

# **REPORT ON THE THIRD INTERNATIONAL INTERDISCIPLINARY WOMEN'S CONGRESS, July 6 - 10, 1987, Dublin, Ireland**

## **INTRODUCTION**

This past summer, during the week of July 6 through July 10, 1987, several thousand women from all over the globe met in Dublin, Ireland, for the Third International Interdisciplinary Women's Congress. The Congress was hosted jointly by Trinity College and the University of Dublin.

The Congress serves as a forum for scholars and practitioners from a broad range of disciplines to share and explore insights, experiences, research, and issues of significance to women. Over one thousand papers were presented at the Congress under the main headings of:

- Recovering Our Past: History, Ethnology, and Archeology;
- Socialization, Relationships, and Changing Gender Roles;
- Expressing Our Visions: Creativity, Literature and the Arts;
- Language, Meaning and Communication;
- Women and Work;
- Women and the Technological Revolution;
- Power and Leadership;
- Law and Politics;
- Education;
- Women's Studies: Assessment and Development;
- Philosophy and Theory;
- Natural Sciences: Feminist Implications;
- Physical and Mental Health;
- Reproductive Freedom and the Development of Reproductive Technologies;
- Women's Role in Development;
- Refugee and Migrant Women;
- The Feminization of Poverty;
- Religion, Spirituality and the Challenge of Feminist Theology;
- Oppression and Violence;
- The Nuclear Threat: Women, War & Peace;
- Environmental and Ecological Issues;
- Men's Response to the Feminist Challenge; and
- Community Women Workshops.

The Congress was augmented with musical and theatrical events, book fairs, tours of neolithic Irish sites, arts exhibitions, and festivals.

Of the total number of papers presented, there were approximately 356, one third of the total, from the United States (14 from Arizona), 137 from the European Community member states (not counting the 127 from Ireland), 89 from Canada, 59 from Latin American countries, 57 from the Netherlands, 54 from Middle Eastern nations, 53 from Scandinavian countries, 38 from India and Southeast Asia, 30 from Eastern European countries, 22 from African nations, and 13 from Northeastern Asia. Of the papers presented from Mexico, the Caribbean area, and South America, these are a few that were focused on aspects of law:

- **TRANSITION TO DEMOCRACY: WOMEN AND POLITICAL POWER** by Fanny Tabak of the Pontificia Universidade Catolica Do Rio De Janeiro, Women's Studies Center, Brazil;
- **LAW, POLITICS AND POWER** by Lucila M. Diaz Ronner of Argentina;
- **SOCIAL MOVEMENTS—FEMINIST MOVEMENT: THE OVERCOMING OF DIALECTICS** by Marta Cecilia Velez Saldarriaga of Colombia;
- **WOMEN, POLITICAL PARTICIPATION, AND THE PATRIARCHAL DOMINANCE** by Ana Alice Costa of the Universidade Federal da Bahia/NEIM, Brazil;
- **POWER AND LEADERSHIP** by Maria Teresa Miceli Kerbauy of Brazil;
- **STRUGGLE FOR DEMOCRACY IN CHILE: WOMEN'S ROLE** by E. Wanda Herrera, Independent Women's Studies, Chile;
- **WOMEN AND HUMAN RIGHTS** by Maria Eugenia Villarreal of Mexico; and
- **CENTRAL AMERICAN REFUGEES: THE COSTA RICAN CASE STUDY** by Janina Fernandez and Ana Cecilia Escalante, both of Universidad de Costa Rica, Central America.

This report will focus on a few of the papers presented at the Congress, having topics influenced by legal practices, premises, and authority, as well as political, philosophical, and sociological insights which could breathe new life into modern law. The disciplines covered by these papers are by no means exhaustive. The vast scope of research covered and the enormous number of papers delivered at the Congress deserve much more space and coverage than what can be afforded here. The work of the 10 women presented in this report fairly displays some of the major themes and concerns of the Congress.

Kamla Bhasin's keynote speech on "Women and Development" is pertinent and poignant, especially in these times when law school graduates increasingly enter the realms of international commercial

law and trade regulation. Dr. Helen Caldicott spoke on the current state of affairs in the nuclear arms race and its psycho-sexual links, and proposed historical explanations for the arms race and for the underlying U.S./U.S.S.R. animosity. The emerging prospect of women taking responsibility and humanizing the legal and political arena on a global scale was discussed by the Irish keynote speakers, particularly Monica Barnes. Lorraine Code's challenge to traditionally accepted epistemological research is an addition to any discipline based upon reason and knowledge, including jurisprudence. Polly Radosh's sociological research addressed questions in the area of women and criminality in the male-dominated hegemony. Laura X was enlightening on the issue of criminalizing marital rape. Mary Daly, a leading 20th-century philosopher, discussed the language and the world view of the radical feminist.

