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Where is the year going? With the general election looming on the horizon, Women Talking Politics is planning a special edition for October 2005. If you would like to contribute to this edition, please contact me and I can add you to the growing number of commentators, experts and practitioners who have already agreed to contribute. Should be a great read!

Women Talking Politics continues to go from strength to strength, thanks to the endless energy of the women who support it. My thanks to those who have contributed to this edition; it is such a pleasure to be including work from students (Jenny, Tania and Sara) who are making such significant contributions to their various fields of research.

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53rd APSA Conference, 2005

The 53rd Australasian Political Studies Association Conference will be held in Dunedin from 28–30 September 2005. With over 200 papers registered in a range of streams (including Gender studies), it looks to be a very exciting event.

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Will changes to the National Party Constitution result in more women candidates and MPs in the 2005 general election?

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On 12 April 2003, 300 National Party delegates met in Wellington for a special conference. Their task, according to National Party Leader Bill English, was to rebuild the party's constitution by making significant alterations to a document that had remained largely unchanged since 1935. The catalyst for the overhaul was the party's particularly poor performance in the 2002 election, and the steady decline in its share of the party vote at the three elections held under the MMP voting system (1996, 1999, 2002).[2]

Delegates were prepared for a 'major overhaul' by the party president, Judy Kirk, and subsequently they approved significant alterations to the constitution, including the replacement of the National Management Board with a Board of Directors and the streamlining of other internal processes.

Some of the changes to the constitution had an immediate effect on the party's female membership. For instance, the position of the Woman Vice-President was dissolved and the Women's Advisory Committee was moved into the policy area.[3]

Despite the removal of their most visible figurehead, the Woman Vice-President, and the new status of the Women's Advisory Committee, many women hoped that any negative repercussions for women would be offset by improvements to the candidate selection system. Women activists in the party had long been aware that the delegate-based pre-selection and selection committees could be hostile to aspiring women candidates, especially younger women. They hoped the changes would result in the selection of a greater number of female candidates.

Under the new rules, electorates have been given the option of selecting their candidates by 'universal suffrage' rather than using the delegate-based selection process. By universal suffrage, the party meant all eligible members in an electorate. Many women hoped that the electorates would be persuaded to move to universal suffrage and, by doing so, remove the domination that the delegates have held over the selection process for the past 70 years.[4]

Composition of the selection committee
At the core of the National Party's candidate selection process were the voting delegates. To qualify for this sought after job, delegates were required to come from the electorate and to have been party members for at least six months prior to the selection meeting.

Strict rules applied to the composition of the selection committee. For instance, the committee was required to have a minimum of 40 delegates. All the members of the electorate committee were automatically on the selection committee. In addition, delegates were chosen from the branches. Electorates usually consisted of a number of branches, and one current financial member for every 15 members was chosen to represent each branch. If, after the inclusion of the branch delegates the selection committee still had not reached 40, the electorate committee was required to find additional members to make up the number.[5]

The delegates
Women saw the delegate system as a major contributor to the lack of diversity in National Party candidates. Because each electorate was concerned only with the selection of its own local candidates, the delegates tended to make stereotypical choices of middle-class white male candidates. Persuading delegates to be more adventurous in their choice of candidate was often futile.

Colleen Singleton understood the problem well. Not only had she been Woman Vice-President for a period in the 1990s, she had also been an aspiring candidate on five separate occasions and had come to understand well the dynamics of the selection system.[6] She knew that being chosen to be a delegate on a selection committee was considered a reward for long service and loyalty to the local branch but that this patronage resulted in a skewed selection committee as many of the delegates were elderly and brought 'their own prejudices' to the selection process.

Colleen's observations were backed by research carried out by then Massey University student, Bernardine Pool, in 1991. Based on a questionnaire circulated to delegates on selection committees, her research was designed to discover the veracity of a sneaking suspicion in the National Party – that aspiring female candidates could not look to women delegates for support during the selection process.

One of Bernardine's findings was that the delegates shared certain characteristics. For instance, branch committee members had preference over ordinary members for selection as delegates. This meant that the delegates, including women delegates, were frequently the

older, longer-serving members of the party, even older than the members they represented. In fact, over 80 percent of the women delegates who responded to the questionnaire were over 65 years of age. Bernardine said she was tempted to speculate that age was a factor in the conservative attitude held by women delegates towards younger women looking for a career in politics. At the end of her paper, she concluded that female delegates were more inclined than male delegates to have an anti-woman bias.[7]

The pre-selection and selection stages
Before they were allowed to vote at the selection meeting, delegates were required to attend at least one of the meet-the-candidates meetings held by the various branches in the electorate.

The pre-selection meetings were considered critical events for would-be candidates, as this was their opportunity to mix socially with delegates in their branches. Creating a good impression at the pre-selection meeting could lead to success at the formal selection meeting, where delegates would make their final decision as to who would be the candidate.

