I was born into a world where women were still, as they had been through much of human history, defined by their role in the family—as daughter, sister, wife, mother. Find a man, fit into his life, and get your status, satisfaction, and financial support by caring for husband and family. That’s what was instilled into us. But the financial security promised to a woman was difficult to enforce, and if a woman did not behave according to societal norms, she could lose her children and become an outcast. In this culture, independence was an alien word for women. The word equality was rarely whispered, either in society or in the context of the relationship between a man and a woman. Patriarchy had put women in our place throughout history—it was still that way when I was growing up in Toronto in the 1950s.

The prevailing culture was backed up by tradition and enforced by law. It wasn’t just that a woman’s reproductive powers were subject to her husband’s control; the sale and advertising of contraceptive devices was banned and breach of the law could bring a penalty of up to two years in jail. Most women wouldn’t know that only the advertising prohibition was enforced.\(^1\) Abortion was a criminal offence,\(^2\) and women with no other choice endangered their lives and health by having what was termed a “back-alley abortion” using the services of often ill-trained practitioners in unsanitary settings.

A husband and wife were considered “one person” in law—the husband. This concept of the legal unity of husband and wife
allowed a man to control his wife in every respect. It also permitted a husband to discipline his wife or even rape her. Wife abuse was ignored, as if it did not exist. Women were expected to be known by their husband’s surname.

Divorce was rare and hard to get. There was no divorce available on the simple grounds of separation—matrimonial misconduct such as adultery or cruelty was a prerequisite. Husbands controlled the purse strings, property, any pension, and the children. A woman might lose support rights if she did not remain chaste. Her husband could sue his wife’s lover for “criminal conversation”—compensation for injury to his feelings and property. If she tried to leave, there were few shelters, and anyone who took her in could be charged as a criminal for “harbouring” her.

Married women were discouraged by custom and in some cases by law from engaging in outside employment. For example, in 1941 fewer than 4 percent of married women were employed. It was not until 1955 that married women were eligible to be employed in the federal civil service. Once pregnant, a woman almost always left paid employment, partly because of societal assumptions that mothers had to raise their own children and partly because there were few other options. There was almost no publicly supported child care. There were no laws protecting women from discrimination in employment. Women who worked, whether married or single, could legally be paid less, never mind be overlooked for promotion or even fired if a man needed the job. Most women who worked were doing “women’s work” and weren’t helped by the first of the equal pay laws in the early 1950s, which asserted that women should be paid equally for doing the very same work that men did. While there was, however, protective legislation dealing primarily with safety and working conditions for women, it was considered by some to be a mixed blessing. For instance, all women used to be excluded from hazardous occupations such as mining, even if a particular woman was able to do the work.

Few women were in politics, and government policy-makers mostly overlooked issues of concern to women. In 1921, Agnes Macphail was the first woman elected to the House of Commons in the first election held after the right of women to run for office came into existence, and she served there until 1940. She came to
see herself as representing and acting for the women of Canada and was criticized for it. Only five women were elected to the federal parliament before 1950. It was not until 1957 that the first woman was appointed to the federal cabinet—Ellen Fairclough as secretary of state in the Progressive Conservative cabinet of John Diefenbaker.

Citizenship rights were inconsistent. On the one hand, women had secured the right to vote, and they hoped that this would allow their interests to be heard by those in power. Starting in 1918, when the government of Canada passed “An Act to Confer the Electoral Franchise upon Women,” women across Canada got the right to vote in federal elections. Manitoba was the first province, in 1916, to grant women the right to vote in provincial elections, and in 1940, Quebec was the last. But not every woman was permitted to vote; there were race restrictions on the federal right to vote—on Asian Canadians until 1948, Inuit until 1950, and First Nations until 1960. However, women took their citizenship status from husbands or fathers, and children took it from their fathers. And until the 1950s, women were generally not allowed to sit on juries. There were no human rights protections against discrimination.

A woman lawyer was a rarity. In 1951, there were 197 women lawyers in Canada out of a total of 9,038—about 2 percent. They were not represented on governing bodies, and the few there were had no protection from openly admitted discrimination.

There had been some modest inroads prior to the 1950s. Women were needed during World War II to work the jobs of men who had gone overseas. They were actively encouraged to work outside the home, in jobs where they felt appreciated and independent. Moreover, they were helped with the care of their children—day nurseries were established to free women for employment. When the war ended, returning male veterans were legally entitled to displace women from their jobs. Many women obediently returned to be homemakers, and the wartime day nurseries were closed. Some were not ready to return home and continued to work outside the home. By 1951, 11.2 percent of married women were employed outside the home.

Women benefited from the efforts of the early women activists such as Nellie McClung, Emily Murphy, Irene Parlby, Louise McKinney, and Henrietta Edwards who individually were forces in
their communities for the rights of women.” Together, they were known as the “Famous Five.” In the 1920s, they had contested the fact that women were not defined as “persons” in Canadian law and took their case to the final appellate court for Canada—at that time, the Judicial Committee of the Privy Council of the House of Lords in England, where the battle was won in 1929. That challenge confirmed the interpretation of “person” in Canadian laws to include women, and it opened the path to the appointment of the first woman senator, Cairine Wilson, which in turn paved the way for further advances in the legal treatment of women.

