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# Representing "Miss Lizzie": Cultural Convictions in the Trial of Lizzie Borden

Cara W. Robertson\*

The preliminaries are completed, and this morning the curtain ascends on the most notorious chapter of the celebrated Borden mystery. . . . About it all there is the atmosphere of suppressed excitement—the longing for the opening of the act, and the ending of the suspense.

*Fall River Daily Globe*<sup>1</sup>

The scene of Lizzie Borden's trial for the murders of her father and stepmother was a spectacle unparalleled by any previous American murder case. Reporters from all over the United States flocked to Fall River, Massachusetts, to witness the best show in the country. Local reporters fortunate enough to have found employment in Bristol County sent exclusives to papers around the world.<sup>2</sup> Well-known columnists arrived with their entourages and took up conspicuous seats in the courtroom.<sup>3</sup> Suddenly a mill town which had been of interest only in their newspapers' business sections became universally known through extended front page exposure. Similarly, a woman whose typicality was her most distinctive feature became

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1. "Some Strange Sunday Scenes, Gathering of the Chief Workers in the Great Murder Trial in New Bedford," *Fall River Daily Globe*, 5 June 1893, p. 6.

2. William F. Greenough of Taunton covered the Borden trial for the Associated Press. See "An Acknowledgment," *Fall River Daily Herald*, 22 June 1893, p. 4.

3. Joseph Howard, Jr., covered the trial for the *Boston Globe* and the *New York Recorder*. Julian Ralph, the other prominent columnist at the trial, wrote a column appearing in the *New York Sun*. For descriptions of the famous columnists, including their sartorial excesses, see "Some Strange Sunday Scenes, Gathering of the Chief Workers in the Great Murder Trial in New Bedford," *Fall River Daily Globe*, 5 June 1893, p. 6; "Alice Russell Tells Her Story," *Fall River Daily Globe*, 8 June 1893, p. 1; "Scenes and Incidents; Joe Howard, the Bigot," *Fall River Daily Globe*, 17 June 1893, p. 1.

notorious, and her trial, a cause célèbre. For Fall River and most of America, the murders became emblematic of the perils of foreign immigration, social disorder, or feminine transgression.<sup>4</sup> In contrast, feminists used the trial to call for a truly representative jury system which would enable women like Lizzie Borden to be tried by a jury of their peers.<sup>5</sup> Chapters of the Woman's Christian Temperance Union sent telegrams of support.<sup>6</sup> The noted suffragist and lecturer Mary Livermore visited the defendant in jail.<sup>7</sup> Throughout the country, the prominent and the obscure formed unshakable opinions about Borden's guilt or innocence.<sup>8</sup> Everyone, it seemed, had something to say about the trial—except Lizzie Borden herself.

Throughout the controversy, Lizzie Borden remained silent. When asked by the judge if she had any final statement to make, Borden announced: "I am innocent. I leave it to my counsel to speak for me."<sup>9</sup> Lizzie Borden did not participate in the spoken or written discourse of the trial, but, from her arrival at the New Bedford trial site—carrying a bouquet of pansies—to her triumphant return to Fall River after her acquittal, her behavior was minutely scrutinized and reported to an audience eager for signs of innocence or guilt.<sup>10</sup> No detail was too insignificant. Early in the trial, one reporter noticed that she had replaced her "cheap enamel pin, A Gaudy Hued Pansy" with an expensive pin inscribed "with the innocent face of a child."<sup>11</sup> Similarly, others painstakingly noted her reactions to witnesses and

4. For a discussion of the native-born population's projections onto the immigrants in other contexts, see John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick: Rutgers University Press, 1955), 68-105.

5. Lucy Stone and Henry Blackwell, "A Flaw in the Jury System," *Woman's Journal*, 17 June 1893, 188.

6. Other women's organizations also passed resolutions in her support. Local organizations such as The Woman's Union, The Young Woman's Union, and the Christian Endeavor Society (of which Lizzie Borden was secretary-treasurer) offered their "profound sympathy." See *Woman's Journal*, 20 August 1892, 270; "Nothing New," *Fall River Daily Herald*, 16 August 1892, p. 4; "Divided Opinion," *Fall River Daily Herald*, 15 August 1892, p. 4. The Malden Women's Suffrage League, for example, held a special meeting to adopt such resolutions. See *Woman's Journal*, 17 September 1892, 302.

7. "A Talk With Lizzie Borden," *Woman's Journal*, 27 May 1893, 162-63.

8. "Divided Opinion as to the Guilt of the Taunton Prisoner," *Fall River Daily Herald*, 15 August 1892, p. 4. Anna Katherine Green, the author of the popular detective thriller *The Leavenworth Case*, added her expert opinion of Borden's innocence. "A Fictionist Faces Facts," *Fall River Daily Herald*, 22 August 1892, p. 4; "I Believe Her Innocent," *The [New Bedford] Evening Standard*, 22 August 1892, p. 2. Green's novel featured a beautiful young woman falsely accused of murder on the basis of overwhelming circumstantial evidence.

9. "The Trial of Lizzie Andrew Borden Upon an Indictment Charging Her with the Murder of Abby Durfee Borden and Andrew Jackson Borden, Before the Superior Court for the County of Bristol" (Official Stenographic Report by Frank H. Burt), 20 June 1893, Reel 2: 1885. Further references will be cited as *Trial*. A more accessible, but unofficial and edited, trial transcript can be found in Edmund L. Pearson, ed., *The Trial of Lizzie Borden* (New York: Doubleday, Doran, and Co., 1937).

10. "Lizzie Borden Arrives in New Bedford," *Fall River Daily Globe*, 3 June 1893, p. 1.

11. "Alice Russel Tells Her Story," *Fall River Daily Globe*, 8 June 1893, p. 1.

her general demeanor during the recesses. Reporters commented on her bored reaction to two insignificant witnesses: "Miss Borden yawned and looked on listlessly."<sup>12</sup> In contrast, during the testimony of the medical examiner, she hid her face under her fan.<sup>13</sup>

One hundred years later, the enduring popular fascination with the Borden mystery and its central enigmatic character convened a second inquest: Historians, Lizzie aficionados, and Borden impersonators gathered in Fall River to exhume the record and determine "the truth."<sup>14</sup> In the interim, the Borden case attracted an even larger jury of scholars, authors, and armchair detectives generating voluminous secondary materials, which range from small sections in lurid "true crime" dramas to minute reconstructions of the murders.<sup>15</sup>

Most of these studies have proposed "new" solutions to the murders—implicating everyone from fictive suitors to Andrew Borden himself.<sup>16</sup> Rather than looking for answers in a detailed analysis of the social context, they either invent fictitious characters or invest historical actors with new characteristics and imagined psychological

12. "The Trial in Full Progress," *Fall River Daily Globe*, 7 June 1893, p. 7.

13. "Medical Evidence Heard Today. Dr. Dolan Continues His Story of the Brutal Butchery in Detail," *Fall River Daily Globe*, 13 June 1893, p. 8. Notwithstanding her reaction to medical testimony at the preliminary hearing, Lizzie Borden examined the hatchet "with as much interest as her counsel." "No Blood!" *The [New Bedford] Evening Standard*, 30 August 1892, p. 1. In addition to the normal sketches featured in the daily reports, one newspaper reprinted a study titled, "The Accused in Various Moods," *Fall River Daily Globe*, 17 June 1893, p. 7.

14. "The Legend 100 Years After the Crime—A Conference on the Lizzie Borden Case" was held at Bristol Community College on August 3-5, 1992. See Jules R. Ryckebush, ed., *Proceedings: Lizzie Borden Conference* (Portland, Maine: King Phillip Publishing Co., 1993).

15. Fictional genres as diverse as the opera, the novel, the play, the ballet, and the TV movie also feature their own particular gloss on Lizzie Borden and speculate on her motives for committing the murders. For an opera, see Jack Beeson, composer, and Kenward Elmlie, librettist, *Lizzie Borden: A Family Portrait in Three Acts* (New York: Boosey and Hawkes, 1967). Examples of the novels include Evan Hunter, *Lizzie: A Novel About Lizzie Borden—Her Life, Her Times, Her Crime, Her Passion* (New York: Arbor House, 1984); Marie Belloc Lowndes, *Lizzie Borden: A Study in Conjecture* (New York: Longmans, Green, and Co., 1930); Walter Satterwait, *Miss Lizzie* (New York: St. Martin's Press, 1989). Lowndes and Hunter both assign Lizzie Borden an inappropriate lover—variously a sailor or Bridget Sullivan, the Borden's domestic servant—and imagine that Mrs. Borden discovered the illicit liaison. Examples of plays include Jack Colton, *Nine Pine St.* (New York: Samuel French, 1934); Sharon Pollock, *Blood Relations*, in *Plays By Women*, vol. 3 (London: Methuen, 1984). For a TV dramatization of the case, see William Bast, *The Legend of Lizzie Borden*, CBS, 1977.

16. Different authors have fingered everyone tenuously associated with the Borden household as the perpetrator. For a highly speculative account blaming Emma Borden, see Frank Spiering, *Lizzie* (New York: Dorsett Books, 1984). For a recent novel theory accusing Andrew Borden's previously unknown, allegedly illegitimate son, see Arnold R. Brown, *Lizzie Borden: The Legend, the Truth, the Final Chapter* (Nashville, Tenn.: Rutledge Hill Press, 1991). Even the family doctor has not escaped the search for an unlikely perpetrator. See "Investigator Says Lizzie Borden's Parents Killed by Doctor," *Business Wire*, 4 August 1989. The most bizarre solution, however, belongs to the pseudonymous Q. Patrick, who argued that Lizzie Borden accidentally killed Andrew Borden after he had killed Abby. See Q. Patrick, "The Case for Lizzie: A Theoretical Reconstruction of the Borden Murders," in *The Pocket Book of True Crime Stories*, ed. Anthony Boucher (New York: Pocket Books, 1943).



Collection of Fall River Historical Society. Miss Lizzie A. Borden, portrait photo circa 1890.

or even neurological states. Indeed, the implications of Lizzie Borden's guilt remain sufficiently disturbing decades after the crime that even authors who believe she committed the murders nonetheless feel compelled to provide medical explanations for her guilt and her ultimate irresponsibility. For example, in her celebrated account of the murders, Victoria Lincoln diagnosed Lizzie Borden as an epileptic who killed her parents during an ambulatory seizure of the temporal lobe.<sup>17</sup>

Regardless of whether they embrace or eschew such scientific, rational explanations, all commentators seeking the definitive solution share the dilemma of Borden's contemporaries: reconciling the public image of the exemplary Miss Lizzie with their vision of a murderer.<sup>18</sup> Unfortunately, they also respond by uncritically replicating nineteenth-century class and gender norms in their own representations of Borden. Instead of placing Lizzie Borden and the murders of her father and stepmother in the context of their lives in Fall River, these authors describe the case against a generalized backdrop of dislocated and dehistoricized social experience.<sup>19</sup>

Lizzie Borden's actions can never be understood, as such students of the Borden case would have it, outside of culture and beyond discourse in an eternalized present or an unspecified past.<sup>20</sup> For this reason, I do not focus upon the question of Borden's guilt or

17. Victoria Lincoln, *A Private Disgrace: Lizzie Borden by Daylight* (1967; reprint New York: International Polyglonics, 1986).

18. The noted criminologist Edmund Pearson wrote numerous essays and published an edited version of her trial in an attempt to make sense of what seemed to be Borden's obvious guilt. Like the audience in 1893, Edmund Pearson was fascinated by the role that social class played in the case and could not reconcile the incongruity between the image of Miss Lizzie and the figure of the criminal woman. For a classic account of her guilt, see Edmund Lester Pearson, "The Borden Case," in *Studies in Murder* (New York: Garden City Publishing Co., 1924), 32-120. In contrast, Edwin Radin, who shares Pearson's disbelief in an upper-middle-class ax murderer, approaches his quest for the truth with the same class prejudices which ensured Borden's acquittal. Radin accuses Bridget Sullivan of the murders and substantiates his claim with the case of a servant who had killed her employer because the latter had criticized her housekeeping. Like Borden's original defenders, for him, the ultimate proof consists of Lizzie Borden's good character. See Edwin Radin, *Lizzie Borden: The Untold Story* (New York: Simon and Schuster, 1961), 229-31.

19. The historian Wayne Hobson has persuasively argued that the secondary sources reveal more about the twentieth century's view of Victorian America than the crime itself. See Wayne K. Hobson, "Lizzie Borden and Victorian America: Shifting Perspectives 1892-1992" in Ryckebush, *Proceedings*, 167-90. Also see Joyce Williams, "The World Owed Her: Lizzie Borden's Shoplifting," in Ryckebush, *Proceedings*, 73-76. However, Hobson's schematic view of the current trend in Borden scholarship reductively treats historical and fictional accounts alike as depictions of "a woman's crime." Given that Abby is typically ignored in these supposedly sympathetic accounts of the murders, it might be better considered "a daughter's crime."

20. As Frederic Jameson remarks, "[H]istory is *not* a text, not a narrative, master or otherwise, but . . . , as an absent cause, it is inaccessible to us except in textual form." Frederic Jameson, *The Political Unconscious: Narrative as a Socially Symbolic Act* (Ithaca, N.Y.: Cornell University Press, 1981), 35.

innocence. Instead, I use the Borden trial as a lens onto late nineteenth-century American culture, for trials make explicit prevailing ideologies by providing opposing narratives—each intended to convince a representative jury. In searching for a paradigm elastic enough to explain the facts of the case, Fall River and the rest of the country attempted to fit the unthinkable into a palatable formula.<sup>21</sup> The Borden trial demonstrates what stories her culture wanted and expected to hear. Therefore, the battle over the representation of Borden, the central character of the tales spun by the prosecution and defense, illustrates why her conviction was, finally, a cultural impossibility.

To set the scene, I begin with a simple account of the major events about which all investigators of the Borden case agree. I then unpack this exposition of “facts” to provide, in Clifford Geertz’s expression, “a thick description” of the Borden case.<sup>22</sup> Specifically, I situate Borden in her social context, late nineteenth-century Fall River, and against the backdrop of the medical-criminological discourse of the day, giving particular attention to the interdependence of class, ethnicity, and gender. I argue that the figure of the female criminal stood behind Lizzie Borden, who, in turn, cast upon it a new and unsettling light. Finally, I take a particular text, the transcript of the trial, and argue that the representation of Borden became the unacknowledged main issue of the trial. As I will argue, the prosecution as well as the defense “represented” Lizzie Borden in keeping with an explanation of her guilt or innocence. Comparing their contested versions of Lizzie Borden with other potential representations of her character, denied or suppressed in their narratives, betrays the fundamental cultural anxiety at the heart of the case: If Lizzie Borden was guilty of murdering her father (and stepmother), then perhaps any apparently proper middle-class woman might be equally capable of such violence.

By returning Lizzie Borden to her cultural milieu, I hope to show that the embellishment and invention of previous investigators are ultimately unnecessary. The ordinary lives of ordinary people are more than sufficient to explain cold-blooded murder.

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21. Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983), 180.

22. For Geertz’ discussion of Gilbert Ryle’s notion of thick description, see “Thick Description: Toward an Interpretive Theory of Culture,” *The Interpretation of Cultures* (New York: Basic Books, 1973), 6-20.

## I. THE MURDERS

Lizzie Borden took an ax,  
 Gave her mother forty whacks.  
 When she saw what she had done,  
 She gave her father forty-one.

Children's Rhyme

On the morning of August 4, 1892, Andrew and Abby Borden, an elderly couple, were axed to death in Fall River, Massachusetts.<sup>23</sup> Other than the mutilated corpses of Abby, aged sixty-four, and Andrew, aged sixty-nine, there were no signs of disturbance in the house; nor was the murder weapon anywhere in sight. But two other members of the household were nearby. Lizzie Borden, aged thirty-two, Andrew Borden's younger daughter, said that during the critical period, she had been in the barn looking for a fishing sinker and eating pears for approximately twenty minutes. Bridget Sullivan, employed as a domestic in the Borden household, was napping in her attic room in an attempt to recover from her heat-induced food poisoning and fatigue. Two other members of the family were absent. Emma, the elder daughter, was staying with friends in Fairhaven, Massachusetts, and John V. Morse, the brother of Andrew Borden's first wife, who was visiting the family, had left early that morning to see his other relatives on Weybosset Street.

The morning of the murders was otherwise a typical day. At 7:00 A.M., the elder Bordens and John V. Morse ate a hearty breakfast of mutton broth (in its fifth incarnation of the week), complemented with johnnycake, bread, cookies, and coffee. Morse departed at 8:45 A.M. to visit his relatives. At 8:50 A.M., Lizzie Borden ate a relatively light breakfast of cookies and coffee by herself. At 9:15 A.M., Andrew Borden left the house to attend to business downtown, and Abby asked Bridget (whom the Borden daughters called Maggie, their previous domestic's name) to wash the outside windows. By 9:30 A.M., Abby went up to the guest bedroom and was struck down by nineteen hatchet blows while changing the sheets on the guest bed. The force of the blows shattered her skull and separated a flap of skin from her back.

At 10:45 A.M., Andrew Borden returned home, but stood on his doorstep fumbling with the lock, unaware that the door had been

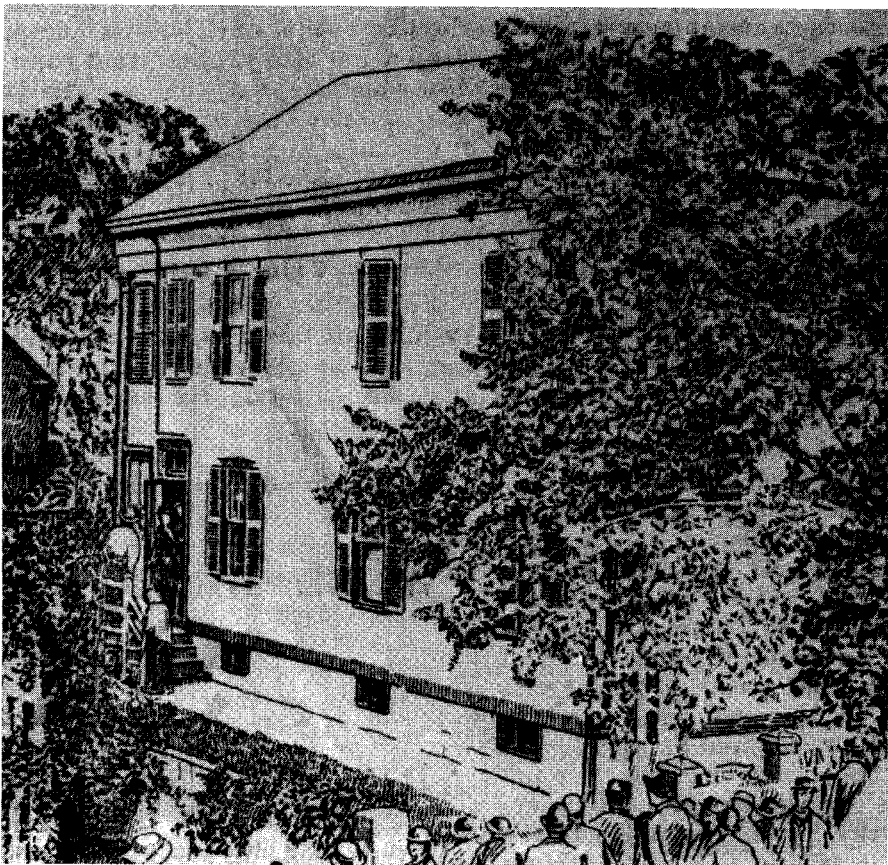
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23. This narrative of events is compiled from the trial transcript, newspaper coverage, and the many accounts of the Borden case. Although students of the Borden murders disagree about virtually everything else, they agree on this version of the events. For an example of this standard reconstruction, see Lincoln, *Private Disgrace*, 76-99.



bolted from the inside. In her attempt to let Mr. Borden in, Bridget struggled with the lock and uttered an exclamation which evoked laughter from Lizzie Borden, who was descending from the front landing—directly opposite the open door of the guest bedroom containing her stepmother's body. Andrew removed his bedroom key from the mantle, its location during the day, and went up the back stairs to his bedroom. When he came downstairs, Lizzie greeted her father and inquired about the mail. In turn, he asked about Abby and was told that she had gone out after receiving a note. Andrew then exchanged his long Prince Albert coat for a short black house coat and settled down on the sofa for a nap. Sometime between 10:45 and 11:05, this nap became his final slumber. His assassin struck ten times and noiselessly departed.

At approximately 11:05, Lizzie discovered her father's body, called Bridget Sullivan, and sent her for Dr. Bowen, the family doctor who



Collection of Fall River Historical Society. Newspaper sketch of Borden residence showing a group of spectators on Second Street.

lived across the street. Unable to find him at home, Bridget left a message with his wife and hurried back to the house. Lizzie Borden then sent Bridget for Miss Alice Russell, a friend of both Borden sisters. In the meantime, Adelaide Churchill, another neighbor, spotted Lizzie Borden standing in the doorway and asked her what was wrong. When Lizzie told her that her father had been killed, she hurried over to Lizzie and then crossed the street to ask the neighboring stableman for assistance. Unlike the Borden, he had a telephone, which he used to inform the police at 11:15 A.M.

Because most of the police force were enjoying their annual excursion to Rocky Point, Marshal Hilliard sent a single officer to the house. By this time, Miss Russell and Dr. Bowen had arrived and were ministering to Lizzie and to her father's remains, respectively. Emerging shaken from the room containing Andrew Borden's corpse, Dr. Bowen left to wire Lizzie Borden's sister, Emma, about the tragic events. Bridget Sullivan, equally agitated, inquired about Mrs. Borden and suggested asking Mrs. Whitehead, her half-sister and only friend, about her probable whereabouts. Lizzie then volunteered that she thought Abby had returned and gone upstairs. Mrs. Churchill agreed to accompany the shaken Bridget, and they discovered the body of Abby Borden, apparently visible from the front landing. Dr. Bowen returned in time to examine the barely recognizable remains of another Borden. Mrs. Borden's body was surrounded by coagulated blood rather than the fresh oozing liquid covering Andrew Borden's clothes, indicating that she had been slain over an hour and a half before her husband.