While preparing for the rounds of meet-the-candidates meetings, Colleen had been dismayed to find that some of the women delegates had given no thought to the sort of characteristics that were desirable in an MP. She had been even more disillusioned after the selection meetings when she discovered that some women delegates had voted in the same way as their husbands, who were also delegates, without thinking about their own responsibility to make an informed decision in the choice of candidate.

Colleen's experiences were common. One respondent to a questionnaire I circulated for my PhD research found that 'both female and male delegates see traditional male occupations and community organisations as a suitable background for an MP'. She believed that women did not get a fair go from the selection process and had found that delegate 'bias' was very obvious when she was lobbying for a woman candidate.[8]

In summary
Whenever criticism regarding the lack of female representation arises, National Party members generally respond with the 'merit' argument. Both women and men frequently argue that the best 'person' with the most 'merit' is always chosen to be the candidate. Further, they assert that the National Party's candidate selection process is fair because the central bureaucracy cannot interfere with an electorate's choice of candidate. Finally, they argue that the electorates know what they want in an MP and that he is usually a white, middle-class man with a wife, two children and a Labrador dog. While women activists in the party might disagree with this profile of a desirable candidate, up until the changes to the constitution in 2003, there was not a great deal they could do to overcome entrenched opinions.

The optional move towards universal suffrage for the selection process could make a difference to the number of women selected as candidates in the 2005 general election. Those electorates that decide to opt for universal suffrage will be enlarging the pool of voters from 40 delegates to the entire membership of an electorate. This enlargement should provide a far more diverse demographic during the selection process than in the past. Many National Party women will be hoping the new voters will be willing to embrace candidates who are outside the stereotypical norm of white middle-class men.

Once the election is over, the changes to the constitution can be reviewed to see if they brought the improved results, especially to the party vote, that the party was seeking. It will also be the time to reflect on whether women candidates were placed in winnable constituencies or in high list positions – and on how well women, in general, are performing in the National Party.

References
[1] My gratitude to Margaret Cousins, Hutt City Councillor, for her assistance and advice on this paper. All errors remain my own.
[2] The information about the Special Conference comes from New Zealand National Party press releases on 11 and 12 April 2003.
[3] New Zealand National Party publications. 'Special Conference of the New Zealand National Party', 'Draft Rule Changes: National Party Special Conference 2003', 'Key Constitutional Changes', 'Summary of Proposed Amendments to Recommendations for the Special Conference, 12 April 2003'.
[4] Personal correspondence with a National Party member, who chose to remain anonymous, April 2003.
[5] G. A. Wood, 'National Party', in Hyam Gold, ed., *New Zealand Politics in Perspective,* 3rd ed., Longman Paul, Auckland, 1992, p. 299.
[6] Interviews with New Zealand National Party Woman Vice-President Colleen Singleton, from 1994-2003..
[7] Bernardine Pool, *Attitudes of Women Delegates Towards Potential Women Parliamentary Candidates - Wellington Division of the New Zealand National Party 1991,* unpublished paper completed for Massey University.
[8] Quote from an anonymous respondent, in Rae Nicholl, *The Woman Factor - Candidate Selection in the 1990s: New Zealand, Guam and South Africa,* thesis for PhD, Victoria University of Wellington, 2001.

Where is the middle ground? Assessing the damage in the international clash over sexual and reproductive rights

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This article explores the nature of contemporary religious opposition to the sexual and reproductive rights (SRR) movement, and the impact of increasing hostility between 'pro-SRR' and 'pro-family' factions on development outcomes. Since 2000, the growing polarity in international discussions over rights of access to contraception, condoms and sex education has meant that sexual and reproductive health has tended to be left out of the debate, as it prevents consensus on other matters of concern to the international community. An example of this is the omission of sexual and reproductive health targets from the Millennium Development Goals , despite the UN Secretary-General's admission that the goals are unachievable without a significant increase in investment in women's sexual and reproductive health.[1]

Different ideological beliefs compete in this debate, as to the best way to promote sexual and reproductive health, insofar as the meaning of the term itself is agreed upon. Proponents of SRR contend that informing adolescents of the dangers of unprotected sex, providing information on, and access to, contraceptives, condoms and healthcare during a woman's reproductive years, is the best way to protect women from death, disability and unwanted pregnancy. Moreover, they maintain that these are services to which all individuals have a right to access, regardless of marital status, sexual preference, or ability to pay. Sexual and reproductive health was defined at the 1994 International Conference on Population and Development as a state of well-being, rather than merely the absence of disease[2]; that while pregnancy is not an illness, lack of control over one's fertility is nevertheless an unhealthy state.

