

Canadian social welfare policy, political economy, political sociology, and feminist theory, as it focuses on the topics of the welfare state and social citizenship.

¹“Social individual” is a concept that perceives all individuals as having interdependent and intertwined social needs and responsibilities.

TAXING CHOICES: THE INTERSECTION OF CLASS, GENDER, PARENTHOOD, AND THE LAW

Rebecca Johnson
Vancouver: University of British
Columbia Press, 2002

**REVIEWED BY ROSEMARY
MORGAN**

Was the failure of the *Symes* case in the Supreme Court of Canada in 1993 inevitable in the reality of a male hegemonic legal system? Was the failure of the legal case a failure for feminists?

In 1989 Elizabeth Symes, a lawyer, a feminist, commenced a groundbreaking challenge to the male-dominated interpretation and design of the law. Symes, a lawyer in private practice, was also a mother. In order to be able to succeed in her business, to profit, she necessarily had to engage child-care for her children. She claimed the child-care costs as a *business expense* on her income tax return. Revenue Canada denied the claim. She appealed, all the way to the Supreme Court of Canada. She claimed not only that the *Income Tax Act*, if properly interpreted, allowed for this kind of business expense, but that to the extent that it did not, it was denying women the right to equal benefit of the law. Women, she claimed, are the primary

caregivers of children in society, and as such, either have to care for the children directly, or obtain child-care if they seek to compete in the business world. Denying businesswomen the right to claim child-care costs as *business expenses*, meant disabling women in business, placing them at a clear disadvantage to business *men*. This was contrary to the equality protections of the *Charter of Rights and Freedoms* she claimed. Canada's top court, a predominantly male bench, rejected her claim. The two female judges dissented.

If measured in the framework of the legal system's win/loss equation, Symes lost her case after years of effort and financial expenditure. If measured in the context of the development of feminist dialogue, of the development of a feminist challenge to the male analytical framework of the law, her case was a stone in the pond. The ripples continue a decade later. No less than a few dozen articles and reviews have been written about the decision. But Rebecca Johnson's new book *Taxing Choices* provides an oar to paddle through the still rippling water caused by Symes' stone.

The framework of Johnson's analysis is established immediately and resolutely in the words of Adrienne Rich's poem "Power": "...her wounds came from the same source as her power." The source of a woman's power? Arguably there is no single source. While the law has been a valuable source of power for men, it can be and has been a source of power for women as well. From the 19th and 20th century suffragette movement to the appointment of the first woman on the bench of the Supreme Court of Canada, to the resounding victory of pay equity legislation, women's power has been seen and felt. But the law has also been a source of deep wounds for women, then and now. Many have argued that the gendered split in the Supreme Court decision over Symes' appeal was merely evidence of the continuing struggle we have yet to

mount, the many wounds we have yet to heal.

The debate that has emerged from the decision and the efforts of Symes herself, found many feminists split over the key issues in the case. While many favoured the equality argument and the feminist interpretation of the law found in the dissent of Justice Claire L'Heureux Dubé, others held the view that Symes' attempt to obtain the benefit of the business expense deduction was not a struggle for equality for all women so much as a struggle for her class, the business class, the advantaged. The split opened wounds, rather than consolidating power. Was the class attack valid, or a failure to see that the inequality Symes faced, as a successful business woman, was an inequality faced by women in many classes? As evidenced by Dr. Pat Armstrong (York University), the expert witness at the trial level, it is not just middle-class, upper-middle class, or upper class women who are disadvantaged by the inability of the tax legislators to acknowledge that child-care expenses can indeed be a real and legitimate business expense. Many women, more and more women in fact, operate their own businesses, often marginal businesses, in clothing or cottage industries or otherwise. The mothers among these business women also have child-care expenses. They too cannot succeed in the business of survival without expending for child-care.

