

**JUST THINKING ABOUT A TRANSITIONAL
APPROACH TO GENDER EQUALITY RIGHTS EDUCATION**

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ABSTRACT

This paper investigates access for young people to knowledge about gender equality rights through the schools. A review of school curricula, academic research, government reports, public legal education publications, law-related symposia, gender equity conference papers, and youth projects did not produce a clear picture of how young people are being educated about gender equality rights. An additional investigation into the informal curriculum and the school culture would be required if we are to find out if knowledge about gender equality rights reaches young people through the schools.

A modified version of a Delphi study was used to gather some ideas about the purpose, goals and objectives of gender equality rights education in the schools. Twenty socially representative educators, legal professionals and feminists participated in the study. Participants were selected for their knowledge of gender equality rights. In all cases, their job, or life experience and education, or position on a relevant task force or committee provided them with substantive knowledge of gender equality rights.

One of the main findings of the Delphi study is that while there is no consensus amongst the participants about the details of comprehensive gender equality rights education, there is agreement that it cannot be left to chance occurrence. More harm than good may result from a laissez-faire approach to gender equality rights education because such an approach does not allow for a full discussion of how social, political, and economic systems in society discriminate against women. Without such a context, we cannot fully understand gender equality rights, or the changes to society that have come about because of the gender equality rights movement. Conversely, a structured approach through the formal and informal curriculum, and the school culture, would allow for views about gender equality to be raised in an informed way. Many of the ideas of the participants parallel the substantive goals and objectives of law-related education. There is one major exception which is discussed at length. It concerns the openly ideological nature of gender equality rights education.

Long range plans to institutionalize substantive gender equality rights education in the schools is needed. One way to bring this about is to increase academic research into legal literacy and gender equality. But the greatest urgency is in the short term. We need a co-ordinated effort between the schools, Ministries of Education and the Attorney General, the public legal education network and gender equality rights advocates to ensure that accurate information about gender equality rights is accessible to all young people in a useful way.

The first challenge in educating about gender equality rights in the schools is to make a start so that young people do not leave school without some knowledge of important changes for women that are going on in society. The transitional approach that I recommend to gender equality rights education would implement strategies that allow us time to get a clearer picture of what gender equality rights education exists in schools now; identify immediate objectives that we can attain quickly and that would lay the foundation for more comprehensive goals; help young people recognize the impact of gender inequality in their own lives; and let them know that educated people care about social and legal equality for women.

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CHAPTER ONE

I. INTRODUCTION AND RATIONALE FOR THE RESEARCH

The purpose of my research was to argue for a particular view of gender equality rights in our schools and to promote an understanding of the educative value of such a study within the educational system. Questions about how we do this, as well as what we should include, are important. Both came up in the research. But my main concern was the principles that guide, or ought to guide, decision-making about gender equality initiatives. To determine what these principles are, my research examined some current arguments for and against the study of gender equality rights in the schools and for assigning special status to that study.¹

I undertook research in this area for three reasons. First, I am concerned that women and the social minorities protected under Section 15 of the Charter of Rights and Freedoms do not on the whole achieve and sustain the average standard of living and quality of life of the socially dominant group of middle-class, white, able, heterosexual, English-speaking males.²

Second, I do not believe that it is ordained, necessary, or desirable to perpetuate ideologies, policies, and institutional systems that can be shown to reinforce the historical social and economic disadvantages experienced by women.³

And third, I think that education can play a part in actualizing the promise of gender equality. To date judgments of the Supreme Court of Canada, have given a particular shape to the way the Court thinks about the intent and purpose of, as well as the process of coming to, gender equality.⁴ To what extent and how the culture

assimilates the principles that underlie legal decisions about gender equality should be considered in the domain of education, both formal and informal.

One way to gain a perspective on the research was to view law and education as social institutions. The two do not develop in isolation from each other. An awareness of systemic discrimination in law might prove valuable in coming to terms with gender equity issues in education.⁵ In fact, the research questions resulted in much concern amongst the participants of the Delphi study that I did about the impact of systemic discrimination on how we ought to go about gender equality rights education in the schools and why we ought to do it.

Take, for example, the evolution of access to justice as a result of gender equality litigation. The role of access to justice in bringing about substantive equality for women is now considered in law to be limited as a sole response to gender inequality because it does not adequately address Section 15 Sbs.(2) of the Charter, the right to equal benefit of the law for women.⁶ Judges now draw on an interpretation of justice that qualifies the importance of access by considering: 1) that women are not on equal ground with men when they arrive before the court, and 2) that the judgments in gender equality cases wherein discrimination is proven ought to facilitate action in society that will benefit women. The role of access to education in bringing about equality of educational opportunity may undergo a similar evolution if we begin to take into consideration what we mean by substantive equality of educational opportunity.⁷

This development in law is a direct result of cases such as Bliss and Schacter.⁸ According to the feminist critique of law developed by the Women's Legal Education and Action Fund (LEAF)⁹ cases that follow standards of procedure that are considered

to be intrinsically fair and just, can and do produce judgments that are unfair and unjust for the female litigants, and by extension, all women who find themselves in circumstances where the facts are similar.¹⁰ Briefly, LEAF's approach to gender equality litigation is based on the presumption that gender equality provisions are intended to help alleviate, not simply to identify, the historical economic and social disadvantage of women, whether or not the disadvantage is intended. The purpose of gender equality litigation, therefore, is to make visible to the justice system the means by which societal and legal conditions create or sustain that disadvantage. This particular critique of law¹¹, one that takes into account a person's life situation before, during and after litigation, allowed LEAF to successfully argue the following and other gender equality cases.

In Bliss, for example, the court found that the ruling that denied Stella Bliss maternity leave benefits under the Unemployment Insurance Act when she was fired because she was pregnant was fair because the Act treated all pregnant persons the same. The court failed to take into consideration, as it did later in Brooks, that only women get pregnant, so discrimination based on pregnancy is gender discrimination.

In Schacter, a father, whose wife died during childbirth, appealed to the Supreme Court of Canada when he was denied maternity leave that would have enabled him to stay home from work to care for his newborn child. He claimed he was discriminated against on the basis of gender. If the court had found in favor of Schacter, one possible outcome of the judgment could have been the abolition of maternity leave on the grounds that the policy is discriminatory.

LEAF argued against Schacter in order to protect the natural and female-specific reasons for maternity benefits, that is to provide working women some time to recover from the physical trauma of childbirth, and to breast feed their infants if they so wish. LEAF asked the courts to deny Schacter maternity leave, but at the same time asked that the courts recommend that paternity leave provisions be instituted for all fathers who qualify be instituted.

Left unchallenged, these two judgments would have upheld in the first case existing systemic discrimination against women, and in the second case reinforced that discrimination by setting precedents for a body of case law that would move us, collectively speaking, away from rather than closer to social equality for women and men.

What impact does this conceptualization of 'gender equality rights' as a social and legal duty to address the disadvantage of women, have on our conceptualization of what equality of educational opportunity ought to bring about?

Many of the policies that address equality of educational opportunity in education focus on the act of getting the horse to water - all horses regardless of race, gender, class, color, ethnic origin, age, sexual orientation, or ability. The premise here is that we can and will guarantee, to the best of our ability and resources, the right to access to an education for everyone. This includes removing barriers to access.¹² Similarly, the maxim of equal access to justice commits law-makers to equality of access to the law for everyone, expressed as 'equal before the law'.¹³

But in educational theory, educators point out that we cannot guarantee that equal access will lead to equal participation of or equal results for all students. The

operating principle of equality of opportunity does not defend the right to equal results. In addition, we cannot claim that the extent of our education is a certain predictor or guarantor of success (or failure) in our adult lives. Many other factors influence outcomes, e.g. abilities, such as the ability to learn certain kinds of jobs; socioeconomic factors external to the school, such as home life; personal attributes, such as determination, etc. - even how we define success or failure for ourselves.¹⁴

A reasonable conclusion, then, might seem to be that education cannot be held accountable for results, in this case gender inequality, because it does not make sense to subscribe to a paradigm of simplistic cause and effect in the case of a complex institution such as education. But retreating from issues of treatment and outcome in education and favoring the more conservative focus on issues of access perpetuates, according to some, a male model of schooling that may in fact defeat its own ideals, by its structure if not by its intent. In spite of our commitment to the ideal of universal education, Charole Shakeshaft, for example, argues that our educational system is set up in a way that prepares students to live in a world that meets the needs of Anglo-saxon, middle-class, abled, heterosexual men first. Thus, young women effectively do not have equality of educational opportunity.¹⁵ Let me explain this.

To do so, let us return to the idea of the social construction of concepts. For example, in recent history we see a change in attitude about what kind of information is relevant in coming to define "equality of opportunity". Socioeconomic factors are now taken into consideration. In particular, advocacy from visible minority and native communities has forced educators to confront racism in school structures, curriculum and pedagogy. Demonstrable barriers exist to equal opportunity in education for their

young people. Consequently, educators now acknowledge that the condition of the water significantly influences whether or not a horse drinks it. In this case, the theory that equality is reached when we have official equal access to education does not work in practice. Such access, unless attuned to differences of opportunity in addition to questions of access, cannot be justifiable. Our model of schooling cannot assume, as it has in the past, that all students are similarly situated with regard to their educational needs.

The next debate in education could well be about whether conceptualizations of equality of opportunity influence equality of results. As noted, equality of results may be considered admirable but it may also be an aim whose achievement we cannot guarantee (and for some is not desirable).¹⁶ On the face of it, this view is incompatible with the goal of gender equality law which clearly aims to bring about social justice by equalizing results for women and men in specific instances e.g. employment equity. But institutions cannot so easily escape responsibility to seek to tie access to results.

Following from the previous example, it is conceivable that advocates for visible minority and native groups will challenge our 'western' way of justifying the value of an education. They may insist that it be judged not on its intrinsic merit, as some may do now, but by its impact on the quality of an adult's life; in short, on long term results. And here there is reason for concern. It seems likely that the visible minority and native population are particularly vulnerable to discrimination in adult life.

Such a challenge could be modelled on the experience of those seeking gender equality in the courts. At the very least they would be assisted in their endeavors by

such ideas as the following from a factum submitted by LEAF in Keegstra, a well-known case about the role of freedom of expression and education¹⁷

Individuals cannot receive equality of opportunity when as members of an historically disadvantaged group, they are surrounded by bias and group hatred. Stereotyping and stigmatizing (through hate propaganda) shapes their social image and reputation, often controlling their opportunities (future opportunities) more powerfully than their individual abilities do.

Gender equality litigation has built up a body of judgments that holds the law, that is, the justice system, accountable for gender discrimination. One outcome is that the judgments of the Supreme Court of Canada shifted in focus away from procedural access to justice, toward substantive concern for the outcomes for women in judgments in gender equality cases.

Under the leadership of former Chief Justice Brian Dickson, in the landmark Andrews case,¹⁸ the court rejected the similarly situated interpretation of equality in favor of a purposive approach to interpretation. In the latter, the verdict of gender discrimination in any given case is showing that the way the woman has been treated or will be treated has the effect of imposing unjust burdens, obligations, or disadvantages on her, whether intentional or not.¹⁹

In Andrews, Chief Justice Dickson stated that this way of thinking about gender equality cases more adequately addresses the issue of disadvantage (of outcome), and thus, in his view, catches the intent, or purpose, of the equality provisions in the Charter.²⁰ Under the Canadian Human Rights Act, this principle is applied by taking into consideration both direct discrimination and adverse effect discrimination, and by

testing for a rational connection between a rule or action that appears discriminatory and the reason for the rule or action.

If the educators, feminists, and legal professionals whom I consulted in the course of my research did not take seriously a similar investigation into the effect of education on gender equality, then by default I would have dismissed the applicability to education of the development in law of issues about access. In that case my research should have provided me with arguments to support the claims that: 1) education as an institution is exempt from responsibility for gender discrimination in society; and 2) we should articulate how we think about accountability in education with regard to our treatment of issues of social justice as consistent and defensible. But I believe that this would be a serious mistake.

I did not intend that my research diminish the importance of the principle of equality of educational opportunity. In fact, I expected to come to a fresh appreciation of its pivotal role in education in a free and democratic society. But the research showed that, unless adequately interpreted and defended, this principle as we conceptualize it now does not go far enough in furthering gender equality rights. It could be that we ought to broaden our thinking about equality of results by distinguishing two kinds of programs:

1. programs which seek literal equality, and
2. programs which seek to reduce inequalities by identifying and reducing, or removing conditions that create discrimination, in this case, gender discrimination.

If we were to adopt programs of the latter kind then several kinds of factors could be used in efforts to eliminate discrimination. These could include, but would not be limited to:

- 1) systemic procedural access barriers,
- 2) systemic status-at-entry barriers, eg. where general social barriers may prevent people from acquiring abilities to compete fairly for entry to scarce opportunities, and
- 3) pervasive or general outcome differences between/among identifiable groups. If this approach were taken then, for example, such institutions as schools could be held accountable for pervasive outcome differences as well as for procedural access fairness. I leave questions about the legal and moral responsibility of schools to take action with regard to gender inequality to others. But I do question whether or not it is just for the burden of proof of inequality to be, in the future as it has been in the past on women.²¹

I concluded from the research that the primary justification for gender equality rights education is, first, to make visible the dynamics of gender inequality in society, and in the schools as part of that society. And second, that the principle that ought to guide decision-making about gender equality rights education is that all young people should be empowered with the means, method and opportunity to take responsibility for themselves and others in bringing about social and legal equality for women and men.

II LAW-RELATED EDUCATION AS FRAMEWORK FOR RESEARCHER AND RESEARCH

I conceived of my research as a study in the field of law-related education. The purpose, goals and objectives of law-related education are well-laid out in a book by Roland Case entitled On the Threshold: Canadian Law-related Education²². The book is a very clear overview of various aspects of law-related education that include academic skills, ethics, functional knowledge that guides behavior, participation in the formation of culture, and social action. However, it is important to note that a discussion of gender equality rights and systemic discrimination is absent. When the book was published, the Charter of Rights and Freedoms was only three years old, Section 15 (of the Charter) had just become law that same year, and gender equality rights had not yet been tested in the courts.

The body of work in the field of law-related education now includes some B.C. research into Charter literacy and Charter pedagogy.²³ The subject of gender equality rights has not been a particular focus of this research to date. The Charter is a huge legal territory to cover. So far references to the specific gender equality provisions of Section 15 and Section 28 that I have come across are not much more than signals about what ought to be considered in further studies and research papers.

In coming to understand my own research, I was guided by several points about law that seem obvious in hindsight but took five years of study and experience to appreciate fully that laws belong to all members of a society; they are publicly formulated and subject to social change; they are linked to fundamental theories of state and social justice, and they make statements about social values.

I am indebted to Dennis Pavlich and Shirley Parkinson, both of whom were instructors in law-related education at the University of British Columbia during my graduate work there, who critiqued my papers with good humor as I inched toward some understanding of law and society. I am also indebted to the women of LEAF for embracing me as a worker/researcher while still in an embryonic state of woman-consciousness. Because of these twin experiences in law and gender, I felt that I could understand the issues that would come up in researching gender equality rights education in the schools.

When I began the research for this paper, I did not have a theory to explain why we do not educate at least formally about gender equality rights in B.C. schools. Delphi is a qualitative research method that allows for a theory about a particular subject to evolve from the material collected in a study.²⁴ The participants are usually experts in the subject under study, but they are not the subject of the study. The researcher predetermines the conceptual framework of the study and controls the research questions, but ensures that the participants have the opportunity to express their opinions freely.

In analyzing the research material, fact-based and opinion-based comments are considered to be equally important. This is because the questions posed in a Delphi study usually have no definitive answers. Consensus of opinion about the subject is not the goal, rather a convergence of opinion is what is hoped for. In a full-scale Delphi study, the opinions of the participants would be circulated, usually anonymously, to all the participants. A refinement of the ideas occurs, revisions are made by the participants

and the revised document is circulated again. Usually three revisions are made to a Delphi study.

This study is a modified version of Delphi. I interviewed twenty individuals whom I considered to be well informed about gender equality rights by virtue of their positions in society. I tried to ensure that the group of participants was socially representative²⁵ and would provide me with a balanced perspective from educators, feminists and legal professionals. I asked them questions about gender equality rights education in the schools that were formulated loosely on contemporary concerns in curriculum development. It was not a requirement of the research that all twenty participants be intimately knowledgeable about either the BC school system in general or curriculum development in particular. The questions were sent out in advance of the interviews and the participants were free to prepare for the interview in any way they chose.

The purpose of the interviews was to determine whether, and to what extent we ought to educate about gender equality rights in the schools, the feasibility of educating about gender equality rights in the schools, and the characteristics of a curriculum thought to be worth implementing.

Group revisions to the Delphi material are not a formal part of this study. Participants were invited to contact me if they wished to add to or revise the material in their own interviews. To many of the participants, thinking about what we should do about gender equality rights education in the schools was new. Further input into the Delphi study may happen after completion of this paper and could provide the basis of

further investigation into specific ideas about gender equality rights education that the parameters of this study did not allow time for.

The accumulation of evidence from my background research seems to support my hypothesis that knowledge about gender equality rights is only accidentally accessible in the schools. Furthermore, the status of gender equality rights education in the schools seems to be moot. I therefore decided to re-visit the whole issue, this time looking outside the boundaries of the educational system.

I invited twenty socially representative individuals who are informed about gender equality issues to:

- 1) make a sketch of what gender equality rights education ought to look like,
- 2) formulate a rationale for educating young people about gender equality rights;
- 3) set some priorities for educational decision-making, and
- 4) probe the education system for a means to inspire, implement and sustain goals and objectives about gender equality rights education in the schools (see Appendix A).

In the process of asking these kinds of questions, I thought I might come to a clearer understanding of what we mean by gender equality rights education. The research method resembles a hypothetical project planning session.

I speculated that individuals who work closely with gender equality issues in the public sector, especially those with a link to or interest in education, would be in a good position to know what the arguments for and against gender equality rights education in the schools are.²⁶ If I could interview members of such a group of individuals to

answer some questions about gender equality rights education, I might accomplish five things:

- 1) Gauge the significance of my inquiries to others by the degree of interest shown in participating in the research study,
- 2) Gather data that might be perceived to have merit by education professionals because of the participants' positions in society,
- 3) Discover a unique critical perspective on the subject by focusing informed, but not normally consulted, opinion onto what appears on the surface to be an educational matter,
- 4) Gather together a body of ideas from which might emerge a direction to take should we decide to further education about gender equality rights in the schools, and
- 5) In answering some questions about curriculum, pedagogy, educational leadership, etc. I might come to some idea of what gender equality rights education is.

III GENDER EQUALITY RIGHTS EDUCATION

Gender and legal equality addresses issues of procedural and substantive access to the justice system so that we can fully benefit from our rights. In order to exercise our rights, we need two kinds of knowledge about the law, 'how to' knowledge and 'knowledge about'. 'How to' knowledge includes coming to an understanding of the structure of the justice system, how it governs our lives, and how to use it. 'Knowledge about' includes coming to understand the moral principles that we protect as a society through our laws.

Many of these issues require systematic explanation and the goals of gender and law-related education are likely best met, at least while the ideas are new to students, in a formal curriculum.

Young people are likely to benefit at some time in their own life from the progress we have made in bringing about reforms to social institutions as a result of gender equality rights. Is this all that young people need to know about gender equality rights?

This paper deals with this and other related questions about the purpose, goals, and objectives of gender equality rights education.

NOTES TO CHAPTER ONE

1. Bakan Constitutional interpretation and social change: you can't always get what you want (nor what you need). Canadian Bar Review, 1991, 70, 307-328
2. Holme. Where B.C. Women Stand: 1990 Simon Fraser University, 1990
3. Wasserstrom. A defense of programs of preferential treatment. Phi Kappa Phi National Forum Journal 1978.
4. Weiler and Elliot. Litigating the Values of a Nation 1986
5. B.C. Ministry of Education Gender Equity Program - definition of gender equity is "freedom from discrimination and bias based on gender." The program was one outcome of Barry Sullivan's Legacy for Learners report in 1988.
6. Section 15(sb.1) - equal protection under the law, (sb.2) is about equal benefit of the law.
7. Coombs. Equal access to education: the ideal and the issues. [UBC - forthcoming}
8. MacDonald. The meaning of equity. Canadian Women Studies 1991-1992 12(3).
9. Razack. Feminism and Law: the Women's Legal Education and Action Fund and the Pursuit of Equality in the Eighties 1991
10. LEAF gives priority to test cases that will have the greatest impact on the experience of as many women as possible.
11. There is no one single feminist critique of law.
12. Coombs
13. Hughes. Access to Justice: A Report of the Justice Reform Committee. Ministry of the Attorney General of B.C. 1988
14. The Greenberg-Lake study found that for young black women the influence of home and community was dominant. Shortchanging Girls, Shortchanging America American Association of University Women, 1990
15. Shakeshaft A gender at risk Phi Delta Kappan 1986 67(7)
16. One reason is students are not empty vessels that we fill to an equal level. The fact that education has "unequal" results works to the benefit of society in providing new ideas and world views. But this paper is about artificial barriers that exist for some and not for others that limit choices without just reason.
17. LEAF intervened in this case because of the broader implications for women if the courts interpreted "hate" propaganda in its narrowest literal sense (biased pamphlets etc.) Later, LEAF made a successful case against pornography in Butler on the Keegstra judgment because the judge took a broad view of hate that included attitudes, verbal and written

language, as well as behavior, repetitive visual imaging of a category of persons (in this case women) that depicts subjugation, humiliation, etc.

