

# Interview with Janet Baldwin\*

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JESSICA DAVENPORT, RYAN  
TRAINER

## I. INTRODUCTION AND LAW SCHOOL EXPERIENCE

**Ryan Trainer (RT):** To start, I am going to try to jog your memory a little bit. You studied law at King's College, University of London; why did you decide to study law?

**Janet Baldwin (JB):** In those days, law in England was and still is a first degree, which meant I was very young when I was going to law school and when I started teaching. There was no such thing as career counselling, so it was not that anyone guided me towards law. Certainly it was not in the family. I was interested in debating, and logic, and I thought law would be interesting. In England, unlike here, law was not necessarily seen as a route to practice or not only seen as such. It is in a sense a general formation. I had other interests but many of them seemed less practical, such as linguistics. There were not many women in law school at that time, either as students or faculty, but there were some. I think things had changed on that front earlier in England than in Canada because of the war, with women entering professions that were previously perceived as male occupations. Although there were not many of us, there was a group of us.

**RT:** Since you have agreed to let me test your memory, do you remember how many women were in your class, even a rough estimate?

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\* Interview conducted by Jessica Davenport and Ryan Trainer. Janet Baldwin graduated with an LL.B from the University of London King's College in 1964 and an LL.M from the University of Illinois, after attending the University of Warsaw, Poland, from 1964-66. At the University of Manitoba, she served as a professor (1967-98) and as Associate Dean for four periods between 1982 and 1997, interrupted by maternity leaves. She was a Commissioner (2000) and Chairperson (2001-2007) of the Manitoba Human Rights Commission. She currently serves as Chair of the Hunger and Poverty Awareness Committee of Winnipeg Harvest and is a member of their Board (2008-present).

**JB:** I will take a guess. London University is different from many other universities because it is so very big, even the colleges are big. Now they have thousands in each year of law, but there were certainly hundreds when I was there. I would say somewhere between five and ten percent were women.

**RT:** Certainly more than here.

**JB:** Well, when I began teaching here in 1967, and I only remember three female law students, one in each year.

**RT:** Everyone else we have interviewed for this special issue received his or her law degree in Canada. Some of them went through the apprenticeship model, others through the system as it is now. What was the program like in England at the time?

**JB:** It was very much university-based. Although being in London, there were a lot of prominent members of the Bar who would do at least some teaching at the law faculty, which was harder to do elsewhere in England. One also had a lot more opportunity to go to the courts that were just down the road from where I studied. We did that a lot. But no, it was absolutely university-based.

**RT:** Art Braid<sup>1</sup> spoke in his interview about how the University of Manitoba would, on occasion, receive distinguished members of the British Bar. It must have been something else to have them work just down the street and stop by for lectures with some regularity.

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<sup>1</sup> Arthur Braid, Manitoba Law School and Robson Hall faculty, 1964-2000; Dean, 1994-1999. Currently he is a Senior Scholar. For his interview, please see page 77 of this issue.

**JB:** A lot of them were teachers, including a lot of famous folk, such as Otto Kahn-Freund<sup>2</sup> and Glanville Williams.<sup>3</sup> It was also London in the 60s: cool Britannia. I probably spent more time on that than studying!

**RT:** If five to ten percent of the class were women while you were a student, what were the barriers to more women entering law school?

**JB:** Perceptions and knowledge about discrimination and other issues were really in the early stages at that time. I would have said in terms of going to law school, that it was not so much barriers to entering law school but going to university. There were far fewer places in universities generally. The huge trade-off was that at that time, education was free if one had a scholarship and virtually everyone who was admitted did. But there simply were not as many places. In terms of whether or not one secured a place, my impression (and I should say my understanding of discrimination was not as acute as it later became) would be that it made no difference being female but depended on marks leaving school.

**RT:** It was largely dependent on the school that someone went to?

**JB:** Everything in England depends, to some degree, on which school one went to, not simply the name of the school, but also the quality of the education. I went to a school that was an independent school, so it was not a private school but it had greater independence than other grammar schools. It was a school much like St. John's Ravenscourt or Balmoral Hall. It also had a girls and boys division, which I think has good and bad aspects, but one of the good aspects is that it teaches girls to be assertive.

