TOWARD A MORE INCLUSIVE CONCEPT OF CITIZENSHIP:

WOMEN AND THE 1981

AD HOC CONSTITUTIONAL CONFERENCE

by

Laura Bonnett, B.A.

A thesis submitted to the Faculty of Graduate Studies
and Research in partial fulfilment of the requirements for
the degree of Master of Arts in Canadian Studies

Carleton University
Ottawa, Ontario

January 15, 1997

ABSTRACT

Women's roles as citizens in the constitutional arena have often been overlooked in Canada. This study provides a longitudinal analysis of some of the ways in which Anglophone, Aboriginal and Franco-Quebec women defined their citizenship since the turn of the century, leading up to and including their engagement with the Canadian Constitution in 1980-81. Through a comparative examination of the goals of the Aboriginal, Franco-Quebec and Anglophone women's movements, it examines how women's sex/gendered and nationalist identities influenced their constitutional interests. Focusing on the events of the February 14, 1981 Ad Hoc Conference on Women and the Constitution, it explores how women re-defined traditional notions of who constitutes a "citizen" and what citizenship issues are allowed to be raised on the constitutional agenda. Moreover, this research analyzes women's concerns about the process and substance of the constitutional amendments, to demonstrate that "women's interests" were more complex and controversial than first thought.

ACKNOWLEDGEMENTS

This work would not have been possible without the assistance of many helpful people. I am indebted to Ginny Stikeman of the National Film Board of Canada, for making the films of the 1981 Conference available to me, and to Zusanna Pick and the Carleton Film Studies Department for allowing me to use their Steinbeck editing table to view the films. I am also grateful for the assistance provided to me by the friendly staff of the Canadian Women's Archives at Ottawa University during my many hours of research there. I would also like to thank the staff of the Native Women's Association's Ottawa office, for allowing me to peruse the files housed in their attic. Without their help, this study would have been incomplete. As well, I want to thank all of the women I interviewed for this research, who shared their memories and insights with me. Your stories gave me the inspiration to get up every morning and write this thesis.

During the time that I researched and wrote this thesis, I experienced a period of incredible growth. Throughout it all, I have had a wonderful support network of family and friends. I would like to thank my parents, Pauline and Don Bonnett, for giving me encouragement and support over the last few years. Cheryl Hotchkiss, Julie Timchuk and Carrie Willis wiped my tears and straightened my shoulders when it felt that I would not make it through. They gave me strength when I had none, and shared in my joy when I accomplished what I had set out to do.

I would like to thank Dave Gregory for his support, encouragement, (and editing!) especially over the last few months. Thanks also to Maria Cain, Kiera Ladner, and the many people I have met in the Canadian Studies Department, for being there when I needed them, both as colleagues and as friends.

Finally, I would like to thank my supervisor, Professor Jill Vickers, who taught me to reach farther and dream larger than I'd ever done before. You made me believe in myself, Jill, and you've shown me the essence of what it means to be a teacher. Thank you.

TABLE OF CONTENTS

Abstract		iii
Acknowledgements		iv
List of Tables		viii
Abbreviations		ix

INTRODUCTION

I	Objectives of the Study	1
II	Why Women and the Constitution?	3
III	Methodology	7
IV	Implications of My Research for Women's Movements in Canada	12
V	Chapter Outline	14

CHAPTER ONE

Women's Differentiated Citizenship In Canada Prior to 1981

I	Introduction	16
II	Defining Women's Activism in Canada	17
III	Challenging Patriarchal and Individualist Definitions of Citizenship: T.H. Marshall Revisited	19
IV	The Development of Women's Citizenship in Canada	24
	Enfranchisement and Legal Personhood	24

	The Royal Commission on the Status of Women – 1967-1970	30
V	Women and Constitutional Citizenship: Differentiated Views	32
	The *Canadian Bill of Rights*: Defining Women's Legal Status	33
	Constitutional Jurisdiction and Family Law	36
	1979-1980: The Referendum Campaign in Quebec	39
VI	Mobilization in Response to the Proposed 1980 Constitutional Amendments	42
	Unilateral Patriation and the Constitution Act	44
	Defining Equality: Women's Groups and the Constitutional Hearings of the Special Joint Committee	47
	Conflict in the CACSW and the Emergence of the Ad Hoc Committee on Women and the Constitution	56
VII	Conclusion	61

CHAPTER TWO

The 1981 Ad Hoc Conference on Women and The Constitution: Women-Centred Ideas of Representation

I	Expanding Citizenship Participation	63
II	The Representation of Women at the Ad Hoc Conference	66
III	Canadian Democracy and Leftist Critiques of the Charter	69
IV	Justice Denied: Women and Representation in the Public Sphere	73
V	Defining Women's Citizenship in Representational Terms	80

VI Conclusion 86

CHAPTER THREE

Democratic Rights And Visions of Substantive Citizenship

I Introduction 88

II Defining Legal Equality in Substantive Terms 89

III Constitutionally Entrenched Reproductive Freedom – The Expansion of Civil and Social Rights 99

IV Citizens as Workers: Women and Economic Equality 104

V Aboriginal Women and Collective Struggles 110

VI Conclusion 115

CONCLUSION

I Main Findings of This Study 117

II Toward a More Inclusive Citizenship Praxis 126

III Future Directions 130

APPENDICES

Appendix A 131
Appendix B 134
Appendix C 136

BIBLIOGRAPHY 139

LIST OF TABLES

TABLE A

A Comparison of the Federal Government's Original Draft of Sections 1 and 15(1) of the Charter, the January, 1981 Amendments, and Feminist Interpretations of the Amendments. 92

TABLE B

A Comparison of U.S. Judicial and Canadian Feminist Proposed Interpretations of Equality Rights. 97

LIST OF ABBREVIATIONS

AD HOCKERS	Organizers of the Ad Hoc Conference on Women and the Constitution
CACSW	Canadian Advisory Council on the Status of Women
FFQ	Fédérations des Femmes du Québec
IRIW	Indian Rights for Indian Women
IWDCT	International Women's Day Committee of Toronto
NAC	National Action Committee on the Status of Women
NAWL	National Association of Women and the Law
NWAC	Native Women's Association of Canada
NDP	New Democratic Party
PC	Progressive Conservative Party
PQ	Parti Québécois
RCSW	Royal Commission on the Status of Women

INTRODUCTION

I Objectives of the Study

This thesis is a study of the mobilization of women in 1980 and 1981, leading up to and including the February, 1981 Ad Hoc Conference on Women and the Constitution, a period when the country was engulfed in debates about the entrenchment of a Charter of Rights and Freedoms, and the patriation of the Canadian Constitution. In this study, I examine the constitutional goals of the Anglophone women's movement and, more briefly, the goals of the Aboriginal and Franco-Quebec women's movements. My main intent in this thesis is to illustrate that, for the first time in Canadian history, significant numbers of women viewed the Constitution as a useful vehicle for creating a more egalitarian society. In particular, women sought to influence the formation of the Constitution in order to create an ideal of citizenship which incorporated both formal and substantive concepts of equality. Their citizenship goals illustrate a concern for the protection of democratic rights *and* for the inclusion of women in democratic processes.

My second goal in this study is to illustrate that women's visions of an egalitarian society, and the way in which the Constitution could be used to achieve those ideals, were influenced by their national affiliations. The issues formed as "constitutional" in each of the Anglophone, Franco-Quebec and Aboriginal women's movements were motivated by a combination of both their national and sex/gendered characteristics. The nationalism of many in the Franco-Quebec women's movement propelled their desire for constitutional recognition of Quebec's status as a distinct society, and kept them "out" of

the Charter debates occurring in the rest of Canada. Aboriginal women's constitutional claims illustrate a demand for recognition of the inherent right of Aboriginal self-government, as well as for sex equality of Aboriginal women. Unlike the nationalisms of both the Aboriginal and Franco-Quebec women's movements, however, the influence of pan-Canadian nationalism on the constitutional goals of the Anglophone women's movement was more obscure. It was evident, however, in their orientation to the federal state during 1980-81, in their support for Canada-wide, Charter equality guarantees, and in their inability to acknowledge, or understand, the different nationalist concerns of Aboriginal and Franco-Quebec women.

My third goal in this study is to demonstrate that within two of these movements, women differed on the methods of achieving their constitutional citizenship goals. The Anglophone women's movement, which dominated the constitutional agenda at that time, experienced internal conflict over the issue of democratic process; in particular, about the process of constitutional renewal and the usefulness of a Charter of Rights and the legal approach to furthering progressive social change. The majority of women in the Aboriginal women's movement supported the collective right of Aboriginal self-government, however, conflict developed over how the rights of Aboriginal women could be protected within Aboriginal nations.

The Ad Hoc Conference on Women and the Constitution, held on St. Valentine's Day, 1981, was one of the pivotal moments in the development of women's constitutional citizenship in Canada. That day, for the first time in Canadian history, Anglophone, Francophone and Aboriginal women from various regions of Canada met to discuss,

debate and solidify their constitutional concerns; thus, the events of the Conference illustrate many of the goals and dynamics of the larger Canadian society at that time.[1] By examining the events of the Conference, I will define the complex citizenship goals of Anglophone, Aboriginal and Franco-Quebec women's movements vis à vis the Constitution; furthermore, I will illustrate how the goals of the Anglophone women's movement came to dominate the feminist constitutional project. In doing so, I will demonstrate that, in 1981, many women chose to engage with the Constitution as a way to attain the equality of citizenship which had previously not been attained through social, economic and legal struggles.

II Why Women and the Constitution?

In general, this study grew out of my combined interests in feminist activism and in constitutional politics in Canada. My feminist beliefs and practices can be categorized as what Angela Miles had called "integrative feminism", which "welcomes the tremendous variety of participants, activities and thinking in the current movement and takes relatively non-sectarian positions...[and which] welcomes[s] diversity and debate as important contributions to growth and development" (in Vickers et al. 1993: 23). In other words, I do not define myself through the traditional feminist categories – socialist, radical, or liberal – although my work is influenced by all of them, as well as by the

---

[1] The Francophone women in attendance at the Conference were mainly from outside of Quebec; few members of the Franco-Quebec women's movement attended. The reasons and effects of their absence are discussed in later chapters.

ideas of lesbian feminists, women with disabilities, women of colour, Aboriginal women and Francophone women. As a consequence, I reject the ability of one "grand theory" to explain or further feminist struggles; instead, I prefer to draw from many approaches in order to create a more inclusive feminist praxis.

My interest in women and constitutional issues was piqued by a variety of personal and academic experiences. As an assistant to a Member of Parliament during the Charlottetown Accord debates in 1992, I was deeply moved by the passion and conviction with which Canadians debated the future of their nation(s). The divergences in constitutional opinions which I saw *among* women brought me to the realization that factors such as national affiliation, class, race, regional affiliation, and political belief influenced their perspectives as much as, or perhaps more than, their feminist, or women-centred, convictions. When I returned to university to begin my Master's degree, I found that by studying constitutional issues I could combine my interests in politics, law, and feminist theory. I also realized that, even today, constitutional politics is still very much esteemed as the apex of white, male political participation, and that issues which are constructed as "constitutional" are narrowly defined through a patriarchal, white, able-bodied, heterosexual lens. For these reasons, I chose to explore women's constitutional involvement in 1980-81, a period when women first began developing constitutional interests on a large scale. In doing so, I hope to expand the work which has been done on this era, which I find has been only cursory, or in some cases incomplete, in that it only examines the Anglophone women's movement.

The most comprehensive documentation of the 1980-81 women's lobby was

performed by journalist Penney Kome (1983), who usefully "maps" Anglophone feminist activity in relation to the Charter, but does not provide much in the way of analytical content. As well, political scientist Sandra Burt has analyzed the Anglophone women's lobby from a framework of interest group activity (1983) and has begun to evaluate the effectiveness of the lobby in terms of securing equality rights in the Charter (1988). Chaviva Hôsek (1983) provides an historical examination of this period, highlighting the marginalization faced by Anglophone women from the male world of constitution-makers and "experts", as they attempted to influence the constitutional process. Although useful in many aspects, these works do not address the marginalization of Francophone or Aboriginal women's movements within the mainstream women's lobby, nor do they examine in any great detail the struggles within the majoritarian Anglophone women's movement concerning the Charter and the constitutional-renewal process.

Mainstream political analyses of the 1980-81 constitutional debates have either ignored women's participation and concerns (Russell, 1983; Axworthy, 1986), glossed over their participation (Shepphard and Valpy, 1982), or acknowledged their political participation only in relation to Charter rights (Cairns, 1991; Knopff and Morton, 1992). Some who view women's constitutional involvement only in terms of Charter rights, see women pejoratively as a "special interest group" who have since monopolized this element of the Constitution (Knopff and Morton, 1992), rather than as citizens who constitute over half of the Canadian population and hold legitimate citizenship concerns. Others, such as law professor Michael Mandel (1994) and political scientist Richard Sigurdson (1993), briefly acknowledge Anglophone women's concerns about the Charter,

but provide little insight into how these concerns emerged and were formulated.

Political scientist Alan Cairns illustrates the importance that has been placed on the Canadian Constitution when he argues that, "[c]onstitutional politics is the supreme vehicle by which we define ourselves as a people, decide which of our present identities we should foster and which ignore, and rearrange the rights and duties of citizen membership" (in Kaplan, 1993). In other words, the Constitution represents one of the fundamental ways in which we recognize who, and what, is important to the functioning of this country. My research will show that through the Constitution, women challenged the premise of who constitutes a citizen, how citizens influence decision-making processes in society, and what issues are allowed to be raised on the public agenda. My purpose in this study is not to evaluate what women did or did not achieve by their political mobilization around the Constitution in 1980-81. Most of the objectives women raised in this period *did not* in fact get embodied in the Constitution. Nevertheless, by examining the concerns raised at the 1981 Ad Hoc Conference on Women and the Constitution, and in the surrounding social context, I will illustrate that women's constitutional involvement and concerns were 1) broader in scope than has been documented; 2) more complex and controversial than has been documented, and; 3) more challenging to the constitutional status quo than has previously been documented. Only by creating a more complex picture of women's constitutional involvement can we begin to conceptualize the depth and breadth of women's emerging citizenship concerns.

III Methodology

My study has been informed by four primary sources: audio tapes recorded at the 1981 Ad Hoc Conference on Women and the Constitution; National Film Board films taken of the Conference; interviews I conducted with women who attended the Conference[2], and; articles from feminist and mainstream periodicals and newspapers. From the audio tapes, housed at the Canadian Women's Archives at the University of Ottawa, I transcribed, often verbatim, the issues raised by a variety of women from across Canada with respect to both the proposed Charter and the Constitution as a whole. The drawback to this approach was, however, that it was often difficult to distinguish who the speakers were. My fortuitous "finding" of the visual material was an almost coincidental happening. The films taken of the Conference by Studio D of the National Film Board were unedited, and therefore not in the public domain. In June, 1995, at the annual general meeting of the National Action Committee on the Status of Women, I had the good fortune to meet Ginny Stikeman, a senior producer with the then-operational Studio D, who informed me that all of the film material was collecting dust in her Montreal office. With Ginny's help, the films were shipped to Ottawa and through the generous assistance of members of Carleton University's Film Studies Department, I was able to view them on a Steinbeck editing table. The many hours of recorded film provided me with an in-depth perspective of the Conference's occurrences and, with some assistance from Jill Vickers, who attended the Ad Hoc Conference, I was able to identify

---

[2] The exception to this is an interview conducted with Micheline de Sève, a francophone feminist from Quebec, who did not attend the Conference.

many of the women in attendance and connect them to specific positions on issues.

My interviews for this study were conducted with eleven women of various partisan and feminist perspectives.[3] I chose to interview women who I knew were active at the Conference or in various women's groups at that time. Primarily, I was interested in the perspectives of socialist feminists, conservative feminists, liberal feminists, feminist lawyers, Franco-Quebec feminists and Aboriginal women. The majority of my interviews were conducted in person in Toronto and Ottawa. Those interviewed were: Doris Anderson, then President of the Canadian Advisory Council on the Status of Women; Lynn McDonald, then President of the National Action Committee on the Status of Women (NAC), and a vocal opponent of entrenching a Charter of Rights; Rosemary Billings, then an executive member of NAC and Conference organizer (or Ad Hocker); Carolyn Egan, a socialist feminist and then a principle organizer of Toronto's International Women's Day Committee; Margaret Fern, then President of the Saskatchewan Advisory Council on the Status of Women and provincial New Democrat member; Flora McDonald, then a Conservative Member of Parliament who provided assistance to the Conference organizers; Marilou McPhedran, a feminist lawyer and the "link" between the Ottawa and Toronto Conference organizing committees; Linda Nye, a Conference organizer from Toronto and then Co-Chair of Women for Political Action; Pat Hacker, an Ottawa Conference organizer and then Executive Director of Women's

---

[3] Due to circumstances, one of these "interviews" was actually a questionnaire. Lynn McDonald was conducting research overseas and was unable to engage in an actual interview; she did, however, fill out a questionnaire concerning her participation in the 1980-81 lobby.

Career Counselling Services; Tamra Thomson, a member of the National Association of Women and the Law, and then an articling law student; and Micheline de Sève, a Francophone feminist then active in the Quebec women's movement. I was, however, unable to secure interviews with Aboriginal women activists. I will not try to "explain" the reasons why I was not granted interviews by Aboriginal women, because I would probably not do them justice. Instead, I think the words of Aboriginal lawyer Patricia Monture-Angus can illustrate some of their concerns:

> The way in which the aspirations of Aboriginal women are often characterized in academic literature, including feminist writing, is often problematic...many Aboriginal women do not have access to this literature and are often unaware of how they are talked about...[t]he result is that academic writing on Aboriginal women fails to reach people in many communities and an important function of accountability is lost...Non-Aboriginal academics would do better to pursue their own historical responsibilities rather than continuing try to explain Aboriginal women's aspirations today (1995: 175-177).

I respect and understand the decisions taken by Aboriginal women not to discuss their experiences with me; that is, I understand as much as is possible from my perspective as a member of the majority white culture. I was, nevertheless, very fortunate that members of the Native Women's Association of Canada national office allowed me to peruse the historical files housed in their attic. Their assistance greatly enhanced my research and for that I am grateful.

Although the set of women selected for this study was diverse in partisan and ideological terms, in another sense it was relatively homogeneous, given the predominance of white, middle to upper class women who were then active in the

majoritarian Anglophone and Francophone women's movements.[4] With the exception of one, all of the women interviewed were Anglophone feminists. Furthermore, the majority of the women were Ontario-based, with the exception of one Saskatchewan resident, and one Quebec resident. As a result, the homogeneity of my interview group does not allow me to make large generalizations; however, the limitations of time and money inherent in a Master's thesis prohibited me from garnering a larger sample.[5]

To determine the constitutional concerns of women, my primary research also involved a search of many Anglophone, Aboriginal and Franco-Quebec women's journals, newspapers and newsletters in Canada between the years 1979-1982[6], as well as a study of the mainstream Anglophone press during 1980-81.[7] Although the Anglophone feminist press did provide me with some insight into women's constitutional concerns, I found that the Anglophone mainstream and feminist press mainly focused on

---

[4] In using the term "women's movements" I include not only feminist organizations, but also women who were actively furthering sex equality goals in political parties and in the federal and provincial bureaucracies.

[5] It is my intention, nevertheless, to continue this work in a Ph.D. program, at which time I will be able to construct a more representative sample.

[6] Sources for articles from the Anglophone feminist press included: *Kinesis, Broadside, Herizons, Atlantis, Healthsharing, Resources for Feminist Research, Canadian Woman Studies, Feminist Action,* NAC Newsletters, *City Woman Magazine, Homemakers Magazine*, CRIAW Newsletters, National Association of Women and the Law Newsletters, *Hysteria, Branching Out*, and *Upstream*; Native press included *Windspeaker, Ontario Indian*, and Indian Rights for Indian Women Newsletters; Francophone press included La Fédération des Femmes du Québec Bulletin *Petite Press*, *Femmes d'Action, La Vie en Rose*, *La Gazette des Femmes* and *Communiqu'elles*.

[7] The mainstream Anglophone press analyzed include the *Globe and Mail*, the *Winnipeg Free Press*, the *Calgary Herald*, the *Ottawa Citizen*, the *Vancouver Sun*, and *MacLean's* Magazine.

the controversy which erupted after the resignation of Doris Anderson from the Presidency of the Canadian Advisory Council on the Status of Women (CACSW) in late January, 1981.[8] From these articles I drew three observations about the Anglophone women's movement: women did not believe that the formal political institutions sufficiently represented their interests; women questioned the institutional role played by the CACSW as a mediator of feminist-state relations, and; regardless of their skepticism, women were nevertheless willing to work with the federal state to further their sex equality goals. The articles were useful, therefore, in helping me to define the social context in which the Ad Hoc Conference evolved.

In my analysis of the Francophone women's press, I found that there was little, if any, reference to the Canadian Constitution after the Quebec referendum in May, 1980; furthermore, there was only one reference made to the Canadian Charter of Rights and Freedoms.[9] This analysis reinforces my argument that the majority in the Francophone women's movement in Quebec chose not to engage with Anglophone women's struggles to influence the creation of the Charter of Rights.

Finally, I examined the briefs and presentations made by many women's groups to the 1980-81 Special Joint Committee on the Constitution of Canada, and the archival

---

[8] Anderson's resignation resulted from the CACSW Executive's decision to cancel the original conference, and led to the establishment of the Ad Hoc Committee on Women and the Constitution, who then organized the St. Valentine's Day Conference. On the second day of the Conference, February 15, women met to discuss the future and desired role of the CACSW. The events of the second day, nevertheless, are beyond the purview of my analysis.

[9] See "Les Québécoises et la constitution" in *La Gazette des Femmes*, Vol. 2, No. 7, February 1981, where Claire Bonenfant, then President of the Conseil du Statut de la femme du Québec, critiques the proposed Charter.

material of the federal New Democrat and Progressive Conservative women's caucuses housed at the National Archives. I also analyzed many of the briefs presented by women's groups to the 1985 Subcommittee on Equality Rights, established by the federal government to evaluate the compatibility of federal leglislation with Section 15 of the Charter. Secondary material for this thesis was drawn from a variety of legal, political, feminist, Aboriginal and sociological theorists and writers, in order to create a framework for understanding my primary materials.

IV Implications of My Research for Women's Movements in Canada[10]

In researching "social" movements, I believe that researchers have an ethical responsibility to examine the practical implications and effects of their work on the people involved in movement activities. One of the predominant ethical questions I faced in conducting this research was: what will the effects of revealing conflict within women's movements in Canada mean for the movement as a whole? In particular, because my research, in part, is a critical historical examination of the Anglophone women's movement, I am faced with the possibility that my research may be used by anti-feminists

---

[10] In using the phrase "women's movements in Canada" I am incorporating four main elements: the Aboriginal women's movement, the Anglophone women's movement, the Franco-Quebec women's movement, and a fourth, though largely artificial element, composed mainly of lesbian women, women of colour, immigrant women, women with disabilities, and francophone women outside Quebec. In using this phrase, I acknowledge that each of the first three named elements (Aboriginal, Anglophone and Franco-Quebec) often operate independent of one another, in different cultural contexts, and with often very different equality goals. Because these movements often coalition on particular issues, and share many interests in common, however, I believe that together they can be seen as elements of a broader "movement" of women in Canada.

and male constitutional "experts" to de-legitimize women's constitutional concerns on the spurious grounds that "women" did not agree. I believe, nevertheless, that it is my responsibility to examine these conflicts in order to help the movement mature. Some of my findings indicate the concerns of Franco-Quebec, Aboriginal and minority women were very marginalized at that time by the Anglophone women's movement – findings which are neither new, nor surprising. By conducting research which expands the parameters of our knowledge of women's constitutional involvement, and by seeking out points of conflict between diverse women, I hope to enrich our constitutional history and to deconstruct the myth of feminist solidarity. Only by examining the past, "warts" and all, can we develop strategies for social change which encompass diversity.

A second implication of this research is the possible, and much needed, contribution to "bridge-building" between nations, ideological perspectives, and generations of women in Canada. This thesis is intended to describe and analyze women's differentiated constitutional positions, some of which are influenced by nationalist concerns, some by partisan and ideological concerns, and some by both. In doing so, I hope to create a better understanding of the relationships among feminist or women-centred concerns and other aspects of women's identities in the constitutional arena.

As I discovered in my interviews, many women who have been actively involved in feminist or women-centred organizing for a number of years lament what they perceive as the disinterest in, or ignorance of feminist histories by women of my age group. I believe these concerns reflect the belief that we need to build "intergenerational bridges"

to ensure the continuation of progressive social change for women, a project of particular importance in light of the "new right" backlash against feminism. I hope this thesis can contribute to the building of those bridges, and to illustrate that many women of my generation do not feel that "the battles are already won".

V Chapter Outline

The histories of women's citizenship in Canada are differentiated—both in terms of the rights bestowed upon women, and the citizenship goals which women defined for themselves. In chapter one I outline some of the citizenship struggles faced by women of Francophone, Anglophone and Aboriginal cultures in Canada. Using conceptual frameworks borrowed from the disciplines of law, political science, sociology, and from the interdisciplinary work of feminist and aboriginal writers, I explore the meaning of citizenship as it has applied to, and been applied by women in Canada. I also illustrate how women became interested in the Canadian Constitution as a tool for defining and expanding their citizenship.

In chapter two, I examine the concerns of women at the 1981 Ad Hoc Conference on Women and the Constitution, and argue that women's interests included not only securing democratic rights, but also establishing representative, democratic processes, in both the constitutional arena and the larger legal and political realms. I also illustrate that the women's strategies for ensuring representative democratic processes were the subject of intense debate along ideological and partisan cleavages.

In chapter three, I present an analysis of some of the civil and social rights which

women raised at the Conference, and which they wanted incorporated into the *Canadian Charter of Rights and Freedoms*. In particular, I argue that their claims challenged Canada to have the Constitution acknowledge women's sex/gendered identities. I also explore why the citizenship claims of Aboriginal women (who were present at the Conference) and Franco-Quebec women (who were not present at the Conference) were not understood by the majority of the Anglophone women's movement as relevant to the feminist constitutional project.

In my conclusion, I outline the ways in which women's challenges to the Constitution expand the definition of citizenship in Canada, and provide an overview of the findings of this study. Moreover, I also theorize about the direction which feminist concepts of citizenship can begin to expand.

CHAPTER ONE

WOMEN'S DIFFERENTIATED CITIZENSHIP IN CANADA PRIOR TO 1981

I Introduction

Women's definitions of citizenship in Canada have changed over time, and have been influenced by their national and/or cultural affiliations. The late sociologist T.H. Marshall outlined three main classifications to describe the evolution of citizenship (civil, political, and social rights) which I will use to "categorize" the development of women's citizenship in Canada. I will also show, however, that Marshall's historical timelines for the development of citizenship, as well as his understanding of citizenship "issues", do not explain women's differentiated experiences. I will demonstrate that women first sought, and achieved, political rights, and then began attaining civil and social rights; furthermore, I will argue that these rights were attained at different times by Anglophone, Aboriginal and Franco-Quebec women. I will briefly analyze women's citizenship goals prior to the 1970s, and then will examine in more depth the events in the 1970s which led women to demand constitutional recognition of their citizenship. I will also argue that women's marginalization from the Charter-making process in 1980 led to the mobilization of many in the Anglophone and Aboriginal women's movements. Women in these two movements chose to engage with the Constitution as a way to ensure the substantive recognition of their civil, political and social rights. Before discussing the history of women's citizenship, however, I will first define the relationships among the Anglophone,

Aboriginal and Franco-Quebec women's movements in Canada—three of the main elements of a broader movement of women in Canada.

