

## Chapter 11

### Ideology as Law: Is There Room for Difference in the Right to Housing?

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The many ways in which the "right to housing" are understood play a large role in defining how and for whom housing is provided in everyday life. The concept of a "right to housing" is socially learned, and both shapes and is shaped by ideologies about how a particular society functions. For example, ideologies of race, gender, sexual orientation, and class influence where people live within cities and often the quality of shelter to which they have access. The right to housing therefore has many interpretations revealed in social stratifications. These interpretations are specific to the ideological beliefs and socio-political context reflected in housing-related law, policies, programs, and regulations of a community or society;<sup>1</sup> and through law, policies, programs and regulations, ideological beliefs are constantly being revised or refined.

In this paper I am going to discuss two ideological ways to view the right to housing—patriarchal and feminist—and how these ideologies are or might be reflected within legal frameworks. My approach is not that of a legal expert but rather that of an activist in housing and in local and international development. Therefore, to illustrate my argument, I will draw from First and Third World communities as well as U.N. Conventions to show how the right to housing is shaped and expressed as a cultural ideology and how the right to housing is or is not entrenched in the law.

#### Development Ideology and the Right to Housing

I will begin by borrowing a framework that has evolved through feminist critiques of "development" models. One development model is patriarchal capitalism with its underlying value assumptions of uniformity, distancing, and hierarchical, linear growth. The second is a feminist model with underlying value assumptions of diversity, proximity, and reciprocal interactions or cyclical change.<sup>2</sup> However, the debate between patriarchal and feminist approaches does not take place in a pure or abstract form, but in the real world of contradiction, dialectic, and praxis. Conceptions of the "right to housing" are thus constantly shifting with changes in social context and perspective. However, social practice lends more or less support either to a patriarchal world view or to a feminist one and so can be roughly categorized.

For example, the ways in which a "right to housing" may be understood will be different from the perspective of healthy subsistence economies, which depend on

diversity of production, proximity of production/consumption, and an economy of interdependent cyclical growth, compared to the perspective of modernized industrialized cities, which encourage uniformity of production, distancing of producers/consumers, and an economy of linear growth. Not only are different traditional frameworks involved but, under patriarchal dominance, incompatible values and ways of seeing our earth. These contradictory perspectives are evident in the social and economic fabric which shapes the identity and behavior of peoples and in various methods of governing.<sup>3</sup>

Thus, an indigenous community, based on a local subsistence economy, is more likely to regard adequate housing as interdependent with the earth's renewable natural resources, not as a structure that separates people and their activities from the natural elements. From this viewpoint, a threat to renewable resources by the market economy is also a threat to one's housing, which is shaped by interdependence with the natural environment.<sup>4</sup> Dr. David Suzuki cites a native in Canada who emphasized that when a people's livelihood, based upon living interdependently with nature, is destroyed, "we will be like everybody else."<sup>5</sup> The right to housing thus reflects a nation's values, distinct social identity, and diverse ways of living that are holistic, recognizing interdependence with natural resources and the local environment.

In contrast, the right to housing is understood much differently in man-built urbanized environments. Though housing is recognized as meaning more than just a roof over one's head, housing programs are often reductionist in approach, emphasizing, for example, the number of units built. Concerns such as safety, security, employment, work, and community relationships, or the relationship to the natural environment are often considered to be secondary or separate components (if they are considered at all) in the hierarchical provision of housing needs.

Poor communities, which are marginalized from the centers of wealth and power generated by the inequities of a market economy, receive substantially less support to meet comprehensive social and economic needs than communities which are central to the wealth and power of the market economy.<sup>6</sup> The primary focus of state housing initiatives is often, at best, on the number of units existing relative to those required for a population. But all too commonly, the political will to fulfill housing needs is based upon capital-centered market indicators. Poor communities are colonized, through power

inequities in the market economy, into using reductionist models in their struggle to obtain housing and to avoid further marginalization. Political movements and communities advocating housing rights thus are often advocating a right to a form of housing wherein livelihood, community identity and governance, safety, security, and maintenance of natural resources are not well integrated. Within the patriarchal model, poor communities and groups are set up to compete against each other for limited and inadequate access to minimal resources.

