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Law and Feminism

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Article 3

Law and Feminism: Foreword

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Introduction

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FOREWORD

This special issue of the Osgoode Hall Law Journal presents a group of articles concerned with issues of feminism and the law. Two of these contributions are co-authored (one with a graduate student) and the third represents the combined efforts of seven feminist legal scholars in different parts of Canada. In this way, all three reveal how feminism in the legal academy is often characterized by collaborative and interdisciplinary research, and how these connections may result in new conceptions that push the boundaries of legal knowledge.

The first article, a collaborative effort by women legal scholars in seven different common law schools, situates ideas about the “mainstream” and the “margins” in law school curricula by investigating the current status of “outsider” courses in these Canadian law schools. In its theoretical and empirical analysis, the article asks probing questions about curricular reforms that seem to have resulted in a decline in “feminist” courses, even as the numbers of other “outsider” courses has increased: to what extent should this development be regarded as problematic, particularly in the context of a continuing view of non-traditional courses as “outsiders”? The second article is historical and theoretical in scope; it addresses legal changes relating to poor women (and their children), and the ways in which neo-liberalism has masked the extent to which there has been both continuity and change in their relationships to law. Professors Gavigan and Chunn challenge the dichotomy between women as mothers and as workers, and between the problems of discursive and structural changes, to demonstrate how law has shaped the lives of poor women—both historically and at the present time. Finally, the third article explores, through the literature and in relation to empirical research, how women lawyers who choose to engage in part time work may fall into a “trap.” Drawing on the research they conducted in Australian corporate law firms, Professor Thornton and Ms. Bagust argue that strategies such as flexible work, which were designed to improve the gender profile in the practising profession, may reify conventional understandings of the feminine to the disadvantage of women.

Together, these articles address issues of importance for feminism and law: ideas about feminism and legal education, the role of women as mothers and workers in a neo-liberal context, and the

significance of new arrangements for legal work to “accommodate” the needs of women lawyers. In addition, the book reviews in this volume reflect some aspects of feminism and law. The review of Jean McKenzie Leiper’s *Bar Codes*, a book that examines the experiences of women lawyers in recent years, suggests that workplace norms about fulltime (indeed, overtime) work create problems for women lawyers. More broadly, the review of *The Ursula Franklin Reader* presents the collected views of one of Canada’s leading feminist academic scholars on issues ranging from access to justice to women in the professions. And finally, though less directly related to feminism, this issue of the Osgoode Hall Law Journal includes a review of *Reading the Future? Legal and Ethical Challenges of Predictive Genetic Testing*.

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GUEST EDITOR

