

CC203 Final

Women & Crime-Late 19th/Early 20th Century

- Differences between rural and urban areas
- Being homeless or unemployed resulted in incarceration in jails/poor houses/asylums
- Deserving: people who worked but fell sick
- Undeserving: able bodied people who didn't work, fallen women, criminals, prostitutes
- Public institutes took in sinners and subjected them to hard work & religious reform
- Jane Price studied vagrancy/female criminality in Halifax, late 19th century. Found society forced women to prostitution as a means of employment. She also found near winter some women purposely committed a crime to seek shelter & food; jail.
- Vagrancy laws were enforced in the late 19th century when the public became fearful
- Newspaper stories on court hearings destroyed citizen's reputations
- It wasn't till 1850 that it was believed poverty/criminals/mental illness could be cured
- Prostitution is one of Canada's "oldest professions"
- Has never been a crime, but anything related has been prohibited
- Development of railways resulted in mass migration towards the west, most of which were single men; created an environment where prostitution flourished
- Legal repression in the 1980's made it more difficult to operate brothels so street-based prostitution became more common
- Prostitution increased during WWI due to little employment, decreased in WWII due to greater economic opportunity for women in war-related industries
- Middle class women tried to 'rescue' prostitutes. In TO they opened a refuge, the Magdalene Asylum, to teach domestic skills & reform women
- Black & Irish women were more likely to be harassed by the police & overrepresented
- On the Prairies, most female murderers/infanticides were not convicted; pity not punish
- Violent criminals were stereotyped as male/immigrants/working class
- Courts tended to treat husband murderers more harshly than wife murderers
- Hilda Blake; hung in 1888 for killing female employer to steal her husband. She published a poem of lament & became a celebrity, yet was still executed

Seduction & Rape-Late 19th/Early 20th Century

- Having an illegitimate child, being an orphan, losing virginity before marriage, or being an unwed mother brought upon shame
- Father's consent was vital; seduction was viewed as a crime against fathers
- Until 1882 in most provinces, women couldn't testify on their own behalf
- Migrant/immigrant/domestic workers were often victims of sexual imposition
- In the 1870s/1880s seduction & rape laws slowly improved
- Although the court offered protection for girls aged 12-16 from seduction, this only applied to previous chaste girls. Domestic servants were also not as protected as others
- Rape laws were meant to protect the individual, family, and society
- Male juries were reluctant to convict men of rape & required physical prove+witness
- Women victims of rape were put on trail themselves, subject to heavy questioning; being drunk, or out alone at night usually meant it was the women's fault
- Married women could not be raped by their husbands, the law wouldn't protect them

- Girls raised by religious orders were encouraged to be nuns, but couldn't rise in the church because they couldn't offer a dowry to the church
- Middle class women across Canada provided homes for 'respectable' orphans
- In 1903 the protestant orphan home was shut down because of funding, staff, infection and public pressure
- VD caused public panic and some wanted to deny marriage to those who had it
- Some desperate women turned to infanticide/abortion to protect their reputations

Indigenous Women

- A study found a link between illegal drug use & family history related to residential schools, even a generation removed. Depression has also been linked to these schools
- Self esteem and poor parenting is common for Indigenous people
- Residential schools were in place from 1863-1996, non-compulsory from the 1980s. They caused loss of cultural identity & physical/emotional/sexual abuse.
- Aboriginal women are overrepresented in the prison system & courts. In the past they were devalued as savage, sexually loose, uneducated, intemperate inferiors
- Women who married non-status Indian men lost their status & right to live on reserves, which didn't apply to men. If women divorced their partner the male kept the house
- A series of Indian acts took away Indigenous rights and made living conditions hard. These acts were made in attempt for the white to gain better and more land.
- Women who married Aboriginal men had to convert to their band, so many didn't marry
- Statistics show 60% of native women have experienced sexual violence & are much more likely to violently
- Women were blamed for infant mortality and diseases as a result of poor housekeeping
- Indigenous peoples required a signed note by an official to leave reserves, because women were equated with prostitutes and therefore a threat to society
- The Government determined if a women was moral, & if they were determined immoral they couldn't inherit their share of a husbands estate
- Alcohol laws restricted Indigenous peoples from selling or consuming alcohol

Angelina Napolitano & Domestic Violence

- Wife beating wasn't considered serious until after WWII, & most incidents were kept a 'secret shame' unless they resulted in severe injury or death
- Men were rarely convicted of wife beating, as the blame was placed on the female for disobeying her duties. Also, a man in jail can not provide for their families
- The build-up of domestic abuse is the reason many women murdered their husbands
- Wife abuse was not focused on until the 1970's feminist movement
- Women could put blame on men if they were a poor provider, 'unmanly', or a drunk
- Many women couldn't take their cases to court; \$5 fee, they couldn't afford it
- Angelina Napolitano was pregnant when she murdered her husband and was sentenced to hang. Her husband brought in little to no income & was a drunk, insisting she prostitute to bring in money. He beat her for refusing to do so, eventually stabbing her & hospitalizing her. She killed him in his sleep. After public protest, she was instead given a life sentence in jail
- Stranger murders are treated much more harshly than intimate murder
- Domestic violence has been linked to PTSD & brain injuries

