YEMAYA

Sydney University Law Society Women's Journal Issue 7

METAMORPHOSES

YEMAYA 2012 ISSUE 7 METAMORPHOSES

EDITOR-IN-CHIEF Erin Stewart | Nigela Houghton

EDITORS Alyssa Kim | Anita Connors | Kristina Rhee | Mimi Lu | Nadia Deeb | Neha Kasbekar | Sheila Monaghan | Tara Gazzard

CREATIVE DIRECTORS Oliver Maruda | Alistair Stephenson

FRONT COVER *Our Hands That Still Perform*, 2012 (Cotton strand, metallic thread and hand-dyed fabric embroidered on cotton silk) Helen Liu

PUBLISHER

Sydney University Law Society
Sydney Law School, New Law School Building
Eastern Avenue, Camperdown Campus
The University of Sydney, NSW 2006

+61 2 9351 0204
www.suls.org.au

RECOGNITION The editors of *Yemaya* acknowledge the original owners and custodians of this land, the Gadigal people of the Eora nation.

DISCLAIMER The views expressed herein are those of the individual authors and artists and do not necessarily represent the views of the *Yemaya* editorial board or the Sydney University Law Society.

COPYRIGHT The editorial board, individual authors and artists retain copyright of their work.

ISSN 1838-9635 | Legal deposit held at the National Library of Australia

ABOUT *Yemaya* is the Sydney University Law Society's interdisciplinary women's journal. It has been published annually since 2006 under the auspices of the Women's Portfolio with the generous sponsorship of King & Wood Mallesons and this year has had a print run of 300 copies. This issue was launched on 23 August 2012 by The Honourable Justice Julie Ward.

Marianna Leishman The name *Yemaya* refers to the African-Yoruban, Afro-Brasilian and Afro-Caribbean Goddess of the Ocean, whose waters broke and created a flood that created the oceans. While she can be destructive and violent, *Yemaya* is primarily known for her compassion, protection and water magic. Often depicted in the form of a mermaid, and worshipped as a moon goddess in the Haitian Vodou, *Yemaya* is also known as Queen of Witches, the Constantly Coming Woman, the Womb of Creation and *Stella Maris* (Star of the Sea). Associated with female mysteries, fertility, childbirth and shipwreck survivors, it is said that new springs of water appear whenever she turns over in sleep. In Cuba, she is referred to as *Yemaya Olokun*, who can only be seen in dreams, and her name is a contraction of *Yey Omo Eja*: Mother Whose Children are the Fish. Canonised as the Virgin Mary, and appearing as river goddess *Emanjah* in Trinidad, *Yemaya* rules the sea, the moon, dreams, secrets, wisdom, fresh water and the collective unconscious. In Brazil, crowds gather on the beach of Bahia to celebrate Candalaria: a Candomble ceremony on 31 December. Candles are lit on the beach while votive boats made from flowers and letters are thrown into the sea for Yemaya to wash away their sorrows.

SPECIAL THANKS Natalie Stafford-Smith, Mitch Barrecca and Sam Garner from King & Wood Mallesons

FOREWORD

Change (whether for good or bad) is nothing new. Marcus Aurelius, writing in Meditations, ix.19, said:

> Everything is in a state of metamorphosis. Thou Thyself are in everlasting change and in corruption to correspond; so is the whole universe.

Therefore, the fact that the central theme of this year's *Yemaya* journal is an exploration of metamorphoses might well lead one to observe that "Plus ça change, plus c'est la meme chose". However, while the concept of change is not new, the context in which change occurs (or in which change is advocated) is not immutable.

The word metamorphosis conjures up for me images of butterflies emerging from the chrysalis or the mystery of the fabled alchemists of the past. The contents of this year's journal do not disappoint in this regard. They explore the concept of metamorphosis from various perspectives (from legendary mermaids of the sea to present day transformations).

Attention is focussed on circumstances that are unique in the present day and age (such as the modern phenomenon of sexting) as well as on circumstances where the need for change has been recognised for some time, but where change has not perhaps gone as far as required. Particularly apposite in a journal produced by law students is the call for affirmative action to promote equal employment opportunities for women in the legal profession – a topical issue given the theme of the thought leadership project adopted by the immediate past president of the Law Society.

I commend to the reader this thought provoking collection of articles, photographs, artwork and poetry, in which recognition is given to women who have been the instruments of change and to those who point to areas in which change is needed. I congratulate the editorial committee on their vision and the contributors on their focus.

The Honourable Justice Julie Ward

'Metamorphoses 3'
Rosalind McKelvey-Bunting

CONTENTS

Photograph: Nick David

Editorial

Metamorphosis, the central theme to this journal, has seemed to run along two intertwining threads.

First, metamorphosis and change is inevitable. Some of our writers explore metamorphoses in nature and over the lifespan. Metamorphosis is the changing of the seasons, the tides of the oceans, the transition from birth to adulthood, and death, and in the meantime, creating, learning, and finding one's identity.

The other thread explored is more charged and political. Metamorphosis is revolutionary – about creating a more just society. Whether the changes sought are in the way women are positioned in the workforce, the way we criminalise them, and the way we interact with our global neighbours, our writers seek a path forward to enact change. Even if change is inevitable, metamorphoses of these kinds require a push. In this journal, writers ask for reform and to counteract the tendency to inertly let the change wash over us.

At the time of producing this issue seven of Yemaya, we are in the midst of a changing time for women globally.

We were recently witness to the London Olympics, which saw more women represented on the international stage than ever. The athletes included two Saudi women, the first Saudi women to ever march in the Opening Ceremony. Elsewhere, slowly but surely, there is a growing presence of women in influential roles in politics, business, universities, and the legal profession. Yet, the effects of the global recession are still lingering, and many working-class women have been the first to see a pay cut or lose a position. Moreover, the US has seen a major threat to women's reproductive rights across a number of conservative states. And still in many parts of the world (including Australia), women experience forced prostitution and sex trafficking, domestic violence, and sexual assault. Change is perennially on the lips of people fighting for women's rights.

I would like to thank the editorial team for all of their hard work in piecing together this journal, the contributors for sharing with us their thoughts, stories, and opinions, as well as the SULS Publications Officer, Blythe Dingwall. Special thanks should be given to Nigela Houghton, the Women's Officer of SULS. This journal is a testament to her hard work and organisation.

Erin Stewart

The Legend of the Mermaids of the Sea

해녀

Meaghan Lynch

... Once upon a time, on an island far, far away, there lived a group of magical sea women known as 'Haenyeo.' They had extraordinary powers, including the ability to hold their breaths for a very long time. They could dive deep down to the bottom of sea and collect all kinds of shells, crustaceans and seaweed. The sea women had other wonderful powers too: they were mothers, sisters, grandmothers and wives.

The Haenyeo were able to earn handsome incomes by selling the seafood they collected. As a result, they soon became renowned for their magical powers. The inhabitants of the island respected their strength, courage and leadership abilities.

tOne day, the island became threatened by a foreign invasion. The sea women rose up to organise a resistance movement against the exploitation of their island and the imperilment of their profession. Their exceptional bravery, determination and strength encouraged others to join them. The Haenyeo also canvassed for their rights to work and their access to adequate compensation for their maritime harvests. These were milestone achievements at a time when very few women worked on this island far, far away.

As the women grew older and wiser, they retained their magical powers. The Haenyeo became known as the protectors and 'Mothers of the Sea' by islanders, and remain, to this day, to watch over the island and inspire women everywhere to fight for what they believe in, in a happily ever after kind of way...

Surprisingly, this apparent folktale featuring mythical mermaids is not fiction at all. Haenyeo divers are real life heroines who have led, inspired, and protected South Korea's tropical Cheju-do (Jeju Island) for centuries. Their determined pursuit of this unique and dangerous profession constitutes a largely overlooked part of 20th century Korean history: the true story of how a magnificent group of women quietly strove towards breaking down gender roles and defending women's rights in a predominantly patriarchal society.

These Korean 'sea women,' Haenyeo, are remarkable individuals who have struggled to reverse traditional gender roles for decades. The most notable example occurred in the 1930s. As Jeju Island abounds in natural resources, agriculture, farming and fishing have traditionally been profitable industries for its inhabitants. The Haenyeo began diving for shells, octopus, abalone and seaweed as a way of gaining additional income for their families by bypassing the new tax laws imposed upon the Jeju fishermen in the early 1900s. As the demand and price of seafood increased, female divers became the main income earners for their households. This phenomenon was unprecedented in the 1920s and 1930s, a time when most women did not work, let alone provide financially for their large, extended families. While women were out diving for 10-12 hours per day, the men became the homemakers and the child-rearers.

Working provided the Haenyeo with a unique sense of independence, self-respect and camaraderie with fellow divers.[1] This achievement, however, did not come without a price. The female divers would leave their families daily at dawn, diving from sunrise till the pitch black night, throughout steamy hot summers and icy cold winters, risking shark attacks, jellyfish stings and death by drowning.

The lyrics from a Haenyeo folk song, 'going back and forth to hell, with a casket on my back'[2] paint a far less idyllic picture of the daily reality of the Haenyeo than the idealised national myth they became.

Outfitted with basic goggles and weighted vests, carrying nets and weeding hoes, the women dived deep into the sea day in and day out, hoping to fill their nets and their children's stomachs. They could free dive up to 20 meters and could hold their breath for up to 3 minutes.[3] The only traces each left on the sea's surface was a floating buoy and the occasional splash from a fin.

Tales of the courageous work of the Haenyeo spread quickly, and the women of the sea earned an important place in Korean society. The women, many of whom were over 60 years of age,[4] were treated with the upmost respect throughout the island community. The unique, tight-knit group of working females grew even closer by the lifelong friendships that blossomed as they shared equipment, and chatted and exchanged stories around the warm fires during their breaks. The Haenyeo became the true heart and soul of the island.

But during the Joseon Dynasty in the early 1900s, the female divers encountered a threat perhaps even greater than the perfidious sea.[5] As part of the 'Kanghwado Pact' entered into between the Joseon Dynasty and Japan, both countries were to allow fishermen and divers to enter their own territorial waters to catch fish and collect shells with impunity.[6] Due to testing submersibles,[7] this agreement was not bilateral: the increasingly crowded and more dangerous diving locations jeopardised the livelihood of the Haenyeo.

The Haenyeo's grievances became aggravated when the Japanese appointed a male broker who abused the female divers.[8] The women demanded a response from the authorities . They were unsuccessful because the authorities treated them dismissively and sided with the broker. Embodied with true fighting spirit and determination, they refused to let this setback deter them; rather, they were inspired to take stronger action against the injustice. Jeju's Diving Fisheries Federation Board colluded with Japanese colonialists to exploit the female divers further by forcing them to pay license fees to dive and pay mandatory fees to join diving associations.[9] The Board directed Haenyeo to pay commissions, costs and other charges and formed a monopoly on the sale of fish and shells. The Board increased licensing fees but decreased fees paid for abalone and shellfish.[10]

This exploitation of human rights, including the right to work and the right to profit, was the final straw for the Haenyeo. They formed a united front and led one of the only female resistance movements during Jeju's resistance to the colonial Japanese takeover in the early 1930s. Their revolt against the heavily influenced Japanese Board alerted islanders to the oppression the Japanese were inflicting on the island. Inspired by their fighting spirits and determination to redressing the injustice committed against their profession, the Jeju community slowly began to support the Haenyeo in their resistance movement. Ultimately, the united protest was effective and the women regained their rights. The revolt was not entirely peaceful though, and it has been reported that several of the Haenyeo were arrested and even subjected to police brutality.[11] Such adversities were insufficient to intimidate the women of the sea, who also spearheaded Jeju's resistance to Japanese colonial rule. They organised up to 240 demonstrations and allegedly rallied 17,000 people to fight for the cause of Korean freedom.?[12] Under their capable leadership, the islanders' rights were defended and the island re-secured as Korean territory.

Thus, a powerful group of fearless women changed and shaped the female experience on a small island in South Korea. While the profession of female divers dwindled over time due to the dangerous, unglamorous nature of the work, and as a result of more women receiving higher education, the spirit of the Haenyeo and their legend will live forever and inspire many future generations.

Photographs: Brian Miller

Endnotes:

1 Jeju Special Self-Governing Province, *Jeju's Female Divers Today* (2007) <http://english.jeju.go.kr/index.php/contents/culture-nature/samda/women/haenyeo/today>.
2 Korean Tourism Organization, *Jeju Haenyeo Museum* (2010) <http://english.jejusamda.com/?category=F/?category=F> .
3 Maria Visconti, *Jeju Island: A League of Their Own* (2009) <http://travelinsider.qantas.com.au/jeju_island_south_korea.htm> .
4 Jeju Special Self-Governing Province, *Jeju's Female Divers Today* (2007) <http://english.jeju.go.kr/index.php/contents/culture-nature/samda/women/haenyeo/today>.
5 Jeju Special Self-Governing Province, *The Reasons for the Outbreak: Jeju Women Divers' Protest Movements* (2007) <http://english.jejusamda.com/?category=F/?category=F>
6 Ibid.
7 Ibid.
8 Ibid.
9 Ibid.
10 Ibid.
11 Jeju Samda Museum, *The Crackdown on Those Involved and the Following Resistance* (2004) <http://english.jejusamda.com/common/c_dataView.php?id=F04020300&lang=_eng>.
12 Brian Miller, *The Village Across the Sea: Jeju Island* (Unesco 2010), 16.

my Life as a Robot

PIP ABBOTT

It's hard to say when I first realised I wasn't human. Today, it seems to be something that I always knew, but of course, this isn't true. The realisation was gradual, almost like condensation on a window: you don't even notice the first drops of moisture, but then it's completely white and you can no longer see through. That's how it was for me, I guess, discovering I was a robot.

I don't know if other people also know that I am a robot. I hope not. Otherwise, what is the point of carrying on pretending to be something that I am not? Sometimes I speak to people and they say things that catch me off guard. Things that I think only people who know I am a robot would say. Perhaps, though, I am being a little paranoid. I do worry that I will slip up, that I will be revealed for that sham that I am.

Everything I do, I say, I feel: I analyse, I replay, I dissect. At first I only did this after the act, the word, the feeling. But recently I have begun analysing the event simultaneously to its occurrence. This means that I become partially removed from the situation. It has become impossible to act natural or to go with the flow. The effort of social interaction while my mind is elsewhere is exhausting.

I think I have a virus. There are too many programs running without the right operating system. I'm overloading and it will not be long before the whole system breaks down. When that happens, the pretence will be over.

Sometimes, I wish for the end, for the truth to be out for the entire world to see. Other times, I pray that I can keep holding on and living a lie.

Photograph: Eliza Grant

Equality for women

Anna Chen

I. INTRODUCTION

At the heart of every discipline of feminism lies the desire to achieve 'equality for women'. Nevertheless, feminists often diverge as to the meaning and the means of achieving this objective. The earliest feminist movement began in the 1970s, which fought strongly for legal equality, due to the heavy influence of classical liberalism, and believed optimistically that the state was able to improve women's social position.[1] Women wanted equality of respect, opportunity and consideration of interests.[2] In short, they sought equal rights to men. However, this traditional approach failed to achieve the desired feminist outcomes,[3] which set the stage for the next wave of feminism.

Accordingly, an influential theory of radical feminism has emerged which has a radical outlook on the issue of gender inequality and the strategies one should adopt to improve the overall position of women. In short, Carol Gilligan contends that what is entrenched in the rule of law, and society in general, is the *male* standard.[4] Against this background, this essay aims to examine this feminist theory and assess whether, given the increasing presence of women in some of the highest positions in politics, law and business and women's considerable cultural and social impacts, there is still more to be done in the name of 'equality for women'.

II. RELATIONAL FEMNISM: GILLIGAN

Relational feminism is developed from the empirical study undertaken by Carol Gilligan, a Harvard educational psychologist.[5] At the outset, Gilligan asserts that women and men have different perceptions of morality. Her empirical research reveals that women and men frequently diverge in their process of problem solving.[6] Men readily employ abstract and impartial reasoning, whilst women are more responsive, with an emphasis on context and relationships.[7] From these tendencies, Gilligan concludes that there are two sets of ethics: the ethic of care, which reflects the morality of women, and the ethic of justice, which embodies the morality of men.

The ethic of care favours the concepts of relationship, emotion, cooperation, empathy and responsibility.[8] Accordingly, the moral domain of women is characteristically more contextual, connected and responsible. The ethic of justice prefers the notions of separation, universality, rationality, equality, individuality, autonomy and liberty.[9] Men are thus depicted as abstract thinkers, defined by their individual achievements. The differences originate not from birth, but from the identity formation process of a person as he or she matures.[10] As a result of MacKinnon's criticism,[11] Gilligan also draws a distinction between the *feminine* ethic of care and the *feminist* ethic of care. The former conceptualises 'care' in terms of special obligations and interpersonal relationships involving selflessness and self-sacrifice, being separated from the outer realm of justice.[12] In contrast, the feminist ethic of care premises primarily on the notion of 'connection', as humans are social beings defined by their *relations* with society.[13]

In this respect, Gilligan differs significantly from some of her followers because she sees neither ethic as superior to the other.[14] The feminist ethic of care regards the ethics of care and justice as *relational*. They designate, respectively, the presence and absence of a *connection* between the self and others. The ethic of care embraces positive relationships and the ethic of justice speaks of negative relationships. Justice and care are not the dire opposites of each other, with justice uncaring and care unjust, but stand for different modes of moral judgement.[15] Hence, the integration of the two ethics represents the most sophisticated form of morality.

Relational feminism builds on this theory and incorporates it into the feminist movement.[16] 'Equality for women', under this branch of reasoning, supports the expression of women's own voice. Since men have dominated the theories of morality, the female perspective is often considered less developed and sophisticated and forced to assimilate within societal structures. As such, equality entails the development of a new voice in politics, law, business and society to augment the existing patriarchal standard.[17] Relevantly, the strength of this theory lies in its recognition and appreciation of values traditionally associated with women as an *equally valid* perspective and thereby responds best to women's *distinctive* needs.[18] The care perspective, which enshrines female values, becomes instrumental in transforming unfavourable social conditions.[19] Accordingly, the feminist ethic envisages a new social order predicated on an alternative model of human relationships.[20]

III. THE RULE OF LAW

Under liberalism, the rule of law encompasses a system of norms, and is neutral, abstract, elevated and supreme.[21] In modern Western societies, it is a source of legitimacy.[22] Legal justice obeys the rule of law most unequivocally, and enforces and protects the rights of *all* individuals against the state.[23] By nature, the law is pervasive and influential in our society. For feminists, it is often a key mechanism through which crucial changes are initially channelled.

However, notwithstanding the 'noble' appeal in the concept of universality, Gilligan still sees fundamental flaws in the rule of law. The relational jurisprudence contends that the concepts of universality, abstraction and rationality, upheld by legal justice, are derived entirely from the ethic of justice, that is, the male standard.[24] This masculine construct within liberal legalism is now deep-seated in the law of Australia.[25] The core conception of 'impartiality' abstracts the self from all interests and relationships and undervalues the role of social networks in the formation of human identity.[26] This existing paradigm then forces women to think from, and adopt, the morality of men.[27] In fact, women's often dismiss their own voice as 'stupid'.[28] The present public-private dichotomy in liberal legalism also corresponds to the distinction between justice and care, where the exclusion of the care ethic directly rejects an important standpoint of morality.[29]

In particular, a fundamental area that relational feminists see as problematic is the legal subject ('the reasonable person') invoked in many areas of law, such as contracts and torts. It represents the law's understanding of humanity, which unsurprisingly resembles the masculine self: abstract and rational, as divorced from the web of relationships.[30] The gender-neutralised benchmark however, obscures its masculinity.[31] Overall, the systematic ignorance of personal circumstances means that the law, as it is, would fail to address the particularities of women's social reality.[32]

As the existing patriarchal structure does not accommodate the female perspective, women's social reality can only be effectively remedied through a fundamental change of the law and the legal system.[33] Importantly, the law ought to incorporate the ethic of care and adopt a contextualised approach and relational reasoning.[34] Relational feminists aspire for a legal system, which emphasises trust, care, empathy and conciliation.[35]

For instance, in abortion law, instead of viewing the issue solely as one of competing rights of the mother and the foetus as separate beings, the care perspective also looks at the connection between the two.[36] The latter always asks whether it is responsible or careless to extend or end a particular connection. For the 'reasonable person', there is perhaps a need to identify a distinct female constitutive element and construct a sexually differentiated legal subject to account for differences.[37] Once implemented, the ethic of care should transform the legal system into a more humane order.

Notably, the adoption of a relational voice does not necessitate the abandonment of the principles of equality and rights.[38] As abovementioned, the feminist ethic would require both ethics to operate in the legal system. Justice and care should be expressed in relational terms, and rights and responsibilities should be integrated in law.[39] The rule of justice can protect a person from violence, oppression and other unjust use of unequal power, as it recognises that some disconnections are inevitable to protect the self from harm.[40] On the contrary, the rule of care requires the building and maintenance of positive relations with others in appropriate situations.[41] The ability to combine both perspectives signifies maturity, which our legal system currently lacks.[42] In the existing legal order, we simply know what the 'right' thing to do is, but not the contextual aspects of a given dilemma. In contrast, a more balanced judgement requires the application of universal values within the context of specific needs.[43]

Ideally, women's suppression and inequality are best dealt with by considering and sanctioning the female morality in law. However, as the existing legal system adheres most dutifully to the rule of law, and is thereby resistant to radical changes, there is still much room for further progress in the rise of the feminist voice.