**RT:** What did you enjoy most of the program at King's College?

**JB:** It is hard to remember how much of the program was optional and how much was not. It was much like early days here. First year was mainly

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<sup>2</sup> Otto Kahn-Freund was called to the Bar in 1936, appointed as a professor of comparative law at the University of Oxford in 1964, and knighted in 1976. He helped to establish labour law as an independent area of legal study.

<sup>3</sup> Glanville Williams was called to the Bar in 1935, and served as a professor at the University of London from 1945 to 1955 and at the University of Cambridge from 1957 to 1978. He is thought to be Britain's foremost scholar on Criminal Law.

mandatory, and the second and third year was mainly optional. Oddly enough, my favourite subject was labour law, which was something I did not really pursue because I left England. I had vague thoughts, not necessarily of going into a typical law practice, but working for some type of organization like the International Labour Organization. It was at the very early days of the common market and those opportunities, while now huge in England, were not there at the time. I was always interested in different legal systems and international work.

**RT:** And you taught Comparative Law, did you not?

**JB:** I have taught Comparative Law and that was my graduate subject. After I left university, I thought it would be quite nice to travel but I did not have the kind of money to do a gap year as people do these days, so the alternative was to choose a subject and get a scholarship to do graduate work somewhere. I was interested in the then Soviet Union but it was hard for law students to go there at the time, not because one was female, (there were in Europe many women lawyers and judges long before England and North America), but because of the subject. I ended up going to Poland, which was, of course, part of the Soviet Bloc. I was interested in comparative law and in particular, comparative economic law. I was interested in how socialist society regulated the economy, which became the topic of my thesis.

**RT:** Was the thesis granted by the University of Illinois?

**JB:** Yes, I went to the University of Illinois, again, partly because I wanted to spend some time in the United States, but in particular there was a professor who specialized in Soviet law, so I became his assistant.

**RT:** I have heard a number of stories about the mid-50s and the discrimination women felt. For example, women would not write exams with men because it was thought that the women would distract the men and it was the most important times of these men's lives. Another story is that women would come in to pay for their tuition and the Dean would tell them only to pay half of their tuition just in case they did not make it past the midterms. Did that sort of thing happen at King's College?

**JB:** No, not when I was student, and not here when I started teaching, at least as far as I was aware. I would have said that to some degree the women did hang out together quite a lot, whether or not they were best friends, because we were a fairly small cohort. The problem with being a student in London is that it is not really a community because there are so many students who are living all over the city. People came in for classes, if they came in at all, because there was not the same sort of culture around attending classes. You had to attend seminars but not the lectures, and the lectures were all over the place in different parts of London. People's schedules varied. There was not a lot of opportunity to interact with anybody other than your own seminar group or those people who eventually became friends.

**RT:** Such a different environment from what it would have been like here, with a small school of roughly thirty students. Winnipeg is a small community and I am sure it felt small.

**JB:** It still does (laughs).

**RT:** Had you considered practice after your first degree?

**JB:** I had not abandoned the idea; I was a member of one of the Inns of Courts—Inner Temple—though I never did finish my Bar exams, as I started living abroad. I had certainly not considered living abroad permanently. I thought I would travel, do graduate work and perhaps work for some type of international organization, but there were not many of those at the time. I assumed I would go back and join the Bar, but life happens.

When I was in Poland, I met my first husband who was also a law student, working on his Ph.D. in Poland in Administrative Law. He very much wanted to leave Poland for political reasons. We had decided that we would try to stay together, and that is actually why we went to the United States to conclude graduate work. He was at Yale while I was in Illinois. During that time, he decided that he really did not want to repeat his legal qualifications, so he switched fields to political studies and spent his career teaching political studies here in Winnipeg. His name was Marek Debicki. This can cause confusion because I used to use the feminised version of his last name; Baldwin is my birth name.

We were in the United States on student visas, which expired after a year and I am not sure either one of us wanted to stay in the States. At the time it was hard for Polish people to immigrate to England, so we decided to come as immigrants to Canada. Canada and the United States used to share lists of their graduate law students who were available for employment, and academic employment was our only option. We arrived here with two dollars. We were each offered jobs in various places, but the best job combination was here. The then Dean of the Faculty of Law, Cliff Edwards, whom I am sure you have heard a lot about, also happened to be from King's College, which I think was one of the reasons my name was picked out for an interview. That is how we came here, knowing absolutely nothing about Canada, or about Winnipeg.

