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Vols: 2

# Breaking the SILENCE

a feminist quarterly

## WOMEN'S CONFLICT WITH MAN'S LAW

### **The Family**

Custody & family law  
Man in the House

### **The sex trade**

Pornography  
Book Review: **Naked is the Best Disguise**

### **Psychiatry**

Interview with Persimmon Blackbridge

### **International violence**

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## collective

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### about *Breaking the Silence*

For too long women's voices—our struggles, and joy—have been silenced. Living in a patriarchal world, we have been separated from one another and from the mainstream of society.

The *Breaking the Silence* collective is committed to giving women a voice. In particular, we provide a forum for discussion on the social welfare needs of women—needs such as support services for survivors of violence, affordable housing, sufficient and good daycare, adequate pensions and employment.

We are committed to moving toward a world absent of oppression: be it sexism, racism, classism, homophobia or ageism. We are committed to helping to build a peaceful and humane world where women's ideas, experiences and activities are heard and made visible.

# from the collective



Women have a special relationship to the law because of our different circumstances, and because we have different needs which the law, created by and for men, simply doesn't serve well. In this issue of *Breaking the Silence*, we highlight the struggle to change laws which disadvantage women.

There are two kinds of discrimination against women under man's law: the kind that clearly and on the face of it sets out different rules for women than for men; and the kind that amounts to a more subtle discrimination because of women's different reality. An example of the first would be the old *Indian Act* provision that forced women but not men to give up their Native status if they married a non-Native. Examples of the second abound in this issue.

In "The Politics of Custody," Susan B. Boyd discusses how joint custody arrangements can in fact work against women, although on the face of it the law appears fair to everyone. Diane Chalmessin raises the issue of language in her article about the "man-in-the-house" rule which, in keeping with government attempts to use gender-neutral words, is called the "spouse-in-the-house" rule. This, she points out, masks the fact that the law is actually only applied to women, who constitute no less than 98 per cent of the sole support parents on welfare in Ontario. Chalmessin also asks, will this one change really make a substantial difference in the lives of single mothers on welfare?

For all the pitfalls involved, we nevertheless applaud the Ontario government, both for the abolition of the spouse-in-the-house rule, and for its recent initiatives in the area of pay equity. We recognize, of course, that there are bound to be lots of problems in the latter as well, but it's certainly the kind of progressive legislation we need as a first step in achieving full equality in the workplace and out of it.

One legal issue we haven't addressed here is that of reproductive choice, another classic example of both blatant and subtle discrimination against women. A popular anti-choice position in the Supreme Court case (which is being heard as we go to press) seems to be that the abortion laws apply equally to men — that if men bore children, they too would be affected. This is clearly nonsense. Men don't get pregnant; women do. Thus any law concerning the pregnant party herself (and not the "procurer of a miscarriage") concerns only women, not men.

We await the results of the Morgentaler appeal with hope and some trepidation. No doubt by the time you read this, the Supreme Court decision will have been made. Whatever the result, however, our struggle continues until women are fully equal, in all aspects of our lives, in the eyes of the law.

bts

# L . E . T . T . E . R . S

Breaking the Silence would like to encourage women to write—to make this a forum for your ideas, engage in dialogue on the issues that affect you, or respond to the articles published in BTS. We welcome your input!

by Gert Beadle

The following piece was enclosed in a letter from Gert Beadle of Kelowna B.C. She called it a "small extension to Jane Taylor's thought" (see "On Being Older and Wiser," Spring/Summer

1986, Vol. 4, No. 3/4). We found it inspiring, and felt that you would too. We used excerpts from Gert's letter for the biographical note at the end of this piece.

What do we think about when the nibblers have all had their piece of us, when the fruit of our passion and the proof of our foolishness expect nothing more from us but that we go quietly without naming our grievances? Shall we go back over it all looking for a bit of coloured glass in the shards and shatters that is worthy to be called a memory?

As we sit in the middle of a self that has lost all skin tone, taken over by the liver and its branding iron, going to wrinkle and ruin, what is the thought that keeps us smiling? Like weary freedom fighters they have almost killed us but we are freed at last, By God Almighty we are free at last.

Not all of us of course; freedom exacts a price and even the smallest price keeps us clutching the coat-tails of freedom but we find we are equipped like no time in our entire lives for untrammelled creative living. Many of us will destroy our nests and take to the road, travelling light metaphorically speaking, even desire is too heavy to carry and certainly hate is a waste of spleen and we have discovered uses for spleen

that are unlimited. A great untapped river of pure bile for a constipated universe.

The last thing we have dumped is illusion, even now we could hardly bear to part with that, remembering its importance to us in the past. We know at last that we are female, not a human bean, a vegetable of small import. Our Crone age has perfected the medieval evil eye, that which sees through the pretensions of man's best attempt to replace God in our lives and some remnant of mother care would still find us an excuse for his folly, were it not for his arrogance.

It is such pleasure to give him up finally, to no longer be tormented by the possibility that he may recant and repent, to accept the proposition that he will destroy himself eventually trying to hang on to a crumbling system, and those of us, who colluded in his nightmare have impeded the progress of civilization and of our own liberation.

How happy we are to turn ourselves over finally to ourselves with full trust of that mother in us to provide all that we need to sustain us.

bts

Gert Beadle says this about herself: "I have been putting to use my Crone instincts for the past ten years. In 1984, I was a recipient of the Persons Award and this year it seems I have been added to the membership of the Order

of Canada. I am on the verge of 71 as I speak; the movement is a vital part of my life. I think our culture is better served by impudent old women who can't be tempted by anything less than the mystery of themselves."

Dear *Breaking the Silence*,

I have just gotten *Breaking the Silence* and have read part of it – it's tremendous so far.

I very much value your serious attention to the really difficult questions of feminism and your attention both to theory and practice and their relationship, and your obvious commitment to stay open and non-sectarian without losing direction or denying important differences. I'm pleased that you featured Charlotte Bunch, who is an example to us on all these counts and is doing very important work at home and abroad. The concept of global feminism that she and others are articulating, living and developing is enormously important and it's good to see *Breaking the Silence* participating in the process.

In sisterhood,

Angela Miles

St. Francis Xavier University  
Antigonish, Nova Scotia

Dear *Breaking the Silence*,

I want to thank the *bts* collective for gathering together the diverse perspectives on feminism printed in the spring/summer issue (Vol. 4, no. 3/4). Woman after woman inspired me, enlightened me, educated me.

One distressed me.

My reactions to Deb Ellis' piece, "To Live Outside the Law," were first anger and then despair. If the intent of the article was satire, in my opinion it failed miserably. My views against flip radicalism are the same as my views on flip racism: I take words seriously. They are frighteningly powerful. Words reflect us. They affect us. They are never unimportant.

I feel as strongly as I do about what Ellis wrote because I agree with her. Desperate situations demand drastic action. We live in a country where people must risk imprisonment in order to provide women with safe abortions. We live in a country where women have felt it necessary to bomb a pornography store to make a point. These incidents are real. And horrible.

The crack in the foundations of Ellis' position is most graphically seen in her line, "The Women's Crime Collective will choose its targets with

continued on page 31

# Colleen's Story:



Illustration: Anne Warren

**One  
woman's  
conflict  
with the  
law**

Design: Tracy Clark

by "Colleen," as told to  
Ellen Adelberg and  
Claudia Currie

**I** was born in 1958 in Cornwall, Ontario. I lived there until I was 17 with my Mom and Dad and five brothers and sisters. When I was a kid, I had a great time. My parents were good. I had a fairly pleasant childhood. My first real traumatic ex-

perience, which I think affected the way my life went afterwards, happened when I was 15. I was hanging around with a bunch of other girls and guys, we were going out, going places, and I ended up getting pregnant. My parents sent me to Bethany Home in Ottawa. I had the baby there and gave it up immediately for adoption. I gave it up before I even saw it. I don't even know what it was. I knew I should give it up because I was still a baby myself. I couldn't

handle the responsibility. My parents felt I should give it up but, after I did, I always wished I had kept the baby with me. I think I wanted to get married and have more kids right away to make up for having lost my baby.

When I came back to Cornwall, I started working and then I went to my first dance. It was a mixed stag and that's where I met my ex-husband. After a few months, we took off and started travelling together. We travelled all over

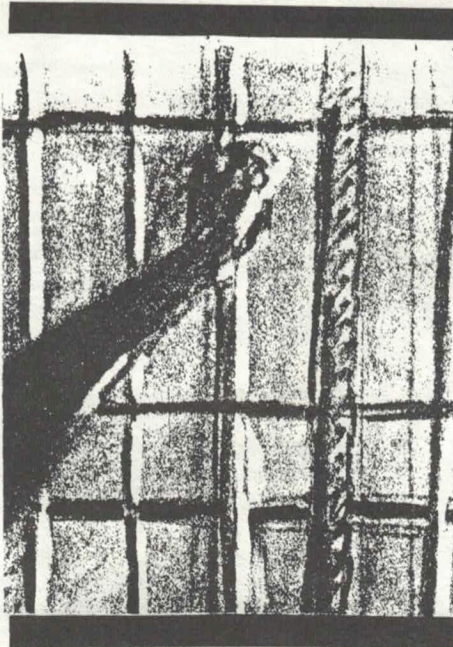
Canada, out to Vancouver, east to Prince Edward Island and then we ended up in Moncton. We stopped there after we found out I was pregnant. I didn't know I was pregnant until I started fainting a few times and he brought me to a hospital and they told me. They wanted to give me an abortion but my husband said "no way." He said: "That's my child and you're not going to get an abortion or give it up or nothing. We're going to keep it." I was so happy. It was a baby that I could keep and I had somebody who cared. We got married two months before the baby was born.

After we got married, I found out why my husband was always on the move. He was wanted by the police for fraud and other things like that. I had thought it was only for work. At first, after we got married, we had a good relationship. He loved me and I loved him. He was working. We were with a Church. Pete was working in a Bible store and we were living upstairs and we had all kinds of people helping us, bringing over clothes for the kid and having baby showers for me. Pete wasn't drinking and I wasn't smoking because of the Church. So we were just two normal people until he got fed up and stole money from downstairs, from where he was working. They had forgotten to lock the safe so he took some money and disappeared. He showed up three days later and we left and went back to Montreal.

In Montreal, things really fell apart with me and Pete. He was fooling around with other women, he was on welfare, and going to Blue Bonnet (ed: the race horse track). He was an alcoholic. I don't know if he took drugs but I know he was drinking and buying flowers for all his women and sending the bills to our place. And then he hit me once in a while and I couldn't stand it anymore and I just had to get out. While all this was happening, I had two more kids, one in 1977 and one in 1978. I finally left in 1981. I was fed up with having to knock on my neighbours' doors for peanut butter and bread to feed the kids.

During this time, before I left Pete, I got caught for fraud and was given two years probation. That was for forged cheques. I was also stealing credit cards but I never got caught for that. I know I'm lucky. I didn't have

any money though, and I wanted to get stuff for the kids, so I was willing to do almost anything. But I never got caught for drugs or drinking or beating people or anything. That wasn't my style, I wasn't raised that way. I have good parents. They stand by me and I love them and they love me. I know I'm not like most women here in the halfway house. They've been in worse positions than me. They've been beat when they were young.



When I left my husband, I left the kids behind. It was nighttime and they were all sleeping and I just left. I went and stayed with a girlfriend, at an apartment she had with her boyfriend. One thing led to another and within two weeks Sue, my friend, had taken off and I ended up getting involved with this guy. Frank was his name. During that time, my husband placed my kids with the Children's Aid. I spent six months looking for them and I finally found out where they were. They were in nice foster homes. I could go and visit them and the following year I had Christmas with them.

I was on welfare all of this time. I couldn't work because I was going to court all the time for custody of my children, and then the divorce. Also, Frank had this son who was 14. He had been in a home for emotionally-disturbed youths and he ran away and came and lived with us. I had a very tough struggle with my ex-husband to get custody of my

children. I finally did get custody but, just before this happened, my ex-husband got custody of my middle child, Cathy, on a thirty day trial. He disappeared with her. There was a Canada-wide warrant for him but he didn't show up for another 18 months, when I finally got my daughter back.

I'll never forget the day I got Cathy back. When I had last seen her, she was four and now she was six. She had gotten so big. We both just stared at each other and then she started yelling "Mummy, Mummy" and she ran right for me and she held me. She sat on my knee all the way home and most of the time we both just cried. I thought that finally all three of my children and I were reunited. We could all live together.