By the time Dr. Bowen finished his examination of Abby, "the cry of murder swept through the city of Fall River like a typhoon."<sup>24</sup> The police had arrived in full force, relieving the house painter who had been pressed into temporary service as a guard. The Fall River police department began its investigation by rounding up the usual suspects. A disgruntled Portuguese laborer and a Swede who worked on Andrew Borden's farm in Swansea were initially suspected. Several other working-class immigrant men were questioned, but all had alibis which eliminated them from consideration. Popular opinion favored John V. Morse, Andrew Borden's brother-in-law, because his

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24. Edwin Porter, *The Fall River Tragedy: A History of the Borden Murders* (Fall River, Mass.: Geo. R. H. Buffington, Publisher, 1893), 3. Porter, the police reporter for the *Fall River Daily Globe*, covered the case from the original murder investigation to the trial. After the trial, he compiled his account and published this book. Despite a disingenuous preface in which he claims that the court verdict settled the question of Lizzie Borden's guilt forever, his book lays out a damning case against her because it includes her inquest testimony (riddled with inconsistencies) and the excluded evidence of druggists who testified to her attempts to purchase prussic acid, a poison. Lizzie Borden attempted to buy all the copies of the book from the publisher and succeeded in destroying nearly the entire edition.

visit strangely coincided with the murders. In fact, the policeman shadowing his movements after the crime narrowly rescued him from the wrath of Fall River when an angry mob decided to circumvent normal channels of justice. As if in a detective novel, however, Morse had memorized the number of the streetcar on which he was riding at the time of Andrew Borden's death. For good measure, he also recalled the number on the streetcar conductor's cap, a feat of memory which provided him with an iron-clad alibi for Andrew Borden's death.

Having exhausted the suspects outside the immediate family, the police turned their attention to the two women at the scene of the crime. If the murderer was not a member of the household, then he or she would have had to elude both of the women for over an hour and a half between the murders. A cramped clothes room next to the guest bedroom where Abby Borden was slain could have provided a refuge, but the bedroom door remained open, thereby advertising rather than hiding the murderous deed. Furthermore, the cellar door and front door were securely locked throughout the morning and the back screen door was usually in sight of Bridget Sullivan. Although Bridget Sullivan was considered a possible suspect, she was saved by Lizzie Borden's version of the events, which placed Sullivan outside during Abby's murder and upstairs in her attic bedroom when Andrew was murdered. Bridget Sullivan's apparent lack of motive also dampened the public's enthusiastic suspicion. After all, Bridget Sullivan stood to gain only the invaluable experience of unemployment while Lizzie Borden would become an heiress of note.

Puzzled by the inconsistencies in Lizzie's account of her movements at the time of the murders, the police began to suspect the bereaved daughter of having had a hand (or two) in the grisly events. When advertised rewards failed to bring to light further information about the note which Lizzie claimed Mrs. Borden had received, and all the likely suspects discussed above proved to have solid alibis, police drew up an arrest warrant and served it on the last day of the inquest. Lizzie Borden was taken by Sheriff Wright to the county jail in Taunton, Massachusetts, to await her preliminary trial, which began on August 25, 1892. After being pronounced "probably guilty" by Judge Josiah Blaisdell on September 1, 1892, she was again remanded to the sheriff's custody. The Grand Jury at Taunton commenced its investigations on November 15, 1892, and on December 2, 1892, indicted Lizzie Borden for the murders of Andrew and Abby Borden. Meanwhile, though forced to suffer the indignity of incarceration, Miss Lizzie Borden enjoyed special privileges, including dinners ordered from the local hotel.

By the time her trial began on June 5, 1893, in New Bedford, Lizzie Borden had become a popular cause. Recognizing the climate, Attorney General Pillsbury—who should have headed the prosecution of a capital case—bowed out, citing health concerns most likely related to the longevity of his career.<sup>25</sup> The “difficult and painful duty,” therefore, fell to District Attorney Hosea Knowlton, who had supervised the case since the inquest and who firmly, if reluctantly, believed in Lizzie Borden’s guilt.<sup>26</sup> The prosecution faced the difficult task of convincing a jury that Miss Lizzie Borden, secretary-treasurer of the local Christian Endeavor Society, repeatedly axed her father and stepmother. To this end, the prosecution argued that Lizzie Borden had both exclusive motive and opportunity to kill her stepmother. Furthermore, they contended that her original statement about her whereabouts at various points of the morning in question changed several times on the day of the murder and at the inquest. Although unable to provide any direct evidence, such as bloodstained clothing, tying Lizzie Borden to the murders, the prosecution argued that she had burned the dress she had been wearing on the day of the murders in order to hide the inevitable bloodstains. According to the prosecution, Andrew Borden returned home unexpectedly for a mid-morning nap before Lizzie Borden could leave the house and establish an alibi. In the prosecution’s account, Abby Borden was the intended murder victim and Andrew Borden became the unfortunate victim of bad timing.

The original “dream team” of defense attorneys led by ex-Governor George Robinson presented a rosier picture of domestic relations in the Borden household than the prosecution.<sup>27</sup> Not only did Lizzie Borden and her father share a close attachment, but she and her stepmother were also on perfectly cordial terms. More importantly, the defense emphatically reminded the jury that “it [was] not [their] business to unravel the mystery.”<sup>28</sup> They won two important judgments. The first excluded Lizzie Borden’s inquest testimony on the grounds that her statements were involuntary: She was effectively under arrest at the time and denied legal counsel. The second ruling excluded evidence of her alleged attempts to purchase prussic acid in the two weeks prior to the murders.<sup>29</sup> As far as the burned dress

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25. For Knowlton’s more diplomatic explanation, see *Trial*, 1:2. The prosecution consisted of the Honorable Hosea M. Knowlton, district attorney for the Southern District of Massachusetts, and William H. Moody, district attorney for the Eastern District.

26. *Trial*, 2:1751.

27. The defense attorneys were George D. Robinson, Andrew Jennings, and Melvin O. Adams.

28. *Trial*, 2:1624.

29. One newspaper succinctly commented on the significance of these exclusions, all handed down in the same week, with the headline, “Lizzie Borden Triumphs.” *New York Times*, 19

was concerned, the defense admitted the incident, but produced the dressmaker to testify that, as the Borden sisters claimed, it had indeed been stained with paint. The defense also reminded the jury that the prosecution's case was entirely circumstantial, that no blood had been noticed on her person by any of the people who came to lend support in her time of crisis, and that it was far better to let a possible murderer go free than condemn an innocent woman to the gallows.<sup>30</sup> After pro forma deliberations, the jury announced its verdict and set Lizzie Borden free to the thunderous applause of the trial spectators. After receiving Lizzie Borden's personal thanks, the jurors posed for a photograph, which they presented to her as a souvenir, and repaired to a local bar to celebrate the end of their enforced temperance while sequestered.

Lizzie Borden's acquittal on June 20, 1893, was heralded throughout the country as confirmation of her obvious innocence—except in Fall River. The working classes viewed the case as yet another example of the rich literally getting away with murder. The members of the elite who had protected her during the ordeal cooled in their enthusiasm after her acquittal and eventually shut Borden out. At the end of an impassioned plea for his client, Borden's attorney asked the court to acquit her so "that she may go home and be Lizzie Andrew Borden of Fall River in that bloodstained and wrecked home where she has passed her life so many years."<sup>31</sup> However, when Lizzie Borden returned to Fall River, innocent in the eyes of the law, she promptly sold her "blood stained and wrecked home" and moved with her sister Emma to a considerably larger and more expensive home at the top of the Hill District, the city's elite residential area. As if that were not sufficiently tactless, she named her house "Maplecroft" and changed her name to Lizbeth. Lizbeth of Maplecroft, unlike Miss Lizzie Borden of Second Street, went to the theater in Boston and dropped her Christian charities. Twelve years after the murders, she invited the cast of a Boston production home one night for a lavish party which featured a full orchestra and bottles of champagne,

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June 1893, p. 1. For the legal debate about the admissibility of Borden's inquest testimony, see *Trial*, 1:775-831. For the arguments about Borden's alleged attempts to buy poison, see *Trial*, 2:1241-1302. The prosecution offered the evidence to show premeditation, but the defense argued that it was irrelevant to the ax murders at issue. The court excluded the testimony on the grounds that the prosecution could not show that there were no innocent uses for prussic acid. For contemporary legal analyses that criticize these rulings, see Charles G. Davis, "The Conduct of the Law in the Borden Case," in *A Collection of Articles Concerning the Borden Case* (Boston: Boston Daily Advertiser, 1894); John H. Wigmore, "The Borden Case," *American Law Review* 27 (November/December 1893): 819-45.

30. For the defense's explanation of direct versus circumstantial evidence, see *Trial*, 2:1627-30.

31. *Trial*, 2:1750.

belying her previous temperance work. That night, her sister Emma moved out. Emma never spoke to Lizzie again, and the rest of Fall River followed her example.

Despite this isolation, Lizzie Borden continued to live in Fall River until her death in 1927. Many people have speculated about her motivation for remaining in Fall River and enduring the ostracism of the community whose good opinion she had so assiduously sought. But perhaps, nearly half a century earlier, Nathaniel Hawthorne penned the most convincing explanation in reference to an equally famous, though fictional, outcast:

It may seem marvellous, that, with the world before her, . . . this woman should still call that place her home, where, and where only, she must needs be the type of shame. But there is a fatality, a feeling so irresistible and inevitable that it has the force of doom, which almost invariably compels human beings to linger around and haunt, ghost-like, the spot where some great and marked event has given color to their lifetime; and still the more irresistibly, the darker the tinge that saddens it.<sup>32</sup>

Lizzie Borden, herself, never commented about the case which altered the course of her otherwise drab life. Like the town that bred and then ostracized her, as she aged, Lizzie Borden turned inward, reclusive, and above all, silent.

## II. THE SCENE OF THE CRIME

### *A. Location, Location, Location: The Social Topography of Fall River*

The newly rich society, like the newly rich man, cares for status symbols; a hierarchic demarcation of neighborhoods is still strong in Fall River. In Andrew's heyday, the coming of steam, which shifted the mills from stream-bank to the waterfront, also shifted the residential areas according to social rank. The sense that one must not live west of Rock Street or south of Franklin Street was so strong that many of the finest old mansions now on Rock . . . were moved bodily at vast expense when Second Street became, as it was when Andrew moved there, a place just beyond the pale of propriety.

Victoria Lincoln<sup>33</sup>

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32. Nathaniel Hawthorne, *The Scarlet Letter*, Norton Critical ed. (New York: W. W. Norton and Co., 1988), 56.

33. Lincoln, *Private Disgrace*, 33.

At the time of the murders, Fall River was the third largest city in Massachusetts and its most important center for textile production.<sup>34</sup> Connected to New York and Boston by regular shipping lines, Fall River profited from its communication with these major urban centers of culture and commerce while retaining a distinctly small-town social flavor. Although such access may have provided a veneer of sophistication to Fall River residents prosperous enough to make the trip, the vast majority of the town's denizens had neither the leisure nor the cash for such a journey. Like so many other boom cities in the Gilded Age, Fall River, "Queen City of the Cotton Industry" and "the Manchester of America," enjoyed a prosperity unequally distributed.<sup>35</sup>

Fall River was divided into restrictive social groups based on interdependent relations of class, ethnicity, and religion. The elite derived their status from their Yankee heritage, their Congregationalism or Protestantism, and their ownership of the means of production, the mills. Foremost among the elite were the Bordens, the Durfees, the Chases, the Braytons, the Buffingtons, and the Anthonys.<sup>36</sup> Through marriages and business arrangements, the leading families of Fall River preserved their control and cemented their status. The lower classes included the native-born men and women, who by virtue of their professions or bad matches, forfeited their claim to elite status. Some owned shops; others, like Dr. Bowen, the Bordens' neighbor and doctor, never managed to secure a sufficiently lucrative practice to qualify for more than tenuous middle-class status. However, all native citizens of Fall River enjoyed elevated status and held jobs of greater prestige than did the immigrants.

Large influxes of immigrants altered the composition of the city in the course of the nineteenth century. Although native-born Americans had toiled in the mills early in the century, by the 1890's

34. See Henry M. Fenner, *The History of Fall River, Massachusetts* (1906; reprint Fall River, Mass.: The Monroe Press, 1911), 25, 39; Phillip J. Silvia, Jr., *Victorian Vistas: Fall River, 1886-1900* (Fall River, Mass.: R.E. Smith Printing Co., 1988), 13; Thomas Russell Smith, *The Cotton Textile Industry of Fall River, Massachusetts: A Study of Industrial Localization* (New York: King's Crown Press, 1944), 51.

35. For example, though the price of cotton rose steadily to the end of the century, the average weaver suffered deprivation, including a significant pay cut in 1891. See Silvia, *Victorian Vistas*, 13; William Robinson, "Fall River: A Dying Industry," *New Republic* 39 (4 June 1924): 38.

36. In fact, until 1813, members of the Borden family owned the water power of the Quequechan River flowing into and under the city, a title particularly important in a mill town. See *Reminiscences of Col. Joseph Durfee, Relating to the Early History of Fall River and of Revolutionary Scenes* (Fall River, Mass.: 1834). See also Robert Keen Lamb, "The Development of Entrepreneurship in Fall River, 1813-1859" (Ph.D. diss., Harvard University, 1935), ch. 2, p. 2; Fenner, *History*, 12.

nearly all the men and women who worked there were immigrants.<sup>37</sup> The major immigrant groups consisted of Irish Catholics, French Canadians, and Portuguese.<sup>38</sup> The vast majority of these recent arrivals in Fall River found employment in the textile mills or in allied industries. Child laborers, from all immigrant groups, comprised over 55 percent of the Fall River workforce during this period.<sup>39</sup>

Each of these groups inhabited a separate geographic sector within the city.<sup>40</sup> This segmentation into ethnic "ghettos" mirrored the

37. At the beginning of the century, mill work was not considered demeaning to native-born workers, especially women who wanted to earn extra money for a dowry. In fact, in 1817, Hannah Borden, the daughter of a mill stockholder, was a particularly valued employee. With the arrival of foreign labor and the rise of more restrictive attitudes about the proper role of native-born, middle-class women, earning pin money in this fashion ceased to be a respectable option. Under the immigration law of 1864, corporations could import workers and withhold a percentage of their wages for the first year in order to defray the cost of their passage. Even before this legislation was enacted, Irish-Catholic and English immigrants comprised the majority of workers in the textile mills. See Sylvia Chace Lintner, "A Social History of Fall River, 1859-79" (Ph.D. diss., Harvard University, 1943), 63-65.

38. Thirty-five years later, French Canadians supplanted earlier immigrant groups in this industry. By 1885, French Canadians were the most important ethnic group employed in the New England region's textile industry. Unlike most other immigrant groups, many French Canadians hoped to take their earnings back to Canada rather than settle permanently in Fall River; however, by establishing their own churches and French-language newspapers, some indicated their intention to relocate. See Silvia, *Victorian Vistas*, 6. In contrast, Portuguese immigrants often settled in Fall River after leaving New Bedford and the whaling industry, which employed many recent arrivals.

In addition to the larger immigrant groups which eventually wielded considerable power as a voting block, Chinese and Jewish immigrants also came to Fall River. Despite a relative trickle of Jewish immigration to the tune of about a dozen families by the 1880's, substantial numbers of Jews did not arrive until the turn of the century (about 3,000 by 1910). None were wealthy, but few needed public relief. Two Jewish womens' societies had charge of the charitable efforts within the community. A Jewish peddler gained shortlived prominence in the Lizzie Borden case when he claimed to have seen a mysterious stranger on the day of the murders. See "Bloody Wayfarer: Jewish Peddler Met Him on New Bedford Road," *The [New Bedford] Evening Standard*, 25 August 1892, p. 6. For a discussion of Jewish groups in Fall River, see Fenner, *History*, 173-74; Lintner, *Social History*, 74; Silvia, *Victorian Vistas*, 7. According to records kept under the Geary Act, only 20 Chinese lived in the Third District of Massachusetts, which included Fall River. "Chinese Registration Statistics," *Fall River Daily Globe*, 19 June 1893, p. 1. The Chinese immigrants owned a laundry on the same street as the Borden house and sent their children to Sunday school classes allegedly taught by Lizzie Borden. Though her teaching is reported in virtually all secondary works on Borden, I have not found a reliable primary source confirming this fact. For a discussion of the Chinese population in Fall River, see Fenner, *History*, 173-74.

39. John T. Cumbler, *Community and Disruption: Working-Class Community in Lynn and Fall River, Massachusetts, 1880-1950* (Westport, Conn.: Greenwood Press, 1979), 148.

40. The daily newspapers mirrored and affirmed the competing factions in Fall River. The *Evening News*, the solidly Protestant paper of the Fall River establishment, carried the more restrained musings of journalists to subscribers on a weekly basis from 1845 and daily from 1854. Although the paper was clearly aligned with the social elite of Fall River, it originally had a fairly liberal attitude toward labor issues. Published by a relative of Andrew Borden's former partner in the undertaking business and John C. Milne, both respectable members of Fall River society, the *Evening News* maintained Borden's innocence because of class ties as well as the more personal allegiance due the daughter of a relative's late partner. Milne reportedly posted bail for Lizzie Borden. The most established Irish paper was the *Daily Herald*, founded in 1872. At the time of the murders, the newest English language arrival was the highly partisan Irish Catholic *Daily Globe*, founded in 1885. Eager to boost its circulation at the expense of its more



pattern of settlement in other industrial New England towns during the same period.<sup>41</sup> Moreover, the odd topography of the waterfront town also mirrored its hierarchy. Located at the confluence of the Taunton River and Mount Hope Bay, Fall River rises sharply in increments from sea level.<sup>42</sup> The newly arrived Portuguese and French Canadians lived closest to the water and mills. Slightly higher in altitude were the more established Irish ethnic groups, who lived in the flats less than a half mile from shore, but more than 100 feet above the Taunton River. Their homes ranged from tenements to modest single-family residences such as the houses on Second Street.<sup>43</sup> Breathing the rarefied air at up to three times the elevation of the pedestrian inhabitants of Fall River's lower reaches were the

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staid rivals, the *Daily Globe* highlighted the details of the murder in excruciating detail and gleefully carried insinuations and, later, accusations of Lizzie Borden's guilt. After Borden's acquittal, the *Daily Globe* continued to publish editorials on the anniversary of the murders. In 1904, the paper opined, "A Dozen Years Since the Bordens Were Brutally Butchered. Perhaps the Murderer or Murderess May Be in the City. Who Can Tell?" *Fall River Daily Globe*, 4 August 1902, p. 4. The next year, the editorial announced that the Bordens really died of heat prostration: "Great Wrong Righted After 13 Years of Misrepresentation. No Murders Were Committed on August 4, 1892. Despite the Belief that Andrew and Abby Borden Died in that Manner." *Fall River Daily Globe*, 4 August 1905, p. 2. In addition, *L'Independent* was established in 1885 as a French weekly serving the French Canadian population, while two Portuguese weeklies also found their own audience.

41. Unlike Lynn, Massachusetts, which developed as a "satellite city," with dense, centralized settlement patterns, Fall River fell into the general pattern of mill town development. See Cumbler, *Community and Disruption*, 5-6; Dawley, *Class and Community: The Industrial Revolution in Lynn* (Cambridge: Harvard University Press, 1976).

Despite this basic similarity, Fall River differed from Rockdale, Pennsylvania, for example, by virtue of its size and the model of social control it employed. The historical anthropologist Anthony F. C. Wallace describes the class structure of Rockdale as fixed, but suggests that the townspeople could improve their class status by virtue of hard work. Anthony F.C. Wallace, *Rockdale: The Growth of an American Village in the Early Industrial Revolution* (New York: Alfred A. Knopf, 1978), 56-58. In Fall River, however, social mobility was unattainable to most members of the large multi-ethnic immigrant population. Native-born Americans of appropriate ethnicity could traverse the social barriers by failing in business, like Andrew Borden's father, or by amassing a fortune like Andrew Borden himself; but despite such generational fluctuations in wealth, a Borden maintained a degree of respectability as a birthright. Wallace contends that only the upper and working classes of Rockdale possessed any class consciousness, for the middle classes were either on their way up or down. *Ibid.*, 56-58. Although Fall River enforced a more elaborately graded hierarchy, Andrew Borden's class status was similarly ambiguous and fluctuated over the course of his life. Early in his youth, his father peddled fish, thereby forfeiting his claim to elite status. However, Andrew Borden's sense of himself as a Borden spurred his ambition, and he was determined not to lose status through extravagance—which, for him, included even the social trappings of this hard-won position.

42. Fenner, *History*, 1. South Main Street, less than one-half mile from shore and on the same level as the Borden house, is 119 feet above the mean high-water mark of the Taunton River. In contrast, Highland Avenue, which marks the upper boundary of the city's elite Hill district, runs from 254 feet to 355 feet above the river. *Ibid.*

43. Unlike most other wage-earning immigrant women, unmarried Irish women like Bridget Sullivan often chose domestic service over mill work in order to obtain better food and housing. Bridget Sullivan's bonus of an attic room and all the leftover mutton she could eat, in a house not far from the Irish ghetto, suggests that the trade-off was not always to the domestic's advantage. For an extended discussion of these issues, see Hasia R. Diner, *Erin's Daughters in America: Irish Immigrant Women in the Nineteenth Century* (Baltimore: Johns Hopkins University Press, 1983), 70-105.

upper classes residing in the Hill District. Lizzie Borden, a denizen of Second Street, therefore lived on the same plane as the middle-class Irish of the "flats" around the business district, far beneath her cousins in social acceptability as well as altitude.

