

WORDS TO KNOW

franchise	adultery
dominion	Privy Council
equitable	barbarous
bunk	glass ceiling

Women's Political Rights in the 1920s

1. Do women and men have equal rights in Canada? Why or why not?
2. What rights do women in Canada have today that you take for granted? Brainstorm with a partner.
3. When you have finished Section Two, revisit these questions. Are there any rights you forgot?

Evidence 2.14



Agnes Macphail was passionate about matters relating to equality for women and such issues as divorce, old-age pensions, and prison reform.

①
BEFORE
READING

During the First World War, many women participated in organizations outside the home, such as the WCTU, YWCA, Federated Women's Institutes, the National Council of Women, United Farm Women of Alberta, and the Montreal Women's Club. These organizations fought for improvements in society such as prohibition, better community services, better health and educational facilities, protection of women's property rights, and child welfare. They also campaigned to win the franchise for women and the right for women to participate equally with men in the political and legal systems. In effect, these groups formed a loosely connected women's movement. With this movement, women in the 1920s took some important steps toward equality—politically, socially, and economically.

Women and Politics

The *Dominion Elections Act* of 1900 had defined an "eligible voter" as a male person and stated that "no woman, idiot, lunatic, or criminal shall vote." By 1919, however, women had gained the right to vote and to hold elected office in most provinces. In 1920, the federal government amended the Act to make the federal franchise uniform (granting the right for both women and men to vote in federal elections) across Canada.

Not all women were given the vote. First Nation women (and men) could not vote, nor could Chinese and Japanese women (or men, except for Japanese men who had fought in the First World War). The 1920 *Dominion Elections Act* also allowed women, for the first time, to run for election to the federal Parliament.

Agnes Macphail, a Progressive, was the only woman to be elected to the House of Commons in the election of 1921. She was re-elected until 1940.

②

As you read Evidence 2.15 (opposite), select a sentence from Agnes Macphail's speech. Explain what you think she meant and why she chose the words she did. What would be the impact of this change in the divorce law for women?

DURING
READING

In the following 1925 speech in the House of Commons, in response to comments by another MP calling for increased rights for women, Macphail called for changes to the divorce law to make the partnership of marriage more equitable. This was not a familiar issue at the time.

- Read the first four sentences and make a note like the following:

I read that Macphail says women contribute more to marriage than men because they have to sacrifice more than men.

- Next, respond to this idea using *I think* (your personal thoughts on this information). Then, respond *Therefore...* (draw some conclusions or make a connection to today).

- Now read the next several sentences and complete the same prompts in your notebook:

I read... I think... Therefore...

- Read the last two sentences and use the same prompts for your responses.

“It is a fact that all women contribute more to marriage than men; for the most part they have to change their place of living, their method of work, a great many women today changing their occupation entirely on marriage; and they must even change their name. They then work continuously for many years until death happily releases them, and that without wages at all. They work without pay. No one can claim that a married woman is economically independent, for she is not; apart from some very rare exceptions, married women are dependent economically, and that is the last possible remaining bond on women. Women have struggled for ages now, and today they are ably championed in our country by the honourable member for West Calgary [Mr. Shaw, Independent Labour MP] and his friends who in this House are demanding further rights for them. ... I want for myself what I want for other women—absolute equality. ...

If the present [divorce] law is based on injustice, and it clearly is, let us change it. All this bunk, if you will pardon the word, about equality between the sexes does not impress me very much. We are actually working towards equality and clearly from the instances cited by the minister of justice tonight we have not yet got equality. ... We need very many changes in our laws. We can only make them one at a time.”

Source: D. Gruending (ed.), *Great Canadian Speeches* (Toronto: Fitzhenry & Whiteside, 2004).

The federal *Divorce Act* was changed in 1925 to permit women the same right to a divorce as a man—adultery. That was the only ground for divorce in Canada until 1968.

Canadian Women: Persons or Not?

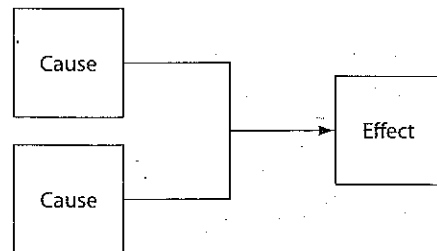
A significant milestone in women's political rights occurred in the Persons Case. The first constitution of Canada was the *British North America Act* (BNA Act), which used the word “persons” to refer to more than one person and “he” to refer to one individual. When Emily Murphy was appointed the first woman police magistrate in Alberta in 1916, her appointment was challenged on the ground that women were not persons under the BNA Act and they therefore could not hold public office.