Even though I hate Frank today, I hate the man, I have to admit he kept his word about helping me get my children back. He did do that. But after I had them back, that's when the nightmare started. He had bought us a house. After we moved in there though, he started hitting us, all of us. At first he started with just hitting and then he started to torture the children, like putting them upside down in hot showers and hitting all of us with a cattle prod. It got worse and worse and I never did nothing about it because I was afraid to. I had just got my children back and I didn't want anybody to take them. He told me if I said anything to anybody he would kill me and the children. I knew he had a gun, a 32.

After all that I had been through, I didn't know what to do. I was in a state of mind where I wasn't insane, I knew what I was doing, but I was paralyzed. If I even went out of the house with make-up on Frank would beat the hell out of me because he thought another man would look at me. I was like in a jail, I realize now that's what it was.

Not long after we all started living in that house, Frank and I both got charged with three counts of aggravated assault on my kids. I'm still awaiting my trial for the charges. Frank already pleaded guilty. He got six years. But there's no way I'm going to plead guilty. I'm not guilty of the charges. I'm guilty of neglect, I know that. Even though I was terrified, it was neglect. There's no way out of it. But I'm not guilty of my charges. I'll

fight it until I'm six feet under for my children.

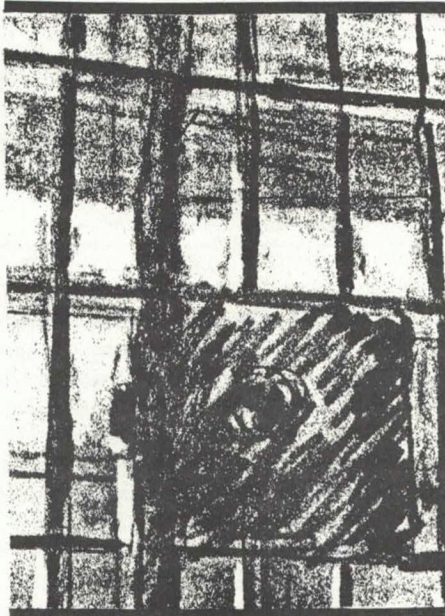
When they first picked me up and asked me to make a statement, I did, but it was all lies. I didn't know they had also picked up Frank. I was terrified that he wasn't in jail and that, if I told the truth and then I went home, he would kill me. Once before he had held a knife to my throat, a butcher's knife, and that was all I could think about.

Finally, I wrote out 11 pages of consent after they told me that they had picked him up and that he had shackles on. That was when I finally told the truth about who burned my son's hands, who broke my daughter's tooth, who did this, who did that... They sent me to Brockville Psychiatric Hospital for a thirty-day assessment. I don't need psychiatric help. I'm not a sick woman. I wanted them to get me out of there. Finally, they transferred me to the local detention centre. I was there for four months. Then I got permission to come to the halfway house.

When I was in jail, I had a terrible time. I made the mistake of telling one of the girls in there, who was from my hometown, what my charges were. She wanted to know the whole story so I told her. Then she went around telling everybody the story or at least her version of my story. I didn't know that when you go to jail, you got to keep your mouth shut. I just thought, "Oh, she's such a nice girl, somebody I can talk to." Anyway, it backfired on me. The other people all started throwing knives at me, forks, and pushing me against the cement wall and throwing brooms at me. I asked my lawyer to get me out of there, but the only place they could put me was in protective custody (ed: segregation). I couldn't be put in a little room. I couldn't breathe. I felt like I was having a nervous breakdown. It wasn't meant for me to be there. Finally, I got out and got to the halfway house.

The day I got out and got to the House, and I went to the store and bought a pack of cigarettes, was like the first day of a new life. Frank wasn't there to beat me. I could look at someone and smile and they weren't going to beat me up or think I'm a drunk or a dope addict or a pervert, which I'm not. I've been working for ten of the eleven months

since I've been here, at an answering service. It's good for me because I can't sit still right now. I'm too hyper. I got to get up and go. It's a great feeling when you know you're working from nine to five, you come home, have supper, relax, take a shower and go to bed. It feels beautiful. Because at the end of the week you know you're going to do your shopping and it's yours. You don't have to steal for it because you worked for it and nobody can take it away from you.



I'm very nervous right now about the outcome of my trial. I don't know what the outcome will be but, hopefully, when it's over, I can get my children. It would be no good for them to take my children away and throw me in jail. My children are small, they're young, they don't understand. It's not the love of another woman they need. It is helping them right now and I appreciate what the lady is doing for them because I'm not in a position to do it, but when everything is over I want them back with me. I can raise my kids. I can work for them, I know I can do it. I just need that chance. If I don't get that chance, then there's no point in me even existing because I won't have my three children. I already lost one when I was young, I don't intend to lose my other three.

That's why I'm working. I can't sleep at night. I have nightmares. I don't eat. If I eat, I feel sick. I will always have to live with having seen my kids beaten in front of me. As far as I'm concerned, that is far more

punishment than anything they could give me in court. I want the chance to make that up. I do feel guilty of neglect and I have to live with that. I did the best I could at home. What would another woman do in the same situation? Maybe kill the man. Who knows.

When I get my children back I will never live with another man. Ever. I'm seeing a man now. He's very nice. He knows everything. He's helping me to be strong. He gives me life, he makes me shine and I love him very much for it but I won't live with him. I can't do that to my children. It would go against my rights, my will. Can you imagine what it would do to my children's heads if I lived with another man. They'd say, "Wow mommy, you're crazy." It's going to be hard, but I'll make it. Alone. bts

The preceding account was taken from an interview conducted by Ellen Adelberg and Claudia Currie for a chapter in their forthcoming book on Canadian women's conflict with the law. Colleen (a pseudonym) was one of ten women interviewed, for this chapter, who were either charged or convicted of indictable offences (those considered most serious in the eyes of the law).

At the time of her interview, Colleen was living in a halfway house, awaiting trial for charges of three counts of aggravated assault against her children. Shortly after the interview, she went to court and entered a guilty plea to lesser charges of common assault. She was sentenced to four and a half years in prison, which she is now serving.

The charges against Colleen are not commonly laid against women who come into conflict with the law in this country. Most women offenders are charged with more petty offences such as shoplifting, fraud, and violations of liquor or traffic violations. We suspect, however, Colleen's story is one that is shared by hundreds of other women in this country. For that reason, we have chosen to print it here.

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*Ellen Adelberg is a writer now studying journalism at Carleton University in Ottawa.*

*Claudia Currie is a criminologist who teaches at Algonquin College in Ottawa.*

# The Politics of Custody

by Susan B. Boyd

## Definitions:

**Joint Legal Custody** means both parents share decision-making power concerning the child and have a duty to consult the other parent on such decisions. The child will not necessarily live with each parent alternatively. It is ordered more frequently than joint physical custody.

**Joint Physical Custody** means both parents share the physical responsibilities for caring for the child. The child may move back and forth between the homes of the parents during a given week, or on alternate weeks. It can be ordered along with joint legal custody, but such orders are relatively rare.

**J**oint custody was not widely recognized in the early 1970s as a feminist issue. In fact, many feminists embraced the notions of no-fault divorce and joint custody as positive developments which could only encourage co-parenting and more amicable relations between spouses after divorce. It is only relatively recently that attention has been paid to the disadvantages which both no-fault divorce and joint custody can produce for women, in terms of economic well-being and decision-making autonomy in their post-divorce lives (1).

Legislation on child custody increasingly permits or directs courts to consider joint custody in contested cases, sometimes where neither parent or only one parent has requested it. Some statutes go further and create a legal presumption of joint custody, which means joint custody is assumed to be the best option for children. Joint custody must therefore be ordered in all cases unless evidence is demonstrated to the court that it will be detrimental to a child's best interests. While joint custody arrangements which are voluntarily agreed upon by both parents may be desirable, involuntary joint custody imposed by courts upon mothers against their wishes is a trend which deserves immediate critical attention by feminists.

In July 1986, individuals and delegates from a variety of organizations across Canada and the United States gathered in Windsor, Ontario, to hold a conference on the politics of child custody. A feminist analysis of joint custody was developed during the three-day conference, with a major critique being that the joint custody movement has in large part been used as a mask for fathers' rights groups.

The participants of the conference agreed that the move toward joint custody largely represents an anti-woman backlash that is a direct attack on women's hard-won right to custody of their children, a right which has been central to redressing

Design: Virginia Howard



# A Conference Report

the unequal treatment of women by the legal system. It is not commonly realized that mothers' rights to custody were acquired relatively recently, indeed only sixty years ago in much of North America. Previously, fathers' rights to custody of legitimate children prevailed. In the view of many feminists, the joint custody movement indicates a return to such paternal rights.

Papers presented at the Windsor conference explored the ways in which fathers' rights lobbyists have manipulated social science data, the legal process, the mediation process, and the popular media in order to create the belief that the father-child relationship is so important that it justifies subjecting mothers and children to involuntary joint custody arrangements without necessarily having regard to the best interests of the child. Feminist anthropologists, social scientists, historians and philosophers explained how this manipulation has been accomplished, and feminist lawyers detailed the ways in which this new "ideology of fatherhood" has been uncritically incorporated into judges' and legislators' thinking about custody.

Discussions focussed primarily on American and Canadian legislation, although parallel conferences are being held this year in England, Europe and Australia. Some 36 American states now have some form of joint custody statutes, ranging from joint custody as an option for judges to

consider to presumptions of joint custody. The new Canadian Divorce Act does not require judges to consider joint custody before making a custody order, but section 16 does contemplate involuntary joint custody orders against the wishes of one or both parents. In addition, section 16(10) contains a "friendly parent rule" which encourages judges to grant custody to the parent who is most likely to grant liberal access to the non-custodial parent. The "friendly parent rule" may also lead a court to favour a parent who requests a joint custody order. This rule makes it strategically difficult for mothers who would prefer restricted access or sole custody (for instance in relationships where there has been physical abuse) to ask for conditions to be placed on the access order or for sole custody. Such requests may jeopardize their chances of being awarded custody in the court.

Assumptions which courts often make were challenged by panelists. For example, judges often jump to the conclusion that most fathers share the responsibilities of child care equally with mothers, an assumption which has been proved untrue even where women work in the public labour force (2). A certain failure to recognize the work involved in nurturing and primary parenting, most often done by mothers, seems to be occurring. Another mistaken assumption is believing orders for joint custody will encourage fathers to



take a major role in parenting before and after the parents split up. Studies have shown, however, that orders for physical joint custody are rare, and that the most common arrangement is the mother retains responsibility for day-to-day child rearing. The father retains, under an order for joint legal custody, the right to veto decisions which the mother might make regarding schools, religion, place of residence and so on.

The conference participants also explored the ways in which compulsory mediation can be used to undermine the gains that women have made in legal disputes over child custody and family property. For example, joint custody may be requested by fathers as a bargaining chip where they do not genuinely wish to engage in co-parenting: a mother who would prefer to have sole custody may give up her claims to family property or support payments in order to persuade the father to relinquish his claim to custody.

Such a scenario, by no means uncommon, reinforces post-divorce arrangements whereby the woman retains the major financial responsibility and daily work of child care, without adequate financial assistance. And so, the "feminization of poverty" continues. Doubt was expressed as to the possibility of developing effective methods to increase a woman's bargaining power in the mediation process, so long as women continue to nurture (thus wanting custody) and to be socialized into self-sacrificing attitudes.

Another important topic considered at the Windsor Conference was the special vulnerability of lesbian mothers in custody proceedings. Whereas courts are less inclined than they used to be to discriminate overtly against lesbians on the basis of sexual preference, they tend to deny custody to lesbian mothers on the grounds of "undesirable" lifestyle. Participants noted such an attitude toward lesbian mothers poses a threat to all women who are involved in custody proceedings. The message presented to women is that their best chance of obtaining custody is to engage in a traditional nuclear family type of living arrangement. The freedom of women to determine the



quality of their chosen lifestyle is thereby inhibited.

One suggestion which came from the conference was that legislation dealing with custody orders return to a presumption that mothers be given custody of children. This maternal preference would reflect the current social reality that mothers have been primarily responsible for nurturing and have invested more time and physical and emotional energy into child care than fathers have.

An alternate presumption, which would be gender-neutral and so avoid potential problems under the Charter of Rights and Freedoms, would be in favour of custody going to the primary caretaker parent (usually the mother). One court in West Virginia has been following the primary caretaker presumption since 1981 (3).

Conference participants also suggested that many of the papers from the Windsor conference be published by the organizers, to publicize feminist concerns about joint custody. In addition, some have started setting up community organizations to carry on the work of the conference.

Overall, it is important that the public grasps the fact that men have not been unduly discriminated against in custody litigation. If mothers obtain custody in the vast majority of the cases (in Canada, 85 per cent), this only reflects the fact that in most cases they have been the primary caretakers. Often, fathers do not contest custody at all, preferring to leave responsibility with the mother. Until men engage in parenting in a more meaningful way, joint custody only serves to undervalue mothering and to make legitimate

male control over women's lives, even after divorce or separation. It is by no means clear that this trend is in the best interests of the children, and it is increasingly clear that it is not in the best interests of mothers. *bts*

(1) Lenore J. Weitzman, *The Divorce Revolution* (New York: The Free Press, 1985).