IV. BEYOND THE LAW: POLITICS, ECONOMICS, SOCIETY AND CULTURE

For Gilligan, the political, economic, social and cultural institutions are also important avenues where the relational voice should transpire. She believes that many current institutions would benefit from hearing the voice of women.[44] Indeed, a true democratic society should encourage women to freely express their thoughts.[45] Most importantly, the acquisition of power by women through

> "...the systematic ignorance of personal circumstances means that the law, as it is, would fail to address the particularities of women's social reality."

higher positions in politics and business translates into the acquisition of influence. This then allows the morality of care – the suppressed perspective – to surface and resonate in society. Fortunately, attempts have been made to bring women's concerns to the public arena over all kinds of relationships.[46]

Within many businesses however, while men no longer exclusively control them, the existing corporate regimes are still characterised by the masculine version of the self. The patriarchal culture, preferring the male management style, the separation of accountability and abstract rules, poses a huge barrier against women's entry into senior management.[47] The 'liberal individual', who best suits the role of a director, exhibits qualities that correspond to the male moral orientation, namely, to be autonomous, confident, self-interested, aggressive and controlling.[48] On the other hand, the feminist moral orientation has been systematically devalued in the judicial description of directors.[49] With the economic and political dominance of corporations, such elevation of the justice morality and desertion of the care morality continues to perpetuate women's disadvantaged position in society.[50]

In this respect, it is important to emphasise that it is not only the gaining of power positions, which achieves 'equality for women'. Women who occupy these positions *must* utilise and make known the feminist ethic of care. However, female figures such as Penny Wong are often seen as aggressive and tough, a style which conforms to the male norm.[51] Often, women who can enter senior ranks need to appear as, if not more, masculine as their male counterparts.[52] As such, the 'need' to adhere to the justice-oriented reasoning and image, within political and corporate environments, represents a strong form of resistance against any hope of improvements in women's social position.

Undoubtedly, the above observations suggest that the existing institutions and social structure still await fundamental transformation, before 'equality for women' can be attained to the absolute satisfaction of Gilligan and relational feminists.

V. CONCLUSION

Radical feminism has fundamentally challenged the way traditional feminist scholars have conceived the issue of 'equality for women'. Radical feminists, such as Gilligan, delve much deeper into the underlying social conditions and seek much more than just legal rights.[53] As directed by their theories, we must contest and reorient our understanding of the rule of law, the liberal state and the role they play in society.[54]

Relevantly, there remain, in our society, enduring gendered weaknesses, which relational feminists would readily expose. First and foremost, the rule of law, which permeates existing legal, political, economic and social institutions, secretly upholds the male norm. Gilligan perceives the law as the embodiment of the male-oriented ethic of justice, and neglecting the female-oriented ethic of care. As such, her theory seeks radical changes of the law, as shown in this essay, which we have yet to witness. Secondly, beyond the law, we must enhance a woman's self-respect and ability to alter the present institutional arrangements within politics, business, society and culture.[55]

Ultimately, the object of Gilligan is the emergence and recognition of the relational voice. Where women in power positions and their influence in society and culture fail to produce results that meet the goals of relational feminism, 'equality for women' would likely remain a continuing cause for the radical feminist movement.

Endnotes:

1 Adelaide Villmoare, 'Review Section Symposium Feminist Jurisprudence; Feminist Jurisprudence and Political Vision' (1999) 24 *Law and Social Inquiry* 443, 444-5, 451, 461.
2 Herma Hill Kay, 'Equality and Difference: The Case of Pregnancy', 36.
3 Villmoare, above n 1, 462.
4 Ibid, 444-5.
5 Bohler-Muller, 'What the Equality Courts can Learn from Gilligan's Ethic of Care: A Novel Approach' (2000) 16(4) *South African Journal on Human Rights* 623, 626.
6 Ibid.
7 Margaret Moore, 'The Ethics of Care and Justice' (1999) 20 *Women and Politics* 1, 2; Joan Williams, 'Deconstructing Gender', 48.
8 Maria Drakopoulou, 'The Ethic of Care, Female Subjectivity and Feminist Legal Scholarship' (2000) *Feminist Legal Studies* 199, 203, 205; Bohler-Muller, above n 5, 627; Williams, above n 7, 44.
9 Drakopoulou, above n 8, 205; Williams, above n 13, 44.
10 Carol Gilligan, 'Hearing the Difference: Theorizing Connection' (1995) 10 *Hypatia* 120, LST, 103.
11 Catharine MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Harvard University Press, Cambridge 1987), LST, 87.
12 Gilligan, above n 10, 102.
13 Ibid 103.
14 Williams, above n 7, 49
15 Bohler-Muller, above n 5, 626.
16 Leslie Goldstein, 'Can This Marriage Be Saved? Feminist Public Policy and Feminist Jurisprudence', 28.
17 Gilligan, above n 10, 104.
18 Deborah Rhode, 'Feminist Critical Theories', 598.
19 Williams, above n 7, 49; Drakopoulou, above n 8, 211.
20 Drakopoulou, above n 8, 205.
21 Roberto Unger, *Law in Modern Society* (New York, The Free Press, 1976), LST, 1; Catherine MacKinnon, 'Toward Feminist Jurisprudence', 611.
22 Robin West, 'Re-imagining Justice' (2002) 14 *Yale Journal of Law and Feminism* 333, 334; MacKinnon, above n 21, 610.
23 West, above n 22, 334-5, 338.
24 Katherine Hall, 'The Interior Design of Corporate Law: Why Theory is Vital to the Development of Corporate Law in Australia' (1996) 7 *Australian Journal of Corporate Law* 1, 2, 8.
25 Ibid, 3.
26 Gilligan, above n 10, 102; Moore, above n 7, 2; Rhode, above n 18, 599; Goldstein, above n 16, 28.
27 Gilligan, above n 10, 102; Bohler-Muller, above n 5, 633.
28 Marianne Schnall, Interview with Carol Gilligan (Women, Power & Peace Conference, 8 July 2008)
29 Rhode, above n 18, 601; Moore, above n 7, 20.
30 Drakopoulou, above n 8, 211.
31 Hall, above n 24, 8.
32 Drakopoulou, above n 8, 212.
33 Villmoare, above n 1, 454; Drakopoulou, above n 8, 209.
34 Drakopoulou, above n 8, 213 .
35 Rhode, above n 18, 601.
36 Ibid, 627; Moore, above n 7, 4.
37 Drakopoulou, above n 8, 212.
38 Ibid, 216.
39 Moore, above n 7, 2, 13; Williams, above n 7, 47, 49.
40 Gilligan, above n 10, 104.
41 Ibid.
42 Moore, above n 7, 4; Ann Scales, 'The Emergence of Feminist Jurisprudence: An Essay', 98.
43 Drakopoulou, above n 8, 216 .
44 Williams, above n 7, 80.
45 Gilligan, above n 10, 104.
46 Ibid, 103.
47 Simon Chesterman, 'Gender Ltd: Why Aren't More Women on the Boards of Australia's Top 100 Listed Companies? (1996) 14 *Company and Securities Law Journal* 352, 358; Leonie Lamont, 'Gender equality faces a physical barrier', *Sydney Morning Herald* (Sydney), 15 October 2011.
48 Sonya Ballinger, 'Women and the Public' (1998) 9 *Australian Journal of Corporate Law* 81, 83, 92.
49 Ibid, 83.
50 Hall, above n 24, 11; Ballinger, above n 48, 92.
51 Susie O'Brien, 'Wong's resolve sits unwell with sexists', *The Advertiser* (Adelaide), 3 June 2011.
52 Chesterman, above n 47, 357.
53 Villmoare, above n 1, 453, 459-60; Rhode, above n 18, 599.
54 Villmoare, above n 1, 447.
55

Photograph: Nick David

Photograph: Nick David

Provocation

the 'Abuse-Excuse' for Men

Claire Mainsbridge

Should a man who slits his wife's throat with a box cutter due to alleged feelings of 'desperation' really be exempt from unqualified condemnation? The NSW legislature and courts certainly believe so. Indeed, on 7 June this year, Chamanjot Singh was acquitted of murder and received a mere six year sentence by the NSW Supreme Court after the jury accepted that the above circumstances would provoke an ordinary man to lose control and form an intention to kill or inflict grievous bodily harm. A month later on the 11 July, Joachim Won, who brutally stabbed a man after discovering him in bed with his wife, was also found not guilty of murder on the grounds of provocation. These contentious verdicts have prompted an inquiry by the NSW Parliament into the defence of provocation, a move that many see as long overdue. Indeed, the NSW legislature can no longer continue to pay lip service to women's rights and violence against women while continuing to defend such an anachronistic, gender-biased defence. If the law is to be applicable to the 21st Century in which it operates, it is crucial that it change.

I. Men killing intimate female partners

Under the Crimes Act 1900 (NSW) section 23, where an act or omission causing death is done in circumstances of provocation (that is, a loss of self-control induced by the conduct of the deceased), the jury shall acquit the accused of murder and find the accused guilty of manslaughter. A report published by the Judicial Commission of NSW on the use of the provocation defence in NSW from 1990 to 2004 found that women are more likely to rely on the defence in response to a history of physical abuse, whereas men typically raise it in circumstances where they allege to have been insulted or humiliated by their partners' infidelities or threats to leave.[1] While such exculpatory narratives may have been accepted in an age when men frequently bore arms in response to affronts to their honour,[2] this is completely anomalous in today's society that sees individuals enjoy a previously unmatched level of personal security and the decline of masculine sexual aggression.[3]

The most common argument in favour of the defence is that those who kill in a state of provocation are 'undeserving' of the stigma of 'murderer'.[4] However, this ignores the reality of systematic patriarchal besmirchment of the female victims. Failing to truly condemn domestic homicide offenders is to fortify an even worse and insidious stigma, that of the 'deviant', 'taunting, unfaithful or departing woman who deserves to die'.[5]

The ways in which the modern doctrine of provocation endorses gender-bias are many. Firstly, unlike other defences, provocation promotes an oxymoronic standard of 'reasonableness' that hinges upon the atypical and unacceptable responses of the 'ordinary person'.[6] Indeed, many thousands of relationships end in insults, or with suspicions of unfaithfulness, but it is only in truly extraordinary cases that men will lash out and kill. Yet the law continues to perpetuate misogynistic tales of 'passion and betrayal' rather than showing these situations for what they often are, an individual unable to cope with the breakdown of their relationship.[7]

Secondly, as the defence rests solely on the behaviour of the voiceless, *deceased* victim, these fictional narratives, once played out in the 'performance' of the courtroom are invariably transformed into 'fact'.[8] The recent *Singh* case is illustrative of this; the victim's sister, Jaspreet Kaur criticises the legal system as she believes her brother-in-law had lied when he told the jury her sister had been unfaithful. She says, 'They believed it [but] they did not have any proof, they didn't show anything in the court'.[9] Singh's wife's mobile was checked for calls involving her alleged lover, but police found nothing.

> Neglecting to reform the law of provocation in NSW is to re-inscribe the stigma of female subservience and support, rather than deter, the reality of systematic patriarchal violence.

Lastly, the historical basis of the provocation doctrine lies on the fundamentally flawed assumption that people are enslaved by their emotional states. It is true that there may be certain instances where people are prone to lose control out of anger, but people are not *pre-programmed* to act in such a manner.[10] This is especially pertinent in the case of male retaliatory anger where violence against women is often 'a deliberate and conscious process', intended to gain compliance and control.[11]

Neglecting to reform the law of provocation in NSW is to re-inscribe the stigma of female subservience and support, rather than deter, the reality of systematic patriarchal violence. Whilst it may be true that male offenders who kill in domestic violence settings are less likely to succeed, the reality is men are *still* killing women; in 2004/05, there were 66 intimate partner homicides in Australia, representing 20% of all homicides in Australia.[13] When one considers this alongside the disquieting fact that the average person is prone to tolerate violence inspired by jealousy,[14] it is imperative that the law harnesses its proper educative function and protect unflinchingly the sanctity of human life.[15]

II. Battered women

A secondary effect of the law of provocation is that it produces socially harmful effects for battered women. As law academic J. Greene suggests, 'Society cannot justly insist on giving full weight to its own concerns with preserving human life...when these are counterbalanced by society's placement of defendants at high risk of being provoked to kill.'[16] With overcrowded and underfunded shelters, sporadic enforcement of protective orders, increases in plea-bargaining and discretionary sentencing, battered women are often left bereft of any adequate legal protection and support.[17]

In recent years attempts have been made to open provocation's jurisdiction for battered women, these include recognising fear as a motivating factor in *Van Der Hoek v The Queen*;[18] the removal of the 'suddenness' requirement from NSW legislation;[19] and the recognition of 'cumulative provocation' in *R v Chhay*.[20] However, these improvements do not ameliorate the substance of the problem. Significantly, fear produced by years of domestic abuse often creates an 'enduring underlying state' that is wholly incompatible to the 'eruptive moment' of violence which is envisaged by the law in relation to provocation.[21] Moreover, despite the recent removal of the 'suddenness' requirement in the defence as a substantive rule, it may still be taken into account evidentially in the assessment of whether or not the accused lost self-control.[22] According to a recent NSW study, there has in fact been no increase in the number of women successfully using the defence following the principle laid out in Chhay.[23] Male retaliatory anger therefore remains the continuing leitmotif of provocation.[24]

As provocation is fundamentally conceptualized as an *excuse* for losing control, the defence does not assist women who kill as a *justified* response to imminent danger.[25] The Model Criminal Code Officers Committee notes that by forcing these women to mould their experiences into a category of distinct male epistemology, their circumstances become completely divorced from reality.[26] To meet the 'objective notion of ordinariness',[27] many women adduce evidence of 'battered woman syndrome'.[28] However, as legal scholar Caroline Ramsey notes, this can often lead to women being depicted as mentally abnormal, passive victims, rather than rational actors whose behaviour is founded in their social (not psychological) context.[29] Moreover, as Justice Kirby suggests, battered woman syndrome 'is based largely on the experiences of Caucasian women of a particular social background',[30] and excludes the experiences of Aboriginal and other minority women whom researchers believe may be more likely to fight back in these circumstances.[31]

III. Minority groups

Not only does the objective test of provocation compound social stigmatization for battered women, it is equally as discriminatory for cultural and minority groups. The NSW legislation provides little guidance in relation to legally permissible types of provocation aside from '*any conduct* of the deceased'.[32] Accordingly jury decisions are ripe for value-laden, prejudicial judgments. Similarly, the often grave circumstances faced by certain ethnic minorities may not be appreciated by a dominantly Anglo-Celtic jury.[33] The fact that an accused's cultural background is not recognized as affecting the ordinary person's power of self-control, is often regarded as an inequality before the law.[34] Conversely, too great a sensitivity to cultural diversity can be equally discriminatory.[35] For example, in *R v Khan* the jury decided a mere six year sentence was appropriate after being advised to consider the defendant's Muslim background as an extenuating factor in the unrestrained stabbing of his wife. Such a decision perpetuates simplistic assumptions about the inevitably regressive nature of Muslim cultures by ignoring the rights of Islamic women.[37]

IV. Reform

With these evident social ramifications it is a wonder why this spectacularly misogynistic defence remains in place in NSW; Western Australia, Tasmania and Victoria have all recently abolished it. Victoria has even introduced reforms to clarify the self-defence plea along with legislative guidance on the relevance of domestic violence evidence in order to make the defence more amenable to battered women. And across the Tasman Sea, the New Zealand Law Commission has also recommended its abolition.

Crucially, if the provocation defence was abolished, any relating evidence could be taken into account for a murder charge instead. Of course, a more progressive argument would see an unmodified abolition without any chance of provocation rearing its ugly head during sentencing.[38] Yet for the widespread resistors to its abolition, relocating provocation to the sentencing stage could be an adequate halfway point. At best, this move would act towards dispelling the myth that the defence is necessary. It would also involve the community by raising a discussion about the stigma of the label of 'murderer.'[39] It should not be forgotten that the label 'murderer' is in itself just a word. The New Zealand Law Commission put it aptly when they stated that the true stigma arises from the perceived *circumstances* of the crime, not from the label attached to the crime.[40] Those who kill in circumstances of mercy killing, for example, are doubtless regarded more sympathetically by society despite being convicted of murder.[41] Moreover, if circumstances of provocation were to become a matter of sentencing discretion in murder trials, there would arguably be greater community acceptance: and arguably the public outrage that followed the *Ramage* case[42] in Victoria or the recent cases of *Singh*[43] and *Wong*[44] in NSW could arguably have been avoided.

In addition to abolishing provocation, another positive step would be to provide judges with definitive sentencing guidelines, like those introduced in the UK in 2005[45] and recently proposed by the Sentencing Advisory Council in Victoria.[46] These would provide judicial assistance by encouraging enhanced consistency and allowing the public to be more fully informed as to why provocation may be considered a mitigating factor.

At the same time, the law cannot be the sole domain for change. We must also address the societal bedrock of the problem. This may include school programs for young people to raise community awareness and provide individuals with tools to break the intergenerational cycle of violence, as well as government campaigns to educate against violence and a focus on income maintenance, housing, women's health and childcare in the communities most effected. There also needs to be increased police support, especially in Indigenous areas where histories of forced government strategies, police insensitivity, and chronically dire housing, education and healthcare opportunities have created the conditions in which domestic violence have flourished.[47]

V. Conclusion

The partial defence of provocation is a socially regressive message that is no longer tenable in our modern society. Not only does it devalue women, but, in the limited circumstances in which the defence is actually available to battered women, it attaches marks of dysfunctionality and mental abnormality to women who have suffered years of abuse.[48] It is clear that this defence deserves its much-needed abolition. Such a development would not only be welcomed but, in an age where tolerance of violence against women has seen a marked decline, it is ultimately inevitable. We should not have to wait for another sickening provocation case in which a woman has lost her life to hit the newspapers for this to be recognised.

Photograph: Nick David

Endnotes:

1 Judicial Commission of NSW, *Partial Defences to Murder in NSW 1990-2004* (2006).
2 *DPP v Camplin* [1978] AC 705, 713-14 (Lord Diplock).
3 Ian Leader-Elliot, 'Passion and Insurrection in the Law of Sexual Provocation' in Naffme Ngaire and Owens Rosemary (eds) *Sexing the Subject of Law* (LBC Information Services, 1997) 149, 157.
4 New South Wales, Partial Defences to Murder: Provocation and Infanticide, Law Reform Commission Report 83 (1997).
5 Adrian Howe, 'Provocation in Crisis - Law's Passion at the Crossroads? New Directions for Feminist Strategists' (2004) 21 *Australian Feminist Law Journal* 53, 57.
6 Ian Leader-Elliot, 'Sex, Race and Provocation: In Defence of Stingel' (1996) 20 *Criminal Law Journal* 72, 87.
7 Susan Edwards, 'Anger and Fear as Justifiable Preludes for Loss of Self-Control' (2010) 74 Journal of Criminal Law 223, 231.
8 Graeme Coss, 'Provocation, Law Reform and the Media Syndrome' (2004) 28 Crim LJ 133.
9 Paul Bibby, 'Victim's sister hits out as box-cutter killer jailed for six years', *The Sydney Morning Herald* (online), 7 June 2012, <http://www.smh.com.au/nsw/victims-sister-hits-out-as-boxcutter-killer-jailed-for-six-years-20120607-1zxkx.html, >
10 Neal, L. & Bagaric, M 'Provocation: The Ongoing Subservience of Principle to Tradition' (2003) 67, *Journal of Criminal Law* 237, 247.
11 Victorian Law Reform Commission, Defences to Homicide, Report 94 (2004), 28.
12 Howe, n 5; Law Reform Commission of Victoria, Defences to Homicide Final Report, No 40 (1991) 164, 165, 167–168.
13 Lenny Roth, 'Provocation and Self-defence in Intimate Partner and Homophobic Homicides' (Briefing Paper No 03, Parliamentary Library, Parliament of NSW, 2007).
14 Goss, above n 8.
15 *Leonard v R* [1999] NSWSC 510, 15, (Sully J).
16 Greene, J 'A Provocation Defence for Women Who Kill?' (1989) 12 *Adelaide Law Review* 145, 146.
17 Mugford J, Mugford S & Easteal P W, 'Social Justice, Public Perceptions, and Spouse Assault in Australia' (1989), 16 Social Justice, 103, 118; Carolyn B Ramsey, 'Provoking Change: Comparative Insights on Feminist Homocide Law Reform', (2010) 100 (1) Journal of Criminal Law, 26.
18 (1986) 161 CLR 158, 166-167 (Mason J).
19 Crimes Act 1900 (NSW) s 23(2)(b).
20 (1994) 72 A Crim R 1.
21 Edwards, above n 7, 228.
22 Model Criminal Code Officers Committee (MCCOC) 'Fatal Offences Against the Person' (Research Discussion Paper, Chapter 5, 1998), 89.
23 Judicial Commission of NSW, above n 1.
24 Edwards, above n 7, 228.
25 MCCOC, above n 24, 93.
26 Ibid.
27 Stingel (1990) 171 CLR 312; Masciantonio (1995) 183 CLR 58; Moffa (1977) 138 CLR 601.
28 Ramsey, above n 17.
29 Ibid, 23.
30 Osland v. R (1998) 197 CLR 316, 372-73 (Kirby, J).
31 Ramsey, above n 17, 34.
32 Crimes Act 1900 (NSW) s 23(2)(a).
33 Pasquale S, 'Provocation And The Homosexual Advance Defence: The Deployment Of Culture As A Defence Strategy', [2002] Melbourne University Law Review 6; Crimes Act 1900 (NSW) s 23(2)(a)-(b).
34 Masciantonio v The Queen (1995) 183 CLR 58, 74 (McHugh J).
35 Ian Leader Elliot, 'Sex Ethnicity Power of Self Control and Provocation Revisited' (1996) 18 Sydney Law Review 304-322.
36 (1996) 86 A Crim R 552.
37 Pasquale, above n 336.
38 Howe, above n 5, 65.
39 New South Wales, Partial Defences to Murder: Provocation and Infanticide, above n 4.
40 New Zealand Law Reform Commission, Some Criminal Defences with Particular Reference to Battered Defendants Report No 73 (2001), 40.
41 New Zealand Law Commission (NZLC), The Partial Defence of Provocation, Report No 98 (2007), 105.
42 [2004] VSC 508.
43 K Fitzgibbon, 'Legal loophole protecting violent men: why the defence of provocation needs to change' The Conversation (online) 23 July 2012, http://theconversation.edu.au/legal-loophole-protecting-violent-men-why-the-defence-of-provocation-needs-to-change-7957.
44 Horin, Adele, 'Out-of-step excuse is no defence', Sydney Morning Herald (online), July 14 2012 http://m.smh.com.au/opinion/politics/outofstep-excuse-is-no-defence-20120713-2210t.html
45 Sentencing Council UK, 'Sentencing Guidelines', <www.sentencing-guidelines.gov.uk/guidelines/council/final.html>.
46 Freiberg, A & Stewart, F, 'Provocation in Sentencing' (Research Report Second Edition, Sentencing Advisory Council, 2009).
47 Australian Institute of Criminology, Meeting the Needs of Victims of Crime (2009) (http://www.aic.gov.au/events/aic%20upcoming%20events/2011/~/media/conferences/2011-victim/victim_program.pdf).
48

(Opposite Page)
Photograph: Lanelle Lee Chin

Nautilus

Kate Farrell

The ebb and ebb
of feeble folk
carpeted by Time,
creaking flaws beneath
brittle bone but with pearl
strings fastened around, that splendid
spawn of sea, smoothed and worn
both antiques and wearer
fish-born.