Women were helped by the efforts of the early women’s clubs that were sowing the seeds of change. For example, well before the 1950s, unbeknownst to me and many others at the time, the National Council of Women (NCW, founded in 1893) and the Canadian Federation of Business and Professional Women’s Clubs (BPW, founded in 1930) were lobbying the federal cabinet annually to advance the political and economic status of women. Lawyer Margaret Hyndman was the national president of BPW from 1946 to 1948, during which time it successfully protested the open discrimination against women by the federal government when it advertised for men only to fill certain jobs. The BPW played a leading role in obtaining the right for women to serve on juries and achieving the first—albeit inadequate—equal pay laws. They lobbied successfully to establish the Women’s Bureau of the federal Department of Labour, which gathered and disseminated information and statistics on all facets of women’s employment. The founding director in 1954 was Marion Royce. Sylva Gelber, who served as director from 1968 to 1975, was ahead of her time when, in 1969, she stated publicly that perhaps the time had come for housewives to “insist on a value...being placed on the unpaid domestic services they provide.”

A significant medical advance was on the horizon to give women greater control over childbirth. During the 1950s, scientists were working on the development of “the pill,” which became available on prescription in 1961. Brave doctors like Dr. Marion Powell, following the lead of Dr. Elizabeth Bagshaw, had made birth control available by establishing clinics, notwithstanding the criminal law that still prevented them from doing so. But a pill to manage reproduction was ground-breaking.
Individual activists and the women’s organizations had started the drive for women’s rights. Even with these efforts, patriarchy still prevailed, and women were not considered equal to men. That’s just how it was.

Increasing numbers of women became aware that it did not have to be that way. Constraints on the expression of women’s full humanity were not right. By the late 1960s, this was termed “consciousness-raising,” and women participated in various ways, both in our own lives and in deciding how to be part of a growing movement.

In 1960 the first of the modern women’s groups was founded. The non-partisan Voice of Women (VOW—later called the Voice of Women for Peace) was founded in response to a column in the Toronto Star by journalist Lotta Dempsey. She pointed out the failure of the Paris Summit Conference on Disarmament and challenged women to do something. She received an enthusiastic response in the formation of VOW, which by the fall of 1961 had five thousand members. VOW was active initially and primarily in peace issues, but evolved to also become active in other women’s issues of the day. Ursula Franklin, Kay Macpherson, and Muriel Duckworth—pacifists and feminists all—were some of the founders and leaders of this peace movement. VOW was also active in other women’s issues, including the campaign to achieve a Royal Commission on the Status of Women.

It was Laura Sabia, when she was president of the Canadian Federation of University Women, who gathered a number of women’s groups together to form the Committee on Equality for Women (CEW) and led the drive for the establishment of the Royal Commission on the Status of Women. In Quebec, Thérèse Casgrain was a leader of the Quebec women’s movement for suffrage, achieving the right to vote in 1940. She also founded the Quebec wing of Voice of Women and the Fédération des femmes du Québec (FFQ), which joined forces with the CEW to press for the Royal Commission. All these efforts set the stage and sowed the seeds for the continuing campaign for women’s rights. By the late 1960s and throughout the 1970s, many women came on the scene, in hope and sisterhood, in what has been called “the second wave of feminism.”
We found there was a great deal of work to be done. Family laws were still stuck in the past—property and pension sharing, spousal and child support, and custody and access to children were in great need of improvement. Reproductive rights were critical—not only the right to have choices over child-bearing but even the opportunity to have a midwife in attendance. Criminal laws were of little help to victims of rape and other crimes, and women who were abused had little recourse to shelters and legal assistance. Employment laws were inadequate to provide equitable pay and work opportunities, protection from sexual harassment, and protection against discrimination in employment.

While women started joining the workforce in greater numbers, they came up against these systemic inequities and discriminatory attitudes. Work was still identified as “women’s work” and “men’s work,” and women did not have many opportunities or rates of pay equivalent to the men’s. Even those women who broke into men’s fields faced barriers. For example, journalists were confined to the women’s sections of newspapers. Some became pioneering editors, columnists, reporters, and feature writers and revealed the scope and systemic nature of the discrimination against women—such as magazine editors Doris Anderson and Sally Armstrong, columnists and reporters Michele Landsberg, June Callwood, Penney Kome, Judith Finlayson, Rosemary Speirs, Margaret Weiers, and others.