18. Andrews, a male British lawyer, sought a declaration that the requirement of Canadian citizenship for admission to the bar of British Columbia contravened the equality provisions of the Charter. For good descriptions of various interpretations of Supreme Court decisions, read Diana Majury's "Equality and Discrimination according to the Supreme Court of Canada" in the Canadian Journal of Women and the Law 1990-1991 4.
19. Taken from the Executive Summary of the Gender Equality in the Justice System Report Law Society of B.C. 1992.
20. Taken from an address by former Madame Justice Bertha Wilson to the National Association of Women and Law Conference Healing the Past, Forming the Future Feb. 1993
21. By this I mean we mean to use other ways than concrete life experiences of women to determine the existence of gender bias and discrimination, especially in our institutions. Litigation and advocacy can bring about social change but it does so one case at a time. Litigation is slow and costly, financially and emotionally. Litigants, members of coalitions and advocacy groups, etc. have nearly all been women from the public.
22. Case, Roland. On the Threshold: Canadian Law-related Education. 1985.
23. See Daniels and Case. Charter literacy and the administration of justice in Canada, June 1992
24. Quade, E.S. (Ed. 3rd ed. Grace M. Carter) Analysis for Public Decisions 1989
25. As we shall see in Chapter Two, the group had only three male participants, therefore was not in a statistical sense socially representative. However, men are underrepresented in the gender equality rights movement in general so in spirit the group was in fact socially representative!
26. Daniels. Diversity as an educational principle. Journal of Curriculum Studies, 1993 25(1) p. 75 "...it is important that those who have expertise either in the disciplines or in pedagogy should have a major role - even if only advisory. This is hardly an unusual suggestion, but what appears not to have happened is routine public debate amongst experts about for example revisions to the basic curriculum."

CHAPTER TWO - THE RESEARCH METHODS

INTRODUCTION

I have not been able to find convincing academic research in the area of gender, law, and schooling, to inform the analysis of my research material. Substantive research will no doubt be undertaken as topics emerge from debates now going on about gender equity in education and feminist legal theory. But information that may be relevant to interdisciplinary research projects, of which this paper is an example, may not be in print. Our libraries are not set up to search effectively for sub-topics that are not as yet cross-referenced in the Library of Congress indexing system. For example, because the subject of gender equality rights education is relatively new, the most interesting ideas may be in unpublished monographs, graduate theses, and reports of law-related projects from community-based organizations. Also, it is the nature of gender studies at present to deal with several overlapping issues at once. This makes the retrieval of field-specific information like gender, law and schooling very difficult.

For my research, I used unconventional resources, such as reports from a variety of community-based and school-based events, activities, and projects that focus on gender equality rights education in both a legal and sociological context. The material came my way as part of work I was already doing in the community and the schools as a speaker for West Coast LEAF. I literally stumbled on the fact that educating young people about gender equality rights was an underdeveloped part of public legal education. My experiences led me to look a little further, at formal schooling. However, an increasing amount of activity over the past two years in some community-based

organizations seems to indicate a strong interest in the community to educate young people about gender equality issues.¹ Regrettably, the total number of young people reached and consulted in these initiatives, and the impact of these initiatives on young people, is little known to us. The level of legal knowledge that may have been part of these initiatives is also unknown. And we cannot expect that the community effort, however well-intentioned, will provide what a substantive body of academic research would provide in the way of normative guidance for these endeavors.

The background research offered very little help in coming to know how to think about the development of gender equality rights education. I realized I would need a research method that would allow me to utilize a known theoretical framework, such as we have for curriculum and instruction, to talk about an unknown quantity, in this instance gender equality rights education. The Delphi method seemed to offer the necessary degree of flexibility. Delphi is a method that allows a theory to evolve from the research material rather than testing a preconceived theory against the material.

I. A DELPHI SURVEY

A. THE DELPHI METHOD

The Delphi method is a qualitative research methodology that requires that a group of experts be willing to share their expertise and work toward a consensus resolution of important matters in a particular subject or field of study. The interview questions and interview process are organized in such a way as to encourage input of the participant into the content, scope, depth, and creativity of the interview. The researcher usually follows up each interview with a summary. Participants are free to

check that their views are reported accurately. The researcher then re-interviews or revises the initial interview material at the request of the subject. The material is summarized and re-circulated amongst the participants, who are the only constant in the study. It usually takes three revisions for a convergence of views to occur.²

In this case, the research was limited to the former requirement, the sharing of expertise with the researcher. There were two main reasons for this. First, my desire to have a socially representative group of participants meant that I involved a large number of individuals (20). At a practical level, it takes a great deal of time to co-ordinate human subjects for a single study. A full-scale Delphi study in reality involves a minimum of three consecutive research projects. Given the confines of a master's thesis, I chose to initiate rather than implement a full-scale Delphi study. Second, at present the issues we are faced with in gender equality rights initiatives are so expansive that, as we shall see, even the language we use to investigate the issues becomes part of the study. Nevertheless, it was possible to set some goals to frame the Delphi study in a way that would make a continuation of the study possible at a later date. They are:

- 1) to identify some beliefs, assumptions and expectations some leading educators, feminists and legal professionals have about educating young people about gender equality rights;
- 2) to analyze these beliefs, assumptions and expectations to see whether there is agreement about what young people should learn about gender equality rights and how they should learn it, and whether that agreement conforms to existing theory and practice in law-related education i.e. curriculum, pedagogy,

- evaluation, implementation, development of learning resources, and leadership; and
- 3) to formulate a statement of purpose, goals and objectives for undertaking gender equality rights initiatives in B.C. schools.

The value of the Delphi method is that it is based on the principle that the views of individuals who are considered to be leaders in the field in question have intrinsic merit.³ The researcher predetermines the conceptual framework of the research, decides how to collect material from the participants, and controls the research setting. But within these parameters, the format that is selected by the researcher ought to give first priority to allowing the participants to express freely their views about the subject.

1. THE INTERVIEWS

I chose to interview twenty people. The interview format entailed personal interaction between myself and the participants. Personal interaction can sometimes reduce the authenticity of research material. Therefore there were several complications that I knew that I ought to take into consideration in advance.⁴ They can occur at different stages of the process: the approach to and preparation of the preliminary paperwork; the selection of participants; the set-up of the interviews; what happens during the interviews; the follow-up to the interviews; and the treatment and analysis of the material. These complications include:

- 1) hearing a false consensus (or wholism) in the material that is in fact imposed on the material by the researcher;

- 2) distortion in the material due to an over-investment in the results of the research on the part of the participants (eg. they might not "open up" to the researcher or they might overstate their views) or on the part of the researcher (eg. selective memory, asking leading questions, arguing with views expressed, or embellishing the material, that is allowing the material to answer questions that were not actually asked);
- 3) pontificating by the participants (using the interview to push a world view rather than addressing the topic or questions at hand) or by the researcher (monopolizing the interview, doing more talking than listening)⁵
- 4) uncritical listening by the researcher due to over-identification with the participants (negative or positive reactions to personality, charisma, etc.);
- 5) allowing results or comments from previous interviews to leak into subsequent interviews and asking leading questions in the guise of clarifying a point; and
- 6) in the case of research that relates to the schools, there is the possibility that the material will not be relevant to the diverse experience of young people in B.C. due to the relatively privileged societal position of the participants.

Marshall and Rossman⁶ point out some adjustments that can be made in the research process that may balance out some of the circumstances that can complicate the results of the research. But to my mind, producing authentic results from the interviews largely depends on the discipline of the researcher and the co-operation of the participants. Some care in the preliminary planning stages such as how participants are selected, the way the interviews are conducted, the treatment of research material,

and follow-up procedures, etc., can make an important difference. The point is how to make those adjustments without sacrificing the positive aspects of establishing a personal connection between researcher and participant. Consequently, I tried to incorporate the recommendations of Miles and Huberman and of Marshall and Rossman, while at the same time I took precautions that I thought might strengthen discipline and co-operation during the research process.

a. *Preparing the ground*

First of all, I wanted to be as clear as I could be about my role as researcher and my expectations of the interview process. In particular, it was important that the participants understand that I would be passive about the content of the interviews. It was not my role to judge, rebut or interpret their comments. Rather, my role was to facilitate open and frank comments from them in response to the interview questions.

I communicated in writing with the participants before the interviews and included a draft of the questions that would commit me in advance to a standardized framework for each of the interviews (see Appendix A). I anticipated that the participants would have varying "comfort zones" with regard to myself as the researcher⁷, the interview process, and the interview questions. I was as flexible as practical considerations allowed me to be about the time, location and length of interviews. The participants were free to prepare for the interview in any way they chose, and to address the questions during the interview in any order they chose. In this way, I hoped to circumvent the problem of setting the priorities for the session by ordering the questions myself.

b. *Interview setting and procedures*

Each participant was interviewed separately and confidentially at a location and a time of their choosing. Each interview lasted, on average, fifty minutes.

With the written consent of the participants, I taped the interviews so that later I could recover accurate wording if I was in doubt and so that I would be free to take down main points in my notes and listen reflectively during the interview sessions. With this technique, the listener "reflects back" the words of the speaker without analysis or debate.

c. *Follow-up to the interviews*

Participants were invited to add to or discuss with me their own interview any time following the formal interview. A thank-you letter was sent to every participant which also included a confirmation of the Consent Form that each participant had signed before their interview took place.

2. THE PARTICIPANTS (Appendix B)

a. *Selection of participants*

It was not a requirement of the research that the twenty participants all be intimately knowledgeable about either the B.C. school system in general or curriculum development in particular. In a Delphi study, participants need be selected solely on their professional qualifications and/or experience in the area of gender equality rights.

At first, I wanted to avoid the personal bias that might result if I handpicked the participants. However, I decided that my wish to have a socially representative group of participants was a positive bias and that it could be justified for many reasons, not the least of which would be the enrichment of the study by the diversity of ideas I might

encounter. I cannot escape from my historical time. What I mean is that I had a strong sense of what a socially representative group would include; mainly women who identified themselves with the interest of minority groups such as women of color, lesbians, native and disabled women. This may sound like "formula" thinking about underrepresented social groups. But more to the point, I sensed that I would feel on a personal level that my research was incomplete without such a group. Choosing to include as many as twenty people to interview gave me a better chance of meeting my own criteria.

Therefore, in seeking out participants, my first priority was to identify women and men who have first-hand experience thinking through and making decisions about gender equality rights issues, by virtue of their jobs or their positions on public committees. My second priority was to select a mix of educators, feminists and legal professionals. And my third priority was to produce a socially representative group. When forced to choose between equally qualified individuals, I factored in the personal life experiences of each candidate. But I also favored individuals who were parents. I hoped for but did not plan for a range of ages amongst the participants, which in fact I managed to achieve.⁸ Also, it was difficult to include men as participants in the study, given the criteria. Kim Campbell, who was the federal Minister of Justice at the time, reported the same problem in her address to the National Symposium of Women and the Law, June 1991, p. 16

This is not a meeting to learn about gender equality in general. We did experience difficulty, however, in finding men who either would consider themselves knowledgeable on this subject or are recognized as experts on these topics;

and I think this poses another challenge to Canadian society to ensure that this fundamental issue of gender equality is not isolated as a women's issue.

The group of participants was self-selecting in the sense that:

- 1) a finite number of jobs, task forces, etc. relating to gender equality rights exist,
- 2) I had to choose from that finite pool of individuals because of my criteria,⁹
- 3) the interviews had to be conducted within a definite time period, and
- 4) I did not offer an incentive, such as an honorarium, in order to encourage participation.

Interestingly enough, it was hard to come up with interview candidates who were knowledgeable but not proactive in or supportive of the gender equality rights movement. Judges who may be called upon to hear gender equality rights cases are a possible exception. However, access to that pool of resource people is limited for a variety of reasons, a major reason being the desire of many members of the judiciary to restrict their contact with the public outside their judicial duties.

b. *Profile of the participants*

Seven participants based their comments about gender equality rights education on direct experience working with the educational system [Avril, Rapin, Bruneau, Brown, Thomas, Caldwell, Fulton]. The opinions of five participants were partly the result of reflections on their experience of the impact of the educational system on their own children, in addition to their professional work [Bruce, Jaffer, Brown, Bain, Chuly] Many participants referred to their knowledge of the legal system to draw parallels between

law and education as institutions [Bain, Bakan, Boyle, Boyd, Bruce, findlay, George, Harvey, Jaffer, Maloney, Sheehy-Culhane].¹⁰

B. INTERVIEW QUESTIONING

1. THE INTERVIEW QUESTIONS

The questions I hoped to answer are summarized as follows:

- 1) What do we mean by gender equality rights education?
- 2) What are the essential points about gender equality rights that ought to be passed on to young people?
- 3) What principles ought to be honored at every level of decision-making about gender equality rights education? and
- 4) Does schooling from K-12 embody the principles, goals and objectives of gender equality rights education?

The interview questions were simply a framework to guide the interviews towards these broader issues. The questions were broadly based on the sorts of things we usually need to know before we develop curriculum. My interest in the interviews, however, included more than the structure of curriculum. I had spent considerable time in coming to an appreciation of the issues that gender equality-seekers (groups and individuals) encounter in their work. In understanding the language that the participants used when they talked about gender equality rights education, I benefited from my observations, relationships and experiences as an educator working closely with other educators, feminists, and legal professionals in the field of women and the law, readings

I did as part of that work in contemporary research and public policy arising from the gender equality rights movement, and participation in law-related events and activities organized in the community, such as Law Day at the courthouse, youth symposiums, etc. In addition, I was aware of a wide spectrum of arguments about whether or not gender issues ought to be taught in schools and if so, whether or not they ought to be given special treatment in the schools. Mostly, I heard these arguments articulated in classroom discussions and presentations during graduate courses in Women and Education and Women at the University of British Columbia.

The interviews were guided by the questions but the interview format was flexible enough to allow participants to tell anecdotes in illustration of their points. In some cases, the participants added questions of their own, for instance questions about the relationship between schooling and family expectations of young people. It was tempting as a researcher to ask them why they agreed to participate in the study. Some of the anecdotal material in the interviews suggested their motives. However, none of the participants made direct statements about it and I did not ask them.

2. MANAGING INTERVIEW MATERIAL

a. *During the interviews*

My job during the interviews was to listen reflectively and to take notes. Thus I spent my time in the interviews alternating between silent listening, writing down the main points, reading back comments to the participants using phrasing such as "is it fair to put it like ... can I sum it up as ... does this sound like what you said?" for clarification and so that my re-wording of their comments would be on tape. The

challenge was to clarify their comments without entering into a debate or analysis of their ideas. I wanted to be particularly careful with ideas that I had not heard before. Happily for me, the participants were so articulate is was rarely difficult to catch their meaning.

In order to avoid setting the priorities in the interview, I allowed the participants to respond to questions in their own way and in any order they chose. The schedule of interviews was set according to when the participants were available. In this way I did not control whose views I would hear first. I did not introduce any vocabulary into the interviews that I had not already used in either my correspondence with the participants or in the questions themselves. And I avoided offering examples except in cases where an illustration would clarify what the participant said.

My notes are mostly quick summaries of the points made, generally organized under the questions. This was a judgment call. Many of the participants were non-linear in their approach to the questions. Sometimes it was hard to tell which question the participant had in mind while speaking. What sounded like the answer to one question would turn into a response to another one. Since I did not wish to interrupt the flow of their thinking, I made quick decisions about where to locate items. I knew that the information in the notes could be verified by the tapes if necessary. Quotation marks in the notes indicate to me direct quotes. Comments that I simply could not sort out quickly were flagged in the margins for reconsideration later.

b. Following the interviews

I waited a few weeks after finishing the interviews to transcribe my notes. I thought that what still made sense to me then would likely be a good foundation for

analyzing what the participants had said. The notes were transcribed into the computer verbatim. When the origin of any part of the notes was unclear to me, I either excluded the item from the transcript but flagged it with a question mark in the notes, or I put it in square brackets in the transcripts.

C. ANALYTIC FRAMEWORK

In coming to analyze the Delphi material, it was clear that I could not accommodate in the thesis every idea, concern, and suggestion from the interview material. I needed a way to condense the findings which retained the richness of the material. I solved this problem to a reasonable level of satisfaction as follows. I read through the interviews with three categories of ideas in mind that I thought would capture the spirit as well as the novelty of the material. The first category was ideas that fit the purpose, goals and objectives of law-related education; second, ideas that were repeated and emphasized in the majority of the interviews; and third, ideas that stood out as unique in comparison to what was said generally in the interviews.

I read the transcripts over, sketching in main themes and looking back over the transcripts for examples. In an attempt to be open-minded about all the transcripts, I saved those that I thought had influenced me most strongly until last. I decided that themes supported by comments in over half of the transcripts would be considered primary. Secondary themes would have to show up in at least five transcripts. In organizing the findings of the study, I defined "many" participants as ten to nineteen, "several" as five to ten, and "a few" as less than five. Most of the participants attempted

to answer all of the interview questions rather than to develop any particular question or category of questions.

Much of the interview material indicates the presence of a kind of subtext made up of assumptions, beliefs and expectations held by the participants. I thought it would be useful to try and bring these thoughts to the surface. This was not to discredit or diminish their ideas in any way. But I would argue that it is necessary because of the privileged position of the participants in society. Most of the participants occupy high level positions and attend meetings that determine policy in their respective professions. I viewed them as modelling approaches to gender equality rights education.

A great deal of the analysis of the interview material involved working backwards from statements. For example, I worked backwards from many suggestions about curriculum in order to determine what principle the suggestions were intended to satisfy. I tested these principles against the reasons given for educating about gender equality rights. I also compared the basic principles in the transcripts with each other to see if I could find a pattern. Did the principles I formulated for each interview cross over, complement, or compete with those in other interviews? Collectively, did these principles lead to a set of coherent goals and objectives for educating about gender equality rights so that I could make a claim about what ought to be tried in schools?

One of the appealing characteristics of the Delphi method for me is that it is flexible. Delphi researchers ought to be open to the unexpected. In my study, three of the participants chose to critique the interview process as part of the study. It seems that there are at least three ways of looking at gender equality rights education that do not conform to the traditional approach to curriculum development that I used as a

framework for the Delphi study. These are part of Chapter Three. They open up a whole new set of questions that could be part of another study. I mention them here, though, to make a point about Delphi. It is hard to imagine anomalous ideas about the research process appearing in a written questionnaire or multiple choice survey of expert opinion. I think that the Delphi method, and in particular the interview format, allowed participants to think out loud as it were about new ideas and they enjoyed the opportunity to do so.

II SUPPORTIVE RESEARCH

ANALYSIS OF DOCUMENTS, REPORTS AND OTHER PAPERS, AND INFORMAL INTERVIEWS

I formulated my first impressions of gender equality rights education for young people during a work study project that I elected to do in the field of gender equality rights in preparation for writing my thesis on a gender and law-related topic.

During the three years that I worked for the West Coast (Women's) Legal Education and Action Fund (West Coast LEAF) I was responsible for the management and development of two public education initiatives in women and the law. I also represented West Coast LEAF for a time on the law-related education committee coordinated by the Legal Services Society of B.C., which monitored changes to the Law 12 curriculum proposed by the B.C. Ministry of Education.

It was in the course of these projects, and the committee work they involved, that I began to consider seriously the lack of substantive education about gender equality rights for young people.

My first project was a speaker's bureau. Working from a manual about the Charter of Rights and Freedoms, and gender equality law, it was my job to train adult speakers to address a variety of groups - including schools, community associations, parent consultative committees, unions, etc. - on a variety of gender equality rights and social policy issues. As part of the project, we developed some resources suitable for adult audiences. For Law 12 and Social Studies class presentations, we tried to get materials from the public legal education services to suit the youth audience but had to necessarily build into the existing material what we thought was important to talk to young people about gender equality rights. I had regular contact with classroom teachers and through this contact, I started to get the idea that we needed more presentations on more topics for students, but also for teachers.