(2) Statistics Canada, *Women in Canada: A Statistical Report* (Ottawa: Supply and Services, 1985), p. 5.

(3) See *Garska v. McCoy* (1981), 278 S.E. 2d 357. For an explanation of the court's policy, see Richard Neely, "The Primary Caretaker Parent Rule: Child Custody and the Dynamics of Greed," *Yale Law and Policy Review* 3 (1984), p. 68.

## Resources

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Susan B. Boyd is an Assistant Professor of Law at Carleton University in Ottawa, where she teaches family law and criminal law. She co-authored (with Elizabeth A. Sheehy) "Feminist Perspectives on Law: Canadian Theory and Practice," forthcoming in the third issue of the *Canadian Journal of Women and the Law*. Her article, "The Ideology of Motherhood, the Ideology of Equality, and Child Custody Decisions Concerning Employed Mothers," will be published in the conference proceedings of *The Socialization of Judges to Equality Issues Conference* held in Banff, Alberta, in May 1986.

The Windsor Conference on the Politics of Custody was organized by Diana Majury (a Toronto lawyer) and Kathleen A. Lahey (Faculty of Law, University of Windsor) and sponsored by the law faculty at the University of Windsor. An international conference on custody issues is scheduled for 1988 in Europe.

# an interview with Persimmon Blackbridge



by  
Kim Bailey

Illustration: Virginia Howard

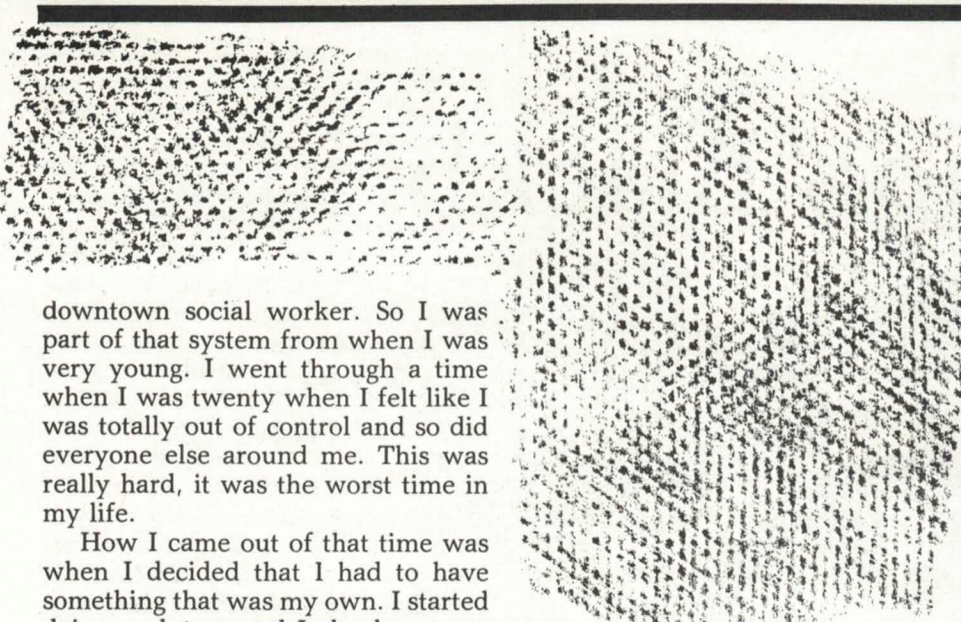
**S**till Sane is a series of twenty-seven sculptures and narratives by artists Persimmon Blackbridge and Sheila Gilhooly, documenting the three years Sheila spent in psychiatric institutions for being a lesbian. The show, which is recorded on video and in a book of the same name, is a powerful indictment of a mental illness system that treats lesbianism as a disease to be cured with drugs, shock treatment and incarceration. *Still Sane's* overriding theme is one of defiance and survival.

Design: Annick Amyot

I had the good fortune to speak with Persimmon Blackbridge when she was in Ottawa for a talk on *Still Sane*, sponsored by Women's Health Interaction and Women's Place. Persimmon was gracious and warm. We talked for two hours about her life, art, and politics and how the three are interwoven. We discussed the impact *Still Sane* has had on her life and the other lives it has touched. We also discussed alternatives to the current mental health system and the role of feminism in the survival of female ex-psychiatric inmates.

**BTS:** Could you talk about the process of making *Still Sane*, and how you personally got interested in the topic?

**Persimmon:** The process...it's hard talking about things that you've talked about so much. But psychiatry has been an issue for me all my life. My father was locked up, my uncle was locked up, my grandmother was locked up. I started seeing my first shrink when I was twelve because I hated school, which is, you know, pretty neurotic. I mean, hating school, what a terrible thing! At one point I had a school shrink and a



downtown social worker. So I was part of that system from when I was very young. I went through a time when I was twenty when I felt like I was totally out of control and so did everyone else around me. This was really hard, it was the worst time in my life.

How I came out of that time was when I decided that I had to have something that was my own. I started doing sculpture and I also became a feminist at that time. So art, feminism and flipping out were all interwoven for me.

I've done a lot of different kinds of things but there's always this underlying politic about it. Some pieces are overtly political, like the piece I did about Palestinians to raise money for them, or just a piece of a woman

dancing. The underlying politics in that piece was in the way I shaped her body, the feeling of it – the feeling of strength, celebration and a sense of power and self. I've also done stuff about psychiatry before. I did a show with a print maker, Portland Frank, who is an ex-psychiatric inmate. She did a bunch of prints and I did a bunch of sculptures on different anti-psychiatry issues. So, it wasn't a real departure to do *Still Sane*.


I'd also done collaborative work before. But never on the kind of scale that we did with *Still Sane*. It's exciting to work together with another artist because when one of us started to flag, the other one would be in with a new rush of energy and we would develop ideas by bouncing off of each other until you couldn't tell whose it was anymore. It's amazing how fertile working like this is.

**BTS:** *In what ways is your life different after Still Sane?*

**Persimmon:** In terms of externals, I'm more famous than I used to be. I've been all over the country. Become a sculptor and see the country!

The big things that have happened have to do with developing my analysis of the psychiatric system. Our analysis really changed in the process of doing it, which is not always reflected in the book and the video.

I think *Still Sane* really reflects the analysis we had when we started out because that was the overview we used to structure it. It's not like we disagree with it now, but our ideas are more complex. The analysis was your standard feminist, leftist analysis which says, psychiatry is a tool of social control. You've got to look at the overview of society and then you can understand that it's used to control people and it's used to further oppression and keep people in line. Which is true, but there's this unspoken corollary that goes along with it that says, *therefore* if you're not oppressed you shouldn't go crazy. That, if we were in a world where no one was oppressed, we'd all be nice and normal. No one would act weird and there wouldn't be people hearing voices or people crying all the time. There is that unspoken attitude that if we lived in a perfect world, we would all be NORMAL.



Where our analysis has grown is seeing that there's an incredible variety of ways of being that human beings can have. The society that we are fighting for is not a society where we can all be normal, it's a society where rules like abnormal and normal are not placed on people.

The example I always use has to do with hallucinations. In some societies, people who have hallucinations are considered an important, valuable part of society. Some people have wonderful visions, but sometimes people have visions that are really frightening. In a society where that's given social value, they're told they are creative, courageous, important people. They are given resources – like other people who've been there before, and who can help them navigate those frightening places. They are told that what they bring back from these frightening places is of value to the rest of society. They are given courage and a social structure that's not telling them that they are too weird, it's too awful, they can't survive. They are told they can survive.

Instead of saying, if we weren't oppressed we wouldn't see things, saying we no longer wish to be oppressed for seeing things. We want there to be room for people who perceive reality on different levels. All you have to do is read a physics book to know that what we call reality is just a social construct.

**BTS:** *Still Sane is very critical of the current mental health system. What do you see as some of the alternatives to this system?*

**Persimmon:** That's a good question to follow all that talk about hallucinations because when I start talking about societies where we're allowed to have our visions, it starts sounding like wifty idealism out there somewhere in the year 3000. But, in fact, I'm talking about stuff that people are doing for each other right now.

When we were working on *Still Sane*, we met an ex-inmate activist who worked with the Network Against Psychiatric Abuse, Dee Dee Ni Hera. We had a lot of talks with her about "going crazy." She gave me a different perspective — not the perspective that I'm going to be cured by politics, or that I have a chemical imbalance and that it's of no use and value and that's a tragic thing. But, rather, now I'm working on being more graceful with it — being able to move in and out of that state with more grace and less fear. Having someone who can talk to me about and can tell me from her own experience that she's not looking to get cured, she's looking to live her life to the fullest. I've met people who will talk about hallucinations as if it's one of the more interesting or more unusual aspects of their lives.

In Ontario, it's great to be asked about alternatives. In Toronto, there is a big ex-patient support group called On Our Own. They have a drop-in centre, they put out a magazine called *Phoenix Rising*, and they run a second-hand store called the Mad Market. There's a women's ex-inmate support group that some of the people at On Our Own have formed. There's also the Coalition to Ban Electric Shock. They've been doing research, public education and court cases. One way to find out what's going on in your area is to write to *Phoenix Rising* because it's a national clearing house for information.

So every day, we're all figuring out our own alternatives to running through the streets screaming. Although running through the streets screaming might be a really good alternative on its own. Fighting to make a world that we can bear to live in is a really good alternative to getting locked up.

**BTS:** *Do lesbians relate to your work in a special way?*

**Persimmon:** I think as lesbians, we are starved for images of ourselves because we don't see ourselves reflected in society. It's really important for us to see true images of ourselves, to hear our real voices, our varied voices. It's also really important for the rest of society to hear those voices too because we've got important things to say, they need to hear us.

**BTS:** *Could you elaborate on the role of feminism for the survival of women ex-inmates?*

**Persimmon:** I think that for many women who have been through the psychiatric system, feminism has been an incredible source of strength. It has helped us to see how many of the things that we thought were our fault, our sickness, our problem, are instead exactly where we are most strong and are the things we should cherish about ourselves and other women.

Feminism has also rejected women, though. It has rejected women who can't or won't dress right, talk right or read the right books or act in the right ways. We are loosening up but we've had some fairly tight rules about how we're allowed to be as a feminist. That's been particularly hard for a lot of ex-inmates who have already gone through the exact same thing from the mainstream of society. We only offer them support if they fit in.

Another problem for ex-inmates is feminists who get really defensive when therapy is criticized. There are feminist therapists who have committed people to mental hospitals. I realize there are feminists who have never and would *never* do this kind of thing. But they are still in a relationship of power with their clients and they're still open to so many abuses of that power, both subtle and blatant.

It's important that feminist therapists listen to criticism from the other side. It's important they lend their support to the struggle of ex-inmates as supporters and not leaders. They should let the movement be led by the people who are oppressed by it and not by the professionals.

**BTS:** *How can individual women and women in the helping professions provide help and support for women ex-inmates?*

**Persimmon:** The first thing that jumps to mind is to send money to On Our Own and to the Coalition to Ban Shock Treatment. Let ex-inmate self-help groups use your office space on off-hours, and make sure that you're gone and you let them do it on their own.

Put people in touch with each other. Above all, act with honesty and treat people with respect. We must recognize that we all have different ways of coping in order to live in this world and that your ways are more socially acceptable than somebody else's way, but it doesn't mean that they are any better. Those are my words of wisdom.

bts

Kim Bailey is a social worker, with a particular interest in women and health. She has written for BTS before.

# NOT dealing with PORNOGRAPHY

## A federal Government Ritual

On June 10, 1986, the then Minister of Justice John Crosbie tabled Bill C-114, an act to amend those sections of the Criminal Code of Canada and the Customs Tariff Act dealing with the production, distribution and possession of pornographic materials. The bill died on the order paper when Parliament was prorogued. The Conservative government, in its Throne Speech of October, promised to re-introduce a bill related to pornography. Nobody knows if the new bill will be the same as Bill C-114.

In August, the Breaking the Silence Collective asked women from the Canadian Coalition Against Media Pornography (CCAMP) to write an article on the proposed legislation. We hope it will serve as a reference point for readers to interpret the new legislation to be introduced by the time you read this article.

CAMP had hoped the tabling of Bill C-114 would be the beginning of the end of a long process to stamp out pornography. Unfortunately, this was not the case. The legislation, although making great steps, has made many mistakes. To understand our proposals for better legislation, we have included the important details and the problems with the late Bill C-114.

