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## Perceptions of Daisy de Melker: Representations of a Sensational Trial\*

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*This article discusses the sensational trial of the serial poisoner Daisy de Melker in terms of the reaction of 1930s South Africa to the transgression of white, English-speaking communal ties and values. The discussion focuses on representations of the events by three writers—Harry Morris, Herman Charles Bosman and Sarah Gertrude Millin. Each attended the trial, directly observing the court proceedings, yet each presents a different perspective. Morris, de Melker’s lawyer, provides details of his client’s crimes and personality while exhibiting a subtle ambivalence towards her; Bosman and Millin’s accounts are less direct and factual, harnessing de Melker for their contrasting identifications of social ills. For Bosman, alienated from the white social body by his own former murder trial and conviction, de Melker’s trial emphasised the punitive nature of South African society, providing a platform to discuss the barbarism of the death penalty. For Millin, however, de Melker embodied the abjection relating to the criminal disgrace of a white English-speaking woman. Indeed, de Melker’s trial resulted in conflicting responses that emphasised the ambivalence, fragility and internal contradictions within white South Africa at the time. These responses reveal race and gender as essential components of sensational trials within the colonial South African body politic.*

### ***‘Horrific inversion’: Daisy de Melker and communal morality***

Daisy de Melker’s trial during October–November 1932 for poisoning two husbands and her son inspired the rapt attention of the white South African public and national and international media. She horrified and absorbed colonial South Africa not simply because of her crimes but because she was white, female and, from the legitimized perspective of the time, morally abhorrent in the manner in which she had transgressed against her own. Jean and John Comaroff observe that de Melker was an ‘horrific inversion of the national stereotype of the genteel white female entrusted with reproducing the moral essence of her race’.<sup>1</sup> She was an ‘emblem [...] of

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<sup>1</sup> J. Comaroff and J. Comaroff, ‘Criminal Obsessions, After Foucault: Postcoloniality, Policing and the Metaphysics of Disorder’, *Critical Inquiry*, 30, 4 (2004), p. 811.

aberration *within* the nation set off from the peril to its existence posed by those alienated from it.<sup>2</sup> De Melker thus threatened the white South African social body from within, functioning as a repugnant instance of transgression and abjection. She forced white South Africa to confront its own potential and manifest corruption, subverting its dominant association of transgression and criminality with blackness.

Yet, despite de Melker's 'horrific inversion' of colonial stereotypes, the trial reinforced colonial values. Émile Durkheim argued in the nineteenth century that social cohesion is based on a communally constructed system of morality. Notoriously difficult to define, morality 'does not lend itself to exact observation nor indeed to measurement', and becomes identifiable only in the 'visible symbol' of the law.<sup>3</sup> Legal trials symbolize a contextually specific social morality—a 'conscience collective', Durkheim names it—that defines group identity; in other words, '[t]he law reflects social organization and the cultural life of a society'.<sup>4</sup> Punishment, for Durkheim, is more about society than the alienation of the criminal; it 'constitutes an emotional reaction'<sup>5</sup> indicating and preserving a community's cultural and moral priorities:

[Punishment's] real function is to maintain inviolate the cohesion of society by sustaining the common consciousness. [Justice] is a sign indicating that the sentiments of the collectivity are still unchanged [...] that the injury that the crime inflicted upon society is made good.<sup>6</sup>

Although Durkheim's theory may be considered overly schematic, de Melker's trial provided white South Africa with an opportunity to heal a social injury, or at least to indulge in one; indeed, the emotional reaction the trial elicited is evident in the sensation it caused. South African newspapers voiced what Durkheim's theory might suggest as a white, English-speaking conscience collective, summarizing the trial in detail, thereby confirming and exacerbating its sensationalism. In addition to pages of editorial, *The Rand Daily Mail* and *The Star* published photographs attesting to the public interest in the trial, including images of all-night queues at the courthouse entrance, and police cordons preventing the crowd from mobbing the accused. Interest spread to the international media. Amid numerous examples, the *Reading Eagle* described the event as '[o]ne of South Africa's most sensational murder trials',<sup>7</sup> and the *Pittsburgh Post-Gazette* reported that '[t]he case attracted countrywide attention and the trial, lasting nearly six

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<sup>2</sup> Comaroff and Comaroff, 'Criminal Obsessions', original italics.

<sup>3</sup> E. Durkheim, *The Division of Labour in Society* (New York, Free Press, 1964), p. 64.

<sup>4</sup> P. Smith, 'Durkheim and Criminology: Reconstructing the Legacy', *The Australian and New Zealand Journal of Criminology*, 41, 3 (2008), p. 336.

<sup>5</sup> Durkheim, *The Division of Labour in Society*, p. 46.

<sup>6</sup> Durkheim, *The Division of Labour in Society*, pp. 62-3.

<sup>7</sup> 'Faces Trial as Poisoner: Athlete's Wife Accused of Murdering Two Former Husbands', *Reading Eagle* (16 October 1932), p. 1.

weeks, was one of the most sensational in South African criminal history'.<sup>8</sup> Enthusiastic newspaper coverage promoted the trial's palatability, constituting what Foucault terms the 'rewriting of crime, which is also the appropriation of criminality in acceptable forms',<sup>9</sup> an appropriation thrilling to the general public.

Whether the media sensation in this case voiced the English South African collective consciousness, or in fact created it, trials that elicit communal fascination and emotion surely reflect social dynamics. The de Melker trial is interesting, for example, for the way in which it brings to light prevailing stereotypes. The Brisbane *Sunday Mail* of 4 November 1934 (discussing Benjamin Bennett's *Up for Murder*,<sup>10</sup> an early true crime book including an account of de Melker) glibly voices one such offensive colonial stereotype: "The greatest proportion of South Africa's murderers are coloured people, whose primitive passions are little affected by consciousness of social discipline. They are, perhaps, less disturbing than the fiendish acts perpetrated by bad whites, which are examined at such length by the author".<sup>11</sup> Because de Melker was a 'bad white', her racial and cultural community rushed to distance itself from her 'fiendish' criminality, more sinister to racist society than the 'less disturbing', because apparently expected, criminality of black South Africans. Clearly de Melker transgressed not just the law but an imaginary colonial border separating South African race groups into the virtuous and the criminal. This racial dynamic intensified the sensation of her trial. As Benjamin Bennett observed: "The majority of celebrated murders in South Africa [...] concern Europeans",<sup>12</sup> and 'the trial of a European on a capital charge is always a sensation'.<sup>13</sup>

Julia Kristeva's theory of abjection may shed some light on this sensationalism, describing the dynamics of individual subjectivity and, by extension, group identity. For Kristeva, the individual's sense of a coherent subjectivity is based upon the notion of a discrete and clean embodiment. This sense of coherence arises when corporeal products are expelled from the body and, through the reaction of disgust, constructed as unclean. As I have argued elsewhere, "[t]he violent disgust response whereby an aspect of the self becomes 'other' corresponds, as the example of excrement indicates, to the notion of rigidly defined bodily boundaries separating the "inside" from the "outside".<sup>14</sup> The identity and coherence of the social body is also 'based upon

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<sup>8</sup> 'South African Woman Executed for Murder', *Pittsburgh Post-Gazette* (31 December 1932), p. 2.

<sup>9</sup> M. Foucault, *Discipline and Punish*, trans. Alan Sheridan (New York, 1979), p. 68.

<sup>10</sup> B. Bennett, *Up for Murder* (London, Hutchinson, 1934).

<sup>11</sup> 'Criminals Decide Against Juries', *The Sunday Mail* (4 November 1934), p. 6.

<sup>12</sup> Bennett, *Up for Murder*, p. 6.

<sup>13</sup> Bennett, *Up for Murder*, p. 8.

<sup>14</sup> B. Grogan, '(Im)Purity, Danger and the Body in Doris Lessing's *The Grass is Singing*', *English Studies in Africa* 54, 2 (2011), p. 32.

the rigorous expulsion of that which threatens it from the inside'.<sup>15</sup> According to Kristeva, this includes the 'immoral, sinister, scheming and shady: a terror that disassembles, a hatred that smiles'<sup>16</sup>—abjection therefore incorporates moral disgust. Durkheim similarly suggests that morality defines the social body; for Kristeva, crime and the criminal exist within categories of the abject, ineffectively expelled from group identity:

The traitor, the liar, the criminal with a good conscience, the shameless rapist, the killer who claims he is a saviour [...] Any crime, because it draws attention to the fragility of the law, is abject, but premeditated crime, cunning murder, hypocritical revenge are more so because they heighten the display of such fragility.<sup>17</sup>

Kristeva thus emphasizes the tenuous nature of the boundary separating group identity from abject crime. This boundary requires the bolstering of the law, which functions as a kind of social abjection. Yet, for Kristeva, the abject is inherently ambiguous: while reinforcing the law, it also necessarily transgresses it. Moreover, it not only disgusts but 'beseeches, worries, and fascinates desire'; it is 'an inescapable boomerang, a vortex of summons and repulsion'.<sup>18</sup> De Melker's sensational trial indeed inspired such contradictory feelings of horror and fascination in white, English-speaking society at the time. This emotional ambivalence is a feature of abjection: while horror preserves identity, there is nonetheless a concomitant fascination with the abject, a 'morbid fascination' that possibly relates to an inherent and unconscious desire to transgress the laws of identity, or a desire to engage with a horror whose very transgression affirms the boundaries of the social body.