For my second project, the Equality '92 Youth Conference, we generated a handbook for young people that was a combination of existing resource material for youth collected from the public legal education network (and a variety of women's groups) and new material written especially for the conference on six gender equality rights topics. They were: work and family, violence against women, poverty, employment equity, sexual harassment and media imaging of women.

Contact with young people during these two projects provided me with a view of the kinds of questions and concerns that young people have about gender equality rights issues. The Legal Services Society offers telephone call-line service that is useful for specific legal questions. But many young people I spoke to in Law 12 classes could not formulate questions about the broad social issues that gender equality rights

addresses well enough to research such issues in the Legal Services library on their own. I did not survey the resources available on gender equality rights in school libraries.

The inclusion of a Women and the Law unit in the new Law 12 curriculum would make a difference to only the comparatively small number of young people who take Law 12. And the dearth of resource material available for the course left me with the impression that the whole idea of gender equality rights education for young people was underdeveloped. Gender equality rights for young people did not seem have the serious attention of the schools or the legal community.

Following this investigation, I looked at a library search done at Simon Fraser University and the University of British Columbia, looking for academic research papers in the area of youth, legal literacy, and gender equality. But the relationship between young people, access to justice, and gender equality rights was not addressed. When the Law Society of B.C. published their report on gender bias in the justice system, both the schools and the public legal education network were cited as important to the education of young people about gender equality rights issues. This prompted me to do a research project about the need for gender equality rights education in the schools. It was at this point that I began to attend the Ministry of Education Gender Equity Program conferences, and to talk to school-based educators about gender equality rights initiatives in their schools or classrooms. I also began to read reports like We're Here, Listen to Us by the Canadian Advisory Council on the Status of Women¹¹ about the interests and needs of young people, in particular young women, in relation to gender equality rights.

Essentially, what I was looking for was evidence of any commitment in the legal community, government, academia, women's groups and the educational system to gender equality rights education for young people. In the course of my investigation, I thought about gender equality rights education as a course of study in law. I still do, but my perspective on why we ought to educate about gender, law and equality and how we ought to go about it changed as a result of the Delphi study.

SUMMARY

In summary, this paper queries the level of knowledge about and systemic support for gender equality rights education in B.C. schools as evidenced in five areas that govern educational practice: curriculum, pedagogy, allocation of resources, implementation of policy, and school leadership. I wanted to establish whether or not my impression is true that the level of knowledge about and systemic support for gender and law-related material seems weak in comparison to the scope and depth of the impact on our other social institutions of the gender equality rights movement.¹² Some examples are the proliferation of employment equity policies, sexual harassment offices on campuses, and mediation services in family court.

To gather background for this paper, I examined some spin-off activities generated by the gender equality rights movement in a cross-section of public legal education and advocacy organizations. I particularly looked for gender and law-related material that could be used by and related to the experience of young people; and was available to the educational system. I conducted a parallel investigation of the educational system

using as a guideline the five areas of educational practice mentioned above. The process was intended to be exploratory rather than exhaustive or conclusive.

The gender equality rights movement is more than a law reform movement. It is also a social reform movement that is affecting our public institutions. However, changes to our laws and to our legal system are the most visible, and I would argue the most commonly debated, feature of the movement.¹³ So in documenting material, it made sense to limit myself to gender equality law and how the community and the schools facilitate or fail to facilitate the education of young people about that law. A summary of my findings is reported in the following section as an overview of the perceived potential for educating young people about gender equality rights.

NOTES TO CHAPTER TWO

1. For ex. community groups such as OASIS, Burnaby Multicultural Society, Congress of Black Women have held youth conferences and programs related to gender equality issues.
2. Quade, E.S. (Editor 3rd edition Grace M. Carter) Analysis for Public Decisions 1989
3. The idea is that their observations and conclusions are based on a substantive degree of personal experience dealing with the subject and can be evaluated in a publicly-recognized manner.
4. Miles and Huberman Qualitative Data Analysis 1984
5. There is a line between strong views, which is what we ask of the participants, and pontificating
6. Marshall and Rossman. Designing Qualitative Research 1989
7. I have worked professionally with three of the participants.
8. Individuals who held elected political office at the time of the interviews were not considered for this study if their political job seemed to be their only connection to gender equality rights issues. Holding political office is not a professional qualification, nor need it indicate relevant prior experience.
9. In other words, if no woman of color had occupied such a position, I would not have had a woman of color as a participant.
10. One participant's name is withheld from the document at her request. A few other participants will not be mentioned by name in the findings of the study but are reported as participants in the study. All the interview material was considered as part of the findings and conclusions of this theses.
11. Holmes and Silverman We're Here, Listen to Us!: A Survey of Young Women in Canada Canadian Advisory Council on the Status of Women 1992.
12. Wasserstrom.
13. Consider, for example, the current balancing of the interests of both victims and defendants in rape cases.

CHAPTER THREE - FINDINGS

INTRODUCTION

My research indicates that knowledge about gender equality rights is not accessible to young people in B.C. schools in a useful way. In spite of what could and ought to be made available to sustain gender equality rights education in the schools, there does not appear to be either a plan to increase gender and law-related material in the formal curriculum, or a way to raise awareness of what appears to be a significant gap between a body of knowledge gained by the legal system at considerable public expense, and inclusion of that knowledge in the schools.

While much about gender inequality in society is public knowledge, readily discussed, and the subject of serious academic attention in law and higher education, a coherent approach to educating about gender equality rights in the public schools has not emerged from the Ministry of Education.¹ Not only do we lack formal guidelines for educating about gender equality rights, but we cannot determine the extent to which we do educate, in practice, about gender equality rights because activities in the informal curriculum and the school environment are undocumented. The task of retrieving information from the schools is virtually impossible until we are much clearer about what we would look for as gender equality rights education. Beyond readily identifiable legal content inside the formal curriculum, we need to clarify what we are looking for when we seek evidence of gender equality rights education.

I THE DELPHI STUDY

I began the research with the hypothesis that knowledge about gender equality rights is not accessible to young people in the schools in a useful way. Part of the problem is that the schools do not provide a disciplined thinking environment, such as a formal curriculum, for the study of gender equality rights. This does not mean, however, that the schools are silent on gender equality rights. It does mean that knowledge about gender equality rights is likely provided in association with other activities in the formal and informal curriculum, and in the school culture. This process ought to be examined in the context of defensible goals and objectives of gender equality rights education.

There is no consensus in the Delphi material about what these goals and objectives are right now. However, there is general agreement on what gender equality rights education would promote in an educative sense. In fact, many of the suggestions indicate that law-related education (LRE) and gender equality rights education (GERE) have much in common. Like LRE, gender equality rights education would in part:

- 1) promote learning that advances the ideals of justice in a democratic society;
- 2) draw on parallels taken from the history of law about the progress of social justice in our society;
- 3) advise students of their democratic rights and obligations as citizens;
- 4) prepare students to exercise foresight in their behavior based on what they understand about the principles of law and order, and respect for the rule of law;
- 5) explain how the justice system works and how to use it as individuals or as part of advocacy groups;

- 6) study examples of legal cases that show how laws protect, and sometimes prescribe, what we believe to be central societal values;
- 7) bring students to an appreciation that public policy is the result of practical reasoning about laws and has a far-reaching influence in their lives; and
- 8) teach students a variety of academic skills, in particular those associated with critical thinking, such as the ability to select relevant facts in problem solving exercises, grasp the meaning of legal language, analyze legal constructs, distinguish between fact and belief, etc.

Regardless of the similarities, however, there are two significant findings from the Delphi study that ought to be taken into consideration if we wish to use law-related education as a conduit for gender equality rights education. First, the study of social justice for women ought not to be a matter of chance, either in school or in society. At present law-related education is minimal in B.C. schools. Second, indifference to gender equality rights issues in decision-making about educational matters could hinder gender equality rights education in the schools. For example, it is unlikely that the Ministry of Education would upgrade and expand the role of law-related education throughout the school system in order to ensure that we have the means to educate about gender equality rights. Indeed a proposal to include a mandatory unit on Women and the Law in the Law 12 curriculum was rejected in 1991.

If we agree with the findings of the Delphi study, we would say that it would be a mistake to link the fate of gender equality rights education in the schools to that of law-related education. The low status afforded law-related education is quite likely an

indication of how a plan to formalize gender equality rights education as a legal course would be received at the curriculum negotiating table. But more to the point, as we shall see, the reasons why we should move gender equality rights education beyond the framework of a law-related curriculum involve concerns not to negotiate through one particular existing discipline.

A. GENDER EQUALITY - A GAME OF CHANCE

The Delphi study indicated that even if carried out in an uncoordinated manner at first, we ought to begin to educate young people about gender equality rights in the schools. Significant facts, concepts and values regarding gender equality rights are at present only incidental to their education. Students may have specific knowledge about gender equality rights but it will be fragmented and unevenly distributed amongst them.

As a first step in educating about gender equality rights, we ought to create a context for schooling that allows for what young people already know about gender equality rights (through the media, friends, etc.) to come to the surface so that we can connect this informal knowledge to fundamental concerns about the effects of sexism in society. If we fail to do so, we may risk that young people will perpetrate create more harm to women in society in the future.

There is sexism in society so there is sexism in schools. But, at the same time, schools are in a unique position to address gender inequality as a serious subject of study, and model gender equality in practice for students and other institutions. This ought to be done because students are in the care of educators for twelve years. Sexism does not cease to exist inside or outside the schools simply because we do not choose

to educate about it. Instead, we relegate to chance young people's ability to cope with the sexism that is part of ordinary life. In doing so, we sustain gender inequality.

Gender equality is not achievable in the sense that at some point we can cease worrying about it. Equality - of race, gender, etc. - is not simply a measurable quantity but rather an ideal. Concern for equality is a state of mind and a way of being in the world that promotes equality rather than inequality. There is no good reason to delay the development of an awareness of gender equality until after graduation.

We can show, through gender equality rights cases for instance, how our language, actions and systems move us forward or back along a continuum.² At one end is the ideal, full legal and social equality. This idea of a continuum can help us sharpen our awareness of gender equality rights. It also helps us to remember that equality is considered to be the normal state in a democratic society. in law equality is the norm on that continuum. Inequality then is the abnormal state of affairs in a democratic society. The language of the Charter of Rights and Freedoms is definitive on this point. Section 15 (Sb 1) states that "every individual is equal before and under the law". The ability to analyze the progress of concepts like gender equality through the legal system requires specialized knowledge that is not readily available outside a formal legal study. Those who have that knowledge, then, have a duty to ensure that at the very least our public systems try to conform to the norm of equality [Bruneau]. However, an educated society is a better insurance against gender discrimination than a pool of experts. Those who have the power in society - law-makers, political leaders, educators, etc. - should not be left to wield it without regular input from the community. Public legal education and women's advocacy groups play a role in negotiating the

terms of access to knowledge about our progress towards gender equality, particularly in our social institutions.³ Gender equality rights education in the schools would help create a stable channel for communication about gender equality rights from the community to circulate through the schools and back to the community in an accountable way. In effect, young people would learn while in school that their opinions count. They would also learn how to make their needs and opinions heard as a routine part of their adult life. And finally, they would learn that thinking, educated people care about gender inequality.

Individual educators have some of that specialized knowledge of, as well as the ability to understand, some developments in gender equality law and social policy. It is questionable whether or not it is their duty to share that knowledge with young people if there is no recognition of gender equality rights education in the schools. This is unfortunate because schooling is the last opportunity to provide all young people with a basic understanding of the issues, and learn the language of, a public controversy that they will likely have to deal with at some point in their lives, whether or not their education has prepared them to do so [Rapin]. Although it is doubtful that gender equality rights initiatives are common throughout our society right now, the gender equality rights movement will likely be part of the future in various forms. Gender equality rights might take a long time to be actualized. But, this should not be a reason for ignoring them in education, but rather a reason to strengthen our efforts to educate about gender equality rights, in the short term certainly but definitely for the term [Bakan, Brown, findlay].⁴

At a fundamental level, social justice will only come about as a result of the actions of individuals. But those of us who do not experience justice have less chance of acting in a just manner towards others. For example, girls and women may know more about injustice than justice because they learn it first-hand through discriminatory systems and practices in society. Whether they recognize it or not, they are then capable of perpetrating gender discrimination. Left to chance, nothing in their experience may guide them to do otherwise. This is due in part because the institutions that influence them from an early age and are common to their experience, i.e. the family and the schools, are part of a patriarchal social system that is focused on the needs of adult males. One problem this creates for females is that they do not learn to value women. Another problem is that women find themselves in competition with each other from an early age for the attention of parents, teachers, men, and later for scarce resources available to them in society, like well-paid jobs. These dynamics can be particularly devastating to women who are not by birth, circumstance or choice part of white middle class Anglosaxon abled heterosexual society.

If there is a singular aim of gender equality rights education, is to collectively and comprehensively address the deficit position of women as a distinct category of persons in relation to the economic and social benefits of our culture. The reduction, and eventual elimination, of systemic discrimination would go a long way towards levelling the public ground that women must travel across to claim a fair share of the benefits of our society. For many women, much of that time as adults is spent first discovering, then understanding and defending their rights, while men (and those women who are in a privileged position in relation to mainstream society) are reaping the benefits. But

this does not mean that gender equity rights education is primarily for female students. The changes and issues involved in gender equality rights have affected and will affect the lives of male students as well as female.

The diversity of ideas in the interviews is connected by an optimistic desire to move young people forward from an apparent impasse between education and feminism. There are two possible ways to bring this about in the schools in the short term. Several of the individuals interviewed are in favor of compulsory gender equality rights education for school-based educators and for students [Avril, Fulton, Jaffer, Bakan, Sheehy-Culhane, Bruce, Harvey]⁵ They argue that we have a right as well as a duty to educate our young people properly about gender equality rights. This is not inconsistent with the compulsory demands we make about other subjects in education, such as Business Education. The second approach is through systemic support and acknowledgement. We should be openly proud of educators who agree about the importance of gender equality rights education and find ways of supporting their work in the system [Caldwell, Thomas, Bruneau, Bain, Rapin].

Our main investment in society should be an education system that will empower young people with the mental clarity and emotional security to be able to judge for themselves the important things we learn from the study of the evolution of gender equality and to put their knowledge to good use on their own behalf in their daily lives. Gender equality rights education can be a vast source of social ideas, legal facts and real-life stories that could both enlighten our students and possibly strengthen the educational system. Educators at all levels of the educational system ought to

consider the impact of avoiding gender equality rights when they consider the impact on themselves of compulsory gender equality rights education.

B. INDIFFERENCE TO GENDER EQUALITY RIGHTS EDUCATION IS GENDER BIAS

Without exception, the twenty individuals I interviewed believe that to separate educating about gender equality rights and furthering substantive gender equality in society goes against commonsense. To study our rights is an important step they think in bringing about positive change in discriminatory laws and practices in society. But as a legal study it cannot and should not stand on its own in the curriculum.

A narrow focus on legal rights would allow for superficial and fragmented coverage of the economic, personal, socioeconomic, and political reality of women, without which we cannot fully understand gender equality laws. We must be careful to teach that equality is an empty concept if it does not inform our social attitudes and behavior [Bain]. Equality as a concept on its own is suspect as an aid to women. It invites quantitative analysis and solutions to very complex issues [Bakan, Boyd]. The mystique of law can project a false sense of certainty and security. It is important to remember that the systemic conditions in which laws are drafted are gender biased, producing unpredictable results for women [Brown]. Nor does the study of law sensitize us to or enable us to deal with the different needs of ethnic minority women, women of color, lesbian women, elderly women, or disabled women [findlay]. In fact the study of legal rights in isolation from reminders about the collective nature of society, may in fact have the reverse effect, dulling us to the needs of others, teaching us instead how to "trump each other with our inequality cards"[Boyd]. And finally, there is a temptation

in introductory courses in law to focus on the glamorous laws, such as Charter law, when in fact the laws that affect women's lives the most are those which relate to ordinary life: laws administered by regulatory bodies like the Workers Compensation Board, the Labor Relations Board, and various agencies that regulate delivery of medical services for example [Bakan]. Nevertheless, the study of gender equality laws should be included in the curriculum somehow because case studies can make difficult ideas more concrete for young people and can give a "human face" to law.

There are many forward-looking educative reasons to institutionalize longrange plans for routine education about gender equality rights in the schools. Sustained education about gender equality rights from K-12 now might make it easier to introduce into society later several important goals for women and men, such as: to preserve gender relations; to defend human rights; to create gender liberation art and mythology; to institutionalize social justice; to re-formulate gender-equitable rights and responsibilities of citizenship; and to set new community standards of morality. As a case study in systemic discrimination, gender equality rights would lend itself to the educative objectives of existing school subjects and inspire new ones. For example, in Social Studies from K-12, students would study how the socialization process is gendered, how to challenge the justice system in the context of respect for the rule of law, and how the dynamics of power and privilege work in society. In the general curriculum, students would be encouraged to undertake a critical deconstruction of knowledge, values and belief systems, challenging a view cherished by traditional thinkers that knowledge and social values not only exist, but are static and endure for all time. Thus, a sustained presence of gender equality rights education in the schools

would counterbalance and eventually reverse discriminatory practices, attitudes, social behavior, and language usage at all levels of our educational system to the benefit of society.

Conversely, there may be very good reasons not to educate about gender equality rights in the schools. If so, these reasons ought to be made public so that we can formulate an opinion about gender equality rights education that is as informed as possible.

C. DUAL ROLE OF EDUCATING ABOUT GENDER EQUALITY RIGHTS

Many of the participants in the Delphi study thought that the dual nature of gender equality rights education might present an ideological barrier as powerful as systemic discrimination to educators responsible for designing and implementing curriculum aimed at formalizing gender equality rights education in the schools. Gender equality rights is at the same time a subject of intellectual inquiry and an appeal for change in society.⁶

A parallel in recent history is AIDS education. Medical information about AIDS that is made public is not meant to be passive knowledge. We do not deny that we educate about AIDS because we have a strong societal investment in influencing human sexual behavior in a particular direction. AIDS is imminently life-threatening and is easily understood to be so.

Similarly, can we educate about gender equality rights without taking a position on sexism in society? One could argue here that the schools are under an obligation to keep students informed about AIDS. However, in future it may be arguable that the

schools have a similar obligation in respect to gender equality rights. That gender inequality can be life-threatening is much harder to demonstrate. It may get easier if investigative work in the areas of homicide and family violence, Battered Wife Syndrome, and occurrences of suicide and death by drug overdoses amongst women proceeds.

This duality might stall policy decisions, and subsequently delay the development of and allocation of resources, to gender equality rights education. Of particular concern to the participants is school-based educators, a group of individuals representing backgrounds, experiences and values.⁷ This main barrier gives rise to the secondary problem of convincing school-based educators to behave contrary to the commonly-held perception that gender equality rights education is partisan. [FN we speak here of the perception of educators working within the system as reported by participants in the Delphi study - Caldwell, Avril, Thomas, Brown, Rapin] In other words, many of the participants hold the opinion that school-based educators will be predisposed against gender equality initiatives because they (the educators) believe that the gender equality rights movement is geared to furthering the political agendas of special-interest groups who do not represent the majority of Canadian women.⁸ If true, this is problematic because the most direct way to effect change in for women in education, aside from correcting systemic gender discrimination, may well be by educating educators. What educators do not have knowledge about or experience with they cannot teach about or model in a useful way. The same factors that impede the progress of gender equality in social discourse, behavior and institutions will be present in the schools.

To see a path into the schools for gender equality rights education may require us to liberate schooling from the confines of our current notions about boundaries in education [Fulton, Caldwell, findlay, Brown, Jaffer, Thomas]. The boundaries between the roles of the schools, parents, church and community in educating young people are less distinct than they have been in the past. Traditionally, young people purportedly learned gender roles and moral discipline from their families, spiritual values from their church, social skills from their peers, cognitive skills from their school, and social responsibility from employers. However, when a critical mass of individuals in a society shifts ground, the ripples touch everything else. This is what happened early in the twentieth century when scientific thought ascended and formal religion declined in value in the estimation of the educated classes and again during the Great Depression for economic reasons. Similarly, in recent times, the women's movement was lent impetus by the civil rights movement in North America, a social revolution that crossed cultural and class boundaries and resulted in a re-examination of our traditional ideas of schooling, family, work, church and community. It is significant that since women joined the workforce en masse in a serious way, change to our social institutions has escalated. By serious I mean women seek vocational and professional positions in addition to their traditional jobs as clerks, seamstresses and domestic workers. This is one indication that the traditional domestic role carried out by women in society up until the nineteen sixties, was an important part of a social structure designed to compartmentalize and protect the jurisdictions of state, education, church, family, and community. When women changed their relationship to their traditional roles, the boundaries between those jurisdictions were weakened for the present generation of

young people. However, we still educate as if this was not the case [Fulton, Bain, Thomas].

