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## Examining Constructions of Perpetrators and Victims in Early Twentieth Century Canadian Newspaper Accounts of Femicides

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## EXAMINING CONSTRUCTIONS OF PERPETRATORS AND VICTIMS IN EARLY TWENTIETH CENTURY CANADIAN NEWSPAPER ACCOUNTS OF FEMICIDES

*Katharine Kelly*<sup>1</sup>

### **Abstract.**

This article examines how spousal femicides were framed in Ontario newspapers in the first decade of the twentieth century. Newspaper accounts served as a primary source of information, understandings, and perspectives on crime, criminality, and the law. Accounts of intimate killings presented the events as 'news worthy' and simultaneously sought to minimise challenges to patriarchal values in marriage. Media coverage employed an individualised model of crime and focused on perpetrators as non-normal (failed) or abnormal men. Intemperance, immigration status, and social class were used to 'other' perpetrators. Victim blaming was relatively uncommon except in cases of female infidelity.

**Keywords:** media, spousal femicide, perpetrators, victims, wife abuse

### **Introduction**

Media is a key source of information and understandings of crime and criminality. There is a complex interplay between media representations and everyday understandings of crime that requires consideration.<sup>2</sup> Though there have been numerous studies within criminology of the relationship between contemporary crime and the media,<sup>3</sup> there has been less historical research on media constructions of crime.<sup>4</sup> This article addresses that deficit for Canada, through a consideration of how spousal femicides were constructed by the Canadian news media in the first decade of the twentieth century (1900-1909). In this time-period, spousal femicides were, as are murders today, widely covered in the newspapers. At that period, newspapers were the primary source of information on crime, criminality, and the law. The media constructed accounts and provided Canadians with

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<sup>2</sup> J. Ferrell, 'Cultural Criminology and the Politics of Meaning', *Critical Criminology* 21:3 (2013), 257-271.

<sup>3</sup> M. Presdee, 'Cultural Criminology: the long and winding road', *Theoretical Criminology* 8:3 (2004), 275-85; R. Surette, *Media, Crime, and Criminal Justice: Images, Realities, and Policies* (Thomson Wadsworth, 2007); A. Brisman and N. South, 'A green-cultural criminology: An exploratory outline', *Crime, Media, and Culture* 9:2 (2012), 115-135; J. Ferrell, 'Cultural Criminology', p. 257 n1; K. Hayward, 'Cultural criminology; Script rewrites', *Theoretical Criminology* 20:3 (2016), 297-321.

<sup>4</sup> I. Marsh, 'Conceptualising Media Representations of Crime and Justice Within Historical and Contemporary Criminology', *Law, Crime and History*, 4:3 (2014), 74-83.

representations of the murders, the victims, and the perpetrators. These accounts were influenced by the cultural context of the time. Early twentieth century Canada was patriarchal and hierarchical. In the first decade of the twentieth century, the media rarely reported on non-fatal violence perpetrated against women by intimate partners. However, spousal homicides were different. This is because homicides were undeniably public events, triggering a range of criminal justice system responses from police investigations, to coroners' juries, to trials, and, in some cases, executions. As public events, they were known about, and their coverage was important. In addition, popular discourse of the time was dominated by concerns over alcohol consumption, immigration, industrialisation, and urbanisation and their links to criminality. These discursive understandings were used in media constructions to explain crime and to construct perpetrators (and some victims) as failed men (or women). These gestures distanced the causes of the homicides from patriarchy and its consequences for women.

## 1 Creating Media Accounts

Media reports are not neutral accountings of facts. They emerge in complex contexts. Meyers argued that

Crime news is culturally defined and reflects the society's predominant values and assumptions as well as organizational considerations and constraints of the news organizations ... news values constitute a framework that supports the dominant ideology while marginalizing, trivializing, and constructing as deviant or dangerous any challenge to it.<sup>5</sup>

But, what these accounts do is actually more complex.<sup>6</sup> They construct the events for readers and make meanings and subjects.<sup>7</sup> In constructing the meaning of crime, news accounts direct our attention to a limited range of attributes that they deem necessary for developing an understanding of a particular event.<sup>8</sup> They instruct the audience not *what* to think but *what to think about*. They direct readers to what the writers identify as the

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<sup>5</sup> M. Meyers, *News Coverage of Violence against Women: Engendering Blame* (Sage, 2007), pp.21-22.

<sup>6</sup> Surette, *Media, Crime, and Criminal Justice*.

<sup>7</sup> Brisman and South, 'Green Cultural Criminology'; Ferrell, 'Cultural Criminology'; Surette, *Media, Crime, and Criminal Justice*.

<sup>8</sup> C. F. Bullock, 'Framing Domestic Violence Fatalities: Coverage by Utah Newspapers', *Women's Studies in Communication*, 30:1 (2007), 34-63; C.F. Bullock and J. Cubert, 'Coverage of Domestic Violence', *Journal of Interpersonal Violence* 17:5 (2002), 475-99; N. Hawkins, 'Becoming a Model Minority: The Depiction of Japanese Canadians in *The Globe and Mail*, 1946-2000', *Canadian Ethnic Studies*, 41 :1/2 (2002), 137-54.

pertinent aspects of the events they are 'recounting' and simultaneously divert them from other aspects of the events.

Writers use frames, 'fully developed social construction templates that allows its users to categorise, label, and deal with a wide range of world events'.<sup>9</sup> These are invoked to organise and situate the information. Framing tells readers what type of event is being written about, who the actors are, and what type of response is required. They also use narratives, 'crime and justice mini-portraits that the public already recognises', to establish the characteristics of the individuals involved in a crime.<sup>10</sup> The frames and narratives used are both universalised and particularised in that the attributes chosen are shaped by the context in which the article is written and the specific details of the case.<sup>11</sup>

There are, however, challenges in constructing the meanings of spousal femicide through newsprint. Wykes has described the challenge for media of reporting of intimate killings as follows:

Publicity linking heterosexual relations to the most extreme forms of law-breaking represents a contradiction of interests for [the] press because whilst capitalist news values insist such crimes make good copy, patriarchal sexual values that 'normalise' stable, traditional, heterosexual relations are undermined by the existence of and representation of 'intimate killing'.<sup>12</sup>

To reduce disruption, early twentieth century Canadian writers constructed those involved as other.<sup>13</sup> They sought to identify non-normal qualities or characteristics of the individuals or the situation that led to the femicide. Gillespie et al. argue that contemporary media reports of violence against women depoliticise these act by framing the victims as responsible (victim blaming and perpetrator excusing), the crimes as either commonplace or as isolated events, and the perpetrators and victims as different from the norm or as disordered.<sup>14</sup> The focus is on the individual or on the uniqueness of event – characteristics

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<sup>9</sup> Surette, *Media, Crime, and Criminal Justice*, p.39.

<sup>10</sup> Ibid, p.42

<sup>11</sup> Hawkins, 'Becoming a Model Minority'.

<sup>12</sup> Maggie Wykes, *News, Crime, and Culture* (Pluto Press, 2001), p.142.

<sup>13</sup> R. Bernasconi, 'Critical Communities and Aesthetic Practices', *Critical Communities & Aesthetic Practices: Dialogues with Tony O'Connor on Society, Art, and Friendship*, 64 (2012), 151-157, p.151.

<sup>14</sup> L. K. Gillespie, T. A. Loughran, M. D. Smith, S. J. Fogel, and B. Bjerregaard, 'Exploring the Role of Victim Sex, Victim Conduct, and Victim-Defendant Relationship in Capital Punishment Sentencing', *Homicide Studies*, 18:2 (2013), 175-195.

which divert attention away from factors, such as patriarchy, and that offer alternate (disruptive) accounts of what shapes spousal femicides. But, the specific features that are identified are those shaped by the particular features of the case, the time, and the place.

As was noted above, in building frames writers rely on the existing normative understanding of crime. In this time-period in Canada:

criminology marked difference from the dominant norm as the problem, and indicators of difference readily became the object of criminological investigation. Frequently the focus was on visible, physical indicators of difference that could be linked to the atavism of Darwinian biologism.<sup>15</sup>

This approach forecloses considering social causes of crime and criminality by framing perpetrators as defective, as genetically 'inferior' or moral degenerate.<sup>16</sup> Atavism was held to be identifiable in physical defects, both visible and non-visible, including sloping foreheads, beady eyes, low intelligence, fits, and seizures. Atavism, it was believed, could also be transferred to offspring through degenerate living. Thus, the urban poor were of concern because their way of living was assumed to lead to degeneracy and crime.<sup>17</sup> This reading of genetics was linked to Social Darwinism and to a presumption that those who were most fit would rise to the top while those who are inferior will cluster at the lower levels of society. Thus, class became a 'marker' of superiority or inferiority. Atavism asserted that criminality was inherent which would have meant that it was beyond individual control. But the dominant models of crime held that individuals were responsible for their actions. So atavistic individuals were not excused from being found criminally responsible; atavism was merely an explanation for their crimes.