De Melker's private life and gender made her trial particularly sensational. As Robert Turrell observes, '[h]er notoriety derived in part from a prurient press interest in her sex life and her many husbands'.<sup>19</sup> Thus, in addition to flouting the racial rules of colonial South Africa, de Melker transgressed and confirmed ambivalent patriarchal stereotypes of women as virtuous and demonic, demure and erotic, stereotypes evident in newspaper headlines and accounts of the case. Journalists seemed unable to settle on which stereotype was more appropriate, and representations of de Melker were consequently shifting and unstable. 'Frail Mother Dies Bravely'<sup>20</sup> was the headline in the *Gettysburg Times* after de Melker's execution. The *Tuscaloosa News* went so far as to describe her as a 'handsome little woman',<sup>21</sup> an unlikely description diminishing

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<sup>15</sup> Grogan, '(Im)Purity, Danger and the Body in Doris Lessing's *The Grass is Singing*', p. 31.

<sup>16</sup> J. Kristeva, *Powers of Horror: An Essay on Abjection* (New York, Columbia University Press, 1982), p. 4.

<sup>17</sup> Kristeva, *Powers of Horror*, p. 4.

<sup>18</sup> Kristeva, *Powers of Horror*, p. 1.

<sup>19</sup> R. Turrell, *White Mercy: A Study of the Death Penalty in South Africa* (London, Praeger, 2004), p. 165.

<sup>20</sup> 'Frail Mother Dies Bravely', *Gettysburg Times* (30 December 1932), p. 2.

<sup>21</sup> 'South African Woman Given Death Sentence', *The Tuscaloosa News* (25 November 1932), p. 9.

her threat via patriarchal infantilization and sexualization. In stark contrast to the descriptions above, however, *The Sunday Times* of London described de Melker as ‘practically insane’, her hair ‘completely white’ and her ‘appearance [that] of an aged woman’.<sup>22</sup> In a triple headline, the Dundee *Courier and Advertiser* presented de Melker’s transgressive femininity as a kind of Gothic horror: ‘Mother Doomed to Die—Poisoned her Son—Thunder Peals During Sentence’.<sup>23</sup> Benjamin Bennett’s account of de Melker in *Up for Murder* similarly played on this kind of gendered, Gothic ambivalence, describing de Melker in a chapter entitled ‘Bluebeard in Skirts’.<sup>24</sup>

De Melker’s seemingly incongruous gender and crimes thus elicited the media’s ambivalent response, a reaction to female murderers that James Whorton explores in his cultural study of arsenic in Victorian Britain:

When a man beat his wife, it might be regrettable, but it was, after all, an expression of masculine nature—men were physical creatures, governed by violent temperament. Women were cut from finer cloth, so when they turned to murder, it was a shocking, indeed monstrous perversion of their essential nobility of spirit. At the same time, their preference for poisoning, a secretive, skulking act, confirmed male suspicions that at bottom women truly were sinister, deceitful beings.<sup>25</sup>

Such patriarchal conceptions of gender surely contributed to the de Melker sensation. Interestingly, moreover, the trial exerted a particular appeal for women, who attended it in great numbers.<sup>26</sup> They were perhaps fascinated by their ambivalent relation to de Melker, who seemed so ‘normal’ and domestic, so horrifyingly representative of legitimized femininity at the time. Thus racial and gender attitudes appear to have exerted a strong influence on perceptions of the trial: white women were charged with the responsibility of reproducing the heirs *and* graces of a strictly defined white, patriarchal society; de Melker, in poisoning her husbands and son, defied both expectations.

Unsurprisingly, then, de Melker’s serial marriages, grotesquely linked to serial killing, elicited great public interest, inspiring not only distaste but amusement. De Melker’s Crown Prosecutor, Cyril Jarvis, recalls the public’s gleeful interest in composing dark parodies of the

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<sup>22</sup> ‘Mrs. de Melker to Die’, *The Sunday Times* (25 December 1932), p. 10.

<sup>23</sup> ‘Mother Doomed to Die’, *Courier and Advertiser* (26 November 1932), p. 7.

<sup>24</sup> Bennett, *Up for Murder*, pp. 17-75.

<sup>25</sup> J.C. Whorton, *The Arsenic Century: How Victorian Britain was Poisoned at Home, Work and Play* (Oxford, Oxford University Press, 2010), p. 35.

<sup>26</sup> Benjamin Bennett, Harry Morris and Herman Charles Bosman each described the audiences thronging the courtroom daily over the course of the trial as consisting mainly of women. Indeed, women’s interest in the case was reported from the time of de Melker’s arrest. Her initial hearing was ‘thronged [...] with scores of fashionably-dressed women’. See ‘Triple Murder Charge’, *The Nottingham Evening Post* (4 June 1932), p. 5.

popular song 'Daisy Bell (A Bicycle Built for Two)'.<sup>27</sup> 'One such rhyme reached me anonymously through the post',<sup>28</sup> he writes:

Daisy, Daisy, give me some arsenic do.  
I've gone crazy to give all my dough to you.  
You can then make another marriage  
When I'm safe in the black carriage.  
But soon you'll flop—through a six-foot drop  
Of a gallows that's made for you.<sup>29</sup>

Harry Morris, Herman Charles Bosman and Sarah Gertrude Millin also drew attention to the extent of the public interest in the de Melker trial, which in turn reflects de Melker's abject status within and symbolic significance for English-speaking, white South African society. Moreover, each writer had something in common with de Melker that indicates his or her function to, transgression or exemplification of this social body: Harry Morris fought for de Melker as her trial lawyer; Herman Charles Bosman had experienced his own murder trial—on the wrong side of the very same Crown Prosecutor, Cyril Jarvis—for which he received the death penalty before being granted a reprieve; and Sarah Gertrude Millin shared de Melker's identity as a middle-aged, English-speaking white woman, consequently seeming to revile her all the more. The trial engendered a range of responses reflected in the writing of the time.

### ***Harry Morris:***

Benjamin Bennett describes Harry Morris as 'the ablest and highest paid criminal barrister in South Africa' at the time of de Melker's trial, a lawyer who 'always breathed into his greatest cases an atmosphere of tense drama which made his victories all the more spectacular'.<sup>30</sup> Herman Charles Bosman also praised Morris's 'spectacular methods of winning a case'.<sup>31</sup> These methods were sought across Southern Africa: in Kenya, for example, Morris defended another ill-famed 'bad white', Sir John Delves Broughton, accused of the 1941 murder of his wife's lover. James Fox memorialized this case in *White Mischief*, a true crime bestseller (later a film directed by Michael Radford) that foregrounded the sensation of white murder in the British colony. Fox describes Morris as 'the most gifted barrister in the South [...]—a man already notorious for his

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<sup>27</sup> 'Daisy Bell (A Bicycle Built for Two)' was composed in 1892 by the English songwriter, Harry Dacre.

<sup>28</sup> National English Literary Museum, C.C. Jarvis, 'To Seek a Newer World: An Autobiography', by C.C. Jarvis, 1959, p. 111.

<sup>29</sup> Jarvis, 'To Seek a Newer World', p. 111.

<sup>30</sup> Bennett, *Up for Murder*, 65.

<sup>31</sup> National English Literary Museum, H.C. Bosman, 'The Life of Mrs. de Melker', by Herman Malan, 1932, p. 3.

flamboyant and aggressive style of advocacy, and for some famous acquittals',<sup>32</sup> including that of Broughton. Morris was not quite as successful in his earlier defence of de Melker.

