Punishment for Women

“While not claiming any particular privileges for women where crimes are concerned, we are not unmindful of the fact that it is harder for a woman to reinstate herself socially than for a man. To this end, punishment has often to be adjusted and differently applied.

In spite of the murmuring minority, this would seem a good place to make the plea that women of experience be heard when the old penal laws are amended and the newer ones framed.

There are times, too, during certain physical crises when women, through nervousness, are apt to be less responsible, periods in which they seem hypnotized by their own hysteria, and in which they might almost be demented.

These are most difficult cases to understand or treat properly, and it is not likely we shall ever do so until the courts have the assistance of psychopaths and clinicians. It is the realization of one’s ignorance in such cases that makes the work of the conscientious magistrate, whether male or female, seem burdensome beyond endurance.

It must not be deduced from these remarks that we favor laxness in the treatment of women criminals, or that we deprecate custodial care for those of them who are mentally weak.

The weak-minded are more to be feared than the wicked, in that there is no hope for them. “What is written on their forehead,” says a Hindu sage, “will be there and nothing more.” We should not allow the imbecile or the feeble-minded criminal to become a burden upon the workers lest the nation become weak. We must segregate these people till they become less numerous, making them as happy as circumstances permit, and, if possible, self-supporting.

To the criminal who is only vicious, and not feeble-minded, jails are often sanatoria where they recover their nerves and their physical strength. Many would die years sooner if it were not for the rest and healing of the prison. Besides, it gives them a chance to break with their old companions, and to start afresh in life if so disposed.

Emily Murphy, “A Straight Talk on Courts,” Maclean’s 28.18 (1 Oct. 1920)
Brilliant Western Woman Talks to Canadian Business Women’s Club

“Business is not a matter of sex, but of capacity,” Mrs. Murphy said, and added: “That work is yours for which you are best adapted—even if it is to sing bass!”

With regard to the “equal-pay fallacy”, she said that although in their war work woman had equalled man in efficiency, she got 50 to 85 percent less wages. Her present wage scale doesn’t depend so much on her efficiency as on her employer.

The speaker quoted from a Toronto paper an item telling of a girl receiving $44 a week in a bank where she was “required to dress so that at all times she shall appear what she is not.”

“I don’t care who they are who give a girl $44 a month,” Mrs. Murphy said. “They are profiteering in her blood and in her life and in her soul.”

“It used to be considered an awful thing to send girls into offices, where there were supposed to be wicked employers and other dangers. But we have found out a wonderful thing. We have found out that this is not so. The most dangerous profession for women today is domestic service. Statistics in the United States, and they are probably much the same in Canada, show that eighty percent of the women who have gone wrong were in domestic service.”

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A Letter to
Nellie Mclung

1101 88 avenue
Edmonton, August 5, 1927
PERSONAL
My Dear Mrs. McClung:

Enclosed you will find a copy of section 60 of the Supreme Court Act of Canada, R.C.S. 1906, Cap 139, with also a letter to the Governor General in Council, which letter I am asking you to be good enough to sign and return to me by registered mail as soon as possible.

You will recall that the National Council Of Women, The Women’s Institutes, the Women’s Church [sic] Temperance Union, University clubs and other of our organizations, in convention, submitted resolutions to the Honorable, Prince Minister at Ottawa requesting of him that women be admitted to the Senate of Canada, thus permitting us to secure our full enfranchisement.

As a result, with the approval of the Federal Cabinet, on June 25th, 1923, in the printed “Orders of the Day” a motion was submitted by the Hon. Senator McCoig of Chatham, Ont., asking the members of the Upper Chamber that an address might be graciously pleased to give his consent to the submission of a measure to the Parliament of the United Kingdom to amend the British North America act, 1867, so that a “female person shall be deemed qualified to be summoned to the Senate if she reached the full age of thirty years, and is either a Natural born subject of the king, or a subject of the King naturalized under the provisions of any Act of the Parliament of Great Britain, or of any British Dominion or possession or of the Parliament of Canada.”

When this motion was read in the Canadian Senate the Honorable Senator McCoig failed to speak to his motion; neither did he appear to speak upon the same at any subsequent day when it was called so that the motion was never discussed. Since then, this motion has not been placed before the House.

