

## REVIEWS

### *The Incredible Woman: Power and Sexual Politics, Volume 2*

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BY JOCELYNNE A SCUTT

This is the second of two volumes of Scutt's collected writing.<sup>1</sup> The material in this second volume ranges widely over topics as diverse as the Stolen Children (pp 215–30), pornography and free speech (pp 247–60), sexually transmitted debt (pp 123–40) and women and political imprisonment (pp 205–13). However, in keeping with the theme of this edition of the *Griffith Law Review*, this review will focus on several of the chapters in the collection which discuss democracy, politics and workplace politics as they relate to women in Australia.

In her introduction to this collection, Scutt notes that at the close of the twentieth century, one of the enduring demands which women continue to find unsatisfied is political equality. She argues that women continue to lack equality and to be silenced in both public and private spheres. Two themes constantly reappear in this collection. The first is that women's participation in the struggle for change is imperative; women must make their way into the political arena if they are to make a difference. The second theme is that a recognition and reclamation of history — or 'herstory' (p 245) — is important in working towards a future where women have more control.

Economic rationalism is given a battering in this collection. In 1996 Scutt spoke out against the Australian Coalition Government's industrial relations bill: its reduction of human beings to numbers and its implicit dangers to women (p 9). Scutt argues here that an obsession with economics removes the humanity from politics and she seeks a return of human values to political debate (p 72). According to Scutt, another danger of reducing all policy to dry economic scrutiny is that women are more likely to be excluded as they are under-represented in full-time employment (p 75). It is interesting to examine her concerns in relation to the recent election campaign in Australia where tax reform specifically — and fiscal policy more broadly — were the major issues on the agenda, rather than the social effects of unemployment or other more 'human' issues.

Scutt provides an overview of women's long history of fighting for industrial rights in many of the chapters in this collection (chs 18–26). Equal pay remains a real battleground for women, and it is a battle that is constantly being re-fought, probably because it is never truly won (p 18). Scutt examines the cultural and historical perspectives that lead to the notion that women's work is somehow less valuable and should therefore be more

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<sup>1</sup> A review of the first volume can be found in (1997) 6 *Griffith LR* 228. Jocelynn Scutt is a well-known Australian feminist lawyer, probably best known for her work towards rape and sexual assault law reform.

poorly paid: nurses' work is somehow less important than doctors'; secretaries' work, of mere service, is of lower value than that of their bosses (pp 26-7). Scutt also points out that as women have entered the various professions, those professions have responded by offering reduced pay to women. She cites librarians as an example, but perhaps lawyers could be cited as another, at least in certain areas of the legal profession.<sup>2</sup> Women who use machines (such as sewing machines) are notoriously badly paid while men who work with machines (such as cars) tend to have a much higher rate of pay (p 28). If equality of pay remains a live issue, so too does women's equality of access to the work force. Scutt reminds us that it is only since 1966 that women in Australia have been allowed to work in paid employment in the public service after marriage, and that it was only in 1976 that Wardley fought her battle against Ansett Airlines to become a pilot.<sup>3</sup> For so many women, the glass ceiling or 'concrete canopy' (p ix) continues as a reality in the 1990s.

In her essay 'On Remaking a Democratic Future', Scutt argues that the basics of the Australian political system need to be democratically transformed before many of the issues which confront women particularly can be properly addressed (p 298). Women need to 'come out' politically and join up, but the corollary of this is that space has to be made available to them in the political arena. Currently, women are under-represented in Australian parliaments and one of Scutt's suggested reforms is improving the level of female representation in Parliament. Scutt cites as positive the Australian Labor Party's (ALP) affirmative action program of setting targets for the political representation of women (p 303). In the 1998 Federal election, the ALP were successful in preselecting a number of women in safe seats and in doing so have gone some way to meeting their affirmative action target. Without quotas, the Liberal Party, especially since the 1996 Federal Election, has had a greater proportion of women in parliament than the ALP.<sup>4</sup> To effect real change to the political culture, women must be equally represented at the administrative level as well as in the executive arm of government and they should be pre-selected for winnable seats (p 314).

One of the commitments keeping women out of politics is undoubtedly child care and home care responsibilities (p 312). Child care is still not

2 See C Menkel-Meadow, 'The Comparative Sociology of Women Lawyers: The "Feminisation" of the Legal Profession' (1986) 124 *Osgoode Hall LJ* 897, p 901.

3 *Wardley v Ansett Transport Industries (Operations) Pty Ltd* (1980) 142 CLR 237.

4 After the 1996 election many female Liberal Members of Parliament held marginal seats, many of whom retained those marginal seats in the 1998 Federal election defying the substantial national swing against the coalition. The Liberal Party claims its success lay in nurturing 'suitable' women candidates; Labor responded with an 'Emily's List' programme. 'Emily's List' is a fundraising group of high profile women who raise money to assist in the preselection of women in winnable seats. For more on the respective methods of the mainstream parties in achieving female parliamentary representation, see M Sawyer (1997) 'A Defeat for Political Correctness?' in C Bean et al (eds) *The Politics of Retribution: The 1996 Federal Election*, Allen & Unwin, pp 73-9.

recognised as an expenditure related to work and is thus not tax deductible (p 33). Until reforms take place in relation to issues such as this, it will remain difficult for women to participate equally in political life. On a more positive note, Scutt recognises the extremely important contributions women have been able to make. It is undoubtedly women's participation in the political process that has opened up issues such as sexual violence to public debate (p 324).

Scutt's musings on constitutional questions, especially in the last two chapters of this collection, are particularly timely. Both of these chapters were written prior to the 1998 Constitutional Convention. Scutt is openly a republican (at least at the time of writing these chapters) and I am surprised that she was not a delegate to the recent convention. Scutt reviews the history of the drafting of the Australian Constitution, and notes that, in spite of the background of activism of women in the early part of the century, the shaping of the Constitution was dominated by male voices. No doubt Australia would have a different constitution if some of the delegates had been women. For example, positive voting rights for women and rights to be members of juries may have been enshrined in a constitution where women had some level of input (p 330). When, in the 1980s, the then Prime Minister Bob Hawke established a group to examine the Constitution, there was only one woman involved (p 338). Scutt warns us that it is hardly assured that women will be represented in future constitutional debates. Approximately one third of the delegates to the 1998 Constitutional Convention were women — an encouraging sign. Scutt has high hopes for the potential power of a renewed and redrafted constitution. She argues that it could be used to enshrine women's rights and to establish a political process which is more relevant to women (p 340).

I first encountered Scutt and her writing while involved in the surrogacy debate which raged around the late 1980s in Victoria following a report into the issue. Scutt seems to have always been present, commenting on what matters to Australian society and specifically on what matters to women in Australian society. Scutt's iconic status in the field of feminist writing in Australia is well deserved. This collection of Scutt's essays demonstrates her prolific, wide-ranging and relevant contribution to current social and political debate. The unfortunate aspect of all of this is that the problems she comments on have endured in spite of women's activism. Women are still under-represented in Australian politics and were under-represented at the 1998 Constitutional Convention; the politics of equal pay for women remains a live issue; and the spectre of lack of equality in the workplace just won't go away.

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