

The Legal History of the Late 20th Century: The First Generation of Feminist Lawyers

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This presentation is based on preliminary research, at an initial stage of data gathering and analysis. Consequently, there is no written paper to file as part of the Symposium Proceedings, and the summary document will be brief.

First, a word of explanation about the title is in order. In using the word “feminist,” I wish to apply a wide-ranging and expansive definition, which encompasses beliefs and practices based upon a desire to improve the level of equality in our society. While the focus is on issues of gender, this also requires a recognition that gender is complicated by class, race, ethnicity, disability, sexual identity, and so on. My use of the word is not meant to draw authoritative lines of classification. Indeed, the term is meant to include all those who self-identify as feminist.

There have been women in the Canadian legal profession since 1897, when Clara Brett Martin was admitted as the first female barrister and solicitor in Toronto. Based upon some of the historical records, one might also have characterized Clara Brett Martin as the first “feminist” lawyer, although I do not believe this was a term she ever adopted for herself. In fact, many women lawyers, past and current, would not choose to define themselves as feminist lawyers. Some are distinctly anti-feminist. Others are not actively hostile to feminist perspectives, but do not self-identify with the feminist cause or movement.

In using the phrase “the *first generation of feminist lawyers*,” I seek to describe the *sizeable cohort* of Canadian women who *self-identified as feminist*, who graduated from law schools in the 1970s and 1980s, when the second wave of the Canadian feminist movement was at the peak of its strength.

I am writing a book about the backgrounds, ideologies, perspectives, activities, and legal careers of this cohort of feminist lawyers. My presentation will attempt to place this group into its historical context, a wave of women who arrived in the legal profession in the third of four discrete eras. The four eras can be described as:

- 1) The initial entry of the first woman, Clara Brett Martin, from 1891, the date of her initial application to 1897, the date of her call.
- 2) The era of the trickle – women who graduated from law school in miniscule numbers between 1897 and 1969;

3) The “revolution in numbers” – women who graduated from law school during the era of the greatest strength of second wave Canadian feminism, increasing from 4% in 1970 to 41% in 1989 (Law Society of Upper Canada data).

4) The era of formal equality – women who graduated during an era sometimes labelled “post-feminism,” achieving a consistent gender balance of 40% or higher, from 1990 to the present.

The research project is designed to study the *first generation of feminist lawyers*, identified in the third era listed above, and to explore how it came into being and its impact upon Canadian law and society.

Preliminary findings also suggest that this group of feminist lawyers may be somewhat distinct from women of previous and current eras in a number of ways:

- A higher proportion of self-identified feminists, who openly embraced the label
- A greater quantity and deeper intensity of sexist behaviour experienced during their legal education and careers
- A greater willingness to identify sexist behaviour and practices publicly
- Their demands for immediate radical, transformational, and structural change
- Their practice of carrying out feminist activities collectively.

In my symposium presentation I will describe more about the nature of this preliminary stage of the research, and welcome questions, observations, and feedback on the structure and process of the study.