Women were enrolling in universities and then becoming leaders in women’s education, like Pauline Jewett, the first female president of a co-ed university in Canada, when she became president of Simon Fraser University in 1974, followed by Margaret Fulton as president of Mount Saint Vincent University in 1978. Professors started the first consciousness-raising women’s studies programs, among them, Naomi Black at York University. Historians concentrated on telling and writing about women’s history, including Veronica Strong-Boag. Political science professors such as Sylvia Bashevkin and Jill Vickers taught and wrote about women and politics. Women became government bureaucrats and brought their focus on the role of women where they could; for example, Elaine Todres and Glenna Carr in Ontario, and Sylva Gelber and Sylvia Ostry in the federal civil service. Women studied medicine, despite quotas in many schools on the number of women accepted, and
in the process some focused on health issues specific to women or went into politics, such as Dr. Bette Stephenson and Dr. Carolyn Bennett. Women such as Adrienne Clarkson, Dini Petty, Betty Kennedy, Barbara Frum, and Marilyn Denis took roles in broadcasting, initially limited to daytime shows focused on women’s interests. Women artists such as Helen Lucas, Joyce Wieland, Jean Townsend, and Maryon Kantaroff, and authors such as Margaret Atwood brought feminist perspectives to the arts and literature.

Women also ran for public office. By 1979, there were ten women elected to the federal House of Commons—four each from Ontario and Quebec and two from British Columbia—the largest contingent until then. They included Flora MacDonald, Pauline Jewett, Margaret Mitchell, Jeanne Sauvé, and Monique Bégin. Women were entering other fields as well—science, engineering, religion, publishing, the corporate and banking world, and more.

And then there was the law. When women became lawyers, we realized that our skills and training could be used to improve the lives of all women, from all backgrounds and levels of vulnerability. We believed we were in a unique position because the law affected so many areas of society and so many of the issues affecting women—in family law, employment, human rights, criminal law, and more. Discrimination touched everyone—it was systemic. Lawyers could try to reinterpret the law that existed by taking forward precedent-setting cases; they could lobby for changes to improve the situation, or teach, or write books; they could work in clinics to help the less fortunate; or they could become judges. We had the education and the tools and many of us saw it as our duty to contribute in ways that would help to achieve equality for women.

We were everywhere in Canada and in many legal specialties. Some were constitutional lawyers, such as Beverley Baines and Mary Eberts (Ontario), Lynn Smith (British Columbia), Eloise Spitzer (Yukon); some were employment and labour lawyers, for example, Mary Cornish, Elizabeth Shilton, and Beth Symes (Ontario); some worked in human rights, such as Barbara Hall (Ontario), Yvonne Peters (Saskatchewan), and Eve Roberts (Newfoundland and Labrador). Others, like Judith Huddart and me, were family lawyers, including Carole Curtis and Shirley Greenberg (Ontario). Others were academics, such as Constance Backhouse and Mary...
Jane Mossman (Ontario) and Kathleen Mahoney (Alberta). Many became judges, including Rosalie Silberman Abella (Ontario), Flora Buchan (Nova Scotia), Sheilah Martin (Alberta), Freda Steel (Manitoba), Juanita Westmoreland-Traoré (Quebec). Mary Lou Fassel was one of those who spent her career helping women who suffered violence.

Lorna Marsden, who had been a Canadian senator, president of Wilfrid Laurier University from 1992 to 1997 and then of York University from 1997 to 2007, and active in the Canadian Women’s Movement, aptly summarized our role when she wrote that women lawyers

led a type of social change different from the others. It is change brought about by a group of experts from a powerful occupational group educating and mobilizing women and men to create a broad social movement…. The women lawyers played a crucial role in these years by educating women about the opportunities and limitations of the laws in Canada. The process of law in the legislatures, both provincial and federal and in the courts, are very complex. The logic of law is not intuitive to the thinking of most citizens. 27

I have mentioned particular women whom I knew or knew of, but there were so many others as well, those who lived and worked in other parts of Canada, and indeed around the world. Fortunately, others have written valuable accounts of the women and issues of second-wave feminism. 28 You will also meet many of these activists in the course of this book as our paths crossed and as I set my own experiences within the broader context. We were all part of the groundswell that became the feminist movement. We wanted to change the status quo for ourselves and for others. Our goal was to achieve real equality for women within the family, the workplace, and in public policy decisions and bring a feminist perspective to Canadian culture and society.

This book is my contribution to the record of second-wave feminism in Canada. It is my personal account of my own lived experiences that drew me to feminism, and the experiences that raised my awareness of the difficulties that women encountered. To me, feminism means a search for equality, which embodies fairness
for everyone. Every legal case I took on, the books and columns I wrote, the public policy issues with which I was involved, taught me about the search for justice, the need for equity, and the ongoing unfortunate gap between reality and equality. I tried to narrow that gap wherever and whenever I could. I am starting this book where I began—growing up in the 1950s—because it is important to understand just how different life for women was back then, and the path that led me—as one example—to surmount the cultural expectations of that era. I figured if I was going to tell you what I did, I had better tell you where I came from. While family law was my main focus in both my professional life and my lobbying efforts, I was involved in many of the feminist and public policy issues of the day as an activist, lawyer, and writer. In the process I learned a great deal from my experiences and from my feminist colleagues about how to build a consensus to transform a society resistant to change.

I am writing this for feminists—egalitarian women and men—of the present and future. Knowing what we faced, what we achieved, and how easily it can be taken away hopefully will encourage vigilance and sisterhood and solidarity in those who follow us. It doesn’t have to be the way it was.