

BOOK REVIEW

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Patricia Easteal, *Less Than Equal – Women and the Australian Legal System* (Butterworths 2001) 245pp

Feminist movements have provided the impetus for many significant changes to the Australian legal system. Unfortunately, although these changes have generally had a positive impact on women's lives, society continues to treat women as less than equal to men. In Australia the dominance of patriarchy and liberalism makes understanding and articulating the reasons for this inequality a daunting and challenging task. Patricia Easteal in writing *Less Than Equal - Women and the Australian Legal System* takes up this challenge.

In *Less Than Equal* Easteal argues that although law plays a major role in enforcing the status quo, it is but a small cog in the cultural machine. Her analysis therefore places considerable importance on the effects of cultural influences on women's experiences. Working this way she reveals not only why women are less than equal to men in Australia, but also why it is difficult for members of the dominant culture to perceive and understand this inequality. Written simply, using empirical research and a theoretical model to support and illustrate her ideas, *Less than Equal* provides welcome assistance to both those trying to comprehend the whys of gender inequality and possible solutions to it as well as those searching for an accessible means of communicating this information to others.

Easteal is well placed to write *Less than Equal*. A recognised authority on women and the law she is well respected as both an author and an academic. She has written numerous books dealing with women and the law, including *Voices of the Survivors*¹ which saw her nominated for a Human Rights Medal. It is clear that the book has grown out of Easteal's broad based academic background with numerous references and examples drawn from her research and teaching in areas such as anthropology, sociology, criminology and law. It is also obvious that Easteal has put a great deal of herself into the book with anecdotes about grocery shop epiphanies and her son's sexist homework revealing a very personal side to her work.

The form of the book lends itself to both skim reading for specifics and a thorough cover-to-cover examination. There is an extensive Contents section at the beginning which lists the Chapters and the various headings and subheadings within them. Its detail not only provides a general sense of the book's structure and the topics covered

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¹ P W Easteal, *Voices of the Survivors* (Spinifex Press, Melbourne, 1994).

but also makes it easy to locate particular information. Unfortunately though, as the headings are not numbered, readers must rely on font and size to gain an indication of the level of the heading. This can be confusing when browsing through the text itself. A relatively short index, spanning seven and a half pages at the end of the book, enables readers to directly locate pages that refer to specific topics.

Each of the book's 12 chapters commences with a brief, boxed statement about the chapter and its place in the scheme of the book. Within chapters frequent use is made of examples and anecdotes to illustrate points and elucidate arguments. Their presentation in shaded boxes makes them easily distinguishable from the general point or argument being discussed in the text. Figures that diagrammatically represent the author's written arguments are also often used and aid understanding. At the end of each chapter there is a list of individual and group exercises, based on the contents of the chapter, as well as a list of further readings.

The substance of the text can be divided into five main parts. In the first part, Chapter 1, Easteal challenges the reader's beliefs about reality. Readers are told that their perception of reality is reliant on what culture considers legitimate and that this is determined by society's dominants. Easteal uses a model based on a kaleidoscope to illustrate how the process works. Reality is viewed through a kaleidoscope where filters or mirrors create, reflect, or distort the 'reality' seen at the end of the cylinder. The lenses of the kaleidoscope are focussed by dominants who are, amongst other things, male. The model presented in this part then becomes a tool in later chapters for examining culture's masculinist focus and its impact on women's experiences.

The second section of the book, Chapters 2 to 5, considers women as rule breakers. Chapter 2 examines a variety of historical and current theories about female criminality and their practical impact. Chapter 3 deals with women as violent rule breakers. It focuses on gender bias in laws relating to self-defence and provocation and the resultant failure of the legal system to understand and account for the experiences of battered women. In Chapter 4, women as non-violent rule breakers are considered. The chapter focuses on the legal system's treatment of women who commit single parent payment fraud and cultural beliefs about these women. Chapter 5 looks at the way women are treated in Australian prisons and the variables influencing the likelihood that a woman will be incarcerated. It also discusses the prison environment's perpetuation of the rules followed by dysfunctional families and the generational cycle that sees the children of inmates more likely to become prisoners themselves.

The third part of the book, Chapters 6 to 9, considers women as the subject of legal harm and their treatment as such by the legal system. Chapter 6 examines the dynamics of domestic violence and its effects on the victim as well as the inadequacies in the legal system's response. Chapter 7 considers sexual assault law, the mythology surrounding sexual assault and their combined impact on the survivor. Chapter 8 focuses on the factors that lead to workplace discrimination and how the law deals with it. Chapter 9 builds on this discussion of women in the workplace and looks at sexual harassment. It takes as its focus the path that a complainant faces when commencing legal proceedings.

Whilst there is some discussion of difference and intersectionality in the second and third parts of the book, Easteal acknowledges that for the most part she has treated

women as a homogenous whole. She does this for strategic reasons, including 'intellectual convenience' and as a means of avoiding 'chaos and mindless pluralism'. In the fourth part of the book she considers the impact of other socio-demographic factors and how they affect women in society and in their dealings with the legal system. Particular issues raised include indigenous women and land rights, sterilisation of intellectually disabled women and the difficulties encountered by lesbians seeking legal rights as de facto couples or as reproducers. In Chapter 11 she turns her attention to women who work with the law as police, lawyers and legal academics.

In the fifth and final part of the book, Chapter 12, Eastal explains why it is so difficult for a feminist to challenge the status quo and goes on to suggest possible ways of achieving change. She argues that structural and cultural changes are necessary in order for the picture at the end of the kaleidoscope to become more inclusive of women's voices, experience and knowledge.

Eastal indicates in the preface that the book is aimed at students, practitioners and the general public. *Less than Equal* is a well-written book imminently suited to its target audience. It will challenge the 'unconverted' reader's perceptions of reality and provide a wealth of valuable factual information and theoretical viewpoints for the lawyer seeking to frame argument and policy. It will also present a range of feminist issues in an accessible text for members of the general public who want to know more about how women are affected by the law in Australian society. However, as Eastal states it is not the goal of *Less than Equal* to dissect each area of the law exhaustively. Given the brevity of the work and the variety of topics covered it can only be a starting point for those who wish to pick up the feminist gauntlet.