Opponents of SRR see many problems with this philosophy. They object to statements asserting a disconnection of sexuality and reproduction, as well as any statements that normalise the practice of engaging in sex outside the context of marriage. Opponents of SRR have successfully blocked any suggestion of a right of access to safe abortion in international definitions of SRH. The unprecedented success of the international SRR movement in influencing norms, and removing religion from the concept of SRH, has meant that sexual and reproductive rights have become the prime target against which most 'pro-family'

groups have mobilised. In turn, SRR advocates have come to identify religious groups as obstructing progress on sexual and reproductive health, so have mobilised resources to maintain their position, and have come to identify religious opposition as anti-women, anti-gay and anti-poor.

Polarisation over sexual norms has increased markedly since the election of US President George W. Bush, who openly promotes both abstinence-only sex education, and the restriction and elimination of abortion. This has had a significant impact on development assistance in countries where HIV/AIDS is a serious social, economic and health problem. In countries where development monies are allocated to preventing and reducing the spread of HIV/AIDS, funding tends to come with strict conditions, ensuring that recipient countries conform to the sexuality philosophy of the donor. Conditionality is not an unusual aspect of development assistance, but it can have exceedingly pernicious side effects when it comes to such morally charged and potentially stigmatic topics as sexual behaviour and sexually transmitted infections.

In 2000, Bush reinstated the Mexico City Policy. This policy prevents the United States Agency for International Development (USAID) from funding health care providers who, with their own funds, offer abortions, refer or counsel women who have had or are considering having an abortion, or advocate for the legalisation of abortion in their own countries. This policy, until it was overturned in April 2005, forced health care providers to choose to either forgo desperately needed funds, or to give up their ability to provide a complete range of services and their participation in the domestic abortion debate.[3] A similar constraint on USAID funding demands that one third of funding for HIV/AIDS prevention be used for abstinence-only sex education, despite the effectiveness of condoms as a means of reducing transmission of HIV in countries that have successfully decreased the rate of new infections.[4] Given the scale of the funds available for HIV prevention strategies, the opportunity cost of allocating significant proportions of funding to untried and highly moralised schemes has potentially tragic development outcomes. Funding for abstinence education is particularly problematic in countries where it is married women who are the majority of newly infected people; a demographic that is on the rise in almost all countries with critical levels of HIV infection.

'Pro-family' groups tend to agree that 'the family, defined as a man and a woman and their biological offspring, is the fundamental unit of society'.[5] For such groups, sexual intercourse outside the context of marriage should be seen as abnormal, and likely to cause harm.

Consequently, pro-family groups assert that teenage pregnancy and sexually transmitted infections are evidence of the importance of abstinence and faithfulness. Many of these organisations stress that legal protection of the family (as defined above) is necessary to create a good society; whereby protection of the family means legally restricting behaviour deemed to be immoral. They are inclined to see the ideology driving pro-SRR and other 'liberal' groups as encouraging behaviours such as divorce, excessive individualism, abortion, promiscuity, violence against women, and isolation of the elderly, and believe that such behaviours place the family at risk.[6] Most of those who promote SRRs would agree that the majority of these are indeed undesirable aspects of modern society. Few would dispute that having a family gives one meaning, joy and satisfaction in life, and that parents have the right to teach their religious and moral beliefs to their children. Most proponents of SRR would be glad to see those who wish to remain abstinent able to do so without fear of sexual coercion or rape, and without peer pressure to engage in sex. Both sides of the debate tend to agree that pregnant women, women giving birth and young mothers need the support and respect of their wider community for the important role that they are performing. Given the wide degree of similarity in the philosophies of pro-family and pro-SRR groups, why has this debate become polarised to the extent that it has?

There are a number of possible answers to this. Abortion is most certainly an issue that divides; there is very little middle ground to occupy if one is both pro-choice and pro-life. However, both sides agree that abortion should not be used as a method of family planning. Pro-SRR groups give away their aversion to abortion by offering contraceptives as the most realistic means of reducing the number of abortions performed. Pro-family groups accept the necessity of abortion in some circumstances, such as when the life of the mother is at risk, or when the baby is so severely disabled that it is unlikely to survive to full term.

Another reason for polarity in the debate is that advocates of SRRs maintain that choices about one's sexuality are a right of the individual, insofar as they do not harm others. Pro-family groups tend to disagree with this ideology, or at least they dispute the definition of 'harming others'. However, there are a number of churches, and movements within churches that accept lesbians, homosexuals, and bisexuals. While the mainstream clerical view of same-sex unions seems to be resoundingly negative, the issue is at least in part removed from the problem of access to sex education and contraceptives, and also the primarily heterosexual transmission of HIV in developing countries.