I Defining Women's Activism in Canadian

The ways in which citizenship affects women, and the citizenship goals women embrace are very much defined by their cultural and identity memberships. Following the work of political scientist Jill Vickers (1993), I argue that the women's movement in Canada is composed of four main elements: Anglophone, Franco-Quebec, Aboriginal women and a fourth (though largely artificial) category, consisting mainly of "francophones outside of Quebec, immigrant and racial minority women, lesbians and women with disabilities" (1993: 264). In contrast to Vickers' categorization, however, I argue that the organizing efforts of Anglophone, Franco-Quebec and Aboriginal women can be conceptualized as individual movements *within* the larger Canadian movement, due to the fact that each often operates in a particular cultural milieu, and often have equality goals specific to that cultural context. The Anglophone women's movement, whose interactions with the state are directed mainly towards the federal government, and the Francophone women's movement in Quebec, whose interactions with the state are mainly directed towards the Quebec government, constitute the two majoritarian elements of women's activism in Canada. Below, Jill Vickers defines each, and elaborates on the relationship between them:

> Each is a majority position in relation to "its" state and has more power than the **minority** elements with which it interacts. Majoritarian elements represent women of cultures which are dominant within their state, although Quebec Francophones are in a minority relationship vis-à-vis the Anglo-Canadian element, and English

Canadian feminists feel dominated by the U.S. movement...(1993: 264).

Vickers identifies Aboriginal women as the third element of the women's movement in Canada, and argues that their projects have sometimes been "included" in the activities of the English and French women's movements (1993: 264). Aboriginal women have experienced marginalization from the two majoritarian elements, however, and more often than not have opted to organize separately. Furthermore, the collective goals of Aboriginal women illustrated by the demand for self-government often conflict with the women-centred goals of members of the Francophone and Anglophone women's movements, making collaboration a difficult task, at best.

The fourth "element" of the women's movement in Canada identified by Vickers encompasses many women whose voices have been traditionally both silenced or marginalized in Canadian society and in women's movements in particular: women with disabilities, women of colour, immigrant women, lesbians, and Francophone women outside of Quebec. These women have often organized separately from the two majoritarian elements of the women's movement partly as a result of their marginalization. Often, their citizenship concerns have not been conceptualized as "women's issues" in the traditional sense.

In the history which follows, I have mainly chosen to examine the citizenship experiences of Aboriginal, Franco-Quebec, and Anglophone women, because of their predominance in the constitutional arena in 1980-81.

III Challenging Patriarchal and Individualist Definitions of Citizenship: T.H. Marshall Revisited

In order to examine the citizenship status/goals of women in Canada, I will use the framework of citizen rights (civil, political and social) developed by T.H. Marshall which many political and social analysts have since used (Marshall and Bottomore, 1992). Marshall developed these categories to describe the evolving concept of citizenship in England in the 18th, 19th and 20th centuries, in which he argues the civil, political and social rights of citizens developed, respectively (1992). According to Marshall, civil rights include freedom of the person, of speech, thought, faith, the right to own property and engage in contracts, and the right to justice; political rights include the right to participate in political decision-making, either through the franchise or in elected bodies, and; third, social rights include to the right to economic welfare, security and the ability to live according to the prevailing societal standards (Marshall and Bottomore, 1992: 8). Although Marshall's categories are useful in describing the citizenship rights which many women in Canada sought from the late 19th century onward, many scholars have noted that his definition of these rights, as well as the histories of when and how these rights were gained, are based on white, able-bodied, property-owning, european, male experiences (Hernes, 1987; Moller-Okin, 1992; Valentine, 1996; Vickers, 1989; Voet, 1994). While I will use Marshall's categories in this chapter, I will first present some of the key critiques of his accounts of them.

Many feminist scholars argue that Marshall's definitions of civil, political and social rights do not acknowledge women's experiences. For example, Australian political

philosopher Carole Pateman asserts that the civil right to engage in contracts, conceptualized by Marshall as the right to employment, does not recognize the rights of women within the marriage contract; an arrangement which Pateman argues legitimizes and hides the sexual domination of women (1989). Both Pateman and Australian theorist Rian Voet claim that the civil right to privacy, conceptualized by Marshall as the right of a citizen to freedom from interference from the state, does not ensure women the right to control their reproduction or their bodies without interference from the state, nor does it give them the right to freedom from unwanted bodily contact in the private sphere (Pateman, 1989; Voet, 1994).

Marshall's definition of "political rights" as a category of citizenship has also been critiqued by feminist authors. Rian Voet, for example, argues political rights should encompass more than merely the right to vote; furthermore, she also argues that by subsuming political participation under the category of "rights", political participation is seen as a choice to exercise, and thus not a problem if women are not represented in the political structures (1994: 69-72). Voet asserts that it is necessary to elevate the category of political participation to a status equal to that of a citizen's right to freedom from state interference (1994: 73). Addressing both the civil right to justice and the right to political participation, U.S. political theorist Iris Marion Young (1990) argues that any right to participation in the public sphere should include access to decision-making in both the state *and* civil society. She also maintains that representation of oppressed groups should be guaranteed in the decision-making processes, not just subject to the democratic will of the majority.

Fewer feminist theorists have critiqued or explored Marshall's definition of social rights, otherwise understood as the right to economic welfare, security and the ability to live according to the prevailing societal standards.[1] What some feminist theorists in Canada, the United States, and Australia have done, however, is to critique the individual focus of these citizenship rights *in general*, for ignoring the relational and caring responsibilities in which women most often engage in the domestic (private) sphere (Moller-Okin, 1992; Cass, in Voet, 1994; Vickers, 1989). Bettina Cass for example, argues, that the individuality of Marshall's citizenship rights fails to identify the barriers to women's full participation in society:

> Each of these [three] notions conceives of the 'citizen' as an independent, autonomous actor; participating as an individual in the labour market, participating democratically as an individual citizen in political processes, receiving social benefit entitlement as a right based on individual citizenship. But each of these conceptions is unable to represent the ways in which women with caring responsibilities are either excluded from full participation, or participate in ways limited by their responsibilities to care for others, or participate in ways which are qualitatively very different, precisely because they are providers of informal welfare (in Voet, 1994: 87).

In order to "overcome" the individual focus of Marshall's theory, Cass argues that instead of conceptualizing citizenship as only a "public sphere", rights-based activity, it should encompass both public and private sphere responsibilities. Moreover, she argues that men must accept responsibility for domestic duties in order for them to be considered "full" citizens (1994: 62). Few theorists, however, specifically explore the role of the state in providing support for the realization of women's social rights. I would argue that the

---

[1] The issue has been explored by Helga Hernes, in her 1987 examination of the citizenship of Nordic women, in which women experience substantial state support for social rights.

right to state assistance, either for social or biological re/production, should be conceptualized as a social right in order for women *and* men to secure a valued living which accords with the prevailing societal standards. Under this conception of social rights, women would have the right to state-funded abortion services, or for pensions for their domestic labour, as citizenship rights.

Political theorists, sociologists and Aboriginal writers have also critiqued this ideal of citizenship for its lack of recognition of racial diversity in unitary states and for the fact that citizenship rights have been granted at different times to different minority groups, not according to the timelines outlined by Marshall (Abele and Stasiulis, 1989; Galeotti, 1993; Maracle, 1991; Stasiulis and Jhappan, 1995; Young, 1990; Yuval-Davis, 1991). Frances Abele and Daiva Stasiulis for example, illustrate that Canada's development as a "white settler colony" was achievable only through the colonization of Aboriginal people and the exploitation of their labour, as well as that of racial minority immigrants (1989). Darlene Johnston argues that "Canadian" citizenship for Aboriginal peoples historically has developed from that of "ally to subject to ward to citizen"; a transition which she argues denies the inherent right of Aboriginal people for self-government (in Kaplan, 1993: 249). In other words, attempts by the white state to assimilate Aboriginal people into Canadian society were based upon the assumption that Aboriginal peoples should strive to attain the "ideal of citizenship"; a goal which could only be achieved by the oppression of Aboriginal communities, cultures, languages, and forms of government.

I extend these critiques to demonstrate that not only do Marshall's concepts of

citizenship, and other modern interpretations, deny racial plurality in any given state, they also deny the possibility of varying nationalisms within one state.[2] This is because Marshall conceptualized citizenship as an individual right only (1992: 18).[3] Thus, the collective nationalist goals of Aboriginal people and many Quebec Francophones do not fit into the individualistic framework of Marshall's theory of citizenship. Furthermore, the combined identities of nationalism and sex/gender provide a further complication to the question of individual male-defined citizenship rights—an issue which feminist scholarship has failed to address to this point.

Although Marshall's *theory* of citizenship fails to conceptualize women's sex/gendered and nationalist identities, I will use his *categories* of rights to explore women's historical citizenship statuses in Canada. My analysis shows that many women in Canada gained their political rights in the form of the vote before they attained civil rights; a development opposite to Marshall's conception of "universal" citizenship. Furthermore, I also argue that in at least the two majoritarian Anglophone and Francophone women's movements, concepts of citizenship have developed from those which included women's sex/gendered identities during their fights for political

---

[2] In arguing this point, I am building upon the work of Australian sociologist Tom Bottomore, who argues that questions of nationalisms and dual-citizenship are now challenging Marshall's thesis. Bottomore's discussion is focused on immigrants who maintain their original citizenship when they re-settle in European states.

[3] Although Marshall acknowledged the inequality of the class structure in Britain, he argued that the application of formal citizenship rights to all individuals would help to alleviate class inequality. Therefore, although Marshall recognized that social class was affected by citizenship, he did not challenge or try to expand the individualist conceptions of citizenship to encompass collectivist concerns, such as class.

emancipation, through a period when women attempted to deny their sex/gendered differences in order to achieve civil rights, and ending up in the 1970s when women started to conceptualize their citizenship in terms of both their sex/gendered similarities and differences with men. For both Aboriginal and Francophone women their nationalist identities informed their conceptions of citizenship during this time period as well. Furthermore, I will argue that these struggles for citizenship rights did not achieve substantive equality for women, thus leading them in 1980-81 to engage with the "highest law of the land", the Canadian Constitution, to legitimize and substantiate their citizenship ideals.

IV The Development of Women's Citizenship in Canada

Enfranchisement and Legal Personhood

One of the first ways women historically sought citizenship rights in Canada was through the franchise. What is traditionally known in Canada as the "first wave" of the women's movement, or the suffrage movement, consisted primarily of white, middle-upper class professionals and housewives, and was initiated in the late 1880s.[4] The suffrage movements, in both French and English Canada, contained strains of both "equal rights" feminism, and maternal feminism. Working women and "equal rights" feminists wanted improved working conditions, equal pay, and increased access to male-dominated

---

[4] Historian Carol Bacchi argues that the first suffrage organization in Canada was established in Toronto in 1877, under the guise of the Women's Literary Society (1983: 3).

educational facilities and professional careers (Bacchi, 1983; Danylewycz, 1987; Roberts, 1979). Maternal feminists, including many housewives, were disconcerted with the decreasing social value of their roles in light of rapid industrialization, and sought an increased status of women's domestic roles within the family[5] (Bacchi, 1983; Duley, 1993; Danylewycz, 1987). During the late 19th and early 20th century the drive for suffrage in both French and English Canada came about during a period of intense social reform, as women sought to improve their educational and employment opportunities, as well as working conditions. Health and welfare for women and children, prohibition, and municipal reform were also important concerns (Bacchi: 1983: 7).

Many suffragists (both male and female) "saw woman suffrage chiefly as a means of achieving other reforms and of strengthening the family by doubling its representation" in the political sphere (Bacchi, 1983: 14); although once the franchised was achieved, many women began using it to achieve social change based on "women's interests".[6] In English Canada, many suffragists argued that political rights, such as the franchise, would improve the moral order of society. In Quebec, citizenship was conceptualized as both political *and* civil, as women fought for reforms to the civil law code to improve the status of married women (Clio Collective, 1987: 252-261). Both movements were also influenced by nationalist concerns deriving out of the social purity and eugenics

---

[5] Some maternal feminists also sought to expand their roles into the male dominated public spheres, especially in local politics.

[6] See Pauline Rankin (1989) for a discussion of how in the years following the granting of the provincial franchise (1917), farm women in Ontario sought incorporation of "women's interests" into the main organization of farming unions, the United Farmers of Ontario.

movements prevalent across Canada at that time. In English Canada, many white, middle-upper class, Anglo-Saxon women sought to "preserve" the Canadian "white race" by regulating the sexual morals and behaviour of non-white, poor, disabled, and "sexually deviant" men and women (Valverde, 1991: 106; McLaren, 1990); in some instances, this meant the restriction of these women's reproductive freedom.[7] More commonly, and until today, it meant removing children to "better" homes for the "good" of the child, or in the case of many Aboriginal children, to residential schools. In Quebec, equal rights feminists seeking improved educational and employment opportunities for women often used nationalist arguments to assert that sex discrimination against women prevented the French-Canadian race from competing with the progress of women in the English-Canadian society (Danylewycz, 1987: 141).

The right to vote federally was granted in 1917 for majority women whose relatives had served or were serving at war (Clio Collective: 1987), and in 1918, to most white women (some women with disabilities were excluded). In 1916, the provincial franchise was also granted to women in Manitoba, Saskatchewan, and Alberta; Ontario and British Columbia granted the franchise one year later, in 1917.

The citizenship rights of the franchise, then, were never applied equally. The federal franchise excluded Aboriginal women until 1960, unless they gave up their Indian Status, as defined by the *Indian Act*. Quebec women, faced with strong opposition from the Catholic clergy, did not win the provincial vote until 1940 (Clio Collective, 1987:

---

[7] Angus McLaren (1990) documents the legislation passed in Canada in the early 20th century, for example, which legalized sterilization of women with developmental disabilities without their consent.

262-265)—and "status" Aboriginal women in Quebec could not vote provincially until 1969 (Milen, 1991: 49). For women with physical disabilities, full access to the franchise was not guaranteed until 1992, "when the architectural accessibility of polling stations became mandatory"; furthermore, women with cognitive/developmental disabilities were formally denied the federal franchise until 1993 (Valentine, 1996: 33).

In the early part of the 20th century women also began using the courts to demand *civil* citizenship rights. Primarily, women argued that legislation "conferring political rights on 'persons' or on 'men' also applied to them" (Eberts, 1981: 7). For example, from 1905 to 1915, women undertook legal action to demand that they be admitted to the bar in Ontario, Quebec New Brunswick and British Columbia. The decisions in these cases—under both English common law and French civil law—prohibited women from becoming lawyers, on the grounds that women and men occupied "separate spheres" (Mossman, 1995: 214), and the "fact" that women (due to their sex) were unsuitable for the legal profession (Eberts, 1981: 7-8). As an indication of the new voting power of women, provincial laws changed between 1915 and 1941, thus permitting women to practice law; however, these options were mainly still the terrain of white women. The first Asian-Canadian woman would not graduate from a Canadian law school until 1946, the first Black woman in 1960, and the first Aboriginal woman in 1976 (Mossman, 1995: 218).

The citizenship issues of legal personhood and representation were also raised in the 1920s as women sought constitutional recognition of their eligibility for appointment to the Canadian Senate. Women were being denied appointment on the grounds that they

were not "persons" under the law. In law, the concept of personhood essentially defines who may be a citizen:

> The concept of the legal person or legal subject defines who or what the law will recognize as a being capable of having rights and duties...the law defines persons in ways that empower or disable, distinguish and classify individuals for its special regulatory purposes. For example, children, slaves, mentally disordered individuals , prisoners or married women may be partially or wholly invisible to the law...not recognized as persons at all, or treated as possessing only limited legal capacities to contract, to own property, or to bring legal actions (Cotterell, in Dawson, 1993: 48).

Throughout the 1920s Alberta magistrate Emily Murphy, as President of the Federated Women's Institutes of Canada, lobbied for the appointment of a woman to the Senate of Canada. Murphy, in conjunction with four other prominent white Alberta women,[8] "chose to seek an interpretation of a constitutional matter under the BNA Act" in 1927 (Mossman, 1994: 237). In 1927 the Supreme Court of Canada unanimously found that the wording of "persons" in the BNA Act did not include women—a position reversed by an appeal to the British Privy Council in 1929. As a result of this decision, Canadian women were considered "persons" under the Canadian Constitution. The *Persons Case* therefore recognized the citizenship of women to be legally equal to that of men; it also demonstrated that women had a right to participate in public life (Mossman, 1995: 216). The result of this case—that women were eligible for appointment to the Canadian Senate—had little implication for the majority of Canadian women. In her article on Black women's organizing, for example, Sylvia Hamilton argues that systemic discrimination in service provision, employment, and segregated

---

[8] The other four included Nellie McClung, Henrietta Muir Edwards, Irene Marryat Parlby, and Louise Crummy McKinney (Mossman, 1995: 237).

schools in Ontario and Nova Scotia in the 1920s kept African Canadian women at the margins of society, and thus:

> ...[w]hile the Persons Case may have signalled the potential for gender equality for some women through the parliamentary system, for African Canadian women there were still formidable obstacles to overcome before they could win participation in the 'official' political process (1993: 190).

Nonetheless, the presence of women in the Senate in recent years has been influential on issues affecting women, as illustrated in the defeat of the 1988 Bill to re-criminalize abortion.

Women's activities around the *Persons Case* illustrate a changing conception of citizenship. While the majority of women involved in the suffrage activities defined their citizenship in terms of sameness (i.e. the equal right to vote) *and* difference (as mothers, wives, and "keepers of the nation"), the main objective of the *Persons Case* was to define women's legal status only in terms of equality with men. Thus, women's claims in the suffrage era illustrate a conception of citizenship which recognized women's sex/gendered identities, but also provided them with access to the public sphere on equal footing with men. Although some suffragists did argue for the heightened recognition of women's domestic work (Duley, 1993), suffrage activists did not demand that women's domestic responsibilities be recognized as a responsibility of Canadian citizenship. The shift, therefore, in women's mobilization for political to civil rights required that women change their definition of equality from "equality as sameness *and* difference" *to* "equality as sameness". This shift was accompanied by the removal of responsibilities from the concept of citizenship, and replaced with a focus on rights, only.

Royal Commission on the Status of Women – 1967-1970

The calls for and establishment of the Royal Commission on the Status of Women in 1966 signalled another major turning point in the development of citizenship for the majoritarian women's movements.[9] Although the idea for a Royal Commission was first advanced by a coalition of women's groups mainly in Ontario, Quebec women's groups, under the umbrella organization of the Fédération des femmes du Québec (FFQ), soon joined the project (Begin, 1992:25). At that time, issues of national identity, aroused in part by the 1968 report of the Royal Commission on Bilingualism and Biculturalism, meant that any commission which examined women's status in Canada would have to be inclusive of both Anglophone and Franco-Quebec women (Dumont, 1992).

The Commission's *Report*, published in 1970, established one hundred and twenty-two recommendations to improve the status of women in Canada. Their recommendations challenged the federal government to address women's second class citizenship status, outlining the discrimination they faced mainly in the economy and in law. The *Report* called attention to discriminatory taxation and child-care allowances, the need for state-funded daycare, equal pay for work of equal value, and access to abortion, and also demanded legitimation of women's roles in the family, among many other issues (Begin, 1992). The *Report* provided the first comprehensive analysis of women's citizenship

---

[9] In arguing this point, however, I do not accept the demarcation made by many feminist scholars between the first and second waves of the women's movement. Rather, as it has been shown by the works of Vickers (1992), and Dumont (1992) both the Anglophone and Franco-Quebec women's movements experienced continuity of feminist activity between the two defined "waves". Furthermore, Aboriginal women were organizationally active during this time period as well (Jamieson, 1979; Monture, 1995).

status in Canada, culminating in recommendations which demanded the expansion of women's civil, political and social rights.

One of the recommendations of the Royal Commission on the Status of Women called for revisions to the *Indian Act* to allow Aboriginal women to retain their "status" when marrying a non-status man, and also, to allow their children to retain legal status. The recommendations came in response to the protests raised by some Aboriginal women about their citizenship status, embodied in two legal challenges to the *Indian Act*. Two enfranchised "non-status" Aboriginal women, Jeannette Lavell and Yvonne Bedard, contested the legality of Section 12 (1) (b) of the *Act* in 1970, arguing that it contravened the *Canadian Bill of Rights*.

There was conflict, nevertheless, both *within* the Aboriginal women's movement, and within Aboriginal communities in general, over who should define Indian citizenship. On the one hand, women's citizenship was conceptualized by some as a legal status which necessitated legitimation by the Canadian state under the *Indian Act*, in order for women and their children legally to maintain their Aboriginal heritage, and secure their treaty rights. This situation arose because the *Indian Act* had denied "status" to women who "married out". These rights were fought for by the organization Indian Rights for Indian Women (IRIW), formed in 1972, to represent women who had lost their "status". The other national Aboriginal women's organization, the Native Women's Association of Canada (NWAC)[10], while supporting the removal of the discriminatory Section 12 (1)(b)

---

[10] NWAC was established in 1973 to represent Metis, Non-Status, Status and Inuit women, both on and off reserve, from all Indian Nations (Richardson, 1981).

of the *Indian Act*, argued that the citizenship goals of Aboriginal women included also the collective projects of Aboriginal self-determination and/or sovereignty. Moreover, they insisted that the citizenship status of Indian peoples should be decided by Aboriginal communities and not by the *Indian Act* (1981: 67), implemented by a foreign white state.

Thus, in the late 1960s and early 1970s, in part through the Royal Commission on the Status of Women, women began their citizenship in legal, political *and* social terms. Their goals demanded that equal citizenship be realized in the civil and public spheres. Moreover, the citizenship interests of Franco-Quebec, Aboriginal and Anglophone women began to overlap, as illustrated by the participation in, and recommendations of, the RCSW.

V Women and Constitutional Citizenship: Differentiated Views

In the late 1970s, many women's groups in Canada increasingly became interested and involved in constitutional politics in efforts to define their citizenship status in Canada. In this decade, three main issues drew women into the constitutional arena: 1) the failure of the *Bill of Rights* to guarantee equality rights for women—especially enfranchised Aboriginal women; 2) the federal/provincial proposals to transfer control over family law, including divorce law, to the provinces; and 3) the referendum campaign in Quebec over the issue of independence from Canada. These events acted as "catalysts" which provided women with the opportunity to begin defining their citizenship vis-à-vis the Constitution. Furthermore, these three constitutional events would later cause

those in the Anglophone and Aboriginal women's movements to chose to engage with the federal state during the 1980-81 Charter debates, in order to define their citizenship status, while, in contrast, the events distanced many in the Franco-Quebec women's movement from women's constitutional discussions.

The *Canadian Bill of Rights*: Defining Women's Legal Status

In the 1970s, women began using the civil guarantees in the *Bill of Rights* to challenge discriminatory Canadian laws. Four particular cases were heard by the Supreme Court of Canada: *Attorney General of Canada v. Lavell* and *Isaac v. Bedard*[11], *Bliss v. Attorney General of Canada*, and *Murdoch v. Murdoch*. In all of these decisions, the Court found that under the *Bill of Rights* there was no denial of sexual equality before the law.

The first cases involved two Aboriginal women who argued that Section 12 (1)(b) of the *Indian Act* discriminated against them on the basis of sex because it removed their status as Indians, once they married non-native men, a deprivation not faced by men who "married out". In 1973, the Court decided that as long as the law applied *equally* to all of those in the class to which the law applied (ie. Aboriginal women) discrimination could not occur under the *Bill of Rights*. The Court did not analyze how the law caused differential treatment between Aboriginal men and women, thus, equality before the law was revealed as an administrative and not a substantive issue under the *Bill of Rights*

---

[11] The cases of Lavell and Bedard were heard at the same time by the Supreme Court of Canada.

(Russell et al., 1989: 359). This meaning of equality was used again in the judgement for *Bliss v. A.G. Canada* in 1978. In this instance, the claimant was arguing that the *Unemployment Insurance Act* discriminated against her because she was a pregnant woman. The Court, however, found that she was not discriminated against because she was a woman, but because she was pregnant, and the law did not discriminate against non-pregnant women:

> If s. 46 treats unemployed pregnant women differently from other unemployed persons, be they male or female, it is, it seems to me, because they are pregnant, and not because they are women (Fogarty, 1987: 72).

Again, the Court had used the same limited definition and conception of equality to argue that women, as a class, were not discriminated against in the *application* of the law.

In the divorce case of *Murdoch*, decided by the Supreme Court in 1973, Irene Murdoch requested half of the property and assets of a cattle ranch in Alberta, where she had laboured for twenty years. Although Mrs. Murdoch had contributed to the purchase of the land, and during the twenty year marriage had performed domestic labour, in the form of "cooking, cleaning and childcare", as well as ranch work, such as "haying raking, swathing, mowing, driving trucks and tractors, dehorning, vaccinating and branding cattle", all of the property was held in her husband's name (McDonald, 1984: 50). All of the courts, including the Supreme Court found that Mrs. Murdoch's labour entitled her to nothing, because only Mr. Murdoch paid income tax; ignoring the fact that income tax laws at the time did not permit "a salary paid to a wife...on a farm to be deducted as a business expense" (McDonald, 1984: 50). Thus, the courts refused to acknowledge the Mrs. Murdoch's labour in the marriage contract, viewing her as a

dependent wife and mother, instead of valuing her domestic and ranch production as a contribution to citizenship. All together, the cases of *Bliss*, *Lavell and Bedard*, and *Murdoch* revealed the need for a more substantive definition of what equality meant, or better, what equality *did not* mean, to women as citizens.

Members of both the Anglophone and Aboriginal women's movements during this time were trying actively to change the legal conception of women's equality. Aboriginal women, through NWAC and the IRIW, lobbied for the removal of Section 12(1)(b) of the *Indian Act*, but faced substantial opposition both from the federal government and from male-dominated Aboriginal organizations (Jamieson, 1979; Bear, 1991). Prior attempts in 1969 by the federal government to "dismantle the Indian Act in favour of an individualized concept of equal Canadian citizenship" (Russell, Knopff and Morton, 1989: 360) had mobilized the opposition of Aboriginal peoples to oppose perceived threats to their collective identities and rights. Many Aboriginal peoples feared that the invalidation of Section 12(1)(b) would result in the subsequent judicial dismantling of the entire act (Russell et al. 1989: 360). Furthermore, the practical implications of re-instating "non-status" enfranchised Aboriginal women were immense—and organizations representing reservation communities feared the repercussions on their already impoverished and overcrowded reserves.

In 1977, disenfranchised "non-status" Aboriginal women drew attention to their fight against the *Indian Act* internationally, as Sandra Lovelace launched a complaint against the Canadian government with the United Nations Human Rights Committee. The court's decision in favour of Lovelace would not, however, come until July, 1981 (Bear,

1991: 213-214). Prior to this time the Canadian government made no efforts to change the discriminatory section of the *Indian Act*.

Women in the Anglophone women's movement were active also during this period in efforts to change the legal definition of equality which the courts were using to define women's citizenship rights. Groups such as the National Action Committee on the Status of Women (NAC), the Canadian Advisory Council on the Status of Women (CACSW), the National Association of Women and the Law (NAWL), and the Ottawa-based Ad Hoc Committee for Women's Rights lobbied for an amendment to the *Indian Act* and also voiced opposition when the *Bliss* and *Murdoch* decisions were handed down (Bourne, 1993: 357; Interview with Anderson, 1996; McDonald, 1984: 49). The unwillingness of both the federal government and the courts to recognize legal equality in substantive terms was one of the prime reasons why many women in both the Anglophone women's movement and the Aboriginal women's movement later would lobby so vigorously for the implementation of sex equality in the Charter. The judicial decision in *Murdoch* had proven to ordinary women that properly defined legal equality was necessary in order to ensure their economic rights. Therefore, with the growing number of feminist lawyers trained in the 1970s, increasingly Anglophone women's groups began to engage with the law as a method of defining sex equality, and thus their citizenship.

Constitutional Jurisdiction and Family Law

The second major issue which drew many women into the constitutional realm was the 1978-1979 federal/provincial proposals to transfer family law to the jurisdiction of the

provinces. Responses to the proposed transfer were most vocal from the Anglophone and Franco-Quebec women's movements, as two opposing visions of the consequences of the proposed transfer developed. In English Canada, the federal government's attempts to transfer control over divorce to the provinces mobilized the opposition of women's groups and some federal femocrats[12] (Hôsek, 1983: 284; Razack, 1991: 29; Vickers, 1993: 271). In February 1980, for example, the Canadian Advisory Council on the Status of Women, an "arms-length" agency to advise government, began publicizing the government's intentions, and lobbied then Justice Minister Jean Chretien to consult with women before proceeding further (Collins, 1981: 15). Sandra Burt argues that not only did the issue of divorce "lead to an awareness of constitutional issues as relevant to women, but it also generated some suspicions that women's interests would not be protected as a matter of course" (1983: 6). Many Anglophone women feared that provincial control over divorce would result in a "patchwork quilt with different grounds and waiting periods from province to province" as exists in the United States (Vickers, 1994: 139). The concern of women over the transfer of divorce continued throughout the Charter debates of 1980 and 1981, as Anglophone women grew to believe their interests **as women** were not being adequately represented by the overwhelmingly male political elite (Bowman, 1981; Huddart, 1981). Some Anglophone women also argued that the social and moral values informing the practice of family law were pan-Canadian in content, not circumscribed by provincial boundaries (Bowman, 1981). This

---

[12] I have borrowed the term "femocrat" from the work of Hester Eisenstein (1991), who defines the term as "feminist bureaucrats", or feminists working within the state in Australia.

universalist position was rejected by many Franco-Quebec women, who argued that it dismissed their cultural distinctiveness and nationalist concerns for self-government (Interview, M. de Sève, 1996).