-On average, women tolerate 18-35 incidents before informing authorities

Women's Courts & Feminized Justice

- In 1913 a women's court was established, with a female magistrate in 1921
- Toronto Women's Court; women lobbied for greater presence in the court. Dr. Margaret Patterson was the 1st female magistrate, previously a missionary & nurse.
- Women magistrates operated a motherly figure, to give support & reform
- The Chinese were feared as drug addicts, criminals, degenerates
- Emily Murphy was 1 of the famous 5 who fought for women to be considered a person. By 1922 females could legally vote (excluding Quebec). Women were declared a person in 1929, which was a 60 year battle; the person's case. Emily was motivated because she was challenged in her court rulings because she was a 'non person'

Birth Control & State Control

- Until the 1980s abortion was illegal, as was procuring one or providing the supplies
- Many turned to homemade abortion techniques which could be dangerous & fatal
- Great depression created support for birth control; VD, infant mortality, deprivation
- Some groups rebelled and educated on birth prevention & provided condoms
- Birth control pills were illegal in Canada until 1969, as was advertising/selling them
- Some religions strongly opposed the birth control pill
- Dr. Stowe was put on trial for procuring a miscarriage & killing her patient, but was acquitted
- Dr. Morgentaler was a vocal advocate for birth control methods & published an article stated he had safely procured 5,000 abortions. He was able to escape any charges laid & it was largely due to him that doctors were legally able to perform abortions by 1988
- Drummond shot her baby with a pellet gun while giving birth but the baby survived

Women & Addiction; The Perils of Alcohol & Illegal Drugs

- Alcohol has always been seen as a problem, anti-alcohol crusades were common
- In 1908 opium was prohibited, fed by anti-asian backlash
- Drinking was very common for men; at one point there was 1 bar for every 100 people
- The prohibition occurred in the early 20th century, driven by economic & moral reasons
- Bootleggers were prosperous as the government was very strict with alcohol
- There is a direct correlation between alcohol and domestic abuse
- The 'indian list' was a list of known drinkers whom were denied alcohol
- Women receive greater stigma attached to addiction than men do

Women & the Legal Profession; 3 Women of Significance

- Clara Martin was the 1st person to graduate as a lawyer in Canada, despite much protest from men. Many women fought for a change of legislation that made it illegal to base school admissions off gender. There was much controversy about her appearance in court and clothing attire. The Ministry of Attorney's building was named after her, but her name was removed when it was revealed she was anti-semantic
- Bertha Wilson was the 1st female member of the Supreme Court of Canada, served for 10 years. Her support for abortion, mandatory retirement, & battered wife syndrome caused controversy. Also very successful working in a law firm.

- Louise Arbour was a Canadian Supreme Court Justice, was well respected by the United Nations for her work in human rights.
- Women are still a minority in private practice, and the cost of women leaving the workplace is very expensive for firms. Women often leave to focus on their families.

Juvenile Delinquency: 'Bad Girls'

- Children could be removed from their home if child services felt it was necessary
- 1908 Juvenile Delinquency Act was designed to protect & reform juveniles. Prior to this children were tried in the adult court system
- Sometimes girls were sentenced due to promiscuous behaviour, reported by parents
- Marymount institution was run by nuns, goal was to reform girls & teach gender roles. In 1946 85% of admissions were voluntary by worried parents. New arrivals were required to take medical tests, which could extend sentence if positive for VD
- Sexual purity & domestic skills were key features of reform schools/institutes
- Mental health specialists uncovered many cases of sexual or physical abuse
- After sentences, most girls were boarded out to work with monitoring, not sent home
- Studies show institutionalization led to job instability, depression, & other negatives
- Until recently, child offenders were treated as "misdirected & misguided", not criminals
- Young Offenders Act replaced the JDA, which addressed many improvements
- Juvenile delinquent had few legal rights in the past and suffered life long consequences

Violence Against Women Theory

Factors associated with intimate partner violence include...

Ecological Framework (4)

1. Personal history factors; family violence, victim of violence, absent father
 2. Microsystem factors; excessive male dominance in family, alcohol abuse
 3. Ecosystem factors; lower class, unemployment, isolation, delinquent peers
 4. Macrosystem factors; rigid gender roles, male dominance, physical violence
- Social learning theory; violence is observed through influential characters (family)
 - Gender role theory; Behaviours of men & women are based off social ascribed gender roles, feminist concerns
 - Development theory; Children who have experienced violence grow up seeing relationships as involving a victim & victimizer. More susceptible to media's influence
 - Attachment theory; Relationship with mother/caregiver determine child's character in life
 - Evolutionary psychology; psychological behaviours are adaptive, unconscious traits
 - Feminist theories; violence results from gender, race, & class hierarchies
 - Masculinity theories; gender is a fluid construct that is reinforced in everyday life
 - Battered woman syndrome is a relatively new defence strategy
 - Elizabeth Workman was a housekeeper with an abusive husband, who was a poor provider & alcoholic. Elizabeth tried to make money to provide for her children, but the abuse continued. Eventually she beat her husband, resulting in death. She was convicted of murder & hung; the judge refused to listen to her defence due to rumours of promiscuity. Many petitions circulated, but she was still hung.