The following year, Alice Jamieson faced a similar challenge. In 1914, Jamieson had been appointed the first woman judge in the British Empire of a juvenile court and soon after, in 1916, became Canada's second female magistrate.

In 1917, Lizzie Cyr was arrested in Calgary and charged with vagrancy (the polite term for prostitution). She appeared before Jamieson. Jamieson found Cyr guilty and sentenced her to six months of hard labour in the local jail. Cyr's lawyer, John McKinley Cameron, appealed the decision because as a woman, Jamieson was legally “incompetent and incapable” of holding this high office. As well, he argued, Cyr was in court for only 10 minutes, and there was no real evidence of her crime (Evidence 2.16).

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1. When you think of the word “person,” what other words come to mind? Share them with a partner.
2. What is the importance of being considered a person by the legal system?
3. Try to imagine what it would be like to be refused the rights that a Canadian citizen has simply because you are a woman—or simply because you are a man. If you were denied the right to vote because of your gender, what would you do? Share your thoughts with a partner.
4. As you read the following evidence, create a cause/effect organizer like this one in your notebook. Add more causes or effects, as you think necessary.
5. Select the six most important events in the Persons Case and create a timeline. For three of these events, include a visual.



DURING READING

Excerpt from Lizzie Cyr's appeal.

What grounds does Cameron use to appeal the decision? How does this case relate to the Persons Case?

... among other grounds: -

(1). That the Information herein and the Conviction disclosed no offence against the accused.

(2). That Section 238(a) of the Criminal Code has no reference, and does not apply to a woman, and the accused herein is a woman.

(3). That it is no offence for a woman to have no visible means of maintaining herself and to live without employment.

(4). That the accused was not given an opportunity to make her full answer and defence to the charge, and was convicted without being called on for a defence contrary to the provisions of the Summary Convictions part of the Code, and contrary to natural justice.

(5). That the said Mrs. Alice J. Jamieson is not a Police Magistrate, and has no capacity for holding the appointment of Police Magistrate, and is incompetent and incapable of holding the said appointment.

(6). That the said Mrs. Alice J. Jamieson has never been legally appointed Police Magistrate in the Province of Alberta.

(7). That the Lieutenant-Governor and Council of the Province of Alberta have no power to appoint a woman Police Magistrate, and that her appointment is void.

(8). That at common law a woman cannot be appointed a Police Magistrate, and there is no Statute Act or Ordinance in force in the Province of Alberta empowering her appointment.

(9). That there was no evidence of the offence charged herein against the accused, or of any offence.

The legal application of the Famous Five to the governor general, asking that the Supreme Court of Canada review whether women were persons under the constitution.


In 1917, the Alberta Supreme Court's decision on the appeal stated that "there is ... no legal disqualification for holding office in government of this country on the basis of sex." As a result, the authority of judges Murphy and Jamieson was upheld, and in Alberta, at least, women were "persons."

By the early 1920s, many women's groups were trying to have a woman appointed to the Senate. Emily Murphy and four other women wanted the Supreme Court of Canada to define "persons" to include women (Evidence 2.17). The Alberta Five, or the Famous Five as they came to be known, included Emily Murphy, Henrietta Muir, Nellie McClung, Louise McKinney, and Irene Parlby.

To the women's disappointment, the Supreme Court ruled in 1928 that women were not persons under the BNA Act. One of the Supreme Court's arguments held that the Act should be interpreted in light of the times in which it was written. Since women were not politically active in 1867, they could not be elected.

The Famous Five appealed the Supreme Court's decision to the Judicial Committee of the Privy Council in England, the highest court of appeal for Canada at the time.

P.C. 1835

H. 

Edmonton, August 27th, 1927.

To His Excellency
The Governor-General in Council
Rideau Hall,
Ottawa, Ontario.

Sir:

As persons interested in the admission of women to the Senate of Canada, we do hereby request that you may be graciously pleased to refer to the Supreme Court of Canada for hearing, consideration and adjudication the following constitutional questions:-

1. Is power vested in the Governor-General in Council of Canada, or the Parliament of Canada, or either of them, to appoint a female to the Senate of Canada?

