GENDERING CIVIL LIBERTIES
a symposium
In Canada and elsewhere, women’s liberation movements and feminist activism have not been very connected with civil liberties claims. In fact, the two groups have frequently found themselves in direct opposition. For instance, freedom of expression claims supported by civil liberties organizations have often raised feminist concerns, and feminist engagement with the criminal law was resisted by civil libertarians. Traditional conceptions of civil liberties, built on the need to keep the state out of the private lives of individuals, clashed with feminist efforts to reveal the instability of the line dividing the public from the private and to encourage or require state intervention in the service of greater gender equality. These fault lines define the challenges we face when we try to conceptualize and operationalize both equality and liberty for all.

Yet as both civil liberties movements and feminist activism respond to changes in global and local governance structures and developing technological possibilities, new spaces of concern with respect to gender justice and civil liberties are revealed. These include increasing concern about the power of private capital in the lives of citizens around the world, the massive mobilization of government surveillance in the post 9-11 era, neo-liberal agendas which prompt the shrinking of critical welfare state institutions, the systemic racism experienced by many in the multicultural and multiracial states of the West, and dramatic economic inequalities at the local and global levels. In Canada, civil libertarians and organizations, including the CCLA, have expanded their focus dramatically to take on new issues such as the role of non-state actors in limiting freedom of expression, the gendered impacts of calls for secularism in state institutions, and the rise of new surveillance. Likewise, Canadian feminists were pushed by demands that the movement be more inclusive, and by the consequences of earlier feminist activism, to add, for instance, the concerns and issues of criminalized women and to reconsider some of the earlier focus on criminal justice insofar as it was easily co-opted by law and order agendas.

We think that both feminists and civil libertarians perceive the present as a time of particular threat. What possibilities are created by these developments in terms of bringing together Canadian feminists and civil libertarians? Does this offer an opportunity? Can we begin to jointly describe shared concerns, arising in spaces that have not traditionally captured the attention of domestic civil libertarians or feminists? Are there ways to have (localized) agreement over solutions which honour both liberty and equality? Is it possible to describe forms of libertarian feminism or feminist libertarianism that offer possibilities for agreement, collaboration, activism? Are these collaborations merely strategic and opportunistic? If so, is that a problem? Can we develop a theoretical explanation for meetings and cleavages between the movements? Practically speaking, are we ready to have a new conversation, without engaging or resolving the differences and difficulties of the past? Is this a conversation worth having?
This exploratory symposium aims to start this discussion, or to bring together a variety of discussions already happening, with a view to enriching discussions in both communities. To that end, we have invited a variety of scholars and activists to present short pieces which explore the relationship between gender and civil liberties in particular legal contexts. We have also invited commentary to further deepen and expand the discussion. We hope through this meeting to begin to sketch an argument about the place of gender in civil liberties discussions, analytically, doctrinally, and strategically.

**FORMAT**

For this symposium, we have identified five broad areas of civil life in which to explore the issues. We have also set aside one session to consider the theoretical framing of this effort:

- **Framing the Issues: Can There Be Feminist Civil Liberties?**
- **Being Canadian: Immigration, Cultural Difference & Gendered Liberties**
- **Women in Prison: Liberty & Lockdown**
- **Gender, Poverty & Civil Liberties**
- **Our Bodies, Our Liberty: Health, Health Care, & Women’s Liberties**
- **Big Brother: Gendering the Impact of the Surveillance State**

We know we cannot get to everything important, but we hope there is enough here to begin to fill in both details and broad strokes.

For each area we have invited the preparation of a written think piece which will be presented at the symposium and will invite commentary from at least two others, either engaging with the think piece or sketching out other aspects of the theme which could be considered. We look forward to having an engaged discussion about the possibilities and challenges we face going forward. We have space for about 60 people, and we are hoping for a full house. We expect to use the web as a way to continue the conversation going forward. We think that this symposium will be a place to meet, talk, think, engage and perhaps reconceptualize our activism going forward.

We hope to see you.

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00 8-830AM
REGISTRATION/BREAKFAST

01 8:30-9:15AM
WELCOME

PROFESSOR SONIA LAWRENCE, DIRECTOR INSTITUTE FOR FEMINIST LEGAL STUDIES, OSGOODE HALL LAW SCHOOL
SUKANYA PILLAY, EXECUTIVE DIRECTOR AND GENERAL COUNSEL CANADIAN CIVIL LIBERTIES ASSOCIATION

OPENING ADDRESS
DEAN NATHALIE DESROSIERS, DEAN, U OTTAWA

02 9:15-10AM
FRAMING THE ISSUES: CAN THERE BE FEMINIST CIVIL LIBERTIES?

PROF. FAY FARADAY, FARADAY LAW

Moderator    Sonia Lawrence
Comments    Prof. Jamie Cameron, Osgoode Hall Faculty of Law

10AM BREAK
03

1015-1115AM

BEING CANADIAN: IMMIGRATION, CULTURAL DIFFERENCE AND GENDERED LIBERTIES

PROF. ANNA KORTEWEG, UNIVERSITY OF TORONTO

Moderator  Carys Craig, Osgoode Hall Faculty of Law
Comments  Asha Kaushal, UBC
Barb Jackman, Immigration Lawyer

04

1115-1215

WOMEN IN PRISON: LIBERTY & LOCKDOWN

PROF. DEBRA PARKES, UNIVERSITY OF MANITOBA FACULTY OF LAW

Moderator  Kyle Kirkup (University of Toronto, PhD Cand.)
Comments  Breese Davies, Criminal Lawyer
Noa Mendelsohn Aviv, CCLA

05

1215

LUNCH & DISCUSSION

(lunch buffet will continue through session 06)

06

1245-145PM

GENDER, POVERTY & CIVIL LIBERTIES

PROF. JANET MOSHER, OSGOODE HALL LAW SCHOOL

Moderator  Kerri Froc (Queens U, PhD Cand)
Comments  Prof. Claire Mumme, Windsor Faculty of Law
Jackie Esmonde, Staff Lawyer, Income Security Advocacy Clinic
07
145-245PM
OUR BODIES, OUR LIBERTY: HEALTH, HEALTH CARE,
AND WOMEN’S LIBERTIES

PROF. JOANNA ERDMAN, DALHOUSIE UNIVERSITY, SCHULICH SCHOOL
OF LAW

Moderator Cara Zwibel, Director, Fundamental Freedoms Program
CCLA

Comments Joanna Birenbaum, McMurtry Fellow, Osgoode Hall
Faculty of Law
Prof. Roxanne Mykitiuk, Osgoode Hall Faculty of Law

245PM BREAK

08
3-4PM
BIG BROTHER: GENDERING THE IMPACT OF THE
SURVEILLANCE STATE

PROF. JANE BAILEY, U OF OTTAWA

Moderator Kate Sutherland Osgoode Hall Faculty of Law

Comments Prof. Angela Cameron, University of Ottawa Faculty of
Law
Prof. Amanda Glasbeek, York University Socio-Legal
Studies

09
4-430
CLOSING DISCUSSION & LOOKING FORWARD

PROFESSOR SONIA LAWRENCE, DIRECTOR INSTITUTE FOR FEMINIST
LEGAL STUDIES, OSGOODE HALL LAW SCHOOL

CARA ZWIBEL, DIRECTOR, FUNDAMENTAL FREEDOMS PROGRAM,
CANADIAN CIVIL LIBERTIES ASSOCIATION