Although the Yankee mill and banking families effectively owned Fall River throughout the early twentieth century, the newer arrivals constituted both an important political force comprising a voting majority by the 1890's and an important economic power when they organized into unions.<sup>44</sup> For over two-thirds of the nineteenth century, only wealthy Yankees were elected to public office in Fall River. However, in the late 1880's, the first Catholic mayor, John W. Cummings, was elected; a Catholic physician, John W. Coughlin, held the office from 1890 to 1894 and therefore had the unenviable task of informing Lizzie Borden of the police department's doubts about her story.<sup>45</sup> Significantly, the Irish Democratic political ascendancy did not rupture the class fabric of Fall River.<sup>46</sup> Although Borden received the condolences of Mayor Coughlin, none of her family interacted socially with Dr. and Mrs. Kelly, their next-door neighbors, or the Chagnon family who lived across the way. Upon discovering her father's body, Lizzie Borden sent Bridget to find Dr. Bowen, who was not at home.<sup>47</sup> It apparently never occurred to either of the women to summon the neighboring Dr. Kelly or Dr. Chagnon. Instead, Borden waited inside the screen door for the uncertain arrival of Protestant medical assistance.

Despite her good Yankee name, Lizzie Borden stood in peculiar relationship to the social structure of Fall River. Descended from a lesser branch of a prominent family, Lizzie Borden's father overcame

44. Despite their common faith, the French Canadians and Irish were divided by their strong ethnic identification and distrust of outsiders. However, the marriage of Hugo Dubuque, a leader of the French Canadian community, and Annie Coughlin, the sister of Mayor John W. Coughlin, along with some placating gestures on the part of Bishop Matthew Harkins, helped join these groups into an effective voting block which ensured Democratic Irish victories in the local elections. See Phillip J. Silvia, Jr., *Democratic Vistas: Fall River, 1886-1900, As Viewed Through Its Newspaper Accounts* (Fall River, Mass.: R.E. Smith Printing Co., 1988), 11-12. For further explanation and examples of infighting among ethnic Catholics, see Jay P. Dolan, *The Immigrant Church: New York's Irish and German Catholics, 1815-1865* (Baltimore: Johns Hopkins University Press, 1975), 87-98.

45. *Trial*, 1:80. For discussion of Fall River mayoral politics, see Rev. Orwin Fowler, *History of Fall River, With Notices of Freetown and Tiverton* (Fall River, Mass.: Daily News Steam Press, 1867), 99-100.

46. For a discussion of the effect of immigrant political success on the Yankee Protestants formerly in control of local government, see Richard Hoftstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Knopf, 1955), 178. For an analysis of how the elite of Steelton, Pennsylvania, attempted to ensure their continued social dominance even as they acknowledged their pressing need for immigrant labor in the mills, see John Bodner, *Immigration and Industrialization: Ethnicity in an American Mill Town, 1870-1940* (Pittsburgh: University of Pittsburgh Press, 1977), 76-101.

47. Testimony of Bridget Sullivan, *Trial* 1:244; Testimony of Adelaide Churchill, *Trial*, 1:347-57.

this minor social handicap by accumulating a fortune in real estate.<sup>48</sup> However, his miserly habits—in particular, his refusal to live on the Hill, the residence of choice for the Fall River elite—placed his daughters in virtual social quarantine. Isolated from her Irish Catholic neighbors by barriers of class and ethnicity, and physically removed from a more appropriate social milieu on the Hill, Borden was fixed in the interstices of Fall River society.

In Fall River, class, gender, and ethnic classification were intricately related and interdependent. As the family-market economy of the eighteenth century gave way to an increasingly non-residential workplace, middle-class women became the leisured bearers and signifiers of their husbands' statuses. The rise of industrialization—with its concomitant separation of spheres—further defined the circumscribed parameters of the average middle-class woman's existence. Women ideally obeyed cultural demands for self-abnegation in exchange for the much-vaunted "feminine influence." Although the greater sensibility of women ostensibly provided them with moral authority and sway over their husbands and fathers, they possessed no comparable economic, political, or legal authority. In fact, any tangible rights were noticeably missing from the female side of this "natural" arrangement of the sexes.

Club work allowed middle-class women to engage in reform, providing opportunities for companionship with women like themselves and opportunities for reforming women unlike themselves.<sup>49</sup> Although such clubs attracted many married women, they legitimated the social concerns of single middle-class women as well. The

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48. Although Lizzie Borden inherited some reflected glory with her name, she was descended from the less prosperous side of the family. Her great-grandfather, Richard Borden, inherited considerably less money than did his brother Thomas. The descendants of Thomas Borden distinguished themselves as entrepreneurs and ultimately emerged as entrenched members of the elite; Richard Borden left a mere four hundred dollars to his son Abraham, Lizzie Borden's grandfather. Therefore, despite his name, Andrew Borden was a self-made man. Furthermore, although Andrew Borden accumulated a large fortune during his lifetime, his wealth paled beside that of his uncle Colonel Richard Borden, Thomas' son, whose heirs inherited stock worth between three and four million dollars. See Records of Dun and Bradstreet, March 1874, in Patricia Tracy, comp., "The Borden Family of Fall River, 1638-1900: A Documentary History," (University of Massachusetts, Amherst, 1973). For a family genealogy, see also Hattie Borden Weld, *Historical and Genealogical Record of the Descendants of Richard and Joan Borden with Historical and Biographical Sketches of Some of Their Descendants of Portsmouth, Rhode Island* (Albany, N.Y.: Joel Munsell's Sons, 1899), 139-286. For a detailed account of the more distinguished line, see Frank W. Hutt, *History of Bristol County, Massachusetts* (New York, 1924), 17-24. Although the Fall River elite supported Lizzie Borden, the "most important member of the 'Royal' Bordens" was quick to point out that Lizzie Borden was not, strictly speaking, one of them and to refute any claims that Borden money and influence were being used to thwart police efforts. "Lizzie Borden's Arrest," *The [New Bedford] Evening Standard*, 15 August 1892, p. 6.

49. See Sheila M. Rothman, *Woman's Proper Place: A History of Changing Ideals and Practices, 1870 to the Present* (New York: Basic Books, 1975), 93; Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1982), xii.

marriage rate increased in the 1890's while the average age of marriage fell to twenty-two.<sup>50</sup> Thus, Borden, thirty-two years old in 1892, was clearly a spinster, but by virtue of her club activities she enjoyed enhanced cultural legitimacy as a "Protestant Nun."<sup>51</sup>

In contrast to the virtue associated with middle-class women, particularly club members like Borden, no amount of good works or clean living could raise the immigrant woman or working-class woman to the level of her middle-class, native-born counterpart. Only certain women were entitled to the reverence of their male counterparts, and class birthright conferred a respectability which could, in theory, be undermined only through determined depravity. Although such exaltation exposed actual women to attack for failing to meet the impossible standard, Lizzie Borden nonetheless benefited from idealized notions of virtuous middle-class femininity. But Bridget Sullivan, however decent and trustworthy she might appear, would never be a lady. These intertwining class and gender norms proved central in the murder investigation and the trial, for such distinctions engendered the initial suspicion of Bridget Sullivan and the reluctant prosecution of Lizzie Borden.<sup>52</sup>

Borden's standing depended on her family's prominence, her seventeenth-century English forbears, and her religious affiliation. Victoria Lincoln refers to Fall River as "a limited plutocracy," for "an old Yankee name was neutral without money, but lacking an old Yankee name you couldn't buy in."<sup>53</sup> Lizzie Borden's charitable pursuits as a volunteer teacher, secretary-treasurer of the local Christian Endeavor Society, member of the Woman's Christian Temperance Union, and dabbler in the Ladies' Fruit and Flower Mission ensured her a place among the respectable ladies of the town, if not among the elect themselves.<sup>54</sup> These activities allowed Borden to transcend her theoretically liminal position as an "upstreet" woman living "downstreet" on the flats. As a consequence, Borden's claim

50. Harvey Green, *The Light of the Home: An Intimate View of the Lives of Women in Victorian America* (New York: Pantheon Books, 1983), 21; Ellen K. Rothman, *Hearts and Hands: A History of Courtship in America* (Cambridge: Harvard University Press, 1987), 283.

51. Frances Willard used this phrase to describe the members of the Woman's Christian Temperance Union. Rothman, *Woman's Proper Place*, 67.

52. As Knowlton observed in his closing argument, "Supposing these things that have been suggested against Lizzie Borden had been found against Bridget Sullivan, poor, friendless girl. Supposing she had told wrong stories; supposing she had put up an impossible alibi . . . and burned a dress so that it should not be seen, what would you think of Bridget? Is there one law for Bridget and another for Lizzie?" *Trial*, 2:1852.

53. Lincoln, *Private Disgrace*, 33.

54. After the Civil War, women's clubs grew in popularity, allowing middle-class women to take their private concerns into the public sphere. See Mary Ryan, *Womanhood in America, From Colonial Times to the Present* (New York: New Viewpoints, 1975), 195-249. See also Rothman, *Woman's Proper Place*, 63-93.

to upper-middle-class status was unquestioned during the trial, and because of this affiliation, Yankee society rallied to her cause.<sup>55</sup>

Despite her assured status under siege, Lizzie Borden's social position during her earlier quotidian existence was more tenuous because of her unfashionable address. Although her well-known dissatisfaction was suppressed in the trial, Lizzie Borden freely indicated her unhappiness with her living conditions before the murders. In 1871, when Lizzie was six, the Borden family moved from 12 Ferry Street, her paternal grandfather's nearby home, an equally unfashionable residence, to 92 Second Street. Andrew Borden ordered cursory renovation of the former two-family house so that the "modernized" establishment was transformed into one two-story residence with two sinks and a single water closet in the cellar. Andrew removed the upstairs faucet with running water, leaving only small sinks in the kitchen and cellar connected to a cold water tank. In a house less than twenty feet wide and with no halls separating the upstairs bedrooms,<sup>56</sup> the Borden family economized on the scarce commodity of privacy as well.

Lizzie Borden did not share her father's appreciation for such economies. Though officially unacknowledged in the trial by the prosecution, Lizzie Borden's dissatisfaction with her austere family home and the imposed marginality resulting from its hopelessly outmoded neighborhood was recognized by her supporters as a motive for the murders. In an attempt to vindicate a sister club member, a Mrs. M'Guirk published a pretrial interview with Lizzie Borden in which she sought to defuse this issue.<sup>57</sup> Instead of contending that Lizzie Borden was perfectly satisfied with her primitive home and its unfortunate location (as did other would-be supporters), M'Guirk asserted that Andrew Borden was dissatisfied as well and intended to move to the Hill. According to this account, Andrew decided to forego extensive modernization because his daughters "preferred to stand [the lack of amenities], rather than have the house torn up for piping"—especially since their departure was imminent.<sup>58</sup> In this way, without denying Borden's ambition, M'Guirk nullified its importance by claiming that Borden's father endorsed this desire for prominence.

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55. Public support followed by private ostracism had the advantage of punishing the one deviant without implicating the entire town. For a cogent discussion of the insider/outsider issues involved in the Fall River elite's initial support and later ostracism of Lizzie Borden, see Lincoln, *A Private Disgrace*, 22-23.

56. Testimony of Thomas Kieran, 6 June 1893, *Trial*, 2:92-97.

57. Although I have no evidence that this interview is fictitious, M'Guirk is an oddly Irish-sounding name for a middle-class club member.

58. M'Guirk, "In a New Light," *New York Recorder*, 20 September 1892, reprinted in Williams, *A Case Book*, 133.

Indeed, Borden's intense desire for popularity and social prominence troubled her most ardent supporters. Her uncle, Hiram Harrington, commented: "She thought she ought to entertain as others did, and felt that with her father's wealth she was expected to hold her end up with other members of her set. Her father's constant refusal to entertain lavishly angered her."<sup>59</sup> Significantly, after her trial, Lizzie and her sister Emma immediately purchased a house on French Street near its intersection with Highland Avenue—at literally the highest point of the Hill District—a lofty perch from which she could look down on the rest of Fall River.

Even more troubling than this vision of feminine social ambition was Borden's apparent desire for financial independence. Resuming her rightful place in Fall River society fell into the range of acceptable femininity—as long as such ambition remained expressed within an outward pose of dutiful reverence for her father. If, however, Borden sought independence, rather than social prominence and a few new dresses, then her impulses threatened family stability and provided a potent motive for the murders. Mrs. M'Guirk was, therefore, quick to point out that "both Emma and Lizzie Borden had more money than they knew how to spend."<sup>60</sup> The \$2,500 bank balance cited by M'Guirk and others deliberately obscured Borden's dependence on her father. Her weekly allowance of four dollars may have allowed her to make incidental purchases, but it also served as a continual reminder of her lack of independence, especially when compared to her eventual inheritance of \$150,000. Just as Bridget Sullivan received her weekly wage of \$2.50 from Andrew Borden, Lizzie and Emma collected their allowances from their father.<sup>61</sup> Certainly, unlike Bridget Sullivan, Lizzie Borden had the luxury of a comfortable sum in the bank; however, her savings were insufficient to support herself should she ever earn her father's disapproval—which, like his occasional largess, was expressed solely in monetary terms.<sup>62</sup>

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59. "No Clearer! The Solution of the Borden Mystery Still Delayed," *Fall River Daily Herald*, 6 August 1892, p. 1. In addition to sharing his personal character assessments of the various Borden's under discussion, Harrington also claimed to have had a conversation with Lizzie Borden on the evening after the murders. However, Lizzie Borden had followed her father in refusing contact with him in recent years. Harrington supported her alibi, the lengthy search for a lead sinker in the loft in the barn, describing, Lizzie Borden as an "enthusiastic angler." He also insisted she was a "brilliant conversationalist."

60. M'Guirk, "New Light," 133.

61. Admittedly, Lizzie Borden did not have to work for her money in the same way as Bridget Sullivan. However, she was expected to perform domestic duties. See *Trial*, 1:195. Victoria Lincoln insists that Bridget Sullivan's wages were \$4 a week—the same as the Borden daughters' allowances. See Lincoln, *Private Disgrace*, 211.

62. Lizzie Borden's bank balance resulted from a family dispute over property purchased on Abby's behalf. To placate his daughters, Mr. Borden deeded their grandfather's house to them. He later repurchased the house for \$5000, or \$2500 for each daughter. Her relative wealth was therefore recent, and even that amount would have been insufficient to purchase a

Borden's dependence was consistent with her role as an unmarried daughter in a middle-class family. In the "ideal" structure of the family, a daughter owed allegiance to her father, under whose jurisdiction (or protection) she remained until her marriage. Upon marriage, she entered the household of another man and was responsible for the continuance of his line. The doctrine of separate spheres provided women with culturally sanctioned authority over the domestic sphere at the expense of their participation in the public sphere. The biological model of femininity provided a further rationale for women's exclusion from the male domain outside the home. Religious doctrines legitimated women's submission to parental, specifically paternal, authority and lauded self-abnegation and charitable works as the peculiar talent and proper domain of women.<sup>63</sup>

Given this culturally mandated submission, it may have been Andrew Borden's vise-like grip on the family finances that turned Lizzie Borden into that most genteel of thieves, the kleptomaniac. Among Fall River merchants, Lizzie Borden was known for her "peculiar spells." Shopkeepers instructed their salespeople to tabulate the prices of the merchandise missing after one of her visits and send the bill to Andrew Borden, who promptly paid.<sup>64</sup> Instead of exposing her condition, the good merchants of Fall River let her "charge" the items, but when Lizzie Borden's kleptomania moved inside the home, her immediate family locked her out of their rooms.

About a year prior to the murders, the Borden household was the scene of another mysterious crime. Abby's jewelry drawer was rifled

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house in an appropriate neighborhood. Compared with her father's fortune, estimated at \$300,000, a few thousand dollars seemed inconsequential. By way of comparison, mill workers paid three dollars a week for lodging in a company boardinghouse in 1867. See Lintner, *Social History*, 94.

63. Oscar Handlin and Mary K. Handlin, *Facing Life: Youth and the Family in American History* (Boston: Little, Brown, and Co., 1971), 91-5; Nancy Woloch, *Women and the American Experience* (New York: Alfred A. Knopf, 1984), 113-25. For a discussion of women's roles in the nineteenth century, see especially Carl Degler, *At Odds: Women and the Family from the Revolution to the Present* (New York: Oxford University Press, 1981). For a discussion of separate spheres, see Nancy Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835* (New Haven, Conn.: Yale University Press, 1977).

64. Agnes De Mille, *Lizzie Borden: Dance of Death* (Boston: Little, Brown, and Co, 1968), 105-06; Joyce Williams, "Borden's Shoplifting," 73-76. In the years after the trial, local salespeople would find items missing after Borden's visits, itemize their losses, and report the amount to the manager. The manager would send the bill to her French Street home and would be promptly paid. De Mille, *Dance of Death*, 106, citing "Lizzie Borden Again," *Providence Daily Journal*, 16 February 1897. The Tilden-Thurber episode also offers a telling glimpse of her shoplifting. A woman brought a painting to the Tilden-Thurber gallery in Providence for restoration, stating that Lizzie Borden had given it to her. The saleswoman informed the manager that a stolen painting had been brought into the store. He notified Borden that she would have to pay for it and asked that the police issue a warrant for her arrest. She was not arrested, but the story was featured in the local papers under the headline "Lizzie Borden Again." *Ibid.*, 106-07.

and some items were missing. Andrew and Abby Borden discovered the theft upon their return from a trip. Although the crime occurred in the middle of the day, none of the women in the house—Bridget, Emma, or Lizzie—heard a sound. When the police arrived, Lizzie Borden excitedly led them on a tour of the house and showed them the downstairs cellar door which had apparently been forced with a small nail. Most tellingly, this otherwise petty theft required either an extraordinarily fortunate criminal or one who resided at 92 Second Street. As in the later murder investigation, the police were stunned by the interloper's good fortune in noiselessly breaking in and discovering the appropriate bedroom without attracting attention. Andrew Borden, more significantly, noticed that the thief could only have entered through Lizzie's bedroom. The police were baffled or, at least, thought the better of voicing their suspicions; Andrew Borden called off the investigation and attempted to keep word of the theft out of the papers. It remained a family secret until Lizzie Borden later mentioned it during the murder investigation.<sup>65</sup>

Though the incident was officially forgotten, or suppressed, by the police and by the Bordens, Andrew Borden left the household with a daily reminder of his suspicion. He locked his bedroom door every day and then left the key in the hall—in plain sight.<sup>66</sup> The elder Bordens also securely locked the connecting door, which opened into Lizzie's room. The message was clear: A particular member of the family was responsible. Lizzie Borden may have upset the normal relations in the household, but any truly disruptive designs were frustrated by her father's response.<sup>67</sup> If the larger family of Fall River officially refused to notice her shoplifting, Andrew Borden responded with more than mere silence: He added locks.

The Borden household may have been the most elaborately secured domicile in town. The front door was triple locked, and family members elaborately locked and unlocked their bedrooms and bureaus throughout the day. As the prosecutor Knowlton remarked in the trial, "It is said that there is a skeleton in the household of every man, but the Borden skeleton—if there was one—was fairly well locked up from view."<sup>68</sup> On the morning of his murder, Andrew Borden apparently brought home a broken lock and, minutes

65. Testimony of Alice M. Russell, 8 June 1893, *Trial*, 1:378. For additional analyses of the robbery, see especially Lincoln, *A Private Disgrace*, 50-3; and Williams, *A Case Book*, 13.

66. Testimony of Bridget Sullivan, *Trial*, 1:236.

67. See Jane Gallop, *The Daughter's Seduction: Psychoanalysis and Feminism* (Ithaca, N.Y.: Cornell University Press, 1985), 133, commenting on Catherine Clement's discussion of the hysteric who "contests and conserves" the boundaries of the family.

68. *Trial*, 2:1744. The defense, in contrast, explained the locks as a way of protecting the household from outsiders after the robbery. See *ibid.*, 2:1691.



before his own murder, stood on the doorstep of his house, unable to unlock the door.<sup>69</sup>

All of these locks may hold the key to the Borden mystery.<sup>70</sup> Andrew Borden locked up all his women in the house when he left for work in the morning and, as the only man with a key, let himself in when he returned in the afternoon. As a solid bourgeois man, Andrew Borden wanted to protect his property—possibly numbering his wife and daughters among his holdings. Even at thirty-two, with a few thousand dollars in the bank, Lizzie Borden remained, at least metaphorically, the property of her father. In this context, her penchant for shoplifting and her disregard for other people's property suggests the ambivalence of her position as a bourgeois woman.<sup>71</sup> Unable to avow openly her distaste for this role, perhaps Lizzie Borden took her rebellion in the form of kleptomania. Because her "obsessive desire to steal" arose in "the absence of economic necessity or personal desire,"<sup>72</sup> it functioned symbolically as a critique of a system dependent on the orderly transmission of property. After all, this system precluded female desire for independence as a potential interference with that goal and transformed Lizzie Borden into a commodity in exchange for her putative freedom from want. Even if her kleptomania embodied her transgressive potential, it was contained by her father's payment of the bills and by his silence. Moreover, after an episode of shoplifting, Lizzie Borden returned home to the locked house and the maximum security of her bedroom in her father's house.

As we have seen, Borden threw herself into charitable works to improve her social position and because they were the only culturally

69. Testimony of Mrs. Caroline Kelly, 7 June 1893, *Trial*, 1:213. Victoria Lincoln believes the case turns on the broken lock. She argues that Andrew Borden brought home papers concerning the proposed transfer to Abby of his Swansea farm, his daughters' childhood retreat, prior to its sale. Just as the earlier property transfer had provoked the daughters' outrage, this transaction precipitated the murders. Lincoln contends that Robinson harped on the lock and its wrapping paper in order to divert attention from a damaging motive. See Lincoln, *A Private Disgrace*, 80-83.

70. Freud argues that "sexuality is the key," and "[n]o one who disdains the key will . . . ever be able to unlock the door." Sigmund Freud, *Dora: An Analysis of a Case of Hysteria*, ed. Phillip Rieff (New York: Macmillan Publishing Co., Collier Books, 1963), 136. In a household comprised of three unmarried women and presided over by a couple in a marriage of convenience, Freud's contention would seem particularly feasible. In "Keys to Dora," Jane Gallop plays upon a similar theme in her analysis of Freud's preoccupation with key imagery in *Dora*. Gallop, *Daughter's Seduction*, 132-50.