### Bill C-114: The Content

The bill contains four definitions of adult pornography:

1. Degrading pornography which includes scenes of a person defecating, urinating, ejaculating ... on another person. Also acts of bondage, lactation, menstruation, treating a person as an animal or an object;

2. Pornography that shows physical harm;

3. Sexually violent behaviour which includes sexual assault and the infliction of physical pain for the apparent purpose of causing sexual gratification to or stimulation of the viewer; and

4. Pornography, which means any visual matter showing vaginal, anal, or oral intercourse, ejaculation, sexually violent behaviour, bestiality, incest, necrophilia, masturbation, or other sexual activity.

The bill also contains a prohibition against the use of children in pornography: "every person who uses, induces, incites, coerces, or agrees to use a person in a performance who is or appears to be under the age of 18 years to participate in a performance or in the production of a visual representation of sexual conduct is guilty of an indictable offence and is liable to imprisonment for the term not exceeding ten years." Production and distribution of adult pornography is an offence but possession is not. Production, distribution and possession of child pornography is an offence.

### Problems and proposed amendments

There is no differentiation between pornography and sexually explicit materials. The bill lumps together legislation against pornography, which many women consider to be hate propaganda, and legislation against sexually explicit material, which most people consider to be educational, cultural and scientific material. There are some people who find the latter to be morally unacceptable. The bill could be viewed as a statement against sexuality, not pornography.

The most important amendment would be to delete parts of the definition of pornography dealing with vaginal, anal, or oral intercourse. Sexually violent behaviour, which is part of this definition, is already listed as a definition of pornography and can therefore be deleted. Bestiality and necrophilia could be included in the definitions of degrading pornography.

Given the scientific and educational defence, one would assume that depictions of lactation and menstruation would be considered pornographic only if they were depicted in a degrading manner, but it would be important to know for sure that the courts will interpret the law this way. The legislation only deals with visual depictions of porno-

graphy, not the written word. Does this mean that the written word explaining a depiction of women being sexually assaulted would not be considered pornographic?

### Lobbying against pornography

The lobby against pornography has been a long struggle. *Not A Love Story: A Film About Pornography* was produced by Studio D of the National Film Board in 1981. It was banned from public distribution by the Ontario Censor Board as some scenes from the film were defined as pornographic. Many women's groups saw the film and started a public education campaign on the harmful effects of pornography. But the debate didn't really move into the mainstream until 1983 when First Choice, a pay-T.V. licensee, announced it had signed a \$30 million contract with Playboy Enterprises to bring Playboy programming to Canada and into Canadian living rooms.

Canadians coast to coast were enraged. Women's groups, educators, social workers and church groups all protested vehemently. The Canadian Radio-Television and Telecommunications Commission received 15,000 letters and many lengthy petitions, 99 per cent of which were against the introduction of Playboy programming. The Prime Minister and the Minister of Communications were also deluged with thousands of letters of protest. It was hard to pick up a paper or a magazine in Canada and not see at

least one article on the subject of pornography. But the hands of the politicians were tied: there were no laws or regulations to prevent this type of programming from being distributed in Canada.

In June 1983, then Minister of Justice Mark McGuigan announced the creation of the Fraser Commission to examine and make recommendations on pornography and prostitution. This commission held public meetings across the country and heard from hundreds of groups and individuals. The commission reported there was consensus among Canadians that pornographic materials involving children should not be tolerated in any form; that sexually violent and degrading materials should be outlawed; and that sexually explicit material should be kept out of the hands of persons under 18 years of age.

In addition to the Fraser Commission, a House of Commons subcommittee was established to study the possibility of eliminating pornography and sexism on television by amending the Broadcasting Act. (CRTC television, pay-television, and radio regulations were subsequently revised to include a prohibition against abusive programming on the basis of sex.)

On December 7, 1983 the speech from the Throne included the following statement from the Liberal government: "Hard core pornography, which often emphasizes

violence and degradation of women, has no place in Canadian society." The Throne speech on November 5, 1984 (with the Conservatives in power) said: "You (Members of the House of Commons and the Senate) will be asked to consider a number of important legislative initiatives including broadcasting."

In 1986, Minister of Justice John Crosbie introduced Bill C-114, which died on the order paper. Now we will have another piece of legislation on pornography for the fall of 1986. The legislation, once tabled, must go through several steps before it is enacted as law: the first reading, the second reading, the committee stage, the third reading, the vote in the House of Commons, the vote in the Senate and finally the proclamation. It is at the committee stage that the public has the opportunity to recommend amendments to the legislation. We must lobby strenuously for the amendments we want, and work against any lobby that attempts to water down the meaning of degrading, sexually violent pornography that shows physical harm. *bts*

### Resources

Bercovitch, Jean, and Busque, Ginette. *A Critique of Bill C-114 as Proposed Legislation on Pornography: Principles and Clause by Clause Analysis*. Ottawa: Canadian Advisory Council on the Status of Women, 1986.

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# The end of the "Man in the House" Rule: A Victory for Women?

by Diane Chalmessin

**O**n September 18, 1986, Ontario Community and Social Services Minister John Sweeny and Attorney General Ian Scott announced the end of the "spouse in the house" rule, effective April 1, 1987.

The end of the "spouse (man) in the house" rule means that a single welfare mother (or in government, gender-neutral language, a sole support parent) can stay on welfare unless she lives with someone who supports her and who accepts parental responsibility for the children, or who has a legal obligation to support the mother or her children. How this will be applied is yet to be worked out.

Prior to this change, women were considered ineligible for family benefits (a form of welfare) if they were suspected of living with and being sexually involved with a man. The expectation was that women should be financially supported by

any man with whom they live and have sexual relations. With the "man in the house" rule, the state was advocating a less public form of prostitution.

Ninety-eight per cent of the 64,000 sole support parents on welfare are women. This new ruling affects them. It has been mainly women who have been subjected to welfare inspectors looking for incriminating evidence, such as men's shaving lotion in their bathrooms, to see if there is a man living with them. Women have found themselves arbitrarily cut off from welfare because they were reported to be living with their boyfriend. Rumours of a "man in the house" were sufficient to deprive single welfare mothers and their children of the little money that the government provided, until the woman could prove that she was not being fraudulent.

Can we now talk of a victory for

women? Has all the hard work done by women's groups such as the Legal Education and Action Fund (LEAF) and Ottawa's Women for Justice finally paid off? Has the courage and determination of women, who have been victims of the "man in the house" rule, proved worthwhile?

LEAF litigation co-ordinator Gwen Brodsky pointed out that this discriminatory welfare policy has persisted despite court rulings since 1978, which requested that welfare officials make economic considerations paramount when deciding a "spouse's" financial responsibility.

While this change in Ontario's welfare system ending the "man in the house" rule is exhilarating in its promises, the prevailing attitude toward single welfare mothers symbolizes the depth of the struggle to be continued. The attitude is that people on welfare, including single welfare

*continued on page 33*

# NICARAGUAN WOMEN



Illustration: Nathalie Klym

by Richie Allen

**T**he forced departure of Anastasio Somoza from Nicaragua on July 19, 1979, marked more than the ouster of a brutal and corrupt dictator. It was the triumph of a popular revolution by an impoverished people who had been fighting a life and death struggle for basic human rights and freedoms.

The men and women involved in this revolution for social justice fought against hunger, illiteracy, disease, poverty, wage slavery and repression. The Frente Sandanista de Liberacion Nacional (FSLN)

*The position of women in a society provides an exact measure of the development of that society.*

Gustav Geiger

developed specific principles to address these issues, including the right to universal health care, education, a mixed economy, political pluralism, and equality for all.

Despite the tremendous strain placed upon Nicaragua by the United States, these tenets have remained firmly entrenched in the Sandanista philosophy. Although progress towards the goals of health and literacy has been phenomenal, especially in the first year of the revolution, many material gains have been wiped out by the American-

Design: Gabrielle Navratil

*continued on page 32*



Catherine Horgan.

# Canada's Female Young Offenders

## *Isolated and ignored*

by Michelle Clarke  
and Sally Smith

**T**he situation of Canada's female young offenders is far from enviable. The tales of mistreatment which describe the lives of most of these women point to a serious problem which is currently being ignored.

In Canada, there are very few female young offenders in comparison with the number of males charged under the Young Offenders Act (YOA). The low numbers mean that little attention is paid to those females who do come under YOA

jurisdiction.

To discover just what kind of circumstances these young women encounter, we have done an informal cross-country examination. Our conclusions are drawn from our research.

- Female young offenders are often ignored and isolated because their numbers are low in comparison with males.
- Females often need different pro-

grams than males. Such programs are poorly developed, if they exist at all.

- In the Western regions, the number of female offenders appears to be rising and their behaviour is reported to be increasingly aggressive. The provinces do not have the capacity to deal with this increase in numbers nor to provide necessary counselling and support.
- The sentences given out under the

# Female offenders:

system," and said the small number of women being charged under the YOA means female young offenders are usually ignored. According to Brian Purcell, the Assistant Director of Youth Corrections in St. John's, the ratio of male to female young offenders in open custody is about ten to one in Newfoundland.

The numbers are just as low in other parts of the country. Carl Doucette, Senior Probation Officer in Charlottetown, said that a maximum of six female offenders have been charged in P.E.I. since the YOA was passed. In Ontario, according to Carol Faulkner, Executive Director of the Canadian Association of Elizabeth Fry Societies, the ratio of male to female young offenders may be as high as 29 to 1. She pointed out that, in such cases, the young female becomes a very isolated minority.

Karen O'Connell, Board Member of the Elizabeth Fry Society in Halifax, gave a concrete example of that isolation. She told us about the Shelburne Youth Centre, where 16- and 17-year-old female offenders are being housed temporarily. O'Connell described the centre as "prison-like in appearance" and outlined a number of restrictive practices, such as limiting family visitors to three and not allowing communication with the younger offenders housed at the same centre. She said as there is presently only one female in the 16-17 age group serving a sentence, that young woman is basically kept in isolation: "not exactly in keeping with the philosophy of open custody."

## Victims of the System

Not only are these young women isolated but there are few programs designed especially for them. As Terry Carlson pointed out, it is often acceptable for males to react violently when they are angry but society continues to encourage females to internalize their emotions. Therefore, the counselling they need is often different from that needed by males. This difference is rarely recognized because most of the attention and the money goes to the male offenders, Carlson argued.

Ursula Morris, with Youth and

Family Services in Prince George, British Columbia, agreed with Carlson, saying the lack of appropriate programs is the largest problem facing young women in custody or on probation. Said Jessie Horner, a volunteer with the Saskatoon Elizabeth Fry: "These girls are victims and have been victims all their lives. Unfortunately, they are being victimized again by an inadequate system."

As there are so few programs for females, most young women are simply slotted into the services already established for males. Purcell, Morris and Barb Byers, of the Elizabeth Fry Society of New Brunswick, all complained that activities are often limited to such things as carpentry and auto mechanics. They said while it is good women are given access to such programs, a much wider range of options should be available.

Complaints were also voiced about the lack of services for women's health matters, such as pregnancy. Brian Purcell said pregnant offenders run into real difficulties in Newfoundland because there are no special programs to help them. This lament was echoed across the country.

## Numbers on the Rise

In the Western provinces, the number of young female offenders appears to be increasing. Dr. Geoff Pawson, of Ranch Ehrlo in Regina, explained that under the Juvenile Delinquents Act, if young females were apprehended for sexual promiscuity, the problem tended to be dealt with as a child welfare matter, except in extreme circumstances.

Now, with a greater public awareness of prostitution and child pornography, and because 16- and 17-year-old girls can be sentenced under the YOA, these offences are being viewed differently. Thus, where young females would previously not have been charged for sexual offences, they are now receiving stiff sentences.

Both Lil Haus of the Elizabeth Fry Society in Manitoba and Pam Harvey, of the Elizabeth Fry Society

YOAs are frequently harsher than they are under the adult system. Females often get longer sentences than males do.

- Females are often forced to move out of their communities because of a lack of custodial facilities.

## The Invisible People

Terry Carlson, Executive Director of the John Howard Society in Newfoundland, described women as "the invisible people in the justice

in Alberta, agree there is an increased number of young female offenders. Harvey said the extra numbers, added to an already over-burdened caseload, allow neither "time nor opportunity to work with female offenders as they go through the system."

### **Aggressive Behaviour**

Young women in custody, it was frequently reported, are becoming increasingly aggressive. Haus suggested one reason for this. The women's movement, by establishing freedom for females, has allowed them certain liberties they previously did not have, she said. With these new-found liberties came the acquisition of desirable, as well as undesirable, qualities.