A further possible reason for polarisation includes the struggle of pro-SRR groups to secure affordable universal access to antiretroviral treatment, which is essential to encourage voluntary testing for HIV/AIDS, and part of the humanitarian response to the HIV epidemic. In principle the Bush Administration does not oppose this; however it invariably acts in support of big pharmaceutical companies in pressuring countries to stop parallel imports of generic versions of ARVs,[7] a move supported by some pro-family groups.

It could be argued that this is just a traditional fight between conservatives and progressives, culminating in an argument over norms of sexuality. While these may be important points of divergence, they do not explain how two such disparate and defined movements have formed with such clear and consistent attitudes on sexual and reproductive rights and wrongs.

While there are some serious differences in the philosophies of the two sides, it seems likely that the extreme polarisation around SRRs is caused by the political construction of the opposition as the enemy, and a deep-rooted fear of annihilation of both sides. Religious groups fear an encroaching 'secular humanism', which threatens to marginalise them from societal decision-making. Pro-SRR groups fear the rolling back of the achievements that have been made in the last three decades in the sexual and reproductive emancipation of women, and the loss of freedom that a reversal entails. For both sides, fear of losing ground has prevented any movement at all.

Developing countries and development assistance have been the battleground and arsenal with which this international war of norms has been waged. However, the voices of those who have most to gain or lose from development funding and conditionality have largely been left out of the debate. International discussions on controversial terms such as 'reproductive health' are avoided by both sides: the pro-SRR groups fear that the term could be defined to explicitly exclude services which are currently being performed using funds that promote 'reproductive health;' whilst pro-family groups fear that international consensus may settle on a definition that supports the legalisation of abortion. Consequently, with neither side comfortable with opening the discussion, women in developing countries at high risk of death or disability due to reproductive complications and sexually transmitted infections are essentially being held to ransom until further notice.

The greatest difference between women in developing countries and women in developed ones is in their reproductive health status.[8] Progress on sexual and reproductive health in

developing countries is likely to remain deadlocked until the international community is willing and able to hear the voices of poor women in need, over our own exhortations of moral righteousness.

References

[1] Four of the eight goals, 'reduce child mortality', 'improve maternal health', 'combat HIV/AIDS, malaria and other diseases', and 'promote gender equality and empower women' suggest the need for specific SRH targets such as improving access to contraceptives, condoms and ARV treatment, none of which were included.

[2] UN (1996), *Programme of Action adopted at the International Conference on Population and Development*, New York and Washington, United Nations Population Fund.

[3] For information on the Mexico City Policy, and amendment, see http://www.siecus.org/policy/PUpdates/pdate0170.html [29/06/2005]

[4] Thailand and Uganda, generally considered the success stories of the developing world in having reducing the number of new HIV infections, both had consistent and correct condom use as a major aspect of their campaigns.

[5] See for example, 'The World Congress on Families II: The Geneva Declaration', Geneva 1999 http://www.worldcongress.org/WCF2/wcf2_declaration.htm [28/06/2005]

[6] Type 'pro-family' into a search engine for a large number of organisations' websites that are consistent with these philosophies, and for more information on the nature of organised opposition to SRR in general.

[7] For an excellent summary of this issue, see Usdin, S., (2003), The No-Nonsense Guide to HIV/AIDS, Verso, London.

[8] From a statement by Nafis Sadik, quoted in Cook, R. J., Dickens, B.M., and Fathalla, M.F. (2003), Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law, Clarendon Press, Oxford, p. 9

Work-Life Balance: Toward Gender Equity in Aotearoa-New Zealand

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This short paper shares some preliminary findings from my Masters thesis research project – *Work-Life Balance: Toward Gender Equity in Aotearoa-New Zealand?* – to be completed in 2005. This research study is supported by Department of Labour Graduate Research Sponsorship. For reasons of space, I have focused on the potential of the work–life balance policy framework to contribute to the goal of gender equity.[1]

Search the pages of most daily newspapers and business magazines in the industrialised world and you will come across headings like 'Beating time: fighting to knock a life out of it', 'Clocking off: British workers are rebelling against long hours in the office' and 'Striking a Balance Between Work, Family and Recreation'.[2] The steady rise in working hours, an ageing population, and women's increased participation in the labour market are often cited as causal factors behind the current drive to establish work-life balance as a goal for organisations (including governments), and employees, to strive for. Work-life balance – policies that allow employees to balance paid work with their personal and family lives – has become a dominant discourse, touted as the means to combating long hours working; to creating safe and equitable workplaces attendant to the diverse needs of employees; to supporting women's participation in the labour market; and even to increasing productivity, profit margins and economic growth.