Reductionist government housing programs and policies often erode housing rights and the dignity of specific groups and communities. This is exemplified by the history of Bleeker Street in Toronto. A vibrant inner-city community in Toronto was destroyed by evicting residents, tearing down homes, and rebuilding for different residents, providing profits for the developer. Development programs and policies which were thought to exist to serve community members and support community infrastructures were manipulated and used to destroy the neighborhood which people called home.<sup>7</sup> Capitalist venturers were the primary benefactors at the cost of safety, security, and community relationships of the neighborhood.

Another example of such colonization was observable in a relocation project in the late 1960s. A native housing relocation project in Elliot Lake, Ontario, was intended to improve living conditions in the community. Instead, the project demonstrated the cultural arrogance of western modernization models of development. Westernized patriarchal housing design, planning, and social structures were unquestioned in the implementation of the housing project.<sup>8</sup> Indigenous people's livelihood, identity, and community structures were ignored and devalued through "development" based upon western modernization models.

### **Gender Ideology and the Right to Housing**

Gender bias in the housing development programs and policies of market economies erodes the dignity and livelihood of women particularly. Women have traditionally been disadvantaged by the patriarchal ideologies of private ownership of property. Private home ownership ideology is an expression of patriarchal relations that have historically rendered women subordinate to and dependent on men for their housing rights. That is to say, men are the primary producers/owners/controllers of housing and related resources and industries, while women are the users and caretakers.

Men, through private ownership, control of decision making, and paid employment in the housing industry, gain autonomous economic power and access to credit, while women, as the primary users and caretakers of housing, receive little autonomous social or economic security from their activities and do not gain access to credit. Hence, the subordination of women is enforced through the privatization of the housing industry.<sup>9</sup> Similarly, social and economic disparities between women and men are exacerbated through the social engineering expressed through housing programs and policies.<sup>10</sup> The engendered dualism (autonomous man and dependent woman) of the housing industry fosters institutionalized sexism. Heterosexual relations and patriarchal family structures become coercive "options" for women who must meet their basic housing needs.

Simply to encourage private home ownership "for women too," without addressing other systemic inequities, is not a very progressive or particularly feminist response to a patriarchal ideology of housing provision (Sayne, 1990). As Maria Mies has pointed out:

... the feminist movement ... does not want to replace one (male) power elite by another (female) power elite, but ... wants to build a non-hierarchical, non-centralized society where no elite lives on exploitation and dominance over others (1986, 37).

Women encountering the lack of adequate housing in Bombay have expressed a similar perspective:

As patriarchy derives its strength from private property, our struggle for shelter for women will necessarily be in direct opposition to the present socio-economic system (Shelter, 1987).

The above examples have illustrated how the right to housing is conceived within various social contexts based upon gender and other ideologies of exclusion, and how sexism, racism, classism, and heterosexism are colonizing practices entrenching a hierarchy of rights. The right to housing thus becomes competitive; and competing rights to private property are weighed in the practice of law. This reductionist socio-economic housing system, carried out through the practice of law, does not allow for consideration of the social context, or for other interpretations of governing. Rather, competing rights in the liberal western legal system demand hierarchical systems of exploitation and colonization. This may prove to be legal, but it does not recognize basic human rights.

Kathleen Lahey observed that "historically, men appear in law as subjects and women as subject matter" (1989, 101). The problems of women as the subject matter of the law as opposed to women's experiences being central to the law have been acknowledged in the writings of numerous feminist commentators from several countries (MacKinnon, 1987; Razack, 1991; Maboreke, 1990; Helling, 1990; Lahey, 1989; Canadian Advisory Council on the Status of Women, 1989; Burrows, 1986; Taub and Schneider, 1990; Olson, 1990; Crenshaw, 1990; Stewart and Armstrong, 1990). Maria Mies has argued that in patriarchal society male purpose has been the accumulation of property, and women are considered to be men's property (1986, 64-65). I would also argue that those who own private property (primarily men) become the subjects of the law and those who do not own property are objectified by the law (primarily women).