Lois Sparling, a lawyer and vice-president of the Calgary Elizabeth Fry Society, suggested a different reason. She said that pre-YOA, when 16- and 17-year-old females were incarcerated with adults, some restrictions and restraints were imposed on them just by being with older women. But now, under the YOA, young females cannot be housed with adults and no longer have that controlling influence. They often live in a co-correctional atmosphere where there is the continuous excitement of being with boys their own age. This combination of circumstances may have produced more aggressive behaviour.

These are just two of the theories offered. There are doubtless many others, including the supposition that females are not really that much more aggressive but that any such behaviour in them is less acceptable and more noticeable than it is in males.

### **Longer, Harsher Sentences**

Across the country, members of the Elizabeth Fry Societies, lawyers, probation officers and youth workers all commented on the longer, and frequently harsher, sentences young female offenders receive. In Ontario, Jane Fjeld, of the Elizabeth Fry Society in Ottawa, pointed out that in a one-year span in her city, 14 young women were charged and handed

more punitive sentences than young male offenders. The reason, she suggested, was to allay the fear of a public outcry by getting the young females off the streets and into custody.

Jim Ross, of the Manitoba Youth Centre in Winnipeg, expressed concern at the increase in the amount of time young females spend in custody under the YOA. He added sentences are frequently more oppressive than in the adult system and youth are more apt to be put into custody.

In Quebec, the situation is somewhat different but the conclusion is the same. Quebec fosters a

"paternalistic" attitude toward female young offenders, said Jean Boudreau of the Quebec Association of Social Services. He said young women are frequently placed under the Youth Protection Act instead of the YOA. This gives them the status of runaways or socially-neglected youths, rather than criminally-responsible delinquents. Boudreau said that this sometimes leads to longer periods of custody for girls simply because more attention is paid to their personal circumstances and home lives. Instead of a two-week

*continued on page 34*

## **Background to the young offenders act**

The Young Offenders Act (YOA) is a new piece of legislation. It came into effect in April 1984, replacing the Juvenile Delinquents Act (JDA) of 1908.

The YOA is, in many ways, a law still in transition. Over the past two years, the theoretical and practical pros and cons of the Act have been publicly debated. The federal Solicitor General recently introduced amendments and is rumoured to be planning more. This is a law which is still being manipulated and molded by the courts, the politicians, the police and the social workers.

The Young Offenders Act takes a different approach to young people than the Juvenile Delinquents Act did. The JDA treated the young person in a rather paternalistic fashion, "not as a criminal but as a misdirected child" requiring "help and guidance and proper supervision." The somewhat informal treatment of young offenders under the JDA increased the possibility of violations of their rights. The YOA, on the other hand, provides the same safeguards and guarantees of legal rights as those provided to adults, although it does establish a system of youth courts, procedures and dispositions which is separate from that for older offenders. The YOA is also very clear in holding young people responsible for their actions.

The definitions given below are intended to give readers a clearer understanding of the YOA and provide some background information for the accompanying article.

**Alternative measures or diversion programs** — If an offence is minor and the young person does not have a history of trouble with the law, alternative measures may be proposed. Instead of going through the court process, the youth will have a hearing and be asked to participate in a community program. If all the conditions of the alternative measures program are met, charges against the youth are dropped.

**Open custody** — The youth is admitted to a residential facility. The security is not extremely strict and the youth is allowed some freedom. Group homes and wilderness camps are examples of possible open custody facilities.

**Secure custody** — There is less freedom, more supervision and more locked doors. The types of secure custody facilities can range from medium to maximum. Maximum security is a lot like prison.

**Split jurisdiction** — Both Ontario and Nova Scotia have split jurisdictions under the YOA. Older youths (16-17) are dealt with under the Ministry of Correctional Services and younger offenders (12-15) under the Ministry of Community and Social Services.

bts

# Elizabeth Smart

## A Sweet Tempestuous Contradiction

*I picked these roses because they looked  
so disgusting,  
just waiting for the bees to come and  
fuck them.*

by Martha Muzychka

Elizabeth Smart was a contradiction. She looked like my grandmother, a sweet motherly type, ready to take it easy in her old age. But her appearance belied her tough, indomitable spirit, her unconventional lifestyle, her ability to write clear, precise hardhitting poetry and prose.

Smart died in early March 1986, at her son's home in London. Her obituaries described an eccentric, whose first novel, *By Grand Central Station I Sat Down and Wept*, is a cult classic. None mentioned that her life was a constant struggle to survive, nor that her writing was a mirror for her experiences.

Elizabeth Smart was born in Ottawa, but spent most of her 72 years outside Canada. In 1982, she spent a year at the University of Alberta as writer-in-residence. I met her in the spring of 1983 when she came to do a reading at Memorial University. She attracted a small crowd of followers at the reading, all familiar with her

work. But there were others, encountering her work for the first time, who saw Smart as a woman's writer, her voice that of all women crying in their joy and in their pain.

"To be in a very unfeminine, very unloving state is the desperate need of anyone trying to write," Smart said in one of her poems. And she understood too well the problems of writing and trying to find time to write. Her first novel was published in 1945, but her second, *The Assumptions of Rogues & Rascals*, didn't appear until 30 years later. In between, Smart had four children, the result of a long-running, tempestuous affair with the British poet, George Barker.

"*Grand Central Station* took me three years to write," she said in an interview in a noisy cafeteria. "The other, I can safely say, took me 30 years to write, with a few interruptions."

The interruptions to which Smart referred were many and varied. She

began her writing career by working for the *Ottawa Journal* in the 1930s at a salary of \$2.50 a week. Not satisfied with merely writing news nor with the pay, Smart left Ottawa for Mexico. She later moved to New York where she discovered George Barker. They became lovers, in spite of his wife, and carried on an affair for 20 years. But in 1945, Barker left Smart, who was pregnant. These years are chronicled in *Grand Central Station*. When the book was published in a run of 2000 copies, Smart said her mother bought up all six copies available in an Ottawa bookstore and burned them. Her mother also used her own influence as the wife of a prominent lawyer to stop any further distribution in Canada.

Smart's writing is characterized by a dry, ascerbic wit, accompanied by a condensed and tightly structured style. "I'm tired of people telling me my novels have no plot, no background. They keep asking me for

three-volume geneologies," she said. "I don't want to write like that. I want to write a nugget of a thing."

Chapter nine of *Rogues and Rascals* was written with family tree hounds in mind, she said.

Chapter One: they were born.

Chapter Two: they were bewildered.

Chapter Three: they loved.

Chapter Four: they suffered.

Chapter Five: they were pacified.

Chapter Six: they died.

In some ways, the verse could serve as a suitable epitaph for this remarkable poet. Her life was composed of bits and pieces, and her writing reflected this haphazard structure. "Critics always refer to my slim volumes and small output, but I don't want to write more for the sake of it. Perhaps if I had written *Grand Central Station* as a very long poem, people wouldn't say that."

At the time of the interview Smart was working on a new book. "If I get one more book out, I'll consider (writing) a moderately successful experiment."

Smart attributed her preciseness and neatness of style to being a woman. "It's very hard to write the truth. It's very easy to get away with nothing," she said. Women have to be even more truthful than men, she believed. "Lies are boring, among other things."

In her work, Smart considered the themes of power and domination between men and women. Not only did she look at her subject in terms of personal relationships but also in terms of the way men and women write. Her "feminist" poem, as she described it, just popped out in one piece. "It must have been something I was brooding about, unbeknownst to me," she said of "The Muse – His and Hers."

When his Muse cried  
He replied  
Loud and Clear  
Yes. Yes. I'm waiting here.

(...)

Her Muse called  
In her crowded ear.  
She heard but had  
her dirty house to clear.

"Women have been  
subtly squashed. Men use  
putdowns like  
military  
manoeuvres,"

Smart said ruefully. "The more they say it, the more you believe it's true. George (her former lover) used to say his wives were monstrous egomaniacs. Well, that's not true, he is."

Smart was emphatic when she said, "Women have to turn to men who do that and say 'No, you're awful!' or else they will be lost."

Smart's writings are woman-centred and she was quite proud of that fact. "It's got to be," she said. "Only women can write about how women feel."

"Some people have accused me of writing on trivial little subjects in my poems," she said. "Writing about twin sets, now that's really trivial." Smart worked as an advertising copy writer, creating the little bits of information which surrounded fashion layouts. She also wrote little booklets on how pantyhose were made.

Smart recalled those years with some regret. "It took up a horrific amount of my time. By the time the day is over, you can't really come home and write about your soul." Raising a family of four children on her own was not conducive to writing either. "I was really desperate about wanting to go back (to writing)," she said. "I felt it was my duty to write, but I couldn't leave my children."

But with her children grown, Smart accepted the position of writer-in-residence at Alberta, and published two books of poems, *The Bonus* and *Eleven poems*. These led to her "rediscovery" as a poet and prose writer of considerable talent, with Canadian roots no less.

"I think it is lovely to be rediscovered," she said with some glee. It's a sign, she was pleased to note, of women's increasing prominence in the writing world and in

the public recognition of women's culture. "Women have been sneered at a lot in writing about themselves," she said. "But people don't sneer at things now because they were written about women by women. I think there are marvelous things happening in women's culture. More things are being discovered."

Women must also write for other women Smart said. Her exposure to Canadian women writers led her to see the relationships among all women writers. "When I read Margaret Laurence, I felt a sisterhood, a kinship with her," she explained. It was important for Smart to emphasize the universality of women writers and how they affect women individually and collectively.

Smart agreed with Virginia Woolf's comment that for a woman to write, she needed a room of her own. "You need a place, even a book cupboard will do," Smart said with the familiarity of a mother who had no privacy. She would get up very early to read, then write in bed. "I can only write when I am alone. I've never really lived with anyone except the children (but) you end up giving all your energy to them." Yet in spite of the frustrations, Smart said she didn't regret taking the time off from writing for motherhood. In the last couple of years of her life, she took care of her daughter Rose's children after Rose died.

Smart was matter-of-fact about her life experiences. "Suffering helps people. We're so lazy, suffering is the only way we can learn. The whole secret of life is to keep yourself from being bored. You have to keep learning, laughing."

When Smart died, she left a collection of works from which literary critics will glean facts and perceptions. In reading Smart's poetry and prose, the reader gets a sense of an exciting life masked by an ordinary existence. As she said in one of her poems: "Don't telephone anyone: write it all down. Maybe someone will understand you better after you're gone."

bts

Martha Muzychka is studying composition and language theory at Carleton University this year. She is a compulsive editor and a member of the *Breaking the Silence* collective.

# The New Family Law Act:



Illustration: Catherine O'Neill

## A Legal Revolution?

**I**n March 1986 a legal revolution occurred in Ontario with the passage of the Family Law Act, which promises to have a profound impact on the women of the province. The new Act replaces the Family Law Reform Act of 1978 and attempts to deal with the twin problems of inequity and uncertainty that the old Act created in its eight-year existence. Why is the new Act seen as a legal revolution?

### The Family Law Act

The new Family Law Act provides for an equal division of all assets acquired during the marriage. This means the distinction between family and non-family assets contained in the old act no longer exists. Now all property, from the family home, car and cottage to business interests, savings, investments and pensions (referred to as "community property")

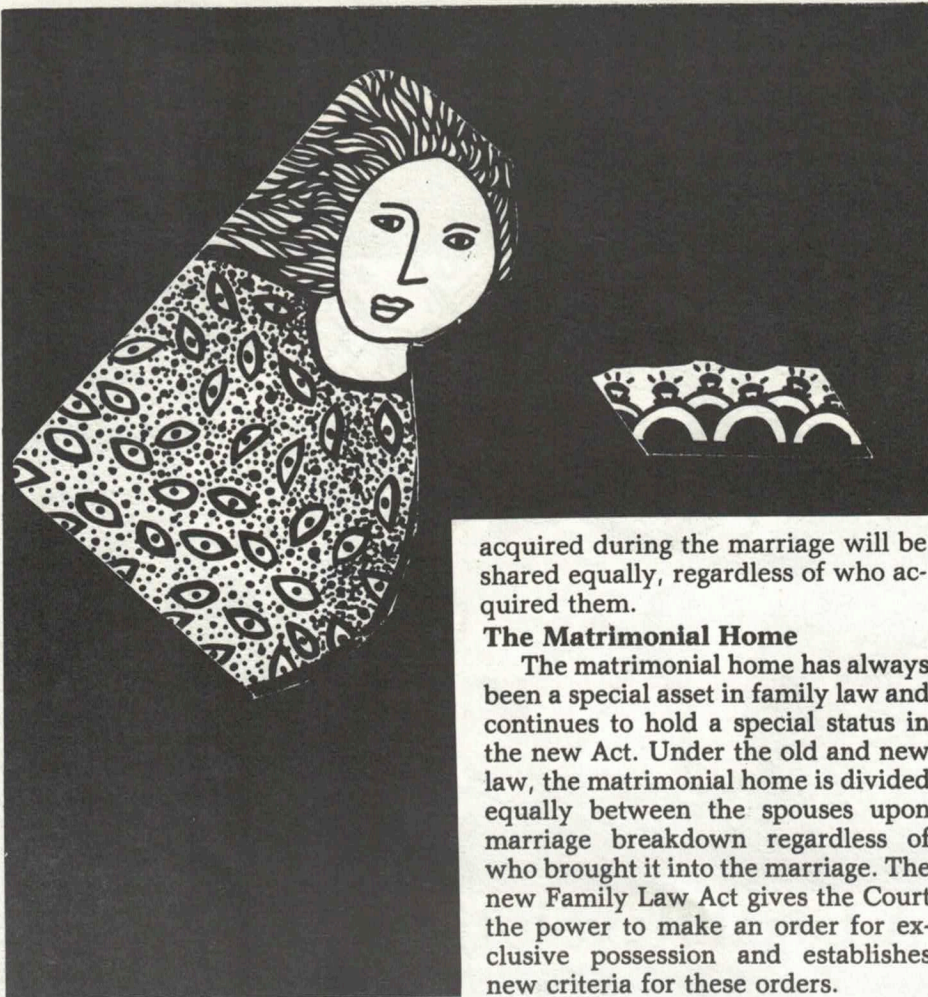
will be split upon separation, divorce or death(1).

