

**EDUCATING THE EYE:
Engendering Issues of Social Justice at UBC and Beyond**

Celebrating Women's and Gender Studies Research at UBC

**Friday 2 November 2007
1:30 – 6:00 p.m.**

**St. John's College
Social Room**

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President and Vice-Chancellor
The University of British Columbia**

Thank you, Dr. Creese [Gillian], for your kind introduction, and thanks to all of you for your invitation to present the keynote address at this conference today. It's an honour and a pleasure to be here, to celebrate the successes of the Women's and Gender Studies Program and Centre with you, and to share this opportunity to hear some of the leading research that has been conducted here on engendering issues of social justice.

I was asked to talk today about some of my own experiences and my work in law and human rights, and I also want to talk about what it is we're celebrating: about all that it means for this program and this Centre, for the University of British Columbia as a globally influential institution, and for the local, national and international communities beyond our gates, that Women's and Gender Studies is celebrating 35 years of teaching and learning, research and collaboration, and success in driving and supporting social change.

But before I go any further, I just want to say that I really hope I *look* the part of a keynote speaker today. I'm recently back from Japan,

and I haven't been able to see my barber. None the wiser I went for a "dressed" look, but not too formal, so I'm feeling reasonably confident, for the most part. But you know, what I'm concerned about is the eye glasses.

It's silly, really. It was over a year ago now. I was interviewed for a local online publication, and the reporter opened his story by referring to these glasses and saying that I looked like "an amiable, quizzical opossum" such as might be found in a British children's story book.

In other words, in the three to 10 seconds in which we apparently make most of our decisions about the people we meet, he decided that I most certainly did *not* look like a university President. Or *maybe* it was that I didn't much resemble Martha Piper, who broke the mold after 11 consecutive male presidents and whose image became synonymous with "university president" during her tenure.

Whatever the case, this journalist *did* acknowledge my past credentials and so was prepared to give me a chance to show what I could do. And I tell you this silly opossum story for this reason: that I

was grateful, because that second chance is more than most people get once they're seen as less than, or other than, human.

In an essay called "Seeing," in the book *Bread Out of Stone*, Toronto-based, Trinidadian essayist and poet Dionne Brand says, "The eye is a curious thing: it is not passive, not merely a piece of physiology, practical and utilitarian. The eye has experience, knowledge and has cut out territories, reasons why it sees this subject leaning in and that one leaning away. The eye has citizenship and possessions. The eye [possesses] frames ... describing the edges of the picture and what must be at the focus. The eye has purpose and goes where it wants to in order to clarify itself. Or to repeat. Or to regulate. It is very precise as to how it wants to see the world. This is the eye that always looks and needs to be looked at. You cannot leave this eye alone for a second, at least not if it's resting on you. It will fall back on itself, on things it knows."¹

What we're celebrating here today is that for 35 years, Women's and Gender Studies at UBC has not left this eye alone for a second. This

¹D. Brand, "Seeing," (1994) *Bread Out of Stone* at 169-171.

eye that sees through its own experiences, its own territories, its own citizenship, to the exclusion—and often the attempted destruction—of all else.

You have said to this eye, ‘Open wider and see *these* experiences; explore *this* territory; acknowledge *these* citizens.’

You have said, ‘Make room. In yourself, in your frame of reference, in your too-small, exclusive world.’ What’s more, *you* have made room, here, a safe place of inquiry and reflection where heretical questions may be asked, prevailing viewpoints challenged, revolutionary new viewpoints raised, the invisible and the disappeared brought to light and included.

And you have not kept it guarded as ‘a room of your own,’ but opened your doors wide—to the university, through an astonishing range of interdisciplinary initiatives and partnerships; to the local community, through both student placements in community organizations and research opportunities for community-based scholars; and to the

international community, through your Visiting Scholars Program and your graduate studies programs.

This conference is not only a celebration of all you've accomplished but also an invitation to a broader audience on the UBC campus to consider the gender dimensions of social justice issues in relation to their own work. Perhaps even to see ways in which more of us might work together to advance these issues, where working separately would take us so much longer.