*The First Forty Years*, Morris's memoir of his most famous court cases, suggests the cultural significance of the trial—and, more particularly, of the defence lawyer—to colonial South Africa. If the boundaries of the social body are seemingly strengthened by a trial, the defence lawyer surely represents a threat to this process. Thus capitalizing to some extent on the infamy of defending de Melker, among other notorious white perpetrators, *The First Forty Years* offers one of the most substantial accounts of the de Melker case. Yet, oddly, Morris provides no detail of his defence, thus damning her retrospectively and suggesting a refusal to be identified with her. Interestingly, the Johannesburg Crown Prosecutor, Cyril Jarvis, also wrote an account of his experience of the trial in his 1959 memoir, *To Seek a Newer World: The Autobiography of a South African*. The memoir, currently lodged at the National English Literary Museum (NELM) in Grahamstown, has never been published, and relies on Morris's *The First Forty Years* for some of its observations.<sup>33</sup> For Jarvis, '[t]he special interest attaching to Harry Morris' account of the proceedings is that he had close contact with the accused. This enabled him to touch on sidelights not featured in the trial'.<sup>34</sup>

Morris describes how de Melker, married to the former Springbok rugby player Sydney Clarence de Melker<sup>35</sup> at the time of her arrest, went on trial for the murders of her first and second husbands, William Cowle and Robert Sproat, and her son, Rhodes Cecil Cowle. Cowle and Sproat died in 1923 and 1927 respectively, and Rhodes succumbed to poisoning in March 1932 after drinking from a flask of coffee, liberally dosed with arsenic, that his mother had prepared for him to take to work. Although de Melker was acquitted of the murders of Cowle and Sproat due to lack of direct evidence, she was convicted of Rhodes's murder and sentenced to death. As if to rid colonial society of a lurking evil a day before a Christian holiday, the order for her execution came through on Christmas Eve, 1932, and she was executed at Pretoria Central Prison on 30 December.

Morris describes his client, her trial, and the events leading up to her arrest. Shortly after Rhodes's death, William Sproat, Robert Sproat's concerned brother, wrote to the authorities to point out the high mortality rate of those in close contact with de Melker. This led to the

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<sup>32</sup> James Fox, *White Mischief* (London, Vintage, 1998), p. 99.

<sup>33</sup> The memoir also refers to other authors and texts mentioned in this paper, including Millin's *Three Men Die* and Benjamin Bennett's *Murder is my Business*.

<sup>34</sup> Jarvis, 'To Seek a Newer World', p. 102.

<sup>35</sup> The British press made much of this sporting connection. See 'Former Springbok's Wife Guilty of Murdering her Son', *Daily Mail* (25 November 1932), p. 16; 'On Trial for 3 Murders – Wife of Famous Rugby Player', *Daily Mail* (18 October 1932), p. 8; 'Triple Murder Trial Opens – Wife of a Rugby Player Charged – Dramatic Scenes', *Derby Evening Telegraph and Daily Express* (17 October 1932), p. 8.

exhumation of the bodies of her husbands and son. Traces of strychnine were discovered in Cowle's and Sproat's remains, and arsenic in Rhodes's body. On the strength of this evidence, de Melker was arrested. In order to bring the case to trial, however, authorities needed to link her to the most recent death by proving her possession or purchase of arsenic. Although de Melker's arsenic would be found some time after the trial 'hidden in the wireless—no doubt for future use',<sup>36</sup> an intensive search of her premises and the questioning of chemists in the area yielded no results. For a while it seemed that she would elude prosecution, but eventually a newspaper photograph taken of her at one of her remands proved her downfall. Far from her home in Germiston, a Rosettenville chemist, Abraham Spilkin, recognized her as a 'Mrs Sproat' who had come to his shop to purchase 'sixty grains of arsenic for the purpose of destroying a cat'.<sup>37</sup> Preparing for Rhodes's death, de Melker had donned her last married name, travelled across Johannesburg to her former neighbourhood, and signed the poison register. She was unaware that she had been found out; when Spilkin's name was called at the Preparatory Examination prior to the trial, 'the expression on her face [...] was a blend of amazement, terror and fury'.<sup>38</sup>

Thus Morris provides observations of his client that flesh out the legal sparseness of the trial records.<sup>39</sup> He also provides her biographical history. De Melker was born Daisy Hancorn-Smith, one of a family of eleven children of English settler heritage, on 1 June 1886 at Seven Fountains near Grahamstown. From an early age she led an unsettled life, following her father to Bulawayo in 1898; returning to South Africa to attend boarding school in Cape Town in 1901; briefly going back to Rhodesia; and then, at the age of eighteen, before finally settling in Johannesburg, entering the Berea Nursing Home in Durban to obtain her qualification as a nurse. Here it is believed she first learned of poisons and antidotes (not very effectively, notes Morris, or she would not have resorted to arsenic, so easily traceable, for the murder of her son; nor strychnine, with its grotesque and identifiable symptoms, for the poisoning of her husbands). Morris claims that of the little that is known of de Melker prior to her marriage to Cowle, 'that little is commonplace and uninteresting'.<sup>40</sup> Yet he fleetingly indicates suspicious aspects of her history, hinting that she may have left her boarding school, the Good Hope Seminary, 'at the request of the authorities, but the reason for that request has not been ascertained',<sup>41</sup> and also casting doubt on whether she in fact qualified as a nurse.

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<sup>36</sup> H.H. Morris, *The First Forty Years* (Cape Town and Johannesburg, Juta & Co., 1948), p. 237.

<sup>37</sup> Morris, *The First Forty Years*, p. 223.

<sup>38</sup> Morris, *The First Forty Years*, p. 223.

<sup>39</sup> The de Melker trial records are held at the Historical Papers archive at the University of the Witwatersrand. They form part of the collection of I.A. Maisels, junior counsel to Harry Morris during the de Melker trial. (Maisels later led the defence of Nelson Mandela, among others, in the Treason Trial of 1956.)

<sup>40</sup> Morris, *The First Forty Years*, p. 216.

<sup>41</sup> Morris, *The First Forty Years*, p. 216.



Most damning, however, and a fact nowhere present in the trial records, is Morris's revelation that de Melker was 'suspected of having poisoned seven persons in addition to those in respect of whom she was charged'.<sup>42</sup> Three of these cases were being investigated by the Rhodesian authorities at the time of her trial—one involved the death of her uncle; another the death of her first fiancé, Bert Fuller, who conveniently succumbed to blackwater fever in 1908, having drawn up a will bequeathing his savings to Daisy shortly before his death. Rhodesian police, Morris writes, remained in Johannesburg for the duration of her trial 'to arrest her in the event of an acquittal'.<sup>43</sup> De Melker was also suspected of murdering four of her own children in Johannesburg, all boys, who succumbed to unidentifiable illness between the ages of a few months and four years old. She seems to have been a far more prolific serial killer than her eventual conviction suggests.

Morris's physical description of de Melker illustrates the borderline position between banality and horror that she occupied in the South African imaginary, an ambivalence fascinating observers of her trial. As David Schmid explains, the compelling nature of true crime can be traced to a common feature of true crime narratives: 'a preoccupation with the representativeness of the criminal; that is whether the criminal is more appropriately placed inside or outside the community'.<sup>44</sup> De Melker's physical and cultural 'ordinariness' (primarily her whiteness and domestic femininity) placed her firmly inside the nationally sanctioned community. Yet her ordinariness, coupled with the extraordinary charges levelled against her, confounded categorisation, resulting in white South Africa's fascination with her. Morris's description of his nondescript client, her 'care-worn appearance'<sup>45</sup> one of her most defining features, is marked by ambivalence, as if in anticipation of South Africa's assumption of her monstrosity. De Melker's eyes, he writes, 'appeared to be of a deep blue colour and not of the steel blue variety said to be characteristic of murderers'.<sup>46</sup> Although he mentions her 'cleft palate', he also states that, after a while, 'one did not notice it'.<sup>47</sup> He observes how 'in difficulties or on the defensive her voice was raised in a whining pitch, which gave the impression she was not telling the truth', but verges on admiration for her 'animation'.<sup>48</sup> De Melker, he writes, is a

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<sup>42</sup> Morris, *The First Forty Years*, p. 220.

<sup>43</sup> Morris, *The First Forty Years*, p. 220.

<sup>44</sup> D. Schmid, 'True Crime,' in C. Rzepka and L. Horsley (eds), *A Companion to Crime Fiction* (Oxford, Wiley-Blackwell, 2010), 198-99.

<sup>45</sup> Morris, *The First Forty Years*, p. 217.

<sup>46</sup> Morris, *The First Forty Years*, p. 217.

<sup>47</sup> Morris, *The First Forty Years*, p. 217.

<sup>48</sup> Morris, *The First Forty Years*, p. 217.

‘paradox’: ‘an over-sexed woman who had no time for men’,<sup>49</sup> who provoked paradoxical responses in others, evident in the subtle ambivalence of Morris’s description.