#### WOMEN AND DEVELOPMENT: Kamla Bhasin<sup>1</sup>

Kamla Bhasin opened her speech with a factory parable by Kali Kumar. In the name of national development, a factory was built near a village. Jobs were promised along with abundance and luxurious items to make life easier. Workers were maimed in accidents at the factory and, in time, the number of maimed workers increased to the point that the sensitive people of the village set up a hospital. They showed pictures of the mutilated and raised money. Soon a rehabilitation center was developed, and then a special fund to support those who could never go back to work, as well as their families. The crux of the parable was that, in the game of development, the villagers did not ask why the accidents occurred (the political question), but rather asked how to provide medical aid.

Bhasin then applied the parable to international trade. She propounded that, when experts talk of Gross National Product (GNP), they are not considering Gross National Happiness. The fundamental concept of development is broad, but the experts reduce it to economics. "Development is to unfold, to discover, to bring out all potentials, to manifest what already existed." But the "experts" are myopically geared to materialism. Women are discussed as producers of goods and services. Bhasin discussed "development" in terms of how it divides the rational and the material, turning the latter into "a new god which will take us to the brink of destruction." Bhasin urged that

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<sup>1</sup>Food and Agricultural Organization (FAO), United Nations, New Dehli, India. Non-governmental work concerning women and agriculture is the central highlight of Kamla Bhasin's career.

women reject this notion as wrong and unethical, as the control of nature and the killing of nature's own ways of working. She described the tragedy of science as "the reduction of absolute values-imperative categories - which leads to the atomization of individuals."

Her experience has taught her that the results of narrow development and of greed for short-term gains include a shortage of food and agricultural poisons distributed by every development agency. She added that independence of the people has been robbed by this notion of development. Problem solving continues in economic terms subsumed by Western knowledge, a "universal rationality." Bhasin discussed the resultant language of DoubleSpeak in a humanity subsumed in terms of economic development. For the planners, "peace" equals war, "progress" results in regression, and "health" results in sickness, forced sterilization, and infanticide.

Bhasin did not exempt women from blame. "We, too, have accepted the separation of poetry and science as we integrate ourselves. Understand development is and must be holistic. [We] must challenge and break through the constructs of the framers and reconstruct our own knowledge. Feminism is a distinct shift in belief."

Bhasin urged the several thousand participants gathered at the Conference to work toward this goal in all aspects of life, to get out of the trap of the "universal" world view and to move towards feminism, closer to reality. She insisted that an activist has to be linked to all kinds of people and needs to be interdisciplinary and multidimensional and that knowledge, unless linked to reality and this hopeful form of development, is irrelevant. For Bhasin, reality is the interdependence of nature, food crops over cash crops, and the life of soil, water, and forests: the only growth is organic growth. "Let our efforts be to unleash the creativity of women worldwide."

She closed her speech with an Indian song, "Breaking the Shackles, the Women Come."

#### NUCLEAR ARMS: Dr. Helen Caldicott<sup>2</sup>

Helen Caldicott spoke about the state of today's international nuclear arms buildup and its political history. For the first part of her speech, she drew a picture of nuclear holocaust based on current scientific evidence predicting radiation, disease, starvation, and unprecedented horror and panic. She included the latest findings

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<sup>2</sup>Founder of *Physicians for Social Responsibility*, parent organization of the Nobel-prize-winning International Physicians Against Nuclear War; author of *Nuclear Madness* (1978) and *Missile Envy* (1984); former professor, Harvard Medical School.

concerning the predicted nuclear winter which will ensue after a global conflagration covers the earth in smoke. After the cloud dissipates and nitric oxide kills the earth's ozone layer, the unfiltered rays of the sun will scorch any unlikely surviving fundamental life.

With this picture in mind, she discussed the likelihood of the occurrence of a nuclear holocaust. About her private meeting with President Reagan she had this to say:

For an hour and a half I checked and corrected every one of his facts. His eyes would glaze over; he had no data. He was profoundly ignorant, as are 97 percent of our politicians. He is scientifically illiterate. He tried to read to me from *Reader's Digest*. He is one of the least intelligent men I've interviewed in 20 years of practice. He is an old man under severe stress. Psychologists and sociologists know how old people decompose under stress. He is 76. You can see him decomposing in front of your eyes. The sad thing is he is still the Commander-In-Chief. He gives speeches promoting trillion-dollar "Star Wars" and programs for first-strike winnable nuclear wars. He is still in control. At six o'clock in the morning I'm not very good. Wake him up at six o'clock and tell him the weapons are on the way; we are in the hands of incompetence.