As four years have since elapsed, and as it is now held by a large and important body of opinion that such proposed amendment was not, and is not necessary, it has therefore become highly desirable that this matter be determined without further delay in order that the women of this Dominion—compromising approximately one-half of the electorate—may enjoy their full political rights on the same terms as these are, or maybe, enjoyed by man.

It may here be pointed out that while in 1923, women generally were gratified in having Senator McCoig’s motions placed before the Senate of Canada, with a possible prospect of its being later submitted to the House of Commons for added appeal to his Majesty, we have now come to realize that the matter is one which cannot with any degree of fairness be submitted for decision to a body of male persons, many of whom have expressed themselves towards it in a manner that is distinctly hostile.

Undoubtedly, our proper procedure under these circumstances is to take advantage of a friendly recourse to the Supreme Court of Canada as provided for in Section 60 of the Supreme Court Act.

You will see by the copy of the Supreme Court Act which I enclose that “interested persons” may refer matters of law or fact touching the interpretation of the British North America Acts, 1867 to 1886, or the constitutionality or interpretation of any Dominion or Provincial legislation, to the Governor-General in Council requesting that the matter at issue be referred to the Supreme Court of Canada for its hearing and consideration.

Clause 6 of the same Act further provides for an appeal to His Majesty in Council from the advice or judgment of the Supreme Court of Canada should such an appeal be deemed desirable.

Clause 4 and 5 provide for the expenses and witnesses in such cases as pertain to constitutional matters.

You will recall that a constitutional interpretation was recently asked for by the Governor-General in Council concerning the Separate Schools question in Alberta.
This interpretation was without cost to this Province.

As the matter referred to in our letter to the Governor-General is purely a technical one, I have not thought it necessary to submit the matter to Canadian women generally, they having already endorsed the principle, but only to the few “interested persons” as specifically required by the Act, these being all from the Province of Alberta and women reasonably capable of giving an account of the principles that actuate them should they be required to do so.

The following are the names in alphabetical order, your own among them:—

Henrietta Edwards
Irene Parlby
Nellie L. McClung
Louise C. McKinney
Emily F. Murphy

I do not feel it even remotely necessary to urge upon you to the extreme desirability [sic] of your lending your much-valued influence to this matter, which is so closely allied with the political, social and philanthropic interest of all Canadian Women.

Yours very sincerely,
Emily F. Murphy
Interview with Tom Wilson, 1913 MLA for Rocky Mountain House

[In 1913] The Edmonton Political Equality League organized a meeting with [Premier] Sifton. They came down to the Legislature and there must have been 150 or 200 women. They gave a spiel, both Nellie [McClung] and Janey [Emily Murphy] spoke because they were both good speakers, but Sifton wouldn’t let them go up the front steps to the Legislature. He stood on the second step and kept them standing around the well in the approach and he said to them, “did you ladies wash up your luncheon dishes before you came down here to ask me for votes?” He said, “if you haven’t you’d better go home because you’re not going to get any votes from me.” He was most ungentlemanly. So the next session of the legislature was in February [1914], a regular session, and I suggested to Mrs. Ferris that a better way would be to infiltrate the government so to speak and get possession of the building. So when two or three women appeared I took them in to see the interior of the building, and then two or three others came along casually and the first thing we knew we had the legislative hall filled with women. And they were sitting in the members’ seats. Sifton couldn’t call the police but he certainly gave them a piece of his mind. Anyway, they had won a point on him.

“One Voice was Raised Against the Bill:

Boudreau Courageous”

Calgary Morning Albertan (2 Mar. 1916)

During the debate which followed the speech in which [Alberta] Premier Sifton introduced the second reading of the government measure [enacting political rights for women] Lucien Boudreau stepped into a niche of fame alongside his leader. He was the only member of the fifty-six to vote against granting women equality. Mr. Boudreau, fearless champion of a lost cause, sturdily voiced the sentiments which perhaps many of the present legislators felt but lacked the courage to make public. . . . After the session a number of members took the honorable member for St. Albert away in a corner and jointly and severally congratulated him on his courage, whispering that he had expressed their sentiments exactly and they wished they might dare display his courage.

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