Another attribution was that between criminality and mental illness, with the latter most commonly referred to as insanity. What precisely was meant by usage of this term was complex. Within legal discourse, there was recognition of differences types of insanity; Robinson quoted from a key case in nineteenth century Scotland that described how insanity was seen:

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<sup>15</sup> Wykes, *News, Crime, and Culture*: p.141.

<sup>16</sup> Gregory Claeys, 'The "Survival of the Fittest" and the Origins of Social Darwinism', *Journal of the History of Ideas* 61:2 (2002) 223-40; Wykes, *News, Crime, and Culture*.

<sup>17</sup> Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (University of Toronto Press, 1999).

We are not here upon a case of insanity arising from the spiritual part of man as it may be affected by hereditary taint, by intemperance, or by violent passions, the operation of which are various and uncertain; but we have to deal with a species of insanity more resembling what has been described as idiocy ... *There* the disease is, from its very nature incurable.<sup>18</sup>

Despite different types of insanity then identified – essentially innate versus temporary – the location of the ‘illness’ in the individual kept the reader focused on the deviation from the norm as the cause of crime.<sup>19</sup>

Another method of constructing crime as based in individual pathology was the othering of victims and perpetrations through reference to race, ethnicity, class, and immigration status. To do this, the characteristics ascribed to the individuals in question were compared to the prescribed norms. In early twentieth century Canada, the normative ideal for both men and women was white, middle class, Protestant, and Anglo-Celtic. The country was industrialising, however, and experiencing an influx of immigrants that did not automatically conform to this norm. Between 1900 and 1910 the population of Canada increased by 30% and:

both the rapid pace of development and the entry of the unprecedented numbers of new comers created problems and tensions that were often revealed in public discourse concerning immigration policy...The blame for intolerable living and working environments was frequently directed at the immigrant populations rather than at local and federal governments which encouraged massive unregulated industrial growth without attempting to ensure an acceptable quality of life.<sup>20</sup>

There was also a concern that the quality of more recent immigrants was poorer than in the past, putting both immigration status and the date of migration at issue.<sup>21</sup>

While these were key aspects of the context it is important to understand that spousal homicides are gendered crimes and gender norms are key to the construction of understanding. Here individuals could be othered by showing how they failed to conform

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<sup>18</sup> Daniel N. Robinson, *Wild Beasts and Idles Humours: The Insanity Defense From Antiquity to The Present*, (Harvard University Press, 1996) p.147.

<sup>19</sup> See also J. P. Eigen, ‘Criminal Lunacy in Early Modern England’, *International Journal of Law and Psychiatry* 21:4 (1998) 409-419; R. A. Houston, ‘Courts, doctors, and insanity defences in 18th and early 19th century Scotland’, *International Journal of Law and Psychiatry* 26:4 (2006), 339-354.

<sup>20</sup> Kelley and Trebelcock, *Making of the Mosaic*: p.112.

<sup>21</sup> *Ibid.*

to the gendered ideals.<sup>22</sup> For men, the ideal was older, temperate/sober, hardworking, loyal, and able to support their families.<sup>23</sup> Women were expected to be sexually pure, attractive, passive, caring, maternal, monogamous, house-proud, dependent, fragile, pious, domestic, and submissive to the authority of their husbands.<sup>24</sup> Brandt et al. note that 'there was an increasing acceptance of the idea that it was the husband's responsibility to bring home a family wage – one that would support both the worker and his family – and the wife's, to see to it that the wage covered the needs of the family'.<sup>25</sup> Women were increasingly held to be responsible for the family harmony. The marital bond was increasingly supposedly based on romantic love; yet it was also assumed women would not marry without parental blessing.<sup>26</sup> Men and women who violated these norms could be constructed as 'other' and their failure to live up to the standards as an explanation for events.

In addition to individual characteristics, crime narratives can identify other factors that can account for the events. In early twentieth century Canada, the temperance movement linked alcohol consumption to a host of ills including crime, criminality, and moral degeneracy.<sup>27</sup> This provided a simple frame for explaining crime. Alcohol consumption lead individuals to behave in immoral ways, it degenerated society, and, in some cases, results in the ultimate 'tragedy' the death of a woman.

## 2 Methodology

### i) Databases and Case Selection:

To identify cases, two digitised searchable databases (i) *Globe and Mail: Canada's Heritage from 1844*; and (ii) *Toronto Star: Pages of the Past* were used. These databases

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<sup>22</sup> C. A. Stabile, "'The most disgusting objects of both sexes': Gender and race in the episodic crime news of the 1830s", *Journalism* 6:4 (2005) 403-421.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Gail Brandt and Naomi Cuthbert-Black, Paula Bourne and Magda Fahrni, *Canadian Women: A History*, 3<sup>rd</sup> edn, (Nelson Education, 2011) p.146.

<sup>26</sup> Brandt et al, *Canadian Women*, pp.192-193.

<sup>27</sup> D. Ferry, "'To the Interests and Conscience of the Great Mass of the Community': The Evolution of Temperance in Nineteenth Century Central Canada", *Journal of the Canadian Historical Association* 14:1 (2003), 137-63; P. Sulkunen and K. Warpenius, 'Reforming the Self and the Other: The Temperance Movement and the Duality of Modern Subjectivity', *Critical Public Health* 10:4 (2000), 423-438.



are used extensively in historical research.<sup>28</sup> Millard argues that both these newspapers are important research sources.<sup>29</sup> *The Globe and Mail* (hereafter *The Globe*) had a more national focus and the *Toronto Star* (hereafter the *Star*), a more regional (Southern Ontario/Ontario) focus. There are methodological challenges with using these databases that are distinct to the technology they use. The databases use optical character recognition (OCR) to produce files that can be searched quickly on-line. In OCR databases information is scanned from the original source to create an image which is then saved as a pdf document.

For the historical databases in question, the original sources were microfilmed copies of the original papers. The pdf files were then put through an optical scanner which produces a text file of the text found on the pages. When the newspapers are searched it is actually these text files that are searched. Digitised records can be easily and quickly reviewed. They allow word searches, the use of search operators (and, or) and searches can be limited in time. They are easier to search than microfilms and can be viewed from the researcher's personal computer.<sup>30</sup> On the negative, digitised databases vary in their validity and reliability, which has significant impacts on the research produced.<sup>31</sup> Rideout and colleagues note that researchers need to be cautious when making claims about both the nature and extent of coverage based on digital databases. OCR software is prone to both false positives (articles not related to the search in question) and false negatives (articles that are missed in the search).<sup>32</sup> False positives can be relatively easily detected in the review of the articles. False negatives are more challenging. When a search does not identify potential cases or articles, then the data produced is problematic. False negatives are impacted by a number of factors all related to the quality of the original text

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<sup>28</sup> Ian Milligan, 'Illusionary Order: Online Databases, Optical Character Recognition, and Canadian History', *Canadian Historical Review* 94:4 (2013), 540-569.

<sup>29</sup> Donna Millard, 'The Globe and Mail: Canada's Heritage from 1844', *Reference Reviews* 17:6 (2003), 67-68; Donna Millard, 'Toronto Star: Pages of the Past', *Reference Reviews* 17:8 (2003), 56-57.

<sup>30</sup> Jean-François Mouhot, 'Archival Review: ProQuest Historical Newspapers.' *Contemporary British History* 24:1 (2010), 131-134.

<sup>31</sup> Milligan, 'Illusionary Order'; Mouhot, 'Archival Review'; Travis N. Rideout, Erika Franklin and Kathleen Searles, 'Exploring the validity of electronic newspaper databases', *International Journal of Social Research Methodology* 15:6 (2012) 451-466; Charles Upchurch, 'Full-Text Databases and Historical Research: Cautionary Results from a Ten-Year Study', *Journal of Social History* 46:1 (2012), 89-105.

<sup>32</sup> Milligan, 'Illusionary Order'.

that is scanned. Milligan identified a number of problems with the databases and made some suggestions of how to overcome them.<sup>33</sup>

One issue is the fonts used in the texts, a problem that is more common in documents in earlier periods, and including the period in question in this research. Further, printers' errors and inconsistencies in line and word spacing also contribute to false negatives. With respect to the latter the reading of inconsistent spacing leads the optical scanner to split words where they should not be split and to run words together to form a single word. This is also a problem when line-break hyphenation is used. The optical scanner does not read the word as being completed on the next line but as two different words. With cramped layouts, the scanner may not recognise column breaks and again may read words or phrases incorrectly. Typical errors include failing to recognise phrases that continue onto the next line and reading across the page rather than following the text to the next line, leading to misidentification of phrases. Finally, the scanner output is affected by the quality of the source and when reading from microfilm problems may arise with faint text that the scanner cannot read. Problems may also be caused when the original document is torn or otherwise damaged. While it is estimated that the accuracy of OCR databases is between 80% and 90%, this refers to errors in reading characters which can translate into multiple errors in identifying documents.<sup>34</sup>

While these are concerns, there are a variety of techniques that can be used to increase the reliability and validity of OCR based searches. The simplest way to address problems is to use multiple search terms and search techniques. With respect to the former, search terms are tailored to the topic at hand. While some terms might be obvious, Upchurch, for example, in his work on reportage on sexual relations between men began with the term gross indecency, based on the existing research. As research proceeded, Upchurch found in reading the data that alternate terms were used at the time and used these to expand his search. Because one problem with OCR is letter and word recognition, errors can be addressed by substituting an asterisk for letters in key words. This could, for instance, involve changing the search from killed and wife to k\*ll\* and w\*fe. Researchers need to be sensitive to the fact that the key words used has a profound impact on the results and to

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid, p.561.

modify their search terms as the work proceeds and other phrases are found to have significance. This will help in the identification of more relevant cases in this study of spousal femicides, but it does not help with an assurance that all the articles related to these cases have been identified. If each femicide is considered as an event, we can use information gleaned from an initial article to search for additional articles. This includes the perpetrator's and victim's names, using dates to limit the search in time. Then the papers can be searched page by page, much as you would search through the microfilm copies. Using all of these techniques improves the robustness and comprehensiveness of the data generated by such searches.