71. For a discussion about the cultural anxiety caused by otherwise respectable ladies who shoplifted during this period, see Elaine S. Abelson, *When Ladies Go A-Thieving: Middle Class Shoplifters in the Victorian Department Store* (New York: Oxford University Press, 1989), 148-96. For an examination of the comparable phenomenon in France during this period, see Michael B. Miller, *The Bon Marché: Bourgeois Culture and the Department Store, 1869-1920* (Princeton, N.J.: Princeton University Press, 1981), 197-205.

72. *American Heritage Dictionary of the English Language*, 1963 ed., s. v. "kleptomania."

sanctioned public activities for women of her class. Too old to attend one of the new women's colleges and too wealthy for the mills, Lizzie Borden, like other middle-class women of her generation, was relegated to unproductive marginality, free to enjoy her leisure in the presumed comforts of her father's home. Despite the apparent commonality of her experience, Lizzie Borden differed from the majority of American women because she never married. Her unmarried status meant that while her father and stepmother lived, she did not have even her own domestic space. Insecure about her place in Fall River society, Borden remained equally unsure about her position in the family. To an untutored observer, she appeared comfortably situated both inside and outside the home; however, her position in both was uncomfortably marginal. Only after the murders did this carefully guarded secret become public knowledge.

*B. The Usual Suspects: Lizzie Borden and the Figure of the Female Criminal*

[T]o suggest that a woman of good family, of blameless life and hitherto unimpeachable character, could possibly commit two such murders, is to suggest something so rare as to be almost unknown to criminology. . . . There is something about the act of battering in the skulls of an elderly man and woman which suggests the male butcher, not the more subtle though equally malicious methods of the murderer.

Edmund Lester Pearson<sup>73</sup>

On August 4, 1892, the headlines of the late edition Fall River newspapers sensationalized the Borden murders as a seemingly impossible crime. *The Fall River Daily Herald* announced that the Bordens were "HACKED TO PIECES AT THEIR HOME."<sup>74</sup> In response to such headlines and to word of mouth, nearly two thousand people gathered outside the Borden home on Second Street. They came not only to gawk at the scene of the crime, but also to make sense out of the seemingly inexplicable event. For the citizens of Fall River and the rest of America, "the arrest [of Lizzie Borden] deepen[ed] rather than lessen[ed] the mystery."<sup>75</sup> Not only was

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73. Pearson, "Borden Case," 32.

74. "Shocking Crime/A Venerable Citizen and His Aged Wife/Hacked to Pieces at Their Home/Mr. and Mrs. Andrew Borden Lose Their Lives/At the Hands of a Drunken Park Hand. Police Searching Actively for the Fiendish Murderer." *Fall River Daily Herald*, 4 August 1892, p. 1.

75. *New Bedford Journal* editorial, reprinted in "The Borden Tragedy. The Arrest Deepens the Mystery," *Fall River Evening News*, 13 August 1892.

violent crime rare in Fall River, but those accused were typically working-class immigrants. During the same week Lizzie Borden was arrested, for example, no other middle-class lady was similarly affronted. More than two-thirds of those jailed that week were male, working-class immigrants. The few native-born men who appear in the records were apparently drunken members of the working-class, and the women arrested also exhibited “loud and lascivious behavior” brought on by the intemperate use of spirits.<sup>76</sup> In contrast, Lizzie Borden, the only one arrested for murder, the daughter of the victims, appeared the incarnation of native-born, middle-class respectability.

In grappling with these issues of class, ethnicity, and gender, the attorneys arguing the case, the members of the jury, and the public-at-large awaiting the verdict did not evaluate the Borden case in a vacuum. In assessing the evidence—whether the legally admissible kind found at trial or the anecdotal variety circulated in the newspapers—Borden’s contemporaries attempted to fit the facts of the case into existing paradigms. In particular, they drew upon a rich collection of criminological literature.<sup>77</sup> The models used in the Borden case fell into three basic groups—born criminals, hysterical women, and the periodically insane. Yet Lizzie Borden did not easily fit into any of those categories. Because of the incongruity between the necessarily depraved character of the assailant and the apparent normality of the prisoner, the female criminal in the Borden case exposed the central, but suppressed, tension in medical-legal discourse: the simultaneous existence of pathological femininity and morally incorruptible womanhood. Behind Lizzie Borden stood the figure of the criminal woman. The inability of the public and the prosecution to reconcile successfully the oppositional images of bereaved daughter and murderous fiend provided the reasonable doubt necessary for her acquittal.

### 1. “*The Dangerous Classes*”: Lombroso and the Criminal Type

At the end of the nineteenth century, students of criminal behavior characterized the criminal as either a primitive throwback, an atavistic

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76. Arrest Records of the Fall River Police Department, August 1892, at the Fall River Historical Society.

77. For a classic study of the interplay between law, psychiatry, and society, see Charles E. Rosenberg, *The Trial of the Assassin Guiteau: Psychiatry and Law in the Gilded Age* (Chicago: University of Chicago Press, 1968). Although Lizzie Borden’s claim of innocence precluded explicit speculation about the case in the medical journals, a principal forum for criminological theories, the language of the trial suggests the medical-legal issues aired in these journals. Medical experts, including Professor Wood and Dr. Draper of Harvard, in addition to the medical examiner Dr. Dolan, testified at the trial; however, they did not direct their attention to the state of mind of the murderer. Instead, they testified about the number and character of the wounds and whether a woman would be capable of inflicting them. See *Trial*, 2:994-1094.

specimen born for evil deeds, or the product of his environment. Although no distinct American school of criminology developed until the end of nineteenth century, Americans nonetheless drew upon European models in criminology and, in particular, Europe's merging medical and legal fields.<sup>78</sup> Introducing a series of reviews on criminological literature, Dr. Arthur MacDonald noted:

Like every new science, [criminal anthropology] is in its polemical stage . . . . The criminologists are divided into two parties: one emphasizes the pathological or atavistic causes; the other, the psychological and sociological. The latter are subdivided into socialists, who would account for everything by the inequality of economic conditions; and those who take into consideration all social phenomena.<sup>79</sup>

Through his anthropological investigation, Cesare Lombroso, the leading proponent of the new Italian School, radically challenged earlier assumptions about criminality, namely that criminals were different only in their inability to resist temptation. Lombroso argued instead that "the antisocial tendencies of criminals are the result of their physical and psychic organization, which differs essentially from that of normal individuals."<sup>80</sup> Although Lombroso paid lip service to the notion of reform, his physical and anatomical model of the born criminal justified the criminal's removal from the larger society as the surest preventive measure. As MacDonald summarized, "The

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78. This point raises the question whether Americans adopted European theories or whether they independently arrived at similar paradigms. According to Cesare Lombroso, America was particularly receptive to his ideas. In fact, Americans "also initiated the practice, now in general use, of anthropological co-operation in every criminal trial of importance." Gina Lombroso-Ferrero, *Criminal Man According to the Classification of Cesare Lombroso Briefly Summarised By His Daughter Gina Lombroso Ferrero* (New York: G.P. Putnam's Sons, 1911), xx. Whatever their origins, the ideas discussed in this section resonate throughout the trial transcript and the newspaper coverage of the case.

79. Arthur MacDonald, *American Journal of Psychology* 3 (January 1890): 114. Some socialists did not reject a biological model entirely. Enrico Ferri, a leading criminologist and socialist, embraced much of Lombroso's evolutionary model, believing that Darwin's theories suggested the inevitability of a perfectible human state.

80. Lombroso-Ferrero, *Criminal Man*, 5.

true criminal has something of the incompleteness of the beast; he is like a man who has remained animalized.”<sup>81</sup>

Americans found independent confirmation of Lombroso’s theories in their own criminal classes. Richard L. Dugdale, for example, described a series of blood relatives languishing in a New York prison for assorted offenses and concluded that eugenics, intended to eliminate further generations of such degenerate specimens, offered the best solution.<sup>82</sup> Charles Loring Brace also used explicitly evolutionary language in his theory of inherited degeneracy among “the Dangerous Classes of New York.” After “twenty years’ work among them,” Brace concluded that youths inherited “the transmitted tendencies and qualities of their parents; or of several generations of ancestors.”<sup>83</sup> In spite of such dire predictions, unlike Dugdale and Lombroso, Brace urged reform and believed that education, discipline, and religion could save the “abandoned and destitute youth of our large towns.”<sup>84</sup>

Contemporary commentators on the Borden murders envisaged a criminal through the lens of Lombroso’s theories: either as a brutish throwback to an uncivilized era or a literal progenitor on the evolutionary scale. One newspaper conceived of the guilty party as a “inhuman fiend,” for no ordinary criminal could repeatedly ax two elderly people.<sup>85</sup> After all, the skulls of the Bordens were so shattered by the force of multiple blows that the victims were virtually

81. MacDonald, *American Journal of Psychology*, 115. For a discussion of the rival French School, which espoused a more flexible theory of degeneration, see Ruth Harris, *Murders and Madness: Medicine, Law, and Society in the Fin de Siecle* (Oxford: Clarendon Press, 1989), 64-79, 84. Rejecting the Darwinian underpinnings of Lombroso’s theories, the French School criticized the anthropological approach which translated a constellation of physical abnormalities into an equally indistinct criminal type. Despite this refusal to accept Lombroso’s explicit translation of biological defect into criminal intention (or at least potential), the French School was heavily influenced by the anthropological theories of Paul Broca, a preeminent neurologist who established a hierarchical ranking of racial, ethnic, and national groups based upon anatomical skull measurements. Francis Schiller, *Paul Broca: Founder of French Anthropology, Explorer of the Brain* (Berkeley: University of California Press, 1979), 136-64; Harris, *Murderers and Madness*, 94.

82. For a discussion of Dugdale’s theories and the notorious “Jukes” family, see Lawrence M. Friedman, *Crime and Punishment in American History* (New York: Basic Books, 1993), 142.

83. Charles Loring Brace, *The Dangerous Classes of New York: And Twenty Years Work Among Them*, 3d ed. (New York: Wynkoop and Hallenbeck, 1880), 42-3. Not only did Brace use the Darwinian language of “natural selection,” but, like the French School, he also believed in a negative Lamarckian scheme of heredity. In particular, Brace commented that the appetites for liquor, sexual passion, and laziness, if indulged, were especially likely to be transmitted to future generations.

84. Like so many of his contemporaries, Brace hoped to model “the dangerous classes” in the image of his own class. Brace’s dream involved “drawing [the youth] under the influence of the moral and fortunate classes.” Brace, *Dangerous Classes*, ii. For a discussion of this point, see Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1987), xii.

85. “The Tragedy. Comments of the Press in the Borden Murders,” *Fall River Evening News*, 4 August 1892, quoting the *Newport Herald*.

unrecognizable. As suspicion began to fall on Lizzie Borden, Minister Jubb, pastor of the Central Congregational Church, asked his congregation not to allow rumor to blight the lives of the innocent, whom he contrasted with the necessary character of the true murderer. He asked, "What must have been the person who could have been guilty of such a revolting crime? . . . [T]o commit such a murder [he] must have been without heart, without soul, a fiend incarnate, the very vilest of degraded humanity, or he must have been a maniac."<sup>86</sup> In Jubb's view, the killer was not even human; for many, the murders could have been the work only of a beast, even if the beast had human form. Elizabeth Jordan, one of the few female reporters at the Borden trial, mused about the probable killer, commenting that "[t]he thing seemed the work of [an escaped maniac] . . . A gorilla was indicated by the appearance of those rooms. *The Murders In the Rue Morgue* came cheerily to mind."<sup>87</sup>

Despite the "proof" offered by cultural anthropology and its often evolutionary vision of race, such models of criminality struggled to account for a female criminal.<sup>88</sup> Within the prevailing models of the human mind, women were seen as somewhat less evolved than men and with a corresponding lack of rational control over their actions—barely protected from their underlying degeneracy by male control, especially of their sexuality. Even Lombroso revised his model of the "born criminal" to fit the female counterpart. Though fewer in number than the male "born criminal," the female "born criminal" surpasses him in cruelty and in the exaggerated atavism of her features and sentiment. Because the less civilized woman is naturally merely impure and not criminal, Lombroso argued, women destined to criminal activity are morally more depraved than their male counterparts. Prostitution was, therefore, an understandable, even natural, atavistic impulse; non-sexual crime represented true depravity for women. In Lombroso's words, "[a]s a double exception, the criminal woman is a monster."<sup>89</sup> Just as the features singled out for signs of degeneracy in men corresponded to those found in non-European subjects or members of the peasant classes, the female

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86. "In the Dark, in Regard to the Borden Slaughter," *Fall River Daily Globe*, 8 August 1892, p. 7, quoting Minister Jubb's sermon of 8 August 1892.

87. Elizabeth Jordan, "Lizzie Borden and the Murders," in Jordan, *Three Rousing Cheers* (New York: D. Appleton, 1938), 119-20.

88. Cynthia Eagle Russett argues that Americans were deeply influenced by Lombroso's school, but were also skeptical of "some of his speculative excesses"—especially his model of female criminality. Cynthia Eagle Russett, *Sexual Science: The Victorian Construction of Womanhood* (Cambridge: Harvard University Press, 1989), 74.

89. Cesare Lombroso and William Ferrero, *The Female Offender* (1895; reprint, Littleton, Colorado: Fred B. Rothman & Co., 1980), 152.

criminal type resembled any number of destitute immigrants arriving at Ellis Island by the 1890's.<sup>90</sup>

The class-based and ethnically determined model of criminality formulated by Lombroso provided a common cultural vocabulary that shaped initial reactions to the Borden murders.<sup>91</sup> Early in the investigation, Fall River police expected to find a suitably depraved outsider with a foreign accent. Newspapers relayed their suspicion of various male working-class immigrants, initially proposing a disgruntled Portuguese laborer as a likely suspect.<sup>92</sup> Even Lizzie Borden's uncle, John V. Morse, an outsider and a horse trader by profession, faced suspicion, for he had effectively lost his privileged status as a native-born man as a result of his ambiguous background and shady business activities.<sup>93</sup>

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90. Despite the appeal of Lombroso's scientific anthropology, preliminary challenges to both his methodology and his conclusions were circulated by the turn of the century. Although Frank Boas, the anthropologist, offered a critique of Lombroso's methodology as early as 1897, it was only with the publication of Frances Kellor's "Psychological and Environmental Study of Women Criminals" (expanded in her later work *Experimental Sociology*) that the gender as well as ethnic and racial biases of Lombroso's theories were fully explored and refuted. Kellor's recreation of Lombroso's experiment—without methodological problems like the lack of a control group—failed to corroborate Lombroso's findings. She therefore concluded that there was no clearly deducible female criminal type and that environmental factors rather than heredity or biology determined deviant behavior. Kellor's critique foreshadowed the Progressive Era belief in the feasibility of reform, but Lombroso's models of criminality and the nativist and racist moral judgments they implied proved influential long after they were scientifically discredited. See Frances A. Kellor, *Experimental Sociology: Descriptive and Analytical* (New York: The Macmillan Co., 1901), 2-7, 12-3, 35-49. For further discussion, see Estelle Freedman, *Their Sister's Keepers: Women's Prison Reform in America, 1830-1930* (Ann Arbor: University of Michigan Press, 1981), especially Chapter 6, on the new American criminology of women at the turn of the century. For a discussion of Katherine Bement Davis' efforts at prison reform in the Progressive Era, see Ellen Fitzpatrick, *Endless Crusade: Women Social Scientists and Progressive Reform* (New York: Oxford University Press, 1990), 92-129.

91. Newspaper articles often reflected this connection of criminality. See, for example, "Statistics of Homicide," *New York Times*, 7 August 1892, p. 10.

92. "Where Suspicion Points," *Fall River Evening News*, 4 August 1892, p. 1; "Shocking Crime," *Fall River Daily Herald*, 4 August 1892, p. 1; "Murder Most Foul, Andrew J. Borden and His Wife Horribly Butchered in Their Home," *Fall River Evening News*, 4 August 1892, p. 1; "The Borden Murder. Portuguese Farm Employe [sic] Suspected Assassin," *The [New Bedford] Evening Standard*, 4 August 1892, p. 6. Later their worst fears were confirmed when an insane Portuguese immigrant, José Corriero, committed an ax murder the week before the Borden jury was impaneled. The papers were quick to note the parallel. See, e.g., "MURDER MOST FOUL," *Fall River Daily Globe*, 31 May 1893, p. 1; "Another Mysterious Murder," *Fall River Daily Globe*, 31 May 1893, p. 4. The news of Corriero's arrest shared the front page with reports of Lizzie Borden's arrival in New Bedford for her trial. See "Corriero in Cell, Charged with the Murder of Miss Bertha Manchester on Memorial Day," *Fall River Daily Globe*, 4 June 1893, p. 1; "Lizzie Borden Arrives in New Bedford," *Fall River Daily Globe*, 4 June 1893, p. 1.

93. "The Fall River Mystery," *New York Times*, 7 August 1892, p. 1; "The Suspected Man. John V. Morse, a Well-to-Do Western Land Owner," *The [New Bedford] Evening Standard*, 5 August 1892, p. 4; "Still a Mystery," *Fall River Evening News*, 5 August 1892; E. H. Porter, *The Fall River Tragedy: A History of the Borden Murders* (1893; reprint, Portland: King Phillip Publishing Co., 1985), 51. Morse apparently resembled his former brother-in-law in character and habits. Acquaintances described his "austere reserve" and pronounced him "close, almost to the point of penuriousness." "The Fall River Murders," *The [New Bedford] Evening Standard*, 10 August 1892, p. 1. Despite his apparent rapport with Andrew Borden, Morse evinced no corresponding attachment to his nieces. When he arrived in Fall River the day

Bridget Sullivan, the Irish domestic servant, also attracted the attention of the detectives. Though initially protected by her gender, Sullivan's claims to femininity were tenuous because of her class and ethnicity. Although an ax was properly seen as a man's weapon because of the physical strength and proximity required to use it, working-class Irish women were thought perfectly capable of swinging one, for domestic service often included chopping wood and slaughtering animals.<sup>94</sup> Prevailing nativist beliefs denied immigrant women the delicate sensibilities reserved for native-born, white women of middle-class status. Indeed, in spite of the dearth of evidence linking her to the crime, the President of the Board of Aldermen wondered aloud why Bridget Sullivan had not been arrested.<sup>95</sup> Furthermore, Andrew Jennings, Borden's attorney, explicitly compared Bridget Sullivan and Lizzie Borden in his summation at Borden's preliminary hearing and asked, "In the natural course of things who would be the party to be suspected?"<sup>96</sup>

As Jennings intimated, Lizzie Borden's arrest unsettled an ethnically and class-determined model of criminality and outraged "the natural course of things." As a white, upper-middle-class "lady," Borden fell safely outside the evolutionary framework of degeneration which underlay nineteenth-century criminological discourse. Could the secretary-treasurer of the local Christian Endeavor Society and member of the Ladies Fruit and Flower Mission be a born criminal? Her combination of good works and an acceptable percentage of non-criminal features—with the exception of

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before the murders, he saw neither Emma nor Lizzie. Perhaps little can be read into Emma's trip to Fairhaven; however, Lizzie's reaction to her uncle's arrival suggested their mutual indifference, if not dislike. She remained in her bedroom while John Morse joined Abby and Andrew Borden for a mutton stew and then paid a call on Alice Russell, a neighbor. Upon returning, she walked past the sitting room in which her uncle and the Bordens were sitting and directly up to her upstairs bedroom, adjacent to the guest bedroom. She did not speak with him until after the murders were discovered the next day.

94. Harvey Green, *The Light of the Home: An Intimate View of the Lives of Women in Victorian America* (New York: Pantheon, 1983), 66. The *Fall River Evening News* declared that "the horrible use of the axe is wholly irreconcilable with any reasonable view of the feminine nature of the physical strength of the sex." "Waiting," *Fall River Evening News*, 15 August 1892.

95. John C. Beattie later denied making this inflammatory suggestion after a stinging denunciation by the *Fall River Daily Globe* and threats by "the Irish-American Element." "Believes Lizzie Borden Guilty," *The [New Bedford] Evening Standard*, 16 August 1892, p. 1. Bridget Sullivan was used to such indignities. Lizzie and Emma called her "Maggie," the name of their previous maid, rather than learn her own name.

96. Porter, *Fall River Tragedy*, 127, quoting the preliminary hearing. The preliminary hearing convened on August 26, 1892, and Lizzie Borden was bound over for trial on September 2, 1892. Many criticized Judge Blaisdell for presiding over both the inquest and the preliminary hearing. For an illustration of the debate, see "Legal Opinions Regarding the Action of Judge Blaisdell Presiding at Inquest and at Miss Borden's Examination," *The [New Bedford] Evening Standard*, 3 September 1892, p. 4.



her oversized jaw—seemed to acquit her of that damning charge.<sup>97</sup> However, as an alleged parricide, she could not be absorbed into any of the “occasional” classifications (developed for such exceptions) which subsume virtually all other criminal types. Lombroso’s model of criminality determined by class, ethnicity, and gender cannot reconcile the idea of Borden’s repeatedly wielding an ax with the image of the gloved Miss Lizzie who fainted when her father’s murder was described in court.

Despite the brutality of the crime, medical testimony stated that a woman could have committed the ax murders.<sup>98</sup> Indeed, the prosecution argued that the nature of these particular murders was feminine. Moody’s opening statement reminded the jury that “the right side of [Abby Borden’s] head [was] hacked to pieces by blows, some of uncertain and vacillating weakness.”<sup>99</sup> In his summation, Knowlton abandoned any ambiguity on this point, arguing, “The hand that held that weapon was not the hand of masculine strength. It was the hand of a person strong only in hate and the desire to kill.”<sup>100</sup> Medical authorities concurred in such an explanation, but with a twist. According to the *Fall River Daily Herald*, “A leading physician said . . . that he was fully convinced that the act was not done by a man, as all authorities agreed in saying that hacking was almost a positive sign of the deed of a woman who is unconscious of what she is doing.”<sup>101</sup> A woman might have killed the Bordens, but only a severely unbalanced woman “unconscious of what she [was] doing.”

