian Temperance Union held a mass meeting and took up a collection to support Josephine Tousley who was on trial for shooting and killing her husband.⁵¹ In the 1910s, women in groups like the Federation of Women's Clubs, the Freemasonic Order of the Eastern Star, or the Forty-first Presbyterian Church similarly provided financial and moral support to women defendants like Hattie Swan and Rena Morrow.⁵² The rationale for supporting women on trial for killing men mirrored other moral reform agendas like age-of-consent laws which often characterized girls

⁵⁰ Ibid.

⁵¹ "Mrs. Tousley's Case," *Daily Inter Ocean*, November 9, 1891.

⁵² "Mrs. Morrow Free," *Chicago Daily Tribune*, July 20, 1912; "Mrs. Morrow Had 'Defense' Party," *Chicago Daily Tribune*, January 8, 1912; "Hattie Swan Acquitted of Murder," *The Chicago Defender*, June 21, 1913.

and young women as victims of male lust and exploitation.⁵³ When North Side clubwomen successfully rallied for a retrial of Angelina Ansolone, they claimed “she was justified in killing that man” who “wooded and slandered her.”⁵⁴ Operating from a maternalist standpoint, middle-class women defended husband slayers as victims of abusive relationships and the corrupting influences of urban life.⁵⁵ Women reformers claimed women were justified in killing husbands who violated the cultural imperatives of marriage.

Defense lawyers and juries also often looked upon female defendants with sympathy as victims of their husband’s failure to uphold the expectations of marriage. In the trial of Stella Czemerowska for murdering the “man who jilted her,” the defense attorney reminded the jury that “if their mothers or wives or sisters or daughters were sitting on the case they would acquit the girl, because they would be aware of the great wrong that had been done her.”⁵⁶ Often, the legal defense did not attempt to prove the innocence of husband slayers, but rather framed the homicide as an accident because of women’s desperate and often hysterical condition instigated by terrible circumstances. After a jury acquitted Blanche Murphy of shooting her “brutal, drunken husband,” Murphy asserted, “I knew the jurors would find me not guilty . . . they knew that my husband’s death was an accident, and that I did not murder him in the manner the state

⁵³ Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995).

⁵⁴ “Attack Verdict to Save Woman,” *Chicago Daily Tribune*, December 13, 1907; “Women Rallying in Aid of Slayer,” *Chicago Daily Tribune*, December 14, 1907.

⁵⁵ Ireland notes the same phenomenon in the mid-nineteenth century. See “Frenzied and Fallen Females.”

⁵⁶ “Jury Frees Girl Who Killed Her Faithless Fiancé,” *Chicago Daily Tribune*, March 12, 1914.

charged.”⁵⁷ The acquittal of a husband slayer signaled a condemnation of the corrupting influences of men and the city while upholding the innocence and passivity of women.

Female defendants also asserted their inculpability by performing cultural scripts that emphasized their feminine respectability and unstable hysterical condition.⁵⁸ Reporters occasionally commented on the physical appearance of women in court, noting their physical beauty and tasteful clothing.⁵⁹ Press coverage of trials early in the twentieth century expanded to include more pictures of well-dressed white female defendants, further underscoring their respectability.⁶⁰ By upholding the aesthetic values of white, middle-class femininity, women associated themselves with civilization rather than poverty, vice, and criminality.

Indeed, the press frequently commented on the brave dignity of women subjected to trial, noting with sympathy when they occasionally broke under pressure. For example, when Jane Quinn went on trial for the death of her third husband, she “broke down and sobbed” twice, but retained her calm for “the remainder of the time.”⁶¹ Similarly, “frail and nervous” Estelle Stout “stood and listened intently as the accusation of murder was pronounced” before giving way to

⁵⁷ “Another Woman Free of Murder,” *Chicago Daily Tribune*, August 13, 1914.

⁵⁸ To analyze how defendants performed cultural scripts does not suggest that women were being deceptive in their court appearances, but rather attempts to identify and deconstruct recurring behaviors and narratives. For example, Anne Meis Knupfer investigated records from the nascent juvenile court system in Chicago to interrogate how delinquent girls performed certain scripts in their testimony to communicate their experience, invoke cultural values to their benefit, and contest dominant conceptions of feminine delinquency. See Anne Meis Knupfer, *Reform and Resistance: Gender, Delinquency, and America’s First Juvenile Court* (New York: Routledge, 2001).

⁵⁹ For example, see “Sentiment is Jury Test,” *Chicago Daily Tribune*, November 16, 1906; “Woman Scored By Court,” *Chicago Daily Tribune*, June 4, 1902.

⁶⁰ Examples include: Morrow (1911), Higgs (1914), Barnes (1916), Jaros (1917), Eisenbradt (1917), Plotka (1918)

⁶¹ “Her Story Ends Quinn Case,” *Chicago Daily Tribune*, May 30, 1912.

“a hysteria of tears.” The *Tribune* attested that the men in the courtroom subsequently “wiped their eyes with handkerchiefs.”⁶² Prosecuting attorney John Wayman once declared with frustration that “men will not convict the opposite sex of crimes like murder . . . a tear stained face, white lips, and trembling hands of a woman defendant unnerve them and destroy their judgment.”⁶³ By practicing a balance of restraint and release, women confirmed their feminine frailty and gentility to their benefit.

While on the stand, women continued to demonstrate refined composure punctuated with hysteria. To validate their claim that hysteria overtook them and resulted in homicide, defendants occasionally built their testimony to climax at the moment of murder, at which point they collapsed on the courtroom stand. For example, a *Tribune* headline exclaimed that defendant Lena Musso “drops unconscious as testimony nears story of slaying.”⁶⁴ Even more frequently, female defendants fainted either directly before or after hearing the verdict.⁶⁵ When Lucille McLeod sat down in court to hear the jury’s verdict, she “immediately began swaying to and fro” until “with inarticulate cries and shrieks the girl collapsed.”⁶⁶ Throughout the late nineteenth century and well into the early twentieth century, women defendants played into and shaped narratives of respectability and hysteria in order to secure acquittal. The strategy worked

⁶² “Girl of 18 on Trial for Life,” *Chicago Daily Tribune*, February 22, 1910.

⁶³ “Bernstein Widow Freed by Jurors,” *Chicago Daily Tribune*, August 22, 1912.

⁶⁴ “Mrs. Musso Faints on Stand,” *Chicago Daily Tribune*, February 27, 1913. Other examples include: Sturlata (1882), Doyle (1899), McLeod (1906), Eisenbradt (1917), Plotka (1918).

⁶⁵ Sturlata (1882), Snowden (1903), Troupe (1905), McLeod (1906), Quinn (1911), Blackwell (1912), Musso (1912), Van Keuren (1913), Plotka (1918).

⁶⁶ “Lucille M’Leod Set Free by Jury,” *Chicago Daily Tribune*, November 20, 1906.

relatively well for white women—especially middle-class white women—who secured a disproportionate percentage of acquittals from the 1870s through 1909.⁶⁷ However, less than a third of total romantic or spousal homicide cases ended in acquittal during the same period.⁶⁸ Race, class, and sexuality severely circumscribed women’s successful claims to the unwritten law.

Racial and Sexual Boundaries of the Husband-Slaying Defense

The power of white respectability in allowing women to appropriate the unwritten law encompassed women who challenged ideologies of racial purity through interracial marriage. In 1913, Charles Sing died of a gunshot wound while laying in bed with his wife, Alice. When questioned by police, Alice claimed that someone stood over their bed and shot her husband, but she was ultimately charged with Sing’s murder. Newspapers repeatedly emphasized that Alice was white and Charles was Chinese and asserted that he frequently beat her. The press went on to connect Sing to an underground opium smuggling ring. By associating Sing’s race with criminality and physical abuse of his white wife, the press drew direct links between interracial marriage, urban disorder, and domestic violence. Yet Alice Sing’s whiteness still legitimized her claim to victimhood and inculpability, and she secured acquittal.⁶⁹

The white press did not afford the same deference to black women. Alice Muffert, an African American woman, lived with Amos Muffert, a white man, while she ran a house of

⁶⁷ See figure 10.

⁶⁸ Out of 71 arrests for husband slaying from 1871 to 1909, 20 ended in acquittal.

⁶⁹ “Frees Mrs. Sing of Murder,” *Chicago Daily Tribune*, December 20, 1913; “Finds Mrs. Sing Murdered Mate,” *Chicago Daily Tribune*, September 19, 1913.

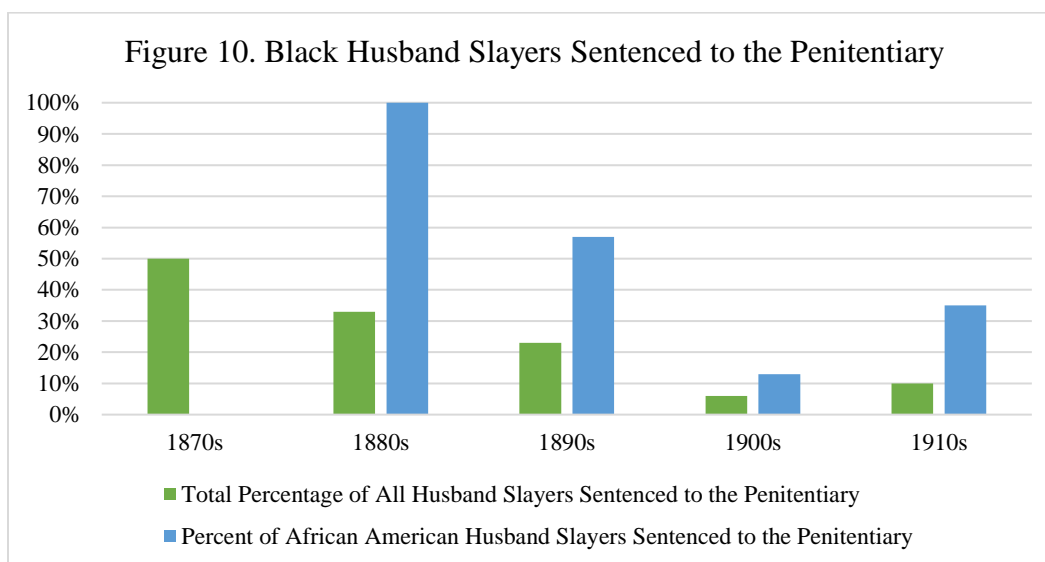
prostitution. He borrowed money from her, and then abandoned her for another woman. In retaliation, she shot and killed him in front of a saloon in 1882. As a black woman associated with prostitution and part of an interracial couple, the *Chicago Tribune* did not describe Muffert using the same narratives as white women:

During the entire trial of the case the woman, who is a very black negress of Amazonia physique, sat stolidly by the table in the court-room ... and never spoke a syllable to anybody. She did not look up or move when the jury filed out ... neither did she flinch or move a muscle when the foreman delivered the verdict, but seemed to be in a stupor and unconscious of her surroundings.

Where an account of a white husband slayer might note the defendant's composure, the press portrayed Mumford's silence as evidence of her blackness, inferiority, and failure to conform to the tropes of feminine hysteria. Furthermore, the *Tribune* utilized racist language to comment on the strength and masculinity of her "Amazonia physique," in contrast to the familiar image of a frail white woman on trial. Despite her employment of the insanity defense, dominant ideologies of marriage excluded Muffert's claims on the basis of her race, behavior, and participation in the intimate economy. Muffert was sentenced to Joliet for 27 years, later transferring to Kankakee State Hospital where she died in 1926.⁷⁰ Black women like Muffert faced higher rates of incarceration compared to all husband slayers in Cook County through the late nineteenth and early twentieth centuries (see figure 10).⁷¹

⁷⁰ "Homicide in Chicago, 1870-1930," Northwestern University, Case 1419; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 4, Number 4703; "The Muffert Murder," *Chicago Daily Tribune*, March 1, 1882. "Will Plead Insanity," *Daily Inter Ocean*, February 28, 1882; The People of the State of Illinois v. Alice Muffert, 12634 (Crim Crt Cook Cnty 1881), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 55.

⁷¹ Black acquittals increased in number, but not necessarily in percentage. The race of acquitted women was not consistently noted in court records or newspapers, whereas convict records consistently list race. Consequently, the data more solidly confirms that black women faced disproportionate incarceration. For more data, see Appendix B.