The nature of newspapers in Canada in general, and the choice of the two newspapers for this case study also requires comment. Canadian newspapers during this period were going through a process of commercialisation, in that they were moving from being instruments of political parties to revenue-generating enterprises.<sup>35</sup> Commercialisation brought with it changes in the content and layout of papers including the removal of advertisements from the front page, a greater focus on stories with local content or of interest to local readers, more human interest stories, and a decline in importance of editorials.<sup>36</sup> This latter change brought concerns that the papers were increasingly sensational and reporting more trivial (for which, read non-political) news. These concerns about content reflected the increased use of descriptive and vivid headlines and the increased use of illustrations and photographs to dramatise news stories.

The two papers chosen here had the largest circulation of the English-language papers. The *Star* was the largest paper in the country and 38% of its readership was outside the Toronto area.<sup>37</sup> The *Star* was more sensational than the *Globe* and was also more successful in attracting readers.<sup>38</sup> Both papers were Liberal in their political affiliations, with the *Star* having a more radical tone than that of the *Globe*.<sup>39</sup> During the period under examination, the *Star* was edited and initially partially-, and later wholly-, owned by Joseph

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<sup>35</sup> Minke Sotiron, *From Politics to Profits: The Commercialization of Canadian Daily Newspapers, 1890-1920* (McGill-Queens University Press, 1997).

<sup>36</sup> Ibid, pp.16-17.

<sup>37</sup> Ibid, p.25.

<sup>38</sup> Ibid, p.20.

<sup>39</sup> Paul Rutherford, *A Victorian Authority: The daily press in late nineteenth-century Canada* (University of Toronto Press, 1982).

E. Atkinson. Atkinson was known as 'Holy Joe' owing to his steadfast Methodist beliefs and righteous asceticism, and was a prohibitionist always. He was also a pacifist, except in wartime when it mattered, as well as a master of applied tinkering insofar as newspaper technology was concerned. Most importantly, he was a Liberal and, moreover, one who was sometimes inclined in the direction of socialism.<sup>40</sup> *The Globe* also began as a Liberal paper, albeit with less of a labour or socialist bent than the *Star*. Early in the twentieth century *The Globe* added the words 'Canada's National Newspaper' to its masthead and this began the paper's focus on attracting readers from across the country.

The two databases were searched for a ten-year time-period (1900 to 1909 inclusive) for newspaper articles using the initial key words 'murder(ed) and wife' to identify cases. Key words were added as the search process unfolded, and including using kill(ed) and wife. The initial searches brought up a variety of different types of spousal femicides. The decision was made to use only cases of murder where the perpetrator completed the crime, did not murder anyone else, and did not attempt or commit suicide. Both writers and audiences viewed multiple victim crimes and murder-suicides differently to those involving solely spousal homicide.<sup>41</sup> They were also likely to view attempted murders differently.

Once cases were identified, the databases were searched again using the perpetrator's and victim's names and limited to the months surrounding the initial article. Alternate spellings of names were also used to further expand the remit relating to the cases. An existing database on hangings and commutations was searched to get additional details of trial dates and, for some cases, date of hanging. This was used to further identify articles. This multiple search/multiple source strategy generated multiple articles for each case (the range was 100 to two). One case included a second trial, but it was decided to follow the case only to the end of the first trial. The reason for this was that the coverage between the first and second trial focused on the appeal process and staying of execution, while the second trial occurred outside the time-period selected.

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<sup>40</sup> Douglas Fetherling, *The Rise of the Canadian Newspaper* (University of Toronto Press. 1990).

<sup>41</sup> J. Fairbairn and M. Dawson, 'Canadian News Coverage of Intimate Partner Homicide: Analyzing Changes Over Time' *Feminist Criminology* 8:3 (2013) 147-176; M. Liem and D. W. Roberts, 'Intimate Partner Homicide by Presence or Absence of a Self-Destructive Act', *Homicide Studies* 13:4 (2009), 339-354.

Given the challenges with OCR databases along with the fact that only two Canadian papers were searched, no claim is made that the sample is representative of murders throughout Canada during this period. The focus is instead only on murders committed or tried in, or in proximity to, Toronto. Despite their national reach, both papers covered this locality in greater detail. However, the cases found in the search are also not likely to be biased in terms of the types of frames used, because optical character recognition errors are not likely to have systematically removed cases.

ii) *Data Analysis:*

The research used a case analysis approach. Each article was coded and the results combined to provide an overall assessment of the reportage. The analysis was a multi-staged process. First the articles were reviewed to see if they focused on the victim, the perpetrator, or both. Then they were examined for the frames used. Initially for the frames identified: immigration status/ethnicity, class, intemperance, and explanations for the crime rooted in atavism (mental illness or degeneracy), then for other frames which included the use of positive frames (for example, framing the victim as a good woman). None of the articles contained by-lines and they are referenced by date of publication and the paper in which they were published.

Twenty-one cases were identified that fitted the inclusion criteria of single-victim, completed, non-suicide murders. Fifteen cases provided sufficient information to do the analysis identified above. The murders were committed in five different Canadian provinces: Ontario (six cases), Quebec (four cases), Nova Scotia (two cases), Manitoba (two cases), and New Brunswick (one case). Five of the fifteen perpetrators battered their wives to death, five shot their wives and two men strangled their wives. One perpetrator poisoned his wife, one slit his wife's throat, and one killed his wife with an axe (see Table 2).

iii) *Findings and Discussion: Perpetrator Focused Accounts*

In constructing the meanings of these crimes, the coverage in most (ten of fifteen) cases focused on perpetrators rather than on their victims. This fits with the approach to crime that stressed individual responsibility and negated social causes for both crime and victimisation. The extent of any focus on the victims varied. In two cases (Bourassa and

Robinson) the only discussion of the victims was to state that they were killed and how. In seven cases (Cook, Hartwick, Hunter, Lloyd, Lodwick, Rochette, and Salomon) there was some, if limited, discussion of the victim. Cook's wife was described as having come to the city from the eastern counties and where she lived.<sup>42</sup> Hartwick's wife was described as aged.<sup>43</sup> Additionally, the bottles littering the crime scene raised the question of whether she, he or both of them, had been drinking.<sup>44</sup> Hunter's wife, it was noted, had sat up all night caring for him before he shot her when she lay down to rest.<sup>45</sup> The article also noted that she had rented rooms, presumably because she was going to separate from her husband.<sup>46</sup> In the Lloyd case the discussion was around whether she had killed herself, meaning her mental health became a focus.<sup>47</sup> Lodwick's wife was described as caring deeply for her husband. Thus, though he had mental health issues she had not had him committed because she could not bear to be parted from him.<sup>48</sup> In that of Rochette, readers were assured that the victim's reputation was 'unsullied'.<sup>49</sup> Lecouteur's wife was also described positively, as 'a quiet, inoffensive woman eminently respectable'.<sup>50</sup> In the Salomon case, the press focused on his wife's fear of her husband.<sup>51</sup>

In five cases (those of Blythe, Cazes, David, Kleingbeil, Taylor) the coverage of the victim focused on her person and her behaviour (either as provoking the murder or as being generally unacceptable). In the Cazes case, it was noted that she was an Irish immigrant and that he shot her because he was 'maddened by [her] severe reproaches'.<sup>52</sup> The extent of coverage was similar in the Taylor case where it was reported that his wife, who was from a well-known family, had been giving him a severe talking to that day, which he had 'sullenly resented'.<sup>53</sup> In two cases (those of David and Kleingbeil) the focus was on the

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<sup>42</sup> 'BEHEADED WITH A RAZOR' *The Globe*, 22 July 1902.

<sup>43</sup> *Toronto Daily Star*, 25 March 1908.

<sup>44</sup> *Toronto Daily Star*, 5 February 1908.

<sup>45</sup> *Toronto Daily Star*, 9 August 1909.

<sup>46</sup> *Ibid.*

<sup>47</sup> Special Despatch to T. G. 'ADAM LLOYD'S CASE', *The Globe*, 17 June 1906; Special Despatch to T. G. 'DID ADAM LLOYD KILL HIS WIFE?', *The Globe*, 5 April 1906.