Caldicott illustrated the Pentagon's ignorance of the fact that war is obsolete. As an example, she said that 80 percent of U.S. warships carry nuclear weapons and an incident at sea could result in global disaster within hours. Reminding us that malfesance is augmented by the grave possibility of mistake, she discussed the fallibility of humans and machines in the system. Each year 3,000 men in charge of nuclear arsenals are discharged because they are on drugs or are alcoholic. Normally it takes 30 minutes for a missile to get from Russia to the United States. In November of 1979, a Pentagon computer made a mistake in finding that the U.S. was under attack. The whole Western world was on red alert, the highest state of emergency. When the mistake was found, we were 20 minutes from nuclear war. This episode showed up in a "little article in the *New York Times* near the obituaries." In 1985, 256 similar mistakes showed up in the warning system, and the numbers increase annually. She added that we don't know the number of similar occurrences in the Soviet Union. Numerous studies have shown that, at times of international tension, there is a greater than 50 percent chance of accidental nuclear war. "Each morning is a miracle. Reagan and Gorbachev only talk because of the peace movement. The movement is 70 percent women in the U.S. It's the same old story."

She focused on the freeze movement, saying the world rose up in support of it. Although 80 percent of the American public supported the freeze movement, she recounted that, after Mondale lost the

presidential election in 1984, the press said the freeze movement was dead. Caldicott went to former U.S. Senator Gary Hart and asked him what went wrong. Hart did a study in which he interviewed 100 senior members of the media and 26 members of the Congress, and studied five years of nightly news. The freeze had gotten excellent press, but when it got to Washington as legislation, the press turned to

the experts . . . Edward Teller, the architect of the arms race and Star Wars. A very eminent psychologist interviewed him the other day and told me the man is clinically paranoid. Reagan talked with Teller before the Star Wars speech. He didn't consult or discuss it with any other national scientist . . . Next the press turned to Harold Brown (President of California Institute of Technology and Secretary of Defense under President Carter), and then to James Schlesinger (Secretary of Defense under President Nixon). Did they turn to me? Or to the leaders of the Freeze? No. For six years, 75-80 percent of the people had supported it. Did they get it? No. Is it a democracy? No.

Caldicott then discussed the thinking behind the arms race and urged women to examine its deep psychosexual component, which is much deeper than we understand. She described how, at "arms bazaars," weapon makers sell their wares and display weapons with girls in bikinis; she reminded us of the Bikini Atoll being split in two by atomic tests. Then she quoted from MX missile launching instructions issued by the Office of Technology Assessment:

The MX can be deployed vertically or horizontally depending on hardness, insertion, and removal time. The transporter must perform missile-raising and -lowering operations with a strong back. Performance might be degraded by shortcomings in hardening. Dormancy increases response time since guidance systems require warm up time to attain their desired accuracy. Myriad problems are caused by body wobble or misalignment uncertainties in the initial position and thrust termination error. The MX can use escort jamming for deep strike missions, active and passive penetration aids, aerosalts, jams, and balloons.

She listed many examples of the use of this type of language and this type of thinking by the Pentagon and by world leaders. Caldicott suggested that a study be done of the language used by the administration and by the Pentagon during the last six years.

Caldicott's main point revolved around questions such as: What is behind the nuclear arms race? Why do Americans hate the Russians so much? What is the propaganda behind the hate? Caldicott's views can be summarized as follows: The 20th century is a period marked by the union movement on the one hand and by the growth of great corporate power and propaganda on the other. Alongside these two opponents has been the growth of democracy. Corporations use

propaganda to identify strong unions and interventionist governments and to associate them with tyranny, oppression, and subversion. Social engineering on a national and international scale then occurs in the guise of "public relations," i.e., corporate communications and economic education. This engineering is not only directed outward but also inward towards employees to destroy the unions. This is called "human relations." Social scientists and psychologists have been employed by corporate powers since the 1940s for this purpose. "Have any of us been used for this? Think about it: employee participation or employee communication? This propaganda has managed the U.S. democracy for the last seventy years."

She outlined three of the most obvious periods of this social engineering. The first was from 1908 to 1920, during and after World War I. The second time was from 1932 to 1950, during the Depression, World War II, and the Roosevelt New Deal up to the McCarthy period, which the propaganda campaign promoted. And the most recent period was from 1968 to 1980. These represent crucial times of democratic threat to Western business.

In her description of the 20th century, anti-communism had nothing to do with Russia. Its purpose was, and is, to deal with socialist and egalitarian risings in the U.S., enhancement of the corporate position, and antipathy toward reforms. She added that one percent of the U.S. population owns 50 percent of the world's wealth, and that 10 percent owns 90 percent of the world's wealth. Threats to "so-called 'free' enterprise" have prompted massive campaigns to convince the country that these movements are un-American and that corporations are America's hope. Tactics including "disinformation" and "indirection of meaning" have been increasingly bombarding the American public since the early 1900s. She claimed the media is still employed and the project permeates down to the children in schools. "Press [members] are handmaidens to the corporations . . . Corporations run our world." She added that the corporation campaign has succeeded in government regulation of business, noting that corporations do not pay taxes. "Government regulates unions and liberalism equals socialism equals communism equals subversion."