The following ideas, gathered together under five broad themes, could be part of an initial approach to gender equality rights education. Developed from the philosophical and practical comments about curriculum, pedagogy and educational administration in the Delphi material, the ideas aim to help students and educators to envision life in a society that accommodates the needs and aspirations of women and men as determined by women and men as equal participants in a concrete way. We can acknowledge that some educators face a dilemma because at a personal level they are not committed to the goals of the gender equality rights movement as they understand them. But at the same time, if our reasons for educating about gender equality rights in the schools are defensible, then we have reason to overrule the views of individual educators. Ultimately though, educators at all levels of the educational system ought to take charge of the design and implementation of gender equality rights education. Individuals cannot prevent change but they can help to direct it.

CURRICULUM, PEDAGOGY, SCHOOL CULTURE AND EDUCATIONAL ADMINISTRATION

The parameters of the Delphi study precluded any in-depth discussion of any one idea. The following is a sampling from five main themes about curriculum design and content discussed by participants. These are followed by a brief account of pedagogy and the administration of schooling. It is important to re-state that these ideas stood out because they would not necessarily come about if we depended solely on the existing

model of law-related education as I understand it in order to educate about gender equality rights. Particular ideas that would be part of law-related education are left out for now. They are offered here not as complete arguments about or proof of what ought to be done, but rather to indicate ideas that deserve more in-depth attention from educational researchers. Nearly all the participants tried to address every question that was asked on the interview sheet. Brown and Findlay expanded on particular curricular themes (different themes), and Harvey and Fulton spent a lot of time on administrative themes. But they did not omit the other questions. The five themes are my way of organizing their ideas, not theirs.⁹

The first grouping of ideas is based on the view that all education is ideological. Young people ought to be encouraged to recognize such things as the political progress of gender equality issues through the system, the power dynamics that work to protect the established social order, the relationship between legal equality and social justice, the distinction between political and partisan, and the role of public advocacy in making the changes we want to see happen. For example, individuals do not have to embrace feminism in order to study feminism as a social movement. There is a teachable distinction between a political decision and a politically correct decision. We ought to engage rather than avoid, the biases of students, teachers, and parents in the classroom and engage in a critique of schooling from this perspective. The political controversy is about social equality or put another way, what our rights entitle us to and at what expense. This kind of study going on in the schools would help to make it more possible to have discussions throughout the school - in classrooms, in school meetings, in lunch rooms - about culpability, for example. At some point our education has to

prepare us to take responsibility for what goes wrong in our society as well as what goes right. This has been well illustrated by the environmental movement.

Students ought to practice formulating different political view points about gender equality rights and resolving conflicts between those views. A positive outcome is that we might have a generation of young people with a head start in understanding what is required from our political system to actualize gender equality rights and to compare our system to other political systems, such as apartheid, to get an idea of how political systems can help or hinder the progress of gender equality rights. In an address on International Women's Day, March 8, 1993, the Secretary General of the United Nations reminded the world that "equality between the sexes, and the development of effective governmental responses to the needs of women will not come about until the voice of women is heard in politics.¹⁰

The second follows from the view that we should not behave as if we are alone in the universe [Brown, Rapin, findlay, Sheehy-Culhane, Bruneau]. All civilizations are structured along gender lines, and there is good and bad in any social structure. A comparison study can be done of choices that social groups make by enforcing or changing laws, or choosing to organize units and responsibilities around gender. An example is the kibbutz system in Israel as an alternative to the nuclear family model we use in North America.

The third grouping aims to allow for psychological and emotional life as a natural part of schooling [Brown, Bruce, Thomas, findlay, Harvey, Jaffer, Bain]. This is particularly important if we want to foster healthy relationships between young women and men. For example, skills such as conflict resolution could be very useful in

improving any human relationship. But these skills need to be practiced. A school day that is heavily scheduled with formal classes is not conducive to dealing with interpersonal issues. Perhaps school life could emulate a more relaxed model. Emotional issues take time to work out and cannot always wait until the weekend to be dealt with.

Emotional turmoil is partly the result of learning how to live with change, uncertainty, conflict and contradiction.¹¹ One way we can learn this is to learn how to make our own choices. Making choices is part of exercising personal power. Opportunities to feel powerful in a context where other individuals also feel powerful promotes the development of human relationships that do not require that some have power over others and that power is attached to birthright, class, intelligence, etc. What better environment do we have available to raise and model new ways of behaving. An example of what ought to change about the structure of schooling is that students ought to take part in deciding about school rules and other matters that affect them. It is important to remember that gender inequality is pervasive in society. Much of the sexism experienced by young women will be perpetrated in the private sphere rather than the public sphere. Gender equality laws do not as yet have far-reaching jurisdiction in the private sphere. This is another good reason why young people have to take a personal interest in independent thought and action in response to gender inequality.

A fourth grouping is about dealing with differences [findlay, Bain, Boyd, Brown]. A big part of educating about differences is finding a vocabulary that is not already loaded with associations of racism, deviancy, etc. A sociolinguistic approach to gender equality rights education would help young people need to acknowledge difference but

come to understand what differences are significant and in what context. Here is an example of how the same language serves different ideological purposes depending on the context. Section 15 of the Charter uses difference in a positive way to protect the social, economic and political rights of disadvantaged categories of individuals. A good study would be to show how those same differences are used to deny individuals their human rights. The UN Secretary General in the same address announced that two thirds of the member countries of the United Nations have ratified the Convention on the Elimination of All Forms of Discrimination Against Women.¹² Although we cannot necessarily fulfill high ideals, it seems that many people in the international community agree with the feminist-minded groups and individuals who struggled for the establishment of the convention that human rights and women's rights are inseparable. What will count is the will to act in a just manner. We must resist perpetrating divisions and focus on common humanity without whitewashing or ignoring differences.

Another example is the language of sexuality. Mainstream sexuality is heterosexual and based on a Christian view of procreation and family life. It is reasonable that educating young people about sex would assume this to be the norm. What departs from a norm is typically referred to as deviant or abnormal. The word is harmless in the context of biology or clinical psychology, but in the context of gender equality rights for lesbian women it creates difficulties. The implications are not innocent in this context. Traditional definitions of the family become problematic for the same reasons. Individuals who are disabled had the same problem. Thus we have gone, in rapid succession, from "handicapped" to "people with disabilities" to

"physically or mentally challenged" because of the association words take on in public usage. And so on.

A fifth grouping concerns moral education and critical thinking. Gender equality rights education ought to make clear connections between the principles of gender equality and the values of an educated person [Harvey, Bain, Bakan, Bruce, Bruneau, findlay, Fulton]. Understanding how we come to value what we do, what happens when we change our values, etc., are part of becoming psychologically and emotionally flexible enough to cope with change in society. How we are treated on a daily basis helps us to make those decisions. Educators would be called upon to make visible to students their personal values and belief systems. This means spending a lot of time talking about beliefs and values, and reaching few conclusions.

Any approach to gender equality rights education ought to reflect the conviction that the schools can mirror gender equality on a daily basis as well as to provide knowledge about gender equality rights to students simultaneously [Harvey, Fulton]. Approaches to curriculum should not be viewed as definitive, linear, mutually exclusive or dependent on a gender bias-free school environment. The challenge for the classroom teacher will be to raise the women question¹³ opportunities, and to welcome non-conformist and dissenting opinions on gender equality rights topics [Harvey].

As in any innovation, we cannot assume that our initial ideas will bring about the desired outcomes. We ought to reserve the right and the means to change our minds as we go along. Nevertheless, we can make an effort to honor the diverse backgrounds and perspectives of educators, and therefore make it as easy as possible for as many as possible to intervene in the existing curriculum and in the school culture with gender

equality rights initiatives. The assumption is that the willingness to intervene is a function of two things: one, a school administration that values professional independent thought and action by educators; and two, the personal or professional motivation of individual educators.¹⁴

D. CONVINCING EDUCATORS

1. TAKING THE STING OUT OF ISMS

Feminism has precipitated a system-wide concern about gender bias in education. But the public response to gender equality issues is complex. Female and male educators who work on the frontlines, running the schools and teaching in them, find themselves under a public microscope [Fulton, Thomas]. Some teachers may choose to avoid involving themselves in gender equality initiatives unless clearly directed to do so, adopting a "wait and see" attitude [Caldwell, Avril].

Educators might feel that they must take a position on sexism if they involve themselves with gender equality rights in the curriculum. And they might wonder if this is compatible with their role as educators. They might feel that feminism will be shown up as a set of mistaken beliefs with negative results for society that they would not want to be associated with. For example, many educated people in Ontario opposed Premier Bob Rae's employment equity policy. Further, educators may be predisposed to minimize the effects of sexism because their own formal education predates a feminist critique of culture.¹⁵ Some teachers are beginning to realize that they play a pivotal role in shaping their students attitudes and behavior toward gender issues.¹⁶ But it is a lot to ask of educators who are already straining under budgetary cuts, larger classes

and special programs, to undertake self-education about gender equality rights in order to teach about it or model it to students.

But the following quote from the Introduction to the Gender Equity Education Teachers Resource Guide, a project funded by the Ministry of Education Gender Equity program, cloaks an appeal from teachers for clear direction, though from whom is unclear:

No teacher is deliberately sexist..we are highly trained and deeply concerned colleagues who want to do what is best for our students ... whatever the label, this is the heart of the educational process to which we are all committed.

The editors go on to ask, while teachers know how to teach the curriculum, how can they do "what is best" when "there is increasing evidence that teachers' unconscious biases especially in the area of sexuality influence their classroom interactions." Nevertheless, the editor says that educators must balance their professional ambivalences against the needs of their students.

Young people may share many of these same feelings of ambivalence.¹⁷ The difference is that young people are more vulnerable to persuasive arguments, especially when transmitted by personalities or forceful authority figures.¹⁸ It is the responsibility of adults and educators to come to terms with professional ambivalence if it is in the best interests of their students.

Young people receive mixed messages on a daily basis about feminism. They hear about gender bias in the formal, informal and invisible curricula, and about sexism in their school culture and society at large. We do not know very much about how they

process this information. For example, we do not know if they know what makes an issue into a gender equality issue. To modify an axiom from history, what we do not understand we risk reproducing in our own lives unconsciously. But it is certain that we cannot help students to understand if we do not raise gender equality issues in a disciplined thinking environment. What we cannot talk about we cannot educate about. At present, there is no clear idea about how to do this that lends a measure of confidence and security to educators.¹⁹

2. WAITING FOR GODOT

No one is in charge of feminism, or sexism for that matter. While we wait for leadership, our students are at risk. They would benefit right now from informed and focused attention on gender equality rights. Tension seems to be building up in society that has negative consequences for all of us.²⁰ This is linked in our minds to the equality rights movement. Much of what is happening in society is incomprehensible. For some, this is the only reason we need to bring gender equality rights education forward in the curriculum now.

Delay in giving shape and direction to understanding about gender equality rights is not in the best interests of young people. We ought to mobilize all the resources we have as educators on their behalf. We can begin with small objectives, like acknowledging the conditions that impede our efforts to assume responsible control over educating about gender equality rights. If we do not, we should be called upon publicly to explain why we go on justifying those conditions instead of changing them, even if it goes against our personal beliefs to do so.

We can show that schooling is bound by the same set of historical conditions that generated inequitable results for women and men in other social institutions, notably law, marriage, and government. But it took a long time for these institutions to recognize systemic discrimination. And only now are we beginning to see the affects in society.²¹ Conceivably, if we do not intervene officially, in a focused and informed manner, the formal curriculum could remain silent on gender equality rights for some time [Avril].

3. A HOUSE DIVIDED

Because we do not intervene officially in the schools, we get mixed results there. Many teachers may take the initiative to try to deal with gender equality issues in their classrooms without curriculum guidance. Without guidance they may compound the risk to students, through misrepresentation of legal facts for example. In contrast, many others resent the whole idea. For them, educating about gender equality rights would be tantamount to joining the equality rights movement against their will. This contributes to tension among teachers. Hostile school environments tend to suppress the positive forces for change. In the middle ground between proactive and hostile educators are a mix of well-intentioned, skeptical, disinterested or unmotivated individuals. This produces very unpredictable results for students.²²

The main purpose of policy on gender equality rights education is to give shape and direction to intervention in the curriculum. For example, gender equality laws give us a degree of certitude about what we value at least for a time. We could use this knowledge as a foundation to help young people make sense out of what they see, hear, and feel, especially the senior students who are on the cusp of adult life with its attendant duties and responsibilities. Many are of voting age, some are parents already.

But as things stand now, young people cannot access this knowledge because it is not formally a part of the curriculum and supported by learning resources.

4. BREAKING THE GROUND

We make gender equality rights important by saying that they are. The longer there is silence in the schools about gender equality rights the stronger is the message that educators, who are role models for our young people, do not attach significance to such facts that 70% of women who are single parents live in poverty, medical practitioners manipulate treatment to obtain sex from women patients, and that one in five of their female students will be beaten up by the men closest to them.

Support for a focused, informed and official intervention would break the ground for gender equality initiatives to succeed. A major conference on law and education, Law vs Learning: Examination for Discovery, held in Vancouver in June 1988, covered a variety of issues but did not address gender bias in the law. Many people are working hard at UBC, SFU, BCTF, and the Ministry of Education to arrange training institutes, revision of teacher education programs, funding for research and resource development.

But it is essential to win support from educators in the field. School-based educators could accelerate the process of introducing gender equality rights education in the schools if they showed solidarity.²³

5. EDEN REVISITED

Part of positive gender identity formation is knowing that you own your own body and control what goes on with it. The recent open dialogue and research about violence against women has revealed to all of us the extent to which many women feel they have no control over their lives and are not deserving of respect. The worst case

scenarios are women who stay in relationships with men who beat them. We want to turn the page on violence against women. To do so, women have to hear about their worth and potential, modelled in their daily life, and experience it personally from infancy to adulthood. Women cannot do this in a society of men which fosters the Biblical myth that Eve is to blame for everything that goes wrong for her and models male stereotypes to their sons and daughters. Gender equality laws and policies are intended to be remedial in nature, allowing for financial settlements to pay for psychological counselling for battered wives for example. But gender equality rights education is the story behind the laws that explains why these circumstances are no longer acceptable in society. Learning how to behave well toward each other will have a positive impact on everyone.

II THE SUPPORTIVE RESEARCH

A. THE PERSPECTIVE OF PUBLIC LEGAL EDUCATION AND ADVOCACY GROUPS AND INDIVIDUALS

The public legal education and advocacy (PLEA) groups play a role in adult education about gender equality rights, and help to keep government informed about gender equality issues in B.C. For the purposes of this study, the question was if young people were considered to be a part of that "public". If this was the case, then I would have expected to find coordinated efforts, such as workshops, conferences, etc. and a growing number of resources, such as study papers, booklets, videos, etc. on a variety of gender equality rights topics aimed at keeping young people up-to-date on and a part of the process of addressing gender equality rights issues. In my investigations, I found

some of this going on, but the examples are isolated from each other, the overall amount is minimal, and the educative value unproven. There is some limited access to information about gender equality rights but, taken as a whole, this cannot be considered to be education about gender equality rights. In the Delphi study, I did not acquaint the participants with the facts about how the community provides information about gender equality rights to young people. Greater use of community resources in educating young people in the schools was suggested many times, but I do not know if the participants knew what those resources look like now. However, sole use of community resources was not recommended. Instead, what is envisioned is the creation of a broad base of support for gender equality rights that encompasses the educational system and the community.

1. THE RIGHT TO KNOW ABOUT GENDER EQUALITY RIGHTS

In 1988, only a year after the equality provisions of the Charter of Rights and Freedom became law, the Justice Reform Committee of B.C. published a report about issues of public access and the justice system in British Columbia.²⁴ A critique of the B.C. report by the B.C. government followed quickly after, in 1989.²⁵ It was in this second document that gender equality-seekers, coalitions of groups and individuals in the community began to articulate for the government what would be required from the justice system in order to guarantee substantive, rather than merely, procedural access to justice for women in British Columbia. Amongst other goals, laws governing property settlements on marriage breakdown would have to be reformed and a new Child Protection Act drafted. Having the right to equal protection and benefit of the

law in principle is vital to gender equality rights, but actualizing that right in society means we will have to work steadily for substantive changes in many directions at once.

It is not unreasonable to believe that an investigation of the role of law in setting public policy that addresses such gender equality issues as employment equity, reproductive rights, media censorship of violence against women cases etc., can be partly based on the extent to which such issues end up in court. Legal action usually demonstrates a high level of commitment to decide an issue because the costs and time involved in litigation can be prohibitive. Also these hurdles create a great deal of emotional pressure to "get it right" the first time, because there are very few chances to go to court a second time on the same issue.²⁶

In the cases involving Section 15 (Sb. 1 and 2) of the Charter of Rights and Freedoms, commonly referred to as the equality rights provisions of the Charter, the government eased some of this burden by establishing the Court Challenges Program. The mandate of the program was to invite and pay for test cases brought forward by groups and individuals who might not normally have access to the justice system. In other words, the government empowered the public to bring forward controversial issues under Section 15 in order to test the new law and to set precedents for future legal decisions. In the view of many women, individuals and groups that had lobbied for gender equality rights to be part of the Charter, this was a clear signal from the government that gender equality laws would be taken seriously.²⁷

The body of gender equality rights litigation since 1985 is large and precedent setting. An intensive level of effort sustained by women's groups and their supporters, focussed on the courts and legislatures, has generated laws and programs that have to

a great extent helped to: define gender equality rights guarantees; translate equality rights into social practices; re-construct some of our fundamental concepts of social justice; reshape our justice system; and generally illuminate the pervasive social, economic and emotional impact of gender discrimination on women and men in Canada. Yet, as I will show, the educational system in B.C., notably in its formal curriculum, is relatively silent on gender equality rights.²⁸

2. THE RIGHT TO HAVE ACCESS TO KNOWLEDGE ABOUT GENDER EQUALITY RIGHTS

Because of the supremacy of constitutional rights, we in Canada have at hand the means for protecting our fundamental rights from being violated by the exercise of governmental power. Merely having the Charter, however, will not ensure the enjoyment of our rights. The Charter will only afford such protection if we understand it well enough to claim the rights it grants to us.²⁹

We ought to take a look, then, at how society helps to do that in claiming equal rights for women and men.

1) *Law and Learning*

The Law Society of B.C. published a major report on gender bias in the justice system in 1992.³⁰ The report was the results of eight public meetings and 10 panel discussions throughout the province. The Gender Bias Committee heard and read testimony from a broad spectrum of individuals, civic, legal and social service organizations, and the as well as from lawyers, academics and judges. The committee concluded that "gender inequality is pervasive in the legal and justice systems in B.C."
(Introduction, Executive Summary and Recommendations - fix this cite)³¹ These

findings support the position of many gender equality-seekers that law as an instrument to bring about positive social change for women is flawed, and that we ought to concentrate on creating a broad base of support for gender equality rights in the community.

Two recommendations are of special importance here:

Recommendation 10.5 - We recommend that the Ministry of Education specifically address gender equality issues as part of the Learning for Living school program and, as a priority, the Ministry of Advanced Education must equip teachers with the skills necessary to teach these programs by ensuring the appropriate university and college courses are in place....

Recommendation 10.6 - We also recommend the (public legal education network, eg. Legal Services Society, etc.)] be encouraged to continue to sponsor the delivery of programs, education, and resource materials for members of the public and in particular, curriculum designed to address issues of gender equality....

2) *School Resources*

The lack of learning resources is a disincentive to teachers who might otherwise teach gender equality rights material in Law 12 or Social Studies 11. For example, there is no text that teaches basic concepts such as gender equality, or fundamental legal phenomena such as the conversion of a psychological or social problem into a legal problem.³²

Most of the material that is available has been developed by public legal education organizations, such as the Legal Services Society of B.C., the Public Legal Education Society, and the Law Courts Education Society. For example, there is a good

bibliography and some audio-visual materials available through the Legal Services Society of BC. However, the gender-specific items that are available seem to arise in direct response to the major areas of current concern identified, such as AIDS, date rape, and sexual harassment, and reflect the funding opportunities available at any given time. And as we shall see, improving or expanding their services to young people depends on many things.³³

Furthermore, the presentation of the information, although instructive about the specific topics, is not broadly educative. By this I mean in part that the societal conditions that give rise to the need to inform youth about these specific areas of law are not explained. Taken as a whole, the material and the presentations tend to promote a conception of women as a homogeneous category of societal victims, ignoring the quantitative and qualitative differences in the experiences of women especially in cases of double-discrimination such as the occurrence of rape perpetrated on women with disabilities. A lot of this material is laid out in pamphlet form that can be photocopied to keep costs down and formatted for quick and easy reading.