This second view of the proposed transfer of family law was supported by Franco-Quebec women's groups, such as the Fédération des femmes du Québec, who argued that Quebec's existing civil law offered better protection for women than that provided by the federal government, and that to "chip away" at their civil law would, in effect, endanger the identity of Quebec's people (*Statement*, 1981: 119). Furthermore, the Conseil du statut de la femme, the provincial advisory body to the Quebec government, argued that provincial control over both divorce and marriage would be more cost efficient for governments, and less problematic for Quebec women (Bonenfant, 1981: 27). For many Franco-Quebec feminists, therefore, the devolution of constitutional powers vis à vis family law, to the province of Quebec would thereby better protect both their national identities and their sex/gendered interests as women.

The opposing views between Anglophone and Franco-Quebec women's groups over the issue of family law foreshadowed a rift between the two movements which would escalate during the 1980 referendum campaign on Quebec sovereignty, and also during the Charter debates. It illustrated that the two movements viewed Canadian federalism from very different perspectives; with most Anglophone women's groups supporting a stronger federal government, and Franco-Quebec women's groups urging decentralization.

1979-1980: The Referendum Campaign in Quebec

The referendum campaign in 1979-80 mobilized large numbers of women in Quebec around the Constitution. As political scientist Micheline de Sève argues, this moment in women's history demonstrates that for many women in Quebec, their relationship to the Canadian constitution, and thus their citizenship goals, derived from their cultural identities as Québécoises, as well as from their identities as women:

> Many, many women in Quebec came to feminism first by coming to the nationalist identity, then a feminist identity. Because you realize who you are as to your culture, your language, and all that, and then you realize that in this culture there is a very big division between men and women, and so both go side by side (Interview, M. de Sève, 1996).

That many Francophone women identified both with the struggle for Quebec nationhood and with the feminist struggle against sexism was very apparent in the title of a mid-1970s report on the status of women in Quebec – *Égalité et Indépendence* – produced by the Conseil de la statut de la femme.[13]

During the campaign leading up to the 1980 referendum on Quebec independence, sovereigntist and federalist Francophone women in Quebec were mobilized in large numbers. Sovereigntists increasingly saw the "province of Quebec as a potentially independent nation-state" throughout the 1960s and 1970s, especially given the renewed national consciousness of Francophone people (Jean et. al, 1986: 322). Federal/provincial discussions throughout these two decades had been unable to secure a constitutional agreement which would sufficiently recognize the inherent duality of French/English

---

[13] The title was a play on the words of former Quebec Premier Daniel Johnston, who had previously argued "Égalité *ou* Indépendence", with respect to Quebec's place in the Canadian federation.

existence in Canada. In order to decide the issue, the Parti Québécois announced a referendum for May 1980 in which the people of Quebec would vote on whether to remain in the Canadian federation, or become an independent nation-state.

The response of women's groups in Quebec during the referendum illustrates that there was a collective decision that there would be no "correct" feminist position, per se, on the issue of Quebec independence. The largest feminist umbrella organization, the Fédération des Femmes du Québec, opted to remain neutral in the debate, recognizing the diverse opinions of its member groups (Interview, M. de Sève, 1996).[14] The enormous mobilization of women during the notorious "Yvette"[15] rally (organized by the No Committee) and the subsequent rally celebrating the 40th anniversary of the right to vote for Quebec women[16], in which the agenda was dominated by "Yes" forces, illustrated not only that women were very involved in constitutional issues in Quebec, but that their involvement stemmed from their identities *as women* – as well as their cultural

---

[14] In the 1995 Quebec referendum, however, the FFQ opted to endorse the sovereigntist position.

[15] The Yvette rally was organized by the Liberal party, and attended by over 14, 000 women in response to a comment made by PQ member Lise Payette. In an attempt to link federalists with backward, anti-feminist views, (and conversely, sovereignty with progressive feminist change) Payette had publicly compared Madelaine Ryan, the wife of the leader of the Quebec Liberal party, with "Yvette", a character in french primary school readers, whose character was thought to be submissive and domestic. See Jean et al. (1986) and Sigouin (1992) for an in-depth discussion of this issue, both of whom argue that the rally, in the end, was not an anti-feminist event.

[16] Ten days after the Yvette rally, over fifteen thousand women gathered at Place Desjardins to celebrate the fortieth anniversary of women's right to vote in Quebec, where sovereigntist sentiments dominated the agenda (de Sève, 1992: 113).

and/or political affiliations.

While the Liberal party and anti-separatist forces directed their appeals to housewives and urged that they maintain traditional values in order to "preserve the past", the separatist forces appealed to working women, and stressed the benefits of progressive social change (Sigouin, 1992: 54). Numerous authors have since argued, nevertheless, that both the Yvette rally and the suffrage celebration were pro-women, and not anti-feminist events (Sigouin, 1992; Jean et al. 1986). The affiliation of "housewives" with the No forces, and "working women" with the separatist forces illustrates the sex/gendered element of women's political participation. The divergence of women's opinions on the meaning of equality and/or feminism, however, did not prevent the majority of women from both the nationalist and the federalist camps from wanting constitutional recognition of Quebec's distinct society status (Interview, M. de Sève, 1996).

The response of the Anglophone women's movement to the referendum in Quebec alienated many in the Franco-Quebec women's movement, especially those in favour of Quebec independence, particularly after Anglophone women's groups supported the No committee (de Sève, 1992; Interview, M. de Sève, 1996).[17] Micheline de Sève argues that:

> Their [Anglophone women's groups] position was that...if you were a feminist you were for the no to the referendum...At the time I remember the feeling that when you are in an English Canadian environment, and you begin to talk about

---

[17] For example, NAC, and other women's groups sent telegrams of support to the No Committee during the Yvette rally in the referendum campaign (de Sève, 1992).

> politics, it's like they infer that being educated and rational and feminist you *had* to be pro-Canada (Interview with M. de Sève, 1996).

The inability of those in the Anglophone women's movement to understand the interconnectedness of nationalist and feminist identities of Quebec women, therefore, caused a chasm between the two majoritarian movements. So too did the inability of Franco-Quebec feminists to comprehend the constitutional need of English Canadian women for a strong central government. The events of the referendum, combined with the conflict over the proposed jurisdictional transfer of family law, contributed to a growing alienation between Anglophone and Franco-Quebec women's groups which continued into the constitutional debates of 1980-81, culminating in the absence of Franco-Quebec women's groups during feminist discussions in the rest of Canada over the proposed Charter.

Therefore, in the late 1970s, the failure of the *Bill of Rights* to guarantee substantive equality propelled those in the Anglophone and Aboriginal women's movements into the constitutional arena in 1980. The opposing constitutional visions of the Anglophone and Francophone women's movements over divorce jurisdiction and the Quebec referendum led to a widening gulf between the two, and exposed the nationalist sentiments of each. As a result, the sex equality goals, and the nationalisms, of the women in each of these three movements determined whether, and how these movements would engage in the 1980-81 constitutional debates.

VI Mobilization in Response to the Proposed 1980 Constitutional Amendments

The constitutional events of the 1970s had not provided women with substantive

recognition of sex equality, nor had they recognized the nationalist goals of Aboriginal and Francophone women. Therefore, the introduction of the Constitution Act into the House of Commons in October, 1980, provided Canadian women with an important opportunity to define their citizenship status in a way that could include both of these elements. Again, the responses of the Aboriginal, Anglophone and Franco-Quebec women's movements differed. In this section I will examine the political mobilization of women, especially in the Anglophone and Aboriginal women's movements, to demonstrate that they sought to ensure that the constitutional decision-making processes, as well as the establishment of "constitutional" issues would incorporate their sex/gendered identities and their nationalist concerns. In doing so, they made women's equal citizenship a constitutional issue.

Most Anglophone women expressed support for constitutionally entrenched, legal, sex equality rights, although vocal opposition to this method was expressed by some women who objected to the undemocratic processes they perceived to be involved, and by those who favoured a continued focus on women's economic rights. Most Franco-Quebec women's groups, by contrast, rejected the need for entrenched legal equality rights in a federal Constitution because they had, in 1976, already achieved strong equality guarantees in the Quebec Charter. Moreover, many viewed the patriation process as threatening to the interests of Quebec. Finally, some Aboriginal women supported an entrenched Charter of Rights, while also seeking constitutional recognition of Aboriginal nationhood and the inherent right to self-government. As I will argue, although varying conceptions of citizenship were developed in each of these three movements, it was the

citizenship goals of the Anglophone women's movement which came to be seen as representative of all of Canadian women, especially in the culminating event of the Ad Hoc Conference on Women and the Constitution.

Unilateral Patriation and the Constitution Act

On October 2, 1980, Prime Minister Trudeau introduced a constitutional package in the House of Commons, and announced his intention to patriate unilaterally the Canadian Constitution without the agreement of the provincial Premiers. The First Ministers' Conference the previous September had failed to bridge the gap between the provincial demands for de-centralization and the federal vision of a strong central government. Political scientist Alan Cairns argues that at this point the federal government began to withdraw from the processes of executive federalism which previously had characterized First Ministers' Conferences, because they had become "a forum in which they were publicly lambasted on national television by provincial governments whose appetites for 'more' were considered insatiable" (1988: 208). Therefore, the process of unilateral patriation embarked upon by the federal government constituted a rupture in the traditional course of constitutional events; a rupture which provided an opportunity and opened up political space for equality groups, such as women's groups, seeking "status" at the constitutional bargaining table. Cairns argues that two distinct areas of constitutional discussions emerged as a result of the federal-provincial split: the "Gang of Eight" provinces (including Quebec, but not Ontario and New Brunswick, who were supporting the federal government) focused on establishing

an amending formula agreeable to the provinces; in the federal arena the Liberal government, after pressure from the opposition parties, invited public consultation on the Charter by initiating a Special Joint Constitutional Committee (1988: 210). The Committee, initially scheduled to hear presentations for one month, sat for a total of five months.

When the federal and provincial governments renewed constitutional talks after the May 1980 referendum on Quebec sovereignty, the focus of the Anglophone women's movement expanded to include not only the federal/provincial jurisdictional control over family law, but also the legal equality concerns of the Charter. These efforts, mainly by NAC and the CACSW, intensified once the federal government announced its intentions to proceed unilaterally. Anglophone women were mostly concerned that the proposed Charter, like the *Bill of Rights*, would not allow for a substantive interpretation of equality. Doris Anderson, then President of the CACSW, concludes:

> After the First Ministers Conference, the government issued the draft Charter, and it was immediately evident to the Council and to women, that the wording in the crucial clause that dealt with women and discrimination was identical to the Bill of Rights, which had been useless. So we at the Council immediately sent a letter to [Status of Women Minister] Axworthy and to the Prime Minister, saying that this wording was going to be interpreted as useless (Interview, Anderson, 1996).

The CACSW had planned a women's constitutional conference for September, 1980; however, it was cancelled.[18] In the fall, Doris Anderson began using the media

---

[18] The union representing federal government translators went on strike, and one of their main demands included maternity leave benefits. Doris Anderson decided that, in support of the union, the CACSW would not proceed with the original conference, which would require french/english translation (Interview, D. Anderson, 1996).

and a coupon mail-out campaign to inform women about the Council's concerns over wording of the proposed Charter (Anderson, 1981: 22; Gray, 1981: 29; Interview, D. Anderson, 1996).

The CACSW's criticisms of the proposed Charter were repudiated by the then Minister Responsible for the Status of Women, Lloyd Axworthy. Many have speculated as to why the Minister opposed the changes suggested by the CACSW[19], but that discussion is beyond the purview of this analysis. What is important to note is that Axworthy did not support the changes recommended by the CACSW, NAC, and some other women's organizations at that time (Interview, D.Anderson, 1996; Kome, 1983). Instead, that fall the Minister addressed a number of women's groups across Canada, arguing that the Charter would protect women's rights without further amendments—a position which angered many in the Anglophone movement. His attendance at the NAC mid-year meeting held in Toronto on October 18th illustrated that he was unprepared to listen to the positions of many in the Anglophone women's movement who opposed the Charter's wording. Journalist Penney Kome concludes:

> Women looked forward to presenting their concerns to him and getting assurance that the government would resolve some of the problems they saw. Instead, Axworthy made a rambling, highly partisan speech that addressed none of the women's concerns but asked that they make a 'leap of faith' and trust that the federal government knew what was best for women...Axworthy's patronizing and partisan replies to questions from the floor began raising the temperature in the room...Axworthy's audience—including more than two hundred of the best-

---

[19] Numerous articles in the feminist and mainstream press argued, for example, that the interpersonal conflict between Lloyd Axworthy and Doris Anderson, and staff members in each of their respective offices, led to a breakdown in relations between the Minister, his office, and the office of the CACSW (Linzey, 1981; Cole, 1981; Gray, 1981; Axworthy, 1981).

> organized women activists in the country—were stunned by his refusal to take their concerns seriously (Kome, 1983: 34).

Lloyd Axworthy's actions during his cross-country meetings with women's groups illustrate the problem with the modern concept of liberal-democratic citizenship, in which the decisions taken by mainly white men elected and appointed to public office are supposed to be for the common good, and so are "just" for all concerned. Throughout most of the Constitutional debates, Axworthy refused to acknowledge that he might not be representing women's interests.

The responses of many in the Anglophone women's movement to their alienation from constitution-making process (ie the federal government's intentions for unilateral patriation) as well as from the development of constitutional issues (as illustrated by their feelings of alienation from the Minister Responsible for the Status of Women) demonstrate that they believed their interests as citizens were not being legitimized in the public sphere. Many women felt that their demands for stronger, *substantive,* equality wording in the Charter were being dismissed as the opinions of a "special" interest group, rather than the legitimate interests of more than 50% of the Canadian population. Many of their constitutional interests, however, found an audience in the Special Joint Committee hearings, as I will demonstrate below.

Defining Equality: Women's Groups and the Constitutional Hearings of the Special Joint Committee

The Special Joint Committee hearings mobilized a large number of women's groups in English Canada. A total of twenty women's groups, including the CACSW,

NAC, NAWL, NWAC and IRIW made presentations. In making presentations to the Joint Committee, women's groups were doing two things: expressing concern for the omission of women's perspectives in creating the citizenship components of the Constitution, and; defining how the constitutional process could include women, and in both the substance of women's constitutional rights, and the means for interpreting them.

Many Anglophone women's groups appearing made a concerted effort to ensure their recommendations were consistent, in order to "hammer home" the specific changes they felt needed to be made, especially those relating to the Charter. The presentations illustrate their willingness to support the concept of an entrenched Charter; their support, nevertheless, hinged upon the government's willingness to incorporate their recommended changes into the policy-formation process. The main shared concerns of Anglophone women's groups were:

1) That Section 1 of the Charter, the clause which allowed rights and freedoms to be subjected to "such reasonable limits as are generally accepted in a free and democratic society with a parliamentary system of government" was too broad and required either deletion or rewording. Women's groups also wanted the proposed equality guarantees to be exempt from Section 1.

2) That the word "person/personne" should replace all other pronouns (such as one, everyone, chacun, etc.) throughout the Charter. The word "person" had been defined in law, whereas the uncertainty of the other pronouns could result in legal rights being granted to the fetus.

3) That equality guarantees in Section 15 needed to include equality protection *in the content of the laws,* not only in the administration of laws.

4) That women should specifically be named a group eligible for affirmative action programs, in Section 15 (2).

5) That the three year moratorium on Section 15, the equality clause, should be removed.

6) That the Section outlining the rights of Native peoples should apply equally to men and women.

7) That a representative number of women should be appointed to the Supreme Court. (At that time no women had ever sat on the Court's bench).

8) That the Charter begin with a statement of purpose, guaranteeing the equal rights of men and women.[20]

Most of the groups presenting, such as NAC, the CACSW, and NAWL argued that they were ambivalent about proceeding with legal guarantees of sex equality, and that they were concerned about the effects that legal approaches would have on women's lives. For example, NAWL argued "we cannot and do not endorse the entrenchment of a charter as poorly articulated and substantively inadequate as this one"; NAWL representatives Deborah Acheson, Tamra Thomson, and others, however, outlined what measures *would* make the Charter an acceptable document for women's basic rights and freedoms (NAWL, December 9, 1980: 52). NAC Executive Member Jill Porter also illustrated her organization's ambivalence about the Charter, beginning NAC's presentation with an admonishment for the government:

> Women could be worse off if the proposed charter of rights and freedoms is entrenched in Canada's constitution. Certainly the present wording will do nothing to protect women from discriminatory legislation...(NAC Presentation, Nov. 20, 1980: 58).

---

[20] These concerns were outlined by Chaviva Hôsek (1983); however, she also argued that women's groups voiced concern to the Joint Committee about the proposed Section 26 on multiculturalism, believing that it would be used to justify discrimination against women. The federal government did not introduce section 26 until January 1981; thus women's concerns about the conflict between sexual equality and multiculturalism did not become public until the Ad Hoc Conference in February, 1981.

Nevertheless, Porter continued, stating that NAC did indeed support entrenchment in principle, based upon the recommendations which stemmed from their October 18, 1980 mid-year meeting in Toronto (NAC Presentation, Nov. 20, 1980: 58).

Probably the most interesting and poignant response to the question of entrenchment came from Doris Anderson during the CACSW's presentation to the committee. Although Anderson had articulated the CACSW's "strong support" for the concept of entrenchment, her critique of the proposed Charter led Conservative MP Flora McDonald to ask if the CACSW would support entrenchment even if Section 1, the limitation clause, remained in the patriated Constitution. Anderson's response illustrated that women's organizations, in general, were indeed caught between a "rock and hard place" in the constitutional debates:

> I think the answer would have to be yes with great sorrow, because this is a very unusual opportunity that this country has...I think the question you are asking me is...whether I would prefer Russian Roulette to an execution, and I would really prefer Russian Roulette. So my answer is yes, I would prefer to go ahead with it as it stands (CACSW Presentation, Nov. 20, 1980: 132).

Anderson's support for entrenchment stemmed, in part at least, from the acknowledgement that women had an opportunity to secure the constitutional legal rights in Canada that had eluded women in the United States (Collins, 1981: 16). Cognizant of the difficulties faced by U.S. feminists, who had been fighting, unsuccessfully, for entrenchment of the Equal Rights Amendment since 1923, Anderson was willing to tolerate the limitations inherent in Section 1 if it meant that women's equality rights would be entrenched (Interview, D. Anderson, 1996).

Political analysts who have examined women's constitutional participation at this

time argue that the presentations made to the Joint Committee reflected the desire of women's groups and the CACSW to obtain "role equity" rather than "role change" (Burt, 1983: 10; Haussman, 1992: 113). Canadian political scientist Sandra Burt identifies role equity as focusing on "individual rights" which permits "the assimilation of women in[to] the existing valuse [sic] system", whereas role change refers to "collective rights for women" which requires "the alteration of that value system to include the special needs of women" (1983: 4). Burt also argues that women's groups purposely avoided making recommendations which would place them outside of the male-defined citizenship sphere; those that considered women-specific references "wisely realized they would get nowhere and made no demands" (Burt, 1983: 10). Melissa Haussman, in her comparison of U.S. and Canadian women's groups, draws upon the work of U.S. political scientists Joyce Gelb and Marian Lief Palley to argue that it was this definition of the equality issue which contributed to the eventual success of the Canadian women's lobby, and to the failure of the ERA in the United States:

> Canadian feminists were able to define their struggle in terms of "role equity"...claiming that women were deserving of equality rights in the Charter on the same basis as other groups. In contrast, Phyllis Schlafly, principal leader of the opposition to the ERA in the United States, effectively portrayed the amendment as promoting widespread "role change" of the sexes, leading to "change in the dependent role of wife, mother, and homemaker, including... perceived threats to existing values" (Haussman, 1992: 113).

I concur with Burt and Haussman that many of the recommendations made by women's groups to the Joint Committee regarding the Charter expressed women's citizenship goals in the discourse of formal equality. Nevertheless, in opposition to the views of Haussman and Burt, I argue that some of their recommendations also called for the recognition of

women's sex/gendered identities, as a group. This argument is illustrated by their demands for changing all pronouns to the word "person" to avoid anti-abortion judicial decisions[21], as well as in the demand that women explicitly be named in Section 15 as a group eligible for affirmative action programs. Furthermore, the recommendation made by NAWL and other groups for appointments of women to the Supreme Court is also illustrative of a group-based claim for representation on the basis of women's sex/gendered identities. Thus, the citizenship demands made by women's groups reflected the simultaneous desire for formal equality, while also calling for substantive recognition of their interests *as women*.

It should also be noted that none of the Anglophone women's groups addressed the issue of Quebec's status in Confederation, nor Aboriginal self-government. Many did argue, however, that Aboriginal women's individual equality rights should be protected under the Charter.

The presentation made to the Joint Committee by the Native Women's Association of Canada illustrates that they supported legal equality rights for women; it also illustrates that their citizenship concerns included recognition of the collective right of Aboriginal self-government. It was particularly important that the Native Women's Association make representations to the government because neither the non-Aboriginal women's groups nor other Aboriginal organizations fully represented their concerns. Some

---

[21] Although numerous groups requested the insertion of the word person throughout the Charter, the Canadian Abortion Rights Action League argued most overtly for improved access to contraception and for changes to the wording of Section 7, which could be interpreted as interfering with the rights of women to access medically safe abortions (Presentation, Dec. 11, 1980).

Aboriginal groups saw sex equality issues as interfering with the goal of self-government, and feminist groups did not understand, nor accept, the claims for self-government to which NWAC was committed (Aggamaway, 1989: 68).

The goals of Aboriginal nationhood were expressed by NWAC President Marlene Pierre-Aggamaway in her statement to the Joint Committee:

> We, the aboriginal women of this land, are making representation to the Government of Canada to declare the sovereignty of our peoples and to serve notice that we intend to relate to Confederation as equal partners with the Federal and Provincial Orders of Government. As women we speak for ourselves, our children and the generations yet unborn, and join with the aboriginal peoples of this land in unity to declare that our rights, our nations and our sovereignty are ours to proclaim and ours to exercise (1980: 1).

NWAC's presentation focused on specific social, economic and legal citizenship issues which it wanted the government to address; concerns which deal with the rights of Aboriginal people in general, and Aboriginal women in particular. Yet NWAC representatives were cautious at the time, trying to balance their goals of women's equality for enfranchised "non-status" Aboriginal women, with their demands for self-government. Their constitutional concerns included: the inherent right of aboriginal people to self-determination and self-government; the right to have treaty rights recognized in the Constitution; the right of aboriginal communities to define their own membership; the right to retain their culture and languages; the protection of the rights of aboriginal women and children; and the right of Aboriginal women to be participants in the political decision-making processes (Presentation, December 2, 1980). NWAC indicated that the solution to the apparent conflict between native women's rights and the goal of Aboriginal self-government was: 1) the entrenchment of the *Charter of Rights and*

Freedoms, in order to ensure the rights of Aboriginal women; 2) the entrenchment of the right to Aboriginal self-government in the Constitution, thereby allowing Aboriginal peoples to decide their own membership without interference from the *Indian Act*; and 3) the active participation of Aboriginal women in the process of establishing self-government, in order to ensure sex equality (Presentation, December 2, 1980). Presumably as a way of appeasing all of the member organizations in its constituency, and wary of the conflicts that had developed in Aboriginal communities over the issue of reinstatement of Native women, NWAC attempted to promote a solution which would support the goal of Aboriginal self-government and still ensure equality for Aboriginal women in the process.

Indian Rights for Indian Women also made a presentation to the Special Joint Committee, in which they demonstrated support for an entrenched Charter, conditional upon the acceptance of their recommendations. Among other issues, IRIW representatives Rose Charlie, Nellie Carlson and Barbara Wyss addressed the effects of the constitutional division of powers, the amending formula, and specific sections of the proposed Charter on Aboriginal people in general, and on Aboriginal women in particular (Presentation, December 2, 1980). As well as arguing in favour of strong sex equality guarantees in Section 15, the equality clause, and in Section 25, the Aboriginal non-derogation clause, IRIW also argued that the Canadian constitution must not infringe upon the treaty rights of Aboriginal people in general. While IRIW representatives also supported the concept of Aboriginal self-government, they expressed support for the establishment of an appeal body to ensure that "band council decisions regarding membership are fair and consistent"

(Presentation, December 2, 1980). IRIW's arguments illustrate the frustration which many enfranchised "non-status" women had faced trying to re-gain access to their reserves after "marrying out"; a situation which they maintained originated from the colonizing effects of the *Indian Act*, not out of the sexism of Aboriginal Band Chiefs (Presentation, December 2, 1980).[22] The claims of IRIW members, therefore, illustrate a slightly different conception of citizenship than those put forward by NWAC. While both groups addressed the citizenship rights of Aboriginal people in general, and Aboriginal women in particular, IRIW members urged stronger guarantees of sex equality, and were more willing to employ the Canadian state to ensure those guarantees than were representatives of NWAC.

Representatives of Franco-Quebec women's groups did not make presentations to the Special Joint Committee, since most Franco-Quebec women's groups viewed with suspicion the process of constitutional amendment, especially then Prime Minister Trudeau's decision to patriate the Constitution unilaterally, because it denied their status as one of the founding peoples of Canada, and the idea of a compact between French and English Canada. Furthermore, much of the Franco-Quebec feminist movement was at the time influenced by socialist or marxist thought; their goals, therefore, addressed women's role as a citizen in the workplace, and did not significantly address women's

---

[22] One Committee member suggested to IRIW members during their presentation that Aboriginal women's difficulties in achieving reinstatement were the fault of Aboriginal Band Chiefs, not the federal government; a statement which IRIW staunchly rebutted.

legal status.[23] Moreover, Quebec women already had strong legal protection in the Quebec Charter since 1976, which prohibited discrimination on the basis of "race, colour, sex, pregnancy, sexual orientation, religion, political beliefs, language, national or ethnic origin, social condition, handicap or age" (Roberts, 1988: 7). Ginette Busque argues that Francophone feminists in Quebec always looked more toward their provincial government than to the federal government when seeking social change; an approach she argues was maintained during the 1980-81 constitutional debates (1991: 15). As a result, the majority of Franco-Quebec women's groups did not see the need for engaging either the federal government or the English Canadian women's movement in a discussion of a federally entrenched Charter. Given that Quebec women's civil rights were already protected under the Quebec Charter, the majority were more concerned that the collective recognition of Quebec's distinct society status be recognized in the overall Constitution.

Conflict in the CACSW and the Emergence of the Ad Hoc Committee on Women and the Constitution

Many in the Anglophone women's movement knew that the presentation of briefs alone would not be sufficient for achieving their citizenship goals. Consequently, in November, 1980 the CACSW re-scheduled the Conference on women and the Constitution for February 14 and 15, 1981, to coincide with the ending of the Joint

---

[23] My examination of the Franco-Quebec women's press, such as the Fédération des Femmes du Québec *Bulletin* and *Petite Press*, *Femmes d'Action, La Vie en Rose*, *La Gazette des Femmes* and *Communiqu'elles* determined that economic issues such as equal work for equal pay, sexual harassment in the workplace, as well as issues concerning reproduction dominated much of the feminist discourse. Unlike NAC, for example, the FFQ has strong membership from unions.

Constitutional Committee hearings, providing women with a prime lobbying opportunity (Collins, 1981: 16). The CACSW was in conflict over the re-scheduled conference, however, and the decision met with resistance from some of the Liberal-appointed Council members (Interview, D. Anderson, 1996), especially since the Minister, Lloyd Axworthy, "seemed to be suffering embarrassment over its [the Council's] constant vocalizing on the issue" (Collins: 1981: 15). Furthermore, some of the Council members expressed hesitation about the usefulness of the Charter as a method of achieving social change (Collins: 1981:15)—an issue which was also paralyzing NAC. Moreover, some of the Quebec Council members expressed dissatisfaction with the date, wanting more preparation time (Linzey, 1981).

