

Women are persons too

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Until 50 years ago women were persons in matters of pain and penalties but not persons in matters of right and privileges.

This legislation might seem silly to today's women but it was only due to the determination and courage displayed by five women in early 1900's that it was changed.

The group challenged the interpretation of the word "person" in the British North America Act. By campaigning for the appointment of a woman to the Senate, they hoped to establish constitutional status for women.

The force behind the fearsome five was Emily Murphy, the first female magistrate in the British Empire. In 1916 she was asked to head the newly formed Women's Court even though she had no background in law.

In court she was often verbally attacked by attorneys who charged that since women were not persons under the constitution, she should not be allowed to

preside over the court.

Armed with a petition signed by 100,000 Canadian women and backed by a letter-writing campaign, the support of magazines, newspapers, the influential National Council of Women and the Alberta government, Murphy won her first victory for women in 1921.

The Supreme Court ruled that women could not be disqualified from holding public office on the basis of sex. Yet her requests to successive prime ministers that a woman be appointed to the Senate were ignored.

Instead of giving up the battle, she appealed to the Canadian Supreme Court for an interpretation of the word "person" as it was used in the constitution. Murphy needed four more supporters before she could bring court action. She enlisted a group of the province's most notable female figures: Nellie McClung, the country's most militant suffragette and a former member of the Alberta legislature; Louise McKinney, the first woman to earn a seat in the legislature under the British Empire; Henrietta Edwards, an authority on laws concerning wo-

men; and Irene Parby, a member of the Alberta legislature who later served 14 years as a cabinet minister.

The petition put to the supreme Court asked one simple, direct question: Does the word "person" in the British North American Act include female persons?

Section 24 of the constitution stated that "the governor-general shall summon to the Senate qualified persons." The Famous Five as they came to be called, argued "qualified" referred to specifications that a candidate for office was required to be at least 30 years of age, own property amounting to \$4000 and reside in the province being represented by the appointed member.

The Supreme Court ruled in April, 1928 that women were not legally persons within the constitution and as such were not eligible to be appointed to the Senate.

But this did not faze them. They appealed to the British Privy Council at the time the Canadian final court of appeal. The matter was debated for four days after which the court reserved judgement.

Months later on October 18,

1929, British Lord Chancellor Sankey announced the court had determined women were in fact persons. The final answer came in the form of a question: ..to those who ask why the word (person) should include females, the obvious answer is why not?"

Half a century later, although significant steps forward have been made, there are women who hear Emily Murphy's voice urging them to continue the work she began. Marnie Clark has heard the call and is leading the movement for reform, where women do not still have full equal opportunities.

"It's been a long, slow struggle.. but we don't have equality yet," says Clarke, the director of the Women's Bureau of the Ontario Ministry of Labor. "The biggest problem I see is the attitude that in the work force women are not considered competent."

"As far as skills and talents, women are under-utilized. A woman has to be super good in order to have moderate success."

A member of the Ontario Status of Women committee, Clarke was responsible for setting up the first centre for women at Humber College in 1971. Since November of 1974 she had led the Bureau whose mandate is to improve the status of women in the work force.

"Generally women today earn almost half of what men do. But, that figure includes many women who work only part-time. Still, when all variations are taken into account, there remains a 15-20 per cent wage gap for which there is no other explanation than discrimination," she says.

"If rent, food and clothing costs are equal for men and women, here does the idea that women can get by on less money come from?"

Clarke has been pushing for changes in the basic human rights of women.

"We don't see women with power, political, social or economic on the same terms as men. Just because women are the ones who have children doesn't mean they should be penalized for it."

She points out that upwards of 40 per cent of Ontario's work force (1.8 million employed) are women. But 63 per cent of those women are working in sales, services and the clerical field because these are the traditional roles they are encouraged to fill. Like many women crusading for equal rights, Clarke would like to

see more women in jobs traditionally filled by men.

She refutes the claim that women would begin taking jobs from men. A redistribution of values regarding employment will be needed to make the reform movement successful.

Statistics compiled by the women's bureau show that in 1968, 40 per cent of all women aged 15 and older were working; by 1978 that number had increased to 52 per cent.

That change is being forced along by the economy, according to Clarke who says "today it's the two-earner family that can afford to purchase the goods that keep people employed."

The Women's Bureau is receiving more complaints about sexual harassment on the job. But, says Clarke, its not because there is more harassment; women have decided now that it's one part of the job they're not willing to put up with.

A Toronto survey determined women who work outside the home are in the labor force to stay: 57 per cent say they regard their work as a career while only 39 per cent believe their position is temporary.

The career oriented view may be a reflection of the number of women training in fields previously open only to men. In universities across the country, the proportion of female students is on the increase.

In the 1979-79 academic year, according to Statistics Canada, 31.8 per cent of the students enrolled in law courses were female; 30 per cent in medicine; 21 per cent in MBA (masters business administration); 16 per cent in dentistry and 7 per cent in engineering. In Ontario alone, almost 45 per cent of the total student enrolment in post-secondary institutions were female.

How the women who graduate from these courses fare in the job market compared to their male counterparts will be watched closely by the leaders of the equal rights movement.

It would be nice to think that the calibre of people hired in influential positions, by the men or women, will improve. The point to equal rights is that everyone is given the opportunity to do what they feel they have a flair for doing.

UNB to host Elderhostel

This summer UNB will join close to 350 campuses in North America which participate in Elderhostel, a low-cost, academic summer program geared to students over 60 years old.

Several colleges and universities in Ontario are also joining Elderhostel for the first time this year, but UNB is the only participating Canadian campus east of Peterborough.

For a fee of \$130, hostellers are offered room, board, and several courses during each one-week period. The courses include challenging academic material taught by regular faculty, but without exams, grades or homework. No previous educational background is required.

UNB will offer three courses during the week July 20-26, which will be repeated July 27-Aug. 2. Compiling a family history will be taught by Robert Fellows, of the New Brunswick Provincial Arch-

ives staff. Alex Dickson, the UNB co-ordinator of continuing education in forestry will teach a course on managing the northeastern forest. And William Bauer, author and professor of English, will provide an introduction to the short stories of Atlantic Canadian authors.

With these courses UNB is showcasing three of its areas of special expertise, according to Robert Williston, the assistant director of extension services at the university. Each course involves 1 1/2 hours of class time per day for five days.

Since Elderhostel began in the New England States in 1975, the organizers have found that living in a college residence, eating together in the dining hall, and spending leisure hours in sociable and stimulating company are some of the most rewarding aspects of the program. When he taught in Elderhostel last summer at the University of Maine, Fort Kent, Dr. Bauer found that the

participants quickly formed a notable esprit de corps.

That collective spirit is so important, Williston said, that most campuses, like UNB will be limiting the number of commuting students in each set of courses.

Each institution selects its own Elderhostel courses, and the topics available in New England alone run the gamut, from Plato to small business opportunities and everything in between. Williston said many hostellers plan several courses so that they form a summer tour. Last summer, he said, a 73 year-old woman took 15 courses as she travelled from California to northern Maine.

Information on Elderhostel courses at UNB and New England campuses is available from the UNB extension department, P.O. Box 4400, Fredericton, N.B. E3B 5A3, Canada. Information on other North American Elderhostel programs is available by writing to Elderhostel Inc., 100 Boylston St., Boston, MA, 02116, USA

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