

Chapter 8

Law, Equality, and Entrepreneurship Through a Gendered Lens: Bridging the Gap Between Academia, Legislature, and Politics

Shubha Sandill
York University, Canada

ABSTRACT

An insurmountable amount of great research being done in academia rarely gets transformed into laws and policies. This can be attributed to the disconnect between academia, law/policymakers, and decision-making tables. A three-pronged approach to bridge the gap between academic scholarship, grassroots advocacy, and political activism could be instrumental in impacting socio-legal and policy reforms. Gender, as a social construct, has intersected since time immemorial with the way law and society have been organized. Law, as a hegemonic collection of practices and processes, has actively perpetuated a particular social order that did not go far enough in matching lived realities. This chapter begins with the author's efforts to examine family law and social inequality through a gendered lens by exploring marriage, divorce, and family entrepreneurship. It further outlines the ongoing debates about gender vs. diversity mainstreaming in policy realms. Lastly, it concludes with how these experiences drove the author's passion for grassroots advocacy, which finally led the author to political activism.

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INTRODUCTION

Three decades ago, during my day-to-day struggles as a female entrepreneur who was trying to run both a household and multiple family businesses, after stepping aside from my academic career, I frequently questioned my situation. Coming from an Urban Geography background, little did I know back then that such feminist theories existed in academia in Gender Feminist and Women's studies and social science academic circles. What seemed like mere thoughts about my own situation were in fact part of a larger feminist analysis already taught in classrooms and discussed in seminars across universities all over the globe. This to me is the power of feminism - how far have we come, how much more we still have to achieve in terms of family law and public policy realms, and how little we have acknowledged about the power of feminist potential in a global context. These are the true marvels of this discourse and its ever-ameliorative work.

Feminism is a global word, with the innate power to prompt conversation, promote education, and redefine broad amounts of discussion. However, do these feminist theories and academic research actually impact women's daily lives by bringing us the much-needed evidence-based legislative and policy reforms? How often do these extraordinary amounts of academic research-based outcomes actually reach the decision-making tables and get transformed into laws and policies? The answer came in various forms as I further explored certain lived realities through my own research about married women's property rights in the history of Western family law, and the current Canadian family law regimes as they relate to women in family entrepreneurship upon marital breakdown.

"Behind every successful man, there is a woman." So goes the age-old adage of the male-female relationship, repeated time and again to describe perhaps a much larger symbolism of the role that women have been expected to play as wives and within the larger success of the family. Yet how many times has the problematic nature of this statement been questioned, either by the law or by academia in general? How much credit have women been truly given, be it to the extent of financial compensation or even through legal recognition of title and status, within the context of a successful family entrepreneurship? Behind that apparently successful man, what was the extent of that woman's contribution, and has history in fact silenced these ultimately invisible contributions in continuing the hierarchy of gender norms and family structure? Taking both a feminist perspective, as well as a socio-legal approach to the family court system in Canada, I explored the "invisible women" in the history of marriage, divorce and family entrepreneurship.

I explored three main structural elements for these topics. My first aim was to examine and review literature from feminist entrepreneurial studies that addressed the paid/unpaid labour and the official/unofficial role that women play in family

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