11. Is it constitutionally possible for the Parliament of Canada under the provisions of the British North America Act, or otherwise, to make provision for the appointment of a female to the Senate of Canada?

These questions are respectfully referred for your consideration pursuant to Section 60 of the Supreme Court Act, R.S.C. 1906, Cap.139.

We have the honour to be,
Sir,
Your obedient servants,

(Sgd.)	Henrietta Muir Edwards	(Macleod)
"	Nellie L. McClung	(Calgary)
"	Louise C. McKinney	(Claresholm)
"	Emily F. Murphy	(Edmonton)
"	Irene Parlby	(Alix)

Kindly address communications to
Mrs. Emily F. Murphy,
11011-88th Avenue,
Edmonton, Alta.

(Handwritten notes on left margin: Privy Council, Refer and to Ministers of Justice, 28 Sept 27)

Canadian Women Are Persons!

“... their Lordships have come to the conclusion ... the question must be answered in the affirmative and that women are eligible to be summoned to and become members of the Senate of Canada.”

Source: Decision of the Lords of the Judicial Committee of the Privy Council, October 18, 1929.

“The BNA Act planted in Canada a living tree, capable of growth and expansion. ... [T]he word persons in section 24 of the BNA Act includes members of both the male and female sex ... and women are eligible to be summoned and may become Members of the Senate of Canada. ... [Y]es, women are persons ... and eligible to be summoned and may become Members of the Senate of Canada. ... [T]he exclusion of women from all public offices is a relic of days more barbarous than ours. And to those who would ask why the word 'persons' should include females, the obvious answer is, why should it not.”

Source: Lord Chancellor John Sankey, October 18, 1929.

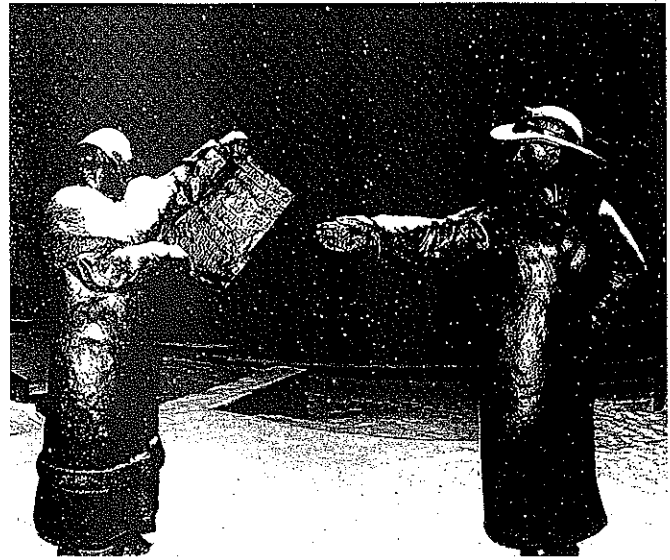
Emily Murphy, one of the Famous Five and a Conservative, wanted to be the first woman appointed to the Senate. But it was Cairine Wilson, a Liberal from Ottawa, who was appointed the first senator by the Liberal government of Mackenzie King in 1930.

Evidence 2.19



Women Are Persons Monument, Parliament Hill, Ottawa. Unveiled on October 18, 2000, this monument marked the first time women were honoured on Parliament Hill. The grouping of statues does not actually look like these photos. The individual figures are spaced in a rectangular formation and spread apart quite a bit.

Why is it important that this monument be located in Ottawa? Why do you think it took until 2000 to create such a monument?



Women experienced many firsts in the 1920s.

What conclusions can you make about the 1920s for women? Who do you think is not included in this progress? Why?

- As you look at the timeline in Evidence 2.20, identify each accomplishment for women as either significant at the time (T), or still significant now (N). Prepare an organizer like the following to guide your thinking. Be ready to explain the reasons for the choices you made.

Significant then (T)	Still significant now (N)

- Assume you lived in the 1920s and wanted to improve women's rights. After reviewing the timeline, decide which issues you would have selected as your focus. Share your ideas with a partner. Would men want to improve women's rights? Explain.

Evidence 2.20

Constance Hamilton (1862–1945) was elected the first female city councillor in Toronto on a platform that included more playgrounds, public ownership of transit, a strong police force, and increased library funding.