As a result, the information is fragmented, giving the impression of either a crisis-management model of problem solving or a disease model of society. The former results in a "tinker with the system" kind of approach to gender equality problems, such as tacking on a few seminars in a conference ; the latter puts the onus on women to identify problems they have and to alter their behavior in some way. The assumption is that women can either prevent the occurrence of the problem or inoculate themselves against gender-specific social maladies.

Finally distribution of the material is as hoc rather than sustained so we cannot know who has it or what they think about or do with the information. This amounts to a kind of hide and seek model of education.³⁴

One exception is the The BC Human Rights Coalition. They run a schools program that educates young people about some of the broader aspects of gender equality issues in the context of human rights, that invites students to analyze the provisions of the Canadian Human Rights Act and the Human Rights Act (BC) on specific issues such as sexual harassment in the workplace.

3) *Social Context of Schooling*

The relationship between the development of gender equality law and the social climate that generated the need for it is now clear.³⁵ Furthermore, we know that the social environment has a powerful influence on schooling. Schools are pressured by societal expectations traditionally coming from families and employers, but more recently, from public interest groups acting on behalf of visible, ethnic and religious minorities, aboriginal peoples, people with mental or physical disabilities and with different sexual orientations. But we cannot always track this influence on a day to day basis in the schools. In the case of gender, or gender compounded by race, religion, class, ability, sexual orientation, we have to depend on what we are told about young people's lives in the 1990's. In other words, the influence of family, communities, and other societal factors helps explain the differences in educational attainment among young people in what we misleadingly think of as equal educational opportunity. The following excerpts from these studies are unusual in that young people were asked about themselves rather than studied from a distance.

Young people do not live in a self-contained culture. ...For some, their growth is blocked by obstacles: a harsh environment, a repressive social system, a depressed childhood. Some are overwhelmed, others under-challenged; both imbalances limit a person's ability to control her/his own actions. (We're Here, Listen To Us p. 4)³⁶

The students came from a broad spectrum of socioeconomic and ethno-cultural backgrounds, but it was not surprising that they said that most young people are concerned about AIDS, unemployment, relationships and violence against women. (Anti-Sexist Workshop for High Schoolers p. 68)³⁷

The girls themselves believe that their lives are more complicated and that they live under more pressure, than their mother's generation. (A Cappella p. 16)³⁸

Black girls in elementary school express high levels of self-esteem and they retain it through high-school. While family and community reinforcement sustain high levels of personal importance for black girls, these girls feel strong pressure from the school system and drop significantly in positive feelings about their teachers and their school work. (Shortchanging Girls, Shortchanging America p. 8)³⁹

It is reasonable to assume that the social context of schooling would be a factor in the development of gender equality rights education. We ought to pay attention to this when thinking about gender equality rights education. As mentioned, community groups and services continue to be controlled by factors that ought to be secondary to educational considerations, such as the funding and expertise available to any group at any given time.

Concerns regarding the education of young people about gender equality rights were expressed by representatives of legal and community groups who sponsored the West Coast LEAF Equality '92 Youth Conference in Vancouver on November, 1992.

Prior to the conference, in September 1991, the Youth Conference Steering Committee, which I chaired, solicited informal opinions from 90 non-academic sources in the educational network, women's groups, multi-cultural organizations, legal associations and community services in the Lower Mainland. We asked them about the need to educate young people about gender equality rights and whether or not publicly-organized education-oriented forums such as a youth conference, are a good idea. A very small proportion of the respondents was male. All the respondents said that it was important to reach young people with accurate and relevant information about gender equality rights. But they also said that:

- * School curriculum does not adequately cover gender issues in general and legal issues in particular. For example, Law 12 classes do not reach a full cross-section of young people. Of particular concern are youths who do not intend to go on to post secondary educational institutions. They have no formal opportunities to discuss gender equality issues in an informed way.
- * Young people often do not know how to express their concerns about equality issues or who to talk to. Some schools and colleges report that there is a stigma attached to voluntary counselling programs aimed at young women. And parents cannot be relied upon to be informed about these issues or comfortable with discussing them in the home.
- * Equality must be the context as well as the content of any gender-related initiative. There is a real lack of opportunity for young people to participate in decision-making processes that affect their lives, especially in the schools.

- * Gender awareness initiatives in the schools should be tied to longer-term plans for on-going public education about gender equality. It will take a long time and concentrated effort to bring about pervasive change in the status of women.

4) *Peer Leadership*

It is hard to know what motivates young people to seek out any kind of knowledge. Most of the activities associated with gender issues are organized for them by adults.⁴⁰

One exception was the activity sponsored by the BC Youth Council. While it existed, the BC Youth Council, made up of and run by young people, frequently attempted to inform its members about human rights issues, including sexism and racism, from a youth perspective. Funding for the BC Youth Council was cancelled in 1993 by the Ministry of Advanced Education and Technology. The West Coast LEAF Youth Conference was organized by adults and some youth. Key-note speakers and special guests at the conference were young people. This part of the conference received considerable positive attention from the conference participants.

3. THE NEED TO KNOW ABOUT GENDER EQUALITY RIGHTS

All women and men have the right to equal protection and benefit of the law without prejudice. But as we are coming to understand more clearly, there are barriers that prevent some people from exercising their rights on an equal basis. Those who lack knowledge about the law, understanding of legal procedures and the ability to act on our own behalf, are in jeopardy of experiencing a qualitatively different level of justice than others who are more educated about the law.

For the purposes of illustration only, I use a very simplistic example. Compare the circumstances of two females, a Chinese-Canadian store clerk enrolled in an ESL program run by the federal Immigration Department at VCC -King Edward Campus, and a British-Canadian who teaches Social Studies 11. The British-Canadian may take a variety of legal actions related to gender discrimination during her employment by the school board. It is unlikely that the Chinese-Canadian will take any such action against her employer. But we cannot assume from this that the teacher experiences more gender discrimination in the work-place than the store clerk, or that the store clerk is complacent about gender discrimination. What we can assume that the teacher, has superior knowledge, for example of Section 15 of the Charter that empowers her to exercise her legal rights. She also has the advantage of belonging to union, which will help her exercise her legal rights.

Of the two, the new Canadian is at the same time the more vulnerable to discrimination in the workplace and the least likely to appear before a court or tribunal to deal with it. She is vulnerable because of the language barrier; because her new immigrant status and level of education may only enable her to work in jobs that historically exploit women, undefended by unions; and because she will likely have grown up with a view of society and womanhood, and a system of justice, that has given her a different set of expectations different from those of the British-Canadian teacher. And these reasons that make the clerk so vulnerable and perhaps in need of assistance, are the same reasons that will likely prevent her from ever coming forward, unless encouraged by others to do so.

Given the lack of law-related education, and in particular gender law-related education, in the schools a socially unacceptable number of our students may have more in common with the new Canadian than the Social Studies teacher, when they leave school. To exercise their rights as adults, our students need to learn the language of equality; to understand the dynamics of systemic discrimination; to feel empowered by the law in their hearts not just in their minds; and to connect their expectations in life to their true abilities, nothing less.

- 1) *Discriminatory Laws and Practices Affect Young People*
 - a. Young people in B.C. ought to know ordinary people like themselves, their friends and their families may face gender equality problems. Gender equality rights cases have helped to make visible the face of systemic discrimination. Locally based public advocacy groups such as LEAF and PIAC (Public Interest Advocacy Center) have won over many cases at the Supreme Court of Canada, several of them originating in B.C. But neither fact is likely to be widely known to students in school.
 - b. Examples of Discrimination in BC Law - Four examples of systemic legal discrimination against young women based on age and gender that could be brought to the attention of the Ombudsman's office⁴¹ surfaced as a result of the consultation work done in the community for the West Coast LEAF Youth Conference by the Steering Committee. These instances were incorporated into the workshops given at the conference. This was a good example of how community organizations take on the work of educators in bringing knowledge of gender equality rights to young people. One concerns the jurisdiction of the

Canadian Human Rights Act in sexual harassment cases at school and at college, the second concerns monetary compensation for victims of sexual harassment who are under the age of eighteen, and a fourth is the sentencing of female young offenders by judges.⁴²

It is clear that not only are young people, especially young women, frequently victims of gender-biased acts, but that even the law can be stacked against them - if they are young. The acts may not be systematic, but the laws are. This is systemic bias and is wholly unjustifiable.

2) *Life-preparedness*

The onus has fallen on community service organizations such as Legal Services Society⁴³ to bring young people into an awareness of recent and proposed changes to our provincial and federal laws. One way that Legal Services does this is through its Schools Program. The Schools Program provides informative articles, seminars for teachers, school workshops and brochures on various legal topics of a legal nature. It is responsible for Legal Perspectives, BC's only publication about law that is geared to the interests and experiences of young people. However, as noted previously, distribution of services is by request and is not systematic. Legal Services does not always evaluate whether young people have an appreciation of the motivation and intentions behind the services they provide.

But perhaps more relevant here is the fact that education about the evolution of gender equality rights is not afforded any particular priority in the near-future plans of either the Community Program or the Schools Program of the Society.⁴⁴ This indicates

that there is no guarantee that public legal education about gender equality rights will be available to young people after they leave school. What is available may be out of date or could be so specific that it is unlikely that encounter it unless they suffer from that particular problem in their life. This reinforces the association of law with conflict.

Assuming full legal personhood at the age of majority means taking responsibility for our duties as well as benefiting from our rights. But gender equality rights are still evolving and will continue to do so for many years. Maintaining the status quo in the public legal education sector and in the schools with regard to gender equality rights education is tantamount to cutting young people off from knowledge that may be particularly crucial to young women. At what point in their lives do young people come to know what they need to know about gender equality rights in order to look after themselves if they do not already know what they should be looking out for?⁴⁵ The media could become the only avenue for getting information about gender equality rights that is given over in plain language.

Unhappily, amongst other drawbacks to using the media for public legal education, there is no commitment to provide continuity of information. Stories are picked up and dropped without adequate explanation. This might have serious consequences for young people because media personalities have a lot of influence on how they think about issues.⁴⁶ We thus have inadequate public information and a very uncertain delivery system.

Changes are being made to laws that address specific factors that are believed to adversely affect gender equality rights in various aspects of ordinary life. For example, the Ministry of the Attorney General of B.C. recently conducted a comprehensive review

of all legislation that pertains to violence against women. Promoted initially by a need to address poverty amongst women who are single parents, and elderly women who are divorced, the B.C. government has revised the Child Custody Act, Guidelines for Property Settlement on Marriage Breakdown, and the Employment Standards Act. Young people are the beneficiaries of these changes in law and policy. But as shown, there are limitations to the resources that will be allocated by government in both changing laws and in educating the public about those changes.

3) *Independence and Personal Efficacy*

Recent gender equality cases⁴⁷ indicate a pattern of systemic discrimination occasioned by six distinguishable factors:

1. Power imbalances between men and women in public and private life. Norberg showed how doctors violate the Charter if they exploit the power imbalance in a doctor/patient relationship,
2. Entrenchment of patriarchal thought in law kept women out of the Canadian Senate until the ruling in the Persons case,
3. Competition for status and resources by the various protected classes of equality seekers under Sec 15 such as awarding spousal pension benefits to same sex partners is made clear by in Mossop,
4. Level of knowledge or help in understanding knowledge about law had serious consequences in Scott because the victim failed to file a complaint within the time prescribed in law by the Statute of Limitations,
5. Imaging of women and men in media, film, advertising, particularly in pornography, can do harm to women, as was argued in Butler, and

6. Institutions are simply too old to be free of outdated assumptions about gender, as in CNR, which challenged the conditions of employment for women applicants to any position with the company, that included a demonstration of physical strength by lifting a train brakeshoe with one arm.

Clearly, the circumstances of many of the cases cited above are extraordinary. However, a test case by definition usually has to be quite dramatic in order to draw the court's attention away from entrenched patterns of legal thought and to point the way to a unique perspective on a case. What these cases do for ordinary people is that they make visible the dynamics that may be at work in any case, all be it on a minor scale most of the time. The judge must consider it within the realm of possibility that language, bureaucracy, power, etc. may be discriminatory in every case, even if they are ruled out as factors eventually. An added benefit of dramatic test cases is that the main point is likely to stick in the minds of ordinary people.

Legal literacy is the key factor on this list in a discussion of independence and personal efficacy. Take the Scott case for example. Although it is unlikely that any person with a good level of legal literacy would have known enough about the Statutes of Limitations to understand what serious consequences it could have in sexual abuse cases, knowing about Scott would enable us, and perhaps dispose us to raise the issue of limitations with our lawyers in our own affairs, such as in child custody cases.

The bulk of discriminatory practices that affect women exist at a low level of legal authority, such as provincial courts and administrative tribunals. Rule makers at this level are obliged to try to keep their decisions and actions in line with the intent of the

Charter. It is reasonable to assume that this will take time and in the meantime inconsistencies will continue to appear. So a critical level of understanding and continuing vigilance is needed from all of us as we encounter problems in our daily lives.

For example, the B.C. Human Rights Coalition conducted a Human Rights Education Needs Study in 1990. A questionnaire was sent to 300 organizations in B.C. that provide human rights services in B.C. The report states that human rights education that prepares teenage women to deal with discrimination they will experience in the workforce is one of the five most urgent areas identified for the whole province. Independence and personal efficacy are not likely to be common where basic legal literacy is wanting.

REVIEW OF GENDER EQUALITY RIGHTS EDUCATION

A sketchy profile of gender equality rights education in the schools emerged from my preliminary background research. The formal study of women and the law, or gender and law-related topics, is only marginally provided for in the Social Studies 11 and Law 12 curricula. However, this does not mean that the schools are silent on gender equality rights. Rather it is likely that students are being educated about gender equality rights indirectly, through informal curricula and the school environment. This could take the shape of a guest speaker from a Sexual Harassment Policy Office at one of the community colleges or the choice of play to be staged for the whole school about changing family stereotypes, such as the comedy "Angry Housewives".⁴⁸

Use of informal education has obvious advantages for a school. In fact, it is argued for favorably in at least one theory about diversity in education⁴⁹, and by supporters of more interaction between the community and the schools. But informal education this can be problematic for several reasons. For one thing, the discretionary nature of such an approach to education might invite a relaxed intellectual attitude towards a subject such as gender equality because it is, like all informal education, exempt from the standards that govern the formal curriculum. An informal curriculum also allows a teacher or a school to give the appearance of providing access to knowledge about a controversial or unconventional subject without requiring that the teachers or the school have background knowledge or resources about those subjects, in the library for example, that would enable them to help students make sense out of the subject.

Another drawback is that specific teachers may become identified with particular views, allowing for the possibility that students might feel free to discount the event or subject on the basis of their relationship to a particular teacher.⁵⁰ Generally speaking then, we might find that whatever knowledge our students do have about gender equality rights is likely to be unchallenged, random, oblique, inconsistent, unconscious and biased.

In order to get a sense of the unexpected or less conventional exposure that students may have to gender equality rights topics, I was interested in reviewing information about the informal curriculum and the general educative milieu of the schools as it relates to gender and law.

However, I could find no documentation of school activities beyond the Ministry of Education's list of projects funded under their gender equity program. Only one project that related to legal rights has been funded by that body in three years.⁵¹ One local compulsory event in the high schools, for female students only, came to my attention in particular through conversations with some of the women who organized it.⁵²

I concluded that nothing less than a school by school investigation of individual teaching practices, school activities, etc. would provide a sound picture of what contribution to gender equality rights education comes from the informal curriculum and the school setting. And given that we do not have scholarly agreement on what gender equality rights education is all about, I lack the hard criteria to test the evidence of gender equality rights education that I think I might have found.⁵³

After I completed this investigation, the answer to the question of why we do not formally educate about gender equality rights remained unclear. Initially, in my mind it had seemed a straightforward, interesting and socially relevant subject for study. Clearly, some answer to this question has to be forthcoming before we can formulate a defensible statement of goals and objectives which would guide the development of gender equality rights education.

But to shed light on the problem, I would need to know more about the means, methods, motives and opportunities that govern the development of those areas of education that ideally should accommodate gender equality rights education in the schools. Is it:

- 1) a structural problem that originates perhaps in the education system or in the way that our knowledge about gender equality rights is evolving in society; or
- 2) something about the subject that does not recommend itself to formal education?

WHAT IS PROBLEMATIC ABOUT GENDER EQUALITY RIGHTS EDUCATION

Systemic Barriers?

The first line of inquiry leads to recent research that probes our public institutions for evidence of systemic discrimination against women. It also requires an understanding of barriers to the study of law in general in the schools. To follow through with this inquiry would require that I study not only the literature on gender bias and its impact on the foundations of curriculum theory in law-related education, but that I be able to deduce from that research the probable consequences for curriculum development about gender equality rights education. It may be difficult to study an area that does not at present have a conceptual framework or an identity in schooling. This begs the question of how to study what is not officially recognized as a course of study in the schools. To my knowledge, there is no study done of the impact of gender bias in the Law 12 curriculum. Some research is available that pertains to the Social Studies curriculum⁵⁴ but again it would be a flight of the imagination at this point to apply what is said about gender bias in Social Studies as a whole to the law component of the Social Studies 11 curriculum specifically.

Ideological Barriers?

This conundrum could dissolve quickly depending on what we find if we follow the second line of inquiry. Is the subject of gender equality rights less important than

other competing areas of concern to formal education? On the face of it, this appears to be the position of the Ministry of Education.

The Ministry of Education decided to restrict gender equality rights education in the formal curriculum to an optional unit in an elective course unsupported by learning resources. Presumably the Ministry's committee assessed the educational merit of gender equality rights against a set of criteria. In the absence of information about what was actually done, we must assume that the Ministry committee must have had some idea of what educating about gender equality rights means. Arguments made against the substantive inclusion of gender equality rights in the curriculum ought to tell us why the study of gender and law is unsuitable as educational material for the schools. But these data is not on public record.⁵⁵ It could be that the Ministry officials, as I did initially, restricted their vision of gender equality rights to that of a legal study. If this is the case, then we can presume that they thought that this ground would be adequately covered in the Constitutional Law section of the revised Law 12 Curriculum, and in the Government, Law, Politics and Social Issues component of Social Studies 11.

II. THE SUPPORTIVE RESEARCH

B. THE PERSPECTIVE IN THE PUBLIC SCHOOL SYSTEM

The background research for this section took into account curriculum, pedagogy, implementation policy, allocation of resources and school leadership. It brought me to the hypothesis that knowledge about gender equality rights is not accessible to young people in B.C. schools in a useful way. I based the hypothesis on what I found out from:

- 1) an investigation into the B.C. Ministry of Education core curriculum guides and resources for junior and senior high school, in particular Social Studies 11 and Law 12;
- 2) a review of academic research into student literacy regarding gender equality rights; 3) a review of reports about teachers and teaching practices in relation to gender equality rights; 4) an analysis of recent actions of the Ministry of Education and of the administrative infrastructures of the schools; and 5) an investigation into Learning for Living program.⁵⁶

In addition, I gathered anecdotal information from informal discussions with educators who attended gender equity conferences, by sitting in on meetings of the women's committees of the Vancouver, Victoria and the Prince Rupert School Districts, in discussions with teachers I have worked with on projects, and with whom I studied at university.

In each of these, I sought to find the extent to which legal content about gender equality law, information about the history of the gender equality rights movement, or documentation of the direct impact on women's lives which may have resulted from the gender equality rights movement, were taken into account. I set out my findings below under the following headings: 1) Curriculum Guides and Learning Resources, 2) Academic Research Into the Legal Literacy of Students, 3) Teachers and Teaching Practices, 4) Ministry of Education and the Administrative Infrastructure of Schools, and 5) Learning For Living.

1. CURRICULUM GUIDES AND LEARNING RESOURCES

It seems evident from an examination of these documents that the schools probably do not offer a disciplined thinking environment, i.e. a formal curriculum, to provide knowledge and the opportunity to raise questions about gender equality rights. The curriculum guides and resources for Law 12 and Social Studies 11 do not prevent the coverage of gender and law-related material, but the opportunities to do so are marginalized. For example, educational decisions such as what topics to cover, how much time to devote to each topic, how to teach and the learning resources to be used are effectively left to the discretion of the individual teacher. The Guidelines for the Government, Law, Politics and Social Issues section of Social Studies 11 offers only the very general direction that case studies on human rights "should be included" and that legal cases "may be used to illustrate legal principles for extension and enrichment".⁵⁷ There is no mention or encouragement of gender-related topics. And there are no learning resources that provide examples or a guide to discussion of gender and law topics.