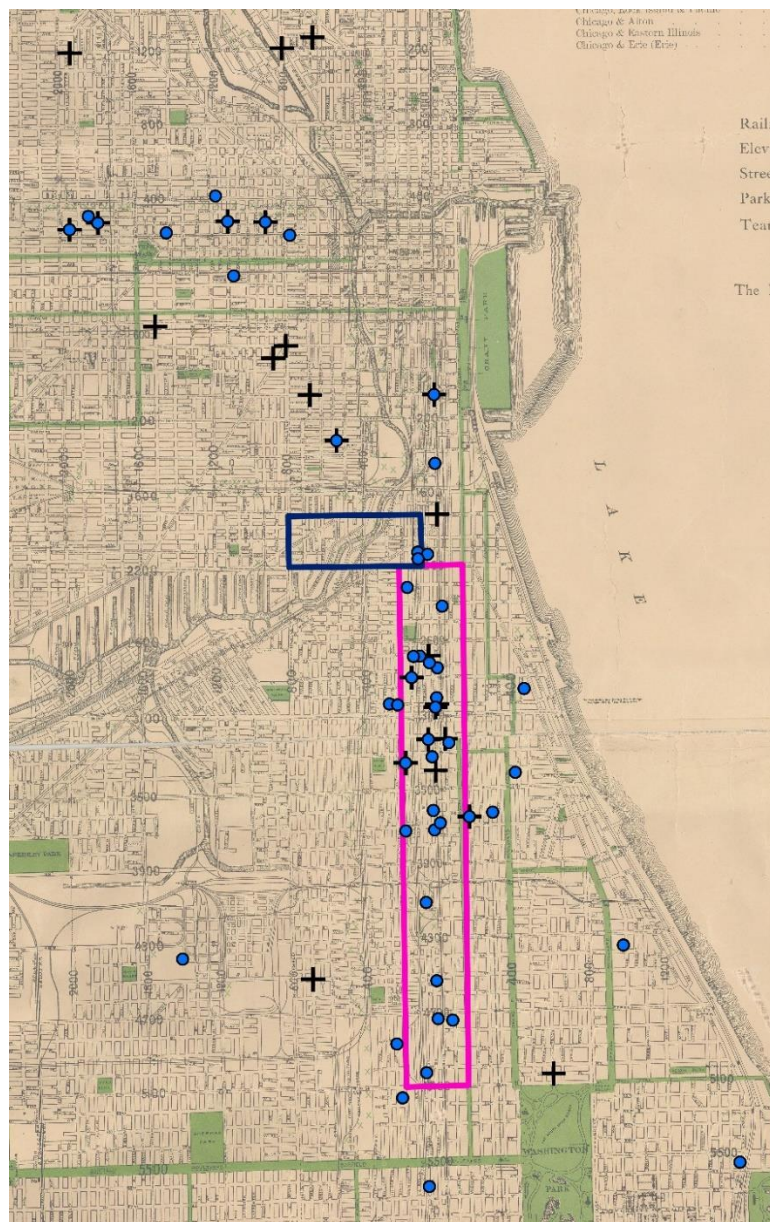
As African Americans moved en masse from the rural South to the urban North for industrial jobs during the Great Migration, many settled in growing black neighborhoods on the Near West Side and, increasingly, along the Black Belt on Chicago's South Side. Constrained by racial housing segregation to the west and east, residents of the Black Belt in particular suffered from cramped living conditions.⁷² The cluster of feminine homicides around the Black Belt in the early twentieth century reflects changing residential patterns in Chicago after World War I.⁷³ Additionally, the concentration of domestic homicides that took place on the streets and sidewalks of the Black Belt suggests that the dense living conditions resulted in many women settling domestic disputes in public (see figure 11). For example, Minnie Smith lived in the

⁷² Chicago Commission on Race Relations, *The Negro in Chicago: A Study of Race Relations and a Race Riot* (Chicago: The University of Chicago Press, 1922); James R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: University of Chicago Press, 1989).

⁷³ Although race was consistently noted in convict registers, it was less consistently listed in police records, so the data on race is not comprehensive. For more, see note 68.

Black Belt in 1918 when she shot her husband near the intersection of Indiana Avenue and 37th Street over a financial dispute.⁷⁴

Figure 11. Black Feminine Homicides in Chicago, 1900-1919



Key:

Blue boundary: South Side Levee District

Pink boundary: Black Belt

Blue dots: Homicides for which police arrested black women

Black crosses: Feminine homicides that took place on the street or sidewalk

Base map: "Chicago, 1913"
Rand McNally, University of Chicago Map Collection.

⁷⁴ "Homicide in Chicago, 1870-1930," Northwestern University, Case 5162; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 28, Number 6003; "Mrs. Minnie Smith Being Tried for Murder," *Chicago Defender*, August 31, 1918.

The *Chicago Defender* described Smith's murder as culmination of "a shattered romance, blighted by frequent domestic tempests and entanglements."⁷⁵ As early as 1913 and through the rest of the decade, the *Chicago Defender* ran stories about African American women brought to trial for killing men and invoked familiar refrains in defense of middle-class murderesses. As with Smith, the *Defender* pointed to deteriorated marriages as the main catalyst for feminine murder in several cases. Similarly, Susie Moody's murder of her husband "was the outgrowth of continual abuse by the deceased when under the influence of whiskey."⁷⁶ In an example of a love triangle, a jury acquitted Viola Culpeper for her role in the murder of her husband while her lover was sentenced to twenty-five years in the state penitentiary.⁷⁷ According to the *Defender*, toxic marriages represented a dangerous threat to law and order among middle-class African Americans. Additionally, the *Defender* rejected racist tropes of black women's masculine strength as employed in the *Tribune's* characterization of Alice Muffert as an "Amazon." Instead, the *Defender* appropriated and subverted narratives of white feminine respectability by asserting middle-class black women's claims to husband-slaying hysteria.

In the murder trial of Hattie Swan for the death of Roman McKinney, the *Defender* also noted active support by women reform groups like the Federation of Woman's Clubs. The newspaper asserted that "various clubs . . . both white and colored," provided a pregnant Swan with necessary financial assistance. The article painted Swan in sympathetic terms, explaining

⁷⁵ "Walter Smith Instantly Killed by His Wife, Who Surrenders to Police," *The Chicago Defender*, May 18, 1918.

⁷⁶ "Slays Husband in Death Struggle," *The Chicago Defender*, June 7, 1919.

⁷⁷ "Culpeper Murderer Gets 25-Year Sentence," *The Chicago Defender*, June 8, 1918; "Viola Culpeper Freed," *The Chicago Defender*, May 18, 1918.

that “McKinney had promised to marry Hattie Swan” but “he seemingly tired of her.” Swan was acquitted on a plea of self-defense.⁷⁸ Like white women reformers, African American clubwomen utilized maternalist and separate sphere ideology to push for education and reform in the early twentieth century. In addition, however, middle-class black clubwomen challenged ideologies of white supremacy and organized for the advancement of African Americans.⁷⁹ By supporting black husband slayers, African American women reformers joined the *Defender* in asserting the protection of middle-class black femininity on equal terms as white women.

The *Defender*'s coverage of the high-profile homicide of Dr. James Harris by Josephine Polk illustrated the consolidation of the main themes that came to define husband slaying by the early twentieth century. A stenographer “whose character has never been questioned” and who was “held in high esteem by all who knew her,” Polk was “heartbroken” and “hysterical” upon learning that her lover of eight years had taken up with another woman and had no intention of marrying her.⁸⁰ In court, her defense maintained that the gun went off accidentally, and the jury acquitted Polk.⁸¹ As a respectable middle-class woman, Polk was deceived and denied marriage. Overcome by her jealousy and hysteria, she committed homicide but later secured acquittal from a sympathetic jury.

⁷⁸ “Hattie Swan Acquitted of Murder,” *The Chicago Defender*, June 21, 1913.

⁷⁹ Bederman, *Manliness and Civilization*, 45-76; Anne Meis Knupfer, *Toward a Tenderer Humanity and a Nobler Womanhood: African American Women's Clubs in Turn-of-the-Century Chicago* (New York: New York University Press, 1996); Cynthia Neverdon-Morton, *Afro-American Women of the South and the Advancement of the Race, 1895-1925* (Knoxville: University of Tennessee Press, 1989).

⁸⁰ “Dr. Harris Killed by Young Woman,” *The Chicago Defender*, November 24, 1917; “Miss Josephine Polk Faces Trial for Murder,” *The Chicago Defender*, December 7, 1918.

⁸¹ “Homicide in Chicago, 1870-1930,” Northwestern University, Case 3881.

Women reformers and the black press succeeded in expanding definitions of respectability to allow black middle-class women to claim hysteria and secure more acquittals than convictions in the first two decades of the twentieth century. However, African-American women continued to face a disproportionately higher rate of conviction from the 1880s through the 1910s. Furthermore, the hysteria defense failed to protect black public women like Alice Muffert who participated in the intimate economy, as well as women who did not conform to heteronormative relationships as exemplified in the murder trial of Maggie Tiller in 1895.

Maggie Tiller was born in 1874 in Wilmington, North Carolina, the child of a freedwoman and a Spanish tinner. She attended the North Carolina Normal Institute at Goldsboro and began a career on the stage at the age of fifteen by working for hypnotists. She later moved to Philadelphia with her mother and entered the theatrical profession. When her mother passed in 1893, Tiller travelled to Chicago in the company of a fellow actress, Frieda Hunnington. Tiller and Hunnington performed together in a sketch performance on the early vaudeville circuit and developed a close romantic relationship. In November 1894, Hunnington began to court Charles Miller. By the first of December of that year, Hunnington began cohabitating with Miller, much to Tiller's dismay. On December 14, Tiller confronted the couple in Miller's home at 2115 State Street. A struggle ensued until Tiller shot and killed Miller with a revolver. In the subsequent trial, Tiller claimed insanity but the jury found her guilty. For the first time in Cook County history, a judge sentenced a woman to death.⁸²

⁸² "Eight Men to be Tried for Murder," *Chicago Daily Tribune*, March 11, 1895; "The Hanging of a Woman," *Atchison Daily Globe*, April 26, 1895; "Homicide in Chicago, 1870-1930," Northwestern University, Case 1460; Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 8, Number 4266; "Maggie Tiller Found Guilty," *Daily Inter Ocean*, March 31, 1895; The People of the State of Illinois v. Maggie Tiller, 38319 (Crim Crt Cook Cnty 1894), Clerk of the Circuit Court of Cook County Archives, Criminal

The *Daily Inter Ocean* mentioned that Tiller and Hunnington were “strongly attached,” but otherwise newspapers did not discuss Tiller’s sexuality.⁸³ In fact, the case drew significantly less attention from local and national press than the many high-profile husband slaying cases in Chicago. In contrast, United States newspapers devoted substantial ink to a case of same-sex female love and murder two years earlier. On February 23, 1892 nineteen-year-old Alice Mitchell stabbed her romantic partner Freda Ward in Memphis, Tennessee out of jealousy for the attentions Ward paid to other men. A jury determined Mitchell to be insane, and she spent the remainder of her life at the Tennessee State Insane Asylum.⁸⁴ Historian Lisa J. Lindquist argues that Mitchell received sensational press coverage less for engaging in a same-sex relationship, and more because of her “deviant” expressions of masculinity which constituted a more severe breach of respectable middle-class white femininity.⁸⁵ The court information and newspaper coverage of the Tiller case did not question her gender, but did routinely reference her race. When the *Daily Inter Ocean* questioned “new woman” Mrs. J.M. Flower about the fate of the twenty-year-old “mulatto,” she responded, “Why shouldn’t she be hanged, if she is guilty of the crime, just the same as a man would be under the circumstances?”⁸⁶ Flower’s comments

Felony Records, Box 183; “Phi Delta Phi Elects Officers,” *Chicago Daily Tribune*, March 19, 1895; “Preparing for Yachting in 1895,” *Chicago Daily Tribune*, April 14, 1895; “Takes 100 Grains of Morphine,” *Chicago Daily Tribune*, May 5, 1895; “Will Co-operate with New Rulers,” *Chicago Daily Tribune*, March 27, 1895.

⁸³ “The Hanging of a Woman,” *The Daily Inter Ocean*, March 31, 1895.

⁸⁴ Alexis Coe, *Alice + Freda Forever: A Murder in Memphis* (Pulp/Zest Books, 2014); Lisa J. Lindquist, “Images of Alice: Gender, Deviancy, and a Love Murder in Memphis,” *Journal of the History of Sexuality* 6, no. 1 (1995): 30-61.

⁸⁵ Lindquist, “Images of Alice: Gender, Deviancy, and a Love Murder in Memphis.”

⁸⁶ “The Hanging of a Woman,” *The Daily Inter Ocean*, March 31, 1895; “Maggie Tiller Found Guilty,” *Daily Inter Ocean*, March 31, 1895.

foreshadow women reformers' abandonment of husband slayers in the twentieth century while also demonstrating how, even earlier, the unwritten law did not extend to black women.