**RT:** It is probably better that way.

**JB:** And I was only twenty-four, a scary time.

## **II. EARLY DAYS AT ROBSON HALL**

**RT:** What were some of your first impressions coming to the Faculty of Law? You arrived at a pretty important time, when the school moved from being a joint venture shared by the Law Society to absolute control resting with the University of Manitoba. Even the location changed as it moved from the Winnipeg Centre Courthouse to the Fort Garry Campus.

**JB:** When I first arrived, the Law School was already legally part of the University of Manitoba, but not physically. So when I arrived I taught in the courthouse downtown which was interesting. I would say my first impression was terror. I was the same age as most of the students who were doing law as a graduate degree or had at least two years undergraduate work. Obviously Canadian law was, maybe more so then, based on the English legal system, so the fundamentals were the same, but I did not know the details of Canadian law. I was effectively teaching in a foreign legal system as a newly married young woman. Really, there was no such thing as mentorship in those days. I was trying to remember how many faculty members there were back then, but my guess is ten to twelve. They were all men, mainly older white men, with one or two nearer my age such as

Cameron Harvey<sup>4</sup>. A few years later, people like Barney Sneiderman<sup>5</sup>, Gerry Nemiroff<sup>6</sup>, and Phil Osborne<sup>7</sup> joined the faculty. In England, if you start teaching in a university, you begin as a lecturer before you gain any sort of professorship. Although I had some legal training, I did not have training for teaching. There was no room at that time for subjects like Comparative Law. The first and second years were mandatory and even third year was not entirely optional. Really, what one taught was what was required. We taught basic subjects, and mine were Contracts and Trusts: both of which I liked as a student. When we arrived, Marek had visa problems because of his nationality, and we ended up arriving just a week before term began. I remember distinctly spending the whole first week preparing for the first lecture. So I had one lecture; I was one day ahead of the class.

**RT:** Hence the feeling of terror.

**JB:** Yes. In terms of the atmosphere of the faculty, the colleagues from that time were, in a rather paternal way, friendly and supportive. There were some very impressive people on the faculty at that time. I am not sure how many of them you have met but, as well as Cliff Edwards<sup>8</sup>, there were people like Dale Gibson<sup>9</sup> and Jack Clarence-Smith<sup>10</sup>, amazingly educated and knowledgeable people. They were supportive in a general, collegial sense but not in any specific sense, not as mentors. At the law courts they did not have enough offices for us, so they had to build three offices on the stairwell, basically just a walled-off section. As I said, among the faculty there was a collegial atmosphere. For example, we all went out for lunch every Friday to talk about law school issues. It happened that there was a professor here on sabbatical from England, Graham Battersby<sup>11</sup>, the year I began. He and his

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<sup>4</sup> Cameron Harvey, Robson Hall faculty, 1966-present, and has been Professor Emeritus since 2006. For his interview, please see page 97 of this issue.

<sup>5</sup> Barney T. Sneiderman, Robson Hall faculty, 1971-2007.

<sup>6</sup> Gerald Nemiroff, Robson Hall faculty, 1968-2008. For his interview, please see page 135 of this issue.

<sup>7</sup> Phil Osborne, Robson Hall faculty, 1971-2012. He is a Senior Scholar.

<sup>8</sup> Cliff Edwards, Dean of Robson Hall 1964-79.

<sup>9</sup> Dale Gibson, Robson Hall faculty, 1959-88, 1990-91, and is Distinguished Professor Emeritus. For his interview, please see page 25 of this issue.

<sup>10</sup> Jack Clarence-Smith, Robson Hall faculty, 1966-70.

<sup>11</sup> Graham Battersby, Robson Hall faculty, 1967-68, 1974-75.

wife had attended the same school as I in England. He had been teaching for six years so he had some experience, not of Canadian law but of teaching, which was supportive. I was the same age as the students rather than most of the faculty. People would not in those days have thought in terms of sexual harassment but there was a sexualized environment. There were very few female students and I was the only female faculty member. I was not the first woman to teach here; there was a part-time professor some time before I came. However, as far as I know, the University of Manitoba was the first common law school to appoint a full-time, female tenure-track faculty member when they appointed me.