The Law 12 curriculum limits student access to information about gender equality rights. The unit on "Women and the Law" is optional, and there are few learning materials suggested to back it up. The Constitutional Law unit covers the Charter of Rights and Freedoms but does not emphasize Section 15. Gender equality rights would be a possible sub-topic under Section 15, providing relevant examples of the development of equality law in general, but the topic is not encouraged in these documents.

I also examined the curriculum guides and resources for other subjects. I thought it would not be unreasonable to expect some coverage of the impact of gender equality rights in Business Education (up until recent history women could not take out mortgages unless a male patron co-signed, usually a father or husband), English Literature (women writers forced to write under male pseudonyms in order to be published), and Domestic/Industrial Sciences (impact on entering non-traditional workplaces). What can be said about these curricula is that, while they do not prohibit teachers from raising such examples for discussion, they offer no encouragement nor supportive materials to teachers who might be interested in doing so.

2. ACADEMIC RESEARCH INTO THE LEGAL LITERACY OF STUDENTS

I found only two scholarly works dealing with the legal literacy of young women in B.C. (which includes knowledge of the Charter of Rights and Freedoms) in the libraries at the University of British Columbia and Simon Fraser University.⁵⁸ A literature search was conducted as part of a Law Related Education Project about Charter rights at the University of British Columbia.⁵⁹ And a survey of 3000 students in B.C., conducted as part of the same project, suggests that young women may be at a disadvantage compared with their male peers in knowing about their Charter rights. According to the survey "the least knowledgeable student [in B.C.] is female, aged 12-14 years", and the gap is not closed by a high school education. "The B.C. student who is most likely to know the provisions of the Charter is male, aged 17 or 18 years, and enrolled in grade 11 or 12."⁶⁰ The level of knowledge of gender equality rights in any of the demographic categories used in this study is unresearched at this time. It would be interesting to compare the level of knowledge of gender equality rights among those

in the most knowledgeable and least knowledgeable categories. It could be, for example that 12 - 14 year old girls have less knowledge than boys about Charter rights as a whole, but the more knowledge about gender equality rights. While little evidence is available from academic studies, what there is indicates a relatively low level of legal literacy among young women in B.C.

These might be significant data because the Greenberg-Lake study, which compared learning achievement of male and female students before and after the transition from elementary to secondary school, indicates that girls begin to underachieve in maths and sciences in comparison to boys in secondary school. "As girls get older, the percentage who dislike math because it is too hard drops and the percentage who dislike math because they get bad grades increases." ⁶¹ This study also suggests that the bad grades may be more of a perception than a fact, a perception negatively influenced by a dramatic drop in self-esteem for girls after entering high school. But regardless of the reasons, the impact on their interest in the subject is significant. Seventy-five percent of girls like elementary science while only sixty-three percent like secondary science. 81 percent like math in elementary school, but only 61 percent like it in high school.

Adolescent girls "have career goals and plans but they tend to feel quite hopeless about their achievement."⁶² Statistically, their fears may be realized. ⁶³ Overall, girls achieve high grades in high school but this fact is not reflected by the employment statistics that show that the majority of women who work end up in low-paying low-status jobs. An overwhelming majority of young women and men in Canada believe that young people have equal opportunity to succeed in school, but those from British Columbia and the Prairies were the least likely to agree that young women have the

same opportunities to succeed in school as do young men. (Were Here, Listen To Us).⁶⁴, ⁶⁵

3. TEACHERS AND TEACHING PRACTICES

Whether individual teachers teach "gender equality rights education" in their classrooms is not a matter of public record at the time of writing this paper. It could be, for example, that given the nature of their interests or their life stories, some teachers can educate about gender equality rights in the formal curriculum by using examples already known to them, or through the informal curriculum and school setting by acting as role models, revealing to their students the choices they may be making in their lives outside of school life that they believe will counter gender inequality. But, without an accepted guide to the goals and objectives of gender equality rights education, it is all but impossible for a researcher to identify classroom practices or elements of the school environment which might promote gender equality rights education. Consequently this evidence is not irretrievable for research purposes.⁶⁶

To speak generally, some teachers are accepting as fact their role in shaping their students' attitudes and behavior toward gender issues. However, the already marginalized provisions for gender equality rights education in the Law 12 and Social Studies 11 curricula are further undermined by the realities of the classroom. Ninety per cent of Law 12 teachers are male. Seventy nine per cent of Social Studies teachers are male. It is not so surprising then that a recent study ⁶⁷ indicates that less than twenty six per cent of Social Studies teachers support creating more gender sensitive teaching and learning in Social Studies. Although we cannot say that women teachers are more likely to agree with gender sensitive programs, it could be significant that enrollment and

graduation figures for women teachers in Social Studies Education at B.C. universities is twenty one per cent.

In-service training about gender equality law was been made available to Law 12 teachers at a Summer Institute organized by Simon Fraser University and the Legal Services Society. But attendance was not compulsory at the Institute, nor at the gender and law-related workshop. Given the complexity of gender equality law and the lack of teaching materials available, it is not surprising that the Women and the Law unit of the Law 12 curriculum has not been taught much in the last two years.⁶⁸

This is consistent with a pattern of behavior of male teachers that some teachers have mentioned in informal conversations about gender equality rights education. According to their observations, on average, male teachers do not voluntarily attend or visibly support gender-related workshops and conferences organized within the school system. It could be that male teachers avail themselves of resources external to their professional environment in order to educate themselves about gender equality rights. If so, it would be very interesting to explore the nature of these resources in future research.

4. THE MINISTRY OF EDUCATION AND THE ADMINSTRATIVE INFRASTRUCTURE OF THE SCHOOLS

a. Curriculum Development - On the face of it, the study of gender equality rights is made possible in school within the Law 12 curriculum. But in reality decisions made by the Ministry of Education have marginalized the subject. Law 12 continues to be an elective rather than a college or university entrance course. There is no provincial exam. This likely has the effect of diminishing: a) the number and diversity of students

who take the course, and b) the consistency and depth of treatment of difficult areas of law tackled by Law 12 teachers.

In spite of the quantity and complexity of gender equality law, no particular effort was made to ensure that Law 12 teachers have access to accurate knowledge about gender equality rights at the 1990 Provincial Summer Institute for Law Teachers at which the revised curriculum was introduced, or at any follow-up activities.⁶⁹ As noted, gender equality rights could be taught as part of the Constitutional Law unit if the study of sexism was as well-supported by learning resources as is racism now, for example. However, in the hands of a skilled teacher, the study of Section 15 of the Charter could be an opportunity to study the nature of discrimination in society,⁷⁰ whether it be based on race, gender, ability, class, sexual orientation, or religion. Such a study might dispel some misconceptions about equality rights. I draw again on these examples from presentations made to Law 12 classes. One such misconception is that equality rights are about minorities. Women are not a minority. Another misconception is that equality is somehow a quantitative commodity that is to be divided amongst all the categories of persons protected under Section 15, and that these persons are in competition with each other for this commodity. The problem of sorting out these complexities is compounded by the fact that the overall time allotted for Law 12 is minimal.

b. Allocation of Resources - A variety of resources provide support for a particular curriculum. They include teachers, learning materials, in-service, clerical support, etc. The task of setting priorities for the allocation of resources is driven by a complex set of factors: precedents in the given field, biases and preferences of the

agenda setters, scholarly research that informs the decisions about what to develop, and advocacy undertaken on behalf of a particular idea.

One way to assess priorities in education is to look at the amount of money that is made available to support a curriculum. It can be real money to purchase resources or hire relief teachers, or money in kind, such as allowing teaching assistants to cover regular classroom time to enable teachers to work on special projects, or mobilizing existing staff to research or organize a project around an idea. Implementation of new ideas is generally controlled by actual time available and the degree of priority given to the new ideas by the decision makers.⁷¹

Regardless of the poor systemic support for the study of gender and law in the formal curriculum, as evidenced by the marginalization of the subject in Law 12 and Social Studies 11, the education system is not totally silent on some subjects that are relevant to gender equality rights. Consider for example that information about date rape and AIDS made it into the schools relatively quickly. Also, there is now more activity at the political level. The B.C. Ministry of Education funds projects through the Gender Equity Program.⁷² However, only one project related to gender and law has been funded in the last three years (see Appendix C).

An annotated report about all the projects to date will make it possible to compare funding for gender equality rights initiatives with that of various other projects that involve new ideas about or approaches to gender equity in education. The report will be welcome because it will make it more possible for school districts to co-operate on new projects and to build onto previous ones. It will be interesting to see if interdisciplinary projects informed by gender equality law develop.

c. Support in Principle - We can nearly always expect some delay in the introduction of social issues into the mainstream of educational thought and policy. A case in point is environmental education, a concern in society as a whole at least since the 1950's with the publication of Rachel Carson's essays and her book, Silent Spring. To face up to this reality, the Gender Equity Program of the Ministry of Education has established an Advisory Council to influence, monitor and evaluate educational policy in relation to gender equity issues. Members of the council are drawn from Faculties of Education, school trustees, administrators, principals, teachers, parents and government.

But some straightforward things that can be done at the school level are not being done. For example, in one Vancouver school, an announcement about a Women in History initiative running in the school at the time was passed over by the school principal when the school bulletin was read out over the PA system.⁷³

To make a list of shortcomings at the school level is tedious and is often not a helpful exercise. We sometimes opt for "shooing flies", that is picking out small details to protest against, when we feel overwhelmed or powerless to challenge much more fundamental concerns. For example, a fundamental goal for many female educators is the mandatory inclusion of women at all levels of educational administration. They feel that this would make possible the substantive representation of gender issues in decision-making.⁷⁴ It might also help to sharpen the focus of their colleagues on the "flies" that can, if numerous enough, undermine gender equality initiatives in the schools.

One such challenge at the administrative level is currently underway in the Vancouver School District. The representative of the Women's Committee, which was formed by the Vancouver Secondary Teachers Association, has applied for voting

privileges on the executive committee of the VSTA. At present, the Women's Committee representative may attend the executive committee meetings but may not vote. This structure may be the outcome of the way committees are formed historically by the association rather than of an attempt to exclude the women's committee from decision-making. But a test for gender discrimination in law is whether or not a policy results in inequality for women as a category of persons, whether or not there is the intention to do so.⁷⁵

d. Gender Equity Conferences Organized by the Ministry of Education - I attended workshops for educators on gender equity in science and math education to acquaint myself with the way gender equality law might inform these subjects. I know very little about these curricula. My impression from the workshops and from reviewing the reports of gender equity grants funded by the Ministry of Education is that most of the math and science projects focus on practical strategies for initiating and sustaining higher enrolment of young women in these subjects, particularly in post-secondary education. It was unclear to me whether their strategies include contextualizing the study of mathematics and science by women in the gender equality rights movement.⁷⁶

In summary, the data I have been able to collect about the intentions and actions of the Ministry of Education and the administrative infrastructure of the schools is uneven, partial and less systematic than one would wish. Nonetheless, the fact that all such sources indicate only a little interest in both gender equity in general and, in particular, in gender equality law, make it plausible to hold that both areas are neglected by the official public education system.

5. LEARNING FOR LIVING

The Gender Bias Report of the Law Society recommended the Learning for Living Framework developed by the B.C. Ministry of Education as a vehicle for furthering the education of young people about gender equality rights. The following comments follow from only a brief analysis of the Learning for Living Framework and from an informal interview I had with the program's consultant at the British Columbia Teachers Federation.

Learning for Living is a fledgling initiative of the Ministry. It aims to empower learners to value themselves as unique persons of worth who care for self and others, make responsible decisions, and strive for a healthy, balanced life. (Primary Through Graduation, Curriculum/Assessment Framework, Learning for Living, Draft 1992) At the inception of the program, every elementary and secondary school was allotted \$900 annually to fund projects that fit the criteria outlined in the program manual. To accommodate regional diversity, no attempt was made to co-ordinate the efforts of schools within a district or between districts.

The discussion with the consultant was moot since the Learning for Living Framework did not specify any formal role for gender equality rights education. Learning for Living aims to explore issues related to the following: Careers, Child Abuse Prevention, Family Life Education, Healthy Living, Mental Well Being, Safety and Accident Prevention, and Substance Abuse Prevention. Nevertheless, I concluded from the interview that some gender equality rights topics, such as maternity leave benefits and information about what is considered to be an admissible defence in date rape cases, subjects that have some possible connection to the lives of older students, could

be successfully incorporated into the exploration of issues related to Careers and Mental Well Being respectively.

More attention needs to be focused on the Learning for Living Framework in order to determine what level of practical legal knowledge elementary school students could gain from it. However, if we accept that to educate about gender equality rights is partly to demonstrate in the school setting the right for all persons to share equally in the benefits of society - including choice of careers, freedom from abuse, healthy family life, mental and physical well being, safety and security of the person - then it is likely that any gender equality rights education initiative in elementary or secondary school would be compatible with the aims of Learning for Living.

One concern I have is that because of the unco-ordinated nature of the program, each school would likely interpret gender equality rights material differently. This could lead to inaccuracies about gender equality rights. Another concern is the lack of a uniform approach to project development. It is difficult to imagine how any single school would treat gender equality rights material without consulting with at least one person who is well-informed about gender equality rights.

There is some evidence that the established role of school counsellors in some ways recommends them as potential educators in the area of gender equality rights.⁷⁷ In a follow-up discussion with a member of the BC Association of School Counsellors, this view was supported. But this approach to education would probably have to be done in the format of confidential tutorial. I was told that young people are disturbed by what they hear about sexual harassment, job discrimination, and violence in relationships.⁷⁸ Often, however, they do not know how to express their concerns or

who to talk to. Furthermore, in some schools there is a stigma attached to students who confide in school counsellors. And finally, many parents are not versed in or comfortable with material related to gender issues so that these subjects are censored in the home. If we ask if or how school counsellors are to get special training in gender equality rights, then we encounter the same problems that surfaced in the analysis of teachers and teaching practices in relation to Law 12 and Social Studies.

It may be that I could record as many successes as failures in bringing about gender equity in a broad sense, by documenting the unsung efforts of individual educators and the Gender Equity Program of the Ministry of Education. However the focus of this paper is the lack of education about gender and legal rights. I would welcome a project that would undertake a survey to identify schools that are supportive of systematic ways to educate about gender equality rights education because, conceivably, without official and focused intervention, the formal curriculum will remain silent on gender equality rights for some time.

SUMMARY

It is of some concern first of all that the school curriculum in B.C. does little to promote students' knowledge about and understanding of either gender equality laws per se or the process of coming to decide on just and viable policies that will further the intentions of those laws. Second, it is of concern that the critical dialogue about the future of gender equality rights education in the schools could be effectively silenced if we do not have enough educators who are well-informed and motivated enough to overcome the systemic and ideological barriers that exist in order to keep up that

dialogue. Given the research so far, no further action would be gender bias by omission.

And finally, education about gender equality rights provided through the public legal education and advocacy network does not adequately satisfy the right for young people to have access to knowledge about gender equality issues. Public legal education relies to a great extent on self-selection, a process that is inherently unequal because schools are not equal, and young people are not all the same. Amongst others things, young people have different interests and degrees of legal literacy; they want information for different reasons; they do not learn from material in the same way; and they do not have the same ability to research a subject on their own. Only the schools are in a position to make the decision to provide gender equality rights education based on why young people need to know about their rights, what they need to know, and consequently to allocate the resources necessary to educate them in a fair and just manner. This could best be accomplished in partnership with the public legal education and advocacy network and would require a commitment from the Ministry of Education and the Ministry of the Attorney General.

NOTES TO CHAPTER THREE

1. I did not personally inquire into the future plans of the Faculties of Education because it is outside the parameters of this study. As of June 1993, Avril, Director of the Gender Equity Program at the Ministry of Education was not positive about what efforts would be made in support of a compulsory course in the Teacher Education program about gender equality issues. Brown, an advisor in the Teacher Education Program at UBC, said that she had not been informed of any move in that direction. And Bruneau, a faculty member of the Faculty of Education at UBC and chair of the Faculty Association, also could not comment on plans of this kind.
2. Brodsky and Day Canadian Charter Equality Rights for Women: One Step Forward or Two Steps Back? 1989
3. Ministry of the Attorney General Access to Justice: A Response to the Report of the Justice Reform Committee By the Government of B.C. 1989
4. It took twelve years to desegregate schools in the United States after the Brown vs Board of Education decision.
5. District of York in Ontario imposed multicultural training for in-service teachers.
6. Lather. Issues of Openly Ideological Research: Between a Rock and a Soft Place Interchange 1986, 17(4)
7. An administrator at the Vancouver School Board said that a groundswell of support from school-based educators would be a most persuasive factor in the acceptance of an innovation by administrators.
8. I will not review the literature on gender equity/gender bias in the schools for this paper, since the focus is on new ideas for curriculum development.
9. Some of these ideas have occurred in feminist educational theory of curriculum. See Marcia Toms' paper Rationale and Outline for a Secondary School Women's Studies Course 1994, SFU which came out after my theses was drafted.
10. Message by the Secretary General on International Women's Day March 8, 1993. United Nations Division for the Advancement of Women, Vienna.
11. Novogrodsky, Kaufman, Holland and Wells. Retreat for the Future: An Anti-sexist Workshop for High Schoolers Our Schools/Ourselves, 1992 3(4)
12. Ibid
13. Bartlett, Katherine. Feminist Legal Method Harvard Law Review 1990, 103
14. Harvey and Fulton articulated comprehensive strategies to reform the administrative infrastructure of the educational system.

15. For example an educator may in principle agree with the Ministry of Education gender equity policy statement but may disagree with implementing feminist pedagogical practices as a way of meeting the goals of gender equity.
16. Tite. Sex Role Learning and the Woman Teacher: A Feminist Perspective Feminist Perspectives Series Canadian Research Institute for the Advancement of Women 1986, No. 7
17. Novogrodsky, Kaufman, Holland, Wells. Retreat of the future: an anti-sexist workshop for high schoolers. Our Schools/Ourselves 1992 3(4)
18. Canadian Advisory Council on the Status of Women We're Here, Listen to Us! 1992
19. If we did, we would be doing it - it has been almost a decade since Gender Equality Day in Canada.
20. Instances such as the murder of female engineering students in Montreal, threatening letters in the Education Psychology department at the University of British Columbia, disciplinary action against judges for remarks made about women in the cases they preside over
21. National Task Force on Violence Against Women, Employment Equity Standards report of the Ontario government, changes to federal pension plans to provide for same sex couples and elderly women
22. These examples come from informal conversations with teachers on the women's committees of the British Columbia Teachers Foundation. I use them as part of the Delphi findings because it confirms what several Delphi participants said they were concerned about but only expressed in vague terms.
23. A law and Social Studies project for only twenty students was endorsed by the Vancouver School Board in November 1993. The project will not be in the classrooms until March 1995.
24. This was part of the Access to Justice series of report commissioned by the federal justice department. Hughes. Access to Justice: Report of the Justice Reform Committee Ministry of the Attorney General of B.C., 1988
25. Access to Justice: A Response to the Report of the Justice Reform by the Government of B.C. Ministry of the Attorney General of B.C. 1989.
26. Berg vs University of British Columbia. Janice Berg, a student in the School of Family and Nutritional Sciences suffered severe emotional problems during the winter session of 1983. Subsequently, her department refused to give her a Letter of Review normally given to students that enables them to intern in their field. It was nine years before the Supreme Court of Canada ruled that her university department discriminated against her on the basis of disability.

27. The Court Challenges program was cancelled in 1992 and has not been re-instated. In his announcement, the then Prime Minister, Brian Mulroney, said that the fund was no longer necessary because Charter law had been tested adequately.
28. Litigating the Values of a Nation, One Step Forward, Two Steps Back.
29. Case. Understanding Charter Decisions Toronto: IPI Publishing Ltd., 1989
30. Gender Equality in the Justice System Law Society of B.C., 1992A Report by the Gender Bias Committee of the Law Society of B.C.
31. Ibid.
32. Or what makes an issue into a gender equality issue. One misconception of some Law 12 students that I addressed on the subject of LEAF's work though that a gender equality case is any case that involves a woman.
33. Many other community-based groups that are not part of the public legal education or advocacy network, such as the Red Cross and Battered Women's Support Services, developed their own resources and run workshops on these same topics.
34. At the anti-sexist retreat held by the Toronto School Board few students had enough of a historical perspective to understand the role of the women's movement in spearheading these changes and did not really understand how it had come about; they want future change for women and men but did not know how that could come about either.
35. Many more examples can be drawn from Criminal Law i.e. the redefinition of sexual harassment as a degree of sexual assault under the Criminal Code rather than as a minor offence.
36. We're Here, Listen To Us!
37. Retreat of the future: an anti-sexist workshop for high schoolers.
38. Canadian Teachers Federation. A Cappella: A Report on the Realities, Concerns, Expectations and Barriers Experienced by Adolescent Women in Canada Department of the Secretary of State, 1990.
39. American Association of University Women. Shortchanging Girls, Shortchanging America. Greenberg-Lake, 1990
40. In various conferences, such as "Widening the Circle" and "Here Today, Where Tomorrow" legal interests were not high on the list of young people. The CACSW report identified law as 23 on a scale of 25 of "easy to obtain information about" - drugs topped the list. Below law came discrimination #24 and finances #25.
41. This office is responsible amongst other duties for sorting out allegations of legal inconsistencies and illegalities at various levels of government.