### United Nations' Ideology and Women's Right to Housing

United Nations Conventions serve as cases in point, and this has universal implications for women's legal status. The language used clearly reflects the notion of women as the subject matter of law, and patriarchal legal constructs are clearly identifiable. For instance, Article 25 of the United Nations Universal Declaration of Human Rights of 1948 states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, *housing* [emphasis added] and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.<sup>11</sup>

The notion of "universality" in this document clearly applies to the male gender, while women's rights are not directly expressed but are subsumed under men's. Similarly, the United Nations International Covenant on Economic, Social, and Cultural Rights, Article 11 (adopted in 1966 and entering into force in 1976), states:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and *housing*, [emphasis added] and to the continuous improvement of living conditions.<sup>12</sup>

In the limited patriarchal legal imagination of "covenants," all women are invisible but assumed to cohabit

with "himself and his family"—which would come as a great surprise to most lesbians. In 1987, the U.N. International Year for Shelter for the Homeless, Riane Eisler summed up the continual conflict between language and experience as follows:

Human rights have traditionally been defined as "men's inalienable right to life, liberty, and property." The term "men" has sometimes been said to include women. But this has not been reflected in human rights theory or in its application....

Modern theories of "human rights" have historically developed in two separate theoretical strains. Leading philosophers writing on the "rights of man" ... specifically articulated a double standard of thought.... Women, on the other hand, were defined not as individuals but as members of men's households and thus, along with their offspring, under male control.<sup>13</sup>

Women's invisibility is reflected in the gender-biased wording of these international documents which are meant to guarantee the right to shelter/housing. "Men" does not include women. Therefore, any serious attempt at securing housing rights for women, by governing bodies or advocacy groups alike, must include inclusive language and must recognize that women are not universally members of men's households.

However, reclaiming legal language is only the necessary beginning to claiming women's experience as central to legal discourse. As the legal system is an unavoidable area of practice for feminist social transformation, we must ask what feminism has done to create alternative visions and strategies within the legal system. Does feminism suggest an alternative to the failure of nation states and the United Nations to address the growing housing crisis effectively? How would a feminist analysis of international law and State obligations address the right to housing? Lahey argues that "a feminist theory of women and law... is about the ways in which law reflects and reinforces the social, economic, and political structures that surround subject women in liberal patriarchy" (1989, 102). She challenges concepts of private property which have historically been embedded within sexism, colonialism, and other systems of exploitation.

### **Feminist Ideology and Approaches to Legalize the Right to Housing**

A feminist approach to law is evolving which demands attention to inequity in legal discourse and begins with women's lived reality instead of with the law.<sup>14</sup> This

approach has been termed "Women's Law" by Mary Maboreke in Zimbabwe. Its aim "... is to expose the (usually hidden) law-sex connections, and since this relationship does not usually become apparent until the practical effects of the rule have been observed, it is necessary to follow the law into the world of women's real lives" (1990, 2).<sup>15</sup>

Women's subordinate legal situations and lived realities in various countries are diverse. In *Perspectives on Research Methodology*, which discusses women and the law in southern Africa (Hellum, 1990), the situation of women as a group is contextualized in changing customary and civil law. This text addresses the dilemma that occurs when women's realities are separated (or distanced) from legal governance:

We feel that using a perspective which looks at the whole woman, and starts with her needs and her lived experiences, is particularly important in our societies where the formal law is largely unknown and *distanced* from the majority of the people" (p. ii; my emphasis).

Anne Hellum has described women's experience in the Scandinavian countries, modern western welfare states, where long-standing "gender neutral law often discriminated against women" (1990, 93). In the practice of Women's Law, she has stated, "... it was ... necessary to start out with women's reality instead of the law." Hellum continues:

In women's law in Norway, legal advice was developed as a research method which enabled us to gather empirical data about women's lives. Legal advice cases have, combined with an open and qualitative approach, provided information and helped us to understand discrepancies between law and practice from women's perspectives (1990, 93).

A methodology of Women's Law is clearly evident in the feminist movement in Canada (Razack, 1991). Razack describes the practice by feminist lawyers and activists of working with women's community participation in reshaping the law. Through consulting women's communities, our experience becomes central to the practice of litigation and the development of law, and each case is contextualized to account for women's differences.

