SOCIAL ISSUE

The Humanity of Heroes: The Famous Five

Barbara Crow

When I moved to Calgary in 1993, my knowledge of the West was limited despite my father's prairie heritage. I knew that Calgary was a boomtown, the host of the 1988 Winter Olympics and, from my work in Women's Studies, the home of the Famous Five—Henrietta Muir Edwards, Louise McKinney, Irene Parlby, Nellie McClung and Emily Murphy, the five prairie women who challenged Parliament—taking their case all the way to the British Privy Council to include Canadian women in the legal definition of "persons."

Illustration based on the maquette of Barbara Paterson's bronze sculpture of the Famous Five due to be unveiled in October 1999.

Every fall term of teaching, I relay the Famous Five's story as part of the history of the Canadian women's movement. Most students have never heard of the Famous Five and cannot believe there was a time in Canadian history when women were not considered persons. Having got their attention, I place the Famous Five in historical context, revealing the status of women at the time and their lack of political rights. The Famous Five fought the sexism which created inequities between men and women, but not the racism and classism responsible for other inequities in their society. However, I have rarely challenged the views of the Famous Five beyond merely stating them.

It was not until the Famous Five Foundation released their plans to place a commemorative sculpture by Edmonton artist Barbara Paterson in Calgary's Olympic Plaza on October 18, 1999, and on Parliament Hill on October 18, 2000, that I saw that my approach needed to be changed. At a fund raising event for the Foundation held in Calgary in April 1998, guest speaker Jan Wong read an excerpt on Chinese Canadians from Emily Murphy's 1922 book, *Black Candle*: "Still, it behooves the people of Canada…to consider the desirability of these visitors—for they are visitors—and to say whether or not we shall be 'at home' to them for the future." It became obvious that the racism and classism of the Famous Five had to be addressed. A national controversy ensued, not about whether such sculptures should be displayed in Calgary and on Parliament Hill, but about why we would want to honour five racist and classist women. Did this constitute veiled sexism (such scrutiny has not been applied to memorialized Canadian men) or an attempt to have a genuine debate about the racist, sexist and classist practices that have shaped Canadian politics?

The 70th anniversary of the "Persons Case" provides us with an opportunity to reflect on these practices and to account for the ways they have shaped our morality and politics today.

WHO WERE THE FAMOUS FIVE?

The Famous Five were not randomly selected to challenge the definition of personhood in the *British North America* (BNA) *Act*, Canada's constitution at the time. They were five remarkable Alberta women. Henrietta Muir Edwards (1849-1931), from Fort Macleod, published Canada's first women's magazine, called "Women's Work in Canada," and helped establish the National Council of Women and the Victorian Order of Nurses. Louise McKinney (1868-1931), from Claresholm, was the first woman to sit as an elected official in the British Empire when she was elected MLA in Alberta in 1917—the first election in which women could vote or run for office. Emily Murphy (1868-1933), from Edmonton, was a writer, the first woman to be appointed to the Edmonton Hospital Board, and the first female Police Magistrate in the British Empire. Irene Parlby (1868-1965), from Lacombe, was the first president of the United Farm Women of Alberta, a member of the University of Alberta's Board of Directors, and the first female cabinet minister in Alberta (1921), the second woman to hold such office in the Commonwealth. Nellie McClung (1873-1951), from Edmonton, is primarily known as a writer (15 books), but was a Liberal MLA from 1921 to 1926, the first woman Director of the Board of Governors of the CBC, and a delegate to the League of Nations in Geneva (1938).

Fear of difference continues to be a powerful force in western politics.

These five accomplished women had worked hard for many years to address the conditions of the lives of Canadian women and children. Some of them were from rural communities and immigrant families raised on the prairies, while others had followed their spouses from the East to settle in the "Promised Land" of the West. All of them were active in women's organizations, worked for wages, and were the first to hold a number of public offices. The five women involved in the "Persons Case" were pivotal activists at the local, provincial, national and sometimes even the international level.

In their political activism, these five women were clearly representative of the first wave of the Canadian women's movement (1880-1920). It was a time of social upheaval: Canada was challenged by unity issues, increasing immigration to the West, urbanization and industrialization, the redistribution of wealth, and demands on different communities for the care of individuals and families. Fear—and in particular, the fear of difference—separated and divided disenfranchised communities. This disruption and rapid change produced "social reformers," many of them active in the women's movement. They were concerned about prostitution, child labour, and poverty which they thought could be alleviated by public health, religious instruction and temperance. Their aim was to "protect" women and they wanted government to do the same.