Caldicott's view was that corporate propaganda efforts employ the makers of political attitudes with advertising, public polling, and staggering campaign dollar amounts. She said that, although the basic promises are democratic, the U.S. is a totalitarian country and its propaganda is subtle yet powerfully coercive. During the 1960s, reforms were initiated and the sentiment was that people's taxes should be used for the people, but that sentiment was followed by the 1970s ideology that big government is bad.

She told of how, in 1978, representatives of 11 countries met in London for the purpose of "managing democracies" in the interest of free enterprise business. Involved in this summit were such organizations as the Institute of Economic Affairs and the Heritage Foundation. They had worked for the rise of Reagan, Thatcher, and the right wing. Caldicott's description of the agenda of the right wing turned on the nuclear arms race because the Russians cannot be trusted, we cannot get arms control, and we must win a nuclear war. Tax-exempt television shows preaching fundamental Christianity are watched by 90 million Americans. They are: "anti-black, anti-semitic, for woman in the kitchen, pro-life (which ends at birth), pro-capital punishment, for banning books such as *Lady Chatterly's Lover*, and pro-nuclear war. They believe it is the Biblical rapture of Armageddon . . . . The Russians are side excuses to keep the American public in order."

She talked about welfare cuts as a result of corporations bribing and manipulating politics for weapons. "The unit of international commerce now is not oil, but weapons; we have to keep the war going. Look at the Iran scandal insights." She claimed that 90 percent of U.S. foreign aid is used by corporations to build nuclear power plants. Foreign governments are manipulated by multinational corporate interests. What was once a national propaganda campaign in the United States has now become "a seductive 'Coca-Cola' global deculturalization project." She attacked the corporate exportation of war. In Nicaragua, it is basically a health care war, orchestrated by the U.S. Central Intelligence Agency; similarly, El Salvador has killed most of its doctors, nurses, and patients. In the third world, corporations get cheap labor and socialism is a grave threat. Africa and India have nutritional wars. The cheap labor available includes prostitutes to service U.S. military men present to protect free enterprise.

Caldicott listed some of the globally destructive results of profit: a gray haze of hydrocarbons over the earth; vanishing oxygen forests; plastics destroying the ozone; one-third of U.S. underground water polluted; thousands of new, untested chemicals marketed each year; nuclear leaks; waste all over the world, including a third of a ton of plutonium in the Irish Sea; and the recent extinction of over 50,000 species of life. "What do we do? We take over the world: 53 percent of all governments, religions, professions. We work together and reinforce each other with our nurturing instincts," she urged.

She stressed the urgency of these issues by referring to the Bulletin of Atomic Scientist's update on the Doomsday Clock, then at three minutes to Doomsday. She called for a peaceful revolution and civil



disobedience. As a source of inspiration and strength, Caldicott urged those women who have given birth to remember and to embrace that experience.

**WOMEN IN IRELAND: Mary Robinson, Monica Barnes,  
Dr. Margaret MacCurtain, and Ursula Barry<sup>3</sup>**

*Mary Robinson*

Mary Robinson illustrated how Irish law clearly reflects a societal approach to women. The Irish Constitution itself recognizes that the state depends on the value of the woman's life within the home as homemaker.<sup>4</sup> Not surprisingly, there is no divorce in the Irish legal system.<sup>5</sup> She discussed how rights of women are equated with the life of the "child" in the Constitution.<sup>6</sup>

Robinson explained that law is a hidden infrastructure which permeates all aspects of women's lives. The common law, legislature, civil service, legal profession, and the prison system all illustrate how

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<sup>3</sup>All from Ireland. Senator Mary Robinson: member, Dail Seanad (the Irish Senate); Senior Council, Law School, Trinity College, Dublin; barrister. Monica Barnes, T.D.: member of the Irish Parliament; deputy, Finna Gael; barrister. Dr. Margaret MacCurtain: Sister Benvenuta, Prioress, Sion Hill College; Ursula Barry: author; lecturer at the Dublin Institute of Technology; participant, European Economic Community Forecasting and Assessment in the field of Science and Technology.

<sup>4</sup>The Constitution of Ireland, Article 41.2, clause 1 provides:

In particular, the State recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.

Article 41.2, clause 2 provides:

The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

<sup>5</sup>The Constitution of Ireland, Article 41.3, provides:

1. The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.
2. No law shall be enacted providing for the grant of a dissolution of marriage.
3. No person whose marriage has been dissolved under the civil law of any other State but is a subsisting valid marriage under the law for the time being in force within the jurisdiction of the Government and Parliament established by this Constitution shall be capable of contracting a valid marriage within that jurisdiction during the lifetime of the other party to the marriage so dissolved.

<sup>6</sup>The Constitution of Ireland, Article 40.3.3, as amended in 1983, provides: The state acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

deeply law reaches. "The question is, who has been making, interpreting, and enforcing the law. It has been, and is, men. There were no women involved in the drafting of the Constitution or in [the making of] the common law inherited from England." She urged women to scrutinize how this infrastructure has affected women historically.