But, to what extent is this policy framework able to achieve these disparate and, arguably, at times conflicting goals? Can policy designed to increase productivity really operate in tandem with measures to counter New Zealand's long-hours culture, for example?[3] Might the seeming incompatibility of these divergent interpretations of work-life balance indicate that not all benefits can possibly be achieved and, even, that the interpretations themselves are flawed? Clarification of the work-life balance policy framework and an investigation into its potential impact is essential in order to substantiate claims that work life balance policies will achieve the anticipated goals of economic prosperity, social justice and gender equity in Aotearoa-New Zealand. Several questions arise. What does work-life balance actually mean? What is a work-life balance policy? In particular, what are the effects of these policies on different social groups: men; women; professional workers; and blue-collar workers?

Preliminary findings: implications of work-life balance for gender equity

Inequality is embedded in ideological as well as in material forms. Social norms regarding appropriate gender roles for men and women carry significant power, with women often accorded less status and fewer resources as a consequence of their assigned path in life. After 30 years of equal pay law, women's average weekly earnings amount to 67.2 percent of men's.[4] This is in large part due to traditional gender roles in New Zealand society that hold women primarily responsible for child-care and other unpaid care work. Women withdraw from paid work for greater periods of time, relative to men, to bear and raise young children. Due to the financial 'hit' that this entails, many women with dependent children are reliant either on their partners or on the state through various family support benefits. Yet, economic independence is key to women's self-determination and emancipation, and also often to their children's wellbeing.

Work-life balance policies such as part-time and flexible working and unpaid family leave are able to support women with care-giving responsibilities to gain access to the labour market and realise, in the short term, a degree of economic independence, contributing to overall gender equity. But, by allowing women flexibility in the work place, work-life balance also enables women to better manage their role as primary care-giver, without challenging men to take up equal parental responsibility. Conceived this way, work-life balance could reinforce traditional gender roles that consign women to the lion's share of unpaid care work.[5] For instance, recent statistics reveal that while women make up 45.6 percent of the labour force they constitute only 37.3 percent of full-time workers and 72.4 percent of part-time workers.[6] The Green Party's Flexible Working Bill, currently before the New Zealand Parliament, if passed, will likely have a similar outcome as did the UK legislation on which it is modeled; in the UK, flexible working is disproportionately taken up by women.[7] This has clear ramifications: if it is women rather than men who are expected to structure their working lives around their families, then it is women who will be relatively professionally, economically, and socially disadvantaged in the long term.

Much of the discourse surrounding work-life balance assumes that it is mothers rather than fathers who must surmount the obstacles inherent in combining unpaid care work and paid work; the potential for work-life balance to ease the burden of juggling work with family life is often seen as relating to women only. For example, Chris Wilkinson, who owns two service-based businesses in Wellington, has been committed to work-life balance initiatives for the past five years. He says:

> At the corporate office, most of the team are mothers. So that they can work around school and childcare schedules we structure our day accordingly…We use technology so they can also work from home when needs arise…In our stores we also have mothers that have returned to work with us. In these cases we schedule our shifts so they can pick up their children from kindergarten, and we have part-timers available should they need to stay home for any reason.[8]

The Ministry of Women's Affairs (MWA), in its affirmation of work-life balance, states that it is 'critical to take into account … the role many women play in caring for dependants and older family members, while needing to maintain a role in the paid workforce'.[9] And, in a 2002 report, the MWA states that it 'has a focus on the balance between work life and family life, in recognition of women's needs in relation to family responsibilities'.[10] These reports identify structural discrimination against women with care-giving responsibilities, yet do nothing to interrogate why it is largely women that shoulder them.

In this sense, work-life balance appears to represent an 'affirmative remedy for justice', described by Nancy Fraser as 'aimed at correcting inequitable outcomes of social arrangements without disturbing the underlying framework that generates them'. Instead, Nancy Fraser argues in favour of 'transformative remedies', which she defines as 'aimed at correcting inequitable outcomes precisely by restructuring the underlying generative framework'.[11] In this way, my study has a normative agenda, which is to provoke discussion about what these transformative remedies might look like. My initial findings suggest that the gender-neutral language of work-life balance does not recognise and therefore might exacerbate the unequal division of labour between men and women – in my view the underlying framework responsible for generating inequitable social outcomes. According to Susan Okin, gender-neutral terms represent a 'false gender neutrality', and work to obscure the real experiences of men and women living in societies structured by gender.[12] Yet, it is essential that these experiences are taken into account in order that a programme of change – such as work-life balance – has positive (transformative) outcomes for both men and women. Given that social norms clearly favour women as mothers seeking flexible work, is it therefore necessary to specifically target men through the work-life balance policy framework in order to enable them to assume their responsibilities as fathers? Or might we require a new policy framework altogether?