This approach is essential to the development of legal arguments for sexual equality, since the context of each case identifies inequities based upon subordination and disempowerment, which in turn challenges inequities based upon hierarchies of power and privilege embed-

ded in racism, class, and other differences. The concept and practice of hierarchical relations are being replaced by a feminist practice with an ideology that encourages an holistic, interdependent social order. An interdependent social order can take into account diversity and proximity, and can challenge the conceptualization and practice of competitive rights claims within the legal framework. It is an alternative to either/or arguments embedded in reductionist, dualist legal thought.

In Canada, the political opportunity to introduce women's realities as different from men's, and to gain legal recognition for women's specificity has been sought by feminists shaping and using the Canadian Charter of Rights and Freedoms. However, very few legal actions using U.N. legal instruments (to which Canada is a signatory) and/or Sections 15 and 28—the equality clauses—of the Canadian Charter of Rights and Freedoms have been linked to women's right to housing in Canada. Canada has demonstrated a commitment to concerns about equality in the Canadian Charter of Rights and Freedoms, which states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, color, religion, sex, age or mental or physical disability. (Section 15).

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons. (Section 28)

Participants in the 1987 Canadian conference to observe the International Year of Shelter for the Homeless referred to the potential use of the Charter:<sup>16</sup>

Although the Charter governs National Housing Acts and all federal and provincial housing authorities, [Lynda] Gehrke [observed], "... There is very little litigation around issues of housing in the Canadian Charter." Further, if the right to shelter is recognized, what limitations might be placed on those rights? Do government budgets represent reasonable limits? Will the courts subject policy decisions regarding the allocation of resources to scrutiny? "I believe that argument could be made, ... [but] whether it is accepted or not remains to be seen" (quoted in *New Partnerships*, 1988, 33–34).

In Canada, arguments for women's access to housing are often built upon claims of discrimination based on source of income, age, and family status rather than on a right to housing. The right to safe, secure, and affordable housing, addressing the failings of socio-economic structures, has not yet developed into a strong legal argument. Thus, claims of social, economic, or cultural inequalities have not been well integrated into our legal system. Although Canada has ratified U.N. proclamations on the right to housing, most notably the International Covenant for Social, Economic and Cultural Rights, a right to housing has not yet been incorporated into the Canadian Charter of Rights or into legal arguments.

A recent federal budget terminated the Economic Council of Canada and the Law Reform Commission of Canada, which were established in part "to determine where law may be "discriminatory or protective" of women's rights; [and] to investigate the problems associated with the relationship between the law and the role, status and material circumstances of women" (*Status of Women*, 1987). This again was a step backward for women's right to housing in Canada. It also is a clear illustration of the government's undermining of both the 1979 U.N. Convention on the Elimination of All Forms of Discrimination against Women<sup>17</sup> and the 1985 Nairobi Forward Looking Strategy, to which Canada has made an international commitment.

Nevertheless, as access to safe, secure, and affordable housing continues to erode in Canada, a grassroots momentum is building for the incorporation of a right to housing within a Canadian Social Charter. Without more political pressure, it seems unlikely that housing rights in a Charter will reflect women's lived realities. This will require a human rights legal framework that addresses the systematic discrimination against disadvantaged and subordinated groups as opposed to a continuation of competitive rights claims common in private property debates.

The question remains, Is a male-centered and male-dominated legal system even capable of ensuring the equality rights of women through the Canadian Charter of Rights? The record to date is not promising. From 1985 to September, 1989, of the 44 cases brought to court regarding sex discrimination, only 9 were on behalf of women, while 35 were on behalf of men (Courts, 1989). As Kathleen Lahey has observed:

Unless Canadian judges move decisively to reject this so-called neutral and principled approach to equality, it will

soon become virtually impossible to argue that the Charter is designed to eliminate the social, economic, or legal causes of actual inequality (quoted in Brodsky and Shelagh, 1989, 201).