The internal CACSW conflict eventually led to the cancellation of the second proposed Conference, amidst allegations of political interference. Although Lloyd Axworthy initially had expressed support for a single Conference to be held in Ottawa (Anderson, 1981: 23), he began urging Council members instead to consult women in regional meetings (Kome, 1983: 39). When the Council agreed to cancel the scheduled Conference, Doris Anderson, angered by what she viewed as "political" and "self-serving" excuses of the Executive, resigned in protest on January 20, 1981 from the CACSW (Interview, D. Anderson, 1996).[24]

Anger and frustration fuelled a flurry of activity in English Canada, as women who had never been active before, sent "letters, telegrams and phone calls" in support of

---

[24] The issues surrounding the cancellation of the second conference are complex, and therefore, beyond the purview of my analysis.

Anderson's decision (Lavigne, 1981: A1). Anderson believed that the legitimacy of the CACSW as a feminist institution was in jeopardy since many would regard the Council merely as a pawn of the Liberal government (Interview, D. Anderson, 1996). The constitutional interests of many women, therefore, no longer had an institutional voice. As a result, although NAC and the CACSW had played a large role in the fall, by January the ability of each to relay women's constitutional concerns to the federal government had diminished.

The void left by the inaction of the CACSW and NAC was filled by women members of Parliament, and by individual women in Toronto and Ottawa, with the birth of the Ad Hoc Committee on Women and the Constitution. In the House of Commons, Conservative MP Flora McDonald and NDP MP Pauline Jewett took up Anderson's cause, berating the Status of Women Minister for "political interference", and calling for his resignation (Lavigne, 1981: A1). In Melissa Haussman's comparison of the attempts of U.S. feminists to achieve the Equal Rights Amendment, and the activities of Canadian feminists during 1980 and 1981, she concludes that the representation of Canadian women in the federal legislature (which was more than twice that of U.S. women) greatly aided the struggle for rights:

> Canadian women MPs were of invaluable help at all stages of the feminists' equality struggle...while the relative lack of women in the U.S. Congress and state legislatures made the atmosphere surrounding presentations made by female lobbyists on the ERA seem 'surreal and circus-like'(1992: 114).

Haussman argues that the presence of women in the Canadian federal legislature enhanced the political opportunity structure in which women operated at that time, thus strengthening the links between the women's movement and the state (1992: 121). Even

though Anderson's position might have been championed by opposition Members whether or not female MPs had been present in the Conservative and New Democrat parties, nevertheless, it was the female members who sustained the issue and increased its visibility. Furthermore, the coalition among these members of different political parties illustrates that the issue of entrenched legal equality rights for women transcended political party ties (Interview, F. MacDonald, 1996).

An Ad Hoc Committee on Women and the Constitution was created in response to the cancellation of the CACSW's conference, and consisted of women from Toronto[25], and expanded to include organizers in Ottawa[26]. Most women involved were past or present NAC executive members, some were feminist legal scholars, others worked in the federal bureaucracy, and some were women who had never been active

---

[25] Participants at the first meeting at the "Cow Cafe" included: Kay McPherson, past president of NAC, peace activist, and former independent and NDP candidate; Laura Sabia, former Conservative candidate and past president of numerous women's organizations including NAC; archivist and NAC executive member Moira Armour; Linda Ryan-Nye and Margaret Bryce, co-chairs of Women for Political Action; Ada Hill, executive director of the Federation of Women's Teachers Associations of Ontario; Illa Driever, from the Women's Halton Action Movement; Mary Corkery and Susan VanderVoet, from the Canadian Congress on Learning Opportunities for Women; Shelagh Wilkinson, co-founder of *Canadian Woman Studies*, Janka Seydegart and Nancy Jackman (Kome; 1983: 43).

[26] Ottawa organizers included Pat Hacker, coordinator of Women's Career Counselling Services; Pat Webb; Vaughn Jeliffe; Rosemary Billings, NAC executive member; writer Heather Menzies; law student Tamra Thomson; NAC Constitution Committee Chair Jill Porter; Gail Anthony; Janice Tait; Jane Pope, of the Ottawa Women's Credit Union; Kris Furlought; Susan Phillips; Jan Mears; Carol Armatage; Lisa Nemetz, as well as numerous other women. Many of the Ottawa organizers were known as self-defined "Marthas", who performed much of the detailed leg-work necessary to pull off the Conference.

politically before (Interview, R. Billings, 1996; Kome, 1983). NAC was experiencing internal conflict as President Lynn McDonald opposed the concept of entrenchment, whereas the majority of the NAC executive supported it; this conflict prevented NAC from assuming formal responsibility for organizing the Conference (Interview, R.Billings, 1996). Consequently, Ad Hockers decided to proceed with the originally planned conference, to be held on February 14, 1981, which left them less than two weeks to plan.

The extraordinary organizing efforts of the Ad Hoc Committee have been documented elsewhere[27], and thus I will not elaborate on their endeavors here. It is important to note that the Ad Hoc organizers were mobilized by two beliefs: first, all were convinced that the federal government was going to entrench a Charter with or without the input of women, and they wanted to ensure that women's interests were incorporated into the constitution-formation process; second, they believed that, if women's citizenship rights were incorporated into the Constitution, pursuing legal strategies could be a useful method of social change for achieving sex equality (Interview, R. Billings, 1996; Interview, D.Anderson, 1996).

The mobilization of women in the Anglophone movement in response to Doris Anderson's resignation from the CACSW, culminating in the establishment of the Ad Hoc Committee on Women and the Constitution, reflects the movement's strong orientation to the federal state. This federal orientation is an example of the pan-Canadian

---

[27] See Penney Kome's book *The Taking of Twenty-Eight: Women Challenge the Constitution* for an in-depth description women's efforts in organizing the Conference.

nationalism of the Anglophone women's movement, in which women looked to the federal government to protect their interests across provincial divides. The introduction of the Charter provided women with a tool to protect their citizenship interests across Canada; protections which women believed would be insufficient if they did not have access to the Charter-making process. It was felt that the cancellation of the CACSW's Conference left women without an opportunity to fully define their constitutional citizenship goals, and without it women believed that their interests would not be represented in the final amendments. Therefore, many Anglophone women mobilized in order to ensure that the Constitution *would* reflect their citizenship demands, in a way that incorporated their sex/gendered identities.

VII Conclusion

Since before the turn of the century, women in Canada have defined, and been defined by, their differentiated citizenship status. The development of women's equality – through the franchise, the definition and acceptance of legal personhood under Canadian law, the recommendations of the Royal Commission on the Status of Women, and the assertion of Francophone and Aboriginal nationalisms – have all been conceptualized as citizenship issues for women in the Anglophone, Francophone, and Aboriginal women's movements in Canada. Often, however, the terms of women's citizenship participation at the national level have been defined by the activities of the majoritarian Anglophone women's movement. In the next chapter I will analyze how the events of the 1981 Ad Hoc Conference on Women and the Constitution further defined

the concept of women's citizenship in the constitutional context.

CHAPTER TWO

THE 1981 AD HOC CONFERENCE ON WOMEN AND THE CONSTITUTION: WOMEN-CENTRED IDEAS OF REPRESENTATION

I Expanding Citizenship Participation

My purpose in this chapter is to illustrate that in 1981, women's constitutional interests included concerns about democratic process and political participation, as well as securing democratic rights. By examining the events of the 1981 Ad Hoc Conference on Women and the Constitution, I will demonstrate that women's interests in democratic process were illustrated in three ways: first, socialist-feminists critiqued the process of entrenching the Charter, arguing that entrenched constitutional rights would replace parliamentary supremacy with judicial supremacy; a move which they feared would have negative consequences for women's equality. Second, I will argue that the alienation most women felt from the constitution-making process and the overall legal and political systems led to their demands for broadening their citizenship participation and inclusion of their sex/gendered citizenship issues. Third, I will demonstrate that women developed group-based, legal and political representational claims to address their marginalization. I argue that these claims illustrate a combination of both formal *and* differentiated concepts of women's citizenship, in that they demanded equal representation of women as an issue of justice, and for the purposes of ensuring women's interests on the public agenda. In doing so, however, the majoritarian women at the Ad Hoc Conference did not explore how group representation of women would include diversity.

Historically, citizenship within liberal-democratic countries incorporated *formal inequality* since citizenship rights and duties were granted only to adult (usually white) property-holding males. Women, people of colour, people with disabilities, children, and others were excluded because they were not considered persons under the law. Modern concepts of liberal-democratic citizenship, however, are based upon the ideal of *formal equality,* in which every *rational* adult[1] who is a member of a state has an equal ability to exercise the rights guaranteed by that state, and an equal responsibility to share in the duties required by that state. Formal citizenship rights are thus, theoretically, considered to apply equally to all members of the state, regardless of sex, race, or class.

Formal equality in liberal-democratic states however, has also been compatible with the continued inequality of women, and their second-class citizenship status. Thus, although many women have achieved formal equality, substantive equality has not yet been realized. One of the main arguments against treating women as full citizens is their "nature". It was (and in some cases still is) thought that women were not fit to participate in public life because of their "natural" emotional state and their "natural" duties as wives and mothers, which supposedly stripped them of objectivity and the ability to reason. This "natural" distinction between men and women was/is reflected functionally in the public (male) sphere of civil society and the private (female) sphere of the family. Political theorist Carole Pateman argues, for example, that the constructed dichotomy of man:woman is translated into the dichotomy of justice:love. Women's (natural) place and

---

[1] The citizenship requirement for rationality justified, for example, the exclusion of people with developmental disabilities from the federal franchise in Canada until 1993, and it continues to exclude children.

work within the family means that she embodies passion, love, and inequality; given that the family is "naturally" patriarchal, she is assigned secondary status (1980: 30). Because of these close ties to the family, it is thought that women are therefore unable to transcend their passions/love in order to objectively participate in the public sphere, where issues of justice and the common good must be decided rationally (Pateman, 1980: 24). Thus, although the structures of patriarchy (inequality between men and women) and liberalism ("formal" equality between [male] citizens) may seem incompatible, they are both sustained by the "separation" of the public and the private spheres (Pateman, 1989: 120).

Most women in liberal-democracies now have "formal" citizenship rights (with the exception of, for example, women imported as domestic workers in Canada); the application of formal citizenship rights, however, has not resulted in the realization of *substantive* citizenship rights for women, mainly because the ideal of formal citizenship is still male-based. Australian theorist Rian Voet argues that substantive citizenship will be achieved only when women's participation in state decision-making is conceptualized not merely as a right, but as a duty necessary for full citizenship status. In other words, according to Voet, women "should not be satisfied with formal rights alone, but aspire to equal exercise of those rights" (1994: 74).

Mainstream Canadian political scientists have constructed women's relationships to the Constitution only in terms of civil rights, particularly the Charter of Rights, and have overlooked their demands for equitable participation in the constitutional, political, and judicial decision-making structures (Cairns, 1991, 1992; Morton, 1995; Morton and

Knopff, 1992). Cairns, for example, argues that the Charter:

> ...linked Canadians directly to the constitution by the vehicle of rights. In particular, it gave constitutional niches or identities to women, aboriginal Canadians, official-language minorities, visible minorities and third-force Canadians, and all those singled out for special mention in the equality rights clauses of sections 15 (1) and 15 (2) (1992: 73).

In this view, therefore, citizens are conceptualized as constitutional beings only in that they carry, and have the ability to exercise, *civil* rights. This picture of constitutional citizenship is not necessarily wrong, but it is incomplete. The events of the Ad Hoc Conference in 1981 illustrate that women maintained specific constitutional interests as much in democratic process as they did in democratic rights.

II The Representation of Women at the Ad Hoc Conference

Before examining women's concerns about democratic process, I will elaborate upon the representation of Conference participants to provide a context for the resolutions which were developed. To the extent that the Ad Hoc Conference was a "constituent assembly", it is necessary to examine what kinds of women attended, in order to evaluate the significance of the resolutions developed and illustrate whose goals they represented.

The representation of women at the Ad Hoc Conference was in one sense quite diverse, as women of most regions, ages, political and feminist ideological positions were present.[2] The majority of women were middle or upper class, although some women

---

[2] In my examination of the film material I saw women of most age groups present, varying from approximately 20 to 70 years of age; although the majority were in the 30-60 year age group. It is, however, difficult to determine *how well* each of these identities/positions were represented in an examination of the audio and film materials.

represented "working class" viewpoints. In traditional Canadian style, regional representation was (for the most part) achieved,[3] as women came from all ten provinces and one territory (NWT).[4] Many Francophone women from Quebec chose not to attend the conference, given, as I have argued in the last chapter, their suspicion of the federal drive for the Charter; although two organizations were represented – the Réseau d'Action et d'Information pour les Femmes (RAIF) and the Ligue des femmes du Québec (Dumont, 1995: 160). Many francophone women from outside of Quebec were present, however, and were active in influencing the Conference's agenda. Furthermore, representation at the Conference was also diverse across the political spectrum, as members of the Conservative, New Democratic, Liberal, and Communist Parties were all present (Audio recording 9B; Gotell, 15; Interview with R. Billings, 1996). In terms of race, only two women of colour were present, even though attendance at the Conference exceeded 1400 women; this underrepresentation was highlighted by Dr. Carrie Best, who attended as a representative of the Visible Minority Women's Society of Nova Scotia (Film Reel 5).[5] A number of Aboriginal women from a variety of Aboriginal nations across Canada attended the Conference, including representatives from NWAC and IRIW (Film Reel 6). It is difficult to determine the representation of lesbian

---

[3] The Conference was also endorsed by a number of organizations from across Canada. See Appendix C for a list of endorsements.

[4] The original list of participants, which may have more fully identified the numbers of women from each region, was destroyed in a flood (Gotell, 1990).

[5] At the age of 78, Dr. Best had an established history of organizing in the Black communities of Nova Scotia; she had also been long active in trying to get mainstream feminist organizers to include the concerns of Black women in their agendas.

or bisexual women at the Conference, although some of the women interviewed for this study indicated that lesbians were present and one woman self-identified in the Conference proceedings (Film Reel 12). Furthermore, a resolution supporting the inclusion of sexual orientation as a prohibited grounds for discrimination in the Charter was passed with resounding success (Film Reel 12). Although the disability rights movement lobbied quite intensely during the Constitutional debates, no women with disabilities self-identified, or were identifiable, at the Conference.

Thus, although there were some Aboriginal, Franco-Quebec, lesbian and/or bisexual, and working class women present at the Conference, as well as two Black women, the majority of women were white, middle-upper class, able-bodied, publicly heterosexual feminists. There was, however, broad representation of regional, partisan and feminist ideological positions. What then, does this representation of women signify for the resolutions which were developed from the Conference proceedings? Canadian political scientists Jane Arscott and Linda Trimble argue that numerical representation of women in decision-making bodies will not necessarily result in policy decisions which represent women's interests (1997: 4). In discussing the representation of women in Canadian legislatures, they argue that:

> ...feminist representation, or representation "as if women matter", is more likely to occur when it is undertaken both by and for women. While men can play a supportive role, they cannot claim power for women and they cannot hold power in women's stead (1997: 4).

At the Ad Hoc Conference, the limited representation of minority, Aboriginal and Franco-Quebec women meant that their interests had a smaller chance of being represented in this constitutional "constituent assembly". If the arguments of Trimble and

Arscott are used, however, it should still have been possible for their interests to be represented, if the majority women were willing to acknowledge, and empower the interests of minority, Aboriginal and Franco-Quebec women. This did not occur, however, when women debated issues of constitutional, legal and political decision-making. Thus, the concerns which women raised about democratic process were mainly based on a group-based conception of women's citizenship which did not encapsulate the interests of minority, Aboriginal and Franco-Quebec women.

III Canadian Democracy and Leftist Critiques of the Charter

Many of the women attending the Ad Hoc Conference supported the entrenchment of a Charter of Rights and believed that women deserved, as a matter of right, to be granted equal legal status. A critique of the Charter's possible effects on the Canadian political system was developed, nevertheless, by some socialist feminists at the Conference, who argued that the Charter would be harmful for Canada's tradition of Parliamentary supremacy[6], and that attempts to engage the legal system would hinder, rather than promote, progressive social change.

Some socialist-feminists argued that judicial decision-making could prove

---

[6] Some members of the Conservative party were also concerned about the effects of the Charter on Parliamentary supremacy during the 1980-81 constitutional debates. In my research I have not been able to find evidence that female Conservative party members opposed entrenching the Charter on the grounds that it would limit parliamentary supremacy; rather, their opposition was made more in response to deficiencies in the process of constitutional reform, and the federal government's attempts at unilateral patriation.

detrimental to women's interests, rather than assisting them to achieve equality. Primarily, they argued that members of the judiciary were not accountable to the Canadian public because they were appointed to their positions, and thus not accountable to public scrutiny, as were politicians (Interview, M. Fern, 1996). Many socialist-feminists feared the shift in power which would result from entrenching constitutional equality rights, arguing that legal decision-making would lead to judicial supremacy, thus undermining the Canadian traditional system of parliamentary supremacy (Bolton, Audio recording 8B). Lynn McDonald, NAC President, for example argued that entrenchment would cause a dramatic shift in the Canadian political system:

> ...[Entrenchment] means changing our political system very substantially. We would have to address the issue of supremacy of parliament versus giving more power to the courts (Audio recording 5a).

What most concerned leftist critics of the Charter was their belief that pursuing equality projects through the courts would limit, rather than expand, progressive change in Canadian society. Lynn McDonald argued that an entrenched Charter would strengthen power of the judiciary, which she considered conservative, and would leave disadvantaged groups without the power of legislative redress (1984: 45). Also fearing the repercussions of a conservative judiciary, Margaret Fern, President of the Saskatchewan Advisory Council on the Status of Women instead called for maintaining the status quo:

> We live in a rapidly changing society and our consciousness of social justice is expanding to reflect the changes that are happening around us. It might well be preferable to retain, with all their warts, the traditional methods of legislating rights so that changes, when necessary, can be expeditiously addressed (Film reel 4).

Furthermore, some socialist-feminists opposed entrenchment because they feared the enhanced power of the courts would result in negative implications for the women's movement, in that transferring power to the judiciary would result in fewer points of access for lobbying, which had been previously relatively successful for women's groups, especially where provincial NDP governments were in power. Anne Bolton, a New Democratic party member from Saskatchewan, for example, argued strongly against the entrenchment project, asserting that:

> An entrenched bill of rights is inflexible. It's carved in stone...It's subject to insensitive interpretation...It precludes provincial innovation and therefore there is no chance for a progressive province where there have been lobbying by people who have access to their MLA's to show the way with pilot projects...It might make us tend to sit back and think that the law is going to take over. That is not going work at all. We're going to have to lobby for specific changes in our own provinces first (Audio recording 5a).

The socialist-feminist critiques of the Charter made by Saskatchewan women Margaret Fern and Anne Bolton echoed the concerns of the Saskatchewan NDP provincial government, and its Premier, Allen Blakeney. In addressing the Special Joint Committee on the Constitution the previous December, Blakeney had argued that he did not oppose a Charter, but rather the *constitutional entrenchment* of a Charter:

> With entrenchment, many of the most important and sensitive public policy decisions are delegated irretrievably to the courts. Courts, of course, are partially responsible now for administering federal and provincial human rights codes, but their decisions are not beyond popular review through legislative action. What is being proposed by the constitutional entrenchment of rights is a shift in power more radical than anything yet experienced in Canada. By entrenchment we are essentially putting beyond the reach of elected representatives the disposition of such matters as abortion, capital punishment...and many, many others (1980: 14).

In support of the provincial government's position, many women's groups in Saskatchewan expressed concern that a conservative judiciary would limit women's access

to abortion (Interview, M. Fern, 1996). Most feminists in many other provinces did not understand the position of women's groups in Saskatchewan, or else believed their support stemmed from the influences of Allen Blakeney (Kome, 1983: 94). To argue that socialist feminists were merely pawns of the Saskatchewan government, however, ignores the fact that Lynn McDonald, then President of NAC, the largest umbrella organization of women's groups in Canada, also held the same views. Furthermore, it delegitimizes the very real fears some socialist feminists had about using legal processes to achieve social change, and their belief in the beneficial effects of Parliamentary supremacy. These left-wing critiques of the Charter also demonstrate a preference for what political scientist Richard Sigurdson calls "the tory-collectivist features of the British parliamentary tradition over the liberal individualism of the US model and its rights-based constitution" (1993: 97). Both Lynn McDonald and Allen Blakeney feared, for example, the "Americanization" of the Canadian political system, which was traditionally based upon the British system of government (McDonald, 1984, 1981; Sigurdson, 1993); a fear echoed by legal scholar Michael Mandel in his critique of the Charter entitled *The Charter of Rights and the Legalization of Politics in Canada*. The arguments in support of parliamentary supremacy were not, however, made by all socialist-feminists at the Conference. Some, such as Carolyn Egan, then one of the Coordinators of Toronto's International Women's Day Committee, viewed the Charter as a possible tool for individuals to challenge the often un-democratic decision-making processes of the state (Interview, C. Egan, 1996).

The debate over parliamentary versus judicial decision-making raised by some

socialist feminists at the Conference illustrates that women were indeed concerned about *how* women could achieve constitutional equality. In other words, some women believed that achieving democratic rights would in no way ensure that the process of enforcing those rights would be democratic, or sensitive to women's needs. The majority of women were concerned, however, that the process of constitutional reform, and the limited representation of women in the judicial and political decision-making structures would hinder their chances to achieve substantive equality, and, as I will argue below, developed group-based representational claims to address these problems.

IV Justice Denied: Women and Representation in the Public Sphere

While most of the women present at the Conference did not oppose the concept of an entrenched Charter, nevertheless they recognized that the relative lack of representation of women in the legislatures, the judiciary and the constitution-making processes hindered their abilities to have women's interests inserted onto the public agenda. The demands which women made at the Ad Hoc Conference for increased representation in the public sphere stemmed from three main influences: the harmful consequences of judicial-decision-making under the *Bill of Rights*; women's experiences of alienation from the constitutional-formation process; and, women's desire to engage with, and impact upon, the legal and political systems in order to transform them into useful avenues of progressive social change.

The need for increased representation of women in the formal structures of public

life had been highlighted eleven years earlier, in the recommendations of the Royal Commission on the Status of Women in 1970; however, the representation of women in these bodies had changed relatively little since that time. In 1981, women were represented in small numbers in the federal and provincial legislatures – 6% of the federal cabinet, 5% of provincial cabinets, 4.9% of the House of Commons, and 2.5% of the provincial legislatures (Collins, 1981: 30). The small representation of women in the Canadian judiciary was also a concern, especially in light of the harmful decisions concerning women's interests under the *Bill of Rights* (McDonald, 1981: 17). Margaret Fern argues, for example, that although women judges may not necessarily represent the interests of women on the Bench, the small numbers of female lawyers and judges at that time caused women to be concerned about the legitimacy of the legal process (Interview, M. Fern, 1996). Highlighting the sexist decisions in *Murdoch*, *Bliss*, and *Lavell and Bedard*, Lynn McDonald critiqued the representation of women on the Supreme Court, and argued that while group representation of the province of Quebec was seen as justifiable, few "constitutional experts" understood the need for group representation of women:

> ...Quebec is guaranteed representation on the Supreme Court of Canada since it is assumed that it would be wrong clearly for Ontario judges to have exclusive jurisdiction over Quebec law; but evidently it isn't for men to have exclusive jurisdiction in decisions so profoundly affecting women (1981: 17).

As well as the harmful effects of judicial decision-making under the *Bill of Rights* in the 1970s, the majority of women also felt alienated from the constitution-making process. The unwillingness of the federal government, and particularly the Status of Women Minister Lloyd Axworthy, to acknowledge and accommodate many women's

constitutional concerns propelled many in the Anglophone women's movement into the constitutional arena. The federal government's drive for unilateral patriation created a sense of urgency for women of all political stripes who were interested in influencing the constitutional process (Interviews with M. Fern; L. Nye; F. McDonald). These concerns were illustrated by Conference delegates Sheila Murray, then Dean of Continuing Studies at Algonquin College in Ottawa, and Margaret Fern, who denounced the federal-provincial constitutional negotiations as:

> ...inadequate to meet the aspirations and beliefs of Canadians, [and] that the process does not reflect the concerns, commitment and involvement which we as Canadians believe to be essential to a democratic and non-violent process of constitutional reform, and that therefore the present process should be immediately abandoned (Audio recording 8a).

Opposition to the federal government's intentions for unilateral patriation was especially prevalent in the position of Conservative party women at the Conference,[7] who highlighted the need for a suitable amending formula, and urged women to reject the proposed Charter and only address it after the Constitution was patriated (Film reel 9). Numerous women interviewed for this study recollected that the critiques raised by Conservative women were seen as attempts to manipulate the Conference resolutions to adhere to the Conservative party line; a position which participants refused to endorse. Nevertheless, although most Conservative women wanted to ensure the consent of the provinces in patriating the Constitution, some, such as Flora McDonald, also strongly supported the concept of an entrenched Charter (Interview, F. McDonald, 1996).

---

[7] Two Conservative party members identified at the Conference who argued this position were Maureen McTeer and Laura Sabia (Film reel 9).

Although a few individual women had been active in the 1970s representing women's constitutional interests in the federal arena (Interview, F. McDonald, 1996), women's participation in constitutional decision-making was extremely limited until 1981. A large part of the exclusion stemmed from the domination of dualism and regionalism in the constitutional discourse (Ayim, 1979; Trimble, 1991; Vickers, 1993a). Constitutional discussions focused on federal-provincial relations and the role of the provinces, as well as the place of Quebec as one of the "founding" peoples in Confederation. These discussions, nevertheless, operated on the belief that all women's interests and identities could be included within those two constitutional categories. To some extent this is true. Women's interests and identities are fundamentally shaped by their place of residence, their "belonging" to a certain region, or province of Canada; furthermore, the interests and identities of many Franco-Quebec women vis-à-vis the Constitution are shaped by their experiences as members of the Quebec nation (de Sève, 1992; Dumont, 1995). I would also argue that the interests and identities of Anglophone women outside Quebec are shaped by their experiences as members of the Canadian nation, although women's adherence to Canadian nationalism outside of Quebec is, often times, less discernible. In making this argument, I concur with political scientist Philip Resnick who argues that citizens of Canada outside of Quebec have experienced difficulty in defining themselves as a nation (1995:90); however, I argue that this difficulty in defining English-Canadian nationalism stems more from its "invisibility" in the structures of the Canadian state and civil society, than from its non-existence. As a result of their varying affiliations with place and nationality, women do have interests in the way

dualism and regionalism are constructed in the Canadian federation – interests which they often share with men of the same place and nationality. Nevertheless, in 1980-81 the concepts of regionalism and dualism were insufficient for acknowledging and incorporating other aspects of women's interests and identities, especially for Anglophone and Aboriginal women; aspects which were based on their collective sex/gendered characteristics and which created different relationships to the state than men experienced. In order to have women's interests addressed, many women asserted the need to improve the representation of women in the legislatures, the judiciary and the constitution-formation processes.

The virtual exclusion of women from judicial, political and constitutional decision-making in return influenced their desire to gain access to, and influence in, the public sphere. Most of the women attending the Conference, although wary of the limitations inherent in pursuing legal methods of social change, nonetheless endorsed the concept of an entrenched Charter of Rights *if* they were able to influence the process of its drafting before it was entrenched. Linda Nye, a Conference organizer, explains that the federal drive to entrench a Charter, with wording very similar to the ***Bill of Rights***, propelled women at the Conference to develop alternatives to the proposed wording:

> We decided in running the Conference that we would have to accept the likelihood that the Charter would be entrenched, and in that case, it was critical that we change something – not just shape it – because the Charter was basically the bill of rights...We got the message that it was written poorly, that it was written sloppily, not even good language. Badly written articles you can toss away, and not even finish. Badly written patriarchal documents that are going to be the highest law of the land you cannot ignore..[W]e had not been able to get the bill of rights to work for us, and here it was going to become even more powerful (Interview, L. Nye, 1996).