Newspapers openly speculated on the sanity of the assassin despite the lack of psychological testimony in the trial itself. The *Boston Journal* claimed that the circumstances “seem to indicate a criminal of an extraordinary character.”<sup>102</sup> But Lizzie Borden’s reaction to the murders was viewed by some as appropriately feminine. The *Fall River Evening News*, the sympathetic paper of the Fall River Establishment, noted that “the daughter . . . has been almost crazed since she discovered her father murdered and sent out the alarm, and has not been able to talk very clearly of the circumstances of the

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97. Lombroso-Ferrero, *Criminal Man*, 12-13; MacDonald, *American Journal of Psychology*, 116.

98. See, for example, *Trial*, 2:1612-13.

99. *Ibid.*, 1:86.

100. *Ibid.*

101. “No Clearer! The Solution of the Borden Mystery Still Delayed,” *Fall River Daily Herald*, 6 August 1892, 6. As a detective indelicately remarked, “Only a woman would make mince meat of the head of Mrs. Borden and the face of Mr. Borden.” “Fall River’s Tragedy,” *The [New Bedford] Evening Standard*, 6 August 1892, p. 2.

102. “The Tragedy. Comments of the Press on the Borden Murders,” *Fall River Evening News*, 4 August 1892.

murder."<sup>103</sup> But temporary feminine histrionics and criminal insanity were considered two distinct concepts. As the Pinkerton detective noted, "the murder[s] looked like the work of a lunatic, while Lizzie appeared to be a level-headed self-possessed woman."<sup>104</sup> Nonetheless, because Lombroso's model allowed for truly violent women only in exceptional cases of born criminality (and Lizzie Borden of the Fall River Bordens was certainly not an atavistic specimen), investigators turned to a model of insanity to explain her alleged violence.<sup>105</sup>

## 2. "The Irresponsibles": Insanity, Hysteria, and Women's Periodicity

Like prevailing models of criminality, medical models of insanity derived from familiar class, ethnic, and gender norms raised to the level of biological fact. Just as Lombroso and his colleagues "scientifically" identified racial characteristics in born criminals, the medical-legal discourse of late nineteenth-century America produced normative definitions of femininity based on a model of biological determinism. By the end of the nineteenth century, women's nature had been biologically determined to be fundamentally different from men's. On balance, women were seen as more prone to ailments, both biological and psychological.<sup>106</sup> In large part, the extreme importance accorded to their reproductive systems relative to the rest of their physiological functions created this perception.<sup>107</sup> These gendered anatomical and physiological models resulted from and, in turn, justified contemporary attitudes about women's essential capabilities and psychology and underwrote criminological models in the background of the Borden case.

103. "Murder Most Foul, Andrew J. Borden and His Wife Horribly Butchered at Their Home," *Fall River Evening News*, 4 August 1892, p. 1.

104. *Fall River Daily Herald*, 5 August, 1892, p. 1.

105. One newspaper reported, "[T]he question uppermost in the public's mind is Can Lizzie Borden be Insane?" "Talking of Insanity. Lizzie Borden's Case May Never Go to Trial," *Fall River Daily Herald*, 3 September 1892, p. 2. See also "Insanity Indicated. Strong Doubts if Miss Borden Is Ever Tried. An Official Thinks an Asylum May Be Her Lot," *The [New Bedford] Evening Standard*, 3 September 1892, p. 2. In contrast, the supportive *Fall River Evening News* found it remarkable that "she should be as sane as she is, when one considers what she has gone through in the ten days since this murder was committed." "Waiting," *Fall River Evening News*, 15 August 1892. The *New York Herald* succinctly observed, "If Lizzie Borden killed her father, she must have been insane at the time. If Lizzie Borden did not kill her father, she must be pretty nearly insane by this time." Quoted in "The Borden Tragedy," *Fall River Evening News*, 22 August 1892.

106. See, e.g., "Minor Psychical Disturbances in Women," *American Journal of Insanity* 49 (October 1892): 323.

107. Carol Smith-Rosenberg notes the predominance of images of "the female as driven by the tidal currents of her cyclical reproductive system, a cycle bounded by the pivotal crises of puberty and menopause and reinforced each month by her recurrent menstrual flow." Smith-Rosenberg, *Disorderly Conduct*, p. 183.

These psychological and physiological understandings of women's nature converged in criminal trials, for the state of mind of the accused was essential in determining guilt or innocence and, beyond that, her ultimate responsibility. The area of criminal psychology involved complex diagnoses which were based on medical models of physical, mental, and emotional normality. Therefore, as Anne-Louise Shapiro argues, specialists in criminal psychology were called into trials "to draw a technical distinction between sanity and madness."<sup>108</sup> These exclusively male experts expressed their medical judgment of a female defendant based upon a model of criminality derived from a prevailing construction of femininity as pathological and abnormal.<sup>109</sup>

Even if the accused was male, issues of criminal responsibility often centered on the accused's diseased biology and the consequent loss of free will, a state which offered an unwitting analogue to women's natural condition. A few years before the crime, the *American Journal of Psychology* commented:

An individual always considered of sound mind, who does things, the motive of which is inexplicable or out of proportion to his appetites, is to be regarded rather as insane than criminal. In delicate and disputed cases those with the most experience should decide, and not the jury. Among the cases of doubtful criminality are giddy, epileptic, hysterical women with hereditary taint, who, commencing with their eccentricities, go into crime.<sup>110</sup>

MacDonald argued that even the apparently normal person who acts either "out of proportion to his appetites" or merely "inexplicabl[y]" should be considered insane.<sup>111</sup> By definition, there could be no

108. For contemporary discussions of the role of medical experts in criminal trials, see Anne Louise Shapiro, "Disordered Bodies/Disorderly Acts: Medical Discourse and the Female Criminal in Nineteenth-Century Paris," *Genders* 4 (Spring 1989): 69.

109. Editorial, "Expert Medical Testimony in Jury Trials," *Journal of the American Medical Association* 18 (5 March 1892): 304; Richard Dewey, "'Some Illustrations of the Working of the Plea of Insanity in Criminal Prosecutions—A Plea for Better Regulation of Expert Testimony,'" Proceedings of the Chicago Medico-Legal Society, 5 March 1892, *Journal of the American Medical Association* 18 (9 April 1892): 461-64; William Hammond, "The Physician on the Witness Stand: Lectures Introductory to a Course Upon Medical Jurisprudence," *St. Louis Courier of Medicine* 2 (April-May 1893): 216-17, 307-15; F. Norton Manning, "Insanity and its Relation to the Law," *American Journal of Insanity* 49 (January 1893): 429-40; "The Plea of Insanity in Criminal Trials," *American Journal of Insanity* (April 1893): 647-53; J.W. Springthorpe and W.L. Muller, "On the Plea of Insanity in Criminal Trials," *American Journal of Insanity* 49 (January 1893): 402-28; J. R. Thompson, "The Doctor in the Witness Box," *The Pittsburgh Medical Review* 4 (1890): 83-85.

110. MacDonald, *American Journal of Psychology*, 115. Lizzie Borden's mother, Sarah Morse Borden, allegedly suffered from spells and headaches.

111. Ibid. See also H.E. Allison, "On Motives Which Govern the Criminal Acts of the Insane," *American Journal of Insanity* 49 (October 1892): 192-205.

rational explanation for patricide; therefore, a guilty Lizzie Borden must be insane.

More significantly, by citing the female hysteric as the classic example of the insane criminal, MacDonald implied that all women might fall into that category. Hysteria, a distinctly female pathological condition, dominated medical discussions related to women in the nineteenth century.<sup>112</sup> Noting the prevalence of the disease in young unmarried women, doctors initially claimed that hysterical symptoms resulted from a "wandering womb." Later, with greater research into brain function, they advanced neurological theories.<sup>113</sup> In the last two decades of the century, researchers could find little evidence for hysteria's supposedly organic etiology. Even with this removal of hysteria from total identification with the female body, women remained uniquely vulnerable to the disorder, and their biology, or their biologically-ordained role, was somehow central to the puzzle.<sup>114</sup>

Faced with the disjunction among their various roles as daughter, wife, mother, and guardian of private morality and public virtue, some women adopted the exaggerated hyper-femininity of the hysteric as

112. For a persuasive account of the social construction of hysteria as a woman's disease in Victorian England, see Elaine Showalter, *The Female Malady: Women, Madness, and English Culture, 1830-1980* (New York: Penguin Books, 1985), 121-64.

113. In 1859, Paul Briquet defined hysteria as a brain disorder—despite his inability to discover a lesion or physical evidence of structural flaw. In the late 1860's and 1870's, Jean-Martin Charcot revolutionized the study of hysteria. Lending his considerable prestige to the project, he assumed charge of the Salpêtrière, an asylum for women in Paris, and proposed to apply his clinical-anatomical method to the treatment of hysteria. Noting clinical symptoms in his patients, he performed autopsies upon their deaths to determine if pathological brain tissue was related to their disorder. Unlike his studies of epilepsy and paralyzes, hysteria proved impenetrable by normal clinical methods. Charcot could find no specific organic or structural etiology for hysteria, yet he acknowledged the legitimacy of both the symptoms and the disease. Ruth Harris explains, "[W]hat he did not consider . . . was the possibility that he himself was unwittingly orchestrating the malady through his suggestive power." His opponents in the Nancy School, led by Hippolyte Bernheim, suggested precisely that he "unwittingly orchestrat[ed] the malady through his suggesstive powers" because his clinical findings could only be reproduced in the Salpêtrière. These debates eventually crystallized a view of hysteria which depended neither on uterine nor neurological causation. Harris, *Murders and Madness*, 165.

114. When American men developed hysterical symptoms in this period, they were typically diagnosed as suffering from neurasthenia, a state of extreme excitability caused by the stresses of industrial capitalism. For the founding account of this disorder, see George Miller Beard, *American Nervousness: Its Causes and Consequences* (1881; reprint, New York: Arno Press, 1972). See also Showalter, *Female Malady*, 134-36. The clear link of women to hysteria, evidence of male afflictions notwithstanding, suggests the underlying belief that the disease was aptly named. See Barbara Sicherman, "The Uses of a Diagnosis: Doctors, Patients, and Neurasthenia," in Judith W. Leavitt and Roland L. Numbers, eds., *Sickness and Health: Readings in the History of Medicine and Public Health* (Madison: University of Wisconsin Press, 1978), 25-38; Ann Douglas Wood, "'The Fashionable Diseases': Women's Complaints and Their Treatment in Nineteenth-Century America," in Mary S. Hartman and Lois Banner, eds., *Clio's Consciousness Raised: New Perspectives on the History of Women* (New York: Octagon Books, 1976), 3.

a form of passive resistance.<sup>115</sup> Hysteria provided more than passive, involuntary protest, however; it also permitted dramatic self-representation on the part of women who were instructed to avoid rather than attract attention. In this way, women could use the excuse of the disorder to fulfill proscribed desires. Such behavior reinforced the pathologizing of deviance, for only women who were “hysterical” avowed such unacceptable desires and acted upon them. By suggesting the duality that underwrote all representations of nineteenth-century women, the double face of the hysteric—the exemplar of domestic virtue and the histrionic sexualized actress—provided a focus for widespread medical uneasiness.<sup>116</sup>

Part of this anxiety resulted from the typicality of the disorder and its implied threat to family stability. If hysteria was seen as hyper-femininity or an exaggerated acting-out of the feminine role, and if it might well be caused by the stresses induced by such a role, then all middle-class women hovered uncomfortably close to the precipice of insanity. While Lombroso’s model of female criminality seems to reserve a place of honor only for the working-class woman whose physical type suggested an innately evil disposition, the insane criminal might be any woman. Even brutality was no proof of masculine agency, for as the Borden case demonstrates, medical speculation allowed for the violence of the female lunatic. In contrast to the biological criminal types who were easily diagnosed, hysterics bore no recognizable marks of degeneracy. Rather, these otherwise respectable middle-class women only periodically betrayed their illness and, thereby, their potential criminality.

Hysteria may have been the most common explanation for the transgressive acts of middle-class women, but hysteria by itself could not explain criminal violence. Instead, more extreme forms of periodic insanity provided culturally satisfying rationalizations for otherwise inexplicable violence. For example, Lombroso and his French critics concurred in finding a clear link between epilepsy and

115. For a discussion of the parallel between the stereotypical middle-class female role and the symptoms of the hysteric, see Smith-Rosenberg, “The Hysterical Woman: Sex Roles and Role Conflict in Nineteenth-Century America,” in *Disorderly Conduct*, 215; Showalter, *Female Malady*, 121-64.

116. By this time, double personality was seen as a form of hysteria, a form nearly unique to women. Furthermore, physicians expressed a pervading fear that women might compromise themselves or their doctors while ill and linked women’s illnesses to underlying nervous and moral disorders. As S. Weir Mitchell noted in his reflections, “Doctor and Patient,” “Women are prone to confess too much to the physician, and illness breeds a passion for confessions and even for distortion. Women warp morally if long nervously ill.” *American Journal of Psychology* 5 (October 1892): 93. The book version of *Doctor and Patient* was Mitchell’s best-selling non-fiction work. See S. Weir Mitchell, *Doctor and Patient* (Philadelphia: Lippincott, 1888).

crime.<sup>117</sup> As Arthur MacDonald commented,

Epilepsy is only the extreme type of a periodicity which marks all the psychic action and which may be observed in the most normal . . . . But periodicity, because it is universal, cannot stand as a test of responsibility; it is those whose periodicity carries them through psychic extremes . . . that are the irresponsibles.<sup>118</sup>

Because women's inherent pathology could be traced to their periodicity, the extreme case of the epileptic criminal could be easily translated to virtually all women and had the advantage of denying their responsibility for any criminal actions. Subject to their own cyclical biology, women endured cyclical patterns which were beyond their control and to which medicine discovered mental corollaries. Epilepsy proved analogous to normal biological womanhood, for the "psychic extremes" produced in both states rendered the subjects unstable and, by definition, irresponsible.<sup>119</sup>

But by far the most important factor in evaluating responsibility was evidence of menstruation. The onset of menses was a time of crisis; the extreme vulnerability to criminal or otherwise unaccountable impulses also recurred monthly.<sup>120</sup> Experts like Hans Gross, a

117. Lombroso's views on the links between epilepsy and crime were unequivocal. He argued that, "[T]he greatest criminals showed themselves to be epileptics, and, on the other hand, epileptics manifested the same anomalies as criminals. Finally, it was shown that epilepsy frequently reproduced atavistic characteristics, including even those common to lower animals." Lombroso-Ferrero, *Criminal Man*, xvi.

Gabriel Tardé, a prominent member of the antipositivist French School, argued that "what is certain and what must be conceded to Lombroso is that there is within every epileptic virtually a murderer. But the murderer is an unfortunate and not a guilty man." *Penal Philosophy*, Modern Criminal Science Series, trans. Rapedje Howell (Boston: Little, Brown, and Co., 1912), 175.

118. MacDonald, *American Journal of Psychology*, 121. In addition to his well-publicized opposition to Lombroso, Gabriel Tardé was also widely known for his theories of "interpsychology." According to Harris, "Tardé was instrumental in providing a view of human action which emphasized the 'double personality' and took into account psychiatric writings on 'unconscious' and hence unpredictable behavior when formulating ideas on moral responsibility." Harris, *Murders and Madness*, 93.

119. A well known latter day explanation of the Borden murders argues that Lizzie Borden killed her parents during an ambulatory seizure of the temporal lobe. As an epileptic, Borden was not, therefore, conscious of (or fully responsible for) her actions. See Lincoln, *Private Disgrace*, 41-48.

120. Menstruation encapsulated the entire problem of female physiology, psychology, and behavior. The onset of menses was viewed as a time of great danger, a systemic shock repeated monthly with varying intensity. Dr. Robert Barnes noted in his article, "On the Correlations of the Sexual Functions and Mental Disorders of Women," "[T]he transition from girlhood to womanhood . . . is often the first trial of mental and bodily soundness. Under this great physiological test not a few break down." *Medical Press and Circular* 101 (October 1890): 375. "Normal" functioning of the female reproductive system was, therefore, impossible according to this paradigm.

Despite the unfortunate prognosis associated with menses, some physicians challenged the inextricable link between menstruation and mental disorders. Among those most vocal in demystifying these biological processes were a handful of women physicians. Mary Putnam Jacobi, for example, studied the question of rest during menstruation and concluded that menstruation need not be regarded as debilitating. Jacobi won the coveted Boylston Medical

leading criminal psychologist, contended that menstruation lowered women's resistance to forbidden impulses, opening the floodgates to a range of criminal behaviors. Although such transgressions usually resulted in theft rather than more serious crimes, experts warned of women's potential for violence. As Gross argued, "Menstruation may bring women to the most terrible crimes. Various authors cite numerous examples of sensible women driven to do the most inconceivable things—in many cases to murder."<sup>121</sup> Gross warned his audience of judges, practitioners, and students to watch over women with particular vigilance during menstruation and to exercise caution when evaluating their testimony.<sup>122</sup>

By releasing the biological demons within, menstruation provided a periodic glimpse of the underlying depravity of "normal" womanhood. Defined by her biology, woman was most natural when given over to its cyclical excesses. Such a formulation, however, raised the uncomfortable possibility that women did not really disapprove of their transgressive acts. If menstruation merely removed inhibitions, then the criminal desires that led to such acts must belong to the woman herself. Therefore, in relaxing the constraints of civilization and patriarchal control, one risked losing a depraved pathological femininity trapped within every outwardly decorous woman.

Though most profoundly herself during such periodic swings, a woman was not seen as responsible for her actions during an episode of menstrual insanity or criminality at the time of menstruation. In the interests of "mercy" and "justice," Dr. MacNaughton-Jones, a

Prize awarded by Harvard in 1876 for her essay, "The Question of Rest During Menstruation." Despite this acclaim, her ideas did not overtake the dominant model. See Regina Markell Morantz, "The 'Connecting Link': The Case for the Woman Doctor in the Nineteenth Century," in *Sickness and Health in America*, 120. Similarly, Dr. Mary Dixon Jones questioned the dire warnings of T. S. Clouston, an eminent English gynecologist, about "the risks to the mental functions of the brain from the exhausting cause of menstruation." She repeatedly asked, "Can any normal function give rise to abnormal impulses?" Mary Dixon Jones, "Insanity, Its Causes: Is There in Woman a Correlation of the Sexual Function with Insanity and Crime?" *Medical Record* 58 (December 15, 1900): 926.

121. Hans Gross, *Criminal Psychology: A Manual for Judges, Practitioners, and Students* (Boston: Little Brown, and Co., 1912), 316.

122. Regarding women's testimony, Gross commented,

But to the nature of women, we men totally lack avenues of approach. We can find no parallel between women and ourselves and the greatest mistakes in criminal law were made where the conclusions would have been correct if the woman had been a man. We have always estimated the deeds and statements of women by the same standards as those of men, and we have always been wrong.

Gross, *Criminal Psychology*, 301. Despite the suspicion with which women's testimony was regarded, there was precedent to assume credibility in witnesses not actually raving at time of trial. A legal treatise concluded that "[i]t is no objection to the competency or the credibility of a witness, that he is subject to fits of derangement, if he is sane at the time of giving his testimony." Quoted in Esek Cowen and Nicholas Hill, Jr., *Notes to Phillipps Treatise on the Law of Evidence* (New York: Banks, Gould, & Co., 1850), 6. This benefit of the doubt apparently did not apply to women who were subject to menstrual disturbances.

prominent English physician, argued that "[t]he relation of aberrant sexual function or a disorder of menstruation to any criminal act ought to be taken into consideration in determining the responsibility of the woman."<sup>123</sup> Many medical experts were less restrained in their evaluation of the consequences of menstrual pathology. Lombroso commented that "[o]ne peculiarity of the female criminal lunatic which is, however, only an exaggeration of her normal state, is that her madness becomes more acute at particular periods, such as menstruation, menopause, and pregnancy."<sup>124</sup> A danger to herself and others, the menstruating woman, in Anne-Louise Shapiro's formulation, "provided the rationale for public mediation of . . . [definitions of normality and sexuality] by the courts and medical professions."<sup>125</sup>

In the Borden case, the question of menstruation was raised and immediately suppressed. The *Fall River Evening News* reported:

During the search of the cellar a pail was discovered containing water in which three towels were found soaking. The physicians and officers at once jumped to the conclusion that some one had been washing away traces of blood in the pail. An inquiry among the members of the family brought a plausible explanation of the towels and their condition.<sup>126</sup>

Though used to explain the small dot of blood on Borden's dress, the question of menstruation was thereafter abandoned by the prosecution.<sup>127</sup> Even Borden's suspicious nocturnal visit to the cellar the night after the murders was taken only as evidence of her "almost stoical nerve."<sup>128</sup> Despite their apparent reluctance to raise the issue in a public courtroom, attorneys on both sides were aware of the significance of the evidence. Arthur Phillips, an assistant to Borden's lawyer, noted:

There was no suggestion at the time of the trial that Miss Borden was abnormal. Although the police discovered a small spot of blood on the back of one of her skirts, evidencing not only her then physical condition, but also the fact that they had carefully examined the clothing she was wearing when the murder was committed and had found it otherwise bloodless, there was no evidence that she was ever hysterical or abnormal in these

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123. H. L. MacNaughton-Jones, "A Discussion on the Correlation Between Sexual Function, Insanity, and Crime," *British Medical Journal* 22 (September 1900): 791.

124. Quoted in *ibid.*, 791.

125. Shapiro, "Disordered Bodies/Disorderly Acts," 72.

126. "Still a Mystery," *Fall River Evening News*, 5 August 1892.

127. See *Trial*, 1:78.

128. *Trial*, 2:1836.



periods, nor was there evidence of any unusual mental condition.<sup>129</sup>

Benefiting from these men's unwillingness to discuss menstruation openly, Borden used menstruation to explain the presence of blood on her dress and on the soaking towels without having to confront the prevailing medical view linking menstruation to frequently inexplicable and brutal crime.<sup>130</sup> Because of the prosecution's official silence on the subject, this defense strategy did not raise even more troubling concerns about potential menstrual insanity.