A milestone like this invites us all to ask: How far have we come? Where are we now? And, What are our next steps? I'd like to speak to those questions a little now within the context of my own profession and field of study, that of law.

Under the law, women could not vote in this country until 1918, and they could not stand for election until 1920. Women were not, in fact, considered persons here in Canada until 1929. Finally, in 1982, the *Canadian Charter of Rights and Freedoms* was incorporated into our constitution, declaring that "Every individual is equal before and under

the law and has the right to the equal protection and equal benefit of the law without discrimination. Further, “notwithstanding anything in [the] Charter, the rights and freedoms referred to in it [were] guaranteed equally to male and female persons.”²

That was 1982, and there was a lot of hope brought to bear on those words and that document. But it was understood that it was not a reality that was being enshrined in our Constitution then, but an ideal toward which we then had to work. And so here’s a little story about something else that happened in 1982.

In 1982, I was in third-year law school at McGill. Throughout my time in law school I studied in a small group with three other people, all of whom were women. Two of those women were older than the standard student age, and had come back to study law after raising families and, in one case, after another career. The four of us worked very closely together, and when the mooting exercises took place, we chose our mooting partners from within that close-knit group. In a moot, you get up and pretend you’re arguing a case in front of a

² From Sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*.

court, and usually you have real judges, or practicing lawyers from the legal community who come in and serve as judges.

So in my moot, I worked with one of the women in that group as my partner—someone with whom I remain close friends—and the other two women were partners together. Their opponents were two young men who were both clearly very ambitious and driven toward success as practicing lawyers. And they had as their judges two practitioners and one upper-year student.

So the way this works is, you're in a team of two, you're arguing a case as if you're arguing before an appellate court, and you have people on the other side arguing against you. So my female colleagues stood up and they argued their case, and then the other side, the two young men, argued their case, and then it came time for the practitioners who were serving as judges to give their critique.

They started with my two friends, and said quite complimentary things, for instance, you argued this very well, you were very clear about that, I think you need to work more on X, Y, or Z. And they

finished their critique. And then they turned their attention to the other two, young, male law students, both of whom were very clean-cut and outfitted in blue suits, etc. And the judges looked at them and said, “You two really *looked* like lawyers.”

I was watching this, and I remember that my heart just stopped. I thought, ‘That is *impossible* in our era’ when, by that time, the majority of law students were women, and had been for some time.

Another story: The third woman in our group, my mooting partner, graduated and went off to work in Toronto. She’s a very smart person, very capable, and has had a very successful career. I must also add that she is a stylish dresser. Her first day on the job with a very distinguished Toronto law firm, she was called into the office of her mentor, a longtime, senior lawyer who had been assigned to help her navigate the ways of the firm. He said to her, ‘I don’t know how everything’s going for you today, but I can tell you that you should never wear a green suit to work.’

Now, I know the suit that she was wearing and it was absolutely stunningly beautiful—green linen, not flashy, just very elegant. But the point was that she was supposed to turn herself into someone who *looked* like a lawyer, and that meant looking like the men, and that meant a dark-blue suit.

That was 1982, the year of the *Charter of Rights and Freedoms*, and in this, the 25th anniversary year of those words about equality and the guarantee of rights, I can think of so many friends and colleagues who are constantly being challenged by these kinds of things, even still. So, how far have we come? Well, yes, we've made some progress, but we haven't made as much as we like to think.

A few years ago, I wrote an article titled “Riding the Fences: Courts, Charter Rights and Family Law,” which was published in 1991 in the *Canadian Journal of Family Law*.³ By that time—nine years from its introduction into the Canadian legal landscape—I expected that the *Charter* would have made a significant difference to family law in Canada, but what I found was that it had not. So I decided to look at

³ Stephen J. Toope, “Riding the Fences: Courts, Charter Rights and Family Law” (1991) *Canadian Journal of Family Law* at 55-77.

why that was. And the answers I found lay in certain assumptions about rights, family and privacy that were inherently gendered.