Morris was not immune to public opinion, as his decision to publish a memoir of his most famous cases attests. He was influenced by the media frenzy, recycling in *The First Forty Years* the kind of details the public desired. Referring to an article in the *Rand Daily Mail*<sup>50</sup> to account for de Melker’s eccentric and narcissistic behaviour, he describes how ‘she waved gaily’ to the crowd outside the court.<sup>51</sup> When, however, public hostility became clear—she was booed and a woman broke through a police cordon in an attempt to slap her through the face—rather than becoming nervous, she became ‘defiant and aggressive’.<sup>52</sup> She enjoyed the attention—‘It was her trial and she was going to make the most of it’<sup>53</sup>—even calling a reporter over to witness hundreds of people gathered at the entrance of the prison and collecting on the balconies of the surrounding buildings: ‘They are all out just to see me’,<sup>54</sup> she said. She scribbled constantly in a notebook, the centre of her own egocentric melodrama: ‘I am going to write a scenario for a Hollywood film’,<sup>55</sup> she explained. Morris does, however, provide some intriguing personal details of his own: ‘She complained one morning during the trial that she had had a bad night owing to neuralgia. In a moment of abstraction I advised her to take some arsenic, meaning aspirin. She, more than anyone, enjoyed the *faux pas*’.<sup>56</sup> As this parapraxis reveals, Morris was well aware of her guilt.

For Durkheim, communal responses to crime are inherently emotional. Consequently, the public’s reaction to criminals often emphasizes the latter’s deviations from socially normative emotions. Albert Camus famously drew attention to society’s urge to condemn on the basis of inappropriate emotional reactions: ‘any man who does not weep at his mother’s funeral runs the risk of being sentenced to death [...]. [T]he hero of [*L’étranger*] is condemned because he does not play the game’.<sup>57</sup> As Turrell observes in his study of the death penalty in early twentieth-century South Africa, the Minister of Justice at the time of De Melker’s sentencing, Oswald Parow, wrote the following: ‘Only the prisoner can say what her real motive was [...] and we can only judge what the probable motives are from standards and emotions to which human beings

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<sup>49</sup> Morris, *The First Forty Years*, p. 219.

<sup>50</sup> ‘Mrs. de Melker’s Manner in Court,’ *Rand Daily Mail* (26 November 1932), p. 9.

<sup>51</sup> Morris, *The First Forty Years*, p. 218.

<sup>52</sup> Morris, *The First Forty Years*, p. 218.

<sup>53</sup> Morris, *The First Forty Years*, p. 218.

<sup>54</sup> Morris, *The First Forty Years*, p. 218.

<sup>55</sup> Morris, *The First Forty Years*, p. 218.

<sup>56</sup> Morris, *The First Forty Years*, p. 219.

<sup>57</sup> D. Carroll, *Albert Camus the Algerian: Colonialism, Terrorism, Justice* (New York, Columbia University Press, 2013), p. 27.

react as a rule'.<sup>58</sup> As Turrell interprets, again drawing attention to the colonial stereotype of de Melker's monstrous performance of gender, "[t]he implication was that De Melker had strayed way beyond the bounds of how any man, let alone a woman, would act'.<sup>59</sup> Morris himself emphasizes de Melker's socially damning behaviour, thereby invoking his readership's condemnation: 'at Sproat's funeral she expressed to a friend her fears as to the fate of a fowl which she had left on the stove'.<sup>60</sup> Rhodes's employer also noted that two days after his death, she was 'quite calm and showed no signs of emotion when his clothes were handed to her'.<sup>61</sup> She also rapidly, and by this stage characteristically, collected Rhodes's life insurance, a sum of £100.

Incidentally, this sum was miniscule in comparison to the amounts received from the deaths of her husbands, and de Melker's motive for poisoning her son is of more interest than the incentive of financial gain. Morris appears to have had his own theory, cryptically expressed in his memoir. He observes in relation to Cowle's symptoms of strychnine poisoning and ensuing death: 'Rhodes was then 12 years of age. If he had seen this sight he could never have forgotten it'.<sup>62</sup> Later, describing Sproat's death, he writes enigmatically: '[i]t is said that one person suspected her and turned the suspicion to good account'.<sup>63</sup> He alludes to Rhodes, who may have threatened and blackmailed his mother with his suspicions.

Rhodes, as it happens, was a layabout who found it difficult to sustain a job and who possessed a violent temper and a materialistic streak. Somehow, shortly before his death, he managed to convince his miserly mother to buy him expensive motorcycles, a piano, and a car. De Melker may have feared her son's knowledge and consequently decided to indulge him. However, Rhodes soon overstepped the limits of her patience, becoming 'surly and unpleasant'; physically abusive; 'constantly threatening to commit suicide'; even at one point 'pretend[ing] that he had taken poison'.<sup>64</sup> These were manipulative acts, according to Morris (although it is evident in Greenberg's judgement, provided as an appendix to *The First Forty Years*, that Morris, in defence of his client, referred to Rhodes's threats as evidence that he may have committed suicide).<sup>65</sup> Rhodes wanted something his mother was withholding. Morris explains:

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<sup>58</sup> Turrell, *White Mery*, p. 165.

<sup>59</sup> Turrell, *White Mery*, p. 166.

<sup>60</sup> Morris, *The First Forty Years*, p. 217.

<sup>61</sup> Morris, *The First Forty Years*, pp. 217-8.

<sup>62</sup> Morris, *The First Forty Years*, p. 228.

<sup>63</sup> Morris, *The First Forty Years*, p. 231.

<sup>64</sup> Morris, *The First Forty Years*, p. 233.

<sup>65</sup> L. Greenberg, 'Appendix: Summing up by Mr. Justice Greenberg in De Melker Trial,' *The First Forty Years*, by H.H. Morris (Cape Town and Johannesburg, Juta & Co., 1948), 286.

Somewhere in 1931 Rhodes got an idea into his head. He would be of age in June, 1932. When he came of age he was going to claim his father's estate which he knew had passed to his mother.<sup>66</sup>

Daisy probably feared that when Rhodes came of age he would be stupid enough to litigate with her about this estate. He would have a very good claim to it if it were proved that she had done his father to death. [...] She certainly did not murder him for the insurance money.<sup>67</sup>

As the last sentence above confirms, the greatest ambivalence of Morris's text resides in the fact that it is a defence lawyer's revelation of his client's guilt. Still, the Crown Prosecutor Jarvis's memoir provides a clearer account of Morris's apparent suspicions:

The prosecution had evidence in its possession that Rhodes had heard Sproat comment on the extreme bitterness of some beer poured out for him by Daisy. This was shortly before the latter's death. As Rhodes was dead at the time of the trial, this evidence could not be used by me. There is just a possibility that Rhodes may have been blackmailing his mother.<sup>68</sup>

Although Morris remains to some degree reticent in expressing his knowledge of the case, merely hinting at his personal suspicions and only providing details of his defence through the somewhat exculpatory method of the inclusion of Greenberg's judgement as an appendix, his memoir nonetheless indicates his acknowledgement of his client's guilt and his sympathy with the prevailing views of the public. It therefore arguably functions to cleanse him of any prior association with de Melker's depravity. Morris might have felt this necessary: like de Melker, he was hated and reviled. Cyril Jarvis may have received anonymous jokes in the post, but Harry Morris received more sinister correspondence:

Daisy was not popular. Neither was I. During her trial she received threatening letters. So did I. She was told that if she were not hanged she would die. So was I. Her conviction appeared to be our only escape from death.<sup>69</sup>

According to Morris, de Melker inspired the public's utter outrage:

Never before in this country had public feeling reached such a pitch of animosity against and hatred for any accused. In nearly every case of murder there is always a section of the public that sympathises or sides with the accused. In this case there were no two opinions. Everyone was on the same side.<sup>70</sup>

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<sup>66</sup> Morris, *The First Forty Years*, p. 234.

<sup>67</sup> Morris, *The First Forty Years*, p. 236.

<sup>68</sup> Jarvis, 'To Seek a Newer World', p. 106.

<sup>69</sup> Morris, *The First Forty Years*, p. 227.

<sup>70</sup> Morris, *The First Forty Years*, p. 227.

Everyone except the defence team—but only for the length of the trial, as Morris’s memoir confirms—and Herman Charles Bosman, who had his own deeply personal and political reasons for siding with de Melker. Being on ‘the same side’ against de Melker, as Morris suggests white, English society was, reinforced moral boundaries and strengthened a sense of community from which de Melker was effectively expelled. Bosman, however, alienated from the colonial social body and embittered by its justice system, sought to reveal the hypocrisy of a community dependent on the strict enforcement and policing of social borders.