Borden's defense attorneys, however, seized on the medical implications of her menstruation to explain her predictions of doom on the night before the murders.<sup>131</sup> Ex-Governor Robinson, chief defense counsel, remarked, "You will recollect that Miss Lizzie's illness was continuing at that time, and we know from sad experience that there is many a woman at such a time as that is all unbalanced, her disposition disturbed, her mind unsettled for the time being and . . . she is really disabled for a period of time."<sup>132</sup> In this way, he successfully explained inconsistencies and odd behavior which might otherwise have suggested premeditation.

Though not used to explain the putative criminal actions of Lizzie Borden, models of periodic insanity reveal the biologically-determined categories used to distinguish the sane from the mad and the guilty from the irresponsible during the era of her trial. Legal discussions about categories of criminality and the existence of criminal types, scientifically verified by anthropologists, were informed by, and also shaped, medical discussions of women's nature. In the case of Lizzie Borden, the female criminal in question exposed the central, but suppressed, tension in medical-legal discourse: the simultaneous existence of pathological femininity and morally incorruptible womanhood. Accused of brutal murders, Lizzie Borden should have embodied only the first model of perverse womanhood, figured in criminological discourse as Lombroso's atavistic female offender; however, she also fit the second model by virtue of her class and her apparent personification of middle-class feminine norms. Because a deviation from the model of morally incorruptible womanhood should have been impossible unless in the context of an "illness" such as hysteria or periodic insanity, the example of Lizzie Borden fused

129. Arthur S. Phillips, *The Borden Murder Mystery: In Defense of Lizzie Borden* (Portland, Maine: King Publishing Co., 1986), 13-14.

130. Dr. Dolan testified that the spot might or might not be menstrual blood. See *Trial*, 2:1021-22.

131. See also text accompanying *supra* note 172.

132. *Trial*, 2:1641. See also *Trial*, 2:1642.

abnormal and normal models of femininity into one unstable category. For this reason, her case demonstrated with uncomfortable clarity that the normal model of femininity, as elaborated by physicians and criminologists at the close of the nineteenth century, was inherently pathological and that the pathological model was, at most, an exaggeration of the biological model of normal womanhood.

### III. THE TRIAL

If character counts for anything, it should be reckoned as a moral improbability that a woman of refinement and gentle training, of professed religious faith and hitherto blameless life, should have conceived and executed so bloody a butchery as the killing of her father and stepmother with an axe.

*Boston Journal*<sup>133</sup>

Another point, on which the formation of opinion is prejudiced by some, is the bearing of Miss Lizzie Borden during this trying ordeal. Some construe it as calm and dignified, and believe in her innocence on this account. Others look upon it as indifferent, cold and heartless, entirely unnatural and indicating a personality capable of performing such crimes as police suspicion has attributed to her. To these we say: Judge not!

*Fall River Evening News*<sup>134</sup>

In the course of the trial, the story of the tragic Borden deaths became Tragedy. Transformed into a theater, the courtroom featured the exclusive run of the most popular drama in the country, "The Trial of Lizzie Borden." The main cast of characters performed daily to an ever-increasing audience who endured the intense heat rather than miss the show. As participants fought over the character of the accused, spectators gasped, women fainted, and grown men cried. Only Lizzie Borden, the star attraction, remained silent.<sup>135</sup>

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133. *Boston Journal*, 10 August 1892, reprinted in "The Borden Tragedy. A Comprehensive View of the Case," *Fall River Evening News*, 13 August 1892.

134. "Judge Not," *Fall River Evening News*, 11 August 1892.

135. Reporters described the sections of the courtroom occupied by Bristol County notables, members of the press, and "murder trial females." See "Sights and Scenes," *Fall River Daily Globe*, 6 June 1893, p. 7. The latter group, also called "Valentines and Daisies" by the same wag and pictured by the sketch artist, evoked particular interest. In the trial's first week, over one-third of the audience was female and the numbers increased steadily until the end of the proceedings. As the *Globe* reporter commented, "[T]hey have gained the inner portals, because they have been told that skulls are to be exhibited, and that experts are to talk about bright red colors." "Lizzie's Testimony Excluded," *Fall River Daily Globe*, 12 June 1893, p. 8.

Other would-be observers were less fortunate. Police guarded the entrance to the small courthouse and set up temporary fences to keep the multitudes from overflowing the chamber. The women fortunate enough to gain admittance arrived early and had the leisure to sit through

In a trial, silence is as important as sound. What the participants do not say, what they choose not to say, and what they cannot say shapes the course of the trial as surely as their actual statements. In the trial of Lizzie Borden, the most telling silences are models not employed and motivations suppressed because they suggest which issues were too explosive to acknowledge directly. Additionally, fissures, whether merely elusive references or blatant omissions, in the otherwise exhaustive record can also reveal which details were accepted as ordinary and, therefore, natural. “Law,” as Lawrence Friedman remarks, “reflects the agenda of controversy—the things that are in actual dispute. It also gives strong negative evidence about which issues are not in dispute, the things that nobody questions.”<sup>136</sup> Nowhere is the law’s descriptive and normative function more clearly manifested than in a notorious criminal trial.

In all criminal trials, the prosecution and defense must each explain why the defendant could or could not have committed the crime in question, in language that is intelligible to a “representative” jury as well as to the audience in the courtroom and at home. That individual attorneys shape the debate is beyond dispute; however, in a case such as Borden’s, a more skillful prosecution or a less gifted defense would have been unlikely to change the outcome. Each side operated within the constraints of the prevailing ideology of the period and their explanatory powers were limited to a set of behavioral models thoroughly saturated with its class and gender norms. From this range of popular attitudes, each chose a specific strategy in order to make the seemingly inexplicable Borden murders

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the lengthy trial. The women went to the courthouse to see one of their own on trial; those outside the narrow parameters of acceptable middle-class femininity were excluded from the ranks of observers. When the daughter of Rev. William Jackson, a prominent black minister, was denied admittance to the trial, the black citizens of New Bedford retained an attorney, but their protests did not dampen the city’s enthusiasm for the trial. Unable to resist “the awful spectacle of a woman accused of murder,” these women “threw themselves at the sentinels at the . . . fence day in and day out.” “All the Facts,” *Fall River Daily Globe*, 13 June 1893, p. 8. They came both to see and be seen. Like Lizzie Borden, the “Valentines and Daisies” displayed their new fashions to an occasionally sardonic, but mostly admiring audience. One reporter commented that the section of the courtroom in which the women spectators were seated was “as gay as the garden of Eden, and gorgeous in a bewildering display of flowers, buds and foliage from the milliner’s hothouse.” “Sights and Scenes As Noticed at the Trial By a Busy Globe Reporter,” *Fall River Daily Globe*, 8 June 1893, p. 7.

On June 19, the day of the closing arguments, interested citizens laid siege to the courthouse. The *Globe* noted that “over an hour before the time of opening, the doors were besieged by people, mostly ladies in holiday attire, all hoping for seats. But there were too few of them for accommodation for a tenth part of the claimants.” “The Courthouse Crowded to Hear the Closing Arguments in the Borden Murder Trial,” *Fall River Daily Globe*, 19 June 1893, p. 1. They flowed out into the anterooms, the stairways, and the halls. Outside, the approach to the courthouse resembled a human wall as people vainly attempted to secure admittance. *Ibid.*

136. Lawrence Friedman, “Notes Toward a History of American Justice,” in *American Law and Constitutional Order: Historical Perspectives*, ed. Lawrence Friedman and Harry N. Scheiber (Cambridge: Harvard University Press, 1978), 24-25.



Collection of Fall River Historical Society. Newspaper Sketch, Doctor Draper Fitting the Axe in the Skull of Mr. Borden, *The Daily Globe*, June 14, 1893.

comprehensible to the jury, to the spectators, and to themselves.<sup>137</sup>

Because, as all agreed, it was an "incredible," even "impossible,"<sup>138</sup> crime, the attorneys on both sides resorted to literary allusion as well as to fiction of their own devising. However, even the most gifted storyteller requires an audience willing to suspend its disbelief. Faced with an apparently normal, middle-class woman in the dock, the jury looked to the prosecution for a coherent explanation of the crime, a parable which could rationalize the

137. On the importance of genre in trial analyses, see Robert A. Ferguson, "Story and Transcription in the Trial of John Brown," *Yale Journal of Law & the Humanities* 6 (winter 1994): 37-73. For a discussion of the formal rhetorical strategies used by prosecution and defense, see Janice Schuetz, *The Logic of Women on Trial: Case Studies of Popular American Trials* (Carbondale, Illinois: Southern Illinois University Press, 1994), 71-85.

138. Closing Argument of Knowlton, *Trial*, 2:1752-53. Robinson similarly argued, "The terrors of those scenes no language can portray. The horrors of that moment we can all fail to describe." *Ibid.*, 2:1610.

unthinkable. Because the defense attorneys did not need to explain the murders, they were able to tell a more familiar tale of persecuted innocence. But no narrative is complete without a suitable protagonist.

The trial of Lizzie Borden, in this sense, functioned as an extended reading of her womanhood.<sup>139</sup> Unable to interrogate Lizzie Borden, whose silence was constitutionally protected, the participants ranging from the attorneys to the press imposed their own interpretations of her behavior, her character, and her essential femininity.<sup>140</sup> Everyone was in the business of representing Lizzie Borden, but, for prosecution and defense, this representation was the essential underpinning of their theories of guilt or innocence. Ultimately, Borden's fate hinged upon which representation of her character, which explanation of her behavior, would be accepted as the official version. If, as the prosecution argued, she was cold and vindictively disliked the woman who had raised her, then she could be guilty of murder. On the other hand, if she was appropriately grief-stricken, respected her father, worshipped God, and served her community, then she could hardly be guilty.<sup>141</sup> Each side, therefore, depicted Borden in a manner consistent with its predetermined explanation of her innocence or guilt. The "Miss Lizzie" of the defense personifies middle-class feminine virtue while the "Lizzie Andrew Borden" of the prosecution combines masculine determination with ingratitude and feminine envy in an unholy trinity of proscribed desires.

#### A. *The Case for the Prosecution: "Lizzie Andrew Borden"*

At the outset of the trial, both sides seemed to concur in their representations of Borden and in the mingled melodrama and sentimentalism of the defense's chosen genre. The defense presented a vision of sanctified behavior:

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139. For a discussion of woman as a "blank page," a text to be read by a male creator, see Susan Gubar, "'The Blank Page' and the Issues of Female Creativity," in Elaine Showalter, ed., *The New Feminist Criticism: Essays on Women, Literature, and Theory* (New York: Pantheon Books, 1985), 292-313.

140. After her disastrous performance at the inquest, Lizzie Borden never again took the stand. One newspaper speculated that she feared being cross-examined about inconsistencies in her inquest testimony. "Ready for Argument," *New York Times*, 17 June 1893, p. 9. However, her statements at the inquest were excluded on the grounds of involuntariness and therefore would not have been admissible for any purpose, including impeachment. Judge Dewey also instructed the jury that no inference could be drawn from Borden's failure to testify at her trial. He explained that Massachusetts law, unlike the common law, deemed a defendant competent to testify "at his own request, but not otherwise." *Charge to the Jury, Trial*, 2:1916.

141. As Clifford Geertz's description of model-based rules of law suggests, Fall River asked, "How, given what we believe, must we act; what, given how we act, must we believe?" *Local Knowledge*, 180. For further discussion of fact-based and model-based rules of law, see *ibid.*, 167-234.

We shall show you that this young woman . . . had apparently led an honorable, spotless life; she was a member of the church; she was interested in church matters; she was connected with various organizations for charitable work; she was ever ready to help in any good thing, in any good deed; and yet for some reason or other the government in its investigation seemed to fasten the crime upon her.<sup>142</sup>

Unable to deny the previous good character of the upper-middle-class woman on trial, the prosecution initially used nearly identical language to describe the defendant. William Moody, one of the prosecuting attorneys, announced: "Today a woman of good social position, of hitherto unquestioned character, a member of a Christian church and active in its good works, the own daughter of one of the victims, is at the bar of this Court, accused by the Grand Jury of this County of these crimes."<sup>143</sup> Having agreed, at least at the outset, on her character, the prosecution needed somehow to prove that this "good" woman was a killer. Whenever possible, therefore, the prosecuting attorneys attempted to show Borden's guilt without explicitly labeling her a killer or charging her with the murder of her father.

Before they specifically linked Lizzie Borden to the crime, the prosecution developed a theory of female criminality which freely mingled fiction and history. Realizing that the major impediments to Borden's conviction were her class, Christianity, youth, and gender, Hosea Knowlton, the lead prosecutor, offered a strikingly egalitarian model of criminal behavior. He acknowledged that "it is hard . . . to conceive that woman can be guilty of crime."<sup>144</sup> But he enjoined the jurors to "face this case as men, not as gallants" and reminded the jurors that women "are human like unto us. They are no better than we; they are no worse than we."<sup>145</sup>

Despite this egalitarian statement, Knowlton drew a picture of the female criminal illustrated by fictional and historical murderers and supported by prevailing attitudes about women's nature. This portrait eschewed any claim of equivalence between male and female criminality, and as in the work of Lombroso, the female criminal is a monster. Knowlton continued:

If they lack in strength and coarseness and vigor, they make up for it in cunning, in dispatch, in celerity, in ferocity. If their loves are stronger and more enduring than those of men, am I saying

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142. A.J. Jennings, Opening Argument for the Defense, *Trial*, 2:1306.

143. *Trial*, 1:47.

144. *Ibid.*, 2:1759.

145. *Ibid.*, 2:1756.

too much that, on the other hand, their hates are more undying, more unyielding, more persistent?<sup>146</sup>

Contending that “many of the most famous criminals have been women,” he alluded to the character of Lady Macbeth, implying that a woman might strike down a sleeping king, the nation’s father, when a strong man would, in the same position, lose his nerve.<sup>147</sup>

By trying Lizzie Borden, the prosecution attacked the prevailing ideology of the essential goodness of middle-class womanhood. Wary of his argument’s appeal, Knowlton squarely addressed its assumptions in his remarks to the jury, firmly according Lizzie Borden the class status which had eluded her before the murders. He acknowledged: “It is no ordinary criminal that we are trying today. It is one of the rank of lady, the equal of your wife and mine . . . of whom such things have never been suspected or dreamed before.”<sup>148</sup> Although his introduction implied that he intended to theorize a criminal lady, he could only provide examples of gentlemen “rotten to the core.”<sup>149</sup> Knowlton argued that “no station in life is a pledge or security against the commission of crime,” but according to his example, station in life granted security against certain kinds of crime.<sup>150</sup> Knowlton described ostensibly respectable men who absconded with funds, particularly those of widows and orphans.<sup>151</sup> He did not, however, provide an example of any gentlemen committing violent crimes.

Lizzie Borden’s Christian charitable works and supposed youth posed further stumbling blocks for the prosecution. Knowlton reminded the jury that even ministers are human. In fact, some “have been found themselves to be foul as hell inside.”<sup>152</sup> Similarly,

146. *Ibid.*, 2:1756-57.

147. *Ibid.*, 2:1756.

148. *Ibid.*, 2:1753.

149. *Ibid.*, 2:1755.

150. *Ibid.*, 2:1755-56.

151. In the 1870’s, two well-known businessmen were tried for defalcating with bank funds. Because the defendants were socially prominent Protestants, the crimes were particularly shocking, and the Catholic papers gleefully reported the incidents. See Lintner, “Social History,” 74.

152. *Trial*, 2:1754-55. Knowlton may have been referring to an earlier unlikely defendant, acquitted of a notorious murder. Ephraim Kingsley, a Methodist minister, allegedly killed Sarah Cornell, a young Fall River weaver, pregnant with his child. See Daniel Richard Kasserman, *Fall River Outrage: Life, Murder, and Justice in Early Industrial New England* (Philadelphia: University of Pennsylvania Press, 1986). For a contemporary exposition of this case, see Catherine Williams, *Fall River: An Authentic Narrative*, ed. Patricia Caldwell, Early Women Writers Series, rev. ed. (New York: Oxford University Press, 1933). Whether or not Knowlton expected the jury to recall the Cornell murder, the character of the “Reverend Rake,” drawn from actual cases of ministerial misconduct and from sensational accounts of such decline, appeared in the works of urban humorists in the mid-nineteenth century. For a discussion of this character type in the genres of subversive humor and reform literature, see David S. Reynolds, *Beneath the American Renaissance: The Subversive Imagination in the Age of Emerson*

Knowlton argued that youth can be no protection against crime, for "a boy of tender years was . . . the most fiendish murderer that the Commonwealth ever knew."<sup>153</sup> Instead of pointing out that Lizzie Borden was, after all, an adult of thirty-two years, Knowlton seemingly colluded in the defense's presentation of Borden as a young and therefore helpless girl.

In his attempt to overcome the factors of class, religion, youth, and sex that would predispose a jury towards an acquittal, Knowlton skillfully separated sex from each of the preceding factors. He refuted the notion that any of the characteristics would make criminal behavior impossible; however, he proved his contention only for each individual factor. His illustrations suggested that an upper-class man, a Christian man, and a young man may all be capable of crime, but what he failed to realize was that his discussion had no direct bearing on the case at hand. Borden's significance was that she combined all of the problematic characteristics in the body of a woman.<sup>154</sup> By examining each of these factors individually, Knowlton sought to demystify the defense's image of Borden, the wrongfully accused girl. His failure testifies to the interdependence of class and gender in the prevailing view of the criminal woman.

In an attempt to destroy this image of the bereaved daughter, the prosecution focused upon Borden's transgressions of femininity. Though seemingly sensitive to her social rank and gender, they marveled at her "icy demeanor."<sup>155</sup> At the outset of the trial, her bearing shocked reporters and audience as well as the prosecution. Knowlton asserted that "it was when she was cool to a degree of coolness that, whether she is guilty or innocent, has challenged the amazement of the world."<sup>156</sup> When she fainted during Moody's opening address, she earned the ironic approval of her journalistic nemesis, the Irish-Catholic *Fall River Daily Globe*, which reported: "Lizzie Borden, the sphinx of coolness, who has so often been accused

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and Melville (New York: Alfred A. Knopf, 1988), 60-66, 476.

153. *Trial*, 2:1755. Knowlton is referring to Jesse Pomeroy, the famous "boy" murderer, convicted in 1874 of a torture murder which was believed to be part of a series of murders and assaults. His death sentence was commuted to life imprisonment and he was kept in a special isolated cell for the remainder of his life. See Edmund L. Pearson, *The Trial of Lizzie Borden, Edited, with a History of the Case* (Garden City, N.Y.: Doubleday, Doran, and Co., 1937), 326. See also Thomas S. Duke, "Jesse Pomeroy of Boston, a Fourteen-Year-Old Fiend," in *Celebrated Criminal Cases of America* (San Francisco: The James H. Barry Co., 1910), 558-61.

154. Knowlton offered the court only one historical example of a female murderer, the notorious Sarah Jane Robinson, who was convicted of seven murders in 1888. However, she was not of Borden's class, nor was she a member of the Woman's Christian Temperance Union. For a discussion of Sarah Jane Robinson, popularly dubbed the "Borgia of Somerville," see Ann Jones, *Women Who Kill* (New York: Ballantine Books, Fawcett Crest, 1980), 128-36.

155. *Trial*, 2:1833.

156. *Ibid.*, 2:1818.



of never manifesting a feminine feeling, had fainted."<sup>157</sup> Originally, this composure led to her arrest.<sup>158</sup> Hiram Harrington, her estranged uncle, shortly after the time of the murder initiated public speculation about her coldness when he elaborated his theories to the *Fall River Daily Herald*, thus precipitating a more hostile journalistic posture towards Borden. He asserted that Borden "was very composed, [and] showed no signs of emotion [n]or . . . any traces of grief upon her countenance."<sup>159</sup>

In addition to her apparent lack of feminine grief, Lizzie Borden's behavior at the scene of the murder suggested a masculine courage highly suspicious in a woman. Knowlton contrasted Borden's "calm and quiet demeanor" at the scene of the crime with the "agitation of a [police]man in the same position fifteen minutes afterwards."<sup>160</sup> Continuing his allusions to Borden's masculine nerve, Knowlton emphasized her willingness to go into the room containing her late parents' bloodstained clothing, commenting,

[A]ll I propose to make of that incident is to emphasize from it the almost stoical nerve of a woman, who, when her friend, not the daughter or the stepdaughter of these murdered people . . . could not bear to go in . . . should have the nerve to go down there alone, alone, and calmly enter the room for some purpose that I know not what connection it had with this case.<sup>161</sup>

To Knowlton, Borden's unfeminine deportment proved, or at least strongly indicated, her guilt. If she was unfeminine, even somewhat masculine, then she could be guilty of murder.<sup>162</sup>

157. The paper continued on this hopeful note: "Perhaps this attack was occasioned by the oppressive heat of the courtroom and perhaps its was preliminary to a collapse." "The Trial in Full Progress. Taking of Evidence Commenced in New Bedford this Morning," *Fall River Daily Globe*, 7 June 1893, p. 1.

158. Later, the *Boston Herald* remarked of "the impassive coolness of the woman who is charged with murder" that "[t]here is nothing that tends more to induce the belief in insanity in this case than this most extraordinary exhibition." Quoted in "Press Opinions on Incidents in the Examination of Lizzie A. Borden," *Fall River Daily Herald*, 27 August 1892, p. 4.

159. "No Clearer! The Solution of the Borden Mystery Still Delayed," *Fall River Daily Herald*, 6 August 1892, p. 7.

160. *Trial*, 2:1836.

161. *Ibid.*, 2:1836.

162. Lizzie Borden's demeanor was a consistent theme throughout the proceedings from her arrest to the closing arguments. Journalists noted that "[t]he lady took the announcement of her arrest with surprising calmness. Two women who were with her were more visibly affected." *New York Times*, 12 August 1892, p. 2. For press comments on her bearing at various points, see "Take to Taunton," *Fall River Daily Herald*, 13 August 1892, p. 4; "A Closed Book: Lizzie Borden's Conduct Puzzles Everybody," *Fall River Daily Herald*, 18 August 1892, p. 4; "Lizzie Borden's Hearing," *New York Times*, 26 August 1892, p. 1. Near the end of the preliminary hearing, after what the *New York Times* aptly described as a "Bad Day for Lizzie Borden," the reporter nonetheless noted that she was "still as self-possessed as ever." "Bad Day for Lizzie Borden," *New York Times*, 30 August 1892, p. 1.