Woven cheeks and
threadbare skulls
wispy with dead delight.
Adorning chairs and beds
awaiting the calamitous pour
of tea, weak, and tablet, white,
to eke today from them,
those helpless hominids
with crumble pie in each dentured maw.

The clack of bauble
snickers pity for its old mollusk
and the clock parades their memories
like photo luminescent plankton
wobbling on the wall.

Atop the crocheted collar, it rests,
a paragon of nacreous shells
my forbear fingers them, my – her –
Grand Mother Pearl, with
vein-knobbed hands bluish
against their white round lustre.

From Victim to Empowered Citizen:

A Critical Examination of the Metamorphosis of Rwandan Women.

Brittany Guilleaume

Between 6 April 1994 and 10 June 1994, an estimated 800,000 individuals were murdered and 250,000 women raped in the Rwandan genocide. Many of those who died, were imprisoned, or permanently departed in the mass exodus, were men. Thus, women who had previously been dominated by a patriarchal society were forced not only to rebuild their lives but to rebuild their country and assume roles previously reserved for men. This involvement of women, coupled with supportive government initiatives, enabled national reform and women's empowerment. The government's national community justice system, Gacaca, inspired motivation and emotional recovery. The analysis below investigates the internal and external transformation of Rwandan women, its grassroots inspiration and its organic link to the nation's post-genocide development.

Rwandan society, pre-genocide, traditionally confined women to the role of child bearers. Women were allowed minimal political involvement, had zero legal standing and were essentially dependent on their husbands:[1] without their permission, women were restricted from acquiring proprietary and inheritance rights, working outside the home, opening bank accounts and attaining credit or loans. Rwandan society's inherent patriarchal nature further emphasised this social, political and economic exclusion, ensuring women's vulnerability. When the violence erupted in Rwanda on 6 April 1994, women were thus easy victims.

During the 1994 genocide, an estimated 250,000 Rwandan women and girls were raped or experienced some form of sexual violence. The rapes were brutal and horrifically unprecedented, with many involving uterus and genital mutilation, multiple perpetrators and/or pre-rape witnessing of loved one's murders.[2] Unfortunate consequences included emotional and physical scarring, social isolation and the rampant spread of HIV. When the violence began to taper, many Tutsi, as well as Hutu, women were left wrecked, scarred, pregnant and husband-less.

As many men were killed, imprisoned or permanently departed, a significantly higher percentage of Rwanda's population was women. Women were thus forced to choose between remaining victims or assuming responsibility for the country's redevelopment. That the Rwandan women decided to reject the status of victim and instead participate in the country's reconstruction is hardly surprising: however, the means and extent to which women participated across all levels of society, and their contribution to the nations' stable development is worthy of discourse.

Involvement was initiated through the creation and participation of women's organisations. These informal gatherings focused on healing emotional wounds, sharing development ideas, connecting with international donors and addressing Rwanda's economic and political needs. They provided a 'network of mutual support' and resulted in the unification of women from various rural areas.[3] By 1999 there was an average of 100 organisations per commune.[4]

A notable result from a women's organisation in Kigali was the drafting of the 'Campaign for Peace', a succinct document 'addressing Rwanda's post genocide social and economic problems'.[5] This draft, along with the women's altruistic dedication, secured post genocide international aid and ensured its efficient channelling. The organisation also realised the fundamental importance of Rwanda's agricultural sector and lobbied the government and the international community for specific development funding.[6] Through the creation of 'Women in Transition', a partner organisation formed between the Rwandan Ministry of Family Gender and Social Affairs (MIGEFASO) and USAID,[7] Rwanda received international agricultural aid pledges of approximately $79 million.[8] The aid had a specific focus on widows and other vulnerable groups.

As Rwanda formed its new government, women's local advocacy, coupled with persuasion from the international community, inspired a shift in political focus towards women and gender equality. The Government of National Unity (GNU) was proactive in institutionalising women's committees and reconstructed women's involvement through the strategically structured organisations which existed from the commune to national level. Women were given access to executive, legislative and judicial government positions and a parliamentary quota system established to ensure lasting political participation. As stated by President Paul Kagame:

The question of gender equality in our society needs a clear and critical evaluation in order to come up with concrete strategies to map the future development in which men and women are true partners and beneficiaries.[10]

Part of the legal reforms included the reform of inheritance rights,[11] land ownership rights and credit and lending reforms. These reforms and government support further enabled women's invaluable contribution to the country's development.
A constructive consequence of Rwanda's economic legal reforms was the public and private sector's dedication to ensuring women's equal advantage. Exemplifying this was the creation of the 'Women's Guarantee Fund', a partnership between the Ministry of Gender and Women in Development and the Commercial Bank of Rwanda. The fund was aimed at easing the lending process for women.[12] A notable allowance was permitting women to use movable assets as collateral, as many women typically owned less land in their enterprises.[13] The government also encouraged international partnerships for women-run business endeavours to increase women's access to international markets. This encouragement, aside from its effects on gender empowerment, also advanced Rwanda's economic recovery, as women-run businesses were commonly prosperous.

July marked the eighteenth anniversary of the Rwandan genocide. In less than a generation, women shattered society's former preconceptions and commendably asserted themselves as respected citizens through their instrumental participation in the nation's reconstruction. Although this 'metamorphosis' for Rwandan women was realised through women's groups and encouraged by the government and international donors, one must be cognisant of the prerequisite internal motivation and inspiration of the women themselves. History reveals many failed post-conflict instances where international aid was provided and community groups and national reform existed, yet the countries failed to reform in such an unprecedented timeframe. What puzzles international observers is how and where inspiration for Rwandan women's metamorphosis ignited. This article proposes that a sustainable post-conflict reform requires emotional recovery. In Rwanda's case, it was Rwanda's focus on reconciliation and reflection, in conjunction with the aforementioned development measures, which permitted stable reform.

> "Women were ... forced to choose between remaining victims or assuming responsibility for the country's redevelopment."

As mentioned previously, women's support and lobby organisations were essential to enabling emotional recovery. However, more noteworthy were Rwanda's Gacaca proceedings and women's involvement therein. Gacaca, literally translated into 'on the grass', was a community justice system established by the Rwandan government to prosecute Hutu perpetrators of the genocide. The courts focused on involving the whole community and had a mission to achieve 'truth, justice, and reconciliation.'[14] Gacaca investigations were conducted and evidence was heard from everyone in the local community. Community involvement and attendance at meetings and trials was mandatory under Gacaca's governing act.

As part of Gacaca's dedication to community involvement, women were encouraged by the GNU to participate in the trials, including as judges. The governing 'Organic Law' contained specific articles dedicated to women's involvement. Furthermore, Gacaca gave significant importance and critical attention to crimes of sexual violence. These crimes were placed in category one, meaning trials would be held in national courts and given utmost attention at all points in the proceedings. Many argue that this classification, in tandem with its later witness protection measures, enabled women's commitment and trust in Gacaca and enhanced its ability to serve judicial and reconciliatory purposes.

Supporting this contention is the reality that women, as victims and witnesses, naturally wanted to tell their stories in a meaningful and influential forum and accuse individuals who committed crimes against them or loved ones. Some women also desired compensation from the government, from reintegrated perpetrators for their destroyed properties, or the lost income from the murder of their breadwinning husbands. On the other hand, family members of those accused also wanted to attend trial to hear allegations and defend their loved ones when necessary.

Most important to women's emotional recovery and future forgiveness was women's desire to hear the confessions of their perpetrators. To be considered an acceptable confession under the Organic Law, perpetrators had to reveal the names of co-perpetrators, publicly apologise to survivors and the Rwandan society and provide a detailed description of their crimes, including where it was committed, who was made victim, and if known, where corpses were discarded. These confessions served a fundamental purpose in easing post-detention reintegration, for both the perpetrators and the female victims. As women were respected and active in the national Gacaca system, women's identities were able to 'move beyond the status of victimisation' when faced with confessions.[15] This equipped women for later forgiveness, arguably a key component in the reconciliation and reintegration process. As part of its reconciliatory objective, the Organic Law emphasised the importance of these confessions, encouraging them through the grant of significant sentence reductions where such confessions were offered.

The above contentions do not ignore criticisms of the Gacaca proceedings;[16] however, in light of the number of perpetrators, the desolate post-genocide situation and the ethnic divide, Gacaca's results are extremely commendable. As Gacaca celebrated their closing ceremony in June 2012, Gacaca recognised 1.5 million judged perpetrators and 1.9 million delivered judgments. Given its reconciliatory focus and community involvement, Gacaca arguably accelerated Rwanda's emotional recovery on a significant scale. Current foreign visitors to Rwanda would be dumbfounded to believe that the Rwandan citizens living together today, as neighbours or acquaintances, were only eighteen years ago involved in a brutal genocide.
Women's metamorphosis occurred alongside that of the nation. The nation healed and transformed not just by and for the women, but also with the women. This article does not contend that the nation and the women are completely healed. Many women struggle psychologically and socially, and there remains ample room for improvement in the nation's post-genocide government. However, the remarkable rate this empowerment and the legislative and economic reforms occurred ought to beckon international attention, particularly from the bodies and nations interested in human rights and rule of law development.

Ample literature exists on the importance of international investment in women; however, is the best way to heal a post-conflict nation through and as a woman? By empowering and respecting women and ensuring appropriate forums for confessions, reflection and reconciliation? Given the sustainable and healthy transformation of Rwandan women, such a conclusion is appealing to deduce.

Endnotes:

1 Human Rights Watch. *Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath* (Human Rights Watch, 1996).
2 For individual stories see *Portraits of Rwanda: Voices of Quiet Trauma* (1 August 2012), The Economist <http://www.economist.com/blogs/prospero/2012/08/portraits-rwanda>.
3 Baldwin, H and Newbury, C., *Aftermath: Women's Organisations in Post-conflict Rwanda* (Washington D.C., Center For Development Information and Education), 2000.
4 Ibid.
5 Ibid.
6 World Bank, *Rwanda- Emergency Reintegration and Recovery Credit* (Washington D.C., World Bank) 1997.
7 Hamilton, H. *Rwanda's Women: The Key to Reconstruction,* (November 2000), The Journal of Humanitarian Assistance <http://www.jha.ac/greatlakes/b001.html>.
8 Kumar, Krishna, *Rebuilding Postwar Rwanda: The Role of the International Community* (Washington D.C., USAID, 1996).
9 McCrummen, S., 'Women Run the Show in a Recovering Rwanda', *Washington Post,* 27 October 2008.
10 Kagame, President Paul, 'Rural Women: Crucial Partners in the Fight against Hunger and Poverty', 12 June 2012.
11 For more information see: Kimani, Mary. 'Women Struggle to Secure Land Rights', *Africa Renewal*, vol 22(1) (April)10, 2008. <http://www.un.org/ecosocdev/geninfo/afrec/vol22no1/221-women-struggle-to-secure-land-rights.html> (Accessed 14 April 2012).
12 International Finance Corporation, *Voices of Women Entrepreneurs in Rwanda* (Washington D.C., World Bank) 2008.
13 Ibid.
14 See Rwanda's '*Organic Law.*'
15 Brouwer, A-M; Ka Hon Chu, S. Gacaca Courts in Rwanda: 18 Years After the Genocide - Is there justice and reconciliation for survivors of sexual violence? (7 April 2012) <http://www.intlawgrrls.com/2012/04/gacaca-courts-in-rwanda-18-years-after.html>.
16 Human Rights Watch , Justice Denied: The Legacy of Rwanda's Community Based Gacaca Courts.(2011) <http://www.hrw.org/sites/default/files/reports/rwanda0511webwcover_0.pdf>

(And previous page)
Photographs: Eliza Grant

Deborah White

RIGHTS VERSUS RITES:

A Comparative Analysis of Female Genital Mutilation and Vaginoplasty in the International Human Rights Regime

I. Introduction

What constitutes an 'issue' in international human rights is constructed through a framework of discursive colonialism. In this construction, the 'Third World Woman'[1] is portrayed as inherently oppressed and victimised. Moreover, the construction places an unbalanced scrutiny against Female Genital Mutilation (FGM) in Somalia whilst overlooking similar practices such as vaginoplasty in the United States (the US). Through a comparative analysis of FGM in Somalia and vaginoplasty in the US, this essay will highlight the ethnocentric and hypocritical nature of the international human rights regime. Non-Western cultural practices are vehemently labelled as human rights violations due to discursive power inequalities between the developed and developing world.

II. The Facts: FGM in Somalia and Vaginoplasty in the US

While there are certainly differences in the performance and medicalisation of vaginoplasty and FGM, both practices are linked with social constructions of female beauty and sexuality.

FGM is defined as 'procedures that involve the partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons'.[2] FGM is a deeply rooted tradition in Somalia with 98 per cent of women having undergone a form of FGM.[3] Unlike other parts of Africa, FGM in Somalia is not a rite of passage and is performed for largely religious, sexual and aesthetic reasons. Female genitalia is considered to be 'dirty' and 'ugly' and the primary rationale for its removal is to control women's sexual behaviour and increase marriageability. 'The family honour depends on making the vaginal opening as small as possible because the smaller the passage is, the greater the value of the girl'.[4] It is believed that FGM transforms the sexual instincts of women into constructive 'manageable forces'.[5] The woman will often experience severe pain and medical complications throughout the rest of her life including pelvic infections, cysts and reproductive difficulties.

Similarly, an increasing number of women in the US are electing to have vaginoplasty (vaginal cosmetic plastic surgery) to tighten, reduce and reshape their genitals for a 'Designer Vagina'.[6] In 2005, over 2,500 women in the US had vaginoplasty with a primary interest in aesthetics and sexual satisfaction.[7] Vaginoplasty, like FGM, possesses health risks such as infections, nerve damage, and necrosis.[8] Ranging from liposuction, 'G-Shots' (a collagen injection used to enhance the size of the g-spot), to a restoration of the hymen, vaginoplasty encompasses a variety of procedures on anatomically healthy genitals in order to pursue the 'perfect' vagina.

III. Discursive Colonialism and the 'Third World Difference'

Human rights are not inherent conventions but ones that are imagined through the dominant ideologies of contemporary society. Thus, ethnocentric discourses have a profound influence on what is classified as a human rights 'issue' or 'non-issue'. Mohanty's theory of the 'Third World Difference' claims that dominant discourses portray Third World women as perpetually oppressed and primitive. These stereotypes create double standards in the human rights regime where non-Western practices are often criticised as harmful whilst Western practices are rarely subject to scrutiny. This is illustrated through the confinement of women who have experienced FGM into the victim role whilst vaginoplasty in the US is represented as an autonomous decision. Even the terminology highlights the discursive inequalities between the two practices: Genital modification in Somalia is referred to as a 'mutilation' whilst in the US is it considered to be 'surgery' or

Photograph: Erin Stewart

'rejuvenation'. Mohanty argues that hegemonic Western feminists colonise the experiences of all women and human rights discourse constructs priority issues that all women are expected to follow regardless of differences in culture.[9] This deficit of consistency within the human rights regime overlooks the fact that harmful body modification practices are rampant in both Somalia and the US with FGM and vaginoplasty being 'symptoms of a much deeper disease'[10] – the desire to control and manipulate the female body and sexuality.

Western cultural practices such as vaginoplasty have become so normalised that they are rarely subject to the same level of scrutiny as the practices of 'Others'. The classification of FGM as a human rights violation creates an 'Oppressor/ Oppressed dichotomy'[11] where the issue is simplified. Somali women are 'victims of a brutally patriarchal society' dominated by male sexual control.[12] Yet, as cautioned by Koroma, 'FGM must not be used to set Africans against non-Africans, or even women against men'.[13] This dichotomy espoused by human rights discourse overlooks the fact that women are the strongest enforcers of FGM in Somalia. FGM is performed by guddaay (female circumcisers). Thus, the paradigm of the 'Third World Difference' and the mission to 'liberate the third world woman'[14] is not reflective of the cultural complexities of FGM. Additionally, the purpose of FGM is also to protect girls from rape[15] and assure their marriageability on which most Somali women are economically dependent. As stated by a Somali guddaay, 'genital cutting is performed out of love, not malice. There is a genuine belief that FGM protects girls from bad things'.[16] When Somali cultural practices such as FGM are assessed through a Western frame of human rights, alternative systems of rights and justice are not always acknowledged.

It is the dominant discourse of the 'Third World Woman' as backwards and victimised that shapes the view that Somali FGM practices constitute a human rights violation. Concurrently, self-constructed images of Western women in the US as free and empowered confirm the notion that vaginoplasty is an acceptable individual choice. The classification of human rights is shaped by colonialist perspectives of Third World women where, rather than the violation creating the victim, the victim creates the violation.

IV. Human Rights and 'Individual Choice' Rhetoric

The rhetoric of individual choice espoused by Western neoliberalism is used to 'discursively separate vaginoplasty from FGM'.[17] The primary distinction between FGM and vaginoplasty is the issue of consent where FGM is regarded as a 'tool of sexual control inflicted by coercive communities on vulnerable individuals'[18] and vaginoplasty is an individual choice for women wealthy enough to cosmetically 'enhance' themselves. In Somalia, FGM is predominantly performed on girls around five years when they are too young to provide consent.[19] Further, there are strong 'social sanctions'[20] to enforce FGM in Somali culture such as ostracism, public shaming, decreased marriageability, and even forced circumcisions. The pervading image of the Third World woman as a victim of sexual oppression is juxtaposed against the 'self-representation of Western

Photograph: Nick David

women as educated, modern and having control over their own bodies'.[21] Thus, discursive colonialism has strongly influenced the classification of FGM as a human rights issue and vaginoplasty as a non-issue because it reinforces the 'Third World difference' and fits comfortably into stereotypes about female autonomy in Somalia and the US. Human rights discourse considers individual choice through the understanding that 'we' are culturally free and empowered, 'they' are culturally oppressed, duped and victimised, unable to step beyond culture into autonomy and agency'.[22]

Although the choice of genital modification through vaginoplasty is presented in the US as empowering, such a decision must be considered in the context of socialisation which in many ways constrains women. As Heyes notes, 'what appear at first glance to be instances of choice turn out to be instances of conformity'.[23] Social control in the US is enacted through means such as advertising and media coverage which 'create the guise of free choice'.[24] But free choice is ultimately culturally circumscribed. Additionally, the fact that women in the US 'independently' choose to have vaginoplasty reflects the extent to which social constructions of feminine beauty are ingrained within the individual psyche. In an episode of Sex and the City, a popular US television sitcom, Charlotte describes her 'depressed vagina' and states 'I don't wanna look at it. I think it's ugly'. This culturally-constructed perception of female genitalia as 'ugly' and in need of beautification is prevalent in both US and Somali cultures. Thus the neoliberal rhetoric of 'individual choice' to distinguish FGM as a human rights violation and vaginoplasty as a non-issue is flawed. Both US and Somali cultures guide the interests of individuals towards bodily mutilation at the expense of health and sexual functioning.

V. Problems with Universalist Feminism

Human rights are often considered to be a 'double edged sword'.[25] Universality is the cornerstone of the human rights but there is a recognised collective right to cultural autonomy and self-determination. Universalist feminism contends that all women should prescribe to a standardised system of rights that is 'so fundamental to every human being that they transcend all societal, political and religious constraints'.[26] While universalist feminism promotes the 'inalienable rights'[27] of all women, the process of classifying human rights is subject to discursive power politics which are largely Eurocentric.[28] Universalism has thus attracted criticism from cultural relativists who assert that 'there is no single value, moral ideal or social good' that warrants external intrusion and judgment.[29]

Cultural relativists have charged universalist feminists with homogenising the experiences of women and conflating Third World women with victims of oppression. In the case of genital modification, the human rights lens focuses on FGM as 'an extreme form of discrimination and violation of rights'[30] whilst disregarding vaginoplasty altogether. This is illustrated through the plethora of human rights organisations, such as Amnesty International, WHO and UNICEF, publishing condemnations of FGM in Somalia without a single mention of vaginoplasty and circumcision in the United States. In addition to the dangers of stirring racial hostilities when campaigning against sexual victimisation in exclusively non-Western cultures,[31] this discursive imbalance is detrimental to Western women because of the ignorance regarding the injuries and social constraints suffered by women in the US through harmful beautification practices. Thus, true universality can only be achieved through a consistent application of human rights both within and outside a community.

There is merit to the universalist feminist argument that FGM is rightly labelled a human rights violation simply because FGM is intrinsically harmful to women. It is associated with severe pain, psychological trauma, and medical complications. Rather than 'measuring other civilisations by the degree to which they approximate Western civilisation'[32] and enforce human rights with a top-down approach, cultures can adapt their practices through cross-cultural dialogue and grassroots education. Communities change their customs when they understand the hazards and realise it is possible to give up harmful practices without giving up meaningful aspects of their culture. This is evidenced in the recent acknowledgment of FGM in the African Charter of Human and Peoples' Rights, Somali government statements, and replacing infibulations with less severe 'symbolic cuttings'. In the US, while there is an increased concern for the health risks of vaginoplasty as advanced by the American Congress of Obstetricians and Gynaecologists, there is still little attention towards its human rights implications.