The first wave of the women's movement was characterized by "maternal" or "social" feminism, that is, a feminism based on the belief that women are fundamentally different from men as a result of their biological and specifically reproductive differences. Women's child bearing and rearing were generalized to a "natural" ability to nurture and care. Maternal feminists viewed this ability as giving special claim to a superior morality—and they demanded the same rights as men on this basis.

They insisted that in order to bring this morality into the public sphere they needed to be accorded political rights which they certainly did not have at the time. According to the *Electoral Franchise Act* for the first general election in 1868, only men who owned property could vote. In 1885, the Act defined a "person" as male, excluding a person of Mongolian or Chinese race. Many maternal feminists were involved with securing political rights for women. Prairie women were the first to be granted the provincial franchise, in 1916. In 1917, servicewomen and the wives, sisters and mothers of servicemen were allowed to vote federally. In 1918, all women were granted the right to vote federally. However, the franchise was not extended to people of Japanese ancestry until 1948, to Quebec women until 1940, to the Inuit until 1950, or to First Nations people living on reserves until 1960. Clearly, not all Canadian women were granted the right to vote. Moreover, no Canadian women were allowed to sit in Senate, as they were not considered "persons."

WHAT DID THEY DO AND HOW DID THEY DO IT?

The definition of who constituted a "person" was added to the political agenda for social reformers when Emily Murphy was appointed Police Magistrate in Edmonton in 1916—the first woman in the

British Empire to hold the position. Straightaway, Murphy was confronted by the argument that she could not be on the bench because she was not a person. A similar objection was raised in a Calgary case heard by Murphy's fellow appointee as magistrate, Alice Jamieson. On an appeal of that case, in 1917, the Alberta Supreme Court ruled "that applying the general principle upon which the common law rests, namely that of reason and good sense as applied to new conditions, this Court ought to declare that in this province and at this time in our presently existing conditions there is at common law no legal disqualification for holding public office in the government of the country arising from any distinction of sex."

Women's organizations across Canada such as the National Council of Women and the Federated Women's Institutes petitioned and met with members of Parliament to appoint Emily Murphy to the Senate. The federal government refused. Within the *British North America Act* the term "person" was always defined using masculine pronouns. The debate about who constituted a person continued for years. Finally Murphy enlisted the support of McClung, McKinney, Parlby and Edwards and in August 1927, the five petitioned the Governor General in Council to bring a reference to the Court for clarification on two matters: was power vested in the Governor General Council of Canada, or the Parliament of Canada, or either of them, to appoint a female to the Senate of Canada; and was it constitutionally possible for the Parliament of Canada under the *British North America Act* to make provision for the appointment of a female to Senate. The question submitted to the Court by the Committee of the Privy Council, on the recommendation of the Minister of Justice, read: "Does the word 'Persons' in section 24 of the British North America Act, 1867, include female persons?" The Supreme Court, with one dissent, answered in the negative.

Again, this did not stop the Famous Five. The Supreme Court decision was appealed to the Privy Council in London. On October 18, 1929, the Privy Council declared "that the word 'persons' in s.24 does include women, and that women are eligible to be summoned to and become members of the Senate of Canada."

Most students cannot believe there was a time in Canadian history when women were not considered persons.

Despite their success in having women declared "persons," none of the Famous Five ever became a senator. The first female appointed to the Senate was Cairine Wilson, in 1930, a Liberal from Ontario.

The Famous Five were considered social reformers. They were involved not only in women's political rights, but also women's welfare which is where their "instinct to serve and save the race," and hence some of their racist and classist policies manifested themselves. McClung, Murphy and McKinney were participants in the eugenic fervour that was rampant across the country at the time. In advocating the sterilization of the unfit, Murphy wrote in her Janey Canuck column in the Vancouver Sun in September 1932: "We protect the public against diseased and distempered cattle. We should similarly protect them against the offal of humanity." The United Farm Women of Alberta, in which McClung, Murphy and McKinney were active, advocated and passed resolutions pertaining to immigration and compulsory sterilization that would "check the inflow of the mentally weak and degenerate immigration from Europe."