### ***Herman Charles Bosman:***

Bosman published two pamphlets on the topic of de Melker as the trial and sentencing unfolded. They deal respectively with the trial (‘The Life Story of Mrs de Melker’)<sup>71</sup> and de Melker’s incarceration prior to her hanging (‘Mrs de Melker under the Gallows’).<sup>72</sup> As Leon Hugo points out, Bosman (together with his friend Jean Blignaut, with whom he founded a number of literary magazines: *The Touleier*, *The New LSD* and *The New Sjabok*) published pamphlets ‘when public debate or controversy seemed to call for it [...]. A few of these, notably those on the murderess Daisy de Melcker [sic], [...] sold remarkably well’.<sup>73</sup> Debate and controversy were indeed central to Bosman’s pamphlets, which communicate his disapproval of the South African justice system. Heavily ironic, they elevate the murderess at society’s expense, turning her into a symbol through which Bosman expresses his resentment and ridicule of a condemnatory society. As Valerie Rosenberg observes, ‘Bosman compare[s] Mrs de Melker favourably with almost everyone involved’ in the trial.<sup>74</sup>

Bosman’s ‘serious humour’ – his ‘delight in irony’<sup>75</sup> and the ‘complexity and doublevoicedness’<sup>76</sup> of his writing – has been critically noted. Such comments refer mostly to the ‘Oom Schalk Lourens’ *voorkamer* tales, for which Bosman is chiefly known: ‘the Oom Schalk stories are shot through with an ambiguity that has usefully been characterized as “unstable irony”,<sup>77</sup> meaning that the relationship between the author and his narrator is inconsistent,

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<sup>71</sup> National English Literary Museum, H.C. Bosman, ‘The Life Story of Mrs. de Melker’, by Herman Malan, 1932.

<sup>72</sup> National English Literary Museum, H.C. Bosman, ‘Mrs. de Melker Under the Gallows’, by Herman Malan, 1932.

<sup>73</sup> L. Hugo, ‘Foreword’, in A.J. Blignaut, *My Friend Herman Charles Bosman* (Johannesburg, Perskor, 1980), p. 10.

<sup>74</sup> V. Rosenberg, *The Life of Herman Charles Bosman* (Cape Town, Human & Rousseau, 1991), p. 98.

<sup>75</sup> M. Andersen, “‘Forth into the Dawn’: Early Writings of Herman Charles Bosman’, *English Academy Review: Southern African Journal of English Studies* 22, 1 (2005), p. 132.

<sup>76</sup> C. MacKenzie, ‘In the Shadow of Oom Schalk Lourens: Aegidius Jean Blignaut’s ‘Hottentot Ruiter’, *English Studies in Africa* 41, 2 (1998), p. 23.

<sup>77</sup> R. Davis, ‘Unstable Ironies: Narrative Instability in Herman Charles Bosman’s ‘Oom Schalk Lourens’ Series’ (MA thesis, Rhodes University, 2006).

shifting and ambivalent'.<sup>78</sup> Irony works differently in Bosman's journalism, where the writing is less obviously mediated by a fictional narrator. Nonetheless, it is similarly present in the biting humour and mercurial shifts in tone that contribute to his serious observations about South African society.

Describing Thomas de Quincey's famous satirical essay 'On Murder Considered as One of the Fine Arts',<sup>79</sup> an early set-piece in the genre of true crime reportage and reflection, Robert Morrison elucidates de Quincey's irony thus: '[he] wants the liberation and fun that comes from a temporary release from social values, and he achieves this through a blandly outrageous misappropriation of language, and a prolonged series of ironic deflations, substitutions and inversions that enable him to keep morbidity at bay and graze the brink between comedy and horror'.<sup>80</sup> Although Bosman's frivolity is tempered by a seriousness present just below the sheen of his ironic wit, particularly in 'Mrs de Melker under the Gallows', this observation is true of the de Melker pamphlets too, in which Bosman undermines social values and presents a series of ironic deflations and inversions evident in his humorous subversion of authority and the penal system. Describing, for example, de Melker's decision to be tried by a judge instead of a jury, he observes that 'in certain cases where passion has run high and it is feared that the minds of jurymen might have been prejudiced by rumours and backyard tittle-tattle', the judge is less likely to be affected: 'A Judge is too highly placed a dignitary ever to enter a back-yard' and 'most judges are too deaf to hear rumours, except through the medium of an ear-trumpet'.<sup>81</sup>

Bosman also satirizes the public interest in the trial, observing that this fascination contributed to the 'most astonishing murder trial that had ever taken place at the Rand Criminal Sessions'.<sup>82</sup> He emphasizes the frivolity of the public reaction to a trial that formed 'the chief topic of conversation in thousands of South African homes',<sup>83</sup> a reaction that diminished politicians at the time: 'By the listless expression in their eyes, one could see that even while their photographs were being taken they knew that the front page of the Star was not for them'.<sup>84</sup>

In contrast to his mockery of a public agog for details of the de Melker trial, Bosman emphasizes her 'genteel' boredom—her response to 'the most uninteresting murder trial she had

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<sup>78</sup> G. Cornwell, D. Klopper and C. MacKenzie, *The Columbia Guide to South African Literature in English Since 1945* (New York, Columbia University Press, 2010), p. 15.

<sup>79</sup> De Quincey published this essay in *Blackwood's Magazine* in 1827. The essay focuses on a true crime – a murder spree in which seven people were killed, allegedly by John Williams, in Ratcliffe Highway, London. De Quincey satirically elevates Williams to the status of an artist.

<sup>80</sup> R. Morrison, Introduction, *On Murder*, by Thomas de Quincey (Oxford: Oxford University Press, 2006), xvi.

<sup>81</sup> Bosman, 'Life Story', 2.

<sup>82</sup> Bosman, 'Life Story', p. 3-4.

<sup>83</sup> Bosman, 'Life Story', p. 4.

<sup>84</sup> Bosman, 'Life Story', p. 5.

ever attended'.<sup>85</sup> Here Bosman, unlike Morris, does not highlight de Melker's emotional detachment; instead, he ironically invokes the colonial stereotype of the 'superior refinement' of the Englishwoman to elevate de Melker, a narrative strategy effectively undermining the attempt to exclude her from the English-speaking social body. According to Bosman, in typical hyperbole, de Melker left her mark on the prison community, '[giving] the place tone':<sup>86</sup> wardresses, he wrote, began to improve their table manners, drinking their tea in her 'refined and genteel way' and adopting 'an Oxford accent'.<sup>87</sup> De Melker attended her trial in the same way that a 'Duchess patronises a fête of the Women's Guild'.<sup>88</sup>

Bosman had his reasons for elevating de Melker over the society that condemned her. He was famously tried for murder in 1926 after shooting his step-brother, David Russell. Valerie Rosenberg's *Life of Herman Charles Bosman* foregrounds the hazy details of the crime. Bosman's brother, Pierre, went into Russell's darkened room to retrieve a book. Blows were exchanged and Bosman entered the fray with his hunting-rifle. With an explanation prefiguring Oscar Pistorius, Bosman 'based his defence unswervingly on his contention that the shooting was an accident. [He] claimed that he had rushed into the room fearing an intruder, had let the gun slip and, in catching it again, had inadvertently fired a shot'.<sup>89</sup> Bosman stuck to this 'improbable [...] hypothesis', 'thereby excluding any suggestion of a motive'. Like de Melker six years later, he was found guilty and sentenced to death. He spent nine days in the condemned cell at Pretoria Central before he was granted a reprieve and his sentence was mitigated to ten years of hard labour and imprisonment. Serving just over four years, he was released on parole in 1930. He became a journalist, producing fictional stories and reportage in the early 1930s, including the de Melker pamphlets and Oom Schalk Lourens stories,<sup>90</sup> under the pseudonym Herman Malan.

In *White Mercy: A Study of the Death Penalty in South Africa*, Robert Turrell considers Bosman's death sentence and reprieve within the context of other death penalty cases in South Africa at the time. Specifically, the discussion of Bosman falls within a chapter section entitled 'Murder at Tweestroom: The Wrath of Samuel Makgaa'.<sup>91</sup> Here Turrell compares the Hertzog government's refusal to commute the death penalty of Makgaa—a black man pushed to breaking point by a violent, exploitative farmer who used the white legal system to brutally and continuously force him into short-term work that he could never effectively finish—and the

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<sup>85</sup> Bosman, 'Life Story,' p. 7.

<sup>86</sup> Bosman, 'Life Story', 6

<sup>87</sup> Bosman, 'Life Story', 6.

<sup>88</sup> Bosman, 'Life Story', 7.

<sup>89</sup> Rosenberg, *The Life of Herman Charles Bosman*, p. 54.