<sup>48</sup> Special Despatch to T. G. 'ADAM LODWICK FOUND INSANE', *The Globe*, 25 September 1907.

<sup>49</sup> *Toronto Daily Star*, 27 December 1907.

<sup>50</sup> 'SUCCEED OR SECEDE', *The Globe*, 1 November 1906.

<sup>51</sup> Special Despatch to T. G. 'COLD-BLOODED MURDER'. *The Globe*, 25 February 1902.

<sup>52</sup> 'MURDER AT QUEBEC', *The Globe*, 26 February 1900.

<sup>53</sup> *Toronto Daily Star*, 27 October 1904.

wife's actual or alleged infidelity. There was, in the David case, evidence of infidelity.<sup>54</sup> However, in the Kleingbeil case, his claim that his wife was unfaithful was the only data cited.<sup>55</sup> Few details about David's wife were given in the reportage, but considerable detail was provided about Wilhelmina Kleingbeil to frame her husband's claim. It was reported that she had had two strokes and was unable to defend herself from any abuse and that she and her husband had quarrelled for many years about the paternity of their son. Her dying last words were reported, along with the fact that her wedding ring was found on the floor rather than on her hand.<sup>56</sup>

As wife, or domestic, abuse became a focus for the papers, they regularly provided details of wife abuse both in Canada more widely and in England.<sup>57</sup> This included providing testimony about whether or not she was a scold or had in some other way provoked her husband to abuse her.<sup>58</sup> The Blythe case thus developed a defence strategy of blaming the wife for provoking her husband's anger and consequently the beating that had killed her. The newsprint coverage certainly cited testimony to support this interpretation.<sup>59</sup> These published accounts also suggested possible motives for the crimes the various titles reported, provided to assist readers in understanding what had occurred, and are summarised in Table 1 (below).

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<sup>54</sup> Special Despatch to T. G. 'DAVID ON TRIAL', *The Globe*, 10 January 1908.

<sup>55</sup> Special Despatch to T. G. 'THE KLINGBEIL MURDER', *The Globe* 8 March 1906.

<sup>56</sup> Special Despatch to T. G. 'ABUSED HIS WIFE'. *The Globe*, 10 March 1906; Special Despatch to T. G. 'KLEINGBELL MURDER', *The Globe*, 1 November 1906; Special Despatch to T. G. 'JUDGE'S CHARGE TO-DAY' *The Globe*, 2 November 1906.

<sup>57</sup> Special Despatch to T. G. 'THE BLYTHE INQUEST' *The Globe* 5 January 1909

<sup>58</sup> *Toronto Daily Star*, 8 January 1900.

<sup>59</sup> *Ibid.*

**Table 1 – Motives Provided for the Murders**

Perpetrator	Motive
Blythe	Disobedient wife; wife beater – history of violence just went too far this time.
Bourassa	Insane with jealousy – afraid she would leave him.
Cazes	Quarrel – she was nagging him about returning late.
Cook	None given
David	Wife's infidelity and insults at the time of the killing that roused his anger
Hartwick	Insanity
Hunter	Insane with jealousy; she had secured rooms and he was afraid she would leave him – had another woman to watch her.
Kleingbeil	Wife's infidelity – had an affair and hid that one of their children was not the man's biological son
Lloyd	Greed – wanted wife's land, she had deeded it to her daughter for her lifetime
Lecouteur	Jealousy – history of abuse
Lodwick	Insanity
Robinson	Not clear -Greed? 2 <sup>nd</sup> Husband married her for her land? Anger?
Rochette	Not clear – but focus is his marrying a much younger woman shortly after his wife's death.
Salomon	Not clear – he is just described as a brute with little respect for women.
Taylor	Insane

These reasons for killing read like a morality tale. Warnings were given to readers about the dangers of greed, jealousy, infidelity, disobedience, and intemperance. Readers were also directed to see some perpetrators simply as insane, meaning that their actions did not require any further explanation. They therefore provide no discussion of the motives why insane men killed in private locales.

### 3 Normative Frames

As anticipated, in considering the perpetrators it was common for the reportage to frame the perpetrators as 'failed' men (that is, failing to meet the normative standards) as Table 2 underlines. Non-normativity was linked to insanity, intemperance, ethnicity/immigration status, and social class. In addition, the issue of wife abuse was raised and frames were also used to place the perpetrators in a positive light.



**Table 2: Normative Frames - Perpetrators**

Perpetrator	Insane	Intemperate	Immigrant	Class	Wife Abuse
Blythe	X	X	X	X	X
Bourassa	X	X			X
Cazes		X		X	
Cook	X				
David	X		X		
Hartwick	X	X		X	X
Hunter	X	X		X	
Kleingbeil	X	X	X		X
Lloyd				X	
Lecouteur	X			X	
Lodwick	X				
Robinson					
Rochette		X			
Salomon			X		
Taylor	X	X		X	

i) *Non-normal Perpetrators: Insanity*

Insanity or mental abnormality was mentioned in ten of the fifteen cases (those of Blythe, Bourassa, Cook, David, Hartwick, Hunter, Kleingbeil, Lecouteur, Lodwick and Taylor) as outlined in Table 3.

**Table 3 – Cases where Perpetrator's Mental State was at Issue**

Blythe	head injuries, epilepsy, family history of insanity – idiot cousin; uncle who committed suicide; father a drunkard
Bourassa	a strange individual; had a weak mind, may not have been responsible
Cook	was described as mentally defective.
David	temporarily insane – because of his wife's infidelity and her insults
Hartwick	insane – was found insane; decrepit, demented
Hunter	had a slight epileptic fit
Kleingbeil	was irrational on the subject of his son Herman. Defence was monomania
Lecouteur	Insane with jealousy
Lodwick	head injury; melancholia; depression
Taylor	insane; seems unaware of the gravity of his offence

Interestingly, this defence did not automatically mean that the individuals would not be held criminally responsible. As was noted above, for some insanity was framed as being temporary and involved provocation. David's 'insanity' was held to be the result of his wife's infidelity and her insults.<sup>60</sup> Kleingbeil was also described as being insane on the issue of the paternity of his son. The judge, however, instructed the jury to the effect that 'insanity could not be considered [as a defence] as no evidence was adduced to give them cause to believe the prisoner was insane'.<sup>61</sup> Hunter and Lecouteur were described as irrationally jealous men. Lecouteur thus imagined his wife was unfaithful, while Hunter's jealous was so severe that 'trouble' was feared. His staff went so far as to hide his gun to try to prevent him from harming his wife.<sup>62</sup>

In other cases, insanity was described as an aspect of the identity of the individual perpetrators, rather than being provoked by a specific event or events. Blythe, Bourassa, Cook, David, Hartwick, Lodwick, and Taylor were all described as having family histories of insanity or of being mentally unstable. Epilepsy was of particular concern at the time. It was also poorly understood in terms on its impact on people's behaviour. For example, there was an attempt to argue that Blythe killed his wife while in an epileptic fit.<sup>63</sup> In this example, the defence also brought in experts to assert Blythe had a family history of mental weakness (an 'idiot' cousin, an uncle who had committed suicide, a father who had been a heavy drinker and died of a stroke). It was also adduced that Blythe had a history of head injuries (notably a fall from a horse, a fall due to a recoil from a gun, and a blow from a falling tree). Hunter, it was reported, suffered a mild fit during the trial and the trial was postponed to allow for a medical assessment of him.<sup>64</sup> David's defence attorney asserted that a 'history of the David family showed that the prisoner's insanity was inherited'.<sup>65</sup> Bourassa strangled his wife, tried to cover the murder up initially but then confessed. According to the reporter, the 'self-confessed murderer is a strange individual', in that 'At first glance he seems to be quite in his right senses but a few moments' talk with him gives one the impression that his mind is weak, and that at times he might not be

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<sup>60</sup> Special Despatch to T. G. 'CHARGE NOW IS MURDER', *The Globe*, 11 July 1907.

<sup>61</sup> Special Despatch to T. G. 'THE KLINGBEIL MURDER', *The Globe*, 8 March 1906.

<sup>62</sup> 'MURDER AT QUEBEC', *The Globe* 26 February 1900; *Toronto Daily Star*, 26 October 1909.

<sup>63</sup> *Toronto Daily Star*, 8 February 1909.

<sup>64</sup> *Toronto Daily Star*, 27 September 1909.