Jane Doe

- Sexual assault is usually committed by someone close to the victim & is underreported
- Jane Doe was raped in her apartment one night, threatened with a knife. The police withheld his presence from the neighbour, using women as bait to capture him. She was threatened with arrest if she choose to alert other women in the neighbourhood. She filed a lawsuit against the police unit for withholding vital information (sexist) & mistreating victims of rape. She faced very harsh defence, but in the end won. This enforced changes in the police system to eliminate sexism.
- In reality it is the decision of the courts to prosecute a rapist, not the victims

Prostitution

- 1920-1960; law regulated the sexual activity of men & women in profoundly different ways. Feminists at this time rarely supported the discrimination of prostitution, sometimes supporting the double standard. Poverty & addiction led to prostitution. Studies declared 75% of prostitutes were feeble-minded. Blame was rarely placed on the 'john' paying for sex. The Mercer Institute took in prostitutes to reform them.
- Post 60s; wanted to decriminalize the sex industry. Most studies focus on the women, but the men involved. Many women are young and work for themselves. Sex worker groups are striving to make conditions safer and educate people.
- 21st century; the government is working to make conditions safer for sex workers, which is difficult because some argue laws are unconstitutional. The government prohibits living on the avails of prostitution, but trading sex for money is legal. Pimps are illegal & so is advertising sexual services

Race & Justice

- Racism, colonialism, & cultural devaluation of Indigenous women has contributed to their victimization to violence, sexual assault and femicide. Reporting incidents risks stigmatization. They are 4x more likely to be abused by a partner than other women.
- Missing & murdered Aboriginal women is a huge problem today, with unacceptable response from RCMP, police, and society
- 18 to 30 women have been murdered/gone missing on the highway of tears
- Robert Pickton was a serial killer who killed prostitutes & buried them on his farm
- It is more difficult for Aboriginal women to argue batter woman syndrome than others
- United Nations have found that Canada has failed to investigate missing Aboriginals, punish perpetrators, & protect Aboriginal women
- Tina Fountaine was a 15-year old girl who went missing & was later found dead. Police failed to inform her parents, rescue her from the vicim, and punish the murderer in court.
- Trudeau launched a National Inquiry into missing & murdered Aboriginal women

Women Who Serve & Protect

- When police forces began hiring female officers it was hoped the public would be treated more compassionately. However, the women faced many issues; sexual harassment & gender stereotypes.
- RCMP wives served as unpaid secretaries
- Female RCMP officers found problems with the pregnancy leave policies, & left the army because of them

- Female RCMP officers also suffered from sexual harassment, which resulted in a mass lawsuit against the army. Many have PTSD from their experiences. Guilford led this suit. Guilford noted that even in the lawsuit process she was treated unfairly & judged.
- Chief Bradburn started her career as a police constable in Toronto, raised to chief in 1994. She fought discrimination and increased female population within the force

Violence Against Women (Novel)

- In 1995 violence against women cost Canada \$4.2 billion; medical expenses, lost jobs
- Support shelters have been forced to de-attached themselves from feminist political in order to receive government funding. These support groups don't help all cultural needs.
- Population surveys select samples of women to interview about their violent experiences. Generic crime victimization surveys are administered 1st person, & the first few were inaccurate due to confusing and poor questions choice. Surveys dedicated to violence against women were more successful, addressing the previous errors. Family conflict surveys determined violence between partners, but was criticized for determining violence was the same for each sex.
- Couples under 25 are most likely to perpetuate violence, least likely in couples aged 45
- Men who grow up seeing violence in the family are 3x more likely to be violent as well
- New policies let the court control charges against men for assault, which means women don't suffer or get threats to drop charges; out of their control. Some criticize this
- "Second rape" is the stigma women battle in their recovery, due to myths/stereotypes
- Changes to make the criminal code gender neutral is offensive, as they are not treated equally; women experience it much more often & severely than men
- SANE are nurses who have been trained to deal with sexual assault victims
- Ameliorative Hypothesis: As women's socio-economic situations improve, their rates of lethal victimization decreases
- Backlash Hypothesis: As women become more equal, lethal victimization will increase, due to men who feel threatened by their independence & want to be the dominant figure
- Only .3% of sexual assaults result in conviction
- Laws that gave custody of a child to the non-violent parent actually increased violence against women, likely in frustration
- Most research of new policies effectiveness occur after they have been implemented, which can be risky and harmful

Group Project Important Takeaways

- Girl gangs have been migrating to small towns, likely due to drug trade & media. Member are looking for belonging, often poor, victim of abuse, depressed, addict
- Carrie Davies shot her boss Charles Massey when he tried to sexually assault her. She successfully won the case in court, her word won against his status
- Evelyn Dick was known as Hamilton's torso murderess
- Marc Lepine's father used domestic violence and growing up Marc struggled with authority. He killed 14 women, targeting feminists, then committed suicide.
- Ashley Smith was aggressive & acted out as a child & spent her teenage years in the criminal system, dying in captivity due to lack of prison guard reaction.