

0. ELIZABETH PACKARD and the LAW - Story Preface

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At the time Elizabeth Packard was in trouble with her husband, and his friends, the state of Illinois had a law in place which harmed women:

Married women and infants who, in the judgment of the medical superintendent [that is, the Superintendent of the Illinois State Hospital for the Insane, at Jacksonville] are evidently insane or distracted, may be entered or detained in the hospital on the request of the husband of the woman, or the guardian of the infant, without the evidence of insanity required in other cases.

*The State of Illinois
Effective: February 15, 1851*

Put differently, the personal freedom of married women in Illinois - during the years this law was in effect - depended on the opinions of their husbands and the affirmation of a doctor in charge of the relevant mental institution. In the case of the Illinois State Hospital, in Jacksonville, that person was Dr. Andrew McFarland.

Theophilus Packard, armed with the strength of this law, ordered his wife to prepare for life in a new residence. On the 18th of June, 1860, he told her:

I am doing as the laws of Illinois allow me to do - you have no protector in law but myself, and I am protecting you now! It is for your good that I am doing this ...

Using an argument one would use with strangers - not with a family member - Elizabeth asserted her rights as an American citizen:

But does not the constitution defend the right of religious toleration to all American citizens?

"The law," Elizabeth Packard was to learn firsthand, is not always just:

Yes, to all citizens it does defend this right, but you are not a citizen; while a married woman you are a legal nonentity, without even a soul in law. In short, you are dead as to any legal existence while a married woman, and therefore have no legal protection as a married woman.

Women did not vote at the time. They did not elect the people who made such laws. Who, among Illinois women, would have known that such a law even existed?

But ... as Elizabeth Packard also learned firsthand ... "ignorance of the law is no defense."

Resisting what was happening to her, Elizabeth refused to leave her children. She refused to walk out of her house. She refused to walk onto the train which would take her to Jacksonville State Hospital.

Instead, some of the men who supported her husband, carried her into the vehicles which would transport her to a very different type of life.

When the Packard children - who had been sent on errands to avoid seeing their mother's departure - learned that Elizabeth had been sent away, they were inconsolable.

One of them ran after the train, doing his futile best to bring her back home.

Home for Elizabeth Packard - thanks to her husband's assertions against her - would now be the Jacksonville State Hospital for the Insane. She would remain there three years.

It was not - it should be noted - the first time Elizabeth had been institutionalized for a mental issue.

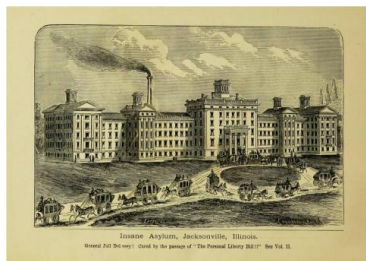
See Alignments to State and Common Core standards for this story online at:

<http://www.awesomestories.com/asset/AcademicAlignment/ELIZABETH-PACKARD-and-the-LAW-Packard-Elizabeth-Civil-Rights-Advocate>

See Learning Tasks for this story online at:

<http://www.awesomestories.com/asset/AcademicActivities/ELIZABETH-PACKARD-and-the-LAW-Packard-Elizabeth-Civil-Rights-Advocate>

Media Stream



Insane Asylum, Jacksonville, Illinois

Illustration of the Jacksonville asylum from Elizabeth Packard's 1873 book, *Modern Persecution*, Volume I, frontispiece. Published by "the authoress." Printed and bound by Pelletreau & Raynor, New York City. Online, courtesy Archive.org.

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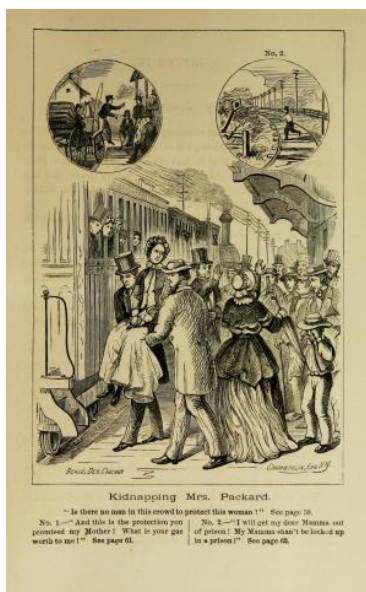


Elizabeth Packard - "We Have no Mother"

Illustration from *Modern Persecution*, Vol 1 (opposite page 128), by Elizabeth Packard, published in 1873 by "the authoress." Printed and bound by Pelletreau & Raynor, New York City. Online, courtesy Archive.org.

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Elizabeth Packard - Son Chases Train

Illustrations of Elizabeth Packard, from her book *Modern Persecution*, Volume I, published in 1873 by "the authoress." Printed and bound by Pelletreau & Raynor, New York City. Online, courtesy Archive.org.

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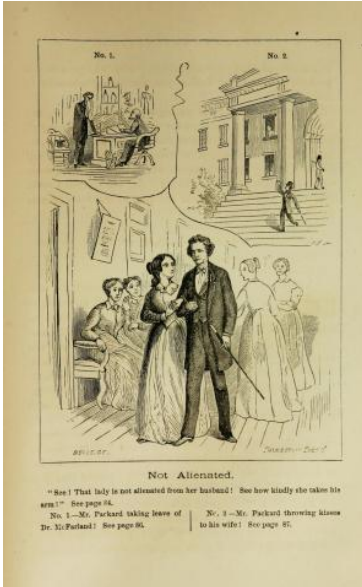


Elizabeth Packard - Committed to the Hospital

Image online, courtesy the [Disability History Museum](http://www.disabilityhistorymuseum.org) website.

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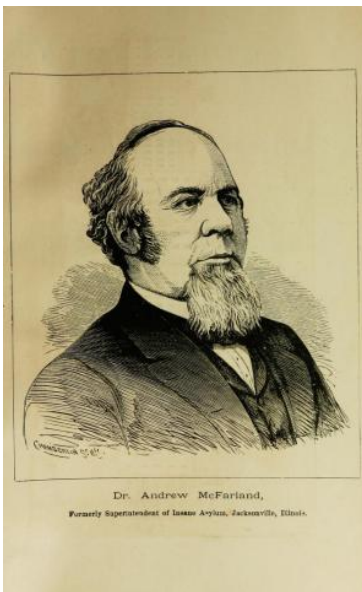


Elizabeth Packard - At Jacksonville State Hospital

Illustrations from *Modern Persecution, Volume I*, by Elizabeth Packard, published in 1873 by "the authoress." Printed and bound by Pelletreau & Raynor, New York City. Online, courtesy Archive.org.

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Elizabeth Packard - Dr. Andrew McFarland

Illustration of Dr. Andrew McFarland, from Elizabeth Packard's 1873 book *Modern Persecution, Volume I*, frontispiece. Vol I published in 1873 by "the authoress." Printed and bound by Pelletreau & Raynor, New York City. Online, courtesy Archive.org.

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