<sup>65</sup> Special Despatch to T. G. 'DAVID ON TRIAL', *The Globe* 10 January 1908.

responsible for his actions'.<sup>66</sup> Cook's actions as described in the reportage (slitting his wife's throat and then lying down to sleep in the bed soaked with her blood) were used to demonstrate his insanity.<sup>67</sup> Taylor's crime was treated by the press in the same manner in that the reporter noted that having killed his wife, he then woke up the boarders in the house. He proceeded to describe to them how he killed her, asked for whiskey, began singing and was 'apparently quite oblivious to the enormity of the crime'.<sup>68</sup> His original confession to the murder was withdrawn and the guilty plea replaced with an insanity defence. Turning to Lecouteur, he was described by a witness as 'acting strangely of late'.<sup>69</sup>

Of all the men where an insanity defence was raised, only Lodwick was actually under medical care for mental health issues at the time of a murder. In his case it was for depression but he had also suffered a head injury which, according to both his daughter's and medical testimony, had led to erratic behaviour.<sup>70</sup> He was described as 'a tall, thin man whose vacant expression and trembling hands indicate mental illness.'<sup>71</sup> The description of Hartwick also reflected contemporary beliefs that mental illness (like other abnormalities) could be seen. He was described as sitting with jaws agape and the wild light of insanity burning in his eye.<sup>72</sup> While insanity claims might be important for media understanding of the murders, the impact on trial outcomes were complex. In only two cases was insanity reported as having an impact on the assessment of the accused's guilt. The Hartwick case was taken from the jury by the judge who found him insane and unable to help in his own defence.<sup>73</sup> Lodwick was found to be insane by the jury.<sup>74</sup>

The courts faced a challenging task in achieving a balance in insanity cases. An individualised model of crime held individuals responsible for their crime. However, models of criminality held that mental defects were passed from previous generations, something which suggests that to some extent perpetrators might not be considered responsible. This

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<sup>66</sup> Special Despatch to T. G. 'KILLED HIS WIFE', *The Globe*, 9 April 1900.

<sup>67</sup> 'BEHEADED WITH A RAZOR', *The Globe*, 22 July 1902.

<sup>68</sup> *Toronto Daily Star*, 26 October 1904.

<sup>69</sup> *Toronto Daily Star*, 27 October 1906.

<sup>70</sup> *Toronto Daily Star*, 25 September 1907.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Toronto Daily Star*, 25 March 1908.

<sup>73</sup> *Ibid.*

<sup>74</sup> 'SUCCEED OR SECEDE', *The Globe*, 1 November 1906.

challenge is reflected in the rulings made in the Blythe and Hartwick cases. Justice Riddell was on the bench in both cases. In the Blythe trial, the judge's address contained his legal opinion on how insanity should impact on sentencing:

Dozens of men who are insane have been executed and rightly so. It would be a disastrous thing were insanity a sufficient defence for a crime. Before a person can be excused from a crime he must have been at the time of the crime labouring under a natural disability or a disease of the mind, so as to rend him incapable of realizing the nature and quality of his act, and knowing such act was wrong.<sup>75</sup>

In the Hartwick trial, Riddell judged Hartwick to be insane and took the case from the jury. He was quoted as saying that '[n]one but a crazy man would ever commit the horrible crime he is charged with in the manner there seems no doubt he did it'.<sup>76</sup> It is alleged that Hartwick disembowelled his wife with his bare hands.<sup>77</sup> It was clear, to Riddell (at least) that Blythe could understand the nature of his acts while Harwick, apparently, could not. Riddell's rulings allow for degrees of insanity that carry with them degrees of responsibility.

Insanity defences were more than just useful defence tactics. They also provided an easy explanation for the crimes and diverted attention away from alternative understandings. If insanity weakened or rendered inoperable the normal restraints on anti-social behaviour it would, one assumes, impact all situations. Why did supposedly 'insane' killers lose control, so often, in private with their wives rather than in public spaces?

ii) *Non-normal Perpetrators: Intemperate Men*

Alcohol abuse and intemperance were commonly cited as contributing to the murders. Five perpetrators (Blythe, Cazes, Hartwick, Hunter and Kleingbel) were reported as being drunk at the time of the murder or as being intemperate men. One was reported as being alcohol-related (Bourassa) and a seventh perpetrator (Rochette) was described as being intemperate in his gambling. The role ascribed to alcohol in the reportage varied considerably from giving men the courage to harm their wives to making them 'temporarily' insane. Cazes, it was reported, had been off work and drinking heavily for five days. At the time of the shooting, he was reportedly drunk and there was a quarrel between him and his wife. *The Globe* reported the shooting: '[a]t last Cazes, *maddened* by the reproaches of

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<sup>75</sup> *Toronto Daily Star*, 10 February 1909.

<sup>76</sup> *Toronto Daily Star*, 25 March 1908.

<sup>77</sup> *Toronto Daily Star*, 5 February 1908.

his wife, fired at her five times with his revolver'.<sup>78</sup> So while alcohol was a factor it was not depicted as being drink alone that led him to commit the murder. After having 'slept it off', he claimed to remember nothing of killing his wife. The Hartwick residence had many empty bottles scattered around the place.<sup>79</sup> According to neighbours' testimony, the husband was 'bad' when 'under the influence'.<sup>80</sup> On the day of the murder, neighbours hearing screaming and yelling; they attributed this to his being drunk and so did not go to investigate the cause.<sup>81</sup> Hunter's whole life was entangled with drink. It was reported that he both consumed it and he earned his living (in part) from selling it in his hotel bar. His wife was apparently strongly opposed to this.<sup>82</sup> He was reportedly drinking heavily the day of the murder and anxious about the possibility that his wife would leave him.<sup>83</sup> She did apparently have plans to move out of the hotel where they resided and into rented rooms.<sup>84</sup> He committed suicide while in custody and, in a note to his family, wrote that they should blame whiskey, and not his wife.<sup>85</sup>

Kleingbeil beat his wife, Wilhelmina, to death with his fists and according to the reportage, he was drunk at the time: 'the woman was found in a terrible state, from all appearances, being literally pounded to death while the prisoner was in a drunken frenzy'.<sup>86</sup> A witness described him as appearing 'as though getting over an extended spree'.<sup>87</sup> The Kleingbeil murder took place over several days. She was left alone with her husband on a Friday and when a worker returned on the Monday, he found her badly beaten and near death. It was not clear when Kleingbeil beat her but he made no attempt to get her any medical care. It is also not clear if he was drunk at the time of the beating or had got drunk afterwards. None of the news articles raised that question. Similarly, no questions were raised about whether Blythe was drunk at the time of the murder or got drunk after he had killed his wife. The failure to ask this is surprising in the Blythe case because he was described by

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<sup>78</sup> *Toronto Daily Star*, 26 February 1900. Emphasis author added.

<sup>79</sup> *Toronto Daily Star*, 25 March 1908.

<sup>80</sup> Special Despatch to T. G. 'THE FOREST CITY', *The Globe*, 18 February 1908.

<sup>81</sup> *Toronto Daily Star*, 25 March 1908.

<sup>82</sup> *Toronto Daily Star*, 9 August 1909.

<sup>83</sup> *Toronto Daily Star*, 9 August 1909.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Toronto Daily Star*, 26 October 1909.

<sup>86</sup> *Toronto Daily Star*, 1 November 1906.

<sup>87</sup> *Ibid.*

his employer, prior to the trial, as a man who rarely drank.<sup>88</sup> When passing sentence, the Judge also referred to him as temperate man.<sup>89</sup> The judge speculated that possibly Blythe had got drunk in order to screw up the courage to assault his wife – a moral position that foreclosed discussion of the possibility that an abusive man might, while completely sober, beat a woman to death.<sup>90</sup>

Bourassa was sober at the time of the murder but claimed he killed his wife because he was afraid that she would leave him because of his intemperance.<sup>91</sup> He drew on the accepted wisdom that intemperance contributed to marital breakdown and that a woman might be justified in leaving an intemperate man. Bourassa qualified his reasons for killing her by adding that thought of her leaving him made him feel 'jealous' and that he had strangled her in a 'fit' of jealousy.<sup>92</sup> There was, however, no direct information provided to indicate how his drinking impacted on his wife. A final note on intemperance is the Rochette case. He was not a drunkard but he was intemperate in other ways. He was the son of a wealthy man. When his father died the estate had been worth almost one million dollars. Rochette inherited \$100K (about \$2.5 million in today's currency) and had then lost it all in about five years through gambling. The paper noted that even after he had lost all his money, he had still frequented the gambling dens: 'During the past three or four years it was quite evident from his appearance and actions that he was facing adverse circumstances but he nevertheless clung to his old habits'.<sup>93</sup>

It is not clear what impact this evidence of intoxication had on the different cases. The Canadian law at the time did allow the use of alcohol as a factor to be weighed in forming intent.<sup>94</sup> In the case of murder, the question to be considered was whether a defendant in a state of intoxication could have formed a specific intent to kill his victim or whether the death occurred as the result of a 'momentary' loss of control. It was not only reporters who speculated on this. Such reasoning was present in some of the reports on the cases, as when the Judge sentencing Blythe suggested that his alcohol consumption had been in

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<sup>88</sup> *Toronto Daily Star*, 8 February 1909.

<sup>89</sup> *Toronto Daily Star*, 10 February 1909.

<sup>90</sup> *Ibid.*

<sup>91</sup> Special Despatch to T. G. 'KILLED HIS WIFE', *The Globe*, 7 April 1909.