In terms of the student climate, on Friday afternoons the students would go out for a beer to places with exotic dancers. One was expected to go along. Beer and Skits, which was eventually abolished, was replete with inappropriate sexual comments. There were comments on faculty evaluations, for example, about my clothes. So it was not exactly what one would label sexual harassment, and certainly not by colleagues, but certainly it was a sexualized atmosphere, though nothing like the “rape culture” we have been hearing about in universities recently.

In regard to attitudes to women, one thing I always did notice was that when I said something in Faculty Council meetings, which was referred to afterwards, it was always “somebody said that.” As a woman, one was always just “somebody.” When there were more women, we were still “somebody” even if it did not matter which “somebody.” There is also a perception that women have no sense of humour. It is the subtle stuff one notices.

**RT:** Art Braid shared a story in his interview about a female colleague in his class who complained on numerous occasions about the degree of sexually discriminatory remarks made by the professors in class and nothing was ever done or said in her support. Eventually she left the law school.

**JB:** There was not the same level of consciousness. The evolution of second-wave feminism happened more in the 1970s. Whether or not my colleagues made those comments in class, I do not know and certainly never heard of it.



**RT:** I read through the *Backhouse Report* and it sounds like the University of Western Ontario at the time was a hostile environment for women.<sup>12</sup>

**JB:** I was a visiting professor there for six months. I also taught at Osgoode Hall. University of Western Ontario had a lot of problems; I think that is where Sheila McIntyre taught at that time and experienced many problems. Connie Backhouse's partner Bruce Feldthusen wrote a paper called *Where the Boys Are*.<sup>13</sup> It is an interesting paper in that regard. I would have described that as a sexist environment, but I was not living in it and I knew the people only casually.

**RT:** In the *Backhouse Report*, Connie shares a story about a female dean at the university who was paid a dean's salary during her first year in the position, but whose pay was cut back during her second year. When she approached the central administration about the reduction in pay, their response was "we assumed that because you are Dean, you were a man and therefore entitled to this salary, but we cannot pay this salary to a woman."

**JB:** I could not comment about salary levels at the time I started. I suspect that there were significant salary differentials, but this was before there was salary disclosure. One would have no way of knowing that unless someone happened to reveal what he or she made. I think I began at something like nine thousand dollars a year, which seemed to me a lot of money as a recent graduate student, so I did not think to try to compare my salary. There are always "explanations" for discrimination and there were examples of practitioners who came in, who I know received a significantly higher salary, which was allegedly justified on the basis of their experience. So it is those kinds of factors that are perceived as justifying salary discrimination. I think it would be much harder to do so now; as you probably know, your current Dean<sup>14</sup> fought very hard for salary equity with her immediate predecessors.

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<sup>12</sup> *Breaking Anonymity: The Chilly Climate for Women Faculty* (Waterloo: Wilfrid Laurier University Press, 1995), 390.

<sup>13</sup> Bruce Feldthusen, "Gender Wars: 'Where The Boys Are'" CJWL (Ottawa: National Association of Women and the Law = Association de la femme et le droit, 1995).

<sup>14</sup> Dean Lorna Turnbull, Robson Hall faculty, 2001-present. Acting Dean, 2010-11; Dean, 2011-2016.

**RT:** Right, and now Freedom of Information Requests and unionization would make this sort of discrimination on faculty extremely difficult.

**JB:** I would say there is always salary discrimination but at the law school today, I hear that it is not on the basis of gender.

**RT:** And I would think today, without doing any sort of calculation, that the number of women on faculty to be fifty percent and probably trending north of there. I want to ask you about a class you began teaching in the 1970s called *Women and the Law*. How is it that you came to teach that class and how common was that sort of class at the time?

**JB:** The University of Manitoba's Faculty of Law was ahead in many ways. I was the first tenure-track female faculty member, for which I think a lot of credit goes to Cliff Edwards. I do not think he hired me because I was female but because I was from the same college, but for him, it would not have been an issue of gender. His tone influenced the tone of the faculty at the time. Another way the University of Manitoba was first was that Mary Jane Mossman<sup>15</sup> from Osgoode Hall, Bev Baines<sup>16</sup> from Queen's, and I developed the first *Women and the Law* course. That is now an out-of-date title for the course and there are several courses under much more appropriate titles. I cannot remember the first year we offered it, but it would have been in the early 1970s. I do not remember if there were any men in that class, but I have the sense that there were. Primarily, it was a group of strong and interesting young women. Credit goes to the University of Manitoba for being one of the first law faculties to introduce such a course.