Conclusion

Having investigated how work-life balance is designed, applied, interpreted and taken up in the New Zealand context, my research paper will assess the potential for this policy framework to contribute to the potentially conflicting goals of economic prosperity, social justice and gender equity in Aotearoa-New Zealand. Theoretically-informed empirical research in selected case study organisations will test the extent to which it is women who primarily 'benefit' from work life balance policies and reveal the gendered reasons why this is or is not so. Preliminary findings indicate that while the work-life balance policy frame-work will support women's (limited) participation in the paid work force, it will do nothing to challenge those gender roles that make that support necessary in the first place. Work-life balance, as it is discursively framed and implemented by policymakers and employers, and as it is interpreted and taken up by men and women, will likely reinforce women's responsibility for the family, indicating a backtrack on the successes of equal-rights feminism. I contend that the path to gender equity in Aotearoa-New Zealand lies not in valuing the unpaid care work that women do, as many suggest, but in redistributing it more equitably among men and women.[13] The challenge is to generate ideas as to how this can be achieved.

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[4] Michael Mintrom and Jacqui True, *Framework for the Future: Equal Employment Opportunities in New Zealand.* A report prepared for the Equal Employment Opportunities Unit of the Human Rights Commission, June 2004, p. 44. This figure takes into account full-time and part-time labour force status and is based on the authors' calculations of figures reported in Statistics New Zealand's quarterly New Zealand Income Survey, June 2003, Table 11.

[5] See Ministry of Women's Affairs, *Time Use Survey1998/1999*, conducted by Statistics New Zealand under contract to the Ministry of Women's Affairs, available at http://www.stats.govt.nz and http://www.mwa.govt.nz

[6] Mintrom and True, *Framework for the Future*, 2004, p. 41

[7] Aileen McColgan, 'Equal Pay: Lessons From the UK?', *Paper for the National Advisory Council on the Employment of Women (NACEW) Conference on Pay and Employment Equity for Women*, Wellington, New Zealand, 28 June 2004. p. 12

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[10] Ministry of Women's Affairs, *Work and Family Balance: A Policy Perspective.* New Zealand Jurisdictional Report for The WAM/WOM Work and Family Workshop, Sydney, 25 March 2002, p. 3 (based on a report prepared for the Ministry of Women's Affairs by Top Drawer Consultants).

[11] Nancy Fraser, *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition*, Routledge, New York, 1997, p. 23

[12] Susan Moller Okin, 'Gender, the Public, and the Private', in Anne Phillips (ed), *Feminism and Politics: Oxford Readings in Feminism*, Oxford University Press, Oxford, 1998, pp.116-141, p. 120

[13] See for example, Marilyn Waring, *Counting for Nothing: What Men Value and What Women Are Worth (2ⁿ ed)*, University of Toronto Press, Canada, 1999. Also Ministry of Women's Affairs, *Action Plan for New Zealand Women*, Ministry of Women's Affairs, Wellington, March 2004

The Rights of Indigenous Women: The Canadian Experience

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Indigenous women are overrepresented in negative social and economic statistics in both Canada and New Zealand. However, Crown policies towards indigenous women had operated quite differently in both countries. In New Zealand, Article Three of the Treaty of Waitangi guaranteed to all Maori the equal rights and privileges of British subjects. In Canada, First Nations were administered by the federal government via a separate legislative regime, the Indian Act, dating from 1876. The Indian Act contained a legal definition of 'Indian' status which stipulated who was covered by the Act. The identity of females was defined by their husbands tribe, not the tribe they were born into. As a result, First Nations women who married non-Indian men, were excluded from the jurisdiction of the Indian Act.[1]

The Indian Act could remove generations of cultural and familial identity with a single legislative provision. Women affected could not identify with their tribe, were no longer permitted to live on their home reserve, to use its resources, or to vote or participate in band councils. Any children these women had were also prevented from obtaining Indian status and the associated rights and benefits.

The Indian Act process of removing status from women who married non-Indian men was based on a paternalistic policy to ensure reserve lands remained in indigenous ownership.[2] It was thought that the cultural connection between indigenous Canadians and their lands would be diluted if non-Indian men could obtain ownership of them through marriage. Note that it is only non-Indian men that were seen as a threat, not non-Indian women. As a result, non-Indian women who married Indian men gained Indian status, further exacerbating the injustice of the policy towards indigenous women.

In 1970s indigenous women tried to challenge the legality of section 12(1)(b) in the courts. The provision was challenged under the anti-discrimination provision in the Canadian Bill of Rights. In short, the Supreme Court of Canada ruled that, because all Indian women marrying non-Indian men were affected in the same way, there was no discrimination.[3] This result showed indigenous women they could not achieve true equality through the domestic justice system.

Having exhausted legal remedies at home, indigenous women moved to international law. In the late 1970s, Sandra Lovelace, a Maliseet Indian, challenged the provision before the United Nations Human Rights Committee in New York. Lovelace lost her Indian status when she married a non-Indian. Upon their separation, she and her son returned to her home reserve in New Brunswick and attempted to obtain housing. Her request was denied as she was not an "Indian" as defined in the Indian Act.