Ultimately, consistency is essential, for so long as there are significantly harmful western practices that escape criticism, the legitimacy of the human rights regime in challenging the tradition of others, such as FGM, will be undermined.

V. Conclusion

The international human rights regime is ultimately created through a framework of discursive colonialism where dominant stereotypes of the 'Third World Woman' as perpetual victims of sexual oppression have strongly influenced the classification of human rights issues and non-issues. Mohanty's theory of the Third World Difference accurately reflects the construction of an artificial distinction between Somali and US cultural practices where FGM is subject to strong condemnation and vaginoplasty is relatively disregarded. FGM in Somalia is vehemently labelled a human rights violation because the image of an African woman suffering at the hands of an oppressive patriarchal society easily conforms with dominant stereotypes of gender relations in the developing world. Discursive colonialism appropriates the experiences of women and classifies human rights issues and non-issues through Eurocentric assumptions of the 'Third World woman'. It reinforces the stereotypes of Somali women as victims of culture and revives the patriarchal notion that 'they cannot represent themselves, they must be represented'.[33]

Endnotes:

1 Mohanty, C. 'Under Western Eyes: Feminist Scholarship and Colonial Discourses', *Boundary*, 12(3), Spring-Autumn, 1984, 62.
2 World Health Organisation, 'Female Genital Mutilation: Fact Sheet No 241', *World Health Organisation*, http://www.who.int/mediacentre/factsheets/fs241/en/ (12 February 2002) [Accessed 29 April 2012].
3 World Health Organisation, 'Female Genital Mutilation: Prevalence and Distribution', *World Health Organisation* (1 October 2010) http://www.serc.mb.ca/content/dload/FemaleGenitalMutilationPrevalenceandDistribution/file
4 [Accessed 21 May 2012].
5 Skaine, R. *Female Genital Mutilation: Legal, Cultural and Medical Issues*, (London: McFarlane Company Inc, 2005), 10.
6 Fuambai Ahmadu, "Rites and Wrongs: An Insider/Outside Reflects on Power and Excision", In Shell-Duncan B. and Y. Hernlund (eds) *Female "circumcision" in Africa: Culture, Controversy, and Change* (Boulder: Lynne Rienner Publishers, 2000), 78.
7 D. DiFilippo, 'Designer Vaginas', *Philadelphia Daily News*, (16 March 2010), 8.
8 American Society of Aesthetic Plastic Surgery, Statistics, http://www.surgery.org/media/statistics [Accessed 1 June 2012].
9 American Congress of Obstrecians and Gynaecology, ACOC Committee Opinion – Vaginal Plastic Surgery, (September 2007) http://www.acog.org/ [Accessed 25 May 2012].
10 Mohanty, above n 1, 62.
11 Yan, L. 'FGM, Vaginoplasty and the Flawed Female, *Yale Daily News*, (29 January 2008)
12 http://www.yaledailynews.com/news/2008/jan/fgm-vaginoplasty-and-the-flawed-female/ [Accessed 6 April 2012].
13 Johnson, M. 'Male Genital Mutilation: Beyond the Tolerable?', *Ethnicities*, 10(2), (2010), 181.
14 Guzman, A. 'Female Genital Mutilation: Cultural Practice or Human Rights Violation?' *The Alabama Nurse*, (March 2011), 38(1), 6.
15 Koroma, H.'Female Genital Mutilation: A Human Rights Issue' *Amnesty international in Sierra Leone*, Act 77/12/97.
16 Hadid, K. 'Ethiopia-Somalia: British Doctors on Genital Mutilation', *Middle East News Online*, (22 Aug 2001), p2.
17 Svoboda, S. 'The Rape of Innocence: One Woman's Story of Female Genital Mutilation in the USA', *Journal of Psychology & Health*, 22(3) (Spring 2008), 222.
18 Khama, R. Female Genital Cutting, *Women's Health & Development*, (2007: World Bank Publications), 23.
19 Braun, V. 'Women are doing it for themselves: The Rhetoric of Choice and Agency Around Female Genital Cosmetic Surgery', *Australian Feminist Studies*, (12 May 2009) 24(6), 233-249.
20 Johnson, above n 11, 181.
21 United States Department of State, Somalia: Report of Female Genital Mutilation, (1 June 2001)
22 http://www.asylumlaw.org/docs/somalia/usdos01_fgm_Somalia.pdf [Accessed 12 May 2012].
23 United Nations News Centre, '*UN Urges States and Communities to help Eradicate Female Genital Mutilation*', (28 February 2012) [Accessed 6 April 2012]
24 http://www.un.org/apps/news/story.asp?NewsID=41400.
25 Mohanty, above n 1, 64.
26 Braun, above n 17, 233-249.
27 Heyes, C. *Cosmetic Surgery: A Feminist Primer*, (London: Ashgate Publishing, 2009) 57.
28 Braun, above n 17, 233-249.
29 Stacey, H. *Human Rights for the 21st Century: Sovereignty, Civil Society and Culture*, (2009: Stanford University Press) 76.
30 Maher, R. 'Female Genital Mutilation: The Modern Day Struggle to Eradicate a Torturous Rite of Passage', *Human Rights Journal*, 23(4) (Fall 1996), 14.
31 United Nations, Universal Declaration of Human Rights, Preamble. http://www.un.org/en/documents/udhr/
32 {Accessed 12 April 2012}
33 Shoha, E. *Talking Visions: Multicultural Feminism in a Transnational Age*, (New York: MIT Press, 2001) 209.
34 Gergan, K. *Toward Transformation in Social Knowledge*, (New York: Springer-Verlag, 2nd Edition, 1982), 81.
35 World Health Organisation, above n 2.
36 Hesford, W. and Kozol,W. *Just Advocacy? Womens Human Rights and Transnational Feminism*, (London: 2005, Rutgers University Press), 24.
37 Galeotti, A. *Relativism, Universalism and Applied Ethics: The Case of Female Circumcision*, (London: University del Pietmonte, 2008), 2.
38 Marx, K (quoted) in Doy, G. *Seeing and Consciousness: Women, Class and Representation*, (London: Berg Publishing, 1995), 187.

The Watery Voice

Sonia Diab

Inspired by Imants Tillers, Tim Johnson, and Sherin Neshat, 'The Watery Voice' is a 1.2 metre squared acrylic on canvas.

The Arabic writing is taken from the famous poem by Nizar Qabbani. The poem tells the story of Feyrouz, a female singer, who had a concert during the war which was said to have re-united the people again.

The translation for the foreground Arabic is:

'… And Fayrouz sang... and the reigns of poetry began to descend again .... and time started to be recreated once again... and Our lives began to be reformed... and the country began to re-establish itself on the lips of Fayrouz...'

'The Watery Voice' illustrates how women have the capacity to hold the world in their hands, and the strength of the female voice. The birds symbolise the journey involved in find this strength.

Seeds and Fruits

Once
I was alone,
hopeless and seedless,
thoughts of uncertainty, pessimism
continuously invading
this mind devoid of faith, filled with hate
of my situation pathetic, soulfully touching
my womb, empty with no sign of a perfect budding,
while my soul, in endless yearning
thirsts for a solution,
a progeny to preserve my genealogy.

Now
I stand not as one,
but hopeful and fruitful,
memories of the past, doubts of my femininity
now disappearing
from a mind overstretched with wait,
my future now rich, immensely promising,
for I stand now not as one
with my arms, full not of gold coins
but with a child, his eyes startled by joyful noise
and my heart, pains and sorrows forever gone.

Mojisola Bakare

The Evolution of Discrimination within the Legal Profession.

Adam Prior

"No woman shall degrade herself by practicing law… especially if I can save her…"[1]

The 1913 British case, *Bebb v The Law Society*,[2] epitomised the antiquated notion that women were incapable of practicing law due to their sex.Justice Joyce's judgment, which held that women were not 'persons' within the meaning of the Solicitors Act 1843, marked the beginning of the cultural shift from explicit discrimination on the basis of gender within the legal profession, to the formation of an industry which has employed a more sinister form of institutionalised discrimination.

Elena Kagan proposes that women within the legal profession are metaphorically the 'miner's canary… a group whose greater vulnerability to certain conditions signals the dangers of those conditions for the whole population'.[3] This proposition gains traction when one recognises that the challenges faced by ethnic minorities and homosexuals in practicing the law often mirror those prejudices traditionally faced by females.

I. Common problems reported by women

A significant proportion of women employed within corporate law firms express an intention to leave the firm within their first 24 months of employment due to high levels of dissatisfaction arising from a perceived lack of social and professional engagement with, and recognition by their colleagues and a lack of opportunity for advancement.[4] The *After JD Project* found that male employees were more often invited to join partners for networking events compared with women.[5] This reported trend of differential treatment of females within corporate firms is mirrored in the general culture and organisation of the Bar with Justice Gaudron stating, 'The collegiate spirit and ethos of Australian Bars is not conducive to an atmosphere to which women easily adapt'.[6] Statistics demonstrate that in 2010 women accounted for 59% of solicitors entering the legal profession but represented only 9% of all firm partners.[7]

Despite employing a significant proportion of female solicitors, the legal profession nevertheless derogates the role of women while simultaneously promoting the façade of equal opportunity employment. In order to succeed professionally, women are required to assimilate with their male counterparts: this is viewed as the best way to obtain the same opportunities to network and partake in the structures to support career advancement.

Due to the aforementioned cultural emanations present within corporate firms, the *After JD Project* found that women were more likely to work in government and public interest roles due to greater levels of collegiality and the ability to contribute to society providing a more fulfilling work experience.[8]

II. Ethnic Minorities

As a general rule, contemporary academia tends to focus on the discrimination faced by women rather than ethnic minorities in the legal profession. Interestingly, emerging research tends to indicate that the statistical rates of minority group entry into the legal profession and the challenges they face in integrating into the legal culture and their choice of work environment tends to mirror early statistical results for women.

While there is no information available assessing the number of indigenous lawyers practicing within Australia as a whole, the NSW Law Society 2010-11 Practicing Certificate statistics indicate there are 89 indigenous solicitors in NSW, an almost 50% growth compared to 2009. While this growth is significant, indigenous lawyers are still grossly underrepresented in senior legal positions such as partners in law firms and appointments to the judiciary.

A 2003 NALP study found that similar to the *After JD Project;* males from ethnic minorities are more likely to leave their job within 28 months due to high levels of dissatisfaction with corporate firm ideologies.[10] Lamb & Littrich cite indigenous cultural differences as forming the key basis for the dissatisfaction expressed by indigenous solicitors within corporate firms.[11] The cultural focus placed on promoting community involvement within indigenous societies has resulted in the attrition of indigenous legal professionals from corporate practice.

Elena Kagan contends that women, more so than men, are driven in their career choices by the need to help the community. A concerted

effort by law firms to implement better pro bono work schemes and better integrate with community service provision sectors is required in order to provide a more socially fulfilling work environment, which utilises the unique perspectives both women and ethnic minorities can bring to the analysis of a legal problem.[12]

Similar to the experiences of female lawyers within corporate firms, indigenous Australians have indicated that they feel alienated at the Bar and within corporate firms. In illustration of this concept, Mullanjewaka, Australia's first indigenous barrister was quoted as saying, 'When I told people, they didn't think you could have an aboriginal with a degree and pin striped suit'.[13]

There is an increased need for mentoring and network building for ethnic minorities within the corporate sector and at the Bar in order to ensure equity within the legal profession. Interestingly, the latest trends are beginning to indicate that Caucasian females are assimilating and more closely resembling their Caucasian male counterparts within corporate firms. A recent American study produced a statistically significant result indicating that more women make partner than Asians and African Americans.[14]

III. The homosexual lawyer

An often-neglected class of legal practitioners who report facing prejudice and discrimination of a kind analogous to that of female practitioners is the homosexual lawyer. Justice Michael Kirby was quoted as saying of his experiences of being a gay legal practitioner, 'I rose to be one of the significant judicial citizens of this country, but I was always a second-class citizen'.[15] In comparison, Clifford Chance partner Stephen Shea takes a contrary view of the situation stating that the limitations faced by lesbian and gay lawyers in their legal careers is often of their own making.[16] Such a view reinforces the assertion that discrimination against minorities within the legal profession has become a nuanced art form where the straight, Caucasian male partner demands conformity in order to succeed within the firm and the blame for any deviation from the norm is placed squarely on the out-group.

Justice Scalia in his famous dissent in *Lawrence v Texas*[17] railed against the American legal profession for embracing this anti-homosexual culture and endorsed the need for reform within the profession.

The United Kingdom in an attempt to address the issue of sexual orientation discrimination introduced the *Employment Equality (Sexual Orientation) Regulations 2003* (UK). However research undertaken by the Law Society has revealed that homosexual employees were more likely to seek alternative employment than bring a claim of discrimination against their employer under the regulations and many held the view that even if they won their case they would be unemployable following the verdict.[18] This trend mirrors the historical development of sexual harassment legislation particularly as implemented at the Bar with women more likely to seek alternate employment than file a claim.

IV. Conclusion

While it has been demonstrated that ethnic minorities and homosexual lawyers face comparable forms of discrimination within the legal profession as traditionally reported by women, it is a testament to the strength of women that in the space of one hundred years they have gone from being denied admission to practice law, to being counted amongst the greatest legal minds on the High Court of Australia.

Endnotes:

1 Ruth Rader Ginsburgh, Remarks on Women's progress at the Bar and on the Bench, 89 *CORNELL L REV* 801, 802 (2004).
2 (1913) 109 LT Rep 36.
3 Elena Kagan, 'Women and the Legal Profession – A Status Report' (Leslie H. Arps Memorial Lecture) 2006 at 46.
4 Working Group on Student Experiences, Harvard Law School, *Study on Women's Experiences at Harvard Law School* (2004).
5 *After the JD: First Results of a National Study of Legal Careers* (2004) at 58.
6 Rosemary C Hunter, *Women Barristers and Gender Differences* (Oxford: Hart Publishing, 2003) 103-121.
7 *2010 Profile of the Solicitors of NSW*, The Law Society of New South Wales.
8 After the JD, above n 5.
9 Ibid.
10 The NALP Foundation Law Career Research and Education, *Keeping the Keepers II: Mobility and Management of Associates*, 2003, Washington.
11 Lamb & Littrich, '*Legal Culture*' 78.
12 Elena Kagan, above n 3, 46.
13 Michael Pelly, 'Black lawyers can raise the bar', *The Australian* (National), 28 March 2008, <http://www.theaustralian.com.au/business/legal-affairs/black-lawyers-can-raise-the-bar/story-e6frg986-1111115904986>.
14 The NALP Foundation Law Career Research and Education, above n 10.
15 'Being gay is like being left handed – Michael Kirby', *News.com.au* (National), 03 May 2012, <http://www.news.com.au/national/being-gay-is-like-being-left-handed-kirby/story-e6frfkvr-1226345919691>.
16 Kate Gibbs, 'Gay lawyers' access to promotion scrutinised', *The New Lawyer* (National), 22 April 2009, <http://www.thenewlawyer.com.au/law-firms/gay-lawyers-access-to-promotion-scrutinised>.
17 (2003) 539 US 558.
18 Tara Chittenden, 'Career Experiences of Gay and Lesbian Solicitors,' Research Study 53, Executive Summary, United Kingdom law Society, 6.

(Opposite Page)
Photograph: Nick David

THE 'F' WORD*:

How it is used in Women's Organisations to create Social Change

K.E.J. Rauchle**

By pushing for equality in education and the workplace, and by taking part in the Sexual Revolution, our mothers and grandmothers have paved the way for us to enter the traditionally male-dominated workforce. However, while striving for equality and a good education, many social, as well as traditional, pressures on women has led to an increased incidence of low self-esteem and uncertainty among women in the workforce.[1] How can we, as women of the younger generations increase our confidence in our ability to work alongside men?

Women's traditional 'home' work has been historically portrayed as having only a 'use' value[2] rather than contributing to the production of commodities or to the advancement of the economy in any meaningful way.[3] By viewing work done by women as necessarily of limited value, this perspective only served to further reinforce the subordination of women. This circular trap has since changed with more direct female engagement in the economy.[4]

Today, although academic achievement among girls is encouraged, Western culture continues to encourage passivity and emotional dependence among girls, while young boys are encouraged to be rational and independent.[5] Even children's movies have modelled passivity among young girls. Consider how the princess is always the ultimate example of what a perfect young woman should be: beautiful, kind, loved by everyone and rarely angry. Her mild streak of independence is quelled when the handsome, young prince, exhibiting all the traditionally desirable male qualities of rationality and independence, arrives and encourages her back into her 'natural' state of submission.

> Feminism is often seen as a '*dirty*' word … many young women are reluctant to identify themselves as 'feminists'

Although many traditional expectations of women still exist, social movements such as the Feminist Movement and the Sexual Revolution have encouraged female departure from the subordinated role. Omvedt has claimed that 'feminist and other new social movements have reinvented the revolution'.[6] However, feminism is often seen as a 'dirty' word, conjuring an image of a 'man hating, bra burning, and angry woman'.[7] In fact, this image of what feminism is has become so pervasive in our society that many young women today are reluctant to identify themselves as 'feminists'.[8] Modern conceptions of feminism vary from person to person, however the whole concept of empowering girls and women is a uniquely feminist idea.[9]

It is undeniable that the radicalised feminism of the 1960s and 1970s promoted significant social change. Many early demands of feminism were adopted and have become commonplace in Western culture as a whole. For example, there are equal requirements for admission to universities, and Title IX[10] in the United States is best known for equalising Federal financial expenditure on high school and collegiate athletics. Women are now able to apply for, and receive, credit cards, mortgages, purchase property, hold bank accounts and own cars in their own name, as well as have their financial affairs taken into account when applying with their partner. In most Western countries it is now illegal to terminate a woman's employment on the basis of pregnancy, and may countries, like Australia, have instituted parental leave schemes,[11] allowing new mothers to stay at home for up to 12 months with the guarantee of employment upon return.[12]
Alas, the 'f' word, like other words associated with other revolutions, has become defiled, and those who identify themselves with the word risk being seen by some as unhappy, unstable individuals eager to rock the boat. Many women also shy away from identifying themselves with the word or the movement for fear of alienating some men, who may perceive any 'win' for women as a 'loss' for men. In all-female organisations, such as Girl Scouts/Girl Guides, educational institutions and social organisations, feminism is used implicitly to encourage growth, development, and self esteem. Giffort, describes how 'Implicit Feminism' is used at Girls' Rock Camp as 'a strategy that involves concealing feminist identities, not labelling feminist ideas as such, and emphasising more socially acceptable angles of their efforts to those outside of the organisation'. It allows participants to learn, develop, and question those feminist elements they are comfortable with exploring. It is a technique used widely by many women's organisations.

Women who are members of 'gender progressive organisations' are more self-confident, more assertive, and more willing to vocalise their thoughts and ideas amongst men.[14] Participation in an effective leadership style, whereby women are involved in stewardship of resources, advocacy and change, promotion of feminist policies, and changing of organisational cultures is particularly transformational to women.[15]

'Feminist collaboration,' an essential tool to building self-confidence and self-esteem, is an egalitarian rather than hierarchical concept.[16] Given the social constructs which encourage female passivity, Singley and Sweeney argue that 'it brings women together to change the circumstances of their lives.'[17] Such collaboration will ultimately lead to the transformation and improvement of women's lives, through the creation of 'power, security, energy and confidence in advancing the status of women'.[18]

Women's organisations have played a significant part in advancing social change around the world. In Apartheid South Africa, it was black women who connected households and set up informal gatherings to form collective community organisations. Between 1955 and 1956, the Montgomery Bus Boycott, a key event in the Civil Rights Movement in the United States, was organised in large part to women's organisations within churches and social clubs.[19] There are countless examples of female organisations all over the world, which, whether explicitly or implicitly, encourage feminist ideals. However, many large and complex businesses are only just beginning to realise the importance of having their own women's development programs as they in turn benefit from increased female confidence, leadership ability, and handling of interpersonal conflicts and complex tasks.[20]

Women's organisations that promote feminism and encourage female development include women's health clinics, rape crisis centres, battered women's shelters, self-help and self-defence groups, witches' covens and women's cooperatives.[21] They include organisations in schools, churches and workplace environments, social organisations and community groups. All of these organisations provide women with opportunities to develop themselves both as individuals and as part of a group.

Girls' camps and schools provide excellent opportunities for learning and growth. Many have grown out of grassroots organisations and are dedicated to increasing female self-esteem and a 'sense of agency'.[22] For example, the mission statement of a Girls Rock Camp describes its programs as being 'dedicated to fostering girls' creative expression, positive self-esteem and community awareness through rock music'.[23] These environments are excellent for the implementation of Implicit Feminism. At this particular camp, Implicit Feminism builds confidence by teaching campers feminist ideals without overtly telling them what it is or how it is accomplished. Often, it is only later that participants realise that they have experienced what feminism is and can begin to understand if, and how, they want to embrace it.[24] This learning process is crucial to developing self-esteem, agency and fostering empowerment and social change.[25]

Feminist ideas are used in women's groups to empower women, to give them a sense of purpose, an identity, confidence, and most importantly, self-esteem. Most do not encourage extremism, and many only implicitly promote feminist ideas, allowing their participants to learn as much, or as little, as they want to. It is only through participation in all-female organisations that we, as women, can truly learn to develop our own sense of identity. Women's groups are fundamental to improving the tools that women need not only to change the perception of women in the workforce but also our confidence and ability to be successful in it.

Endnotes:

* The "F Word" is used widely by academics and feminist writers. I do not propose to take credit for inventing the term as my own.

** The author wishes to thank Dr. Louise K. Jeffrey for her invaluable assistance in the preparation of this article and her careful reading, review, and critique of earlier versions.

1 Virginia E O'Leary, 'Some Attitudinal Barriers to Occupational Aspirations in Women' (1974) 81(11) *Psychological Bulletin* 7.

2 Torry Dickinson and Robert Schaeffer, *Transformations: Feminist Pathways to Global Change* (Paradigm Publishers, 2008) 25.

3 Margaret Benston, 'The Political Economy of Women's Liberation' in Torry Dickinson and Robert Schaeffer, *Transformations: Feminist Pathways to Global Change* (Paradigm Publishers, 2008) 25.