Robinson expressed that there has been considerable progress, including Ireland's adoption of the concept of work equality from the European Court<sup>7</sup> and the recent ratification of the United Nations Convention On Women.<sup>8</sup> She noted progress in such cases as *McGee v. The Attorney General*<sup>9</sup> and its progeny. However, a setback was the recent *Society for the Prevention of Unborn Children* judgment of the Irish High Court.<sup>10</sup>

Robinson discussed the New Ireland Forum, which was an attempt to create a platform of discussion between the North and South and which included all political parties (except the boycotting Unionists) and many organizations. This quasi-parliamentary session issued a report as to the kind of laws that exist in New Ireland. She urged that New Ireland needs economic integration and criticized the report for its dismissal of political realities in the area of equality. Although she felt that law reforms have been poor, she commended women's organizations and their impact.

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<sup>7</sup>European Economic Community Treaty Article 119, equal pay. Council Directive (75/117/EEC) of February 10, 1975 on the application of the principle of equal pay for men and women. Council Directive (76/207/EEC) of February 9, 1976 on the equal access to employment, vocational training and promotion, and working conditions. Council Directive (79/7/EEC) of December 19, 1978 on the principle of equal treatment for men and women in matters of social security.

<sup>8</sup>United Nations Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 180, 34 GAOR at 193 (1980). Ireland signed the Convention on December 23, 1985, but made reservations on Article 9, paragraph 1 (equal rights with men to acquire, change or retain their nationality) and Article 15, paragraph 4 (equal rights in regarding movement of persons and freedom to choose residence and domicile).

<sup>9</sup>*Mary McGee v. The Attorney General and The Revenue Commissioners*, 1973 I.R. 284. This case is the Irish equivalent of *Griswold v. Connecticut*, 381 U.S. 479 (1965). It establishes the right to use contraceptives based on marital, personal, and privacy rights.

<sup>10</sup>The Attorney General at the Relation of the Society for the Protection of Unborn Children [SPUC], *Ireland, Ltd. v. Open Door Counselling, Ltd. and The Dublin Well-Woman Centre, Ltd.*, 1987 I.L.R.M. 477, holding, "The qualified right to privacy, the rights of association and freedom of expression and the right to disseminate information cannot be invoked to interfere with such a fundamental right, as the right to life of the unborn, which is acknowledged by the Constitution of Ireland."

*Monica Barnes*

The focus of Barnes' message was to encourage women's increasing role in government. She noted that, in 1987, representation in Ireland by women is five of 60 senators and 14 of 166 deputies. "Women coming into politics is not to feminize, but to humanize." Barnes urged that having women in the political system will broaden the values that should be recognized: intuition, creativity, etc. She bemoaned the rule of "pragmatism" and said language, knowledge, experience, and ethics are different for men and women, broad observations which were backed up by the myriad of scrutinizing research papers presented at the Congress.

Focusing on Ireland as an example, she described the Catholic hierarchy as "one of the last bastions to deny equality with no apology or reason except the holy writ of tradition. Too many administrations claim their responsibility from this." She called for a political majority of women, a minimum of 50 percent. "We are not talking in riddles or vacuums, we are scholars, we are interdisciplinary." She envisioned movement from the times "when the disciplines and men stayed separate and wrapped in their own jargons . . . Here at this conference, women are sharing knowledge in the most caring way. Let us never leave our own language, our own direct experience, our way of turning stones over."

Barnes agreed with Robinson's optimistic attitude about Ireland's membership in the European Economic Community because membership brings the country into the 20th century and away from Irish feudalism.

*Dr. Margaret MacCurtain*

In her introduction, Dr. MacCurtain employed Irish mythology. She explained that the earliest symbol of Ireland is still strong with men. That symbol is an old woman who could turn herself into a young girl if a man lay with her. He would then inherit the kingdom. She would rule with him until he died. In the 18th century, when Irish spirit was extinguished, male poets revived her lamenting for a prince to rescue her. Later, William Butler Yeats used her as a *femme fatale*, luring young men to die for her sake. This myth is still dominant in the 20th century and underlies the Irish anthem. "However," she said, "it has little to say about women's lives."

In the international realm, she continued, "the end of the 20th century marks the chasm of haves and have nots, an inescapable

history." One result today is nuclear deterrence and the politics of fear. Echoing the main theme of the Congress, she talked about feminism as a mechanism of change and urged a breakdown of the symbols of one culture to share the realities of another. MacCurtain sadly stated that there has been an abandonment of the feminist cause in Ireland and the North-South question has taken precedence.

