

sions from another country.

It is clear that Watkinson views the Charter and its impact on education from a feminist perspective, although she doesn't say this herself. She discusses the charter as being based on the ethic of care rather than the ethic of justice. People who complain that judges go too far and read verdicts into the Charter are clearly out of line. The Charter, according to Watkinson's explanation, was intended to be generous. Its basic premise is that rights are to be extended past a legalistic ethic of justice to an ethic of care. Justice requires that people be treated equally. Care reminds us that equality can be very unequal if one's background and personal circumstances are not taken into account. The Charter requires changes in our institutions that will provide meaningful equality. The use of story is another feminist method of communication that makes *Education, Student Rights and the Charter* comfortable to read. Watkinson includes life stories as well as actual court cases to illustrate her points.

Diligence in monitoring student rights is required as our society has a long-standing tradition of not respecting children as full-fledged human beings. In her book, Watkinson describes many specific areas in detail. In the area of conscience and religion within schools, the courts have taken the context into account. Freedom of religion is not adequately provided for by allowing children to leave a classroom when religion is discussed or prayer is held. Being separated out is not real freedom because peer pressure and the need to belong is paramount to children. On a related topic, student rights of freedom of expression and assembly have been upheld reasonably well as have equality for differences in race, gender, economic status and sexual orientation. In court challenges on freedom from sexual harassment the courts have drawn heavily on workplace experiences and decisions. They are clear that the responsibility

is with the administration to provide a harassment-free space for students.

Unfortunately, students with disabilities can't approach the Charter with confidence that they will find support. In the area of dealing with disabilities, the courts often defer to educators and fail to name discrimination. To date the constitutionality of suspensions and expulsions have not been tested. One of the questions to be dealt with in this regard is the conflict between expulsions as discipline and the obligation to attend school.

The depth of Watkinson's understanding of various rights and the way they are approached in educational institutions is evident in her discussion on search, seizures and detention. This subject is largely about privacy and legal rights. Educational officials have always had rights over students that would violate body and property privacy in other circumstances (e.g. locker and body searches). While this situation raises questions of respect for children and young adults that is worthy of attention in itself, the outcome of questions in these areas is interesting. Detention is not seen to be a legal issue if it is for purposes of school discipline. Regarding search and seizure, teachers and principals appear to have a choice under the law as it is currently being applied. If they decide to search students or student property as a matter of school discipline, they must handle the situation as a discipline situation even if drugs or other unlawful material is found. If they intend to call the police if anything significant is found, they must involve them up front so that all the legal rights of the student are observed at every step in the process.

The book concludes with a detailed discussion of corporal punishment. To date, Charter rights have not been upheld in the face of section 43 of the Criminal Code which allows force to be used against children. This could be an area for activism for those with an interest in

opposing the right of educators to assault children.

One point that is touched on briefly at the conclusion of the book is the need for programs to familiarise teachers and educators with children's rights under the Charter. Those who are called to work in this area will find *Education, Student Rights and the Charter* a useful and necessary resource.

## **La Garde Partagée: L'équité en Question**

Denyse Côté. Montréal : Remue-ménage, 2000.

**PAR CAROLINE CARON**

La plupart du temps, lors d'une séparation, les parents s'arrachent enfants et argent. La guerre se termine le plus souvent par la condamnation du père à *payer* et celle de la mère à *soigner*. Les rôles traditionnels, quoi.

Ce type de règlement, appelé *garde légale partagée* ou *garde légale conjointe*, n'a rien à voir avec la *garde physique partagée*, où les deux parents se partagent en alternance la charge et la garde de leurs enfants. Puisque cette prise en charge partagée entraîne la répartition des coûts, il n'y a aucun versement de pension alimentaire. Malheureusement, ce type de règlement est plutôt rare, car il repose sur la bonne foi des ex-conjoints et le désir sincère de maintenir la relation avec leurs enfants.