In spite of the increasing lack of secure, safe, and affordable housing for women and children, relatively few Supreme Court cases regarding housing have used equality arguments under the Charter of Rights. In the few cases that have used equality arguments, the results have been problematic for women. For example, in *Hseun v. Mah* [(1986), 7 B.C.L.R. (sd) 21], the argument against adult-only apartment buildings was lost in the courts and the trend of developers to promote adult-only buildings continues. This trend works against single women more than single men since women represent a larger number of single-parent households. Several other decisions in Newfoundland<sup>18</sup> found that public housing projects could remain exempt from the Provincial Landlord Tenant Act. Since women and children make up the majority of public housing tenants (a form of tenure which provides no long-term social or economic security), these decisions denied women and children protection from eviction without due process.

In comparison, the U.S. legal system has evolved as "an active promoter of socially desirable goals and conduct (i.e., capitalist economic growth)" (Kairys, 1982, 16). The U.S. has ratified the International Convention on Civil and Political Rights, which favors private property claims, but not the International Covenant on Economic, Social and Cultural Rights, which favors collective rights claims.<sup>19</sup> The U.S. position historically accords privileges to individual private property rights, fueling individual rights claims to compete in a system of patriarchal capitalist economic growth. This is at the expense of those who, due to belief systems, world view, abilities, or lack of resources, may not choose to participate in competitive rights claims. As such, they are thereby politically disempowered and subordinated in a capitalist economic growth system. In short, they are colonized. This legal practice reinforces the private property rights of individuals, thereby re-enforcing existing socio-economic disparities. This practice runs counter to basic American "ideals" since all men are not born equal, and also counters all-women-are-equal-to-men claims. Libertarian principles in recent U.S. law deny the inherent class, race, and gender inequities within the American social fabric (Kairys, 1990). David Kairys, in *The Politics of Law: A Progressive Critique* (1982), discusses how under American democracy

any person who differed from the majority—by ancestry, religion, appearance, or disagreement with majority positions—was suspect and blamed for social problems, which usually took the heaviest toll on them. The goal was to eliminate *difference*. ... [G]overnment, including courts, offered no protection" (p.147; my emphasis).

It is not surprising, then, that while the U.S. has ratified the Covenant on Civil and Political Rights, it has never ratified the Covenant on Social, Economic and Cultural Rights. Through collective class-action suits in the U.S., the National Association for the Advancement of Colored People has been successful in challenging development practices that, for example, reduced the number of moderate-income housing units built.<sup>20</sup> Such victories are vital to serve immediate needs and encourage social mobilization and awareness of how racism is reproduced in housing provision. However, these initiatives may remain within the liberal legal framework if the development model<sup>21</sup> itself does not change in the U.S. Economic, social, and political inequities of the patriarchal capitalist development model require a change in the notion of liberal legal solutions.

Diane Polan, a U.S. lawyer, has challenged the sex equality claim addressing women's issues in litigation and lobbying because this gives

"tacit approval to the basic social order, ... giving up ... [a] more radical challenge to society." She argues that "... litigation ... can only be effective ... [when] ... undertaken in the context of broader economic, social and cultural changes" (cited in Kairys, 1990, 461–462).

However, with the failure to pass the Equal Rights Amendment and the U.S. refusal to ratify the U.N. Convention on the Elimination of All Forms of Discrimination against Women, it is clear that not even a liberal approach to sex equality is well supported in U.S. national and international law.

Razack (1991, 14–16) cautions against a legal approach to rights claims that does not acknowledge "a theory of difference" relating to the diversity of women as a group and as members of different and varied communities. Unless women's differing situations are contextualized and understood as interdependent within various communities, there is little chance that rights claims can move beyond the present liberal dualist framework of patriarchy. Such dualist hierarchical frameworks encourage competitive legal claims where one's gain is

another's loss. This competitive framework is so pervasive in the legal system that it becomes difficult to see other options. As Razack asks, is it likely that challenges within the present liberal legal system can contribute to radical change in society without challenging the dominant western "pedagogy of truth, language, knowledge, and power" forming the legal system? She cites the arguments of feminist theorists such as Shelly Gavigan, Mary O'Brien, and Sheila McIntyre, who see the law not as an unchanging monolith but as having "transformative potential" (1991:26).

