

## Dear Editor

The June issue of this journal contained a review by me of Richard Guillatt's book *Talk of the Devil: Repressed Memory and the Ritual Abuse Witch-Hunt*. In the review I quoted the following passage from the Foreword to the book:

'Some readers will undoubtedly decry this book as an attack on women and another chapter in the backlash against feminism and the rights of children. I can only reply that I do not in any way aim to cast doubt on the great majority of sexual assault victims who have always remembered their abuse. Nor do I seek to suggest that all repressed memories are unreliable. But questions must be asked about a system which allows people to be brought before the courts charged with bizarre and heinous crimes for which there is very little material evidence.'

Unfortunately, the paragraph was printed as if the words, and the views they express, were my own. They are not.

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**Editor's reply:** The *Alt.LJ* apologises unreservedly to Andrew Palmer for any embarrassment caused by this error in typesetting.

## Dear Editor

In response to Marlene Goldsmith's letter ((1997) 22(3) *Alt.LJ* 141) in which she took issue with aspects of my article titled 'Naturalising Sex Difference through Sport: An Examination of the New South Wales Transgender Legislation' ((1997) 22(1) *Alt.LJ* 40) I make the following comments:

Ms Goldsmith attributes to me the argument that 'exempting women's sport from transgender legislation is discrimination against women'. For her this argument cannot be allowed to stand. In fact my argument is that the exclusion of transgender women from women's sport represents a betrayal of all women including transgender women. This betrayal operates at a discursive level whereby women are represented as inferior and that inferiority is naturalised.

It is important to separate the instrumental from the discursive effects of legislation. To the extent that the exempting provision (s.38P) constitutes discrimination it is discrimination against transgender persons including transgender women and not women generally. In other words, s.38P works against transgender persons at an instrumental level but against all women, including transgender women, at a discursive level.

Ms Goldsmith draws attention to my suggestion that a division of sport along sexed lines contains a certain arbitrariness. She then poses the questions where would Sharpe draw the line? and what is the point of having women's sport at all? These admittedly are important questions albeit ones which Ms Goldsmith refuses to address. While for her the answers to these questions are perhaps self evident they are, of course, far from simple.

It is the repetition and uncritical acceptance of the idea that the answers to such questions are self evident that is the central problem. It is simply inadequate to assert as Ms Goldsmith does that 'women's sport exists because of [bio-

logical] differences'. As I pointed out in my article, bodily differences traverse rather than parallel the division of sex and are more a matter of genetics than sex itself. Further the relevance of such differences is likely to vary across a multiplicity of sports. These are complex issues but they are ones which must be addressed if the rhetoric of 'fairness' in sport, a notion which has grounded the division of sport along sexed lines, is to be taken seriously.

Of course, it may be very difficult to restructure sport in such a way as to take account of the complexity of the diverse anatomico-genetic composition of the population. What is important to grasp, however, in the context of the transgender legislation, is the lack of any concrete foundation to the argument upon which s.38P is premised and therefore the rationale for excluding transgender women from the realm of women's sport.

Interestingly, equivalent West Australian legislation (*Gender Reassignment Bill (No.2) 1997*) excludes from competitive sport only those 'gender reassigned persons' who 'would have a significant performance advantage as a result of ... medical history' (Sch. 2). Implicit in this provision is a recognition that bodily differences do not simply parallel the division of sex as it is clearly envisaged that some 'gender reassigned persons' will not have a 'significant performance' advantage over biological women. While it remains to be seen how 'significant performance advantage' will be interpreted and measured, the West Australian provision is to be preferred over its NSW counterpart both in terms of fairness in sport and its discursive effects, one of which is to counter the inferior/superior sex dyad which is culturally (re)produced through sport.

Andrew Sharpe  
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## Dear Editor

Do the creators of TV programs create stereotypes? Or do they observe and reinforce stereotyping? Is there any harm in articles purporting to analyse lightweight American television shows?

Watching TV is a popular pastime. But I suspect that no one in the housing estate I work in would make much sense of the following comment about a show called *Picket Fences*:

Without stretching the parallel too far, we see some, differently contextualised, overlap with Kristeva's project of desiring 'society to come to terms with the abject (with what has been marginalised or repressed by culture)' and to 'release' into 'language' the 'revolutionary powers' of 'marginalised discourses found in madness, the irrational, the maternal, and the sexual'.

'Learning Law from LA' (1997) 22(3) *Alt.LJ* 116.

Now listen up, buddies, and get hip: the reading audience of *Alt.LJ* is not confined to big-brained academics. Before putting pen to paper, ask yourself whether you are communicating ideas, or merely talking to yourself in front of the mirror. If it's the former, keep it *simple!* If the latter, forget about it and go back to watching the telly.

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