Lovelace argued that the Act violated several Articles of the International Covenant of Civil and Political Rights. The Committee's decision released in July 1981 held that the policy breached Article 27, which protected the right of minorities to live 'in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.'

The Committee found:

> It is natural that in such a situation she wishes to return to the environment in which she was born, particularly as after the dissolution of her marriage her main cultural attachment was to the Maliseet band...it does not seem to the Committee that to deny Sandra Lovelace the right to reside on the reserve is reasonable, or necessary to preserve the identity of the tribe.[4]

The immediate impact of the Lovelace decision was muted in Canada; it barely received any media attention. However, international pressure and domestic public opinion in successive years did lead to a change in government policy. On 28 June 1985, the Canadian government passed the Bill C-31 Amendment to the Indian Act. The Amendment has granted status over one hundred thousand women and children to whom it had been denied under the Indian Act.[5]

There was strong resistance to the Bill C-31 amendment within First Nations communities, particularly from band or tribal councils often dominated by men. Their objections centered on the problems of increasing the membership of a band without increasing its resources. Indian bands had long claimed their present resources were inadequate to support their existing population, let alone a flood of newly eligible members.[6] Since the Bill C-31 Amendment, several legal cases have been brought by Indian women against the bands they had joined. In *Courtois v Canada,* children of women reinstated under Bill C-31 were barred from attending the band-controlled school. A Human Rights Tribunal found that the 'moratorium was clearly aimed at women reinstated by Bill C-31.'[7]

The Native Women's Association of Canada (NWAC) fears that changes to indigenous

governance in the future will have a negative impact on Aboriginal women. The NWAC's main concern is that self-governing aboriginal communities could exclude themselves from the operation of the Charter of Rights and Freedoms, undoing the protection granted to Aboriginal women by section 35 of the Canadian constitution which recognised and affirmed existing aboriginal and treaty rights.

In 1992, the Federal Court of Appeal found the decision not to extend federal funding to the NWAC to participate in constitutional review decisions breached the constitution. The Judge appeared to be particularly swayed by the Appellant's submission that the various groups which did receive federal funding, (particularly the Association of First Nations) were male-dominated and would not effectively represent the interests of Aboriginal women. The Judge was persuaded that 'by funding and thereby supporting male-dominated aboriginal organisations ... the Canadian government has enhanced their ability to communicate their anti-Charter positions to the virtual exclusion of the NWAC position.'[8]

However, the decision of the lower court was overturned by the Supreme Court of Canada. The Justices found that there was no evidence to suggest the Association of First Nations would not represent Aboriginal women's views. He found that they had a voice within the four groups that received funding.[9]

The Supreme Court decision reflects a possible downside to the Bill C-31 Amendment. As long as women were treated differently under the Act, groups like the NWAC could justify advocating solely for First Nations women. Now that the definition of Indian status applies equally to men and women, women's issues are viewed as part of indigenous issues generally. This results in further subjugation of an already disadvantaged group within the indigenous community. The offending provision in the Indian Act may have been removed but the associated ideas remain, such as patrilineal family structures and the transfer of property through men. As Justice L'Heureux-Dube said in *Corbiere v Canada,* 'Patrilineal descent ... was the least common principle of descent in Aboriginal societies, but through these laws it became predominant.'[10]

Discrimination against indigenous women and the effects of the Indian Act policy still exists in Canada. The Amnesty International "Stolen Sisters" campaign, launched in October 2004, criticised Canada for 'the social and economic marginalization of indigenous women, along with a history of government policies that have torn apart indigenous families and communities,[that] has pushed a disproportionate number of indigenous women into dangerous situations that include extreme poverty, homelessness and prostitution.'[11] The Amnesty International Report made several urgent recommendations to the Canadian government, including the recruitment of more indigenous police officers and adequate, long-term frontline services needed by women to escape violence.

This campaign, conducted as part of Amnesty's global fight against violence towards women, is positive for indigenous women in Canada as it focuses international attention and pressure on the Canadian government, much like the *Lovelace* decision did in 1981. It is concerning however that a western, developed country such as Canada needs to be alerted to these problems by an external human rights group. This shows that government policies towards indigenous women in Canada still result in their marginalisation, twenty years after the offending provision in the Indian Act was removed.