<sup>90</sup> Bosman's first major story, 'Makapan's Caves', introducing Oom Schalk Lourens, appeared in 1930.

<sup>91</sup> Turrell, *White Mercy*, pp. 151-58.

mercy granted to Bosman. Turrell leads into his description of the Bosman sentencing and reprieve: ‘To hammer home racial inequality, consider the case of a young white man whose fate was also determined in 1926’.<sup>92</sup> The judge, jury, prosecutor, attorney-general and minister of justice, Turrell writes, ‘all believed he had *deliberately* killed his step-brother’.<sup>93</sup> Bosman may have described himself as having been ‘impelled by some wild and chaotic impulse in which there was no suggestion of malice or premeditation’,<sup>94</sup> but, as Turrell notes, he had ‘loaded the rifle before shooting’.<sup>95</sup> Interestingly, Cyril Jarvis also served as the Crown Prosecutor in the Bosman trial, a few years before contending with Daisy de Melker. When Bosman’s judge, Gey van Pittius, who had sentenced him to mandatory death for murder, wrote a mercy recommendation, Jarvis explained: ‘The Court found that the shooting was *deliberate*...but I feel sure that the presiding Judge will agree that it was done on the *impulse* of the moment’.<sup>96</sup> As Turrell rightly points out, this seems a ‘contradiction in terms’.<sup>97</sup> Bosman’s reprieve seemed to slip through the terms of the law, and seemed strongly based on the ‘favorable impression the judge formed of Bosman during the trial’. He was ‘stunned by Bosman’s imagination and sensitivity’;<sup>98</sup> Samuel Makgaai, working through an interpreter, would never have been able to create the same impression.

Nonetheless, imagination and sensitivity are certainly evident in Bosman’s memoir *Cold Stone Jug*, in which he vividly describes his experience as a condemned prisoner in Swartklei Great Prison, a place he depicts as dominated ‘spiritually as well as architecturally by the gallows chamber, whose doors rise up, massive and forbidding, at the end of the main wing in the building—the penal corridors’.<sup>99</sup> Although, as Daniel Roux observes, ‘Bosman’s irony elevates him above the terror of what he describes’,<sup>100</sup> the memorable description of the sombre and ‘massive’ reality of the gallows and the fear that they evoke undercuts this elevation. Having lived ‘under the gallows’, as he describes de Melker in his second pamphlet, Bosman—in a description unadorned with irony or humour—reports the hangings as the ‘worst part of life inside the prison’:

the shadow of this hanging lies like a pall over the inmates of the prison, warders as well as convicts. [...] There is something inside the most hardened warder or anti-social convict that makes him shudder at the thought of death, of violent death, of the

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<sup>92</sup> Turrell, *White Mercy*, p. 156.

<sup>93</sup> Turrell, *White Mercy*, p. 156, original italics.

<sup>94</sup> Turrell, *White Mercy*, p. 156.

<sup>95</sup> Turrell, *White Mercy*, p. 156.

<sup>96</sup> Turrell, *White Mercy*, p. 157, original italics.

<sup>97</sup> Turrell, *White Mercy*, p. 157.

<sup>98</sup> Turrell, *White Mercy*, p. 157.

<sup>99</sup> H.C. Bosman, *Cold Stone Jug* (Cape Town, Human & Rousseau, 1969), p. 14.

<sup>100</sup> D. Roux, ‘“I Speak to You and I Listen to the Voice Coming Back”: Recording Solitary Confinement in the Apartheid Prison’, *English Academy Review: Southern African Journal of English Studies* 22, 1 (2005), p. 23.



gruesome ceremony of doing a man to death above a dark hole, at a set time, with legal formality that does not extend beyond hand-cuffs and leg-irons and a sack drawn over the condemned man's head and a piece of coarse rope knotted behind his ear.<sup>101</sup>

Although Bosman devotes only five short paragraphs of *Cold Stone Jug* to the prison gallows, it is clear that they cast their threat across the prison and his memory alike: they 'loom like a shadow over the prison all the time, like an unpleasant odour'.<sup>102</sup>

'Mrs de Melker under the Gallows' suggests the aspect of the trial of most interest to Bosman: capital punishment. This interest is confirmed by Bosman's deviation from the topic of de Melker to provide a lengthy description (constituting more than half the pamphlet) of Dina van der Merwe, the first white woman to be hanged in the Transvaal during the years of the Union (de Melker was the second). Again, he elevates the condemned woman, suggesting that de Melker, like van der Merwe, is a cipher for his viewpoint rather than a figure of singular interest. His tone changes from satirical to sentimental as he describes van der Merwe's walk to the gallows:

Mrs. van der Merwe looked magnificent on the morning of her execution. [...] She held her head well up, not proudly, not scornfully, but with the quiet dignity of a queen. [...] Mrs van der Merwe was hanged, and in being hanged she graced even the gallows.<sup>103</sup>

Bosman elevates de Melker and van der Merwe to queenly positions above what he observed as the shabby and prurient crowds of women obsessed with the de Melker trial and capital justice. In his pamphlets he is particularly scathing of these women:

What did Mrs. de Melker think of the thousands of women who, actuated by a sordid curiosity, flocked to see her in court? Certainly not much.<sup>104</sup>

[T]he point to remember is that Mrs. de Melker did at least succeed in getting three husbands. This has made her definitely unpopular with women who couldn't even get one. They are jealous of her. It is right they should be jealous of her.<sup>105</sup>

Yet 'Mrs de Melker under the Gallows' concludes on a hard and serious note; like the description of the gallows in *Cold Stone Jug*, it abandons all irony and sentiment. Bosman speculates on de Melker's experience as she awaits her death, seemingly describing it in terms of his own:

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<sup>101</sup> Bosman, *Cold Stone Jug*, p. 15.

<sup>102</sup> Bosman, *Cold Stone Jug*, p. 16.

<sup>103</sup> Bosman, 'Under the Gallows', 6.

<sup>104</sup> Bosman, 'Life Story', 6.

<sup>105</sup> Bosman, 'Life Story', 7.

Mrs de Melker wasn't in the condemned cell too long before she was regaled with gruesome stories of other hangings. These prison legends are related with great gusto by the wardresses and the prisoners who clean and polish the cells. These stories of the gallows, these half-laughs with the hangman, will terrify Mrs de Melker long before they come to take her weight in order to calculate the height she has to drop, long before they come to measure the circumference of her neck in order to work out the size of the noose.

Stories of a [man] who, in a frenzy of fear, clambered into the skylight when the hangman came to fetch him, and who had to be dragged down by means of a ladder. Of a man who was still alive when he reached the bottom, and who was then dispatched by means of a couple of hefty kicks in the stomach. Of a man who went on cursing for a long time after the trapdoor had dropped and who was subsequently found lying in the saw-dust with his wind-pipe cut.

I would like to see Capital Punishment abolished.<sup>106</sup>

In his memoir of Bosman, in sentiments reflecting Durkheim's views on the violent, emotional psychology of communal reactions to court proceedings, Jean Blignaut recalls the baying for blood, a 'revolting spectacle at the back door of the Court', as de Melker was taken away after her sentencing. This public reaction contributed to Bosman and Blignaut's notion of 'judicial murder as atavistic and barbarous'.<sup>107</sup>

Capital punishment is a sop to our jungle inheritance; it is the measure of our instincts which have defied evolution. The scaffold with a body hanging from it in a backroom is the flagpole and jack of bloodlust.<sup>108</sup>

For Bosman, the de Melker trial indeed reflected the brutality of society and promoted a national identity based upon the 'flagpole' of the death penalty. Thus he rejected the prevailing communal response to de Melker—the conscience collective her trial revealed—making a political point through his idealized, symbolic and chivalric version of her. In this respect he differed markedly from his contemporary and fellow South African writer, Sarah Gertrude Millin. Unlike Bosman, who wrote from the margins of white, English society, Millin occupied an ideological position firmly within it. This contributed strongly to her position on de Melker, whom she presented as a perverse aberration of white South African femininity.

### ***Sarah Gertrude Millin:***

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<sup>106</sup> Bosman, 'Under the Gallows', 7.

<sup>107</sup> Blignaut, *My Friend Herman Charles Bosman*, p. 224.

<sup>108</sup> Blignaut, *My Friend Herman Charles Bosman*, p. 223.