<sup>92</sup> Special Despatch to T. G. 'KILLED HIS WIFE', *The Globe*, 9 April 1909.

<sup>93</sup> *Toronto Daily Star*, 27 December 1907.

<sup>94</sup> G. Ferguson, 'The Intoxication Defence: Constitutionally Impaired and in Need of Rehabilitation', *Supreme Court Law Review* 57 (2012) 111-147.

the interest of giving himself the courage to beat his wife to death. He reflected that it seemed to him 'to be more than likely that it was your [Blythe's] semi-intoxicated condition which led directly to the tragedy, and that this adds one more to the long list of ghastly victories of which alcohol can boast'.<sup>95</sup> In the Hartwick case, the neighbours reported first that Hartwick drank and then that he behaved badly when drunk. The description of Kleingbel's murder of his wife as being perpetrated during a 'drunken frenzy' suggests that it was believed that under the influence of alcohol, an individual's actions were not controlled by reason. These constructions fit with a defence to murder that portrays the perpetrators as unaware or not fully understanding the consequences of their actions.

The impact or weight given to evidence of intoxication varied across cases. It was the particular features of the case available to writers that shaped these decisions. In Kleingbeil's case, his consumption of alcohol and the suggestion of his wife's infidelity were both at play and the murder was also framed around what was seen by the neighbours as an otherwise loving relationship. The jury convicted him of manslaughter and the judge sentenced him to a mere four years in prison. This suggested that the perception of the court was that the level of provocation, combined with the alcohol he had taken, had aroused his anger to a level sufficient to kill his wife. The public, however, on the evidence of the newsprint, seemed less forgiving. One headline read that he had got 'off with an easy sentence' and that the sentence was 'generally thought of as too light'.<sup>96</sup> In contrast, Blythe had received the death penalty because his actions were framed in a relationship marked by brutality perpetrated against a woman who was undoubtedly a good and obedient wife. He also was sentenced by a Judge who believed that in choosing to drink, a man was at least morally blameworthy for his subsequent actions. This perspective also seems to have affected the outcome in the example of Cazes. He was also convicted of murder while in a drunken state, but even though he claimed the immediate provocation of a nagging wife, this did not outweigh the evidence leading to his conviction. In the remaining cases, Hunter committed suicide before his trial ended and Hartwick was found insane. Rochette was not only sober at the time of the crime but also pleaded guilty.

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<sup>95</sup> 'Walter Blythe To Hang', *The Globe*, 12 February 1909.

<sup>96</sup> *Toronto Daily Star*, 3 November 1906.

iii) *Non-normal Perpetrators: Social Class*

References to social class were present in about half (eight) of the fifteen cases. These references were indirect, via allusions to where the individual perpetrators lived, to their occupations, and in two cases, to how wealthy they were. Four of the perpetrators were constructed in this way as being at the lower end of the class scale (Blythe, Cazes, Harwick, Taylor). The Blythe home was described as rude (but tidy) while his work was as a Canadian Pacific Railway linesman. Taylor was a teamster, another blue-collar occupation, though the *Star* also suggested that he was disinclined to work and that the family boarded out rooms in their home to make ends meet. Cazes was a police constable and lived in a tenement. Hartwick was described as living in a hovel. In contrast to Blythe, Cazes, and Taylor, no socially-redeeming features were included in the coverage of the Hartwick case. Instead he was described as ‘the lowest of the low’.<sup>97</sup>

Two of the four other men were indicated as belonging to the middle class. Lloyd was a farmer. In a predominantly agricultural, though changing, society this would have been a common occupation and seems to have been largely neutral in terms of class position. He was of neither high nor low and thus of middle class status. Lecouteur was the Chief of Police for Thetford Mines, suggesting he held a position of respectability and influence.<sup>98</sup> His occupation was highlighted in the accounts, not surprising given that he was charged with spousal murder which was not automatically associated with this class status. Two men, it was noted, were relatively wealthy and one held an important position. As noted above, Rochette’s inherited what \$100,000, which was only a portion of his late father’s estate. Hunter was a hotelier and his net worth estimated at \$12,000 (about \$300,000 in current terms) was also noted. According to contemporary thinking, their wealth should have led to a genetic superiority that was not associated with such intimate violence.

The contemporary challenge in constructing understandings for this socially superior group of perpetrators was how to understand why these men would become murders. As noted above, Hunter’s actions were attributed to his irrational jealousy but also to his drinking habit. For Rochette, the explanation offered was lust, specifically because he married a much younger woman about 12 days after his wife’s body was interred. Lecouteur was

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<sup>97</sup> *Toronto Daily Star*, 25 March 1908.

<sup>98</sup> Special Despatch to T. G. ‘SHOT HIS WIFE DEAD’, *The Globe*, 29 October 1906.



also jealous, and, as the articles are quick to note, unjustifiably so.<sup>99</sup> So despite the presumed genetic superiority of their social positions it was adjudged that their intemperate behaviour overtook them, in the form of alcohol consumption and uncontrolled sexual desire.

iv) *Non-normal Perpetrators: Ethnicity and Immigrants*

Writers also commented on the ethnic and immigration backgrounds of the various perpetrators included here. Five perpetrators were identified as being either foreigners or recent immigrants. Taylor was initially identified as coming from Cameron, Ontario but then was identified as coming from Tonawanda, New York.<sup>100</sup> Walter Blythe was an Englishman but was a recent immigrant to Canada. This is significant as the comment was made at a time when there were claims that the quality of immigrant stock from Britain was declining. Comments of this nature were noted in the reportage as being general statements of fact. They could also appear within the trial proceedings, as in this example of the Crown Attorney's comments to the jury:

Gentlemen, this is one more of those rapidly increasing cases in which we have to investigate a charge laid against an immigrant to our shores whom we have taken into our arms', began Mr. Blackstock. 'However, while we deprecate the increase in such crimes let us consider that it is not so-very long ago that our own fathers were immigrants to these same shores, and I am a sure you will treat the prisoner with the same consideration that you would extent to a native-born Canadian.'<sup>101</sup>

Blackstock decried the number of problematic immigrants while at the same time assuring listener that jurors would not be biased against such men on the basis of this factor.

Tom David's Syrian origins were noted in three of the four newspaper articles found that covered his trial.<sup>102</sup> In the last of these it was also noted that he came to Canada via the United States, as he was described as 'Tom David, the Lowell, Mass., Syrian'.<sup>103</sup> Kleingbeil was identified as a German immigrant though it was noted that he had been in

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<sup>99</sup> 'SUCCEED OR SECEDE', *The Globe*, 1 November 1906.

<sup>100</sup> *Toronto Daily Star*, 26 October 1904; 'TAYLOR PROBABLY INSANE', *The Globe*, 8 November 1904.

<sup>101</sup> *Toronto Daily Star*, 10 February 1909.

<sup>102</sup> Special Despatch to T. G. *The Globe*, 11 July 1907; Special Despatch to T. G. 'WIFE WAS UNFAITHFUL', *The Globe*, 25 July 1907; Special Despatch to T. G. 'GUILTY OF MANSLAUGHTER', *The Globe*, 13 January 1908.

<sup>103</sup> Special Despatch to T. G. *The Globe*, 11 July 1907.

the country for 50 years and had served with distinction in the Prussian Army.<sup>104</sup> Unlike David, however, Kleingbeil's ethnicity was mentioned in only one of the six newspaper articles covering the homicide. Salomon's ethnic origins were, by contrast, mentioned in all four of those found. In three of them, the lead sentence mentioned he was Galacian by background.<sup>105</sup> In the fourth article the information came later in the reportage, but was very negative in tone as he was described as a 'low-set, black visaged Galacian'.<sup>106</sup> This case warrants further discussion as his ethnicity was the only frame used, with no mention of his class or any inclination to intemperance. The headline proclaimed that this was a 'cold-blooded' murder and focused on the brutality of the assault rather than any provocation. It was revealed that he had beaten 'her face in with a club, breaking her teeth, and battering her face to a jelly', for instance.<sup>107</sup> The reportage amplified this focus by highlighting the perpetrator's attitudes to women (and to children). It was recorded that his wife had 'told a neighbour her husband had said ... women and children were like so many cattle to him, if he liked them he would keep them, if not he would kill them and get others'.<sup>108</sup> Salomon was described as a brute and this was linked in the reports to his ethnicity. Interestingly, the jury found him guilty but with a recommendation for mercy, though the newspapers did not provide any comment on the grounds for this reaction from the jury.<sup>109</sup>

v) *Was Wife Abuse Identified as Non-Normative?*

In contemporary accounts of femicide, domestic or wife abuse was an issue that was raised in some of the cases included here. Four cases explicitly mentioned incidents of physical abuse of their wives by the perpetrators (Blythe, Hartwick, Kleingbeil, Lecouteur). Discussing this physical abuse could not be avoided in three of these cases because the men (Blythe, Harwick, Kleingbeil) battered their wives to death. In two cases (those of Hunter and Lecouteur) it was emotional abuse (in the form of possessive jealousy) which

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<sup>104</sup> Special Despatch to, T. G., *The Globe*, 10 March 1906.