MacCurtain aimed at the nation's religious life. She stated that the Catholic church is the dominant institution in Ireland. Ninety percent of the Irish are Catholic and 80 percent are churchgoers. "The relationship of women with the Church is like a young girl who doesn't know her body." The vitality of the Church permeates Irish life with church charities, schools, hospitals, etc. She noted that, in 1860, one year after the famine, one out of 60,000 women were nuns. In 1960, it was one out of 400. "Bishops control the flock; the Church defends its territory, the legitimate government and the territories of abortion, marriage, etc." She continued,

The logic of earthly power is to conserve, to compromise. The logic of the Church is, to oppress, to discipline, to carry the cross. This has little to do with divinity but embraces power and oppression in order to survive. Hence the crusades. Power is an attractive variation of the pleasure principle. The exercise of power and the number of male leaders can substitute for erotic experience. Irish women, then, are to serve.

In her discussion, MacCurtain allied feminist theology and liberation theology with spirituality and networks. Both theologies are speaking to the "non-persons" of the world and are also bridging the North-South gap. Both are addressing inequitable distribution of global and national resources. As an example of the feminization of poverty, she used Ireland, the welfare system, and the Catholic oppression of women's own destinies. "The Church, with male hierarchies, needs to know women expect new rules [turning] away from the ignorant sense of sexual morality."

#### *Ursula Barry*

Barry looked at the division of the country and at the rise of right-wing politics. She argued that Irish strife has divided every movement and that both unstructured countries have relied on excessive emergency legislation for the past 15 years to continue a pattern of women's continued domination.

Barry also described the Irish Republic's church and government as overlapping, particularly as regards women. "In North Ireland the suppression of church is by British rule but the same rule [against

women in the Catholic south] result in economic underdevelopment, unemployment, repressive laws, and an anti-women legislature.”

On the topic of the anti-women legislature in Ireland, Barry asked, “Where did this thinking come from?” Her answer emphasized Irish alliance with the right wing from American conservative theories of fetal rights. She quipped, “The Catholic church was never concerned with rights.” Barry warned of this pro-fetal life theory as a new social control over women.

### THE IMPACT OF FEMINISM ON EPISTEMOLOGY:

Dr. Lorraine Code<sup>11</sup>

With her questions of “Whose knowledge?” and “Why has this question gone unrecognized?”, Lorraine Code challenged the dominant assumptions about the nature of knowledge in Anglo-Western philosophy. She argued that the basic flaw of post-positivist, empiricist epistemology, what she calls “mainstream” epistemology, is its claim of applying a detached, uniform, abstract observation method which can record and relate cognitive experiences purely with no alteration to the subject. These observations are developed into authoritarian sciences which are revered as being value-neutral and capable of “proving” their claims and establishing truths (e.g., the natural sciences, especially physics).

Yet feminists have shown that, behind the mask of objectivity and value-neutrality with which mainstream epistemology presents itself to the world, there is a complex power structure of vested interest, dominance, and subjugation. It is no coincidence that the influence of positivism should be so apparent in the dominant epistemology in industrialized, capitalist societies. Its influence derives significantly from the authoritarian status of science and technology in such societies.

She theorized that the ability to claim that science can lay down provable laws supplies the efficiency and predictability needed by industrialized society and is used to justify the hierarchal system of governance. The objectivist position shuns the “unruly forces of subjectivism, relativism, and irrationality.”

For Code, the fact that knowledge constructed by mainstream epistemology totally ignores the experience of women shows the exclusivity of the epistemologists and raises serious doubts about the validity of the entire discourse. The active exclusion of all other forms

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<sup>11</sup>Department of Philosophy, York University, Ontario, Canada.

of knowledge ensues and the intellectual validity of any other way of observing is rejected, including folk wisdom, intuition, and world views of other cultures and of the other gender.

Code has illustrated the implausibility of mainstream epistemology's "passive, neutral observer." By ignoring what Code calls the "cognitive location" of the knower, "the idea that living in a certain culture, linguistic community, class, race, or gender order might be [a] relevant aspect" of the process is also ignored. Code deferred to the Ruth Hubbard theory that Darwinians found confirmation in nature based upon their own accustomed perceptions of active behavior in organisms as masculine and of passive behavior as feminine. These centric perceptual habits screened out contradictions and led to the conclusion that "science has proved" behavioral differences to be natural in society, including patriarchal domestic arrangements due to inherent female-male differences.

After recognizing the grave problem, Code discussed the task of correction: ". . . the impact of feminism on epistemology is to force an acknowledgment and assessment of human purposes at all levels of enquiry. It does not condemn purposes as such, but it insists on the need to adjudicate amongst them." She agreed with other feminist scholars that [the mainstream] knowledge that is "declared to be universally valid is, in fact, rooted firmly in Western masculine subjectivity."

Yet Code warned of the dangers of exceeding the limits of the relativistic epistemology even though feminism will certainly add a much-needed "mitigated relativism" to knowledge. Declaring a supremacy of emotional methods of knowing, commonly labeled as feminine, will continue to leave women outside.