4 Ibid, 25.

5 Michael C White, Gerardine De Sanctis and Michael D. Crino, 'Achievement, Self-Confidence, Personality Traits and Leadership Ability: A Review of Literature on Sex Differences' (1981) 48 *Psychological Reports* 547, 552.

6 Gail Omvedt, *Reinventing Revolution: New Social Movements and the Socialist Revolution in India* (New York: M.E. Sharpe, 1993), 318 in Torry Dickinson and Robert Schaeffer, *Transformations: Feminist Pathways to Global Change* (Paradigm Publishers, 2008) 51.

7 Danielle M. Giffort, 'Show or Tell? Feminist Dilemmas and Implicit Feminism at Girls' Rock Camp' (2011) 25 *Gender & Society* 569, 577.

8 Ibid, 577.

9 Ibid, 580.

10 *Higher Education Act 1965*, 20 USC §§ 1681-88 (1972).

11 *Fair Work Act 2009* (Cth) s 70(a).

12 Ibid, s 84.

13 Giffort, above n 7, 577.

14 Dickinson and Schaeffer, above n 2, 53.

15 Jean Lau Chin, 'Overview: Women and Leadership: Transforming Visions and Diverse Voices' in Jean Lau Chin, Bernice Lott, Joy K. Rice and Janis Sanchez-Hucles (eds) *Women and Leadership: Transforming Visions and Diverse Voices* (Blackwell Publishing, 2007) 1, 15.

16 Joy K. Rice and Asuncion Miteria Austria, 'Collaborative Leadership and Social Advocacy Among Women's Organisations' in Jean Lau Chin, Bernice Lott, Joy K. Rice and Janis Sanchez-Hucles (eds) *Women and Leadership: Transforming Visions and Diverse Voices* (Blackwell Publishing, 2007) 157, 158.

17 C.J. Singley and S.E. Sweeney, 'In League with Each Other: The Theory and Practice of Feminist Collaboration' in Jean Lau Chin, Bernice Lott, Joy K. Rice and Janis Sanchez-Hucles (eds) *Women and Leadership: Transforming Visions and Diverse Voices* (Blackwell Publishing, 2007) 157, 159.

18 Joy K. Rice and Asuncion Miteria Austria, above n 16, 50.

19 Dickinson and Schaeffer, above n 2, 50.

20 White, De Sanctis and Crino, above n 5, 553.

21 Patricia Yancey Martin, 'Rethinking Feminist Organizations' (1990) 4(2) *Gender & Society* 182, 187.

22 Giffort, above n 7, 573.

23 Ibid, 576.

24 Ibid, 582.

25 Ibid.

DOUBLE DISCRIMINATION?

Ara Daquinag

In 1995, the United Nations Development Program (UNDP) reported that women made up seventy percent of the world's poor, a trend that pervades regardless of age bracket. If this holds for Australia, our ageing population means Australian women confront potential barriers in what has been described as the double jeopardy of sexism and ageism.

Ageism describes a process of systematic stereotyping against people on the basis of age. It is an important and pervasive dimension of disadvantage, yet it is one of the least challenged forms of discrimination.

The extent of such discrimination may be better examined in the context of women's participation in the workforce. Though this has increased significantly, older women remain disadvantaged, unable to participate completely due to family commitments. Further, given the nature of familial roles, where women continue to be responsible for household and child responsibilities, women trend towards part time and casual work. They often work flexible hours which attracts lower wages, leaving them with little financial stability. It may be inferred that this leads to a shorter employment cycle, increasing the gender gap in savings and superannuation.

With the negative impact of multiple identities (older, and female), it should be recognised that older women are resisting these stereotypes, and there is a need to recognise and better understand the potential productivity older Australians harbor. They have participated actively in social and community affairs, such as the Raging Grannies movement, which has become a viable movement of older women's social activism, with numerous chapters across Canada, US, Greece and India.

However, while older women may represent an enormously influential interest group, with the potential to profitably direct their efforts in this way, the task should not be left to the older generation alone. As emphasised by the United Nations Secretary-General Ban Ki-Moon (2009), in his message for the International Day of Older Persons, there is 'the need to treat older persons as both agents and beneficiaries of development'. As older women transform what it means to live a long life, younger generations must also play their part.

Egalitarianism in the profession:

FEASIBLE OR UNREASONABLE ?

Hannah Catherine Morris

'Just as our country is changing, so too is the legal profession. It is inevitable that new entrants will alter the ethos and the culture of the legal profession. But it will take time.'[1]

The Hon Michael Kirby

I. Introduction

For centuries, law was an exclusively male vocation.[2] Although the growth of women in the legal profession has progressively risen throughout the past century, there remains 'disquiet in the profession that women are clustered at entry-level ranks'.[3] This essay analyses the progress of women within the legal profession, identifying the systemic factors which have adversely affected the seniority and promotion of women.

II. The Current Situation

According to the Law Council of Australia, 66 per cent of Australian law graduates are female.[4] Despite this figure, women 'are under-represented at the level of senior partnerships: we are under-represented among the leading advocates...[and] we are under-represented in the judiciary'.[5] Women comprise only 44 per cent of solicitors, 19 per cent of the Bar and 6 per cent of all Queen's Counsel in New South Wales.[6] Such statistics suggest that instead of progressing linearly, female lawyers tend to remain clustered on lower levels of the profession impeded by sticky steps and the ominous glass ceiling.[7]

III. Systemic Factors

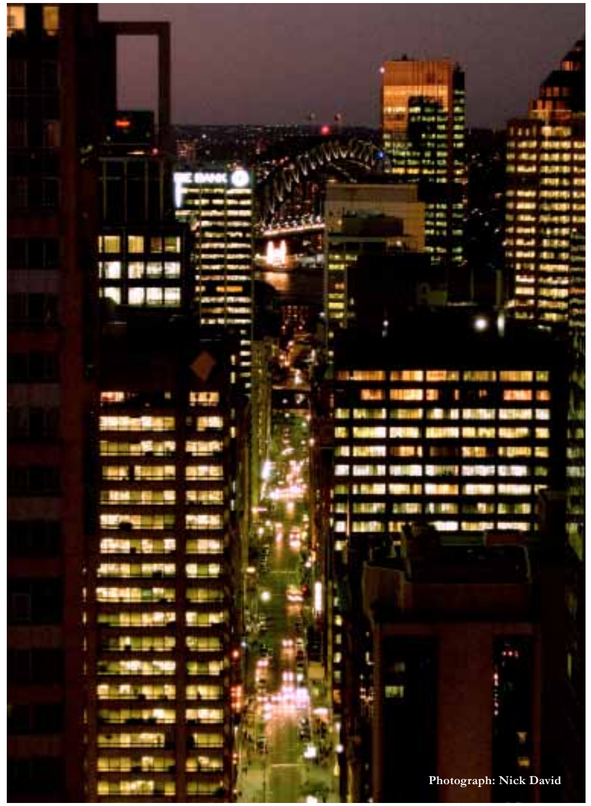
a. The Character of the Profession

Traditions in the legal profession have come to shape today's legal community. Prior to 1918, women were not allowed to be lawyers.[8] This is because they failed to fulfil the definition of 'person'[9] for the purpose of satisfying the test of 'a person of good fame and character'.[10]

Today, the legal profession is still largely comprised of an elite group exemplified as 'a brotherhood of male, white, middle classed, able-bodied people',[11] reflecting lasting notions of male pre-eminence. Still, undertones of women's fragility lingers. Within the profession, men are often viewed as more capable than their female counterparts.[12] This entrenched superiority allows men to progress faster than women.

As the legal profession has traditionally been subjugated by men, both numerically and in positions of authority, the legal sphere has developed an 'overarching maleness'.[13] In an arena of exclusive homosociality, hegemonic masculinity has thrived, creating an ethos 'not conducive to an atmosphere to which women easily adapt'.[14] Somerland suggests that resultantly, women in modern legal society striving to conquer the profession, must adapt to a fictive 'archetypal' masculinity moulded by history, abandoning femininity in pursuit of success.[15] The limited number of women in positions of seniority, combined with high attrition rates, demonstrates rejection of the pressures to adapt to this environment. Further, such dismissal reflects a modern-day cultural shift as women strive to reject the constraints imposed by the legal fraternity, demanding recognition as equals.

The area that presents the strongest resistance to change is the 'culture of the Bar itself'.[16] Stooped in tradition,[17] the Bar seemingly fails to – in contradiction to the comments of Kirby above – alter with time. Gender bias remains. Features of the legal profession, such as the proximity of chambers and the Essoign Club (a Melbourne-based legal fraternity) create a 'collegiate spirit' in which women continue to maintain a 'different status and feel unwelcome'.[18]



Photograph: Nick David

Male domination and a culturally normative ideal of masculinity have undoubtedly impacted upon the progression of women within the legal profession, impeding multitudes of women from attaining positions of seniority.

b. Discrimination

As female alumnae now comprise 61.4 per cent of law graduates, one must question why such disparity exists between this figure and the under-representation of females within the legal profession.[19] It has been routinely suggested by commentators that attrition rates of female lawyers are 'largely attributable to inflexible work conditions'.[20] Such rigidity, along with the competitive atmosphere and long working hours, is incompatible with the traditional domestic life of women. Professional expectations can be exceptionally challenging to manage given that women are often the primary care-givers in Australian households. This is evident in the staggering decrease in the number of female solicitors aged between 25 and 34 to domestic activity.[21] Otherwise suitable female lawyers either experience a lack of career progression, or leave the profession entirely, as a result of the difficulty of balancing work and family.

Since the inclusion of women into legal practice, female lawyers have been confronted with a range of discriminatory practices.[22] Despite the imposition of legislative protection,[23] 'harassment, discrimination, intimidation and bullying' thrive.[24 25] The Law Society of New South Wales reports that 37 per cent of female solicitors have been the subject of harassment or discrimination based on gender.[26] However, women, particularly in the early stages of their careers, are reluctant to report unwarranted sexual advances fearing further discrimination or 'so as to not ruin [their] career prospects'.[27] Such suppression perpetuates the cycle of inequality contributing to the attrition of women prior to attaining positions of influence.

Conclusion

Even today, the legal profession retains its misogynistic foundations, impeding the promotion of women. Research suggests that the 'situation will not simply be remedied by [a] "natural increase" over time,'[28] as the higher proportion of female graduates filter through to senior levels of the profession. This necessitates positive and immediate intervention to promote equal employment opportunities for women.

Endnotes:

1 The Honourable Justice Michael Kirby AC CMG, Women - Lawyers Making a Difference (18 June 1997), *Women Lawyers' Association of New South Wales* <http://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirbyj_womenlaw.htm>

2 Jenifer Batrouney, *20 Years of Women in the Law* (October 2004) Women's Legal Service <http://www.wlsq.org.au/sub%20webs/conference%20pages/CCC%20Conf/CCC%20Conf%20papers.htm > 1

3 The Law Society, *After Ada - a new precedent for women in law* (19 September 2002) The Law Society of New South Wales <http://www.lawsociety.com.au/idc/groups/public/documents/internetcontent/026534.pdf> 5.

4 Law Council of Australia & Australian Women Lawyers, *Beyond the Statistical Gaps: 2009 Court Appearance Survey* (2009) Law Council of Australia <http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uuid=CC2474ED-A9B2-2357-8A83-

5 13A418F1487A&siteName=lca> 10

6 The Honourable Justice Mary Gaudron of the High Court of Australia quoted in The Law Society, *After Ada - a new precedent for women in law* (19 September 2002) The Law Society of New South Wales <http://www.lawsociety.com.au/idc/groups/public/documents/

7 internetcontent/026534.pdf> 5.

8 Law Council of Australia, 2009 Court Appearance Survey: Snapshot – New South Wales (2009) Law Council of Australia < http://www.lawcouncil.asn.au/programs/national-policy/eol/survey.cfm > 1.

9 Batrouney, above n 2.

10 Bebb v The Law Society [1914] 1 Ch. 286

11 Ibid.

12 Kate Eastman, 'Sex Discrimination in the Legal Profession' (2004) 10(2) *UNSW Law Journal Forum* 26 < http://www.austlii.edu.au/au/journals/UNSWLJ/2004/48.html >; Bebb v The Law Society [1914] 1 Ch. 286

13 Hilary Sommerlad, 'Can Women Lawyer Differently? A Perspective from the UK' in Ulrike Schultz & Gisela Shaw (eds), *Women in the World's Legal Professions* (Hart Publishing) 191 at 202.

14 Law Council of Australia & Australian Women Lawyers, Above n 4.

15 Sommerlad, above n 11, 197.

16 The Honourable Justice Mary Gaudron of the High Court of Australia (1994) quoted in Rosemary Hunter, 'Women Barristers and Gender Difference' (2003) in Ulrike Schultz & Gisela Shaw (eds), *Women in the World's Legal Professions* (Hart Publishing, 2003) 103 at 108.

17 Sommerlad, above n 11, 197.

18 Rosemary Hunter, 'Women Barristers and Gender Difference' (2003) in Ulrike Schultz & Gisela Shaw (eds), Women in the World's Legal Professions (Hart Publishing, 2003) 104.

19 Hunter, above n 16, 107.

20 Hunter, above n 16, 108.

21 Law Council of Australia & Australian Women Lawyers, above n 5, 9.

22 Batrouney, above n 2.

23 Hunter, above n 16, 107.

24 Law Society of New South Wales, *2010 Profile of the Solicitors of NSW* (NCS International, 2011) 8.

25 Hunter, above n 16, 104

26 *Legal Profession Regulation 2005* (NSW) Cl 175 – 176; *Anti-Discrimination Act 1997* (NSW).

27 The Law Society, above n 3.

28 *Hickie v Hunt and Hunt* [1998] HREOCA 8

29 2000/2001 Practising Certificate Survey in The Law Society, *After Ada - a new precedent for women in law* (19 September 2002) The Law Society of New South Wales <http://www.lawsociety.com.au/idc/groups/public/documents/internetcontent/026534.pdf> 14.

30 Hunter, above n 16, 111.

31 Batrouney, above n 2, 27.

(Opposite Page)
'Metamorphoses 1'
Rosalind McKelvey-Bunting

BIRTH

Sophie Maltabarrow

A bloody bundle of flesh
gasps a first breath.

A pulse beats out in a soft and syncopated
flutter,
the pooled hopes of clotted hearts
swell into a buttery warmth of melted yellow.

A toy knee flexes,
makes mellow, tense lines,
chiselled deep by time.

A shallow breath
exhales out choices made
and lingering regret.

Pink skin patches,
holes in pasts unhappy,
pants and paints a
pale steam over
circumstance,
opens pores, exposes sores left
hidden from their source.

A shrill bellow,
a cry from the new to the already old,
who hold the bundle of flesh and
send a cry silently back, in lullaby:

When the earth meets the sky
the new the old will mend.
You are our hedge against the future,
our stake against the end.

(Opposite Page)
'Metamorphoses 2'
Rosalind McKelvey-Bunting

Shifting Notions of Fatherhood

Effects of paternal leave in the Age of Motherhood

Lucinda Bradshaw

It appears we are living through the Age of Motherhood: witness the continual stream of provocative child-rearing literature (*Battle Hymn of the Tiger Mother, Bringing Up Bébé*), the breastfeeding 'nurse-ins' of the aptly titled La Leche League, or the particularly visceral *TIME* magazine cover featuring a young mother breastfeeding her mature-looking three-year-old, atop the bold headline, 'Are you Mom enough?'

I – as a very young and very childless student unaffected by these issues – label this the Age of Motherhood not just because its manifestations increasingly surround me, but because it now seems that this highly prescriptive maternal behaviour forms a central element of female identity itself. The primal suggestiveness of the *TIME* article, with its emphasis on the body's earthly, natural origins, almost seems to be asking 'Are you *Woman* enough?' instead.

This literal Renaissance of stressful, competition-addled baby-mania has its doubters, recently coming under scrutiny for the burden it places on women. In a controversial new book called *The Conflict: How Modern Motherhood Undermines the Status of Women,* French intellectual Elisabeth Badinter argues that female selfhood and independence is threatened by modern notions of attachment parenting. Just as women begin to chip away at the glass ceiling, we are suddenly told we must be available to breastfeed on demand, provide an enticing range of allergen-free snack food, and maintain an organic, baby-proof home.

However, rather than criticise our children or ourselves, as commentators suggest, I read this debate about the role of mothers as calling for a broader realignment of gender roles. One reasonable response to the glaringly one-sided question 'Are you Mom enough?' is simply, 'And what about Dad?' In this climate of excessive expectations for women within both the household and the workplace, there is a need for fathers to assume more significant responsibilities. One small area that could transfigure our perceptions of gender roles is the slowly shifting state of parental leave; this article aims to use childcare policy as a point of departure for considering our changing understanding of the roles of mother and father, man and woman.

I. Parental leave reconsidered

The concept of paternal leave – that is, the idea that fathers should be entitled to a paid absence from work following the birth of a child – has traditionally been scorned by the conservatively-minded English-speaking world. There is, however, some suggestion that these attitudes are changing: Tony Blair took paternity leave while in office, the first British Prime Minister to do so, and Chancellor Gordon Brown likewise.[1]

These public demonstrations of active paternity appear alongside increasing research into the positive effects of fathers' long-term involvement with their children. Fathers who take paternity leave may not only bond more closely with their offspring, but prevent their partners 'from gaining exclusive expertise in child caring'.[2] Research also indicates that increased paternal participation within the home improves children's social and cognitive development.[3] It also seems that even a short period of parental leave creates closer father-child involvement over the following 12 months.[4]

But these statistics share a sole focus on the benefit of paternal leave to either early child development or fathers, who appear to risk feeling excluded and out-performed by their partners. One question remains largely unanswered: how might paternal leave policies affect women?

Quite significantly, it appears. Indeed, shifting our attitude towards parental leave could transform the difficulties modern women frequently face in their double duties as family caregiver and breadwinner. Psychologists such as Louise Silverstein suggest that by redefining fatherhood 'to emphasise nurturing, as well as providing', men can alleviate the female burden of child-rearing while also stimulating changes in social policy to support working parents – changes that Silverstein notes are far likelier to occur when men, not just women, are the parties affected.[5]

II. Global status of parental leave

Parental leave originated in Scandinavia in the 1970s and has been continually evolving since. While most other Western nations were still deliberating over their lacklustre maternal leave policies in the '90s, the Scandinavians introduced non-transferrable paid leave for exclusive paternal use, known as the 'father's quota'.[6]

Surprisingly, the concept of a father's quota radically transformed male attitudes to parenting in an already forward-thinking environment. Before their introduction in Sweden, fathers took only six per cent of the generous allotment of 480 days of shared parental leave.[7] The persuasive force of father's quotas, in combination with extra incentives such as 'bonus weeks' of leave if men take time off following birth, quadrupled the proportion of male leave taken in Sweden.[8]

In Scandinavia men can currently take anywhere between six months (Iceland) to sixteen months (Sweden) of paid parental leave.[9] Moreover, this leave is extremely flexible, and can be taken part-time or postponed for as little as eighteen months after the child is born to as long as nine years (Denmark).[10]

These policies largely apply to same-sex couples as well, in another forward-thinking reconception of gender relations which more accurately refocuses the assumed division of mother-nurturer/father-worker to primary and secondary caregiver. With this personalised format, child-rearing becomes a process of negotiation, rather than preconceived roles. In this climate, it is easy to understand why between 60-90 per cent of Scandinavian fathers now take parental leave.[11]

Such policies are virtually unheard of outside the Nordic circle. The US offers no paternity leave system whatsoever, although fathers often negotiate with employers to take time off work, albeit usually lasting a week or less.[12]

Australia nudged closer to such liberal thinking by last year announcing a two-week paternal leave bonus paid at the national minimum wage, operative from January 2013. But this provision seems a measly offering by comparison, denying families the flexibility to make practical determinations as to who should leave the workforce.

III. What determines whether men take leave?

This decision-making process – often viewed as 'who should sacrifice their career?' – is central to the issue of balancing responsibilities and gender roles within the family. Studies indicate that wealthier and better-educated men are more likely to take paternal leave.[13] But one highly decisive influence appears to be the pre-conceived attitudes towards child-rearing sported within the father's work environment. Fathers who earn more tend to be more likely to take leave, since their salary and reputation is less likely to be affected by the decision to put a baby before the office.[14]

Fathers must therefore undertake a bargaining process at work where the negative reactions of colleagues compete with their own wants and their families' needs. The parenting decisions that are so crucial to mothers, both short- and long-term, are therefore often determined without them. We therefore face not only a dearth of governmental support for fathers as primary care-givers, but a broader attitudinal problem which deflates whatever political gains paternal leave makes. If such stigma exists around the concept of male parental leave – as studies suggest it does – how can we revise male attitudes towards fatherhood?

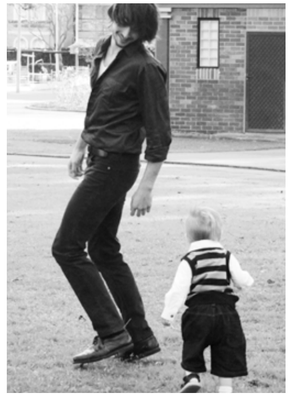
IV. Creating shifts in gender identity

We appear to face a cyclical problem: unsupported by governments, paternal leave holds a low public profile; thus preconceived notions of female-centric child-rearing remain, and paternal leave policy misses the opportunity to expand.

Scandinavia, however, seems to have broken this cycle by offering men such significant encouragement to assume the mantle of fatherhood. Swedish men, one local journalist notes, 'have been raised to feel competent at child-rearing', simply 'expect[ing] to do it, just as their wives and partners expect it of them.'[15]

This attitudinal transformation is linked to what academics have labelled 'hegemonic masculinity', or the idea that male relations exist in a hierarchy

Photographs: Lanelle Lee Chin



with men aspiring to dominate each other, as well as women, in order to reach the top. However, sociologists have noted a fascinating shift in traditional patterns of hegemonic masculinity in countries where paternal leave receives generous state support.