Tiller's lawyers filed a motion for a new trial, claiming that her previous lawyer abandoned her case two days before trial and that the dismal conditions for women housed in the County Jail prevented proper counsel. The affidavit for a new trial emphasized the strong, passionate, mutual love between the two women, "as a husband might his wife or a lover might the woman of his most ardent love."⁸⁷ Hunnington occasionally used Tiller's last name and the two shared a bed where they engaged in regular sexual intercourse.⁸⁸ Hunnington's testimony to the coroner corroborated the relationship, as she stated that her and Tiller kept house together. Court documents highlighted how, in many ways, Tiller and Hunnington's relationship carried the key markers of nineteenth-century love and marriage.⁸⁹

At the same time, the affidavit for a new trial framed Tiller's fierce romantic attachment to Hunnington as the result of childhood sexual abuse and her exposure to frequent hypnotism at a young age. The defense claimed that her mind was of "a dazed and uncertain condition" from the time of the murder through the duration of the first trial, and that she did not recall the moment of murder. The defense argued that Tiller displayed no quarrelsome or violent behavior in the past, had no criminal records, and that if she did kill Miller it was in a struggle after he

⁸⁷ The People of the State of Illinois v. Maggie Tiller, 38319 (Crim Crt Cook Cnty 1894), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 183.

⁸⁸ Ibid.

⁸⁹ For more on same-sex romantic relationships among women in the late nineteenth century, see Lillian Faderman, *Surpassing the Love of Men: Romantic Friendship and Love between Women from the Renaissance to the Present* (New York: Morrow, 1981); Carroll Smith-Rosenberg, "The Female World of Love and Ritual: Relations between Women in Nineteenth-Century America," *Signs* 1, no. 1 (1975).

assaulted her. The defense used Tiller's relationship with Hunnington to both emphasize her propriety and romantic love while also characterizing her as victim of a weak mental condition and sexual "impulse." In the second trial, the jury found Tiller guilty again, but instead of receiving the death penalty, the judge sentenced her to twenty years at the Joliet Penitentiary.⁹⁰ A more strategic and thorough defense of Tiller's respectability and victimhood succeeded in keeping her from the gallows, but confirmed that she could not fully escape culpability on the basis of her race and sexual orientation.

Maggie Tiller stands out in the historical record as one of the first women who received the death penalty in Illinois, yet the press and subsequent historical scholarship largely ignored her trials. By highlighting more cases like Carlotta Theresa Sturlata, the press created and reinforced a hysterical husband-slaying narrative that empowered white women and eventually middle-class black women to appropriate the unwritten law for their acquittal. The narrative reflected an empirical shift in feminine violence from the intimate economy to the domestic sphere over the turn of the century, and revealed cultural anxieties about gender relations and social order in urban Chicago.

The shift to domestic homicide also involved women like Maggie Tiller who turned to violence in the wake of romantic betrayal but did not fit tropes of white or middle-class heteronormative respectability. Public women, black women, and lesbian women faced higher rates of incarceration for husband slaying, demonstrating the early racial and sexual limits of

⁹⁰ Illinois State Archives, Secretary of State (Index Division): Executive Section, Convict Register, Box 8, Number 4266; *The People of the State of Illinois v. Maggie Tiller*, 38319 (Crim Crt Cook Cnty 1894), Clerk of the Circuit Court of Cook County Archives, Criminal Felony Records, Box 183.

narratives that excused women's violence. Whereas limited press coverage hid the continued incarceration of nonwhite and working-class women, increased attention to white and middle-class husband slayers contributed a coordinated effort in the second decade of the twentieth century to further constrict the limits of acceptable feminine violence and invalidate husband slayers' claims to the unwritten law.

CHAPTER FIVE

HUSBAND-SLAYING HYSTERIA, 1910-1919

In 1916, suffragist Elizabeth Bass declared in the *Chicago Tribune* that “killing husbands seems to be a harmless pastime in Chicago.”¹ Bass represented the quintessential woman reformer in early twentieth-century Chicago. A middle-class white woman married to a prominent Chicago lawyer, Bass participated in maternalist reform efforts as president of the Chicago Woman’s Club and an original member of Illinois’ Juvenile Court Commission. She expanded her civic work to political activity as an advocate for women’s suffrage, a vocal Democrat, and noted leader of the woman’s auxiliary of the Democratic National Committee. She also pursued her vision of domestic equality as a member of a state commission to reform marriage and divorce laws.² Bass’ multifaceted work reflected a portion of the many overlapping causes undertaken within the umbrella of Progressive Era reform.³

¹ “Ask Woman Lawyer as Prosecutor in Mrs. Barnes’ Case,” *Chicago Daily Tribune*, September 8, 1916.

² Henry Barrett Chamberlin, *The Voter: A Monthly Magazine of Politics*, Vol. 121 (May, 1913), 50; Chicago Woman’s Club Records, Annual Announcements of the Chicago Woman’s Club, 1912-13, Loyola University Chicago Women and Leadership Archives, Box 4, Folder 4-6; “Is Mrs. George Bass Democrat or Mooser?” *Chicago Daily Tribune*, July 8, 1914; Albert Nelson Marquis and John William Leonard, *Who’s Who in America* (Chicago, 1920), 190; “Mrs. Bass’ Foes Renew Attacks on Appointment,” *Chicago Daily Tribune*, August 22, 1916; “Mrs. Bass Made U.S. Narcotics Supervisor Here,” *Chicago Daily Tribune*, August 1, 1933; “Suffragists War on Traditions of U.S. Club Biennial,” *Chicago Daily Tribune*, June 4, 1914; “Women Will Put Issue to Mayor,” *Chicago Daily Tribune*, December 11, 1913.

³ Historians disagree over the utility of Progressivism to describe the myriad reform efforts that took place from the 1890s through the 1920s. While avoiding the broad term of Progressivism in favor of focusing on specific efforts by suffragists, judges, and lawyers, I nevertheless argue that their efforts in response to husband slayers in the 1910s reflected uniquely Progressive Era values of gender equality and scientific professionalism in contrast to the moralist and maternalist strategies employed by reformers in chapter 2. For more on Progressivism, see Andrew Wender Cohen, *The Racketeer’s Progress: Chicago and the Struggle for the Modern American Economy, 1900-1940* (Cambridge, UK: Cambridge University Press, 2004); Samuel P. Hays, “The Politics of Reform in Municipal

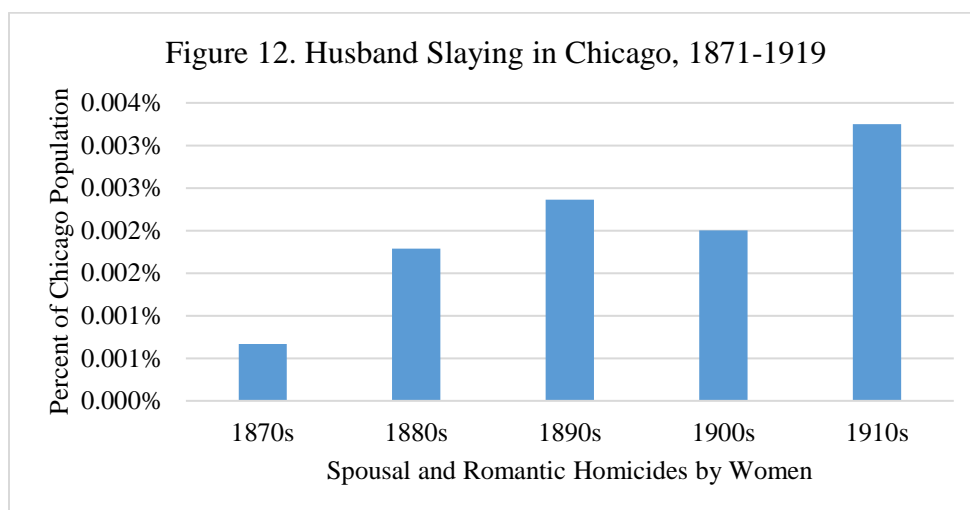
Like an increasing number of women reformers in the second decade of the twentieth century, Bass' advocacy for women's equality and institutional accountability allied her with prosecutors who worked to convict husband slayers. Whereas many women reformers in the late nineteenth century and early twentieth century supported women on trial for killing their abusive spouses and unfaithful lovers, a growing group of Progressive Era activists like Elizabeth Bass upheld the legitimacy of the courts and called for gender equality under the law.

By the second decade of the twentieth century, municipal reformers, ministers, and women reformers aggressively prosecuted and dislocated public women and dismantled the intimate economy. At the same time, the state of Illinois consistently secured convictions for working-class black women and lesbians who killed their lovers, spouses, and rivals in love. Apart from mothers committing infanticide, white and middle-class black husband slayers emerged as the only group of women arrested for homicide that the courts did not routinely punish, usually thanks to the hysteria defense and jury nullification. In the 1910s, the number of women arrested for killing their husbands and romantic partners increased to include a slightly larger percentage of the overall Chicago population than in previous decades, reflecting the broader trend of increasing domestic homicides (see figure 12).⁴ At the same time, Chicago

Government in the Progressive Era," *The Pacific Northwest Quarterly*. 55, no. 4 (1964): 157-169; Robert D. Johnston, *The Radical Middle Class: Populist Democracy and the Question of Capitalism in Progressive Era Portland, Oregon* (Princeton, NJ: Princeton University Press, 2003); Shelton Stromquist, *Reinventing "The People": The Progressive Movement, the Class Problem, and the Origins of Modern Liberalism* (Urbana: University of Illinois Press, 2006); Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge: Cambridge University Press, 2003).

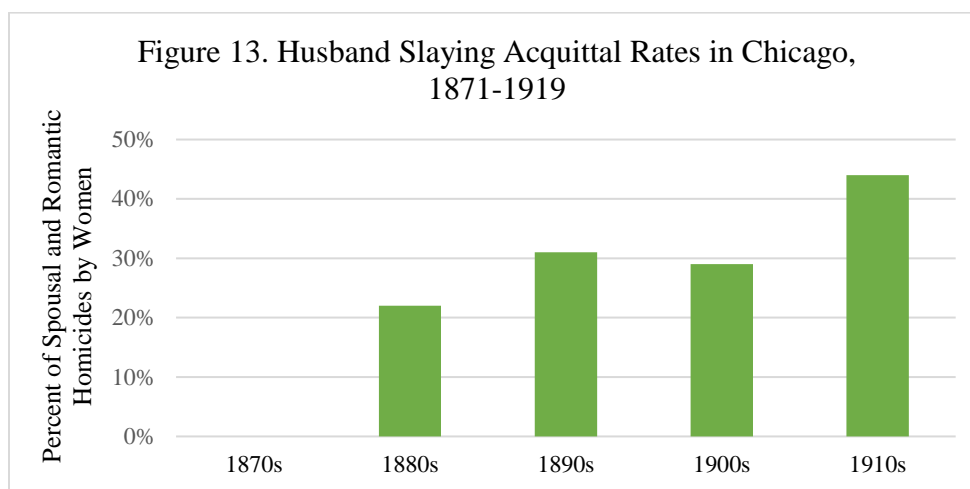
⁴ The 71 husband slaying cases from 1909 to 1919 comprised .0032% of Chicago's 1910 population of 2,185,283. In contrast, husband slaying cases consistently comprised less than .0024% of Chicago's population by decade from the 1870s through the first decade of the twentieth century. For more on methodology, see Appendix A.

courts saw a spike in acquittals for the crime. From the 1870s through 1909, less than a third of romantic or spousal homicide cases ended in acquittal. In the 1910s, closer to half of indicted women secured acquittal (see figure 13).⁵ Even acquittals for African American husband slayers increased as newspapers like the *Chicago Defender* upheld middle-class black women's claims to feminine hysteria and the unwritten law.⁶ In the second decade of the twentieth century, then, women killed lovers and spouses at slightly higher rates with a significantly higher chance of securing acquittal, due in large part to the success of the hysterical husband-slaying defense.



⁵ Only 20 out of 71 husband slaying cases from 1870 to 1909 ended in acquittal; another 12 did not make it to trial due to lack of prosecution. In contrast, from 1910 to 1919, 31 out of 71 cases ended in acquittal, with another 25 not ending in trial due to lack of prosecution. For more data, see Appendix B.

⁶ From 1880 through 1899, two out of eight black husband slayers secured acquittal and a third was not prosecuted. In contrast, from 1900 to 1919, the court acquitted or exonerated well over half of black husband slayers. Ten cases ended in acquittal, three in exoneration, and another six cases did not end in incarceration, whether through lack of prosecution or other reason. For more on methodology, see Appendix A. For more on disproportionate incarceration of black husband slayers, see Appendix B and Figure 10 in Chapter 4.