**RT:** I have heard on numerous occasions that Cliff Edwards supported these types of endeavours. I know that he was quite supportive of the first Canadian conference on *Women in the Law* that was held here in 1975, I believe.

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<sup>15</sup> Mary Jane Mossman graduated from Queen's with an LL.B. and has taught at Osgoode Hall Law School since 1977. She was the Director of the Institute for Feminist Legal Studies.

<sup>16</sup> Beverley Baines graduated from Queen's with an LL.B. and has taught at Queen's University since 2001. She served as Associate Dean of the Faculty of Law from 1994-97 and was the Head of the Department of Gender Studies from 2004-11.

**JB:** I have a vague memory of that conference but I think that the reason is that in the 1970s there was simply an awareness that law was a field open to women and there was an influx of female students. I think Cliff was in that way gender-blind. He was also supportive of me. He appointed me as the law school's delegate to the Canadian Association of Law Teachers and I became the delegate to the then-SSHRCC (Social Sciences and Humanities Research Council of Canada). I was the first female president of that and the first female president of the Canadian Association of Law Teachers. I would say that while he had no role in my becoming president, it was he who encouraged me to become involved in those organizations.

**RT:** Do you remember some of the material you covered in that class? I am curious because the law has changed so dramatically since the 1970s.

**JB:** It is really hard to remember what we covered in those early days. I do remember that one of the subjects we discussed was sex workers and prostitution laws. I remember that clearly because we had a sex worker come in to talk to us during class time. No one really knew what I was teaching, and the students were quite engaged and interested in the topic. Not only did the composition of the law school change with a critical mass of female students, but the curriculum changed fairly rapidly as well. Gradually, second year became more optional and there were a lot more varied courses. When I went on sabbatical a year or two later, the course faded away, although it was later replaced by the variety of courses you have now.

**RT:** Such as *Gender and the Law*, as well as *Sex and Reproduction Rights*.

**JB:** The next full-time, female tenure track appointment was Linda Vincent<sup>17</sup>, and she was hired in 1974. By 1990, there were five full-time women, including myself, and a couple of part-time. As in my student days, it was interesting because although we were very different people, we did stick together.

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<sup>17</sup> Linda Vincent, Robson Hall faculty, 1973-2005.

### III. PEDAGOGY, PURPOSE, AND DIVERSITY

**RT:** I will ask you the same question that I have asked everyone else during this process and it relates to the great debate about law school as an academic study or law school as a trade school for professionals. In support of the academic nature of law school today is that it trains students to engage with the law critically and challenge the law as it is. How much do you think a class like *Women and the Law* changed the law by getting the next generation of lawyers to think differently and turn their minds to the law's shortcomings?

**JB:** Well, one hopes it did. I think the academic approach to basic subjects, as well as the expansion of the curriculum to look at other issues, do make for better lawyers, but then it is not just lawyers who change laws. Society changes, and the feminist movement and the advances made over the years by many minority groups affect change. There is a lot to be said for the "academic approach" in both senses of the teaching methods and the breadth of the curriculum. On the other hand, I think there is absolutely a place for what used to be clinical legal education or what is now called experiential learning. Sarah Lugtig<sup>18</sup>, with whom I worked at the Human Rights Commission, is now leading that program. We are all prisoners of our background and in England, law was very much an academic discipline, so I saw it that way. After being here for a few years, I did do the Manitoba Bar Admissions course and exams and in fact I was counsel to the first all-female law firm in Manitoba formed by Jill Oliver.

