

**LAWS3305 – November 7/13**  
**Patriarchy**

**Sir King George II**

- reigned almost 60 years; has a real connection to Canada
- when he came in, within a year or so, compelled negotiations – **forced an end to the 7-Years War AKA the French-Indian War**
- as a result, we got Quebec and France got Guadeloupe
- **Quebec retained its civil code which is still in operation, but British Criminal Law has remained in the rest of Canada**

**Modern State Patriarchy:**

- different from traditional patriarchy
- in the **traditional patriarchy, it was very oppressive in terms of women's issues**
- in the **modern state patriarchy, the state does start to intrude but for other reasons than women's status; more meant to help society overall**
- modern state patriarchy period: addressed issues such as abortion, health, etc – not so transparent purpose (machievellian undercurrent)
- **in modern state patriarchy, a woman became a legal person; in Canada, women not legal people until the 1920s** (all property rights were held by the husband; if woman was assaulted, could not press charges)

**Traditional Patriarchy:**

- **females had been simply chattel**; their worth was an unknown legal concept. Occasionally there was alimony, but she had to apply for it; could not remarry.
- Separation possible, but if she moved away from family unit, she lost her custody rights
- divorce didn't come until 1968; had to prove adultery, had to prove certain things

**Angelique Pilotte:**

- societal sensitivity towards birth and abortion was starting to change
- Pilotte received 6 months hard labour
- before she could do that, she escaped and disappeared
  
- in 1892, in our Criminal Code, attempting to procure an abortion was an offence

**Morgentaler v The Queen**

(1988 44 DLR (4<sup>th</sup>) 385)

- the court, in light of the Charter of Rights and Freedoms, decided that women were discriminated against because they did not have **the full security of their person AKA choice**
- the SCC ruled in favour of abortion

**Rape – now known as more serious degree of assault**

- society has reflected in that phrase that rape is a crime of violence, not sex
- this eliminated a lot of logistical intimidation for women witnesses, has ameliorated to some extent the process of bringing rapists to trial
- in relatively recent years, women have been freed from provision that rendered it unallowed for women to testify against their spouses

- now women can bring charges against their spouses

**The downside:** the Crown can prosecute women for various ways for not following through because it's seen as irresponsible sometimes if she withdraws

### **Lizzy Borden**

- late Victorian period in New England
- charged w/murder of her parents (such a ghastly way; no one could have foreseen it)
- she's a woman of good repute
- jury made up of 12 men
- pretended not to have heard about the murders
- her alibi was flawed, was heard laughing
- condemning: the night before, she told her neighbour that she feared an enemy of her father might try to kill him
- she was later acquitted; with the proceeds of her parents' insurance policies, bought a large Victorian house w/her sister
- in 1927, died at 66 of complications from abdominal surgery
- remains unsolved today

### **The Suffragettes**

- women's movement in the 19<sup>th</sup> and 20<sup>th</sup> centuries who fought for the right to vote
- women were imprisoned for small infractions as well as quite serious ones; they accosted politicians, etc
- one of the first times surveillance used when they were trying to label women who were likely to be trouble-makers
- many of them were well educated, upper-class women

### **One of the most notorious incidents: June 5, 1915**

- Emily Davidson who had gotten an Honours degree from Oxford in English Lit did time
- males in parliament brought in the **Cat and Mouse Law to address the number of suffragettes who would hunger strike once arrested.** Going on a hunger strike was meant to bring attn to their cause while making the government look bad.
  - To get around this, once a woman was on hunger strike, authorities would wait until she was too weak from not eating to do any harm to the public. At this point, she would be released, and eat again to gain strength. Then, again, she would commit another act against the authorities, etc. Etc. Etc.

(Video)

- suffragettes treated as common criminals
- Pankhurst sent to prison for breaking a window

At the end of WW2, millions of men were dead – for ex: from one small town, every single male of military age died.

- because of this, so many women took up executive positions and performed functions which could not have been denied by males as having been important
- many women died of the chemicals used while making the bombs
- in England, at the close of the war, they eventually got the right to vote

- **not across the board right away**; had to be women w/certain property, certain age, but still, the start of it

### **La Reine de la Belle Epoque**

- slept around with industrialists, nobles, military figures
- her stage name (which meant Rising Sun / Sunshine) became synonymous w/spying

**Pour la gloire** – means “for glory”

**French public** – were looking for a scapegoat; at this point

### **Margaretta Zella (Mata Hari)**

- born in the Netherlands; married a Scottish soldier who needed a wife
- was a Dutch exotic dancer
- they had a child who died of an illness
- she returned to France and, for a while, worked as a circus rider. Then began to use some of her experiences in dancing
- French used her as a popular scapegoat
- she was executed by firing squad in France due to having spied on Germans (treason) in WW1
- the trial was heard in secret – mirrors today's issues such as Guantanamo, etc
- today, historians still argue that she did not communicate any secrets

The way society reacts to insecurity is the same today as it has been for years; complete hysteria over very little evidence-based proof. Ex: after 9/11, heightened security at airports – body searches, scanners. Is this Big Brother trying to make you feel as if they're doing something?

### **The Red Scare**

- in Canada, happened in Winnipeg (Winnipeg General Strike)
- RCMP fired at the crowd during a demonstration
- meant to promote fear of rising communism; happened with the rise of unions
- mass hysteria that the Bolsheviks were taking over
- Canadians fought w/Imperial White forces in Russia; young soldiers came back from Europe to a highly competitive job market, movements such as anarchism at the time (many of whom were Italians) – challenging authority during a dangerous time (esp. in America)
- at the end of the day, European immigrants wanting a fair wage

### **Palmer Raids:**

- notoriously, one anarchist found dead below FBI bldg on pavement after an interrogation
- Palmer Raids in the US meant to arrest and deport radical leftists & anarchists from the country
- people still don't donate to Harvard University today because the president was invited to review the verdict (even though it was extrajudicial)
  - found there was no problem; they had alibis – forensic evidence completely skewed

At the time, Americans more concerned w/anarchism than they were w/gangsters, etc. Jury decided that those who were evading the draft were guilty of being unpatriotic; unreasonable and a nonissue. These cases illustrate how the state can become oppressive; similar to the theory of wrongful convictions – aspect of investigative tunnel vision. Police often only focusing on one piece of evidence,

etc...

### **The Case That Will Not Die:**

Sacco and Vanzetti

- example of complete perjury prompted by the state; evidence accounts telling different stories; two accused did not speak very good English

### **Ideas Rather than People Being on Trial:**

#### **Scopes Trial**

Clarence Darrow – well known criminal lawyer at the time (early 1900s)

- in the Bible Belt, efforts to make teaching evolution illegal
- Darrow had offered to defend John Scopes's right to teach evolution in school
- still in Canada and parts of the US, there is legislature requiring school boards to not teach evolution or, in science departments, theories of creationism
- William Jennings Bryan – had been appointed to colonel due to his efforts to oppress believers of evolution; Jennings Bryan was a well known fundamentalist
- Scopes found guilty and fined, but this verdict was overturned due to a technicality
- this trial made famous the fundamentalist-modernist controversy (modernists in favour of evolutionary teachings vs fundamentalists who argued evolution is incongruent w/religions and teachings of the Bible)