The legislature has made a fundamental shift in its policy direction introducing this new principle of community property. During marriage, spouses can deal with their own property separately; however, upon death or marriage breakdown, all of the property acquired during the marriage, including any increase in the value of property brought into the marriage will be evenly divided between the parties. Now, each spouse must list the value of all assets, as well as debts and liabilities, acquired during the marriage. From that total, property brought into the marriage (other than the family home), along with inheritances, gifts, damage awards and insurance proceeds, will be deducted. This will leave each one with his or her own Net Family Property. The spouse with the larger new family property

by Rosalind Currie

will have to split the difference with his or her partner, either in straight cash or in some other form of equalization. Businesses, such as dental practices, law practices, etc., will now be subject to a claim by the spouse if value has increased during the marriage. Many people speculate that lawyers will be kept busy drafting marriage contracts to protect spouses' business interests.

Another major change in this legislation is that since marriage is now regarded as a full economic partnership between the spouses, only in "unconscionable" circumstances will the courts be allowed to make and award other than an equal division of all assets. The "unconscionable circumstances" specifically set out in the Act include: one spouse failing to disclose to the other spouse debts or liabilities existing at the date of the



marriage; debts and liabilities incurred recklessly; or recklessly depleting his/her family property. Also, if one spouse would receive a disproportionately large share of assets in relation to the length of the marriage (defined as less than five years), then the courts may vary the equal shares between the spouses. The important point, however, is that the statute very specifically sets out those circumstances.

The existence of these very specific circumstances in which a court can award other than an equal division of the net family property will lend a great deal more certainty to this legislation than existed under the old Act. Women who were denied access to their husband's non-family assets in the past will share equally in them under the new Act regardless of whether they contributed "work, money or money's worth" to their acquisition as required under the previous legislation. Thus, the work of the homemaker has been given "value" under this Act, since all assets

acquired during the marriage will be shared equally, regardless of who acquired them.

### **The Matrimonial Home**

The matrimonial home has always been a special asset in family law and continues to hold a special status in the new Act. Under the old and new law, the matrimonial home is divided equally between the spouses upon marriage breakdown regardless of who brought it into the marriage. The new Family Law Act gives the Court the power to make an order for exclusive possession and establishes new criteria for these orders.

In making an award for exclusive possession the Court is directed to consider the best interests of the children, the financial position of both spouses, and the availability of other suitable and affordable accommodation. In addition to these criteria, the Court is also asked to consider "any violence committed by a spouse against the other spouse or child." This is a new section which did not appear in the previous legislation.

It is not yet clear how the word "violence" will be defined. Philip Epstein, a leading family lawyer in Toronto, pointed to conflicting definitions of the word "violence" in the case law from other jurisdictions and in various dictionaries. He found these definitions ranged from severe physical force to violence, menacing or threatening actions which put one in fear. He says, "if the Court is going to look for evidence of physical force before it considers that there has been violence, then that will be a hard test to meet in most cases"(2).

In any event, it is a significant step away from the position as outlined in recent English cases where interim exclusive possession of the home would go to the person who was awarded interim custody even if there was no violence or threatened harm. "The Court (in those cases) was simply accepting the fact that marriages, in some cases, break down and (that) it may be necessary to judicially effect a separation of the parties, rather than waiting until the situation gets out of hand and generates into actual physical violence or the risk of emotional harm"(3).

This section of the Act asks that courts consider the possible disruptive effects on the child of a move to other accommodation. Possible disruptive effects on a spouse are *not* considered here. Also, the child's views and preferences, if they can be reasonably ascertained, must be taken into consideration, a change from the previous legislation.

For battered women, the specific inclusion of the term "violence" in this legislation makes their claim for exclusive possession of the home much stronger. Often women who are victims of violence are forced to flee their homes and must turn to chronically overcrowded shelters, friends' homes and even worse, the street. Now the situation will not occur with such frequency and, in most cases, the batterer will be forced to find alternative accommodation.

This section also creates a new offence: it provides that a person who contravenes an order for exclusive possession is liable, in the case of a first offence, to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or both; and in the case of second or subsequent offences, to a fine of not more than \$10,000 or imprisonment for a term of not more than two years, or both. Police officers are given the power to arrest, without warrant, a person believed to have contravened an order for exclusive possession which was granted under the old or the new Act.

In addition, a restraining order can be applied for and the new Act makes it an offence to contravene a restraining order. The Act imposes the same penalties as stipulated for

contravening an order for exclusive possession. This means if a woman and her children are granted a restraining order, her husband is not allowed to come around and see them at their home without her permission. If he does so, she can contact the police, who can automatically arrest him. This is a vast improvement over the previous legislation, where in a similar situation the woman could charge her husband with contempt of court, a very ineffective remedy. She also had the option of pursuing a remedy in the criminal courts, called Peace Bond, which prevented her husband from coming near the home or the children for a period of one year. While this remedy could be effective, it involved a lengthy process and required several court appearances by the woman. Now it is an automatic offence under the new Act to violate a restraining order or an order for exclusive possession of the home with penalties attached.

### Common Law Spouses

Another significant change in the Family Law Act affects common law partners. Under the previous legislation, common law partners were required to live together five years before they could claim financial support from one another upon a breakdown of the relationship. The new Act reduces this period to three years.

This remains, however, the only section of the Act which gives common law spouses any rights in law against one another. Those sections of the Act which deal with the division of property and assets between the spouses, for example, applies to legally married spouses only. Of course, as under the old Act, if the common law partners are in "a relationship of some permanence" and have a child they may claim financial support from each other regardless of the length of their relationship. In the new Act this also applies to couples who have adopted a child.

### Other Aspects of the New Family Law Act

Other aspects of the new Family Law Act are less contentious, but equally important. For example, support payments and Separation Agreements filed with the court can

now be indexed or tied to the inflation rate. In a related statute, enforcement of support orders will be strictly monitored by an enforcement office in Toronto with six regional officers stationed at each family court location. Marriage contracts waiving rights to assets may be set aside in certain circumstances, including the failure of one party to disclose significant assets or debts and liabilities or when the waiver of support has resulted in unconscionable circumstances—the former spouse, for example, being forced to live on welfare.

### Conclusion

While the Ontario Family Law Act is being hailed as a revolution in family law which will profoundly affect the relationship of spouses, it remains to be seen just how far-reaching the effects of the revolution will be. As the cases wind their way through the courts, judges will fine-tune the legislation which may strengthen or weaken the protection offered to the spouses, especially women.

Serious questions remain to be answered: How will the courts interpret the word "violence" as it is used in the exclusive possession of the matrimonial home section? Under what circumstances will the court find that equalizing the net family properties is "unconscionable"? How widespread will it become to have a marriage contract which opts out of the protections offered by this legislation? How will this phenomenon affect women specifically?



While these questions remain to be answered, I am optimistic that a legal revolution has indeed occurred and that the new Family Law Act has ushered in an unprecedented era of greater equality between men and women in Ontario.

bts

(1) The death provision has received little attention although it is a very important section of the Act, and one which will have a primary impact on women. This section effectively disallows one spouse from disinheriting the other, a situation which happened all too frequently to women as their husbands chose to leave their mistresses with substantial assets while they received next to nothing. Within six months of one partner's death, the other spouse now has the right to apply for the assets stipulated in the will or for those legally available to her under the new Act, but not both.

(2) *Leatherdale vs. Leatherdale* (1980), 19 R.F.L. (2d) 141, reversed in part 31 O.R. (2d) 141, reversed 30 R.F.L. (2d) 225 (S.C.C.), p. 17.

(3) *Ibid.*, p. 14.

Roz Currie will be called to the bar in April 1987. She has been active in the women's movement for the past eight years, focussing on family law.

# BOOK REVIEWS

## A Feminist Review of Criminal Law

by Christine L.M. Boyle, Marie-Andrée Bertrand, Céline Lacerte-Lamontagne, and Rebecca Shamai  
Edited by J. Stuart Russell

Ottawa: Status of Women Canada, 1985, 210 pp.

reviewed by  
Claudia Currie

"How can the criminal law be used as a weapon *against* patriarchy and be reduced as a weapon *of* patriarchy (my emphases)?" This question, which the authors of *A Feminist Review of Criminal Law* attempt to answer, reveals, in part, the difficulty of their mission. The work of Boyle, Bertrand, Lacerte-Lamontagne and Shamai is a first attempt to sift painstakingly through areas of Canadian criminal law using a feminist sieve. They recognize however, that a firmly-rooted, male-defined and male-controlled criminal justice system is the structure within which reforms must take place.

The authors' conception of using the criminal law as a weapon *against* patriarchy primarily refers to the introduction of legislation which recognizes and protects women's interests specifically. Recommendations made toward reducing the criminal law as a weapon *of* patriarchy centre on eliminating the discriminatory treatment of women

throughout the criminal justice system. Examples of both these approaches are provided below.

In general terms, the *Review* includes: a philosophical and theoretical analysis of Canadian criminal law; a discussion of the various offences committed against women; a consideration of criminal offences committed by women and possible justifications for those crimes; the purpose and effect of various sentences imposed on women; and an examination of criminal procedure (such as plea bargaining and prosecutorial powers) and issues related to women's evidence in court.

Numerous recommendations for reform are made in a wide range of areas. Boyle et al also suggest that extensive research needs to be undertaken in many other areas, recognizing at the same time there is no single feminist position on many issues. Just to indicate the flavour of the report, here are a few of the proposals made which aim to "use the criminal law as a weapon against patriarchy":

- the criminal law must provide adequate protection for such economic interests as access to the workforce; a safe, non-sexist work environment; and protection from employment discrimination.
- the defences of provocation and self-defence should state that all factors which relate to the gravity of provocation from the *accused* (woman's) perspective should be considered, recognizing that there is a possibility of male bias in the perception of what is "reasonable" or "ordinary" behaviour.

Other suggestions include reducing "the use of the criminal law as a weapon of patriarchy." Only a few examples are given here.

• the unequal economic situation of women must be taken into account when fining them and imprisonment for female offenders for failing to pay fines must be seriously examined.

• affirmative action policies must be introduced at all levels of the criminal justice system, because it is only through the gradual entry of a sufficient number of women that many of the biases and sources of discrimination will disappear.

The section of the *Review* which has received the most attention and overt criticism has been that concerning the "defence of necessity" with regard to women's theft of property. This section should be understood within the context of the analytical framework applied to the study as a whole and not simply pulled out in isolation for media attack. But what is all the hype about anyway? A basic defence of necessity already exists in law and is certainly not an invitation to steal (this being the currently expressed fear), any more than the defence of self-defence is an invitation to assault someone.

Perhaps this fear points to one of the problems with public consumption of a report written for a select few, namely lawyers and academics. Not only is the technical language a barrier to a full and comprehending readership, but the subject of women as criminal offenders is virtually unexplored, even within the feminist movement. Many feminists let alone members of the general public, are not familiar with the central issues or vernacular of women and crime. This is not to say that the *Review* cannot be appreciated by "the unannointed."

While certain sections could prove laborious reading, others provide an excellent introduction to basic concepts. For instance, the first part of

# BOOK REVIEWS

the report contains a discussion of different feminist approaches and what a feminist analysis implies in principle for a review of the criminal law. The authors explain that their primary perspective is that of "integrative feminism," which "affirms differences between women and men, but without the acceptance of a 'natural' role for women, and without the attribution of inferiority to women's differences."