Millin attended de Melker's trial firmly on the side of the Law—accompanied by her good friend, Justice Greenberg's wife. Incidentally, Cyril Jarvis's memoir richly images her association with judgement. Because de Melker had elected to be tried by a judge rather than a jury, '[t]he jury box was not used for its ordinary purpose. The court sergeant kept those seats for certain privileged persons. Mrs. Greenberg, Mrs. Morris and my wife were among these when they wished to be present'.<sup>109</sup> Into the jury box with Mrs. Greenberg, then, stepped Sarah Gertrude Millin, taking a seat where women were ordinarily not sanctioned to be. Jarvis noted that he 'saw her in court on many occasions during the trial'.<sup>110</sup> From the jury box, Millin scrutinised de Melker minutely and later—in her autobiography *The Night is Long*, in a chapter entitled 'Sex and Destruction'—shared her observations:

My friend and I sat quite near the dock, and I watched her very closely; and, when she heard that one of us was the judge's wife, she took to smiling at us when we came in, and sometimes she whispered, concerning the evidence, 'That's a lie', 'That's a damned lie.'<sup>111</sup>

Caught up in the kind of prurient interest driving media attention at the time, Millin identifies de Melker's sexuality as the most interesting aspect of her character:

What chiefly interested me about this woman was the attraction that, despite her apparent unattraction, she seemed to have. She was really ugly. She was small, thin, with tousled grey hair, claw-like fingers, a faded skin, large spectacles, a mouth like a fish, and a cleft palate. She was forty-six. She made no attempt to look beautiful. Her lips were not reddened, nor her cheeks painted. She wore, every day for six weeks, the same black dress with the same lace front. After a time, I looked at the stale front with nausea.<sup>112</sup>

Millin's interest in de Melker seems marked by her perspective, and judgement, as a woman; if, for Bosman, 'the point to remember is that Mrs de Melker did at least succeed in getting three husbands',<sup>113</sup> this seems to be the point for Millin too: 'Yet this woman had had a lover and three husbands', she writes. 'I could see that even the policeman who stood beside the dock liked her; all the people connected with the case quite liked her, she used to wave to the crowd as if she were a cinema star; a bishop protested to the end that she was innocent, and, after she was charged, her third husband put white violets on her coffin'.<sup>114</sup> For Millin, de Melker has let the side down, so to speak, and plundered the resources of the morally righteous: 'I thought of all

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<sup>109</sup> Jarvis, 'To Seek a Newer World', p. 112.

<sup>110</sup> Jarvis, 'To Seek a Newer World', p. 101.

<sup>111</sup> S.G. Millin, *The Night is Long* (London, Faber & Faber, 1941), p. 315.

<sup>112</sup> Millin, *The Night is Long*, p. 316.

<sup>113</sup> Bosman, 'Life Story', 7.

<sup>114</sup> Millin, *The Night is Long*, p. 316.

the meritorious, agreeable women who, in their lives, had never found a man to love them, and I asked myself why this ugly, cruel, avaricious, death-dealing woman had so easily engaged the interest of men'.<sup>115</sup>

Millin and de Melker shared other characteristics in addition to gender: de Melker was white, middle class (lower middle class, admittedly, married as she was to a series of mining plumbers), middle aged,<sup>116</sup> English speaking, and so taken with Cecil John Rhodes that she named her son 'Rhodes Cecil'. Having spent many of her formative years in Rhodesia, de Melker presumably shared Millin's belief that Rhodes the imperialist 'exemplified [a] largeness of spirit, [a] desire [...] to go big, which is called greatness',<sup>117</sup> a sentiment expressed in Millin's biography *Rhodes*, published a year after the trial. Nonetheless, Millin does not reflect on any common ground she may have shared with de Melker, perhaps because the acknowledgement of similarities was to some extent the unconscious cause of her fascination and revulsion.<sup>118</sup>

Curiously, Millin's observations of de Melker in *The Night is Long* launch her into a discussion of 'races' and their relation to 'Sex and Destruction'. She digresses into an odd description (immune to the evidence de Melker and Rhodes present to the contrary) of the 'kindliness' of the English, and the 'vile libidos' of Germans. While seemingly irrelevant, this detail reveals a racial and ethnic obsession—linked often in her writing to sexual distaste<sup>119</sup>—that defines her *oeuvre*. Because of this obsession, Millin, despite her prolific output and her status as 'the most substantial novelist writing in South Africa between Olive Schreiner and Nadine Gordimer',<sup>120</sup> is not remembered fondly. Michael Green labels her a 'decidedly dishonourary member' of South African letters, earning her place as 'the best English-speaking representative of her local audience's essentially racist character'.<sup>121</sup> As Michael Wade observes, she was 'expert in her knowledge of the last wrinkle of the white South African stereotypes of all other South Africans'.<sup>122</sup>

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<sup>115</sup> Millin, *The Night is Long*, p. 316.

<sup>116</sup> Millin was born in 1889 and de Melker in 1886.

<sup>117</sup> S.G. Millin, *Rhodes* (London, Chatto & Windus, 1933), p. 3.

<sup>118</sup> Millin's two meticulously kept scrapbooks of newspaper articles, created over the course of the trial, embody the depth of her interest in de Melker. These scrapbooks, kept at the Historical Papers archive at the University of the Witwatersrand, reveal in their scrupulous neatness her painstaking attention to detail and her diligent preparation for the novel *Three Men Die*.

<sup>119</sup> One of Millin's primary themes was the 'taint' of 'miscegenation', as evident in her most (in)famous novel *God's Stepchildren*.

<sup>120</sup> J.M. Coetzee, *White Writing: On the Culture of Letters in South Africa* (New Haven and London, Yale University Press, 1988), p. 138.

<sup>121</sup> M. Green, 'Blood and Politics/Morality Tales for the Immorality Act: Sarah Gertrude Millin in Literary History and Social History', *English in Africa*, 18, 1 (1991), p. 3.

<sup>122</sup> M. Wade, 'Myth, Truth and the South African Reality in the Fiction of Sarah Gertrude Millin', *Journal of Southern African Studies*, 1, 1 (1974), p. 103.

But what of the de Melker story, which, as the Comaroffs argue, defies or ‘horrifically inverts’ white South African stereotypes? While Millin’s writing compulsively returns to its racist obsessions throughout her years of production, her fictionalized account of the de Melker case, *Three Men Die*, despite its implicit focus on whiteness, seems not to address the topic of race directly. Still, the novel should be read within the context of her dominant concerns: her racial stereotyping is evident in her presentation of de Melker’s white exceptionalism, a perspective relying heavily on race and gender and the colonial stereotypes of morality attached to each. De Melker’s actions, for example, cast into doubt Millin’s (and white South African society’s) image or stereotype of whiteness, and particularly white femininity, as morally superior.

At first Millin’s representation of de Melker seems to exemplify this stereotype of white femininity. Named ‘Julia Foster’ in *Three Men Die* (thus emphasizing Millin’s focus on de Melker’s Englishness), de Melker is repeatedly described as a homemaker *par excellence*, a neat, trim woman who is the envy of her neighbours and the pride of her husbands. The novel presents this image without irony or interrogation, endorsing it as ideal. Julia attracts her husbands because of the ‘atmosphere of home that surround[s] her’.<sup>123</sup> However, to reveal that something is wrong with her character, Millin frequently emphasizes her transgression of gender expectations. Certainly de Melker’s avarice broke with the social norms of the time associating monetary gain with masculinity and demure domesticity with femininity. According to the novel, her fiendish actions *and* her blurring of masculine ambition with feminine passivity constitute her monstrosity.

Julia Foster is therefore often described as masculine: ‘She could have made, she felt, a successful man. It had always been said in her family that she was more of a man than her brothers’;<sup>124</sup> ‘Julia loved embroidery and such things: they had called her the man of the family but she was very womanly’.<sup>125</sup> Moreover, Julia’s cold rationality, stereotypically associated with the supposed clarity of masculinity, is presented as a troubling aspect of her character:

Mrs Storr thought what a sensible woman Julia was. It made her uneasy to know that a woman could be so sensible. It wasn’t right, she felt.<sup>126</sup>

Not only is Julia ‘unwomanly’ but the very ‘womanly virtues’ that she embodies are perverted by the way in which she conforms to and yet rejects her colonial whiteness. Early in the novel her house-proud nature is related to her interactions with her former servants in Rhodesia, where, in

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<sup>123</sup> S.G. Millin, *Three Men Die* (London, Chatto & Windus, 1934), p. 49.

<sup>124</sup> Millin, *Three Men Die*, p. 11

<sup>125</sup> Millin, *Three Men Die*, p. 63.

<sup>126</sup> Millin, *Three Men Die*, p. 99.

the novel's tired description, '[s]he had no fear of natives—she handled them like a man'.<sup>127</sup> When Julia moves to Johannesburg and enters married life (repeatedly) she 'employ[s] no native servant'.<sup>128</sup> As she tells her first husband, '[t]hese raw servants make me mad. I'd rather do everything myself than see them messing around'.<sup>129</sup> With Julia's decision to attend personally to the housework, Millin turns her focus exclusively, and unusually, to a cast of all white characters.