Increasing acquittal rates quickly became a source of great consternation for self-proclaimed advocates of law and order. Reverend Charles Bayard Mitchell echoed Elizabeth Bass' sentiments when he ascertained that "it's getting so it is cheaper and easier for a woman to kill a husband she doesn't like than it is to divorce him."⁷ Lawyers similarly complained about a "double moral standard" in the courts, claiming that all-male juries acted out of sympathy for women rather than employing the standards of criminal justice.⁸ Prosecuting attorneys frequently exclaimed that "it is next to impossible to convict a woman of murder in Cook County today."⁹ Attorney and journalist Henry Barrett Chamberlin maintained that the "courts taking a

⁷ "Slayer Facing Trial Smiling," *Chicago Daily Tribune*, September 9, 1912.

⁸ "Another Woman Free of Murder," *Chicago Daily Tribune*, August 13, 1914; "Bernstein Widow Freed by Jurors," *Chicago Daily Tribune*, August 22, 1912; "Free Another Woman Slayer," *Chicago Daily Tribune*, January 23, 1915; "How Did She Escape?" *Chicago Daily Tribune*, July 28, 1894; "Jury Frees Girl Who Killed Her Faithless Fiance," *Chicago Daily Tribune*, March 12, 1914; "Light Sentence for Two Murderers," *Chicago Daily Tribune*, September 22, 1894; "Mrs. Van Keuren Not Guilty of Husband's Murder," *Chicago Daily Tribune*, March 15, 1914; "Slayer Facing Trial Smiling," *Chicago Daily Tribune*, September 9, 1912.

⁹ "The Woman and the Jury When Murder Is the Charge," *Chicago Daily Tribune*, August 22, 1912. See also: "Ask Woman Lawyer as Prosecutor in Mrs. Barnes' Case," *Chicago Daily Tribune*, September 8, 1916; "Jury Frees Girl Who Killed Her Faithless Fiance," *Chicago Daily Tribune*, March 12, 1914; "Mrs. Van Keuren Not Guilty of Husband's Murder," *Chicago Daily Tribune*, March 15, 1914.

sentimental attitude toward the criminal” encouraged both defendants and observers to “lose respect for the law and naturally drift toward criminal life.”¹⁰

The press offered confirmation bias by headlining female homicides as an alarming and rapidly expanding urban phenomenon; reports of trial announcements or proceedings frequently included lists of women acquitted in recent years in addition to those still awaiting trials.¹¹ While newspapers loudly counted the number of husband-slaying acquittals, they usually failed to note that the Cook County Criminal Court in fact sentenced seven women to the penitentiary for killing lovers or husbands from 1910 to 1919. African American women constituted all but one of the convicted defendants.¹² By de-emphasizing the consistent incarceration of black husband slayers and discussing female homicide acquittals as a group, the press amplified voices that identified husband slaying as an alarming development demanding institutional attention.

In contrast to the nineteenth-century elite, agents of law and order in the second decade of the twentieth century harnessed a stronger institutional network and new Progressive Era rhetoric to combat urban crime and disorder. Whereas municipal and women reformers in the late nineteenth century pressured the courts and city government from the outside, reformers in the Progressive Era like Elizabeth Bass infiltrated official government structures at the local, state,

¹⁰ Henry Barrett Chamberlin, *50-50: Fighting Chicago's Crime Trusts* (Chicago, 1916), 48.

¹¹ “Acquit Plotka Girl of Murder; 25th to Go Free,” *Chicago Daily Tribune*, June 28, 1918; “Acquittals: Twenty-five Women, Accused as Slayers, Freed,” *Chicago Daily Tribune*, May 4, 1918; “Another Wife on Trial as Slayer,” *Chicago Daily Tribune*, August 9, 1912; “Another Woman Free of Murder,” *Chicago Daily Tribune*, August 13, 1914; “Free Another Woman Slayer: Mary Who Killed Husband, Nineteenth to Be Acquitted in Ten Years,” *Chicago Daily Tribune*, January 23, 1915; “Held for Murder of Third Spouse,” *Chicago Daily Tribune*, November 11, 1911; “Seven Women on Trial for Murder in Chicago,” *Los Angeles Times*, August 23, 1912; “The Woman and the Jury When Murder Is the Charge,” *Chicago Daily Tribune*, August 22, 1912.

¹² Lulu Blackwell (1912); Julia LaForce (1913); Louise Jackson (1913); Della Sterritt (1917); Celia Cavanaugh (1918); Minnie Smith (1918).

and national level. Judges and state's attorneys increasingly espoused Progressive Era visions of law and order while women reformers vocally advocated for new models of gender relations reflected in law, from companionate marriage to political equality. At the same time, scientific professionalism overtook civilization as a dominant discourse that justified the bureaucratization of city institutions and shaped evolving conceptions of criminality.¹³ In Chicago, the lawyers and judges of the criminal court as well as women reformers invoked scientific rationality to legitimize their efforts to consolidate political power and advance their vision of social order.

The fledgling Progressive Era alliance of courts and women reformers pointed to high rates of husband-slaying acquittals as a problem to be addressed by a more scientific and professional court system that included women prosecutors and jury members. A closer look at the judges, prosecutors, and defense lawyers of the Chicago Criminal Court reveals how various personal and political motivations belied a common investment in court bureaucratization. Meanwhile, women's reform coalesced around the pursuit of suffrage and advancing visions of domestic gender equality like companionate marriage. Together, judges, lawyers, the press, and suffragists worked to invalidate women's claims to hysteria and insist on legal insanity defenses. A series of key cases after 1910 demonstrate how their efforts slowly but effectively limited the ways in which husband slayers could be excused from culpability over time. By 1919, a woman defendant's fate relied on the sophistication of her lawyer rather than jury nullification to keep

¹³ For more on scientific professionalism and reform in the Progressive Era, see Gail Bederman, *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995); Johnston, *The Radical Middle Class*; Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, MA: Belknap Press of Harvard University Press, 1998); Stromquist, *Reinventing "The People."*

her out of the penitentiary. Even then, successful legal insanity defenses resulted in commitment to an asylum. Efforts to enforce new gender relations reinforced attempts to convict and control violent women as suffragists and a bureaucratizing court allied against husband slayers.

Chicago Courts

Chicago courts served as a critical site for Progressive Era scientific professionalism to gain legitimacy as social activists, judges, and lawmakers attempted to work out new understandings of criminal behavior as the product of biology and socioeconomic conditions. The subsequent constructs of criminality that emerged from this socializing and bureaucratizing court system deemed certain groups to be socially and biologically damaged—including hysterical husband-slaying women.¹⁴

Chicago women sent to trial for murder or manslaughter in the Cook County Criminal Court faced a courtroom full of men. Elected Circuit and Superior Court judges assigned to the Criminal Court presided over criminal felony cases.¹⁵ The same constituencies that supported ward bosses in the turn-of-the-century Chicago elected judges, so court seats often operated as bargaining chips in political negotiations among ward bosses. In 1914, the Cook County Board of Commissioners noted that “the County shows backwardness in reform” and that “the so-called machine politician is found in evidence” throughout the county courts and offices.¹⁶ Like

¹⁴ Willrich, *City of Courts*, xxiii. See also Ian Robert Dowbiggin, *Keeping America Sane: Psychiatry and Eugenics in the United States and Canada, 1880-1940* (Ithaca, NY: Cornell University Press, 1997); Khalil Gibran Muhammad, *The Condemnation of Blackness Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2010).

¹⁵ Alexander Agnew McCormick, *A Study of Cook County* (Chicago: 1914), 47.

¹⁶ *Ibid.*, 5.

politicians by the second decade of the twentieth century, judges utilized the rhetoric of reform to assist a range of agendas. While a judge's actions often reflected the politics of his backers, he also had a vested interest in developing a more professional court system. Broadly speaking, judges benefitted from a reform movement that desired to expand and empower the court.

In the early twentieth century, municipal reformers succeeded in an overhaul of the city courts that resulted in the establishment of the Municipal Court in 1905. After its creation, all felonies underwent a preliminary trial in the Municipal Court before progressing to the criminal court.¹⁷ As with many other reform efforts, business and political interests allied to wrest power away from a decentralized and ethnic political system and establish a professionalized bureaucracy. The establishment of the Municipal Court constituted a quintessential Progressive Era accomplishment by centralizing legal power and upholding scientific professionalism.

The state's attorney also operated as a key player for municipal reform and the pursuit of criminal justice. John E.W. Wayman served as state's attorney from 1908 to 1912. After losing the Republican primary for governor, he received notoriety for spearheading a campaign to close down the South Side Levee during his final year in office. In 1912, Democrat Maclay Hoyne defeated Republican Lewis Rinaker and went on to serve two terms in the state's attorney's office until 1920.¹⁸ By 1915, the *Chicago Examiner* praised Hoyne for breaking "the power of pull and politics, the hold on the strings that used to move courts and criminals alike to the aid of

¹⁷ Willrich, *City of Courts*, xxxv.

¹⁸ "Announce Count of 9 Wards Today," *Chicago Daily Tribune*, November 16, 1912.

the threatened tenderloin czar.”¹⁹ Although representing both major parties, Wayman and Hoyne’s approaches to their office reflected the ascendance of the reform impulse by the second decade of the twentieth century. From Wayman’s targeting of the South Side Levee to Hoyne’s overhaul of the criminal court system, Illinois’ state’s attorneys used reform measures to challenge the influence of the intimate economy and expand the power of the courts and the state. An important aspect of their reform agenda came to include homicidal women who seemed to evade the growing forces of law and order.

In his zeal to rid the criminal court system of the power wielded by ward bosses, Hoyne dedicated substantial energy to eliminate jury bribers from the courthouse.²⁰ The jury represented a major obstacle to the court’s consolidation of power. In addition to the threat of jury members accepting bribes, acquittals of domestic murderers highlighted how jury nullification informally overwrote state laws. Throughout the Progressive Era, states increasingly de-emphasized the jury’s ability to decide law and instead charged them with determining the facts of a case.²¹ Reformers sought to solely assign the job of legal interpretation to educated professionals rather than the lay jury. Notably, juries remained primarily white and exclusively male throughout the early twentieth century.²² Because of juries’ ability to potentially foil the rule of law, judges,

¹⁹ *Chicago Examiner*, June 16, 1915, as quoted in Chamberlin, 50-50, 64.

²⁰ Chamberlin, 50-50, 44-45.

²¹ Albert Alschuler and Andrew G. Deiss, “A Brief History of the Criminal Jury in the United States,” *University of Chicago Law Review* 61 (1994): 867-928; Nancy S. Marder, “The Changing Composition of the American Jury,” *125th Anniversary Materials Paper* 5 (2013): 66-74.

²² *Ibid.* Women did not serve on juries in Illinois until 1939. See “First Cook County Woman Qualifies for Service on Jury,” *Chicago Daily Tribune*, July 28, 1939.

prosecutors, and defense lawyers battled over jury selection before each trial, particularly in high-profile husband slaying cases.

Defense attorneys during the period participated more unpredictably in the court politics of reform. Two of the most visible criminal lawyers who routinely defended women on trial for murder included Clarence Darrow and Charles Erbstein. Darrow in particular personified some of the internal contradictions of Progressivism. On the one hand, he frequently sided with the more radical elements of reform, from Eugene V. Debs and laborers on strike to proponents of evolution in the Scopes Monkey Trial. On the other hand, he faced charges of bribing juries, worked tirelessly as an expensive criminal lawyer to keep his clients out of the hands of the state, and even advocated for the abolition of prisons.²³ Darrow, then, utilized a professionalizing court to pursue a successful career and advance his own eccentric vision of reform.

Charles Erbstein, who dedicated a larger portion of his career to criminal defense of husband slayers, more routinely clashed with the state's attorney's office. Wayman in particular despised Erbstein. In 1910, Wayman charged Erbstein with misconduct for defending Lee O'Neil Browne, a Democrat who allegedly bribed legislators to elect Republican William Lorimer to the United States Senate.²⁴ Known as the "Blond Boss" of the West Side, Lorimer proved a foil for Wayman's attempt to secure Republican candidacy for governor two years later.²⁵ Wayman charged Erbstein with conspiracy again in 1911, and even petitioned the

²³ John A. Farrell, *Clarence Darrow: Attorney for the Damned* (New York: Vintage, 2012); Charles Yale Harrison, *Clarence Darrow* (New York: Jonathan Cape and Harrison Smith, 1931); Irving Stone, *Clarence Darrow For The Defense* (Signet, 1971); Andrew E. Kersten, *Clarence Darrow: American Iconoclast* (New York: Macmillan, 2011).

²⁴ "C.E. Erbstein, Lawyer, Dies; Funeral Today," *Chicago Daily Tribune*, May 28, 1927.