The report also introduces the reader to considerations of the meanings and consequences for women of such male-defined concepts as "morality," "property," and "protection." We are reminded that women have not been involved in defining our "sacred values," and that the criminal law seeks to preserve a moral order that was established through male consensus.

Further, equality theories are examined and weighed for their appropriateness to a variety of law reform measures. The approach of "gender neutrality" is seen as politically popular, with its stance that "considerations of gender (must not be) taken into account in allocating rights, duties or benefits under the law." Boyle et al suggest however that this approach would not remedy women's inequality under the law. Instead, they recommend that the test of new legislation should be whether or not it would contribute in application to the subordination of women.

Some subjects are covered in much greater detail than others of similar worth. For example, pornography issues are treated in depth over several pages, while welfare fraud merits one paragraph, even though welfare fraud charges result in criminal convictions and sentences

of incarceration for hundreds of women in Canada every year. It is recognized, however, that the authors' mandate was rather overwhelming and such omissions might be anticipated.

A final criticism relates to the authors' treatment of appropriate sentencing and correctional programs for convicted women. Here the analysis falls far short of that provided elsewhere in the *Review*. After indicating that women suffer different effects than men do from similar sentences and that prisons for women are discriminatory in their provision of programs to women, the authors conclude:

"However, a feminist vision of criminal law and sentences is completely incompatible with proposals to accord privileged and paternalistic treatment ... More lenient treatment accorded for the wrong reasons becomes preferential treatment and can only make the women given such treatment weaker and more irresponsible."

I rush to point out that integrative feminism does not imply privileged or paternalistic treatment but instead, recognizes the validity of differences between women and men in many situations. Nor are women offenders necessarily weak or irresponsible. Another quote:

"Women offenders must be given fair and equitable penalties for the right reasons, such as deterring offenders

from repeating a crime in the future, righting the wrongs committed to society and reminding the community of the values it seeks to protect."

Here the authors do not ask: whose community? whose values? whose protection? As a result, these passages appear incompatible with the concepts guiding the study as a whole. The entire section may be said to require further development to provide a useful contribution to the existing literature on women and prison, most of which does not challenge the male-defined order of things.

One of the study's intended uses is to inform the federal government in its effort to revise and modernize all Canadian criminal legislation, a process that has been in the works for several years. *A Feminist Review of Criminal Law* provides a stark contrast to conventional perspectives on criminal law reform and should be supported as a critical submission in the formulation of any new legislation which claims to represent the interests of women as well as men. *bts*

*A Feminist Review of Criminal Law* is available, free of charge, from:

Status of Women Canada  
Communications Unit  
151 Sparks Street, 10th Floor  
Ottawa, Ontario K1A 1C3

*Claudia Currie is a criminologist who teaches at Algonquin College, in Ottawa.*



# BOOK REVIEWS

## Naked is the Best Disguise: My Life as a Stripper

by *Lauri Lewin*  
Pandora, 1986, \$12.95

reviewed by  
*Gabriella Fried*

When she was 16 years old, Lauri Lewin, a "nice Jewish girl" from a middle-class family, walked into one of the seedy clubs in an area of Boston called the Combat Zone and auditioned to become a stripper. Although the big boss hooted with derisive laughter while she improvised her first striptease act, Lewin got the job. Thus began her career as Lolita, a stripper with a "naughty little girl" routine, who did several sets a day and hustled customers for drinks in between. A number of years later, after paying her way through university with her stripping work, Lewin wrote her Masters thesis on the subject, and eventually her book, *Naked is the Best Disguise*.

The book is obviously a cathartic vehicle for the author. It allows her to relive an emotionally turbulent time in her life, while it examines her motives for becoming a stripper and how the work affected her. But Lewin goes beyond the purely personal to give a lucid analysis of the striptease subculture.

Written in a vivid, incisive style, the book reads more like a novel than a piece of non-fiction and, indeed, most of the characters and incidents are fictional composites of real-life people and events. Occasionally the reader becomes confused about chronology, as the author reels off anecdotes without always telling us when they occurred. But the insights seem genuine and the messages are compelling. Avoiding both strident moralism as well as voyeuristic sensationalism, Lewin reveals the world of "exotic" dancing as a very mundane one in which society's sexist values are played out on the striptease stage. A touching sub-theme of the book is the author's loving relationship with her grandmother, whose values she tries to cling to in the midst of a brutalizing environment.

Lewin became a stripper partly for the sake of adventure, but also because she wanted male attention and because her sense of self-esteem was largely dependent on her image of herself as attractive to men. The more men lusted after her while she paraded before them on stage, the more powerful she felt. But her feelings of self-worth could be utterly shattered if the men's attention strayed, if they failed to be spell-bound by her female magnetism. And this magnetism, Lewin reveals, is an illusive thing.

The stripper is in the paradoxical situation of having to "show what she's got" to the men, while at the same time creating an air of mystery, of "tease," about the female body. The men watching must be under the illusion that they are conquering the stripper with their eyes while she remains unconquerable. Otherwise the game would be over too quickly.

Paradoxically, as well, most strip-

pers feel they must keep something of themselves hidden in order to maintain their sense of being "good girls" rather than "bad girls." The most anxiety-provoking aspect of the strip routine is, therefore, what is called the "floor show," because it requires the women to lie on the floor and expose their genitals, bringing them "dangerously close to being like prostitutes," Lewin writes.

Each dancer finds her own way of preserving a shred of dignity during this humiliating act. One covers her genitals with her hands, another refused to gyrate her hips, a third vents her outrage over floor shows with sarcastic comments such as: "It puzzles me when they look up my crotch like that. Is it like a chimney and if they look far enough they'll see daylight at the top?"

In order to be "up" for the difficult psychological demands of the striptease, the dancers are usually high on cocaine. This consumes much of the money they earn; at the same time keeping them in the business so that they can pay for the habit.

The women have little control over their working conditions. Lewin describes how the manager of the Nudie Tease, the club she worked at, ingeniously kept the dancers divided and therefore under his thumb by encouraging cut-throat competition. The degradation associated with the job also prevents the women from identifying with and supporting one another. Each tries to see herself as different from the others. When one of the strippers in Lewin's narrative breaks the pattern and falls in love with one of her colleagues, the others react with vicious homophobia that thinly veils their own self-hatred.

Eventually, the stripper is caught

in a vicious circle of self-degradation and denial. She would like to believe that her striptease routine is a celebration of the female body. Indeed, in another kind of society, it could be. But strip joint patrons only adore the fantasy female image created under the coloured lights and artificial bar-room atmosphere. They despise the realities of the female body – any sign of menstruation or pregnancy, for example – probably because these destroy the illusion that woman's sole function in life is to arouse men.

"Menstrual blood didn't belong in the Zone. We did our best to hide it. I'd seen it on stage only once before, and that woman had been so ashamed of her leaky tampon that she'd quit the job. Another woman had ceased menstruating altogether, and her doctors couldn't explain why."

Lewin's narrative reveals in chilling detail how stripping for a living can undermine a woman's self-esteem, making her easy prey for even greater exploitation by pimps who lurk in the clubs looking for like-ly prospects.

Only a few women in our society earn their livings as strippers, but most of us can identify with the ambivalent feelings towards the female body and female identity that Lauri Lewin describes. We are all subject to our culture's sexist messages. In analyzing the reality of the striptease, Lewin sheds light on the oppressive assumptions that all women are affected by. Indeed, the most disturbing aspect of the book is the sense it conveys that the striptease is merely an exaggerated element of a culture in which women are seen and see themselves as mere objects of men's desires.

bts

## No Immediate Danger? Prognosis for a Radioactive Earth

by Rosalie Bertell

Toronto: The Women's Press, 1985, 435 pp.

reviewed by  
Marie O'Shea

*No Immediate Danger?* is a very serious book about the debate over nuclear energy. It provides an important feminist analysis that gets to the root of the issue, placing it in the context of male concepts of power and national security. This is reflected in Bertell's view that "nuclear energy, both because of its origin and through its implementation, is rooted in war, oppression, secrecy and manipulation" (p. vii).

This book would make an excellent reference tool for those who want to refute pro-nuclear arguments; it should be read by anti-nuclear activists, pacifists, and feminists.

At the same time, I think it should also be read by politicians, scientists and others who support the nuclear industry. One hopes that *No Immediate Danger?* would challenge at least some of them to re-think their assumptions. Certainly Rosalie Bertell's own credibility as research scientist, activist and author (with more than 80 publications and addresses to her name) will make it dif-

ficult for her opponents to simply dismiss her or her views.

Bertell presents a most useful analysis of the scientific premises of both sides of the nuclear debate, exposing the long-term consequences of low-level nuclear radiation and the absence of any system that could accurately record the impact of radiation on health. She puts all this into an historical context, which helps ordinary people to see through the industry's baseless assurance of "no immediate danger," made following nuclear accidents. Certainly, the title very accurately captures the mood and message the author wishes to convey.

In her introduction, Bertell effectively links nuclear issues with both our personal and collective stories. She connects the case of a young leukemia victim to specific agents used in energy and defence that are known to be cancer-causing. Bertell then uses the analogy of genocide during the Holocaust to try to understand the idea of omnicide, or species death which could happen with nuclear radiation. For example, Bertell says that wishful thinking and denial blinded most Jews to the true objectives of Nazi racism until it was too late to escape.

The most valuable aspect of this book, however, is that it transcends a mere reiteration of historical and scientific facts. Bertell presents us with an empowering vision. Women can create this new social order by taking control of their own lives and by inspiring others to do the same. We must insist that technology prove itself able to serve real human needs and not narrow corporate or military objectives.

My one serious criticism of the book is of the way Bertell presents its

substance. In the preface, she makes a key point that "a greater effort is required, however, to learn the unfamiliar jargon, to grasp in detail the human health implications of radiation exposure to understand nuclear technology" (p. ix). I am pleased that Bertell did not patronize me, that she presented a clear, comprehensive insight into the jargon on nuclear technology. I found myself getting bogged down, however, in her 50-page presentation of "The Problem," because the material is not divided up in any way but rather appears in a great, indigestible mass.

The anecdotes and incidents in the sections on "The Practices" and "The Cover-Ups" could have been more effective if the theme of each section were outlined at the beginning, then summarized at the end, then linked to both the overall themes of the book and to the policy issues we face.

Part four, "A Time to Bloom," holds together much better and hence succeeded in capturing my imagination. There is optimism in Bertell's call for a "citizen-action structure" that would counterbalance the interests of politicians and others involved in the nuclear industry. Perhaps if this section had been placed first, preceded by a brief summary of parts one to three, the book might better attract and hold the reader's attention.

All in all, this book is a useful reference tool and a good feminist analysis of the nuclear issue. bts

Marie O'Shea joined *Breaking the Silence* in June 1984 to work with women of vision for a non-oppressive society, and was a collective member for two years. She worked in developing countries for several years, and her main interest is international development with an emphasis on women.



# FILM REVIEWS

## The Official Story

dir. Luis Puenzo

(Argentina 1985), 112 min.

reviewed by  
Tünde Nemeth

*The Official Story* is a painful film about the politicization of a bourgeois Argentinian woman. It centres on Alicia, who, after a lifetime of complacency, begins to think that her adopted daughter may be the child of a political prisoner. The catalyst for this sudden questioning is a talk with an old classmate, just returned from exile. She tells Alicia about women who gave birth in prison, then were forced to give up their babies for sale to "middle-class couples who asked no questions."

Alicia is genuinely shocked. It has never occurred to her that such a thing could happen, having truly believed that her own daughter had willingly been given up by the birth mother. Now, although she resists believing her friend's story, she can no longer live with the uncertainty. The film traces Alicia's quest for the truth about her daughter, and her attendant political awakening.

Alicia's development is reflected in her relationship with her students in the history class she teaches. By the end of the film, she stops insisting on the "official story" of the history texts and admits that other points of view may also be valid.

Parallel to this is Alicia's growing recognition that questioning the "official" sources – her husband Roberto, who arranged the adoption, the priest who helped him, the staff at the hospital their daughter supposedly came from – is getting her absolutely nowhere. It is through an unofficial network of women, the

mothers of *los desaparecidos* (the missing ones), that she finally finds not only the truth about her daughter, but meets the child's biological grandmother. It is the women who finally force Alicia to confront the truth that she both does and does not want to know.

Alicia's enlightenment is echoed in her responses to demonstrations by the mothers of the missing, shown at key moments. Near the beginning of the film, she walks by one of these demonstrations as if they had nothing to do with her; at the end, she joins one. By doing so, she also cuts across class lines, as the demonstrating mothers are clearly portrayed as being poorer than Alicia.