42. No details of these examples are available at present.
43. Created by government statute to provide public legal education and public legal aid.
44. According to recent criteria for project funding at LSS told tome in response to a funding application on gender, law, and work.
45. A young women called West Coast LEAF to ask if she had reason to formally complain about a first-aid instructor who made sexist remarks when demonstrating CPR on a manikin.
46. We're Here, Listen To Us
47. Examples that follow are drawn mostly but not exclusively from LEAF cases.
48. And in what I say here I assume an effort to promote an understanding of gender equality rights; I ignore for the present the systemic factors that work against gender equality rights education.
49. Dr. Daniels paper on diversity.
50. A hypothetical example - it is conceivable that a woman teacher would be likely to object to sexually explicit magazines, such as Playboy or Penthouse, being circulated by students on school premises. If her action is not connected in the mind of the student to a school policy that is based on an understanding of why these magazines are harmful, then she could be viewed as an oppressor by those students who claim they have a right to keep their personal property at school and to share it with others. An oppressor is, amongst other things, one who yields authority without regard for the rights of others. This incident, which could have been an opportunity to further the student's education about gender equality, is more likely to result in defiant behavior against concerns raised by women in general, and the teacher in particular.
51. The West Coast LEAF Equality '92 Conference linked gender equality law to six topics of interest to young people - Work and Family, Sexual Relationships, Violence Against Women, Media Imaging of Women, Women and Poverty, Employment Equity]
52. Here Today, Where Tommorow Conference addressed broad issues and to my knowledge the question of legal rights was not raised.
53. Tite. Sex role learning and the woman teacher: a feminist perpective. Canadian Research Institute for the Advancement of Women Feminist Perspectives Series, 1986 No. 7
54. Current research in the Department of Social and Educational Studies, directed by Veronica Strong-Boag is under way on male bias in Social Studies.
55. The meeting that decided this was in camera.
56. Recommendation 10.5 Gender Equality in the Justice System Report

57. Social Studies 11 Curriculum Guide, Ministry of Education, B.C.
58. Both postdate 1991
59. Echols, Ungerleider, La Bar, and Daniels. Charter survey, UBC, 1988 and 1991
60. Daniels and Case. Charter Literacy and the Administration of Justice in Canada UBC 1992 p. 12
61. Greenberg-Lake Study
62. A Cappella App 1. iii
63. Where British Columbia Women Stand: 1990
64. We're Here, Listen To Us!
65. To complete the picture this section gives of educational research being sadly lacking in the area of legal literacy of young women, I cite a recent major work entitled Feminist Legal Literature: A Selected Annotated Bibliography, 1991, which offers us no reference to literature about young women, law and education, except in reference to post-secondary education i.e. admission to and performance at law schools.
66. I use the term 'irretrievable' as when we say that wealth of oil we know exists in the Athabasca Tar Sands is irretrievable - we lack a method to distill the oil from the sands.
67. Case. Analysis of the Provincial Social Studies Needs Assessment Intermediate Program. Ministry of Education, 1992.
68. Schools Program, Legal Services Society.
69. Legal Services did a follow-up workshop in Kelowna at the request of Law 12 teachers in that district.
70. Concerns about prejudice and discrimination topped the list for 100 delegates when asked to rank a given list. Two participants said they were not interested in either. CACSW survey taken at the Widening the Circle Conference, 1992
71. Fullan. The Meaning of Educational Change. 1982
72. The Gender Equity Program financially supports projects by school districts and educational organizations that address Gender Equity. Projects include a broad range of initiatives: awareness, leadership, learning resources, policy and planning, research, parent education, curriculum, pedagogy, in-service and school culture.
73. One of several examples mentioned at various Women's Committee meetings I attended in Vancouver, Victoria, Prince Rupert
74. I do not think that it follows that every woman representative would automatically understand and further the concerns of all women educators.

75. The issue of representation was settled by a vote on April 13, 1994. The Women's Committee is now a standing committee with full voting privileges. The vote had to be done twice because there was no quorum at the meeting called to discuss and vote on the representation issue.
76. It might be important to do so, especially in light of the Greenberg-Lake study findings. Achievement in mathematics and science in high school seems to correlate with the aspirations young girls have about their opportunities and the actual realization of those aspirations after high school.
77. This is inconclusive. No details were offered during the informal interview that I can build an argument on, for or against Learning for Living as a framework for gender equality rights education.
78. These observations are supported in We're Here, Listen to Us! and the Anti-Sexism Retreat article.

CHAPTER FOUR - CONCLUSIONS

INTRODUCTION

I had hoped to develop, as an outcome of this research, a concrete set of recommendations for introducing the study of gender and law into existing curricula in B.C. schools. However, the limitations of the research material dictate a narrow scope for this paper, and I therefore confine myself in the end to recommendations that acknowledge that an ideal program for gender equality rights education might exceed the capacity of existing formal institutions and particular curricula to accommodate it at this time. Consequently this paper supports the idea of a transitional approach to gender equality rights education that hopefully would act as a catalyst in bringing about a more comprehensive program in the future. The whole that gender equality rights education can be is greater than the sum of its parts. The study of gender equality is secondary to the actualization and experience of gender equality. We ought to think of law, in particular Charter law, as an authoritative voice in advocating for gender equality rights education in the schools, and not just as a subject of legal study. Much preparatory work ought to be done in all facets of education so that educators are empowered to create and sustain a set of conditions that we have come to identify in this paper with equality. We also need to understand how to change existing conditions that are not conducive to gender equality rights education. In this task, educators are assisted by other efforts being made in the community, such as those of the Law Society of B.C. Gender Bias Committee, to understand systemic gender bias.

Interviews with twenty leading, informed educators, feminists and legal professionals constitute the body of research material used for this paper. The questions that I hoped to get answers for are as follows:

- 1) what do we mean by gender equality rights education?
- 2) why should we educate about gender equality rights in the schools?
- 3) what are the priorities in gender equality rights education?
- 4) what principles ought to be honored at every level of decision-making in order to unify efforts to educate about gender equality rights? and
- 5) does schooling from kindergarten to Grade 12 reflect and further the principles, goals and objectives of gender equality rights education as we come to understand it?

I aimed to summarize the main arguments put forward in the Delphi study in support of gender equality rights education, distill from the material some operating principles that seem to underpin the variety of suggestions made about how to approach gender equality rights education, identify some of the characteristics that a gender equality rights program for schools would have that are mentioned by many of the Delphi study participants, and sketch in some broad-based approaches to curriculum and schooling that emerged from the Delphi study, in addition to an analysis of documents, reports and research papers, and informal conversations with educators. Taken together, the ideas seem to offer us a different perspective on curriculum development. Roughly phrased, they encompass ideas that are openly ideological such as the gendered nature of society; psychological gender identification; the dynamics of personal and political power; what

it means to accommodate qualitative differences in the emotional and psychological experiences of women and men, and amongst women from different cultural, social, economic and physical backgrounds; the attributes of a healthy society; the values of an educated person; and awareness of global human rights.

Prior to my research, I thought that the need for such a curriculum might be met if we were able to expand the study of gender equality law in the Social Studies 11 and Law 12 curricula. However, the prevailing view in the research material is that, although the study of gender equality rights in these two subjects ought to be promoted, as the sole approach it would not satisfy many of the significant reasons for instituting substantive gender equality rights education in the schools. In particular, these curricula are too restricted to allow for a wide social critique of the development of gender equality law. In fact such an approach, if it was not well received by educators might have the affect of undermining future plans that will take time to implement.

All twenty participants in the interviews support gender equality rights education in principle. However, there is a strong conviction expressed by many of the participants that some systemic characteristics of schooling as we know it, and the current social climate, are likely to predispose many school-based educators against gender equality rights education initiatives. Therefore, before we make our final recommendations, we ought to widen our field of vision beyond any particular curriculum and also pay attention to the informal curriculum and the daily routine of the school. This is advantageous for four reasons. We might:

- 1) find out more about the current role played by teachers in the informal curriculum and the daily routine of a school in defining gender equality rights education,
- 2) prevent ourselves from overlooking resources that may already be available in the schools to support gender equality rights education,
- 3) ensure that we promote the principles of legal and social equality for women and men at every opportunity, and
- 4) discover factors that help us clarify what we mean by gender equality rights education that may not be obvious at the beginning of our program.

To summarize: a) my current research is only a start b) the views expressed by the participants are not definitive c) the subject is far from exhausted, and d) detailed discussions about curricula are premature. What seems to be called for is a 'transitional' strategy to lay the foundation in the short term for what we ideally hope to accomplish in the long-term by educating about gender equality rights.

Much was gained from the interviews that seems to strengthen a rationale for educating about gender equality rights in the schools, highlight some ideological, attitudinal and systemic issues that might be encountered along the way, and to encourage new and creative responses to these issues. A transitional approach to curriculum development ought to be construed as a strategic pause, rather than an excuse for delay, in the process of developing long-range plans for gender equality rights education.

CONCLUSIONS

The pattern of ideas about gender equality rights in the interviews is dominated by a desire to move young people forward from what the participants think to be public confusion about the issues generated by the gender equality rights debate. Advocates of gender equality rights are most interested in a curriculum that will empower young people with the mental clarity and emotional security to translate what we have learned from our struggle with gender equality rights into their daily lives in a useful way. The hope is that young people will transform society with a new vision of how to go about their economic, personal, social, cultural and political lives that takes gender equality into account. A narrow focus on legal rights would allow only a superficial coverage of the social context that would help make sense of gender equality laws. Somehow, we need to provide a context in the school that will allow students to discuss their psychological, emotional, spiritual, sexual, and relational needs, and not just maths, sciences, languages, etc.¹

Many of the participants did not grapple with the details of a law-related curriculum. They took a broader view of gender equality rights as a body of ideas, facts, and stories ranging beyond legal issues that have the potential to unravel sexism in the education system at all levels. Several participants deferred to educators on points of curriculum design when I questioned them about specifics. And a few felt that it would be no real loss if we do not educate about the law specifically, each for quite different reasons, as was shown. But reflecting on the interview material as a complete body of data, while respecting differences in individual points of view, the majority view seems to be that a gender and law-related curriculum will not succeed and for reasons related

to gender bias in education. It is for these reasons that I have revised my basic hypothesis, which was that young people do not have access to knowledge about gender equality rights in the schools because there is no formal curriculum or curricular resources.

To educate about gender equality rights, we must take into account gender bias in education. The data suggest that the process is not necessarily linear, i.e. we do not have to achieve gender equity in education (even if we were entirely sure of what that would look like) before we proceed with a curriculum about gender and law. But we cannot educate about gender equality in an environment that is unconsciously silent on gender inequality.

Put another way, we cannot educate about gender equality rights without also educating about the principles of equality and social justice. And we cannot discuss equality and justice in a vacuum, that is without undertaking a discussion about values. In this context it means that we cannot discuss values without discussing discrimination and prejudice. This view, although not explicit in all the interviews, is not contradicted by any of the interview material. Several of the interview participants do not think that an issues approach to gender equality rights education is the place to start if our concern is ultimately to liberate young people from sex role stereotyping. Rights discourse divides and factionalizes women and men and gives the impression that we compete for rights. Gender equality rights education is essentially a values education. There is an argument that gender equality rights education is about social issues, and as such is not an essential part of the development of cognitive abilities. In an educational

context, this seems indefensible. Education should be about what society cares about and maybe its time we changed our minds about what is worth learning about.

To do so, we are called upon to understand and make visible the conditions that move us closer or further away from gender equality. This kind of analysis would certainly take into consideration the influence of the daily environment of the schools on our efforts to educate about gender and law, as well as equality. What we need is a framework to assess these conditions. Each idea we propose about gender equality rights education ought to be analyzed to determine its impact on the broader issue of gender equality. There are parallels to this approach in other areas of life. A stockbroker does not arbitrarily mix and match investments without referring to the broader financial profile of the client, a cook does not arbitrarily add or subtract ingredients without taking into consideration how they act in combination with other ingredients, except as an experiment, from the direction we took in the first place. This may be what is going on in education right now.

Gender equality rights education ought to help young people understand social equality. We ought to make it clear that legal equality, as a right, is indisputable. It is social equality strategies that are problematic, for instance, how to use the law to achieve gender equality goals in society. This is where the schools have an important role to play. The social response to gender equality issues is complex because the barriers to equality are different depending on who we are in relation to mainstream culture. But there is no reason why our young people cannot now be taught to have an appreciation for egalitarian thinking now.

For instance, for some women, minor adjustments to various institutions and policies etc. will help to open up choices. For others, however, such as single mothers or fathers, a much more profound change in economic policy regarding about universal childcare would be needed.² And so on for the disabled, lesbians, aborigines, seniors, ethnics, and women of color. And yet we must be willing to struggle to bring about social equality if we are going to believe that the law is truly for women as well as men. To take another example, in Ontario, Premier Rae's employment equity program met with opposition from well-educated people, such as professors, educators, and members of the legal community. The media coverage of the opposition to the policy implied that it seemed to be a surprise to many that the NDP government is serious about gender equality rights.³ This kind of public response is difficult to explain if we believe that concern for gender equality rights is one of the attributes of an educated person. One possible explanation is that a person can agree in principle to broad social change, but do not want change to happen to them personally.

A critical perspective about gender-bias should be sustained in the analysis of this research, and any other curriculum-related research. In this paper, I argue that if we are to attempt to educate about gender equality rights it is necessary to take a critical look at the relationship between schooling and gender equality in a broader social context. At least some of the research points us in a direction that could help us deal with these simple but essential questions.

Their concerns about gender bias interrupts, as it were, the flow of ideas from the interviewees concerning specific plans for gender equality rights education. Their suggestions about curriculum are less practical than philosophical. Put another way,

their suggestions about curriculum imply philosophical concerns that reach deeper than would be necessary for the design of a law-related course. Simply put, they have reasonable doubt that we can succeed in educating about gender equality rights in a useful way unless certain new conditions exist, or old ones cease to exist. It could be that we educate about gender equality rights now but we may do it badly. In the same way that governing groups pass and enforce laws that infringe on the rights of particular individuals but are unaffected themselves, the educational system may put women at risk by making decisions which do not take them fully into account. The result is that we produce mixed results for various categories of young people.

Before we make recommendations then, we need to come to some understanding of what we mean by success in the area of gender equality rights education. All of the interviews, to a greater or lesser degree, contain two streams of commentary.

One is focused on outcomes and ultimate social goals. These ideas are about the collective nature of gender equality rights. In this category students acquiring knowledge of gender equality rights is not enough. What defines success in gender equality rights education within this framework are the outcomes for persons in society as a whole. It frames the goals for gender equality rights education as a body of ideas, facts and real-life stories, knowledge of which will strengthen women's role in the public sphere. Ideals around family for example are rethought to take into account the new view of women as life-time workers. Young people ought to be part of a strategy to further the promise of gender equality in Canada through the education system and make substantial change in the status of women.

The other stream is focused on process and education itself. What defines success of gender equality rights education in this framework is treatment of women, and information about women, during schooling itself. This is reminiscent of a model education that evokes the best in all of us, the kind of schooling that facilitates the development of each student's potential. It focuses on gender equality rights as an individual right and is concerned about the individual student's vulnerability to educational packaging, as it were, which may or may not inspire them in later life to respect gender equality rights.

The lack of development of gender equality rights education in the schools is understandable because gender equality rights is associated with feminism, a highly visible, diverse, and controversial ideological and social movement. The role of educators, then, becomes problematic. But this is indefensible because without a formal approach to gender equality rights education, they are taking personal responsibility to act on or to ignore in their professional capacities what they know of gender equality rights. In this way individual educators are already teaching their students by example what ought to be done about gender equality rights.

This study did not encompass the views of educators in a direct way. Some of the Delphi participants anticipated what problems might exist for educators from an outsider's perspective. Informal conversations with a number of school-based educators supported much of what they said, but we cannot know without asking educators themselves what they think we ought to do about gender equality rights education.

The first challenge in gender equality rights education is to make a start. It would be helpful if we could develop a transitional approach to gender equality rights

education that would involve educators at all levels of the educational system as an alternative to use of a formal curriculum for the study of gender equality rights. A transitional strategy would require us to crystalize our thoughts for a while about gender, law and equality; to fashion a nonpartisan context for educating about gender equality rights; to introduce common objectives related to gender equality rights into diverse curricula; and to capture the attention of young people quickly. It would allow us time to accomplish small objectives while we get clearer about how to cope with more fundamental changes in the future.

WHAT IS GENDER EQUALITY RIGHTS EDUCATION

If women and men are to share equally in the benefits of society then we ought to pay attention to gender equality rights education in the schools. In order to benefit from their rights, and meet their responsibilities, all young people need knowledge about gender equality that will help them to understand the impact of gender inequality on the choices they will likely need to make in their own lives, choices about such things as interpersonal relationships, home ownership, employment, use of reproductive technologies, financial planning, etc.

Gender equality law provides an interesting, contemporary, and authoritative body of knowledge about the effects of gender inequality in society that will likely be taken into account in making public policy in the future. But young people also need to know how to proceed now - how to act in the world in a manner that is respectful of the rights of others as well as of their own rights. Although we cannot claim that we can prevent or eliminate all gender inequality, we can turn our attention to what we are

coming to understand about the dynamics of gender inequality as part of our educational agenda. At the very least, a visible and authoritative stance towards gender inequality in the schools might neutralize, correct or reverse negative perceptions that young people may have about gender equality rights.⁴

Taken as a whole, the goals and objectives of gender equality rights education ought to result in a model for schooling that is founded on a coherent, relevant, and meaningful policy about gender equality that will help educators and students to respond intelligently to particular gender equality rights issues as they surface, and to make it emotionally, as well as systemically, possible for them to think reflectively about historical entrenched beliefs about gender. Such a policy would be guided by principles that would promote legitimate, inclusive and interdisciplinary approaches to gender equality rights education.

For example, we ought to be able to identify gender equality rights education in all aspects of schooling - in the core curriculum, accreditation guidelines, classroom discussions, library collections, school-wide observances of special events that are of particular importance to gender equality, in school bulletins and newsletters, topics in essay contests, in-service agendas, and school-based research projects. Such activities ought to be supported by community resources and government policy. This can be accomplished in part by forging strong and credible links between the schools and the public legal education and advocacy (PLEA) network in the community.

Unfortunately, for now the onus will be on individual educators to know why it is important that we educate about gender equality rights and to be able to articulate these reasons in clear, consistent and unbiased language to students. This is important

because at present there is very little visible policy about and support for initiating and sustaining gender equality rights education in the schools. In this way, educators, collectively, regardless of their particular field, become at the same time a resource to students about gender equality issues that are under debate outside the boundaries of daily schooling, and advocates for young people within the PLEA network.

I think it is important that we include young people directly in the planning process at all levels. We ought to take into consideration at every level of educational planning the implications for all young people of any changes we seek to make in the schools that will bring about what we value about gender equality rights. This is especially necessary if we base our arguments on what we believe to be the will of the public, which this study does to a certain degree. As a foundation for long-range planning, the public is best viewed as akin to a sand castle rather than a Parthenon. The public legal education network in principle is a permanent structure that can link education with public life beyond schooling. But the players change in public legal education and advocacy, so the public 'view' changes. In this study for example the public is simply a hand-picked group of twenty women and men who happen to occupy prominent positions in relation to gender equality rights in herstory, 1993-1994. Another way public views can change is when governments change, after an election for example. Therefore, we ought to support ideas about gender equality rights education, in schools and in the community, that will be sustainable into the future. It could not be considered a model of just and fair behavior for students if we did not followthrough on gender equality rights initiatives after introducing the ideals of such an

education to young people in school. Some characteristics of any initiative that is sustainable in the schools might be the following:

- a) portable enough to be available in every district in the province;
- b) consistent enough to be recognizable from school to school;
- c) visible enough to capture the attention of the average student;
- d) durable enough to withstand constructive criticism;
- e) flexible enough to evolve with the times; and
- f) diverse enough to be relevant to all young people regardless of their race, religion, class, culture, age, physical and mental ability, or sexual orientation.