References
[1] See for example, section 12(1)(b) of the Indian Act 1971
[2] A. Bayefsky, "The Human Rights Committee and the Case of Sandra Lovelace" (1982) 20 Can.YB Int'l Law 244, 247
[3] *Attorney-General v Lavell and Bedard* [1974] SCR 1349
[4] *Sandra Lovelace v Canada* Communication No. R.6/24, U.N. Doc. Supp. No. 40. (A/36/40) para 17
[5] T. Issac (2004) *Aboriginal law: commentary, cases and materials,* Purich, 508
[6] M. Boldt (1993) *Surviving as Indians: The Challenge of Self-Government,* Univ. of Toronto Press, 212-3
[7] *Courtois v Canada* [1991] 1 C.N.L.R. 40
[8] *Native Women's Association of Canada v Canada* [1992] 95 DLR (4th) 106
[9] *Native Women's Association of Canada v Canada* [1994] 3 S.C.R. 627
[10] *Courtois v Canada* [1991] 1 C.N.L.R. 40
[11] Amnesty International Canada, http://www.amnesty.ca/resource_centre/news/view.php?load=arcview&article=1913&c=Resource,Centre+News (Accessed: 26 June, 2005)

Book review
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John Foran and Priya Kurian (eds), *Feminist Futures: Re-imagining Women, Culture and Development*, Kum-Kum Bhavnani, Zed Books, London and New York, 2003

Feminist Futures: Re-imagining Women, Culture and Development edited by Kum-Kum Bhavnani, John Foran and Priya Kurian succeeds in making a significant theoretical contribution, and challenge, to the development studies canon. The 'Women, Culture and Development' approach brings together the three fields of critical development studies, Third World feminism and Third World cultural studies and sets out a new direction for development studies. Ontologically, Third World women are placed at the centre, and the status of culture is raised to that of the political economy in terms of its capacity to shape development outcomes. Recognising that Third World actors are both victims *and* agents of the processes of development, the Women, Culture and Development framework explores the ways in which Third World women 'resist and celebrate the circumstances of their lives' (p.2). There are clear linkages here with a feminist standpoint epistemology that explores women's lives on the margins as a critical starting point for achieving a more comprehensive knowledge of social, political and economic processes, including development. In order to engage with gender, however, the editors contend that it is necessary to discuss 'culture'. Building on postcolonial feminist insights that reveal how gender interacts with other markers of status, such as race and class, to produce multiple subjectivities and sites of oppression, the Women, Culture and Development approach conceives of culture as 'lived experience' that is understood as 'a dynamic set of relationships through which inequalities are created and challenged' (p.4). Thus, in a mutually reinforcing process, not only does engaging with gender necessitate a discussion of culture, but, by considering culture, women's agency (and oppression) is brought to the fore. Through analysing women's lived experiences, it is argued, the ways in which inequalities are produced and confronted are made visible and therefore development that attends to and transforms these inequalities becomes more likely.

The structure of this book is highly original and reflective of the workings of the Women, Culture and Development paradigm as it relates to a commitment to inclusiveness, interdisciplinary engagement and an emphasis on culture as lived experience. The book is organised into three parts or core themes that explore Sexuality and the Gendered Body; Environment, Technology and Science; and the Cultural Politics of Representation. These three sections are interwoven with four sub-sections titled 'Visions' comprising short essays that set out the ways and means by which a Women, Culture and Development approach might contribute to social change.

Contributors come from various disciplinary backgrounds, including feminist theory, cultural studies, development studies, information and technology studies and environmental studies. Expanding on this commitment to interdisciplinary engagement, the book is epistemologically diverse also: literary analysis, Third World knowledges, testimonials and narratives are included alongside Western critical theories. Reinforcing the extent to which everyday realities are central to the Women, Culture and Development approach, scholarly contributions, such as Amy Lind and Jessica Share's 'Queering Development: Institutionalized Heterosexuality in Development Theory, Practice and Politics in Latin America', are interspersed with pieces from researchers in the field reporting back different women's lived experiences, literary textual analysis and testimonials from front line activists, such as 'Maria's Stories', a transcript of an interview with Maria Ofelia Navarrete, a Salvadoran activist. The geographical scope is also wide, for example, the Women, Culture and Development approach is applied to the contexts of Papua New Guinea, Bolivia, India, Nigeria, Ecuador and Iran, among others.

Despite the editors' attempts to impose some order through the core themes, the remarkable diversity of *Feminist Futures* means that it often feels somewhat schizophrenic, possibly limiting its conceptual clarity and theoretical value. But, that is to ignore the strong potential of this collection to inspire and challenge scholars to seek investigation of new research questions, both theoretical and empirical, that will no doubt refine the Women, Culture and Development paradigm. Nonetheless, the true value of this collection may lie more in its power to suggest alternative strategies to frontline activists, working to achieve change through movements for social justice. For instance, New Zealand feminists campaigning for gender equity might like to consider the strategic potential of reporting women's lived experiences in addition to more abstract statistics on pay levels and domestic violence. On the whole, *Feminist Futures* is a stimulating, highly accessible and original collection. Due to its disciplinary, epistemological and geographical spread, this collection ought to have wide appeal to both scholars and activists with an interest in the issues and themes explored, and a stake in the future direction of development studies.