This seems to be a conscious decision, given that the novel quite ploddingly repeats the events outlined in the trial under a thin fictional guise. The fact is that de Melker *did* have a domestic worker, 'Dora'. Dora was absent on the day de Melker—to explain her purchase of arsenic—claimed to have poisoned a cat. Dora's absence may have been de Melker's reason for choosing this day as a convenient date on which to claim the cat's demise, but her choice backfired. Dora could not corroborate her story: 'Dora, the servant, was not there when she found [the dead cat], and she said that Dora was late that day'.<sup>130</sup> Not provided with her real name, even in the trial records, and thus referred to only with the label through which she performed her identity as 'maid', Dora's testimony was a litany of statements that distanced her from the de Melkers: 'I do not know anything about my Missus' marriage';<sup>131</sup> 'I did not notice anything wrong';<sup>132</sup> 'I do not know how long [Rhodes] was sick';<sup>133</sup> 'I do not sleep at the house';<sup>134</sup> 'I never took any notice';<sup>135</sup> 'I cannot tell you';<sup>136</sup> 'I do not remember';<sup>137</sup> and, eventually, 'I did not do any cooking in the house'<sup>138</sup> and 'I myself gave nothing to Rhodes'.<sup>139</sup> Whether or not Dora's lack of attention to detail was borne of fear—she testifies, 'I am still working at the house'<sup>140</sup>—it is clear that she could not be implicated in the crime or associated with any knowledge thereof. Thus she disappears rapidly from the record, perhaps conveniently for Millin, who preferred not to foreground race relations, at least overtly, in *Three Men Die*.

Another detail Millin omits is de Melker's (and Morris's) abandoned and sinister attempt to cast the blame for Rhodes's murder elsewhere. Greenberg summarises:

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<sup>127</sup> Millin, *Three Men Die*, p. 4.

<sup>128</sup> Millin, *Three Men Die*, p. 10.

<sup>129</sup> Millin, *Three Men Die*, p.24.

<sup>130</sup> L. Greenberg, 'Appendix: Summing up by Mr. Justice Greenberg in de Melker Trial', in H.H. Morris, *The First Forty Years* (Cape Town, Juta & Co., 1948), p. 292.

<sup>131</sup> Historical Papers, University of Witwatersrand, I. A. Maisels, De Melker Trial Records, 1932, p. 439.

<sup>132</sup> De Melker Trial Records, p. 439.

<sup>133</sup> De Melker Trial Records, p. 439.

<sup>134</sup> De Melker Trial Records, p. 439.

<sup>135</sup> De Melker Trial Records, p. 439.

<sup>136</sup> De Melker Trial Records, p. 440.

<sup>137</sup> De Melker Trial Records, p. 440.

<sup>138</sup> De Melker Trial Records, p. 441.

<sup>139</sup> De Melker Trial Records, p. 441.

<sup>140</sup> De Melker Trial Records, p. 438.

Another incident to which considerable emphasis has been given by the defence and with which I must deal is that on the Monday before his death the accused protested against the fact that a native employed at Short's garage [where Rhodes worked] had had a fight with Rhodes and hurt him. [...] Up to a certain stage this native and his fight with Rhodes were featured in the defence case. Short was asked in cross-examination where this native was on the Wednesday, the day when Rhodes first fell ill, and it was suggested to him by Mr. Morris that the native was then at the garage. [...] Now the only significance that I can see in this line of cross-examination is to suggest a possibility that this native, because of a grudge against Rhodes, had tampered with the flask or had otherwise poisoned Rhodes [...].<sup>141</sup>

Short protested that the worker referred to had not been present on the day, and so, like Dora, he fades away, leaving de Melker's crime exposed in all its glaring whiteness, and the media and public even more transfixed by her 'extraordinary' transgression.

Greenberg's judgement attests to the importance of race in the de Melker trial, especially the white colonial pastime of attributing blame to the stereotype of 'black criminality'. Curiously, the absence of black characters in Millin's novel also emphasizes the significance of race. At one point, a description of a policeman informed of the suspicious deaths of Julia's family members explains this absence:

A tremendous exaltation rose in the spirit of Detective Head Constable Bergstrom. A murder was always interesting, but he had not hoped for anything more spectacular than natives attacking one another in the course of a beer-drink. Often, on Monday mornings, people came in to make complaints about natives assembled in their houseboys' rooms to end a Sunday's unemployable leisure by drinking and fighting. But "Julia Foster" was not the name of a native woman. Two husbands and a son! "Christ!" thought Detective Bergstrom with deep satisfaction.<sup>142</sup>

Much is unwittingly revealed in this passage of the way in which white crime, particularly the de Melker case, was sensationalized in colonial South Africa. Bergstrom's exaltation serves to distance white subjectivity from crime by hailing it as a 'spectacular' aberration, utterly distinct from the perceived norm—the white stereotype associating blackness and 'ordinary' crime. Moreover, Bergstrom considers the murderess's affront to the colonial domestic family unit, a microcosm of white patriarchal society—"Two husbands and a son!"—with 'deep satisfaction', thereby predicting the notable outrage and interest her crime and identity will elicit within a community in which femininity is stereotypically associated with family and domestic devotion. As the quotation above attests, de Melker's crimes were interesting to Millin precisely because of

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<sup>141</sup> Greenberg, 'Appendix', in H.H. Morris, *The First Forty Years*, p. 294.

<sup>142</sup> Millin, *Three Men Die*, p. 287.

their gendered whiteness and thus because of their transgression of white South African stereotypes of race and gender.

### *Conclusion*

Although race, gender and justice are of course differently perceived in a democratic, post-apartheid South Africa, the avid national and worldwide attention the Oscar Pistorius trial recently elicited suggests that crimes involving white perpetrators and/or victims remain the focus of extensive media reportage and public interest in South Africa today. Interestingly, South African sport formed part of the de Melker trial too: her marriage to a former Springbok rugby player at the time of her trial reiterated the contrast of her feminine, domestic identity with patriarchal white South African society, further emphasizing the class and gender dynamics of the trial. An archetypal white South African male who had once literally represented the nation, Sydney de Melker may have been lined up as the next target of Daisy's toxic attentions, suggesting her grotesque inversion of the patriarchal power dynamic of her day. Cyril Jarvis, in a description full of gentlemanly, masculine camaraderie, presents Sydney as something of a saint:

I have nothing but admiration for Sydney de Melker's attitude during the trial. He stood loyally by his wife during her ordeal. He was and is a good sportsman—a noted rugby half-back in his younger days in the Griqualand West team. I think he was a member of Paul Roos' side that toured Great Britain in 1906. After I had concluded my address to the Court, he came up to me and thanked me for the fair way in which I had conducted the prosecution.<sup>143</sup>

While this article has focused on de Melker as a white female murderer, the whiteness and masculinity of her victims of course also contributed to the trial's implicit focus on race and gender and thus to public interest.

Such social dynamics constitute the background of textual representations of the trial. Morris's *The First Forty Years* presents accounts of his most 'interesting' clients, including, along with de Melker, the notorious white murderers Sir John Delves Broughton and Richard Malalieu. Each defendant provided an example of racial 'exceptionalism' from the perspective of the colonial social body, but de Melker perhaps excited the most interest due to her contravention of stereotypes of femininity and whiteness. Drawing attention to her performance of 'civilized', colonial gender in an effort to undermine colonial values and the justice system of the Union, Bosman compared her favourably with the trial's female spectators, a comparison owing little to any virtue of de Melker's. His pamphlets focus satirically and seriously on the contrast between

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<sup>143</sup> Jarvis, 'To Seek a Newer World', p. 111.



de Melker's 'genteel' femininity and the brutality of the death penalty, voicing an ironic chivalry that may not challenge gender stereotyping but certainly undermines the kind of communal thinking separating white English-speaking South Africa from its transgressors. On the other hand, Sarah Gertrude Millin's writing, full of disgust for de Melker, reifies colonial conceptions of race, crime and gender at the time of the trial. De Melker, capturing the colonial imagination of the day, was therefore many things to different people: a puzzling legal client to Harry Morris, a martyr of the death penalty to Herman Charles Bosman, and a figure of perverted white domesticity and femininity to Sarah Gertrude Millin. Despite these authors' differing responses, their writing about her reveals the extent of the social emotion invested in her trial, and indeed in any high profile trial when the accused appears to exemplify, and thus threatens, the identity of a dominant social group or attitude.

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