²⁵ Douglas Bukowski, *Big Bill Thompson, Chicago, and the Politics of Image* (Urbana: University of Illinois Press, 1998), 15-19; John R. Schmidt, *"The Mayor Who Cleaned Up Chicago": A Political Biography of William E. Dever*

Chicago Bar Association to disbar Erbstein. Hoyne also charged Erbstein with misconduct in a trial that devolved into physical violence. In every case of misconduct and conspiracy, Erbstein represented himself and successfully secured acquittal.²⁶ More so than Darrow, Erbstein represented a thorn in the side of court reformers. Yet even as judges, prosecutors, and defense lawyers displayed a myriad of political motivations and sparred over the application of socialized criminal justice, all parties stood to benefit from a more powerful judicial system that emphasized rule of law over jury nullification.

Women Reformers and Suffragists

Women reformers significantly contributed to the Progressive Era shift to scientific professionalism. The moral reform movements that appropriated maternalist ideology in the nineteenth century in turn helped “construct a new paradigm of social welfare based on specially trained professionals with the skills and knowledge to offer effective social services in a technocratic society,” according to historian Mina Carson.²⁷ As participants and promoters of professionalism in the new urban order, women joined other Progressive Era reformers in identifying social and family environments as the explanation for feminine criminality and delinquency.²⁸ Clubwomen in particular transitioned from launching protective initiatives to

(DeKalb: Northern Illinois University Press, 1989), 19; “Whirlwind Finish in State Primary,” *Chicago Daily Tribune*, April 7, 1912.

²⁶ “C.E. Erbstein, Lawyer, Dies; Funeral Today,” *Chicago Daily Tribune*, May 28, 1927.

²⁷ Mina Julia Carson, *Settlement Folk: Social Thought and the American Settlement Movement, 1885-1930* (Chicago: University of Chicago Press, 1990), 8.

²⁸ Carson, *Settlement Folk*; Elizabeth J. Clapp, *Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America* (University Park, PA: Pennsylvania State University Press, 1998); Maureen A. Flanagan, *Seeing with Their Hearts: Chicago Women and the Vision of the Good City, 1871-1933* (Princeton, NJ: Princeton University Press, 2002); Estelle B. Freedman, *Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930* (Ann Arbor: University of Michigan Press, 1981); Anne Meis Knupfer, *Reform and*

coordinating with local and state institutions to control and reform criminal women. For example, in the late nineteenth century, the Chicago Woman's Club held readings and seminars on the plight of criminals and in the 1880s successfully lobbied for day and night matrons to be stationed in police stations for the security and care of incarcerated women.²⁹ By 1917, the Club hosted full-day conferences on municipal and county affairs including police stations, county jails, hospitals, and asylums.³⁰ Rather than raise funds or offer protection for women on trial for murder, women reformers of the Progressive Era increasingly allied with state officials and other male reformers to bolster the legitimacy of the state to identify, control, and reform criminal women.

Upholding the legitimacy of the state served another major goal of women reformers: suffrage. Middle-class women in Chicago increasingly translated their professional credibility and successful reform strategies into the suffrage movement of the early twentieth century.³¹ In the process, many united with criminal prosecutors over suffrage as a solution to the problem of unchecked husband slaying. As early as 1912, John Wayman endorsed suffrage legislation in order to secure women on juries, claiming that "we must try woman slayers by women juries if

Resistance: Gender, Delinquency, and America's First Juvenile Court (New York: Routledge, 2001); Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995).

²⁹ Chicago Woman's Club Records, "History of the Chicago Women's Club," 1888, Loyola University Chicago Women and Leadership Archives, Box 15, Folder 1.

³⁰ Chicago Woman's Club Records, "Annual Announcements of the Chicago Woman's Club," 1876-1920, Loyola University Chicago Women and Leadership Archives, Boxes 1-5.

³¹ Flanagan, *Seeing with Their Hearts*, 6.

we will see justice done.”³² Four years later, noted suffragists like Catherine Waugh McCulloch joined State’s Attorney Maclay Hoyne in advocating for women prosecutors in cases of female homicide. Mrs. Harrison M. Brown of the Illinois Equal Suffrage Association asserted that “there are women [lawyers] who have the training and could rob a murder trial of its maudlin sympathy.”³³ By condemning husband slayers, middle-class women reformers asserted their own proper femininity, professional credibility, and right to vote.

The realignment of women reformers and prosecutors in response to husband slaying also reflected changing conceptions of marriage among the middle class. In the early twentieth century, many middle-class white women increasingly practiced and advocated for a model of marriage that would come to be known as companionate marriage. Evolving from Victorian notions of consent and affection, companionate marriage emphasized mutual sexual desire, access to birth control, and ability to divorce.³⁴ The concept increasingly gained traction among the middle class, so that by 1927, noted social reformer and Colorado judge Ben B. Lindsey argued that companionate marriage was already a “conventionally respectable” model “monopolized by educated people,” and that it should be “legally and openly available to all

³² “Bernstein Widow Freed by Jurors,” *Chicago Daily Tribune*, August 22, 1912.

³³ “Ask Woman Lawyer as Prosecutor in Mrs. Barnes’ Case,” *Chicago Daily Tribune*, September 8, 1916.

³⁴ Ben Barr Lindsey and Wainright Evans, *The Companionate Marriage* (Ayer Company: 1927). See also Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Harvard University Press, 2002); Stephanie Coontz, *Marriage, a History: How Love Conquered Marriage* (New York: Penguin Books, 2006); Rebecca L. Davis, “‘Not Marriage at All, but Simple Harlotry’: The Companionate Marriage Controversy,” *Journal of American History* 94, no. 4 (2008); Christina Simmons, *Making Marriage Modern: Women’s Sexuality from the Progressive Era to World War II* (New York: Oxford University Press, 2009); Clare Virginia Eby, *Until Choice Do Us Part: Marriage Reform in the Progressive Era* (Chicago: University of Chicago Press, 2014).

people—particularly to the poor and the socially unfit.”³⁵ He also explicitly presented companionate marriage as the cure for putting an end to fetishized spousal homicides endorsed by the archaic unwritten law.³⁶ In the 1910s, then, reformers lived in a moment of transition in which women reformers might choose to advocate for the social order offered by companionate marriage rather than defend husband slaying as an extreme measure for women trapped in poisonous relationships. As with suffrage, companionate marriage meant convicting husband slayers as a mechanism to achieve gender equality envisioned by middle-class reformers.

Women on trial for murder rebuffed suffragists’ righteous quest for jury representation. Stella Czemoska exclaimed to the *Chicago Tribune*: “A jury of women! I couldn’t stand it! All those women, strange women, looking at me! No, no it is asking too much. They would not understand.” Czemoska emphasized the alienation between women on juries and the defendant, a strong contrast to the gender solidarity among maternalist clubwomen and the defendants they financially and emotionally supported. Louise Van Keuren more bluntly stated, “No woman in the world ever gave another a square deal.”³⁷ Women reformers’ pursuit of equality and representation stood at odds with women’s desire for a “square deal” after killing a dishonest or abusive paramour.

³⁵ Lindsey and Evans, *The Companionate Marriage*, xxiii; see also Eby, *Until Choice Do Us Part*.

³⁶ Lindsey and Evans, *The Companionate Marriage*, 71-75.

³⁷ “Women Reject Women Jurors,” *Chicago Daily Tribune*, March 10, 1914.

Lucille McLeod and the Power of the Unwritten Law

With increasing support from suffragists and continued attention from the press, judges and prosecutors worked to fashion a more powerful and professional court that delegitimized feminine violence. As judges delivered more heavy-handed rulings and jury instructions, defense lawyers experimented with insanity defenses that drew on the scientific expertise of medical professionals. Eventually, the informal hysteria defense and jury nullification gave way to a legal insanity defense that required the craft of an expensive lawyer and the legal sanction of a judge.

The 1906 case of Lucille McLeod represented an early attempt by the court to directly challenge the unwritten law of husband slaying. After holding several “clandestine meetings at various hotels,” with William Niemann, Jr., McLeod eventually demanded that Niemann marry her. Although already engaged to another woman, Niemann issued a written promise to marry McLeod. The two were found in a room in the Empire Hotel on December 13, 1906, with Niemann dying from a bullet to the head. In the ensuing trial, the prosecuting and defense lawyers focused largely on McLeod’s character, with Charles Erbstein defending McLeod as the victim of a guileful man. He pontificated that McLeod “was 16 years old and as pure as the lily of the valley” until “Niemann like a serpent entered her home and stole from the rosary of her womanhood her sacred virtue.”³⁸ To combat the religious imagery of McLeod’s purity, State’s Attorney Frank Crowe highlighted her past as a chorus girl at the Sans Souci amusement park and suggested that the Savoy threw McLeod out of their establishment multiple times for

³⁸ “Lucille M’Leod Victim or Fiend?” *Chicago Daily Tribune*, November 18, 1906.

intoxication. McLeod denied the claim.³⁹ In emphasizing McLeod as either a victim or perpetrator of urban disorder and permissive sexuality, the lawyers engaged with established narratives of husband slaying. McLeod also played her role in the cultural script, maintaining composure throughout the trial until, just before hearing the final verdict, she collapsed “with inarticulate cries and shrieks.”⁴⁰

Before dismissing the jury, Judge Kavanagh instructed the jury in great detail on their legal obligation. He elaborated on the definitions of reasonable doubt and moral certainty and how the concepts should inform the jury’s deliberation.⁴¹ He also reminded the twelve men that even “if the jury found the woman had been seduced that fact did not legally excuse the murder, if murder was done.”⁴² The jury returned a not guilty verdict. McLeod’s case constituted an early moment when the court emphasized legalism but the traditional defense of husband slaying still succeeded. In the following years, women continued to secure acquittal while the press and prosecutors decried high rates of acquittals.

Lena Bernstein and “Furore Transitoria”

The high-profile trial of Florence Bernstein in 1912 hit all the familiar notes of a husband slaying case. Bernstein came from a wealthy family; her mother possessed considerable property and her brother owned several theaters in Chicago. The couple lived on the West Side where

³⁹ Ibid.

⁴⁰ “Lucille M’Leod Set Free by Jury,” *Chicago Daily Tribune*, November 20, 1906.

⁴¹ Ibid.

⁴² Ibid.

Bernstein's husband earned a moderate income.⁴³ George and Florence Bernstein quarreled frequently during their four-year marriage; on two different occasions George even left his wife. When a judge ordered George to pay Florence \$8 per week for maintenance in April of 1912, the two reconciled. Shortly after, on May 5, neighbors heard shots in the Bernstein home. Witnesses found George unconscious with two bullet wounds in his back and a smoking gun in Florence's hands.⁴⁴ According to the *Tribune*, Bernstein was the fourth woman in 1912 to face murder charges for killing her husband.⁴⁵ When Bernstein arrived at court, the *Los Angeles Times* noted that "her white face" contrasted "with the deep black of her dress."⁴⁶ Bernstein perfectly fit the archetypal image of a respectable white woman who fell victim to a broken marriage, and the press pointed to her as an example of the rising epidemic of husband slaying.

But the case departed from normal courtroom conventions when Charles Erbstein framed Bernstein's murder in scientific terms, citing "furore transitoria," or "a state of mind superinduced by the condition of the parties concerned." Erbstein differentiated furore transitoria from "emotional insanity or aphasia" and instead described the condition as a "state of mental aberration ... the result of violent hysterical agitation."⁴⁷ Furore transitoria represented a novel

⁴³ Some sources say her husband ran a clothing store; others label him as a travelling salesman.

⁴⁴ "Another Wife on Trial as Slayer," *Chicago Daily Tribune*, August 9, 1912; "Wife Held Without Bail for Murder of Bernstein," *Chicago Daily Tribune*, May 11, 1912; "Woman Ready for Trial," *Los Angeles Times*, August 2, 1912.

⁴⁵ "Another Wife on Trial as Slayer," *Chicago Daily Tribune*, August 9, 1912.

⁴⁶ "Woman Ready for Trial," *Los Angeles Times*, August 2, 1912.

⁴⁷ "Reveals Defense of Mrs. Bernstein," *Chicago Daily Tribune*, August 15, 1912; "'Furore Transitoria' Plea," *New York Times*, August 16, 1912.

defense that offered an evolution on the informal hysteria defense criticized in the press and in court. An elaborate temporary insanity defense provided a way to keep the defendant out of prison without relying on jury nullification.

Erbstein utilized expert medical professionals to back the *furore transitoria* defense. Medical experts generally played a contested role in the Progressive Era as hired guns for either the defense or prosecution. Although leading voices in the medical and legal professions argued over the proper mechanisms of insanity pleas, they agreed on the authority of medical professionals to identify the causes and treatments of insanity.⁴⁸ As the tragic mystery of hysteria largely disappeared from medical and popular literature, neurologists offered new terms like neurasthenia to make sense of middle-class feminine distress in urban environments.⁴⁹ Physicians observing Bernstein's trial even claimed that *furore transitoria* was an outdated concept more routinely diagnosed as epilepsy.⁵⁰ Whether upholding the defense or the prosecution, medical professionals asserted their scientific authority to identify and treat the mentally ill.