At the Conference, the late Pauline Jewett, then a New Democrat Member of Parliament, argued that women could use the power of law to their own advantage, if women had a hand in shaping its form:

> In some of the most important cases of constitutional history – the Jehovah's Witness case, the Roncarelli case, the Padlock Law case – the courts have, despite the process by which they are appointed, shown themselves to be on the side of civil liberty. They have not however...been very good on the issue of women's human right to equality...If we don't get a Charter of human rights which will explicitly state in so many words, very clear words, that what we want is not simply equality in the administration of the law, but equality in the very substance of the law itself...We have to...It gives clear direction (Film reel 16).

Many women strongly believed that if they could participate in defining their legal citizenship rights, they would be able to change the way in which laws applied to women (Interview, M. McPhedran, 1996; Interview, L. Nye, 1996). Indeed, some of the feminist lawyers, and some women involved in party politics argued that the legal system could provide women with more effective protection for their civil rights than legislatures (Jewett, Film Reel 16; Baines, 1981: 59). Whereas many opponents of entrenchment argued that legal equality rights would harm the tradition of parliamentary supremacy, lawyer Deborah Acheson instead believed that entrenchment was necessary in order to *prevent* "abuse by the tyranny of a transient legislative majority" (Audio recording 2a). Some feminist lawyers, therefore, viewed the traditional immutability of law and of the courts as potentially a strength as well as a weakness for women. It was felt that, by entrenching appropriately worded sex equality rights in law, women's rights would be inalienable; whereas relying upon the questionable good graces of legislatures for social change was a more unstable approach, as women would have to depend on the whim of the political party in power, in a context in which few women could penetrate elite party

circles.

Women's determination to influence the legal system, however, was mixed with a sense of trepidation, illustrating what legal theorist Mary Jane Mossman defines as "the paradox of feminist engagement with the law" (1995: 211), and what political scientist Jill Vickers defines as an element of "radical liberalism" (1993). According to Mossman, while many feminists have used Canadian law to further sexual equality, often law has "rejected or undermined such claims, thereby confirming the limits of law and legal processes in the achievement of broader feminist goals" (1995: 211). Nevertheless, it was due to the harmful effects of the *Bill of Rights* that many in the majoritarian Anglophone women's movement were emboldened to press for equality guarantees in the Charter, in hopes of improving women's legal status (Interview, L. Nye, 1996). Similarly, Jill Vickers argues that radical liberalism has been the operational code which categorizes the values of the mainstream English women's movement in Canada and includes, among other values, "a commitment to the ordinary political process...[and] a belief in the efficacy of state action in general to remedy injustices" (1993: 36). Hence, even though many in the Anglophone women's movement were critical of the state during the constitutional debate, paradoxically, they also sought to influence it. This belief was held by liberal feminists at that time, and also by many socialist-feminists whom were supportive of lobbying the government to entrench such rights as collective bargaining, equality of economic opportunity and reproductive freedom (Interview, C. Egan, 1996).

Women's virtual exclusion from the constitutional, legal and political processes thus led most women to *want to* engage with the state, and with the law, to achieve social

change and substantive recognition of their citizenship rights. Women no longer wanted to stand on the sidelines of policy and legal decision-making, perceived only as an "interest group". Though many women were apprehensive about engaging with the state to achieve their goals of sex equality, most also believed that working from within, and shaping the law with their own hands, women could, indeed, "use the master's tools".

V Defining Women's Citizenship in Representational Terms

At the Conference, claims for increased representation were made on two grounds: 1) that, as more than 50% of the population, women deserved equal representation with men as an issue of formal justice, and; 2) that greater female representation was required because women were more likely to represent women's interests because of their sex/gendered experiences. Thus, women's representational claims at the Conference illustrate a demand for both a formal and a differentiated citizenship. Furthermore, the focus on representation at the Ad Hoc Conference also illustrates that Charter rights were not their only concern; rather, their recommendations regarding participation in public life illustrate a broader conception of citizenship. Women's claims for group representation however, did not illustrate an understanding of how differences among women could be accommodated in their feminist project.

Three resolutions passed at the Ad Hoc Conference which addressed the issue of representation in political, judicial and constitutional bodies:

That in the case of elected positions we recommend reform of the current electoral

system to increase the participation of women.[8]

> That this [Conference] approves the principle of equitable representation of women throughout the political system. In the case of appointments to the Upper House, Boards, Commissions and the Bench, women should have equal access to appointments and positions and hold at least half the positions at all levels.
>
> That failing the full adoption of our amendments, incorporation of a Charter of Rights be accomplished by a constituent assembly of 50% women.
>
> (Audio Recording 9a).

The arguments which many women made in favour of equal representation in political, legal and constitutional bodies illustrates their concurrence with the liberal ideal of distributive justice. U.S. philosopher Iris Marion Young argues that this ideal refers to the "morally proper distribution of benefits and burdens among society's members", which includes the distribution of both material goods and social positions in society (1990: 15). These challenges to make public structures more inclusive of women are comparable to the goals of the suffrage-era activists, in which both maternal feminists and equal rights feminists "believed that government and public policy would be transformed by women's participation as voters" (Vickers, 1997: 29). At the Conference, the belief that women deserved equal representation in a constitutional constituent assembly as a matter of formal justice is illustrated by one of the Conference attendees:

> This is our right to have 50% of a constituent assembly – not out of persuasion or cajoling – we've done that and it has not usually worked...[Instead] we get tokenism...We are 50% of the population and we want 50% of the voice of Parliament (Audio Recording 9A).

---

[8] Although this resolution was passed, it was amended, and replaced with the second resolution outlined above after debate erupted over the issue of representation and "women's interests". This resolution was not made public after the Conference.

By endorsing the resolutions on representation, the majority of women attending the Conference illustrated that they supported the concept of proportional representation, which it was believed would increase women's representation, as an issue of formal justice.

Iris Marion Young argues that the ideal of formal justice is insufficient for achieving substantive equality, because it is restricted to the distribution of material goods or social positions, and neglects to take into account the social structures or power relations which often determine their distribution (1990: 15). While I believe that some women's claims for proportional representation *on the same basis as men* illustrated a desire for the liberal ideal of distributive justice, nevertheless, I would argue that the claims were made *because* of the historical disadvantaging power relations that had prevented women's participation in the formal decision-making structures of the state. As a result, those who supported women's proportional representation as a distributive issue did not ignore the gendered nature of social power; rather, their arguments illustrated that they supported proportional representation *because* of it.

Some arguments, however, illustrate that the representation of women in public bodies was required not only as a matter of formal justice, but also as a means to achieve a differentiated citizenship, in which women's needs "as women" would be represented. In other words, some Conference participants argued that the increased representation of women in the public sphere was necessary because women, as women, shared certain representable interests. This argument stressed that men, because of their sex/gendered identities, were not in a position to understand policy issues which affected women's lives

from a woman's perspective. Lawyer Beverly Baines, one of the key Conference presenters, demonstrated this in particular relation to the judiciary:

> There are two reasons why men may lack impartiality in sex equality cases. First, men never experience the deprivations from "personhood" which women face during their lifetime. Nor is it sufficient for a male judge to experience vicariously the deprivation of the women with whom he is intimate. The distance between being and perceiving can never be completely bridged even by the most sympathetic male judge (Baines, 1981: 44).

Baines' concerns were echoed by Lynn McDonald, President of the National Action Committee on the Status of Women.[9] McDonald argued that increasing the representation of women in state decision-making structures would increase the probability of "women's issues" being raised on the public agenda (Film Reel 5). Furthermore, McDonald stated that the enhanced representation of women (for example, in the judiciary) would change the way that laws were interpreted – because such judges were women:

> Would we have gotten the decisions that we've had, the disastrous history from the Supreme Court of Canada on women's issues, if there had been women on the Supreme Court? Could a group of women sitting around the Supreme Court of Canada have come up with a decision [like the] Murdoch case, or Stella Bliss (Film Reel 5)?

The argument that women necessarily will represent *women's interests* in decision-making structures hinges on the belief that women's sex/gendered identities, and the experiences which result from those identities, provide them with a particular viewpoint of the world which men can never truly understand. This epistemological framework was

---

[9] Lynn McDonald addressed the Conference as an individual, not as a representative of NAC. Because of the internal conflict over the Charter, the NAC executive had agreed to endorse the Conference, but did not participate formally as an organization (McDonald, Film Reel 5).

developing in the writings of *feminist standpoint theorists* such as Dorothy Smith, Hester Eisenstein, Marcia Westcott, Arlie Russell Hoschhild, Shulamit Reinharz, among others in the late 1970s and early 1980s (Lazreg, 1994: 46-50). They argued that female subjectivity—or a woman's view of the world—could be used as an analytical tool with which to expose the supposedly objective theories and practices of science, politics, sociology, and history as actually masculine constructs (Lazreg, 1994:46-50). Most of the women interviewed for this study indicated that their support for the representation of women in the public sphere stems from a combination of both formal and substantive arguments. Primarily, they argued that women, as roughly 50% of the population, deserved to hold 50% of the positions of power, thus indicating support for formal ideals of democratic justice; furthermore, they also argued women's sex/gendered experiences provides them with a particular viewpoint of the world which often informs their political practices, and that sometimes this experience translates into the representation of "women's interests".

These ideas are summed up by Ad Hocker Linda Nye:

> First and foremost I believe that it's our right to be there, and secondly I believe that even if we're not doing the right thing when we're there, we're still physically making a point, and thirdly I believe that our female experience sometimes comes through whether we like it or not, and fourthly, some of the women in there do good things and sometimes help keep things that would be detrimental to women from happening—they become feminized by their own process. Lastly, I would say, that if we've no [women] in government, either in the political positions or in the bureaucracy, then those of us who chose not to take that route have no one that we can go in an make an argument to, and...even when I'm dealing with a woman who has traded some of her femaleness for the so-called power of that position, I still know that I've got a better chance of putting the argument to her (Interview, 1996).

The arguments in support of group-based representation of women were made in

a conditional manner by the majority of women interviewed for this study. Many warned that differences in class, race, ability, and political affiliation often prevent women from representing "women's interests". The issue of representation has become extremely controversial over the last decade, particularly due to the influence of post-structuralist/post-modernist thought on western theory. In her analysis of the effects of post-modern thought on the social sciences, political scientist Pauline Rosenau argues that post-modernists seek to undermine issues of representation, be it in art, science, politics or state bureaucracy (1992: 92). Her analysis differentiates between mainly European skeptical post-modernists, who do not believe that anyone has the ability to duplicate, or re/present someone else's reality, and mainly North American affirmative post-modernists, some of whom argue that revised forms of representation are possible, *but only if* the purpose is not to "expose the truth" of the object/person being represented (1992: 97). Skeptical post-modernists thus reject the possibility of objectivity on behalf of the person doing the representing, while affirmative post-modernists merely question its adequacy. Consequently, post-modernists question (if they do not all reject) the ability of elected representatives—who are usually white, male, able-bodied, publicly heterosexual, middle-upper class—to speak for women, people with disabilities, native peoples, gays and lesbians, and people of colour and the poor.[10]

A few of the women attending the Conference raised concerns about how group-based representation of women in public bodies would accommodate differences among

---

[10] Although I will not explore this topic in-depth in this paper, the concerns surrounding the issue of who can speak or write about "others" are very complex and controversial.

women. For instance, while the Conference passed a resolution which called specifically for increased representation of women in appointed bodies, a resolution calling for reform of the electoral system was passed and then rejected, because many in attendance argued that women often had differing political beliefs, and thus did not necessarily represent "women's interests" (Film Reel 6). Few, however, questioned how women of differing identities, nationalisms, or ethnicities would be affected by group-based representation of women, given that these issues had not greatly permeated the Anglophone women's movement at that time. Thus, while Conference participants questioned the validity of public bodies to make decisions about women's lives without women's participation, and were aware of the effects of partisan and ideological beliefs on the representation of women's interests, they did not examine how policy decisions might affect differently-located women, or how differently-located women might be ensured of representation in public bodies.

VI Conclusion

Women's debates at the Ad Hoc Conference on Women and the Constitution displayed a great deal of concern about democratic process. Opposition to the legal equality approach of the Charter asserted by some socialist-feminists illustrates their strength of belief in the Canadian parliamentary tradition; it also illustrates the depth of suspicion many had about the ability of the judiciary to further sex equality goals. As a result of the practical exclusion of women from public decision-making bodies in the constitutional, political and legal arenas, and the harmful consequences which had resulted

from their exclusion, women demanded that they be included. Many believed that they could impact upon, and transform both the legal and political systems to be inclusive of "women's interests". Moreover, women's representational claims illustrate a combination of both formal and substantive equality ideals; they did not, however, question how "women's interests" would take differences into account.

CHAPTER THREE

DEMOCRATIC RIGHTS AND VISIONS OF SUBSTANTIVE CITIZENSHIP

I Introduction

In the previous chapter I demonstrated that women's constitutional interests focused, in part, on the citizenship elements of political, legal and constitutional *decision-making*. At the Ad Hoc Conference, Anglophone and Aboriginal women were also very concerned with the substance and interpretation of their citizenship rights. In this chapter, I will demonstrate that women envisioned the Charter as a tool which could possibly ensure the substantive equality they were unable to secure under the *Bill of Rights*. I will argue that Conference participants sought to expand traditional notions of citizenship by endorsing constitutional amendments concerning three issues: the introduction of an interpretive clause (later Section 28) which would ensure sexual equality to men and women, *and* guidelines for the judicial interpretation of section 15, regarding legal equality rights (the combination of which would provide for substantive equality); the inclusion of the right to reproductive freedom; and, the inclusion of the right to equality of economic opportunity. I will demonstrate that the endorsement of resolutions on these issues illustrates that the women present, who were mostly members of the Anglophone movement, conceptualized their citizenship in terms of civil and social entitlements, as well as in political participation. Moreover, I will argue that while on the surface their claims seemed sex and gender neutral, the arguments used to support their claims

demanded that the Constitution acknowledge their citizenship in sex/gendered terms. I will also show, nevertheless, that while the majority of women at the Conference supported group-based citizenship rights for "women", they were unable to conceptualize the goals of collective citizenship for which some Aboriginal women argued; namely, constitutional recognition of the inherent collective right to self-government.

II Defining Legal Equality in Substantive Terms

One of the citizenship rights which women demanded at the Conference was equality in and under the law. In other words, in one sense they were seeking what the late sociologist T.H. Marshall defined as the civil right to "justice", in which a citizen could "defend and assert all one's rights on terms of equality with others and by due process of law" (Marshall and Bottomore, 1992: 8). It had been proven through the cases decided under the *Bill of Rights*, however, that for women "equality with others" was not a sufficient concept for substantive equality to be achieved. As Australian theorist Rian Voet argues, the explanation for women's "lack of fit" lay in the *interpretation* of their legal rights:

> Not only is it the case that women still do not have exactly the same legal citizenship rights as men have, not only is it the case that the exercise of these rights is asymmetric for men and women, but there is also the problem that women lack full citizenship rights because these rights are only interpreted *in a male way* (1994: 65, italics added).

In interpreting women's rights under the *Bill of Rights*, the courts had used an interpretation of equality deriving from constitutional scholar A.V. Dicey, in which

justice meant "equal subjection of all classes to the ordinary law of the land as administered by the ordinary courts" (Fogarty, 1987: 51). Like Marshall's definition of justice, A.V. Dicey's concept meant that everyone had to be treated the same; it could not recognize differences of women's experiences (pregnant versus "non-pregnant women") as were raised by *Bliss*, nor could it recognize differences stemming from Aboriginal women's experiences of colonization and sex discrimination, as were raised in *Lavell and Bedard*. Consequently, the judiciary interpreted equality before the law narrowly as an administrative issue and not a substantive issue.

Due to the complex nature of legal interpretation needed to understand the Charter, feminist lawyers were instrumental in creating feminist responses to the proposed amendments in the activities leading up to the Conference. The most influential works, prepared by lawyers Beverley Baines and Mary Eberts under the auspices of the Canadian Advisory Council on the Status of Women in the fall of 1980, informed "virtually all the feminist activities around the Constitution and presentations before the Special Joint Committee" (Kome, 1983: 31). The feminist lawyers who addressed the conference all endorsed the concept of an entrenched Charter; although only if governments accepted certain amendments. They wanted to ensure that the law and legal interpretation would provide women with both formal equality and substantive equality. In other words, feminist lawyers wanted to ensure that laws would protect women's rights when their circumstances were similar to men's and they needed same treatment, but also when their circumstances differed from men's because of their sex/gendered identities, and they needed different, but equitable treatment.

On January 12, 1981, then Justice Minister Jean Chretien had responded to some of the recommendations made by women's groups to the Joint Constitutional Committee. Some of those changes are included in the table on the following page.

Although the federal government partly addressed women's concerns, many still feared that the wording in Section 1 and Section 15 was not enough to ensure substantive equality. Some Anglophone women's organizations had argued to the Joint Committee, for example, that Section 1, the limitation clause, should be deleted completely.[1] A compilation of suggested constitutional amendments for Conference participants argued that, at the least, the equality protections in Section 15, which included protection from discrimination on the basis of sex, should be exempt from Section 1 government limitations (*Summary,* 1981: 3). Women were also concerned because Section 15, the equality clause, was not accompanied by specific guidelines for judicial interpretation. Conference documents illustrate that women's arguments in support of guidelines for Section 15 were based upon two possible interpretations: 1) that "sex will NEVER constitute a reasonable basis for distinctions in law" or; 2) that the courts "require that only a COMPELLING REASON will justify distinctions in law on the basis of sex" (*Summary*, 1981: 3).

At the Conference, in response to the critiques of Section 1 and Section 15 raised by NAWL members Deborah Acheson and Tamra Thomson, as well as by Queen's law

---

[1] Before the January amendments, Anglophone women's groups had taken to calling Section 1 the "Mac Truck Clause", because the sweeping powers granted to the legislatures to override Charter rights and freedoms left a legal hole large enough to drive a Mac truck through.

TABLE A

A Comparison of the Federal Government's Original Draft of Sections 1 and 15(1) of the Charter, the January, 1981 Amendments, and Feminist Interpretations of the Amendments.[2]

Original Act	Amended Act	Interpretation
1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits as are generally acceptable in a free and democratic society with a parliamentary system of government.	1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.	Narrows the limits that governments could place on the rights and freedoms in the Charter.
15.(1) Everyone has the right to equality before the law and to the equal protection of the law without discrimination because of race, national or ethnic origin, colour, religion, age or sex.	15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, or age.	In Section 15, the equality clause, the word "everyone" was replaced with every "individual" to ensure that rights would apply to "natural persons only", in part addressing women's concerns over judicial interpretations of fetal rights; Adding the words "and under" the law, to ensure that the judicial interpretation would include equality in the content of the law, as well as in the administration of the law, to address women's concerns over *Lavell and Bedard*. Adding the words "and equal benefit" after the word "protection", to ensure that people would enjoy equal benefit of the law as well as equal protection of the law, to avoid decisions such as *Bliss*.

[2] The information for this table was obtained from the *January, 1981, Consolidation of Proposed Amendments* of the Department of Justice, as well as from the *Summary of Recommendations with Respect to the Charter of Rights and Freedoms*, distributed at the 1981 Ad Hoc Conference.

professor Beverley Baines, women endorsed the following resolutions aimed at guaranteeing stronger civil rights protection for women in the Constitution:

[Clause 1] ...the rights and freedoms under the Charter are guaranteed equally to men and women with no limitations.

[Clause 15] ...that clause 15 contain a two-tiered test recognizing that there shall be no discrimination on the basis of sex, race, religion, colour, national or ethnic origin, mental or physical disability, age, marital status, sexual orientation, and political belief, and *that there be a compelling reason for any distinction on the basis of sex, race, religion, colour, or national or ethnic origin, sexual orientation, or political belief* (Audio recordings 5b and 7b, italics added).

In these resolutions women tried to balance their desire for formal equality with the knowledge that it had not proven sufficient to ensure equality in substance. Doris Anderson argues that although the swiftness of the patriation process did not provide women with much time to consciously define their equality goals, nevertheless there was a sense that women wanted more than "a simple statement of equality" (Interview, 1996). Women wanted equal treatment, but not if being treated equally resulted in discrimination because of the biological realities/social construction of their sex. Many feared, however, that by demanding sex equality on the basis of women's specificities, their claims would be perceived as receiving "special treatment", or that it would reinforce the perception that women were "less than" the normal (ie male) citizen, and thus should be treated as such (D. Acheson, Audio recording 2a).

Theorists in both law and political science have argued that women's concerns are neither acknowledged nor affirmed in the legal/political realm if they differ from the concerns of a "reasonable" citizen/man (Brodsky and Day, 1989; MacKinnon, 1987, 1991; Pateman, 1989; Vickers, 1986; Young, 1990;). Furthermore, many feminist legal

and political theorists who analyzed the "problem" of sex equality in the late 1970s and early 1980s argued that women should strive to emphasize their "similarities" to men, in light of the harmful legal and political decisions that women had faced as a result of sex stereotyping (Ayim, 1979; Williams, in Razack, 1991: 22). At the Conference, women struggled with the dichotomy of sameness:difference; trying both to ensure equal treatment with men, and equity in the interpretation of the law when their sex/gendered differences required it.

By proposing an amendment to Section 1, the interpretive clause of the Charter, women were demanding that equality between the sexes should be of paramount consideration in judicial Charter decisions (Interview, R. Billings, 1996; Interview, L.Nye, 1996). In this manner, women were trying to "elevate" sex equality above the other equality guarantees of Section 15. One of the reasons for this was the desire of many Anglophone women to limit the effectiveness of the Section 26, newly-introduced multicultural clause (Interview, L. Nye, 1996; Interview, R. Billings, 1996), which read "This Charter shall be interpreted in a manner consistent with the enhancement and preservation of the multicultural heritage of Canadians" (Constitution Act, 1982)[3]. At the Conference, feminists argued that most sexual discrimination faced by women was culturally-based, and feared that practices such as genital circumcision of girls might be upheld by the courts under this clause (Audio recording 2a; Interview, L. Nye, 1996).[4]

---

[3] In the final draft of the Charter, the multicultural clause became Section 27.

[4] The virtual absence of racial minority women from the Conference made this suspicion of the multicultural clause uncontroversial in a way that it probably would not be today. Nevertheless, some "Ad Hockers" interviewed indicated that

As well as elevating sex equality in the Charter, women also sought to "deepen" the meaning of equality. Linda Nye argues that women wanted to ensure substantive interpretations of sexual equality:

> We were trying to find some legal wording that was a step beyond the *Persons Case* statement which said that everything in law should go fairly to male and female persons. It became really clear to us that we needed an overall clause [outlining women's rights]. The justice system still is a man's justice system. We made changes to the laws to try and force it—but you're still taking something that is fundamentally male at its roots, and that's a problem for us all (Interview, 1996).

Canadian legal scholars Gwen Brodsky and Shelagh Day argue that Section 28, when used in combination with the equality guarantees of Section 15, should remind judges of "women's recent fights to obtain the franchise, to be recognized as 'persons', to be admitted to professions, and to emerge from the legal invisibility that marriage has imposed on women for centuries" (1989: 37). As a result, they argue, Section 28 should be conceptualized as a substantive guarantee of equality, deriving from women's history (1987: 37). In other words, women's historical second-class citizenship status requires that their equality guarantees mean *more* than merely equal status with men.

The proposed amendment to section 15 (1), the "equality clause", was created to ensure that the judiciary would "almost never" allow governments to discriminate on the basis of sex (Thomson, Audio recording 7b). The concept of a "two-tiered" test, or "compelling reason" for interpreting equality rights was adopted by Canadian feminist

---

> although there were few racial minority women involved in determining the Conference's constitutional priorities, there were racial minority women active in the later phases of lobbying who wanted to ensure that their sex equality rights would not be overridden by the multicultural clause (Interview, L.Nye, 1996).

lawyers from U.S. jurisprudence (Interview, T. Thomson, 1996). Under its Bill of Rights, the U.S. Supreme Court had developed a "compelling reason" test to determine the circumstances when governments could legally discriminate against citizens. According to this system of classification, Tamra Thomson argued, the courts had developed three categories in which discrimination was acceptable, and in which a "compelling reason" meant "almost never" in law. See Table B on the following page for a comparison of the U.S. interpretation and Canadian feminist interpretations of equality rights.

Feminists developed two possible interpretations of "sex equality" under Section 15 of the Charter, and both interpretations illustrated the struggle women were facing with the sameness: difference dichotomy of sex and gender. One argument stressed the need for "formal" equality rights, and another stressed the need for substantive equality.

Beverley Baines, for example, maintained that women should receive the same treatment under the law as men, stressing that gender should never be a basis for making distinctions in law. According to Baines, issues such as pregnancy should be conceptualized as a temporary disability, and the need for men and women's separate facilities [in a prison, for example] justified by the civil right to privacy (Film reel 3). Nevertheless, she also argued that differentiation between the sexes in law would be acceptable if its intention were to legitimize programs to ameliorate the disadvantaged position of women—such as affirmative action (Film reel 3). Therefore, Baines' arguments illustrate support for both formal equality in general, and substantive recognition for women in situations where women had historically been

disadvantaged – such as in the labour market.

TABLE B

A Comparison of U.S. Judicial and Proposed Canadian Feminist Interpretations of Equality Rights[5]

U.S. Judicial Interpretations of discrimination allowed under the *Bill of Rights*	Canadian Feminist Interpretations of discrimination allowed under Section 15 of the Proposed *Charter*
Almost Never/Compelling Reason Race	Almost Never/Compelling Reason Sex, race, religion, colour, national or ethnic origin, sexual orientation, political belief
"In Between" Sex	"In Between" N/A
Sometimes Age	Sometimes Age, mental or physical disability, age, marital status

At the Conference, Tamra Thomson argued that ensuring substantive civil equality for women required positive recognition of women rights, rather than simply a negative requirement of governments not to discriminate against "citizens" (Film reel 2). Whereas Baines' argued that there should **never** be a reason to discriminate against

---

[5] I gathered the information for this table from the audio and film recordings of the Conference.

women on the basis of sex, Thomson countered that the courts would "never accept never". For that reason women themselves had to establish the boundaries for judicial interpretation of their rights, boundaries which Thomson believed would be sufficiently protected under the two-tiered test (Audio recording 7b).[6] Some Conference participants feared that by suggesting guidelines for a two-tiered test, women would be inviting the judiciary to discriminate against women; a fear which stemmed, in part, from their experience under the *Bill of Rights*. Although Thomson's arguments could be interpreted as merely a practical requirement that women "accommodate" the judicial system, I would argue that her support of the "two-tiered test" illustrated a desire for equity in the law, rather than simply equal treatment with men. This conception of substantive civil equality was also supported by Conference participants, who supported the resolution calling for a "two-tiered test".

Therefore, in endorsing resolutions calling for amendments to Section 1 and Section 15 of the Charter, women were defining the substance and interpretation of their civil right to justice. In attempting to "elevate" and "deepen" the meaning of their equality guarantees, women struggled with the sameness:difference dichotomy that stemmed from their sex/gendered identities; and, in the end, challenged the Constitution to incorporate those identities.

---

[6] From my research, I believe that feminist lawyers were the first to introduce the concept of the two-tiered test into Canadian judicial interpretations.

III Constitutionally Entrenched Reproductive Freedom – The Expansion of Civil and Social Rights

A second issue which women at the Conference wanted addressed by the Constitution was reproductive freedom. Two arguments in support of entrenching reproductive freedom were advanced at the Conference: 1) that reproductive freedom was a woman's civil right to privacy, and 2) that women deserved, as a social right, government funded facilities and services which would allow them to chose, or chose not, to carry and raise a child.

With respect to these arguments, two resolutions on reproductive freedom were debated at the Conference:

> That the word person should be used throughout the Charter, in lieu of any word denoting human being;
>
> That Clause 7 be amended to include the right to reproductive freedom
>
> (Audio recording, 6a).

The federal government's proposed Clause 7, found under *Legal Rights* in the Charter, read as follows:

> 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice (*Canadian Charter of Rights and Freedoms*, reprinted in Mandel, 1994: 465).

