

WOMEN, THE LAW AND THE ECONOMY

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

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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*

and *Feminist Marxism or Marxist Feminism* approach in a thoughtful and comprehensive manner. All the articles examine the relation between the subordinate position of women and the structure of capitalist society, especially with reference to Canada. On a theoretical level, they explore how both Marxist and Feminist methods of analysis, and concrete insights into social and economic realities, can be used to better understand political/economic/social structures and the way women fit into them.

Feminism's early enthusiasm for, and later disenchantment with, the left is well documented, but the thought-provoking articles in these two books attest to the fact that there are still benefits to be gained on both sides from the opening up of discussion between the two theoretical perspectives. It is in the interests of promoting increased dialogue that the articles in these books were written.

Previously, the primary area of shared concern for Marxists and Feminists was the question of the significance of women's labour in the home: housework. Out of this shared concern came the domestic labour debate. The four articles in *Feminist Marxism or Marxist Feminism* constitute both a criticism of, and a contribution to, this debate.

The first article in the collection, "Beyond Sexless Class and Classless Sex: Towards Feminist Marxism," by Hugh and Pat Armstrong gives a short review of the literature on domestic labour, and argues that, although the early contributions to the debate tended to be "mechanistic, functional and undialectical" in that they mostly ignored biological and ideological dimensions, the value of the debate lay in its ability to expose the mechanisms of women's subordination. Although women's oppression was historically prior to capitalism, it is more useful to examine the subordination of women as it was formulated under capitalism. They conclude that the "sexual division of labour particular to capitalist society . . . [and] the subordination of women are integral parts of capitalist production and reproduction," and that the domestic labour debate is an example of how the methodological tools of Marxism can be applied to the analysis of the position of women under capitalism.

The second article in the book, Angela Miles' "Economism and Feminism:

Hidden in the Household a Comment on the Domestic Labour Debate," argues that the domestic labour debate within Marxism has limited the crucial theoretical problems that sparked the debate to the level of "textual exegesis." The Marxist contributions to the debate, she says, focussed on either tactical, strategic considerations or on disagreements over whether or not housework creates surplus value. In Miles' own words, the domestic labour debate has, in the past, "assessed the wages for housework analysis in relation to the established Marxist categories rather than in relation to the world and the possibilities for liberatory struggle." Thus, in Miles' view, the domestic labour debate has tended to reduce the broad theoretical question of the relation between class and gender oppression to the level of crude economism. Her main critique of the debate as it has been presented, specifically in *Hidden in the Household: Women's Domestic Labour Under Capitalism* (edited by Bonnie Fox) which Miles reviews, is its failure to examine at a theoretical level the meaning and consequences of gender domination. The domestic labour debate shows the particular form, but not the cause of women's oppression under capitalism.

Patricia Connelly, in "On Marxism and Feminism", against Miles and in support of Fox's collection, argues that the purpose of *Hidden in the Household* was to "reveal the structural basis of domestic labour" and not to discover the historic roots of gender inequality. Instead of blocking dialogue between Marxists and Feminists, as Miles implies, the domestic labour debate has built up a basis of understanding by illuminating the "material basis" of women's oppression. Connelly then goes on to critique the Armstrongs' position that the "subordination of women is inherent in the capitalist mode of production." Their approach, she says, suggests that women's subordination is a necessary pre-condition of capitalism. To avoid this implication, it is crucial to distinguish between the underlying economic structures and the "concrete and historically specific" social formations. The final article in this collection is Armstrong and Armstrong's brief response to Connelly's criticism.

The second book, *Women, Class, Family and the State* is comprised of two long essays: "Women, Class and Family" by

Dorothy E. Smith and "Masculine Dominance and the State" by Varda Burstyn. Both essays focus on the changing patterns of household organization and gender relations in capitalist societies.

Dorothy Smith argues that patriarchal values have been reinforced under capitalism, and that the continuation of patriarchy has served the interests of the ruling class. Both 'patriarchy' and 'class' are institutions of domination that mutually maintain and support one another. Women's labour in the home has been appropriated in the service of the ruling class, and thus helped to ensure the maintenance of that class' control over the means of production.

Varda Burstyn, after a brief but useful discussion of the difficulties of terminology for Marxist Feminist discourse, proposes the substitution of the term 'masculine dominance' – which "names both the relation (dominance) and the agent (the gender men)" – for 'patriarchy.' In addition, she proposes the use of the term 'gender-class' to refer to the respective gender groupings and, for clarity, the use of the term 'economic-class' in place of the term 'class' as it is used in classical Marxism. She goes on to discuss the ways that the state under capitalism has "taken on the crucial role of mediation and regulation" in such a way so as to maintain 'masculine dominance.'

The essays in these two books are insightful and illuminating, but the complexity of the theoretical concepts used, and the sometimes awkward sentence structure, especially in Smith's article, make some of the arguments unclear. Despite the fact that both books are published under the auspices of the Network Foundation For Educational Publishing, whose stated objectives include the "popularizing of innovative texts" and "encouraging academics to put together books for the community at large," these books are *not* for those who are uninitiated into both Marxist and Feminist discourse. Both books, however, have a great deal to say that is of value; they are well worth the trouble it takes to fully comprehend their meaning.