In Sweden, the masculine norm has shifted from traditional displays of virility (such as fast cars or big muscles) to something quite different: childcare. There, fathers express a 'child-oriented masculinity' which preferences prowess in the playground over the machismo of the sporting field or nightclub.[16] As one study summarises, '[c]are and intimacy with children can be seen as new territories to be conquered'; men focus their competitive energies on becoming the best fathers they can be, and '[b]eing hopelessly clumsy with children is not considered particularly masculine'.[17]

And yet this revision of gender roles cannot change everything. Studies indicate that this uniquely male involvement in childcare is somehow valued more highly within the home: active fathers are an anomaly, and hence are granted a higher status than the women who share their role.[18] Moreover, it appears that once multiple children enter the family, men retreat back to the workplace, leaving child-rearing as a female-centric domain.[19]

But a transformation of child-rearing roles has significant, wide-reaching benefits. As Silverstein suggests, 'the experience of nurturing and caring for young children has the power to change the cultural construction of masculinity into something less coercive and oppressive for both women and men.'[20] Greater equality of gender roles may also lead to the normalisation of homosexual family structures, creating greater diversity in our conception of what it means to be male, female, or a parent.[21]

It appears that beneficial shifts in policy – like those enacted in Scandinavia – *do* change male behaviour, perhaps offering release from the vicious cycle of negativity towards paternal leave.[22] As well as rebalancing the immense pressures felt by modern mothers, such efforts could also reshape our very notions of identity. Silverstein is correct to assert that 'Fathering is a Feminist Issue'; it is something that ultimately affects us all.

Endnotes:

1 Sakiko Tanaka and Jane Waldfogel, 'Effects of Parental Leave and Work Hours on Fathers' Involvement with their Babies,' *Community, Work and Family* 10, no. 4 (2007) 409.
2 Mari Rege and Ingeborg F. Solli, 'Impact of Paternity Leave on Long-Term Father Involvement' CESifo Working Paper Series No. 3130 (2010), 3.
3 Rege and Solli, 23.
4 Tanaka & Waldfogel, above n 1, 421.
5 Louise B. Silverstein, 'Fathering is a Feminist Issue,' Psychology of Women Quarterly 20 (1996), 5-6.
6 Anita Haataja, 'Fathers' use of paternity and parental leave in the Nordic countries,' The Social Insurance Institution of Finland, Helsinki, Online Working Papers, 2/2009, 3.
7 Nathan Hegedus, 'Snack Bags and a Regular Paycheck: The Happy Life of a Swedish Dad,' *Slate*, http://www.slate.com/articles/double_x/doubles/2010/08/snack_bags... (Accessed May 28, 2012).
8 Hegedus above n 7; Haataja above n 6, 12-13.
9 Haataja, above n 6, 12-15.
10 Ibid, 13.
11 Ibid, 9.
12 Lenna Nepomnyaschy & Jane Waldfogel, 'Paternity Leave and Fathers' Involvement with their Young Children,' *Community, Work and Family* 10, no. 4 (2007).
13 Tanaka & Waldfogel, above n 1,412.
14 Ibid, 412.
15 Hegedus, above n 7.
16 Almqvist, 'Why Most Swedish Fathers and Few French Fathers Use Paid Parental Leave: An Exploratory Qualitative Study of Parents,' *Fathering*, 6, no. 2 (2008): 192-200.
17 Berit Brandth and Elin Kvande, 'Masculinity and Child Care: The Reconstruction of Fathering,' *The Sociological Review* 46, no. 2 (1998), 309.
18 Ibid, 294-5.
19 Tanaka & Waldfogel, above n1, 412.
20 Silverstein, above n 5, 31.
21 Ibid, 6.
22 Tanaka & Waldfogel, above n 1, 421.

Grandmothers as Mothers again

Shirley Liu

On 17 May 2012, the Council on the Ageing (COTA) NSW held a forum called 'Grandparents & the Law'. COTA (NSW) is a non-government organisation that advocates for people who are over 50 years of age and living in NSW in areas of social justice. The forum offered information to grandparents about the legal processes, especially when faced with issues about parental responsibility and maintaining contact with their grandchildren.

Speakers on the day included Magistrate Paul Mulroney (NSW Children's Court), Alice Finn (solicitor from Legal Aid), Rod Best (Community Services) and a grandmother who shared her story about raising three grandchildren. There were also many questions from the audience, but the stories shared on the day only form a small piece of the puzzle about the struggles faced by grandparents. This short article will provide some insight about grandmothers as mothers again and explore legal options for grandmothers who wish to raise their grandchildren.

Statistical evidence regarding the number of grandparents raising their grandchildren is limited in Australia. In 2003, the Australian Bureau of Statistics (ABS) estimated there were 22,500 Australian families in which a grandparent, or grandparents, was guardian of their grandchildren, that is 31,100 children aged 0-17 years.[1] Furthermore, evidence within the community services sector indicates an increasing number of grandmothers raising their grandchildren.[2] In fact, when Community Services removes a child from their birth parents, the first placement option they explore is kinship or relative care. It is desirable for the child to have a placement within the same family. Foster care is often the last resort. Consequently, grandmothers may be chosen as a suitable carer for the child if the birth parents do not have caring capacity. These women are treated as a 'mother' rather than a 'grandmother'.

When grandmothers care for their grandchild on a daily basis, the relationship they have with the child changes. Traditionally, a grandparent only spends weekends with their grandchildren doing activities that the grandchild enjoys, or provides temporary care for them as their parents go to work, or buys them gifts on special occasions. But when they have parental responsibility of the child, they essentially become parents again. They may have already raised their own children, but now they need to raise their grandchildren as well.

Grandmothers may raise their grandchildren for several reasons. The most common include the unavailability of birth parents; birth parents who are experiencing serious difficulties; there is physical, sexual abuse or ill treatment of the child; there is physical, psychological or educational neglect; there are parental mental health issues; or there is domestic violence in the family. These circumstances tend to have a negative impact on children in the future. Hence grandmothers may wish to raise their grandchildren if they are able to create a better environment for their grandchild to grow, develop and learn positively.

From the real life story of a grandmother at the forum, it was revealed that while the experience is rewarding and life changing, there are legal struggles to overcome. For instance, the voices of grandchildren and grandmothers are not always heard in legal processes and grandmothers have fewer legal rights than birth mothers to maintain continual access with their grandchildren. Also, grandmothers raising grandchildren without custodial court orders are not empowered to give permission for medical procedures and school excursions. The only way to access more rights is by applying for or applying to change existing custodial orders through the Family Court or Children's Court.

The panel of speakers revealed that grandmothers have more rights now due to the recent developments in Family Law legislation. The *Family Law Act 1975* (Cth) recognises that anyone with an interest in the child's welfare may apply for parenting orders in the law, including grandmothers. The legislation also recognises grandparents in the principles for determining the best interests of the child. This enables grandmothers to begin care order proceedings in their own right in the Family Court, if there are no existing proceedings in the Children's Court. The Family Court looks at best interests of children by looking at the different options and balancing them to find the best option for the child. The Children's Court focuses on the protection of the child and the realistic opportunity of the children returning to their parents. Legal proceedings in the Children's Court can only be commenced by Community Services. If grandmothers wish to be a party to the proceedings they should communicate with a caseworker at Community Services to be joined as a party. This may happen because Community Services prefers the child to be placed with their grandmother. Nevertheless, grandmothers can also be a separate party to the proceedings if their view is different from that of Community Services.

> "Due to the recent developments in legislation, there is greater recognition of the positive role of grandmothers in a child's life."

Information about both courts revealed that if grandmothers were the most stable person to look after the grandchildren, there is always a chance to obtain custody. The Children's Court does recognise the positive influence of grandparents on the lives of children.

Permanency is a key consideration in issuing parenting orders. Magistrate Paul Mulroney emphasised the importance of looking at the child's development in the long term and that grandmothers may be able to provide a more stable environment for the child than their birth parents. Not having a legal representative should not discourage grandmothers if they think it is important that the grandchildren either live with then or have contact with them. In the Family Court, grandmothers can represent themselves. While the judge will not provide legal advice, they will assist them in understanding the legal issues. Nevertheless, legal advice is available through Legal Aid NSW. If they do not qualify for Legal Aid, they may apply for pro bono services through the Law Society. If both options are unavailable, they are entitled to free walk-in sessions at any Legal Aid centre for 20-minute consultations.

Due to the recent developments in legislation, there is greater recognition of the positive role of grandmothers in a child's life. Obtaining a Children's Court or Family Court order are options for grandmothers who wish to have parental responsibility for a child and be recognised as a legal guardian. These orders are not impossible to obtain if they are for the best interests of the child. This short article only provided some insight into the legal issues faced by grandmothers and how they can improve their legal standing as carers, but there are many other issues they face. While there is greater recognition, there are still many legal issues that were raised at the forum. Major issues is being unaware of resources and services available; not knowing the factors the court considers when making parenting orders; and the procedures involved.

Consequently, as the population of grandmothers raising grandchildren continue to increase in NSW, it is crucial that the legal system and service providers continue to provide resources and educate the grandmothers to support them in their role as 'mothers' and acknowledge the sacrifices they made for the children of our next generation.

Endnotes:

1 ABS, 2003, '4442.0 – Family Characteristics, June, 2003'.

2 COTA (NSW) and NSW Ministerial Advisory Committee on Ageing, 2010, 'Listening to Grandparents' (Report of the NSW Grandparenting forum).

Our Hands That Still Perform (2012)

Helen Liu

Cotton strand, metallic thread and hand dyed fabric embroidered on cotton silk

Our Hands is a two-part project that explores Chinese embroidery as a symbol of the relationship between our hands, behaviour and the value we impart on consumed goods.

Past tradition and cultural practices are fascinating because for me it embodies the true sense of living that holistically focuses on the people. I grew up watching Chinese period dramas and saw numerous women hand-stitch by stitch an assortment of things. It symbolized an attitude to life that I hoped for society to be again: to be able to work with our hands in the design and creation of things, made more valuable by its aspirations and the time and effort spent in making them.

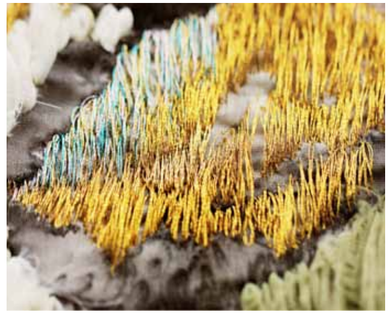
Yet we are born in the time of technology and machinery, mass production and mass consumption. While this seemingly makes life more efficient and fulfilling, the ability of our hands and mind to perform creatively and skillfully becomes compromised.

The first part of Our Hands was a five-day performance installation at 'He Made She Made', a concept gallery on Oxford Street, Darlinghurst. As I sat embroidering, visitors were welcome to sit, watch or embroider with me. It did not matter whether they had experience or how well they could stitch: it was their willingness to morph from consumer to creator that mattered – to use their hands and time in a manner they otherwise would not have.

No stitch was too small or inferior.

In an age where we are so reliant on technology, I hope that instead of being discouraged by labour-intensive ways of making which are time consuming, we instead discover the enriching and valuable process involved. If we can all just pitch in a little bit of time, energy and mind, perhaps collectively and collaboratively, we can be on our way to produce something similar to the artisanal works of the past. The metallic thread embroidery forms the second part of the project, and symbolizes my response to both the outcomes of the installation and the detailed work of traditional Chinese embroidery. Countless hours of stitching not only binds all the hands of the embroiderers together, but also creates a link between our hands and the skilled hands of the past. Simultaneously, the experience was also a personally changing one as I not only mimicked the actions of the past embroiderers, but was also motivated by their mindset: not thinking about the work as a seemingly never-ending project that needed to be done – but instead focusing on the process of making that one stitch, then the next, then the next, then the next. Along the way, I learned to develop patience, diligence and perseverance.

Finally, I'd like to thank 'He Made She Made' for graciously providing a setting for the work to be realized, as well as the many people who walked into the project and lent their hands in the creation and metamorphoses of the embroidery.



Juniperina

Erin Stewart

I. Facades

When I was in Year Ten, my class went on an excursion to a prison. Everyone was surprised to find a garden with trees, and friendly-looking living quarters. A prison is not really like what you see on TV; it's closer to a nursing home or a timeshare resort. I was reminded of my Year Ten excursion when I approached the gates of Juniperina.

Juniperina looks like a school. I said this to a guard walking me in. 'In a way,' he replied, 'it is a school. It's actually two schools, run by the Department of Education. One of the schools has girls who have just come in. They are a little unsettled; it's hard for them to concentrate. The other is for girls who have been here for a while. It's not so bad for them; they go to school every day….It's mostly TAFE courses, barista training, hairdressing, beauty, that kind of thing.'

With patches of damp, freshly-mowed grass, rooms filled with art supplies, and girls walking in lines, in drab, uniform attire, Juniperina looks benevolent. But, like all detention facilities, the sense of normality can only be achieved if you ignore certain details. In the background there are coils of razor wire and centrally-controlled doors. The overriding image of normality jars with the purpose of the place – to discipline and reform these girls.

Juniperina Juvenile Justice Centre accommodates young women on control orders or remanded in custody. It is the only justice centre for young women in Australia, and has room for 44 residents.[1] The girls who live there are quite rare indeed. According to the most recent figures collected by the Australian Bureau of Statistics, only eight per cent of the total juvenile prison population is female.[2]

I volunteered at Juniperina for an hour at a time over a few weeks as part of the Sydney University Law Society's Social Justice Program, which has been running since 2011. The visits were anchored around providing the girls the opportunity to do something fun or creative while in custody.

Nonetheless, visitation is within certain bounds. Certain materials cannot be brought in due to the high risk they pose as tools for violence or self-harm. The prohibition includes obvious things – sharp objects, lighters, keys – as well as less obvious things. We were advised, for instance, not to bring beads of a certain size because they could be broken in half, with the shards capable of breaking the skin. We were further asked to refrain from bringing scarves as they could be used to strangle or hang. The implication was that, well, these girls were *dangerous*. But, like the razor wire, the danger dwells in the background.

I expected the girls at Juniperina to be like those girls at school who smoked cigarettes behind the bus shelter and would taunt the teacher in class. I expected them to be rude to me. The girls are not really like that at all. They are highly boisterous and restless – the girls could run a marathon but are confined to the TV room. They use their energy to laugh and joke. In equal parts they playfully make fun of themselves and their peers. They like pop music. And like most teenagers, they will lie, cheat and work hard to get their hands on some lollies.

Photograph: Erin Stewart

> “Juniperina gives girls some boundaries, boundaries that they would never get where they’re coming from. Some girls say they like that about the place.”

Yet, the dangers don’t disappear behind the veneer of normality. They float around like spirits. Every so often there is a moment that brings those dangers forward.

One week, the girls break up into groups and nominate one of the members to be dressed up in newspapers. They design their own outfit and use masking tape to put it all together. The activity is quite physical, involving movement which is sometimes quick. A girl accidentally brushes another girl. In retaliation, there is a light push coupled with a frown, a power signal. Nothing that would get anyone in trouble. I think only I notice.

Earlier, we’re playing musical chairs, and the girls seem to be getting a little too violent in their quest to sit down when the music stops. It’s okay. Nothing crosses the line, but my breath gets a bit shallower. There is a shoulder-aching tension among the staff. It feels like a fight might break out were it not for our monitoring.

Justice centres have a similar disjuncture between façade and reality. On the surface, they look like normal institutions that most people are used to – schools, nursing homes, hospitals. They sweep their exceptionality and darkness to the sides. You don’t get to examine their exceptional nature very much as a visitor. The moments which might provide opportunity for deeper examination fall through your fingers like grains of sand. The reality of justice is complex and subtle.

Prisons get to the heart of the big questions. Questions which exist somewhere in the ether, but are never asked. After all, to ask why people commit crimes would be to ask too much. It would attempt to address the nature of humanity, to postulate whether or not there are simply Bad People, or if evil is created by some monolithic entity called ‘society’. Did the man steal a car because he was greedy and it was shiny, or because all through his life he was dismissed and debased, and the only way he could ever get some respect was by doing dangerous things? Maybe both.

Even though I don’t hope to have an answer, helplessness is no doubt related to criminality, as I will explore. Prison, as horrific and imposing as it is, creates a space which can address that helplessness. The real question is whether we can address that helplessness before anyone gets hurt.

II. Helplessness

It is rare for a girl to commit a crime and even rarer for her to go to jail for it. Many girls experience deprivation and violence; however, most of them don’t resort to criminality. There is an old adage in sociology – ‘men go to jail, women go crazy.’ A similar sentiment is expressed by R.H. Wells – ‘while boys slash tires, girls slash their wrists.’[3]

In a context of violence and deprivation, men act out. They riot in the streets and resort to petty thievery. Women are more likely to give up. They lose confidence. They don’t fight; they fall. They accept their helplessness.

Joanne Belknap, Kristi Holsinger and Melissa Dunn describe the ‘pathway to law-breaking’ that many incarcerated girls have trodden. It often starts with domestic abuse and violence. The girls resort to drugs ‘as a source of self-medication’. Girls in prison usually suffer from low self-esteem, the outcome of a lack of self-respect and the relentless feeling that they are not respected by others. They might have relationships with boyfriends much older than they are. The boy might have friends who dabble in drugs. One thing leads to another. Girls end up in jail.[4]

For good reason, I’ve not been privy to the specifics of any of the stories of the girls at Juniperina. However, scholarly research richly documents the contexts in which juvenile crime tends to occur. A UK study of young offenders found that they ‘experience violence at home, in the community and in custody’. Instability is a theme in the lives of juvenile offenders, and ‘deprivation [is] experienced both in terms of poverty and the literal and emotional absence of parents’. They are often unable to seek support due to a lack of resources and tend to revert to aggression – both towards themselves and others – to cope with their experiences.[5]

Regardless of what the girls are ‘in for’, many of the girls have chronic problems with the law. A staff member told me that 50 per cent of the girls end up back in the adult prison system after serving sentences at Juniperina. Some girls seem to go in and out of Juniperina regularly. Some girls even seem to prefer their life at Juniperina than at home or whatever they have which resembles home.

The staff member said, ‘Juniperina gives girls some boundaries, boundaries that they would never get where they’re coming from. Some girls say they like that about the place. It makes them feel safe, gives them a safe place to sleep. They know what to expect; they know what happens if they follow the rules or don’t follow the rules. It gives them a chance to clear their head; it gets them clean from the drugs and the alcohol.’

Belknap, Holsinger and Dunn’s study has affirmed this sentiment. They report that while incarcerated girls want freedom, they are afraid of it. They don’t know how to avoid the people and the patterns which put them in a place like Juniperina in the first place.[6]

In my few short visits to Juniperina, I did not make much headway into knowing the girls, their pasts, and their dreams. I wanted to have these conversations but was afraid they would be inappropriate. Far too inappropriate. I focused more on learning their names. The inmates learned new skills from us and tried their hand at building relationships with people they don’t see every day. Hopefully these things won’t be taken away, erased in the vicious cycle of repeat offending, of drugs and alcohol, and bad boyfriends.

I know there is probably no point keeping my fingers crossed. When it comes to stopping distressing and traumatic cycles, we’re all pretty helpless.

III. Structure

The New South Wales state government aims to divert young offenders away from the penal system. It has instead preferred restorative justice measures such as conferences which aim to connect offenders with their victims, enabling them to understand the effects of their actions. Victims describe their experience of the crime, the offender has to admit their guilt, and the group (involving facilitators, witnesses, parents, and others) decides how the offender will make amends.[7]

In an opinion piece for the *Sydney Morning Herald*, Natasha Wallace and Geesche Jacobsen have labelled such measures ‘soft’. They don’t work; the rate of re-offending is high. Further, it’s ‘naive’ to think that young people involved in a pattern of crime will suddenly stop because they have had a firm talking to. Most juvenile offenders never make it to prison. We make it hard for them, in a way. There are warnings and diversionary measures. We don’t want to send children to prison.

But the question remains – what stops people from reoffending if their home is unstable and under-resourced? What happens when jail is preferable?

> “… It shows how giving people a chance to learn, some responsibility, and some level of structure is healing, both for the prisoner and for society.”

In his seminal work, *Discipline and Punish*, Michel Foucault emphasises how methods of discipline work to restrict people. Discipline moulds people; it stands in the way of complete freedom. This is no truer anywhere than in prison where people are literally held captive by disciplinary forces.[9] However, as academic Megan Watkins points out, discipline can also be creative. It renders one capable of being part of a community; it helps those incarcerated to adapt and learn. Ideally, it would help them design for themselves a way forward into the future.[10]

In her article about Bandyup, a justice facility for female adult offenders, Anna Krien points out that some inmates are able to read and write because only during their imprisonment do they finally have the space and opportunity to do so. She tells a story of a woman asked to write her opinion on a topic of her choice by an education officer. A week later the woman came back with a 20 page essay explaining how it felt to be asked her thoughts for the first time ever. ‘She was 38 years old.’[11]

Despite being a place of punishment, Juniperina holds on its official volunteer documents that it ‘need[s] to empower young women so that they are able to make choices and have the confidence to become independent’. It focuses on providing structure, education, and skills-based activities. Many of the girls at Juniperina have or probably would have dropped formal education were it not for their incarceration.

The platform of empowerment in incarceration is particularly effective in Norway. There is a prison located on Bastoy Island, around 75 kilometres south of Oslo. Inmates live in little cottages, and are expected to run the island – they do the cooking and maintenance. In their free time, there are many activities in which they can take part, such as skiing, horseback-riding, fishing, and using the sauna. They are free to undertake formal study. Only five staff members stay overnight, and there are 115 prisoners there. The inmates of Bastoy Island enjoy the lowest rate of reoffending in all of Europe.