An analysis of the submissions made by women's groups to the federal government prior to the Conference illustrates that most did not make reproductive

freedom an *overt* constitutional issue at that time[7]; nor was it evident in most feminist publications.[8] Nevertheless, some groups had lobbied the Joint Committee to remove pronouns such as "everyone", or in the french version "chacun", from the Charter, and replace them with the word "person/personne", given that the latter term had been defined by the British Privy Council to include women, in the 1929 *Persons Case*. Their request for a change in wording reflected the fear that the courts would interpret "everyone" to include the rights of the fetus (Interview, L. Nye). Rosemary Billings, one of the Conference organizers and a NAC executive member, outlines that the context of the Joint Committee, in which women's groups were required to operate, inhibited them from making reproductive rights an issue prior to the Conference:

> I expect that NAC and other groups didn't bring it forward [before the Conference] because they were trying to find something that would pussyfoot into what those men in Committee were doing. But this was a Conference about what women wanted to see...(Interview, 1996).

The issue was raised on February 14, however, mainly because "the Conference consisted of keen, mad, feminists" (L. McDonald, 1996). That day, by demanding the right of reproductive freedom, women were challenging the Constitution to incorporate their citizenship interests which stemmed from their sex/gendered identities. For some women,

---

[7] Those who did include a joint submission made by the B.C. Women's Research Centre and the Vancouver Status of Women as well as the Canadian Abortion Rights Action League.

[8] The exception to this was an article in *Kinesis*, entitled "What constitutional rights we women want—and won't get" (March 1981: 3).

this has meant freedom from reproduction; for others, it has meant freedom to reproduce.[9] In 1981, the availability of legal abortions, for example, was still governed by the Criminal Code, which had "been interpreted to endow neither the woman nor the fetus with formal rights" (Fudge, 1987: 537). U.S. political scientist R.P. Petchesky argues that women's demands for reproductive freedom can be categorized into two intertwined demands upon the state: 1) a negative demand upon the state – ie freedom from state interference in women's bodies, and; 2) a positive requirement of the state to provide the resources necessary for either terminating a fetus or raising a child (in Fudge, 1987: 547). Many women at the Conference believed that a demand for constitutional recognition of reproductive freedom included both negative and positive requirements of the state (Interview, C. Egan, 1996; Interview, M. Fern, 1996).

At the Conference, the resolutions calling for the inclusion of reproductive freedom in the Charter, and the replacement of all other pronouns by the word "person", were little debated before passing (Audio Recording, 6a). The arguments made in support of these resolutions illustrated that Anglophone women feared state interference in their *freedom from* reproduction (Audio Recordings 2a, 7a). There are a number of possible explanations for the unequivocal outcome; one reason is, that although NAC had not been an "official sponsor" of the Conference, a large contingent of NAC executive members, regional representatives, and member groups were involved in organizing and attending

---

[9] For an in-depth theoretical discussion of these two reproductive rights, see Overall, Christine (1992) "Feminist Philosophical Reflections on Reproductive Rights in Canada" in C. Backhouse and D. Flaherty (eds) *Challenging Times: The Women's Movement in Canada and the United States*. Montreal: McGill-Queen's University Press, p. 240.

the meeting (Interview, R. Billings, 1996). As of 1979, one of the few "bottom-line" requirements for membership in NAC was endorsement of a pro-choice position on abortion (Vickers, Rankin and Appelle, 1993: 108). Second, support for a woman's right to chose was one of the few issues upon which almost all activists in the Anglophone women's movement at the time agreed – even if they themselves were personally opposed to abortion (Interview, L.Nye, 1996; Interview, D. Anderson, 1996; Interview, C. Egan). A third reason why little debate occurred over the issue of reproductive freedom may have been that women with disabilities were either not in attendance or not vocal at the Conference; furthermore, there were only a handful of visible minority women present. The mobilization of women with disabilities in later years would challenge feminists to re-think the issue of abortion, arguing that society should question the systematic practice of aborting a fetus simply because it was deemed disabled (Saxton, 1992: 302). Moreover, racial minority women would also later challenge the majoritarian women's movement by re-defining reproductive freedom to include the *freedom to* have children (Agnew, 1996: 71).

Representatives of the Native Women's Association at the Conference expressed not only the right to reproductive freedom without interference from Canadian governments, they also argued for protection of their right to promote Aboriginal culture and heritage through their children (NWAC, 1980). In other words, Aboriginal women, unlike most non-Aboriginal women at that time, were establishing their right *to* reproduce, both physically and culturally, without interference from the white state. For example, NWAC President Marlene Pierre-Aggamaway argued for the right of Aboriginal

people to define their own citizenship, to retain their cultures, languages and heritages, and to protect their children from cultural genocide (Audio recording 3B). Their claims were made in response to white control of Aboriginal peoples by Canadian law, through the *Indian Act*, residential schools, "adopting out" of Aboriginal children to white families, and the systematic destruction and/or appropriation of Aboriginal cultures. The claims made by Aboriginal women illustrate the very close connection between reproduction and cultural survival *as a political issue*.

Political scientist Jill Vickers argues that women's relationships to reproduction may differ according to their membership in either a dominant or minority culture in any given state, especially because "dominant and minority communities have different access to state institutions in maintaining their cultural identities" (1994). Because of the dominance, though largely invisible to many majority women of Anglo-Saxon culture in Canadian society (in the use of English language and in the structures of government and civil society, for example), cultural preservation has not been a goal of the Anglophone women's movement. Aboriginal women, however, have faced the destruction of their native languages, cultural traditions, spirituality, and their people under white colonization. Thus, for Aboriginal women, the preservation and re-building of their people and their cultures through physical and social reproduction is a goal which is not shared with, nor understood, by Anglo-Saxon white women in Canada.

NWAC representatives at the Conference, as well as demanding the right to reproduce without state intervention, argued for the social right to state support. Aggamaway argued that the federal and provincial delivery of social services for

Aboriginal men, women and children should be continued, albeit in more culturally sensitive ways, until Aboriginal self-government was implemented (1980: 70). In other words, NWAC also conceptualized reproductive freedom as imposing a social requirement on the state, to achieve part of their citizenship rights. As illustrated by the citizenship claims of NWAC, many Aboriginal women in Canada defined reproductive freedom as the collective rights of Aboriginal women to preserve and promote their culture—both in terms of freedom from state interference and culturally sensitive social entitlements.

Thus, women at the Conference saw reproductive freedom as a citizenship issue which needed to be addressed by the Constitution, as part of their rights to participate fully in society. This was the case whether women sought the right to protect themselves *from* unwanted reproduction or sought state support *for* their reproductive activities. Both Aboriginal and Anglophone women, moreover, viewed the desire to reproduce as a citizenship act which required state support, as part of their social rights.

IV Citizens as Workers: Women and Economic Equality

The right to equality of economic opportunity was also a claim made by women at the Conference. By demanding the right of participation in the "public" sphere, women wanted the Constitution to ensure that they had equal access to employment. Some, particularly socialist-feminists, also argued that this right could be used to address the sex/gender-based inequalities which women faced as group.

In western democracies, especially in the post-World War II era, the ideal citizen has come to be conceptualized as a (male) worker, replacing the ideal of citizen as a (male) soldier (Pateman, 1989; Hernes, 1987). Carole Pateman argues that the transformation of the citizen still did not include women:

> Men, but not women, have been seen as possessing the capacities required of "individuals", "workers" and "citizens". As a corollary, the meaning of "dependence" is associated with all that is womanly...To use Marshall's metaphor, women are identified as trespassers into the public edifice of civil society and the state (1989: 185).

This ideal of "citizen as worker" is predicated on the combined ideologies of patriarchy, capitalism and liberalism, in which production (mainly by men) in the civil sphere and individualism – the ability to support oneself – are normative for citizenship. Accordingly, engaging in an employment contract is thus seen both as a right *and* a responsibility of a (male) citizen. Nevertheless, in the Canadian experience, the role of the citizen as a "worker" has never been legitimized in the constitutional arena. Rather, the artificial division of the public (government) and civil (market) spheres, for example, was reflected by the absence of citizens' employment rights from the *British North America Act*,[10] as well as in its limited reference in the proposed 1980-81 constitutional amendments (which only guaranteed a citizen's mobility right to move to any province in order to gain a livelihood).

Throughout the latter half of the 1970s, many in the Anglophone, Francophone and Aboriginal women's movements had engaged in consultations with their respective

---

[10] In fact, the BNA Act made no reference to defining the rights or responsibilities of "citizens" at all, instead focusing on the division of powers between the federal and provincial governments.

federal and provincial states, lobbying for the implementation of employment and affirmative action policies, and equal pay for work of equal value (Findlay, 1988: 7; Richardson, 1981: 10). Government policies were slow to materialize, however, and those policies that were implemented did not seem to ameliorate women's economic disadvantages (Findlay, 1988). Women active in the labour movement in the late 1970s, however, had secured rights (such as paid parental leave, equal pay for work of equal value, and anti-discrimination clauses for sexual orientation) in employment contracts through strike action and collective bargaining (Interview with C. Egan, 1996). For this reason, Carolyn Egan explains that socialist-feminists supported entrenching economic rights and the right to collective bargaining into the Constitution:

> We felt, in 1981, that women...were really beginning to feel their strength in the trade union movement....To our minds, therefore, the right to organize, and the fact that women in collective bargaining situations could win demands that the women's movement had been fighting for for quite a long time...We saw this as quite critical to [entrench] (Interview, C. Egan, 1996).

At the Conference, the issue of economic equality was raised mainly by socialist-feminists; nevertheless, the resolutions were supported without dissent by the entire delegation (Audio Recording, 6A). The right to collective bargaining, however, was not formulated as a resolution, nor was it seen as a "woman's" issue by most of the Conference participants (Interview, C. Egan, 1996), illustrating that "working class" issues were generally not viewed as part of the feminist constitutional project.

At the Ad Hoc Conference, however, Margaret Fern used a socialist-feminist analysis to argue in favour of entrenching economic equality rights for women:

> From a feminist perspective, the Charter of Rights does not address the fundamental reason for the inequality of Canadian women, namely, the economic

> inequity which serves to maintain the status quo. You might reasonably ask whether a social document such as a Charter of Rights should be concerned with economic matters. We submit that the fact that women in our country earn about 60 cents for every dollar earned by men is not just a tedious statistic, it is a fundamental social injustice and must be recognized as such (Film Reel 4).

Concerned about the possible limitations of engaging with the law as a method of social change, Margaret Fern and some other socialist-feminists at the Conference were wary of the ability of the Charter to address class and economic inequality (Interview, M. Fern, 1996; Interview, C. Egan, 1996). Nevertheless, like many other women attending the Conference, Fern wanted to ensure that if a Charter was entrenched, women's employment in the paid labour force was addressed.

Carolyn Egan argued at the Conference that women's access to employment and equal pay for work of equal value should be addressed by the Charter of Rights (Film Reel 5). Her arguments, which were supported by other feminists at the Conference, illustrate that some women wanted more than merely a formal guarantee of equality; they wanted to ensure that women's work in the public sphere and their employment needs, stemming from their sex/gendered identities, were legitimized in the constitutional context. Egan also argued that Section 15 of the Charter should include not only equality of protection from governments, but equality in all areas of society, including the civil sphere; an argument supported by other socialist feminists at the Conference (Film Reel 5; Interview, C. Egan, 1996). Egan's argument illustrates a desire to combine what Beverley Baines describes as "conventional" civil sphere rights with the "fundamental" public sphere rights which limit the actions of government (1981: 38). The protection of conventional rights are implemented by governments (in provincial and federal human

rights codes, for example) and which govern relationships in the civil sphere (such as between employer and employee or tenant and lessor) (Baines, 1981: 38). Baines argues that "fundamental" rights are of a larger magnitude, in that they protect citizens from the harmful actions of a government, under which citizens are more vulnerable given that "by its very nature, [the state] is expected to exercise control over people" (1981: 38). Thus, while "conventional" rights govern the civil sphere, "fundamental" rights protect citizens from their governments. Egan's arguments for human rights protections in the civil sphere as well as in the public sphere illustrate a challenge to the traditional public/private split between the state and civil society which was apparent in the Constitution. Her argument did not, however, receive the support of Conference participants.

Recognizing the public (state) / private (civil) split of the Constitution, feminist economist Marjorie Cohen warned that seeking "fundamental" Charter rights might not be as beneficial for women as "conventional" human rights avenues had been for women in the past. Cohen warned that shifting more emphasis to the courts for deciding labour issues might be detrimental for the federal and provincial human rights commissions in Canada; structures which provided avenues of redress which were known and accessible to women (Audio recording, 4b). Nevertheless, Cohen also moved the resolution calling for entrenchment of women's rights to equality of economic opportunity, which passed with the overwhelming support of delegates.

Given the emphasis on *rights* at the Conference, one issue women did not challenge was what feminists have called the "public/private split" of citizenship responsibilities. For example, Conference participants did not argue that women's

domestic labour should be recognized or legitimated in the constitutional context. Many feminist theorists have critiqued the "rights-focus" of modern concepts of citizenship, arguing that it does not address women's responsibilities resulting from their sex/gendered identities, such as reproduction and care (Cass, 1994; Moller-Okin, 1992; Vickers, 1989). For example, Jill Vickers asks if women "are to continue to be responsible for social reproduction, even jointly with men, can our philosophy of citizenship and participation be based simply on a self-interest framework of rights claims?" (1989: 32). In Canada at that time, however, few feminists conceptualized women's domestic labour as a formal political issue (Vickers et al. 1993: 256-260), even though "the personal is political" was a popular feminist slogan. Both liberal and socialist feminists instead viewed paid employment, and the "liberating" effects which purportedly accompanied it, as goals of the women's movement; of course these views did not acknowledge the experiences of women on social assistance or the work performed predominantly as domestic labourers by women of colour (Vickers et al., 1993: 257).[11]

It is likely that, at the Conference, few women were supportive of constitutional recognition of "traditional" female roles, fearing that this would perpetuate beliefs about the "natural" place of women in the home; fears which were not necessarily unfounded. In Nordic social-democratic countries, for example, where women's roles as mothers and homemakers have been substantially supported by the welfare state, women still face

---

[11] See Vickers, Rankin and Appelle (1993) for an in-depth discussion of the conflict which occurred in NAC in 1979 when the organization Wages for Housework tried to gain membership, and was refused. The issue was also very controversial in the Franco-Quebec women's movement. See, for example, "Une Salaire Pour le Travail Ménager?" in *La Vie En Rose*, March, 1981, (p.14-19).

second-class citizenship status because of their lower participation rates in the paid workforce; a daunting drawback for women, given the strength of the corporatist structure in those countries, and despite their relatively high level of representation in Nordic legislatures (Hernes, 1987). The experience of Nordic women illustrates that women in Canada must develop state-specific strategies if they wish to incorporate their caring responsibilities into the formal political arena; an approach the majority of women attending the constitutional Conference clearly opposed in 1981.

Thus, by demanding equality of economic opportunity, women at the Conference challenged the Constitution to ensure their equal participation in the civil sphere, thus incorporating one of the fundamental aspects of citizenship into the constitutional context. Some women also hoped that the constitutional recognition of women as workers would therefore lead to substantive guarantees of equality in areas such as equal pay. Overall, women's calls for entrenched sex equality, reproductive freedom and equality of economic opportunity illustrate that they defined their constitutional citizenship in terms of civil and social rights. Not only did they want formal equality, to provide them with access to the citizenship rights which men already enjoyed, but they also wanted recognition of their sex/gendered identities.

V Aboriginal Women and Collective Struggles

Although many women at the Ad Hoc Conference, the overwhelming majority of whom were white, had little difficulty conceptualizing group-based citizenship rights for

"women", they had little understanding or acceptance of the collective citizenship claims made by Aboriginal women on behalf of all Aboriginal people. There are two general reasons for this: 1) the majority of women at the Conference believed that Aboriginal women were under the influence of, and speaking on behalf of, male Aboriginal leaders, not acting of their own accord; and, 2) the collective citizenship goals put forward by NWAC were opposed by members of IRIW, who argued for the individual rights of mainly "non-status" Aboriginal women seeking reinstatement—and women in the Anglophone women's movement were more disposed to understanding and working with the latter. As a result, while white Anglophone women supported Aboriginal women's struggles when it was clear that they were facing sex discrimination as individuals, they did not support, or understand, their struggles for Aboriginal self-determination. (The exception to this was the support provided by some socialist-feminists at that time; their positions are examined at the end of this chapter.)

In 1981, NWAC represented 50,000 individual members across Canada, including "Metis, Non-Status, Status and Indian women, both on and off reserve, from all Indian nations" (Richardson, 1981: 11). At the Conference, NWAC presented a lengthy resolution outlining a declaration of sixteen principles, which included: recognition of Aboriginal self government and treaty rights, sovereignty to negotiate as partners with the federal government, the need to retain Aboriginal cultures, customs, languages and heritages, the right to self-determination of citizenship, protection of the rights of Aboriginal children, the right of Native women to participate in Native decision-making processes, and protection of Native women under the Charter, among other issues (Audio

recording, 3b). Their presentation resembled the one they made to the Special Joint Committee on the Constitution, with the exception of the following addition:

> ...Whereas NWAC will not end its struggle until the Aboriginal rights of our people are affirmed, protected and enshrined in such a way that those rights are beyond the control, influence, and altering or amending by any other government, save Indian government; and whereas our struggle is so crucial to the survival of our peoples, our children and our future generations, that we will do whatever is necessary to reach our goals (Audio recording, 3b).

White women attending the Conference interpreted NWAC's final statement as a possible violent means to their political ends (Richardson, 1981: 10); a strategy they were not prepared to support. Furthermore, in presenting this resolution, which was not open to amendment, NWAC was asking the Ad Hoc Conference participants to support the struggles of all Aboriginal women and men, not just those women denied Aboriginal "status". They did not receive Conference support for this goal (Audio recording, 3b).[12]

One of the reasons why majority women did not support NWAC's goals was that they believed Aboriginal self-government would result in a transfer of power to Aboriginal *men*, not women (Interview, R. Billings, 1996; Interview, M. Fern, 1996). In light of the difficulties which many Aboriginal women faced from male-dominated Aboriginal organizations, fighting for their reinstatement of Indian status, few white feminists believed that Aboriginal women would be included in the process of self-government. Conference organizer and participant Rosemary Billings argues that "the sense of the women in the meeting was that, 'we frankly do not believe that power put into the hands of self-government, which we see as Native men, is going to be any good

---

[12] After much conflict and debate, Conference participants voted to table the resolution; it was, however, not dealt with again (Audio recording 3b).

for Native women'...it didn't make any sense" (Interview, R. Billings, 1996). Other conference participants argue that they felt, at the time, that the agenda of self-government was being sought not by Aboriginal women, but by Aboriginal men (Interview, M. Fern, 1996). Furthermore, many white women did not understand the relevance of self-government to Aboriginal women's lives (Interview, M. Fern, 1996; Interview, D. Anderson, 1996). Thus, although the concerns of white women for the status of individual Aboriginal women were sincere, nevertheless, the impact of their responses was paternalistic; not unlike the treatment in general of Aboriginal people in Canadian society.

A second reason why NWAC's collective goals were not supported by white women was that conflict erupted at the Conference between NWAC and members of IRIW, the organization created to fight for reinstatement of disenfranchised Aboriginal women. The Native Women's Association had not specifically addressed the *Indian Act* in their presentation, except to argue that "the Charter of Rights must provide protection for all women" (Audio recording 3b). Jennie Margette, President of the IRIW, argued that Aboriginal women should deal more specifically with Aboriginal women's rights, rather than the rights of Aboriginal people in general (Audio recording 3b). Margette's opposition to NWAC's resolution was supported by a member of the Tobique Indian Reserve in New Brunswick, who argued that not all Aboriginal women agreed with NWAC's goals (Audio recording 3b). Women denied "status", but living on the Tobique reserve had garnered national and international attention in 1979, when over 200 women participated in a 100 mile walk to protest section 12 (1) (b) of the *Indian Act*, as well as

the substandard living conditions, housing and distribution of resources on the reserve (Bear, 1991: 210).

The conflict which erupted at the Conference is illustrative of a tension between Aboriginal women's individual rights and Aboriginal collective rights that was apparent in the wider Aboriginal communities at that time (Jamieson, 1979; Bear, 1991). That white feminists did not support NWAC's claims for Aboriginal nationhood illustrates the sex and gender-specific lens through which they viewed equality issues; it also demonstrates their position of relative power in Canadian society. Anglophone women present at the Conference supported the rights of Aboriginal women when it was apparent that they were facing sex discrimination as individuals—either from the federal government or male dominated Aboriginal organizations. But they were unable to conceptualize the oppression which *Aboriginal peoples* faced, and which, therefore, Aboriginal women shared, as relevant to "women's" constitutional interests. Furthermore, their lack of understanding of "difference" within the Aboriginal women's movement also illustrates that white women were exercising the same approach to policy-making which was foisted upon them by their respective state(s). In other words, if Aboriginal women themselves could not develop a single statement of their citizenship goals (or speak with one voice), their interests could not be included in the feminist constitutional agenda.

There were, however, a few attending the Conference who understood the collective citizenship goals of Aboriginal women. One Franco-Quebec woman, for example, compared the struggles of Aboriginal people to the nationalist concerns of Quebec. She also argued that the Conference should not discuss the "sovereignty of

Indian Nations" unless it was prepared to discuss Quebec's distinct society status as well (Audio recording 3b; Richardson, 1981: 10). Some socialist-feminists in attendance understood *and* supported Aboriginal self-government. Margaret Fern's presentation to Conference delegates urged the Constitution to recognize the traditional rights of Aboriginal peoples (Film reel 4), a goal also recommended by Nan MacDonald, who attended the Conference as a representative of the Communist party of Canada (Film reel 15). Carolyn Egan argues that socialist support for Aboriginal self-government derived from their experience and understanding of group oppression and collective class struggles (Interview, 1996). Thus, it appears that those women who had prior experience with, or exposure to, collective struggles which included their sex/gendered identities *and* class or nationhood, could relate to Aboriginal women's demands for self-government, in ways which majoritarian Anglophone women could not.

VI Conclusion

The rights sought by many women at the Ad Hoc Conference challenged the Constitution to incorporate their civil and social citizenship concerns. Their concept of "justice" was informed by both a combination of formal and differentiated equality ideals, and was reflected in their resolutions concerning Section 1 and section 28 of the Constitution. In establishing these constitutional amendments, women were creating sex equality definitions which were "deeper" and "broader" than the definitions that had been used in the past; by doing so, they challenged constitutional status quo. Furthermore,

women wanted the Constitution to incorporate their reproductive needs as a civil and social right; for majority Anglophone women this meant freedom from reproduction, and for Native women, this meant freedom to reproduce without intereference from the state. Third, they also sought to have women's labour market participation recognized and assured, by securing their rights as citizen-workers; although the constitutional absence of women's private sphere production was not questioned. Their demands for the right to economic equality challenged the Constitution to address the artificial split of public (state) / private (civil) citizen rights. They did not, however, incorporate some "working class" issues, such as collective bargaining, in their feminist constitutional project. Majority women's goals of civil and social equality, however, were limited to a group-based conception based on their sex/gendered characteristics; a conception they were unable to transcend when faced with the collective constitutional interests of some Aboriginal women.

CONCLUSION

Little academic attention has been paid in Canada to the development of women-centred visions of citizenship. In this study I had three main objectives: first, to demonstrate that in the constitutional debates leading up to and including 1980-81, women viewed the Constitution as a vehicle through which they could achieve a more inclusive citizenship, in a manner that incorporated their sex/gendered specificities; second, to that illustrate that women's concepts of constitutional citizenship were as much influenced by their nationhood as by their sex/gendered identities; and third, to demonstrate that the Anglophone and Aboriginal women's movements experienced internal conflict over how women's equality could be constitutionally achieved. I also wanted to challenge the mainstream, academic belief that women only became constitutional actors *after* the entrenchment of the Charter, and also to illustrate that the Charter was only one issue among many that informed Anglophone, Aboriginal and Franco-Quebec women's constitutional discourses.

I Main Findings of This Study

My analysis was intended to provide a theoretical framework for understanding some of women's constitutional concerns in Canada; a topic which only a few theorists have just begun to explore. My intention was to bridge the gap between sociological,

legal and political understandings of citizenship, in order to create a broader conception of what it means for women to be constitutional "beings" in Canada. In doing so, I have developed five main findings, outlined below:

1. **Women's demands in the constitutional debates of 1980-81, including the Ad Hoc Conference, illustrate the beginning of citizenship ideals which incorporate both formal and substantive visions of equality.**

The mobilization of vast numbers of women during the 1980-81 constitutional debates, due to the realization that the federal government was going to entrench a Charter with wording similar to (and as harmful as) the *Bill of Rights*, caused an "awakening" in the Anglophone and Aboriginal women's movements. Although women's mobilization against governments was done in a (relatively) short and pressured time span, it brought the process of defining equality out into the open, and onto the constitutional agenda. In this process, women began exploring and developing the "meaning" of equality; moreover, they began questioning how the Constitution could best symbolize their equality. Many realized that the legal and political systems in Canada required that women abandon their sex/gendered identities if they wished to participate in them, and that "women's interests" were not welcome on the public agenda. The civil, political and social claims which women developed challenged those systems to ensure that women rights and participation encompassed equal treatment with men in general, and differentiated, or substantive, treatment for women when their sex/gendered identities required it. In doing so, women sewed the seeds of a new discourse of feminist equality

in Canada, which would continue to blossom in the 1980s and 1990s with the expanding concept of systemic discrimination.

The re-formulation of constitutional equality discourse became explicitly apparent during women's groups presentations to the 1985 Parliamentary Subcommittee on Equality Rights. The Committee was established during the three-year moratorium prior to the implementation of Section 15, to evaluate the compatibility of federal statutes, regulations, policies and programs with the rights outlined in Section 15. A substantially larger number of women's groups made presentations to the Subcommittee on Equality Rights than were made to the Special Joint Committee in 1980-81, including a larger number of Aboriginal women's organizations (Canada, 1985: 155)[1]. During the moratorium new coalitions had developed, such as the Legal Education and Action Fund (LEAF), the Charter of Rights Education Fund and the Charter of Rights Coalition (Vickers, 1993: 239) to ensure the substantive interpretation of women's rights. In examining many of their briefs, I found that during the three years between the Ad Hoc Conference and the implementation of Section 15 of the Charter, women's groups examined and exposed the effects of systemic discrimination in government laws and policies, thereby providing concrete recommendations for change on issues such as equal pay, pregnancy benefits, affirmative action, and childcare, among other issues.[2] The

---

[1] Those appearing before the committee did not include, however, NWAC or IRIW representatives.

[2] Some of the briefs analyzed include: the National Association of Women and the Law; the National Action Committee on the Status of Women; the Canadian Advisory Council on the Status of Women; the Saskatchewan Advisory Council on the Status of Women; the Newfoundland Status of Women Council; the

analyses of these issues illustrates that women actively began employing the substantive equality tools which they had begun to develop during the constitutional debates. My examination also illustrates that by 1985 groups in the Anglophone women's movement began to broaden their understanding of equality to include the concerns of women with disabilities and racial minority women, although the collective concerns of Aboriginal and Franco-Quebec women remained absent from their analyses. Anglophone women's understandings of substantive equality, therefore, still did not include the collective struggles of marginalized nationalisms.

2. Women's constitutional interests are formed as much from their national affiliations as by their sex/gendered specificities.

This study showed that the development of women's constitutional interests reflects the complexity of women's identities; namely, the combination of both their national and sex/gendered characteristics. The experiences of Franco-Quebec women, particularly during the referendum events in May, 1980, illustrate that women cannot divorce themselves from their needs as women *or* from their experiences as members of the Quebec nation. The strength of their affiliation to the Quebec nation/state was demonstrated in their lack of participation with, or understanding of, the Anglophone women's movement during the Charter debates. The goals of many Aboriginal women,

---

Northwestern Ontario Women's Decade Council; Quebec Native Women's Association; the Professional Native Women's Association; and the Indian Homemakers of B.C.

including those seeking "status", were informed by a sense of responsibility to their Aboriginal ancestry and nationhood. The collective right of Aboriginal self-government was sought by both members of NWAC and IRIW; although they differed with respect to how Aboriginal women's rights could be protected within Aboriginal nations. The nationalism of the Anglophone women's movement was an ever-present, yet invisible, thread throughout the 1980-81 constitutional debates, only becoming overt during the Quebec referendum, with their opposition to Quebec sovereignty. The pan-Canadian nationalism of the Anglophone women's movement was more subtly apparent in their primary orientation to the federal state during the constitutional debates, however, as well as in their inability to acknowledge the nationalist concerns of Franco-Quebec and Aboriginal women. In other words, the nationalism of the majoritarian Anglophone women's movement reflected an "ideal of impartiality", in which pan-Canadianism was an unspoken assumption, and to which it was thought all rational (feminist) women should adhere. Moreover, the central-Canadian dominance of the 1980-81 feminist constitutional debates contributed to the overshadowing of Aboriginal and Franco-Quebec women's nationalist concerns.