In addition to proving that Lizzie Borden could have committed an ax murder, the prosecution had to explain why she killed. Rather tellingly, Borden's remarkable self-possession sparked more controversy than her considerable inheritance of more than \$150,000. Despite the evidence of her monetary ambition, both sides in the Borden case regarded Lizzie Borden's substantial inheritance as insufficient motive to convict. Desire for independent wealth clearly fell outside the purview of feminine ambition. Therefore, this masculine motive required a male murderer who stood to benefit financially from the crime. However, the only beneficiary with a financial interest in the deaths was a woman. To further complicate matters, she was native-born, upper-middle class, and the victims' daughter. Like Minister Jubb, Lizzie Borden's pastor and faithful supporter, Fall River could only ask in vain: "What could have induced anybody to engage in such butchery? Where is the motive? When men resort to crime it is for plunder, for gain, from enmity, in sudden anger or for revenge. Strangely, nothing of this nature enters into this case, and again I ask—what was the motive?"<sup>163</sup>

Addressing the problematic issue of motive in his final catalogue of events, Moody deliberately expounded upon the stepmother's murder while suppressing Andrew Borden's role in precipitating the crimes.<sup>164</sup> Money may not have provided an acceptable motivation for murder by a woman, but a long-standing hatred for, and jealousy of, a stepmother fit into a profile of a murderess. Although not fully explained by the prosecution, evidence of that hatred was readily available; however, it was intertwined with the Borden daughters' desire for property.

Of all the women in the Borden household, Abby remains the most elusive. Abby married Andrew Borden about two years after his first wife's death. At thirty-seven, Abby had long since passed out of the marriage market and into acknowledged spinsterhood, but Andrew Borden needed a housekeeper and a mother for his children. Abby's feelings for Andrew Borden were never recorded, but his offer of her own establishment may have been particularly tempting to a single woman from a family continually skirting financial distress. Her stepdaughters' opinions on the subject, however, are a matter of record. Emma, nearly thirteen at the time of her father's remarriage, always referred to Abby by her first name and never as mother.<sup>165</sup>

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163. Quoted in *Fall River Daily Herald*, 8 August 1892.

164. *Trial*, 1:49-50.

165. See Emma Borden's inquest testimony, Inquest Upon the Deaths of Andrew J. Borden and Abby D. Borden, Second District Court Fall River, Massachusetts, (Stenographic Minutes by Annie M. White), 9-11 August 1892, 107-14. The inquest proceedings, like those of the preliminary hearing and trial, were widely and comprehensively reprinted in the local

Perhaps she felt like a mother to Lizzie and resented the intrusion. Long after the trial, she explained to a reporter, "When my darling mother was on her deathbed she summoned me, and exacted a promise that I would always watch over 'baby Lizzie.'"<sup>166</sup> Even though Lizzie did call Abby "mother," she confided only in Emma.<sup>167</sup> Having perhaps married without affection, Abby also lacked the consolations of authority—even within her own supposed sphere. Her husband retained tight control over finances and her stepdaughters resisted any maternal overtures. Furthermore, she almost never left the house, leaving the shopping to Emma or Bridget. In a perverse exaggeration of the middle-class ideal of a woman in the domestic space, she was almost a prisoner in her own home. Virtually friendless, Abby's only affective tie was to her much younger half-sister Sarah Whitehead.

Abby Borden's attempt to help her half-sister triggered her stepdaughters' animosity. At her request in 1887, perhaps the only one honored in their marriage, Andrew Borden purchased Sarah Whitehead's rented house in Abby's name to forestall Sarah's eviction and allowed her to live there rent-free. Although he attempted to appease his daughters by transferring property of equal value into their names, this act either created tension in the Borden household or brought it to the surface. Bridget served two sittings of each meal because the daughters refused to eat with the parents and neither daughter spoke to Abby except in response to a direct question. (In spite of their hatred, as middle-class women, they could hardly be rude.) Furthermore, Lizzie pointedly began referring to Abby as Mrs. Borden, her *stepmother*, and frankly expressed her ill will towards Abby to anyone who asked. In March 1892, about five months before the murders, Lizzie chastised her dressmaker for referring to Abby as her mother. She said: "[D]on't say that to me, for she is a mean good for nothing thing."<sup>168</sup> Similarly, on the evening of August 4, the evening of the murders, she crisply informed Assistant Marshal Fleet,

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newspapers. See, for example, "Unabated Interest," *The [New Bedford] Evening Standard*, 31 August 1892, p. 2; "Lizzie's Words," *The [New Bedford] Evening Standard*, 31 August 1892, p. 8. The *Evening Standard* reproduced Lizzie's testimony in full after the judges excluded it from her trial. "Lizzie's Story," *The [New Bedford] Evening Standard*, 12 June 1893, pp. 4, 9-12.

166. Edwin J. Maquire, "'Guilty -- No! No!' Lizzie Borden's Sister Breaks 20-year Silence," *Sunday Post*, 13 April 1913. Twenty years after the murders, Emma left the sisters' French Street house permanently. Lizzie's friendship with the actress Nance O'Neil and the extravagant parties thrown in her honor apparently caused the rift.

167. At the inquest, Lizzie remarked that she "always went to Emma" with her problems. See "Lizzie's Story," *The [New Bedford] Evening Standard*, 12 June 1893, pp. 4, 9-12.

168. *Trial*, 2:1169.

the officer in charge of the investigation, that Abby was her step-mother, not her mother.<sup>169</sup>

Abby was acutely aware of her stepdaughters' feelings, but it was not until August 2, 1892, two days before her murder, that she considered them life-threatening. Despite the oppressive heat of the summer, the Bordens economized and ate leftover fish, stored in a kitchen without refrigeration. That evening, they apparently suffered the consequences. The elder Bordens spent a nauseous, sleepless night and Bridget and Lizzie experienced a milder form of the same malady. Though such incidents were common in Fall River, Abby Borden did not view her distress as typical. Instead, she went to Dr. Bowen's house the following morning and confided that she had been poisoned. Neither was she aware that Lizzie Borden had attempted to purchase prussic acid in New Bedford nearly two weeks earlier.<sup>170</sup> Abby, however, may have noticed that the book of household hints in the sitting room opened naturally to the section on poisons, specifically prussic acid. Ignorant of these particulars and learning of their fish dinner, Dr. Bowen was not alarmed, but he did accompany Abby back across the street in order to examine Andrew. Andrew was, however, in no mood for Bowen's ministrations. He stood angrily on the threshold, blocking Bowen's entrance, and shouted that he would not pay Bowen for his visit.<sup>171</sup>

The subject might have remained closed, but the household—with the exception of Lizzie—fell ill after the evening meal of leftover mutton and mutton stew. That evening, Lizzie paid a call on her neighbor Alice Russell and confided her own fears. Despite Miss Russell's reassurances, Lizzie said that she believed the milk had been poisoned and alluded to nebulous threats against her father by

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169. Notes of Assistant Marshal Fleet, 4 August 1892, available at the Fall River Historical Society.

170. Lizzie Borden travelled with her sister Emma as far as New Bedford on their respective journeys to Marion and Fairhaven. However, Lizzie Borden spent a day and a half in a boardinghouse on Madison Street, purportedly attempting to buy poison. Unsuccessful, she continued to Marion, but stayed less than a day. See Lincoln, *Private Disgrace*, 60. Borden also attempted to buy prussic acid from at least one druggist in Fall River. Eli Bence identified her as the woman who attempted to buy prussic acid on Wednesday, August 3, 1892, but his testimony was excluded on the grounds that it was not relevant to an ax murder and that the Commonwealth could not prove that prussic acid had no harmless purposes. For a discussion of the poison testimony, see Testimony of Eli Bence, 15 June 1893, *Trial*, 2:1241-73. Additionally, a woman fitting Borden's description was alleged to have made the same attempt on Monday, 3 August 1892. The clerk of the druggist Philius Martel described a woman's attempt to buy arsenic and later prussic acid. A woman also inquired at Courneau & Latourneau's drug store on the same street for poison, but she was identified as a police inspector's wife who apparently resembled Lizzie Borden. However, Lizzie Borden was never conclusively identified as the woman who called at Philius Martel's store, and the clerk did not testify at the trial. "No Clearer! The Solution of the Borden Mystery Still Delayed," *Fall River Daily Herald*, 6 August 1892, p. 4.

171. Testimony of Alice M. Russell, 8 June 1893, *Trial*, 1:379.

unnamed men. Lizzie also confessed her generalized uneasiness and sense of foreboding, remarking, "I feel as if something was hanging over me that I cannot throw off, and it comes over me at times, no matter where I am."<sup>172</sup> Like the hysterics in the medical literature of the period, Borden seemed to predict her parents' untimely demise and perhaps even her own role in it.

In violation of family harmony and privacy, Lizzie Borden aired her grievances in public. Almost as an ironic punishment for her violation of the middle-class family code, her well-known hatred of her stepmother was the only motive explored in the trial. Though convinced of Lizzie Borden's guilt, chief prosecutor Knowlton could only present Abby as the intended victim of feminine envy while Andrew somehow remained the unwitting victim of bad timing. In his summation, he argued: "It was the malice against Mrs. Borden that inspired the assassin. It was Mrs. Borden whose life that wicked person sought; and all the motive we have to consider, all we have to say about this case bears on her."<sup>173</sup> That money and property underlay this enmity merely made her hatred more blameworthy: Lizzie Borden's financial ambition was left exposed but unexplored by the prosecution. Knowlton merely commented on Andrew's earlier transfer of property to Abby as the cause for the family discord, "How wicked to have found fault with it. How petty to have found fault with it?"<sup>174</sup> Even as he introduced Abby as the intended victim, Knowlton chastised Lizzie for her petty ingratitude to her father as evidenced by her vehement resentment of his gift of the house to Abby—"his faithful wife who has served him thirty years for her board and clothes."<sup>175</sup> While ostensibly acknowledging Abby as the central character in the murder plot, Knowlton's diction reduced her to the status of servant in her own household, a more accurate description of her condition than he could have realized.

Though Abby was consistently invoked as the precipitating factor of the crime, her death paled besides the death of the Father. A lonely, solitary woman in life, she was continually effaced in death. Nearly a month elapsed before her murder was added to the charges.<sup>176</sup> Most striking, however, was the prosecutor's summation in which he asked the jury to leave "the dead body of that aged woman upon the guest-chamber floor . . . and . . . come down . . . to

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172. *Trial*, 1:379.

173. *Ibid.*, 2:1773.

174. *Ibid.*, 2:1776.

175. *Ibid.*

176. Similarly, Abby's obituary consisted of one line within her husband's: "His second wife was the daughter of Oliver Gray and was born on Rodman Street." "Shocking Crime," *Fall River Daily Herald*, 4 August 1892, p. 4.

a far sadder tragedy, to the most horrible word that the English language knows, to a parricide."<sup>177</sup> For Knowlton, all murders are tragic, but some are considerably more tragic than others. But while claiming Andrew Borden as the truly important victim, the prosecution marginalized him in their explanation, and even avoided mentioning his death in the opening statement.<sup>178</sup> The insistent suppression of his role in precipitating the murders forced the proceedings, on a surface level, to revolve around the relationship of two women: Lizzie and Abby. The prosecution nonetheless stumbled over the corpse of Andrew Borden.

Even the prosecutors could not bring themselves to accuse Borden of premeditation in the more serious murder of her father. In his summation, Knowlton assured the jury that "it is a grateful relief to our conceptions of human nature to be able to find reasons to believe that the murder of Andrew Borden was not planned by his younger daughter, but was done as a wicked and dreadful necessity."<sup>179</sup> According to the prosecution, Andrew Borden's unexpected return interrupted Lizzie Borden in her plan to establish an alibi and she was forced to kill him as well. In other words, by suppressing any motive but that of hatred of her stepmother, the prosecution was forced to argue that Borden killed her father because whoever killed one victim murdered the other. The defense attorneys attacked this primary weakness in the Government's case and took pains to remind the jury of the more horrifying charge, challenging the jury "to say whether the Government have satisfied you beyond a reasonable doubt that she did kill not only her stepmother, Abby Durfee Borden, but her loved and loving father, Andrew Jackson Borden on the fourth day of August last."<sup>180</sup>

Significantly, the prosecution ignored the most straightforward reason for the order of the murders: If Andrew Borden had been killed first, his daughters would have shared the estate with their stepmother's beneficiaries.<sup>181</sup> Even the prosecutors could not bring themselves to raise the crime to this level of cold-blooded calculation. Whether they themselves could not contemplate this eminently practical scenario or they knew that the jury would find it as "unthinkable" as the crime itself, they sacrificed a coherent nar-

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177. *Trial*, 2:1806.

178. *Ibid.*, 2:80.

179. *Ibid.*, 2:1806.

180. *Ibid.*, 2:1322-23. For Robinson's mockery of the prosecution on this point, see *ibid.*, 2:1700-01.

181. Had Andrew Borden died first, Abby would have been entitled to one-third of her husband's real and personal property. *The Public Statutes of the Commonwealth of Massachusetts, enacted Nov. 19, 1881; to take effect Feb. 1, 1882* (Boston: Wynn and Potler Printing Co., State Printers, 1886), chap. 24, sec. 3; *ibid.*, chap. 125, sec. 1.

rative—murder for economic gain—in favor of a more palatable motive: feminine frenzy erupting out of a step-daughter’s smoldering resentment. By refusing the more probable plot, they were left with a less probable motive and a chain of circumstantial evidence which, like all chains, was only as strong as its weakest link: the apparent normality of Lizzie Borden.

*B. The Case for the Defense: “Miss Lizzie”*

In contrast to the damning circumstantial evidence carefully laid out by the prosecution, the strategy of the defense rested upon the image of “Miss Lizzie” as the personification of beleaguered innocence. In their remarks, Andrew Jennings and ex-Governor George Robinson, the principal defense attorneys, offered an extended meditation on the gender, youth, and class of their client. In particular, they wove dramatic scenes into the opening statement and summation, resonating with the layered sex- and class-based assumptions of the defense’s chosen genre. For example, Jennings alluded to the “drama of Richelieu,” especially

that most dramatic scene . . . when the king in the exercise of absolute authority, without right or justice . . . sends to drag the pure and virtuous ward of Richelieu from his arms, how the old Cardinal draws that circle around her, and no man dares to cross it. Just so, Mr. Foreman and gentlemen, the law of Massachusetts today draws about every person accused of this crime, or any other, the circle of the presumption of his or her innocence, and . . . until it has been proved beyond a reasonable doubt that he or she is a guilty party, they are not allowed to cross the line and take the life of the party who is accused.<sup>182</sup>

In the language of Victorian melodrama, Jennings linked Borden with “the pure and virtuous ward,” cast himself as the Cardinal, and implied that, like the king, the prosecuting attorneys act “without right or justice” and from faintly lascivious motives. On this same theme, Robinson discussed the Fall River police officers’ harassment of Lizzie Borden in her own home, remarking, “And there [Assistant Marshal Fleet] was, up in this young woman’s room in the afternoon, attended with some other officers, plying her with all sorts of questions in a pretty direct and peremptory way.”<sup>183</sup> As in Jennings’ description of the courtroom scene, Robinson sexualized the police interrogation so that it resembled, at the very least, something highly improper and, at worst, a scene of seduction or even rape. Ap-

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182. *Trial*, 2:1308.

183. *Ibid.*, 2:1660.

appropriately, he then called upon the jury to respond as male protectors of Borden's honor. In the voice of outraged manhood, Robinson pointedly inquired: "Is that the way for an officer of the law to deal with a woman in her own house? What would you do with a man . . . that got into your house and was talking to your wife or your daughter in that way?"<sup>184</sup>

In his summation, ex-Governor Robinson reinforced the jury's paternal function, using explicitly dramatic techniques to ensure the feminine Miss Lizzie's acquittal. Recounting "a little scene that struck [him] forcibly," he recalled that

right at that moment of transition she stood here waiting, between the Court and the jury; and waited, in her quietness and calmness, until it was time for her properly to come forward. It flashed through my mind in a minute: There she stands, protected, watched over, kept in charge by the judges of this court and by the jury who have her in charge . . . this woman has not been alone in this courtroom, but ever shielded by His watchful providence from above, and by the sympathy and watchful care of those who have her to look[] after.<sup>185</sup>

In Robinson's formulation, Lizzie Borden was an orphan in need of paternal guidance and protection, the ward of the Court rather than a prisoner in custody: in other words, a fitting heroine for his sentimental narrative. Robinson emphasized her respectful silence and her apparent helplessness, noting she "waited . . . until it was time for her properly to come forward."<sup>186</sup> In addition to depicting Borden as the model of feminine submission, Robinson allied the defense with the protection of God and the legal system, leaving the Commonwealth, represented by the prosecution, somehow opposed to justice, both secular and divine. Like Robinson and Jennings, the judges and jury became reassuring paternal figures who took the place of her deceased father and who acted as earthly representatives of God the Father.<sup>187</sup>

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184. Ibid. Sympathetic newspaper editorials picked up on the defense's principal themes. For example, after declaring the acquittal a "certain relief to any right minded man or woman," a *New York Times* editorial contended that "the Fall River police needed a victim whose sacrifice should purge their form of contempt . . . if the murderer . . . was not discovered, and the daughter was the nearest and most helpless. They pounced upon her." "The Acquittal of Miss Borden," *New York Times*, 21 June 1893, p. 4.

185. *Trial*, 2:1621.

186. *Trial*, 2:1621.

187. Despite this romanticized presentation of the relationships among the participants, Robinson significantly reminded the jury that a capital crime would demand the death penalty upon conviction so that they were not merely faced with determining guilt or innocence, but of the possibility of sending Miss Lizzie to an early grave. He cautioned, "You are trying a capital case, a case that involves her human life, a verdict in which against her calls for the imposition of but one penalty, and that is that she shall walk to her death." Ibid. Any doubts about Lizzie



Where Knowlton sought to identify and separate problematic areas for the prosecution, the defense attorneys knit the same threads into a seamless pattern. Capitalizing on the categories of class, religion, youth, and gender so carefully disentangled by the prosecution, the defense did not hesitate to use an even more important category which combined all of the previous in the potent image of the youngest daughter. At the preliminary hearing in Fall River, Andrew Jennings compared the two women with the greatest opportunity for the crime, Lizzie Borden and the Irish domestic Bridget Sullivan, and asked:

In the natural course of things who would be the party to be suspected? Whose clothing would be examined, and who would have to account for every movement of her time? Would it be the stranger, or would it be the one bound to the murdered man by ties of love? And right here, what does it mean when we say the youngest daughter? The last one whose baby fingers have been lovingly entwined about her father's head. Is there nothing in the ties of love and affection?<sup>188</sup>

Jennings appealed to the class prejudices of his audience by suggesting that the arrest of Lizzie Borden rather than her servant violates “the natural course of things.” To encourage the jury’s paternalistic response, the defense counsel stressed Borden’s “youth,” presenting the thirty-two-year-old Lizzie Borden as a child. Her “baby fingers” had certainly not “been lovingly entwined about her father’s head” for at least thirty years, if indeed they ever were.

More significantly, his sentimental portraiture emphasized the father-daughter bond. The defense consistently invoked Andrew Borden’s special relationship with Lizzie to prove her innocence.<sup>189</sup>

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Borden had to be tempered by the threat of death. If they could not acquit her, they had to be responsible for her execution. In his legally oriented examination of the case, Robert J. Sullivan argues that the jury’s reluctance to convict Borden of a capital crime which would carry the death penalty was the foremost reason for her acquittal. See Robert J. Sullivan, *Goodbye Lizzie Borden* (Brattleboro, Vt.: South Greene Press, 1974), 191.

188. Preliminary hearing of September 1, 1892, quoted in Porter, *The Fall River Tragedy: A History of the Borden Murders* (Fall River, Mass.: Geo. Buffington, Publisher, 1893), 127.

189. Much has been made of Lizzie Borden’s love for her father. One commentator claimed that she loved him too much. Lincoln, *Private Disgrace*, 94-97, 133. Another suggested cynically that it was love based upon their mutual passion for money. Williams, *A Case Book*, 11. Even those skeptical of her attachment to her father cite examples of his love for her. See, e.g., Jones, *Women Who Kill*, 232. When Lizzie gave him a thin gold ring, Andrew Borden—though he did not wear jewelry—promptly put it on his finger and wore it to his death. Similarly, he sent Lizzie on a tour of Europe in 1890 and gave her a sealskin cape—a cape that would, according to Lizzie, need a thorough cleaning with prussic acid in August of 1892. See Lizzie Borden’s inquest testimony, 9 August 1892. The motivation for these gifts is unclear, but their timing suggests that they may have been pay-offs rather than spontaneous tokens of affection. Andrew Borden, a man who calculated the probable returns on his investments carefully, was unlikely to have been carried away by his otherwise unglimped generosity toward his daughter. After all, her weekly allowance remained set at \$4—less than the weekly wage of a female spinner in

Typically described as a tall, gaunt, and severe looking man, Andrew Borden's emotional characteristics varied depending upon the sketch. He is the grim patriarch whose parsimonious habits are his undoing; he is the victim of circumstance who should not have come home for an unscheduled mid-morning nap; he is the much beloved father whose loss makes the ordeal of a trial insupportable. The defense proposed the last description as the official portrait of Andrew Jackson Borden.

At the trial, the defense attorneys presented a picture of strong paternal attachment. In his summation, Robinson called attention to Lizzie and Andrew's special understanding, remarking of Andrew Borden:

He was a man who wore nothing in the way of ornament, of jewelry but one ring, and the ring was Lizzie's . . . and the ring stands as the pledge of plighted faith and love, that typifies and symbolizes the dearest relation that is ever created in life, that ring was the bond of union between the father and the daughter.<sup>190</sup>

In his zeal to prove this undying affection, Robinson used the example of the ring, unwittingly reshuffling the roles of father and daughter and husband and wife into an incestuous alignment. Robinson constructed a retroactive "family romance" which defused the tension in the Borden household, creating a portrait of idealized love and harmony particularly attractive to judges and jurors who were fathers themselves. Andrew Borden wore no wedding ring to commemorate his marriage to Abby, but he wore what would pass for one, in Robinson's words, "as a pledge of plighted faith and love" to Lizzie. Overwhelmed by his own rhetoric, Robinson unintentionally depicted a marital relationship between father and daughter which, in his formulation, exceeded the intimacy enjoyed by the true Mr. and Mrs. Borden.