<sup>105</sup> Special Despatch to, T. G. 'GUILTY OF MURDER', *The Globe*, 24 March 1902; Special Despatch to T. G. 'SALAMAN SENTENCED', *The Globe*, 26 March 1902; *Toronto Daily Star*, 24 March 1902.

<sup>106</sup> Special Despatch to, T. G. *The Globe*, 25 February 1902.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Special Despatch to T. G. *The Globe*, 11 July 1907; Special Despatch to T. G. *The Globe*, 25 July 1907.

was linked to the perpetrators' conduct towards their wives. In Hunter's case, the reportage recounted that the victim had been going to leave her husband, with plans to move into rented rooms. Lecouteur, in addition to beating his wife, was reported as being irrationally jealous, suspecting her of infidelity. Both Hunter and Lecouteur shot their wives in premeditated attacks. Hunter had actually purchased a rifle, which his staff had then hidden from him, fearing his jealousy would lead to trouble.<sup>110</sup> He had located the gun's hiding place on the day of the murder. Lecouteur had also planned his murder in advance, with evidence of his purchasing a pistol and telling an acquaintance that he was going to kill his wife.<sup>111</sup>

How, then, were incidents of wife abuse viewed at the time? There is evidence both to support the view that it was considered a normative dimension to violence against women and to indicate that it was not seen as acceptable conduct. In the Blythe case, a neighbour testified under cross-examination from Blythe's attorney that 'I often heard Mrs. Blythe crying out as though her husband were beating her, but I never went over'.<sup>112</sup> The defence attorney then attempted to get more information about Mrs Blythe's character in order to suggest that Blythe might have had some justification for the beatings:

'What sort of disposition had Mrs. Blythe?'

'She was a nice woman.'

'Was she in the habit of scolding her husband?'

'No, I don't think so.'

'What was the cause of the trouble?'

'She did not water the cows when he told her to and she neglected to do other little things about the place.'<sup>113</sup>

The question about her scolding her husband suggests a contemporary perspective that a disobedient wife might reasonably be chastised by her spouse. This position is supported by further comment included in the same newspaper article; "An Englishman must be boss in his own home" was Blythe's justification of his action'.<sup>114</sup> But, there was also a tension here. The witness felt compelled to add that he never went over when she was being beaten.

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<sup>110</sup> *Toronto Daily Star*, 9 August 1909.

<sup>111</sup> Special Despatch to T. G. *The Globe*, 29 October 1906.

<sup>112</sup> *Toronto Daily Star*, 8 January 1909.

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*

The reported evidence in the Kleingbeil case focused on whether the couple had lived 'in harmony' together. While much of the evidence indicated they had: some reports in the newspapers included statements from neighbours that indicated they had not quarrelled, that he had cared for her after her strokes, and that they had seemed happy together. But the accounts from their children who would have had access to the couple's more private moments differed considerably, something which was common in examples of wife abuse at the time. The son, for example, testified that his father had been 'very harsh with his mother, having a violent temper and abusing her with his fists as well as in language'.<sup>115</sup> This testimony was described as 'very damaging' to Kleingbeil's defence.<sup>116</sup> However, what is not clear is whether this judgment was given by the newspaper because wife abuse was not acceptable when grounded in the failings of the abuser (his violent temper) or because it undermined the defence testimony that they were a happy couple. Kleingbeil had also claimed that on the day of the assault, his wife had been 'saucy' to him and had admitted having an affair.<sup>117</sup> Kleingbeil was sentenced to just four years in prison despite the brutality of the murder. Not only had he beaten his wife, he had then left her to die over a three or four-day period. It seems that violence in response to infidelity was identified by contemporaries as a more acceptable or at least a more 'understandable' reason for wife abuse. These accounts and the lax sentence awarded to Kleingbeil stood as a warning to other married women contemplating infidelity.

Hartwick had abused his wife verbally and again, the neighbours had also overheard this and done nothing.<sup>118</sup> While perhaps distasteful, such conduct was apparently regarded as normal, being used to explain why the neighbours did not respond when the murder was committed. There is no mention here of his wife as a nag and nor was she described as unfaithful, saucy, or disobedient. Rather, the wife abuse seemed to form a part of his overall inappropriate behaviour and perhaps people expected this of a home described as a filthy, hovel. This, and the perpetrator's odd behaviour, seemingly provided for contemporaries an ample explanation of why the murder occurred. By contrast, Lecouteur suspected his wife of infidelity and this was his justification for killing her. The papers did not accept this construction of his actions. Instead she was reported in the newsprint as

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<sup>115</sup> Special Despatch to T. G. 'ABUSED HIS WIFE', *The Globe*, 10 March 1906.

<sup>116</sup> Ibid.

<sup>117</sup> *Toronto Daily Star*, 3 November 1906.

<sup>118</sup> *Toronto Daily Star*, 5 February 1908.

being a 'respectable woman' with the addition that her husband was 'unjustified in his jealousy'.<sup>119</sup> Madame Lecouter, being married to a Police Chief, counted as having middle class status and this may account for the defence of her reputation in the press. The couple's children asserted that 'their father [had]... treated her brutally for years'.<sup>120</sup> This seemed to suggest that the interpretation of the event saw the problem as lying with the husband's failure to act appropriately rather than with her conduct. The murder was clearly constructed as representing the culmination of his abuse and of his irrational belief in her infidelity.

While there was some acceptance of wife abuse on the evidence cited above, wife beating challenged both the construction of women as frail and in need of care and that of husbands as the natural protectors of their spouses and families. The remarks of the Judge in the Blythe case reflected this tension: 'I cannot say what provocation you may have had, but no provocation you may have had could justify you in beating your wife'.<sup>121</sup> Women might provoke men to violence, but men should resist resorting to it and the presumption at the time was that certain kinds of men actually did. What had to be weighed in assessing the culpability of abusers of wives was the degree and nature of the provocation (if any) given by wives and the measure of the man involved in responding to provocation. Infidelity (as in the David and Kleingbeil cases) was accepted as providing a strong provocation. So strong in fact, that in the Kleingbeil case, even the fact she had two strokes and as a result was unable physically to defend herself against the beating that killed her was insufficient to make his actions wholly unacceptable.<sup>122</sup> This helps to accounts for the short sentence passed on this occasion. Similarly, in the David case where it was agreed strong provocation had been given, the jury 'returned with a verdict of guilty of manslaughter in the lowest degree, and with a strong recommendation for mercy' and Judge McLeod 'expressed his concurrence in the verdict'.<sup>123</sup> Blythe's provocation seems now trivial and may have then when compared to a wife's infidelity, in that he asserted his wife's disobedience as the cause of his resorting to fatal violence. This may well have contributed to his being originally convicted of murder and sentenced to hang.

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<sup>119</sup> Special Despatch to T. G. *The Globe*, 26 February 1902..

<sup>120</sup> Special Despatch to T. G. *The Globe*, 25 February 1902.

<sup>121</sup> 'Walter Blythe To Hang', *The Globe*, 12 February 1909.

<sup>122</sup> Effectively this shows that the jury accepted Kleingbeil's suspicion of his wife's infidelity as being real.

<sup>123</sup> Special Despatch to T. G. (1907, Jul 11).

But, the perpetrators as well as the victims were also assessed in these newspaper accounts. Kleinbeil's bravery in battle, proven by his medal, along with Blythe's 'good character', earned as a good worker and one who was prudent with money had to be weighed against the evidence or claims that they were also wife beaters. In the example of Hartwick, there was little comment on the victim herself and it was the measure of the man only that was assessed during the trial and in the reportage. There was no mention of any provocation by the victim and instead, the focus was on his inferior character. Blythe was described as decrepit and demented, violent when drunk, and even insane. But there was a suggestion that his wife may not have been totally blameless as one reporter did question whether she may not have also been drinking to excess prior to her murder.

In the Lecouteur trial and its reportage, the spousal abuse was linked to a line of questioning about whether or not she had provoked his jealousy. In response, the reportage insisted that she was a 'good woman' and that her reputation was without blemish. Consequently, his jealousy was deemed to be unfounded. We are, however, left with a puzzle in that if she was not unfaithful then what led to his irrational jealousy and his consequent brutality towards her? Could the murder be explained as a sudden irrational act? It was reported that he had planned the murder and that, in his mind, she deserved to die. The newsprint articles focused on his behaviour after the crime, when he freely admitted to three people (one a police officer) that he had shot his wife. His lack of concern for the grief of his daughter as she held her dying mother was also highlighted.<sup>124</sup> In this way, the readership was being directed to consider whether such behaviour was 'reasonable'. There was, for contemporaries, no answer to this question in that there was no available frame through which to understand the dangers posed by a challenge patriarchal power and authority. It is interesting to note that Lecouteur was also the only one of the four men reported to be physically abusive to receive the death penalty. Two of the other three were convicted of manslaughter (drawing on the provided 'evidence' of provocation) while the third was judged insane.

vi) *Meeting the Normative Standards*

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<sup>124</sup> Special Despatch to T. G. *The Globe* 29 October 1906.