3. Both the Anglophone and Aboriginal women's movements experienced divisions about the appropriate *methods* of achieving constitutional equality.

Many "constitutional experts" view the activities of women in the 1980-81 constitutional debates as a monolithic experience, and few have explored the conflicts which developed among women during this time period. In my research I determined that

specific cleavages developed in both the Anglophone and Aboriginal women's movements about how the constitutional, legal and political processes could best achieve their citizenship goals. While the majority in the Anglophone women's movement supported an entrenched Charter of Rights, opposition developed from some socialist-feminists and Progressive Conservative women. Some socialist-feminists and Progressive Conservative women shared the fear that the introduction of the Charter would lessen the ability of provincial governments to govern the Canadian people. Unlike Progressive Conservative women, however, some socialist-feminists also believed that the introduction of the Charter (and the possible shift in power from the legislatures to the courts) would be harmful for women, by limiting points of access for lobbying by women's movements. The majority of women in the Anglophone movement, nevertheless, experienced mixed emotions about entrenching the Charter, choosing in the end to endorse it only if it included their sex/gendered interests.

The Aboriginal women's movement experienced conflict over how their citizenship could be substantively guaranteed in the Constitution. Although both of the major women's organizations supported entrenched sex equality rights and constitutional recognition of Aboriginal self-government, they differed over how those protections could be secured. The Native Women's Association lobbied more intensely for the recognition of collective rights, arguing that the rights of Aboriginal women would be protected, as a matter of course, with the implementation of Aboriginal self-government. While NWAC supported the Charter in principle, securing it was secondary to their collective

goals.[3] Indian Rights for Indian women, on the other hand, prioritized women's individual rights, and sought guarantees that Aboriginal women would have avenues of re-dress through the federal government to ensure their protection in Aboriginal communities, demonstrating the difficulties which many "non-status" women experienced after being disenfranchised. The conflict within the Aboriginal women's movement was mirrored in the Aboriginal societies; furthermore, it is one which still exists today.

4. **Women in the Anglophone, Aboriginal and Franco-Quebec women's movements believed that "women's interests" exist, although they are shaped by many aspects of identity, and thus the methods of defining and representing those interests are often elusive.**

The debate over whether women share representable interests has raged through feminist theories and practices over the last few decades. In my interviews, I found that women, especially in the Anglophone women's movement, believe that "women's interests" do exist which are based upon women's sex/gendered experiences. From my research on Aboriginal and Franco-Quebec women's groups I determined that many women believed their sex/gendered interests were not fully represented in the larger nationalist projects (of either Aboriginal organizations or the Quebec nation/state). Issues such as work, reproduction, violence against women, and women's roles in the family

---

[3] In the following decade, however, NWAC's position would reverse and NWAC would become a strong supporter of Charter rights. NWAC would challenged more firmly both the federal government and Aboriginal organizations to incorporate Aboriginal women's perspectives, as it became further involved in constitutional politics.

cut across the discourses of each of these three movements during the time period studied.

The definition of "women's interests", nevertheless, is rather elusive in the Canadian women's movement as a whole. While the women interviewed for this study believed in 1981 that increasing women's participation in public sphere decision-making would increase the chances of "women's interests" being raised, today they are more aware that differences, either ideological or identity-based, may preclude the possibility of easily defining just what those interests are, or of representing them adequately.

The definition of "women's interests" in each of the three women's movements examined, however, is influenced by the cultural context in which it operates. The citizenship right of "employment", for example, may require different, culturally-specific measures for Franco-Quebec women, Aboriginal women and Anglophone women to ensure substantive equality. In other words, whereas "national", or common pan-Canadian, programs administered by the federal government may provide substantive equality for Anglophone women, they may not (and often do not) address the substantive citizenship needs of Aboriginal or Franco-Quebec women. As a result, any representation of women in Canadian public and constitutional bodies must, at the least, incorporate women from these three cultures to ensure that their interests are included.

5. Women's constitutional claims in 1980-81 illustrate the beginning of citizenship concepts which include social rights and (government) responsibilities.

Prior to 1982 the Canadian Constitution had historically avoided recognizing state-

citizen relations; a situation altered by the introduction of the Charter of Rights. Moreover, prior to the late 1970s, the majority of women in Canada had opted not to pursue constitutional avenues of social change. Women's interests in the Charter illustrated, however, that women wanted protections for their civil, political *and* social rights; furthermore, they also argued that "rights" meant more than merely negative limitations on government actions. They required that governments acknowledge and sustain their *responsibilities* to the people of Canada, and specifically to the women of Canada. The Ad Hoc Conference provided a forum for some women to enunciate their expectations of governments, as illustrated by demands for social support of reproduction and other issues.[4] During the constitutional debates, Anglophone women's demands for social rights were limited, nevertheless, in that they chose *not* to define domestic-sphere citizenship responsibilities as a constitutional issue, whereas the desire to have responsibility recognized was expressed by Aboriginal women. And, although few Franco-Quebec women participated in the Charter debates, at the time both majoritarian women's movements were engaged in bitter debates about how domestic responsibilities (ie wages for housework) could be incorporated into their feminist projects. Though I understand the hesitation many women felt about inserting traditionally "female" responsibilities on to the constitutional agenda, nevertheless I feel that these issues need to be addressed if women are to achieve substantive equality.

---

[4] Women also demanded the constitutional recognition and provision of universal social programs in Canada, for example.

II Toward a More Inclusive Citizenship Praxis

In this study, I have used the categories of T.H. Marshall to examine the citizenship interests of women in Canada. I have not used his *theory* of citizenship, however, because it does not encompass many of the equality claims which women in Canada have sought. In this section, I will elaborate on a number of ways which a more inclusive theory and practice of citizenship could acknowledge and incorporate the interests of women in Canada.

First, an inclusive praxis must acknowledge that full citizenship requires more than treating all citizens the same at all times. The citizenship claims of historically marginalized and/or disadvantaged social groups must be acknowledged as legitimate, not pejoratively dismissed as the selfish demands of "special interests". This legitimation requires an understanding of citizenship which is substantive, in which the differences of citizens are respected and incorporated into the social, economic and political structures of our society. Changing the social structures to accommodate differences may (often) require the elimination of long-standing practices, or at the least their radical restructuring, to include different ways of being, and different ways of understanding the world in which we live. Moreover, an inclusive citizenship praxis must acknowledge power and privilege, in order to recognize how social groups are marginalized and/or oppressed, both overtly and invisibly. In particular, the euro-centric, white, male, heterosexual, able-bodied, and individualistic bias of modern concepts of citizenship must be exposed and challenged. Only by deconstructing traditional notions of citizenship can

we begin to conceptualize new ones that respect and incorporate diversity.

Second, an inclusive citizenship praxis must acknowledge and challenge the artificial divisions between the "civil", "public" and "domestic" spheres in society, in order to broaden the definition of "citizenship issues". The artificial divisions between the "public" and the "private/domestic" spheres have justified keeping women out of "public-sphere" activities, thereby relegating women to a position of second-class citizenship in the home. This division has prevented issues such as violence in the home, marital rape, domestic work, access to abortion and childcare from being fully addressed on the public agenda. Furthermore, the artificial division between "civil" society and the "public" state has often prevented the interests of working class women from being addressed in the legal structures of the state, thereby reinforcing class divisions in Canadian society. The divisions in Canadian law between "fundamental" human rights, and "conventional" civil rights, for example, perpetuates the belief that private (civil) sector activities are beyond the purview of the state, thus justifying the absence of collective bargaining rights from the Canadian Constitution. Therefore, an inclusive citizenship praxis must expose the divisions between "civil", "public" and "domestic" as artificial, in order to create a more holistic understanding of women's lives. In doing so, the term "citizen" can be seen as incorporating mothers, partners, and workers, as well as participants in the decision-making structures of the state.

Third, an inclusive citizenship praxis must acknowledge and legitimate rights *and responsibilities*. Incorporating citizenship responsibilities requires a recognition of two elements: the caring responsibilities in which women primarily engage in the "domestic"

sphere, due to their sex/gendered characteristics, and; the responsibilities of ensuring women's participation in "public" and "civil" sphere decision-making. Legitimizing women's experiences as care-givers in the citizenship context does not necessitate accepting these responsibilities as natural, or as self-fulfilling prophecies for women. Rather, putting these "practices" on the public agenda will make them part of the accepted norm of citizenship behaviour, making it easier for women to demand state support for, and increased male participation in, domestic duties.

As well, a second citizenship responsibility includes the ensured participation of women in the decision-making structures of the state and of "civil society". This responsibility is a shared one – between the state, "civil society" and women. The state and corporate organizations have a responsibility to create decision-making structures and practices which ensure the representation of disadvantaged and/or oppressed social groups, *and* include the interests of those groups. As citizens, women have a responsibility to engage in those decision-making structures to impact upon the issues which are discussed and the decisions which are taken. In making this argument, I recognize that citizenship participation, especially in the "formal politics" of constitutional decision-making, is often a difficult and/or impossible option for many women. Many working class women, women with disabilities, women with children, and others do not often have the time or the resources necessary to participate in "formal politics", whereas many more are able to participate in "informal politics", such as movement activities. Women's activities in "informal politics", therefore, need to be legitimized as citizenship participation. Furthermore, I believe that changing the structures and policies of "formal

politics" to accommodate women will also encourage their participation. If you build it, they will come.

Fourth, an inclusive citizenship praxis requires the recognition that within each state, more than one national identity can influence the development of legitimate citizen interests. In other words, it must be recognized that being a citizen of a state does not require that the citizen belong to only one national identity; conversely, the existence of multiple national collectivities within one state are conceivable and justifiable. Marshall argued that within each state, for example, individuals should aspire to a particular citizen "ideal" (1992); in Canada, that ideal is embodied in pan-Canadian nationalism. The collective concerns of Aboriginal people and Franco-Quebec nationalists are often considered incompatible with the ideal of Canadian nationalism; in some respects they are, because they challenge the belief that all citizens must adhere to one nationality. In my view, Canadian, Aboriginal and Franco-Quebec nationalisms can be compatible, only if we expand our concept of citizenship to recognize that the interests deriving from those nationalities are legitimate and deserve to be addressed within the Canadian Constitution, as well as within any feminist constitutional project.

In summary, an inclusive citizenship praxis requires a substantive interpretation and incorporation of women's rights and responsibilities, in a manner that transverses "civil", "public" and "domestic" boundaries. It must also include, at the least, women's interests that stem from their nationalist affiliations. Therefore, if the Canadian Constitution is, as Alan Cairns suggests, the way in which we define ourselves as a people and the priorities which we believe to be important, then women should continue

to insert their visions of substantive citizenship on to the constitutional agenda.

III Future Directions

It is my hope that this research will contribute to knowledge about women in Canada, and about their relationships to the Canadian Constitution. In this study I have examined a number of cleavages, nationalist and otherwise, which transversed the broader movement of women in Canada , in their efforts to obtain constitutional recognition; I believe that any future research in this area must assume a similar approach. Feminist and "mainstream" research can no longer ignore the contributions of diverse women. Moreover, I feel that creating such knowledge will contribute to a greater understanding between diverse women, thereby "building bridges" among the three elements of the women's movement discussed above, as well as with minority, disabled, lesbian and poor women who belong to the "fourth" element of the women's movement in Canada. Doing so will move us that much closer to a society which incorporates and legitimizes the identities of all women in Canada.

APPENDIX A

Resolutions Addressed[1] at the February 14, 1981 Ad Hoc Conference on Women and the Constitution (In order of appearance at the Conference)[2]

1. Whereas the proposed constitutional amendment discriminates against Canadians who may require public social services by its inclusion of 6.3.(b), which allows governments to restrict access to social services solely on the basis of the length of time that a person has lived in a province; and, whereas this section invalidates the portability requirements of several laws through which social and health services to Canadians are funded, be it resolved that we, women and peoples of Canada, demand the deletion of Section 6.3(b) from the proposed constitutional amendment (carried).*

2. That in the case of elected positions we recommend reform of the current electoral system to increase the participation of women (carried).*

3. That this meeting approves the principle of equitable representation of women throughout the political system. In the case of appointments to the Upper House, Boards, Commissions and the Bench, women should have equal access to appointments and positions and hold at least half the positions at all levels (carried).

4. That this conference endorses in principle the concept of an entrenched Charter (tabled).

5. That there be included in the Charter of Rights a preamble inspirational in nature

---

[1] A number of other issues that were suggested as resolution topics, but not discussed, include: the establishment of a permanent Conference on women's rights; minority language rights and Section 133 of the BNA Act; the right to peace; the right to an education; the right of people in a marriage to remain individuals; changing the word "patriation" to "matriation"; a demand for the resignation of Lloyd Axworthy; and, sending a telegram to the Prime Minister outlining women's constitutional concerns (Film Reel 8).

[2] The resolutions with asterixes were not made public by organizers of the Ad Hoc Conference, or addressed in academic research to date.

(carried).

6. That Clause 1 include a statement of purpose providing that the rights and freedoms under the Charter are guaranteed equally to men and women with no limitations (carried).

7. That any limitation to Clause 1 should follow the format and the content of Article 4 of the United Nations International Covenant on Civil and Political Rights (carried).

8. That the word person should be used throughout the Charter, in lieu of any word denoting human being (carried).

9. That Clause 7 be amended to include the right to reproductive freedom (carried).

10. That Clause 7 be amended to include the right to equality of economic opportunity (carried).

11. That Clause 7, which includes the right to security, also include the right to privacy (tabled).*

12. That the list of prohibited grounds of discrimination in Clause 15(1) be amended to include marital status (carried).

13. That the list of prohibited grounds of discrimination in Clause 15(1) be amended to include sexual orientation (carried).

14. That the list of prohibited grounds of discrimination in Clause 15(1) be amended to include political belief (carried).

15. That Clause 15(1) contain a two-tiered test recognizing that there shall be no discrimination on the basis of sex, race, religion, colour, national or ethnic origin, mental or physical disability, age, marital status, sexual orientation, and political belief, and that there be a compelling reason for any distinction on the basis of sex, race, religion, colour, or national or ethnic origin, sexual orientation or political belief (carried).

16. That affirmative action programs under Clause 15 (2) should apply only to disadvantaged groups as listed under clause 15 (1) and not to individuals (carried).

17. That Clause 15 (2), concerning affirmative action, be mandatory (defeated).*

18. That Clause 26 on multiculturalism be dealt with in the preamble of the Charter (carried).

19. That Clause 26 must clearly be shown to be subordinate to Clause 15 (1) in the Charter (not voted on).*

20. That Clause 29 (2), the three year moratorium on the implementation of Clause 15, be deleted from the Charter (carried).

21. That we, women and peoples of Canada, declare our view to the governments of Canada and the provinces, that the current process of constitutional reform is inadequate to meet the aspirations and beliefs of Canadians, that the process does not reflect the concerns, commitments and involvement which we as Canadians believe to be essential to a democratic and non-violent process of constitutional reform, and that therefore the present process should be immediately abandoned. Be it further resolved that governments and the peoples of Canada immediately begin together the development of a process of constitutional reform which reflects our history, our hopes and our beliefs as Canadians (not voted on).*

22. That this conference endorse in principle the concept of a Charter of rights as per the recommendation that have been passed today (carried).

23. That unless the Charter reflect the amendments made here today, that it not be included to the submission to the British Government in order to provide time to incorporate these amendments (carried).

24. That the women of this Conference support bringing home the Constitution with an amending formula (carried).

25. That failing the full adoption of our amendments, incorporation of a Charter of Rights be accomplished by a constituent assembly composed of 50% women (carried).

26. That the Women's Conference on the Constitution insist on a full and fair debate in Parliament on the constitutional package before it and oppose any use of closure on that debate (carried).

27. That a lobby group be organized from volunteers present at the Conference, to inform members of Parliament of the views of the Conference (carried).*

APPENDIX B

Resolution Presented by the Native Women's Association of Canada to the February 14, 1981 Ad Hoc Conference

We, the Aboriginal women of this land, are making representation to the government of Canada to declare the sovereignty of our peoples and to serve notice that we intend to relate to Confederation as equal partners with the federal and provincial orders of government. As women, we speak for ourselves, our children, and the generations yet unborn, and join with the Aboriginal Peoples of this land in unity to declare that our rights, our nations and our sovereignty are ours to proclaim and ours to exercise. We want you to convey to the government of Canada our willingness to negotiate and participate in such as partnership.

We believe that it is the fundamental right of every person of Aboriginal descent to be recognized as such.

We believe that the Aboriginal people hold a special relationship with the British Crown that cannot be extinguished by any government.

We believe that the Aboriginal people of this land belong to sovereign nations that have the right to self-determination.

We believe that the Aboriginal rights, set out in the treaties, agreements and conventions and as based on our historical claim to this land, must be recognized.

We believe that the government of Canada must recognize that the Aboriginal people have the right to determine their own form of government.

We believe that it is the right of Aboriginal people to determine their own citizenship, and that it is the right of all people of Aboriginal descent who so wish to be recognized as such.

We believe that it is the right of the Aboriginal people to retain the uniqueness and vitality of their cultures, customs, languages, and heritages.

We believe that no act of the governments of Canada may abrogate, expropriate or extinguish Aboriginal rights, including treaty rights.

We believe that the Aboriginal people have the right to negotiate as sovereign nations with the governments of Canada to change, alter or amend Aboriginal rights through treaties or agreements.

We believe that it is the fundamental right of Native women to have access and participation in any decision-making process, and full protection of the law without discrimination based on sex or marital status.

We believe that the rights of our children must be protected.

We believe that Native women and children must have equal access to all social, economic, health and educational opportunities.

We believe that the rights of Aboriginal people must extend to all people of Aboriginal descent no matter where they live.

We believe that our future lies as sovereign nations with our rights as women protected. We desire to live under a government of our own making.

We believe that the Constitution of Canada and not the Charter of Rights must state that the Aboriginal people belong to sovereign nations and that the government of Canada will honour our sovereignty.

We believe that the Charter of Rights must provide protection for all women.

And whereas the Native Women's Association of Canada will not end its struggle until the Aboriginal rights of our people are affirmed, protected, and enshrined in such a way that those rights are beyond the control, influence, altering or amending by any other government, save Indian government;

And whereas our struggle is so crucial to the survival of our peoples, our children, and our future generations, that we will do whatever is necessary to reach our goals,

Therefore, be it resolved that the Women at the Constitutional Conference support NWAC in its struggle on behalf of all native women.

APPENDIX C

1981 Ad Hoc Conference on Women and the Constitution Endorsements

Alberta Status of Women Action Committee

Association des fermières de l'Ontario

B.C. Association of University & College Employees

Canadian Abortion Rights Action League

Canadian Association for Adult Education

Canadian Association of Canadian Unions

Canadian Congress for Learning Opportunities for Women

Canadian Research Institute for the Advancement of Women

Canadian Textile & Chemical Workers Union

Canadian Union of Educational Workers

Clark, Eileen – President, Canadian Federation of University Women

Federation of Business & Professional Women's Association

Fédération de femmes Canadiennes françaises

Federation of Women Teacher's Association of Ontario

Feminist Party of Canada

Gradenwitz Management Services

Hospitality Toronto (Member of Canadian Association of Women Executives)

International Women's Day Committee, Toronto

Junior League of Toronto

Lyon Association Inc.

National Action Committee on the Status of Women

New Brunswick Advisory Council on the Status of Women

Newfoundland-Labrador Advisory Council on the Status of Women

Newfoundland Status of Women Council

North Shore Women's Centre, B.C.

Ottawa Women's Lobby

Peterborough Women's Committee

Planned Parenthood Federation of Canada

Prince Edward Island Advisory Council on the Status of Women

Provincial Nurse Educators, Ontario

Rape Crisis Centre, Ottawa

Rape Crisis Centre, Winnipeg

Registered Nurse's Association of Ontario

Resource d'action et d'information pour les femmes-Québec

Saskatchewan Action Committee on the Status of Women

Saskatchewan Advisory Council on the Status of Women

Seeley-Butler, Joanne

Toronto Association of Women and the Law

Union Culturelle des Franco-Ontariennes

University Women's Club of North Toronto

Vancouver Status of Women

Voice of Women

Women's Career Counselling

Women's Counselling, Education & Referral Centre, Toronto

Women's Employment Counselling Service Outreach

Women's Inter-Church Council of Canada

Women for Political Action

Women's Research Centre, B.C.

Women's Resource Centre, Whitehorse

Women's Rights Committee of B.C., N.D.P.

Women Teacher's Association of Huron County

Women Teacher's Association of Espanola

Women Teacher's Association of Temiskaming

Women Teacher's Association of Kenora

Women University Professor's of Queen's University

YMCA, Metro Toronto

BIBLIOGRAPHY

Primary Sources

Ad Hoc Committee. (1981) Conference invitation to women's groups and list of Conference endorsements, undated.

Ad Hoc Conference on Women and the Constitution Audio Recordings, February 14 and 15, 1981. Housed at the Canadian Women's Archives, Ottawa University, Ottawa Ontario. Tapes 1-10.

Ad Hoc Conference on Women and the Constitution Film Footage, February 14 and 15, 1981. Housed at the National Film Board, Montreal, Quebec. Reels 1-12, 14-16, 20-24.

"Ad Hoc Conference on Women and the Constitution Summary of Resolutions Passed". (1981) February 14 and 15.

"Ad Hoc Conference Summary of the Recommendations of Some of the Major Women's Groups With Respect to the Proposed Charter of Rights and Freedoms". (1981) Compilation, February 11.

Alberta Status of Women Action Committee. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

"Anderson Affair Causes ACSW Uproar and Operation Butterfly". (1981) *Kinesis*, February, 8.

"Anderson Quits Post in Battle With Axworthy". (1981) *Winnipeg Free Press*, January 21, A9.

Anderson, Doris. (1981) "How Clique Forced Me To Quit", *Montreal Gazette*, February 14, A23.

—. (1981) "The Axworthy Affair", *Ottawa Magazine*, April, 21-24.

—. (1996) Personal Interview, Ottawa, October 19.

Austen, Ian. (1981) "Anderson lost control of council, Axworthy claims", *Globe and Mail*, February 2, A5.

"Axworthy Flays Anderson as She Quits Council Post". (1981). *Vancouver Sun*, January 21, A15.

Axworthy, Lloyd. (1981) "Row Hides Progress on Rights – Axworthy", *Montreal Gazette*, February 14, A23.

Billings, Rosemary. (1996) Personal Interview, Ottawa, October 7.

Bonenfant, Claire. (1981) "Les Québécoises et la Constitution", *La Gazette des Femmes*, Vol. 2, No. 7, February, p. 27.

Canada. *Consolidation of Proposed Resolution and Possible Amendments As Placed Before the Special Joint Committee By the Minister of Justice*. (1981) January.

–. *Constitution Act*, 1982.

–. Minister of Justice and Attorney General. (1981) "Government Response to Representations For Change to the Proposed Resolutions", January 12.

–. Special Joint Committee on the Constitution of Canada. (1980-81) *Minutes of Proceedings and Evidence*. 9:57, November 20.

–. Special Joint Committee on the Constitution of Canada. (1980-81) *Minutes of Proceedings and Evidence*. 9:123, November 20.

–. Special Joint Committee on the Constitution of Canada. (1980-81) *Minutes of Proceedings and Evidence*. 17:63, December 2.

–. Special Joint Committee on the Constitution of Canada. (1980-81) *Minutes of Proceedings and Evidence*. 17:83, December 2.

–. Special Joint Committee on the Constitution of Canada. (1980-81) *Minutes of Proceedings and Evidence*. 22:50, December 9.

–. Special Joint Committee on the Constitution of Canada. (1980-81) *Minutes of Proceedings and Evidence*. 24:60, December 11.

–. Special Joint Committee on the Constitution of Canada. (1980-81) *Minutes of Proceedings and Evidence*. 24:98, December 11.

Committee on the Constitution of Canada, December 11. Ottawa: National Archives.

Canadian Advisory Council on the Status of Women. (1980) *Annual Report*. Ottawa: Minister of Supply and Services.

—. (190a) *Submission to the Special Joint Committee on the Constitution*, November 18. Ottawa: Canadian Advisory Council on the Status of Women.

Canadian Association of Lesbians and Gay Men. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, December 11. Ottawa: National Archives.

Canadian Association of Social Workers. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November 29. Ottawa: National Archives.

Canadian Congress for Learning Opportunities for Women. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, December 11. Ottawa: National Archives.

Canadian Federation of Business and Professional Women. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November 25. Ottawa: National Archives.

Canadian Federation of University Women. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November 11. Ottawa: National Archives.

Canadian Research Institute for the Advancement of Women. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Catholic Women's League of Canada. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November. Ottawa: National Archives.

Cole, Susan. (1981) "What Price Status?", *Broadside*, Vol. 2, No. 4, February, 1-3.

Collins, Anne. (1982) "Which Way to Ottawa?" *City Woman Magazine*, Holiday edition, 12-32.

Corner Brook Status of Women Council. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of

Collins, Anne. (1982) "Which Way to Ottawa?" *City Woman Magazine*, Holiday edition, 12-32.

Corner Brook Status of Women Council. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Cunningham, Marg. (1981) "One Thousand Women Gather in Ottawa to Discuss Constitution", *Kinesis*, March, 5.

de Sève, Micheline. (1996) Personal Interview, Ottawa, October 26.

Dolment Marcelle. (1981) "Le Québec et les femmes", *Status of Women News*, Vol. 7, No. 1, Fall, 17-19).

Egan, Carolyn. (1996) Personal Interview, Toronto, October 4.

Fern, Margaret. (1996) Personal Interview, Ottawa, October 13.

Gray, Elizabeth. (1981) "Women's Fight to Get in From the Cold", *Globe and Mail*, January 30, A7.

—. (1981a) "The Exit of An Iron Will", *MacLean's Magazine*, Vol. 94, No. 5, February 5, 28- 29.

Hacker, Pat. (1996) Telephone Interview, November 4.

Indian Homemakers Association of B.C. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Indian Rights for Indian Women. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, December 2,. Ottawa: National Archives.

Kome, Penney. (1983) "Anatomy of a Lobby", *Saturday Night Magazine*, January, 9-11.

Lavigne, Yves. (1981) "Axworthy is Defended by PM in his Role With Women's Group", *Globe and Mail*, January 22, A1.

—. (1981) "MPs Rake Axworthy over coals for turmoil in women's group. *Globe and Mail*, January 23, A1.

Lawrence, Judith. (1980) "Axworthy Chopped Up", *Broadside*, Vol. 2, Nos 1 & 2, p. 13.

Lawrence, Judith and Jane Hastings. (1980) "Bill of Rights: One Preposition for All", *Broadside*, December, p. 7.

—. (1981) "Valentine's Day Revenge", *Broadside*, Vol. 2, No. 5, 5.

Linzey, Joanne. (1981) "ACSW Member Tells the Other Side of the Doris Anderson Story", *Kinesis*, April, 17.

Maas, Alex. (1980) "Quebec Referendum: What Now?", *Broadside*, Vol. 1, No. 8, June, 1.

MacPherson, Kay. (1981) "Women Make It Happen", *Broadside*, Vol. 2, No. 5, 4.

McDonald, Flora. (1996) Telephone Interview, Ottawa, October 5.

McDonald, Lynn. (1981) "The Charter of Rights and the Subjection of Women", *Canadian Forum*, June-July, p. 17-18.

—. (1996) Interview Questionnaire, October 22.

—. (1979) "NAC Update", *Status of Women News*, Vol. 6, No.1, Winter, 19-21.

—. (1980) "NAC Update", *Status of Women News*, Vol. 6, No. 2, Spring, 25-26.

—. (1980) "NAC Update", *Status of Women News*, Vol. 6, No. 3, Summer, 19-20.

McGulgan, Morgan. (1980) "Québécoises Discuss Priorities with Vancouver Feminists", *Kinesis*, July, 21.