Johnson's book explores not only the conflict in feminist thought and theory that emerged from this case, but attempts to identify the power and the wounds in the intersections of the debate. Her exploration however is not just one of theory, but one of a history, or of *herstory*, of the childcare debate in Canada, Symes' litigation strategy, and the play that unfolded at the Supreme Court of Canada. Johnson ends with an exploration of the possibilities for development of thinking about not only the case, but the conflict and issues it engendered. Johnson suggests

provocatively “that it is no longer useful to see the case as primarily about a conflict between gender and class interests”. It is time to move forward.

FLEEING THE HOUSE OF HORRORS: WOMEN WHO HAVE LEFT ABUSIVE PARTNERS

Aysan Sev'er
Toronto: University of Toronto Press, 2002

REVIEWED BY CHERYL GOSSELIN

Aysan Sev'er's *Fleeing the House of Horrors* provides a comprehensive analysis of the enduring devastation and social costs of gender violence to the victims of such abuse and all of Canadian society. The work's subtitle —*Women Who have Left Abusive Partners*—captures the essence of the study and the author has compiled the available evidence and literature to ground her work in the current research and theory in men's violence against women. Sev'er does a good job in presenting her aims and is careful not to overstep these goals in her work. The reader can especially appreciate the author's pronouncement of her locatedness in her research and the boundaries of a researcher that she is careful not to cross.

Aysan Sev'er is up-to-date with the Canadian research on women-abuse. Her overview of the contemporary literature presents a balanced analysis of the feminist, non-feminist and the more mainstream social-psychological theories of abuse. As a Canadian scholar and volunteer worker at a local Women's Centre, I was particularly pleased

with the Canadian content and the emphasis on familiarizing the reader with a multi-level analytical framework to situate the study of violence against women. The author's exploration of the statistical profiles of the types of male abusers and incidences of abuse are clear, concise, and are a welcome addition to the literature for anyone looking for a comprehensive understanding, analysis, and writing about this type of violence.

Fleeing the House of Horrors is of value to scholars and front-line workers alike. The work can be used in university Women's Studies and Criminology courses to give students background in the subject. The book can also be adopted by Social Science methods courses to illustrate some of the problematics of the interview process, especially with abused women and the sensitive issue of researcher power over the interviewee. The book could also be a guide for those who work directly with helping battered women wanting to leave abusive partners. It would be most beneficial to shelter workers, doctors, nurses, hospital administrators and law enforcement officials.

The presentation of the work is professionally done. The author has published before on the topic and is very knowledgeable in this area. She speaks to me on several levels and this is what I find most remarkable about the work. As an academic, Sev'er is thorough in the area of theory. She does a superb job in articulating the social and structural basis of gender violence as well as the links between culture and the patriarchal systems that work in unison to maintain such behavior. As someone who has also worked with abused women, she speaks to me in a sensitive and compassionate voice. Sev'er really cares about the women in her study and shows them as social agents, not victims. But she is also concerned to present the subject as objectively as possible so those who work with abused women can validate the study.

Fleeing the House of Horrors makes a significant contribution to the research on gender violence experienced by women. Sev'er also elucidates the topic of women who resort to violence in abusive partnerships, an area that is underdeveloped in feminist research to date. In the current climate of an anti-feminist backlash against women abuse and the application of data from flawed studies to present the myth that 'women do it too', this work definitely aids in countering these disturbing trends. Finally, someone is not afraid to explore, in a realistic way, the subject of women who use violence and other negative coping mechanisms as survival strategies. Sev'er's analysis is heart wrenching yet honest, brutal yet vital to our understanding of women who choose violence. Her typology of women who do and do not use violence in abusive relationships is an important tool for scholars and front-line workers to apply in their own work. It helps in identifying those women who are most likely at risk for utilizing violence and for creating the necessary steps and procedures within the health care system and law enforcement to stop it before it happens.

This work is long overdue and thankfully is now available for those interested in the topic and who care enough to do something about the scourge of gender violence in our society.

ERRATA:

On page 167 of CWS/cf's Winter 2004 issue, "Women and the Black Diaspora," the book:

I Know Who I Am: A Caribbean Woman's Identity in Canada

by Yvonne Bobb-Smith was published in Toronto by Women's Press in 2003.