The success of the *furore transitoria* plea ultimately came down to legalities. State's Attorney Wayman challenged "*furore transitoria*" on its deviance from precedent.⁵¹ In the early

⁴⁸ Janet A. Tighe, "'Be It Ever so Little': Reforming the Insanity Defense in the Progressive Era," *Bulletin of the History of Medicine* 57, no. 3 (Fall 1983): 395–411.

⁴⁹ John S. Haller and Robin M. Haller, *The Physician and Sexuality in Victorian America* (Urbana: University of Illinois Press, 1974); Claire Kahane, *Passions of the Voice: Hysteria, Narrative, and the Figure of the Speaking Woman, 1850-1915* (Baltimore: Johns Hopkins University Press, 1995); Andrew Scull, *Hysteria the Biography*, 86-98.

⁵⁰ "Call Brainstorm Fake Plea," *Chicago Daily Tribune*, August 19, 1912.

⁵¹ "Honore Scotches Brainstorm Plea to Excuse Murder," *Chicago Daily Tribune*, August 18, 1912.

twentieth century, the Supreme Court of Illinois consistently upheld the defense's responsibility to raise a reasonable doubt as to the sanity of the accused. At that point, the prosecution retained the burden to prove, beyond a reasonable doubt, that the defendant was sane at the time of the crime.⁵² Wayman, backed by his own slew of "alienists" like Dr. R.T. Hinton of the Elgin State Hospital, argued that the defense failed to provide any evidence of insanity before calling for expert testimony.⁵³ Judge Lockwood Honore agreed and decisively struck down "furore transitoria" as a valid defense. By blocking "furore transitoria" on legal grounds, the court paradoxically endowed lawyers with more power by emphasizing legal arguments over the cultural appeal of women's hysterical performances. Regardless of the jury's decision, the court demanded a legally sound insanity defense.

Even in 1912, the power of jury nullification remained formidable. To Wayman's dismay, the jury still acquitted Bernstein.⁵⁴ Defeated by Erbstein and a jury of laymen, Wayman delivered an impassioned indictment of the Bernstein case to the press:

The verdict of not guilty is the biggest and most farcical travesty of justice that ever occurred in a civilized community. If women can murder their husbands in such cold blood as this and be permitted to go free by twelve men of Cook county when no defense is interposed and when her attorneys practically pleaded guilty, then I would like to have some one point out what kind of evidence it would take to convict a woman of murder.

⁵² *Brislane v. the People*, 295 Ill. 241 (1920); *Casey v. the People*, 231 Ill. 261 (1907); *Dacey v. the People*, 116 Ill. 555 (1886); *Farrell v. the People*, 103 Ill. 17 (1882); *Hopps v. the People*, 31 Ill. 385 (1863); *Montag v. the People*, 141 Ill. 75 (1892); *O'Shea v. the People*, 218 Ill. 352 (1905); *Shepherd v. the People*, 72 Ill. 480 (1874); *Upstone vs. the People*, 109 Ill. 169 (1882).

⁵³ "Honore Scotches Brainstorm Plea to Excuse Murder," *Chicago Daily Tribune*, August 18, 1912.

⁵⁴ "Bernstein Widow Freed By Jurors; Wayman Aroused," *Chicago Daily Tribune*, August 22, 1912; "Honore Scotches Brainstorm Plea to Excuse Murder," *Chicago Daily Tribune*, August 18, 1912; "Husband Murder Now Too Common, Wayman Pleads," *Chicago Daily Tribune*, August 20, 1912; "Jury Deadlocks in Murder Case," *Chicago Daily Tribune*, August 21, 1912; "Mrs. Bernstein Ends Testimony," *Chicago Daily Tribune*, August 17, 1912; "Reveals Defense of Mrs. Bernstein," *Chicago Daily Tribune*, August 15, 1912.

The whole spectacle is sickening and disgusting. Heretofore juries have acquitted women on some sort of cheap insanity plea and have been able to look their fellowmen in the face. But in this case we blocked that excuse and placed the jurors in a position where they cannot hide behind any such cheap excuse. They must take responsibility of declaring by their verdict that it is all right for a hot-headed woman to murder her husband.⁵⁵

Wayman's scathing remarks represented the new emerging order in Chicago that demanded justice informed by scientific rationalism rather than women's performance and jury nullification. "Civilization" no longer meant the protection of middle-class women from the horrors of urban life, but rather demanded that women be equally held accountable for their crimes in the interest of law and order.

Judges continued to deliver strongly worded instructions to juries in subsequent cases. Against protestations from Pauline Plotka's lawyer in 1918, Judge Sabath stressed to the jury that "no reprehensible conduct of the deceased ... would justify the defendant in taking the life of deceased, and cannot be considered by you to any extent at all as a defense in this case."⁵⁶ The *Tribune* declared Sabath's instructions "the most radical ever given an Illinois jury in the case of a woman on trial."⁵⁷ Although juries continued to acquit women like Bernstein and Plotka, increased pressure from judges, prosecutors, reformers, and the press eventually restricted women's ability to secure acquittal.

⁵⁵ "Bernstein Widow Freed by Jurors," *Chicago Daily Tribune*, August 22, 1912.

⁵⁶ "Acquit Plotka Girl of Murder," *Chicago Tribune*, June 28, 1918.

⁵⁷ *Ibid.*

Emma Simpson and the Limits of the Unwritten Law

Emma Simpson's high-profile murder case in 1919 revealed the shrinking boundaries of the unwritten law for husband slayers in the Progressive Era. Simpson embodied white feminine respectability as the niece of local traction magnate John M. Roach. She married Elmer Simpson in 1902 but continued to work as a secretary for her uncle's railroad company. Domestic discord beset the Simpsons beginning in 1912, and the two eventually separated when Elmer Simpson moved in with his mother. Emma repeatedly accused Elmer of a romantic affair with Jean Webster, the sister-in-law of Elmer's brother. By 1919 the Simpsons were immersed in a heated divorce. At the end of one particularly tense alimony hearing, Simpson produced a gun and shot her husband. Less than a month later he died of infection from the bullet wounds.⁵⁸

Simpson's behavior in the wake of the shooting exaggerated the familiar characteristics of husband slaying. Simpson's very public assault in a courtroom full of witnesses left little doubt that she committed the killing, and her brazen behavior after the killing seemed to confirm that husband slaying constituted a flagrant disregard of law and order. On her way out of the courthouse immediately after the incident, she reportedly smiled and waved for photographers and spoke to the press. She remarked:

I will need no attorney—the new unwritten law, which does not permit a married man to love another woman, will be my defense. It will save me. I will tell my whole story to the jury and they will free me. I am perfectly confident of that.⁵⁹

⁵⁸ Maude Martin Evers, "Woman Named in Court Shooting Denies Charges," *Chicago Daily Tribune* April 27, 1919; "Taunted Wife Shoots Husband in Courtroom," *Chicago Daily Tribune*, April 26, 1919.

⁵⁹ "Taunted Wife Shoots Husband in Courtroom," *Chicago Daily Tribune*, April 26, 1919

Simpson epitomized the fears of critics who believed that women recklessly killed husbands without consequence rather than undergo a divorce. Husband slayers seemed overly confident that they could escape punishment by making claim to the unwritten law.

According to a *Tribune* editorial, Simpson's murder confirmed that "husband killing" had become a "popular and inexpensive sport." The editorial laid blame on the "sloppy," "sexual sentimentality of male juries" who placed women "not in a shrine, but on the plane of irresponsible childhood or idiocy." This only encouraged "the inflamed egotism of women to destroy life."⁶⁰ The *Tribune* mocked the masculinity of juries who upheld the unwritten law for women, claiming that their jury nullification was not chivalrous, but encouraged a perverse femininity that threatened male life. By 1919, the narrative of woman as victim transformed into a more menacing refrain that characterized husband slayers as petty, vindictive, and eschewing equal treatment before the law. The emergent discourse reflected a Progressive Era climate that snubbed Victorian visions of men protecting unwitting women while also processing anxieties about new models of gender relations and visions of women's equality. Husband slayers represented a parody of the New Woman, favoring fame and fashionable violence over domestic tranquility and deserving equal punishment rather than special protection.

When Simpson went to trial in September of 1919, Maude Martin Evers emerged as the primary journalist covering her case. For at least two years, Evers worked as a staff artist for the *Chicago Tribune*, usually responsible for illustrations of clothing patterns. In March 1919, Evers published a drawing outside of her normal assignment: she sketched an image of Eva Murray, a

⁶⁰ "Killing Husbands," *Chicago Daily Tribune*, April 28, 1919.

young woman recovering in a hospital after receiving a gunshot wound. While her husband was out of town, Murray went out with a mixed-gender group of friends and ended the night in a room alone with her presumed lover when a bullet fired from behind the door landed in her chest. Evers' sketch, entitled "The Woman Pays," conveyed a "lesson with the picture" reinforced by a short accompanying article in which Evers asserted that Murray was paying the price for "stepping out" while her husband was away.⁶¹ Evers' short article embraced a moralistic tone that—along with a prominently placed byline—defined her journalistic voice as feminine. Her gendered approach to the story facilitated an opportunity for her to transition into reporting for the *Chicago Tribune*.

The next month, when Simpson shot her husband, the *Tribune* dispatched Evers to sketch and interview Elmer Simpson's alleged lover, Jean Webster. By the time Simpson went to trial in September, Maude Martin Evers consistently covered her story, sometimes publishing full-fledged articles without accompanying sketches. Evers' articles signaled the first time in the *Tribune's* coverage of husband slayers in which a reporter received a byline. Whereas other articles presumably penned by men conveyed omniscience and objectivity by omitting the author's name, Evers' byline marked her reporting as feminine and subjective. Evers represented an example of a so-called "sob sister," a woman journalist responsible for human-interest

⁶¹ "Woman Denies She Shot Self, Shields 'Him,'" *Chicago Daily Tribune*, March 16, 1919; "The Woman Pays"; Maude Martin Evers, "Woman's Pallid Face Tells Tale Her Lips Refuse," *Chicago Tribune*, March 16, 1919.

features and other “soft news.”⁶² Like many woman reporters, Evers parlayed gender expectations to expand her career opportunities.

Evers visited Simpson in prison and published an article upholding her as a paragon of virtue. Evers described Simpson as “immaculate in her white linen suit and alert in mind.” Simpson contributed to the styling of her own image, proclaiming her dislike for divorce, cigarettes, and hair dye—all infamous features associated with the New Woman.⁶³ Evers assisted Simpson in presenting herself as a conservative image of respectable white femininity worthy of acquittal from the unwritten law, rather than the grotesque version of the New Woman who deserved punishment. At the same time, the overt feminization of trial reporting further bolstered accusations that sentimentality dominated husband slaying trials.

As a woman of means, Simpson hired the legal services of Clarence Darrow. The attorney had recently secured the acquittal of husband slayers Louise Van Keuren in 1914 and Josephine Polk in 1918.⁶⁴ Darrow launched a full-fledged temporary insanity defense of Simpson, calling for testimony from a host of lay and professional witnesses. He insisted that Simpson was “insane only on the subject of her husband,” and asked each witness of the shooting about the color of Simpson’s face when she killed her husband and “whether or not her

⁶² Patricia Bradley, *Women and the Press: The Struggle for Equality* (Chicago: Northwestern University Press, 2005); Jean Marie Lutes, “Sob Sisterhood Revisited,” *American Literary History* Vol. 15 No. 3 (Autumn, 2003), 504-532; Jan Whitt, *Women in American Journalism: A New History* (Chicago: University of Illinois Press, 2008).

⁶³ Maude Martin Evers, “Mrs. Simpson Sees Value in Life in Jail,” *Chicago Daily Tribune*, September 10, 1919.

⁶⁴ “Miss Josephine Polk Faces Trial for Murder,” *The Chicago Defender*, December 7, 1918; “Mrs. Van Keuren Not Guilty of Husband’s Murder,” *Chicago Daily Tribune*, March 15, 1914. Biographies of Clarence Darrow do not reference these two cases; more often, they reference the Simpson case as a representative example of Darrow’s reputation for defending husband slayers. See Stone, *Clarence Darrow For The Defense*; Kersten, *Clarence Darrow: American Iconoclast*; John A. Farrell, *Clarence Darrow: Attorney for the Damned*; Charles Yale Harrison, *Clarence Darrow*.

eyes were wild.”⁶⁵ He also called upon a litany of lay witnesses who testified to Simpson’s unstable mental state, including Simpson’s uncle, John M. Roach; Harry McCormick, former confidential secretary of Roach and coworker of Emma Simpson; Lucille Verhooven, court reporter in the Simpsons’ divorce hearings; and Jean Webster’s husband. Darrow also questioned women who used to play cards with Emma Simpson, who revealed that they ultimately disbanded because she talked about her marital problems too much.⁶⁶ Darrow relied on a high quantity of informal assessments of Simpson’s mental state to convince the jury of her temporary insanity.