She warned that radical relativism is also unlikely to yield a helpful discourse. "Concerns will not be put to rest by an assurance that there are many ways of looking at these things, all equally valid . . . that the reality of sexism, class, racial injustices, and women's biological experiences is all in their minds. It would be politically unsound, as well as wrong, to deny that these are realities in an important sense, even if not in the idealized physical science sense."

Code suggested that feminists must opt for the mitigated relativism implicit in the serious question of "Whose knowledge?" This relativism recognizes the "multi-perspectival" quality of knowledge and its links with understanding anthropocentric purposes and complexities. While reductive absolute authority has wide gaps, Code urged that it should not be discarded. "An endorsement of relativism is not tantamount to a denial of realism. These are not necessarily opposed positions." In

Code's vision of feminist influenced epistemology, the observer is as carefully scrutinized as the observed object. That vision adds a shift in political commitment and examines power/knowledge specifically to see how it has been oppressive to women.

In Code's view of "responsible epistemology," the task is to "alter all the terms of the discourse [and] challenge the structures and presuppositions of the entire epistemological project."

#### WOMEN AND THE CRIMINAL JUSTICE SYSTEM IN THE UNITED STATES: Polly F. Radosh<sup>12</sup>

This critical sociological perspective explored research on female offenders, victims, and legal practitioners and on the different treatment, roles, and relationships of men and women in the justice system. Radosh scrutinized common explanations for female crime in an ideologically male hegemony which offers sexual behavioral patterns to define female motivation. She emphasized that a continuing major problem is "treatment strategies aimed at reinforcing traditional value systems which ultimately restrict women's access to the opportunity structure."

Radosh's studies show that female subordination and sexual accessibility, as the bases of victimization of women, are social norms. In comparing prevalent sociological theories of female crime, she deplored the absence of any reference to the class system of opportunities and its social, economic, and structural effects. She listed historically acceptable theories of crime that suggest that women are lower on the biological hierarchy and that freer lifestyles and greater opportunities for women produce psychosexual causation of female criminality. The failure of research to account for social structure has led Radosh to urge a dialectical approach of looking at women's crime, capitalism, class suppression, victimization of women, subdued aspirations of women, fears within the system, and fear of success and rape.

Her studies also reveal that the legal system has failed to regard crime against women seriously. This is linked to the social system's failure to consider the aspirations of women. Radosh disagreed with critics who claim women are advancing. "The fact is that women are grossly under-represented and kept low. Their representation has gone from zero to two percent in the Senate and to five percent in the House.

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<sup>12</sup>Assistant Professor of Sociology, Western Illinois University, U.S.A.

Upward mobility of upper class and white women is token. Statistically the feminization of poverty is on the increase."

In a nutshell, Radosh's Marxian analysis of the topic is to explain means by which crime is defined, to understand class relation, and to understand the system which controls women and is legitimated. She has concluded that "capitalization grows by subordination of women as they are underpaid and oppressed; class status plays a role in that criminals represent the poorer class; [there is a] system of control [in the] permanency of women's place; and the myth that there has been progress, coupled with token representation, increases frustration."

To exemplify her theories, she noted that, since 1980, the rate of incarceration increased most for women while opportunity decreased most for the poorer underclasses in the U.S. Referring to the rate of white-collar crime by women, her study shows that the crime is of a technically petty nature, e.g., welfare fraud. She criticized the fact that correctional institutions do not have the same vocational opportunities for women as for men. Men often learn some trade in the correctional institutions. She stated, "A system is set up that forces women into crime and it collects the poor, lower-class women who have dire economic necessity and anger. Men criminals are from all classes."

#### MARITAL RAPE: Laura X.<sup>13</sup>

The National Clearinghouse on Marital Rape (NCOMR) is an organization of researchers and public educators that collects cases and news across the United States and utilizes media and forums to dispel myths and secrecy about marital rape. The tools include 700 files of legal briefs, legislative and litigative testimony, bills, statutes, law reviews, newspaper clippings, magazine and journal articles, statistics, published and unpublished studies, and letters concerning the issue of marital rape laws.

In its litigation role, the NCOMR successfully campaigned in 1979 to criminalize marital rape in California. NCOMR continues to aid groups in other states in bids for anti-marital rape legislation with organizational help which includes sharing the information amassed. At this time, approximately one-half of the states exempt men from prosecution for raping their wives. New York defined rape as "forced sexual intercourse with a female not the wife of the actor," until the distinction was struck down by the New York Court of Appeals as

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<sup>13</sup>Director, National Clearinghouse on Marital Rape, Berkeley, California, U.S.A.



unconstitutional in 1984.<sup>14</sup> Laura X's research has also unveiled the discovery that the so-called English common law exemption from rape prosecution for husbands was not a 17th-century case decision, but began as a comment in a book by a witch-hanging Chief Justice.

