

WOMEN AND THE LAW: COMMENTARY AND MATERIALS by Jocelyne A Scutt, Sydney, Law Book Company, 1990, lii + 596pp (includes index)

An increasing number of law schools are addressing issues relating to women either by offering courses which specifically address the gendered nature of legal reasoning and its impact on women, and/or by incorporating these issues into the more traditional components of the law school curriculum. In this respect, Jocelyne Scutt's book is an indication of the success of feminist legal studies and a timely addition to feminist legal literature. The book is organised into ten essentially discrete chapters, each comprising cases, materials and commentary with notes for discussion and further reading at the end of each chapter. Due to this organisational structure, *Women and the Law* appears very much like the traditional teaching book of cases and materials so well known to law teachers and students.

Women and the Law comprises ten chapters with each chapter organised around a broadly defined theme. Chapter one, called "Women in Law", is focused around the exclusion of women from law, ranging from historical aspects of legal attempts to deny women political independence and professional careers to the issue of gender neutral language in legislation. Chapters two and three address the issues of equal opportunity, affirmative action, sex discrimination and equal pay and as such address the barriers women encounter in the paid workforce.

Chapter four is called "Health and Safety" and includes discussion of protective legislation, harassment in the paid workplace, motherhood and discrimination, abortion and the new reproductive technology. The analysis outlines the Australian legal position on the issues and the local debates surrounding them. The materials in chapters five and six are organised around the theme of women and family relations. Chapter five provides an overview of the implications for women of the legal position concerning marriage (and divorce) and property, while chapter six addresses the relationship between women and children in the context of family relations. Issues surrounding social security and taxation are addressed in chapter seven through a focus on dependency, which includes both children and women as dependents.

Chapters eight and nine address women and crime. The focus of chapter eight is on women as criminals (prostitution, social security fraud, unlawful killing and women in prison) while chapter nine focuses on women as victims of domestic violence, rape, and sexual abuse of children. Finally, chapter ten addresses the range of law reform issues affecting women — including unsworn statements in rape trials, feminism and the law school curriculum, taxation, the value of women's work, informal forms of justice and moving women's issues into the mainstream.

In each of these areas *Women and the Law* provides a valuable compilation of cases and materials on the way the Australian approach to broad legal issues has affected Australian women. Taken as a whole the book is a striking portrayal and condemnation of the systemic exclusion of women's interests on social and legal levels. While feminist legal studies in Australia are undoubtedly influenced by developments in North America and Britain, it is also vitally important from an Australian perspective that the issues facing women in their dealings with the law are situated in a local context, for fear that we lapse into complacency by believing that the problems only exist elsewhere. The materials included have clearly been carefully selected as a means of situating legal debates within their broader social context. In this respect, readers who wish to appreciate the nature and impact of Australian laws on women will find *Women and the Law* a very useful book.

Women and the Law will play an important role in making the realities of legal gender bias readily accessible to Australian law students. The focus on Australian cases and materials will be particularly effective as a teaching tool since it allows students to explore the difficulties facing women in their interactions with the law in a social and legal context

which is already familiar to them. Similarly, the notes for discussion at the end of each chapter focus on specifically Australian legal circumstances.

However, while the distinctly Australian focus of *Women and the Law* is a definite strength of the book, this is also, and perhaps paradoxically, one of its limitations. Feminist legal studies is not a local phenomenon. Throughout the 1980s there was a virtual explosion in feminist legal literature addressing the discriminatory impact of laws on women. A significant body of work on feminist jurisprudence developed, as feminist legal scholars, dissatisfied with traditional understandings of legal reasoning, struggled to develop a specifically feminist alternative. Yet a failure to systematically incorporate this material, much of it from North America, when coupled with the traditional case book approach which accepts the form of legal categories (for example, crime, property, family law) if not the content, undermines the potential force of the book, since, at least on an experiential level, the realities of women's lives transcend national and doctrinal boundaries.

While a serious attempt has obviously been made to include issues affecting Aboriginal women and the attempt to integrate these issues must be commended, I would have preferred some further integration of materials addressing the intersections of race and gender. Certainly there has been some valuable work done on this, particularly in the United States by critical race theorists, and although this work clearly would not address directly the experiences of Aboriginal women, it does provide an important challenge for the development of a non-essentialist feminism. *Women and the Law* is a vivid illustration of the discriminatory impact of the law on women. The task for feminists in the 1990s is not only to continue uncovering and exposing the gendered nature of legal reasoning but also to explore other forms of discrimination which occur when gender intersects with race, class and disability.

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