

## WOMEN, THE LAW AND THE ECONOMY

Edited by E. Diane Pask, Kathleen E. Mahoney and Catherine A. Brown. Toronto: Butterworths, 1985.

*Marcia Matsui*

There's a certain quality to this collection of papers from the conference of the same name held in Banff Springs, Alberta in 1984 that brings to mind a time when science, for instance, was young. I imagine a time when, without an advanced degree, a person could sit down, read a few volumes, and have a sense of what the science of the day was about. One can accomplish a similar end if one sits down and reads these short papers. From them one can gain a sense of what occupied the minds and hearts of feminists at a moment in time before these concerns became so specialized and sophisticated as to be comprehensible only with study or in fragments.

Gloria Steinem sets the tone for this kind of historical awareness in her opening speech. She says that before her was "a faculty of law that looks like no other faculty of law I've ever seen." A faculty of *women*. And what this faculty provides is a veritable smorgasbord of papers touching topics from equal pay for work of equal value, part-time work and job-sharing, sexual harassment in the workplace, through to tax reform, the economics of marriage breakdown, pensions, the anticipated impact of the *Charter of Rights and Freedoms* on matters of equality, and finally areas for future study.

Lest I create a false impression, these papers are initially hard-going. They were, after all, papers written for the purpose of oral presentation in a panel format. Excepting some irresistibly flowing and eloquent pieces (notably the aforementioned Ms. Steinem's keynote address and the brief "Overview: Labour Negotiations" by Janice Dicken McGinnis), I found the writing intent on conveying the maximum information in the few pages allotted. Essentially, each

panel is represented by one paper. So, although the tone tends to be dry and there is a lack of any real connective tissue between the pieces, there is nevertheless a vigour and fascination embodied therein.

For me, that fascination lies in the cumulation of pictures, information about us. How are we affected by the division of property upon marriage breakdown? What are the alternative concepts? (Sharing of "family" property, sharing of some non-family assets, equal sharing of property acquired after marriage). How are maintenance orders enforced or not enforced? Would a system of automatic enforcement backed with the threat of imprisonment be effective? (Yes, according to Freda M. Steel). Or would enforcement impoverish fathers? (No, according to Ms. Steel, because the orders to begin with are not onerous). What are the various legal remedies for sexual harassment in the workplace and the pros and cons attached to them? (Kathleen E. Mahoney's outline of this problem is clear, precise and gives the reader a sense of the difficulties and limitations of even the "best" legal remedy at this time – redress pursuant to Human Rights Legislation. Specifically, her discussion of the proof of sexual harassment and the burden of proof on the complainant would seem to bear reading and re-reading if one is contemplating such action). There is, of course, much more.

An example of the zeal and scholarship that the writers brought to this conference is the paper entitled, "Making Use of the Charter" by Mary Eberts. Although relatively brief, this is not a superficial paper. Particularly, her analysis of the interpretation of the Charter in light of the previous jurisprudence under the *Canadian Bill of Rights* and with consideration of the interrelationship of the various sections of the Charter is impressively well thought-out.

I note in passing that even areas that were previously of little interest to me, such as tax-planned benefits, when infused by thoughtful analysis with the possibility of changing institutions, and

thus the world, to reflect women's needs, took on the rosy hue of relevance.

The last two articles are a reminder that this conference was probably not a continuous round of congratulations and satisfaction. The two issues for future study are hot potatoes – pornography and research into areas which eschew the goal of mere assimilation into patriarchal society. Mary Brown, Chairperson of the Ontario Censor Board, has views on the issue of pornography which are consistent with her occupation. She puts her finger on the competition between freedom of speech and censorship, or as she puts it, "a growing recognition of the increasing influence of the film medium on the quality of life in the community" as the central issue. Her thesis is that art desensitizes people to that which was previously unacceptable and renders it acceptable. It is a process of dehumanization in her view. At one point in the development of her thesis, she goes so far as to cite a passage from "Pornography – A Christian Critique" to the effect that "obscenity laws have suffered from legal legerdemain as well as from recognized resistance by organized crime." It is easy to envision a long line of lawyers, artists, film-makers, psychologists and sociologists who would view this position as insupportable.

The second future issue, raised by Kathleen A. Lahey, is the need to look beyond symptoms to the causes of the systematic devaluation of women. She advocates scholarship that is committed to radical change and that necessarily scrutinizes accepted institutions such as the ideology of individualism or the family as the primary organizational unit. Because all feminists are not equally radical (e.g. in an earlier article Winifred Holland supports economic individualism with respect to matrimonial property), Lahey's arguments might well engender controversies equal to those of the pornography/censorship issue.

One looks to the future for the further writing and publishing which will benefit from these beginnings.

## FEMINIST MARXISM OR MARXIST FEMINISM: A DEBATE

Pat Armstrong, Hugh Armstrong, Patricia Connelly, and Angela Miles. Toronto: Garamond Press, 1985.

## WOMEN, CLASS, FAMILY AND THE STATE

Varda Burstyn and Dorothy E. Smith. Toronto: Garamond Press, 1985.

*Anne Louise Currie*

Any attempt to integrate Marxism's analysis of capitalism with Feminism's theory of patriarchy in a coherent way, so as to avoid subsuming one into the categories of the other, is a demanding task. However this is a task that the articles that make up *Women, Class, Family and the State*