Malgré sa rareté, le phénomène est apparu dans notre société depuis une dizaine d'années et la sociologue Denyse Côté s'est proposé de l'étudier. Elle a interrogé les parents qui pratiquent la garde physique partagée pour saisir toute la portée

sociologique de ce nouveau type d'exercice de paternité et de maternité ainsi que les nouveaux rapports sociaux de sexes qu'il suscite. Entre autres, le partage des soins exige du père une implication quotidienne auprès de ses enfants (à condition de ne pas tout déléguer à la nouvelle conjointe...). Cela diminue la surcharge de travail habituellement réservée aux femmes dans le cadre de la famille nucléaire. Ceci dit, l'ouvrage ne passe pas sous silence les nombreuses difficultés que rencontrent les parents qui ont adopté ce modèle d'éducation. On comprend la difficulté, voire même l'impossibilité, de répandre ce type d'entente, qui ne doit manifestement pas être imposée par les tribunaux pour fonctionner.

Symbole de l'égalité entre les sexes, ce modèle présente néanmoins des asymétries (toujours en défaveur des mères). Par contre, il favorise grandement la responsabilisation des pères quant aux soins des enfants, ce qui améliore le lien père-enfant tout en permettant aux femmes de partager leur traditionnel monopole des services domestiques invisibles. Comme quoi ce qui est bon pour les enfants peut l'être autant pour les parents!

Cet ouvrage nourrira la réflexion des parents en situation de rupture. Souhaitons que les législateurs tiendront compte des données recueillies par la sociologue dans leurs interventions et leurs décisions en matière de garde légitime.

## **The Storyteller: Memories, Secrets, Magic and Lies**

Anna Porter. Toronto: Doubleday Canada, 2000.

## **Time To Be In Earnest: A Fragment of Autobiography**

P.D. James. New York and Toronto: Alfred A. Knopf: 1999.

**BY CLARA THOMAS**

In the "Golden Years" of the '70s and early '80s, when Canadian Literature was flourishing as never before, Jack McClelland, "The Canadian Publisher," reigned supreme, and Anna Porter was his first lieutenant. Everyone who worked with her admired her easy friendliness, her publishing smarts—and her beauty. Everyone was also intrigued by the aura of mystery around her, a rumoured Hungarian childhood signalled by her slight and immensely attractive accent. Now she has unlocked her past for us, presenting in *The Storyteller* an engrossing account of her history—her family's and Hungary's. This is personalized and made into a remarkably suspenseful story by her presentation of its main character, the StoryTeller himself, her grandfather, Vili Racz.

In a way remarkably reminiscent of Margaret Laurence's *The Diviners*, where through his stories Christie Logan gave Morag Gunn her past and the past of her family, Vili, with his granddaughter Anna tagging after him as soon as she could walk, gave her a priceless gift of, as she calls it, memory, secrets, magic and lies. The lies rest within the inevitable distortions of memory and the considerable differences in various individuals' recollections of events. For instance, from time to time Porter's Aunt Leah applies a corrective spin,

or her own spin, to Vili's more full-blown tales. In general, however, the story is Vili's as told to Anna, filtered through her growing awareness, and finally treasured and restated for her daughters' maturity and her own family's historical archive.

In Laurence's work, Christie Logan was Manawaka's garbage collector and thus the repository of the town's secrets. When Morag came to live with him and Prin, his wife, he began to do for her what Vili did for the small Anna: he gave her the stories she needed, of her family and her ancestors. It is fascinating to see the same process in Porter's work, an ongoing process that quickly engages the reader and generates a real suspense. Of course, there is more than a little symmetry about the historic past of Hungary and the Racz family and that of Scotland and Morag's Scottish ancestors. Both have been at the mercy of marauding armies and both have been denied any constant nationhood.

Anna Porter has written three detective stories herself, and her leaning towards fiction shows itself strongly from start to finish in *The Storyteller*. She has indeed material in her family experiences that begs for the techniques of fiction: Vili, his lost estates, Olympic prowess, and universal popularity; his wife Therese, beautiful and long-suffering for Vili cannot resist extra-marital adventures; three beautiful daughters, each of them an adventuress in her own way. Sari was the eldest, who, with her husband decamped to Austria early in the war and later, much later, helped the family find sanctuary in New Zealand. Leah was the dedicated party girl who during the war became a truck driver, suffered and recovered from a horrendous episode of rape and always, through years of amorous adventures, did her best for the family. Puci is Anna Porter's mother who, with Anna, escaped Hungary to New Zealand during the Russian domination but not without hair-raising adventures including capture and jail as they