Within families, as in so many other contexts in Canadian life, the *Charter* had changed the way people were talking to each other, leading them into clashing assertions of “rights.”

Yet within families, the locus of power and challenges to that power had traditionally been shielded from public view, whereas it is in public that “rights” are usually articulated.

Until the late 1980s, the traditional, unchallenged presumption was that the family was a “private” sphere of activity, clearly distinguishable from the “public” life of the workplace and the marketplace.

So in the courts, judges searched for ways to protect the “sanctity” of the family while adjudicating upon the “best interests” of those in broken family relationships, especially children. In these cases, *children* had rights; *parents* had responsibilities. Beyond that, it was

the judicial and doctrinal argument that constitutional rights could not be invoked in private disputes, family disagreements being quintessentially private.

Moreover, according to the courts, the *Charter* was designed to protect individuals from overweening state power—not from other individuals. Thus, to invoke a *Charter* right, it was necessary to show some form of governmental action. In other words, the government was subject to *Charter* review even though other sources of oppression remained constitutionally free to oppress. Lastly, the *Charter* may actually be interpreted to include a protection for family privacy. Again, the sanctity of the family.

Many voices have decried the privatization of violence against women and children that has been allowed to flourish in the name of the sanctity of the family. Rather than serving as a “haven in a heartless world,” the family has been for many women and children (and sometimes for men) the very site of their oppression.

The fact is, despite the supposed distinction between the public world of law and the private world of the family, the state has *always* been intimately involved in the construction of the family as we know it, for example, by support of patriarchal structure through law. “Private,” albeit socially constructed, patriarchal power continues to be a source of deep oppression for women. If the *Charter* is interpreted to focus only upon express governmental acts, it fails to address some of the greatest threats to rights and freedoms that exist in our society.

Yes, families and not the state, should remain the primary locus for decisions relating to sexual expression, the education of children, and the distribution of tasks inside the home, to name but a few examples.

And yes, families are also remarkably complex constructions, not of strictly autonomous entities but of real human beings with needs for independence as well as needs for dependence and for support. The protection of privacy is a necessary element in the creation and the recreation of healthy family relationships.

But it should be possible to evaluate the context of any particular relationship and its effects in deciding to what degree the relationship should be shielded from public scrutiny. Destructive, permanently unequal, or violent relationships should not be immune from public regulation.

What I concluded was that if the rights talk of the *Charter* is to mean anything in the context of family law, it must be reinterpreted within a subtle and contextual appreciation of relationships. Creative theorists have demonstrated that a reconceptualization of “rights” is possible, and would allow the assertion of rights to make sense within relationships of intimacy and care. But Canadian courts have not yet demonstrated such a degree of philosophical sophistication. As long as rights are viewed solely as fences that the courts must ride to negotiate the barrier between the individual and her society, rights will seem foreign to the private sphere of the family. Our judiciary must look beyond the metaphor of autonomous individuals drawing lines in the sand before the state, and elaborate a new vision.

Someone who, in my view, has been tireless in asking the legal profession and the law itself to expand its vision beyond entrenched frames of reference is Dr. Martha Minow of Harvard Law School.

Dr. Minow is the author of over 150 other books and articles. She has been the Research Chair of “Imagine Coexistence” for the UN High Commission for Refugees, and helps to develop teaching materials on human rights and genocide for use in the US, Europe, and Africa. Her research interests include treatment of recent immigrants in Western democracies, especially around where domestic family law and education practices collide with preferences and practices of new immigrants.

In a book called *Making All the Difference: Inclusion, Exclusion, and American Law*,⁴ Dr. Minow talks about how we see—and don’t see—one another through lenses of “difference,” and how five assumptions in particular tend to predetermine our perceptions:

⁴ Minow, Martha L. *Making All the Difference: Inclusion, Exclusion, and American Law*. Cornell University Press (1990) at 50-78.