Darrow also deployed expert physicians to offer professional credence to witness testimony on Simpson’s mental state. The alienists called to the stand represented the traditional practice of psychiatry as employed in hospitals and asylums, including Dr. H. I. Davis of the county detention hospital and Dr. William G. Stearns of the State Hospital at Kankakee and Lake Geneva sanatorium. Expert testimony also included Dr. Archibald Church and Dr. Harold Moyer, more in-vogue specialists of nervous and mental diseases. Maude Martin Evers only documented the opinions of the latter two physicians, who offered a list of possible categorizations of Emma Simpson’s insanity, from “egregious egotism and lack of self control,” to manic depression, paranoia, and dementia praecox.⁶⁷ Professional diagnoses corroborated the

⁶⁵ Maude Martin Evers, “Simpson Widow Quails Before Pointing Hands,” *Chicago Daily Tribune*, September 19, 1919.

⁶⁶ “Cussin’ Cards Cited to Help Mrs. Simpson,” *Chicago Daily Tribune*, September 21, 1919; Maude Martin Evers, “J.M. Roach Aids Mrs. Simpson in Death Trial,” *Chicago Daily Tribune*, September 23, 1919; “Mrs. Simpson Insane 2 Years, Says Witness,” *Chicago Daily Tribune*, September 20, 1919.

⁶⁷ Maude Martin Evers, “Experts Differ on Insanity of Mrs. Simpson,” *Chicago Daily Tribune*, September 24, 1919.

defense's claim that Simpson was not in her right mind when she shot and killed her husband and thus should not be held culpable for the crime of murder.

In Darrow's final plea to the men of the jury, he explicitly admonished them on their responsibilities as men. He reminded jurors that "more consideration should be shown for a woman than a man" and that "you've been asked to treat a man and a woman the same—but you can't. No manly man can."⁶⁸ He also emphasized the seven years of marital troubles that contributed to Emma Simpson's distress. In many ways, Darrow made an appeal to the traditional gender norms and narratives of domestic discord that undergirded the hysteria defense. However, his orchestration of the temporary insanity defense, his calling and questioning of witnesses, and his address to the jury played a more central role in the case than in previous husband slaying cases where the defendant's conduct and her circumstances dominated the courtroom script.

Notably, Darrow did not even put Simpson on the stand due to her "nervous condition."⁶⁹ Simpson nevertheless engaged in courtroom behavior throughout the trial that confirmed her respectability, feminine frailty, and mental instability in familiar ways. On the first day of the trial, she wore a "white linen suit, the whitest of shoes, and the black straw sailor hat with long, figured veil"; her subsequent outfits continued to alternate between virginal white and mourning black.⁷⁰ Over the course of the trial, she covered her eyes every time the state's attorney

⁶⁸ Maude Martin Evers, "Mrs. Simpson Found Insane: Faces Asylum," *Chicago Daily Tribune*, September 26, 1919.

⁶⁹ "Cussin' Cards Cited to Help Mrs. Simpson," *Chicago Daily Tribune*, September 21, 1919.

⁷⁰ Maude Martin Evers, "Mrs. Simpson Found Insane: Faces Asylum," *Chicago Daily Tribune*, September 26, 1919; Maude Martin Evers, "Simpson Widow Quails Before Pointing Hands," *Chicago Daily Tribune*, September 19, 1919.

instructed a witness to point to Simpson as the person who did the shooting.⁷¹ When the prosecution presented the gun she used to shoot her husband, the defendant leapt to her feet, pointed at the gun, and yelled to “take it away” before fainting. The judge adjourned court for an hour while medical professionals attended to her.⁷² Her final outbursts took place during the prosecutor’s closing statement, at first exclaiming that her husband “was all right until that woman Jean Webster got hold of him!” and later challenging a claim about her income.⁷³ Although never taking the stand, Simpson’s courtroom performance solidified her expected role as the respectable but troubled husband slayer while upholding Darrow’s assertion of temporary insanity.

The traditional hysteria defense paired with a well-planned legal defense resulted in a favorable verdict for Simpson. The jury found that the defendant “committed the act charged in the indictment, but at the time of the commission of said act she was a lunatic or insane person.”⁷⁴ One member of the jury revealed that the group was undecided until the final day of the trial, when Simpson interjected in the prosecutor’s statement. The jurors “figured a sane person would have acted differently.”⁷⁵ Although responding to Simpson’s familiar claims to hysteria and the unwritten law, the jury importantly did not grant Simpson acquittal through jury

⁷¹ Maude Martin Evers, “Simpson Widow Quails Before Pointing Hands,” *Chicago Daily Tribune*, September 19, 1919.

⁷² “Mrs Simpson Insane 2 Years, Says Witness,” *Chicago Daily Tribune*, September 20, 1919.

⁷³ Maude Martin Evers, “Mrs. Simpson Found Insane: Faces Asylum,” *Chicago Daily Tribune*, September 26, 1919.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

nullification. Rather, they delivered a verdict that affirmed Darrow's temporary insanity defense. When referencing the case in a letter to his son, Darrow unequivocally stated, "I won it."⁷⁶ Darrow successfully harnessed the persistent cultural power of hysteria to save Simpson from the death penalty or the penitentiary while also upholding the rule of law and elevating his role as her attorney. Simpson's claim to the unwritten law by nature of her class, race, gender, and courtroom performance alone could not save her. With jury nullification increasingly under fire by Progressives and the press, she needed a skilled lawyer and a certified legal defense to avoid the penitentiary.

Because the jury deemed Simpson temporarily insane at the time of the murder, Judge George Kersten sentenced the defendant to the Elgin State Hospital. Simpson remained there for fifty-one days before being declared sane and released.⁷⁷ As with the commitment of infanticidal mothers to asylums, delivering a husband slayer like Simpson into the hands of medical professionals offered a way to institutionalize women who were previously de facto exonerated without incarcerating them in prison or sending them to the gallows. The Progressive Era alliance for law and order successfully altered the cultural and legal landscape by 1919 so that, in a high-profile case with well-paid defense lawyers, the best outcome Simpson could secure was mandatory medical confinement by the state. In contrast, the only other case of an insanity defense successfully deployed on behalf of a husband slayer in Chicago took place in 1885,

⁷⁶ Clarence Darrow to Paul Darrow, 4 September 1919, in The Clarence Darrow Digital Collection, University of Minnesota Law Library, accessed June 10, 2015, www.darrow.law.umn.edu.

⁷⁷ Maude Martin Evers, "Mrs. Simpson Found Insane; Faces Asylum," *Chicago Daily Tribune*, September 26, 1919; "Mrs. Simpson is Declared Sane; Given Liberty," *Chicago Daily Tribune*, November 22, 1919.

when the court acquitted and dismissed Della Gardner. Importantly, this took place before the mobilization of progressives against husband slaying and did not result in the admission of Gardner to a state facility.⁷⁸ The Simpson case at once built on a history of husband-slaying hysteria and narratives of feminine victimization while also inaugurating a new era of women's murder trials that involved expensive attorneys, sensational news coverage by women like Maude Martin Evers, and reluctance by the press, lawyers, and judges to encourage jury nullification in the interest of expanding the court's bureaucratic power to control violent women.

Hilda Exlund and the End of an Era

Nine months before Simpson's trial, Hilda Exlund employed a traditional husband-slaying defense but lacked the legal expertise and sensationalism that served Emma Simpson. The press cited many familiar tropes in Exlund's story, describing frequent domestic quarrels with her husband, often over liquor or money. In the middle of one quarrel, Exlund stabbed her husband and instantly killed him.⁷⁹ She claimed that "her mind was frozen" and that she did not remember the moment of the stabbing.⁸⁰

Exlund's domestic trouble and mental weakness resonated with the traditional hysteria defense, but she failed to fit the model of a frail respectable woman. Although white, she had a

⁷⁸ "Crazy When She Shot Him," *Chicago Daily Tribune*, February 18, 1885.

⁷⁹ "Convicted," *Chicago Daily Tribune*, January 17, 1919; "Two Women Kill Two Men in Day," *Chicago Daily Tribune*, October 12, 1918; "Wife Murdered Exlund," *Chicago Daily Tribune*, January 15, 1919; "Wife Tells Jury How She Stabbed Mate to Death," *Chicago Daily Tribune*, January 16, 1919.

⁸⁰ "Wife Who Killed Husband Asks About Her Cat," *Chicago Daily Tribune*, October 13, 1918.

“powerful physique,” frequently swore at her husband, and physically beat him.⁸¹ Maude Martin Evers drew Exlund in harsh profile, emphasizing the angle of her nose, the large size of her bosom, and the stray hairs around her head.⁸² In contrast, Evers portrayed Emma Simpson in a demure pose, adorned with a stylish hat and veil.⁸³ Simpson symbolized the conservative, troubled woman to Exlund’s brazen, uncouth husband slayer. Exlund did not retain a high-profile lawyer like Darrow, and the *Tribune* gave Exlund a third of the space that Simpson's story received.⁸⁴

Prosecuting attorney Edward Prindiville accused Exlund of utilizing “the same old defense [of] ‘I didn’t mean to do it.’” He explicitly reminded the jurors: “You men are representative of all of the forces of law and order.”⁸⁵ Heeding Prindiville’s admonition, the jury indicted Exlund and sentenced her to fourteen years in prison. After hearing the verdict, Exlund swooned and fell unconscious, but her performance of hysteria no longer carried the requisite cultural cachet without the power of expensive attorneys.

State’s Attorney Hoyne remarked that he was glad to find “one jury willing to mete out justice to a woman as well as to a man” and hoped the verdict would “dissipate the existing

⁸¹ “Convicted,” *Chicago Daily Tribune*, January 17, 1919; “Two Women Kill Two Men in Day,” *Chicago Daily Tribune*, October 12, 1918; “Wife Murdered Exlund,” *Chicago Daily Tribune*, January 15, 1919; “Wife Who Killed Husband Asks About Her Cat,” *Chicago Daily Tribune*, October 13, 1918; “Wife Tells Jury How She Stabbed Mate to Death,” *Chicago Daily Tribune*, January 16, 1919.

⁸² “Convicted,” *Chicago Daily Tribune*, January 17, 1919.

⁸³ “26 Women Freed,” *Chicago Tribune*, September 26, 1919.

⁸⁴ Five articles on Exlund compared to 15 articles on Simpson.

⁸⁵ “Wife Murdered Exlund, Women Testify in Trial,” *Chicago Daily Tribune*, January 15, 1919.

belief that a wife may murder her husband in Cook county with impunity.” The *Tribune* expressed a similar sentiment, proclaiming that “the state finally convicts a woman in murder case ... for the first time in many years.”⁸⁶ In fact, the court convicted several black women of murder and manslaughter in the 1910s, including Della Stereth, whom the court sentenced to fourteen years in prison for killing her husband just fourteen months before Exlund’s trial.⁸⁷ More accurately, Exlund was the first white women to serve a penitentiary sentence for husband slaying since Virginia Troupe twelve years earlier. Race and class already limited women’s claims to the unwritten law over the turn of the twentieth century, but the Progressive Era rejection of husband slaying further constrained the ways in which women could be excused from culpability for killing their husbands and lovers.

The fates of Simpson and Exlund illustrate the culmination of a battle among suffragists, reformers, courts, and the press to distinguish between acceptable and criminal feminine violence. In the late nineteenth century, women’s defenses and the press built a powerful cultural narrative in which respectable women were driven to hysteria and murder as a result of their broken urban relationships. As fear of the vague and volatile forces of disorder gave way to a Progressive Era discourse of professionalism and rationalism, however, the exoneration of husband slaying through jury nullification elicited greater alarm. Women reformers seeking political equality allied with prosecutors invested in the legitimacy of a bureaucratizing state to identify and control criminals. Together, women and court reformers worked to reframe all

⁸⁶ “Convicted: Woman Who Faces 14 Years in Prison for Stabbing Husband,” *Chicago Daily Tribune*, January 17, 1919.

⁸⁷ “Woman Is Found Guilty of Slaying Her Husband,” *Chicago Daily Tribune*, November 3, 1917.

husband slaying as criminal. Professionalizing courts emphasized legal arguments over cultural norms, even as husband slayers continued to be associated with mental weakness in cases of temporary insanity. Increasingly, a woman's fate depended not only on her performance of femininity and hysteria but also on the sophistication and expense of her lawyers and the judgment of sanctioned professionals. Furthermore, whereas a hysterical woman in the late nineteenth and early twentieth century could hope for acquittal, a woman who successfully pled insane in the Progressive Era still became a ward of the state after the trial. The Progressive Era alliance of women reformers and bureaucratizing state secured important successes in their quest for the legal and cultural authority to identify and control criminal women in the modern city.