All this is indeed admirable. But what does *The Official Story* really say about women?

When you come right down to it, the film espouses traditional values about women's roles (mother, grandmother, teacher) and their political involvement. That involvement takes place on an individual, rather than a collective, level and occurs because of their children (or, as in the case of Alicia's exiled friend, because of their husbands or lovers). It's fine for us to say that the world is a mess and that women will be its salvation. But when that attitude is imposed, as it seems to be in this film, doesn't it just reinforce our gender roles? It makes women the repository of all the morality, all the peace, all the social relationships. At the same time, it lets men off the hook, leaving them with the real power in the society but with no responsibility for their actions. Furthermore, it's all very well for women to relate to each other through their children, but let's not limit ourselves to that. Let's have some choices about what kinds of relationships we will have and how we will struggle politically.

It is indeed to the credit of the current Argentinian government that

*The Official Story* was allowed out of the country, critical as it is of a system that continues to support the naïve and the unscrupulous, as well as institutions (church, school, hospital) that are exploitative and slow to change. But the main charge that the film brings against the government is, surprisingly, relatively weak: the government has not been quick enough to redress the wrongs perpetrated by the junta. At the same time, there's a clear suggestion that the government is in fact doing something to track down supporters of the previous regime. One

of Roberto's business connections is arrested, in what seems to be part of the widespread purge still taking place in Argentina.

Taken in this light, the politics of *The Official Story* are disappointing. I'm even beginning to feel that its message about the government is actually quite hopeful — after all, Roberto, profiteer, torturer, the film's symbol of the old military regime — has nothing left at the end of the film. His entire family has ostracized him, and his politics are becoming unpopular. Meanwhile Alicia, the newly enlightened (and hence "correct")

bourgeoisie, is fighting alongside the common people in their struggle for truth and change.

Despite all this, *The Official Story* is undeniably impressive. It's absorbing, it's disturbing, it's thought-provoking. It's not flawless, politically or technically. But I still feel it's well worth seeing.

bts

*Tünde Nemeth is a graduate student in women's studies at Carleton University. She has worked as an editor and writer, and has worked on Breaking the Silence for a year.*

*continued from page 4*

care, holding fast to a vow of never hurting people who are hurting already." I want to know what qualifications Ellis has for knowing who is not in pain. We know all too well that incest and spouse battering, medical abuses, and alcohol and drug addictions that are born of psychological crippling know no class boundaries. Rich women have material advantages. They also *need* class struggle and feminism as much as any of us.

It is indeed a pity that Ellis' vision, her energy and her determination were not fused in her article with understanding, insight and intelligence. Satire is a fine art. In the interests of feminism, I encourage her to take a critical look at her skills. And then do better.

After all, is terrorism the *best* path to peace?

Michelle Poirier  
Victoria, B.C.

Dear *Breaking the Silence*,

I have subscribed to *Breaking the Silence* since its inception and have enjoyed reading every issue from cover to cover. However something in the "hot flashes" section of the fall 1986 (Vol. 5, no. 1) disturbed me.

Your column, "Defining Pornography and Making All Depictions of Sexuality Illegal," over-simplifies a complex issue. Mr. Crosbie may have jumped to conclusions with his proposed legislation on obscenity. I fear

you have done the same thing.

I have had to watch a great deal of pornographic videos in the course of my work. Every depiction of lactation I have seen has been degrading to the woman involved. Invariably the scene has shown a man squeezing and pulling the woman's breast hard and laughing as the milk spurts from her nipple. I doubt that an acted film scene or a real-life occurrence of a woman breastfeeding her child will be judged as pornographic by anyone. Remember, policemen are fathers too.

All pornography is degrading to women. It's produced by men for men. In pornography, women are clearly depicted as sexual objects. There is no love or equality present. I see this as the main difference between pornography and erotica. I believe it's important for women to

educate themselves on the content of pornographic material. Look at it, read about it. You'll be enraged by what you see.

Sincerely,  
Peggy Kelly  
Ottawa, Ont.

Dear *Breaking the Silence*,

Just a quick note to tell you how much I enjoyed the article on South African activist Jessie Duarte. It was great to read a positive comment about western feminists from a Third World Activist. I know *Breaking the Silence* will continue to publish articles which focus on "working productively toward concrete change from a class perspective."

In Sisterhood,  
Carol Richardson  
Ottawa, Ont.

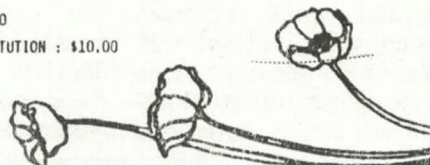
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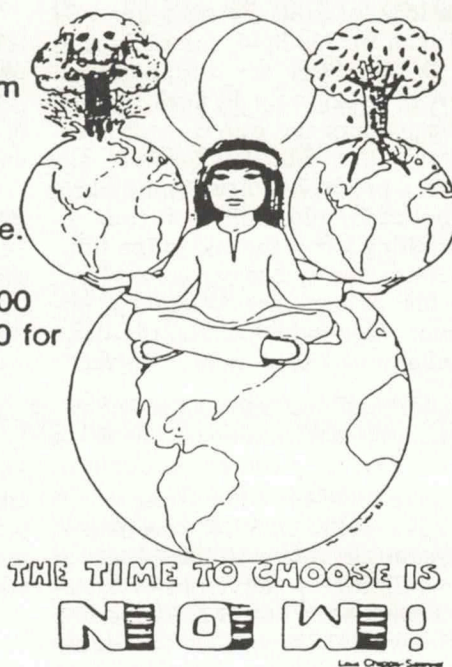
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with legislation a new dawn for Nicaraguan women, the government has passed the Mother-Father-Child Act, which legally requires both parents to be responsible for the welfare and care of the child. It also gives equal and consensual rights to each parent so that no one party can unilaterally determine the future of the child.

While serious efforts are being made in other areas to rectify the inequalities of sexism, much work remains for the future. At this time, the agreed priority of the government and the national women's group, the *Asociacion de Mujeres Nicaraguenses Luisa Amanda Espinoza (AMNLAE)* is to win the war waged by the United States. Progress has and is being made, however, and the active roles women played in the revolution and afterward in health and literacy campaigns have helped open the way for change in their personal attitudes and in those in their fellow male revolutionaries.

AMNLAE, which has representatives in the National Assembly, has been instrumental in structuring reforms and shaping government priorities. The huge health campaign which eradicated polio, and lowered the infant mortality rate by two-thirds was a result of neighbourhood women raising their voices through AMNLAE.

The Nicaraguan revolution is unique, and has been described in many ways by those who have visited this Central American country. To church workers, it is a profoundly Christian revolution; to health workers and educators, it is a triumph over disease and ignorance; to community and political activists, it reconfirms the ideals of constructive social change through popular education. Certainly no-one who has visited Nicaragua can return untouched by the Nicaraguans' spirit and determination to succeed. bts

*Richie Allen has been a member of the Coalition for Aid to Nicaragua for the last three years. In 1985, she spent three months travelling through Nicaragua.*

*continued from page 17*

backed contras. Not only have many health clinics, daycare centres, schools, food depots and industries been bombed and burned, but thousands of Nicaraguans and many international workers have been raped, mutilated or killed by U.S. President Ronald Reagan's "freedom fighters."

Yet the construction and operation of daycare and health centres, universal education and most importantly, the increased participation of Nicaraguans in the development of the constitution, remain the priorities for the Sandanistas. This has been reflected in the less tangible changes in personal and social attitudes towards women, who had suffered very much from a double oppression under Somoza. Prostitution flourished as Somoza's coffers benefitted

from the bordello and drug trade, and machismo was encouraged, causing desertion and multiple families to be common.

Women, whether single parents or not (and by 1980, more than half were), had no legal rights over their children although they were solely responsible for their everyday care, housing and feeding. The fathers, though estranged, retained total control over the children's lives, effecting a subtle blackmail within the family. Indeed, some women who supported the revolution as the only hope in providing a good future for their children, lost them in their moment of victory as the fleeing fathers snatched them away to Miami, Florida.

In an attempt not only to change such sexist attitudes, but to reinforce

continued from page 16  
mothers, are cheats.

When a welfare mother "cheats" out of necessity, people scream bloody murder. When a rich entrepreneur benefits from government subsidies (corporate welfare) and avoids paying any taxes, he is applauded. Cheaters exist across all economic strata, but poor and single welfare mothers are singled out for criticism to avoid looking at more fundamental inequalities.

Certain notions that still prevail in our society inform us that women are not fully recognized as paid workers: for instance, women's work is still considered to be, first and foremost, parenting and wifery; and women continue to be valued on the basis of their looks and femininity, not their work. These assumptions are incorporated into the family wage principle. In theory, this principle makes women economic non-entities, dependent on men for income. This idea must be changed if the end of the "man in the house" rule is to have any real meaning.

The family wage principle mirrors present gender-class relations which include male dominance and female subordination. The principle sup-

ports the family as an institution based on the sexual division of labour, where the man is the primary breadwinner and the woman the primary parent and homekeeper. It is believed that it is more important for the man to have a job because men have to support their families. In fact, as Elizabeth Boulding's study of the family points out, "roughly one-third of women are somehow maintaining households without husbands."

The family wage, by assuming that women are at home, gives policy makers an excuse not to provide sufficient child care, health and educational services. Women at home are expected to take on these responsibilities. Women who need to work for pay are considered secondary, temporary workers, are stuck in job ghettos, and paid accordingly.

The pretence that all women have husbands who support them allows policy makers to tolerate and ignore poverty. Women who have to resort to welfare, who deviate from both their secondary role in the workplace and their traditional role in the home, are disquieting to those who would rather see women in the kitchen and silenced.

Women are expected, ideological-

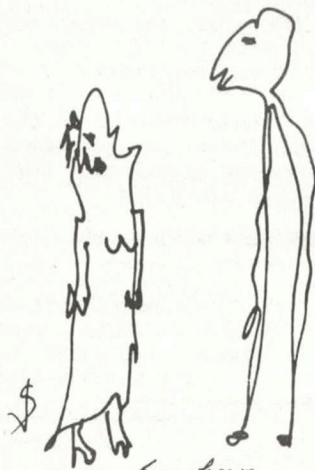
ly, not to be in the workforce when they have a husband to support them. Should they become "manless," and unable to support themselves, the welfare department is forced to take on the role of "primary earner."

The "man in the house" rule has been part of a witch hunt to track down women who are viewed as neglecting their duty by not getting money from their lovers for sexual services rendered, thus, making the welfare department pay to support another man's "property."

In an egalitarian society, the economic unit would be the individual. Parenting, nurturing, and homekeeping would be valued equally and would be shared by men and women. Are we moving one step in that direction by no longer discriminating against poor women? At the very least, we can hope that a welfare mother will be considered single until she has lived with a man long enough that he is obliged, as a common-law or legal spouse, to support her and her children. bts

*Diane Chalmessin is an intake worker in an Ottawa community resource centre. She also co-leads a francophone support group for battered women.*

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continued from page 20

sentence for a minor crime, they might be placed under protection for a year because it is thought they need assistance.

### Shipped Out to Shape Up

Small towns, rural villages and northern communities frequently do not have custodial facilities to deal with young female offenders. Often, these young women are sent out of their communities to serve dispositions. To many, this uprooting is as traumatic as the sentence itself. Because of the greater number of male offenders, custodial facilities are made available for them within their own town limits.

### Conclusion

This has, by nature, been a broad and general overview. Some points of view may have been left out; some situations left unexamined. However, we believe the serious problems facing female young offenders have been clearly documented.

Solutions are not easy to come by. Some answers have been offered by the people interviewed — more preventive programs to help teenagers in danger of becoming offenders, better use of community projects, more money and assistance from governments, and court support programs for females.

Furthermore, it has frequently been suggested that judges, and others in the legal system, need to be educated about how to deal with youth under the YOA. The general public also has to be made aware that the crimes committed by young females often stem from the social, personal and familial problems these women face. Until we learn to deal with the reasons behind the crimes young people commit, we will be ill-equipped to help young offenders after they enter the legal system. *bts*

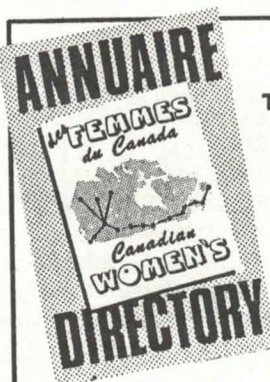
*Michelle Clarke and Sally Smith are researchers for the Canadian Council on Children and Youth. This article was written with the assistance of the Council. Articles using the same research have been printed in Youth Policy Today, the CCCY's quarterly journal.*



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