The prison governor, Arne Kvernvik Nilsen, told The Daily Mail: ‘Here, you are given personal responsibility and a job and asked to deal with all the challenges that entails. It is an arena in which the mind can heal, allowing prisoners to gain self-confidence, establish respect for themselves, and in so doing, respect for others too.’[12]

It’s somewhat banal to suggest that Australian policy should mimic those of Scandinavian countries. It’s also patently wrong to say that prison is or can be a good place. But the Bastoy Island model is instructive because it shows how giving people a chance to learn, some responsibility, and some level of structure is healing, both for the prisoner and for society, as manifested in a low crime rate and a low rate of re-offending. Structure fights helplessness. If there were a way to inject the creative force of prison into those who need it – the comfort of knowing where you’re going to sleep, the space to learn and safely socialise, a way to sort through thoughts (even painful ones), a mode of functioning where substance abuse isn’t an inevitability – this is what we need to do. This is what we need to do ‘to empower young women so that they are able to make choices and have the confidence to become independent’, not just the minority that goes to prison.

Endnotes:

1 The Government of New South Wales, *Juvenile Justice* <http://www.djj.nsw.gov.au/centres_juniperinajjc.htm>.
2 Kelly Richards, *Trends in Juvenile Detention in Australia* (12 May 2011) Australian Institute of Criminology <http://www.aic.gov.au/en/publications/current%20series/tandi/401-420/tandi416.aspx>.
3 Joanne Belknap, Kristi Holsinger and Melissa Dunn, 'Understanding Incarcerated Girls: The Result of a Focus Group Study' (1997) 77(4) *Prison Journal* 381.
4 Ibid.
5 Joni Paton, William Crouch and Paul Camic, 'Young Offenders' Experiences of Traumatic Life Events: A Qualitative Investigation' (2009) 14(1) *Clinical Child Psychology and Psychiatry* 43.
6 Belknap, Holsinger and Dunn, above n 3, 381.
7 Richards, above n 2 .
8 Natasha Wallace and Geesche Jacobsen, 'Children Reoffend as System Goes Soft', *The Sydney Morning Herald* (online), 28 April 2012 <http://www.smh.com.au/nsw/children-reoffend-as-system-goes-soft-20120427-1xqb0.html>.
9 Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Alan Sheridan trans, Penguin, 1979) [trans of: Surveiller et punir: Naissance de la Prison (first published 1975)].
10 Megan Watkins, *Disciplne and Learn: Lessons on Embodiment* (Sense Publications, 2011).
11 Anna Krien, 'Parallel Lines', The Big Issue (August 2006).
12 Piers Hernu, 'Norway's Controversial "Cushy Prison" Experiment – Could It Catch On in the UK?', *The Daily Mail* (online), 25 July 2011 <http://www.dailymail.co.uk/home/moslive/article-1384308/Norways-controversial-cushy-prison-experiment--catch-UK.html>.

Thoughts on Apollo and Daphne

Claire Nashar

I. Half Sestina

after Carlo Maratti (1681)

Yes-over there, by the arbour,
the five of us by the water
for an hour; but no, I didn't see-my eyes
had been... elsewhere, on her fingers,
my friend's, curled around that branch, in reach
white on bark; and yes, that's when we heard: "Daphne!"

Wasn't him, not yet; came from above: "Daphne!"
from right up there, in those trees, the arbour
-though no, we couldn't see; too high, out of reach
and hidden in leaves; but laughing too, below on water
-like that sunken vase, the one no-one's fingers
could ever pull from water because eyes

aren't good at seeing when eyes
look too hard; but his voice: "Daphne!"
And we knew him! -by his bow, clutched in fingers
still humming, still so hot, and we knew, in the arbour,
must have known, must have seen beyond water
and behind it too, the stillness of laurels-everywhere in reach.

"Daphne!"
as eye-fingers reach
for the arbour in water.

II. Bower Notes

after Antonio del Pollaiuolo (1470-1480)

Sleep somehow changes things,
doesn't it?

Lying in bed
rucked in sheet
we move slowly
clumsy somehow
and heavy
forms ghosting
forms
legs reaching

but still I know
you're chasing
lithe
like a sun
hot wind
on my neck
and I know
what happens next

know it like

my fingers

pressed

open and stiff

against headboard

sprouting / blooming

Autonomy:

Dilemmas and Solutions within a Feminist Discourse

Devika Gupta

The discourse of autonomy within a feminist framework is a notion of independence, of freedom from society, state and culture. It is a domain which women strive for in order to break the chains of inequality that bind them. Autonomy is synonymous with individualism, and it is this very concept that I find attractive within the feminist context. By framing ourselves as individuals, we no longer assume a premise of 'us' versus 'them' but view one another as individuals that should be given equal protection and freedom within political, social and legal structures. The 'imaginary domain' envisioned by Drucilla Cornell in her piece, *At the Heart of Freedom*, is a fundamental factor in achieving autonomy. However, it is not free of problems in that legal boundaries and tolerance are necessary for its functioning. In particular, the concept of fear and state-imposed restrictions on individualism undermine this very sense of autonomy. Jennifer Nedelsky's concept of strengthening and maintaining legal boundaries and her adoption of a relational approach in *Relational Self, Relational Law*, along with Wendy Brown's construction of tolerance of difference in *Regulating Aversion*, go a long way in facilitating autonomy.

I would first like to address the concept of the imaginary domain introduced by Cornell. It is within the framework of the imaginary domain that we are able to see ourselves as individuals, as it implies a 'freedom to create ourselves as sexed beings, as feeling and reasoning persons in order to participate in the richness of life'.[1] This domain enables women as individuals, and not gendered beings, to evaluate their own lives and understand who they really are, and provides each woman with the chance to become a 'unique person'.[2] By using the space of the imaginary domain, the individual, in this case a woman, has the freedom to participate in and pursue her 'own happiness'.[3] It should be noted that Cornell agrees that freedom should

Photograph: Erin Stewart

be separate from its grounding in the concept of autonomy. Cornell, however, does understand that the imaginary domain is an utopian thought since a 'human cannot separate herself from the culture that shapes her'.[5] I am using the imaginary domain as a starting point in understanding being the right path to achieving autonomy in that it gives women a chance to become a 'unique wife, mother or friend'.[6] This imaginary domain can accommodate exceptions, ideas and values that the state or culture may espouse. The concept runs in conjunction with Dworkin's argument for liberalism predicated on the view that 'we are all of equal worth as persons and that we all are uniquely responsible for our own lives'.[7] However, there are problems that autonomy and the use of the imaginary domain face, which cannot be ignored, including the notion of fear in women's lives.

Jennifer Nedelsky's *Violence against Women: Challenges to the Liberal State and Relational Feminism* illustrates the failure of liberal states in protecting women from gendered violence. This failure results in fear that restricts women from achieving full autonomy as fear not only perpetuates a woman's increased vulnerability but also reinforces gendered structures of power.[8] Nedelsky first addresses the foundational aspect of liberal society, stating that its fundamental premise is the protection and security of a person. However, rape, battery and other sexual and domestic violence have become part of women's lives which overwhelm the ordinary human adaptations to life.[9] As Nedelsky suggests, it is not about the number of women that have been raped each year; it is the pervasive fear that controls the lives of many women.[10] Such fear reminds women of their subordinate status in society, and the imaginary domain becomes a locus of conflict, with threats to bodily integrity and freedom of choice. Sexual domination coupled with gendered violence restrict the imaginary domain from fully being realised. Nedelsky points out that rape and battery are traumatic particularly because they '[violate] the autonomy of the person at the level of basic bodily integrity, and the purpose of attack is precisely to demonstrate contempt for the victim's autonomy and dignity'.[11]

It 'becomes a woman's responsibility to stay out of harm's way,' further restricting the autonomous self.[12] As Judith Shklar explains, it is a 'fear of fear itself'.[13] This undermines the very picture of an autonomous self as a free agent as such treatment is inconsistent with the most basic of liberal rights that go hand in hand with the imaginary domain where individuals are guaranteed equal protection.

The discourse of tolerance within a liberal framework is addressed in Wendy Brown's *Regulating Aversion*, where Brown posits that tolerating pluralistic views of religious and ethnic differences creates sites for native hostility.[14] She considers Susan Okin's ambivalent views on multiculturalism given that multiculturalism implies differences which conflict with the 'opportunity for women to live as fulfilling and as freely chosen lives as men can'.[15] Culture becomes a problem when trying to understand the imaginary domain since the domain is being shaped by cultures that surround us, including societal norms. Okin positions both 'culture and patriarchy as elsewhere from liberalism as culture and religion perpetuate inequality by formally limiting women's autonomy'.[16] Okin's argument is legitimate to the extent that if a culture reflects a gender hierarchy, the hierarchy becomes a norm that should not be tolerated since it impedes an individual's right to choice and freedom. However, what she fails to address is that this is specifically for liberal societies and is not inclusive of other societies. Our imaginary domain should allow us to understand who we are regardless of cultures and external norms; thus, if there is a specific way we would like to act, whether it is in a multicultural context or within a homogenous population, it should be tolerated. Nevertheless, I concede that this argument fails to ensure that the autonomous agent remains free from social and cultural impositions.

The state's imposition on the individual's rights poses a moral and political problem given that the law in itself does not value specific groups of people, potentially restricting women from achieving self-representation. If women are designated by legal or cultural definitions to be

> Fear not only perpetuates a woman's increased vulnerability but also reinforces gendered structures of power.

responsible for activities such as reproduction and child rearing, an individual woman's right to represent herself is undermined.[17] The 1965 United States Supreme Court case *Griswold v Connecticut* reflects this limitation on self-representation;[18] in *Griswold*, the Court saw fit to impose regulations concerning the right to use contraception on the sexual lives of a married couple, regardless of the couple's prerogative in making critical decisions in starting a family.[19] Such an imposition by the state on an individual's choice and freedom restricts the imaginary domain, which is fundamentally premised on the view that we are all able to determine our own choices, values and lives.

The aforementioned problems restricting women's autonomy are not set in stone, and the three authors have come up with viable solutions. Nedelsky claims that there are two ways to move beyond fear that restricts autonomy: to strengthen legal boundaries as well as aspire to a relational approach to gender discourse. The first method conceives of justice as 'a web of legal arrangements required to keep fear in check'.[20] Laws must be neutral and designed with greater concern for how they affect people differently, in an acknowledgment of class, gender hierarchy and sexual violence. Tighter regulations create a situation where it is 'no longer safe for men to act on an idea that women are temptresses'.[21] The law thus alleviates the state's authority within both the imaginary domain and assists prevention of gendered violence.

The traditional aspiration for liberal societies is to achieve equality by framing rights in the most general terms so that the right protects all equally, whether it be freedom, autonomy, dignity or security.[22] However, conventional language structures promote the law's 'dangerous capacity to treat people as categories of removed "others"' and 'may foster people's inclination to project evil onto others'.[23] By contrast, the relational theory advanced by Nedelsky, which seeks to alter conventional language structures in the presentation of rights, would promote a 'new kind of mutual respect befitting equals' as opposed to maintaining traditional rights that fail to address the power dynamics within this society that perpetuate violence and the gender hierarchy.[24] Relational thinking will foster both compassion and intelligent responsibility, and provide a basis for effective moral judgment,[25] which is also the aim of the imaginary domain.

Culturally-entrenched notions of individualism also play a role in redressing other challenges that face autonomy. Michael Ignatieff claims that the 'culture of individualism is the only reliable solution that holds group identities, and racisms that go along with this. Thus the solution is to help people see themselves as individuals and then see others as such.'[26] While this claim clearly accords with the relational theory Nedelsky suggests, it also plays into Brown's conception of liberal tolerance. Brown recognizes that one cannot move away from culture as it is embedded in our society and is a way of life, but points out that 'individuation requires that one's culture or religion be regulated to the background, externalized from one's being and rendered extrinsic rather than constitutive of the subject'.[27] This is to say that culture should not be a dependent variable in our path to autonomy; if one chooses to participate in culture, it should not impinge on one's autonomy. However, this configuration of individualism specifically applies to liberal societies that embrace pluralism as, in essence, the liberal state creates spaces to maximize our freedom of choice in moving between and participating in cultures, similar to the imaginary domain.

The imaginary domain implies that individuals must acknowledge their own rights and values without the impediment of state and cultural values unless it is through an individual's own choice to acknowledge and practice such values. However, what proponents of the imaginary domain fail to address is situations where an individual's choice involves harm, such as the case of attachment and the abusive partner. Should the state not intervene if it is the choice of the individual to stay in a harmful and abusive relationship? The case of sexual workers and prostitutes exemplify this tension. Many regard this as a harmful and degrading concept that should involve the state – indeed, activists find it hard to believe that sex workers work as such of their own accord – however many others argue for deregulation and decriminalization based on 'everyone's right to express her sexuality as she sees fit, even if it involves danger to herself and others as long as it stops with nonconsensual violence'.[28] In line with Cornell's view, I can see the line being drawn between violence and consent in separating the imaginary domain of choice and state imposition of restrictions to prevent and police such situations. However, if it is a case of objectifying women, whether it be through prostitution or stripping, provided it does not involve violence and such acts are within the domain of consent (i.e. Nedelsky), then the individual should have the right of self-expression in whatever manner he or she feels like.

In conclusion, the imaginary domain which I have used as the basis of this paper, seeks to acknowledge this fundamental link between regulation and autonomy. However, such changes in relationships, strengthening and maintaining law and our acknowledgement of the imaginary domain, will take time. This paper asserts that the concept of the imaginary domain within feminist theory is a vital part in our crafting of an autonomous self, and although it is not free of problems, it presents solutions that will help alleviate oppression and abuse.

Endnotes:

1 Drucilla Cornell, *At the Heart of Freedom* (Princeton: Princeton University Press, 1998) ix.
2 Ibid. 28.
3 Ibid. 63.
4 Ibid. 64.
5 Ibid. 64.
6 Ibid. 28.
7 Ibid. 28.
8 Jennifer Nedelsky, *Relational Self, Relational Law* (Oxford: Oxford University Press, Forthcoming) 14.
9 Ibid. 18.
10 Ibid. 17.
11 Ibid. 28.
12 Ibid. 42.
13 Ibid. 16.
14 Wendy Brown, *Regulating Aversion* (Princeton: Princeton University Press, 2006) 151.
15 Ibid. 192.
16 Ibid. 195.
17 Ibid. 27.
18 *Griswold v. Connecticut* 381 U.S. 479 (1965).
19 Brown, above n14, 39.
20 Nedelsky, *Relational Self*, 12.
21 Ibid. 47.
22 Ibid. 48.
23 Ibid. 12.
24 Ibid. 43.
25 Ibid. 42.
26 Brown, above n 14, 154.
27 Ibid. 153.
28 Cornell, above n 1, 50.

THE TUG-OF-WAR

OVER THE SEXUALITY OF YOUNG WOMEN:

Teenage Girls and the Criminalisation of 'Sexting'

Jared Ellsmore

> "There is … a disjunction between the societal and cultural encouragement of children's sexuality and the legal and moral inability to view the child as a sexual being."

If we have not done it, we have thought about it: the making and texting of a 'sexy pic' to another, known to the modern urbanite as 'sexting'. When a married adult couple engages in this act, it is simply a way to reignite the passions of a suburban relationship. When an unfortunately-named US Congressman takes a private photo of himself and sends it on, it's rather humourous. When a well-known celebrity has photos surface from a time with an ex-lover, it's a tabloid headline. But when two consenting 17 year-olds send topless photos to each other? Well, that's child porn.

This article seeks to explore the conflicting societal pressures facing young women regarding their sexuality. It does this through the examination of an emerging legal issue in Australia - the criminalisation of teenagers as child pornographers for acts of 'sexting'.

I. Sexting and the Law

Currently, the act of sexting young persons falls within the ambit of Australia's child pornography regime. Under NSW law, 'sexters' may be charged under the *Crimes Act 1900* (NSW). The charges range from the production, dissemination and possession of child abuse material,[1] acts of indecency,[2] and to the filming of private acts.[3] The situation is similar across other states and territories, such as Victoria, where the *Crimes Act 1958* (Vic) has similar provisions criminalising sexting.[4] On the federal level, these acts also fall under the *Criminal Code 1995* (Cth) which prohibits the use of carriage services for child abuse and child pornography material,[5] the procurement of persons under sixteen,[6] and the sending of indecent material.[7] Further, registration for convicted sexters on Sex Offender Registers is provided for under the *Child Protection (Offender Registration) Act 2000* (NSW).

It is difficult to judge the extent of the prosecutions under these provisions. The majority of the cases are most likely dealt with on the basis of police discretion in pursuing proceedings. However, in Victoria at least, where coverage of the sexting 'epidemic' by the media has been more extensive, it is recognised as a growing problem significant enough to warrant an Inquiry by the Victorian Law Reform Commission.

In NSW, *DPP v Eades*[8] represents the most significant case on the matter so far. Damien Eades was eighteen years of age and worked at KFC. The complainant was a younger girl of thirteen years, who exchanged mobile phone numbers with Eades. They became friends in the following months and during one texting exchange, Eades sent a shirtless photo of himself to the complainant, requesting that she send a naked one in return: '*when am I going to get a picture I send you one if you send me one a hot steamy one.*' The complainant subsequently sent a full frontal naked picture of herself to Eades. When the complainant's father discovered the image on his daughter's phone he reported this to police, who in turn prosecuted Eades under section 91H(3) of the *Crimes Act 1900* (NSW) for the possession of child pornography and also under section 61N(1) for inciting a person under the age of sixteen years to an act of indecency. The matter was eventually settled out-of-court.

Importantly, the option to prosecute the thirteen year-old girl involved was also possible. While this avenue was not pursued in this case, young girls have been successfully prosecuted for the production and possession of child pornography under similar laws in other jurisidictions. In one such case from the United States of America, two twelve-year-old girls were prosecuted for taking pictures of themselves in training bras during a sleep-over and keeping these pictures on their phones.

II. Going Down: Sexualisation in Society

She watches the latest music videos, which could easily be mistaken for soft porn. On her iPod she listens to Rihanna's song, 'S&M' – which features lyrics like 'sticks and stones may break my bones, but chains and whips excite me … give it to me strong, and meet me in my boudoir, make by body say ah ah ah.' Magazines plaster 'Sex Secrets' and 'Get Slim for Summer' on their front covers with teenage models dolled-up as young, independent women. The television tells all about the latest sex-tape of a Hollywood celeb, and you can bet the 'rom-com' is not complete until they've done the deed.

This is a broad generalisation, of course, but arguably an accurate one. The media and the markets are clearly guilty of capitalising on the sexualised images of women. Women's sexual liberation, so dearly fought for by older generations, has

become commodified on a societal scale. Even if the advertisements are not sexist, they are certainly sexy. The impact this has had on sexting is rather prominent: children are being encouraged by popular culture to explore their sexuality at younger ages and to adopt sexualised roles in their relationships with others. This may involve the sending of sexual images and pictures of private parts to potential or existing boyfriends/girlfriends. It may encourage more confidence, particularly in boys, for requesting such images, and fosters the notion that such exposure is a normal part of a relationship. It may encourage girls to send such images as a way of asserting their sexuality and sexual maturity.

Research over the past twenty years suggests that while women are reaching puberty (measured by the date of their first period) at approximately the same age as their mothers did (i.e. around thirteen), their physical sexual characteristics are developing much earlier. This physical development may not always be matched with cognitive development, or a proper understanding of sexuality. However, it does mean that young women are seen as potentially sexual at earlier and earlier ages. It is hardly surprising that there is also an increased pressure to develop sexual relationships with older men, despite not having the confidence or ability to navigate sexual relationships. Finally, it also means that body issues and, by association, self-esteem issues, are brought forward as concerns by younger women. The transcript of messages from the 13-year-old girl in *DPP v Eades* poignantly demonstrates this, with multiple texts sent prior to the incriminating image of the following character: '*Well I will take it now but none will be sexy after all it is a picture of me.*'

III. Societal Values

In contrast, the moral standards of society are at a point of disjunction with the standards enforced by popular culture, and pressured by biology. Morally, children are still largely viewed in society as predominantly asexual. Paternalistic urges to shelter and protect the innocence of children are particularly strong. This is especially true of young girls.

Although popular culture encourages and promotes sexual behaviour, the legal environment adopts the opposing moral standard. Children are almost always the imagined victim of abuse, and are rarely depicted as the perpetrator (and if then, only as a male perpetrator). The state and federal legislative child pornography and abuse schemes attest to the imperative to shelter and protect children. The most virulent and impassioned societal reaction to crime is arguably the reaction to child abusers and pedophiles. Such 'creatures' and 'monsters' are regularly denigrated as perverted and less than human. They are viewed, when at large, as predators, dangerous individuals possessing a low-cunning, and fixated on the sexual exploitation of children. They are seen to breach not just the law, but the moral standards of society, and the role expected of them as adults in protecting children. Most importantly, they breach the sanctified status of children as innocent and asexual.

Perhaps there is also a sense of class distinction here. The working-class is frequently stereotyped as immoderate consumers and as sexualised, with little discretion and poor judgment. Parodies of 'cashed-up-bogans' like Kath and Kim only thinly veil this contempt. Sexting offends them because it is seen as an act of bad taste, as much as it is presumed immoral. Children are a stage for the triumph of 'upper middle-class' values (no one is ever just 'middle-class'). The rule that children should represent purity from desires, both commercial and sexual, is violated by sexting. Much like, say, child beauty pageants, perhaps our societal qualms about sexting stem from the fact that it represents sexualisation that 'decent middle-class citizens' attempt so diligently to keep in check.

To many, the idea that middle-class children engage in sexting is likely to be a vulgar, 'cheap' and indecent thing to do.

There is therefore a disjunction between the societal and cultural encouragement of children's sexuality and the legal and moral inability to view the child as a sexual being. This is not to pass judgment on the social conception of innocence and childhood, but rather to point out the dissonance between such conceptions and the social and commercial agenda pushed in popular culture.

IV. Thoughts for the Future

I am not arguing anything new in pointing out the sexualisation of young women in popular culture. Nor is it particularly original to identify the sacrosanct status of children as primarily innocent. Rather, I am highlighting how the law's protection of this innocence contradicts with the agenda of other sectors of society which promote the sexualisation of women. These two competing values serve to show that our society lacks a clear value system when it comes to children, sexuality and the law.