Marital exemptions from penal rape law reflect the prevalent, centuries-old convention that a woman is her husband's chattel. Laura X borrowed the X from Malcolm X, who effectively used it to illustrate how slaves were often given the last name of their masters resulting in non-recognition of them as individuals with identities and with rights of their own. She maintained that this is unchanged today in regards to woman who still bear either their husband's or father's name as stamps of ownership in the patriarchal society.

Countries which currently criminalize marital rape are limited to Belgium, Denmark, Sweden, the USSR, Canada, two Australian states, Nicaragua, and the Virgin Islands. Laura X and NCOMR are currently working with groups in England, South Africa, West Germany, and New Zealand. She states that the issue is not recognized in most countries.

#### RADICAL FEMINISM: Mary Daly<sup>15</sup>

Mary Daly clarified the world view of radical feminism and presented, examined, and created some of the cutting edge of that philosophy. Daly emphasized that radical feminism is so outside the dominant mainstream philosophy and ethic that it is "otherworldliness." She contrasted that view with the worldly results of the conventional works by "maniacal fathers, sons, and holy ghosts" — the modern ecological destruction of air, land, sea, and species. Daly's philosophy stressed that "lust" is an "intense longing, eagerness, enthusiasm" to love the race of woman and the planet. She urged a relinquishment of patriarchal obsessions, the buying of "their things, academia and 'ologies'."

According to Daly, the criteria for a radical feminist are:

1. a profound sense of "otherness" from the patriarchal world and from what she is supposed to be in it;
2. a knowledge of the punishments and sanctions to be endured because she doesn't acquiesce to what she is supposed to be in the patriarchal world;

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<sup>14</sup>People v. Liberia, 64 N.Y.2d 152, 474 N.E.2d 567, 485 N.Y.S.2d 207 (1984).

<sup>15</sup>Professor, Boston College; author of *Beyond God the Father* (1985), *Pure Lust* (1984), and *Gyn/ecology* (1979); Ph.D. in theology, philosophy, and etymology.

3. an experience of outrage on behalf of women, e.g., "my sisters" subjected to foot binding, genital mutilation, witch burning, rape, and butchering by gynecologists; and
4. a constancy of this view, even though it is extremely unpopular.

She reminded the Congress that no religions, or 'isms' (Marxism or unionism) are women-identified.

Her latest project is to expose the patriarchal language by writing a dictionary for women called a *Wickedary*. Words are important; they have great power in shaping perceptions. She explained that women cannot exist with a bifurcated, phallogocentric language. She posited that today we are hearing things in a new way and are declaring that "we have served the fathers long enough." She continued: "Men make no sense [with their] 'ologies', laws, religions, medicines, [and] language." In the academic system they "don't search, they *research* and *recover*, *research* and *recover*, *research* and *recover*," *ad infinitum*. She gave examples of the reversal of reality as it is expressed in modern male-powered language: nuclear "plants," Coke is the "real thing," Ronald Reagan is the "great communicator," the bomb is "super creativeness," the weapons of death are the weapons of life and peace, and "forcible rape" means that benign rape exists. Daly read definitions from the *Wickedary* which combined humor, an artistic expression of feminist world-view, a piercing critique of male logic as revealed in the English language, and definitions which revealed an imaginative, humorous, and piercing logic.

## CONCLUSION

The interdisciplinary theme of the Congress is integral to the overall perspective presented. It is the basis of creating new knowledge and theory, and evaluating the conventional and traditional beliefs of reality, knowledge, and power. Development of laws for the global population of the 21st century will require an interdisciplinary approach with a rigorous ethical awareness.

In the study and practice of international and comparative law, the realities of human existence and its cultural and geographical diversity should be paramount. The past and present laws of the Western World, adopted by much of the third world via imperialist and colonialist residence, are based upon religions, conventions, sciences, and traditions that not only feminists, but also true humanists, must scrutinize. Chief Justice Burger stated, "From the beginning of civilized societies, legislators and judges have acted on various unprovable

assumptions.”<sup>16</sup> Interdisciplinary and cross-cultural knowledge is fundamental to exploring new workable alternatives.

Law is based on knowledge. Lorraine Code asks, “Whose knowledge?” Those of us working in the law must also work with that question. Many of us are likely to be practicing well into the 21st century. Our work will increasingly have global rather than local impacts and influences. As technology races light years ahead of the comprehension of lawmakers, the world of possibilities unfolds with the boom of the information age. Yet laws are anchored in the constructs of reality imposed by the self-serving patriarchs of feudalism and the dark ages, the laws of an oppressor that discount the majority of human reality and need. Feminist knowledge must be added to the formula, a formula that may bring us into an era, unprecedented in Western history, of enlightened jurisprudence that truly breathes of equality and justice.

*Kathleen G. Williamson*



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<sup>16</sup>Paris Adult Theater v. Slaton, 413 U.S. 49 (1973).