I suggest that Women's Law is challenging the pedagogy of truth, language, knowledge, and power. As Anne Hellum points out:

Women's law does not deal or look at law the way it was practiced traditionally, or by traditional types of scholars. The trend has been to deal with the lives of women and their references/practices, with the aim of constructing a new legal framework and legal concept covering the experiences/practices of women (May 1990, 43).

## Summary

This paper has explored how differing conceptions of the right to housing play a large role in shaping how and for whom housing is actually provided. The legal framework for both the United Nations, and for nation states, reflects the ideology of patriarchal capitalism. It embodies social and economic practices of distancing through dualist relationships, sameness through non-contextualized equality, and social hierarchies through competitive rights. Hierarchies enforce inequities based on sex, race, and class differences. These practices are historically rooted in western patriarchal capitalism which upholds the profit-driven, linear, market economy as equally feasible for all. Women have traditionally been marginalized by or excluded from the profit-oriented market economy in modernized societies, restricting the right to housing and related human needs.

In conclusion, there has been little room for difference in patriarchal ideology as law. However, feminist legal practitioners are attempting to create room for difference, specifically for women and feminine values of non-competing rights claims. This is being accomplished through women's community consultation, education, research, and activism, to illuminate the social, economic, and political disparities enforced through legal practices. Not until social, economic, and political conditions are considered in law can the system of hierarchical competitive rights be transformed.

Development that promotes the right to housing will then be supported in the legal practice of justice. The question of contributing to a radical change in law continues to be debated where theory and practice for social change meet; and it is not surprising that women are creating the political spaces for these changes.

## Notes

<sup>1</sup> For examples of this point see Stone, 1985, pp. 126-127 and Kanesh Weisman, 1992.

<sup>2</sup> These value assumptions in development models are illuminated in such works as Mies, 1987; Kneen, 1989; Shiva, 1989, 1991; Sen and Grown, 1987; Waring, 1988.

<sup>3</sup> The differences between patriarchal capitalist approaches to housing and the environment and more feminist ones are increasingly being illuminated in the literature critiquing development. See, for example, Marie Wadden, *Nitassinan: The Innu Struggle to Reclaim Their Homeland* (Vancouver: Douglas & McIntyre Ltd., 1991); Vandana Shiva, *The Violence of the Green Revolution* (London: Zed Book Ltd., 1991) and *Staying Alive* (London: Zed Book Ltd., 1989).

<sup>4</sup> From the exploitation of natural resources such as minerals and forests to the structuring of cheap human labor systems, not one global region has not experienced the massive loss of homes and a way of life due to mega-modernization development projects imposed from outside the community.

<sup>5</sup> Cited by Dr. David Suzuki at *The Earth Spirit Festival* at Harbourfront, Toronto, July 5, 1991.

<sup>6</sup> One example of this is provided by Marilyn Waring, who has pointed out that the U.S. government spent more on military housing than on social housing for its citizens (Waring, 1988, pp.169-170).

<sup>7</sup> This event is documented in *Bleeker Street*, available through the Toronto Public Library, 1974.

<sup>8</sup> This practice of colonizing the social values, structures, and way of life of indigenous peoples is clearly, though unintentionally, documented in the film *Elliot Lake*, available from the National Film Board archives upon special request.

<sup>9</sup> This example of institutionalized sexism can also be observed as institutionalized racism as specific groups have been marginalized from private home ownership projects and access to credit programs.

<sup>10</sup> For regional examples of this bias, see *Canadian Woman Studies*, 11 (2) (Fall 1990) and the case studies from poor countries in Caroline Moser and Linda Peake, eds., *Women, Human Settlements and Housing* (London: Tavistock Publications, 1987).

<sup>11</sup> United Nations, *Human Rights, A Compilation of International Instruments* (New York: United Nations Publication, 1983), p. 5.

<sup>12</sup> Ibid. p.5.

<sup>13</sup> Riane Eisler, "Human Rights: Toward an Integrated Theory for Action," *Human Rights Quarterly*, 9 (December, 1987): pp. 287-289.