1920

Esther Marjorie Hill (1895–1985) was the first woman in Canada to earn an architectural degree.

Mary Ellen Smith (1863–1933) was appointed to the BC provincial legislative cabinet, the first woman cabinet minister in the British empire.

1921

British Columbia passed the first maternity leave legislation.

Violet Guymer (1885–1955) of Manitoba became the first female licensed funeral director in Canada.

1922

Phyllis Munday (1894–1990) and Annette Buck became the first women to reach the summit of Mt. Robson, the highest peak in the Canadian Rockies.

1924

RCMP entered Six Nations territory with an armed force to end a centuries-old system of governance based on female leadership, to replace it with an elected system under the federal *Indian Act*.

Dr. Allie Vibert Douglas (1894–1988) became the first woman in Canada to graduate with a PhD in astrophysics.

1926

Every day, an average of four Canadian women died in childbirth.

1927

The *Pension Act* permitted the federal government to assist provinces that provided pensions at age 70.

The "Famous Five," Emily Murphy, Nellie McClung, Irene Parlby, Henrietta Muir Edwards, and Louise McKinney, asked the Supreme Court of Canada to rule on whether the word "person" in section 24 of the BNA Act included women.

Rose-Anna Vachon began baking individual snack cakes that she named for her sons, Joe and Louis.

Eileen Vollick (1908–1968) of Hamilton, Ontario became the first Canadian woman to earn a private pilot's licence.

1928

Women competed in the modern Olympic Games for the first time. Canada's team won two gold medals, one silver, and one bronze.

The Supreme Court of Canada unanimously decided in the Persons Case that women were not "persons" and could not be appointed to the Senate.

Anna Dexter became Canada's first woman radio broadcaster.

Education and work: 25% of young women attended high school, a few women became doctors, lawyers, or business executives; women in low-paying, low-status jobs (nurses, secretaries, maids) made up 20% of the labour force.

1929

The British Privy Council reversed the decision of the Supreme Court of Canada in the Persons Case, ruling that women were "persons" with all rights accorded to the definition, including the right to sit in the Senate of Canada.

Agnes Macphail (1890–1954) was sent to Geneva, Switzerland as Canada's first woman delegate to the League of Nations.

Fewer than 4% of Canadian women worked outside the home.

Then and NOW

Evidence 2.21

*6

What does this cartoon suggest about how women's roles were changing by the end of the 1920s?

Evidence 2.22

While taking part in the unveiling of the *Women Are Persons Monument*, Governor General Adrienne Clarkson said:

“I hope that young women from coast to coast are going to visit Ottawa and gaze upon this sculpture with pride, with wonderment, and with a little bewilderment—pride at the perseverance, the solidarity, and the dedication of these special women; wonder at the strength of their individual characters; and bewilderment that there was ever a time in this country that women were not considered persons. And I hope it will encourage everyone who sees it to continue the journey of the Famous Five: to ensure that all women one day will be truly treated equally as persons.”

What message is Clarkson giving to women today? What would you do, if you could, to help her dream come true?

Women have been eligible to become MPs and senators for decades now. What are some possible reasons that there are so few?



THAT ACQUISITIVE INSTINCT

Source: Montreal Daily Star, December 5, 1928.

WOMEN IN POLITICS

	By the end of the 1920s	In 2006
In the House of Commons	1 (until 1935, when there were 2)	64 (20.7% of the 308 seats)
In the Senate	None (1 in 1930)	33 (34% of the Senate)

1. In a speech for Women's History Month (October, in Canada), analyze the impact of the women's movement in the 1920s. You can focus on any of the developments that occurred during this period. You may wish to research a little more for specific individuals.

→ any evidence in this handout

2. Using the evidence in Section Two, create a mind map that explores the cause-and-effect relationships of the women's movement in the 1920s and connects those to current issues. Ideas to consider include the traditional roles of women, the "glass ceiling," financial costs, and societal attitudes.
3. Prepare a diary entry that one of the women mentioned in Section Two might have written. Include any thoughts about what more you think you might have done if you were that individual. You may wish to find photographs that show your subject in action. Conclude with comments on what you, as a historian, have learned about that woman's role at the time and the impact of her role today.

AFTER READING

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Evidence 2.23