Evidence to support Robinson's contention of their special relationship existed, but it was evidence that no one wanted to hear. In the Borden family, the ingredients of an incestuous dynamic, if not a literal incestuous relationship, were present: a traditional father certain of his paternal rights, a dead mother and a relatively powerless stepmother, little personal space, and obsessive secrecy or reserve.<sup>191</sup>

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one of her relative's mills. According to Smith, the average female spinner earned 9.1 cents an hour and worked sixty hours a week, for a grand total of \$5.46 per week. Smith, *Cotton Textile Industry*, 88.

190. *Trial*, 2:1689.

191. For a discussion of secrecy, see Judith Herman, *Father-Daughter Incest* (Cambridge: Harvard University Press, 1981), 70.

The layout of the upstairs bedrooms and the depiction of familial relations in the trial suggest the sexual tensions in the Borden “family romance.” In an odd floor plan, the upstairs of the Borden house had no hall; all the bedrooms opened into each other.<sup>192</sup> To walk from their bedroom at the back end of the house to the front landing, Mr. and Mrs. Borden either had to pass through Lizzie’s room or walk down the back stairs, through the length of the house, and then up the front stairs. Similarly, Emma’s room was accessible from the landing only through Lizzie’s room.<sup>193</sup> With such a floor plan, Andrew Borden had direct access to both daughters’ bedrooms—until the mysterious theft. At that point, Andrew and Abby effectively shut out Lizzie from their bedroom and Lizzie concurrently moved furniture to block her side of the connecting doors.

Although the motivations for such incidents and the “truth” behind the official presentation of familial ties cannot be known, reverberations of incestuous tension emerged in almost every account of the case and were particularly disruptive in the trial. In the Borden “family romance,” father and daughter shared a special bond and understanding, complicated by her dependence and his power. Borden consistently frustrated his daughter’s desire for a lifestyle befitting their supposed consequence while demonstrating his benevolence with expensive, even extravagant, gifts.<sup>194</sup> For all its complexity, the essence of their relationship was her necessary submission to his authority. Linda Gordon argues that “incest participants make sense of their behavior in terms of their family positions.”<sup>195</sup> In this sense, the behavior is an exaggeration of normal family roles even as it is a “violation of family expectations.”<sup>196</sup> Like cases of incest, relations in the Borden family are marked by contradictions of protection and abuse as well as accord and submission. In this sense, the Bordens typified the normal structure of families in their class. However, through Gordon’s insight, the ambiguity of this situation suggests what might have been different about relations in the Borden family. Based on much less evidence, some recent commentators have speculated that Borden

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192. Testimony of the engineer Thomas Kiernan, *Trial*, 2:89-99.

193. The sisters switched rooms after Lizzie’s return from Europe in 1890. Lincoln speculates that Emma offered to take the smaller room in order to placate Lizzie. Lincoln, *Private Disgrace*, 49.

194. For a discussion of relations devoid of physical contact that nevertheless reproduce incestuous dynamics, see Herman, *Father-Daughter Incest*, 109-25.

195. Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (New York: Penguin Books, 1988), 204. Gordon examines the patterns in the cases of the Massachusetts Society for the Prevention of Cruelty to Children and notes that girls explained their resistance or submission in terms of feminine standards of virtue and familial obligation.

196. *Ibid.*, 204; see also Herman, *Father-Daughter Incest*, 125.

committed the murders after enduring sexual abuse by her father and collusion in this victimization by her stepmother.<sup>197</sup> This search for a currently fashionable solution misses the more telling cultural insight: that the "family romance" of the stolid, reserved Bordens masked the brutal aspects of the family's power structure in a romanticized portrait of father-daughter love.

Even as Robinson's sentimental portraiture revealed its internal strains in the imagined passion of the Borden father-daughter bond, the sentimental genre and its underlying domesticity permitted him to transform Borden's lack of alibi into a study of feminine normality. Robinson argued, "[T]hey say she was in the house in the forenoon. Well, that may look to you, like a very wrong place to be in. But it is her own home . . . I don't know where I would want my daughter to be . . . than to say that she was at home, attending to the ordinary vocations of life, as a dutiful member of the household."<sup>198</sup> Later, he brought his point home to the members of the jury. Comparing Borden's story of her activities with one their wives might tell, he cautioned: "I am taking you into the house just as I would go into your house, for instance, and say, What are your wives doing now? Well, doing the ordinary work around the house, getting the dinner."<sup>199</sup> Throughout the trial, Robinson and his colleagues placed Borden as close to the feminine model as possible. They took every opportunity to draw comparisons with other women, especially the wives and daughters of the judges and jury. The closer Borden was allied to these untarnished women, the harder she would be to convict. If she seemed unexceptional in her role and character, then she could hardly be a vicious murderer. Indeed, if the jury could not differentiate between Borden and other normal, upper-middle-class women, then any woman, perhaps their own daughter, could be sitting in the dock.

Similarly, Borden's apparent typicality, her embodiment of feminine stereotypes, belied her guilt of these singularly brutal murders. As Robinson argued, "[S]uch acts are morally and physically impossible

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197. A few recent articles have hypothesized that Lizzie Borden was an incest victim who struck back. However, the authors base their conclusion upon ahistorical and impressionistic examinations of the case—ignoring the way in which the "evidence" was equally true of most women of her class and, even more problematically, gleaned from the secondary literature about the case (as if it permits unmediated access to the truth). See, for example, Marcia R. Carlisle, "What Made Lizzie Borden Kill?," *American Heritage* 43 (July-August 1992): 66-72; M. Judge Grenier, "Lizzie, Violator or Victim," in Ryckebush, *Proceedings*, 13-37; Stephan W. Kane, "Lizzie Borden, Anxious Attachment, and Forty Whacks: A Systematic Exploration of Incest and Patricide," in Ryckebush, *Proceedings*, 47-72; M. Eileen McNamara, "Was Lizzie Borden a Victim of Incest?" in Ryckebush, *Proceedings*, 39-45.

198. *Trial*, 2:1643-44.

199. *Ibid.*, 2:1722.

for this young woman defendant. To foully murder her stepmother and then go straight away and slay her own father is a wreck of human morals; it is a contradiction . . . of her physical capacity and certainty.”<sup>200</sup> Throughout the trial, Borden’s attorneys play upon the incongruity between the image of a raving maniac who perpetrated the murders and the prim embodiment of femininity accused of the crime. As her attorneys reminded the jury, Lizzie Borden’s life prior to the murders exemplified upper-middle-class feminine virtue. A Christian reformer outside the home and a dutiful daughter within its boundaries, she was a credit to her sex and class.<sup>201</sup>

### C. Summations

In his closing argument, George Robinson juxtaposed the two contradictory images of Borden, remarking, “Gentlemen, as you look upon her you will pass your judgment that she is not insane. To find her guilty you must believe she is a fiend. Does she look it? . . . have you seen anything that shows the lack of human feeling and womanly bearing?”<sup>202</sup> Robinson’s formulation left the jury with no rational, scientific explanation for Borden’s guilt. By declaring Borden obviously sane, he foreclosed a medical diagnosis which would deny Borden’s responsibility even as it affirmed her guilt. Therefore, Lizzie Borden either sanely and deliberately butchered her stepmother and her father or she was an unjustly accused and persecuted young woman.

Just as the defense had earlier argued that only a fiend could have committed the murders, the prosecution seized upon this metaphor as a compromise which held Lizzie Borden responsible for the crime, yet ultimately irresponsible for her father’s death. According to Knowlton:

It was not Lizzie Andrew Borden, the daughter of Andrew J. Borden, that came down those stairs, but a murderess, transformed from all the thirty-three years of an honest life, transformed from the daughter, transformed from the ties of

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200. *Ibid.*, 2:1613.

201. Evidence of such good character was not only admissible, but was essential to the defense. See Frank S. Rice, *The General Principles of the Law of Evidence in Their Application to the Trial of Criminal Cases at Common Law and Under the Criminal Codes of the Several States* (Rochester, N.Y.: The Lawyers’ Co-operative Publishing Co., 1894), 596. Of course, Lizzie’s calmness at the scene of the crime and her general demeanor so often cited by the prosecution as probative of guilt were also fair game. See generally Rice, “Confessions, Conduct, and Demeanor of the Accused,” chap. 40 in *ibid.*

202. *Trial*, 2:1748.

affection, to the most consummate criminal we have read of in all our history or works of fiction.<sup>203</sup>

If she committed the murders in an altered state, then she could be found guilty without being responsible for her actions. The prosecution's need to have the murderous version of Lizzie Borden "transformed from the daughter" exposes their reliance on the same feminine norms exploited by the defense. For Knowlton, the emotionally unstable woman could be a murderess despite her apparent normality.

As long as premeditation existed only in the less serious murder of her stepmother, Lizzie Borden's actions did not portend widespread patricide. While the defense sought to portray the crime in as grisly terms as possible because "Miss Lizzie" could not be capable of that brand of murder and mayhem, the prosecution had to make a "masculine" murderess in order to explain her father's murder. Knowlton significantly used her full given name Lizzie Andrew Borden when explaining her supposed actions in carrying out the murders. Unlike the Miss Lizzie of the defense, Lizzie Andrew Borden apparently inherited the gender as well as the determination of her namesake.

In a sense, the Miss Lizzie of the defense plays Jekyll to Lizzie Andrew Borden's Hyde as conceived by the prosecution. Ironically, both sides derived their respective versions of Lizzie Borden from the same basic class-based feminine norms. The defense's portrayal of her as both helpless girl and Christian lady resulted from its greater emphasis on class issues. While acknowledging Lizzie Borden's class as an important factor, the prosecution, in contrast, focused on her femininity. Knowlton, in particular, expounded upon her transgressions of normative feminine behavior by repeatedly citing her coldness. However, the main distinction is that Knowlton based his argument on the underlying depravity of Lizzie Borden's female nature, whereas Robinson and the other defense attorneys saw the virtue inherent in middle-class womanhood as her necessary salvation.

In the end, Lizzie Borden's class-determined femininity as presented *ad nauseam* by the defense vitiated the prosecution's proof of her essential female depravity. As we have seen, the rigid dichotomy of virtuous woman and depraved female masked the underlying ideology which denigrated female nature by idealizing middle-class womanhood so that Lizzie Borden, let alone the Irish domestic Bridget Sullivan, could never fulfill its requirements to the satisfaction of the prosecution. The prosecution and the defense could seemingly

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203. *Ibid.*, 2:1807. Knowlton added a year to her age at the time of the murders. She was thirty-two.

agree on the prevailing construction of femininity while concurrently finding that the same evidence could either exclude or include Borden from the ranks of respectable womanhood. Therefore, even though the prosecution initially concurred in the defense's representation of Lizzie Borden's character, they arrived at an opposing valuation of that character by measuring her against the same feminine norms.

Because the defense declared her sane, the prosecution could not fall back upon a scientific, rational explanation of insanity. Knowlton's description of Lizzie Borden's transformation suggested a model of temporary insanity, but even that model presented the difficulties noted above. As we have seen, all women, especially those of Lizzie Borden's class, were supposedly liable to periodic instability and hysteria. The prosecution rejected these explanatory models and let the defense use Lizzie Borden's menstruation to explain inconsistencies in her statement without raising the issue of menstrual insanity, a diagnosis which could easily have made Borden a murderer. Although such a diagnosis would simultaneously prove her guilt and deny her responsibility, it also begged the question of her ultimate intention. If menstruation provides a periodic glimpse of the depravity lurking beneath middle-class feminine normality, then Borden may have been most profoundly herself at the time of the murders rather than temporarily possessed.

In spite of the understandable and, apparently, successful desire to suppress an explanation of periodic insanity, the defense unwittingly exposed its aptness by insisting upon the passionate attachment of Miss Lizzie and her father. Typically, attorneys invoked periodic insanity to explain crimes of passion in which otherwise respectable women killed husbands or lovers.<sup>204</sup> The defense's suppression of any discord between father and daughter and translation of their relationship into a "union" changed the case from a patricide into a crime of passion. Thus, in its zeal to prove Lizzie Borden innocent and deny the possibility of patricide, the defense unintentionally suggested a more plausible model to explain her guilt than the prosecution. By refiguring Andrew Borden as lover instead of father, the defense sought to evade the horror of patricide, which echoes throughout the trial. With similar dread, the prosecution insisted Andrew Borden's murder was committed by Lizzie Andrew Borden when "transformed from the daughter," recasting her action as merely

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204. For an analysis of female and male crimes of passion in late nineteenth-century America, respectively, see Robert M. Ireland, "Frenzied and Fallen Females," *Journal of Women's History* 3 (winter 1992): 95-117; Robert M. Ireland, "The Libertine Must Die: Sexual Dishonor and the Unwritten Law in Nineteenth-Century United States," *Journal of Social History* 23 (fall 1989): 27-44. For a discussion of temporary insanity as the legal hook for such crimes of passion, see Friedman, *Crime and Punishment*, 146-47.

a technical, not an intentional, patricide. Both sides strained the limits of their respective genres, but the prosecution sacrificed its coherence.

Even if the prosecution's explanation of fleeting irresponsibility seemed momentarily reassuring, such an argument still left the jury in an uncomfortable quandary. For all their efforts, the prosecution could not erase the image of Miss Lizzie sitting in the courtroom. At best, Knowlton and Moody could declare it a mask. By declaring the apparently dutiful daughter a murderer, Knowlton asserted that there was no connection between appearance and character.<sup>205</sup> If an insane fiend lurked beneath the image of Miss Lizzie, then outward feminine normality was meaningless. Evil thrived within the body of a Christian woman and could sunder the sacred relationship between father and daughter. In such a schema, no father could dare return home for a morning nap.

#### IV. VERDICT

There are two principal parts in this last act of a frightful tragedy, this court drama which will never be duplicated . . . . About them, hemming them in, pressing on them on all sides is a breathless audience . . . . The settees and aisles are crowded, and two rows of listeners stretch from the head of the stairs to the corridor below. In the midst of this audience sits the woman who is said to have killed her stepmother on the fourth of August last, and who drove a blade deep into her father. She is observed of all observers, but she apparently sees nobody . . . .

*Fall River Daily Globe.*<sup>206</sup>

Throughout the elaborate controversy over the representation of her character, Lizzie Borden remained silent. As we have seen, the prosecuting attorneys, the defense attorneys, and the journalists imposed their own readings of her character on the silent figure. "[O]bserved of all observers," Lizzie Borden was not, however, entirely passive.<sup>207</sup> In fact, she assumed the role of Miss Lizzie, unjustly persecuted young lady, with the alacrity of a trained actress. Lizzie Borden became, in effect, a character in the drama of the proceedings. Though scripted by her cultural situation with careful

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205. For a discussion of this problem as a source of widespread cultural anxiety, see Karen Halttunen, *Confidence Men and Painted Women: A Study of Middle-Class Culture in America, 1830-1870* (New Haven: Yale University Press, 1982), 186-90.

206. "The Courthouse Crowded to Hear the Closing Arguments in the Borden Murder Trial," *Fall River Daily Globe*, 19 June 1893, p. 7.

207. "Lizzie Borden Arrives in New Bedford," *Fall River Daily Globe*, 3 June 1893, p. 7.



editing by her attorneys, Lizzie Borden nonetheless gave her own personal interpretation of her role as beleaguered innocent. She took up roles required to generate sympathy for her cause as easily as she changed clothes, abandoning her blue walking dress for an expensive mourning silk ensemble. She exchanged her stolid, phlegmatic demeanor of the inquest for the dramatic, demonstrative persona of the distressed lady, featured prominently in her trial.<sup>208</sup>

Lizzie Borden's purposeful feminine stance frustrated the efforts of the prosecution and lent credence to the defense's representation of her character. As Judge Dewey remarked after her acquittal, "The quiet manner in which Miss Lizzie Borden conducted herself impressed the judges and the jury very much. She was carefully watched, and when she said 'I am innocent,' she excited considerable feeling."<sup>209</sup> The judges and the jury could not reconcile the evil of an assassin with the untroubled, ordinary, and womanly visage of Lizzie Borden. As Robinson argued in his closing statement:

It is not impossible that a good person may go wrong, . . . but our human experience teaches us that if a daughter grows up in one of our homes to be 32 years old, educated in our schools, walking in our streets, associating with the best people and devoted to the service of God and man, . . . it is not within human experience to find her suddenly come out into the rankest and baldest murderess. That would be a condition of things so contrary to all that our human life has taught us that our hearts and feelings revolt at the conception.<sup>210</sup>

While the prosecution attempted to prove that the unthinkable did indeed happen, the defense reassured the jury of its impossibility—at least within a sentimental narrative replete with inordinate father-daughter tenderness, mustachioed villains in policeman's blue, and, of course, feminine innocence personified in the unlikely form of Lizzie Borden.

The dichotomy between the accused's image and her alleged crimes was played out in the opposing representations of Lizzie Borden as

208. In her mordant account, Ann Jones contends that what she sees as Borden's obviously feigned responses during the trial (such as hiding her face in her hands at the mention of blood) "counted in Lizzie's favor; . . . her dissembling . . . was proof of her feminine nature." Jones, *Women Who Kill*, 236. In her study of French and English murderesses of the same period, Mary Hartman similarly emphasizes the role playing required of middle-class Victorian women in normal daily life. See Mary Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes* (New York: Schocken Books, 1977), 256. For a discussion of the dramatic self-presentation used by French women tried for crimes of passion to secure their acquittals, see Harris, *Murders and Madness*, 208-42; Harris, "Melodrama, Hysteria, and Feminine Crimes of Passion in the Fin-de-Siecle," *History Workshop* 25 (spring 1988): 31-63.

209. "Sentiment of the People," *The Boston Daily Globe*, 21 June 1893, p. 5.

210. *Trial*, 2:1743.

Miss Lizzie and Lizzie Andrew Borden. While the defense argued that there was a perfect correspondence between Lizzie Borden's devout appearance and her essential character, District Attorney Knowlton explained the disjuncture between the image of Lizzie Borden and her putative deeds through a transformation suggestive of Dr. Jekyll's metamorphosis into Mr. Hyde.<sup>211</sup> Knowlton offered the jury the terrifying picture of the fiend within, feminized in the person of Lizzie Borden, a vision that replayed the gender norms of women's emotional instability and periodic irresponsibility discussed earlier. What he did not offer was a way to distinguish between the true Miss Lizzie and the depraved Lizzie Andrew Borden. Unlike Jekyll and Hyde, their feminine counterparts (figured as Miss Lizzie and Lizzie Andrew Borden) were externally identical, for in Knowlton's formulation, there was no correspondence between appearance and character. Furthermore, if Robert Louis Stevenson needed the device of a scientific formula to explain Jekyll's transformation, how much more threatening was Knowlton's suggestion that Lizzie Borden killed her father and stepmother without the benefit of a magic potion.

By suggesting that evil could exist beneath the virtuous pose of the dutiful daughter, the prosecution unwittingly exposed the suppressed tension in the medical-criminological model of womanhood: that pathological femininity always underlies the norm. Like Jekyll, Borden contained the seeds of her own depravity within her; however, as a middle-class lady and good daughter, her pathology threatened the entire social order. If Miss Lizzie of the WCTU, the Christian Endeavor Society, and the Ladies Fruit and Flower Mission killed her father with an ax, then any one of her coworkers could be a murderer as well. The Borden case, therefore, shows us the instability of ideological categories, in particular, gender and class norms.

By setting up an opposition between the saintly Miss Lizzie and the murderous Lizzie Andrew Borden, the attorneys attempted to suppress the instability of those gender and class categories; however, in so doing, they unwittingly exposed it. The prosecution asked the jury to forget the image of Miss Lizzie sitting before them and imagine the daughter as fiend striking down her elderly father while he slept. Similarly, as noted above, the defense could not allow any suggestions of Borden's internal conflicts or dissatisfaction for fear it

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211. Knowlton's choice of metaphor had great cultural resonance. Theatrical adaptations of *Dr. Jekyll and Mr. Hyde*, especially that written by T.R. Sullivan and performed by Richard Mansfield, drew large crowds for nearly two years after its original Boston debut in May 1887. See "The Biggest Hits of the Old Days: The Most Popular Plays and Musical Comedies of the American Stage," *The [Boston] Post*, 20 Dec. 1933.

would rupture the idealized version of Lizzie Borden's character presented in court. However, as we have seen, this idealization functioned to exclude women like Bridget Sullivan who did not fit into the narrow parameters of acceptable femininity. Furthermore, the supposedly oppositional images of angel and devil are derived from the same ideological matrix. As Barbara Johnson comments, "[t]he differences *between* entities . . . are . . . based on a repression of differences *within* entities."<sup>212</sup>

Because the trial of Lizzie Borden revealed those internal contradictions, it also threatened to expose the contradictions in other politically explosive oppositions. If the daughter was a murderer (even if inherently irresponsible), then an upper-middle-class Protestant lady might not be fundamentally different than, say, the working-class Irish-Catholic Bridget Sullivan. If Borden's case demonstrated the equivalence of such images and categories thought to be fundamentally opposed, then all of the careful lines of demarcation in Fall River (and indeed in the rest of the United States) might prove to be fluid and erratic as well. Without these boundaries, which as we have seen in Fall River were essential to self-definition, the entire basis for social order and hierarchy would be lost. This was the subversion buried at the heart of the case. Far better then to let one woman get away with murder than to suggest that a dutiful middle-class daughter like Miss Lizzie might be capable of it.

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212. Barbara Johnson, *The Critical Difference: Essays in the Contemporary Rhetoric of Reading* (Baltimore: Johns Hopkins University Press, 1980), x.