The challenge for the law then is to identify and distinguish between an act of sexting an exploration of sexuality and expression of affection between teenagers, and when such behaviour is 'genuinely' exploitative or harmful. Clearly, for young persons who are motivated by predatory desires and seek to disseminate sexted images to older child pornographers, the appropriate reaction is one of criminalisation. It is more difficult, however, to judge how society should react to situations where the sext was produced, possessed and disseminated consensually between a young couple, and then subsequently further disseminated without consent following a break-up. There are elements here of malice and exploitation, and redress is arguably necessary. Yet to class this situation as equivalent to an instance of predatory child pornography and not as hormone-fueled stupidity seems a blunt use of the law.

Harder still is determining the appropriate reaction for society where there is consensual sexting between teenagers and they are the only parties with access to the images. Due to the high potential for exploitation, young teenagers do need to be made aware of the risks and responsibilities involved. However it seems the current legal reaction uses this as an excuse to mask its own uncomfortability with childhood sexuality and with the portrayal of children as anything but asexual objects.

The power of the law comes from its ability to make nuanced distinctions, to 'split the hairs', measure the 'devil in the detail', and to then act accordingly. It needs to bring this ability to bear in the area of sexting. The Victorian Law Reform Commission has already begun this process, but until the other states and the Commonwealth follow suit, teenagers will still be exposed to the blunt use of laws intended to protect them being used instead to prosecute them. Sexting behaviour that is non-exploitative and consensual should be decriminalised. It needs to be recognised in the same light as it is between adults - an expression of sexuality and affection, that carries with it risks better judged by the individuals involved.

On a societal level, we must recognise the intense pressures we are placing on the sexuality of young women and, indeed, also on young men. The commodification of young women's bodies, and the commercialisation of their sexual liberation needs to be condemned as disingenuous to the spirit of female liberation. Similarly, while the innocence of youth requires some cautionary protection, this protection must be done in a manner conducive to the exploration and maturing of teenager's sexual identities, and the recognition of teenagers as legitimate sexual beings.

Endnotes:

1 *Crimes Act 1900* (NSW), s 91H(2).
2 Ibid, s 61N.
3 Ibid, s 91K.
4 *Crimes Act 1958* (Vic), ss 67A - 70AC.
5 *Criminal Code 1955* (Cth), ss 471.16 - 471.22.
6 Ibid, s 471.24.
7 Ibid, s 471.26.
8 [2009] NSWSC 1352.

(Opposite Page)
Photograph: Nick David

Horn Island

Josephine Seto

It is May 2009 and I am sitting at Cairns airport with a suitcase full of black clothes. Perhaps a little impractical considering I am soon to be living on a tropical island in the Torres Straits. But I am nineteen, extremely foolish and too wise for my own good. A rotund woman sitting next to me with a green polo shirt asks if I am going to Horn Island. *Yes*, I reply. She hands me a card, tells me her name, tells me she lives on a neighbouring island and that I should call her if there are any problems. *Problems?* I do not tell her but I have already decided that this is my designated 'no problem' year. This year, I am moving to a tropical paradise (as described on the job advert), putting my law degree on hold and spending a year with no responsibilities other than that of the bar-tending variety, dolling out Four X Gold beer cans to the local patrons.

The miniaturised plane I fly on scuffles its way from Cairns to Horn Island, spluttering, coughing and eventually conking out as it winds down onto a dusty orange runway. I am surprised that the machine was even able to muster up the fortitude to survive the two hour journey. Meanwhile, some bright spark has decided to smuggle a bucket of KFC chicken wings back from Cairns. The official looking box is not fooling anyone - we can all smell the greasy chicken juices oozing out into the plane's delimited air particles. This is a plane for goodness sake, not some protracted, aerial drive-through. Glad to rid myself of the smell, I leave the plane and descend the stairs. The friendly-looking flight attendant waves goodbye as her make-up begins to melt in the tropical humidity. Soon, I will discover that Horn Island effects this change on every civilized human being: all remnants of fashion, vanity, any hint of metropolitan sophistication is slowly ravished and melted by the climate – all fall victim to the preying, sticky and all-consuming humidity.

I disembark from the plane, look around, and immediately wish I could return to the plane, homebound for Sydney. This is not the 'tropical paradise' I signed up for. Middle-aged men wearing stubbies are shuffling around the airport (which for the sake of accuracy, is not even an airport but a rusty shack with a kiosk), the rest of the lingerers appear, looking as if they had just tumbled out of a 1990s Target catalogue – plaid-print shorts and polo shirts seem to be the uniform here. I mentally scan the contents of my suitcase: black skirt, black top, black dress, black jacket. I am not well-equipped for this environment. Already, I am acutely conscious that I am an alien in a foreign habitat. My skin is pale, my hair well-groomed (though this may be changing – I already begin to feel it curling underneath the weight of the tropical sun) and the crowning give-away clue: I am wearing jeans. Unsurprisingly, my designated airport greeter easily recognises me amidst the crowd of plaid and polo. We do the polite exchanges, he takes my luggage and then drives me to the island's pub – my soon-to-be retreat for the year.

The car ride confirms my suspicions, whilst also swiftly demolishing the last, fading dregs of my hopes and expectations. My guide and I bumble along the one bitumen road on the island, while I peer out the window at the broken-down cars littering the highway and the Four X Gold beer cans artfully strewn amongst the dry shrubbery. Separated from the blue ocean that ensconces it, the inland is parched, desiccated and orange. In short, Horn Island is a lonely hell-hole. Notwithstanding this bleak fact, the airport greeter attempts to make conversation. He tells me he has been on the island for two months now; he tries to convince me he would not trade places with anyone else on the planet and that Horn Island is the most glorious place he has seen – it is roughly at this moment that a stray, flea-infested dog hobbles in front of the ute; shudders, scratches its ear furiously and then refuses to move. The incident is awkwardly brushed aside with some weak joke (on his part) as we roll into the pub's car park.

The inside of the pub, I'm afraid, does little to arrest my gut-sinking feeling. What they fondly term the 'bar' is in reality, a token collection of vodka cruiser bottles that ultimately fail to mask the true, drink of choice here: underneath the neon-liquid drinks are two hefty eskies packed with Four X Gold and VB cans. The day-shift bar-girl bends down to empty out the putrid buckets that collect the muck from the eskies. As she squats over, a band of toothless old men perched on the bar stools crane their heads over to watch her. She snaps her head back up, catches their eyes and wags her finger: "This is not some girly show, *ya know*", she remarks assertively, one hand perched on her hip. She turns to me, looks me up and down, appears disappointed, perhaps a little repulsed, and then asks me if I want lunch.

(And previous pages)
Photographs: Janna Garcia

"Is there anything vegetarian?" I ask.

She laughs, and not very kindly. "I'm ordering you barramundi. That's as vegetarian as you're going to get here. Plus, you need iron - look at you. We need to fatten you up".

I attempt to ask her a question but someone has put money in the jukebox and now Hot Chocolate's *Everyone's a Winner* is all I can hear. A woman with a largely-endowed behind is shuffling to the music and attempting to attract the attention of the toothless men at the front – one of them looks over half-heartedly and bobs his head to the music in a gesture of support. How did I end up here, is all I can ask myself?

Later that afternoon, I managed to find a payphone. The heat is pervasive, the phone is melting on my ear and the silver coins are burning into my palms. I dial a number.

"Mum, it's me, I'll give it a week but I think I'll be seeing you again quite soon. Miss you".

I hung up, sweaty and tired.

* * *

People often refer to their increasing affection for objects or people by employing the phrase that something or rather has "*grown on them*". "I didn't first like this shade of lipstick, but now it has *grown* on me". "I never liked blue vein cheese, but after a while, it *grows* on you". When I was younger, and perhaps a little more fixed in my judgments, I did not particularly understand this phrase. How could something grow on someone? I understood how the general 'growing' process worked. For instance, you bought your desired seeds at the hardware shop, you dug away at a spot in the ground, you planted the seeds, watered them, ensured they received sunlight and then they grew. This was perfectly understandable to me. There was a set procedure, usually articulated clearly on the back of the packet, you followed it, and then were rewarded in summertime for your labour.

What I did not understand was how something that never held potential – a lipstick you never liked, a brand of blue vein cheese you never fancied – could suddenly 'grow' on you. This was not a simple plant-and-reap process anymore. Yet something had changed if the said object had now grown on you. Though in this case, it was not the object, no, it was something else, it had to be – *you*. You had changed. Something you once found repulsive, now you liked – yes, it was surely you. When I was younger, I assumed that this must indicate a severe lack of character. One day you detest the tangerine lipstick, the next day you are carrying it in your purse and applying it religiously after lunch. In your youth you curl your nose at blue vein cheese, now you relish it secretly after dinner – surely your taste buds have devolved with old age? How could someone not know what they liked? How could an object of disgust transform into one so beloved and cherished?

Yet, for all my scepticism regarding this term, I began to use it in 2010. After returning from a year-long stay on Horn Island in the Torres Straits, I was frequently asked why my view of the place had altered from the one I had held on my first day when I had called my mother from a phone box, my ear melting on the headset from the tropical heat. Why these calls to my mother became more refined and infrequent over the following months, why my initial prediction remained unfulfilled and why I had stayed there for almost a year. They were all valid questions but I must have severely disappointed my inquisitors when I lamely answered, "I guess, Horn Island grew on me".

Though what exactly had changed in that year? It was not Horn Island. The flea-infested dogs conking out on the highway on their last legs had remained unchanged; the sandflies that greedily devoured your ankles, transforming them into hardened, bloody volcanoes were unmoved – no, what had changed was definitely me. At first, this was not an obvious revelation. I mean, one is with oneself every day. It is not as if it is easy to notice these variations. But at some point, it is as if you stumble upon some ancient photo of yourself, or some embarrassing love letter you once composed, and suddenly, you realise that there is a distinct difference between the person pictured in that excavated relic, the person who penned that letter and the person who now greets you back when you stare into the mirror. It is not some Kafka-style metamorphosis. It is not quite like waking up one morning to find a giant bug returning your gaze in the mirror, but it is a drastic metamorphosis all the same.

Perhaps one day you will fondly recall a time when you possessed the sheer vanity and stupidity to cart a suitcase of impractical black clothes up to a tropical island. You realise a year later, say perhaps, you are standing on a dock waiting for a cargo ship to transport you back to Cairns – that your hair is now thoroughly curly; your pale skin brown with sun; your ankles hardened from bar labour and sandfly bites – you are content, truly content (that rare state), renewed and finally – most of all, you are changed.

The Contributors

Pip Abbott is a robot.

Mojisola Bakare, a Nigerian and graduate of Business Administration, has been writing since she was a teenager. She is currently working on a stage play project and her own collection of poems among other projects. Her poem 'SEEDS AND FRUITS' explains the transition of a woman from a state of abject need to that of complete fulfilment. Mojisola's works seek to offer hope and optimism both to women and humanity. She works and lives in Lagos Nigeria with her family.

Lucinda Bradshaw is in her Honours year of a Bachelor of Arts (English) and Law degree at the University of Sydney. She is currently completing a thesis on the representation of women in early-eighteenth century literature.

Anna Chen took a brief holiday in China, Taiwan and Hong Kong after graduating from UNSW. She then worked in the Banking & Finance team at King & Wood Mallesons and is currently working in the Intellectual Property team. Although these two areas of law appear vastly different, the two teams do have one thing in common – there are much more female lawyers than male lawyers. She cannot help but think that this is only made possible when women from half a century ago started fighting for our rights.

Ara Daquinag is a second year Juris Doctor student, having completed her Social Work (Hons) degree at the University of Sydney. Recently, Ara travelled to Indonesia and Malaysia as part of the Southeast Asia Winter School. She is currently on the Executive Board of Young United Nations Women (Sydney), which has contributed to her interest in the metamorphoses of women's rights, particularly with respect to gender equality.

Nick David is a final year JD student with a love for travel photography. Originally hailing from Brussels, Belgium, Nick settled in Australia seven years ago. Outside of his degree, Nick provides input on a refugee policy research project and also runs a small environmental planning consulting business. He is starting as a grad at Clayton Utz next year.
Sonia Rosena Diab is in her second year of a combined degree in International and Global Studies and Law, with a major in Arabic and Islamic Studies. The concepts of cultural identity, gender and politics in contemporary multicultural Australia serve as core inspiration for her art.

Jared Ellsmore is a final year law student with the University of Sydney, freelance writer and advocate. His writings on ethics, corporate social responsibility and international affairs are regularly published by the St James Centre for Ethics. His article discusses the law relating to sexting and child pornography, drawing upon some of his experiences with these issues from his time at the Sydney Institute of Criminology and the Children's Legal Service. His advocacy of these issues has led to his appointment to represent the interests of young persons on a number of boards.

Kate Farrell is in her fourth year of a Bachelor of Arts (Honours)/Law degree at the University of Sydney. She would like to explore Africa before she graduates, or experience something equally intrepid, like a suburban truffle-hunt. Having pioneered the art of combined croquet/bassoon, she hopes to adapt her extra-curricular skillset into something original, like a career in law.

Eliza Grant is a second year JD student. The diversity, generosity and rich cultures of India enticed her to travel around the country for a number of months over the last few years. The food, land and people have inspired her series of photographs shared in Yemaya.

Brittany Guilleaume is a second year JD student at the University of Sydney. This year she travelled to Nepal for the Himalayan Human Rights Field School and also completed a 6-month internship for the UN International Criminal Tribunal for Rwanda. Although a strong believer in international criminal justice and combating impunity, she has also developed an interest in community focused transitional justice mechanisms. Her article relates to the development benefits of Rwanda's Gacaca system, a national community justice system that that worked simultaneously, yet separately, with the UNICTR.

Devika Gupta is a second year JD student with a strong passion and love for travel: for her, combining her legal studies and the ability to see the world was no question. Having been given the opportunity to embark on the Himalayan Field School and understand the legal dilemmas that Nepal faced, Devika maintains an avid interest in human rights and development law. Labour laws in Nepal are lax and much needs to be done to improve the conditions, and eradicate poverty and illiteracy – All we can do is flirt with hope.

Karen Rauchle is a second year JD student. She completed her BA at Iowa State with a double major in Political Science and Sociology. Throughout her life, Karen has been extremely involved in the Girl Scouts in the United States, and now works with a Girl Guide unit in rural NSW. Scouting has taught Karen to be confident, strong, motivated, and to set goals for herself. She firmly believes that involvement in any all-female organisation promotes positivity, confidence, and encouragement for all women.

Lanelle Lee Chin is third generation Australia-born Chinese of the gold nugget and market garden variety. Her photography reflects diversity of practice; with colourful captures of the everyday to Tracey Moffat-inspired self-portraiture. Her work has been critically received in galleries throughout NSW, with some of her portraitures published in a book entitled '100 Women' in 2011. She graduated with honours in teaching from the University of Newcastle in 2011 and is bemused by people saying that she is brave for working as a high school art teacher.

Helen Liu is in her final year of Bachelor of Design (Hons) at College of Fine Arts, UNSW. She has a deep interest and appreciation for artisinal craft that reflects the value of history, culture and ethics. She is currently planning further study into cultural textiles by interning at the Cloud Pattern Brocade Institute in Nanjing at the end of the year.

Shirley Liu is a first year JD student at the University of Sydney. Prior to studying Law, she completed the Bachelor of Social Work (Hons). Shirley feels passionately about the rights of people who are less privileged in Australian society, especially older people, women and children.

Meaghan Lynch is in her second year of a JD degree at the University of Sydney. She has a background in English and Commerce and has always had a keen interest in languages, travel and other cultures. After spending 15 months teaching English on South Korea's Jeju Island, she was inspired to share the story of the inspirational female divers who have been quietly leading a nation by spreading their fighting spirits, zest for life, and passion their country for centuries.

Claire Mainsbridge is in her third year of a Bachelor of Arts and Law degree, majoring in Arabic Language and Literature. She is interested in Criminal Law and the particular ways it affects women and racial minority groups. She hopes to travel after her degree before pursuing a career in Criminal Law or Human Rights.

Sophie Maltabarow is a second-year student in the Juris Doctor program at the University of Sydney. She speaks Russian and has never given birth.

Rosalind McKelvey-Bunting has recently graduated from the Australian National University with a Bachelor of Arts in Art History and Curatorship. On top of this degree, Rosalind also undertook studies in traditional portraiture and figurative painting techniques both overseas at the Charles Cecil Studios in Florence, Italy and in Sydney at the Julian Ashton School of Art. Based in Sydney, this year Rosalind is focused on developing a substantial body of work, and also taking portrait and special commissions for a number of different publication sand public patrons.

Hannah Morris is a second year JD student at the University of Sydney. Her piece titled 'Egalitarianism in the profession: feasible or unreasonable?' emerged from an observation made whilst working as a personal assistant for a barrister in one of Sydney's most prestigious Chambers. It was wit hin this tightly-knit community of barristers that her observation was first encountered – why were only 10 of the 58 barristers operating in this Chambers female? And further, why was only one of the 14 barristers granted with the honour of Senior Counsel a female? Her piece seeks to explore the obstacles encountered by women in the profession and investigates why, even today, the law remains a male dominated vocation.

Claire Nashar was the 2010 winner of the Henry Lawson Prize for Poetry. She studied a combined degree of Arts/Laws at the University of Sydney for 2.5 years before choosing to study poetry full time. She is currently writing an Honours thesis on contemporary Australian poetry and is poetry editor of the Sydney University Arts Society's journal, ARNA.

Adam Prior is in the penultimate year of a JD at the University of Sydney. Completing an Honours thesis in psychology fostered his interest in the evolution of societal norms and gender issues faced by modern Australians.

Josephine Seto is currently in her fourth year of an Arts (Hon.) and Law degree. In 2009, she took a year off from her studies and ended up in Horn Island in the Torres Straits, working at a pub and mainly washing a lot of dishes. She is currently completing her Honours year in history. Her thesis is on the Pacific Island Labourers who worked in the sugar-cane fields in Queensland during the late nineteenth century.

Deborah White is in her fourth year of studying a combined Bachelor of Laws and Bachelor of International & Global Studies majoring in Government and International Relations. Deborah is passionate about international human rights law and recently worked for the International Law Department of the Ministry of Justice & Home Affairs in Mongolia. Her work critiques the ethnocentric assumptions of the 'Third World Woman' in the international human rights regime through a comparative analysis of Female Genital Mutilation and vaginoplasty. Deborah aspires to pursue a career in international law and development.

The Editors

Anita Connors is a penultimate student of the JD and has helped edit Yemaya in previous years. Before she realised that she wanted to pursue a career in litigation, Anita was in the middle of a Doctor of Philosophy in Film Studies, and contributing to several magazines across Australia as a film, arts and music writer.

Nadia Deeb is in her third year of a Bachelor of Law and Arts, majoring in Government and International Relations.

Tara Gazzard is in her first year of a JD at Sydney Law School, having already completed a Commerce degree and deciding that law was where her true passion lies. She hopes to pursue a career overseas following graduation.

Nigela Houghton has lived nearly a third of her life in three different countries, and is an awkward mix of a book worm, sports tragic and gamer. From an early age she announced that she wanted to be either a lawyer or a babysitter. Before settling on the former, Nigela completed a Bachelor of Arts (History and Linguistics) at UNSW. Now in her final year of law, she hopes that she has made the right choice.

Neha Kasbekar is in her fourth year of a Bachelor of Arts and Law degree, majoring in Philosophy. She is currently employed as a legal intern at a multinational corporation specialising in software, and hopes to work in the intellectual property or consulting field in future. To date, she has never turned down the opportunity to hi-five someone.

Alyssa Kim was a first year JD student. Her interests in corporate finance led her to switch programs and she is now pursuing a Masters at Sydney University Business School.

Mimi Lu is a fifth year law student, who is particularly interested in medical, succession and family law. She is taking a break from law next year to pursue further studies in English literature. Her favourite metamorphoses involve those undergone by the protagonist of a Bildungsroman, by classical novels as they are adapted into period dramas, by autumnal leaves, by the pastel sky as the rising sun ripens, and by cakes as they rise majestically in the oven.

Kristina Rhee is a first year JD student, having completed a Bachelor of Psychology (Honours) in 2006. She is interested in pursuing a career as a barrister and is particularly interested in criminal law. She is married to her wonderful husband Charles and has a beautiful daughter, Grace, who is four years of age.

Erin Stewart is a JD student who holds an Honours degree in anthropology. She has lived in Melbourne and Canberra, before venturing further north to Sydney. She is the current online editor for Vibewire, an Associate Editor for The Scavenger and the books editor for lip magazine. Her work has appeared in publications such as The Age, The Drum, Time Out, and Voiceworks. She likes photography, the first pancake off the stove, trashy television, comedy gigs, and making lists.

Resources For Women

Photograph: Kelly Xiao

Assistance Centres

NSW Women's Refuge Resource Centre *wrrc.org.au*
Wirringa Baiya *wirringabaiya.org.au*
Legal Aid NSW *legalaid.nsw.gov.au*
Women's Legal Resource Centre *womenslegalnsw.asn.au*
Working Women's Centre *wwc.org.au*
Redfern Legal Centre *rlc.org.au*
Domestice Violence Resource Centre *dvrc.org.au*
Marrickville Legal Centre *mlc.asn.au*
Macquarie Legal Centre *macquarielegal.org.au*
Lou's Place: Daytime Drop-In Centre for Women *lousplace.com.au*

Official Bodies, Networks and Coalitions

Australian Women Lawyers *australianwomenlawyers.com.au*
Women Lawyers Association of NSW *womenlawyersnsw.org.au*
NSW EEO Practitioner's Association *neeopa.org*
Women Barristers Forum *nswbar.asn.au*
Equal Employment Opportunity Network *eeona.org*
Australian Virtual Centre for Women and the Law *nwjc.org.au/avcwl*
National Women's Justice Coalition *nwjc.org.au*
Taskforce on Care Costs *tocc.org.au*
Australian Law Reform Commission *alrc.gov.au*

Aid Organisations

UN Women (National Australia Committee) *unifem.org.au*
UTS Anti-Slavery Project *antislavery.org.au*
Amnesty International (NSW chapter) *nsw.amnesty.org.au*

Photograph: Elixa Grant

SULS

suls.org.au

PROVIDED BY
UNIVERSITY OF
SYDNEY UNION