An unanticipated finding in this research stemmed from the ability to use positive frames for perpetrators. Given that several articles reported the actual trials, it could be expected that the defence would seek to construct perpetrators as good men. Tom David provides an interesting example here. He was praised for taking his wife back after her infidelity. It was also reported that when told that his wife had died that he had said 'I wish I was dead too'.<sup>125</sup> Hunter was described as a wealthy and successful hotelier, while Kleingbeil was characterised by being a decorated soldier. He even wore his medal, the Iron Eagle, in court.<sup>126</sup> Kleingbeil was also reported as a man well-respected in his community and praised for caring for his wife 'like a nurse' after her strokes as well as for being 'a quiet and good-tempered man'.<sup>127</sup> Lodwick was described as having suffered a head injury and as a result, having gone from being 'an active, chatty, companionable man' into being a 'dejected, melancholy individual'.<sup>128</sup> In earlier newspaper articles Blythe was positively presented. During sentencing according to the reportage, Judge Riddell praised Blythe for being hard-working, as well as a sober man who was careful with money consequently able to provide for his family. Rochette, it was reported, was 'generally looked upon as a good fellow'.<sup>129</sup> Robinson, who was reported to have the 'sentiment of the county people ... strongly against him', was, however, praised for the courage with which he faced his death. According to the newsprint, 'he bore up wonderfully well and carried out his word that he would not flinch in the end'.<sup>130</sup>

In the reportage, the evidence of their good character had to be weighed against their actions in killing their wives. Readers had to assess the weight of the information provided for both sides and so determine the nature of the crime perpetrated. While all murder was morally as well as legally wrong, how the fatal actions of the perpetrators should be responded by both society and the courts required a consideration of the character of the individuals involved as a way of framing their actions. The evidence of the reportage indicates that good character was a key factor in determining how to sentence

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<sup>125</sup> Special Despatch to T. G. *The Globe*, 11 July 1907.

<sup>126</sup> *Toronto Daily Star* 9 August 1909; Special Despatch to T. G. *The Globe*, 10 March 1906.

<sup>127</sup> Special Despatch to T. G. *The Globe*, 10 March 1906.

<sup>128</sup> *Toronto Daily Star*, 24 September 1907.

<sup>129</sup> *Toronto Daily Star*, 27 December 1907.

<sup>130</sup> 'HANGED AT KENTVILLE', *The Globe*, 12 September 1904.

perpetrators, it is very likely that this also contributed to assessments of whether there should be a recommendation for mercy.

#### **4 Discussion**

Early twentieth century coverage of spousal homicides constructed perpetrators as responsible in different ways and used gendered constructs to shape the understandings of audiences about why a particular crime had occurred. On the basis of the material considered here, men were portrayed as having killed because they were jealous, insane, or caught up in the perils accompanying alcohol consumption. Women could be condemned for providing provocation to fatal violence on the part of their killers due to their infidelity and, to some extent, to manifestations of female disobedience. Where the evidence of provocation was considered strong, perpetrators were often convicted of less serious offences suggesting that female infidelity in particular resonated with the legal authorities as well as the media in very powerful ways. In some murder cases, physical abuse of wives was at issue, but women were not blamed for staying with their abusive husbands. This, given the time-period, is not surprising since leaving a marriage was considered socially less than acceptable in most circumstances and also women had few public options in the shape of refuges.

The focus on the failure of perpetrators to meet the normative standards for positive masculinity was rooted in the gendered expectations of the time and a construction that avoided addressing any other factors that might have contributed to the crimes. Thirteen of the fifteen perpetrators considered here were described as being non- or ab-normal in one or more than ways. They were depicted as 'failed' or inferior (read atavistic) throwbacks as men or they were identified as being insane. The insanity defense was used and reported on extensively and there was a gradient of responsibility. Hartwick and Lodwick provide examples of men who were constructed as being not criminally responsible by reason of insanity. Others were constructed as being mentally unbalanced to some degree (possibly temporarily) but still identified as being culpable for their actions. The terms were used to distinguish killers from normal men but did not excuse them for their actions, a contradiction that the writers seem oblivious too. They also failed to question why it was with their wives that men lost their minds and killed rather than killing at random.



Alcohol consumption (intemperance) was a common theme in media accounts of murders and why they occurred. Newsprint audiences were reminded that alcohol led individuals to behave in amoral and dangerous ways. Further, the reportage insisted that the choices made by perpetrators to drink should not lead to any expectations that their drunkenness would have an ameliorating impact on their sentences. These murders served instead as warnings to others, providing readily available morality lessons against alcohol habits. Yet at the same time, alcohol served as an explanation for these events that curtailed the need to discuss the role of gender and other factors involved in these crimes. There was little critical engagement with the question of whether the men were actually drunk at the time they committed their crimes or whether they drank afterwards in order to provide the authorities with a ready way of excusing their actions. Both Blythe and Kleingbeil battered their wives to death, left then to die, and after some period of time then claimed that drink had contributed to their actions.

Ethnicity was another strategy used to distinguish perpetrators from other 'normal' men. In referencing ethnicity, writers sought to create a social distance which allowed readers to argue that it was people like 'them' and not people like 'us' who perpetrated such acts. Some people were presumed to be 'more different' than others in their reactions and behaviour, such as Galacians and Syrians, and this was highlighted in the coverage of their actions. Others like Blythe shared similar ethnic backgrounds to the majority of expected readers but were depicted as being different because of their recent arrival in Canada at a time when it was commonly being claimed that this type of new migrant came from inferior genetic stock to that of earlier settlers. But it was also recognised that ethnic 'others' might also prove themselves to be 'decent' people, as in the example provided by Kleingbeil. Here the reporters chose to emphasise the length of time he had been in Canada (thereby stressing that he had arrived before the recent 'unwashed masses') and through his positive personal history including his heroism in war, reported care of his wife, and his being a good neighbour.

Not unexpectedly, the issue of domestic or wife abuse was present in some of these femicides. The accounts do not, however, make a link made between the previous abuse of the women and their murders. Wife abuse was then perceived in complex ways. Physically abusing women was constructed as acceptable, to some degree, where the

woman was agreed to be 'in need to be chastisement' because she was disobedient. It was certainly tolerated if not approved. On the evidence of the examples included here people witnessing and hearing abuse did not generally intervene. The newspaper articles examined for these cases did, however, also suggest that beating a woman stained the perpetrator's character. While he might have the right physically to chastise his wife, actually doing so brought him into disrepute. While the revelation of such abuse may have affected how the perpetrator was seen in the reportage and the courts, there was still no direct connection made between that abuse and the actual murders. The escalating violence in the Blythe and Kleingbeil homes were not seen as part of a process that evolved into murder, and neither were the actions of the wives of both Hunter and Lacouture in proposing to leave their abusive husbands. Such abuse was instead presented as forming isolated incidents which were provoked by drunkenness or by wifely infidelity or disobedience rather than forming part of an on-going pattern of behaviour. It is not clear from these examples that men who abused their wives were even sentenced more severely as a result of their wife abuse. Indeed, most of them escaped the death penalty.

In addition to the deployment of normative frames to construct the perpetrators as failed men, there were also aspects to the accounts that constructed them in positive terms as well. Praise of perpetrators for their actions or character was used in complex ways to this end. David's forgiveness of his wife played a key role in both the coverage by the media and in the trial and its outcomes. He was convicted only of manslaughter and the jury strongly recommended mercy. Blythe's many positive character features were used by the Judge to decry the impact of alcohol and show how it was destroying lives. Kleingbeil was praised for his care of the woman who in the end he beat to death. Two men were relatively wealthy and well-established socially and benefitted from the associations made with those two factors. To explain why Rochette and Hunter killed, the reporters identified intemperance in gambling and excessive jealousy (respectively) as the things that could destroy even men with social advantages.

What is missing from the accounts, was the right of men to abuse their wives. Indeed reader direction was diverted towards what were identified as other contributing factors. All too often, such wife abuse was blamed on the women and the provocation they offered.

The implication in the reportage was that women who were unfaithful, who nagged, who failed in their duty of obedience should expect to be chastised. The news articles served as warnings to women by justifying men's use of violence. Yet while they had a right to perpetrate violence under certain circumstances, men had also a difficult line to walk in that with women being constructed as the weaker sex it was also the case that they were presented as being in need of men's protection. The overall message was, however, that provision of such protection was conditional on their compliance.

### **Conclusion**

The print media in early nineteenth century Canada constructed spousal femicides as events related to particular circumstances and individual failure. Perpetrators were held responsible for their actions in choosing to abuse/use alcohol and were constructed as different from normal men. Their victims were of less consequence. They were constructed as provoking assaults when they were unfaithful or disobedient; alternatively they were the unfortunate victims of failed men. While women were often held responsible for being abused, such abuse was not linked to the eventual femicides and the role of patriarchal power in shaping the murders went unacknowledged in the reportage. The contradictions involved in constructing perpetrators as insane and yet still responsible also were not resolved.