Why was it that they were able to see the need to provide political rights for women and develop protection for married women, but were unable to see the relationship between their own disenfranchisement and the disenfranchisement of others? What were the conditions that allowed xenophobia to shape their politics of difference? My answer would be that many of these women came from homogeneous communities, but in their travels to the West they encountered diversity and social change on an unprecedented scale. Rather than trying to understand it, they chose to judge it.

I would like to suggest that the fear of difference continues to be a powerful force in Western politics. Fear pits one group against another. This pitting of groups creates divisions, which get constructed in hierarchical ways. We focus on what divides us, instead of seeing the ways in which our political interests may be similar.

Contemporary Alberta politics is running the risk of returning us to this view of difference. The consequences of disenfranchisement have shifted from the government to the corporate sector and the family. As Claude Denis has argued in the Canadian Review of Sociology and Anthropology, Premier

Ralph Klein's populism is shaped by a "focus on self-help and self-discipline, admonishing individuals and communities to become responsible and independent, castigating as un-Albertan whoever is not inclined to join the crusade." This shift of responsibility has fallen disproportionately on women—it is women who largely care for those released early from the hospitals and who volunteer where school budgets have been cut back. This retreat to individual and familial responsibility occurs at a time when many marginalized groups have raised our community's consciousness about systematic practices of sexism, racism and classism. These politics have had the effect of destabilizing the sometimes fragile alliances and coalitions that have been established between and among First Nations women, women of colour, poor women and women with disabilities, as the government has either ceased or cut back funding to local and provincial women's organizations and has retreated from legislation that provides for non-heterosexual unions. We need to ensure that disenfranchised people take political action rather than retreat to the fear mongering of difference.

WHY DO WE WANT TO MEMORIALIZE THE FAMOUS FIVE? WHAT IS THEIR LEGACY?

When Jan Wong finished her talk for the fund raising event, she was met first with silence and then a standing ovation. The Famous Five Foundation is now addressing some of the broader issues with which the Five's legacy still resonates today. Their first large scale initiative will be to co-sponsor an international conference with the International Centre, the Institute for Gender Research and the Calgary Ismaili Muslim Women's Association of Calgary. "Global Perspectives on Personhood: Rights and Responsibilities" will be held at the University of Calgary, October 14 to 16. Speakers will address the status of women in their respective countries and the continued precariousness of women's lives around the world. Speakers will include Naina Kapur, Advocate and Director, SASHKI, A Violence Intervention Centre, from New Delhi, India; Emily Lau, Legislative Councillor from Hong Kong; and Marie Smallface Marule, President of Red Crow College, Cardston, Alberta.

While these efforts speak to the Famous Five Foundation's understanding of the need to connect Canadian women's struggles to those of other women around the world, they are not necessarily explicitly addressing classism and racism locally and globally. The Famous Five Foundation, the women's movement and social justice groups still need to answer some hard questions. In the case of the Famous Five Foundation, what is their relationship to other women's groups and social groups in the community? Who represents the Famous Five Foundation? How do they structure their Board and activities to ensure inclusivity? Will they acknowledge some of the racist and classist politics of the Famous Five at the unveiling? We can learn from these women's mistakes as well as from their considerable accomplishments.

WHY WILL I ATTEND THE UNVEILING?

I will be at the unveiling of the Famous Five sculpture to commemorate their energy, willpower and political presence. They fought for some Canadian women to be entitled to personhood and I honour them for that. But I will also be mindful of how they were able to gain those rights.

"I think that the proximity of the magnetic pole has something to do with the superiority of the Northmen. The best peoples in world have come out of the north, and the longer they are away from the boreal regions in such proportion do they degenerate," wrote Emily Murphy in *Janey Canuck in the West* in 1910. We, too, run the risk of invoking fear of others as we struggle with the effects of economic restructuring. This September, when I return to the classroom, I will include the Famous Five's racist and classist politics in the retelling of these events, and frame the issue with due respect to their context—and to ours.

Dr. Barbara Crow is an assistant professor at the University of Calgary in the Faculty of General Studies. Her interest is in Canadian women's movements, feminist theory, and technology. The Famous Five Foundation has a website at <http://www.famous5.org>.