The battle over husband slaying did not end in 1919. As historical conditions shifted yet again in the 1920s, fierce contestation over the unwritten law continued. Murderous women became an iconic image of the jazz age, immortalized by the play and musical *Chicago*.⁸⁸ The changes wrought in the first decades of the twentieth century, however, demonstrate how reformist impulses toward professionalism and gender equity constricted options for women accused of murder. Women unable to afford an attorney like Clarence Darrow could not easily secure acquittal through performances of respectability and hysteria. Husband slayers also lost the solidarity of women reformers in the name of suffrage. In some cases, the prosecution and conviction of women's violent responses to volatile relationships essentially punished women

⁸⁸ Journalist Maurine Dallas Watkins' 1926 play *Chicago* popularized the image of the Jazz Age murderess and inspired a 1975 musical, a 2003 movie, and 2011 book. See John Kander, Fred Ebb, and Bob Fosse, *Chicago* (1975); Rob Marshall, *Chicago* (2003); Douglas Perry, *The Girls of Murder City: Fame, Lust, and the Beautiful Killers Who Inspired Chicago* (New York, NY: Penguin Books, 2011).

trapped in abusive situations. For women accused of murder, the Progressive Era search for law and order undermined their already limited claims to culturally acceptable feminine violence.

The increased prosecution, conviction, and institutionalization of women as part of Progressive Era projects of gender equality revealed internal tensions at the heart of modern liberalism that reverberate into the present day. The shift in gender relations from chivalrous jurors protecting victimized women to women deserving equal punishment before the law resulted in less popular and legal attention to the realities of inequality that women faced in matters of love and money. Reformers' visions of companionate marriage in which a woman could rationally opt for divorce did not reflect the many situations in which women felt trapped in relationships by money or force, nor the cases in which women lost critical financial and domestic security due to romantic betrayal. For Progressives to insist on equal punishment when women did not enjoy social and economic equality in an industrializing city struck some observers as harsh and unfair. In the words of Ms. M.I. Horner who followed Emma Simpson's trial, "There is no justice in these courts, women always get the worst of it."⁸⁹ Conviction rates reveal that Horner's statement held especially true for African American women on trial for husband slaying.

The inability to reconcile ideals of equality within realities of disparity continues to generate rhetoric that celebrates the punishment of women as enforcement of gender equality. In 2013, a Men's Rights Activists website, "A Voice for Men," published an article about the murder trial of Emma Simpson, claiming the case spoke to many of the issues that concerned

⁸⁹ Maude Martin Evers, "Experts Differ on Insanity of Mrs. Simpson," *Chicago Daily Tribune*, September 24, 1919; Maude Martin Evers, "J.M. Roach Aids Mrs. Simpson in Death Trial," *Chicago Daily Tribune*, September 23, 1919.

today's men's rights movement, including "chivalry, female sentencing discount, female privilege, a woman's 'right to kill,' the misuse of psychology in legal defense, predatory use of alimony law, the abuse of the courts for revenge purposes, attention whoring, and infantilizing of women (neglecting to hold them accountable because of their sex)."⁹⁰ The article's identification with early twentieth-century language that painted Simpson as a petty and vindictive husband slayer resonated with the broader website's eagerness to punish women for seeking equality. In the context of the modern criminal justice system, failure to recognize historical and contemporary realities of inequality risks transforming courts into punitive enforcers of unequal boundaries of gender, race, sexuality, and class.

⁹⁰ Robert St. Estephe, "Men Going Their Own Way in 1919," *A Voice For Men: Changing the Cultural Narrative*, <http://www.avoiceformen.com/series/unknown-history-of-misandry/men-going-their-own-way-in-1919>.

CONCLUSION

In the infamous “Gas Wars” of 1895, several ward bosses in Chicago made personal fortunes by buying and quickly selling city gas contracts.¹ The deal enraged municipal and moral reformers, who challenged the decentralized power of ward bosses and targeted the foundation of the city’s intimate economy: public women like Ruby Bell. By 1919, municipal contracts allowed Manufactured Gas Plants to send water gas through the city’s pipes to fuel residential stoves, which increasing numbers of mothers like Minnie Branum used to kill themselves and their children out of desperation and mother love.²

Branum lived in a very different city at the end of the second decade of the twentieth century than Ruby Bell did on Biler Avenue in the late nineteenth century. By 1920, the city’s population was nine times larger than in the months following the Chicago Fire, reformers had substantially dismantled the intimate economy that Ruby Bell once navigated, and press updates on the exploits of “tough women” gave way to headlines on the epidemic of husband slaying.³ Yet both Bell and Branum labored to make a living in a growing industrial city, working to secure food, shelter, and basic utilities like gas. Violence also marked both women’s lives. Bell

¹ “Ordinance Granting Gas Franchise,” *Chicago Daily Tribune*, February 27, 1895; “Rage at Evil Work,” *Chicago Daily Tribune*, February 27, 1895; “Through in a Flash,” *Chicago Daily Tribune*, February 26, 1895; Lloyd Wendt and Herman Kogan, *Lords of the Levee; the Story of Bathhouse John and Hinky Dink* (Indianapolis; New York: Bobbs-Merrill Co., 1943), 118-119. Discussed in greater detail in Chapter 2.

² “Mother, Fearing Children’s Loss, Kills Two, Self,” *Chicago Daily Tribune*, November 24, 1919. Discussed in greater detail in Chapter 3.

³ According to the United States Census Bureau, Chicago’s population increased from nearly 300,000 in 1870 to over 2,700,000 in 1920.

engaged in physical altercations to survive the rough world of the intimate economy, whereas Branum ended her domestic struggle through suicide. The disappearance of the lethal violence of the intimate economy and rise of women killing children and partners out of desperation suggests that reformers' proclaimed efforts to save women from prostitution in fact limited women's choices for economic survival in urban areas.

In addition to violence, reproduction remained a constant reality for women in Chicago from 1871 to 1919. Women who chose infanticide to exercise reproductive control remained the only group of women arrested for homicide whom the courts consistently acquitted or failed to prosecute. The unregulated reproductive economy also continued to provide services to women in Chicago, but professionalizing forces like physicians and the courts continued to assert more control by criminalizing unregulated abortion and regulating commercial child care. The willful ignorance of infanticide contrasted with the moral outrage of antiabortion campaigns, revealing that cultural norms accepted reproductive choices as women's domain and that the economic motivations of professionalizing physicians outweighed their claims of protecting fetal or newborn life.

Meanwhile, infanticidal women and husband slayers both utilized narratives of feminine frailty and hysteria to secure de facto exoneration through jury nullification after killing their offspring and partners. The strategy proved successful for many white women and increasing numbers of middle-class black women over the turn of the century, while those who did not fit the model of a heteronormative, middle-class, or white woman faced more routine incarceration. In the second decade of the twentieth century, even middle-class and white husband slayers and infanticidal mothers faced increased institutionalization in asylums. By 1919, the criminal court

emphasized the primacy of attorneys' legal arguments rather than a jury's moral judgement of women's claims to hysteria. The court's ability to reframe women's mental weakness as a justification for institutionalization rather than acquittal reveals the limits of cultural narratives that secured de facto exoneration on an individual basis rather than collectively advocating for a gendered application of law. At the same time, the fates of husband-slayers demonstrate how gender equality before the law proved disastrous for women struggling with the realities of economic and social inequality.

Although the loose network of middle-class and professionalizing reformers in turn-of-the-century Chicago harbored good intentions for making healthier, more equitable urban environments, they also held economic, gender, and racial priorities that resulted in many working with a bureaucratizing court to convict and institutionalize women, especially in the early twentieth century. Despite coordination with moral and municipal reformers who displaced public women, women reformers had opportunities to operate in solidarity with women at risk of criminalization through maternalist reforms and advocacy for women on trial. As a group, however, women reformers made a meaningful shift away from maternalist civic work to emphasizing gender equality that cemented alienation with women on trial for crimes like husband slaying.

Studying the criminalization of women reveals the social, economic, and political significance of women who fought to make a living throughout the public and private spheres of Chicago at the turn of the century. Women's choices about how to earn income, when to have children, and how to respond to romantic and financial betrayal routinely challenged the boundaries of women's expected behavior. The substantial cultural and bureaucratic attention

paid to public women, desperate mothers, and husband slayers exposed their power as symbols of deviant femininity and threats to social and economic order.

Examining the people who sought to regulate and control women's behavior illuminates the conflicting and sometimes damaging motivations behind significant reform movements that shaped the twentieth-century city and the foundation of the modern liberal state. Economic imperatives frequently hid behind language of moral outrage and visions of gender equality rarely translated into realities of gender justice. The reform impulse in the United States carries a legacy of hidden ambitions and commitments to white supremacy and middle-class righteousness.

Finally, interrogating the cultural discourses surrounding feminine criminality demonstrates the power of narratives that determine who deserves exoneration and who requires punishment for crime. Historical conceptions of respectability that demanded sympathy for white middle-class women but silenced the plight of working-class black women evolved to shape contemporary understandings of criminal culpability. Today, race, class, gender, and sexuality still determine who faces disproportionate incarceration despite guarantees of equality before the law.⁴ Historical categories of inequality continue to inform legal and public assignment of criminal culpability in the United States.

⁴ See Michelle Alexander and Cornel West, *The New Jim Crow* (The New Press, 2012); Rose M. Brewer and Nancy A. Heitzeg, "The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism, and the Political Economy of the Prison Industrial Complex," *American Behavioral Scientist* 51, no. 5 (January 1, 2008): 625–44; Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (New York ; Cambridge: Cambridge University Press, 2006).

APPENDIX A
QUANTITATIVE ANALYSIS METHODOLOGY

To conduct quantitative analysis, I compiled a database of 964 felony cases including 379 homicide cases, 195 prostitution cases, 145 abortion cases, and 245 other cases with charges like assault and malicious mischief. I then cross listed each case over three different archives: a database of Chicago police homicide records from 1870 through 1919 digitized by Northwestern University; the Criminal Felony Cases held by the Cook County Circuit Court Archives from 1870 to 1899 (all cases from 1900 through 1924 were destroyed); and the Joliet State Penitentiary Convict Records from 1870 through 1919 at the Illinois State Archives. Then, I searched for newspaper coverage of each case, primarily utilizing digitized collections of the *Chicago Daily Tribune*, *Daily Inter Ocean*, and *Chicago Defender*. Finally, all data was mapped onto historic maps of Chicago using geographic information systems (GIS) technology for further analysis. Unless otherwise noted, all statistical and quantitative conclusions in this dissertation are based on the resulting database and maps, usually focusing on the 379 cases in which women were identified by police as the perpetrator or accessory to homicide, charged with murder or manslaughter, and/or sentenced to a term in the Joliet Penitentiary.

APPENDIX B

HUSBAND SLAYING OUTCOME QUANTITATIVE ANALYSIS

Black Husband Slayers Sentenced to the Penitentiary Compared to All Husband Slayers by
Decade, 1871 - 1919

Year	Total Husband Slayers*	Total Husband Slayers Sentenced to Penitentiary	Percentage of All Husband Slayers Incarcerated	Total Black Husband Slayers Arrested	Total Black Husband Slayers Sentenced to Penitentiary	Percentage of Black Husband Slayers Incarcerated
1870s	2	1	50%	0	0	0%
1880s	9	3	33%	1	1	100%
1890s	26	6	23%	7	4	57%
1900s	34	2	6%	8	1	13%
1910s	71	7	10%	18	6	33%
Total	142	19	13% (Average)	34	12	35% (Average)

*Women identified and documented by police and/or the press as killing their husbands, lovers, or rivals in love

Outcomes for All Husband Slaying Cases by Decade, 1871 - 1919

Year	Acquitted	No trial	Suicide*	Penitentiary	Asylum	Sentenced but No Convict Record	Unknown	Total
1870s	0	0	0	1	1	0	0	2
1880s	2	3	0	3	0	0	1	9
1890s	8	6	2	6	0	0	4	26
1900s	10	9	3	2	1	1	8	34
1910s	31	25	5	7	1	0	2	71
Total	51	43	10	19	3	1	15	142

*After or at same time as homicide

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Illinois State Archives, Springfield, Illinois
Convict Register, Illinois Office of Secretary of State, Index Department, Executive
Section, 1867-1885

Loyola University Chicago Women and Leadership Archives, Chicago, Illinois
Chicago Woman's Club Records, 1877-1998

Newberry Library, Chicago, Illinois
Fire Insurance Atlas of Chicago, 1886

University of Chicago Library, Chicago, Illinois
Digital Preservation Map Collection

Legal Sources

Lexis Nexis Academic
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Newspaper Collections

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