My approach has been by virtue of my own formation, a kind of academic approach. I would not denigrate the value of practical and clinical learning, but I do not think that a legal education should be purely to teach people how to function as practising members of the Bar. That can be a part but not all of it. When I was trying to think of the things that were the same and different, then and now, this debate has been going on since I began, the balance between the academic and clinical. There really is a place for both. The basic subjects should be taught in an academic way and all of these wider course offerings are a good thing, but so are the experiential learning tools, such as the clinical courses, the Legal Help Center and Legal Aid Clinic. They all have a place but one should not be at the expense of

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<sup>18</sup> Sarah Lugtig, Robson Hall faculty, 2013-2016.

the other. I gather that the debate that was alive then has re-surfaced again as a result of the Federation of Law Societies report, and I understand they are concerned, not so much with the variety of courses offered but what is happening to the basic courses. The breadth is good but not at the cost of the basic courses. Use of members of the practising Bar, as well as academics, is a good thing but I think the role of the practicing Bar has changed from the time I was here. The practicing lawyers used to teach and develop the clinical courses. Now as I understand it, a lot of practitioners are teaching the basic courses, while the academics are teaching their specialized areas of research. The risk is that the basic subjects are being short-changed.

**RT:** On that note, one criticism that is often levelled against law schools today is that students study only the theory of the basic subjects while never looking at the practical side of it; the classic example being: studying contract law without ever examining a contract. This criticism comes largely from law firms, where they expect a certain level of training they feel is not being provided.

**JB:** And we expected them to do some of that, at least in my day.

**RT:** So it might be the case that the profession is pushing some of their traditional duties back on to law schools. Perhaps they are investing less in training students. Of course, law schools have also seen their budgets cut, so law students are caught in the middle of this, all the while our tuition is likely to rise.

**JB:** I have talked with the Dean about that because she taught Income Tax Law and the number of students who have never filled out an income tax form is substantial. While I am not sure it is part of a tax teacher's duty to show students how to fill out an income tax form, rather than teaching the basics of tax law, nonetheless one hopes they do learn how to fill out a tax form. In fact, what she did was bring her students down to Winnipeg Harvest and had them fill out tax forms for people who are entitled to rebates, which is a fantastic idea. It is a good thing for Winnipeg Harvest and a good thing for students. I would have thought that members of the Bar might be best placed to teach some of the practicalities, but in order to understand them, you need to know the basic analytical framework of contract law, for example.

**RT:** I think the Winnipeg Harvest example you just brought up is where law schools can more effectively bridge the divide. There is an enormous opportunity in third year to provide skill development and training while fulfilling a greater social need. As mentioned, there are clinical opportunities that exist currently but I think there is a demand for more. Given the increased costs of litigation and legal services and the dramatic increase in self-represented individuals, there is an opportunity for third year students to provide services to an underserved population in the way the Legal Help Centre does. Of course, it would require significant help from the legal community to help.

**JB:** I think the Bar here is better than in larger provinces such as Ontario for supporting these sorts of activities. The problem, as always, is of funding. Who will fund the Legal Help Centre? Again, I would have thought the basic subjects teach the analytical framework, and the Bar should teach the actual nuts and bolts of law, much of which is based on copying precedent. I think that the debate continues but the context has changed. The Bar Admission course has changed since I was involved because then they did a lot more practical training. Another thing that has changed a lot is the nature of research. When I began teaching, there were very few Canadian materials. A lot of research time was spent developing Canadian teaching materials. Now, of course, those are largely in place and so research can take on more diverse subjects and be far more aligned with the interests of the particular professor.

**RT:** It must have been exciting to be here while those materials were being developed, writing textbooks as Canadian jurisprudence was really developing.

**JB:** It was very interesting. Another factor that has changed everything is technology: it has changed teaching methods and research methods, and perhaps impacts on the questions as to what extent should the law school be teaching practicalities, which can often be found online.

**RT:** Which is the driving force as to why law firms are deciding to do away with their libraries.

**JB:** Right, and that is a different world for me because most of the time I was teaching, it was all library research.

**RT:** Before leaving the discussion of legal education, we have talked today about how there has been an increase in the representation of women in law schools, both in a teaching capacity and as students. What has been slower to change has been an increase in the diversity of students; law schools, or at least Robson Hall, are still overwhelmingly white.

**JB:** And pretty able bodied.

**RT:** Right, how do you think the law school can address diversification so that the profession better represents the community?