What would be a sustainable alternative to the existing PLEA network in the community is the subject of another study.

At a glance, these ideas may appear to be an addendum to education, particularly for those students who, as I write, are in senior high school. It is my view, however, that graduating students ought not to discount their ability to be a part of bringing about gender equality after graduation if they choose to do so. On the contrary, many ideas about gender equality rights education are as basic to the outcome and application to women's experience as the three R's of education that most of them were told would be part of their education from kindergarten - Reasoning about problems, Respect for persons, and Resolve to learn about things that are new to us.

NOTES FOR CHAPTER FOUR

1. Gilligan. Making Connections: The Relational Worlds of Adolescent Girls at Emma Willard School. 1990.
2. The recent child-care tax ruling from the Supreme Court of Canada was welcomed by the National Action Committee on the Status of Women because business-related tax breaks ultimately benefit high-income women who can afford to pay more for child-care than low-income women.
3. Taken from The Vancouver Sun article by Elizabeth Payne "New Puritans" Sat. March 5, 1994.
4. A Cappella 85 % of eleven to nineteen year old girls sense that there is a double standard and different roles for women and men in adult life.

CHAPTER FIVE - RECOMMENDATIONS

I. RECOMMENDATIONS FOR EDUCATION

There are many goals for gender equality rights education, but there are two main goals in my view. One goal of gender equality rights education is to address historical disadvantage of women in relation to the economic and social benefits of society. The reduction and eventual elimination of systemic discrimination would go a long way towards achieving that aim.

Another is to help young people envision a society that provides a variety of ways to have a fulfilling and secure life. One of the benefits of social equality is that we can break away from gender role stereotyping. All young people will have choices about jobs, relationships, and education.

The following recommendations do not encompass all the ideas in the Delphi study, nor do they represent a total strategy for gender equality rights education. They are simply a sampling of recommendations for curriculum, the educational system, teachers, community groups and young people that might make it possible to educate young people about social and legal equality.

1. RECOMMENDATIONS FOR CURRICULUM

- clarify the values that are common to gender equality rights initiatives and test decisions about curriculum, pedagogy, administration, and policy against their effect on legal and social equality for women

- infuse into the curriculum explorations of the following: the gendered nature of society, psychological gender identification, the dynamics of personal and political power, accommodating of psychological and emotional experiences of women and men, our diversity in social, economic and physical backgrounds and awareness of global human rights
- make use of frameworks we have that seem particularly conducive to gender equality rights education, such as Learning for Living, Law-related Education and Social Studies
- provide good learning resources for curriculum that includes current material in school libraries

2. RECOMMENDATIONS FOR THE MINISTRY OF EDUCATION

- strengthen the Gender Equity Advisory Committee so that it can keep gender equality rights education for schools on the agenda of the Ministry of Education Curriculum Development Branch
- keep up with present and future social trends important to women about family, work, health, and include that information in educational decision-making
- follow through on any action that is begun in the schools that is considered to be a part of gender equality rights education
- support coalitions of groups from the community and that develop resources for gender equality rights education services (such as Legal Services Society), school mentoring programs (such as the Canadian Bar Association Mentoring program), speakers (such as West Coast LEAF), projects for youth and especially projects by youth

- provide a common policy for gender equality rights projects but delegate responsibilities for curricular development in such a way that promotes, augments or adds to existing curricula so that interdisciplinary projects are possible
- reveal the decision-making process about educational matters, especially curriculum, and make decisions about gender equality rights education binding at all levels of the educational system
- take seriously research into alternative organizational models of schooling that accommodate the relational, and physical and mental health aspects of daily life, and that model decision-making processes that are inclusive of diverse groups of individuals.
- strengthen commitment to establish an information conduit between the schools and the legal community, government, and a full range of women's advocacy groups that are close to new developments in gender equality rights

3. RECOMMENDATIONS FOR TEACHERS

- utilize knowledge about gender equality law and systemic discrimination in teacher training
- ask teachers for recommendations about gender equality rights education

4. RECOMMENDATIONS FOR YOUNG PEOPLE

- rather than second-guessing young people, bring them into the dialogue and decision-making process by asking them for help in establishing priorities for learning about gender equality rights

- develop more group and individual advocacy skills in young people, conflict resolution skills, and the ability to think critically about social and legal issues.

5. RECOMMENDATIONS FOR THE COMMUNITY

- sort out with the Attorney General's office and other relevant government agencies what is needed to keep gender equality rights education developing at a community level

II RECOMMENDATIONS FOR FUTURE RESEARCH

Organizing the Recommendations section of this paper was difficult because we do not as yet have a conceptual framework for gender equality rights. So, the priorities are:

1. Develop a conceptual framework for legal and social equality in the schools, perhaps a synthesis of existing frameworks.
2. Action research in the schools - wholistic and interdisciplinary study of a school that includes a kind of self-diagnostic test for gender inequality, or gender equality rights education that is already going on in the school.
3. Research about young people K-12 regarding attitudes towards, beliefs about, knowledge and understanding of gender equality rights and find out how they come to these attitudes, beliefs, and understandings.
4. Address legal literacy of female and male students K-12
5. Find out how male educators and male students learn about gender equality rights

6. Research gender equality language development, in particular theories of gender equality that explore what equality means for women of color, women with disabilities, lesbian women, elderly women, women from different cultural and religious backgrounds
7. Establish new ways in university libraries to track research on gender equality rights and young people
8. Take seriously research into alternative organizational models of schooling that accommodate the relational and physical and mental health aspects of daily life, and that model decision-making processes that are inclusive of diverse groups of individuals
9. Provide funding for research and student scholarships in the field of gender equality rights educations.

REFERENCES

PROFESSIONAL ARTICLES, ACADEMIC RESEARCH PAPERS

Aylm, Maryann. Genderized education: Tradition reconsidered. Educational Theory, 1985, 35(4), 345-350.

Bakan, Joel. Constitutional interpretation and social change: You cant always get what you want (nor what you need). Canadian Bar Review, 1991, 70, 307-328.

Bartlett, Katharine. Feminist legal method. Harvard Law Review, 1990, 103, 829.

Connell, R. W. Cool guys, swots and wimps: The interplay of masculinity and education. Oxford Review of Education, 1989, 15(3), 291-303.

Coombs, Jerrold. Equal access to education: The ideal and the issues. (UBC, 1994 - forthcoming).

Daniels, LeRoi. Diversity as an educational principle. Journal of Curriculum Studies, 1993, 25(1), 65-76.

Ennis, Robert. Equality of educational opportunity. Educational Theory, 1976, 26(1), 3-18.

Houston, Barbara. Gender freedom and the subtleties of sexist education. Educational Theory, 1985, 35(4), 359-369.

Lather, Patti. Issues of validity in openly ideological research: Between a rock and a soft place. Interchange, 1986, 17(4), 63-84.

MacDonald, Gayle. The meaning of equity. Canadian Woman Studies, 1991-1992, 12(3), 8-13.

Majury, Diana. Equality and discrimination according to the Supreme Court of Canada. Canadian Journal of Women and the Law, 1990-1991, 4, 407-439.

Morgan, Kathryn Pauly. Freeing the children: The abolition of gender. Educational Theory, 1985, 35(4), 351-357.

Noddings, Nel. The gender issue. Educational Leadership, December 1991-January 1992, 49, 65-70.

Novogrodsky, Myra; Michael Kaufman, Dick Holland, and Margaret Wells. Retreat of the future: An anti-sexist workshop for high schoolers. Our Schools/Our Selves, 1992, 3(4), 67-87.

Razack, Sherene. Speaking for ourselves: Feminist jurisprudence and minority women. Canadian Journal of Women and the Law, 1990-1991, 4, 440-458.

Shakeshaft, Charol. A gender at risk. Phi Delta Kappan, 1986, 67(7) 499-503.

Tite, Rosonna. Sex-role learning and the woman teacher: A feminist perspective. Canadian Research Institute for the Advancement of Women Feminist Perspectives Series, 1986, No. 7.

Toms, Marcia. Rationale and outline for a secondary schools women's studies course. [SFU - unpublished].

Warren, Karen J. Rewriting the future: The feminist challenge. Feminist Teacher, 1989, 4(2/3), 46-52.

Wasserstrom, Richard. Defense of programs of preferential treatment. Phi Kappa Phi National Forum Journal, 1978, 58(1), 15-18.

Wilson, Bertha. Law in society: The principles of sexual equality. Manitoba Law Journal, 1983, 13, 221-233.

BOOKS

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

Case, Roland. Understanding Charter Decisions. Toronto: IPI Publishing Ltd., 1989.

Case, Roland. On the Threshold: Canadian Law-Related Education. Vancouver: UBC Centre for the Study of Curriculum and Instruction, 1985.

DeCoste, F. C., Munro, K. M., & MacPherson, Lillian (Eds.). Feminist Legal Literature: A Selective Annotated Bibliography. New York and London: Garland Publishing Inc., 1991.

Freire, Paulo. Pedagogy of the Oppressed. New York: Seabury Press, 1970.

Fullan, Michael. The Meaning of Educational Change. Toronto: OISE Press, 1982.

Gaskell, Jane & McLaren, Arlene (Eds.). Women and Education: A Canadian Perspective. Calgary: Detselig Enterprises Ltd., 1987.

Gilligan, Carol, Lyons, Nona P., & Hanmer, Trudy J. Making Connections: The Relational Worlds of Adolescent Girls at Emma Willard School. Cambridge: Harvard University Press, 1990.

Kostash, Myrna. No Kidding: Inside the World of Teenage Girls. Toronto: McClelland and Stewart, 1987.

Marshall, Catherine & Rossman, Gretchen. Designing Qualitative Research. London:Sage Publications Inc., 1989.

Miles, Matthew B. & Huberman, A. Michael. Qualitative Data Analysis: A Sourcebook of New Methods. London: Sage Publications Inc., 1984.

Quade, E.S. (Editor 3rd Edition Grace M. Carter). Analysis for Public Decisions. A Rand Corporation Research Study. New York: North Holland, 1989.

Razack, Sherene. Feminism and Law: The Women's Legal Education and Action Fund and the Pursuit of Equality in the Eighties. Toronto: Second Story Press, 1991.

Sadker, Myra & Frazier, Nancy (Eds.). Sexism in School and Society. New York: Harper and Row, 1973.

Weiler, Joseph & Elliot, Robin (Eds.). Litigating the Values of a Nation: The Charter of Rights and Freedoms. Toronto: Carswell Co. Ltd., 1986.

REPORTS & CASES

Access to Justice: A Response to the Report of the Justice Reform Committee by the Government of B.C., Ministry of the Attorney General of B.C., Victoria: Queens Printer, 1989.

American Association of University Women. Shortchanging Girls, Shortchanging America. Greenberg-Lake Analysis Group Inc., Washington D.C., 1990

Andrews v Law Society of B.C. (1989) 1 S.C.R. 143

Berg v University of British Columbia (1993) (NO CITATION)

Bliss v Attorney General of Canada (1978) 23 N.R. 527

Brooks, Allen, Dixon v Canada Safeway (1989) 1 S.C.R. 1219

Butler (1992) (NO CITATION)

Canadian Teachers' Federation. A Cappella: A Report on the Realities, Concerns, Expectations and Barriers Experienced by Adolescent Women in Canada. Department of the Secretary of State, Ottawa, 1990

Case, Roland. Analysis of the Provincial Social Studies Needs Assessment Intermediate Program. A Submission to the Curriculum Revision Committee for Social Studies. Ministry of Education, Province of B.C. 1992

CNR v Canadian Human Rights Commission (1987) 1 S.C.R. 1114

Daniels, Leroi and Roland Case. Charter Literacy and the Administration of Justice in Canada. Final Report for the Department of Justice Canada. UBC, June 30, 1992

Day, Dian. Young Women in Nova Scotia: A Study of Attitudes, Behaviour and Aspirations. Nova Scotia Advisory Council on the Status of Women, Halifax, 1990

Gender Equality in the Justice System. A Report of the Law Society of British Columbia Gender Bias Committee. Vancouver, 1992

Holme, Dorothy. Where B.C. Women Stand: 1990. A Collaborative Effort To Mark the 20th Anniversary of the Royal Commission Report on the Status of Women, 1970-1990. 1990 Group, Simon Fraser University, Burnaby, July 1990

Hughes, Ted. Access to Justice: A Report of the Justice Reform Committee. Ministry of the Attorney General of B.C., Victoria: Queens Printer, 1988.

Janelle Holmes, Eliane Leslau Silverman. We're Here, Listen to Us! A Survey of Young Women in Canada. Canadian Advisory Council on the Status of Women Ottawa, March 1992

Kage, Diane. Human Rights Education - Needs Study. British Columbia Human Rights Coalition, October 1990

Lam, Angelo; and Louise Manson-Hing. Youth Views: Confronting the Issues. A Report on the Burnaby Multicultural Society Youth Conference. Burnaby Multicultural Society, Burnaby, March 1990

Mossop v Secretary of State (1990) [Unreported - Federal Court of Appeal, Doc. A 199-89]

Norberg v Wynrib (1992) 68 B.C.L.R. 2nd 29

Pepsi/YTV Street Beat: A Teen Poll. Decima Research, Toronto, December 1990

Schacter v Ministry of Employment and Immigration (1989) 52 D.L.R. 4th 525

Sullivan, Barry M. Legacy for Learners: The Report of the Royal Commission on Education, 1987-1988. Victoria: Queens Printer, 1988.

CONFERENCE NOTES, PRESENTATIONS, PROCEEDINGS

Equality '92 Youth Conference. Held at the Ramada Renaissance Hotel by West Coast Women's Legal Education and Action Fund, Vancouver, November 1992.

Gender in Secondary Schools: Issues and Insights Conference. Held at the University of British Columbia by the Ministry of Education and the Vancouver School Board, Vancouver, October 1992.

Healing the Past, Forming the Future Conference. Held at the Sheraton Landmark Hotel by the National Association of Women and the Law, Vancouver, February 1993.

Law vs Learning Conference: Examination for Discovery. Held at the New Harbourside Hotel by the Legal Services Society of B.C. and Simon Fraser University, Vancouver, June 1988.

Notes for an Address by the Honourable Kim Campbell Minister of Justice and Attorney General of Canada on the Occasion of the National Symposium on Women, the Law and the Administration of Justice. Held in Vancouver by the National Association of Women and the Law, June 1991.

Summer Institute for Law 12 Teachers. Held at the Law Courts by Simon Fraser University Centre for Law, Education and Society, Vancouver, August 1990.

Towards Equity: Gender Issues in Education Conference. Held at Dunsmuir Lodge by the Ministry of Education Gender Equity Program and the Greater Victoria School Boards, Victoria, March 1993.

Transitions 91: Here Today, Where Tomorrow? Conference, Held at the University of British Columbia by Point Grey Secondary School, Vancouver, September 1991.

Widening the Circle: A Gathering With Young Women Conference, Held in Ottawa by the Canadian Advisory Council on the Status of Women, April 1992.

Women's Equality Rights in the Courts - Widening the Circle: The First LEAF Symposium on Sex Equality Litigation. Held in Ottawa by the Women's Legal Education and Action Fund, February 1992.

APPENDIX A

QUESTIONS THAT PROVIDE A FRAMEWORK FOR THE DELPHI STUDY INTERVIEWS

1. In your opinion, what are the main reasons for educating about gender equality rights in the schools?
2. Who should be educated about gender equality rights?
3. How does the social context of schooling impact on our perceptions of gender equality rights?
4. What attitudes towards gender equality rights do you believe exist in the culture of our schools, that would sustain or hinder such a curriculum?
5. In what ways does the diverse experience of race, culture, class, physical or mental ability, age and sexual orientation confound the purpose, goals and objectives of educating about gender equality rights?
6. To formalize the study of gender equality rights in the schools, we would have to make some pedagogical decisions. Briefly, here are the categories and a sample of the questions that need to be considered.

a. Curriculum

What concepts central to our understanding of gender equality rights do you think should be included?

What are the main legal issues we should focus on?

What skills, abilities or attributes should we hope to develop through this curriculum?

b. Methodology

How should we educate about gender equality rights?

i distinct subject

ii integrated into the established curriculum

iii inter-disciplinary approach

How much school time should be given over to the study of gender equality rights?

At what point in our schooling should we begin to educate about gender equality rights?

c. Teacher Education

If you were responsible for setting qualifications, would you require any special training for teachers who teach about gender equality rights?

d. Educational Resources

What instructional materials and activities do you think are best suited to the study of gender equality rights?

Would you recommend the use of resource persons and agencies from outside the educational system?

7. Who should take responsibility for implementing the curriculum? What systemic support is necessary to sustain the curriculum once it is implemented and who should provide it?
8. What method of evaluation would provide us with the information we need to assess the effectiveness of the curriculum and support recommendations to teachers and administrators about the curriculum?

APPENDIX B

DELPHI STUDY PARTICIPANTS

I Selection Criteria for Interview Participants

One or more of the following:

- a) a publicly recognized contribution in the area of gender equality rights
- b) holds or has held in the recent past: a) an elected or appointed position in public institutions, organizations, etc., or b) a professional job or position relevant to gender equality rights
- c) substantial first hand experience with the issues that are argued in gender equality litigation
- d) recommendation from people with the above expertise

II List of Participants - Interviews Completed 1994

1. Ms. Shirley Avril Coordinator, Gender Equity and Women's Programs, Ministry of Education (B.C.)
2. Ms. Penny Bain Lawyer and Consultant to the Ministry of the Attorney General of B.C. on Ministry Policy about Violence Against Women and Gender Equality in the Justice System, and Former Director, Public Legal Education and Schools Program, Legal Services Society of B.C.
3. Mr. Joel Bakan Associate Professor, Faculty of Law, UBC, and Constitutional Law Analyst
4. Ms. Susan Boyd Chair in Women and the Law, Faculty of Law, UBC
5. Ms. Christine Boyle Professor, Faculty of Law, UBC, and Member of Legal Committee of West Coast LEAF* Association
6. Ms. Yvonne Brown Program Advisor, Teacher Education Centre, UBC President, Congress of Black Women (B.C.) and Trustee, Vancouver School Board
7. Ms. Cathy Bruce Lawyer and Former Coordinator, Gender Bias Committee, Law Society of B.C.

8. Dr. William Bruneau Professor, Department of Social and Educational Studies, UBC and former School Trustee, Vancouver School Board
9. Ms. Carole Caldwell Co-ordinator, Status of Women Program, B.C. Teachers' Federation
10. Ms. Phyllis Chuly Provincial Education Policy Analyst, Ministry of Women's Equality (B.C.)
11. Ms. barbara findlay Lesbian feminist lawyer; Secretary, Lesbian and Gay Rights Section, B.C. Branch, Canadian Bar Association Lecturer, Women and the Law, Faculty of Law, UBC
12. Dr. Margaret Fulton Adjunct Professor, Department of Language Education, UBC, Education Consultant and Member of the Board of Directors of West Coast LEAF* Association
13. Ms. Gloria George Director, Aboriginal Initiatives Branch, Ministry of Aboriginal Affairs (B.C.)
14. Ms. Wendy Harvey Crown Counsel, Ministry of the Attorney General of B.C. Criminal Justice Branch, Criminal Appeals and Special Prosecutions
15. Ms. Mobina Jaffer Lawyer, Co-founder of Immigrant and Visible Minority Women Association, and Chair of the National Task Force on Violence Against Women
16. Ms. Maureen Maloney Deputy Minister, Ministry of the Attorney General of B.C. and Former Dean, Faculty of Law, University of Victoria
17. Mr. Ron Rapin Schools Program, Legal Services Society of BC
18. Ms. Roisin Sheehy-Culhane School Programs, B.C. Human Rights Coalition
19. Dr. Jane Thomas Curriculum Development Specialist and Director, Gender Committee, Vancouver School Board
20. CONFIDENTIAL

* Women's Legal Education and Action Fund, B.C. Branch

APPENDIX C**Categories of Projects Funded by the Ministry of Education****Gender Equity Program 1991-1993 and Quantitative Summation of Projects by Subject from K - 12***

Math and science	13
Administration	11
Teachers	9
Physical education	6
Humanities	5
Counselling	4
Business	3
Careers	3
Violence	2
Home economics	1
Law	1

- * This breakdown does not indicate whether the project was focused on educators or students. Three of the projects were classified twice due to overlap in the content. A full annotated report is forthcoming from the Special Education Branch of the Ministry of Education.