First, we assume that differences are “intrinsic,” that behaviours or characteristics we see in another that differ from our own identify or define that other person.

Second, we assume that “the norm need not be stated.” That a certain behaviour or characteristic always has one particular meaning, and that that meaning is the norm.

Third, we assume that “the observer can see without a perspective.” That you or I or the schoolteacher or the Supreme Court judge sees all there is to be seen.

Fourth, we assume that “other perspectives are irrelevant.” That there is no context, or are no other perceptions, that need to be accounted for, no other story than the one in which everyone but me is a secondary player.

And fifth, we assume that the “status quo is natural, uncoerced, and good.” That things are the way they are because they are meant to be that way, or because God ordained them to be that way, or

because the State has declared them to be that way for the good of the people.

From 2000 to 2005, I served as chair of the United Nations Working Group on Enforced or Involuntary Disappearances, which investigates cases linked to the activities of state security agencies. These are cases in which the supposed “differences” of the people in question—political, ideological, religious—are seen as so threatening to the prevailing regime that those people are made to disappear.

I was also the independent fact-finder appointed by the Maher Arar inquiry. Just to remind you, Maher Arar is a Syrian-born male, and a Canadian citizen since 1991. He had been visiting relatives in Tunisia in 2002 when he was detained in New York by US Immigration authorities, held on suspicions of terrorism, and then deported to Syria. For a time, he simply disappeared. My report brought to light clear evidence of Mr. Arar’s severe physical and psychological trauma as a result of having been beaten and tortured there, and his economic ruin as the result of his ordeal. Here, though, is an interesting point: it was being seen—in other words, the fact that the

report corroborated Mr. Arar's own story—that he says allowed him to begin his process of social rehabilitation.

A success story? In many regards, absolutely. And yet it can be difficult to celebrate sometimes in the face of all that remains to be done.

It can be difficult to celebrate, but I think it's necessary to do as we are doing here today, to stop and say 'Yes, we have learned, we have won some victories, we have opened some eyes.'

I want to say within the context of such a celebration as this that we as academics should not be afraid of deep moral commitments in our academic work. There's nothing wrong with saying that our academic work—in women's and gender studies, in law, in human rights, in science, in education—actually may serve the promotion of social justice. There's nothing there that should be seen to undermine the academic credibility of our work. The university experience *should* be a transformative experience—for students, for faculty, for those we touch beyond these gates. We are in the business of opening eyes, opening minds, dare I say opening hearts. And the only way to

accomplish that is from a place in ourselves of clear-sightedness, open-mindedness and open-hearted engagement.

There has been much criticism, I think, of women's studies, race studies, and a whole series of fields, by some people in society who would argue that as academics we are required somehow to be neutral observers. I would agree that there certainly are places for neutral observation and information gathering and data analysis. But there are also places for people within the university to work from a deeply engaged perspective.

One of those places where that is happening at a profound level, is here—in Women's and Gender Studies Research.

UBC will celebrate the 35th anniversary of teaching feminist courses on campus this coming spring. Firstly, my congratulations on that significant milestone, and secondly, my thanks for creating opportunities like this conference for students and Faculty and for the campus community as a whole to celebrate the successes and achievements of the past 35 years. And there are many.

One of the first schools in North America to offer credit courses in women's and gender studies, and one of only three schools in Canada now offering a PhD program in the field, UBC's program has always been a model of interdisciplinarity, and that, I think, is one of its core strengths. The program's 60-plus Faculty Associates hail from the Faculties of Arts, Education, Law, Science, Applied Science and Medicine, and come together collaboratively and collegially to provide unique, creative and far-reaching learning and research opportunities for UBC students.

In addition, the Centre has forged strong links with other interdisciplinary units on campus, including the Liu Institute, the Institute of Asian Research, St. John's College, the Peter Wall Institute for Advanced Studies, the Human Early Learning Project (in Medicine), the First Nations House of Learning, and the Centre for Feminist Legal Studies.