<sup>14</sup> This is discussed by Anne Hellum, "Legal Advice as a Research Method: The Case of Women's Law in Norway and Its Relevance for the Women and Law in Southern Africa Research Project," pp. 91–114. Cited in *Perspectives on Research Methodology* (Harare: Women and Law Southern Africa Research Project, December 1990) and in Sherene Razack's *Canadian Feminism and the Law* (Toronto: Second Story Press, 1991).

<sup>15</sup> The methodology of Women's Law is more fully described in the works of M. Maboreke (1990) and Anne Hellum (1990).

<sup>16</sup> Lynda Gehrke is the former senior staff lawyer for Jane-Finch Community Legal Services, Toronto, and a researcher specializing in the Canadian Charter of Rights and Freedoms as applied to housing.

<sup>17</sup> In 1981, the Convention on the Elimination of All Forms of Discrimination against Women came into force and was ratified by 112 countries by December 1, 1991. About fifty-six countries have not ratified the Convention, including the United States.

<sup>18</sup> These cases can be found in court reports (1987), 62 Nfld. & P.E.I.R. 287; (1987), 62 Nfld. & P.E.I.R. 269; (1986), 59 Nfld. & P.E.I.R. 275.

<sup>19</sup> For a more in-depth discussion on these two U.N. Conventions, see "Poverty Stops Equality/Equality Stops Poverty," pp. 7–11, by Havi Echenberg and Bruce Porter in *Canadian Women Studies*, 11 (2) 1990.

<sup>20</sup> Leslie Kanes Wiesman, *Discrimination by Design: A Feminist Critique of the Man-Made Environment*, Chicago: University of Illinois Press, 1992, pp.134–137.

<sup>21</sup> Development models in richer countries often avoid critique in international dialogues. It is important to recognize the development models used in "First World" countries as they may reproduce and maintain a "Third World" within.

## References

*Anglophone African Women and Shelter Seminar*. Harare: Author's personal notes, April 1991.

Canada. *Canadian Charter of Rights and Freedoms*. Ottawa: 1981.

Canada. Status of Women. *Fact Sheets Nairobi Forward-Looking Strategies for the Advancement of Women: Issues and The Canadian Situation*. February 1987.

*Bleeker Street*. Documentary. Toronto Public Library. Red Redfern, 1974.

Boserup, Ester. *Woman's Role in Economic Development*. New York: St. Martin's Press, 1970.

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

Burrows, Noreen. "International Law and Human Rights: the Case of Women's Rights." In *Human Rights from Rhetoric to Reality*, pp. 80–97. Edited by Tom Campbell, David Goldberg, Sheila Mclean and Tom Mullen. Oxford: Basil Blackwell, 1986.

Crenshaw, Kimberle. "A Black Feminist Critique of Antidiscrimination Law and Politics." p. 195. In *The Politics of Law: A Progressive Critique*, David Kairys, ed. New York: Pantheon Books, 1990.

Eisler, Raine. "Human Rights: Toward an Integrated Theory for Action." *Human Rights Quarterly* 9 (December, 1987): 287–289.

*Elliot Lake*. Documentary. National Film Board of Canada, 1967.

*Global Report on Human Settlements—1986*. United Nations Centre for Human Settlements (Habitat). New York: Oxford Press, 1987.

"Courts need new view of sex bias, council says." *Globe and Mail*, September 29, 1989, A3.

Hellum, Anne, ed. *Women, Law and Development: Report from a Seminar*. Oslo: Division of North/South University Cooperation, University of Oslo, 1990.

Hellum, Anne, ed. *Perspectives on Research Methodology*. Harare: Women and Law in Southern Africa Research Project, December 1990.

*IYSH Women and Shelter Seminar: Seminar Report* Harare: Ministry of Community Development and Women's Affairs, et al., 1987.

Hellum, Anne, "Legal Advice as a Research Method: The Case of Women's Law in Norway and its Relevance for the Women and Law in Southern Africa Research Project," pp. 91–114. In *Perspectives on Research Methodology* Hellum, Anne, ed. Harare: Women and Law Southern Africa Research Project, December 1990.

