

FAIRLY EQUAL:

Lawyering the Feminist Revolution

By Linda Silver Dranoff

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Wherever we find our greatest obstacles, we often find our greatest opportunities. In *FAIRLY EQUAL: Lawyering the Feminist Revolution*, Linda Silver Dranoff has given us a living history spanning four decades of her own and our uniquely Canadian obstacle race. Dranoff accomplishes this in the form of a personal memoir, not merely as bystander, but as “conscious participant” as stated by Ursula Franklin in the Foreword. She begins in restricted times, where the expectations were that a woman should be content with being wife and mother. It was her father who encouraged her “not to wait”, so at twenty-nine, divorced and a single mother, Dranoff entered law school. The process of achieving articles after the senior partner at her articling firm fired her because he could not bear the constant reminder of his own unprepared inadequacy in court, was a hard experience. But this and other exclusionary experiences taught her that the best place to be was in sole and private practice – with no “boss”, no “firm” to step on her fingers as she climbed the ladder. She took life and law into her own hands. “Don’t wait for permission,” is one of the book’s take-away lessons.

But while Ruth Bader Ginsberg is the subject of documentaries, interviews and millennial adoration, our Canadian Linda Silver Dranoff goes largely uncelebrated. This needs to change. Every father, mother and grandparent thinking about the perfect commencement gift to launch a young woman upon her brilliant career, or at any stage of her journey, should gift this book. For

to pay this gift forward is an act of validation, indeed celebration – not just for the one who receives it, but for the person who gives it. Not surprising that it took Dranoff a decade to write. It is dense with examples of the obstacle race and what it took to run it – almost impossible to summarize or review.

So I think to be fair to *FAIRLY EQUAL* is to give a few examples of what resonated most to me. Dranoff described historic attitudes toward women that undermined the new *Family Law Reform Act*, the goal of which was supposed to have been to achieve fairness for women. She describes how judges exercised their interpretive discretion to ignore clear intention – the equal contribution of men and women to marriage – and prefer an atavistic notion that a husband's business was *his* business and not to be shared. She was counsel on *Leatherdale v. Leatherdale* [1982 2 S.C.R. 743, 30 R.F.L. (2d) 225 (SCC); (1980, 31 O.R. (2d) 141, (1980), 19 R.F.L. (2d) 148 (Ont. C.A.); (1980) 14 R.F.L. (2d) 263 (H.C.J)], where our highest court had a unique opportunity to make a difference in the lives of Mrs. Leatherdale and other women but instead opted to give one quarter, based on some notion of quantum in accordance with “contribution”, where today her entitlement is to one-half. Dranoff's own controversial take-away at the Supreme Court of Canada: “Judges have their own perceptions and opinions, and the power to implement them, and will see the facts in the way that makes the point and proves the case they want to prove.” She was commenting here about then Chief Justice Laskin's picking up his own misconception of her argument.

I was initially discouraged by this. And then I was encouraged, when Dranoff and other advocates stood their ground, steered the course and made the legislation change, again, to more clearly incorporate the concept of equalization.

Dranoff's descriptions of some of her worst cases – the wealthy spouses who turned lawyers and accountants into “hired guns” to find ways and means (like the interposition of Trusts) to get out of sharing with their wives recalled to mind some of my own worst nightmare cases. But whereas I moved to a peacemaker and collaborative private practice, Dranoff remained in the fray, a “lifelong agent of change” and advocacy.

Here is a summary of just some of the issues in which Dranoff participated, wrote about or supported: issues with respect to sexual assault, new reproductive technologies, pension and tax reform, domestic workers, Indigenous women and equality, midwifery, mediation, sexual harassment, product liability issues such as breast implants, protecting equality rights in the era of privatization, immigration, family law issues, violence against women and children, human trafficking, environment, pay equity, women in politics, pregnancy discrimination, daycare, and so much more.

How is it that the work and attendant disappointments didn't destroy her? Dranoff describes that she was sustained by the work that she was able to accomplish, the people she helped over her long career, plus the changes that she was able to bring about and participate with. To quote some of her Aunt Sally's optimisms:

“You mustn't let life defeat you.”

“Let life surprise you.”

For me, the greatest take-away, from the concluding chapter “Over to you”, is the suggestion that *one person really can make a difference*:

[T]he effort to make beneficial change for women often started with an individual or a small group with an idea and determination. In my view, this is how transformations are made. It starts with an individual who has a vision and a commitment to a better world, and it finds a consensus among compatriots on the same wavelength. I encourage those

who follow us to do the same, to never ask, “What can one person do?” but rather to say, “This is what needs doing, and this is what I will do about it.”

It starts with goal-setting. No goal was ever achieved without first being set. Dranoff states this very simply toward the end of the book: “I have made it a goal to ensure that I leave a record of the history of the times in which I participated, and to preserve personal archival materials.” She does so much more than this. She shares with us what she has learned from years as an advocate and activist, from both men and women, and including that we must be wary, vigilant, and proactive to keep the gains, and then achieve more.

In these times, indeed in all times, we have an obligation to remain vigilant, on our toes not to dance backwards, and when we are poised there, to take those steps ever forward. How much better if we accomplish this openly, arm-in-arm with other women in sisterhood, working together so that beneficial change can be sustained.

Linda Silver Dranoff has made us a great gift in this book. So if you can do no more than this, then do this: Go out and get the book and give it to young eyes to read. *I was there. I lived through this. Now see what you can do.*

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