Over time, as these cross-campus relationships have expanded, the focus of the program and of the research conducted here has also

expanded to address a broader diversity of issues. Research clusters now include literature, film and cultural studies; social policy and community action; critical studies in sexuality; migration and racialization; international development; gender and health; class; poverty and inequality; and the Centre for Studies in Autobiography, Gender and Age. Advised on the working climate survey in the Faculty of Science – personally grateful.

Graduate students come from Canada, Chile, China, India, Korea, Romania, Taiwan, Thailand and the United States, bringing with them a wide range of perspectives on topics as diverse as sex workers in Vancouver's Downtown Eastside; post-communist Eastern European women's narratives of trauma; international adoptions in India and Korea; and the representation of Thai women on Intermarriage websites, to name just a very few.

As well, the Center for Women's and Gender Studies has always held as part of its mandate the imperative to connect with, to draw from, and to give back to the larger community. Long before "community service learning" became a pillar of UBC's institutional vision, this

Centre lived out that practice, not only within the UBC community, but also in the local, national and international communities.

On an international scale, the Centre initiated a Visiting Scholars Program that drew researchers from Africa, Asia, Australia, Europe, North America and South America.

Locally, the Centre enjoys longstanding partnerships with many community organizations, including the BC Centre for Excellence in Women's Health, the Aboriginal Women's Action Network and the Disabled Women's Network. These partnerships provide practicum opportunities for UBC students at both the undergraduate and graduate levels and, in the past, provided space and resources to community-based researchers from partner organizations to come to campus for a month or two months to conduct research that connected directly to policy issues and social transformation.

And here on campus, the UBC Scholar Program gave UBC faculty a one-term teaching release to conduct research at the Centre.

You'll notice, though, that I have begun speaking in the past tense. I am aware that three of the Centre's four core programs have been suspended, and within the fourth, graduate studies, the PhD program is now in jeopardy as well.

In terms of the community programs, many of the Centre's partners are women's organizations, and many of those have had their government funding cut in the last two years. Some of these groups don't even exist any more, and many of those that do no longer have the resources required to take in students for placement. This situation is extremely worrisome, because we're facing the loss of tangible benefits to both the University *and* the community.⁵

What occurs to me is that we are going to have to look for new ways to connect into the community. I'd like to consider the possibility of working more intentionally on gender issues through UBC's Learning Exchange, for example, and perhaps through some of the other community service learning partnerships that now exist. Instead of

creating stand-alone programmes, e may have to share in existing programmes, building out new relationships.

With respect to the PhD program, currently there are 18 students enrolled, and every year since its inception in 2001 the program has had to turn away *at least 90 percent* of applicants. In 2007, the program received 28 applications; two new students were accepted. As I mentioned, there are only three PhD programs in women's and gender studies in Canada, and the demand for places, and for scholarships—as well as the need for this research—is much higher than can currently be met. Faculty resources are certainly an issue; at UBC, the grad program and the Centre combined have just half a faculty appointment, and a Director. Those 60 Faculty Associates I spoke of earlier come from Faculties all across campus and commit their time to ensure that this program can continue.

Although decisions around faculty resources must be made by the Faculties themselves, I *will* take this opportunity to say that PhD students are fundamental to the research success of any unit in the University, and I would be interested in working with the Centre as it

seeks sustainable ways to address this problem. It is vital that students have a place to do this work, and it is vital to UBC and to the communities we touch that we continue to provide the place to do this work.

Over the past 35 years, Women's and Gender Studies Research has exemplified the power of education and critical reflection to render the invisible visible, and to transform at individual and political levels. The act of engendering issues of social justice—here in the Centre and elsewhere in the University—is an act of making the unseen seen. We are re-memembering the disappeared. We're removing these lenses we're so accustomed to looking through, and learning to see one another, human being to human being—even to see those we have seen before as if for the first time. We are not leaving the eye alone for a second.

Thank you.

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