McPhedran, Marilou. (1996) Personal Interview, Toronto, November 4.

"NAC: Women's Role in the Constitution a Priority". (1980) *Kinesis*, July, 8.

National Action Committee on the Status of Women. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

—. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November 20. Ottawa: National Archives.

National Association of Women and the Law. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, December 9. Ottawa: National Archives.

National Council of Women. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November 14. Ottawa: National Archives.

Native Women's Association of Canada. *Submission to the Special Joint Committee on the Constitution of Canada*, December 2. Ottawa: National Archives.

Northwestern Ontario Women's Decade Council. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Nova Scotia Advisory Council on the Status of Women. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Nye, Linda. (1996) Personal Interview, Toronto, November 5.

O'Brien, Mary. (1981) "The Constitution in Context", *Broadside*, Vol. 2, No. 4, February, 6-7.

Ontario Progressive Conservative Women's Association. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November 16. Ottawa: National Archives.

Planned Parenthood. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, December 30. Ottawa: National Archives.

Port Coquitlam Area Women's Centre. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, December 9. Ottawa: National Archives.

Porter, Jill. (1981) "Issue Was Not Anderson's Leadership But Right to Representation", *Kinesis*, June, 12.

Professional Native Women's Association. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Penner, Norman. (1981) "The Left and the Constitution", *Canadian Forum*, June-July, p. 10-14.

Prince Edward Island Status of Women Council. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Quebec Native Women's Association. (1985) *Submission to the Parliamentary*

Prince Edward Island Status of Women Council. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Quebec Native Women's Association. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Regina Status of Women. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Richardson, Karen. (1981) "No Indian Women...No Indian Nation", *Ontario Indian*, Vol. 4, No. 5 (10-12).

Saskatchewan Action Committee, Status of Women. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Saskatchewan Advisory Council on the Status of Women. *Submission to the Special Joint Committee on the Constitution of Canada*, December. Ottawa: National Archives.

Saskatchewan Native Women's Association. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

St. John's Status of Women Council. (1985) *Submission to the Parliamentary Subcommittee on Equality Rights*. Ottawa: Committee Branch, House of Commons.

Thomson, Tamra. (1996) Personal Interview, Ottawa, November 11.

"Un Salaire pour le travail ménager?" (1981) *La Vie en Rose*, March-May, 14-19.

Vancouver Status of Women and Women's Resource Centre of B.C. *Submission to the Special Joint Committee on the Constitution of Canada*, November 24. Ottawa: National Archives.

Van Slot, Barbara. (1981) "The Mothers of Confederation", *Hysteria*, Vol. 1, No. 3, Winter, 20.

Voice of Women. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November 21. Ottawa: National Archives.

"What's All This Constitution Talk Got to do With Feminists?" (1980) *Kinesis*, November, 8-9.

"What Constitutional Rights We Women Want – And Won't Get". (1981) *Kinesis*, March, 3-4.

Women for Political Action. (1980) *Submission to the Special Joint Committee on the Constitution of Canada*, November 21. Ottawa: National Archives.

Wood, Jean. (1981) "Who Represents Canadian Women?", *Status of Women News*, Vol. 7, No. 1, 4-5).

Zaremba, Eve. (1980) "Deconfederation", *Broadside*, Vol. 1, No. 9, 1.

Secondary Sources

Abele, Frances and Daiva Stasiulis. (1989) "Canada as a 'White Settler Colony': What About Natives and Immigrants?" in W. Clement and G. Williams (eds) *The New Canadian Political Economy*. Montreal: McGill-Queen's University Press.

Adamson, Nancy, L. Briskin and M. McPhail. (1988). *Feminist Organizing for Change: The Contemporary Women's Movement in Canada*. Toronto: Oxford University Press.

Aggamaway, Marlene Pierre. (1989) "Native Women and the State" in J. Turner and L. Emery (eds) *Perspectives on Women*. Winnipeg: University of Manitoba Press.

Agnew, Vijay. (1996) *Resisting Discrimination: Women from Asia, Africa, and the Caribbean and the Women's Movement in Canada*. Toronto: University of Toronto Press.

Arscott, Jane and L. Trimble. (1997) "In the Presence of Women: Representation and Political Power", in Jane Arscott and L. Trimble (eds) *In the Presence of Women: Representation in Canadian Governments*. Toronto: Harcourt Brace and Company.

Axworthy, Thomas S. (1986). Colliding Visions: the Debate Over the Charter of Rights and Freedoms 1980-81", in J. Weiler and R. Elliot (eds) *Litigating the Values of a Nation: the Canadian Charter of Rights and Freedoms*. Toronto: Carswell.

Ayim, Maryann. (1979) "A Comparison of Women's Rights and Minority Group Rights Within the Framework of the Confederation Debate", in Stanley French (ed)

Philosophers Look at Canadian Confederation. Montreal: The Canadian Philosophical Association.

Bacchi, Carol Lee. (1983). *Liberation Deferred? The Ideas of the English-Canadian Suffragists, 1877-1918.* Toronto: University of Toronto Press.

Baines, Beverley. (1981) "Women, Human Rights and the Constituion" in Audrey Doerr and Micheline Carrier (eds) *Women and the Constitution in Canada.* Ottawa: Canadian Advisory Council on the Status of Women, 31-63.

Bayefsky, Anne. (1986) "The Orientation of Section 15 of the Canadian Charter of Rights and Freedoms", in J. Weiler and R. Elliot (eds) *Litigating the Values of a Nation: the Canadian Charter of Rights and Freedoms.* Toronto: Carswell.

Bear, Shirley. (1991) "You Can't Change the Indian Act?", in Jeri Dawn Wine and Janice Ristock (eds) *Women and Social Change: Feminist Activism in Canada.* Toronto: James Lorimer and Co.

Begin, Monique. (1992). "The Royal Commission on the Status of Women: Twenty Years Later", in C. Backhouse and D. Flaherty (eds), *Challenging Times: The Women's Movement in Canada and the United States.* Montreal: McGill-Queen's University Press.

Bourne, Paula. (1993) "Women, Law and the Justice System", in R. Pierson, M.G. Cohen, P. Bourne, and P. Masters (eds) *Canadian Women's Issues: Twenty-Five Years of Women's Activism in English Canada.* Toronto: Lorimer.

Bowman, Myrna. (1981) "From Bad to Worse in One Easy Step", in A. Doerr and M. Carrier (eds) *Women and the Constitution in Canada.* Ottawa: Canadian Advisory Council on the Status of Women.

Brodie, Janine. (1994) *Politics on the Boundaries: Restructuring and the Canadian Women's Movement.* North York: Robarts Centre for Canadian Studies.

Brodsky Gwen and Shelagh Day. (1989) *Canadian Charter Equality Rights For Women: One Step Forward or Two Steps Back?* Ottawa: Canadian Advisory Council on the Status of Women.

Burt, Sandra (1983) "Women and the Canadian Charter of Rights and Freedoms: A Case Study of Women's Groups and Canadian Public Policy", Presentation to the Canadian Political Science Association Annual Meeting, University of British Columbia, June 7.

−. (1988) "The Charter of Rights and the Ad Hoc Lobby: The Limits of Success", *Atlantis*, Vol. 14, No. 1, Fall (74-81).

Busque, Ginette. (1991) "Why Women Should Care About Constitutional Reform", in D. Schneidermann (ed) *Conversations Among Friends: Women and Constitutional Reform*. Edmonton: Centre for Constitutional Studies.

Cairns, Alan. (1992) *Charter Versus Federalism: The Dilemmas of Constitutional Reform*. Montreal and Kingston: Queen's University Press.

−. (1991) *Distruptions: Constitutional Struggles from the Charter to Meech Lake*. Toronto: McLelland and Stewart, Inc.

−. (1993) "The Fragmentation of Canadian Citizenship", in W. Kaplan (ed) *The Meaning and Future of Canadian Citizenship*. Montreal: McGill-Queen's University Press.

−. (1988). "The Politics of Constitutional Conservativism" in Douglas Williams (ed) *Constitution, Government, and Society in Canada: Selected Essays by Alan Cairns*. Toronto: McClelland and Stewart.

Carrier, Micheline. (1981) "Women's Rights and 'National Interests'", in A. Doerr and M. Carrier (eds) *Women and the Constitution in Canada*. Ottawa: Canadian Advisory Council on the Status of Women.

Chretien, Jean (1990). "Bringing the Constitution Home" in Thomas Axworthy and Pierre Elliot Trudeau (eds) *Towards a Just Society: The Trudeau Years*. Markham: Penguin Books.

Clio Collective, The. (1987) *Quebec Women: A History*. Toronto: Women's Press.

Coole, Diana. (1993) *Women in Political Theory: From Ancient Misogyny to Contemporary Feminism*. Boulder: Lynne Rienner Publishers, Inc.

Danylewycz, Marta. (1987). *Taking the Veil*. Toronto: McClelland and Stewart, 1987.

Dawson, Brettel. (1993). "The Significance of Legal Personhood", in T. Brettel Dawson (ed) *Women, Law and Social Change: Core Readings and Current Issues*. Second edition. North York: Captus Press.

de Séve, Micheline. (1992) "The Perspectives of Quebec Feminists", in C. Backhouse and D. Flaherty (eds), *Challenging Times: The Women's Movement in Canada and the United States*. Montreal: McGill-Queen's University Press.

Duley, Margot Iris. (1993). "The Radius of Her Influence for Good: The Rise and Triumph of the Women's Suffrage Movement in Newfoundland, 1909-1925", in Linda Kealey (ed) *Pursuing Equality*.

Dumont, Micheline. (1992) "The Origins of the Women's Movement in Quebec", in C. Backhouse and D. Flaherty (eds), *Challenging Times: The Women's Movement in Canada and the United States*. Montreal: McGill-Queen's University Press.

—.(1995) "Women of Quebec and the Contemporary Constitutional Issue", in F.P. Gingras (ed) *Gender and Politics in Contemporary Canada*. Don Mills: Oxford University Press.

Eberts, Mary. (1981) "Women and Constitutional Renewal" in A. Doerr and M. Carrier (eds) *Women and the Constitution in Canada*. Ottawa: Canadian Advisory Council on the Status of Women.

—. (1986) "Strategy for Equality Litigation Under the Charter of Rights and Freedoms", in J. Weiler and R. Elliot (eds) *Litigating the Values of a Nation: the Canadian Charter of Rights and Freedoms*. Toronto: Carswell.

Eisenstein, Hester. (1991) *Gendershock: Practicing Feminism on Two Continents*. North Sydney, N.S.W.: Allen Publishers.

Fédération des Femmes du Québec. (1981) "Statement", in A. Doerr and M. Carrier (eds) *Women and the Constitution in Canada*. Ottawa: Canadian Advisory Council on the Status of Women.

Findlay, Sue. (1987) "Facing the State: The Politics of the Women's Movement Reconsidered", in H.J. Maroney and M. Luxton (eds) *Feminism and Political Economy*. Toronto: Methuen.

Fogarty, K.H. (1987) *Equality Rights and Their Limitations in the Charter*. Toronto: Carswell.

Fudge, Judy. (1987) "The Public/Private Distinction: The Possibilities of and the Limits to the Use of Charter Litigation to Further Feminist Struggles", *Osgoode Hall Law Journal*, Vol. 25, No. 3, p. 485-554.

Galeotti, Anna Elisabetta. (1993) "Citizenship and Equality: The Place for Toleration", *Journal of Political Theory*, Vol. 21, No. 4, p. 585-605.

Gotell, Lise (1991) *The Canadian Women's Movement, Equality Rights and the Charter.* Ottawa: Canadian Research Institute for the Advancement of Women.

Greschner, Donna. (1992) "Aboriginal Women, the Constitution and Criminal Justice", *University of British Columbia Law Review*, Special edition (338-366).

Hamilton, Sylvia. (1993) "The Women at the Well: African Baptist Women Organize", in *And Still We Rise.* Toronto: Women's Press.

Haussman, Melissa. (1992) "The Personal is Constitutional: Feminist Struggles in the United States and Canada", in Jill Bystydzienski (ed) *Women Transforming Politics: World Wide Strategies for Empowerment.*Bloomington: Indianna University Press.

Hernes, Helga. (1987) *Welfare State and Woman Power.* Oslo: Norwegian University Press.

Hôsek, Chaviva. (1983) "Women and the Constitutional Process", in K. Banting and R. Simeon (eds) *And No One Cheered: Federalism, Democracy and the Constitution Act.* Toronto: Methuen Press.

Huddart, Carol Mahood. (1981) "Property Division on Marriage Breakdown in the Common Law Provinces", in A. Doerr and M. Carrier (eds) *Women and the Constitution in Canada.* Ottawa: Canadian Advisory Council on the Status of Women.

Jackel, Susan. (1992) "Rethinking Equality and Citizenship" in D. Schneiderman (ed) *Conversations Among Friends: Proceedings of an Interdisciplinary Conference on Women and Constitutional Reform.* Edmonton: Centre for Constitutional Studies, 43-50.

Jamieson, Kathleen. (1979) "Multiple Jeopardy: The Evolution of the Native Women's Movement", *Atlantis*, Vol. 4, No. 2, Spring, p. 168-178.

Jean, Michele, Jacqueline Lamothe, Marie Lavigne and Jennifer Stoddart. (1986) "Nationalism and Feminism in Quebec: The Yvettes Phenomenon", in Roberta Hamilton and M. Barrett (eds), *The Politics of Diversity: Feminism, Marxism and Nationalism.* Montreal: Book Centre Inc.

Johnston, Darlene. (1993) "First Nations and Canadian Citizenship", in W. Kaplan (ed) *The Meaning and Future of Canadian Citizenship.* Montreal: McGill-Queen's University Press.

Knopff, Rainer and F.L. Morton. (1985) "Nation-Building and the Canadian Charter of Rights and Freedoms". Report of the Royal Commission on the Ecomonic Union and Development Prospects for Canada. Vol. 33, *Constitutionalism, Citizenship and Society in Canada* 133-82.

—.(1992) *Charter Politics*. Scarborough: Nelson.

Kome, Penney. (1983) *The Taking of Twenty-Eight: Women Challenge the Constitution*. Toronto: Women's Educational Press.

Lamoureux, Diane. (1987). "Nationalism and Feminism in Quebec: An Impossible Attraction", in Heather Jon Maroney and Meg Luxton (eds) *Feminism and the Politics of the Women's Movement*. Toronto: Methuen Press.

Lazreg, Marnia. (1994) "Women's Experience and Feminist Epistemology" in K. Lennon and M. Whitford (eds) *Knowing the Difference: Feminist Perspectives in Epistemology*. London: Routledge.

Leech, Marie. (1994) "Women, the State and Citizenship: Are women in the Building or in a Separate Annex?" in *Australian Feminist Studies*, 19, Autumn, 79-91.

MacKinnon, Catharine. (1987) *Feminism Unmodified: Discourses on Life and Law*. Cambridge: Harvard University Press.

—. (1991) "Reflections on Sex Equality Under the Law", *The Yale Law Journal*, Vol. 100, No. 5, p. 1281-1328.

Maille, Chantal. (1997) "Challenges to Representation: Theory and the Women's Movement in Quebec", in Jane Arscott and L. Trimble (eds) *In the Presence of Women: Representation in Canadian Governments*. Toronto: Harcourt Brace and Company.

Mandel, Michael. (1994) *The Charter of Rights and the Legalization of Politics*. Toronto: Thompson Educational Publishing.

Maracle, Lee. (1991) "Conversations: A Talking Circle", in D. Schneidermann (ed) *Conversations Among Friends: Women and Constitutional Reform*. Edmonton: Centre for Constitutional Studies.

Marshall, T.H. and Tom Bottomore. (1992) *Citizenship and Social Class*. Concord, MA: Pluto Press.

McDonald, Lynn. (1984) "The Supreme Court of Canada and the Equality Guarantees in the Charter", *Socialist Studies*, Vol. 2, 45-65.

McLaren, Angus. (1990) *Our Own Master Race: Eugenics in Canada, 1885-1945.* Toronto: McLelland and Stewart.

Milen, Robert (1991). "Aboriginal, Constitutional and Electoral Reform", in Robert A. Milen (ed) *Aboriginal Peoples and Electoral Reform in Canada.* Research Studies, Vol. 9, Royal Commission on Electoral Reform and Party Financing. Toronto: Dundurn Press.

Monture-Angus, Patricia. (1995) *Thunder in My Soul: A Mohawk Woman Speaks.* Halifax: Fernwood Publishing.

Mossman Mary Jane. (1995) "The Paradox of Feminist Engagement with the Law", in Nancy Mandell (ed) *Feminist Issues: Race, Class and Sexuality.* Scarborough: Prentice-Hall, 211-243.

Morton, F.L. (1992) *The Supreme Court as the Vanguard of the Intelligentsia: The Charter Movement as Post-Materialist Politics.* Calgary: University of Calgary Press.

Morton, F.L. (1995) "The Charter and Canada Outside Quebec" in Kenneth McRoberts (ed) *Beyond Quebec: Taking Stock of Canada.* Kingston and Montreal: McGill-Queen's University Press.

Native Women's Association of Canada. (1981) "Statement", in A. Doerr and M. Carrier (eds) *Women and the Constitution in Canada.* Ottawa: Canadian Advisory Council on the Status of Women.

Okin, Susan Moller. (1992) "Women, Equality and Citizenship", *Queen's Quarterly*, 99, 1, 56- 71.

Overall, Christine (1992) "Feminist Philosophical Reflections on Reproductive Rights in Canada" in C. Backhouse and D. Flaherty (eds) *Challenging Times: The Women's Movement in Canada and the United States.* Montreal: McGill-Queen's University Press.

Pateman, Carole. (1980) "'The Disorder of Women': Women, Love and the Sense of Justice" in *Ethics*, 9, 1, 20-34.

—. (1989) *The Disorder of Women: Democracy, Feminism and Political Theory.* Cambridge: Polity Press.

Rankin, Pauline. (1989) "The Politicization of Ontario Farm Women", in L. Kealey and J. Sangster, (eds) *Beyond the Vote: Canadian Women in Politics.* Toronto: University of Toronto Press.

Razack, Sherene. (1991) *Canadian Feminism and the Law: The Women's Legal Education and Action Fund and the Pursuit of Equality*. Toronto: Second Story Press.

Resnick, Phillip. (1995) "English Canada: The Nation that Dares Not Speak Its Name", in Kenneth McRoberts (ed) *Beyond Quebec: Taking Stock of Canada*. Montreal and Kingston: McGill-Queen's University Press.

Roberts, Barbara. (1988) *Smooth Sailing or Storm Warnings? Canadian and Quebec Women's Groups on the Meech Lake Accord*. Ottawa: Canadian Research Institute for the Advancement of Women.

Roberts, Wayne. (1979) "Rocking the Cradle for the World: The New Woman and Maternal Feminism, Toronto 1877-1914", in L. Kealey (ed) *A Not Unreasonable Claim: Women and Reform in Canada, 1880s to 1920s*. Toronto: Women's Press.

Rosenau, Rosenau. (1992) *Post-Modernism and the Social Sciences*. Princeton: Princeton University Press.

Russell, Peter. (1983) "The Political Purposes of the Canadian Charter of Rights and Freedoms", *The Canadian Bar Review*, Vol. 61 (30-55).

Russell P., R. Knopff and F.L. Morton (1989) *Federalism and the Charter*. Ottawa: Carleton University Press.

Sapiro, Virginia. (1981) "Research Frontier Essay: When Are Interests Interesting? The Problem of Political Representation of Women". *The American Political Science Review*, Vol. 75, 701-716.

Shepphard, Robert and Michael Valpy. (1982) *The National Deal: The Fight For a Canadian Constitution*. Toronto: Fleet Books.

Sigouin, Jocelyn. (1992) "Feminism and Nationalism in Quebec: A Critical Examination of the Feminist-Nationalist Relationship in the Yvette Phenomenom, the Meech Lake Accord, Quebec Liberal Family Policy and Quebec's Abortion Policies". Unpublished M.A. Research Essay, School of Canadian Studies, Carleton University, Ottawa, Ontario.

Sigurdson, Richard (1993) "Left and Right-Wing Charterphobia in Canada: A Critique of the Critics", *International Journal of Canadian Studies*, 7-8, Spring-Fall, 95-116.

Simeon R. and I. Robinson. (1990) *State, Society and the Development of Canadian Federalism*. Toronto: University of Toronto Press.

Smith, Lynn. (1986) "A New Paradigm for Equality Rights", in L. Smith, G. Cote-Hapter, R. Elliot and M. Seydegart (eds) *Righting the Balance: Canada's New Equality Rights*. Saskatoon: The Canadian Human Rights Reporter.

Stasiulis, Daiva and Rhadha Jhappan (1995). "The Fractious Politics of a Settler Society: Canada" in D. Stasiulis and N. Yuval-Davis (eds) *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class*. London: Sage.

Trimble, Linda. (1991) "Federalism, The Feminization of Poverty and the Constitution", in D. Schneidermann (ed) *Conversations Among Friends: Women and Constitutional Reform*. Edmonton: Centre for Constitutional Studies.

Trimble, Linda and Jane Arscott. (1997) "In the Presence of Women: Representation and Political Power", in L. Trimble and J. Arscott (eds) *In the Presence of Women: Representation in Canadian Governments*. Toronto: Harcourt Brace and Co.

Turpel, Mary Ellen. (1989) *Aboriginal Peoples and the Canadian Charter of Rights and Freedoms*, Canadian Woman Studies, Vol 10, Nos 2 & 3, Summer/Fall, (149-157).

Valentine, Fraser. (1996) "Locating Disability: People With Disabilities, their Movements and the Canadian Federal State". Unpublished M.A. Thesis, School of Canadian Studies, Carleton University, Ottawa, Ontario.

Valverde, Mariana. (1991) *The Age of Light, Soap and Water*. Toronto: McLelland.

Vickers, Jill, Pauline Rankin and Christine Appelle (1993). *Politics As If Women Mattered: A Political Analysis of the National Action Committee on the Status of Women*. Toronto: University of Toronto Press.

Vickers, Jill. (1986) "Equality-Seeking in a Cold Climate", in L. Smith, G. Cote-Hapter, R. Elliot and M. Seydegart (eds) *Righting the Balance: Canada's New Equality Rights*. Saskatoon: The Canadian Human Rights Reporter.

—. (1989) "Feminist Approaches to Women in Politics" in L. Kealey and J. Sangster (eds) *Beyond the Vote: Canadian Women in Politics*. Toronto: University of Toronto Press.

−. (1991) "Why Should Women Care About Constitutional Reform?", in D. Schneidermann (ed) *Conversations Among Friends: Women and Constitutional Reform*. Edmonton: Centre for Constitutional Studies.

−. (1992). "The Intellectual Origins of the Women's Movement in Canada", in C. Backhouse and D. Flaherty (eds), *Challenging Times: The Women's Movement in Canada and the United States*. Montreal: McGill-Queen's University Press.

−. (1993a) "The Canadian Women's Movement and a Changing Constitutional Order", *International Journal of Canadian Studies*, 7-8, Spring-Fall, 261-284.

−. (1994) "Note Toward a Political Theory of Sex and Power", in L. Radtke and H. Stam (eds), *Power/Gender: Social Relations in Theory and Practice*. London: Sage.

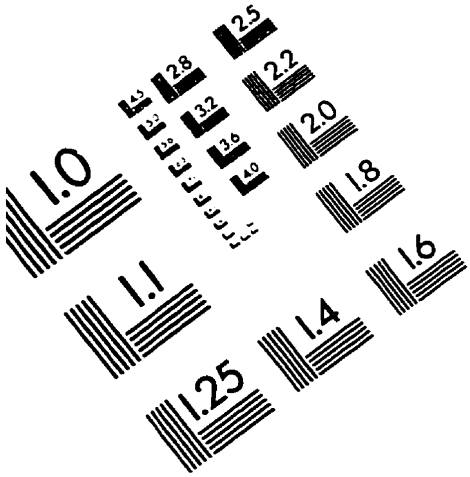
−. (1997) "Toward a Feminist Understanding of Representation" in Jane Arscott and L. Trimble (eds) *In the Presence of Women: Representation in Canadian Governments*. Toronto: Harcourt Brace and Company.

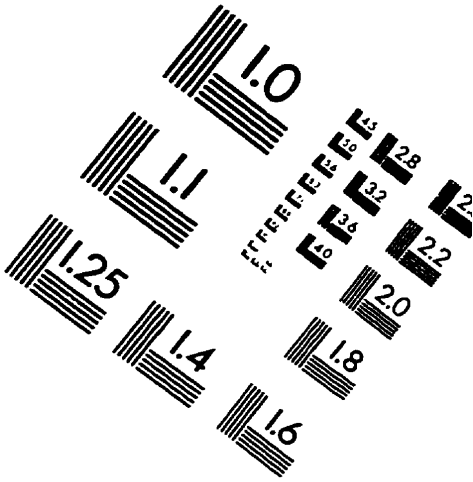
Voet, Rian. (1994) "Women as Citizens: A Feminist Debate", *Australian Feminist Studies*, 19, Autumn, 61-77.

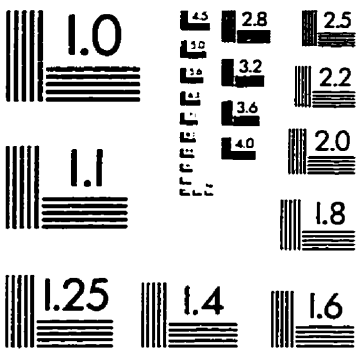
Young, Iris Marion. (1990) *Justice and the Politics of Difference*. Princeton, N.J.: Princeton University Press.

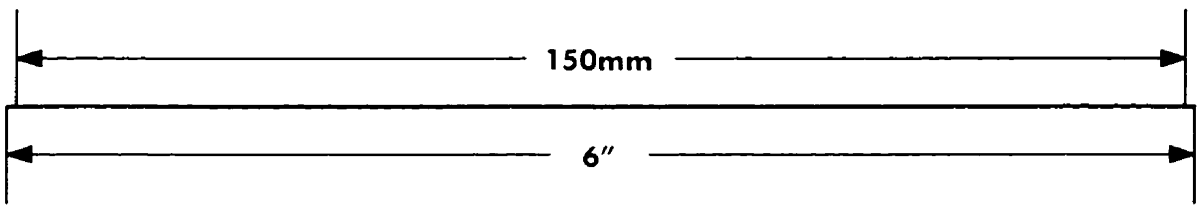
Yuval-Dvis, Nira. (1991) "The Citizenship Debate: Women, Ethnic Processes and the State", *Feminist Review*, No. 39, Winter, 58-68.

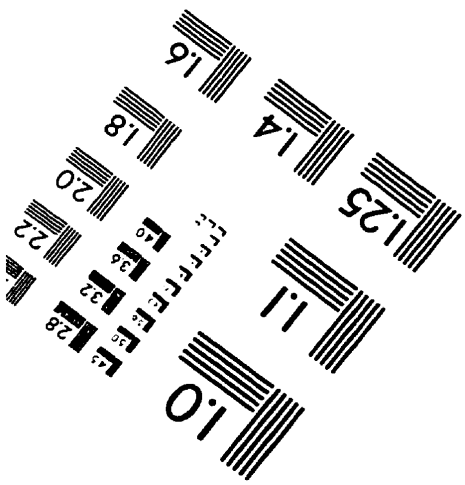
IMAGE EVALUATION
TEST TARGET (QA-3)

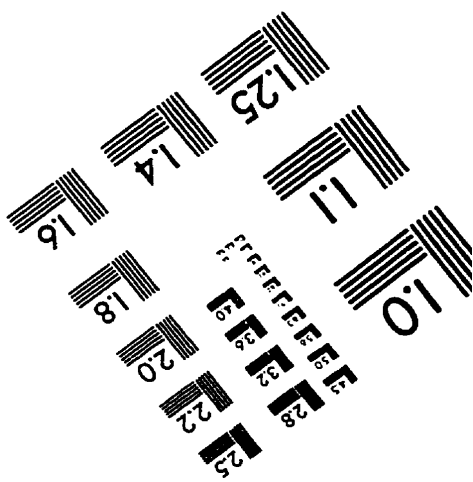












APPLIED IMAGE, Inc
1653 East Main Street
Rochester, NY 14609 USA
Phone: 716/482-0300
Fax: 716/288-5989