Kanes Weisman, Leslie. *Discrimination by Design: A Feminist Critique of the Man-Made Environment*. Chicago: University of Illinois Press, 1992.

Lahey, Kathleen A. "Celebration and Struggle: Feminism and Law." *Feminism: From Pressure To Politics*. Ed. Angela Miles and Geraldine Finn. Montreal: Black Rose Books, 1989.99–122.

Lang-Runtz, Heather, and Ahern C. Doyne, eds. *New Partnerships - Building For The Future*. Proceedings of Canadian Conference to Observe the International Year of Shelter for the Homeless, September 13–16, 1987. Ottawa: Canadian Association of Housing and Renewal Officials, 1988.

Maboreke, Maria. "Introducing Women's Law." pp. 1–6. In *The Legal Situation of Women in Southern Africa*. Julie Stewart and Alice Armstrong, eds. Harare: University of Zimbabwe Publications, 1990.

MacKinnon, Catharine A. *Feminism Unmodified*. Cambridge: Harvard University Press, 1987.

- Mies, Maria. *Patriarchy and Accumulation on a World Scale*. London: Zed Books, 1986.
- Mohanty, Chandra Talpade, Ann Russo, and Lourdes Torres, eds. *Third World Women and the Politics of Feminism*. Bloomington: Indiana University Press, 1991.
- Moser, Caroline, and Peake, L., eds. *Women, Human Settlements and Housing*. London: Tavistock Publications, 1987.
- Olsen, Frances. "The Sex of Law." In *The Politics of Law: A Progressive Critique*, pp. 453. Edited by David Kairys. New York: Pantheon Books, 1990.
- Razack, Sherene. *Canadian Feminism and the Law*. Toronto: Second Story Press, 1991.
- Sayne, Pamela, and Judith Bell, eds. Women and Housing [Special issue] *Canadian Women Studies* 11.2 (Fall 1990).
- Sayne, Pamela. "Food For Thought: Making Women Visible." *Environments and Urbanization*. 3.2 (October 1991): 46-50.
- Sayne, Pamela. "Housing Language, Housing Reality?" *Canadian Woman Studies* 11.2 (Fall 1990):6.a)
- Sayne, Pamela. "Up Against the Wall: a feminist approach to housing." Unpublished paper, 1990.
- Sen, Gita, and Caren Grown. *Development, Crisis and Alternative Visions*. New York: Monthly Review Press, 1987.
- Schabas, William. *International Human Rights Law in the Canadian Charter: A Manual for the Practitioner*. Carswell publishing, 1991.
- Shelter For Us*. Bombay: Bombay Women and Shelter Group, 1987.
- Shiva, Vandana. *The Violence of the Green Revolution*. London: Zed Book Ltd., 1991.
- Shiva, Vandana. *Staying Alive*. London: Zed Books, 1989.
- Status of Women Canada. *Nairobi Forward-Looking Strategies for the Advancement of Women: Issues and the Canadian Situation*. Ottawa: Status of Women Canada, 1987.
- Stewart, Julie, and Alice Armstrong, eds. *The Legal Situation of Women in Southern Africa*. Harare: University of Zimbabwe Publications, 1990.
- Stone, John. *Racial Conflict in Contemporary Society*. Cambridge, Mass.: Harvard University Press, 1985.
- Suzuki, David. *The Earth Spirit Festival at Harbourfront*, Toronto, July 5, 1991.
- Taub, Nadine, and Elizabeth M. Schneider. "Women's Subordination and the Role of Law." In *The Politics of Law: A Progressive Critique*, pp. 151. David Kairys. ed. New York: Pantheon Books, 1990.
- Wadden, Maria. *Nitassinan: The Innu Struggle to Reclaim Their Homeland*. Vancouver: Douglas & McIntyre Ltd., 1991.
- United Nations. *Global Report on Human Settlements, 1986*. New York: Oxford University Press, 1987.
- United Nations. *Human Rights: A Compilation of International Instruments*, New York: United Nations, 1983.
- Waring, Marilyn. *If Women Counted*. New York: Harper and Row, 1988.