**JB:** I agree with you that law schools in general are rather homogeneous. The law school that has done the best on this is the University of Windsor, which has inclusive admission policies. Again, the University of Manitoba has done better than some, certainly in regard to women in particular coming into the law school, as faculty and students. I think a problem in regard to diversity has been with some faculty members who consider themselves liberal. They subscribe to the ideas of merit and excellence, and equality, but equality in the formal sense that you let in the best students and those are the students with the best marks, and an inability to understand notions of substantive equality and systemic barriers. I remember some vicious debates in the 1980s when the then Dean was trying to develop the academic support program. Some on faculty argued that no one should receive special consideration, meaning we should not take account of people's special life circumstances, such as residential school background. However, there has to be an understanding of what substantive equality means. It means not just a limited individual consideration admissions category whatever the percentage, not just a limited Aboriginal admissions program whatever the percentage, but an admissions program like Windsor's that is entirely based on individual considerations. That sort of change is required, practically in the admissions, process and philosophically, a different viewpoint.

**RT:** And that is just to get in.

**JB:** Of course, you obviously need to have support systems in place and mentorship programs and so on. It is also important to have role models on faculty.

**RT:** I would imagine there needs to be outreach programs to make students from less privileged communities aware that law school is attainable. Too much of the law school is made up of children of a certain social class and that has a limiting factor in the evolution of Canadian jurisprudence.

**JB:** Again, it comes down to which school you went to, to even have a chance of success.

Another issue for women in legal education is the balance between family, work, and education.

In the 1990s, I became Chair of the University President's Advisory Council on Women and Chair of the Women's Secretariat where I became more involved with the situation of women in general in the university. There was a human rights complaint laid against the four Manitoba universities about discrimination against women, particularly in terms of salary. It was eventually settled but it took a lot of years and a lot of policies, such as employment equity and sexual harassment policies.

#### **IV. HUMAN RIGHTS COMMISSION**

**RT:** In 1999, you took early retirement and became Chair of the Manitoba Human Rights Commission. How did that opportunity come up, what drew you to it, and what was most enjoyable about it?

**JB:** I do not know how the opportunity came up because appointments to provincial boards and commissions are a rather mysterious process. I became Chair after being on the Commission for only a year. Again, it was scary, but scary at that later stage in life is not as bad as when you are twenty-four. I obviously had some knowledge of the *Charter*<sup>19</sup> and human rights law in general, but it was a steep learning curve that I enjoyed immensely. I enjoyed the people I worked with, all of whom were exceptional. I liked very much the way we worked, which was a team approach between the staff and

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<sup>19</sup> *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.



board, where there is mandated diversity. My Vice-Chair was Aboriginal and he became the Chair after me. It was very different from the way one works as a university teacher, predominantly in isolation, and sometimes in fierce competition. It was absolutely a different working atmosphere, predominantly, though not exclusively, female. The other thing I liked about the Commission was that we dealt with actual cases and policy, a combination of the practical and the academic. Working on policy, which is what I do with Winnipeg Harvest, can be extremely frustrating because the speed of change is glacial, so it was good to feel that you could in fact make some decisions on individual cases, one hopes rightly.

**RT:** You were there when gay marriage was before the commission.

**JB:** Yes! The Manitoba cases were decided while I was Chair of the Commission. It was one of the primary focuses of the work we were doing. As you know, discrimination on the basis of sexual orientation was included on the [Human Rights] Code but gender identity was not, so we worked on that. We also recommended the inclusion of discrimination on the basis of socio-economic disadvantage, which was passed, twelve years later! That is what I meant about the speed of change. I think that the issues that come to the fore change. Not that the issues are ever fully resolved, such as discrimination against women, but there are still so many other issues. The same could be said of LGBTQ issues. Some would say that they are resolved now because of the judicial and legislative changes, but of course that is also not true and homophobia is still very much part of our society. But the focus changes from time to time. After I left, it became very much about Aboriginal children with disabilities, and it is good that it changes.

**RT:** It is an area of the law that protects values that Canadians identify with. I think Canadians often point to our human rights law to demonstrate who we are as a nation. I imagine it is exciting to work in a field where you can be at the forefront of change, working alongside community groups and others.

**JB:** Yes. I think that Canada has very good laws in place but it is important to remember that legal change does not always coincide with social change, not only in Canada but everywhere.

**RT:** Janet, thanks so much, we really appreciate you doing this. I know that even in retirement you keep a busy schedule working with Winnipeg Harvest.

**JB:** The progress of my life has been not to work less hard, but for less and less money to the point of costing me money to do the work I like to do.